
Editorial

Dear readers.

In the spring of 2019, four researchers from the Faculty of Criminal Justice and Security of the University of Maribor began researching the following project: *“Effectiveness of Systemic Supervision of the Police in Regard to Human Rights and the Statutory and Professional Standards of Police Work (V5-1942)”*. The research is co-financed by the Public Agency for Research of the Republic of Slovenia and the Ministry of the Interior (“the Ministry”), the latter being also the initiator of the project. Due to the scope and complexity of the field of control over the police, we limited the research to those segments of the system that were identified as a priority in the tender for the project, and on our own initiative we extended it to selected areas of external control over the police. In addition to the systematic supervision of police work within the Ministry the complaints mechanism against the police and internal control in the police, the survey also includes four external supervisors: the Ombudsman, the Information Commissioner, the Specialised State Prosecutor’s Office and the Legal-Information Centre for NGOs. In this regard, we need to clarify that we have focused our research exclusively on the selected institutions of external control. Wider, all-embracing research into the supervision of the police by independent national supervisory bodies and international monitoring mechanisms, the public prosecutor and civil society was not included in our project. The same applies to parliamentary and judicial oversight of the police – these two areas were not addressed either. In our view, due to their exceptional scope and complexity, each of them deserves its own research project.

A year and a half of intensive research is behind us. Due to the outbreak of the COVID-19 epidemic, this period was quite turbulent and, during the work on the project, control of the police also became a political and media issue *par excellence*. Fortunately, the latter had no impact on our work as we were focusing all our energy and efforts on achieving our research goals. Some partial findings of the research have already been published, in one way or another. Among these, we would like to highlight the publication of a collection of papers on the organisation and control of the police in selected countries and the organisation of a one-day conference on the situation and its challenges in the field of control over the police in Slovenia.

Another of our goals from the work program was to publish a themed issue of the Journal of Criminal Justice and Security. We are therefore particularly pleased that, with some delay, this issue has finally seen the light of the day and will reach readers. In agreement with the editor-in-chief of the journal, we decided to publish the themed issue in English. In this way, we want to acquaint the interested international professional public with the partial results of the project and thus with the challenges of the current situation in selected areas of control over the police in Slovenia.

Each member of the project team either independently or in co-authorship contributed an article on current issues and challenges in selected areas of surveillance of the police covered by the research and it was agreed that my article

would be the first in line. It focuses on the problem of the independence and impartiality of the complaints procedure against the police in Slovenia. The project team carried out an analysis of the legal regulation of the complaints procedure regarding the work of police officers and the results of previous research in the field. Based on the findings, we conducted a structured interview with a general questionnaire in written form and oral interviews with the employees of the Ministry who perform and monitor the complaints procedures. The key question that arises here is whether the conciliation proceedings before the head of the police unit as well as the proceedings before the panel can meet the imperatives of the independence and impartiality within their current formal/institutional framework, i.e. within the police and the Ministry.

Our survey revealed that the current regulation of complaints has advantages and disadvantages. According to the interviewees and in line with a wider professional consensus, complaints procedures should in future be carried out outside the Ministry and the police. This would mean that complaints procedures would gain what they lack at present, that is the appearance of impartiality and formal/institutional independence. Considering the path travelled so far, our view is that this should be a natural development. An attempt to establish a so-called state supervisor, an idea which is more than a decade old, failed in Slovenia because the planned reform did not break through to the agenda of political decision-makers. Currently the situation is unchanged – the authorities unite and weaken supervisors, instead of making them independent and more efficient.

In her article, Maja Modic focuses on the implementation of systemic supervision of police work, in particular on the operations of the Division for System Guidelines and Supervision of the Police, which operates within the Police and Security Directorate of the Ministry. Researching this segment of the system of control over the police in Slovenia, the project team first examined how systemic supervisory activity of the work of the police within the Ministry is regulated by law, limiting ourselves to the work of the Division for System Guidelines and Supervision of the Police. Based on the findings and an additional review of anonymised supervision reports, we prepared a questionnaire and conducted a structured written interview as well as oral interviews with the Division's employees.

By interviewing supervisors, we explored how they perceive their own work and the organisation, operation and effectiveness of systemic supervision of police work. More particularly, we were interested in their assessment of the regulatory framework that applies to their work tasks, as well as in their opinion on personnel issues such as staffing, occupancy and staff education and training opportunities. We asked the supervisors for information regarding the number and frequency of supervision inspections carried out, clarification on how supervision inspections are ordered and their views on cooperating with the subjects of supervision as well as the main external supervision providers. Among other things our survey revealed that systemic supervision efforts are contributing significantly to the quality of policing; however, there are certain challenges to overcome that leave some room for improvement, the main one being the inefficient implementation of supervision findings coupled with a lack of consistency in updating employees on police supervision reports.

Branko Lobnikar and Kiara Ropoša present the findings of a survey conducted using a sample of internal surveillance providers in the Slovenian police. Internal control is a sensitive topic since it can raise questions about certain practices that are deeply rooted within police traditions and culture. As a result, improving internal mechanisms to monitor peers and identify abusive behaviour by police officers, including the most high-ranking, is not an easy task. The purpose of this segment of the research was to analyse the regulation, operation and efficiency of the processes of internal control in the Slovenian police through the perspective of internal control providers. In the empirical part of the survey, we conducted seven structured interviews with internal control providers at all levels.

We found that the implementation of internal control visibly contributes to improving the quality of police performance, but there are still challenges and opportunities for improvement. One of the main challenges is to ensure that police officers are well informed about control reports, and that the findings are applied effectively. The interviewees agreed that the transfer of surveillance findings into daily police practice contributes greatly to improving the knowledge and legality of the exercise of police powers. In this regard, our analysis drew attention to the need for systematic regular testing of police officers' knowledge in this area. According to the interviewees, this could be achieved by using methods already established and strengthening the role of police instructors in this field.

The authors of the fourth and last article in this themed issue are Bojan Tičar and Jona Koren Fric. Their paper presents an overview of audit-case studies of the Slovenian Court of Audit where the subject of the audit was police financial operations. In this segment of the research, the research team analysed legal regulation of the power of the Court of Audit to audit the operations of the police, carried out a case-study analysis and conducted a structured interview in written form with the Court of Audit's supervisors. Questions directly addressed to the Court of Audit concerned external audits of police operations by the Court of Audit and an assessment of its cooperation with the police.

Our analyses discerned that individual police units have been the subject of three audits from the time Court of Audit operations began until today; however, the Court has never carried out a regularity or performance audit of the police. While the reviews performed by the Court of Audit typically focus on the regularity of payroll accounting and the administration of the payment of salaries, public procurement, planning and investing, audits of the police were mostly limited to their financial operations. The primary reason that in-depth audits of the police are fairly rare lies in the limited human and financial resources of the Court of Audit, frequent legislative changes and the large number of users of public funds that the Court of Audit must supervise.

While exploring and assessing the efficiency of cooperation between the two entities, we found, among other things, that the Court of Audit and the police signed an agreement in 2013 following criticism of the Court of Audit for not notifying the police of audit findings often enough. The agreement contains the Court of Audit's commitment to hand over to the police certain parts of audit reports and relevant documentation. This cooperation is intended to contribute to the greater efficiency of both authorities, as all types of abuses of the financial

interests of Slovenia and the European Union should thereby be uncovered and investigated faster and more easily.

By publishing this themed issue of the Journal of Criminal Justice and Security, we wish to contribute to further development of the professional and scientific debate on surveillance of the Slovenian police and, thus, to contribute to improving the quality and integrity of policing as a whole. After all, integrity and professionalism are core values that are essential to legitimate policing, while failure by the police to perform their role legitimately can have far-reaching detrimental consequences for society.

Associate Prof. Benjamin Flander, PhD
Guest Editor

Prof. Branko Lobnikar, PhD
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Uvodnik

Dragi bralci.

Trije raziskovalci in raziskovalka s Fakultete za varnostne vede Univerze v Mariboru smo spomladi leta 2019 začeli z izvajanjem ciljnega raziskovalnega projekta »Učinkovitost sistemskega nadzora nad policijo na področju spoštovanja človekovih pravic ter zakonskih in strokovnih standardov policijskega dela (V5-1942)«. Raziskavo sofinancirata Javna agencija za raziskovalno dejavnost Republike Slovenije (ARRS) in Ministrstvo za notranje zadeve (MNZ), ki je hkrati tudi pobudnik projekta. Zaradi obsežnosti in kompleksnosti področja nadzora nad policijo smo raziskavo omejili na tiste segmente sistema nadzora, ki so bili kot prioritetni opredeljeni v razpisnem gradivu projekta, samoiniciativno pa smo jo razširili tudi na izbrana področja zunanjega nadzora. V raziskavo so bili tako poleg sistemskega nadzora nad policijo, ki se izvaja v okviru Ministrstva za notranje zadeve, pritožbenega mehanizma zoper policijo in internega nadzora v policiji vključeni še štirje zunanji nadzorniki, in sicer Varuh človekovih pravic, Informacijski pooblaščenec, Specializirano državno tožilstvo Republike Slovenije in Pravno-informacijski center nevladnih organizacij. Cilj našega raziskovalnega projekta ni bil celovita raziskava področja nadzora, ki ga nad policijo izvajajo samostojni nadzorni organi ter domači in mednarodni monitoring mehanizmi, vključujoč državnotožilski nadzor ter državljanski in civilnodružbeni nadzor nad policijo, zato smo raziskovalno pozornost omejili na izbrane institucije. Enako velja za parlamentarni in sodni nadzor nad policijo – področji nadzora, ki se jima v ciljnem raziskovalnem projektu zaradi omejenosti resursov nismo uspeli posvetiti. To pa ne pomeni, da si ti vidiki nadzora nad policijo ne bi zaslužili raziskovalne pozornosti – to delo nas čaka v prihodnje.

Za nami je leto in pol intenzivnega raziskovanja, ki je bilo zaradi razglasitve epidemije koronavirusne bolezni precej turbulentno, zaradi kontroverznih dejavnosti nekaterih nadzornikov (natančneje: enega nadzornika) pa je nadzor nad policijo prav v času izvajanja projekta postal tudi politična in medijska tematika *par excellence*. Slednje na naše delo ni imelo posebnega vpliva, energijo in napore smo vseskozi usmerjali v uresničevanje zastavljenih raziskovanih ciljev. So pa ti dogodki pokazali, kako ranljiva je lahko policija; ne glede na dejstvo, da si je v zadnjih desetletjih prizadevala za status profesije, je avtonomnost pri izvajanju policijskih nalog lahko omejena zaradi partikularnih intervencij nosilcev moči, ki imajo tudi nadzorstveno moč.

Za nekatere objave delnih ugotovitev raziskave smo poskrbeli že med izvajanjem projekta. Omembe vredna je predvsem izdaja zbornika s prispevki o organizaciji in nadzoru policije v izbranih državah in organizacija posveta o stanju in izzivih na področju nadzora nad policijo v Sloveniji. Med cilji, ki smo jih opredelili v programu dela, je bila tudi izdaja tematske številke revije *Varstvoslovje*, ki jo imate pred sabo.

Zelo smo veseli, da je z nekaj zamude tematska številka končno ugledala luč sveta in bo dosegla bralce. Primarni namen objave tematske številke o nadzoru nad policijo je objava delnih rezultatov raziskovalnega dela projekte skupine in njenih članov. V dogovoru z glavnim in odgovornim urednikom revije smo se

odločili, da tematska številka izide v angleščini. Na ta način želimo z delnimi rezultati ciljnega raziskovalnega projekta ter s tem s stanjem in izzivi na izbranih področjih nadzora nad policijo v Sloveniji seznaniti zainteresirano mednarodno strokovno javnost. Vsak izmed članov projektne skupine je bodisi v samostojnem avtorstvu bodisi v soavtorstvu prispeval članek o aktualni problematiki in izzivih na izbranih področjih nadzora nad policijo, ki so bila zajeta v raziskavo.

V dogovoru s člani projektne skupine in uredništvom revije je bil v vrstni red prispevkov kot prvi uvrščen članek, ki ga je prispeval vodja raziskovalnega projekta Benjamin Flander. Prispevek se osredotoča na analizo neodvisnosti in nepristranskosti pritožbenega postopka zoper policijsko delo v Sloveniji. V prispevku je predstavljena analiza pravne ureditve pritožbenega postopka glede dela policistov, povzeti pa so tudi rezultati do zdaj opravljenih raziskav. Na podlagi teh ugotovitev so raziskovalci pripravili strukturirane intervjuje, ki so bili opravljeni z uslužbenci Ministrstva za notranje zadeve, ki vodijo pritožbene postopke. Ključno vprašanje, ki ga je Benjamin Flander v svojem prispevku analiziral, je, ali lahko pomiritveni postopek pred vodjo policijske enote in/ali postopek pred senatom izpolni imperative, zapisane v zakonu ob upoštevanju trenutnega formalnega ter institucionalnega okvirja te obravnave. Raziskava je pokazala, da ima sedanja ureditev pritožbenega postopka nad policisti prednosti in slabosti. Po besedah sogovornikov bi morali v skladu s širšim strokovnim soglasjem postopke za pritožbe v prihodnje izvajati zunaj Ministrstva za notranje zadeve in policije. To bi pomenilo, da bi pritožbeni postopki pridobili tisto, kar jim trenutno manjka, in sicer popolni videz nepristranskosti in formalne/institucionalne neodvisnosti. Glede na do zdaj prehojeno pot bi moral biti po našem mnenju to naraven razvoj dogodkov in pritožbenega mehanizma zoper delo policistov. Poskus ustanovitve tako imenovanega državnega nadzornika, ideja, stara več kot desetletje, je v Sloveniji začasno zastal, ker se načrtovana reforma ni prebila na agendo političnih odločevalcev. Trenutno položaj na tem področju ni nič drugačen – v Sloveniji oblast združuje in/ali slabi nadzornike, zato je krepitev neodvisnih in učinkovitih nadzornih mehanizmov v Sloveniji na splošno, pa tudi na področju nadzora policijske dejavnosti, še vedno naloga za prihodnje dni.

Maja Modic v svojem članku predstavlja ugotovitve raziskave o sistemskem nadzoru nad policijskim delom. Natančno predstavi delo Sektorja za sistemske usmeritve in nadzor policije, ki deluje v okviru Direktorata za policijo in druge varnostne naloge MNZ. Na podlagi ugotovitev in dodatnega pregleda anonimiziranih nadzornih poročil smo pripravili vprašanja za strukturiran intervju z zaposlenimi nadzorniki v sektorju. Avtorica je proučila, kako dojemajo lastno delo in organizacijo nadzorstvene dejavnosti ter kako ocenjujejo učinkovitost sistemskega nadzora policijskega dela, predvsem pa jo je zanimala njihova ocena regulativnega okvira njihovega delovanja. Njena analiza je vključevala tudi vprašanja, vezana na pogoje izvajanja nadzorstvene dejavnosti, kot so kadrovanje, zasedenost in možnosti izobraževanja in usposabljanja zaposlenih. Avtorica je med drugim ugotovila, da prizadevanja za sistemski nadzor znatno prispevajo h kakovosti policijskega dela, vendar je pri tem treba primerno nasloviti določene izzive, ki puščajo nekaj prostora za izboljšave. Glavni izziv tako predstavlja

neučinkovito udejanjanje ugotovitev nadzora in pomanjkanje doslednosti pri posodabljanju poročil o policijskem nadzoru.

Branko Lobnikar in Kiara Ropoša v svojem prispevku predstavljata ugotovitve raziskave na vzorcu izvajalcev nadzorstvene dejavnosti znotraj slovenske policije. Namen njune analize je bil analizirati nadzorstveno dejavnost v slovenski policiji skozi perspektivo izvajalcev nadzora, ugotavljala sta odnos do nadzorstvene dejavnosti, s pomočjo intervjujev pa sta analizirala priložnosti in pomanjkljivosti nadzorstvene dejavnosti v slovenski policiji v odnosu do systemskega nadzora. V raziskavi sta ugotovila, da je nadzor, pa naj ga izvajajo nadzorovalci Ministrstva za notranje zadeve ali Policije, prepoznan kot pomemben element vodenja policijske organizacije. Intervjuvanci so poudarili pomen policijskih vodij – tako z vidika načrtovanja nadzorstvene dejavnosti kot z vidika prenosa ugotovitev nadzora v neposredno policijsko prakso. Eden glavnih izzivov je skrb za seznanjanje policistov s poročili o nadzorih in učinkovita implementacija ugotovitev nadzorov ter prenos ugotovitev v vsakodnevno policijsko prakso. Prenos ugotovitev nadzora je po ugotovitvah raziskave mogoče zagotoviti s pomočjo digitalizacije procesov dela policistov, z uveljavljanjem na standardih utemeljenih modelih policijskih postopkov ter s preverjanjem kompetenc policistov.

Avtorja četrtega članka v tej tematski številki sta Bojan Tičar in Jona Koren Fric. Njun članek predstavlja pregled revizijskih študij finančnega poslovanja slovenske policije, ki jih je opravilo Računsko sodišče Republike Slovenije. Avtorja sta v prispevku opisala pravno ureditev in pristojnosti računskega sodišča za revizijo poslovanja policije in izvedla analizo študije primera in izvedla strukturirane intervjuje z nadzorovalci iz računskega sodišča. Ugotovila sta, da so bile posamezne policijske enote v času od začetka delovanja računskega sodišča do danes predmet treh revizij, vendar pa policija kot celota ni bila nikoli predmet revizije. Medtem ko se na splošno pregledi računskega sodišča običajno osredotočajo na pravilnost obračuna in izplačila plač, javna naročila ter načrtovanje in izvajanje naložb, so bile revizije policije večinoma omejene na njihovo finančno poslovanje. Glavni razlogi, da so poglobljene revizije policije, ki jih opravlja računsko sodišče, dokaj redke, so omejeni človeški in finančni viri računskega sodišča, pogoste zakonodajne spremembe in veliko število uporabnikov javnih sredstev, ki jih mora računsko sodišče nadzorovati. Med proučevanjem učinkovitosti sodelovanja med obema institucijama sta avtorja med drugim poudarila, da sta Računsko sodišče RS in Policija leta 2013 podpisala sporazum o sodelovanju, katerega namen je bil okrepiti učinkovitosti obeh oblastnih institucij, saj bi s tem lažje in hitreje odkrili in preiskali vse vrste zlorab, ki so bile storjene proti finančnim interesom Slovenije in Evropske unije.

S prispevki v tematski številki revije Varstvoslovje želimo prispevati k strokovno-znanstveni razpravi o nadzoru nad policijo in nadaljnji krepitvi demokratičnega nadzora nad organom, ki s svojimi pooblastili lahko korenito poseže v temeljne človekove pravice, legitimnost ali morebiti nelegitimnost njegovega delovanja pa je navsezadnje tudi del identitete družbe in države. Našo raziskavo, in tudi prispevke v tej številki revije razumemo kot začetek dejavnosti, ki jo bomo v prihodnje razširili tudi na druge, zgoraj omenjene vidike nadzorstvene dejavnosti nad osrednjo institucijo za zagotavljanje varnosti v

Sloveniji. V uredništvu upamo, da bodo tudi naši prispevki dodali kamenček v mozaik uspešnosti in učinkovitosti nadzorstvenega procesa nad oblastnimi institucijami v Sloveniji. To je naš prispevek na pogosto postavljeno vprašanje pred kratkim preminulega slovenskega kriminologa Janeza Pečarja: *Quis custodiet ipsos custodes?*

Izr. prof. dr. Benjamin Flander
Gostujoči urednik

Prof. dr. Branko Lobnikar
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