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Treatment of corruption and strengthening integrity in Kosovo Police

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Abstract. The object of the research in the paper is the treatment of corruption and strengthening the integrity of the Kosovo Police. The aim of the conducted research is not only to inform the public and the reader to understand the causes and the specific forms of corrupted behavior and abuse of official duty from the police officers, but to also inform them with damages that are caused to the values of police culture and ethics in general, as well as the measures to be taken. Growth and development of the Police with human resources and legal competencies, by a certain individual is often accompanied by abuse and deviation from the exercise of those powers during the exercise of official duty, and investigations conducted during 2015-2019 testify the involvement of police officers in criminal offenses with corrupt elements. This research is based on and implements a research and comparative approach and model related to the phenomenon of corruption in the Kosovo police for the period from 2015-2019. The case that is being studied aims to learn through the comparative method regarding the investigation and treatment of corruption in the police of Kosovo and Albania. In the final analysis of this paper from all the conclusions and recommendations it can be said that the ways of recognizing the existence of corrupt behaviors and identifying work in preventing, detecting and cracking down on this negative phenomenon by both the police themselves and the specialized oversight and control structures, avoids and reduces corruption.

Keywords. Corruption in the police, police officers, Abuse of official duty and authority, Kosovo Police Inspectorate, Service for Internal Affairs and Complaints, police ethics

Introduction

With the development of human society, various forms of crime have been developed especially organized crime and this has made the prosecuting authorities of different countries of the world put bridges of cooperation among themselves in order to make it easier to fight this negative phenomenon around the world.¹ However, corruption as a form of criminality poses a risk to the development of any state. The corruption issue in general and the corruption in the police is a very concerning issue for the Kosovar society as well, and regarding to this phenomenon various debates have been organized and held for the public, but it has not been noticed whether special researches have been done in the scientific and forensic aspect

¹ Maloku, A. (2015). Rregullimi ndërkombëtar ligjor për të parandaluar abuzimin e drogave dhe substancave psikotrope. *Balkan Journal of Interdisciplinary Research*. Vol. 1. No. 1. 2015. pp. 461.

regarding the treatment of corruption and the strengthening of the integrity of the Kosovo Police. The treatment of corruption and the strengthening of Kosovo Police integrity through this paper, has a major social and scientific importance. Investigation approach and the identification of corrupted behavior of police officers is a tremendous contribution to the dissemination of knowledge regarding the identification of specific causes of the occurrence and prevention of the corruption phenomenon in the police, and taking appropriate measures.

Despite the police mission of crime prevention, corruption is present in many different countries of the world, even the Kosovo police system did not escaped the temptation of time corruption, as a continues threat for the police integrity. Corruption in the ranks of police officers means: abuse of official duty and abuse of being a police officer.² The criminology professor Tim Prenzler finds that various scientific researches that were made in different countries of the world prove that there are differences in the approach and ways of dealing with "police corruption" therefore there is no comprehensive and unique definition that defines this offense as a specific offense.³ Also, there is not a specific definition in Kosovo either, but for this criminal offense the provisions on Chapter XXXIII of the Criminal Code of the Republic of Kosovo are used as: Official corruption and criminal offenses against official duty.⁴ The criminal legislation of Kosovo provides such criminal offences in the Criminal Code of the Republic of Kosovo under the provision 414 which determines the basic form of the criminal offense, abuse of official duty or official authority. This criminal offense is committed when an official, who, by taking advantage of his office or official authority, exceeds the limits of his or her authorizations or does not execute his or her official duties with the intent to acquire any benefit for himself or another person or to cause damage to another person or to seriously violates the rights of another person, shall be punished by imprisonment of one (1) to eight (8) years.⁵ Whereas, an official person who commits the offense in paragraphs 1 of this Article and the actual benefit or damage exceeds five thousand (5000) Euros, shall be punished by a fine and by imprisonment of three (3) to ten (10) years.⁶

Institutions and bodies that perform the function of detection, prevention and combating of corruption are Kosovo Police Inspectorate (KPI), Police and anti-corruption agency. No country is spared from criminal offences.⁷ During the research of various literature related to the treatment of police corruption so far and its types, and the definition by foreign authors there are different interpretations such as: Legal Corruption- which is considered as a violation of the law in the form of abuse of official duty; Ethical Corruption- which is considered as a violation of ethical values which its aim is material gain; Social Corruption- is considered as a social deviation and for the specific case for the purposes of this scientific paper corruption in the police- we can consider it as a professional deviation.

One of the foreign definition regarding to this phenomenon says: Police corruption is misusing of police authority for personal gain. By personal gain we mean cash payment or any other benefit. The benefit must be obtained illegally as a result of the position or authority of the police officer.⁸ Police ethics and ethical conduct of police officers in Kosovo are regulated

² Pakoja e instrumenteve mbi integritetin e policise; Qendra e Gjeneves per Qeverisjen e sektorit te sigurise, 2019.

³ United Nations Office on Drugs and Crime. (2004). The global programme against corruption un anti-corruption toolkit. pp. 23. https://www.un.org/ruleoflaw/files/UN_Anti%20Corruption_Toolkit.pdf.

⁴ Kodi Penal i Republikës së Kosovës, kapitulli XXXIII neni 414 Korrupsioni zyrtar dhe veprat penale kundër detyrës zyrtare. Gazeta Zyrtare e Republikës së Kosovës / nr. 2 / 14 janar 2019, Prishtinë.

⁵ Paragrafi 1 i neni 414, të Kodit Penal të Kosovës.

⁶ Paragrafi 2 i neni 414, të Kodit Penal të Kosovës.

⁷ Maloku, A. (2015). Bashkëpunimi ndërkombëtar policor në luftimin e krimit të organizuar. Regional Journal of Social Sciences Reforma. No.2. 2015 pp. 119.

⁸ Tim Prenzler, (2009). Police corruption preventing Misconduct and Maintaining Integrity

with Code of Conduct of Police Officials. Ethical and professional behavior of police officials is provided also with internal police regulation, through which it is required that the police officials have to be an example in both official and private life, committing to personal and organizational goals and ideals, always favoring a type of personality for which society strives.⁹

Literature Review

Ashle Dugger, in her scientific presentation titled: “Police corruption preventing Misconduct and Maintaining Integrity” finds that: while many police officers perform their work in accordance with the highest ethical standards, it is an undeniable fact that the unethical behavior of some police officers continues to be a worldwide recurring problem.¹⁰

In the local literature it has not been given any special treatment toward the division and classification of corruption, while in the foreign literature it is seen that such treatment is inevitable. One of the authors Rachel Nield, in his book, divides the police corruption in four groups.¹¹

- Small (e.g. accepting free gifts)
- Bureaucratic (e.g. issuing documents illegally)
- Criminal (e.g. extorting regular payments from criminal groups) and
- Political (e.g. revealing secret information about politicians).

Such a classification is expected given their complex and comprehensive function and wide range of police competencies.

In the book “*Otvoreno o policiji i korupciji*” of the group of authors from the Bosnia and Herzegovina graduate criminal association is said: Barker's and Roebuck TPF 3FPT work is considered as an initial contribution to the research of the typology of police corruption which typology even today serves as one of the most influential efforts in sharing police corruption. Their study is based on three sources - literature analysis, the report of the US Presidential Commission on Crime and the author's field research.¹²

In most countries of the world, there is petty corruption, which is most often committed by police officers with lower ranks (patrol officers) since usually minor damage are caused, following a similar logic the author Lesile Holms in his book titled: “*Police corruption Essential Readings*”¹³ focused in corruption and police cooperation in different countries, distinguish between reactive corruption - police officers accepts the offered bribe (eg, free drinks and food) and pro-active – police officers asks and demands bribes (eg, police officers offer criminal protection to criminals). Some authors have tried to break the prejudice that police corruption is not widespread, but there are only a few corrupt behaviors of individuals which occur independently, without any organized plan or action. One of such authors is Tim Prenzler¹⁴ who distinguishes between these forms of corruption:

- Irregular corruption by seizing the opportunity that comes unexpectedly or accidentally;

⁹ Rregullorja per personel dhe administrate ne Policine se Kosoves e datës 25.09.2019.

¹⁰ Dugger, Ashle. Police Corruption: Definition, Types & Improvement Methods. (2014, December 12). Retrieved from <https://study.com/academy/lesson/police-corruption-definition-types-improvement-methods.html>.

¹¹ Rachel, Nield. (2007). Usaid programme brief anticorruption and police integrity. Security sector reform program. Building Recovery and Reform through Democratic Governance (BRDG) pp. 3.

¹² Maljevic et al. (2006). *Otvoreno o policiji i korupciji* Sarajevo. Izdavac Udruzenje diplomiranih kriminalista u Bosni i Hercegovini. pp.5.

¹³ Leslie, Holms. (2014). *Police corruption Essential Readings*. Edward Elgar Pub; Illustrated edition.

¹⁴ Tim. Prenzler, Ibid.

- Regular (organized) corruption consists in the payment in the form of a racket for the provided protection, where police officers take bribes to ignore criminal activity, or cooperate or participate in an organized crime network, or cooperate or participate in the organized crime network.

The author Herman Goldstein in his monography published by National Police Foundation emphasizes: Of all the complex problems faced by the police, few of them are more substantial than corruption, when there is corruption in the Police, the potential to effectively address a host of other problems is severely reduced. This is true because two factors that are essential to any program to improve the quality of police service are seriously destroyed. First, public confidence in the police is shattered, then second, the ability of the police administration to treat and control its personnel is significantly reduced.¹⁵ “The group of experts from Interpol on Corruption” agree to provide an expanded definition of corruption, including any action or inaction by individuals or public or private organizations, contrary to law or belief for profit purposes.¹⁶

The Netherland author Cees de Rover in his book “To serve and to protect” emphasizes that the police officers in any time and in any case throughout their official duty should act in accordance with the powers given to them by law, the behavior of police officers towards the public in an ethical manner, rightly seen as a real indicator that their services are based on law.¹⁷

Research methodology and purpose

The research is based and implemented to a research and comparative approach and model regarding the phenomenon of corruption in the Kosovo Police for the period from 2015-2019. The case that’s being studied aims to learn through the comparative method regarding the investigation and treatment of corruption in Kosovo and Albanian Police. The identification and the analysis of the current situation are special methods of this research for the future, through which the aim is to achieve more efficient treatment of corruption and strengthen professional integrity. Practical and effective personnel management is another method which guarantees increased efficiency in the prevention and investigation of police officers, through control and supervision mechanisms. It has been argued before for the study of complex issues, as the issue at hand, requires an approach that combines tools and strategies, which provide a greater approximation and readiness with the population for cooperation with law enforcement agencies regarding the reporting and evidence of cases of police corruption. Application of scientific methods and techniques for data collection and collection of opinions and stands on the studied issues enables the triangle of data sources and information, which enriches and increases the validity and reliability of the study findings. Through this paper basic scientific research methods and instruments have been applied, quantitative and qualitative as the method of analysis and synthesis, the historical, legal, comparative analysis of the type and trend of criminal offenses with corrupt elements in the police, in which case, a combination of different qualitative and scientific methods were used which include the analysis of various documents of relevant institutions for the work and control of the Police, the annual reports of the Police and the Kosovo Police Inspectorate (KPI). Data published in the annual reports by the PIK and the Internal Affairs and Complaints Service (IACS).

¹⁵ Herman Goldstein, (1975). Police corruption A perspektive on its nature and controle, National police foundation. pp.1.

¹⁶ Leslie Holmes, corruption and policing, (2012). Toolkit on Police integrity, Chapter 1 on ‘Introduction: Corruption and Policing’ by Leslie Holmes. DCAF, Geneva. pp. 22.

¹⁷ Cees de Rover, (2010) To serve and to protect: Human rights and humanitarian law for police and security forces, International Committee of the Red Cross, Geneva.. Cambridge University Press. pp.154.

Research findings and analysis

The increasing number of investigating cases of corruption as criminal offences from year to year is challenging Kosovo Police, and by putting in dilemma the measures they are taking through internal control mechanisms in preventing and combating corruption and their functioning. The case of the arrest of a number of police officers by the traffic police in 2019, due to suspicion of corruption and the arrest of two senior officials to close the investigation by seeking and receiving money compensation for service, are some of the cases that require a different treatment from it so far.

Kosovo Police Inspectorate (KPI) has investigated different criminal offences, whereas the criminal offenses with elements of corruption and abuse of official duty by police personnel that were investigated during the years 2015-2019 are presented in table no.01.¹⁸

Table no.1: Number and type of criminal offenses with elements of official corruption & against official duty investigated by KPI during the period 2015-2019.

Criminal offenses with elements of official corruption & against official duty investigated in KP during the years										
Number and type of criminal offenses										
Year	Abuse of official position or authority	Forgery of official document	Taking bribes	Exercising influence	Disclosure of official secrets	Giving a bribe	Embezzlement in duty	Fraud	Conflict of interest	Cases per year
2015	39	4	11	1	2	1	2	2	0	62
2016	39	0	13	0	2	0	1	0	0	55
2017	32	2	6	3	2	0	0	0	0	45
2018	27	4	1	1	3	0	0	0	0	36
2019	26	1	4	1	1	1	1	0	1	36
Total	163	11	35	6	10	2	4	2	1	234

Source: KPI Annual Reports 2015; 2016; 2017; 2018 and 2019.

From different types of criminal offenses with elements of police corruption, presented in table no.1, it can be concluded that bribery is one of the most common forms, through which any item of value is given and received to influence a police officer.

Based on the data presented in the table, legal actions taken by the Police Inspectorate to investigate criminal offenses with elements of police corruption in Kosovo in 2015, there are a total of 62 criminal charges. If you look at the comparison between the years, you can see a downward trend in a total of 36 criminal offenses in 2018 and 2019. From the total number of 234 criminal offenses with elements of corruption investigated by the Kosovo Police Inspectorate for the years 2015-2019, dominate those of abuse of duty or official authority with a total of 163 criminal offenses, while in the second group is ranked bribery with a total of 35 criminal offenses.

¹⁸ Raportet vjetore të IPK-ës 2015-2019

Table no. 2: The results presented in table illustrate the numerical statistics and the forms of corruption in the Albanian Police during the period 2015-2019.

Forms of corruption in the Albanian Police during the years 2015-2019 for corrupt activities			
Number and type of criminal offenses			
Abuse of duty with a tendency to take bribes	Negligence in performing the functional duty to obtain a bribe	Negative inactivity in fulfilling the task in order to obtain a moral and material benefit	Favoring or implicating in illegal activity such as: Cultivation of narcotic plants; Drug trafficking; Human trafficking; Smugglers; Unfair competition; etc.; taking a bribe.
2015	119		
2016	116		
2017	115		
2018	100		
2019	250		

Source: IACS Annual Reports 2015; 2016; 2017; 2018 and 2019.

As can be seen in table no.2, the list of corrupt acts in the Albanian police investigated by the IACS from 2015-2019 is presented. From different types of transaction forms, corruptive, bribe (giving money in exchange for a service) is the most widespread form and remains almost unchanged in the Albanian police.

Numerical differences and fluctuations from 119 corruption offenses investigated in 2015, to 250 in 2019, show that the number of employees investigated in 2019 is higher for 131 employees compared to 2015.¹⁹

Comparison of data from table no.1 with table no. 2 regarding the number and types of offenses with corrupt elements in the Kosovo and Albanian police reflect a difference with a very high percentage of numbers. So the measurements of police corruption in Kosovo that were made during the years 2015-2019 prove that out of the total number of 8968 of police officers, for five years there have been 234 referrals for criminal offenses with corrupt elements, while out of the total number of police officers in Albania 10985, for the same period of time 700 criminal referrals for corrupt actions were committed.

Based on these comparative data it can be concluded that the presence of corruption in the Albanian police is much higher than in the Kosovo Police.

Cases investigated by KPI in Kosovo Police according to ranks during the years (2015-2019)

Table no.3: Numerical statistics of police personnel in Kosovo, investigated by KPI according to management levels for the period 2015-2019

Year	Police Officers	Graduated officials						Civil staff
		Sergeant	Lieutenant	Captain	Major	lieutenant-colonel	Colonel	
2015	159	26	9	3	2	1	2	18
2016	203	11	11	1	1	0	0	9
2017	148	19	10	3	0	1	0	9

¹⁹ Integriteti dhe Korrupsioni Policor në Shqipëri 2014

2018	150	12	2	4	1	1	0	24
2019	268	57	13	12	5	6	2	13

Source: KPI Annual Reports 2015; 2016; 2017; 2018 and 2019.

During the years 2015-2019 KPI has investigated 928 police officers, while promoted officials as follows: 125 Sergeants, 45 Lieutenants, 23 Captains, 9 Majors, 9 Lieutenant Colonels, 4 Colonels and 73 civilian staff. From the data presented in table no.3 it is seen that the trend of involvement of police officers in criminal offenses which are investigated by the KPI in 2019 is higher for 109 police officers compared to 2015, the highest number of police officers investigated mainly come from the Road Traffic Division.

In all ranks and levels of police management in 2019 there has been an increase in the number of superiors who have been subject to criminal investigations, where the most significant increase is presented to police officers (police patrols) from 159 in 2015. In 2019 we have 268 cases, an increase in the number of investigations is observed in the ranks of Sergeants (57) Lieutenants (13) Captain (12) Major (5) and Lieutenant Colonel (6) exclusively in the rank of Colonel is not seen that there is an increase in the number of investigations but remains the number identical to that of 2015.

Statistical data from the annual reports of the KPI for Kosovo and the IACS for Albania were used to assess the spread of corruption by levels of management.

From the published data through annual reports of KPI, it is seen a small number of investigations toward senior management, although there are rumors within Kosovo Police officials that corruption is more prevalent at senior management levels.

Cases investigated by the IACS in the Albanian Police according to management levels during the years (2015-2019).

Table no. 4: Numerical statistics of criminal reports that have been filed against Albanian police officers for the period 2015-2019, which include the structure of police officers by level of management, civilian staff and employees of the Republic Guard.

Year	Criminal Charge penale	Employees of structures	Intermediate level	First leading level	Implementing level	Civilian staff	Republic Guard	Employees of PMNZS H	shtetas
2015	189189	243	2	57	174	6	3	1	36
2016	160	180		42	127	1	6	4	17
2017	2 200	284		78	182	17	6	1	11
2018	201	265		52	178	5	7	5	18
2019	250	474	3	115	328	11	9	8	95

Source: ICAS Annual Reports 2015; 2016; 2017; 2018 and 2019.

From the data presented in the table it can be seen that the number of criminal reports submitted to the prosecution against employees of police structures, civilian staff and employees of the Republic Guard in 2019 is a total of 250, compared to 2015 is higher for 61 criminal charges.

The trend of increasing the number of criminal reports from 2015-2019, is observed to mark a very high increase in the number of employees involved in criminal corruption offenses,

this increase is quite pronounced when comparing between police officers of the first leading level and the executive level with those from the middle level, while in the civilian staff and the guard of the Republic it is not noticed that there is any high increase.

The phenomenon of manifestation of police corruption among police officers from the enforcement level is seen to be quite present, out of 174 cases of involvement from this level in 2015, 328 cases were registered in 2019, while the first management level from 57 cases in 2015 - in 2019, a total of 115 cases were registered. The data presented in table no. 3, create a statistical picture of criminal reports submitted to the prosecution against Kosovo police personnel. As it can be seen for the period from 2015-2019, KPI has submitted a total of 1216 criminal charges, of which 928 criminal reports against police officers (police patrols), 125 against officials from the first management level (sergeant), 68 criminal charges against officials from the middle management level (lieutenant, captain) and 22 cases against senior management police officials (majors, lieutenants and colonels), while 73 criminal reports were filed against civilian staff employed in the Kosovo Police. Compared to table no.04 for the same period from 2015-2019 to different structures of the Albanian police by the ICAS a total of 1000 criminal reports were submitted to the prosecutor's office, according to the following levels of management: 5 criminal charges were filed against the middle level, 344 against the first management level officials and 989 reports against officials from the executive level, while 40 reports against civilian staff and 31 against officials of the Republic Guard.

The data presented in the annual reports differ from public opinion polls and rumors from police officers, which show that corruption in the Albanian police is widespread in high police structures, but the lack of investigations at these levels has limitations and obstacles.

Criminality is a negative social phenomenon, which has been accompanying every society throughout all stages of its development.²⁰ Thus, in order to prevent and combat this negative phenomenon, it is necessary to include the media in educational programs and various educational campaigns.²¹ The creation and production of educational programs and various articles, on television and in newspapers would have a great deterrent effect because it could significantly affect the awareness of citizens.²²

Final conclusions and recommendations

The research data so far confirms the citizen's assurance in the opinion that corruption is widespread in the police, while statistics shows that investigators conduct a small number of investigations, in spite of the fact that a few police officers are punished and the one that are being punished in these cases are those who give bribes and those who accept bribes, which means that the both parties are happy. Once such an agreement is reached no one is interested in reporting the case, not all deviations can necessarily be considered this way.

However, the analysis and comparison of cases and individuals involved in police corruption according to levels of management through this paper is made to assist the anti-corruption institutions in assessing and identifying risks coming from various structures inside the police, and taking appropriate anti-corruption measures. The data provided by the Annual Reports of KPI and ICAS, show the clear need for interventions by investigators in these cases

²⁰ Maloku, A. (2015). Fear of Violence and Criminality in the Region of Gjilan, Kosovo. *Mediterranean Journal of Social Sciences*, Vol 6, No 2 S5, pp. 29.

²¹ Maloku, A. and Maloku, E. (2020) Protection of Human Trafficking Victims and Functionalization of Institutional Mechanisms in Kosovo, *Acta Universitatis Danubius. Juridica*, 2020. *Juridica*, Vol. 16, no. 1, 2020. pp.42.

²² *Ibid*, pp.42.

to be implemented in order to increase efficiency and effectiveness, with increased attention and care.

Manifestation of corrupt behaviors in specific areas of social and institutional organization, requires an approach and treatment with theoretical and practical orientation. Strategy development and Integrity Plan are very important documents for the fight against corruption, which must contain a series of measures of a legal and practical nature for purpose of elimination and prevention of the possibility of various forms of irregularities, including corruption in the police. The appearance and presence of corruption in the police, especially in the Kosovo police, requires a more adequate approach by the experts of the internal and external control units as well as by the forensic departments, both professionally and scientifically. The police department and Kosovo Police Inspectorate should aim that during the work routine and their quick response to gain the trust of citizens, because they are the most common source of knowledge, both for criminal offenses committed and for attempts.

Based on the findings of this study and research as well as the conducted analysis, it has been concluded that the increase of presence of police corruption from year to year poses a risk and threat to security and integrity and the legitimacy of the police organization in general, therefore, a more energetic treatment of the fight against police corruption is necessary, the use and practical application of the latest ways and methods from the science of criminalistics helps not only investigate and detect corruption but also strengthen police integrity in Kosovo and elsewhere. Through this study we aim to facilitate the research approach of this phenomenon for future researchers. Presence of corrupt behavior in certain social areas, especially in the Kosovo police requires a more detailed professional and scientific treatment than the one that has been done so far, for this purpose we propose the following recommendations:

- In order to advance the role and importance of adequate treatment of corruption and strengthening the integrity of the Kosovo Police, it is necessary to develop an adequate strategy and integrity plan as soon as possible. The inclusion of the recommendations found in this research in the content of these documents for an appropriate response in the Kosovo Police Organization will be a perfect tool to help planning the prevention and fight against corruption in the Police.

- To increase the efforts of all state institutions for successful fight against corruption, to prosecute and investigate bodies to mobilize and coordinate measures and actions with police officers and management, in order to detect, document and prosecute cases of police corruption in a larger and faster mass.

- Study and analysis of types of criminal offenses with elements of police corruption investigated by prosecuting institutions in Kosovo and Albania, presents the need to design specialized programs and trainings and supply special equipment for KPI and ICAS investigators. Similar training should be provided for prosecutors and judges.

- It is necessary to increase cooperation and communication both within the police organization (with police officers) and with citizens and governmental and non-governmental organizations. Cooperation with these categories plays a very important role in preventing police corruption both in the case of its appearance and its existence. Our goal is to encourage the reporting of corruption and the application of stricter work procedures to opportunities for corruption.

- It is necessary to analyze and clarify the nature of the deviation of police officers and to eliminate the reasons for the continued presence of police corruption, by analyzing the specific characteristics of the appearance and presence of corruption in the police. Identification of activities and police officers involved in corruption, will facilitate the development of an

effective strategy and integrity plan through which to successfully prevent and combat corruption in the police.

- Reforming the KPI by seeking other alternatives from the current status, with competencies and other institutional and organizational status as well as its promotion to an independent agency or directly subordinated to the parliament or the special prosecution office, are powerful factors that help build a better approach to tackling corruption and strengthening the integrity of the Kosovo Police. Structural functioning of KPI agency and Kosovo Police under the direct supervision of the Ministry of Interior are not a strong guarantee that investigations against police officers can be conducted independently, impartially and professionally.

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