

## Research Article

# POLICE SUPERVISION — THE CASE OF KOSOVO

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## ABSTRACT

**Background:** *The development of social relations in the democratic state of Kosovo necessitates quality regulation by the police. Therefore, the question of developing and implementing the police supervision system in Kosovo is relevant.*

**Objectives:** *This research aims to explore the principles underlying the monitoring of police officers in Kosovo, to describe the historical development of the Kosovo police and to characterise the prerequisites for the development of police oversight. Furthermore, it aims to draw a comparative analysis between the experiences of Kosovo and the United States in the context of monitoring police performance.*

**Methods:** *The research uses methods of analysis (to explore the Kosovo police as a law enforcement agency), synthesis (to explore the stages of policy development), comparison (to explore the similarities and differences between the activities), generalisation (to describe the effectiveness of different supervisory institutions), and formal legal analysis (to study the content of the main regulations governing activities).*

**Results and Conclusions:** *The research has established that in Kosovo, such a body is represented in the context of the Police Inspectorate. The research highlighted the main areas of activity of internal and external oversight mechanisms designed to combat unethical and illegal behaviour of police officers. It examined the main regulations that establish the rights and obligations of Kosovo Police officers and inspectors and proved that the control mechanisms complement each other in the course of police supervision. In addition, the research examined the experience of police oversight in the United States. The research has established that to increase the effectiveness of monitoring police activities, it is necessary to involve public representatives. It was found that the police system consists of an internal and external mechanism that allows for covering various areas of police activity and timely detection of violations in them. Also, within the internal control, there are special departments that are part of the police system. The research findings should be used to prepare reforms and strategies to improve police performance.*

**Keywords:** *monitoring, inspection, crime, powers, legal responsibility, law enforcement officers.*

## 1 INTRODUCTION

In a democratic state, society controls its government and the state agencies, including the police. In the Republic of Kosovo, the law enforcement system is an important link, as it affects

the protection of the rights and freedoms of citizens and the development of the country in general. Given its priority role for society, notably, it is worth noting that people have influence the effectiveness of its activities. Thus, the relevance of the issue of police oversight is driven by the need to improve their performance and level of competence. In addition, the quality of police services is influenced by the attitude of citizens towards this body, which is deteriorating due to the spread of negative factors, such as corruption. Accordingly, it is relevant to address this problem by improving the police oversight system.<sup>1</sup>

In Kosovo, the system of police oversight is differentiated, which allows for a broader scope of its influence on the police. Police supervision, in the modern sense, allows for quality interaction between law enforcement officers and citizens and other state bodies and structures.<sup>2</sup> This factor positively impacts the state's development level, ensuring democracy and the protection of fundamental human rights. In addition, police oversight helps to prevent violations that may occur within the law enforcement structure and adversely affect its image.<sup>3</sup> Thus, the development of supervisory bodies is a response to current societal challenges that hamper the work of the police and deform its system. The development of this institution should coincide with the organisation of police reforms in society to identify problems promptly and develop recommendations for overcoming them.<sup>4</sup>

Researchers approach this topic from different angles, allowing them to identify the specifics of police supervision and the circumstances that may affect its effectiveness. In particular, R. Maliqi, E. Maloku<sup>5</sup> and M. Wasco<sup>6</sup> have analysed the main purpose of police supervision, defining it as ensuring the responsibility of law enforcement officials for failure to perform their duties and violation of the rights of others. In turn, I. Mugari<sup>7</sup> and F. L. R. Coenders<sup>8</sup> drew attention to the features of the structure of police supervision. They found that it should be based on the principles of systematicity, which implies high-quality cooperation between different supervisory bodies. A. Shala<sup>9</sup> focused on the appropriateness of involving the public in police oversight. He concluded that the trust and willingness of citizens to interact with the police is essential for the future development of the police and the entire law enforcement system.

- 1 Roman Shapoval and others, 'Problematic Issues of the Administrative and Legal Status of the Police in the Baltic States (Lithuania, Latvia, Estonia)' (2018) 9(1) *Journal of Advanced Research in Law and Economics* 295, doi: 10.14505//jarle.v9.1(31).35.
- 2 Jacques de Maillard and Stephen P Savage, 'Performance Mechanisms Meet Professional Autonomy: Performance Management and Professional Discretion within Police Investigation Departments' (2022) 32(2) *Policing and Society* 145, doi: 10.1080/10439463.2021.1888949; Ganiy M Karasayev and others, 'History of European Union — Kazakhstan Relations (1991–2001)' (2023) 68 *Cuadernos Europeos de Deusto* 183, doi: 10.18543/ced.2702.
- 3 Oksana Kaplina and Svitlana Sharenko, 'Access to Justice in Ukrainian criminal Proceedings During the COVID-19 Outbreak' (2020) 3(2-3 Spec) *Access to Justice in Eastern Europe* 115, doi: 10.33327/AJEE-18-3.2-3-a000029.
- 4 Kayvan Bozorgmehr and Esperanza Díaz, 'Assessment of the European Union's Ability to Accept Refugees and Descriptive Characteristics of Migration Waves' (2022) 7(4) *European Chronicle* 23.; Yurii Nironka, 'Institution of Inspection as a form of Public Control' (2022) 7 *Civil Law and Process* 73, doi: 10.32849/2663-5313/2022.7.10.
- 5 Reshat Maliqi and Elda Maloku, 'Treatment of Corruption and Strengthening Integrity in Kosovo Police' (2021) 19 *Technium Social Sciences Journal* 286, doi: 10.47577/tssj.v19i1.3108.
- 6 Michael Wasco, 'Policing in a Democratic Constitution' (2020) 7(1) *International Journal of Construction Design* 1.
- 7 Ishmael Mugari, 'Civilian Police Oversight: A Contemporary Review of Police Oversight Mechanisms in Europe, Australia and Africa' (2023) 18(1) *Journal of Applied Security Research* 106, doi: 10.1080/19361610.2021.1918524.
- 8 Fabienne Coenders, 'Growing up in Post-Conflict Kosovo: Youth's Insecurities and their Attitudes Towards Police' (2020) 16(2) *Journal of Human Security* 66, doi: 10.12924/johs20.16020066.
- 9 Arben Shala, 'Translation for International Police in Kosovo Missions (1999–2018): Challenges and Expectations' (2023) 1 *Gazeta E Universitetit Të Charles* 23.

Based on the above, the research aimed to explore Kosovo's experience in implementing and developing the police oversight system. In addition, the research has several objectives: to describe the historical development of the Kosovo police; to characterise the prerequisites for the development of police oversight; to review the regulations designed to control the activities of police officers; to identify the main mechanisms of police oversight in Kosovo; to compare the experience of Kosovo and the United States in the context of monitoring police performance.

## 2 MATERIALS AND METHODS

In this research, the method of analysis was used to explore the Kosovo police as a law enforcement agency and individual supervisory institutions. It served as a means to identify the main vectors and tools of police activity in Kosovo. In addition, this method facilitated an in-depth analysis of the essence of the police oversight system, the preconditions for its emergence and the principles of its implementation. Thus, the analysis was instrumental in revealing the interconnectedness between the activities of law enforcement agencies, in particular, the police and oversight bodies. Concurrently, the research used the synthesis method to explore the stages of policy development in Kosovo and the potential violations that police officers may commit.

The method of comparison was used in the research to explore the similarities and differences between the activities of different bodies in monitoring police activities. It served as a tool to identify the specifics of both internal and external police oversight bodies. In addition, the comparison was necessary to express statistical data on the activities of different institutions to improve the police in general. The method of comparison was crucial in exploring the similarities and differences in the experiences of Kosovo and the United States. It was used to compare the main approaches and peculiarities of implementing police control in these two countries.

The issues covered in this research are legal; therefore, the formal legal method was used. This approach was necessary for an effective study of the main regulations governing the activities of the police and police oversight institutions in Kosovo. Based on this method, the research examines the provisions in several documents, including the Constitution of the Republic of Kosovo,<sup>10</sup> Law of the Republic of Kosovo No. 04/L-076 'On Police',<sup>11</sup> The European Code of Police Ethics,<sup>12</sup> the Amending UNMIK Regulation No. 2000/64, as Amended, on Assignment of International Judges/Prosecutors and/or Change of Venue,<sup>13</sup> and the Law of the Republic of Kosovo No. 03/L-231 'On Police Inspectorate of Kosovo'.<sup>14</sup>

The research uses the method of deduction to explore the concept of 'police supervision' based on a general understanding of police powers and their limits. Thus, based on the

- 10 Constitution of the Republic of Kosovo no K-09042008 of 15 June 2008 <<https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>> accessed 15 June 2023.
- 11 Law of the Republic of Kosovo no 04/L-076 'On Police' of 2 March 2012 <<https://gzk.rks-gov.net/ActDetail.aspx?ActID=2806>> accessed 15 June 2023.
- 12 Council of Europe Committee of Ministers, *The European Code of Police Ethics: Recommendation Rec(2001)10* (Council of Europe Pub 2002) <<https://polis.osce.org/european-code-police-ethics>> accessed 15 June 2023.
- 13 Regulation UNMIK no 2004/54 'Amending Regulation UNMIK no 2000/64, as Amended, on Assignment of International Judges/Prosecutors and/or Change of Venue' of 15 December 2004 <[https://unmik.unmissions.org/sites/default/files/regulations/02english/E2004regs/RE2004\\_54.pdf](https://unmik.unmissions.org/sites/default/files/regulations/02english/E2004regs/RE2004_54.pdf)> accessed 15 June 2023.
- 14 Law of the Republic of Kosovo no 03/L-231 'On Police Inspectorate of Kosovo' of 14 October 2010 <<https://gzk.rks-gov.net/ActDetail.aspx?ActID=2720&langid=2>> accessed 16 June 2023.

knowledge of the activities, rights and obligations of police representatives, the research highlights the value of police oversight and its role in modern society. The method of generalisation was used to describe the effectiveness of different supervisory institutions in Kosovo. This method was necessary to identify the main activities of police oversight representatives, including civilians.

### 3 RESULTS

Studying the history of the Kosovo police provides an opportunity to analyse the fundamental principles on which it was established and continued to exist. It is further complemented by a comparison with the experience of the United States. Thus, it should be established that the police in Kosovo is a state body whose activities are designed to protect the population from unlawful encroachment on their interests, protect public order and maintain the state system. The spread of democracy in society and the increase in the level of protection of the rights of its population, which is one of the main responsibilities of this body, had a significant impact on the development of the police.<sup>15</sup>

Thus, the Police of the Republic of Kosovo belongs to the Ministry of Internal Affairs (MoIA) and, accordingly, monitors the observance of the principles of law and responsibility in society. Kosovo Police Service was established on 6 September 1999, in conjunction with the opening of a police school by the Organisation for Security and Cooperation in Europe.<sup>16</sup> According to the United Nations Resolution 1244, the professional training of candidates for the Kosovo Police was launched.<sup>17</sup> The newly established service was distinguished by high service and professionalism, which was monitored to a greater extent by the International Police. As a result, this body comprises 9079 staff, of whom 8113 are police officers and 966 are civilians. In terms of gender differentiation, 85.04 per cent of police officers are men, and 14.96 per cent are women. Regarding ethnicity, 84.82 per cent are Albanian, and 15.18 per cent are of other nationalities.<sup>18</sup>

The primary focus of the Kosovo Police is to protect the lives and property of the public and to ensure peace in society. In addition, their functions are designed to identify lawbreakers among police officers and punish them appropriately. The main values of the Kosovo Police are the implementation of professional impartiality, responsibility and accountability, which is necessary for the effective development of the state in the future. As for the organisation of the activities, distribution of powers and functions of this body, these processes are regulated by the Constitution of the Republic of Kosovo,<sup>19</sup> as well as Law of the Republic of Kosovo No. 04/L-076 'On Police'.<sup>20</sup> These regulations establish the principles of police oversight and the responsibilities of police officers at both the central and local levels. The local level comprises regional police departments, which focus their activities on individual regions,

15 Vasyly Ya Tacij, Volodymyr I Tjutjugin and Jurij V Grodeckij, 'Conceptual Model Establish Responsibility for Offense in the Legislation of Ukraine (draft)' (2014) 3 *Criminology Journal of Baikal National University of Economics and Law* 166.

16 Organization for Security and Co-operation in Europe, *OSCE Mission in Kosovo and Kosovo Academy for Public Safety* (OSCE 2020) <<https://www.osce.org/mission-in-kosovo/474018>> accessed 16 June 2023.

17 Security Council UN Resolution 1244 (1999) 'On the Situation Relating Kosovo' of 10 June 1999 <<https://peacemaker.un.org/kosovo-resolution1244>> accessed 16 June 2023.

18 European Commission Staff Working Document SWD(2022) 334 final 'Kosovo\* 2022 Report' of 12 October 2022, 8 <<https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Kosovo%20Report%202022.pdf>> accessed 16 June 2023.

19 Constitution no K-09042008 (n 10).

20 Law no 04/L-076 (n 11).

which in turn are established by municipalities. The central level is headed by the General Directorate of Police, which covers the activities of all police stations within the Republic of Kosovo. It consists of various departments: Operations, Investigations, Borders, Support Services, and Human Resources.

According to the aforementioned Law of the Republic of Kosovo No. 04/L-076 'On Police', in addition to general tasks related to the protection of society, the Kosovo Police is entrusted with the responsibility of preventing and timely detecting criminal offences. This vector of activity covers the process of identifying perpetrators, investigating evidence, motives, etc. Article 11 of Law of the Republic of Kosovo No. 04/L-076 'On Police' establishes the powers of the Kosovo Police, including the right to conduct reasonable monitoring of people and property within their jurisdiction; the ability to issue and implement lawful orders to citizens; patrol the borders; analyse cross-border traffic; and conduct inspections of persons and their belongings.<sup>21</sup>

It is crucial to mention that the police in Kosovo are empowered to use restrictive measures. This approach is necessary for the smooth and effective implementation of police duties. Based on special peremptory powers, including using force, police officers can temporarily restrict the will of individuals, stop them, conduct interrogations and searches, seize property, and take fingerprints. In extreme circumstances that may pose a threat to their lives, the health of others or national security, authorised officers may use lethal force. However, notably, the disclosed rights are not absolute, as they arise only under certain conditions (danger). Thus, the listed powers can be exercised only based on legal grounds. Otherwise, such actions should be qualified as an abuse of power or authority, violating human rights and freedoms.

To ensure that police officers properly perform their rights and duties, Kosovo has an institution of police supervision. It is divided into two types, namely internal and external. The internal type involves the establishment of internal control mechanisms within the police institution that monitor its various departments. External oversight refers to independent monitoring mechanisms outside the police structure. The rationale for such oversight is that it allows for a fair assessment of the institution in terms of accountability, democracy, transparency and the friendliness of its staff. As a result, the level of competence of police officers is enhanced.

The functions of the internal control mechanisms are to organise disciplinary investigations against the Kosovo Police, which is subordinated to the Division of Professional Standards (DPS). In turn, the DPS is organised into three units: Internal Investigations and Data Verification Unit, Inspection Unit, and Integrity Unit. The first one is responsible for reviewing disciplinary cases opened against police officers and deciding to bring them to justice. The Inspection Division oversees the legality of police decisions and their implementation. A distinctive feature of the Integrity Division is that it does not deal with issues with signs of criminal offences but focuses on preventing cases that could worsen the image of the police in society.<sup>22</sup>

To analyse the effectiveness of internal oversight mechanisms, it is advisable to explore statistical data on their activities. Accordingly, in 2022, the DSP reviewed 1792 disciplinary cases, resulting in 986 cases in the reporting year and 803 cases transferred from previous years. In addition, 921 cases were closed, of which 306 were status cases, 589 were unfounded/unreasonable, 3 were locally recommended, and 34 were discontinued. In turn, the Disciplinary Committee (IDC) reviewed 1217 cases, resulting in 29 cases of termination of employment, 4 cases of demotion, 192 cases of withholding of salary, 79 written comments, 21 oral comments, 31 cases of exoneration from charges, 26 cases of suspension of investigation, and 874 cases of unfounded/unreasonable. As for the activities of the Appeals

21 *ibid.*

22 Stephen Rushin and Roger Michalski, 'Police Funding' (2020) 72(2) Florida Law Review 277.

Commission, in 2022, it received 473 appeals, of which 307 appeals were rejected, 66 were satisfied, 57 were partially satisfied, and 43 cases were returned for further investigation, review and re-decision.<sup>23</sup>

As for statistical data on citizens' trust in law enforcement agencies. About 65% of citizens express trust in the activities of the Kosovo Police, while 76% trust the Kosovo Police Inspectorate.<sup>24</sup> This testifies to the success of the second activity, namely, ensuring control and consideration of complaints regarding the illegal activities of police officers. At the same time, it should be emphasised that the task of the Kosovo Police Inspectorate is precisely to increase the indicators of citizens' trust in the activities of the Kosovo Police.

It is also worth paying attention to information about the most common cases reported by police units. In particular, in 2022, the Kosovo police recorded 49,183 cases of violations. Among them, 29,857 were criminal offences and 19,326 were minor offences and cases of a different nature. Comparing these data with the results of 2021, it can be established that they decreased by 1.92% (in particular, the number of criminal offences by 0.83%, as well as petty and other offences by 3.56%).<sup>25</sup> It is worth noting that such results were achieved thanks to the cooperation of the Kosovo police with the population and all local institutions. This proves that the level of citizens' trust in this body plays an important role in the implementation of its functions, namely, ensuring law and order and investigating cases.

Particular attention should be devoted to the organisation of internal audits and inspections, which are essential components of the police oversight mechanism. In 2022, the Police Audit Service conducted 23 regular and 5 extraordinary audits, which resulted in 73 recommendations.<sup>26</sup> The nature of the audits covered various types of police activities, such as finance and asset management and administrative procedures for police officers.

The provision of police oversight is an essential element in Kosovo's law enforcement system. In addition, this approach is envisaged by the provisions of The European Code of Police Ethics.<sup>27</sup> According to this regulation, the police are accountable to the state, citizens and their representatives and, therefore, are subject to external control. The Kosovo Police Inspectorate (KPI) oversees this type of oversight in Kosovo. The latter was established in July 2006, according to the UNMIK Administrative Order No. 2006/9. The legislative framework governing the activities of the PIC was expanded with the adoption of the Law of the Republic of Kosovo No. 03/L-231, 'On Police Inspectorate of Kosovo'.<sup>28</sup> As a result, the KPI was empowered to conduct criminal investigations against police officers. According to the above regulations, the main purpose of the KPI is to assist the Kosovo Police in implementing its legitimate mission by the law and international standards. Notably, the KPI's legal status is an executive oversight institution that does not fall under the competence of the police but is part of the MoIA. It is subordinated to the Minister of the Interior and is supervised by the Chief Executive Officer of the KPI.

As for the structure of the KPI, it consists of the following departments: Complaints, Investigation, Inspection, Finance and General Services, Planning, Liaison, Legal and Information. The main activity of this mechanism is the investigation and inspection of the Kosovo Police. In the exercise of their functions, inspectors take measures to prevent, detect and document crimes committed by police officers. Notably, the KPI is a general supervisory body that investigates all police officers regardless of their rank, position or duties. Figure 1

23 European Commission Staff Working Document SWD(2022) 334 final (n 18) 21-2.

24 *ibid* 16.

25 *ibid* 47.

26 *ibid*.

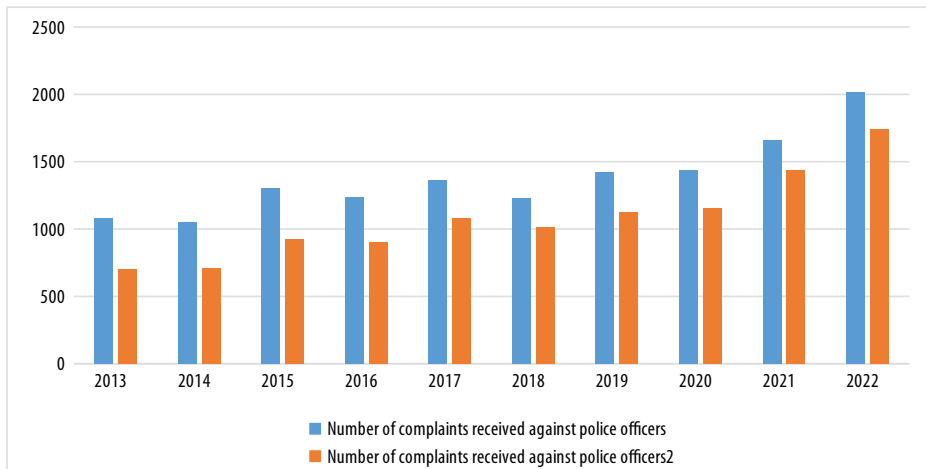
27 Council of Europe Committee of Ministers (n 12).

28 Law no 03/L-231 (n 14).



presents statistical data on the number of complaints and investigative actions taken by the KPI for 2013-2022.<sup>29</sup>

Analysing the data in the table, notably, a large number of complaints received by the KPI were not registered but were forwarded to the Kosovo Police due to the absence of signs of crimes that fall within the competence of the former. This underscores another area of the KPI's activity, which involves receiving and reviewing all citizen complaints and forwarding them to the relevant authorities. In addition to this, the main pillar of the KPI is conducting inspections, during which authorised persons assess the activities of the Kosovo Police for compliance with applicable laws and standards. Based on the results of the inspections, the inspectors provide recommendations for solving existing problems and improving the work of the police. They are documented in the form of an inspection report. To ensure their proper implementation, the Minister of Internal Affairs and the Director General of the Police meet twice a year and develop plans to implement the necessary measures.



**Figure 1.** *The number of complaints received by the KPI from 2013 to 2022*

Considering the experience of Kosovo, it is advisable to devote attention to the United States and the reform of the police supervision system there. Notably, the Texas Rangers were the first to be established in the United States, representing the law enforcement system. In the 19th century, they were entrusted with protecting the state and constitutional order. Subsequently, they evolved into paramilitary units whose activities were related to the protection of the US-Mexico border. As a result, they have been involved in military conflicts and, as a result, have acquired the right to conduct law enforcement and border management activities.<sup>30</sup>

In the 1900s, they evolved into a criminal investigative agency, which is still in operation today and remains one of the most common. Describing the historical development of the police and law enforcement system in the United States, notably in the early 20th century, the following institutions operated in the country: police organisations in districts, sheriffs and departments in counties, state police departments, and police associations of the federal government. In addition, the latter included the US Department of Justice, the Post Office, the Treasury, and the Departments of the Interior and Defence.<sup>31</sup>

29 European Commission Staff Working Document SWD(2022) 334 final (n 18).

30 John McDaniel, 'Police Accountability in the United States: A View from the UK' (2021) 15 (3) *Journal of Policy and Practice* 1684, doi: [doi.org/10.1093/police/paab026](https://doi.org/10.1093/police/paab026).

31 Mir Usman Ali and Sean Nicholson-Crotty, 'Examining the Accountability-Performance Link: The

It was in 1845 that the first police department was established in New York City. Since then, the law enforcement system has undergone reforms and currently consists of two levels — federal and local. The first one is designed to analyse, detect and eliminate crime in all states of America. Its activities are designed to investigate offences that pose a threat to the interests of the state. The local level deals with detecting and investigating specific crimes within individual states or concerning public order. It is at the local level that the basic police force operates, with more than 17500 departments, each with between 20 and 10000 officers. This system includes the following departments: traffic police, patrol police, criminal investigation, protection of senior state officials and sensitive facilities, and information and forensics.<sup>32</sup>

In addition, the United States has a sheriff's service consisting of more than 4000 offices. This position is elected, and the term of office is from 2 to 4 years.<sup>33</sup> A distinctive feature of this service is the absence of divisions and ranks, as it has only the position of sheriff and deputy. Its activities are designed to regulate law and order in a particular locality and to patrol highways, administrative administration, and bailiffs.

As for federal law enforcement agencies, their activities are designed to investigate federal crimes. They include the following services: Federal Bureau of Investigation, Drug Enforcement Administration, Federal Marshals and others. Thus, the organisation of the US law enforcement system is specific. Still, despite the differences in the powers of individual agencies (depending on their level), they actively interact with each other to protect the interests of citizens and the country in general.

However, one of the main problems that existed in the law enforcement system of America throughout its historical development was corruption, which had an adverse impact both on the functioning of internal mechanisms and on the attitude of citizens towards this institution in general. As a result, civil society organisations and activists began to call on government agencies to develop special tools for public oversight of the police. Such actions provoked large-scale audits of the law enforcement system. In particular, in 1972, a commission was established to explore the effectiveness of the New York City police, which resulted in a report describing corruption and abuse of power.<sup>34</sup> After that, the Commission made recommendations to the US Department of Justice and the US Attorney General's Office, which became the fundamental principles of nationwide police reform.

In this way, the personal responsibility of the management for their subordinate employees was introduced. Internal security departments were established in each district, which allowed for the strengthening and personalisation of the responsibility of authorised persons and a timely response to abuses of power by police officers. It established a mechanism of internal police supervision, which included personally invited officers. To prevent the development of corruption, an algorithm for their activities was defined, according to which, after three years of work in the department, police officers were transferred to regular precincts, and new employees were invited to fill the vacant positions. In addition, notably, there are units of "undercover officers" who can conduct special operations and regular raids in police stations.<sup>35</sup>

As for the external mechanism of police oversight, it is based on the involvement of society in regulating public order. Accordingly, a system of units was developed that included

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Case of Citizen Oversight of Police' (2021) 44(3) Public Performance & Management Review 523, doi: 10.1080/15309576.2020.1806086.

32 *ibid.*

33 *ibid.*

34 *ibid.*

35 Zamira Sinaj and Alba Robert Dumi, 'Evaluation, a Challenge for Successful Management, Performance and Motivation of the Public Administration Empirical Analysis in Front of Theory-Cal Analysis' (2015) 6(1) Mediterranean Journal of Social Sciences 261, doi: 10.5901/mjss.2015.v6n1p261.



residents who actively interacted with police officers. They helped both investigate offences and supervised the performance of authorised officers. If civilian informants detect violations committed by law enforcement officers, they are required to report them to the police leadership. Thus, the United States has developed a system of civilian control over the police that monitors all police activities and their quality.

Thus, the United States has a special system for evaluating police performance, which consists of a police commission (composed of 9 city residents appointed by the mayor in consultation with the city council) and an independent police oversight body (investigates complaints about police misconduct).<sup>36</sup> As for the indicators used to assess law enforcement agencies, they include the dynamism of crime reduction, the number of arrests, the ratio of registered to solved offences, and the efficiency of call response.

In addition, the United States actively uses alternative sources of information to monitor the work of police officers. In particular, public opinion polls, surveys of people who have had contact with the police; surveys of police officers, direct observation (analysis by specially trained subjects of specific types of police activities and their results) and simulation methods (for example, a previously trained person reporting a crime).<sup>37</sup> Thus, at the moment, the United States has developed and is operating a theoretical framework and practical institutions designed to oversee police activities.

Based on the above, it can be concluded that police oversight in Kosovo and the United States has common features, as they are both divided into internal and external. In addition, they have the same purposes: to increase the effectiveness of the law enforcement system and ensure appropriate protection of the public. In addition, they share the results of the reforms that have been implemented, which have led to an increase in the professional competence of police personnel and the level of public trust in law enforcement agencies.

In addition, attention should be paid to the experience of Great Britain where the Independent Office of Police Conduct (IOPC) has the status of a police complaints body. As such, it aims to organise and provide a system for making police complaints in England and Wales. The activity of this body is aimed at investigating the most complex and high-profile cases. For example, regarding the cases of death of a person after their appeal to the police or arrest. Accordingly, in addition to the specified type of activity, the Independent Office of Police Conduct is engaged in the development of standards according to which the police of Great Britain should consider complaints and statements from citizens. IOPC and KPI share the principles on which they exercise their powers. In particular, they are independent and aimed at increasing citizens' trust in the police. To do this, they use similar resources and tools, namely knowledge and recommendations acquired in the process of considering and solving complex cases. Both bodies aim to promote high standards of professionalism and accountability in policing. Accordingly, their activities concern not only the improvement of the police but also work with the public and its attitude to law enforcement agencies.

As for France, there is the General Inspectorate of the National Police (IGPN). This body has the status of a service with national jurisdiction, the activity of which is aimed at ensuring the control of all active services and educational units of the national police. Separately, it should be emphasised that their powers cover the headquarters of the Paris police and the municipal police. It is similar to KPI activities in that it provides the implementation of not only an audit, but also an advisory role. In this way, control is ensured, which provokes

36 Olena Lutsenko, 'Bringing Civil Servants to Liability for Disciplinary Misconduct in Judicial Practice of Ukraine, Poland, Bulgaria and Czech Republic' (2017) 8(1) *Journal of Advanced Research in Law and Economics* 103, doi: 10.14505/jarle.v8.1(23).12.

37 Ljupčo Sotirovski and Yu Kravtsov, 'Restoration of Ukraine's Foreign Policy Activities in the Context of the Founding of the United Nations' (2023) 33(1) *Foreign Affairs* 16.

administrative and judicial investigations. Thus, the IGPN has a wider jurisdiction than the KPI. Despite this, their goals and objectives are similar as they are aimed at developing police personnel and their control. This is a sustainable approach in the context of increasing public trust in the work of the police.

## 4 DISCUSSION

Police supervision in modern society is essential to the law enforcement system. It is explained by the specifics of socio-economic changes and approaches in society that require transparency in the activities of state bodies, including the police. Thus, there are different types of such supervision, which various scholars have explored. In particular, in their works, L. K. K. Ho and others, and K. R. Hope disclosed the essence of 'police surveillance' and its value for society. L. K. K. Ho and others<sup>38</sup> found that the origins of this mechanism are difficult to determine in retrospect, but he indicated that the issue of police oversight has been raised since ancient times. Society was particularly concerned about the possibility of holding police officers accountable for committing crimes and violating citizens' rights. In this regard, the researcher notes that the development of the institution of police supervision was natural and necessary for the state's future development. He found that in this way, society was allowed to influence the activities of law enforcement agencies and, accordingly, to increase their efficiency. In addition, the researcher proposed his definition of police supervision, under which he understands the supervisory activities of a special service designed to timely detect and investigate crimes committed by police officers and monitor their activities for compliance with the provisions of applicable laws. In turn, K. R. Hope<sup>39</sup> noted that the effectiveness of police work directly or indirectly depends on the attitude of citizens. In this regard, he supports the position of public trust and interaction. In his opinion, civilians provide the bulk of the information police officers use in investigating cases. Accordingly, without public trust, it will be impossible for the police to successfully perform their duties. In addition to that, the researcher notes that it is the police who are responsible for the effectiveness of their forces and integrity, which requires the development of additional internal control mechanisms. Both authors exclude the possibility of law enforcement agencies performing police functions without interaction with society. This suggests that public oversight should be ongoing, and identified problems should be addressed. The researchers also drew attention to the significance of the internal control system, which plays an important role in the context of professionalising police personnel. This conclusion has similarities with the results of this research, as it identified two types of police oversight, involving both control of police officers by special independent services and citizens. The approach to expressing the link between the effectiveness of law enforcement agencies and the level of public trust is similar.

K. McLean and others and F. D. Boateng and others analysed the US experience in developing effective institutions for police oversight. According to K. McLean and others<sup>40</sup>, the main prerequisites for the emergence of this mechanism were the improper behaviour of law enforcement officials, which was manifested in corruption. This misconduct tarnishes the police's moral reputation and adversely affects their operational effectiveness. Consequently,

38 Lawrence Ka-ki Ho Ho and others, 'Professionalism Versus Democracy? Historical and Institutional Analysis of Police Oversight Mechanisms in three Asian Jurisdictions' (2022) 77 *Crime, Law and Social Change* 1, doi: 10.1007/s10611-021-09981-y.

39 Kempe Ronald Hope, 'Civilian Oversight for Democratic Policing and its Challenges: Overcoming Obstacles for Improved Police Accountability' (2020) 16(4) *Journal of Applied Security Research* 423, doi: 10.1080/19361610.2020.1777807.

40 Kyle McLean, Seth W Stoughton and Geoffrey P Alpert, 'Police Uses of Force in the USA: A Wealth of Theories and a Lack of Evidence' (2022) 6(3-4) *Cambridge Journal of Evidence-Based Policing* 87 doi: 10.1007/2Fs41887-022-00078-7.

the researchers began to analyse the factors that influenced the development of misconduct among police officers and found a strong link to police culture. In his opinion, it is not uncommon for a colleague to be reluctant to report violations in the work of another officer. It significantly worsens the level of competence of professional staff, as failure to report offences increases the level of crime in the country. F. D. Boateng and others<sup>41</sup> believe that as a result, the level of public dissatisfaction and anxiety increases, resulting in the refusal to interact with law enforcement agencies. Based on this, the researcher concluded that police oversight is an essential element for developing a modern police system in a country. He emphasised that the latter should be based on professionalism, objectivity, impartiality and accountability. This conclusion aligns with this research, proving the priority of developing internal control mechanisms. In addition, the position regarding the impact of police oversight on the law enforcement system, which is characterised by strengthening the rule of law in it, is similar.

J. F. Albrecht, H. Asllani and J. R. Fisher analysed the effectiveness of investigations by the Kosovo Police Inspectorate. In his work, J. F. Albrecht<sup>42</sup> indicated that the concept of investigation should be understood as the process of verifying information relating to a specific offence committed by police officers. Thus, this process involves a set of actions to be taken after receiving a complaint from citizens about an alleged violation by law enforcement officials. An important step is establishing the grounds for satisfying or dismissing the complaint. Based on this, the KPI can independently investigate within its jurisdiction and apply the necessary punishment to the guilty person. J. F. Albrecht drew attention to the legal status of KPI investigators, who, in the course of exercising their powers, are endowed with police rights and can ensure them according to the Constitution of the Republic of Kosovo and other regulations. In this regard, the researcher defines the KPI as 'police for the police'. Accordingly, if a complaint is upheld, an authorised KPI officer drafts an indictment of a crime and sends it to the prosecutor with all the necessary information and evidence. In turn, H. Asllani and J. R. Fisher<sup>43</sup> explored the specifics of filing complaints with the KPI and the subjects of the complaint. He found that both Kosovo citizens and other foreign nationals have this opportunity. Therewith, the researcher indicates that external factors have an adverse impact on potential complainants. These include the complainant's involvement in the offence, doubts about the effectiveness of the KPI, and fear of retaliation from the police. As a result, some crimes may be concealed and, accordingly, not reported to the controlling authorities. It adversely affects the law enforcement system in general and the level of its interaction with society.<sup>44</sup> Thus, the researcher emphasises the need to hold information events for citizens on their possible participation in the oversight of police activities. In his opinion, it is advisable to conduct propaganda to involve civilians in the monitoring institution and improve the work of the police. For this purpose, he suggested developing several successful cases from the country's experience in implementing police oversight measures and presenting them to the public. He believes this will make it easier for citizens to understand the essence of the algorithm for detecting and investigating crimes. As a result, the public will be able to independently monitor the dynamics and effectiveness of complaints against police officers. A comparison of these two papers leads to the conclusion that they describe the same process, namely, submitting a complaint to an authorised body. The results obtained on the algorithm

- 41 Francis D Boateng, Daniel K Pryce and Ming-Li Hsieh, 'The Criminal Police Officer: Understanding Factors that Predict Police Crime in the United States' (2023) 69(9) *Crime & Delinquency* 1700, doi: 10.1177/00111287211054732.
- 42 James F Albrecht, 'Enhancing Law Enforcement and Criminal Justice within Kosovo: Evaluating the Challenges in Rule of Law Reform in a Post-Conflict Developing Democracy' in Garth den Heyer and James F Albrecht (eds), *Police and International Peacekeeping Missions* (Springer 2021) 157.
- 43 Halil Asllani and John R Fisher, 'The Need for Cultural Awareness Training for Police: A Case Study from Kosovo' (2020) 18(1-2) *Competition Forum* 198, doi: 10.33423/jbd.v21i3.4429.
- 44 Andrejus Novikovas and others, 'The Peculiarities of Motivation and Organization of Civil Defence Service in Lithuania and Ukraine' (2017) 7(2) *Journal of Security and Sustainability Issues* 369, doi: 10.9770/jssi.2017.7.2(16).

of consideration of the application and the specifics of its submission are consistent with the findings of this research. What is common is that the priority of raising public awareness of their possibilities in the context of police oversight is proved.

Based on the above, notably, the institution of police oversight is multidimensional and requires consideration of various factors for its effective development. However, the analysed studies demonstrate that the internal police culture and the public play the main role in supervisory activities. Thus, these elements are fundamental to ensuring the quality monitoring of professional police personnel.

## 5 CONCLUSION

The research has established that Kosovo has a well-developed police oversight system. Findings show that the system consists of an internal and external mechanism that covers various areas of police activity and timely detection of violations. Within the internal control, there are special departments that are part of the police system. In addition, external supervision is independent and is expressed in the activities of the Kosovo Police Inspectorate. The research establishes that both mechanisms significantly differ in their powers, but their effective operation is possible only in cooperation.

Accordingly, the KPI is an independent institution provided for by a special law and, therefore empowered to investigate criminal offences committed by police officers. Thus, this body has a direct impact on bringing perpetrators to justice. The research has identified the overall impact of the police oversight system on the law enforcement system and therefore found that it increases respect for the rule of law and human rights in Kosovo. Based on this, notably, improving the attitude of Kosovo society towards the police and ensuring quality and transparent investigation of complaints are the main functions of the KPI. The research has demonstrated that these functions have a positive impact on both the public perception and the internal police system, ultimately enhancing the effectiveness of police actions. To maintain transparency and accountability, the KPI regularly reports on its activities. The activities of oversight institutions in Kosovo include inspections, audits, investigations and preventive measures.

In addition, the research examined the US experience in developing a police oversight system. Much like the case in Kosovo, it consists of two mechanisms, the emergence of which was caused by widespread corruption in the police. Currently, the United States has special law enforcement agencies responsible for monitoring the activities of police officers and the law enforcement system in general and has developed public oversight institutions. The latter includes civilians being able to partially exercise police powers and file complaints about crimes committed by police officers.

Therefore, oversight bodies contribute to improving the efficiency of the police and the competence of its representatives. Thus, future research should focus on the perception of police officers themselves regarding the impact of oversight institutions on their work and society in general.

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