



University of Maribor

Faculty of
Criminal Justice and Security

Criminal Justice and Security in Central and Eastern Europe:

Safety, Security, and Social Control in Local Communities

Conference proceedings

Gorazd Meško, Branko Lobnikar (eds.)

Ljubljana, September 2016

This publication was published in September 2016 by the Faculty of Criminal Justice and Security, University of Maribor, Kotnikova 8, 1000 Ljubljana, Slovenia, and is the result of the Eleventh Biennial Conference *Criminal Justice and in Central and Eastern Europe: Safety, Security, and Social Control in Local Communities* held at the Faculty of Criminal Justice and Security, University of Maribor (www.fvv.uni-mb.si/conf2016) on 26-27, September 2016.

Copyright © by Faculty of Criminal Justice and Security, University of Maribor, Slovenia.

The conference Criminal Justice and Security in Central and Eastern Europe: Safety, Security, and Social Control in Local Communities was organised with the support of Slovenian Research Agency as a part of a research programme on Safety and Security in Local Communities, grant number: P5-0397 (2015-2018).

This publication consists of peer reviewed conference papers only. These conference proceedings are included in the *Conference Proceedings Citation Index* (Thomson Reuters). The editors are grateful to all authors for their contributions to this publication and peer reviewers for their valuable contributions to the improvement of draft papers. The authors stated that final versions of their papers have been proof read by a native English speaking person.

Publisher:

*University of Maribor
Faculty of Criminal Justice and Security*

Editors:

Gorazd Meško and Branko Lobnikar

Threshold:

Tipografija, d.o.o.

Cover page design:

Tipografija, d.o.o.

Available at:

<https://www.fvv.um.si/conf2016/files/Criminal-Justice-CE-Europe.pdf>

Ljubljana, September 2016

CIP - Kataložni zapis o publikaciji
Narodna in univerzitetna knjižnica, Ljubljana

343.1(4-11-191.2)(082)(0.034.2)

CRIMINAL justice and security in Central and Eastern Europe [Elektronski vir] : safety, security, and social control in local communities : conference proceedings / Gorazd Meško, Branko Lobnikar (eds.). - El. knjiga. - Ljubljana : Faculty of Criminal Justice and Security, 2016

Način dostopa (URL): <https://www.fvv.um.si/conf2016/files/Criminal-Justice-CE-Europe.pdf>

ISBN 978-961-6821-59-9 (pdf)

I. Meško, Gorazd
286721792

TABLE OF CONTENTS

INTRODUCTION	
<i>Gorazd Meško, Branko Lobnikar</i>	7
INTRODUCTORY REFLECTIONS	9
RESEARCHING SAFETY AND SECURITY IN LOCAL COMMUNITIES IN SLOVENIAN – A BRIEF OVERVIEW AND FUTURE RESEARCH CHALLENGES	
<i>Gorazd Meško</i>	11
SOCIAL CRIME PREVENTION IN URBAN MUNICIPALITIES IN SLOVENIA	
<i>Benjamin Flander, Aleš Godec, Branko Ažman</i>	26
COMMUNITY POLICING STRATEGY IN CROATIA: WHAT DO WE KNOW AND WHAT DO WE NOT KNOW AFTER 15 YEARS OF IMPLEMENTATION?	
<i>Irena Cajner Mraović, Vladimir Faber</i>	39
MUNICIPAL POLICE IN THE REPUBLIC OF SERBIA	
<i>Želimir Kešetovič, Bogoljub Milosavljević</i>	50
THE ROLE OF LOCAL PREVENTION COUNCILS IN PREVENTION OF SOCIO- PATHOLOGICAL PHENOMENA IN THE CITY OF SKOPJE	
<i>Saše Gerasimoski, Marjan Arsovski</i>	59
COMMUNITY POLICING IN SERBIA: BETWEEN TRADITION AND CONTEMPORARY CHALLENGES	
<i>Danijela Spasić, Saša Milojević</i>	67
LOCAL GOVERNMENTAL LAW ENFORCEMENT IN HUNGARY	
<i>József Bacsárdi, László Christián</i>	84
THE MEDIA IMAGE OF POLAND'S MUNICIPAL GUARDS	
<i>Michalina Szafrńska, Anna Wojcieszczak</i>	99
CRIME, SAFETY AND SECURITY – ANALYSES OF POLICIES, PROCESSES AND PATTERNS	115
POLICE IN LOCAL CRIME PREVENTION – EXPERIENCES FROM SERBIA	
<i>Slaviša Vuković, Saša Mijalković, Goran Bošković</i>	117
ENSURING LOCAL SAFETY – TRAFFIC SAFETY IN THE MUNICIPALITY OF LJUBLJANA	
<i>Urška Pirnat, Marko Mlaker</i>	128
PROPERTY CRIMES AT PETROL STATIONS IN SLOVENIA (2008-2013) AND SITUATIONAL CRIME PREVENTION	
<i>Sara Korpič</i>	137
COMBINATION OF PROPERTY CRIME HOT SPOT ANALYSIS AND SITUATIONAL CRIME PREVENTION METHODS – A CASE STUDY OF LJUBLJANA	
<i>Rok Hacin, Katja Eman</i>	148
CRIME MAPPING IN THE REPUBLIC OF MACEDONIA	
<i>Marina Mališ Sazdovska, Damjan Temelkovski</i>	160
URBAN PLANNING OR URBAN MINING?	
<i>Evanne Cornette, Elizabeth Bailey</i>	168

POLICING	173
NEW SECURITY AGENDA OF THE EUROPEAN UNION AND ITS REFLECTIONS TO PHYSIOGNOMY OF THE POLICE MODELS <i>Ljubo Pejanović, Miodrag Komarčević, Petar Čelik</i>	175
A DEMOCRATIC GOVERNMENT AND THE NATIONAL SECURITY SYSTEM: CAPACITY BUILDING WITH EMPHASIS ON THE POLICE <i>Ljubo Pejanović, Mile Rakić</i>	188
LEADERSHIP COMPETENCIES FOR POLICING LOCAL COMMUNITIES IN EUROPE AND SLOVENIA <i>Emanuel Banutai, Milan Pagon, Iztok Podbregar, Branko Lobnikar</i>	195
THE IMPORTANCE AND IMPACT OF PERCEIVED VALUES ON JOB SATISFACTION IN SLOVENIAN POLICE <i>Nina Tomažević, Janko Seljak, Aleksander Aristovnik</i>	204
RISKS, POLICIES AND SOCIAL CONTROL	219
EXAMINING RISK AS A POLITICAL CONSTRUCT: THE IMPACT OF CHANGING VIEWS OF THE PREVAILING THREATS TO PUBLIC SAFETY ON THE DEFINITION OF RISK <i>Jasmina Arnež</i>	221
COMMUNITY COORDINATED RESPONSE TO CHILD SEX TRAFFICKING: INSIGHTS FROM PROCESS AND OUTCOME EVALUATIONS <i>Mary A. Finn</i>	229
CHILD ABUSE AND EXPLOITATION THROUGH INFORMATION AND COMMUNICATION TECHNOLOGIES IN SARAJEVO, BOSNIA AND HERZEGOVINA <i>Elmedin Muratbegović</i>	236
VIOLENCE, TERRORISM AND WAR	249
THE CHALLENGES OF UNDERSTANDING VIOLENCE IN CONTEMPORARY SOCIETY: A SOCIOLOGICAL APPROACH <i>Renato Matić, Anita Dremel</i>	251
VIOLENCE AMONG YOUTH POPULATION IN THE REPUBLIC OF MACEDONIA <i>Marina Mališ Sazdovska, Sara Sazdovska</i>	260
IS MIGRATION CRISIS CAUSED BY TERRORISM? ANALYSIS OF NATIONAL MEDIA CONTENT OF CROATIAN AND FOREIGN ONLINE MEDIA PORTALS <i>Matea Penić Sirak</i>	268
DERADICALIZATION OF FOREIGN FIGHTERS <i>Andre Konze</i>	277
CRIMINAL ACTS OF PARTICIPATION IN WAR AND ARMED CONFLICTS IN FOREIGN STATES IN THE LAW OF THE REPUBLIC OF SERBIA AND INTERNATIONAL STANDARDS <i>Aladin Šemović</i>	284
FAR BEHIND THE FRONTLINE: HYBRID WARFARE AND TERRORIST ATTACKS IN THE RUSSIA-UKRAINE CONFLICT <i>Julija Ruschenko</i>	292
THE EQUIVALENTS OF GENOCIDAL INTENT IN ABORTION LAWS <i>Dragan Dakić</i>	300

DRUGS, CRIME AND SOCIAL CONTROL.....	313
THE DETERMINATION OF CAUSAL CONNECTION BETWEEN DRUG ABUSE AND CRIME COMMITMENT	
<i>Velimir Rakočević.....</i>	<i>315</i>
DRUG POLICY FOR ILLEGAL NON-COMMERCIAL ACTIVITIES WITH NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES AND HUMAN RIGHTS: PRINCIPLES OF INDIVIDUAL AUTONOMY AND THE RIGHT TO PRIVACY	
<i>Edita Gruodytė.....</i>	<i>325</i>
ONLINE COUNTERFEIT MEDICINE TRADE IN SLOVENIA	
<i>Danijela Frangež, Boštjan Slak.....</i>	<i>337</i>
THE TRANSITION OF PRESCRIPTION PILLS TO HEROIN IN LOCAL COMMUNITIES IN THE UNITED STATES	
<i>Alexander Cundiff, Cesar Esmeral.....</i>	<i>351</i>
GREEN CRIMINOLOGY – WATER CRIMES.....	357
WATER, INEQUALITIES AND INJUSTICE: SOCIAL DIVISIONS, RACISM AND COLONIALISM – PAST AND PRESENT	
<i>Avi Brisman, Nigel South.....</i>	<i>359</i>
PROVIDING WATER SUPPLY IN LOCAL COMMUNITIES – A CASE STUDY OF SLOVENIA	
<i>Katja Eman, Saša Kuhar, Gorazd Meško.....</i>	<i>367</i>
CRIMINAL INVESTIGATION, FORENSICS AND CRIMINAL JUSTICE ISSUES....	375
THE ATTITUDE TOWARDS THE INDIVIDUAL QUALITIES AND ABILITIES OF AN OFFICER OF PRE-TRIAL SERVICES – ESTABLISHING A PROFILE OF INVESTIGATOR’S PROFESSION	
<i>Žaneta Navickienė, Ingrida Kairienė.....</i>	<i>377</i>
THE CONCEPT AND EVALUATION OF THE ENTRAPMENT IN THEORY AND PRACTICE	
<i>Mindaugas Bilius.....</i>	<i>388</i>
CLINICAL FORENSIGRAPHY AND ITS LEGAL FRAMEWORK IN AUSTRIA	
<i>Reingard Reiner-Hofer.....</i>	<i>395</i>
LEGAL ASPECTS OF LOW-THRESHOLD EXAMINATION SERVICE IN AUSTRIA	
<i>Sophie Kerbacher, Michael Pfeifer, Reingard Riener-Hofer.....</i>	<i>404</i>
ADVOCACY FOR ACCREDITATION OF THE FORENSIC LABORATORIES OF THE WESTERN BALKAN COUNTRIES IN ISO/IEC 17025:2005 AND ENHANCEMENT OF THEIR MUTUAL COOPERATION	
<i>Aleksandar Ivanović, Vladimir Ragozin, Dragica Vučinić.....</i>	<i>413</i>
CONFISCATION WHITE-COLLAR CRIME PROCEEDS IN THE REPUBLIC OF MACEDONIA	
<i>Svetlana Nikoloska, Jovche Angjeleski.....</i>	<i>422</i>
CORRUPTION – THE GREATEST IMPEDIMENT TO THE EFFECTIVE FUNCTIONING OF A MODERN STATE?	
<i>Zdravko Skakavac, Sanja Skakavac.....</i>	<i>434</i>
ZERO TOLERANCE OF CORRUPTION? – THE ACT OF SYSTEMIC INVESTIGATION OF PROJECTS OF NATIONAL IMPORTANCE	
<i>Mojca Rep.....</i>	<i>442</i>

PRISONER OFFICERS' TRAINING IN SLOVENIA <i>Rok Hacin</i>	451
TEACHING ENGLISH COLLOCATIONS TO LAW ENFORCEMENT STUDENTS BASED ON EU LEGAL ACTS ON IMMIGRATION <i>Vesna Trajkovska, Snežana Nikodinovska-Stefanovska</i>	460
SECURITY TOPICS	469
SHARING OPEN SOURCE DATA BETWEEN NATIONAL INTELLIGENCE SERVICES AND COMPANIES REGARDLESS THEIR OWNERSHIP <i>Darko Prašiček</i>	471
QUALITY ANALYSIS OF THE PROJECT COMPETENCE CENTRE FOR THE TRAINING OF SECURITY PERSONNEL <i>Tomaz Čas, Mojca Rep</i>	480
ROLE OF CORPORATE SECURITY <i>Tatjana Gerginova</i>	490
LIST OF CONTRIBUTORS	498

Introduction

The eleventh *Biennial International Conference Criminal Justice and Security: Safety, Security, and Social Control in Local Communities* was held on 26 - 27 September 2016, in Ljubljana, Slovenia. This year the Faculty of Criminal Justice and Security is celebrating the 20th anniversary of the Conference (1996-2016), which proves not only the persistence and commitment of its organisers but also how important it is to researchers and practitioners. Organized by the Faculty of Criminal Justice and Security, University of Maribor, Slovenia, the Conference is supported by the European Group of Research into Norms, Guyancourt, France; College of Justice and Safety, Eastern Kentucky University, USA; School of Criminal Justice, Michigan State University, USA; Department of Criminology, University of Leicester, UK; ACUNS - The Academic Council on the United Nations Systems; Transcrime - The Joint Research Centre on Transnational Crime of the Catholic University of the Sacred Heart of Milan and the University of Trento, Italy; the Faculty of Law, Lomonosov - Moscow State University, and the Ministry of the Interior, Republic of Slovenia.

The primary aim of the Conference is to engage in the exchange of views, concepts, and research findings among scientists, researchers, and practitioners covering a broad range of local and universal safety-and-security and criminal justice topics. Such a diverse scholarly coverage of numerous topics and themes in criminology, criminal justice, security and related disciplines by the experts from all around the world created an opportunity for those from Central and Eastern Europe to present their views and research. Hence, the Conference highlighted new ideas, methods, and findings spanning numerous research topics and applied areas relating to local safety and security (e.g., a review of research on local safety, security and crime prevention, local safety and security councils, community policing, analysis of local crime and incivilities, etc.). A total of 75 papers was presented.

The concept of safety and security and its evolving nature make it a challenging topic of research. And while the concept is not unfamiliar to Central and Eastern European scholars in criminal justice and related disciplines, it is a lack of research into rapidly changing security threats that is more challenging, perhaps. Different views are reflected in a number of papers included in this publication, but if viewed collectively, they will hopefully provide the reader with a rich and diverse overview (and insight) into the type of issues and research emerging in the region. They will show, quite evidently, that regional scholars are becoming increasingly interested in and receptive to exploring and examining the importance of organisation of local safety and security, evidence-based responses to crime and other threats - not to mention the ever-changing nature of safety and security challenges in the region - which are not based on perceptions only but require firm legal regulations to protect the values of the people.

It is important to mention that the majority of the Conference participants and contributors to this volume are not native English-speaking researchers. Therefore, we would like to thank the authors for all their efforts in preparing their papers in English. All the papers were peer reviewed. In the editorial process, however, a number of them had to be excluded for various reasons.

This publication comprises 47 papers, with the majority of contributions coming from the Central and Eastern European regions. We hope that in addition to inspiring a continued interest in and an expansion of both richness of the topics and the areas studied, they will attract interest from other regions of the world to perhaps engage in comparative projects that could benefit the wider global criminology, criminal justice, and security research communities.

We would like to acknowledge the support of all peer reviewers for their helpful comments on draft papers and thank Dr. Katja Eman, Rok Hacin, Kaja Prislan, and Bernarda Tominc for their administrative support. We are also grateful to all the members of the programme and organising committees for their support in organising this significant scientific event. Last but not least, our thanks go to the authors of the papers who made this publication possible.

Gorazd Meško & Branko Lobnikar
Editors

PLENARIES – LOCAL SAFETY AND SECURITY

RESEARCHING SAFETY AND SECURITY IN LOCAL COMMUNITIES IN SLOVENIA – A BRIEF OVERVIEW AND FUTURE RESEARCH CHALLENGES

Gorazd Meško

ABSTRACT

Purpose:

The paper presents an overview of research into local safety/security in Slovenia in the 2000-2015 period and outlines a new research project focusing on safety/security in Slovene local communities (2015-2018) financed by the Slovene Research Agency.

Methods:

The paper is based on a literature review and provides a reflection of an ongoing research project focusing on safety/security in Slovene local communities.

Findings:

The literature review shows that there has been quite a substantial amount of research on a variety of topics related to local safety/security. However, there were no in-depth studies exploring the role of stakeholders in local safety/security and examining the entire range of factors defining the understanding and organisation of safety/security provision in a democratic country. In addition, to ensure evidence based responses to crime, incivilities and other safety and security threats, it is necessary to conduct follow up community surveys, analyse crime statistics and adapt to new security challenges from a critical perspective. A popular punitivity orientation which leads to a harsher punishment even for minor offences should be balanced with the efforts to improve the quality of life of residents in local communities. Even if there have been ups and downs, community policing as the most prominent form of policing stated by the Slovenian police has achieved a significant development in the last fifteen years. The police are still lacking support from potential partners due to a lack of trust and support in real situations where the public expects the police to have authority and ability to be effective in solving a variety of security problems. On the other hand, local communities are developing local policing (municipality wardens) which are to a limited extent competing with the police in policing public space in local communities. The idea of our research project is to develop an evidence based model for the improvement of the resilience of local communities in regard to contemporary security challenges.

Research limitations:

The paper is limited mainly to Slovenian research on local safety and security.

Originality:

The paper presents an overview of selected studies and publications on local safety/security and explores challenges for future research.

Keywords: local communities, safety, security, research, Slovenia

I INTRODUCTION

The present paper contains an overview of numerous contributions, which serve as a basis for activities conducted by the Programme Board of the Faculty of Criminal Justice and Security, University of Maribor, in the scope of a project entitled *Safety and Security in Local Communities* (P5-0397 (A), 2015–2018). The idea for the project was formulated on the basis of previous national and international research activities carried out by participating researchers (Meško, Sotlar, Lobnikar, Jere & Tominc, 2012; Meško, Tominc & Sotlar, 2013; Meško, Sotlar & Lobnikar, 2014) and is aimed at exploring the provision of safety/security in Slovene municipalities.

The research project is expected to address the safety/security issues by examining the relationships between safety and security at the national and local levels; legal aspects related to the provision of safety/security in local communities/municipalities (Sotlar, 2015); management and coordination in the field of safety/security (local safety councils, cooperation between the police and municipal wardens, social policy etc.) (Meško & Lobnikar, 2005); patterns and distributions of deviant behaviour (particularly crime and violations of public policy, law and order) in municipalities (Meško, et al. , 2003; Hacin & Eman, 2015); the quality of life of different

groups living in neighbourhoods (particularly perceptions of threat and insecurity) (Meško, Fallshore, Muratbegović & Fields, 2008); and migration, multicultural communities and activities aimed at reducing cultural conflicts (Bučar Ručman, 2015). The project also aims to explore the scope of situational (Meško, 2002) and social prevention (Jere, Meško & Kanduč, 2011). In order to account for the fact that we live in an ever more technology-dependent society, part of the research project is also dedicated to residents' cybersecurity (Bernik, 2015). In addition, the project will examine examples of best practices in the field of providing safety/security and preventing different types of deviant behaviour. The main objective of the project is to conduct a comprehensive study into the issue of safety/security, and the provision of safety/security in Slovenia with the view of presenting its results to policy-makers responsible for the provision of safety/security at national and local levels, as well as to experts, researchers and practitioners at the international level. The research project represents an attempt to bring the so-called evidence-based provision of local safety/security into practice.

After 2000, several projects dedicated to the provision of safety/security in local communities were conducted in Slovenia; however, an in-depth research study into the safety/security in Slovene local communities has not been carried out yet (Meško, 2015b).

After 2000, some criminal justice and criminology research endeavours focusing on safety/security in local communities were dedicated to the development of policing following Slovenia's independence in 1991 (Meško & Klemenčič, 2007; Meško, Lobnikar, Modic & Sotlar, 2013); the development of community policing (Pagon & Lobnikar, 2001a, 2001b; Meško, 2001; Meško et al., 2000, 2012; Modic, Meško & Sotlar, 2013); crime prevention in local communities (Meško et al., 2003; Meško & Maver, 2012); activities of the local safety councils (Meško & Lobnikar, 2005; Meško et al., 2012); feelings and perceptions of threat (fear of crime) (Meško et al., 2008); the development of cooperation between various actors in the field of safety/security in local communities (Butchart et al., 2004; Meško et al., 2012); and the need for providing education and training to experts responsible for the coordination in the field of (public) safety/security in local communities (Meško, 2007; Meško et al., 2013; Tominc, 2015). Geographic analyses of crime distribution in Ljubljana were also conducted (Meško et al., 2003; Meško, Maver & Klinkon, 2010; Eman, Györkös, Lukman & Meško, 2013; Hacin & Eman, 2015). The following sections present certain research studies examining different aspects of safety/security provision in local communities in Slovenia.

2 AN OVERVIEW OF RESEARCH INTO SAFETY AND SECURITY IN LOCAL COMMUNITIES IN SLOVENIA IN THE 2000-2015 PERIOD

A project focusing on the fear of crime, preventive police work and public opinion regarding the Slovene police (Meško et al., 2000) was the first extensive project dealing with community policing. It was followed by another project exploring the conformity of residents' and police officers' expectations regarding community policing (Pagon & Lobnikar, 2001a) and a project examining the possibilities for establishing local police or redefining the role of state police (Pagon & Lobnikar, 2001b).

In the scope of activities performed by the Council of Europe, a handbook for local self-government authorities entitled *Urban Crime Prevention* was translated into the Slovene language (Meško, 2003) and a study into local preventive activities in eight European countries was conducted (Butchart et al., 2004). The study showed that local solutions and measures to address crime and other security issues (property crime containing elements of violence, violent behaviour in public areas, violence among youth, etc.) ought to be prioritised, since direct consequences of such offences are mostly felt at the local level. Apart from repressive responses, programmes for raising public awareness and programmes involving risk groups should also be developed. Naturally, this would require a great deal of political will and funding for various initiatives, which ought to prioritise measures of social nature and efforts aiming at raising the quality of life (activities involving youth, quality spare time activities, family-oriented initiatives, activities aimed at reducing the cultural conflict, empowering people in terms of problem solving, guaranteeing their rights, eliminating root causes for various conflicts etc.). Community policing, which is based on cooperation and seeks solutions beyond the (merely repressive) policing in order to reach consensus with the local community, has an important role in achieving these objectives.

A study dedicated to the work of local safety councils in Slovenia (Meško & Lobnikar, 2005; Meško et al., 2012) found that these functioned rather effectively in some municipalities, while they were merely a dead letter in others. Obstacles preventing greater efficiency could be found in vaguely defined roles of participating institutions and civil society representatives; differences in the understanding of security issues and partnership; the fact that such councils spent a great deal of time debating individual problems without devising specific activities and responsibilities; lack of consensus with respect to appointing the "principal actor" responsible for addressing an issue; general understanding that such safety councils are merely an extension of the police; lack of knowledge and unwillingness to cooperate; seeking local solutions to problems in a centralised regime; the fact that cooperation was based purely on goodwill expressed by representatives of national and local institutions; and the absence of adequate legislation.

Despite the aforementioned obstacles, safety councils also had certain positive effects. They contributed to the democratisation of social control, encouraged the participation of (responsible) citizens, represented a platform where different actors operating in the field of safety/security could meet and get to know one another, promoted awareness-raising activities, discussions about local security issues and the development of a mindset based on the "communities that care for their inhabitants" principle. The most appropriate (preventive) initiatives include the following measures (ranked according to their priority): 1) organised and systematic work with youth; 2) greater accessibility of spare-time activities; 3) higher level of professionalism with respect to policing; 4) measures aimed at reducing unemployment; 5) parenting programmes; 6) higher qualifications and competences of teachers working with children and youth; 7) eliminating social problems; 8) creating adequate social atmosphere at schools; 9) vocational training; and 10) policing problematic neighbourhoods. Additional analyses show that respondents advocated and supported ideas aimed at 1) raising the quality of life (social prevention), followed by endeavours involving 2) self-protection measures (individuals are responsible for their own safety/security), 3) activities undertaken by formal social control (police and criminal justice), and 4) the "market of security and preventive measures" (private security for wealthier individuals and NGOs for poorer groups of people) (Meško & Lobnikar, 2005).

2.1 Community Policing as the Principal Activity of (State) Police at the Local Level

An overview of practice and research in the field of community policing in Slovenia, which is based on the principles of cooperation between the police, residents and representatives of local communities (Meško et al., 2012; Modic, Sotlar & Meško, 2012), shows that community policing has not been fully established yet as an important element in the scope of democratic policing, since novel ways of its implementation in Slovenia were only launched some ten years ago. Nevertheless, there is evidence of tangible progress and it seems that the Slovene police managed to overcome problems, which usually appear with the implementation of new control strategies and philosophies. The successful development of community policing may be attributed to the planned efforts of the Slovene police, as community policing is one of its principal priorities. The fact that the Slovene police financed research endeavours focusing on policing, where community policing seems to be prioritised over other types of policing, is another element, which contributed significantly to the development of criminal justice and security studies. This is confirmed by numerous research studies conducted from the mid 1990s to the onset of the economic crisis in Slovenia. Research studies pointed to various issues, which the police attempted to resolve in cooperation with representatives of local communities to the best of their abilities (albeit not everywhere). Results of such studies show that residents were mostly satisfied with the level and extent of cooperation between the police and local environments. Residents also expressed a desire for greater accessibility and presence of police officers in the field, while police commanders felt that local communities were not showing sufficient interest in endeavours undertaken within advisory bodies. The police claimed to be aware of the need for greater partnership, to be user-oriented and to raise police officers' awareness about the fact that they were in the service of the people. Community policing turned out to be relatively efficient and successful in generating the feeling of safety/security among the public and in resolving safety/security issues in cooperation with local communities, even though certain expectations claiming that community policing would act as a panacea for all security-related problems had

failed. Initially, the Slovene police was faced with personnel issues, insufficient knowledge and lack of skills necessary to engage with people in line with the community policing principles. There were also certain problems related to the understanding of the concept and philosophy of community policing, as some police chiefs understood such activities merely as an extension of repressive measures undertaken by the police in certain problematic communities. With respect to the organisational culture within the police, community policing is becoming increasingly appreciated, since an ever-greater number of police officers believe that community policing contributed to the strengthening of social capital in Slovene society and that it represented an important part of policing as such. After all, it is the police itself that stands to benefit the most from its participation in local communities, since the success of its actions depends heavily on the people within the communities. Despite numerous efforts to establish local partnerships in the scope of community policing, the police continues to hold the main responsibility for resolving safety/security issues. Latest findings show that efficient community policing requires a high level of integrity on both sides and the respect for partnership in providing residents' security. According to respondents, greater efficiency in the field of security provision would therefore require adequate and reliable information in order to facilitate decision-making and subsequent action (Meško et al. , 2012).

Research into the geographic distribution of crime is strongly linked with police statistics and the quality of data on reported crime. A research project was dedicated to the geographic distribution of deviant behaviour in Ljubljana (Meško et al. , 2003). The study shows that reported crime is concentrated in the city centre and in the business, shopping and entertainment area (BTC City) in the suburbs. Results also show that situational prevention measures (private security and video surveillance systems in problematic areas) intensified during the same period. Analyses of the geographic distribution of crime in Ljubljana, the Slovene capital, point to the concentration of certain criminal offences in specific areas, which could serve as a basis for additional control and preventive activities. An analysis presented in a paper on the response to crime in Ljubljana demonstrates that approximately one third of all crime reported in Slovenia is actually dealt with by the police in the City of Ljubljana (Meško et al. , 2010). Similar studies presented practically the same conclusions (Hacin & Eman, 2015). Criminal offences reported by residents to the police are concentrated in highly transient areas, which are closely related to residents' daily routines (life, work, shopping). The main limitation of such studies lies in the fact that analyses focused on criminal offences, which were most frequently reported to the police, and did not include those illegal activities, which cause more damage than the usual property and violent crime, and infringements of public policy, law and order. The aforementioned study also generated an overview of areas across Ljubljana, where people tend to report the strongest fear of crime, however, its findings are not reliable due to low response rates. Nevertheless, the study shows that these areas are partly overlapping with those Ljubljana areas that record the highest rate of reported crime (Meško, et al. , 2010).

Findings of studies dedicated to the feelings and perceptions of threat, insecurity and fear of crime (Meško et al. , 2008; Vošnjak, 2011) show how important it is to examine feelings and perceptions related to crime and disorder, and triangulate data obtained from crime statistics, victimisation studies and studies focusing on residents' feeling and perceptions of threat (not only fear of crime, but also other types of threats affecting their quality of life). A study focusing on the fear of crime and the role of the police in reducing such fear shows conflicting impacts: in some areas, where police officers increased their presence and communication with the public, the fear of crime decreased; on the other hand, some people expressed higher levels of fear, as they were convinced that greater police presence means there was something wrong in their neighbourhoods. Interestingly, such opinions were not only expressed by residents but also by individual mayors (Meško et al. , 2012).

An in-depth review of discussions, practices and research projects related to community policing in Slovenia was also conducted (Modic et al. , 2012). In the past few years, certain changes were introduced in the legislation regulating community policing and the role of municipal warden services, which now obliges municipal wardens to devise, adopt and implement an annual municipal security plan in cooperation with the police (Tičar, 2015). In 2013, the Slovene police also adopted a new community policing strategy (Policija, 2013).

3 THE SAFETY AND SECURITY IN LOCAL COMMUNITIES IN SLOVENIA PROJECT (2015-2018)

In Slovenia, the provision of safety/security at the local level was not subject to any comprehensive studies, which would comprise an in-depth literature review and an assessment of the situation in all fields of safety/security in local communities, and serve as a basis for further discussions on the best possible organisation of security provision, the role of institutions at national and local levels, as well as the role of civil society. Furthermore, it is extremely important to collect adequate data, on the basis of which decision-makers may select relevant priorities (e.g. analyses of crime, cooperation between various actors, potential need for amending existing legislation due to inefficiency of institutions, sources of financing, such as the use of EU funds for improving the state-of-play and practices, fostering contacts between experts, organisation of joint meetings and training programmes etc.). On the basis of practical arrangements and research findings related to safety/security in European cities, it is possible to conclude that urban environments, particularly urban local communities, are faced with a significantly greater number of safety/security issues than other areas (Meško, Sotlar & Tominc, 2014). The dynamics of living in an urban area is much more intense, and the same could be said for crime and other types of deviant behaviour. Nevertheless, the research project will also involve smaller municipalities. The project will examine the extent and nature of crime and violations of public policy, law and order in selected Slovene towns and cities. In addition, a victimisation study, which will delve into the fear of crime and subjective perceptions of deviant behaviour, will also be conducted within the project. The project will examine different possibilities for preventing crime and violations of public policy, law and order. It will also study the competences of entities performing social control (municipalities, police, wardens) and their institutional capacities, the cooperation between social entities in responding to infringements and the functioning of local safety councils. With respect to the democratisation of social control, the project will examine the implementation of municipal security programmes. Research endeavours will also focus on identifying existing control practices in terms of finding solutions in the field of crime prevention and management of violations through social and situational measures, and on identifying efforts aimed at guaranteeing the highest quality of life for residents in urban areas. Basic topics, which will be considered in the research project, include European guidelines in the field of urban security (European Urban Charter, recommendations of the Council of Europe and other organisations); examples of best practices (prevention, awareness-raising programmes) from abroad and possibilities for transposing them into the Slovene social context; urban demography; migrations; crime, public policy, law and order; geographic distribution of deviant behaviour; residents' fear of crime (feelings and perceptions of threat); police activities at the local level and other factors in the scope of plural policing; legal frameworks defining the organisation of security/safety provision at the local level; relationships between different government levels (national-local) and the participation of civil society and the private sector in security/safety provision; and activities involving marginalised social groups. Since the dynamics of everyday life is changing and part of our lives now takes place in a virtual environment, the project will also focus on residents' information security. Analyses of safety/security in local communities will serve as a basis for discussions with representatives of local communities, the police and other interested parties. Participating researchers will propose appropriate solutions, legislative and other measures facilitating the successful functioning of institutions responsible for the provision of safety/security at the local level, as well as a model for increasing local communities' resilience to various security threats. The expected results represent an important starting point for introducing changes and broadening the scope of security policies (potential amendments of legal acts and implementing regulations).

Apart from its contribution to the development of criminal justice and security studies, criminology and crime policy, the research project also aims to provide for the application of scientific findings in practice. Research into the safety/security of local communities is an extremely important step for Slovenia. Due to its size, Slovenia may serve as an example of best practice, which is why the strengthening of cooperation between experts and practitioners is particularly significant, as they are an important source of information necessary to conduct a thorough analysis of problems, define the scope of research and opportunities for improving the current state-of-play in this field.

3.1 Research Areas Included in the Scope of the Local Safety/ Security in Slovenia 2015-2018 Project

The following sections outline certain areas, which are examined in the scope of the research project. They were discussed in 2015 and 2016, and will be further developed in 2017 and 2018.

3.1.1 Relationships between National, Local and Human Security

Due to the universal trend of deetatation and decentralisation, an increasing number of security/police/control organisations, which are being established (or promoted) by local governments, have recently been developing across the globe. However, conventional institutions operating within the national security system continue to be (co-)responsible for providing security, order, protection and assistance to the residents of local communities. In terms of security provision, the following three reference entities are closely intertwined – the state, local communities and individuals. New and developing sources of threat (or risk), which are defined on the basis of more or less credible perceptions described by experts and political elites (and their interests), are causing a shift from “state-centric” to “anthropocentric” definitions and perceptions of security. In practice, this means that security endeavours undertaken by governments and societies are not centred (merely) on the state, but also on other entities and particularly on individuals. Human security considers the ways in which individuals define their own safety/security and aspects that are important to them (values and norms), while their perceptions may differ or even contradict politically defined sources of threat or risks (Prezelj, 2008; Tsai, 2009). Nevertheless, security provision at the national level retains its importance, since it provides the basis that enables the functioning of the state and society through political, economic, social, protection and rescue, police and even military measures. With respect to describing the current state-of-play and defining potential systemic, legal, organisational and other changes necessary for achieving the optimal level of safety/security in local communities, the following (emerging) research questions need to be addressed: Who defines security risks and threats at the national and local levels? Who defines the tasks, competences, responsibilities and priorities of individual organisations within the security system (police, military, civil protection, municipal wardens, fire-fighters, private security, NGOs) at the national and particularly at the local level, and how? Is it possible to observe a duplication of capacities and responsibilities in the field of providing safety/security in local communities? If so, where does such duplication occur and how? Can individual institutions responsible for the provision of safety/security (e.g. military, private security) acquire new responsibilities and powers for providing safety/security at the local level and which steps would have to be taken in this regard? (Sotlar, 2015).

When seeking answers to the above questions, one ought to think strategically, beyond existing restrictions posed by formal and legal frameworks defined in applicable legislation. Otherwise, a truly substantive radical change will never be achieved. Instead, a patchwork of efforts will be created, which will not lead to the necessary reorganisation, rationalisation and optimisation of the security system either at the national or at the local level (Sotlar, 2015). At the same time, one also needs to take account of changes related to the development of policing (pluralisation and privatisation), since the state is not the only entity responsible for providing safety/security at the local level (Modic, Lobnikar & Dvojmoč, 2014). Future research activities will strive to present an overview of strategies in the field of safety/security provision in Slovenia and other European countries.

3.1.2 Legal Frameworks Defining the Provision of Safety/Security at the Local Level

Three important questions are raised in this regard: 1) how is the provision of safety/security at the local level regulated in Slovenia; 2) what are the main components of safety/security in local communities; and 3) which applicable legal acts, apart from the “security enforcement” legislation, define municipalities’ competences in the field of safety/security in the broadest sense? An overview of legislation regulating local safety/security in Slovenia was compiled by analysing provisions arising from the Slovene Constitution and 39 acts regulating the “safety/security” activities of municipalities (from the catalogue of municipal powers and competences

(Tičar, 2015: 39-44). At the local level, the concept of safety/security in the broadest sense of the word does not comprise merely the protection of organisations and residents from crime and other types of deviant behaviour, but also includes other aspects of safety/security, such as safe environment, safe and reliable provision of public and private utilities, as well as local residents' social and public health security (Tičar, 2015).

In order to obtain an in-depth insight into the organisation of safety/security in Slovenia, one ought to examine the relationship between local communities and state administration. In this respect, there are three types of "security enforcement" authorities within state administration: first and foremost, the *police* at the national and local level, followed by *municipal warden* and *municipal inspection services* at the local level.

The police is the principal organisation responsible for providing safety/security at the state and local levels. Police activities are regulated and defined in the Police Organisation and Work Act (Zakon o organiziranosti in delu v policiji [ZODP], 2013) and the Police Tasks and Powers Act (Zakon o nalogah in pooblastilih policije [ZNPP], 2013). In 2013, these two acts replaced the previously applicable Police Act (Zakon o policiji [ZPol], 1998).

At the local level, policing is conducted in the framework of regional police stations, police districts and police offices. The tasks of regional police stations are defined in the annual work plan, which must be devised in line with the objectives set by the General Police Administration and the Police Administration responsible for a particular region. The relationship between the regional police station and municipalities is characterised by close cooperation. Before drafting the annual work plan, a regional police station invites municipalities, which fall under its territorial competence, to submit proposals for priorities in the field safety/security provision. These are then examined and evaluated by the regional police station and, if appropriate, included in the annual plan. The regional police station commander informs municipal councils of the security situation on their territory, where necessary; however, the commander must not report on specific cases that are subject of pre-trial or infringement proceedings (ZODP, 2013).

Apart from the aforementioned "police acts", which are part of the security enforcement legislation, issues pertaining to local safety/security are also regulated by the Act on Local Police (Zakon o občinskem redarstvu [ZoRed], 2006) and the Local Self-Government Act (Zakon o lokalni samoupravi [ZLS], 2007), which define the responsibilities of municipalities and mayors in the field of safety/security provision. With respect to local security, Article 21 of the Local Self-Government Act (ZLS, 2007) defines original tasks related to local matters of public interest, which may be further stipulated by municipalities' general acts (municipal ordinances). The following original local tasks are particularly relevant for the provision of general safety/security at the local level:

- municipalities are primarily responsible for providing the protection of air, soil and water sources, for protection against noise and for the collection and disposal of waste, and perform other activities related to the protection of the environment;
- municipalities are primarily responsible for providing basic *welfare* of children and families, and for socially threatened, disabled and elderly people;
- municipalities are primarily responsible for the *safe* construction, *safe* maintenance and *safe* regulation of local public roads, public ways, recreational and other public areas, as well as for regulating traffic in the municipality in line with applicable legislation;
- municipalities are primarily responsible for the organisation of local police, the organisation of municipal warden services and for ensuring *security and order* in the municipality;
- municipalities are primarily responsible for exercising the *supervision* of local events;
- municipalities are primarily responsible for providing fire *safety* and organising rescue services; and
- municipalities are primarily responsible for the *safe* organisation of assistance and rescue services in the event of natural and other disasters.

The legislation also regulates the establishment of a formal partnership between the police, local community and other local interest groups with the view of seeking common solutions for improving safety/security at the local level. In accordance with Article 29 of the Local Self-Government Act (ZLS, 2007) and Article 35 of the Police Organisation and Work Act (ZODP, 2013), mayors may establish advisory bodies, i.e. safety councils, for the resolution of problems within the local community. In 2014, there were 182 local safety councils in Slovene municipalities.

Members of local safety councils include representatives of public and private services, such as police officers, municipal wardens, mayors, local councillors, representatives of schools, local businesses, the media, political parties and NGOs (Tičar, 2015).

The main functions of the local safety councils include establishing cooperation, promoting coordination and providing guidance to bodies, organisations and other professional actors dealing with safety/security issues, as well as other entities, which may in any way influence the quality of the safety/security culture in a local community. Local safety council members ought to actively participate in activities undertaken by this advisory body, present initiatives and proposals for resolving safety/security issues, implement tasks they had voluntarily accepted and work towards achieving a general safety/security level. They should not abuse their membership to their own benefit or to the benefit of bodies or institutions they represent. The aim of local safety councils is to provide a platform for a high-quality communication between residents and municipalities in order to foster mutual information sharing, thus improving the safety/security situation in municipalities (Tičar, 2015). Future research activities will focus on comparing the legal framework defining the provision of safety/security in Slovenia and other European countries.

3.1.3 The Role of Municipalities in the Provision of Safety/Security at the Local Level

The police is no longer the primary or the only entity responsible for the provision of safety/security. Its activities are complemented by other public and private entities, which are perceived as important actors in processes aimed at preventing and managing crime and disorder, as well as strengthening the feeling of safety/security (Terpstra, 2008). Tasks and competences, which were once exclusively in the remit of the police, are not being transferred to the responsibilities of both organisations and individuals (Garland, 2001; Franko Aas, 2007; Terpstra, 2008). Contemporary approaches to safety/security provision at the local level are based on the establishment of partnerships, which are able to integrate national and local governments, public and private spheres, as well as areas of justice and social policy (Gilling, 2001).

According to contemporary approaches to local safety/security provision, cooperation between political decision-making and management bodies at the local level, as well as between institutions of formal social control and informal networks is of key importance for achieving the desired state-of-play. This is why it is necessary to observe what kind of relationships have been established between entities (stakeholders), how their cooperation works in practice and what are the positions taken by individual stakeholders both with respect to their own role, as well as with respect to the role of other stakeholders in the field of safety/security. Since the understanding of safety/security varies between different stakeholders and since municipalities, in addition to state authorities, are obliged to provide safety/security to their residents, this issue represents an important aspect of human and public security in local communities (Modic, 2015; Sotlar, 2015). Subsequent studies aim to present an overview of activities undertaken by the European Forum for Urban Security in the field of providing safety/security in towns and cities.

3.1.4 The Quality of Community Policing

Community policing was recognised as a contemporary concept of policing in local environments by the professional and expert public and defined as such by the Slovene police in its strategic documents. Despite the multitude of community policing definitions, one could surmise that cooperation (partnership) between the police and a local community is the fundamental principle underpinning community policing (Trojanowicz, Kappeler & Gaines, 2002). Miller and Hess (2002), for instance, emphasise two elements, which may be found in practically all community policing definitions: 1) the already mentioned cooperation between the police and a local community, and 2) a problem-oriented approach to policing. Skogan and Hartnett (1997) complement these two elements by adding the decentralisation of the police organisation and further dissect the element of cooperation, which now includes the establishment of two-way communication channels between the police and local communities, responses to safety/security challenges identified by local communities and assistance offered to local communities in addressing these challenges. Kelling and Wycoff (2001) explain that community policing is

geared towards achieving the following results: 1) crime prevention, 2) residents' satisfaction with their life in the community, 3) resolution of problems, and 4) legitimacy and legality of policing. Other authors (e.g. Lobnikar & Meško, 2010) complement the aforementioned elements by adding 5) a reduction in the fear of crime. In the scope of community policing, a reactive approach is replaced by a proactive approach towards resolving the problems of crime, disorder and other distressing circumstances, which evidently cause the greatest concern among residents. Traditional policing is primarily focusing on the "fight" against crime, while community policing is geared towards improving the residents' quality of life (Lobnikar & Modic, 2015). Subsequent research endeavours will be dedicated to re-performing the original study (Meško et al., 2012) and comparing the results of both studies.

3.1.5 Research into Crime, Victimization and Fear of Crime

The purpose of this part of the study is to analyse crime, victimisation and fear of crime. Initially, an analysis of crime reported in Ljubljana was conducted (Hacin & Eman, 2015). Results of research studies focusing on Ljubljana, the capital of Slovenia (Meško et al., 2003, 2010; Hacin & Eman, 2015), show that a third of all criminal offences in Slovenia was in fact registered in the City of Ljubljana. The calculated crime rates also show that the City of Ljubljana is one of Slovene municipalities experiencing a greater threat of crime. The majority of criminal offences fall into the category of property crime, which is not surprising, as a similar situation was identified in other Slovene municipalities. The concentration of property crime in the City of Ljubljana was identified in the city centre area and along the four main traffic routes leading from the city centre towards the suburbs. At the same time, analyses of official crime data reveal that criminal offences are concentrated (hot spots) around shopping centres and the main city park. The highest frequency of reported crime is observed in Ljubljana's city centre. This area is characterised by a high fluctuation rate, as it hosts all major administrative buildings, banks, schools, faculties, as well as the central bus and train stations. Due to the high fluctuation rate and the fact that people do not pay enough attention when finding themselves in a crowd, the opportunities for committing property crime are almost ideal. Money forgery is also concentrated in the city centre (banks, savings institutions, bars and restaurants), along the main communication routes leading towards the suburbs (petrol stations) and around shopping centres. A prominent concentration of commercial fraud (forgery of securities) was also observed in the city centre (commercial and administrative buildings) (Hacin & Eman, 2015).

Apart from analysing police statistics, victimisation studies (Umek, 2004) and studies focusing on the perceptions of threat - fear of crime (Meško, 1999, 2001) will also have to be re-performed. Subsequent studies will thus focus on the feelings of threat, victimisation and residents' experience with victimisation, the police and judicial bodies. Future research endeavours will also encompass analyses of official crime statistics, Geographic Information System (GIS) analyses, a victimisation study and a study into the fear of crime. Results will be compared to the findings of previous studies conducted in Slovenia.

3.1.6 Social Exclusion, Crime and (In)security in Local Communities

The purpose and objective of this part of the study is to compare the risk-of-poverty rate and the risk-of-social-exclusion rate with crime rates in statistical regions or local communities. Data of the Statistical Office of the Republic of Slovenia (SORS) regarding the risk-of-poverty rate and the risk-of-social-exclusion rate in statistical regions during the 2008-2014 period were compared to crime rate data, data obtained from the SORS on the average number of convicted persons in statistical regions and selected city municipalities per 1,000 inhabitants in the 2006-2014 period, and data obtained from the Ministry of the Interior regarding the share of investigated crime in individual police administration during the 2011-2014 period. Analyses reveal that statistical regions, which recorded a high average risk-of-poverty and risk-of-social-exclusion rates in the relevant period, also had a high number of convicted persons. High average rates of convicted persons were also recorded in city municipalities located in these regions. Police administrations, the territory of which fully or partly coincides with the territory of such regions, usually deal with a large share of crime (Flander, 2015). Numerous criminological

theories (theory of pressure, critical criminological theory, the Chicago school, rational choice theory, control theories etc.) attempted to clarify relationships between socio-economic factors, such as unemployment, social inequality, low income, poverty and social exclusion, and crime. Even though these theories emphasise that relationships between the aforementioned categories are extremely complex, they almost invariably note that there is a positive correlation between socio-economic factors and crime rate (Hale, 2005; Petrovec, Šugman & Tompa, 2007). Future research endeavours will focus on identifying the distribution of poverty, the emergence of a social sub-class, measures in the field of social policy and the so-called social prevention, which deals with the “root causes of crime” (Jere, Meško & Kanduč, 2011).

3.1.7 Challenges Arising from Living in a Multicultural Community

Migration became an integral part of life and functioning in contemporary industrially developed societies. After World War II, migratory flows were observed in all parts of the world, which is why Castles and Miller (2009) claim that we now live in the “age of migration”. Technological progress and the development of communication technologies and transport facilitate the exchange of information and contacts between immigrants and their families. In addition, travel and relocation became significantly more affordable and faster, which means that visits to one’s home (may) also increase. However, the aforementioned advantages are not accessible to all migrants. Numerous labour migrants performing labour intensive work receive minimum wage or no pay at all; therefore, they are not, in fact, able to reap the benefits of technological development and progress in the field of transport. Irregular migrants find themselves in even worse conditions, as they do not want to leave a foreign country, because they are not sure they would be able to return; in addition, such travel is often associated with high costs and risks.

This part of the research project stresses the role of migration in Europe and in Slovenia. It also analyses certain problems identified in the approach adopted by European countries towards the issues of migration management and immigrants’ integration. Immigration may (also) be related to victimisation and crime, since the intersection between these two phenomena is often reflected in crime, which may lead to emigration; crime, which may lead to the exploitation of migrants (migrant workers); crime perpetrated by immigrants and their children; and different types of intercultural conflicts (Bučar Ručman, 2015). Subsequent studies will attempt to identify the impact of migration on the life in Slovene local communities and examine residents’ attitudes towards immigrants.

3.1.8 Residents’ Cybersecurity

Today, the use of cyberspace is an indispensable part of interaction between people. Apart from numerous well-known advantages, continuous connectivity and interaction also creates certain pitfalls and threats for users. In order to avoid such pitfalls and reduce the level of threat, one needs to be familiar with the functioning of cyberspace and aware of the fact that it does not provide anonymity and that interactions between people also enable the actions of those, who wish to harm us in one way or another (Bernik, 2015). An earlier study (Bernik & Meško, 2011) showed that the vulnerability of the (local) population arising from the use of the Internet is much higher than expected, since we literally have the whole wide world in our living rooms, kitchens and other areas, where we use modern technologies to communicate with others. Future research endeavours within the project will continue to explore the possibilities of cyber victimisation and develop measures for reducing such risks and eliminating the consequences of victimisation. In addition, the issue of perception of everyday risks and potential victimisation in the real and virtual worlds (Denžič, 2016) will also be examined.

3.1.9 Urban Security Manager – A Coordinator of Local Safety/ Security Activities

Preliminary studies show that safety/security is organised differently in different municipalities, which is why this part of the research project will examine possibilities for introducing a new job profile, i.e. the urban security manager, who would manage the provision of safety/security at the local level by drafting and implementing appropriate policies and by planning and implementing

relevant tasks. The discussion arises from findings presented by the EFUS/EEMUS and URBIS international research projects (Meško et al., 2014), the purpose of which was to design the position of an urban manager for security, safety and crisis management. Given the fact that, at least in principle, consensus was reached with respect to the fact that a preventive approach to safety/security provision needs to encompass proactive multi-agency and multi-sectoral approaches to safety/security issues, it will be necessary to find experts, who have the required competences and will be able to coordinate numerous tasks in the aforementioned areas. Apart from coordination activities and the promotion of partnerships, a control system will also need to be established and competent authorities will have to be encouraged to fulfil their statutory requirements for the provision of safety/security.

Such an extensive project requires local, inclusive, multi-layer and multi-disciplinary knowledge, as well as experience in municipal practices and procedures. This means that the urban security manager will need the necessary skills to establish links between the research community, practitioners and policy-makers, as well as a certain level of competence and skills to adapt the abstract body of knowledge to a specific local environment. In addition, knowledge regarding validated strategies and best practices for the provision of safety/security is also necessary (Tominc, 2015).

Urban security managers ought to possess the following characteristics: they must be practitioners with specific knowledge, skills and competences; act and the national and primarily at the local level in the framework of urban government bodies and as close to the residents as possible; have the ability to work in groups and coordinate partnerships between various agencies, while working effectively with politicians at all levels of management and governance. Therefore, an urban security manager would need to work in a team/group (where competences and skills are distributed among its members), form a multi-agency partnership, apply inter-disciplinary knowledge and skills (abstract and specific) in resolving safety/security issues and adapt them to a specific context (analysis and transfer of best practices to a local environment). This requires the definition of generative local safety/security problems, the preparation of assessments and evaluations, setting of priorities on the basis of harm or damage caused by a certain problem in a local community, ranking of problems according to their severity and likelihood, and responding to them accordingly. Naturally, this needs to be achieved at the political/declarative level first, so that problems may be placed on political agendas and appropriate resources may be earmarked for their resolution. It is also necessary to participate in the creation of social and economic policies, which focus on social exclusion and inequality, thus enabling the establishment of a stronger social cohesion (Tominc, 2015).

In certain environments, such a job profile already exists, while in others, it merely needs to acquire additional skills and/or resources. However, some countries are not familiar with the concept of an urban security manager. Numerous experts, politicians and practitioners welcomed the idea of introducing the position of an urban security manager, however, they encountered problems in practice, since responses to safety/security issues at the local level (and at other levels) were predominantly of an *ad hoc* nature (Meško & Sotlar, 2012). Subsequent studies will attempt to identify the needs for a new position of a local security coordinator, also in terms of increasing the employability of Faculty of Criminal Justice and Security graduates.

4 CONCLUSION

Participating researchers believe that the areas of research presented in the above sections are of fundamental importance for the understanding of safety/security in local communities. Their future research endeavours will focus on examining relationships between national and local security, exploring control activities at the local level, understanding (objective and subjective) factors affecting residents' quality of life, analysing proactive and repressive measures in the field of disorder, crime and other sources of threat to the local population, as well as on studying social change and transformation. High-quality data and results of research studies, which may help decision-makers in providing a higher level of safety/security to the population, are of key importance for the so-called evidence-based decision-making. Furthermore, the role of civil society and aspects falling into the scope of informal social control, such as family, school, employment policy, quality spare time activities and other everyday activities, should also be taken into account.

In 2015, the first national conference on the safety/security of local communities was organised with the view of engaging experts, the police, municipalities and other stakeholders

in the field of local safety/security (Meško, 2015a). The conference provided a platform for discussions regarding the role of municipalities in the provision of safety/security. The second national conference will take place towards the end of 2016. The central topic of the second conference will be the role of community policing following the adoption of a new Community Policing Strategy (Policija, 2013). The collection and analysis of data are expected to take place in the second half of 2016 and in 2017. In 2018, the research team will draft a research report, which will be presented to the professional public in local communities, at the national level and internationally. Students of undergraduate and postgraduate programmes at the Faculty of Criminal Justice and Security have been involved in the research work from the very beginning of the Safety and Security in Local Communities Project, which provides them with an excellent opportunity to become familiar with the theory and practice of safety/security provision in a young democratic country, Slovenia.

REFERENCES

- Bernik, I. (2015). Kibernetska varnost občanov. In G. Meško (Ed.). *Varnost v lokalnih skupnostih: zbornik prispevkov Prve nacionalne konference o varnosti v lokalnih skupnostih* [Safety in local communities: proceedings of the First national conference on safety in local communities] (pp. 84–91). Ljubljana: Faculty of Criminal Justice and Security.
- Bernik, I., & Meško, G. (2011). Internetna študija poznavanja kibernetskih groženj in strahu pred kibernetsko kriminaliteto [Internet study of familiarity with cyber threats and fear of cybercrime]. *Revija za kriminalistiko in kriminologijo*, 62(3), 242–252.
- Bučar Ručman, A. (2015). Življenje v multikulturnih lokalnih skupnostih: od pasti in generatorjev konflikta do primerov dobre prakse. In G. Meško (Ed.), *Varnost v lokalnih skupnostih: zbornik prispevkov Prve nacionalne konference o varnosti v lokalnih skupnostih* [Safety in local communities: proceedings of the First national conference on safety in local communities] (pp. 75–83). Ljubljana: Faculty of Criminal Justice and Security.
- Butchart, A., Kinnunen, A., Lapeyre, F., Lemaitre, A., Marcus, M., Meddings, D. et al. (2004). *Confronting everyday violence in Europe: an integrated approach: final report*, (Integrated project Responses to violence in everyday life in a democratic society). Strasbourg: Council of Europe.
- Castles, S., & Miller, M. J. (2009). *The age of migration: International population movements in the modern world – 4th edition*. New York: Palgrave Macmillan.
- Denžič, J. (2016). *Zasnava ogroženosti v realnem in virtualnem svetu* [Perception of threats in the real and virtual worlds] (Masters thesis). Ljubljana: Faculty of Criminal Justice and Security.
- Eman, K., Gyorkos, J., Lukman, K., & Meško, G. (2013). Crime mapping for the purpose of policing – recent developments. *Revija za kriminalistiko in kriminologijo*, 62(4), 287–308.
- Flander, B. (2015). Socialna izključenost, kriminaliteta in (ne)varnost v lokalnih skupnostih. In G. Meško (Ed.), *Varnost v lokalnih skupnostih: zbornik prispevkov Prve nacionalne konference o varnosti v lokalnih skupnostih* [Safety in local communities: proceedings of the First national conference on safety in local communities] (pp. 65–74). Ljubljana: Faculty of Criminal Justice and Security.
- Franco Aas, K. (2007). *Globalization and crime*. London: Sage.
- Garland, D. (2001). *The culture of control: Crime and social order in contemporary society*. Chicago: The University of Chicago Press.
- Gilling, D. (2001). Community safety and social policy. *European Journal on Criminal Policy and Research*, 9(4), 381–400.
- Hacin, R., & Eman, K. (2015). Analiza porazdelitve kriminalitete na območju Ljubljane v letu 2013. In G. Meško (Ed.), *Varnost v lokalnih skupnostih: zbornik prispevkov Prve nacionalne konference o varnosti v lokalnih skupnostih* [Safety in local communities: proceedings of the First national conference on safety in local communities] (pp. 92–99). Ljubljana: Faculty of Criminal Justice and Security.
- Hale, C. (2005). Economic Marginalization, Social Exclusion and Crime. In C. Hale, K. Hayward, A. Wahidin, & E. Wincup (eds.), *Criminology* (pp. 325–343). New York: Oxford University Press.
- Jere, M., Meško, G., & Kanduč, Z. (2011). Diskurz o socialni prevenciji kriminalitete in prestopništva v Sloveniji [Discourse about the social prevention of crime and delinquency in Slovenia]. *Revija za kriminalistiko in kriminologijo*, 62(4), 325–332.

- Kelling, G. L., & Wycoff, M. A. (2001). *Evolving strategy of policing: Case studies of strategic change: Research report*. Rockville: National Institute of Justice. Retrieved from <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=198029>
- Lobnikar, B., & Meško, G. (2010). Responses of police and local authorities to security issues in Ljubljana, the capital of Slovenia. In M. Cools et al. (Eds.), *Police, policing, policy and the city in Europe* (pp. 161–179). The Hague: Eleven International Publishing.
- Lobnikar, B., & Modic, M. (2015). Analiza kakovosti policijskega dela v lokalnih skupnostih: pogled prebivalcev Slovenije. In G. Meško (Ed.), *Varnost v lokalnih skupnostih: zbornik prispevkov Prve nacionalne konference o varnosti v lokalnih skupnostih* [Safety in local communities: proceedings of the First national conference on safety in local communities] (pp. 55–64). Ljubljana: Faculty of Criminal Justice and Security.
- Meško, G. (1999). Občutki ogroženosti, strah pred kriminaliteto in policijsko preventivno delo [Feelings of threat, fear of crime and police preventive work]. *Varstvoslovje*, 1(1), 30–34.
- Meško, G. (2001). V skupnost usmerjeno policijsko delo – izziv za Slovensko policijo [Community policing - a challenge for the Slovene police]. *Teorija in praksa*, 38(2), 272–289.
- Meško, G. (2002). *Osnove preprečevanja kriminalitete* [The basics of crime prevention]. Ljubljana: Visoka policijsko-varnostna šola.
- Meško, G. (2003). *Preprečevanje kriminalitete v urbanih okoljih: priročnik za lokalno smaoupravo* [Urban Crime Prevention – A guide for local authorities]. Ljubljana: Ministry of Interior of the Republic of Slovenia.
- Meško, G. (2007). Občinski varnostni koordinator – Izziv za varstvoslovje in varstvoslovce? (Municipal safety/security coordinator – a challenge for criminal justice studies and criminal justice graduates). *Varstvoslovje*, 9(4), 269–276.
- Meško, G. (Ed.) (2015a). *Varnost v lokalnih skupnostih: Zbornik prispevkov* [Safety in local communities: proceedings]. Ljubljana: Faculty of Criminal Justice and Security.
- Meško, G. (2015b). Pregled raziskovanja in izhodišča za raziskovanje v projektu Varnost v lokalnih skupnostih v Sloveniji (2015–2018). In G. Meško (Ed.), *Varnost v lokalnih skupnostih: zbornik prispevkov Prve nacionalne konference o varnosti v lokalnih skupnostih* [Safety in local communities: proceedings of the First national conference on safety in local communities] (pp. 17–25). Ljubljana: Faculty of Criminal Justice and Security.
- Meško, G., & Klemenčič, G. (2007). Rebuilding legitimacy and police professionalism in emerging democracy: the Slovene experience. In T. R. Tyler (Ed.), *Legitimacy and criminal justice: international perspectives* (pp. 84–114). New York: Russell Sage Foundation.
- Meško, G. & Lobnikar, B. (2005). The contribution of local safety councils to local responsibility in crime prevention and provision of safety. *Policing: An International Journal of Police Strategies & Management*, 28(2), 353–373.
- Meško, G., & Maver, D. (2012). Think globally, solve locally: security threats – from public opinion to a proper response. In M. C. Guzman, A. M. Das & D. Das (Eds.), *Strategic responses to crime: thinking locally, acting globally*. New York: CRC Press.
- Meško, G., & Sotlar, A. (2012). Preprečevanje kriminalitete v lokalnih skupnostih – med ad hoc pristopi in na znanju temelječih preventivnih dejavnostih [Prevention of crime in local communities – between ad hoc approaches and knowledge-based prevention activities]. *Revija za kriminalistiko in kriminologijo*, 63(3), 229–239.
- Meško, G., Dvoršek, A., Dobovšek, B., Umek, P., & Bohinc, U. (2003). *Analiza porazdelitve nekaterih odklonskih pojavov v Ljubljani* [Analysis of the distribution of some negative phenomena in Ljubljana]. Ljubljana: Fakulteta za policijsko-varnostne vede.
- Meško, G., Fallshore, M., Muratbegović, E., & Fields, C. B. (2008). Fear of crime in two post-socialist capital cities – Ljubljana, Slovenia and Sarajevo, Bosnia and Herzegovina. *Journal of criminal justice*, 36(6), 546–553.
- Meško, G., Sotlar, A., & Lobnikar, B. (2014). Policing in Central and Eastern Europe: Past, Present and Future Prospects. In M. D. Reisig & R. J. Cane (Eds.), *The Oxford handbook of police and policing* (pp. 606–622). Oxford: Oxford University Press.
- Meško, G., Maver, D., & Klinckon, I. (2010). Urban crime and criminal investigation in Slovenia. In G. W. Cordner, A. Cordner & D. Das (Eds.), *Urbanization, policing, and security: global perspectives* (pp. 301–322). London: CRC Press.
- Meško, G., Sotlar, A., Lobnikar, B., Jere, M., & Tominc, B. (2012). *Občutek ogroženosti in vloga policije pri zagotavljanju varnosti na lokalni ravni: CRP(V5-1038 A): poročilo ciljnega raziskovalnega projekta* [Perceptions of threats and the role of police in ensuring security at the local level:

- CRP(V5-1038 A): report of the targeted research project]. Ljubljana: Faculty of Criminal Justice and Security. Retrieved from http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/SOJ/word/Tacen_15112012/Porocilo_CRP_zagotavljanje_varnosti_v_lokalni_skupnosti_FVV_2010_2012.pdf
- Meško, G., Sotlar, A., & Tominc, B. (2014). European projects EEMUS/EFUS and URBIS: perspectives on security provision in the cities and towns. In *Dani kriminalistiških nauka* [Criminalistics days] (pp. 14–15). Sarajevo: Fakultet za kriminalistiko, kriminologiju i sigurnosne studije.
- Meško, G., Tominc, B., & Sotlar, A. (2013). Urban security management in the capitals of the former Yugoslav republics. *European journal of criminology*, 10(3), 284–296.
- Meško, G., Umek, P., Dobovšek, B., Gorenak, V., Mikulan, M., Zaberl, M., & Kolen, T. (2000). *Strah pred kriminaliteto, policijsko preventivno delo in javno mnenje o Slovenski policiji* [Fear of crime, preventive police work and public opinion on the Slovene police]. Ljubljana: Visoka policijsko-varnostna šola.
- Miller, L., & Hess, K. M. (2002). *The police in the community: Strategies for the 21st century*. Belmont: Wadsworth/Thomson Learning.
- Modic, M. (2015). Vloga in vidiki sodelovanja občin pri zagotavljanju varnosti na lokalni ravni - predstavitev ugotovitev ciljnega raziskovalnega projekta. In G. Meško (Ed.), *Varnost v lokalnih skupnostih: zbornik prispevkov Prve nacionalne konference o varnosti v lokalnih skupnostih* [Safety in local communities: proceedings of the First national conference on safety in local communities] (pp. 46–54). Ljubljana: Faculty of Criminal Justice and Security.
- Modic, M., Lobnikar, B., & Dvojmoč, M. (2014). Policijska dejavnost v Sloveniji: analiza procesov transformacije, pluralizacije in privatizacije [Policing in Slovenia: analysis of processes of transformation, pluralization and privatization]. *Varstvoslovje*, 3(16), 217–241.
- Modic, M., Meško, G., & Sotlar, A. (2013). Slovenia. In M. Nalla & G.R. Newman (Eds.), *Community policing in indigenous communities* (pp. 327–338). New York: CRC Press.
- Modic, M., Sotlar, A., & Meško, G. (2012). Praksa in raziskovanje policijskega dela v skupnosti v Sloveniji [Community policing practice and research in Slovenia]. *Revija za kriminalistiko in kriminologijo*, 2012, 1(63), 3–13.
- Pagon, M., & Lobnikar, B. (2011a). V skupnost usmerjeno policijsko delo: primerjava med mnenji policistov in prebivalcev [Community policing: comparison of opinions between police and residents]. *Varstvoslovje*, 3(3), 182–189.
- Pagon, M., & Lobnikar, B. (2011b). *V skupnost usmerjeno policijsko delo v mestu Ljubljana: ugotavljanje potreb za ustanovitev mestne policije ali redefiniranje dela državne policije: končno poročilo s popravki* [Community policing in Ljubljana: identifying needs for the creation of local police and redefinition of the work of the state police: Final report with corrections]. Ljubljana: Visoka policijsko-varnostna šola.
- Petrovec, D., Sugman, K., & Tompa, G. (2007). Bogastvo, revščina in odziv na kriminaliteto – od leta 2000 do 2007 [Wealth, poverty and reaction to crime – from 2000 to 2007]. *Revija za kriminalistiko in kriminologijo*, 58(3), 246–253.
- Policija (2013). *Strategija policijskega dela v skupnosti* [Community policing strategy]. Ljubljana: Ministry of Interior of the Republic of Slovenia.
- Prezelj, I. (2008). Challenges in conceptualizing and providing human Security. *HUMSEC Journal*, 1(2), 1–22.
- Skogan, W. G., & Hartnett, S. M. (1997). *Community policing: Chicago style*. New York: Oxford University Press.
- Sotlar, A. (2015). Reševanje varnostnih problemov - med nacionalno, lokalno in človekovo varnostjo. In G. Meško (Ed.), *Varnost v lokalnih skupnostih: zbornik prispevkov Prve nacionalne konference o varnosti v lokalnih skupnostih* [Safety in local communities: proceedings of the First national conference on safety in local communities] (pp. 26–33). Ljubljana: Faculty of Criminal Justice and Security.
- Terpstra, J. (2008). Police, local government, and citizens as participants in local security networks. *Police Practice and Research*, 9(3), 213–225.
- Tičar, B. (2015). Pravna ureditev varnosti na lokalni ravni. In G. Meško (Ed.), *Varnost v lokalnih skupnostih: zbornik prispevkov Prve nacionalne konference o varnosti v lokalnih skupnostih* [Safety in local communities: proceedings of the First national conference on safety in local communities] (pp. 34–45). Ljubljana: Faculty of Criminal Justice and Security.
- Tominc, B. (2015). Urbani varnostni manager. In G. Meško (Ed.), *Varnost v lokalnih skupnostih: zbornik prispevkov Prve nacionalne konference o varnosti v lokalnih skupnostih* [Safety in local communities:

- proceedings of the First national conference on safety in local communities] (pp. 100–106). Ljubljana: Fakulteta za varnostne vede.
- Trojanowicz, R., Kappeler, V. E., & Gaines, L. K. (2002). *Community policing: A contemporary perspective*. Cincinnati: Anderson.
- Tsai, Y. (2009). The emergence of human security: a constructivist view. *International Journal of Peace Studies*, 14(2), 19–33.
- Umek, P. (2004). Viktimizacijska študija 2001. In G. Meško (Ed.), *Preprečevanje kriminalitete: teorija, praksa in dileme*. [Crime Prevention: theory, practice and dilemmas] (pp. 149–162). Ljubljana: Inštitut za kriminologijo pri Pravni fakulteti.
- Vošnjak, L. (2011). *Strukturalna analiza socio-demografskega, socialnopsihološkega in celostnega modela zaskrbljenosti ljudi glede kriminalitete in sodobnih oblik negotovosti* [A structural analysis of socio-demographic, social psychological, and holistic model of people's anxiety regarding crime and contemporary forms of insecurity] (Doctoral dissertation). Ljubljana: Faculty of Criminal Justice and Security.
- Zakon o lokalni samoupravi [ZLS] [Local Self-Government Act]. (2007). *Uradni list RS*, (94/07).
- Zakon o nalogah in pooblastilih policije [ZNPP] [Police Tasks and Powers Act]. (2013). *Uradni list RS*, (15/13).
- Zakon o občinskem redarstvu [ZORed] [Act on Local Police]. (2006). *Uradni list RS*, (139/06).
- Zakon o organiziranosti in delu v policiji [ZODP] [Police Organisation and Work Act]. (2013). *Uradni list RS*, (15/13).
- Zakon o policiji [ZPol] [Police Act]. (1998). *Uradni list RS*, (49/98).

SOCIAL CRIME PREVENTION IN URBAN MUNICIPALITIES IN SLOVENIA

Benjamin Flander, Aleš Godec, Branko Ažman

ABSTRACT

Purpose:

The aim of this paper is to examine the degree of risk of poverty and social exclusion, its impact on crime, and the implementation of measures of social crime prevention (SCP) in urban municipalities in Slovenia.

Methods:

For this purpose, we conducted two interrelated studies: in the first one, we examined the relation between social exclusion, risk of poverty, and some other socio-economic factors and crime in local communities by analysing relevant official statistical data. In the second study, we explored the degree of implementation of SCP programs in several urban municipalities by analysing relevant documents and practices and by way of conducting interviews with the officials in-charge in municipalities.

Findings:

In general, in Slovenia statistical regions with high levels of poverty and social exclusion are characterized by a high degree of detected crime and convicted persons. There are regions, however, with considerable negative socioeconomic indicators and a fairly low levels of crimes on the one side, and wealthy regions with high levels of crimes on the other. This led us to the assumption that, in Slovenia, the perpetrators from poor regions commit their crimes in the wealthier ones. Also, we assumed that the obvious correlation between social exclusion and the degree of crime corresponds with the degree of implementation of SCP measures and programs in urban municipalities. Our analyses showed, however, that some urban municipalities are more prone to the measures of SCP than others, that different urban municipalities apply different strategies of preventing crime and insecurity, and that there exist significant differences between urban and rural environments.

Research limitations:

Our study may be limited since two urban municipalities failed to respond in the time specified. The research may also be limited because some urban municipalities (e.g., their representatives) may have given subjective or false descriptions of the situation in their community.

Originality:

Our study offers a comprehensive yet predominantly empirical analysis of SCP in Slovenia, focusing on the "state of the art" in urban local communities. So far, the research on SCP in Slovenia has been theoretical in its nature.

Keywords: social crime prevention, local communities, social exclusion, risk of poverty, local crime-prevention programs, security

I INTRODUCTION

Traditionally, in dealing with crime, modern societies adhere to repressive approaches, where the most important actors are law enforcement agencies, judiciary, and prisons. By its nature, such an approach is primarily reactive, focused on solving the problem when consequences, both to society and an individual, are already there. An alternative approach would consist of measures and programs aimed at preventing crime, thereby eliminating negative consequences in advance. For the purposes of this paper, we will first answer the question of what exactly crime prevention is and which actors the "preventive" way of dealing with crime includes.

Among many attempts to define crime prevention, probably the most popular definition is that by Van Dijk and De Ward (1991). According to them, the term includes all public and private activities, which contribute to preventing crime and reducing the harm of criminal activities, with the exception of enforcement of criminal law. Meško (2000) claims that the main drawback of such a definition lies in the fact that the concept of crime prevention, if so defined, precludes enforcement of the legislation by criminal justice system actors, whose role in developing strategies to prevent and curb crime is constantly growing. In line with the view that law enforcement cannot be excluded from the concept of crime prevention, the New York

State Police (2016) asserts that the very principle of crime prevention reflects the philosophy of self-defense assuming the community and the police working in partnership and taking action before crime occurs.

In practice, we can find many different approaches to crime prevention. White (1996), for example, distinguishes between conservative, liberal, and radical approaches to crime prevention. Proponents of the conservative approach believe that individuals commit criminal offenses based on their rational choice resulting from the trade-off between a successful execution of a crime, on the one hand, and the pain in the event of a failure in their criminal performance, on the other. Here, crime prevention activities are based on the physical protection and control aiming at reduction of possibilities for successful implementation of criminal offenses, in contrast with the radical approach, which, while emphasizing the importance of social justice, asserts that the causes of crime stem from social inequality and social exclusion. Crime prevention activities in line with this approach are based on reducing social inequality and empowerment of marginal and vulnerable social groups (White, 1996). In our view, in between these two extremes, as a compromise, lies the so-called liberal approach. Liberals believe the cause of crime lies in various pathological factors inherent to both levels, that of the individual and that of society. This approach aims at reducing poverty and improving opportunities for individuals (White, 1996).

Brantingham and Faust (1976) classify crime prevention into three general categories: primary, secondary and tertiary prevention. Primary prevention includes efforts to prevent crime before it happens. Secondary prevention deals with early detection of potential offenders and timely action of social and criminal justice actors (e.g., before the offenses are committed). In many respects, the measures taken within this model coincide with those of primary prevention. The essential difference between the two lies in the fact that when it comes to primary prevention, the efforts are directed at preventing a crime from happening, while in the context of secondary prevention a crime has already been committed and should be duly addressed. While these two models are supposed to involve various actors (local communities, social services, schools, families, providers of private security services, the police and other actors), the tertiary prevention model highlights, in particular, the role of law enforcement and criminal justice institutions, including penitentiary. While attention is paid to people, who were convicted for their crimes, within this model, efforts are based on the prevention of further criminal careers and recidivism (Meško, 2002).

For the purpose of our paper, it is particularly important to distinguish between situational and social crime prevention, as this typology is most commonly used in practical activities. Meško (2002) points out that despite the fact that the terms “social” and “situational” prevention are quite new, we here witness a revival of former crime prevention ideas and practices. It is characteristic of both these approaches that they are multi-agent in nature (e.g., they involve a number of actors and their activities). The situational prevention approach emphasizes the importance of reducing the chances for successful execution of crime by means of physical protection and various technical devices: fences, locks, alarms, lighting, video surveillance systems etc. In our view, such an approach coincides with White’s conservative model of crime prevention based on the idea that perpetrators of criminal offenses decide on the basis of the “cost & benefit” analysis. Therefore, what needs to be done is a reduction of criminal opportunities by physical and technical protection (Clarke, 1996). In contrast with the situational prevention, the concept of social crime prevention comprises “inclusive” measures which target social causes of crime rather than those concerned with a mechanical reduction of opportunities for criminal offending (Young 2001).

1.1 Social crime prevention

The International Centre for the Prevention of Crime (ICPC) defines social crime prevention (SCP) as everything that reduces delinquency, violence, and danger while, based on scientific research, successfully eliminating causes of these social phenomena (CSV, 2001). In our opinion, this definition reflects the very essence of social prevention of crime. Attempting to achieve its goals, SCP is concerned with measures aimed at tackling the root causes of crime and those directed towards changing the social environment and motivation of potential perpetrators (Graham & Bennet, 1995; Meško, 2002; Crawford & Traynor, 2012). In other words, SCP primarily focuses on those interventions that seek to strengthen socialisation agents, such as informal control (e.g.,

family, peers, school etc.), education, employment, and ex-convict support schemes in order to minimize opportunities for them to (re)offend (Crawford & Traynor 2012; Groenemeyer & Schmidt 2012; Meško, Kanduč & Jere, 2012).

Meško (2002) notes that the dominant view among the proponents of social prevention is that such an approach to crime prevention is the only one that actually removes causes of crime, whereas situational prevention and thereto related strategies focus solely on restricting the symptoms of the aforementioned causes. According to the adherents of social preventive approach, social causes of crime that need to be overcome for effective crime prevention are unemployment and poor prospects for employment, broken families, inequality, discrimination, powerlessness of social institutions, and government initiatives leading to the detriment of individuals and social groups. John Howard Society of Alberta (1995) reminds that we cannot simply talk about a causal relation between socioeconomic factors and crime. An example of such a causation would be, for example, the link between poverty and crime: under the assumption that poverty causes crime, women not men would represent the majority of the prison population. Also, under the same assumption, it is impossible to explain white-collar crime since the perpetrators of this type of crime usually belong to the upper social class. Therefore, according to some proponents of SCP, the term "causes of crime" should be replaced with the term "concept of risk factors for criminality" (The John Howard Society of Alberta, 1995).

As an approach to prevention of crime, SCP partly coincides with White's radical model, especially as regards the measures aimed at overcoming social inequality, exclusion, and efforts to empower communities. However, White's liberal model also coincides with the social prevention approach, which, in our opinion, pursues more realistic and less ideologically colored targets providing better opportunities for individuals in terms of education and social participation, income sources etc.

1.2 Measures of social crime prevention

Many initiatives, measures, and projects may fall within the scope of SCP without necessarily bearing a direct crime prevention label (Baillergau, 2012). The common denominator of various measures of SCP, however, is their focus on the elimination of the causes of crime. Taking into account this general focus, Colvin (1991) proposes a theoretical model that could serve as a starting point for introducing social prevention. His model contains eight categories of preventive measures: (1) short-term measures to address the current situation, (2) national programs for parents and parenting, (3) a common pre-school education system, (4) expanded educational opportunities, (5) empowerment of social services, (6) providing environments for improvement of working conditions, (7) programs for economic growth and production, and (8) introduction of a progressive tax system.

Meško (2002) asserts that Colvin's model contains a set of interrelated measures which can be implemented simultaneously. The purpose and objective of such measures is to establish a sense of responsibility of an individual, create better opportunities for education and employment, ensure a decent income for individuals, and provide support for families and individuals in a given community. Importantly, for optimal performance, social prevention measures and programs should include all elements of Colvin's model, otherwise they cannot reach full effect. An example of a failed approach to social prevention is provision of good education programs and facilities in the absence of employment opportunities (Meško, 2002).

For the sake of rough comparison with the measures and practices of SCP in Slovenian urban municipalities, we will now briefly address some examples of good practices of introducing some measures of SCP in urban municipalities around the world incorporating different elements of Colvin's model.

In Canada, for example, schools developed a number of programs to provide a learning support to pupils experiencing education problems. In Vancouver, for example, a program was implemented aimed at juvenile offenders between 13 and 17 years of age who have committed serious crimes. Within the program, activities of different actors are based on specific learning programs adapted to personal needs of each participating juvenile and on the conventional educational content including the learning of social skills and vocational skills enabling subsequent employment. In order to implement these programs, it was necessary to engage a group of experts from various fields, adolescents' parents, and representatives of the Police (Canadian Council on Social Development, 1989).

Some American schools implemented a program called “Life Skills Training” aimed at preventing juvenile abuse of alcohol, tobacco, drugs, and other illegal substances. This program consists of workshops where students are trained in social skills and self-control with special emphasis on how to avoid the impact of the media promoting alcohol, tobacco, and drugs. Though taking place in schools where students learn through playing social roles, the program is also used outside school, at places where juveniles hang out or spend their free time (Coalition for Evidence-Based Policy, 2015a). Education policy is an important part of the SCP also in most European countries. Germany, for example, is well known for dual educational system, which connects apprenticeships in companies and schools. This model provides for a successful transition of German youth from school to work, and helps keep youth unemployment relatively low (Dynot, 2015).

Minnesota, for example, is well known for its Family Investment Program designed to tackle unemployment. While users of this program are required to attend training while looking for a job, the core issue of the program is an innovative way of rewarding. The individuals who have managed to find a job receive, in addition to their regular monthly salary, a reward amounting to 20 percent of their salary. This reward is also accessible to those who are willing to keep working regularly for as long as their total income (i.e., salary + allowance) is below 140 percent of the poverty threshold (Coalition for Evidence-based Policy, 2015b).

Some American states also implement programs for parents, particularly for those from vulnerable social groups. An example of such a program is the Nurse-Family Partnership program, designed for low-income mothers, single mothers, and teenage first pregnancy mothers. The program is carried out so that a qualified nurse meets with these mothers once a month, during pregnancy and in the first two years of their child’s life. The purpose of these meetings is training in the areas of healthy lifestyle, competent care for the child, and mother’s personal development (family planning, education, and integration into the labor market) (Coalition for Evidence-Based Policy, 2015c). In Europe, a good example of a parenting support program can be found in Belgium. It entails multiple levels of parenting support, such as local- and regional-level support, services through parenting “workshops”, an organization of parenting support coordinators, provincial parenting support centres, and a centre for obtaining expert advice in parenting matters (European Platform for Investing in Children, 2015).

Many countries around the world implement, on the state as well as local level, neighbourhood renewal programs as a contribution to the improvement of living conditions in deprived neighbourhoods. Good example can be currently seen in Australia and Netherlands, where neighbourhood renewal programs are carried out in areas with disproportionate concentrations of public housing (Baillergeau, 2012; Human Services, 2015). In welfare states, for those without sufficient capital to buy a home, access to the housing market is granted with affordable loans (Egge & Gundhus, 2012).

Hence, under the label of SCP, different measures in various areas involving a number of actors may be implemented. While the above-mentioned Colvin’s model can serve as a theoretical model in designing social prevention measures, it is of essential importance that different measures of social prevention cover different areas and complement each other.

2 METHOD

The aim of this paper is to examine the degree of risk of poverty and social exclusion, its impact on crime, and the implementation of measures of social crime prevention (SCP) in urban municipalities in Slovenia. For this purpose, we conducted two interrelated studies: in the first one, we examined the relation between social exclusion, risk of poverty, and some other socio-economic factors and crime in local communities by analysing relevant official statistical data. This research was carried out on the statistical region level, where the selection of urban local communities was based on the principle that one urban municipality from every statistical region be represented. There was a different number of research units in each research, but this difference may be attributed to the facts that some smaller statistical regions do not have any urban municipalities and that two urban municipalities failed to respond in the time specified. Some of the results of this study were published in Flander (2015).

In the second study, we explored the degree of implementation of SCP programs in urban municipalities by analysing relevant documents and practices and by way of conducting

interviews with the officials in-charge in municipalities. The research was carried out in 2016 in seven urban municipalities: City of Ljubljana, City of Kranj, City of Slovenj Gradec, City of Velenje, City of Novo mesto, City of Koper, and City of Ptuj. There were two other urban municipalities invited to participate in the research, but they did not respond before the deadline provided. The selection of urban local communities was based on the principle that one urban municipality from every statistical region be represented.

There was a different number of research units in each research, but this difference may be attributed to the facts that some smaller statistical regions do not have any urban municipalities. In both studies, quantitative and qualitative methods were used, the latter bearing the main focus. Standardized questionnaires were sent to the officials responsible for safety in every urban municipality.

While so far, the research on SCP in Slovenia has been theoretical in its nature, this study offers a comprehensive, yet predominantly empirical analysis of SCP, focusing on the “state of the art” in urban municipalities.

3 FINDINGS

3.1 The relation between social exclusion, risk of poverty, and crime

Our research on the correlation between certain socio-economic indicators and local community level criminality in Slovenia (Flander, 2015) showed that, in general, statistical regions with high levels of poverty and social exclusion were characterized by a high degree of convicted persons. Also, the police administration in those areas dealt with high levels of crime. In contrast, we identified certain statistical regions where this correlation could not be confirmed. While the Pomurska region, for example, is characterized by considerable negative socioeconomic indicators, police officers of this region (e.g., of Murska Sobota Police Administration) had to deal with a fairly low number of crimes (see Figure 1). Similarly, whilst the Central Slovenian region is characterized by favourable socioeconomic indicators, police officers of this region (e.g., the Ljubljana Police Administration) had to deal with the largest share of crime (see Figure 1). Considering the small size and good road links, these facts lead to the assumption that, in Slovenia, perpetrators from statistical regions with unfavourable socioeconomic indicators commit criminal offences in richer neighbouring statistical regions (Flander, 2015).

Based on this research, we may conclude two things: first, while there is a certain degree of correlation between socioeconomic indicators and crime, the relationship between them is not that of mere cause and effect. One should take into account a multitude of other factors that influence crime. Second, when designing strategies of SCP, it is necessary to operate at local as well as national levels and include actors from different areas of social policy. Hypothetically speaking, Slovenia could successfully introduce a social prevention strategy only in the Central Slovenian Region, but not in other areas showing less favourable economic and social indicators. It is likely that, in this case, the strategy of social prevention would not provide favorable (e.g., desired) results, for one could assume perpetrators from peripheral areas would carry out offenses on the territory of the Central Slovenia Region as well.

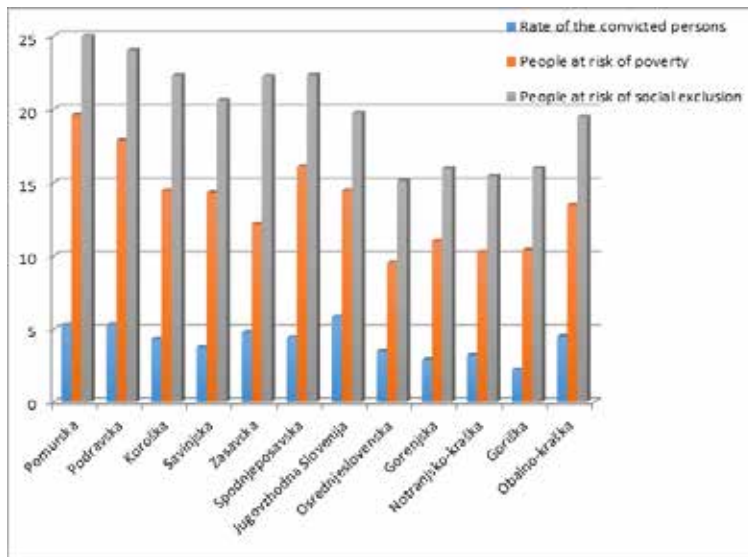


Figure 1: The rate of the convicted persons, risk of poverty and social exclusion in urban local communities in Slovenia (source: Flander, 2015)

3.2 The implementation of social crime prevention measures in urban municipalities

City of Ljubljana

Our respondents from the City of Ljubljana estimate that juvenile delinquency, street drug trafficking, minor property crimes, robberies, youth violence, and unemployment are present in their municipality, but the competent authorities manage to deal with them. They have more problems when dealing with vandalism, drinking in public areas, drinking among youth, and family violence.

Our respondents believe that the greatest advantage of social prevention lies in the fact that it brings long-term effects and that it focuses on the causes for criminal behaviour. Another advantage is the humane nature of that approach, as well as the fact that social prevention of crime is cost-effective: invested assets are lower than the potential damage occurring as a result of the absence of these programs. On the other hand, our respondents highlight the following disadvantages of the social prevention. Firstly, the results of social prevention become visible after some period of time, not immediately. Secondly, although social prevention of crime is financially effective, there is often a huge initial investment needed. Thirdly, the implementation of the programs of social prevention is often tied to some organizational problems, especially those in connection with coordination between different authorities and sectors within an urban municipality.

We asked our respondents from Ljubljana to describe their views about situational prevention of crime as an alternative to social prevention too. Among its advantages, they have highlighted relatively low financial expenses, immediate results, and the use of technical security solutions, which reduce the need for physical presence of security personnel. On the other hand, they have noted that situational prevention of crime also brings short-term results and that solutions are concentrated only on a specific problem. They are also concerned about the invasive nature of that approach, for it often implies a limitation to and intervention in human rights (they have specifically pointed out problems related to video-surveillance and the right to privacy). Finally, they are aware of the problem of relocation of crime in response to the implemented situational prevention measures.

Crime prevention programs implemented in the City of Ljubljana were mostly based on social prevention. They covered different fields: programs for homeless, for people in financial straits, for migrants, and different programs and activities for prevention of drug abuse. There are also programs for preventing human trafficking. These programs included social service agents, non-governmental organizations, young and different security-providing agents that were highly motivated and actively approached the programs. The schools also included in the programs showed less motivation and activity.

The respondents from Ljubljana evaluated these programs as quite successful, but they believe that their results have not yet fully manifested. The encouraging fact is that users are generally interested in cooperation. The main problems associated with the implementation of these programs were related to organization and coordination.

City of Kranj

Our respondents from the City of Kranj estimate that instances of drinking in public areas, drinking among youth, and unemployment are present in their municipality, but the authorities in charge manage to deal with them. It is interesting that the respondents estimate other occurrences included in the research as rare.

Our respondents from Kranj see the main advantages of social prevention in the fact that this approach focuses on the causes of criminal behaviour and that it is more cost-efficient than situational prevention. Additionally, our respondents have highlighted the humane nature of social prevention (this approach is friendly to people and the environment, it helps cultivate positive values and brings long-lasting effects. They see the only weak point of social prevention in the fact that its results only become visible after some time, not immediately, whereas with situational prevention some results are visible immediately.

The crime prevention programs in the City of Kranj consisted of elements of both approaches, but there was more focus on social prevention. In Kranj municipality different actors of social prevention, the council for prevention, the council for safety, and the local action group for prevention of drug abuse are active on the permanent basis. The action group consists of various professionals in the field of prevention of drug abuse. It was established in 1999. Further, active in the field of drug abuse prevention are various health organizations and the methadone clinic, while social prevention of crime in Kranj is supported through means of activities by the social service center (CSD) and various charities, Red Cross and Caritas.

The program "International recognition for the young" serves as a good practice example of social prevention of crime in Kranj. It is a universal, world-recognized youth program for the young between 14 and 25 years of age, covering four fields: voluntary work, skills, expedition and sport. Depending on their activity within each of these, the young can achieve different awards - bronze, silver, and gold.

Crime prevention programs in Kranj have included citizens, youth, financial sponsors, and non-government organizations. Police, schools, social service centers, and other providers of security services have actively and enthusiastically approached crime prevention programs.

Our respondents have evaluated the programs in their community as quite successful. Additionally, among visible results of the programs that had been implemented they mentioned lower rates of unemployment and crime in general and a higher level of awareness of alcohol threats among youth. According to their opinion, the major obstacles making the implementation of these programs harder are the necessary financial resources and the problem of how to convince the state officials that it is better to invest into prevention than repression.

City of Velenje

Our respondents from the City of Velenje estimate that the use of drugs by youth, drinking in the public places, violations of public peace and order, drinking among youth, petty property crimes, unemployment, and youth violence are present in their community, but the authorities in charge manage to deal with them. On the other hand, they have more problems with vandalism, street drug selling, and domestic violence.

Our respondents from Velenje see the main advantages of social prevention in the facts that it brings long-lasting effects and that it includes the entire population. On the other side, they believe that its weakness is the fact that its results become visible only after some time, not immediately. In the meanwhile, situational crime prevention measures would be beneficial. Additionally, our

respondents from Velenje note the following disadvantages of social prevention: the fact that it required a lot of organization and coordination between the actors (what is often hard to achieve), a lack of standardization and the absence of clear criteria of evaluation of results. They also noted the problems related to program implementation control.

In the City of Velenje, there is an inter-community action group for drug addiction prevention carrying out various preventive programs (co) financed by the urban municipality and aimed at different vulnerable groups. Here a just a few:

- The program *Violence and drugs among youth*, aimed at primary and secondary school students
- Family recreation in nursery school
- Various activities of *The daily center for reduction of the damage caused by drugs*
- Event Un-Addicted.si
- The street challenger Project
- Research carried out in 2004 and repeated in 2014 in the field of the use of drugs between youth in Velenje

Additionally, in the field of prevention of drug abuse in Velenje, there is *Center for drug prevention and curing of drug addicts*, whose activities helped reduce the level of crime in general. It also serves as a database of some data on drug users and addicts in Velenje.

The City of Velenje also participated in the project *Child-friendly Unicef cities*, within which the system of *Safe points* was established. The safe points are places where children, can take refuge in case of violence, abuse, or other threats. There is another center in Velenje, *The inter-municipal union of the youth friends*, focusing on safety in schools, prevention of violence, prevention of drug abuse, and the awareness of the importance of communication. The Union cooperates with schools, nursery schools, the media, and other stakeholders.

Another example of good practice from Velenje is *The center of the young and children* designed for children and youth fighting different problems and for those with lesser chances than their peers. The center carries out different activities: workshops in sports, entertainment, study aid, conversation, and assistance in search of employment.

Crime prevention programs in Velenje have included citizens, youth, and schools. Social service centers and NGOs have participated only to a lesser extent, while the police and others actors of providing security services have been especially active and enthusiastic about their cooperation in these programs. Financial sponsors or donors have not shown any interests for such programs.

Our respondents evaluate the programs as quite successful. Additionally, they highlighted some specific indicators that show some effects of the implemented programs: a smaller number of both young people ever to have consumed drugs and young tobacco smokers, and a higher level of awareness of drug abuse threats.

Our respondents believe that the major obstacles to the implementation of these programs originate from organizational and coordination problems, especially because they include a huge number of various actors. Additional problems lie in the fact that the target population is often not interested in participating in such programs. Our respondents also propose some legislative solutions in the field of social prevention, for example, that such programs should become obligatory on the national level.

City of Ptuj

Our respondents from the City of Ptuj highlighted more occurrences, which, according to their assessment, cause problems to the authorities in charge while dealing with them. Such occurrences are the use of drugs by the young, drinking in public places, violations of law and order, street drug trafficking, unemployment, violence among youth, and family violence. Additionally, they marked youth drinking as a serious threat.

Respondents from Ptuj see the major advantage of social prevention in the fact that it brings long-lasting effects and that it is focused on dealing with causes of deviant behaviour. They see its disadvantages in the fact that the results are not visible immediately. In the case of situational prevention, its results become visible immediately, but they usually do not last (as soon as the control mechanism is removed, the deviant behaviour reoccurs). The crime prevention programs in Ptuj consisted from elements of both approaches (situational and social prevention), with more focus on social prevention.

Most prevention programs in Ptuj were implemented by the local action group. Additionally, there were some educational programs for parents and teachers that included citizens, youth, schools, social service centres, and NGOs. Financial sponsors and donors have participated only to a lesser extent. On the other hand, police and other providers of security services participated very actively and enthusiastically.

Our respondents believe that such programs are highly effective for the citizens that cooperate in them and see the major problem with this approach in the fact that the citizens who would benefit from these programs the most often refuse to take part in them.

City of Koper

Our respondents from the City of Koper estimate that the use of drugs by youth, youth drinking, drinking in public places, street drug selling, violations of law and order, violence between young and in the family are present, but the authorities in charge manage to deal with them. According to our respondents, they have more problems only when dealing with unemployment, while juvenile delinquency, vandalism, and petty property crimes are rare.

Respondents from Koper see social prevention of crime as an update of the model of community policing (in society oriented police work). They believe that just community policing cannot be enough and that we need an integrated approach and changes in different areas - school, health care, social services and employment in order to implement positive changes in safety in general. These changes must be achieved on the level of local communities and statewide. They see major disadvantages of social prevention in the absence of clear criteria and standards for the implementation of programs and in missing deadlines for the programs to be completed and the results to become visible. Our respondents also pointed out that the major disadvantage of the alternative approach (situational prevention), in their opinion, lies in its repressive nature.

The crime prevention programs implemented in Koper were based on social prevention. Our respondents emphasized various activities by the Security Council (slo. *varnostni sosvet*), the Council for preventive action and education in the road traffic, the Action Group for Law and Order, and the Action Group for the Safe Route to School. In these programs, citizens, youth, and NGOs participated. Financial sponsors and donors cooperated only to a lesser extent, while police, schools, social service centres and other providers of security services especially were very active. Our respondents estimate these programs as medium successful. They also highlighted specific indicators in traffic safety and drug abuse prevention. It is an interesting fact that they did not notice any major obstacles when implementing these programs.

City of Novo mesto

Our respondents from this urban municipality estimate that the following occurrences are present in their community, but the authorities in charge manage to deal with them: juvenile delinquency, drug abuse by youth, petty property crimes, unemployment, youth and domestic violence. They have more problems when dealing with vandalism, drinking in public places, youth drinking, and law and order violations. They also estimate that street drug selling cases are rare in Novo mesto.

Our respondents from Novo mesto believe that the approach based on social prevention is more effective than the one stemming from situational prevention. According to their opinion, the main advantages of the social prevention are that this approach brings longer lasting effects and that it includes various actors from different fields of work (providers of security services, public services, and citizens). On the other hand, they highlighted the problems related to the fact that some citizens are excluded from the social environment because these programs cannot reach them. Crime prevention programs implemented in Novo mesto included elements from both approaches, though there was more focus on social prevention.

Social prevention in Novo mesto is supported by the Association for the development of voluntary work Novo mesto and the Development and Training center of Novo mesto. Our respondents also highlighted various activities of the Council for the prevention and safety in road traffic and crime-prevention activities of the state police. These programs included citizens and, to a lesser extent, social service centres. The young, schools, NGOs, police and other providers of security services have very actively and enthusiastically participated in them, while financial sponsors and donors showed no interest. It is interesting that our respondents noticed no special

implementation obstacles to these programs.

Our respondents estimate the programs as quite successful. They also noted some specific indicators: a lower level of juvenile delinquency, a higher level of awareness, and a higher level of participation in such programs.

City of Slovenj Gradec

Our respondents from Slovenj Gradec estimate that vandalism, youth drug abuse, and drinking in public places are present in their municipality, but the authorities in charge manage to deal with them. Cases of juvenile delinquency, law and order violations, and family violence are rare, there is even no street drug selling (according to their assessment). The authorities in charge have more problems with dealing with youth drinking and unemployment.

Our respondents believe that, if compared to situational prevention, social prevention of crime is more effective. The greatest weakness of situational prevention, in their opinion, lies in the repressive nature of the approach, while the problems of social prevention are related to a lack of engagement and activity of the actors included. Crime prevention programs implemented in Slovenj Gradec were based on both approaches, but there was more focus on situational prevention. As examples of these programs, our respondents highlighted the activities of the Security Council and the use of brochures addressing various topics: drug abuse prevention, prevention of vandalism, safe use of fireworks, and a dog owners' manual (how to handle a dog in a public area). They estimate the programs as quite successful but point out some specific indicators: according to them, the use of the brochures related to prevention of vandalism resulted in a lower level of such instance.

Prevention programs in Slovenj Gradec included citizens and youth. Schools, police and other providers of security services were very active and enthusiastic in their cooperation in such programs. Social service centres, NGOs, and financial sponsors did not participate in these programs at all.

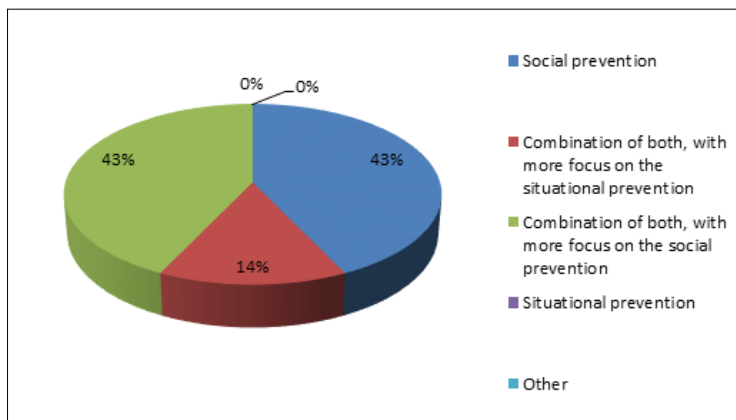


Figure 2: The dominant approach in the implementation of the crime prevention programs in urban municipalities in Slovenia

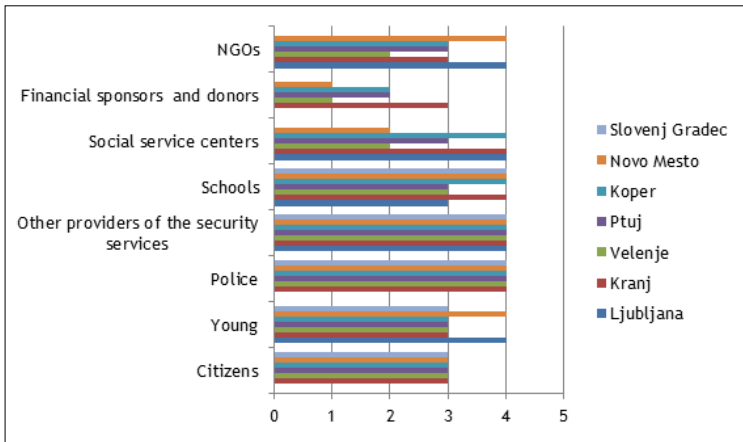


Figure 3: Activity and inclusion of various actors in crime prevention programs in urban municipalities in Slovenia

4 INTERPRETATION AND CONCLUSION

In this paper, we examined the correlation between social-economic factors and crime rates, and the implementation of measures of SCP in urban municipalities in Slovenia. We established that most convicted people come from the regions with a poor social-economic factor (high rates of poverty and social exclusion). We also found out that the great majority of crimes is committed in the regions with good social-economic factors. As a result, we can conclude, that in Slovenia perpetrators from poor regions commit their crimes in the wealthier ones. That is possible because of the huge diversity in a small area, on the one hand, and good road connections, on the other. We believe that this finding is crucial for the implementation of the programs of social prevention. For example, let us imagine that in order to prevent crimes we would implement the programs only in the wealthier region (where the majority of crimes is committed). In the light of the previous finding according to which the majority of the perpetrators are not locals, we can predict that such programs would not bring the results aimed at.

Our further research on the implementation of SCP programs in several urban municipalities shows that the officials responsible for safety in a local community are well informed about the benefits of social prevention. All our respondents believe that social prevention of crime is more effective than situational prevention, pointing out the following advantages of social prevention:

- Social prevention of crime is focused on causes of deviant behaviour.
- The results of this approach are long-lasting.
- This approach is more cost-effective; it does demand some initial investment, but it pays off in a long run, taking into account the potential damage thus prevented.
- This approach includes various different actors.
- The humane nature of the approach.

The respondents also highlighted some disadvantages of social prevention of crime:

- The true results become visible only after some time, not immediately.
- Some organizational problems mostly connected with cooperation between various actors.
- The absence of clear criteria and standards to evaluate such programs.

Further, we found out that our respondents understood the concept of situational prevention of crime differently. Some believe that despite the fact that situational prevention of crime demands smaller initial investments, social prevention of crime is still more cost-effective. This phenomenon can be explained taking into account the damage potentially occurring in the absence of these programs, on the one hand, and their cost, on the other. Some urban municipalities refuse to apply situational crime prevention measures because of their seemingly

repressive and inhumane nature. In some other municipalities, the same approach is used as complementing social prevention in order to fill the time gap between the moment these social prevention elements are implemented and the time they start showing results. In general, all our respondents agreed that social prevention of crime is more effective than situational prevention. In the majority of the municipalities, programs consisting of elements of both approaches have been implemented, but in the majority of cases, there has been more focus on social prevention.

In urban municipalities SCP includes various actors (see Figure 3). In our research, we asked the officials in-charge about their activity and cooperation in such programs. Our respondents were evaluating activity and enthusiasm of various actors on the following scale: 1 – They weren't willing to cooperate. 2 – They cooperated to a lesser extent. 3 – They cooperated. 4 – They cooperated actively and enthusiastically. Police and other providers of security services were evaluated as the most active and enthusiastic in their cooperation in such programs (4). They were followed by schools (3.6), social service centres (2.7) and NGOs (2.7). We also found out that citizens were mostly interested in cooperation in such programs (3), but even more interested were youth (3.3). Financial sponsors and donors, in general, were not interested in these programs (1.7).

The respondents estimate these programs as quite effective (4 on the scale 1-5). They also indicate some specific indicators that show their effectiveness such as a decreasing trend of drug abuses, a higher level of youth's awareness of threats related to drug, alcohol and tobacco abuse, lower levels of particular crimes, juvenile delinquency, and crime in general, a lower level of unemployment, and the fact that citizens are more willing to cooperate in such programs. The respondents, however, identified several obstacles in implementing SCP programs such as:

- Financial sponsors and donors are not interested in such programs. In general, it is hard to gain financial resources for these programs.
- Organizational problems, especially the problem of cooperation between different actors.
- Lack of clear evaluation standards and criteria applicable to these programs and a lack of legal on social prevention.
- Lack of deadlines and clear definitions related to specific programs.

The extent of implementation of the concept of SCP differs from one urban municipality to another (see Figure 2). While in some urban municipalities these concepts are almost highly developed, they are understood and implemented to a much lesser extent in others. When implementing the social prevention approach to crime, policy makers should consider socio-geographical particularities of the area, particularly the fact that there exists huge diversity on a relatively small territory and huge social-economic differences between the regions located in proximity to each other. The SCP measures and programs would lead to better results if the relevant actors would strengthen their efforts towards a standardized and coherent measures in all urban municipalities, as well as on the national level.

REFERENCES

- Baillergeau, E. (2012). Social crime prevention in the Netherlands in the 2000s: A marginalised bit enduring line in crime reduction. In P. Hebberecht, & E. Baillergeau (Eds.), *Social crime prevention in late modern Europe: A comparative perspective* (pp. 235–254). Brussels: VUBPress.
- Brantingham, P. J., & Faust, F. L. (1976). A conceptual model of crime prevention. *Crime and Delinquency*, 22(3), 284–296.
- Canadian Council on Social Development. (1989). *Crime prevention through social development*. Retrieved from <http://www.ccsd.ca/resources/CrimePrevention/about.htm>
- Clarke, R. V. G. (1996). 'Situational' crime prevention: theory and practice. In J. Muncie, E. McLaughlin, & M. Langan (Eds.), *Criminological perspectives. A reader* (pp. 332–342). London: Sage Publications.
- Coalition for Evidence-Based Policy. (2015a). *Life skills training- top tier*. Retrieved from <http://evidencebasedprograms.org/1366-2/lifeskills-training>
- Coalition for Evidence-Based Policy. (2015b). *Minnesota family investment program*. Retrieved from <http://evidencebasedprograms.org/1366-2/minnesota-family-investment-program>
- Coalition for Evidence-Based policy. (2015c). *Nurse family partnership-top tier*. Retrieved from <http://evidencebasedprograms.org/1366-2/nurse-family-partnership>

- Colvin, M. (1991). Crime and social reproduction: A response to the call for "outrageous" proposals. *Crime and Delinquency*, 37(4), 436–448.
- Crawford, A., & P. Traynor. (2012). La prevention de la délinquance chez les Anglais: From community-based strategies to early intervention with young people. In P. Hebberecht, & E. Baillergeau (Eds.), *Social crime prevention in late modern Europe. A comparative perspective* (pp. 63–101). Brussels: Vubpress Brussels University Press.
- CSVR. (2001). *Social Crime Prevention in South Africa's Major Cities*. Retrieved from <http://www.csvr.org.za/docs/urbansafety/socialcrimeprevention.pdf>
- Dynot. (2015). *The German education system*. Retrieved from http://www.dynot.net/index.php?option=com_content&task=view&id=39&Itemid=73
- EGGE, M., & GUNDHUS, H. I. (2012). Social crime prevention in Norway. In P. Hebberecht, & E. Baillergeau (Eds.), *Social crime prevention in late modern Europe: A comparative perspective* (pp. 255–277). Brussels: VUBPress.
- European Platform for Investing in Children. (2015). *Belgium: leader in pre-school education*. Retrieved from http://europa.eu/epic/countries/belgium/index_en.htm
- Flander, B. (2015). Socialna izključenost, kriminaliteta in (ne)varnost v lokalnih skupnostih. In G. Meško (Ed.), *Varnost v lokalnih skupnostih-zbornik prispevkov* (pp.65–75). Ljubljana: Fakulteta za varnostne vede.
- Graham, J., & T. Bennett. (1995). *Crime prevention strategies in Europe and North America*. Helsinki: HEUNI.
- Groenemeyer, A., & Schmidt, H. (2012). Social Crime Prevention in Germany. Balancing Social Policy and Crime Policy? In P. Hebberecht, & E. Baillergeau (Eds.), *Social Crime prevention in Late Modern Europe. A Comparative Perspective* (pp. 121–150). Brussels: Vubpress Brussels University Press.
- Human services. (2015). *Neighbourhood Renewal*. Retrieved from <http://www.dhs.vic.gov.au/about-the-department/plans,-programs-and-projects/projects-and-initiatives/housing-and-accommodation/neighbourhood-renewal>
- Meško, G. (2000). Pogledi na preprečevanje kriminalitete v pozno modernih družbah. *Teorija in praksa*, 37(4), 716–722.
- Meško, G. (2002). *Osnove preprečevanja kriminalitete*. Ljubljana: Visoka policijska in varnostna šola.
- Meško, G, Kanduč, Z., & Jere, M. (2012). Social crime prevention in Slovenia – Recent developments. In P. Hebberecht, & E. Baillergeau (Eds.), *Social crime prevention in late modern Europe. A comparative perspective* (pp. 303–319). Brussels: Vubpress Brussels University Press.
- New York State Police. (2016). *New York State Police: Crime prevention*. Retrieved from <http://troopers.ny.gov>: http://troopers.ny.gov/crime_prevention/
- The John Howard Society of Alberta. (1995). *Crime prevention through social development: A literature review*. Retrieved from <http://www.johnhoward.ab.ca/resources/>
- Van Dijk, J., & De Waard, J. (1991). A two-dimensional typology of crime prevention *Projects. Criminal Justice Abstracts*, 23, 483–503.
- White, R. (1996). Situating Crime Prevention: Models, Methods and Political Perspectives. In R. Hommel (Ed.), *The politics and practice of situational crime prevention* (pp. 97–115). New York: Criminal Justice Press.
- Young, J. (2001). Social crime prevention. In E. McLaughlin, & J. Muncie (Eds.), *The Sage Dictionary of Criminology* (pp. 272). London: Sage.

COMMUNITY POLICING STRATEGY IN CROATIA: WHAT DO WE KNOW AND WHAT DO WE NOT KNOW AFTER 15 YEARS OF IMPLEMENTATION?

Irena Cajner Mraović, Vladimir Faber

ABSTRACT

Purpose:

This paper presents an overview of the most important community policing research in Croatia, including the most recent one comparing police officers' attitudes towards community policing before adoption of the community policing strategy in 2002, and at the beginning of 2016, as well as the level of implementation of community policing in Croatia from the police organization's point of view in 2003 and 2016.

Methods:

A representative sample of 500 Croatian police officers from six police administrations participated in the 2002 and 2016 surveys. The respondents evaluated the level of implementation of community policing in Croatia from the police organization's point of view through a checklist, which includes relevant sets of indicators of the implementation of community policing at the organizational level.

Findings:

Despite obvious difficulties with the implementation of community policing, today, police officers in Croatia consider the community policing model as really necessary and desirable both before the introduction of the community policing strategy (2002), as well as at the beginning of the implementation of community policing (2003). It is also interesting that some vulnerable populations like Roma in Croatia perceive the quality of police contact much better than the majority of the Croatian population.

Research limitations:

Some of the presented community policing surveys in Croatia have been conducted on small samples of respondents, particularly those that were aimed at obtaining data on Croatian citizens' perception of community policing.

Originality:

This paper summarizes the results of the most important published and unpublished community policing evaluations in Croatia. The paper also, for the first time, presents comparisons between the very beginnings of community policing in Croatia and the present level of community policing implementation in Croatia.

Keywords: Croatia, community policing, evaluation, police attitudes, public perceptions

I INTRODUCTION

Numerous authors (Sheley, 1999; Das, 2000; Nield, 2001; Uldriks & Van Renen, 2003; Bayley, 2005; Greenwood & Huisman, 2006; Pino & Wiatrowski, 2006a; Manning, 2010) agree that modern democratic policing includes the rule of law, legitimacy, transparency, accountability, subordination to the civil authority, police safety, and local autonomy in developing policing and other strategies. Many scholars (Champion & Rush, 1997; Edwards, 2000; Brogden & Nijhar, 2005; den Heyer, 2011; Kempa, 2012) also claim that the community policing model is best suited to achieving these democratic policing principles because of various community policing goals, including problem solving, police collaboration with various public and private organizations, decentralization, and the commitment to democratizing all public institutions, including the police. It is therefore not surprising that, as in many other post-socialist countries (Goldsmith, 2003; Meško & Lobnikar, 2005; Meško, 2009; Lobnikar & Meško, 2010), in Croatia, police have adopted community policing philosophies and practices within the framework of the democratization process and the transfer of policing notions from the West after the socio-political changes in the 1990s.

Although community policing efforts have been evident across the world for decades, its implementation has received insufficient attention and corollary "little is known about how one might successfully get such a program under way" (Kappeler & Gaines, 2011: 186). There is a lot of

misunderstanding regarding what community policing is and what it is not (Pino & Wiatrowski, 2006b). The modern police services in countries with stable democracies, which try to use community policing model as a mean to respond to the challenges posed by contemporary society and improve the quality of their work, often face a dilemma regarding community policing basic concepts (Champion & Rush, 1997; Miller & Hess, 2008; Cordner, 2014): is it just police public relations, soft on crime, cosmetic change, flamboyant policing display, social care or police elitism; does it abolish police intervention; is it really innovative policing approach or is it the old way of policing under the new name? The situation is even more complex in post-socialist countries like Croatia, where community policing model is usually introduced instantly by decree, without sufficient proper understanding and adequate personal, material and legal resources (Meško & Lobnikar, 2005; Jere, Sotlar & Meško, 2012; Keković & Kentera, 2013; Kešetović, 2013; Meško, Lobnikar, Jere & Sotlar, 2013). This paper presents an overview of the most important community policing research and practices in Croatia and explores the commitment of the Croatian police to community policing.

2 THE CROATIAN COMMUNITY POLICING STRATEGY

The Croatian Community Policing Strategy represents the continuation of reforms that were introduced at the beginning of this century in the Croatian Ministry of the Interior following the socio-political and economic changes in the 1990s. The new provisions of the Police Act (Zakon o policiji, 2000) from the year 2000 encouraged cooperation between the police and the public, between the police and other stakeholders in the community, and the ability to create partnerships to achieve security (Kovčo Vukadin, Borovec & Ljubin Golub, 2013). In 2003, experts from the Croatian Ministry of the Interior developed a new strategy for police activities called the Croatian Community Policing Strategy, as the planned process of change to be implemented over an extended period of time, which required a high level of interconnection between policing theory and practice and active participation of all police resources. The ultimate goal of this reform process was to transform the Croatian traditional policing model into a community policing model that was compatible with EU standards of modern democratic policing (Cajner Mraović, Faber & Volarević, 2003).

Generally speaking, there are two main approaches to community policing implementation: involving all police officers and introducing specialized community policing officers and specialized community policing units (Kappeler & Gaines, 2011). As both of them have certain advantages and disadvantages (Vito, Walsh & Kunselman, 2005; Reaves, 2010), the Croatian community policing strategy has tried to reconcile them by mutually connected projects which were believed to guarantee the full implementation of the community policing model and, at the same time, achieving the main goal.

The Croatian Community Policing Strategy originally encompassed following six projects:

- *Reform of the operative and preventive activities of the uniformed police* Introducing community policing officers who have to establish high quality relations with residents living on the territory they are assigned to.
- *Development and advancement of crime prevention activities*
A series of joint evidence-based activities of the police and citizens aimed at reducing risk factors for crime and deviance.
- *Organization of prevention in local communities*
Coordination, cooperation and collaboration of police and other local community stakeholders in reducing safety problems and crime risks.
- *Reform of public relations*
Timely and objective reporting on state of security and safety.
- *Reform of the police education and professional development system*
Linking police theory and practice.
- *Internal democratization of the police*
Adequate positioning of uniformed police, particularly a clear and transparent promotion system, which also means depoliticisation of the police.

The new posts of “contact police officer” and “police officer for prevention” were introduced, representing the backbone of uniformed police reform (Faber & Cajner Mraović, 2003). Contact police officers have a permanent patrolling area, where they work in proactive, cooperative

relationships with citizens and community stakeholders along with responsible persons in various institutions and organizations in order to observe and resolve problems in their areas. Although community policing officers are the bearers of community policing, it should be performed by every member of police force. In addition, the police were given the opportunity to establish coordinating bodies, consisting of representatives of both citizens and the police. Together, they identify problems in the community and highlight priorities for their resolution.

2.1 Expectations of community policing in Croatia

Because of the theoretical foundation of the Community Policing Strategy, which includes Normative Sponsorship Theory, Broken Windows Theory, and Social Resource Theory (Bitaliwo, 2014), we expect that the community policing strategy, through its six projects, has an impact on strengthening formal and informal social control. There is a number of such impacts that, in our opinion, provide reason to believe that the community policing model is an appropriate model of police activity in line with contemporary living conditions (Cajner Mraović, Faber & Volarević, 2003).

Inclusion of a personal component in police activities

Community policing officers are in constant communication with citizens, which contributes to a gradual decrease in alienation and anonymity. An increase in the intensity and quality of contact between the police and citizens contributes to the elimination of stereotypes regarding the police and reduces the psychological distance between the police and the general public. Cooperation between the police and citizens is marked by the joint work and better connections between the police and other social services and institutions, thus activating all the social potentials (Cajner Mraović, Faber & Volarević, 2003).

Access of the police to a higher quantity and quality of information

Community policing enables the general public to get to know the police better and the police to get to know citizens better as individuals. This is the way in which the police can obtain valuable information and can forestall incidents of various kinds, including criminal acts (Cajner Mraović, Faber & Volarević, 2003).

Minimizing the risk of over-reacting by police officers in a given situation

The fact that citizens and police officers have the opportunity to get to know one another better and that there is a kind of interaction between them produces a level of mutual respect in their contacts, which may consequently result in a police officer being ready to exhaust all other options available before resorting to means of coercion, in line with the stipulations contained in the Police Act. The crucial difference is that the police officer does not act in that way just because he or she is acting in line with his or her personal belief (Cajner Mraović, Faber & Volarević, 2003).

The ability of a police officer to recognize potentially violent or otherwise dangerous individuals

Police officers have the duty to get to know the local population in the community, and provided they have professional knowledge in criminology, they will be able to recognize, in a timely manner, individuals representing personal, social, economic, educational, health or other risk factors (Cajner Mraović, Faber & Volarević, 2003).

More appropriate response to social problems

Police officers are focused on resolving problems, and contact with citizens enables them to gain insight into problems and to speed up the resolution process. The police, just like any other social institution with a pronounced bureaucratic structure and distance from citizens (institutional anomy), cannot function as a service to these citizens, i.e. cannot serve them, if they do not know what they really need (Cajner Mraović, Faber & Volarević, 2003).

Encouraging participation

Community police, because of the frequent contacts between police officers and citizens, gain useful information regarding the latter's problems and needs, and pass the knowledge on to the relevant social services and institutions. This process encourages problem resolution and encourages citizens to turn to the police for help (Cajner Mraović, Faber & Volarević, 2003).

Developing an informal social control mechanism

This is really about the practical application of the theory of social control, according to which cohesion among the population is considered to provide the prerequisite on which common goals can be defined and joint efforts can be organized in order to reach these goals. This is essentially about the fact that people will act in a positive way if the environment fosters the things they care about and consider important for their personal benefit (Cajner Mraović, Faber & Volarević, 2003).

3 KEY EVALUATION STUDIES ON CROATIAN COMMUNITY POLICING

3.1 Citizens' surveys

Surveys of citizens' opinion about police and their perception of safety and fear of crime are more than important research area: they "have become a key police research tool" (Skogan, 2014: 449). This is illustrated by the fact that these kinds of surveys are regularly conducted in many European countries according to standardized methodology. The most complex national public opinion survey on citizens' perception of safety and security in Croatia was conducted in 2009, as the result of the previous three-year cooperation between the Croatian Ministry of the Interior and the United Nations Development Programme on citizen safety and public security projects. It was expected that the results of the survey would support the sustainability of the community policing strategy and indicate priorities for further changes in the general police approach to questions of citizen safety.

This survey encompassed a total of 4,500 respondents over 18 years of age. The sample was representative by county, settlement size, gender and age. Two quantitative methods were combined in conducting this survey: telephone interviewing and personal interviewing in households. The given results offer a somewhat idyllic picture of Croatian society: more than half of respondents consider the amount of crime and disturbance of public peace in their place of residence as small, and even less than half of them perceive that there is a risk of becoming a victim of crime. Finally, around two-thirds of respondents perceive criminal threats as smaller in their place of residence compared to the Croatian average (GfK, 2009). The general sense of security among Croatian citizens was also confirmed by the fact that only 18% of citizens had undertaken some measures of protection from a physical assault or assault on their property. Safety measures, in the largest percentage, referred to not carrying larger amounts of money, having a watchdog or anti-theft doors. The respondents did not express any feeling of insecurity when they were alone at night in their homes or in the street: as many as 93% of them reported they felt safe in their homes and 86% of them stated they felt safe in the street at night (GfK, 2009).

The respondents also evaluated local police conduct and their contacts with the police. The obtained results revealed that Croatian citizens perceived the police positively mostly in regards to their orderly appearance and politeness, while a small number agree that police officers are motivated and that the police is efficient in preventing crime. One third of citizens had contacts with the police in the past twelve months, and the majority of them described it positively because the police officers had devoted to them either their full, or a decent amount of attention. Among the 12% of those who had an unpleasant personal experience with the police, those experiences mostly referred to traffic police. Although 16% of respondents had helped the police in the past twelve months, as many as 91% are willing to help. However, respondents were divided in their desire for more frequent contacts with police officers in the future: 48% did not want such contacts and 45% did. A great majority agree that better cooperation between the police and the public is needed. Half of citizens believed that the police informed the public objectively and

regularly, while around one-third expressed the opposite opinion. The majority of citizens stated that the police should inform the public more on all relevant topics, especially on road traffic safety (GfK, 2009).

One of the most important objectives of the Croatian Community Policing Strategy is the strengthening of the sense of public security and reducing the fear of crime. On the sample of 1,096 respondents from different parts of Croatia, Borovec (2013) explored the influence of the Croatian Community Policing Strategy on fear of crime and perception of crime and incivilities in Croatia. It was the first time in Croatia that the key dimensions of community policing were extracted. The results of discriminant analysis confirmed that individual, socio-demographic characteristics of respondents are significant predictors of the fear of crime and the perception of safety in general. This study revealed the two-dimensional structure of the "perception of safety" construct, which consists of affective (fear of crime) and cognitive components (perception of victimization risk, level of crime and incivilities). Furthermore, »the findings suggest a complex relationship between community policing and citizens' affective and cognitive perception of safety. While most of the extracted components of community policing have a positive effect on the perception of safety, others are not significantly connected or are connected contrary to expectation. The data prove that the attitudes toward the police and the perception of police effectiveness in preventing and detecting crime are the main factors of community policing and have the most significant impact on the sense of security" (Borovec, 2013: 230). By proving that community policing is statistically significantly associated with citizens' sense of safety, this study represents a significant contribution to evidence-based approach to police reform in Croatia.

3.2 Studies of specific population groups

Life in modern urban areas across the world follows the same patterns and shares the same risks, including dense population, high level of immigration, resulting in unemployment, inadequate housing and lack of infrastructure (kindergartens, schools, health care etc.), heterogeneous population, including people with completely different social experience and cultural values, alienation, including people, who do not know their neighbours and do not care, and anonymity, including individuals lost among other people, which encourages deviant behaviour. These circumstances directly influence police work on a daily basis. Considering the fact that the transformation of the role of the police in society is based on better cooperation between police and society, so creating such living conditions in which citizens would not have to be in constant fear for their personal safety, Karlović (2013) conducted a survey to show the role and contribution of the police to the public safety system and to emphasize the importance of the public attitude towards the police and police activities which help create and carry out measures for prevention which, as a result, reduce the crime rate and contribute to the sense of personal safety of each and every citizen. On a sample of 796 citizens of the Croatian capital city of Zagreb, Karlović (2013: 161) concludes that "the respondents living in the city of Zagreb estimate the level of social disorganization and crime in their place of living to be higher than the respondents from other counties estimate for their place of living". What is interesting is that those indicators are not completely consistent with either the sense of safety, that is, the expressed fear of crime or the actual rate of crime. Although the city of Zagreb is the third most dangerous place in Croatia when it comes to crime rates, its residents report less fear of crime than do the respondents from other counties with lower crime rates". The same author also finds that the more the citizens see the police in their neighbourhoods and the more informed they are about police activities, the more positive is their perception of police effectiveness in dealing with urban deviations or preventing social disorganization in their neighbourhoods.

The policing in diverse, multicultural communities is another kind of challenge for modern police (Lobnikar, Šuklje, Hozjan & Banutai, 2013). As Europe's largest ethnic minority (World Directory of Minorities and Indigenous Peoples, 2015), the Roma have historically been the target of persistent persecution and other forms of discrimination (Lobnikar et al., 2013) and according to the World Dictionary of Minorities and Indigenous Peoples (2015), the Roma population is the most discriminated minority in Croatia. Therefore, the relationship between the police and Roma communities is of great importance. A study (Nemec & Prprović, 2015) was conducted on a sample of 212 residents in the County of Medimurje and it involved residents

of two Roma settlements (Piškorovec and Parag), while the control group consisted of people of Croatian nationality who live near these settlements. Data required for the survey were collected on the basis of a questionnaire for the evaluation of the model of community policing (McKee, 2001). Significant differences were confirmed between the observed group of respondents in the perception of the quality of contact between the police and the local population, the perception of crime and incivilities and the perception of community cohesion. Roma perception of the quality of contact between the police and the local population was positive, while the majority of the Croatian population in the same areas perceived the quality of contacts worse. The results show the high level of quality of the relationship between the local police and the Roma population in Croatia.

Starting from the specific focus of community policing on the youth population (Champion & Rush, 1997; Miller & Hess, 2008). Bujević (2012) conducted research in order to determine how minors in the city of Zagreb, being Croatia's largest urban centre, perceive police officers of the Zagreb Police Administration, as well as the police as an organization. The research was conducted by means of a written on-site questionnaire on a sample of 202 pupils attending grades 1 to 3 in two grammar schools and two vocational schools in Zagreb. The obtained results show that minors in the city of Zagreb, in large part, do not positively perceive the police or their dealings. Furthermore, observed were certain differences in the perception of the police in regard to age, gender, type of school, previous contacts with police officers, risky and anti-social behaviour, as well as general attitude of minors toward authority.

3.3 Police officer surveys

The police experience in previous authoritarian socio-economic systems had a negative impact on the police structure, its philosophy of operations, the police culture and organization as a whole. Negative human resources selection at all levels, serving the interests of a particular political structure, the ability to affect the outcome of an officer's actions through connections, distortions of the value system, actions "following orders" rather than following the law, and autocratic and undemocratic management of the police, were the inherent features of the police organizational structure. This is why it is necessary to carry out not only changes regarding the interaction with the service's users, citizens, but also regarding the members of the police force, their mutual relationships, the behaviour of the police, and regarding the laws and regulations that lay down the way the police is to function, as well as the changes in the "way of thinking" of police officers and their superiors.

As the first police reform cycle in Croatia ended with adoption of The Police Act in 2000, the group of police leaders from the Police directorate together with police scientists from Police Academy surveyed police officers and police managers across the country in 2002, to obtain their opinion on police reforms and their view of the further required changes in police organization and functioning. The collected data have not been published, but served as starting point for development of the community policing strategy: it turned out that police officers perceived the police professionalization and depoliticization as the priorities in future reforms.

Karlović (2010) conducted research on attitudes about the organisation and functioning of police leaders and those who are not leaders, on a stratified quota sample of 300 police officers in the Zagreb Police Administration. An instrument comprising 42 assertions has been applied. The factor analysis has resulted in four varimax factors that have been named as follows: 1. "police and citizen cooperation/partnership and police education"; 2. "modified model" (community policing); 3. "hierarchical relationship in organisation"; and 4. "characteristics of police officers' work". Discriminant analysis has shown that police leaders have more positive attitudes toward the factor "police and citizen cooperation/partnership and police education" and more negative attitudes toward the factor "hierarchical relationship in organisation", while the attitudes of police who are not leaders are a mirror image of police leaders' attitudes.

4 COMMITMENT OF THE CROATIAN POLICE TO THE COMMUNITY POLICING STRATEGY TODAY

A representative sample of 500 Croatian police officers from six police administrations participated in the 2002 and 2016 surveys. The respondents evaluated the level of implementation

of community policing in Croatia from the police organization's point of view through a checklist, which includes relevant sets of indicators of the implementation of community policing at the organizational level.

Table 1: Police assessment of police organization in 2016

	Mean	1 Very bad	2 Bad	3 Good	4 Very good	5 Excellent	No response
Evaluate the structure and organization of the police in Croatia today	2.57	8.5	36.6	44.5	9.1	1.0	0.4
Evaluate the success of police work in Croatia today	3.05	1.6	18.5	54.7	23.3	1.6	0.2
Evaluate to which extent the following aims in the current process of police reform are achieved:							
• Depoliticisation of the police	1.99	35.4	38.0	17.7	5.8	1.8	1.2
• Professionalization of the police	2.65	12.5	30.4	36.2	14.5	3.4	3.0
Evaluate confidence in the leadership of the police:							
• At the level of police stations-organizational units	3.08	8.2	22.5	33.0	24.3	11.3	0.6
• At the level of the police administration	2.74	11.3	29.2	37.6	17.7	3.8	0.4
• At the level of the Police Directorate	2.65	13.5	28.8	38.0	16.7	2.2	0.8
Evaluate the extent to which the system of appointment and dismissal of leaders are in compliance with the proclaimed aim of creating a depoliticized and professionalized police organization	2.02	31.8	39.2	21.3	5.0	0.8	1.8
Evaluate to which extent you are satisfied with the possibility of career development in the police	2.19	22.3	43.1	26.6	5.8	0.8	1.4
Evaluate to which extent you are satisfied with the Regulation on Titles in the Ministry of the Interior	2.00	35.2	36.0	21.9	5.8	0.4	0.6
Evaluate to which extent you are satisfied with the Regulations on Awards in the Ministry of the Interior and Incentives for Police Work	1.78	42.5	39.6	14.3	2.8	0.2	0.6
Evaluate to which extent you are satisfied with the system for evaluation of police officers	1.89	37.6	38.6	16.9	3.2	1.2	2.4
Evaluate the training system of training for handling and use of firearms	2.52	21.9	30.0	27.6	14.5	5.6	0.4
Evaluate the system of special physical training and maintenance of physical fitness	2.29	26.8	34.2	25.6	9.3	3.8	0.4
Evaluate the system of police education	2.85	4.8	27.4	47.3	17.7	2.0	0.8

	Mean	1 Very bad	2 Bad	3 Good	4 Very good	5 Excellent	No response
Evaluate the system of additional professional training	2.47	14.5	40.2	30.0	12.5	2.2	0.6
Evaluate your level of satisfaction with working in the police:	2.86	7.6	22.9	46.1	20.1	2.0	1.2
Evaluate the quality of public relations of the police:							
• Toward the public – citizens	3.13	3.2	17.7	45.3	27.8	4.8	1.2
• Toward the internal public-police officers	2.57	13.9	31.8	36.8	14.5	1.4	1.6
Evaluate the state of interpersonal relations in the police organization:							
• At the level of your police department – organizational unit	2.83	11.1	27.6	33.4	20.9	6.0	1.0
• Generally in the police	2.50	9.3	38.0	42.9	6.8	0.6	2.4
Evaluate the extent to which law enforcement officers participate in determining the objectives of policing	2.24	20.7	43.5	24.7	8.0	1.2	1.8
Evaluate the extent to which police officers participate in the analysis of the performance of police work	2.14	25.2	41.4	24.5	6.0	0.8	2.0

Table 2: Police assessment of the need for further police reforms in 2016

	Mean	1 Absolutely no	2	3	4	5 Absolutely yes	No response
Evaluate the need for changes in police work:							
• Increasing preventive action	3.97	1.4	4.0	16.7	38.6	37.8	1.4
• Fostering proactive action	3.43	1.0	4.4	21.1	42.1	29.8	1.6
• Reducing repression toward citizens	4.04	3.4	14.7	33.6	29.4	16.9	2.0
• Directing repression	4.18	1.4	4.0	19.1	37.6	35.4	2.4
• Improving communication with citizens	4.28	0.8	1.0	16.9	40.8	38.8	1.6
Protecting victims and vulnerable groups of the population	4.05	0.8	1.6	14.3	34.4	47.5	1.4
Solving problems of citizens	3.60	1.2	2.4	20.1	41.2	33.4	1.6
Evaluate the need to organize the police as a public service for citizens in matters of security and law enforcement	4.23	3.2	7.0	32.6	38.4	16.7	2.0
Evaluate the need for a police officer to be a helper and a friend of law-abiding citizens	3.06	1.0	1.0	13.3	42.1	41.4	1.2
Evaluate the need for civil-citizens' supervision of police work	3.81	10.9	18.5	31.0	26.6	9.9	3.2

The data presented in Table 1 and Table 2 reveal that the following changes are still needed in the Croatian police: organizational and structural changes; changes in the police culture; harmonization of the organization's purpose with its value system (it is difficult for people to do what they do not believe in); greater participation in the process of decision-making; changes in the management style; full understanding of the fact that a strict hierarchical structure and poor-quality interaction between police leaders and police officers are an obstacle to development; changes in patterns of behaviour at all levels; encouragement for those showing initiative and creativity; appropriate definition and use of resources. The good news is that respondents show a high level of commitment to community policing reform: the obvious stagnation in internal aspects of community policing reforms have not distanced them from serving community goals.

5 CONCLUSION

Community policing requires huge changes at the level of police organization and at the community level (Miller & Hess, 2008). Based on the overview of community policing evaluation studies presented in this paper, one can conclude that, despite considerable effort aimed at gaining public trust, there are still problems with some aspects of police organization reforms: police officers today are equally dissatisfied with police human resources management system and impact of politics on police leadership as they used to be 15 years ago, when such discontent was among the crucial motives for introducing the community policing reform.

Although much has been written about the overall philosophy of community policing, fewer efforts have been directed towards understanding the strategies needed to build capabilities for change (Ford, 2007: 321). If the goal of the reform is only to change certain procedures or behaviour followed by police officers, it is enough to prepare them to change their capabilities to enable them to perform a new set of procedures. This kind of change can be introduced top-down, i.e. by seeking a change in behaviour. It can be achieved by issuing orders, although this approach is not recommended, as behaviour cannot be changed without a change in attitude about behaviour. People, of course, tend to behave in the way that allows them to support their attitudes and beliefs, and if behaviour change has been "imposed", they will not be motivated to behave in a new way, and the behaviour will not be seen as "their own". Thus, change will be very unstable and will not withstand difficulties. On the contrary, if the goal of the police reform is a subtler change, i.e. change at the level of the value system, as is the case with the community policing project, it is necessary to affect the identity of the police. This is a very demanding sort of change, as it changes the answer to the questions of what the police is and what its role in society is.

Both individuals and organizations have a need for survival, which means that it will be easier for them to change what they do than what they are. Ignorance of the fact is a frequent cause of problems, when initiating and implementing changes. According to Scholtes (1998), systems change must deal simultaneously with two aspects of the organizational culture – the "apparent" organization and the "below the surface" organization.

Also back in last century, Taylor, Fritsch and Caeti (1998) identified insufficient holistic studies, declarative level of community policing due to the substantial misunderstanding of its fundamental principles and involvement of politics as some of major threats to full community policing implementation across the world. Insufficient policing research is a problem that has also been recognised recently across all of Central and Eastern Europe. According to Meško, Sotlar and Lobnikar (2014: 616) "much more policing research in Central and Eastern Europe is needed". They particularly stress depoliticisation, demilitarisation and support to police reforms among the topics in urgent need of the further attention of scholars. This is exactly the case in Croatia: we need to know what the police education and human resources management system as well as police leadership have done to build the capacity for challenging the underlying assumptions and beliefs of the "below the surface" police organizations throughout the change process. Despite the fact that lot of individual enthusiasm as compensation for the system deficiencies has been invested and lot of good work has been done through almost fifteen years, which results in many positive changes in the police and in the community, without such insights we do not know anything about the sustainability of these changes. This is a substantial risk because, as Kappeler and Gaines (2011: 91) are warning, history shows "that change takes time and that, at any given moment, the past and the future coexist" and "signs of the past can often repeat themselves and

reformers must be concerned that history finds well-meaning solutions to the problems of crime, policing, and accountability stifled and abused by institutional and social forces". At the moment, we know that community policing is an acceptable policing model for the Croatian police and Croatian citizens, but we do not know how serious such threats could be to its implementation in the future.

REFERENCES

- Bayley, D. (2006). *Changing the Guard: Developing Democratic Police Abroad*. New York: Oxford University Press.
- Bitaliwo, O. (2014). Conceptualization of Community Policing in the Uganda Police Force. *International Journal of Peace and Conflict Studies*, 2(2), 58-65.
- Borovec, K. (2013). *Community policing strategy and its influence on fear of crime, perception of crime and incivilities in Croatia* (Doctoral thesis). Zagreb: Faculty of Education and Rehabilitation Sciences.
- Brogden, M., & Nijhar, P. (2005). *Community Policing: International Models and Approaches*. Devon, UK: Willan.
- Bujević, I. (2012). *The Perception of the Police by Juveniles in Zagreb*. (Doctoral dissertation). Zagreb: University of Zagreb – Centre for Croatian Studies.
- Cajner Mraović, I., Faber, V., & Volarević, G. (2003). *Strategija djelovanja „Policija u zajednici“* [Work strategy „Police in community“]. Zagreb: Ministarstvo unutarnjih poslova.
- Champion, D., J., & Rush, G., E., (1997). *Policing in the community*. New Jersey: Prentice Hall.
- Cordner, G. (2014). Community Policing. In M. D. Reisig, & R. J. Kane (Eds.), *The Oxford Handbook of Police and Policing* (pp. 148-171). Oxford: Oxford University Press.
- Das, D. (2000). "Challenges of policing democracies: a world perspective". In D. Das, & O. Marenin (Eds.), *Challenges of Policing Democracies: A World Perspective* (pp. 3-22). Amsterdam: Gordon and Breach Publishers.
- Den Heyer, G. (2011). New public management A strategy for democratic police reform in transitioning and developing countries. *Policing: An International Journal of Police Strategies & Management*, 34(3), 419-433.
- Edwards, C. J. (2005). *Changing policing theories for 21st century societies*. Leichhardt, Australia: Federation Press.
- Faber, V., & Cajner Mraović, I. (2003). *Reforma operativno-preventivnog rada policije u odori*. Zagreb, Croatia: MUP, Policijska akademija.
- Ford K. J. (2007). Building capability throughout a change effort: leading the transformation of a police agency to community policing. *American Journal of Community Psychology*, 39, 321-334
- Gfk (2009). *National Public Opinion Survey On Citizen Perception of Safety and Security in the Republic of Croatia*. Zagreb: Ministry of the Interior of the Republic of Croatia.
- Goldsmith, A. (2003). Policing weak States: Citizen Safety and State Responsibility. *Policing and Society*, 13(1), 3-21.
- Greenwood, D., & Huisman, S. (Eds.). (2004). *Transparency and accountability of police forces, security services and intelligence services*. Geneva: Geneva Centre for the Democratic Control of Armed Forces.
- Jere, M., Sotlar, A., & Meško, G. (2012). *Praksa in raziskovanje policijskega dela v skupnosti v Sloveniji* [Community policing practice and research in Slovenia]. *Revija za kriminalistiko in kriminologijo*, 63(1), 3-13.
- Kappeler, V. E., & Gaines, L. K. (2011). *Community Policing. A Contemporary Perspective* (6th ed.). Elsevier: Anderson Publishing.
- Karlović, R. (2012). *Social perception of public security: the contribution of police* (Doctoral thesis). Zagreb: University of Zagreb – Faculty of Education and Rehabilitation Sciences.
- Keković, Z., & Kentera, S. (2013). Montenegro Police: Current Profile and Future Trends. In G. Meško, C. B. Fields, B. Lobnikar, & A. Sotlar (Eds.). *Handbook on Policing in Central and Eastern Europe* (pp. 169-190). New York: Springer.
- Kempa, M. (2012). Tracing the diffusion of policing governance models from the British Isles and back again some directions for democratic reform in troubled times. In D. Palmer, M. M. Berlin, & D. K. Das (Eds.), *Global Environment of Policing* (pp. 139-157). New York: CRC Press.

- Kešetović, Ž. (2013). Serbian Police: Troubled Transition from Police Force to Police Service. In G. Meško, C. B. Fields, B. Lobnikar, & A. Sotlar (Eds.), *Handbook on Policing in Central and Eastern Europe* (pp. 217-238). New York: Springer.
- Kovčo Vukadin, I., Borovec, K., & Ljubin Golub, T. (2013). Policing in Croatia: The Main Challenges on the Path to Democratic Policing. In G. Meško, C. B. Fields, B. Lobnikar, & A. Sotlar (Eds.), *Handbook on Policing in Central and Eastern Europe* (pp. 31-55). New York: Springer.
- Lobnikar, B., & Meško, G. (2010). Responses of police and local authorities to security issues in Ljubljana, the capital of Slovenia. In M. Cools et al. (Eds.), *Police, policing, policy and the city in Europe* (pp. 161-179). The Hague: Eleven International Publishing.
- Lobnikar, B., Suklje, T., Hozjan, U., & Banutai, E. (2013). Policing a Multicultural Community: A Case Study of the Roma Community in Northeastern Slovenia. *International journal of comparative and applied criminal justice*, 38(2), 191-209.
- Manning, P. K. (2010). *Democratic Policing in a Changing World*. Boulder: Paradigm Publishers.
- McKee, A. J. (2001). The Community Policing Evaluation Survey: Reliability, Validity and Structure. *American Journal of Criminal Justice*, 25(2), 199-209.
- Meško, G. (2009). Transfer of crime control ideas: Introductory Reflections. In G. Meško, & H. Kury (Eds.), *Crime policy, crime control and crime prevention – Slovenian perspectives* (pp. 5-19). Ljubljana: Tipografija.
- Meško, G., & Lobnikar, B. (2005). The contribution of local safety councils to local responsibility in crime prevention and provision of safety. *Policing: An International Journal of Police Strategies & Management*, 28(2), 353-373.
- Meško, G., Lobnikar, B., Jere, M. & Sotlar, A. (2013). Recent Developments of Policing in Slovenia. In G. Meško, C. B. Fields, B. Lobnikar, & A. Sotlar (Eds.), *Handbook on Policing in Central and Eastern Europe* (pp. 263-286). New York: Springer.
- Meško, G., Sotlar, A., & Lobnikar, B. (2014). Policing in Central and Eastern Europe: Past, Present, and Future Prospects. In M. D. Reisig, & R. J. Kane (Eds.), *The Oxford Handbook of Police and Policing* (pp. 606-622). Oxford: Oxford University Press.
- Miller, L. S., & Hess, K. M. (2008). *Community policing partnership for problem solving* (5th ed.). Southport: Cengage Learning.
- Neild, R. (2001). Democratic Police reforms in War-Torn Societies. *Conflict, Security, and Development*, 1(1), 21-43.
- Nemec, N., & Prprović, B. (2015). *Evaluation of Community Policing among Roma: A Comparison of Croatia and Slovenia*. Retrieved from <http://www.unizg.hr/istrazivanje/istrazivanje-inovacije/nagrade-za-posebna-postignuca/rektorova-nagrada/>
- Pino, N. W., & Wiatrowski, M. D. (2006a). The Principles of Democratic Policing. In N.W. Pino, & M. D. Wiatrowski (Eds.) *Democratic Policing in Transitional and Developing Countries* (pp. 69-97). Hampshire: Ashgate
- Pino, N. W., & Wiatrowski, M. D. (2006b). Assessing the Obstacles. In N.W. Pino, & M. D. Wiatrowski (Eds.), *Democratic Policing in Transitional and Developing Countries* (pp. 11-42). Hampshire: Ashgate.
- Reaves, B. (2010). *Local Police Departments, 2007*. Washington, DC: Bureau of Justice Statistics.
- Scholtes, P. R. (1998). *The leader's handbook: Making things happen, getting things done*. New York: McGraw-Hill.
- Shelley, L. (1999). Post-Socialist Policing: Limitations on Institutional Change In R. Mawby (Ed.), *Policing Across the World: Issues for the 21st Century* (pp. 75-87). New York: UCL Press
- Skogan, W.G. (2014). Using Community Surveys to Study Policing. In M. D. Reisig, & R. J. Kane (Eds.), *The Oxford Handbook of Police and Policing* (pp. 449-470). Oxford: Oxford University Press.
- Uldriks, N., & Van Reenen, P. (2003). *Policing Post-Communist Societies: Police-Public Violence, Democratic Policing, and Human Rights*, Antwerp: Intersentia.
- Taylor, R., Fritsch, E., & Caeti, T. (1998). Core challenges facing community policing: The emperor still has no clothes. *ACJS Today*, 17(1), 1-5.
- Vito, G. F., Walsh, W. F., & Kunselman, J. (2005). Community policing: The middle manager's perspective. *Police Quarterly*, 8(4), 490-511.
- World Directory of Minorities and Indigenous People. (2015). *Croatia – Roma*. Retrieved from <http://minorityrights.org/minorities/roma-4/>
- Zakon o policiji [Police Act]. (2000). *Official Gazette*, (129/2000).

MUNICIPAL POLICE IN THE REPUBLIC OF SERBIA

Želimir Kešetović, Bogoljub Milosavljević

ABSTRACT

Purpose:

Municipal police is a rather new institution in Serbia, introduced only in 2010. This paper brings the firsthand experience of its function and operations in Serbian towns.

Methods:

Analysis is based on secondary sources, literature review and online survey conducted with representatives of Municipal police in several Serbian towns.

Findings:

The five-year activity of municipal police has had a positive effect on reducing the number of offenses against public order, as well as certain types of crimes committed in public places. When it comes to the number of reports submitted by the municipal police for committed criminal offenses, this number is not large but it certainly represents an important contribution to detecting of these acts and their perpetrators. The positive side of municipal police work is that its members relatively rarely resort to the use of force. Certain cases of political (mis)use of municipal police as well as overstepping the authorities and inadequate interventions towards vulnerable groups which draw a lot of media attention, have very bad influence to the perception and public stands on this service. This is a particularly difficult in Serbian context in which this institution exists in the field of interests and conflicts among political parties, which additional hinders its professionalization and legitimization.

Research limitations:

There are only few secondary sources about municipal police. Less than one third of respondents answered the questionnaire, and some of them gave socially desirable answers. Results of the research should be complemented with comprehensive survey of public opinion on Municipal police.

Originality:

So far there are no analyses of Municipal police in Serbia, so this paper presents initial findings regarding this issue.

Keywords: municipal police, Serbia, security, safety, prevention, public order

I INTRODUCTION

Since 1990, the entire police was completely centralized at the state level, so the municipality lost its jurisdiction over local police authorities and any opportunity to interfere with their work. Establishing of the so called “komunalna policija” [municipal police] in a general way was envisaged in the “Zakon o lokalnoj samoupravi” [Law on Local Self-Government; hereinafter LoLSG] and “Zakon o glavnom gradu” [Law on the Capital], which were adopted at the end of 2007. In these laws it was specified that both, the city of Belgrade and other towns include the work of municipal police in their jurisdiction domain. In particular, legal regulation of such service was provided by the “Zakon o komunalnoj policiji” [Law on Municipal Police; hereinafter LoMP] from 2009, its formation and initial operation began by the end of 2010 and in early 2011. Municipal police only exists in cities and there are total of 27 with the city of Belgrade, but does not operate in municipalities. The system of local self-government in Serbia is single-staged and made of municipalities (150 in total), other towns and the city of Belgrade. The only significant difference between the jurisdiction of cities and municipalities is that municipal police is currently available only in the cities.

Among the key reasons that influenced the decision to introduce the municipal police was the evaluation that this service is needed to overcome the difficulties in maintaining public order and improving efficiency in the implementation of city regulations, as well as contributing to solving increased security problems in the cities. State police lacks sufficient capacity, and sometimes even enough interest in dealing with these issues. This is especially true for non-compliance on communal activities, urban public transport, noise protection and environmental protection, the use of building land and construction of buildings, keeping the city's goods, maintaining public peace and keeping order in public places. Providing assistance from the state police for the

necessary forced implementation of the city authorities' decisions was also a problem because it was not among the priorities of state police. In short, the need for such a service had resulted directly from the existing substantial difficulties in maintaining public order and also from the requirement that the cities take control and implement their own share of responsibility for a safer and more peaceful life of their inhabitants.

On the other hand, during the public debate regarding the LoMP (2009) there was a lot of disapproval. It was claimed that the state police is sufficient for all the problems of the public order¹, that the new municipal police would become an unnecessary budget cost, that the mayors could abuse their power with such police force or that it would be misused for political purposes etc. The resulting decision was that this service was firstly introduced only in the cities, with established limits and precisely defined authorities, and that each case of the use of force would have to be placed under the control of the state police. For the same reasons and right from the start, carrying and possible usage of a firearm were excluded from coercive measures authorized to the municipal police.

Five years ago when municipal police was introduced in the cities of Serbia it generally met public indifference. Meantime, the public attitudes became very divided. The general impression is that a substantial part of the public has no confidence in the mission and capabilities of municipal police, and that it sees a potential source of problems (suspicion of corruption, the possible use of force and fines, possible harm to the rights of citizens, not solving communal problems, etc.). When students take lessons on municipal police, they regularly amount to negative and mocking comments about this service. Therefore, before a detailed overview of the attitudes of the public is given, the organization and other issues related to the work of municipal police will be considered.

2 TASKS, ORGANIZATION AND AUTHORITIES OF THE MUNICIPAL POLICE

Direct legal framework for the organization and operation of municipal police consists of (1) (LoMP, 2009), (2) four pieces of subordinate legislation (regulations) and (3) the decision on the organization of city councils and the internal organization of municipal police, ways and manner of cooperation of municipal police departments and inspection services centre, uniforms and insignia of municipal police officers and about colour and marking of vehicles, vessels and equipment of municipal police (Milosavljević, 2011). Prior to that, the models of those decisions have been prepared within the activities of the Standing Conference of Cities and Municipalities ("Stalna konferencija gradova i opština") (local government association) and submitted to all the cities in order to provide them with expert assistance in, and submitted all the cities in order to provide them with expert assistance to pass these acts. The detailed instruction on methods of conducting municipal police work (practical rules and standards for conducting and implementing their authorities) was produced and delivered to the cities with the same goal.

In parallel with the adoption of the above-mentioned acts, the "Ministarstvo za lokalnu samoupravu" [Ministry for Local Government] and the "Ministarstvo unutrašnjih poslova" [Ministry of Interior] have made all the necessary preparations for the start of communal officers training (prepared and published "Handbook for professional training and examination of municipal police officers" training cycles are planned, accommodation capacities of participants in the training provided, instructors to perform training and composition of the Commission which will check the acquired knowledge and skills in training selected, etc.) (Milosavljević et al., 2010).

Municipal police description is given in the law in a more general way describing the key activities and identifying areas in which to carry out certain tasks. In brief, the municipal police duties under the Act are as follows (LoMP, 2009):

1. Maintaining public order.
2. The exercise of control over the law and other regulations regarding communal and other activities within the jurisdiction of the city.
3. Supervision in local public transport.
4. Protection of environment, cultural heritage, local roads, streets and other public facilities.

¹ These claims came from the police circles.

5. Support the implementation of regulations ensuring the smooth running of life in the city, preservation of the city's resources and perform other duties within the jurisdiction of the city including assistance to public authorities in carrying their specific acts.

Municipal police also undertake urgent measures for environmental protection, protection against natural and other disasters and fire protection, if these measures could not be taken promptly by other competent bodies and services. In case of declaration of an emergency situation, municipal police participates in the performance of rescue functions.

Municipal police is organized as an interior organizational unit within the city government; with the provision that one communal officer can be employed for 5,000 inhabitants. According to this criterion in the LoMP (2009), Belgrade can have up to 320 municipal police officers, Novi Sad up to 70, and other cities from 12 to 50 municipal police officers. Most of municipal police officers are male, there is between 20 % to 30 % female participation (there is a difference in some cities). The work of this department is managed by the Chief of Municipal police ("Načelnik komunalne policije") appointed by the Mayor ("Gradonačelnik"). Among the chiefs there are former police officers (experienced members of the State Police). Regional organizational units of municipal police could be formed for certain city areas. Specialization for certain types of tasks does not exist.

The priorities in conducting municipal police tasks should be determined in the strategic plan, adopted by the city council (collegial executive body of the city). In accordance with the strategic plan, municipal police prepares annual work plans and submits them to the city council for approval. Strategic and annual work plan shall be adjusted before approval, with appropriate planning state police documents. Ministry of Interior, according to the law, is obliged to provide professional assistance in the preparation of those plans. The above-mentioned legal provisions on the coordination of plans and assisting municipal police in the preparation of plans, however, are not respected in practice. Practical cooperation between municipal police and the state police is still good in the field of data exchange and harmonization of individual actions. Municipal police is referred to the cooperation with the city inspection agencies that supervise the implementation of laws and other regulations in certain areas (communal inspection, construction inspection, sanitary inspection, traffic inspection and others). The forms of cooperation include joint control campaigns, the exchange of data and information and mutual assistance.

Although there is a generally positive assessment of the mutual cooperation between municipal police and city's inspection services there are points to a number of problems, such as: attempts of city inspection services to "move" part of its responsibilities to the municipal police; failure of the inspection services upon notifications received from municipal police and the absence of feedback; parallel rather than coordinated action in solving the problem of the same type; absence of mutual consultation and agreement, and the like. Similarly, adding that cooperation between municipal police and the state police is very good, it points out certain problems, such as slowness in obtaining required information and data from the police (for instance, data on vehicle owners, their addresses and ID numbers); attempts to "shift" tasks and responsibilities to the municipal police in cases of offenses against public peace and order (for which municipal police has not had jurisdiction so far); insufficient readiness of the police to cooperate; and similarly. (Milosavljević, 2011).

Mentioned "disputed" area of cooperation between the state and municipal police (offenses against public peace and order) has been resolved by the new Law on Public Order and Peace which gave authorities to the municipal police together with the state police to prevent and suppress such offenses. This proposal was formulated by the Ministry of Interior in December 2015, and then supported by the Government and then, very quickly adopted by the National Assembly ("Narodna skupština") January 2016 *Zakon o javnom redu i miru* [Law on Public Order and Peace]. The role of municipal police in the essential meaning has changed, because it is the first time formally recognized as one of the organs of public order and public security as a player. It is exactly the same Ministry that denied it at the time of the introduction of municipal police in 2009. The change in attitude of the Ministry of Interior is probably the result of a realistic recognition of the fact that municipal police can contribute to the security and that the better results in the maintenance of public order will be achieved through joint forces of communal and state police.

The authorities of municipal police officers, as well as procedures for their control, have received the most detailed legislation and secondary regulation. Municipal police officers have the following authorizations (LoMP, 2009):

1. Issuing warnings (a warning is given to a person whose behaviour or failure to act may violate the communal order, and is given orally, in writing or through the media);
2. Issuing a verbal order (this order is issued as a mandatory instruction, a ban, or requires that an action must be taken to establish order);
3. Identity authentication (for a person who violates regulations and at the request of city officials; the identity is determined by examining the identity document or based on the statement of another person whose identity had previously been checked);
4. Bringing in (an individual can be brought into the premises of the state police if municipal police officer cannot find another way to determine the identity of the person whose identity needs to be established);
5. Inspecting individuals and objects (a municipal police officer can inspect a person caught in the violation of regulations, its items and vehicles; this inspection is carried out directly or by using technical means);
6. Temporary seizure of objects (an item obtained through violation of regulations, used for the breach of regulation or made during the breach can be seized; a certificate is issued upon the seizure of items);
7. Video surveillance (in order to prevent violations of regulations a certain area or a facility can be secured with a video surveillance, along with visible notifications about it);
8. The use of coercive measures, physical force, batons and means of restraint (the rules of the Police Act apply to the use of force).

In addition to above mentioned, municipal police officers also have other authorizations determined by special law, other regulations and by general act of the city, namely: (1) the authority to issue misdemeanour orders for the conduct of criminal proceedings; (2) submission to the competent authority for a criminal offense; (3) notification of other competent authorities to take measures within their jurisdiction.

Municipal police officers are obliged to apply their authorizations in accordance with the principles of legality, professionalism, cooperation with citizens and proportionality. They should also perform their duties with minimal adverse effects. Coercive measures must be applied only when necessary to carry out tasks and without causing unnecessary harm. Means of control (which shall be discussed further) are provided regarding the implementation of coercive measures and other authorizations of municipal police officers. Disciplinary and material responsibility of municipal police officers is carried out in accordance with the regulations applicable to the employees of the city authorities (Milosavljević, 2011).

3 CONTROL OF MUNICIPAL POLICE

Special procedures for the control of municipal police are stipulated by the law and by regulations (Pravilnik o načinu i postupku vršenja kontrole komunalne policije [Regulations on the Procedure for Exercising Control of Municipal Police], 2009). These include: (1) internal control over the use of coercive measures (reporting on each case of the use of these measures and the evaluation of the justification for their use); (2) reporting to the state police about the use of force for control; and (3) control for addressing citizens' complaints about the work of municipal police (carried out by the chief of the municipal police and the Special Commission of the City Assembly for the resolution of these complaints). In addition to these control procedures, municipal police, as well as any other organizational unit of the city administration, falls under the control carried out by the head of administration, city council, city hall, courts, the citizens' protector (Ombudsman of Serbia) and other official authorities.

Internal control for the use of coercive measures is implemented by the chief of municipal police or the person authorized by the chief. Municipal police officer is obliged to submit a written report for any case of use of coercive measures. The report has to be submitted immediately after the use of coercive measures, and no later than 24 hours from the event. The whole purpose of control is to determine whether the use of coercion was justified and correct or incorrect and unjustified. In the control process, statements are collected from other municipal police officers who were present at the event, from the person against whom the means of coercion were used and from the possible witnesses. Based on the established facts, the chief of municipal police assesses the justification and correctness of the use of coercive measures. If it is the case of an unjustified and improper use of force, then the chief takes certain measures for establishing

disciplinary, misdemeanour or criminal responsibility of the municipal police officers. The deadline for this type of control is 15 days (Regulations on the Procedure for Exercising Control of Municipal Police, 2009).

According to the Act reporting on the use of police coercion refers to (1) reporting on any case of the use of force, and (2) a special report in the event of an injury or death of a person due to the use of coercive measures. In the first case, the purpose of reporting is to enable the police supervision over the internal control conducted by the Chief of municipal police and to ensure police cooperation. In the second case, however, the police must carry out an investigation in order to assess the correctness and justification of the use of coercive measures and possibly initiated a criminal investigation by filing a criminal complaint to the public prosecutor. There have been no such cases.

Anyone who believes that his rights were violated with an improper or unlawful action of municipal police officers may file a complaint against municipal police. The complaint must be filed within 30 days from the date of the violation. The complaint cannot be anonymous, and its applicant cannot sustain any harmful consequences for filing a complaint. The complaint is resolved by the chief of municipal police or a person authorized to do so. Within 15 days, they are obliged to inform the complainant by written notice about the outcome and measures taken upon the outcome of the complaint. However, should the complaint or information that has been collected in the process of checking the allegations in the complaint give ground for suspicion that a municipal police officer committed a criminal offense then the chief of municipal police is obliged to cede a complaint to the Committee of the Complaint, which further conducts the complaints procedure. This committee is formed by the city assembly, with four members and one president, more precisely, three councillors of the City Assembly, Mayor of Municipal Police and a representative of the State Police. This committee investigates the complaint and collects necessary evidence and information about the facts and circumstances of the case. It needs to complete the complaints procedure within 30 days and submit its reply to the complainant. Regardless of the outcome of the complaints, the applicants have the right to use all other legal means to protect their rights (Regulations on the Procedure for Exercising Control of Municipal Police, 2009).

The number of complaints about the work of municipal police and municipal police behaviour is not very high, but tends to increase annually. In the first year since starting, there were only 42 complaints (of which 27 in Belgrade and 15 in all other cities) on the work of municipal police. Afterwards, the number kept growing at an annual rate of 5 to 10%. The contents of the complaints were different: they were usually related to selectivity in the treatment of municipal officers with the complainant (for example, why is the penalty imposed or the intervention carried out just for one person or persons, but not for others), the rudeness of municipal officers, when dealing with the parties involved, the nonparticipation of the municipal police patrol once the report is filed, the failure to notify on the outcome of the proceedings and the likes. However, there were complaints that indicated various irregularities and illegalities in the implementation of the authorities of municipal police, as well as the unnecessary or excessive use of force. Some of these other cases were recorded with mobile phones and presented through television programme or social networks. They were related to the use of physical force or binding agents on passengers in the public city transport who were without transport tickets and did not want to show an identity card so that the municipal police officer could not issue a misdemeanour warrant². Such events have evoked strong negative reactions in the public and adversely affected the reputation of the municipal police (as discussed in the last section). The public, however, had not been informed of any measures taken against municipal police officers who were responsible for such behaviour (except in one case) (Milosavljević, 2011).

Serbian Ombudsman ("Ombudsman Srbije") had recently pointed out a series of failures regarding procedures of Belgrade municipal police (Glavonjić, 2015). Those remarks were made in his recommendations, issued after the inspection procedure for the case in which the municipal police prevented a team of journalists to film the site of "Belgrade Waterfront". This project is favoured as one of the most important under the Government of Serbia, and involves

2 Control of transport tickets in public transport is carried by inspectors - persons under contract with the city transportation company. When a passenger does not have a ticket or fails to show it, the inspector is authorized to ask for an ID to issue a misdemeanour order. However, if the passenger refuses to show ID or attacks the controller, the municipal policies called to provide assistance to the controller.

the construction of a complex of office and residential buildings in the old part of the city, along the river Sava (Ombudsman Srbije, 2015).

There are, however, many opponents of this project who do not agree with the demolition of old buildings and the new building plans. In this case, the Ombudsman found out the following: municipal police had no legal grounds nor reason to prohibit the filming, the municipal officers declined to identify themselves, they threaten the crew members and forbade them to take photos of municipal police officers, the reporters were numerously asked to provide ID cards and one of them was even brought to the police station, they clearly showed the intention to damage the equipment (cameras), and for no reason they have used physical force and the use of force was not filed, and so on (Ombudsman Srbije, 2015).

The community policing combines preventive and repressive actions, but is basically oriented towards prevention. Prevalence of preventive action can be seen in data on the frequency of authorizations usage for giving warnings as opposed to other authorizations usage of predominantly repressive nature. The number of issued warnings takes about 50 % of total number in the use of authorization cases. In the remaining half of these cases, the highest percentage refers to issuing orders, followed by those of identity authentication and warrants issuing for misdemeanour proceedings. The numbers of other cases, such as: bringing individuals, inspecting individuals and objects and seizure of objects were relatively small. The same applies to the representation of cases in which criminal charges were filed or notifications submitted to other authorities for the purpose of applying specific measures within their jurisdiction. (Milosavljević, 2011) Along with the state police, the municipal police had participated or still participates in the implementation of specific preventive programs, such as programs of safety improvement for school children ("School policeman"), increasing the children's safety in traffic around schools, combating illegal drug trafficking among young people, more control of compliance with the ban on selling alcohol and cigarettes to minors, care of people (particularly children, young people and sick persons) that have no accommodation ("homeless"), and other programs (Nenad Ilić, December 29, 2015, personal interview).

4 PUBLIC TRUST IN THE MUNICIPAL POLICE

Serbian citizens generally have no trust in the institutions. Research conducted by Ipsos Strategic Marketing (Strategic) showed that public trust in most institutions was below 50 % (Ipsos, 2014). In this general context, the conclusions on the trust of citizens in municipal police can only be drawn indirectly due to the fact that this is a relatively new institution, not uniformly set, and, in particular, due to the lack of research. In fact, besides small scale sample surveys, which should be taken rather cautiously,³ there have not been any systematic studies on public attitudes toward municipal police so far.⁴ According to the evaluations of some of the surveyed executives, municipal police had no support from the citizens. The citizens were ready to assist municipal police only to the extent of the solution to their current problem, but as far as the cooperation and support of the system were concerned there was neither willingness nor interest for it. The causes for such results are multidimensional and require specific research, but certainly they have a lot to do with the perception of municipal police and the attitudes of citizens. According to the municipal police executives, the main causes of the negative attitude of citizens towards municipal police are unrealistic expectations of the citizens, unfamiliarity with the service jurisdiction, and negative media presentation. Certainly, the occasional inappropriate interventions, abuse of authority and other inappropriate behaviour and at times even a political misuse of the service influence a great deal to the general trust of the public in the municipal police. Namely, from the standpoint of the politics, municipal police is often seen as a service which is always available and easily (miss) used for political purposes in Serbia (Nenad Ilić, December 29, 2015, personal interview). On the other hand, there are some examples, as in the case of the municipal police

3 For instance, The Belgrade Initiative NGO has set a YouTube survey in which citizens were asked about how they perceived Belgrade Municipal Police. There were several people interviewed and they expressed dissatisfaction with the municipal police and the disarray they believed was caused by this service. In this regard, The Belgrade Initiative proposed a reform of the municipal police

4 From the various reviews and data about the public perception and the attitudes of citizens towards municipal police based on a content analysis of mass media, social networks and responses to the survey sent by email to the official address of 17 municipal police services.

of the city of Valjevo, where citizens are willing to cooperate with this service and, in return, it enjoys their full support (Siniša Đurić, January 6, 2015, personal interview).

Since municipal police services are not independent institutions but part of the city government, and do not have their own spokesperson or PR team, this area is being covered by the general information service for the entire city government. As a rule, in the Mayor's Cabinet there is usually a specialized Bureau, that deals with the public relation on behalf of the entire city administration; yet in some cities, there are those responsible for communicating with the media regarding the local municipal police, but they can do this job only after the approval of the Bureau in the Mayor's Cabinet. In some cities, the chief of the municipal police deals with the public relations issues (city Valjevo). Municipal police do not have their own websites, but some of them are given special links within the framework of the official website for the city administration. Only the municipal police in Belgrade and in Užice have their own websites and Facebook profiles, which make them visible in a social media system. The Chief of municipal police from one of the towns stated: "From our previous experience, we have concluded that the citizens would rather use the official Facebook page of municipal police to express their dissatisfaction with our service, rather than engage in a proactive cooperation and refer to the communal problems in the city. This way, these social media profiles would be made tools for negative campaign about the municipal police, especially if this is encouraged (and almost always is) by some political groups." (Nenad Ilić, December 29, 2015, personal interview).

The impression of the municipal police executives is that in the major cities, and especially in Belgrade, the image of the municipal police in Serbian media is represented as bad and negative, while in smaller towns the executives believe that the presentation of this service in the local media is more or less objective and generally positive. It all differs from case to case, where sometimes managers respond to misinformation and tendentious comments, or in other times, there is a complete lack of reaction even in the cases of incidents which received more media coverage in the national media. In the print media, the articles relating to excesses, scandals and individual unfair practices of municipal police officers are far more frequent than analytical texts which realistically and comprehensively consider the problems related to the establishment of this service. Stories on local television mainly present local police in a positive light (successful campaigns - such as finding lost children, preventive and educational actions) and there are also reports of incidents in which municipal police officers were injured, as well as positive feedback about the work of municipal police and the problems that this service meets at work. Also, there are interviews with the heads of local police on all the previous topics, being shown on these TV stations. Local police are rarely the subject of interest for the television stations with national coverage. There is a big problem with journalists not being familiar with the regulations and operations of the municipal police, and also a more biased reporting on this service. The way the municipal police are treated in the media, just like any socially relevant topic in the country, is conditioned by the ownership structure and political orientation of media newsrooms.

There were also conflicts between journalists and members of municipal police in some cases. Thus, because of the attacks on KRIK journalists⁵ by the chief of municipal police and members of the service in civilian clothes, KRIK filed a complaint to the competent authorities on their work. A complaint on the Mayor Nikola Ristić, his deputy Darko Vujisić and several members of the municipal police was filed over the incident that occurred on October 21, 2015 when they attacked journalists from the Crime and Corruption Reporting Network- KRIK - and deleted video footage which journalists made. On this incident, the Ombudsman insisted on the statement from the municipal police, and the Association of the Independent Journalists of Serbia sought dismissal of the chief Ristić, while its chairman Vukasin Obradović stated that this is an unprecedented scandal in modern, democratic Serbia's history. The arrogance of people who turned out to be the municipal police, but look more like a Praetorian Guard for the Mayor or the SWAT team, is just incredible. The thing that happened to KRIK journalists is comparable only with those in

5 Crime and Corruption Reporting Network (KRIK) is a non-profit organization established to improve the investigative journalism in Serbia. The organization was founded by a team of journalists who for years have been engaged in exposing crime and corruption, and who have received many awards for their work. KRIK is part of the Organized Crime and Corruption Reporting Project (OCCRP), an international non-profit organization that is a consortium of non-profit investigative centers and for profit independent media in twenty countries around the world, from the Balkans and Eastern Europe to Central Asia. Organizations that helped development of KRIK so far are OCCRP, The National Endowment for Democracy (NED) and Open Society Foundations (OSF). See more on <https://www.krik.rs/en/>

the nineties. People appear out of nowhere, without any authority and legitimacy, and act rudely towards the journalists. This attitude is typical only in autocratic regimes (Pećo, 2015).

Treatment of municipal police on the social networks is mainly polarized on the diametrically opposed views and impressions - from the harsh and ruthless criticism to the full support for this service. Attitudes certainly depend both from the municipal police and its methods as from the person who expresses them – personal values, interests and positions. The general impression is that the negative comments in the virtual space prevail, which is partly due to the fact that citizens who feel damaged and harmed by the municipal police are more than ready for this type of communication and sharing of experiences than those who were helped by the municipal police. When it comes to the presentation of municipal police on social networks, YouTube holds a key position since there is a possibility of posting multimedia files, and there are several hundred video clips on municipal police. Besides the reports from local television, there is also the “citizen journalism” or videos clips posted by the citizens that almost always show this service in a negative light. It is not uncommon that people use their mobile devices to record the interventions of the municipal police and post those clips on YouTube. These are usually the cases of the use of force against citizens, especially against members of vulnerable groups (the elderly, the poor, the unemployed, women and juveniles) and against journalists, but some also show arrogance and disrespect of regulations by the members of the municipal police (e.g. improper parking of official vehicles, crossing the street outside the pedestrian crossing, sitting in a cafe during working hours on duty, etc.). Specially created video clips and music segments made in hip-hop and rap style, that in satirical and critical but also rather rough and insulting manner speak about the work of municipal police, its brutality, alleged links to the organized crime and being easily swayed by political influence can also be found.⁶

The situation is similar on Facebook, where municipal police is a common theme within certain groups. There are mostly negative comments, but also some positive ones. And civic activism has different forms in relation to the municipal police. Thus, on the Internet there is a petition addressed to the Government of the Republic of Serbia, the President of the Republic and President of the National Assembly of the Republic of Serbia, with a request to urgently cancel the municipal police in all the cities on the territory of the Republic of Serbia because of the following reasons:

- Does not meet the basic activity for which it was established
- The work that is far outside its stipulated jurisdiction
- It serves only to some political parties and personal interests of individuals, such as, for example, assisting in the unlawful forced payment of public transport cards from the BUS PLUS system, and other privately owned companies, and all that at the expense of the budget, namely citizens of Serbia
- It unlawfully applies improper use of force and coercive measures against citizens
- It has no clearly defined mechanisms of control and thus stands out as a special paramilitary unit of repression and intimidation of citizens⁷.

On the other hand, there is a petition on the Internet created to protect municipal police, whose author is Ana Jovanović. It states that: Municipal police officers are honest people who do their work for a salary, and have the tasks to perform. They work in three shifts and in the service of the citizens and the state. The media have created a chase against the municipal police and incurred the hatred that can be dangerous. We hereby ask you to stop the chase against the Municipal Police, as to what the media are doing is immoral and very dangerous. Please note that they are just doing their jobs for a small salary⁸. As of January 2, 2016 a petition for the cancellation of municipal police was signed by a 3274 citizen, and a petition for its protection was signed by only two citizens.

4 CONCLUSION

Relatively brief presence of the municipal police and lack of series empiric research does not give enough space for factual conclusions on the effect of this service. Also, the existing data for

6 Such as <https://www.youtube.com/watch?v=AnaesBNmM2o>

7 For more information, see: http://www.peticije24.com/peticija_za_ukidanje_komunalne_policije

8 For more information, see: http://www.peticije24.com/peticija_za_zatitu_komunalne_policije

Belgrade and other cities are disabling generalisation since the public perception differs and expert and political public are divided.

Based on numerous claims, the five-year activity of municipal police has had a positive effect on reducing a number of offenses against public order, as well as certain types of crimes committed in public places. Although difficult to prove, it is generally argued that the increasing presence of municipal police officers in places where more violations of order and criminal offenses occur has a preventive effect, in that it discourages potential abusers of illicit behaviour. When it comes to the number of reports submitted by the municipal police for committed criminal offenses, this number is not large but it certainly represents an important contribution in detecting these acts and their perpetrators. The positive side of municipal police work is that its members rarely resort to the use of force. And when these situations occurred, usually it was the application of physical force and use of means of restraint, but quite rarely the use of batons. This manner of work is a good thing and should be continuously nurtured. Doing the job effectively and lawfully is possible and highly desirable in developing good relations with citizens. And it should remain as a permanent tendency for all municipal police officers, especially due to the fact that almost every example of the use of force was met with rather harsh comments in public and was linked to bad examples and experiences in the work of the national police during recent times.

It should be emphasized that certain cases of political (mis)use of municipal police as well as overstepping the authorities and inadequate interventions towards vulnerable groups which draw a lot of media attention, have very bad influence to the perception and public stands on this service. This is a particularly difficult in Serbian context in which this institution exists in the field of interests and conflicts among political parties, which additionally hinders its professionalization and legitimization.

REFERENCES

- Glavonjić, Z. (October 23, 2015). Komunalna policija opet u akciji: U službi građana ili telo hranitelji vlasti [Municipal police in action again: in the service of the citizens or the bodyguards for the Government]. *NUNS.rs*. Retrieved from <http://www.nuns.rs/info/news/25331/komunalna-policija-opet-u-akciji-u-sluzbi-gradjana-ili-telohranitelji-vlasti.html>
- Ipsos. (2014). *Serbia under the Ipsos scrutiny*. Beograd: Ipsos.
- Milosavljević, B. (2011). *Analiza primene zakona o komunalnoj policiji* [Analysis of the application of the Law on Municipal Police]. Beograd: SKGO.
- Milosavljevic, B., Miletić, S., Vujadinović, P., Josipović, R. Otašević, B, & Mijailović, M. (2010). *Prirucnik za stručno osposobljavanje i polaganje ispita komunalnih policajaca* [Guide for professional training and examination of municipal police officers]. Beograd: Ministarstvo državne uprave i lokalne samouprave.
- Ombudsman Srbije. (2015). *Utvrđene mnogobrojne nepravilnosti u radu komunalne policije u postupanju prema novinarskoj ekipi sajta "Istinomer"* [Numerous irregularities found in Communal Police dealing with the press team of the site "Istinomer"]. Retrieved from www.ombudsman.rs/index.php/long-sr/2012-02-07-14-03-33/4502-2015-12-33-11-12-34
- Pećo, D. (November 4, 2015). KRIK podneo pritužbuna rad načelnika komunalne policije [KRIK Filed a complaint against the chief of Municipal police]. *KRIK*. Retrieved from <https://www.krik.rs/krik-podneo-pritužbu-na-rad-nacelnika-komunalne-policije/#sthash.4yGe9Bjf.dpuf> accessed 26.12.2015
- Pravilnik o načinu i postupku vršenja kontrole komunalne policije [Regulations on the Procedure for Exercising Control of Municipal Police]. (2009). *Službeni glasnik Republike Srbije*, (106/09).
- Zakon o glavnom gradu [Law on the Capital]. (2007). *Službeni glasnik Republike Srbije*, (129/07).
- Zakon o javnom redu i miru [Law on Public Order and Peace]. (2016). *Službeni glasnik Republike Srbije*, (6/16).
- Zakon o komunalnoj policiji [Law on municipal police]. (2009). *Službeni glasnik Republike Srbije*, (51/09).
- Zakon o lokalnoj samoupravi [Law on Local Self-Government]. (2007). *Službeni glasnik Republike Srbije*, (129/07).

THE ROLE OF LOCAL PREVENTION COUNCILS IN PREVENTION OF SOCIO-PATHOLOGICAL PHENOMENA IN THE CITY OF SKOPJE

Saše Gerasimoski, Marjan Arsovski

ABSTRACT

Purpose:

This paper deals with the work of newly established Local Prevention Councils [LPC] in city of Skopje and its role in prevention of various socio-pathological phenomena.

Methods:

Mainly qualitative research methods are being used for gathering, analysing and interpreting the results of the research. We carried out 20 non-structured, informal interviews in which members of LPC from city of Skopje and municipalities of Skopje are being interviewed. In addition, we also use content analyses of the national legal legislation covering the LPC work in Republic of Macedonia.

Findings:

The paper is aimed to show the state and role of LPC in city of Skopje, Republic of Macedonia and to assess the achievements of their work so far. The used methodology and theoretical insight are expected to give clearer picture on the legitimacy of their work, assess their real role and contribution in prevention of socio-pathological phenomena, as well as to point out to the weaknesses of their work. As a result, the authors give recommendations and proposals on how to improve legal framework and heighten the degree of efficiency of LPC in dealing with prevention of socio-pathological phenomena within the city of Skopje.

Research limitations:

In general, the limitations of the paper could be seen in the methods used for gathering the data, as well as in the fact that this problem, to the authors' knowledge, has not been scientifically researched so far in Republic of Macedonia. The implications could be summed up in the useful recommendations and proposals that will arise from research and could be of use to LPC in improving their work and effectiveness in prevention of socio-pathological phenomena.

Originality:

The originality of the paper could be seen in researching of the relatively new phenomena in prevention such as LPC, but also in providing new insights on many possibilities for improvement of their work and efficiency, given the organizational, contextual and legal improvements that could be implemented in the future.

Keywords: Local prevention councils, socio-pathological phenomena, local self-government, Skopje

I INTRODUCTION

Prevention has always been imperative in security, especially in societal security. The interdependence of societal relations nowadays is so perplexing that makes prevention unavoidable, since the consequences of various security risks could be grave if they are to be manifested as endangerments. Thus, all-encompassing and well-timed prevention of risks remains focus of every modern security policy, let alone the social pathology policy. It has been also pretty known that socio-pathological phenomena are special kinds of destructive security phenomena with mainly societal origin. Since the origin of the socio-pathological phenomena is to be found in dysfunctional societal relations, then, the main, and, in most cases, only way of social reaction is preventive (Spaseski, Aslimoski & Bačanović, 2011).

The socio-pathological phenomena have increased in the last decades, both in size, scope and structure. There's almost no modern country where there was no significant increase in socio-pathological phenomena by almost all parameters. The increase can be observed in all contemporary societies affected by post-modernization and globalization. The Republic of Macedonia also falls within this group of countries where significant increase in socio-pathological phenomena has been observed within the last two and a half decades. The aetiology and phenomenology have been widely and thoroughly discussed so far amongst scientific circles

within sociology, criminology and social pathology, but, it seems that the societal reaction have not given the necessary contribution towards designing and implementing all-embracing, effective and up-to-date solutions as part of the contemporary socio-pathological prevention and politics. In spite of the fact that various forms of prevention strategies, politics and measures have been envisaged and implemented so far, the statistical numbers have been relentless and show no improvement in this sphere, moreover, worsening of the situation considering several socio-pathological phenomena such as drug-addiction, alcoholism and prostitution.

Within the broader societal prevention strategies, policies and programs that have been undertaken in the previous decade on the Balkans, and Republic of Macedonia in specific, were the so called "Lokalni Soveti za Prevencija" [Local Prevention Councils; hereinafter LPCs]. They were envisaged to be very effective mechanism for creating successful prevention within the local communities. As such, they were part of the efforts to envisage and implement sustainable societal prevention within the local communities and societies in general. In fact, they were to function as micro-societal forums where all relevant destructive security phenomena, including socio-pathological phenomena, were to be discussed, detected and managed amongst the most important actors (subjects) within the community, especially the ones that are considered as most responsible for creating and maintaining favourable security conditions, such as representatives of local municipalities, local police, local educational and health institutions, local NGOs, etc.

This paper is aimed at analysing the current state of functioning of LPCs in the city of Skopje and its municipalities, with special attention being paid to the role that these Councils (at the city and municipality level) play in terms of prevention of socio-pathological phenomena. In this respect, we have decided first to present an overview of legal basis for the functioning of the LPCs in Skopje and second, to present the results of our research considering the role of the LPCs within the city of Skopje and its municipalities. Understandably, we are giving some proposals and recommendations on where and what improvements have to be made in future in order to make use of the full potential that the LPCs' possess in terms of prevention of socio-pathological phenomena within local communities.

2 LEGAL BASIS FOR FUNCTIONING OF LOCAL PREVENTION COUNCILS IN CITY OF SKOPJE

The legal grounds for LPCs in Republic of Macedonia lies within the Ustav na Republika Makedonija [Constitution of the Republic of Macedonia] (2001), Zakonot za lokalna samouprava [Law on Local Self-government] (2002) and its bylaws. Consequently, we will give an overview of the legislation concerning LPCs in the city of Skopje and its municipalities by analysing the key provisions from the abovementioned legislation.

The local self-government represents a democratically elected authority by the local population, which decides on matters that by the nature of things are closely linked to a geographical area in which a certain local community exists and are essential to the development of the local community. Because of the great importance of this form of management with a local community, local self-government is established as a constitutional right that could not be restricted by law or other legal act in the modern regulation of social relations. In its essence, the local self-government represents power parallel to the central (state) power which rules on the level of a country, while local self-government rules only to a particular part of the country (region or municipality) (Bajaldziev, Micajkov & Taskovska, 1999). In order to avoid overlapping of competencies between the two authorities, their competencies have been precisely determined, such as, for instance, urban planning, public works, culture, public services, local economic development, etc., which fall within the competencies of the local self-government, while the central government manages the areas closely related and essential to a country, such as the military, police, monetary policy, foreign relations, etc. (Klimovski, Mitkov, Karakamiševa & Treneska, 2003).

The units of local government in Republic of Macedonia are the municipalities. Due to the size of the Republic of Macedonia, a local governance at regional level has not been established. The Constitution allows the possibility of establishing even smaller forms of local self-government within the local organization. According to Article 116 of the Constitution of the Republic of Macedonia (2001), territorial division of the Republic and territories of the municipality are defined by law (Zakon za teritorijalna podelba na lokalnata samouprava vo Republika Makedonija

[Law on Territorial Division of Local Self-government], 2004). For this purpose, the Law on Territorial Division of Local Self-government was adopted in 2004, which replaced the Law on territorial division and determination of the areas of self-government units in Macedonia (Zakonot za teritorijalna podelba i opredeluvanje na oblastite na lokalnata samouprava, 1996).

According to Article 117 of the Constitution of the Republic of Macedonia (2001), the City of Skopje is a separate unit of local self-government, whose organization is being precisely regulated by law (Zakon za grad Skopje [Law on the City of Skopje], 2004). For this purpose, in 2004, the Law on the City of Skopje was adopted, which substituted the previous Law on City of Skopje from 1995. The citizens of Skopje City, directly or through their representatives, participate in decision-making on issues of importance for the City of Skopje, particularly in the areas of urbanism, communal activities, culture, sports, social and child care, preschool education, primary education, basic health care and other areas established by law.

Considering the legal basis for competences in security matters, the city of Skopje as separate unit of local self-government and its 10 municipalities (Centar, Kisela Voda, Aerodrom, Gjorče Petrov, Karpoš, Gazi Baba, Čair, Butel, Saraj and Suto Orizari) have adopted decisions regulating the formation and work of LPCs on their territory. These bylaws were adopted in accordance with the reforms of the security system on local level and the strong efforts to develop the concept of societal security through the community policing concept. Thus, following the reforms done within the Macedonian police in cooperation with OSCE Mission in Republic of Macedonia [Misija na OBSE vo Republika Makedonija], the LPCs started to be formed from 2008 onwards and were seen as one of the leading tools for establishing and implementing of this concept (Selimi & Bogdanovski, 2015). In 2011, the city of Skopje adopted the Decision for Formation of Local Prevention Council (Odluka za formiranje Sovet za lokalna prevencija na grad Skopje, 2011a) while the municipalities have adopted their Decisions on the formation of such LPCs a little bit earlier (the municipality of Aerodrom brought the Decision for formation of LPC in 2008, the municipality of Karpoš in 2009, and Kisela Voda in 2011) (Odluka za formiranje na Lokalen Sovet za Prevencija, [Decision for Formation of Local Prevention Council], 2008; Decision for Formation of Local Prevention Council 2009; Decision for Formation of Local Prevention Council, 2011b). In spite of the fact that these bylaws constitute direct legal basis for formation and work of LPCs in the city of Skopje and its municipalities, in actual fact, they are very scarce in legal terms, since they regulate only its main function, usually defined as being advisory and coordinative body for carrying-out cooperation and enhancing the influence of public on the work of police, and also, by regulating the composition of the LPCs and the way of their convening (according to these Decisions, the LPCs are being convened by the Mayor of the municipality or by the Mayor of the city of Skopje). Such scarce and not precise regulation leaves room for many legal shortcomings and misinterpretations, especially, when we talk about the competencies of the LPCs, their rights and obligations and relations among the subjects involved in the work of LPCs. Also, there are no provisions considering the non-participation on the LPCs' meetings, so it seems that everything has been based on a voluntary basis and on the will of the members of LPCs.

Because of the legal scarcity and lack of legal precision, the decisions itself and their non-compliance with other higher legal documents, the subject-matter of the LPC's work is unclear. For instance, it is not known which security issues it could discuss, address and try to deal with, whether all security issues (amoral and asocial behaviour, socio-pathological phenomena or delicts) and, since they are numerous and different, to which of these destructive security phenomena they should be aimed at. Also, not of lesser importance is the issue of the methodology and way of work of LPCs. It is unclear what is the basis for determining the key security issues that the LPCs will discuss, address and try to solve (whether it would be some formal source like police reports, statistical reports and reviews, media information, risk assessment reports prepared by other security services or information from the citizens). Therefore, it seems quite urgent that these legal improvements in terms of definition of competencies, organization and methodology of work of LPCs must be done promptly, in order to assure that the full potential of the LPCs in prevention of destructive security phenomena will be realized.

3 LOCAL PREVENTION COUNCILS AND THEIR ROLE IN PREVENTION OF SOCIO-PATHOLOGICAL PHENOMENA

The LPCs represent relatively new form of the so called civilian security subsystem in the Republic of Macedonia. When we speak of it as relatively new, we understand that this kind of civilian activity within the security system with only preventive function existed within the previous socialist system of societal self-protection. Nowadays, according to the reforms done within the security system in Republic of Macedonia, it is considered as part of the contemporary civilian security subsystem, or precisely, it is closely incorporated and understood within the community policing concept. Thus, the local self-governments, local police and local population consist the basic triangle of subjects which have to implement and develop this concept in practice. As we mentioned, this is purely civilian security sector concept which rests on determining and implementing only preventive security measures and activities in order to strengthen the capacity of the overall security system. As such, LPCs represent the core not only of community policing and civilian security subsystem, but of the so called societal security as well. Besides that, this concept in Republic of Macedonia has also been strengthened with another concept of community policing and societal security, defined as Citizens Advisory Groups [CAGs] (Selimi & Bogdanovski, 2015). They should complement with LPCs in order to assure better prevention within local communities. It seems that the existence of LPCs and CAGs is more than necessary in terms of addressing local security problems, especially in the city of Skopje and its municipalities, as one such recent study suggested. Namely, the citizens of Skopje enumerated the security problems (crime and socio-pathological phenomena) and the need for their prevention, as one of the most urgent and serious problems that city of Skopje and its municipalities will have to face and deal with in the nearest future (Slaninka-Dineva, 2011).

With the aim of achieving higher degree of contribution of local security within the overall security of the country, the LPCs, as well as other forms of local preventive mechanisms, have been developed within the last decade. The LPCs were a direct product of cooperation between the OSCE Mission in Republic of Macedonia and Macedonian Police, as well as OSCE Mission and Local municipalities. As a result of these efforts, the LPCs started to be established from 2007 onwards, with different level of success in different parts of Macedonia. Considering the role of LPCs in prevention of destructive security phenomena, with special emphasis on prevention of socio-pathological phenomena within the city of Skopje and its municipalities, we have conducted our own research, as well as consulted two recent relevant studies done in this field. They helped us create much clearer picture of the state of affairs with prevention of socio-pathological phenomena in Skopje and in its municipalities.

Our research considering the role of LPCs in prevention of socio-pathological phenomena in the city of Skopje, consisted of carrying-out of 20 informal, non-structured interviews with representatives of the LPCs in the city of Skopje and its municipalities. The interviews were conducted during March and April 2016 by the authors of the paper. The questionnaires' for interviews consisted of 10 open questions which covered questions related to the role of LPCs in prevention of destructive security phenomena, with special emphasis of the role of LPCs in prevention of socio-pathological phenomena within the city of Skopje. The questionnaire included the following questions:

1. What is the need and justification for the existence of LPC in your city/municipality?
2. How do you evaluate the work of the LPC in your city/municipality so far, and in which spheres of the prevention of destructive security phenomena have you reached the best results (immoral and asocial, socio-pathological phenomena or crime)?
3. Which socio-pathological phenomena are the most present in your city/municipality?
4. In what way your LPC contributes towards the prevention of socio-pathological phenomena (such as drug-addiction, prostitution, alcoholism, vagrancy, gambling, and suicide)?
5. How present are the socio-pathological phenomena in your city/municipality and which measures could be undertaken by you LPC in future to prevent them?
6. In what way your LPC contributes towards the prevention of crime (such as personal and proprietary) and what measures could be undertaken in the future?
7. What changes are needed in terms of organization and functioning of the LPC in order to improve their work in the future (is the organization good, how often do you meet, what is the communication between LPC's members, is there any need to change the composition of LPC by its enlargement or narrowing etc.)?

8. Do you find the composition of the LPC adequate and do you see the need to include other subjects in its work (for instance, private security entities)?
9. If included in the work of the LPCs, in what way could the private security entities contribute towards prevention of the destructive security phenomena, especially socio-pathological?
10. Do you have any remarks and suggestions for possible improvements of the questionnaire?

The interviews were conducted in face-to-face meetings and conversations and all the answers were noted down by the interviewers. The obtained answers were later on classified and processed using the so called contextual method, meaning that the answers of the questions were processed using classifications and typologies of the answers by their similarity. Thus, this kind of data gathering method helped us get much wider and profound picture of the researched problem and helped us compare the answers of our research with two other recent relevant researches done in this field. Considering the space for this paper, we'll focus only on the main and most relevant findings from our research.

The general conclusion which can be drawn from the conducted research is that the LPCs have not taken its deserved place within the security system, community policing and within prevention policy in general. Most of the interviewed members of LPCs in city of Skopje and the municipalities of Skopje seem to be aware of the importance and preventive potential of LPCs, but, due to many reasons, some of them objective, but, most of them subjective, they are not functioning as it was envisaged. The main reasons and obstacles for this can be found in subjective, rather than objective factors. For instance, amongst the leading subjective factors we can enumerate the following: lack of political will, lack of readiness for cooperation (especially between police and municipalities), rare meetings of the LPCs due to lack of initiative, inadequate organization and composition of the LPCs, misunderstanding of the real preventive potential of LPCs etc. Amongst the objective reasons and obstacles, we figured out these ones: unclear legal provisions (especially concerning the competencies between city of Skopje and its municipalities, competencies of each LPC and rights and obligations of the members of LPCs), lack of financial support for the existence and work of LPCs, existence of other preventive programs and projects seen as sufficient (especially done by the local police), etc.

The research included interviews with members of LPCs from city of Skopje and 4 largest municipalities (Kisela Voda, Centar, Karpoš and Aerodrom), which together represent more than a half (around 60 %) of the population in the city of Skopje. We have contacted the members of other municipalities from Skopje, but, due to various reasons, we have not got a response. Nevertheless, we are prone to believe that the gathered information, complemented and compared with another similar research conducted the previous year, could give us clear picture of the state and role of the LPCs in prevention of destructive security phenomena, especially of socio-pathological phenomena. It is interesting to mention that the members of the LPCs which come from the local police have proven to be much more interested and cooperative in research than the members of the LPCs who come from the political parties and are, at the same time, their representatives in the local councils. This is confirmed through the fact that 14 out of 20 interviewed members of the LPCs were local police inspectors in charge of prevention. The rest of the interviewed 6 members were representatives of the political parties as local deputies within the LPC's. Structurally, 4 of the interviewed were members of the city of Skopje LPC (2 members were political deputies and 2 members were local police inspectors in charge of prevention), 5 of the interviewed were members of the Centar LPC (2 political deputies and 3 police inspectors for prevention), 5 of the interviewed were members of Aerodrom LPC (1 political deputy and 4 police inspectors for prevention), 4 of the interviewed members came from the Kisela Voda LPC (all of them police inspectors for prevention) and 2 of the interviewed members came from the Karpoš LPC (1 political deputy and 1 police inspector for prevention). It is worth noting that 80 % of the members of LPCs are local deputies and local police inspectors for prevention, so considering this, the sample of research could be deemed as representative.

According to the information gathered, analysed and interpreted from the conducted interviews with LPCs members, we can undoubtedly say that Kisela Voda LPC is considered as the most active, together with the Gjørče Petrov LPC, whose representatives were not interviewed, but we have compared its work with the data of the other, previously mentioned research. On the opposite of this, the municipalities of Aerodrom, Centar and Karpoš LPCs have not been active

although they have decisions for their formation, while, the city of Skopje has legal Decision for the constitution of LPC (2011a), but has not been active regularly, only from time to time, ad-hock. For instance, it gathered in 2012 and 2013 when violence among the youth based on ethnical and political grounds broke out, and was mainly manifested in public transportation buses, secondary schools and public sports events (Gerasimoski, 2015).

Concerning the questions related with the role of LPCs in prevention of socio-pathological phenomena, almost all interviewed members of LPCs answered that LPCs are necessary and that they could give valuable contribution to the prevention of such phenomena, especially considering drug addiction, prostitution and alcoholism, which are considered as the most widespread and serious socio-pathological phenomena according to our relevant respondents. We haven't got the same answer for vagrancy and gambling for instance, since, most of our respondents thought that taking preventive measures and actions by the LPCs could not improve the situation with these socio-pathological phenomena, and some other wider preventive and repressive measures and actions have to be envisaged and applied in the future. Several respondents confirmed that thanks to the activity of LPC in the municipality of Kisela Voda, one such project in the prevention of drug-addicts have already been successfully implemented between the local police of Kisela Voda and the municipality of Kisela Voda. Also, we must not omit to mention that most of the interviewed members of LPCs do not understand the prevention as process where LPCs is only one mechanism which cannot solve all problems, that they do not make clear distinction between primary and secondary prevention, general and special (situational) prevention and that they have not understood the vast variety of measures and activities through which the LPCs can help prevent the socio-pathological phenomena. For instance, most of the interviewed members of LPCs see preventive campaigns as one of the LPC's important preventive measures and activities, but, only few of them (1 interviewed member from Kisela Voda LPC and 1 interviewed member from city of Skopje LPC) see some more profound and systematic solutions such as constant exchange of information between the institutions concerning prevention, use of risk assessment reports by relevant security and other societal institutions, open and critical discussions concerning lack of will for cooperation and other weaknesses and shortcomings in the work of LPCs, participation of science experts within the field of prevention in the work of LPCs etc.

Our findings can be compared and confirmed with one recent similar study done by the authors from the Faculty of Security in Skopje. Among numerous valuable conclusions from the study, we have chosen the one where authors give one interesting result from their research. Namely, on the question of whether the citizens of Skopje and its municipalities are aware of the existence and work of LPCs, the answers obtained are 4.3 % are aware, 43.5 % are not aware and 52.2 % do not know about their existence (Stefanovska & Gogov, 2015). Compared with the results from our research done only with the members of LPCs, we can draw a clear correlation, since, most of the interviewed members of LPCs confirm that most of the LPCs are not active and some of them have not been constituted yet, so it seems quite logical that the interviewed members of LPCs and interviewed citizens of the mentioned study, are not aware and they could not be aware with their existence and work. This is also confirmed by our strong impression that we experienced during the interviews with members of the city of Skopje and municipalities of Skopje LPCs, that, in spite of their declarative answers that they are aware of the importance of LPCs for prevention of socio-pathological phenomena, it seems that they did not grasp the essential and much wider contribution that the LPCs could provide concerning prevention of these destructive security phenomena.

The current state with the LPCs in the city of Skopje and its municipalities concerning the role in prevention of socio-pathological phenomena can give us the following features:

- Most of the interviewed members of the LPCs see the justifiability and usefulness of existence and work of LPCs in the prevention of socio-pathological phenomena;
- The preventive measures and activities are to be focused on prevention of the most widespread and serious socio-pathological phenomena, such as drug-addiction, prostitution and alcoholism;
- Except for the Kisela Voda and Gyorče Petrov municipalities, and partly the city of Skopje LPC, the LPCs of other municipalities within the city of Skopje have not been active at all (such as municipality of Centar), although all municipalities have adopted decisions for constitution of LPCs;
- The meetings of the LPCs have been very rare (usually once a year, very seldom twice), and in some municipalities there have been no meeting so far, mostly, due to lack of initiative;

- The organization and composition of the LPCs is considered as not quite adequate, since, in some of the LPCs, representatives from educational, health, cultural and other security institutions (such as private security agencies), have not been participating at all (Gerasimoski, 2013);
- The interviewed members of LPCs, in general, do not understand the prevention as process where LPC is only one mechanism which cannot solve all problems, that they do not make clear distinction between primary and secondary prevention, general and special (situational) prevention and that they have not understood the vast variety of measures and activities through which the LPCs can help prevent the socio-pathological phenomena.

Having in mind all the weaknesses and shortcomings that were noted in our research, as well as with other recent similar studies in this problematic, we can give some proposals and recommendations on what should be done in order to improve the preventive role of LPCs, related to prevention of socio-pathological phenomena in the city of Skopje and its municipalities in the future. These proposals and recommendations are the following:

- A precise legislation concerning the LPCs must be adopted, which must be strict and obligatory for all members of the LPCs;
- The LPCs must convene on the regular basis (for instance, monthly or at least quarterly, and if needed more often, for instance due to worsened security situation);
- Considering the composition of the LPCs, they must mandatory include representatives from educational, health, cultural, relevant NGOs and other security institutions (such as private security entities which could be of use in detection, exchange of information and prevention of certain socio-pathological phenomena);
- It may be useful to reconsider the unchangeable composition of the LPCs regarding its members, or variable composition which would include some regular members (such as representatives from the local municipalities and local police) and other members which could take participation regarding the security problems (especially socio-pathological problems) which have to be dealt with;
- A strong impression that emerged from the conducted interviews has shown us that even the “core” members of the LPCs (such as representatives of local municipalities and local police) have not understood the real preventive potential of the LPCs in terms of prevention of socio-pathological phenomena, and it seems quite obvious that they need some training and advanced scientific knowledge in this field in the time coming;
- Main focus of the work of LPCs must be directed towards some socio-pathological phenomena which have been detected as more present and endangering for the city and municipalities as well, such as drug-addiction, prostitution and alcoholism;
- Considering the results from our research, it would be recommendable that concerning some other socio-pathological phenomena (such as vagrancy and gambling), a mixed preventive and repressive measures and actions should be undertaken, with major part being preventive;
- It is evident that there must be much better cooperation, coordination and mutual trust between the members of the LPCs;
- There must be a defined mechanism which would diminish the political influence in the work of the LPCs, perhaps with encouraging the professionalism and responsibility;
- There must be some financial incentive as financial compensation in order to avoid participation indifference of some members of LPCs.

4 CONCLUSION

The socio-pathological phenomena have increased significantly in the last three decades, a trend which could be observed especially in large population areas such as city of Skopje and its municipalities. Although the Macedonian legislation has provisioned the LPCs to be part of the new prevention policy within the societal security and community policing concept, the practice so far has shown many weaknesses and shortcomings in their functioning and contribution to prevention of socio-pathological phenomena. Generally, the concept has not been taken seriously, even by its major members (participants) in the LPCs, mainly because of the lack of knowledge and crucial understanding, partly because of the lack of will and initiative, and, partly because

of other objective factors such as financing. It seems quite obvious that if the city of Skopje and its municipalities, as our research has shown, want to develop this concept and if they want certain contribution towards prevention of the socio-pathological phenomena, a set of legal, organizational and functional improvements, stated as proposals and recommendations within this paper, must be applied as soon as possible. Also, the work of LPCs must be focused on the drug-addiction, prostitution and alcoholism, with the implementation of wide set of primary and secondary preventive measures and activities, but also to the other socio-pathological phenomena such as vagrancy and gambling, which have also been found as serious socio-pathological problems that Skopje and its municipalities are facing with.

REFERENCES

- Bajaldziev, D. , Micajkov, M. , & Taskovska, D. (1999). *Voved vo pravoto* [Introduction to law]. Skopje: Praven fakultet.
- Gerasimoski, S. (2015). Risk factors of deviant behavior among youth in the Republic of Macedonia: A Survey of Student's Value Attitudes. In Z. Žoglev & O. Bačanović (Eds.), *Proceedings of the International Scientific Conference Macedonia and the Balkans, A hundred years after the World War I, security and Euro-Atlantic integration, Vol. V*, (39–54). Skopje: Fakultet za bezbednost.
- Gerasimoski, S. (2013). Crime prevention through public-private cooperation within the security system of Republic of Macedonia. *Varstvoslovje*, 15(2), 294–308.
- Klimovski, S. , Mitkov, V. , Karakamiševa, T. , & Treneska, R. (2003). *Ustavno pravo i politički sistem* [Constitutional Law and Political System]. Skopje: Praven fakultet.
- Odluka za formiranje na Lokalen Sovet za Prevencija [Decision for formation of Local Prevention Council]. (2011a). *Služben glasnik na grad Skopje*, (21/11).
- Odluka za formiranje na Lokalen Sovet za Prevencija [Decision for formation of Local Prevention Council]. (2011b). *Služben glasnik na opština Kisela Voda*, (01/11).
- Odluka za formiranje na Lokalen Sovet za Prevencija [Decision for formation of Local Prevention Council]. (2009). *Služben glasnik na opština Karpoš*, (12/09).
- Odluka za formiranje na Lokalen Sovet za Prevencija [Decision for formation of Local Prevention Council]. (2008). *Služben glasnik na opština Aerodrom*, (13/08).
- Selimi, K. , & Bogdanovski, A. (2015). *Policisko rabotenje vo zaednicata: od ideja do realnost* [Police Work Within Community: From Idea to Reality]. Skopje: Analytica.
- Slaninka-Dineva, M. (2011). *Gragjanite vo sistemot na lokalnata samouprava* [Citizens Within the System of Local Self-government]. Skopje: Institut za sociološki i političko-pravni istražuvanja.
- Spaseski, J. , Aslimoski, P. , & Bačanović, O. (2011). *Pedagoška sociopatologija* [Pedagogical Social Pathology]. Bitola: Pedagoški fakultet.
- Stefanovska, V. , & Gogov, B. (2015). *Ulogata na zaednicata i na policijata vo prevencija na kriminalitetot: sostojbi vo gradot Skopje (Izveštaj od istražuvanje)* [The Role of Community and Police in Crime Prevention: State Within the City of Skopje (Research Report)]. Skopje: Fakultet za bezbednost.
- Ustav na Republika Makedonija [Constitution of the Republic of Macedonia]. (2001). *Služben vesnik na Republika Makedonija*, (91/01).
- Zakon za teritorijalna podelba na lokalnata samouprava [Law on Territorial Division of Local Self-government]. (2004). *Služben vesnik na Republika Makedonija*, (55/04).
- Zakon za teritorijalna podelba i opredeluvanje na oblastite na lokalnata samouprava [Law on territorial division and determination of the areas of self-government units in Macedonia], *Služben vesnik na Republika Makedonija*, (49/96).
- Zakon za grad Skopje [Law on the City of Skopje]. (2004). *Služben vesnik na Republika Makedonija*, (55/04).

COMMUNITY POLICING IN SERBIA: BETWEEN TRADITION AND CONTEMPORARY CHALLENGES

Danijela Spasić, Saša Milojević

ABSTRACT

Purpose:

Over the few last decades, special attention of experts, researchers and practitioners in Serbia dealing with the model of community policing, has been paid to the strategy of locally-based policing as a qualitatively new system of police organization and functions based on relationship between citizen expectations and what police are really doing. A theoretical analysis of conceptual and methodological considerations of community policing, as well as an empirical research based on principles of community policing are the main topic of this paper.

Methods:

Responses of mid-ranking police officers and patrol and beat officers were used as a source of information in order to evaluate the implementation of community policing in the context of domestic violence, i.e. to analyse police officers' attitudes towards community policing. Altogether 80 police officers were surveyed.

Findings:

The analysis of police officers' attitudes towards community policing in local communities shows that the most frequently mentioned obstacles to its implementation are structural changes and traditional police subculture. Furthermore, absence of intergovernmental cooperation between police agencies and nonprofessional attitude towards citizens (inclination to corruption and abuse of discretionary powers in decision making) were seen as limiting factors.

Research limitations:

The main obstacle regarding the study refers to the unequal sample regarding gender distribution. Nevertheless, the sample characteristics are in accordance with the analysed population.

Originality:

After considering the research results and analysing foreign theoretical and practical experience, general recommendations have been made to improve the theory and practice in community policing implementation and to enhance its performance in local communities.

Keywords: Community policing, Serbia police officers, police attitude

I INTRODUCTION

A significant number of theoretical papers dealt with the analysis of the origin and essence of the community policing, following the changes and transformation of the traditional policing, based on the repressive actions, the motorized patrols, arrest and examination to the qualitatively different police activities in the community, which connected the citizens and the police and encouraged innovative, proactive, common and strategic approaches to the community problems.

1.1 Community policing – theoretical reviews

Community policing concept is based, according to Rosenbaum (Rosenbaum, 1994), on the improvement of the quantity and quality of the policing, decentralization of the police organization and greater emphasis on the proactive strategies, directed to problem solving strategies, as well as on emphasis of the increased police accountability to the citizen's requirements and needs. Community policing is also defined as a management strategy which promotes the joint responsibility of the citizens and the police for the community safety, through a working partnership and interpersonal contacts (Palmiotto, 2000). It is a concept of performing police tasks, which accents the establishment of the police and community partnership aiming to reduce the crime and strengthen the security (Champion, 2003). According to American theorists, the concept includes a reform of decision-making process in the police and creation of new culture within the police departments. As an organizational strategy, it redefines the police action objectives. In addition, it is more an ongoing process rather than a product (Skogan,

2006), and more a new police work philosophy than a model or a defined project (Trojanowicz & Bucqueroux, 1998). According to Goldstein (2000), community police concept contains several programs aiming to reduce the fear of crime among the citizens, to deter the criminals from crime, increase the police presence in the community, improve the relation of the police with the community and put a special accent to the crime prevention.

As the most of the investigations confirmed, a successful implementation of this community policing concept requires a strategic planning and sufficient resources (Rosenbaum, Lurigio & Davis, 1998), appropriate organizational structure, training and education, a new evaluation structure and new culture within the police (Buerger, 1993; Peak & Glensor, 1996; Chan, 1997; Herbert, 1998; Feltes, 2002).

The programs need to be comprehensive, instead of so called single-intervention strategy, and need to imply a new public relations quality (Radelet, 1977; Friedmann, 1992). For the successful implementation of these programs, the police officers need to be integrated into the community (Uglow, 1988), with full respect of the community, its priorities and problems (Trojanowicz & Bucqueroux, 1998) and with the readiness to provide it assistance (Buerger, 1993).

In the new police operation model (problem oriented approach), the basic, reactive method of law application, is completely replaced with the proactive approach, which emphasizes the importance of the hidden factors which generate the problems and represent a main difficulty in the policing. The implementation of the problem oriented approach implies a structural analysis, i.e. identification of the delict key elements (place, time, individual characteristics of perpetrators, motives, and causes). The community crime prevention means a targeted police activity and the community (citizens) towards the crime prevention, i.e. the elimination of the causes and phenomena that lead to its creation and development (Sherman, 1990; Rosenbaum et al., 1998).

Multiagency (multisectoral, intersectoral) approach to the problem solving in the local community represents the operationalization of the philosophic-strategic dimension of the policing concept, which assumes that the police, as the executive body and the holder of activities and responsibilities in the field of preventing and combating crime, cannot solve the community security problems by itself, the problems that go beyond its jurisdiction.

Formation of the local security networks and partnerships – multisectoral approach for the security coproduction – in most of the cases implies the police initiative, mainly due to the fact that it possesses the security expertise for the initial phase (McLeay, 1998). The main goal of networking is a multidisciplinary approach to the problem solving in the community, through setting the specific targets, adoption of the local (or regional) security plans (security strategies) in the field of the prevention of the crime and other community problems (Virta, 2002).

Theoretically and practically, the community policing concept represents a qualitatively new system of the police organization and functioning, based on the correlation between the citizens' expectations and what the police really do. The basic citizens' expectation from the police is that the police provide security for their lives and property and to restore and ensure the peace and tranquillity in their environment, i.e. to eliminate the fear of crime and unpleasantness for disturbing the peace. Apart from that, the citizens demand that the police help them in the problem solving ("social-service policing"). The police represent at the same time, in the eyes of the citizens, an instrument of the law, guardian of the peace and order and the public service. Community policing is both a new philosophy (way of thinking), and an organizational strategy (the manner of the implementation and realization of the philosophy), which allows the police and the community to work together and find the new ways for the problem solving, criminal offenses and all other forms of jeopardizing the citizens' security, aiming the improvement of the community life quality.

1.2 Community Policing in Serbia

The modern era of the police development in Serbia started mid-nineteen sixties and continues today. During this period there are three phases in which we may follow the community policing:

1. First phase, since the mid-nineteen sixties until the nineties.
2. Second phase, since the nineties until 2000.
3. Third phase, since the democratic changes in 2000 to the present and beyond (Ministry of Interior, 2003).

1.2.1 Concept of the social self-protection

In this period the police were organized according to the decentralized principle. The basic forms of the policing were: territorial (work at the security sector), line and object. Territorial form of work is defined as a basic policing principle. It implied the division of the police station area to micro areas and it included a territory of one or more local communities. The security sector represented a basic police work cell, which was divided to the beat and patrol areas. The police officers were working on the security sector ten and more years, whereby they had the opportunities to monitor and well know the local security situation and to maintain direct and regular contacts with the citizens. The foot patrols were included in the sector work.

Within the classic sector work, the police encouraged and organized joint work and assembly of the citizens by forming a security council in the municipal assemblies and in the local communities. At the meetings the experiences and the information were exchanged with the citizens, but all security problems weren't being solved, nor were the partner relationships being made at the required level.

The concept of the social self-protection had many weaknesses due to expressed politicization and political manipulation. The efficient control and "white collar" crime prevention were disabled. The layer of untouchable directors and political leaders with the unlimited authorizations was formed, whereby the idea on citizens' equality and the basic human rights was compromised. That caused the growing distrust of the citizens in the police work. At the end of the 80s this concept was dismissed as inefficient. However, its positive elements were not kept, the elements which showed their value in practice, and the observed weaknesses were not analysed (Ministry of Interior, 2003).

1.2.2 Political-militant era

In this phase the concept of the preventive police work was completely abandoned, and the repression and the militancy in the police acting became prominent. The most of uniformed police officers was included into the militarized special police units for performing special security tasks out of the area of their police stations. The classic police work for prevention of the crime and other security occurrences in the local community was minimized, and an accent was put to performing the police tasks on the territories in war. In this period 2000 police officers left the police service.

The policing on the security sector hardly functioned, and the police did not have any contact with the citizens, except in the situations of suppressing the riots, civil protests and police interventions. The police organization became strictly centralized with the expressed hierarchy and command structure. At the local level, the police did not have freedom of independent decision-making, but it executed the orders received from the center, from MI itself. From a social-psychological perspective, a model of policeman-soldier was created, from whom it was expected to execute the orders from higher levels, with no right to be engaged in the local specificities, local community security needs, social and individual diversity. The police had a task to serve the then regime and to protect the national interests defined by the ruling policy. The policing was reactively oriented with selective repressive approach. The policing concept as a citizens' service, which should be under the control of the public, was unacceptable. During the 10-year period, the professional awareness, which was hard to change and which would have a negative impact to the development of the new philosophy in the policing, was strongly developed.

Due to the distrust and conflict between the police and the media, the police work was closed for the public. These experiences have been for many years burdened the police to media coverage. In this period none of the elements of the community policing was functioning (preventive work, problem-oriented police activities, partnership, education, community security analysis, information and reporting of the media and the citizens). The police work was exclusively reactive. The strategic planning at the local level didn't exist. The specific profile of the police office and the police organization was formed, which was not in accordance with the philosophy and the model of the modern community policing. The negative consequences of that period are deep and multilayer and difficult implementation of the reforms in the police (Ministry of Interior, 2003).

1.2.3 Reform era and introduction of community policing concept

In 2001 one of the conditions for joining EU and a challenge for the new Government was the establishment of a competent, professional and publicly acceptable police service. Organization for Security and Cooperation in Europe (OSCE) made a detailed study of policing in Serbia. Special reporters from OSCE, Richard Monk and John Slayter (Monk, 2001; Slayter, 2001), stated in the report more observed deficiencies in police work:

1. a model of reactive policing,
2. lack of institutional connection between the police and the citizens,
3. non-transparency and confinement in the police work and in the relations with the citizens and institutions,
4. insufficient education and counselling of the police officers and citizens,
5. distrust between the police and the media,
6. lack of strategic analysis and planning at the local community level,
7. undeveloped territorial form of policing,
8. undeveloped strategies of the preventive acting and
9. undeveloped problem-oriented policing.

After that, OSCE, along with the Danish Center for Human Rights (DCHR) and the Expert Group of Ministarstva unutrašnjih poslova Republike Srbije (Ministry of Interior Affairs of the Republic of Serbia – MI) for police reform, participated in making Dokument vizije za reformu Ministarstva unutrašnjih poslova Republike Srbije [Document of the Vision for reforming Ministry of Interior Affairs of the Republic of Serbia], in 2003. This document envisages, also, the implementation of projects related to the community policing. The same year, Department for International Development (DFID) of the British Government – Security, safety and availability of justice in the Balkans program (SSAJP), started to implement community policing project, whose purpose is a “successful implementation of community policing strategy and safe communities in selected environments, by promoting the policing which is responsible, impartial and efficient”. MI Management decided for the approach to a pilot-phase in this project to be “bottom-up”, which means that the practical application of the principle, which functions at the local level, would be used for making decision about that what practice is the best for application on the territory of Serbia. Due to that, MI selected five locations, as representative for all communities in Serbia, in rural, industrial and tourist environments. The selected places are: Novi Bečej (rural area), Kragujevac (industrial zone), Vrnjačka Banja (tourist center), Požega (bordering area) and Zvezdara (city municipality).

The project “Policija u zajednici” (“Community Policing”) formally started to be implemented in February 2003, and its main goals are (Kešetović, 2003):

- training of the police for the new form of work, directed, primarily, to the prevention;
- improvement of the relationships between the police and the citizens;
- adoption of modern policing standard;
- improvement of total security situation in the Republic of Serbia.

Shortly after the start of implementation, the project changes its name to “Safe Community”. The safe community is a term, which entered into the research field of many institutions in the last few years. It was represented as a proactive, coordinated activity of the state and social bodies and the citizens aiming the improvement of the safety in the community (Aldous & Leishman, 1999).

A new conceptual framework was set according to the instructions presented in a document which treats the reform of MI of the Republic of Serbia, and it is officially approved as a concept for further transition of the police service in line with the performance values of the transparent, legitimate, professional and reliable police and for the development of the police as a public service for citizens.

The Community Policing concept, as planned, will be also based on the constant consultations (communication) of the police and the citizens, but on the complex system of the preventive reacting.

2 METHODOLOGY

2.1 The sample of examinees

For the implementation of the community policing concept evaluation in Serbia in 2013, i.e. in the area of the local communities in which, since 2003, the implementation of this policing strategy started, for the analysis of the attitude of the police officers towards the implementation of the concept, the mid-ranking police officers and the police officers who perform beat and patrol activity were used as a data source. Eighty police officers were surveyed in total. Among them, only 4 female officers were surveyed. The survey included a mid-ranking management (department chiefs, operative group managers and division leaders) and immediate executives (beat officers, sector officers, patrol officers), with an explanation that the police officers who directly in the field carry out this form of policing and their attitude towards the community policing concept represent one of the causes (conditions) of the success or bad results in its implementation (Spasić, Djurić & Kesetović, 2013).

The police officers with more than three years of work experience in the implementation of this policing strategy participated in the survey. Due to that, the applied sample had the characteristics of the appropriate and intentional sample, and its size, according to the local police service, was between 14 and 21 police officers. Number and structure of the sample were conditioned by the following circumstances: 1) the police officers, who were involved directly in the implementation of the community policing concept and whose number makes between one quarter and one fifth of the total number of the uniformed police station, participated in the survey; 2) the survey was conducted in term determined by the police stations chiefs in order to, upon their assessment, minimize disturbing the work process and performing everyday police activities in the local community; 3) consent for each police officer participation was given by his/her immediate supervisors.

2.2 Instrument

In this part of research, the inquiry *Attitude towards the concept and the assessment of its sustainability* was applied, for whose making the inquiry referred to in the research carried out in the Administrative Officers Course – AOC, at The Southern Police Institute was used as a model, created in 1951 at the University of Louisville (Moore & Stephens, 1991) and adjusted to the specificities of the concept implementation in Serbia. The inquiry model, envisaged for the implementation in the first phase of the research, has been sent, before the definitive formal and material shaping, to the approval of the Direkcija policije (Police Directorate). According to the procedure of the research implementation, in which the uniformed police and operative officers of MI of the Republic of Serbia participate, prior consent to the form and the content of the proposed questions from the Inquiry, gives the Police Directorate, i.e. Uprava policije (Uniformed Police Directorate), Uprava kriminalističke policije (Criminal Investigations Directorate) and heads of the regional police departments, if their officers participate in the research. That is one of the specificities of collecting data procedure in the security sector, apart from the frequent decision-making and influences of the managers to the composition and structure of the sample (i.e. the number and the specific participants in the research) (Djurić, 2013).

The inquiry contained two parts. The first part (nine items) related to the *general information on examinee*, which determine his/her status within the police organization (workplace, rank and length of police service), but, also, a demographic status (gender, age, level and type of education). The second part contained 16 questions of dichotomous type, which define the examinee's attitude towards the community policing concept (14 questions) and the assessment, i.e. preconditions of its sustainability in the Republic of Serbia (two questions).

The structure of the sample according to the above criteria, i.e. independent variables, is presented in the table below (Table 1).

Table 1: Sample structure

Variables	<i>N</i> = 80	<i>N</i> (%)
Police station		
Zvezdara	14	17.5
Kragujevac	15	18.7
Vrnjačka Banja	15	18.7
Požega	14	17.5
Novi Bečej	21	27.6
Gender		
male	76	95
female	4	5
Professional qualifications		
High school	60	75.0
College	10	12.5
University degree	10	12.5
Length of police service		
1-5	9	11.25
6-10	25	31.25
11-15	13	16.25
16-20	22	27.5
21-25	4	5
26-30	5	6.25
31-35	2	2.5

3 RESULTS

In the analysis of the survey results, in the next section, the structure of the examinees' answers to each question will be shown. The answers are analysed according to the following criteria: police stations, in which the examinees work, level of the professional qualifications, gender and length of service. These four criteria are taken as an analysis basis, pursuant to the models and experiences of the countries in Europe, USA and North America and their police agencies, which have shown that the success of the community policing concept and the attitude of the police officers towards its implementation depends on, among other (political climate in the country, legal foundation, existing police model or a system, management characteristics, technical equipment, etc.): specificities of the local community and its police organization, level of education, professionalism and police officer specializations, length of their service and gender (Kelling, 1988; Wasserman & Williams, 1988; Goldstein, 1990; Miller, 1998, 1999; Kelling & Gowri, 2003). Due to the size and the structure of the sample, the results will not be presented individually for each police station, but the comparison between the groups based on the above criteria will be performed.

It is envisaged that this segment of evaluation provides the verification of the foundation of the set assumption, according to which, the police officers directly involved in the concept implementation (*community policing*) are not ready to accept all changes within the new policing strategy, depending on the workplace, professional qualification, length of service and gender.

Upon the data processing, on the sample of $N = 80$, the structure of the answer to the asked questions looks like this:

Table 2: Descriptive indicators of the answer structure

Questions:	(YES) %	(NO) %	(IDON'T KNOW) %
Q1 In your opinion and past experience, is the community policing concept good and efficient approach in performing police duties?	48 (60 %)	26 (32.5 %)	6 (7.5 %)
Q2 Do you think that by the community policing concept, the greater confidence of the citizens in relation to the police is being built?	47 (58.75 %)	26 (32.5 %)	7 (8.75 %)
Q3 Are you ready to accept all changes in your work, which the community policing concept implies?	59 (73.75 %)	14 (17.5 %)	7 (8.75 %)
Q4 Do you think you are sufficiently materially stimulated for the realization of the community policing concept?	13 (16.25 %)	62 (77.5 %)	5 (6.25 %)
Q5 Can the existing equipment you use satisfy the needs of the community policing?	25 (31.25 %)	53 (66.25 %)	2 (2.5 %)
Q6 Do you think that your colleagues are ready to accept the changes, which the community policing concept implies?	37 (46.25 %)	26 (32.5 %)	17 (21.25 %)
Q7 Do you think your managers (Senior Management) are ready for the changes, which the community policing concept implies?	49 (61.25 %)	16 (12.5 %)	15 (18.75 %)
Q8 Are you satisfied with the number and quality of the trainings you have completed regarding the realization of the community policing concept?	31 (38.75 %)	43 (53.75 %)	6 (7.5 %)
Q9 Are you satisfied with the way of the territorial division of the districts and the security sectors in the area your police station covers?	53 (66.25 %)	21 (26.25 %)	6 (7.5 %)
Q10 Do you think that the community policing concept is more efficient than the traditional concept, which was used before its implementation, and which was based on the wide use of the means of coercion and poorer communication between the police and the citizens?	41 (51.25 %)	23 (28.75 %)	16 (20 %)
Q11 Do you think that the repressive activity (use of means of coercion and punishment of perpetrators), gives more results in the implementation of the community policing concept, than the preventive activities?	52 (65 %)	26 (32.5 %)	2 (2.5 %)
Q12 In your opinion, would the community policing concept be more efficient if it would be carried out by the uniformed police officers (beat officers) and the officers of other lines of work of general crime together, through their cooperation?	66 (82.5 %)	9 (11.25 %)	5 (6.25 %)

Questions:	(YES) %	(NO) %	(IDON'T KNOW) %
<p>Q13</p> <p>In your opinion, would it be more appropriate and efficient for preventing and combating the domestic violence, to form a special group and/or a team for intervention made of few (3-5) police officers – operatives of both gender in every police station?</p>	67 (83.75 %)	8 (10 %)	5 (6.25 %)
<p>Q14</p> <p>In your opinion, are the pedestrian patrols more efficient than the motorized ones, for preventing and combating the crime in the local community?</p>	23 (28.75 %)	51 (63.75 %)	6 (7.5 %)
<p>Q15</p> <p>Do you think that the community policing concept can be qualitatively implemented on the whole territory of Serbia and in all police organizational units?</p>	40 (50 %)	23 (28.75 %)	17 (21.25 %)
<p>Q16</p> <p>Do you think that your greater independence in decision-making in the field, i.e. total police decentralization in whole Serbia, would contribute to more efficient community policing concept?</p>	55 (68.75 %)	12 (15 %)	13 (16.25 %)

As it could be seen from the Table 2, in relation to the whole sample, there is a high degree of consent (around or over 50% of the sample) in answers to the certain questions (Q3, Q12, Q13, Q16). At the same time, for understanding the attitude of the police officers towards the community policing concept, it is important to point out the key findings which determine the assessment of its sustainability: 1) police officers accept the changes in approach to performing police tasks, which the new concept brings, considering that it builds greater trust of the citizens in the work of the police; 2) however, there are some limitations for its implementation in terms of material, financial and technical resources; 3) efficient application of the concept and its sustainability is conditioned by a small number of education and professional development of the police officers; 4) division of the districts and security sectors in the local communities is a positive precondition of the efficient realization of the concept; 5) acceptance of the traditional way of performing police tasks, repressive policing acting by using means of coercion, lack of preventive programs and security sector activities, dominant presence of the motorized patrols represent the limiting factors of the concept sustainability; 6) in relation to the problem of the domestic violence in the local community, the efficient police strategy implies a team police work and formation of operative groups of the police officers of both genders; 7) at the strategic level, the necessity of the complete police decentralization in Serbia and greater independence of the local police organizations in decision-making are recognized as the preconditions of the sustainability.

In order to compare the general statistic difference in the obtained results, from the aspect of comparing the middle values, the one-way Analysis of the Variance for all independent variables in relation to the asked questions was done first. Its results are presented in the Table 3.

Table 3: One-way ANOVA analysis for the place (police qualifications and length of service)

	workplace (police station)		professional qualifications		length of service	
	F	Sig.	F	Sig.	F	Sig.
Q1	1.497	0.213	1.038	0.360	0.617	0.716
Q2	0.911	0.463	0.898	0.412	0.642	0.696
Q3	0.532	0.213	0.313	0.732	0.549	0.769
Q4	0.838	0.506	0.068	0.934	0.375	0.892
Q5	1.079	0.374	1.660	0.198	1.055	0.399
Q6	1.162	0.336	0.036	0.964	0.653	0.687
Q7	1.782	0.143	0.783	0.586	0.783	0.586
Q8	0.903	0.468	0.745	0.479	0.418	0.865
Q9	2.937*	0.027*	0.041	0.960	0.690	0.659
Q10	0.872	0.485	3.463*	0.037*	1.141	0.350
Q11	2.279	0.070	1.084	0.344	1.331	0.257
Q12	0.719	0.582	0.518	0.598	0.445	0.846
Q13	0.772	0.547	7.144*	0.002*	0.339	0.914
Q14	0.873	0.485	1.660	0.379	1.332	0.257
Q15	2.181	0.081	1.542	0.222	1.041	0.408
Q16	1.031	0.398	1.240	0.296	0.945	0.470

*Mean difference at the level of significance $p < 0,05$

Based on the obtained results of ANOVA it could be concluded that for the asked set of questions, generally, the statistically significant difference exists in the question no. 9, and at the value level $F = 2.937$, at the level of significance $p = 0.027$, while in other questions it was not observed. The difference is expressed with the examinees from PS Vrnjacka Banja and PS Novi Becej. Unlike other PS, whose police officers think there are certain deficiencies in the division of the districts and security sectors on their territory, the police officers of the two above police stations agree to a large extent (about 98 %) with the existing model.

Due to a lack of the statistically significant difference with a large number of questions, the individual results of the given sample were compared by applying *Scheffe method of multiple comparisons*, and from the aspect of the *workplace, professional qualifications and length of service*. In this manner it is possible to observe an eventual partial existence of the statistically significant difference for the asked set of questions.

As it could be seen from the table, for the partial connection of the given set of questions and the workplace as a variable, based on the obtained results, it could be concluded that the partial statistically significant connection doesn't exist.

Based on the obtained results of ANOVA (Table 3) it could be concluded that for the asked set of questions, generally, the statistically significant difference exists in the question no. 10 (at the value level $F = 3.463$, at the level of significance $p = 0.037$), and in the question no. 13 (at the value level $F = 7.144$, at the level of significance $p = 0.002$). The examinees with the high school, unlike the examinees with the University degrees, in the most of cases (between 70 % and 99 %) were giving the positive answers to the above mentioned questions. In all police stations they think that the traditional way of performing police tasks is more efficient than the new one, community policing concept (question no. 10). In relation to the question no. 13, the examinees with a College degree and the University degree are almost unanimous in the opinion that, for preventing and combating domestic violence, it is necessary to form a special group and/or a team for intervention made of few (3-5) police officers (operatives) of both genders in every police station.

The findings of the police officers (mid-ranking management and beat officers), from the evaluation of the quality, success and assessment of the sustainability of the community policing concept in Serbia, pointed out to the connection and influence of the professional qualification, length of service and gender to their stated attitudes.

In the next phase of the collected data processing, the eventual existence of the statistically significant differences for the asked set of questions was determined, and from the aspect of the police officers' gender, and T-test was used for that purpose (Table 4).

Table 4: Results of T-test in relation to the gender (test of independent samples)

question		1	2	3	4	5	6	7	8	9
Levene's test	F	0.069	2.258	6.487*	3.064	2.805	1.377	0.008	1.176	0.917
Equality of variances	Sig.	0.794	0.138	0.013*	0.084	0.098	0.245	0.930	0.282	0.341
question		10	11	12	13	14	15	16		
Levene's test	F	0.086	0.784	4.104*	2.014	0.187	0.008	0.216		
Equality of variances	Sig.	0.770	0.379	0.047*	0.160	0.667	0.929	0.643		

*Mean difference at the level of significance $p < 0,05$

Although the number of female officers was extremely small (four in total sample), based on the obtained results it can be concluded that, in relation to the police officers' gender, the statistically significant difference exists in the question no. 3 and no. 12 (at the level of significance $F = 6.487$; and $F = 4.104$ and $p = 0.013$; $p = 0.047$), while in other questions it was not observed. All female police officers gave the positive answers to the above mentioned questions.

The findings of the evaluation refer to the specificities which exist when it comes to the police officers' gender. *T-test* in relation to the gender, pointed out to the differences in perception and attitudes among the police officers regarding the question no. 3, related to the readiness to accept all changes which the new policing concept implies, and the question no. 12, related to the attitude towards the team policing, i.e. the formation of the joint teams of the uniformed police officers and operative line workers. Although the number of the female police officers was extremely small (four in total sample), their attitudes cannot be ignored, primarily because they represent the female population in the service, which only since 2002 started the education of the first generation of the female police officers. The examinees in this sample belonged to that generation and they were the ones who, starting from 2006 and 2007, by entering the police service, met with the specificities of the mail police culture and the challenges of the job, which for decades did not accept women in the uniformed police.

4 ANALYSIS

After the presented results, the inevitable question is why, even after almost ten years, the community policing concept is not accepted in Serbia, as a new philosophy of policing and an operation strategy followed by the organizational and structural changes? Firstly, the introduction of the new community policing form in Serbia can be seen as a "social experiment," activity "imposed from outside", as an order or one of the conditions for return of Serbia after the decade-long isolation to the community of the European nations with a long democratic tradition of the police service functioning. It is also a characteristic of other police systems of

the neighbouring countries from the former Yugoslavia, like, for example, Croatia or Bosnia and Herzegovina (Kutnjak-Ivković & O'Connor Shelley, 2005; Kutnjak-Ivković, 2009; Deljković & Lučić-Čatić, 2010).

In addition, during the 90s in Serbia a centralized police model with the hierarchical chain of command was built, in which all strategic and daily-operative decisions, as well, were made within the narrow circle of the highest police managers, with the consent of the party and state leadership. The position and the importance of the crime police during these years decline in the police structure, and the role of the uniformed police forces strengthens, primarily, the role of the Special Forces. The obedient professional culture became dominant. Police officers at lower levels of management weren't allowed to make any decisions without the approval or consultations with the higher levels (Kešetović, 2003).

A long-time trend was stopped in 2000, with the democratic changes of the state power. The reform of the police system started in 2003. However, it was not possible for all the activities, stipulated by the *Dokument vizije za reformu Ministarstva unutrašnjih poslova Republike Srbije Document of the Vision for reforming Ministry of Interior Affairs of the Republic of Serbia*, to be equally successful in the transformation process of the police in Serbia. The police maintained all the characteristics of the already built professional culture, with the old human potential, not ready for the organizational and structural changes, which the introduction of the new policing concept implies (Downes, 2004). The lost trust into the police work is hard to return. Ten years after the commencement of the reforms, a dominant form of the patrol activity is motorized patrol. The repressive activity is still the most common form of responses to crime. New Law on Police (*Zakon o policiji*, 2005) keeps the centralized organization with the strict hierarchy structure. The regional police directorates are not independent in decision-making at the local level (Bakić & Gajić, 2006). The researches of the civil society organizations show that the corruption is present in the police to a great extent (Milosavljević, 2004; Kešetović & Davidović, 2007). The local security networks are successfully established primarily at the order of the top management, rather than on the voluntary basis (Virta, 2002; Kuribak, 2008). In the rural environments the traditional way of police work is maintained with the old structure and human system (Pelfrey, 2007).

Taking into consideration the obtained individual results for every police station, as well as the results in relation to the variables (workplace, professional qualification, length of service and gender), it could be concluded that the police officers, directly involved in the realization of the community policing concept, are not ready to accept essential, qualitative terms of reference of the new policing concept (preventive activities in the community, larger involvement of the pedestrian patrols, communication with the citizens, abandoning of the traditional, repressive response to crime). However, as the obtained results refer to the individual segments of the researched sample, and not to all variables, they cannot be generalized, due to which, the set hypothesis can be considered as partially confirmed.

5 DISCUSSION

The basic question, which has to be asked when implementing and later, when evaluating the concept, is a question of a degree of imbalance between the adoption of the philosophy of the community policing at the command level and the application of that philosophy at the street level by a beat officer. The potential obstacles, to which a special attention needs to be paid, concern the formal bureaucratic structures in the police organizations and the basic values of the police culture.

Numerous researches worldwide determined that a large part of the police officers (30–50%), who have been participating in the realization of the community policing for several years (3–5), thinks that the traditional way of policing is more efficient than the new community policing model, but, also, that the police officers, of low- and mid-ranking management, are identified as resistant to changes and innovations (Sherman, 1975; Sparrow, Moore & Kennedy, 1990; Goldstein, 1990; Moore & Stephens, 1991; Gaines, 1994; Greene, Bergman & McLaughlin, 1994; Skogan, 2004; Vito, Walsh & Kunselman, 2005). The reasons and the justifications for the resistance they find in the lack of the financial funds and technical equipment and unwillingness to change the policing method. The real reasons lie in the fact that low- and mid-ranking management in every police organization has a main role in adopting organizational changes (Kelling & Bratton,

1993, Vito et al. , 2005) and the lack of their support means a failure of any attempt of changes (Sherman, 1975; Walker, 1993, Vito et al. , 2005). Kelling and Bratton (1993) warned that the mid-ranking management has a potential to become an “administrative problem” in implementing the community policing. This part of the police organization has gained over time the experience, practice and skills in the development of the professional policing model and has become an advocate of the establishment of the centralized control of the police (Vito et al. , 2005).

At the same time, foreign experiences show that in the rural environments the success of the community policing concept is more certain, regarding that the police officers live in the environments, which they serve to, and that the social interactions and the local strategies are free of formalism (Vinzant & Crothers, 1994; Cardarelli & McDevitt, 1995). Due to the closeness with the citizens, the police in law enforcement represent the values and the customs of the local community and easily establish the communication (Weisheit, 1984). In reaction to the social deviations, they implement least invasive police strategies, which reduce a collateral damage in the community (Falcone, Wells & Weisheit, 2002). One of the first researches of the policing in the rural community was conducted by Decker (1979). Her findings and results of the later researches (Weisheit, 1984; Falcone et al. , 2002) showed that the rural communities are subject to the introduction of the policing turned towards the community, whereby there is an intention to keep the traditional policing style (Crank, 1994; Maguire, 2004; Pelfrey, 2007). This finding is confirmed by the results related to the functioning of the police organization in the local community in Novi Bečej (Spasić et al. , 2013).

The police officers, used to traditional way of the policing developed for decades, are not ready to accept a new manner of division of tasks and responsibilities with the community, which they serve to. It is a question of the community policing strategies (Bayley, 1990; Crank, 1994; Greene & Mastrofski, 1988). The main question refers to the involvement of the citizens in the rural and city environments into the decision-making processes in relation to the community policing, i.e. to whether the public invitations of the police officials for the cooperation are more rhetoric and not a reality (Greene & Mastrofski, 1988; Crank, 1994). Many theoreticians claim that the changes in the organizational structures of the police organizations, both in the rural and city environments, are necessary condition for the successful implementation of this policing strategy, and that the organizational structure affects the community policing practice, especially with the beat officers and police officers in patrols (Greene et al. , 1994; Peak & Glensor, 1996; Carter & Radelet, 1999; Adams, Rohe & Arcury, 2005). This fact is confirmed and presented by the findings from all researched police station in Serbia, in which the organizational structures are firmly grounded on the centralized, closed models of the management and decision-making, which do not allow even the basic level of the independence in the police officers' decision-making within the beat and patrol activity.

Finally, a precondition for all changes and reforms in the policing strategies is a decentralization of the police organization in Serbia. This study confirmed, too, that in the practice of adopting the new community policing models, the authority decentralization is as important as the territorial decentralization. In Serbia, like in the large number of the post-conflict and transitional societies from the Eastern Europe, the standpoint is accepted that the police are a specially organized and complex administrative department of the professional type, formed based on the law, in whose competence is maintenance of the public order, peace and system and combating crime, with a possibility of the legal use of force (coercion), with the strictly defined centralized system of the management and command. In such environment there are no objective conditions for the successful implementation of the community policing concept (Spasić et al. , 2013).

The attitude towards the traditional and new way of performing police tasks can be considered in the light of the notes related to the negative heritage and the tradition from the 90s of the last century. The repressive activities and traditional forms of the motorized patrols, alienation from the citizens and not knowing the specifics of the local community, fear and distrust as the values were taken by the police officers, who worked in the police during these years and who built them in the police culture of their working environment with no possibility to affect them (Kešetović, 2003). This conclusion was confirmed by the studies on experiences in the implementation of the concept in the countries of the former Yugoslavia, which like Serbia, at the beginning of this millennium, started the implementation of the community policing concept as a modern policing strategy. In study from 2003 (Kutnjak-Ivković & Shelley, 2005) about the police integrity and the attitude towards the police reform after the Dejtonskog sporazuma (Dayton Agreement), carried out in the Sarajevo canton (B&H), with the participation of 451 police officers from four canton

police stations, with an average length of service of 15 years, who completed High Schools or a police course, Kutnjak-Ivković and Shelley (2005) determined that the most common phenomena in the police work are corruption and excessive use of force (repression).

In the study from 2008, Kutnjak-Ivković analyzed the functioning of the police organizations in 20 county areas in Croatia, taking into consideration the attitude of the police officers towards the legal provisions about the implementation of the authorization, discipline, crime and the implementation of the community policing concept as a new strategy introduced beginning 2003. The research was carried out at the representative sample of 927 police officers, who represented all police stations and all work lines. However, the beat and patrol officers, detectives and police officers who directly participate in the community policing concept (High School level), dominated in the sample. About 15 % of the sample were women. The findings of the study pointed out, unlike the previous study from 1995, that the police officers understand the essence and the significance of the new policing strategy, new relationships with the community, knowledge and respect of legal rules on the use of force and control of police work (Kutnjak-Ivković, 2009).

The impact of the police culture to the organizational, human and strategic performance of the police service has been considered and analyzed in numerous studies in Serbia and worldwide (Prenzler, 1997; Kešetović, 2003; Paoline, 2004; Tomić & Spasić, 2010; Spasić, 2011). In accordance with the organizational and functional specificities of the police, the police culture determines the behavior of a police officer at work and outside of work. It represents a certain system of values, attitudes and assurances which the police officers adopt in relation to their job, management, certain categories of the citizens, courts, law and different phenomena in the society, that affect their work. The aforementioned studies suggest that the police culture is specially emphasized by the feeling of the social isolation, job risks, specific authorizations and responsibilities, necessity of mutual solidarity in joint actions, frequent contacts with the asocial behavior and certain types of people, internal system of training and professional knowledge, which are acquired in the practice, by the character of the information used in work and alike.

According to Nickels (2008), the specifics related to the police profession and which defines its professional culture are recognized as: danger, possibility of the legitimate use of force, discretionary right, alienation of the police officers from the citizens and public, bureaucracy, shift work, routine contacts with the "problematic persons" and antagonism between the police officers and the management.

The object of some analytic studies, carried out in Serbia in 2011, was the relationship of the police culture and the gender identity. The relationship of the police officers in Serbia towards the receipt and the professional engagement of women in the police service was reviewed in them at the theoretical level (Spasić, 2011; Spasić, Djurić & Mršević, 2015). Their findings confirmed the strong influence of the built culture of the solidarity and understanding among the male police officers in Serbia, which was directly proportional to their length of service.

6 CONCLUSION

The results of the evaluation indicate the specific conclusions. In the local communities in Serbia, where the community policing concept was introduced as a pilot-project, i.e. in the police organizations which adopted this strategy of work in the community and after almost ten years, there are significant obstacles for its efficient implementation. One of the most frequent obstacles is the structural changes, i.e. undeveloped structures, which need to approve the autonomy of the patrol and patrol officers in decision-making and problem-solving in the field (including the decentralization of the command). In the evaluation, the traditional police structure was recognized as an obstacle, the structure whose values are materialized through: resistance to the changes by the mid-ranking police officers and by police managers. As limiting factors the following are observed: absence of intergovernmental cooperation between police agencies, problems of the evaluations of the police officers' performance, disrespect of the basic principles of Police Ethics, nonprofessional attitude towards citizens (inclination to corruption and abuse of discretionary powers in decision making), insufficient community involvement in problem-solving. The community policing concept is facing a series of internal structural and operative obstacles within the police organizations. Those are the problems of the balance between different police activities in the community (e.g. between the necessity of engaging pedestrian

patrols and quick reaction to the citizens' calls), resistance of the mid-ranking management to the changes and belief that this policing strategy is "soft" to the crime, which causes the necessity of introducing the repressive acting. At the same time, the police organizations do not report about the preventive programs, long-term preventive strategies in the community, or about the willingness of the community for the realization of the preventive activities.

At the strategic and tactical level of the concept implementation, the obstacles are observed in the form of: unclear statements about the vision and mission, lack of material, technical and human resources and problem with the continuous education and trainings. All police agencies in the researched communities, as an objective obstacle state the lack of financial funds for implementing the concept, but also the deficiencies of the educational and learning processes, within which there was no possibility of introducing the police officers with the theoretical constructs and practical experiences of the concept implementation. Due to lack of the human potential, some local police organizations assigned the tasks of the concept implementation to several specialized officers, while the others divided the activities between the police teams for urgent reaction (intervention units) and beat officers. Regardless to a declarative acceptance of the modern community policing form, the police organizations still apply the traditional forms of reacting to the crime, by applying to the great extent the procedures of detention and arrest as a way of solving problems in the community.

An interesting conclusion is related to the fact that the patrol officers have more negative attitudes towards the concept than the police officers of higher ranks, i.e. at the higher levels. Even some police officers, who are delighted with the new policing philosophy, rarely apply that philosophy in practice, if they do not have a necessary support. In other words, many of them agree with the new strategy in theory (representing, so called, global positive attitudes), but express a concern for the manner in which it has been operationalized in their organization (these are, so called, negative specific attitudes). Some police officers are cynical, or they simple ridicule the idea of the community policing, because they do not have the skills required for the qualitative and efficient implementation of all adopted postures of the new strategy in practice.

Imperative of the strategic changes is a new police model, new work philosophy and a new management. The new police organization in the society must function as a body of a formal social control and a public service, which act in line with the citizens' needs, with explicit decentralization of the management, competences and authorizations, with the strong and stable finance resources and the support, qualitative human and material resources, continuous training and the system of rewarding and evaluating the police work.

This paper is the result of the research on project: "Management of police organization in preventing and mitigating threats to security in the Republic of Serbia", which is financed and carried out by the Academy of Criminalistics and Police Studies, Belgrade - the cycle of scientific projects 2015-2019.

REFERENCES

- Adams, R. E., Rohe, W. M., & Arcury, T. A. (2005). Awareness of community-oriented policing and neighbourhood perceptions in five small to midsize cities. *Journal of Criminal Justice*, 33(1), 43-54.
- Aldous, C., & Leishman, F. (1999). Police and community safety in Japan: Model or myth? *Crime Prevention & Community Safety*, 1, 25-39.
- Bakić, B., & Gajić, N. (2006). *Police reform in Serbia: Five years later*. Law Enforcement Department OSCE Mission to Serbia and Montenegro, Belgrade. Retrieved from: www.osce.org/publications/fry/2004/01/18262_550_en.pdf
- Bayley, D. H. (1990). *Patterns of policing: A comparative international analysis*. Rutgers: The State University.
- Buerger, M.E. (1993). The challenge of reinventing police and community. In D. Weisburd & C. Uchida (Eds.), *Police innovation and control of the police: Problems of law, order, and community* (pp. 47-63). New York: Springer-Verlag.
- Cardarelli, A. P., & McDevitt, J. (1995). Toward a conceptual framework for evaluating community policing. In P. C. Kratcoski & D. Dukes (Eds.), *Issues in community policing* (pp. 229-242). Cincinnati: Anderson Publishing Co.

- Carter, D. L. , & Radelet, L. A. (1999). *The Police and the Community* (6th ed.). Upper Saddle River: Prentice-Hall.
- Chan, J. (1997). *Changing police culture: Policing in a multicultural society*. Cambridge: Cambridge University Press.
- Champion, D. (2003). *Policing in the community*. Sarajevo: Office Public Affairs Embassy of The United States of America.
- Crank, J. P. (1994). Watchman and the community: myth and institutionalization in policing. *Law and Society Review*, 28(2), 325–351.
- Decker, S. (1979). The rural county sheriff: an issue in social control. *Criminal Justice Review*, 4, 97–111.
- Deljković, I. , & Lučić-Čatić M. (2010). Implementing community policing in Bosnia and Herzegovina. *Police Practice and Research: An International Journal*, 12(2), 172–184.
- Downes, M. (2004). *Police reform in Serbia: Towards the creation of a modern and accountable police service*. Law Enforcement Department OSCE Mission to Serbia and Montenegro, Belgrade. Retrieved from www.osce.org/publications/fry/2004/01/18262_550_en.pdf
- Djurić, S. (2013). *Istraživanje bezbednosti: kvalitativni pristup* [Security research: qualitative approach]. Belgrade: Faculty of Security Studies.
- Falcone, D. N. , Wells, L. E. , & Weisheit, R. A. (2002). The small-town police department. *Policing: An International Journal of Police Strategies & Management*, 25, 371–384.
- Feltes, T. (2002). Community Oriented Policing in Germany – Training and Education. *Policing: An International Journal of Police Strategy and Management*, 25(1), 48–59.
- Friedmann, R. R. (1992). *Community policing: Comparative perspectives and prospects*. Los Angeles: St. Martin's Press.
- Gaines, L. (1994). Community-oriented policing: Management issues, concerns and problems. *Journal of Contemporary Criminal Justice*, 10(1), 17–35.
- Goldstein, H. (1990). *Problem-oriented policing*. Philadelphia: Temple University Press.
- Goldstein, H. (2000). The new policing: Confronting complexity. In O. M. Willard (Ed.), *Community policing, classical readings* (pp. 16–38). London: Prentice Hall.
- Gowri, A. (2003). Community policing is an epicycle. *Policing: An International Journal of Police Strategies & Management*, 26(4), 591–611.
- Greene, J. R. , Bergman, W. T. , & McLaughlin, E. J. (1994). Implementing community policing: Cultural and structural change in police organizations. In D. P. Rosenbaum (Ed.), *The challenge of community policing: Testing the promises* (pp. 92–109). Thousand Oaks: Sage.
- Greene, J. R. , & Mastrofski, S. D. (1988). *Community policing: Rhetoric or reality*. New York: Praeger Publishers.
- Herbert, S. K. (1998). Police subculture reconsidered. *Criminology*, 36(2), 343–369.
- Kelling, G. L. (1988). Police and communities: the quiet revolution. *Perspectives on Policing*, 1, 1–8.
- Kelling, G. L. , Wasserman, R. , & Williams, H. (1988). Police accountability and community policing. *Perspectives on Policing*, 7, 142–148.
- Kelling, G. L. , & Bratton, W. J. (1993). *Implementing community policing: the administrative problem*. Washington, DC: National Institute of Justice.
- Kešetović, Ž. (2003). Reforma MUP-a Republike Srbije – od policije poretka ka servisu građana [Reform of the Ministry of Interior of the Republic of Serbia - from the police to order the service of citizens]. *Politička revija*, 2(1), 209–228.
- Kešetović, Ž. , & Davidović, D. (2007). Policing in Serbia: challenges and developments. In G. Meško & B. Dobovšek (Eds.), *Policing in emerging democracies: Critical reflections* (pp. 79–100). Ljubljana: Faculty of Criminal Justice and Security.
- Kuribak, M. (2008). Police reform in Serbia. In M. Hadžić (Ed.), *Security sector reform in Serbia: Achievements and prospects* (pp. 51–64). Belgrade: Centre for Civil Military Relations.
- Kutnjak-Ivković, S. , & O'Connor Shelley, T. (2005). The Bosnian police and police integrity: A continuing story. *European Journal of Criminology*, 2(4), 428–464.
- Kutnjak-Ivković, S. (2009). The Croatian police, police integrity, and transition toward democratic policing. *Policing: An International Journal of Police Strategies & Management*, 32(3), 459–488.
- Maguire, M. (2004). The Crime Reduction Programme in England and Wales: Reflections on the vision and the reality. *Criminology and Criminal Justice*, 4(3), 213–237.
- McLeay, E. (1998). Policing policy and policy networks. In D. Marsh (Ed.), *Comparing policy networks* (pp. 110–131). Buckingham: Open University Press.
- Miller, S. L. (1998). Rocking the rank-and-file: gender issues and community policing. *Journal of Contemporary Criminal Justice*, 14(2), 156–172.

- Miller, S. L. (1999). *Gender and community policing: Walking the talk*. Boston: Northeastern University Press.
- Milosavljević, B. (2004). Reform of the police and security services in Serbia and Montenegro: attained results or betrayed expectations. In P. Fluri & M. Hadžić (Eds.), *Sourcebook on security sector reform: Collection of papers* (pp. 249–274). Geneva: Geneva centre for Democratic Control of Armed Forces and Centre for Civil-Military Relations.
- Ministry of Interior Affairs of the Republic of Serbia. (2003). *Document of the vision for reforming Ministry of Interior Affairs of the Republic of Serbia*. Belgrade: Ministry of Interior Affairs of the Republic of Serbia.
- Monk, R. (2001). *A report on the police work in the Federal Republic of Yugoslavia*. Belgrade: OSCE Mission to Serbia and Montenegro.
- Moore, M. H. , & Stephens, D. W. (1991). *Beyond command & control: The strategic management of police departments*. Washington: Police Executive Research Forum.
- Nickels, E. (2008). Good guys wear black: uniform color and citizen impressions of police. *Policing: An International Journal of Police Strategies & Management*, 31(1), 77–92.
- Palmiotto, M. J. (2000). *Community policing: A policing strategy for the 21st century*. Gaithersburgh: Aspen Publication.
- Paoline III, E. A. (2004). Shedding light on police culture: An examination of officers' occupational attitudes. *Police Quarterly*, 7(2), 205–236.
- Peak, K. J. , & Glensor, R. W. (1996). *Community policing and problem solving*. Upper Saddle River: Prentice-Hall.
- Pelfrey, W. V. (2007). Style of policing adopted by rural police and deputies: An analysis of job satisfaction and community policing. *Policing: An International Journal of Police Strategies & Management*, 30(4), 620–636.
- Prenzler, T. (1997). Is there a police culture? *Australian Journal of Public Administration*, 56(4), 47–65.
- Radelet, L. A. (1977). *The Police and the Community* (2nd ed.). Toronto: Collier Macmillan.
- Rosenbaum, D. (1994). *The challenge of community policing: Testing the promises*. London: Thousand Oaks
- Rosenbaum, D. P. , Lurigio, A. J. , & Davis, R. C. (1998). *The prevention of crime: Social and situational strategies*. Belmont: Wadsworth.
- Sherman, L. W. (1975). Middle management and police democratization: Reply to John E. Angell. *Criminology*, 12(4), 363–377.
- Sherman, L. W. (1990). Police crackdowns: Initial and residual deterrence. In M. Tonry & N. Morris (Eds.), *Crime and Justice: An Annual Review of Research*, 12 (pp. 1–47). Chicago: University of Chicago Press.
- Skogan, W. G. (2004). *Community policing: Can it work?* Medina County: Wadsworth Incorporated.
- Skogan, W. G. (2006). *Police and community in Chicago: A tale of three cities*. New York: Oxford University Press.
- Slayter, J. (2001). *A report on the evaluation of human rights, ethics & standards of police functioning in the Federal Republic of Yugoslavia, Serbia and Montenegro*. Belgrade: The European Council.
- Sparrow, M. K, Moore, M. H. , & Kennedy, D. M. (1990). *Beyond 911: A New Era for Policing*. New York: Basic Books.
- Spasić, D. (2011). Police Culture and Gender Identity. *Western Balkans Security Observer: Journal of the Belgrade School for Security Studies* 2, 25–36.
- Spasić, D. , Djurić, Š. , & Kesetović, Ž. (2013). Community policing and local self-government: A case study of Serbia. *Lex Localis – Journal of Local Self-Government*, 11(3), 293–309.
- Spasić, D. , Djurić, S. , & Mršević, Z. (2015). Survival in an “all boys club”: Policewomen in Serbia. *Women's Studies International Forum*, 48, 57–70. <http://dx.doi.org/10.1016/j.wsif.2014.10.008>
- Tomić, M. , & Spasić, D. (2010). Maskulinitet u profesijama [Masculinity in Professions]. *Antropologija: casopis Centra za etnoloska i antropoloska istrazivanja*, 10(1), 95–110.
- Trojanowicz, R. C. , & Bucqueroux B. (1998). *Community policing, How to get started* (2nd ed.). Cincinnati: Anderson Publishing Co.
- Uglow, S. (1988). *Policing liberal society*. Oxford: Oxford University Press.
- Vinzant, J. , & Crothers, L. (1994). The role of police officers in community policing. *Criminal Justice Review*, 19(2), 189–211.
- Virta, S. (2002). Local security management: Policing through networks. *Policing: An International Journal of Police Strategies & Management*, 25(1), 190–200.
- Vito, G. , Walsh, W. , & Kunselman, J. (2005). Community policing: The middle manager's perspective. *Police Quarterly*, 8(4), 490–511.

- Walker, S. (1993). Does anyone remember team policing? Lessons of the team policing experience for community policing. *American Journal of Police*, 12(1), 33–55.
- Weisheit, R. (1984). The social context of alcohol and drug education: Implications for program evaluation. *Journal of Alcohol and Drug Education*, 30(1), 27–35.

LOCAL GOVERNMENTAL LAW ENFORCEMENT IN HUNGARY

József Baczárdi, László Christján

ABSTRACT

Purpose:

The main purposes of the research regarding the Hungarian local governmental law enforcement is: 1) revealing the possible ways of the development, 2) revealing the functional anomalies, 3) making suggestions to increase the effectiveness, 4) making suggestions for the law-makers to amendment of the related laws, and 5) introducing some possible development ways.

Methods:

A research has been conducted through 4 stages in the past years. In the paper 1st stage, which is an interview-based research among the experts of the local governmental law enforcement is presented.

Findings:

The 1st stage of the research that was made in 2015 is summarized in the paper. Results have shown that Hungarian local governmental law enforcement: 1) can be clearly separated from the other police areas, 2) is underfinanced but the financial problems are only a part of the anomalies, 3) has problems with supervision, leadership, and organizational and human resources problems, 4) legal framework is sufficient for the local governmental law enforcement but the implementing rules are insufficient in many areas like education, supervising, leadership and finance, and 5) can contribute to the maintenance of the local public safety.

Research limitations:

Each year other aspect of the local governmental law enforcement will be examined by different research methods.

Originality:

This is the first research related to the local governmental law enforcement in Hungary.

Keywords: local governmental law enforcement, Hungary, interview based research

I INTRODUCTION

Time and time again the question arises: Does the police service have to continue with its full range of functions or is it time to let others get involved and take some of the strain?

The traditional definition of municipal policing incorporated local authority duties, which included crime prevention and patrol performed by a variety of local enforcement agents, normally employed and controlled by municipal authorities and paid out of public funds, but not always carried out by sworn police officers (Donnelly, 2013: 4).

The names of these organisations are different across Europe: city/town/village/local/regional/provincial/Municipal Police or Community Security Guard, Municipal Wardens, Town watchers etc. The Slovenian example helps us to understand the new, 21st century philosophy of plural policing, in which local security organisations play an important role. There are organisations, which were not established for the purpose of policing but their tasks, nature of work, and special powers make them “*new police forces*” (Sotlar & Dvojmoč, 2015). The security sector has changed significantly over the last two decades and newly established organisations have some police powers and/or perform tasks that have traditionally belonged to the public (state) police. In addition to the state/public police forces, municipal warden services, judicial police, customs services, police departments within the state prosecutor’s office, and even the security services within intelligence and the security service of the Ministry of Defence and military police have police powers. If numerous private security firms and private detectives are added to the state/local managed public security control organisations, the present situation of Slovenian policing can be easily defined as plural. Municipal warden services are quite young organisations, without many employees, but more and more influential and present in the everyday lives of inhabitants since their tasks and powers are broadening. It is yet to be seen whether these organisations will cause a decisive shift toward de-centralisation and de-monopolisation of public policing by the creation of a metropolitan/municipal police (Sotlar & Dvojmoč, 2015).

2 HUNGARIAN BASICS

The elements of the system of public safety can be derived from the modern concept of public safety. According to these concepts, public safety is the collective product of society, it consists of the activities of the individuals and communities, the official measures of the state organisations, the capability of the citizens to protect themselves, and the services of the entrepreneur market (Finszter, 2001).

In Hungary the function and work of the Local Governmental Law Enforcement organisations and the entire local policing are fields not examined thoroughly but the importance of the topic is growing more and more significant every year. In order to offer a realistic picture and set the future tasks, first we have to analyse the structure and functioning of the system of public security in Hungary.

The major institutions of Hungarian law enforcement system are as follows:

1. Police,
2. Disaster Management,
3. Civil National Security Service,
4. Prison Service.

The National Tax and Customs Administration (NTCA) has a major function of financial control and the management of taxation. Along with this, they also have law enforcement functions. The NTCA is a special organisation, which also includes the former public order body of the Customs and Finance Guard. The Law Enforcement system is based on the public order organisations as listed above. However, there are some other "alternative law enforcement" institutions, which play a role. These are: the National Tax and Customs Administration, local governmental law enforcement, civil volunteer security organisations etc. (Christián, 2015).

The police shall operate under the direction of the Government. It is the most important statement about Hungarian Law Enforcement because it declares that the Hungarian police force is centralised and single, so there is no possible way to establish police forces controlled by local governments. Act CCXXIII of 2012 (A Büntető Törvénykönyv hatálybalépéséhez kapcsolódó átmeneti rendelkezésekről és egyes törvények módosításáról, 2012) stipulates the tasks of the Hungarian police force. Besides the competences assigned in the Basic (Fundamental) Law, the police force is responsible for controlling border traffic, counter-terrorist activities and carry out other crime prevention, crime investigation and the crime control duties, along with a new task regarding the recovery of criminal assets.

Since Act CXLVII of 2010 (Az egyes rendészeti tárgyú és az azokkal összefüggő törvények módosításáról, 2010) entered into force, the Hungarian Police Force has been divided into three parts: the National Police, the National Protective Service and the Counter Terrorism Centre. The police organisation and the national security forces are regulated by separate Acts, which must be approved by a two-thirds majority of the Parliament.

The National Protective Service (NPS) is a special police force under the control of the Minister of the Interior. The NPS deals with anti-corruption activities, they may collect information about any government officials, including law enforcement officers, and they can even test their reliability by making a false attempt to bribe them (Christián, 2015).

A new institution, the Counter Terrorism Centre (Terrorelhárítási Központ - TEK) can engage in secret surveillance as an official police agency, and can secretly enter and search homes, engage in secret wiretapping, make audio and video recordings of people without their knowledge, secretly search mail and packages and open electronic data and emails. TEK can address requests to financial companies, banks and brokerage firms, insurance companies, communications companies and operate not just as a police agency but also as a national security agency. In summary, TEK holds all the necessary powers to act effectively and dismantle all the modern age criminal groups that threaten the public safety of the State and the people (Leyrer, 2013).

The priorities Criminal Code (Büntető törvénykönyv, 2012) and the Minor Offences Act (Szabálysértési törvény, 2012) of both the new are transparent, simple and effective regulations, which are more rigorous than the previous ones, with the purpose of fighting crime against property. The rights and properties of citizens are much more protected by these new Acts.

The Minor Offence Act (Szabálysértési törvény, 2012) included a paragraph which provided that homelessness was an offence. The Hungarian Constitutional Court (Alkotmánybíróság) in its Decision 38/2012 of 14 November 2012 reviewed the Minor Offences Act and stated that the

punishment of unavoidable living in a public area failed to meet the requirement of the protection of human dignity ensured by Article II of the Basic (Fundamental) Law, and can neither be justified by the removal of homeless people from public areas nor by providing an incentive for such persons to avail themselves of the social care system (Alkotmánybíróság, 2012).

Act CLXVII of 2010 (Az egyes rendészeti tárgyú és az azokkal összefüggő törvények módosításáról, 2010) terminated the opportunity for police and law enforcement officers to retire with pre-retirement allowance (after 25 years on duty, even at the age of 35-40 years). This Act is relatively new, that is why the average age of the present Hungarian police officers is still quite low. Another consequence is that these retired officers are employed in huge numbers in the private security sector, almost as if it were a "second police force".

Act CXX of 2012 (Az egyes rendészeti feladatokat ellátó személyek tevékenységéről, valamint egyes törvényeknek az iskolakerülés elleni fellépést biztosító módosításáról, 2012) introduced new and important changes in the field of law enforcement, in order to ensure local security. One such change is the opportunity to establish a municipal police force for a local government. This legislation creates a new position called Inspector in Charge. The bodies and actors (conservation guards, public area inspectorates, field guards, forest protection service, nature protection, municipal police, professional hunters etc.) involved in the maintenance of public order are allowed to use handcuffs and to use dogs. This legislation steps up the fight against school truancy as well (Christián, 2015).

The Local Governmental Law of Hungary states that local governments contribute to ensuring the safety of municipalities. The new Act on Local Governments in Hungary (Magyarország helyi önkormányzatairól, 2011) declares that it is the task of the local governments to ensure the safety of the municipalities. This is the primary regulation that stipulates the obligation to establish the local law enforcement in the Hungarian municipalities.

Lastly, we wish to give a critical reflection regarding the development of the Hungarian law enforcement system and legislation in the last 26 years, since the change of political regime.

The structure of the police force does not reflect the differences between policing tasks and there are no long-term development plans; no government in the last 20 years has been able to or found it important to compile a comprehensive public safety strategy. The entire policing system at present is characterised (also by its members) as a system with very low levels of efficiency. In the last 20 years, politicians and law enforcement experts have been unable to provide the requisite balance between political support and political influence (Leyrer, 2013).

3 RELEVANT CIRCUMSTANCES

According to our research we could state that the field of local governmental law enforcement has been the subject of few research projects in the last 25 years. The professional publications and research were confined only to the definition and foundations of local governmental law enforcement. Unfortunately, the theoretical studies, which recognised the current problems and indicated potential solutions, were left unanswered by the decision makers and authorities concerned. Therefore, we could state that local governmental law enforcement has been unjustly neglected in the last 26 years. In order to have a clear view of the situation, a lot needs to be done. Thus, we think that research into practical operation cannot be delayed any further. According to our experience, local governmental law enforcement as a branch of law enforcement is being upgraded because the changes in the subjective sense of safety of the public have become a decisive priority.

One of the major elements of this subjective sense of safety are the time and the procedure when the citizens meet law enforcement organisations and the personal experience they gain during such encounters. Obviously, being a key player in state law enforcement, it is the police that a citizen will meet most frequently, as the police force is present all over the country, whereas local governmental law enforcement will only be manifested where the municipalities consider it justified, where it is established and its operation can be ensured. Also, the competence and powers of local governmental law enforcement organs are more limited than those of the police. Another significant element of the subjective sense of safety is whether the representatives of the organisations concerned by law enforcement can devote sufficient time to listening to people, the extent to which they consider the citizens' opinions, the issues raised by them, that is the extent to which law enforcement is ready to meet the expectations of society, whether it really tries to solve the problems.

In summary, according to our research the main characteristics of the Hungarian local governmental law enforcement are as follows:

- The Hungarian municipal law enforcement is quite varied; there are various types of local law enforcement offices and officers.
- Municipal law enforcement is mainly public administrative in nature and not police-like. The officers are public servants, not police officers. They belong to the Mayor's Office or a particular institution. They have the right to use enforcement measures (only limited powers).
- The supervision of local law enforcement belongs to the police. The Hungarian police force supervises the establishment and procedures of local governmental law enforcement.
- Municipal law enforcement is mainly financed from the budget of the local government. State subvention is minimal. There is a little part of local law enforcement which is supported by the state. The lack of sufficient financial conditions can prevent the local governments from establishing and maintaining local law enforcement officers and offices.

4 LOCAL GOVERNMENTAL LAW ENFORCEMENT IN HUNGARY IN NUMBERS

Because certain legal regulations are not implemented properly, we do not have access to authenticated central records about the number or staff of local governmental law enforcement organisations operating in Hungary, or the municipal orders regulating them. Thus, the authors have managed to compile a detailed list of the public area inspectorates (these can be considered the most significant among the local governmental law enforcement organisations in Hungary) with the help of the Association of Towns of County Rank and through their own research. Based on our research in 2016, it could be established that currently 196 local governmental law enforcement organisations operate in Hungary, distributed in the counties as shown in the Figure I.

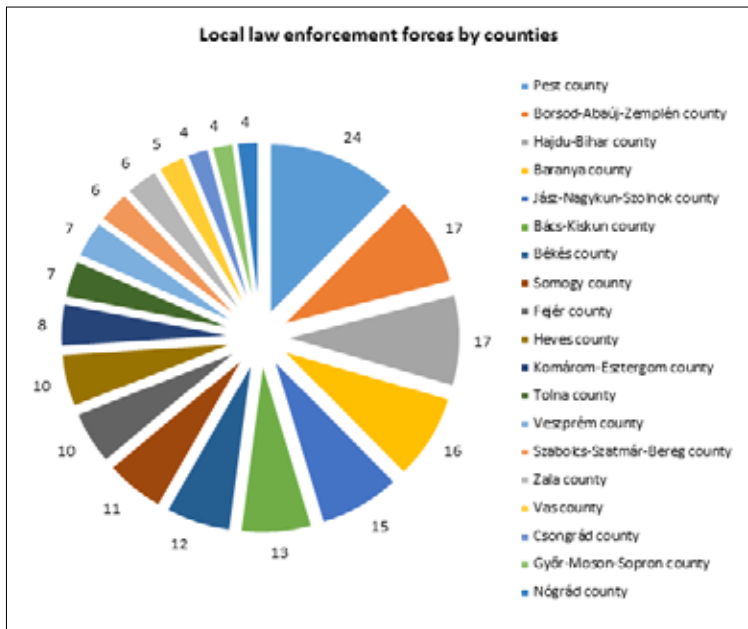


Figure 1: Local law enforcement forces by counties

We would like to remark here, that all charts and figures in this paper are the work of the paper's authors.

5 LOCAL GOVERNMENTAL LAW ENFORCEMENT SURVEY IN HUNGARY

5.1 The research

In 2015 a Research Group for Local Governmental Law Enforcement was founded at the National University of Public Service (Local Governmental Law Enforcement Research Group) to conduct research in 4 stages. Each year another aspect of local policing will be examined. The main goals of this research are as follows:

- to reveal the possible ways of the development of the local governmental law enforcement,
- to reveal the functional anomalies of the local governmental law enforcement guards,
- to make suggestions to increase the efficiency of the local governmental law enforcement organisations,
- to make suggestions for the law-makers concerning the amendment of the related laws, and
- to introduce some prospective ways for the development of local governmental law enforcement in Hungary.

The stages of the survey are:

Stage 1 – Interview-based research among the experts of the local governmental law enforcement (completed stage).

Stage 2 – Survey-based research among the municipalities which maintain local governmental law enforcement organisations

Stage 3 – Research of activities and operation – How do the local governmental law enforcement organisations operate?

Stage 4 – Interview and survey-based research to examine the social perception of local governmental law enforcement organisations by the residents.

The research will be finished (Stage 5) by the authors in the form of a written Handbook of Local Law Enforcement.

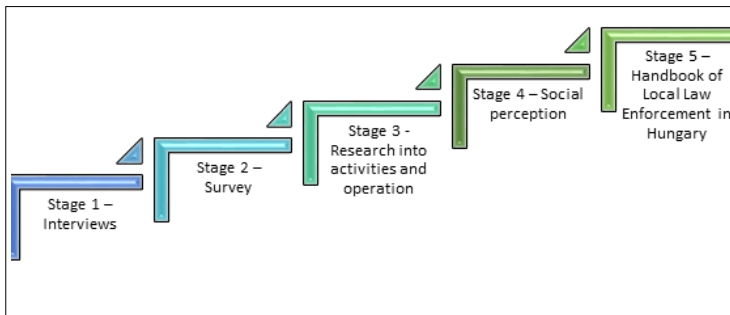


Figure 2: Stages of the survey

5.2 Hypotheses

Before starting the research, the following hypotheses were proposed:

1. Local governmental law enforcement can be clearly distinguished from the other branches of law enforcement.
2. Local governments are underfunded, they do not have sufficient resources to establish and properly operate local governmental law enforcement organisations, therefore local governmental law enforcement is the privilege of well-off municipalities.

3. The present legal framework is not sufficient to establish local governmental law enforcement organisations that can operate efficiently and are based on standardised foundations.
4. The significance of local governmental law enforcement organisations should be increased within local law enforcement.
5. Local governmental law enforcement organisations could, under certain conditions, substantially contribute to the improvement of local public safety and the increase of the citizens' subjective sense of safety.

5.3 Methods

Our interviewees were prominent scholars, experts and decision makers involved in local governmental law enforcement. We used arbitrary selection; the important factor was that the interviewee had to be related to local governmental law enforcement. During the interviews, we used the same questionnaire functioning as an outline. We planned to have a minimum number of 10 interviewees. By the end of the research project, 3rd November 2015, we have had 22 respondents, categorised as follows:

- local law enforcement officers: 14 people
- police officers: 3 people
- decision makers (leadership of municipality): 2 people
- theorists: 3 people

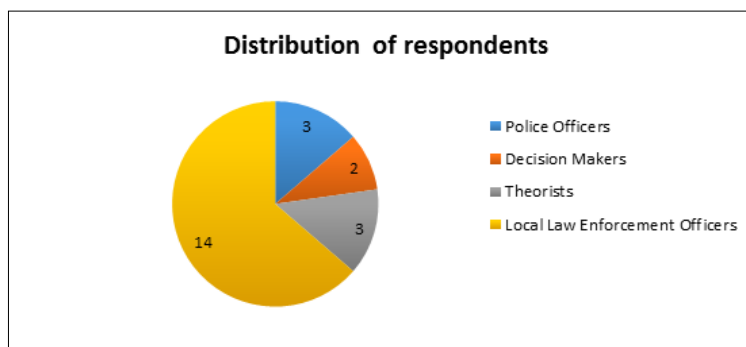


Figure 3: Distribution respondents

Based on the research, we wanted to present the state of local governmental law enforcement as perceived by the respondents and whether this branch of law enforcement has a future. Using the findings of the research, we can formulate proposals concerning the fine-tuning of the current regulations and we can even define the vision of the future of local governmental law enforcement.

The research focused on three basic parts:

1. the concept of local governmental law enforcement,
2. the current state of local governmental law enforcement in Hungary,
3. previous experience related to and the future of local governmental law enforcement in Hungary.

5.4 The concept of local governmental law enforcement

Based on the quantity and quality of coercive means, Balla (2014) divides law enforcement organisations into four subsystems:

1. the primary law enforcement organisation (police force),
2. secondary law enforcement organisations (e.g. the Prison Service, the finance guard agencies of the NTCA),
3. other public administration agencies carrying out tasks of law enforcement nature (e.g. public area inspectorate, conservation guards),
4. organisations not involved in public administrative law enforcement (e.g. organisations operating in the form of associations, private security undertakings)

It is clear that Balla (2014) classified local governmental law enforcement as belonging to the 3rd subsystem of other public administration agencies carrying out tasks of law enforcement nature, emphasizing the administrative character of its tasks. Kökényesi (2010) considers law enforcement itself a public administration activity, the protection of order and public administration law enforcement being the two elements it comprises. Finszter (2009) names law enforcement tasks in two fields of common law; tasks of the public administration authority within the scope of competences concerning public administration law and tasks related to the prosecution of crime (law enforcement) in the field of criminal law. Apart from the views of the few authors mentioned above, we could outline a number of various concepts of and approaches to local governmental law enforcement, formulated by other experts. Because there are substantially different views within the narrow circle of those discussing local governmental law enforcement, it was worthwhile examining the concept of local governmental law enforcement, in particular how those involved in carrying out local governmental law enforcement tasks see their position and how they define the regulatory framework within which they operate.

Our research showed that two basic trends exist, as follows:

1. Local governmental law enforcement is identical with the law enforcement organisation of the municipalities.
2. Local governmental law enforcement is a collective term comprising the tasks and obligations and the related potential activities of the municipalities.

We consider that it is important to emphasize that for decision makers local governmental law enforcement primarily means public area supervision, whereas law enforcement experts rather consider it a more comprehensive collective term.

Those not restricting local governmental law enforcement to the law enforcement organisation of the municipality itself mainly approach the concept from the aspect of carrying out local governmental tasks and the activities in the area of law enforcement. Respondents listed the following local governmental law enforcement activities, related to the definition of local governmental law enforcement:

1. Tasks defined by the body of representatives of the local authorities in the area of crime prevention, public order etc.;
2. Checking, supervising and sanctioning the special local norms set up by the local government;
3. Activities restricted to the area of or the narrow area directly adjacent to the given locality, organised and controlled by the local government aimed at maintaining local public order and safety;
4. Establishing and maintaining public order and safety with the help of a relevant toolkit;
5. Public order activities carried out by local governments;
6. Preventing and combating crime and risks;
7. Maintaining order, all the activities related to the prevention of accidents and crime;
8. Activities related to public order and safety, to be carried out voluntarily as public task;
9. Carrying out tasks of public area supervision, maintenance of the order and tidiness of public areas, protection of local government property, maintenance of the order of public transport usage and carrying out the tasks related to the environmental conservation of natural reserves of local importance;

10. Crime prevention activities, the protection of public order and safety, issues of animal health, protection of children, young people and the elderly, training and education of the public and of young people;
11. Activities within the framework of patrol and surveillance services, at the scene of traffic accidents, as well as those of the school crossing patrol officers in the vicinity of kindergartens and schools;
12. Maintaining relations with various law enforcement and other organisations (police, civil guard and disaster management) tasks related to victim protection and traffic safety, protection against disasters and reconstruction, securing the location of public events as well as assisting the professional activities of cooperating organisations by performing independent or joint duties or services;

We can establish that respondents named a range of local governmental law enforcement activities from the entirely general to the particular ones.

The majority of the interviewees, quite understandably, distinguished local governmental law enforcement from the other branches of law enforcement relying on the operation of local governments, on the more restricted competences stemming from their operation and on the ways in which local requirements can be enforced.

When thus defining local governmental law enforcement, several respondents emphasized that, unlike other branches of law enforcement, local governmental law enforcement is capable of reacting more sensitively to citizens' problems. There were interviewees, however, who, in contrast, highlighted that people tend to have a negative attitude towards local governmental law enforcement (wheel clamps). In our opinion, these two approaches reflect that local governmental law enforcement is not standardised, is decentralised and that it is linked to the various expectations of the local governments, as they have different goals when establishing local governmental law enforcement organisations and the application of the means in local governmental law enforcement to achieve those goals is also different.

The majority of respondents thought there had been a change with respect to the definition of the concept of local governmental law enforcement, which was a result of the changes in legislation in the previous years. We think that the change perceived by the respondents is linked to the changes in the law enforcement activities of the municipalities. As several respondents defined local governmental law enforcement by using the law enforcement activities of the municipalities and the changes in their tasks, as well as using the local governmental law enforcement organisation itself, the perception of the changes in the definition is not surprising.

5.5 Local governmental law enforcement: The present, overview of the situation

The main part of the research we conducted is related to the present and the problems of local governmental law enforcement and sheds light on the present situational picture. The interviewees formulated very different opinions concerning the significance of local governmental law enforcement. Several respondents emphasized the utmost importance of local governmental law enforcement, others experienced the growing significance of local governmental law enforcement. Quite a few respondents, however, perceive local governmental law enforcement as having a supplementary or complementary function and little significance, and others did not take a stand on the issue. It should be underlined that the local decision makers attach key importance to local governmental law enforcement, whereas workers of the police did not take a clear-cut stand concerning its significance. Those working for local governmental law enforcement formulated a range of opinions at the extremes about the extent of its importance. Such controversial interpretation of the significance of local governmental law enforcement necessarily suggests that its assessment depends on the capacity and functionality of a particular local governmental law enforcement organisation. Decision makers obviously consider their own local governmental law enforcement organisation significant, or else they would not keep it operating and those working for local governmental law enforcement evaluate its significance based on their own experience and on the expectations of the decision makers. According to Finszter (2009: 170), public safety is the result of cooperation between several actors (local government, police force, civil organisations and private organisations). Therefore, a definite aim of our research was to find out which actor could be specified as having the highest responsibility

for maintaining local public order and safety. The chart below shows the results of the research into the social acceptance of the civil guard, which are also relevant to this paper.

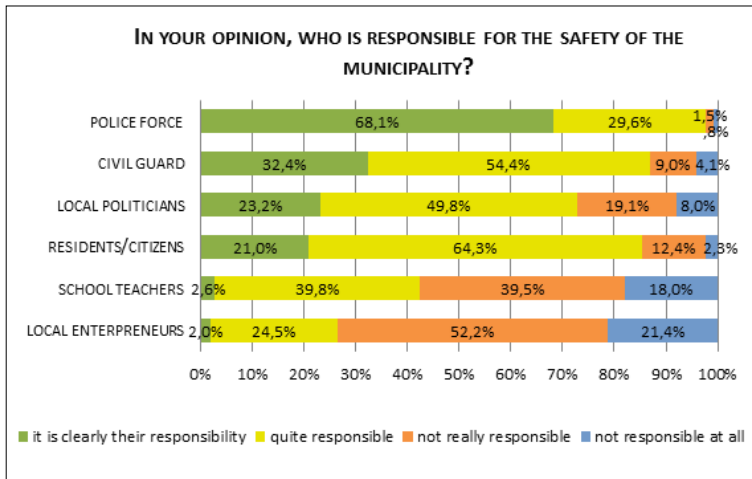


Figure 4: Opinions about responsibility for the safety of municipality

The findings of the two research projects coincide. Similarly, to the assessment of the significance of local governmental law enforcement, heterogeneous answers were formulated with regard to the organisation responsible for local public order and safety, too. The majority of respondents, quite understandably, named the police force as the most important actor in charge of local public order and safety. However, a surprisingly large number of respondents also underlined the responsibility of the municipality, whereas others consider the various actors (the state, the local government, civil organisations) equally important in providing local public order and safety.

We had quite diverse answers to the questions about the priorities of local governmental law enforcement. We divided the answers into two groups along the reasoning that there are (external) priorities defining activities and intentions aimed at the residents and other organisations, while there are priorities affecting the internal operation of local governmental law enforcement. These internal priorities were broken up into legal and organisational priorities.



Figure 5: Priorities

Internal priorities:

- A) Legal priorities:
 1. checking on the implementation of local regulations, protection of public order and safety,
 2. standardised application of law,
 3. establishing an inter-ministerial forum to optimize the legislative environment defining the activities of local governmental law enforcement,
 4. observing regulations.

- B) Organisational priorities:
1. having the organisation accepted by and introduced to those concerned,
 2. establishing standardised assertion of interests,
 3. providing sufficient funding,
 4. creating a homogeneous image,
 5. establishing state education,
 6. closer cooperation with public utility and law enforcement organisations,
 7. involvement in a crime prevention signalling system.

External priorities:

- I. providing a sense of subjective sense of safety for the public,
2. constant presence,
3. meeting all the local requirements,
4. closer contact with the residents,
5. maintaining the order of public areas,
6. serving the residents,
7. giving prompt and efficient response to problems in the municipality,
8. giving prompt response to local law enforcement problems,
9. crime prevention,
- IO. prevention of man-made and natural hazards (emergency response culture),
- II. protection of local governmental assets and property.

According to an overwhelming majority of respondents, the reason for the existence of local governmental law enforcement in Hungary is indisputable, but there are various views. The reason for this partly originates in the fact that in 2012 local governments were deprived of their competence to establish the facts of minor offence cases (Act II of 2012 on minor offences), by which the very meaning of local governmental law enforcement was undermined. (Hungarian Parliament, 2012) The competence to create regulations undoubtedly played an important role in the law enforcement activities of the local governments but creating decrees was just one element in the manifold law enforcement activities of the municipalities.

Apart from examining the justification of the existence of local governmental law enforcement, the research also sought the answer to the question whether local governmental law enforcement organisations were able to properly respond to the different public safety issues and law enforcement challenges of small, middle-size and larger communities. The answers to this question also proved to be largely heterogeneous. Some respondents think that, in the existing legislative framework, local governmental law enforcement organisations cannot live up to the various expectations of the communities. Other respondents, on the contrary, highlighted the flexibility of the local governmental law enforcement organisations and confirmed that they are capable of responding to the diverse public safety issues and law enforcement challenges of the different types of municipalities.

A significant ratio of interviewees think that the local governmental law enforcement organisations are capable of meeting challenges only to a certain extent, because their role is only complementary to that of the police force.

The decision makers and those working in law enforcement are divided in assessing the extent to which local governmental law enforcement can meet the challenges, and, somewhat surprisingly, it is the police officers who think that under certain conditions – these being mainly related to human resources – local governmental law enforcement is capable of managing the challenges.

The judgement of the ability to manage problems concerning local public safety is closely connected to the examination of the justification of the existence of local governmental law enforcement organisations, therefore it is not surprising that the opinions of the respondents are similar to the answers discussed above in many respects. Respondents who denied the grounds for the existence of local governmental law enforcement organisations answered that local governments are capable of managing local public safety problems only to a certain extent. It was a general view that this ability depends on the capabilities, willingness and sensitivity of the municipal leadership and the funding potentials. The respondents outlined different problems related to local governmental law enforcement. The problems reported by respondents can be grouped as follows:

1. Management, control issues:
 - a. the leadership of the local government does not dispose of appropriate skills to manage local governmental law enforcement,
 - b. lack of strategy for the comprehensive handling of public safety issues,
 - c. negative public perception of local governmental law enforcement (image of an authority that issues fines and clamps cars).
2. Issues related to the organisational system:
 - a. lack of a single/standardised agency to supervise local governmental law enforcement,
 - b. municipal law enforcement agencies operate independently of and parallel to each other (excessive decentralisation),
 - c. two-level municipal law enforcement system in the capital (duplications).
3. Issues affecting staff:
 - a. low qualification levels of personnel and executive staff,
 - b. lack of comprehensive, standardised local governmental law enforcement training.
4. Other problems mainly related to the legal and administrative environment:
 - a. fragmentation of jurisdiction, lack of standardised law enforcement,
 - b. legislation related to local governmental law enforcement is incoherent, full of loopholes,
 - c. financing problems (central government hardly supports local governmental law enforcement organisations),
 - d. municipal law enforcement officials are civil servants, they have no other special legal status

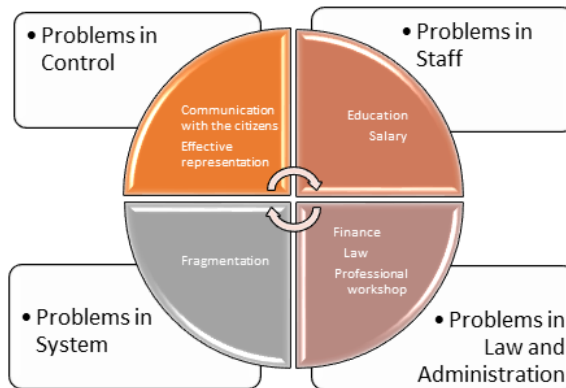


Figure 6: Reported problems

The organisational problems in our grouping largely originate from the legal environment, but grouping them is justified by the fact that organisational problems are closely related to each other. Several respondents view the lack of standardised training, the insufficiently qualified expert staff, the absence of central funding and the inadequate legal background as problems. The insufficiency of training and the lack of expert staff becomes visibly manifested when, for example, a local government is not able to fill in a position of public area inspector for several months for want of applicants or the absence of suitable candidates. It is a fact, that the civil service salary scale of about HUF 150,000 gross wage established for law enforcement personnel with secondary education is not a very attractive perspective.

The problems outlined by respondents and the cross-cutting nature of issues show that the anomalies in local governmental law enforcement can only be handled in a comprehensive way, integrating multiple areas.

The vast majority of respondents are dissatisfied with the existing legislation related to municipal law enforcement organisations, not surprisingly, given the fact that most of the formulated problems affecting local governmental law enforcement can be traced back to the regulatory environment.

The majority of respondents see the problem mainly in the detailed rules elaborating on the general regulations and not in the general regulation itself. Only few respondents considered that the fundamental provisions of municipal law enforcement should also be modified.

The cooperation between the local governmental law enforcement organisations and other agencies concerned by local law enforcement is generally considered good by the respondents, but they have also stressed the importance of a personal, active relationship between the parties involved. In smaller communities it is easier to maintain personal relationships than in larger cities, this way cooperation can be more effective. In larger towns an efficient cooperation could be achieved by establishing “coordination bodies” that would mediate between the local law enforcement agencies involved.

In the area of local governmental law enforcement, the respondents outlined various proposals on how to handle the problems, which have been structured as follows:

1. Proposals regarding management problems:
 - a. improvement of the communication with the public,
 - b. creating an efficient representation of local governmental law enforcement interests.
2. Problems related to the organisational system:
 - a. standardisation of the operation of local governmental law enforcement organisations.
3. Proposals relating to the staff:
 - a. creating the right quality and standardised training,
 - b. better remuneration of the staff working for the local governmental law enforcement organisations,
 - c. creating financial incentives.
4. Other proposals mainly concerning problems related to the legal and administrative environment:
 - a. support of local governmental law enforcement by public funding,
 - b. re-creating legislation on local governmental law enforcement,
 - c. establishing a workshop for local governmental law enforcement.

The respondents' proposals on the management and the organisational system are of general character, except the one about the creation of a standardised representation. The most specific proposals were related to the problems and issues of staffing and of the legal and administrative environment. We should highlight that a significant number of respondents suggested that appropriate training should be developed, relevant legislation should be re-created and that standardised state funding should be provided.

5.4 Experience and future of local governmental law enforcement

The respondents unanimously feel that local governmental law enforcement in Hungary has developed in the last 25 years and the majority of respondents expect further progress. The respondents view several directions regarding the improvement of local governmental law enforcement.

1. It will acquire a central role in the provision of public order safety for the municipalities. In this framework:
 - a. Incremental steps will be made in the direction of establishing local governmental police organisations.
 - b. The current local governmental law enforcement structure will be further strengthened.
2. The role and position of local governmental law enforcement will not change.
3. The significance of local government law enforcement will be reduced.



Figure 7: Proposals for improvements

Most of the interviewed experts are optimistic about the future of local governmental law enforcement, and think that it is likely to further develop and grow in importance. Key issues of further development of local governmental law enforcement were considered by respondents in completely different ways. What can be stated is that the possibilities of moving forward were viewed as the solutions to the problems, previously outlined by them.

6 CONCLUSIONS

Five hypotheses were set up at the start of the present research.

1. Local governmental law enforcement can be clearly distinguished from the other branches of law enforcement.

The first hypothesis was confirmed and can be considered accepted. We can definitely state that local governmental law enforcement can clearly be distinguished from other law enforcement branches by the operation and activities of the local governments.

2. Local governments are underfunded, they do not have sufficient resources to establish and properly operate local governmental law enforcement organisations, therefore local governmental law enforcement is the privilege of well-off municipalities.

One part of the hypothesis was confirmed and can be considered accepted. There is serious underfunding of the operation of local governmental law enforcement, but it can only be considered as one element of the problem. The operation of local governmental law enforcement organisations is hampered by problems concerning the organisational system, the management, the staff and the legal and administrative environment. The fact that local governments do not establish local law enforcement organisations because of underfunding was not confirmed by this research.

3. The present legal framework is not sufficient to establish local governmental law enforcement organisations that would operate efficiently and are based on standardised foundations.

One part of the third hypothesis was confirmed and can be considered accepted. The current legislative framework is not sufficient for creating effectively working local governmental law enforcement agencies. The problem is hidden in the details of legislation. It can be stated on the basis of the present research that by re-creating some regulations regarding local governmental law enforcement its efficiency can be increased. Areas to be reconsidered are: training, management, supervision and financing.

4. The significance of local governmental law enforcement organisations should be increased within local law enforcement.

The fourth hypothesis is not justified with absolute certainty, and can only partly be considered approved. Although local governmental law enforcement organisations can be considered important and significant, the role of municipal law enforcement cannot be clearly seen as in need of increasing within local law enforcement.

5. Local governmental law enforcement organisations could, under certain conditions, substantially contribute to the improvement of local public safety and the increase of the citizens' subjective sense of safety.

The fifth hypothesis was confirmed and can be considered accepted. Local law governmental law enforcement organisations definitely play a significant role in local law enforcement, however, some fine-tuning or reconsidering of the details of legislation is necessary.

The present basic research functions as the first step in a multi-phase research project. Based on the findings of this research, the anomalies and major problems of local governmental law enforcement were revealed, such as those related to the management, organisation, staff and the legal and administrative environment, which suggest that the anomalies can only be resolved in a complex way.

We hope that further analysis of the encountered problems and anomalies will help us reach our goal, namely to clearly formulate suggestions and launch proposals for those working in this special field and for the decision makers.

REFERENCES

- A Büntető Törvénykönyv hatálybalépéséhez kapcsolódó átmeneti rendelkezésekről és egyes törvények módosításáról [Amending the transitional provisions and certain acts related to Law C of the Criminal Code in 2012 to enter into force]. (2012). *Magyar Közlöny*, (181/12).
- A korhatár előtti öregségi nyugdíjak megszüntetéséről, a korhatár előtti ellátásról és a szolgálati járandóságról [Abolition of pre-retirement pension, benefits before retirement pension, service allowance]. (2011). *Magyar Közlöny*, (148/11).
- Alkotmánybíróság. (2012). Közterület életvitelszerű használata szabálysértéssel összefüggő egyes jogszabályok tekintetében benyújtott utólagos normakontroll [Posterior review submitted in respect of certain laws habitual use of public space-related offenses]. Retrieved from <http://public.mkab.hu/dev/dontesek.nsf/0/1C19F4DoCFDE32FBC1257ADA00524FF1?OpenDocument>
- Az egyes rendészeti feladatokat ellátó személyek tevékenységéről, valamint egyes törvényeknek az iskolakerülés elleni fellépést biztosító módosításáról [Local governmental law enforcement]. (2012). *Magyar Közlöny*, (98/12).
- Az egyes rendészeti tárgyú és az azokkal összefüggő törvények módosításáról [Amending certain law enforcement and related laws]. (2010). *Magyar Közlöny*, (188/2010).
- Balla, Z. (2014). *A rendészet kérdései*. [Issues of law enforcement.]. *Belügyi Szemle*, 62(10), 5–19.
- Büntető törvénykönyv [Criminal Code]. (2012). *Magyar Közlöny*, (92/12).
- Christján, L. (2015). Law enforcement. In L. Csink, B. Schanda, A. Zs. Varga, & A. Patyi (Eds.). *The basic law of Hungary: A first commentary* (pp 277–287). Dublin: Clarus Press.
- Donnelly, D. (2013). *Municipal policing in the European Union. Comparative perspectives*. London: Palgrave MacMillan.
- Edelbacher, M., & Norden, G. (2013). Policing in Austria: Development over the past twenty years, present state and future challenges. In G. Meško, C. B. Fields, B. Lobnikar, & A. Sotlar (Eds.), *Handbook on policing in Central and Eastern Europe* (pp. 15–31). New York: Springer.
- Finszter, G. (2001). The share of competence of state authorities within the sphere of public order and safety protection in Hungary. In J. Widaczki, M. Maczynski, & J. Czapska (Eds.), *Local community, public security: Central and Eastern European countries under transformation* (pp. 53–66). Warsaw: Institute of Public Affairs.
- Finszter, G. (2009). *Közbiztonság és jogállam* [Public safety and the rule of law.]. *Jog – Állam – Politika*, 1(3), 173–197.
- Kökényesi, J. (2010). Az önkormányzati rendészet a magyar közigazgatásban [Local governmental law enforcement in Hungarian public administration]. Retrieved from www.kozigkut.hu/doc/kokenyesi_10okt.pdf

- Leyrer, R. (2013). *Finding the right path of policing in Hungary*. In G. Meško, C. B. Fields, B. Lobnikar, & A. Sotlar (Eds.), *Handbook on policing in Central and Eastern Europe* (pp. 115–128). New York: Springer.
- Magyarország helyi önkormányzatairól [Acts on Local Governments of Hungary]. (2011). *Magyar Közlöny*, (150/11).
- Sotlar, A. & Dvojmoč, M. (2015). Municipal warden services in the pluralised policing environment in Slovenia. *Revija za kriminalistiko in kriminologijo*, 66(4), 330–341.
- Szabálysértési törvény [Minor Offences Act]. (2012). *Magyar Közlöny*, (2/12).

THE MEDIA IMAGE OF POLAND'S MUNICIPAL GUARDS

Michalina Szafrńska, Anna Wojcieszczak

ABSTRACT

Purpose:

The purpose of the paper is to present the results of studies on the image of municipal police in the Polish daily press. Two research questions were asked: (1) Do the press reports concerning municipal police actually focus on the negative aspects of their functioning? and (2) Does the press provides the society with a false or incorrect information about the tasks that might be performed by the municipal police?

Methods:

Using qualitative content analysis, examined were all the articles about the Polish municipal police, published in 2014 in the four most widely read Polish national dailies (n = 328). Research contained two mainstream national dailies (*Gazeta Wyborcza*, *Rzeczpospolita*) and two tabloid dailies (*Fakt*, *Super Express*).

Findings:

The studies confirmed the hypothesis that media contributes to the consolidation and development of the negative stereotypes about Polish municipal police. No evidence was found for the media dissemination of false knowledge about the competence of the municipal police. Tabloids demonstrated its disinformation.

Research limitations:

Given that the research was limited only to one year (2014) and to one medium – press the results should be treated with caution. With the key role of the television and increasing role of the new media in creation the social perception of crime and crime fighters (police, municipal police etc.) further studies concerning those media would be needed.

Originality:

This paper shows the results of first studies of this subject in the relations to municipal police.

Keywords: municipal police, news media, media image of police, Poland

I INTRODUCTION

The functions traditionally ascribed to the mass media include the informational function, which is to say, providing information and debate concerning public affairs and the monitoring function, in other words, defending the rights of the individual from infringement by the authorities (Peterson, 1963). In an era marked by the tabloidization of the news media (Allan, 2010), journalists frequently adopt the role of sworn defenders of "ordinary people", exposing the shortcomings of the public institutions responsible for controlling crime and maintaining public order. Reports concerning the doings of those institutions have always enjoyed considerable interest from the mass media, albeit only when they contain a sufficient dose of sensationalism. In the meantime, their daily work and the legal, organisational and financial restrictions related to it rarely have much chance of penetrating the public's awareness. As analyses of the content of news reporting indicate, when presenting items on law enforcement organisations, the media focus primarily on negative stories and demonstrate an inclination for fault-finding (Reiner, 2007). Efforts to attract the public's attention by exposing anything which might be recognised as departing from the norm and breaching routine, such as scandals, irregularities, infringements of the law and so forth, do, after all, play a key role here (Young, 1974).

In this context, Poland's municipal guards would seem to be in a particularly difficult position. Given their jurisdictional limitations and the fact that a great many of the tasks they are charged with are unlikely to win them social acclaim, the activities of their officers do not normally provide positive information which corresponds to the criterion of newsworthiness. A handful of public opinion surveys, particularly those expressed as a single index, show that the municipal guards are not held in overly high regard by citizens in comparison with the police force, for instance, which is gaining increasing trust from society year by year (Ministerstwo Spraw Wewnętrznych

i Administracji [Ministry of the Interior and Administration], 2015).¹ One of the potential explanations for this state of affairs is the spuriously less-than-flattering, stereotypical image of the municipal guards which is created by the mass media. It is an explanation also cited by the guards' representatives themselves. The presence of this kind of negative message alongside a lack of balance in the form of proportionally frequent reports with a positive overtone, can lead to the erosion of social trust toward the guards. Although the Guard representatives have given voice to words of criticism concerning media engagement in "black PR"², there is a lack of scholarly evidence confirming the legitimacy of those accusations. The purpose of this article is to reconstruct the media image of Poland's municipal guards as it appears in the daily press. The empirical research, which was carried out using qualitative techniques for the analysis of content, serves to answer the question as to whether media reports pertaining to the municipal guards really do focus, in the main, on the negative aspects of their operations.

The public's critical attitude toward the guards can, of course, be partially accounted for in normative terms. First of all, it should be emphasised that, for local authorities, establishing a municipal guards' unit is not an obligation; it is a right. As such, where there are no guards, their tasks are carried out by the police. This model functions efficiently in many municipalities, which might give rise to doubts amongst local residents as to the sense of establishing and maintaining an additional public institution devoted to preserving order. Despite the aforementioned circumstances and numerous doubts, the number of municipal guard units in Poland has been growing steadily for more than a decade now. In 2014, the country had a total of five hundred and eighty-eight city and municipal guard units (Ministerstwo Spraw Wewnętrznych i Administracji, 2014). In a handful of cases, units were closed down, a decision most frequently driven by the high maintenance costs borne by the municipal authorities and by the guards' low level of efficacy (Dyląg, 2014).

The range of duties allocated to the municipal guards, which includes both traffic control by means of photo-radar cameras (Najwyższa Izba Kontroli [NIK], 2013)³ and wheel clamping, is certainly another crucial reason for their low ranking in public opinion. As Widacki one of the authors of the provisions of the "Ustawa o strażach gminnych" [Municipal Guards Act] (1997), pointed out in an interview (2014):

It's understandable that the city guards have any number of enemies. Someone who's parked where they shouldn't and received a fine is bound to be disgruntled and exasperated because they believe there are more important matters, but here are the guards messing around with his car. OK, but the person who's stuck in his garage because someone else has parked their car where they shouldn't won't forget it, either. Who does he call? The city guards. It's a thankless form of service because, in the municipal guards' activities, the 'contact points' between their officers and the general public are really quite extensive and, for the people fined for offences, it's fairly troublesome and tiresome.⁴

As a rule, the public has little inclination to acquiesce to the more serious infringements of the law which are pursued by the police, while the penalties attached to them tend to be more unanimously accepted as both necessary and desirable. Meanwhile, people's willingness to turn a

1 According to the results of other recent studies, a telephone poll carried out on a representative sample of residents in Poland in 2015, 7 % of the country's citizens declared that they definitely trust this institution or that they suppose they trust it. Other representative surveys conducted in 2015 demonstrate that 69 % of Poles have a positive opinion concerning its work (Centrum Badań Opinii Społecznej [Public Opinion Research Centre], 2015).

2 The majority of accusations of this kind, together with polemic commentaries on material published in the press, can be found on the Krajowa Rada Komendantów Straży Miejskich i Gminnych [National Council of City and Municipal Guard Commanders] (for example see <http://www.krksmg.pl/zdaniem-rzecznika,59,kat.html>).

3 In 2013, NIK (the Supreme Audit Office), Poland's most important, constitutional inspectional body, published a report on the municipal guards. It gave a highly critical appraisal of their work in terms of road safety services and called for both a curtailment of their powers as regards controlling traffic speed and for them to be deprived of the right to use mobile speed cameras.

As of 01.01.2016, those demands were partly reflected in the relevant law. "Ustawa o zmianie ustawy – Prawo o ruchu drogowym i ustawy o strażach gminnych" [The Act on changes to the Road Traffic Act and the Municipal Guards Act] (2015) deprived the urban guards of the right to carry out speed checks using mobile speed cameras.

4 See J. Widacki in an interview for: M. F. (2015).

blind eye to the infringements penalised by the municipal guards is most certainly considerably greater. This could spring from several causes, at the very least. First, some of the prohibitions and obligations enforced by the guards enjoy either little or no social acceptance or are quite simply considered to be unnecessary; the ban on consuming alcohol in some public places serves as an example here, as does the obligation to keep dogs on a lead. Second, members of the public tend to evaluate their behaviour both from the perspective of the individual, skipping over the social consequences of mass infringements⁵, and in terms of motives for infringements known only to themselves⁶. This can lead to their making light of the damage their actions can cause. Moreover, people are inconsistent and their opinions concerning the legitimacy of the particular norms enforced by the guards can change depending on the micro- and macro-contexts of their contradictory behaviour.⁷ As a result, it becomes extremely problematic for the guards to perform their duties in a way which will satisfy the general public.

In addition, it seems as if journalistic accounts on the topic of the municipal guards may well leave the reader with the impression that the activities they carry out in the name of public order and safety actually border on the repressive. Meanwhile, the tasks assigned to the guards include not only keeping the peace, maintaining order in public places and supervising road traffic within the bounds set out in the relevant regulations, but also instigating and participating in activities aimed at preventing crime, offences, misdemeanours and criminogenic situations.⁸ Tasks which fall within the area of crime prevention are therefore clearly imposed on the institution by law and a great many guards are highly committed to carrying out ventures of this kind. They undertake numerous educational and prevention activities such as working together with schools and other institutions and organisations involved in educating children and young people⁹, holding workshops and talks for senior citizens (Paralusz, 2015), organising self-defence courses (Straż Miejska Warszawa [Warsaw City Guards], 2014), sports competitions (Dobrowolska, 2015), first-aid training (Łań, 2016) and even campaigns designed to remind local residents about the absolute necessity of cleaning up after their four-legged friends (Siólkowski, 2014). They also instigate and implement a range of other initiatives designed to benefit local residents and communities; examples here include helping to start cars in the winter (B. S., 2016), assisting homeless people to find safe accommodation during that same season (Straż Miejska Kraków [Cracow City Guards], 2009b), saving domestic and wild animals in trouble and rescuing them from oppression,¹⁰ and taking part in local events which actively promote safety, security and order “on their patch” (Siólkowski, 2016). They also check the sobriety of drivers (Straż Miejska Kraków, 2009a). Besides this, Article I, Section I of the Municipal Guards Act (Ustawa o strażach gminnych, 1997) explicitly states that the guards fulfil an ancillary role with regard to the local community and this obliges

- 5 Such as “Oh, really, air pollution’s not going to get worse because I burn a bit of rubbish in my stove!”, for instance, or “Just what dire things will happen if I don’t clean up my dog’s mess?”
- 6 For example, “I parked in a space reserved for handicapped people because I was in a real rush to get to the bank before it closed. I’d only have been there five minutes”.
- 7 For instance, a driver will be infuriated because their car has been towed away. However, in the role of a pedestrian pushing a pram, that same person would very probably start grumbling about the municipal guards if they left a car standing on the same spot and blocking the pavement, rather than towing it away.
- 8 In order for the municipal guards to be able to carry out the tasks they are charged with effectively, provisions were made for a catalogue of their powers. These include the power to issue cautions, call attention, issue warnings or employ other educative measures, the power to check people’s identity under legitimate circumstances, the power to apprehend people who are obviously and directly endangering human life or health or property and to take them to the nearest police unit immediately, the power to impose fines and the power to remove vehicles and immobilise them by clamping the wheels. It is only under exceptional circumstances that a guard will be permitted to carry out a task involving a firearm or incapacitator. As set out in the Act, when employing their powers, the guards are obliged both to respect human dignity and to observe and defend human rights (Ustawa o strażach gminnych, 1997).
- 9 In one Polish town, Gdansk, a secondary-level schools and the city guards entered into an agreement whereby a class with an extended curriculum covering the municipal guards has been established. The provisions of the agreement include at least two hours a week of theory and practice taught by guard officers; see Siólkowski (2015). The guards also hold lessons devoted to particular issues relating to safety, security and order in a great many schools. They cover a range of topics, including first aid and safety rules for pedestrians and cyclists (Straż Miejska Warszawa, 2016).
- 10 Note should also be taken of initiatives where positive mention appeared sporadically in the press analysed during this study. One example here is “Ekopatrol Straży Miejskiej” [City Guards Eco-Patrol], a more or less nationwide venture which has been praised for coming to the aid of animals; another is the agreement entered into in this sphere between the Łódź City Guards and the “Patrol do spraw Ochrony Zwierząt ‘As’” [“As” Animal Defence Patrol] (“Straż Miejska Łódź” [Lodz City Guards], 2016).

them to work together with other institutions and organisations responsible for local safety and security. Cooperative work of this kind is undertaken regularly. However, information on topics of this ilk is not usually something reporters deem worthy of reporting in the media, so it can only be found by visiting the guards' own websites and, even then, it crops up relatively rarely.¹¹

Over the course of more than a decade, the multitude of stereotypes which have clung to the institution have become a source of unending struggle for the municipal guards. Amongst the most frequently mentioned and, at one and the same time, mutually contradictory, stereotypes are those of the municipal guards who "just sit around doing nothing" and who "walk the streets looking for offences". As far as their duties are concerned, a stereotype which is repeated time and again is the one that has them failing to deal with people who represent a genuine threat to order and "only attacking innocent people"; here, the alleged victims are the now proverbial ancient grandmother selling the produce from her back garden on a street corner or "the ordinary person in the street". When it comes to municipal guards themselves, they are said to be rude, poorly educated and lacking in even the slightest ability to communicate in foreign languages; first and foremost, though, they are "the people who couldn't get into the police" (Dobiegała, 2013). A visible outcome of the dissemination of these stereotypes and the worsening opinion on the topic of the guards is the closure of units in a number of cities¹², including those which were shut down as the result of the residents' own decision, taken via the process of a local referendum.

1.1 The Theoretical Premises of the Study

The basis for the empirical research planned for the study was the theory of moderate social constructionism (Dowler, Fleming & Muzzatti, 2006; Potter & Kappeler, 2006; Goode & Ben-Yehuda 2009;

Even if they apply to a significant part of the population, experiences of direct contact with the guards are generally highly fragmentary. As a result, crucial significance also needs to be attributed to the three other aforementioned sources of knowledge about social reality, which create what is known as symbolic reality. What arises from the merging of personal experience and symbolic reality is socially constructed reality, in other words, that which the individual perceives as a true picture of the world. In an instance where one source of symbolic knowledge has a significant influence on the process of forming that picture, it can become established as a dominant social vision. In terms of the topic under study here, this source is usually the media (Colbran, 2014). Embroiled in the process of fighting for their audiences, they filter the information they provide on the activities of the municipal guards, employing the criteria of newsworthiness, which include a satisfactory level of drama, predictability, the possibilities for simplifying, individualising and depicting the news item, the message and references to the actual risk (Jewkes, 2003). News items filtered in this way are conveyed to the audience using simple interpretative formulae which concur with the addressees' method of processing information. When it comes to the topic of an institution with formal control over society, the widespread use of these formulae in conjunction with a sensation-oriented selection process oriented can produce a number of effects, including a dwindling sense of safety and the readiness to support radical, short-term solutions put forward by political decision-makers, such as the regularly recurring demands for the municipal guards to be shut down completely or for tougher penalties (Dowler, 2003; Callanan, 2005; Pfeiffer, Windzio & Kleimann, 2005; Surette, 2014).

2 METHODOLOGICAL PREMISES

The study presented in this article was conducted using a qualitative analysis of the content of media reports. On the basis of comprehensive, in-depth description and thoroughgoing reflection on the dependencies observed, an endeavour was made to identify all the characteristics of the

11 The Krakow City Guards, who are intensively involved in working together with numerous other institutions will serve as an example here. They have, for instance, entered into an agreement with the municipal transport provider with the aim of strengthening their collaboration as regards improving the state of cleanliness and tidiness on the vehicles and in the vicinity of the bus and tram stops. Another agreement, this time between the City Guards and the police, launched Clean Krakow. Stop Graffiti, which, along with the Graffiti Vanquishers community initiative, aims to counter acts of vandalism and illegal graffiti in the city.

12 The city of Zielona Góra and the towns of Żory and Wolomin serve as examples here.

phenomena in question, phenomena which are inevitably simplified by quantitative analysis. In addition, qualitative analyses make it possible to take the context of the phenomena in question into consideration. They also afford the opportunity of seeking indications of an internal cohesion amongst apparently random events, of focusing on the hidden meanings of words, of determining formulae and of exposing contradictions (Miles, Huberman & Saldana, 2013). Their primary purpose here was to facilitate the identification of the arguments used in the reports and the rhetorical measures serving the media in building a defined, discursive vision of the world.

In respect of the main research question as to whether media reports on the municipal guards focus on the negative aspects of their operations and create a negative image of their representatives, the indicators formulated for the purpose bear out the occurrence of the phenomena under study. Expressions of criticism were noted as regards: (1) the scope and quality of the tasks performed by the municipal guards; (2) the personal characteristics of guards; (3) both the law regulating the functioning of the municipal guards; and (4) the use of stereotypes about that institution. In addition, consideration was given to (5) the manner in which true and false knowledge on the topic of the municipal guards is constructed. A list of all the indicators can be found in Table 6, together with the symbol for the codes used in the analysis.¹³ Additional, quantitative measurements were also taken in order to establish both the extent of the phenomena in question, as part of the sampling, and their force. The type of newspaper, in the form of individual titles, was taken as an independent variable here, as was the nature of the publication as either tabloid or non-tabloid. Besides this, the researcher's general impression after reading an article, together with the headline, lead and crossheads, was also taken into consideration; the author's attitude to the guards or guards' officers was evaluated, with 0 indicating neutrality, -1, -2 and -3 representing increasing degrees of negative prejudice and 1, 2 and 3 indicating rising degrees of positive bias.

The study only covered the news media. Given the difficulties in gaining access to research materials, the decision was taken to restrict it to the daily press, which does, however, perform a significant role in shaping the content of other media, in other words, television, radio and web portals, as analyses carried out in other countries have demonstrated (Moore, 2014). The articles used in the study were published between 1st January and 31st December 2014 in four of the most popular national dailies. In view of both the tendency to scandalise which is ascribed to the tabloids and the potentially major impact they can thus have on negative opinions of the guards, two of the newspapers selected represent the 'gutter press'; *Fakt* (Fact) and *Super Express*. The other two are broadsheets in terms of content and style; *Rzeczpospolita* (The Republic) and *Gazeta Wyborcza* (The Electoral Gazette).¹⁴ The endeavour was made to carry out a full sampling for the period in question, in other words, to assemble all the material on the topic which had appeared over that time and subject it to thorough analysis.¹⁵ Taking into consideration the fact that, as an institution, the municipal Guard is established within the structures of the local authorities, the local supplements published for Warsaw¹⁶ were also included under the premise that they might contain news on the subject. A total of three hundred and eighty-two articles were analysed, ninety-six of them from the tabloids and two hundred and thirty-two from the non-tabloids (see Table 1).

13 The texts were encoded using the QDA Miner 4.1 qualitative analysis software tool.

14 According to data from the "Związek Kontroli Dystrybucji Prasy" [Press Circulation Audit Union] circulation figures for the four titles during the first three quarters of 2015 were: *Fakt*, 309,758; *Gazeta Wyborcza*, 158,620; *Super Express*, 145,174; and *Rzeczpospolita*, 56,152 (Kurdupski, 2015).

15 The material originating from *Gazeta Wyborcza* and *Rzeczpospolita* was collected via those newspapers' electronic archives. The publishers of the other two dailies do not make their archived copies available online. For this reason, the material from *Fakt* and *Super Express* was gathered traditionally, in other words, by looking through every number and compiling photographic documentation of the relevant content.

16 The decision to include local supplements for Warsaw was made on account of the accessibility of the research material in library holdings.

Table 1: Number and percentage of articles analysed in the study

TITLE	NUMBER	PERCENTAGE
<i>Fakt</i>	75	23%
<i>Gazeta Wyborcza</i>	114	35%
<i>Rzeczpospolita</i>	118	36%
<i>Super Express</i>	21	6%
TOTAL	328	100%

Within that total, one hundred and nineteen articles were devoted directly to the municipal guards, sixty dealt with other issues but the problem of the municipal guards was widely discussed and one hundred and forty-nine only contained a short mention of the guards (see Table 2).

Table 2: Types of article analysed in the study

	<i>Fakt</i>	<i>Gazeta Wyborcza</i>	<i>Rzeczpospolita</i>	<i>Super Express</i>	TOTAL
Brief, marginal mention	10	61	70	8	149
Articles addressing a different topic but referring widely to the municipal guards	9	30	21	0	60
Articles on the topic of the municipal guards	56	23	27	13	119

3 THE IMAGE OF THE INSTITUTION OF THE MUNICIPAL GUARDS AND OF ITS OFFICERS IN THE DAILY PRESS

The study demonstrated that the media's attitude toward the municipal guards is normally either neutral, at 48 % or negative, at 42 %. Articles presenting a positive image of the institution constituted only 10% of all those analysed. At the same time, they were instances where the overtones were evaluated as merely "more positive than not" (see Table 3).

Table 3: Article overtones (N=328)

Author's attitude	Number	Percent
-3	33	10%
-2	43	13%
-1	63	19%
0	158	48%
1	26	8%
2	3	1%
3	2	1%
TOTAL	328	100%

However, if a closer look is taken at the articles devoted directly to the municipal guards (n=119), the situation proves to be even less favourable towards them, with no less than 72 % featuring the author's negative attitude toward the institution and 14 % being neutral or positive (see Table 4).

Table 4: Overtones in articles devoted directly to the municipal guards (N=119)

Author's attitude	Number	Percent
-3	17	14%
-2	33	29%
-1	35	29%
0	17	14%
1	10	8%
2	5	4%
3	2	2%
TOTAL	119	100%

The media's attitude to the municipal guards is also differentiated in terms of the type-of-press variable. In the broadsheets, it was usually neutral, although this applies to *Rzeczpospolita* to a significantly greater extent than to *Gazeta Wyborcza*, at 74 % and 43 %, respectively. Meanwhile, the tabloids featured considerably more critical attitudes toward the guards on the part of the authors. This applies primarily to *Fakt*, where no less than 71 % of the articles published on the topic are negative in overtone (see Table 5).

Table 5: Article overtones in each newspaper (n=328)

	-3		-2		-1		0		1		2		3	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Fakt	32	43	13	17	8	11	13	16	5	7	2	3	2	3
Gazeta Wyborcza	0	0	17	15	34	30	49	43	13	11	1	1	0	0
Rzeczpospolita	0	0	8	7	19	16	87	74	4	3	0	0	0	0
Super Express	1	5	5	24	2	10	9	43	4	19	0	0	0	0

Table 6 provides information on the breakdown of the various indicators. They relate to negative content on the scope and quality of the tasks performed by the municipal guards, the personal characteristic of guards' officers and the repetition of stereotypes concerning the institution.

Table 6: Breakdown of the indicators

Code	Description	Number of articles containing the indicator	Percentage of articles containing the indicator
1.1a	Dealing with trivial matters, pointlessness.	12	10%
1.1b	Poor priorities; not dealing with what they should be dealing with.	23	19%
1.1c	Harassing members of the public	45	38%
1.1d	Inadvertent negligence, such as tardiness and ineptitude.	16	13%
1.1e	Intentional negligence, such as abuse and malfeasance	43	36%
1.1f	Accusations of indifference to the suffering of victims.	4	3%
1.1g	Accusations of a lack of respect for social demands for public order and safety	8	7%
1.1h	References to leaving a helpless community or victim and/or those closest to them to cope by themselves.	9	8%

Code	Description	Number of articles containing the indicator	Percentage of articles containing the indicator
I.1i	References to the public's mistrust and negative opinion of the institution opinion.	8	7%
I.1j	Undermining the institution's authority and trust in it; for instance, by accusations of lying.	14	12%
I.1k	Other	4	3%
I.2	Neutral mention of an informational nature concerning the activities of the municipal guards.	25	21%
I.3	Expressing approval and/or recognition of the institution/ the scope of its tasks/the activities of the municipal guards.	11	9%
2.1	Undermining the guards' abilities/professional training.	2	2%
2.2	The guards' attitude to performing their duties; for instance, laziness, drunkenness.	12	10%
2.3	Manners and personal standards; for instance, using vulgar language and/or gestures, clothes.	6	5%
2.4	Ethics; for instance, corruption, criminal activities, aggression.	11	9%
2.5	Other.	3	3%
4.1	The municipal guards' main job is manning the photo radars.	10	8%
4.2	The municipal guards are idle layabouts.	18	17%
4.3	The municipal guards deal with trivialities.	8	7%
4.4	The municipal guards main job is dealing with traffic offences; this refers not to photo radars but to matters such as parking fines, towing vehicles away and clamping wheels.	19	16%

Direct reference to adverse stereotypes of the guards is the domain of the tabloids and, in particular, of *Fakt* (4.1–4.4). They do appear in the broadsheets, as well, albeit it to a much lesser degree; as a rule, they crop up where readers, commentators or other people are being quoted. On the basis of the analysis of all the articles, it can be stated that the most frequent references were to commonly-held beliefs concerning the fact that the Guard officers' activities are limited to pursuing traffic offences. Comments along the lines of "It has long been known that drivers are the municipal guards' favourite scapegoats" and "hiding in the bushes and catching drivers on their photo radars, (...) harassing people with parking fines; this is what the municipal guards mainly do" can be found in almost one in four of the articles in question. It should be noted that this stereotype was also upheld by the very choice of topic; in the majority of cases, the articles were, in fact, devoted to the guards' activities in the area of road traffic control. Other stereotypes were repeated slightly less often. Emphasising the triviality of the tasks the guards are charged with by means of commentary such as "if the guards are supposed to hunt down ancient grannies selling their back-garden produce on street corners, then we are better off without them at all" was noted in 7 % of the articles. Accusations of laziness (see below) occurred in 17 % of the articles.

The accusation of harassing the public (I.1c) was levelled against the municipal guards with particular frequency. An important role is played in this area by linguistic labels. The municipal guards were described using designations which included "swindlers legally exempt from punishment", "con artists", "clods" and "brigands". It was indicated that they "are above the law", that they "throw their weight around like the sheriffs in the old Wild West" and that

they are “wily, sharp and cunning”, “boors”, “arrogant” and “exceptionally insolent”. The press descriptions of the institution’s activities often diverged markedly from the model provided in Article 1 Section 2 of the Municipal Guards Act, according to which, the guards fulfil “an ancillary role with regard to the local community, performing their tasks with respect for the public’s dignity and rights”. Amongst the other descriptions referring to the guards’ operations, we have “harass”, “oppress”, “fleece people, first and foremost” and “knock old people about”, to name but a few. The description of an activity was often linked to base motives, the most dominant of which were “zeroing in on drivers”, “creating chances for daylight robbery” and “lining the city’s pockets”. In this respect, the guards were dubbed “a town hall money-making machine” and “a money supplier for the budget”. The press also set out to provide evidence of this lack of scruples by citing examples of interventions where the guards availed themselves of offenders in difficult situations; for instance, “Did the city guards really have to tow a disabled woman’s car away (...)?” and “The guards lurk around the hospital with premeditation, because they’ll always find a driver there who didn’t have anywhere to park and left their car on a “No parking’ spot”.

The municipal-guards-cum-enemy juxtaposed with decent people who, by chance, as it were, undeservingly become the victims of a soulless institution; “the city guards persecute ordinary people, and ruthlessly, at that”, “drivers are the municipal guards’ favourite scapegoats” and “thousands of drivers in Poland become victims”. The use of a treatment known as “amplification” (Olczyk, 2009)¹⁷ normally plays down the significance of the fact that the aforementioned law-abiding citizens did actually commit the offence for which they were penalised and that a request for intervention often came from other law-abiding citizens who were subject to disturbance or nuisance as a result of the offender’s actions.

The media pointed out the guards’ failure to select appropriate priorities (1.1b). A triple accusation appeared repeatedly in this area. First, the city guards do not serve “ordinary” members of the public but are used to sort out particular interests for “the people in power”; for instance, “instead of keeping order on the streets, they keep an eye on... the boss’ private car”. Second, they waste time and official property on whims and fancies; for instance, “the city guards bought a new car, but instead of keeping order in the city, they ride off to the shop to pick up... some doughnuts”. Third, the city guards do anything and everything except what the local residents expect of them; for instance, “instead of imposing fines on the vandals and dossers who make ordinary people’s lives a misery, they slap them on drivers who park where they shouldn’t” and “it would be better if the city guards or police penalised people for littering, rather than for having a drink in the open air”. The examples illustrating the first two types of accusation are predominantly a more or less far-fetched attempt at causing a sensation. The final ones, on the other hand, clearly demonstrate an issue mentioned earlier, namely, the struggle the guards have with the variability of the public’s opinions. Of course a public institution should take public opinion into account to a sensible extent during the process of applying the law, though naturally, only in cases where the law allows them to waive the penalty and doing so will not endanger the essential good defended by the service enforcing the norms. However, given the competing or, quite simply, the conflicting opinions, this might present crucial difficulties in practice.

Once of the features typical of the contemporary news media is the pursuit of scandal. Although this characteristic is usually associated with the “gutter press”, it is also affecting other media to a steadily increasing extent. As Tumber and Waisbord (2004: 1143-1152) point out:

Tabloidization, a favourite punch-bag of many critics, fuels scandal news by pushing news organizations to chase titillating stories of corruption, full of drama but devoid of substance. To its critics, tabloidization signals the erosion of journalistic standards: rumour replaces rigor, sensationalism replaces substance, voyeurism replaces veracity.

Scandal offers the news media an opportunity for adversarial reporting, giving voice to their opposition or, quite simply, their enmity toward the authorities and their institutions. A frequently employed strategy for strengthening the bonds between publisher and reader involves the constant repetition of declarations of “watching the authorities’ hands’ and exposing their representatives’ offences. Besides, their audiences not only perceive the accomplishment of the monitoring function in these denouncement-oriented activities, but also see them as first-rate

¹⁷ Amplification means adapting the properties of the elements of reality being presented with the intention of dislocating their actual proportions. The effect is achieved by emphasising one aspect of the event in question and playing down others.

entertainment. The primary object of pejorative commentary was the municipal guards as an institution.¹⁸ In general, the handful of broadsheet articles on the topics of abuse and malfeasance (1.1e) and negligence (1.1d) were restrained. In the meantime, the reports in the tabloid press and, above all, in *Fakt*, featured a definite misuse of the expressive function of language. As Hans Mathias Kepplinger has remarked, in situations built on scandal, the truth is usually easily perceived and insufficiently spectacular, but “it is lost, crushed by a mode of presentation which is a wave of overstatement or utter inadequacy” (Kepplinger, 2008).

The primary object of criticism was the “over-zealous” penalising of minor infringements, which was described as “unthinking adherence to idiotic regulations” or “signing off on a host of interventions that should never have happened at all”. At the same time, petty offences on the part of the guards and usually, quite simply, their routine activities, were presented as major violations of legal norms or professional ethics; “harassing street traders” and “oppressing the weak”. Minor errors or controversial decisions were listed in the same breath as violations, which triggered graphic impressions. For example, one edition of *Fakt* published a story about four “victims” allegedly abused by the guards. Each of them appeared under a dramatic headline; *Street Trader Attacked; They twisted his arm and threw him onto the pavement. Street Stall Raided; Stallholder beaten up and choked. Pensioner Persecuted; Fine slapped on him for his Min-Pin. Battle with a Street Guitarist; Musician defends crowd.* Juxtaposing cases like this means that trivial incidents such as fining a musician or dog owner gain in significance as further examples of ruthless officials who, “intoxicated with power, happily abuse their authority”. This effect was also achieved by means of a technique employing what we might call ‘the labels of horror’, which is to say, using an explicit style and extreme notions to describe events, as well as the technique of visual exaggeration, in other words, illustrating the story with photos and graphics which intensify the drama of the message (Kepplinger, 2008).

Attempts to discredit the guards were also made by exposing occurrences of officers’ allegedly displaying “arrogance” and a sense of “being above the law” when forcefully enforcing the law. To this end, alongside the “labels of horror” and visual exaggeration, the technique reached for first and foremost was that of heaping up the offences. This involves presenting separate instances of minor oversight, infringement and negligence as elements of an entire series of irregularities, which gives the impression that they are flagrant and habitual occurrences. This was the case with an exposé run in *Fakt* and an allegedly mass problem involving municipal guards breaking the traffic regulations. Examples of similar infringements are cited; “the guards in Warsaw are hampering traffic”, “they don’t give a fig for the regulations and park on ‘No parking’ spots,” “the guards park where they like”, “they parked in a space reserved for the disabled” and, every time, it is emphasised as a manifestation of inequality and of officers availing themselves of their position of authority. The last-mentioned treatment was also used to present the guards alleged negligence and ineptitude. With the aim of proving the tardiness and inefficacy of the guards’ operations, endeavours were made to demonstrate that the occurrence of the incidents described, which were usually trivial, is widespread while the idleness of the guards is exposing society to serious or onerous problems.

However, the editors at *Fakt* did not stop at describing highly exaggerated or pseudo problems and simulated scandals involving the municipal guards. They set up several entrapments with the intention of exposing errors and perversions of justice in the guards’ operations. For example, a reporter posing as a high-ranking official requested their intervention in a matter of public disturbance and, on another occasion, a reporter posed as a businessman and demanded that the guards kept an eye on his private car while it was parked (Kucharzewski, 2014). Although the first intervention was carried out efficiently and effectively and, in the second instance, the pseudo businessman was politely informed, firstly, that his expectations could not be met and, secondly, where he could find secure parking facilities in the vicinity, the newspaper still described the situation in a way which was designed to discredit the guards (Wojciechowski & Kucharzewski, 2014). Readers were also given the chance of taking an active part in the discreditation process when the paper announced its *Fakt Combats Lawlessness* campaign, offering cash prizes and urging

18 On the other hand, the personal characteristics of the guards (2.1-2.5) were very rarely attacked, but just as rarely praised. Their attitude to performing their duties was sporadically criticised; for instance, “he neither wants to work nor use his brains” and “they don’t give a toss about the residents”. Criticism of their manners also appeared sporadically; for instance, “the city guards often intervene rudely and boorishly”.

Poles to send in photos or films showing offences committed by guard officers.¹⁹ If we take the aforementioned examples of the tabloid's activities and then add the fact that the people holding senior positions in the guards are under constant surveillance by photojournalists on the lookout for even the very slightest of infringements, then the enormous effort invested in diminishing the image of the institution is clear to see.

There can be no doubt that a great many of the examples of negligence or abuse which have been discussed here do occur in practice and too often, perhaps, in some cases. No public institution is completely free of dysfunctions and these should be revealed by the mass media. The point here is that, in the case of the municipal guards, the media, and *Fakt* in particular, have endowed these dysfunctions with the status of "norms", writing about "flagrant abuses", "widespread lawbreaking" and officers "frequently forgetting their duties and obligations", as well as other offences, of which "the examples are innumerable". The impression of tainted institution in a state of utter disarray and incompetence is also intensified by references to society, helpless and left to cope by itself (I.1h); for instance, "is there really nobody who's capable of keeping pedestrians safe?", "what kind of a country is this, where an illegally parked car can't be towed away?" and "the ordinary Poles can't really count on the help of the officers". By the same token, winning society's trust can only be hampered by assertions, rarely supported by evidence, as to the public's widespread distrust and aversion to the guards (I.1i); for instance, "a great many people say that the municipal guards should be closed down and the money that would save should be given to the police.

4 CONCLUSION

The arguments set out above permit the confirmation of the hypothesis regarding the media's contribution both to upholding the negative stereotypes concerning the municipal guards and to building a negative image of the institution and its officers. A definite majority of the articles dealing directly with the activities were negative and this holds true for all four of the daily newspapers in question. At least some of the shortcomings, if not to say vices, attributed to the municipal guards might thus well be a consequence of the journalistic pursuit of sensation. The analysis demonstrated that the entire spectrum of scandalisation techniques identified in the literature can be found in the tabloid reports devoted to abuse on the part of the guards. This applies, in particular, to *Fakt*, where the articles can, in general, be judged as critical in the extreme. Its editors did not limit themselves to selecting news items on the basis of bias, blowing reality up out of all proportion in the case of infringements, or portraying problems superficially. *Fakt*'s reporters themselves set up situations which were designed to entrap the municipal guards and show them in a poor light. Regardless of the actual course of events, the reports were constructed in a fashion which would prove the institution's uselessness, pointlessness and degeneration, while the interpretations imposed on those events were far removed from journalistic objectivity. The impression that this was an organised operation, carried out after due consideration and channelled toward discreditation is difficult to refute. Bearing in mind the intense frequency of the attacks, as well as their maliciously aggressive tone and the active part played by the reporters in creating the situations they then went on to write about, this operation could, without much exaggeration, be described as a smear campaign – which provides a lot of readers, hungry for sensation.

Meanwhile, news items covering positive aspects of the municipal guards' daily work, such as keeping order in the immediate vicinity, for instance, or preventative and educational activities, are more or less non-existent in the mass media. The same is true of their successful interventions. The handful of exceptions to this rule include Ekopatrol Straży Gminnej [Municipal Guards Eco-Patrol], which received praise on several occasions for coming to the aid of domestic or wild animals. It is interesting to note that there were also times when the guards were given a pat on the back for activities which were normally the target of censorious or mocking commentary.²⁰ The extent of this disproportion between unfavourable content and content with positive overtones makes the task of nurturing the guards' image an extraordinarily difficult one, since it turns out that they are usually either written about in a poor, or quite simply, a highly negative, light or

19 The campaign was published in *Fakt* on 18.03.2014, No. 64, p. 6.

20 This related primarily to traffic control using photo radars or interventions involving animals.

they are written about neutrally. At the same time, the latter characteristic mainly applies to brief, information-based references in news items devoted to a different topic. On this account, they most certainly do not play a crucial role in shaping social notions about the municipal guards, unlike the articles devoted point-blank to that institution, which are predominantly unflattering, maliciously aggressive or derisive.²¹

Of course, it would be difficult not to note that the problems the guards have with their image are partly their own doing. Instances of aggression, rudeness and boorishness on their part do occur, as do cases of their own infringement of the law in force, including the regulations they themselves enforce. There also undoubtedly municipalities where the guards do abuse their right to impose fines for breaking the road traffic regulations, whilst neglecting other duties and obligations. In terms of some of them, it would, quite frankly, be possible to gain the impression that the guards were founded solely in order to man the photo radars. The existence of obsessive instances in the last-mentioned area was confirmed by the previously mentioned report issued by the Supreme Audit Office.²² Therefore journalists cannot be rebuked for exposing similar practices; however, respect for the rule of truthfulness, honesty and objectivity is a condition for the reliable and diligent exercise of the 'leashed-dog' function by the media in respect of public institutions (McQuail, 2010). A great many of the examples of journalistic activity cited earlier in this article would seem to depart significantly from those standards.

In the face of the image issues discussed here, greater professionalisation of the relationship between the guards and the media would be desirable. Given the decentralised nature of the municipal guards as an institution operating within lowest level unit of administrative division, it would be difficult to implement a clear and methodical information policy which would produce the successes we have observed over the past few years in respect of the police force. However, the National Council of City and Municipal Guard Commanders could compile some guidelines or collect examples of good practice in this area. The only remedy as regards improving the guards' image is undertaking proactive measures of the marketing and opinion-forming kind. One step which might well prove to be a good start would be systematically and persistently providing the media with press releases covering both the efficacy of the guards' operations and their work in the field of prevention. Activities of this type undertaken by the guards in the larger cities seem to have brought a degree of success, despite media inclinations toward sensational and negative content. As the most recent studies carried out abroad have shown, in the face of the spreading prevalence of what is known as "lazy journalism" (Moore, 2014: 21), which leads to reporters publishing content compiled by other organisations, institutions responsible for public safety and order can influence the substance of what appears in the traditional media and can do so on a scale which is not only unprecedented, but is also increasing steadily (Lee & McGovern, 2014; see also Mayr & Machin, 2012; Moore, 2014). Just as vital is to meet the potential and needs connected with the development of new media head-on. Running an interactive and constantly supplemented website, updating profiles on popular social portals and local newsletters and so forth are no longer manifestations of over-zealousness or novelty, but a prerequisite for public institutions which operate efficiently, effectively and are open to citizens' demands. At the same time, they represent a tremendous opportunity for those institutions to overcome the dominant role played by the traditional media in shaping their image.

REFERENCES

- Allan, S. (2010). *News Culture*. London: Open University Press.
- B. S. (2016). *Ruda Śląska: straż miejska pomaga odpalać samochody* [City Guard helps to start the cars during the winter]. Straż Miejska Ruda Śląska [Ruda Śląska City Guards]. Retrieved from <http://wiadomosci.onet.pl/slask/ruda-slaska-straz-miejska-pomaga-odpalac-samochody/5s59s3>
- Callanan, V. J (2005). *Feeding the fear of crime. Crime-related media and support for three strikes*. New York: LFB Scholarly Publishing.

21 For instance, "They managed to issue a speeding fine to the driver of a stationary car. How on earth...? The owner of the car received a photo in the post and, sure enough, there was his car. The only thing is... it was on the back of a car carrier"; see Absurd z Pomorza (Z. W., 2014).

22 This was used in the findings of the report as an argument in favour of removing the guards' right to run photo radars. The amended regulations in this area came into force on 1st January 2016 Ustawa o zmianie ustawy - Prawo o ruchu drogowym i ustawy o strażach gminnych, 2015).

- Centrum Badań Opinii Społecznej [Public Opinion Research Centre]. (2015). *Opinie na temat instytucji publicznych* [Opinions about Public Institutions]. Retrieved from http://www.cbos.pl/SPISKOM.POL/2015/K_042_15.PDF
- Colbran, M. (2014). *Media representation of police and crime. Shaping the police television drama*. London: Palgrave Macmillan.
- Dobiegała, A. (November 11, 2013). Pięć stereotypów na temat straży miejskiej. Sprawdzamy, jak jest naprawdę [Five stereotypes about the City Guard. We check to see how it really is]. *Wyborcza.pl*. Retrieved from http://trojmiasto.wyborcza.pl/trojmiasto/56,35612,14921444,Piec_stereotypow_na_temat_strazy_miejskiej_Sprawdzamy_.html
- Dobrowolska, K. (2015). *I Turniej Dzieci w zapasach pod patronatem Komendanta Straży Miejskiej* [First children's tournament in wrestling under the auspices of the Commander of the city guard]. Straż Miejska Warszawa [Warsaw City Guards]. Retrieved from <http://www.strazmiejska.waw.pl/aktualnosci/pozostale/4103-11-04-2015-i-turniej-dzieci-w-zapasach-pod-patronatem-komendanta-strazy-miejskiej.htm>
- Dowler, K. (2003). Media consumption and public attitudes toward crime and justice: The relationship between fear of crime, punitive attitudes, and perceived police effectiveness. *Journal of Criminal Justice and Popular Culture*, 10(2), 109–126.
- Dowler, K., Fleming T., & Muzzatti, S. L. (2006). Constructing crime: Media, crime and popular culture. *Canadian Journal of Criminology and Criminal Justice*, 48(6), 837–850.
- Dyląg, B. (March 20, 2014). Te gminy zlikwidowały straż miejską, bo była droga i nieskuteczna [This municipalities closed down the City guard, because it was too expensive and ineffective]. *PolskieRadio*. Retrieved from <http://www.polskieradio.pl/42/273/Artykul/1080167,Te-gminy-zlikwidowaly-straz-miejska-bo-byla-droga-i-nieskuteczna>
- Goode, E., & Ben-Yehuda, N. (2009). *Moral panics. The social construction of deviance*. Chichester: Wiley-Blackwell.
- Henry, S. (2009). *Social construction of crime in 21st century criminology*. In J. M. Miller (Ed.), *A reference handbook* (pp. 296–305). Thousand Oaks: SAGE.
- Jewkes, Y. (2003). *Media & crime*. Thousand Oaks: SAGE.
- Kepplinger, H. M. (2008). *Mechanizmy skandalizacji w mediach* [The mechanisms of scandalisation]. Cracow: Wydawnictwo Uniwersytetu Jagiellońskiego.
- Kucharzewski, M. (March 10, 2014). Pilnują auta szefa, zwykłych ludzi mają za nic [They watch over the chief's car and do not care about ordinary people]. *Fakt*, p. 9.
- Kurdupski, M. (May 11, 2015). Tylko "Parkiet" i "Rzeczpospolita" na plusie. „Przegląd Sportowy” z największym spadkiem w trzech kwartałach [Only the "Parkiet" and "Rzeczpospolita" in the black. "Sports Review" with the biggest loss in three quarters]. *Virtual Media*. Retrieved from <http://www.wirtualnemedial.pl/artykul/tylko-parkiet-i-rzeczpospolita-na-plusie-przeglad-sportowy-z-najwiekszym-spadkiem-w-trzech-kwartalach>
- Łań, M. (2016). *Radni z wrocławskich osiedli uczą się pierwszej pomocy* [The councillors from City of Wrocław learn first aid]. Straż Miejska Wrocław [Wrocław City Guards]. Retrieved from <http://www.strazmiejska.wroclaw.pl/index.php/86-art-wyroznione/1323-radni-z-wroclawskich-osiedli-ucza-sie-pierwszej-pomocy>
- Lee, M., & McGovern, A. (2014). *Policing and media. Public relations, simulations and communications*. London: Routledge.
- M. F. (October 20, 2014). Współtwórca Straży Miejskiej: Wykazuje wybujałe ambicje, że chciałaby zwalczać "wielką" przestępczość [Co-founder of the Municipal gGuard: It shows great ambitions to fight the "big" crime]. *Gazeta.pl Wiadomości*. Retrieved from http://wiadomosci.gazeta.pl/wiadomosci/1,114871,16834913,Wspoltworca_Strazy_Miejskiej_Wykazuje_wybujałe_ambicje_.html
- Mayr, A., & Machin, D. (2012). *the language of Crime and Deviance. An introduction to critical linguistic analysis in media and popular culture*. London: Continuum.
- McQuail, D. (2010). *Mass communication theory*. Thousand Oaks: SAGE.
- Miles, M. B., Huberman A. M., & Saldana J. (2013). *Qualitative data analysis. A methods sourcebook*. Thousand Oaks: SAGE.
- Ministerstwo Spraw Wewnętrznych i Administracji [Ministry of the Interior and Administration]. (2014). *Dane statystyczne dotyczące straży gminnych (miejskich)* [Statistical data concerning City guard]. Retrieved from <https://www.mswia.gov.pl/pl/bezpieczenstwo/straze-gminne-miejskie/dane-statystyczne-doty/13641,Dane-statystyczne-za-2014-rok.html>
- Ministerstwo Spraw Wewnętrznych i Administracji [Ministry of the Interior and Administration]. (2015). *Trzy czwarte Polaków ma zaufanie do Policji* [Three quarters of Poles trust the Police]. Retrieved from <https://www.msw.gov.pl/pl/aktualnosci/12834,Polakow-ma-zaufanie-do-Policji.html>

- Moore, S. E. H. (2014). *Crime and the media*. London: Palgrave Macmillan.
- Najwyższa Izba Kontroli [NIK; Supreme Audit Office]. (2014). *NIK o bezpieczeństwie na drogach* [The Supreme Chamber of Control on road safety]. Retrieved from <https://www.nik.gov.pl/aktualnosci/nik-o-bezpieczenstwie-na-drogach.html>
- Olczyk, T. (2009). *Politrozrywka i popperswazja. Reklama telewizyjna w polskich kampaniach wyborczych XXI w.* [Politeinment and poppersuasion. TV commercials in Polish election campaigns in the 21st century]. Warsaw: Wydawnictwa Akademickie i Profesjonalne.
- Paralusz, J. (2015). *Ratownicy u seniorów* [Rescuers to visit seniors]. Straż Miejska Toruń [Torun City Guards]. Retrieved from http://www.strazmiejska.torun.pl/aktualnosc-285-ratownicy_u_seniorow.html
- Peterson, T. (1963). *The Social Responsibility Theory of the press*. In F. S. Siebert, T. Peterson & W. Schramm (Eds.), *Four theories of the press. The authoritarian, libertarian, social responsibility and Soviet communist concepts of the press should be and do* (pp. 73–103). Urbana: University of Illinois Press.
- Pfeiffer, C., Windzio, M., & Kleimann, M. (2005). Media use and its impacts on crime perception, sentencing attitudes and crime policy. *European Journal of Criminology*, 2(3), 259–285.
- Potter, G. W., & Kappeler, V. E. (2006). *Constructing Crime: Perspectives on Making News and Social Problems*. Long Grove: Waveland Press.
- Reiner, R. (2007). *Media-made criminality: the representation of crime in the mass media*. In M. Maguire, R. Morgan & R. Reiner (Eds.), *The Oxford handbook of criminology* (pp. 302–337). Oxford: Oxford University Press.
- Siólkowski, W. (2014). *Rozdaliśmy Gdańszczanom torebki na psie nieczystości* [We distributed, to the inhabitants of Gdansk, bags for their pets poop]. Straż Miejska Gdańsk [Gdansk City Guards]. Retrieved from <http://strazmiejska.gda.pl/blog/2014/11/05/rozdalismy-gdanczczanom-torebki-na-psie-nieczystosci/>
- Siólkowski, W. (2015). *Będzie klasa o profilu straży miejskiej. Porozumienie podpisane* [There will be the class of the profile of the municipal police. The agreement was signed]. Straż Miejska Gdańsk [Gdansk City Guards]. Retrieved from <http://strazmiejska.gda.pl/blog/2015/03/25/bedzie-klasa-o-profilu-strazy-miejskiej-porozumienie-podpisane>
- Siólkowski, W. (2016). *Festiwal wolnego czasu ze strażnikami* [Festival of the spare time with the City Guard]. Straż Miejska Gdańsk [Gdansk City Guards]. Retrieved from <http://strazmiejska.gda.pl/blog/2016/04/04/festiwal-wolnego-czasu-ze-straznikami/>
- Straż Miejska Kraków [Cracow City Guards]. (2009a). „Trzeźwość” – działania Straży Miejskiej Miasta Krakowa [“Sobriety” - action of the City Guard of Krakow]. Retrieved from <http://www.strazmiejska.krakow.pl/smmk/pl/turniej/106-aktualnosci-kategoria/aktualnosci/1096-trzewo--dziaania-stray-miejskiej-miasta-krakowa.html>
- Straż Miejska Kraków [Cracow City Guards]. (2009b). *Straż miejska dla ludzi bezdomnych* [City Guard for homeless people]. Retrieved from <http://www.strazmiejska.krakow.pl/smmk/pl/turniej/106-aktualnosci-kategoria/aktualnosci/1393-stra-miejska-dla-ludzi-bezdomnych.html>
- Straż Miejska Łódź [Lodz City Guards]. (2016). *Porozumienie o współpracy z Patrolem do spraw Ochrony Zwierząt “As”* [Cooperation agreement with special patrol for the Protection of animals “as”]. Retrieved from <http://www.strazmiejska.lodz.pl/Porozumienie-o-wspolpracy-z-Patrolem-do-spraw-Ochrony-Zwierzat--As/>
- Straż Miejska Warszawa [Warsaw City Guards]. (2014). *Bezpieczna Warszawianka* [Safe Warsaw]. Retrieved from <http://www.strazmiejska.waw.pl/bezpieczna-warszawianka.html>
- Straż Miejska Warszawa [Warsaw City Guards]. (2016). *“Wiem - pomagam - ratuję”. Straż miejska uczy pierwszej pomocy* [“I know - I help - I save.” Municipal Guard teaches first aid]. Retrieved from <http://www.um.warszawa.pl/aktualnosci/wiem-pomagam-ratuj-stra-miejska-uczy-pierwszej-pomocy>
- Surette, R. (2014). *Media, crime and criminal justice. Images, realities, and policies*. Belmont: Wadsworth – Cengage Learning.
- Tumber, H., & Waisbord, S. R. (2004). Introduction. Political scandals and media across democracies, Volume II. *American Behavioral Scientist*, 47(9), 1143–1152.
- Ustawa o strażach gminnych [Municipal Guards Act]. (1997). *Dziennik Ustaw*, (123/779) Retrieved from <http://isap.sejm.gov.pl/DetailsServlet?id=WDU19971230779>
- Ustawa o zmianie ustawy – Prawo o ruchu drogowym i ustawy o strażach gminnych [The Act on changes to the Road Traffic Act and the Municipal Guards Act]. (2015). *Dziennik Ustaw*, (1335). Retrieved from <http://www.dziennikustaw.gov.pl/du/2015/1335/1>.

-
- Wojciechowski, Ł., & Kucharzewski, M. (January 21, 2014). Usunęliśmy meneli spod dworca [We have removed drunkards from the railway station area]. *Fakt*, p. 3.
- Young, J. (1974). *Mass media, drugs and deviance*. In P. Rock & M. Mackintosh (Eds.), *Deviance and social control* (229–261). London: Tavistock.
- Z. W. (2014). Absurd z Pomorza [Nonsense from Pomerania]. *Super Express*, 137, pp. 9.

**CRIME, SAFETY
AND SECURITY –
ANALYSES OF POLICIES,
PROCESSES AND PATTERNS**

POLICE ROLE IN LOCAL CRIME PREVENTION – EXPERIENCES FROM SERBIA

Slaviša Vuković, Saša Mijalković, Goran Bošković

ABSTRACT

Purpose:

This paper examines problems and benefits from actual police activities in local crime prevention in Serbia.

Methods:

The research is based on analysis of normative-legal framework, strategies, programs and plans that regulate the actions of police in crime prevention at community level in Serbia, analysis of reports on implemented preventive activities of the Ministry of Internal Affairs of the Republic of Serbia and analysis of the available literature.

Findings:

The data show that there is a need for further normative-legal regulation partnerships between police and other entities at local community in Serbia, as well as need to undertake further efforts in order to define specific prevention programs and plans in local communities based on a systematic analysis of the problems that lead to crime and disorder.

Research limitations:

More extensive studies on preventive police activities at the community level are necessary in Serbia, as the current state of knowledge is largely based on analysis of preventive policing practices in other countries, especially the Anglo-Saxon countries.

Originality:

Research results have identified good practices, as well as problems related to the community policing in Serbia. Identified problems should be addressed in further development of community policing strategies in Serbia.

Keywords: Serbia, police, crime prevention, local community, experience

I INTRODUCTION

The last two decades of the 20th century and the beginning of the 21st century are marked by the efforts directed at spreading and guaranteeing human and civil rights and freedoms, as well as by the efforts to strengthen the democratic role of the police within which crime prevention is in the first place. Although due to globalization followed by the development of transnational crimes the efforts were strengthening to build mechanisms of control of these forms of crime both at the international and national levels, equally present were the efforts to strengthen the preventive role of the police in the local community through partnership with the citizens and local institutions. On the Anglo-Saxon model a large number of European countries started to adapt their strategies and methods of preventive policing, particularly thanks to many empirical studies since 1970 onward, which were carried out mainly in the USA and Great Britain. The body of knowledge reached by the empirical studies in the developed countries, particularly when talking about the effects of beat and patrol policing, problem-oriented policing, policing the dangerous places, the working hours of the police officers and similar, prompted the thinking that in local conditions not only preventive police activities may be shaped but crime prevention as a whole.

The need for police reform in the direction of adopting these experiences and strengthening the preventive role of the police is particularly expressed in the countries in transition, Serbia being among them as well. In Serbia the process of reforming the police and the Ministarstvo unutrašnjih poslova [Ministry of Interior; hereinafter MoI], to that effect started in 2001, considering the possibilities to implement criminal-intelligence model, problem-oriented policing, community policing, but also many other approaches that were expected to contribute to more efficient and more effective policing in control of crime and strengthening the police legitimacy in the public. The starting experiences were followed by the reform of legislation, in other words normative-legal framework in the area of crime prevention, the adoption of many strategic documents which set long-term goals, as well as the research on the attitudes of citizens about the police and their reform. Considering that a considerable time period has passed since

the beginning of these reforms, the intention is in this paper to review the efforts undertaken and experiences acquired.

2 NORMATIVE LEGAL AND STRATEGIC FRAMEWORK FOR POLICING IN CRIME PREVENTION

Legal bases for crime prevention are set out by a number of laws in the Republic of Serbia. For the police practice in crime prevention it is significant to point out that Serbia started the implementation of the new *Zakon o policiji* [Law on Police; hereinafter LoP], which was adopted on January 26, 2016 (LoP, 2016). In Article 30, which prescribes police duties, the first place is taken by crime prevention and improvement of security in a community, and then protecting the life, rights and freedoms of citizens, protecting property, and upholding the rule of law. The LoP (2016) prescribes for a police department at the territory of a municipality or town where it is headquartered to perform law-enforcement tasks and establishes local cooperation, coordinates and manages the work of police stations/branch-offices. Once a year the police department, as well as the police stations, submit the information on their work and state of security to the local government assembly. Article 27 points out the significance of community policing and prescribes that the police develop cooperation and partnership with citizens and other subjects of a community in order to perform police work and solve local security priorities and coordinate mutual interest and the need to create favourable security environment in a community, in other words to build safe democratic society. The same article prescribes that the police give support in the work of advisory bodies within local self-governing units for the development of crime prevention and implementation of other security requirements of a community. The new LoP (2016: Article 34) prescribes also that the police use police intelligence model, i.e. they manage their work based on crime-related intelligence information, in other words a set of collected, assessed, processed and analysed data which represent basis for decision-making.

LoP (2016: Article 5) prescribes the police officer's duties in a manner which is in harmony with citizens' expectations and which allow for establishing of mutual trust and provide legitimacy. It is prescribed to that effect that the police develop professional capacities, competencies and ethics of police officers for socially responsible policing with full respect of human and minority rights and freedoms and protection of all vulnerable groups. As for prevention of discrimination the duty is prescribed of equal treatment of everyone regardless of their race, sex and nationality, social origin, birth, religion, political or other commitment, gender and gender identity, property, culture, language, age and disability. As for transparency of work (LoP, 2016: Article 6) the MoI shall regularly, timely and fully inform the public of its work, except in legally specified cases (which include undertaking measures and actions in accordance with the law governing criminal proceedings, when this will interfere with uninterrupted operative work of the police, if this would violate the regulations on secrecy of data or dignity of citizens or endanger the right to personal freedom and safety). Once a year the MoI publishes report on the state of security in the Republic of Serbia by which it informs the public on assessment of security, trends of crime and other security issues important for security and rights of citizens, and the report on the work of MoI, by which it informs the public on the development of the police, statistical data on activities carried out and the results accomplished. It will publish information on its work on its internet presentation quarterly, which are adopted by the competent committee called "Odbor za unutrašnje poslove Narodne skupštine Republike Srbije" [Committee for Internal Affairs of the National Assembly of the Republic of Serbia].

The police shall give information to the citizens as well as advice important for their personal and property safety, if this is not contrary to the law and if it does not jeopardize performance of police duties. LoP prescribes that when carrying out their duties the police should respect the rules of professionalism, depoliticization, cooperation, economy and efficiency, legitimacy of work and proportionate use of police powers, as well as other rules which govern the work of state administration organs. Also, in Article 33 (LoP, 2016:) it is prescribed that the duties are performed in accordance with internationally accepted standards which refer to the following: duty to serve the citizens and community; to respond to citizens' needs and expectations; to uphold the law and combat unlawfulness; fulfilment of human and minority rights and freedoms; non-discrimination when performing police tasks; proportion in using means of coercion; compliance with professional behaviour and integrity; obligation to refuse unlawful orders and to report corruption (LoP, 2016).

In 2009 the MoI adopted the framework - "Polazni okvir Nacionalne strategije za prevenciju kriminala" [Starting Framework of the National Strategy on Crime Prevention; hereinafter SFoNSoCP], which is drafted as a starting initiative addressed to the government [Government of Serbia; hereinafter GoS] and announces the forthcoming activities in formulating the National Strategy on Crime Prevention itself (MoI, 2009). In order to work out and adopt this National Strategy, implement it and monitor its effects, the MoI simultaneously launched the initiative to the GoS to establish the National Council on Crime Prevention which should manage all these activities at the national level. This document proposes implementation of crime prevention at three levels (primary, secondary and tertiary), as well as directing preventive efforts at: situation (creating environment and atmosphere unfavourable for committing crimes), social environment (family, school, peers, cultural institution, and so on), potential perpetrators and crime perpetrators (control and change of behaviour), possible victim and cooperation with citizens (MoI, 2009). It is pointed out in this document that a part of police activities on crime prevention pertained to the area of juvenile delinquency. The preventive programs have been carried out accordingly in cooperation with the MoI, the "Ministarstvo prosvete" [Ministry of Education, hereinafter MoE], the "Ministarstvo zdravlja" [Ministry of Health, hereinafter MoH], and the "Ministarstvo rada i socijalne politike" [Ministry of Labour and Social Policy, hereinafter MoL&SP], with the support of international organizations. Monitoring, evaluation and mechanisms for program maintenance have been provided for the projects School without Violence (orig. Škola brez nasilja), Children Chance for Change (orig. Šansa deci za promenu) and School Policeman (orig. Školski policajac). The other part of police activities related to the Community Policing project (Policija u lokajnoj zajednici) (MoI, 2009). In the meantime, it is important to emphasize that the GoS adopted a large number of strategies important for prevention of certain forms of crimes, criminal offences and other antisocial behaviours (for instance, corruption, money laundering and financing terrorism, violence against children, violence against women, drug abuse, violence at sports events), as well as decrease of poverty and removing other unfavourable influences related to crime. In many of these strategies appropriate attention was given to the participation of police in prevention.

The need for more intense engagement of the police in crime prevention has been recognized in strategic documents adopted by the MoI. In the strategy called "Strategija razvoja Ministarstva unutrašnjih poslova 2011-2016" [Development Strategy of the Ministry of Interior 2011-2016; hereinafter DSoMoI], as key strategic fields the following are singled out: organization and management; security of individuals, community and state; partnerships at national, regional and international levels; system of internal and external control and transparency of work (MoI, 2010a). The development of strategic field "security of individuals, community and state" should be provided through developed capacities of criminal police and capacities of police to maintain stable public order, developed system for integrated border management, developed capacities of traffic police and methodology of monitoring of traffic flows, developed capacities for response in emergencies and particularly developed practice of community policing. In the MoI strategy "Strategija komunikacije" 2010-2012 [Communications Strategy; hereinafter CS], the general goal is pointed out to develop support and trust of the citizens of Serbia in the MoI, and the specific goals include the development of proactive relationship with the public, providing timely and consistent information and improving feeling of safety and satisfaction with the work of MoI (MoI, 2010b). It is the intention to provide for communication to be responsibility of all in the police and to encourage open, honest, measurable, constructive two-way dialogue which enables awareness, influence, engagement, listening and consultations with internal and external users.

A significant impulse to the development of preventive role of the police was given by the GoS on April 30, 2013, when another strategy - the "Strategija policije u zajednici" [Strategy of Community Policing; hereinafter SoCP] was adopted (SoCP, 2013). The vision of the SoCP is safe community with available and unbiased police agency which acts responsibly in partnership with the community and citizens on solving security issues. There are six strategic goals set in it as follows (SoCP, 2013):

- 1) establishing modern standards in police work;
- 2) strengthening public and community trust in the police;
- 3) cooperation and partnership between police and community;
- 4) establishing effective preventive measures;
- 5) problem-oriented approach to protection of security; and
- 6) dedication to respect of ethical principles and diversity.

The first goal, *establishing modern standards in police work*, should be achieved through the development of police training, participative management and security culture of citizens. Police training should provide knowledge and skills necessary for application of community policing model. It should include police officers from all lines of work, and the middle-level management (police administration heads and police station commanders) should be qualified to manage community policing projects and their development by encouraging team work and participation of police officers and representatives of community in decision-making (SoCP, 2013).

The second goal, *strengthening public and community trust in the police*, should be achieved primarily through the development of professional capacities for relations with media, improvement of training and work of public relations spokespersons, material-technical equipment and creation of other conditions for efficient communication with both the community and media. In addition to this, it is necessary for the police to be informed of the facts relevant for their work, to get to know the security issues of the citizens and community and their attitudes on priorities and manners of problem-solving through number of activities (door-to-door, meetings with representatives of community, field work of police officers, and similar) (SoCP, 2013).

The third goal, *cooperation and partnership between police and community*, includes establishing and work of partnerships, encouraging local governments to solve security issues, emphasizing mutual interests and the need for the more qualitative life of citizens, participation in the work of advisory bodies and groups at the level of town, municipality, local community and village. These bodies should define security issues, strategy of action, concrete projects for problem solving (particularly preventive ones) and responsibilities in their implementation, as well as forming work groups for problem solving. Problem-oriented partnerships should be a flexible framework for security problem solving (SoCP, 2013).

The fourth goal, *to establish effective preventive measures*, should be achieved through cooperation of the police and subjects in the community in: 1) developing and implementing preventive action plans; 2) organizing police work with respect to the needs of the citizens and the community; 3) organizing and functioning of police service adapted to safety characteristics of the area; 4) strengthening the preventive response and police mobility over 24 hours; and 7) establishing community partnership and partnerships with other entities. The activities of crime prevention should be coordinated with the guidelines of the National Crime Prevention Strategy whose adoption is anticipated (SoCP, 2013).

The fifth goal, *problem oriented approach to protection of security*, includes the analysis of security state-of-affairs and directing of police towards territorial/temporal schedule of offences (mapping). Gathering, analysis and use of information will be carried out in accordance with the procedure of the MoI criminal intelligence system for the requirement of drawing up action plans. Implementation of problem oriented measures aimed at a particular situation, or perpetrators/victims and community will allow for comprehensive approach to security problem-solving in contrast to the current traditional (individual) manner of problem solving (SoCP, 2013).

The sixth goal is *dedication to respect of ethical principles and diversity*, which imposes the need to respect diversities and that the rights and freedoms of minority group members are ensured in accordance with national and international legal norms. The recommendations of the Organisation for Security and Co-operation in Europe [hereinafter OSCE] on policing in multi-ethnic society will serve as guidelines for police work with minority communities. The plan is to develop training on diversity and non-discrimination, and the police will dedicate police officers in regional police districts for communication and cooperation with minority communities and groups. The work of the police should be tailored to the needs of citizens and consequently the police should use the public opinion polls on security situation, citizens' and communities' perception of safety and police work (SoCP, 2013).

3 EXPERIENCE OF THE POLICE IN CRIME PREVENTION AND ATTITUDES OF CITIZENS

The MoI of Serbia started the reform of police in 2001 with the aim to improve the following fields: training of police officers, internal and external police control, techniques and methods to combat organized crime, forensic services, border police and implementation of community policing strategy (Simonović, Vojnović & Sekulić, 2003). In the course of 2002 a Vision document for community policing was made, the commission established for development and

implementation of pilot project under the same name, plan of activities made and it was decided that the pilot project would last five years after which the second phase will be developed and the model implemented in the territory of the entire Serbia. Although in the "Uprava policije" [Police Directorate] (competent for uniformed police) within MoI a special branch for crime prevention and community policing was established, it should take into account that a special organizational unit dealing with prevention of juvenile delinquency had already existed within the "Uprava kriminalističke policije" [Criminal Police Directorate]. With the support of the OSCE in south Serbia the project was launched in the municipalities of Preševo, Bujanovac and Medvedja in 2003, and in the same year with the support of the UK Government Department for International Development [hereinafter DFID] the implementation of pilot projects of Community Policing and Safe Community (orig. Policija u lokajnoj zajednici I Bezbedna zajednica) started in the town of Kragujevac and the municipalities of Zvezdara (in Belgrade), Novi Bečej and Vrnjačka Banja. With the support of Swiss Agency for Development and Cooperation a project was launched in the municipality of Požega in 2003. In the same year with the support of the Norway National Police the project started of Problem-Oriented Policing in Bačka Palanka, and in Novi Sad in 2004 (MoI & DFID, 2004).

The meetings were held of the Commission with the police managers, the representatives of local self-government, judicial organs, local experts and media with the support of the OSCE. The Commission for the development and implementation of pilot projects initiated establishing of the safety councils with the assemblies of the mentioned local self-governments which included the representatives of the police and other relevant subjects of local community. Within the councils the work groups were established for the analysis of condition in individual areas, working out of project proposals and preventive measures, their implementation and monitoring of effects. In the majority of pilot municipalities the councils consisted of five members, while the safety council of the town of Kragujevac had 24 members. That council formed 11 work groups at the beginning of 2005 for making and implementing preventive projects as follows: 1) work of the police in the field; 2) improvement of the relationship between the police and citizens (at the beginning of 2006, it merged with the previously mentioned group); 3) prevention of juvenile delinquency; 4) prevention of family violence; 5) prevention of drug-abuse and addiction diseases; 6) traffic safety; 7) protection of the school youth up to 14 years of age; 8) protection of the school youth up to 18 years of age; 9) introduction of video surveillance in the town; 10) prevention of corruption; and 11) relations with media (Simonović, 2006). Press conferences and meetings of the police officers and citizens in the territory of local community were held once a month at least (Simonović et al., 2003).

The MoI & DFID (2004) evaluated the pilot projects Community Policing and Safety of Community in Serbia at seven locations as follows: Bačka Palanka, Kragujevac, Novi Bečej, Novi Sad, Požega, Vrnjačka Banja and Zvezdara. The evaluation was not an empirical research, but it was aimed at informing the management structures who will decide on wider implementation of pilot projects. The results were based on survey and conversations with the representatives of the police and communities, as well as the analysis of reports on activities on the projects. It was concluded that considerable results were achieved at all locations in a short period of time, although they were not equal. Dedication to the project and the examples of partnership in police work with local subjects on identifying and solving problems in a community were noticed, especially when it concerns family violence and juvenile delinquency. As pointed out in the evaluation report one of the reasons for improvement at some locations was inspired leadership and dedication of some senior managers, sector leaders, police officers and individuals from the community. The contacts between the police and local citizens were intensified, the need was understood for cooperation, and the problems were successfully identified through consultations with citizens at joint meetings and through consultations with the representatives of the institutions and safety councils were established in 5 areas (MoI & DFID, 2004). Targeted police patrols proved successful in order to remove focal points as well as target oriented work when sector police officers cooperated with traffic and criminal police. Such work contributed to decrease of number of vehicle thefts as well as other property-related offences. In several locations the scope of problems reduced, while at the same time the satisfaction and feeling of safety in citizens increased, as well as trust in the police, the number of reports and information of citizens on criminal activities which in several cases led to arrests of big criminal groups and seizures of illegal drugs, says the report (MoI & DFID, 2004). Evaluation suggested also the serious problems related to the functioning of safety councils, since management, coordination, lack of

rules of procedure and feedback information were weak points in their work, which resulted in serious inefficiency. The lack of required capacities was also noticed, as well as legal frameworks, protocols and memoranda of understanding between institutions which made the progress slow and because of which there was much leaning on the “good will” of some individuals (MoI & DFID, 2004). This is why the need was pointed out for clear national strategy and action plans at local level.

In addition to the mentioned activities in pilot areas, the years that followed were marked by efforts to adopt SFoNSoCP, as well as survey of citizens' attitudes on police, the results of which were made public also at the internet presentation of the MoI of Serbia 2009–2014 (Ipsos Strategic Marketing & Organisation for Security and Co-operation in Europe, 2009; Ipsos Strategic Marketing & Organisation for Security and Co-operation in Europe, 2010; Agencija za istraživanje javnog mnjenja CeSID [Agency for public opinion research CeSID] & Kancelarija Organizacije za evropsku bezbednost i saradnju u Beogradu [OSCE Office in Belgrade], 2011; Organizacija za evropsku bezbednost i saradnju – Misija u Srbiji [OSCE Mission in Serbia] & Agencija za istraživanje javnog mnjenja CeSID [Agency for public opinion research CeSID], 2012; TNS Medium Gallup, 2013, 2014). The survey on citizens' attitudes towards the police has at the same time included determining other relevant circumstances significant to achieve efficient preventive role of the police, such as the distribution of fear of crime in citizens, their opinion on what the biggest problems are endangering their safety, how well informed the citizens are on strategic documents adopted by the MoI, the opinion about how much the citizens are included by the police in cooperation and particularly the opinion on the preventive work of the police. According to the latest published survey from 2014, in which the latest results are compared with the results from previous years, the citizens single out corruption and drug abuse as the most important problems both at national and local levels, the problem of crime, particularly organized crime, at the national and petty crime at the local level (organized crime and drug abuse with 17 % each, and corruption, drug trafficking and drug dealing with 13 % each) (TNS Medium Gallup, 2014). Corruption is less observed as danger at the national level than in the previous year. The greatest danger for personal safety the citizens see in petty crimes (thefts, scams, pick-pocketing) – 28%, but less than the year before. The greatest improvement is noticed in the field of traffic safety, homicide, human trafficking and safety at schools. The greatest deterioration is noticed with vandalism, juvenile delinquency, petty crime, fan and peer violence, drug abuse and drug trade. Citizens give most credit for improvement to the MoI/police (30 %), although the trend is negative if compared to earlier results. The citizens give credit for improvement to the GoS considerably more frequently than in 2014 research, while the entire society is to be blamed for bad state-of-affairs as earlier (TNS Medium Gallup, 2014).

The same research showed that the activities on organized crime would surely be reported by about 25% citizens. The reasons not to report include fear for personal safety, insufficient trust in protection by the state, as well as the belief that despite reporting the perpetrators would not be discovered and that they have powerful protectors. Citizens older than 60 are less prepared to cooperate, although almost half of those older than 65 has confidence in the MoI, while the general trust in the MoI is expressed by 35 % respondents. The opinion prevails that an average police officer is bad in communication (impudent, unreasonable, arrogant, strict, hot-tempered...), while the second association is that he is good in communication, kind, cultured and polite. Most frequently the citizens get in contact with the police regarding personal documents – 36 %, with the traffic police – 32 %, and only 9 % regarding personal protection or protection of property and 5 % as victims of a crime. They are most satisfied with police professionalism when issuing documents (55 %), with traffic police 37 %, while 65 % of those who were victims of a crime are not satisfied (19 % are satisfied). The majority of respondents (58 %) think that police officers are open, while 32 % think they are not. They are most satisfied with the work of the police in the protection of public and protest meetings (55 %), protection of public safety in general (53 %), protection of schools and traffic (47 %), while the most delicate areas are the fight against drug addiction and corruption, where every fourth respondent thinks that the police is efficient and almost a half that they are inefficient. Preventing crime (in general) is found unsatisfactory by 37 % respondents, and 32 % find it satisfactory. As earlier, around 41 % think that citizens and local self-government have small influence or do not have influence at all on the security in their municipality/town, 45 % think that have average influence, and 15 % think that have much or a lot of influence. Around 40 % citizens would like the police to be more present in their community, and a larger number of police officers in the streets makes 69 % citizens feel safer.

The majority of citizens are not acquainted with the DSoMoI and the CS (every fourth is), while they are more informed about the Anti-Corruption Strategy and the Strategy for Fight against Organized Crime (39 % respectively) (TNS Medium Gallup, 2014).

The presented results show that there is room to improve relationship with the citizens and to strengthen police legitimacy, which is a necessary precondition to achieve successful partnership in detecting and resolving problems in the background of crimes and other antisocial behaviours. In the period before the adoption of the SoCP there were programs made on contemporary standards of policing, human rights, the strategy itself, strategic management and problem-oriented policing. Communication with the media was improved and the citizens and the community subjects were informed about security phenomena. However, it is particularly significant to point out that methodology of problem-oriented policing keeps developing more and more and that based on it projects in police stations are being realized. In order to strengthen the police capacity in action planning, several trainings in various forms have been realized: seminars, workshops and study visits to the police organizations of other countries. Training was organized for 60 police officers from police departments who work on developing the community policing concept focusing on action planning. During 2012 and 2013, action plans were made in the fields of prevention of family violence, abuse of drugs and alcohol, violence in schools, violence at sports events, as well as action plans in the field of respect and exercising of human rights (Gačević & Nikač, 2015). In order to strengthen safety of the young people several action plans were implemented in the area of prevention of violence between pupils and violence in school area, for instance in the police departments of Belgrade, Valjevo, Kragujevac, Kruševac, Prokuplje, Pirot, Leskovac, and other. These action plans were the first fruits in the majority of police departments and were mainly directed at raising level of consciousness of the chosen target groups on harmfulness of certain phenomena, on the manners of protection from these negative phenomena, development of security culture and at promoting social responsibility (Gačević & Nikač, 2015). The carriers of working out and implementation of action plans from police departments had the opportunity to exchange experiences through discussions at two round tables held in 2012 and 2013, which were the opportunity to indicate the problems in the implementation of these plans such as: lack of understanding and inconsistency at partners in the project, lack of interest of target groups, difficulties with harmonization of terms, lack of system solutions in certain fields and lack of evaluation of preventive work (Gačević & Nikač, 2015).

For strengthening the police legitimacy, and thus their preventive role, it is important to point out that the activities have been undertaken to improve training and cooperation of the police with the members of minorities and socially vulnerable groups. Seminars are organized on application of antidiscrimination laws for police officers and other forms of activities are undertaken in order to protect the rights of marginalized, minority and socially vulnerable groups through recognizing and professionally responding to discrimination. This includes motivating the members of various national communities to choose police profession and to have more women in police. Since the establishing of the "Centar za osnovnu policijsku obuku" [Basic Police Training Center; hereinafter BPTC] in Sremska Kamenica, the courses were completed by the member of 15 national minorities, and the training should be carried out by police departments as well. The Municipality of Pančevo and the Police Department in that town are mentioned as examples of good mutual cooperation and cooperation with citizens, and the statistical data show that the citizens in this county are among more safe in the Republic. In this town it is planned to implement three projects of basic courses of languages of national minorities - Slovak, Hungarian, Romanian and Czech, which will be organized in the premises of the Police Department. The goal is for the first 85 police officers who volunteered for the courses to attend them, i.e. to learn the languages of national minorities living in the territory of this county. A centre called "Savetovalište za bezbednost - kuća bezbednosti" [Safety Counselling Centre - a safe house] has been established in the centre of the town, outside the premises of the Police Department, in which the citizens can get in touch with the police officers on a daily basis and get necessary information on the issues important for them and their safety. For the beginning four lines of work have been chosen - criminal police, general jurisdiction police, traffic police and administrative duties, which is an example of community policing where police is serving citizens and the cooperation of the police and local self-government in Pančevo has been rated by the Major as exceptional (MoI, 2016).

4 DEVELOPMENT OF PREVENTIVE ROLE OF THE POLICE IN SERBIA WITHIN THE CONTEXT OF EXPERIENCES OF OTHER COUNTRIES

The analysis of normative-legal and strategic frameworks for police work on crime prevention clearly shows that there is a decision to strengthen these most important fields of policing. The determination to implement the principles of community policing and the set strategic goals shows that it is the intention of the key decision-makers to create through community policing and training for problem oriented policing the conditions to plan and implement preventive action plans in cooperation with crime prevention advisory bodies and through establishing work groups. The goals set for community policing suggest that they are in accordance with widely spread conception of that manner of policing, particularly that of the countries where a number of empirical studies have been conducted which also gave boost to spreading of community policing in the world.

How much these goals and idea of community policing have been harmonized can be seen from the definition given by Trojanowicz and Bucqueroux (1994) that this is philosophy and organizational strategy in which focus is on cooperation between citizens, police and community in order to identify problems, set priorities and solve problems which lead to crime commitment, offences, and creation of fear of crime in citizens and lowering the quality of life of citizens. However, in order to be able to say that police organization fully implements community policing concept, it is necessary that: the citizens determine a problem and work together with the police in order to help in problem solving; the police officer has a defined area and full jurisdiction to intervene, prevent crime and make an arrest; the police officer has permanent assignment in a defined area which lasts at least 18 months; the officer can contact with the majority of citizens in the area he covers in the period of 6 to 8 months; the officer works in a decentralized office; with the support, implements long-term evaluation in order to determine if the problems are solved (Trojanowicz, 1994, according to Palmioto, 2011). These elements should be paid attention of in order to provide conditions for further successful development of police activities on crime prevention in Serbia. In addition, the experiences in community policing in other countries should carefully be analysed, since they can be valuable to improve such manner of work in Serbia.

Review of a number of researches conducted by Mackenzie and Henry (2009) shows that community policing increases satisfaction of the public by the police due to its more visible presence, it lowers fear of crime, strengthens feeling of security, lowers the level of crime and antisocial behaviour although the evidence are stronger to support decrease of disturbances. On the other hand, they have noticed that community policing had minor influence on citizens' calls and their readiness to engage on a voluntary basis. The participation of community was higher when various strategies were used to encourage partnership rather than when only one method was used, such as public meetings, for example. Also, the support to community policing was given more by the police officers involved in the community than other police officers, so it is recommended that all police officers pass through community policing work. It should particularly take care that visible presence of the police may stigmatize certain areas as dangerous and undesirable areas with high rate of crime, as well as that community policing may sometimes become a method to realize local punitive attitudes of citizens towards marginalized and minority groups (Mackenzie & Henry, 2009).

One of the most famous examples of the community policing was implemented in Chicago in 1993, within the project Chicago Alternative Policing Strategy. The goal was to solve local problems through reorganization of decision-making and functioning of the police using the data on crime in the neighbourhood and active participation of the community, as well as to increase the coordination between local subjects (International centre for the prevention of crime, 2008). 25 police districts were divided among 279 patrol teams, which had 10 police officers each and were responsible for 4,100 households on an average. Some of them were in charge of fast interventions to citizens' calls, while the other were patrolling in order to solve local problems in cooperation with citizens. Patrol units held monthly meetings with the representatives of community organizations and tenants in order to identify the most important criminal problems in the local neighbourhoods. The evaluation of that project showed the increased trust of citizens in the police and more decrease of crime rate in experimental areas than in control ones, but the

reform of the police was not marked as the only factor contributing to lowering the crime rate. As suggested by Lombardo, Olson and Staton (2010), the project was directed at encouraging tenants to cooperate in watching the neighbours and reporting disorders (breaking windows, abandoned cars, noise made by the juveniles, vagrancy of gang members, and similar). In the police districts advisory committees were established to monitor problems and consider strategic questions with police commanders and the system was developed to determine priorities and coordinate services in addressing the problems. The additional number of citizens were involved in order to have more police officers in the streets. Beat police officers were encouraged to cooperate with citizens and the system of regular meetings was established in schools, churches and other locations, which were attended by small groups of citizens and police officers. However, the program stagnated also since certain key persons in the police management and in the field did not understand the program or were against it, so the initial enthusiasm was lost (Lombardo et al., 2010).

The study of effects of community policing conducted by Connell, Miggins and McGloin (2008) in one police unit in the USA, based on the data gathered in eight-year period, showed considerable decrease of violent and property crime in the target area in comparison with the control area. After the murder of a local young man in 1996, the police worked on reinforcing cooperation of citizens, increased the presence and control in problem locations, but it ended due to the lack of resources and unsatisfactory results in improving the relationship with the citizens. At the beginning of the next year several police officers were chosen who were dedicated to the community policing to perform the duty in the marked area. These officers pointed to the systematic change in cultural norms and operations of the police, and the essential elements in work were responsibility, cooperation, decentralization and problem solving.

The presented examples show that it is not easy to provide efficient partnership between the police, citizens and local community institutions. Familiarizing all parties in a partnership with their respective roles in crime prevention is not a short-term and easy task, particularly not maintaining of partnership. It certainly requires the existence of a clear normative-legal framework for cooperation, particularly when it regards the institutions working in the local community area, so that their responsibilities will be known and necessary resources appropriated for action. However, at the same time it requires the knowledge of the representatives of these institutions, members of the police and citizens on the possibilities of preventive actions, the knowledge about which preventive activities are and under which conditions they are successful, in other words which activities have not proven successful and why. Also, it is equally significant to have true dedication to collect and exchange information that can help in selection and implementation of preventive activities.

That these are key challenges in the development of local crime prevention based on partnership was also shown by the study of work of local safety councils in Slovenia (Meško & Lobnikar, 2005). This research showed the development of some dimensions of security through community policing, particularly democratic manners of setting priorities in local security and efforts on crime prevention. The main advantages of safety councils in Slovenian towns covered by the said study were: democratization of formal social control and control over police; cooperation of responsible citizens and mutual familiarization; development of more active cooperation between all local key persons; strengthening of the consciousness of security and discussion of local problems and strengthening mentality of caring communities. Possible problem in researching priorities in crime prevention and providing security could refer to the population that attends local safety council meetings, since they do not necessarily represent the public opinion of local citizens but the opinion of local elites which deal with problems of crime and public security.

There is no doubt that the development of community policing in Serbia so far has contributed to strengthening of consciousness of a part of the public and police officers on the need of cooperation and development of crime prevention. It can be expected that the adoption of the National Crime Prevention Strategy which is to follow in Serbia will provide for recognition of clear directions of further development in crime prevention. The development of community policing should pave a way for successful realization of crime prevention strategy. It should enable this through strengthening legitimacy of the police as well in accordance with the model of procedural justice, which is shown by current research in the neighbouring countries of Serbia. Namely, the research carried out in 2011 in Slovenia showed that there is strong correlation between procedural justice and police legitimacy, which influences the satisfaction with the police and readiness for cooperation with them (Meško, Reisić & Tankebe, 2012).

5 CONCLUSION

The analysis of efforts undertaken in Serbia in the last decade in order to strengthen the role of the police in crime prevention in local area show that comprehensive activities have been taken and that the consciousness on the need and significance of such manner of work has not only increased in the participants in these activities but also in a large number of the members of the police during the process of their education and training. The new LoP, which was adopted at the beginning of this year, puts crime prevention in the first place and prescribes that the police in their work accomplish partnership with the subjects in the local area (municipality and town) through community policing, that they support the work of local advisory bodies in the field of crime prevention and use criminal-intelligence method. A large number of strategies were adopted by the GoS to fight against the current forms of crime which also prescribe preventive measures for the implementation of which the police are also partly competent, as well as the SoCP. In 2009, the MoI sent to the GoS SFoNSoCP and initiative to establish the National Crime Prevention Council.

The evaluation of the starting experiences in pilot locations suggested the examples of good cooperation in identifying and dealing with the problems, the practice of establishing local safety councils and increase of participants' satisfaction in the work. However, the problems are noticed related to the work of safety councils regarding management and coordination of activities, the inexistence of rules of work and feedback information, the lack of required capacities and clear protocols of cooperation. The analysis of the attitudes of citizens on the police shows that there is room to improve the relationship with citizens, strengthen police legitimacy and their preventive activities. In the area of problem oriented work the majority of police departments started the practice of making action plans for dealing with identified problems within which the efforts are taken to raise consciousness of the target groups of the harmfulness of certain phenomena, on the manners of protection from these phenomena and the development of security culture. Lack of understanding and inconsistency with the partners in the project, lack of interest of the target groups, difficulties with coordination of terms, systematically unsolved certain areas and the lack of evaluation of preventive work have been noticed as the problems in the implementation of these action plans and the attention is now paid to eliminate them.

REFERENCES

- Agencija za istraživanje javnog mnjenja [CeSID], & Kancelarija Organizacije za evropsku bezbednost i saradnju u Beogradu [Office of the Organisation for security and cooperation in Europe]. (2011). *Stav građana Srbije prema radu policije* [The attitude of Serbian citizens towards the police work]. Retrieved from <http://arhiva.mup.gov.rs/cms/resursi.nsf/Istrazivanje%20javnog%20mnjenja%202011.doc>
- Connell, N., Miggans, K., & McGloin, J. (2008). Can a community policing initiative reduce serious crime? A local evaluation. *Police quarterly*, 11(2), 127–150.
- Gačević, G., & Nikač, Ž. (2015). Akciono planiranje policije u okviru prevencije nasilja. In B. Simeunović-Patić (Ed.), *Nasilje u Srbiji – oblici, činioci, kontrola 2* [Violence in Serbia - forms, factors, control 2] (pp. 75–92). Beograd: Kriminalističko-polijska akademija.
- International centre for the prevention of crime. (2008). *International report on crime prevention and community safety: trends and perspectives*. Montreal: International centre for the prevention of crime.
- Ipsos Strategic Marketing, & Organisation for Security and Co-operation in Europe [OSCE]. (2009). *Istraživanje javnog mnjenja o reformama policije u Srbiji* [A public opinion survey on police reforms in Serbia]. Retrieved from <http://www.slideshare.net/policijasrbije/istrzivanje-javnog-mnjenja-o-reformi-policije>
- Ipsos Strategic Marketing, & Organisation for Security and Co-operation in Europe. (2010). *Javno mnjenje o reformi policije u Srbiji* [Public opinion on police reform in Serbia]. Retrieved from http://arhiva.mup.gov.rs/cms/resursi.nsf/Retultati_istrzivanja_javnog_mnjenja_2010.ppt
- Lombardo, R., Olson, D., & Staton, M. (2010). The Chicago alternative policing strategy: A reassessment of the CAPS program. *Policing: An International Journal of Police Strategies & Management*, 33(4), 586–606.
- Mackenzie, S., & Henry, A. (2009). *Community policing: A review of the evidence*. Edinburgh: Scottish Government Social Research.

- Meško, G., & Lobnikar, B. (2005). The contribution of local safety councils to local responsibility in crime prevention and provision of safety. *Policing: An international journal of police strategies & management*, 28(2), 353–373.
- Meško, G., Reisig, M., & Tankebe, J. (2012). Postopkovna pravičnost, legitimnost policije in sodelovanje javnosti s pravosodnimi organi. *Revija za kriminalistiko in kriminologijo*, 63(2), 112–122.
- Ministarstvo unutrašnjih poslova Srbije [MoI], & Department for International Development [DFID]. (2004). *Zajednicki izveštaj o evaluaciji projekata policije u lokalnoj zajednici i bezbedne zajednice u Srbiji* [A joint report on the evaluation of projects of community policing and safe communities in Serbia]. Beograd: Ministarstvo unutrašnjih poslova Srbije, & Department for International Development.
- Ministarstvo unutrašnjih poslova. [MoI]. (2009). *Polazni okvir Nacionalne strategije prevencije kriminala* [Starting Framework of the National Strategy on Crime Prevention]. Beograd: Ministarstvo unutrašnjih poslova Republike Srbije.
- Ministarstvo unutrašnjih poslova [MoI]. (2010a). *Strategija razvoja Ministarstva unutrašnjih poslova 2011–2016* [Development Strategy of the Ministry of Interior 2011–2016]. Beograd: Ministarstvo unutrašnjih poslova Republike Srbije.
- Ministarstvo unutrašnjih poslova. [MoI]. (2010b). *Strategija komunikacije Ministarstva unutrašnjih poslova od 2010 do 2012 godine* [Communications Strategy of the Ministry of Interior from year 2010 to 2012]. Retrieved from <http://reforma.bezbednost.org/wp-content/uploads/downloads/2012/09/MUP-Republike-Srbije-2010-Strategija-komunikacije-MUP-a-2010-2012.pdf>
- Ministarstvo unutrašnjih poslova [MoI]. (2016). *Municipality of Pancevo and the Police Department in the city - an example of good cooperation between the police, local government and citizens*. Retrieved from <http://www.mup.gov.rs/wps/portal/sr/gradjani/dokumenta>
- Organizacija za evropsku bezbednost i saradnju – Misija u Srbiji [OSCE – Mission in Serbia] & Agencija za istraživanje javnog mnjenja [CeSID]. (2012). *Istraživanje javnog mnjenja "Stav građana prema policiji"* [The public opinion poll "Attitude of citizens towards the police"]. Retrieved from http://arhiva.mup.gov.rs/cms_lat/sadrzaj.nsf/Stav_gradjana_prema_radu_policije.pdf
- Palmiotto, M. (2011). *Community policing: A police–citizen partnership*. New York: Routledge.
- Simonović, B., Vojnović, M., & Sekulić, M. (2003). Reforma policije u Srbiji i implementacija modela Community policing. In D. Radovanović (Ed.), *Strategija državnog reagovanja protiv kriminala* [Strategy of state response against crime] (pp. 127–141). Beograd: Institut za kriminološka i sociološka istraživanja, Viša škola unutrašnjih poslova & Udruženje za krivično pravo i kriminologiju.
- Simonović, B. (2006). *Rad policije u zajednici* [Community policing]. Banja Luka: Visoka škola unutrašnjih poslova.
- Strategija policije u zajednici [Strategy of Community Policing – SoCP]. (2013). *Official Gazette of the Republic of Serbia*, (43/13).
- Zakon o policiji [Law on Police – LoP]. (2016). *Službeni glasnik RS*, (6/16).
- TNS Medium Gallup (2013). *Stav građana prema radu policije* [The attitude of citizens towards the police work]. Retrieved from http://arhiva.mup.gov.rs/cms_lat/sadrzaj.nsf/javno-mnjenje-2013.pdf
- TNS Medium Gallup (2014). *Stav građana prema radu policije* [The attitude of citizens towards the police work]. Retrieved from http://arhiva.mup.gov.rs/cms_cir/sadrzaj.nsf/Stav_gradjana_prema_radu_policije_2014.pdf
- Trojanowicz, R.C., & Bucqueroux, B. (1994). *Community policing: How to get started*. Cincinnati: Anderson.

ENSURING LOCAL SAFETY - TRAFFIC SAFETY IN THE MUNICIPALITY OF LJUBLJANA

Urška Pirnat, Marko Mlaker

ABSTRACT

Purpose:

This paper examines how traffic safety in the Municipality of Ljubljana is arranged on local level, especially how traffic infrastructure, traffic policy, implementation of prevention, and municipal wardens can affect traffic safety.

Methods:

We identified major traffic issues, based on the data of police statistic and municipal wardens, made a review of literature and municipal documents, which refer to traffic policy, and conducted interviews with implementers of prevention.

Findings:

The number of traffic accidents in the area of MOL has dropped for almost 50 percent in the last ten years and traffic injuries are not as severe as they used to be. Traffic safety is not yet on a satisfactory level – the main traffic issue is traffic load in the centre during peak hours, too many traffic impacts on traffic accidents, improper parking and stopping of vehicles in the centre. Traffic policy of the Municipality is improving, the main goal until 2020 is to reduce car transportation and increase the use of public transport, walking and cycling, which is also influenced by green policy of MOL. Municipal wardens and implementers of prevention are playing a huge role in ensuring traffic safety in MOL.

Research limitations:

This research is limited to the area of the Municipality of Ljubljana. The limitations are also in the fact that various factors impact traffic safety.

Originality:

There is not much research done on traffic safety in the Municipality of Ljubljana and this paper can help different institutions, which are dealing with traffic safety of the Municipality of Ljubljana.

Keywords: traffic safety, traffic issues, Municipality of Ljubljana, local safety, municipal wardens

1 INTRODUCTION

The Municipality of Ljubljana (hereinafter MOL), which is also the capital and the largest city in Slovenia, is dealing with many safety issues and one of them is traffic safety. Every day, during rush hours, we can experience many traffic jams, as many people are driving on and off work in Ljubljana. It is essential for MOL that an approach for dealing with traffic issues is comprehensive, professional and directed towards the future, as efficient and safe traffic infrastructure affects satisfaction of residents and development of the city in future.

Law on road traffic safety (Zakon o varnosti cestnega prometa, 2008) states that safe and smooth traffic on municipal roads and streets is a responsibility of municipalities themselves. They need to designate traffic regulations and implement the control. The law also gives permission to municipalities to designate additional, stricter directions and measures for all participants in road traffic, in order to achieve better road safety.

Through literature review and interviews with the head of municipal wardens, this paper presents the essential traffic issues in Ljubljana, and traffic policy, which is referring to all groups of traffic participants, the carriers of prevention in traffic safety and the role of municipally wardens.

The purpose of this paper is to present how MOL deals with traffic issues on local level, which authorities are involved in achieving better results, and how successful implementation of traffic policy really is.

2 TRAFFIC POLICY IN MOL

MOL has accepted Municipal Security Programme in 2008 (Občinski program varnosti Mestne občine Ljubljana, 2008), where one of the aims is also traffic safety. The programme highlights

that traffic safety is not yet on a satisfactory level, the main goals are: to lower the number of traffic accidents and their consequences, traffic offences and better traffic flow in the city. These aims need to be achieved with the cooperation of police stations and municipal wardens.

The second important document is Traffic Policy of Municipality of Ljubljana (Prometna politika Mestne občine Ljubljana) from 2012 (Mestna občina Ljubljana, 2012). Traffic Policy is environmentally oriented and its main goal is to reduce traffic congestion of the city centre and reallocation of traffic to the outskirts of the city. The documents' idea is to increase green areas for pedestrians and cyclist, to lower the number of parking places in the centre and construction of underground garages. This type of policy also has a direct effect to the quality of life of city residents, by reducing emission of noise, dust and exhaust fumes (Mestna občina Ljubljana, 2012).

MOLs main long term goal is redirection of traffic to ensure transport mobility with transportation, which is spatial, financially beneficial and effective and to implement measures, which are aiming to increase the use of public transport, cycling and walking. The proposed measure of redirection of traffic needs to be achieved until 2020, on the next levels:

- one third of transportation must be done on foot or bike,
- one third must be done with public transport and taxis,
- one third must be done with personal vehicles (Mestna občina Ljubljana, 2012).

While MOLs traffic safety strategy focuses on more aspects of traffic, we are presenting traffic policy referring to traffic infrastructure, participants in traffic (pedestrians, cyclists), public transportation and railway infrastructure.

3 TRAFFIC INFRASTRUCTURE

Traffic infrastructure in MOL consists of two rings, which can be found in the city. The first one, i.e. the outer ring, is located on the outskirts of the city and is a combination of motorways and bypasses, which clinging the city. The outer ring connects the city centre with roads, which lead toward the centre (Odlok o cestnoprometni ureditvi, 2007). The inner ring is formed by the roads in the city centre, where many streets are closed for traffic. On the roads, which form the ring, are bus lines and the aim of the inner ring is to relieve traffic (Ljubljanski projekti.si, 2012). Public parking areas in the city are designed in favour of reducing traffic in the city centre. Parking areas are divided into four tariff classes, based on proximity to the centre of the city. These tariff classes are classified into three zones (the narrow city centre, the wider city centre and outskirts) and they differ according to the longest possible parking time and the price. Parking in the city centre is more expensive and also allows shorter possible parking time (Javno podjetje Ljubljanska parkirišča in tržnice, d.o.o., 2015).

By reducing congestion in road traffic in the city centre and its immediate surroundings, increasing areas are intended for pedestrians and cyclists. Moreover, this measure reduces the chance of a close encounter of vehicles with weaker traffic participants, thus reducing the risk of traffic accidents in which one of the participants is a pedestrian or a cyclist. However, at the closure of streets in the centre, many residents expressed dissatisfaction because they can't access their homes with vehicles. To this end, residents of closed streets were allowed special permits for delivery and access to their home, as well as annual permits for parking garages (F. Možina, February 15, 2016, personal interview). The same issue was noticed with delivery services, because their activities cannot be smoothly carried out on streets, closed for traffic. As a part of the CIVITAS ELAN project, management measures and rationalised delivery of goods were implemented. Urban logistics is planned on a sustainable way, which contributes significantly to optimisation of delivery of goods, reducing costs and negative effect on the environment and health in the city. The municipality encourages the use of electric delivery vehicles, deliveries with bicycles and sustainable management of deliveries (CIVITAS ELAN, 2010).

4 PUBLIC TRANSPORTATION

MOL gives priority to public transport over personal vehicles, as public transport slows down traffic flow in the city. Increasing the use of public transportation also has environmental consequences, as this is an appropriate way to reduce air pollution. Safety is another beneficial consequence and this reason can be found in statistical reports, while buses are more rarely participants in traffic accidents than personal vehicles (Mestna občina Ljubljana, 2012).

Ljubljanski potniški promet (LPP) is the largest provider of public transportation in Slovenia and is established in the area of MOL and other 16 neighbourhood municipalities. On a daily basis, LPP transports over 200,000 passengers on 42 bus lines with more than 900 bus stations. The company is also friendly to people with moving disabilities. Moreover, they are following green traffic policy, which is environmentally friendly and in compliance with the European bus standards. 17 percent of buses are running on methane and have zero hazardous exhaust fumes (Zelenaljubljana.si, 2015a). Safety of passengers is provided with video-audio surveillance. Furthermore, for ensuring reliability in traffic, the buses are equipped with Zigbee system, which enables direct digital communication between vehicles and crossroads (CIVITAS ELAN, 2012).

MOL is endeavouring for the increase of use of public transportation and promotion of sustainable mobility in the city and, for these purposes, its comprehensive parking network named P+R (Park and Ride) was established. The aim of this system is relief of traffic in the city centre and increase in traffic flow. Currently, there are 5 P+R areas at the outskirts of the city with 2,169 parking spaces. Users of P+R areas pay ticket for 24-hour parking, which also includes two rides with public transportation (LPP) (Zelenaljubljana.si, 2015c).

5 PEDESTRIANS

Municipality's traffic policy focuses on promoting walking and building safer path walks in the city. The main idea is to promote walking in the city, where pedestrians use their own energy, because by walking they take less space and do not affect environment. Their role in public spaces is visible, as they are creating vibrant and safe city streets. The main goals of municipality in the field of walking in the city, which was achieved in 2015, were:

- establishing pedestrians friendly streets, which is considered as a network of streets, connected to city sights and institutions,
- designing new squares and parks,
- constructing safe paths to parks, schools, kindergartens, stores, nursing homes and bus stations (Mestna občina Ljubljana, 2012).

For securing pedestrians' safety, municipality performs many measures. It is essential that motorised traffic in the city centre is slowed down with more areas of slow traffic and lower speed limits. Road infrastructure must be designed to protect safety of pedestrians, including building safe crossroads with high-visibility crosswalks and curb extensions, wide walkways, which need to be visible and adequately illuminated. Moreover, municipality concerns to provide safety for motion hindered persons with compliance in minimum accessibility standards (Mestna občina Ljubljana, 2012).

Pedestrians are one of the most endangered groups in traffic and they often suffer the most harmful consequences in traffic accidents. MOL is well aware of this fact and, together with the Public Agency of Republic Slovenia for Traffic Safety (Javna Agencija Republike Slovenije za varnost prometa), they take care for the youngest participants in traffic. They have established a fruitful cooperation with kindergartens and elementary schools to raise awareness of safe walking of kids and their parents. Furthermore, municipality is included in many projects and campaigns, which promote safe walking in the city (Mestna občina Ljubljana, 2014). Besides the municipalities' cooperation with the Public Agency, the Municipality is included in international projects for safety of pedestrians in traffic and also works closely with other institutions, which concern safety of pedestrians, and often sponsors campaigns and promotional material.

6 CYCLISTS

Because of its smallness, Ljubljana is a very convenient city for cycling. Cycling has beneficial effects on human's health and has an ecological impact. Therefore, traffic policy of the city is heading towards the increase of cycle areas, establishing a comprehensive cycling infrastructure and aims to construct safe and attractive routes for cyclists (Mestna občina Ljubljana, 2012). For these purposes, MOL hired a coordinator, whose task is to cooperate with different departments to improve cycling conditions in the city, which is one of the goals of traffic policy (CIVITAS ELAN, 2012).

In 2011, Ljubljana has established a project called BICIKE(LJ), which presents improvement in traffic infrastructure. BICIKE(LJ) is a bike rental system. Users can rent bikes from several

city stations and then return them, where the first hour of use is free and the next is payable. Currently, there are more than 360 bicycles available for rent at 36 stations in the city and its outskirts. The system has more than 67,000 users and, on a monthly basis, the number of rentals varies between 50,000 and 60,000 (Zelenaljubljana.si, 2015b). Cyclists can join an association called »Ljubljanska kolesarska mreža«, which goal is to improve bicycle conditions in the city and safety cyclists in traffic. The association members are professional and interested public, who also issue warnings to any possible shortcomings detected by users of cycling infrastructure (Kolesarji.org, 2015). From 2009, an interactive cycling map is available online at »Kolesarska platforma Ljubljana«. Everyone can be a member; the purpose of the 'platform' is to propose solutions for improving cycling in the city (CIVITAS ELAN, 2012). Municipalities' care for cycling in the city has gone even further. Between 2008 and 2010 they had cosponsored the project »MobiKolo«, in which they endeavoured to improve urban mobility and analysed the situation and needs of cyclists in Ljubljana. They have gathered GPS data of bicycle rides and have also done research about the users of bicycle roads in Ljubljana (Kolo.uirs.si, 2012).

7 RAILWAY INFRASTRUCTURE

The public railway infrastructure in Slovenia is managed by Public Agency for Railway Traffic, through public company Slovenske železnice (Slovenian Railway). Slovenian railway infrastructure includes two international railway cargo corridors, which connect port Koper with the rest of Europe. These railway corridors cross in Ljubljana. Slovenia is pursuing goals of European policy in freight traffic, to redirect freight from roads to railways, because of many beneficial side effects, such as lower air pollution, unburdened road infrastructure and faster transport (Slovenske železnice, 2016).

There are more than 700 railroad crossings in the country and more than half of them are only passively secured (open crossing without signalisation or gates). Some major passively secured railway crossing can be found on a railway track through Ljubljana. On average, 8 people are killed on these crossings annually in the last 16 years. Another problematic railway track is also track from Ljubljana to Kranj. According to the report of the Public Agency for Traffic Safety (Javna agencija Republike Slovenije za varnost prometa, 2015), there are no unprotected railway crossings in Slovenia. The major role in ensuring safety on railway crossings lies in the hands of state and the Public Agency for Traffic Safety. The main measure for improving safety is to increase actively secured railway crossings and cutting crossings on burdened road sections and replacement of these crossings with outside level crossings (underpasses, overpasses). Many train accidents had happened because of carelessness and arrogance of drivers - more than 140 gates are destroyed by cars every year. The Public Agency is implementing prevention action intended for drivers to stop in front of railway crossings. The awareness of this danger is being raised with the help of brochures, posters and web content. While Ljubljana is the municipality with a high number of accidents on railway infrastructure, it is actively involved in this prevention campaign (Strah, 2014).

8 PREVENTION IN TRAFFIC SAFETY

The Public Agency for Traffic Safety in Slovenia is primary institution for ensuring traffic safety. The main goal is to lower the number of traffic accidents and their harmful consequences. This goal can be achieved with many activities. One, that is playing important role, is prevention and education in traffic safety. The Agency gives guidelines for implementing prevention on national level and closely cooperates with the Councils for Prevention and Education in Road Safety, which needs to be established in every municipality (Javna agencija Republike Slovenije za varnost prometa, 2015).

The Council for Prevention and Education in Road Safety (Svet za preventivno vzgojo v cestnem prometu) in MOL is concerned for safety on municipal roads, participates in national prevention campaigns, estimates traffic safety in Ljubljana, coordinates activities and issues publications and other materials in relation with traffic safety. The main care of the Council is to protect the most vulnerable participants in traffic (pedestrians, cyclists and motorcyclists) and for these purposes, they cooperate with other driving associations (Ljubljana.si, 2016b). One of the biggest roles of the Council is to ensure safety of students on their everyday way to school. At

the beginning of every school year, they organise safety routes to school, with close cooperation of educational institution. They also implement educations for cycling exam and participate in other prevention campaigns for better educated children in traffic safety (Milkovič, 2013). Recent activities of the Council are directed towards reducing the causes of dangerous driving behaviour, particularly in relation to the use of mobile phones while driving, and drunk driving (F. Možina, May 15, 2016, personal interview). For safer school routes, web portal »Portal vzgoje in izobraževanja« is available, which presents an interactive map of the city with marked routes to schools and warnings of dangerous sections. The map is also showing types of cycle routes, school bus lines and bus stations in MOL (GisPortal, 2013).

Beside activities from The Council for Prevention and Education in Road Safety in MOL, another role in prevention is provided by the Council for Safety in MOL (Svet za varnost MOL). The task of this Council is to improve traffic safety in Ljubljana and taking care for vulnerable participants in traffic, cooperation in prevention campaigns and giving advice to city residents for better traffic safety (Ljubljana.si, 2016a). They give special attention to the youngest participants in traffic, by advising parents on how to choose proper car seats, strollers and bicycle helmets (Ljubljana.si, 2016c).

9 THE ROLE OF MUNICIPAL WARDENS

Municipal wardens provide safe and smooth road traffic and, for these purposes, law (Zakon o pravilih cestnega prometa, 2010) grants them extensive powers. By this law, their role is visible, especially in repression, while they exercise control over offences in road traffic (Zakon o pravilih cestnega prometa, 2010). MOL has adopted a decree in which it is designated traffic regulation, exercising control of these regulations imposed to municipal wardens (Odlok o urejanju prometa v Mestni občini Ljubljana, 2013). The main role of municipal wardens is to improve the safety in traffic and for achieving this aims, they cooperate with municipality, police stations, Council for Prevention and Education in Traffic Safety and Council for Safety (Mestno redarstvo Ljubljana, 2015). Besides granted powers, their role is also to participate in prevention activities for all participants in traffic and to eliminate causes, which lead to traffic offences (Predlog strategije v skupnost usmerjenega dela Mestnega redarstva Mestne občine Ljubljana, 2011). Municipal wardens believe that one of the major traffic issues in Ljubljana is traffic in the city centre during peak hours and stationary traffic. More than 120,000 vehicles are present in the city centre during rush hours. There are too many traffic accidents, improper parking and vehicles that stop in the city centre, which results in slower traffic flow (R. Fortuna, January 8, 2016, personal interview). In 2014, municipal wardens have also cooperated in project Urbis, where one of the sections concerned MOL traffic issues. Together with the Faculty of Criminal Justice and Security, they have determined issues in road traffic and accepted some suggestions for improving traffic safety (Pelcl, Hafner, Petek & Gorjup, 2014).

In 2014, municipal wardens had conducted 49,688 measures in the field of road traffic. 31,057 of these measures were conducted for stationary traffic and 18,631 measures were conducted with automatic measuring devices. The number of issued fines in 2014 is 3,212, which is comparable to the previous year. In contrast, the number of issued warnings has increases from 3,231 in 2013 to 5,503 in 2014. This fact suggests that work of municipal wardens is heading more towards prevention than repression. Automatic measuring devices had detected more than 12,000 drivers, driving up to 10 km/h over the speed limit, 5,000 drivers, driving 11 - 20 km/h over the speed limit, 500 drivers, driving 21 - 30 km/h over the speed limit, and 100 drivers, driving more than 30 km/h over the speed limit (Mestno redarstvo Ljubljana, 2015). Municipal wardens are satisfied with current statutory definition, but they are missing better regulations in speeding detection, as they are not allowed use laser speed measurement, which is almost a necessity in the narrow streets of Ljubljana (R. Fortuna, January 8, 2016 personal interview).

10 POLICE STATISTICS

Data from police statistic for traffic accidents in the area of MOL from 2005 to 2014 are presented below.

Table 1: The number of traffic accidents in the area of MOL for the period from 2005 to 2014 (Polijska uprava Ljubljana 2015).

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
5,341	5,322	4,953	4,116	3,676	3,747	3,843	3,403	2,965	2,910

As seen from Table 1, the number of traffic accidents in Ljubljana has halved in the past ten years.

Table 2: Consequences of traffic accidents (Polijska uprava Ljubljana 2015).

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Deaths	19	18	33	17	14	9	7	8	10	4
Severe bodily harm	151	149	198	139	159	128	131	109	58	94
Slight bodily harm	2,039	2,235	2,266	1,557	1,370	1,458	1,371	1,217	1,140	1,007
No injuries	8,212	8,119	7,274	6,200	5,479	5,718	6,232	5,489	4,680	4,337

The numbers are showing that the majority of traffic accidents do not produce injuries, followed by consequences with slight bodily harm, severe bodily harm and death. Comparing 2014 with 2005, we can conclude that severity of injuries is decreasing, the highest reduction can be found in deaths from traffic accidents; the number has lowered for 80 % in this decade. However, in 2007 - 2013 there is a visible increase in severe bodily harm.

Table 3: The most common causes of traffic accidents in 2014 in MOL (Polijska uprava Ljubljana, 2015)

Cause	Number
Movements with the vehicle	972
Not giving way	524
Inadequate safety distance	435
Unadjusted speed	431
Wrong side and direction	202
Overtaking	46

In 2014, in the area of MOL, the most common causes of traffic accidents were movements with car, which also includes accidents caused because of carelessness in parking. The second most common cause was not giving way and the third was inadequate safety distance. The least common cause was overtaking.

Table 4: Percentage of drunk drivers that caused traffic accidents (Polijska uprava Ljubljana, 2015)

Year	Percentage
2005	8.7%
2006	8.7%
2007	10.2%
2008	10.1%
2009	10.3%

Year	Percentage
2010	7.7%
2011	6.4%
2012	6.7%
2013	7.6%
2014	7.4%

The percentage of drunk drivers that caused traffic accidents did not change in the last ten years. Between periods from 2007 to 2009, percentage of drunk drivers that caused traffic accidents increased. This has lowered in the next two years, but from 2011 onward, there is a slight increase in drunk driving.

Police statistics provide us with better understanding on traffic safety in MOL in the last ten years. According to results of the analysis, we can conclude that traffic safety is improving, while the number of traffic accidents has halved. There is also a decrease in the numbers of severe consequences (deaths) of these accidents. More worrying is the fact, that the number of severe bodily harm, as a consequences of traffic accidents, is increasing, and that the number of drunk drivers that caused traffic accidents is in the rise in the last few years.

10 CONCLUSION

Through extensive literature review and review of MOL documents, we can conclude, that MOL is well aware of traffic safety and traffic issues, and has the right approach to deal with traffic safety. The strategy of traffic policy is appropriate and measures for achieving aims are in compliance with the policy. It is essential to mention that policy of the city of Ljubljana is heading towards environmentally friendly city, which also reflects in traffic changes. One of the main goals for the city is to reduce traffic in the city centre and increase pedestrian and cyclist zones. A big challenge for Ljubljana is increase in the use of public transport and the use of vehicles with less harmful exhaust fumes. We believe that these goals and activities to achieve them, were designed successfully, in favour of the fact that Ljubljana has successfully implemented many projects, which purpose was to increase the use of public transport, pedestrians and cyclists, and to lower the number of vehicles in the city centre. At this point, we suggest creation of a web page or platform, where all campaigns, projects and initiatives could be found, and which purpose would be to raise awareness of city residents. It is meaningful that Ljubljana continues developing green policy in traffic and in general, as these are also trends of the European Union. We, moreover, suggest the possibility of using GIS system, because with the help of this system, a comprehensive graphical overview could provide a basis for more beneficial traffic studies. The use of such system could be managed by police stations and by municipal wardens.

The numbers of traffic accidents had increasingly lowered in the past years and we can conclude that traffic safety is improving. Improved traffic safety is consequences of a changed traffic regime, improved traffic and road infrastructure and implementation of prevention in traffic safety. There are many carriers of prevention programmes on state and local levels, such as Public Agency of Republic Slovenia for Traffic Safety, The Council for Prevention and Education in Road Safety of Municipality of Ljubljana, The Council for Safety of Municipality of Ljubljana, police station and Municipal wardens. Moreover, improved traffic safety is also a reflection of improved passive safety in traffic.

From information that we have gathered with interviews with municipal wardens and statistical data, we can state, that the major traffic issue is traffic load in the city centre and stationary traffic, and city centre is also the area where the most changes to ensure traffic safety have been done. Beside the police, the municipal wardens are a fundamental institution that provides traffic safety in Ljubljana. They are very effective in traffic control and help and cooperate with the police. We should not forget to mention that their role is not just repressive but also preventive, while their goal is to help residents and build a homogenous community.

This paper presents an upgrade and integration of a project called Urbis, dealing with traffic safety. Urbis was targeted only to municipal wardens of MOL and their views on traffic issues in

Ljubljana. In this paper, we have focused on other aspects as well, such as municipal traffic policy and other carriers of traffic safety in MOL. We studied the role of municipal wardens, which is not only in repression but also prevention. Both papers are complementary and present the width of the road safety issues in MOL, while offering foundation for further research.

For the final thoughts, we can state that traffic safety in Ljubljana is a responsibility of different authorities, many of them operate on the local level - this is the reason why they are so effective. For effectiveness of operations, it is essential to have good cooperation between them in terms of campaigns, exchanging information, providing help in accidents and other types of support. Traffic safety in MOL could be seen as an example of good practice and can serve as a model for other municipalities, while the policy and activities are heading towards even more improved traffic safety.

REFERENCES

- CIVITAS ELAN. (2010). *Informacije o projektu CIVITAS ELAN* [Information about the project CIVITAS ELAN]. Retrieved from https://www.google.si/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKEwiKvMKazaTNAhVfuBoKHbiNCUoQFggiMAE&url=http%3A%2F%2Fwww.ljubljana.si%2Ffile%2F704694%2Fcivitas_elan_info.pdf&usg=AFQjCNE4HWAlkZU8b9E-UsNAZQfasiM6OA&sig2=IlE5LSJo6EfdCHKNQIsLww&cad=rja
- CIVITAS ELAN. (2012). *Civitasljubljan*. Retrieved from <http://www.civitasljubljan.si/o-projektu/ukrepi>
- GisPortal.si. (2013). *Portal vzgoje in izobraževanja* [Portal of education]. Retrieved from http://gismol.gisportal.si/javno/profile.aspx?id=MOL_Solstvo@Ljubljana
- Javna agencija Republike Slovenije za varnost prometa. (2015). *Letno poročilo Javne agencije Republike Slovenije za varnost prometa za leto 2014* [Annual report of Public Agency of Republic Slovenia for safety in traffic]. Retrieved from <https://www.avp-rs.si/file/2015/11/Popravljeno-LP-2014.pdf>
- Javno podjetje Ljubljanska parkirišča in tržnice, d.o.o. (2015). *Letno poročilo 2014* [Annual report 2014]. Retrieved from <http://www.lpt.si/lpt/uploads/cms/file/LETNO%20POROCILO%202014.pdf>
- Kolesarji.org. (2015). *Slovenska kolesarska mreža* [Slovenian cycling network]. Retrieved from <http://kolesarji.org/slovenska-kolesarska-mreza/>
- Kolo.uirs.si. (2012). *CyCity: Ljubljana*. Retrieved from http://kolo.uirs.si/Portals/o/kolo-slike/CyCityLjubljana_kratko%20porocilo_www_2012.pdf
- Ljubljana.si. (2016a). *Programske usmeritve* [Programme guidelines]. Retrieved from <http://www.ljubljana.si/si/mol/mestni-svet/drugi-organi-mol/svet-za-varnost-mol/programske-usmeritve/>
- Ljubljana.si. (2016b). *Svet za preventivo in vzgojo v cestnem prometu* [The Council for prevention and education in road safety]. Retrieved from <http://www.ljubljana.si/si/mol/mestni-svet/drugi-organi-mol/svet-za-preventivo-in-vzgojo-v-prometu-mol/>
- Ljubljana.si. (2016c). *Varnost otroške opreme* [Safety of child equipment]. Retrieved from <http://www.ljubljana.si/si/mol/mestni-svet/drugi-organi-mol/svet-za-varnost-mol/napotki-obanom/varnost-otroske-opreme/>
- Ljubljanski projekti.si. (2012). *Notranji cestni obroč* [The inner road ring]. Retrieved from <http://ljubljaniski.projekti.si/notranji-cestni-obroc.aspx>
- Mestna občina Ljubljana. (2012). *Predlog Prometne poliike Mestne občine Ljubljana* [Proposal of Traffic policy of Municipality of Ljubljana]. Retrieved from https://www.google.si/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0ahUKEwiT8JCSOazKAhUrnIKHX-IHAXoQFggrMAI&url=http%3A%2F%2Fwww.ljubljana.si%2Ffile%2F1050259%2Fnavodila_1_del_ppmol_final.pdf&usg=AFQjCNEO-grQCgqWY78IMEG5eUzkuHsQ8w&sig2=4AsTHgtZujq6DSjkirCEzw&cad=rja
- Mestno redarstvo Ljubljana. (2015). *Poročilo o delu Mestnega redarstva Mestne občine Ljubljana v letu 2014* [Report on the work of the municipal warden of the Municipality of Ljubljana in 2014]. Retrieved from <https://www.google.si/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKEwimlr3fn7HKAhWrnnIKHUKPCuMQFggI-MAE&url=http%3A%2F%2Fwww.ljubljana.si%2Ffile%2F1618172%2Fletno-poroilo-2014>

- pdf&usg=AFQjCNFLoi68aHfMg5_X6eB-aW7zKBMxbw&sig2=n7UkQzpPxAulZpWn-71gACw&cad=rja
- Milkovič, Z. (2013). Poročilo o delu SPV CP MOL [Report about the work of SPV CP MOL]. *Varna pot*, 13(4), 3–7.
- Občinski program varnosti Mestne občine Ljubljana [Municipal security programme of Municipality of Ljubljana]. (2008). *Uradni list RS*, (117/08).
- Odlok o cestnoprometni ureditvi [Decree on road traffic arrangement]. (2007). *Uradni list RS*, (122/07).
- Odlok o urejanju prometa v Mestni občini Ljubljana [Decree on the organization of traffic in Municipality of Ljubljana]. (2013). *Uradni list RS*, (38/13).
- Pelcl, M., Hafner, T., Petek, J., & Gorjup, A. (2014). Prometna problematika v centru Ljubljane. In G. Meško (Ed.), *Zagotavljanje varnosti v lokalni skupnosti, Projekt URBIS – pilotski projekt o zagotavljanju varnosti v Ljubljani* [Ensuring safety in local community, Project URBIS] (pp. 88–101). Ljubljana: Fakulteta za varnostne vede.
- Policijska uprava Ljubljana. (2015). *Varnostne razmere na območju Mestne občine Ljubljana v obdobju med leti 2005 in 2014* [Safety condition in the Municipality of Ljubljana in the period between 2005 and 2014]. Retrieved from <https://onedrive.live.com/redir?resid=7E26665AAAF6AA4C6!602&authkey=!AO9bmifUa8pyFaA&ithint=file%2Cpps>
- Predlog Strategije v skupnost usmerjenega dela Mestnega redarstva Mestne občine Ljubljana [Proposal of Strategy for community-oriented work of municipal wardens of Municipality of Ljubljana]. (2011). *Uradni list RS*, (66/07).
- Slovenske železnice. (2016). *Slovenske železnice* [Slovenian railroads]. Retrieved from <http://www.slo-zeleznice.si/sl/infrastruktura/transportni-koridorji>
- Strah, R. (2014). *Javna agencija Republike Slovenije za varnost prometa* [Public Agency of Republic of Slovenia for safety in traffic]. Retrieved from <http://www.avp-rs.si/wp-content/uploads/2015/05/Varnost-na-nivojskih-prehodih-preventivna-akcija.pdf>
- Zakon o pravilih cestnega prometa [Law on road traffic rules]. (2010). *Uradni list RS*, (109/2010).
- Zakon o varnosti cestnega prometa [Law on road traffic safety]. (2008). *Uradni list RS*, (56/2008).
- Zelenaljubljana.si. (2015a). *Avtobusi–LPP* [Buses-LPP]. Retrieved from <http://www.zelenaljubljana.si/zelena-dejstva/avtobusi-lpp>
- Zelenaljubljana.si. (2015b). *BICIKĚ(LJ)* [BICYCLE(LJ)]. Retrieved from <http://www.zelenaljubljana.si/zelena-dejstva/bicikelj>
- Zelenaljubljana.si. (2015c). *P+R* [Park and Ride]. Retrieved from <http://www.zelenaljubljana.si/zelena-dejstva/p-r>

PROPERTY CRIMES AT PETROL STATIONS IN SLOVENIA (2008-2013) AND SITUATIONAL CRIME PREVENTION

Sara Korpič

ABSTRACT

Purpose:

This paper examines the problem of property crimes at petrol stations in Slovenia and describes their security. The aim of this paper is to present propositions for better criminal prevention. The findings reveal which types of property crime occur most often at gas stations in Slovenia, which days of the week and hours of the day they commonly take place, and which regions and cities in Slovenia are most problematic.

Methods:

A descriptive method was used to explain the basic concepts of property crimes and their characteristics. The locations of crimes were entered into maps with the help of the ArcGIS tool. The last part of the paper describes the causes, consequences, and suggestions for prevention.

Findings:

The largest number of crimes involves thefts, followed by fraud and aggravated theft. While time of day, when petrol stations are more frequently a target of attacks, can be determined, the same cannot be said about the exact day of the week.

Research limitations:

The most obvious limitation to this study is the dark figure of crime. Many cases are excluded from police statistics so the results derive only from official reports. Comparison with other countries is almost impossible due to different definitions of laws and legal frameworks. Changes in legislation continue to prevent the comparison between previous and current situation.

Originality:

This is the first piece of research that deals with the issue of property offences at petrol stations in Slovenia, based on location (region), time of day (hour), and day of the week, when these offences were committed.

Keywords: petrol stations, property crimes, security of service stations, criminal prevention

I INTRODUCTION

Property crimes include various unlawful appropriations of other people's belongings that bring financial gain to the perpetrators and financial damage to the aggrieved parties. They are rarely not motivated by the prospect of financial gain. Property crimes at petrol stations present a large problem because of the consequences either in the form of damage or psychological/physical impacts on employees and customers. Until recently, criminologists have regarded the victimisation of businesses as a negligible care (Gill, 1994). But as was noted by several authors (Gill, 1996; Felson & Clarke, 1997; Hollinger & Davis, 2006), crimes committed against businesses have serious consequences, ranging from the victimization of workers to high costs for owners.

Different types of offences contribute to the victimisation of petrol services, from the most commonly known drive-off offence to credit card fraud, burglary and robbery. There have been a number of studies, which have highlighted that crimes pose a particularly large problem for the retail sector. A study conducted in Australia in 1998 examined crime problems for retail industry, revealing that petrol service stations experienced more than 19 % of all retail robberies and more than ten percent of retail thefts. The major problems are robberies, unlawful entries, and thefts; robberies, because the safety of staff and customers is in danger and unlawful entries and thefts because of the financial costs (Barron, 1998). A survey, by the British Oil Security Syndicate (BOSS) in 1998, indicated that crimes committed against petrol stations in Great Britain cost the industry £47,2 million annually; meaning that each individual station lost £3,200 each year. This was a comparative study about criminal offences at petrol stations, designed to provide insights into the extent and nature of offending at stations. This study warned about crime problems but it did not present where, when and how often these criminal offences occurred (Chakraborti et al., 2002; Gill, Willis, Hart & Smith, 2002).

Due to the shortcomings of the previous survey, Chakraborti et al. (2002) designed a study in order to provide insights into the extent and nature of offending at service stations. The groundbreaking nature of this study is reflected in the active participation of seven UK-based petrol

retail organisations (together 4,360 petrol stations). They collected information about the types of offences and losses, throughout the whole year of 2000. The intention for their analysis was to show specific petrol stations (locations), part of the day, days of the week, and specific months, when most criminal offences occurred. According to time of day, the findings suggest that petrol stations are most vulnerable during the early evening, between 18:00 and 21:00 pm. The number of criminal offences showed a uniform distribution through all week (Chakraborti et al., 2002). This research offered an opportunity to try to uncover the present situation about criminal offences at petrol stations in Slovenia in a six-year time period.

If the exact locations where the offences occur most frequently are known, retailers can distribute police forces appropriately. Research indicates that more urban areas may be more at risk than rural ones. This is in line with recent Home Office findings, which indicate that the risks of being a victim of crime are lower in rural locations (Mirrlees-Black, 1998) and that levels of crime recorded by police have fallen more notably in rural parts of the country than in urban ones (Povey, 2001). A 1990 study of convenience stores in Austin discovered that neighbourhood type plays an important role for understanding the number of criminal offences; if the store is located in a primarily commercial area, gas drive-offs increase (La Vigne, 1994).

The analysis of crime is a very important factor that helps the police respond successfully to all the challenges that the problem in question presents. Namely, certain studies have found that some physical environments are more vulnerable for criminal offences than others (Brantingham & Brantingham, 1991; Newman, 1972). The physical characteristics of an area together with improved security systems, and the business practices of a store have an impact on decision-making process of an offender. It has been argued that a better knowledge of the offender's decision processes may have important implications for crime-control policies (Clarke & Cornish, 1985). Therefore, identification of these factors can help businesses and security experts establish situational crime prevention measures.

The business practice of convenience stores is another factor that has an impact on the criminal's decision-making process. The Economic Crimes Unit of the St. Petersburg Police Department study of gasoline drive-offs at convenience stores and gas stations found that frequently victimized stores had common characteristics: many fuel dispensers, fewer than three clerks on duty, and no pre-pay policy (Donohue, 1990). A few minor changes in the business practice of retail stores have the potential to reduce crime rates.

Many researchers examined the problem of costs and high number of offences; but there is a small proportion of those who included day of the week, hour, and region in their research. This is where we saw an opportunity to try to uncover if there is any importance in these categories. In this present paper we conducted a secondary analysis of criminal offences that occurred at petrol stations in Slovenia within the period from 2008 up to 2013. We focused on theft, fraud, aggravated theft/burglary, robbery, and predatory theft. The aim of this research was to establish which types of property crime occurred most often at gas stations in Slovenia; which days of the week, hours of the day, as well as regions and cities in Slovenia are most problematic. We wanted to focus not only in terms such as evening or noon but specific time frames and exact days of the week. Therefore, we divided daytime into the six time units and examined each day of the week. With the help of the ArcGIS tool, we entered the locations of crimes into maps for the presentation of geographical distribution. Finally, because of the high number of criminal offences at petrol stations, the paper presents effective crime prevention strategies and suggestions for changing the physical environment and business practices.

2 PROPERTY CRIMES AT PETROL STATIONS

Retail stores in gas stations with their tidy exteriors offer the option of quick shopping, obliging and friendly shop assistants, a wide choice of merchandise and various benefits – from club cards and reward points to discounts and other service benefits. All these benefits put the stores at risk of becoming victims of various property crimes: from thefts and frauds to even robberies and burglaries. Crimes directed against property have been a central concern in many societies and cultures throughout history. In Slovenia's penal code, property crimes are defined in the twenty-third chapter that includes 21 articles such as theft, aggravated theft, robbery, predatory theft, misfire, embezzlement and unjustified use of foreign property, motor vehicle theft, fraud, organisation of gambling, extortion, rip-off, abuse of execution, etc. (Kazenski zakonik Republike Slovenije [Criminal Code of the Republic of Slovenia], 2012).

2.1 Thefts

Theft is the most frequent form of property crime that occurs at petrol stations. A large number of offences, difficulties of identifying offenders in cases of fixed stolen license plates on vehicles, observation of a shop and the habits of its employees, insufficient, inappropriate and inadequate staff training in safety, smaller number of employees, and inefficient and insufficient distribution of security cameras are just some examples of the weaknesses of a safety system that offenders utilize during the execution of criminal offences on services (Ivanovič & Habbe, 1998).

Thefts can be divided into two groups: those that happen outside of retail store (pump islands, parking spaces, etc.) and those that happen in a retail shop (theft of products – classical theft and thefts which are committed by employees and other staff). The first group includes gas drive-offs (i.e. offenders filling their tanks with gas and driving off without paying) and thefts of motorcars and trucks, which occur on parking spaces and frequently take place at night. Gasoline drive-off is a classic example of a crime that is easy to commit and that brings about minimal chance of being caught and punished. The second group of thefts are those that happen in a retail shop and are usually thefts of different products. There are still thefts that are done by employees and other support staff (cleaners, maintainers) and these present another type of theft in convenience stores. Because they are aware of the security system that is put in place and have access to documents, it is usually harder to discover them. Employees can use various methods to steal: falsely reporting a drive-off and pocketing the payment, giving gas to a friend, or failing to register a customer's gas sale. One of the most widely accepted definitions of employee theft is the one offered by Hollinger & Clark (1983: 1) who defined them as "the unauthorized taking, control, of transfer of money and/or property of the formal work organization perpetrated by an employee during the course of occupational activity which is related to his/her employment".

The majority of studies present thefts as a consequence of personality and coincidental factors. Therefore, in order to be successful at preventing theft we must understand why people are stealing. Hollinger and Clarke (1983) argue that there are three factors that have an influence on theft; the first one involves encouragement and rationalization. Thieves are motivated by noticeable needs or reasons for theft, while at the same time they justify their actions by reducing the feeling of their own guilt. The second factor is opportunity and easy access to the merchandise. The last factor is relatively small risk and the realisation that the possibility for being caught and punished is minimal.

2.2 Aggravated thefts/burglary

The criminal code in Slovenia includes burglary in its definition of aggravated theft (Criminal Code of the Republic of Slovenia, 2012). At petrol stations, aggravated theft usually takes place at night, early in the morning, at the end of the week, or during holidays when the retail shop is closed or it has shorter working hours. This applies only to those shops that are not open 24 hours per day.

According to the correlation between risk and expected benefit, a burglary is the most common occurring crime, because a burglar and a victim do not come into contact. A more complicated burglary scenario occurs in cases, when an owner or a passer-by surprises a burglar. If a burglar does not have the prey in their hands and they are still away from it, they will usually run away. But if the burglar already possesses it in their hands and someone catches them and wants to make the situation impossible for them, it is a great probability that the offender will use force or threat. In this case we talk about predatory theft (Dvoršek, 2008).

2.3 Robberies and predatory thefts

Robbery is included in both property crime and in criminality that contains characters of violence. In case of weapon being present or use of physical force, the property and lives of people are in danger. In majority of cases, robberies are systematically and carefully carried out, often just before closing or during cash transfer. The realisation is quiet or with a loud effect of surprise and it mostly takes 2 and no more than 4 minutes. Wearing masks is also one of the characteristics of the offender in a robbery (Predanič, 1999). However, we need to pay equal if not more attention to these types of crimes due to their damaging emotion and financial impact. As Barron (1998)

declares, petrol stations are frequent targets of armed robberies because of long working hours (also 24 hours), smaller number of customers on late evening and early morning hours, large amounts of cash, inattentiveness of employees leaving the cash-register uncontrolled for longer periods of time, and larger supplies of merchandise like cigarettes and alcohol that are attractive to offenders. Because of these facts, it would be expected that the majority of robberies would occur during the evening and early morning (Bellamy, 1996). The main difference between predatory theft and robbery is that the former involves the use of force by the offender or the offender placing the victim in a life-threatening situation, if they have caught the offender during a criminal act.

2.4 Frauds

In law, fraud is a deliberate deception to secure unfair or unlawful gain, or to deprive a victim of a legal right. One basic characteristic of fraud is property gain while transgressing the victim's rights. Most frauds in retail shops are connected with dishonesty of buyers during payment, using false or stolen payment cards, counterfeit bank notes, or other means of payment (Ivanovič & Habbe, 1998). The main causes for large numbers of frauds are, according to Ivanovič and Habbe (1998), negligence of employees, bad internal supervision in the company, lack of employee's knowledge, indiscipline and disrespect of regulations, naivety or connections with an offender.

3 RESEARCH OF PROPERTY CRIME AT PETROL STATIONS IN SLOVENIA (2008–2013)

From the "Generalna policijska uprava" [General Police Directorate] database of criminality from 2008 to year 2013, that is available at the Faculty of Criminal Justice and Security, we gathered and analysed cases of property crimes at petrol stations in Slovenia (five types of criminal offences included: thefts, aggravated thefts, frauds, robberies, and predatory thefts). The analysis identified crime patterns relating to temporal distribution of offence and showed the most common times of the day and days of the week for offending. It is necessary to alert the reader that approximately 10 % of all cases were impossible to analyse due to mistakes during the import of data in the database.

Table 1: Number of offences according to type of offence (2008–2013) (source: General Police Directorate, 2008–2013)

	2008	2009	2010	2011	2012	2013	TOTAL
THEFT	4763	4574	5057	5032	6382	6117	31.925
FRAUD	513	402	364	346	808	949	3.382
AGGRAVATED THEFT	114	141	92	157	247	333	1.084
ROBBERY	15	13	19	7	13	21	88
PREDATORY THEFT	7	4	3	3	3	2	22
TOTAL	5412	5134	5535	5545	7453	7422	

Table 1 shows the results of crime offences during the six-year period. The analysis indicated that the number of criminal offences has increased, especially in the last two investigated years. Together 36,501 property crime offences were recorded, 87.5% of those were thefts and 9.3% were frauds.

In terms of theft location: 67.2 % of all thefts occurred in Central Slovenia, followed by "Podravska" region in second place and "Gorenjska" region (6.7 %) in third place. The fewest number of thefts occurred in "Zasavska" and "Koroška" regions; each had 0.3 % of thefts. The largest number of frauds took place in Central Slovenia (28.5 %), followed by "Podravska" region (17.1 %) and then the "Savinjska" region (16.2 %). The least frauds occurred in "Koroška" region (0.9 %).

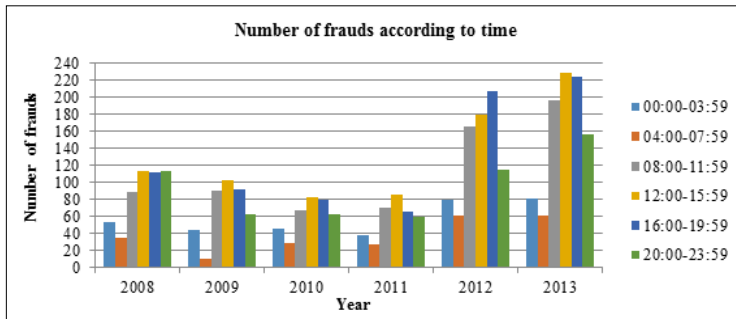


Figure 1: Number of frauds according to time (2008-2013)
(source: General Police Directorate, 2008-2013).

The different parts of the day (hour), when frauds and thefts occurred were analysed. As can be seen in figure 1, the findings suggest that 46.5 % of frauds at petrol stations occurs in the afternoon (between 12:00 and 16:00 pm) and in the evening (between 16:00 and 20:00 pm). The time between midnight and 8:00 in the morning is not problematic.

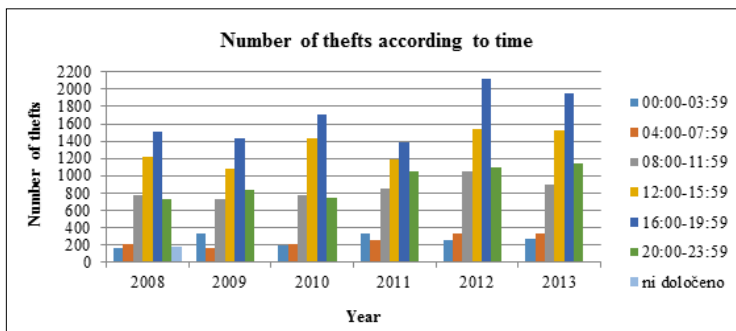


Figure 2: Number of thefts according to time (2008-2013)
(source: General Police Directorate, 2008-2013).

As can be seen from Figure 2 above, the majority of thefts occurred in the time frame between 16:00 and 20:00 pm (31.7 %). This is followed by the time between 12:00 and 16:00 pm with 25 %, while 9.4 % of thefts occurred during midnight and eight in the morning. Since a large number of petrol stations are open for business 24 hours a day, the opportunities for offending consequently increase.

The data also considered the daily offence of crime across the weekly period. The analysis sought to identify whether crime was evenly distributed throughout the week, or alternatively whether it was concentrated more on specific days, such as the weekend. Figure 3 below presents the distribution of thefts according to the days of the week. The findings show that service station crime is an unpredictable phenomenon and that crimes are evenly distributed throughout the week.

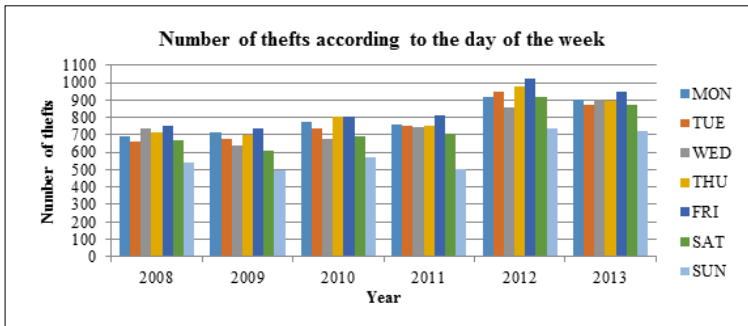


Figure 3: Number of thefts according to the day of the week (2008-2013)
(source: General Police Directorate, 2008-2013).

The second part of the research project analysed aggravated theft, robbery and predatory theft. As can be seen from Table 1 at the beginning of the section, the results suggest that the number of aggravated thefts started to decrease after 2009, but then the numbers started to increase between 2010 and 2013. Aggravated thefts present 3 % of all criminal offences approximately. Central Slovenia region was affected the most. In terms of days of the week, none is particularly problematic, we only noticed that the number of actions increased on weekends in 2013 (Saturday, Sunday). As can be seen in Figure 4, the analysis according to the hour of the day showed, that most incidents occurred at night-time (between 00:00 and 03:59 am). These types of crimes are usually committed under cover of darkness when stores are closed. In spite of this fact, petrol stations continue to be victimised throughout the day and night.

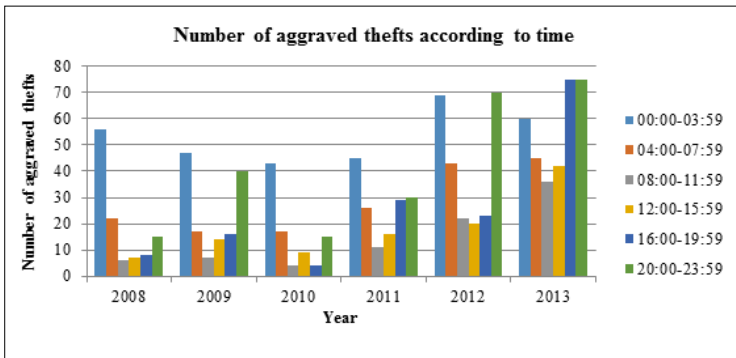


Figure 4: Number of aggravated thefts according to time (2008-2013)
(source: General Police Directorate, 2008-2013).

Robbery and predatory theft altogether present only 0.3 % of all criminal offences in the investigated period. Most robberies occurred between 16:00 pm and midnight.

The map of Slovenia shown below (Figure 5) highlights how large the number of thefts and aggravated thefts is. Areas where large numbers of afore-mentioned criminal offences occur annually are easy to notice. However, these offences appear around the entire area of the Republic of Slovenia. The greatest concentrations of thefts and aggravated thefts span across the capital city Ljubljana and its surrounding Central Slovenia region, to the "Podravska" region with Maribor city, the "Zasavska" region with Celje, and the "Coastal-Karst" region with Koper city. A possible explanation for such high frequencies is the fact that a large number of people travel daily to different parts of Slovenia using the highway system. Likewise, the last few years have seen an increase in the number of foreign citizens travelling on Slovenian highways. Each colour of the key (»Legenda«) below presents a one year on the map.

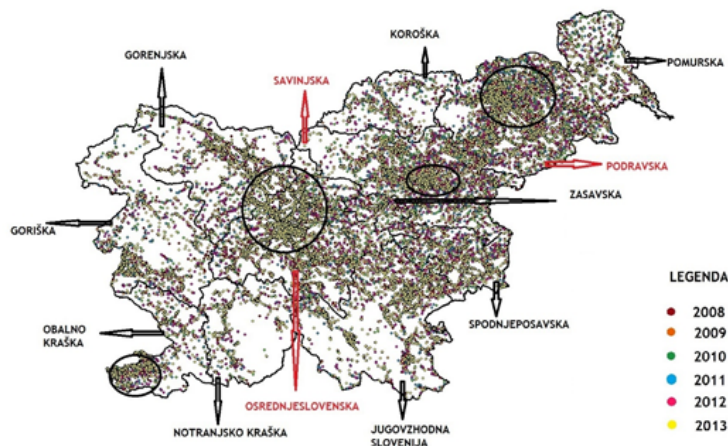


Figure 5: The map of Slovenia showing the number of thefts and aggravated thefts (2008-2013) (source: General Police Directorate, 2008-2013).

3.1 Security at petrol stations and suggestions for prevention

Because workplace environments differ in the level of exposure to occupational hazards and risks, employers are obliged to provide their employees and their clients with means for security. The main aim of security is to protect and insure an individual's possession from thievery, an individual's personal safety, and the retail area from illegal entries and trespassing. Therefore, security is most efficient when using a combination of both security systems and security guards. Physical security, as one of the oldest and most effective forms of security, enables protection of both individuals and their properties.

Security systems and alarms play a crucial role in every petrol station, since a good quality video system enables the identification of criminal offenders. The video surveillance system has to monitor the following areas: entries and exits, cash registers, sales areas with more valuable goods, blind corners and curves, loading bays, some fuel dispensers, and the immediate environment like parking spaces that surround the station (Ivanovič & Habbe, 1998). Cameras located outside of the station have to provide a clear image of the fuel dispensers in order to allow the identification and provide evidence for theft related to gas stealing. The following systems and arrangements also play an important role: burglary alarm systems, fire alarm and sprinkler systems, in-store anti-theft devices, emergency call devices, smoke detectors, alarm transmission devices, and video monitoring centres.

The use of security systems and security guards is insufficient for sustaining a protected and safe environment. If we want to reduce the high number of property crimes at petrol stations and encourage stores to make changes in business practice and enhance public safety, we must understand factors that affect the decision-making process of a potential offender, looking particularly at the external and internal characteristics of a certain store or area that have an effect on offender's decision to commit a crime. Cornish and Clarke (1987) believe that offenders make a conscious decision as to whether a crime is worth the risk of getting caught and being punished, weighing the cost and benefits associated with the crime. Namely, people are rational beings whose behaviour can be controlled by a fear of punishment. Clifton (1986) analysed statistical data about most desirable conditions of convenience store robbers when choosing their target. Results show that 45 % of robbers answered "remote area", 32 % answered 'one clerk on duty', 32 % indicated 'no customers' and 25% said that 'easy access/getaway' is the reason for choosing a certain target. This study proves that certain factors and conditions clearly have an effect on the decision-making process of the offender.

Defects in the physical character of the surrounding area at petrol stations also play a pivotal role: fences and bushes behind which offenders can hide, low lighting and store windows covered by advertisements, high-crime rate neighbourhoods, petrol stations positioned on motorways, large numbers of entrances and exits that allow an easy escape, and unkempt surrounding area. Defects in the business practices of convenience store also must be considered when creating

criminal prevention plans for petrol stations and could be next ones: many fuel dispensers, no presence of security guard, fewer than three clerks on duty, no pre-pay policy and an insufficient and inefficient trainings for employees.

If the main task is to reduce a large number of criminal offences, decrease possibilities for repeated victimization, and create a successful situational prevention, the twenty-five techniques of situational crime prevention should be considered (Clarke & Eck, 2003).

3.2 Twenty-five techniques of situational crime prevention

Criminal prevention has become an important factor of many strategies on public safety and security and various approaches to crime prevention have been developed. Meško (2002) said that criminal prevention contains two different processes if the aim of prevention is changing human knowledge. Firstly, causes of criminality must be identified and secondly, crime prevention measures should be determined. Therefore, situational crime prevention is probably the most acceptable approach of secondary crime prevention which defines the science of reducing opportunities for crime. As mentioned by Felson and Clarke (1997) opportunity can produce criminality in various ways and provides a mechanism which may draw non-offenders into crime. Clarke (1997: 4) defines situational prevention as »comprises opportunity-reducing measures that (1) are directed at highly specific forms, (2) involve the management, design or manipulation of the immediate environment in as systematic and permanent way as possible, (3) make crime more difficult and risky, or less rewarding and excusable as judged by a wide range of offenders«. Therefore, the next five headings discuss the 25 techniques of situational crime prevention, which fall into five main groups mentioned in Table 2. These are steps through which the techniques achieve their preventive effect. The last column lists examples specifically for petrol stations.

Table 2: Twenty-five techniques of situational crime prevention (source: Clarke & Eck, 2003).

Increase the effort	1. Harden targets 2. Control access to facilities 3. Screen exits 4. Deflect offenders 5. Control tools/weapons	Locks, screens, alarms, cash registers, window locks. Use of electronic marks on products that initiate alarm in case of non-payment.
Increase the risks	6. Extend guardianship 7. Assist natural surveillance 8. Reduce anonymity 9. Utilise place managers 10. Strengthen formal surveillance	Presence of a security guard, at least at critical hours of the day and during the night. Improved an inside and outside visibility. Bigger number of employees. Training employees to prevent crime, CCTV.
Reduce the rewards	11. Conceal targets 12. Remove targets 13. Identify property 14. Disrupt markets 15. Deny benefits	Pre-pay policy. Property marking. Store larger amounts of cash in safe.
Reduce provocations	16. Reduce frustrations and stress 17. Avoid disputes 18. Reduce emotional arousal 19. Neutralise peer pressure 20. Discourage imitation	Efficient queues and polite service. Warning signs. Employees don't leave registers unattended.
Remove excuses	21. Set rules 22. Post instructions 23. Alert conscience 24. Assist compliance 25. Control drugs and alcohol	Defining rules for drive-offs cases. Warning signs such as 'Thefts in shops will be punished', Prohibition of an excuse: 'I forgot, I didn't know'.

As previously noted in Table 2, the use of pre-pay system is very effective, particularly in reducing gasoline drive-offs and it is the simplest way to prevent people from driving off without paying. Between 2005 and 2009 the total cost of gasoline drive-offs at convenience stores in USA fell sharply from \$300 million to \$89 million (Meini & Clarke, 2012). Although the researchers showed that making specific changes in store policy and environment could reduce crime, retail owners do not always accept this. Some store owners agree that pay-first policy is not a politically acceptable solution due to its impact on free entry, discouragement from last-minute purchases and customers feeling that owners do not trust them (La Vigne, 1994). Furthermore, owners can recover their losses through insurance claims and higher prices. That could be a reason why many disregard the proposals for prevention. When a pre-pay system is not acceptable for owners due to expensive costs, an installation of barrier-locks on pump islands can present a good solution for reducing crimes.

Secondly, the need for an increase in employee number and their professional training appeals for companies to train their employees in the fine art of customer service as well as in noticing and properly reporting gasoline theft or another type of offence. All employees should be trained on procedures to follow when a crime occurs and how to act when police want to see the surveillance shots (Meini & Clarke, 2012). Staff should be trained how to act in case of crime offences.

Finally, it's not enough just having CCTV, the improvement of physical and technical surveillance, the visibility of warning signs, better CCTV surveillance and proper lighting of the outside and internal place are needed. Although the use of CCTV cameras above pumps is more expensive than different signs, data analysis indicates that existence of CCTVs inside a store not only reduces drive-offs but also reduces disturbances and drug crimes significantly. Thusly, the advertisements should not be placed on the windows to avoid obstructing the employees' view of the pumps (La Vigne, 1994).

4 CONCLUSION

This paper draws attention to crime problems affecting petrol stations. The findings of research illustrate that a wide range of offences are committed against petrol stations; thefts are the most common type of crime, while frauds are on the second place. These findings should persuade the owners to place more attention on implementing measures that can reduce crime. While some research about environment characteristics and business practices impacts on criminal decision-making process have been documented, little is known about offences according to day of the week or hour. This research has shown that petrol stations are vulnerable for criminal activity in both urban and rural parts of the country, at almost all times of the day and on each time of the week. As Chakraborti et al. (2002) mentioned, petrol stations crime is a persistent, expensive and generally unpredictable concern, which can only be addressed through the development of efficient and effective crime prevention strategies.

By illustrating what types of crime offences are committed and how often according to hour and day of the week, the results point the way for further research, which could include the full costs caused by a specific criminal act. Likewise, updating the database with the exact date when the theft took place would allow greater insight into seasonal times when crimes occur more frequently. Because the General Police Department of Slovenia database grouped all thefts together, it did not separate between gas drive-offs from other types of theft. Improving these shortcomings would enhance the analysis of data in this paper.

Finally, the analysis of crime is a very important factor that helps police respond successfully to all the challenges that the problem in question presents. In order to reduce these crimes, the following factors have to be identified: the most affected days, hours and locations associated with environmental characteristics and improved security measures, since these can help businesses and security experts establish situational crime prevention measures. These same measures can serve as an invaluable tool for store owners, police officers and even for neighbourhood groups trying to reduce crime in residential areas.

REFERENCES

- Barron, K. (1998). *Vulnerable retail outlets – experiences of service stations*. Paper presented at the Crime against business conference, of the Australian Institute of criminology, Melbourne. Retrieved from http://www.aic.gov.au/media_library/conferences/cab/barron.pdf
- Bellamy, L. C. (1996). Situational crime prevention and convenience store robbery. *Security Journal*, 7, 41–52.
- Brantingham, P. J., & P. L. Brantingham (1991). Notes on the Geometry of Crime. In P. J. Brantingham, & P. L. Brantingham (Eds.), *Environmental criminology* (pp. 27–54). Beverly Hills, CA: Sage.
- Chakraborti, N., Gill, M., Willis, A., Hart, J., & Smith, P. (2002). The victimisation of petrol service stations: Crime patterns and implications. *Crime Prevention and Community Safety: An International Journal*, 4(3), 37–48.
- Clarke, R. V. (1997). *Situational crime prevention: Successful case studies*. New York: Harrow and Heston.
- Clarke, R. V., & Cornish, D. B. (1985). Modelling offenders' decisions: A framework for research and policy. *Crime and Justice*, 6, 147–185.
- Clarke, R. V., & Eck, J. (2003). *Become a problem-solving crime analyst*. London: Jill Dando Institute of Crime Science, University College London.
- Clifton, W. J. (1986). *Convenience robberies: An intervention strategy by the Gainesville police department*. Gainesville: FL: Gainesville Police Department. Retrieved from <http://www.popcenter.org/library/scp/pdf/52-Clifton.pdf>
- Cornish, D. B., & Clarke, R. V. (1987). Understanding crime displacement: An application of Rational Choice Theory. *Criminology*, 25, 933–947.
- Donohue, M. (1990). Gasoline drive-offs steer policing efforts. *Problem Solving Quarterly* 3(3), 1–3.
- Dvoršek, A. (2008). *Kriminalistična metodika* [Criminal methodology]. Ljubljana: Fakulteta za varnostne vede.
- Felson, M., & Clarke, R.V. (1997). *Business and crime prevention*. New York: Criminal Justice Press.
- Generalna policijska uprava [General Police Directorate]. (2008–2013). *Geografski podatki tatvin, velikih tatvin, ropov, roparskih tatvin in goljufij na bencinskih servisih v Sloveniji za leto 2008–2013* [Geographic data on theft, aggravated theft, robbery, predatory theft, and fraud at petrol stations in Slovenia for the year 2008–2013]. Ljubljana: Generalna policijska uprava.
- Gill, M. (1994). Introducing Crime at Work. In M. Gill (Ed.), *Crime at Work: Studies in Security and Crime Prevention* (pp. 1–10). Leicester: Perpetuity Press.
- Gill, M. (1996). Risks, security and crime prevention: An international forum for developing theory and practice. *International Journal of Risk, Security and Crime Prevention*, 1(1), 11–17.
- Hollinger, R. C., & Clark, J. P. (1983). *Theft by employees*. Lexington, MA: Lexington Books.
- Hollinger, R. C., & Davis, J. L. (2006). Employee theft and staff dishonesty. In M. Gill, (Ed.), *The handbook of security* (pp. 203–228). Basingstoke: Palgrave MacMillan.
- Ivanovič, Ž., & Habbe, J. (1998). *Kako preprečiti tatvine v prodajalnah* [How to prevent store thefts]. Ljubljana: Lisac & Lisac.
- Kazenski zakonik Republike Slovenije (KZ-1-UPB2) [Criminal Code of the Republic of Slovenia]. (2012). *Uradni list RS*, (50/12).
- La Vigne, N. G. (1994). Gasoline drive-offs: Designing a less convenient environment. In R. Clarke (Ed.), *Crime prevention studies, vol. 2* (pp. 91–114). Mosey, NY: Criminal Justice Press.
- Meini, B., & Clarke, R. V. (2012). *Gasoline drive-offs*. Problem-Specific Guides Series (67). New York: Center for Problem Oriented Policing.
- Meško, G. (2002). *Osnove preprečevanja kriminalitete* [Basics of crime prevention]. Ljubljana: Visoka policijsko-varnostna šola.
- Mirrlees-Black, C. (1998). *Rural areas and crime: Findings from the British crime survey*. Home Office Research and Statistics Directorate, Research Findings No. 77. London: Home Office.
- Newman, O. (1972). *Defensible space: Crime prevention through urban design*. New York: MacMillan.

-
- Povey, D. (2001). Recorded crime: England and Wales, 12 months to September 2000. *Home Office statistical bulletin*, 01(1). London: Great Britain Home Office Research Development and Statistics Directorate
- Predanič, J. (1999). Ropi denarnih ustanov naša vsakdanjost. [Monetary institution robberies are our informality]. *Sintalček*, 6, 12–13.

COMBINATION OF PROPERTY CRIME HOT SPOT ANALYSIS AND SITUATIONAL CRIME PREVENTION METHODS – A CASE STUDY OF LJUBLJANA

Rok Hacin, Katja Eman

ABSTRACT

Purpose:

Criminologists use crime and criminal behaviour analyses for decades; once, these analyses were simple, nowadays they involve various tools and computer programmes, such as Geographic Information System (GIS) etc. The purpose of this paper is to analyse crime distribution in the municipality of Ljubljana in year 2013, with the goal to discover possible pattern(s) of distribution and to perform SARA analysis for the use of situational crime prevention methods in the identified problematic area.

Methods:

The study about the use of situational prevention measures in property crime hot posts analysis was performed in three stages using statistical analysis, hot spot methodology, Kernel density method, SARA model, field observations and transferring situational crime prevention techniques to the identified crime areas.

Findings:

Based on results of crime mapping two property crime hot spots and two areas that could become potential property crime hot spots were identified. Three problematic areas have been located in the centre of Ljubljana, while one was located on the outskirts of the town, where the largest shopping centre is located. In all problematic areas, prevailing form of property crime was theft. For each area specific situational crime prevention measures were proposed.

Research limitations:

We see the main limitation in the deficiencies in the database, which were the reasons that we were not able to show approximately 5 % of the recorded criminal offences in 2013 on the crime maps. Nevertheless, all recorded criminal offences in 2013 were included in the analysis.

Originality:

Originality of the study is seen in the display of crime distribution and identification of hot spots and hot areas in the capital of Slovenia on the maps and use of SARA model for the identification of the possible situational crime prevention methods. Designed crime maps and proposed prevention measures can be at help for police, city wardens and local communities in taking action.

Keywords: Ljubljana, crime mapping, GIS, situational crime prevention

I INTRODUCTION

Criminologists use crime and criminal behaviour analyses for decades. Boba Santos (2013) defines crime analysis as a discipline or systematic process, in which the data on crime and other crime-related factors are collected and stored for longer time periods. In examining the problem analysis triangle (Clarke & Eck, 2008), three factors are necessary for crime to occur; offender and victim or target have to meet on a certain place under certain circumstances. Having this in mind, crime analysts nowadays use a complex computer system, which performs various analytical techniques, ranging from simple ranking of sample analysis to complex statistical data analysis and crime mapping (Eman, Györköš, Lukman & Meško, 2013).

When responding to crime issues in local communities, analysis of reported crime distribution and crime hotspots drawn on crime maps, using Geographic Information Systems (GIS) can be a promising method of crime analysis (Meško, Dobovšek & Bohinc, 2003) for assisting the police and others authorities. Hughes (2004) stressed out that with the use of GIS, police officers can be more efficient and engage in user-friendly analysis of events in the selected area. The reason lies in the fact that created maps of crime density “enable fast and efficient identification of the geographic locations of potential crime hot spots” (Klinkon & Meško, 2005: 144). Eman, Györköš, Lukman and Meško (2013) emphasized that such maps do not contribute much to the explanation why the hot areas appear in the identified locations and explain that the knowledge of the study

area and the use of the cognitive models is needed for detailed analysis, better understanding and correct interpretation of the research results. Furthermore, it is important to develop efficient prevention methods that will decrease (i.e. prevent) the criminality in the neighbourhood.

The prevention of crime exists to deter victimization; people are trying to defend and protect themselves and their families from various threats.¹ Crime prevention encompasses all ideas for preventing and reducing criminality (Meško, 2002). The purpose of crime prevention was very clearly described by White (2008: 234): *“The best way to respond to crime is to prevent it before it occurs.”* The development of area of crime prevention was followed by various attempts of defining of the crime prevention. For van Dijk & de Waard (1991), crime prevention is a set of all private initiatives and activities, except the criminal law enforcement, in order to reduce the harm caused by human actions, which are by the state determined as criminal. Hughes (1998) described crime prevention as *“...any activity or technique used by private individuals or public authorities to reduce the damage caused by acts, which the state defines as criminal. Given that are only the acts, prohibited by statutory orders, are labeled as criminal, it is not surprising that there are plenty activities and initiatives, which are associated with the term ‘crime prevention’.”*

Situational crime prevention is connected with the usual criminological endeavour to explain why people commit crime or cause harm. Instead, they take a pragmatic, problem-solving approach to primary crime reduction, focusing on the situations of crime and harm as opposed to the social circumstance of it (Clarke, 1980). Additionally, it tries to identify the situations and intervene where crime opportunities are present in order to deflect offenders or targets away from one another, introduce more capable guardianship, and alter the thinking process of potential offenders so that they make a non-crime decision (Wellsmith, 2010). Cornish and Clarke (2003) divide situational crime prevention intervention at immediate time in specific place in five clusters: 1) increasing the perceived risk; 2) increasing the perceived effort; 3) reducing the perceived rewards; 4) reducing the perceived provocations; and 5) removing the excuses associated with offending. The appropriate situational intervention(s) can be suggested as further advantage of crime science (problem oriented approach by Clarke and Eck (2008)) and analyses must be undertaken. A problem oriented approach demands recording of data and results in an improved understanding of the extent and nature of the problem to be tackled, the ways in which opportunities are formed and discovered, the methods used to commit offences, and people, situations or tools, that can facilitate such activities (Wellsmith, 2010).

The aim of this paper is to analyse crime distribution in the municipality of Ljubljana, with the goal to discover possible pattern(s) of distribution and to perform SARA analysis for the use of situational crime prevention methods in the identified problematic area. In the end suggestions of solutions and improvements are discussed.

2 PAST CRIME MAPPING STUDIES IN SLOVENIA

Today a primary goal of crime mapping surveys using GIS is the synthesis and presentation of the majority of the research findings on transparent maps (Kraak & Ormeling, 2003), because this new tool allows quick presentations and enables fast, efficient and, with the analytical methods, supported decision making in the studied environment (Eman et al., 2013). Literature review of past crime mapping studies in Slovenia revealed that first crime mapping studies were conducted by hands, using cartograms. Only since 2003, GIS was used for the first time for the purpose of crime mapping analysis in survey of Meško et al. (2003).

In 1975, Pečar (1975) conducted research on the extent of deviance in Ljubljana. He discovered that crime and offenders are very unevenly distributed around the urban area of Ljubljana and identified areas of concentration of specific crime. Almost all deviance, except sexual offenses and suicide, tended to show larger density in the city centre, and deviance of young offenders and violations of public order was increasing in residential areas.

¹ The idea of crime prevention with the purpose of preservation of goods and other items and prevention of loss or damage, whether it is material or immaterial damage, goes very far in the human history. It appeared about the same time as the invention of locks (Hughes, 1998). Until the late 20th century, crime prevention was a part of the criminal justice ideology, whose primary task was to control crime. Only after 1970, did crime prevention receive greater attention and accelerated development in most modern societies (Hughes, 1998) and the crime prevention knowledge has been passed from west to east.

Zemljič et al. (1979) conducted a survey on car accidents hot spots on the main roads of the Socialist Republic of Slovenia and identified four influencing factors – human, vehicle, road and environment. Authors analyzed 5,796 official traffic accidents records for a period of three years (1976–1978) and identified 323 dangerous places, or so called black spots, where the probability that a traffic accident will happen is much higher. Furthermore, a proposal of necessary improvements was presented by authors (Zemljič et al., 1979).

Meško, et al. (2003) conducted a survey about the distribution of deviance in Ljubljana. They discover the distribution of reported crimes in different parts of Ljubljana, especially the city centre and main roads leading to the centre of the city. Three areas really stood out in terms of located hotspots, where a large number of pubs, discotheques, and nightclubs were identified (Meško, Dvoršek, Dobovšek, Umek & Bohinc, 2003).

Only one year later Klinkon, Meško and Rebernik (2004) used GIS with the aim to find if socio-demographic factors had an impact on the development of crime in Ljubljana. In their analysis they used triangulation of crime mapping and public opinion poll and in the end they compared these results with opinions of citizens. The cartographic presentation and respondents' perception indicated that the high crime density areas are differently distributed in particular parts of the Municipality of Ljubljana; meaning that the socio-demographic structure of Ljubljana has an impact on different levels and types of crime, and vice versa.

In 2010 Meško, Maver and Klinkon (2010) used crime mapping for the purpose of criminal investigation and analysed crime density areas of thefts, burglaries and robberies in Ljubljana in 2003 and 2004. The Kernel density method was used and revealed that hot areas for the studied crime forms are located in the city centre. Thus, the problematic crime areas expand alongside the main roads to the outskirts of the city: 1) the BTC shopping and entertainment centre; 2) the city centre (main railway and bus station, and Tivoli); 3) the neighbourhood in the city quarter Tabor (a known meeting place for young people and alternative culture participants); and 4) other neighbourhoods on the outskirts of the city (Remiza, Trnovski pristan, Nove Fužine etc.) (Meško et al., 2010).

Eman et al. (2013) analysed spatial distribution of property crime events (i.e. theft, larceny and robbery) in cities Ljubljana and Maribor in 2010. Comparing the results for the Slovenian capital, we can see the similarities with findings of study by Meško et al. (2010) covering the years 2003 and 2004. The widest distribution of theft and larceny events is in the city centre and expand along the main roads to the outskirts of the city (Šiška, Bežigrad, Vič). The increase of property crime is also detected in the shopping and entertainment areas BTC, Merkator Šiška and Rudnik. Spatial distribution of robberies is also concentrated in the city centre (railway and bus station), and along the main street (Slovenska cesta). Furthermore, the identified locations of robberies in the city centre were two main squares and their surroundings where large numbers of citizens and tourists migrate daily (Eman et al., 2013).

The survey of Eman, Meško and Ivančič (2012) in the area of Murska Sobota Police Directorate was the first one conducted outside the city area and focused in environmental crime; although very important due the fact that it among other used crime prevention methods for the responding to detected environmental crime hot spots. Analysis of the crime statistics for the period 2008–2010 revealed that in the Pomurje region the concentration of environmental crime is in the remote parts of the border, the River Mura and the area of settlements along the main roads between cities Gornja Radgona and Lendava. Another survey, that proposed use of certain crime prevention methods as a response to identified locations with crime rate and high level of fear of crime was survey in the municipality of Trbovlje in 2012 conducted by Hacin and Eman (2014). Authors discovered that the level of fear of the population of individual local communities is proportionate to the distribution of crime.

3 SITUATIONAL CRIME PREVENTION

Situational crime prevention, according to Hughes' (1998: 20) classification falls under the auspices of the 'primary' crime prevention. As such it is focused on crime and situations in which crime occurs, rather than on the perpetrator (Meško, Bančič, Eman & Fields, 2011). What can be explained as a consequence of the fact, the theory of situational crime prevention is built on the basic idea that the situations are more predictable than the individuals (Weisburd, 1997). Situational crime prevention is significant in two respects – the shift of emphasis away from the criminal to the environmental, and its crime specific focus (Rosenbaum, Lurigio & Davis, 1998).

The concrete measures are targeting a very specific crime, based on the assumption, that the situational determinants of each type of crime are different. For this reason, individual crime prevention measures can be very different one from another (Meško et al. , 2011).

Situational crime prevention is a criminological theory based on four theories: *rational choice theory*² (Keel, 1997; Cornish & Clarke, 2003); *routine activities theory*³ (Cohen & Felson, 1979); *control theory*⁴ (Hirschi, 1969); and *lifestyle theory*⁵ (Biderman & Reiss, 1976), should be used. First, effective strengthening of the guardianship of the environment depends on the relationship of regulator (Meško et al. , 2011) and regulated. The mentioned theories in practice use following Clarke's and Eck's (2008) situational crime prevention principles (Meško et al. , 2011: 44) *to reduce the commission of crime by designing models that eliminate the crime opportunities (e.g., redesigning enforcement strategies to cut off industry-specific criminal opportunities; improvement of enforcement effectiveness with the emerging knowledge of the offender's characteristics and with the increase of technical training etc.)*.

The purpose of situational crime prevention is designing and managing the immediate environment, where crime is most likely to occur. The situations in which the potential perpetrator and the potential victim get together, are altered to the point where the specific changes influence the offender's *decision* or *ability* to commit crime (Meško et al. , 2011). The interventions can also act on prior 'scenes', in which offenders prepare, or become primed for crime, and they can be implemented directly or indirectly (Ekblom, 2006). Aim of the theory is to forestall the occurrence of crime by making criminal action less attractive to offenders. Central to this enterprise is not the criminal justice system itself, but public and private organizations and agencies — schools, hospitals, transit systems, shops etc. — whose products, services and operations spawn opportunities for a vast range of different crimes (Clarke, 1997; Clarke & Mayhew, 1988).

Based on the above cognitions, Clarke (1992) managed to develop one of the most comprehensive, detailed and evidence-based models of situational crime prevention. The initial three clusters contained 12 techniques (Clarke, 1992) and have been gradually modified and expanded to five clusters of 25 techniques (Clarke, 1997; Clarke & Eck, 2008; Cornish & Clarke, 2003), which is due to the developments in theory, practice and technology surrounding the prevention of crime (Meško et al. , 2011).

Situational crime prevention consists of four stages: 1) analysis of the situational conditions of crime, 2) systematic study of possible means of blocking opportunities for identified specific crimes, including analysis of costs, 3) implementation of the most, promising, feasible and economic measures, and 4) monitoring of results and dissemination of experience (Clarke, 1989). This approach is also known as the SARA model⁶ – commonly used problem-solving method (Center for Problem-Oriented Policing, 2016b).

Situational crime prevention is comprised from the following reducing-opportunity measures, which: 1) are directed at highly specific forms of crime, 2) involve the management, design or manipulation of the immediate environment, and 3) make crime more difficult and risky, or less rewarding and excusable as judged by a wide range of offenders (Clarke, 1997).

Cornish and Clarke (2003) have developed 25 techniques of situational crime prevention, which are classified in five modules: 1) Increase the effort, 2) Increase the risk, 3) Reduce the rewards, 4) Reduce provocations and 5) Remove excuses. Detail classification is presented in Table 1.

- 2 Rational choice theory is a framework for understanding social and economic behaviour. The basic premise of rational choice theory is that aggregate social behaviour results from the behaviour of individuals, each of whom is making their individual decisions. The theory therefore focuses on the determinants of the individual choices - offender is a rational being, who is calculating costs and benefits of committing the crime (Levin & Milgrom, 2004; Scott, 2007)
- 3 Routine activities theory is an environmental, place based explanation of crime, where behavioural patterns and intersections of people in time and space influence occurrence of crime. The theory suggests that when motivated offenders and suitable targets meet in the absence of capable guardians, crime is likely to happen (Cohen & Felson, 1979).
- 4 Social control theory, known also as social bond theory, because Hirschi (1969) emphasized that different social bonds individual is involved in, present different forms of (social) control, such as attachment to families, commitment to social norms and institutions (school, company), involvement in activities, and the belief that these things are important"
- 5 The lifestyle theory focuses on way people (perpetrators and victims) live and behave, what is very important if we want to predict and prevent certain act or behaviour (Biderman & Reiss, 1976).
- 6 The SARA model contains the following elements: 1) Scanning (identifying problems), 2) Analysis (in depth analysis of identified problems), 3) Response (implementation of solutions), and 4) Assessment (evaluation of implemented solutions)(Center for Problem-Oriented Policing, 2016b).

Table 1: 25 techniques of situational prevention (source: Center for Problem-Oriented Policing, 2016a)

INCREASE THE EFFORT	INCREASE THE RISK	REDUCE THE REWARDS	REDUCE PROVOCATIONS	REMOVE EXCUSES
Target harden	Extend guardianship	Conceal targets	Reduce frustration and stress	Set rules
Control access to facilities	Assist natural surveillance	Remove targets	Avoid disputes	Post instructions
Screen exists	Reduce anonymity	Identify property	Reduce emotional arousal	Alert conscience
Deflect offenders	Utilize place managers	Disrupt markets	Neutralize peer pressure	Assist compliance
Control tools/ weapons	Strengthen formal surveillance	Deny benefits	Discourage imitation	Control drugs and alcohol

In the following chapters, we are presenting the case study of Ljubljana. Using GIS for identifying property crimes hot spots and techniques of situational prevention, we were able to form some proposals for reducing crime in property crime hot spots in Ljubljana.

4 METHODOLOGY

The study about the use of situational prevention measures in property crime hot posts analysis was performed in three stages. In the first stage, statistics on geolocations of criminal offences in Slovenia and the hot spot methodology⁷ for the identification of hot areas was used. Moreover, we used Kernel density method, as a tool of GIS to identify property crime hot spots in the Ljubljana area. Using the SARA model, we performed scanning and analysis in the second stage, when we conducted field observations of problematic areas (hot spots) and identifying problems and weaknesses of observed space. The final stage of our research comprised of identification of possible solutions and suggestions, using the 25 techniques of situational prevention model, which would possibly lead to decrease of number of criminal offences against property in the identified problematic areas. Transferring situational crime prevention techniques to the identified crime area was done by the method of reflection and the five main crime prevention theories. Findings are presented below.

5 DISTRIBUTION OF PROPERTY CRIME IN LJUBLJANA

Meško, Maver and Klinkon (2007) emphasize that when studying crime and its distribution, it is necessary to consider several demographic and other factors, which also affect its appearance and distribution; e.g., population density, specific characteristics or forms of crime, life styles and patterns in a selected, lack of informal social control, daily migration, tourist presence and migration, organisation and work of the police, forms and techniques of crime detection, investigation and sanctioning, and the presence of police officers, city wardens etc. Thus, Tilley (2002) emphasizes that the priority of contemporary policing is reduction of crime and disorder. This includes problem-oriented policing, when the police move from reactive – responding to events – to more proactive activities, which includes analyses of events and planning of responses, as well as crime-prevention methods, as in our case.

Approximately 90,000 criminal offences occur in Slovenia every year (crime rate is 450)⁸. Property crime presents almost two thirds of all criminal offences. Ljubljana is the capital of Republic of Slovenia and one of eleven town municipalities. With its 283,000 inhabitants it is the largest town in Slovenia and administrative, culture, economic and political centre of the country

7 Crime hot spot methodology is based on identification of the locations (i.e., hot spots or hot areas) with the concentration of reported criminal incidents. Meško et al. (2010: 312) describe them as »chronic crime places, where crime is concentrated at high rates over extended periods of time«.

8 Crime rate is calculated using the formula: no. criminal offences / no. population x 10,000.

(Statistični urad Republike Slovenije, 2016). One third of all criminal offences in the country take place in Ljubljana. Crime rate in Ljubljana (930) is more than double of the average crime rate in Slovenia. In the period from 2008 to 2013, property crime represented approximately 78% of all crimes in Ljubljana. Detailed analysis of distribution of property crime in Ljubljana is presented in Table 2.

Table 2: Distribution of property crime in Ljubljana in the period 2008–2013 (source: Generalna policijska uprava [General Police Directorate], 2008, 2009, 2010, 2011, 2012, 2013)

CRIMINAL OFFENCE	2008	2009	2010	2011	2012	2013
Fraud	711	779	535	543	568	594
Abuse of execution	0	0	0	4	5	5
Abuse of trust	8	0	0	0	0	0
Apostasy	0	0	0	8	9	6
Arson	4	8	5	8	6	4
Attack on the information system	17	20	31	49	70	46
Blackmail	69	64	73	43	56	48
Concealment	166	122	132	127	125	146
Crimes against property	2,086	2,072	2,059	1,893	1,932	1,924
Damaging or destroying things that are of particular cultural importance or natural values	3	3	3	6	5	6
Defrauding foreign rights	2	3	3	3	5	7
Embezzlement	433	431	500	549	549	597
Extortion	0	2	1	2	1	2
Grand theft auto	13	12	10	19	14	17
Grand theft	4,449	4,373	3,558	3,606	4,211	4,155
Illegal export and import of things that are of special cultural significance or natural values	0	1	0	0	0	0
Misappropriation and piracy of foreign assets	115	/*	/*	146	146	106
Organising money chains and illegal gambling	0	0	0	4	5	1
Robbery	189	233	214	138	129	133
Robbery theft	45	49	36	0	0	19
Theft	12,149	11,997	12,630	12,902	12,834	13,523
TOTAL	20,459	20,169	19,790	20,050	20,669	21,339

* The data could not be obtained.

Results of property crime distribution analysis in Ljubljana showed that prevailing form of property crime in the period from 2008 to 2013 is theft (in average 75% of all property crime), followed by grand theft and crimes against property. We can see that in this period, property crime was relatively stable – it has increased from 20,459 in 2008 to 21,339 in 2013. Results show that number of grand thefts and crimes against property has slightly reduced, while number of thefts has increased for almost 10%. Furthermore, numbers of frauds and blackmail have significantly reduced. Numbers of robberies and robbery thefts, as a bridge between property and violent crime were increasing until 2010, when they reached its peak, which was followed by a period of decrease. In 2013, the number of robberies and robbery thefts was approximately half of the number in 2010. Using GIS tools for identifying crime hot spots, we identified two areas with large density of property crime in Ljubljana in the period of 2008 to 2013 (Figure 1).

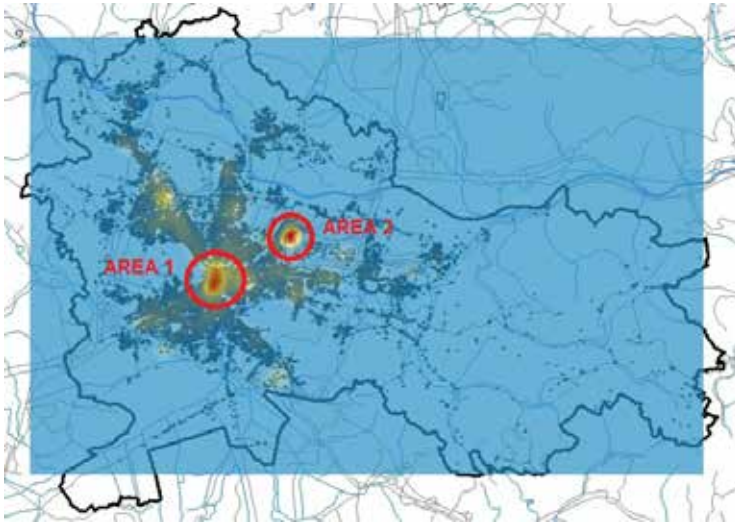


Figure 1: Property crime hot spots in Ljubljana

Identified hot spots were the only areas with high density of property crime in the analysed period. The first property crime hot spots named Area 1 covers the area of town centre, while Area 2 represents the largest shopping centre in Ljubljana. Prevailing form of property crime in both areas was theft. Furthermore, common characteristics of both areas are as followed: 1) large fluctuation of people, 2) easy access to main roads, and 3) large numbers of small shops. In general, Figure 1 shows that distribution of property crime in Ljubljana is spreading from the centre of the town to its outskirts, along the main communications. Detail analysis of distribution of property crime in the period of 2008 to 2013 in Area 1 that covers the town centre is shown in Figure 2.



Figure 2: Distribution of property crime in the centre of Ljubljana

In the period 2008 to 2013, approximately 15,000 criminal offences were recorded in the Area 1. We identified one property crime hot spot and two problematic areas. Hot spot covers the area of gas station next to the main road in the centre of Ljubljana. In the period of 2008 to 2013, approximately 1,800 criminal offences were recorded. Majority of them were thefts (gasoline

thefts). Based on field observation, we discovered that position of the gas station is next to the main road that runs through the centre of Ljubljana. There is a direct access to the road from the gas station and represents an easy escape route for perpetrators, who steal gasoline. Area of the gas station is monitored with security cameras. Warning signs of area being under surveillance are well seen. However, we have not identified any signs of physical surveillance – all employees were stationed inside the building. Moreover, there were no signs of target hardening (ramps, obstacles etc.).

Problematic area 1 covers the area of “Slovenska cesta”, where is one of the most crowded bus stops in Ljubljana. In the period of 2008 to 2013, approximately 1,550 criminal offences were recorded. Majority of them were thefts (stealing of bags, purses and small items – valets, mobile phones and cosmetics products). Based on field observation, we discovered that the area of the bus station is not monitored with security cameras. However, all the small shops located next to the bus stations had video surveillance system, and warning signs, that area is monitored on well-seen areas. Furthermore, a police station is located approximately 300 meters from the bus station. Surrounding area consists of small alleys, which represented good escape routes for perpetrators. We have to mention the human factor – area is very crowded and people are not very careful (open bags, valets in their back pockets etc.), and consequently are easy targets for offenders. At the same time, we have not noticed any presence of formal surveillance, despite the fact that police station is only 300 meters away.

Problematic area 2 covers the area of Ljubljana’s medical centre. In the period of 2008 to 2013, approximately 800 criminal offences were recorded. Majority of them were thefts (thefts of bags, purses and small items – valets, credit cards, mobile phones and cosmetics products). Based on field observation, we discovered that the outdoor area of the medical centre is heavily monitored with security cameras. All entrances to different facilities of the medical centre are monitored and warning signs that facility is under surveillance are clearly visible. Furthermore, ramps are put in place at the entrances, where you can enter with a car. Furthermore, physical surveillance in the form of security guards is present. However, we discovered that there is no video surveillance of the waiting areas, where majority of thefts is taking place. Moreover, majority of security guards were stationed at the entrance of the facility (in the information office). We assume that helping “costumers” with information is a large part of their job assignments, but on the other hand, these assignments, which consume a lot of their time, prevent them to be focused on prevention of crime and implementing safety and security in facilities. Detailed analysis of distribution of property crime in Area 2 that covers the shopping centre is shown in Figure 3.



Figure 3: Distribution of property crime in the shopping centre of Ljubljana

In the period 2008 to 2013, approximately 7.000 criminal offences against property were recorded in the Area 2. We identified one property crime hot spot, which covers the area of shopping centre in Ljubljana. In the period of 2008 to 2013, approximately 6.000 criminal offences

against property were recorded in the area of hot spot. Majority of them were thefts (small items from stores that are located inside the shopping centre – clothes, mobile phones and cosmetics products). Based on field observation, we discovered that the outdoor area of the shopping centre is heavily monitored with security cameras. All accesses to the area are monitored with security cameras. Outdoor parking lot, which is not monitored with surveillance cameras is illuminated with street lights. All entrances to the shopping centre's buildings are monitored. Furthermore, warning signs and/or stickers are put in place on visible areas. Inside of the buildings is monitored with security cameras. Moreover, individual stores have video surveillance and visible signs, which warn visitors that place is under surveillance. Majority of stores also have detectors at the entrance and chips, which are stapled to the bigger items in the store and that beeps, when individual passes detector. Physical surveillance in the form of security guards have not been noticed at the outdoor areas and inside of the buildings of the shopping centre. Finally, in the following chapter, we focus on identification of possible solutions that would lead to decrease of number of crimes in the identified problematic areas.

6 PROPOSED SITUATIONAL CRIME PREVENTION MEASURES

Based on Cornish's and Clark's (2003) 25 techniques of situational prevention, we have highlighted some solutions for reducing number of crimes in identified hot spots and problematic areas. We proposed following measures for the property crime hot spot in Area 1, which covers the area of the gas stations: 1) speed bumps, 2) ramps at the exits of the gas station, which could be opened only by scanning the receipt, 3) prepaid gas pumps, 4) warning signs that area is under surveillance, 5) personnel service (presence of employees in the area of pumps), and 6) physical surveillance (security guards).

For the problematic Area 1 in the centre of Ljubljana, which covers the area of bus station, we proposed the following measures: 1) video surveillance, 2) warning signs that area is under surveillance, 3) warning signs about pickpocketing, and 4) physical surveillance (foot patrols of police officers from the nearby police station, city wardens and security guards). Furthermore, carelessness of the people in the form of open bags, putting valets and mobile phones in the rear pocket etc. is a major contributor to crime, because this kind of behaviour facilitates the work of perpetrators. We recommend that sign or stickers, which would warn individuals about this kind of behaviour, be placed at visible places at the bus station.

Problematic Area 2 in Ljubljana centre, which covers the area of medical centre, is a specific area, where we have to take protection of personal data of patients into consideration, when we formulate situational prevention measures. We proposed following measures: 1) increase the number of security guards – this will enable them to be present on hallways and waiting areas of the facilities and 2) signs or stickers should be placed in waiting areas, which would warn patients about thefts. Implementing security cameras that would monitor the waiting areas for patient is controversial, because of the protection of personal data of the patients. Furthermore, we have to mentioned human factor. People in waiting areas are careless – they leave their coats, jackets, purses and bags in the waiting areas, when they enter the doctor's office. Moreover, people are usually not alert on the possibility of victimization in the waiting rooms, which are often quite crowded, and present a great opportunity for offenders to commit crime.

The second identified property crime hot spot, which covers the area of the shopping centre, is located at the outskirts of Ljubljana. We proposed following measures of situational prevention to decrease the number of property crime in this area: 1) increase the number of security guards – this will enable them to be present on hallways and at the entrances of individual stores and 2) put in place detectors that are larger – from the selling to the floor (it is a common practice of thieves that they put clothes in shopping bags inside the changing rooms, where is no video surveillance, and when they exist the store they just lift their hands with shopping bags over the detector).

7 DISCUSSION

Based on results of crime mapping we have identified two property crime hot spots and two areas that could become potential property crime hot spots. Three problematic areas have been located in the centre of Ljubljana, while one was located on the outskirts of the town, where the largest shopping centre is located. In all problematic areas, prevailing form of property crime was theft. Furthermore, in two problematic areas the targets of perpetrators have been individuals and their personal belongings, while in two problematic areas perpetrators have focused on available goods (gasoline at the gas station and amenities in the shopping centre). We have identified all three elements of routine activity theory (appropriate target, motivated offender and absence of capable guardians) and insufficient surveillance in all four areas, which would deter motivated offenders from committing the crime.

While video surveillance is adequate at the area of the shopping centre and gas station, there is insufficient (medical centre) or non-existing (bus station in the centre of the town) video surveillance in the other two areas. All areas lack sufficient physical surveillance in the form of security guards and visible signs, which would alert individuals about possible threats and deter offenders, with warnings about monitoring the area. All other proposals that we have suggested are specific for an individual area. Furthermore, we have to highlight the contribution of individuals to possible victimization, especially in the areas of the medical centre and bus station. We discover that individuals at above-mentioned areas do not engage in self-protecting behaviour (closed bags, putting valets and mobile phones in inside pocket with zippers etc.) and therefore represent easy targets for the offenders.

We have to point out that implementing too much security and safety measures can be counterproductive because of two reasons: 1) balance between efficiency and implementing security and 2) too much warning signs, video surveillance or physical surveillance would alert people that something is wrong in the area - usual reaction of individuals is to avoid areas that they found them dangerous (not safe). The main limitation of the study is seen in the lack of data on perpetrators, which would give us insight into characteristics of the offenders. The other limitation presents the data itself, because there is no information if crimes were reported by individuals or were detected by the police itself - possibility of fishing for offenders in some areas, on which police is focusing (police made hot spot). Further research is needed in this area.

REFERENCES

- Biderman, A. D., & Reiss, J. R. (1976). On exploring the "Dark Figure" of crime. *Annals of the American Academy of Political and Social Science*, 374(1), 1–15.
- Boba Santos, R. (2013). *Crime analysis with crime mapping*. Los Angeles: Sage.
- Center for Problem-Oriented Policing. (2016a). *25 Techniques of Crime Prevention*. Retrieved from <http://www.popcenter.org/library/25%20techniques%20grid.pdf>
- Center for Problem-Oriented Policing. (2016b). *The SARA Model*. Retrieved from <http://www.popcenter.org/about/?p=sara>
- Clarke, R. (1992). Introduction. In R. Clarke (Ed.), *Situational crime prevention: Successful case studies* (pp. 3–38). New York: Harrow & Heston.
- Clarke, R. V., & Mayhew, P. (1988). The British Gas Suicide Story and Its Criminological Implication. *Crime and Justice*, 10, 79–116.
- Clarke, R. V. (1980). Situational crime prevention: Theory and practice. *British Journal of Criminology*, 20(2), 136–147.
- Clarke, R. V. (1989). *Theoretical Background to Crime Prevention through Environmental Design (CPTED) and Situational Prevention*. Retrieved from http://www.aic.gov.au/media_library/conferences/cpted/clarke.pdf
- Clarke, R. V. (1997). *Situational Crime Prevention: Successful Case Studies*. Guilderland, NY: Harrow and Heston.
- Clarke, R., & Eck, J. E. (2008). *Priložnik za policijske (kriminalistične) analitike - v 60 korakih do rešitve problema* [Crime Analysis for Problem Solvers - In 60 Small Steps]. Ljubljana: Fakulteta za varnostne vede.
- Cohen, L. E., & Felson, M. (1979). Social change and crime rate trends: A routine activity approach. *American Sociological Review*, 44(4), 588–608.

- Cornish, D. B., & Clarke, R. V. (2003). Opportunities, precipitators and criminal decisions: A reply to Wortley's critique of situational crime prevention. In M. J. Smith & D. B. Cornish (Eds.), *Theory for practice in situational crime prevention: Crime prevention studies*, (pp. 41–96). Monsey: Criminal Justice Press.
- Eklom, P. (2006). Situational crime-prevention. In E. McLaughlin & J. Muncie (Eds.), *The Sage dictionary of criminology* (pp. 383–385). London: Sage Publications.
- Eman, K., Györköš, J., Lukman, K., & Meško, G. (2013). Crime mapping for the purpose of policing in Slovenia - recent developments. *Revija za kriminalistiko in kriminologijo*, 64(3), 287–308.
- Eman, K., Meško, G. & Ivančič, D. (2012). Ekološka kriminaliteta v Pomurju [Environmental Crime in Pomurje]. *Varstvoslovje*, 14(1), 113–131.
- Generalna policijska uprava [General Police Directorate]. (2008). *Geolokacije kaznivih dejanj za leto 2008*. Ljubljana: Generalna policijska uprava.
- Generalna policijska uprava [General Police Directorate]. (2009). *Geolokacije kaznivih dejanj za leto 2009*. Ljubljana: Generalna policijska uprava.
- Generalna policijska uprava [General Police Directorate]. (2010). *Geolokacije kaznivih dejanj za leto 2010*. Ljubljana: Generalna policijska uprava.
- Generalna policijska uprava [General Police Directorate]. (2011). *Geolokacije kaznivih dejanj za leto 2011*. Ljubljana: Generalna policijska uprava.
- Generalna policijska uprava [General Police Directorate]. (2012). *Geolokacije kaznivih dejanj za leto 2012*. Ljubljana: Generalna policijska uprava.
- Generalna policijska uprava [General Police Directorate]. (2013). *Geolokacije kaznivih dejanj za leto 2013*. Ljubljana: Generalna policijska uprava.
- Hacin, R., & Eman, K. (2014). Study of the fear of crime in the municipality of Trbovlje using crime mapping tools. *Revija za kriminalistiko in kriminologijo*, 65(4), 299–315.
- Hirschi, T. (1969). *Causes of delinquency*. California: University of California Press.
- Hughes, G. (1998). *Understanding crime prevention: Social control, risk and late modernity*. Buckingham: Open University Press.
- Hughes, G. (2004). Straddling adaptation and denial: Crime and disorder reduction partnerships in England and Wales. *Cambrian Law Review*, 35, 1–25.
- Keel, R. O. (1997). *Rational choice and deterrence theory*. Retrieved from <http://www.umsl.edu/~keelr/200/ratchoc.html>
- Klinkon, I., & Meško, G. (2005). Uporaba geografskih informacijskih sistemov pri analizi kriminalitete. *Varstvoslovje*, 7(2), 133–149.
- Klinkon, I., Meško, G., & Rebernik, D. (2004). Vpliv socialnodemografskih dejavnikov na razvoj kriminalitete v Ljubljani: Rezultati preliminarnega raziskovanja [Influence of socialdemographic factors on development of crime in Ljubljana]. In B. Lobnikar (Ed.), 5. slovenski dnevi varstvoslovja (pp. 836–847). Ljubljana: Faculty of Criminal Justice and Security.
- Kraak M. J., & Ormeling, F. (2003). *Cartography: Visualization of geospatial data*. Harlow: Prentice Hall.
- Levin, J., & Milgrom, P. (2004). *Introduction to Choice Theory*. Retrieved from <http://web.stanford.edu/~jdlevin/Econ%2002/Choice%20Theory.pdf>
- Meško, G. (2002). *Osnove preprečevanja kriminalitete* [Basics of crime prevention]. Ljubljana: Visoka policijsko-varnostna šola.
- Meško, G., Bančič, K., Eman, K., & Fields, C. B. (2011). Situational crime-prevention measures to environmental threats. In G. Meško, D. Dimitrijević & C. B. Fields (Eds.), *Understanding and managing threats to the environment in South Eastern Europe* (pp. 41–68). Dordrecht: Springer.
- Meško, G., Dobovšek, B., & Bohinc, U. (2003). Izhodišča za preučevanje prostorskih dejavnikov kriminalitete [A platform for study of the spatial factors of crime]. In G. Meško (Ed.), *Analiza porazdelitve nekaterih odklonskih pojavov v Ljubljani* (pp. 12–63). Ljubljana: Fakulteta za policijsko-varnostne vede.
- Meško, G., Dvoršek, A., Dobovšek, B., Umek, P., & Bohinc, U. (2003). *Analiza porazdelitve nekaterih odklonskih pojavov v Ljubljani* [Analysis of the distribution of some negative phenomena in Ljubljana]. Ljubljana: Fakulteta za policijsko-varnostne vede.
- Meško, G., Maver, D., & Klinkon, I. (2007). Applied criminological aspects of crime control in the capital of Slovenia: Good old statistics, police caseload and new challenges. *Nauka, bezbednost, policija*, 12(1), 25–44

- Meško, G., Maver, D. & Klinkon, I. (2010). Urban crime and criminal investigation in Slovenia. In G. W. Cordner, A. M. Cordner & D. K. Das (Eds.), *Urbanization, policing, and security: Global perspectives* (pp. 301–322). Boca Raton; London; New York: CRC Press.
- Pečar, J. (1975). *Gostitve nekaterih deviantnih pojavov v Ljubljani* [Density of some deviant phenomena in Ljubljana]. Ljubljana: Inštitut za kriminologijo pri Pravni fakulteti.
- Rosenbaum, D. P., Lurigio, A. J., & Davis, R. C. (1998). *The prevention of crime*. Belmont Canada: Wadsworth Publishing Company.
- Scott, J. (2007). *Rational Choice Theory*. Retrieved from <http://www.soc.iastate.edu/sapp/soc401rationalchoice.pdf>
- Tilley, N. (2002). *Analysis for crime prevention*. Monsey: Criminal Justice Press.
- van Dijk, J., & de Waard, J. (1991). A two-dimensional typology of crime prevention projects. *Criminal Justice Abstracts*, (Sep.), 483–503.
- Weisburd, D. (1997). *Reorienting crime prevention research and policy: From the causes of criminality to the context of crime. Research report*. Washington: National Institute of Justice.
- Wellsmith, M. (2010). The applicability of crime prevention to problems of environmental harm: A consideration of illicit trade in endangered species. In R. D. White (Ed.), *Global environmental harm* (pp. 132–147). Portland: Willan Publishing.
- White, R. D. (2008). Environmental harm and crime prevention. *Trends & Issues in Crime and Criminal Justice*, (360), 1–6.
- Zemljič, V., Kastelic, T., Šibenik, T., Zajec, I., Bogataj, M., Brvar, B., et al. (1979). *Ugotavljanje črnih točk na magistralnih cestah SR Slovenije* [Determining black spots on the main roads of the Socialist Republic of Slovenia]. Ljubljana: FAGG, Prometnotehniški inštitut.

CRIME MAPPING IN THE REPUBLIC OF MACEDONIA

Marina Mališ Sazdovska, Damjan Temelkovski

ABSTRACT

Purpose:

This paper analyses the history of crime mapping in general, focusing specifically on the history of crime mapping in the Republic of Macedonia. It gives an overview of how current crime mapping systems can be used and how useful the information they provide are in terms of criminalistics.

Methods:

Mainly using the academic web-based Crime Map of Macedonia, this paper examines how useful and significant crime mapping is for Macedonia. This is done by manually analysing the capabilities of the crime map with the latest information, as well as generalising based on the statistics it provides.

Findings:

Currently, although the crime mapping systems in the Republic of Macedonia are only academic or community driven projects, they provide information that can be used in criminalistics. These range from locating relative hot-spots in the country, to profiling areas with certain types of crimes as well as certain times of the year when they are most common.

Research limitations:

The Crime Map of Macedonia, which is the main focus of our study, is not without limitations. Firstly, it uses the publically available data provided by the Macedonian Ministry of Interior, which is just a subset of all crime that happens in the country. Secondly, it is inferring the type and location of the crime based on a simple natural language processing technique which may result with relatively inaccurate information.

Originality:

Crime mapping has been used around the world for a very long time and lately more and more organisations open their data and provide publically available web-based crime maps. Although the Crime Map of Macedonia has been online since 2012, there has not been an assessment of its usefulness for criminalistics.

Keywords: crime mapping, Macedonia, criminalistics, crime

I INTRODUCTION

One of the ways for applying new technologies for crime investigation is crime mapping. Crime mapping can be defined as the process of using Geographic Information Systems (GIS) for conducting spatial analysis of the problems related to crime and law enforcement. As part of crime analysis, crime mapping has three main functions, namely (Boba, 2010):

1. Facilitates visual and statistical analysis of the spatial nature of the criminal offense.
2. Enables analysts to link various data sources otherwise not visibly linked (e.g. linking census information, school information and crime data for the same area).
3. Enables the creation of maps that help disseminate the analysis results.

Crime mapping produces geographical maps that show the distribution of crime in a given environment. Maps such as these are an integral part of crime analysis, which plays an extremely important role in the crime management (Eman, Györkös, Lukman & Meško, 2013). The mapping and descriptive labelling of crime can be carried out by recording with one symbol, buffer zones, progressive mapping, density, graphical mapping and interactive mapping of crime. The description of these techniques is given below (Boba, 2010):

1. Single-symbol mapping. In single-symbol maps, the same symbol is used to represent features such as the locations of stores, roads, or states.
2. Buffers. An area around a specific feature, which can be small (15 metres) or large (1150 km) depending on the purpose and scale of the map.
3. Graduated mapping. Graduated maps use different sizes or different colours to represent particular values of variables.

4. Chart mapping. This kind of crime mapping is used to display several values within a particular variable at the same time. The symbols on the locations of interest can be either pie charts (for relative percentages) or bar charts (for relative frequencies).
5. Density mapping. Density maps use point data to shade surfaces (e.g. according to the concentration of incidents) around the location, not limited to area boundaries (as is the case in graduated colour mapping).
6. Interactive crime mapping. The term interactive crime mapping is referred to simplified geographic information systems made available to novice users over the internet.

Crime mapping is used for forensic analysis of the crime that happens in a certain area. Namely, by creating maps an accurate picture of crime hot-spots where specific criminal activities occur is developed. The main use of crime mapping is within the police departments. In addition to its official uses, it can also be used by the public, in what is categorized as interactive crime mapping. For example, the website of Los Angeles Police Department allows the general public to get up-to-date crime statistics for the neighbourhoods throughout Los Angeles (Figure 1). Being informed about crime in your community, according to them, is the first step in preventing future occurrences. In order to do this, they use the CrimeMapping.com system through which citizens can obtain information related to crime maps for various categories of crime such as: assault, homicide, burglary, weapons, etc.

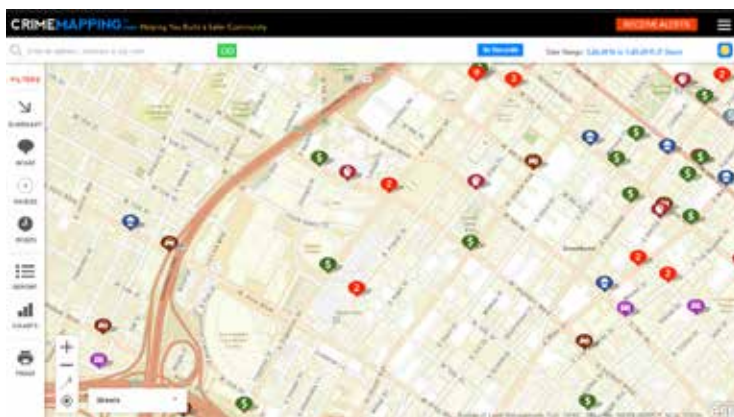


Figure 1: Crime Mapping in Los Angeles (source: CrimeMapping, 2016)

Crime mapping is also directly related with analysis of locations where a certain type of crime happens very often. In criminalistics, locations that are "infected" with crime are known as hot-spots. In order to suppress specific criminal activities at a particular location, police analysts need to locate the hot-spots using hot-spot policing, which is based on crime mapping (Milić, 2008).

Crime mapping can also be used for detecting and shedding the light on serial criminal acts. Namely, crime maps containing the location as well as additional information about the perpetrator, can be linked to the personal description and the perpetrator's modus operandi, an analyst can create new information about offenders that repeat crimes in series (Angeleski, 2007). This kind of analysis can be used to predict the time and place of the next crime and to take the right measures to track the perpetrator.

Transforming tabular data into information on a map is one of the most common methods in crime mapping. It requires the use of address matching, which entails geocoding or assigning geographic locations to crime events that have happened on particular addresses. This has at least two requirements: a database of streets and a database of addresses where crimes have happened, such as reports within a system for management of criminal records (Hick, Bair, Fritz & Helms, 2009).

Crime mapping can also be used to analyse particular criminal trends. For instance, the London Metropolitan police have a section on the official web site, which allows users to compare the crime rates in specific boroughs, grouped based on crime types, with the average crime rate across London (www.maps.met.police.uk). By analysing the data from the web site, a monthly comparative analysis can be produced, as well as analysis of the annual trends (Figure 2).

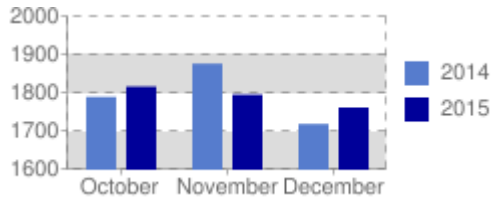


Figure 2: Monthly and annual trends (source: Metropolitan Police Crime Mapping, 2016)

The website also provides tabular information about the crime rate and types of crime for a period of time in a given area. As an example, the data for December 2015, in Shepherd's Bush Green are shown in Table 1.

Table 1: Statistics for the area Shepherd's Bush Green, Dec 2015 (source: Metropolitan Police Crime Mapping, 2016)

Crime type	Crime count	Crime rate
Total notifiable offences	302	24.80
Residential burglary	13	1.07
Burglary other	3	0.25
Theft of motor vehicle	6	0.49
Theft from motor vehicle	4	0.33
Robbery business	1	0.08
Robbery personal	4	0.33
Violence against the person	88	7.23
Most serious violence	15	1.23
Anti-social behaviour	75	6.16

Data provided by crime mapping can be used to define crime rates in certain areas, and with its help, criminogenic hot-spots in a particular territory can be determined with greater precision. Using new technologies such as crime mapping as an integral part of crime analysis is very useful for the police and other security services in a country. Specifically, these data are very useful for further planning of the actions of the authorities to combat crime, but also for strategic planning of future measures and activities in a certain area. Given the need for strategic, tactical and operational planning for the suppression of certain types of crime, the authorities need to fully implement crime mapping to successfully plan at all levels, and to conduct effective actions in the field (Mališ Sazdovska & Dujovski, 2009).

In addition to the use of crime maps to improve the work of the police, interactive crime mapping applications have a positive effect by allowing the citizens and the public free access to crime-related information in a certain area. This creates a sense of security particularly within the immediate environment where a citizen lives and the wider area, such as a city, in general. This way, better conditions to apply the concept of community policing (the sharing of information about criminal events between police and citizens in order to combat the crime in a certain area) are created.

The police work involves analyses of a range of collected information. This information should be examined, systematized, classified and analysed. Without adequate analysis, such data can be useless. By analysing data, the end result called analytical information is achieved. It is the most important factor for decision-making and effective police action (Mališ Sazdovska, 2005). To accomplish that, analytics and modern methods and techniques are used. The method of computer mapping is important because the geographical components of crime and other security events are very important. Namely, almost all police work is related to some position, address or location. Each call for police intervention has certain geographic qualifier i.e. crime happens at a certain place in the geographical space. Therefore, in order to improve the police activity to combat crime it is important to connect the locations with the people and the events by

using information technology (Tadić, 2009). Some efforts to apply crime mapping methods have been made in the Republic of Macedonia and will be presented in the next section.

2 NEW TECHNOLOGIES FOR CRIME MAPPING IN MACEDONIA

The only website ran by the police force in the Republic of Macedonia is that of the Macedonian Ministry of Interior (MOI). Unfortunately, an interactive crime map or a similar software solution is not included. It only publishes an excerpt of the daily criminal events in a descriptive, textual form. Nonetheless, there is a system, which can be used for crime mapping in Macedonia (www.crimemap.finki.ukim.mk). In Section 2.1, we will describe this system called the Crime Map of Macedonia, and in Section 2.2, we will show other similar initiatives.

2.1 Crime Map of Macedonia

The Crime Map of Macedonia (Temelkovski, Jovanovik, Mishkovski & Trajanov, 2012) analyses these excerpts of daily events published by the Macedonian MOI in the form of e-newsletters or e-bulletins. The system then updates its own database, before displaying this data on a map. Finally, it provides a user-friendly interface where even a novice user can view the crime data and perform certain basic analysis.

2.1.1 Natural Language Processing of the Crime Events

A description of a number of crime events is published daily; however, it is released in an unstructured form, as a basic textual description in natural language. The term natural language refers to the language used by humans, which is not understandable by machines (computers) without a certain amount of Natural Language Processing (NLP). The data in question are published in the Macedonian language, and although there has been significant progress in the area of analysing of documents in Macedonian including NLP (Jovanovska, Bozhinova & Zdravkova, 2016; Chungurski, Arsenovski & Gyorjevikj, 2012; Chungurski, Kraljevski, Mihajlov & Arsenovski, 2008), the Crime Map of Macedonia has developed its own simple keyword-based NLP method.

In order to deduce the type of crime, the system stores a list of keywords consisting of:

- Criminal offenses as written in the Macedonian Criminal Code
- Common descriptive keywords related to a type of crime (e.g. the equivalent of “weapon”)

Using this simple NLP method, the Crime Map of Macedonia manages to deduce the type of event from its unstructured textual description. Currently, the available categories are weapons, violence, theft, documents, drugs, traffic, and other.

In order to deduce the location of the crime event, the system uses a similar list of keywords representing:

- Names of cities
- Keywords often preceding a village name (e.g. the equivalent of “the village of”)
- Keywords often present in street names (e.g. the equivalent of “street” or “St.”)

Based on such information, it stores the location for each event in a structured form within its own database. However, in order to get a precise location, this information needs to go through the process of geocoding. A description of a typical crime event will yield a street name and a city, where the event occurred. This information is then fed to a geocoding service provided by Google Maps, which receives an address as an input and returns the geographic coordinates, longitude and latitude.

Following these steps in its NLP method, the Crime Map of Macedonia builds up a database, which stores the description of a crime event as well as the deduced type and exact geographic location.

2.1.2 Displaying the Data

There are currently two views, which display the crime data about the Republic of Macedonia:

1. Symbol map. Similar to the example view of LA from crimemapping.com (Figure 1), the Crime Map of Macedonia displays a map with a different kind of marker on the crime location (Figure 3). Furthermore, events that occurred on a close location are grouped into a cluster, only to be revealed once the user zooms in or clicks on the cluster (Figure 5).
2. Heat map. This view is a density crime map, where the colour and diameter of a particular area changes based on the number of crime events. Red is used for a high-density area, yellow for a medium-density area and green for a low-density area (Figure 4).



Figure 3: Symbol Crime Map of Skopje (source: Crime Map of Macedonia, 2016)

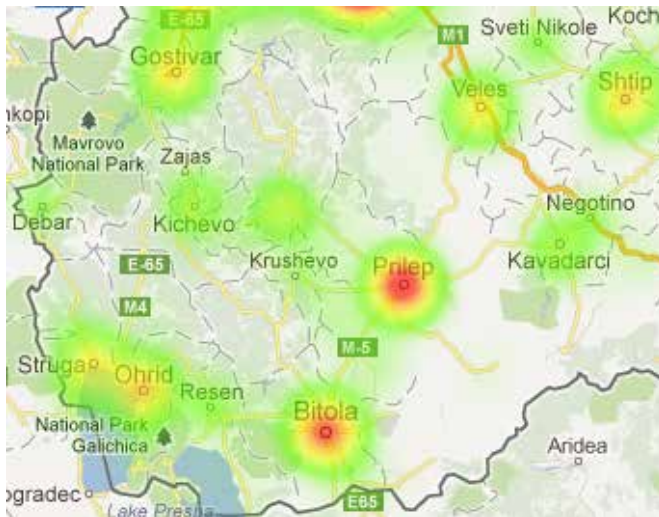


Figure 4: Heat Map of the Republic of Macedonia
(source: Crime Map of Macedonia, 2016)

By default, the map displays events from the past 30 days, and all the accumulated data can be viewed on the map, in the two different forms. The crime data can be downloaded in a tabular format as well.

2.1.3 Basic Analysis Tools of the Crime Map of Macedonia

Apart from downloading the entire database, Crime Map of Macedonia allows users to filter the events based on several criteria:

- City. This filtering option allows users to view only particular events that have been marked as having occurred in a city of their choice.
- Crime type. Analogously, this option allows users to view only events classified as belonging to a certain type of crime. Figure 5 shows a filtering of crime events classified as traffic-related.
- Date range. The users can analyse events that have happened during a certain period ranging from June 2011, when the Macedonian MOI published the first daily e-bulletin, up until today's date. Users can also analyse the crime events that occurred on a different day of the week, based on the date. Based on this data, currently, the safest day in Macedonia is Friday (12.8 % of all events), and the least safe is Tuesday (15.1 %).

Such filters can be applied to the tabular view of the data, as well as the aforementioned symbol and heat map views. Combinations of the filters can be used, for instance to view only weapon-related crimes that have occurred in the city of Skopje in September 2015.

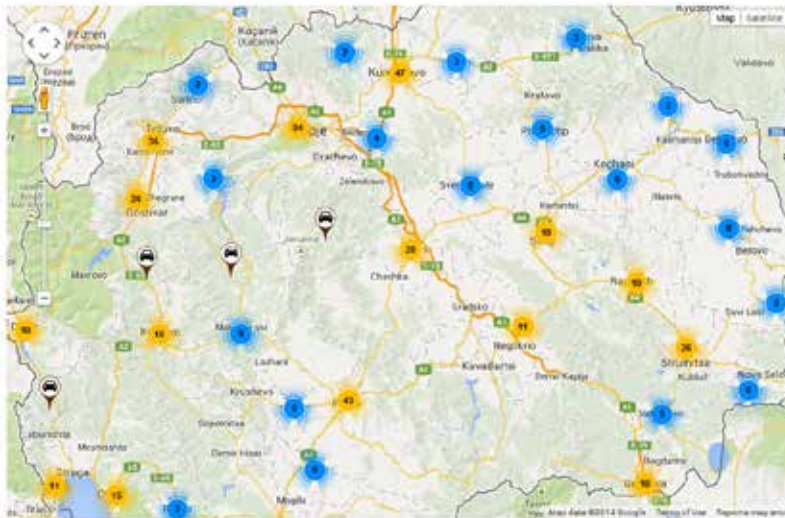


Figure 5: Crime Map Displaying Only the Traffic-related Crimes in Macedonia
(source: Crime Map of Macedonia, 2016)

2.1.4 Limitations of the Crime Map of Macedonia

Due to the unstructured way of publishing bulletins, and the basic NLP method, some events can be missed and the location of the event may be erroneously deduced. Namely, the NLP method only observes the first mention of a particular keyword, which leaves room for minor errors. To cope with this limitations, the Crime Map of Macedonia allows users to submit a correction should they notice such an error.

Another limitation coming from the data source is the fact that the Macedonian MOI only publishes an excerpt of the daily crime events. One can presume that this subset is statistically significant, but without having access to all the crime events, this is difficult to assess.

2.2 Other Crime Mapping Systems in Macedonia

“React! Be safe” is another system for interactive crime mapping in Macedonia, albeit only encompassing the city of Skopje, and focusing on harassment and violence faced by women in public places. Since these events are often not reported to the police, this system allows users to submit the location and a description of the event, which is then displayed on a map, therefore, creating a crime map based on crowdsourcing, rather than official police records. In this way, a social network dedicated to the prevention and eradication of gender-based harassment in public places is created (www.reagiraj-bidibezbedna.mk).

The data are collected and presented in a form of statistics, news, maps of reported events, diagrams, allowing users to filter them on different grounds. The website displays accounts of events with the description, location, date, and there is an explanation of the manner of how to report events. However, this system has collected data for far less events (about 1 %) than the Crime Map of Macedonia and it only focuses on a particular type of crime in the capitol city.

3 CONCLUSION

Crime mapping is important for inspectors in the police and other security institutions in the Republic of Macedonia. Namely, using crime maps, inspectors conduct geolocation of the events, their classification based on certain type of crime, thus determining the locus operandi of certain perpetrators on a precise location. That way, so called “hot-spots”, where a particular type of crime is present, are identified. This enables further planning of activities for suppressing that type of crime on that location, by taking strategic, tactical and operational measures. The tactical and operational planning based on the data represented in crime maps is especially important, as it will predict the volume of human and technical resources required to prevent and suppress the crime, as well as the manner of implementation of the planned measures and activities depending of the distribution of the crime presented on the crime map.

The crime map data is also important for crime prognosis, or predicting the further activities of perpetrators based on previous crime events on the territory of the Republic of Macedonia. Based on the crime prognosis, specific measures aiming at arresting perpetrators can be planned such as ambush, raid, etc.

The Crime Map of Macedonia is the first interactive crime mapping system in the Republic of Macedonia that uses official record of criminal offences. The system reads the data on the events from the daily electronic newsletter published on the official website of the MOI, and then processes, geocodes and displays it on a map. The events can be filtered by city, type of event, date of event, day of the week when they have occurred, and subsets of these parameters can be made. Although this system is not a fully complete map of crime in the country, it still shows valuable statistical information that can be used for analysis of criminal patterns. It could also be used as a preventive tool for reducing as well as combating crime in the country. This system uses free, open data, but it is officially confirmed data obtained from police records.

Macedonia has joined the Open Government Initiative in 2011 and although the fact that the MOI publishes a number of crime events is proof of Macedonia’s interest in open data, there is a lot of room for improvement in the future. Particularly the Crime Map of Macedonia would be more complete if the MOI publishes all of the crime events on record, instead of just a subset, and if it uses a structured standard instead of narrative plain text. Furthermore, overlaying the data from the Crime Map of Macedonia with other systems for crime mapping, or with data from other organisations such as the State Statistical Office would be very beneficial. Overlaying information regarding the education, income salaries, and unemployment in particular regions with the information from the Crime Map of Macedonia can provide further insight into the cause for a particular crime rate in the region.

Other sectors, such as tourism or real estate can be affected by the accessible geographic distribution of crime rates as well.

REFERENCES

- Angeleski, M. (2007). *Kriminalistička taktika 2* [Criminalistic tactics 2]. Kumanovo: Grafos.
- Boba, R. (2010). *Kriminalističko istraživanje so mapiranje na kriminalot* [Crime analysis with crime mapping]. Skopje: Nampres.
- Chungurski, S., Arsenovski, S., & Gjorgjevikj, D. (2012). Development overview of TTS-MK speech synthesizer for Macedonian language, and its application. In S. Markovski & M. Gusev (Eds.), *Web Proc. of ICT Innovations 2012* (pp. 599–604). Ohrid: ICT ACT.
- Chungurski, S., Kraljevski, I., Mihajlov, D., & Arsenovski, S. (2008). Concatenative speech synthesizers and speech corpus for Macedonian language. In V. Luzar-Stiffler, V. Hljuz Dobric & Z. Bekic (Eds.), *Information Technology Interfaces 2008, 30th International Conference on* (pp. 669–674). Zagreb: Srce.
- Crime Map of Macedonia. (2016). *Crime Map of Macedonia*. Retrived from <http://crimemap.finki.ukim.mk>
- CrimeMapping. (2016). *A view of a crime map of Los Angeles*. Retrieved from <http://www.crimemapping.com/map/agency/189>
- Eman, K., Györkös, J., Lukman, K., & Meško, G. (2013). Crime mapping for the purpose of policing in Slovenia - Recent developments. *Revija za kriminalistiko in kriminologijo*, 64(3), 287–308.
- Hick, S. R., Bair, S., Fritz, N. J., & Helms, D. (2009). Crime mapping. In S. L. Gwinn, C. W. Bruce, S. R. Hick & J. P. Cooper (Eds.), *Exploring Crime Analysis: Readings on essential skills* (pp. 377–403). Skopje: Magor.
- Jovanovska, J., Bozhinova, I., & Zdravkova, K. (2016). Using NLP Methods to Improve the Effectiveness of a Macedonian Question Answering System. In S. Loshkovska & S. Koceski (Eds.), *ICT Innovations 2015: Emerging Technologies for Better Living* (pp. 205–214). Cham: Springer International Publishing.
- Mališ Sazdovska, M., & Dujovski, N. (2009). *Bezbednosni menadgment* [Security management]. Skopje: Faculty of Security.
- Mališ Sazdovska, M. (2005). *Priracnik za razuznavacki ciklus* [Handbook for intelligence cycle]. Skopje: Jofisken
- Metropolitan Police Crime Mapping (2016). *Crime mapping: Data tables*. Retrieved from www.maps.met.police.uk
- Milić, N. (2008). Mapiranje kriminaliteta u policijskoj praksi [Mapping crime in police practice]. *Revija za bezbednost*, 11(12), 23–28
- Tadić, N. (2009). Kompjutersko mapiranje bezbjednosnih događaja u funkciji veće efikasnosti policija [Computer mapping of security events in order to achieve greater efficiency of the police]. *Policijski Glasnik*, 11(5), 16–17
- Temelkovski, D., Jovanovik, M., Mishkovski, I., & Trajanov, D. (2012). Towards Open Data in Macedonia: Crime Map based on Ministry of Internal Affairs' Bulletins. In V. Bakeva & D. Gjorgjevikj (Eds.), *Proc. of the 9th Conference for Informatics and Information Technology (CIIT)2012* (pp. 14–18). Bitola: University "Ss. Cyril and Methodius"

URBAN PLANNING OR URBAN MINING?

Evanne Cornette, Elizabeth Bailey

ABSTRACT

Purpose:

To inform other communities of the injustices that corporations can have on a small town that is not equipped to handle big investments.

Methods:

Open source data collection.

Findings:

The Webb Cos. has drained the city of Lexington, KY of time, money, and a part of history for over eight years, and they are not done yet.

Research limitations:

We only conducted open source data collection, so there could be bias in the sources that we heavily relied upon for data.

Originality:

This paper delves into the possible negative aims of big money coming into a small town – what gain do they make in comparison to the city’s improvement over time?

Keywords: Lexington, Kentucky, EKU, urban mining

1 INTRO TO LEXINGTON

Founded in 1775, Lexington is known as the Heart of the Bluegrass and has a population of 295,803 and boasts 283 square miles of city and countryside land (Lexington Visitors Center, 2016). The median household income is \$48,667 and the unemployment rate is 6% (United States Census Bureau, 2015). There are 177 buildings within the city limit that are listed on the National Register of Historic Places (National Register of Historic Places, 2016). In an effort to expand on Lexington’s economic framework, the city looked to bolster their efforts through urban planning designs.

2 MARCH 4, 2008

After two years of internal planning, the Webb Cos. announced their plans to move forward with what would be known as the CentrePointe Project. The initial proposal laid out the idea for a \$250 million, 823,000 square-foot, thirty-five-story high-rise tower in the center of the city. The building was to include a four-star, 243-room hotel, 77 residential condominium units, 38,000 sq. ft. of retail space, a 10,000 sq. ft. restaurant on the top floor and office space (Urban Up, 2014). In theory, this would be a positive addition to the small downtown Lexington hosted, but most people felt the cost did not outweigh the benefit.

2.1 The Demolition

In order to make way for this new money-maker for the city, an entire city block had to be razed; 10 of the 14 buildings on this block were listed on the National Registry for Historic Places and two buildings were eligible to be added to the Registry (Urban Up, 2014). Without much concern for the voices of Lexington’s citizens, the plans to erase history by discarding the historic buildings in Lexington’s center were put into action.

Two groups, Bluegrass Trust for Historic Preservation and Preserve Lexington attempted to change the proposal to keep the facades of the 14 buildings to be razed and building the high-rise atop them. Webb was quoted as reacting to this suggestion that the store fronts were “unstable and not worthy of preservation” (Urban Up, 2014).

3 DUDLEY WEBB & ASSOCIATES

In order to proceed with the initial proposal, the Webb Cos. and Lexington’s City Council agreed to finance the project through Tax Increment Financing (TIF). This proposal allowed for the

Webb Cos. to recoup some of their investment by keeping some of the income and property taxes achieved through the CentrePointe project. The Webb Cos. also received financing back-up through private investors whose names were never released to the public causing speculation that the Webb Cos. did not have any other investors for the project. Despite this speculation, on July 24, 2008 the Web Cos. was awarded \$32 million in TIF's from the state of Kentucky (Urban Up, 2014).

Just a day before the TIF's were awarded, the Diversified Demolition group began the razing the center area of Lexington's downtown (Lexington Herald Leader, 2016). In a sudden change of events, the CentrePointe project came to a halt. On April 9, 2009, the public was notified of the death of the secret investor within the project. This sudden death began the spiral of financial troubles for the Webb Cos. In an effort to resolve the funding issue, the Webb Cos. announced they had created backup plans, which then fell through in October and resulted in yet another delay in the project. Due to the unknown future of this project, the entire city block was covered with grass and used for public space. It remained a host to festivals and community gatherings until the passage of a bill in March of 2013 helped to re-coup the initial investments (Lexington Herald Leader, 2016).

At this point, the issue became a hot topic during the mayoral race and was at the forefront of conversations all over the state. It seemed the project would finally be moving forward once concrete walls were placed around the greenspace in anticipation for work to begin (Lexington Herald Leader, 2016). On March 1, 2014, the first blasting of the block took place to make room for the underground parking garage. This hole was completely dug out by September 1 of the same year when Webb Cos. announced their plans to sell almost \$30 million in bonds. On March 1, 2015, several roads were shut down in order to make room for a giant crane to make its way into the newly-blasted hole in the center of town (WKYT, 2015).

Six years after its initial proposal, work on CentrePointe seemed a reality. This narrative was not the case. After 30 days of no-work the city of Lexington ordered the site be returned to its initial condition, stating that in the initial contract if the site lay stagnate with no work done for 30 days or more the city of Lexington has the ability to take over the project as needed. After numerous back and forth communication efforts, the Webb Cos. and Lexington's city council decided to look into new routes (WKYT, 2015).

Over the past two years since the initial blasts of CentrePointe, many financial options have been considered, including bonds, third party investors, and new developers though to this day, no interested parties have come forward or presented means to complete the full project as needed.

3.1 Current state

As of June 15, 2016, the project has reached a pivotal point: the concrete walls have begun to be poured surrounding the three-story underground garage that will be the base of the CenterPointe Project. As we have noted, virtually no progress has been made over the past six years.

The most current updates on the finances of the project explain that the only reason the concrete has finally been poured to jump start the construction is because the Webb Brothers have personally financed the \$38 million garage (Civil Mechanics, 2016).

3.2 Controversies surrounding CentrePointe

The idea of revitalizing downtown Lexington into a new hip urban center may have just been a scheme set aside by the Webb Corporation. As it sits now in 2016, there is still a giant crater in the middle of downtown. But, how has the Webb Corporation been able to make it to this point? Some people have speculated that Mr. Dudley Webb may have a few connections within Lexington's Urban City Council (Civil Mechanics, 2016) and believed this may be the reasoning for the approval for such a scheme. While others simply believe that Mr. Webb took the citizens for granted and committed a crime against the city and people of Lexington, Kentucky.

As we have mentioned before the first round of controversies began the moment the city approved the demolition of numerous historic buildings. These buildings held history that many Lexington locals believed could have been saved had they took the time to work on the old buildings. Instead the buildings were razed for the promised urban development by the Webb Corporation.

It is important to note that the CentrePointe project is indeed a private project which is being built on private land and financed by the people of Lexington otherwise known as the public (Civil Mechanics, 2016). The idea of having the public pay for their own urban development was just one of the many schemes the Webb Corporation envisioned as a means of gaining more income for themselves. The Webb Corp. also filled the public with lies concerning investors, backup investors, and where the corporation planned on getting money from (Civil Mechanics, 2016). It was from here that the snowball of lies began to speedball down into a spiral of controversy.

Years later no one still knows who has actually committed to being a part of the CentrePointe project. The people of Lexington have heard numerous tales of big hotel chains and restaurants becoming apart of the project, but time after time these tales have all seemed to be a little white lie told by the Webb Corporation to help keep the citizens interested in CentrePointe (Civil Mechanics, 2016). To this day, the number of lies told by Webb Co. are too many to count. Even when people began pointing out all of the discrepancies in timings, money, and project planning the Webb Co. was first to shoot back with ugly comments and bully methods (Civil Mechanics, 2016).

In the end the CentrePointe project is just one big gamble that the Webb Corporation took on the city of Lexington and proved to be a disaster in urban planning. Gambling on hopes of investments from the city, the people, historic buildings, and the cities center the Webb Corporation has helped Lexington loose a little piece of itself (Civil Mechanics, 2016).

Would you consider this a crime? It's a hard choice. The Webb Co. took away a slice of history, dug a giant hole, and left us with an urban mine in the middle of downtown Lexington. They tried to play the city of Lexington like a fiddle and find means for more and more money even though they never built a thing. Did the city of Lexington get robbed by a big giant bully? I think so. Is it a crime? You decide.

4 WHAT DOES THIS MEAN FOR LEXINGTON?

The cranes that sit in the city's center have slowly become part of the Lexington skyline. The metal fencing covered with local photography and warning signs gradually became city artwork as the giant hole sits barren after eight years of little to no progress. The city of Lexington has received promise after promise that work will be done. But, with no money how can it?

4.1 What if it never happened?

What if the Webb Brothers had never had this idea in the first place more than eight years ago? What would Lexington look like now? We have a theory that the city would be thriving. The World Equestrian Games were hosted in Lexington several years ago. The aim was to have the CenterPointe Project finished by then, but that was a lofty goal. If this was not blinding city officials with false hope for the Games, there is a good chance other things would have been improved and paid attention to in preparation for hosting the World Equestrian Games. Sidewalks could have been fixed, new entrepreneurs could have been coaxed into the growing city center, and money could have been poured into the city in countless other ways. But in the manner in which the events took place, the giant crater with construction signs and cones all around it embarrassed the city of Lexington when some of the most influential people in the horse industry came to the World Equestrian Games.

Another thing to come of not moving on with this project could have been the preservation of Lexington's history through the block of historic buildings razed. No future generations of Kentuckians will ever know the true skyline of Lexington. Even if this high-rise is built in ten years, it will have left a scar on each and every person affected by its construction, leaving a negative feeling toward the state of Kentucky and toward the city of Lexington.

5 CONCLUSION

Dudley Webb recently announced that they will at least finish the parking garage so that the hole can be filled in (WKYT, 2015) but as for the big extravagant buildings that were promised with CentrePointe, the future does not seem too bright. Though Webb has announced he is financing the garage, no one really knows where that money is coming from: secrecy is his power. Webb

mentioned having private investors involved but we have seen how that has played out in the past (WKYT, 2015). So where does this leave the city of Lexington? If the garage is completed by February 2017 as promised, the city may become a city again, with sidewalks and an entire block that contributes to the economy instead of extracting resources left and right.

REFERENCES

- CivilMechanics. (2016). CivilMechanics: Fixes from an iconoclastic business owner. Retrieved from <http://civilmechanics.com/>
- Lexington Herald Leader. (June 13, 2016). Concrete poured for walls of CentrePointe garage. Retrieved from <http://www.kentucky.com/news/business/article83510987.html>
- Lexington Visitors Center. (2016). VisitLex. Retrieved from <http://www.visitlex.com/>
- National Register of Historic Places. (2016). Kentucky - Fayette County- Historic Districts. Retrieved from <http://www.nationalregisterofhistoricplaces.com/ky/fayette/districts.html>
- United States Census Bureau. (2015). Lexington-Fayette, Kentucky. Retrieved from <http://www.census.gov/quickfacts/table/LND110210/2146027,21067>
- UrbanUp. (2014). Centrepointe. Retrieved from <http://urbanup.net/cities/Kentucky/lexington-kentucky/downtown/centrepointe/>
- WKYT. (2015). Interactive: A CentrePointe timeline, from 2008 to present. Retrieved from <http://www.wkyt.com/home/headlines/INTERACTIVE--A-CentrePointe-timeline-2008-present-301696161.html>

POLICING

NEW SECURITY AGENDA OF THE EUROPEAN UNION AND ITS REFLECTIONS TO PHYSIOGNOMY OF THE POLICE MODELS

Ljubo Pejanović, Miodrag Komarčević, Petar Čelik

ABSTRACT

Purpose:

In the context of the current proliferation of different theoretical frameworks, security agenda and operative accesses, the paper discusses the key conceptual starting points of the new Security Agenda of the EU which provides a whole range of new solutions, measures, tools and instruments to improve operational cooperation between the EU institutions and its member states to prevent and suppress a broad spectrum of threats and risks of cross-border character, as well as other hybrid threats. The aim of the paper is to analytically observe new trends and formative framework of EU internal security in which security is established as a condition and fundamental prerequisite, and designed as highly sophisticated industry.

Methods:

Using standard methodological instruments, in this paper, the authors determine by the description, statistical and through the method of comparison, a number of elements, settings, principles and components, which form the basis for the creation of a new security landscape with a prominent configuration of European security model whose contours slowly emerge.

Findings:

The basic finding is the explanation of the process of „centralization” of area of internal security which takes place through the strengthening of existing and establishment of new police agencies at EU level, with an increase in their management competencies and powers.

Research limitations:

For better understanding of applicability and efficiency of the aforementioned security agenda, further researchers are needed.

Originality:

A conclusion lays on a number of empirical indicators related to the demonstrated dysfunctionalities of the existing protection mechanisms at the national and sub-national level, where the problems in the field of management of internal security at EU level, after the events in Paris and Brussels, came to the fore.

Keywords: security, police, terrorism, crime, migration

I CONTEXTUAL FRAMEWORK

Few phenomena are so complex, multidimensional and jagged, as is the case with security, as discursive formation, theoretical structure and its practice. Number of facts that security theorists are facing, regardless of their origin and specialization is surprisingly numerous and confusing. When phenomena that are so frightening complex, such as security, and whose complexity, moreover, is rapidly increasing along with the spread of instability, insecurity and rising conflict and the destructive potential, a lot of conclusions and interpretations rapidly increase.

This is why Security Studies, in the last 20 years, were principally engaged in the theoretical conceptualization and heuristic use of the concept of security, and in particular its semantic framework and epistemological profile as well as new security challenges, threats and risks and reference facilities protection (Bažagić, 2012). Resultant of this is the emergence and affirmation of many different theoretical and conceptual postmodernist approaches, concepts and agendas, which, with its breadth, scope and temporal unity, are seeking to replace the dominant paradigm rooted in positivistic and traditional approaches to the field of security which is worked out and established the concept of human security (Smajić, 2012). Despite many philosophical and conceptual differences between the state-centric approach to security and human-centric approach, the key changes in security studies took place only later. In the last 20 years, changes in the security paradigm is moving towards multi-functional understanding of security (Dulić, 2006; Kerr, 2006). Essential changes have not occurred under the pressure of accumulated empirical evidence but as a result of a number of parallel intellectual breakthrough of the “frame of reference” of the dominant paradigm. By the key developments within the academic matrix

of security studies, there was the publication of the book *People, States and Fear*, by Buzan (1983) which fundamentally undermined least two of the four basic themes of traditional security studies (Williams, 2008), since both approaches have a number of limitations and drawbacks, some theorists believe that security in a modern context requires both concepts (Kerr, 2010), while others suggest a reconceptualization of security as the double concept with mutual complement and consolidate (Lodgard, 2000).

In parallel with the extensive development of security studies over the past 15 years, and their efforts to formulate appropriate auto-legitimation conceptual apparatus, the use and meaning of the concept of security is increased to such an extent that the very concept is in a serious danger of becoming a completely dysfunctional in heuristic term, or as some theorists would call this attractive point-„boundless”, including many non-military aspects (Komarčević, Pejanović & Živanović, 2012). In such conditions, security, already quite fragmented and largely diversified concept, receives totalizing pretensions and diffuse, spreading to other areas. In addition, the concept of security and in particular its content increasingly becomes of an ambivalent character. In addition to the phenomenological, ambivalent character of security is reflected in the psychological level, which provides an individual much needed emotional security and answers to many existential questions. The epicentre of redefined procedure was first the concept of security and its numerous categories.

Transforming security threats needs redesigning the security mechanisms that should be in accordance with available resources, on the one hand and assessment of threats and vulnerabilities of the state, key national infrastructure facilities and other referenced objects, on the other hand, to develop a systematic, sustained and coordinated institutional responses to the actual momentary and potential threats (Dulić, 2006). Faced with such threats and risks, almost all EU member states started a broad activities, in order to build a new framework formative areas of security, and that includes (re)defining new security agenda on the national level that will enable more effective response to this threat, which in practice means total and complete (re)conceptualization, not only political, but also (re)conceptualization of security strategy, which automatically entails designing adequate and eventually, more effective institutional arrangements, mechanisms, and eventually model of system security.

Speaking of further development of the European security space, there are two completely opposite approaches with a small number of striking points or issues on which there is consensus: (1) strategy of joint approach assumes that the willingness and capacity of the state are not sufficient in combating new threats and cross-border inter-sectoral character, and it involves the creation of transnational security arrangements and stronger connecting countries with the aim of strengthening security capabilities to combat such threats, in particular at the EU level (Cvrtila & Perešin, 2013) and (2) the construction of new security models within the EU member states. Although there are numerous proposals with stepped access of development in the recent literature there are three models: risk assessment, develop and evaluate the efficiency of the national security strategy and management of the consequences.

When a new security model is created, various options of introducing public-private partnerships and the participation of citizens are discussed.

2 NEW EUROPEAN SECURITY AGENDA: A STRATEGIC APPROACH

Given the dramatically changed strategic and geopolitical, a special security environment (European Commission, 2013b), with a strong and dynamic tendency of growth in recent years, the European Union is facing numerous security challenges, threats and risks such as organized crime, illegal migration, terrorism, cybercrime, natural disasters, technical disasters, changing forms of radicalization and violence as well as the expansion of political and social instability, not only in the neighbourhood, but also within the area of the Union (European Commission, 2014a). Most of these threats are of cross-border or inter-sectoral character, which necessitates for action, not only at Member State level but also at sub-national level, and that means in area of the EU. To effectively respond to the current challenges and threats, and approaching their effects, the EU has a number of policy tools and instruments that are designed, first for prevention, and then precluding the harmful and destructive consequences of modern threats (European Commission, 2013a).

Among them a special significance and importance of the institutions exists to ensure the security of citizens within the EU and building a stable environment, which is an activity,

obligation and responsibility of institutions in terms of formalizing strategic and security agenda. In accordance with these recommendations and guidelines as well as the previously adopted policy of security and justice, in early 2010 the EU adopted Internal Security Strategy and for its implementation in charge is the Standing Committee on Operational Cooperation on Internal Security - COSI (Čavoški & Reljanović, 2009). The Internal Security Strategy, as the first official, public and formalized strategic document in the field of EU security, was adopted for the period 2010-2014. Due to the dynamics of change and expressed the tumultuous events related to the escalation of conflicts in North Africa and the outbreak of the Syrian crisis, and later the creation of an Islamic State, that increased radicalization and also initiated the largest migration in recent history and the wave of extremism and terrorism, there is a need for updating and revision of the existing strategy, given that the answers to these events and the resulting threats needed more radical approach (European Commission, 2014b).

Based on the presented comments, suggestions, tips and recommendations related to the previous strategy, at the end of April 2015 the European Commission adopted the so-called Restored Strategy of Internal Security, and it was officially addressed to European Security Program as a new Security Agenda (European Commission, 2015). The process of building and maintaining AFSJ (The European Union's area of freedom, security and justice) is based on a strategic approach, which takes place in three steps: 1) defining five year programs which are precisely the priorities and goals of cooperation between Member States in the field of justice and home affairs; 2) identification of action plans and their implementation; 3) evaluating the achieved level of cooperation (Dorđević, 2010). It is important to emphasize that the new Agenda, as well as the previous strategy tries to develop "integrated" (holistic) approach to security, in focus with not only the consequences but also the causes of threats, which explicitly indicates its preventive character. A holistic approach applied, enables building a European model of security on the one hand, and implementation of coordinated and joint actions of cooperation between law enforcement agencies in accordance with the common European values, i.e. broad catalog of human rights and freedoms, on the other hand. According to many analysts, the strategy of the EU, especially in the domain of security, cannot be considered as a strategy in the „classical" sense (Bilandžić, 2012), because of its adoption, ie formalization of the process, as well as its very content. By its physiognomy, renewed Strategy looks more like a conceptual document, inspirational sketch, a catalog of threats and measures for their prevention, and in its content, constitutes a comprehensive and specified numerous joint program of work of EU Council, the European Council, the Commission and the European Parliament.

3 SCOPE OF THE AUDIT

The new agenda is substantially divided into several parts: the first part deals with the key principles in the implementation of internal security, the other exposes the existing instruments for exchange of information and better cooperation between National law enforcement authorities, and the third deals with specific threats to EU citizens by listing a wide range of measures aimed at preventing or remedying their possible consequences (European Commission, 2015e).

In the conceptual, contextual and methodological sense, the new Security Agenda represents a significant step forward compared to the previous strategy, especially as concentrating on key issues related to cross-border threats which require a quick and decisive response to combating the three biggest current security threats: organized crime terrorism, cyber-crime and illegal migration with all the accompanying effects-„Terrorism as a specific, cruel and criminal form of violence is motivated by intimidating the population and authorities" (Pejanović, 2014). To respond to these threats, in order to change or eliminate them, essential is, as the program concisely emphasizes, *efficient, rapid and coordinated response at the European level*, since Member States, although they have primary greatest responsibility for security, cannot fully achieve it without the individual performance regardless of their total security capacities. In addition, it provides for the manner in which the Union can provide added value in supporting member states in achieving/preserve security. The very goal can be achieved through better cooperation in the field of security, and strengthening the pillars of EU action, ie reliance on the available policy tools and instruments.

To establish better cooperation in the field of security within the EU Member States, the Agenda is based on five key principles: 1) to ensure full respect for fundamental rights and

freedoms; 2) transparency, accountability and democratic control in terms of gaining the trust of citizens; 3) the implementation of existing legal instruments; 4) establishing an inter-agency and inter-sectoral approach; 5) strengthen all internal and external dimensions of security (Pavlović, 2015).

To achieve the second course of action and to strengthen the pillars of EU, the Agenda provides for a number of instruments: better information exchange, improved operational cooperation and other support measures including training, financing, research and innovation. In this context, special importance has previously established the Schengen information system for the exchange of information, which includes checking alerts on wanted and missing persons and criminal matters within the Union. In order to monitor the movement of the perpetrators of criminal acts, as part of detecting and breaking up terrorist criminal networks, a system of passenger records (PNR) was established, primarily in air traffic, with the names of people who come and go in the space of the EU. In order to achieve more efficient cross-border operational cooperation at the EU level, available are the following instruments: joint investigation teams, joint customs operations, a network of national specialized units and centres for police and customs cooperation (European Parliament, 2016).

In the context of support measures, in addition to training programs for police officers conducted by the European Police College, CEPOL, represents a significant contribution to the establishment of the Homeland Security, which has a total budget of 3.8 billion euros for the period up to 2020, which would finance all projects or activities related to the strengthening of cross-border operational cooperation to counter organized crime and terrorism. Regulation of the European Parliament and the European Council (European Commission, 2014b) established the Instruments for financial support in the area of police cooperation, crime prevention and crisis management, which accurately determines the objectives, eligible measures, strategic priorities for financial support, as well as the method of allocation of these funds between agencies at EU and Member States (European Commission, 2014b).

4 KEY PRIORITIES

Compared with the previous strategy, which had five strategic objectives, new renewed strategy, or Agenda is dealing with only three key priorities, which require urgent action. Organized crime, terrorism and cybercrime are clearly inter-related cross-border threats, and their diversity and international context and dimensions indicate the need for a coordinated response at the EU level, which includes the involvement of all intelligence and police resources, with the ability to use military effects. Prevention of terrorism and the prevention of radicalization as the first of the three priorities or strategic objectives in the Agenda were presented through eight actions: strengthening the role of Europol through the establishment of a European anti-terrorist centre, organizational strengthening of the Centre for cybercrime activities on prevention of incitement to hatred on the Internet, implementation activities aimed at preventing the financing of terrorism, the adoption of a new legal framework for the fight against terrorism (directive), setting priorities in EU policies in the field of education financing youth and culture, prevention and development programs on the prevention of radicalization, strengthening Eurojust in the collection and use of electronic evidence criminal investigations, opening centers of the Network for the prevention of radicalization (Radicalization Awareness Networks - RAN) in Turkey and the Western Balkans, the Middle East and North Africa (European Commission, 2015e).

Considering the fight against organized crime, the program envisages several concrete steps and actions along with numerous measures: extension of the Cycle of EU policy on serious and organized crime with neighbouring countries, cross-border enforcement of intensive investigations with the support of an EU agency to adopt a strategy to combat human trafficking, tightening legislation in order to prevent the spread of the market and the use of illicit drugs, the monitoring and detection of suspicious transactions through the expansion of the powers of financial intelligence units and the competent national agencies for the freezing and confiscation of illegally acquired assets, improving policy and regulatory mechanisms in order to prevent environmental crime, initiation of joint actions and adopt strategies and plans with third countries in combating the smuggling of migrants, with increased activity to be included in the new European migrant program (European Commission, 2015a).

The steps to prevent cybercrime are specifically determined, as the third strategic objective: placing emphasis on implementation of existing EU legislation, especially when it comes to

attacks on information systems and the fight against child abuse on the Internet, innovation legislation in the fight against fraud and counterfeiting of non-cash means of payment, removing obstacles in criminal investigations and identifying more efficient ways of cooperation within the judicial institutions and the law applicable to the flat and faster cross-border access to evidence and information, strengthen the capacity of EU agencies, notably Europol, and in particular the European Centre for the fight against cybercrime as a central information centre in the area of cyber security, to continue the support of Eurojust in the collection and use of electronic evidence in investigations and prosecutions in the areas of criminal offenses using the Internet etc. (European Commission, 2015e).

4.1 Visualization of cross-border hazards and threats

Along with the development of computer, telecommunications and other technologies, as well as the economy itself, modern society is becoming increasingly complex and high degree-independent, making it very vulnerable (Čaleta, Vršec & Brumnik, 2013). In the coming decades, experts warn that the development of society as a whole or any of its segments even more will be formed by transformative force, whose contours are now just visible, and a final appearance is not yet predictable. Such context dramatically evolves security challenges, threats and risks. In official documents, the types of risks and vulnerability, exposure, experience and resilience of individual reference objects of protection at risk, varies significantly from one country to another, regional institutions or international level. The vulnerability as an important component of risk has a complex and multidimensional character (Komarčević & Živanović, 2015). The broadest overview of the current global risks is presented in a new report by The World Economic Forum [WEF] (2015), listed in 28 global risks, divided into five categories (economic, environmental, social, geopolitical and technological) with a detailed observation of drivers of these risks in the form of 13 trends (WEF, 2015). Weight and gravity of the situation of the EU in terms of internal security, perhaps is the best illustrated by the statement of Federica Mogherini the EU High Representative for Foreign and Security Policy, when she explicitly stated that „The EU for the first time in its history, faces an existential threat and that threat coming from within the EU borders” (Mogherini, 2016). Almost everyone who analysed this point directs to the large cracks in the security sector, both at EU and national level and present dysfunctions in all segments and sectors of the security system, and it converges to the failure of the system, which is considered as a reliable and infallible. Islamic-jihadist terrorism today in the area of Europe is treated as a security risk, not only by the powerful transnational companies, state structures, primarily military and security services, but also as a peculiar social and psychological risk in the form of a latent fear that cannot be avoided or ignored (Vujić, 2015).

The tragic events also showed that this type of threat cannot be pre-assessed in terms of its severity and frequency, as is the case with the assessment of natural and technical disasters, and having in mind that terrorist actions have arising element of intentionality and psychological risk dispersion, which is not present in traditional threats. In one recycled form revives again the concept of „unknown of unknowns” created by the Pentagon under the US doctrine of “draining the swamp” for the upcoming occupation of Iraq and Afghanistan. The concept does not only indicate a fear of the unknown, but also the new position of a man who, because of nonsensy spread of terror and keeping the so-called the war against terrorism, is not able to recognize the meaning of current and future developments, except emergence of „the market of fear” in which nobody can ever feel secure enough. Although it feels the threat of terrorism has grown rapidly, especially after the attacks in Paris and Brussels, the number of attacks in Europe is reduced today than 20 years ago. According to published research results of the Institute for Economics and Peace in Essen, in a report titled “Global Terrorism Index for 2015.” the number of those killed in the attacks in 2014 amounted to 32,658 persons, which is by 80 % more than in 2013, when 18,111 people lost their lives. Responsibility for more than half of these cases took over the Islamist group “Boko Haram” based in Nigeria and jihadist organization “Islamic state” on the territory of Syria and Iraq and their growing network in South Asia and Africa. This study clearly shows that even 78 % of those killed are localized in five countries: Pakistan, Syria, Afghanistan and Iraq (9,929) and Nigeria (7,512). According to the research findings of the Institute the total economic costs of terrorism amounts to 52.9 billion dollars in 2014, which is 10 times more than in 2000. When comparing data from the Global Database on Terrorism (University of Maryland, USA), it

appears that Europe has so far been relatively spared because of the total number of attacks on a global scale only 0.3 % refers to the European space, which means that the largest number of terrorist attacks carried out in times of crisis or war zones of the Middle East and north Africa (University of Maryland, 2016).

Examining the phenomenon of cross-border terrorism, Rolf Tophofen, director of the Institute for Crisis Prevention in Essen, openly warned that according to all estimates, Europe will be increasingly at gunpoint (Tophofen, 2016), in contrast to the United States and Russia, due predisposed vulnerability and exposure to risk. Head attack or the objectives of jihadists will be “easy target”, mass public gatherings, sports, music and theatre events, shopping centres, and other, objects of critical national infrastructure: airports, subway, railway and bus stations, nuclear power plants, electric power buildings, water systems, chemical plants with hazardous substances, health and medical centers, financial institutions and governments. For these objects of particular importance is assessing their functional vulnerability (Komarčević, Živanović & Marković, 2015). A geopolitical aspect of expansion of ISIS lead Europe into “powder barrel”, with the terrorist organizations creates a mechanism for destabilization not only of the Arab Middle East and the environment, but also Europe, where there are large Muslim communities (Engdhal, 2014).

The number of killed in the terrorist attacks, the height of the estimated damage to property and the spatial dispersion of the number of victims are shown in Figures 1, 2 and 3.

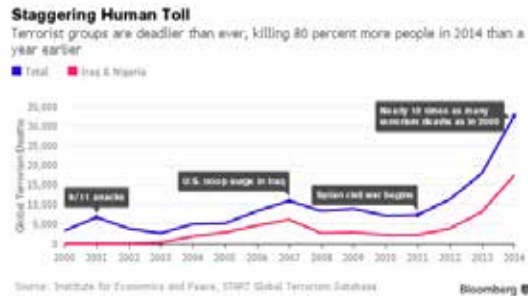


Figure 1: The number of victims in Western Europe in the period from 2000 to 2014
(source: Yoon & Tartar, 2015)

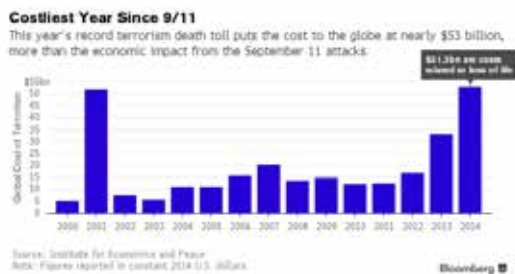


Figure 2: Direct damage to the global economy in the period from 2000 to 2014
(source: Yoon & Tartar, 2015)

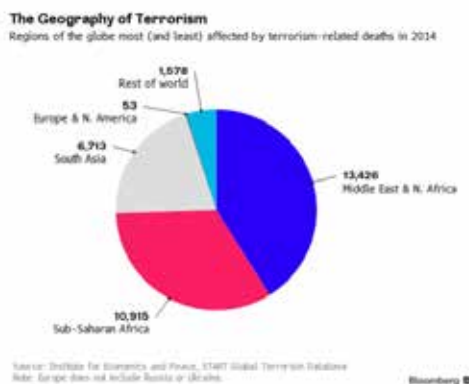


Figure 3: Dispersion of victims in global level in the period from 2000 to 2014
(source: Yoon & Tartar, 2015)

A recent report of the State Department (2016) dedicated to international terrorism in 2015, shows the total number of deaths caused by terrorist attacks decreased by 14 % than the previous year. According to the report, on average recorded 981 terrorist attack per month (11,772 during 2015), a total of 28,328 people have been killed and wounded around 35,300 people. Statistically speaking, this is 13 % lower number of attacks, a 14% lower death compared to 2014. The main terrorist threat remains “Islamic state” that seeks to redirect the focus of its activities on Europe, Lebanon and Turkey in the first stage, and later to extend the operations zone of the southern edge of the Russian sphere of influence and the countries of Central Asia. According to the National Consortium for the Study of Terrorism and Response to Terrorism (START) at the University of Maryland, “global threat of terrorism continued to expand rapidly in 2015 and has become increasingly decentralized and widespread”. Data from START is composed Annex annual strategy paper for the Congress of the US government (A Department of Homeland Security Center of Excellence led by the University of Maryland, 2016).

5 REFLECTIONS ON FUTURE MODEL POLICE WORK

With the advent of the migrant crisis and series of terrorist attacks in the metropolis, security landscape architecture of EU definitely changed. In the scientific and professional public, direct or indirect consequences of the escalation of these threats are: a change in the perception of security and the subjective feeling of vulnerability, a state of emergency, extension and tightening of criminal legislation and criminal repression, restriction or reduction of human rights and freedoms, the militarization of the police, strengthening the centralized tendencies in the work of national and supranational law enforcement agencies, increasing manpower and powers of the security services, enhanced implementation of existing and introduction of new technical means and control solutions, increased budgetary allocations for the area of security, the introduction of new mechanisms of democratic and parliamentary control of the security services, etc. (Cvrtila, 2015).

For unwillingness and inefficiency of certain European countries' police to vigorously oppose modern threats, experts refer to numerous arguments and reasons: the recession, employment rights, standards and respect for human rights, a new concept of police work, new technologies, the demands of citizens for better services, the demand for more efficient and cost effective policing, a new generation of employees and globalization (Balgač, 2014); obsolescence of the model, the human factor, poor equipment, lack of information, lack of police authority vertically or horizontally, etc.

American security experts David Ignjatius and Carl Nilsson Hvenmark point out that the terrorist attacks in Paris and Brussels have discovered numerous and catastrophic flaws in the European security policy, especially in the functioning of the police and intelligence services (McAlister, 2016).

Some analysts believe that the cuts in the budget in the majority of Member States in economic crisis drastically weaken the capacity of the police authorities, both state and local to deal with terrorist threats or migration crisis. In order to reduce budget expenditures, the authorities in several countries were forced to specific actions to increase austerity measures in the security field. In this connection, a professor from the University Kaunert Dundee in Scotland is estimated that these measures most deprived army and police who, because of reduced resources cannot operate at full capacity (Kaunert, 2015).

Recent experience shows that a modern police organization require a multi-layered design and a flexible structure, which in itself is not enough if it does not follow modern management methods, effective business processes, and the use of modern forensic and technological resources. Each EU Member State is sovereign in choosing the organizational model of the police, taking into account European standards and rules of police work (Franulović, Pušeljić & Magušić, 2011). Internal factors that determine the organization of the police are very numerous: the size and number of citizen, length and characteristics of state border, transnational and cross-border threats to crime, police objectives, activities and tasks it receives, organizational resources (number and structure of personnel, assets, engineering, technology and methodology, programs and plans of action and development, etc.) (Pušeljić & Jelenski, 2007).

In order to ensure the internal security of the EU, the Agenda provides for a series of concrete actions and recommendations aimed primarily at strengthening police cooperation vertically, the establishment of new police agencies, mainly at the EU level, increasing the capacity of existing police agencies, notably Europol, the revision of legislation that regulates the issue of fighting terrorism, possession of weapons and protect external (Schengen) border of the EU. In particular, when it comes to the work of police services, and raising its quality through efficiency and effectiveness of the organization model, the new regulations, directives, guidelines and other acts are going in two directions: first, empowerment and strengthening police agencies at EU level and, fixing the vertical dimension of internal security and, second, extending the jurisdiction of the police in the Member States, through increased scale, duties and tasks, which are included in its jurisdiction. In response to the growing threat of new terrorist attacks and waves of migration European Parliament and the Council of the EU for a relatively short period of time, brought new rules to combat terrorism in which significantly extended the scope of the powers of Europol as European police Office (EUR-Lex, 2016). The new rules allow the extension of the mandate of Europol in order to effectively combat the growing over-sea crime and terrorist threats. In addition, Europol receives authorization for establishment of specialized units for rapid response to all forms of organized crime, such as European Anti-terrorist Centre, Unit for the Internet, and others.

An important novelty is reflected in the obligation of Member States to transmit to Europol all the relevant data for the fight against organized crime and terrorism, and Europol has an obligation to support national law enforcement agencies and cooperation in the prevention of those threats and risks. "Therefore, terrorist-criminal or criminal-terrorist violence with modern methods of violence is one of the widest phenomena or forms of threats." (Pejanović & Rakić, 2012). In addition to participation in joint investigation teams, Europol is responsible for strategic analysis and risk assessment in order to achieve efficient and effective use of technical or operational resources available at national or EU level.

Another extremely important activity, above all, the EC refers to the formation of a new law enforcement agency - the European border and coast guard. After the European Council set clear positions in the sense that enhance the control of the external borders of the EU, the European Commission in mid-December last year adopted a new package of measures for border management, which provides the establishment of a new police agency, which should eliminate the limitations encountered by Frontex. Reactions to the mass influx of migrants estimated by experts were mostly partial dosed in panic, frustrations, and sometimes racial outbursts. In any case, the EU's response came very late (Simeunović, 2015).

The rules that are currently in the adoption stage, give power to, if necessary, the European border and coast guard can intervene on the parts of the external borders that are vulnerable, and the Member States have an obligation to make available to the Agency a part of their national border guards. In addition, it is proposed the introduction of vulnerability assessment, which would be implemented by the Agency in the Member States to determine the level of resource capacity to face the challenges in the control of external borders. The Agency has the authority to make binding decisions and in terms of what the individual Member States must take to

remedy the identified deficiencies. Finally, the third and also the most significant innovation is the right to intervention by the Agency in the Member States in cases where there is an obvious an inefficient control of external borders that threatens the normal functioning of the Schengen area (European Commission, 2015b).

Legal evolution and organizational transformation of Frontex in the Agency for Border and Coast Guard, according to experts, will not pose a particular challenge, nor be of greater financial commitment, since Frontex already consists of a "special border European rapid reaction force - RABIT" which are made up of armed border guards and whose mandate is to patrol the borders between Member States (N. M., 2015).

In the context of the elaboration of the Agenda for Security, European Commission in mid-March 2016 adopted a package of measures to strengthen the fight against terrorism and illegal trafficking of firearms and explosives. On the basis of previous consultations, given is a directive on terrorism, which would come to elimination of numerous shortcomings in existing legislation and encourages better cooperation between the institutions themselves. The proposed directive concerns new incriminating actions that have so far not been represented in the national legislation:

- Travel with terrorist objectives within or outside the EU,
- Financing, implementation and enable these trips,
- Attend the training for terrorist purposes, and
- Providing funding for execution of terrorist actions (European Commission, 2015d).

The second package of measures comply the adoption of the Action Plan to struggle illegal trafficking of firearms and use of explosives (COM(2015) 624 final).

The key objective of this Action Plan comes down to easier detection, investigation and confiscation of firearms and materials for making explosives used in criminal or terrorist purposes. As part of the implementation of the plan proposed a series measures, both in terms of cooperation, as well as in the field of operations, which will mainly be carried out by police services of the Member States, and only in exceptional cases by police agencies of EU.

Summarizing the above described relevant directions in building the internal security of the EU, it is quite certain that the Brussels administration, aware of the existing limitations, weaknesses and dysfunktionalities of systemic and institutional solutions, both at EU and at member state level, on the one hand, and faced with the pressure public, because of the growing threat of terrorist attack or re-escalation of the migrant crisis, on the other hand, is determined to build a comprehensive approach that includes fast, flexible and operational response, in which the focus is not only on the elimination of all kinds of danger to the security of EU citizens, ie the result, but the elimination of the causes and resolution of threats. This approach means the gradual transfer of powers from the national to sub-national level, through the subtle and disguised centralization of internal security. Internally visible are signs of gradual or temporary abandonment of the concept and model of community policing that promotes a proactive, preventive and service-oriented model of policing, as well as strengthening criminalistic-intelligence model, which in recent years has been incorporated into the work of almost all police services in the EU and its environment. At the same time, increased police presence on the streets, increased control, airport security, metro stations and in general all public facilities, targeted patrols in certain areas, frequent raids, establishing control and security checkpoints, the use of "long" cylinders and notable demonstration of force, and the application of aggressive police tactics and the operational and technical measures associated with the establishment of a "paramilitary" policing model, it is only a step from the "militarization" of the police. This is a trend that is currently experiencing a renaissance in the two major global powers, the USA and Russia, and if the situation in Europe radically will not correct soon, in this way will move many countries such as, France, Belgium, Great Britain, Italy and others. On this occasion, widespread is criticism of the EU institutions due to the tightening of criminal law and prosecution, the introduction or extension of a state of emergency, and that means new restrictions, to strengthen anti-terrorism laws, an increase in police repression, measures that threaten or reduce privacy, etc. Simply put, reinstated dilemma whether it is justified to reduce human freedom and rights in order to achieve personal and/or collective security. Some authors suggest increasing political and criminal punitive nature and substantially fewer guarantees for the respect of freedom and human rights, in order to increase efficiency in the fight against crime (Bavcon, 2012).

6 CONCLUSIONS

Previous experiences and the practice show that the EU in terms of security is an extremely complex entity of subnational character and at the same time a facility with concerning low level of manageability. Because of its exquisite institutional heterogeneity, organizational complexity and objectively conditioned political fragmentation, it is on the edge of the non/handlable entity. The events in Paris and Brussels showed that in a complex environment, in terms of crisis and emergency situations, the EU has no developed operational and management mechanisms to quickly and efficiently resist hybrid threats, nor has the capacity and security or "smart" power detection, early warnings and prevention of the threats and risks.

Due to those reasons, the EU is estimated as object-insufficiently maneuverable and unsuitable for directing, in the formulation, as well as in the implementation of the security agenda, particularly internal security. A large part of the difficulties, uncertainty and additional costs of EU in internal security area come down to one fundamental asymmetry: more the number of global challenges is growing and more complex they become, the economic and financial resources, constantly go under pressure and been drastically reduced, directly due to "decompression effect" which reduces the capability and capacity of the EU to provide an effective response against all hybrid and cross-border threats and risks.

In addition, certain inequities and imbalances are noticeable at other key points, such as the relationship between freedom and security which is obviously due to public pressure outweigh towards achieving security, overhead human rights and freedoms which needed to be limited or suspended. Low handling areas and models of internal security, a particular concern established extensive breadth of different entities (national, sub-national, private, etc.), where is in fact based the total commitment and performance, has resulted in fairly heavy realization of the many important tasks, either alone or in coordination, but also a lack of transparency regarding the allocation of responsibilities, the distribution of funds and the execution of concrete actions that must sooner or later be decomposed.

Interdependence discussed and established constellations of relations at the EU level has an additional, somewhat dynamic, but certainly an extremely embarrassing implication. The higher the degree of ignoring national interests and preferences of the member states and their security needs - it's more the illusion of results that can realistically be achieved and even greater the distance between what is in the security practices to be achieved or expected contributions. This implies a clear view to preventing and struggling terrorism and other hybrid threats, primarily the operational imperative requirement, not the bureaucratic speed. Without the development of these principles and the establishment of strong security capacities, the EU will hardly be able to achieve much needed "soft power" in opposition to sophisticated networks of organized crime, terrorism and radicalization, as well as cyber crime.

The key, but not the only, European problem is disunity, fragmentation, and significant differences in the model of organization of the national security services, with traditionally poor and predominantly formal exchange of security information, not only vertically but also horizontally.

The process of elaboration and implementation of the security agenda of the EU is not an easy or simple task. Total added value provided by the Agenda, largely depends on how the competent institutions at both levels would take advantage of the offered instruments, tools and concrete measures to remove the first operational shortcomings and the information vacuum, and then through the elaboration of measures to improve, strengthen police cooperation and establish a rapid, decisive and operational response to all current and latent security challenges, risks and threats. On that front, in the first approximation notable are two directions pursued by the EU: to finally become, due to its economic and financial power, the distributor and/or provider of security not only within its borders, but also externally and thus reduce dependence on the US and NATO.

REFERENCES

- A Department of Homeland Security Center of Excellence led by the University of Maryland. (2016). *National consortium for the study of terrorism and responses to terrorism*. Retrieved from <http://www.start.umd.edu/gtd>.
- Bajagić, M. (2012). *Međunarodna bezbednost* [International security]. Beograd: Kriminalističko-policijska Akademija.
- Balgač, I. (2014). *Prikaz konferencije "Upravljanje policijom u 21. stoljeću u kontekstu novih koncepata policijskog rada* [Display of the conference "Police management in the 21st Century in the context of new concepts of policing"]. Retrieved from <http://hrcak.srce.hr/130336>
- Bavcon, L. (2012). *Čovekove slobode i/ili bezbednost* [Human freedom and/or security], Belgrade: Temida.
- Bilandžić, M. (2012). Strategija "nacionalne" sigurnosti Europske unije - Analiza Strategije unutarnje sigurnosti Europske unije [Strategy of "national" security of the European Union - Analysis of the internal security strategy for the European Union]. *Police and Security*, 1, 49-69.
- Cvrtila, Ž. (2015). *Suzbijanje terorizma zahtjeva operativnu, a ne birokratsku brzinu* [Combating terrorism requires an operational, rather than bureaucratic speed]. Retrieved from <http://zastita.info/hr/clanak/2015/12/suzbijanje-terorizma-zahtjeva-operativnu-a-ne-birokratsku-brzinu.526,17023.html>.
- Cvrtila, V., & Perešin, A. (2013). *Novi modeli sigurnosti i javno-privatno partnerstvo* [New models of security and public-private partnership]. Nova Gorica: University of Nova Gorica.
- Čaleta, D., Vršec, M., & Brumnik, R. (2013). *Critical infrastructure protection in relation to the importance of risk management*. Zagreb: Ministry of Internal Affairs.
- Čavoški, A., & Reljanović, M. (2009). *Pravosuđe i unutrašnji poslovi u Evropskoj uniji* [Justice and internal affairs in the European Union]. Belgrade: Law Faculty of the University of Union.
- Dulić, D. (Ed.) (2006). *Ljudska bezbednost, Zbornik tekstova I*. [Human security, Proceedings I] Belgrade: Fund for an Open Society.
- Đorđević, S. (2010). «The Stockholme programme and the police reform strategy: A 'step forward' in the police reform in Serbia». *Journal on European Perspectives of the Western Balkans*, 1(2), 59-78.
- Enghdal, W. (July 29, 2014). *ISIS spread makes Europe a 'tinder box'*. *rt.com*. Retrieved from <https://www.rt.com/op-edge/176360-isis-treat-to-europe>
- European Commission. (2013a). *The EU's comprehensive approach to external conflict and crises*. Retrieved from http://www.eeas.europa.eu/statements/docs/2013/131211_03_en.pdf
- European Commission. (2013b). *Towards a more competitive and efficient defence and security sector*. Retrieved from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2013:0542:FIN:EN:PDF>
- European Commission. (2014a). *An open and secure Europe: making it happen*. Retrieved from http://ec.europa.eu/dgs/home-affairs/e-library/documents/basic-documents/docs/an_open_and_secure_europe_-_making_it_happen_en.pdf
- European Commission. (2014b). *The final implementation report of the EU Internal Security Strategy 2010-2014*. Retrieved from <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52014DC0365>
- European commission. (2015a). *A European agenda on migration*. Retrieved from http://ec.europa.eu/lietuva/documents/power_pointai/communication_on_the_european_agenda_on_migration_en.pdf
- European commission. (2015b). *A European Border and Coast Guard and effective management of Europe's external borders*. Retrieved from http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/securing-eu-borders/legal-documents/docs/communication_-_a_european_border_and_coast_guard_and_effective_management_of_europes_external_borders_en.pdf
- European commission. (2015c). *Implementing the European Agenda on Security: EU action plan against illicit trafficking in and use of firearms and explosives*. Retrieved from http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-security/legislative-documents/docs/20151202_communication_firearms_and_the_security_of_the_eu_en.pdf
- European commission. (2015d). *Directive of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism*. Retrieved from <https://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-625-EN-F1-1.PDF>

- European commission. (2015e). *The European Agenda on Security*. Retrieved from http://ec.europa.eu/dgs/home-affairs/e-library/documents/basic-documents/docs/eu_agenda_on_security_en.pdf
- European Parliament. (2016). EU Passenger Name Record (PNR) directive: an overview. Retrieved from <http://www.europarl.europa.eu/news/en/news-room/20150123BKG12902/EU-Passenger-Name-Record-%28PNR%29-directive-an-overview>
- Franulović, D., Pušeljić, M., & Magušić, F. (2011). *Organizational models of the police system*. Čakovec: VI Scientific Conference "Management and Security".
- Kaunert, C. (November 25, 2015). Saving truncated response to terrorism. *EurActiv.rs*. Retrieved from <http://www.euractiv.rs/vesti/137-eu-prioriteti/9376-tednja-okrnjila-odgovor-na-terorizam.html>
- Kerr, P. (2006). Razvoj dijalektičkog odnosa između državocentrične i ljudskocentrične bezbednosti. In D. Dulić (Ed.), *Ljudska bezbednost II [Human security II]* (pp. 21–46). Belgrade: Fond za otvoreno društvo.
- Kerr, P. (2010). "Ljudska sigurnost". In A. Collins (Ed.), *"Suvremene sigurnosne studije"* [Modern security studies] (pp. 126). Zagreb: Political culture.
- Komarčević, M., Pejanović, L., & Živanović, C. (2012). *Corporate security*. Belgrade: Higher Educational Center for Entrepreneurship.
- Komarčević, M., & Živanović, C. (2015). *Dimenzija ranjivosti kao najvažnije komponente rizika* [The dimension of vulnerability as the most important component of risk]. Brčko: European University of Brčko.
- Komarčević, M., Živanović, C., & Marković, M. (2015). *Dimensions of infrastructure vulnerabilities illustrated in the example of the catastrophic floods in May 2014 in BiH*. Nova Gorica: University of Nova Gorica.
- Lodgaard, S. (2000). *Human security, concept and operationalization*. Retrieved from <http://www.cpdindia.org/conceptandoperationalization.htm>
- Mogherini, F. (2016). *Putting the Union at risk raising walls instead of knocking them down*. Retrieved from <http://europa.rs/mogherini-povodom-dana-evrope-uniju-dovodimo-u-opasnost-kada-zidove-podizemo-umesto-da-ih-rusimo>.
- McAlister, Z. (March 30, 2016). US Experts talk about the terrorist attacks in Europe. *NewsWire*. Retrieved from <http://newsWire.net/newsroom/news/00092258-us-experts-talk-about-the-terrorist-attacks-in-europe.html>
- Nikolić, M. (October 27, 2015). Srbija Danas, Stražari na "zidu" EU: Može li Fronteks da zaustavi priliv migranata? [A guard at the EU "WALL": Can Frontex stop the influx of migrants?]. *Srbija danas*. Retrieved from <http://www.srbijadanas.com/clanak/strazari-na-zidu-eu-moze-li-fronteks-da-zaustavi-priliv-migranata-video-foto-27-10-2015>
- Pavlović, G. (2015). *Bezbednosna funkcija države i zaštita ljudskih prava* [Security function of the state and safety of human rights] (Doctoral dissertation). Belgrade: Pravni fakultet.
- Pejanović, L. (2014). *Osnovi bezbednosti* [Security basics]. Novi Sad: Faculty of Legal and Business Affairs.
- Pejanović, L., & Rakić, M. (2012). *Neki oblici ugrožavanja čoveka u kriznim vremenima* [Some forms of threats to a man in times of crisis]. Skoplje: European University of Republic of Macedonia.
- Pušeljić, M., & Jelenski, M. (2007). Policijski sustavi [Police systems]. *Realization of the police function through the organization, police and security, 1/2*, 1–19.
- Regulation (EU) 2016/794 of the European Parliament and of the Council. (2016). *Official Journal of the European Union*, (153/53).
- Simeunović, D. (2015). Migracije kao uzrok političkih anomalija u Evropi [Migration as a cause of political anomaly in Europe]. Retrieved from <http://scindeks-clanci.ceon.rs/data/pdf/0354-8872/2015/0354-88721503001S.pdf>
- Smajić, M. (2012). Evolucija koncepta ljudske sigurnosti u savremenim sigurnosnim studijama [Evolution of the concept of human security in contemporary security studies]. *Sarajevo Journal of Social Issues, 1*, 179–190.
- The World Economic Forum [WEF]. (2015). *The Report on Global Risks for 2015*. Retrieved from http://www3.weforum.org/docs/WEF_Global_Risks_2015_Report15.pdf
- Tophofen, R. (2016). *Kako se promijenio terorizam u Evropi?* [How did the terrorism change in Europe?]. Retrieved from <http://www.dw.com/bs/kako-se-promijenio-terorizam-u-evropi/a-19151099>

- Vujić, J. (August 21, 2015). Je li islamska država postala prirodna elementarna nepogoda? [Did Islamic State become natural elementary disaster?]. *Večernji.hr*. Retrieved from <http://geopolitika.org/jure-vujic-je-li-islamska-drzava-postala-prirodna-elementarna-nepogoda>
- Williams, P. (Ed.) (2008). *Security Studies: An Introduction*. Routledge. Abuingdon: Routledge.
- Yoon, S. , & Tartar, A. (November 17, 2015). The global economic cost of terrorism is now at its highest since 9/11. *Bloomberg*. Retrieved from <http://www.bloomberg.com/news/articles/2015-11-17/the-global-economic-cost-of-terrorism-is-now-at-its-highest-since-9-11>

A DEMOCRATIC GOVERNMENT AND THE NATIONAL SECURITY SYSTEM: CAPACITY BUILDING IN SERBIA WITH EMPHASIS ON THE POLICE

Ljubo Pejanović, Mile Rakić

ABSTRACT

Purpose:

The goal of the paper is to illustrate the imperative need for constructing a modern capacity of the national security system.

Methods:

In the paper content analysis, comparative methods, synthesis, deduction and description methods are used.

Findings:

This paper points to the fact that in the Republic of Serbia a massive security system is established, which is completely under political influence, for which reason it is inefficient and uncooperative with neighbouring countries and member states of the European Union. It is overburdened by duties, which do not belong to the corpus of duties of the police and all of these indicate the need for a rapid reform of the security system.

Research limitations:

Further empirical research is needed in order to form appropriate approaches for reformation of the security system and the police within it, which would lead to a significantly higher efficiency of the police, as well as its rationality and cooperation with other international police forces.

Originality:

This paper is, in the Republic of Serbia, an original work, which is the result of research conducted on the existing security system and the police, as one of its most important subjects.

Keywords: national security, police, politics, reform, system.

1 INTRODUCTION

Considering that the Republic of Serbia has applied for membership in the European Union, it has committed itself to harmonizing and carrying out reforms of its national security system and the police, as one of its most important emphases. Within this context, the Ministry of Internal Affairs is conducting negotiations, reaching agreements and signing contracts on mutual cooperation with police institutions from neighbouring states and from member states of the European Union. In fact, there is the need, as well as the assumed obligation, for a reform of this vital State system and its subjects. This paper presents findings on how, and to what extent, police reforms comply with other police institutions in neighbouring states.

2 POLICE REFORM

A reform of the public sector, to which the Ministry of Internal Affairs (MIA) belongs, is one of the most pressing tasks of the current Government of the Republic of Serbia. The public and the commercial sectors in the Republic of Serbia are waiting for the Government to fulfill its promise. This is vital because it has become apparent that the administrative sector of the Ministry has become so large and so bureaucratized, that the current state is unsustainable. Therefore, what needs to be done is for reforms to be directed, instead of at the cumbersome administration, but the executive section of the police which is much smaller, when compared to the administrative part, and in particular in relation to the number and needs of the citizens. The capacity of the administrative bureaucracy, at the current scale, is not only suffocating the public police but also the economy and the citizens. In this regard, the Government's first priority should be to reform the State sector, and in particular the police, so that it will become effective and useful in that area which belongs to the police (and not its administration). The citizens, and society as a whole, expect that the police reform will drastically reduce the bureaucratized administration, and thus the entire bureaucracy of the State, which has been embedded to such a degree that it has become ineffective, complicated, and does not meet the needs of society.

Essentially a bureaucratized and massive administration in the police force is very complicated, inconsistent, unclear, inefficient, and represents a major expense for society. Its attitude and actions towards clients and citizens lead to a long delay in the execution of their duties and responsibilities, for which reason they not only exist but they have also been well paid. Some of these problems are clearly noticeable as, for example, the unnecessary creation of long waiting lines which generate unnecessary, relatively long, waiting times for both the citizens and the legal entities while waiting to satisfy their basic needs (obtaining personal documents and various permits, solutions, etc.) for which reason they are often routed to go from one police station to the next. The fact is that employees, who perform this part of the job within the police force, when compared to employees performing similar jobs in other State bodies and the private sector, are well paid for the work they should be doing. However, due to their size, they are inefficient and thus useless. While some work, others put off resolving cases on the "until further notice" principle causing animosity, discontent, adverse reactions and arguments at counters with and among clients and dissatisfied citizens.

All of the aforementioned make it necessary for a transformation of the police force to be carried out as soon as possible which could then resemble the organization and functions of the police forces in other developed states of the European Union. The current Government of the Republic of Serbia also agrees that a police reform is required and necessary. In this context, the Minister of Justice of the Republic of Serbia, Nikola Selaković recently announced that a reform of the police force was necessary: "There is no effective judicial reform without a thorough police reform because the chain of immunity of a State is composed of the police, the prosecutors and the judiciary, and if one link in the chain is not functioning well it breaks" (RTS, 2014). "The police officers who arrived in Novi Sad about 10 days ago to patrol the streets identified about 200 citizens and filed 10 criminal charges against people who did not have their ID cards. They will remain until April, after that the safety of the city must be permanently resolved. Due to a deteriorating security situation in Novi Sad, and for better safety, fundamental reforms of the police forces will be implemented as well as the implementation of the Law on Usual Residence, which is not being applied in practice. In order to be able to talk about security, it is necessary to identify and accurately use necessary terms, such as: security, protection, rescue, etc." (Pejanović, 2014: 253-255). "How could it happen that members of foreign security forces are reporting on the situation in Novi Sad and for us to have organized criminal groups. We know this very well, I'm one of the operatives who worked on it, however it is obvious that the system is failing at all levels. The government bodies have been turning a blind eye to this for years. The State should support the people who have been looking after the safety of the city and its citizens," said Milivoje Mirkov and Saša Kovačević members of the City Council of the Social Democratic Party of Serbia (CC SDPS) (Marjanov, 2014).

This is not only a Novi Sad problem, this is a problem for all major, and minor, cities in the Republic of Serbia. The police reform began back in 2000 and continues to this day, primarily because of some people holding high positions who did not want these reforms and who have stopped and delayed them for this reason. In order for these reforms to be conducted by the State and other institutions including the police, reforms must be thorough and comprehensive. Reforms include all individuals who have delayed the same, and when they have been removed from their functions, only then will we be able to reform and reorganize the Ministry of Internal Affairs. Simply removing these individuals will not resolve the problem unless they are held accountable for their actions and the actions of their associates. In this respect, police reform should include the process and transformation of existing institutions that have not functioned effectively, and that requires reorganization. Most importantly, what we need in this institution is a new, professional and educated staff, who must also receive support for their work, and which would, most certainly, take the police, as a public institution, to a state of high-end functionality. That science also supports police reforms and it is corroborated by statement of Radomir Milašinović (the Dean of the Faculty for Security in Belgrade): "Most of the rot is located where cases are processed and resolved. Police personnel are professionals but they depend on political centers. Choose the most capable, not the most loyal! The decriminalization of the police in Serbia is essential. It is the prerequisite of all prerequisites!" As nothing can function without internal organs, our police need a spring cleaning. Can it be said that the police in Serbia are criminalized. Absolutely. This is a long-standing practice in our country, almost a decade long. Because intimidation is easiest where one knows the most.

The police are the eyes and ears of the State, and should also be a place of knowledge of criminalization, causal, manifested and consequential. But the police are only one component,

and together with the judiciary and the prosecution, they make an organism, which must be in tune. In this respect, the ones who are most responsible for criminality in the police forces are political parties, *i.e.*, party leaders and teams. Political parties have many members without much education, without abilities and courage to carry out the functions they have been assigned to perform and what can we expect from them. They loyally carry out requests and the will of their party leaders and officials who demand loyalty and actions which are expected of them, and not as required by the profession. Some party cells choose staff who, according to their education and skills, have nothing in common with the position they have been given but are expected to be loyal and easily manipulated. For this reason, individuals holding positions within the police forces do not have the authority to operate properly but are forced to work according to the will of political leaders, which members of the police force, mostly the heads of the police, cannot oppose or resist.

Thus it can be concluded that the greatest responsibility for the situation in Serbia belongs to the political parties, and through them their personnel in the police who have usually been appointed by the same and to whom they belong. Because of such situations, everyone in the chain of destroying the State protects one another, and threatens to reveal illegal acts if they are sanctioned and so on *ad perpetuum*. In this manner, they are maintained, supported and kept until the end of the mandate. This is constantly repeated in a significant number of cases, while the State and the people increasingly deteriorate moving towards an abyss of no return. However, this is not only the relationship between the party and the police but other State institutions are in the same or similar situations and behavior. Additionally, the internal security problems in Serbia are "Accompanied by significant interference, and often direct interference from external factors. More precisely, due to interference by the centers of power which these conflicts suit, after all, which are present even today" (Djurić, Jovašević & Rakić, 2007: 46-56).

2.1 Reform of police education

In order to be able to discuss police reform in the Republic of Serbia, it is necessary to coordinate this issue with the basic role of the security system and the relationship with police education. "The basics and the role of the security system in achieving security is determined by the classification, characteristics and structure, which characterizes it and determines its meaning, function and activity" (Pejanović, 2014). In order for the police to have success in their activities, they require professional, modern and expert training. "Professional and permanent training of all personnel who are engaged in preventive protection activities" (Pejanović & Bejatović, 2009: 286).

"The training and education of law enforcement is only part of the reform of the Ministry of Internal Affairs of the Republic of Serbia. In this context, reforms have been carried out in the College of Internal Affairs in Zemun, in the Academy of Criminalistics and Police Studies and the Police Academy in the Academy of Criminalistics and Police Studies. The reform of the secondary school of internal affairs in the Centre for basic police training lasted about two years. The transformation project began in February of 2005 and the first pilot generation enrolled in November of 2007, and this occasion was marked by a gala ceremony on December 5, 2007. This two-year period was deemed realistic for the training of staff to be completed and for the new class of trainees to begin their training. The transformation of these educational institutions, which serve for the education of police personnel, has been defined as one of the most important reform projects that should have been implemented by applying the basic principles of reform: professionalism, depoliticization, demilitarization, transparency, gender equality, cooperation with the local community. Reform through the principle of cooperation with the local community has defined a new police role in society-a service of the citizens" (Stojanović & Laković, 2013: 364). Highly qualified personnel intended for criminology and criminal science are trained for advanced professional development and training at the Criminalistics Police Academy. Therefore, this higher education institution is transforming into a Police University, thereby expanding the scientific professions of forensics, computer science and similar educational profiles.

By including the above mentioned programs, the police are securing a greater number of police profiles for professional jobs. However, the police should expand their programs for training citizens, *i.e.*, civilians for jobs which in other European countries do not belong to the police but to the civilian sector. Profiling civilians for jobs that are currently performed by the

police is essential and it would free MIA from activities that should not be performed by the police, as in other countries in the world, including deactivation of dangerous goods. *"In order to destroy these goods we require a large amount of funds, which would then pollute our own environment and present a problem to the security of our own population, as well as more modern training for the same"* (Pejanović, 2015: 1096). Therefore, the civil sector should take over the tasks of issuing identification documents which could be educated by police scientific institutions and parts of civil scientific and professional institutions. Police professional institutions could then conduct adequate, necessary and required training of children and citizens and their participation in traffic, not only as participants in a vehicle but also as pedestrians and their behaviour in an urban environment, while civil institutions would issue the necessary documents.

In addition to the aforementioned training conducted by the police, this institution wants to expand training for security personnel and detective activities. *"In this regard, it is of particular importance that security system subjects be educated not only in our country, in centers and institutes for security studies, but also in foreign centres and institutions"* (Rakić, 2006: 92-93).

2.2 Decentralization

Decentralization - lat. repeal or weakening of centralization, transferring the functions of the central authority to lower bodies (to implement decentralization, to transfer the duties of central organs to lower organs) (Mićunović, 1988: 131-132). The fact that: *"our police are very politicized, from World War II onward. And depoliticization of the police is a prerequisite for a society to start healing. The police must not be partocratic system. However, it is a service of politics which is unacceptable. The judiciary and the police must do their jobs and be independent, and not be a service for interpreting political and the will of any other party"* (Milašinović, 2013).

Decentralization involves dividing jobs and transferring the same from the top of a centralized system to lower organizational units of the system. Therefore, jobs belonging to the civil sector, such as jobs related to the issuance of personal documents, would be ceded to the civil sector through decentralization which would free the police from unnecessary jobs and would allow them to pursue professional police jobs and tasks that belong to the Ministry of Internal Affairs.

2.3 Disintegration

The disintegration of the police is a planned activity intended to divide the police forces into smaller groups or smaller organizational units. Police disintegration *"is the disintegration, dismemberment, breaking of a whole"* (Mićunović, 1988: 119-120).

In this specific case, disintegration is the process of breaking up a large organization that is sluggish, inefficient, and therefore useless for the taxpayers. In this case, it must be divided into smaller, more efficient and higher quality units that fulfill the legal obligations. The Ministry of Internal Affairs must be unified as a whole, but jobs must be divided into smaller regional entities in order to avoid a centralized power concentrated in one or a group of people. Each regional or special professional organ would have its managerial function aimed at a central authority, but in a real sense, and not just formally as is the case now. By separating duties into smaller professional units, the situation of party influence would be avoided and the police would almost certainly be free of it.

2.4 Disorganization

In order to avoid viewing disorganization in a negative sense, it is necessary to explain it in the direction of positive reorganization. The word disorganization implies *"causing disorganization, causing confusion, derangement"* (Klajin & Šipka, 2006: 322-324). According to our way of thinking and application, police disorganization would be a separation from a party's influence and the elimination of negative individual behaviours with the police forces. The separation of the police from the influence of the party would, to a large degree, separate crime from individuals in the police who are, indirectly and directly, drawn into the net of criminality. In this sense, disorganization would entail a change of behaviour from a negative to a positive state while removing individuals prone to illegal actions from most members of the police force, which has a

positive attitude towards its profession and activities. With a change of this attitude towards the profession, trust would return to the institution (which was lost precisely due to the politicization of the police) in accordance with modern changes in other modern organized police systems.

2.5 Demilitarization

"The issue of police demilitarization has been on the agenda for a long time and influences the culture of the profession. The organization of the police force, by rank, gives the police a military character, while the organization of the gendarmerie and the arsenal it has at its disposal, clearly gives it a military nature. Assurances have been obtained that the gendarmerie's arsenal will express the civil nature of its task and that all heavy weapons and military equipment will be removed from it, but no date has been set for this task" (Downes, 2004: 23-24). The truth be told "The previous endangerment to the security of our country, since the formation of the Republic of Serbia, clearly indicates that the same has been continuously jeopardized from the outside" (Rakić & Jovašević, 2009: 103).

"Regarding organization according to rank, there are strong reasons for this structure to be changed, and the ranks should be non-military in nature and express a position in the service. This would have a positive impact on the image of the police by the public, while the rank structure would become clear/understandable. This, together with the structural reorganization of the Public Security Department (which Chapter 5 deals with), would represent significant progress, at a symbolic level, toward establishing a new police service. As we have looked at the existing structure of the ranks and rank systems in other countries, proposals for changes in the rank system are outlined below and they have been entered in the proposal for a new organizational structure in the next chapter. It is necessary to reduce the number of ranks in order to secure a structure with fewer levels, and within each profession, there may be certain income ranges, depending on years of service, experience and merit. Moving from the rank of a constable to that of a sergeant should depend passing an exam, an interview with the candidate, and an impeccable work record. The aim of these checks is to ensure that the sergeant is more familiar with legislation and internal procedures and that he is capable of managing/controlling. This should ensure fair and impartial promotions while allowing the police to have the right people in positions of command" (Downes, 2004: 23-24).

When it comes to demilitarization, it would be one of the priority tasks of the Government of Serbia to implement reforms in this regard. In the long historical past, the army was an institution that was everywhere in our society, in careers and professions divided by specialties, while individual were promoted to ranks of all levels. As far as police ranks are concerned, they are not needed nor have the police had it in the past. In order to receive ranks many prerequisites and conditions are necessary, among which are: school education in the profession, the passing of an examination for the rank, a vacancy for the corresponding rank, etc. Ranks in the police are not awarded in accordance with these rules but on a party basis, loyalty and the like. In this case, the rank of a general may be received by people who have nothing to do with the profession and thereby impair the reputation of the profession and institution. Demilitarization should be enforced through repealing of ranks. The reason for this is the fact that ranks should be given for command in the army, and not in the police. Because the police is more civilian than military organization, therefore there is no need for ranks. When it comes to the distribution of weapons, the police should not have military weapons but weapons which belong to this type of organization. And what should be mandatory for all employees in the police is background check and no possibility of employment of those who have a criminal record.

2.6 Depoliticization

Before we point out the problem of police depoliticization, it is necessary answer the question what is it police 'depoliticization'? "The removal of politics, release from political influence" (Klajin & Šipka, 2006: 338-339). In this regard, police depoliticization includes a release from political influence by the ruling parties, and instructions from political leaders to the police leadership and thus the police. "As to a question from a journalist as to whether police depoliticization was necessary." Professor Radomir Milašinović stated that: "Our police is highly politicized, since the Second World War onwards. And depoliticization of the police is a prerequisite for a society to

start healing...” (Milašinić & Kurir, 2013). In analyzing the above response, the police in the Republic of Serbia will be effective and will provide a response to citizens through its activities only when it is released from party presence. While senior police staff are members of a political party, they will undisputedly be accountable to their party alone, while not being accountable to the people paying them and not entirely fulfilling their constitutionally mandated obligation.

It is interesting to state at this time the fact that the “Constitutional solutions, especially constitutional and political practice in post-communist countries, to which the Republic of Serbia belongs, no doubt suggests that the bicefal executive, consisting of the president and the prime minister, who have been chosen in different election manners, *i.e.*, have independent political legitimacy, present the main subjects and a place of a possible conflict of jurisdiction “. (Rakić & Budžak, 2014). Thus, a possible discrepancy of interests is possible even at the top of political power.

As long as politics has an impact on the police, organized crime and corruption cannot be eliminated, and full implementation of the law is not possible. The problem is that parties are employing their members in high positions, and they do not do that according to the criteria of professionalism or quality, but by obedience and loyalty.

In this manner, they too enter a network of illicit activities, usually concealing the commission of offenses, forging documents and through other similar illegal acts. Furthermore, the above-listed conditions would produce a state that, “Same as now, far more effort is invested in interpreting and explaining compromising security than the mere possibility in the prevention and elimination of the same.” (Rakić, 2009: 876)

3 CONCLUSION

The police system of the Republic of Serbia, which has been emerging during transition, in the existing organization and function clearly is not sustainable. Therefore, we can unambiguously conclude that the existing organizational and functioning system does not match the needs of modern society. “The national security system consists of all institutions and entities in the country that are primarily professionalized while the broadest safety is self-protection - broad security culture among the people” (Rakić & Vejinović, 2006: 55-56). The national security system should be completely reformed, which would then reject a military organization, equipment and education of police personnel, and the same would be adapted to the new and democratic relationships in which the police must be closely related to the citizens.

The system of social self-protection, in which citizens were in close connection with the police (as a function of the former security system), has been rejected, and in which destructive activities, of significantly smaller forms and shapes, took place. Today, those same citizens, as possible security subjects, nobody notices which directly affects the quality and quantity of detection and identification of perpetrators. By abandoning the previous (socialized) security system, the police have separated from the public and thereby became isolated and eventually inert, as well as to a large extent, inefficient. If the leadership and party politics, which is represented in the country as national politics, does not deter from the tutelage of the police system, and in general over the national security system, it will be inadequate and therefore non-functional (inefficient to the extent necessary). Therefore, the impact of politics and political parties must be separated from the security system, *i.e.*, political parties must be isolated from influencing the national security system, *i.e.* from achieving their goals and suffocating institutions, as is now the case. Reforms must be implemented on the basis of experience, adapting legislation to that of developed countries and developed societies with a modern and functional security system. In the end, the police system is broken, inefficient and gives significantly worse results than possible, necessary and expected which clearly requires a larger, faster, and actual involvement from the current Government on the issue of the quality of policing as one of the most important factors to state security.

REFERENCES

- Downes, M. (2004). *Reforma policije u Srbiji* [Police Reform in Serbia]. Belgrade Law Enforcement Department.
- Djurić, Ž., Jovašević, D., & Rakić, M. (2007). „Korupcija – izazov demokratiji“ [Corruption - a democratic challenge]. Belgrade: Institute for Political Studies in Belgrade.

- Klajin, I., & Šipka, M. (2006). *Veliki rečnik stranih reči* [Great Dictionary of Foreign Words] Novi Sad: Prometej.
- Marjanov, E. (February 25, 2014). Mirkov: Nužna reforma policije [Mirkov: The necessity of police reform]. *Dnevnik*. Retrieved from <http://www.naslovi.net/2014-02-25/dnevnik/mirkov-nuzna-reforma-policije/9080076>
- Mićunović L. (1988). *Savremeni rečnik stranih reči* [Contemporary Dictionary of Foreign Words]. Novi Sad: Književna zajednice Novog Sada univirzitetska riječ.
- Milašinović, R. (November 12, 2013). Policiji je potrebno veliko provetravanje [The Police needs to clean house]. *Kurir*. Retrieved from <http://www.kurir.rs/dekan-fakulteta-za-bezbednost-policiji-je-potrebno-veliko-provetravanje-clanak-980469>
- Pejanović, L. (2014). *Osnovi bezbednosti* [The Basics of Security]. Novi Sad: Faculty of Legal and Business Studies Dr. Lazar Vrkatić.
- Pejanović, L. (2015). Pollution of basic natural resources with hazardous matters. *Ekonomika poljoprivrede*, 62(4), 1095-1107.
- Pejanović, L., & Bejatović, M. (2009). *Avioterorizam* [Airplane terrorism]. Novi Sad: ABM ekonomika.
- Rakić, M. (2006). *Bezbednosna preventiva* [Security Prevention]. Belgrade: Institute for Political Studies in Belgrade.
- Rakić, M. (2009). Bezbednosna preventiva – imperativ moderne bezbednosti [Security prevention - an imperative of modern security]. *Teme*, 33(3), 865-880.
- Rakić, M., & Vejinović, D. (2006). *Sistem bezbednosti i društveno okruženje* [The Security System and the Social Environment]. Banja Luka: Udruženje defendologa Republika Srpske.
- Rakić, M., & Jovašević, D. (2009). *Nasilje i demokratija* [Violence and Democracy]. Belgrade: Institute for Political Studies in Belgrade.
- Rakić, M., & Budžak G. (2014). Odnos između zakonodavne i izvršne vlasti na primeru Ustava Republike Srbije iz 1990 i 2006.godine [The Relationship Between the Legislative and Executive Bodies on the Example of the Constitution of the Republic of Serbia in 1990 and 2006], *Srpska politička misao*, 2, 249-265.
- RTS (April 3, 2014). Selaković: Reforma policije imperativ [Selaković: Imperative of police reform]. *RTS*. Retrieved from: <http://www.rts.rs/page/stories/sr/story/125/Društvo/1565763/Selaković%3A+Reforma+policije+imperativ.html>
- Stojanović, S., & Laković, V. (2013). *Obuka i edukacija policijskih službenika u Republici Srbiji* [Training and Education of Police Officers in the Republic of Serbia]. Novi Sad: Faculty of Legal and Business Studies.

LEADERSHIP COMPETENCIES FOR POLICING LOCAL COMMUNITIES IN EUROPE AND SLOVENIA

Emanuel Banutai, Milan Pagon, Iztok Podbregar, Branko Lobnikar

ABSTRACT

Purpose:

This paper examines the presence of and correlations among various leadership competencies among European police managers.

Methods:

Using the responses of 126 European police (top-/middle-level) managers, the present analysis utilizes correlations between various leadership competencies in police organisations, while also examining the interconnectedness with the organisational culture.

Findings:

The study results confirm the overall positive correlation among most of the measured leadership competencies, indicating that managers, who perceive higher leadership competencies in one area are likely to have more competencies in other areas, and vice versa. In terms of organisational culture reflected through the doctrine of new public management & good governance (OECD, 2007), both traditional and new cultural values appear to be present in European police organisations and are positively correlated. Moreover, many leadership competencies are positively correlated with those cultural values.

Research limitations:

The biggest limitations of this study are small sample size and reliance on self-report data, provided by police managers themselves. Future studies should address these issues.

Originality:

Many studies have dealt with leadership competencies and change management in general terms, predominantly in profit-oriented sector. Yet, little research has examined the relationships among those characteristics in public administration, let alone in (European) police environment.

Keywords: police, leadership, competency, change management, organisational culture, Europe

I INTRODUCTION

We live in a time when continuous change is one of the rare constants in our environment. It is therefore expected, in organisational sense, that employees and leaders are becoming increasingly adaptable, effective and competent. Particularly leaders play an important role in setting an example for all (contemporary) values and behaviours expected from all employees, with their adequate leadership competencies as an essential prerequisite or asset. Police organisations are no exemption to these dynamics. One of the major changes that European police organizations are facing these days is the implementation of community policing as an organizational strategy and philosophy of policing. In Slovenia, community policing was introduced as part of the democratization process and the process of transferring concepts of police work from the West (Lobnikar & Meško, 2010). As regards community policing, the Organisation and Work of the Police Act (Zakon o organiziranosti in delu v policiji, 2013) emphasizes decentralization and strengthening of the independence and autonomy of police directorates (regional level), and defines cooperation between the police and local community with the emphasis on the role and importance of community policing. Leading the new police organizations requires different competencies than managing traditional bureaucratic police.

Butorac, Orlović and Žebec (2016) highlight that important, complex and delicate nature of police work assumes optimal functionality of the police organisation within a challenging social and political environment. The central element of all organisations, and police is not an exception to the rule, is human factor. Human resources encompass the totality of the formal knowledge, practical skills, abilities, behaviours, social characteristics, psychological traits and realised and/or latent creative potential of the people in a society, organisation or community (Marčetić, 2007 in Butorac et al., 2016). If the epicentre of the organization is human factor, the most important element are employees' competencies. Competencies, in general, can be interpreted as an individual's ability to activate, use and connect acquired knowledge and skills in complex, diverse and unpredictable situations (Spencer & Spencer, 1993). They can also be understood as

a set of three competency clusters: (1) cognitive, (2) functional and (3) social/personal abilities and skills, including all individual resources one can use for performing diverse tasks in various areas, gaining required knowledge and achieving good results. Every competency is based on a combination of mutually linked cognitive and practical skills, knowledge, orientation values, beliefs, motivation, emotions, and other social and behavioural components, applicable as a whole in an efficient activity (DeSeCo Program, 2002; Duffy, Ganster & Pagon, 2002; OECD, 2002, in Svetlik, 2005; Rychen, Salganik & McLaughlin, 2003; Pagon, Banutai & Bizjak, 2008, 2010, 2011).

When talking about (leadership) competencies, we have to distinguish between competencies in profit and public (non-profit) organisations. Aim and mission, accountability, nature of activity, context, values, budget, influence, outsourcing, to name only a few areas, cause certain (minor) distinctions in leadership competencies between these two groups (Ring & Perry, 1985; Perry & Rainey, 1988; Virtanen, 2000; Ransley & Mazzerolle, 2007; Thach & Thompson, 2007; Van Wart & Dicke, 2008). However, studies also show a similarity pattern (Fulmer & Goldsmith, 2001; Goleman, Boyatzis & McKee, 2002; Thach & Thompson, 2007; Dubois & Rothwell, 2008) where several competencies are perceived to be key/crucial for both private/profit and public sector. The top three competencies/skills chosen by leaders in both sectors are (1) honesty and integrity¹, (2) being collaborative and (3) developing others. Furthermore, as Thach and Thompson (2007) conclude, they fit well within the most commonly references competencies, particularly within Bennis's (1987) group of interpersonal skills, one of four competency clusters, mandatory for effective leadership².

Mentioned circumstances (e.g. introducing partnership model with different stakeholders as community policing) are increasingly emerging in police organisations as well, culminating in a slow but persistent change of policing concept. That being said, leaders' aim should be that organisational changes are accepted and implemented in a way resulting in better job performance as well as in general understanding and satisfaction of all involved, be it in profit-oriented organisation, public sector or even in a police organisation. Therefore, it is reasonable to expect from key employees, what they should achieve and which leadership competencies should they utilize in order to successfully implement changes (Pagon et al., 2008).

In public sector, the organisational values have been in transition in the last three decades as the imperatives of the New Public Management (NPM) have questioned traditional values of public service (Virtanen, 2000; McInnes, 2001; Kovač, 2004; den Heyer, 2011). According to the OECD (2007), such change management resulted in a cultural revolution in the public service.

Although the influence of organisational culture on policing is well researched topic (Skolnick, 1966; Willson, 1968; Van Maanen, 1973; Manning, 1977; Goldstein, 1977, 1990, 1994; Reuss-Ianni, 1983; Reiner, 1985; Kelling & Kliesmet, 1996; Paoline, 2004; Nalla et al., 2007; Boke & Nalla, 2009; Banutai, Šifrer & Meško, 2011), it is still impossible to summarize the findings on a common denominator basis, mainly due to specific challenges of professional and organisational environment within the police work. We have therefore used both the OECD's (2007) model of cultural transformation in public sector (from traditional to new cultural values) and the competency model (Banutai, 2012) to examine and assess the interconnectedness between leadership competencies and cultural values in police organisation. We hypothesised that various *leadership competencies are positively correlated, and they interact to predict the presence of various cultural values in police organisations.*

2 METHODS

2.1 Sample

One hundred and twenty-six police managers from European Union and Schengen zone participated in the study. Out of those, who revealed their sex, 84 (85.7 %) of the respondents were male and 14 (14.3 %) were female. The mean age of the subject was 43.1 years. Sample included 11 (11.2 %) subjects with doctoral degree, 41 (41.8 %) had a master's and/or a university

¹ Remarkable and meaningful finding is that the honesty and integrity dimension was chosen by 84 % of the leaders overall (Thach & Thompson, 2007).

² Remaining three being self-knowledge, being visionary, and technical skills (Bennis, 1987).

degree respectively and 5 (5.1%) had a high school degree or less. Forty-four (46.8 %) participants reported being in a rank of top-level management, and 50 (53.2 %) reported the rank of middle-level management. The average amount of work experience of the respondents was 22.1 years; 19 years of work experience in the area of criminal justice and security; 15.5 years at the current organisation; and the average amount of work experience in the current position was 4.0 years. Sixty-five police managers were from Slovenia, and the rest of 61 were from other European/Schengen countries (Austria, Belgium, Bulgaria, Cyprus, Estonia, Croatia, Ireland, Island, Italy, Lithuania, Luxemburg, Germany, the Netherlands, Poland, Romania, and Switzerland).

2.2 Measures

We developed a 93-item scale measuring leadership competencies where we analysed 7 different groups of competences obtained by principal component analysis (PCA). We also developed a 47-item scale measuring cultural values in an organisation, and analysed three factors consequently obtained by PCA.

- People skills - PSK

We developed a 29-item scale measuring people skills (PSK). Sample items were: *"I am very successful in motivating my employees and colleagues for excellence"* and *"I have a great ability to attract and develop talent"*. The respondents indicated their answers on a 7-point Likert-type scale (1-strongly disagree; 7-strongly agree). Kaiser-Meyer-Olkin (KMO) for this scale was 0.842, coefficient theta was 0.88.

- Understanding, innovating and changing the organisation - UIC

We developed a 19-item scale measuring UIC. Sample items were: *"I have an ability to promote our police organisation's vision with enthusiastic passion"* and *"I encourage diversity of approaches in carrying out police tasks"*. The respondents indicated their answers on a 7-point Likert-type scale (1-strongly disagree; 7-strongly agree). KMO for this scale was 0.877, coefficient theta was 0.84.

- Emotional intelligence and self-control - EIC

We developed a 14-item scale measuring EIC. Sample items were: *"I learn from my experience (I seldom make the same mistake twice)"* and *"I am very good at controlling my impulses"*. The respondents indicated their answers on a 7-point Likert-type scale (1-strongly disagree; 7-strongly agree). KMO for this scale was 0.799, coefficient theta was 0.78.

- Planning and decision making - PDM

We developed a 11-item scale measuring PDM. Sample items were: *"When I face a problem, I look at it from all possible angles before I attempt to solve it"* and *"When things go well, I always ask myself how could I make them better"*. The respondents indicated their answers on a 7-point Likert-type scale (1-strongly disagree; 7-strongly agree). KMO for this scale was 0.788, coefficient theta was 0.68.

- Numbers and logic - NUL

We developed a 7-item scale measuring NUL. Sample items were: *"I can do complex calculation by heart (without using a calculator)"* and *"In solving a problem, I employ a systematic set of steps to reach a solution"*. The respondents indicated their answers on a 7-point Likert-type scale (1-strongly disagree; 7-strongly agree). KMO for this scale was 0.589, coefficient theta was 0.71.

- Multicultural skills - MCS

We developed a 7-item scale measuring MCS. Sample items were: *"I feel confident conducting a meeting in a foreign language"* and *"I participate effectively in multicultural teams"*. The respondents indicated their answers on a 7-point Likert-type scale (1-strongly disagree; 7-strongly agree). KMO for this scale was 0.699, coefficient theta was 0.73.

- Learning and using new technologies - LNT

We developed a 6-item scale measuring LNT. Sample items were: *"I extensively use the Internet in doing my work"* and *"I am very efficient in acquiring new knowledge and skills"*. The respondents indicated their answers on a 7-point Likert-type scale (1-strongly disagree; 7-strongly agree). KMO for this scale was 0.733, coefficient theta was 0.54.

- Traditional cultural values - TRAD

We developed a 7-item scale measuring TRAD. Sample items were: *"Our police organisation relies heavily upon a strict hierarchy of control"* and *"In our police organization, authority is mainly derived from one's formal position"*. The respondents indicated their answers on a 7-point Likert-type scale (1-strongly disagree; 7-strongly agree). KMO for this scale was 0.642, coefficient theta was 0.63.

- Fear and resistance to change - CHANGE

We developed a 6-item scale measuring CHANGE. Sample items were: "In our police organisation, we believe in a lifelong career in law enforcement; employees should enter the police organisation at the lowest level and spend their entire career within law enforcement" and "The resistance to change in our police organisation is high, because change has not been clearly explained by leaders and managers". The respondents indicated their answers on a 14-point Likert-type scale (1-strongly disagree; 7-strongly agree). KMO for this scale was 0.816, coefficient theta was 0.86.

- New cultural values - NEW

We developed a 26-item scale measuring NEW. Sample items were: "In our police organisation, authority is mainly derived from one's expert knowledge" and "In our police organisation, people's mindsets, culture, and attitudes are well adapted to a new environment that law enforcement is facing in our country". The respondents indicated their answers on a 7-point Likert-type scale (1-strongly disagree; 7-strongly agree). KMO for this scale was 0.901, coefficient theta was 0.93.

2.3 Procedure

This study was part of a broader study on leadership competencies for successful change management among European police managers, conducted by Banutai (2012) for his doctoral research. We used an online questionnaire (www.surveymonkey.com). The link to the questionnaire was distributed to top- and middle-level police managers by Justice and Home Affairs (JHA) counsellors in their respective countries. The details have been explained to JHA counsellors at the two-day long focus group meetings in Brussels (Belgium). Participation in the study was voluntary.

3 RESULTS

The means, standard deviations, and correlations of the competency and organisational value variables are presented in Table 1.

Table 1: Descriptive statistics and correlations for competencies and cultural values^a

Variables	Mean	SD	1	2	3	4	5	6	7	8	9	10
1. PSK	5.44	1.06	-	-	-	-	-	-	-	-	-	-
2. UIC	5.63	1.09	.78**	-	-	-	-	-	-	-	-	-
3. EIC	5.69	1.03	.72**	.53**	-	-	-	-	-	-	-	-
4. PDM	5.49	1.05	.51**	.47**	.49**	-	-	-	-	-	-	-
5. NUL	5.00	1.30	.43**	.35**	.20	.11	-	-	-	-	-	-
6. MCS	5.12	1.45	.40**	.44**	.31**	.16	.16	-	-	-	-	-
7. LNT	5.82	1.03	.36**	.42**	.42**	.33**	.08	.46**	-	-	-	-
8. TRAD	5.03	1.32	.28**	.28**	.16	.13	.04	.08	.18	-	-	-
9. FEAR	4.22	1.63	.23*	.015	.08	.23*	.05	-.07	-.11	.40**	-	-
10. NEW	4.29	1.55	.26*	.22	.37**	.20	.18	.17	.04	.24*	.03	-

^a n = 126

*p < 0.05

** < 0.01

7-point Likert-type scale

Even though the PCA resulted in seven distinct factors within the competency scale, and three distinct factors within the cultural value scale, a further correlation analysis revealed that all of those competencies were positively correlated, most of them statistically significantly correlated. In other words, if a manager has one set of competencies more developed, other competencies are more developed as well, and vice versa. Among competencies with the strongest statistically significant correlations, we identified following competencies to be strongly

interconnected: people skills; understanding, innovating and changing the organisation, and emotional intelligence and self-control.

Same positive correlations were identified for outcome variables, i.e. cultural values. Traditional values proved to be positively and statistically significantly correlated with fear and resistance to change (strongest connection) and, somewhat surprisingly, with new cultural values (weaker connection). In other words, the more the traditional values are present in police organisation, bigger the fear and resistance to change, as expected, and vice versa. Positive correlation between traditional and new cultural values implies that both groups still coexist in police organisations. Yet no statistically significant correlation between variables "new cultural values" and "fear and resistance to change" emerged.

Finally, the correlation analysis revealed several statistically significant connections between (leadership) competencies and organisational values. On one hand, traditional values are positively and statistically significantly correlated with following competencies: (1) people skills; and (2) understanding, innovating and changing the organisation (both strong connections). Fear and resistance to change is positively and statistically significantly correlated with: (1) understanding, innovating and changing the organisation; and (2) planning and decision making (both weaker connections). New cultural values are on the other hand positively and statistically significantly correlated with (1) people skills (weaker connection); and (2) emotional intelligence and self-control (the strongest connection).

Table 2: Correlations for competencies and cultural values – subsample of Slovenian managers^b

Variables	1	2	3	4	5	6	7	8	9	10
1. PSK	-	-	-	-	-	-	-	-	-	-
2. UIC	.78**	-	-	-	-	-	-	-	-	-
3. EIC	.65**	.55**	-	-	-	-	-	-	-	-
4. PDM	.56**	.51**	.35**	-	-	-	-	-	-	-
5. NUL	.44**	.35**	.33*	.22	-	-	-	-	-	-
6. MCS	.37**	.43**	.32*	.04	.28*	-	-	-	-	-
7. LNT	.36**	.44**	.38**	.32*	.23	.48**	-	-	-	-
8. TRAD	.44**	.50**	.29*	.49**	.24	.16	.14	-	-	-
9. FEAR	.30*	.18	.08	.29*	.12	-.18	-.16	.47**	-	-
10. NEW	.08	.23	.19	-.04	.24	.14	-.16	.19	-.08	-

^b n = 65

*p < 0.05

** < 0.01

Similarly, for Slovenian police managers' subsample we can see (Table 2) that all competencies are in a strong and positive correlation, most of them in a statistically significant correlation. Most of the competencies are positively associated with traditional cultural values. Again, fear and resistance to change is positively and statistically significantly correlated with (1) traditional values and (2) planning and decision making competencies. In other words, the more the traditional values are present in a police organisation, bigger the fear and resistance to change, as well as more planning and decision making set of competencies are developed, and vice versa. As we can see, the police still values higher traditional cultural values and according to that police officers training is planned. On the other hand, no statistically significant correlation was identified between traditional and new cultural values on a Slovenian subsample. In addition to that, new cultural values do not correlate to any of measured police leader's competencies – thus in this framework, we cannot explain the development of these values with the measured competencies. Further, we were interested if Slovenian subsample of police managers differs significantly from the rest of the sample. The results of analysis are presented in table 3.

Table 3: T-test differences among competencies

Competencies	SLO		OTHER		sig. diff.	
	Mean	SD	Mean	SD	t	p
1. PSK	5.51	1.01	5.34	1.09	-	
2. UIC	5.68	0.98	5.56	1.02	-	
3. EIC	5.82	0.93	5.52	1.11	2.37	.02
4. PDM	5.52	1.00	5.46	1.11	-	
5. NUL	5.01	1.28	4.98	1.28	-	
6. MCS	4.99	1.49	5.28	1.38	-	
7. LNT	5.92	0.94	5.69	1.12	-	

7-point Likert-type scale

As can be seen in Table 3, in general the t-test analysis revealed there are no statistically significant differences between the police managers in Slovenia and other respondents. The only identified difference is the self-assessment of competence in the field of emotional intelligence, which have Slovenian police managers attributed a higher score than their European counterparts.

4 DISCUSSION

To understand this study's findings, one must consider all antecedents, traits and skills associated with competencies in question and also cultural values (OECD, 2007) as an outcome of change management in public administration. The results confirm the overall positive correlation among most of the measured leadership competencies, indicating that managers who perceive higher leadership competencies in one area are likely to have more competencies in other areas, and vice versa. In terms of organisational culture reflected through the doctrine of good governance, both traditional and new cultural values appear to be present in European police organisations and are, somewhat surprisingly, positively correlated. This implies that both value-groups do coexist in police organisations, with particularly strong connection between traditional values and fear and resistance to change. Moreover, many leadership competencies are positively correlated, especially with traditional values. Thus our hypothesis that various *leadership competencies are positively correlated, and they interact to predict the presence of various cultural values in police organisations*, can be confirmed. The results of this study therefore add to the pool of knowledge about the correlations between leadership competencies and organisational values in police organisations.

Among competencies with the strongest statistically significant correlations, we identified following competencies to be highly interconnected: people skills; understanding, innovating and changing the organisation, and emotional intelligence and self-control - meaning, the more personal/social competencies (PSK and EIC) there are in police organisation, the cognitive competencies, particularly UIC, are developed as well. Among all competences, the respondents rated as highest the emotional intelligence and self-control. Since the police still nurtures traditional cultural values, we can assume this rating goes to self-control rather to emotional intelligence. Respondents also rated people skills very high. Although big standard deviations were detected for individual competencies, we can say that the Slovenian police managers do not differ significantly from their European counterparts. All these findings confirm, to some extent, previous research (Lorenzi & Riley, 2000; Josiah, 2007; Kirsch, 2011).

At the same time, we must be aware of the self-reported data limitations. If nothing else, we can say that interviewed police managers are very self-confident. For a full picture over the situation, one would in addition require a 360-degree feedback or multi-source competency assessment (by respondent's subordinates, peers (colleagues), and supervisors). As we can see, the police still appreciates traditional values. Somewhat surprisingly, new cultural values do not correlate to any of measured police leader's competencies. To further explore interconnectedness among these variables, future research should focus on other antecedents that can influence the competency and organizational culture development in (police) organisations, such as level of education, work experience, (police) training (incl. mentoring, coaching, consulting etc.), locus of

control³, values⁴, personal characteristics/traits, personality type (Big 5)⁵ etc. (Pagon et al., 2008; Banutai, Pagon, Podbregar & Lobnikar, 2015).

In terms of community policing, such activities involve participation of all community members to solve problems. Citizens develop a close relationship with police officers, increasing mutual trust. As Miller and Hess (2008) pointed out community policing is democracy in action. It requires the active participation of different stakeholders - all who share a concern for the welfare of the neighbourhood should bear the responsibility to protect the well-being. Nowadays communities are becoming increasingly multicultural in many forms. For Slovenian police managers, who are responsible for implementing community policing into the day-to-day practice, this could present a serious challenge, as they evaluated multicultural skills as least developed.⁶ The new Slovenian strategy of community policing (Police, 2013) follows the legislative provisions, especially by emphasizing the (local) police stations' independence – they must adapt their activities to the needs and interests of local communities concerning security. From this perspective, multicultural skills (beside other competencies) are important. The new strategy declares that community policing is a comprehensive police approach, based on preventive work, but not excluding repressive work. Although community-policing officers are in charge of community policing, it should be performed by every member of the police force. Thus, another problem emerges; is this possible to be adopted, at least to some extent, without new cultural values? As police managers play an important role model for subordinates (Pagon et al., 2008), it might be too ambiguous to expect high tendency towards the change among police officers if police managers (and leaders) prefer traditional over new cultural values. Nevertheless, local communities where police are performing their duties are in constant change. Therefore, police members with a tendency to become police leaders one day should have this in their mind, too.

REFERENCES

- Banutai, E. (2012). *The analysis of leadership competencies for change management in police organisations* (Doctoral dissertation). Kranj: Faculty of Organizational Sciences, University of Maribor.
- Banutai, E., Pagon, M., Podbregar, I., & Lobnikar, B. (2015). Leadership competencies - a comparative analysis of managers in public administration and police organizations in Europe. In P. Doucek, A. Novak & B. Paape (Eds.), *Internationalization and cooperation: Proceedings of the 34th International conference on organizational science development* (pp. 87--99). Kranj: Moderna organizacija.
- Banutai, E., Šifrer, J., & Meško, G. (2011). Deviance and police organisational culture in Slovenia. In G. Meško, A. Sotlar & J. Winterdyk (Eds.), *Policing in Central and Eastern Europe - social control of unconventional deviance: Conference proceedings* (pp. 379–400). Ljubljana: Faculty of Criminal Justice and Security, University of Maribor.
- Bennis, W. G. (1987). *On becoming a leader*. New York: Perseus Books Group.
- Boke, K., & Nalla, M. N. (2009). Police organizational culture and job satisfaction: A comparison of law enforcement officers' perceptions in two midwestern states in the U.S. *Journal of Criminal Justice and Security*, 11(1), 55–73.
- Butorac, K., Orlović, A., & Žebec, M. S. (2016). How do Croatian police officers perceive certain characteristics of police management? *Varstvoslovje*, 18(2), 194–213.
- den Heyer, G. (2011). New public management: A strategy for democratic police reform in transitioning and developing countries. *Policing: An International Journal of Police Strategies & Management*, 34(4), 419–433.
- DeSeCo Program (2002). *Definition and selection of competencies: Theoretical and conceptual foundations: Strategy paper on key competencies*. Neuchâtel: Swiss Federal Statistical Office.
- Donnellan, M. B., Oswald, F. L., Baird, B. M., & Lucas, R. E. (2006). The mini-IPIP scales: Tiny-yet effective measures of the Big Five factors of personality. *Psychological Assessment*, 18, 192–203.
- Dubois, D. D., & Rothwell, W. J. (2008). *Competency-based human resource management*. Mountain View: Davies-Black.

3 Internality, Powerful Others, and Chance Scales (Levenson, 1981).

4 Terminal Values from The Value Survey (Rokeach, 1967).

5 The Big Five Factors of Personality (the Mini IPIP Scales) – Extraversion, Agreeableness, Conscientiousness, Neuroticism, and Intellect/Imagination or Openness to Experience (Donnellan, Oswald, Baird & Lucas, 2006).

6 Although relatively high on 7-point Likert-type scale in the overall sample, both multicultural skills (MCS) and numbers and logic (NUL) resulted in two lowest mean average scores, with 5.12 and 5.00 respectively.

- Duffy, M. K., Ganster, D. C., & Pagon, M. (2002). Social undermining in the workplace. *Academy of Management Journal*, 45(2), 331–351.
- Fulmer, R. I., & Goldsmith, M. (2001). *The leadership investment*. New York: American Management Association.
- Goldstein, H. (1977). *Policing a free society*. Cambridge: Ballinger.
- Goldstein, H. (1990). *Problem-oriented policing*. New York: McGraw-Hill.
- Goldstein, H. (1994). Controlling and reviewing police-citizen contacts. In T. Barker & D. L. Carter (Eds.), *Police deviance* (3rd ed.) (pp. 323–354). Cincinnati: Anderson Publishing Co.
- Goleman, D., Boyatzis, R. E., & McKee, A. (2002). *Primal leadership: Realizing the power of emotional intelligence*. Boston: Harvard Business School Press.
- Josiah, D. S. (2007). *The interconnectedness between efficient and effective models of leadership for organizations in the midst of change* (Doctoral dissertation). Minneapolis: Walden University.
- Kelling, G. L., & Kliesmet, R. B. (1996). Police unions, police culture, and police abuse of force. In A. W. Geller & H. Toch (Eds.), *Police violence* (pp. 191–212). New Haven, London: Yale University Press.
- Kirsch, C. (2011). Drivers of change: a contemporary model. *Journal of Business Strategy*, 23(2), 13–20.
- Kovač, P. (2004). Novi javni management in slovenska uprava. In M. Brezovšek & M. Haček (Eds.), *Upravna kultura* (pp. 177–196). Ljubljana: Faculty of Social Sciences, University of Ljubljana.
- Levenson, H. (1981). Differentiating among internality, powerful others, and chance. In H. M. Lefcourt (Ed.), *Research with the locus of control construct* (pp. 15–63). New York: Academic Press.
- Lobnikar, B., & Meško, G. (2010). Responses of police and local authorities to security issues in Ljubljana, the capital of Slovenia. In M. Cools et al. (Eds.), *Police, policing, policy and the city in Europe* (pp. 161–179). The Hague: Eleven International Publishing.
- Lorenzi, N. M., & Riley, R. T. (2000). Managing change – An overview. *Journal of the American Medical Informatics Association*, 7(2), 116–124.
- Manning, P. K. (1977). *Police work: The social organization of policing*. Cambridge: MIT Press.
- McInnes, S. (2001). New public management: Just a »fashion model on the runway?« *Canadian Public Administration*, 44(4), 490–502.
- Miller, L. S., & Hess, K. M. (2008). *Community policing partnership for problem solving* (5th ed.). Southport: Cengage Learning.
- Nalla, M., Meško, G., Lobnikar, B., Dobovšek, B., Pagon, M., Umek, P., & Dvoršek, A. (2007). A comparison of Officers' Perception of Police Organisational Climate in Large, Midsize, and Small Cities in Slovenia. In G. Meško & B. Dobovšek (Eds.), *Policing in emerging democracies - Critical reflection* (pp. 101–126). Ljubljana, Faculty of Criminal Justice and Security, University of Maribor.
- Organisation for Economic Co-operation and Development [OECD]. (2007). *Understanding change in government – concept note*. Paris: Organisation for Economic Co-operation and Development (OECD).
- Pagon, M., Banutai, E., & Bizjak, U. (2008). *Leadership competencies for successful change management: Study Report*. Ljubljana: Slovenian Presidency of the EU 2008 and University of Maribor.
- Pagon, M., Banutai, E., & Bizjak, U. (2010). Multicultural skills in the EU public administration. In V. Kandžija & A. Kumar (Eds.), *Economic integration, competition and cooperation = Intégrations économiques, concurrence et coopération: research monograph* (pp. 683–693). Rijeka: Faculty of Economics.
- Pagon, M., Banutai, E., & Bizjak, U. (2011). On-the-job management training and multicultural skills: the moderating effect of openness to experience. *European Journal of Cross-Cultural Competence and Management*, 2(1), 45–53.
- Paoline, E. A. III (2004). Shedding light on police culture: An examination of officers' occupational attitudes. *Police Quarterly*, 7(2), 205–236.
- Perry, J. L., & Rainey, H. G. (1988). The public-private distinction in organization theory: a critique and research strategy. *Academy of Management Review*, 13(2), 182–201.
- Police (2013). *Community Policing [Policijsko delo v skupnosti]*. Doc. no. 2214-41/2012/4 (207–07). Ljubljana: Ministry of Interior.
- Ransley, J., & Mazerolle, L. (2007). Third Party and Partnership Policing. In M. Mitchell & J. Casey (Eds.), *Police leadership & management* (str. 37–49). Annandale: Federation Press.
- Reiner, R. (1985). *Politics and the police*. New York: St. Martin's Press.
- Reuss-Ianni, E. (1983). *Two cultures of policing: Street cops and management cops*. New Brunswick, NJ: Transaction Books.

- Ring, P. S., & Perry, J. L. (1985). Strategic management in public and private organizations: implications of distinctive contexts and constraints. *Academy of Management Review*, 10(2), 276–286.
- Rokeach, M. R. (1967). *Value survey*. Sunnyvale: Halgren Tests.
- Rychen, D. S., Salganik, L. H., & McLaughlin, M. E. (2003). *Definition and selection of key competencies: Contributions to the second DeSeCo symposium, Geneva, Switzerland, 11-13 February, 2002*. Neuchâtel: Swiss Federal Statistical Office.
- Skolnick, J. H. (1966). *Justice without trial: Law enforcement in democratic society*. New York: Wiley.
- Spencer, L. M., & Spencer, S. M. (1993). *Competence at work: Models for superior performance*. New York: John Wiley & Sons.
- Svetlik, I. (2005). O kompetencah. In M. S. Pezdirc (Ed.), *Kompetence v kadrovski praksi* [Competences in management practice] (pp. 12–27). Ljubljana: GV izobraževanje.
- Thach, E., & Thompson, K. J. (2007). Trading places – Examining leadership competencies between for-profit vs. Public and non-profit leaders. *Leadership & Organization Development Journal*, 28(4), 356–375.
- Van Maanen, J. (1973). Observations on the Making of Policeman. *Human Organizations*, 30, 407–418.
- Van Wart, M., & Dicke, L. A. (2008). *Administrative leadership in the public sector*. New York: M. E. Sharpe.
- Virtanen, T. (2000). Changing competences of public managers: tensions in commitment. *The International Journal of Public Sector Management*, 13(4), 333–341.
- Willson, J. Q. (1968). *Varieties of police behavior: The management of law and order in eight communities*. Cambridge: Harvard University Press.
- Zakon o organiziranosti in delu v policiji [Organisation and Work of the Police Act]. (2013). *Uradni list RS*, (15/13).

THE IMPORTANCE AND IMPACT OF PERCEIVED VALUES ON JOB SATISFACTION IN SLOVENIAN POLICE

Nina Tomaževič, Janko Seljak, Aleksander Aristovnik

ABSTRACT

Purpose:

The paper has two purposes – first, to examine the perceived importance of occupational values (those deriving from the specifics of the occupation and of the legal regulation) of particular groups of Slovenian police employees and, second, to find out how the perception of the importance of those values correlates with job satisfaction.

Methods:

The measurement of the importance of occupational values and of job satisfaction of all employees in Slovenian police derives from a comprehensive online questionnaire. First, an independent t-test and one-way ANOVA (F) test was used to test the differences between sub-groups of demographic characteristics. Second, factor analysis was used to formulate the factors of both occupational values and job satisfaction. Finally, correlation coefficients of occupational values and job satisfaction were calculated.

Findings:

In general, the results show the impact of demographic factors (especially gender and age) on the perceived importance of occupational values and a positive correlation of perceived importance of occupational values with facets of job satisfaction.

Research limitations:

This study was subject to several limitations, such as (1) the economic crisis that had strongly influenced the circumstances in the Slovenian public administration over the last few years, (2) the questionnaire that was very long and required employees to use a considerable amount of their time, and (3) the sample's structure regarding gender and education which was not the same as that of the whole population.

Originality:

The awareness of the impact of demographic factors on the perceived importance of occupational values and its correlation with job satisfaction might be very useful for police management when deciding on measures for improving job satisfaction and, indirectly, the performance of Slovenian police.

Keywords: occupational values, job satisfaction, Slovenian police, survey, factor analysis

I INTRODUCTION

Values are an ever more frequently examined phenomenon in the context of organizational culture (Schein, 2010) and, consequently, of business performance since they also influence employees' job satisfaction (on the impact of job satisfaction on business performance, see Tomaževič, Seljak and Aristovnik (2016). They are defined as long-term beliefs regarding what is desirable and valuable in a work situation (Ruibyte & Adamoniene, 2013). They are held by individuals and dictate the behaviour of members of an organization (White, 2006). They are also attributes through which an individual describes himself or herself and form part of the individual's self-concept (Verplanken, 2004). The majority of theorists implicitly or explicitly suggest that values are influenced by culture, society and personality (Duffy, 2010; Frieze, Olson, Murrell & Selvan, 2006). Through the process of socialization, individuals internalize certain values and beliefs. These shape their moral judgement and become a launching pad from which their thoughts, attitudes, choices, decisions, behaviours and actions are formed (Ravari, Bazargan-Hejazi, Ebadi, Mirzaei & Oshvandi, 2012).

Some studies explore the values on the individual level, others on the organizational level, while others still explore both dimensions (Diskiene & Goštautas, 2013). In the work environment, they are specified as work values (Froese & Xiao, 2012) or occupational values (Ruibyte & Adamoniene, 2013). In our paper, the term occupational values will be used since the research conducted was exploring the values of a specific group of employees working in Slovenian police. This implies that they are exposed to continuous stress and pressure, which historically led to the formation of a specific subculture of professionals. Into this subculture enter individuals who already have

specific values or form those values during the time of their occupational specialization.

The purpose of the paper is to first examine the importance of occupational values (those deriving from the characteristics of the occupation and of the legal regulation) of specific groups of authoritative organizations' public employees and, second, to find out how the perception of the importance of those values correlates with job satisfaction. The austerity measures in the public administration (PA) introduced in Slovenia since 2008 have had a strong impact on public employee satisfaction. That is why we were interested in determining the perceptions of the importance of occupational values behind the employees' mind-sets and how they correlate with job satisfaction, since the latest (besides all activities in the field of Human Resources Management (HRM)) has been an important element of total quality management and business excellence (Dahlgaard-Park, 2012; Tomažević, Seljak & Aristovnik, 2014).

Our findings contribute to a better understanding of job satisfaction, occupational values themselves and of the relationship between them. First, they reveal the differences in the perceived importance of the groups of values and in the assessment of the facets of job satisfaction, second, they reveal the way in which the main demographic factors (gender, education and age) influence the perceived importance of occupational values and the assessment of job satisfaction facets. Finally, a two-way positive correlation between occupational values and job satisfaction is confirmed. Future research may examine occupational values and job satisfaction across employment and geographical settings and include longitudinal designs since, in an era of rapid changes, values cannot remain the same as in the past due to demanding work conditions and public expectations.

The paper is organized as follows: first, we provide a brief literature review on occupational values and job satisfaction. Then the methodologies used to collect the data and to examine the correlation between occupational values and job satisfaction are presented. The next section outlines the results of the analysis. At the end of the paper there is a summary of the main findings and presentation of key limitations of the research.

2 LITERATURE REVIEW ON OCCUPATIONAL VALUES AND JOB SATISFACTION

2.1 Occupational values

Occupational values are a multidimensional construct and an important antecedent of many organizational phenomena. Therefore, many studies have already been performed in this field, in both the private (Diskiene & Goštautas, 2013; Froese & Xiao, 2012; White, 2006) and public sector (Ravari et al., 2012; Verplanken, 2004). Occupational values are also permeated by general values, as are all other aspects of life (Frieze et al., 2006). They can be categorized into many dimensions. Chen and Kao (2012) categorize four dimensions – intrinsic values (such as “interesting and varied work”), extrinsic values (such as a “good salary and work conditions”), social values (such as “contributing to people and society”), and prestige values (such as “prestigious, highly valued work”). To and Tam (2014) divided 21 work values as proposed by Elizur (1984), namely “instrumental” (salary, fringe benefits, job security, work conditions, and convenience of hours of work), “affective” (a considerate and fair supervisor, recognition for doing a good job, good relationships with co-workers, and being respected at work) and “cognitive” (responsibility, job status, use of ability, influence in the organization, achievement in work, job interest, esteem, meaningfulness of the job, independence in work, potential for promotion, a prestigious company, and contribution to society).

Many studies on occupational values have also been conducted in authoritative PA organizations, such as police service (Meško, Ziembo-Vogl, Houston & Umek 2000; Rakar, Seljak & Aristovnik, 2012; Ruibyte & Adamoniene, 2013). In the case of police, the occupational values have their specifics and mainly derive from two spheres, regardless of their partial substantive and typological overlapping, namely: 1. legal (determined by legal acts); and 2. ethical (by codes). They are also stipulated in the internal regulations (Rakar et al., 2012).

Despite the above facts regarding the existing studies on occupational values in police, there is still space for the connection of theory and practice and for examining specific sets of values and their correlations with other multidimensional organizational constructs. When examining the correlation between such values and job satisfaction, one can find different studies (Bouwkamp-

Memmer, Whiston & Hartung, 2013). Froese and Xiao (2012) found that various facets of job satisfaction mediated the relationship between work values and organizational commitment. Tietjen and Myers (1998) claimed that recognizing and respecting the values of employees keeps them satisfied at work. Ravari et al. (2012) were looking for the role of work-related values in reducing dissatisfaction with one's job since this may have implications for reducing job instability and turnover. White (2006) indicates that values can activate one's motivation for holding and remaining satisfied with a job.

Since the workforce within and across countries differs, it is necessary to explore the specific groups in detail in order to ascertain how the occupational values correlate with job satisfaction and what might be the implications of influencing the creation of values in the work environment of a specific group of employees.

2.2 Job satisfaction

Job satisfaction has most often been defined as a pleasant or positive emotional state resulting from the perception of work, conception and assessment of the work environment, work experience and the perception of all elements of the work and the workplace (Mihalič, 2008), and is one of the most widely studied constructs in industrial psychology (McShane & Von Glinow, 2007; Mathieu, Neumann, Hare & Babiak, 2014; Christiansen, Sliter & Frost, 2014; Avery, Smillie & Fife-Schaw, 2015). According to Weiss (2002), job satisfaction is an individual's attitude to their job resulting from the net sum of the positive and negative emotions they experience at work. Job satisfaction is a pleasant feeling a person has when their expectations from work have been fulfilled.

Regardless of the delicate nature of the subject, some interesting studies have discussed job satisfaction. These studies have delved into the following:

- the influence of demographic factors and psychological factors on job satisfaction (Abdulla, Djebarni & Melahhi, 2011; Balci, 2011; Garland, McCarty & Zhao, 2009); and
- the influence of organizational factors and environmental factors on job satisfaction (Boke & Nalla, 2009; Dick, 2011; Hwang, 2008; Johnson, 2012).

There are other studies (Millán, Hessels, Thurik & Aguado, 2013) in which job satisfaction is influenced by other organizational phenomena, such as in a study on how job stress affects job satisfaction (Griffin & McMahan, 1994), or as presented in this paper's literature review for the case of values. In some studies, job satisfaction has also been discussed as an independent variable, e.g. in those investigating the comprehension of stress among officers (Gershon, Barocas, Canton, Li & Vlahov, 2009) or the effect of job satisfaction on performance (Imran, Arif, Cheema & Azeem, 2014; Tomažević et al., 2016; Vermeeren, Kuipers & Steijn, 2014). Tutuncu and Kucukusta (2010) explored an example that stresses an important relationship between job satisfaction and business excellence.

2.3 Why explore occupational values and job satisfaction in police?

Over the last two decades Slovenian police service has undergone many changes, especially regarding their goals, values, organization and infrastructure. Since 2008, when the public employee reward system was altered, the management of that type of organization has become even more challenging. At the time, all uniformed professions were classified in the same salary brackets, which is why – according to the organization's representatives and many experts on organization and payment systems – the police service employees were inappropriately rewarded. In subsequent years, as part of austerity measures in the public sector promotion was also abolished and additional measures were adopted in spring 2012 that have caused a radical and long term deterioration of the institution's financial position in terms of equipment, infrastructure and its employees.

Many studies reveal that job satisfaction is influenced by the individual's work-related values (Berings, De Fruyt & Bouwen, 2004; Bouwkamp-Memmer et al., 2013; Ravari et al., 2012). On that basis, the aim of our research was to explore the situation regarding the perception of occupational values, what influences them and whether they relate to job satisfaction. We formulated the following hypotheses:

- H1: Selected demographic factors (gender, age and education) have an impact on the perceived importance of occupational values in the case of police service employees.
- H2: There is a correlation between the perceived importance of occupational values and job satisfaction.

3 METHODOLOGY

3.1 Participants

As at 31 December 2011, the Slovenian police employed 8,808 staff (Policija, 2012) (all of whom were invited in spring 2012) out of whom 1,848 (21.0 %) took part in the survey (Table 1). The share of males participating in the survey was 80.7 %. Secondary school or a lower educational level had been completed by 44.8 % of the participants, while 48.5 % of them had a college, higher education or university education. The mean age was 38.96 years.

Table 1: Descriptive statistics of the sample – the participants

	n	%	Job satisfaction						Occupational Values							
			Relationships and leadership		Salary and security		Tasks and working conditions		Interpersonal Relations		Public Service		Public Interest		State Service	
			M	SD	M	SD	M	SD	M	SD	M	SD	M	SD	M	SD
Gender																
Female	312	16.9	3.4	0.83	2.32	0.70	3.33	0.74	4.67	0.48	4.66	0.48	4.32	0.56	3.52	0.84
Male	1491	80.7	3.24	0.86	2.29	0.65	3.12	0.69	4.57	0.54	4.61	0.48	4.18	0.59	3.29	0.90
Missing	45	2.4														
T-test			t=0.0 sig=0.980		t=0.8 sig=0.436		t=4.8 sig=0.000		t=3.1 sig=0.002		t=1.7 sig=0.096		t=3.8 sig=0.000		t=4.1 sig=0.000	
Education																
Secondary school and less	828	44.8	3.13	0.85	2.20	0.69	3.07	0.75	4.61	0.56	4.57	0.52	4.19	0.63	3.29	0.94
College, higher education and university	896	48.5	3.32	0.84	2.37	0.63	3.22	0.66	4.56	0.50	4.66	0.43	4.21	0.56	3.35	0.85
Postgraduate (spec., master's and doctor's degree)	108	5.8	3.35	0.98	2.41	0.67	3.28	0.67	4.60	0.50	4.71	0.45	4.29	0.52	3.43	0.90
Missing	16	0.9														
F – test			F=11.4 sig=0.000		F=15.3 sig=0.000		F=11.4 sig=0.000		F=1.4 sig=0.246		F=9.1 sig=0.000		F=1.4 sig=0.244		F=1.8 sig=0.172	
Age																
Age	1834		38.96	7.37	38.96	7.37	38.96	7.37	38.96	7.37	38.96	7.37	38.96	7.37	38.96	7.37
Missing	14															
			r=0.18 sig=0.000		r=0.18 sig=0.000		r=0.24 sig=0.000		r=0.03 sig=0.189		r=0.14 sig=0.000		r=0.17 sig=0.000		r=0.19 sig=0.000	

Note: *An independent t-test was used for testing the differences between the two sub-groups. A one-way ANOVA (F) test was used for the difference between three or more sub-groups. Pearson's correlation test (r) was employed to measure the correlation between two continuous variables.

Source: Authors' calculations, 2016

3.2 Procedure

The questionnaire on occupational values and job satisfaction formed part of the broader “Study of job satisfaction and trust in Slovenian police”. The questionnaire included questions regarding occupational values (Table 2). Based on an analysis of regulations and other acts that govern how the police service functions, a list of 25 occupational values was compiled (Rakar et al., 2012). The employees had to assess the importance of a specific value, where (1) meant “absolutely unimportant” and (5) meant “very important”.

Table 2: Importance of occupational values – Arithmetic Means, Standard Deviations and Factor Loadings

Occupational values	M*	SD	Factor loadings**
Interpersonal Relations Values			
Mutual trust	4.72	0.59	0.84
Mutual cooperation	4.70	0.60	0.83
Collegiality	4.54	0.74	0.78
Protection of professional interests	4.61	0.69	0.53
Confidentiality	4.57	0.69	0.49
Prohibition of mobbing	4.57	0.80	0.48
Protection of reputation of institution	4.37	0.87	0.40
Public Service Values			
Equality before the law	4.70	0.66	0.77
Impartiality	4.70	0.64	0.77
Humanity (respect for human rights)	4.55	0.73	0.64
Legality	4.85	0.43	0.62
Expertise	4.82	0.46	0.55
Proportionality	4.32	0.71	0.50
Ethics	4.40	0.81	0.49
Public Interest Values			
Economical	3.88	0.98	0.75
Social responsibility	4.12	0.88	0.67
Responsibility for work results	4.37	0.75	0.64
Public accountability	3.89	1.00	0.53
Independence	4.42	0.67	0.53
Efficiency	4.56	0.64	0.49
State Service Values			
Restriction on performing other activities	2.74	1.30	0.79
Restriction on the right to strike	2.85	1.35	0.72
Restriction on the acceptance of gifts	3.51	1.25	0.66
Political neutrality	3.70	1.41	0.54
Loyalty to employer	3.81	1.10	0.47

Note: * 1 – “absolutely unimportant”; 5 – “very important”

Note: ** Extraction Method: Principal Component Analysis. Rotation Method: Varimax with Kaiser Normalization

Source: Authors' calculations, 2016

In order to measure job satisfaction a set of 24 items was designed (Table 3). The collection was based on a questionnaire on job satisfaction which had already been used to study satisfaction in the same organization (Umek, Meško, Areh & Šifrer, 2009). In order to simplify the analysis and add to its transparency, the items of job satisfaction were defined relatively broadly (including the highest possible number of items). The respondents had to rate the degree to which they were satisfied with specific elements of their job on a five-point scale, ranging from “extremely dissatisfied” (1) to “extremely satisfied” (5).

Table 3: Factors of Facets of Employee Satisfaction – Arithmetic Means, Standard Deviations and Factor Loadings

Job satisfaction	M*	SD	Factor loadings**
Relationships and leadership			
Relationships among the staff	3.50	1.18	0.76
Feeling of belonging to the staff	3.83	1.09	0.75
Possibility of participating in decision-making on organization	2.93	1.19	0.75
Style of leading the organizational unit	3.33	1.24	0.74
Possibility of realizing one's abilities	3.07	1.09	0.68
Possibility of performing work autonomously	3.07	1.07	0.59
Supervision over work	2.91	1.07	0.41
Salary and security			
Reward system	1.49	0.78	0.73
Salary	2.11	1.00	0.69
Promotion system	1.84	1.04	0.67
Payment of overtime	2.10	1.14	0.63
Professional training system	2.44	0.97	0.49
Public attitude to the police	2.38	1.03	0.48
Psycho-hygienic care for police officers	2.60	1.08	0.44
Functioning of the police trade union	2.57	1.15	0.41
Security of employment	3.12	1.07	0.41
Tasks and working conditions			
Volume of tasks	3.27	1.15	0.67
Administrative tasks	2.35	1.14	0.64
Volume of regulations, work guidelines	2.29	1.10	0.62
Working conditions (equipment, premises)	2.67	1.28	0.46
Job location	3.85	1.19	0.45
Variety of tasks	3.55	1.06	0.45
Work with people	3.54	0.94	0.43
Working hours	3.74	1.17	0.41

Note: * 1 – extremely dissatisfied. 5 – extremely satisfied ** Extraction Method: Principal Component Analysis. Rotation Method: Varimax with Kaiser Normalization

Source: Authors' calculations, 2016

The data were analysed using SPSS 19.0. Pearson's correlation test (r) was employed to measure the correlation between two continuous variables. Factor analysis was used to formulate facets of satisfaction and of occupational values (Rattray & Jones, 2007). In the factor analysis, a principal

component analysis with varimax rotations was undertaken to examine which factors of the scale comprised coherent groups of items. The Kaiser criterion was used to select the number of factors (Blaikie, 2003). The Kaiser-Meyer-Olkin (KMO) test and Bartlett's test of sphericity were applied to measure the sampling adequacy (Munro, 2005).

4 RESULTS

4.1 Occupational values

The starting point for our research was the results of the study on occupational values, as mentioned in 3.2 (on the procedure of the research). On the basis of the assessed importance of the listed values, in the first phase the factor analysis was used in order to design a smaller number of factors, i.e. groups of occupational values (similarly as in Chen and Kao (2012)). The reliability for the entire scale using the Cronbach alpha reliability test showed high internal consistency with a coefficient of 0.90.

The Principal Components Analysis and Varimax Rotation methods were used for the factor analysis. The Kaiser-Meyer-Olkin (KMO) coefficient was found to be 0.93 and the Bartlett test results were found to be significant (chi-square test = 17674.5; $p < 0.000$). The factor analysis revealed a four-factor structure accounting for 55.1 % of the variance.

Four factors represent four groups of occupational values (Table 1). The level of reliability of the measurement instrument was tested for each of those groups of values. The Cronbach alpha reliability test showed high internal consistency with coefficients of 0.72 to 0.86 (Table 4). Arithmetic means for specific groups of values were calculated for the listed values, where a higher value means that the employees perceived the group of values as being more important.

Table 4: Means, Standard Deviations and Coefficient Alpha Reliability Estimates for the Four Groups of Occupational Values

Groups of Occupational Values	M*	SD	No. of values	Cronbach alpha
Interpersonal Relations Values	4.58	0.53	7	0.86
Public Service Values	4.62	0.48	7	0.84
Public Interest Values	4.21	0.59	6	0.79
State Service Values	3.32	0.90	5	0.72

Note: * 1 – “absolutely unimportant”; 5 – “very important”

Source: Authors' calculations, 2016

The first group of values includes values that direct the relationships among the employees. The specifics of work in police service require high levels of trust between employees on all hierarchical levels. The existing body of research demonstrates a broad array of benefits that are brought in by high levels of trust in the organization (Ralston & Chadwick, 2010). In our research, mutual trust and mutual cooperation were the values perceived as the most important by the employees.

The second group of values relates to beliefs in the importance of work in the public administration (Public Service Values). Due to the nature of work in the police, the most highlighted value in this group is legality, which has to be understood in the broadest sense, and therefore also as the constitutionality of the authoritative PA organization's functioning. Similarly, the value of expertise enables the conditions for an impartial/equitable and politically neutral PA.

The third group of values relates to effective and efficient service to the public (Public Interest Values). The relationship between the police and society can be understood in the context of responsibility. The police service employees are as public employees responsible to society in the final instance. The value of efficiency is assessed to be the most important in that group of values. This implies that the employees are aware that by exploiting the given resources the best possible results have to be achieved.

The fourth group of values includes the values connected with employment in police service (State Service Values) and are prescribed in the legal regulation basically in the sense

of restrictions, defined due to the specifics of the work in such an institution. Police service employees execute their tasks for the public good and are employed by the state, not by a political officer or political party.

The highest average values were given to the values connected with the importance of work in the public service (Public Service Values). High marks were also given to the interpersonal relations values. The lowest scores were given to the group of values related to restrictions connected with work in police service (State Service Values).

4.2 Job satisfaction

In the next phase, the data from the survey on job satisfaction were analysed similarly as the occupational values. First, factor analysis was used in order to design a smaller number of factors, i.e. groups facets of job satisfaction (Table 2). The factor analysis revealed a three-factor structure accounting for 47.1% of the variance.

Three factors of job satisfaction facets were formed and the level of reliability of the measurement instrument was tested for each of those groups of facets (Table 5). The Cronbach alpha reliability test showed high internal consistency with coefficients from 0.77 to 0.87. Based on the above factors, arithmetic means were calculated by individual groups with higher values meaning a higher level of job satisfaction.

Table 5: Means, Standard Deviations and Coefficient Alpha Reliability Estimates for the Three Facets of Satisfaction

Facets	M	SD	No. of facets	Cronbach alpha
Relationships and leadership	3.24	0.86	7	0.87
Salary and security	2.29	0.66	9	0.80
Tasks and working conditions	3.15	0.71	8	0.77

Source: Authors' calculations, 2016

In the continuation of the analysis, the following three factors will represent groups of facets of job satisfaction: (1) Relationships and leadership; (2) Salary and security; and (3) Tasks and working conditions. The satisfaction facet "Salary and security" was assessed the lowest, which is probably a consequence of the changes to the payroll system made after 2008 and the resulting dissatisfaction of employees with the reward and promotion systems. There were no substantial differences between the two other facets in terms of the assessment (Table 5).

4.3 The impact of demographic variables on occupational values and job satisfaction

In the third phase of the research we tried to find out the impact of the gender, education and age of employees on their assessment of the importance of the four groups of values and on the assessment of the job satisfaction facets (Table 3). The group of interpersonal relations values was assessed very highly by all employees who participated in the survey. Statistically significant differences occurred only between female and male employees: women assessed the group of values statistically significantly higher than their male colleagues did.

More educated and older employees assessed the group of values connected with the belief in the importance of working in the police service (Public Service Values) as more important than other groups of employees, although there were no statistically significant differences between male and female employees.

Similarities were found for the group of values concerning effective and efficient service in the interest of society or the public (Public Interest Values) and values concerning working in the public administration (State Service Values). Also in case of those groups of values statistically significant differences were found for gender and age (female and older employees assess them as more important than their male and younger colleagues). But there were no statistically significant differences between the levels of education (except in the case of Public Service Belief).

When examining job satisfaction, we found out that it is strongly influenced by the education and age of the employees. In the case of all three job satisfaction facets, the more educated employees expressed statistically significantly higher satisfaction than the less educated ones. The same could be found for older employees compared to younger ones. No statistically significant differences in the case of the first two facets of job satisfaction were found for female and male employees, with the only difference occurring in the facet of tasks and working conditions where the satisfaction of women was statistically significantly higher than that of men.

According to the above findings, we can confirm the first hypothesis (H1) and claim that the demographic factors (gender, age and education) have an impact on the assessment of the importance of occupational values as well as on the assessment of job satisfaction.

4.4 Correlation between the perceived importance of occupational values and job satisfaction

In the last phase of our study, we were interested in ascertaining whether there are any correlations between the perceived importance of occupational values and facets of job satisfaction (Table 6).

Table 6: Correlation coefficients – occupational values and facets of job satisfaction*

	Occupational Values				Job Satisfaction		
	Interpersonal Relations Values	Public Service Values	Public Interest Values	State Service Values	Relationships and leadership	Salary and security	Tasks and working conditions
Occupational Values							
Interpersonal Relations Values	I						
Public Service Values	0.672	I					
Public Interest Values	0.573	0.651	I				
State Service Values	0.374	0.376	0.428	I			
Job Satisfaction							
Relationships and leadership	0.158	0.143	0.161	0.224	I		
Salary and security	0.107	0.142	0.139	0.253	0.569	I	
Tasks and working conditions	0.141	0.174	0.221	0.267	0.667	0.625	I

Note: *All coefficients are significant at $p < 0.01$

Source: Authors' calculations, 2016

The results reveal the high correlation of the perceived level of importance of Interpersonal Relations Values, Public Service Values and Public Interest Values. Out of all groups of values, the perceived importance of State Service Values has the lowest correlation with the other three groups. This fact may be explained such that the first three groups of values represent the values which are focused on the colleagues and the public/society or parties ('customers') involved in processes where employees can be active. In contrast, the last group of values focuses on the state (employer) as an authoritative organization that prescribes what is not allowed or is not desirable to be done by those employees. This group of values emphasizes a passive role of employees.

On the other hand, we found the strongest correlation of the perceived importance of State Service Values with facets of job satisfaction. Their correlation was the strongest in the case of the satisfaction with tasks and working conditions group of facets as well as with salary and security.

This implies that the perceived importance of values related to the restrictions prescribed to the police service employees influences those employees' feelings regarding their satisfaction with the 'hard' elements of their work. The employees therefore see the regulation of their work as an important factor of their satisfaction with the conditions that make their work more or less acceptable and satisfactory. The lowest (but still statistically significant) is the correlation of the perceived importance of Interpersonal Relations Values with the facets of job satisfaction.

At this point, we can also confirm the second hypothesis (H2), meaning that there is a correlation between the perceived importance of occupational values and job satisfaction. The satisfaction with tasks and working conditions correlates strongly with the perceived importance of occupational values.

5 DISCUSSION

The study first examined the perceived importance of occupational values and their dependability on demographic factors and, second, the correlation between the perception of importance of occupational values and job satisfaction of employees in Slovenian police as an important authoritative public administration organization. During our research, both hypotheses were confirmed and in the following discussion we put the results into perspective.

The first hypothesis stating that "selected demographic factors (gender, age and education) have an impact on the perceived importance of occupational values in the case of police service employees" was confirmed. The results revealed that gender (see also Boštjančič, 2009; Bouwkamp-Memmer et al., 2013) and age (see also Cheung, 2012) influence the employees' assessment of the importance of different groups of occupational values.

Armed with this knowledge, managers must make efforts to try to close the gaps in values and build a unique culture of different groups of employees in order to prevent conflicts. On the other hand, it is important to maintain a proper level of differences so as to enhance staff diversity and creativity. In each case, the values have to support the organization's mission and the implementation of its goals.

Second, the study provides empirical evidence that links occupational values and job satisfaction. The results confirm those of prior studies, e.g. of Ravari et al. (2012) and Gahan and Abeysekera (2009) where values were viewed as the key determinants in a wide range of individual work-related attitudes and behaviours. The next example is Chatman (1989) who claimed that if employees' values are in line with corporate policies then employees may show higher job satisfaction. On the contrary, a 'misfit' between employees' values and their current specific job features or organization may result in low job satisfaction. Meyer and Allen (1991) found that work values have a statistically significant impact on job satisfaction.

Job satisfaction of the Slovenian police employees correlates the most with assessed importance of the State Service Values, especially the satisfaction with material and financial conditions (salary, security, tasks and working conditions). The examined organization is a hierarchical one and the division of its resources is centralized. The employees, who highly value those values that reflect the relationship of the employer (state) towards the employees in this authoritative PA organization, trust the correctness of the decisions of the state and understand that the austerity measures which (negatively) influence the material conditions of their functioning are necessary (although they seriously worsened their personal and organizational financial situation and forced them to go on strike in November 2015 for more than half a year). This also implies a high level of trust in the organization's effectiveness, and has positive effects on employees' job commitment, satisfaction, performance and productivity (Peljhan, 2013; Ralston & Chadwick, 2010).

When discussing the managerial implications, the results of our study raise interesting issues related to occupational values and job satisfaction. The employees of Slovenian police service rate the occupational values differently and seem to be a heterogeneous group regarding the perceived importance of occupational values and job satisfaction in the majority of cases explored (i.e. gender, education, age). This implies that the approach managers adopt towards their employees has to be differentiated and take account of the differences in the perception of the importance of specific values by different demographic groups of employees. The same applies when taking measures to improve job satisfaction. It is therefore vital for managers at different levels to have a better understanding of their employees' perception of the importance of occupational values.

On that basis, the police service managers can design a human resources management system in order to motivate (Ralston, Holt, Terpstra & Yu, 1997) and satisfy their employees, especially in the period of austerity measures when it is hard to acquire any additional financial resources to reward the employees and to provide modern equipment and proper working conditions. The line managers and HRM departments should investigate the occupational values of their employees to develop managerial approaches, while political decision-makers should take the values and knowledge behind them into account as a basis for novelties in legislation since the latter importantly influences the values (e.g. State Service Values) and job satisfaction (e.g. negatively in the case of the Salary and security facet).

5.1 Limitations

This study is subject to several limitations. First, the results need to be interpreted with caution and understood within the framework of the situation that over the last few years has strongly influenced the circumstances in the Slovenian public administration. The economic situation in the country, especially in the public sector and in the studied authoritative public administration organization (i.e. police service), definitely impacts the survey results. Second, the questionnaire was very long and required employees to use a considerable amount of their precious time. Third, regarding gender and education the sample's structure is not the same as that of the whole population. The share of women in the sample is much lower than in the total population. It is typical of occupations with an explicitly asymmetrical gender structure that a smaller group usually has lower response rates (e.g. nurses – fewer men, police – fewer women). The education of the sample is significantly higher than that of the population, which is probably due to the way the data were collected (an online survey). Fourth, the survey was conducted online. We assume that for some employees this probably meant that anonymity (due to the work in police service) could not be assured. The Ministry of the Interior, the police management as well as trade union representatives made an important effort to communicate and promote the survey among the employees. Finally, due to the methodology applied (a survey based on a questionnaire) the results are only valid for the organization under study and cannot be generalized and used in other countries.

5.2 Conclusions and future research

Understanding occupational values and job satisfaction is becoming vital to the success of managers and their organizations and therefore importantly contributes to business excellence of organizations of any type. Since both occupational values and job satisfaction are multidimensional constructs, it is first necessary to define them, understand what influences them and their relationship to other organizational phenomena. Equipped with this knowledge, managers can successfully direct their employees towards meeting the organization's mission and goals since common values increase employees' motivation, job satisfaction and commitment to the organization (Arnold & Randall, 2010; Martins & Coetzee, 2011; Meyer & Allen, 1991; Ravari et al., 2012).

Despite some limitations, our study provides important contributions at a practical and theoretical level. In the future, it would be worthwhile to conduct the surveys using the same questionnaire every two years in order to identify differences and trends in the employees' opinions. In a two-year period, it would already be possible to detect the results of improvement measures taken by the management – if they are not influenced by external factors. Suggestions for further research avenues are as follows: first, to use a standardized, internationally comparable questionnaire to measure occupational values and job satisfaction and, second, to conduct a comparative study with other types of organizations within the Slovenian public sector, with comparable organizations from other EU countries and from the private sector as well.

Acknowledgements

Financial support from the Slovenian Research Agency (SRA) and the Ministry of the Interior of the Republic of Slovenia (Grant No. V5—1037) is gratefully acknowledged.

REFERENCES

- Abdulla, J., Djebarni, R., & Mellahi, K. (2011). Determinants of job satisfaction in the UAE: A case study of the Dubai police. *Personnel Review*, 40(2), 126–146.
- Arnold, J., & Randall, R. (2010). *Work psychology: Understanding human behavior in the workplace* (5th ed.). Harlow, Essex: Pearson Education.
- Avery, R. E., Smillie, L. D., & Fife-Schaw, C. R. (2015). Employee achievement orientations and personality as predictors of job satisfaction facets. *Personality and Individual Differences*, 76, 56–62.
- Balci, F. (2011). The effects of education on police officer job satisfaction: The case of Turkish national police. *International Journal of Human Sciences*, 8(2), 265–285.
- Berings, D., De Fruyt, F., & Bouwen, R. (2004). Work values and personality traits as predictors of enterprising and social vocational interests. *Personality and Individual Differences*, 36(2), 349–364.
- Blaikie, N. (2003). *Analyzing quantitative data: From description to explanation*. London: SAGE Publications.
- Boke, K., & Nalla, M. K. (2009). Police organizational culture and job satisfaction: a comparison of law enforcement officers' perceptions in two Midwestern states in the U.S. *Journal of Criminal Justice and Security*, 11(1), 55–73.
- Boštjančič, E. (2009). Various views on the organizational values of Slovenian managers and entrepreneurs. *Psihološka obzorja*, 18(1), 89–102.
- Bouwkamp-Memmer, J. C., Whiston, S. C., & Hartung, P. J. (2013). Work values and job satisfaction of family physicians. *Journal of Vocational Behavior*, 82(3), 248–255.
- Chatman, J. A. (1989). Improving interactional organizational research: A model of person-organization fit. *Academy of Management Review*, 14(3), 333–349.
- Chen, C. V., & Kao, R. H. (2012). Work values and service-oriented organizational citizenship behaviors: The mediation of psychological contract and professional commitment: A case of students in Taiwan police college. *Social Indicators Research*, 107(1), 149–169.
- Cheung, K. C. (2012). The generational gap: Values and culture-building in the Hong Kong police force. In M. R. Haberfeld, C. A. Clarke, & D. L. Sheenan (Eds.), *Police organization and training* (pp. 137–152). New York, Dordrecht, Heidelberg, London: Springer.
- Christiansen, N., Sliter, M., & Frost, C. T. (2014). What employees dislike about their jobs: Relationship between personality-based fit and work satisfaction. *Personality and Individual Differences*, 71, 25–29.
- Dahlggaard-Park, S. M. (2012). Core values – the entrance to human satisfaction and commitment. *Total Quality Management & Business Excellence*, 23(2), 125–140.
- Dick, G. P. M. (2011). The influence of managerial and job variables on organizational commitment in the police. *Public administration*, 89(2), 557–576.
- Diskiėne, D., & Goštautas, V. (2013). A fit between individual and organizational values and its implications for employees' job satisfaction and performance. *Ekonomika*, 92(2), 93–107.
- Duffy, R. D. (2010). Spirituality, religions and work values. *Journal of Psychology and Theology*, 38, 52–61.
- Elizur, D. (1984). Facets of work values: A structural analysis of work outcomes. *Journal of Applied Psychology*, 69(3), 379–389.
- Frieze, I. H., Olson, J. E., Murrell, A. J., & Selvan, M. S. (2006). Work values and their effect on work behaviour and work outcomes in female and male managers. *Sex Roles*, 54(1/2), 83–93.
- Froese, F. J., & Xiao, S. (2012). Work values, job satisfaction and organizational commitment in China. *The international Journal of Human Resources Management*, 23(10), 2144–2162.
- Gahan, P., & Abeysekera, L. H. D. (2009). What shapes an individual's work values? An integrated model of the relationship between work values, national culture and self-construal. *International Journal Of Human Resource Management*, 20(1), 126–147.
- Garland, B. E., McCarty, W. P., & Zhao, R. (2009). Job satisfaction and organizational commitment in prisons: An examination of psychological staff, teachers, and unit management staff. *Criminal Justice and Behavior*, 36(2), 163–183.
- Gershon, R. R. M., Barocas, B., Canton, A. N., Li, X., & Vlahov, D. (2009). Mental, physical, and behavioural outcomes associated with perceived work stress in police officers. *Criminal Justice and Behavior*, 36(3), 275–289.
- Griffin, R. W., & McMahan, G. C. (1994). Motivation through job design. In J. Greenburg (Ed.), *Organizational Behavior: The state of the science* (pp. 23–44). Hillsdale: Lawrence Erlbaum.

- Hwang, E. (2008). Determinants of job satisfaction among South Korean police officers: The effect of urbanization in a rapidly developing nation. *Policing: An International Journal of Police Strategies & Management*, 31(4), 82–104.
- Imran, H., Arif, I., Cheema, S., & Azeem, M. (2014). Relationship between job satisfaction, job performance, attitude towards work, and organizational commitment. *Entrepreneurship and Innovation Management Journal*, 2(2), 135–144.
- Johnson, R. R. (2012). Police officer job satisfaction: A multidimensional analysis. *Police Quarterly*, 15(2), 157–176.
- Martins, N., & Coetzee, M. (2011). Staff perceptions of organizational values in large South African manufacturing company: Exploring socio-demographic differences. *SA Journal of Industrial Psychology*, 37(1), 1–11.
- Mathieu, C., Neumann, C. S., Hare, R. D., & Babiak, P. (2014). A dark side of leadership: Corporate psychopathy and its influence on employee well-being and job satisfaction. *Personality and Individual Differences*, 59, 83–88.
- McShane, S. L., & Von Glinow, M. A. (2007). *Organizational Behavior* (2nd ed.). New York: McGraw-Hill.
- Meyer, J. P., & Allen, N. J. (1991). A three-component conceptualization of organizational commitment. *Human Resource Management Review*, 1(1), 61–98.
- Meško, G., Ziembo-Vogl, J., Houston, J., & Umek, P. (2000). Comparing the moral values of Slovenian and American criminal justice students, police officers, and jail officers. In Pagon M. (Ed.). *Policing in Central and Eastern Europe: Ethics, integrity, and human rights* (pp. 371–381). Ljubljana: College of Police and Security Studies
- Mihalič, R. (2008). *Povečajmo zadovoljstvo in pripadnost zaposlenih* [Let's increase the satisfaction and commitment of employees]. Škofja Loka: Založba Mihalič in Partner.
- Millán, J. M., Hessels, J., Thurik, R., & Aguado, R. (2013). Determinants of job satisfaction: A European comparison of self-employed and paid employees. *Small Business Economics*, 40(3), 651–670.
- Policija. (2012). *Letno poročilo* [Annual Report]. Retrieved from <http://www.policija.si/eng/index.php/aboutthepolice>
- Munro, H. B. (2005). *Statistical Methods for Health Care Research* (5th ed.). New York: Lippincott Williams & Wilkins.
- Peljhan, D. (2013). Improving performance management by integrating formal and informal management control systems. *Technics Technologies Education Management*, 8(2), 904–915.
- Rakar, I., Seljak, J., & Aristovnik, A. (2012). Legal and ethical principles in practice – The case of the Slovenian police. *Criminal justice and security in Central and Eastern Europe – Contemporary criminal justice practice and research conference*. Ljubljana, Faculty of Criminal Justice and Security, 41–54.
- Ralston E. S., & Chadwick, S. A. (2010). An empirical exploration of the dimensionality of inter-employee trust in police organizations. *Policing: An International Journal of Police Strategies & Management*, 33(3), 431–451.
- Ralston, D.A., Holt, D. H., Terpstra, R. H., & Yu, K. C. (1997). The impact of national culture an economic ideology on managerial work values: A study of the United States, Russia, Japan, and China. *Journal of International Business Studies*, 28(1), 177–207.
- Rattray, J., & Jones, M. C. (2007). Essential elements of questionnaire design and development. *Journal of Clinical Nursing*, 16(2), 234–243.
- Ravari, A., Bazargan-Hejazi, S., Ebadi, A., Mirzaei, T., & Oshvandi, K. (2012). Work values and job satisfaction: A qualitative study of Iranian nurses. *Nursing Ethics*, 20(4), 448–458.
- Ruibyte, L., & Adamonien, R. (2013). Occupational values in Lithuania police organization: Managers' and employees' value congruence. *Engineering Economics*, 24(5), 468–477.
- Schein, E. H. (2010). *Organizational culture and leadership* (4th ed.). San Francisco: Jossey-Bass.
- Tietjen, M. A., & Myers, R. M. (1998). Motivation and job satisfaction. *Management Decisions*, 36, 226–231.
- To, S. M., & Tam, H. L. (2014). Generational differences in work values, perceived job rewards, and job satisfaction of chinese female migrant workers: implications for social policy and social services. *Social Indicators Research*, 118(3), 1315–1332.
- Tomažević, N., Seljak, J., & Aristovnik, A. (2014). The impact of CAF enablers on job satisfaction: the case of the Slovenian Law Enforcement Agency. *Total quality management & business excellence*, 25(11/12), 1336–1351.

- Tomažević, N., Seljak, J., & Aristovnik, A. (2016). A three-stage Data Envelopment Analysis approach to measure the effect of job satisfaction on organizational performance in law enforcement agencies. Manuscript submitted for publication. *International Journal of Services and Operations Management*.
- Tutuncu, O., & Kucukusta, D. (2010). Canonical correlation between job satisfaction and EFQM business excellence model. *Quality and Quantity*, 44(6), 1227–1238.
- Umek, P., Meško, G., Areh, I., & Šifrer, J. (2009). *Raziskava o ocenah in stališčih policistov o zadovoljstvu z delom in zaupanju v slovenski policiji*. Maribor: Univerza v Mariboru, Fakulteta za varnostne vede.
- Vermeeren, B., Kuipers, B., & Steijn, B. (2014). Does leadership style make a difference? Linking HRM, job satisfaction, and organizational performance. *Review of Public Personnel Administration*, 34(2), 174–195.
- Verplanken, B. (2004). Value congruence and job satisfaction among nurses: A human relations perspective. *International Journal of Nursing Studies*, 41(6), 599–605.
- White, C. (2006). Towards an understanding of the relationship between work values and cultural orientation. *International Journal of Hospitality Management*, 25(4), 699–715.
- Weiss, H. (2002). Deconstructing job satisfaction: Separating evaluations, beliefs, and affective experiences. *Human Resource Management Review*, 12, 173–194.

**RISKS, POLICIES
AND
SOCIAL CONTROL**

EXAMINING RISK AS A POLITICAL CONSTRUCT: THE IMPACT OF CHANGING VIEWS OF THE PREVAILING THREATS TO PUBLIC SAFETY ON THE DEFINITION OF RISK

Jasmina Arnež

ABSTRACT

Purpose:

This paper examines whether the concept of risk in legal responses of Western liberal democracies is politically constructed and defined according to changing views of the prevailing threats to public safety.

Methods:

Based on theoretical concepts of risk and uncertainty, this paper analyses Britain's [UK's] control orders, terrorism prevention and investigation measures [TPIMs] and the global threat of terrorism to consider whether risks are unreal and politically constructed or, rather, real, but compelling for political manipulation.

Findings:

The paper shows that, rather than risks being politically constructed, their political contexts have been securitized to politicize law and to justify preventive responses in the absence of a criminal conviction. It concludes that contemporary democracies might be using the rhetoric of risk to label unwanted segments of population and outlines the possible consequences of these practices for public safety.

Research limitations:

The paper draws on the review of theoretical concepts of risk and provides a critical analysis of control orders and TPIMs in the UK context as well as terrorist threats from a global perspective. Its conclusions cannot be generalised across jurisdictions and should be subject to future empirical research.

Originality:

Although much research in the UK and elsewhere has sought to examine risk as a political construct and/or a tool for political manipulation, few authors have considered the implications of such practices for segments of unwanted populations and for the perceptions of public safety. These considerations seem topical in the context of the current refugee crisis, particularly in Central, Eastern and Southern Europe.

Keywords: risk, politics, UK, terrorism, control orders and TPIMs, public safety

I INTRODUCTION

In the last three decades of the 20th century, Western liberal democracies were shaped by cultural and socio-economic changes that Garland defined with the umbrella term 'late modernity'. According to Garland, the disbelief of citizens in the welfare state and rising crime rates after the 1970s most importantly contributed to distrust in the state as the sole provider of security. As a result, neoliberal and neoconservative politics that called for a deregulated market economy and free competition as well as a return to tradition and individual responsibility, gained currency (Garland, 2001). They adopted 'responsibilization strategies' (O'Malley, 2000), and 'governed-at-a-distance' (Simon, 2007) to transform individuals into managers of their own risks.

In law enforcement, responding to past crimes by punishing the offender for their wrongdoing was supplemented by what Feeley and Simon called a 'new penology' that was based on preventing future offending by relying on actuarial techniques to classify and manage the risk of dangerous groups. This new approach declined the pursuit to change offenders by intervening in their lives and was determined to deal with crime preventively, through risk-management and harm-reduction (Feeley & Simon, 1994; O'Malley, 2000).

However, the new trend reflected only one side of crime control, while the other still supported harsh punishment and demonized the excluded. Based on this finding, Garland concluded that the 'older social democratic criminology' remained present, but was side-lined (Garland, 2001). Similarly, O' Malley recognized that previous penal practices were preserved and the neoconservative state still guarded social order, although less obviously. In other words,

'risk societies (...) [were] never simply societies dominated by risk,' as the ways in which they decided to govern risk always depended on those who had political power (O'Malley, 2000).

In this paper, I focus on state governance and examine whether risk is politically constructed and defined by changing views of the prevailing threats to public safety. I begin by analysing the concepts of risk and uncertainty to show that risk is not politically constructed, but is compelling for political manipulation. I then analyse control orders, terrorism prevention and investigation measures (TPIMs) and the threat of terrorism to explore whether the political context of terrorism has been securitized (Zedner, 2009) to politicize law (McCulloch & Pickering, 2009) and justify preventive responses in the absence of a criminal conviction. I then show that contemporary democracies might be using the rhetoric of risk to label unwanted segments of population and conclude with outlining the possible consequences of these practices for public safety.

2 RISK – A POLITICAL CONSTRUCT OR A POLITICAL TOOL?

2.1 The concept of risk: new perceptions of existing threats

The word 'risk' is generally used to describe real or hypothetical situations and people that are regarded as likely sources of danger (Oxford Dictionaries, 2016), so risk is a 'slippery' concept (Mythen & Walklate, 2005) that provides an 'umbrella for widely differing perils and degrees of liability' (Zedner, 2012). It therefore seems important to examine whether the ambiguity of risk automatically implies that risk has, in parallel to Hulsman's concept of crime, 'no ontological reality' (Hulsman, 2003) and is shaped predominantly by political interests or, rather, that risks are real, but compelling for political manipulation.

In contemporary theories of risk, Beck's 'risk society' signified a culture of increased risks on the passage from the modern era to post-modernity (Beck, 1992). However, Kemshall exposed that, even for Beck, postmodern lifestyles weren't really any 'riskier,' as fear of death has been an important organizing force of humankind throughout history (Kemshall, 2003). According to Mythen and Walklate, danger was an 'omnipresent phenomenon' and even highly unlikely risks with detrimental consequences have always been a part of popular consciousness, albeit possibly in different forms than today (Mythen & Walklate, 2005). It thus seems valid to agree with Kemshall's conclusion that risks have always existed and late-modern perils were not new. There was, nevertheless, a new perception of risks as people were more aware of – and responsive to – existing or imagined dangers. While individuals used to ascribe hazards to abstract and uncontrollable forces like fate or the will of god and were therefore more likely to accept them as unavoidable, risks have now become an arena of conflict, blame and subsequent allocation of responsibility (Kemshall, 2003).

In criminology, exposing actuarial justice as a 'new criminal law,' as did Feeley and Simon (1994), has been criticised for providing a rather skewed picture that risk had been absent from legal discourse until the late 20th century. As risk-assessment has historically evolved from estimating the levels of dangerousness in offenders, 'new penology' was, according to Zedner, not the first to evaluate future risks and past penal responses were not only concerned with punishment and intervention (Zedner, 2003). Similarly, O'Malley noted that risk was not a new category, but was reconfigured from a social – to an individualized form due to the rise of neoliberalism, so it was not a pre-political, but an inherently political concept. As will become apparent from the example provided below, politics can contribute to 'framing' some political or socio-economic problems as 'risks only,' but, nonetheless, seem to do so with pre-existing perils and hazards that derive from social reality (O'Malley, 2001).

For instance, neoliberal governance has identified certain social conditions of poor parental supervision and single parenthood as risk factors for juvenile offending, but the same circumstances were implicitly acknowledged as risks in the welfare state, although under the notion of 'causes of crime.' According to O'Malley, neoliberalism and welfarism thus coexist and are not finished projects, so it is impossible to predict the ways in which risk will be governed by the state. However, O'Malley (2001) does not suggest that risks are politically produced, but, rather, implies that dominant political ideology determines which *real* social problems, that could become sources of danger and harm, will be controlled through the rhetoric of *risk only* (O'Malley, 2001). However, before revealing the possible reasons behind such political decisions, it is important to explore why risk is a compelling concept for political manipulation in the first place. This becomes most apparent when it is examined in the context of security.

2.2 The concept of uncertainty: re-thinking risk in the quest for security

Lucia Zedner identified risk as an objective concept in the pursuit of security (Zedner, 2003) and ascribed the rising importance of risk to the increased use of seemingly neutral statistical and actuarial methods. However, Zedner (2008) criticised these methods for not necessarily playing out fairly, since those in power could apply them in non-neutral ways. Furthermore, she stressed that absolute security without hazards was an unattainable condition, so it constantly had to be revised. The quest for security thus made risk an appealing political tool that could direct policies (Zedner, 2003) and, according to Ericson (2005), could help justify political actions, as it was calculated by experts and seemed value-free.

Moreover, Ericson (2005) exposed that there was always some uncertainty in risk-assessment. Likewise, Zedner (2008) has argued that it was precisely risk's unpredictability that exacerbated its political potential, as the use of the 'precautionary principle' started to seep into various realms, including the criminal justice system. This principle stemmed from environmental law and implied that scientific uncertainty about the realization of harm in the future should not be a reason not to take action against it in the present. As a consequence, the incalculability of the future has come to fuel preventive responses that consolidated current fatalistic public sentiments and made it easier to allocate responsibility if abstract threats were realized in the future (Zedner, 2008).

With the rising importance of precautionary logic, both knowledge about prospective threats and the lack thereof have become equivalent sources of power (Zedner, 2008). If awareness about future threats stimulated temptations to prevent predictable harms, the lack of knowledge stretched the temporal and spatial boundaries of risk, so risk no longer had a 'stopping point' and has become suitable for political manipulation (Janus, 2004).

Although the dominant expert knowledge of a certain place and time makes it possible to predict which social problems will be identified as risks, the work of risk-assessment professionals in Western liberal democracies is nowadays ultimately subject to governmental monitoring (O'Malley, 2008). Moreover, the selection of threats that will become managed as risks only is believed to be a politically charged decision-making process (Ericson, 2006b). Lastly and most importantly, state representatives have the political mandate to adopt laws in the name of its citizens, so they can establish 'authoritative certainty' where science cannot adequately estimate risks (Ericson, 2006a).

After having shown that risks are not politically constructed, but can be politically manipulated, I limit my further analysis to states' legal responses to socio-political problems. I consider whether, in these responses, the concept of risk is defined by predominant perceptions of dangers to public safety or, rather, serves another underlying purpose. I do so through an analysis of preventive orders and then focus on control orders and TPIMs as examples of responses to the threat of terrorism.

3 CONTROL ORDERS AND TPIMs: ADDRESSING PREVAILING THREATS TO PUBLIC SAFETY?

3.1 Preventive orders

While criminal law was exclusively used to react to 'acts more than preparatory to a specified offence' in the past, states have now begun criminalising earlier and without requiring *mens rea* or *actus reus*, namely 'pre-emptively' (Zedner, 2007b). They do so with 'counter-laws' that are aimed at tackling insubstantial origins of harm and are corrosive of fundamental principles of criminal law (Ericson, 2006a). In this light, preventive orders are a symptom of what Zedner (2007a), relying on Philip K Dick's Minority Report, called a move from a 'post- to a pre-crime society'. Their aim is to regulate an individual's non-criminal behaviour through legally imposed positive or negative obligations in the present, as they are perceived to be 'at risk' of causing harm in the future (Dennis, 2012).

Nevertheless, Mork Lomell (2012) has argued that preventive orders were not an alternative to criminal law, but were a form of punishment. Their essence might be masked by their civil law status, but is most obviously revealed when they are breached, as a breach of the preventive order

constitutes a criminal offence that results in a coercive sanction. McCulloch and Pickering (2009) thus described preventive orders as a 'crystal-ball gazing' project, in which criminal law is used as a 'vehicle to achieve' (Mork Lomell, 2012) preventive aims when a criminal offence has not (yet) been committed.

Therefore, preventive orders are, according to Dennis, a form of 'forward-looking individualized criminal law' in addition to - and not in place of - general criminal law. They presuppose that a person is likely to cause harm due to their conduct that, in itself, is not a criminal offence (Dennis, 2012). As preventive orders punish legally innocent individuals (Zedner, 2005), they exclude the possibility that the 'would-be offender' will not commit the offence, by which they close their 'window of moral opportunity' (Smilansky, 1994). Apart from breaching the presumption of innocence, preventive orders also fail to guarantee other due process rights that would ensure a fair trial if a criminal offence had been committed (Zedner, 2007 b)

Although every outlined difficulty of preventive orders is important and should be further addressed, I concentrate only on a certain type of preventive orders, namely control orders, that were introduced by UK's Prevention of Terrorism Act (2005) to protect the public from presumably pressing terrorist threats. Control orders have been abolished by the Terrorism Prevention and Investigation Measures Act (2011) and supplemented by Terrorism Prevention and Investigation Measures (TPIMs), but I, nevertheless, use the available academic literature on both to develop my argument, as the underlying rationale of control orders has remained unchanged (Hunt, 2013).

In my analysis, I focus specifically on the consequences of control orders and on a particular change that TPIMs have brought, since both of these aspects seem to support the argument of this paper, namely that states politically manipulate - rather than construct - risks, regardless of the *actual* threats to public safety. I go on to examine how the use of control orders or TPIMs in the name of public security could be, intentionally or unintentionally, disguising and perpetuating a practice of creating what Becker (2003) called 'outsiders' based on who the orders are applied to, rather than the acts they have (not) committed. However, I first outline the possible reasons why terrorism has come to be perceived as a prevailing threat to public safety that justifies pre-emptive responses in the first place.

3.2 Control orders

3.2.1 Terrorism as a prevailing threat to public safety

As terrorist violence has been used against nation states to evoke political changes throughout history, the threat of terrorist attacks is not a new risk of the 20th or the 21st century. In the context of UK, terrorism dates back to the British Empire when political revolt occurred in several overseas colonies. Furthermore, UK experienced three decades of political violence during the Irish resistance (Walker, 2004). However, since 9/11, terrorism has become politically emphasized on a global level as a threat *par excellence* due to its potentially catastrophic consequences and incalculability (Pantazis & Pemberton, 2009), despite the low probability that it will actually occur (Mythen & Walklate, 2005). States responded to this 'new terrorism' (Pantazis & Pemberton, 2009) by treating it as a risk devoid of its political context and socio-economic triggers, which has led to the 'politicization of law' (McCulloch & Pickering, 2009) through pre-emptive responses.

That law has indeed been politicised through pre-emptive reactions to terrorism becomes apparent when other ways of dealing with terrorist threats are considered. Although it is possible to agree with Walker (2004) that states have a right to protect their existence against terrorism, it is also important to consider alternative political solutions. According to Braithwaite, mature liberal democracies should approach the problem of terrorism gradually and engage in non-punitive dialogue before adopting legal or military responses. Therefore, pre-emptive anti-terrorist responses could be perceived as a legal over-reaction to contemporary political under-reaction. They focus predominantly on managing potentially risky individuals that might engage in terrorist activity, while the reasons of social injustice that are believed to trigger terrorism in the first place could be more adequately addressed through diplomacy and international relations (Braithwaite, 2005).

Furthermore, the merger of the rhetoric of criminal justice and national security has also contributed to bolstering pre-emptive measures (McCulloch & Pickering, 2009). As the metaphor of 'war' has been symbolically used for the risk of terrorism (Walker, 2004), security measures

that were once unthinkable in times of relative peace have now become imaginable and more likely to be justified. Also, the risk of terrorism importantly differs from war since terrorism is temporally and spatially indeterminate, so the derogation from conventional legal norms to tackle it has become normalised as a part of everyday life as a consequence (Zedner, 2009).

In all, although the threat of terrorism has always existed, it seems to have been 'securitized' (Zedner, 2009), so purely political responses to this problem have become side-lined. As a consequence, pre-emption might have become justified as an appropriate response in the quest for public security. To show that underlying causes for pre-emptive measures, nevertheless, might not lie in the pursuit of safety, I continue with a brief presentation of control orders and TPIMs.

3.2.2 Control orders and TPIMs: responses to the prevailing threat of terrorism?

In 2005, UK introduced control orders as preventive community measures that the Home Secretary could impose upon suspect terrorists for their expected, rather than past, involvement in terrorist activity (Zedner, 2007b). These orders permitted restrictions of the suspect's liberty of movement as well as on their social life and even allowed a complete deprivation of their liberty after the Parliament had authorized the derogation under Article 15 of the European Convention of Human Rights (Council of Europe, 1950) for reasons of public emergency. Although of civil status and imposed without the suspect having committed a crime, control orders enabled the deprivation of rights that otherwise required a criminal conviction. They have therefore been recognized as a means that sidestepped the criminal justice system with their preventive etiquette 'gloss[ing] over' the hardships that they introduced for suspects (Zedner, 2007b).

In addition to strong theoretical arguments against control orders, empirical research has shown that these orders, when applied, have predominantly been imposed upon members of the Muslim population and have caused them immense psychological burdens as well as collaterally traumatized their family members. Through the use of control orders, vulnerable Muslims were labelled 'terrorist suspects,' while having been given few opportunities to shrug these labels off. Moreover, the imposed restrictions on their movement and social activities – electronic tags, limited use of public transport or controlled access to places of worship – caused them great anxiety as they interfered with their daily routines (Zedner, 2007b).

Although the mentioned selective effects of control orders alone could imply that they targeted a specific segment of population, rather than followed their official rationale of providing public safety from terrorism, the proclaimed aim of introducing control orders to provide security has proven especially questionable after they were supplemented by TPIMs in January 2012, based on the Terrorism Prevention and Investigation Measures Act (2011).

Despite the various adaptations that were made after the abolition of control orders as regards the conditions, under which restrictions can be imposed upon an individual, TPIMs have been described by Hunt (2013) as 'differently named,' but 'methodologically similar' measures. Namely, they could still be imposed based on a decision made by the executive, rather than the judiciary, and for a broad range of 'terrorism-related activities.' Although the Counter-Terrorism and Security Act (2015) further limited the scope of these activities, the current legislation still allows for TPIMs to be imposed without the disclosure of the evidential basis for the decision. Therefore, TPIMs remain intrusive pre-emptive measures for managing an individual's risk with only a slight increase of their civil liberties (Hunt, 2013).

In addition, while restrictions under control orders could be imposed without limits if the court approved their renewal due to ongoing risks that the suspect would engage in terrorist activity, TPIMs can now last a maximum of two years (Zedner, 2007b). After this time, only a new TPIM can be applied if the suspect is believed to have taken part in terrorist activities *after* the initial TPIM had been imposed (Hunt, 2013). This has led Hunt to conclude that, while control orders were legally problematic as they allowed for indefinite restrictions, the time limit in the case of TPIMs made the element of necessity to impose such measures in the name of public protection against terrorism 'legally irrelevant' after two years even if the suspect was still considered to be 'at risk' of engaging in terrorist activity (Hunt, 2013). It is thus debatable whether control orders and TPIMs really present viable policy that can adequately respond to the risk of terrorism. However, while these measures may prove ineffective when it comes to

providing public protection from terrorism, they seem to have far-reaching harmful labelling effects for the suspects and their families.

Some authors have argued that the fusion of warfare and criminal justice in the debate on terrorism as well as the move from reactive to preventive legal responses to it (Hallsworth & Lea, 2011) have contributed to constructing actual and prospective terrorists as 'enemy combatants' (Zedner, 2005). Furthermore, Pantazis and Pemberton exposed that the symbolic link between terrorism and religion after 9/11 has created entire 'suspect communities.' According to them, in the UK, the newly established 'suspect community of Muslims' supplemented the old Irish community as a consequence (Pantazis & Pemberton, 2009).

Furthermore, these labelling process seem to be widespread and could be seeping into law enforcement. Namely, the 'discounted' status (Goffman, 1963) of 'risky populations' (Hallsworth & Lea, 2011) could be contributing to the establishment of a 'dual system of justice' (Pantazis & Pemberton, 2009), in which some segments of the population are treated differently than others. This could help explain why, according to official police data, ethnic minority groups are disproportionately policed (Philips & Bowling, 2012), given that this trend has increased after 9/11. Since then, minorities have also been more frequently maltreated during police interventions and less frequently arrested after having been stopped and searched (Pantazis & Pemberton, 2009).

In addition, the portrayal of some minority groups as 'risky' might also be affecting other realms of public policy. Namely, the perception of migration as a terrorist threat is believed by some to have triggered restrictive immigration legislation (Ibrahim, 2005) and the establishment of immigration detention centres that look and feel like prisons (Kaufman & Bosworth, 2013). Furthermore, some countries seem to have moved beyond controlling potential 'enemy aliens' (Hallsworth & Lea, 2011) inside – and at the frontier of – their national territory. For example, the US have used the rhetoric of risk to justify holding Iraqi civilians, which they perceived as 'imperative threats' to the newly established system, in special detention centres until they were believed to be 're-integrated' (Welch, 2010).

The outlined labelling effects could imply that the rhetoric of risk has been used in addressing the public safety threat of terrorism to classify and control communities of a particular ethnic and religious origin (Mythen & Walklate, 2005). It thus seems important to conceptualize this suggestion in light of the question about the political construction of risk. Also, it seems relevant to examine the possible distorting consequences that its affirmation could have for public security. It is to these tasks that I devote the conclusion.

4 CONCLUSION

When considering the many terrorist attacks that have taken place throughout history and after having analysed the question of risk as a political construct on the example of terrorism, it seems plausible to argue that threats of future harm, including the risk of terrorism, are real and therefore not politically constructed. However, terrorism has undoubtedly been 'securitized' and narrowed down from a broad political affair to an issue of public security only (Zedner, 2009). This has led to the politization of law (McCulloch & Pickering, 2009) that has been adopted to tackle terrorism and has legitimized pre-emptive measures that infringe the civil liberties of those they are imposed upon in the name of public safety (Zedner, 2009).

Furthermore, the analysis or control orders has revealed that the emphasis on risk could be masking previously more direct different treatment based on discriminatory factors (Janus, 2004) to criminalize marginal groups (McCulloch & Pickering, 2009) according to their ethnicity and religion. Therefore, the balancing of the gains of security for the majority with the losses of liberty for a minority of legally innocent suspects becomes objectionable as a matter of principle and regardless of the possible ineffectiveness of such measures (Zedner, 2007b).

In addition, it is debatable whether public security can even be enhanced when political problems are securitized. As pre-emptive measures seem to root out terrorists-to-be, but not the root causes of terrorism (McCulloch & Pickering, 2009), whereby the 'war on terror' (Bush, 2001) seems to have triggered the targeting of entire ethnic minority groups beyond the individuals that were actually involved in terrorism, the possibility of radicalization that could come to fuel terrorist activity, arises. Also, demarcating specific groups as 'risky' diminishes the feeling of safety amongst wider society (Pantazis & Pemberton, 2009).

It can thus be inferred that, although the risk of terrorism is not politically constructed, the label of 'terrorist' seems to be (McCulloch & Pickering, 2009). In the case of preventive orders,

this label is attached to an individual without a verdict for a past criminal offence. Nevertheless, the stigma that results from the use of such orders can be strong in maintaining the boundaries between 'us' and 'them' (Erikson, 1966), which can become counterproductive in the pursuit of public safety. In order to prevent such distortive effects, the future debate about risk should focus on distinguishing between real threats to public safety (Zedner, 2009), that could justify some sort of preventive response, and complex socio-political problems, that should be approached holistically, rather than only addressed in the name of security to reassure the public (Waldron, 2003), while legitimizing intrusive responses and labelling of innocent individuals and groups. Risks (of particular terrorist attacks) can be managed, but there can be 'no final victory' (Walker, 2004) in waging wars against problems (like terrorism) that might require different public policy responses.

REFERENCES

- Beck, U. (1992). *Risk society: Towards a new modernity*. London: Sage.
- Becker, H. (2003). The outsiders. In E. McLaughlin, J. Muncie, & G. Hughes (Eds.), *Criminological perspectives: Essential readings* (pp. 239–247). London: Sage.
- Braithwaite, J. (2005). Pre-empting terrorism. *Current Issues in Criminal Justice*, 17(1), 96–114.
- Bush, G. W. (2001). Text of George Bush's speech. *Guardian*, 21 September 2001. Retrieved from <https://www.theguardian.com/world/2001/sep/21/september11.usa13>
- Council of Europe. (1950). *European Convention of Human Rights*. Retrieved from http://www.echr.coe.int/Documents/Convention_ENG.pdf
- Counter-Terrorism and Security Act. (2015). Retrieved from <http://www.legislation.gov.uk/ukpga/2015/6/enacted/data.pdf>
- Dennis, I. (2012). Security, risk and preventive orders. In G. R. Sullivan, & I. Dennis (Eds.), *Seeking security: Pre-empting the Commission of criminal harms* (pp. 169–191). Oxford: Hart Publishing.
- Erikson, R. (2005). Governing through risk and uncertainty. *Economy and Society*, 34(4), 659–672.
- Erikson, R. (2006a). *Crime in an insecure world*. Cambridge: Polity Press.
- Erikson, R. (2006b). Ten uncertainties of risk-management approaches to security. *Canadian Journal of Criminology and Criminal Justice*, 48(3), 345–357.
- Erikson, K. (1966). *Wayward Puritans: A study in the sociology of deviance*. London: Macmillan.
- Feeley, M., & Simon, J. (1994). Actuarial justice: The emerging new criminal law. In D. Nelken (Ed.), *The futures of criminology* (pp. 173–201). London: Sage.
- Garland, D. (2001). *The culture of control: Crime and social order in contemporary society*. Oxford: Oxford University Press.
- Goffman, E. (1963). *Stigma: Notes on the management of spoiled identity*. London: Penguin Books.
- Hallsworth, S., & Lea, J. (2011). Reconstructing Leviathan: Emerging contours of the security state. *Theoretical Criminology*, 15(2), 141–157.
- Hulsman, L. (2003). Critical criminology and the concept of crime. In E. McLaughlin, J. Muncie, & G. Hughes (Eds.), *Criminological perspectives: Essential readings* (pp. 310–315). London: Sage.
- Hunt, A. (2013). From control orders to TPIMs: Variations on a number of themes in British legal responses to terrorism. *Crime, Law and Social Change*, 62(3), 289–321.
- Ibrahim, M. (2005). The securitization of migration. *International Migration*, 43(5), 163–187.
- Janus, E. S. (2004). The preventive state, terrorists and sexual predators: Countering the threat of a new outsider jurisprudence. *William Mitchell College of Law Research Paper*, 11. Retrieved from <http://ssrn.com/abstract=687165>
- Kaufman, E., & Bosworth, M. (2013). The prison and the national identity: Citizenship, punishment and the sovereign state. In D. Scott (Ed.), *Why prison?* (pp. 170–188). Cambridge: Cambridge University Press.
- Kemshall, H. (2003). *Understanding risk and criminal justice*. Philadelphia, PA: Open University Press.
- McCulloch, J., & Pickering, S. (2009). Pre-crime and counter-terrorism: Imagining future crime in the 'war on terror'. *British Journal of Criminology*, 49(5), 628–645.
- Mork Lomell, H. (2012). Punishing the uncommitted crime: Prevention, pre-emption, precaution and the transformation of criminal law. In B. Hudson, & S. Uglevik (Eds.), *Justice and security in the 21st century: Risk, rights and the rule of law* (pp. 83–100). London: Routledge.
- Mythen, G., & Walklate, S. (2005). Criminology and terrorism: Which thesis? Risk society or governmentality? *British Journal of Criminology*, 46(3), 379–398.
- O'Malley, P. (2000). Risk society and the governance of crime. In M. Brown, & J. Pratt (Eds.), *Dangerous offenders: Punishment and social order* (pp. 17–33). London: Routledge.

- O'Malley, P. (2001). Risk, crime and prudentialism revisited. In K. Stenson, & R. R. Sullivan (Eds.), *Crime, risk and justice: The politics of crime control in liberal democracies* (pp. 89–103). Cullompton, Devon: Willan Publishing.
- O'Malley, P. (2008). Experiments in Risk and Criminal Justice. *Theoretical Criminology*, 12(4), 451–469.
- Oxford Dictionaries. (2016). *Risk*. Retrieved from: www.oxforddictionaries.com/definition/english/risk
- Pantazis, C., & Pemberton, S. (2009). From the 'Old' to the 'New' suspect community: Examining the impacts of recent UK counter-terrorist legislation. *British Journal of Criminology*, 49(5), 646–666.
- Philips, C., & Bowling, B. (2012). Ethnicities, racism, crime and criminal justice. In M. Maguire, R. Morgan, & R. Reiner (Eds.), *Oxford handbook of criminology* (pp. 370–397). Oxford: Oxford University Press.
- Prevention of Terrorism Act. (2005). Retrieved from http://www.legislation.gov.uk/ukpga/2005/2/pdfs/ukpga_20050002_en.pdf
- Simon, J. (2007). *Governing through crime: How the war on crime transformed American democracy and created a culture of fear*. Oxford: Oxford University Press.
- Smilansky, S. (1994). The time to punish. *Analysis*, 54(1), 50–53.
- Terrorism Prevention and Investigation Measures Act. (2011). Retrieved from <http://www.legislation.gov.uk/ukpga/2011/23/enacted/data.pdf>
- Waldron, J. (2003). Security and liberty: The image of balance. *The Journal of Political Philosophy*, 11(2), 191–210.
- Walker, C. (2004). Terrorism and criminal justice: Past, present and future. *Criminal Law Review*, 50th Anniversary Special Addition, 311–327.
- Welch, M. (2010). Detained in occupied Iraq: Deciphering the narratives for neocolonial internment. *Punishment & Society*, 12(2), 123–146.
- Zedner, L. (2003). Too Much Security? *International Journal of the Sociology of Law*, 31(3), 155–184.
- Zedner, L. (2005). Securing liberty in the face of terror: Reflections from criminal justice. *Journal of Law and Society*, 32(4), 507–533.
- Zedner, L. (2007a). Pre-crime and post-criminology. *Theoretical Criminology*, 11(2), 261–281.
- Zedner, L. (2007b). Preventive justice or pre-punishment: The case of control orders. *Current Legal Problems*, 60(1), 174–203.
- Zedner, L. (2008). Fixing the future? The pre-emptive turn in criminal justice. In B. McSherry, A. Norrie, & S. Bronitt (Eds.), *Regulating deviance: The redirection of criminalisation and the futures of criminal law* (pp. 35–58). Portland: Hart Publishing.
- Zedner, L. (2009). *Security*. London: Routledge.
- Zedner, L. (2012). Erring on the side of safety: Risk assessment, expert knowledge, and the criminal court. In G. R. Sullivan, & I. Dennis (Eds.), *Seeking security: Pre-empting the Commission of criminal harms* (pp. 221–241). Oxford: Hart Publishing.

COMMUNITY COORDINATED RESPONSE TO CHILD SEX TRAFFICKING: INSIGHTS FROM PROCESS AND OUTCOME EVALUATIONS

Mary A. Finn

ABSTRACT

Purpose:

Paper presents findings of an evaluation of a community coordinated response (CCR) to address child sex trafficking (CST) in a single U.S. city.

Methods:

Using a combination of secondary data and primary data, the analysis assesses the degree to which the implementation of the CCR accomplished its stated goals to enhance policy development and operational protocols in response to CST. Goals included: raising community awareness, training professionals who interface with youth at risk, improving the continuum of care for CST victims through enhanced communication and data sharing, and improving services provided to CST victims.

Findings:

The CCR accomplished some of its goals. A state-wide media campaign to raise awareness of child sex trafficking was launched and training of service providers in schools, police departments, and juvenile courts occurred. However, the overall goal of institutionalizing training across all agency partners was not realized. Efforts to enhance communication and share data to improve the continuum of care for victims had mixed success. Elements established included a: victim response protocol, common intake instrument for use by courts and law enforcement, and database on victims. Last, improvements in delivery of care were mixed in that appropriate emergency placement was not available for youth identified as CSE victims, but inter-agency case management of victims already in treatment improved.

Research limitations:

Given that data were drawn from a single jurisdiction, results are preliminary.

Originality:

CCRs are often advocated as the ideal solution to social problems, but relatively little research has analyzed their implementation and outcomes.

Keywords: evaluation; community coordinated response, child sex trafficking

I INTRODUCTION

In September of 2013, the National Academy of Sciences issued its report entitled, *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States* (Institute of Medicine and National Research Council, 2013). This report noted that sex trafficking of minors is a serious problem in the U.S. and that stronger prevention and intervention efforts are needed. Several jurisdictions in the U.S. are facing the challenge of how best to address this issue. This paper presents the results of an evaluation of one community's efforts to implement a community coordinated response (CCR) to address the problem of sex trafficking of children.

I.1 Sex trafficking of children

The commercial sexual exploitation of children (CSEC), also referred to as domestic minor sex trafficking (DMST) has become an important topic of both national and international interest. According to the U.S. definition, CSEC/DMST occurs when a person under the age of 18 is recruited, harbored, transported, provided, or obtained for the purpose of a commercial sex act (e.g., prostitution, pornography, nude dancing, stripping, or other forms of transactional sex) (Smith, Healy Vardaman & Snow, 2009). Worldwide it is estimated that 1 million children are involved in prostitution (Willis & Levy, 2002). Recent estimates by the U.S. Central Intelligence Agency indicate that between 14,500 and 17,500 child victims trafficked annually in the U.S. (Markon, 2007). Ultimately, these numbers are "rough estimates" (Sugg, 2006; see also Markon, 2007) largely because of the difficulties faced when examining such an under-reported crime.

The city of Atlanta in Fulton County, Georgia in the United States is purported to be a “hub” for CSEC/DMST, serving as a key stopping point along an eastern seaboard trafficking route (Landesman, 2004). These claims are repeatedly found in the *Atlanta Journal Constitution (AJC)*, the leading regional newspaper (Sugg, 2006). According to Priebe and Suhr (2005) who relied on case reviews, interviews of key informants, field observations, surveys of service providers, and spatial mapping, the overwhelming majority of CSEC victims in Atlanta were African American girls, not immigrants or refugees, and the average age was 14 years. Common risk factors among CSE girls included conflicts at home, parental neglect, physical or sexual abuse, poverty, educational failure, and running away from home or being homeless (Usrey, 1995; Nadon, Koverola & Schludermann, 1998; Boxill & Richardson, 2007). Indeed, it is clear that prostitution becomes a survival mechanism for many runaway youths (Greene, Ennett & Ringwalt, 1999). In Atlanta, data revealed that these exploited girls typically were recruited into prostitution through pimps or “recruiters”, the latter of whom are sometimes children.

1.2 Community coordinated responses (CCR)

Community coordinated responses (CCR) develop when different agencies and programs from a particular locality come together to work on a common goal or problem. CCRs are often adopted in communities to address social issues that require the expertise and services of multiple agencies, rather than an individual agency. As such they have been used to address such issues as domestic violence, sexual assault, substance abuse, mental illness, and have been used successfully in several communities (Zweig & Burt, 2006). While research on the implementation and effectiveness of CCRs pertaining to the commercial sexual exploitation of children is limited, research has examined such responses to domestic violence and sexual assault (Gamache, Edleson & Schock, 1988). Gamache et al. (1988) found that community intervention projects greatly increased arrests, convictions, and court mandates for treatment and that larger systems had more difficulty coordinating. Comparing domestic violence cases before and after implementation of community coordinated efforts, Steinman (1990) and Syers and Edleson (1992) reported arrest alone led to increased violence, whereas arrest, combined with other criminal justice efforts, deterred repeat violence. When law enforcement followed protocols developed in coordination with other agencies, Tolman and Weisz (1995) documented reduced recidivism of batterers. In their study of CCRs impact on domestic violence, Shepard, Falk and Elliot (2002) found sharing risk assessment information between criminal justice personnel and service advocates led to reductions in recidivism.

Campbell and Bybee (1997) found that having a sexual assault response team that included several agencies from the community increased services provided to victims. Representatives from member organizations of communities that have developed coordinated responses to address sexual assault report that victims receive better services, in addition to improved criminal justice outcomes including higher conviction rates (Burt et al. , 2001). Female victims of assault in communities with more coordinated services were found to have more positive experiences within the legal, medical, and mental health systems, as opposed to those women in communities with less coordinated services (Campbell, 1998; Weisz, Tolman & Bennett, 1998). Zweig and Burt (2003, 2006) found that interactions between non-profit victim service programs, law enforcement, and prosecution led to changes in the legal systems approach to handling domestic violence and sexual assault cases. As agencies increased coordination within their communities, including law enforcement and prosecution agencies working with victim service programs, the more likely services were to improve for victims.

Although community coordinated responses can be effective when properly implemented, getting agencies to work together in a community is not always a simple task. Miami-Dade county's Model Dependency Court Intervention Program, created to promote safety for abused children and battered women, encountered several challenges with implementation including: mediation between child protection personnel and battered women's advocacy groups as they came from separate backgrounds with different experiences, training, and ideas; maintaining ongoing communication between domestic violence advocates and child protective service workers was needed and required patience and tolerance for different viewpoints and priorities; and developing community collaboration was difficult as systems were slow to change and experienced frustrations due to lack of resources and services leading to conflicts (Lecklitner,

Malik, Aaron & Lederman, 1999). When discussing the RESTORE Program, a community's response to sex crimes through advocacy, prosecutorial, and public health collaboration, researchers stated, "To collaborate effectively, we are continually working through differences stemming from disciplinary perspectives and terminology, diverse value systems, varying institutional approaches to managing work, alternate accounting processes and budget cycles, unequal understandings of what constitutes a program that can be evaluated, priorities such as trials and survivor emergencies that affect availability, staff turnover, and communication styles that arise from discipline, gender, and culture" (Koss, Bachar, Hopkins & Carlson, 2004: 1455).

After studying several community collaborations, Zweig and Burt (2006) recommend that to assure effective community coordination, agencies should truly collaborate (i.e., no single agency should design the approach, protocol, or policy) and should cross-train one another to increase understanding among groups and avoid turf wars. In order to measure interaction and effectiveness among agencies in communities, Zweig and Burt (2003) identified four types of interaction measures including:

1. communication: agencies talking to each other and sharing information,
2. coordination: agencies working together on cases and training one another's staff,
3. collaboration: jointly working on protocol development, integrating services, and having an institutionalized level of commitment to work together from upper management level workers on down, and
4. community coordinated response: all relevant agencies are on board with organizational commitments to work together and strategize for future progress.

1.3 CCR to address commercial sexual exploitation of children in Atlanta/Fulton county

As early as 1999 the city of Atlanta and Fulton County had convened a coalition to address child prostitution. Formulation of this initial coalition is attributed to the leadership of a few powerful women who occupied critical positions in government, non-profit, and advocacy worlds and whose views of both the problem and the response of the community was shaped by their lens (Boxill & Richardson, 2007). This lens incorporated a definition of commercial sexual exploitation narrowly defined – a focus almost exclusively on victims of prostitution and by default, young, disempowered girls. For the next two years, this coalition with members from law enforcement, juvenile court, service providers, child advocates, and local political leaders, worked to raise awareness, initiate stricter legislation making pimping and pandering of children a felony, advocating for additional resources, and raising private funds to open a safe house for sexually exploited girls (Angela's House). In addition, in 2001 the U.S. Attorney's Office successfully garnered convictions under RICO (Racketeering in Corrupt Organizations) statutes leading to the convictions of two pimps and their sentence of 40 years and 30 years of imprisonment (Hansen, 2002).

2 METHODS

Separate strategies were used to obtain data on the functioning of the CCR including the review of: secondary data from media, including newspaper articles in the leading regional newspaper, the *Atlanta Journal-Constitution* from years 1995 through 2005; records of the CCR covering the years 2002 through 2007; technical reports of Fox Valley Technical College (an organization that provided technical assistance to the CCR in partnership with OJJDP); minutes and work products of meetings related to the CCR; and data from the CACTIS (including written forensic interviews with youth identified as high risk or high priority CSE cases), and case records from Center to End Adolescent Sexual Exploitation.

The evaluation team also collected primary data in several ways. First, extensive individual interviews were audio-taped and transcribed with 24 representatives from all relevant agencies actively involved in the demonstration project, including the juvenile court, probation, district attorney, victim witness programs, youth detention, child advocacy centres, social services, city and county police, county mental health, city and county schools, and children's hospitals.

Second, observation of meetings held to support the CCR, of bi-weekly meetings of the Child Abuse Investigation Team, and meetings of separate subcommittees developing protocols to address both child abuse and commercial sexual exploitation of children.

Third, surveys were administered to members of the demonstration project's executive cabinet and the Child Abuse Investigation Team to get "point in time" perspectives on the functioning of the project from the participants.

Fourth, interviews also were conducted with key groups: individuals involved in the early formation of the community-coordinated response, members of Fox Valley Technical College, three treatment providers whose clients included commercially exploited youth referrals, and six guardians and four youth who received services from the Collaborative. Fifth, a focus group was held with two girls residing at Angela's House.

3 IMPLEMENTATION AND EVALUATION OF THE CCR

On October 22, 2002 a one-day planning event was held by Fox Valley Technical College, an organization funded separately by OJJDP to provide technical assistance to the CCR. A community self-assessment conducted between October 2002 and April 2003 did not yield fruitful information. In May 2003 over 30 agency representatives attended a Strategic Planning Workshop, conducted by FVTC and sponsored by OJJDP. Areas of strategic impact (prevention, intervention, and treatment were identified) and three core teams worked over the next six months to identify four core issues, which would later become the primary goals identified for the CCR to accomplish over the next 3-5 years: raise community awareness of commercial sexual exploitation; train professionals who serve youth at risk for commercial sexual exploitation; improve the continuum of care for victims through enhanced communication and information sharing; improve the services available for victims of commercial sexual exploitation. Major evaluation findings are grouped for these four goals.

3.1 Community Awareness

The CCR outlined several objectives to be accomplished. One included partnering with the United Way to create a media campaign to keep the issues of sexual exploitation on the minds of citizens and the business community. The media campaign was reduced in length from two years to four months. It did successfully launch one Public Service Announcement (PSA) in 2005, and four additional PSA's were launched in 2007 focused on the Dear John campaign, spearheaded by the Mayor's office. In mid-2008 the Juvenile Justice Fund received \$1 million from the Atlanta Women's Foundation to launch a three-year state-wide campaign and it has held several public forums throughout the state.

3.2 Training of Professionals

Establishing comprehensive training curriculum for professionals and volunteers, as well as implementing a "train the trainer" session to assure that training was institutionalized in agencies and organizations were the two main objectives identified by the CCR. A training coordinator was hired in June 2004, but the position was discontinued shortly thereafter without any documentation or justification for this decision. In 2004 several training modules were piloted for service providers in schools, in police departments, and in juvenile courts. Fox Valley Technical College also offered training to agency representatives addressing team investigation and collaboration, forensic interviewing, and information sharing, specifically addressing misconceptions around federal regulations (Health Insurance Portability and Accountability Act (HIPPA) and Family Educational Rights and Privacy Act (FERPA). According to the training calendar, an average of four training sessions were scheduled monthly in 2007. The Juvenile Justice Fund reported in its Annual Report 2007 that 874 service providers and citizens had been trained to recognize sexual exploitation and predatory behaviour (Juvenile Justice Fund, 2007a).

3.3 Information and Data Sharing

Three inter-related tasks, identified by the CCR to enhance information and data sharing, were accomplished. First on July 29, 2004 a Memorandum of Understanding for the Collaboration to Address Child Sexual Exploitation in Atlanta/Fulton County was signed by eleven agency heads of city and county government, as well as the Juvenile Justice Fund (Juvenile Justice Fund, 2004).

Second, a risk/assessment instrument was developed by the Center to End Adolescent Sexual Exploitation (CEASE) for use with the juvenile court and law enforcement agencies. Third, in June 2004 Network Ninja's began to design a case tracking system, with input from the Atlanta-Fulton County Design team (five representatives, one each from the medical, social services, law enforcement, prosecution, and juvenile court area). This tracking program, Child Abuse Case Tracking Information System or CACTIS, served to supplement and strengthen the child abuse investigation process by promoting data and information sharing. CACTIS allows for input on 288 variables and will produce seven standard reports for users. A total of 877 cases of youth aged 11–17 were in CACTIS, of which 50 cases researchers determined to be at high risk for, or had experienced, commercial sexual exploitation. Data was missing on 128 variables for the 50 CSEC cases identified. Forensic interview information was for the most part complete, with about one third of cases missing information on 14 variables referencing the interview. The child advocacy centres are the most frequent users of the data base, followed by the Atlanta Police Department. The Department of Family and Children Services and the school systems were infrequent users of CACTIS. The Juvenile Justice Fund (2004) reported that CACTIS will be expanded for use state-wide.

3.4 Improved Delivery of Care

Delivery of services to youth who experienced commercial sexual exploitation was to be improved through the designation of a case manager who specialized in the identification and delivery of services to victimized youth and the development of a multi-disciplinary team-based response based upon level of risk. In June 2004 a teen services coordinator was hired at the Fulton County Child Advocacy Center. In addition, a project coordinator at the Center to End Adolescent Sexual Exploitation (CEASE) worked closely with the juvenile court to identify youth who were at high risk for CSE and youth who were already victimized and make referrals for treatment/services. Atlanta/Fulton County does not have emergency placement for girls who may be victims of CSE. Currently, if identified through law enforcement or the juvenile court, many are housed at the Metro Detention Center, a youth detention facility for delinquent youth. Two inter-related processes function at a policy and operational level to guide the handling of CSEC cases. First, at the policy level sixteen agency heads endorsed the Atlanta-Fulton County Commercial Sexual Exploitation Protocol on July 2, 2007 (Juvenile Justice Fund, 2007b). This protocol identifies within four areas (prevention, intervention, treatment and prosecution), the actions expected of each agency. At the operational level Child Abuse Investigation Team meetings occur on a bi-weekly basis to review, discuss, and share information on cases of child sexual abuse. Results of the Wilder Collaboration Factors Inventory and interviews with agency personnel indicated that CAIT members shared a common vision in their purpose, believed that the objectives of their agency were more successful due to the collaboration, and that communication within CAIT fostered better inter-agency cooperation.

4 CONCLUSIONS

Our findings indicate that the policy and operational levels at which the CCR functioned to reduce the incidence of the commercial exploitation of children in Atlanta, had somewhat different histories, development, and outcomes. The Executive Cabinet, in its second iteration after the acquisition of the federal grant, served its function in providing its authorization and support for completing the Atlanta-Fulton County Commercial Sexual Exploitation of Children Protocol (Juvenile Justice Fund, 2007b). Clearly, the parties involved in this effort could not have devoted the time and resources to the development of the protocols if their agency leadership had not supported the endeavour. However, the Executive Cabinet did not meet at any point after the signing of the protocol, nor have they continued to meet as a group specifically related to CSEC issues, is indicative of a lack of sustainability. Simply put, there is no mechanism by which one can determine the degree of adherence to the protocol.

On the other hand, at the operational level, the Child Abuse Investigation Team (CAIT) continues to thrive. CAIT meets regularly with good attendance from the relevant agencies. In particular, the involvement of the Department of Family and Children Services (DFCS) at the meetings and their contributions to the overall case management process has been excellent

over the last year. Even though CACTIS does not enjoy universal acceptance or utilization, it still remains a positive information source for the CAIT meetings. Sustainability at the operational level is further evidenced by the fact that CAIT continues to be an important factor in addressing the needs of commercially exploited children despite the merging of two child advocacy agencies, the Fulton County Child Advocacy Center and the Georgia Center for Children into the Georgia Center for Child Advocacy and the change of location for the bi-monthly meetings.

Child sex trafficking appears to be an important, but one of several subsets of child sexual abuse confronting the host of public and private agencies committed to reducing sexual abuse facing children in the community. Professionals in the CSEC protocol network need to know the signs of sexual exploitation of children and the services/resources available for children who are identified as victims. However, as evidenced by the bi-weekly CAIT meetings, the extent of CSEC is dwarfed in comparison to the extent of child sexual abuse generally. If given the actual number of children ultimately identified as having experience CSE increases, and in fact they are either mandated or voluntarily enter via social or mental health services or via juvenile justice processing, then separate support services may need to be developed. However, the number of children documented as experiencing CSE to date suggests a more individualized service response. Perhaps using well trained, professional foster care parents would better address the need and the magnitude of the problem.

Similar to other communities, Atlanta wrestles with how best to view and respond to commercial sexual exploitation of children (Barton Child Law and Policy Clinic, 2008). Is it primarily another form of child abuse oftentimes inflicted by a stranger or acquaintance, and thus best dealt with through child protective/social service system? Or, is it primarily another form of criminal victimization and thus best dealt with through enhanced identification and prosecution of perpetrators? At the heart of the answer has to be what option best addresses the needs of the victimized youth. Unfortunately, based on experiences in other jurisdictions to date, there is no clear answer. Currently Atlanta appears to be fighting CSEC on both fronts.

Second, turnover within the JJF, including staff assigned to the CCR (e.g., the project coordinator), and in both front-line and executive-level personnel at the participating agencies, coupled with the departure of the initial leading spokesperson for sexually exploited youth, slowed progress and momentum of the CCR. While no single public figure stepped forward to pick up the reigns, each public official (from the Mayor to the District Attorney) has when necessary and appropriate, provided the CCR with what it needed to move forward. Perhaps, in the long run, this will result in further strengthening the community's response as the initiative is no longer resting on the shoulders of one key figure, but instead it is a responsibility shared by many.

REFERENCES

- Barton Child Law and Policy Clinic. (2008). *Commercial sexual exploitation of children in Georgia*. Atlanta, GA: Emory University School of Law.
- Boxill, N. A., & Richardson, D. (2007). Ending sex trafficking of children in Atlanta. *Affilia Journal of Women and Social Work*, 22, 138–149.
- Burt, M. R., Zweig, J., Andrews, C., Van Ness, A. Parikh, N., Uekert, B. T., et al. (2001). *2001 report: Evaluation of the STOP block grants to combat violence against women under the Violence Against Women Act of 1994*. Washington, DC: Urban Institute.
- Campbell, R. (1998). The community response to the rape victim: Victims' experiences with the legal, medical, and mental health systems. *American Journal of Community Psychology*, 26(3), 355–379.
- Campbell, R., & Bybee, D. (1997). Emergency medical services for rape victims: Detecting the cracks in service delivery. *Women's Health: Research on Gender, Behavior, and Policy*, 3(2), 75–101.
- Gamache, D. J., Edleson, J. L., & Schock, M. D. (1988). Coordinated police, judicial, and social service responses to woman battering: A multiple-baseline evaluation across three communities. In G. T. Hotaling & D. Finkelhor (Eds.), *Coping with family violence: Research and Policy Perspectives* (pp. 193–209). Newbury Park, CA: Sage.
- Greene, J., Ennett, S. T., & Ringwalt, C. L. (1999). Prevalence and correlates of survival sex among runaway and homeless youth. *American Journal of Public Health*, 89(9), 1406–1409.

- Hansen, J. (2002, July 20). Judge throws the book at pimps; 'Sir Charles gets 30 years, 'Batman,' 40. *Atlanta Journal and Constitution*. Retrieved from <http://www.freerepublic.com/focus/news/719591/posts>.
- Institute of Medicine and National Research Council. (2013). *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*. Washington, DC: National Academies Press.
- Juvenile Justice Fund. (2004). *Memorandum of understanding for the collaboration to address child sexual exploitation*. Atlanta, GA: Juvenile Justice Fund.
- Juvenile Justice Fund. (2007a). *Annual report*. Atlanta, GA: Juvenile Justice Fund.
- Juvenile Justice Fund. (2007b). *Atlanta-Fulton County commercial sexual exploitation protocol*. Atlanta, GA: Juvenile Justice Fund.
- Koss, M. P., Bachar, K. J., Hopkins, C. Q., & Carlson, C. (2004). Expanding a community's justice response to sex crimes through advocacy, prosecutorial, and public health collaboration. *Journal of Interpersonal Violence, 19*, 1435-1463.
- Landesman, P. (January 25, 2005). The girls next door. *New York Times Magazine*. Retrieved from http://www.nytimes.com/2004/01/25/magazine/the-girls-next-door.html?_r=0
- Lecklitner, G. L., Malik, N. M., Aaron, S. M., & Lederman, C. S. (1999). Promoting safety for abused children and battered mothers: Miami-Dade County's Model Dependency Court Intervention Program. *Child Maltreatment, 4*, 175-182.
- Markon, J. (September 23, 2007). Human trafficking evokes outrage, little evidence. *Washington Post*. Retrieved from <http://www.washingtonpost.com/wp-dyn/content/article/2007/09/22/AR2007092201401.html>
- Nadon, S., Koverola, C., & Schludermann, E. (1998). Antecedents to prostitution: Childhood victimization. *Journal of Interpersonal Violence, 13*(2), 206-221.
- Priebe, A., & Suhr, C. (2005). *Hidden in plain view: The commercial sexual exploitation of girls in Atlanta*. Atlanta, GA: Atlanta Women's Agenda. Retrieved from http://www.freedomsunday.org/downloads/Child_Prostitution.pdf.
- Shepard, M. F., Falk, D. R., & Elliot, B. A. (2002). Enhancing coordinated community responses to reduce recidivism in cases of domestic violence. *Journal of Interpersonal Violence, 17*(5), 551-569.
- Smith, L. A., Healy Vardaman, S., & Snow, M. A. (2009). *The national report on domestic minor sex trafficking: America's prostituted children*. Arlington, VA: Shared Hope International.
- Steinman, M. (1990). Lowering recidivism among men who batter women. *Journal of Police Science and Administration, 17*(2), 124-132.
- Sugg, J. F. (April 26, 2006). A horrible achievement: Atlanta's child prostitution business is booming. *Creative Loafing*. Retrieved from <http://clatl.com/atlanta/a-horrible-achievement/Content?oid=1257948>.
- Syers, M., & Edleson, J. L. (1992). The combined effects of coordinated criminal justice intervention in woman abuse. *Journal of Interpersonal Violence, 7*(4), 490-502.
- Tolman, R. M., & Weisz, A. (1995). Coordinated community intervention for domestic violence: The effects of arrest and prosecution on recidivism of woman abuse perpetrators. *Crime & Delinquency, 41*(4), 481-495.
- Usrey, B. (1995). *Sisterhood of the Night*. Far Hills, NJ: New Horizon Press.
- Weisz, A. N., Tolman, R. M., & Bennett, L. (1998). An ecological study of nonresidential services for battered women within a comprehensive community protocol for domestic violence. *Journal of Family Violence, 13*(4), 395-415.
- Willis, B. M., & Levy, B. S. (2002). Child prostitution: global health burden, research needs, and interventions. *Lancet, 359*, 1417-1422.
- Zweig, J. M., & Burt, M. R. (2003). Effects of interactions among community agencies on legal system responses to domestic violence and sexual assault in STOP-funded communities. *Criminal Justice Policy Review, 14*(2), 249-272.
- Zweig, J. M., & Burt, M. R. (2006). Predicting case outcomes and women's perceptions of the legal system's response to domestic violence and sexual assault: Does interaction between community agencies matter? *Criminal Justice Policy Review, 17*(2), 202-233.

CHILD ABUSE AND EXPLOITATION THROUGH INFORMATION AND COMMUNICATION TECHNOLOGIES IN SARAJEVO, BOSNIA AND HERZEGOVINA

Elmedin Muratbegović

ABSTRACT

Purpose:

This paper will provide an insight into the analysis conducted through focus group interviews with children about child abuse and exploitation through information and communication technologies [ICT]. The method employed was intended to present the current state in terms of vulnerability of children using information and communication technologies in Sarajevo

Methods:

The survey included (N = 50), instead of the initially planned 50 students, of which 25 (50 %) male and 25 (50 %) female subjects. The average age of students in the sample was 13.5, while the participants' age ranges from 7 to 18 years of age. There were six focus groups, three with secondary school students and three with primary school children.

Findings:

Relying on the analysis of data collected which suggests that: The ICT is available for school children at an early age, and that the increase in the age of respondents is followed by an increase in the frequency of use of ICT; Different parenting styles affect children's safety; Students do not use proper Internet etiquette and that because of false profiles are at risk of sexual abuse and exploitation by means of ICT;

Research limitations:

Time to implement focus group interviews was limited, especially with students from primary school, which prevented the in-depth analysis of the data collection.

Originality:

The research aims to determine the conditions of the ICT use among students in elementary and secondary schools in Sarajevo, analyse, systematize and compare relevant indicators.

Keywords: child abuse, exploitation, information and communication technologies, Sarajevo

I INTRODUCTION

Cyberspace crime represents activities conducted by means of information technology, such as electronic money laundering and Internet fraud. However, child pornography is also a global criminal activity which spreads mostly through the Internet and represents the most serious form of sexual exploitation and abuse of children and minors by adults. Stalking and harassment in cyberspace is not only virtual, it is also a real threat to all Internet users, particularly children and minors. Direct victims are children abused for pornographic material production, and indirect victims are children who use the Internet and have access to such content. Children are the most vulnerable and the most frequent Internet user group unaware of the dangers that exist in the cyberspace. This early observation encapsulated what has since become a truism—that online identity is easily manipulated, and that people communicating with each other via email, chat room conversations, SMS, or other electronic technologies can and often do pretend to be someone other than, or at least to have different characteristics from, their real selves (Urbas, 2010). Cooper, Golden & Marshall (2006) further argue that the Internet provides users with the opportunity to pursue sexual contacts from their homes and engage in a great variety of sexual activities and associated behaviours online. This is facilitated by the “Triple A Engine” (Cooper, 1998), namely accessibility, affordability, and anonymity, whereby vast amounts of varied sexual content can be accessed by anyone presenting as either themselves or as an online persona, at any particular time, and at affordable costs. Child pornography, as a global criminal activity, is generally carried out and spread through the Internet, and represents one of the most widespread forms of sexual exploitation of children and adolescents in the contemporary society. As such, child pornography in Bosnia and Herzegovina is gaining momentum. Exploitation of children for the production, distribution, possession or viewing of pornographic material, whose participants

are children themselves, is one of the worst forms of child abuse. Young people today live in a virtual world and have up to several thousands of virtual friends on social networks. Moreover, the facts show that posing in all sorts of clothing, or even in virtually no clothes, and posting such photos in places accessible to the general public has, sadly, become generally acceptable. New systems of values indicate that the erotic content in one of the Internet portals can increase a young girl's or boy's popularity, social status and material gain.

In late 2007, a European website was hacked and 99 images of child pornography were posted on the website. Within just 76 hours, the website had received 12 million hits from more than 144,000 Internet Protocol (IP) addresses across 170 countries (Australian Federal Police, 2009). According to the "Internet World Stats" (2012), over 2 billion people used the Internet worldwide by June 30, 2012. Cooper, Golden and Marshall (2006) argue that with the ever-increasing proliferation of web users, the number of people using the Internet for online sexual activity has increased dramatically. This is further reflected in the rising number of children reporting experiences of sexual solicitation and exposure to sexually explicit material (Child Exploitation and Online Protection Centre [CEOP], 2010).

In this paper we tried to provide an insight into the analysis conducted through focus group interviews with children in primary and secondary school in Sarajevo about child abuse and exploitation through ICT. The method employed was intended to present the current state in terms of vulnerability of children using information and communication technologies in Sarajevo. In order to clarify the problem, we examined the frequency of use of ICT among children and youth, studied relevant modes of risk behaviour and identified possible cases of cyber violence.

2 ONLINE CHILD ABUSE AND EXPLOITATION – FOCUS GROUP INTERVIEWS

The paper will provide an insight into the analysis conducted through focus group interviews with children. The method employed was intended to present the current state in terms of vulnerability of children using information and communication technologies in Bosnia and Herzegovina [B&H]. The aforementioned attempt should be regarded exclusively as an attempt to engage children as participants in the strategic planning process, dealing with the strategic documents focusing on "child's best interests". After all, the involvement of children in issues that directly affect them is one of the four principles of the UN Convention on the Rights of the Child, ratified by B&H; this is the first recorded case in B&H to include children in evaluation and/or development of strategic documents that actually address children (United Nations, 1989).

2.1 Problem, Subject and Aim of Research

In the last decade of the 21st century ICT has taken a very important role in various fields of human activity. Because of the possibilities it provides it enables rapid establishment of communication, information and conversation exchange, and thus bring closer the people otherwise worlds apart. Information and communications technologies are equally available to adults, children and youth. The advantage of ICT is that it develops communication skills, provides access to information, develops critical thinking and stimulates lifelong learning. New, multimedia technology turns information into dynamic learning system and meets the needs of individuals who want to learn something new. However, beside all advantages, the use of ICT holds numerous dangers that can result in child abuse.

The subject of research is to examine risk behaviour in children and adolescents that are causally associated with the use of ICT. In order to clarify the problem, we examined the frequency of use of ICT among children and youth, studied relevant modes of risk behaviour and identified possible cases of cyber violence. In order to obtain adequate data, we collected information about the attitudes and opinions of children on Internet use, online security, addiction and other forms of atypical forms of behaviour and related actions resulting from the use of ICT. The results obtained may give a modest contribution in finding adequate educational recommendations, programs and even interventions in risk behaviour in children and youth relating to the use of ICT.

The research aims to determine the conditions of the ICT use among students in elementary and secondary schools, analyse, systematize and compare relevant indicators. The specific aim

of the research aims to define the nature of link between risk factors and students' behaviour, in order to initiate appropriate measures in determining strategies that would yield lasting and effective results in the prevalence and correction of inappropriate behaviour.

2.2 Hypotheses

Based on the subject of the paper, the main hypothesis, which assumes that there is a statistically significant proportion of the risk among primary and secondary schools children who use ICT and who are exposed to a range of behavioural disorders, permanent anti-social behaviour, aggressive and delinquent behaviour displayed by adults or their peers, which may result in permanent physical and psychological damage. Our main hypothesis is supported by five sub-hypothesis, which are defined as follows:

- **H₁:** ICT is known and accessible to school children at an early age and that the increase in the age of respondents is followed by the increase in the use of ICT.
- **H₂:** Primary and secondary school children are not aware of the consequences of revealing and saving personal data on the Internet, which may lead to exposure to the risk of sexual abuse and exploitation of children by means of ICT.
- **H₃:** Factors existing outside the family, such as parents' employment, education, financial status, the type and size of the family, increase safe use of ICT by children; whereas the family factors such as inadequate parenting, lack of parental control, reduced extent and quality of communication with a child increases the risk of misuse of ICT.
- **H₄:** Students do not use the internet properly, and are at risk of sexual abuse and exploitation through ICT due to creation of fake profiles.
- **H₅:** children of elementary and secondary school age are not informed or warned of the risks of the Internet and do not know who to turn to for help.

2.3 Research Tasks

In the context of the research aim, we were used the first sub-hypothesis (H₁), which suggests that the ICT is available to school children at an early age and that the increase in the age of the respondents is followed by an increase in the frequency of use of ICT:

- Examine the level of knowledge of the purpose of using the Internet;
- Explore favourite social networks that students in elementary and secondary school use;
- Analyse the situations and places where students often use the internet;
- Make comparison between the time spent on the Internet and availability of the Internet access.

In order to examine the other sub-hypothesis (H₂), which suggests that primary and secondary school students reveal personal data on social networks and are therefore at risk of being exposed to sexual abuse and exploitation of children through ICT, the following tasks were set:

- Use the projective game "On the other side of the monitor" to examine whether children and youth reveal their identity information and other data that might be subject to abuse;
- Analyse the data obtained through Formative dialogue to determine whether the children and youth had a bad experience with fake identity on the Internet, either on their part of on the part of the person on the other side of the monitor;
- Examine the views of children and young people about internet safety.

In order to test the third hypothesis (H₃), which suggests that different parenting styles affect children's safety and risk behaviours that are correlated with the use of ICT, the following tasks were set:

- Exploration the parents' role of elementary and secondary schools restrict work on the computer at all;
- If it is determined that there is a kind of censorship on ICT use, examine how parents implement it and if it yields any effective results.

In order to test the fourth hypothesis (H₄) which suggests that the way children create profiles on social networking sites and that their Internet etiquette affects their safety, the following tasks were set:

- Use formative dialogue to examine how many friends students of primary and secondary schools have on social networks;
- Examine who can review and comment on profile posts;
- Use projective techniques of stories to examine how students accept friends on social networks, and what the ultimate outcomes of communication are.

In order to estimate the fifth sub-hypothesis (H₅), which suggests that children of elementary and secondary school age are not well-informed or warned of the risks of the Internet, the following tasks were set up:

- By means of an interactive workshop examine how the primary and secondary school students react when a strange and attractive person proposes a meeting face-to-face;
- Examine whether they had some bad experiences on the Internet, and if so to whom they turned for help;
- Examine the way in which children perceive the issue of protecting children on the Internet and ask what they would do that the adults have not done yet.

2.4 Sample

The survey included (N = 50), instead of the initially planned 55 students, of which 25 (50 %) male and 25 (50 %) female subjects. In order to ensure representativeness and homogeneity of the sample as well as reliability in the process of drawing conclusions, we opted for the stratification on the basis of the following three features:

- age 7–10 (8 primary school students from “Novi Grad Municipality”, equal proportion of boys and girls), a group of children of early adolescence;
- age 11–14 (20 primary school students, equal proportion of boys and girls) – middle adolescence;
- age 15–18 (22 secondary school students, equal proportion of boys and girls) – older adolescents.

The average age of students in the sample was 13.5, while the participants' age ranges from 7 to 18 years of age. All respondents were from urban areas, with the exception of two girls from secondary school who live on the outskirts of Sarajevo. The total of 100% of respondents has Internet access.

Bearing in mind that the respondents were minors, the survey was conducted with the consent of a parent or guardian. The participation in the survey was, of course, voluntary and the students were guaranteed discretion in the implementation of the research. It is useful to mention the names of primary and secondary schools where we carried out the research: Public Institution Primary School “Fatima Gunić” Sarajevo & Dental Secondary School, Sarajevo.

2.5 Research Methods

The study was conducted by means of qualitative and quantitative research. Qualitative research was conducted through focus groups with students of primary and secondary schools and it aimed to collect information that could not be obtained using conventional methods of completing questionnaires or surveys. There were three focus groups [FG], one with secondary school students and two with primary school children. Discussions in the focus groups were preceded by several detailed interviews with school representatives. The secondary data on Internet use among students in primary and secondary schools were obtained in an interview with the principal of the primary school Sokolje and the principal of the Dental Secondary School. During the focus groups important information was gathered as a part of the assignment for the research study. A key focus of the qualitative part of the study was to identify the risk factors in the use of ICT. In parallel with the qualitative research, the quantitative data analysis was conducted during the implementation of participatory instruments. Using meta-analysis, comparing and combining the data collected in the study and the data of other researchers, we obtained answers to new questions in the domain of misuse of ICT. During the implementation of FG special attention was paid to the code of research ethics in working with children and young people.

The process of selecting procedures and techniques during data collection was influenced by several factors: the purpose of the assessment, the number of respondents, the time for

implementation of FG, the available technical equipment and material resources. We applied the following research methods: focus group discussion and situational analysis, projective techniques, clustering, and formative dialogue.

2.6 Protocol Questions for Quantitative Data Collection

In order to gather the relevant data, a protocol of questions, that is, a questionnaire was created for the purpose of the research, with volatile variables broadly classified into one of the following categories:

- Personality characteristics of respondents such as gender, age, number of members in the family, employment status and parents' occupation;
- Location - the place where the respondents come from;
- Characteristics of the living space where children and young people have access to the Internet;
- Financial availability of the Internet;
- Ownership of property such as laptops, computers and other ICT;
- Data relating to violation of child's rights.

The quantitative results of the study were processed by the statistical program SPSS v.18, which calculated the basic statistical indicators: distribution and dispersion of data, the average value and the frequency of respondents in certain categories of the variables measured. Given the aim and the problem of research in addition to basic descriptive statistics, appropriate multivariate statistical procedures were applied, such as the variance analysis, correlation and regression analysis, H²-test, t-test, ANOVA and MANOVA. The regression analysis established relationships between a dependent variable (the amount of time spent on the Internet, the method of use, Internet misuse and risks) and independent variables such as gender, parents' education and age group. These are just some of the variables that reflect the real state of children and adolescents and their correlation with the use of ICT.

2.7 Research Ethics and Related Issues

Since conducting any research includes compliance with the ethical principles in the process of data collection, result analysis and narrative report writing, which is in accordance with the Code of Ethics of Research on Children, for the purposes of this research we have:

- Obtained consent to conduct research in primary and secondary schools from school management in advance.
- Obtained consent from the parents allowing children to participate in the study. The parents were presented with information about the research, the aim, the methods of implementation and the expected results, with specific reference to the rights of parents and children in research and ways to protect their children's identity. Students and parents were given the questionnaire for review.
- Although we are aware that honesty can never be completely secured, during the testing we told students that their answers would not be graded, that is, there was no "correct" or "incorrect" answer, and that their answers would have no consequences whatsoever. The cover page of the questionnaire included a note relating to the confidentiality and anonymity of the data provided. The aggravating circumstance was that the focus group discussions were attended by a number of observers. Some of them were given certain roles, such as writing minutes, but they rejected to participate in the proposed manner, which was why some students concealed certain information that proved to be contradictory in several situation analyses. As much as 10% of the students refused to reveal they had problems relating to abuse, as was found out during the workshop applying specific techniques. Time to implement FG was limited, especially with students from primary school, which prevented the in-depth analysis of the data collection.

3 RESEARCH RESULTS

3.1 The purpose and use of ICT among primary and secondary school students

In context of the first hypothesis (H1), which assumes that the ICT is available for school children at young age, and that the increase in age of respondents is followed by an increase in the frequency of use of ICT, we obtained the information that 90 % of pupils aged 7–18, who have Internet access, use the Internet for personal purposes. When asked what they used Internet for, 46.2 % of students said they used it for school work, while 30.8 % said they used it to communicate with friends. Secondary school students stated that they used the Internet to collect a variety of information and acquire new knowledge about the things they found interesting.

In the context of our research, the answer to the question of what their favourite social network was, the largest portion of the respondents referred to the use of the social network Facebook. All respondents of early and middle adolescence age, aged 7–15 use Facebook as a social network. In addition to Facebook, secondary school students also use Twitter and My Space.

When asked where they use the Internet the most, every other respondent said they used the Internet at friend's home (57.7 %), while the second most common location was their home (23.1 %). If we make a comparison of who showed them how to use the internet, we can conclude that there is a correlation between the location of Internet use and the answers on who taught them how to use the Internet. Most respondents said they learned how to use the Internet from their peers. Students who have Internet phone drivers use Internet in public places with free access.

When asked how much time they spend on the Internet, we found that secondary school students tend to claim that they only spend as much as they had to. In-depth analysis of the formative dialogue and mapping showed that primary-school children used Internet for about 2 hours per day on average, while secondary school students spend three hours per day online on average.

3.2 Students' attitudes about Internet safety

When we asked the respondents whether the Internet is safe we got different answers. Younger primary school students believe that Internet is not dangerous if you do not watch the content that they think is harmful. Secondary school students are aware of the risks on the Internet and all the challenges they carry. The 17 year olds find the abundance of available data and the difficulty to differentiate between them as one of the aggravating factors. They are aware of the fact that it is difficult to assess the authenticity of the information and the credibility of certain content and data. The age group we would like to draw attention to is the group of children aged 11–15 years, who are not aware of the risks of the Internet use. More than half of the respondents from this age group argue that the Internet is safe.

We wanted to determine whether there was a correlation between the age of children and mean threats sent to their peers. Correlation analysis shows that there is no statistically significant correlation between this type of behaviour and the age of the minor. In establishing the correlation between responses of boys and girls with sending malicious and cruel threats, the correlation analysis showed that there is a statistical significance in responses at both levels ($r = 0.156$, $p < 0.01$). The data obtained show that this behaviour is more common for boys than in girls. Unfortunately, the incidents of sending cruel threats do not happen in isolation. One type of violence leads to another type of violence successively and in a coordinated manner so that the victims cannot defend themselves or report the violence.

There was only one example of cyber bullying observed, aimed to humiliate and abuse peers. This form of violence most commonly occurs in social forums; it spreads rapidly and increases with time.

The 14-year-old girl's comment shows that children and young people unintentionally establish contact with strangers who assume false identities, spread lies or false stories, hurt others' feelings, and who may well be people from their environment familiar with the victim's identity. Another example from the FG transcript shows there are online predators in social networks who present themselves falsely in order to establish an online relationship with a child or a young person. Predators operate by gradually attracting the attention of a young person by pretending to be compassionate.

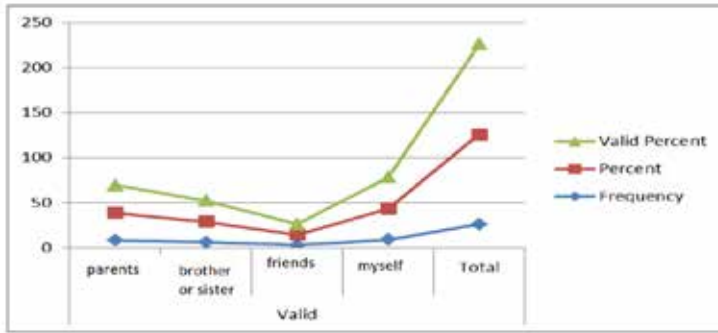


Figure 1: Access to children passwords

Figure 1 shows that in the case of joint group profiles the administrators are persons of trust, as can be inferred from the conversation with students. However, there is a strong likelihood that the group's privacy might be violated. This is confirmed by the fact that 65 % of students said they gave their passwords to their parents, sisters or brothers, or best friends (Figure 1). When asked whether they post their personal information only 1 % of students said they created a profile with correct personal information. All other students said that they created profiles with incorrect information or partially correct information. The incorrect information provided is mainly related to the children's age. The total of 90 % of respondents, girls and boys, created a profile saying they were older than they actually were. The lowest limit was three years more than their real age. When asked why they did it, the majority of respondents said that all social networks are age-restricted. Some social networks, such as Facebook, do not require the users to be 18 or over. If one takes into account that Facebook requires the children to be at least 13 to sign up, the question is why do so primary and secondary school students lie about their age when creating their profiles, when they are eligible to sign up.

Figure 2 shows that approximately 73.1 % of students reported that they created a fake profile where they lied about their age. In 90 % of the cases they withheld other personal information such as their full name or place of residence (Figure 2). There was only one case where a student who uses Facebook did not post a photo. The reason he did so was purely practical since he did not know how to do it. The total of 26.9 % of the students posted partially correct information. There was only one case of posting a phone number on the social network.

For the purpose of drawing attention to misuse of identification data and abuse of children for sexual purposes we would like to reflect on a study which was aimed to investigate the misuse of social networks. In a sample of 150 respondents aged 18–70 years more than half of the respondents admitted that they created a fake profile with an incorrect age, with a tendency to falsely present themselves as being younger than they actually are. If we make a comparison between the profiles created by children and fake profiles created by adults, there is a high probability that the person who really is 30 (posing as he/she was 20 in a fake profile) will come in contact with a person who is 10 or 15, who posted to be five years more than he/she actually is, and who claims to be 20 in online communication.

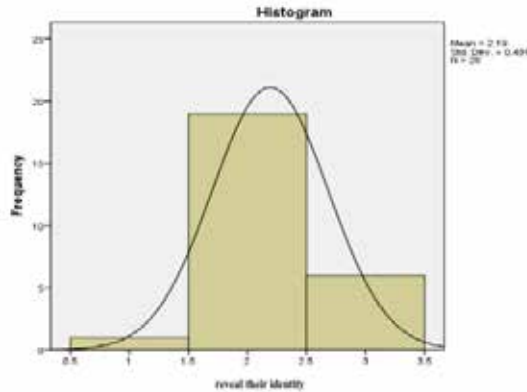


Figure 2: The extent to which children and young people reveal their identity

Bearing in mind that 90 % of children and young people reveal their identity in part, there is a great likelihood that a young person will come into contact with an online predator whose attractive, warm and friendly communication offers help and solutions to the child's problems.

3.3 Students' attitudes about parental control of Internet use

The control strategy of Internet and ICT use varies depending on the age of the child, parenting philosophy and the specific behaviour of the child or young person. Secondary school students behave more in line with parental expectations and parental control by commands and restrictions decreases as the child's age increases. During this period, young people are generally equal interlocutors to their parents, they express their wishes, needs and expectations openly and without fear. In terms of parental control of the Internet use the secondary school students are on their own.

The advantage of the focus group interview is that the cross-examination provides relevant answers about the safety of using ICT. The Boys' statement above shows that the boy provides desirable answers on accessing educational content, while the second set of questions reveals that he does not use the Internet only for educational purpose, but also to meet new friends. When asked whether their parents restricted their access to the Internet, 38.5 % said yes, 26.9 % said sometimes, but only 34 % said that parents do not impose censorship on the Internet. The majority of respondents whose parents restrict Internet use are children aged 7–10 years, followed by children aged 11–15 years, while the secondary school students have the minimum restrictions imposed on their Internet use. One of the risk factors is the lack of control by parents and it is, therefore, not rare that children and young people are addicted to playing games, communicating with strangers, which can certainly affect the mental health of an individual. The problem of Internet addiction can gradually destroy a person's personal and professional development.

Parental control of Internet use is very important, regardless of whether children are in primary or secondary school. It is especially important in cases of abuse on the Internet or any risky situation where open communication and honest dialogue between parents and children is of great importance. It is desirable that children be less criticized and that they are compared with other children in case of any violence. Praise and positive messages of support affect the development of the child's self-confidence, self-esteem and positive self-image. Parents should not forget that they are role models for their children and that the greatest help is for the children to learn to control themselves, take responsibility for their own words and actions.

3.4 Creating profiles on social networks in line with the Internet etiquette

The way in which we accept friends on social networks belongs to the code of conduct developed by the Internet etiquette. As in the real world, the friendships made in the virtual world, on the Internet, are part of communication via virtual socializing with selected individuals who can, in a way, influence an individual's way of thinking and behaviour. Figure 3 shows when asked how many friends they had on social networks, the highest percentage of respondents (69.3 %) said they had 100–200 friends. Most respondents in elementary school had an average of 200 friends, while the secondary school students' answers yielded significantly higher figures. About 26,9 % of students have more than 1.000 friends who they claim to know personally.

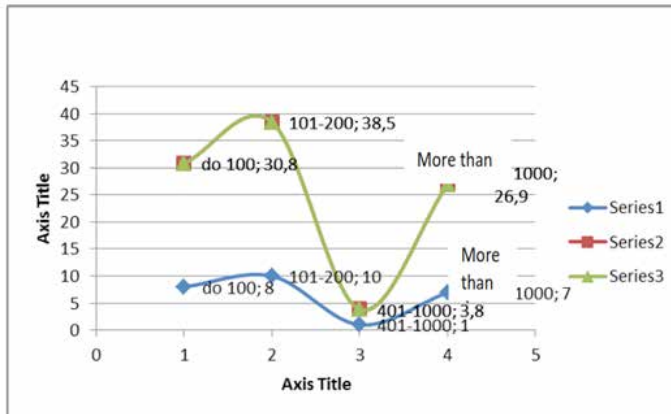


Figure 3: Answers relating to the number of virtual friends on social networks

Making friends on social networks entails a certain amount of risk. Based on the statements of students, their peers accept friendship requests made by hundreds of peers they are not familiar with or do not know at all.

The analysis of responses collected shows that most of the students add virtual friends following no criteria whatsoever, and it is not uncommon that the act of adding friends takes incredible proportions that even the users themselves cannot follow. Some of the respondents confirmed that they cannot refuse a friendship request when someone approaches them. The matter becomes further complicated with the well-behaved who find it difficult to terminate friendship in real life and take the same approach when it comes to virtual friendships.

In an interview with the students we learn that their peers post photos on their profiles in 90 % of the cases, they send those photos to their friends and make certain collection of photos of their friends. It should be borne in mind that regardless of deleting the photos and profiles, social networks can use previously posted photos for commercial purposes and forward them to other users. The very fact that children and young people may be at risk of sexual and other abuse, urges parents to sign up for social networks and thus monitor what their children do and who they communicate with.

In an interview with the students who spend more than 4 hours on social networks and have over 1000 virtual friends, we found out that online communication is full of turmoil and that socializing on social networks follows the same rules as in real life.

3.5 Internet etiquette and how to communicate on social networks

By the means of participatory technique and role play *My virtual friend*, we simulated a situation in which respondents are approached via their FB profile by someone who appears to be their age. The person seems very attractive and proposes meeting offline. Figure 4 shows that in relation to respondents' attitudes on establishing direct contact with strangers on social networks, every second respondent admitted that they would go out if they checked the identity of the person they are supposed to meet, while 42.3 % said they would not take that kind of risk under any circumstances. A disturbing fact is that 7.7 % of respondents would go out with a stranger.

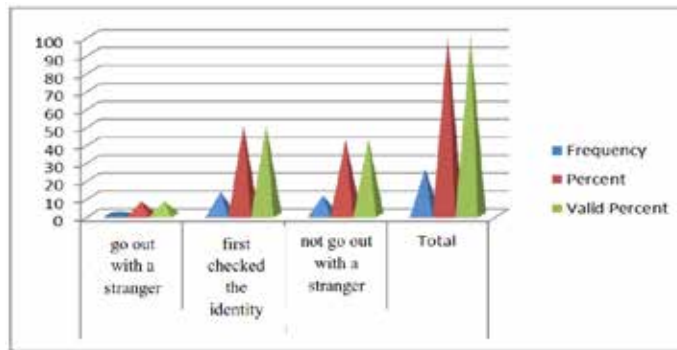


Figure 4: Responses relating to meeting a stranger offline

After the participatory activity it can be said that all respondents are aware of the risks of communicating with strangers. One of the respondents stated that if someone harassed him or sent him inappropriate messages he would immediately inform his parents, and then report the person who disturbed him to the FB administrator.

One of the problems that young people may encounter in using the ICT is receiving unsolicited e-mails, the so-called spam, which, despite spam filters, can reach users and impose content such as pornographic images, violent or ideological content. Spam can certainly affect a young person because critical thinking is still under development in adolescence. It is not uncommon for children and young people to believe in striking representations, regardless of whether they are logical or not. Based on the data collected we found out that 69.2 % of respondents had the opportunity to hear from their peers that they had been targeted by hackers or received spam with inappropriate content. Only 3.3 % of respondents said they were harassed by their peers online.

Figure 5 shows that when asked whom they would turn to if they had a bad experience online, most of the students, 57.7 % of them, said that they would talk to their parents and 23.1 % said they would talk to their friends. Those with more IT experience (15.4 %) said they would report any type of abuse to the network administrator. A very small percentage said they would report it to a sibling, only 3.8 %.

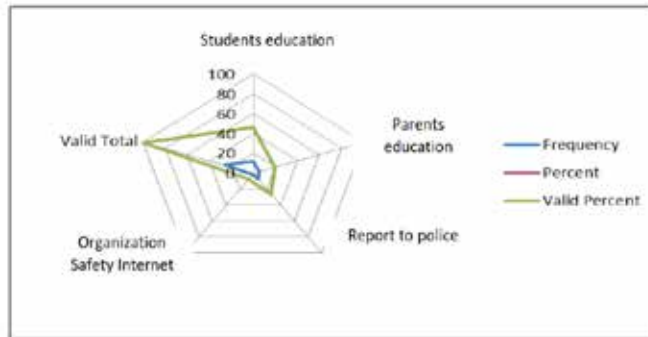


Figure 5: Students' responses to the question of what measures should be taken

It is not uncommon that after being asked for help, parents, teachers and even older friends, brothers or sisters cannot help in solving the problem. We would like to emphasize that it is necessary to work on raising awareness among public and launch campaigns to help teachers and parents to teach children how to use the Internet and computer technology. Training should cover safe search, learning methods and entertainment. It is especially important to note that all social network users should get acquainted with Internet etiquette in creating new friendships and socializing with friends. The education about potential threats is very important since it can help children find practical solutions on how to protect themselves and where to seek help.

4 THE CONCLUSIONS AND RECOMMENDATIONS

Relying on the analysis of data collected in section No. 1 relating to the first sub-hypothesis (H1), which suggests that the ICT is available for school children at an early age, and that the increase in the age of respondents is followed by an increase in the frequency of use of ICT, we can conclude the following:

- Primary and secondary school students know for which purposes the Internet is used;
- Primary and secondary school students use Facebook as their primary social network.
- In addition to Facebook, secondary school students also use Twitter and MySpace.
- Secondary school students spend most of their time on the Internet at home because their parents do not impose restrictions on Internet use, while elementary school students use the Internet at relatives' and friends' who have Internet access with Wi-Fi, since their Internet use is restricted. In addition to computers, students use laptops and smart phones, which are mobile, in public places with Internet access.

The data relating to the second sub-hypothesis (H2), which suggests that primary and secondary school children are not aware of the consequences of revealing and saving personal data on social networks, which may lead to exposure to the risk of sexual abuse and exploitation of children by means of ICT illustrate the following:

- 90 % of children and young people create fake profiles on the Internet and reveal some of the key information that they are correct. The problem is an exaggerated age that children and youth post online, which can certainly lead children and young people to communicate with online predators who aim to abuse children.
- The analysis of data obtained using Formative dialogue showed there was no major misuse among the respondents and that the students had no problems with the misrepresentation of other people on the Internet.
- The analysis of the secondary data collected from the respondents on the Internet etiquette showed that 80% of the respondents' peers do not use the Internet safely and that they are at risk of being sexually or otherwise abused.

The data collected to confirm the third hypothesis (H3), which suggests that different parenting styles affect children's safety, led us to the following conclusions:

- It is necessary to initiate communication and open dialogue between children and parents relating to the Internet use restriction, since restriction causes children to seek alternatives that might be more complicated, such as stealing mobile phones and laptops, by children who have smart phones, false pretences of studying at their classmates', surfing via mobile phones, the use of which can lead to visual impairment, etc.
- The parents need to develop computer literacy in order to understand children's needs to use the Internet; otherwise, if these needs are not met it can lead to children's resentment, which can easily develop into problem behaviour. Therefore, it seems reasonable to plan and organize special training programs on Internet safety for students, teachers and parents.
- In relation to censorship, computer literate parents enter user codes on computers, change passwords or ban access to the modem as means of imposing censorship.

H4, the fourth sub-hypothesis suggests that students do not use proper Internet etiquette and that because of 1% of false profiles are at risk of sexual abuse and exploitation by means of ICT. The hypothesis was confirmed since the data collected indicate the following:

- The analysis of the responses showed that 60% of students in elementary and secondary schools accept friendship requests on social networks randomly.
- The data collected suggest that in 60% of cases primary and secondary school students have public profiles, 30% of their peer profiles' are open for friends of their friends, while only 10% of users use their FB profiles for other purposes, that is, not for communication and do not allow nor accept friendship requests.

Examining the fifth sub-hypotheses (H5) which suggests that primary and secondary school children are not well-informed or warned of the risks of the Internet, we obtained the following results:

- Primary and secondary school students engage in risky communicate via social networks and every third student would go out with an unknown person their age in order to meet them.
- After collecting the data, we found out that students who have more than 1,000 friends and those who do not check their friends have had unpleasant experiences and received spam. Most of them turned to their parents and teachers for help, but even they were unable to help them because they were not familiar enough with the Internet use.
- Primary and secondary school students believe that it is necessary to organize training courses for them, their parents and their teachers. Secondary school students are of the opinion that the Internet police should be established and that the number of organizations working to raise awareness about the safe use of ICT should be increased.

The analysis and interpretation of the results and the five sub-hypotheses, lead to the conclusion that our main hypothesis has been confirmed. The data collected prove that there is a statistically significant percentage of risk among primary and secondary school children who use ICT and who are exposed to antisocial behaviour disorder, permanent antisocial behaviour, silent aggression and violent behaviour in adults or peers, which can result in permanent psychological and physical harm.

REFERENCES

- Australian Federal Police. (2009). *AFP successfully combats child sex exploitation*. Retrieved from <https://www.parliament.qld.gov.au/documents/committees/PCCC/2009/three-year-review-09/Report79-3yrReview.pdf>
- Child Exploitation and Online Protection Centre. (2010). *Annual Review 2009-2010*. Retrieved from <http://ceop.police.uk/Publications/>
- Cooper, A. (1998). Sexuality and the Internet: Surfing into the new millennium. *CyberPsychology and Behavior*, 1, 187–193.

- Cooper, A. , Golden, G. , & Marshall, W. L. (2006). Online sexuality and online sexual problems: Skating on thin ice. In W. L. Marshall, Y. M. Fernandez, L. E. Marshall & G. A. Serran (Eds.), *Sexual offender treatment: Controversial issues* (pp. 79–91). Chichester, England: John Wiley & Sons.
- Internet World Stats. (2012). *World Internet usage and population statistics*. Retrieved from <http://www.internetworldstats.com/>
- United Nations. (1989). *Convention on the Rights of the Child*. Retrieved from <http://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>
- Urbas, G. (2010). Protecting children from online predators: The use of covert investigation techniques by law enforcement. *Contemporary Criminal Justice*, 26(4), 410–425.

VIOLENCE, TERRORISM AND WAR

THE CHALLENGES OF UNDERSTANDING VIOLENCE IN CONTEMPORARY SOCIETY: A SOCIOLOGICAL APPROACH

Renato Matić, Anita Dremel

ABSTRACT

Purpose:

This paper analyses partiality in defining and understanding violence and specific social causes of both violence and the bias in dealing with it. The objective is to develop two ideal types of societies regarding their tolerance of violence and repressiveness (not) appearing in them – as a method of analysing current drawbacks in the approaches to violence predominantly based on legal and/or criminological approaches and to offer a possible new sociologically-founded definition of violence.

Methods:

The methods applied to understand latent/invisible yet structuring forces behind violence are ideal types and *ex post facto* data on social repressiveness (human rights, press freedom index etc.). The meaningfulness of measures is analysed by using a comparative framework.

Findings:

Findings suggest regular (possibly systematic) oversights in understanding and defining violence, and specifically social conditionality of violence and segmentation between different approaches to violence, which is an issue for both research on violence and social policy.

Research limitations:

Ideal types of violence-tolerating societies imply a wide theory of violence, explaining mutual reproduction of different forms of violence by latent forces. The model thus calls for further empirical application and testing in various contexts and domains.

Originality:

Original are: the focus on the sociological definition of violence conceptualized in broad terms, the aspect of social values and the role of social power regarding interconnectedness of different forms of violence. The paper aims to be a contribution to sociological theory and several 'special' sociological disciplines, like sociology of violence, sociology of crime and deviance, and sociology of power.

Keywords: violence, sociology, power, ideal types, peace-making, repressiveness

I INTRODUCTION

Sylvia Walby (2013: 95) remarks in her recent article that, as an important topic in sociology “violence emerges repeatedly in the analysis of both everyday life and momentous social change; interpersonal relations and crime; governance and resistance; relations between states, north and south; and multiple varieties of modernity” and stresses that some new “ways of making violence visible unsettle old notions of the nature and direction of violence; challenging assumptions that the disadvantaged are more violent than the powerful; and that modernity is increasingly less violent.”¹ This quote quite precisely illustrates also our starting position in this paper, where we aim to answer the question of how *the society of violence* is built and developed.

In the widest sense and a value-unburdened fashion, violence is understood as the use of force. Society of violence implies the existence of a social reality in which violence/use of force is perceived to be acceptable, desirable and consequently even legitimate social action.² Despite the ever more spreading activity of anti-war and peace-keeping civic movements, not every human action leading to harm, suffering, pain, agony or death is unambiguously recognized as violence (Graham, 1979), within which it is possible to recognize the source/holder of power on the one hand and a victim on the other. On the contrary, many forms of violence, as was until recently the case with family/domestic violence, are present in everyday life without causing a clear reaction, some forms of violence are not spoken of and some are even supported depending on the interests they might happen to serve (Brown, 1974). Besides, many forms of violence

1 For the problem of society today being more violent see also Warr (1994).

2 For classical sociological contributions on the topic of the social construction of reality see Berger and Luckmann (1966).

are protected by democratic procedures and have legitimacy that justifies them in the name of 'higher values', although it is beyond doubt that resorting to force can be justified only in case of direct and clear protection of life, health and general good, or in cases of administering a legal sanction over a suspect or a convict based on an independent ruling of judicial authority.

Taking into consideration that there is a multitude of different approaches to violence (cf. Lemert, 1951; Lemert, 1972; Lorenz, 1973; Fulgosi, 1985; Giddens, 1985) and that there are various economic, cultural and political factors that sometimes dramatically shape the discussion on violence (Blume, 1996) not progressing far from the very definition i.e. not being able to make a consensus on the definition that would prove to be an effective starting point for every preventive and sanctioning activity, but also for peace-keeping as an active counterbalance, this paper brings the attempt of formulating an unburdened definition of violence towards its very end.

The paper analyses the criteria according to which the same act (of using power on the one hand or the psychic and/or physical pain resulting from that act) is referred to differently when looked at from different perspectives: crime versus self-defence, robbery of citizens versus introduction of market economy, fraud versus business capability, terrorism versus fighting for freedom, aggression versus establishment of democracy, invitation to lynch versus freedom of speech, ecological devastation versus economic development, colonization versus civilizational progress, sexual violence versus 'marital right', child abuse versus a method of education, retaliation versus the execution of justice etc.

Also, the paper discusses the thesis that it is possible, depending on time and space, to justify violence inflicted in the name of a certain 'value' (Staub, 1990), which is more or less convincingly defended by a certain ideology. Totalitarian regimes and dictatorships justify, promote and reward every type of violence - committed serving in some way the governing system. Likewise, the change in the 'major stakeholders' of social power and their ideological pattern can lead to the change in defining a certain type of violence as being more or less desirable in the ensuing political period. In contemporary democracies, power is dispersed (Foucault, 1995) and the sacrificing of people and their rights may take place depending on whether one interest group can use a certain type of violence against another interest group, and whether a certain type of violence can be used for the purposes of individual or group promotion.

The phenomenon of violence can be approached also from the position that stresses the paradox that despite raised awareness about equality, freedom, human and civil rights, together with established mechanisms of their protection, violence has become a form of social activity which, independently of time and space, and in the easiest and quickest manner, leads to the realization of desirable goals, including conquests of territories and states, robberies of national wealth, enslaving people and exploiting workforce, individual acquisition of material gain, imposing one's will to other persons in family, school, workplace etc.

The first chapter opens with the introductory consideration of the society of violence, including the view of violence as a social phenomenon that can be connected with every known form of sociality, furthermore stressing that every form of social living allows for certain forms of violence, but that only in some cases a mechanism of social control with different levels of social sanctions is activated, and that the amount of power one possesses is the criterion according to which some forms of violence get to be characterized as deviant, while others do not or even get to be rewarded or displayed as role models. The three chapters after that discuss the ideal types of peacekeeping societies and societies of violence, analyse the position of Croatian society with that regard and offer a definition of violence *in lieu of conclusion*.

2 THREE STARTING POINTS FOR UNDERSTANDING 'THE SOCIETY OF VIOLENCE'

Our focal question is how the environment in which violence is an acceptable, desirable and consequently even legitimate social activity gets to be developed i.e. how the society of violence is created. There are three starting points on the basis of which, we will try to answer that question.

a) *Every known form of social living implies the existence of various forms of violence.*

Violence/use of force in relation to natural and social reality characterizes the entire history of man (cf. Sarbin & Kitsuse, 1994) and includes all forms of sociability, from the simplest and most archaic ones to contemporary societies. In the oldest human communities violence was still to a large degree run by instinctive reactions, in which responses to certain categories of stimuli

are only generally contained in the genetic code, while actual violent forms are managed on the secondary basis and run by senses (Pusić, 1977, 1988; Knauff, 1994). Violence as instinctive reaction is directly connected with the consequence it wishes to produce, ranging from the neutralization of danger to a possible direct benefit derived from it. It could refer to the game hunted for food or clothes, a repelled intruder or a defeated rival. Then there is a process referred to by Gehlen (1994) as "instinct weakening", as a result of which the centre of gathering, processing and directing information becomes the brain, that is consciousness as a system of secondary guidelines, which actually presents the beginning of the development of social values in the phylogenetic sense of the word. The central element of complete developmental changes towards the stabilization of values is still insecurity i.e. uncertainty regarding the perception of the form of one's own reaction when faced with the unpredictable, primarily social, environment. The development of violence as a conscious activity, selected among different options, to the most contemporary forms of sociality can be followed parallel to the development of value-led actions as replies to uncertainty. This means that the use of force for the purposes of achieving a desired objective, or the use of force as a tool of controlling/managing reality, has since the very beginnings been rooted in the social interpersonal active mutuality, as the alternative or the main option, which has always been established in every new interaction. The spectre beginning with violence as an instinctive response is eventually formed with the development of institutions, which stabilize every interaction, including violent ones, in the system of mutual expectations (Linsky, Bachmann & Strauss, 1995). In the most contemporary forms of sociality, violence does not fade even as an initial instinctive reaction, but includes all achieved development stages and individual cases that have appeared in the meantime.

b) *No known type of sociality treats all forms of violence equally, but it selectively operates the mechanism of social control with different level of social sanctions.*

Social control is a process, by which the members of a group support desirable and discourage undesirable forms of activity. It encompasses many various mechanisms, procedures and means i.e. positive and negative sanctions. *Informal* social control implies a spontaneous reaction of social environment, from verbal reactions and gestures (reprehensible looks, forced silencing, finger pointing, loud disapprovals, verbal threats) to lynch, lapidating etc. When both positive and negative sanctions are imposed upon the same action, there is disagreement among norms of different social groups, which conditions a personal choice: to break the norms of one group in order to adjust behaviour to the expectation of the other group. *Formal* social control initiates institutionally founded reactions: criminal law, police, courts, incarceration etc. Some forms of violence are formally punished extremely promptly and strictly, some again are the object of general indignation but are in the formal sense relatively mildly sanctioned or are not formally sanctioned at all, which leads to the perception that they are *normal*, even on the informal level, while some forms of violence are formally encouraged, rewarded or even set up as role models. An example that can explain the range from the absence to initiation of social control mechanisms is the state, as the community on whose instruction or permission other communities are entitled to exert 'legal' physical coercion at all (Weber, 1999: 67). Given the fact that the state has a monopoly on the legitimate use of violence within a given territory, violence with legal legitimacy perpetrated on behalf of or out of the will of the representatives of state authority is not perceived as violence, the mechanism of formal social control is not initiated and sanctions are not imposed in this case (cf. Đurić, 1987; Weber, 1999).

c) *Every form of sociality is characterized by the existence of differences in the amount of social power that is unequally distributed among different social actors (individuals, groups, institutions).*

Some actors possess more social power, which ensures a proportionally greater influence on social processes taking place in economic, political and cultural field of social reality. Giddens (1985) offers a value-neutral definition of power as the potential for change i.e. the possibility of intervening into a given reality in order to effect a certain change. Parsons (1967) sees power as the possibility to mobilize social resources for achieving common objectives, determined by the public, whereas an opposite view is held by the authors in the Marxist tradition, who define power as the potential the monopoly on which is held by one social group to the detriment of all others (Filipović, 1982; Fromm, 1989; Habermas, 1987). Weber (1978) explains power as the ability of an individual or group to achieve their own goals or aims within the framework of their joint social activity, even when others participating in that activity are trying to prevent them. In all cases power is a decisive potential for the formation of social rules/norms that direct and commit the activity of all social actors towards the goals that may and do not have to be

defined by the consensus of all or the majority of social actors, but can be imposed by a social group that possesses a dominant amount of social power. In such circumstances every form of social activity can be used and redirected in the realization of any objective, making a particular interest of actors with greater social power in a relatively easy way a criterion for the decision on which cases/types of violence will be subject to social control mechanisms, which will be left with greater free space and which forms of violence will simply not be defined as violence.

The said premises open up a series of questions regarding the attitude of a society towards violence and levels of encouraging violence: what social phenomena help violence thrive; how the process of defining and sanctioning violence takes place; how the change of social context leads to the change in defining and tolerating violence; how certain actions, despite their visible destructive consequences, remain allowed or even desirable forms of social activity; and how violence becomes a social fact independent of the relations of power and interest.

3 PEACEKEEPING SOCIETIES AND SOCIETIES OF VIOLENCE

Our focus in this chapter is on the social circumstances and factors that promote violence. The coexistence of various social values and interests supported by different individuals and social groups, as well as specialized social activities that include a series of also different social actors in the process of realizing their interests, can ideal-typically be recognized as what Durkheim refers to as organic social solidarity (1972). Today, however, a political term of plural democratic societies is more widespread. The contrast to such social atmosphere can be found in societies in which there is a predominance of social consensus, the term used in sociological tradition first by Comte (1989) and then Parsons (1967), which denotes a common commitment of all members of a society to maintain agreed values and interests. Of course, pluralism of values and interests does not diminish the need for a clear definition of common commitment to values like peace, dialogue and mutual respect of differences as well as common decision to act against violence, single-mindedness and intolerance. We can refer to societies that recognise their differences as their common wealth and that consensually establish the institutional defence against all social activities that endanger the right to being different as instantiations of ideal types of peacekeeping societies. On the other hand, there are societies in which special and partial interests can be imposed as common interests, with a firm institutional framework for that kind of coercion, and they can be seen as, ideal typically speaking, societies of violence.

Let us give examples of the Maximiliano Herrera human rights site³ and Reporters Without Borders⁴. Maximiliano Herrera human rights site contains assessment and rank of world countries according to repressiveness. The rank is formed on the basis of the sum of assessments of political freedoms and civil rights (whereby 1 = highest assessment of political freedoms/civil rights, 7 = lowest assessment of political freedoms/civil rights). The sum 2 - 5 refers to free societies, 5 - 10 to partly free societies, and 10 - 14 to not free societies. According to assessments from this source last updated on 18 January 2016, Croatia is with the total sum 5 a free society, together with other countries among which the highest assessment of political freedoms (1) and civil rights (1) is held by Austria, Denmark, Finland, Iceland, Canada, Luxembourg, Hungary, Marshall Islands, the Netherlands, Norway, Portugal, San Marino, Sweden, and Switzerland for example. The opposite side, representing the most repressive regimes with the total, maximum possible, sum assessment 14 are Myanmar, North Korea, Somalia, Sudan, Syria, Uzbekistan, Iraq, and Yemen for instance.

According to Reporters Without Borders, "Wold Press Freedom Index" results for 2016, the role models of press freedom are Finland, the Netherlands, Norway, Denmark New Zealand, Costa Rica, Switzerland, Sweden, Ireland and Jamaica to state the first ten. The last places in the list (176-180) are taken by China, Syria, Turkmenistan, North Korea, and Eritrea. USA takes the 41st position and Russia the 148th. It is interesting to see the position on the press freedom list of two European countries often referred to as being 'democratic role models': The United Kingdom takes the 38th and France the 45th position. Croatia is on the 63rd place as a country that despite great efforts has not yet stabilized media freedoms. The time and tradition of developing democratic standards, according to these results, are no guarantee of a permanent place among

3 Internet link to the Maximiliano Herrera human rights site webpage: <http://www.mherrera.org/territories.htm>

4 Internet link to the Reporters Without Borders webpage: <https://rsf.org/en>

the countries that can be referred to as peacekeeping societies, although some European societies, predominantly Scandinavian, are in many aspects closest to this ideal. There is then a numerous group of societies in which it is relatively easy to recognize a certain form of violence, including institutional support for violence, despite their stabilized democracies (EU countries, Canada, Australia etc.). All other, and accordingly the most numerous, societies, among which prominent places are taken by several 'super forces', are candidates for negative role models of the ideal type of society of violence. Croatia is regarding political freedoms and civil rights assessed as a free society, and regarding media freedoms it is far away from the freest countries but even more away from the negative models.

4 CROATIAN SOCIETY BETWEEN PEACEKEEPING SOCIETY AND SOCIETY OF VIOLENCE

Although the parameters discussed in the previous chapter do not speak in favour of rating the presence of violence in Croatian society to such a degree as to be able to speak of the society of violence, there is a series of factors present that witness in favour of progressive stabilization of violent patterns in it. Besides undemocratic tradition in which two utterly non-humane ideologies interchangeably took dominant positions and complemented each other throughout the twentieth century, Croatian society was exposed to three war devastations in three relatively regular temporal intervals. Unlike two world wars, the freeing from the aggression that took place in Croatia in mid 1990s created the situation in which a big amount of weapons remained available, which in itself, together with the mentioned undemocratic tradition, presents a significant material precondition for various forms of violence.

If we take into consideration that these facts are available to everyday and not only analytical insight, and that they are used as a kind of excuse particularly with the aim of political persuasion, it is necessary to include sociological discourse into the argumentation that supports the thesis that Croatian society could be referred to as the society of violence.

Rooting and stabilization of violence to the extent that we can speak of the society of violence can be explained with the help of four levels, which are not present in the reality but are ideal types we developed for analytic purposes. The four ideal types of levels of violence are⁵:

a) the level of violence as an individual excess – society in which social control mechanisms are efficiently initiated and the message that violence is the most risky and dangerous option for the perpetrator is clear;

b) the level of violence as an alternative option – social environment in which successful deviants can avoid sanctions and that way present role models to less successful deviants and to those members of the society who mostly do not strive to achieve their objectives with the help of legitimate/non-violent means. Such are societies in which circumstances for the existence of deviant/delinquent social groups are created, although the members of all social groups have access to an experientially successful/profitable path to 'success' with the use of legitimate resources;

c) the level of violence as a desirable choice – it appears in social environments in which violence is an experientially profitable way to achieve desirable goals not only to those members of society who do not want, but also to those who cannot, realize their objectives using legitimate/non-violent means. The society in which social control mechanisms are inefficient to the extent that the majority of members of society who would like to realize their objectives in a regular non-violent way are discouraged from their non-violent intent and the choice of violence is promoted as an alternative option;

d) the level of violence as an institutionally reinforced model – society in which goods acquired by crime and violence remain in the hands of the perpetrators not because of the inefficiency of legal institutions but because there are legal acts that ensure such possibility/option. In such social environment, violence stops being an alternative option and stabilizes as a desirable model for the majority. Groups holding power manage all social levels and promote successful actors not according to independent criteria of expertise, knowledge and ability but various criteria of suitable fitness (party membership, family relation and other forms of affiliation, docile obedience etc.).

5 For a wider sociological framework of research on violence and deviance, which we rely on, see Matic (2003).

Given the fact that the aim of this paper is not to provide arguments for the thesis that Croatian society is the society of violence but to answer the question of how society of violence is built and created, an example of Croatian society will serve only as a unit of analysis. The changes that took place in most socialist societies in the late 1980s and early 1990s were at the beginning mostly connected with the political field of social living. Although some democratic principles and standards of activity had already been present earlier in the economic area, and even more so in the cultural field, political changes created preconditions for a mostly non-selective approach to the other two fields. Such an unselective approach based on stereotype *everything already there, inherited, is no good* presents a pattern used in Croatian society in a continued fashion after one-party (in 1941, 1945, 1948, 1964, 1971 etc.) and multi-party political changes/elections (in 1990, 2000, 2003 etc.). All the mentioned political changes led to the changes in economy and culture, which is a fertile ground for various degrees of *anomie*, which presents only a more comprehensive name for crime and violence. Political changes lead to the expected redistribution in social power and interests in the way that a part of political power is allocated based on political merits and a part presents an additional portion of power one must fight for additionally. Inherited rules are no longer operationally applicable or institutionally harmonised for the realization of new conceptions of desirability/values/goals, which are also not equally clear (or desirable) to all members of the society. Such circumstances disable for a certain period of time, sometimes even for a longer period, the effectiveness of institutional mechanisms. Consequently, mechanisms of formal social control slow down and violence, together with other forms of social deviance, gets an increasingly big social space.

The clarity and effectiveness of sanctions that automatically prevent violence in stable social conditions have a multiple preventive effect. Each individual violent or any other deviant activity automatically sets off the mechanism of legal sanctions, but also a public condemnation as a moral response of the public, which together leaves no doubt regarding the unprofitability of choosing violence as a method. If an individual action remains unsanctioned, inadequately mildly punished or there is a conscious avoidance of judicial procedure in the name of a higher cause, a wide space is opened for an individual case to become a regular phenomenon. Undesirable and disgraceful examples become with time desirable models. Violent persons and criminals become 'successful entrepreneurs' whose 'ability' becomes a criterion of economic and moral social development. At the same time, members of society who spent decades creating social goods, relying on institutional efficacy, legal and social sensitivity of social elites, lose their jobs overnight and experience humiliation and pauperization instead of security and moral promotion. Other members of the society, especially the young, watching this situation, can come to the following conclusion: if the wealth acquired by crime and violence remains in the hands of the perpetrators, if we cannot or wish not to sanction such misdeeds, then values and virtues like diligent education, fairness and justice are no good path, because they lead to uncertain future in which decisions are again made by those social actors whose lawlessness led to the problem in the first place (Matić, 2003). When the continuity *violence – sanction* fails to appear too frequently and when unprofitability/too big price is not the first association that comes to mind on the mention of violence, individual experience of social practice moves the use of violence high up on the scale of possible options (cf. Merton, 1968). This actually means that the use of violence starts existing as an alternative model of social activity or as a structure of non-legitimate possibilities, as discussed by Cloward and Ohlin (1961). Violence is then recognised as a chance for success with the help of illegitimate means, which is something discussed already in 1938 by Robert Merton as innovation, one of the reactions to structural strain (Merton, 1938).

The answer to which of the levels best describes Croatian society can be supported by and founded in data, stated in Matić (2003). Violence as an alternative option of 'paying the debt' or retaliation is explicitly *completely ruled out* by 36.7% respondents from a general population and 24.9 % respondents of deviant (incarcerated) population.

Additional 34.9 % of the general population *disagree with* such a possibility, and 17.9 % of deviant population.

Remaining 27.9 % respondents from the general population and 57.3 % respondents from deviant population see the use of violence to pay the debt as a *completely open possibility*, because out of that number 17.3 % of the general population and 40.5 % of the deviant population have no clear attitude about that.

10.6 % citizens and 16.8 % inmates explicitly see violence as an alternative method if a legal way of 'paying back the debt' fails to be efficient.

The analysis can be additionally clarified by the attitudes regarding the statement 'honesty always pays out': less than a half (48.3 %) general population and 27.2 % inmates agree unconditionally, while 22.9 % general population and 23.7 % inmates mostly agree.

28.7 % general population and 42.6 % inmates doubt that honesty pays out or are completely disappointed.

It seems very interesting that almost a third of all respondents in general population doubts or completely rejects the statements that honesty is the best policy, and leaves it open or completely accepts the possibility of using violence as a method of paying back the debt. If we take into consideration also the data regularly appearing in public opinion surveys that witness that less than a third respondents express their trust in the rule of law and political institutions, we can speak of violence recognized as a desirable choice i.e. about the social environment in which experience supports the view that violence pays out as a way to achieve desired goals, not only for those who do not want to but also for those who cannot realize their goals with the use of legitimate/non-violent means.

The next and final level of the society of violence includes violence as an institutionally supported model i.e. the society in which material goods obtained with the use of crime and violence remain in the hands of perpetrators, not because of the lack of efficiency of legal institutions, but because legal acts precisely enable such possibility. Along the aggression that characterized the social reality of the 1990s, that time is also mentioned in the context of 'the robbery of the century', which devastated Croatian society under the name of privatization and primary accumulation of capital. None of the strategic elites circulating in the positions of power has until today offered an effective model of sanctioning the perpetrators and responsible persons. Taking into consideration that all consequences (wealth acquired by crime and violence on the one hand and poverty and hopelessness on the other) still remain intact, we can conclude there is a level of violence which is significantly more protected than sanctioned on the institutional level. Besides, social groups that hold the power to make decisions keep promoting, with every new government alike, 'successful actors' not according to independent criteria of expertise, knowledge and ability but according to the criteria of aptitude and fitness including party membership and obedience to authority.

Before the conclusion on the level of violence in Croatian society, it is necessary to reveal the problem that on the one hand disables serious confrontation with the phenomenon of violence and on the other enables an undisturbed development of violence in contemporary society. We thereby mean the nonexistence of an expert and harmonised approach to defining violence in scientific and professional public as well as the lack of consistent application of such definition regardless of various (political, economic etc.) interests and influences.

5 DEFINITION OF VIOLENCE OR IN LIEU OF CONCLUSION

The lack of consensus regarding the definition of violence and its consistent application prevents a systematic, active, research-based, independent and critical dealing with violence in society and society of violence. Besides individual attempts that open up a research approach towards some specific forms of violence (in family, school or workplace etc.), the scientific approach mostly boils down to reactions motivated by various 'scandalous' events discovered by the media or already rendered instrumental in political confrontations.

Several examples are given in Matić (2006: 238), including for instance neglect, belittling, forgetting or complete justification of violence on a global scale, like wars led for private or corporate interests (Vietnam, Afghanistan, Chechnya, Iraq etc.). Such arranged or spontaneous ethnic cleansings and crimes fail to be prevented or punished, unless that suits economic and political interests of actors with concentrated power in concrete circumstances (Kosovo, Croatia, Bosnia and Herzegovina, Ruanda, Somalia etc.). Neglect and silence about violations of a series of human and civil rights happen because the perpetrator is 'big', 'powerful' and automatically 'a strategic partner' or 'friend' (China, Russia, USA etc.). Such instances often serve as a source of legitimation and inspiration for regional and local 'masters of life and death', who copy that model into their societies and build various authoritarian, totalitarian, undemocratic regimes and dictatorships, where also massive crimes, ethnic cleansings and managing states from the mafia underground appear, with everything being made insignificant or forgotten depending on who the partner on the global level is. Furthermore, such practice encourages some other

smaller national and local power holders to make reckless decisions, the consequences of which can overnight humiliate and impoverish a big number of citizens and bring into social reality uncertainty and distrust of institutions, together with a high level of trust in violent and criminal methods. The next lower social level of perpetrating violence includes companies, schools, cafes, sports stadiums, trams, buses etc. A tested permanent recipe for imposing ones will and having the feeling of power and superiority or at least 'healing the frustration' accumulated in higher level social settings gets to be copied without being punished. The question is also how to protect oneself from violence doers in a situation, in which social actors usually in charge of this become passive or bureaucratically insensitive.

In order to understand all the mentioned cases within a unique model, and to avoid all possible traps, it is necessary to recognize and focus on the consequences of violence instead of enumerating different phenomenal forms of violence. Seeing the consequence can serve as a *differentia specifica* distinguishing violence from some other forms of social activity and/or social relations.

In this vein, we can say that violence is a form of social activity in which power is made instrumental with the goal of achieving control or destruction of (living and non-living) reality, which has a consequence of limitation, harm, suffering, pain or death, or in different terms, violence is a form of social relations in which one actor (source or carrier of dominant power) renders instrumental the power over the other actor who lacks power (victim), with the goal of achieving control or destruction and leading to consequences of limitation, harm, suffering, pain or death.

By harmonising this definition with the analysis in the previous chapter in order to give a direct answer to the question of which level of violence prevails in Croatian society, it is possible to conclude that violence perpetrated in Croatian society is far from only an individual excess or a stable alternative option. It is closer to premeditated selection of the most efficient model applied in the realization of different conceptions of desirability, which results in commitment to violence as an option that experientially proved to be the most profitable and least risky one. Maybe a more important conclusion is that Croatian society is in no way more or less violence-laden than any other even more developed democratic society, among which a significantly smaller degree of violence (on the level of excess and alternative options) in internal and international affairs characterizes only few already mentioned countries, like Finland, Norway, Sweden, Denmark and Switzerland.

In the majority of contemporary societies and on the level of global international relations, violence is made present as a rationally chosen and most effective tool used in meeting institutional requirements in the field of economy, politics and culture; using political power for (individual, group or national) acquisition of economic wealth; using economic power for acquiring different political and other positions within institutional frameworks, including corruption and bribery; realising objectives outside of institutional framework (classic and organized crime, crime out of self-interest, murders etc.); and assuming (individual, group or national) control over reality, including nature, society and social actors (regions, nations, groups and individuals).

REFERENCES

- Berger, P. , & Luckman, T. (1966). *The social construction of reality*. New York, London: Anchor Books.
- Blume, T. W. (1996). Social Perspectives on Violence. *Michigan Family Review*, 2(1), 9–23.
- Brown, C. (1974). The family and the subculture of violence. In S. K. Steinmetz & M. A. Straus (Eds.), *Violence in the family* (pp. 262–268). New York: Harper and Row.
- Cloward, R. A. , & Ohlin, L. E. (1961). *Delinquency and opportunity: A theory of delinquent gangs*. Glencoe, Illinois: Free Press.
- Comte, A. (1989). *Kurs pozitivne filozofije* [Course on positive philosophy]. Nikšić: Univerzitetaska riječ.
- Durkheim, E. (1972). *O podeli društvenog rada* [The division of labour in society]. Beograd: Prosveta.
- Đurić, M. (1987). *Sociologija Maxa Webera* [Sociology of Max Weber]. Zagreb: Naprijed.
- Filipović, V. (1982). *Klasični njemački idealizam* [Classical German idealism]. Zagreb: NZ Matica Hrvatske.
- Fromm, E. (1989). *Anatomija ljudske destruktivnosti* [The anatomy of human destructiveness]. Zagreb: Naprijed.

- Foucault, M. (1995). *Discipline and punish. The birth of the prison* (2nd ed.). New York: Vintage Books.
- Fulgosi, A. (1985). *Psihologija ličnosti* [Personality psychology]. Zagreb: Školska knjiga.
- Gehlen, A. (1994). *Čovjek i institucije* [Man and institutions]. Zagreb: Globus.
- Giddens, A. (1985). *The Nation State and Violence*. Cambridge: Polity Press.
- Graham, H. D. (1979). The paradox of American violence. In H. D. Graham & T. R. Gurr (Eds.), *Violence in America: Historical and comparative perspectives* (Revised edition) (pp. 475–490). Beverly Hills: Sage.
- Habermas, J. (1987). *The theory of communicative action, Vol. 2, Lifeworld and system: A critique of functionalist reason*. Boston: Beacon Press.
- Knauft, B. M. (1994). Culture and cooperation in human evolution. In L. E. Sponsel & T. Gregor (Eds.), *The anthropology of peace and nonviolence* (pp. 37–67). Boulder: Lynne Rienner Publishers.
- Lemert, E. (1951). *Social pathology*. New York: Mc Graw – Hill.
- Lemert, E. M. (1972). *Human deviance - Social problems and social control* (2nd ed.). Englewood Cliffs: Prentice Hall.
- Linsky, A. S., Bachman, R., & Straus, M. A. (1995). *Stress, culture, and aggression*. New Haven: Yale.
- Lorenz, K. (1973). *Evolution and modification of behavior*. Chicago: The University of Chicago Press.
- Matić, R. (2003). *Društvena promocija bezakonja – uvod u sociologiju devijantnosti* [The social promotion of lawlessness – introduction to the sociology of deviance]. Zagreb: Sveučilišna naklada.
- Matić, R. (2006). Legitimacija nasilja u temeljima suvremenog društva. In B. Vuleta (ur.), *Nasilje nad ženama: teološko pastoralni izazov* [Violence against women: theological pastoral challenges] (pp. 227–244). Split: Franjevački institut za kulturu mira.
- Maximiliano Herrera Human Rights Site. (2016). *Territories*. Retrieved from <http://www.mherrera.org/territories.htm>
- Merton, R. K. (1938). Social structure and anomie. *American Sociological Review*, 3(5), 672–682.
- Merton, R. K. (1968). *Social theory and social structure enlarged edition*. New York: The Free Press.
- Parsons, T. (1967). *Sociological theory and modern society*. New York: The Free Press.
- Pusić, E. (1977). Vrijednosti i društvena regulacija [Values and social regulation]. *Vrijednosti i društveni sistem*, 4, 29–44.
- Pusić, E. (1988). *Društvena regulacija* [Social regulation]. Zagreb: Globus.
- Reporters Without Borders. (2016). *Homepage*. Retrieved from <https://rsf.org/en>
- Sarbin, T. R., & Kitsuse, J. I. (1994). *Constructing the social*. London: Sage.
- Staub, E. (1990). Moral exclusion, personal goal theory, and extreme destructiveness. *Journal of Social Issues*, 46(1), 47–64.
- Walby, S. (2013). Violence and society: Introduction to an emerging field of sociology. *Current Sociology*, 61(2), 95–111.
- Warr, M. (1994). Public perceptions and reactions to violent offending and victimization. In A. J. Reiss, Jr. & J. A. Roth (Eds.), *Understanding and preventing violence, Vol. 4: Consequences and control* (pp. 1–66). Washington, D.C.: National Academy Press.
- Weber, M. (1978). *Economy and society*. Los Angeles: University of California Press.
- Weber, M. (1999). *Vlast i politika* [Authority and politics]. Zagreb: Naklada Jesenski i Turk, Hrvatsko sociološko društvo.

VIOLENCE AMONG YOUTH POPULATION IN THE REPUBLIC OF MACEDONIA

Marina Mališ Sazdovska, Sara Sazdovska

ABSTRACT

Purpose:

This paper shows results from the survey which were made due to the violence among young people in the Republic of Macedonia. In addition to that, this paper offers a better explanation for understanding the violent behaviour of the perpetrators as well as the victims, which is one of the main goals. Another goal is the understanding of the reasons, the effects and the consequences of violence and also the safety of young adults.

Methods:

We conducted a survey among 100 students of the Faculty of Security – Skopje, with questions regarding violence among peers, and their experience as bullies or victims.

Findings:

Peer violence is a serious problem in Macedonia. Cases of violence are in the school and outside of it, in the school yards and bus stops. Young people have a sense of insecurity in the environment in which they study and spend their time during the day. They are exposed to certain provocations and threats by their peers.

Research limitations:

This research is done on a small part of the young population, by free choice. The main limitation in this survey refers to a small group of participants.

Originality:

The survey results show the occurrence of the types of violence among young people and the transformation of conflicts. This survey refers to four types of violence: physical, cyber, verbal and emotional/psychological.

Keywords: violence, perpetrators, victim, delinquency, youth, Macedonia

I INTRODUCTION

Violence among the young population is a serious problem in every modern society. There are several criminogenic factors that influence the occurrence of deviant behavior among young people, and of course, there are also different forms of manifestation of their behavior. These negative acts are antisocial behavior, a deviant form of action and also forms of criminal acts as torts and criminal offenses.

The Republic of Macedonia is no exception to this phenomenon; there are different forms of criminal behavior of young people that most often appears as violence between peers in schools, in public places, hooliganism, vandalism in sports competitions, and etc. In recent years violence among young people is increased on national or other levels. There are often fights between young people using dangerous objects causing serious consequences (Arnaudovski, 2007).

There are more statistical data and bases on the number and manifested forms of the violent acting, depending on which statistic entity is leading the statistical database. Aim of this article is not the statistical processing of the perpetrators and the types of criminal acts but as a parameter of juvenile delinquency (Walter, 2005) we will present the total number of young people involved in crime in the country. Namely, the table below presents data of the total number of reported persons – children (child is a person over 14 years old but still not 18) and adult persons reported for all criminal acts in one year.

Table 1: Percentage of children reported for all kinds of criminal work per year (source: Državen zavod za statistika na Republika Makedonija [State Statistical Office of Republic of Macedonia], 2014)

Year	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Children	1262	1500	1229	1355	1519	1244	1163	1001	1005	972
Adults	23814	23514	23305	26409	30404	30004	31284	31860	34436	37164
Total	25076	25014	24534	27764	41923	31248	32447	32861	35441	38136
%	5.03	5.99	5.00	4.88	3.62	3.98	3.58	3.04	2.83	2.54

From the above table (Table 1), it can be concluded that the total number of reported children in relation to adults ranges from 6 % with a tendency of decreasing to 2.54 % for a period of 10 years.

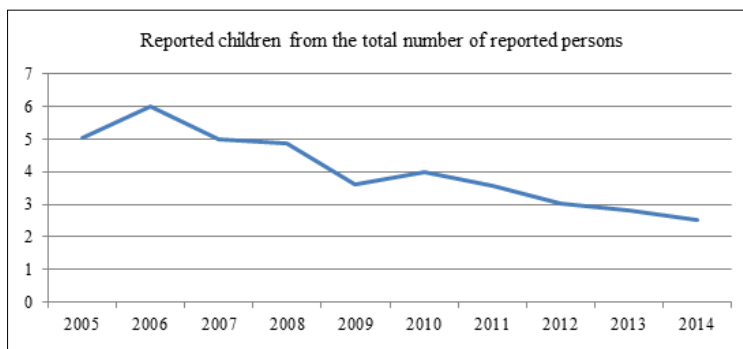


Figure 1: The trend in the percentage of reported children from the total number of reported persons for criminal acts per year

(source: Državen zavod za statistika na Republika Makedonija, 2014)

This is not the real total number of juvenile offenders, because it refers only to persons over 14 who have not attained the age of 18, and only to persons who are potential perpetrators of criminal acts, but presents a figure of the total number of reported persons and their trend of reduction during the 10 years' period.

Researches have to be made regarding the total number of juveniles who are participants and victims of violence, because it refers to the youngest and the consequences from different types of violent behavior. This violent behavior is mostly peer violence, but in a number of cases represents domestic violence too. Besides the analysis of young people as perpetrators, their victimization should be considered. Most criminological studies on victims of crime pay attention to the experiences of young victims of crime. Some studies show that young people may be more often victims of personal crimes (assault, robbery, thefts) than those in older age (Newburn, 2008).

The authors in the article research the role of youth people and their violent behavior, motives, consequences, as well as the measures for prevention and repression of this socially negative phenomenon.

2 AGGRESSIONS IN YOUNG POPULATION

Aggressiveness is a predisposition for selection of aggressive and competitive behaviours, as contrary to alternative behaviours (obedience, running away, cooperation). It has a qualitative rather than a quantitative impact on aggressive behaviour. Aggression inflicts damage on the body and/or on the soul of another person. Aggression aims egoistic benefit and/or benefit for its group. To humans, aggression is only a functional potential (Murdzeva-Shkarik, 2007).

Violence is a complex term, connected with all institutions, cultural characteristics, and behaviours that limit the development of human potentialities and obstruct the efforts of people

to control their bodies, their behaviours and their socially environment. This definition includes the structural, cultural and personal violence.

Common characteristics of the bullies are: verbally or physically torturing others; they are hurt, angry, scared and frustrated. These feelings and inability to deal with others contribute to being huge varminths to the other. They are mostly concerned for the fulfilment of their wishes; require attention, recognition, power, position and fame, and to obtain all these they use other people; revenge for survived insults, find it difficult to see a situation from another person's point of view and therefore they are irresponsible (Murdzeva-Shkarik, 2007).

According to Webster-Doil list there are several external characteristics so we can recognize the bullies: cold face expression, angry, extravagant, imperious, grumpy; through rough and rigid movements on the palms and fingers they express threats; they put their hands on the thighs; hands tight and crossed on the chest; legs wide spread; chest and beard forward; elevated shoulders and puffy walking; their speech is curt, dreadful, messy, abusive; through their behavior they give signs of disaffection, threat, exercise violence or isolate themselves (Murdzeva-Shkarik, 2007).

Victims have their characteristics too: disburbed, ashamed, powerless, sad, grieved expression; hands loose next to the body and droopy shoulders, head bent down, shaking knees and legs, feet towards inside and have sad look; voice showing subservience, obedience, need protection from the parents or other stronger people than him/her; quite, shy, cautious, never drag attention to themselves (Murdzeva-Shkarik, 2007).

Every bully was a victim himself/herself, experienced violence and responded with violence. Except bullies and victim, there is a subgroup which is a combination of these two basic groups. These are bullies – victims. This is a relatively small group with a double position of a bully and a victim. Researches show that the highest percentage of children - victims (84.4 %) did not become bullies towards other children. Children become bullies by learning from adults. When these children – bullies get older, they become adults – bullies (Murdzeva -Shkarik, 2007).

Reasons for violence can be found in the internal mental processes, external situations affecting mental processes, personality, and passion for warfare (Peterman & Peterman, 2011).

Internal mental processes that cause estrangement from others and lead to violence are rejection of what was previously accepted as moral, mental distancing from the suffering of others, reduction of the internal resistance to abuse and kill, and the reduction of the sensitivity towards the victim. External situations that affect the mental process for the occurrence of destructive behaviour is caused mostly by pressure from violent authoritarian institutions in violent social structures. There are also reasons for violence in the personalities that are authoritarian, narcissistic and antisocial (with psychopathic or sociopathic personality).

In the development of the individual origin of the aggressive behaviours can be find through forms of negligence of children, in the bad care, and overall, also can be find in the bad and impatient attitude, but also in the structural and cultural violence. Basic needs of the child are not satisfied. On one hand, they are ignored (not loved, not supported), and on the other hand, there are different forms of punishment (harassment, abuse, constant prohibitions and critics), also the negligence and punishing to extremes. Research "Violence among youth" conducted in Skopje, 2011 show that adult offenders and violent criminals in childhood were ignored and abused by their parents and/or other persons. Especially concerns the fact that domestic violence is transferred to new generations. However, the data show that the good attitude later, with other adults or peers is healing the consequences of poor early behaviours. Disorganized families cause the occurrence of violent behaviour, in which there are no rules of conduct, and in which the adults don't care to teach children the ability of self-control (Murdzeva-Shkarik, 2007).

Violence among young people is the result of socialization that happens in adverse conditions and sudden or rapid social and cultural changes.

3 VIOLENCE AMONG YOUNG POPULATION IN THE REPUBLIC OF MACEDONIA

Within the research realized between students of the Faculty of Security in Skopje, results were obtained for violence among young people in the country. Namely, the research which was conducted by filling a questionnaire included 100 students, of which 37 respondents were male and 63 female and all students had completed secondary education. 72 % of the respondents were from urban areas and 27 % from rural areas.

In terms of general safety, respondents generally feel safe, but there is still a small part of them who has a sense of insecurity. Namely, in the crime and criminological theories recently prominent place is given to the security among citizens, which is often investigated and analyzed (Thompson & Bynuinam, 2012). Based on the feeling of security we can conclude if citizens feel safe in the environment they live in, learn and work, as well as how they perceive the society they live in, in terms of their safety. Table 2 presents the results of respondents' feelings of security.

Table 2: Feelings of security in the environment people live in

Sense of security	Very safe	Generally safe	Somewhat safe	Not very safe	Unsafe
%	24	51	3	8	1

According to results seen in Table 2 respondents feel safe in their place of residence, 24 % feel very safe, 51% generally safe, and fewer (3 %) feel somewhat safe, 8 % not so safe and only 1 % feels unsafe.

In terms of safety in educational institutions, the answers are similar and are presented in the following table (Table 3).

Table 3: Feelings of security in the educational institution.

Sense of security	Very safe	Generally safe	Somewhat safe	Not very safe	Unsafe
%	30	58	10	1	1

On the safety of the educational institution, almost 90 % of the respondents reported that they feel very safe and generally safe and only 12 % feel somewhat safe, not so safe and unsafe. Now the question is why this small but significant figure of respondents felt unsafe in the educational institutions, and the next research should investigate the influential factors for this phenomenon.

The respondents were asked an open question about the place, they feel unsafe. According to this, the following answers were given: the street; public places; parking lots; in the evening in the park; unlit streets; in a taxi; bus; at night and so on. Mostly, answers pertain to public places and poorly lit places at night. 1 % of the respondents answered that they do not feel safe anywhere; in the family; in places with Albanian population and after protests. These specific responses indicate some certain cases of unsafe sense in the family, or after protests in the conditions occurring now in Skopje and insecurity caused by ethnic cause.

Furthermore, in the below Figure respondents express their opinion about violence among young people in particular, and how this is a problem in today's society.

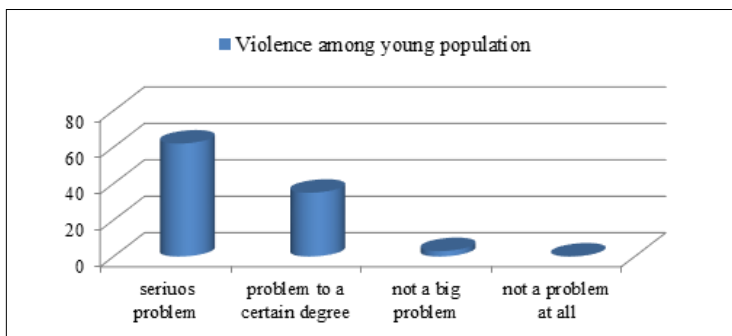


Figure 2: The perception of violence among youth

62 % of respondents believe that violence among young people is a serious problem, 35 % that this is a problem to a certain degree, and only 3% said that is not a big problem or that it isn't a problem at all (Figure 2). Young population believes, however, that violence is present and it is a problem that needs to be approached in the forthcoming period, in order to be reduced.

In order to check their opinion if violence is a problem in public places, which was confirmed in the previous questions, a specific question about controlling this problem was asked and the following answers were given (Figure 3).

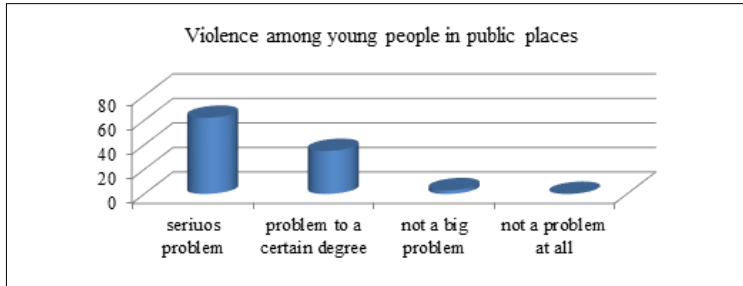


Figure 3: Perception of violence in public places among youth

These results are very significant as they relate to the feeling of safety among young people in public places and the emergence of violence in places that should be secured by the police responsible for maintaining public order and peace. The emergence of violence in public places indicates the fact that young people in these places are not safe and different forms of violence might happen to them. So, 60 % of young people considered that violence among young people in public places is a serious problem, and 29 % that it is a problem to a certain degree.

Participants are asked an open question about violence and the reasons for it, referring to the problem that is most abundant in their opinion. Responses given were such as ethnic prejudice; nationalism; party affiliation; intolerance; discrimination; intolerance; alcoholism; drugs; domestic violence; religion; protests; fights and more.

This issue is particularly important in the research because it gives answers to serious questions in today's modern Macedonian society, relating to the impact of social factors on the young population in the country. The answers can be classified into several groups.

The first group of responses refers to ethnic hatred, intolerance, nationalism and party membership. Namely, in Macedonia there are efforts for coexistence and ethnic tolerance, however, there are daily developments indicating problems in this sphere. Young population has social negative impacts on an ethnic basis, and simultaneously they are politicized (Malish Sazdovska, 2015). Unfortunately, Macedonia's social life and the great political crisis did not leave young people immune, but they became part of the political and party disputes in the country. Unfortunately, it can be concluded that, even in certain cases, they are used for political purposes. These responses indicate a serious ethnic, national, political, religious, and other divisiveness of the whole society in the country. If in a near future, concrete measures and actions to overcome this social condition are not taken, it can be a serious security threat to the country and a factor for criminal behaviour in the future.

The second group of answers concerns: school fights and sports competitions, juvenile delinquency, thefts, alcoholism, drug use, etc. (Malish Sazdovska & Batic, 2013). This suggests typical behaviour based on criminogenic factors, manifested as deviant behaviour, vandalism and criminal behaviour of young people, regardless of their ethnic, political, religious or other affiliation.

The third group of responses, although in small numbers, addresses domestic violence in which respondents answered that they do not feel safe in their home, they were victims or witnesses of domestic violence and that parents are not sufficiently educated.

The respondents were asked specific questions about their participation in violent acts, concerning their role as participants, witnesses or victims, and the answers presented below were received.

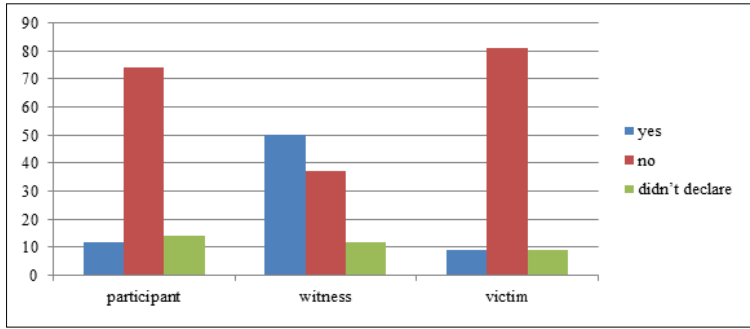


Figure 4: Participation in violence

If we interpret these results shown in Figure 4 we can conclude that a relatively small number of 12 % of the respondents were directly involved in the violence, and half of them 50 % have witnessed violent behaviour among young people. Regarding the position of the victim, only 9 % said they had been a victim of some violent behaviour. Concerning is the fact that a significant majority of respondents did not want to talk about this issue, which opens additional dilemma for their conspiracy and the possibility of belonging to the dark figure of violent behaviour.

In this group of questions were asked open questions about the type of violence to which respondents were the participants, witness or victim and the motive for such violent behaviour. Regarding the type of violent behaviour most common answers are fights, physical disputes, group fights, fights between young people, violence among classmates in high schools and so on. Few answers were provided about domestic violence and violence at sports fields. Motives are: alcoholism, justice or vengeance, fights for women, domestic violence, provocation, ethnic intolerance and misunderstanding among young people under the influence of alcohol, and more (Batic et al. , 2011). From the table below we can see which violence is with worst consequences.

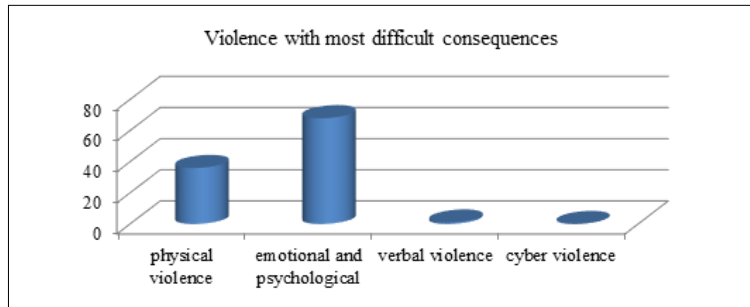


Figure 5: Graveness of the violence

The respondents believe that the most dangerous is physical violence (36 %), 68 % for emotional and psychological violence, 1 % for verbal violence and no response to cyber violence. Expected are the answers that youth violence is characterized with physical consequences that affect young people, but significant are the answers that apply to the consequences of emotional and psychological area occurring among young people, namely, dominating responses, which are nearly two-thirds of respondents that the most serious consequences of violent behaviour among young people are in the sphere of an emotional and psychological impact of the consequences of the act. The table below shows what measures are proposed for prevention and suppression of violence.

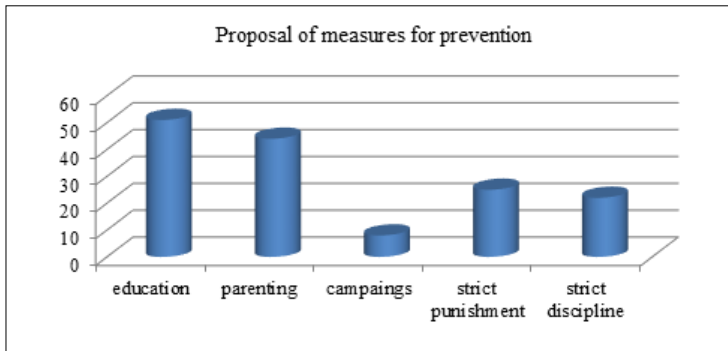


Figure 6: Perception on the prevention of violence among youth

When proposing measures to prevent violence among young people dominate measures for education and parenting of young people, which actually coincides with criminogenic risks envisaged in criminological theories that family and education are important factors for the young population (Stefanovska & Gogov, 2015). If these factors have negative effect, violent behaviour among young people can occur. These factors are important because they affect the development of the personality of youngsters from the earliest age, birth and childhood to adolescence phase. If during that period family and school do not create positive value system, occurrence of deviant behaviour among young people is likely. Furthermore, respondents believe that campaigns are a way to prevent violence, but only 8% believe in the implementation of this measure. Surprisingly, respondents themselves believe that punishment and discipline are needed as measures to prevent and eradicate violence among youth. Namely, 25 % of respondents believe that strict penalties will contribute to improving the situation of violence, and 22 % believe that there should be strict discipline in order to reduce the percentage of violence among young people in the country.

4 CONCLUSION

From this research can be concluded that violence is prevalent among young people, and it is a serious problem in the country. Namely, there are frequent fights and other violent behaviour with serious consequences, and violent behaviour can be committed in many different ways. Consequences bring a sense of insecurity to young people. This feeling is especially highlighted in precise locations such as bus stops, schools, on the street at night, sports events, etc. This research indicated that there are numerous criminogenic factors contributing to the occurrence of violence among young people. It should be the focus of future research aiming for detection of factors that influence negative behaviour among youth and preventive action in that direction.

Of particular interest are the opinions of the respondents about the ways of prevention in the future, which highlight how important the domestic parenting and education and campaigns, strict discipline and strict punishments are. Surprising is the fact that young people who strive for freedom and free expression of feelings and emotions, underline the need for strict punishments and strict discipline. They by themselves understand that in order to feel safer, it is necessary to act in the direction of imposing severe penalties for offenders, and also to enforce discipline in schools and other places where they feel unsafe.

REFERENCES

- Arnaudovski, L. (2007). *Kriminologija* [Criminology]. Skopje: 2-ri Avgust S-Štip.
- Batić, D., Maletić, I., Malish Sazdovska, M., Nikoloska, S., Surbanovska, O., Mojsoska, S., et al. (2011). *Bezbednost vo uclilishhta* [Security in schools]. Research Report. Skopje: Zdruzenie za bezbednosni istrazuvanja i edukacijo.

- Malish Sazdovska, M., & Batić, D. (2013). *Prevenција na nasilstvoto vo srednite uchilishta vo glavniot grad na Makedonija* [Prevention of violence in secondary schools, in the capital of Macedonia]. *NBP-Journal of Criminalistics and Law*, 18(2), 155–170.
- Malish Sazdovska, M. (2015). *Mladite i etnichkite malcinstva i kriminalitetot vo srednite uchilishta vo Makedonija* [Youth and ethnic minorities and crime in the secondary schools in Macedonia]. In C. Mojanoski (Ed.), *Approaches, concepts, and policies*, Volume II., (pp. 42–60). Skopje: Fakultet za bezbednost.
- Murdzeva-Shkarik, O. (2007). *Nenasilna transformacija na konflikti* [Nonviolent transformation of conflicts]. Skopje: Filozofski fakultet.
- Newburn, T. (2008). Youth crime and youth culture. In M. Maguire, R. Morgan & R. Reiner (Eds.), *Oxford handbook of criminology* (pp. 200–202). Oxford: Oxford University Press.
- Peterman, F., & Peterman, U. (2011). *Trening s agresivnom djecom* [Training with aggressive Childs]. Zagreb: Slap.
- Stefanovska, V., & Gogov, B. (2015). *Ulogata na zaednicata i na policijata vo prevenција na kriminalitetot: sostojbi vo gradot Skopje* [The role of the community and the police in crime prevention: situations in the city of Skopje]. Research Report. Skopje: Fakultet za bezbednost.
- Thompson, C., & Bynuinam, J. (2012). *Juvenile delinquency, sociological approach* (8th ed.). New York: Pearson.
- Walter, M. (2005). *Jugendkriminalitat* [Juvenile delinquency]. Stuttgart: Boorberg.
- Državen zavod za statistika na Republika Makedonija [State Statistical Office of Republic of Macedonia]. (2014). *Prestupnici u 2014* [Perpetrators of criminal offences in 2014]. Retrieved from <http://www.stat.gov.mk/Publikacii/2.4.15.12.pdf>

IS MIGRATION CRISIS CAUSED BY TERRORISM? ANALYSIS OF NATIONAL MEDIA CONTENT OF CROATIAN AND FOREIGN ONLINE MEDIA PORTALS

Matea Penić Sirak

ABSTRACT

Purpose:

The paper examines the frequency of online media articles and its content indicating that the migrant crisis is caused by the terrorist acts in the Middle East.

Methods:

The author is using the qualitative and quantitative analysis of online media content from the month of October to the month of December of 2015 that estimate large proliferation of the migrants i.e. refugees crossing the Croatian border.

Findings:

An overview is provided on: analysed online newspapers, ownership and orientation; the total number of articles per month; the number of articles that deal with migration i.e. refugees by months; the number of articles that deal with terrorism by months; the number of articles on terrorism as a cause of refugee crisis by months; the number of articles by source of the information; an overview of text by the type of the article; the number and type of graphic supplements to the articles; the 'depth' of processing threads; and the function of the articles.

Research limitations:

The study focuses primarily on the relevant online newspapers of global and local character and offer incidence of default themes and its "*actio et reactio*" aspect with numerical sequences rather than broader public perception.

Originality:

The paper contributes to the ongoing discussion and research on both topics on migration and terrorism that are overflowing in the news pages primarily since the beginning of migrant crisis.

Keywords: crisis, migration, national online media, qualitative and quantitative analysis, refugees, terrorism

I INTRODUCTION

'From the beginning of the year up to the month of December 885,000 refugees and forced migrants have arrived in Europe, with more than 85 % of them from the countries affected and threatened by war and the rest from the countries that are weakened with situations of conflict and violations of human rights, socio-economic insecurity and stress-related changes in the natural environment.' (Jurasić, 2015) In the early autumn of 2015 Croatian national media reported the news on the beginning of arrival of first refugees and illegal migrants crossing the national boarder. Contemporary refugee and migrant crisis that affected Croatia was initially experienced almost synonymously as the crisis in the early nineties, focusing on humanitarian aspect and emphasizing empathy of Croatian citizens (including representatives of public authorities) to the incoming refugees and migrants, but with its duration began the study of the other aspects of that crisis (Esterajher, 2015). The root causes of the migration of the population of Middle-Eastern countries to the countries of European Union in this paper are to be considered in form of conditions of war that have emerged from the creation of the Islamic State of Iraq and the Levant, i.e. Iraq and Syria. To understand the critical situation in Middle East means to understand the phenomenon of migrant i.e. refugee crises. The Arab Spring presents a term given to the conflict that started in January of 2011 in Syria. The conflict is a result of a Middle-Eastern history filled with political turmoil. The final culmination which led to millions of people leaving their home was a start of a civil war between the supporters of the presidents Bashar al-Assad regime (regular Syrian army) and the rebels (Free Syrian Army). In 2014, so called Islamic State of Iraq and the Syria (ISIS) won a great amount of Western parts of the territory of Iraq as well as eastern and central Syria (Erlich, 2014). It is hard to distinct whether or not president Assad and his government are engaging in state terrorism or are sponsoring terrorist groups. Many of respected state officials of the Western country groups are claiming so and are calling

the president to step down from his function. In this paper in addition to the terrorism of Islamic State of Iraq and Syria on the people of the Middle East the author will consider the civil war as a response to the governing of terror as it is perceived in the democratic countries that that is one form of terrorism that the population is fleeing from.

2 METHODOLOGY

Methodology used in writing this paper is the qualitative and quantitative analysis of online media content from the month of October to the month of December of 2015. The analysis is based on 'hand' selection of studied articles through the following parameters:

- Theme – the categories are terrorism and migrant crisis with the subcategories of refugees and migrants. The reason of the selected theme is defined in regards with a recognized need to better understand the causes of migrant movement.
- The sample – selection of online media portals was made by combining the most influential (in terms of ownership and orientation) and the highest circulation ('readership') media.

When it comes to monitored online media portals the following portals were studied (Table 1):

- vecernji.hr (Croatian news portal);
- jutarnji.hr (Croatian news portal);
- washingtonpost.com (American news portal);
- nytimes.com (American news portal).

Croatian newspapers, "Jutarnji" and "Večernji" are the most read national daily newspapers and therefore have been chosen for this particular research. They seem to be similarly edited with almost identical focus on current topics which is why the other reason for choosing jutarnji.hr and vecernji.hr as online media portals and a research subject was to portray the differences and similarities in reporting on the migrant i.e. refugee crisis. The same can be said for The Washington Post and The New York Times. Post is considered one of America's leading daily newspapers along with The New York Times. The two publications are known for monitoring events on an international scale.

Table 1: Analysis of online media portals by ownership, orientation and 'readership'

Portal	Ownership	Orientation	'Readership' ¹
vecernji.hr	private independent portal	informative political; conservative	13,669,448
jutarnji.hr	private independent portal	informative political; liberal/social democratic	30,758,837
washingtonpost.com	private independent portal	informative political; conservative/republi- can	214,432,000
nytimes.com	private independent portal	informative political; liberal/social democratic	205,291,000

The author found it necessary to investigate and explore the way selected online media portals were conducting their stories and releasing them to the public given the fact that mass media have a growing influence in creating a general public opinion. Sociologists have been interested in mass media content since the early 20th century, starting with Max Weber who saw media content as a means of monitoring the 'cultural temperature' of society (Hansen, Cottle, Negrine & Newbold, 1998, Macnamara, 2005). A responsible journalism reporting should particularly be emphasized when publishing articles that through massive media channels can be read anywhere in the world. This kind of reporting should be especially cautious when dealing with humanitarian crises such as the one that is the subject of this paper or sensitive social issues and events in general for which it seems the international community is still searching for a proportional and good response. Nevertheless, we cannot escape the fact that today's semi tabloid publications and their online 'branches' seek those extraordinary events that attract large numbers of readers and the migrant crisis certainly is an event characterized as an irregular event in the otherwise monotonous routine. However, journalists should be aware that their role is one of collecting facts, selecting and writing specific articles based on the collected relevant and true facts.

Upon doing everyday business journalists estimate as to how to report on certain events

1 (Gemius online audience, 2016; Rankings, 2016)

taking into account that they are required to act in accordance with the ethical principles of their profession and the voice of their conscience.

The reaction of the global community on the phenomenon of the migrant crisis clearly indicates a very serious situation which has led to raising the level of preparedness of the competent international and Croatian institutions where the role of Croatian Ministry of Internal Affairs was mostly emphasized. Concrete actions both on operative and on communicational level were expected. It was precisely through media that the governments were able to communicate with both national and international communities i.e. concerned public reassuring them of undertaking all the actions which will lead to resolving the crisis as soon as possible. It seems as though the online media portals accepted their role in being a link for authorities' communication with the public rather than resorting to the research the historical context of the Middle East and explaining to the general public the source of a massive displacement of people through investigative journalism. It is extremely important to point out that the crisis are the types of situations where the causes and consequences are rather vague (Quarantelli, 1988) and without exception the migrant crisis is one such situation.

The main objective of this study was to investigate whether the online media portals credibly informed the public on terrorist acts in Middle East as being the main cause of the migrant i.e. refugee crisis. The main problem that the research is focused on is whether or not online media portals completed one of their main functions which is to conduct a research and collect, process and disseminate information that will serve the citizens for better orientation, understanding and coping with the new situation.

So the main hypothesis of this paper is therefore set:

- Media articles published within the time period of October to December of 2015 explore and suggest terrorism as a cause of the migration i.e. refugee crisis in a minor extent.

Auxiliary hypothesis with the aim of testing and verification of the general hypotheses are the following:

- The online articles provide insufficient number of expert sources information on the basis of which the public can clearly and unambiguously determine that terrorism as the cause of massive migrant movement.
- The online articles with the content that suggests terrorism as the cause of migrant crisis are to a greater extent shallowly processed.
- The function of the online articles is mostly to inform and to criticize what has been done rather than educate on terroristic acts as the cause of migrant crisis.

The goal of the paper is focused on the confirmation or rejection of hypotheses based on data obtained from selected online media articles with national (*vecernji.hr* and *jutarnji.hr*) and international (*washingtonpost.com* and *nytimes.com*) coverage.

The researched content consists of all published articles about migrants i.e. refugees (Table 3 and Table 4) and terrorism (Table 5) in selected online media portals with national and international coverage from the beginning of October (October 1, 2015), when they reported the first influx of migrants i.e. refugees, until the end of December (until 31 December 2015). The search was conducted via Media Meter Dashboard an online news database by entering search criteria: 'migrants', 'refugees' and 'terrorism'. For calculating the percentage of the articles dealing with the aforementioned research subject a total number of articles per month had to be presented (Table 2).

Table 2: A total number of articles per month

Portal	October	November	December	Total
vecernji.hr	4,245	4,419	4,491	13,155
jutarnji.hr	2,929	2,843	2,884	8,656
washingtonpost.com	8,153	7,600	7,217	22,970
nytimes.com	7,325	7,021	6,499	20,845

Given the fact that from the first signs and throughout the migrant i.e. refugee crisis politicians and the media were dancing between the nomenclature of the millions of people that were displacing themselves either willingly or forced by any of the aforementioned reasons it was necessary to separately examine the incidence of these terms in the online articles. The fact that the occurrence and use of the word refugee forefronts in this word game should not be surprising. In this paper both terms will be used without one replacing the other. Nevertheless the main research question of terrorism being the cause of migrant i.e. refugee crisis the author is focusing exclusively on the refugees given the fact that the term describes one as a person fleeing from armed conflict or persecution whereas a migrant is a term used to describe one as a person who leaves their place of origin under his or hers own free will as to find a better living prospect. The term refugee is defined and protected by the numerous conventions and their corresponsive protocols and other international normative acts. One of the most fundamental principles laid down in international law is that refugees should not be expelled or returned to situations where their life and freedom would be under threat (UNHCR, 2015).

Table 3: The number of articles that deal with migrants by months

Portal	October	November	December	Total
vecernji.hr	60	59	28	147
jutarnji.hr	66	24	14	104
washingtonpost.com	266	249	149	664
nytimes.com	123	114	94	331

A total percentage of the articles that deal with migrants by months is as follows:

- vecernji.hr – 1.12 % of the total number of articles;
- jutarnji.hr – 1.2 % of the total number of articles;
- washingtonpost.com – 2.9 % of the total number of articles;
- nytimes.com – 1.59 % of the total number of articles.

Table 4: The number of articles that deal with refugees by months

Portal	October	November	December	Total
vecernji.hr	204	122	59	385
jutarnji.hr	190	78	47	315
washingtonpost.com	394	689	398	1481
nytimes.com	156	269	235	660

A total percentage of the articles that deal with refugees by months is as follows:

- vecernji.hr – 2.93 % of the total number of articles;
- jutarnji.hr – 3.64 % of the total number of articles;
- washingtonpost.com – 6.45 % of the total number of articles;
- nytimes.com – 3.17 % of the total number of articles.

While observing the frequencies in terms of using words migrants and refugees it there is an obvious tendency to the latter word. The author believes that the more common frequency of the word refugee is a result of an emphatic manner of reporting although at this time (the months of October, September and December) we can often hear claims that among the migrant groups are leading those of economic reasons rather than those of a warfare.

Table 5: The number of articles that deal with terrorism by months

Portal	October	November	December	Total
vecernji.hr	7	51	34	92
jutarnji.hr	12	37	29	78
washingtonpost.com	240	639	679	1,558
nytimes.com	105	292	327	724

A total percentage of the articles that deal with terrorism by months is as follows:

- vecernji.hr – 0.7 % of the total number of articles;
- jutarnji.hr – 0.9 % of the total number of articles;
- washingtonpost.com – 6.78 % of the total number of articles;
- nytimes.com – 3.47 % of the total number of articles.

An evident increase of articles in November which deal with terrorism is closely linked to the fact that after the Paris attacks in November of 2015 more articles were addressing the question of possible infiltration of terrorists among the refugees.

3 RESEARCH FINDINGS

The main hypothesis claims that the media articles published within the time period of October to December of 2015 explore and suggest terrorism as a cause of the migration i.e. refugee crisis in a minor extent. By analysing the frequency (Table 6) there was not any significant presence of articles which point out on terrorism as a cause of migration by months which means that the main hypothesis is confirmed.

Table 6: The number of articles on terrorism as a cause of migration by months

Portal	October	November	December	Total
vecernji.hr	34	17	18	69
jutarnji.hr	20	10	4	34
washingtonpost.com	52	140	42	234
nytimes.com	27	42	27	96

A total percentage of the articles that address terrorism as a cause of migration is as follows:

- vecernji.hr – 0.52 % of the total number of articles;
- jutarnji.hr – 0.39 % of the total number of articles;
- washingtonpost.com – 1.02 % of the total number of articles;
- nytimes.com – 0.46 % of the total number of articles.

The first auxiliary hypothesis assumed that the online articles provide insufficient number of expert sources information on the basis of which the public can clearly and unambiguously determine that terrorism as the cause of massive migrant movement. To test the hypothesis an analysis of the type of sources was conducted (Table 7).

Table 7: The number of articles by source of the information

Portal	Source	October	November	December
vecernji.hr	An official person	1	-	-
	A politician	11	9	5
	Journalists	13	3	7
	Other	9	5	6
jutarnji.hr	An official person	-	-	-
	A politician	4	2	1
	Journalists	12	7	2
	Other	4	1	1
WashingtonPost.com	An official person	-	1	1
	A politician	5	16	4
	Journalists	46	120	36
	Other	1	3	1
New York Times	An official person	-	-	-
	A politician	4	2	2
	Journalists	16	39	23
	Other	7	1	2

An analysis conducted to examine in which extent have online media used some sort of an official source shows the following results:

- in the greatest extent online media uses its journalists as a 'source';
- second most frequently used source are politicians;
- following other sources (refugees, readers, etc.);
- the least used source are the official persons.

As the following Table 8 will indicate every article on the matter of migrant i.e. refugee crisis outlined in this paper shows that there is far more articles based on comments in large extent exclusively given by the journalists that are their authors leaving little room for the audience to create its own opinion.

Table 8: An overview of text by the type of the article

Portal	Type	October	November	December
vecernji.hr	News	2	-	-
	Interview	5	3	2
	Comment	27	14	16
jutarnji.hr	News	-	-	-
	Interview	4	-	-
	Comment	16	10	4
WashingtonPost.com	News	19	59	21
	Interview	-	3	-
	Comment	33	78	21
New York Times	News	8	16	9
	Interview	2	1	-
	Comment	17	25	18

An analysis conducted to examine the function of the online articles gave the following results:

- all of the online media portals and their articles are mostly comments (usually on the conduct of the migrants i.e. refugees and the official personnel and the countries that the migrants i.e. refugees cross in their route);
- both news and interview were fairly limited in their number also in a small extent dealing in depth with terrorism as a cause of the crisis.

For the second auxiliary hypothesis that has been set the following Table 9 shows the results in numbers of analysed articles to which was assigned a classification - shallowly or deep – based on the corresponding content which explains terrorism as a cause of migration i.e. refugee crisis.

Table 9: An overview by 'depth' of processing threads

Portal	Depth	October	November	December
vecernji.hr	Shallow	27	13	14
	Deep	7	4	4
jutarnji.hr	Shallow	10	10	3
	Deep	10	-	1
WashingtonPost.com	Shallow	50	131	36
	Deep	2	9	6
New York Times	Shallow	26	37	23
	Deep	1	5	4

The given results of the overview by 'depth' of processing threads are the following:

- all of the articles are shallowly explaining the terrorism as a causes of migrant i.e. refugee crisis (mentioning it in one or two sentences);
- an exception has happened in the month of October in the articles of jutarnji.hr online media portal where it has been found that the set research problem was equally 'shallowly' and 'deeply' explained.

The function of the online articles (Table 10) is mostly to inform and to criticize what has been done rather than educate on terroristic acts as the cause of migrant crisis.

Table 10: The number of articles by function of the articles

Portal	Function	October	November	December
vecernji.hr	Informing	20	5	12
	Educating	-	4	3
	Criticizing	14	8	3
jutarnji.hr	Informing	13	4	2
	Educating	5	1	1
	Criticizing	2	5	1
WashingtonPost.com	Informing	44	128	39
	Educating	3	4	2
	Criticizing	5	8	1
New York Times	Informing	19	29	24
	Educating	2	-	1
	Criticizing	6	13	2

In every article alongside the textual part at least one photograph was appended which is one of the perks on an online media articles, but a surprising trend of low video appending is obvious. The photographs and videos were not a subject of any special analysis but were recorded as an integrated part of the subjected articles (Table 11).

Table II: The number and type of graphic supplements to the articles

Portal	Graphic	October	November	December
vecernji.hr	Photo	34	17	18
	Video	-	4	3
jutarnji.hr	Photo	20	10	4
	Video	6	4	1
washingtonpost.com	Photo	34	128	46
	Video	-	-	-
nytimes.com	Photo	27	42	99
	Video	-	-	-

4 CONCLUSION

Quantitative analysis of content in order to test the hypothesis according to which media articles published within the time period of October to December of 2015 explore and suggest terrorism as a cause of the migration i.e. refugee crisis in a minor extent has shown:

- 1) When it comes to the type of sources used in corroborating what is stated in the article, the results show that in the online media articles journalists are prevailing which, if we put aside the fact that a journalist job is a collection and presentation of true facts, we can conclude is not a source *per se*. Thus the author has confirmed the first auxiliary hypothesis: The online articles provide insufficient number of expert sources information on the basis of which the public can clearly and unambiguously determine that terrorism is the cause of massive migrant movement.
- 2) The online articles with the content that suggests terrorism as the cause of migrant crisis are to a greater extent shallowly processed is also proven to be true with the exception of articles of jutarnji.hr in November where the indication is that half of the articles have been identified as 'deep'.
- 3) Indeed the research has demonstrated that the function of the analysed online articles was one of informing or criticizing rather than educating the population on the seriousness and problematics of the one cause of the migrant movement to which the world was and still is a witness and that is terrorism.
- 4) Precisely these proved auxiliary hypothesis are further contributors to the confirmation of the main hypothesis set in this paper. The function of the analyzed online articles is greatly focused on informing on the course of the migrant i.e. refugee crisis rather than determining its cause. There is a clear trend of poor frequency and treatment of this topic.

Based on the conclusions we can state that the starting hypothesis is confirmed. The results show that the analysed online articles poorly pointed out on terrorism being a cause of the migrant i.e. refugee crisis and also given the fact that a rather small portion of analysed articles have entered in 'depth' to explain the link between the two occurrences. The use of official sources of information influences the credibility of reporting and is certainly not contributing to the better understanding of the causes of migrant movement.

REFERENCES

- Erllich, R. (2014). *Inside Syria: The backstory of their civil war and what the world can expect*. New York: Prometheus Books.
- Esterajher, J. (2015). Iskustva zbrinjavanja prognanika i izbjeglica i suvremena izbjegličko-migrantska kriza u Hrvatskoj [The experiences of displaced persons and refugees and contemporary refugee-migrant crisis in Croatia]. *Političke analize*, 6(23), 15–22.
- Gemius online audience. (2016). *Audience.com.hr*. Retrieved from <http://www.audience.com.hr/>
- Hansen, A., Cottle, S., Negrine, R., & Newbold, C. (1998). *Mass communication research methods*. London: Macmillan.

- Jurasić, D. (2015). *Migracije su globalni problem kao i klima, rješenje je smanjivanje nejednakosti u svijetu* [Migration is a global problem like climate, the solution is to reduce inequality in the world]. Retrieved from <http://www.vecernji.hr/premium/migracije-su-globalni-problem-kao-i-klima-rjesenje-je-smanjivanje-nejednakosti-u-svijetu-1043381>
- Macnamara, J. (2005). Media content analysis: Its uses, benefits and best practice methodology. *Asia Pacific Public Relations Journal*, 6(1), 1–34.
- Quarantelli, E. L. (1988). Disaster crisis management: A summary of research findings. *Journal of Management Studies* 25(4), 373–385.
- Rankings. (2016). *comScore, Inc.* Retrieved from <https://www.comscore.com/Insights/Rankings>
- UNHCR. (2015). *UNHCR viewpoint: 'Refugee' or 'migrant' - Which is right?*. Retrieved from <http://www.unhcr.org/news/latest/2015/8/55dfoe556/unhcr-viewpoint-refugee-migrant-right.html>

DERADICALISATION OF FOREIGN FIGHTERS

Andre Konze

ABSTRACT

Purpose:

This paper examines the possibilities of deradicalisation of juveniles and young adults, who have been fighting in the jihad and came back to their countries of origin. Focus of the paper is on alternatives of criminal procedures and exploration of the possibilities of deradicalisation.

Methods:

The researcher has been a member of the Radicalisation Awareness Network (RAN) since its implementation. RAN and RAN POL are acknowledged European Commission working groups dealing with the phenomenon of radicalisation. The researcher's experiences from working in RAN and RAN POL were implemented into the paper. Furthermore, literature about radicalisation, deradicalization, and other relevant literature was evaluated.

Findings:

Many juveniles from Western European Countries are radicalized by so called Jihadists and travel to countries with the purpose to participate in the Jihad. Most of them do not come back to their home countries. The few that come back are regularly confronted with criminal procedures and are expecting criminal charges. Most of them are deeply traumatized through their experiences.

Research limitations:

Given that the phenomenon of radicalization and Foreign Fighters appeared, only a few years ago, the findings are still preliminary and can be improved.

Originality:

Since the phenomenon of radicalisation became important only a couple of years ago, scientific findings explaining the reasons of radicalisation and possibilities of deradicalisation are still limited. Additionally, radicalisation processes have to be distinguished between right wing, left wing, and islamistic radicalisation. As Foreign Fighters are radicalised islamists, the paper focusses on islamistic radicalisation only.

Keywords: deradicalization, foreign fighters, Jihadists

I INTRODUCTION

The processes of radicalisation leading to violent extremism have grown enormously within the last years and many juveniles and young adults have been radicalised by so called Jihadists. Extremists are no longer acting only as part of organised, hierarchical organisations but also within smaller cells, sometimes as so called lone wolves, and sometimes without ever having any personal contact to any other radicalised person. All forms of extremism have become more globalised taking full advantage of the opportunities of the interconnected world. Thus, terrorist or violent extremist actions are becoming harder to detect and predict by the authorities. Traditional law enforcement techniques sometimes are insufficient to deal with these progressing trends, particularly in relation to tackling the root causes of the problem. There is a tremendous need for alternatives to criminal procedures. One of the most urgent threats are the large number of young people traveling to conflict zones such as Syria and Iraq. Such youngsters can become foreign fighters when they join terrorist groups. There are now believed to be thousands of Europeans within the region. Apart from their potentially violent acts abroad, the threat posed by radicalised returnees, skilled in combat and with links to terrorist groups has all too painfully been revealed in some recent terrorist atrocities within the European Union (Radicalisation Awareness Network, 2015).

2 CONCEPTUAL MODELS OF RADICALISATION INTO VIOLENT EXTREMISM

Within the last years several models have been developed to elucidate the process of radicalisation. Such models could be used to find means and tools that would help to stop radicalisation or, in cases when radicalisation had occurred, individuals could be deradicalised.

2.1 Borum's Four-Stage Model of the Terrorist Mindset

The Four-Stage Model of the Terrorist Mindset developed by Borum (2003) attempts to explain how grievances and vulnerabilities are transformed into hatred of a target group. Such hatred can be transformed into a justification or impetus for violence. The four-stage process begins by framing some unsatisfying event, condition, or grievance ("It's not right") as being unjust ("It's not fair"). The injustice is blamed on a target policy, person, or nation ("It's your fault"). The responsible party is then demonized ("You're Evil"), which facilitates justification or impetus for aggression (Borum, 2003).

2.2 Moghaddam's Staircase to Terrorism

Moghaddam (2005) developed the "Staircase to Terrorism" as a metaphor for the process of violent radicalization. The staircase tightens as it ascends from the ground floor and through five consecutive levels. Moghaddam claims that feelings of discontent and perceived adversity fuel for stepping initially onto the path to terrorism. Less people climb to each successive level. However, leaving a relatively small number of people who actually progress to the point where they engage in terrorism. Moghaddam asserted that people begin with a desire to lighten adversity and improve their situation. Unsuccessful attempts lead to frustration, produce feelings of aggression, which are displaced onto some perceived causal agent. Such agents are then regarded as the enemy. As their anger towards the enemy builds, some become increasingly sympathetic towards violent, extremist ideology and to the terrorist groups that act against the enemy. Some of such sympathizers eventually join an extremist group, organization, or movement that advocates for terrorist violence. At the final level among those who have joined are those who overcome any barriers to action and actually commit a terrorist act (Moghaddam, 2005).

2.3 New York Police Department Model of Jihadization

A very well-known model of Jihadi-Salafi radicalization originated from the New York Police Department's (NYPD) Intelligence Division. The NYPD model describes a Jihadi-Salafi ideology that includes a linear four-stage process: Self-Identification; Indoctrination; and Jihadization. Pre-radicalization characterizes the period before an individual is exposed to Jihadi-Salafi ideology. Self-Identification marks the process of exploring Salafi Islam, adopting its ideological tenets, and affiliating with its proponents. Indoctrination is the intensification stage. The individual's beliefs and his or her commitment to the ideas, to action, and to his like-minded collective increase. Finally, Jihadization occurs. The hallmark is the individual's acceptance of his or her individual duty to act on behalf of the cause (Silber & Bhatt, 2007).

2.4 Precht's Model of a "Typical" Radicalization Pattern

Precht (2007), in a qualitative review commissioned by the Danish Ministry of Justice, summarized the broad contours of radicalization in the following way: "Radicalisation often starts with individuals who are frustrated with their lives, society or the foreign policy of their governments. A typical pattern is that these individuals meet other like-minded people, and together they go through a series of events and phases that ultimately can result in terrorism. However, only a few end up becoming terrorists. The rest stop or drop out of the radicalisation process at different phases." Precht's report (2007) outlines a four-phase "typical pattern of radicalization": Pre-radicalization; Conversion and identification with radical Islam; Indoctrination and increased group bonding; and Actual acts of terrorism or planned plots. Precht (2007) identified and analysed three categories factors influencing the militant Islamist radicalization process especially in Europe. The report outlines three categories of motivational factors for radicalization.

- Background Factors include personal struggles with religious identity, experiences with discrimination, and lack of social integration.
- Trigger Factors to include people such as a mentor or charismatic leader, and events such as policy actions that might provoke or incite either antipathy or activism.
- Opportunity Factors account for an individual's degree of access and likelihood of exposure to extremist ideas or adherents within her or his sphere of activity.

Opportunity factors include physical and virtual spaces such as the Internet, mosques, penal institutions, and social groups/collectives.

It can be summarized that “home-grown terrorism can be viewed as a sociological phenomenon where issues such as belonging, identity, group dynamics, and values are important elements in the transformation process. Religion plays an important role, but for some it rather serves as a vehicle for fulfilling other goals. A common denominator seems to be that the involved persons are at a crossroad in their life and wanting a cause” (Precht, 2007).

2.5 Centre for Strategic and International Studies

The Centre for Strategic and International Studies (CSIS, 2008) summarized its findings in a report stating the following: “There is a lack of clear understanding or consensus on what motivates an individual to become a terrorist and to engage in violent acts. Without such an understanding, we are limited in our ability to employ appropriate strategies and tools for pre-empting terrorism” (CSIS, 2008). Consequently, the CSIS (2008) suggested that neither demographic nor socioeconomic factors emerge as strong predictors of radicalization. Feelings of shame and humiliation often serve to forge a bond between a vulnerable individual and a charismatic leader, and catalyse acceptance of the radical narrative and its associated values and attitudes. Travel to Pakistan or Afghanistan seemed to be one of the most consistent behavioural factors observed among those who became radicalized into violent extremism (CSIS, 2008).

2.6 Conclusion of Findings

Radicalization is multi-determined and is driven and sustained by multiple causes. Causal factors often include broad grievances that push individuals toward a radical ideology and narrower, more specific pull factors that attract them. Ideologies develop within the human ecology of nested contexts and systems, including family, economic, social, and political structures. Different pathways can lead to radicalization. Religion in some cases leverages the attachment to a grievance.

3 PROGRAMMES STOPPING RADICALISATION OR SUPPORTING DERADICALISATION

All over Europe, numerous programmes, practices, and approaches have been developed to stop radicalisation or to support deradicalisation. They all have in common that they attempt to be alternatives to criminal procedures. The following examples mirror the variety of efforts that have been spent all over Europe.

3.1 Back on Track

“Specifically targeted are inmates and remand prisoners, who are charged with or convicted of terrorism and/or inmates vulnerable to radicalisation. The aim is to help the inmates - by the intervention of a mentor - to become better at tackling everyday situations, problems and conflicts by:

- Motivating them to opt for a lifestyle free of crime;
- Involving the inmates network outside prison (family, friends etc.);
- Assisting with concrete challenges surrounding release (finding a home, job etc.)” (Direktoratet for Kriminalforsorgen, 2011).

An important part of Back on Track is also to train mentors to strengthen their competencies in relation to various dialogue techniques, coaching and conflict management skills. The mentors will have mentor coaches who can support and supervise them throughout their work (Direktoratet for Kriminalforsorgen, 2011).

3.2 Jump

Jump (2016) on the one hand aims to improve the sensitivity of professionals (especially pedagogic) and otherwise engaged people within the social spaces in contact with individual right-wing

extremists and youth sympathising with right-wing extremist ideologies potentially willing to leave the scene. This is done during interactive, practice orientated workshops for different target groups (e.g. pedagogic professionals, social workers, staff of job centres, students of educational disciplines) as well as individual and group counselling. We call this “education and counselling”. The aimed sensitivity contains the needs and challenges of those irritated right-wing extremists. Linked to this we want to prepare them to “have an eye on” those potential formers, to begin with causing constructive irritation and act as an instance which is forwarding willingly clients to jump. During the exit-process we refer back to these “signal generators” within the social spaces for assistance in special social work issues (e.g. job, drugs, debt). On the other hand, jump offers the “exit-assistance” for right-wing extremists and youth sympathising with right-wing extremist ideologies (sympathisers, fellow travellers, activists) willing to leave the scene and the surrounding field. This encompasses: gaining social security (especially in terms of housing, qualification and work) and shaping perspectives for the future; reflecting the experiences (of hate, violence and crimes but also of comradeship and appreciation) inside and outside of the scene, supported by developed methods (e.g. a “scale of self-positioning” and confrontation with and reflection on moral dilemmas based upon a method developed by Lawrence Kohlberg); identifying and handling “trigger-mechanisms” (words, situations, music etc.); developing sustainable courses of action to avoid relapses into mind-sets and acts characteristic to the right-wing extremist scene (Jump, 2016).

Both parts of jump are strongly linked and aim to counter radicalisation (physically and mentally) and to shape a professional local surrounding, able to unfold a preventive influence, in a long-term perspective” (Jump, 2016).

3.3 Aarhus model: Prevention of Radicalisation and Discrimination in Aarhus

“Description Intervention consist of two areas of intervention:

General population:

1. Raising awareness to professionals and the public. Achieved via presentations and workshops for professionals and teaching institutions; and
2. Collaboration with local communities. Respectful and assertive dialogue with mosques, cultural societies and other major players in local communities (East Jutland Police, 2010).

Individuals:

1. First-line staff of the Task Force performs risk evaluation of individuals and groups;
2. Advising professional staff on how to deal with cases concerning radicalisation;
3. Advising individuals and next of kin in cases concerning radicalisation;
4. Mentoring for persons, who are at risk of radicalisation or are involved with violent extremism; and
5. Contingency for foreign fighters and their families” (East Jutland Police, 2010).

3.4 Nicol

“This is a DVD table-top exercise which aims to break down barriers between the police and Muslim communities by providing an understanding of how police counter terrorism operations work. The decision making process is assisted by a number of national experts in the field of counter terrorism investigations, and from critical partners including Senior Investigating Officers (SIOs) from counter terrorism units” (NCTPHQ Prevent, 2009).

3.5 Conviction

“This is a 30-minute thought provoking DVD produced by the UK Southwest Counter Terrorism Unit. Conviction is designed for first line staff from partnership agencies and gives an overview of a real life case study based on the convicted terrorist Andrew (Isa) Ibrahim. Using a real life case study, the exercise allows partners to understand the vulnerabilities Ibrahim presented

before being arrested” (Office of the National Coordinator Prevent, National Counter Terrorism Policing Headquarters, 2010).

3.6 Pathways

“Pathways is a DVD based drama, which aims to explore extremist narratives from different perspectives. Interweaving characters from the same communities and exploring different faiths and ideologies, the story focuses on how young people can be coerced into terrorist activity. This short film follows the unfolding parallel stories of two characters being drawn into extremism, one towards the far right and the other towards Islamist extremism” (UK National Counter Terrorism Policing HQ, 2012).

3.7 To Prevent is Better than to Cure

“Making visible and strengthen the role of mosques in preventing radicalisation and polarization by building communal social (and - indirect - religious) resilience.

Aims:

- To enlarge the social role of mosques
- To include, inform and attend Muslim youngsters and their social environment (parents, friends and family)
- To create resilience amongst Muslim youngsters against radical tendencies of Islam, discrimination and exclusion
- To support, attend and train members of boards and/or commissions of participating mosques
- To advance the cohabitation of different ethnic and religious communities and to counteract islamophobia, radicalisation and polarisation” (Zasja, 2016).

3.8 Time to Think

“The Denkzeit (meaning Time to Think) Training programmes address youngsters (ages 13 through 25) at school, in prison or on probation, who have a track record for violence, partly also for committing extremist motivated violence. Well-directed intervention strategies aim at developing or strengthening social-cognitive competences that enable clients to handle interpersonal conflicts better than before in a socially acceptable way. The working method of Denkzeit comes from a clinical background and combines a pedagogical approach with a psychological approach. Denkzeit offers a variety of programmes for different target groups. All programmes are modelled as individual processes with one trainer who works with the client. The programmes have different phases called “modules”. It starts off in cognitive phase (1), then the emotion managing phase (2), the ethical and moral phase (3) and last level is the live-through phase (4). The first three modules are manualised with a fixed structure in terms of their goals, methods and examples. To start with the programme, both trainer and youngster have to agree on the framework that states firm, supportive agreements and consequences” (Denkzeitgesellschaft e.V., 2016).

3.9 Never Again Association

The Never Again Association is a Polish and Eastern European antiracist organisation. The mission of the Never Again Association is to promote multicultural understanding and to contribute to the development of a democratic civil society in Poland and in the broader region of Central and Eastern Europe. Never Again is particularly concerned with the problem of education against racial and ethnic prejudices among the young (Never Again Association, 1996).

Activities of Never Again include:

- Social campaigning and educational programmes. - Monitoring and publishing data on racist incidents and other xenophobic crimes committed in Poland as well as sharing information and analysis on hate crime and extremist and racist groups operating in Poland and in the rest of Europe. - Sharing expertise and cooperating with researchers, media, policy makers, national and international organisations.

- Running of the 'Delete Racism' project to combat racism and anti-Semitism on the Internet and conducting high-profile educational campaigns in the field of popular culture, 'Music Against Racism' and 'Let's Kick Racism out of the Stadiums'.
- UEFA EURO 2012 'Respect Diversity – Football Unites' programme: major educational and awareness-raising activities that took place before and during the European Football Championships in Poland and Ukraine" (Never Again Association, 1996).

"The Never Again practitioners come from various professional backgrounds as political and social studies, social work, legal, educational. A particularly promising aspect of the Never Again approach is combining work on many different levels - international networking alongside domestic and local projects, integration of football work and general societal work, collaborating simultaneously with other NGOs, risk groups, policy makers and practitioners, as well as with local and national authorities. Such approach combined with Never Again's broad network of volunteers across the whole country and the region enables the Association to diagnose and respond quickly to any issues that may come up within the scope of its work" (Never Again Association, 1996).

"At present, Never Again is approaching the field of prison work and has already become a reference point for those involved in deradicalisation work. The Association provides help with regards to carrying out first-line work, as well as advises on how to approach and deal with extremists and hate crime offenders. The Association also broadly promotes implementation of best practices regarding both combating racism and hate crime, as well as promoting a positive, inclusive public discourse on multiculturalism and diversity" (Never Again Association, 1996).

3.10 Extremism Information Centre

"The Extremism Information centre is a nationwide contact point for parents, teachers, social workers or any other person seeking advice concerning issues of violent extremism. We apply a broad definition of extremism, which includes politically motivated extremism as well as religiously motivated extremism" (Extremism Information Centre, 2014).

"The Extremism Information Centre was installed in December 2014 and is financed by the Ministry of Family and Youth. It offers a free helpline, face to face counselling and a broad variety of workshops and trainings on issues such as anti-discrimination, anti-Muslim racism, jihadism and right wing extremism" (Extremism Information Centre, 2014).

"The Extremism Information Centre offers anonymous counselling free of charge. It provides a counselling model for sustainable solutions together with stakeholders and an interdisciplinary team of experts. We help to assess the situation and to determine appropriate interventions. Is the reported behaviour a sign of radicalisation towards terrorism? Is it rather a sign of rebellion and provocation? We provide general information (on legal issues) and specific information. We refer to other institutions such as family counselling centres, open youth work organisations or the labour market service and we offer face-to-face counselling" (Extremism Information Centre, 2014).

"When we work with individuals at risk, the voluntary engagement of the client is a precondition. We have a long-term approach and try to detect underlying problems and drivers of radicalisation. We focus on the affective aspect. The first advice we give parents is to stay in contact with their children, to maintain a relationship, to speak with their children, to encourage them to share their ideas and not to argue on ideological issues" (Extremism Information Centre, 2014).

"The aim of our intervention is to provide the individuals with emotional support and to find ways to give back trust and cooperative attitudes by strengthening the family and adolescents within their social environment. We create a support system and provide alternative social contacts and alternative perspectives regarding school or job. We include a broad spectrum of professionals from the fields of probation work, youth work, family counselling centres, official bodies, job centres, therapists and (religious or other) experts. We work closely together with the Security Service and the police, but they are only involved if requested (by the clients) or in cases of immediate danger" (Extremism Information Centre, 2014).

4 CONCLUSION

There is a great need for alternatives to criminal procedures for those youngsters who became radicalised and are going to participate in the so called Jihad. The reasons for such radicalisation have not been fully evaluated but there is scientific evidence that radicalization is multi-determined and is driven and sustained by multiple causes. The process often includes broad grievances that push individuals toward a radical ideology and narrower, more specific pull factors that attract them. There are different pathways that can lead to radicalization. Religion only in some cases leverages the attachment to a grievance. However, there are enormous efforts all over Europe to stop youngsters being radicalised, or – if radicalisation has been occurred – find ways to deradicalise such young people. This paper made the attempt to present a sample very valuable examples for such efforts.

REFERENCES

- Borum, R. (2003). Understanding the terrorist mindset. *FBI Law Enforcement Bulletin*, 72(7), 7–10.
- Center for Strategic and International Studies [CSIS]. (2008). *Overcoming extremism: Protecting civilians from terrorist violence*. Retrieved from <http://tinyurl.com/dykufrm> (csis.org/files/media/csis/pubs/080321_overcomingextremismconfreport.pdf)
- Denkzeit-Gesellschaft e.V. (2016). *Time to think*. Retrieved from <http://www.denkzeit.info>
- Direktoratet for Kriminalforsorgen. (2011). *Back on track*. Retrieved from www.kriminalforsorgen.dk.
- Jump. (2016). *Exit work located within the social space*. Retrieved from <http://www.jump-mv.de>
- East Jutland Police. (2010). *Aarhus model: Prevention of radicalisation and discrimination in aarhus*. retrieved from www.aarhus.dk/sitecore/content/Subsites/Antiradikaliseringsindsats/Home.aspx
- Extremism Information Centre. (2014). *Extremism information centre*. Retrieved from http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/radicalisation_awareness_network/ran-best-practices/ran-search/rc_0066_extremism_information_cen_en.htm
- Moghaddam, F. M. (2005). The staircase to terrorism: A psychological exploration. *American Psychologist* 60(2), 161–169.
- Never Again Association. (1996). “*Never Again*” Association. Retrieved from www.nigdywiecej.org
- NCTPHQ Prevent. (2009). *NICOL*. Retrieved from prevent.acpotam@met.pnn.police.uk
- Office of the National Coordinator Prevent, National Counter Terrorism Policing Headquarters (2010). *Conviction*. Retrieved from <http://www.acpo.police.uk/>
- Precht, T. (2007). *Home grown terrorism and Islamist radicalization in Europe: From conversion to terrorism*. Retrieved from www.justitsministeriet.dk/fileadmin/downloads/Forskning_og_dokumentation/Home_grown_terrorism_and_Islamist_radicalisation_in_Europe_an_assessment_of_influencing_factors__2_.pdf
- Radicalisation Awareness Network. (2015). *Preventing radicalisation to terrorism and violent extremism*. Retrieved from http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/radicalisation_awareness_network/ran-best-practices/docs/ran_collection-approaches_and_practices_en.pdf
- Silber, M. D. , & Bhatt, A. (2007). *Radicalization in the West: The homegrown threat*. New York: NYPD Intelligence Division.
- UK National Counter Terrorism Policing HQ. (2012). *PATHWAYS*. Retrieved from prevent.acpotam@met.pnn.police.uk
- Zasja. (2016). *To prevent is better than to cure*. Retrieved from www.zasja.org

CRIMINAL ACTS OF PARTICIPATION IN WAR AND ARMED CONFLICT IN FOREIGN STATES IN THE LAW OF THE REPUBLIC OF SERBIA AND INTERNATIONAL STANDARDS

Aladin Šemović

ABSTRACT

Purpose:

This paper deals with research that measures to what degree the Republic of Serbia has aligned its criminal legislation with ratified international conventions and established obligations related to the criminalization and processing of criminal acts of participation in war and armed conflict in foreign states.

Design/Methods/Approach:

Bearing in mind that this paper deals with research on criminalization in the prescribed criminal legislation of the Republic of Serbia, a legal-dogmatic approach is primarily used, but since this paper also examines compatibility with international conventions, a comparative approach is also necessarily used.

Findings:

The Republic of Serbia has in large part fulfilled its obligations in keeping with adopted international standards through the prescribed criminal acts of Participation in a war or armed conflict in a foreign state in Article 386a of the Krivični Zakonik Republike Srbije [Criminal Code of the Republic of Serbia; hereafter CC] (2005) and Organization of participation in a war or armed conflict in a foreign state in Article 386b of the CC (2005). The criminal-procedural code of the Republic of Serbia is not consistent with the criminal code in that field, and this therefore weakens the international cooperation that is required by international acts.

Originality:

Considering that the two cited criminal acts were introduced relatively recently to the criminal legislation of the Republic of Serbia, there has not been a large amount of papers that deal with this subject, especially those that deal with research on compatibility with international standards. However, on the other hand, the acts that are subject to this criminalization are today very current, which highlights the importance of this subject.

Keywords: participation in war, foreign state, criminal legislation of Serbia, international standards

I INTRODUCTION

The Republic of Serbia is in the process of EU accession and in this process shall synchronize the majority of its legislation with the rules of the EU. Additionally, as a member of the UN, the Republic of Serbia has an obligation to implement the standards of international conventions and other acts passed by UN bodies in its national legislation. Bearing in mind that international law is of a dynamic category, considering that it must respond to new situations and developments in the world, it is not always easy to carry out corresponding changes in national legislation and simultaneously synchronize with international law, which itself changes.

Precisely what the international community is facing now includes wartime events in the Middle East and all its related phenomena. Many European countries have pointed out the large number of their nationals who leave their home countries to fight in the Middle East and who represent a threat to the security system of these countries when they return. Among them is the Republic of Serbia, where the publicly available data of the security services indicates dozens of its citizens fighting in Syria, as well as in Ukraine. In this regard, the international community itself has reacted by introducing measures, which will be discussed in the next section, in order to combat this phenomenon, but also many European countries, including Serbia, have in their criminal law criminalized such behaviour.

However, although today the question of foreign fighters has been actualized, this phenomenon is not so new. "Conflicts of different causes and reasons have attracted foreign volunteers throughout modern history. Examples of involvement of foreign fighters range from the Greek War of Independence in the 1820s and the civil war in Mexico in the 1830s through

the Texas Revolution in the 1840s, the Spanish Civil War, nearly one hundred years later, and the Israeli War of Independence in the first postwar years to the War in Afghanistan in the 1980s, the conflicts in Chechnya and Iraq, and the current conflicts in the Middle East and Ukraine” (Glušac, 2016: 35).

The term foreign fighter is not generally accepted, neither in criminal-legal theory nor in international documents. One thing that is debated most is the motive, whether it is based on ideology or material gain. “Summing up the various definitions, we see that foreign fighters are generally identified with terrorists, but there is also a clear distinction made between them and mercenaries, motivated by material gain” (Živković & Stojanović, 2015: 148). In this work, through analysis of international acts and the national legislation of the Republic of Serbia, we will point out the differences that appear related to the regulation of this phenomenon.

2 INTERNATIONAL FRAMEWORK

As we have already mentioned, the international community has shown concern about the appearance of the participation of foreign nationals in wars in the Middle East. In this regard, Resolution 2178 was adopted by the UN Security Council in 2014 (United Nation Security Council [UNSC], 2014). This resolution uses the term “foreign terrorist fighters,”¹ and by this it means people who travel to countries other than their place of residence or citizenship with an intent to execute, plan, prepare, or take part in terrorist acts or provide or attend terrorist training, including training in the context of an armed conflict (UNSC, 2014). UN member states are required through the resolution to introduce a criminalization in order to prosecute and punish their citizens for traveling or trying to go to another country where they do not have permanent residence or citizenship in order to execute, plan, prepare, or take part in terrorist acts or provide or attend terrorist training. In addition, UN member states are required to introduce criminalization, prosecution, and punishment for those who provide or collect funds to finance the trip of the subject individuals or make their trip easier.

According to this resolution, it is clear that the concept of foreign fighters is linked to terrorism and the committing of terrorist acts and that material gain does not appear as a necessary element.

However, when we talk about this phenomenon next to an ideological motivation, of course we cannot ignore the financial motivation as well. It is known that the potential “victims” of recruitment are mostly unemployed or come from a socially vulnerable part of the population. This indicates that payment for the service of warfare is also covered, because how else would these individuals provide resources for the livelihood of their usually large families if they have no other source. Of course, this is all done under the guise and pretext of “religion” and “higher” goals. On the other hand, participation in foreign battles may not always be associated with the exercise of terrorist activities because the majority of foreign fighters “use paramilitary tactics” (Živković & Stojanović, 2015). Therefore, it is important to mention another very important international document in this field adopted by the UN in 1989 – the International Convention against the Recruitment, Use, Financing and Training of Mercenaries (United Nations General Assembly [UNGA], 1989).

The term mercenary, under this convention, is a person who is specially recruited in-country or abroad to fight in an armed conflict; who is motivated to take part in the hostilities for the sake of private gain and who is promised, in the name of either of the parties involved in the conflict, material compensation, which is significantly higher than the fees promised or paid to combatants of a similar rank or position in the armed forces of that side; who is not a citizen of a party in the conflict nor a resident in the territory controlled by the parties to the conflict; and who is not a member of the armed forces in the conflict and who is not sent by a state which is not a party to the conflict ex officio as members of its armed forces (UNGA, 1989).²

1 The term “terrorist” was added because they are people who have joined terrorist organizations, such as Islamic State, Al-Nusra Front, and Al-Qaeda.

2 According to this convention, a mercenary is any person who is in any other situation specifically recruited, at home or abroad, with the objective of participating in an organized act of violence aimed at overthrowing the government or undermining the constitutional order of the state in any way or undermining the territorial integrity of the country; who is motivated to take part in the conflict primarily to achieve significant personal gains and encouraged by the promise or payment of material compensation; who is not a citizen or resident of the state against which such an act is directed; and who is not addressed by the state ex officio and is not a member of the armed forces of the country in whose territory such an act is performed.

This convention requires UN member states to criminalize mercenaries who directly participate in hostilities or in an organized act of violence in their national legislation and to criminalize the recruitment, use, financing, and training of mercenaries, as well as to prosecute individuals involved in such activities. In addition, member states are required to mutually cooperate and assist one another in preventing and prosecuting these crimes.

3 CRIMINAL-LEGAL REGULATIONS IN THE REPUBLIC OF SERBIA

The Republic of Serbia, as a multicultural and multi-confessional state (which is surely to its advantage) in which live a significant population of residents of Islamic faith, may be properly fertile ground for this kind of occurrence and abuse of religion by some individuals in order to achieve some “higher” goals. Domestic lawmakers have recognized these problems (including similar events in Ukraine), and changes in the CC (2005) from October 2014 entered two new criminal offenses into the criminal law of Serbia: Participation in a war or armed conflict in a foreign country – Article 386a of the CC (2005) and the Organization of participation in a war or armed conflict in a foreign country – Article 386b of the CC (2005).

Otherwise, the subject criminal offenses are classified in the group of crimes against humanity and other goods protected by international law in Chapter 34 of the CC (2005). In this way, they are also defined within their group of protected objects.

3.1 Participation in a war or armed conflict in a foreign country – Article 386a of the CC (2005)

(1) A citizen of Serbia who participates in a war or armed conflict in a foreign country, as a member of a military or paramilitary group of a party in the conflict, and is neither a citizen of that country nor a member of an official mission of an international organization of which Serbia is a member, shall be punished with imprisonment from six months to five years.

(2) If an offense from section 1 of this article is committed in the structure of a group, the offender shall be punished with imprisonment from one to eight years. (CC, 2005).

The cited offense has a basic form (section 1) and a severe form (section 2). In the basic form, it is possible to label as a perpetrator only a person who is a citizen of Serbia. However, in order for this offense to exist, it is necessary that our citizen participates in a war or armed conflict in a foreign country, but the offense will not exist if a citizen of Serbia participates in a war or armed conflict in a country in which he or she also has citizenship or if he or she is a member of an official mission of an international organization of which Serbia is a member. Therefore, in this segment, for the existence or non-existence of the subject criminal offense, it is key to determine if our citizen possesses citizenship of the state in which the war or armed conflict is waged or if he or she is a member of the state mission.

Such a normative solution is problematic for the following reason: namely, by this criminalization, it is not possible to address either a stateless citizen or a foreign citizen who happens to be on the territory of Serbia and have participated in a war or armed conflict in the territory of a state for which he or she does not have citizenship.³ It would be a paradoxical situation that a foreign citizen from our country could “go” to some country of war and then return to Serbia without any consequences. Bearing in mind the connection of our country with neighbouring states, such cases can be quite common. In this way, domestic citizens are placed at a disadvantage, while foreign citizens by such normative solutions maintain a possibility for fraudulent behaviour.

This criminalization is closely related to the law on the personal validity of the criminal legislation of Serbia. However, the question is raised over the complementarity of this provision with Article 8 and 10 of the CC (2005), which relate to the cited principle. Thus, it is questionable whether the provision of Article 8 section 2 of the CC (2005) can be applied with respect to this

3 Such legislation is not in accordance with Article 9 of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries (UNGA, 1989). According to this article, it is necessary to process both stateless persons and foreign nationals.

offense, i.e. can an offense under Article 386a of the CC (2005) affect a person who has become a citizen of Serbia since this was made a criminal offense? We believe that this question should be answered negatively because citizenship of Serbia becomes part of the offense, and the possible subsequent acquisition of citizenship does not affect the act if it did not exist at the time of the committing of the act. Otherwise, this would be an insult to the principle of the legality of Article 1 of the CC (2005), in which segment the retroactive application of the law is prohibited.

In addition, there is a question in the application of the provision of Article 10 section 2 of the CC (2005), which addresses the necessity of the approval of the Republic Public Prosecutor for the prosecution of the perpetrators in the case that the same offense is not punishable under the law of the country in which it was committed (the absence of the so-called clauses of double criminality), while at the same time there is no ratified international agreement in which the described situation would be regulated. We are of the opinion that, although by the systemic interpretation of this provision we arrive at the conclusion that the same does not apply to the subject criminal offense, for reasons of legal certainty - in this case it would be necessary to seek the approval of the Republic Public Prosecutor.

The act of the basic form of this criminal offense consists of participation in a war or armed conflict in a foreign country as a member of a military or paramilitary group party to the conflict. The concept of a war or armed conflict is not determined as a criminal offense, but it would be possible to assume "the ruling... notion that only armed conflicts between states are considered war..." (Perazić, 1966: 37) which would again, on the other hand, mean that the armed conflict within the meaning of this criminal offense means an internal armed conflict in one country. The action is therefore formalized with the verb "participate." This verb is used in a number of criminal offenses such as participation in a fight from Article 123 of the CC (2005), armed rebellion from Article 311 of the CC (2005), and participation in a group that commits a criminal offense from Article 349 of the CC (2005). In terms of Article 386a of the CC (2005), this action can be seen as participation in armed operations as well as participation in other activities that are related to them or regularly following military actions. There would be, in terms of the aforementioned, the inclusion or provision of logistical help (intendant service, medical service, etc.) as well as taking part in any other way in a war or armed conflict.⁴ Of course, for the existence of the criminal offense, it is necessary that our citizen participate as a member of a military or paramilitary group party to the conflict.

The used legislative technique with this criminalization requires the fulfilment of one of the conditions of punishability. It is additionally necessary that our citizen is neither a citizen of the country in which he or she participates in a war or armed conflict nor a member of an official mission of an international organization in which Serbia is a member. It may be controversial, but it is not of practical significance whether it has to do with a personal basis of exclusion of punishability or an objective condition of incrimination. Bearing in mind that the objective condition of criminalization represents "an additional requirement for the existence of the criminal offense, and that is in order that the perpetrator objectively does not have certain properties" (Stojanović, 2006: 72), in this case not being a citizen of the foreign country in which he or she participates in a war or armed conflict or a member of an official mission of an international organization in which Serbia is a member, we believe that this is the condition of punishability.

This criminal offense is inchoate, i.e. there is no result "as a constituent element of the offense, and it is not necessary for the existence of the criminal offense in a particular case to prove the results of execution, i.e. the completion of the action signifies the completion of a criminal offense" (Stojanović, 2006: 58).

An important feature of this criminal offense is also the place of its committing, and that is the foreign country in which the war or armed conflict takes place.

An attempt is punishable bearing in mind the possible prison sentence. Given that this has to do with an inchoate criminal offense, only an uncompleted attempt is possible by its nature. In practice, it is possible to pose the question of demarcation with preparatory activities that are not punishable, especially those "that create conditions for the direct commission of a crime, which are closely related to the action of the committing" (Stojanović, 2006: 135), as for example

4 The verb "to participate" is extensively interpreted in other criminalization. E.g. with armed rebellion, a participant is considered to be any person who in any way, directly or indirectly, participates or takes part in an armed rebellion (Stojanović, 2006).

the planning, arranging, or departure from the territory of Serbia or another country to a foreign country in which a war or armed conflict is taking place in order to commit this offense. However, in our opinion, these actions cannot represent an attempt, but rather it should be required that the perpetrator first arrives in the territory of the foreign country (bearing in mind that the place – a foreign country is a constituent element of this criminal offense) and then begin one of the above acts of committing. In short, the attempt would, in our view, take place from the moment of a domestic citizen's entrance to the territory of a foreign country to participate in a war or armed conflict but before he or she enters into the ranks of a military or paramilitary group in the conflict.⁵

The offense can be performed only with intent, and, by its nature, it has to do with a direct intent.

This criminal offense is of a subsidiary character in relation to certain criminal offenses against humanity and other goods protected by international law (e.g. war crimes, terrorism), and in the case of their committing, only these offenses will count, which means that concurrence with them is not possible (by the principle of subsidiarity – *lex primaria derogat legi subsidiaria*).

The qualified form exists if the offense of the basic form is committed in a group. What a group means is laid down in Article 112 section 22 of the CC (2005).⁶ However, it is possible to pose a question about the logic of this legal concept, bearing in mind that, by its nature, participation in a war or armed conflict involves the participation of a large number of persons, and therefore it is a necessary co-perpetration of a convergent type. For all other offenses where the act of committing is designated as “participation,” the lawmaker is not thusly formulated in a more severe form. For these other offenses, a more severe form exists for organizers or leaders. Bearing in mind that the question of the organization of participation in a war or armed conflict is subject to the specific criminalization, we will explore this issue in the next part, but we emphasize here the inconsistency of the lawmaker in the criminalization of the related legal situation, and we also believe that a more severe form, in the form there is now, does not have a criminal political justification.

The basic form is punishable by imprisonment from six months to five years, and the more severe form from one to eight years.

3.2 Organization of participation in a war or armed conflict in a foreign country – Article 386b of the CC (2005)

1. *Who in the purpose of committing the criminal offense from Article 386a of this code on the territory of Serbia recruits or incites another person to commit this offense, organizes the grouping or training of another person or group to carry out this offense, equips or makes available equipment for the committing of this offense or provides or collects funds to carry out this offense, shall be punished by imprisonment of two to ten years.*
2. *For the offense from section 1 of this article, the perpetrator will be treated with a punishment prescribed for that offense even if the people who organize are not citizens of Serbia. (CC, 2005)*

This criminal offense essentially has only one form (section 1), and in section 2 there is information for the kind of interpretive provision. Specifically, section 1 of this article is functionally related to the criminal offense from Article 386a of the CC (2005) because it relates to the organization of citizens of Serbia who participate in a war or armed conflict in a foreign country (referral disposition), while in section 2, the criminal zone is expanded to the organizing people who are not our citizens.

The perpetrator of this offense, as opposed to the previous one, can be any person regardless of his or her citizenship (section 1). Also, actions of committing can be aimed at persons who are not domestic citizens (section 2).

5 We arrived at this conclusion because the place is an element of this offense. In Article 17 of the CC (2005), it is stated that the attempt appears completed when it comes to inchoate crimes in the place where the offender has acted. The place for this criminalization can only be in a foreign country. E.g. a domestic citizen is arrested in a foreign country before he or she joined a military or paramilitary group and was subsequently extradited to our country.

6 A group is at least three persons connected for the permanent or temporary committing of offenses that may have no defined roles for its members, the continuity of its membership, or a developed structure.

The act of the criminal offense includes recruiting or encouraging another person to commit the offense from Article 386a of the CC (2005), organizing groups, carrying out the training of another person or group to carry out this offense, providing or making available equipment for the committing of this offense, and giving or collecting funds for the committing of this offense. These actions are by nature preparatory actions that are raised to “to the rank of actions of committing” (Stojanović, 2006: 132). The recruitment and incitement⁷ of another person to commit the offense from Article 386a is usually done in a way by which one warring party in a country where a war or armed conflict is taking place presents the other side as the source of evil on earth or a threat to faith and the fight against this is a “holy” war and participation is the obligation of every “believer,” for whom an award is expected for the “other” world. This includes other forms of action, as, for example, the promise of rewards and payment for war service, the advocacy of extreme political views, and so on. The act of training may consist of training military skills adapted to warfare in those countries as well as training of various logistical help. The organization of a group would consist in connecting these people. The provision or making available of equipment relates primarily to military equipment, but also to other equipment necessary for participation in the fighting (medical equipment, food, communications equipment, etc.). Finally, the financing of these activities and the collection of money and other resources for this purpose is an act of committing of this offense.

As in the previous case in question, it is an inchoate criminal offense, i.e. the result does not fall into a criminal offense.

The place of the committing of this offense can only be the territory of Serbia so that it constitutes an integral element of the offense. Here, the question arises, must the perpetrator of the offense and the person to whom it is aimed be on the territory of Serbia at the time of the committing of the act? In our opinion, that will be the rule in most cases. However, it is necessary that the action is somehow spatially associated with the territory of Serbia so that the aforementioned individuals do not have to be in Serbia. Namely, it is possible that the perpetrator commits the offense while physically residing in Serbia and operates in its territory, but also through modern information technology so that operations (i.e. the majority of operations) may be performed from abroad aimed at persons who are in Serbia. Also, the perpetrator can be on the territory of Serbia and from there recruit, encourage, and undertake other actions aimed at persons who are abroad.

The offense can be committed only with direct intent. A mandatory element of the subjective character is that the committing of the criminal offense is undertaken with the intent to commit a criminal offense from Article 386a of the CC (2005).

When it comes to an inchoate criminal offense, if the initiated act of the offense is not completed, there will be an attempt that is punishable.

The relationship between this and the previous criminal offense from the point of concurrence is quite unclear. In fact, it is said that this offense is functionally related to the offense of Article 386a of the CC (2005) and should enable the participation of domestic (or foreign) people in a war or armed conflict abroad. In this context, it precedes, i.e. subsidiary in relation to the offense of Article 386a of the CC (2005). The problem is, however, what if a person first organizes and then with others who are organized participates in a war or armed conflict? For similar offenses to be taken in such situations, there is no concurrence.⁸ On the other hand, the relationship between these two forms of criminalization can be viewed in the way that in Article 386b they are not covered by the very act of participation in a war or armed conflict, which gives the possibility that such a situation can be viewed through their concurrence. In any case, if the organizer does not have Serbian citizenship, then the concurrence is not available.

The question might be posed, how can one separate this offense from offenses against the constitutional order and security of the Republic of Serbia, where preparation is punishable or from these offenses: the recruitment and training to carry out terrorist acts from Article 391b of the CC (2005), the financing of terrorism from Article 393 of the CC (2005), and terrorist association from Article 393a of the CC (2005)? In light of the relationship of the subject offense with offenses from Chapter 28 of the CC (2005), we can say that it is not directed against the constitutional

7 These are acts of incitement that have been criminalized as actions of committing and as a separate criminal offense (Stojanović, 2006).

8 Such is the case with the organizer of an armed rebellion who also participates in the rebellion (Stojanović, 2006).

order and security of our country (as an object of criminal protection of the criminal offense of this chapter) but of a foreign state, so that there is theoretically no common ground. However, we see that some “security-dangerous” groups have equally expressed aspirations in the domestic and foreign field, so that their activity can be covered from both forms of criminalization. In principle, in such cases, it is necessary to use a concurrence because there are different protected objects, although each of the possible situations in practice should be specially considered.

As for relations with the offenses of Article 391b, 393, and 393a of the CC (2005), we can conclude that the actions of the committing of these three offenses are sublimated in the subject offense and that they are difficult to distinguish. However, while the actions of the committing of the criminal offense from Article 386b of the CC (2005) is directed only toward participation in a war or armed conflict in a foreign country, the other three offenses are directed toward committing terrorist acts, and determining this intent is a way to differentiate them. In this case, it should be acknowledged that crimes of terrorism include in themselves the criminal offense from Article 386b of the CC (2005). Although the Criminal Code of the Republic of Serbia does not specifically address the phenomenon of “foreign terrorist fighters” or “mercenaries,” it can be said that both terms are “covered” by such legal provisions.

This offense is punishable by imprisonment for two to ten years.

3.3 Organizational and procedural aspects of combating these crimes

According to Article 23 section 1 subsection 2 of the Zakon o uređenju sudova [Law on court organization] (2008), trials for these offenses fall within the jurisdiction of the higher court, as they are classified in the group of crimes against humanity and other goods protected by international law (Chapter 34 of the CC (2005)).

As the War Crimes Department of the Higher Court in Belgrade⁹ is not provided treatment in connection with these crimes neither through the Zakon o organizaciji i nadležnosti državnih organa u postupku za ratne zločine [Law on the organization and jurisdiction of state authorities in war crimes proceedings] (2003) nor by the Zakon o organizaciji i nadležnosti državnih organa u suzbijanju organizovanog kriminala, korupcije i drugih posebno teških krivičnih dela [Law on the organization and jurisdiction of state authorities in combating organized crime, corruption, and other particularly serious crimes] (2002) specified by the treatment of the Posebno odeljenje Višeg suda u Beogradu [Special department of the Higher Court of Belgrade],¹⁰ (if not committed as part of organized crime), then the general rules on territorial jurisdiction laid down in the Zakonik o krivičnom postupku Republike Srbije [Law on criminal proceedings of the Republic of Serbia; hereafter LCP] (2011).

Here, it is possible to ask the question whether the legislator, when adopting the stated Law on amendments to the CC (2005), failed to make the appropriate changes and additions in the aforementioned organization laws. Namely, if we analyze the provision of Article 2 of both the Law referred to in the previous paragraph, which lies down the causes of their usage, and the nature of the listed offenses, it would be logical to list these two offenses in one of these laws.

Since this is not the case, the procedures for these offenses can lead to problems in collecting the supporting materials, especially bearing in the mind the vague operation of their perpetrators. Specifically, Article 162 of the LCP (2011) prescribes for which criminal offenses special investigative actions apply. By the interpretation of those provisions and the provisions of Article 2 of the abovementioned organizational law, special investigative actions could be applied to these two offenses only in the case if they were committed as part of organized crime, which can in practice be a very common occurrence although not exclusive. In this way, the authorities are processing “handicapped” when collecting evidence regarding these crimes, which will significantly affect the number of prosecuted and convicted people.¹¹ For these reasons, we recommend supplementing Article 162 section 1 subsection 2 of the LCP (2011) and that these two crimes be added to the others listed.

9 Nor the Prosecutor’s Office for War Crimes or the Service for Detecting War Crimes

10 Nor the Prosecutor’s Office for Organized Crime or the Service for Combating Organized Crime

11 Currently, the legal solution significantly complicates the international cooperation provided for in Article 13 of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries (UNGA, 1989).

Bearing in mind the fine imposed, the offense of participation in a war or armed conflict in a foreign country from Article 386a of the CC (2005) will be tried in summary proceedings, while the criminal offense of organization of participation in a war or armed conflict in a foreign country from Article 386b of the CC (2005) will keep a regular proceeding. Here one can ask the question, is the application of simplified procedural forms justified with the offense of Article 386a of the CC (2005) if you take into account the seriousness of the offense and the potential difficulties in evidence? One should consider prescribing a more severe sanction and thus ensure the conduct of regular criminal proceedings.¹²

4 CONCLUSION

Through an analysis of the aforementioned international acts and the criminal legislation of the Republic of Serbia, we can conclude that the Republic of Serbia has showed much interest in fulfilling its obligations in order to combat this dangerous phenomenon. Even more so, the Republic of Serbia itself is faced with this problem on its own territory. However, it is important to point out that such occurrences can in no way be identified with any religion, and especially not with Islam, because there is no founding for such activities in its teachings.

In the corresponding places in this work, we pointed to some illogicalities and insufficient regulations and also discrepancies in the law of the Republic of Serbia with international documents, in relation to which we gave our own opinions and concrete proposals for dealing with them. In any case, we believe that the existing legislative framework of the Republic of Serbia is largely in line with international standards in this field and, with the aforementioned corrections, can respond to any possible challenges.

REFERENCES

- Glušac, L. (2016). Foreign (terrorist) fighters. *OSCE and cotemporary security challenges – Collection of essays*. Belgrade: OSCE Mission in Serbia. Retrieved from <http://www.osce.org/serbia/216966?download=true>
- Krivični Zakonik Republike Srbije [Criminal Code of the Republic of Serbia]. (2005). *Službeni glasnik Republike Srbije*, (85/05).
- Perazić, G. (1966). *Međunarodno ratno pravo* [International law of war]. Belgrade: Kultura.
- Stojanović, Z. (2006). *Komentar Krivičnog zakonika* [Commentary on the Criminal Code]. Belgrade: JP Službeni glasnik Republike Srbije.
- United Nation Security Council. (2014). *Resolution 2178 on Foreign Terrorist Fighters*. New York: United Nation. Retrieved from http://www.un.org/en/sc/ctc/docs/2015/SCR%202178_2014_EN.pdf
- United Nations General Assembly. (1989). *International Convention against the Recruitment, Use, Financing and Training of Mercenaries*. Retrieved from <http://www.un.org/documents/ga/res/44/a44r034.htm>
- Zakon o organizaciji i nadležnosti držanih organa u suzbijanju organizovanog kriminala, korupcije i drugih posebno teških krivičnih dela [Law on the organization and jurisdiction of state authorities in combating organized crime, corruption, and other particularly serious crimes]. (2002). *Službeni glasnik Republike Srbije*, (42/02).
- Zakon o organizaciji i nadležnosti državnih organa u postupku za ratne zločine [Law on the organization and jurisdiction of state authorities in war crimes proceedings]. (2003). *Službeni glasnik Republike Srbije*, (67/03).
- Zakon o uređenju sudova [Law on court organization]. (2008). *Službeni glasnik Republike Srbije*, (116/08).
- Zakonik o krivičnom postupku Republike Srbije [Law on criminal proceedings of the Republic of Serbia]. (2011). *Službeni glasnik Republike Srbije*, (72/11).
- Živković, V, & Stojanović, F. (2015). Fighters from Serbia in the war in Syria - Legal and political treatment upon return. In B. Banović (Ed.), *Yearbook of the Faculty of security* (pp. 145–164). Belgrade: Faculty of Security.

¹² In Article 5 section 3 of the mentioned convention, it is stated that member states are obliged to provide for the appropriate range of penalties for offenses under this convention, taking into account the serious nature of these offenses.

FAR BEHIND THE FRONTLINE: HYBRID WARFARE AND TERRORIST ATTACKS IN THE RUSSIA-UKRAINE CONFLICT

Julia Rushchenko

ABSTRACT

Purpose:

Russia's aggression in Ukraine, Georgia and Estonia has recently sparked many debates regarding geopolitical norms, security threats in Eastern Europe, and techniques of non-linear warfare that include disruption of electronic systems. Besides foreign state-sponsored terrorism in Ukraine carried out by the irregular non-state groups in the conflict zone, one should take into consideration other techniques of hybrid warfare such as attacks outside the frontline.

Methods:

In this paper the author analyses 99 incidents that took place in Ukraine from February 2014 to May 2016 focusing on the following aspects: time, location, target, weapon and the level of casualties.

Findings:

The author argues that the "low-intensity" terrorist attacks were aimed at spreading chaos, cracking down on the volunteer movement and destabilizing the political situation in southeast Ukraine.

Research limitations:

Not all information was available in the mass media about the terrorist attacks that took place from February 2014 to May 2016. Furthermore, this study did not take into consideration the attempted attacks. Future research will aim at examining police reports, including attempted terrorist attacks.

Originality:

The analysis demonstrates how terrorist attacks could be used as a weapon of non-linear warfare alongside other methods of irregular political influence.

Keywords: hybrid warfare, asymmetric warfare, the Russia-Ukraine war, low intensity terrorist attacks

I INTRODUCTION

As a value-laden and inherently political term, terrorism has many connotations. First of all, it is usually associated with an instrumental approach and indifference to innocent lives. In the wake of 9/11 in the U.S. and 7/7 in the U.K., terrorism has mostly been associated with the threat of Islamic extremism, which has strongly influenced counter-terrorism policies in North America and Western Europe, placing an emphasis on increasing security and border control measures, disruption and prevention techniques through policing and intelligence efforts, and tackling communities at risk of radicalization (e.g. Prevent stream of the CONTEST counter-terrorism strategy in the U.K.). While terrorism is usually interpreted as violence against civilians that aims to force a government to make political concessions, there is no internationally agreed definition of terrorism. The UN Security Council Resolution 1566 (United Nations, 2004) defines terrorism as:

"criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act."

According to section 2656f (d) of Title 22 of the United States Code (US Department of State 2005), terrorism is defined as:

"premeditated, politically motivated violence perpetrated against non-combatant targets by subnational groups or clandestine agents."

At the same time, the UK Terrorism Act 2000 introduced a new component, namely "an act to seriously disrupt or seriously interfere with an electronic system", making the definition of terrorism broader (Terrorism Act, 2000).

Whatever the terrorists' motivations are, it could be argued that the following factors comprise the essence of terrorism: violence, political narratives, and the ultimate desire to

provoke fear and panic among the civilian population. According to Wardlaw (1989: 38), “because of their numerical inferiority, it is important that terrorist groups indulge in dramatic and shocking violence if they are to be noticed”. Because panic and turmoil are the main objectives that are used to shatter or weaken nation-states, terrorists’ preferred weapon has long been bomb explosions (Nacos, 2016).¹ Bombings in crowded places cause most casualties, provoke hysteria and guarantee access to many audiences outside of their target groups through massive publicity transmitted by the mass media channels. Moreover, incendiary or explosive devices are more readily available than guns or WMD.

Casualties are needed for terrorists to enter the so-called “political communication triangle” through utilizing the benefits of a global impact of mass media discourse (Nacos, 2016). Nevertheless, if gaining publicity through violence and deliberately shocking acts is a general logic of the terrorists’ *modus operandi*, why do some terrorists aim to minimize deaths and avoid hurting civilians?

This paper will address the abovementioned question focusing on the analysis of the terrorist attacks that took place in Ukraine from February 2014 until May 2016. Although terrorist attacks are considered a conventional weapon of a political battle usually waged by weak groups (Crenshaw, 1981; McCormick, 2003), I challenge this traditional understanding of terrorism by exploring how terrorist acts with a low number of casualties constituted a part of the hybrid warfare campaign launched by Russia in Crimea and East Ukraine in February 2014.

Hybrid warfare is usually understood as a mix of conventional and irregular military methods. According to Frank Hoffman (2009), modern hybrid threats incorporate a full range of different modes of warfare, including conventional capabilities, irregular tactics and formations, terrorist acts including indiscriminate violence and coercion, and criminal disorder. They are used “to achieve synergistic effects in the physical and psychological dimensions of the conflict” (Hoffman, 2009: 8).

The concept became a commonly accepted term after Russia’s chief of General Staff, Valery Gerasimov, published an article entitled “*The Value of Science in Prediction*” in February 2013, explaining how “non-linear warfare” worked (Gerasimov, 2013). Since then, the term “hybrid” or “non-linear warfare” has been reflected upon in the works of many scholars who built their inquiries along the lines of security, non-state violence and state vulnerabilities (Galeotti, 2014; Illarionov, 2014; Magda, 2014; Rushchenko, 2014; Hunter & Pernik, 2015; Jacobs & Lasconjarias, 2015; Nikolsky, 2015; Snegovaya, 2015). Although the first examples of the “hybrid warfare” were documented in the Israel-Hezbollah war in 2006 (McCulloh & Johnson, 2013), Ukraine represents a recent example of how irregular war can be used together with conventional warfare methods.

2 METHODOLOGY AND RESEARCH QUESTIONS

Over the course of this research mass media review and police reports about the terrorist attacks were used as the main methods of data collection. All the terrorist attacks in the period of time between February 2014–May 2016 that had been previously highlighted by the mass media channels and law enforcement agencies were carefully documented and examined taking into account the following aspects: time, location, target, weapon and the level of casualties. One of the main sources of data collection was the Ukrainian news archive “Unian”. Not only were bombings considered, but also disruption of infrastructure and transport networks, arson, attacks on political activists and volunteers, and cases of property damage, were thoroughly analysed. In total 99 incidents were identified and documented.

The main research question consisted of exploring the way the terrorist attacks could be used outside the frontline of the officially peaceful territories as a weapon of non-linear warfare. Moreover, the demarcation line between violence in the context of peace and violence in the context of war (Guelke, 1995) is increasingly blurred nowadays, and in some contexts it is not easy to separate state and non-state violence. Therefore, the data collection was restricted to the terrorist attacks perpetrated in the areas controlled by the Ukrainian government. The main tasks of this research were determining when and where the terrorist attacks were most common; documenting which weapons were used; and evaluating the consequences in terms of victims,

¹ According to Nacos (2016) in 2014 54 % of all recorded terrorist attacks were bombings, 23 % were armed assaults, 10 % were hostage-takings, 7 % infrastructure attacks, and 6 % assassinations.

targets and possible impact (e.g. intimidation of volunteers and local activists, destruction of infrastructure and organizations that assisted the anti-terrorist operation in Donetsk and Luhansk).

Regarding the timeframe, February 20, 2014 was chosen as the countdown date while collecting the information about the cases. It is not the date that is usually quoted as the start of the armed conflict between Russia and Ukraine. After the Maidan protests culminated with the massacre of peaceful protesters on the main square in Kyiv, President Yanukovich fled the country on February 22, and the Kremlin started its operation in Crimea on March 1, 2014 manifesting the best practices of irregular warfare. And yet, in this paper I argue that February 20 should be used as the beginning of the countdown of the direct hybrid aggression, for several reasons. First of all, in April 2014 Vladimir Putin issued a medal of honour with the inscription “*For the return of Crimea 20.02.14–03.18.14.*” What surprised many journalists and political analysts alike was the fact that on February 20, the day when a violent assault against the Maidan protesters took place, Victor Yanukovich was still the president of Ukraine, including Crimea (Wood, 2015; McDermott, 2015). Although the image of the medal was swiftly removed from mass media outlets, this demonstrates that Russia’s actions in Crimea were not reactive but strategic. The irregular warfare techniques had been planned in advance, and a sudden vacuum of power in Kyiv helped to implement them. Furthermore, one of the first cases of sabotage took place on February 21, when several trains throughout the country were derailed. South Western railway later reported several train delays (Pivdenno-Zahidna Zaliznytsya Poyasnyla Zatrymku Poizdiv u Shidnomu ta Zahidnomu Napryamkah, 2014). At that time the terms “terrorism” or “ATO”² (anti-terrorist campaign) were not even mentioned in the mass media or public discourse, and yet one could argue that the terrorist attacks of low intensity starting unfolding from February 2014.

There were two main challenges with regards to the research limitations that could have possibly impacted the findings. First of all, not all information was available about the terrorist attacks that took place from February 2014 to May 2016. For example, in Kharkiv, the Ministry of Internal Affairs reported 43 terrorist attacks in the period of time from 2014 to mid-2015 (Za God v Kharkove i Oblasti Soversheno 43 Terakta – MVD, 2015), whereas my research revealed only 42 attacks as of May 2016. At the same time, exact numbers were not crucial for my research, as my main objectives were to find out about the patterns and general logic of attacks; both aims were fully achieved in this study. Another possible limitation was the fact that this research did not include the analysis of the attempted terrorist attacks. According to a government statement, the Security Service of Ukraine disrupted and prosecuted more than 200 terrorist attacks in 2015, most of which were planned from Rostov and Belgorod, two Russian regions located on the border with Ukraine (SBU Predotvratilo Bolshe 200 Teraktov, Organizatory Kotoryh Byli Podgotovleny v RF, 2016). Finally, given the fact that no one claimed responsibility for many terrorist attacks included in my analysis, one could argue that my assumptions about their sources were quite speculative. However, my conclusions stem from the findings released by law enforcement investigations that confirmed the links between these attacks and previous training and indoctrination provided by the Russian intelligence services.

3 FINDINGS AND ANALYSIS

The analysis of the 99 incidents revealed that “only” 18 % of them had human victims, mostly injuries, and 5 % resulted in deaths.³ Based on these findings, I suggest using the term “low-intensity terrorist attack”, which I define as a terrorist attack where the perpetrators avoid mass casualties but use small-scale incidents as a means of spreading fear, chaos and general destabilization of the political situation. Why would an organization or an individual (e.g. a lone wolf terrorist) avoid pursuing an overtly violent agenda that involves civilians’ deaths and mass atrocities? There could be several reasons. First of all, it is more convenient for a perpetrator to operate outside of rush hours as there are fewer security measures, and it is easier to flee the crime scene. Second, there is always a risk of losing sympathy of either the international community

2 ATO (an acronym widely used by the mass media and government) is an anti-terrorism operation that consists of a series of measures implemented by the government to fight the armed rebels in south-east Ukraine.

3 This figure includes the casualties among the attackers themselves. There were a few cases reported when the alleged attackers blew themselves up during the transportation of the explosive devices.

(as happened with the Chechen rebels in the wake of 9/11) or support of the local population (as happened with the ETA in Spain or with Hamas after the Second Intifada).

History shows similar examples of terrorism with a low level of indiscriminate casualties. The Russian anarchist groups operating at the end of the 19th century followed the guidelines of minimizing casualties by only targeting high-level officials. Directed “against an arbitrary regime detached from the masses with no public support” (Ivianski, 2006: 78), the social-revolutionaries and anarchists believed in the doctrine of the “individual terror”.

The tactics of the Russian anarchists and social-revolutionaries were consistent from the beginning of their violent campaign as their ideas about avoiding indiscriminate casualties originated from a certain ideological stance. At the same time, some terrorist groups may opt to change their tactics after a careful consideration of many factors such as efficiency, public image of the cause (“are they still perceived as freedom fighters by the outside world?”) and a cost-benefit analysis. Terrorists may also adopt non-violent methods if they believe that either public opinion is turning against them or they are losing legitimacy among their initial supporters because of constant bloodshed. Euskadi ta Askatasuna (ETA) in the Basque country was forced to change its tactics from violent attacks with a high level of casualties to a permanent ceasefire joining a “democratic process”. ETA’s refusal to disarm in 2005 triggered a demonstration of more than 250,000 people tired of their violent campaign (Rodríguez, 2005) showing that civil society plays an important role in contributing to peace and political stabilization. Although organized civil society was slow to mobilize against ETA’s violence, Whitfield (2015) argues that it became an important vehicle for wider public rejection of terrorist measures. Furthermore, “civil society actors led the way in articulating the demand for an end to terrorism and in denying the organization the legitimacy it required to pursue its armed struggle” (Whitfield, 2015: 14). Indeed, terrorism can reflect overconfidence about the readiness of the population to revolt. At the same time, violent tactics can seriously undermine a group’s legitimacy in the eyes of their supporters and alienate those groups that were supposed to be mobilized; careful planning is needed to guarantee a positive image.

The attacks that took place in Ukraine from February 2014 to May 2016 could be divided into the following categories according to the chosen target: 1) military recruiting centres and checkpoints; 2) volunteer organizations; 3) infrastructure and transport systems; and 4) other locations that carried a symbolic meaning. It is important to highlight the targets because they convey valuable information with regards to the goals and objectives of the attackers. Speaking about the weapons used in terrorist attacks, four main techniques were identified: 1) bomb blasts using home-made or professional explosive devices; 2) transport sabotage and railroad derailment (mostly with the use of bombs or grenades, so categories one and two could be merged into one); 3) shelling of industrial objects (that led to fire); and 4) arson of private premises, cars, and offices. Although some notorious arson cases of volunteers’ cars did take place in winter 2014-2015, bomb explosions that caused infrastructure damage (e.g. bridges and railroads) or property damage were more commonplace, confirming Nacos’ (2016) statement about bombings being the terrorists’ weapon of choice.

Notwithstanding the usage of the term “low-intensity terrorist attacks”, some of them were quite tragic and did produce a strong psychological impact among the pro-Ukrainian activists, particularly in Kharkiv (the second largest city where the tensions between the pro-Russian campaigners and the pro-Ukrainian activists ran high in 2014-2015). On November 9, 2014 a bomb went off in a bar frequented by pro-government activists in Kharkiv; 13 people were injured (Shevchenko, 2015). The explosive device was filled with bolts and screws to heighten damage. On January 19, 2015 another bomb blast took place outside the courtroom targeting supporters of a right-wing Ukrainian activist accused of firearms possession; 13 people were injured (“Thirteen Injured After Grenade Attack in Ukraine’s Kharkiv”, 2015). Finally, on February 22, 2015 a deadly bomb blast hit the rally again in Kharkiv; 2 people died and 15 were injured, including policemen (McLaughlin, 2015). The march was one of several events held in February 2015 all over Ukraine to mark a year since the so-called “Revolution of Dignity”. Similarly, a bomb went off during the march commemorating the anniversary of the Ukrainian Insurgent Army in Kyiv on October 14, 2015, and there were no casualties reported (V Kyevi Pid Chas “Marshu Geroiv” Prolunav Vybuh, 2015). These targets embodied symbolic meanings as the venues or the locations represented the unity of the pro-Ukrainian forces and were characterized by a powerful emotional appeal.

In fact, the overwhelming majority of attacks targeted state or private property. Kaplan (2008) argues that terrorist attacks upon property can roughly be divided between those aimed

at disrupting or destroying infrastructure (the power grid, communications networks such as hacking websites, and transportation networks) and those aimed at property imbued with symbolic value (landmarks, statues, symbols of national strength and national identity, etc.). While the former can paralyze a society for a period of time, the latter can elicit terror because of the direct effects and the implicit threats of future attacks it carries (Ibid). Additionally, these attacks can put a strain on a country's budget, increasing policing costs.

Several bomb explosions targeted the "Privat Bank" offices owned by the Ukrainian-Israeli tycoon and politician Igor Kolomoisky who was serving as the governor of the Dnipropetrovsk (recently renamed Dnipro) region between March 2014 and March 2015.⁴ On December 3, 2014 a bomb went off close to the "Patriot" store in Odessa that sold Ukrainian symbols, and some days later on December 9 the attackers destroyed the memorial panel honouring the Ukrainian Insurgent Army (UPA) in Kharkiv. Similar acts included the bomb blasts that targeted checkpoints, military recruiting centers, the Ukrainian Orthodox church in the Donetsk region, volunteer organizations and individual volunteers' property such as their offices, cars or houses. Targeting symbolic venues and locations was crucial for the attackers because their goal was to undermine the moral confidence and crack down on the non-violent solidarity movement in the East and South of Ukraine.

Additionally, in many cases infrastructure and transport communications systems were severely disrupted leading to financial losses. On June 17, 2014 an explosion in the Poltava region destroyed a section of the Urengoy-Pomary-Uzhgorod pipeline (the so-called Trans-Siberian Pipeline), which runs more than 1,800 miles from Russia's Arctic north through Ukraine to the border of Slovakia supplying many EU countries with gas (Herszenhorn, 2014). The bomb blast occurred shortly after a dispute over gas pricing with Gazprom and led to the loss of more than 10 million cubic meters of gas (Vzryv na Gazoprovode: Poteryano do 10 Millionov Kubometrov Gaza, 2014; Herszenhorn, 2014). The bomb that went off on March 31, 2015 in Kharkiv damaged 5 meters of railroad, and 2 empty carriages derailed as a result of this incident. Another attack occurred at Shebelinka railway junction on January 16, 2015, when several shots from a grenade launcher were fired into the fuel tanks. As a result of shelling, 3 fuel tanks were set on fire (Govina, 2015). Located close to a residential area, a railroad and a factory, the fire could have caused serious consequences had the fire services not reacted in time.

In terms of the vulnerable locations, from the data analysis one could conclude that two regions were mostly affected: Odessa (22 %) and Kharkiv (42 %). While a few terrorist attacks happened in the Western region (such as bomb blasts close to the police station and Polish embassy in Lviv) and the Central region (Kyiv), 93 % of attacks were perpetrated in the South-East of Ukraine. Kharkiv, a city located 25 miles from the Russian border where the vast majority of inhabitants speak Russian and where the pro-Russian parties have always received a strong support, was considered to be particularly susceptible to the separatism rhetoric in the spring of 2014. Despite many sophisticated methods of irregular warfare (including psychological propaganda, the use of criminal groups and violent riots) implemented in Kharkiv and Odessa (Galeotti, 2014; Magda, 2014; Rushchenko, 2014), the techniques of the "People's Republics" and the so-called "Russian spring" did not succeed primarily because of a massive civilian mobilization and non-violent civilian defense which was able to exploit political vulnerabilities of the adversaries and mobilize people to engage in "disciplined, self-organized and flexible anti-aggressor actions" (Bartkowski, 2015). It is not surprising that particularly Kharkiv and Odessa were hit by the victimless bomb blasts and incidents of infrastructure damage – the attacks were used as a means of depleting the cities' ability to resist, causing unrest and psychological strain.

Time is another important aspect to consider while analysing these incidents. Most of the attacks happened during the night (from 11 p.m.) or early morning (until 5.30 a.m.). First of all, this time period offers significant operational benefits and flexibility. Furthermore, the choice of time could be attributed to the fact that the attackers' intention was not to kill or injure the occupants of the houses or car owners, but to produce a general feeling of fear and turmoil. Because the perpetrators operated on territories known for their pro-Russian loyalty, one of their main considerations was not to discredit themselves in the eyes of their adherents and not

4 Although Igor Kolomoisky was dismissed by the President Petro Poroshenko, he continues to influence the political establishment. During the first phase of the armed conflict, Kolomoisky funded private battalions and spent around \$10 million a month on combatants' salary, uniforms and ammunition (Zhegulyov, 2014). He also owns one of the most influential TV channels 1+1.

to lose sympathy because of unnecessary civilians' deaths that could have included casualties among their supporters.

Roell and Worcester (2010: 4) maintain that "in the case of low intensity terrorist attacks the perpetrators either belong to no formal organization, or, if they do, such organizations no longer have clearly identifiable chains of command and hierarchy." While this observation is generally valid for lone wolf terrorists worldwide, it did not hold true for the Ukrainian context of low-intensity terrorism. Among the cases that were successfully investigated and the suspects prosecuted, the perpetrators were Ukrainian citizens who had been trained by the Russian intelligence services (Kharkiv Bombers Were Trained in Russia, Says Ukraine's Security Service, 2015). One of the episodes that demonstrate Russian involvement is an incident when an elderly man brought a jar of honey with explosives for soldiers at a Ukrainian checkpoint on January 16, 2015.⁵ As a result of the explosion, 1 police officer died, and 3 were seriously injured. The man later confessed to the police that he had been in touch with representatives of the Russian intelligence services and they had provided him with the explosive device (Shinder, 2015). Some of the aforementioned attacks in Kharkiv were linked to the organization "Kharkiv partisans", a guerrilla group based in Belgorod (Russia) that claimed responsibility for a series of terrorist attacks targeting military and industrial installations. According to Sluzhba Bespeky Ukrainy⁶ (The Security Service of Ukraine) and the prosecutors, the terrorist cell's members were trained and instructed by Russian coordinators (Shinder, 2015). The location of the organization could possibly explain the fact why so many terrorist attacks (a staggering 42 %) took place in Kharkiv; because of the geographical location and Russia's proximity it was easier to coordinate the attackers and provide them with weapons, either smuggling them through the border or obtaining them directly on Ukrainian territory.

4 CONCLUSION

Modern wars are being waged not only in trenches but also on informational, psychological and moral frontlines, and "low-intensity" terrorist attacks manifest yet another dimension of non-conventional techniques. It is worth mentioning that this research also documented terrorist attacks that fit a more common *modus operandi* of terrorists, the one that Brian Jenkins (1974: 4) called "theatre". There was a hostage-taking operation in Odessa on June 21, 2015 when a local man took two hostages in a pharmacy demanding Odessa's annexation by the Russian Federation. Likewise, the bomb blasts during the rallies in Kharkiv and Kyiv could have aimed at a higher number of casualties. However, I argue that the overwhelming majority of the cases was characterized by a low level of intensity as the attackers did not intend to murder civilians and did not attack conventional targets such as shopping malls, airports, financial districts of major cities or high-profile individuals in the authorities (judges, politicians, and senior military figures). At the same time, targets of symbolic value and transport infrastructure were damaged in most of the strategic locations, as the goal was not to blackmail the government but to produce a situation of chaos and uncertainty.

Although it is always believed that terrorism is a "weapon of the weak", I challenge this cliché through my analysis of the recent terrorist attacks in Ukraine. It has already been proven that some of the masterminds behind the terrorist attacks were trained and supplied with explosive devices by the Russian intelligence services. Nowadays Russia is the only global power that still engages in covert sponsorship of terrorism, and an insight into the recent terrorist attacks in Ukraine offers substantial evidence of this.

Despite the conventional idea of terrorism being the last resort of a powerless group that is incapable of engaging in a direct battle, the opposite is true in this instance. In fact, terror can also be used by powerful states as a method of "controlled chaos" (Rushchenko, 2014) supplementing other asymmetric warfare techniques. Although bomb explosions, arson or sabotage from the period under investigation were deliberately characterized by low levels of casualties, presumably because of the reluctance to alienate currently loyal social groups, these terrorist

5 Since 2014, in line with the principle of nonviolent civilian defense, it has become very common among the Ukrainian citizens to donate clothes, food or money to the Ukrainian army, so most likely this gesture did not seem to be suspicious or alarming for the military personnel.

6 Ukraine's special purpose law enforcement agency and government security agency in the area of counterterrorism.

attacks were used as an efficient method of unconventional warfare aimed at instilling fear in the population, undermining political activism and spreading chaos. My analysis demonstrates how terrorist attacks were used as a weapon of non-linear warfare alongside other methods of irregular political influence.

REFERENCES

- Bartkowski, M. (2015). *Nonviolent civilian defense to counter Russian hybrid warfare*. Washington, D.C.: John Hopkins University. Retrieved from http://advanced.jhu.edu/wp-content/uploads/2015/03/GOV1501_WhitePaper_Bartkowski.pdf
- Crenshaw, M. (1981). The causes of terrorism. *Comparative Politics*, 13(4), 379–399.
- Galeotti, M. (October 30, 2014). Moscow's spy game: Why Russia is winning the intelligence war in Ukraine. *Foreign Affairs*. Retrieved from <https://www.foreignaffairs.com/articles/russia-fsu/2014-10-30/moscows-spy-game>
- Gerasimov, V. (February 26, 2013). The value of science is in the foresight: New challenges demand rethinking the forms and methods of carrying out combat operations. *Voyenno-Promyshlennyy Kurier*. Retrieved from <http://vpk-news.ru/articles/14632>.
- Govina, G. (January 17, 2015). Vzryv Tsysterny s Benzinom na Stantsii "Shebelinka" [Fuel Tank Explosion at "Shebelinka" Station], ATN. Retrieved: <http://atn.ua/proisshestviya/vzryv-cisterny-s-benzinom-na-stancii-shebelinka-podrobnosti>
- Guelke, A. (1995). Paramilitaries, republicans and loyalists. In S. Dunn (Ed.), *Facets of the conflict in Northern Ireland* (pp. 114–130). London: St. Martin's Press.
- Herszenhorn, D. (June 17, 2014). Ukraine suspects terrorism in pipeline explosion. *The New York Times*. Retrieved from <http://www.nytimes.com/2014/06/18/world/europe/ukraine-suspects-terrorism-in-pipeline-explosion.html>
- Hoffman, F. G. (2009). Hybrid warfare and challenges, *JFQ*, 52 (1st quarter), 34–29.
- Hunter, E., & Pernik, P. (2015). *The challenges of hybrid warfare*. Tallinn: International Centre for Defence and Security.
- Illarionov, A. (December 12, 2014). Kak Ostanovit Vojnu? [How to stop the war?]. *Svobodnaja Zona*. Retrieved from <http://www.szona.org/andrej-illarionov-kak-ostanovit-voynu/>
- Ivianski, Z. (2006). The terrorist revolution: Roots of modern terrorism. In D. Rapoport (Ed.), *Terrorism: Critical concepts in political science* (pp. 73–97). New York: Routledge.
- Jacobs, A., & Lasconjarias, G. (2015). *Research paper "NATO's hybrid flanks: Handling Unconventional Warfare in the South and the East"*. No. 112. Rome: Research Division – NATO Defense College.
- Jenkins, B. (1974). *International terrorism: A new kind of warfare*. Santa Monica, CA: The Rand Corporation. Retrieved from <https://www.rand.org/content/dam/rand/pubs/papers/2008/P5261.pdf>
- Kaplan, S. (2008). A typology of terrorism. In J. Wisniewski (Ed.), *Torture, terrorism, and the use of violence, Vol. II* (pp. 1–9). Newcastle upon Tyne: Cambridge Scholars Publishing.
- Kharkiv Bombers Were Trained in Russia, Says Ukraine's Security Service (February 22, 2015). *KyivPost*. Retrieved from <http://www.kyivpost.com/article/content/kyiv-post-plus/ukraine-makes-arrests-after-terror-attack-kills-2-wounds-15-at-kharkiv-euromaidan-memorial-march-live-updates-381532.html>
- Magda, E. (2015). *Hibrydna Vijna: Vyzhyty ta Peremogty* [Hibryd war: How to survive and win]. Kharkiv: Vivat.
- McCormick, C. (2003). Terrorist decision making. *Annual Review of Political Science*, 6, 473–507.
- McCulloh, T., & Johnson, R. (2013). *Hybrid warfare*. The JSOU Press: MacDill Air Force Base.
- McDermott, R. (March 17, 2015). Putin celebrates first anniversary of seizing crimes. *Eurasia Daily Monitor*, 49(12). Retrieved from [http://www.jamestown.org/single/?tx_ttnews\[tt_news\]=43662&no_cache=1#.V3ZZ5EdSGto](http://www.jamestown.org/single/?tx_ttnews[tt_news]=43662&no_cache=1#.V3ZZ5EdSGto)
- McLaughlin, E. (February 22, 2015). Police among dead, wounded in blast at Kharkiv, Ukraine, rally. *CNN*. Retrieved from: <http://edition.cnn.com/2015/02/22/europe/ukraine-kharkiv-rally-explosion/>
- Nacos, B. (2016). *Terrorism and counterterrorism*. (5th ed.). New York and London: Routledge.
- Nikolsky, A. (2015). Little, green, and polite: the creation of Russian special operation forces. In C. Howard & R. Pukhov (Eds.), *Brothers armed. Military aspects of the crisis in Ukraine* (2nd ed.) (pp. 124–135). Minneapolis: East View Press.

- Pivdenno-Zahidna Zaliznytsya Poyasnyla Zatrymku Poizdiv u Shidnomu ta Zahidnomu Napryamkah [South Western Railway explained westbound and eastbound trains delay]. (February 22, 2014). *Unian*. Retrieved from <http://economics.unian.ua/transport/887742-pivdenno-zahidna-zaliznytsya-poyasnyla-zatrymku-poizdiv-u-shidnomu-ta-zahidnomu-napryamkah.html>
- Rodriguez, J. (June 5, 2005). Masiva Protesta Contra el Diálogo con ETA [Massive protest against a dialogue with ETA]. *El País*. Retrieved from http://elpais.com/diario/2005/06/05/espana/1117922402_850215.html
- Roell, P., & Worcester, M. (2010). *Low intensity terrorist threats – A future trend in Europe?* Berlin: Institute für Strategie- Politik- Sicherheits- und Wirtschaftsberatung. Retrieved from https://www.files.ethz.ch/isn/117402/Jun10_Low_Intensity_Terr_Threats.pdf
- Rushchenko, I. (2014). *Russia-Ukraine hybrid war: Sociological perspective*. Kharkiv: Pavlenko.
- SBU Predotvratilo Bolshe 200 Teraktov, Organizatory Kotoryh Byli Podgotovleny v RF [SBU prevented more than 200 terrorist attacks, whose organizers were trained in Russia]. (March 26, 2016). *Unian News Agency*. Retrieved from: <http://www.unian.net/society/1300690-sbu-predotvratila-bolee-200-teraktov-organizatoryi-kotoryih-byili-podgotovlenyi-v-rf-poroshenko.html>
- Shevchenko, M. (December 8, 2015). Vzryv v Pabe “Stena”: Podozrevayemoy Prodlili Arest Esche na 2 Mesiatsa [Bomb blast in the Stena pub: The suspect' detention was extended by two months]. *Status Quo*. Retrieved: http://www.sq.com.ua/rus/news/obschestvo/08.12.2015/vzryv_v_pabe_stena_podozrevaemoj_prodlili_arest_esche_na_dva_mesyaca/
- Shinder, V. (9 March, 2015). Vyuhovy Med Terorysta-Didusya Sponsorovala GRU GSH Rosii – Lubkivsky [According to Markian Lubkivsky, the explosive honey of grandfather-terrorist was sponsored by Russia]. *Ukraine Press*. Retrieved from <http://uapress.info/uk/news/show/65682/>
- Snegovaya, M. (2015). *Russia report 1. Putin's information warfare in Ukraine. Soviet origins of Russia's hybrid warfare*. Washington, D.C.: Institute for the Study of War.
- Terrorism Act 2000*. (2000). London: The Stationery Office. Retrieved from: <http://www.legislation.gov.uk/ukpga/2000/11/section/1>
- 13 injured after grenade attack in Ukraine's Kharkiv. (January 20, 2015). *The Moscow Times*. Retrieved from <http://www.themoscowtimes.com/news/article/13-injured-after-grenade-attack-in-ukraines-kharkiv/514614.html>
- United Nations. (2004). *Security Council Acts Unanimously to Adopt Resolution Strongly Condemning Terrorism as One of Most Serious Threats to Peace*. Retrieved from <http://www.un.org/press/en/2004/sc8214.doc.htm>
- US Department of State. (2005). *Chapter 1 - Legislative requirements and key terms. Country reports on terrorism*. Retrieved from: <http://www.state.gov/documents/organization/65464.pdf>
- V Kyevi Pid Chas “Marshu Geroiv” Prolunav Vybuch [A bomb blast hit the “Heroes’ march” in Kyiv]. (October 14, 2015). *Korrespondent.Net*. Retrieved from: <http://ua.korrespondent.net/kyiv/3576185-u-kyievi-pid-chas-marshu-heroiv-prolunav-vybukh-zmi>
- Vzryv na Gazoprovode: Poteryano do 10 Millionov Kubometrov Gaza [Gas pipeline explosion: up to 10 million cubic meters of gas lost]. (June 18, 2014). *Unian*. Retrieved from <http://economics.unian.net/energetics/929936-vzryviv-na-gazoprovode-poteryano-do-10-millionov-kubometrov-gaza.html>
- Wardlaw, G. (1989). *Political terrorism. theory, tactics and counter-measures* (2nd ed.). Cambridge: Cambridge University Press.
- Whitfield, T. (2015). *Special report. The Basque conflict and ETA. The difficulties of an ending*. Washington: United States Institute of Peace. Retrieved from http://cic.nyu.edu/sites/default/files/whitfield_basque_conflict_eta_dec2015.pdf
- Wood, E. (February 26, 2015). Putin's war of words, decoded. *Washington Post*. Retrieved from <https://www.washingtonpost.com/blogs/monkey-cage/wp/2015/02/26/the-military-medal-race-in-russia-and-ukraine-a-symbolic-competition/>
- Za God v Kharkove i Oblasti Soversheno 43 Terakta – MVD [43 terrorist attacks occurred in Kharkiv during the past year, according to the Ministry of Internal Affairs] (March 2, 2015), *Censor.Net*. Retrieved from http://censor.net.ua/news/327325/za_god_v_harkove_i_oblasti-soversheno_43_terakta_mvd
- Zhegulyov, I. (May 27, 2014). Privatbank: Milliarder Kolomoisky vedet chastnuyu voynu za yedinstvo Ukrainy [Privatbank: Billioner Kolomoisky wages a private war for Ukraine's unity]. *Forbes*. Retrieved from <http://www.forbes.ru/sobytiya/obshchestvo/258279-privattank-milliarder-kolomoiskii-vedet-chastnuyu-voynu-za-edinstvo-ukra>

THE EQUIVALENTS OF GENOCIDAL INTENT IN ABORTION LAWS

Dragan Dakić

ABSTRACT

Purpose:

The main reason for writing this paper is to contribute to the contemporary efforts to develop the ability to detect atrocities beyond those committed during World War II. Disabled people were systematically exterminated and their targeting was vindicated by “the best medical knowledge available”. Currently, in the age of arising concern for the inclusion of people with disabilities as fully equal and participating members of society and symmetric normative efforts of the international community, however, it appears that “the best medical knowledge available” is maintained as a tool for targeting the disabled. The aim of this paper is to confirm the hypothesis that suchlike legal treatment of the disabled cannot be tolerated from the aspect of international criminal law since it cannot escape criticism as it has innate equivalents of genocidal intent.

Methods:

The objectives are achieved using additional evidentiary instruments of genocidal intent. The main methods used in the research are the method of induction/deduction, the case-law study method and the method of comparison. The first two methods were used to define binding legal standards in the field of prohibition against genocide focusing on the psychological element concerning the crime. The latter is used to display differences in treating disabled pre-person humans as compared to able-bodied pre-persons. The scope of this inquiry is reduced only to *mens rea* as one of the three constructing elements of the crime of genocide.

Findings:

The equivalents of genocidal intent exist in laws that introduce fetal malformation as the absolute defence of abortion. The application of these laws directly results in a drastic reduction of the number of disabled persons. Time-unlimited abortion on the grounds of fetal disability discriminates against disabled persons providing them with a narrower “right to a safe life” zone as compared to that of able-bodied persons. Suchlike legal frameworks induce the accountability of state officials for introducing it as well as medical practitioners for implementing it.

Research Limitations:

The case law of international tribunals provided several elements which could be used as additional evidentiary instruments to prove genocidal intent. Most of them are enumerated in the paper and each could be an appropriate subject for future research to test the hypostatized position. However, this inquiry is limited to the elements “scale of committed atrocities” and “discrimination”, which are of general character and could be reflected through different legislations regardless of social, cultural or any other particularities.

Originality:

The value of the paper is associated with its purpose. It could provide a useful tool for NGOs that are advocating for rights of the disabled as well as for governments in creating honest politics designed to include disabled people in the society. The paper develops a new perspective on the abortion debate providing it with neutral argumentation that arises from binding legal principles which are established in the associated branch of international law.

Keywords: disabled, abortion, genocide, *mens rea*

I INTRODUCTION

The aim of this inquiry is to locate the equivalents of genocidal intent - *mens rea* (*The Prosecutor v. Clément Kayishema and Obed Ruzindana* (Trial Chamber II, 1999)) in abortion laws which permit time-unlimited abortion on the grounds of fetal malformation. I prefer to refer to the detected reflections only as equivalents of genocidal intent, because to date they have not been identified as elements of genocidal intent by any competent judicial body. This inquiry was inspired by a collective complaint of Saving Downs NGO against the Government of New Zealand which brought about a preliminary examination by the Office of the Prosecutor of the International Criminal Court (*Saving Down Syndrome*, 2011).

In general, European regimes do not permit time-unlimited abortion, unless medical indications occurred (Report of the Library of Congress, 2015). In some jurisdictions like Norway

(Lov om svangerskapsavbrudd (abortloven) [Abortion Law of Norway], 1975), Portugal (Código Penal [Penal Code of Portugal], 1995), Sweden (Lag om abort [Abortion Act of Sweden], 1974), abortion is often time-limited by a child's viability regardless of indications. Viability limits abortion in Denmark (Sundhedsloven [Health Act], 2014) and the Netherlands (Government of the Netherlands, 2015), but it is not preclusive limitation. If abortion is permitted after the child reaches viability, than Italian (Norme per la tutela sociale della maternità e sull'interruzione volontaria della gravidanza [Provisions on the Social Protection of Maternity and the Voluntary Interruption of Pregnancy of republic of Italy], 1978) and Irish (Department of Health, 2013) legislations requires that every appropriate measure to save the life of the child must be taken. French law only permits an abortion after the twelfth week of pregnancy if two doctors from a multidisciplinary team confirm, after consulting the rest of their team, that carrying the pregnancy to term would seriously endanger the woman's health, or that there is a strong probability that the child would be born with particularly serious health problems that are untreatable at the time of the diagnosis. In Great Britain there is no time limit for abortion only if there is a substantial risk that, if the child were born, it would suffer from physical or mental abnormalities that would result in a serious handicap, i.e. if abortion would prevent grave permanent injury to physical or mental health of a pregnant woman, or if the continuation of pregnancy would involve a risk to the life of the pregnant woman.

Although laws, as reflections of policies – plans, are an important evidentiary instrument (United Nations, 2005), it is not tenable to make a blanket claim that every legislation that introduces malformation as a defence of abortion has innate genocidal intention. Accordingly, legislations that introduce malformation as the absolute defence of abortion are examined based on “the scale of committed atrocities”, which refers to number of provided abortions on these grounds; and “discrimination”, which refers to unequal legal treatment of human non-persons¹ on the grounds of malformation. Both elements are recognized as indicators of genocidal intent in the case law and can be used as an additional evidentiary instrument. Therefore, the logic of my argumentation is that a manifest of will is the proof that will exists.

In order to clarify the relation between these elements and *mens rea* of the crime, first I am going to present general features of intent that are required for the purpose of genocide. Further, a discussion on the role and scope of “the scale of committed atrocities” and “discrimination” elements proceeds with reference to a possible objection to their operation as if they were “slippery slope” arguments. “The scale of committed atrocities” is the evidentiary instrument that has been addressed from the statistical context which refers to the number of abortions performed on the grounds of malformation and its impact on the size of the targeted group; and from the legal context which refers to the accepted criteria to determine the level and type of malformation that justify abortion. The evidentiary instrument “discrimination” has been addressed in the context of arising legal recognition that prohibition against discrimination based on disability refers to all members of the human family regardless of their personhood status; and from the aspect of current theoretical considerations that our commitment to persons obliges us to confer a moral value to prenatal humans and to respectfully treat them. The discussion ends with a brief investigation on potential persons who could be identified as perpetrators under the two-fold accountability criterion.

2 GENOCIDAL INTENTION

When referring to “genocidal intention”, it should be born in mind that it is a mental element of the crime (*mens rea*). There was no reference to it during the Nuremberg trials, and it was addressed for the first time during the trials at international courts for the Former Yugoslavia and Rwanda (Devrim, 2014). This element of the definition of crime is legally established through the Rome Statute. Article 30 of the Rome Statute (Rome Statute of the International Criminal Court, 1998) reads as follows:

1. Unless otherwise provided, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court only if the material elements are committed with intent and knowledge.

¹ The term „human non-persons” refers to the members of the human race who fail short of legal recognition of their personhood.

2. For the purposes of this article, a person has intent where:
 - (a) In relation to conduct, that person means to engage in the conduct;
 - (b) In relation to consequence, that person means to cause that consequence or is aware that it will occur in the ordinary course of events.
3. For the purposes of this article, 'knowledge' means awareness that circumstances exist or a consequence will occur in the ordinary course of events. 'Know' and 'knowingly' shall be construed accordingly.

As defined by Article 30, the mental element refers to "general intention". But, for the crime of genocide intention needs to be qualitatively different (Arnold, 2003). Like in the whole branch, *mens rea* of genocide refers to "culpability", which contains "intention" (which may occur as "direct intention"—*dolus directus*, or as "recklessness"—*dolus eventualis*), but not to "negligence" (*culpa*) (Pisani, 2004). The mental element of the crime of genocide essentially negates the right to a certain group to exist with their specific traits (Clark, 2009). For, genocidal intention as denial of that right, requires special intention or '*dolus specialis*' (*The Prosecutor v. Jean-Paul Akayesu* (Trial Chamber I, 1998)), due to the strong psychological bond between the act of the perpetrator and the perpetrator's purpose (Aydin, 2014). The International Criminal Tribunal for the former Yugoslavia [ICTY] clearly recognized *dolus directus* as qualitatively suitable intention to constitute genocide. In *The Prosecutor v. Radislav Krstic* (Trial Chamber, 2001b) the ICTY referred to "genocide which encompasses only acts committed with the *goal* of destroying all or part of a group". Destruction "must be the aim of the underlying crime." (*The Prosecutor v. Blagojevic and Jokic* (Trial Chamber I, 2004)). Therefore, the purpose (*to destroy, in whole or in part*) qualitatively determines genocidal intention. Suchlike purpose makes the crime of genocide to be the "most inhumane form of persecution" (*The Prosecutor v. Kupreskic et al.* (Appeals Chamber, 2001)) and distinguishes this crime from other atrocities from the scope of crimes against humanity (*Bosnia and Herzegovina v. Serbia and Montenegro*. (International Court of Justice, 1996)). "The specific intention, required as a constitutive element of the crime, demands that the perpetrator clearly seeks to produce the act charged." (*The Prosecutor v. Jean-Paul Akayesu* (Trial Chamber I, 1998)). After a comprehensive recapitulation of the case law of the ICTY, Wergin (2013) concludes that in order to infer the requisite intent the following elements need to be proven:

- (1) targeting a group of "substantial" quantitative or qualitative significance,
- (2) the existence of the targeted group as a distinct entity rather than an "accumulation of isolated individuals," and
- (3) that the only reasonable inference one can draw from the evidence is that the accused intended to commit genocide — that is, to destroy all or a part of the targeted ethnic group, as such.

If the formal reflection of suchlike designed "purpose-bound will" (Badar, 2005) could be detected within the legislation (including preparatory work), that would provide uncontested proof of ongoing genocide. This is, however, unlikely to happen. In order to overcome this practical obscurity and successfully prove genocidal intent, international tribunals used additional evidentiary instruments such as the general context of atrocities, the perpetration of other culpable acts systematically directed against the same group, the scale of atrocities committed, the systematic targeting of victims on account of their membership of a particular group, or the repetition of destructive and discriminatory acts (*The Prosecutor v. Vujadin Popovic Judgment* (Trial Chamber II 2010)). I am going to focus my attention further on two particular additional evidentiary instruments ("the scale of committed atrocities" and "discrimination") in order to detect their equivalents in abortion laws. It may appear to some that the extension of those elements to abortion laws would be a sort of a "slippery slope" argument. Namely, if we don't distinguish between the original idea and either logical either practical consequences of it, we cannot competently evaluate that idea (Warren, 2000). However, genuine motives of a legislator cannot escape genocidal context (*The Procureur c. Goran Jelusic* (Trial Chamber I, 1999) because an introduced legal text is not isolable from practical effects resulting from it. The application of these elements in the discussion has the purpose to detect equivalents of genocidal intent, not to morally evaluate abortion laws.

2.1 The scale of committed atrocities

As to the relevance of the scale of committed atrocities, it was recognized in the *Kayishema and Ruzindana*, case where the International Criminal Tribunal for Rwanda [ICTR] stated that “when the number of the killed Tutsi people is considered, it is obvious that the purpose was the destruction of the group” (*The Prosecutor v. Clément Kayishema and Obed Ruzindana* (Trial Chamber II, 1999)). Also the ICTY took into consideration the evidence of the actual destruction of the groups resulting from genocidal acts (*The Prosecutor v. Radoslav Brđjanin* (Appeals Chamber, 2007)). For, the quantitative parameter of the destroyed part of the group is the recognized criterion for the determination of genocidal intent. In this, quantitative sense, it is important to have a clear understanding of the meaning of the phrase “in whole or in part”. The ICTY established that it must be understood as “the destruction of a significant portion of the group from either a quantitative or qualitative standpoint.” (*The Procureur c. Goran Jelisic* (Trial Chamber I, 1999)).

The equivalent of this quantitative parameter could be found in effects resulting from the application of abortion legislations. Namely, abortion is the outcome of 90 % of pregnancies where an extra chromosome (Down syndrome) is detected (James, 2009). All late term pregnancy terminations in Belgrade and Banja Luka in the observed period were performed on the eugenic grounds (Klinika za ginekologiju i akušerstvo Beograd, 2013; Institut za javno zdravstvo Republike Srpske, 2015). The number of abortions done demonstrates that the legislation contains at least what is equivalent to intention (*mens rea*) to prevent births (*actus rea*) of the members of that specific group characterised with a specific physical attribute.

2.2 Kill ‘em all just in the case of...

The introduction of malformation as grounds for abortion opened highly sensitive controversies. Namely, what is typically left unsettled at the national scale is which level and type of malformation (medical or social) justify abortion; who determines it (doctors or parents); on which criteria (subjective or objective), and so forth. In regard to the level and type of malformation, according to the subsidiary definitions of the World Health Organization “[a] person is only likely to be regarded as seriously handicapped if they need the support described in the WHO Points 3 and 4” (Karpin & Savell, 2012). Point 3 refers to the need for a “helping [human] hand” and point 4 to “dependent performance”, which denotes the need for someone else to assist “most of the time”. It appears that WHO offers the most precise determinants of the required level of malformation. There is no doubt that abortion is allowed on these grounds if the child would be seriously handicapped as described above. But, there is a possibility that far lesser abnormality could be notably distressful for an expectant mother. In that case, abortion would be compliant with the Convention. In this line, Scott argues that other factors may be relevant to what “cautious” judgment should be: ...the probability of effective treatment, either *in utero* or after birth; the probable degree of self-awareness and of the ability to communicate with others; the suffering that would be experienced; the extent to which the actions essential for health that normal individuals perform unaided would have to be provided by others (Rosamund, 2005).

At the regional scale, the physical and mental condition of an unborn child is recognized as grounds for health-preserving abortion (Dakić, 2014). In *Boso v Italy* (European Court of Human Rights, 2002) the Court indicated the degree of fetal abnormality which justifies abortion under the Convention. It should be established that the child will be born with a condition of such gravity that it will endanger the woman’s physical or mental health (Biondi, 2013). In the Court’s view, the child’s condition presents an extension of its mother’s health. At a certain point this standing could assist national legislators to provide legal guidance to medical practitioners on the issue. It clarifies that a mere detection of fetal abnormality is not enough to provide grounds for abortion. Fetal abnormalities from which a child’s handicap of required gravity arises are detectable through neonatal testing or even through ultrasound scanning. Regional standards require that relevant national procedures guarantee to a pregnant woman the possibility to be heard in person and to have her views considered in regard to the physical condition of the unborn child. The competent body or person should also issue written grounds for its decision about abortion permissibility in that particular case (*Tysiqc v Poland*, (European Court of Human Rights, 2007). In other words, if the domestic law allows abortion in cases of fetal abnormality, there must be an adequate legal and procedural framework to guarantee that relevant, full, and reliable information on the fetus’ health is available to pregnant women (*R. R. v Poland* (European Court of Human Rights, 2011)).

Contrariwise, most of the Council of Europe Member States failed to define the degree of fetus abnormality for the purpose of abortion defences. This omission of national statutory places handling practitioners into a vulnerable situation since their professional judgment may be subject to civil actions (for wrongful life) or to criminal changes, where abortion is criminalized. The lack of the precise norm requires a medical practitioner to take the risk and make positive prognoses, which are not always reliable since some malformations are manifested only after birth, or to presume a substantial risk when a positive diagnosis is not possible. Certain jurisdiction suggests such a presumption (Rosamund, 2003), enabling medical practitioners to avoid civil actions and in some other cases it is possible to euthanize a new-born child on grounds of its post-birth detected disability (Verhagen & Sauer, 2005). Considering that there is no legal definition of a substantial risk or of a serious handicap, guidance of the Royal College of Obstetricians and Gynaecologists recommends that the assessment of the seriousness of fetal abnormality should be considered on a case-by-case basis, taking into account all clinical information available (Royal College of Obstetricians and Gynaecologists, 2010). This actually allows the operation of all criteria (medical or social; subjective or objective from the perspective of the handling doctors or parents) when deciding about pregnancy termination on the grounds of fetal abnormality.

Apparently, along with medical disability, law recognizes social disability as valid grounds for abortion. A legislation which falls short of precise criteria enables birth prevention based on the mere probability of fetal abnormality. As we have seen, the probability does not need to be objective; it could rely on a subjective (professional judgment) perception of a medical professional. A legal framework that enables extermination even of those who are potential members of the targeted group could be used as firm evidence of a broad collective genocidal campaign.

2.3 Discrimination

(...) the fact of deliberately and systematically targeting victims on account of their membership of a particular group, while excluding the members of other groups, can enable the Chamber to infer the genocidal intent of a particular act (*The Prosecutor v. Alfred Musema*, (Trial Chamber I, 2000)).

It should be emphasized that under national statutory regulations of most states, killing a fetus after a certain point of gestation constitutes the *actus reus* of criminal offense, however, at the same point in gestation, killing a fetus with an abnormality is allowed (Dakić, 2015). Accordingly, it should be first discussed if there is discrimination in the legislation that introduces malformation as an abortion defence. The crux dilemma herein is whether the prohibition against discrimination covers prenatal non-person humans.

The discussion if the guarantees of positive law refer to prenatal life can begin with an undisputable approach according to which “although fetuses lack legal personality, there are legal protections that require consideration.” (Whitfield, 1993). Scott argues that “contrary to what is often supposed, the law does in fact value the fetus and it is worth recalling the ways in which it does so without granting it legal rights.” (Rosamund, 2004). In general terms, current theoretical discourse attributes moral and legal worth to prenatal humans (Karnein, 2012). Strictly legally speaking, those humans are already recognized as patients. Another model to cover them with prohibition against discrimination could be vindicated by the logic of legal sources which provide actions for prenatal and genetic damages (Lafus, 2002). Namely, the conferred protection does not rest on legal nor moral worth of pre-persons. It is concerned with interests of a later person that is numerically related to its victimized pre-person predecessor. As to the eligibility of non-person humans concerning the victim status for the purpose of discrimination, McGuinness maintains that fetuses with a disability are afforded with a lower level of protection than they would otherwise be because of their “diagnosis” (McGuinness, 2013). According to her, “the ground can be seen as discriminatory and unjustifiable unless it can be shown why disability is a relevant feature that warrants differential treatment.” (McGuinness, 2013). Sheldon and Wilkinson maintain that “even if terminating particular disabled fetuses would benefit the parents, there is a good reason not to have an especially permissive regulation for such terminations, since this would amount to the endorsement of serious discrimination against people with disabilities.” (Sheldon & Wilkinson, 2001). If we accept the theory of personal identity, according to which we

have never been an early stage embryo or fetus (McMahan, 2005), operation of the malformation as abortion grounds is even more offensive to the disabled. This is due to the fact that most of the serve malformations are being detected at later stages of pregnancy, i.e. at the point in which a disabled person already began to exist. Either way, disabled persons are actually afforded with a narrower “right to life safe zone.” For them, “safe zone” begins from birth, not from some point in gestation like for able-bodied persons.

The normative reflections of theoretical considerations already occurred in the UK. Namely, under the UK Abortion Act (1967) abortion is allowed on the grounds of disability up to birth (section 1(1) (d)). In the light of the provisions of the Convention on the Rights of Persons with Disabilities (United Nations, 2006) and national Equality Act (2010), the Parliament of the UK set up a Commission to review this aspect of the national statutory. In July 2013 this Commission issued the document “Parliamentary Inquiry into Abortion on the Grounds of Disability” in which, given the changes in domestic and international law and societal attitudes, it recommended to the Parliament to review:

(...) the question of allowing abortion on the grounds of disability and in particular how the law applies to a fetus beyond the age of viability (currently 24 weeks). Parliament should consider at the very least the two main options for removing those elements which a majority of witnesses believe are discriminatory – that is either reducing the upper time limit for abortions on the grounds of disability from birth to make it equal to the upper limit for able bodied babies or repealing Section 1(1)(d) altogether (Commission of the British Parliament, 2013).

The concluding observations on the state report of the Committee on the Rights of Persons with Disabilities in which it recommended to Spain to “abolish the distinction made in the Act 2/2010 in the period allowed under law within which a pregnancy can be terminated based solely on disability,” (The Committee on the Rights of Persons with Disabilities, 2010), significantly contributed to the suchlike position of the Commission. In the inquiry, the Commission observed that the vast majority of those who gave evidence felt strongly that the provision of the Abortion Act (1967), that allows abortion up to birth on the grounds of a child’s disability, while not allowing a similar limit for babies without disability, is discrimination.

For, narrower protection that is conferred to the disabled due to their features results in direct discrimination against them. Even if the literal interpretation of the provisions of relevant international law texts does not cover disabled pre-persons, they cannot be ruled out from the protection that is afforded to disabled persons. It should be noted here that “direct discrimination” cannot be interpreted strictly. Protection against discrimination has a broad protective range within EU covering even people associated with the disabled (The Council of the European Union, 2000). Hervey and his colleagues considers that relevant EU case law (*Coleman v Attridge Law and Steve Law* (European Court of Justice, 2008)) introduced the concept of disability discrimination that is based on human dignity and autonomy (Hervey, Reeves, Rodgers, Riding & Roberts, 2008), which from their part, are the features that cannot be extracted from members of the human race as far as regional human rights case law is concerned (*Vo v. France* (European court of Human Rights, 2004). Whether they are persons or not, disabled or able-bodied, human beings have an equal (inherent) dignity status which situates them in an equal legal and moral status when the most fundamental rights are concerned. Accordingly, there appears to be a negative answer on the Asch’s dilemma: “Is it possible for the same society to espouse the goals of including people with disabilities as fully equal and participating members and simultaneously promoting the use of embryo selection and selective abortion to prevent the births of those who would live with disabilities?” (Asch, 2003). In this line, Morris and Saintier (2003) consider that “the law’s toleration of selective treatment and abortion reflects acceptance that a disabled life is an impaired life and in some cases likely to be so impaired as to make survival undesirable.”

As to the relation between the discriminative element and genocidal intention, it is necessary to recall that discrimination amounts to crux part of the crime of genocide. Relevant case law reveals this in an unambiguous way: “both persecution and genocide are crimes perpetrated against persons that belong to a particular group and who are targeted because of such belonging. In both categories, what matters is the intent of discrimination (...)” (*The Prosecutor v. Kupreskic et al.* (Appeals Chamber, 2001)). Elsewhere, it was stated that the scale and extent of discriminatory killing might indicate the intent to destroy a specific group (*The Prosecutor v. Jean-Paul Akayesu*

(Trial Chamber I, 1998)), Cryer sees a discriminatory purpose for the crime as intrinsic to the required special intent (Cryer, Friman, Robinson & Wilmshurst, 2010). Due to the inextricable interconnection between discrimination and genocide, Ambrus suggests that the concept of discrimination and the theoretical considerations of discrimination could be used when deliberating a dispute concerning the interpretation, application, or fulfilment of the Genocide Convention (Ambrus, 2012). In that line, she considers that neither subjective nor objective membership of the group is crucial for discrimination, but rather the causal link between the harm and the protected grounds (Ambrus, 2011).

Of course, the intent to destroy the group of the disabled which is evident through the actual reduction of the size of the group absorbs the intent to discriminate against them. For, referred legislations should not be qualified merely as discriminating but rather as genocidal. This conclusion sustains even if, as Scott maintains, the operation of fetal abnormality as grounds for abortion is compatible with Article 2 of the Convention (Rosamund, 2005). Perhaps the previous discussion enables us to better understand Article 10 of the Convention on the rights of Persons with Disabilities (United Nations, 2006):

States Parties reaffirm that every human being has the *inherent* right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

3 ACCOUNTABILITY

As to accountability, it should be borne in mind that “[t]he existence of a plan or policy is not a legal ingredient of the crime (...)” (*The Procureur c. Goran Jelisc* (Trial Chamber I, 1999) under the provisions of the Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide, (United Nations, 1948, hereinafter Genocide Convention). Consequently, the existence of a state plan or policy of genocide is not mandatory for the individual accountability (*The Prosecutor v. Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic* (Trial Chamber, 2001a)). Like for the crime of genocide, accountability is constructed on two levels.

3.1 The grounds for first level accountability

“[c]rimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced” (International Military Tribunal, 1946).

First level accountability refers to the creation and enforcement of legal tools that are intended to prevent births within the group of disabled. Accordingly, it could be attributed only to the government officials who acted in their official capacity and of their seniority as state officials. According to the case law, there is no clear-cut distinction between first level accountability and the responsibility of the state (*Bosnia and Herzegovina v. Serbia and Montenegro*. (International Court of Justice, 1996)). Therefore, first level accountability, although it refers to the individual blameworthy, could also increase the responsibility of the state for genocide (Gaeta, 2007). The responsibility of states concerned is laid down in Article 1 of the Genocide Convention (*Bosnia and Herzegovina v. Serbia and Montenegro*. (International Court of Justice, 1996)). The state may be held responsible not only if it commits genocide, but also if it fails to undertake all reasonable measures to prevent it (Gaeta, 2007).

3.2 The grounds for second level accountability

As to second level accountability, it arises from committing late(r) term abortions of disabled babies and it could be attributed to handling practitioners. When determining the degree and/or existence of blame, two sorts of intent could be defined. First, there is the so-called knowledge-based intent, which only requires that the perpetrator knows that his actions are contributing to a wider genocidal plan; the second sort is purpose-based intent, which requires the demonstration that the outcome of the genocidal scheme is anticipated and willed by the perpetrator (Fisher, 2014).

Some consider that in order to be held accountable for participation in genocide, the handling practitioner as a low-level perpetrator needs to merely have the knowledge of the genocidal context of his acts (Ambos, 2009). The genocidal context of the acts that were designed to prevent births within the group of the disabled which result in a drastic reduction of their number is undisputable. In regard to the relation between the contextual elements of the action and mental elements (*mens rea*) of the crime, Fisher stated that the former “can have a considerable effect” to the latter (Ambos, 1999). For, it appears that the knowledge requirement has been fulfilled. The lack of the desire to destroy does not exclude individual criminal responsibility for genocide altogether; “it merely excludes the categorization of the individual concerned as a principal perpetrator.” (Kreß, 2006). But, it could be disputable if the qualification of such serious offence could be relied solely on knowledge. The case law reveals that if the knowledge-based approach is fulfilled, and if the scale of committed atrocities satisfies the quantitative parameter, the knowledge suffices for the determination of genocidal intent of the individual perpetrator (Kreß, 2006). Also, there is an arising support for an extensive interpretation of genocidal intent, as it refers to *dolus eventualis* (Fletcher, 1998).

On the other hand, if special intent is obtained, the individual perpetrator indisputably can be held accountable for genocide. In this regard, Fisher suggests that in order to be held responsible as a second level perpetrator it must be demonstrated that medical practitioners intentionally committed actions “in furtherance of crimes they independently could not reasonably expect to achieve, for which the intention can be seen as reflective of societal attitudes, and for which they intended not only their own particular contribution but also the ultimate goal of the mass atrocity.” (Fisher, 2014). In the Blagojević and Brdjanin verdicts, the goal-oriented intention was required and the knowledge requirement was rejected as insufficient (*The Prosecutor v. Blagojevic and Jokic* (Trial Chamber I, 2004)). On the other hand, knowledge requirement is sufficient to convict someone of aiding and abetting genocide (*The Prosecutor v. Radislav Krstic* (Trial Chamber, 2001b)). Herein I should mention that the confusion between “complicity in genocide” and “aiding, and abetting” genocide is under academic critique. Greenfield stresses that complicity in genocide is a crime itself, which does not necessarily facilitate the commission of genocide (Greenfield, 2008). Unlike complicity in genocide, he maintains, aiding and abetting genocide has as its very purpose the facilitation of the commission of genocide. For, the crux difference between them is different *mens rea*. According to Greenfield, the former requires a lesser *mens rea*, what he calls “specific intent without attaching guilt” (Greenfield, 2008). On the other hand “aiding, and abetting genocide” implies the above described *dolus specialis*. As to the side effects of knowledge requirement, it could indirectly prove *dolus specialis*. Namely, if acts and conduct of a practitioner are carried out in accordance with an existing plan or policy to commit genocide; “such knowledge [of the plan] constitutes further evidence supporting an inference of intent.” (*The Prosecutor v. Vujadin Popovic Judgment* (Trial Chamber II, 2010)). For, even if the medical practitioner does not act with a desire to destroy the group of the disabled, he/she is accountable at least for aiding and abetting genocide. If the medical practitioner is short of the degree of specific intent, he/she could be held accountable for the crime of complicity in genocide due to their contribution in materialization of the commission of genocide (Greenfield, 2008). It is useful to note herein that the existence of a personal motive, such as economic benefits, does not exclude the existence of the perpetrator’s specific intent (*The Prosecutor v. Dusko Tadic* (Appeals Chamber, 2000)).

Perhaps medical personnel have no hierarchical capacity to effectively contribute to the ultimate destruction of the group, which could preclude them from first level accountability. But medical practitioners who participate in abortions demonstrate act-oriented will since they are not under the obligation to perform abortions if it contradicts their convictions, and they are neither under the pressure of their social environment to get engaged in that deed due to the negative attitudes toward population of disabled (Alderson, 2002). If they do not invoke conscientious objection that is recognized at the regional (Campbell, 2011) as well as at national level (Lazdane, 2005; Charo, 2007; Casas, 2009), it clearly demonstrates their will to participate in birth prevention. There can be no doubt about it. What could be discussed is only the level of personal blame. In this regard, the ethical distinction between “actions that pursue a particular objective and ones that are pursued despite the fact that the actor, who does not specifically will the consequences, knows that they will lead to the same ends” which is according to Fisher one of the arguments in favour of requirement for purpose-based intention (Fisher, 2014), exists only if the actor who did not will the consequences, but was only aware of them, acted under the any sort of pressure. No pressure, no difference.

4 CONCLUSION

Through this paper I have discussed the equivalents of genocidal intent in abortion laws that introduce malformation as grounds for pregnancy termination. Fetal malformations are common grounds for pregnancy terminations in Europe. However, the inquiry in this research is concerned with the equivalents of genocidal intent in legislations under which malformation is the absolute abortion defence. This means that abortion is allowed on the grounds of disability up to birth. Some of the reasons to focus on equivalents of genocidal intent instead of genocidal intent itself are listed as follows. On one hand, present day conditions arguably preclude a possibility for the repetition of WWII atrocities in their classic form; on the other hand, technological progress imposes new threats to humanity, and that requires efficient detection and timely legal response. Genocidal intent is a complex issue. As a mental element of the crime of genocide with highly demanding standards for it to be obtained, tribunals faced significant difficulties in proving it even in classic atrocities (where sophisticated medical methods were not used). In order to overcome this practical obscurity and efficiently prove genocidal intent, international tribunals used additional evidentiary instruments such as the general context of atrocities, the perpetration of other culpable acts systematically directed against the same group, the scale of atrocities committed, the systematic targeting of victims on account of their membership of a particular group, or the repetition of destructive and discriminatory acts. Accordingly, those additional evidentiary instruments are legitimately used for the detection of new threats that commenced the actualization.

The equivalents of genocidal intent in abortion laws were detected by means of “the scale of committed atrocities” and “discrimination”, which are additional evidentiary instruments. As to “the scale of committed atrocities” it was demonstrated that when applied to the practice of the Council of Europe Member States it reveals the equivalent to what was qualified as genocidal intent in case law concerning classical atrocities. Namely, unlike regional sources of law, the national statutory failed to define the degree of fetus abnormality needed to constitute defences for abortion. A direct consequence of such failure is legal recognition of a wide spectrum of medical disabilities as well as a social (subjective or objective) disability as valid grounds for abortion. This enables birth prevention based on the mere possibility of fetal abnormality. As a result of such legal framework, the group of the disabled was drastically reduced. About 90 % of pregnancies where malformation is detected are terminated.

As to “discrimination” there are undisputable differences in treating disabled pre-person humans as compared to able-bodied pre-persons in respect to their right to life. The main objection that discrimination does not refer to pre-persons cannot sustain because discrimination in question affects established persons and directly results in a reduction of the size of their group. Another model to interpret anti-discrimination provisions arises from the contemporary legal discourse which recognizes that a person is numerically related to their pre-person predecessor. Under this model disabled pre-persons cannot be isolated from the protection that is conferred to disabled persons for the purpose of genocide. Consequently, discrimination herein does not necessarily rest on the differences in treatment of able-bodied pre-persons as compared to disabled pre-persons. The claim for the discriminating nature of such laws is vindicated by the fact that addressed legal frameworks afford a narrower “right to life safe zone” to disabled persons. For persons with disabilities, “safe zone” concerned begins from birth, not from some point in gestation like for able-bodied persons. The discriminating nature of this abortion defence has been already referred to by some legislators in respect to their own laws. Whether they are persons or not, disabled or able-bodied, human beings have an equal (inherent) dignity status which situates them in an equal legal and moral status when the most fundamental rights are concerned. Apparently, this additional evidentiary instrument also elucidated the equivalent to what was qualified as genocidal intent in classic case law.

Like for the crime of genocide, accountability herein is constructed on two levels. As firm evidence of states’ plans or policies, referred laws could invoke the accountability of state officials who acted in their official capacity in the process of their introduction. First level accountability in this regard refers to the responsibility of the state either for commission or for omission. Second level accountability arises from committing the late(r) term abortions of disabled babies and it could be attributed to handling practitioners. When determining the degree and/or existence of blame, two sorts of intent could be found. First, there is the so-called knowledge-based intent, which only requires that the perpetrator knew that his actions were contributing to a wider

genocidal plan; the second sort is purpose-based intent, which requires the demonstration that the outcome of the genocidal scheme was anticipated and willed by the perpetrator.

As to knowledge-based intent, it appears to be satisfied when handling practitioners get engaged in acts that were designed to prevent births within the group of the disabled which result in a drastic reduction of their number. In this regard the case law revealed that if the knowledge-based approach is fulfilled, and if the scale of committed atrocities satisfies the quantitative parameter, the knowledge suffices for the determination of genocidal intent of the individual perpetrator. The knowledge-based intent was found sufficient in the case law to convict individual perpetrators for aiding and abetting genocide. If the medical practitioner is short of the degree of specific intent, he/she could be held accountable for the crime of complicity in genocide due to their contribution in the materialization of the commission of genocide.

As to the purpose-based intent, the individual accountability for genocide is not questionable when it occurs. Medical practitioners who participate in abortions demonstrate act-oriented will, since they are not under the obligation to perform abortions if it contradicts their convictions, nor are they under the pressure of the social environment to get engaged in that deed due to the negative attitudes toward population of the disabled. The conscientious objection could act as aggravating circumstance if it is not invoked. Because of all mentioned above, legislators are strongly advised to reconsider positions of their national laws in regard to the operation of malformations as an abortion defence, especially if that defence is conferred with absolute character.

REFERENCES

- Abortion Act.* (1967). The National Archives. Retrieved from <http://www.legislation.gov.uk/ukpga/1967/87/contents>
- Alderson, P. (2002). Prenatal counselling and images of disability. In D. Dickenson (Ed.), *Ethical issues in maternal-fetal medicine* (pp. 195–212). Cambridge: Cambridge University Press.
- Ambos, K. (1999). General principles of criminal law in the Rome Statute. *Criminal Law Forum*, 10, 1–32.
- Ambos, K. (2009). What does “Intent to destroy” in genocide mean? *International Review of the Red Cross*, 87(6), 833–858.
- Ambrus, M. (2011). *Enforcement mechanisms of the racial equality directive and minority protection*. Utrecht: Eleven International Publishing.
- Ambrus, M. (2012). Genocide and discrimination: lessons to be learnt from discrimination law. *Leiden Journal of International Law*, 25, 935–954.
- Appeals Chamber. (2000). *The Prosecutor v. Dusko Tadic (Judgment on Allegations of Contempt Against Prior Counsel, Milan Vajin)*, IT-94-I-A-R77, 2000, January 31. International Criminal Tribunal for the former Yugoslavia. Retrieved from <http://www.refworld.org/docid/40277bdc4.html>
- Appeals Chamber. (2001). *The Prosecutor v. Kupreskic et al. (Appeal Judgement)*, IT-95-16-A, 2001, October 23. International Criminal Tribunal for the former Yugoslavia. Retrieved from <http://www.refworld.org/docid/40276b7e7.html>
- Appeals Chamber. (2007). *The Prosecutor v. Radoslav Brdjanin (Appeal Judgement)*, IT-99-36-A, 2007, April 3. International Criminal Tribunal for the former Yugoslavia. Retrieved from <http://www.refworld.org/docid/48aae70a2.html>
- Arnold, R. (2003). The “Mens rea” of genocide under the Statute of the ICC. *Criminal Law Forum*, 14, 127–151.
- Asch, A. (2003). Disability equality and prenatal testing: Contradictory or compatible? *Florida State University Law Review*, 30(2), 315–342.
- Badar, M. (2005). Mens rea – Mistake of law & mistake of fact in German criminal law: A survey for international criminal tribunals. *International Criminal Law Review*, 5, 203–246.
- Biondi, S. (2013). Commentary: Access to medical-assisted reproduction and PGD in Italian Law: A deadly blow to an illiberal statute? *Medical Law Review*, 21, 474–486.
- campbell, m. (2011). conscientious objection and the council of europe: the right to conscientious objection in lawful medical care. *Medical Law Review*, 19, 467–475.
- Casas, L. (2009). Invoking conscientious objection in reproductive health care: Evolving issues in Peru, Mexico and Chile. *Reproductive Health Matters*, 17(34), 78–87.

- Trial Chamber I. (1998). *The Prosecutor v. Jean-Paul Akayesu (Trial Judgement)*. ICTR-96-4-T, International Criminal Tribunal for Rwanda (ICTR), 1998, September 2. Retrieved from <http://www.refworld.org/docid/40278fbb4.html>
- Charo, A. (2007). Health care provider refusals to treat, prescribe, refer or inform: Professionalism and conscience. *Advance*, 1, 119–137.
- Clark, R. (2009). Elements of crimes in early decisions of pre-trial chambers of the International Criminal Court. *New Zealand Yearbook of International Law*, 6, 208–238.
- Código Penal [Penal Code of Portugal]. (1995). *Decreto-Lei*, (48/95). Retrieved from http://www.pgdlisboa.pt/pgdl/leis/lei_mostra_articulado.php?tabela=leis&artigo_id=&nid=109&ficha=101&pagina=&nverso
- Commission of the British Parliament. (2013). *Parliamentary inquiry into abortion on the grounds of disability*. Retrieved from <http://cdn.thejournal.ie/media/2016/06/abortion-and-disability-report-17-7-13.pdf>
- Cryer, R., Friman, H., Robinson, D., & Wilmschurst, E. (2010). *An introduction to international criminal law and procedure*. Cambridge: Cambridge University Press.
- Dakić, D. (2014). Introduction into principles of unborn life protection under the European Convention on Human Rights. In D. Kolaric (Ed.), *The collection of the conference papers "Archibald Reis days 2014"* (pp. 343–352). Beograd: Kriminalisticko-policijska akademija.
- Dakić, D. (2015). Temporal dimension of reproductive choice and human rights issues. *Journal of Criminal Justice and Security*, 2, 152–166.
- Devrim, A. (2014). The interpretation intent under the genocide convention and the jurisprudence of international courts. *The Journal of Criminal Law*, 78, 423–441.
- Equality Act. (2010). The National Archives. Retrieved from <http://www.legislation.gov.uk/ukpga/2010/15/contents>
- European Court of Human Rights. (2002). *Boso v Italy*, Application No. 50490/99, 2002 September 5. Retrieved from <http://www.globalhealthrights.org/health-topics/health-care-and-health-services/boso-v-italy-2/>
- European court of Human Rights. (2004). *Vo v. France*. Application No. 17004/90, 2004, July 8. Retrieved from: http://www.pravo-medicina.sk/_files/Rozne/Vo%20vs.%20France%202004.pdf
- European Court of Human rights. (2007). *Tysiac v Poland*. Application No. 5410/0, 2007, March 20., Retrieved from <https://wcd.coe.int/ViewDoc.jsp?p=&id=1108539&Site=COE&direct=true>
- European Court of Human Rights. (2011). *R.R. v Poland*. Application No. 27617/04, 2011, May 26. Retrieved from http://www.womenslinkworldwide.org/observatorio/documentos/gjo_ECHR_R.R.v.Poland_en.pdf
- European Court of Justice. (2008). *Coleman v Attridge Law and Steve Law*. Case C-303/06, 2008, July 17. Retrieved from <http://www.equalrightstrust.org/ertdocumentbank/Coleman%20Case%20Summary.pdf>
- Fisher, K. (2014). Purpose-based or knowledge-based intention for collective wrongdoing in international criminal law? *International Journal of Law in Context*, 10(2), 163–176.
- Fletcher, G. (1998). *Basic concepts of criminal law*. New York: Oxford University Press.
- Gaeta, P. (2007). On what conditions can a state be held responsible for genocide? *The European Journal of International Law*, 18(4), 631–648.
- Government of the Netherlands. (2015). Late zwangerschapsafbreking en levensbeëindiging bij pasgeborenen [Late abortion and euthanasia in newborns]. Retrieved from <http://www.rijksoverheid.nl/onderwerpen/levenseinde-en-euthanasie/late-zwangerschapsafbreking-en-levensbeëindiging-bij-pasgeborenen>
- Greenfield, D. (2008). The crime of complicity in genocide: How the International Criminal Tribunals for Rwanda and Yugoslavia got it wrong, and why it matters. *The Journal of Criminal Law & Criminology*, 98(3) 921–952.
- Hervey, T., Reeves, M., Rodgers, H., Riding, B., & Roberts, T. (2008). Case C-303/06 Coleman v. Attridge Law and Steve Law Judgment of the ECJ 17 July 2008; Judgment of the Employment Tribunal, London. *Journal of Social Welfare & Family Law*, 31(3), 309–319.
- International Court of Justice. (1996). *Bosnia and Herzegovina v. Serbia and Montenegro*. Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Judgement of 11 July 1996. Retrieved from <http://www.icj-cij.org/docket/files/91/7349.pdf>
- International Military Tribunal. (1946). *Judgment of the International Military Tribunal for the Trial of German Major War Criminals, 1946, September 30 and October 1*. Retrieved from <http://avalon.law.yale.edu/imt/judgen.asp>

- Department of Health. (2013). *Implementation of the Protection of Life During Pregnancy Act 2013: Guidance document for health professionals*. Retrieved from <http://health.gov.ie/blog/publications/implementation-of-the-protection-of-life-during-pregnancy-act-2013-guidance-document-for-health-professionals/>
- James, S. D. (November 2, 2009). Down Syndrome births are down in the U.S. *ABC News* Retrieved from http://abcnews.go.com/Health/w_ParentingResource/down-syndromebirths-drop-us-women-abortion/story?id=8960803#.T9Ki_FKxpul
- Karnein, A. (2012). *A theory of unborn life: from abortion to genetic manipulation*. Oxford: Oxford University Press.
- Karpin, I., & Savell, L. (2012). *Perfecting pregnancy: Law, disability and future of reproduction*. New York: Cambridge University Press.
- Klinika za ginekologiju i akušerstvo, Beograd [National Front Obstetricians and Gynaecologists Clinic Belgrade]. (2013). *Odgovor na zahtjev za pristup informacijama*. [Information on request]. Beograd: Narodni front.
- Kreß, C. (2006). The crime of genocide under international law. *International Criminal Law Review*, 6, 619–629.
- Lag om abort [Abortion Act os Sweden]. (1974). *Svensk Författningssamling*, (595/74). Retrieved from <http://www.notisum.se/rnp/SLS/lag/19740595.htm>
- Lazdane, G. (2005). Abortion in Europe: Ten years after Cairo. *Entre Nous: The European Magazine for Sexual and Reproductive Health*, 59, 4–6.
- Library of Congress. (2015). *Abortion legislation in Europe*. Retrieved from <http://www.loc.gov/law/help/abortion-legislation/europe.php>
- Lov om svangerskapsavbrudd (abortloven) [Abortion Law of Norway]. (1975). Helse-og omsorgsdepartementet, LOV-1975-06-13-50. Retrieved from <https://lovdata.no/dokument/NL/lov/1975-06-13-50>
- McGuinness, S. (2013). Law, reproduction and disability: Fatally ‘handicapped’? *Medical Law Review*, 21, 215–242.
- McMahan, J. (2005). Causing disabled people to exist and causing people to be disabled. *Ethics*, 116(1), 77–99.
- Morris, A., & Saintier, S. (2003). To be or not to be: Is that the question? Wrongful life and misconceptions. *Medical Law Review*, 11, 167–193.
- Norme per la tutela sociale della maternita’ e sull’interruzione volontaria della gravidanza [Provisions on the Social Protection of Maternity and the Voluntary Interruption of Pregnancy of republic of Italy]. (1978). *Gazzetta Ufficiale della Repubblica Italiana*, (194/87). Retrieved from <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1978-05-22;194>.
- Pisani, N. (2004). The mental element in international crime. In F. Lattanzi & W. Schabas (Eds), *Essays on the Rome Statute of the International Criminal Court* (pp. 121–141). Ripa Fagnano Alto: Il Sirente.
- Rome Statute of the International Criminal Court*. (1998.) Rome: International Criminal Court. Retrieved from https://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/o/rome_statute_english.pdf
- Institut za javno zdravstvo Republike Srpske [Public Health Institute of the Republic of Srpska]. (2015). *Odgovor na zahtjev za pristup informacijama* [Information on request]. Banja Luka: Institut za javno zdravstvo.
- Rosamund, S. (2003). Prenatal Screening, Autonomy and Reasons: the Relationship between the Law of Abortion and Wrongful birth. *Medical Law Review*, 11(3), 265–325.
- Rosamund, S. (2004). The English fetus and the right to life. *European Journal of Health Law*, 11, 347–364.
- Rosamund, S. (2005). Interpreting the disability ground of the Abortion Act. *Cambridge Law Journal*, 64(2), 388–412.
- Royal College of Obstetricians and Gynaecologists. (2010). *Termination of pregnancy for fetal abnormality in England, Scotland and Wales*. Report of a Working Party. Retrieved from <https://www.rcog.org.uk/globalassets/documents/guidelines/terminationpregnancyreport18may2010.pdf>
- Saving Down Syndrome. (2011). *The case before International Criminal Court*. Retrieved from <http://www.savingdownsyndrome.org/action-so-far/#ICC>
- Sheldon, S., & Wilkinson, S. (2001). Termination of pregnancy for reason of fetal disability: Are there grounds for a special exception at law? *Medical Law Review*, 9(2), 85–109.
- Sundhedsloven [Health Act of Denmark]. (2014). *LBK, (1202)*. Retrieved from <https://www.retsinformation.dk/forms/ro710.aspx?id=152710#Kap25>

- The Committee on the Rights of Persons with Disabilities. (2010). *The concluding observations on the state report*. Retrieved from <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/Session6.aspx>
- The Council of the European Union. (2000). *Directive 2000/78/EC*. Retrieved from http://www.aedh.eu/plugins/fckeditor/userfiles/file/Discriminations%20et%20droits%20des%20minorit%C3%A9s/27_11_2000_Council_Directive_2000_78_EC.pdf
- Trail Chamber I. (1999). *The Procureur c. Goran Jelusic (Décision orale)*. IT-95-10-T, 1999, October 18. International Criminal Tribunal for the former Yugoslavia. Retrieved from <http://www.refworld.org/docid/48abd55co.html>
- Trail Chamber I. (2000). *The Prosecutor v. Alfred Musema (Judgement and Sentence)*, ICTR-96-13-T, 2000 January 27. International Criminal Tribunal for Rwanda (ICTR). Retrieved from <http://www.refworld.org/docid/48abd5791a.html>
- Trail Chamber I. (2005). *The Prosecutor v. Blagojevic and Jokic (Judgment on Motions for Acquittal pursuant to Rule 98 Bis)*. IT-02-60-T, 2004, April 5. International Criminal Tribunal for the former Yugoslavia. Retrieved from <http://www.refworld.org/docid/47fdfb302.html>
- Trial Chamber II. (1999). *The Prosecutor v. Clément Kayishema and Obed Ruzidana (Trial Judgement)*. ICTR-95-1-T, 1999, May 21. International Criminal Tribunal for Rwanda. Retrieved from <http://www.refworld.org/docid/48abd5760.html>
- Trial Chamber II. (2010). *The Prosecutor v. Vujadin Popovic (Judgment)*. IT-05-88-T, 10 June 2010, June 10. International Criminal Tribunal for the former Yugoslavia. Retrieved from <http://www.refworld.org/docid/4c1f69fe2.html>
- Trial Chamber. (2001a). *The Prosecutor v. Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic (Trial Judgment)*. IT-96-23-T & IT-96-23/1-T, 2001, February 22. International Criminal Tribunal for the former Yugoslavia. Retrieved from <http://www.refworld.org/docid/3ae6b7560.html>
- Trial Chamber. (2001b). *The Prosecutor v. Radislav Krstic (Trial Judgement)*. 2001, August 2. International Criminal Tribunal for the former Yugoslavia. Retrieved from <http://www.refworld.org/docid/414810d94.html>
- United Nations. (1948). *The Convention on the Prevention and Punishment of the Crime of Genocide*. Retrieved from <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CrimeOfGenocide.aspx>
- United Nations. (2005). *Report of the International Commission of Inquiry on Darfur to the Secretary General*. Pursuant to Security Council Resolution 1564, Annex to Letter of 31, S/2005/60. Retrieved from http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2005/60
- United Nations. (2006). *Convention on the Rights of Persons with Disabilities*. Retrieved from <http://www.un.org/disabilities/convention/signature.shtml>
- Verhagen, E., & Sauer, P. (2005). The Groningen protocol d euthanasia in severely ill newborns. *The New England Journal of Medicine*, 352, 959–962.
- Warren, M. (2000). *Reverence for life in moral status: Obligations to persons and other living things*. Oxford: Oxford University Press.
- Wergin, K. (2013). Problematic Precedents: The Conflicting Legacies in the Genocide Jurisprudence of the International Criminal Tribunal for the Former Yugoslavia. *Virginia Journal of International Law*, 54(2), 464–499.
- Whitfield, A. (1993). Common Law Duties to Unborn Children. *Medical Law Review*, 1, 28–52.

**DRUGS, CRIME
AND SOCIAL CONTROL**

THE DETERMINATION OF CAUSAL CONNECTION BETWEEN DRUGS ABUSE AND CRIMINAL ACTS COMMITMENT

Velimir Rakočević

ABSTRACT

Purpose:

The aim of this work is to determine the causes and effects between opiate abuses in the sense that the use within the reach of medicinal indications and the performance of various criminal deeds.

Methods:

The retrospective study comprises 630 male convicts and 15 female convicts that were in prison in Podgorica penitentiary and prison for women, organized units of State Penitentiary of Montenegro from January 2012 until the end of December during the same year. The data had been collected by application of the following criminological methods: a) the observing method of single cases of criminal behavior, b) clinical method, c) the analysis of the documents content, d) exploratory interview, e) analytical synthesis, f) criminological-statistical method.

Findings:

It has been determined that out of 630 male convicts 114 (18.09) examiners has consumed drugs before commitment of certain criminal act and that was not discovered nor in criminal charges nor during jail sentence. Out of total of 15 female convicts it has been determined that three female examiners (20 %) before committing criminal act have consumed drugs and that such an information does not exist in verdict and in the dossier of the convict. In this work is on the level of high statistically significance the casual relationship has been proven between opiates abuses and criminal deeds commitment.

Research Limitations:

I suggest future researchers to pay special attention to the conversation with prisoners, especially good preparation of the interview. Restrictions were related to documentation and too few insincere prisoners responses.

Originality:

This research provides a good basis for further research in the field of combating drug abuse.

Keywords: drug, criminality, abuse, addiction

1 INTRODUCTION

The opiates abuse represents in the modern world significant not only medicinal but also according to criminal law that is criminological problem. Multiple negative consequences from drug abuse reflect on the young people health. The drug consumption beyond measure is most often accompanied by physical and mental deterioration with fatal outcome. Risk factors of the drug abuses as negative multifactorial conditioned emergence contains individual and external factors. The objective of examining in this work is the connection between various forms of the criminality and drug abuses especially in the context of addiction which generates the process of criminalization of the personality. The emphasis in this work has been put on human behaviour under the influence of drugs which has the traits of criminal acts. Temporal determination of the research matter in the part that applies to amplitude and the dynamics of abuse of the opiates in Montenegro contains the period from the January 2012 until the end of the December of 2012.

The special determination of the research matter of the research in stricter sense contains the Montenegrin territory that is Penitentiary for criminal penalties, the Penitentiary of Podgorica and the Jail for Women of Podgorica. The aim of this research is the contribution to the illumination of the very complex problem of the drug abuse by the exploration of the causality between abuse of opiates and commitment of criminal acts and finding the answer for the key question in this field based on criminological cognition that stems from empirical research carried out.

2 METHODOLOGY

In this work we have used the method of examining the specific cases of criminal behaviour, clinical method, documentation analysis, explorative interview and the statistical method. The

method of special cases of criminal activity comprises each and every one of the convicts that was serving sentence and is used for examination of the personality of the convict, including all the aspects of personality development, that is the objective and subjective circumstances and conditions that have contributed to the criminal act commitment because of which he or she is in jail. By implementation of this method we have examined the criminological, sociological, psychiatric and psychological aspects of the personality. The clinical method in this research has been used in order to determine criminological diagnosis, that is the detecting the causal factors that acts upon every particular case of the criminal behaviour by different dynamics. The content analysis of the documents that is the dossiers of every convict contained the in-depth analysis of all the documents available (verdicts, personal lists etc.) that are objective, reliable and serviceable and is not limited to the variable types that could be measured or the context in which the contents have been created and presented. The exploratory interview has been used in order to acquire insight into referential frame of every convict regarding the summing up, connecting questions and reflection. The interview has been used by the author of this work by casual conversation with persons that were available regarding their presence in the time of drug consumption before the criminal act commitment by the convicts that are the research matter in order to check the assertion punctuality of the convicts. Analytical synthesis of the data collected has been used for examining the data gathered in their interactivity and the specific and the singular evaluation of each convict. The value and the meaning of this criminological survey has been verified in each segment by combined application of individual statistically method with statistical method of surveying criminality as a mass phenomenon. During the elaborateness we have used frequency and descriptive analysis. With all persons in jail they have many times been interrogated by the examiners team proposed by the author of this work who has many-years of experience in work with convicts and the team was made of people employed in the Department for the treatment- the psychologist, psychiatrist, a criminologist, penologic andragogue that from the scientific perspective and the occupation have examined every convict respectively.

The sample consists of all the convicts that are in period from January 2012 until the end of December 2012 were sentenced in Montenegrin Penitentiary that is in its main organizational unit of Penitentiary in Podgorica in which the sentence penalty has been served by female convicts according to law. The total of 630 male convicts have been elaborated and 15 female convicts which makes the sample of 645 convicts of both sexes.

Out of total number in jail 91 male convicts have served sentence due to crimes committed against life and the body. For crimes against property 207 persons were serving sentence that were the research matter. Nine persons that were sentenced due to criminal acts committed against the marriage and family. The object of criminological assessment were the 9 persons in jail due to criminal acts against system of payment and corporate business. The survey includes the total of 214 persons that were sentenced due to criminal deeds against people's health. Even 44 persons that were doing time have been examined due to criminal deeds public traffic security. The survey includes even 26 persons serving sentence due to criminal acts against public security, 5 persons due to criminal deeds committed against organs of the state, 7 due to criminal deeds against service duty, 3 persons due to criminal deeds against computer data security, 4 persons due to criminal acts against environment and space order, 4 persons due to committed crimes against general security of people and the property and 2 persons that were imprisoned due to criminal acts against freedom and rights of men and citizen.

The survey includes 15 female persons that were imprisoned in Female Penitentiary, organizational unit of the Montenegrin General Penitentiary. Out of total of 15 persons imprisoned two persons were examined that were imprisoned for committed criminal acts against life and the body, 6 persons that were imprisoned due to criminal acts committed against health, 5 persons that were imprisoned due to criminal acts against property, 5 people that were imprisoned due to criminal deeds against property and 2 persons that were imprisoned due to criminal acts against law traffic (Table 1).

Table 1: Criminal acts forms, the total number of convicts in Montenigrin penitentiary and recidivity

Criminal act forms	Male convicts	Female convicts	Returnees male	Returnees female
Criminal act against body and life	91	1	17	1
Criminal act against freedom of the man and citizen	1	-	-	-
Criminal acts against sexual freedom	9	-	-	-
Criminal acts against marriage and family	5	-	-	-
Criminal acts against property	207	5	85	1
Criminal acts against system of payments	9	-	1	-
Criminal acts against health	214	6	96	1
Criminal acts against environment and the space order	4	-	-	-
Criminal acts against general security of people and property	4	-	1	-
Criminal acts against public transport security	37	-	7	-
Criminal acts against computer data security	3	-	-	-
Criminal acts against organs of the state	5	-	-	-
Criminal acts against public order and peace	26	-	8	-
Criminal acts against law transport	4	1	-	-
Criminal acts against law transport	7	-	1	-
Criminal acts against humanity	3	-	-	-
Total	630	15	216	4

3 RESULTS

Out of total of 630 male convicts that are the subject of criminological studies it has been established that 161 (24.96 %) male convicts before committing criminal deed have consumed some of the drugs that are comprised in the Drug Catalogue and psychotropic substances according to positive national law acts and international standards. When the 29 convicts have been excluded from that group that were given the measure of security-compulsory medical treatment of drug users and 18 convicts that afterwards could not be checked the punctuality of the statement regarding drug consumption before criminal act commitment that is the total of 47 persons, the reliable and very important criminological fact has been discovered that 114 (18.09 %) male convicts have consumed the drug before the criminal act commitment and that was not revealed in criminal charges nor during the time in prison. Out of 15 female convicts that were the subject of the research it has been established that 3 female examiners (20 %) before commitment of the crime have had consumed the drug that is included in the Drug Catalogue and psychotropic substances, and that fact does not exist in the ancillary database.

For the reduced sample of 114 male examiners and 3 female examiners the criminalistic checking had been carried out in the sense of determination the punctuality of the statements expressed by the research team regarding drugs consumption before criminal act commitment. One of the compulsory questions that was according to the research project successively posed by all the members of the research team was "Have you before criminal act commitment due to which you are imprisoned consumed the drug alone or together with one or more other persons or in the presence one or more persons?" It is typical to point out that all had answered that it was together with one or more other persons or in the presence of one or more other persons. Hereby,

I remind that in this sample is not included 18 convicts that stated that they had consumed the drug alone or they haven't been willing to express the names of persons with whom they or in the presence of which have consumed the drug and 29 convicts that were sentenced to the measure of security the healing of the drug users is compulsory. To the question "Would the specified persons certify its presence during the drug consumption?" all the examiners replied positively. After the explanation that for the research needs it was necessary to interrogate the persons given, the convicts were asked to announce data about the persons given including the address and the telephone number. Keeping the track of the following information, and having in mind it is about the state with as little as 630 000 citizens on 13000 square kilometres it didn't posed the big strain to identify those persons. The author of the work has personally found the specific persons and with them after the explanation of the reason of the conversation and their assent along with the condition that their legal, factual, and physical data are not to be published which was utterly guaranteed, the author had made conversations on the places that those persons considered the most appropriate and in the presence of his co-authors and members of the research team have concluded the following data:

1. By checking regarding 114 male convicts it has been determined that in 91 (79.8 %) cases during the drug consumption were present or with the examiner were one more consumer. Out of that number in 88 cases it was all about the persons that are friends, comrades or relative of the examiners while in 3 cases during the consumption of drugs were present the acquaintances were present or have consumed the drug along with the examiner.
2. By checking regarding 3 female convicts in one case during the drug consumption the husband was present of the female examinee, while in two cases the friends of examinees were present.

According to the structure of the criminality the most is consisted of male drug users from the group of criminal acts against people health such as (n=47; 41.2 %) out of which dominate the perpetrators of criminal act-illegal production, possession and putting into market of opiates (n=33; 77.2 %). The criminal deeds perpetrators of enabling enjoyment of the opiates (n=11; 23.4 %) and perpetrators of criminal act of transmitting the contagious disease (n=3; 6.3 %).

The second by frequency are the perpetrators of criminal acts against property that are 27 people (23.6 %). In the structure of the perpetrators of property fraud the thefts done by (n=14; 51.8 %) prevails. On the second place are the perpetrators of criminal acts heavy theft the total of (n=5; 18.5 %), and the robbery perpetrators (n=4; 14.8 %) robbery including theft (n=2; 7.4 %), cheat (n= 1; 3.70 %) and extortion (n=1; 3.70 %).

In the third place by frequency are the perpetrators of the criminal acts against the life and body, the total of (n=18; 15.78 %) in the total number of persons which have been proven by the research to be consuming the drugs. In the structure of the criminal acts prevail the perpetrators of the criminal act of participation in the fight (n=5; 27.77 %) and the perpetrators of the criminal act by endangering with detrimental tools in fighting and quarrelling (n=4; 22.22 %), the perpetrators of criminal acts heavy murders follow (n=3,16,66 %) and perpetrators of criminal act of murder (n=2; 11.11 %), the murder at once (n=1; 5.55 %), heavy bodily injury (n=1; 5.55 %), the dangerous light bodily injury (n=1; 5.55 %) and careless deprivation of life (n=1; 5.55 %).

On the fourth place by frequency are the perpetrators of the criminal acts against public order among them (n=8; 7.01 %). In this group of the criminal acts perpetrators dominate the perpetrators of the criminal deeds of violent behaviour (n=5; 62.5 %) and criminal association (n=2; 25 %) and illegal possession of the arms or the explosives (n= 1; 12.5 %).

In the fifth place are the perpetrators of criminal deeds against public traffic security the total of (n=6; 5.26 %). In the structure of these criminal acts the majority is comprised of the perpetrators of criminal act of the endangering public traffic (n=5; 83.33 %) as well as (n=1; 16.6 %) perpetrators that committed criminal act of the endangering the traffic by dangerous weapons and dangerous material.

The sixth position is taken by the perpetrators of criminal acts against the marriage and family or more specific the criminal deeds violence in the family or in the family communion of which have been registered (n= 3; 2.63 %).

In the seventh place are the perpetrators of criminal acts against sexual freedom the total of (n=2; 1.75 %) and both of perpetrators have been registered due to criminal act of rape as well as the perpetrators of the criminal act against general security of people and property (n= 2; 1.75 %).

%). Out of this group of perpetrators 1 actor has committed the criminal act of causing general danger, while 1 perpetrator has committed the criminal act of destroying or damaging of public gadgets.

Even one perpetrator from the group of criminal acts has been registered against freedom and right of man and citizen that have committed the criminal act of rapture.

According to the structure of the criminality the most female consumers within the group of criminal acts against men's health (n= 2; 13.33%) examinees while one (6.66 %) of the examinees have committed the criminal act against the property (Table 2).

Table 2: Criminal acts perpetrators under the drug influence regarding criminal acts form

Criminal acts forms	The number of perpetrators-men	Number of perpetrators-female	Total
Criminal acts against health of the people	47 (41.22%)	1 (13.33%)	49
Criminal acts against property	27 (23.68%)	1 (6.66%)	28
Criminal acts against body and life	18 (15.78%)	-	18
Criminal act against public order and peace	8 (7.01%)	-	8
Criminal acts against public transport security	6 (5.26%)	-	6
Criminal acts against marriage and the family	3 (1.63%)	-	3
Criminal acts against sexual freedom	1 (1.75%)	-	1
Criminal acts against general security of the people	2 (1.75%)	-	2
Criminal acts against general security of people and the property	1 (0.87%),	-	1
The total number of perpetrators under the influence of drugs	114	3	117

Regarding the drug type it has been registered the majority of male perpetrators under the influence of heroin such as (n=32; 28 %). Out of this number 19 convicts have committed criminal deeds against the health of the people out of which 15 examinees conducted the criminal act of illegal production, possession and putting into market of the opiates and 4 examinees that committed criminal acts of enabling the drug consumption. Then it follows that 8 convicts that after the drug consumption committed property frauds out of which 3 perpetrators heavy thefts, 2 banditry, 2 robbery theft and one perpetrator have committed theft. One convict has under the influence of drug committed criminal act heavy murder, as well as one person that committed criminal act of aggressive behaviour, 1 sentenced person has committed the crime of public traffic endangerment, one convict has committed the criminal act of violence in the family and one convict has committed the criminal act of causing the general danger.

Under the influence of opiate known as amphetamine (n=18; 15.7 %) convicts have committed criminal acts. Out of that number 6 convicts have committed some of criminal acts against the property, 5 convicts have committed some of the criminal acts against life and the body, 2 convicts have committed criminal deeds against security of public transport, 2 convicts have committed criminal acts against the security of public transport, 2 convicts have committed criminal acts against the security of public order, one against the security of public transport, one against the marriage and family, one against sexual freedom, one against general security of the people and the property and one against freedom and right of the man and the citizen.

Under the influence of the opiate known as LSD 14.9 % (n= 17) of the convicts have committed various criminal acts. The majority is within the group of criminal acts against life and the body (n=6), as well as against people's health (n=6), 3 perpetrators of the criminal acts against people's

health follow and 1 convict have committed the criminal act against public order and peace.

Under the influence of the opiate known as ecstasy (n= 15; 13.1 %) of perpetrators have committed various criminal acts. Criminal acts against the life and the body have been committed by 4 perpetrators while 4 perpetrators have committed criminal acts against the property. The criminal acts against the people's health have been committed by 2 perpetrators. Criminal acts against public order and peace have been committed by 2 perpetrators as well as 1 perpetrator that have committed criminal act against the public transport security. The criminal act against sexual freedom have been committed by one perpetrator.

Under the influence of the opiate known as cannabis (n=2; 1.7 %) criminal acts have been committed against people's security. It is interesting to emphasize that all the convicts that have committed criminal acts under the influence of certain kind of drug in the previous period have many times consumed marijuana but during the research it has not been determined that any of the convicts have committed criminal act under the influence of marijuana.

Regarding the female convicts, the research has determined that all of them (n=3; 20 %) convicts before commitment of the crime have consumed the heroin, which has been determined afterwards. Furthermore, it has been determined that in the first phase of drug-addict experience all the three have consumed marijuana (Table 3).

Table 3: Perpetrators under the drug influence regarding drug type

Drug type	heroin	cocaine	amphetamine	LSD	MDMA ecstasy	cannabis	Total
Male perpetrators- number	32 (28 %)	30 (26.3 %)	18 (15.7 %)	17 (14.9 %)	15 (13.1 %)	2 (1.7 %)	114
Female perpetrators number	3 (20 %)	-	-	-	-	-	117

It is important to emphasize that the survey has determined that the criminal acts have been caused most often by increasing the usual narcotics dose. So, out of 114 male convicts (n=86; 75.4 %) have declared that the criminal acts during the enormous increase of the usual dose, while (n=28; 24.5 %) have declared that they have committed criminal acts under the usual drug dose.

It is important to put the emphasis on the fact that all the examinees of both sexes as the reason for the criminal act commitment due to which they are imprisoned stated the drug abuse.

In the research part regarding the opiates consumption by the family members of the examinees it has been determined that:

1. The drug heroin has been consumed by (n=7; 21.8 %) persons that are relatives or fathers of the examinees, (n=4; 12.5 %) persons that are cognates as mothers of the examinees, that is the total of (n=11; 34.3 %) of relatives in the real line. This drug has been consumed by 9 persons that are in the first line of kinship of lateral line of the examinees out of which (n=6; 18.7 %) are the brothers of the examinees and (n=3; 9.3 %) are the sisters of the examinees. Regarding the three female convicts the survey has determined that one family member (the brother of one female convict) has consumed the heroin.
2. The opiate known as cocaine has been consumed by (n=5; 16.6 %) persons who are examinees' fathers, and (n=1; 3.3 %) is the mother of the examinee, and (n=4; 13.3 %) persons of examinees' brothers and (n=1; 3.3 %) person is the sister of the examinee.
3. The opiate known as amphetamine has been consumed by (n=3; 16.6 %) persons of examinees' fathers as well as (n=4; 22.2 %) persons the brothers of the examinees.
4. The opiate known as LSD has been consumed by (n=2; 11.7 %) of which one person is the father of the examinee and one person the sister of the examinee.
5. The opiate known as ecstasy has been consumed by 3 persons –the examinees fathers and one person the brother of the examinee.
6. The opiate known as cannabis has been consumed in both cases the brothers of the examinees

Having in mind the fact that 40.3 % of family members of the examinees-mainly male and 33.3 % family members are female consumed the drugs it explicitly leads to the conclusion that the

drug-addiction of family members of the given persons presents the significant criminological factor (Table 4).

Table 4: Family members of the examinees – the drug users

Drug type	The number of family members of the male examinees												
	father		mother		brother		sister		Other relatives		Total		
heroin	7	21.8 %	4	12.5 %	6	18.7 %	3	9.37 %	/	/	20	62.3 %	
cocaine	5	16.6 %	1	3.3 %	4	13.3 %	1	3.3 %	/	/	11	36.6 %	
amphetamine	3	16.6 %	/	/	4	22.1 %	/	/	/	/	7	38.8 %	
LSD	1	5.8 %	/	/	/	/	1	5.8 %	/	/	2	11.7 %	
ecstasy	3	20 %	/	/	1	6.6 %	/	/	/	/	4	26.6 %	
cannabis	/	/	/	/	2	100 %	/	/	/	/	2	100 %	
Total	19	16.6 %	5	4.3 %	17	14.9 %	5	4.3 %			46	40.3 %	
Drug Type	The number of the female examinees family members												
heroin			1			33.3 %						1	33.3 %

In the research part regarding the previous sentencing of the family members that were convicted after their statements and checking through various punishment record the following results were found:

1. Out of 32 sentenced persons that before the criminal act commitment have consumed heroin in (n=14; 43.7 %) cases someone of the family members was previously sentenced such as in (n=6; 18.7 %) cases the father (n=2; 6.2 %) castes the mother, and five (15; 6 %) cases the brother and in one case (3; 1 %) the sister of the convict.
2. Out of 30 convicts who have consumed the opiate-cocaine in (n=9; 30 %) cases have been determined that someone of the family members have been previously sentenced for criminal acts. In (n=2; 6.6 %) cases those were the fathers of the examinees and in (n=6; 20 %) cases the brothers of the examinees while in 1 case it was about the examinee spouse.
3. Out of 18 convicts that have consumed the opiate amphetamine in (n=5; 27.7 %) cases have been determined that the family members have been previously sentenced as in (n=2; 11.1 %) cases the fathers of the convicts and in (n=4; 22.2 %) cases the brothers of the convicts.
4. Of 17 convicts that have consumed the opiate known as LSD no single case of inner family members being previously sentenced has been proven.
5. Of 15 consumers of the opiate known as ecstasy in (n=3; 20 %) cases have been determined that the brothers of the convicts have been previously sentenced for criminal acts.
6. Regarding 1 examinee-cannabis consumer it has not been proven that the family members have been previously convicted for criminal acts.

In relation to female convicts it has not been determined that someone of the family members have been previously sentenced.

All the same, having in mind that of 114 male examinees (n=30; 26.3 %) of family members have been previously convicted that poses the very significant criminological factor. (Table 5).

Table 5: The previous imprisonment of the family members of male examinees

Drug type	Family members of the examinees										Total	
	Father		Mother		brother		sister		spouse			
herion	6	18.7 %	2	6.25 %	5	15.2 %	1	3.12 %	/	/	14	43.7 %
cocaine	1	6.6 %	/	/	6	20 %	/	/	1	3.3 %	8	26.6 %
amphetamine	1	5.5 %	/	/	4	22.2 %	/	/	/	/	5	27.7 %
LSD	/	/	/	/	/	/	/	/	/	/	/	/
ecstasy	/	/	/	/	3	20 %	/	/	/	/	3	20 %
cannabis	/	/	/	/	/	/	/	/	/	/	/	/
total	8	7.0 %	2	1.75 %	18	15.7 %	1	0.8 %	1	0.8 %	30	26.3 %

In the research part regarding the recidivism of the examinees it has been determined that (n=68; 59.64 %) of male convicts were penologic returnees, which presents the important criminological factor as well. Regarding calendar stature in which the drug have been consumed by the convicts, the survey has shown that the most of the convicts aged from 18 to 24 have consumed the drug such as (n=84; 73 %) of the examinees including female persons. In the lifetime part from 15 to 18 years the drugs have been consumed by (n=5; 4.3%) examinees while (n=25; 21.7 %) of the examinees have consumed drugs for the first time after the age of 24. One convict has consumed the drug for the first time in the age of 13.

4 DISCUSSION

Criminal acts from the drug abuse field presents the complex form of criminal expression that is characterized by professionalism, the organized approach to the misdemeanour commitment, large number had absolute increase of criminal acts. When it comes to eradication of drug abuse extenuating circumstances are especially their ambivalent character, which is, on the one hand, reflected in the necessity of appliance in medical and the other purposes, but also the phenomenon of the addiction due to uncontrollable use of drugs (Syöqvist & Tottie, 1969). The consequence of this controversy reflects in that it has never been insisted on absolute ban of drugs production and commerce. Starting from the fact that the production and commerce out of law –determined reasons forbidden, the great number of the drug users is coerced to obtain the drug illegally. The doctrine approach must be necessarily used when revealing, eradicating and preventing drugs abuse along with optimal implementation contemporary achievements in this field which can bring about positive results in the sense of the decrease the number of addicts and lessening of illegal drugs availability on the market (Rakočević, 2003).

One of the tasks in this research is to shed light on criminal development which is preceded by antisocial behaviour which in the first phase does not have the criminal act traits. The drug in the beginning of the addiction prevents the normal development of the personality and does not allow the user to actualize itself as socially useful personality who gives everything of the possessions for drugs obtaining. From the personal practice in the work with the drug addicts, I had the opportunity more than dozen times to see that those persons transform themselves into persons incapable of work, remaining in that way without means for survival while at the same time the family connections are being broken. Now we reach the term in criminology known as drug addicts' subculture which members cannot integrate into society and based on this survey it is obvious to see they perform criminal acts in order to provide means for certain drug (Verheul, van den Brink & Hartgers, 1995). I had the opportunity to make sure of the fact that criminality against property very frequently present regarding the criminal acts of the drug users that starts in the family circle and the nearby environment to enlarge the drug users targets (all this I witnessed working on the jobs of criminality eradicating). That is especially dangerous in the state of abstinence syndrome during the commitment of heavy offences against criminality such as banditry ending by death outcome (Radulović, 1998).

The aggressive behaviours are most frequently under the influence of synthetic psychostimulators (Radulović, Hošek, Momirović & Radovanović, 1998). One of the way of

obtaining the drug is intrusion into the pharmacy (Gable, 2004). That enables the drug user not to be dependant any more on illegal drug market in great measure. There are two different models of delinquency (Brooner, Schmidt & Herbst, 1994). The first one is so called "general model" characterized by thefts in the house the disturbing derangement and thefts in stores, and is connected with any kind of polythoxicomany, while the second one is "independent professional model" based on the burglaries and violence and is pretty much connected with heroin addiction and occasional cocaine use (Khantzian & Treece, 1993). The research of influence of the socio-psychological variables on various types of criminal behaviour proves about four established types of criminal behaviour of which two categories are characterized by drug addicts wrongdoers (Chen, Tsai, Su, Yang, Tsai & Hwu, 1999). One is comprised of drug users the thieves and the other one the drug users invaders (Frosch & Milkman, 1993).

When it comes to organized criminality from the field of opiates abuse it has been determined that the organizers and financiers of illegal drug commerce as well as large-scale importers and distributors are not themselves the addicts (Woody, 1993). Street drug dealers are mostly drug addicts. The biggest number of criminal acts from the drug abuse field in Montenegro has the trait of international organized criminality which is affirmed by criminological research and the processed cases of which in more than 90 % of the subjects determines that in the criminal act commitment have taken part more than two persons of which the each member had the beforehand determined role in commitment of the criminal acts in order to gain acquisition or power as well as the fact that those persons were internationally connected

5 CONCLUSION

In this research has been undoubtedly proven that the drug abuse in the sense of intended and excessive drug use out of therapeutic indications and criminality are connected indissolubly. It has been determined that interconnection exists on the aetiology level having in mind the fact that drug abuse as risk factor causes criminal acts commitment – criminogenesis of the personality under the influence of drugs. What is more, criminological importance of the special drug types has been proven. It has been proven that the drug itself or in cooperation with other factors causes special forms of criminal expression which was not the case in the explorations. That applies to those examinees who in themselves carry the predisposition for criminal behaviour and drug abuse appears as provocative factor that generates criminal tendencies. More precisely, all the examinees that carried in themselves the criminal predispositions under the influence of the drugs have very explicitly shown criminal behaviour. In the survey, it has been proven that among other risk factors, drug consumption by other family members expresses itself along with commitment of criminal acts by family members which has as the effect the accelerating factor.

According to the results of this research the duty of concretization of the causality in criminal charges appears, which in many cases is missing, for it is most frequently established only the objective causal relation. Therefore, it was necessary in all such cases to apply the functional model of the causality in criminal law. In this work it has been suggested that security measure such as compulsory drug addicts healing must be more individualized in order to fulfil individual and public interest. From this research we can conclude that intolerable small number have been given this measure although the criminal acts have been committed under the drug's influence. Therefore, it is necessary to more studiously analyse important criminological and legal questions regarding the given security measure enactment – the conditions for implementation of which is most important addiction, causality between criminal act and drug addiction, the duration of the measure and determination of the execution type.

REFERENCES

- Brooner, R. K., Schmidt, C. W., & Herbst, J. H. (1994). Personality trait characteristics of opioid abusers with and without comorbid personality disorders. In P. T. Costa & T. A. Widiger (Eds.), *Personality disorders and the Five-Factor Model of personality* (pp. 131-148). Washington, DC: American Psychological Association.
- Chen, C., Tsai, S., Su, L., Yang, T., Tsai, C., & Hwu, H. (1999). Psychiatric co-morbidity among male heroin addicts: differences between hospital and incarcerated subjects in Taiwan. *Addiction*, 94(6), 825-832.

- Frosch, W. A. , & Milkman, H. (1977). Ego functions in drug users. In J. D. Blaine & D. A. Julius (Eds.), *Psychodynamics of drug dependence: National institute on drug abuse research monograph 12* (pp. 142–156). Washington: Government Printing Office.
- Gable, R. S. (2004). Acute toxic effects of club drugs. *Journal of Psychoactive Drugs*, 36(3), 303–313.
- Khantzian, E. J. , & Treece, C. J. (1977). Psychodynamics of drug dependence: An overview. In J. D. Blaine & Julius D. A. (Eds.), *Psychodynamics of drug dependence* (pp. 11–25). Washington: Government Printing Office.
- Radulović, D. (1998). *Criminal act illegal possession, production and putting into commerce of the opiates*. Podgorica: BD GRAF.
- Radulović, D. , Hošek, A. , Momirović, K. , & Radovanović D. (1998). *The impact of sociological and psychological factors on various criminal behavior type*. Belgrade: The Institute for psychology, The Faculty of Philosophy.
- Rakočević, L. (2003). *The Detection and eradication of drug abuse*. Podgorica: UKKP.
- Syöqvist, F. , & Tottie, M. (1969). *Abuse of central stimulants*. Stockholm: Almqvist and Wiksell.
- Verheul, R. , van den Brink, W. , & Hartgers, C. (1995). Prevalence of psychopathy disorders among alcoholics and drug addicts: An overview in substance abusers. *British journal of addiction*, 87, 179–187.
- Woody, G. E. (1993). Psychiatric aspect of opiate dependence: Diagnostic and therapeutic research issues. In J. D. Blaine & D. A. Julius (Eds.), *Psychodynamics of drug dependence* (pp. 78–157). Washington: NIDA.

DRUG POLICY FOR ILLEGAL NON-COMMERCIAL ACTIVITIES WITH NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES AND HUMAN RIGHTS: PRINCIPLES OF INDIVIDUAL AUTONOMY AND THE RIGHT TO PRIVACY

Edita Gruodytė

ABSTRACT

Purpose:

This paper examines if a state policy prohibiting consumption of illegal narcotic drugs and psychotropic substances and related activities – acquisition and/or storage of illegal drugs for consumption aims could be evaluated as infringing the human rights such as the principle of autonomy and privacy right in accordance with the European Convention of Human Rights (Council of Europe, 1950), the practice of the European Court of Human Rights, national constitution and jurisprudence of constitutional court and scientific literature.

Methods:

For the purpose of problem analysis several methods were used, such as review, analysis and interpretation of scientific literature and legal acts (both national and international), comparative method of cases studies (national and European Court of Human Rights).

Findings:

After evaluating restrictions to the principles of autonomy and privacy such as the rule of law and especially necessity in a democratic society tests it was concluded that State is empowered to prohibit illegal non-commercial activities with drugs. This is grounded by protection of individual and public health arguments. State policy is in accordance with principles of autonomy and privacy right in case the principle of proportionality is not infringed. In our case – the most appropriate means for illegal consumption, acquisition and storage of psychoactive substances for personal consumption – harm reduction policy.

Research limitations:

The research question does not cover issues related to drug trafficking and its implication on human rights violation

Originality:

Evaluating soundness of drug policy from human rights perspective is new both from national and international level. Only some opinions of experts on the matter could be found at the moment but no scientific thought developed on the matter yet.

Keywords: drug policy; human rights, international treaties, EU drug policy

I INTRODUCTION

Illegal non-medical usage of narcotic drugs and psychotropic substances (hereinafter in the text drugs; psychoactive substances, or narcotic drugs and psychotropic substances are used as synonyms) has been prohibited by international drug control treaties (United Nations, 1961, 1971, 1988) for half of a century because of unacceptable risks of drug users. Drug usage and related offenses is one of the biggest problems in the world. For example, *“the global number of cannabis users was estimated at 125-203 million people (2.8-4.5 % of the global population aged 15-64 years in 2009 (...) worldwide 11-21 million people injected drugs in 2007 (...) in 2009 UNODC estimated that there were 15-39 million problem drug users globally.”* (Degenhardt & Hall, 2012: 56). Internationally, and in Europe, there is currently considerable public and political debate on the costs and benefits of different cannabis policy options (European Monitoring Centre for Drugs and Drug Addiction, 2016).

Analysis of the drugs policy advocacy community in Europe revealed that there is some *“level of convergence among the policy community in terms of the proportion advocating for a public health and harm reduction ethos in service provision, and a more liberal drug regulatory system”* (Gorman, Quigley, Zobel & Moore, 2014: 1007). *“Given the different cultural, political, socio-economic and organisational contexts in which drug policy operates there is no single, perfect, model of policy governance. What is “good” will vary over time and place and needs to be accessed accordingly”* (Singleton & Rubin, 2014: 940).

Taking into account the fact that Human Rights Watch and various experts express opinion that usage of drugs *“is a matter of personal choice protected by the right to privacy (...) and individual*

autonomy” (Commissioner for Human Rights, 2015: 6) the fact that aspects of human rights are given fundamental treatment in a democratic society and this issue is one of the most explored in each society the main aspects analysed in the article- evaluation of drug policy for illegal non-commercial activities (such as consumption, acquisition and storage for personal use) with drugs in the light of the principles of autonomy and privacy right.

“*The trend towards decriminalization of possession for personal use is a clear example that abstaining from punishment may well be the most appropriate outcome of a proportionality check of drug laws and sentencing practices for certain drug related activities*” (Lai, 2012: 2) which is one of the aspects which will be explored in revealing contents of the privacy right and it's limits.

The author of the article aims to evaluate if criminal policy evaluating human rights principles of individual autonomy and the right to privacy would be the most appropriate one regarding drug policy for non- commercial activities with psychoactive substances evaluating the fact “*that rights and freedoms of individual may be limited only to the extent that is appropriate and necessary for achieving a legitimate goal*” (Lai, 2012: 1).

2 PRINCIPLES OF PRIVACY AND AUTONOMY

Existence of individuals in a democratic society is substantiated by the principle of human rights and freedoms creating basis of constitutional system in a democratic state (Arlauskas & Petrėnaitė, 2013). In accordance with contemporary philosophical understanding individual freedom is one of the inherent (innate) features of individual, his way of existence in the world (Arlauskas & Petrėnaitė, 2013), consisting of positive and negative aspects of freedom evaluating principle of individual freedom in relation with the state. Negative aspect of the doctrine requires respect from state to the individual freedom, including such rights as privacy right, freedom of expression and etc. , which could either cover individual decision to use narcotic drugs and psychotropic substances or not.

Principle of autonomy in law grounding the principle of freedom¹ (Online Etymology Dictionary, 2001) is defined as individual right to freedom and inviolability (Arlauskas & Petrėnaitė, 2013). It allows treatment of each individual as bearing responsibility for his own behavior, having capacity and sufficient free will in making meaningful choices (Ashworth & Horder, 2013) (example, to use some drugs or not) and as entirety of rights of single individual through which the moral uniqueness of this individual is realized (Mozuraitis, 2011). The autonomy is used as one of the grounding principles looking for autonomy from State or third parties interference: example, as autonomy of higher education and academic autonomy, from which the principle of academic freedom is derived (Kūris, 2002) as principle of parties' autonomy in civil procedure (Nekrošius, 2012: 1105), as patient autonomy in medicine law (Šimonis, 2006) and etc. Non-commercial activities with drugs could be treated as possible expression of individual autonomy either.

The term “privacy” etymologically could be explained as the individual right to be protected from publicity and state as derives from Latin word “private” and is defined as “*pertaining or belonging to oneself, not shared, individual; not open to the public; not open to the public; set apart, belonging to oneself (not to the state), peculiar, personal, used in contrast to publicus, communis*” (Online Etymology Dictionary, 2001). It covers “*the right to privacy, the right to live, as far as one wishes, protected from publicity*” (Banisan & Davies, 1990: 8) including ones choice to use some illegal drugs or not and is closely related with the principle of autonomy.

Privacy right as a constitutional principle is associated with the second part of the twentieth century (Birmontienė et al., 2002) and is recognized as one of fundamental human rights established in international documents; such as European Convention of Human Rights (Council of Europe, 1950) and Universal Declaration of Human Rights (United Nations (1948) underpinning human dignity and other key values (Banisan & Davies, 1990). However, there is no one clear and universal definition of the principle as “*privacy is perhaps the most difficult to define and circumscribe (...) privacy protection is frequently seen as a way of drawing the line at how far society can intrude into a person's affairs*” (Banisan & Davies, 1990: 6). Article 8 of European Convention of Human Rights (Council of Europe, 1950) and article 12 of Universal Declaration of Human Rights

¹ The word originates from two words of Greek origin „auto“-self, „nomos“ – custom law, which means creating laws by oneself, i.e. acting by one own discretion/freedom of action.

(United Nations, 1948) *inter alia* provides that everyone has the right to respect for his private and family life, his home and his correspondence" (Council of Europe, 1950). The European Court of Human Rights [ECHR] evaluating the limits of privacy from various angles in its' case law already established that it covers such aspects as information privacy, bodily privacy, privacy of communications and territorial privacy (Banisan & Davies, 1990). Example in the case *Ternovsky v. Hungary* (ECHR, 2010) the ECHR explained that "*Private life*" is a broad term encompassing, *inter alia*, aspects of an individual's physical and social identity including the right to personal autonomy, personal development and to establish and develop relationships with other human beings and the outside world" (ECHR, 2010: 22) i.e. the list of possible aspects of private life is not exhaustive.

Privacy right is either established in constitutional provisions of states- example art. 22 of the Constitution of the Republic of Lithuania protects all forms of communication, unjustified collection of information as the forms of private life (Lietuvos Respublikos Konstitucija, [Constitution of the Republic of Lithuania], 1992). Constitutional jurisprudence does not provide the final content of this right either. Example in one decision the court stated that "*the private life of an individual is the personal life of an individual, i.e. the way of life, marital status, living surroundings, relations with other persons, the views, convictions, habits of the individual, his physical and psychological state, his health, honour, dignity etc.*" (Lietuvos Respublikos Konstitucinis teismas [Constitutional Court of the Republic of Lithuania; hereinafter Constitutional court], 2002).

Hereby principle of autonomy and privacy principle could be identified as two aspects of human freedom. Decision of an individual to use or try some drugs could be treated as some expression of the principle of autonomy covered by the privacy right, i.e. the right to choose ones behaviour, to decide how to treat ones' body or health. "*User of drugs does not commit any offence as factually there is no victim of crime – an individual by his own free will damages his health and a human being is free what to make with his own body*" (Lankauskas, 2013: 96).

The main question we should discuss - what harm or possible harm arises to other individuals because of a person using or having/acquiring illegal drugs for a personal consumption. Basically this question is one of the aspects we should answer evaluating the legality of the limits to the human rights (in our case autonomy and privacy rights), as both in international (Council of Europe, 1950) and national legal acts (example, Constitution) exhaustive lists of possible restrictions is established which we would discuss in more details in the next section.

3 RESTRICTIONS TO THE RIGHTS OF PRIVACY AND AUTONOMY: CRITERIA AND LIMITS

Each individual lives in society together with other individuals and some coordination of interests should be established which is covered by positive aspect of individual freedom, i.e. states' authority to interfere, to establish limits to individual freedom in cases when individual by his/her actions harms other individuals, i.e. co-existence is possible when state coordinates individual freedom with the individual freedom of other persons (Arlauskas & Petrėnaitė, 2013). The need to transform human existential interest to the rule of law arises from the individual's efforts to protect the interest from dangers arising while living in society surrounded by other individuals as in order to protect ones' interest he analogically must undertake to respect the interests of other individuals, from what the law as unity of subjective rights and freedoms (or egoism and altruism) derives (Vaišvila, 2000).

Notwithstanding the fact that in theoretical level the answers are not find yet how it is possible freedom and individual choice, in practical level, more precisely in law, the principle of freedom is provided clear limits (Arlauskas & Petrėnaitė, 2013). Possible restrictions to human rights and freedoms and their limits are provided both in international documents and national constitutions.

Limits to the infringement of individual privacy right are established in the 2nd part of article 8 of European Convention on Human Rights, stating that any interference could be established only "*in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others*" (Council of Europe, 1950).

Article 28 of the Constitution of the Republic of Lithuania prescribes: "*While exercising their rights and freedoms, persons must observe the Constitution and the laws of the Republic of Lithuania, and must not impair the rights and freedoms of other people*" (Constitution of the Republic of Lithuania,

1992). The Constitutional court explains the norm stating that “*by means of this constitutional article, one of essential principles is established which means that lawful behaviour of an individual is not without imposed limitations and absolutely free. A human being, as he or she is a social being, lives in society among like human beings who are equal in their dignity and rights. Every human being has duties to society in which his or her person may develop freely and completely, while the main of these duties must not impair the rights and freedoms of other people*” (Constitutional Court, 2000). The Constitutional court stated that “*it is possible to maintain that the inviolability of the person establishes the limits of freedom of other persons, i.e. the behaviour of the latter is permissible as long as it is not harmful to the inviolability of the person of other individuals*” (Constitutional Court, 2000).

Thus both at national and international level some limits to human right are established. The list of limitations is exhaustive and is justified when two essential conditions which could be relatively divided into two categories: form and contents (Lankauskas, 2007) are met: 1) restrictions are established by law; and 2) these restrictions are necessary in a democratic society pursuing these goals. In the next subsections the meaning of limitations in the context of our research issue would be explored.

4 LEGAL BASIS (THE RULE OF LAW TEST)

The first criteria – phrase “*in accordance with the law*” in ECHR jurisprudence *Huvig v. France* (ECHR, 1990) is explained as one requiring providing answers to the following 4 questions:

- the impugned measure should have some basis in domestic law;
- the quality of the law in question, requiring that it should be accessible to the person concerned;
- ability to foresee its consequences for him, and compatible with the rule of law;
- And effective safeguards against arbitrary interference.

In our case, these criteria are rather easily established. Guidelines for drug policy in case of non-commercial drug user is established both in international and national documents. Lithuania as most European countries ratified all three UN Conventions, where guidelines regarding policy for the illegal possession, purchase or cultivation of narcotic drugs or psychotropic substances for personal consumption are provided (United Nations, 1961, 1971, 1988). Notwithstanding the fact that the last two conventions declare that States parties to the International treaties should establish criminal liability for enumerated activities, much freedom is left to States parties to the three Conventions based on States’ constitutional principles and all three documents suggest treatment, education, aftercare, rehabilitation or social reintegration of the offender either as an alternative to the conviction or instead of conviction (Gruodytė, 2016). Even more liberal policy regarding the matter is provided in EU documents: in the Framework decision (Council of the European Union, 2004) clear distinction between trafficking in narcotic drugs and psychotropic substances against all other illegal activities with narcotic and psychotropic substances for personal consumption is provided where activities for personal usage is a matter of state policy to regulate stressing the need of integrated health care approach in EU Drug strategy (Council of the European Union, 2012). Legal and practical situation in EU countries is diverse depending which policy: strict, liberal or mixed is established (Lankauskas, 2013) but the policy is reflected in relevant legal acts. Example in Lithuania the national policy is provided both in the criminal and administrative codes providing possible sanctions for infringements of the mentioned norms (Lietuvos Respublikos baudžiamasis kodeksas [Criminal code of the Republic of Lithuania], 2000), the laws are accessible as are published in accordance with legal requirements. The only matter which could be questionable in the Lithuanian national policy – partial overlap of liability in criminal and administrative codes, as liability for illegal acquisition or storage of narcotic drugs and psychotropic substances in small quantities² could be both – administrative or criminal offence and mostly depends from discretion of the court which liability would be applied (Gruodytė, 2016).

5 CONTENTS: NECESSITY IN A DEMOCRATIC SOCIETY

In accordance with jurisprudence of ECHR the expression “*necessary in a democratic society*” is one of the most important clauses in the entire Convention as it gives the widest possible discretion

² In Lithuania there are three quantities of narcotic drugs and psychotropic substances established: small, large and very large amounts. Only maximum quantity of small amount is provided. Example up to 5 g of cannabis.

to the ECHR and Commission in evaluating State justification for limiting specific right (Greer, 1997: 14).

The court explained that this phrase means two interrelated aspects »*that, to be compatible with the Convention, the interference must, inter alia, correspond to a »pressing social need« (ECHR, 1998) and be »proportionate to the legitimate aim pursued and whether the reasons adduced by (...) national institutions to justify it are »relevant and sufficient« (ECHR, 1986). It should be noted that necessity criteria are not established and both national and international institutions have wide discretion in interpreting them in each separate case. The ECHR have not provided one clear definition what the needs of democracy means as the court "have chosen to concentrate upon the necessity of a given restriction in the context of the interference complained of" (Greer, 1997: 15) and States are given margin of appreciation to interpret the provisions of the Convention regarding the pressing social need taking into account special circumstances of a certain state (Lankauskas, 2007). However, the list of possible legitimate aims is provided in the art.8 section 2 of ECHR which would serve as a guideline searching for the answer in our case.*

Out of six possible legitimate aims (*national security; public safety; the economic wellbeing of the country; the prevention of disorder or crime; the protection of health or morals; the protection of the rights and freedoms of others*) the first five interests represent public interests, while the last one (rights and freedoms of others) covers private interests, example, reputation of others and non- disclosure of information received in confidence (Greer, 2000).

In our case the limits to illegal non- commercial activities with drugs could be established only based on public interests as such. Different purposes have been established to justify the criminalization of drug use, however protection of health and morals is the most closely related to illegal non- commercial activities with drugs and needs further analysis.

In traditional moral philosophy the obligation to avoid harming oneself is established. Example such German philosophers as Samuel Pufendorf, Emanuel Kant expressed their opinion that bad habits such as drinking of alcohol, looking for other various pleasures is immoral in itself as it violated a duty to oneself (Fieser, 2008). "*Drug use is seen by many as morally dubious or reprehensible, regardless of whether someone is harmed by it*" (Commissioner for Human Rights, 2015). Yet our notions of morality today are much more confined to how our behaviour impacts other people (Fieser, 2008), as *promoting public morality in the absence of harm to others is not a "legitimate purpose" for criminalization*" (Commissioner for Human Rights, 2015).

The question arises how the principle of autonomy and privacy interrelates with state interference as one's own health is a personal matter, grounded and protected by the privacy principle. The health issue is the main one grounding both international and national policies. One of the main objectives of EU strategy – to reduce drug demand and supply while one of challenges related to the research field: "*the continued high incidence of blood-borne diseases, especially hepatitis C virus, among injecting drug users and potential risks of new outbreaks of HIV infections and other blood-borne diseases related to injecting drugs use; the continuing high prevalence of numbers of drug-related deaths within the EU*" (Council of the European Union, 2012) which indicate threat to the health of drug user together with the possible health problems and even death to non-drug users in society. Related goals are established in a national program for drug control and prevention (Lietuvos Respublikos Seimas [Parliament of the Republic of Lithuania], 2010) stressing protection of health together with public safety stating that the aim- to prevent and reduce supply and demand of illicit narcotic drugs and psychotropic substances and their precursors, spread of drug addiction, the strengthening of individual and public health and safety (Parliament of the Republic of Lithuania, 2010).

The obligation to take care of one's health and not to infringe other persons' health rights are established in Lietuvos Respublikos sveikatos sistemos įstatyme [The Republic of Lithuania Law on the health system], 1994), which as if empowers the state to take some measures for protecting the health of a certain person not only the health of society in general. The need to protect one's health is highlighted in the jurisprudence of the Constitutional Court of the Republic of Lithuania, providing that "*the state has the duty to protect human beings from threats to health (to reduce dangers to health and in certain cases, as far as possible, to prevent them) and to improve the ability of a person and society to overcome dangers to health, and to ensure access to medical services in the case of illness*" (Constitutional Court, 2013) and such an obligation arises from article 53 of the Constitution of the Republic of Lithuania. In Lithuanian commentary of the criminal code it is provided that direct object protected by legislator in criminalizing certain activities with drugs is health (Abramavičius et al. , 2010). However, it is not clear from aforementioned norms if state is empowered to protect oneself from his own negative actions to one's health.

In accordance with national regulation compulsory (involuntary) treatment (hospitalization) is allowed only in cases when a person is suffering from a serious mental illness and is a real danger that a person by his actions can cause substantial damage to his health and safety or to the health or life of others (Lietuvos Respublikos psichikos sveikatos priežiūros įstatymas [The Republic of Lithuania Law on Mental Health Care], 1995) and such treatment is allowed up to two days without court decision. That compulsory treatment could not be provided as a general rule is stated by United Nations Office on Drugs and Crime and World Health Organization providing that *“as any other medical procedure, in general conditions drug dependence treatment, be it psychosocial or pharmacological, should not be forced on patients. Only in exceptional crisis situations of high risk to self or others, compulsory treatment should be mandated for specific conditions and periods of time as specified by the law”* (United Nations Office on Drugs and Crime & World Health Organization, 2008: 11).

It is evidentiary that simple consumption of illegal drugs could not cause such a danger as only in cases when the illness of drug addiction as such is established which is defined as a mental illness which affects people abusing narcotic drugs and psychotropic or other psychoactive substances marked by mental and physical dependence on narcotic, psychotropic or other intoxicating substances syndrome and other adverse medical and social consequences (Lietuvos Respublikos narkologinės priežiūros įstatymas [Law on Narcological care of the Republic of Lithuania], 1997) the danger to harm oneself or others arises and question of compulsory treatment could arise.

In accordance with Lietuvos Respublikos baudžiamuoju kodeksu [Lithuanian criminal code] (2000) and Lietuvos Respublikos administracinių pažeidimų kodeksu [Code of administrative violations of Republic of Lithuania] (1984) treatment from drugs could be established in certain cases as an alternative sanction selected voluntarily by an offender. At the moment there is a project of law to introduce compulsory treatment for certain serious abuse in drugs (Lietuvos Respublikos vyriausybė, [Government of the Republic of Lithuania], 2016) but in opinion of the Ministry of Justice it could infringe the right to one's freedom if certain phrases are formulated not carefully (Lietuvos Respublikos teisingumo ministerija [The Ministry of Justice], 2016). Examples of certain countries indicate that there could be such situations when compulsory treatment could be provided. Example in Check Republic, Spain and Sweden involuntary treatment is foreseen in especially difficult cases (when a person because of his dependence from psychoactive substances causes danger to his own health or to the health of others and it is not related with committing of any crime. In Norway, only if drug addict commits a crime a court may suspend the sentence providing obligation of treatment from addiction while in France a person could be released from criminal liability and obliged to undergo the special course of drug prevention (Lankauskas, 2013).

Notwithstanding the fact that drug user in exceptional cases could be provided compulsory treatment which indicates that there is a real danger to the addict and society justifying exceptions to the autonomy and privacy principles it is important to find out what possible harm could be caused by drug user to himself and society as such grounding the necessity of limitations.

“In Healthy People 2010⁵ illicit drug use is identified as a leading health indicator because it is associated with multiple deleterious health outcomes, such as sexually transmitted diseases, human immunodeficiency virus, viral hepatitis, and numerous social problems among adolescents and adults” (Dube et al., 2003) but the actual damage to one's health depends from the quality, category and frequency of drugs used and other factors such as specificity of the person using drugs, the method and etc. as *»the health risks of illicit drug use increase with the frequency and quantity of use (...) and problematic drug use most clearly harms the health of users«* (Degenhardt & Hall, 2012: 56).

The direct harm is the harm to the health of a drug user which depends from the categories of psychoactive substances used, the methods of their usage and other factors such as health, illnesses and etc. of the user. Four categories of adverse health effects of illicit drug use are determined in the scientific literature (Degenhardt & Hall, 2012: 60):

- *the acute toxic effects, including overdose;*
- *the acute effects of intoxication, such as accidental injury and violence;*
- *development of dependence;*
- *adverse health effects of sustained chronic, regular use, such as chronic disease (eg, cardiovascular disease and cirrhosis), blood-borne bacterial and viral infections, and mental disorders.*

3 Publication of U.S. Department of Health and Human Services where certain data regarding people health are provided.

Example, *“cannabis use has been consistently reported to be associated with the emergence of psychotic symptoms, use of MDMA has been linked with short-term negative effects on cognitive performance (i.e. visual memory). A series of longitudinal studies have shown enduring unfavourable effects of prenatal cocaine and marijuana exposure on children’s physical, cognitive, and language development”* (Chen & Lin 2009: 287). Notwithstanding mentioned facts in some cases (especially when talking of new psychoactive substances) we still lack clear evidence regarding the causal link between drug use and mentioned health – related harm and *“availability and quality of data for estimation varies globally”* (Degenhardt & Hall, 2012: 56).

Usage of drugs and related activities are either associated with the wide spectrum of harm to society: it may threaten to the family and society, influence education, labour relations and surrounding atmosphere while acquisition and storage of illegal substance could influence other heavier crimes such as distribution of drugs, thefts, robberies and etc. (Gruodytė, 2004). Indirect harm is much more diversified: first of all ill habits of drug user have influence to the closest surroundings- family, relatives, employment, neighbourhood surroundings; additional harm is to the society as such losing active member of society, having additional expenses (social allowances, necessary health care and etc.), crimes done for financing negative habit and etc. (Gruodytė, 2004). As examples of real danger to society could be provided such situations when intoxicated person pilots aircraft, drives auto or other vehicle which could be recognized as cases in which threat to the health and life of other people outweighs the harm to the drug addict.

European Union court of Justice expressed its opinion that a person driving under the influence of cannabis is unfit to drive a motor vehicle under German criminal law, as such decision is based on the road safety and the driving licence is taken temporally (European Court of Justice, 2015).

Taking into account the fact that non-commercial activity with drugs such as acquisition, storage/ holding and consumption threatens not only to the drug user but harms society at large, state has an obligation to react into arising threats and to ensure protection.

The only aspects which should be taken into account if regulation provided by the State is proportional, i.e. *»the principle of proportionality recognises that human rights are not absolute and that the exercise of an individual’s rights must always be checked by the broader public interest«* (Kilkelly, 30 :2003) as the principle of proportionality is related with the concept of justice and is a consisting element and prerequisite to justice (Leonaitė, 2013). As a court stated in a case Soering v. the United Kingdom it is *“a search for a fair balance between the demands of the general interest of the community and the requirements of the protection of the individual’s fundamental rights”* (Council of Europe, 1950).

In the Ruling in 2005 the Constitutional Court of the Republic of Lithuania explained that *“the principle of proportionality that arises from the Constitution means that the established legal means must be necessary in a democratic society and adequate for the legitimate and universally important objectives sought (there must be a balance between the objectives and means), they should not restrict the rights of the person more than it is necessary to reach these objectives, and if these legal means are related to sanctions for a violation of law, the said sanctions must be proportionate to the committed violation”* (Constitutional Court, 2005).

Thus each state has an obligation in introducing restrictions to the privacy principle including the one forbidding non-commercial activities with psychoactive substances to evaluate it from proportionality angle. Especially that criminal sanctions for such activities could have *“counter-productive health consequences as fair of criminal sanctions can deter individuals from accessing treatment (...) and increase the risk of infection, (...) can disrupt the ability of individuals to secure their right to livelihood and housing, and it can separate families and parents from their children”* (Commissioner for Human Rights, 2015).

In the doctrine of modern Lithuanian criminal law based on the constitutional rule of law principle is established that intervention and application of criminal measures should be proportional, based on necessity for protection of certain public interests, criminal intervention of state must be necessary and even unavoidable in each case and adapted for a specific goal to be achieved (Baranskaitė & Prapiestis, 2011).

»Drug use should be seen as a health care condition and drug users should be treated in the health care system rather than in the criminal justice system where possible« (United Nations Office on Drugs and Crime & World Health Organization, 2008: 14). It is justifiable if in aggravated cases causing real threat to the health and life of other people such as driving, working with other higher- risk sources (such as airplanes, ships, buses, trains, metro; other categories of technic) under influence of psychoactive substances, using violence criminal liability is established together with possibility to choose treatment from dependence of drugs. Especially that *“Research results indicate that drug dependence treatment is highly effective in reducing crime. Treatment and care as*

alternative to imprisonment or commenced in prison followed by support and social reintegration after release decrease the risk of relapse in drug use, of HIV transmission and of re-incidence in crime, with significant benefits for the individual health, as well as public security and social savings” (United Nations Office on Drugs and Crime & World Health Organization, 2008: 14). In factual situation where direct threat to society does not arise (illegal non-commercial activities with drugs are committed as some form of spending leisure time, the person is not aggressive and no aggravating circumstances are established) some warning or administrative penalty would suffice in case there is no drug-addiction. In case there are some signs of drug dependency – the person should be offered treatment, as *“offering treatment as an alternative to incarceration is a highly cost-effective measure for society possible”* (United Nations Office on Drugs and Crime & World Health Organization, 2008: 14).

So international community and States by establishing policy that consumption of drugs and related non-commercial activities with psychoactive substances are not tolerated in society, basically aims at protecting the rights of other people which are covered by indirect harms and do not infringe the principles of autonomy and privacy right in case the principle of proportionality is not infringed, i.e. the clear balance between the public interest and the person's rights. In our case the most appropriate measure for non-commercial activities with psychoactive substances would be harm reduction policy as criminal sanctions usually are not effective and bearing high costs to society.

6 CONCLUSION

The aim of the article was to find out if a state policy prohibiting illegal consumption of narcotic drugs and psychotropic substances and related activities- acquisition and storage of mentioned substances does not infringe the principle of autonomy and privacy rights. The following conclusions were reached:

1. Principle of autonomy and privacy right are identified as two aspects of human freedom established both in international treaties and national legislation.
2. The principle of autonomy grounding the principle of freedom is defined as individual right to freedom and inviolability and looking for autonomy from State or third parties interference.
3. The privacy right as a constitutional principle is associated with the second part of the XX century underpinning human dignity and other key values, encompassing various aspects of individual's physical and social identity, while the list of possible aspects is not exhaustive.
4. The principle of freedom founding human rights including the principle of autonomy and privacy right is not absolute as coexistence in society is possible only coordinating individual freedom with interests and freedom of other individuals, allowing restrictions to the rights of privacy and freedom.
5. The list of limitations is exhaustive and is justified if two essential conditions are met: restrictions are established by law and they are necessary in a democratic society, i.e. correspond to the pressing social need and are proportionate to the aims searched.
6. Criminalization of non-commercial acquisition and storage of drugs meets legal basis criteria, if it has legal basis in domestic law is accessible to the person concerned, there is ability to foresee its consequences and effective safeguards against arbitrary interference are established.
7. Necessity in a democratic society to forbid legal circulation of psychoactive substances is grounded by criteria of individual and public health argument.
8. Notwithstanding the fact that drug addict in exceptional cases could be provided compulsory treatment, compulsory treatment as such could be provided in really exceptional cases when there is clear and imminent danger to self or others.
9. Notwithstanding the fact that direct harm to the health depends from categories of substances used, the methods, intensity of usage, personal data of consumer (such as health, illnesses and etc.) and there is lack of clear evidence regarding the causal link between drug consumption and health related harm, four categories of adverse harm are identified in scientific literature by consumption of illegal substances: toxic effects, accidental injuries and violence, development of dependence, chronic diseases as a consequence of chronic, regular use.

10. Non-commercial activities with drugs are associated with the wide spectrum of harm to society: it may threaten to the family and society, influence education, labour relations and surrounding atmosphere, making of crimes (distribution of drugs, thefts, robberies, violence crimes and etc.).
11. State policy forbidding illegal non-commercial activities with psychoactive substances is in accordance with international obligations and does not infringe principles of autonomy and privacy right in case the principle of proportionality is not infringed, i.e. the clear balance between the public interest and the person's rights.
12. The most appropriate measure for non-commercial activities with psychoactive substances would be harm reduction policy as criminal sanctions usually are not effective and baring high costs to society.

Possible interesting aspects which are not covered by the article which could be explored in future- analysis of most effective harm reduction policies in various European and US states and possibilities to introduce them in culturally and legally different countries.

REFERENCES

- Abramavičius, A., Aidukas, M., Aliukonienė, R., Baranskaitė, A., Čaikovski, A., Garnelienė, L., et.al. (2010). Lietuvos Respublikos baudžiamojo kodekso komentaras [Commentary of the Criminal Code of the Republic of Lithuania]. Vilnius: VĮ Registrų centras.
- Administracinių teisės pažeidimų kodeksas [Code of Administrative Violations of the Republic of Lithuania]. (1984). TAR, (0841010KODE00X-4449/84).
- Arlauskas, S., & Petrėnaitė D. (2013). Laisvės principas demokratinės valstybės teisėje [The principle of freedom in the law of democratic country]. *Jurisprudencija*, 20(2), 407–428.
- Ashworth, A., & Horder, J. (2013). *Principles of Criminal Law* (7th ed.). Oxford: Oxford University Press.
- Banisan, D., & Davies, S. (1990). Privacy and international survey of privacy laws and practice. global internet liberty campaign. Retrieved from <http://gilc.org/privacy/survey/>
- Baranskaitė, A., & Prapiestis, J. (2011). Konstitucinės teisingumo ir teisinės santarvės dimensijos baudžiamojoje teisėje [Dimensions of constitutional justice and peace in the criminal law]. In G. Švedas (Ed.), *Lietuvos Respublikos baudžiamajam kodeksui- 10 metų [10 years for the Criminal Code of the Republic of Lithuania]*, (pp. 41–68). Vilnius: VĮ Registrų centras.
- Birmontienė, T., Jarašiūnas, E., Kūris, E., Maksimaitis, M., Mesonis, G., Normantas, A. et al. (2002). *Lietuvos Konstitucinė teisė [Lithuanian Constitutional Law]*. Vilnius: Lietuvos teisės universitetas.
- Chen, C. Y., & Lin, K. M. (2009). Health Consequences of Illegal Drug Use. *Curr Opin Psychiatry*, 22(3), 287–292.
- Commissioner for Human Rights. (2015). Human rights watch submission to United Nations General Assembly on drugs and human rights. Retrieved from <https://www.hrw.org/news/2015/05/15/human-rights-watch-submission-office-un-high-commissioner-human-rights-issue-drugs>
- Council of Europe. (1950). European convention on human rights, as amended by Protocols Nos. 11 and 14 supplemented by Protocols Nos. 1, 4, 6, 7, 12 and 13. Retrieved from http://www.echr.coe.int/Documents/Convention_ENG.pdf
- Council of the European Union. (2004). Council Framework Decision 2004/757/JHA, Laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking. *Official Journal of the European Union*, 335. Retrieved from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:335:0008:0011:en:PDF>
- Council of the European Union. (2012). EU Drugs Strategy (2013–20). Retrieved from <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2017547%202012%20INIT>
- Degenhardt, L., & Hall, W. (2012). Extent of illicit drug use and dependence, and their contribution to the global burden of disease. *The Lancet*, 379, 55–70.
- Dube, S. R., Felitti V. J., Dong, F. M., Chapman, D. P., Giles W. H., & Anda, R. F. (2003). Childhood Abuse, Neglect, and Household Dysfunction and the Risk of Illicit Drug Use: The Adverse Childhood Experiences Study. *Pediatrics*, 111(3). Retrieved from <http://pediatrics.aappublications.org/content/111/3/564>. .info
- European Court of Human Rights [ECHR]. (1993). *Funke v France*, 10828/84, 23. 2. 1993. Retrieved from <http://hudoc.echr.coe.int/eng?i=001-57809>

- European Court of Human Rights [ECHR]. (1990). *Huvig v. France*, 11105/84, 24. 4. 1990. Retrieved from <http://hudoc.echr.coe.int/eng?i=001-57627>
- European Court of Human Rights [ECHR]. (1990). *Kruslin v. France*, 11801/85, 24. 4. 1990. Retrieved from <http://hudoc.echr.coe.int/eng?i=001-57626>
- European Court of Human Rights [ECHR]. (1986). *Lingens v Austria*, 9815/82, 8. 7. 1986. Retrieved from <http://hudoc.echr.coe.int/eng?i=001-57523>
- European Court of Human Rights [ECHR]. (1998). *Olsson v. Sweden*, 10465/83, 24. 3. 1998. Retrieved from <http://hudoc.echr.coe.int/eng?i=001-57548>
- European Court of Human Rights [ECHR]. (1989). *Soering v. the United Kingdom*, 14038/88, 7. 7. 1989. Retrieved from <http://hudoc.echr.coe.int/eng?i=001-57619>
- European Court of Human Rights [ECHR]. (2010). *Ternovsky v. Hungary*, 67545/09, 14. 12. 2010. Retrieved from <http://hudoc.echr.coe.int/eng?i=001-102254>
- European Court of Justice [ECJ] (2015). *Sevda Aykul v. Land Baden – Württemberg*, C 260/13, 23. 4. 2015. Retrieved from <http://curia.europa.eu/juris/document/document.jsf?text=&docid=164787&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=441972>
- European Monitoring Center for Drugs and Drug Addiction. (2016). *European Drug Report: Trends and development*. Retrieved from <http://www.emcdda.europa.eu/edr2016>
- Fieser, J. (2008). *Drugs*. In *Moral issues that divide us and applied ethics: A sourcebook*. Retrieved from <https://www.utm.edu/staff/jfieser/class/160/3-drugs.htm>
- Gorman, A. O., Quigley, E., Zobel, F., & Moore, K. (2014). *Peer, professional, and public: An analysis of the drugs policy advocacy community in Europe*. *International Journal of Drug Policy*, 25, 1001–1008.
- Greer, S. (2000). *The margin of appreciation: interpretation and discretion under the European Convention on Human Rights*. Human rights files No. 17. Strasbourg: Council of Europe Publishing. Retrieved from [http://www.echr.coe.int/LibraryDocs/DG2/HRFILES/DG2-EN-HRFILES-17\(2000\).pdf](http://www.echr.coe.int/LibraryDocs/DG2/HRFILES/DG2-EN-HRFILES-17(2000).pdf)
- Greer, S. (1997). *The exceptions to articles 8 to 11 of the European Convention on Human Rights*. Human Rights files No. 15. Strasbourg: Council of Europe Publishing. Retrieved from [http://www.echr.coe.int/LibraryDocs/DG2/HRFILES/DG2-EN-HRFILES-15\(1997\).pdf](http://www.echr.coe.int/LibraryDocs/DG2/HRFILES/DG2-EN-HRFILES-15(1997).pdf)
- Gruodytė, E. (2004). *Narkotikai ir baudžiamoji atsakomybė [Drugs and Criminal Liability]*. Vilnius: Teisinės informacijos centras.
- Gruodytė, E. (2016). *Drug policy for illegal possession of narcotic drugs and psychotropic substances: challenges and trends in international and national level*. Current problems of the penal law and criminology (7th ed.). Manuscript submitted for publication.
- Kilkelly, U. (2003). *The right to respect for private and family life. A guide to implementation of Article 8 of the European Convention on Human Rights*. Human rights handbooks, no. 1. Strasbourg: Council of Europe. Retrieved from [http://www.echr.coe.int/LibraryDocs/DG2/HRHAND/DG2-EN-HRHAND-01\(2003\).pdf](http://www.echr.coe.int/LibraryDocs/DG2/HRHAND/DG2-EN-HRHAND-01(2003).pdf)
- Kūris, E. (2002). *Konstitucijos principai ir Konstitucijos tekstas [Constitutional Principles and the Text of the Constitution]*. *Jurisprudencija*, 24(16); 57–70.
- Lai, G. (2012). *Drugs, crime and punishment. Proportionality of sentencing for drug offences. Series on Legislative Reform for Drug Policies No. 20*. Amsterdam & London: TNI & IDPC. Retrieved from <https://www.unodc.org/documents/congress/background-information/NGO/IDPC/Drugs-crime-and-punishment-Proportionality-of-sentencing.pdf>
- Lankauskas, M. (2007). *Balansavimas tarp teisės į privatumą ir saviraiškos laisvės Europos žmogaus teisių jurisprudencijoje [Balancing the right to privacy from the freedom of expression according to the jurisprudence of the European court of human rights]*. *Teisės problemos*, 56(2), 103–131.
- Lankauskas, M. (2013). *Narkotikų kontrolės politika ir teisinių režimų ypatumai Europoje ir Lietuvoje. [Drug control policy and regime in Europe and Lithuania]*. *Teisės problemos*, 80(2), 81–117.
- Leonaitė, E. (2013). *Proporciningumo principas Europos Žmogaus teisių teismo jurisprudencijoje. (Daktaro disertacija). [Principle of proportionality in the case law of the European Court of Human Rights (Doctoral Thesis)]*. Vilnius: Vilniaus universitetas.
- Lietuvos Respublikos baudžiamasis kodeksas [Criminal code of the Republic of Lithuania]. (2000). *Valstybės Žinios*, (89-2741/00)
- Lietuvos Respublikos Konstitucija [Constitution of the Republic of Lithuania]. (1992). *Lietuvos Aidas*, (33-1014/92).

- Lietuvos Respublikos Konstitucinis teismas [Constitutional Court of the Republic of Lithuania]. (2000). Teismo nutarimas dėl operatyvinės veiklos [Ruling on operational activities], 12/99-27/99-29/99-1/2000-2/2000, 8. 5. 2000. Retrieved from <http://www.lrkt.lt/en/court-acts/search/170/ta1160/content>
- Lietuvos Respublikos Konstitucinis teismas [Constitutional Court of the Republic of Lithuania]. (2002). Teismo nutarimas dėl telekomunikacijų, operatyvinės veiklos įstatymų ir baudžiamojo proceso [Ruling on the Law on Telecommunications, the Law on Operational Activities, and the Code of Criminal Procedure], 34/2000-28/01, 19. 9. 2002. Retrieved from <http://www.lrkt.lt/en/court-acts/search/170/ta1210/content>
- Lietuvos Respublikos Konstitucinis teismas [Constitutional Court of the Republic of Lithuania]. (2005). Teismo nutarimas dėl ATPK atitikties Konstitucijai [Ruling on the compliance of the Code of Administrative Violations of Law with the Constitution], 01/04, 10. 11. 2005. Retrieved from <http://www.lrkt.lt/en/court-acts/search/170/ta1313/content>
- Lietuvos Respublikos Konstitucinis teismas [Constitutional Court of the Republic of Lithuania]. (2013). Teismo nutarimas dėl pareigos mokėti valstybinio socialinio draudimo ir privalomojo sveikatos draudimo įmokas, taip pat dėl motinystės (tėvystės) pašalpų sumažinimo [Ruling on the duty to pay the contributions of state social insurance and those of compulsory health insurance and on the reduction of the maternity (paternity) benefits], 47/2009-131/2010, 16. 5. 2013. Retrieved from <http://www.lrkt.lt/en/court-acts/search/170/ta892/content>
- Lietuvos Respublikos narkologinės priežiūros įstatymas [Law on Narcological Care of the Republic of Lithuania]. (1997). Valstybės Žinios, (30-711/97).
- Lietuvos Respublikos psichikos sveikatos priežiūros įstatymas [The Republic of Lithuania Law on Mental Health Care]. (1995). Valstybės Žinios, (53-1290/95).
- Lietuvos Respublikos Seimas [Parliament of the Republic of Lithuania] (2010). Nutarimas dėl nacionalinės narkotikų kontrolės ir narkomanijos prevencijos 2010-2016 metų programos patvirtinimo [Decision for approval of the National Drug Control and Drug Prevention Programme for 2010-2016]. Valstybės Žinios, (132-6720/00).
- Lietuvos Respublikos sveikatos sistemos įstatymas [The Republic of Lithuania Law on the health system]. (1994). Valstybės Žinios, (63-1231/94).
- Lietuvos Respublikos teisingumo ministerija [The Ministry of Justice of the Republic of Lithuania]. (2016). Dėl išvados Lietuvos Respublikos narkologinės priežiūros įstatymo nr. VIII-156 7 ir 15 straipsnių pakeitimo įstatymo projektui [Conclusion regarding the draft of the articles 7 and 15 of Narcological care Law of the Republic of Lithuania no. VIII-156]. Retrieved from <https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/61293a40d6d811e59019a599c5cbd673?positionInSearchResults=0&searchModelUUID=4934ec42-b8e0-403a-9120-031b42c40168>
- Lietuvos Respublikos Vyriausybė [Government of the Republic of Lithuania]. (2016). Nutarimas dėl Lietuvos Respublikos narkologinės priežiūros įstatymo nr. VIII-156 7 ir 15 straipsnių pakeitimo įstatymo projekto pateikimo Lietuvos Respublikos Seimui. Įstatymo projektas [Decision on submission of the draft of the articles 7 and 15 of Narcological care Law of the Republic of Lithuania no. VIII-156 to the Parliament of the Republic of Lithuania], no. 16-71(2). Retrieved from <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/f81876c0cbff11e5a-141fec4d4d3d786?positionInSearchResults=1&searchModelUUID=4934ec42-b8e0-403a-9120-031b42c40168>
- Mozuraitis, G. (2011). Paciento sveikatos informacijos konfidencialumo ribos [The limits for confidentiality of information on the health status of a patient]. *Socialinių Mokslų Studijos Societal Studies*, 3(3), 1129-1144.
- Nekrošius, V. (2012). Viešojo intereso gynimas civiliniame procese ir Konstitucinio teismo doktrina [Protection of public interest in civil procedure and the doctrine of the Constitutional court]. *Jurisprudencija*, 19(3), 1101-1110.
- Online Ethymology Dictionary. (2001). Autonomy. Retrieved from <http://www.etymonline.com/index.php?term=autonomy>
- Singleton, N., & Rubin, J. (2014). What is good governance in the context of drug policy? *International Journal of Drug Policy*, 25, 935-941.
- Šimonis, M. (2006). Paciento autonomija: esmė ir įtvirtinimas Lietuvos teisėje [Patient autonomy: its essence and establishment in Lithuanian law]. *Teisė*, 58, 134-146.
- United Nations Office on Drugs and Crime, & World Health Organization (2008). Principles of drug dependence treatment. Retrieved from <https://www.unodc.org/documents/drug-treatment/UNODC-WHO-Principles-of-Drug-Dependence-Treatment-March08.pdf>

- United Nations. (1961). Single Convention on Narcotic Drugs. As amended by the 1972 Protocol amending the Single Convention on Narcotic Drugs. Retrieved from https://www.unodc.org/pdf/convention_1961_en.pdf
- United Nations. (1988). United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Retrieved from https://www.unodc.org/pdf/convention_1988_en.pdf
- United Nations. (1971). Convention on Psychotropic Substances. Retrieved from https://www.unodc.org/documents/commissions/CND/Int_Drug_Control_Conventions/Ebook/The_International_Drug_Control_Conventions_E.pdf
- United Nations. (1948). Universal Declaration of Human Rights. Retrieved from <http://www.un.org/en/universal-declaration-human-rights/>
- Vaišvila, A. (2000). Teisės teorija [Legal Theory]. Vilnius: Justitia.

ONLINE COUNTERFEIT MEDICINE TRADE IN SLOVENIA

Danijela Frangež, Boštjan Slak

ABSTRACT

Purpose:

The purpose of this paper is to present internet sales of counterfeit medicines and list some indicators that may be used to detect rogue pharmacies and adverts for counterfeit medicines.

Methods:

The paper is based on a substantial literature review and analysis of websites in the Slovene language, where the purchase of medicines is (supposedly) possible.

Findings:

Counterfeit medicines are often sold online. Such impersonal sales provide anonymity for sellers and buyers, and easy communication with a wide range of users, especially via spam advertising and the social media. This makes illicit online pharmacies a very lucrative business. Due to the high-risk to the health of users, law enforcement, customs and regulatory authorities around the globe are combating counterfeit medicines available online. Rogue pharmacies may be identified mainly due to the lack of a postal address and telephone number, the possibility to buy prescription-only medicines without an actual medical prescription, suspiciously low prices of medicines, etc. The legitimate online pharmacies of Slovene origin, however, may be identified by a special logo.

Research limitations:

The research only included the analysis of web pages in the Slovene language where the purchase of medicines is (supposedly) possible. It must be also stated, that no purchase from such online pharmacies was actually made.

Originality:

The paper presents the situation in Slovenia with respect to a global problem of counterfeit medicines and aims to stimulate in-depth discussions on the subject among the interested stakeholders.

Keywords: internet, online, pharmacy, rogue pharmacy, medicines, counterfeit medicines

I INTRODUCTION

The extent of internet connectivity at the global level and developments in the field of information technology infrastructure enabled many human activities to be moved to the internet. The sale and purchase of medicines¹ and medical products² are also among them (Peterson, 2001; Crawford, 2003; Inciardi et al. , 2010; Gelatti et al. , 2013). The methods, which one may use to purchase medical products online, are extremely diverse, ranging from completely legitimate and legal to illegal methods. (Il)legality is often a reflection of a legislative framework applicable in a specific country (Mäkinen, Rautava & Forsström, 2005). Numerous combinations regarding online sale of medical products are possible, e.g. prohibiting online sale of medical products altogether, allowing only the sale of non-prescription medical products³ or also allowing prescription-based medical products⁴ to be sold online. This paper focuses on prescription-based medicines. In order to enable the sale of such medicines, the prescription that is issued by a doctor must

1 For the purpose of this paper, the definition of the term "medicine" was provided by the Slovene legislator in the latest Medicinal Products Act (Zakon o zdravilih, 2014) in Article 4 section 1, which reads: »any substance or combination of substances, which are presented for the treatment or prevention of disease in humans or animals« and »any substance or combination of substances which may be used or administered in/to humans or animals in order to restore, correct or modify physiological functions by exerting a pharmacological, immunological or metabolic action, or in order to determine the diagnosis of the disease« (Article 4 section 2). Article 4b of the Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health (MEDICRIME convention, 2011) uses the term medicinal products which is defined as »medicines for human and veterinary use«.

2 Article 4/a of the (MEDICRIME convention, 2011) defines that »the term "medical products" shall mean medicinal products and medical devices«.

3 Also known as over-the counter [OTC] medicines.

4 Also known as prescription-only medicines [POM].

be delivered to the pharmacy. In a country where the sale of such medicines is possible through online services, the patient may send the prescription by post, e-mail or fax to the selected pharmacy, which then sends back the medicine (Oliver, 2000). Alternatively, if the system allows it, the so-called e-prescription is issued. In such cases, the pharmacy has access to a database, where information regarding the issue of a prescription are stored. This allows a real-time check to see whether patients are eligible to receive the medicine they ordered via the internet. The development of such a system depends on the legislation, access to information technology, computer literacy and the willingness of the health sector to use such services. The e-prescription does not only allow the sale of medicines via the internet, it also eases the purchase/acquisition of medicines in physical pharmacies. For instance, since certain treatments are long lasting, a prescription refill is necessary and the perception needs to be deposited at a certain pharmacy. Every time the patient runs out of medicine, it is necessary to visit the same pharmacy. In case of an e-prescription, the data is available online and any pharmacy may issue the medicine as it has the necessary data (quantity, previously dispensed medicines, etc.).⁵ In order to circumvent systems where a prescription is needed to purchase medicines and boost profits, some web-based pharmacies supposedly "employ doctors" (Eysenbach, 1999; Oliver, 2000; Mäkinen et al., 2005), who have online consultations (or such websites ask buyers to answer a health questionnaire) in order to procure a prescription.⁶ Similar problems are also evident in the paper by Orizio, Merla, Schulz and Gelatti (2011), who conducted an extensive meta-analysis of scientific works that looked into the online medicine sale and showed how quickly the trend of online sale of medicines is increasing and how problematic it still remains.

The classification of online pharmacies is a reflection of their online behaviour. Several authors (Oliver, 2000; Crawford, 2003; Mäkinen et al., 2005; Peterson, 2001) categorise online pharmacies and websites selling medicines as follows:

- an extension of classic "brick and mortar" pharmacies. In such cases, the online sale of medicine is used to expand the clientele, compete with similar business, etc. Oliver (2000) describes examples, where an online pharmacy was partnered with a "brick and mortar" pharmacies, thus presenting a case where two different business entities are present. In contrast, one can speak of a single business entity when the online sale of medicines is conducted by otherwise "brick and mortar" pharmacies themselves.
- online-only pharmacies. These pharmacies are legitimate in nature and they only conduct business online.
- life-style pharmacies, on the other hand, are online pharmacies, usually rogue site, which offer a narrow range of pharmaceuticals, mostly medicines for erectile dysfunction, weight or hair loss (Jack, 2016). This category also includes the sale of dietary and nutritional supplements, natural erectile dysfunction remedies, aphrodisiacs, etc.
- rogue pharmacies, which – as the term denotes – are dubious (illegal) pharmacies.

Examples and references provided by Fittler, Bösze & Botz (2013) in their paper, which also analyses online pharmacies, show that illegal/rogue pharmacies are heavily dominating the internet. According to Interpol (2012), rogue pharmacies are used for credit card fraud and identity theft. Furthermore, such websites frequently provide questionable quality medicines (Gelatti et al., 2013; Inciardi et al., 2010; Mackey & Liang, 2011;), which can be stolen or counterfeited.

2 COUNTERFEIT MEDICINES ONLINE

World health organization (WHO, 1999: 8) defines a counterfeit medicine as »one which is deliberately and fraudulently mislabelled with respect to identity and/or source. Counterfeiting can apply to both branded and generic products and counterfeit products may include products with the correct ingredients or with the wrong ingredients, without active ingredients, with insufficient active ingredient or with fake packaging«.

5 In 2009, Vehovar & Travar (2009) conducted a in this regard and noticed that despite the fact that proper infrastructure was set up and that patients were interested in such services, there was a lack of willingness for the provision of such services. It must, however, be emphasised that the interest in buying medicines directly from the wholesaler via the internet has been decreasing through the years (ibid.). See also Crawford (2003) on the usefulness of online medicine acquisition.

6 In researching the current situation in Slovenia, we also found chat room and forum discussions, where those who would like to buy prescription-only medicines (mainly Viagra) were referred to such sites (e.g. Bibaleze.si, 2015; Forum Partnerstvo: RE: Težave z erekcijo [Forum partnership: RE: Problems with erection], 2016).

Today, the WHO (2016) uses a slightly different definition and refers to »*substandard, spurious, falsely labelled, falsified and counterfeit (SSFFC) medical products*«.7 The MEDICRIME convention (2011: Article 4j) defines the term counterfeit as »*a false representation as regards identity and/or source*«. This paper uses the term *counterfeit medicines*, which is defined as medicines with any ingredient or combination of ingredients with misrepresentation of its identity and/or origin.

Counterfeit medicines are a worldwide problem as all countries around the globe are somehow connected to it; as countries of origin, transit and/or target countries. The WHO estimates that up to 30 per cent of available medicines are counterfeited in some areas of Asia, Africa and Latin America. In developed countries, this percentage is up to one. Counterfeit medicines are harmful and dangerous as they »*range from useless to highly dangerous*« (Interpol, 2016a). They may contain too little, too much or none of the active ingredients, active ingredients of different medicines, impurities or highly toxic substances (e.g. rat poison). Counterfeit medicines can therefore be of very low quality, highly dangerous or even fatal (ibid.).

The extent of occurrences of and damage caused by counterfeit medicines is difficult to evaluate, however, reports, academic papers (Newton, Green, Fernández, Day & White, 2006; Chaudhry & Stumpf, 2013; Dégardin, Roggo & Margot, 2014; Jack, 2016) and investigative efforts (WHO, 2010) indicate that these are highly profitable and severely damaging activities. Apart from health-related problems and loss of revenue, there are also concerns about terrorist acts (Cannon, 2015; Dégardin et al. , 2014) and organised crime (Mackey & Liang, 2011; Dégardin et al. , 2014; Dégardin, Roggo & Margot, 2015) being funded through medicine counterfeiting.

Papers (Mackey & Liang, 2011), studies (Dégardin et al. , 2015), health reports (WHO, 2016) and investigative organisations (e.g. Interpol) identify the internet as a market place for the sale of counterfeit medicines.⁸ The online sales of counterfeit medicines are often investigated in the scope of Interpol operations,⁹ such as Pangea.¹⁰ The main goal of these operations is to tackle the online sale of counterfeit and illicit medicines¹¹ and to stress the risks of purchasing online medicines. During the annual international week dedicated to combating online sales of counterfeit medicines, different agencies across the globe (police, customs, health regulators, private sector) work together to identify adverts and websites offering counterfeit medicines. Their activities target Internet Service Providers [ISP], payment systems and delivery services as the three main components of illegal online trade (Interpol, 2016b). Since 2008, almost 49 million counterfeit medicines were seized with an estimated value of almost USD 230 million. The authorities took around 60,000 websites selling counterfeit medicines offline. More than 1,080 individuals were arrested or under investigation and many investigations worldwide were launched (Table 1). Operation Pangea VIII, which was conducted in 2015, was the largest ever operation. It brought together more than 100 participating countries and included the inspection of online sales of counterfeit medicines and medical devices. In total, 2,410 websites were taken offline. For the very first time, two internet domains selling DNP¹² products were also closed down (Interpol, 2015, 2016c).¹³

7 »*Substandard, spurious, falsely labelled, falsified and counterfeit (SSFFC) medical products are by their very nature difficult to detect. They are often designed to appear identical to the genuine product and may not cause an obvious adverse reaction, however they often will fail to properly treat the disease or condition for which they were intended*« (WHO, 2016).

8 Literature review reveals that only one paper (Inciardi et al. , 2010) showed minimal use of internet for the acquisition of prescription medicines.

9 Interpol promotes six operations in the field of pharmaceutical crime: (1) *Pangea* (targeting the internet) (Interpol, 2016c), (2) *Mamba* (targeting Eastern Africa) (Interpol, 2016d), (3) *Storm* (targeting Southeast Asia) (Interpol, 2016e), (4) *Cobra* (targeting Western Africa) (Interpol, 2016f), (5) *Giboia* (targeting Southern Africa) (Interpol, 2016g) and (6) *Porcupine* (targeting West Africa) (Interpol, 2016h).

10 The first Pangea operation was launched in 2008. In a single day, agencies of 10 participating countries took some commercial websites offline and seized thousands of suspected counterfeit medicines (Interpol, 2016c).

11 Interpol uses different terms denoting counterfeit medicines, such as illicit pharmaceuticals, counterfeit medicines, illicit medicines and fake medicines (Interpol, 2016b). In our understanding, illicit pharmaceuticals are counterfeited medical products; illicit medicines are medicines that are not authorised for sale in a particular country and/or medicines that are stolen and sold on the black market; however, we use counterfeit medicines and fake medicines as synonyms.

12 DNP is a »*potentially lethal and illicit diet drug 2,4-dinitrophenol*« (Interpol, 2015).

13 Interpol (2015) reported that a woman died in the UK and a man in France had serious health issues after consuming products bought from these sites.

As seen in Table 2, more than 23,000 adverts for counterfeit and illicit medicines were removed from the internet and social media platforms in 2014 and 2015. These operations also target spam e-mail and messages in social networks (Interpol, 2012). The disruption of counterfeit medicines advertising is of particular importance because people can be lured into buying online medicines by very tempting adverts offering easy and cheap online shopping with guaranteed privacy. The latter is one of the primary reasons for buying medicines online. Especially for those who want to buy erectile dysfunction medicines. Due to their embarrassment to go to the doctor and/or pharmacy and their need for confidentiality, they are easy targets of criminals. Furthermore, setting up a rogue pharmacy is quite inexpensive and easy; therefore, criminals often use online pharmacies for selling counterfeit medicines to make money. To be able to detect such fake web pages, it is important to check several segments of an online store (U.S. food and drug administration [FDA], 2010; Meliza, 2013; Henkel, 2013; FDA, 2013; Kelly, 2015; Schultz, 2015):

- the price is noticeably lower than in other pharmacies.
- prescription-only medicines are available without prescription.
- the store is offering medicines that are usually difficult to get or are not approved by a national regulatory body.
- the store is offering a “new cure” or a “quick cure” for different serious illnesses.
- the store is claiming that state authorities wanted to prevent the sale of particular medicines because of their amazing results.
- the store is offering insufficient information regarding medicines it sells.
- the online store has no licence notifications it should have regarding the national legislation.
- there is no information regarding the regulatory body.
- the information of the store was obtained via spam, junk mail or messages in social networks.
- there are misspelled words, random spaces and unusual symbols between words on the web page or in the e-mail/message (to overcome spam filters).
- the adverts and websites are using fascinating and alluring words to impress customers and hide the lack or absence of scientific facts about the medicines they sell.
- the store has no postal address or the address does not exist.
- there is no phone number or the number does not exist or is not working.
- there is no customer service department and no online consulting with licensed pharmacist.
- the shipping is worldwide without warning that some of the medicines are not authorised in some countries.
- there is an extra fee for customs.
- the store has special offers – e.g. for purchasing a certain amount of medicines, the customer receives “extra” medicine free of charge.

Furthermore, potential customers should also be alert when encountering:

- store adverts or websites advertising medicines for “fast recovery” from different serious illnesses.
- attractive pictures of middle aged doctors in white medical gowns, working in clean, disinfected laboratories, although there is no information regarding their location and address.
- numerous positive customer reviews of bought medicines.
- grammatically poor websites which seem to be created with the assistance of Google Translate and similar services.
- unfinished store website with *Lorem Ipsum* text.

Potential customers, however, have some other possibilities to verify the authenticity of online stores. They may use various websites to check the list of non-recommended sites,¹⁴ scan a particular website in scam engines (e.g. <http://www.scamadviser.com/>) or check if the website is included on a list of safe pharmacies (e.g. <http://www.pharmacychecker.com/>). In some countries, the national regulatory body announces a list of licensed online pharmacies. In Slovenia, the

¹⁴ One such list may be found on the website of the National Association of Boards of Pharmacy (NABP, 2016a).

Ministry of Health issued rules concerning the online sale of medicines in 2015 (Pravilnik o izdaji zdravil prek medmrežja [Regulations on issue of the medicines via the internet], 2015), which follow the EU standards for the classification of medical products online, logo guidelines and procedures for issuing and withdrawing licences to dispense medical products via the internet.

3 THE ONLINE SALES OF MEDICINES IN SLOVENIA

As stated, the proper online sale of medicines requires the development of an adequate information and legislative structure. Furthermore, socio-cultural norms also play an important role.¹⁵ A handful of studies was conducted with respect to online sales and purchase of medicines in Slovenia (Vehovar & Travar, 2009), often being part of graduate or post-graduate research undertakings (Golec, 2008; Janežič, 2008; Mencinger, 2011). These studies show that the Slovene information structure is well developed and that legislative restrictions are considered as a hindrance preventing a hastier development of online medicines sales. However, socio-cultural factors were only seldom researched and considered. Interestingly, both a pilot research conducted by Golec (2008) and a survey carried out by Vehovar and Travar (2009), identified the possibility of receiving counterfeited medicines as the most significant problems in online medicine sales. Moreover, Janežič (2008) demonstrates that all products (such as Viagra and other pills containing Sildenafil) that were bought online, delivered to Slovenia and tested in a laboratory were in fact counterfeited and even dangerous for the health of consumers. Interestingly, despite the fact that the pills were fake, they were at least partly manufactured in accordance good manufacturing practice guidelines as they contained a suitable quantity of Sildenafil citrate (*ibid.*).

By complying with Directive 2001/83/EC of the European parliament of the Council, the sale of non-prescription medicine became legal in Slovenia (Kogovšek Vidmar, 2007), yet it was the new Medicinal Products Act (Zakon o zdravilih, 2014), which introduced a more adequate setup for the sale of non-prescription medicines. In order to protect the buyers from potentially maleficent practices, special measures were also developed by the EU. All pharmacies holding a permit to sell non-prescription medicines are required to display a special logo (Figure 6) that is unified in the EU area. By “clicking” on the logo, the customer is directed to the sub-page of the institution responsible for licensing pharmacies for online sales of non-prescription medicines, which provides a list of pharmacies holding such a licence.¹⁶

15 For instance, Slovene customers express strong fears of being cheated in online shopping (Vehovar & Travar, 2009), they are also reluctant to discuss (or are even self-denying) intimate (sexual) health problems. This has an impact on the development and use of internet services for online purchases of medicines.

16 Other countries use similar systems. The Verified Internet Pharmacy Practice Sites is a system used in USA (Oliver, 2000; NABP, 2016b). According to Orizio et al. (2010: 972), there is a “PharmacyChecker.com” (by a private certifier), the “Registered Pharmacy 1090088” (by the Royal Pharmaceutical Association) and the “CIPA symbol” (by the Canadian International Pharmacy Association). See also Fittler, Bószé & Botz (2013) for some other codes and seals used for verification, such as the TRUSTe logo, VeriSign logo, LegitScript or the PharmacyChecker developed by the German Institute of Medical Information and Documentation (DIMDI).



Figure 6: The logo that contains a hyperlink to the list of pharmacies licensed for online sales of non-prescription medicines. On the left is a blank template logo that is adjusted for the use in an individual country. An example for Slovenia is presented on the right. (source: European Commission, 2014; Pravilnik o izdaji zdravil prek medmrežja [Regulations on issue of the medicines via the internet], 2015).¹⁷

To test whether Slovene pharmacies comply with the EU standards, a pilot study into the extent of online medicine sales in Slovenia was conducted.

4 METHODS

Following the examples of foreign researchers (Mäkinen et al., 2005; Orizio et al., 2010; Eysenbach, 1999; Peterson, 2001; Gelatti et al., 2013) we conducted a search for identifying websites in the Slovene language which make the purchase of medicines (supposedly) possible. Two sets of search strings/terms were formulated (Figure 2). In the first set, comprised the Slovene equivalents and derivatives of the terms “online pharmacy”, “online medicines”, “medicines online”, etc.¹⁸ The second set included the terms Viagra, Cialis, Kamagra, Levitra, Sildenafil, Vizarsin and Tornetis (the last two are medicines for treating erectile dysfunction produced by pharmaceutical companies located in Slovenia).¹⁹ In May and June 2016, the terms were searched on Google.com, as this is the most widely used and considered the best search engine, on and Najdi.si, a Slovene search engine. We looked through the first 20 pages (i.e. the first 200 hits) or until Google stated that the most relevant results displayed were reached. Any page in the Slovene language that was found selling a product was opened and then included into the database. Forum topics and classified ads where the sale of prescription medicines was advertised were also included. The pages were then analysed in terms of their persuasive elements (pictures of healthcare staff, pictures of attractive people, “customer testimonies”, emphasising discreetness of the purchases and other elements used to paint the façade of a legitimate web page or credible seller).²⁰ In addition, website characteristics (usage of safety protocols, content information, domain information, etc.) and the possibility of tracking the sellers of medicines (method of payment, delivery etc.) were also analysed.

17 The logo that pharmacies are supposed to display is hidden on the web pages of the Ministry of Health under a password-protected compressed folder (see Ministrstvo za zdravje Republike Slovenije, [Ministry of Health], 2016).

18 The term drugs was not used, because in the Slovene language there is tendency to associate the term drugs with illegal substance, such as marihuana, cocaine, heroin, etc.

19 Lek d.d. produces Tornetis, while Krka, d.d., Novo mesto produces Vizarsin. The search for these medicines was conducted in order to find if they could be found on the black market. This would indicate a possible breach in the distribution chain or that counterfeiters tried to fake products, which are more familiar to the public.

20 See also results/chapter on Marketing Strategies in Orizio, Merla, Schulz and Gelatti (2011).

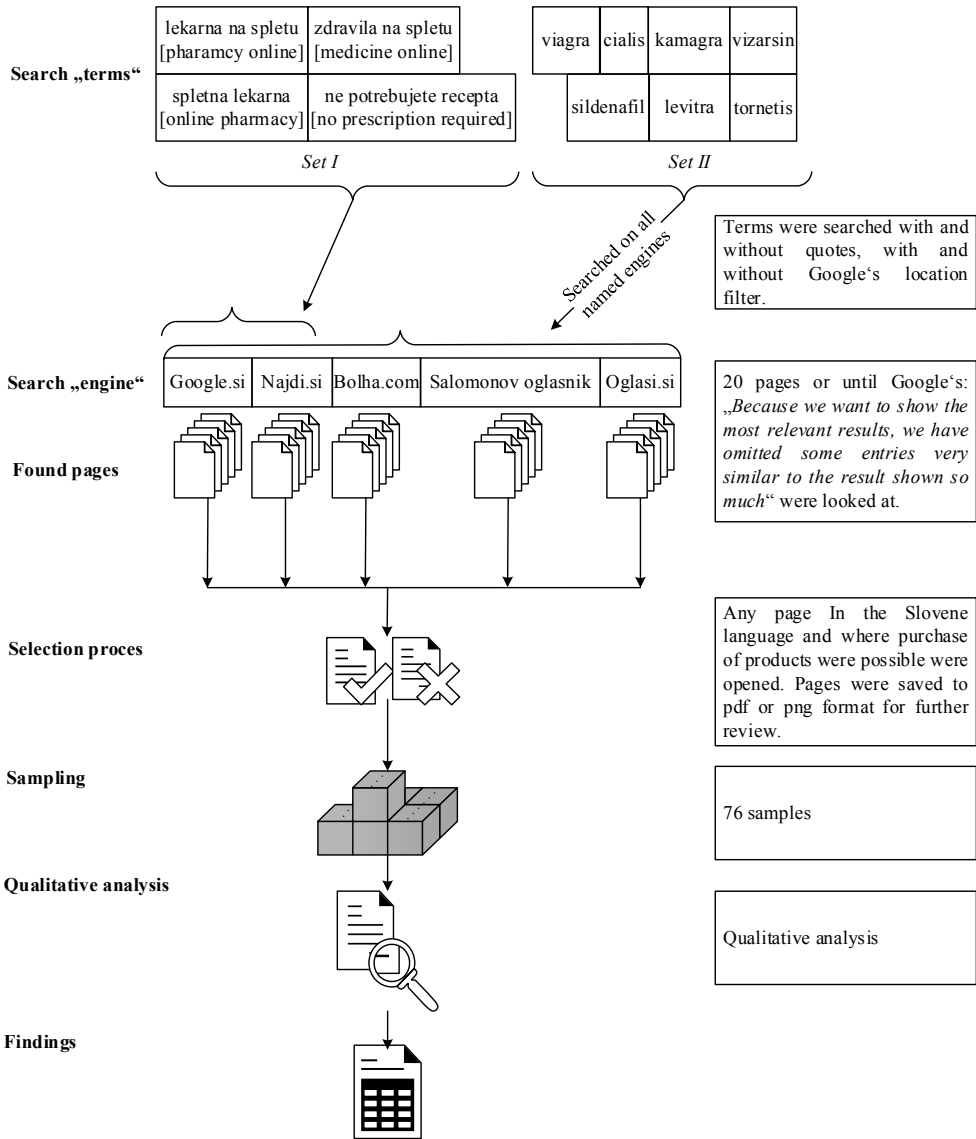


Figure 7: Research process

However, it must be stated that no actual purchase was conducted. Analyses, which may otherwise be performed in relation to questionable medical products, usually provide useful intelligence and investigative data (Dégardin et al. , 2014, 2015). Our approach also disregards the fact that such a setting may be used for identifying a different type of delinquent behaviour, such as identify theft or payment card fraud. Furthermore, in an investigative sense, packages may contain latent fingerprints and DNA of those handling the product. Moreover, chemical analyses of received medicines may indicate production and ingredients characteristics, thus pinpointing to the location or other modus operandi trademarks.

5 RESULTS

In total, 76 web pages were selected for further evaluation. We categorised/named them on the basis of literature review. Table 3 shows the frequencies.

Table 3: Types of web pages in the Slovene language where medicines were sold

Type of "pharmacy"	No. in the sample
Rogue-Lifestyle	35
Extension of the brick-and-mortar pharmacies	20
Lifestyle	16
Could not be assessed	4
Search engine for online pharmacies	1
Total	76

Based on the analysis, we named websites that sold only one type of prescription medicine a Rogue-lifestyle type site. This was done in order to differentiate from Lifestyle sites where natural, plant-based and no-prescription-needed products are being sold. None of the search strings led to legitimate on-line stores, where modern popular fitness and sports nutrition is sold (such as whey and testosterone boosters for muscle growth). This indicates that web pages advertising testosterone boosters for sexual purposes are indexed differently. Due to the similarities between Slovene and Croatian or Serbian languages, the search engines also displayed results from these countries. This indicates that Slovenes may be exposed to further risks due to a more extensive array of potential distributors of counterfeited medicines.

As mentioned before, the sample pool also included forum topics and classified ads. Most often, prescription-only erectile dysfunction medicines were sold by these ads and posts (therefore, the Rouge-Lifestyle category was included). Some classified ads were more than ten years old, yet still accessible, which indicated poor administration of the websites. However, Bolha.com and Salomonov oglasnik (Salomon.si), which are the most frequently used portals for classified ads in Slovenia, only contained a few controversial ads. Most of the ads in question were found on less popular ads sites.

When it comes to forums, topic and chat sites, the accessibility to such sites represents the most pertinent problem. Since medicines for the treatment of erectile dysfunction are used for "improving" sexual acts, there is reason to believe that the demand for such medicines is high on dating, escort and similar sites, which have a limited/restricted access. Our search shows many forums featuring intense advertising for Kamagra. Usually, a post is made, which displays a short PR message and a URL link to the page, where such products are sold. By analysing URLs and phone numbers/e-mail addresses, we could link several of these forum posts to several pages, which seem to be moderated by inter-connected groups, since these pages feature an almost identical design. Sales on portals and pages, such as YouTube (Jack, 2016), were not found. In addition, only one advertisement on Facebook and Google+ was found.

The majority of Rogue-Lifestyle sites were supposedly selling Kamagra, Cialis and Viagra products. Kamagra products are the most frequently sold (see also Figure 3), Viagra is second, followed by other erectile dysfunction medicines. Even if a website does not sell Viagra, the word itself is found in the title of the page and in the texts of the page. This is most probably done deliberately in order to attract visitors to the website. It also corresponds with other literature findings, which state that Viagra is globally the most looked/ searched for medicine online and at the same time the most counterfeited medicine in the developed world.²¹ Such key-wording is problematic, as we have noticed that if one is only seeking information on a health/medicine issue, the search results almost always refer them to a site, where medicines can be bought. Similarly to other researchers (Gelatti et al. , 2013), we also found advertisements where buyers receive "gratis" pills. Some of them are the same as those ordered, while others include "free

21 Even legitimate Lifestyle pharmacies use this advertising method. Many products that bear similar names, i.e. Viagra (e.g. Vita-gra), or are advertised as natural Viagra, natural blue pill, etc. may be found. The use of such words in the texts enables sellers to attract potential buyers to their websites and pharmacies.

samples” of different medicines. Such a “marketing strategy” additionally threatens the health of buyers since they may receive even more dangerous medicines or an even bigger quantity of dangerous medicine. Websites often display pictures of medical staff, emphasise anonymity and discreetness. They even list true scientific names of ingredients and, ironically, show pictures of fake products. None of the analysed websites demanded a prescription or medical background of the buyer. Nor did they offer any form of consulting through which a prescription could be obtained.

In general, these websites are simple. Often, a generic template is used that does not demand heavy editing. By using tools (Provalis Research’s WordStat 7.1.3) for analysing frequencies of words appearing in the texts, we analysed which words appear most frequently on the selected websites. This was done in order to analyse some of the marketing strategies and test whether the popularity of erectile dysfunction, anti-hair loss and weight loss pills remains present. Figure 3 shows this still holds true.

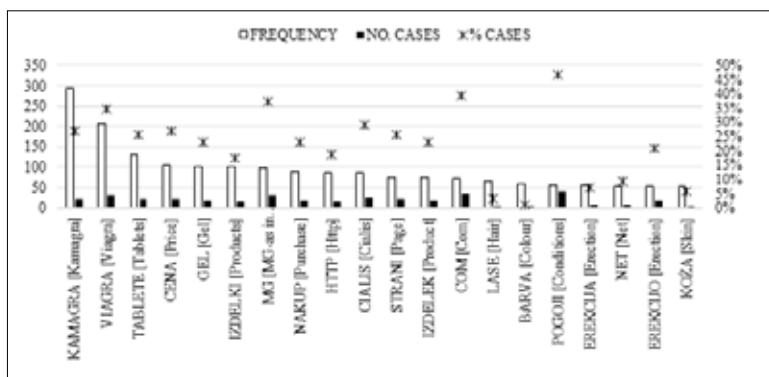


Figure 8: Top 20 words that appeared on the web pages included in the sample

None of the websites sold Tornetis or Vizarsin. Search results including these two terms were also very poor (Google listed 42,300 results for Vizarsin and 2,970 for Tornetis in contrast, for instance, with Viagra, Cialis and Kamagra, where 84,500,000, 57,900,000 and 17,700,000 hits were produced respectively).

In Slovenia, there are nine pharmacies currently licensed for online sale of non-prescription medicines (Ministrstvo za zdravje [Ministry of Health], 2016). They are all an extension of the classic brick-and-mortar pharmacies. When searching the internet, six more pharmacies selling non-prescription medicines were found (also an extension of the classic brick-and-mortar pharmacies). However, they did not have the required logo. On the websites of nine registered online pharmacies where the logo was displayed, the link did take the visitor to the list of the Ministry of Health. However, the identification of credibility is sometimes difficult, since the list contains the legal name of the pharmacy, while web pages often display different names (e.g. e-apoteka.si, which is owned by Lekarna Zalog [Pharmacy Zalog]; Lekarnar [Pharmacist], which is owned by Lekarna Nove Poljane [Pharmacy Nove Poljane]; Prvalekarna.com, which is owned by Lekarna Brod [Pharmacy Brod], etc.) Unskilled visitors could receive the wrong impression that the pharmacy they visited was illegitimate, since the name of the pharmacy is not displayed on the list. Furthermore, three more online pharmacies that were an extension of the brick-and-mortar pharmacies were found. However, they only sold galenic products or basic medical supplies.

The most frequently used payment method is Cash on delivery (Figure 4). This method is mostly used by Rouge-Lifestyle pharmacies. Legitimate pharmacies also frequently offer such payment methods, but they also provide other options.

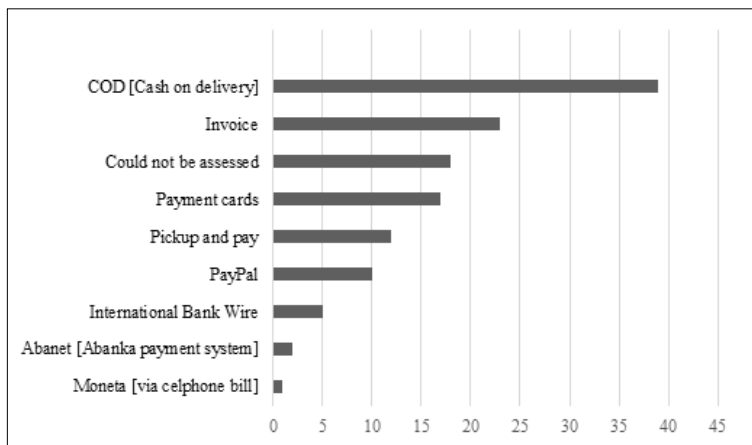


Figure 9: Payment methods on web pages included in the sample

None of the payment systems that websites use enables anonymity (such as Western Union or Bitcoin), which means that the receiver of the payment could be found should an investigation take place. Limited usage of payment card systems limits preventive measures. If payment card providers installed a system that would help to identify questionable sites where medicines are sold (see Leontiadis & Hutchings, 2015), the electronic payment system would safeguard misleading buyers.²² Furthermore, 10 out of 34 Rogue-Lifestyle pharmacies displayed telephone numbers, one even had a postal address. This enables traceability very easily.

Only three websites have a higher security protocol (secure socket layer (SSL) (https)); they have protocols on the segment where payment is performed. They are all an extension of the brick-and-mortar pharmacies. Almost all websites demand a form of registration (which makes sense, as the products must be sent somewhere) in combination with the fact that payment can be made in cash. The amount of information that buyers send over the internet is not particularly extensive.

6 DISCUSSION

Online pharmacies are attractive for criminals, particularly due to vast opportunities for generating high financial profits. Interpol (2014) reported that a transnational organised group earned USD 55 million within two years of selling counterfeit medicines online. This indicates that online pharmacies are also attractive for customers. In many cases, the benefits (anonymity, ease of shopping, access to limited medicines, convenience etc.) of online shopping prevail and customers decide to buy medicines online, not knowing or disregarding the risk of getting counterfeits instead of originals. In 2014, Interpol stated that the use of rogue online pharmacies is increasing in many countries. The most frequently sold counterfeit medicines include erectile dysfunction medicines, slimming pills, and pain and anxiety relief medicines (Interpol, 2014). The price of counterfeits is usually lower than the price of originals, however, the price is the same or even higher in certain cases, since online pharmacies are selling prescription-only medicines without an actual prescription. A higher price is used as "evidence" proving that the medicine sold is in fact original. This may mislead people, who are not aware of the problem of counterfeit medicines and lack experience in online shopping, to buy counterfeits. Buying medicines from unauthorised and unregulated internet sites may therefore bear extremely high risks, as organised criminals only care about customers' money, not their health (Interpol, 2015).

In 2005, Mäkinen et al. (2005) described the online pharmaceutical market and the EU legislation. One of the issues they considered to be increasingly problematic in the future refers to the distinction between legitimate and non-legitimate pharmacies. The papers by Chaudhry

²² MasterCard SecureCode may also increase the security of online shopping (MasterCard, 2016).

and Stumpf (2013), and Fittler et al. (2013) show that this is still a prevailing problem. Our research also indicates that this is indeed the case in Slovenia, as well. However, what is perhaps even more problematic is the fact that it seems that Slovene inspection services are doing their job rather poorly, since some rogue pharmacies are easily located via an internet search and that some pharmacies list their telephone numbers and postal address. The domain inquiry, which was also performed in the scope of our research, indicates that some websites are registered in Slovenia, which points to the ease of potential traceability. However, the legislative framework is lagging behind and this may also be one of the reasons why inquiries into the web-based pharmacies are not conducted. In the future, certain changes can probably be expected, since the MEDICRIME convention (2011) entered into force on 1 January 2016. Slovenia did not sign the convention yet, but the development of legislation allowing for a proper criminal investigation of rogue pharmacies should, in our opinion, be one of the primary concerns. Secondly, the register of legitimate pharmacies must be improved and regularly updated. Thirdly, more research is needed with respect to the products that rogue pharmacies are sending to buyers in Slovenia. Such research must include pharmacological and intelligence analyses of the products in order to trace the possible point of origin and determine how such products enter into Slovenia. Further media campaigns aimed at prevention must also be organised.

REFERENCES

- Bibaleze.si. (2015). *Kontracepcijske tabletko* [Birth control pills]. Retrieved from http://www.bibaleze.si/forum/?topic_id=11373&page=11
- Cannon, D. T. (2015). War through pharmaceuticals: How terrorist organizations are turning to counterfeit medicine to fund their illicit activity. *Case Western Reserve Journal of International Law*, 47(3), 343–375.
- Chaudhry, P. E. , & Stumpf, S. A. (2013). The challenge of curbing counterfeit prescription drug growth: Preventing the perfect storm. *Business Horizons*, 56(2), 189–197.
- Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health [MEDICRIME Convention]. (2011). *Council of Europe Treaty Series*, (211). Retrieved from <http://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482f>
- Crawford, S. Y. (2003). Internet pharmacy: Issues of access, quality, costs, and regulation. *Journal of Medical Systems*, 27(1), 57–65.
- Dégardin, K. , Roggo, Y. , & Margot, P. (2014). Understanding and fighting the medicine counterfeit market. *Journal of Pharmaceutical and Biomedical Analysis*, 87, 167–175.
- Dégardin, K. , Roggo, Y. , & Margot, P. (2015). Forensic intelligence for medicine anti-counterfeiting. *Forensic Science International*, 248, 15–32.
- European Commission. (2014). *Buying medicines online? Commission introduces logo to make sure consumers are safe*. Retrieved from http://europa.eu/rapid/press-release_IP-14-712_en.htm
- Eysenbach, G. (1999). Online prescribing of sildenafil (Viagra) on the world wide web. *Journal of Medical Internet Research*, 1(2), 1–4.
- Fittler, A. , Bösze, G. , & Botz, L. (2013). Evaluating aspects of online medication safety in long-term follow-up of 136 internet pharmacies: Illegal rogue online pharmacies flourish and are long-lived. *Journal of Medical Internet Research*, 15(9), 1–12.
- Forum partnerstvo: RE: Težave z erekcijo [Forum partnership: RE: Problems with erection]. (2016). *Ringaraja.net*. Retrieved from http://www.ringaraja.net/forum/m_5994076/mpage_2/key_/tm.htm
- Gelatti, U. , Pedrazzani, R. , Marcantoni, C. , Mascaretti, S. , Repice, C. , Filippucci, L. , et al. (2013). You've got m@il: Fluoxetine coming soon!: Accessibility and quality of a prescription drug sold on the web. *International Journal of Drug Policy*, 24(5), 392–401.
- Golec, D. (2008). *Spletno nakupovanje zdravil* [Online shopping of medicines] (Bachelor thesis). Ljubljana: Fakulteta za družbene vede.
- Henkel, J. (2013). Buying drugs online: It's convenient and private, but beware of 'rogue sites'. In M. Gevaert (Ed.), *Internet pharmacies: Rogue sites and safety measures* (pp. 77–84). New York: Nova Science Publishers, Inc.

- Inciardi, J. A., Surratt, H. L., Cicero, T. J., Rosenblum, A., Ahwah, C., Bailey, J. E., et al. (2010). Prescription drugs purchased through the internet: Who are the end users? *Drug and Alcohol Dependence*, 110(1–2), 21–29.
- Interpol. (2009). *International operation combats online supply of counterfeit and illegal medicines*. Retrieved from <http://www.interpol.int/News-and-media/News/2009/PR111>
- Interpol. (2010). *International operation targets online supply of counterfeit and illegal medicines*. Retrieved from <http://www.interpol.int/News-and-media/News/2010/PR083>
- Interpol. (2011). *Global operation strikes at online supply of illegal and counterfeit medicines worldwide*. Retrieved from <http://www.interpol.int/News-and-media/News/2011/PR081>
- Interpol. (2012). *Global crackdown on illicit online pharmacies*. Retrieved from <http://www.interpol.int/News-and-media/News/2012/PR077>
- Interpol. (2013). *International operation targets online sale of illicit medicines*. Retrieved from <http://www.interpol.int/News-and-media/News/2013/PR077>
- Interpol. (2014). *Pharmaceutical crime and organized criminal groups: An analysis of the involvement of organized criminal groups in pharmaceutical crime since 2008*. Retrieved from <http://www.interpol.int/Media/Files/Crime-areas/Pharmaceutical-crime/Pharmaceutical-Crime-and-Organized-Criminal-Groups>
- Interpol. (2015). *Interpol-coordinated operation strikes at organized crime with seizure of 20 million illicit medicines*. Retrieved from <http://www.interpol.int/News-and-media/News/2015/N2015-082>
- Interpol. (2016a). *The dangers*. Retrieved from <http://www.interpol.int/Crime-areas/Pharmaceutical-crime/The-dangers>
- Interpol. (2016b). *Operations*. Retrieved from <http://www.interpol.int/Crime-areas/Pharmaceutical-crime/Operations>
- Interpol. (2016c). *Operation Pangea*. Retrieved from <http://www.interpol.int/Crime-areas/Pharmaceutical-crime/Operations/Operation-Pangea>
- Interpol. (2016d). *Operation Mamba*. Retrieved from <http://www.interpol.int/Crime-areas/Pharmaceutical-crime/Operations/Operation-Mamba>
- Interpol. (2016e). *Operation Storm*. Retrieved from <http://www.interpol.int/Crime-areas/Pharmaceutical-crime/Operations/Operation-Storm>
- Interpol. (2016f). *Operation Cobra*. Retrieved from <http://www.interpol.int/Crime-areas/Pharmaceutical-crime/Operations/Operation-Cobra>
- Interpol. (2016g). *Operation Giboia*. Retrieved from <http://www.interpol.int/Crime-areas/Pharmaceutical-crime/Operations/Operation-Giboia>
- Interpol. (2016h). *Operation Porcupine*. Retrieved from <http://www.interpol.int/Crime-areas/Pharmaceutical-crime/Operations/Operation-Porcupine>
- Jack, A. (2016). Can anyone stop the illegal sale of medicines online? *BMJ*. Retrieved from <http://www.bmj.com/content/352/bmj.i1317>
- Janežič, T. (2008). *Viagra preko spleta: preučevanje mehanizmov distribucije in vrednotenje nekaterih parametrov kakovosti zdravil* [Viagra online: Study of mechanisms of distribution with evaluation of some parameters of a drug quality] (Bachelor thesis). Ljubljana: Fakulteta za farmacijo.
- Kelly, B. (2015). Online pharmacies: Buyer beware. *Australian Prescriber*, 38(6), 186–187.
- Kogovšek Vidmar, T. (2007). Internetne lekarne v Sloveniji: za kakšen model se bomo odločili? [Online pharmacies in Slovenia: what kind of model will we choose?]. *Farmacevtski vestnik*, 58(2), 59–62.
- Leontiadis, N., & Hutchings, A. (2015). Scripting the crime commission process in the illicit online prescription drug trade. *Journal of Cybersecurity*, 1(1), 81–92.
- Mackey, T. K., & Liang, B. A. (2011). The global counterfeit drug trade: Patient safety and public health risks. *Journal of Pharmaceutical Sciences*, 100(11), 4571–4579.
- Mäkinen, M. M., Rautava, P. T. & Forsström, J. J. (2005). Do online pharmacies fit European internal markets? *Health Policy*, 72(2), 245–252.
- Mastercard. (2016). *MasterCard SecureCode® provides enhanced security for online shopping*. Retrieved from <https://www.mastercard.us/en-us/consumers/features-benefits/securecode.html>
- Meliza. (2013). *How to spot fake online pharmacies*. Retrieved from <http://www.sproxil.com/blog/how-to-spot-fake-online-pharmacies/>
- Mencinger, M. (2011). *Uporaba interneta na primeru spletnih lekarn v Sloveniji* [Use of the internet in a case of e-pharmacies in Slovenia] (Bachelor thesis). Ljubljana: Ekonomsko-poslovna fakulteta.

- Ministrstvo za zdravje Republike Slovenije [Ministry of Health]. (2016). *Izdaja zdravil prek medmrežja* [Issue of medicines via the Internet]. Retrieved from http://www.mz.gov.si/si/pogoste_vsebine_za_javnost/izdaja_zdravil_prek_medmreza/
- National association of boards of pharmacy [NABP]. (2016a). *Not recommended sites*. Retrieved from <http://www.nabp.net/programs/consumer-protection/buying-medicine-online/not-recommended-sites>
- National association of boards of pharmacy [NABP]. (2016b). *VIPPS online pharmacies*. Retrieved from <http://www.nabp.net/consumers/vipps-online-pharmacies>
- Newton, P. N., Green, M. D., Fernández, F. M., Day, N. P., & White, N. J. (2006). Counterfeit anti-infective drugs. *The Lancet Infectious Diseases*, 6(9), 602–613.
- Oliver, A. J. (2000). Internet pharmacies: Regulation of a growing industry. *The Journal of Law, Medicine & Ethics*, 28(1), 98–101.
- Orizio, G., Merla, A., Schulz, P. J., & Gelatti, U. (2011). Quality of online pharmacies and websites selling prescription drugs: A systematic review. *Journal of Medical Internet Research*, 13(3), 1–25.
- Orizio, G., Rubinelli, S., Schulz, P. J., Domenighini, S., Bressanelli, M., Caimi, L., et al. (2010). Save 30% if you buy today. Online pharmacies and the enhancement of peripheral thinking in consumers. *Pharmacoepidemiology and Drug Safety*, 19(9), 970–976.
- Peterson, A. M. (2001). A survey of selected internet pharmacies in the United States. *Journal of the American Pharmaceutical Association* (1996), 41(2), 205–212.
- Pravilnik o izdaji zdravil prek medmrežja [Regulations on issue of medicines via the internet]. (2015). *Uradni list RS*, (87/15).
- Schultz, B. (2015). Online pharmacy regulation: How the Ryan Haight online pharmacy consumer protection act can help solve an international problem. *San Diego International Law Journal*, 16(May), 381–415.
- U. S. Food and drug administration [FDA]. (2013). Buying prescription medicine online: A consumer safety guide. In M. Gevaert (Ed.), *Internet pharmacies: Rogue sites and safety measures* (pp. 85–88). New York: Nova Science Publishers, Inc.
- U.S. Food and Drug Administration [FDA]. (2010). *The possible dangers of buying medicines over the internet*. Retrieved from <http://www.fda.gov/downloads/ForConsumers/ConsumerUpdates/UCM204943.pdf>
- Vehovar, V., & Travar, J. (2009). *RIS 2008: e-Zdravje in e-Farmacija telefonska anketa (#84)* [RIS 2008: e-health and e-pharmacy phone questionnaire (#84)]. Ljubljana: Fakulteta za družbene vede. Retrieved from <http://www.ris.org/uploadi/editor/1260655590Zdravstvo%20in%20farmacija%202009.pdf>
- WHO. (2010). Growing threat from counterfeit medicines. *Bulletin of the World Health Organization*, 88(4), 247–248.
- World health organization [WHO]. (1999). *Guidelines for the development of measures to combat counterfeit drugs*. Retrieved from http://apps.who.int/iris/bitstream/10665/65892/1/WHO_EDM_QSM_99.1.pdf
- World health organization [WHO]. (2016). *Substandard, spurious, falsely labelled, falsified and counterfeit (SSFFC) medical products*. Retrieved from <http://www.who.int/mediacentre/factsheets/fs275/en/>
- Zakon o zdravilih [Medicinal products act]. (2014). *Uradni list RS*, (17/14).

THE TRANSITION OF PRESCRIPTION PILLS TO HEROIN IN LOCAL COMMUNITIES IN THE UNITED STATES

Alexander Cundiff, Cesar Esmeral

ABSTRACT

Purpose:

The main focus of this paper is to look at the increase in drug addiction cases in local communities throughout the past several years.

Methods:

Using statistics from *The National Survey on Drug Use and Health (NSDUH)* along with interviews of several local law enforcement officers, emergency medical technicians, and recovering drug addicts the results will show how much of an increase in certain communities could have been effected high numbers of drug addiction.

Findings:

A key driver behind the rise in heroin abuse was the reformulation of two widely abused prescription pain drugs (Oxycotin and Opana), making them harder to crush and snort. Along with the reformulation, as prescription pills became harder to obtain in doctors' offices because of different restrictions such as the Monitoring program, the more expensive they became on the streets. Addicts who could not afford to support their habit then transitioned from pain killers to Heroin. Four out of five individuals who are addicted to heroin were once addicted to a prescription pill. According to the *Overdose Fatality Report*, over the past decade Kentuckians average over 1,000 overdose deaths a year. EMT's receive 3 to 4 overdose calls each shift with more on the weekend. On average over 150 people die of drug overdoses daily.

Research limitations:

With interviews coming from individuals of different job backgrounds who see drug addiction completely opposite of each other, the results varied on opinions of dealing with addiction.

Originality:

Though there is much research on heroin addiction in the United States today, but there is little research on the transition from prescription pills to heroin.

Keywords: transition, heroin, addiction

I INTRODUCTION

Over the past several years, the United States has seen a considerable increase in heroin use particularly in those states in the Appalachian region such as Kentucky. Compared to heroin use 50 years ago, current rates and trends show a relationship with prior use of pharmaceutical drugs, specifically opioid analgesics (Cicero, Ellis, Surratt & Kurtz, 2014). To date, most research related to this increase and this shift in self-reported drug use trends has focused upon determining to what extent this relationship exists. Compared to the 1960s where 80 % of users reported heroin as their first opioid of abuse, recent research indicates that 75 % or more recent users of heroin report prescription drugs as their first opioid of abuse. Mars et. al, 2014 utilized ethnography and in-depth interviews to examine the initiation into heroin injecting and reported this pills-to-heroin pattern is emerging so starkly that they began to include discussion of this transition in their interview guide. Research has begun to identify connections between OA misuse and heroin use, although this relationship remains under explored (Harocopos, Allen & Paone, 2016). Through a quantitative and qualitative foundation provided by these studies and others, we hope to further explore the factors associated with a transition from pharmaceutical opioid use/abuse and Heroin and/or concurrent Heroin and pharmaceutical use/abuse.

2 PRIOR HISTORY

In 2010, on a hot Friday evening, stadium lights began to shine over the football field for the first scrimmage of the season. There was about two minutes left in the first half of the game. On a sweep play as I ran up the field to block I was hit in the knee by one of the opposing players. I heard a loud pop, and from that point all I remember was being helped off the field. Weeks later

after going to the doctor's office and getting an MRI done, I was told I tore my right meniscus, and that I must have surgery. After the surgery was performed, I was then given a prescription for oxycodone 5mg. Oxycodone is an opioid used for severe to moderate pain. I was first prescribed to take three a day for two full weeks. From there I was moved down to taking one in the morning and one in the evening. But one particular evening before bed I could not find my prescription bottle anywhere in the house. My anxiety sky rocketed because I kept telling myself I wouldn't be able to sleep if I didn't have my nightly pill. The next morning I woke up and flushed the rest of my prescription down the toilet. I told myself if I kept taking them I would soon become addicted and follow the same path as my brother. If I didn't throw them down the drain who knows how long it would have taken my body to become dependent on them. After talking with several recovering addicts I found my story was no different from theirs. Whether they had a sport or work injury, once prescribed opioid pain relievers they became immediately addicted without knowing it. Other stories start off as individuals taking pills as a recreational drug. From recreational use they then move to a weekly and daily dosage, then eventually leading them to taking several pills multiple times a day. As time moves on, those individuals who became addicted to prescription pills, their bodies start to become dependent on a daily opioid dose.

2.1 Prescription Pills become drug of choice

Prescription pills moved its way into the drug culture fast. In the last decade prescription pills were one of the top ranked most abused drugs in the state of Kentucky. In the streets, it became just as easy to acquire pills like oxycodone and hydrocodone from a dealer, then it was to get a gram of weed. But how was it so easy to acquire? One of the biggest reasons was the growing pill mill industry. A pill mill is a business where a doctor, clinic or pharmacy prescribes narcotics without a legitimate medical purpose. In 2009 one Los Angeles doctor reportedly wrote an estimated 27,000 prescriptions over three years (Ioffee, 2014). The state that was most known for pill mills was Florida. Residents in local communities of the Sunshine state would complain about how they wouldn't be able to find a single car with a Florida license plate parked outside of their immediate care centers. Along with pill mills, some doctors began writing countless prescriptions for pain killers like Oxycotin (Pain killer for stage 4 cancer patients) and Opana instead of giving their patients something that is less addicting. Some individuals were stealing pills from their parents and grandparents medicine cabinets because at the time it was unheard-of to take family members prescription. There was even a time you could order pills over the internet without having a written prescription from a doctor. Figure 1 below shows all the different ways individuals acquired prescription pills.

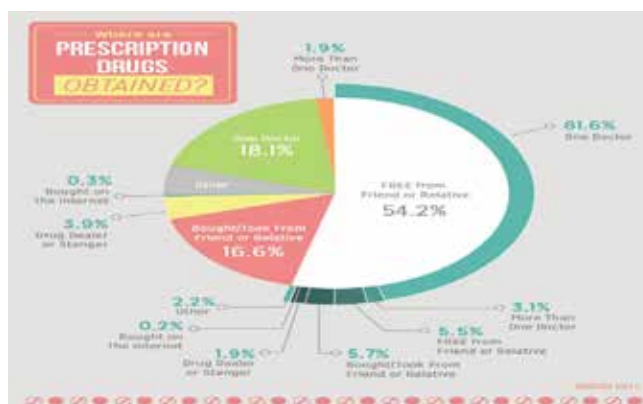


Figure 1: Where are Prescription Pills obtained?

(source: National Institute on Drug Abuse, 2016)

2.2 Opioid Addiction on the Rise

Since the year, 1999 prescription pill use has increased year by year. Sales of prescription pain relievers in 2010 were four times those in 1999; and the substance use disorder treatment admission rate in 2009 was six times the 1999 rate (Paulozzi, Jones, Mack & Rudd, 2011).

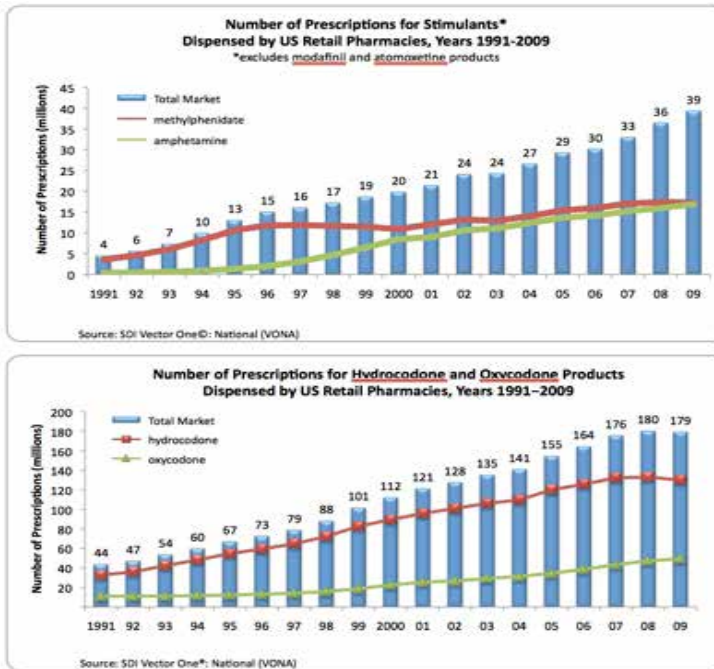


Figure 2: Number of Prescriptions 1991-2009 (source: Volkow, 2010)

Along with the increase in sales, the age and race of the customers who were buying opioids changed as well. According to the Substance Abuse and Mental Health Services Administration in 2014, 467,000 adolescents were current nonmedical users of pain reliever, with 168,000 having an addiction to prescription pain relievers. Drug abuse was moving out of the urban city and moving into middle and upper class suburban neighborhoods. Drug abuse has no discrimination. No matter the age, race, or gender anyone can become a victim. One of the most dangerous statements any parent can make is their child will never get addicted to drugs. The earliest age of an adolescent admitting to trying prescription pills is age 12. In 2000, the group with the highest rates of drug-poisoning deaths involving heroin were non-Hispanic blacks aged 45–64; however, by 2013, the highest rates of drug-poisoning deaths were among non-Hispanic whites aged 18–44 (Jones, Logan, Gladden & Bohm, 2015).

2.3 Cracking Down

Once it was defined as an epidemic, different states tried to figure out a way to stop their prescription pill abuse problem. From this time period on, prescription drug monitoring programs (PDMPs) began to develop and “pill mill” laws were put into place to target illegal opioid prescribing practices. Louisiana was the first state to come up with the Prescription Monitoring Program. This program features an online database that logs prescriptions written by doctors and filled by pharmacies, and it’s designed to help identify doctor shoppers, people who seek

multiple prescriptions from different physicians. As the (Casper Effect) came about, the price of prescription pills sky rocketed in the drug market (National Institute for Drug Abuse, 2016).¹

3 DRUG MARKET RISES

At first it seemed like a great time period for the state governments and local law enforcement agencies to rejoice once pill mills began to slowly close down, and the rate of prescription pill use decreased. But when police began to investigate their newly implemented laws in neighborhoods known for drug distribution, they noticed a good amount of dealers were no longer selling prescription pills, but instead shifted their market to selling heroin. Prescription pills that were once so easy to acquire, and were sold at reasonable prices, slowly went off the market and became an expensive addiction. Popular prescription pills like Oxycotin went from being sold as cheap as \$1 per milligram all the way up to individuals paying \$200- \$300 for one 80 milligram pill. Addicts who were taking more than three pills a day could no longer afford to support their habit without having to steal from their families or local convenient stores. 94 % of respondents in a 2014 survey of people in treatment for opioid addiction said they chose to use heroin because prescription opioids were "far more expensive and harder to obtain (Cicero et al., 2014). For the amount of less than \$10, addicts could get just as strong of a high from heroin than what they did from prescription pills. Prescription opioids are similar to, and act on the same brain systems affected by, heroin and morphine, they present an intrinsic abuse and addiction liability, particularly if they are used for non-medical purposes (Volkow, 2014).

4 THE TRANSITION

Four in five new heroin users started out misusing prescription painkillers. As a consequence, the rate of heroin overdose deaths nearly quadrupled from 2000 to 2013. During this 14-year period, the rate of heroin overdose showed an average increase of 6 % per year from 2000 to 2010, followed by a larger average increase of 37 % per year from 2010 to 2013 (Hedegaard, Chen & Warner, 2015). Along with the government and local law enforcement agencies who tried slowing down the distribution of prescription pills, companies like Oxycotin and Opana changed their tablets to crush resistant capsules. Pharmaceutical companies reformulated them into a gummy substance to make it more difficult to snort and to deter abuse (Dertadian & Maher, 2014). During the time period of prescription pills being so easy to acquire, those who would take them on a daily basis began to develop a dependency inside their bodies, which then lead to an opioid addiction. Most addicts were getting high from snorting their opioids through the nose. Once pills became crush resistant, addicts could no longer support their habit because the new formulated pills were not strong enough to go through the blood stream fast enough to make the addicts bodies happy. As capsules became harder to find for specific pills, addicts moved to heroin to fulfill their addiction.

5 CONCLUSION

Through the research given, this hopefully will provide further insight into the factors contributing to changes in patterns of drug use/abuse. Whether it was the drug market or the reformulation of specific pain relievers leading to the transition, this research shows that prescription pills were not a gateway drug but instead heroin was a better option for drug abusers to support their habit. Prescription pills for the longest time were not seen as being harmful because they were being prescribed by doctors. As individuals began to take more than they were prescribed or their bodies became dependent on the amount their doctors were writing them they eventually fell into the trap of addiction. Through this research and others, education with opioid abuse can be more stressed because what was seen as a harmless drug prescribed by doctors can lead to a transition of more powerful and dangerous drugs.

¹ Casper Effect- The disappearance of the sale of a particular drug due to new laws and regulations. As prescription pills became harder to attain, and became more expensive the market began to slowly disappear and addicts moved to cheaper alternatives (National Institute for Drug Abuse, 2016).

REFERENCES

- Cicero, T. J. , Ellis, M. S. , Surratt, H. L. , & Kurtz, S. P. (2014). The changing face of heroin use in the United States: a retrospective analysis of the past 50 years. *JAMA Psychiatry*, *71*(7), 821–826.
- Dertadian, G. C. , & Maher, L. (2014). From oxycodone to heroin: Two cases of transitioning opioid use in young Australians. *Drug & Alcohol Review*, *33*, 102–104.
- Harocopos, A. , Allen, B. , & Paone, D. (2016). Circumstances and contexts of heroin initiation following non-medical opioid analgesic use in New York City. *International Journal of Drug Policy*, *28*, 106–112.
- Hedegaard, H. , Chen, L. , & Warner, M. (2015). *Drug-Poisoning Deaths Involving Heroin: United States, 2000–2013*. Retrieved from <http://www.cdc.gov/nchs/products/databriefs/db190.htm>
- Ioffee, K. (2014). *Prescription abuse skyrocketing, leading to more heroin addicts, experts say*. San Francisco: Oakland Tribune.
- Jones, C. M. , Logan, J. , Gladden, R. M. , & Bohm, M. K. (2015). Demographic and substance use trends among heroin users—United States, 2002–2013. *Weekly*, *64*(26), 719–725.
- National Institute for Drug Abuse. (2016). *Popping pills: Prescription drug abuse in America*. Retrieved from <https://www.drugabuse.gov/related-topics/trends-statistics/infographics/popping-pills-prescription-drug-abuse-in-america>
- Paulozzi, L. J. , Jones, C. M. , Mack, K. A. , & Rudd, R. A. (2011). Vital signs: Overdoses of prescription opioid pain relievers – United State, 1999–2008. *Centers for Disease Control and Prevention*, *60*(43), 1487–1492.
- Volkow, N. D. (2010). *Prescription drug abuse*. Retrieved from <https://www.drugabuse.gov/about-nida/legislative-activities/testimony-to-congress/2010/09/prescription-drug-abuse>
- Volkow, N. D. (2014). *America's addiction to opioids: Heroin and prescription drug abuse*. Retrieved from <https://www.drugabuse.gov/about-nida/legislative-activities/testimony-to-congress/2016/americas-addiction-to-opioids-heroin-prescription-drug-abuse>

GREEN CRIMINOLOGY – WATER CRIMES

WATER, INEQUALITIES AND INJUSTICE: SOCIAL DIVISIONS, RACISM AND COLONIALISM - PAST AND PRESENT

Avi Brisman, Nigel South

ABSTRACT

Purpose:

This paper reviews themes of subordination and injustice, and forms of crime and victimisation, in relation to water access and distribution.

Methods:

This is a preliminary paper drawing on published historical and contemporary cases from around the world.

Findings:

Inadequate access to safe and sanitary supplies of freshwater causes over three percent of all human deaths worldwide and is the leading cause of death for children under five years old (Prüss-Üstün, Bos, Gore & Bartram, 2008). Access to clean water is as fundamentally important as the composition of the air we breathe and soil we touch—and there is a growing sentiment that it is—or should be—a human right. In Green Criminology, the idea of “environmental (in) justice” captures concerns about the distribution of access to “environmental goods” but also the inequalities reflected in patterns of distribution or scarcity which have environmentally bad impacts and unjust outcomes for particular populations.

Research limitations:

The paper represents an exploratory exercise and draws on secondary sources only.

Originality:

Although “water” issues have been explored in other social sciences, notably in geography and political ecology, harms and crimes relevant to water availability and access have been neglected in criminology until relatively recently.

Keywords: water, injustice, water theft, pollution, colonialism, racism

I INTRODUCTION

In *The Sociological Imagination*, Mills (1959) provides many insights into why sociology – or, for our purposes, sociological criminology – is worthwhile. Of particular relevance here is the suggestion that we should address “ourselves to issues and to troubles” and formulate them as “problems of social science”. By doing so, Wright Mills (1959: 194) says, “we stand the best chance ... to make reason democratically relevant to human affairs in a free society, and so realize the classic values that underlie the promise of our studies”. In the context of this paper, we would replace the term “human affairs” with a broader concern with issues and troubles affecting “the environment, humanity and other animals”. But the aim of directing reason and attention to some fundamental issues and troubles holds. Our starting point is a classic source of issues and troubles for sociology and criminology—inequality and injustice. We focus on a relatively neglected reflection of these troubles—the issue of unequal access to, and availability of, water. We do so by examining some relevant challenges and inequalities in the 21st century but also by recalling an instructive case from the history of colonialism and the human ability to turn a failure of nature into a disaster, and to disregard democracy and justice in order to perpetuate social divisions.

2 INEQUALITY, INJUSTICE AND ENVIRONMENT

It has been an insight central to the development of a sociological criminology since the era of the Chicago School that deprivation and inequality are related to crime. In mainstream criminology, the association between inequality and criminal perpetration or victimization has been well explored in terms of two dimensions: (1) inequalities as related to criminality; and (2) inequalities as related to victimization. Hagan and Petersen (1995: 5) note that criminological theories of “Opportunity, routine activity, and lifestyle (...) emphasize that subordinate populations are inadequately equipped to defend themselves against crime” – whether as perpetrators or victims. Such theories focus upon the individual within a limited sphere of everyday action.

Critical criminologists would argue for a more social approach with more explicit recognition that “subordinate” populations (ethnic minorities, women, young people) find themselves ill-equipped to defend themselves against structural inequalities and bias, meaning that not only is society racist, patriarchal and homophobic (Messerschmidt, 1997) but that key institutions discriminate against or fail the powerless.

In green criminology, the idea of environmental (in)justice captures and reflects some of these concerns, typically applied to the circumstances of the poor and victimized in relation to the distribution of “environmental goods” having environmentally bad impacts and outcomes. Environmental justice has a lengthy history and literature outside of criminology. For example, Bullard’s (1990) path-breaking study is concerned with environmental discrimination as “a fact of life” for many black communities. Hofrichter (1993: 4) argues that environmental problems are “inseparable from other social injustices such as poverty, racism, sexism, unemployment, urban deterioration, and the diminishing quality of life resulting from corporate activity.” Hofrichter (1993) then defines the idea of environmental justice in a positive sense as requiring “social transformation directed toward meeting human need and enhancing quality of life—economic equality, health care, shelter, human rights, species preservation and democracy—using resources sustainably.” More recently, White (2013: 43) describes environmental justice as referring to:

The distribution of environments among peoples in terms of access to and use of specific natural resources in defined geographical areas, and the impacts of particular social practices and environmental hazards on specific human populations (for example, as defined on the basis of class, occupation, gender, age, ethnicity).

In other words, humans are the centre of analysis. The focus of analysis is on human health and well-being and how these are affected by particular types of production and consumption.

For White (2013), then, like Bullard (1990) and Hofrichter (1993), environmental (in)justice has both a positive and negative dimension: it means equal access to and distribution of necessary natural resources—the “good stuff”—and political participation in decisions that affect those resources, while at the same time, insurances and protections against disproportionate impacts of hazardous environmental conditions—the “bad stuff”—and political participation in decisions that affect those impacts (such as the siting of a power plant or toxic waste dump).

Here we take the case of access to safe and affordable water as the source of various “issues and troubles”, and as reflective of various environmental injustices.

3 WATER AND ACCESS

Inadequate access to safe and sanitary supplies of fresh water causes over three percent of all human deaths worldwide and is the leading cause of death for children under five years old (Prüss-Üstün, Bos, Gore & Bartram, 2008). Developing nations bear the brunt of insufficient access to clean water (LaFraniere, 2006). Roughly 150 million urban dwellers do not have access to safe drinking water and the world’s urban population is expected to add 2.5 billion people by 2050 with nearly 90% of the increase in Africa and Asia (Edwards & Hamze, 2015). Problems of accessibility are less likely to impact the developed and post-industrial world unless they affect agricultural production or recreation. Thus, water pollution and access to clean water are often conceptualized as problems with different socioeconomics and geopolitics (McClanahan, Brisman & South, 2015). For example, restriction of access to water may follow from privatization of supply, corporate pollution of watercourses, official government water regulation schemes that discourage water recycling or actually criminalize water reuse as theft (McClanahan, 2014; see also Gentile, 2016), and corporate profiteering from the bottling and selling of water.

The dominant global economic narrative privileges growth over ecological stability. This is not simply anthropocentrism or corporate-state entities valuing human life over nonhuman life and its ecosystems. Rather, the philosophy guiding powerful state and corporate actors is often pure *econocentrism*, prizing economic growth over both human *and* nonhuman health and ecology (Ruggiero & South, 2013). One key—some have argued “ecocidal”—expression of this trend has been the push to privatize the natural resources of the planet (Higgins, Short & South, 2013). In particular, for example, considering water issues in the Global South, one of the primary sources of problems of access, inequality and conflict has been privatization schemes that have

replaced local and municipal control of water with corporate commodification. In many cases of privatization, not only has the sale of water been passed to private interests but also regulation of supplies (Barlow & Hauter, 2014). The result is not only an increase in the price of water but also a decrease in rigour of safety checks as these and the staff required are expensive. As Amster (2015: 52, 71) points out:

The dominant “solution” of privatizing the commons in order to “save” them is nonsensical (eerily reminiscent of the discredited logic from the Vietnam War arguing that we had to “destroy the village in order to save it”). When these essentials of survival (food, energy and water) are privatized and commodified, it sets in motion a sequence of increasingly alienating conditions that pit sustenance against sustainability, success against society, values against values, and wealth against well-being.

Importantly, we argue, issues of water access and water pollution are quickly becoming inextricably linked (McClanahan et al., 2015). For example, the catchment, manufacture, transportation, and sale of bottled water are all energy-intensive processes that present consumers of the Global North with a picture of unproblematic water abundance and easy access. Yet every element and step of these processes is also a contributor to the global degradation of water access and quality for others – diverting water into plastic bottles which are transported miles, burning up fuel and increasing air pollution, and which are produced using water and oil, and then frequently disposed of without regard for recycling (Pacific Institute, 2007). All of this reinforces water inequalities in a world where some waste huge amounts of water in order to put water into bottles to be sold at inflated prices while others are affected by drought, inadequate infrastructure and water prices they cannot afford.

4 WATER AND INEQUALITIES

Water scarcity, while subject to various definitions and conceptualizations (Brisman, McClanahan & South, 2016), generally refers to insufficient safe water for a healthy and productive life and can be devastating, leading to ecological catastrophe and disease. Populations may face choices as stark as starvation or migration. The latter is itself a traumatic challenge, involving, as Agnew (2012) observes, the loss of home, land, close others, and livelihood. Many migrants will only find refuge in camps or the slum areas of mega-cities in countries already facing socio-economic strains (Agnew, 2012; South, 2012). The obscene contrast is that which we can draw between the situation of the desperate living in conditions of water poverty and drought, versus those living in a “fools paradise” where water is bottled and sold at premium prices. In the past two years, India has faced a worsening water crisis as monsoons have been delayed or been scanty. Biswas (2016) reports that:

The evidence about the declining water levels and waning health of the 2,500km long Ganges, which supports a quarter of India’s 1.3 billion people, is mounting. Part of a river’s water level is determined by the groundwater reserves in the area drained by it and the duration and intensity of monsoon rains. Water tables have been declining in the Ganges basin due to the reckless extraction of groundwater. Much of the groundwater is, anyway, already contaminated with arsenic and fluoride.

Meanwhile, one luxury bottled water, Bling H₂O, a brand launched in 2005, has been marketed with a price of up to 50 Euros and contained in bottles produced “with hand-made Swarovski crystals” aimed at a market where people carry “their bottle of water as part of their personal presentation” (Brei & Bohm, 2011: 248).

As Kotze (2014: 3) remarks, “As a result of its commodification, water has steadily become the object of globalised economic processes—producing many vexing questions related to, for example, the role of the state and the private corporation in providing water to people; privatization of water services; and the role of domestic water regimes to provide water in a manner that is fair, equitable, transparent, affordable and sustainable.”

5 VIOLATIONS OF LAWS AS A RESULT OF WATER SCARCITY

When water is scarce, people will often engage in extreme measures to obtain it and crimes associated with water scarcity generally pertain to stealing it. In contexts where water is available only to those who can afford to pay, it attracts a familiar solution to the problem of inaccessibility of vital and precious goods – theft. For example, in Kenya, Njeru (2012) has reported on “water shortages driving growing thefts” and quotes Professor Makumi Mwangiri of the Institute of Diplomacy Studies at the University of Nairobi: “What we are witnessing in the slums is very serious. Some think that water theft is petty but we are living with a time bomb.” Most cases involving water crimes rarely make it to court, he said, largely because Kenyan police view water theft as a petty offense. But “there have been incidents where people have been killed that relate to water.” According to a Kenyan police officer interviewed by Njeru (2012) in 2011, 16,000 water crimes had been reported to the police, and although these “were taken seriously and many thieves were prosecuted”, a junior officer who was also interviewed observed that “corruption in the force is a problem in combating water thefts.” This observation would seem to be important because while such theft and its consequences can be local and small scale and hence create a perception of it as a “petty offense”, in fact it can also be systemic, organized, large scale, and devastating, as others indicate.

Odiwuor (2013), in a report for the Integrated Regional Information Networks, an accredited service of the United Nations Office for the Coordination of Humanitarian Affairs, writes that “Collusion among government officials, unscrupulous water vendors and large farm owners results in diverted water supply lines, misappropriated funds, and failure to implement laws on protecting water sources from encroachment and pollution.” Benton-Short and Short (2013: 306–307) elaborate, pointing out that “every day in developing cities across the world”, many people must depend on a “variety of informal, and often illegal, techniques and practices to access water and sanitation. Although most cities have water supply infrastructure, it is often unreliable and inconsistent. Water runs only intermittently, or under irregular or insufficient pressure, it may be contaminated and the system can suddenly breakdown”. Local people, particularly the poor, may therefore have no access to water for days or weeks. Those without “legal access to pipe water supply ... are particularly vulnerable [and] must spend considerable time each day to access water and sanitation facilities”. This can include missing work to procure water, walking miles in search of sanitation or clean water, and buying water from illegal and informal sources. In addition, some will tap illegally into the water supply. Such water practices are predominantly carried out by girls and women, since the responsibility of household management usually falls to them. Sometimes, for example, girls will be kept out of school in order to help with procuring tanker water delivery. Because many cities have criminalized practices such as tapping into existing pipes poor women are in an even more vulnerable position. Thus water access in developing cities is more than just about water: the time spent trying to get water curtails other opportunities, such as generating income or getting an education. It can also be dangerous.

Heyes (2014) reports that in the capital city of India, New Delhi, “as many as 2,000 illegal water tankers hit the city streets daily, to supply millions of people whose water taps have run dry.” Heyes attributes the illegal trade of water in New Delhi to the city’s dysfunctional water system: “With a leaky water infrastructure long overwhelmed by new arrivals, New Delhi is grappling with a dizzying social and environmental challenge, worsened by chaotic management.” In drought-stricken areas or other cities with problems of water management and infrastructure, the continued depletion of existing water sources, which lowers supplies even further, is currently coupled with continuing high demand for fewer water resources.

Harvey Evans, Sharma Li and Figuero (2015) capture this complexity of water use and economies in the slums of Delhi: “the slum bricolage economies of water, as with the upper-strata water economy, are comprised of a multiple and complex combination of different forms of production, distribution, appropriation and consumption of water. The contrast is of two radically different water worlds. In the slum water economies, the formal public component of water tankers, and, to an extremely limited extent, authorised standpipe borewells, was complemented by various forms of illegal and informal appropriation of groundwater, and in one case a complex illegal market for water between two slums.”

In other locations, “water thievery” is performed not by the poorest segments of the population but by the wealthier ones. As Boelens, Bueno de Mesquita, Gaybor and Peña (2011: 42) explain, “Water accumulation and control by the few is a long-standing problem in Latin

America”, recently made worse by domestic and international policies alongside pressures and demands from multinational corporations, and amounting to water thievery by “privileged stakeholders in times of increasing scarcity, ... leading to numerous conflicts, most of them local.”

6 INEQUALITY, ENVIRONMENTAL INJUSTICE AND HUMAN RIGHTS

In his remarkable anatomy of Los Angeles, Davis (1990) suggested that by the end of the twentieth century, the visible proximity of threatening poverty alongside the spectacular growth of corporate and private wealth was being addressed via the creation of two cities – one for the “haves” and one for the “have-nots”. Here we aim to highlight Davis’s analysis of the juxtaposition of poverty and private wealth, and of the past and present construction of having and not having, first, by considering Davis’s other work on colonialism, drought and famine, and then, second, by briefly discussing the case of water access and pollution “issues and troubles” in the city of Flint, Michigan, USA.

6.1 Drought, colonialism and famine

Mutter and Barnard (2010: 276) offer a geo-political analysis of the coinciding of poverty, drought and food shortage: “the low latitude tropics and sub-tropics, with the exception of desert regions, are often host to very high population densities and the highest concentrations of extreme poverty” as for example in sub-Saharan Africa. These areas are (Mutter & Barnard, 2010):

the only parts of the world where droughts still lead to famines that cause significant mortality, not only from direct starvation, but also from illness associated with malnourishment. Historically, it is very possible that drought-induced food shortages combined with cruel, bias-based or malfeasant government actions have given rise to famines that have caused the greatest mortality of all disasters.

Davis (2002) argues that by examining the history of famines and droughts in late-nineteenth-century Brazil, China and India, it can be shown there is more to “drought-induced food shortages” than the forces or failures of nature and that “the division of humanity into haves and have-nots – was shaped by fatal interactions between world climate and world economy at the end of the nineteenth century”. He identifies “Three waves of drought, famine and disease” that “devastated agriculture throughout the tropics and northern China when the monsoons failed” and estimates that the “total human toll could not have been less than 30 million victims. Fifty million dead might not be unrealistic.” As has occurred in more recent years, the effects of the El Niño-Southern Oscillation on air mass and Pacific Ocean temperature shaped “these catastrophic climate disasters and crop failures”, but as Davis (2002) remarks, “nature alone is rarely so deadly”:

Millions of cultivators in India and China had been recently incorporated into webs of world trade as subsistence adversity, caused by various state and imperial policies, had encouraged them to turn to cash-crop cultivation. As a result, peasants and farmers became dramatically more vulnerable after 1850 to natural disasters such as extreme climate events and were at the same time whiplashed by long-distance economic perturbations whose origins were as mysterious as those of the weather.

With the absence of the expected Monsoon in India in late 1876, drought and famine followed. Subsequently, the mechanisms of management of the starving and impoverished poor that were introduced by the colonial power involved what would today be regarded as indefensible abuses of human rights (Davis, 2001). According to Davis (2001: 38–40), the interaction between “ecological poverty, especially the decline of irrigation and the enclosure of common resources” with household poverty and deliberate state policies, were the factors that made areas of the global south or developing world “so much more vulnerable to natural disasters.”

The imposition of rules of trade—created by the colonial power—facilitated the unfair export of food while unfair laws regarding property meant injustice with regard to access to water: “When a person owned land in British India, that person also owned the rights to the water

on it. Prior to the British occupation, water in India had been communally managed. The new, British system led to the collapse of traditional water management structures" (Davis, 2001: 31). As water shortages continued and famine deepened, Davis (2001: 37) records that "In 1877 Sir Richard Temple the Lieutenant Governor of Bengal, received his brief from the Council of India, representing the British Government", advising him that: "The task of saving life irrespective of costs, is one which is beyond our power to undertake. The embarrassment of debt and weight of taxation consequent on the expense thereby involved would soon become more fatal than the famine itself."

A campaign of famine management followed, involving "a lightning tour of the famished countryside", during which Temple required the starving "to travel to dormitory camps" and to "work on infrastructure projects such as railways". Davis (2001: 37) describes this massive exercise in social control as a self-proclaimed Benthamite 'experiment' that eerily prefigured late Nazi research on minimal human subsistence diets in concentration camps" and by "the end of May horrified relief officials in Madras were reporting that more than half of the inmates were too weak to carry out any physical labour whatsoever. Most of them were dead by the beginning of the terrible summer of 1877."

Finally, in September and October 1878 heavy rains eased the drought. This history should remind us, however, of the links between past and present, precedents and repetitions, in various ways. Wachholz (2007) cites the work of Dai, Trenberth and Quai (2004) who examined global climate records from 1870-2002 and found that the amount of land categorized as experiencing drought had more than doubled since the 1970s, with evidence of widespread drying over Europe, Asia, Canada, and parts of Africa and Australia. Droughts, water poverty and pollution continue to afflict areas like India. And meanwhile, in parts of America, for all the abundance of wealth in banks and water in bottles, the type of community that Bullard (1990) wrote of as those most affected by environmental injustices are still suffering.

7 FLINT'S CHILDREN AND THE BURDEN OF BETRAYAL

In late April 2014, in the city of Flint, Michigan, a measure to save money was introduced that would have immediate public health implications and that is likely to leave a legacy of harm affecting many, including children. The measure involved changing the source of the public water supply from water treated by the Detroit water authority, originating in Lake Huron and the Detroit River, to the Flint River. The river water proved to be corrosive and approval of the new arrangements had not required use of anti-corrosion agents to treat it. The result was erosion of the old lead pipes and lead contaminating the water supply. Residents noticed an unpleasant taste, smell and colour but a significant indicator that something was very wrong came in October that year when the Flint city General Motors factory complained that the water was corroding car parts (Sanburn, 2016).

Inequalities and injustice affecting water access are intertwined here with other issues and troubles (Felton, 2016). As a Washington Post report on Flint (Badger, 2016) said, the children of the city will grow up feeling betrayed, "knowing that the government itself failed them, that people who were supposed to protect them did not intervene, that their health was jeopardized for financial savings, that cries from their parents were dismissed. They may know, eventually, that their own mayor believes this was allowed to happen because their community is poor and predominantly black. In Flint we are talking about children who were already living with many disadvantages—high crime, poor-quality housing, the stress of poverty—before the water even began running out of the tap murky and foul-smelling." As the report observed, the people of Flint realised they were not to blame for any of this: "They are now forcefully saying—as the mayor has—that the problem lies not with the people in Flint, but with the callousness of the system around them."

8 CONCLUSION

Water can be a source of disaster affecting communities (from Katrina to Flint) with related crime and injustice as a consequence. In addition, "turning a previously common resource into one that is privatized (...) engender[s] a global commodity trade that gives new meaning to 'liquidity'", Amster (2015: 63) observes. Moreover, this unjust apportionment of water *creates* scarcity that

can, in turn, lead to conflict. This conflict can be political as well as criminal. In the future, as Kotze (2014: 1–2) warns, “social-ecological relationships” will increasingly see “acute conflicts arising over water and between humans and non-human entities”. Indeed, as Maris (2015: 126) observes:

The place for nature on Earth is dwindling. Today there are more than seven billion humans occupying two-thirds of the planet’s land surface (Mittermeier et al. , 2003). The remaining parts of the planet, while not used by humans, are either under permanent ice (one-third) or threatened by diverse human activities like agriculture, logging, mining, pollution and so on (one-half). No marine area is unaffected by human influence, and over 40 per cent is strongly affected by factors like pollution, fishing, species invasions and climate change (Halpern et al. , 2008).

Water, then, is likely to be absolutely central to future resource-scarcity challenges and the hugely political nature of choices facing humanity over matters such as population size, resource allocation and system collapse (Hengeveld, 2012; Royal Society, 2012).

REFERENCES

- Agnew, R. (2012). Dire forecast: A theoretical model of the impact of climate change on crime. *Theoretical Criminology*, 16(1), 21–42.
- Amster, R. (2015). *Peace ecology*. Boulder and London: Paradigm Publishers.
- Badger, E. (February 18, 2016). Flint’s children and the burden of betrayal. *Washington Post*. Retrieved from https://www.washingtonpost.com/news/wonk/wp/2016/02/18/flints-children-and-the-burden-of-betrayal/?tid=sm_tw.
- Barlow, M. , & Hauter, W. (2014). Great American water crisis. *Utne Reader*, 181, 43–45.
- Bentlow-Short, L. , & Short, J. R. (2013). *Cities and nature*. London and New York: Routledge.
- Biswas, S. (2016, March 27). Is India facing its worst-ever water crisis? *BBC News Asia*. Retrieved from <http://www.bbc.co.uk/news/world-asia-india-35888535>
- Boelens, R. , Bueno de Mesquita, M. , Gaybor, A. , & Peña, F. (2011). Threats to a sustainable future: Water accumulation and conflict in Latin America. *Sustainable Development Law & Policy*, 12(1), 41–45 & 67–69.
- Brei, V. , & Bohm, S. (2011). Corporate social responsibility as cultural meaning management: A critique of the marketing of ‘ethical’ bottled water. *Business Ethics: A European Review*, 20(3), 233–252.
- Brisman, A. , McClanahan, B. , & South, N. (2016). Water security, crime and conflict. *Oxford Handbooks Online in Criminology and Criminal Justice*. Retrieved from <http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199935383.001.0001/oxfordhb-9780199935383-e-86>
- Bullard, R. (1990). *Dumping in Dixie: Race, class and environmental quality*. Boulder CO: Westview.
- Dai, A. , Trenberth, K. , & Quan, T. (2004). A global dataset of Palmer drought severity index from 1870–2002. *Journal of Hydrometeorology*, 5, 1117–1130.
- Davis, M. (1990). *City of quartz: Excavating the future in Los Angeles*. London: Verso.
- Davis, M. (2001). *Late Victorian holocausts: El Niño famines and the making of the third world*. London: Verso.
- Davis, M. (2002). The origins of the third world: Markets, states and climate. *Corner House Briefing* 27. Retrieved from <http://www.thecornerhouse.org.uk/resource/origins-third-world>
- Edwards, B. , & Hamze, M. (November 5, 2015). How can developing cities provide better water to their residents? *Urban Wire*. Retrieved from <http://www.urban.org/urban-wire/how-can-developing-cities-provide-better-water-their-residents>.
- Felton, R. (March 23, 2016) Flint water crisis was ‘environmental injustice’, governor’s taskforce finds. *The Guardian*. Retrieved from <https://www.theguardian.com/us-news/2016/mar/23/flint-water-crisis-taskforce-michigan-governor>.
- Gentile, N. (March 22, 2016). If you catch and use rainwater in Colorado, you are a criminal. *ThinkProgress*. Retrieved from <http://thinkprogress.org/climate/2016/03/22/3762378/colorado-rain-barrel-law/>.
- Hagan, J. , & Peterson, R. (1995). Introduction. In J. Hagan, & R. Peterson (Eds.), *Crime and inequality* (pp. 1–13). Stanford: Stanford University Press.
- Halpern, B. S. , Walbridge, S. , Selkoe, K. A. , Kappel, C. V. , Micheli, F. , D’Agrosa, C. et al. (2008). A global map of human impact on marine ecosystems. *Science*, 319, 948–952.

- Harvey, M., Evans, A., Sharma, A., Li, W. D., & Figuero, D. (2015). *Drinking water: A socio-economic analysis of historical and societal variation*. London: Earthscan.
- Hengeveld, R. (2012). *Wasted world: How our consumption challenges the planet*. Chicago: University of Chicago Press.
- Heyes, J. D. (September 14, 2014). 'Water mafia' in California's future? *Epoch Times*. Retrieved from <http://www.theepochtimes.com/n3/955616-water-mafia-in-californias-future/>.
- Higgins, P., Short, D., & South, N. (2013). Protecting the planet: A proposal for a law of ecocide. *Crime, Law and Social Change*, 59(3), 251–266.
- Hofrichter, R. (1993). *Toxic struggles: The theory and practice of environmental justice*. Philadelphia: New Society Publisher.
- Kotze, L. (2014). Crossing boundaries: water and the rights paradigm. *Journal of Human Rights and the Environment*, 5(1), 1–4
- LaFraniere, S. (June 16, 2016). In oil-rich Angola, cholera preys upon poorest. *The New York Times*. Retrieved from http://www.nytimes.com/2006/06/16/world/africa/16cholera.html?_r=0
- Maris, V. (2016). Back to the Holocene: A conceptual, and possibly practical, return to a nature not intended for humans. In C. Hamilton, C. Bonneuil & F. Gemmene (Eds.), *The anthropocene and the global environmental crisis: Rethinking modernity in a new epoch*, (pp. 123–133). London, New York: Routledge.
- McClanahan, B. (2014). Green and grey: Water justice, criminalization, and resistance. *Critical Criminology*, 22(4), 403–418.
- McClanahan, B., Brisman, A., & South, N. (2015). Privatization, pollution and power: A green criminological analysis of present and future global water crises. In G. Barak (Ed.), *The Routledge International Handbook of the Crimes of the Powerful* (pp. 223–234). London, New York: Routledge.
- Messerschmidt, J. (1997) *Crime as structured action: Gender, race, class, and crime in the making*. Thousand Oaks, CA: Sage.
- Mittermeier, R. A., Mittermeier, C. G., Brooks, T. M., Pilgrim, J. D., Konstant, W. R., da Fonseca, G. A. B. et al. (2003). Wilderness and biodiversity conservation. *PNAS* 100, 10309–10313.
- Mutter, J. C., & Barnard, K. M. (2010). Climate change, evolution of disasters and inequality. In S. Humphreys & M. Robinson (Eds.), *Human rights and climate change*. Cambridge: Cambridge University Press.
- Njeru, G. (August 6, 2012). Water shortages driving growing thefts, conflicts in Kenya. *Thomson Reuters Foundation*. Retrieved from <http://www.trust.org/item/?map=water-shortages-driving-growing-thefts-conflicts-in-kenya>
- Odiwuor, K. (March 14, 2013). In Africa, corruption dirties the water. *IRIN*. Retrieved from <http://www.irinnews.org/report/97642/in-africa-corruption-dirties-the-water>.
- Pacific Institute. (2007). *Bottled water and energy fact sheet*. Retrieved from <http://pacinst.org/publication/bottled-water-and-energy-a-fact-sheet/>
- Prüss-Üstün, A., Bos, R., Gore, F., & Bartram, J. (2008). *Safer water, better health: Costs, benefits and sustainability of interventions to protect and promote health*. Report prepared for World Health Organization. Retrieved from http://apps.who.int/iris/bitstream/10665/43840/1/9789241596435_eng.pdf
- Royal Society. (2012). *People and the planet*. Royal Society: London.
- Ruggiero, V., & South, N. (2013). Green criminology and crimes of the economy: Theory, research and praxis. *Critical Criminology*, 21(3), 359–373.
- Sanburn, J. (January 24, 2016). Flint's water crisis explained. *Time Magazine*. Retrieved from <http://time.com/4191864/flint-water-crisis-lead-contaminated-michigan/>
- South, N. (2012). Climate change, environmental (in)security, conflict and crime. In S. Farrall, D. French & T. Ahmed (Eds.), *Climate change: Legal and criminological implications* (pp. 97–111). Oxford: Hart.
- Wachholz, S. (2007). 'At risk': Climate change and its bearing on women's vulnerability to make violence. In P. Beirne & N. South (Eds.), *Issues in green criminology*, (pp. 161–185). Cullompton: Willan.
- White, R. (2013). *Environmental harm: An eco-justice perspective*. Bristol: Policy Press.
- Wright Mills, C. (1959). *The sociological imagination*. Harmondsworth: Penguin.

PROVIDING WATER SUPPLY IN LOCAL COMMUNITIES – CASE STUDY OF SLOVENIA

Katja Eman, Saša Kuhar, Gorazd Meško

ABSTRACT

Purpose:

Water is one of the crucial natural resource that people need for their existence on the planet Earth. Slovenia is one of the most water endowed European countries, although the water supplies are not evenly distributed among all regions. The purpose of this paper is to present how water supply in local communities in Slovenia is provided and how the provision of clean water is regulated according to national legal provisions.

Methods:

This paper is based on a literature review and legal provisions analysis, where descriptive analysis method was used.

Findings:

The water became a property of the Republic of Slovenia in 1993 with the first Environmental Protection Act (Zakon o varstvu okolja, 1993). About 99 % of the water for public supply in Slovenia is from underground sources. Because of this, it is necessary that reserves of groundwater and springs are not exposed to polluted surface and leaching of agricultural and other chemicals from the soil and landfills. Analysis showed that majority of local communities in Slovenia have public water supply. Drinking water supply is provided by 101 public utility services that are responsible for environment. The quality of water is very good and water quality is monitored on a monthly base. It can be concluded that drinking water supply in Slovenia is very good regulated with various legal acts and that their implementation in practice is quite good.

Originality:

We must be aware that water is one of the most important good for our lives, which is why we have to give special attention to legal regulation of this area. Therefore, this paper presents a step forward in the area of the water supply provision in Slovenian local communities with the focus on irregularities and possible threats against water.

Research limitations:

The paper presents only review of legal regulation and basic information on water supply in Slovenia. The specifics remain a challenge for further research.

Keywords: water supply, local community, water crime, Slovenia

I INTRODUCTION

Slovenia is rich in water resources. If comparing the amounts of water, Slovenia is one of the richest European countries, although the water supplies are not evenly distributed among all regions. Annually across the territory of Slovenia, in rivers and streams, approximately 34 billion m³ of water is poured, which per capita is almost four times more than the European average. Water wealth of Slovenia includes springs, natural and artificial lakes and the Adriatic Sea (Statistični urad Republike Slovenije [SURS], 2015). According to the Environmental Agency of the Republic of Slovenia (Agencija Republike Slovenije za okolje [ARSO], 2015) in 2013 Slovenia had 2500 m³ of groundwater (i.e. high quality drinking water) per capita available. Furthermore, 3,6 percent of those volumes were in the same year pumped from aquifers for drinking water supply, manufacture of beverages, for the purposes of health resorts etc. According to estimates of the ARSO (2015), the quantitative status of Slovenian groundwater is generally favourable, except in Murska basin, where the groundwater level is gradually reduced. Slovenia is without doubt among the most with water endowed countries. This exceptional strategic advantage does not mean that water is granted and always available, but at this moment is very important to understand that water is becoming increasingly desirable good (Slaček, 2016).

In Slovenia water is relatively cheap; according to the ARSO's (Slaček, 2016) data, costs in 2016 for the use of water for drinking water supply is approximately 6 cents per m³ for beverage and technological purposes, for needs of the bathing areas and natural spas the cost is nine cents per m³. Thus, the concession for thousands of litres of bottled groundwater for 2016 is 1,91 Euro, which is 6 cents lower than last year. What is more, the state expects that this year of

remuneration for the needs of bathing, heating etc. will receive little less than one and a half million Euros and that beverage producers will pay more than 330 thousand Euros (Slaček, 2016). This means, that due to the relatively low prices of water resources in Slovenia the companies for the production of beverages are very interesting to foreign corporations because of the access to water resources, allowed by the concession contract. In 2015, such case occurred with the brewery Pivovarna Laško that was bought by Holland company Heineken (primarily because of the access to water resources). Later it was revealed that the company was interested only in the concession for the beverage production. Thus, they returned other concessions (i.e. for the communal waters etc.) to the municipality explaining that they have no intentions to invest in the communal water infrastructure, as in the past Pivovarna Laško always did (Gantar, 2013).

The case of Pivovarna Laško is not the isolated case, not even the only example of '(ab)use' of the water resources in Slovenia, therefore the purpose of the present paper is to present how water supply in local communities in Slovenia is provided and how the provision of clean water is regulated according to national legal provisions. Furthermore, our main goal is to emphasize various anomalies and discuss the solutions.

2 ORGANIZATION OF WATER SUPPLY IN SLOVENIA

The European Union adopted the Water Framework Directive (Direktiva Evropskega parlamenta in Sveta, 2000), with the intention of effective water management, which has been successfully implemented in the national legislation. The first classification of surface water intended for the abstraction of drinking water in Slovenia was prepared in 2002 and even published in the Official Gazette of the Republic of Slovenia. Furthermore, in 2002 the Water Act (Zakon o vodah [ZV], 2002) defined water as a public natural good. Since then water is a public good administered by the state (ARSO, 2008).

The general legislation and regulatory framework for water management in Slovenia is the Water Act (ZV, 2002). Additionally, legislation regarding the quality of surface and ground water has been prepared: 1) Regulation on groundwater quality (Uredba o kakovosti podzemne vode, 2002); 2) Rules on the health suitability of drinking water (Pravilnik o zdravstveni ustreznosti pitne vode, 1997); and 3) Regulation on water quality standards of surface fresh water (Uredba o kemijskem stanju površinskih voda, 2002). The Water Act (Zakon o vodah [ZV], 2002) established protected areas where drinking water is significant. Furthermore, Slovenian legislation has legal acts related with water supply:

- 1) Water Framework Directive (Direktiva Evropskega parlamenta in Sveta, 2000) aims to ensure the good chemical status of both surface water and groundwater bodies. It is implemented in Water Act (ZV, 2002);
- 2) Environment Protection Act (Zakon o varstvu okolja [ZVO-1], 2006) including all belonging acts. Water Act (ZV, 2002) deals with the ownership, control and use of water as a resource. Water Act also governs public assets and public services in the area of waters, water facilities and installations, and other water-related issues (Upsidedown protect, 2011).

Environment Protection Act (ZVO-1, 2006) regulates the protection of the environment against burdens, which is a basic condition for sustainable development, and within this framework lays down basic environmental protection principles, environmental protection measures, environmental monitoring and environmental information, economic and financial instruments for environmental protection, public services for environmental protection and other issues related thereto (Banjanac, 2013).

Regulation about the drinking water supply in Slovenia (Uredba o oskrbi s pitno vodo, 2012) establishes the tasks that are carried out within the framework of mandatory municipal utilities supply of drinking water (hereinafter referred to as public service), and certain conditions for the supply of drinking water, which is implemented as a public service, and for their own care drinking water. This aforementioned regulation lays down standards of public utilities, which must be met for public service and also lays down measures for the public service realization (Upsidedown protect, 2011). Thus, the drinking water supply operators are obliged to ensure the quality of tap water, but they are not responsible for the state of installations at the end-user location.

Rules on drinking water supply (Pravilnik o oskrbi s pitno vodo, 2006) determine the duties that have to be carried out to run the public drinking water service. It has to be organized by

local community on its area with exception when the elevation is above 1500 m or on areas where less than 50 residents live. For the use of the surface water or groundwater for public drinking supply, the water permission has to be received. For this, municipality has to obey the rules and standards, in which public service is determined.

2.1 Extraction and supply of fresh water

The groundwater is the source of drinking water for approximately 97 % of the inhabitants of Slovenia. Groundwater quality of many aquifers complies with all the requirements for drinking water. Therefore, it can be consumed in its natural state. Other 3 % of the population is supplied with drinking water from surface sources (ARSO, 2008).

In 2014, the entire water supply network was 24,017 kilometres long, while the number of connections to the water supply network was 458,305. Drinking water supply for 77 % of the population is organized through public networks, 14 % from private wells, 5 % from rainwater reservoirs and 4 % from other sources (Statistični urad Republike Slovenije, 2014). Water from the public water supply is supplied to households and various economic activities (agriculture, mining and quarrying, manufacturing, electricity supply, etc.) as well as for fire-fighting, road cleaning, etc. Water for firefighting and road cleaning is not charged (Upsidedown protect, 2011).

In 2014, 163 million m³ of water were abstracted in Slovenia, which is 0.5 % less than in the previous year; 160.6 million m³ of water were abstracted from groundwater (which includes drainage, springs, boreholes, wells and intakes), of which 53.5 million m³ of water were abstracted from springs. 2.4 million m³ of water (27 % less than in the previous year) were abstracted from surface water, which includes water from watercourses and reservoirs. Compared to 2013, the volume of water provided from the Danube river basin went up by 0.5 %, while the volume of water provided from the Adriatic Sea river basin went down by 0.1 % (Statistični urad Republike Slovenije [SURS], 2014).

The protection of drinking water resources is subject of regulation by Ministrstvo za okolje in prostor [Ministry of the Environment and Spatial Planning] and municipalities. Considering the way of the decision-making, only in the next few decades all drinking water resources of Slovenia will be protected by governmental decrees. In the process of adopting the decrees, the drinking water supply operators are not a party in the procedure nor are they invited to offer their opinion refer the planned activities in the drinking water protection zones (Slovenski nacionalni odbor Mednarodnega hidrološkega programa, 2012). The legal regulation of water supply is recommended because such measures can reduce an illegal exploitation of water resources.

2.2 The use of water

The basic guidelines in the protection and use of waters as natural public resource are defined in the National Environmental Protection Action Plan (Nacionalni program varstva okolja, 1999). Approximately 47 % of the total amount of piped drinking water is used by households, 39 % by industry and the manufacturing sector, while 8 % are supplied to livestock farms, 5 % to the tourist industry and 1 % to all other purposes (Upsidedown protect, 2011).

Households consumed 78.6 million m³ of water in 2014, which is 0.1 % more than in the previous year. On the other hand, business entities consumed 32.1 million m³ of water, which is 2.8 % less than in the previous year. 6.5 million m³ of water were supplied but uncharged (water from hydrants, water for firefighting, water for cleaning roads etc.), which is 3.4 % more than in the previous year. Furthermore, 45.9 million m³ of water were lost, which is 0.5 % more than a year before (Statistični urad Republike Slovenije, 2014).

In 2012 a citizen of Slovenia consumed on average 41 m³ of water or 114 litres of water per day. In production and service activities 17 m³ of water per person was consumed in 2012. For irrigation, 2.2 million m³ of water was used in 2012; 33 % of irrigated land was arable land and kitchen gardens, 22 % ski slopes, 18 % orchards, olive groves and tree nurseries, 12 % greenhouses, vineyards and permanent grassland, and 15 % sports fields and lawns (Statistični urad Republike Slovenije [SURS], 2013). The quantity of used water is the basis for billing consumers on a monthly basis. The charge for the water service and the network charge are included in the bill based on the scale of the water meter plus the 9.5 % value added tax (VAT) (InvestSlovenia, 2016).

Water as a source is a natural public good and a public property. Therefore, drinking water must remain a public good, as it is vitally important for all citizens of the Republic of Slovenia.

Therefore, the Slovenian population strives to make the right to safe drinking water as a public good and to put this right in the constitution. The reason why it is necessary to put the right to safe drinking water into constitution is that water is a vital part of the environment, a basic commodity and by its nature a given resource, which is of strategic importance to human life, development, prosperity and the security of country. It is therefore of crucial importance how the natural resources will be managed and by whom.

If we compare Slovenia with other countries we can see, that Slovenia is naturally rich in water resources. Water is a public natural asset but nonetheless there are cases of water privatization in Slovenia (breweries Pivovarna Laško and Union were bought by Holland company Heineken; Heineken also bought a local water supply in Laško, the private companies bought Fructal and Radenska – two of the largest and greatest beverage Slovenian companies; German corporation WTE Wassertechnik had gained a concession for cleaning devices in several Slovenian cities etc.). Water quality in Slovenia is impacted especially by agriculture, so great attention is paid to agro-environmental measures.

3 WATER SUPPLY IN LOCAL COMMUNITIES IN SLOVENIA

Drinking water supply in Slovenia is a responsibility of individual municipalities, which need to provide the necessary amounts of qualitative drinking water to their citizens. As we already mentioned 77 % of drinking water supply of the population is organized through public networks, 14 % from private wells, 5 % from rainwater reservoirs and 4% from other sources (United Nations, 2004). Thus, the public service of the supply with drinking water is carried out by public companies based on authorities granted by local communities. These mandatory economic services are operated by using the public infrastructure under their management. The procedure is described in National Environmental Action Plan (Nacionalni program varstva okolja, 1999).

National Environmental Action Plan provides training programmes for local-level, monitoring and institutional organization for the purpose of preparing, managing and supervising the implementation of water-supply projects, wastewater collection and treatment within the river basins. In the sphere of water supply, the National Environmental Protection Action Plan (Nacionalni program varstva okolja, 1999) places emphasis on programme measures; e.g. on the preparation of professional bases for the protection of sources of drinking water and the preparation of rehabilitation programmes for areas in which sources of drinking water are potentially endangered.

In Slovenia integrated water supply cycles is governed by Ministry of the Environment and Spatial Planning and by municipalities. In 2012, the Regulation about the drinking water supply (Uredba o oskrbi s pitno vodo, 2012) was accepted. The purpose was to establish the tasks that are carried out within the framework of mandatory municipal utilities supply of drinking water (Upsidedown protect, 2011).

The challenges of safe water supply in rural areas have been effectively met by the “Inštitut za javno zdravje” [Institute of Public Health of the Republic of Slovenia] and its local action plans. The “Ministrstvo za zdravje” [Ministry of Health] and the Ministry of Environment and Spatial Planning are both responsible for supervision of the implementation of local action plans.

In accordance with the provisions of the Environmental Protection Act (ZVO-I, 2006) drinking water supply is required municipal public service; therefore 211 Slovenian municipalities are responsible to carry out public service for water supply. Facilities and equipment necessary for the implementation of public water supply are part of public infrastructure of local importance. The municipality is obliged to provide public service in accordance with the regulations governing utilities. Municipalities usually give public appointment to utility companies (municipally owned) who provide water supply as public service. In 2013, in the Republic of Slovenia compulsory public service municipal drinking water supply was conducted by the 101 municipalities selected utilities company. List of those companies is available in Information system of utilities public services for environmental protection (Informacijski sistem javnih služb varstva okolja, 2011). This register is established in accordance of Regulation about the drinking water supply (Uredba o oskrbi s pitno vodo, 2012).

3.1 Drinking water regulation

The quality of surface water (which is not the main source of drinking water in Slovenia) has improved slightly since 1990, owing in particular to the fall in industrial production, which accounts for about 60 % of water pollutants (ARSO, 2008).

Based on Article 26 of the Regulation about the drinking water supply (Uredba o oskrbi s pitno vodo, 2012), the public service provider must send annual report on the public service to the Ministry of the environment and spatial planning no later than 31 March each year. On the basis of Article 27, the municipality must, no later than 28 February report to the Ministry of the environment and spatial planning about obtained standard equipment. Based on Article 15 of the Regulation on the methodology for pricing of services for mandatory municipal utilities public service for environmental protection (Uredba o metodologiji za oblikovanje cen storitev obveznih občinskih gospodarskih javnih služb varstva okolja, 2012), the public service provider must by 31 March each year send a report on the pricing of compulsory public environmental protection services for the past year.

The technology of drinking water treatment is not always adequate and it does not in line with technological advancements. Small drinking water supply systems are especially critical, where the economic power of local communities fails at introducing modern technology and proper control (Slovenski nacionalni odbor Mednarodnega hidrološkega programa, 2012).

3.1.1 Water Quality Monitoring

Water quality is a term used to describe the physical, chemical and biological characteristics of water. Drinking water must not contain any toxic substances and hazardous microorganisms. In year 2000, the European Union adopted the Water Framework Directive (Direktiva Evropskega parlamenta in Sveta, 2000), which gives the Member States a legal and professional basis for an integrated approach to water protection and management. For the evaluation of water quality, the Water Framework Directive (Direktiva Evropskega parlamenta in Sveta, 2000) in Article 8 requests the introduction of surface and groundwater monitoring programmes.

Water quality monitoring in Slovenia has a long tradition. Monitoring and water quality status evaluation is one of the key tasks of the Environmental Agency of the Republic of Slovenia, a body within the Ministry of the Environment and Spatial Planning. Nevertheless, in 2007, it was carried out entirely in accordance with the requirements of the Water Framework Directive (Direktiva Evropskega parlamenta in Sveta, 2000). The recent monitoring programmes for water quality are prepared according to a new monitoring approach that is being introduced by the Water Framework Directive (Direktiva Evropskega parlamenta in Sveta, 2000). They are based on pressure analyses (data on emissions, land use, surpluses of nitrogen and the amounts of pesticides used etc.). According to the analysis of these data, the monitoring programme is problem oriented and involves predominantly problematic water bodies. Other water bodies are less frequently included in the programme (ARSO, 2008).

National groundwater quality monitoring has been carried out since 1987 and presents the systematic monitoring of various physical and chemical parameters in groundwater bodies. The Environmental Agency of the Republic of Slovenia in compliance with Slovene legislative acts for groundwater annually prepares the national groundwater quality-monitoring programme and carries out all monitoring phases. In accordance with the programme, authorized laboratories analyse about 150 different parameters in groundwater sampled at all the monitoring sites twice to four times a year. A representative monitoring network is the basis for a reliable chemical status assessment. National monitoring network consists of monitoring sites where groundwater is sampled. The monitoring sites in alluvial aquifers are wells and boreholes, while in aquifers with karst and fissure porosity, the monitoring sites are springs and wells (ARSO, 2008).

Two main databases for water supply monitoring were established before year 2006. Records of water supply systems established by the Ministry of Health serves the monitoring of quality parameters of water supplied. There were also established records of water supply systems for monitoring supply standards for the area settlements or parts of settlements by the Ministry of Environment and Spatial Planning. Both ministries have established records for sectorial monitoring (Upsidedown protect, 2011). The full range of data and evaluations of the quality of groundwater, rivers, lakes, and sea, as well as water in protected areas, is published in annual reports available on the website of the Environmental Agency of the Republic of Slovenia (ARSO, 2008).

The problem that occurs is that groundwater, which represents the main source of drinking water in Slovenia, is polluted with nitrates and pesticides, and, on a local level, additionally with chlorinated organic solvents. The highest level of pollution is registered in the northeastern

part of Slovenia. »The results of the monitoring of the quality of surface water intended for the abstraction of drinking water show that a surface source of drinking water is good according to most physical and chemical parameters« (ARSO, 2008: 38). Although, the quality of groundwater and springs is improving, the most endangered are the karst springs where chemical and microbiological pollution is present.

In comparison with other developed countries, water quality in Slovenia is among the highest in Europe (ARSO, 2008). Golubović (2016) emphasizes that because of the quality and quantity of Slovenian water, the international companies started buying our companies with their own water spring(s). This is one of the reasons why it is important to have clearly written into the constitution that water and water land is a natural public good, over which no-one can acquire ownership rights. Everyone has the right to drinking water; private companies in any legal-formal means cannot own the water supply of the population. The provision of a water supply to the public is not a service, which should generate a profit. Drinking water is a fundamental and universal human right that is why the water supply cannot be privatized. Furthermore, the water supply to or share any profit the population has absolute priority over the use of water for other purposes and cannot generate profits. Private companies cannot deliver water supply to the population, so granting concessions is not possible. Drinking water supply should not fall under any single European market, irrespective of the eventual pressure from the European Commission to open water supply market in the EU, as was attempted in a change to the directive on concessions from the year 2012. This wording explicitly protects drinking water against any decision by the European Commission (Golubović, 2016).

In Slovenia, the beverage company can acquire the concession for water use. The concession is awarded with the decision on the selection based on a public tender for a limited period, namely for the maximum of 50 years. The government on behalf of the concession provider awards the concession. Microbiological suitability of water is examined for the acquisition of concession (Slovenia Business Point, 2015). In a case of Pivovarna Laško, Slovenia's biggest brewery, the inhabitants of city Laško were forced to pay 30 % more for drinking water supply than in the neighbouring municipality of Celje, when corporation Heineken bought the brewery Pivovarna Laško.

4 CONCLUSION

A scarcity of clean drinking water is one of the number one issues of the 21st Century, because human race is dependent on water. Thus, we not only drink it and need it for our survival, but it is also used for energy production, in the industrial production and in farming. Despite the fact that we are living on a 'blue planet', the amount of freshwater is limited (and decreasing), therefore its preservation is so much more important.

The analysis of water protection legislation, regulation and monitoring in Slovenia reveals that the legal system is very good (at least from the outside), because the competence for the clean water is from government and Ministry of the Environment and Spatial Planning transferred to local level. In Slovenia the drinking water supply system is carried out by municipal public service. With other words, there are 211 Slovenian municipalities responsible to carry out public service for water supply. With such big number of performers and the private interests the formal control has to be precise and constant, otherwise there is a huge possibility for the abuse of authority and concession license.

Nowadays, the modern society is faced with the emerging trends and external drivers that influence the water demand and its availability. Further problem is that in many countries water is not a human right and the access to it cannot be guaranteed, what can present the origin of many kinds of water crimes. Contemporary fast consumption and use of water can lead to a scarcity of (drinking). Such situation can (hypothetically) turn the greenest country in the 'wanted' country, not only due to its positive reputation but also due to its rich resources that are necessary 'material' to various companies, corporations etc. An example of Slovenian brewery Pivovarna Laško reveals that foreign companies can have hidden intentions or interests behind their actual behaviour and acts. Slovenia successfully avoided the attempt of the 'forced' privatization of water that was planned to be forced to all European Union's members by directive (the lobbying of the beverage companies at the European Commission was not successful, but it also did not end), but the beverage companies are searching different ways to come to water resources (i.e. takeover

of the Pivovarna Laško). Something similar can be seen in Slovenia, where already 4 beverage companies with their own water sources (17 of the largest and highest quality water wells) was bought by foreign companies primarily (or only) because of the water source. Consequently, local communities and residents have to pay higher prices for drinking water supply (e.g. 30 % more in city Laško). Such trend can be stopped only by the constitutional protection of the water resources.

Concerning the water resources, Slovenia is one of the richest European countries. Per capita Slovenia has almost four times more poured water than the European average. For this reason, it is very important to protect the water resources and companies that use them according to national regulation. This is the only way one can avoid the worst-case scenario – the 'usurpation' of national water resources by foreign companies or states). In this regard our national natural resources (and with them our national security) will stay safe and in our hands (at least a little longer).

REFERENCES

- Agencija Republike Slovenije za okolje [Environmental Agency of the Republic of Slovenia; ARSO]. (2008). *Kakovost voda v Sloveniji* [Water Quality in Slovenia]. Retrieved from <http://www.arso.gov.si/vode/poro%C4%8Dila%20in%20publikacije/kakovost%20voda/Kakovost%20voda-SLO.pdf>
- Agencija Republike Slovenije za okolje [Environmental Agency of the Republic of Slovenia] [ARSO]. (2015). Vode [Waters]. Retrieved from <http://www.arso.gov.si/vode>
- Banjanac, L. S. (14. 2. 2013). Voda v Sloveniji je že »sprivatizirana« [Water in Slovenia is already »privatized«]. MMC RTV SLO. Retrieved from <http://www.rtvlo.si/slovenija/voda-v-sloveniji-je-ze-sprivatizirana/302338>
- Direktiva Evropskega parlamenta in Sveta [Water Framework Directive]. (2000). *Uradni list EU*, (L 327).
- Gantar, P. (February 16, 2013). *Voda kot posel?* [Water as a business?]. Retrieved from <http://www.zares.si/voda-kot-posel/>
- Golubovič, B. (2016). *Predlogi na osnutek ustavnega zakona – pravica do pitne vode* [Proposal for amending Article 70 (a) of the Constitution of the Republic of Slovenia]. Retrieved from <http://voda.svoboda.si/sprememba-ustave/predlogi-na-osnutek-ustavnega-zakona-pravica-do-pitne-vode/>
- Informacijski sistem javnih služb varstva okolja [Information system of utilities public services for environmental protection]. (2011). *Pitna voda* [Drinking water]. Retrieved from http://www.mkgp.gov.si/fileadmin/mkgp.gov.si/pageuploads/podrocja/ijsvo/porocanje_ijsvo_obcine_pitna_voda.pdf
- InvestSlovenia. (2016). *Utilities*. Retrieved from <http://www.investslovenia.org/business-environment/infrastructure-utilities/utilities/>
- Nacionalni program varstva okolja [National Environmental Protection Action Plan]. (1999). *Uradni list RS*, (83/1999).
- Pravilnik o oskrbi s pitno vodo [Rules on drinking water supply]. (2006). *Uradni list RS*, (88/12).
- Pravilnik o zdravstveni ustreznosti pitne vode [Rules on the health suitability of drinking water]. (1997). *Uradni list RS*, (46/97).
- Slaček, N. (2016). *Tiha privatizacija vode* [Quiet water privatization]. Retrieved from <http://radioprvi.rtvlo.si/2016/02/tiha-privatizacija-vode/>
- Slovenia Business Point. (2015). *Concession for water use*. Retrieved from <http://eugo.gov.si/en/permits/permit/12482/showPermit/>
- Slovenski nacionalni odbor Mednarodnega hidrološkega programa [Slovenian National Committee For IHP]. (2012). *Declaration on the occasion of the 1st Congress on water of Slovenia*. Retrieved from http://ksh.fgg.uni-lj.si/kongresvoda/o1_deklaracija/Declaration_euraqua.pdf
- Statistični urad Republike Slovenije [Statistical Office of the Republic of Slovenia] [SURS]. (2013). *Voda od izvira do izliva* [Water from the source to the outflow]. Retrieved from <http://www.stat.si/doc/pub/vodaodizviradoizpusta.pdf>
- Statistični urad Republike Slovenije [Statistical Office of the Republic of Slovenia] [SURS]. (2014). *Javni vodovod* [Public water supply]. Retrieved from <http://www.stat.si/StatWeb/prikazi-novico?id=5541&idp=13&headerbar=11>

- Statistični urad Republike Slovenije [Statistical Office of the Republic of Slovenia] [SURs]. (2015). *Trajnostni razvoj in voda* [Sustainable development and water]. Retrieved from <http://www.stat.si/StatWeb/glavnanavigacija/podatki/prikazistaronovico?IdNovice=4565>
- United Nations. (2004). *Freshwater Country Profile Slovenia*. Retrieved from <http://www.un.org/esa/agenda21/natinfo/countr/slovenia/Sloveniawater04f.pdf>
- Upsidedownprotect. (2011). *CountryreportSlovenia*. Spatial meta data protection for the underground critical infrastructure programme: Prevention, preparedness and consequence management of terrorism and other security related risks. European Commission. Retrieved from http://www.upsidedownprotect.eu/images/country_reports/country_report%20_slovenia.pdf
- Uredba o kakovosti podzemne vode [Regulation on groundwater quality]. (2002). *Uradni list RS*, (11/02).
- Uredba o kemijskem stanju površinskih voda [Regulation on water quality standards of surface fresh water]. (2002). *Uradni list RS*, (11/02).
- Uredba o metodologiji za oblikovanje cen storitev obveznih občinskih gospodarskih javnih služb varstva okolja [Regulation on the methodology for pricing of services for mandatory municipal utilities public service for environmental protection]. (2012). *Uradni list RS*, (87/12).
- Uredba o oskrbi s pitno vodo [Regulation about the drinking water supply in Slovenia]. (2012). *Uradni list RS*, (88/2012).
- Zakon o varstvu okolja [Environment Protection Act]. (2006). *Uradni list RS*, (39/06).
- Zakon o vodah [Water Act]. (2002). *Uradni list RS*, (67/02).

**CRIMINAL INVESTIGATION,
FORENSICS AND CRIMINAL
JUSTICE ISSUES**

THE ATTITUDE TOWARDS THE INDIVIDUAL QUALITIES AND ABILITIES OF AN OFFICER OF PRE-TRIAL SERVICES – ESTABLISHING THE PROFILE OF INVESTIGATOR'S PROFESSION

Žaneta Navickienė, Ingrida Kairienė

ABSTRACT

Purpose:

The objective of this research is to identify the fundamental individual qualities and abilities of an officer of pre-trial services, which are essential at work of an investigator.

Methods:

The research is based on the quantitative research method – the empirical survey. Based on the literature review the list of ten individual qualities which could be essential at work of an officer of pre-trial services was prepared for the survey. The sample consisted of 130 students and 130 officers of pre-trial services from various police departments of the country.

Findings:

In our opinion it is important to discover the correlation between the external factors (qualification, competence, operating conditions, etc.) and internal elements (individual qualities, motivation, etc.) by establishing (composing) the profile of officer's profession of pre-trial services. Therefore, the definition of individual qualities and abilities, which are required in pre-trial services, will help to create the universal image of occupation of a reliable and professional investigator.

Research limitations:

Attitude towards the individual qualities and abilities of an officer of pre-trial units has been researched slightly and fragmentarily enough in Lithuania. It is the main reason why it is difficult to compare different results on that topic. The authors have signified that at present the demand of accomplishment of empirical research exists in Lithuania which can enable to reveal the relation of individual qualities, professional abilities and regularity of officers of pre-trial services better as well as to establish the reliable profile of the future officer of pre-trial services.

Originality:

The scientists of Lithuania have recommended identify and describe the general and professional abilities of investigators. The following factors such as the juridical and ethical education of law and safety and its influence on the criminology situation, etc. have been identified. It is in want of comprehensive surveys about the internal factors which influence the regularity of an officer of pre-trial services such as the individual characteristics (individual qualities, motivation).

Keywords: individual qualities, abilities, pre-trial investigation, officer, organization

I INTRODUCTION

Two fundamental elements affect the characterisation of regularity of an officer (investigator) of pre-trial services and influence the more effective consequences of practice. These are not only qualification or competence, i.e. knowledge, skills, abilities and their use in practice, but also the individual characteristics such as individual qualities which help an officer to achieve the desirable objectives of practice (Navickienė & Izotovas, 2013). Therefore, this article is based on an empirical survey which helps to identify relevant individual qualities and abilities, essential for the work of an investigator. We think it is important to discover the correlation between the external factors (qualification, competence, operating conditions etc.) and internal elements (individual qualities, motivation etc.) by establishing (composing) the profile of the pre-trial services officer's profession. Therefore, the definition of individual qualities and abilities, which are required in pre-trial services, will help to create the universal image of occupation of a reliable and professional investigator and it will help young people, particularly students, to find out if the existing individual qualities are relevant to acquire the occupation of an officer of pre-trial services. Furthermore, the authors consider that the topicality of individual qualities and abilities of an investigator is the recent and in developmental stage. This area which has got the interdisciplinary character of particular studies proves to discover its position and establish in the

context of tactics of modern criminology, i.e. in the content of organisation of pre-trial services like the structured background to organise the more effective practice of pre-trial services.

The topics of individual qualities and abilities of an officer of pre-trial services are not new in foreign countries. The subject of individual qualities and abilities of an officer of pre-trial services has been relevant beyond debate and has been analysed on a world scale (Leo, 2015) by emphasising both internal emotional abilities and external ones, for example, planning abilities (Sizov, 2015). However, very few fragmented studies have been carried out in Lithuania. The scientists of Lithuania have analysed the competence of officers of pre-trial services like the background to organise the more effective practice of pre-trial services (Jurka, Jovaišas, Kanapeckaitė, Mišeikis & Baliutavičius, 2004), they have discussed the correlation of qualification and competence of investigators. Furthermore, they have proposed the integrated means (such as work organisation, qualification development, motivation system's creation), which help to ensure the effective work results (Navickienė, 2010). They have also recommended to identify and describe clearly the general and professional abilities of investigators (Navickienė, 2011). The factors such as the juridical and ethical education of law and safety and its influence on the criminology situation have been indicated (Dobryninas, Drakšienė, Gaidys, Vileikienė & Žilinskienė, 2013). There is a need for comprehensive surveys about the internal factors which influence the regularity of an officer of pre-trial services such as the individual characteristics (individual qualities, motivation). Therefore, the authors have noted that at present the demand for the empirical research exists in Lithuania, which can enable to reveal the relation of individual qualities, professional abilities and regularity of officers of pre-trial services better, as well as to establish the reliable profile of the future officer of pre-trial services. Furthermore, the topicality of individual qualities and abilities of an investigator could become one of the main aspects enabling the development of the vision of "Criminalistics 2020-2025" (Council of European Union, 2011).

The object of the research is to analyse the individual qualities and abilities of an investigator of pre-trial services. The objective of this research is to identify the fundamental individual qualities and abilities of an officer of pre-trial services which are essential for the investigator's work. In order to achieve the objective the following goals were set:

1. To analyse the content and significance of individual qualities and abilities of an officer (investigator) of pre-trial services at work.
2. To identify the fundamental individual qualities and abilities of an investigator which are essential to establish the investigator's profile by analysing and comparing the attitude of officers of pre-trial services and students in the setting of an empirical research.

2 THE CONTENT AND SIGNIFICANCE OF PERSONAL TRAITS AND ABILITIES REQUIRED IN PRE-TRIAL INVESTIGATION

2.1 Emotional Intelligence and Big Five

For nearly 100 years, researchers have investigated the cognitive, social, and personality variables that predict the success of criminal investigators. What they have found is that the criminal investigator's job requires substantial cognitive and social ability. The duties of a criminal investigator include the following: (1) the search for evidence, (2) examination of records, (3) development of chains of evidence, (4) preparing detailed investigative reports, (5) interviewing witnesses, victims, and suspects, (6) collaboration with other offices and agencies to exchange information and coordinate activities, (7) testifying before juries concerning criminal activity investigations (Ono, Sachau, Deal, Englert & Taylor, 2011). All these different activities require for such qualities as integrity, stress tolerance, self-control, dependability, attention to detail, cooperation, initiative, concern for others, adaptability/flexibility, and leadership (O*NET, 2010). Because of this, it is really important that law enforcement organizations know what to screen their candidates for. Applicants for law enforcement positions are usually asked to complete psychological assessments and personality tests (Varela, Boccaccini, Scogin, Stump & Caputo, 2004). This can be used to test the Emotional Intelligence (EI) and the personality traits (the Big Five) of the applicant. EI is a measure of a person's ability to interact with others and understand one's own emotions as well as those of others (Salovey & Mayer, 1990). The Big Five consists of five personality traits; conscientiousness, neuroticism (emotional stability), extraversion, agreeableness, and openness to experience.

Conscientious people are characterised as persistent, organised, thorough, careful, responsible and hardworking. People with neurotic tendencies are characterised as anxious, depressed, angry, embarrassed, emotional, worried, and insecure. Extraverted persons are characterised as talkative, active, sociable, and sociable. Agreeable individuals are courteous, flexible, trusting, good-natured, cooperative, forgiving, and tolerant. And people who score high on openness are typically imaginative, cultured, curious, broadminded, and artistically sensitive (Barrick & Mount, 1991).

When it comes to emotional intelligence and its relationship with a job, researchers define a person with high emotional intelligence as someone who is capable of expressing himself or herself emotionally, who has high emotional self-control, who knows his or her emotions, who can use these emotions to solve problems, managing relationships, and who is able to adapt to change (Salovey & Mayer, 1990). In several researches it was found that emotional intelligence is positively related to supervisory ratings of managerial performance (setting objectives, planning and organising, decision making) and also to stress management as a part of daily tasks, organisational commitment, performance, and social skills (Van Rooy & Viswesvaran, 2004). Some researchers have also suggested that emotional intelligence might be related to the success of law enforcement personnel; nonetheless, there have been very few empirical tests of this relationship (Van Rooy & Viswesvaran, 2004). The relationship between emotional intelligence and overall job performance has been investigated. The investigation revealed that they are positively related. Emotional intelligence is also a significant predictor of supervisory ratings of performance. When looking at a criminal investigator specifically, emotional intelligence is positively related to interrogations, case management, investigative networking, teamwork, time management, and to an investigative mindset (Ono et al. , 2011).

Studies of the Big Five in law enforcement settings reveal that a high score on conscientiousness and a high score on neuroticism are the best predictors of overall job performance (job proficiency, training proficiency, and personnel data). Extraversion is also a useful predictor (Barrick & Mount, 1991). Neuroticism has also a significant positive relationship to sourcing skills, but was negatively related to overall job performance, interrogations, case management, investigative networking, teamwork, and time management. Conscientiousness was positively related to investigative mindset, Leadership, Interrogations as well as case management (Ono et al. , 2011).

2.2 Impartiality

When examining the impartiality as the cornerstone feature, necessary for the work of an investigator, it should be noted that the principle of impartiality is a constitutional principle, which is followed in all the criminal proceedings – from the beginning of the pre-trial investigation until the litigation is settled. The principle of impartiality means that during criminal investigations and criminal proceedings the parties should be treated equally, for the subjects involved in the process (pre-trial investigation officer, the prosecutor, the investigating judge and the court) were not interested to make a favourable decision for one of the parties or would not make other preconditions to question their objectivity (Jurka, Ažubalytė, Gušauskienė & Panomariovas, 2009). The legal literature focuses on the development of the content of the principle of judicial impartiality in the context of the Constitutional Court of the Republic of Lithuania and the jurisprudence of the European Court of Human Rights (Merkevičius, 2010). However, when examining the principle of judicial impartiality, two components have been identified: subjective (personal) and objective. Subjective component focuses on the personal relation of a judge with a particular party of the proceedings and there is no any prior interest. It is true that when assessing subjective impartiality, otherwise known as the personal impartiality, the European Court of Human Rights also follows certain objective criteria, it evaluates a personal conviction of a judge, the behaviour of a judge in the process, judge's interest in that particular case, etc. (Merkevičius, 2010). Identification of these provisions as individual qualities, necessary for the investigator's work, would mean that in the pre-trial investigation an investigator must be neutral, impartial, should not support one or the other party, must carry out a thorough, unbiased investigation, and the relevant data should be collected in a detailed and reasonable way. Of course, this feature is very similar to the features of trustworthiness and fairness. Impartiality becomes an important precondition for assessing person's trustworthiness, and vice versa, trustworthiness becomes a prerequisite for impartial actions.

2.3 Trustworthiness and fairness

Trustworthiness and fairness become the most important and, therefore, legally defined criteria required from a pre-trial investigation officer. The article 17 of the Law on State Secrets and their Protection of the Republic of Lithuania provides for the checking of individual candidates. The aim of this check is to identify, if a candidate who seeks to obtain the permission to work or to get acquainted with classified information or security clearance, may be trusted with classified information, and whether the person being checked is a trustworthy and loyal to the State of Lithuania (Lietuvos Respublikos valstybės tarnybos ir paslapčių įstatymas [Republic of Lithuania Law On State Secrets and Official Secrets] (1999). The Constitutional Court of the Republic of Lithuania has emphasized that “a special condition for persons, performing duties in the service of a State, related to the use and protection of classified information, is special and undisputed trustworthiness and loyalty to the Lithuanian State” (Lietuvos Respublikos Konstitucinis Teismas [The Constitutional Court of the Republic of Lithuania] (2010). On the other hand, this is not only a legislative requirement, but also an individual quality, implying the fairness of actions in the case under investigation, fairness both in criminal proceedings, performing procedures established by law, and in relation with other participants in the process. A feature that encourages to trust an investigator and the fairness of his actions. The definition of this feature correctly argues that: trustworthiness and fairness is the ability to engender trust and the primary tool at the investigator's workplace is trust as well, as the implicit promise of fairness that the investigator's character conveys (Brown, 2014).

2.4 Analytical skills

Analytical skills are close to ability to analyse different situations, to predict final results and finally if necessary – to accumulate more information and to select the most appropriate decision (Dictionary of International Words, 2016). Explanation of an analytical thinking and a process could be that it is the situation, when we divide the problem into smaller pieces. We try not to look at it as one complex but as more individual parts. A criminal investigator has usually one main aim and task which is to solve a criminal case. He needs to find the answer who is a perpetrator or why the offender committed a crime. Nowadays, we know a lot of software, which is able to create some crime maps, networks of potential criminals or networks of threatened victims. These programs work with some data handled by investigators. The investigators should think about a case in the same way as this software works. When we take a complex apart and think of sequential mental steps, we make all process easier and well arranged. It is said that thinking analytically is a skill like carpentry or driving a car. It can be taught, it can be learned, and it can improve with practice. But like many other skills, such as riding a bike, it is not learned with sitting in a classroom and being told how to do it. Analysts learn by doing. Most people achieve at least a minimally acceptable level of analytical performance with little conscious effort beyond completing their education. With much effort and hard work, however, analysts can achieve a level of excellence beyond what comes naturally (Heurer, 1999). Tools and techniques that gear the analyst's mind to apply higher levels of critical thinking can substantially improve analysis on complex issues on which information is incomplete, ambiguous, and often deliberately distorted. Key examples of such intellectual devices include techniques for structuring information, challenging assumptions, and exploring alternative interpretations (Heurer, 1999).

So, it is obvious that investigators have to be able to process all obtained and accessible information. They need to gradually process all facts, make final assumptions and not to focus only on the most probable conclusion for them but develop more alternatives and test them one by one. In short, it is inappropriate to count just on one possibility. Nowadays, law enforcement agencies and investigators could also use a diverse amount of special analytical tools, thus, they do not have to rely only on their own mindsets. Nevertheless, analytical skills are still irreplaceable style of thinking and it is necessary to train and improve them constantly.

2.5 Perseverance

Perseverance means determined, persistent pursuit of goals despite all obstacles and failures, situation or what is conceived, i.e. ability not to give in or give up in an unfavourable situation.

This feature of character shows individual's ability to consistently and coherently pursue the objective, to overcome difficulties resolutely. Perseverance is closely linked to the resilience, discipline, organization, self-confidence, ability to mobilize the physical and spiritual strength. Perseverance helps to overcome the inevitable failures. When developing the feature of perseverance, goals should be valuable and real in order to pursue them persistently. Secondly, after setting the goal, it is necessary to reflect on how to achieve it. The third aspect of perseverance is consistency (Sėkmę lemia atkaklumas [Perseverance Determines Luck], 2000).

Perseverance as an individual quality is essential for pre-trial investigation officer and it occurs in all activity spheres: collecting evidence, establishing the truth in the case etc. However, this feature becomes most apparent "in the negative activity format": when one is unable to identify the suspect, when an investigator comes to a deadlock while checking version, when he gets confused trying to find the right direction of an investigation etc. Then positive persistence, striving to do everything to the end, finding everything out, constructing the next steps rationally and consistently become very useful. Of course, valuable and right things must be pursued persistently. The author believes that the investigators often lack the motivation to develop this feature. Frequently, the following questions are asked: what will happen if I fail to investigate, to establish the truth in the case, if I do not check all the versions? Such question of an investigator's self-assessment is often linked to the lack of motivation. Perseverance is often one of the most under rated characteristics or character elements of a good investigator. How can an investigation ever become productive without it? If the detective was to give up every time he or she could not find the right evidence straight away, if the witnesses could not be found, if the pieces did not fall into one another at the very beginning, what good can he or she achieve? This is extremely important especially because of the special kind of illicit activities the detectives, crime scene investigators and forensic science analysts have to face each and every day on their jobs – the criminal activities which are being investigated by criminalists often include serious violent crimes, which can result in great damage to property or endanger human health, in many cases even human lives. It is important to point out that quite a few cases take a long time to investigate, some even stay unsolved. If the criminalist in charge loses his drive, their perpetrators may never receive the punishment and the victims or their families may never receive justice. There is a great deal of responsibility on the part of the investigators, whose respective success or failure in solving the case often translates into the perpetrators being either punished or walking free without justice being served.

2.6 Planning and organizing

Planning and organizing belongs to one of the most important skills of an investigator because in case when the investigator poorly plans or organizes the investigations, he can lose the direction of investigation. In police practice the term "planning" is understood as the thinking activity the object of which is the future work of the investigators. The theoretical philosophy of pre-trial investigation planning is not varied a lot of the year therefore, the active dispute of researchers does not point out in this field. In pre-trial investigation the planning was considered as a category of the management as an effective presumption in criminal investigation also is coherent as a part of the organization of pre-trial investigation and it is not appreciated in the profound scientific section. The theoretical philosophy of pre-trial investigation planning is not varied a lot of the year therefore the active dispute of researchers doesn't point out in this field. Planning is the stage-organizational activity of criminal investigation for a certain defined time in the frame of cogitation seeking quickly to collect circumstantial information about a criminal act, to raise and verify the versions and to adjust the truth in minimum outlay of time, force and instruments (Ancelis et al., 2011). It is a different situation when we analyse the conception of organizing. In the past, the concept of organising pre-trial investigation was not validated in the Criminal Procedure Code of the Republic of Lithuania. Therefore, the previous conceptions of that process focus on the form of the organization and pay more attention to the organizational and technical character of process. In 2003, the new power of attorney for the subjects of pre-trial investigation was validated and the function of the organization of pre-trial investigation was designated for a prosecutor. The conception of the organization of pre-trial investigation is not static since the organizing process is the constant ongoing progress. The two components of the process were revealed: in the strict sense, this becomes the function of the prosecutor,

in the broad sense – in all the leverage which ensures qualitative and effective execution of the pre-trial investigation, not dissociating with a former technical character. During the change in the concept of the pre-trial investigation organization the new features of this process have emerged: organization of pre-trial investigation is affected not only by organizational technical measures, but also by the definition of qualification and competence of pre-trial investigation subjects, influence of personal qualities on the professional activities, motivation of these entities, cooperation features, possibilities for strengthening the interagency cooperation in the area of regular activities and training. Planning and organizing in pre-trial investigation allows and gives the following guarantees:

1. Effective proceeding of pre-trial investigation (the rate between what was done and what should be done).
2. Consistent work in criminal case.
3. Equal work in all criminal cases.
4. Avoidance of mistakes, gaps of activities in pre-trial investigation.
5. Identification of shortages and removal (re-creation).
6. Watching of all proceeding in pre-trial investigation.
7. Mechanism of self-control and control by others (head of unit, prosecutor).
8. Discipline of investigators' job in general.

2.7 Quickness and flexibility

Flexibility at work may be described as the ability to adapt creatively to changing activity conditions, to use different methods, concepts and strategies for solving problems. It is the ability to cope with multiple tasks, to adapt to changing conditions and requirements at work by setting priorities. Meanwhile, the quickness of certain activities is associated with intensive work pace trying to achieve the corresponding results. Partly, the pace (or quickness) of the pre-trial investigation is determined by Article 2 of the Criminal Code of Lithuanian Republic: in each case, when the indications of a crime become evident, the prosecutor and the pre-trial investigation institutions must take all the measures provided by legislation within their competence to carry out the investigation and to disclose a criminal offense in the shortest period of time (Lietuvos Respublikos baudžiamojo proceso kodeksas [Criminal Procedure Code of the Republic Lithuania], 2002). The shortest period of time means that an investigator must work intensively and maintain a certain pace of an investigation to respond flexibly to the changing situation in the case and to ensure that a criminal activity would be revealed without delaying the process. Thus, this feature becomes like a certain imperative established by a legal norm.

It is one of the abilities which has the direct influence on the speed of investigation, the workload, the reaction to the changing surroundings as well as influence on the readjustment constantly at work of challenges. Analysing the content of that ability the literary emphasize that although it is difficult to find the perfect terms to describe this quality, investigators must be quick-witted and adaptable as they are regularly subjected to bizarre or changeable emotions, situations, events, and people (Brown, 2014). The essence of these personal traits is emphasized by seeking to adapt to the high speed of investigation till the end of case solving: investigators have to change directions quickly and appropriately when investigatory paths they are following end suddenly – or branch off, or veer in a completely different direction. Also is mentioned the good investigator has to be ready to take on anything—using whatever works—to get through the ups and downs and to arrive at the end with solid, fair results and rational conclusions.

2.8 Ethics

A criminal investigation brings plenty of traps and difficulties and some of them are quite impossible to overcome considering their unpredictable and spontaneous characters. However, a criminal investigator could also encounter dilemmas connected to ethnics. Investigators like all people should follow some basic ethnical principles to keep neutral attitudes and work only with objective evidence. The following elements are necessary for any ethics program relating to criminal justice (Pollock, 2011):

1. Stimulating the “moral imagination” by posing difficult moral dilemmas encouraging the recognition of ethical issues larger questions instead of more immediate issues such as efficiency and goals.

2. Helping to develop analytical skills and the tools of ethical analysis
3. Eliciting a sense of moral obligation and personal responsibility to show why ethics should be taken seriously.
4. Tolerating and resisting disagreement and ambiguity.
5. Understanding the morality of coercion, which is intrinsic to criminal justice
6. Integrating technical and moral competence, especially recognizing the difference between what we are capable of doing and what we should do.
7. Becoming familiar with the full range of moral issues in criminology and criminal justice in the study of criminal justice ethics.

What ethical issues could emerge during investigations? We could mention biases, such as racism, gender or national etc. Nowadays, the topic related to corruption is also often mentioned in public and among experts. It is necessary to think about efficient ways to ensure more resistant investigators to ethical violations. Prevention should be the first step in improving the process. Elaborated and targeted recruitment is needed. It is necessary to make clear requirements for future officers and to develop the right way of detection of ethical flaws. Interesting fact is that the length of time an officer is exposed to this socialization process, the greater is its impact. When this loyalty to the subculture becomes too strong, the solidarity that follows can adversely affect the ethical values of the officers (Rich, 2011). We know from most families or any groups of peers, the leader is an engine of a group. In relation to criminal investigations and all proceedings, it is crucial to have a leader with strong ethical standards to look up to.

Certainly there are plenty of formal punishments and rules but informal impact of a leader is more efficient and natural. That is the effective way for others to follow ethical rules and not to try to avoid them secretly. Although leaders cannot assure the highest level of ethics in their field of investigation, the opposite also remains true: uncaring and incompetent officials actually can promote misconduct. Investigators should keep in their minds that they also work in highly sensitive environment, with emotionally demanding situations and mentally and physically injured people. They are expected to be perceptive and sympathetic. Investigators have to do a great job and to stay moral human beings at the same time.

It is worth mentioning that it would be difficult to make a comprehensive list of the investigator qualities which are important for a pre-trial investigation. In addition to the examined qualities other qualities and abilities should be mentioned as well. Courage is very important for the investigator because during the pre-trial investigation one constantly faces physical (for example, apprehending an armed criminal), emotional (for example, questioning a suspect in a conflict situation) challenges. Sincerity is also important because only sincere investigator would establish better contact with the interrogated ones. It is particularly important when dealing with victims who have suffered a great emotional shock as well as children. It is worth mentioning such skills as working in team and cooperation because the investigator's work is constantly influenced by the activity of other investigators, prosecutors, division managers and specialists. Creativity is an integral part of the investigator's activities as well – only by creatively constructing circumstances of the event one will be able to restore the mechanism of all the events.

The analysis of the qualities necessary for an investigator shows that they complement each other and are closely related, therefore, sometimes it is difficult to find a strict division between them. It should also be noted that some qualities and abilities at the same time are formalized requirements, clearly defined in laws and other specific legislation (job description), others become a verbal not formalized criterion, appealing to the investigator's personality. In either case, identified personal characteristics or abilities become special and significant for creating a psychological profile of an investigator.

3 METHODOLOGY

The quantitative method such as the empirical survey the list of ten individual qualities was used, which could be essential for the work of an officer of pre-trial services was prepared for the survey on the basis of literature analysis. That list was presented to the 3rd year (law and Pre-trial Process study programme, 51 respondents participated) and the 4th year (the study programme of Law and Police Activities, Public Security Department of Police Activities, 79 respondents participated) students of Public Security Faculty of Mykolas Romeris, University in Lithuania.

The total number of students in the survey was 130. In order to perform an impersonal and thorough research, the list of those individual qualities was also presented to the officers of pre-trial services. The survey has also included 130 officers of pre-trial services from various police departments of the country (police departments from Vilnius, Kaunas, Panevėžys, Raseiniai, Zarasai, Jonava) as well as the investigators of Financial Crime Investigation Service under the Ministry of the Interior of the Republic of Lithuania and the investigators of territorial subdivisions of that service.

Empirical research was carried out in November, 2014 – February, 2015. The empirical research organization consisted of three stages. During the first stage the questionnaire was designed: the list with ten identified individual qualities and abilities that might be important and significant for the work of a pre-trial investigator, was prepared. During the second stage of the research, two groups of respondents were selected in order to compare their results. Out of ten given qualities both students and investigators were asked to select only five most important ones that are essential for the pre-trial investigator and to arrange them in order of importance: 5 points were given to the most needed, most important personal characteristics of an investigator, 4 points – for a less significant one, 3 points – for even less significant, etc. The most valuable, the most significant individual quality in the investigator's work was the one that received the highest score. In order to achieve the objectivity, respondents were asked to include additional individual qualities and abilities that they considered to be significant for the pre-trial investigator's work, but had not been included in the list. During the third stage using the method of analysis and comparison by comparing the results obtained from working officers and students, the list of the top five most significant and important individual qualities and abilities was made.

3.1 The attitude of pre-trial investigators and students towards the individual qualities and abilities necessary for the investigator's work

The received research results were assessed the following way: first of all, the individual qualities and abilities important for an investigator were identified by students, then, the same qualities were distinguished by the pre-trial investigation officers. After comparing and summing up of the results, the top five most significant and important individual qualities and abilities, which will help to create a profile of an investigator, were identified.

Table 1: The attitude of Mykolas Romeris university students and pre-trial investigation officers towards the individual qualities necessary for an investigator

Individual Qualities and Abilities of Investigator	Students' Attitude (Points)	Rating	Investigators' Attitude (Points)	Rating
Impartiality	336	3	400	2
Perseverance	125	6	132	6
Courage	58	9	26	9
Quickness and flexibility	102	7	112	8
Trustworthiness and fairness	438	1	356	3
Analytical skills	236	4	322	4
Emotional Intelligence	178	5	146	5
Planning and organizing	375	2	404	1
Ethics	70	8	118	7
Sincerity	19	10	22	10
Additional Personal Traits and Abilities of Investigator	Students' Attitude (Points)	Rating	Investigators' Attitude (Points)	Rating
Team work	1	12	0	13
Thoroughness	0	13	2	12
Diligence	2	11	6	11

The analysis of students' attitudes towards the most important personal qualities and abilities necessary for an investigator, revealed that the five most important individual qualities and abilities identified by students were the following: trustworthiness and fairness (438 points – the first (the highest) position), planning and organizational abilities (375 points), impartiality (336 points), analytical abilities (236 points), emotional stability/intelligence (178 points) (see table 1). Students considered sincerity as the least important characteristic, specified in the list of qualities (19 points). Besides, students also included such qualities as working in team and diligence as necessary for the pre-trial investigation officer.

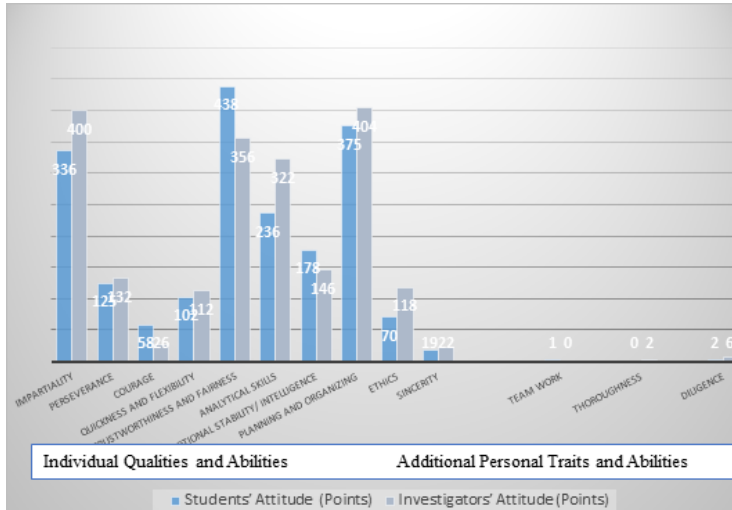


Figure 1: Students' and investigators' attitude towards the most important individual qualities and abilities of an investigator

The analysis of the attitude of the pre-trial investigation officers towards the most important individual qualities and abilities of an investigator revealed that investigators identified the following five most important individual qualities and abilities: planning and organizational abilities (404 points – the first (the highest) position), impartiality (400 points), trustworthiness and fairness (356 points), analytical skills (322 points) and emotional stability/intelligence (146 points) (see table 1). It should be noted that investigators give two qualities an equal importance: impartiality and the importance of planning and organizational abilities, because the difference in scores between the two qualities is really small. Besides, investigators also included such qualities as thoroughness and diligence, which are essential for an investigator during the pre-trial investigation (see figure 1).

Data analysis concerning other personal qualities and abilities showed that there are some inessential differences between the opinion of students and investigators: both groups of respondents identified perseverance in the sixth position, while students gave the sixth position to the quickness and flexibility, and the investigators – to ethical, polite behaviour (see figure 1). Position eight was given to ethical, polite behaviour by students and quickness and flexibility by the investigators. Position nine (courage, bravery) and position ten (sincerity) overlap – they are equally identified by both groups of respondents.

The summary of the received data and the comparison of the results obtained from both groups of respondents showed that the following qualities and abilities, dominant and essential for the work of an investigator, were identified by both groups of respondents: trustworthiness and fairness (1st position), planning and organisational abilities (2nd position), impartiality (3rd position), analytical abilities (4th position) and emotional stability/intelligence (5th position). Final top five investigators' list of the individual qualities and abilities essential for an investigator arranging these qualities and abilities in order completely matches the arrangement presented by students (see figure 1).

4 CONCLUSIONS

The actualization of investigator's individual qualities and abilities is a new, developing area of the interdisciplinary nature, which includes psychological, educational, management and forensic knowledge and is trying to be established in the context of modern criminology tactics – in the content of the organization of the pre-trial investigation as a precondition for more efficient organization of the pre-trial investigation. In order to achieve a wider developmental dimension of this area, it is recommended to include the development of an investigator's profile as a composite element in developing a common vision of "Criminalistics 2020-2025" (Council of European Union, 2011).

The analysis of the qualities necessary for an investigator shows that they complement each other and are closely related, therefore, sometimes it is difficult to find a strict division between them. It should also be noted that some qualities and abilities are fundamental cornerstones, the constitutional provisions, others are formalized requirements, clearly defined in laws and other specific legislation (job description), and the third ones become a verbal not formalized criterion, appealing to the investigator's personality. The identification of personal characteristics or abilities would allow to create a psychological profile of an investigator, which would be valuable in both choosing the investigator's profession and for investigators themselves when developing / strengthening these qualities and abilities.

The results of an empirical study showed that there are some inessential differences between the opinion of students and investigator's towards the main qualities and abilities essential for the work of an investigator. The following qualities and abilities were identified by both groups of respondents as dominant and essential for the work of an investigator: impartiality, planning and organizational abilities, trustworthiness and fairness, analytical skills. Therefore, it is possible to state that when developing a psychological profile of a pre-trial investigation officer the most important qualities for an investigator are impartiality, trustworthiness and fairness, emotional stability/intelligence, analytical, planning and organizational abilities.

REFERENCES

- Ancelis, P., Aleksonis, G., Bučiūnas, G., Juškevičiūtė, J., Šalčius, M., Šlepetyš, R., et al. (2011). *Tyrimo veiksmai baudžiamajame procese* [Investigations acts in the criminal procedure]. Vilnius: Mykolas Romeris University.
- Barrick, M. R., & Mount, M. K. (1991). The Big Five personality dimensions and job performance: A meta-analysis. *Personnel Psychology*, 44(1), 1–26.
- Brown, D. (September 16, 2014). 7 traits of highly effective investigations. *HRVoice*. Retrieved from <http://www.hrvoice.org/7-traits-of-highly-effective-investigations/>
- Dictionary of International Words. (2016). *Analitinis žodžio reikšmė* [The meaning of the word analytical]. Retrieved from <http://www.zodziai.lt/reiksme&word=Analitinis&wid=1023>
- Dobryninas, A., Drakšienė, A., Gaidys, V., Vileikienė, E., & Žilinskienė, L. (2013). Confidence and trust in criminal justice institutions: Lithuanian case. *Proceedings Estonian Academy of Security Sciences*, 12, 153–188.
- Council of European Union (2011). *European Union Council press release „Vision for European forensic science 2020“*. 3135th Council meeting. Retrieved from http://europa.eu/rapid/press-release_PRES-11-491_en.htm?locale=en
- Heurer, R. J. (1999). *Psychology of intelligence analysis*. Langley: Center for the Study of Intelligence.
- Jurka, R., Jovaišas, K., Kanapeckaitė, J., Mišeikis, Ž., & Baliutavičius, S. (2004). *Baudžiamojo proceso optimizavimo ir spartinimo galimybės ir būdai* [Scope and Caching Options for Optimization of Criminal Process]. Vilnius: Eugrimas.
- Jurka, R., Ažubalytė, R., Gušauskienė, M., & Panomariovas, A. (2009). *Baudžiamojo proceso principai* [principles of criminal procedure]. Vilnius: Eugrimas.
- Leo, R. A. (2015). *Interrogation and false confessions in rape cases. Practical aspects of rape investigation: A multidisciplinary approach*. Retrieved from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2700410
- Lietuvos Respublikos baudžiamojo proceso kodeksas [Criminal Procedure Code of the Republic Lithuania]. (2002). *Valstybės žinios*, (37-13410/02).

- Lietuvos Respublikos Konstitucinis Teismas [The Constitutional Court of The Republic Of Lithuania]. (2010). *Nutarimas „Dėl Lietuvos Respublikos valstybės ir tarnybos paslapčių įstatymo 16 straipsnio 2 dalies 13 punkto, 18 straipsnio 1 dalies 4 punkto, Lietuvos Respublikos vidaus tarnybos statuto patvirtinimo įstatymu patvirtinto vidaus tarnybos statuto 28 straipsnio atitikties Lietuvos Respublikos Konstitucijai* [The Constitutional Court of the Republic of Lithuania Ruling on the Compliance of the Republic Of Lithuania Law on State Secrets and Official Secrets and of the Statute Of The Internal Service with the Constitution Of The Republic Of Lithuania], 22/2008-31/2008-9/2010-35/2010, 7. 7. 2011. Retrieved from <http://www.lrkt.lt/lt/teismo-aktai/paieska/135/ta154/content>
- Lietuvos Respublikos valstybės ir tarnybos paslapčių įstatymas [Republic Of Lithuania Law On State Secrets And Official Secrets]. (1999). *Valstybės žinios*, (VIII-1443/99).
- Merkevičius, R. (2010). Teismo nešališkumo principo samprata Lietuvos Konstitucinio teismo ir Europos žmogaus teisių teismo jurisprudencijoje [The concept of court impartiality in the Jurisprudence of Lithuanian Constitutional Court and the European Court of Human Rights]. *Teisė*, 76, 63–82.
- Navickienė, Ž. (2010). Lietuvos policijos pareigūnų kvalifikacijos tobulinimas: požiūriai į šio proceso optimizavimą [The importance of pre-trial investigators' qualification and competence in pre-trial investigation]. *Profesinis rengimas: tyrimai ir realijos*, 19, 68–81.
- Navickienė, Ž. (2011). Tyrejo kompetencijų formavimo diskursas [Discourse on formation of investigators' competencies]. *Visuomenės saugumas ir viešoji tvarka*, 6, 197–210.
- Navickienė, Ž., & Izotovas, A. (2013). Ikteisminio tyrimo pareigūno profesionalumo dimensijos: profesinė kompetencija ir asmeninės savybės [Professionalism dimensions of criminal investigator: Professional competence and personality traits]. *Visuomenės saugumas ir viešoji tvarka*, 10, 146–163.
- Rich, M. M. S. (2011). Police corruption: An analytical look into police ethics. *FBI Law Bulletin*. Retrieved from <http://leb.fbi.gov/2011/may/police-corruption-an-analytical-look-into-police-ethics>
- O*NET. (2010). *Summary report for: 33-3021.03 – criminal investigators and special agents*. Retrieved from <http://online.onetcenter.org/link/summary/33-3021.03>
- Ono, M., Sachau, D. A., Deal, W. P., Englert, D. R., & Taylor, M. D. (2011). Cognitive ability emotional intelligence, and the big five personality dimensions as predictors of criminal investigator performance. *Criminal Justice and Behavior*, 38(5), 471–491.
- Sėkmę lemia atkaklumas [Perseverance determines luck]. (2000). *Sargybos bokštas*, 2/1, 4–6. Retrieved from <http://wol.jw.org/lt/wol/d/r32/lp-1/2000081>
- Pollock, J. (2011). *Ethical dilemmas and decisions in criminal justice*. Austin: Texas State University.
- Salovey, P., & Mayer, J. D. (1990). Emotional intelligence. *Imagination, Cognition and Personality*, 9, 185–211.
- Sizov, A. (2015). Investigation mistakes in investigation of crimes of foreign citizens, committed in the territory of Russia. *Biosciences Biotechnology Research Asia*, 12(1), 295–299.
- Van Rooy, D. L., & Viswesvaran, C. (2004). Emotional intelligence: A meta-analytic investigation of predictive validity and nomological net. *Journal of Vocational Behavior*, 65(1), 71–95.
- Varela, J. G., Boccaccini, M. T., Scogin, F., Stump, J., & Caputo, A. (2004). Personality testing in law enforcement employment settings: A meta-analytic review. *Criminal Justice and Behavior*, 31(6), 649–675.

THE CONCEPT AND EVALUATION OF THE ENTRAPMENT IN THEORY AND PRACTICE

Mindaugas Bilius

ABSTRACT

Purpose:

Law enforcement officers, carrying on non-public nature actions, must deal exclusively with the precision, follow the competence given to them and lie within the boundaries between permissible and prohibited actions. This paper examines sting operations, distinction between sting operation and entrapment and the evaluation of such acts in the Lithuanian and European Court of Human Rights proceedings.

Methods:

The research is done through the evaluation of the theoretical literature and jurisprudence of various courts: revealing the legal regulation of the sting operation in the human rights context, defining the concept of the entrapment, its changes, dividing the active and passive forms of entrapment.

Findings:

The analysis shows that over the time the concept of entrapment in the context of human rights and freedoms has changed. At the meantime traditionally perceived concept of committing a crime by an active person is changing. The analysis of the courts' jurisprudence indicates that the concept of entrapment became broader and a new - passive concept of entrapment in the law enforcement officers' actions falls into the category of the entrapment. The subjective and objective criteria tests, formed in courts practice, allow the evaluation of the sting operation which has the assumption that the entrapment was made. The subjective criterion allows assessing whether the prosecuted person had prior intention to commit a crime. The objective criterion is focusing on the behaviour of non-public nature activities, impact on a sting operation.

Research limitations:

The research focuses not only on Lithuanian law, but there is also done the evaluation of the practice of the European Court of Human Rights. Thus the findings could be applicable in all countries which ratified the European Convention on Human Rights.

Originality:

The analysis of the criteria of entrapment indicates that during the sting operation, even without active actions of the law enforcement officers or persons engaged in such actions, the entrapment could be done, which could lead to the exculpatory court decision.

Keywords: law enforcement, criminal investigation, sting operation, entrapment.

I INTRODUCTION

Undercover work in order to fight with various forms of crimes is commonly used in the whole world. The society is concerned for the successful work of the law enforcement institutions, giving them the legitimate way to act in a covert and deceptive nature. "An increase in the use of undercover operations by the regular police (outside the sphere of state security) has occurred from the 1960s onwards, during a period when organized crime, primarily centred on drug trafficking, has been growing" (Kruisbergen, de Jong & Kleemans, 2011: 395). Such increase of the undercover operations could be also grounded by the expand of the various forms of crimes, the use and modernization of technologies, the growth of white-collar crime and the need of the law enforcement agencies to anticipate, not just react to the crimes. When evaluating the undercover work the question of legal evaluation of such activities arises: how the law enforcement institutions should act, whether there should be clear boundaries of these activities set by law, how to solve disputes concerning the question whether the person was provoked to commit a crime he was not intended to do.

The provocation (or entrapment) usually is described as the active inducement of a person to make a crime, which the person would have otherwise been unlikely to commit, done by the law enforcement officials in order later to sue the person for such crime (Bruce, 2005). The meaning of the entrapment usually is associated by the active conduct of the law enforcement officials or the people, working on them. But the question could be raised whether it is possible during

the sting operation to provoke the person to commit the crime without active manner of the conduct of the law enforcement officers? Could the situation be called as provocation when the law enforcement officers are acting for a long time, without doing any active behaviour in which the situation has a substantial impact for the person to make a decision to commit a crime? The legal evaluation of the entrapment is based on the person's free decision to commit a crime – if such decision was influenced by the law enforcement officers, then such situation is called as entrapment and violates the principle of fair trial. The question is whether the influence of the law enforcement officers could be called as entrapment if they are not doing any active actions but the situation, which was created by them is very convenient for the person to commit a crime with a minimal risk to be caught? Could we name it as passive entrapment which leads to the violation of the principle of fair trial? For such reason it becomes important to analyse whether it is possible passively provoke a person to commit a crime.

2 THE CONCEPT AND DISTINCTION OF THE UNDERCOVER WORK AND ENTRAPMENT

The European Convention of Human Rights (Convention for the Protection of Human Rights and Fundamental Freedoms, 1950) guarantees the right to a fair trial (art. 6), but there is no clear definition what constitutes fair, the evaluation of such right mostly depends on the evaluation of the whole process, whether it satisfy the key principles, which were set in the various European Court of Human Rights (hereinafter: ECHR) proceedings. It should be stated that the right to a fair trial is one of the most heavily litigated human rights (Smith, 2013). In *Ramanauskas v. Lithuania* ECHR stated “that being so, the use of special investigative methods – in particular, undercover techniques – cannot in itself infringe the right to a fair trial. However, on account of the risk of police incitement entailed by such techniques, their use must be kept within clear limits.” (The European Court of Human Rights [ECHR], 2008a). The Lithuanian Constitutional Court stated, that “it is justifiable and necessary to design such special measures and methods and use them in order to detect crimes and establish the culprits as it is often impossible to discover certain crimes by means of ordinary ways and methods of investigation, or to do so is extremely difficult. As a rule, these are the most serious, well organised or latent crimes posing threat to the security of a great number of people, that of society or even that of the state.” (Lietuvos Respublikos Konstitucinis teismas [The Constitutional Court of the Republic of Lithuania], 2000). The undercover activity of the law enforcement institutions should be precisely described in the law. If the evidence when performing such activity was obtained by violating the law, such evidence cannot be admissible in the court. The officers should act only in such way, which is prescribed by law, thus if the law enforcement institutions are acting in the way which is not defined in the laws, they are acting unlawfully. The trial could not be called as fair if the evidence for it were obtained violating the law.

Undercover work (or undercover techniques) may have different types: the use of informants or paid agents, or, undercover officers, who usually are working in law enforcement institutions, the use of hidden recorders and tracking devices, or the imitation of the criminal activity (sting operation). In the explanatory note of the Criminal Law Convention on Corruption is stated, that “in view of the ... difficulties to obtain evidence, this provision includes an obligation for the Parties to permit the use of “special investigative techniques”. No list of these techniques is included but the drafters of the Convention were referring in particular to the use of under-cover agents, wire-tapping, bugging, interception of telecommunications, access to computer systems and so on.” (Explanatory Report to the Criminal Law Convention on Corruption, 1999, para 114). A sting operation could be only a part of the whole undercover work. Bruce defines sting operation as an “effort by the authorities to encourage wrongdoing, with the intention of punishing the offenses that result. Normally a sting operation is carried out by agents acting undercover, that is, concealing the fact that they work for the authorities. An agent might be a full-time police officer disguised as a private citizen” (Bruce, 2005: 389). The undercover work has broader meaning than sting operation and during it a different types of undercover activities could be used (Šimkus, 2003). As it was stated, during the sting operation the law enforcement officers has a right to make such acts, which formally has crime attributes, but for which there is no legal responsibility for the officers. Under Lithuanian criminal procedure code, the acts, which has crime attributes (the imitation of the criminal act) could be done not only by the law enforcement officers, but also

by the usual persons (Lietuvos Respublikos baudžiamojo proceso kodeksas [Criminal Procedure Code of the Republic of Lithuania], 2002: art. 159). The person who imitates a criminal act is treated as performer of an assignment of a law enforcement institution and shall not be held liable under the criminal code (Criminal Code of the Republic of Lithuania, 2000: art. 32). The idea of the imitation of the criminal act is to catch the criminal, but not to create the crime itself. It is more likely an observation of the person and gathering the evidence, proving criminal activity in order to stop such person from further unlawful conduct (Jurka, 2013a). The authorization of the imitation of the criminal act exhibiting elements of crime is designated only in order to detect a crime or the person who committed it but it never authorizes a crime itself.

In numerous cases ECHR evaluated the legitimacy of the undercover operations in which the law enforcement institutions were imitating criminal acts (for example see *Lüdi v. Switzerland* (ECHR, 1992), *Teixeira de Castro v. Portugal* (ECHR, 1998), *Vanyan v. Russia* (ECHR, 2005), *Khudobin v. Russia* (ECHR, 2006), *Ramanauskas v. Lithuania* (ECHR, 2008a), *Miliniene v. Lithuania* (ECHR, 2008b), *Malininas v. Lithuania* (ECHR, 2008c) and other cases). According to the ECHR, the legal evaluation of the undercover operations should be based on the evaluation of the certain criteria, which will be mentioned below in this article.

The purpose of the imitation of the criminal act is to establish certain conditions, in which the evidence about the person, who is committing the crime, will be collected. The substantial thing of the imitation is to establish such conditions, under which the person is free to choose whether he will make a crime or not. According to Judge Marston “human nature is frail enough at best and requires no encouragement in wrong doing. If we cannot assist another, and prevent him from committing crime, we should at least abstain from any active efforts in the way of leading him into temptation” (Williams, 1957: 344). In one of its rulings Lithuanian Constitutional Court stated, that “it needs to be noted that by means of the mode it is only permitted to “connect oneself” to permanent or lasting crimes as well as the crimes that are taking place but are not finished. Such criminal deeds continue without the efforts of covert participants of operational activities. The covert participants only imitate the actions of the preparation of a crime or those of a crime which is being committed. It is not permitted that by means of the mode the commission of a new crime be incited or provoked nor that the commission of a criminal deed which was only prepared and later such an action was terminated by an individual be incited (The Constitutional Court of the Republic of Lithuania, 2000).

According to the ECHR practice, when there is an imitation of the criminal act, the court should evaluate whether the law enforcement officers were acting as an undercover agents or as agents provocateurs (Goda, 2009). If the court establishes the activity as an agent provocateur – such situation is called as an entrapment and the evidence, which was collected during it cannot be used when proving person's guilt. In the case *Khudobin v. Russia* ECHR stated, that “in principle, the Court's case-law does not preclude reliance, at the investigation stage of criminal proceedings and where the nature of the offence so warrants, on evidence obtained as a result of an undercover police operation. However, the use of undercover agents must be restricted; the police may act undercover but not incite.” (ECHR, 2006). In the case *Teixeira de Castro v. Portugal* ECHR found that “the two police officers' actions went beyond those of undercover agents because they instigated the offence and there is nothing to suggest that without their intervention it would have been committed. That intervention and its use in the impugned criminal proceedings meant that, right from the outset, the applicant was definitively deprived of a fair trial” (ECHR, 1998). According to the Lithuanian Supreme Court decision, the incitement could be stated not only in situations, where the person was incited by the active actions of the law enforcement officers, but also in such situations, where the conduct of the law enforcement officers had essential influence on the persons' conduct (Lietuvos Aukščiausiasis teismas [The Supreme Court of Lithuania], 2012).

The entrapment could be acknowledged in the situations, where not only the law enforcement officers, but also other persons were involved in the case investigation. In the case *Pyrgiotakis v. Greece* ECHR stated, that in the cases where the activities of agents are involved, if the crime would have not being committed without the activity of such agents, their conduct should be described as provocative and such interference violates the fairness of the trial (ECHR, 2008d). In the other case ECHR defined entrapment as not a legitimate way of undercover work, describing that the “police incitement occurs where the officers involved – whether members of the security forces or persons acting on their instructions – do not confine themselves to investigating criminal activity in an essentially passive manner, but exert such an influence on the subject as to incite the commission of an offence that would otherwise not have been committed, in order to make it

possible to establish the offence, that is, to provide evidence and institute a prosecution" (ECHR, 2008a). According to Baker if a private person is involved in the undercover operation, the issue of entrapment can only occur if such person is acting at the direction of a law enforcement officer (Baker, 2013). He also states, that „the idea that entrapment can only take place under law enforcement direction is often overlooked. A private citizen who sets up their own “sting operation” to catch say, a car thief; outside the direction of or cooperation with a law enforcement agent, does not have to concern themselves with the defence of entrapment. Any evidence they obtain could be turned over to police and eventually used against the defendant if the police had nothing to do with obtaining it. The reverse is true however, when talking of an informant or cooperating witness“ (Baker, 2013: 9).

The incitement could be done by various law enforcement officers' actions: by the persuasion, threatening, blackmailing or by other ways of breaking persons will (applying for the regret, complaining about the pip and etc.). As Jurka states, these efforts are especially created that to limit person's ability to choose one or another way of conduct and accordingly determining the objective of the law enforcement officers to attain desirable and supposed conduct of the person, and could be associated with the active form of entrapment (Jurka, 2013a).

According to the mentioned above ECHR decisions, the Lithuanian Supreme Court in one of its cases established certain criteria, allowing the legal evaluation of the existence of the entrapment:

1. The imitation of the criminal act could be started only when there is some evidence showing about the criminal activity of the person, that to “connect” to the crime which is being committed. If the person was not able to commit the without the interference of the law enforcement officers, such situation should be called as entrapment;
2. The private persons could be invoked to perform certain tasks of law enforcement institutions if they noticed them about the received proposals to commit a crime, but law enforcement officers cannot act as private persons. The entrapment could be stated if private persons are acting under the control and supervision of the law enforcement officers and induces persons to act unlawfully not having any evidence about his criminal activity;
3. When the case is solved in the court, the state institutions have a duty to prove that there was no entrapment. If the court finds that there was the entrapment, the evidence collected during it should be excluded from the case;
4. The contest of the suspect does not deny the established fact about the entrapment. (Lietuvos Aukščiausiasis teismas [The Supreme Court of Lithuania], 2008).

Thus the determination of entrapment could be done by performing subjective and objective criteria test. Such criteria at first were established in the 1932, in the case *Sorrells v. United States* (1932, in Colquitt, 2004). As it was seen from the practice of the ECHR, these criteria still exist today. The subjective criteria helps for the evaluation of the persons conduct showing the disposition to commit a crime. If there is no information showing the anticipatory intention to commit the crime – the situation has signs of entrapment. Under the subjective test law enforcement officers are allowed to create the opportunity for an offender to commit a crime, but may not induce its commission (Colquitt, 2004). The objective criterion allows the evaluation of the law enforcement officer's amount and degree of impact to the person. It means that the line should be drawn between the reactive and proactive law enforcement officer's conduct (Jurka, 2013a). Objective entrapment acts as a form of estoppel, whereby law enforcement officers are forbidden to create crime when their principle duty is to deter it (Colquitt, 2004).

It should be noted that the ECHR in its cases did not analysed whether the position of the person could influence the decision whether the entrapment was made. As Goda notices, the features of the person could be one of the factors deciding whether the entrapment was made (Goda, 2009). He argues that the juvenile or a person with a low intellect, or a person who has certain health or other problems in some situations could be easily pushed to act unlawfully (Goda, 2009). And contrarily if a person is more intelligent, works in the leading position or has a law qualification – such factors could prove that it is more difficult to induce such person to make a crime, which the person would have otherwise been unlikely to commit. If the main condition that to establish the entrapment is the evaluation whether there was a person's free will to commit a crime or not (Jurka, 2013b), depending on the above mentioned positions of the person, in one situations some actions of the law enforcement officers could incite a person to commit a crime,

in other – not. Opposing to the ECHR practice in the United States, in several jurisdictions, the test of the average person is used: “the question becomes whether the persuasion used by the law enforcement agent was such as to cause a hypothetical person an ordinarily law abiding person of average resistance to commit the offense, not whether it was such as to cause the accused himself, given his proclivities, to commit it.” (Court of Criminal Appeals of Texas, 1994).

The idea of the active conduct of the law enforcement officers is to create a convenient situation for the person to commit a crime. But such influence for the person, establishing very convenient situation to commit the crime, could also be done by lawfully imitating criminal act, without any active conduct of the law enforcement officers, who uphold criminal activity of the person (The Supreme Court of Lithuania, 2011). Here we can reveal some signs of passive, indirect provocation.

3 THE MEANING OF THE PASSIVE ENTRAPMENT AND ITS LEGAL EVALUATION

In one of its cases, when evaluating whether the entrapment was made, ECHR noticed, that if law enforcement officers “do not confine themselves to investigating criminal activity in an essentially passive manner”, such situation could show that they incited a person to commit a crime (ECHR, 2008a). The person’s freedom to choose the way of conduct should be natural, law enforcement officers when performing the imitation of the criminal act and giving the person ability to choose cannot move from the ability to choose to the ability to make a crime (Jurka, 2013a). The “passive method” of the investigation was mentioned in the case its case *Bannikova v. Russia* (ECHR, 2010). The ECHR stated that “in deciding whether the investigation was “essentially passive” the Court will examine the reasons underlining the covert operation and the conduct of the authorities carrying it out. The Court will rely on whether there were objective suspicions that the applicant had been involved in criminal activity or was predisposed to commit a criminal offence” (ECHR, 2010).

The state in its laws allowing the collection of the evidence during the imitation of the criminal activity should deal exclusively with the precision, follow the competence given to them and lie within the boundaries between permissible and prohibited actions. There cannot be created such situation, which is comfortable and attractive to the person, about whose criminal conduct law enforcement institutions have information. According to Jurka, the state cannot establish the effect of the minimal risk, which means that if there are no signs of the law enforcement officers active incitement, the person, acting in not natural, planned conditions of the crime imitation, should not realize that such situation is very convenient to do criminal activity with a minimal risk to be caught (Jurka, 2013a).

In one of the Lithuanian Supreme Court cases (The Supreme Court of Lithuania, 2011) a person M.K. was arguing that the law enforcement officers provoked her to commit a crime when realizing the imitation of the criminal act in which the criminal activity of the other person was revealed, continued imitation of the criminal activity during which other crimes were committed. She argued that if the imitation of the criminal act was stopped on time, other crimes have not been committed. The facts in the case show that the imitation of the criminal activity was oriented towards the J.K. criminal activity and there was no information regarding criminal activity of the M.K. The imitation of the criminal act was approved for 2 periods, each of them lasting for 6 months. The second approval was oriented not to the investigation of the crime committed, but for the recording of the new crimes, which will be done in the future by the J.K. The court noticed that the imitation of the criminal act cannot last for the unlimited time period. It stated that the time limits of the imitation of the criminal act should last only for such period, which is sufficient to fully reveal the crime or to stop it, to collect evidence about the crime committed, or to detect persons who committed the crime in order to punish them speedy and effectively. If the amount of evidence collected is enough for the proving of persons guilt – the imitation of the criminal act should be stopped. Based on these facts, Lithuanian Supreme Court held that the entrapment was done, because of the continued activity of the law enforcement officers in which they were holding the initiative of the criminal conduct of the person J.K. during which lawful actions of the officers became similar to provocation and thus unlawful (The Supreme Court of Lithuania, 2011).

Such court arguments show that the purpose of the state is to protect human rights, to prevent crimes being committed, but not to encourage them. If the imitation of the criminal act lasts for

a long time period, the person can commit more crimes or the crime could turn from the less serious crime to the serious or grave crime (Lietuvos Apeliacinis teismas [The Court of Appeal of Lithuania], 2011). For such reasons it could be stated that the passive form of the conduct when imitating the criminal activity could also be announced as entrapment.

Such courts' practice shows that the distinction between the "passive" and "active" conduct of the law enforcement officers does not represent a distinction between the act and omission (inaction). It rather shows that not the form of the conduct (active/passive) is important, but whether the law enforcement officers conduct created the crime or didn't. The function of the law enforcement institutions is to detect and prevent crimes, but not to create it. For such reason if the passive conduct of the law enforcement officers created the crime – such behaviour cannot be considered as lawful.

4 CONCLUSION

The analysis which was done in this paper shows the incitement of the law enforcement officer to commit a crime plays a major role in the deciding whether the entrapment was made. If the facts show that without the intervention the crime would not have been committed, the evidence collected during such acts cannot be used as proving person's guilt and if they were used – such conduct violates the principle of the fair trial. Such interference of the law enforcement officers limits the persons' ability to choose a way of conduct and the person acts in the way which is desirable for the law enforcement officers.

The ECHR when evaluating the undercover activity of the law enforcement officers is using both the subjective and objective criteria tests. The subjective criteria test allows the evaluation of the persons' conduct whether the person had disposition to commit a crime. The person should have the opportunity to choose the way of conduct whether to commit a crime or not and the law enforcement officers cannot induce its commission. The objective criteria allow the evaluation of the law enforcement officers' conduct and its amount and degree of impact to the person.

The evaluation of the various courts proceedings shows that the concept of the entrapment in the context of the human rights and freedoms has changed. The commonly known form of entrapment as an active form of the law enforcement officers is changing and there are situations when passive actions of officers when performing sting operations are announced as entrapment. The courts establishes entrapment i.e. incitement to commit a crime, not only in such situations where the person was actively incited to commit a crime, but also in such situations where the conduct of the law enforcement officers had essential influence on the persons' conduct. On the continued activity of the law enforcement officers, in which they holds the initiative of the criminal conduct of the person who commits the crimes, lawful actions of the officers become similar to provocation and thus unlawful.

REFERENCES

- Baker, D. (2013). *Understanding and overcoming the entrapment defense in undercover operations*. Retrieved from <http://www.cji.edu/site/assets/files/1921/overcomingentrapmentdefence.pdf>
- Bruce, L. H. (2005). Sting operations, undercover agents, and entrapment. *Missouri Law Review*, 70, 387–431.
- Colquitt, J. A. (2004). Rethinking entrapment. *American Criminal Law Review*, 41, 1–49.
- Convention for the Protection of Human Rights and Fundamental Freedoms*. (1950). Rome: European Court of Human Rights. Retrieved from http://www.echr.coe.int/Documents/Convention_ENG.pdf
- Court of Criminal Appeals of Texas. (1994). *England v. State*, 887 S.W.2d 902, 14. 9. 1994. Retrieved from <http://law.justia.com/cases/texas/court-of-criminal-appeals/1994/762-93-4.html>
- Explanatory Report to the Criminal Law Convention on Corruption. (1999). *European treaty series - No. 173*. Strasbourg: Council of Europe. Retrieved from <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800c44>
- Goda, G. (2009). Nusikalstamos veikos imitacijos modelio kaip teisėto tyrimo veiksmo atskyrimas nuo draudžiamo provokavimo daryti nusikalstamą veiką [The difference between the imitation of the criminal act as the lawful conduct from the entrapment]. *Teisė*, 73, 7–23.

- Jurka, R. (2013a). Nusikalstamą veiką imituojančios veiksmai: provokacijos formos [Imitation of the criminal acts: the forms of the provocation]. *Lietuvos advokatūra*, 1(46), 2–7.
- Jurka, R. (2013b). Provokacija kaip priemonė renkanti įrodymus baudžiamajame procese [The entrapment as a way for collecting the evidence in criminal procedure]. *Jurisprudencija*, 20(1), 249–265.
- Kruisbergen, E. W., de Jong, D., & Kleemans, E. R. (2011). Undercover policing: Assumptions and empirical evidence. *British Journal of Criminology*, 51(2), 394–412.
- Lietuvos Apeliacinis teismas [The Court of Appeal of Lithuania]. (2011). *R.S. and V.B. v. Lithuania*, 1A-157/2011, 11. 11. 2011. Retrieved from <http://eteismai.lt/byla/6093830798849/1A-157/2011>
- Lietuvos Aukščiausiasis teismas [The Supreme Court of Lithuania]. (2008). *K.R. v. Lithuania*, 2A-P-6/2008, 16. 12. 2008. Retrieved from <http://eteismai.lt/byla/134446833559839/2A-P-6/2008>
- Lietuvos Aukščiausiasis teismas [The Supreme Court of Lithuania]. (2011). *M. K., J. K., UAB "Brasa" v. Lithuania*, 2K-7-86/2011, 22. 2. 2011. Retrieved from <http://eteismai.lt/byla/232697399045848/2K-7-86/2011>
- Lietuvos Aukščiausiasis teismas [The Supreme Court of Lithuania]. (2012). *R.S. and V.B. v. Lithuania*, 2K262/2012, 29. 5. 2012. Retrieved from <http://eteismai.lt/byla/180791665987122/2K-262/2012>
- Lietuvos Respublikos baudžiamasis kodeksas [Criminal Code of the Republic of Lithuania]. (2000). *Valstybės žinios* [Official Gazette], (89-2741/00). Retrieved from <https://www.e-tar.lt/portal/lt/legalAct/TAR.2B866DFF7D43/FQUuWlVivOL>
- Lietuvos Respublikos baudžiamojo proceso kodeksas [Criminal Procedure Code of the Republic of Lithuania]. (2002). *Valstybės žinios* [Official Gazette], (37-1341/02). Retrieved from <https://www.e-tar.lt/portal/lt/legalAct/TAR.EC588C321777/eNlCletuIx>
- Lietuvos Respublikos Konstitucinis teismas [The Constitutional Court of the Republic of Lithuania]. (2000). *Dėl Lietuvos Respublikos operatyvinės veiklos įstatymo 2 straipsnio 12 dalies, 7 straipsnio 2 dalies 3 punkto, 11 straipsnio 1 dalies ir Lietuvos Respublikos baudžiamojo proceso kodekso 1981 straipsnio 1 bei 2 dalių atitikimo Lietuvos Respublikos Konstitucijai* [On the compliance of Paragraph 12 of Article 2, Item 3 of Paragraph 2 of Article 7, Paragraph 1 of Article 11 of the Republic of Lithuania's Law on Operational Activities and Paragraphs 1 and 2 of Article 1981 of the Code of Criminal Procedure of the Republic of Lithuania with the Constitution of the Republic of Lithuania], 12/99-27/99-29/99-1/2000-2/2000, 8. 5. 2000. Retrieved from <http://www.lrkt.lt/lt/teismo-aktai/paieska/135/ta340/content>
- Šimkus, K. (2003). Nusikalstamos veikos imitacijos modelio ir slaptosios operacijos vieta operatyvinėje veikloje [The place of the imitation of the criminal act and hidden operation in the undercover work]. *Jurisprudencija*, 42(34), 57–67.
- Smith, R. K. M. (2013). *Texts and Materials on International Human Rights*. London, New York: Routledge.
- The European Court of Human Rights. (1992). *Lüdi v. Switzerland*, 12433/86, 15 June 1992. Retrieved from <http://hudoc.echr.coe.int/eng?i=001-57784>
- The European Court of Human Rights. (1998). *Teixeira de Castro v. Portugal*, 44/1997/828/1034, 9. 6. 1998. Retrieved from <http://hudoc.echr.coe.int/eng?i=001-58193>
- The European Court of Human Rights. (2005). *Vanyan v. Russia*, 53203/99, 15. 12. 2005. Retrieved from <http://hudoc.echr.coe.int/eng?i=001-71673>
- The European Court of Human Rights. (2006). *Khudobin v. Russia*, 59696/00, 26. 10. 2006. Retrieved from <http://hudoc.echr.coe.int/eng?i=001-77692>
- The European Court of Human Rights. (2008a). *Ramanauskas v. Lithuania*, 74420/01, 5. 2. 2008. Retrieved from <http://hudoc.echr.coe.int/eng?i=001-84935>
- The European Court of Human Rights. (2008b). *Miliniene v. Lithuania*, 74355/01, 24. 6. 2008. Retrieved from <http://hudoc.echr.coe.int/eng?i=001-87142>
- The European Court of Human Rights. (2008c). *Malininas v. Lithuania*, 10071/04, 1. 7. 2008. Retrieved from <http://hudoc.echr.coe.int/eng?i=001-87223>
- The European Court of Human Rights. (2008d). *Pyrgiotakis v. Greece*, 15100/06, 21. 2. 2008. Retrieved from <http://hudoc.echr.coe.int/eng?i=001-85218>
- The European Court of Human Rights. (2010). *Bannikova v. Russia*, 18757/06, 4. 11. 2010. Retrieved from <http://hudoc.echr.coe.int/eng?i=001-101589>
- Williams, J.B. (1957). Entrapment - A Legal Limitation on Police Techniques. *Journal of Criminal Law and Criminology*, 48(3), 343–348.

CLINICAL FORENSIGRAPHY AND ITS LEGAL FRAMEWORK IN AUSTRIA

Reingard Riener-Hofer

ABSTRACT

Purpose:

This paper analyses the implementation of imaging applications into forensic investigations from a legal point of view.

Methods:

Especially for the field of clinical-forensic medicine the use of radiologic methods shows interesting possibilities for the evaluation and documentation of bodily harms. It helps to optimize the securing of evidence by experts. The quality of radiological imaging in forensic medicine does not only depend on medical or technical developments. The value of these methods in court is also defined by the existing legal framework. Relating to these legal criteria it is important to differ between the use of imaging techniques for the purpose of clinical diagnostic reasons or for the use of exclusive forensic reasons.

Findings:

Ionising radiation can only be used under the conditions concerning radiation protection, which restricts the use of X-ray and computed tomography (CT). An ideal alternative as a forensic imaging method without ionising radiation for the clinical-forensic practice is therefore Magnetic Resonance Imaging (MRI). MRI can be highly advised for judicial purposes in the field of Clinical-Forensic Imaging.

Research limitations:

Clinical-forensic imaging is limited by strict legal requirements. It has to fulfil existing regulations of criminal procedure law, public health law and medical law. Missing a diagnostic legitimation the forensic scan must be approved by a judge and ordered by the public prosecution.

Originality:

The legal requirements for clinical-forensic examinations in general (laid down in paragraph 123 Austrian Code of Criminal Procedure) and clinical-forensic imaging in criminal proceedings are explained.

Keywords: legal requirements for clinical-forensic examinations, forensic imaging, forensigraphy, forensic medicine

I INTRODUCTION

In autumn 2008, the Ludwig Boltzmann Institute for Clinical Forensic Imaging (LBI CFI)¹ was established in Graz. The purpose of this interdisciplinary institute, part of the Ludwig Boltzmann Gesellschaft (LBG), is to conduct research regarding the use of radiological procedures in forensic medicine. Its research focuses on a combination of two disciplines, Imaging and Forensics. The main goal of the LBI CFI is the formation of a scientific foundation according to the juridical basis for the implementation of clinical forensic imaging – to be named Clinical Forensigraphy – into the clinical forensic routine casework. Its scientific activities are characterized by the cooperation of four scientific teams focused on forensic medicine, forensic technology, forensic natural sciences and law.² The communication between these scientific fields is necessary for the research activities of the institute. Interdisciplinary meetings help to spread ideas and give the researchers a platform to benefit from the expertise of the other disciplines. These are essential not only for a close and cross-linked cooperation, but especially for a valuable scientific output (Krebs, Riener-Hofer, Scheurer, Schick & Yen, 2011).

The purpose of the juridical team of the LBI CFI is to research the legal requirements for clinical forensic examinations in general and in particular clinical forensic imaging, which amounts to a thorough analysis of the ever changing juridical basis of clinical forensic medicine

1 Internet link to the Ludwig Boltzmann Institute webpage: <http://cfi.lbg.ac.at/en>.

2 For more insight into the LBI CFI's activities, I refer to our annual activity reports published at the <http://cfi.lbg.ac.at/en/document/annual-reports-the-ludwig-boltzmann-institute-clinical-forensic-imaging>.

and the development of recommendations for the implementation of imaging techniques. While the use of radiological imaging methods in the field of clinical forensic medicine opens interesting possibilities for the evaluation and documentation of bodily harms and helps to optimize the securing of evidence by the experts, all these technical benefits would be futile and impractical, if they were not based on an existing legal framework and hence would not be recognized in court. Therefore, whenever the medical staff of the LBI CFI investigates a case, the important issues (for the practical future use of information gained via the medical investigation) in question are: "What are the legal requirements for the clinical forensic examination? And what are the legal requirements for a possible clinical forensic scan?"

That is why the following article is dedicated to clinical forensic medicine in relation to Clinical Forensigraphy and its embedding in the Austrian legal framework. As an introduction the importance of clinical forensic examinations within forensic medicine will be generally explained (chapter 2). Then the term *Forensigraphy* and some of its main subcategories will be discussed (chapter 3). This will bridge over to Medical Forensigraphy and its subcategory Clinical Forensigraphy itself (chapter 4), and finally the legal requirements for Clinical Forensigraphy will be highlighted and exemplified (chapter 5).

2 CLINICAL FORENSIC MEDICINE

An important part of forensic medicine is clinical forensic medicine, which includes examinations of living persons due to the suspicion of sexual or physical violence. Regarding to the increasing awareness within our society concerning the different faces of violence clinical forensic medicine apparently gains more and more importance in clarifying forensic discussions as has been gained by forensic medicine in the postmortem field. While the classic part of forensic medicine focuses on the investigation of deceased persons through especially autopsies, clinical forensic medicine deals with the examination of living victims of physical or sexual violence (Riener-Hofer, Krebs, Scheurer, Schick & Yen, 2011). The main purpose of a clinical forensic examination of a living subject (woman, man or child) is to enable the certainty of justice by supporting the decision-making process in court with securing sound material (Krebs et al., 2011; Scheurer, 2016). Aside the possible securing of body fluids and biological evidence, the documentation of bodily findings is of major importance. Until now the gold standard for this documentation and determination of bodily harm and injuries of living victims of violence was the external clinical forensic examination of the surface of the victim's body, of the orifices of the genital and anal region, of ears, mouth, eyes and nose (Scheurer, 2016).

Today new clinical forensic imaging methods are emerging. They serve the purpose of documenting bodily injuries and harm even better, provide pictures to support the certainty of justice and are not limited by vanishing information over time. In short these mentioned imaging methods help to investigate crime cases and therefore they can be referred to as criminal imaging, below called "Forensigraphy".

3 CRIMINAL IMAGING: FORENSIGRAPHY

As a widely held definition, imaging procedures constitute a portrayal of measurements of a real object, wherein the measurements or derived information are visualized through the spatial resolution of brightness values and colour (Riener-Hofer, 2013). The comprehensive term 'imaging' also covers photography, which has existed since the middle of the 19th Century (Dirnhofer & Ranner, 2010), in either an analogue or digital form (Schwegler, 2004). With a photograph, a representation of a real object is created and can be held onto. A situation or even a condition can be visually frozen and survives as a snapshot for future generations, irrelevant of what is captured or depicted. This snapshot represents a portrayal of a real object such as a person, an animal or equally an item. The application of imaging plays a significant role in our daily lives nowadays. There are many situations in which a 'portrayal of a real object' can be created. In an image, what is actually occurring is the visual capture and immortalization of a real object. Technical advancements are very beneficial to this process. In a time when almost all handheld mobile phones are fitted with a camera, all types of events can be visually immortalized not only for those who are not present (e.g. via the internet, images can be posted on Facebook with the touch of a button), but also for future generations.

On a daily basis, we encounter applications of imaging procedures for various purposes. For example, to record situations, to remind ourselves of something, to clarify or explain something and also to visually record information for reasons of evidence preservation. Here we can include photos from events or parties, personnel photos on homepages, delayed video recordings (e.g. slow-motion clips in a football match), surveillance cameras in department stores, luggage inspection (X-ray) at the airport as well as the storage of digital photos and fingerprints on passports (Schwegler, 2004). In all these cases, a 'portrayal of a real object' is created. Mug shots displayed on information screens or public notice boards also represent imaging material. Through these materials, an image of a wanted person is distributed. Or to state it more precisely, these materials represent criminal imaging materials, which serve law enforcement purposes. Such criminal imaging materials are intended to shed light on criminal operations.

In medical discourse, a more restricted definition of imaging has emerged. Imaging is referred to as a generic term for various diagnostic methods, which provide a registration of the internal structure of the body³. The earliest known technique in this field is "conventional diagnostic radiology (native images, contrast agent enhanced images and conventional tomography)". The application and use of imaging procedures in medicine roots in the end of the 19th century, when Wilhelm Conrad Röntgen discovered invisible rays, with the help of which, findings beneath the skin could be visualized (Dirnhofer & Ranner, 2010). Since then, it is impossible to imagine diagnosis or therapeutic treatment without imaging. Modern imaging procedures now include ultrasounds, computed tomography (CT), magnetic resonance imaging (MRI), scintigraphy, subtraction angiography and endoscopy.

In contrast, the forensic application of medical imaging procedures in the investigation of internal injuries is a relatively new application of radiology. As an umbrella term for the application of imaging techniques in a forensic context, the term "Forensigraphy" was implemented. Forensigraphy, as a new word for forensic imaging, encompasses all forensic applications of imaging procedures in the widest sense. This includes all imaging materials, whose purpose lies in the examination and analysis of criminal activity. In contrast to the general definition of imaging, 'Forensigraphy' is most arguably defined by the specific character of the 'what' which it portrays. Due to its interdisciplinary nature, Forensigraphy finds itself spread across a number of scientific domains.

Therefore, four examples of these subcategories (Forensic Photography, Forensic Evidential Imaging, LIVE Forensic Imaging and Forensic Radiology) of the term Forensigraphy will be briefly discussed in the following, by whose results the criminal justice system benefits greatly and legal certainty is ensured (Riener-Hofer, Webb & Scheurer, 2014).

Forensic Photography means the application of photographs to assist in the resolution of criminal affairs and can be of significant importance in the forensic context. It conveys information and data, which would be lost without the use of imaging techniques (Riener-Hofer et al. , 2014). For the visual preservation of the physical state of crime scenes and the documentation of bodily harm of the victims as well as of the suspects photography is currently the method of choice. Further, overview photographs and 3D registration can help to understand the sequence or the modus operandi of events, while detailed photographs of traces – also gained by various possible means of light sources: e.g. photography by plain light or infrared photography (Farrar, Porter & Renshaw, 2012) – preserve the evidence for later expert analysis (Martin, Delémont, Esseiva & Jacquat, 2010). In the context of clinical forensic medicine, timely photography of external injuries is of utmost importance, to register the physical state of the victim (or suspect) close to the time of the crime, and to function as a valuable form of evidence in court (McLay, 2009).

While Forensic Photography focuses on the use of recording evidential traces on living persons, Forensic Evidential Imaging techniques try to characterize various traces following the incident itself (Riener-Hofer et al. , 2014). For example, with the help of infrared imaging (FTIR) in a hit and run situation the chemical nature of automotive paint can be examined. It provides images for the comparison of evidence of the crime scene and samples won from a suspect vehicle (Flynn, O'Leary, Lennard, Roux & Reedy, 2005). Or they can enhance the visibility of latent fingerprints and detect the chemical components of condoms and lubricating

3 E.g. definitions of medical imaging in *Illustrated Dictionary of Podiatry and Foot Science* by Jean Mooney (2009) as use of *high-energy modalities (e.g. X-rays, ultrasound, magnetic resonance, tomography) to allow visualization of body tissues*, or in Mosby's *Medical Dictionary* (2008) as *the use of radiographic, sonographic, and other technologies to create a graphic depiction of the body part(s) in question*.

agents (MALDI-MS), meaning one can target fingerprint traces from people having handled these materials (Francese, Bradshaw, Ferguson, Wolstenholme, Clench & Bleay, 2013). Imaging techniques are also helpful for the analysis of firearm evidence. Focusing on surface topography, a 3D comparison of various traces presents evidential and suspect bullets (Riva, 2011).

LIVE Forensic Imaging to register und analyze images or videos can be useful to resolve or prevent illegal activities and offences by identifying suspects or victims according their physical or non-conscious characteristics (facial features, gait, race, build) (Bouchrika, Goffredo, Carter & Nixon, 2011) or in combination with other pre mentioned methods by reconstructing the events at a crime scene (Riener-Hofer et al., 2014). For a more daily example also X-ray scanners at airports (Wells & Bradley, 2012) or on some airports recently implemented biometric measures (e.g. facial recognition and fingerprint scanning) can be added to the term LIVE Forensic Imaging (Malčík & Drahanský, 2012).

And finally Forensic Radiology is an interface between medicine and forensic science and focuses on the use of radiological procedures (e.g. Computed Tomography and Magnetic Resonance Imaging) to provide essential data for the prosecution (Riener-Hofer et al., 2014). Forensic Radiology can be used for the medical investigation of descendant victims of violence and the clinical forensic examination of living victims of violence. The distinction is important and necessary, because postmortem imaging processes and clinical forensic imaging *in vivo* concern different legal interests and are therefore regulated in a different context (Schick, 2016a). But both can be subsumed under the heading Medical Forensigraphy and will be discussed as the last subcategory in more detail in the following section.

4 MEDICAL FORENSIGRAPHY

The term Medical Forensigraphy or Forensic Radiology serves, as already stated above, as an important scientific interface between medicine (i.e. forensic medicine) and forensic science (i.e. criminalistics) by the use of radiological procedures (e.g. conventional radiography, computed tomography, magnetic resonance imaging, ultrasound) to provide essential data from within the human body (i.e. victim or suspect), which could be essential for the investigation of a criminal offence (Brogdon, 1998) and can be essentially defined as “the application of medical knowledge to the administration of law and to the furthering of justice” (Camps, 1976). Therefore, the imaged ‘objects’ will always be people, who are examined for forensic purposes, and the examination itself will always be conducted by a physician. Internally one can further differentiate between an examination of dead people, called *Postmortem Forensigraphy*, and *Clinical Forensigraphy*, which addresses the application of medical imaging techniques on living persons (*in vivo*).

In Austria a postmortem examination of a diseased person is legally bound by 128 Strafprozessordnung (StPO), 1975; (i.e. Austrian Code of Criminal Procedure): An autopsy has to be issued by the prosecution and conducted by a forensic pathologist (128 (1), (2) StPO, 1975).⁴ Because of its invasive character, a virtual method of autopsy has been developed for example at the Institute of Forensic Medicine of the University of Bern, called ‘virtopsy’, which serves to produce a 3D-Model of the deceased and to reconstruct and record internal and external injuries (Thali, Dirnhofer & Vock, 2009). The virtopsy-method has great advantages in its preservation of the integrity of the deceased person, easy storing of evidence, minimal-invasive character and high acceptance in respect of religious or cultural conflicts (Dirnhofer, Schick & Ranner, 2010; Segal, 2009). Postmortem Forensic Imaging is used for the diagnosis, documentation and visualization of relevant findings. By extending the existing postmortem-tools, such as through virtopsy, it is possible that Postmortem Forensic Imaging will replace the classic autopsy in a very modern, interesting and scientifically accepted way (Weber, 2016).

In contrast Clinical Forensigraphy – clinical forensic imaging methods which serve the purpose of documenting bodily injuries and harm and is used in the examination of living people – poses more legal questions and problems, which will be discussed in the following section. Basically it can be characterized by the application of medical knowledge and techniques on living victims of physical or sexual violence in order to assist the police and prosecution with their criminal investigations (McLay, 2009).

4 For the procedure of post-mortem forensic Imaging within the German Law of Criminal Procedure I refer to Grimm & Grimm, 2016.

5 CLINICAL FORENSIGRAPHY IN THE AUSTRIAN LEGAL FRAMEWORK

Concerning Clinical Forensigraphy paragraph 117 StPO (1975) defines the use of imaging techniques as permitted “minor procedures” and therefore as minimal invasive (Schick, 2016b). In Austria paragraph 123 StPO (1975) applies to Clinical Forensigraphy and states, that a medical examination has to be ordered by the prosecution, based on an adjudication order, and conducted by a clinical forensic physician (paragraph 123 (3), (5) StPO, 1975), who has to apply his expert knowledge for the preservation, documentation and interpretation of injuries as evidence (Santucci & Hsiao, 2003). This knowledge is especially needed in cases of suspected abuse, where the recognition of factors and traces, which distinguish accidental from non-accidental injuries, is very important. Further, the judicial process is depended on a comprehensible objective presentation of medical findings and expert opinion as to how injuries may have been caused, when trying to reconstruct the events of a case and serving justice (McLay, 2009).

Nowadays the appreciation for forensic methods to help solving cases of domestic violence and sexual assault and particularly cases of violence against children and minors is gaining more and more weight (e.g. Directive 2012/29/EU, preamble 40, Art 4 (1) lit a and Art 8, 9 (1) lit a, 20 lit d) (European Union, 2012). As mentioned before there is an increasing awareness within society concerning physical and sexual violence and therefore clinical forensic medicine becomes more and more important.

Even though in the forensic context minimal-invasive methods such as drawing blood samples or smearing the oral cavity and of course an external physical examination of the body are still preferred over invasive methods, it is impossible to imagine a modern diagnosis or therapeutic treatment without radiological imaging. Even though these would be characterized in the light of the Austrian Radiation Protection Act (i.e. Strahlenschutzgesetz (StrSchG), 1969) as invasive methods, they are legally in the context of paragraph 117 StPO (1975) interpreted as minimal invasive methods (legal consequences emanating from this interpretation, will be discussed below). Given their natural invasive character one can highly advise Magnetic Resonance Imaging (MRI) as a minimal-invasive method without ionizing radiation for judicial purposes in the field of clinical forensic imaging versus methods with ionizing radiation, such as normal radiological techniques (e.g. X-rays or CT). This integration of imaging techniques for forensic purposes, which is essential to gather information regarding internal injuries and to serve the criminal justice system, is a relatively new one and the main research focus of the LBI CFI in Graz.

Radiological procedures, such as computed tomography (CT) and magnetic resonance imaging (MRI), have already demonstrated their use in clinical therapeutic patient care. Their application in forensic medicine offers the opportunity to ascertain additional, objective and verifiable information in relation to injury findings and to better appraise the type and extent of the force exerted against the person being examined. Beyond that, with the help of existing visualization possibilities, the ascertained internal findings are depicted in such a way, that they are also understandable and comprehensible for laymen (Riener-Hofer, 2013).

But initially one has to understand that clinical forensic imaging is limited by strict legal requirements, because first of all, every encroachment of the personal sphere – consented or not – touches the constitutional guaranteed ‘right to respect for private and family life’ according to article 8 of European Convention of Human Rights (ECHR) (1958) – the ECHR was in Austria generally transformed to constitutional law in 1958 because of the lack of a comprehensive act concerning fundamental rights in the Austrian constitution since 1920. Secondly, an important part of the ‘right to respect for private and family life’ (ECHR, 1958) also regulates the right for respect of one’s own image and certain sensitive private data of a person. Therefore, an image created through a clinical forensic examination will always be bound by the Austrian Data Protection Act (Datenschutzgesetz (DSG 2000), 1999). And finally, every person has through the Austrian Data Protection Act and the constitutional guaranteed protection rights (Art. 5 StGG⁵ in combination with Art. 8 ECHR) also the right to possess images of oneself. To set acts touching these guaranteed rights, one is strictly bound to follow the rules of the legislator for extraordinary circumstances in the Austrian criminal procedure law, public health law and medical law.

5 „Staatsgrundgesetz vom 21. December 1867, über die allgemeinen Rechte der Staatsbürger für die im Reichsrathe vertretenen Königreiche und Länder.“ i.e. Fundamental rights act of 1867.

By the following case the legal framework concerning Clinical Forensigraphy shall be exemplified: A 19 years old woman – she is full of age in Austria according to paragraph 21 (2) of Austrian Civil Law Book (Allgemeines Bürgerliches Gesetzbuch (ABGB), 1811), which is important concerning her consent for the medical examination – reports to the police that she was strongly strangled by her boyfriend. The boyfriend aged 21 negates this version and describes the incident in a different way: He wanted to quit the relationship and so there was an argument between them, but he left without doing any harm to the young woman. In fact, he didn't even touch her. A clinical forensic investigation is carried out and the medico-legal expert suggests a MRI-Scan.

To be scanned for clinical forensic purposes means to be examined for forensic purposes. Clinical forensic imaging follows the same requirements as forensic (physical) examinations in general. Therefore, the corresponding regulation concerning physical examinations, defined in paragraph 117 section 4 StPO (1975) and laid down in paragraph 123 StPO (1975), applies. This is an important norm, because within this regulation we find all the Austrian legal requirements for any physical and therefore clinical forensic examination. Whenever a person is examined for clinical forensic reasons, the police and prosecution have to follow this paragraph. For a clinical forensic examination the following conditions have to be fulfilled:

- A physical or clinical forensic examination has to be ordered by the public prosecutor, who needs the authorization from a judge (paragraph 123 (3) StPO, 1975).
- Surgical interventions for exclusively forensic reasons are forbidden as well as
- Interventions, which can cause a health damage for more than 3 days (paragraph 123 (4) first sentence StPO, 1975).
- Other procedures are possible, but the person to be examined *has to be informed* about the consequences and *the consent of the person to be examined is necessary* (so called “rule of informed consent”) (paragraph 123 (4) second and third sentence StPO, 1975).
- Every physical examination has to be conducted by a medical practitioner. Only an oral cavity smear constitutes a breach of the foresaid; this can also be conducted by a special trained person (paragraph 123 (5) StPO, 1975).

Applying these rules to our case, would lead to the conclusion that the woman cannot be subjected to a physical examination or an MRI-Scan without giving her legal information and her following *informed consent*. If she agrees with the physical examination, but disagrees with the MRI-Scan, she cannot be scanned, because she cannot be forced to endure any medical intervention. Article 8 ECHR and the ‘right to respect’ – here – ‘private life’ of the victim carries greater weight than solving the case and supporting justice. But relating to the required consent there is a difference between a victim and an accused. Concerning the *victim informed consent is always necessary*. Regarding the accused or suspect there is a different legal situation: He or she could be forced to a physical or clinical forensic examination – under certain conditions regulated in paragraph 123 (4) section 1 and 2 of the StPO (1975) – with minimal-invasive character and insignificant consequences to the physical condition of the accused or suspect *without consent*. According to paragraph 123 (4) section 1 and 2 of the StPO (1975) a forced clinical forensic intervention of the accused can only be ordered for criminal acts with a possible sentence of more than 5 years of imprisonment (e.g. intentionally grievous bodily harm, paragraph 84, 87 of Strafgesetzbuch (StGB), 1974), for various sex crimes (paragraphs 201-221 StGB, 1974 e.g. rape according to paragraph 201 StGB, 1974) and when the accused is suspected to have committed a crime against body and life by dangerous means under the strong influence of alcohol or drugs or to have committed a crime according to paragraph 178 StGB (1974) (i.e. intentional endangerment of people via communicable diseases).

The importance to meet these above described legal requirements can be understood in the negative consequences of not meeting them: Because evidential findings, which were not gathered through these legal requirements, cannot be used as legally valid evidence before court and would have to be disregarded according to paragraph 123 (6) StPO (1975).

At this point it is only fair to refer again to the above mentioned: For the legislator a radiological examination such as a X-ray-investigation does not ask for informed consent, because it is seen as a minimal medical intervention with only insignificant consequences and therefore the accused or suspect could be forced to endure this intervention in the given circumstances (Birklbauer, Tibold & Zerbes, 2010). But it is worth mentioning that there are some legal commentaries who share a different opinion: They mention explicitly that long-term consequences of the use of ionizing radiation have to be considered as a method of invasive-character and should be

disregarded (Tauschmann, 2013). This is of course an important argument for the clinical forensic use of MRI, which operates without ionizing radiation. Using MRI in a clinical forensic context would lead naturally to the conclusion that the Austrian Radiation Protection Act (StrSchG, 1969), the Austrian General Radiation Protection Regulation (AllStrSchV, 2006) and the Medical Radiation Protection Regulation (i.e. Medizinisches Strahlenschutzverordnung (MedStrSchV), 2004) would never apply: All three norms regulate the use of ionizing radiation in a very strict way. Applications of ionizing radiation for legal purposes have to be justified (StrSchG, 1969; MedStrSchV, 2004; AllStrSchV, 2006) and therefore alternative interventions with no or less radiation have to be considered. MRI is a welcome alternative in this context.

6 CONCLUSION

As we have seen, Medical Forensigraphy distinguishes itself, because it is regarded as an interface between forensic sciences, or more precisely stated between criminalistics and medicine. Hence, the scope of Clinical Forensigraphy always deals with the application of medical diagnostic imaging of living persons. The employment of medical diagnostic imaging with living persons constitutes an examination of the person. Each person, who is examined through the application of Forensic Radiology, must therefore partake in such an examination of their own free will. It must be ensured, that the concerned person is informed and made aware of the risks associated with the radiological procedure, and that they have consented to the forensic examination. Their 'informed consent' is therefore required. According to the Austrian Code of Criminal Procedure (StPO, 1975), the only relevant exception to this is the examination of a suspect under certain conditions.

For examinations in the field of Clinical Forensigraphy, as for in Postmortem Forensigraphy, a physician is required. In Clinical Forensigraphy a physical examination is carried out and clinical forensic imaging follows the same requirements as clinical forensic examinations in general. Scans of the accused, even X-Ray, can be forced under certain conditions but long-term consequences of the use of ionizing radiation have to be considered. Therefore the use of MRI could be an optimal alternative. The benefit, which the use of imaging procedures in (criminal) jurisdiction has, is quite apparent: It serves to secure additional objective evidence. Therefore, the use of Clinical Forensigraphy should focus on both, on technical developments, as well as on the legislative framework required for the effective implementation of imaging techniques into the justice system.

Acknowledgements

I gratefully thank Mag. iur. Sophie Kerbacher and Michael Pfeifer, B.A. B.A. M.A. of the Ludwig Boltzmann Institute for Clinical-Forensic Imaging in Graz for their support in this manuscript.

REFERENCES

- Allgemeines Bürgerliches Gesetzbuch (ABGB) [Austrian Civil Law Book]. (1811). *JGS*, (946/1811).
 Allgemeine Strahlenschutzverordnung (AllStrSchV) [Austrian General Radiation Protection Regulation]. (2006). *Bundesgesetzblatt*, (191/06).
 Birklbauer, A., Tipold, A., & Zerbes, I. (2010). In H. Fuchs & E. Ratz (Eds.), *Wiener Kommentar zur Strafprozessordnung. StPO* [Viennese Commentary on the Austrian Criminal Code of Procedure] (pp. 117). Vienna: Manzschel Verlags- und Universitätsbuchhandlung.
 Bouchrika, I., Goffredo, M., Carter, J., & Nixon, M. (2011). On Using Gaint in Forensic Biometrics. *Journal of Forensic Sciences*, 56, 882–889.
 Brogdon, B. G. (1998). *Forensic radiology*. Boda Raton: CRC Press.
 Camps, F. E. (1976). *Gradwohl's legal medicine* (3rd ed.). Chicago: Yearbook.
 European Union. (2012). *Directive 2012/29/EU of the European Parliament and the Council of 25. October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA*. Brussels: European Union.
 Dirnhofer, R., & Ranner, G. (2010). Das Virtopsy-Verfahren und die Poppersche Forschungslogik. In R. Dirnhofer, P. J. Schick & G. Ranner (Eds.), *Virtopsy – Obduktion neu in Bildern* [Virtopsy – Autopsy in Images] (pp. 33). Vienna: Manzschel Verlags- und Universitätsbuchhandlung.
 Dirnhofer, R., Schick, P. J., & Ranner, G. (2010). *Virtopsy – Obduktion neu in Bildern* (Vol. 33) [Virtopsy – Autopsy in Images]. Vienna: Manzschel Verlags- und Universitätsbuchhandlung.

- Datenschutzgesetz (DSG 2000) [Data Protection Act]. (1999). *Bundesgesetzblatt*, (165/99).
- Europäische Menschenrechtskonvention (ECHR) [European Convention on Human Rights]. (1958). *Bundesgesetzblatt*, (210/58).
- Farrer, A., Porter, G., & Renshaw, A. (2012). Detection of Latent Bloodstains Beneath Painted Surfaces Using Reflected Infrared Photography. *Journal of Forensic Sciences*, 57(5), 1190–1198.
- Flynn, K., O'Leary, R., Lennard, C., Roux, C., & Reedy, B. J. (2005). Forensic applications of infrared chemical imaging: multi-layered paint chips. *Journal of Forensic Sciences*, 50(4), 832–841.
- Franceuse, S., Bradshaw, R., Ferguson, L. S., Wolstenholme, R., Clench, M. R., & Bleay, S. (2013). Beyond the ridge pattern: multi-informative analysis of latent finger-marks by MALDI mass spectrometry. *Analyst*, 138(15), 4215–4228.
- Grimm, J., & Grimm M. (2016) Postmortem forensic imaging in the German Law of Criminal Procedure. In R. Dirnhofer & P. J. Schick (Eds.). *Bildgebung in der Rechtsmedizin. Der gläserne Körper als Beweismittel* [Forensic imaging. glassy corpses/bodies in evidence] (pp. 155–165). Vienna/Graz: NWV-Verlag.
- Krebs, N., Riemer-Hofer, R., Scheurer, E., Schick, R. J., & Yen, K. (2011). Rechtsmedizin an Lebenden: Die erste österreichische 'klinisch-forensische Ambulanz' [The first Austrian clinical-forensic ambulance]. *Österreichische Richterzeitung*, 89, 6–12.
- Malčík, D., & Dražanský, M. (2012). Anatomy of biometric passports. *Journal of Biomedicine and Biotechnology*, 2012, 8.
- Martin, J. C., Delémont, O., Esseiva, P., & Jacquat, A. (2010). *Investigation de scène de crime: Fixation de l'état des lieux et traitement des traces d'objets* (3rd ed.) Lausanne: Presses polytechniques et universitaires romandes.
- McLay, W. D. S. (2009). *Clinical forensic medicine* (3rd ed.). Cambridge: Cambridge University Press.
- Medizinische Strahlenschutzverordnung (MedStrSchV) [Austrian Medical Radiation Protection Regulation]. (2004). *Bundesgesetzblatt*, (409/04).
- Mooney, J. (2009). *Illustrated dictionary of podiatry and foot science*. London: Churchill Livingstone Elsevier.
- Riemer-Hofer, R., Webb, B., & Scheurer, E. (2014). Forensigraphy: The integration of imaging techniques into the criminal justice system. *European Police Science and Research Bulletin*, 11(14/15), 47–56.
- Riemer-Hofer, R. (2013). Bildgebung und Forensik [Imaging and forensics]. *Forensigraphie. Kriminalistik. Unabhängige Zeitschrift für die kriminalistische Wissenschaft und Praxis*, 67, 701–705.
- Riemer-Hofer, R., Krebs, N., Scheurer, E., Schick, P. J., & Yen, K. (2011). Forensic outpatient clinic at the Ludwig Boltzmann institute for clinical-forensic imaging in Graz. *Stak Scientific Series*, 6, 105–114.
- Riva, F. (2011). *Etude sur la valeur indicielle des traces présentes sur les douilles* [Study on the index value of the marks from your sockets] (Unpublished Doctoral dissertation). Lausanne: Université de Lausanne.
- Santucci, K. A., & Hsiao, A. L. (2003). Advances in clinical forensic medicine. *Curr Opin Pediat*, 15, 304–308.
- Scheurer, E. (2016). Imaging methods in clinical forensic medicine. In R. Dirnhofer & P. J. Schick (Eds.). *Bildgebung in der Rechtsmedizin. Der gläserne Körper als Beweismittel. Forensic Imaging. Glassy Corpses/Bodies in Evidence* (pp. 135–139). Vienna/Graz: NWV-Verlag.
- Schick, P. J. (2016a). Forensic imaging. Glassy corpses/bodies in evidence. Introduction. In R. Dirnhofer & P. J. Schick (Eds.). *Bildgebung in der Rechtsmedizin. Der gläserne Körper als Beweismittel* [Forensic imaging. Glassy Corpses/Bodies in Evidence], (pp. 105–114). Vienna/Graz: NWV-Verlag.
- Schick, P. J. (2016b). Imaging techniques in Austrian criminal procedure. An analysis from the viewpoint of medical law and criminal procedure. In R. Dirnhofer, & P. J. Schick (Eds.). *Bildgebung in der Rechtsmedizin. Der gläserne Körper als Beweismittel* [Forensic imaging. Glassy Corpses/Bodies in Evidence], (pp. 167–194). Vienna/Graz: NWV-Verlag.
- Schwegler, I. (2004). Digitale Fotografie bei Polizei und Justiz. Chancen und Risiken aus rechtlicher Sicht [Digital photography with the police and judiciary. Opportunities and risks from a legal perspective]. *Aktuelle juristische Praxis (AJP)/Pratique Juridique Actuelle (PJA)*, 6, 657–667.
- Segal, G. P. (2009). Legal Side. In M. J. Thali, R. Dirnhofer & P. Vock (Eds.), *The virtopsy approach* (pp. 27–40). Boca Raton, FL: CRC Press.

- Staatsgrundgesetz vom 21. December 1867, über die allgemeinen Rechte der Staatsbürger für die im Reichsrathe vertretenen Königreiche und Länder (StGG) [Fundamental rights act of 1867]. (1867). *Reichsgesetzblatt*, (142/1867).
- Strafgesetzbuch (StGB) [Austrian Criminal Code]. (1974). *Bundesgesetzblatt*, (60/74).
- Strafprozessordnung (StPO) [Austrian Code of Criminal Procedure]. (1975). *Bundesgesetzblatt*, (631/75).
- Strahlenschutzgesetz (StrSchG) [Austrian Radiation Protection Act]. (1969). *Bundesgesetzblatt*, (227/69).
- Tauschmann, K (2013). Paragraph 117. In G. Schmölzer & T. Mühlbacher (Eds.) *StPO. Strafprozessordnung. Kommentar. Band 1: Ermittlungsverfahren* [StPO. Austrian Code of Criminal Procedure. Commentary. Volume 1. Preliminary Proceedings] (pp. 117). Vienna: LexisNexis Verlag.
- Thali, M. J., Dirnhofer, R., & Vock, P. (2009). *The virtopsy approach*. Boca Raton: CRC Press.
- Weber, M. (2016). Postmortem imaging (virtopsy) in the practice of the Swiss criminal courts. In R. Dirnhofer & P. J. Schick (Eds.). *Bildgebung in der Rechtsmedizin. Der gläserne Körper als Beweismittel* [Forensic imaging. glassy corpses/bodies in evidence] (pp. 141–153). Vienna/Graz: NWV-Verlag.
- Wells, K., & Bradley, D. A. (2012). A review of X-ray explosives detection techniques for checked baggage. *Applied Radiation and Isotopes*, 70(8), 1729–1746.

LEGAL ASPECTS OF A LOW-THRESHOLD EXAMINATION SERVICE IN AUSTRIA

Sophie Kerbacher, Michael Pfeifer, Reingard Riener-Hofer

ABSTRACT

Purpose:

This paper gives an overview of the prevailing legal norms concerning the obligation to notify and report criminal acts in Austria and its influence on a low-threshold examination service.

Methods:

Using the experience of the clinical forensic care unit in Graz, which was established in 2008, the legal requirements for low-threshold examination services are analysed and discussed.

Findings:

Medical practitioners in Austria have to take the obligation to notify and report criminal acts, precisely 54 (4) to (6) ÄrzteG [Austrian Physicians Act] into account. However, it has to be considered that not all cases of physical violence can be handled in the same way: For example, the age of the victims and the severity of the injuries play important roles for the obligation to notify and report criminal acts. There are substantial differences between a victim of adult age and a victim that is a minor: Medical practitioners are obliged to press criminal charges only, if the adult has died or suffered from grievous bodily harm (84 of the Austrian Criminal Code). Whereas, doctors have to comply with their strict obligation to notify and report criminal acts, if a minor is mistreated, tortured, neglected or sexually abused.

Research limitations:

An overview of the existing low-threshold clinical forensic examination service in Austria and the prevailing legal norms concerning the obligation to notify and report criminal acts is given.

Originality:

By explaining the influence of the Austrian obligation to notify and report criminal acts on a low-threshold examination service the relevance and challenges for clinical forensic care units are shown.

Keywords: low-threshold clinical forensic examination, forensic medicine, obligation to notify and report criminal acts

I INTRODUCTION

Victims of physical abuse are often traumatised, vulnerable and in urgent need of help. Additionally, they may be coming into contact with criminal procedures for the very first time. They need to speak with police representatives, legal advocates and judges. There are currently large differences between how the rights of victims are recognised and maintained in the individual member states of the European Union. Therefore, the EU is striving to ensure, that non-discriminating access to a minimum standard of rights for victims of crime is guaranteed everywhere in the EU (Council of the European Union, 2001). Specifically, victims should have access to support services in order to guard against additional problems, irrelevant of whether or not they choose to lay criminal charges (Council of the European Union, 2001; European Parliament & Council of the European Union, 2012). Therefore, in May 2011 the European Commission put together a package containing a Directive establishing minimum standards on the rights, support and protection of victims of crime (25th October 2011) to strengthen victim protection in the EU. In its preamble¹, it referred to the significance of clinical forensic examinations for the preservation of evidence in cases of rape or sexual assault and indicated that in addition to immediate medical attention, therapeutic and forensic examinations should also be made available (European Parliament & Council of the European Union, 2012).

¹ Directive 2012/29/EU, preamble 38: "The types of support that such specialist support services should offer could include providing shelter and safe accommodation, immediate medical support, referral to medical and forensic examination for evidence in cases of rape or sexual assault, short and long-term psychological counselling, trauma care, legal advice, advocacy and specific services for children as direct or indirect victims" (European Parliament & Council of the European Union, 2012).

Further, the *Council of Europe Convention on preventing and combating violence against women and domestic violence*, ratified on May 11th 2011 in Istanbul (so called “Istanbul Convention”) – till now 42 out of 47 countries of the Council of Europe have signed, and 22 out of these 42 have ratified the convention, including Austria and Slovenia (Council of Europe, 2016a) – recognises the significance of forensic examinations in cases of physical abuse. Just recently the European Union announced its intention to join the Istanbul Convention (Council of Europe, 2016b; European Commission, 2016). Parties of the Istanbul Convention are explicitly obliged to meet “the necessary legislative or other measures to provide for the setting up of appropriate, easily accessible rape crisis or sexual violence referral centres for victims in sufficient numbers to provide for medical and forensic examination” (Article 25), amongst other services. According to the Council of Europe the forensic examinations should be carried out regardless whether the crime has been reported to the police or not. It is good practice to take and store the necessary samples for a possibly upcoming criminal process: Thereby it is also assured that a victim can decide at a later date to press charges. The rape crisis or sexual violence referral centres should have trained and specialised staff and be geographically spread, so that one centre is available per every 200.000 inhabitants (Council of Europe, 2011). Provision of comprehensive, accessible clinical forensic examinations is also in accordance with Article 50 of the Istanbul Convention, which stipulates the requirement for “immediate response, prevention and protection” (Council of Europe, 2011; Reingard Riener-Hofer & Simone Kainz, 2014). Furthermore, such services are necessary for “risk assessment and risk management” according to Article 51 of the Convention (Council of Europe, 2011; Riener-Hofer & Kainz, 2014; Ulrich, 2014).

In summary, it can be said that the European Union and the Council of Europe, in the wake of providing a harmonized minimal standard of support for victims of violence, are both striving to establish such a corresponding clinical forensic service offer. In some European countries, such projects have already been successfully implemented. As an example two projects in Germany can be mentioned: In Hamburg the Department of Legal Medicine offers clinical forensic examinations and medico-legal expertise for adult victims of physical and/or sexualised violence as well as for underage victims in cases of suspected child abuse (University Medical Center Hamburg-Eppendorf, 2016). The Department of Legal Medicine in Hannover even accomplished the establishment of a regional network called “ProBeweis” (which would roughly translate to “ProEvidence”). The network covers more than twenty hospitals throughout Lower Saxony offering a free of charge and low-threshold clinical forensic examination to victims of all ages who suffered physical and/or sexualised violence (Hannover Medical School, 2016). Outside the European Union the Institute of Forensic Medicine of the Faculty of Medicine at the University Bern in Switzerland provides clinical forensic examinations for adult and underage victims of physical and/or sexualised violence (University of Bern, 2016).

However, in Austria there are comparatively fewer institutions offering clinical forensic examinations to the public: In fact, so far the only so called low-threshold examination service for victims (men, women and children) of all ages of bodily harm as well as for victims of physical and/or sexualised violence, which corresponds to the requirements stated in the Directive 2012/29/EU and the Istanbul Convention, is available in Graz through the Clinical-Forensic Care Unit of the Ludwig Boltzmann Institute for Clinical-Forensic Imaging and the Institute for Forensic Medicine at the Medical University of Graz.

2 THE LUDWIG BOLTZMANN INSTITUTE FOR CLINICAL-FORENSIC IMAGING

The Ludwig Boltzmann Institute for Clinical-Forensic Imaging (LBI CFI) was founded in May 2008 (Ludwig Boltzmann Institute for Clinical Forensic Imaging, 2016). In line with the research policy of the Ludwig Boltzmann Gesellschaft, the institute focuses on interdisciplinary research, which is represented by four scientific teams focused on forensic medicine, forensic technology, forensic natural sciences, and forensic law. The interdisciplinary character of this establishment is also reflected by the disciplines of the LBI CFI partner consortium: the Medical University of Graz with the Institute of Forensic Medicine, the Institute of Forensic and Traffic Medicine of the University of Heidelberg and the Karl-Franzens University of Graz with its Institute of Criminal Law, Criminal Procedure Law and Criminology, the Ministry of Internal Affairs and the Superior Courts of Appeal in Styria and Carinthia.

The Medical University of Graz (MUG) is one of three public medical universities in Austria (Austrian Federal Ministry of Science Research and Economy, 2014). Their strategic interest in supporting the LBI CFI is founded on the notion to enhance the Institute of Forensic Medicine and to obtain new infrastructural possibilities in the field of forensic, pathologic and anatomic imaging, particularly for research purposes. The Clinical-Forensic Care Unit of the LBI CFI and MUG is the first Austrian Forensic Care Unit and was, as stated above, established in October 2008 (Krebs, Riener-Hofer, Scheurer, Schick & Yen, 2011; Riener-Hofer, Yen, Scheurer, Schick & Krebs, 2011). In 2015, because of the most welcome and needed service it provides, the Clinical-Forensic Care Unit of the LBI CFI and MUG has been sponsored by the city of Graz.

3 LOW-THRESHOLD EXAMINATION SERVICES IN AUSTRIA

A low-threshold clinical forensic service guarantees that victims of physical and/or sexualized violence can gain access to examinations and documentation of findings free of charge and regardless of whether they choose to press criminal charges. The results of these physical examinations can be submitted as evidence in criminal proceedings, which demonstrates the importance of an objective medical assessment for the victim. Various regional studies have demonstrated the continually increasing importance of clinical forensic services, as well as the urgency in establishing such a comprehensive service (Grassberger, 2012). The possibility of a low-threshold examination service has many advantages: The victims benefit from the obtained evidence leading to a strengthened standing before a court of law. Further, the Criminal Court is enabled to reach a fair decision based on objectively collected evidence. In general, clinical forensic examinations have an important contribution to make in the context of the prevention of physical and/or sexualized violence (Kainz, Höller, Klasinc, Schwark & Riener-Hofer, 2016). All these essential factors also apply to the clinical forensic examination service at the Clinical-Forensic Care Unit in Graz.

3.1 Clinical-Forensic Care Unit in Graz

The Clinical-Forensic Care Unit (Ludwig Boltzmann Institute for Clinical Forensic Imaging, 2016) in Graz offers clinical forensic examinations and medico-legal advice to living persons after incidents of suspected physical and/or sexual violence, as well as forensic age estimations. The clinical forensic documentation of injuries after acts of violence helps to improve not only the quality of the clinical forensic expert opinion, but also the quality of the juridical decision in court, which is based on sound objective evidence. This is the best guarantee for legal security and hence justice. For the enhancement of communication between prosecution, police, clinical and forensic medicine, regular *jour fixe* meetings are conducted. These meetings help to ensure an optimal cooperative procedure between these institutions in dealing with victims of violence. The service of the Clinical-Forensic Care Unit is available to all persons, who have suffered from physical and/or sexualised violence, at no personal costs and independent of whether charges have been pressed. Surveys confirmed that the number of cases of violently abused victims received by the Clinical-Forensic Care Unit has increased from 2009 to 2012 (Malleg, 2014; Riener-Hofer, Scheurer & Kainz, 2014; Wirnsberger & Dohr, 2015). The following pie chart presents the number of cases that have been examined at the Clinical-Forensic Care Unit in 2015 and differentiates firstly between adults and minors, and secondly between physical and sexual violence (Ludwig Boltzmann Institute for Clinical Forensic Imaging, 2015):

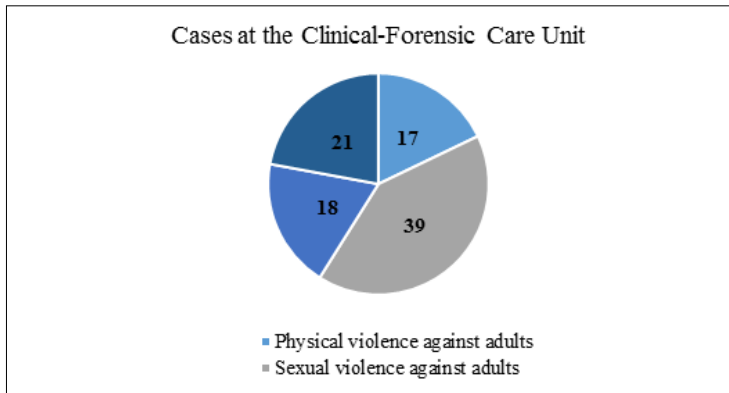


Figure 10: Cases at the Clinical-Forensic Care Unit
(source: Ludwig Boltzmann Institute for Clinical Forensic Imaging, 2015)

The Clinical-Forensic Care Unit also offers an on-call service (Ludwig Boltzmann Institute for Clinical Forensic Imaging, 2016), which provides medico-legal expertise to hospitals, police stations, detention centres, interested individuals, victims and organizations offering help to victims, et cetera. Examinations in cases of suspected sexual assault or maltreatment of adults and children are mostly conducted in the corresponding hospital departments. In 2013/2014 a project was funded by the Styrian government to expand and spread this clinical forensic expertise across Styria, called CFN Styria.

3.2 Clinical Forensic Networks

The pilot study “CFN Styria (i.e. Clinical-Forensic Network Styria)” (CFN Styria, 2016a) was conducted at the LBI CFI: For the first time, a comprehensive, regional clinical forensic network was introduced in Austria (Austrian Federal Ministry of Education and Women’s Affairs, 2015; Austria Science Board, 2014; Kainz et al. , 2016). The main goal of the project was the full coverage of Styria with easy accessible clinical forensic examination service centres (CFN Styria, 2016b), so that victims of physical and/or sexualised violence had the opportunity to be forensically examined in a timely manner and could take advantage of a low-threshold investigation without having to overcome a long travel time. Therefore, besides the Clinical-Forensic Care Unit in Graz, three hospitals, which are spread across the area of Upper, West and South Styria, functioned as regional clinical forensic examination centres – altogether they formed the network CFN Styria. To offer assistance in the investigation of injury findings a CFN Head Office in Graz, a 24/7 telephone Hotline, where forensic experts offered specific consultative support to physicians and nursing staff and a user-friendly website were established. To achieve a standardised approach towards clinical forensic examinations medical practitioners were trained in observing, naming and describing the findings: An essential point of the training was to make physicians aware of the importance to document all kinds of injuries and not only those entailing therapeutic measures, because only a comprehensive documentation of evidence is able to strengthen the legal position of a victim in further criminal proceedings. Ultimately, this development also signifies an improvement in the certainty of the law. The training also included that medical practitioners were familiarised with the standardised examination forms and the standardised examination sets, which are used to collect and store traces of physical and/or sexual violence. Also the correct handling of photo documentation was one of the key points of the training (Kainz et al. , 2016).

At the end of the project, a legal, a medical and a sociological study were conducted. Each of them demonstrated the increasing need of low-threshold clinical forensic examination service centres. As a result it can be stated that the establishment of an Austrian-wide network would not only be desirable (Wirnsberger et al. , 2015; Kainz et al. , 2016), but would also be best suited to meet the requirements for the implementation of the Istanbul Convention (Austrian Federal Ministry of Education and Women’s Affairs, 2015). The next logical step would be to establish a European wide network focusing on issues of domestic violence and child abuse to achieve

sufficient harmonization and promote the exchange of information regarding these topics (Webb & Scheicher, 2015). In Austria, the LBI CFI is interested in launching a European wide network and has developed a project idea concerning juridical standards for clinical forensic examinations of victims of violence in Europe. This clinical forensic network at a European level ("CFN Europe") would be dedicated to ensure that victims – regardless of their age and their place of residence – are able to gain access to free of charge and low-threshold clinical forensic examination services for the preservation of evidence resulting from physical and/or sexualised violence. Such efforts are indispensable, since physical and/or sexualised violence can affect everybody. (Riener-Hofer & Kainz, 2014).

4 LEGAL ASPECTS OF LOW-THRESHOLD SERVICES IN THE AUSTRIAN LAW

In general, medical practitioners and their auxiliary staff are bound by *the duty to secrecy* according to Article 54(1) of the Austrian Physicians Act ("Ärztegesetz") (Austrian Physicians Act, 1998) to keep all information, collected in the course of medical treatment, confidential. Still, in some cases the legislator explicitly states exceptions to the duty to secrecy: One of these exceptions foresees that in the context with injuries caused by physical and/or sexualised violence the general duty to secrecy is superseded by *the obligation to notify and report criminal acts* pursuant to 54(4) to (6) of the Austrian Physicians Act.

4.1 The Duty to Secrecy

The duty to secrecy is one of the oldest patients' rights and provides the foundation for the relationship of trust between physicians and patients (Halmich, 2015). Moreover, the duty to secrecy is a fundamental, accessory, contractual duty of the medical contract. The Austrian legislator enacted several laws to comply with the principle of the duty to secrecy. One of these laws is the Article 54(1) of the Austrian Physicians Act (1998): It ensures that neither physicians nor their auxiliary staff pass on confidential information or secrets, which have been brought to their attention during a medical treatment or have been revealed by the patient himself. Such confidential information or secrets are all kinds of facts only the person himself or a certain group of persons know; depending on a legitimate interest of the patient himself in keeping these facts secret. Aside from the regulation in Article 54(1) of the Austrian Physicians Act, the legislator established similar rules concerning the duty to secrecy for dentists in Article 21(1) of the Austrian Dentist Act "Zahnärztegesetz" (Austrian Dentists Act, 2005), for paramedics in Article 6(1) of the Austrian Paramedics Act "Sanitätäergesetz" (Austrian Paramedics Act, 2002) and for nursing staff in Article 6(1) of the Austrian Nursing to Patients Act "Gesundheits- und Krankenpflegegesetz" (Austrian Nursing to Patients Act, 1997). According to Article 9(1) of the Austrian Frame Law on Hospitals and Sanatoria "Krankenanstalten- und Kuranstaltengesetz" (Austrian Frame Law on Hospitals and Sanatoria, 1957) also medical students, who are working as medical trainees in hospitals, have to comply with the duty to secrecy (Leischner-Lenzhofer, Zeinhofer, Lindner & Kopetzki, 2014).

In case that a physician or any other health care provider – auxiliary staff, medical trainees, nursing staff, paramedics et cetera – intentionally reveals a secret or confidential information, that he/she has been entrusted with, he/she can be sentenced in accordance with Article 121 of the Austrian Criminal Code "Strafgesetzbuch" (Austrian Criminal Code, 1974). A violation of the duty to secrecy can be punished with imprisonment up to half a year or a fiscal fine up to 360 daily rates. Concededly, the violation of professional secrecy is, according to Article 121(6) of the Austrian Criminal Code (1974), a so-called offence with private prosecution. This means that the breach of duty is only prosecuted upon request of the victim himself – in this case the patient (Leischner-Lenzhofer et al., 2014).

4.2 The Obligation to Notify and Report Criminal Acts

Generally, the obligation to notify and report criminal acts according to Article 54(4) to (6) would be conflicting with the duty to secrecy pursuant to Article 54(1) of the Austrian Physicians Act (1998). But the Austrian legislator has taken this contradiction into account and designed the

regulation in a way, which ensures an exception to the general duty to secrecy: Thereby, the medical practitioner has neither to ask for the patient's consent nor to consider the patient's refusal when fulfilling the obligation to notify and report criminal acts under Article 54(4) of the Austrian Physicians Act (Leischner-Lenzhofer et al., 2014). In fact, under certain conditions prescribed by law the physician is even obliged to disclose information concerning the state of health of a person. This also explains why the legal norm, precisely Articles 54(4) to (6) of the Austrian Physicians Act, is called *the obligation to notify and report criminal acts* (Halmich, 2015).

However, medical practitioners have to bear in mind that not all cases of physical or sexualised violence can be handled in the same way: For example, the age of the victims and the severity of the injuries play a very important role when dealing with the obligation to notify and report criminal acts.

4.2.1 The Obligation to Notify and Report Criminal Acts concerning adult victims

According to Article 54(4) of the Austrian Physicians Act physicians have to report to the responsible authorities immediately, in particular to the security authority, if he/she suspects that the death or a grievous bodily harm under 84 of the Austrian Criminal Code (Austrian Criminal Code, 1974) of the patient was caused by a criminal offence under law (Leischner-Lenzhofer et al., 2014). If, for example, an important organ of the body is affected or the person is injured over a period of twenty-four days, these injuries have to be classified as grievous bodily harm according to 84 of the Austrian Criminal Code (Halmich, 2015). When suspecting a grievous bodily harm the medical practitioner always has, pursuant to Article 54(6) of the Austrian Physicians Act, to point out existing victim protection facilities to the victim (Wallner, 2015).

A specific law, precisely Article 54(4) second sentence of the Austrian Physicians Act (1998), applies in connection with persons of adult age, who are not able to take care of their own interests: If the physician is suspecting that he/she has been mistreated, tortured, neglected or sexually abused, a notification to the prosecution authorities is compulsory (Aigner, Kierein & Kopetzki, 2007).

Yet, there are substantial differences between a victim of adult age and a victim that is a child or a minor, which shall be explained in detail in the following section.

4.2.2 The Obligation to Notify and Report Criminal Acts concerning underage victims

If the suspicion arises to a physician during the process of medical treatment that a child, respectively a minor, has been mistreated, tortured, neglected or sexually abused, the physician has to notify the security authority according to Article 54(5) first sentence of the Austrian Physicians Act (Leischner-Lenzhofer et al., 2014). On the contrary, physicians have no obligation to notify, when they suspect sexual offences regarding adult victims. This interpretation is consistent with an *argumentum e contrario* reading of Article 54(5) first sentence of the Austrian Physicians Act (Wallner, 2015).

But Article 54(5) second sentence of the Austrian Physicians Act stipulates the possibility to postpone the notification, if the suspect is a next of kin (under 166 of the Austrian Criminal Code (Austrian Criminal Code, 1974)) of the under-age victim and if abstaining from the notification is in the best interests of the minor (Leischner-Lenzhofer et al., 2014). The following persons are defined in Article 166 of the Austrian Criminal Code as next of kin: the spouse, the registered partner, relatives in the direct line – parents, grandparents and children –, brothers, sisters and other dependants, who live with the victim in the same household. The latter means, that also the partner of a parent could be considered as a next of kin, if he/she lives in the same household as the victim (Wallner, 2015).

The basic idea of the Austrian legislator behind this regulation was that in this special case the child's well-being can be better safeguarded in this way, than if it has to somehow feel responsible for the arrest of a family member.

Regardless, if the physician immediately notifies the authorities or makes use of the postponed notification, he or she has to immediately and demonstrably make a notification

to the youth welfare authorities according to Article 54(6) of the Austrian Physicians Act (Leischner-Lenzhofer et al., 2014). Therefore, the Article 54(5) in conjunction with Article 54(6) of the Austrian Physicians Act is known as a so-called *extended obligation to notify* (Wallner, 2015).

4.2.3 Sanctions and practical relevance concerning the Obligation to Notify and Report Criminal Acts relating to a low-threshold clinical forensic examination service

If the medical practitioner infringes the obligation to notify and report criminal acts, he or she commits a disciplinary offence according to Articles 54(4) or (5) in conjunction with Article 136(1) section 2 of the Austrian Physicians Act (Austrian Physicians Act, 1998; Wallner, 2015). Possible consequences of such an infringement pursuant to Article 139(1) of the Austrian Physicians Act (Austrian Physicians Act, 1998) can be a letter of reprimand, a fine up to 36,340 euros, a temporary prohibition of professional practice or the deletion from the Austrian list of doctors. Moreover, a violation of the obligation to notify and report criminal acts can, under certain circumstances prescribed by law, entail criminal consequences according to articles 86 or to 299 of the Austrian Criminal Code ("Austrian Criminal Code," 1974) (Krauskopf, 2011).

5 CONCLUSION

As already mentioned, a low-threshold clinical forensic examination service implies many advantages for victims of physical and/or sexualised violence. Still, the medical practitioners, who carry out these examinations, always have to keep the legal requirements, especially the obligation to notify and report criminal acts according to articles 54(4) to (6) of the Austrian Physicians Act (1998), in mind. Otherwise, they could be facing disciplinary as well as criminal offences. Therefore, it has become more and more important for physicians, especially for those carrying out clinical forensic examinations, to have a basic knowledge about the *duty to secrecy* and also the *obligation to notify and report criminal acts*.

In conclusion it can be said, that based on the prevailing legal norms, it would be more than desirable to establish further clinical forensic examination centres to improve and prioritise the needs of victims of physical and/ or sexualised violence. A facility like the Clinical-Forensic Care Unit at the LBI CFI demonstrates that with the obtained documentation and secured evidence through a clinical forensic examination, victims are able to strengthen their legal position. This has the important effect of achieving greater legal security.

REFERENCES

- Ärztegesetz (ÄrzteG) [Austrian Physicians Act]. (1998). Austria: *Bundesgesetzblatt I*, (169/98).
- Aigner, G., Kierein, M., & Kopetzki, C. (2007). *Ärztegesetz 1998* [Austrian Physicians Act] (3rd ed.). Vienna: Manzsche Verlags-und Universitätsbuchhandlung.
- Austria Science Board. (2014). *Zur universitären Gerichtsmedizin in Österreich. Status quo, Stellungnahme und Empfehlungen* [Ad university forensic medicine in Austria. Status quo, opinion and recommendations]. Retrieved from http://www.wissenschaftsrat.ac.at/news/Endbericht%20Gerichtsmedizin_inkl%20Deckblatt.pdf
- Austrian Federal Ministry of Education and Women's Affairs. (2015). *Forensische Untersuchungsstellen für gewaltbetroffene Frauen und Kinder in Österreich. Status Quo* [Forensic Care Units for women and children affected by violence in Austria. Status quo]. Retrieved from <https://www.bmbf.gv.at/frauen/gewalt/untersuchungsstellen.pdf?594118>
- Austrian Federal Ministry of Science Research and Economy. (2014). *Öffentliche Universitäten, Privatuniversitäten und Fachhochschulen* [Public universities, private universities and universities of applied sciences]. Retrieved from <http://wissenschaft.bmwfw.gv.at/bmwfw/studium/studieren-in-oesterreich/unis-privatunis-fhs-uebersicht/>
- Cfn Styria. (2014a). *Outpatient Centers*. Retrieved from <http://kfn-steiermark.at/Projekt-KfN/html/outpatient-centers.html>
- Cfn Styria. (2014b). *Project Description KfN*. Retrieved from <http://kfn-steiermark.at/Projekt-KfN/html/project-description-kfn.html>

- Council of the European Union. (2001) *Council framework decision of 15 March 2001 on the standing of victims in criminal proceedings (2001/220/JHA)*. Brussels: European Union.
- Council Of Europe. (2011). *Explanatory report to the Council of Europe Convention on preventing and combating violence against women and domestic violence*. Retrieved from <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800d383a>
- Council Of Europe. (2016a). *Chart of signatures and ratifications of Treaty 210*. Retrieved from <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures>
- Council Of Europe. (2016b). *Europe must stop violence against women and sexist hate speech*. Retrieved from http://www.coe.int/en/web/portal/full-news/-/asset_publisher/rfs6RdVHzAWb/content/europe-must-stop-violence-against-women-and-sexist-hate-speech
- European Commission. (2016). *Commission proposes EU accession to international Convention to fight violence against women*. Retrieved from http://europa.eu/rapid/press-release_IP-16-549_en.htm
- European Parliament & Council of the European Union. (2012) *Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA*. Brussels: European Union.
- Gesundheits- und Krankenpfliegergesetz (GuKG) [Austrian Nursing to Patients Act]. (1997). *Bundesgesetzblatt I*, (108/97).
- Grassberger, M. (2012). *Klinisch-forensische Ambulanz: Rechtsmedizinische Untersuchungsstelle für Geschädigte*. In J. Inthorn & M. Kletecka-Pulker (Eds.), *Kinderschutzgruppen in Österreich* [Child protection groups in Austria] (pp. 151–156). Vienna: Verlag Österreich.
- Halmich, M. . (2015). *Ärztliche Verschwiegenheitspflicht* [Medical duty to secrecy]. *DAG*, 6, 138–141.
- Hannover Medical School. (2016). *Willkommen beim Netzwerk ProBeweis* [Welcome to the network ProBeweis]. Retrieved from <https://www.mh-hannover.de/index.php?id=25861&L=1>
- Kainz, S., Höller, J., Klasinc, I., Schwark, T., & Riener-Hofer, R. (2016). *CFN – A Clinical-Forensic Network for Austria. SIAK-International Edition*, 73–80.
- Krankenanstalten- und Kuranstaltengesetz (KAKuG) [Austrian frame law on hospitals and sanatoria]. (1957). *Bundesgesetzblatt*, (1/57).
- Krauskopf, B. (2011). *Die ärztliche Anzeige- und Meldepflicht* [The medical obligation to notify and report criminal acts]. Vienna: Jan Sramek Verlag.
- Krebs, N., Riener-Hofer, R., Scheurer, E., Schick, P. J., & Yen, K. (2011). *Rechtsmedizin am Lebenden: Die erste österreichische „klinisch-forensische Ambulanz* [Forensic medicine for living persons: The first Austrian “clinical-forensic care unit”]. *Richterzeitung*, 1(89), 6–12.
- Leischner-Lenzhofer, A., Zeinhofer, C., Lindner, C., & Kopetzki, C. (2014). *Medical Law in Austria* (2nd ed.). Alphen aan den Rijn: Kluwer Law International.
- Ludwig Boltzmann Institute for Clinical Forensic Imaging. (2015). *Annual report*. Retrieved from http://cfi.lbg.ac.at/files/sites/cfi/annualreport_2015_final.pdf
- Ludwig Boltzmann Institute for Clinical Forensic Imaging. (2016a). *Contact - Clinical-forensic outpatient center*. Retrieved from <http://cfi.lbg.ac.at/en/klinisch-forensische-untersuchungsstelle/contact>
- Ludwig Boltzmann Institute for Clinical Forensic Imaging. (2016b). *General information - Clinical-forensic outpatient center*. Retrieved from <http://cfi.lbg.ac.at/en/klinisch-forensische-untersuchungsstelle/general-information>
- Ludwig Boltzmann Institute for Clinical Forensic Imaging. (2016c). *Welcome to the Ludwig Boltzmann Institute for clinical-forensic Imaging (LBI CFI)*. Retrieved from <http://cfi.lbg.ac.at/en>
- Malleg, N. (2014). *Gerichtsmedizin am Lebenden – die körperliche Untersuchung und deren Bedeutung im Strafprozess am Beispiel der Tätigkeit des Ludwig Boltzmann Instituts* [Forensic medicine: the physical examination and its significance in trial using the example of its practice at the Ludwig Boltzmann Institute]. Graz: Karl-Franzens-Universität Graz. Retrieved from http://search.obvsg.at/primolibweb/action/display.do?tabs=detailsTab&ct=display&fn=search&doc=UGR_aleph_acc002708675&indx=1&recIds=UGR_aleph_acc002708675&recIdxs=0&elementId=0&renderMode=poppedOut&displayMode=full&frbrVersion=&frbg=&dscnt=0&scps=scope%3A%28UGR_sfx%29%2Cscope%3A%28UGR_aleph_acc%29%2Cscope%3A%28UGR_aleph_ubg01%29%2Cscope%3A%28UGR_metalib_kb%29&t

- b=t&vid=UGR&mode=Basic&srt=date&tab=default_tab&dum=true&vl(freeText-to)=malleg&dstmp=1465222029410
- Riener-Hofer, R., & Kainz, S. (2014). Klinisch-forensisches Netzwerk Steiermark. In M. Schwarz-Schlöglmann & S. Ulrich (Eds.), *Aktuelle Entwicklungen im Gewaltschutz* [Recent developments in the protection against violence] (pp. 198–210). Linz: Trauner Verlag.
- Riener-Hofer, R., Scheurer, E., & Kainz, S. (2014). Fünf Jahre Klinisch-Forensische Untersuchungsstelle in Graz [Five years clinical-forensic care unit in Graz]. *Kriminalistik*, 5(68), 317–322.
- Riener-Hofer, R., Yen, K., Scheurer, E., Schick, P. J., & Krebs, N. (2011). Die Ambulanz des Ludwig Boltzmann Instituts für Klinisch-Forensische Bildgebung in Graz [The care unit of the Ludwig Boltzmann Institute for clinical-forensic imaging in Graz]. *SIAK*, 2, 76–82.
- Sanitätäergesetz (SanG) [Austrian Paramedics Act]. (2002). *Bundesgesetzblatt I*, (30/02).
- Strafgesetzbuch (StGB) [Austrian Criminal Code]. (1974). *Bundesgesetzblatt*, (60/74).
- Ulrich, S. (2014). Das Europaratsübereinkommen zur Verhütung und Bekämpfung von Gewalt gegen Frauen und häuslicher Gewalt. In M. Schwarz-Schlöglmann & S. Ulrich (Eds.), *Aktuelle Entwicklungen im Gewaltschutz* [Recent developments in the protection against violence] (pp. 4–26). Linz: Trauner Verlag.
- University Medical Center Hamburg-Eppendorf. (2016). *Department of Legal Medicine*. Retrieved from <http://www.uke.de/kliniken-institute/institute/rechtsmedizin/index.html>
- University Of Bern. (2016). *Forensic Medicine and Imaging*. Retrieved from http://www.irm.unibe.ch/services/forensic_medicine_and_imaging/index_eng.html
- Wallner, F. (2015). Berufsrecht der Ärzte [Professional rights of physicians]. In R. Resch & F. Wallner (Eds.), *Handbuch Medizinrecht* [Manual medical law] (pp. 689–804). Vienna: LexisNexis.
- Webb, B., & Scheicher, S. (2015). Engaging police and community: The role of forensic practitioners in responding to abusive situations. *CEPOL*, 13, 33–37.
- Wirnsberger, S., & Dohr, M. (2015). *Klinisch-Forensisches Netzwerk Steiermark: Sozialwissenschaftliche Evaluierung und Bedarfserhebung* [Clinical-forensic network Styria: Sociological evaluation and needs assessment]. Graz: Grazer Universitätsverlag.
- Zahnärztesgesetz (ZÄG) [Austrian Dentists Act]. (2005). *Bundesgesetzblatt I*, (126/05).

ADVOCACY FOR ACCREDITATION OF THE FORENSIC LABORATORIES OF THE WESTERN BALKAN COUNTRIES IN ISO/IEC 17025:2005 AND ENHANCEMENT OF THEIR MUTUAL COOPERATION

Aleksandar Ivanović, Vladimir Ragozin, Dragica Vučinić

ABSTRACT

Purpose:

The paper pronounces the advocacy activities for forensic accreditation in standard ISO/IEC 17025:2005 (2005) in currently non-accredited forensic laboratories in the Western Balkans.

Methods:

The Forensic centre of the Police Directorate of the Ministry of Interior of Montenegro [FCM] in joint efforts and with the support of the OSCE Mission to Montenegro launched a regional initiative for transferring its expertise and lessons learned in accreditation in ISO/IEC 17025:2005(2005) meaning that Forensic Centre of Montenegro has become truly a leading forensic laboratory, a mentor for the non-accredited laboratories their peers in Tirana, Sarajevo, Banja Luka and Skopje.

Findings:

The analysis of forensic evidence must be aligned with the international standards of quality so the criminal justice systems of the different countries may efficiently and effectively cooperate in the exchange of such information for the benefit of the investigation and pro-active police work.

Research limitations:

Forensic Center of the Police Directorate of Montenegro noted that the forensic laboratories of the neighboring countries are not accredited according to ISO/IEC 17025:2005 (2005). This fact can lead to problems in inter-regional cooperation in combating organized crime and corruption.

Originality:

Some of the results of the OSCE and FCM joint projects recorded in 2015 show that the cooperation in the area of forensics was more dynamic among those laboratories involved in the project, in particular in the exchange of DNA profiles, drugs and finger prints. Anyhow, there is still a lot of space for improvement.

Keywords: forensics, accreditation, ISO/IEC 17025:2005, criminal justice, regional cooperation

I INTRODUCTION

Accreditation of forensic operations in the countries of the European Union began for practical reasons. Namely, cross-border crime and terrorism have forced European countries to have intensive and operational police cooperation. This cooperation includes, inter alia, forensic and operational cooperation, which mostly implies the transnational exchange of forensic data such as DNA profiles primarily, then fingerprints and other forensic biometric data (Golja, 2004). This led to a frequent and applicable situation - that forensic information obtained in one country is used as evidence in the police and in courts of another country. That resulted in the need to introduce common forensic standards for the European countries. Of course, the European Union was the first to act in this direction as a transnational space that guarantees high standards in the field of law and security. Firstly, The Council of the European Union (2008) adopted a decision, "Increasing cross-border cooperation, particularly in combating terrorism and cross-border crime." This decision, inter alia, enabled the states of the European Union to begin more effectively the exchange of forensic data and the identification of persons suspected of criminal offenses of terrorism and interstate crime. It was necessary to modify the aforementioned decision of the Council of the European Union so that it would be reliable, operationally acceptable and legally standardized. This was done in such a way that The Council of the European Union (2009) adopted another framework regarding the accreditation of forensic service. This Decision is directed towards providing reliability, usability and compatibility of forensic data (for now, DNA profiles and fingerprints) from one country to another.

In order to meet the objective set by the EU Council Decision (The Council of the European Union, 2009), the abovementioned Decision obliges all the EU member states to have at least one

forensic institution accredited by the international quality standard ISO/IEC 17025:2005 (2005). The Article 5 of the EU Council decision framework (The Council of the European Union, 2009) shows that each Member State must comply with strict conditions that require quality standard ISO/IEC 17025:2005 in order to have forensic examination, analysis, research and expertise recognized. The implementation of the aforementioned framework (The Council of the European Union 2009) in Item 7 imperatively requires the Member states the following:

- DNA laboratory accreditation by 30.II.2013,
- Fingerprint laboratory accreditation by 30.II. 2015,
- Inclusion of the Framework Decision 2009/905/JHA in national legislations (The Council of the European Union, 2009) by 05.30.2016,
- The Council of the EU will exercise control over the application of this Decision in the Member States by the end of 2018.

2 ACCREDITATION OF FORENSIC LABORATORY OF THE WESTERN BALKANS REGION

The most important requirement for the membership in the ENFSI is the accreditation of laboratories according to the international standard ISO/IEC 17025:2005 (Bjelovuk, Kesić & Radosavljević-Stevanović, 2013). The aforementioned forensic institution of Montenegro has carried out the accreditation process through the project EMFA-2 (European Mentoring for forensic accreditation) in the period from 2011 to 2013. Project EMFA-2 was carried out in the implementation of ENFSI, as a monopoly project of the European Union. Mentoring laboratories in this project were the following:

- Forensic Institutes of Estonia Tallinn (“Eesti Kohtu ekspertiisi Instituut Tallin”)
- Forensic Center of the Police Directorate of Montenegro (“Forenzički Centar Uprave policije Crne Gore”),
- Center for Forensic Expertise Croatian MoI from Zagreb (“Centar za forenzična ispitivanja, istraživanja i vještačenja Ministarstva unutrašnjih poslova Hrvatske”),
- National Criminal Technical Centre MoI Serbia (“Nacionalni kriminalističko-tehnički Centar Ministarstva unutrašnjih poslova Srbije”),
- Forensic Institute of the Ministry of Justice of Latvia Riga (“Valststie suekspertizu biroj Riga”),
- Forensic Institute of the Ministry of Justice of the Russian Federation from Saint Petersburg (“Severo-Zapadni regionalni centar sudsko-ekspertizni Ministarstva justicije Ruske Federacije”)
- National forensic laboratory of the Ministry of Interior of Slovenia from Ljubljana (“Nacionalni forenzični laboratorij Ministrstvo za notranje zadeve Slovenija”),
- Forensic Centre of the Federal Ministry of Interior of Bosnia and Herzegovina (“Centar za forenzičku i informatičku podršku federalnog ministarstva unutrašnjih poslova Bosne i Hercegovine”).

In addition to participating in the abovementioned project, the Forensic Centre of Montenegro was a part of the Twinning project¹ of the European Union within which its professional associate was the Forensic Institute of Police of the Federal Republic of Germany from Wiesbaden (“Kriminal wissen schaftliches und technisches Institut”). Successful realization of projects of the European Union, followed by a large number of TAIEX activities, procurement of modern and sophisticated forensic equipment, defined the FMC as a regional institution in the field of forensics for the countries of the Western Balkans.

As mentioned in the introduction to this work, one of the goals of the accreditation is the harmonization and compatibility of forensic tests and their use in the fight against organized, mostly international crime. However, some forensic laboratories of the countries of the Western Balkan region are not members of ENFSI's, and also not accredited! The abovementioned facts, and in particular the absence of accreditation, causes problems with the police and investigative

¹ TAIEX project “EU JHA 58175” of the European Commission from 2014. In this context a Workshop on the use of chemical forensic tools in the fight against organised crime was held in the period 9. 11. –11. 12. 2014 (Workshop leader W. Nouteboom) in Sarajevo.

cooperation between the countries of the Western Balkan region (Ivanović & Rump, 2011). Namely, in solving the criminal offences of cross-border crime (which are very common) the exchange of forensic data, such as DNA profiles, fingerprints, examination of narcotic drugs, traces of explosives, motor vehicles and alike, is applied. This form of police cooperation is only possible and feasible if forensic laboratories which exchange the operational data are accredited according to the international standard ISO/IEC 17025:2005 (2005).

Considering the aforementioned situation, in order to strengthen regional cooperation in the Western Balkans in the field of criminal justice system through the harmonization and achieving compatibility of work of forensic laboratories, the Organization for Security and co-operation in Europe [OSCE OMIM] (OSCE, 2015b) in Montenegro, with its headquarters in Podgorica, along with FMC implemented a number of projects within its mandate and through the activities of its program for Security Cooperation and the rule of law.

The project "Accreditation of forensic laboratories according to the standard ISO/IEC 17025" began in 2013 when the OSCE OMIM enabled and supported the implementation of activities on linking of forensic laboratories of Western Balkan region, drafting of the plan of work related to accreditation, as well as the engagement of experts from the ENFSI's for the theoretical and practical training in the field of forensic accreditation according to ISO/IEC 17025:2005 (2005) (OSCE, 2015b). The mentioned project was fundamentally based on the international standard ISO/IEC 17025:2005 (2005), and also on the document ILAC-G19:08/2014, Modules in forensic process (International Laboratory Accreditation Cooperation [ILAC], 2014), as the professional references for the accreditation of forensic laboratories. Apart from these, the basic guideline of the regional project in the field of accreditation of Western Balkan countries in the region, in addition to the already mentioned decision of The Council of the European Union 2009/905/JHA, is the project of the European Union EFSA 2020 (The Council of the European Union, 2011). Following the implementation of the project EFSA 2020, the police and judicial authorities will receive a reasonable assurance that forensic data that they use, regardless of which country they come from, meet the same standards in all Member States of the European Union. The ambition of the European Union is to make the territory of European Union a region where the forensic procedures with the aim of collecting, processing, use and presentation of forensic data will meet the standards of forensic science and where forensic laboratories will work on an equal basis, through the project EFSA, 2020. Also, this project entails direct cooperation between forensic science and criminal justice system. One of the most important items of this project refers to the accreditation of forensic laboratories; specifically, the part of the project that specifies the goals of encouraging cooperation between police and judicial authorities in the European Union, where the accreditation of forensic laboratories is listed first.

States of the Balkan Peninsula, which are covered by the project "Accreditation of forensic laboratory in accordance with ISO/IEC 17025:2005," are not members of the European Union, but de facto represent European space, and they are also members of the Council of Europe, and some countries, such as Montenegro, are candidates for accession to EU and may probably become in 2020 (or few years later) full members of the Union. Also, as a member of ENFSI, Montenegro has an obligation to meet the objectives of the project EFSA 2020.

2.1 OSCE project "Strengthening regional cooperation in the field of forensic science"

By working continuously on the establishment of police cooperation in the countries of the Balkan region, the OSCE Mission in Podgorica implemented a workshop entitled "Strengthening regional cooperation in the field of forensic science in 2015." The workshop included forensic laboratories from Tirana, Sarajevo, Banja Luka, Skopje and Danilovgrad which positionally function within the police of their country. Forensic Centre in Danilovgrad was designated as a mentor laboratory, as the only accredited laboratory and member of ENFSI out of laboratories which were included in the project. Experts in forensics management, DNA testing and narcotic drug testing, performed expert missions in these forensic laboratories, with the following objectives and tasks (OSCE, 2015b):

- Introduction to the method of administration of documents of quality control management
- Introduction to the method of protection and transmission of electronic forensic data;

- Introduction to the method of receiving and forwarding evidence, or establishing the so-called “chain of evidence”;
- Introduction to the maintenance and calibration of measured equipment and other forensic equipment;
- Introduction to the method and efficiency of participation in inter-laboratory forensic tests.

The project included the following (OSCE, 2015b):

- Preparation of documents of quality control management. All documents of quality control management are made in a uniform manner, in order to be compatible and usable in all countries participating in the project;
- Development of standard operating procedures (SOP) for working in forensic laboratories. By making the SOC and their application in practice, the total work of forensics is documented and controlled, beginning from the work at the crime scene to the interpretation of forensic analysis in court by the expert who performed the analysis.
- Validation of forensic methods. Given that the project of the OSCE is carried out in accordance with European standards and following the legal legislation of the European Union, the Framework Decision of The Council of European Union (2009) in particular, the priorities are given to validation of DNA method and examination of narcotic drugs and
- Preparation and application for the accreditation by the relevant national accreditation body. This part of the project largely involved two key items of standard ISO/IEC 17025:2005, which are: Review by the management and internal checks.

Project participants were the forensic laboratories of the Ministries of Internal Affairs from Ankara, Athens, Banja Luka, Belgrade, Chisinau, Sarajevo, Skopje and Tirana. Trainers and mentors from the ENFSI’s were Nouteboom Wim and Mark Dorsteen from the Forensic Institute in The Hague, and Merike Rump from the Forensic Institute in Tallin (OSCE, 2015a).

After analytical processing of forensic data in the abovementioned laboratories, the workshop entitled “Implementation of forensic standard ISO/IEC 17025:2005 in the area of: Internal audits, corrective and preventive measures” was held in the Forensic Centre in Danilovgrad. The participants of the workshop were representatives of the aforementioned forensic laboratories. The workshop consisted of theoretical and practical part. In the theoretical part the experts from the Forensic Center in Danilovgrad, presented the importance of internal checks in forensic laboratories, as one of the most important activities of quality control management. The aim of internal checks is to determine inconsistencies in the work of forensic laboratories. So, in this regard, the manner of eliminating inconsistencies, which is achieved by preventive and corrective measures was also presented.

Following the theoretical part, the workshop had its practical application which consisted of carrying out the internal checks in laboratories of the Forensic Centre in Danilovgrad in the part of quality control management, and then in the DNA laboratories and in laboratories for chemical testing of narcotic drugs. Also, internal checks covered the mode of treatment of evidence in forensic laboratories, or scientifically called “chain of evidence”. This activity is of great importance, and so the implementation of preventive and corrective measures excludes the possibility of dealing with the evidence in a way that there exists a suspicion about its replacement, modification, subsequent change and / or contamination.

Workshop participants received a certificate that they are trained to carry out internal checks in the part of the standard ISO/IEC 17025:2005. This certificate allows them to perform internal checks in their forensic laboratories, and also to implement the ‘cascade training’, i.e. to further educate their colleagues from the laboratory for the same activity.

2.2 The work methodology of the project of the OSCE “Strengthening regional cooperation in the field of forensic science”

The further work methodology of the OSCE project “Strengthening regional cooperation in the field of forensic science,” was viewed with regard to the following activities (OSCE, 2015a):

- Regional workshop on topic “Preparing of forensic laboratories for the accreditation according to the standard ISO/IEC 17025:2005”, was held at the Forensic Center in Danilovgrad (Montenegro) in 2014. In this workshop, experts from ENFSI transferred knowledge and experience in a convenient way to the representatives of forensic laboratories participating in the project, with the aim of performing the validation of forensic methods for accreditation in the most optimal and rational way.
- Field study visits. Experts of the Forensic Center in Danilovgrad as representatives of the mentoring laboratory in this project, performed their control visits to the forensic laboratories in Sarajevo, Banja Luka, Tirana and Skopje during 2015. These study visits aimed at carrying out the inspection and verification of quality control management documentation and their application in the work of forensic laboratories on-site. Also, internal checks were performed in the aforementioned forensic laboratories, as an indicator of the state of implementation of quality standards ISO/IEC17025:2005. After the completion of internal checks, certain inconsistencies were observed and the adoption of corrective measures to eliminate them was proposed.
- Work on the elimination of inconsistencies that were detected by internal checks, implied the adoption of appropriate corrective measures for which there is the standard time limit of three months. All adopted corrective measures have been successfully finished in a timely manner, and therefore inconsistencies in forensic laboratories were eliminated. This mode contributes to raising the level of professionalism in the forensic laboratory, and also in order to standardize forensic services in the region.
- Preparation of forensic laboratories in Sarajevo and Skopje for the accreditation assessment was reflected in the development of extraordinary internal checks by experts from the Forensic Center in Danilovgrad (Montenegro) as mentors in this project. Besides verification of the quality management documents and their application in the work of the laboratory, this activity aimed at the practical verification of forensic methods which applied for accreditation. Verification was carried out in the field of DNA testing and chemical analysis of drugs.

2.3 Results of the OSCE project “Strengthening regional cooperation in the field of forensic science”

After several years of work, the project has brought the following results.

Forensic Center in Danilovgrad has been accredited by the international quality standard ISO/IEC 17025:2005 in December 2014 (Figure 1 shows the original certificate on accreditation in accordance with ISO/IEC 17025:2005 (2005), issued by the Accreditation body of Montenegro (“Akreditaciono tijelo Crne Gore”)), plus for the management of the centre, and in addition the following lines of work:

- Forensic chemical examination of trace drugs and
- Forensic DNA analysis.



Figure 1: Accreditation in accordance with ISO/IEC 17025:2005 of the Forensic Center in Danilovgrad (Montenegro).

Center for crime scene examination in Skopje (“Oddel za kriminalistička tehnika, Ministertstvo za vnatrešni raboti”) in 2016, gained accreditation by the international standard ISO/IEC 17025:2005. The accreditation certificate issued to them was by the Institute of accreditation of the Republic of Macedonia (“Institut za akreditacija na Republika Makedonija”). In addition to the accreditation of the entire management of the forensic laboratory in Skopje, according to this standard are accredited following lines of work:

- Forensic DNA analysis;
- Forensic chemical examination of trace drugs;
- Forensic examination of handwriting.

Agency for Forensic and expertise of the Ministry of Security of Bosnia and Herzegovina in Sarajevo in 2016, applied for accreditation of the following lines of work:

- Forensic graphological analysis of unknown documents;
- Forensic analysis of computer crime and
- Forensic chemical examination of trace drugs.

Forensic institutions in Tirana, Banja Luka, and Chisinau have developed a general document for the management of quality control, which is compatible with the international standard ISO/IEC 17025:2005, and therefore usable in all countries of the Balkan region. Also, inter-laboratory tests were successfully completed in the field of ballistics, dactyloscopy, mehanoskopy and graphology.

3 CONCLUSION

Experts in the field of judicial expertise now uniformly agree that professionalization of jobs in forensics means standardization and accreditation. The benefits of such accreditation are as follows:

- Standardization activities of court-forensics expertise in certain states requires a clear definition of standards relating to all parts of forensic operations and actions (Simonović, 2009).
- Accreditation is a procedure by which the competent authority (a national accreditation body in this case the Accreditation Body of Montenegro) evaluates an institution and formally recognizes that this institution is technically and professionally qualified to

perform certain activities in accordance with internationally accepted rules (in this case it is the quality standard ISO/IEC 17025:2005, 2005).

- Accreditation and certificate of accreditation proves the competence to perform certain tests (in this case, forensic analysis) in accordance with all the requirements of a specific standard (ISO/IEC 17025:2005, 2005). Accreditation is an internationally recognized means of providing confidence in the institution that the government gave powers to work on analysing, testing, measurement and inspection activities in order to protect public interests.
- Accreditation provides for raising the level of organizational and technical competence of a laboratory work.
- Accreditation gives confidence in the safety and quality of tests under the supervision of competent organizations which meet internationally accepted criteria.
- Standard of quality in the area of forensic testing, research, analysis and expertise is of great benefit to international cooperation in the fight against trans-national crime and terrorism. Standards of quality of forensics cover the entire process from the time the police arrives on the scene: tests at the scene, laboratory testing, interpretation of the tests results and reporting at the trial.

In Europe almost all countries accredited their forensic laboratories according to ISO/IEC 17025: 2005. For now forensic laboratories in Portugal, Belarus, Albania, Bosnia and Herzegovina as well as Moldova (European Network of Forensic Sciences Institute [ENFSI], 2014) are not accredited.

The European Union through ENFSI association implemented a project in which all members of ENFSI forensic laboratories are accredited by a forensic quality standard ISO/IEC 17025:2005. In this way they have achieved compatibility of forensic work and the results of forensic tests on the entire territory of the European Union and other countries that are members of the ENFSI. Some countries of the Balkan region that are not members of ENFSI's have not their accredited forensic laboratories. This represents a problem in the fight against organized cross-border crime, not only between these countries, but throughout Europe. As crime does not know boundaries, so the fight for the identification of the perpetrators of the crimes should be done at the international level. But this international police cooperation must be conducted by internationally recognized, compatible, and above all reliable methods of work, technology and technologies that can be checked and, if necessary, repeated. In order to realize the above mentioned all countries of the Balkan region (which are de facto part of the European space) must be accredited according to ISO/IEC 17025:2005. By working to fulfil the above mentioned conditions, the OSCE Mission in Podgorica with its projects since 2013 achieved the following objectives:

1. Accreditation of forensic laboratory.

Participants of the project, Forensic Center of the Police Directorate of Montenegro ("Forenzički Centar Uprave policije Crne Gore") and The National Crime and Technical Centre of Serbia ("Nacionalni kriminalističko tehnički centar Srbije") as of 2014, and Crime and Technical Centre of the Ministry of Internal Affairs of Macedonia ("Kriminalističko tehnički centar Ministarstva unutrašnjih poslova Makedonije"), 2016, have been accredited according to the international standard ISO/IEC 17025:2005. This achievement, together with forensic laboratories in Athens and Ankara, which are accredited before projects of the OSCE makes an interstate space in which all the forensic examination, analysis and expert evaluation is carried out in the same way. The above mentioned makes possible and feasible operational exchange of forensic data in the criminal justice systems of these countries. Here the Agency for Forensic and expertise from Sarajevo can be mentioned which as a participant of the project expects in late 2016, an accreditation assessment, and in the opinion of experts from the project fulfilled are all the required criteria and this lab will definitely at the end of this year, will become part of Regional accredited forensic area, according to the ISO/IEC 17025:2005 (2005) standard.

2. Achieving a high professional level of work in forensic laboratories that are not accredited, as well as laboratories in Banja Luka, Tirana and Kishinev.

Many of these laboratories have expanded the scope of their work and activities in individual expertise, and the most in forensic of narcotics. This is of great importance in order to connect the forensic laboratories of the countries of the Western Balkans into the Pan-European base of forensic data, which is updated under the realization of ENFSI. In the above-mentioned database,

one of the segments is a database of synthetic drugs that are very much underrepresented in the countries of Eastern Europe. The availability of a database of synthetic drugs is of great importance for identification and thus preventing and combating traffic of these types of modern cross-border crime.

3. Implementation of inter-laboratory tests.

Joint participation of the Balkan region in inter-laboratory tests, is one of the important activities of the project of the OSCE, to ensure a high level of professionalism in the forensic laboratory. These tests ensure reliability and inter-country recognition of certain forensic tests. Within project, interstate forensic tests are implemented primarily in the fields of ballistics, followed by chemical and fingerprint tests.

4. Progress in order to use forensic methods, techniques and technologies in the fight against terrorism and cross-border crime.

It is known that the fight against terrorism and cross-border crime is a priority of institutions dealing with law enforcement. In this regard forensic laboratories in recent years have been very actively involved in this issue. Of course, the contribution of forensic experts must be harmonized with European Union legislation, and this is especially true for a framework decision of the Council of the European Union (2008) "Increasing cross-border cooperation, particularly in combating terrorism and cross-border crime." The trend is that all the European countries comply with these and other decisions of the European Union, not just the Member States. To achieve that aim, the projects of the OSCE, which are presented in this work contribute to achieving the objectives that are set out in the document of The Council of the European Union (2011) "Council conclusions on the vision for Europe Forensic Science 2020 including the creation of a European Forensic Science Area and the development of forensic science infrastructure in Europe". Another quality of the OSCE project "Strengthening regional cooperation in the field of forensic science" is the inclusion of forensic laboratories of the Western Balkan countries in EFSA Project 2020 (The Council of the European Union, 2011), however, so after the implementation of the project, forensic laboratories participating in the project have in the work of their laboratories implemented basic items implied by EFSA 2020, which are:

- Providing integrity of the material trace through the documented chain-chain of custody.
- Regular and accurate interpretation of forensic evidence.
- Respect for minimum criteria of forensics, through continuous education and training,
- Implementation of proficiency tests.
- Application of common standards at the crime scene.
- Identification of optimal and joint efforts in order to develop and update forensic databases.
- Work on the training of prosecutors and judges in the field of forensics.

REFERENCES

- Bjelovuk I., Kesic T., & Radosavljević-Stevanović N. (2013). Akreditacija forenzičkih laboratorija-stanjei perspektive u Srbiji [The accreditation of forensic laboratories - status and perspectives in Serbia]. In D. Kolarić (Ed.), *Tematski zbornik radova - Kriminalističko-forenzička obrada mesta krivičnih događaja* [Thematic collection of essays Crime scene investigation of criminal offences] (pp. 159–172). Beograd: Kriminalističko-policijska Akademija.
- European Network of Forensic Sciences Institute [ENFSI]. (2004). *Performance based standards for forensic science practitioners*. Retrieved from <http://www.enfsi.eu/projects/other-running-projects/competence-assurance-cap>
- European Network of Forensic Sciences Institute [ENFSI] (2015). *Annual report 2014*. Warsaw: ENFSI Secretariat. Retrieved from http://www.enfsi.eu/sites/default/files/files/net.enfsi_raport2014.pdf
- Golja, J. (2004). *Kriminalistično-tehnično izvedenstvo v Evropi in v Sloveniji* [Forensic expert opinion in Europe and in Slovenia]. In Branko Lobnikar (Ed.), *Peti slovenski dnevi varstvoslovja – zbornik povzetkov* [Fifth Slovenian days of criminal justice and security] (pp. 98–99). Bled: Fakulteta za varnostne vede.
- International Laboratory Accreditation Cooperation [ILAC]. (2014). *Modules in a forensic sciences process*. Retrieved from <http://ilac.org/news/ilac-g19o82o14-published/>

- ISO/IEC 17025:2005. (2005). *General requirements for the competence of testing and calibration laboratories*. Geneva: ISO/IEC. Retrieved from http://www.iso.org/iso/catalogue_detail.htm?csnumber=39883
- Ivanović, A. & Rump, M. (2011), Accreditation process Forensic Centre of Montenegro to the mentorship of the European Union (Projects EMFA-2). In O. Laciak (Ed.), *Symposium journal - 10th symposium of forensic sciences* (pp. 111–123). Bratislava: Kriminalisticky a expertizny ustav Policajneho zboru.
- Organization for Security and Co-operation in Europe [OSCE]. (2015a). *OSCE Mission to Montenegro unified budget proposal 2015*. Unpublished Internal report.
- Organization for Security and Co-operation in Europe [OSCE]. (2015b). *OSCE Mission to Montenegro. Importance of aligning quality of forensic evidence with international best practices highlighted at OSCE-supported regional workshop in Montenegro*. Retrieved from <http://www.osce.org/montenegro/199266>
- Simonović, B. (2009). Standardizacija i akreditacija kao jedan od načina profesionalizacije policijske i kriminalističke službe [Standardization and accreditation as a way of professionalization of police and law enforcement]. *Bezbednost*, 1–2, 236–254.
- The Council of the European Union. (2008). Council Decision 2008/615/JHA. Council decision on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime. *Official Journal of the European Union*, 210, 1–11. Retrieved from <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32008D0615>
- The Council of the European Union. (2009). *Council Framework Decision 2009/905/JHA: Accreditation of forensic service providers carrying out laboratory activities*. Official Journal of European Union, 322, 14–16. Retrieved from <http://eclan.eu/en/eu-legislatory/council-framework-decision-2009-905-jha-of-30-november-2009-on-accreditation-of-forensic-service-providers-carrying-out-laboratory-activities>
- The Council of the European Union. (2011). *Council conclusions on the vision for European Forensic Science 2020 including the creation of a European Forensic Science Area and the development of forensic science infrastructure in Europe*. Retrieved from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/126875.pdf

CONFISCATING WHITE-COLLAR CRIME PROCEEDS IN THE REPUBLIC OF MACEDONIA

Svetlana Nikoloska, Jovche Angjeleski

ABSTRACT

Purpose:

The objectives of this paper is to present theoretical study of the measure - confiscation of crime proceeds and property in the Macedonian criminal legislation, Macedonian experiences on confiscation of criminal proceeds from the perpetrators of the white-collar crime i.e. the perpetrators that acquired criminal proceeds by abuse of the official position and authorization within the period of research (2010-2014).

Methods:

The paper consists of theoretical analysis of the definition of white-collar crime, criminal and legal aspects of the offense "misuse of official position and authority" according the Criminal Code of the Republic of Macedonia, the study of the Macedonian criminal practice on criminal cases with elements of abuse and imposition of confiscation and the cooperation of the public prosecutor with the investigating authorities. We also analysed the views and attitudes of the citizens of the need for confiscation of criminally acquired proceeds and assets, acquired by abuse of official position and authorization committed by the perpetrators while performing their duties, realized by an electronic polling system.

Findings:

The Macedonian Criminal Code provides a measure-confiscation of criminally acquired property and other proceeds for perpetrators who commit crimes and become subjects of unlawful enrichment. According to the research, the most perpetrated type of crime, from which the perpetrators acquire criminal proceeds, in the past two decades, is the criminal act "misuse of official position and authority". According to the research for the period of 2010-2014 we analysed the indicators on the extent, the structure and the dynamics of this type of crime in Macedonia as well as indicators for the type and amount of illegally acquired proceeds and indicators of confiscated proceeds of crime and property, based on the data of the investigative and judicial authorities. The survey of the citizens' attitude gives indications on whether citizens understand the social danger of doing crime with elements of abuse for the perpetrators who have a legal obligation to respect the law and not to abuse it for the sake of personal financial interest.

Research limitations:

The results are limited to Macedonian criminal justice system. However, with the descriptive study and survey we demonstrate the authenticity of citizens' attitude regarding the process of confiscation to perpetrators who misuse the public confidence and the performance of official authority entrusted to them, or use the taxpayers' money in the performance of official authority in state bodies, public institutions, enterprises and local governments. Based on the studies, profiling of the perpetrator's personality is possible.

Originality:

The work is prepared on the basis of multi-year studies of the mentioned matter, especially the Macedonian criminal practice and analysis of data of the state bodies and institutions competent for criminal and financial research of the white-collar crime. By analysing the gathered responses in the conducted survey, the indicators about the views and attitudes of the citizens are drawn.

Keywords: white-collar crime, confiscation, criminal proceeds, criminal investigation and financial investigation.

I INTRODUCTION

The studies of white-collar crime point to the fact "that there is no period, no stage or phase of development of human society, in which this crime was not present, regardless whether it is about a class or a classless society. Also, the opinion that this crime is considered among the most important elements of the crime structure and a determinant of the overall structure of crime that emerges in a society, is determined by the economic, legal, political and social structure

of society" (Arnaudovski, Nanev & Nikoloska, 2009). Reliable indicators of the status of this criminal activity in a social system come in various forms and shapes, involving the capacity of the perpetrators and their link to the criminal activity in form of structured groups with defined criminal roles.

The white-collar crime, from its initial conception up to date features more common characteristics, such as emergence of individuals of high social status as offenders, individuals entrusted to perform certain confidential functions, occupying jobs with specific competences and powers, professional experience, knowledge, as well as perpetrators with political power. This crime is distinctive not only for the poor and countries in transition, but also for the highly developed democratic countries. The initial forms of "white-collar" crime are detected in the US in the 1940s, where the initial definition of this term originated from as well.

The Republic of Macedonia is also facing the white-collar crime since its independence until today, in a variety of manifestations and forms. The numerous abuses have been noted in the period of transformation and privatization of the society capital by individuals in positions who managed to pile up enormous wealth in this way. The situation of gaining great wealth was created, with bypassing of the legislation or the situation of legal irregularities in certain social areas and the possibility of political influence on the adoption of inadequate legal solutions that provided grounds for directing the society capital in private ownership at unrealistically low prices. This problem still persists in the Republic of Macedonia, particularly in the realm of political influences in the process of revealing and sanctioning the white-collar criminals. In this context the research for reported, accused and convicted offenders of the most frequently performed crime related to white-collar crime in the Republic of Macedonia, in all investigated periods is made by renowned researchers and professionals, such as: Arnaudovski Ljupco (Arnaudovski, 2008), Nanev Lazar (Nanev, 2008), Goce Dzhukleski and Svetlana Nikoloska (Dzukleski & Nikoloska, 2008). "Misuse of official position and authority" under Art. 353 is a basic crime from the Group of crimes against official duty systematized in Chapter 30 of the (Krivičen zakon na Republika Makedonija [Criminal Code of the Republic of Macedonia], 2004) and (Krivičen zakon na Republika Makedonija [Criminal Code of the Republic of Macedonia], 2009) a crime that is most abundant, a crime for which the offenders are reported, but the conviction is very low. This is a problem of the law enforcement authorities, but also of justice which should be sought as a solution in the area of pre-trial procedure for provision of relevant evidence that should be properly analysed by the judicial authorities with the aim of adopting appropriate court decisions. In the direction of full disclosure, clarification and proving of "white-collar" crime are the new concepts of running a parallel criminal and financial investigation. The criminal investigation is revealing the perpetrators and criminal acts, providing evidence for their offenses, the status of the perpetrators and the type and amount of the damage. The aim of the financial investigation is detection and security of criminal proceeds and property associated with criminal acts and the perpetrators, their security and enabling confiscation. Financial investigation is conducted starting "with the money and property leading to the perpetrators". The success of the law enforcement authorities and judicial bodies is measured in numbers or data on reported, accused and convicted offenders, in the amount of damages or acquired crime proceeds, as well as in the implementation of confiscating the illegally acquired wealth and/or estate in the course of the criminal activity, especially the confiscation related to the "white-collar" crime and depriving the perpetrators of goods and privileges gained through abuse of trust, authorization, competencies.

2 BRIEF HISTORICAL REVIEW OF THE DEVELOPMENT IN SANCTIONING THE WHITE - COLLAR CRIME

Historically, the "white-collar" crime is known as a non-violent crime that is committed by higher social classes and by individuals who abuse their entrusted powers in society depending on the social structure, leaders or leading parties. These used to be perceived as trustworthy persons to the enforcement authorities and tax collectors on behalf of the leader. The very early recordings date back to the Roman Empire times, when the institute seeking responsibility of "people of trust" due to breach of trust was established for the first time. The first criminal lawsuits were against Roman officials under the Law Lex Acilia, which provided sanctions for perpetrators and obligation to compensate for the damage. The cases were treated as theft by perpetrators who were disloyal, but the sanction differed from that meant for basic theft, and the damage caused

or the amounts embezzled were to be compensated twofold. The later enacted law, *Lex Servilia* foresees deprivation of political rights for the perpetrators of abuse, and additionally, twofold compensation (Tomanović, 1990). In the slavery-based society, this crime has acquired a form defined by the power and exploitation. The exploitation is performed by clerks who abused the given trust in a way of appropriating of part of the fees/taxes collected on behalf of the leader, thus performing misuse and gaining fortune at the account of the leader. In the feudalism, the issue of abuse of "tax payers" was felt by poor peasants, who were exposed to disproportionate claims but also to an unfair trials in cases when they opposed the fulfilment of requirements by the "perpetrators of power" in the trials of nobility. This problem was perceived by the ruling structure, so they declared "war to the clerks" who concentrated profit, unlawfully on account of the ruling class. "The massive spread of abuse by the princes, privileged class and other employees of the state government were additional motive for adopting a legislative act in 1532 in Germany known as *Consitutio Criminalis Carolina*" (Vitlarov, 2006). Out of the total of 105 articles of this act, only three were committed to misconduct. With the law being adopted, rather few actions against civil servants for misconduct were undertaken, and the convictions were also very rare. In 1716, in order to combat the abuses of the civil servants in France, a special tribunal was established and its jurisdiction was to judge last instance for any abuses. Although this court had the status of a special court, all proceedings ended with a general amnesty, where the state has publicly acknowledged its weakness against the abuses by the officials (Vitlarov, 2006). The bourgeois or the capitalist states compared with feudal states were basically more democratic, but the officials in this period were not immune to misconduct. Therefore, the responsibility was imposed for the perpetrators of criminal acts with elements of abuse in performing their duties and cases were filed to responsibility in front of courts. The French Penal Code of 1791 in France (Elliott, 2010) distinguished a special pool of incrimination known as crimes of public officials in the performing of delegated authority. Although the abuses of public servants were considered as incriminating behaviour, courts were prevented from leading proceedings against officials for misuse of position, prior to approval by the competent administrative authorities. In the second half of the nineteenth century the cases of abuse and other forms of criminal behaviour, particularly corruption scandals, were in abundance, causing the introduction of a new crime "influence trafficking". This case concerned the perpetrators acting in responsible positions. Throughout the history the first adopted laws were for sanctioning the perpetrators of abuses while performing entrusted duties on behalf of the government and the State. It was not defined what kind of abuses the penalties were provided for, the ways of execution were not stipulated, and neither was the procedure for providing evidence that indicate a crime. There was no definition of the white-collar crime for a long time, and this type of abuse by the people in power are exactly the perpetrators with white collars i.e. the persons with the status of civil servants who were entrusted to perform certain responsible tasks on behalf of the ruler or the government, due to their professionalism and knowledge. The term white-collar crime is used for the first time by Sutherland, the President of the American Sociological Association, who, while addressing the Association in 1939, gives his own interpretation of the occurrence of the crime in the area of economic performance and unfair competition. He first gave the definition of white-collar crime as a crime that occurs in the area of economic activities, mainly manifested in misconducts related to purchase of stocks and shares, false advertising of goods, misrepresentation of financial condition and operations of the individual corporations, bribing of business partners, directly or indirectly bribing of civil servants in order to ensure favourable business arrangement, embezzlement, improper funds spending, tax evasion etc. Later on, Sutherland gave a new definition of the white-collar crime, defining it as a "crime within a professional activity carried out by people with high social prestige". Sutherland makes clear distinction between perpetrators with white collars and those wearing blue collars (workers) in the criminality. The first class of criminals "white-collar professionals", "nice people" coming from the elite or the upper levels were considered more dangerous than the manual workers, blue-collar worker (Sutherland, 1961).

Sutherland's point of view was supported by Larry Siegel who puts the organized crime and the white-collar crime in the same group, and the only difference he sees is that the white-collar crime is about illegal activity of individuals and institutions obtaining illegal income throughout legal work, making use of their status, while organized crime is interpreted as an illegal activity of the perpetrators that aims, from the very beginning, to gain an income unlawfully. Their common point is disregard of the principles of free market and fair competition (Siegel, 2009).

The distinction between the “white-collar” crime and the “blue coats” crime is also made by modern theoreticians defining it in the sense that the crime of the blue coats and the use of physical force is inherent to this group, while “criminals with white collars” are by nature professionals, displaying a high degree of professionalism, and so they possess the capacity, for example to manipulate the accounting or financial reports etc. (Tupačeski, 2015). Usually the criminals with white collars are not considered criminals, but business people who use the given circumstances and manage to maintain on the market, using the weaknesses of society for achieving of as much as possible profit and social influence. These are professional criminals who belong to certain social groups performing certain functions and abuse them, led by the motive of reckless greed, infected by the consumption psychology and the needs for a more luxurious life.

The crime of white-collars as per the elements of its definition, indicates a special form of professional criminality which is spread widely, its perpetrators rarely come under the attack of criminal responsibility and the reason why these perpetrators are not the target of persecution, is actually the enormous economic and political influence, expertly evading the law leading to bribery and similar felonies, lack of sense of positive values etc. The damage done by this type of crime is much higher than the damage done by all other types of crime together, as it destroys social morality, causing mistrust and creating disorganization. Since its perpetrators have the economic and political powers in many ways, this type of crime is close to organized crime - in terms of intensity and power, political influence and relations, affiliation to the ruling class, in immunity to being prosecuted (Reckless, 1950).

Mainly, the professional criminality is located in the field of those professions where there is a convenient ground for criminal activity, such as cashiers, accountants, financial managers, auditors, supervisors, businessmen, etc. According to some theorists, this term is considered inappropriate (Robin, 1974) for example, suggests the more appropriate one “occupational crime”. Another term for the “white-collar” crime is suggested in the scientific work by (Green, 2001) who has elaborated the possibility of a need to replace the term white-collar crime with crime arising from the profession. He believes that the concept of the crime arising from the profession, the occupational crime, generally requires identifying a favourable setting. He defines such a crime as “any act punishable by law that has been done within the professional engagement arising from legal profession” (Tupačeski, 2015). The legal profession is the key argument for the creation of a criminal situation as a suitable opportunity for the existence of a legitimate engagement, which in most cases fully and effectively, makes a distinction in terms of what has traditionally been characterized as a violation of the white collars in relation to other forms of conventional crime.

The white-collar crime is a form of professional crime encompassing acts of crime perpetuated by members of upper strata of the business world, state offices or free professions, involving utilization of established relations and influence in society. These breaches are labeled as professional crimes as they are perpetrated in the course of executing one’s professional role. As the very term white-collar crime denotes (in contrast to the so-called blue-collar crime), this is about breaches by those who locate themselves among the “fine” or “elite” world, those who belong to higher social and economic strata. It is assumed that they do not differ in behavior from the “ordinary people”; they just know how to present themselves in a better light. Due to the absence of violence in this type of crime within the frames of the profession they perform and to the reputation these perpetrators have previously built, they are cunningly evading criminal responsibility (Kralev, 2007).

The definition of the concept of the crime of “white-collars” involves indicating criminal activities of offenders in given areas or sectors of the society and in the economic system. These days the definition has undergone significant changes due to the latest developments in the new technologies and mass communication that provide grounds for a growing number of members from all social classes and an opportunity to engage in illicit economic activities. There is a growing number of authors who underline that it is all about “unconventional crime” which is becoming a major problem of the modern society, primarily because of its close association with the economic and political activities, as well as fact that the elements of the so-called false offenses represent borderline cases, very close to the legal activities (Kambovski, 2008).

The crime of white collars acquires the form of an organized crime in cases where, money as crime proceeds from other criminal activities are involved in legal economic businesses, such as in construction, food and other consumer product industries, thus erasing any distinction between legal and illegal. Stressing the ultimate goal of the activities of the organized crime such as acquisition of criminal income (profit), the issue of correlation with the abuse of power

that accompanies incrimination committed by members of prominent social classes who use the power that they possess in order to settle the accounts with their political or ideological opponents, increases. This attitude especially gains importance considering the relationship and interaction between the unlawfully acquired amounts and other material benefits for constituting a political power, which in turn, due to repayment of the input from criminal groups, causes greater deviations (Marinković, 2010). The aim of the most cases of organized crime is to achieve power, political or economic. These two goals are not exclusive; can be mutually exclusive, but also complement each other. Within the same criminal organization, through the criminal action, economic power is first reached, and, then in turn, the economic power will bring political power. There are multiple ways of accomplishing or achieving these goals, so if the goal is the political power it can be acquired through unlawful criminal proceedings or violent overthrow of the existing social order. When it comes to gaining economic power, it may be accomplished by carrying out common crime ("mala en se"), by undertaking illegal business activity ("mala prohibita" or vice versa) or even by carrying out illegal business activities within the legal function, job or duty (white-collar crime) (Maltz, 1975).

3 ABUSE OF OFFICIAL POSITION AND AUTHORITY

The crimes against official duty, also known as official crimes, are criminal acts performed during the performance of official duty and authority by public officials in performance of official duty. These cases primarily violate official duties, but they are usually directed towards another sources, such as rights and freedom, property, etc. The crimes inherent with these characteristics are so-called true official crimes. Given that only the officials can perform them, they are an integral part of the torts with a specific subject of execution ("delicta propria"). Beside the true official crimes, there also and so called untrue ones, such as heavier (qualified form) of general crimes, if committed by an official who performs the crime in the course of the official duty, abusing the official position or exceeding the official authority (Kambovski, 2005).

The crimes against official duty are listed in Chapter 30 of the Criminal Code of the Republic of Macedonia (2004, 2009) which provides a total of 15 offenses including: Misuse of official position and authority Art. 353; Damage to the guarding of the border Art. 353-a; Ordinance failure Art. 353-b; Reckless operation within the service Art. 353-v; Embezzlement Art. 354; Fraud in the service Art. 355; Making use in office Art. 356; Taking bribes Art. 357; Bribery Art. 358; Illegal mediation Art. 359; Illegal possession and property concealing Art. 359-a; Disclosure of official secret Art. 360; Misuse of state, official or military secret Art. 360-a; Forging of official documents Art. 361; Illegal payment Art. 362. The most frequently performed crime of this group, according to several surveys of Arnaudovski, et al. (2009), Nanev (2008), Dzukleski and Nikoloska (2008), is the criminal act known as the basic crime, or "Abuse of official position and authority" in Art. 353. If the reported had committed a criminal offense or particular elements are pointing to another crime, it always comes down to the interpretation of the essential elements of the essence of the crime. According to the interpretation of (Kambovski, 2003), most investigators are considering the cases as abuse of power and maybe it is about negligent during work, embezzlement or receiving a bribe in order to perform illegal work by official. Due to the fact that according to the statistics of the Macedonian criminal and judicial practice as the most perpetrated criminal case is "Abuse of official position and authority", so the research done for this crime is for the period 2010–2014 year but the researches are continuously being done since 1997. This is the most perpetrated crime at each of the surveyed periods, but it is also a crime for which the percentage of conviction is very low, as it is the case with the whole group of these crimes. The implications of all monitoring missions on the situation in the Republic of Macedonia highlight the implementation of measures to reduce corruption and organized crime. This crime is excessively corruptive and it is crime without which it is impossible to perform other forms of crimes in an organized way. The link between the organized crime and the positions of authority seems unbreakable, as long as there is no application of law for all and until the moment to encourage law enforcement and persuading judicial authorities that these crimes are the cancer of non-democratic but also of democratic societies. The rule of law is to be in application and there should not be any privileged groups in society, somehow predestined for illicit gaining of wealth, as opposed to others, who would only serve to the minority of those abusing their positions, power and authority for crime proceeds.

It is precisely in this direction that the reforms in legislation and the introduction of heavier penalties for the perpetrators should go in line with the introduction and application of confiscation of illegally acquired property and other illegal or criminal proceeds.

The criminal acts of abuse of official position and authority are categorized as (Nikoloska, 2015):

- Targeted against official position in violation of a protected right (property, rights and freedoms) that are also considered violations of official duty, because one in its official duty has no authority to interfere with the values protected by the criminal law;
- Criminal acts performed during official duties with abuse of official and public authorities by undertaking illegal action in the area of authorization (forging official documents, abuse of power etc.) or by using the official position to undertake actions that otherwise do not belong in the realm of official authority (fraudulent office serving etc.).

The former would never be the case if the officials respect the boundaries of their powers, and the latter are performed outside the boundaries of their official powers (Kambovski, 1982).

Perpetrator of the above crimes is an official or responsible person, and the criminal behaviours occur in several forms envisaged in the (Criminal Code of the Republic of Macedonia, 2004, 2009). With the latest amendments to this Code, several new incriminations are added up to the original one dealing with the abuse of official position and authority, and it is:

Misuse of official position and authority Art. 353 - perpetrator is an official who, by using his position or authority, by exceeding the limits of his official authority or by not performing his official duty, acquires for him/herself or for another person any benefit while harming someone else; in cases of gaining great personal benefit causing significant property damage; severely violating the rights of others. The perpetrator can be an individual, responsible in a foreign legal entity that has a representative office or does business in the Republic of Macedonia, or people performing activities of public interest, if the crime was committed during execution of his special power or duty; or when the crime is committed while performing public procurements or when damages of funds from the state budget of the Republic of Macedonia, public funds or other state funds.

The abuse of power is a certain conduct of the official or responsible person contrary to the obligation to act lawfully and properly. Accordingly, this case is primarily an act of unlawful conduct. However, any unlawful conduct, is not a crime by itself and it is not certainly an abuse of official position in criminal - legal terms. The crime is performing when the official or responsible person has performed the act with the purpose of making benefit for him/herself or for others, or to harm others. An official or responsible person executing his/her official duty may act criminally in a way that crosses the boundary of his/her authority in undertaking certain activities or the official is not executing at all his/her duties and tasks, that are usually his/her responsibility. Thus s/he acquires benefit, but s/he also causes damage in the material sense, and/or violates the citizen rights or those of legal entities. An official or responsible person objectively remains within the limits of official position and authority, but does not act in the interest of the service, trying to achieve his/her own interest or the interest of another person. Misuse of official position and authority occurs through several forms of criminal activity (Proevski, 1998):

- a) Taking advantage of official position or authority when the official or the responsible person do not abuse the position in a formal sense, as they do not exceed their official authority neither do misuse official duties, but what they actually do is converting the true interests of the service and its proper execution in their own interests or interests of third parties. This comes to light especially with the discretionary powers of the official or responsible person in cases where the official has a power to make the assessment about the usefulness of his/her actions and decision-making based on law or regulations.
- b) Exceeding the limits of the official authority, conduct of the official or responsible person who keeps the official character, but goes beyond the powers of the officer. The concrete act must have an official character, when taking actions have an official character and when they are envisaged as responsibilities of an official or responsible person.
- c) Failure of official duty, criminal behaviour that occurred by omission when the official or responsible person does not perform the responsibilities deriving from his/her scope of work stipulated by law, regulation or collective agreement. Omission or not performance of the official duty must be linked with some benefit or with causing damage.

4 SCOPE, STRUCTURE AND DYNAMICS OF REPORTED, ACCUSED AND CONVICTED PERPETRATORS OF THE “ABUSE OF OFFICIAL POSITION AND AUTHORITY” CRIME

The research in this area has been conducted continuously since 1997. The latest research was based on the statistical data published in the Annual reports of the State Statistical Office of the Republic of Macedonia for the period 2010 to 2014, the period following the adoption of legislation to reform the Criminal Procedure Law (Zakon za krivičnata postapka, 2010) and Criminal Code of the Republic of Macedonia (2004, 2009) particularly the section dealing with implementation of measures and activities of state law enforcement authorities and judicial authorities in the process of reporting to conviction.

Table 1: Volume, structure and dynamics of the crime “Abuse of official position and authority” under Criminal Code of the Republic of Macedonia for the period 2010 – 2014 (source: Državen zavod za statistika na Republika Makedonija [State statistical Office of Republic of Macedonia]; 2011, 2012, 2013, 2014, 2015)

Year	Abuse of official duty Chapter 30 from the Criminal Code of the Republic of Macedonia					Crime “Abuse of official position and authority” Art. 353 from the Criminal Code of the Republic of Macedonia				
	Reported Perpetrators	Accused		Convicted		Reported Perpetrators	Accused		Convicted	
		Perpetrators	%	Perpetrators	%		Perpetrators	%	Perpetrators	%
2010	1067	262	24,5	142	54,2	916	192	20,9	90	46,9
2011	825	365	44,2	133	36,4	692	267	38,6	75	28,1
2012	843	317	37,6	150	47,3	724	254	35,1	103	40,6
2013	927	247	26,6	137	55,5	774	189	24,4	92	48,7
2014	566	355	62,7	243	68,5	457	291	63,7	193	66,3
Total	4228	1546	36,6	805	52,1	3563	1193	33,5	553	46,4

In the research period 2010–2014 a total of 4228 perpetrators were reported for crimes against official duty, 1546 out of which are accused and 805 are sentenced i.e. 52.1 % convicted compared to the number of accused. 19.04 % are convicted perpetrators, as compared to the reported. Compared with previous periods of research, this one shows increased percentage of conviction. As per research for the period 1997–2006, the percentage of convicted was lower i.e. 12.7 %. According to the data survey, 4228 out of the total number of reported perpetrators of crimes against official duty, and 3563 are perpetrators of the crime “Abuse of official position and authority” art. 353, meaning 84.3 % out of 100 %. This indicator is higher if compared to the previous research where the participation is 65.4 % (Nikoloska, 2008). Out of 3563 reported perpetrators for the crime “Abuse of the official position and authority” under Art. 353, 1193 have been accused or 33.5 %, the number of convicted is 553 or 46.5 %, and the rate of 13.07 % are convicted compared to reported perpetrators. This indicates that the perpetrators of the crime “Abuse of the official position and authority” are being reported, tried, but not convicted. The rate of convicted is lower as compared with the other form of crime under this group, which is a serious matter, taking into consideration the fact that the prevalence of this crime is with high average of 84.3 %. Compared with the previous research period, 2007–2013 (Nikoloska, 2015), the percentage of convicted for the entire group is 15.6 %, which is lower compared to 19.04 % of this research, but only for the crime “Abuse of official position and authority” the rate was 12.2 % that is slightly lower compared to the present research where the rate is 13.07 %. The percentage of convicted is quite low and the rate of confiscation is only 2.2 % from the damages for which the claim is submitted against the perpetrators. The Republic of Macedonia envisaged confiscation in

2004, and the provisions are specified in the Criminal Code of the Republic of Macedonia (2004, 2009) but the implementation is a process that takes place very slowly, depending on realization of the criminal cases, subject to criminal procedures in front of the Macedonian courts.

5 CONFISCATION OF PROPERTY AND OTHER CRIMINAL PROCEEDS

Confiscation of property, proceeds and confiscation of objects in Macedonian criminal - legal legislation is a measure discussed separately from the system of sanctions, so the sentencing means forcibly confiscation of the direct or indirect proceeds obtained through the crime. Despite the tightening of the penalty repression and imposing prison sentences for the organized economic crime, the main innovation in the modern criminal policy and criminal - legal reform, is reaffirmation of the confiscation of criminal proceeds and objects of the crime usually envisaged as a special criminal - law measures.

The confiscation of proceeds of a crime, is not a punishment, because there is no re-attributive nature. With its application, nothing is given back to the perpetrators in return. He is deprived of something that does not belong to him. The confiscation is neither considered a security measure, because it does not fend off to any danger of the perpetrator. Accordingly, the confiscation fits with the special criminal - legal measures related to the actual realization of the legitimate existence of the crime. It remedies the unlawful condition achieved in the course of exercising legitimate existence of the offense. The confiscation settles the illegal condition created through conduct on the basis of the legal principle according to which an untrue crime cannot be converted into true one (ownership or governance of property acquired through criminal conduct) (Vitlarov, 2015). The basics of confiscations are:

- Confiscation of proceeds of crime, i.e. permanent confiscation of any property, with an order issued by a court or other competent authority (i.e. items and property of any kind, regardless of whether movable or immovable, material or non-material, also legal documents or instruments confirming possession or proceeds) derived or acquired, directly or indirectly, by committing the crime – is a concept known from long ago. Although this concept is known in most countries, the last two hundred years, this concept is almost abandoned, and was again reaffirmed in the last quarter of the twentieth century. During the 1980s the need to react to widespread concern about the growing financial power of the organized crime has increased. So, the traditional approach to crime control has proved inadequate in combating unlawful behaviour aimed at generating and accumulation of property of great value. Consequently, it was and is still considered that the confiscation of illegally acquired property is a key element of the strategies to combat organized crime. Given that the proceeds is one of the most important motives for involvement in serious crimes and thus criminals acquire the necessary capital to commit other crimes and for infiltration and corruption in the legal economy, with the confiscation several goals are achieved (Tupančevski, 2015). The principles of retribution that says “the crime should not be paid” and that “no one can keep the proceeds from the crime”, meaning returning back the legitimate distribution of the wealth in society;
- This measure eliminates the illegal situation that was created while executing the crime and thus fulfils the essence of the principle that the wrong/untrue cannot become right/true (ownership or peaceful enjoyment of the proceeds from crime);
- When as a result of crime there are obvious victims who can be identified, the measure could be operational in order to improve the condition of the damaged party (victim) whose fundamental right is to be reimbursed for the harm;
- Through the confiscation of proceeds related to the crime, any attractiveness is reduced by reducing the expected money benefits and thus a distraction from committing future offenses is reached.
- In the long run, this measure could mean dissolving of the criminal organizations by taking away their working capital which can be invested in other criminal activities and prevent their infiltration into the legal economy.

Grounds for confiscation are direct and indirect proceeds obtained by crime and are confiscated by a court decision that determined the crime under the conditions provided by law. In accordance with the ratified international treaties, confiscated property may be returned to another country/ies.

Beside the direct proceeds of the crime, the indirect ones should be also confiscated from the perpetrator, as follows:

- Property that has been transformed or the benefit obtained from the crime is converted;
- Property from legal sources - if the benefit of the crime has been intermingled, in whole or in part, with such property, up to the assessed value of the benefit obtained from the crime and
- The profit or other benefit arising from the benefits obtained from the crime, from property into which the benefits obtained from crime is transformed or converted or from property with which the benefit obtained with the crime is mixed up to the estimated value for mixed benefit obtained within the crime.

All direct and indirect proceeds obtained through crime, such as in money, movable or immovable objects of value, like any other property, or assets, tangible or intangible, and if this type of confiscation is not possible, from the perpetrator other property that matches the value of obtained benefit, will be confiscated. Direct and indirect proceeds can be confiscated from third parties for which the proceeds are gained by committing the crime. The proceeds is confiscated also from family members of the perpetrator to whom the proceeds have been transferred, if it is obvious that the family members did not give compensation corresponding to the value of obtained proceeds or from third parties unless they can prove that for the object or property they have given the compensation amount corresponding to the value of the obtained proceeds.

According to Macedonian judicial practice, when it is about criminal proceedings against the perpetrators of the crime "Abuse of the official position and authority", the authorities are rather slow. According to the analysis of specific criminal cases, it can be concluded that the confiscation is being implemented, if money and other immovable and movable property of the perpetrators is confiscated. In 2013 a procedure has started for confiscation of the property of the convicted for "Abuse of the official position and authority" in manipulation of tobacco stocks by the director of commodity reserves and other 13 persons in the period from 2001 to 2007, who have obtained unlawful proceeds in total amount of 161 million MKD or 2.5 million Euro. Because the convicted did not pay the funds on the account of the State budget, which is damaged by criminal behaviour, the Agency for managing of confiscated property [Agencija za upravuvanje so odzemen imot] made the assessment of the property and other proprietorship of the convicted and their confiscation.

In the below paragraphs follows the interpretation of the results obtained through the electronic survey.

For the purposes of this scientific paper, an electronic questionnaire was composed to provide an insight into the citizens' perception on the confiscation of the criminal proceeds and property of the white-collar crime perpetrators. The electronic survey was conducted entirely anonymously. Despite the questions about the age and sex of respondents, the questionnaire stipulated plus eight survey questions with multiple-choice responses. The responses from respondents in the first 24 hours are taken into consideration whose number is 91 in total. 39 out of the total number of respondents, or 42.9 %, who answered the questionnaire belonged to the age group between 26 and 40 years, 33 or 36.3 % aged 18-25 and 19 or 20.9 % aged 41-55 years. Out of the total 91 respondents, 50 or 54.9 % were female, while 41 or 45.1 % were male. With regards to the question "Have you ever heard of white-collar crime", positive response was provided by 71 or 78 % of the respondents, while 20 or 22 % of respondents answered negatively. The responses to the question "Who are the perpetrators of the white-collar crime", are as follows: 66 or 72.5 % answered "Persons of certain positions in the government", 15 or 16.5 % answered "do not know", 8 or 8.8 % answered "Private businessmen", while 2 persons or 2.2 % of respondents answered "Everyone". On the question "What are the motives of these perpetrators", 38 respondents or 41.8 % gave the answer "Taking a good opportunity for enrichment", 36 or 39.6 % responded "Gaining enormous capital and its hiding abroad", 11 or 12.1 % answered that the motives are "other", while 6 or 6.6 % answered that one of the motives is "As they must pay for their function or official position they are forced to misuse funds". The question "Do the crime of white-collars is detected and sanctioned", 37 or 40.7 % answered "It is discovered but not sanctioned", 22 or 24.2 % answered "It is discovered and sanctioned", 14 or 15.4 % answered "It is neither discovered nor sanctioned", and "I do not know", answered 18 or 19.8 % of the respondents. The question "In your opinion, are Macedonian courts susceptible to 'influences' in prosecuting a perpetrator who is part of the government", was answered by 74 or 81.3 % of the respondents positively, only 5

or 5.5 % responded negatively, while “do not know” answered 12 or 13.2 % of the total number of respondents. The question “What do you think about what kind of penalties should be sentenced by the judges for the perpetrators of the white-collar crime”, 69 or 75.8 % of respondents answered “Long imprisonment”, 19 or 20.9% answered “Fines”, 2 or 2.2 % of respondents answered “On parole” and 1 of the respondents or 1.1% of the respondents answered “lowest prison sentences”. The question “What is your opinion regarding the sanctions for the perpetrators of the white-collar crime knowing that confiscation of property is yet another sanction to be applied”, was answered in the following manner: 73 or 80.2 % answered “Long imprisonment and confiscation”, 9 or 9.9 % answered “Shorter imprisonment and confiscation”, 5 or 5.5 % of the respondents answered “Other”, 3 or 3.3 % answered “Only confiscation”, 1 or 1.1 % responded “Long imprisonment”. The last question “Do you think that the perpetrators keep their criminal proceeds in their country or abroad”, “Abroad” was the answer provided by 77 respondents, or 84.6 % of the total number who filled in the electronic questionnaire; “do not know” answered 13 or 14.3 % and “in the country” answered just one respondent, or 1.1 % out of the total number. Answering the last question highlights the perception of respondents. Namely, it can be deduced that the perpetrators keep the criminal proceeds of white-collar crimes out of the country where the crime is perpetrated.

6 CONCLUSION

Ever since its beginning, the so-called white-collar crime shares the same or similar characteristics with regards to abuse of status features and the motivation for acquiring unlawful property gain, the involvement of optimal tactics and manner of execution, and the corresponding application of tools and instruments in the course of the crime act.

In the era of high computerization, the criminals involve application of computer technology in the process of crime, particularly the electronic technology connected to the business.

Since the time the early laws were adopted, the confiscation of crime proceeds has been foreseen as a measure to be applied in line with the primary sanctions for criminals (money fine or imprisonment). What is important, and has been perceived in the past and still is, is the fact that although it has been foreseen in the criminal law, this measure is still little applied. This fact represents an “encouraging” element for the felons “hoping that they won’t be revealed and sanctioned”.

The research carried out in the period between 2010 and 2014, it can be deduced that the most frequently perpetrated crime defined as white-collar crime is the “abuse of position and authority”, just as it was the case with the previously investigated periods in the Republic of Macedonia. The crime investigation authorities reveal the crime, provide the corresponding evidence, but the percentage of accused perpetrators is relatively low in comparison with the filed cases. This implies two elements: either the investigation authorities do not carry out procedures compliant with the provided evidence, or that the courts adopt more freeing cases, leading to the conclusion that the court is actually highly corrupted, which on the other hand is proved by the data obtained in corruption investigations. The percentage of conviction in cases of “abuse of position and authority” pursuant to Art. 353 is 13.7 in relation to the filed cases, and as opposed to the previously investigated period when it was 12.2 %.

Analysing the practical cases, it can be considered that the judges are encouraged to pursue confiscating the crime proceeds in line with other sanctions, and the process is to be realized through a state authority established to manage the confiscated goods. Subjugating the “white-collar” crime is a serious process that should involve several institutions of the system and their priority should not only be revealing the crime and punishing the perpetrators, but also sending the message that positions presuppose working according to the word of law” rather than “compiling wealth through abuse of the law.

REFERENCES

- Arnaudovski, L. (2008). Metodološki problemi na statističkoto evidentiranje i sledenje na ekonomskiot kriminalitet [Methodological problems in the statistical recording and tracking of economic criminality]. *Makedonska revija za kazneno pravo i kriminologija*, 2–3, 453–478.
- Arnaudovski, Lj., Nanev, L., & Nikoloska, S. (2009). Ekonomskiot kriminalitet vo Republika Makedonija [Economic crime in the Republic of Macedonia]. *Makedonska revija za kazneno pravo i kriminologija*, 1, 175–212.

- Državen zavod za statistika na Republika Makedonija [State Statistical Office of the Republic of Macedonia]. (2011). *Report of perpetrators for 2010*. Skopje. Retrieved from http://www.stat.gov.mk/Publikacii/2.4.11.15_kor.pdf
- Državen zavod za statistika na Republika Makedonija [State Statistical Office of the Republic of Macedonia]. (2012). *Report of perpetrators for 2011*. Skopje. Retrieved from <http://www.stat.gov.mk/Publikacii/2.4.12.09.pdf>
- Državen zavod za statistika na Republika Makedonija [State Statistical Office of the Republic of Macedonia]. (2013). *Report of perpetrators for 2012*. Skopje. Retrieved from <http://www.stat.gov.mk/Publikacii/2.4.13.11.pdf>
- Državen zavod za statistika na Republika Makedonija [State Statistical Office of the Republic of Macedonia]. (2014). *Report of perpetrators for 2013*. Skopje. Retrieved from <http://www.stat.gov.mk/Publikacii/2.4.14.11.pdf>
- Državen zavod za statistika na Republika Makedonija [State Statistical Office of the Republic of Macedonia]. (2015). *Report of perpetrators for 2014*. Skopje. Retrieved from <http://www.stat.gov.mk/Publikacii/2.4.15.12.pdf>
- Dzukleski, G., & Nikoloska, S. (2008). *Ekonomska kriminalistika 2-izdanie* [Economic criminalistics (2nd ed)]. Skopje: Grafik Mak Print.
- Elliot, C. (2010). France. In K. J. Heller & M. D. Dubber (Eds.), *The handbook of comparative criminal law* (pp. 210–251). Stanford: Stanford Law Books.
- Green, G. (2001). Occupational crime. In D. Luckenbill & D. Peck (Eds.), *Encyclopedia of criminology and deviant behavior. Volume II: Crime and juvenile delinquency* (pp. 404–409). Philadelphia: Brunner–Routledge.
- Kambovski, V. (1982). *Problematika na propuštanjeto vo krivičnoto pravo* [Problems of omission in criminal law]. Skopje: Studentski zbor.
- Kambovski, V. (2003). *Kazneno pravo poseben del - četvrto dopolneto izdanie* [Criminal law special part, 4th expanded edition]. Skopje: Prosvetno delo AD.
- Kambovski, V. (2005). *Organiziran criminal* [Organized Crime]. Štip: 2 -ri Avgust.
- Kambovski, V. (2008). Krivična odgovornost na pravnite lica [Criminal liability of legal persons]. *Skopje: Makedonska revija za kazneno pravo i kriminologija* 2-3, 319–330.
- Kralev, T. (2007). *Kriminalistika - leksikonski kurs* [Criminalistics – lexicon course]. Skopje: Selektor.
- Krivičen zakon na Republika Makedonija [Criminal Code of the Republic of Macedonia]. (2004). *Služben vesnik na Republika Makedonija*, (19/04, 114/09).
- Maltz, D. (1975). Policy issues in organized crime and white-collar crime. In J. A. Gardiner & M. Mulkey (Eds.), *Crime and criminal justice issues in public policy analysis* (pp. 73–95). Lexington: D. C. Heath.
- Marinković, D. (2010). *Suzbijanje organizovanog kriminala, specijalne istražne metode* [Combating organized crime, special investigative methods]. Novi Sad: Prometej.
- Nanev, L. (2008). Kriminološki obeležja na makedonskiot ekonomski kriminalitet niz podatocite na organite na kazneniot progon [Criminological characteristics of Macedonian economic crime through data of the bodies of criminal prosecution]. *Makedonska revija za kazneno pravo i kriminologija*, 2–3, 553–591.
- Nikoloska, S. (2008). *Krivični dela protiv službenata dolžnost* [Crimes against official duty]. Skopje: Grafotrans.
- Nikoloska, S. (2015). *Ekonomska kriminalistika* [Economic criminalistics]. Skopje: Van Gog.
- Proevski, J. (1998). *Krivičen zakonik, objasnuvanja i komentari* [Criminal Code, explanations and comments]. Skopje: Akademik.
- Reckless, W. C. (1950). *The crime problem*. New York: Appleton-Century-Crofts.
- Robin, G. (1974). White collar crime and employee theft. *Crime and Delinquency*, 20, 251–262.
- Siegel, S. (2009). *Criminology* (11th ed). Lowell: University of Massachusetts, Wadsworth Publishing.
- Sutherland, E. H. (1961). *White collar crime*. New York: Holt, Rinehart and Winston.
- Tomanović, M. (1990). *Krivična dela korupcije - zloupotreba službenog položaja, primanje i davanje mita i krivična dela sa sličnim obeležjem* [Criminal offenses of corruption - abuse of office, receiving and giving bribes and criminal offenses with similar characteristics]. Beograd: Kultura.
- Tupančeski, N. (2015). *Ekonomsko kazneno pravo* [Economic criminal law]. Skopje: Stobi Trejd DOOEL.

- Vitlarov, T. (2015). *Merkite konfiskacija i proširena konfiskacija vo kaznenoto zakonodavstvo na Republika Makedonija* [Measures of confiscation and extended confiscation in criminal law of Republic of Macedonia]. Retrieved from <http://www.jpacademy.gov.mk/upload/materijali%202015/Prezentacija%2012.02.2015.pdf>
- Vitlarov, T. (2006). *Represija i prevencija na korupcijata* [Repression and Prevention of Corruption]. Štip: 2-ri Avgust.
- Zakon za krivičnata postapka [Criminal Procedure Law]. (2010). *Služben vesnik na Republika Makedonija*, (150/10).

CORRUPTION – THE GREATEST IMPEDIMENT TO THE EFFECTIVE FUNCTIONING OF A MODERN STATE?

Zdravko Skakavac, Sanja Skakavac

ABSTRACT

Purpose:

Corruption is a universal social phenomenon whose presence is very widespread, felt in all spheres of social life and every country in the world. There are numerous and various etiological and phenomenological aspects of its manifestation. Many experts believe that corruption remains the biggest obstacle to the efficient functioning of a modern state. For many years now, the international community has attempted to define modern legal standards for its prevention and suppression. National legislation seeks to harmonize its regulations with international legal standards. However, despite, quite adequate, international and national regulations and numerous opposition strategies, the fight against corruption has not given the desired results in most countries of the world. The aim of this paper is to point out some aspects of the manifestation of this phenomenon and its impact on the efficient functioning of a modern state.

Methods:

The key methods used in this paper were the analysis and synthesis of a number of reports and analysis which pertain to the state of corruption in the world and in the Republic of Serbia, as well as a number of newspaper articles which provides a particular analytical approach in viewing this phenomenon, its forms and problems which enable and nurture it.

Findings:

The aforementioned material confirms the main orientation of the paper which is that the existing state of corruption in the world disables the efficient functioning of modern states. In particular this applies to those countries which are, according to Transparency International's Report, among countries with high corruption, one of which is the Republic of Serbia.

Research limitations:

The key limitation of the paper stems from the limited number of valid reports and analysis on the state and phenomenological forms of corruption, both at the international and national levels.

Originality:

The paper may be used by experts and analysts in viewing the phenomenological aspect of corruption in specific countries, which can be the basis for finding new solutions and proposals for future strategies in the fight against corruption.

Keywords: corruption, Transparency International, bribery, anti-corruption legislation

I INTRODUCTION

Corruption is a current social phenomenon which most distinctively corrodes all aspects of human society. It is a side effect of all societies, rich and poor, and is present in all countries worldwide. Regardless of how much is written about it, or how many laws are passed addressing it, corruption still exists and one doesn't get the impression that it is subsiding. On the contrary, it is getting stronger. Corruption is not a problem of just one country, it is a global problem. The strengthening of corruption and its representation in all spheres of society undermines the economic system of a country and its stability, in every aspect.

Nowadays, corruption is much more perfidious than in previous historical periods, with a wide variety of methods and resources (formal and legal, financial and accounting, etc.) aimed at concealing this criminal activity. Perpetrators of these crimes are professional criminals who belong to a particular social group and perform certain functions, which they abuse, guided by motives of ruthless greed infected by a consumer psychology and luxurious needs (Bošković & Skakavac, 2009).

Thus far, the international community has adopted a number of conventions, resolutions and declarations which define adequate international standards in the fight against corruption. These standards provide a basis for countries to harmonize their legislation in this field with international standards. It may be concluded that the majority of countries, including the Republic of Serbia, have done this in an adequate manner. Therefore, there is no problem with the

normative plan. The basic problem that applies to most of the countries is the fact that legislation is not being applied consistently. When cases are prosecuted, they are prosecuted selectively accompanied by all kinds of problems.

The basic problem in the fight against corruption lies in the lack of political will to place this phenomenon under adequate control. The problem is in the government that has not committed itself to opposing it. This is best illustrated in the case of Serbia and, it could be said, many other countries in the region and beyond. Although there have been some attempts in recent years to prosecute serious cases, problems occur when it comes to bringing the same to an end. It seems that the biggest problem is in the judiciary where court proceedings take too long, they are being diluted, the statute of limitations is allowed to expire, various pressures are exerted, while classic cases of corrupt behaviour by the judiciary and the prosecution are also not uncommon. Convictions in these cases are rare.

In this paper, we will aim to point out some important aspects of corruption, in the world and in the Republic of Serbia, which in our opinion significantly affect the efficiency of a modern state.

2 THE STATE OF CORRUPTION WORLDWIDE

Corruption is one of the most important characteristics of organized crime which is directly connected with the authorities and the goal of obtaining illegal benefits (Skakavac, 2009). As stated above, corruption is present in all countries of the world. Not even the wealthiest, most organized countries are immune to it. According to some aspects, it is even more pronounced in these countries, in certain areas of life and social organization. Not even heads of state, ministers and other senior civil and political officials are immune to it.

Each year Transparency International, the global anti-corruption non-governmental organization, publishes its corruption index, *i.e.*, research which illustrates which countries people perceive to be most corrupt 168 countries were evaluated in this study and research results show that countries which tend to be the most corrupt are in Africa and the Middle East, in societies with weak legal and governmental systems and widespread poverty. Thus, for example, Somalia is at the top of this year's list followed by North Korea, Afghanistan and Sudan (Transparency International, 2015).

Corruption is evidently widespread in wealthy democratic countries of the world as well (I. F., 2016). The USA is not insusceptible to corruption. On the contrary, numerous corruption scandals which continuously occur in the wealthiest country in the world certainly confirm this. The biggest corruption scandals occur precisely in the leading economies of the world, while the USA is unrivalled in this harmful social phenomenon. This was recently confirmed and published on the Finmarket portal, referring to a study conducted by American experts and Transparency International. According to research conducted by American sociologists and economists, the lobby industry in the US capital Washington, alone, engages a vast army of a hundred thousand people, while encouraging powerful people to work in someone's interest, which is in fact a kind of corruption, is officially presented as "social work" (I Mišel Obama namešta poslove: SAD prednjače po korupciji, 2016) Some serious US media have pointed to one of the more recent corruption affairs in which the main character was an expert consultant for the city of New York. For a sum of 63 million dollars, he should have, with his team of associates, devised a "City Times" program for faster and more efficient salary payments to employees working in local city services of the largest city in the United States. He immediately included his grandfather in his work, whose company made the computer program for this project, which in the end cost more than 600 million dollars, or ten times what had been planned. This professional consultant made 30 million dollars in this "business", and subsequently the whole affair erupted. Another typical example of the non-transparent disposal of taxpayers' money is the affair that emerged after the development of the computer program for the "Healthcare gov" portal. In 2010, that deal, worth 678 million dollars was received, outside a tender procedure, by a good friend of the current US president's wife (I Mišel Obama namešta poslove: SAD prednjače po korupciji, 2016).

Corruption scandals are not characteristic of the United States alone, they also occur in other wealthy and organized countries. Corruption was at its peak in the Russian economy, in the nineties, after the collapse of the former Soviet Union and unprecedented criminal privatization, in particular privatization involving the most famous Russian giants. Although the situation is

somewhat better today, corruption is still a burden to Russian society. At that time, an agreement was reached between corrupt Russian politicians and new businessmen where huge sums of state money were transferred to accounts held in private banks which were, at that time, being rapidly founded by the new rich - oligarchs. After this financial operation, the state organized the auctioning off of the wealthiest raw resources (deposits of oil, gas, metals and most other vital products). The oligarchs easily bought them with money from corrupt politicians. These forms of corruption in the Russian economy were revealed by the Canadian journalist Naomi Klein in her book "The Shock Doctrine". This Canadian journalist also revealed widespread corruption in China. According to data from 2006, published in the aforementioned book, 90 percent of Chinese billionaires are children of various officials, government employees and the Chinese Communist Party. This is also supported by data from the central disciplinary committee of China that during the past 30 years more than four thousand Communist Party officials have fled this country taking with them around 7.1 billion dollars, of which the greater part was obtained through corrupt practices (I Mišel Obama namešta poslove: SAD prednjače po korupciji, 2016).

Corruption at the highest levels is also present in Spain, Italy, France, Montenegro etc. In recent years Spain has been in the limelight for corruption scandals at the highest levels. The prime minister of this country has been accused of corruption while 24 members of the ruling National Party were arrested for bribery recently. In early January of 2016, the Spanish princess and her husband were put on trial for tax evasion and embezzlement of six million euros. This is the first time since the re-establishment of the monarchy in 1975 that a member of the Spanish royal family has been prosecuted (Princeza na sudu - Kristini od Španije sudi se zbog korupcije, 2016). When Italy is mentioned, the first thought is the former Prime Minister Silvio Berlusconi, who had been repeatedly accused of corruption, and who was sentenced in 2013 for tax evasion and found guilty of bribing senators in 2015. Silvio Berlusconi is probably one of the most compromised politicians in the world. After the expiry of his one-year of community service, he was once again convicted to three years in prison for giving bribes.

In 2014, an official investigation into corruption and abuse of office was initiated against the former French President Nicolas Sarkozy. Sarkozy is not the first ex-president to find himself before a court of law. Two indictments were brought against Jacques Chirac after the expiration of his presidential immunity. The indictments were filed in 2007 and 2009 for corruption, which was concealed by the creation of fake positions in the city council, during his term as the mayor of Paris, for which Sarkozy's predecessor was sentenced to a two years' suspended prison sentence (Otašević, 2016). Turkey has long been recognized by its numerous corruption scandals. One of the biggest scandals which rocked Turkey occurred at the end of 2015 and the beginning of 2016 when half of the ministers resigned. In this sense, the current Turkish President, Recep Tayyip Erdogan, who has been, along with members of his own family, seriously shaken by corruption, is not in a much better position. Turkey is at the top of the corruption index, while a scandal involving the director of a state-owned bank has recently erupted in that country (I. F., 2016).

According to all world standards, Japan is a country where corruption is not present to a great extent. However, there is a traditional practice (known as "amakudari") where retired government officials receive high positions in Japanese companies although they do not have adequate experience warranting such appointments. Furthermore, in late January of 2016, Akira Amari, Japanese Minister of Economy, resigned over corruption (Japanski minister ekonomije podneo ostavku, 2016).

In May of 2015, former Prime Minister Ehud Olmert was convicted of receiving little more than 150,000 dollars from an American tycoon. World Bank experts say that even in Israel, a well-ordered state, the level of illegal and corrupt economic activities have been estimated at a high 23 percent. Mexico is the most corrupt among the OECD countries. This information is not surprising given the fact that Mexico is the centre of drug trafficking, from Latin America into the United States. Chile is also among the most corrupt OECD countries, but pales in comparison to the corruption scandals in other Latin American countries such as Brazil, Venezuela and Paraguay (I. F., 2016).

Ireland used to be a country with very low corruption. However, in 2015, a documentary on the TV network RTE, showed that politicians, at all levels of government, were working in their own interest while some councillors asked for money in return for their services. Along with Romania and Bulgaria, Croatia is the most corrupt country in the European Union. Estonia and France have made progress in recent years although it can still be argued that corruption is present to some extent in those countries. According to one study, about 83 percent of Portuguese people stated

that bribery and corruption were widespread, and in 2014 the former Prime Minister Jose Socrates was arrested on suspicion of tax evasion and involvement in money laundering. The corruption trend continues in Poland while research indicates that political corruption is a challenge for fair business because politicians use their position to gain favour with wide spread nepotism. Slovenia too has been shaken by corruption scandals in the last few years. Mass protests were organized during 2013 and 2014 against Prime Minister, Janez Janša and opposition leader Zoran Janković when they were accused of not reporting all of their personal property. In Hungary, doctors take bribes, so that about 92 percent of Hungarians believe that this kind of “lubrication” before surgery or an examination is appropriate even. Slovakia is thought of as the most corrupt country in Europe. In the last few years this country has been going through the so called Gorilla scandal in which politicians, officials and businessmen have been accused of taking and giving bribes during the conclusion of important contracts. In Greece the crisis seems to have taken its toll reducing corruption. Still, the tradition of “fakelaki” has been maintained, which is the colloquial term for bribery in order to receive better service (I. F., 2016).

A number of intense activities have been implemented at the highest international level in order to curb this phenomenon. Thus, in May of this year a one-day summit took place in London on fighting corruption. For this purpose, heads of state, including the presidents of Afghanistan and Nigeria, Ashraf Ghani and Muhammadu Buhari, US Secretary of State John Kerry, General Director of the International Monetary Fund, Christine Lagarde, World Bank President Jim Yong Kim, representatives of civil society and others, gathered in London. The aim of the meeting was the signing of a joint declaration promising new measures in the fight against corruption. On the occasion of this important event, US Secretary of State John Kerry said that the risk of corruption was as big of the threat as terrorism. In his speech, he warned that the level of corruption in today’s societies was alarming. He pointed out that “corruption is also an enemy, because it destroys nation-states, the same as some of the extremists we’re fighting. . .” On the eve of the summit, the British Prime Minister David Cameron wrote in an editorial in the Guardian that corruption is “the cancer at the heart of so many of the problems we need to tackle in our world.” He stressed that it destroys jobs and hampers growth, taking away from the world economy billions of pounds each year. Cameron added that corruption has caught in its trap the poorest, while corrupt governments around the world draw resources and prevent people who work hard from getting the income that belongs to them. The British Prime Minister committed that the fight against corruption, money laundering and other financial corruption will remain a priority for his government. On this occasion, he announced new measures to combat money laundering through the real estate market in the UK. Cameron said: “Eliminating corruption is about not just changing laws and practices. It’s about changing culture” (Keri: Korupcija je opasna kao i terorizam, 2016).

3 STATE OF CORRUPTION IN THE REPUBLIC OF SERBIA

Corruption is very widespread in Serbia, which is the reason it is considered to be a country with a high level of corruption. In the last twenty years, this has been contributed to by a number of events in the former Yugoslavia, such as the disintegration of the Socialist Federal Republic of Yugoslavia, wars, economic sanctions, transition processes and other. In such circumstances, the fight against corruption has been almost completely absent. A period of “anarchism” ensued which unfortunately continues to this day. Corruption has become an everyday occurrence, present at the highest levels, even in State bodies themselves, which are supposed to be leading the fight to curb it. Transition processes are certainly conducive to corruption and other forms of crime (Skakavac & Skakavac, 2013).

According to the last “Transparency International” annual report Serbia is on the 71st place in corruption. In the region, only Bosnia and Herzegovina and Albania rank lower (Transparentnost Srbija [Transparency Serbia], 2015) Serbia is more corrupt than all the countries of the European Union, as well as some African and South American countries, while according to the corruption index it is in the range of Zambia, Tunisia, India and Mongolia. With a corruption perception index of 40, Serbia is still perceived as a highly corrupt country. Compared to last year’s report, Serbia lowered its index from 41 to 40 and jumped seven points on the ranking scale (Transparency Serbia, 2016). Representatives of the organization “Transparency Serbia” warn that Serbia has been among countries with very widespread corruption for 15 years, which according to them is

not a surprise when even the basic strategic documents for combating corruption, such as the National Strategy and Action Plan of 2013 are not implemented consistently, and there is no liability for violating the prescribed deadlines and commitments (Transparency Serbia, 2016).

Research results of the Center for Liberal-Democratic Studies (CLDS) were presented in Belgrade in mid-May of 2016. On that occasion, CLDS representative Boris Begović said that the latest CLDS research showed that administrative corruption in Serbia had decreased by 11 percent in the last two years. The research was conducted on a little more than 1,000 respondents. It was organized by the Southeast European Leadership for Development and Integrity and Centar za liberalno-demokratske studije [CLSD], in cooperation with the Centre for the Study of Democracy (CSD) in Bulgaria. (CLSD, 2014). He noted that in 2014, 27 percent of the citizens said they had given bribes whereas in 2016 this percentage dropped to 16 percent of the population. Begović said that the research exclusively dealt with petty administrative corruption and that a good part of the responses was based on perception. As the main cause of corruption, half of the respondents noted employee's salaries while 80 percent of them cited a moral crisis within society. The 80 percent majority believes that the judicial system is ineffective in cases of corruption. Respondents believe that the greatest corruption is concentrated in Government and customs. Begović also cited that the study showed that citizens' expectations had increased in regards to a reduction of corruption. During the same period (from 2014 until 2016), citizens' tolerance towards this phenomenon achieved a decline and thus susceptibility to corruption became smaller. When asked if they would receive a bribe, an increasing number of people responded negatively, and an increasing number of people, almost 50 percent of respondents, said they would not pay if somebody asked for a bribe, while 26 percent said they would pay if they could afford it. It is important to note that the number of people who are not in contact with the administration has increased suggesting that this is a way to eliminate corruption. Begović also noted that in 2016, 20 percent of Serbian citizens acknowledged that they were, directly or indirectly, asked to pay bribes to public officials, but that number shows an improvement of nearly 10 percent compared to 2014. Participating in the discussion regarding the presentation of CLDS' research results, Zoran Stojiljković, President of the Anti-Corruption Agency's Management Board, said that Serbia and the other countries in the region would not come out of the zone of systemic corruption as long as there were democratic deficiencies. At the same time, a member of the Anti-Corruption Council, Jelisaveta Vasilic concluded that the Council was completely powerless to change anything, and added that they regularly submitted reports to State bodies but that nothing was ever done regarding those issues. She believes that the Government's attitude towards advisory and regulatory bodies is poor and that they do not respect their recommendations and that Serbia, in her opinion, is not ruled by law. Additionally, she believes that the role of NGOs is very important in this regard (Korupcija smanjena za 11 odsto od 2014, 2016).

In early June of 2016, at a conference dedicated to the public procurement system in Serbia, with the participation of OSCE representatives, the following was noted: In Serbia, more than three thousand public servants participate in public procurement procedures, the total value of these procedures is three billion euros of which an estimated 20 percent, *i.e.*, 600 million euros, is lost due to corruption. This is yet another confirmation of the state of corruption in Serbia (E. K., 2016).

The presence of corruption in Serbia is illustrated in the example of the infamous Serbian tycoon Miroslav Mišković. After 2000, the owner of "Delta" Miroslav Mišković was the most influential person in Serbia. He was the absolute ruler of Serbia, he paid and controlled the most powerful politicians, their political parties, and virtually decide what would be the policy of the Government of Serbia. Among other things, he played a large part in creating the Serbian political scene. It is a well-known fact that he financed nearly all the major political parties in Serbia and a document was recently leaked to the public confirmed this. In May of 2007, through a current official of the strongest political party in Serbia, he offered the US Embassy to "modernize" the policy of the Government of Serbia in exchange for being taken off the US "black list" which he had been placed on as a corrupt tycoon. This is confirmed by an internal memo from the US Embassy dated May 21, 2007. Mišković claimed that he completely controlled all important politicians in Serbia, that some ministers were treated as his "private staff", that some well-known politicians were financial obligated to him, and that he enjoyed great influence with the then prime minister and president of Serbia (Svetska ekskluziva, afera Infoliks: Evo kako je Mišković vladao Srbijom, 2016).

Although, in recent years, several court proceedings for corruption offenses have been initiated, serious problems are present at this level. Corruption trials last a very long time, the statute of limitations are frequently surpassed, while convictions are rare. In this regard, we wish to state three blatant cases. In the first case, the retrial of 11 defendants in a case known as the “bankruptcy mafia”, which has lasted for ten years, should start before the Special Court in Belgrade. In this marathon court case, 22 have been legally acquitted or the charges against them have been dismissed. Seven of those which have been freed of charges have recently filed a request for the enforcement of the decision on criminal proceeding costs, with a total amount of 117.1 million dinars, and thus blocked the account of the Higher Court (V. Z. , 2016). In another similar case, the famous Serbian tycoon, Predrag Ranković Peconi, the owner of the company “Invej”, who was in 2004 accused of tax evasion in the amount of 2.6 million dinars, was freed in 2012, after eight years of trial, due to the expiration of the statute of limitations (V. Z. , 2012). The businessman Stanko Subotić Cane and his collaborators were freed from charges that they smuggled cigarettes in the nineties and thus damaged the State budget. The Appellate Court in Belgrade explained this decision due to lack of evidence and the statute of limitations. The indictment against Subotić claimed that he was at the head of a group that smuggled cigarettes from Macedonia into Serbia, during 1995 and 1996, and sold them to companies and individuals. The group, according to the indictment, benefited, at the expense of the budget, 28 million euros and 6 million US dollars (Nedovoljno dokaza - Stanko Subotić Cane oslobođen optužbi za šverc cigareta, 2015).

4 THE MAIN PROBLEMS AND WEAKNESSES IN FIGHTING CORRUPTION

Bearing in mind the aforementioned, it can be concluded that the main problems in combating corruption in the Republic of Serbia are as follows:

1. The inefficiency of the judicial system is reflected in the following:
 - criminal proceedings last too long, they are unnecessarily diluted and delayed;
 - the statute of limitations expires in a large number of proceedings;
 - convictions are rare and even when they occur the penalties are too lenient;
 - a number of judicial functions is subject to corruption;
 - the pressure on the bearers of judiciary functions by authorities and influential individuals is evident;
2. Although legislation is adequate and in line with modern international standards, the problem is in the application of regulations and prescribed procedures relating to corruption, and their inconsistent and selective application;
3. The Law on the Anti-Corruption Agency (Zakon o Agenciji za borbu protiv korupcije, 2008) contains provisions concerning conflict of interest which limit the possibility of public officials to put their private interest above the public interest when making decisions. It seems that these provisions are not enforced consistently while some decision makers are not covered by law (for example, consultants to the prime minister, minister’s advisors) (CLSD, 2014);
4. Finally, a key issue in the fight against corruption is the lack of a clear and sincere political will, among the highest holders of State power, to curb corruption, place it under complete control and ensure, so-called; „zero tolerance“. The following reasons contribute to this:
 - a number of holders of State and political power have a “dirty” biography due to corruption and other negative burdens of the past;
 - some representatives of the government have an affiliation to a number of influential tycoons and criminals who use them to exert influence and pressure on the judicial and other State authorities in specific criminal trials for corrupt behaviour;
 - incompetence, inertia and lack of interest of certain authorities in the fight against corruption.

5 CONCLUSION

Corruption is still the greatest impediment to the effective functioning of a modern state. This clearly follows from the foregoing considerations of some phenomenological aspects of corruption in the world and in the Republic of Serbia. The implementation of an anti-corruption strategy is not possible without political will and resolve of all relevant authorities and other entities, as well as all those factors that have any kind of power or influence in the country. It is very important that all authorities, entities and specific factors get acquainted with the actual etiology and phenomenology of corruption, the results of its elimination and its criminal and criminological prognosis, so as to undertake measures, at all levels of social life, in order to efficiently fight corruption.

In particular, it is important that specific entities, regardless of which power they possess and influence they exert, give full support to competent authorities and other entities in the detection and prosecution of all perpetrators of corruption offenses, regardless of the status of the offender, his/her position and reputation in society. Political will which, in fact, represents a determination and a courage, of all those who have authority, to uncompromisingly confront corruption, implies an independence and authority in detecting, monitoring, controlling, prosecution and sentencing, and their activities within the framework of the national constitution and all relevant legislation. This means that a person, regardless of which function they perform and in which governmental body they work, cannot have more power than the law, nor can it affect the further course of criminal proceedings directing it at its discretion.

REFERENCES

- Bošković, M., & Skakavac, Z. (2009). *Organizovani kriminalitet – karakteristike i pojavnici oblici* [Organized crime - characteristics and forms]. Novi Sad: Fakultet za pravne i poslovne studije.
- Centar za liberalno–demokratske studije [CLSD] (2015). *Izveštaj o proceni korupcije: Srbija* [Report on the Assessment of Corruption: Serbia]. Retrieved from http://seldi.net/fileadmin/public/PDF/Publications/CAR_Serbia/CAR_Serbia_RS_final.pdf
- E. K. (June 02, 2016). Muljanje: Korupcija pojede državi 600 miliona evra. [Crushing: Corruption eats of the country 600 million euros]. *Kurir*. Retrieved from <http://www.kurir.rs/vesti/biznis/muljanje-korupcija-pojede-drzavi-600-miliona-evra-clanak-2290737>
- I Mišel obama namešta poslove: SAD prednjače po korupciji! [Michele Obama affairs: US lead in corruption!]. (May 25, 2016). *Telegraf/Tanjug*. Retrieved from <http://www.telegraf.rs/vesti/928439-i-misel-obama-namesta-poslove-sad-prednjace-po-koruciji>
- I. F. (June 7, 2016). Najkorumpiranije razvijene zemlje: Ovde mito ne uzimaju lekari, već političari i bankari [Most corrupted developed countries: Here doctors do not take bribes, but politicians and bankers]. *Independent*. Retrieved from <http://www.blic.rs/vesti/svet/najkorumpiranije-razvijene-zemlje-ovde-mito-ne-uzimaju-lekari-vec-politiciari-i-60j2bdw>
- Japanski ministar ekonomije podneo ostavku [Japanese Economy Minister Resigns]. (January 29, 2016). *B&F*. Retrieved from <http://bif.rs/2016/01/japanski-ministar-ekonomije-podne-ostavku/>
- Keri: Korupcija je opasna kao i terorizam. [Keri: Corruption is as dangerous as terrorism]. (2016, May 19). *Tanjug*. Retrieved from http://www.b92.net/info/vesti/index.php?yyyy=2016&mm=05&dd=12&nav_category=78&nav_id=1130517
- Korupcija smanjena za 11 odsto od 2014. godine [Corruption was reduced by 11 percent since 2014]. (May 13, 2016). *Tanjug*. Retrieved from: <http://www.blic.rs/vesti/drustvo/korupcija-smanjena-za-11-odsto-od-2014-godine/e5bb4bo>
- Nedovoljno dokaza: Stanko Subotić Cane oslobođen optužbi za šverc cigareta [Insufficient evidence: Stanko Subotic Cane acquitted of smuggling cigarettes]. (June 08, 2016). *Tanjug*. Retrieved from <http://www.kurir.rs/crna-hronika/nedovoljno-dokaza-stanko-subotic-cane-osloboden-optuzbi-za-sverc-cigareta-clanak-2071879>
- Otašević, A. (June 08, 2016). Sarkoziju preti 10 godina zatvora. [Sarkozy is threatened to get 10 years in prison]. *Politika*. Retrieved from <http://www.politika.rs/sr/clanak/298124/Svet/Sarkoziju-preti-10-godina-zatvora>

- Princeza na sudu - Kristini od Španije sudi se zbog korupcije [Princess of the court - Kristina from Spain on trial for corruption]. (June 08, 2016). *Tanjug*. Retrieved from <http://www.blic.rs/vesti/svet/princeza-na-sudu-kristini-od-spanije-sudi-se-zbog-korupcije/qlyts48>
- Proces traje devet godina - Novo suđenje "Stečajnoj mafiji" [Process takes ten years - A new trial for "bankruptcy mafia"] (June 08, 2016). *Tanjug*. Retrieved from <http://www.informer.rs/vesti/hronika/29609/PROCES-TRAJE-DEVET-GODINA-Novo-sudjenje-Stecajnoj-mafiji>
- Skakavac, Z. (2009). Aktuelni oblici korupcije u Srbiji i krivičnopravna zaštita [Current forms of Corruption in Serbia and Criminal Protection.]. In S. Nogo (Ed.), *Zbornik radova "Korupcija i ljudske slobode"* [Conference Proceeding, "Corruption and Human Freedom"] (pp. 554-577). Beograd: Udruženje za međunarodno krivično pravo, & INTERMEH.
- Skakavac, Z., & Skakavac, T. (2013). Korupcija u vezi sa privatizacijom preduzeća - situacija u Republici Srbiji, [Corruption in connection with the privatization of enterprises - the situation in the Republic of Serbia. *Zbornik radova*, 5, 239-256.
- Soldat, D. (June 08, 2016). Porazno: Srbija po korupciji gora i od Ruande! [Catastrophe: Serbia is even worse than Rwanda in terms of corruption!]. *Kurir*. Retrieved from: <http://www.kurir.rs/vesti/biznis/porazno-srbija-po-korupciji-gora-i-od-ruande-clanak-2113101>
- Svetska ekskluziva, afera Infoliks: Evo kako je Mišković vladao Srbijom! [World exclusive, Infoliks affair: Here's how Mišković ruled Serbia!]. (June 08, 2016). *Informer*. Retrieved from <http://www.informer.rs/vesti/politika/46492/SVETSKA-EKSKLUZIVA-AFERA-INFOLIKS-Evo-kako-je-Miskovic-vladao-Srbijom>
- Transparency International. (2015). *Corruption perceptions index 2015*. Retrieved from <https://www.transparency.org/cpi2015/>
- Transparentnost Srbija [Transparency Serbia]. (2016). *Corruption Perceptions Index (CPI) for 2015*. Retrieved from <http://www.transparentnost.org.rs/index.php/sr/59-srpski/naslovnna/8180-cpi-2015-bez-napretka-u-borbi-protiv-korupcije>
- V. Z. (December 4, 2012). Istraga u sudu zbog oslobađanja Peconija. [The investigation in the court due to the release of Peconi]. *Blic*. Retrieved from <http://www.blic.rs/vesti/hronika/istraga-u-sudu-zbog-oslobadjanja-peconija/fej5fbl>
- V. Z. (June 08, 2016). Deset godina slučaja "stečajna mafija" Propalo suđenje košta građane 40 miliona evra. [TEN YEARS CASE "bankruptcy mafia" Ruined trial costs citizens EUR 40 million]. *Blic*. Retrieved from: <http://www.blic.rs/vesti/hronika/deset-godina-slucaja-stecajna-mafija-propalo-sudjenje-kosta-gradane-40-miliona-evra/e7jnhlw>
- Zakon o Agenciji za borbu protiv korupcije [Law on the Anti-Corruption Agency]. (2008). *Službeni glasnik Republike Srpske*, (97/08).

ZERO TOLERANCE OF CORRUPTION? - THE ACT OF SYSTEMIC INVESTIGATIONS OF PROJECTS OF NATIONAL IMPORTANCE

Mojca Rep

ABSTRACT

Purpose:

Systemic corruption is one of the most destructive phenomena in modern society. Therefore, the fight against corruption is one of the key recommendations of the Council of EU. Slovenia has already set the guidelines and goals in that area. One of them was the preparation of the Systemic Investigations of Projects of National Importance Act (Zakon o sistemskih preiskavah projektov državnega pomena, 2015).

Methods:

For the purposes of this article the available literature, the aforementioned draft act has been reviewed and the legislation of some EU member states. Further, the corruption perception index from 2008 to 2015 is presented.

Findings:

The main solution of the draft act is to enable the implementation of a comprehensive investigation into the preparation and the implementation of those projects of national importance where serious doubts exist about the regularity, efficiency and expediency of further investment, and/or the unforeseen capital investment, and/or guarantee. According to the corruption perception index Slovenia since 2012, did not record any significant movement on the scale of perception of corruption.

Research limitations:

Conclusion regarding corruption in the national project, which have derived from legislation analysis, are relevant only to Slovenia.

Originality:

The primary goal of the act is to identify the potential irregularities in the implementation of the projects of national importance as well as to identify the infringement of the principle »breach of duty«. Consequently, this ensures transparency of projects and decreases possible corruption practices.

Keywords: corruption, legislation, transparency, investigation, economy

I INTRODUCTION

Corruption, as one of the most destructive phenomena of modern society, is a problem nowadays faced by countries worldwide. To many, unit six at the Šoštanj Thermal Power Plant [TEŠ 6] represents a symbol of corruption in Slovenia. The construction of TEŠ 6 has been one of the biggest investments in the Republic of Slovenia in the last decade. From the very start of the project there has been a suspicion of irregularities, inefficiency, and mismanagement of the project. Since the first signed contract the costs of the construction of TEŠ 6 have risen by almost 100 percent. It is known that the estimated final price of the project has already exceeded 1.4 billion EUR (the current price is 1.428 billion EUR). This resulted in additional loans taken by TEŠ Company in 2011 and 2012. On the basis of the special new act the state extended a loan guarantee of approx. 440 million. In November 2012 a loan guarantee agreement, regulating the relations with regard to project TEŠ 6, was signed by the director of TEŠ, Minister of Finance and Minister of Infrastructure. The loan guarantee of the state was preconditioned by the final investment price not exceeding 1.3 billion EUR but this price tag had already been exceeded by the revised investment program. With regard to price factors such course of events was predictable, but the loan guarantee was approved despite this and through the support of interested political groups and the Act Regulating Guarantee of Republic of Slovenia for Liabilities under Long-Term Loan of 440 Million Euros Made to Termoelektrarna Šoštanj, d.o.o. by European Investment Bank for Financing Termoelektrarna Šoštanj 600 MW Replacement Unit-6 Installation Project (Zakon o poroštvu Republike Slovenije za obveznosti iz dologoročnega posojila v višini 440 milijonov evrov, ki ga najamene Termoelektrarna Šoštanj d.o.o. pri Evropski investicijski banki, za financiranje postavitve nadomestnega bloka 6 moči 600 MW v Termoelektrarni Šoštanj, 2012) passed by the National Assembly of the Republic of Slovenia ("Državni zbor Republike

Slovenije”) in 2012. There is suspicion of irresponsible and inadequate business management and monitoring of the company as well as suspicion of irresponsible and inadequate actions of management and supervisory bodies of HSE Group that is responsible for project management and monitoring. The construction of TEŠ 6 is further suspected of being supported and motivated by interests of individual state and local political groups (Predlog zakona o sistemskih preiskavah projektov državnega pomena [The draft act of systemic investigations of projects of the national importance act], 2015; Predlog zakona o sistemskih preiskavah projektov državnega pomena - Novo gradivo št. 1 [The draft act of systemic investigations of projects of the national importance act Nr. 1.], 2015; Predlog zakona o sistemskih preiskavah projektov državnega pomena - Novo gradivo št. 2 [The draft act of systemic investigations of projects of the national importance act Nr. 2.], 2015).

Slovenian corporate tradition has reinforced a structured and institutionalized system of personal networks and postponed a genuine privatization process. Through the state and quasi-state organizational structures the state has maintained control over the management of a significant part of the economy which has created conditions for systemic corruption, or a system of corrupt networks (Krašovec, Johannsen, Hilmer Pedersen & Deželan, 2014).

2 IS CORRUPTION REALLY THE FUTURE OF SLOVENIAN SOCIETY?

In the 1990s corruptive acts were primarily explained on individual basis by individual's self-serving and (im)morality (Krašovec et al., 2014; Pečar, 1995). Thus, the main focus, along with the general presence of some non-systematic systemic considerations, was more on “corrupt” individuals and less on the fundamental anomalies associated with the transition process (Krašovec et al., 2014). In recent years, public opinion regarding the fight against corruption has been marked by some high-profile cases, such as the Patria case and the example of the former member of the European Parliament Zoran Thaler. At home, at the beginning of 2013, a report of the Commission for the Prevention of Corruption (“Komisija za preprečevanje korupcije”) [CPC] about the assets of the presidents of political parties had a major impact on the changes of the Slovenian government (Sistemska korupcija, kot “ujetje države” [Systemic corruption as “State capture”], 2013). The processes of consolidation of democracy and the introduction of market capitalism fostered Slovenia's integration (Fink Hafner & Krašovec, 2006; Krašovec et al., 2014) in international political and economic organizations. Consequently, the attention towards anti-corruption measures at the national level grew larger (Jevšek, 2010; Krašovec et al., 2014).

When viewing the work done in the field of corruption studies one should not overlook a considerable number of general studies on corruption such as for example the annual Corruption Perceptions Index of Transparency International (Krašovec et al., 2014). The Corruption Perceptions Index [CPI] is annually published by Transparency International, and is based on the perceived level of corruption in public sector by the business world, experts and analysts. The perception of corruption in the public sector shows how the system functions and the government's response to the phenomenon of corruption. Poor rating is a clear signal for the government that effective changes are needed in the management of corruption risks in the public sector, especially in the field of procurement and performance of public functions and in the management of state-owned companies.

The following table (Table 1) shows the Corruption Perceptions Index from 2008 to 2015. It ranges between 0 and 100 whereby “0” means a high level of corruption and “100” a “very clean” country.

Table 1: Slovenia's ranking according to the Corruption Perceptions Index in the years 2008 -2015 (Source: Transparency International, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015)

2008	2009	2010	2011	2012	2013	2014	2015
26	28	27	35	61	43	58	39

According to the CPI of Transparency International, Slovenia ranked at 39th place among 175 countries in 2014 with the CPI of 58. Although some progress was made in 2013, the CPI of 61 from 2012 was not reached let alone exceeded in the following years (Transparency International, 2014). In 2015 Slovenia ranked lower, i.e. at 35th place among 168 countries (Transparency International, 2015).

3 SYSTEMIC CORRUPTION AS “STATE CAPTURE”

In 2013 the CPC (2013) published a set of 15 proposals to tackle systemic corruption. In its statement the CPC said that systemic corruption was investigated by the police, the prosecution, and OLAF (European Anti-Fraud Office). Due to legal constraints none of the bodies/authorities that were dealing with the project TEŠ 6 at that time were able to investigate the project and/or explain why the events occurred, who did what and what needed to be done in order for the events not to happen again. Namely the issue of TEŠ 6 exceeded the question of criminal acts. On the initiative of CPC, it was finally agreed that the project required a comprehensive audit that would enable decision-makers take appropriate measures. Only a comprehensive revision could provide credible answers to numerous questions related to TEŠ 6 project, and to a certain extent also facilitate taking further measures. In particular, the audit could prevent further irregularities and inadequate use of public money and assets.

In March 2014 the CPC's proposals were included in the program of measures by the Government of the Republic of Slovenia for the Prevention of Corruption (The draft act of systemic investigations of projects of the national importance act, 2015; The draft act of systemic investigations of projects of the national importance act Nr. 1. , 2015; The draft act of systemic investigations of projects of the national importance act Nr. 2. , 2015).

The first interim report about the implementation of the program (Prvo vmesno poročilo o izvajanju programa vlade RS za preprečevanje korupcije [The first interim report on the implementation of the Government Program for the Prevention of Corruption], 2014) showed that certain activities were carried out, but mainly those related to determining criminal liability and assets forfeiture (law on confiscation of illegal property). On the other hand, the preparation of the legal basis for the implementation of systemic investigations that was approved by the government on the proposal of CPC had stalled. At the beginning of its mandate the current government appointed a new working group. Its task was to prepare a draft act about the implementation of an independent investigation into the construction and revision of TEŠ 6 project or/and prepare a draft act that will serve as a basis for independent monitoring of large state-owned strategic and infrastructure projects. After an analysis of the existing legal and factual aspects the working group estimated that it was necessary to adopt a systemic act that would enable a rapid, concentrated and full implementation of an independent investigation and control of major projects, including the construction of TEŠ Unit 6.

Systemic corruption risks can not only be resolved by means of criminal prosecution in cases of suspicion of criminal offenses (when damage had already been done) but also need to be identified. Harmful methods of inappropriate and disproportionate political interference in the banking system need to be removed, as well as various conflicting interests of decision-making networks and the reasons for (too) weak effectiveness of control mechanisms. The until now identified suspected breach of the applicable regulations and standards of a fair, conscientious and responsible corporate management and administrative control of such a large, costly and risky investment project, which is, at least indirectly, funded by taxpayers' money through the price of electricity, dictates the establishment and strengthening of supervisory, legal and institutional mechanisms, which will prevent such cases in the future (The draft act of systemic investigations of projects of the national importance act, 2015; The draft act of systemic investigations of projects of the national importance act Nr. 1. , 2015; The draft act of systemic investigations of projects of the national importance act Nr. 2. , 2015).

The existing individual supervisory and investigation procedures are limited by competence of individual supervisory bodies. Thus, from the legal aspect, it is practically impossible for a supervisory body to perform a comprehensive investigation. This also applies to the decision-making of both corporate and political administrative and supervisory bodies since the legitimate sharing of data, information and documents that are for example protected as business secrecy is only possible to a very limited extent. Consequently, it was necessary to establish a legal basis to establish the causes of this extremely costly investment and consequently, the use of taxpayers' money, as well as with regard to the extended state guarantee as possible financial burden. The primary focus of the legal basis will not be the identification of criminal liability. However, the investigation findings and insights can still serve for the initiation of criminal proceedings or compensation. The primary tasks and aims of the proposed revision and investigation of TEŠ 6 are focused on the realization of the aims and objectives set out in the above paragraphs and the aims and objectives of the proposed act.

3.1 Comparison of legislation of different countries

This chapter deals with a presentation of legislative regulation in several countries.

3.1.1 Iceland

In 2008 Iceland adopted a law to investigate the irregularities in its bank system, the background and causes of the collapse of Icelandic banks (EFTA surveillance authority, 2012). The act, which has 21 articles, set up the “ad hoc” commission of inquiry in order to determine the truth about the background and causes of the collapse of Icelandic banks in October 2008 and related events. The commission’s task was to assess whether there were mistakes and negligence in the implementation of financial legislation and state control and to identify those who were responsible for it. The act expressly defined that a commission of inquiry could, at its own discretion, investigate the events that followed the collapse of the banks in October 2008 or deliver initiatives to investigate them (The draft act of systemic investigations of projects of the national importance act, 2015; The draft act of systemic investigations of projects of the national importance act Nr. 1. , 2015; The draft act of systemic investigations of projects of the national importance act Nr. 2. , 2015).

3.1.2 Ireland

Ireland has a special general law about such investigations, i.e. the Commissions of Investigation Act (2004). The commission is established by the Government on the proposal of the Minister and with the approval of the Minister of Finance to investigate the cases of special public importance with the aim of preparing a report. The draft of government’s decision, including the statement about the reasons for the establishment of the commission, must be pre-approved by both Houses of the Irish Parliament. The Government has to define the subject of special public importance and appoint the Minister in charge of the administrative measures that are necessary for the establishment of the commission and the receipt of the final report. The Government’s decision may either authorize the Minister or the Government to pass the so-called Commission’s terms of reference which further specify the events, practices, circumstances, systems, or procedures that are to be investigated, including the time period, place, and/or category of persons under investigation (The draft act of systemic investigations of projects of the national importance act, 2015; The draft act of systemic investigations of projects of the national importance act Nr. 1. , 2015; The draft act of systemic investigations of projects of the national importance act Nr. 2. , 2015).

3.1.3 United Kingdom

In the UK such special investigation commission is regulated by the Inquiries Act (c12) (2005). The Minister may initiate the process of setting up an inquiry committee/panel in the following cases: in cases of an investigation into the events that can cause or will cause public concern and in cases when the public is concerned about the occurrence of a specific event. The committee does not establish criminal or damage liability, but may initiate these proceedings on the basis of committees’ findings. The final result of the committee of inquiry is a report that is submitted to the Minister. The report includes the established facts as well as the recommendations. The latter are only included if this is required by the so-called Terms of Reference. A possibility of interim reports is provided expressly. These reports can be forwarded to the Minister by the chairman of the committee at any time. The reports must be signed by all members of the committee (The draft act of systemic investigations of projects of the national importance act, 2015; The draft act of systemic investigations of projects of the national importance act Nr. 1. , 2015; The draft act of systemic investigations of projects of the national importance act Nr. 2. , 2015).

3.1.4 Australia

In Australia this type of investigation is governed by the Royal Commissions Act (1902), and was last updated in 2014. According to the Australian legislation the Royal Commission can be set up

by the decision of the General Governor, the so-called/ Letters Patent. The Royal Commissions Act (1902) defines the subject of investigation in the following extent: Any matter which relates to or is connected with the peace, order, and good government of the Commonwealth, or: any public purpose or any power of the Commonwealth. The Commission has the right to interrogate witnesses and request documents including the documents protected by the professional/ occupational privileges of confidentiality. The Commission has the power to impose fine or imprisonment in an event of unjustified non-response. The process of imposing such sanctions follows the general provisions of the Australian criminal code. Through its members or through the powers of the police the Commission can require a court order (home) investigation and/ or seizure of documents. The Commission itself has jurisdiction to bring those who do not respond to its invitation forcibly. The law includes detailed provisions about professional secrecy and the privilege against self-incrimination and sets out the rights of witnesses in connection with business secrets and other rights and obligations of witnesses (The draft act of systemic investigations of projects of the national importance act, 2015; The draft act of systemic investigations of projects of the national importance act Nr. 1. , 2015; The draft act of systemic investigations of projects of the national importance act Nr. 2. , 2015).

Slovenia has already set the guidelines and goals in this field which are included in the renewed Programme of Government Measures for Combating Corruption 2015–2016 (Program ukrepov Vlade republike Slovenije za preprečevanje korupcije 2015–2016, 2014), and consequently in the preparation of the Act of Systemic Investigations of Projects of National Importance. Above presented comparison with some EU member states has shown that related solutions have already been implemented in the legislation of these countries.

3.2 Systemic investigations of Projects of the National Importance Act

The building of TEŠ 6 and all irregularities and serious suspicions of ineffective management and harmful decisions for TEŠ 6, its related companies as well as the capital investment of the Republic of Slovenia and the State Budget, requires the establishment of a special legal mechanism that will, through an “ad hoc” investigation, not only reveal but also prevent cost ineffectiveness, incorrect and uneconomical use of the funding as well as prevent taxpayers/ government funds from being burdened by state guarantees. The ownership, management and supervisory structures of the Slovenian economy and corporate space are deeply intertwined. In order to effectively implement the principles and rules of corporate management of corporations in which the state participates with equity investments, and to ensure efficient, effective and responsible management of equity investments, other public funds and assets, it is necessary to respect the rules of a rational, prudent and responsible use of the funds. This is also a prerequisite for successful, cost-effective and profitable management of public funds and state capital investments and for restriction and sanctioning of conflicts of interest and undue influence. The same applies to the management and control of other government sub-systems (in particular to the financial and the banking system), which can, in case of inefficient and ineffective operating, contribute significantly to the destabilization of prices and reduction of security of the banking system of the Republic of Slovenia (The draft act of systemic investigations of projects of the national importance act, 2015; The draft act of systemic investigations of projects of the national importance act Nr. 1. , 2015; The draft act of systemic investigations of projects of the national importance act Nr. 2. , 2015).

Due to these objectives it is necessary to extend the monitoring mechanisms in the manner prescribed by this draft act. According to the law proposer the investigation regulated by this act will not only prevent irregular and uneconomical use of public funds and public investment (including the investments that are to serve private rather than public interest) but also contribute to strengthening the existing internal and external control mechanisms, to the identification of system deficiencies and weaknesses and to the elimination or reduction of their negative effects (The draft act of systemic investigations of projects of the national importance act, 2015; The draft act of systemic investigations of projects of the national importance act Nr. 1. , 2015; The draft act of systemic investigations of projects of the national importance act Nr. 2. , 2015).

The most important basic principles pursued by this draft act are:

- The principle of legality
- The principle of economy

- The principle of efficiency
- The principle of performance
- The principle of reasonableness
- The principle of accountability implementation
- The principle of transparency
- The principle of public

In the following paragraphs the proposed solutions are presented (The draft act of systemic investigations of projects of the national importance act, 2015; The draft act of systemic investigations of projects of the national importance act Nr. 1. , 2015; The draft act of systemic investigations of projects of the national importance act Nr. 2. , 2015):

- The Commission of Inquiry carries out an independent systemic investigation of a large project.

This is to be done as soon as possible, within the maximum period of 15 months. Each time a respective commission of inquiry is founded by the Slovenian Government (ex officio) or on the proposal of the Prime Minister or at the request of the competent minister. The proposer may also be the head of another body of state administration or the National Council. With the adoption of the conclusion about the establishment of the commission the Government first appoints the Commission President while other members of the commission are appointed on the proposal of the Commission president.

- The commission consists of several members.

Due to collegiate decision-making the number of members is always uneven, the minimum number being three. The decisions are made by majority vote. The Commission president proposes the appointment of other two or a larger number of members to the Government. These members should generally come from supervisory government or other public sector entities as defined by the Integrity and Prevention of Corruption Act. However, other persons or experts from the private sector can also be appointed. In this case, the Commission has to prepare a financial plan and an estimation of financial costs that arise from outsourcing the services provided by external contractors and professionals.

- The dissolution of the commission takes place with the presentation of the final report to the National Assembly.

Before that the report must be confirmed by the Government. The subject of the investigation can be infrastructure projects or other large-scale projects of national importance which could affect the stability and efficiency of the financial system of the country or the execution of state budget. The draft act defines the “project of national importance” as follows: any infrastructure project or other investment project, recapitalization or other form of financing including the assumption of warranties/guarantees for the implementation of individual project, for establishing or maintaining the stability of individual social system or subsystem, in which the Republic of Slovenia directly or indirectly participates through capital investment or financially, whereby the total value of the project or the state’s financial burden must not exceed one percentage of the applicable State Budget (the current budget at the time of the establishment of the Project).

- The following are the tasks and objectives of the commission.

Commission has to determine the overall facts, to assess regularity, economy and cost-effectiveness of the project, to create the foundations for further decisions by the Government with regard to the project under investigation, to identify the mechanisms/measures for preventing or reducing the risk of irregularities, cost-effectiveness and ineffectiveness of major projects in the future. Thus, the commission’s task is to detect systemic deficiencies in practice as well as in the legislative and institutional arrangements and to prepare the proposals for systemic improvements and for a better and more effective implementation of a particular project.

- Powers of the Commission of Inquiry are mainly preventive in their nature.

They refer to the acquisition and exchange of data and documents, to the organization and conduction of interviews with individual persons who under the proposed act do not have the status of persons under investigation or hearing in proceedings before the Commission.

- Processing, storage and archiving of data and documents can be performed by direct and indirect acquisition and transmission of data from domestic and foreign authorities/bodies.

The head of a national body can reject the commission's request to provide data if these were acquired on the basis of a court order or when the data transmission could harm the interests of a proceeding over which this body has jurisdiction according to the relevant law. On the level of international cooperation, a legal basis for direct and indirect participation of the Commission of Inquiry with foreign authorities is provided. The draft act of systemic investigations of projects of the national importance act (2015) also specifies the manner and time period of storage and archiving of the acquired documents that are kept by the Commission by the end of the investigation. After the conclusion of the investigation the documents are archived 5 years after the Commission of Inquiry's final report by CPC. The law does not need to regulate the management of personal data collections and "records" since the existing rules about administrative management are to be used. Based on this point of view the data will only be included as part of an individual case or file as is regulated by the Decree on administrative operations.

- The final report should normally include a presentation of facts, background and reasons for discovered irregularities, an assessment of the consequences of continuing the project or the consequences of terminating the project.

Further, it needs to include the data on the number of initiated proceedings, the proposals of regulation changes and the recommendations for corrective actions with regard to a specific project as well as to specify why it was not possible to determine certain facts or acquire certain data and documents. The report must be accompanied by a report on the Commission's operating costs (payments to members, services costs of external experts, travel expenses, IT solutions).

- Protection of confidential data and transparency of Commission's performance is ensured by the provision regarding identity protection of whistle-blowers and invited persons who provide useful information and documents.

The draft act also contains the provision according to which the President as well as other members of the Commission is obliged to protect the secrecy of information throughout the commission activities and after the commission dissolution. Transparency is further ensured by a permanent online publication of the final report on a specific website or sub webpage of the government who must, in accordance with the recommendations contained in the report, periodically update the status of the recommendations implementation, and publishes the final results of the procedures identified by the CPC and run by other government bodies. The Systemic Investigations of Projects of the National Importance Act (*Zakon o sistemskih preiskavah projektov državnega pomena, 2015*) also defines the offenses and minor offence authority that ensure identity protection of whistle-blowers and the effectiveness of the investigation, the acquisition of data and documentation of individual taxpayers and data protection. It is proposed that the minor offence authority is CPC. After the completion of the investigation CPC is expected to keep and archive all documentation and data that was collected during the investigation and by provisions of this draft act.

This act more clearly specifies the goal of systemic investigation: The goal is to identify the backgrounds and reasons for irregularities and cost ineffectiveness of individual projects that do not necessarily correspond to a criminal act; to identify deficiencies in the execution of a specific project of national importance; to develop initiatives, to improve the implementation of a particular project in progress and system improvements (The draft act of systemic investigations of projects of the national importance act, 2015; The draft act of systemic investigations of projects of the national importance act Nr. 1., 2015; The draft act of systemic investigations of projects of the national importance act Nr. 2., 2015).

4 CONCLUSION

It is in public interest to enable a comprehensive investigation that is to be carried out within a relatively short period of time. The investigation includes the investigation about the preparation and implementation of the construction of TEŠ 6 as it currently remains the largest

Slovenian monument to corruption. The contract award and the implementation of future large scale infrastructure investments connected to serious suspicion of accuracy, efficiency and performance of further investing or of investing that was initially not planned but occurred due to unforeseen costs and/or guarantees must be under proper supervision of the competent bodies. Therefore, this draft act provides the legal basis for the establishment of a commission of inquiry and defines its responsibilities and powers which will enable a rapid and effective investigation that will provide the Government with the necessary and credible information to decide on further implementation, financing, participation or investing or assumption of liabilities. The findings of the investigation will be the basis for the negotiations with contractors and for further establishment of objective and subjective responsibilities of stakeholders and other persons in procedures, which are primarily designed to identify individual as well as political liability. This is also one of the forms of combating all forms of financial crime, all forms of financial corruption and the negative impact of informal networks. Finally, Slovenia will, with the implementation of the Act of Systemic Investigations of Projects of National Importance, follow the EU guidelines in the field of limiting corruption as well as the Convention against Corruption (United Nations, 2004). At the same time way taxpayers' money will be spent transparently and economically.

REFERENCES

- Commissions of Investigation Act. (2004). *Iris Oifigiúil*, (23/2004).
- EFTA surveillance authority. (2012). EFTA surveillance authority decision No 290/12/COL on restructuring aid granted to Landsbankinn (Iceland). *Official Journal of the European Union*, 144/2012. Retrieved from <http://eur-lex.europa.eu/legal-content/SL/TXT/PDF/?uri=CELEX:E2012C0290&from=SL>
- Fink Hafner, D., & Krašovec, A. (2016). Europeanisation of the Slovenian party system: From marginal European impacts to the domestication of the EU policy issues. *Politics in Central Europe*, 2(1), 7–23.
- Inquiries Act (c12). (2005). *The National Archives*. Retrieved from http://www.legislation.gov.uk/ukpga/2005/12/pdfs/ukpga_20050012_en.pdf
- Jevšek, A. (2010). Ustanovitev Nacionalnega preiskovalnega urada v Sloveniji kot odziv na sodobne – nekonvencionalne oblike kriminalitete [The establishment of the National Bureau of Investigation in Slovenia as a response to contemporary - unconventional forms of crime]. *Revija za kriminalistiko in kriminologijo*, 61(3), 307–313.
- Komisija za preprečevanje korupcije [Commission for the Prevention of Corruption]. (2013). *Predlogi za soočenje s sistemsko korupcijo* [Proposals to tackle systemic corruption]. Retrieved from <https://www.kpk-rs.si/sl/komisija/medijsko-sredisce/arhiv-novic/12/2013/predlogi-za-soocenje-s-sistemsko-korupcijo>
- Krašovec, A., Johannsen, L., Hilmer Pedersen K., & Deželan, T. (2012). *Nevarnost sistemske korupcije v Sloveniji: Spodbude in ovire* [Risk of systemic corruption in Slovenia: incentives and disincentives]. *Revija za kriminalistiko in kriminologijo*, 3(65), 207–220.
- Pečar, J. (1995). Kriminološki pogledi na korupcijo [Criminological views on corruption]. *Revija za kriminalistiko in kriminologijo*, 46(2), 136–146.
- Predlog zakona o sistemskih preiskavah projektov državnega pomena [The draft act of systemic investigations of projects of the national importance act]. (2015). *Generalni sekretariat vlade Republike Slovenije* Retrieved from [http://vrs-\(3.vlada.si/MANDAT14/VLADNAGRADIVA.NSF/18a6b9887c33aobdc12570e50034eb54/39A3513553C4212EC1257E42002287A8?OpenDocument](http://vrs-3.vlada.si/MANDAT14/VLADNAGRADIVA.NSF/18a6b9887c33aobdc12570e50034eb54/39A3513553C4212EC1257E42002287A8?OpenDocument)
- Predlog zakona o sistemskih preiskavah projektov državnega pomena - Novo gradivo št. 1 [The draft act of systemic investigations of projects of the national importance act Nr. 1]. (2015). *Generalni sekretariat vlade Republike Slovenije*. Retrieved from <http://vrs-3.vlada.si/MANDAT14/VLADNAGRADIVA.NSF/18a6b9887c33aobdc12570e50034eb54/7D3C7246C4FEAFA9C1257E4500212E24?OpenDocument>
- Predlog zakona o sistemskih preiskavah projektov državnega pomena - Novo gradivo št. 2 [The draft act of systemic investigations of projects of the national importance act Nr. 2.]. (2015). *Generalni sekretariat vlade Republike Slovenije*. Retrieved from <http://vrs-3.vlada.si/MANDAT14/VLADNAGRADIVA.NSF/18a6b9887c33aobdc12570e50034eb54/AD50993434C90B6BC1257E4900A4326D?OpenDocument>

- Program ukrepov vlade RS za preprečevanje korupcije 201 – 2016 [The program of measures by the Government of the Republic of Slovenia for the Prevention of Corruption 2015–2016]. (2014). *Vlada Republike Slovenije*. Retrieved from http://www.mju.gov.si/fileadmin/mju.gov.si/pageuploads/IJZ/Program_ukrepov_Vlade_RS_za_preprecevanje_korupcije-marec2014.pdf
- Prvo vmesno poročilo o izvajanju programa vlade RS za preprečevanje korupcije [The first interim report on the implementation of the Government Program for the Prevention of Corruption]. (2014). *Vlada Republike Slovenije*. Retrieved from http://www.mju.gov.si/fileadmin/mju.gov.si/pageuploads/IJZ/Prvo_vmesno_porocilo_Vlade_RS_za_preprecevanje_korupcije_maj_2014.pdf
- Royal Commissions Act 1902. (2016). *No. 12, Compilation No. 16*. Retrieved from http://www.austlii.edu.au/cgi-bin/download.cgi/au/legis/cth/consol_act/rca1902224
- Sistemska korupcija, kot "ujetje države [Systemic corruption as "State capture"]. (December 8, 2013). *dnevnik.si* Retrieved from <https://www.dnevnik.si/1042615897>
- Transparency International. (2008). *Corruption perceptions index 2008*. Retrieved from http://www.transparency.org/research/cpi/cpi_2008
- Transparency International. (2009). *Corruption perceptions index 2009*. Retrieved from http://www.transparency.org/research/cpi/cpi_2009/o/
- Transparency International. (2010). *Corruption perceptions index 2010*. Retrieved from <http://www.transparency.org/cpi2010/results>
- Transparency International. (2011). *Corruption perceptions index 2011*. Retrieved from <http://www.transparency.org/cpi2011/results>
- Transparency International. (2012). *Corruption perceptions index 2012*. Retrieved from <http://www.transparency.org/cpi2012/results>
- Transparency International. (2013). *Corruption perceptions index 2013*. Retrieved from <http://www.transparency.org/cpi2013/results>
- Transparency International. (2014). *Indeks zaznave korupcije 2014* [Corruption perception index 2014]. Retrieved from <http://www.transparency.si/8-novice/79-indeks-zaznave-korupcije-2014>
- Transparency International. (2015). *Corruption perception index 2015*. Retrieved from <http://www.transparency.org/cpi2015#results-table>
- United Nations. (2004). *Convention against Corruption*. Vienna: United Nations Office on Drugs and Crime. Retrieved from https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf
- Zakon o poroštvu Republike Slovenije za obveznosti iz dolgoročnega posojila v višini 440 milijonov eurov, ki ga najamene Termoelektrarna Šoštanj d.o.o. pri Evropski investicijski banki, za financiranje postavitve nadomestnega bloka 6 moči 600 MW v Termoelektrarni Šoštanj (ZPODPTEŠ) [Act Regulating Guarantee of Republic of Slovenia for Liabilities under Long-Term Loan of 440 Million Euros Made to Termoelektrarna Šoštanj, d.o.o. by European Investment Bank for Financing Termoelektrarna Šoštanj 600 MW Replacement Unit-6 Installation Project (ARGRSLTLTEŠ)]. (2012). *Uradni list RS*, (58/12).
- Zakon o sistemskih preiskavah projektov državnega pomena (ZSPDP) [Systemic Investigations of Projects of the National Importance Act (SIPNIA)]. (2015). *Generalni sekretariat vlade Republike Slovenije*. Retrieved from <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7170>

PRISON OFFICERS' TRAINING IN SLOVENIA

Rok Hacin

ABSTRACT

Purpose:

The focus of the paper is on the manifestation of the different forms of prison officers' training in Slovenia. Based on a detail analysis of the training curriculums, prevailing fields of expertise in individual form of training for prison officers will be determined. Aim of the study is to identified positive areas of trainings for prison officers in Slovenia, and also to exposed deficiencies, which still need to be reviewed.

Methods:

Detail analysis of the curriculums (published as an official document of the Slovenian prison administration) of various prison officers' trainings (basic and advanced forms of training) was performed, with the aim to determine, which is the prevailing area of specialist expertise in each of the training programs.

Findings:

Analysis of the prison officers' basic training showed that prevailing focus is on safety, security and practical procedures. It is clearly important that candidates obtain this knowledge, because they will work in an unpredictable environment; sometimes with very dangerous individuals. Furthermore, an analysis of advanced forms of training for prison officers reveals that all forms focus mainly on safety, security and practical procedure or management and leadership. While it is unproblematic in the training of prison officer – 'mentors' to focus on managerial and leadership skills, it is argued that a lack of specialized training for prison officer in treatment of prisoners and other expertise is a void that should be filled.

Research limitations:

The main limitation is seen in the lack of information on the content of individual subjects that are lectured in different forms of training. This information would enable us to review the quality of the content of an individual subject.

Originality:

Examination of curriculums of prison officer's trainings presents the first study in this field of research in Slovenia. The quality of Slovenian curriculums, which lead to the high level of professionalism of Slovenian prison officers, can serve as an example for prison administrations in other countries. Furthermore, identified problematic areas of curriculums may be useful for Slovenian prison administration in the future implementation of the trainings.

Keywords: curriculum, expertise, prison officer, Slovenia, training

I INTRODUCTION

Prison officers' in Slovenia are the employees of the Prison Administration, which is a working body of the Ministry of Justice. They are responsible for order, organization, safety and security in penal institutions (hereinafter referred to as prison) and correctional homes. In addition to their "traditional" tasks, which are defined in the Enforcement of Criminal Sanctions Act (Zakon o spremembah in dopolnitvah Zakona o Izvrševanju kazenskih sankcij [ZIKS], 2015), the Rules on the Implementation of Prison Sentences (Pravilnik o spremembah in dopolnitvah Pravilnika o izvrševanju kazni zapora [PIKS], 2013), and the Rules on the Exercise of Authorities and Duties of Judicial Police (Pravilnik o izvrševanju pooblastil in nalog pravosodnih policistov, 2009), prison officers perform the full range of duties that derive from the nature of work in a prison environment. They often represent not only official authority for the prisoners, but they also find themselves in more informal roles such as that of prisoners' father, older brother, friend, psychologist etc.

Due to the diversity of the role that prison officers perform, it is of utmost importance that they receive quality training. The content and conduct of basic and advanced forms of training for prison officers is determined by the Slovenian Prison Administration in the official document

¹ The official name for prison officers in the Republic of Slovenia is judicial police. In the paper, we will use the term prison officer.

– 'Curriculum and professional platform of judicial police training' (hereinafter curriculum) (Uprava Republike Slovenije za izvrševanje kazenskih sankcij [URSIKS], 2012b). The curriculum, which is based on the Rules on the exercise of authority and duties of judicial police and the Council of Europe recommendations, defines the content of basic and advanced forms of training for prison officers (URSIKS, 2012b).

In the following paper, we focus on the manifestation of the different forms of prison officers' training in Slovenia, additionally, based on a detailed examination and analysis of the curriculums (theoretical subjects), the specialist expertise of Prison Officers will be determined.

2 THE BASIC TRAINING

The purpose of the basic training of prison officers is to train candidates for work in a prison. Preconditions, which every candidate, who wants to enrol in the basic training for prisons officers has to meet are as follows: 1) Slovenian citizenship, 2) fluency in Slovenian language, 3) a degree from high school, 4) psychophysical fitness, 5) no prior convictions, and 6) security verification (ZIKS, 2015). Content of the training itself, covers the following areas: 1) the purpose of execution of penal sanctions, 2) international frameworks of execution of penal sanctions, 3) fundamental human rights, 4) various techniques for working with prisoners, 5) crime and its social context, 6) the fundamental values of the profession and 7) management of prisoners. Furthermore, we can define the goal of the basic training as an effort to comprehensively train future prison officers in various competencies, which would enable them to perform within the dynamic, stressful and onerous prison environment, whilst maintaining respect for human rights and responsibility for the safety and security of prisoners and other prison staff. Basic training lasts for 18 months and consists of a mixture of theoretical and practical contents that are arranged in five modules (URSIKS, 2012b).

In the first module of the basic training, which lasts one month, prison officer candidates learn about the penal system and become familiarized with the activities and the departments of the Slovenian Prison Administration. The program contents of: 1) introduction of the prison as a form of penal institution, 2) familiarization with the architectural organization of the prison, 3) understanding of the constraints, duties and responsibilities of civil servants in prison, which includes entry to and exist from the prison, basic protection and safety in prison, and 4) familiarization with the work of all departments in prison (URSIKS, 2012b).

The second module of the basic training, which comprises 142 academic hours (duration: 2 months), contains the following: 1) structure and functioning of the Prison Administration, 2) international legal and professional frameworks of execution of penal sanctions, 3) basic knowledge of the Criminal code, the Criminal Procedure Act, and other basic regulations, 4) ethics of penal worker, 5) integrity of the civil servant, 6) communication and social skills, 7) basics of the professional treatment of prisoners, 8) social work and preparation of prisoners for release, 9) detection and prevention of suicides and self-harm, 10) risk factors of the offenders, 11) criminology, 12) penology and the history of prison systems, 13) pastoral care of prisoners, 14) handling classified information, 15) occupational and fire safety, 16) further training in the field of fire safety, 17) office management, 18) first aid and medical prevention at workplace, 19) communications, 20) basics of practical procedure, 21) management of persons using physical force, and 22) Administrative Procedure Act (URSIKS, 2012b).

The third module of the training is carried out in prisons under the supervision of mentors², and lasts for 6 months. The intention is that candidates consolidate the knowledge, which they have acquired in the previous modules in a practical setting. In this module, candidates are obliged to perform: 1) work on the prisoners' section, 2) work on the detainees'³ section, 3) supervision of visits, 4) work in the economic unit and logistics, and 5) escort duties and protection of prisoners outside the prison. In addition, the candidate must be acquainted with the work of specialised staff in practice, and work of departments for financial and human resources (URSIKS, 2012b).

The fourth module, which comprises 159 academic hours (duration: 3 months), contains the following: 1) the legal authority of the prison officer, 2) practical procedures, 3) management of

2 Mentor can be a prison officer who has: 1) at least 5 years of working experience in prison, 2) adequate teaching skills (andragogy), and 3) successfully completed training for mentors (URSIKS, 2012b).

3 Another term for detainee is remand prisoner. In the paper, we will use the term detainee.

persons using physical force, 4) mediation – as a method of conflict management, 5) introduction to criminal organization, modus operandi of organized crime groups, and prison underworld, 6) technical and electronic surveillance of prison facilities, 7) handling of firearms, 8) training to cope with stress and post-traumatic therapeutic conversations (debriefings), 9) disorders of sexual preference and treatment of sex offenders, 10) pedagogical work, education and leisure activities, 11) personality disorders and mental disorders, 12) addiction treatment, 13) intercultural competences, 14) work with prisoners sentenced to long sentences, 15) methods and particularities of work with female prisoners, 16) content and work methods in open departments of prisons, and 17) content, methods and particularities of work with minors (URSIKS, 2012b).

The fifth and final module of the prison officers' basic training, which lasts for 6 months, once again takes place in prisons. Candidates under the supervision of mentors, consolidate their acquired knowledge in the areas of: 1) prison officer's work, 2) professional treatment of prisoners, 3) employment of prisoners, 4) communication with prisoners, and 5) preparation for final examination (URSIKS, 2012b).

The practical training of prison officers, which takes place during the basic training, covers 11 thematic areas: 1) familiarization with the work environment, 2) work at the reception desk, 3) work at the prison's entrance and control center, 4) work on sections for prisoners, detainees and supervision of exercise, 5) work on the female section, 6) escort duties, 7) professional treatment of prisoners, 8) economic units, where prisoners work, 9) familiarization with the work of other departments in prison, 10) interventions in cases of an emergency, 11) specifics (refer in particular to the work of prison officers in dislocated units of prisons) (URSIKS, 2012b).

Upon successful completion of the practical obligations⁴ and theoretical exams, which comprise both a written and an oral element, prison officers take an oath before the Director General of the Slovenian Prison Administration. With the oath, new prison officers receive the full legal authority, and accept the responsibility, to properly carry out their work (URSIKS, 2012b).

The oath of the prison officers: *"I solemnly swear that I will in the process of implementation of tasks of security and surveillance conscientious, responsible, humane and lawful fulfil my tasks, with respect of human rights and fundamental freedoms."* (PIKS, 2013).

2.1 Individual fields of expertise in the basic training

In the following chapter, we are focusing on the presentation of individual fields of expertise in the basic training for prison officers. Based on a detailed analysis of the curriculum of the basic training, theoretical subjects in the second and fourth modules were divided into three fields: 1) legislation and administrative procedures, 2) safety, security and practical procedures, and 3) treatment of prisoners and other expertise.

Legislation and administrative procedures. The following subjects in the second module of the basic training were included in the field of legislation and administrative procedures: 1) structure and functioning of the Prison Administration, 2) international legal and professional frameworks of execution of penal sanctions, 3) basic knowledge of the Criminal code, the Criminal Procedure Act, and other basic regulations, 4) ethics of penal worker, 5) integrity of the civil servant, 6) handling classified information, 7) office management, and 8) Administrative Procedure Act. From the fourth module of the training, only the lecture on the legal authority of the prison officer was included.

Safety, security and practical procedures. The following subjects in the second module of the basic training were included in the field of safety, security and practical procedures: 1) occupational and fire safety, 2) further training in the field of fire safety, 3) communications, 4) basics of the practical procedure, and 5) management of persons using physical force. From the fourth module of the training, the following subject were included: 1) practical procedure, 2) management of persons using physical force, 3) mediation – as a method of conflict management, 4) introduction to criminal expertise, modus operandi of organized crime groups and prison underworld, 5) technical and electronic surveillance of prison facilities, and 6) handling of firearms.

4 Mandatory, 70 % attendance at every subject is required if a candidate want to approach to the final examination (URSIKS, 2012b).

Treatment of prisoners and other expertise. The following subjects in the second module of the basic training were included in the field of treatment of prisoners and other expertise: 1) communication and social skills, 2) basics of the professional treatment of prisoners, 3) social work and preparation of prisoners for release, 4) detection and prevention of suicides and self-harm, 5) risk factors of the offenders, 6) criminology, 7) penology and the history of prison systems, 8) pastoral care of prisoners, and 9) first aid and medical prevention at workplace. From the fourth set of the training, the following subject were included: 1) training to cope with stress and post-traumatic therapeutic conversations (debriefings), 2) disorders of sexual preference and treatment of sex offenders, 3) pedagogical work, education and leisure activities, 4) personality disorders and mental disorders, 5) addiction treatment, 6) intercultural competences, 7) work with prisoners sentenced to long sentences, 8) content methods and particularities of work with female prisoners, 9) methods of work in open departments of prisons, and 10) content, methods and particularities of work with minors. Results of the analysis of the prison officers' curriculum are presented in Table 1.

Table 1: Presentation of individual fields of expertise in the basic training (source: URSIKS, 2012b)

Field of expertise	Number of subjects			Assigned number of hours			Number of exams		
	2. set	4. set	TOTAL	2. set	4. set	TOTAL	2. set	4. set	TOTAL
Legislation and administrative procedures	8	1	9	46	15	61	2	1	3
Safety, security and practical procedures	5	6	11	47	111	158	1	3	4
Treatment of prisoners and other expertise	9	10	19	47	30	77	1	0	1
TOTAL	22	17	39	140	156	296	4	4	8

Analysis of prison officers' basic training shows that there are a total number of 39 theoretical subjects which candidates are obliged to study. Subjects are divided into two sets, with 22 subjects being delivered in the first set and 17 subjects delivered in the second set. Further analysis showed that majority of subjects focus on the treatment of prisoners and other areas of expertise that prison officers need for carrying out their work in prison. Moreover, 11 subjects cover the field of safety, security and practical procedures. Five subjects are implemented in the first module and six in the second module. The topic of legislation and administrative procedures covers 9 subjects, with 8 subjects being delivered in the first module and only one subject being delivered in the second module.

Analysis of the assigned number of hours shows that there is a total of 296 hours of tuition. Hours are divided into two sets, with the first set of training consisting of 140 hours and the second set of training consisting of 156 hours. Further analysis shows that the majority of hours is assigned to subjects that focus on safety, security and practical procedures in prison. Furthermore, 77 hours are assigned to subjects that focus on treatment of prisoners and other expertise that prison officers need for carrying out their work in prison. Moreover, 61 hours are assigned to subjects that focus on legislation and administrative procedures. The division of hours by field is as follows: 1) 53 % of hours is assigned to safety, security and practical procedures, 2) 26 % of hours is assigned to treatment of prisoners and other expertise, and 3) 21 % of hours is assigned to legislation and administrative procedures.

The next chapter focuses on the advanced forms of training, which are provided for prison officers in the Republic of Slovenia.

3 ADVANCED FORMS OF TRAINING

Advanced forms of training are designed to ensure the acquisition of in-depth knowledge and skills for prison officers, who have completed the basic training. The basic aim of advanced training is to provide higher level of knowledge and competence for prison officers that will enabled them to carry out their tasks and to ensure appropriate capability of prison officers in managerial positions and other specific work positions. Prison officers are further trained in the following areas: 1) specialization of individual procedures and tasks from the field of prison officers' regular work, 2) training in assertive management of people and avoiding or minimizing conflict situations, and 3) consolidation and updating of knowledge and skills that are defined as necessary and required for the implementation of the regular work of the prison officers.⁵

Advanced training is a necessary pre-requisite for prison officers, who want to work in the following positions: 1) prison officer – mentor, 2) prison officer – specialist, 3) operational manager of prison officers, and 4) chief and other managerial posts (PIKS, 2013).

Mentor training for prison officers focuses on: 1) organizing and directing the work of subordinates, 2) teamwork, and 3) the basics of andragogy (URSIKS, 2012b).

Prison officers, trained as specialists, require the following specialist skills: 1) training in the use of firearms, 2) training in practical operations (interventions in a case of an emergency, hostage-taking situation, negotiation with offenders etc.), 3) training in management of persons using physical force and interventions, and 4) knowledge of working in the high-security department of Dob prison (prison, where prisoners with long sentences are stationed) (URSIKS, 2012b).

Training for prison officer operational managers includes the following areas: 1) work organization and management of subsidiaries, 2) teamwork, 3) interventions and procedures in cases of hostage-taking, negotiation with offenders and work in crisis situations, 4) organization of work in the event of natural disasters, 5) managing compensation interviews with prisoners, 6) exercise of control and implementation of the security plan, and 7) managing interventions with the use of force (URSIKS, 2012b).

In terms of the training for senior managerial posts (Including the role of 'chief'), the following areas are included: 1) managing crisis situations, 2) management of organizations with unpredictable events, and 3) terrorism and extreme violence in prisons. Prison officers must, before filling the post of chief or any other managerial post, perform one week "work practice" in another prison. The content of "work practice" in another prison is related to: 1) familiarization with work organization and management of the Security division, 2) exercise of supervision of the security plan, and 3) preparation of recommendations to improve organization and management in their own institution (prison) (URSIKS, 2012b).

3.1 Individual fields of expertise in advanced forms of training

The individual fields of the following advanced forms of prison officers' training of expertise can be described as follows: 1) prison officer – mentor, 2) prison officer – specialist, 3) operational manager of prison officers, and 4) managerial and other leading posts for prisons officers, are presented. Based on an analysis of the content of advanced forms of training subjects were divided into three fields: 1) management and leadership, 2) safety, security and practical procedures, and 3) treatment of prisoners and other expertise.

Prison officer – mentor. All subjects (organizing and directing the work of subordinates, teamwork and the basics of andragogy), which are lectured in advanced training for prison officer - mentor were included in the field of management and leadership.

Prison officer – specialist. The following subjects of advanced training for prison officer – specialist were included in the field of safety, security and practical procedures: 1) use of firearms, 2) practical operations, 3) management of persons using physical force and interventions, and 4) work in the high-security department of Dob prison.

Operational manager of prison officers. The following subjects of advanced training for operational manager of prison officers were included in the field of management and leadership: 1) work

5 The essential knowledge and skills of prison officers are as follows: 1) regulations on execution of prison sanctions, 2) the use of coercive means and management of persons using physical force, and 3) handling of firearms (URSIKS, 2012b).

organization and management of subsidiaries, 2) teamwork, and 3) organization of work in the event of natural disasters. Furthermore, subjects on: 1) interventions and procedures in cases of hostage-taking situation, negotiation with offenders and work in crisis situations, 2) exercise of control and implementation of the security plan, and 3) managing interventions with the use of force, were included in the field safety, security and practical procedures. Additionally, the subject of managing compensation interviews with prisoners was included in the field of treatment of prisoners and other expertise.

Managerial and other leading posts for prison officers. The following subjects of advanced training for managerial and leading posts for prison officers were included in the field of management and leadership: 1) managing crisis situations and 2) management of organizations with unpredictable events. Additionally, the subject of terrorism and extreme violence in prisons was included in the field of safety, security and practical procedures.

Results of the analysis of the curriculums of advanced forms of prison officers' training are presented in Table 2.

Table 2: Presentation of individual fields of expertise in the advanced forms of training (source: URSIKS, 2012b)

Form of training	Field of expertise (number of subjects)			
	Management and leadership	Safety, security and practical procedures	Treatment of prisoners and other expertise	TOTAL
Prison officer – mentor	3	0	0	3
Prison officer – specialist	0	4	0	4
Operational manager of prison officers	3	3	1	7
Managerial and other leading posts for prison officers	2	1	0	3

Analysis of prison officers' advanced forms of training showed that there is a total of 17 theoretical subjects, which are spread across four different forms of training. Training for prison officer – 'mentor' is focused on upgrading managerial and leadership skills of the standard prison officer role, while training for prison officer – 'specialist' is focused on advanced forms of safety, security and practical procedures. Training for prison officer 'operational managers' is the most comprehensive. Candidates are required to attend classes on subjects that focus on: 1) managerial and leadership skills, 2) safety, security and practical procedures, and 3) treatment of prisoners and other expertise. Training for the highest managerial levels and other leading posts for prison officers includes subjects on: 1) management and leadership and 2) safety, security and practical procedures.

In the next chapter, trends in training of prison officers and employment of prison officers in Slovenia in the last ten years are analysed.

4 TRENDS IN THE TRAINING OF PRISON OFFICERS

In the following chapter, trends in employment of prison officers and training of prison officers in the period from 2005 to 2015 were analysed. Results are shown in Table 3 and Figure 1.

Table 3: Trends in employment and training of prison officers (source: URSIKS, 2006-2016).

Year	Number of prison officers	Number of implemented trainings	Ratio*
2005	451	481	1.07
2006	465	582	1.25
2007	469	492	1.05
2008	490	402	0.82
2009	493	254	0.52
2010	525	302	0.58
2011	547	373	0.68
2012	542	282	0.52
2013	522	227	0.43
2014	531	381	0.72
2015	435	340	0.78

* Ratio is calculated using the formula: number of implemented trainings / number of prison officers

A review of the number of employed prison officers in Slovenian prisons in the last ten years reveals that the number has decreased from 451 in 2005 to 435 prison officers in 2015. The number of prison officers increased in the period from 2005 to 2012. Since 2012, the number was decreasing with the exception of 2014, when there was a slight increase in the number of employed prison officers (URSIKS, 2006-2016).

A review of training of prison officers in the last ten years shows that the amount of training has significantly decreased from a base figure 481 courses in 2005 to 340 courses in 2015. The peak was in 2006, when 582 training events were implemented. In 2009, the amount of training dropped significantly (from 402 implemented courses in 2008 to 254 implemented courses in 2009). In the period from 2010 to 2011, the number of courses was increasing. In 2012, the number decreased again just to increase again in 2014, and once more to decrease in 2015, when 340 training courses were implemented (URSIKS, 2006-2016).

A comparison of the number of prison officers and the number of prison officers that were engaged in at least one of the forms of training, shows that number of implemented training courses was almost always below the number of employed prison officers, with exception of the period from 2005 to 2007, when number of implemented training courses was higher than the number of employed prison officers. The average ratio of trainings per prison officer in this period is 0.77. This means that theoretically 77 % of the prison officers were engaged in one form of the training per year in this period. The highest ratio 1.25 was calculated for a year 2006, when theoretically every prison officer was engaged in one or more forms of training. This was also the year of the highest number of implemented trainings for prison officers (582). The lowest ratio 0.43 was calculated for a year 2013, when theoretically only 43% of employed prison officers were engaged in one form of training. This was also the year of the lowest number of implemented training events for prison officers (227).

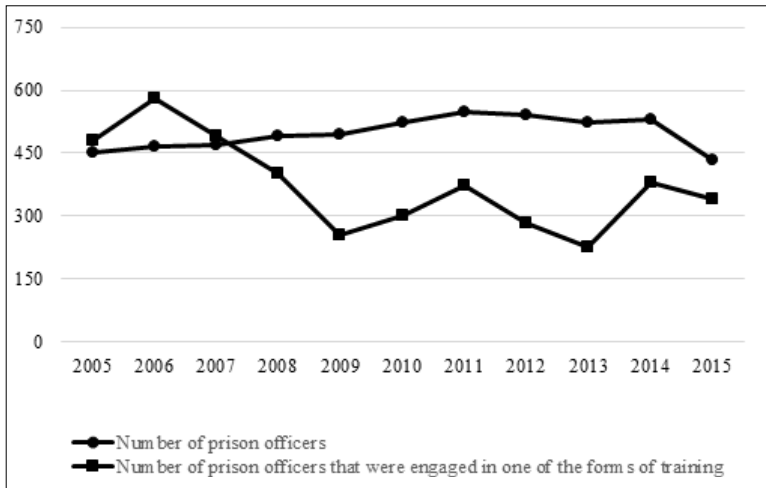


Figure 1: Comparison between number of prison officers and number of prison officer that were engaged in one of the forms of training in the period of 2005 – 2015 (URSIKS, 2006-2016).

5 DISCUSSION

Liebling and Price (1999: 86) described prison officers as »...gatekeepers, agents of criminal justice, peacemakers, instruments of change and deliverers and interpreters of policy«. If we acknowledge this description of a prison officer and simultaneously agree with Meško, Valentinčič and Umek (2004), who argued that prison officers, besides their traditional task of implementing safety and security in prisons, are performing a whole spectrum of different tasks (from therapeutic to administrative), we must underline the importance of the quality of basic and all advanced forms of training for prison officers.

Analysis of the prison officers' basic training showed that prevailing focus is on safety, security and practical procedures. It is clearly important that candidates obtain this knowledge, because they will work in an unpredictable environment; sometimes with very dangerous individuals. The area of 'treatment of prisoners and other expertise' is the most represented field in terms of the modules delivered, but when we look at the number of assigned hours, we see that it is underrepresented in comparison with safety, security and practical procedure. Slovenian penal practice in prisons is still orientated toward treatment of prisoners, despite the lack of a clear definition of the purpose of the prison sentence in Criminal Sanctions Act and increasingly punitive attitudes in penal policy. Longer sentences for prisoners and a decreasing number of specialized staff⁶ are the main reasons why it is argued that more hours within the basic training framework should be assigned to the field of 'treatment of prisoners and other expertise'.

An analysis of advanced forms of training for prison officers reveals that all forms focus mainly on safety, security and practical procedure or management and leadership. While it is unproblematic in the training of prison officer – 'mentors' to focus on managerial and leadership skills, it is argued that a lack of specialized training for prison officer in treatment of prisoners and other expertise is a void that should be filled. The main reasons for this argument are: 1) lack of specialized staff in Slovenian prisons and 2) prison officers are, in spite of specialized staff always present in prison – they are "always" available to help prisoners. Training for operational managers of prison officers is arguably the most comprehensive form of advanced training required. Training for managerial and other leading posts is well constructed. It is asserted that there is special advantage to be gained from in practice in another prison and preparation of security evaluation with recommendations, which combines theory with practice. Lack of

6 The term specialized staff in Slovenian prisons is used for: social pedagogues, teachers, social workers, psychologists, sociologists, working instructors and health workers (Ministrstvo za pravosodje, 2016).

training in legislation and administrative procedures is identified as a deficiency of training for the highest positions in prison officers' ranks.

Regarding trends in implemented training for prison officers in the last ten years, we have not found any connection with employment of prison officers (see Figure 1), number of prisoners or the prison population rate. Furthermore, no connection was found between the amount of funding in the annual budget for the prison system and the number of implemented training courses for prison officers. In 2006, when the highest number of training courses was implemented, the budget was one of the lowest in the last ten years. In contrast, in the years 2009 and 2013, when the number of implemented training courses was the lowest, the amount of budgeted funds was at one of the highest levels in the last ten years. Further exploration is needed in this field.

With regard to the present situation in Slovenian prisons, the Prison Administration is doing a good job in terms of maintaining the implementation of training for prison officers. Treatment of prisoners is still present in the curriculum, although penal policy has become progressively more punitive. Prison officers, despite rising number of prisoners, still successfully manage the prison population effectively; this is evidenced in terms of zero number of prison riots and low number of violence in prisons.

REFERENCES

- Liebling, A., & Price, D. (1999). *An Exploration of Staff-Prisoner Relationships at HMP Whitemoor*. London: Prison Service Research Report No. 6.
- Meško, G., Valentinčič, D., & Umek, P. (2004). Self-Assessment of Professional Capacity, Competence and Values of Prison Officers in Slovenian Prisons. In G. Meško, P. Milan & B. Dobovšek (Eds.), *Policing in Central and Eastern Europe, Dilemmas of contemporary criminal justice* (pp. 535–547). Ljubljana: Faculty of Criminal Justice and Security.
- Ministrstvo za pravosodje [Ministry of Justice]. (2016). *URSIKS – Organ v sestavi* [Prison Administration of the Republic of Slovenia]. Retrieved from http://www.mp.gov.si/si/o_ministrstvu/ursiks_organ_v_sestavi/
- Pravilnik o izvrševanju pooblastil in nalog pravosodnih policistov [Rules on the Excercise of Authorities and Duties of Judicial Police]. (2009). *Uradni list RS*, (85/09).
- Pravilnik o spremembah in dopolnitvah Pravilnika o izvrševanju kazni zapora. [PIKS-1E] [Rules on the Implementation of Prison Sentences]. (2013). *Uradni list RS*, (51/13).
- Uprava Republike Slovenije za izvrševanje kazenskih sankcij [URSIKS]. (2006-2016). *Letno poročilo 2005-2015* [Annual Report 2005-2015]. Ljubljana: Ministry of Justice.
- Zakon o spremembah in dopolnitvah Zakona o izvrševanju kazenskih sankcij. [ZIKS-1F] [Enforcement of Criminal Sanctions Act]. (2015). *Uradni list RS*, (54/15).

TEACHING ENGLISH COLLOCATIONS TO LAW ENFORCEMENT STUDENTS BASED ON EU LEGAL ACTS ON IMMIGRATION

Vesna Trajkovska, Snežana Nikodinovska-Stefanovska

ABSTRACT

Purpose:

The paper explores ideas and offers practical solutions for integrating EU legal acts in the area of immigration in the English language classroom aimed at teaching collocations to law enforcement students.

Methods:

The authors will select several EU legal acts addressing the issue of immigration. They will serve as the basis for selecting relevant lexical and grammatical collocations related to immigration concepts, and for designing activities which can be used with law enforcement students in their English classes.

Findings:

Legal acts in the field of immigration can serve as useful resources, when designing classroom activities for law enforcement students. They can help students develop their collocational competence and enrich their vocabulary in the field of immigration, adding to the authenticity in the classroom.

Research limitations:

The paper is based on a limited number of EU legal acts, used for the extraction of collocations included in the classroom activities. Consequently, the authors used a limited number of collocations students will be able to learn and practise while completing their classroom tasks.

The authors focus only on EU legal acts, not including other immigration-related texts, which also abound in relevant vocabulary.

Originality:

The issue of teaching English collocations has been addressed by other researchers, but this paper focuses specifically on English collocations related to immigration concepts as they are used in authentic EU documents. It can also serve as motivation for other researchers, teachers and course designers to further explore this issue in future.

Keywords: collocations, English, EU, legal acts, exercises

I INTRODUCTION

Lexical knowledge is an important segment of the language acquisition process, which enables learners to communicate effectively in a given language. The use of appropriate words in specific speech situations in a given context is an essential prerequisite for the achievement of native-like proficiency. Speakers' communicative competence is closely linked to their collocational competence, i.e. their ability to properly combine words into longer lexical units. This equally applies to learners of general English and learners of English for Specific Purposes (ESP). Learners of law enforcement English, like learners of English in other domains must become familiar with terminology belonging to their specific field, which inevitably includes knowledge of numerous word combinations, in linguistic theory known as collocations.

The field of immigration is an important segment of the wider area of law enforcement, which means that immigration-related terminology should necessarily be integrated in law enforcement English syllabus. This terminology can be extracted from various sources, but one of the most practical solutions for English teachers are legal texts at EU level, which form the basis of EU legislation and the legislation of EU member states, candidate states and states aspiring for EU membership. The suitability of this type of texts also lies in their authenticity, and this makes them valuable didactic resources bringing authenticity in the ESP classroom, as a very important feature of contemporary approaches to foreign language instruction. These texts contain a multitude of word combinations, i.e. collocations used authentically in the domain of immigration, and they can help learners build up their immigration vocabulary.

Taking into consideration the topicality of the issue of immigration at EU level, especially due to the recent migratory flows from other continents, in the sections that follow we will offer concrete classroom activities, in an attempt to give our contribution to helping law enforcement

students learn relevant collocations within the domain of immigration so as to be able to use English more effectively when communicating within this domain.

2 COLLOCATIONS: DEFINITION AND EXAMPLES

Considering the importance of the accumulation of collocational knowledge in the process of foreign language acquisition, we will start by providing an overview of some of the definitions related to the notion of collocations.

According to Routledge Dictionary of Language and Linguistics, the term *collocation* was introduced by J. R. Firth to denote “characteristic word combinations which have developed an idiomatic semantic relation based on their frequent co-occurrence” (Busmann, 2006: 200). This definition is based on Firth’s widely quoted statement that “You shall know a word by the company it keeps” (Ellis, 2008: 1), which implies that the meaning of a particular word can be inferred on the basis of the words it co-occurs with.

Michael Lewis, who developed the lexical approach to language teaching, defines collocations as “the way in which words co-occur in natural text in statically significant ways” (Lewis, 2000: 132). For David Crystal (1986: 86), the term collocation refers to “*the habitual co-occurrence of individual lexical items*”, which can be viewed as “a type of syntagmatic lexical relation”. Elaborating on the notion of collocations in her book “*In Other Words*”, Mona Baker (1992: 47) defines collocations as “*the tendency of certain words to co-occur regularly in a given language*”, while Alan Cruse (2006: 27) in “*A Glossary of Semantics and Pragmatics*” defines collocations in two ways. Namely, with its first use, a collocation “refers to any grammatically well-formed sequence of words that go together without oddness”, while its second use refers to “a sequence of words that is *compositional* (unlike a prototypical *idiom*, for example), but nonetheless forms a unit in some way. This may simply be because they occur together very frequently, but usually the sequence also has a semantic unity” (Cruse, 2006).

If we compare these definitions, we can identify several common denominators as key semantic features of collocations as a notion. They are mainly grounded on the elements of specific word combinations, co-occurrence and semantic relation. This practically means that the words which naturally occur together as constituents of collocations (i.e. collocates), form their meaning on the basis of their use in these specific word combinations with their specific collocates. In different word combinations different collocates may develop different meanings. To illustrate this, we will take the example with the English verb *contain*, which is extensively used in general and area-specific contexts including law enforcement and security. According to Online Oxford Dictionary the verb *contain* is used with two meanings. With meaning 1) *contain* is defined as “have or hold (someone or something) within)” (Oxford Dictionaries, 2016a), so with the collocation *contain information* in the sentence *The documents contain information on the murder case*, the speaker is actually saying that the information are part of the document, i.e. they are “placed” within the text of the document, as the definition above suggests. On the other hand, when used with its meaning 2) *contain* is defined as “control or restrain (oneself or a feeling)” (Oxford Dictionaries, 2016a), so the collocation *contain one’s anger* in the sentence *The suspect could not contain his anger in the courtroom* is the synonym for *control one’s anger* or *restrain one’s anger*. Similarly, with its meaning 2.1.) *contain* means “prevent (a severe problem) from spreading or intensifying” (Oxford Dictionaries, 2016a), and with this meaning this verb can collocate with various nouns within collocations like *contain violence*, *contain protests*, *contain conflict* etc. in sentences like *The police forces could not contain the violence/protests/conflict*. These examples clearly show that collocating with different words in different contexts the verb *contain* surely acquires different meanings.

On the other hand, there are words which can normally be used interchangeably, as synonyms, but when they are combined with the same collocate their meanings within the newly formed collocation change completely. To illustrate this phenomena, we will take the example with the English noun *juvenile*, which, when referring to persons typically denotes “a young person” (Oxford Dictionaries, 2016b), or within legal context “a person below the age at which ordinary criminal prosecution is possible (18 in most countries)” (Oxford Dictionaries, 2016b). Consequently, *juvenile* can also be used as an adjective, meaning “for or relating to young people” (Oxford Dictionaries, 2016b), and it can easily be guessed that the collocation *juvenile crime* actually refers to crime committed by young persons. As far as its synonyms are concerned,

in general use, the noun *juvenile* can often be used interchangeably with the noun *minor* which, according to one of its meanings, denotes “a person under the age of full legal responsibility” (Oxford Dictionaries, 2016c). However, we cannot use *minor* with adjectival function as part of the collocation *minor crime* as we used the adjective *juvenile* in the collocation *juvenile crime*, with the same meaning. Namely, within the collocation *minor crime*, *minor* refers to the quality of being not serious, as the opposite of *major*, which practically means that *minor crime* is a small, petty, not serious crime, irrespective of the age of the perpetrator who can be a juvenile or an adult person.

3 COLLOCATIONS IN FOREIGN LANGUAGE INSTRUCTION

Based on the examples presented in the previous section, one can logically infer that proper word combinations play an important role in the accurate use of vocabulary by speakers of a given language. Taking into consideration our view on the importance of learning collocations, in this section we will present several arguments supporting our position regarding this issue.

One of the main arguments for the inclusion of collocations as an important segment of the process of learning a foreign language lies in the semantic relationship between their constituents, i.e. collocates. This aspect has been elaborated on by many linguists and theoreticians, and among them we will single out Richards, who, discussing learners' lexical competence, inter alia, claims that “knowing a word means knowing the degree of probability of encountering it and the sorts of words most likely to be found associated with it (frequency and collocability), and that “knowing a word means knowing its place in a network of associations with other words in the language” (Carter & McCarthy, 2013: 44). This can be related to Aitchison's idea of “word-webs” (Aitchison, 1987: 73), or kind of semantic networks that learners use in associating words to each other. She draws on the findings related to word associations tests aimed at determining the way that links between words are formed within the mental lexicon of the people. In many cases the association of new words by learners “involved a word which was likely to be ‘collocated’ (found together) with the stimulus in connected speech” (Aitchison, 1987: 75).

Collocations are of utmost relevance to ESP learners, and this includes learners of law enforcement English. The words that we selected in the introductory sections for illustrating the “behavior” of collocates within a collocation belong to the domain of law enforcement and security, and the familiarity with their semantic peculiarities can surely be viewed as a prerequisite for learners of English in this domain. Domain-specific vocabulary abounds in set phrases and collocations, often taken from general lexical corpus of a given language and the level of their acquisition is actually an indicator of the learner's level of proficiency of that specific language. This is particularly true if we take into account the fact that word combinations are usually taught at higher stages of the language acquisition process, as ESP instruction usually occurs after general language courses. The very specificity of ESP courses as opposed to general language courses lies in the vocabulary which is characteristic for the specific field of study. Consequently, ESP courses are mainly based on vocabulary instruction with the focus on technical, specialized vocabulary in the respective field, i.e. its specific jargon, which to a great extent encompasses collocations.

Some theoreticians consider collocations important in the acquisition of grammatical knowledge as well. As Jimmie Hill (2000: 52) puts it, collocations “cannot be divorced from the grammatical context in which they occur”. This practically means that speakers acquire new vocabulary as it naturally occurs in longer sentence structures, simultaneously acquiring both lexical and grammatical knowledge. For instance, a learner of English visiting an English-speaking country by car or other vehicle, when talking to police officers may come across utterances like, for instance, *Drivers have to pay a fine for not wearing seatbelts*, where they learn the collocations *pay a fine* and *wear a seatbelt* simultaneously with the contextual use of the modal verb *have to*.

Finally, mastery of what Lewis refers to as “word partnerships” (Lewis, 1997: 257), i.e. collocations help non-native learners of a language sound native-like. This does not necessarily mean that native-like fluency implies accumulation of extensive lexical knowledge, but mastery of successfully arranging, within larger lexical units, a particular number of words which can possibly be acquired at a specific stage in the language acquisition process. Thus, for instance, the verbs *make* is acquired in the initial stage of learning English, as one of the most frequently used verbs by speakers of English. However, its proper use within law enforcement context can indicate the learners' level of mastery of collocations, since *make* collocates with numerous law

enforcement words. For instance, learners should know that *make* collocates, inter alia, with the noun *mistake* in the collocation *make a mistake*, but within law enforcement context it can also collocate with nouns like *statement* in the collocation *make a statement*. Similarly, the verb *hold* which is learned at beginner level in collocations like *hold one's hand*, also collocates with a variety of law enforcement words, such as *hostage*, *inquiry*, *gun* etc. within the collocations *hold a hostage*, *hold inquiry*, or *hold a gun*, respectively.

4 IMMIGRATION COLLOCATIONS IN THE ESP CLASSROOM

Taking into account the importance of collocations, in this section we will explore several practical ideas for including collocations in the ESP classroom. To achieve this, we chose the topic of immigration within the context of teaching law enforcement English. In order to add to the authenticity of context and satisfy students' needs for contextualized, real life use of specialized terminology in this area, the corpus for the activities will be comprised of several EU documents dealing with this issue, used in their authentic form and in some cases with certain adaptations. The exercises will be grounded on developing students' communicative competence and their productive and receptive skills, with emphasis on group work and class interaction.

4.1 Exercise 1

The first activity that we suggest is related to inferring meaning from context, as a classroom activity which, based on our experience, enhances students' active participation in class. Teachers of law enforcement English have at their disposal a variety of legal acts adopted at EU level addressing immigration issues which can be used for designing exercises of this type. However, for the purpose of our paper, we developed a sample exercise based on *Council directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air* (European Union, 2003a), where we specifically focused on the noun **transit**. In this classroom activity, the students are supposed to work in groups, with the task to fill in the missing parts of the sentences containing collocations with the noun **transit**. They are given the text of the Directive, where in certain paragraphs they have to insert the missing parts of the sentences, based on the context inferred from the text contents. In order to identify the missing sentence parts, students work together and through discussions try to guess the meaning of the given collocations.

We will illustrate this activity with the following excerpts from the Directive (European union, 2003a):

“requesting Member State’ means the Member State which enforces a removal order in respect of a third-country national and _____”

(Key: “**requests transit via the airport of transit of another Member State**”. Collocation taught: **REQUEST TRANSIT**)

“requested Member State’ or ‘transit Member State’ means the Member State via whose airport of transi _____”

(Key: “**the transit is to be effected**”. Collocation taught: **EFFECT TRANSIT**, passive form)

“_____ by air and the associated assistance measures under Article 5(1) shall be made in writing by the requesting Member State.”

(Key: “**The request for escorted or unescorted transit**”, collocations taught: **ESCORTED TRANSIT, UNESCORTED TRANSIT**)

“The requesting Member State shall take appropriate arrangements to ensure that _____.”

(Key: “**the transit operation takes place in the shortest possible time.**” Collocation taught: **TRANSIT OPERATION**)

4.2 Exercise 2

The second exercise in this section is aimed at raising learners' awareness regarding different parts of speech used as collocates, and their position and meaning within the collocation. For the purpose of this activity, we chose *Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification* (European union, 2003b), and we specifically focused on the collocation **residence permit** and its collocates within the corresponding longer collocations.

What we suggest is a classroom activity with students working in groups of three. One student has to search for verbal collocates, the other one works on finding nominal collocates with the preposition “of”, while the third student’s task is to find adjectival collocates used in combination with **residence permit** which is a collocation itself and with these collocates actually forms longer collocations. Upon the completion of this task, students work with each other and explain the meanings of the different collocations they dealt with to the other members of the group.

The following excerpts show examples of verbal, nominal, and adjectival collocations taken from the text of the Directive (European union, 2003b) that students should find and discuss:

Group a) verb + **RESIDENCE PERMIT**

“This Directive shall apply where the sponsor is **holding a residence permit issued** by a Member State for a period of validity of one year or more who has reasonable prospects of obtaining the right of permanent residence.” (Key: **hold + residence permit; issue + residence permit**)

“Member States may **withdraw** or refuse to **renew a family member’s residence permit** on grounds of public policy or public security or public health.” (Key: **withdraw + [...] residence permit; renew [...] residence permit**)

Group b) noun + of + **RESIDENCE PERMIT**

“The **duration of the residence permits** granted to the family member(s) shall in principle not go beyond the date of **expiry of the residence permit** held by the sponsor.” (Key: **duration of residence permit; expiry of residence permit**)

“**Renewal of the residence permit** may not be withheld and removal from the territory may not be ordered by the competent authority of the Member State concerned on the sole ground of illness or disability suffered after the **issue of the residence permit**.” (Key: **renewal of residence permit; issue of residence permit**)

Group C) adjective + **RESIDENCE PERMIT**

“In the event of widowhood, divorce, separation, or death of first-degree relatives in the direct ascending or descending line, **an autonomous residence permit** may be issued, upon application, if required, to persons who have entered by virtue of family reunification.” (Key: **autonomous residence permit**)

“The Member State concerned shall grant the family members **a first residence permit** of at least one year duration. This resident permit shall be **renewable**.” (Key: **first residence permit; renewable residence permit**)

4.3 Exercise 3

European union acts in the field of immigration can also serve as helpful resources in combining acquisition of lexical knowledge with acquisition of grammatical knowledge. They offer a great variety of word combinations where a preposition or other grammatical structure collocates with a noun, adjective, verb as a keyword, which is actually what BBI refers to as a grammatical collocation (Benson, Benson & Ilson, 1997).

In order to show the didactic “productivity” of immigration-related legal texts which are available to language instructors and course designers in teaching grammatical collocations, in this section we will present an exercise where the focus is on the noun **check**, as a very productive noun with a wide collocational range, denoting a frequently used immigration concept.

This specific exercise is derived from *Regulation (ec) no 562/2006 of the European parliament and of the council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)* (European union, 2006), which abounds in collocations with the noun **check**, both lexical and grammatical ones. In the activity that we propose, students work in groups of three. The teacher extracts authentic sentences from the text of the Regulation, divides them into two halves, writes them on different cards and gives them to the two students, one half each, adding extra halves in order to make the task more challenging. The third student is the one who has the original, complete sentences, and s/he serves as a supervisor and guide to the other two students who work together trying to negotiate the meaning of the divided collocates and to make up the whole collocations based on the information on the cards. When they finish, they have a group discussion on the meaning conveyed by the collocates trying to infer some general rules about the correct use of specific prepositions with the noun **check**.

The following is an excerpt from this activity based on the sentences taken from the above-mentioned Regulation (European union, 2006):

CARD A

1. "Border control comprises not only **checks**..." (Key: **B**)
2. "It is therefore necessary to lay down the conditions, criteria and detailed rules governing **checks**..." (Key: **C**)
3. "Provision should be made for relaxing **checks**..." (Key: **A**)
4. "In the case of minors travelling unaccompanied, border guards shall ensure, by means of thorough **checks**..." (Key: **D**)

CARD B

- A) "...**at** external borders in the event of exceptional and unforeseeable circumstances in order to avoid excessive waiting time at borders crossing-points."
- B) "...**on** persons at border crossing points and surveillance between these border crossing points, but also an analysis of the risks for internal security and analysis of the threats that may affect the security of external borders."
- C) "...**at** border crossing points and surveillance."
- D) "...**on** travel documents and supporting documents, that the minors do not leave the territory against the wishes of the person(s) having parental care over them."

4.4 Exercise 4

The noun **check** can also be used for another activity which involves participation of the whole class. This activity can be carried out in the form of a game, where students work divided in two groups. Both groups are given the text of the Regulation, and the teacher has a list with definitions related to collocations containing the noun **check**. The teacher reads the definitions one after another, and the groups should try to find in the text the collocation which corresponds to the definition they hear. The groups compete between each other trying to give correct answers as soon as possible, and the faster group with correct collocations is the one which eventually ends up as the winner of the game.

To illustrate this game, we chose the following definitions and excerpts containing the correct collocations with check, taken from the text of the above-mentioned Regulation (European union, 2006):

Task 1: Find a collocation which refers to a check carried out at the frontier between two countries.

Answer: **BORDER CHECK**

Excerpt: "border control' means the activity carried out at a border, in accordance with and for the purposes of this Regulation, in response exclusively to an intention to cross or the act of crossing that border, regardless of any other consideration, consisting of **border checks** and border surveillance;"

Task 2: Find a collocation which refers to making checks less stricter.

Answer: **RELAX CHECKS**

Excerpt 1: "Provision should be made for **relaxing checks** at external borders in the event of exceptional and unforeseeable circumstances in order to avoid excessive waiting time at borders crossing-points."

Excerpt 2: "Border checks at external **borders may be relaxed** as a result of exceptional and unforeseen circumstances. Such exceptional and unforeseen circumstances shall be deemed to be those where unforeseeable events lead to traffic of such intensity that the waiting time at the border crossing point becomes excessive, and all resources have been exhausted as regards staff, facilities and organisation."

Task 3: Find a collocation which refers to a check carried when arriving in a particular country/ location:

Answer: **ENTRY CHECK**

Excerpt: "passengers on a flight from a third country who board an internal flight shall be subject to an **entry check** at the airport of arrival of the flight from a third country."

Task 4: Find a collocation which refers to a check carried when leaving a particular country/ location:

Answer: **EXIT CHECK**

Excerpt: "Passengers on an internal flight who board a flight for a third country (transfer passengers) shall be subject to an **exit check** at the airport of departure of the latter flight;"

4.5 Exercise 5

Collocational competence comprises, inter alia, learners' awareness of the collocational range of the words. Collocational range actually refers to "the set of collocates, that is other words, which are typically associated with the word in question" (Baker, 1992: 49). Different words have different collocational ranges and knowledge of collocates of specific words is a challenging goal for learners, which cannot always be easily achieved.

EU legal acts in the area of immigration can serve as the basis for teaching the elements consisting the collocational range of certain immigration concepts. In order to show the suitability of this type of texts for achieving this didactic task, we propose an activity which involves the creation of collocation maps. Working in pairs, students are given two cards and, in this case, the text of *Directive 2011/36/eu of the European parliament and of the council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA* (European union, 2011). For instance, they are given the word **trafficking**. One of the students has to find the collocates of **trafficking** in the text and complete the collocation map. The other student works with a dictionary of collocations, and his/her task is to add the collocates which are not contained in the text of the directive, but which are included in the dictionary, so as to make the map more comprehensive. After they finish, they have a discussion on the meanings of the collocates they inserted in the collocation map.

The following is the collocation map of **trafficking**, based on the collocates encountered in the text of the above-mentioned Directive (European union, 2011):

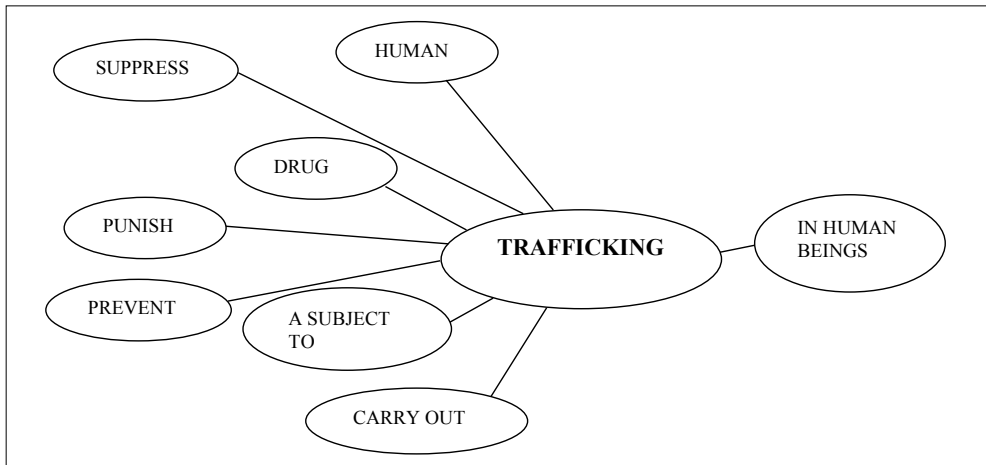


Figure 1: Trafficking (European union, 2011)

The following are the sentences from the Directive (European union, 2011) containing the collocates written in the collocation map:

"Where the age of a person **subject to trafficking** is uncertain, and there are reasons to believe it is less than 18 years, that person should be presumed to be a child and receive immediate assistance, support and protection."

"In order to ensure effective prosecution of international criminal groups whose centre of activity is in a Member State and which **carry out trafficking in human beings** in third countries, jurisdiction should be established over the offence of trafficking in human beings where the offender is a national of that Member State, and the offence is committed outside the territory of that Member State."

"The expression 'exploitation of criminal activities' should be understood as the exploitation of a person to commit, inter alia, pick-pocketing, shop-lifting, **drug trafficking** and other similar activities which are subject to penalties and imply financial gain."

"The 2000 United Nations Protocol to **Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**, supplementing the United Nations Convention against Transnational Organised Crime and the 2005 Council of Europe Convention on Action against **Trafficking in Human Beings** are crucial steps in the process of enhancing international cooperation against trafficking in human beings."

“To ensure the success of investigations and prosecutions of **human trafficking** offences, their initiation should not depend, in principle, on reporting or accusation by the victim.”

5 CONCLUSION

Legal acts addressing the issue of immigration can be used as resourceful didactic materials for teaching collocations to students of law enforcement English.

As we could see from the activities we designed in the sections above, they can provide the basis for the extraction of a great number of collocations to be taught in class. Due to the limitation of the paper, only several EU acts were used for the selection of collocations. Further elaboration on this issue may serve as the basis for writing other papers in the future which would encompass other EU acts in this field, taking into account the multitude of legal acts adopted at EU level addressing the issue of immigration from different aspects.

The use of authentic documents can also be used as a model for other ESP teachers and course designers who could use the ideas presented in this paper to design didactic materials for English language instruction in other domains based on corresponding texts, both in their authentic and adapted form.

Taking into consideration the growing trends of using new technologies in the teaching process, future papers on the topic of collocation instruction can also include various corpus-processing tools and computer programs which are developed for the purpose of various lexical operations and analyses.

REFERENCES

- Aitchison, J. (1987). *Words in the mind: An introduction to the mental lexicon*. Oxford: Basil Blackwell.
- Baker, M. (1992). *In other words: A coursebook on translation*. London: Routledge.
- Benson, M., Benson, E., & Ilson, R. (2010). *The BBI combinatory dictionary of English. your guide to collocations and grammar, third edition revised by Robert Ilson*. Amsterdam: John Benjamins Publishing Company.
- Bussmann, H. (2006). *Routledge dictionary of language and linguistics*. London, New York: Routledge.
- Carter, R., & McCarthy, M. (2013). *Vocabulary and language teaching*. London, New York: Routledge.
- Cruse, A. (2006). *A glossary of semantics and pragmatics*. Edinburgh: Edinburgh University Press.
- Crystal, D. (2008). *A dictionary of linguistics and phonetics* (6th ed.). Malden: Blackwell Publishing.
- Ellis, N.C. (2008). Phraseology: The periphery and the heart of language. In F. Meunier & S. Granger (Eds.), *Phraseology in foreign language learning and teaching*. (pp. 1–13). Amsterdam, Philadelphia: John Benjamins Publishing Company.
- European union. (2003a). *Council directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air*. Retrieved from <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32003L0110&from=EN>
- European union. (2003b). *European Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification*. Retrieved from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:251:0012:0018:en:PDF>
- European union. (2006). *Regulation (EC) No 562/2006 of the European parliament and of the council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)*. Retrieved from <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32006R0562&from=EN>
- European union. (2011). *Directive 2011/36/EU of the European parliament and of the council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA*. Retrieved from <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0036&from=GA>
- Hill, J. (2000). Revising priorities: from grammatical failure to collocational success. In M. Lewis (ed.), *Teaching collocation – Further developments in the lexical approach*. (pp. 47–69). Hove: Language Teaching Publications.
- Lewis, M. (1997). Pedagogical implications of the lexical approach. In J. Coady & T. Huckin (Eds.), *Second language vocabulary acquisition: A rationale for pedagogy* (pp. 255–270). Cambridge: Cambridge University Press.
- Lewis, M. (2000). Language in the lexical approach. In M. Lewis (Ed.), *Teaching collocation – Further developments in the lexical approach* (pp. 126–154). Hove: Language Teaching Publications.

- Oxford Dictionaries. (2016a). *Definiton of contain in English*. Retrieved from <http://www.oxforddictionaries.com/definition/english/contain>
- Oxford Dictionaries. (2016b). *Definiton of juvenile in English*. Retrieved from <http://www.oxforddictionaries.com/definition/english/juvenile>
- Oxford Dictionaries. (2016c). *Definiton of minor in English*. Retrieved from <http://www.oxforddictionaries.com/definition/english/minor>
- Trajkovska, V. (2016). The use of legal acts on combating cybercrime in teaching vocabulary to law enforcement students. *Zagreb Police College Research Days – Enhancing the efficiency of police work by using new technologies and methods*. Zagreb: Police Academy of the Ministry of the Interior of the Republic of Croatia.

SECURITY TOPICS

SHARING OPEN SOURCE DATA BETWEEN NATIONAL INTELLIGENCE SERVICES AND COMPANIES, REGARDLESS OF THEIR OWNERSHIP

Darko Prašiček

ABSTRACT

Purpose:

The paper discusses the cooperation between national intelligence services and companies, regardless of their ownership, in the Republic of Slovenia by sharing open source data.

Methods:

The method applied herein is based on the analysis of the response received from national intelligence services, the Slovenian Ministry of Economic Development and Technology (MGRT) and the Chamber of Commerce and Industry of Slovenia (GZŠ) in order to assess how their collected data is used to benefit the economy.

Findings:

The collection and analysis of open source data for its systematic use have not been widely researched yet in Slovenia and represent a challenge for the cooperation between government institutions and companies.

Research limitations:

The research is limited to the current state of cooperation related to sharing of intelligence information in Slovenia as a form of collecting intelligence from open sources with the intent to use it to improve the economy and make it more effective.

Originality:

Based on the study of Slovene and foreign scientific and research literature and the descriptions of activities conducted by intelligence services available on the Internet, we note that some countries, especially the United States, have been using information obtained by intelligence services to support their economy for a long time, while some other countries have been actively discussing this. Thus, a possible way for a more successful functioning of the economy and its development is presented in the paper.

Keywords: intelligence services, Republic of Slovenia, open sources, intelligence, cooperation, economy

I INTRODUCTION

Fast and constant social and economic changes have a significant effect on a country's economic situation, while a worse economic situation can cause additional problems with regard to strategic decision-making done by the management of commercial organizations, regardless of their ownership. Wrong decisions make the process of managing a company even harder, resulting in a lower quality of life of strategic managers and employees, thus affecting their health and making them feel threatened or anxious (Areh & Umek, 2011). Being able to manage with accurate and timely information is therefore all the more important.

In today's age of information technology, access to timely information from open sources is much faster and almost simultaneous with a certain event. After all, access to open source data is incomparably less costly than conventional methods of data collection conducted by national intelligence services.

People had been aware of the importance of managing information already long in the past. This awareness brought to the foundation of national intelligence services. In the modern era of increasing globalization, the need for conventional methods of collecting information by intelligence services with the intent to ensure the country's security from a foreign attack is of course lesser and lesser. Globalization has caused major economic changes. Consequently, the intelligence work done for the benefit of the economy which is not aimed only at state-owned companies, but also to commercial companies, regardless of their ownership, is becoming increasingly important.

National intelligence services in the Republic of Slovenia collect data and information through conventional methods also from open sources. But such diffused data and information

are not much valuable by themselves. Therefore, it is essential to aggregate and connect them and to share them with eligible companies and other entities that are important for economic stability and development.

In order to determine the state of cooperation among national intelligence services in the Republic of Slovenia and entities, which are considered important for the Slovene economy, a survey based on a structured interview was conducted.

The following hypotheses were made:

- H1: national intelligence services, the Slovenian Ministry of Economic Development and Technology (Ministrstvo za gospodarski razvoj in tehnologijo [MGRT]) and the Chamber of Commerce and Industry of Slovenia (Gospodarska zbornica Slovenije [GZS]) exchange data and information with each other that are important for Slovene companies, regardless of their ownership.
- H2: data and information collected from open sources through conventional methods by national intelligence services are not classified and are disseminated.
- H3: besides being regulated by law, the exchange of information is also regulated by executive acts and mutual agreements.
- H4: national intelligence services and entities, which are considered important for the Slovene economy, share data with each other on their own initiative.

A model of possible work of the above-mentioned organizations in favour of the Slovene economy within the processes of intelligence activity is also presented. Based on the reports on the work of the Slovene police in the period from 2011 to 2015, an analysis was made about the problem of the number of criminal offences related to economic crime and the incurred damage, which amounts to 1.04 % of GDP in that period. Therefore, the cooperation between national intelligence services and companies in the Republic of Slovenia for the benefit of the economy is absolutely necessary.

2 OPEN SOURCE DATA AND INTELLIGENCE ACTIVITY

Because of the awareness of the importance of information, intelligence organizations were founded in order to collect information from different environments at the state and international level. The use of conventional methods of data collection conducted by state intelligence services poses a risk of interfering with guaranteed human rights and fundamental freedoms. The intelligence services' information are classified in accordance with the law and are intended only for a restricted group of people or certain individuals (Podbregar, Mulej, Pečan & Ivanuša, 2010: 20). This field is regulated by international agreements, directives, constitutions and specific legal arrangements of individual states. The interference with guaranteed human rights and fundamental freedoms with regard to collecting open source data and public information is therefore significantly reduced. Besides the statutory protection of guaranteed human rights and freedoms, the moral and ethical conduct of intelligence services and their collaborators is also particularly important for the entire process of the intelligence activity as described below.

2.1 Open source data

Fast social and economic changes are reflected as a whole, they are hardly predictable and they reach the very foundations of society. Therefore, changes in the economy demand continuous and immediate responses to future risks, which is reflected in a necessary change of systems of management. At the same time, globalization offers possibilities for expanding entrepreneurship at the international level, but we must not overlook potential entrepreneurs who lust for big and quick earnings and engage in unlawful, criminal activities.

Successful risk management urgently requires open source information, which are publicly available and regulated. In order for available information to have value, they have to go through the process of intelligence activity, which comprises collection, analysis, aggregation, correct interpretation and dissemination of data.

People had been aware of the importance and advantage of managing intelligence already long in the past and records on the awareness of their importance have existed since the invention of writing. In the period between 400 and 320 BCE, Sun Tsu (2007) published *The Art*

of War, a handbook in which he wrote about the importance of collecting information with regard to strategic decision-making.

Open source data, used for further processing and analysis, can be collected from newspapers, books, maps, scientific publications, tape recordings, electronic mediums, web contents, radio and television (Podbregar, 2008), at fairs, from people etc.

2.2 Public information

Besides open source data, successful risk management urgently requires also information which are publicly available and regulated.

With the forming of the modern world, the public interest to be informed on the operation of the authorities at all levels – municipal, regional, state and international – has been growing. The right to access public information can be found already in old Chinese records from the 7th Century CE during the reign of Tang Tai Zhong's dynasty, when emperor Zhong started with the renewal of the system of government with the awareness that the functioning of the state should be transparent. He founded a council of wise men who monitored all the government's decisions and its communication. Records on the first grant of right to access public information in Europe date back to 1766, when the Finnish priest Anders Chydenius, who was a member of the Swedish parliament, took the practice of Zhong's dynasty and refined it. The foundation of the right to be informed stems from the right of free speech, which was included in the Constitution of the United States of America with the First Amendment in 1789 and had already been written down in the Virginia Declaration of Rights in 1776 which later influenced all the declarations of human rights (Pličanič et al. , 2005: 25–26).

2.3 Intelligence activity

Defining what is an intelligence activity depends on definitions and explanations of the process of intelligence activity by individual authors. Thus, the process of intelligence activity is defined as a process comprising data acquisition, collection, assessment and analysis which represents the transformation of data into information and the distribution of intelligence needed for decision-making purposes of its users (Podbregar & Ivanuša, 2013). Other authors emphasize also task definition as an important part of the intelligence activity and they strongly focus on feedback and analysis review (Ratcliffe, 2009b).

Taking into consideration the processes of the intelligence activity, the model shown in Figure 1 could be a possible model of the intelligence activity acting as a support to strategic decision-making of the management, regardless of the company's ownership.

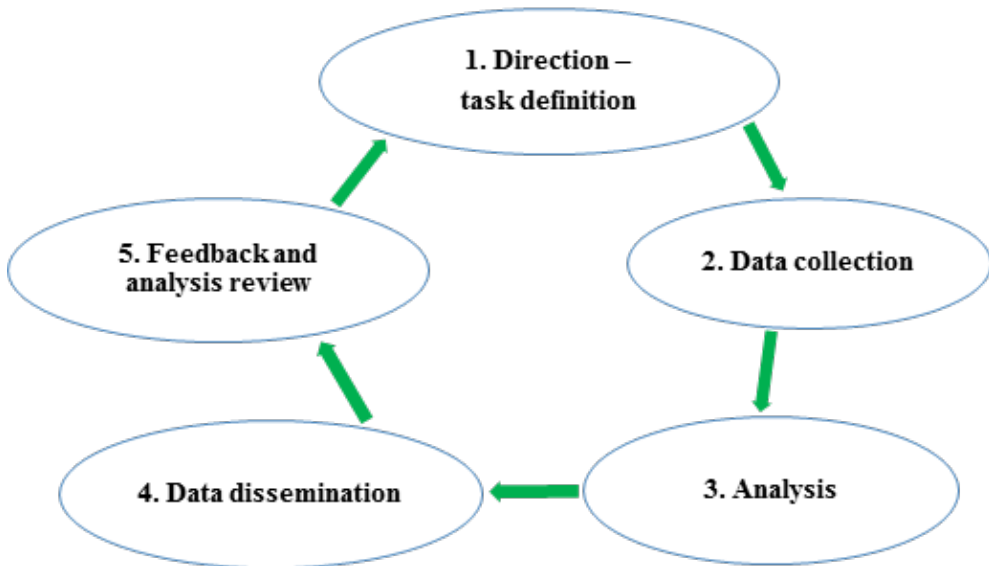


Figure 1: Intelligence activity model according to Ratcliffe (2009b: 7)

At the stage of direction (task definition), based on the company's ownership, the task could be defined by the government or its constituent bodies (ministries, offices etc.), GZS (when it or its members need information while carrying out their duties), or by the companies' strategic management that directly approaches competent state institutions. The one who defines the task is responsible for preparing the final product through the analytical process together with the analyst. The task is successfully defined when the analyst understands the client's needs and works towards accomplishing that goal. The client should be able to understand and accept the form of the final product, how they will be able to use it and what are its limitations (Nicholl, 2009). The analyst presents to the client other available databases and informs them about potential technical and legal restrictions. Any misunderstandings on behalf of the analyst or the client at this stage can result in an incorrect analysis at the following stages of the intelligence cycle (Ratcliffe, 2009b). The stage of collecting open source data and public information is aimed at achieving a purpose, so data collection is directed accordingly. The stage of analysis is based on intelligence research (Ratcliffe, 2009b) which is conducted by an analyst, who's task is to formulate and advance hypotheses, to be creative and to pursue different and new effective ways of methodological research (Ratcliffe, 2009a). It is expected from the strategic management and the person organizing and leading the activity of data collection to be familiar with the case at hand, to operate as rationally and functionally as possible and to disseminate the data to persons entitled to them in order to successfully support the strategic management's decision-making. The feedback and review of the conclusions drawn from the analysis are particularly important. Based on feedback, the analysis can be supplemented or a detailed approach with regard to certain elements can be taken if there are any shortcomings or lack of data. The decisions taken by the strategic management while conducting activities which ensure an efficient operation of the company depend on the final product of the intelligence cycle, i. e. the information. The results of the intelligence analysis are expected to contribute to the strategic assessment of the situation by providing an overview of the present situation and its future development with the intent to define strategies, tactics, profiles of potential competitors, development and understanding of problems (Evans, 2009) in order to ensure an efficient operation of the company.

Besides respecting the law, it is expected from all the participants in the intelligence activity to respect the process also from the moral and ethical viewpoint. According to Carney (2010), that which is not allowed is not necessarily morally wrong, and, on the other hand, that which is allowed is not necessarily moral and ethical.

3 RESEARCH

3.1 Method

The target population for the survey were institutions which are important for the stability and development of the Slovene economy, regardless of companies' ownership. National intelligence services of the Republic of Slovenia undoubtedly conduct their work also by collecting open source data and public information. They create information through the intelligence process that are very important and helpful for a (more) correct decision-making done by the strategic management. Besides the national intelligence services, the sample includes also MGRT and GZS.

It was implemented a form of a structured interview, which was sent to all the selected participants in the quantitative survey. Due to possible issues with regard to the conduct of the structured interview, a written questionnaire was sent to all the participants, together with an application for authorization of the interview and participation in the survey, with the possibility to provide written answers or answer by phone. In this way, a greater degree of responsiveness was expected and, consequently, a greater representative sample (Šubic, Eman & Bren, 2016).

Based on annual reports on the work of the police, it is evident that the number of economic offences is not decreasing, since their number is increasing or is remaining the same, despite police activities implemented to prevent economic crime (see Table 1). The amount of damage caused by economic crime, which for the years between 2011 and 2015 amounts to approx. 1.04 % of GDP in total (see Table 2), is also not decreasing.

Table 1: Number of economic criminal offences¹ from 2011 to 2015 (source: Policija, 2012-2016)

	Number of criminal offences				
Year	2011	2012	2013	2014	2015
Total	12,746	12,853	16,333	16,774	12,533

Table 2: Economic damage caused by economic crime in terms of GDP (source: Policija 2012-2016; Statistični urad Republike Slovenije, 2016)

Year	2011		2012		2013		2014		2015	
		ŠGK/ GDP		ŠGK/ GDP		ŠGK/ GDP		ŠGK/ GDP		ŠGK/ GDP
GDP (in millions of EUR)	36896,3		35988,3		35907,5		37303,2		38543,2	
Damage caused by economic crime (in 1000s of EUR)	176,325.1	0,5%	449,510.8	1,2%	288,659.5	0,8%	672,021.4	1,8%	362,100.1	0,9%

3.1.1 Sample

The target population were the following national intelligence and security services in the Republic of Slovenia:

¹ Annual reports on the work of the police include the following economic offences: use of a counterfeit bank, credit or other card, business fraud, forgery or destruction of business documents, abuse of position or trust in business activity, embezzlement and unauthorised use of another's property, money laundering, presentation of bad cheques and abuse of bank or credit card, tax evasion, other criminal offences, causing bankruptcy involving fraud or unconscientious business conduct, use of counterfeit non-cash mean of payment, abuse of non-cash mean of payment, harm to creditors, violation of fundamental labour rights, abuse of office or official duties, and forgery of money (Policija, 2012-2016).

- The Ministry of the Interior, Police: among the basic tasks under the Police Tasks and Powers Act (*Zakon o nalogah in pooblastilih policije*), the first and one of the most important tasks is the protection of human life, personal safety and security, and protection of property (*Zakon o nalogah in pooblastilih policije [ZNPPol]*, 2013).
- Intelligence and Security Service of the Ministry of Defence (VOS MORS): based on the Defence Act (*Zakon o obrambi*, 2004), within the framework of security tasks in the field of defence, it carries out also tasks related to detection, prevention and investigation of threats to the safety of certain individuals, workplaces, buildings and areas used by the ministry and the Slovene Armed Forces in the country or abroad, and data about the development or production of certain military weapons or equipment, which is undoubtedly important also for the decision-making done by the strategic management at the state (governmental) level, as well as that of the commercial companies (*Zakon o obrambi [ZoBR-UPB1]*, 2004).
- Ministry of Foreign Affairs (Ministrstvo za zunanje zadeve), Directorate for Common Foreign and Security Policy, Department for Strategic Studies and Analyses: it carries out tasks and activities related to the analysis of foreign policy and preparation of policies and strategies, and cooperates with academic and other institutions. The department drafts analytical and strategic documents for the foreign minister, publishes regular analyses on the current state of international affairs and monthly in-depth analyses on global trends in international relations (Ministrstvo za zunanje zadeve [MZZ], 2016)
- Slovene Intelligence and Security Agency (SOVA), an independent agency of the Government of the Republic of Slovenia: based on Article 2 of the Slovene Intelligence and Security Agency Act (*Zakon o Slovenski obveščevalno- varnostni agenciji*, 2006), the agency collects and evaluates data and provides information from abroad which are important to ensure the security, political and economic interests of the country and data which are important for the security of certain individuals, workplaces, entities and buildings (*Zakon o Slovenski obveščevalno- varnostni agenciji [ZSOVA-UPB2]*, 2006)

Besides the intelligence and security services under the auspices of the above-mentioned ministries and independent government agency, MGRT and GZS, acting as important institutions for the Slovene economy, were also included in the survey.

- MGRT's scope: entrepreneurship, technological development, internationalization, trade policy, tourism, internal market, regional development, wood and furniture industry, social entrepreneurship (MGRT, 2016).
- As part of its analytical service Analitika GZS, GZS (2016) offers a package of economic (market analysis, business forecasts, overview of economic trends and advice) and financial information (economic operational review based on financial information).

3.1.2 Questionnaire

The structural interview comprised 16 questions and was divided into four parts. When drawing-up the questionnaire, I assumed that besides their conventional work, national intelligence services collect also open source data and public information and there is no need for such data and information to be classified. The same questionnaire was provided also to MGRT and GZS.

The questions in the first part of the questionnaire referred to the intensity of the collection of open source data and public information available in the Republic of Slovenia, as well as those from the EU countries. Based on the conventional work of intelligence services, the questions referred also to the classification and level of classification of data and information collected with conventional methods, while others that were collected with conventional methods from open sources are not classified. In the second part, the questions referred to the existence of executive acts with regard to data sharing. The third part covered the methods of data sharing among the participants of the survey, while the fourth part concerned communicating and requesting data among the participants on their own initiative.

4 RESULTS

Being aware of the limitation of whether the participants in the survey would be prepared to cooperate and taking into consideration the possibility of unwillingness to cooperate by all of them, except for VOS MORS and GZS the advanced hypotheses cannot be neither confirmed nor rejected.

During a phone conversation with a representative of VOS MORS, I was told that they do not conduct any activities mentioned in the survey, but only tasks related to the field of defence and the Slovene Armed Forces.

During a phone conversation with a representative of GZS, I was told that they do not cooperate with the services mentioned in the survey and they also do not use or monitor and collect open source data or public information in any particular way.

Confirmation or rejection of advanced hypotheses:

- H1, according to which national intelligence services, MGRT and GZS share data and information that is important for Slovene commercial companies, regardless of their ownership, has not been confirmed. Based on the reply of VOS MORS and GZS, it is evident that they do not cooperate with national intelligence services and they do not share data and information among each other.
- H2, according to which national intelligence services do not classify and disseminate data and information collected from open sources by conventional methods, has not been confirmed, since national intelligence services were not willing to participate in the survey.
- H3, according to which, besides being regulated by law, the exchange of information is regulated also by executive acts and mutual agreements, has not been confirmed. Based on the reply of VOS MORS and GZS, it is evident that they do not cooperate between each other.
- H4, according to which national intelligence services and entities, which are considered important for the Slovene economy, share data between each other on their own initiative, has also not been confirmed.

Based on the replies to advanced hypotheses, it can be concluded that national intelligence services, MGRT and GZS do not cooperate between each other in the exchange of open source data and public information. Consequently, they also do not share them between each other or request them one from another.

5 CONCLUSION

Globalization offers the possibility to extend entrepreneurship at the international level. Together with the removal of national borders and the possibility of free movement of people and capital in the EU, there was also an increase of risk of entrepreneurship. Globalization affects also the integration of countries in Europe. Namely, with the creation of new connections and activities that cross and eliminate political, economic, cultural and geographical boundaries, it has an impact on the integration of European countries into the European Union (Perenič, 2010: 61). According to Perenič (2010: 45), although the European Union has certain elements of a federation, it has its own way of integrating the European countries on the basis of an agreement as a confederation.

The risk results in the foundation of companies, whose purpose is to quickly amass a lot of wealth, without having respect for legal provisions of individual countries, which enables them to conduct their criminal activities much easier. The newly established entrepreneurs can therefore hide behind government investments, corporations and other companies quite safely. The informal economy, which is emerging worldwide as directly opposed to the formal economy, is especially dangerous (Edelbacher, Dobovšek & Kratcoski, 2016). The cooperation between government institutions and companies represents a challenge for the protection of formal economy against the informal economy and organized crime (Dobovšek & Slak, 2016).

Reducing the risk of decision-making and determining the strategies of companies mostly depends on available information. Companies can collect information from publicly accessible sources or open sources. Only quickly collected, timely, quality and qualitatively processed and correctly interpreted information can provide their owner a competitive advantage.

Based on the review of foreign publications and reports related to the activities of similar services in foreign countries, it can be concluded that there is a major focus on collecting open source data which is important for the country's economy and defence capability. Within the field of intelligence, the intelligence activity comprises civilian as well as military intelligence services and economic sectors of vital importance (Office of the Director of National Intelligence, 2009). Therefore, some countries seriously consider and are in favour of collecting open source data which are intended for the effectiveness, competitiveness and development of the economy rather than using conventional methods of data collection (Sir Omand, 2009).

The security organizations, such as the Police, SOVA, VOS MORS, MGRT and GZS, as well as companies, regardless of their ownership, collect information which should definitely be shared, since they could be useful for the Slovene economy.

REFERENCES

- Areh, I., & Umek, P. (2011). Psihološki učinki onesnaženega okolja [Psychological impact of environmental pollution]. *Varstvoslovje*, 13(1), 30–38.
- Carney, P. T. (2010). *Spolno nasilje; strateški in operativni postopki kriminalistične preiskave in samovarovanje potencialnih žrtev* [Sex crime: strategic and operational procedures of criminal investigation and self-protection of potential victims]. Ljubljana: Amalietti & Amalietti.
- Dobovšek, B., & Slak, B. (2016). The Informal Economy and Organized Crime. In M. Edelbacher, P. C. Kratcoski & B. Dobovšek (Eds.), *Corruption, fraud, organized crime, and the shadow economy* (pp. 7–17). London: CRC Press, Taylor & Francis Group.
- Edelbacher, M., Dobovšek, B., & Kratcoski, C., P. (2016). The Relationship of the:Informal Economy to Corruption, Fraud, and Organized Crime. In M. Edelbacher, P. C. Kratcoski & B. Dobovšek (Eds.) *Corruption, fraud, organized crime, and the shadow economy* (pp. 1–6). London: CRC Press, Taylor & Francis Group.
- Evans, R. M. (2009). Influencing decision-makers with intelligence and analytical products. In J. H. Ratcliffe (Ed.), *Strategic thinking in criminal intelligence* (2nd ed.) (pp. 187–203). Sydney: The Federation Press PO Box 45, Annandale, NSW.
- Gospodarska zbornica Slovenije (GZS) [Chamber of Commerce and Industry of Slovenia]. (2016). O GZS [About CCIS]. Retrieved from https://www.gzs.si/o_gzs/Search-Results?q=Analitike+GZS
- Ministrstvo za gospodarski razvoj in tehnologijo (MGRT). (2016). *Delovna področja* [Working areas]. Retrieved from http://www.mgrt.gov.si/si/delovna_podrocja/
- Ministrstvo za zunanje zadeve (MZZ). (2016). *Sektor za strateške študije in analize* [Department for Strategic Studies and Analyses]. Retrieved from http://www.mzz.gov.si/si/o_ministrstvu/organiziranost/direktorat_za_skupno_zunanjo_in_varnostno_politiko/sektor_za_strateske_studije_in_analize/
- Nicholl, J. (2009). Task definition. In J. H. Ratcliffe (Ed.), *Strategic thinking in criminal intelligence* (2nd ed.) (pp. 66–84). Sydney: The Federation Press PO Box 45, Annandale, NSW.
- Office of the Director of National Intelligence. (2009). *An overview of the United States intelligence community for the 111th congress*. Retrieved from <http://www.dni.gov/overview.pdf>
- Perenič, A. (2010). *Uvod v razumevanje države in prava* [Introduction into understanding the State and law]. Ljubljana: Fakulteta za varnostne vede, Univerza v Mariboru.
- Pličanič, S., Perenič, G., Prepeluh, U., Bugarič, B., Pirc, M. N., Pucelj, V. T., et al. (2005). *Komentar Zakona o dostopu do informacij javnega značaja s pravom EU in primerjalnopravno prakso* [Commentary on the Public Information Access Act with EU law and comparative law practice]. Ljubljana: Inštitut za javno upravo pri Pravni fakulteti v Ljubljani.
- Podbregar, I. (2008). Nekateri elementi obveščevalne dejavnosti. In I. Podbregar (Ed.), *Vohunska dejavnost in gospodarstvo* [Espionage activity and economy] (pp. 21–71). Ljubljana: Fakulteta za varnostne vede, Univerza v Mariboru.
- Podbregar, I., & Ivanuša, T. (2013). Javni viri in analitika v obveščevalni dejavnosti. In G. Meško, B. Tičar & K. Eman (Eds.), *Jubilejni zbornik znanstvenih razprav: 40 let študija na področju varnosti in 10 let Fakultete za varnostne vede* [Anniversary proceedings of scientific discussions: 40 years of security studies and 10 years of the Faculty of Criminal Justice and Security] (pp. 407–424). Ljubljana: Fakulteta za varnostne vede.

- Podbregar, I., Mulej, M., Pečan, S., Podbregar, N., & Ivanuša, T. (2010). *Informacije kot "bojna" podpora kriznemu odločanju, krizni komunikaciji in delovanju* [Information as "combat" support to crisis decision-making, crisis communication and operation]. Ljubljana: Zavod za varnostne strategije pri Univerzi Maribor.
- Policija. (2012). *Poročilo o delu policije za leto 2011* [Annual report on the work of the Police for 2011]. Retrieved from <http://www.policija.si/images/stories/Statistika/LetnaPorocila/PDF/LetnoPorocilo2011.pdf>
- Policija. (2013). *Poročilo o delu policije za leto 2012* [Annual report on the work of the Police for 2012]. Retrieved from <http://www.policija.si/images/stories/Statistika/LetnaPorocila/PDF/LetnoPorocilo2012.pdf>
- Policija. (2014). *Poročilo o delu policije za leto 2013* [Annual report on the work of the Police for 2013]. Retrieved from <http://www.policija.si/images/stories/Statistika/LetnaPorocila/PDF/LetnoPorocilo2013.pdf>
- Policija. (2015). *Poročilo o delu policije za leto 2014* [Annual report on the work of the Police for 2014]. Retrieved from <http://www.policija.si/images/stories/Statistika/LetnaPorocila/PDF/LetnoPorocilo2014.pdf>
- Policija. (2016). *Poročilo o delu policije za leto 2015* [Annual report on the work of the Police for 2015]. Retrieved from <http://www.policija.si/images/stories/Statistika/LetnaPorocila/PDF/LetnoPorocilo2015.pdf>
- Ratcliffe, J. (2009a). Intelligence research. In J. H. Ratcliffe (Ed.), *Strategic thinking in criminal intelligence* (2nd ed.). Sydney: The Federation Press.
- Ratcliffe, J. (2009b). The structure of strategic thinking. In J. H. Ratcliffe (ed.), *Strategic thinking in criminal intelligence* (2nd ed.) (pp. 1–12). Sydney: The Federation Press.
- Sir Omand, D. (2009). *The national security strategy: Implications for the UK intelligence community*. Retrieved from http://www.ippr.org/images/media/files/publication/2011/05/National%20Security%20Strategy_1675.pdf
- Statistični urad Republike Slovenije. (2016). *Bruto domači proizvod, Slovenija, letno* [Gross domestic product, Slovenia, annual]. Retrieved from http://pxweb.stat.si/pxweb/Dialog/varval.asp?ma=0301910S&ti=&path=../Database/Ekonomsko/03_nacionalni_racuni/05_03019_BDP_letni/&lang=2
- Sun, C. (2007). *Umetnost vojne* [The art of war]. Ljubljana: Amalietti & Amalietti.
- Šubic M., Eman K., & Bren M. (2016). Občutki ogroženosti prebivalcev Škofje Loke ob zaznanih spremembah v okolju [Threat perception of Škofja Loka inhabitants at perceived changes in the environment]. *Varstvoslovje*, 18(1), 5–26. Retrieved from http://www.fvv.um.si/rV/arhiv/20161/01_Subic_Eman_Bren_rV_2016_1.pdf
- Zakon o nalogah in pooblastilih policije (ZNPPol) [Police Tasks and Powers Act]. (2013). *Uradni list RS*, (15/13).
- Zakon o obrambi (ZObr-UPB1) [Defence Act]. (2004). *Uradni list RS*, (103/2004).
- Zakon o Slovenski obveščevalno- varnostni agenciji (ZSOVA_UPB2) [Slovene Intelligence and Security Agency Act]. (2006). *Uradni list RS*, (81/06).

QUALITY ANALYSIS OF THE PROJECT COMPETENCE CENTRE FOR THE TRAINING OF SECURITY PERSONNEL

Tomaž Čas, Mojca Rep

ABSTRACT

Purpose:

In 2013, we launched the project Competence Centre for the training of security personnel (CCTSP) which was completed in August 2015. We developed and tested a new and updated training program about the competences of private security personnel that mainly includes the internal training program for private security personnel. The development of the training was based on the research that identified the lack of competences of private security personnel and was carried out as part of the project.

Methods:

In order to monitor their progress, the participants of the training completed a written test as well as an anonymous survey which measured their satisfaction with the training (the sample consisted of 1251 participants).

Findings:

In 2013 the analysis showed that the competences of the tested security personnel improved by 19, 57 % in comparison with the competences they possessed at the start of the training. In the following project years all participants successfully completed the training. Every year they completed an anonymous survey about their satisfaction with the training. The lowest average score was 3.57 and the highest 4.73 (5 was the highest score).

Research limitations:

The results of the conducted research, tests and the survey analysis are valuable guidelines for everyone who works in the field of education, training and advanced training of security personnel. However, there is still a lot of space for improvement in this field since the project was based on the needs of 16 project partners.

Originality:

The project analysis of participants' performance and their satisfaction with such training content and including such a sample of the participants from private security has not yet been carried out in Slovenia. The project results represent a good reference for everyone who works in the field of education, training and advanced training of security personnel.

Keywords: security personnel, training, education, advanced training, competences, CCTSP

I INTRODUCTION

Security can be understood as one of existential human needs that is fully expressed only when man finds himself in critical safety situations. Some professionals regard safety as an individual asset that comes immediately after physiological needs (Bučar, 1997; Čas & Rep, 2015). Therefore, security is one of the key components of social life and work (Čas, 2005; CoESS, 2013, 2016; Čas & Rep, 2015). This view represents the concern for security as one of the key problems of every country as well as contemporary society in general (Ministrstvo za notranje zadeve [Ministry of interior], 2010; CoESS, 2013). The challenges, currently faced by private security companies, are clearly a result of changes in society; hence, these companies are daily faced with new operating requirements (Confederation of European Security Services Belgija [CESSB] 2011; The socio-economic, 2013; Čas & Rep, 2015). Only with appropriate and quality education and training of private security personnel can these challenges be met (Možina, 2002; CESSB, 2011; Čas & Rep, 2015). Properly trained and qualified personnel is undoubtedly becoming a fundamental factor in the development and performance (Možina, 2002; Florjančič, Bernik & Novak, 2004; Mihalič, 2006; Dermol, 2010) of private security companies (Sotlar & Čas, 2009; Čas, 2010; Čas & Rep, 2015). The level of competences of private security personnel (hereinafter: the security personnel) is often subject to public criticism and consequently, their work is undervalued (Čas, Toporiš Božnik & Rep, 2013a; 2013b; Čas & Rep, 2015). On the other hand, there are certain professional areas in which security personnel truly are trained poorly. The project Competence Centre for the Training of Security Personnel (hereinafter CCTSP) was necessary in order to improve the professional level of security personnel competences in 15 micro, small and medium-sized

private security companies since security personnel carry out important tasks and implement measures that encroach on human rights and fundamental freedoms (Čas, 2010; Čas & Rep, 2015). In general, this professional field is underestimated, and in particular small private security companies have difficulties in ensuring sufficient funding for a quality and variety of training and education, which are necessary for quality performance of security tasks and thus crucial for ensuring safety and security (Čas et al., 2013a, 2013b; Čas & Rep, 2015).

2 THE PROJECT COMPETENCE CENTRE FOR THE TRAINING OF SECURITY PERSONNEL

The main purpose of the project, including the development of the competence model, was to implement the theoretical and practical training for security personnel (Čas et al., 2013a, 2013b; Čas & Rep, 2015) which is important for every security company (Dermol, 2010; Čas & Rep, 2015) in order to raise the level of professional competences of individual job profiles in private security companies with periodic, internal, specialised, and other forms of education and training. The project's purpose was not only to raise the level of professional knowledge (Čas et al., 2013a, 2013b; Čas & Rep, 2015), but also to consolidate and build on the existing skills (Dermol, 2010; Torrington, Hall, Taylor & Atkinson, 2011; Čas et al., 2013a, 2013b; Čas & Rep, 2015) and to implement individual measures of security personnel training (Čas et al., 2013a, 2013b; Čas & Rep, 2015). The latter and the promotion of interaction between security personnel undoubtedly cause an exchange of information, which is closely linked to creation of new knowledge (Dermol, 2010).

Special attention was focused on in-house training, which is, according to the *Zakon o zasebnem varovanju* [Private Security Act] (2011), defined as internal training. In-house training refers to the annual renewal and upgrading of skills and knowledge that security personnel need to possess in order to carry out their tasks (security measures, practical implementation of individual security measures, exercising certain procedures, familiarization with the newest development in the field etc.). Finally, a relevant training program, approach and the implementation method were prepared by the partnership. The target groups in private security companies were security guards, bodyguards, security controllers, security technicians, operators of safety monitoring centres, authorized security system engineers, safety managers and specialized security guards (Čas et al., 2013a; Čas & Rep, 2015). These are the security personnel profiles that are directly involved in protecting people and property from destruction, damage, crime and other forms of criminal behaviour. This includes the implementation of the tasks of protecting people and property, protection of persons, transport and protection of cash and other valuable shipments, protection at public gatherings, protection of events in bars and restaurants, management of a security control centre, technical security systems design and implementation of technical security systems (Ministrstvo za delo, družino, socialne zadeve in enake možnosti [Ministry of Labour, Family, Social Affairs and Equal Opportunities], 2011; Čas et al., 2013a; Čas & Rep, 2015).

3 THE IMPORTANCE OF THE TRAINING

In every sector, it is extremely important that employees are able to work flexibly and respond quickly to changes that may occur in an environment they protect the private security sector (CESSB, 2011; Čas & Rep, 2015). Therefore, the right set of skills and competences is crucial for quality performance and efficiency of security personnel (Možina, 2002; Florjančič et al., 2004; Rojc & Bahun, 2006; Mihalič, 2006; Dermol, 2010). Private security companies must take care of professional development of their employees, as this gives them greater chances of survival in the market (Dermol, 2010; Čas et al., 2013; Čas & Rep, 2015). The programs, constituting the internal training, were developed with regard to individual job profiles and in accordance with the established competence model. A part of it was presented at the national security conference organised by Faculty of Criminal Justice and Security Studies (14. Dnevi varstvoslovja) (Čas & Rep, 2014a). Considerable attention was paid to the perception of educational needs (Možina 2002; Mihalič, 2006; Rojc & Bahun, 2006; Dermol, 2010; Ermenc et al., 2012) that were mainly examined on the basis of job descriptions in conjunction with the required competences. Further, a comparison between the desired and the actual situation was made (Čas et al., 2013a, 2013b). To achieve this goal, the partnership analysed the training criteria, education and training according

to sectoral profiles and provided a range of tasks in private security field. The selection included all professions or jobs in private security companies (Čas, 2014; Čas & Rep, 2015).

Despite the fact that the project partners work in the same industry, it was necessary to identify their individual characteristics, and it proved sensible to integrate into the training useful and practically oriented content while providing added value of co-operation (Bernik in Meško, 2012; Skubic, 2012; Ermenc et al, 2012). Miglič (2002) and Dermol (2010) identify training as a systematic development of those skills that employees need in their work. Moreover, science too stresses that training is a factor that undoubtedly leads to greater company success and provides transfer of necessary knowledge (Campbell, 2006; Torrington et al. , 2011; Čas & Rep, 2015). We upgraded and developed the main competences, which contribute not only to ensuring optimal quality and legality of tasks implementation of security personnel, but also to raising the reputation of the sector as a whole (Čas & Rep, 2015). This is also important when evaluating the training content's relevance (Ermenc et al, 2012).

The implementation of the training was constantly adapted to partners' needs, particularly in terms of continuous time pressure, so it was necessary to organize all educational activities correspondingly. The participants' progress was monitored with tests before the start of the training and advanced training and after the training and retraining had been completed. Monitoring the implementation of the competence model and the implementation of the program, as well as the implementation of the training program included an internal and external evaluation of the training in order to determine the effects of conducted training.

4 TRAINING ANALYSIS OF CCSTP

This chapter presents a training analysis of the project by years regarding the progress of participants on the basis of written tests and an anonymous survey, a tool used to measure participants' satisfaction.

4.1 The analysis of internal training in 2013

In 2013, internal training for all professional profiles was conducted and in this chapter, a training analysis for profile 1 and profile 4 is presented. Profile 1 includes security guards, bodyguards, and security controllers while profile 4 includes specialised guards: security specialists for restaurants, intervener security guards, security guards protecting cash and other valuables, security guards for radiologists and other security personnel (Čas et al. , 2013; Čas & Rep, 2015). Based on a research conducted for the needs of the competence model, 50 training sessions were implemented in 2013 to meet the needs and aspirations of the partnership. The training consisted of 2 external and 48 internal training sessions/programs which were attended by 854 employees from 15 partnership companies. One external training program included training in managing the Automatic External Defibrillator (AED), and was attended by partnership's representatives who later trained other project partners about this subject. The second external training was for bodyguards within the partnership to ensure a better quality of security services as well as to meet the needs of these security services' clients. 907 security guards, security specialists and other members of security personnel were included in the training (Čas & Rep, 2015).

4.1.1 Successfulness of the training

An analysis of internal training for profile 1 and 4 is presented below (Figure 1). The participants of the internal training took a test before and after the training. Both tests included the same questions. On the basis of test results a rise in participants' knowledge was examined. The analysis included test results of 783 participants (1.566 tests in total). For each question, it was possible to gather a maximum of 5 points. The tests were assessed by the same assessor to ensure impartiality and then compared to each other. On the basis of the points awarded, the average rise in knowledge was calculated for the whole partnership and is represented in the below figure in percent (Čas & Rep, 2014; Čas & Rep, 2015).

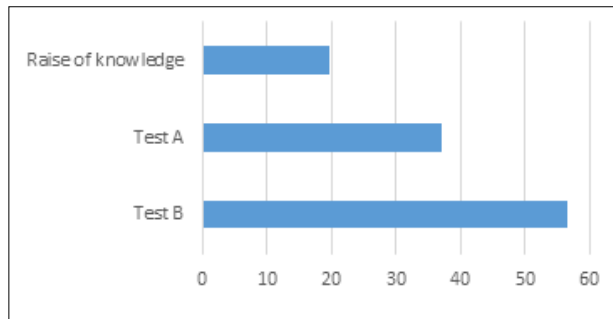


Figure 1: Comparison of tests results in percentage before the start of the training (test A) and after the training (test B)

An increase in level of knowledge by 19.57 % was recorded. In this context, it should be noted that the result would definitely be much better if the participants had had some time to study the materials after the training completion and before taking the final test (Čas & Rep, 2015). When the partnership prepared the internal training for the year 2014 the content that proved relevant and useful with regard to test results in 2013 was included in the training. Moreover, communication skills and security principles were added to the training since the security guards need this during the implementation of security measures, when using security means (gas dispenser) as well as during the practical implementation of measures and usage of other security means (Čas & Rep, 2014, 2015).

4.1.2 Survey about participants' satisfaction with the training

This section deals with an analysis of the questionnaires (Čas & Rep, 2014, 2015), used to determine participants' satisfaction with the implemented internal training. The survey was completed by all participants of the profile I and 4. 100 questionnaires were analysed for the purposes of the analysis. The analysis refers to the third part of the questionnaire which covers the below statements. The participants marked the statements with the grades 1 to 5 (1 - strongly disagree, 5 - fully agree). The results are shown below (Table 1).

Table 1: participants' satisfaction with the training in 2013 (source: Čas & Rep, 2015)

The organization and the implementation of the training on the part of the organizer was very good	4.47
The ratio between theoretical and practical training was appropriate	4.33
I was very pleased with the training	4.41
The choice of lecturers was in accordance with the training content	4.63
I was very pleased that the training included basic life support and use of a defibrillator	4.61
This form of training contributes to a better quality of knowledge and skills that I need for my work	4.55
The overall average score:	4.5

The analysis shows that the participants were very satisfied with the training implementation, the lecturers and the actual content of the internal training, which is confirmed by the overall average score of 4.5.

4.2 The analysis of internal training in 2014

In 2014, again, the internal training included a short revision of security measures and the use of other security means with an emphasis on communication and communication skills, as we established that it is communication that causes the most problems during the implementation of practical procedures (give warnings, verbal order, identification, inspection of outerwear,

luggage, vehicles and cargo etc.). From the security point of view and in accordance with work safety, in 2014, we included the use of gas dispenser into the training since security personnel may only use it in order to best deter simultaneous unlawful attack, and to do so they must be trained and follow the instructions of the gas dispenser manufacturer (Čas & Rep, 2015).

According to the proposals of lecturers and the participants' opinions, the following external training programs were included into the 2014 training (Čas & Rep, 2015):

- Working with difficult clients and resolving conflicts; and
- Practical training procedures with self-defence, fire protection and occupational safety.

In comparison with the year 2013 all project partners were included in the training. By 30 October 2014, 1235 participants attended the training, 964 of who were included in internal training. 95 conducted training program sessions were conducted, of which 72 were internal. By 3 October 2014, the following training programs were conducted:

- Transport and protection of cash and other valuable shipments (3 sessions);
- Security in restaurants (3 sessions);
- National vocational qualification - security guard supervisor (1 session);
- 3 sessions of periodic training for security personnel;
- 1 training session for obtaining the national vocational qualification operator;
- Recurrent theoretical and practical training and checking of the qualifications of security guards/operators for fire security and testing theoretical and practical skills for work safety;
- National vocational qualification for fire protection;
- 3 workshops: communicating with difficult counterparts and dealing with conflicts; and
- 1 session: self-defence training and the practical part.

These training sessions and workshops were attended by those employees who needed them for their work. 62 internal training sessions were conducted. The training content for the profiles 1 and 4 was as follows:

- Revision of the principles and application of security measures for security guards (warning, verbal order, identification, surface inspection, preventing the entry into or exit from a protected area, detaining persons, use of physical force, use of security means for handcuffing and binding) and revision of the usage of other security means (gas dispenser, carrying and using weapons, work dog);
- Communication skills and practical procedures;
- Fire protection and extinguishing fires;
- Use of gas dispenser;
- 3 internal training sessions for technical staff; and
- 1 internal training session for managers (burnout syndrome at workplace).

We also organized a workshop about the protection of personal data. Some employees of the partner company Security VIC attended the world's leading trade fair for security and fire prevention in Essen. They gained useful information about training programs, as well as the trends in the development of security industry (Čas & Rep, 2015).

For all specialised and the most internal training sessions (for security guards and specialists), a test was conducted. The participants who successfully passed the test obtained the certificate about handling gas sprays or gained a national vocational qualification for their preferred area of work (Čas & Rep, 2015).

4.2.1 Survey about participants' satisfaction with the training

The participants completed the questionnaires about the internal and specialised training programs. The survey measured their satisfaction with the conducted training programs. The statements were evaluated with the score from 1 to 5, the results are seen in Table 2 (Čas & Rep, 2015).

Table 2: Participants' satisfaction with the training in 2014 (source: Čas & Rep; 2015)

Statement:	IU	PU	IUTO	KOM	SAM
The organization and the implementation of the training on the part of the organizer Čas d.o.o was very good	4.6	4.32	4.31	4	4.64
The ratio between theoretical and practical training was appropriate	4.6	4.32	4.12	3.57	4.64
I was very pleased with the training	4.6	4.15	4.31	3.66	4.58
The choice of lecturers was in accordance with the training content	4.7	4.69	4.31	3.71	4.64
I was very pleased with the use of natural gas dispensers as part of the training	4.5				
I was very pleased with the training content				3.57	4.7
This form of training contributes to a better quality of knowledge and skills that I need for my work	4.4	4.3	4.26	4.04	4.64
Overall average score:	4.5	4.31	4.285	4.02	4.64

*IU, internal training for profile 1 and 4. The sample included 848 questionnaires; PU, Periodic theoretical and practical training and checking the qualifications of security guards / operators VNC for fire protection and conducting periodic theoretical and practical skills to work safely. The sample consisted of 19 questionnaires; IUTO, Internal training for technical staff. The sample consisted of 19 questionnaires; KOM Communicating with difficult counterparts and resolving conflicts. The sample consisted of 26 questionnaires; and SAM, Self-defence with practical procedure.

**The sample consisted of 22 respondents.

As seen in the above table, the participants were the most satisfied with the organization of the training courses, the lecturers, and in most cases, with the training content itself. The analysis also shows that the participants believe that the training contributed to an increase in the competences and skills they need for performing their work. We believe the training implementation in 2014 was successful since the lowest overall average score was 4.02 and the highest 4.64.

4.3 The analysis of internal training in 2015

In 2015, we also put great emphasis on the implementation of internal training. However, the partnership also carried out other specialised training programs that were attended by selected employees as decided by individual project partners. Moreover, we also carried out some training programs that were not planned initially but were later included into the training due to partners' needs and wishes (Čas & Rep, 2015).

In 2015 the following training sessions/programs were carried out (Čas & Rep, 2015):

- 53 sessions of internal training for security guards and specialists;
- 3 internal training sessions for technical staff;
- Workshops (Current threats to information security - threats to private security companies; Human resources employee with charisma, and NLP School of management);
- International Conference Days of Corporate Security;
- International Conference on Information Security - Today and Tomorrow;
- Meeting of judicial appraisers and experts of Slovenia;
- Financial Crime and Corruption;

- Protection of personal data - challenges of using new technologies;
- Fear of crime - the role of private security services;
- 6 periodic training sessions for security personnel;
- 4 specialist training sessions for the transport of cash and other valuable shipments;
- Periodic training about fire safety and work safety;
- 4 training/retraining sessions of security personnel to carry and use weapons;
- 1 training session for administrators and emergency lift responders;
- Training about restaurants protection;
- Training for obtaining the national vocational qualification supervisor;
- Self-defence with practical procedure;
- Training for obtaining the national vocational qualification guard bodyguard;
- Professional training of security personnel for physical protection of nuclear materials and III. Category facilities; and
- Training in using natural gas dispenser.

4.3.1 Survey about participants' satisfaction with the training

In 2015, we continued analysing the participants' satisfaction with the training, so in the Table 3 below, an analysis of an anonymous survey about participants' satisfaction is presented. The analysis focuses on those training sessions where the training content was not prescribed legally. The statements were evaluated with a score from 1 to 5 (Čas & Rep, 2015).

Table 3: Participants' satisfaction with the training in 2015 (source: Čas & Rep; 2015)

Statement:	IU	PU	IUTO	SAM
The organization and the implementation of the training on the part of the organizer was very good	4.6	4.6	4.5	4.75
The ratio between theoretical and practical training was appropriate	4.5	4.26	4.23	4.62
I was very pleased with the training	4.6	4.6	4.3	4.6
The choice of lecturers was in accordance with the training content	4.7	4.4	4.7	5
I was very pleased with the training content	4.6		4.45	4.6
This form of training contributes to a better quality of knowledge and skills that I need for my work	4.6	4.4	4.37	5
Overall average score:	4.6	4.45	4.42	4.76

* IU, internal training profile I and 4. The sample included 723 questionnaires; - PU, periodic theoretical and practical training and checking the qualifications of security guards /operators VNC for fire protection and conducting periodic theoretical and practical skills to work safely. The sample consisted of 5 questionnaires - IUTO, Internal training for technical staff. The sample consisted of 26 questionnaires; and- SAM, Self-defence with practical procedure. The sample consisted 8 respondents.

In 2015, the participants were, again, the most satisfied with the organization of the training, the lecturers as well as the actual content and the training in general. They also believed that the majority of training sessions contributed to a rise in quality of their knowledge and their work, which, for private security personnel, is of outmost importance. Finally, the lowest average score regarding this statement was 4.37 and the highest 5, while the overall minimum grade score average was 4.42 and the highest 4.76.

4.4 Participants' comments about the training

This chapter includes some participants' comments written in the questionnaires. The selected comments are common to all years of training implementation and placed under an individual year in which they occurred most often. Some commonly repeated comments from all years were chosen (Čas & Rep, 2015).

- **Year 2013:** all the praise; score 5; very interesting lectures; training is well implemented; lectures are very useful and instructive; more practical training; each training program is helpful etc. The participants' comments served as welcome recommendations for the preparation of the training programs in 2014 and 2015.
- **Year 2014:** Training is necessary; Keep it up; each new thing or matter learnt is more than welcome; great lectures based on practical examples and actual work challenges, compliments to all the lecturers for their excellent work
- **Year 2015:** Instructors explained and demonstrated the measures and techniques very well; the training should take place more often; I really liked it mainly because we all participated actively and the lecturers presented the topics in an interested way; I liked the presented examples.

5 CONCLUSION

All project participants' successfully concluded the training and gained new skills and/or upgraded the existing ones. This will undoubtedly help them implement their work tasks on a high quality level and in accordance with legislation also after the project completion. Since the tasks of private security personnel are constantly changing and supplementing each other, it is necessary for private security personnel to constantly renew the conditions for the legitimate use of security measures, as well as to practice these measures. These features are the reason why the competence model and the training were constantly adapted and changed according to the partnership needs and requirements that are a prerequisite for a legal, professional and efficient performance of the tasks in private security (Čas et al., 2013a, 2013b; Čas & Rep, 2015). This was also confirmed by the analysis of questionnaires since the lowest overall average score was 4.02 and the highest 4.76. Considering the average score for all years it can be said that the participants were the most satisfied with the lecturers, the inclusion of additional training practice into the training (this only took part in cases when the content was not legally predetermined). Further, most of the participants also believe that the implemented form of the training contributed to a rise in their professional knowledge and quality of their work. Due to some characteristics of the implementation of the training in 2013 we recorded a 19.57 % increase in knowledge. Moreover, the participants' comments indicate that for them the training was more than welcome and useful with regard to their work. They were extremely positive about additional practical content that was included in the training. This type of training and tailor-made training content enabled all employees of partner companies an effective and efficient development of their skills as well as to quickly adapt and respond while performing their duties. According to the survey results and the comments, the participants and the partners were aware of this and also confirmed it at the end of the project. The aim of the project was to raise knowledge and skills of different profiles of security personnel. According to the tests and the gained national vocational qualifications the partnership can say that the project was successful. Finally, investment in human capital is the most profitable and the safest one.

REFERENCES

- Bernik, I., & Meško, G. (2012). *ESEC portal - evropski portal za razvoj kompetenc na področju varnosti* [ESEC portal – European portal for developing competences in the field of security]. Retrieved from http://www.fvv.uni-mb.si/KonferencaIV/zbornik/Bernik_Mesko.pdf
- Bučar, F. (1997). Varnost kot dobrina. In A. Anžič (ed.), *Zasebno varovanje in detektivska dejavnost – dileme in perspektive* [Private security and detective activity – dilemmas and perspectives] (pp. 3–10). Portorož: Visoka policijsko – varnostna šola.
- Campbell, M. (2006). Development and Learning in Organizations. *Training Journal*, 20(6), 28–30.

- CoESS. (2013). *The socio - economic added value of private security services in Europe, fourth white paper*. Belgija: CoESS General Secretariat. Retrieved from http://coess.eu/_Uploads/dbsAttachedFiles/CoESS_witboek_Socio_economic_study_2013_final.pdf
- CoESS. (2016). *Private security services in Europe, CoESS facts & figures*. Retrieved from <http://www.coess.org/>.
- Čas, T. (2005). Konceptualizacija različnih pojavnih oblik varnosti s poudarkom na zasebni varnosti in zasebnem varstvu [Conceptualization of different forms of Security with emphasis on Private Security]. *Varstvoslovje*, 7(3), 252–264.
- Čas, T. (2010). Security personnel training in Southeast Europe: an analysis of solutions in Slovenia. *European Perspectives – Journal on European Perspectives of the Western Balkan*, 2(1), 99–116.
- Čas, T. (2014). *Priročnik za usposabljanje in izpopolnjevanje varnostnega osebja* [The training manual for education and training of security personnel]. Ljubljana: Čas – Zasebna šola za varnostno izobraževanje.
- Čas, T., & Rep, M. (2014). Analiza notranjih usposabljanj KCIVO v letu 2013. In B. Flander, I. Areh & M. Modic (Eds.). *14. Slovenski dnevi varstvoslovja* [14th Slovenian days of criminal justice] (pp. 13–14). Ljubljana: Fakulteta za varnostne vede. Retrieved from http://www.fvv.uni-mb.si/dv2014/zbornik/Cas_Rep.pdf.
- Čas, T., & Rep, M. (2015). *Kompetenčni model z analizo usposabljanj zasebno varnostnega osebja* [The Competence model with the analysis of training of security personnel]. Ljubljana: Čas - Zasebna šola za varnostno izobraževanje.
- Čas, T., Toporiš Božnik, M., & Rep, M. (2013a). *Kompetenčni model za zasebno varnostno osebje* [Competence model for private security personnel]. Ljubljana: Čas – zasebna šola za varnostno izobraževanje.
- Čas, T., Toporiš Božnik, M., & Rep, M. (2013b). Analiza kompetenc varnostnika glede na kompetenčni model v okviru kompetenčnega centra za izobraževanje varnostnega osebja. In T. Pavšič Mrevlje & I. Areh (Eds.), *14. Slovenski dnevi varstvoslovja* [14th Slovenian days of criminal justice] (p. 21). Ljubljana: Fakulteta za varnostne vede. Retrieved from http://www.fvv.uni-mb.si/DV2013/zbornik/splosna_sekcija/cas_boznik_rep.pdf
- Dermol, V. (2010). *Usposabljanja zaposlenih ter njihov vpliv na organizacijsko učenje in uspešnost v slovenskih storitvenih podjetjih* [Training of the employee and their impact on the organizational learning and the success of the Slovenian service companies] (Doctoral dissertation). Ljubljana: Ekonomska fakulteta. Retrieved from <http://www.cek.ef.uni-lj.si/doktor/dermol.pdf>
- Ermenc, K. L., Rutar Ilc, Z., Slivar, B., Milekšič, V., Klarič, T., Bauman, B. et al. (2012). *Zevalvacijo do sprememb* [The evaluation of changes]. Ljubljana: Center RS za poklicno izobraževanje.
- Florjančič, J., Bernik, M., & Novak, V. (2004). *Kadrovski management* [Human resource management]. Kranj: Fakulteta za varnostne vede.
- Miglič, G. (2002). *Analiza potreb po usposabljanju* [The analysis of training needs]. Ljubljana: Ministrstvo za notranje zadeve.
- Mihalič, R. (2006). *Management človeškega kapitala: priročnik za celostno upravljanje človeškega kapitala in človeških virov v praksi sodobnih organizacij znanja* [Human resource management: A guide for integrated human resource management in the practice of modern organizations of knowledge]. Škofja Loka: Mihalič in Partner.
- Ministrstvo za delo, družino, socialne zadeve in enake možnosti [Ministry of Labour, Family, Social Affairs and Equal Opportunities]. (2011). *Katalog strokovnih znanj in spretnosti* [Catalogue of professional knowledge and skills]. Retrieved from <http://www.nrpslo.org/katalog.aspx/75622022>
- Ministrstvo za notranje zadeve [Ministry of Interior]. (2010). *Strategija na področju zasebnega varstva* [The strategy in the field of private security]. Ljubljana: Ministrstvo za notranje zadeve.
- Možina, S. (2002). *Management kadrovskih virov znanja* [Human resource management]. Ljubljana: Fakulteta za družbene vede.
- Rojc, E., & Bahun, D. (2006). Človeški viri – kapital podjetja [Human resources - capital of the companies]. Velenje: Pozoj.
- Sotlar, A., & Čas, T. (2009). 20 years of development of private security industry in Slovenia – between theory and practice. In G. Meško & B. Tominc (Eds.). *Criminology and crime policy between human rights and effective crime control: book of abstracts* (pp. 262). Ljubljana: The Slovenian Academy of Sciences and Arts.

- Skubic, B. (2012). *Merjenje izboljšav pri učnih dosežkih: dobre prakse za presojanje dodatne vrednosti šol*. [Measuring improvements in learning achievements: good practices for evaluating added value in schools]. Ljubljana: Državni izpitni center.
- Torrington, D., Hall, L., Taylor, S., & Atkinson, C. (2011). *Human resource management* (8th ed). Harlow: Prentice Hall.
- Zakon o zasebnem varovanju [Private Security Act] (ZZasV-1). (2011). *Uradni list RS*, (17/2011).

ROLE OF CORPORATE SECURITY

Tatjana Gerginova

ABSTRACT

Purpose:

Within labor, the author will identify the term corporate security and elements for the efficient operation of the corporation as a modern business entity. At the end of the paper, the author gives recommendations for improvement and development of corporate security in general.

Methods:

The author establishes that the proposed research is applicable and will be an analysis of the term corporate security and corporate security objectives and values of the corporation. The exercise of corporate security requires constant monitoring and making analyzes of crime, developing a program for the prevention of crime and the Program for education and development of a safety culture of employees, achieving the reliability of the business success of the corporation.

Findings:

In security theory and practice, there are substantial differences in the determination of the term "corporate security", and thus also in terms of its content because the true nature and scope of the field of corporate security is difficult to determine. Also there is a certain division in opinions on what should be of great interest to corporate security, and in order not to enter the field of interest of private security. In this context, some authors even identify these two terms.

Reserach limitations:

The actual shape and volume of crime at the expense of individuals and property companies cannot be accurately displayed. This is because the "dark figure of crime" is particularly high among the crimes against property and against official duty. The pluralism of ownership relations, new forms of threats to persons and property companies in new economic conditions on the one hand and the role of the police and the organization and activity in the system for providing, in turn, further complicate and deepen this problem in the countries of former Yugoslavia.

Originality:

To ensure proper functioning of the corporation and protection from criminal conduct, it is necessary to continuously take a number of measures and activities by the corporation and by cooperating with the police, the Public Revenue Office and other relevant state institutions.

Keywords: corporate security, objectives of corporate security, values of the corporation

I INTRODUCTION

The term corporation is defined as the most important innovation of the 20th century and is a new organizational form of enterprise. As well, the term corporation is defined as the most developed modern mode of operation of business systems in developed countries with market economies or company capital, which by means of setting up and operating, comes with issuing bonds or large business company recognized by law as a legal entity, which has similar rights as individual in order to merging and clustering of business interests, and as such, are the most common form of business association. The word "corporation" derives from the Latin word *corpus* (body), representing "a body composed of people". Corporation or company is a legal entity, which often has similar rights as individual; to own property, to borrow sue or be sued. Its purpose is uniting, grouping of business interests and represents the most common form of business association. Corporate security is without doubt a new concept and refers to issues related to security in companies. This means that in the existence of an effective system of corporate security, the company will be protected from various dangers that can interfere with the normal operation of the corporation, and the protection of property, the business owners and employees of various risks and threats an integral part of modern living. Corporate security is constantly involved in the mechanisms of business management, so that it protects the normal flow of business processes, removes acute security problems and employees creates security conditions. With that corporate security is an integral part of the process that manages business risks within the business entity. Specifically speaking, corporate security is working to establish plans and implement measures aimed at: protecting the recipient, protection of employees in

the business organization, protection of property owned by business organizations, protection of information and the reputation of the business organization of material damage, criminal activities etc.

2 DEFINITION OF THE TERM CORPORATE SECURITY

In security theory and practice, there are substantial differences in the determination of the term "corporate security", and thus also in terms of its content. With the interpretation of certain attitudes in this area, it can be concluded that a number of authors, the contents of corporate security ever fully equate the contents of private security.

In this sense, the characteristic is the definition given by Stajić (2008: 383) that "the private (corporate) security is planned, organized under the laws established independent or shared activity and function of organizations, private and (or) professional agencies, aimed at State protection, or protection of other, and protect the appropriate people, spaces, facilities, operations or activities which are not covered by the exclusive protection by state authorities".

Corporate security is without a doubt a new concept that takes care of matters related to security companies and which is simply defined as the protection of property and business processes which could have been the prevention and reduction of material losses for the security interests of the owners, profits and property from various hazards.

Notwithstanding thinking in literature can meet the following considerations for corporate security. According to Cubing and Brooks (2012), corporate security is aimed at detecting fraud and offenses, and examines the actual cases of corporate crisis, crime, and other crimes for which corporate security professionals should be aware of to ensure effective protection of the people, the operations of the means (Cubbage & Brooks, 2012).

Michael Genser believes that corporate security is adjusted to meet the structural risks for the company, through the application of certain models of simulation to implement best security practices in the company (Genser, 2006).

According to Deitelhoff and Wolf (2010) in their compilation of editing of materials, corporate security is aimed at corporate safety responsibility, which is focused on the role of private business in conflict zones. It provides a picture of the types of contribution to peace and security by transnational corporations.

The corporate security is a function of the corporation that controls and manages the coordination of all activities within the enterprise, and which relate to safety, continuity and reliability. The existence of an effective system of corporate security protects the company from all threatening actions, establishes the basis for management decision making, provides the top management access secret information and establish processes and procedures that prevent spilling protected data from the corporation (Milošević, 2010).

Ivandić, Karlović and Ostojić (2011) define corporate security as a strategic function of the company, which aims at realizing the safety of the business success of the corporation, which includes: elimination of all risks and threats that may affect business activities and achieving business success; reduction of threatening factors to minimum; business operation in crisis, i.e. overcoming the crisis and re-establish normal operations.

Certain definitions are very broad in its view, regarding corporate security as part of national security in the context of realizing etc. civilian security. In that context, Marković (2014) believes that corporate security is a subsystem of national security and it is part of the security structures with a set of social goals that guide the business activities of companies and measure their social responsibility in accordance with the standards and law.

From the presented thoughts on corporate security, it can be concluded that there is a lack of precise definition of this term. The definition of this term is extremely difficult, because the true nature and scope of the field of corporate security is difficult to determine. There is a certain division in opinions on what should be of great interest to corporate security, and in order not to enter the field of interest of private security. In this context, some authors even identify these two terms, while others believe that some security managers should take specific security roles to be recognized for corporate security. For example, the director of corporate security should belong to the highest level of middle management of the corporation and its tasks should be setting goals, strategic planning and ensure safety in the company. The general impression is that the field of corporate security is quite significant and essential to the work of the corporation.

3 OBJECTIVES OF CORPORATE SECURITY

As objectives of corporate security can be determined (Bakreski, Trivan & Mitevski, 2012: 85):

- Preventive action to eliminate all risks.
- Reduction of threatening effects to a minimum extent,
- Business operation in crisis and overcome the crisis and again normal operations.

Other objectives of corporate security (Bakreski et al. , 2012: 85):

- Repair productivity and boost competitiveness, security risks can be reduced to the lowest possible level and to prepare measures to be taken if incidents occur, dangers and damages.
- The investment of business organization in security systems should be treated as an increase in the total value of the organization, aimed at increasing productivity and continuity of business processes.
- Apart from normal duties, corporate security must be included in the process of introducing new technologies to be able to predict safety risks and to propose measures that would reduce the risks to a minimum.

4 VALUES OF CORPORATION

Key values of the corporation are:

- Reputation of the company in the market, its corporate image (reputation), morale and motivation of employees.
- The strategic development plans.
- Competition and market analysis.

Corporate image of the company and its reputation in the market is of decisive influence on the survival and development of the corporation. One of the most important activities, when it comes to building and preserving the corporate image certainly is assessing the quality of products participating in individual events (Bakreski et al. , 2012).

5 ENDANGERING THE CORPORATE SECURITY

Each modern individual property security system and their business operations, regardless of the way and the purpose they are organized for, represent an organization concept for protection of the vital values of the corporation. Their organization starts with two basic questions (Daničić & Stajić, 2008):

- From which shapes and carriers of endangering the company should be protected and
- How the security system elements should work in order to achieve the basic purpose of his establishment?

The answer of this two questions represent a foundation to all the other actions in the matter of security, since through them is defined, classified and explained the occurrence, length and the actions of the harmful and dangerous phenomena in the term of security-safety. The meaning is that the knowledge of various forms of threats, different destructive actions, as all of the social, natural and technical occurrences, those appears in different variants and shapes, and refer to endangering the safety in certain company.

Measures of defiance and endangerment protections (Daničić & Stajić, 2008):

- Recognizing the shape and the holder of threats.
- Timely and real assessment of the intention of the holder of endangerment, discovering its objectives and plans.
- Establishing a strategy that will apply for the determination and application of counterstrategy or measures to eliminate its results.
- Initiation of taking appropriate measures in state authorities.
- Preventive action to prevent the preparation and organization of holders of endangerment.
- Effective prevention of conjugated between internal and external holders of endangering the safety.

- Active fight against each kind of endangerment and deduction and declination of the consequences of the natural endangerment kinds.

During the realization of the mentioned activities, all of the subjects (who are employed in the management section) are actively involved in the fight against each kind and source of endangerment, appropriate to their main job duties. The security section has the duty of detecting, tracing and preventing the threats.

Corporations as business entities with better reputations have a competitive advantage over smaller companies or lack good reputation. One of the strategic objectives of the corporation is profit. But today in modern conditions of globalization in the world, the corporation is facing various risks and threats such as corruption, organized crime, terrorist activities, different kinds of abuse, embezzlement, fraud and other methods of alienation and appropriation of its property; political crime, general crime and economic crime; (political crime - terrorism, sabotage, espionage, general crime - theft, severe and armed robbery, robbery, deprivation of motor vehicle, fraud, extortion, kidnapping, fire, economic crime - corruption, negligence, abuse of office powers, embezzlement, receiving and giving bribes, indulgence official secrets). Therefore, greater attention is focused on the identification, assessment and management of risks, but also for protection and implementation of defence mechanisms (corporate security), so that the company's strategic goals are to be met. Today's companies face the attacks of organized groups aimed at jeopardizing the operations and assets of the business entity. In this connection, they use different ways and means of threat. To prevent or avoid this, companies are forced to establish effective systems to protect their management processes and business processes (Bakreski et al. , 2012).

A timely and properly recognition of the risks and hazards and appropriate response in many situations, provides maintenance of the corporation's reputation, competitiveness in the global market, increase profits and safety and security of staff. Security management must recognize threats, critical points of the corporation and threats to the values of the corporation. In this labour, the author will give a scientific and theoretical determination of the term "security management".

Security management is an entity of the organization and management system for providing persons and property of the corporation. Security management is competent about next affairs: setting goals, planning, organizing, control, coordination and responsibility for the safe operation of the company (Bakreski et al. , 2012).

Regardless of whether corporate security activities conducted by its own organizational units within the corporation or by hiring some specialized subjects beyond, it is important to analyze the organization of the corporation in the field of security.

In accordance with the doctrine and practice of the European countries with highly developed market economy and stable democracy, the corporate safety functions include: works for physical and technical protection of the company (Out-Source/Proprietary), works for Administrative Security (Administrative Security), safety of property and external partnerships (Personnel Security); Personal safety (Protective Security); Fire Protection (Fire Security); Working in Emergencies (Contingency Planning); Information Security (Information Security); Security Manager (Executive Security); Security various business events (Event Security); Security contracted works with state structures; Investigations (Investigations) – a program for protection from crime and program for education and development of safety culture of employees (Security Education and Training Program).

Security management is necessary to act preventively and to undertake measures and activities aimed at monitoring, prediction and assessment of the causes and forms of endangering persons, property and operations of the corporation to be expected in the future; specifying the responsibilities and powers of the persons working in the company's work around the protection of its vital values such as the company's reputation in the market, its corporate image (reputation), morale and motivation of staff, strategic development plans, competition analysis); determination of the expertise and motivation of the personnel working in the company; organization and operation of natural-technical provision of all facilities belonging to the company; protection measures related to the safety and health of workers, environmental protection, protection against fires, accidents and explosions; measures to protect the operation of the corporation against all forms of corruption, various forms of abuse, misappropriation, fraud and other methods of alienation and appropriation of its property; specifying the

measures to protect the business and professional secrecy; specifying the measures related to the control of the movement and residing on external objects and persons in space which belongs to the business entity; organization and operation of information systems and providing those assets and affairs of the corporation, especially measures to protect information; harmonization of regulations acts in all areas of security, with national regulations and standards of the EU; assessment of the degree of endangerment of persons in corporation with activities related to the protection of its vital values.

Today's corporate security is an integral part of the process that manages business risks within the business entity. Corporate security is constantly involved in the mechanisms of corporate governance, and working to establish plans and implement measures aimed at: the protection of customer service, protection of employees in the business organization, protection of property owned by business organizations, protection of information and the reputation of the business organization of material damage, criminal activities etc.

Technical protection means mechanical and electronic protection of the building of the corporations and individuals in them. Bakreski et al. (2012) in the measures of physical and technical security enumerate: the security of all people during their stay in the company, and particularly the management of the corporation; providing all facilities and spaces of the corporation; providing all kinds of gatherings organized in the premises or the area of the company, especially those that appear certain important persons from the management of the corporation or persons outside; providing transportation for special needs of the company; security and protection of information systems, data and documents of the corporation.

Program of protection from crime - basically crime that endangers people and property companies is the same that threatens society as a whole, whose holders are usually motivated by greed, and the desire to harm the constitutional order, security the state and the socio-economic system. However, the actual shape and volume of crime at the expense of individuals and property companies cannot be accurately displayed. This is because the "dark figure of crime" is particularly high among the crimes against property and against official duty. Regarding security of persons and property, of particular importance are crimes against property companies, and other crimes carried out in the business area of the company, institution and organization. These are primarily crimes of general criminality, and offenses against the state, as well as offenses of economic crime.

The pluralism of ownership relations, new forms of threats to persons and property companies in new economic conditions on the one hand and the role of the police and the organization and activity in the system for providing, in turn, further complicate and deepen this problem in the countries of former Yugoslavia (Daničić, 2005).

Accordingly, criminal attacks on persons and property companies are manifested by carrying out various criminal acts of (political crime - terrorism, sabotage, espionage, general crime - theft, severe and armed robbery, robbery, deprivation of motor vehicle, fraud, extortion, kidnapping, fire, economic crime - corruption, negligence, abuse of official position or authority, embezzlement, receiving and giving bribes, indulgence official secrets); and lately frequent dilemmas in relation to computer crime. The most common are cases that fall into the general criminality, but it should be borne in mind that many crimes and their perpetrators in the field of economic crime and never found. Finally, the number of political crimes in practice is not large, but it should be borne in mind that such acts are characterized by the greatest social danger (Daničić, 2005).

To ensure proper functioning of the corporation and protection from criminal conduct, it is necessary to continuously take a number of measures and activities by the corporation and by cooperating with the police, the Public Revenue Office and other relevant state institutions. Protection Program of crime includes the following activities (Bakreski et al., 2012):

- Constant monitoring and making analyzes of crime.
- Time distance - from the moment of committing the crime to his perceiving, i.e. detecting a rule passes long time, sometimes for months or years. The reasons are: failure by the victim or a third party, insufficient level of cooperation of the business entity and the relevant police services and others.
- Expertise of the perpetrators, who are often highly educated individuals, experts, professionals, entrepreneurs, managers, owners and holders of labor activity, i.e. people who possess specific knowledge and skills about economic performance and legal framework of the activity they are dealing with.

- Complexity - the economy is the specific area of human activity, and labor movements are complex, and therefore economic crime is a specific and complex. The diversity and complexity of the legal framework which determines the framework of operations of business entities logically leads to complicated modus operandi of these offenses.
- Organization - links to high-ranking individuals from the business, social and political life in the community who abuse their position and social influence, make them particularly dangerous forms of crime (the so-called crime of "white tie").
- Mass - economic crime is a relatively frequent occurrence in modern societies, and the offenses in this area as a rule account for about 10% of the total criminality.
- Unlawful gains (or caused damage) was significantly greater than is the case with classical criminality and negative consequences, unless the injured legal entity reflect the economic system, and the wider community.
- Scalability and inventiveness of the perpetrators – economic crime is an area with great potential for innovation, changing the method of execution of the crime, i.e. adapting to new circumstances, changes in regulations and the development of technical tools, which greatly complicates its discovery and proof.
- Property status of the accused, which brings a better chance of Defense (hiring more lawyers, i.e. the possibility of an informal survey of the actual situation or conduct informal "private investigation" defense).

Education program and develop a culture of security staff - Different authors suggest that the education system of employees in order to raise their level of awareness and safety culture is an indispensable factor in reducing the harm is threatened by the corporation from different types of threats and intimidation. In this connection, it emphasizes that education must be conducted as at the recruitment stage and continuously during operation of the company. In practical terms, it is important that programs for education of employees to be directed to that prescribed processes and procedures of the corporation to be realized in practice. Employees are required to appropriately react and act in relation to the identified gaps and omissions. Senior managers in the company are obliged to constantly monitor and perceive flaws and irregularities in the implementation of business processes, require verification of the progress of work processes and to identify the same or similar situations threatening other objects or areas of the corporation. After the procedure of checking the progress of a workflow, it is necessary to conclude and decide whether the registered security event is caused by incidental or omission of the usual pattern of behavior, whether its cause is subjective position of individuals or objective fact, occurring as a number of unforeseen circumstances and situations (Bakreski et al., 2012).

Security contracted works with state structures - some of the security risks faced by modern corporations can derive from concluded business agreements. In fact, the terms of the agreement can not create an obligation which the business entity is not able to fulfill. The corporation about to reduce these risks, implemented a plan should include: communicating with stakeholders in the event of a crisis or damaging event, engaging relevant external stakeholders and enable effective exchange of information; internal reporting on the impact and effects of the assessed risk the relationship with stakeholders; availability of information in accordance with the law; providing feedback in the process of communication; providing transparency and building trust in the corporation etc. (Keković, Savić, Komazec, Milošević & Jovanović, 2011).

The current state of security in corporations in the Balkan countries, significantly affecting the following conditions (Bakreski et al., 2012):

- Lack of adequate laws and regulations that are supposed to regulate the operation of the corporation and the corporate security sector.
- Non-compliance of existing organizational structures of the security sector in the corporate objectives of corporate security.
- Lack of technically trained staff to design the organizational structure of the security sector.
- Lack of security education managers to shape the organizational structure of the security sector in corporations.
- Lack of prescribed procedures to perform security work and application of measures for security protection.
- Switching tasks of the security sector corporations in the tasks of other organizational units of the corporation

- Insufficient knowledge of the organizational structures of foreign security services to corporations.
- Lack of cooperation in the security sector corporations with distinguished domestic and foreign experts dealing with the design of organizational structures in the security sector and the work of corporate security.
- Lack of modern equipment, software applications and other material funds for the preparation and implementation of the process of establishing the organizational structure of the security sector in corporations.
- In the environment where there are no legislative barriers (private security companies offer their services beyond national boundaries), or obstacles or people seeking work in another Member State of the European Union, we should pay attention to the lack of harmonization standards governing the industry, because the Member States of the European Union are not entitled to exercise any control over the quality and professionalism of the company or individual who offers these services.

6 CONCLUSION

The department private security is increased significantly in the last three decades in the European Union, so at this point it reaches a number that cash reaches the number of members in the police and in some countries the number is even higher than the number of police forces. When talking about the role of the police in providing property and persons from companies in Western societies means that we are talking about the relationship between Public Safety (Public policing) and the private sector to provide (Private security), for the simple reason that the system of public security in those countries was designed in an integrated manner, with clearly defined integration in both sectors and government (Ministry of Interior), local communities, and in some countries (e.g. Australia) and “no police government agencies”. The latest research on this relationship, indicate a very serious expressed intention of most western governments, to cooperation between the two sectors to make security, stronger and more effective, because of existing double siding needs to complement each other in organizing and implementing preventive programs and projects (Daničić & Stajić, 2008).

The basic principle in the implementation of public security in Western societies is the common integration of all sectors of public security (and local communities) in the organization and implementation of programs and projects for the prevention of crime. The critical point in the difference between the private security sector and the police, lies in the fact that they are joined by various sectors of the national economy - one by the government (budget) and the other by private (or public) customers (consumers) security services.

It is required by law to precisely regulate the work and powers of the security service, from which arise the relations with the country that actively participate in the achievement of the work of system security, and including the police. Legally regulated, well-reasoned and orderly mannered, in cooperation with the security services of persons and property is one of the keys to effective policing. Private security aims to protect the rights and legal interests of its clients, would provide them their security and to keep a row. In efforts to achieve that goal, the institutions of private security formulate basic guidelines for the implementation of activities, which continue to be governed by legislative norms. Furthermore, the increase and development of technology and the shape of production and services, inevitably caused the further non-standard security systems and procedures aimed at protection. This means that the circle of traditional work around the provision is extended to other non - protective functions that enhance the operation of the overall system security.

Experience shows that the active role of the police, who in addition to standard and routines that perform in practice, should guide their work as time would be able to contribute to the discovery of the source of the threat, the possible answers (as own so and the security service) on the dangers that come (preventive action) or routes and methods to reduce the negative consequences.

The main purpose of this kind of work represents the establishment of a better relationship with the “users” of police services, meeting the officials of the system to provide new achievements in the scope of police work and exchange experiences in the joint fight against potential perpetrators of criminal works. In fact, it believes that the security of the company

in terms of contemporary risks and threats can be viewed from two aspects: the broader goals of national security and the state as a reference object of security, and immediate or business policies and objectives of the security company (Daničić & Stajić, 2008).

REFERENCES

- Bakreski, O., Trivan, D., & Mitevski, S. (2012). *Sistemi korporativne bezbednosti* [Systems of corporate safety]. Skopje: Komora na Republika Makedonija za privatno obezbeduvanje.
- Cubbage, C. J., & Brooks, D. J. (2012). *Corporate Security in the Asia-Pacific Region: Crisis, Crime, Fraud, and Misconduct*. Boca Raton, FL: CRC Press.
- Daničić, M., & Stajić, L. (2008). *Privatna bezbjednost* [Private security]. Banja Luka: Visoka škola unutrašnjih poslova.
- Daničić, M. (2005). *Obezbjedenje lica i imovine preduzeća u Republici Srpskoj* [Security of people and property of companies in the Republic of Serbia]. Banja Luka: Visoka škola unutrašnjih poslova.
- Deitelhoff, N., & Wolf, K., D. (2010). Corporate Security Responsibility. Corporate Governance Contributions to Peace and Security in Zones of Conflict. In N. Dietelhoff & K. D. Wolf (Eds.), *Global Issues: Corporate security responsibility?* (pp. 1–25). Hampshire: Palgrave Macmillan.
- Genser, M. (2006). *A Structural Framework for the Pricing of Corporate Securities: Economic and Empirical Issues*. Berlin: Springer-Verlag.
- Ivandić Vidović, D., Karlović, L., & Ostojić, A. (2011). *Korporativna sigurnost* [Corporate Safety]. Zagreb: Udruga Hrvatskih Menadžera Sigurnosti – UHMS.
- Keković, Z., Savić, S., Komazec, N., Milošević, M. & Jovanović, D. (2011). *Procena rizika u zaštitilica, imovine i poslovanja* [Valuation on risk for protection of people, property and business working]. Beograd: Centar za analizu rizika i upravljanje krizama.
- Marković, S. I. (2014). *Filozofija korporativne bezbednosti* [Philosophy of Corporate Security]. *CIVITAS: Časopis za društvena istraživanja*, 7, 9–22.
- Milošević, M. (2010). Pojam i sadržaji korporativne bezbednosti [The concept and content of corporate security]. In D. Jovičić (Ed.), *Naučni skup Dani bezbjednosti na temu Korporativna bezbjednost - rizici, prijetnje i mjere zaštite* [Scientific Conference Days of security on the theme Corporate security - the risks, threats and protection measures] (pp. 59–60). Banja Luka: Fakultet za bezbjednost i zaštitu Univerziteta Sinergija.
- Stajić, L. (2008). Pravni okvir privatne bezbednosti u svetlu savremenog shvatanja pojma bezbednosti [The legal frame of private security in the light of contemporary perception of the security concept]. *Zbornik radova Pravnog fakulteta u Novom Sadu*, 42(1–2), (373–390).

LIST OF CONTRIBUTORS

1. Jovche Angjeleski, Faculty of Security, Skopje, University "St. Kliment Ohridski", Bitola, Republic of Macedonia, e-mail: jovce@sbc.mk
2. Aleksander Aristovnik, Faculty of Public Administration, University of Ljubljana, Slovenia, e-mail: aleksander.aristovnik@fu.uni-lj.si
3. Jasmina Arnež, Centre for Criminology, University of Oxford, UK, e-mail: jasmina.arnez@crim.ox.ac.uk
4. Marjan Arsovski, Faculty of Security, Skopje, University "St. Kliment Ohridski", Bitola, Republic of Macedonia, e-mail: arsovskim@yahoo.com
5. Branko Ažman, Faculty of Criminal Justice and Security, University of Maribor, Slovenia, e-mail: branko.azman@fvv.uni-mb.si
6. József Bacsárdi, Faculty of Law and Political Sciences, Pázmány Péter Catholic University, Hungary, e-mail: jozsef.bacsardi@gmail.com
7. Elizabeth Bailey, School of Justice Studies, Eastern Kentucky University, Richmond, Kentucky, USA, e-mail: elizabeth_bailey@mymail.eku.edu
8. Emanuel Banutai, Institute for Security Strategies, Ljubljana, Slovenia, e-mail: emanuelba@gmail.com
9. Mindaugas Bilius, Faculty of Law, Vytautas Magnus University, Kaunas, Lithuania, e-mail m.bilius@tf.vdu.lt
10. Goran Bošković, Academy of Criminalistics and Police Studies in Belgrade, Serbia, e-mail: goran.boskovic@kpa.edu.rs
11. Avi Brisman, School of Justice Studies, Eastern Kentucky University, Richmond, Kentucky, USA, e-mail: avi.brisman@eku.edu
12. Irena Cajner Mraović, Centre for Croatian Studies at University of Zagreb, Croatia, e-mail: icajner@gmail.com
13. László Christián, National University of Public Service, Budapest, Hungary, e-mail: christian.laszlo@gmail.com
14. Evanne Cornette, School of Justice Studies, Eastern Kentucky University, Richmond, Kentucky, USA, e-mail: evanne_cornette8@mymail.eku.edu
15. Alexander Cundiff, School of Justice Studies, Eastern Kentucky University, Richmond, Kentucky, USA, e-mail: alexander_cundiff1@mymail.eku.edu
16. Tomaž Čas, Čas - Private school for security education and Faculty of Criminal Justice and Security, University of Maribor, Slovenia, e-mail: tina.cas@siol.net
17. Petar Čelik, Higher Education Institution for Applied Studies for Entrepreneurship and Security, Belgrade, Serbia, e-mail: petarcelik@sbb.rs
18. Dragan Dakić, Faculty of Law, University of Kragujevac, Serbia, e-mail: dragan.dakic@unibl.rs
19. Anita Dremel, Department of Sociology, Centre for Croatian Studies, University of Zagreb, Croatia, e-mail: adremel@hrstud.hr
20. Katja Eman, Faculty of Criminal Justice and Security, University of Maribor, Slovenia, e-mail: katja.eman@fvv.uni-mb.si
21. Cesar Esmeral, School of Justice Studies, Eastern Kentucky University, Richmond, Kentucky, USA, e-mail: cesar_esmeral@mymail.eku.edu
22. Vladimi Faber, Ministry of Interior Republic of Croatia, e-mail: vfaber@mup.hr
23. Marry A. Finn, School of Criminal Justice, Michigan State University, USA, e-mail: mfinn@msu.edu
24. Benjamin Flander, Faculty of Criminal Justice and Security, University of Maribor, Slovenia, e-mail: benjamin.flander@fvv.uni-mb.si
25. Danijela Frangež, Faculty of Criminal Justice and Security, University of Maribor, Slovenia, e-mail: danijela.frangez@fvv.uni-mb.si

26. Saše Gerasimoski, Faculty of Security, Skopje, University "St. Kliment Ohridski", Bitola, Republic of Macedonia, e-mail: sgerasimoski@yahoo.com
27. Tatjana Gerginova, Faculty of Security, Skopje, University "St. Kliment Ohridski", Bitola, Republic of Macedonia, e-mail: tanjagerginova@gmail.com
28. Aleš Godec, Faculty of Criminal Justice and Security, University of Maribor, Slovenia, e-mail: ales.godec@student.um.si
29. Edita Gruodytė, Faculty of Law, Vytautas Magnus University, Lithuania, e-mail: e.gruodyte@tf.vdu.lt
30. Rok Hacin, Faculty of Criminal Justice and Security, University of Maribor, Slovenia, e-mail: rok.hacin@fvv.uni-mb.si
31. Aleksandar Ivanović, Forensic Centre of Montenegro, Police Directorate, Ministry of the Interior, and Faculty of Law, University of Montenegro, e-mail: ialeksandar@t-com.me
32. Ingrida Kairienė, Public Security Faculty, Mykolas Romeris University, Lithuania, e-mail: ingrida.kairiene@mruni.eu
33. Sophie Kerbacher, Ludwig-Boltzmann-Institute for Clinical Forensic Imaging (LBI-CFI), Graz, Austria, e-mail: sophie.kerbacher@cfi.lbg.ac.at
34. Želimir Kešetović, Faculty of Security Studies, University of Belgrade, Serbia, e-mail: zelimir.kesetovic@gmail.com
35. Miodrag Komarčević, Higher Education Institution for Applied Studies for Entrepreneurship and Security, Belgrade, Serbia, e-mail: mile.komarcevic@gmail.com
36. Andre Konze, State Police of North Rhine Westphalia, Germany, e-mail: andre.konze@gmx.de
37. Sara Korpič, Faculty of Criminal Justice and Security, University of Maribor, Slovenia, e-mail: sara.korpic@gmail.com
38. Saša Kuhar, Faculty of Criminal Justice and Security, University of Maribor, Slovenia, e-mail: sasa.kuhar@fvv.uni-mb.si
39. Branko Lobnikar, Faculty of Criminal Justice and Security, University of Maribor, Slovenia, e-mail: branko.lobnikar@fvv.uni-mb.si
40. Marina Mališ Sazdovska, Faculty of Security, Skopje, University "St. Kliment Ohridski", Bitola, Republic of Macedonia, e-mail: mmsazdovska@gmail.com
41. Renato Matić, Department of Sociology, Centre for Croatian Studies, University of Zagreb, Croatia, e-mail: rmatiac@hrstud.hr
42. Gorazd Meško, Faculty of Criminal Justice and Security, University of Maribor, Slovenia, e-mail: gorazd.mesko@fvv.uni-mb.si
43. Saša Mijalković, Academy of Criminalistics and Police Studies in Belgrade, Serbia, e-mail: sasa.mijalkovic@kpa.edu.rs
44. Saša Milojević, Academy of Criminalistics and Police Studies, Belgrade, Serbia, e-mail: sasa.milojevic@kpa.edu.rs
45. Bogoljub Milosavljević, Faculty of Law, Union University, Belgrade, Serbia, e-mail: bogoljubm@yahoo.com
46. Marko Mlaker, Faculty of Criminal Justice and Security, University of Maribor, Slovenia, e-mail: marko.mlaker@student.um.si
47. Elmedin Muratbegović, Faculty of Criminal Justice and Security, University of Sarajevo, Bosnia and Herzegovina, e-mail: emuratbegovic@fkn.unsa.ba
48. Žaneta Navickienė, Public Security Faculty, Mykolas Romeris University, Lithuania. E-mail: zaneta.navickiene@mruni.eu
49. Snežana Nikodinovska-Stefanovska, Faculty of Security, Skopje, University "St. Kliment Ohridski", Bitola, Republic of Macedonia, e-mail: snikodinovska@gmail.com
50. Svetlana Nikoloska, Faculty of Security, Skopje, University "St. Kliment Ohridski", Bitola, Republic of Macedonia, e-mail: svetlana.nikoloska@uklo.edu.mk
51. Milan Pagon, Independent University Bangladesh – IUB, Dhaka, Bangladesh, e-mail: milan.pagon@gmail.com

52. Ljubo Pejanović, Faculty of Legal and Business Studies “Dr. Lazar Vrkatić”, Novi Sad, Serbia, e-mail: pejanovicljubo@gmail.com
53. Matea Penić Sirak, University of Applied Sciences Velika Gorica, Croatia, e-mail: matea.penic-sirak@vvg.hr
54. Michael Pfeifer, Ludwig-Boltzmann-Institute for Clinical Forensic Imaging (LBI-CFI), Graz, Austria, e-mail: Michael.pfeifer@cfi.lbg.ac.at
55. Urška Pirnat, Faculty of Criminal Justice and Security, University of Maribor, Slovenia, e-mail: pirnat.urska@gmail.com
56. Iztok Podbregar, Faculty of Organizational Sciences, University of Maribor, Slovenia, e-mail: iztok.podbregar@fov.uni-mb.si
57. Darko Prašiček, Ministry of the Interior of the Republic of Slovenia and Faculty of Criminal Justice and Security, University of Maribor, Slovenia, e-mail: apeedpsp@gmail.com
58. Vladimir Ragozin, OSCE Mission to Montenegro, Montenegro, e-mail: vladimir.ragozin@osce.org
59. Mile Rakić, Institute for Political Studies in Belgrade, Serbia, e-mail: rakicmile@hotmail.com
60. Velimir Rakočević, Faculty of Law, Podgorica, Montenegro, e-mail: veljorakocevic@yahoo.com
61. Reingard Riener-Hofer, Ludwig-Boltzmann-Institute for Clinical Forensic Imaging (LBI-CFI), Graz, Austria, e-mail: reingard.riener-hofer@cfi.lbg.ac.at
62. Mojca Rep, European Faculty of Law, Nova Gorica, Slovenia, e-mail: mojca_rep@yahoo.com
63. Julia Rushchenko, Ealing Law School, University of West London, London, UK, e-mail: julia.rushchenko@uwl.ac.uk
64. Sara Sazdovska, Institute of Psychology, Skopje, Macedonia, e-mail: ssazdovska96@yahoo.com
65. Janko Seljak, Faculty of Public Administration, University of Ljubljana, Slovenia, e-mail: janko.seljak@kabelnet.net
66. Sanja Skakavac, Law Academy, Belgrade, Serbia, e-mail: sanja.skakavac84@gmail.com
67. Zdravko Skakavac, Faculty for Legal and Business Studies Dr. Lazar Vrkatić, Novi Sad, Serbia, e-mail: zskakavac@useens.net
68. Boštjan Slak, Faculty of Criminal Justice and Security, University of Maribor, Slovenia, e-mail: bostjan.slak@fvv.uni-mb.si
69. Nigel South, Centre for Criminology, University of Essex, UK, e-mail: soutn@essex.ac.uk
70. Danijela Spasić, Academy of Criminalistics and Police Studies, Belgrade, Serbia, e-mail: danijela.spasic@kpa.edu.rs
71. Michalina Szafrńska, Jagiellonian University in Cracow, Poland, e-mail: michalina.szafranska@uj.edu.pl
72. Aladin Šemović, Higher Court in Novi Pazar, Republic of Serbia.
73. Damjan Temelkovski, University “St. Kliment Ohridski”, Bitola, Republic of Macedonia, e-mail: damjantemelkovski@gmail.com
74. Nina Tomažević, Faculty of Public Administration, University of Ljubljana, Slovenia, e-mail: nina.tomazevic@fu.uni-lj.si
75. Vesna Trajkovska, Faculty of Security, Skopje, University “St. Kliment Ohridski”, Bitola, Republic of Macedonia, e-mail: trajkovska_vesna@yahoo.com
76. Dragica Vučinić, SCE Mission to Montenegro, Montenegro, e-mail: dragica.vucinic@osce.org
77. Slaviša Vuković, Academy of Criminalistics and Police Studies in Belgrade, Serbia, e-mail: slavisa.vukovic@kpa.edu.rs
78. Anna Wojcieszczak, Jagiellonian University in Cracow, Poland, e-mail: anna.wojciezczak@doctoral.uj.edu.pl