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# Editorial

The articles in this issue of *Journal of Criminal Justice and Security* can be categorised into three groups. First two articles discuss the issue of plural policing institutions, namely police, municipal wardens and private security in Slovenia. Two papers from criminological area are following. The first paper deals with important topic of trust and legitimacy of policing, and the classical criminological topic about the youth delinquency is analysed in the next one. The journal ends with the criminal investigation topic in which benefits and challenges of interpreter-mediated police interviews are analysed.

In the first paper **Saša Kuhar** and **Bojan Tičar** compare the legal regulation of the Slovenian police and the municipal warden service. The article is based on an analysis of different laws, legal regulation and theory relating to public policing authorities, performing police tasks in local communities. The comparison of functions, powers and coercive means of police officers and municipal wardens are presented. Authors stress that cooperation between police officers and municipal wardens is legally defined and is essential for ensuring security on the local level. Municipal wardens can perform many police tasks and this allows police officers to focus on security issues that are more complex. **Miha Dvojmoč** presents the results of the study on competences of security guards in Slovenia as assessed by users of private security services and security managers. Both security guards and security managers assessed themselves similarly in terms of their own interpersonal competencies. The findings suggest security guards' interpersonal competencies are evaluated better by the users of security services than by security guards themselves. Author concludes that it is important for the work of security personnel to be performed by employees holding suitable interpersonal competencies for such work; otherwise, the work is performed poorly or, in the worst case, causes conflicts within a private security organisation, as well as with the users of its services.

In the next paper the results of survey on trust in police by Serbian and Slovenian law students was presented by group of authors. **Natalija Lukić, Vanja Bajović, Bojan Tičar,** and **Katja Eman** conducted a secondary analysis of data from a web survey, using different descriptive and multivariate statistical methods. The findings indicate that the law students generally question their willingness to comply with laws and cooperate with the police. The results reveal a slightly more positive perception of police legitimacy by the Slovenian law students than their Serbian counterparts. Similar, police authority, trust in police, procedural justice and police effectiveness are more positively perceived in Slovenia. **Lino Bianco** is discussing the issue of housing and resettlement of young offenders in Malta. The paper addresses social inclusion support as a main focus area of intervention for young offenders after being released from custody. According to the author, the preparation of a Young Offenders Housing and Resettlement Protocol and a cross-government action plan for young offenders drafted with all parties involved, including the offenders themselves, is the way how to address this topic.

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**Jane Goodman-Delahunty** and **Natalie Martschuk** discuss the role of interpreter-mediated police interviews in the last paper. The purpose of the study was to identify best practice in interpreter use in suspect and intelligence interviews conducted by sample of experienced law enforcement practitioners from Asian Pacific jurisdictions. Semi-structured interviews were conducted and practitioners agreed that interpreters changed the interview dynamic, and identified benefits and risks of interpreter use. Practitioners major concerns were related to maintaining control of the interview, accuracy loss, maintenance of nonverbal communication, interview duration and fatigue. Results of the study reveal that the selection of the interpreter, advance preparation regarding ground rules and content, and placement of the interpreter are the best strategies to manage interviews.

Editorial board hopes you will find all the articles interesting and a good source of new ideas. And as this is the last issue for the year 2016, we wish you all the best in the 2017.

*Assoc. Prof. Branko Lobnikar, Ph.D.*  
Editor of English Issues

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# Uvodnik

Članke v tej številki revije *Varstvoslovje* bi lahko razvrstili v tri vsebinske sklope. V prvih dveh člankih avtorji razpravljajo o pomembnih vprašanih zagotavljanja varnosti z vidika pluralne policijske dejavnosti. Naloge in pooblastila policije in redarjev so predstavljene v prvem članku, v drugem pa avtor analizira kompetence, potrebne za uspešno delo zasebnih varnostnikov. Pri tem primerja ocene kompetenc s strani varnostnih menedžerjev in naročnikov zasebnovarnostnih storitev. Sledi sklop kriminoloških člankov, kjer avtorji najprej primerjajo stopnjo zaupanja in legitimnosti policije v Sloveniji in Srbiji, v naslednjem članku pa avtor predstavi pristop integracije mladoletnih prestopnikov po prestani kazni zapora v skupnost. Številko zaključuje kriminalistični članek o prednostih in izzivih uporabe tolmačev pri zasliševanju osumljencev kaznivih dejanj.

**Saša Kuhar** in **Bojan Tičar** v članku *Pravna ureditev slovenske policije in občinskega redarstva* primerjata pooblastila in naloge policistov in redarjev pri zagotavljanju varnosti v lokalni skupnosti. V Sloveniji ustava, zakoni in podzakonski akti natančno določajo naloge, pooblastila in prisilna sredstva obeh organov. Avtorja poudarjata, da je sodelovanje med policisti in občinskimi redarji zakonsko opredeljeno in tudi nujno za zagotavljanje varnosti na lokalni ravni. Redarji lahko na občinski ravni opravljajo številne naloge, ki so tradicionalno vezane na policijsko delo, s čimer je policiji omogočeno, da se osredotoča na varnostno najbolj zahtevne naloge. **Miha Dvojmoč** razpravlja o pomenu kompetenc varnostnikov skozi oči varnostnih menedžerjev in uporabnikov varnostnih storitev. Pri tem je zanimiva ugotovitev, da uporabniki varnostnih storitev bolje ocenjujejo medosebne kompetence varnostnega osebja, kot jih (samo)ocenjujejo varnostniki ali varnostni menedžerji. Avtor ugotavlja, da je za učinkovito delo zasebnovarnostnih podjetij pomembno, da imajo zaposleni tudi ustrezne medosebne kompetence, drugače je delo opravljeno slabo in lahko povzroča konfliktno situacije tako znotraj podjetja kot z uporabniki zasebnovarnostnih storitev.

V članku *Zaupanje v policijo srbskih in slovenskih študentov prava* **Natalija Lukić**, **Vanja Bajović**, **Bojan Tičar** in **Katja Eman** predstavljajo ugotovitve raziskave, kako študenti prava ocenjujejo legitimnost policije v dveh državah z območja bivše Jugoslavije. Ugotovitve kažejo, da so študenti prava na splošno zadržani do sodelovanja s policijo. Rezultati pri slovenskih študentih prava razkrivajo nekoliko bolj pozitivno dožemanje legitimnosti policijske dejavnosti. V Sloveniji tudi bolj pozitivno zaznavajo avtoriteto policije, zaupanje v policijo, postopkovno pravičnost in učinkovitost policije. **Lino Bianco** v prispevku z naslovom *Nastanitev in reintegracija mladih prestopnikov: primer medresorskega akcijskega načrta za Malto* analizira, ali se je s finančnega vidika smiselno lotiti priprave protokola za nastanitev in reintegracijo mladih prestopnikov ter medresorskega akcijskega načrta za reintegracijo mladostnikov po izpustitvi na prostost. Po opravljeni analizi ugotavlja, da je priprava protokola in medresorskega akcijskega načrta, ki bi upoštevala vse vključene strani, tudi mlade prestopnike, human in upravičen način investiranja v narodov družbeni kapital.

V zadnjem članku **Jane Goodman-Delahunty** in **Natalie Martschuk** analizirata vlogo tolmačev pri izvajanju policijskih intervjujev. Avtorici sta želeli

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opredeliti najboljše prakse vključevanja tolmačev v policijske razgovore na podlagi vzorca izkušenih predstavnikov organov pregona iz azijsko-pacifiške regije. Intervjuvanci so se strinjali, da vključenost tolmača spremeni dinamiko razgovora, so pa identificirali koristi ter tveganja njihove vključenosti. Glavni pomisleki so se nanašali na ohranitev nadzora nad razgovorom, izgubo natančnosti, ohranjanje ustreznega odnosa, trajanje razgovora in utrujenost, ključ do uspeha pa so videli v izbiri tolmača, vnaprejšnji pripravi ter pravilni umestitvi tolmača v prostor, kjer se izvaja policijski intervju.

V uredništvu upamo, da so prispevki zanimivi in uporabni. V letu 2017 pa vam želimo obilo uspehov.

*Izr. prof. dr. Branko Lobnikar*  
Urednik števil v angleškem jeziku

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# Legal Regulation of the Slovenian Police and the Municipal Warden Service

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Saša Kuhar, Bojan Tičar

## Purpose:

The purpose of this article is to define the legal framework of the Slovenian police and the municipal warden service and to show how security is ensured on the local level.

## Design/Methods/Approach:

The article is based on an analysis of laws, legal regulation and theory relating to public authorities. The method used is descriptive analysis of legal acts and delegated legislation (*de lege lata*).

## Findings:

The functions, powers and coercive means of police officers and municipal wardens are precisely defined in the Constitution, laws and executive acts. Cooperation between police officers and municipal wardens is legally defined and is essential for ensuring security on the local level. Municipal wardens can perform many police tasks and this allows police officers to focus on tasks that are more complex. Cooperation is often desirable and necessary.

## Originality/Value:

The article presents a review of the existing legal regulation of police and the municipal warden service. It also describes their cooperation, which is essential for providing local-level security.

**UDC: 351.74:34(497.4)**

**Keywords:** police, policing, municipal warden service, local community, Slovenia

## Pravna ureditev slovenske policije in občinskega redarstva

### Namen prispevka:

Namen prispevka je prikazati pravno ureditev policije in občinskega redarstva ter zagotavljanje varnosti na lokalni ravni.

### Metode:

Članek temelji na analizi zakonov, predpisov in pravne teorije. Uporabili smo opisno (deskriptivno) analizo veljavne zakonske in podzakonske ureditve (*de lege lata*).

### Ugotovitve:

V Sloveniji ustava, zakoni in podzakonski akti točno določajo naloge, pooblastila in prisilna sredstva policije in občinskega redarstva. Sodelovanje med

policisti in občinskimi redarji je zakonsko opredeljeno in nujno za zagotavljanje varnosti na lokalni ravni. Zakonsko je določeno, da lahko redarji na občinski ravni opravljajo številne naloge policije, s čimer je policiji omogočeno, da se osredotoča na najbolj zahtevne naloge. Sodelovanje je pogosto, zaželeno in nujno potrebno.

### **Izvirnost/pomembnost prispevka:**

Prispevek predstavlja pregled veljavne zakonodaje s področja policije in občinskega redarstva ter prikaže, kakšno je njuno sodelovanje, kar je nujno za zagotavljanje varnosti na lokalni ravni.

**UDK: 351.74:34(497.4)**

**Ključne besede:** policija, policijska dejavnost, občinsko redarstvo, lokalna skupnost, Slovenija

## **1 INTRODUCTION**

Security is a frequently discussed field. This comes as no surprise because security is a general good that must be made accessible to all.

An overview of the legal bases for security and law enforcement in Slovenia on both the state and local levels should begin with the highest legal act, the Constitution of the Republic of Slovenia (1991). Most articles in the Constitution that pertain to security and law enforcement do so only indirectly. To gain a more detailed insight into the legal regulation of the police and the municipal warden service in Slovenia, one must therefore look at the state administration since the police, as the primary organisation for maintaining security, are part of that administration. The functions and powers of the police are defined in the Organisation and Work of the Police Act (2013) and in the Police Tasks and Powers Act (2013). In 2013, these two acts replaced the Police Act (1998). When examining delegated legislation on the work and organisation of the police, attention must be paid to local self-government and legal frameworks governing the provision of security at the local level and to relationships between levels of authority (state/local) and between the police and the municipal warden services.

The aim of this contribution is to show how the police and the municipal warden service are legally regulated in Slovenia and to determine whether the ongoing provision of security and law enforcement in Slovenia is adequately laid out from a legal standpoint, on both the state and local level, and to assess whether the overlapping and division of powers between the police and municipal warden services is legally regulated by delegated legislation and, if so, how.

The method used is descriptive analysis of legal acts and delegated legislation (*de lege lata*).



## 2 THE LEGAL AND INSTITUTIONAL SETTING OF SECURITY AND LAW ENFORCEMENT IN SLOVENIA

### 2.1 The Constitution of the Republic of Slovenia

The Constitution is the fundamental legal act of the state and, as such, has the highest degree of legal validity. All other legal acts in the state must be substantively and formally harmonised with it. That is why the legal basis for security and law enforcement in the Constitution must first be examined to determine which articles establish a foundation for the provision of security in Slovenia.

For the legal regulation of the substance of security in Slovenia, the section on the organisation of the state (Articles 120 and 121) in Chapter 4 of the Constitution of the Republic of Slovenia (1991) is particularly important. In addition, the section on self-government in Chapter 5, specifically Articles 138 to 145 in which the organisation and competencies of bodies that provide security is indirectly described, should be noted.

Šturm (2010) states that, in accordance with the principle of legality, administrative bodies perform their work independently within the framework and on the basis of the Constitution and the laws. When issuing regulations, administrative bodies are bound by the framework provided in the Constitution and the law; they do not have the right to issue regulations without a substantive basis in the law, but at the same time explicit authorisation in the law is not required.

Vlaj (2010) describes how an amendment to Article 121 of the Constitution (Constitutional Act on Amendments 121., 140. and 143. article of the Constitution of the Republic of Slovenia, 2006) enabled tasks of the state administration to be performed by other administrative bodies – besides the ministries – and by the bodies of local self-governing communities. This has had a considerable impact on the work, competencies and powers of municipal warden services.

### 2.2 Laws and Delegated Legislation

The legal framework for the field of security and law enforcement on the state level is outlined in various laws. In 2013, the Police Act (1998) was replaced by the Police Tasks and Powers Act (2013) and the Organisation and Work of the Police Act (2013).

Security within the framework of local self-government is outlined in the Local Police Act (2006) which provides a formal, legal definition of the field, and in the Local Self-Government Act (2007) which defines the responsibilities of municipalities and mayors with regard to the provision of security.

Besides the above, security in Slovenia is dealt with in other laws: the Roads Act (2010), the Motor Vehicles Act (2010), the Act of Rules in Road Transport (2013), the Minor Offences Act (2011), the Road Traffic Safety Act (1998) and the Protection of Public Order Act (2006).

Šturm (2010) states that delegated legislation may not alter or independently regulate rights and duties as these can only be regulated by law. Delegated legislation may break down a legal norm only to such an extent that, in so doing,

it does not stipulate rights and duties, and inasmuch as it does not curtail rights and duties regulated by law. Delegated legislation that provides a detailed outline of individual areas and indirectly affects security and law enforcement in Slovenia includes: municipal ordinances, municipal safety programmes, the ordinance on local police, the Ordinance on the Establishment, Areas and Headquarters of Police Directorates in the Republic of Slovenia (2013), the ordinance on establishing panels, Rules on Work in which a Police Officer May Not Engage (2013), Rules About Supplementary Part of the Police Uniform (2010), the Ordinance on Uniform, Signs and Official Card of Municipal Constables (2007), Rules on the Equipment of Municipal Wardens and its Use (2007), Rules on Police Uniforms and Compensation for the Use of Own Clothes (2014), Rules on the Possession and Carrying of Weapons and Ammunition in the Police (2013), Rules on the Professional Training, Periodic Skill Updating and Examination of Municipal Wardens (2014), municipal statutes, the Decree on the Auxiliary Police (2014) and the Decree on the Police Uniform, Rank Insignia and Symbols (2014).

### **3 LEGAL REGULATION OF THE SLOVENIAN POLICE ON THE STATE LEVEL**

In accordance with the provisions of legal regulations, the police forms part of the Ministry of the Interior. It functions as a body within the structure of the Ministry, which entails greater independence for the police within the Ministry. This position gives it more autonomy and independence from day-to-day politics and the frequent replacement of ministers. The police is led by the Director General of the Police, who is appointed and dismissed by the Government of the Republic of Slovenia. He or she is accountable to the Ministry for their work. The Director General of the Police has a deputy. The Deputy Director General is also appointed and dismissed by the Government. When the Minister of the Interior is replaced, the Director General of the Police is not required to tender their resignation; they simply continue with their work (Modic, Lobnikar, & Dvojmoč, 2014).

Sturm (2010) states that due to its status as a body with repressive powers that enable it to encroach upon persons and property, guarantees must be provided that incursions by the police are within the confines of the law and that these confines are precisely and predictably defined. This is necessary for both legal protection and for the effective protection of human rights and basic freedoms. The police may not use excessive force in its work as this could mean a misuse of its powers and, concomitantly, an incursion on human rights. For this reason, the law specifically determines what the police may undertake and which powers are available to it in its work.

#### **3.1 Three-tiered Organisation of the Police**

As a body within the structure of the Ministry, the police is organised on three tiers:

- the General Police Directorate, which operates on the state level;
- Police Directorates, which operate on the regional level; and
- police stations, which operate on the local level (Modic et al., 2014).

### 3.1.1 The General Police Directorate

Article 18 of the Organisation and Work of the Police Act (2013) lists the tasks of the General Police Directorate:

- to monitor, analyse and evaluate the national security situation, prepare strategic plans on the organisation and work of the police, assess the situation regarding the implementation of police tasks, provide professional and technical assistance to police units, supervise the work of police units, ensure continual improvements to the system organisation and work methods, introduce new work methods and provide for the quality of police services, ensure the lawful implementation of regulations covering the area of police work and implement measures to ensure the effective operation of the police;
- to direct and coordinate the work of police directorates in the areas of combating crime, ensuring traffic safety, state border control and countervailing measures, tasks laid down in the regulations on foreigners, public order and peace when coordinated action is required in a larger area or when tasks exceed the human, professional, material and organisational resources of police directorates, and to adopt decisions at first instance in matters concerning control of the state border and foreigners;
- to perform certain tasks in the areas of combating crime, traffic safety, state border control and countervailing measures and prevention, and tasks laid down in the regulations on foreigners and public order and peace;
- to manage and perform certain tasks of protecting persons, facilities, premises, districts, workplaces and classified information, and to carry out tasks in the area of securing and protecting strategic infrastructure;
- to perform forensic and laboratory research and conduct forensic investigations, as well as to submit reports on a particular investigation and expert findings and opinions;
- to ensure the implementation of international agreements in the area of police tasks;
- to cooperate with police forces of other countries, international and other organisations, as well as with bureaus, agencies, institutions and working bodies of the European Union in the area of police work, and to perform tasks in cooperation with the aforementioned entities, pursuant to the international commitments assumed in the area of police work;
- to perform police tasks in the event of natural and other disasters and crises, and in wartime and states of emergency;
- to collect, process, communicate and store data in respect of police work, and to plan, manage and develop the police information and telecommunication system;
- to cooperate in the preparation of the personnel plan of the police and to propose modifications and amendments thereto;
- to ensure that the competent state bodies and the public are kept informed of police work, and of the relevant security matters and security situation;

- to organise education, training and advanced training courses and research activities pursuant to the Police Organisation and Work Act, and to cooperate in planning and organising other forms of education, training and advanced training programmes;
- to cooperate in the preparation, planning and modification of financial plans, plans for the acquisition and disposition of tangible property, purchasing plans and plans for investments and investment and regular maintenance of the real property of the police;
- to cooperate in preparation of the classification, standardisation and typification of material and technical means and equipment of the police, including business and other premises and their equipment;
- to carry out, direct and plan internal security procedures and to perform other measures necessary for the internal security of the police;
- to perform accredited and non-accredited controls of measuring instruments and provide professional explanations in this area, and to perform tasks necessary to ensure the technical performance of indicator meters; and
- to perform other tasks in the area of police work defined by the law or other regulations adopted under the Police Organisation and Work Act.

The General Police Directorate's tasks are performed by internal organisational units. These internal units strategically guide, plan, organise and supervise their respective fields of work for the entire police force, conduct internal police tasks, monitor, examine and prepare analyses, reports and other proposals for decision-making and prepare legislation and delegated legislation for the field of police work. The following bodies are competent for carrying out various tasks within the framework of the General Police Directorate (Police, n. d. b):

- Service of the Director General of the Police;
- the Uniformed Police Directorate;
- the Criminal Police Directorate;
- the National Forensic Laboratory;
- the Police Specialties Directorate;
- the Police Academy; and
- the IT and Telecommunications Office.

The heads of the internal organisational units are accountable to the Director General of the Police for their work and for the state and work of their units. The General Police Directorate must directly perform a task within the competence of a Police Directorate if harmful consequences for the life or health of people or the natural or living environment or property of considerable value could arise from the unprofessional or untimely execution of the task.

### 3.1.2 Police Directorates

A Police Directorate is an organisational unit of the police established in a specific geographic area of Slovenia. The area and headquarters of the Police Directorates are prescribed by the Government on the proposal of the Minister of the Interior. A Police Directorate is headed by a Director, who is accountable to the Director

General of the Police for their work and for the work of the Police Directorate. There are eight Police Directorates in Slovenia; their tasks are described in Article 25 of the Organisation and Work of the Police Act (2013):

- to coordinate and direct the work of local police stations, provide them with expert interpretations, carry out supervision of their work and ensure technical assistance for them;
- to detect and investigate particular criminal offences, detect and apprehend perpetrators of such criminal offences and hand them over to competent authorities;
- to ensure the performance of public order tasks, when coordinated action in the territory of a particular directorate is required or in cases of serious public order violations;
- to ensure the performance of certain traffic safety tasks, when coordinated action in the broader territory of a particular directorate is required;
- to perform specific tasks to protect particular persons, premises and facilities;
- to carry out state border control and countervailing measures;
- to perform procedures relating to foreigners;
- to perform specific tasks in the areas of traffic safety, public order and preventive measures;
- to cooperate with security authorities in the border areas of neighbouring countries;
- to issue decisions at first instance on matters concerning the movement of persons across the state border and permissions to stay granted to foreigners;
- to perform police tasks in the event of natural and other disasters and crises, and in wartime and states of emergency;
- to perform specific tasks to maintain the information and telecommunication system of the police;
- to perform specific tasks in the field of human resource management, including particular tasks of professional education, training and advanced training;
- to perform specific tasks in the areas of financial and material matters and regular and urgent investments in the maintenance of facilities and material and technical means;
- to carry out, direct, plan and cooperate in internal security procedures and to implement other measures necessary for the internal security of the police directorate units;
- to take measures to upgrade the system and methods of work, introduce new work methods and innovative solutions in performing police tasks, and to communicate the selected solutions to the General Police Directorate; and
- to perform other tasks in the area of police work defined by the law or other regulations adopted under the law.

A Police Directorate performs its tasks at internal organisational units; these are local police stations established to perform tasks in a specified area of police

work. An act on organisation and systematisation can be used to stipulate that an individual Police Directorate also performs the tasks of a local police station. The heads of the internal organisational units are accountable to the Director of the Police Directorate for their work and for the state and work of their units. If a Police Directorate finds that a local police station in its area of operations is not carrying out its designated tasks or not carrying them out properly or in a timely manner, it must alert the Commander of the police station and instruct him or her to carry out the tasks or address the improprieties by a set date. The Police Directorate can take upon itself the execution of an individual task or a series of tasks within the competence of the police station if it feels such a measure is necessary (Organisation and Work of the Police Act, 2013).

### **3.1.3 Police Stations**

The third tier of police organisation consists of the police stations, which are defined in Articles 27 and 28 of the Organisation and Work of the Police Act (2013): A local police station is an organisational unit of the police established to directly carry out police tasks within a designated area of a Police Directorate. Local police stations and their area and head offices are determined by the Minister of the Interior upon a proposal of the Director General of the Police. A local police station is headed by a Commander. The Commander of a local police station is accountable to the Director of the relevant Police Directorate for their performance and for the state and work of the police station. The areas covered by police stations are specified with regard to municipal boundaries so that one police station carries out police tasks within the entire area of one or several municipalities, or so that in the area of one municipality police tasks are carried out by multiple police stations. A local police station carries out its tasks in line with the annual operation plan adopted by the Commander of the local police station. The annual operation plan is drafted pursuant to the objectives of the General Police Directorate and the Police Directorate in the area where a local police station operates. Before it prepares an annual plan, the local police station invites the municipalities in the territory of which it carries out its tasks to submit proposals of priority tasks in ensuring security. The local police station examines these proposals and includes them in the annual plan on the basis of its assessments.

## **4 LEGAL REGULATION OF SECURITY AND LAW ENFORCEMENT ON THE LOCAL LEVEL**

### **4.1 Regulation of the Police on the Local Level**

On the local level, the police is divided into local police stations, police precincts and police offices.

#### **4.1.1 Police Stations**

As shown in the previous chapter, a local police station is established for the direct performance of police tasks in a given geographical area of a Police Directorate.

A police station represents the execution of state administration on the local level and in the local environment. The areas of operations and headquarters of police stations are determined by the Minister of the Interior on a proposal of the Director General of the Police. A single police station can carry out police tasks for the entire area of one or more municipalities or, in the case of urban municipalities, a municipality can be served by multiple police stations. The tasks of a local police station are outlined in the annual plan of work. The annual plan of work must be prepared on the basis of the goals of the General Police Directorate and the Police Directorate in whose territory the station is located. Close cooperation takes place between a local police station and the municipality or municipalities. Before preparing an annual plan of work, a local police station calls on the municipalities in the territory of which it performs its tasks to provide suggestions regarding priority tasks in the provision of security and law enforcement. These suggestions are evaluated by the local police station and included in the annual plan based on its assessments. The municipal council informs the Commander of the local police station of security issues in the territory of the municipality should the need to do so arise. However, the council may not report on concrete matters for which pre-trial or minor-offence proceedings are still underway (Organisation and Work of the Police Act, 2013).

Police stations are not tied to municipalities. As described in the previous chapter, a local police station is established for the direct performance of police tasks in a specified geographical area under a Police Directorate. Thus, the status of police stations is equated with that of general and special areas of work. Police stations have been established where a need for them was identified on the basis of security, geography and other factors. Accordingly, there now exist police stations with a general field of work and police stations with a special field of work; a new development is police stations with combined fields of work.

Larger police stations have:

- police station management;
- units on call;
- a general police group (heads of police precincts and police officers);
- a criminal investigation group;
- a border patrol group;
- a traffic group; and
- other specialised groups.

Gorenak, Žaberl, Kropc & Smolej (2013) note that, when speaking about groups or units, it is necessary to stress these are not groups in the sense of institutions with their own managerial, administrative and technical infrastructure, but merely internal organisational divisions of a single police station with a single management and technical infrastructure. Only through such an internal division is the more specialised performance of tasks possible. This of course does not mean that such an internal organisation exists at every police station. The internal organisation of a given station is wholly adapted to the tasks the station performs in its specific environment.

The following types of police stations directly perform police tasks in a given geographic area or in a specific area of work of a Police Directorate (Police, n. d. a):



- police station;
- traffic police station;
- border police station;
- maritime police station;
- airport police station;
- mounted police station;
- station for police dog handlers; and
- police station for compensatory measures.

#### **4.1.2 Police Precincts**

The police conduct its activities in the territory of one or more municipalities, which are divided into police precincts. The heads of police precincts provide various forms of assistance, conduct preventive activities and cooperate with citizens, local bodies, businesses and other subjects (Police, n. d. c).

Gorenak et al. (2013) define a police precinct as a rounded out geographic and law-enforcement unit as precincts commonly cover a local community or municipality. This is generally the case with smaller municipalities. The precinct head is a specialised police officer; they do not handle all police tasks, and a large majority of their tasks are preventive in nature. The police precinct head is a police officer who, through an emphasis on preventive tasks, develops a presence in a given area. The precinct head builds relationships with, assists and advises people to the greatest possible extent. While they may not completely forsake their repressive duties, the precinct head only conducts repressive tasks exceptionally when required to do so due to the absence of other officers.

The precinct head is the main person in charge of preventive work and partnerships with citizens in the territory of the police precinct, and as such works towards achieving favourable circumstances for law-enforcement activities. Precinct heads are police officers with a wealth of work, professional and life experience who have a predilection for working with people. Their work is focused directly on cooperation with citizens.

A sizeable portion of the work of police station Commanders and their assistants, particularly police precinct heads, entails providing expert assistance and advice for improving law enforcement in a municipality.

#### **4.1.3 Police Office**

In larger municipalities, and especially in areas located a considerable distance from municipal centres, police offices are established in line with law-enforcement and other criteria. A police office is not a freestanding institution; it does not have its own management, on call staff, administration or technical infrastructure. A police office is a way or method of performing police work in specific surroundings. In practice, this means it is only a specific place with minimal equipment attended by a police officer – or by a police precinct head – during predetermined hours. This means a police officer is available to citizens at the office at specific times for various types of consultation and also to register reports of occurrences that are of interest to law enforcement but which do not demand immediate action from the police (Gorenak et al., 2013).



## 4.2 Municipal Warden Service

The organisation and maintenance of security in local communities is a key component of the law-enforcement system. We have witnessed the decentralisation or transfer of powers from the state administration to the local communities in recent years. This was made possible by an amendment to Article 121 of the Constitution of the Republic of Slovenia (1991), which facilitated the transfer of administrative tasks of the state to other administrative and local-community bodies (Vlaj, 2010). Modic et al. (2014) claim that since the Local Police Act (2006) entered into force, local authorities have become a much more active partner of state bodies and civil-society institutions engaged in the field of public safety and order on the local-community level. The Organisation and Work of the Police Act (2013) highlights the importance of cooperation between state police and local communities. This law contains the provision that Police Directorates and local police stations are to cooperate with bodies of local self-governing communities in fields that involve enhancing safety and security in self-governing local communities. In doing so, they are to cooperate with other bodies and individuals whose activities are directed towards enhancing security and safety by providing assistance within their competencies.

Regulation of the organisation and operations of municipal warden services in Slovenia first appeared with adoption of the Local Self-Government Act (2007). This law stipulates that the municipalities independently organise and manage community-level security and safety activities. This law further determines conditions for establishing and operating municipal warden services for maintaining public order and ensuring safety on local roads. The Road Traffic Safety Act (1998) renamed communal safety officers “municipal wardens”. Through this law, municipal wardens were also granted competence to oversee stopped and parked vehicles. Modic et al. (2014) contend that the Road Traffic Safety Act (1998) also clearly delineates the tasks of municipalities with regard to traffic. Through this Act, the municipalities were said to have become responsible for uninterrupted, safe traffic on municipal roads. However, municipal wardens could initially only take action in areas where traffic was stopped. A revamped and amended Road Traffic Safety Act (2004) attempted to remove this discrepancy. It additionally tasked municipal wardens with overseeing participants in road traffic, but did not contain provisions regarding stopped traffic and pedestrian areas. These discrepancies were finally removed with the Act Amending the Road Traffic Safety Act (2008).

The entry into force of the Act of Rules in Road Transport (2013) further expanded the range of powers of municipal wardens. Municipal wardens can now oversee all roads in a settlement, municipal roads outside a settlement and uncategorised roads outside a settlement used for public traffic.

The Local Police Act (2006) represents an important milestone with regard to the meaning and role of municipal warden services in Slovenia. This law specifies the performance of tasks by municipal warden services, describes the establishment of municipal warden services on the level of urban municipalities and outlines the possibility of two or more municipalities establishing inter-municipal warden

services through an ordinance. A municipality has the option of not using municipal or inter-municipal warden services but, in this case, it must use an ordinance on the organisation and work of its municipal administration to specify that the tasks of municipal warden services are to be performed by municipal wardens.

The area of work and tasks of municipal warden services are defined in this law or in a municipal law issued on the basis of this law. Municipal warden services see to public safety and public order in the territory of the municipality in accordance with the municipal safety plan. This plan must, among other things, outline the operations of municipal wardens. Further, municipal wardens are competent to oversee safe, uninterrupted traffic in settlements, protect roads and the general area in settlements and municipal roads outside of settlements, look after safety on municipal walkways and at recreation facilities and similar public areas, protect public property and the natural and cultural heritage and maintain public order and peace (Local Police Act, 2006).

The municipal safety programme is a fundamental strategic document outlining points of departure for ensuring public safety and a safe, quality life for the residents of a municipality. This document is legally defined in Article 6 of the Local Police Act (2006). The aim of the safety programme is to set uniform criteria for ensuring public safety in a municipality and to outline measures for maintaining public safety in the territory of a municipality. Another aim of the safety programme is to ensure the quality of public spaces and territories in the municipality. A quality public space implies a satisfactory degree of public safety and order. The safety programme is an important document that forms the basis of the work of municipal warden service. In it, points of departure for maintaining safety in a given municipality are defined, as are goals and measures for the continuous achievement of the set goals, the specific persons or offices responsible for the achievement of the set goals and financial aspects of operations. The document also outlines the legal bases for the establishment and work of municipal warden service and for cooperation with the police and other subjects in maintaining public safety, order and peace. The safety programme further seeks to establish a partnership between the police and municipal warden service in maintaining public safety in local communities and/or in the execution of all competences of municipal wardens as defined in Article 3 of the Local Police Act (2006).

The programme's basic objective is to provide adequate conditions for public safety in the territory of a municipality. This means that systemic, legal, organisational and concrete measures are to be used to enhance public safety in a given municipality. All these measures are to be used to ensure a higher quality of life and to address and resolve individual deviant occurrences in the municipalities. The work of municipal wardens is oriented to preventing and uncovering violations that represent a considerable threat to public order and that could have harmful consequences for people, property and the environment. In the event they detect a violation, municipal wardens must respond proportionally, in line with the nature of the violation and its consequences (Občinski program varnosti [Municipal safety programme], 2007).

The Local Self-Government Act (2007) outlines the possibility of establishing a formal partnership with the police, the local community and other local interest groups in the search for common solutions for improving security and safety on the local level. Mayors can, on the basis of Article 29 of the Local Self-Government Act (2007) and Article 35 of the Organisation and Work of the Police Act (2013), establish advisory bodies to resolve problems in the local community. Councils and panels are founded for this purpose. Across the municipalities of Slovenia, there are 182 local security councils. Members of local security panels include representatives of public and private entities: municipal wardens, mayors, municipal counsellors and representatives of schools, local businesses, political parties and non-governmental organisations (Modic et al., 2014).

The fundamental function of a security panel is to integrate, coordinate and steer the work of bodies, organisations and other professional actors involved in security issues, as well as other subjects who can in any way impact the quality of the culture of security in a local community. Security panel members actively participate in the work of the advisory body, start initiatives and give proposals for resolving security-related problems, conduct voluntary tasks and work to the benefit of general security; they may not use their membership to their own benefit or for the benefit of the body or institution they represent. A panel serves to facilitate communications with municipal residents in the sense of a mutual exchange of information and, by doing so, to bring about an improved security situation in the municipality.

The following laws stipulate the competencies of municipal security services: The Local Police Act (2006), the Minor Offences Act (2011), the General Administrative Procedure Act (2006), the Act of Rules on Road Transport (2013), the Roads Act (2010), the Motor Vehicles Act (2010), the Protection of Public Order Act (2006) and the Animal Protection Act (2013).

The following delegated legislation specifically outlines the work of municipal wardens: Ordinance on Uniform, Signs and Official Card of Municipal Constables (2007), Rules on the Equipment of Municipal Wardens and its Use (2007), and the Rules on the Professional Training, Periodic Additional Training and Examinations of Municipal Wardens (2014).

Local communities can also have other regulations (ordinances, decrees) that serve to provide an even more specific definition of the work of municipal wardens.

### **4.3 Competencies and Powers of the Police and Municipal Warden Services: A Comparison**

Article 121 of the Constitution of the Republic of Slovenia (1991) defines public authority. Šturm (2010) states that when the legislator assigns a portion of legal governance to delegated legislation, it must act in accordance with the principle of legality in that the legal authorisation for the executive to issue regulations must be sufficiently specific and limited, in terms of content, purpose and breadth, that the executive's actions with regard to it are to a certain extent foreseeable for legal subjects. The Constitution of the Republic of Slovenia defines a public authority as the right of individuals and legal persons to perform administrative functions.

The powers of the police and municipal wardens are precisely outlined in the Organisation and Work of the Police Act (2013) and the Local Police Act (2006). These two acts also specifically define these powers.

### 4.3.1 Police

The legislation regulating the use of police powers is: the Police Tasks and Powers Act (2013), Criminal Procedure Act (2012), Minor Offences Act (2011), Road Traffic Safety Act (2013), State Border Control Act (2010) and departmental laws. These represent the legal basis of police powers from the Police Tasks and Powers Act (2013).

The powers a police officer may use when conducting their tasks are listed in Article 33 of the Police Tasks and Powers Act (2013). When performing police tasks, a police officer may (Police Tasks and Powers Act, 2013):

- collect information;
- summon;
- give warnings;
- issue orders;
- establish a person's identity and carry out identification procedures;
- search for people;
- carry out covert surveillance and specific checks;
- carry out identification of people by means of photographs;
- produce facial composites;
- carry out polygraph procedures;
- set up roadblocks with blockade points;
- use other people's means of transport and communication or other means;
- conduct security searches;
- conduct searches of persons;
- enter private dwellings and other premises;
- seize objects;
- conduct anti-terror searches;
- temporarily restrict the free movement of persons;
- produce persons;
- prohibit approaching a specific person, place or area;
- prohibit attendance at a sporting event;
- interrupt travel;
- detain persons;
- use means of force;
- conduct security clearance of persons;
- carry out accreditation procedures;
- exercise police powers on water;
- collect and process data; and
- exercise other police powers provided by law.

To prevent or avert threats, police officers can use means of force provided that warnings, orders or other uses of police powers do not suffice for the effective

performance of police tasks. The instruments and means a police office can use are listed in Article 73 of the Police Tasks and Powers Act (2013):

- instruments for handcuffing and tying;
- gas spray;
- physical force;
- baton;
- gas and other instruments of temporary incapacitation allowed under the law;
- water cannons;
- mounted police units;
- special motor vehicles;
- police dogs;
- means for stopping vehicles by force; and
- firearms.

The use of force is subject to constant supervision. Žaberl distinguishes between internal and external supervision. He considers internal supervision to be supervision conducted by the police and the Ministry of the Interior. External supervision includes supervision conducted by the state prosecutor, the courts, the National Assembly, citizens and international bodies and entities (Žaberl, 2006).

Supervision serves to determine whether the use of police powers was lawful and professional and in accordance with social and ethical norms. In so much as a police officer misuses their powers, they may be liable for criminal prosecution, disciplinary measures or damages. Civil lawsuits and the revocation of the right to exercise police powers are also possible (Žaberl, 2006).

### **4.3.2 Municipal Warden Services**

Article 3 of the Local Police Act (2006) stipulates that municipal wardens see to public safety and public order in the area of a municipality. The competencies of local police enable them to:

- oversee safe, uninterrupted traffic in settlements;
- protect the roads and general surroundings in settlements and municipal roads outside of settlements;
- ensure security on municipal public walkways and at recreational areas and other similar areas;
- protect public property and the natural and cultural heritage; and
- maintain public order and peace (Local Police Act, 2006).

Municipal wardens must conduct their work within the framework of and in accordance with the municipal safety programme.

In performing their tasks, Article 10 of the Local Police Act (2006) grants a municipal warden the following powers:

- give warnings;
- issue verbal orders;
- establish the identity of a person;

- conduct security checks;
- seize items;
- detain the perpetrator of a minor or criminal offence; and
- use physical force, instruments for handcuffing and tying and gas spray.

Article 14 of the Local Police Act (2006) stipulates that a municipal warden can use three types of force:

- physical force;
- instruments for handcuffing and tying; and
- gas spray.

A municipal warden can detain the perpetrator of an offence until the police arrive, but for no longer than one hour. Physical force and gas spray can only be used if the officer cannot otherwise repel an unlawful attack on his or her person or on others (Local Police Act, 2006).

Supervision of the use of force by municipal wardens is outlined in Article 17 of the Local Police Act (2006). Supervision is conducted by an independent committee for assessing the legality and professionalism of the conduct of municipal wardens. The committee is appointed by the mayor. Its members must include the director of the municipal administration or, in the case of inter-municipal warden services, the director of municipal administration of the municipality in which the warden services are headquartered, a police representative and representatives of non-governmental organisations with an interest in overseeing human rights and freedoms. In the case of inter-municipal warden services, the task of appointing the committee falls to the mayor of the municipality where the inter-municipal warden services are headquartered. The committee collects the necessary reports and evidence about circumstances, facts and reasons for the use of force by municipal wardens. In so doing, it can request assistance and cooperation from the municipal administration and the police.

The powers of municipal wardens are very similar to those of police officers, but there is a difference, particularly with regard to the number and extent of powers. Cooperation between the police and warden services is critical and regulated by law. Article 9 of the Local Police Act (2006) defines cooperation between warden services and the police. When municipal wardens are performing legally stipulated tasks together with police officers, they are required to follow the police officers' instructions.

Modic et al. (2014) claim it is necessary to be aware that police officers are employees of the police as a body of state operating within the Ministry of the Interior. This means their presence throughout Slovenia has a basis in the Constitution of the Republic of Slovenia, legal acts and delegated legislation. It is their duty to provide the same security services to all residents, and their primary powers are outlined in the Police Tasks and Powers Act (2013). Municipal wardens are officials employed by municipalities or inter-municipal bodies. Their powers and tasks are determined by legal acts and delegated legislation but they are still normatively very insufficiently regulated. Legal analogy with police powers is also questionable. Their work is additionally regulated by municipal regulations (municipal statutes, the municipal safety programme and municipal ordinances).



The important thing is that municipal wardens and police officers develop constructive relationships of cooperation. Trust must therefore be strengthened on both sides.

## 5 CONCLUSION

The organisation and provision of security and law-enforcement services in Slovenia is subject to adequate governance on both the state and local levels. A 2006 amendment to Article 121 of the Constitution (1991) paved the way for administrative tasks of the state to be performed not only by ministries, but also by other administrative bodies and local community bodies.

With the competencies and powers specified in the Protection of Public Order Act (2006) and the Local Police Act (2006) in mind, it is clear that developments are headed in the direction of expanding the competencies and powers of municipal warden services. Here it is necessary to emphasise that the powers of municipal wardens are not equivalent to those of the police, but are specifically adapted to traffic-related tasks and tasks pertaining to maintaining public order in the local community and handling violations of public order.

Inter-municipal security services, by the very nature of their work and in respect of their powers, already cooperate with individual police stations whose work takes place in the territory of their municipalities. Cooperation is regulated by law and is urgently necessary for the comprehensive provision of security in the territory of municipalities. We cannot forget that the list of tasks performed by the police is long and extensive. In the future, municipal warden services could take on more police tasks to reduce the workload of police officers and help provide security at the local level. But to enhance cooperation even further, it would be a good idea to train and educate police officers and municipal wardens together.

## REFERENCES

- Act Amending the Road Traffic Safety Act [Zakon o spremembah in dopolnitvah Zakona o varnosti cestnega prometa]. (2008,2010). *Uradni list RS*, (56/08, 36/10).
- Act of Rules in Road Transport [Zakon o pravilih cestnega prometa]. (2013). *Uradni list RS*, (82/13).
- Animal Protection Act [Zakon o zaščiti živali]. (2013). *Uradni list RS*, (38/13).
- Constitution of the Republic of Slovenia [Ustava Republike Slovenije]. (1991, 1997, 2000, 2003, 2004, 2006, 2013). *Uradni list RS*, (33/91-I, 33/91-I, 42/97, 66/2000, 24/03, 69/04, 68/06 in 47/13).
- Constitutional Act on Amendments 121., 140. and 143. article of the Constitution of the Republic of Slovenia [Ustavni zakon o spremembah 121., 140. in 143. člena Ustave Republike Slovenije]. (2006). *Uradni list RS*, (68/06).
- Criminal Procedure Act [Zakon o kazenskem postopku]. (2012, 2013, 2014, 2016). *Uradni list RS*, (32/12, 47/13, 87/14, 8/16).
- Decree on the Auxiliary Police [Uredba o pomožni policiji]. (2014, 2015). *Uradni list RS*, (51/14, 87/15).

- Decree on the Police Uniform, Rank Insignia and Symbols [Uredba o uniformi, položajnih oznakah in simbolih policije]. (2014). *Uradni list RS*, (64/14).
- General Administrative Procedure Act [Zakon o splošnem upravnem postopku]. (2006). *Uradni list RS*, (24/06, 105/06).
- Gorenak, V., Žaberl, M., Krope, S., & Smolej, D. (2013). *Osnovni postopki in organizacija slovenske policije – neobjavljeno študijsko gradivo* [Basic procedures and organization of the Slovenian Police – unpublished study material]. Ljubljana: Fakulteta za varnostne vede.
- Local Police Act [Zakon o občinskem redarstvu]. (2006). *Uradni list RS*, (139/06).
- Local Self-Government Act [Zakon o lokalni samoupravi]. (2007, 2008, 2009, 2010, 2012). *Uradni list RS*, (94/07, 76/08, 79/09, 51/10, 40/12).
- Minor Offences Act [Zakon o prekrških]. (2011, 2013, 2014). *Uradni list RS*, (29/11, 21/13, 111/13, 74/14).
- Modic, M., Lobnikar, B., & Dvojmoč, M. (2014). Policijska dejavnost v Sloveniji: analiza procesov transformacije, pluralizacije in privatizacije [Policing in Slovenia: An analysis of the processes of transformation, pluralization, and privatization]. *Varstvoslovje*, 16(3), 217–241.
- Motor Vehicles Act [Zakon o motornih vozilih]. (2010, 2015). *Uradni list RS*, (106/10, 23/15).
- Občinski program varnosti: smernice za izdelavo* [Municipal safety programme: Guidelines for drafting]. (2007). Ljubljana: Ministry of the Interior. Retrieved from [http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/DPDVN/Redarstvo/smernice\\_za\\_izdelavo\\_programa\\_varnosti\\_1\\_.doc](http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/DPDVN/Redarstvo/smernice_za_izdelavo_programa_varnosti_1_.doc)
- Ordinance on the Establishment, Areas and Headquarters of Police Directorates in the Republic of Slovenia [Odlok o ustanovitvi, območju in sedežu policijskih uprav v Republiki Sloveniji]. (2013). *Uradni list RS*, (41/13).
- Ordinance on Uniform, Signs and Official Card of Municipal Constables [Pravilnik o enotni uniformi, označbah in službeni izkaznici občinskih redarjev]. (2007, 2010). *Uradni list RS*, (103/07, 64/10).
- Organisation and Work of the Police Act [Zakon o nalogah in pooblastilih policije]. (2013, 2015). *Uradni list RS*, (15/13, 23/15).
- Police. (n. d. a). *About police stations*. Retrieved from <http://www.policija.si/eng/index.php/policestations/69>
- Police. (n. d. b). *General Police Directorate*. Retrieved from <http://www.policija.si/eng/index.php/generalpolicedirectorate>
- Police. (n. d. c). *Vodje policijskih okolišev po policijskih upravah* [Police precinct heads by police directorates]. Retrieved from <http://www.policija.si/index.php/dravljeni-in-policija/vodje-policijskih-okoliev>
- Police Act [Zakon o policiji]. (1998, 2009, 2010, 2011). *Uradni list RS*, (49/98, 66/09, 22/10, 26/11).
- Police Tasks and Powers Act [Zakon o organiziranosti in delu v policiji]. (2013, 2014, 2015). *Uradni list RS*, (15/13, 11/14, 86/15).
- Protection of Public Order Act [Zakon o varstvu javnega reda in miru]. (2006). *Uradni list RS*, (70/06).
- Roads Act [Zakon o cestah]. (2010, 2012, 2014). *Uradni list RS*, (109/10, 48/12, 36/14).
- Road Traffic Safety Act [Zakon o varnosti cestnega prometa]. (1998, 2004, 2008). *Uradni list RS*, (30/98, 83/04, 57/08).



- Rules about Supplementary Part of the Police Uniform [Pravilnik o dopolnilnih delih policijske uniforme]. *Uradni list RS*, (13/10).
- Rules on the Equipment of Municipal Wardens and its Use [Pravilnik o opremi in načinu uporabe opreme občinskih redarjev]. (2007). *Uradni list RS*, (78/07).
- Rules on Police Uniforms and Compensation for the Use of Own Clothes [Pravilnik o policijski uniformi in nadomestilih]. (2014). *Uradni list RS*, (14/14).
- Rules on the Possession and Carrying of Weapons and Ammunition in the Police [Pravilnik o posesti in nošenju orožja in streliva v policiji]. (2013). *Uradni list RS*, (83/13).
- Rules on the Professional Training, Periodic Skill Updating and Examination of Municipal Wardens [Pravilnik o strokovnem usposabljanju, obdobjnem izpopolnjevanju ter preizkusu znanja občinskih redarjev]. (2014). *Uradni list RS*, (48/14).
- Rules on Work in which a Police Officer may not Engage [Pravilnik o delih, ki jih policist ne sme opravljati]. (2013). *Uradni list RS*, (59/13).
- State Border Control Act [Zakon o nadzoru državne meje]. (2010, 2013). *Uradni list RS*, (35/10, 15/13).
- Šturm, L. (Ed.) (2010). *Komentar ustave Republike Slovenije* [Comment of Constitution of the Republic of Slovenia]. Kranj: Fakulteta za državne in evropske študije.
- Vlaj, S. (2010). Samouprava [Self-government]. In L. Šturm (Ed.), *Komentar Ustave Republike Slovenije* (pp. 1308–1332). Kranj: Fakulteta za državne in evropske študije.
- Žaberl, M. (2006). *Temelji policijskih pooblastil* [Based police powers]. Ljubljana: Fakulteta za varnostne vede.

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# Competences of Security Guards in Slovenia as Assessed by Users and Security Managers

Miha Dvojmoč

**Purpose:**

The purpose of this paper is to reveal the competence of security guards, mainly through the eyes of security managers and users of security services, in the area of security personnel's competence in carrying out security tasks. In this paper, we wish to ascertain how the guards' competencies are assessed by security managers and security service users, and if their assessments differ. We also analyse whether there are differences between the competencies self-assessed by private security guards and how they are assessed by their managers and service users.

**Methods:**

For the purposes of the literature review, we analysed domestic and foreign sources and domestic legislation, and conducted a quantitative survey on competencies with all three groups (users of security services, security managers, security guards). For the data collection, we employed a questionnaire to evaluate competencies using a five-point scale.

**Findings:**

The findings suggest security guards' interpersonal competencies are evaluated better by the users of security services than by security guards themselves. Both security guards and security managers assessed themselves similarly in terms of their own interpersonal competencies. To realise the full potential of the non-government institutional, as well as non-institutional, provision of security, the mentality of the management structures of both the users and providers of security services must change, while also better educating the security personnel, ensuring a suitable salary for their work, and demanding the correct performance of their tasks and duties.

**Originality/value:**

The paper provides a useful starting point in the field of private security for the development of competence models, which should be based on employee competencies and security services users' needs.

**UDC:** 351.746.2(479.4)

**Keywords:** private security, security guards, security managers, users of security services, competencies, quality

## Ocena kompetenc zasebnih varnostnikov v Sloveniji z vidika uporabnikov varnostnih storitev ter varnostnih menedžerjev

### Namen prispevka:

Namen prispevka je prikazati razvoj zasebnega varovanja v Republiki Sloveniji predvsem skozi oči varnostnih menedžerjev in uporabnikov varnostnih storitev na področju kompetenc varnostnega osebja, ki izvaja varnostne naloge. V prispevku želimo ugotoviti, kako varnostni menedžerji in uporabniki varnostnih storitev ocenjujejo kompetence zaposlenih, ali med njimi prihaja do razkoraka. Prav tako bomo analizirali, ali prihaja do razlik med samooceno kompetenc varnostnikov ter oceno teh kompetenc s strani njihovih vodij in uporabnikov njihovih storitev.

### Metode:

Za namene pregleda literature smo analizirali domače in tuje vire ter zakonodajo, v delu kompetenc pa smo opravili anketiranje vseh treh skupin (uporabnikov varnostnih storitev, varnostnih menedžerjev, varnostnikov). Za zbiranje podatkov smo uporabili vprašalnik, kjer smo kompetence ocenjevali s pomočjo petstopenjske lestvice.

### Ugotovitve:

Ugotovitve kažejo, da medosebne kompetence varnostnega osebja više ocenjujejo naročniki/uporabniki varnostnih storitev kot varnostniki (varnostno osebje). Za razvoj vseh potencialov nedržavnega institucionalnega zagotavljanja varnosti je treba spremeniti naravnost tako ponudnikov varnostnih storitev kakor tudi uporabnikov varnostnih storitev, hkrati pa izboljšati usposabljanje, predvsem neformalno, varnostnega osebja, ki bo za primerno plačo kvalitetno izvajalo svoje naloge in dolžnosti.

### Izvirnost/pomembnost prispevka:

Prispevek predstavlja kratek pregled razvoja zasebnega varovanja v Republiki Sloveniji ter predstavlja enega od izhodišč za razvoj kompetenčnih modelov na področju zasebnega varovanja, ki mora temeljiti na sposobnostih zaposlenih, ki jih pričakujejo in potrebujejo uporabniki varnostnih storitev.

**UDK: 351.746.2(479.4)**

**Ključne besede:** zasebno varovanje, varnostniki, varnostni menedžerji, uporabniki varnostnih storitev, kompetence, kakovost

## 1 INTRODUCTION

Safety is an increasingly valued and protected human right and falls within the responsibility of the government in the national security system framework. Numerous parties have a role in ensuring safety (city warden service, customs, private detectives etc.), among which police and private security companies are the largest (Sotlar & Čas, 2011).

In the period of former Yugoslavia, as well as before, we were traditionally used to police activity being under the auspices of the government which, on top

of having a monopoly over the use of force, had a monopoly on providing security for both its citizens and organisations active within its territory. Such a division was otherwise simple in organisational terms since it was always clear who was responsible for providing security. However, during the last few decades this has proved to be ineffective. The police itself cannot fulfil the promises given on ensuring safety, which applies partially to individuals and especially to companies (Dvojmoč, 2013; Sotlar, 2007).

Therefore, police activities were divided into public policing activities<sup>1</sup> provided by the state, and private policing activities<sup>2</sup> supplementing state policing and overcoming the limits faced by the public or state police. Here we must also add civil society's activities in providing security. These include civil, non-governmental and non-private organisations performing tasks the state police cannot undertake, but which are not of interest to the private commercial sector. An example of such activity is security surveillance of neighbourhoods. Policing activities within groups of civil society exists in two forms, specifically as the conduct of responsible citizens and as autonomous activity independent of the state and private sector – citizens' actions.

The categorisation into public and private policing activities and the activities of civil society groups in the security field can be viewed as the first true comprehensive policing pattern (Ponsears, 2001). Supplementing the state policing activities with private and civil security activities can also be seen as a reaction to the too limited and too traditional concept of police. The key concepts used to describe the new forms of implementing and ensuring security tasks and services are: fragmentation, rearrangement of police work, un-connectedness, consumer orientation, protection of interests, finesse, privatisation, (non) security and responsibility (Modic, Lobnikar, & Dvojmoč, 2014). The rapid economic development also led to the development of private security with the natural consequence being an increase in employees in such companies (Meško, Nalla, & Sotlar, 2004). Most research performed around the world concerns the relations between police officers and private security guards. For example, Nalla and Newman (1990) note the private security profession often mimics the police culture and application of knowledge. Among the studies examining this relationship, we should mention the study on the transfer of police powers to a private security company in order to reduce the police budget (Stewart, 1985; Walsh & Donavan, 1989) or as a way of extending state control over non-state agencies (Henry in Meško, Nalla, & Sotlar, 2005). Some other studies provide examples of cooperation between police and private security companies in certain cities (Bocklet, 1990; Cunningham & Taylor, 1985).

The only similar study in Slovenia, conducted by Meško (1999), showed that at the end of the twentieth century among police officers and private security guards there were more competitors than collaborators. Private security guards even believed the police had an exploitative relationship with them, especially

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1 *Public policing activities in this case include the police on the state level, as well as local policing organisations which in Slovenia are called the municipal warden service and carry out policing tasks within the framework of local government.*

2 *Private policing activities include private security companies, private detectives and security advisors.*

when it came to using information held by private security guards in police activity while, on the other hand, there was neither reciprocity nor respect for the private security guards' work by police officers. According to the security guards, the police behaved towards them more like surveillance and not as partners (Dvojmoč, 2013).

It follows from the above that a study of the competencies and the self-assessed competencies of private security staff can offer a new insight into private security staff competence and lay the foundations for the further development of employees and their competencies.

## 2 DEVELOPMENT OF PRIVATE SECURITY IN SLOVENIA

### 2.1 Legal Framework for Private Security in Slovenia

Under the Companies Act (1988) and in line with an ever more expressed entrepreneurial spirit, the first, modern private security companies were established in 1989. This process took two paths. On one hand, the SOZD Varnost Ljubljana was terminated and its TOZD organisations restructured (under the same or new names) as independent joint stock or limited responsibility companies (Sotlar & Dvojmoč, 2016).

While, for example, the Basic Court of Ljubljana upon registration very precisely defined the activities of Enigma, podjetje za varovanje premoženja, d.o.o. (physical and technical security, transportation, security and accompanying of money and other shipments, provision of persons and buildings etc.), the Institute of the Socialist Republic of Slovenia for Statistics listed the same company's area of activity as "other unlimited communal activities" (Čas, 1999).

In 1994, the Private Security and Obligatory Organisation of Security Services Act (1994, 1997) was adopted. From today's perspective, it was a revolutionary law. It mainly brought the introduction of licences<sup>3</sup>, a definition of who may carry out private security activity, in which way<sup>4</sup> and with what kind of personnel<sup>5</sup>, while the supervision of the activity and the obligatory organising of security services was defined (Sotlar & Dvojmoč, 2016).

3 The Act introduced two licences, physical provision and technical provision. Physical provision was defined as "provision of persons and property from destruction, damage, theft, and other forms of harmful activity", while the technical provision was "provision of persons and property with technical assets and devices according to prescribed standards".

4 Activities were permitted for business companies, independent entrepreneurs/individuals and independent craftsmen who had to obligatorily unite within the Chamber of the Republic of Slovenia for Private Security which, in harmony with the Ministry of Internal Affairs, issued and withdrew licences for the activity of private security.

5 Security guards had to have Slovenian citizenship, elementary professional training (between elementary and middle school, depending on the job), pass a knowledge and ability test, be psychologically and physically competent for security guard work, and fulfil the condition of impunity. An additional condition for security technicians was middle school education in a technical direction. The profession of "responsible persons" was introduced (security managers or directors), who were legally responsible for all activities of security services. These persons were frequently (but not always) also the owners of security services and, of course, had to fulfil higher professional and education standards than the security guards and security technicians. Along with other conditions, they had to have at least a higher school education and five years of suitable work experience.

Due to the development of private security, the rapid rise in the numbers of both private security companies and security guards, the regime established by the Private Security and Obligatory Organisation of Security Services Act from 1994 was insufficient for efficiently regulating both the discipline and field operations on one end, and the operation of the field on the other, so in 2003, a new Private Security Act (2003) was passed.

To carry out private security activities, one first had to obtain the appropriate licence (for one or several forms of provision) which, according to the new regulations, was issued by the Ministry of Internal Affairs. It was also obligatory to become a member of the Chamber of the Republic of Slovenia for Private Security, which had lost its public authority to issue licences. To obtain a licence, the Act prescribed fairly strict conditions.<sup>6</sup> The Private Security Act (2003) introduced six licenses, namely for: security provision for persons; (2) security provision for property; (3) security provision for transportation, money and other valuable shipments; (4) security provision for public gatherings; (5) management of a security/supervision centre; and (6) planning and implementing security systems. With legal changes in 2007, the last licence was split into two licences: planning of security systems and the implementation of security systems (Sotlar & Dvojmoč, 2016).

The currently valid Private Security Act (2011) manages the rights and obligations of not only business companies and independent entrepreneurs, as was the case before, but also for state authorities, institutes, public agencies and other legal entities and material persons in the field of security not ensured by the state (Sotlar & Čas, 2011).

The main characteristics of the new law are the following: the Ministry of Internal Affairs' competencies in the area of private provision are further expanded; there are still too many norms in the field of private provision; the chamber has some of its authorities restored, even though membership in it is no longer obligatory; the number of measures and other resources of security guards is increased; the conditions for security guards' use of individual measures are expanded; the provisions on the professional ID of security personnel are more thorough and broader; special emphasis is given to training and upgrading security personnel's knowledge; in-house security is introduced. The Private Security Act (2011) divided the activity of private security into eight forms or eight licenses (Sotlar & Dvojmoč, 2016).

The security function performed by private security companies is not just physical and technical security, protection of the transport of money and other valuables, managing control centres and providing security at events, but is an activity that – for the purpose of providing the mentioned forms of security – plans, organises and monitors many types of dangers and factors that represent a certain level of risk in both the internal and external environment.

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<sup>6</sup> *General conditions for obtaining the licence were: that the company has an individual responsible for the private security operations (security manager), that there are no public order issues for owners, legal representatives, and members of the supervisory board, that it has its own or contractually ensured security/supervision centre and that it is insured for damage liability which might occur in its work (Private Security Act, 2003: Article 30), while individual licences also had particular conditions of their own.*



We may conclude the entire development of private safety and therefore private security took the path of strong regulation in the field which, while an advantage, also hinders the development of private security in the Republic of Slovenia (Modic et al., 2014). The regulation acts as a hindrance especially when considering that private security is prohibited from doing anything other than that explicitly permitted by the legislation, but this is only partly true because the options for ensuring safety and security are very wide.

It is precisely due to the interests of most private security companies, directly relating to profit and side payments, that the government must regulate the private security field and supervise the legality of these services. It therefore cannot completely shed responsibility for the state of security in environments, areas and spaces where private security is implemented (Sotlar, Dvojmoč, & Tominc, 2016).

Some also promote the deregulation of private security in Slovenia (Slak, 2014), although this is not possible without having trust in the providers of private security services. One study (Meško, Sotlar, Lobnikar, Jere, & Tominc, 2012) used a five-point scale – where 1 represents a complete lack of trust and 5 represents a high level of trust – to measure trust in private security, and determined the average level of trust at  $\bar{x}$  2.87 only a little less than the level of trust in the police at  $\bar{x}$  2.98 (Meško et al., 2012). For this specific reason, the competencies of security personnel, including interpersonal ones, are essential for private security companies to provide high-quality security and the related customer and client satisfaction, the better performance of services and at the same time an increased sense of safety as a commodity.

All companies on the market providing private security services should endeavour to follow the goals of politeness and orderliness, flexibility, responsiveness and professionalism.

## 2.2 Competencies and Private Security

Bratton and Gold (2003) define competencies as the individual's characteristics that reflect the efficacy of conducting work once all organisational circumstances are taken into account. Bohlander and Snell (2004), however, primarily associate competencies with knowledge and do not pay as much attention to the individual's personal characteristics as other authors. Regarding competencies, Svetlik (2005) adopts the definition by Perrenoud (1997) and states competencies are an individual's capacity to activate, use and integrate knowledge acquired in complex, varied and unpredictable situations. As competencies, or more specifically their components, Kohont (2005b) recognises: knowledge, abilities, skills, personal characteristics, behavioural forms, values and motivation.

Apart from researchers, politicians and economists also discuss competencies. The European Commission defines competencies as a mixture of knowledge, abilities and attitudes held by an individual towards their work. Rozman (2005) presents a definition of competencies used by the Merkur company, stating: Competencies are abilities and capabilities needed for an individual to efficiently and successfully perform a certain task. They include knowledge, experience, personality traits, abilities, motives, self-image, traits and characteristics,

behaviour, as well as the physical and mental skills of an individual. The example of the Caterpillar company, which sees competencies as the ability for interpersonal communication, the ability to resolve problems, the ability to lead, the ability to plan and organise, responsibility, flexibility, and the ability to assess and trust one's own knowledge, is discussed by Bohlander and Snell (2004).

Boyatzis (Kohont, 2005b) defines the individual's competencies as a mixture of the motives, abilities, self-image, social roles and knowledge an individual uses in society. Lucia and Lepsinger (Kohont, 2005b) also define the competencies of the individual as one's preferential characteristics, manifesting in successful and efficient performance in the workplace. Kohont (2005b) understands individual's competencies as activation, usage, and integration of the whole of knowledge, abilities, motives, self-image, and values that allow an individual successful performance of roles, tasks, and problem-solving in complex, diverse, and unpredictable situations, both in an organisation and in society in general.

An individual's competencies include the following components:

- traits, which Musek and Pečjak (2001) define as permanent characteristics that distinguish one individual from another;
- knowledge, defined as content learned by an individual during a learning process or in the workplace;
- abilities, which Musek and Pečjak (2001) define as characteristics that most affect the individual's achievements and performance in solving various problems;
- motivation, which Robins and Langton (2003) describe as a process that determines the individual's efforts, how their efforts are directed, and how long the individual strives to achieve a goal; and
- values, which Musek (in Kohont, 2005a) defines as conceptualisations or beliefs about desired final conditions or behaviours that exceed specific situations, that direct the will, selection or assessment of conduct and concepts, and are organised considering the relative significance and self-image, which Kohont (2005a) understands as an entirety of notions and concepts formed about oneself.

Cooperation and relationships between individuals and organisations are exceptionally important in everyday life for their existence and success. Success is a goal of both individuals and organisations. Various factors affect cooperation and relationships between individuals and organisations. Among the factors affecting the relationship and cooperation of organisations with their environment, Mosley, Pietri and Megginsson (1996) include political, economic, social, technological and international factors. In their opinion, political factors indicate the influence of politics on the success of the organisation, economic factors indicate whether the organisation is growing, stagnating or regressing, social factors indicate the question of size, age, gender of population or the question of changing the attitude to specific things, the environment, safety and needs (Živkovič, 2008).

The nature of private security itself presents the need for communication which, however, quite often depends on the individual's personal competencies, as well as the competencies of an individual organisation (Löfstrand, Loftus, & Loader, 2016). During a period of circumstances changing in the global security



market, it is necessary to consider security personnel's tasks, primarily in the Anglo-American model of private security – here we encounter traditional private security and also private security for military or intelligence purposes and various other tasks within military operations – and the related competencies of an individual which must, in order to complete the said tasks, match the requirements of the tasks as much as possible. Thus, it is of prime importance to study security personnel's competencies for the further development of private security (Löfstrand et al., 2016).

The purpose of this paper is to analyse the interpersonal competencies of private security stakeholders, chiefly through the eyes of security managers and the users of security services, in the area of the competencies security personnel require when carrying out security tasks. In this paper, we wish to ascertain how the competencies of guards are assessed by security managers and security service users, and if their assessments differ. We will also analyse whether there are differences between the competencies self-assessed by security guards and the competencies assessed by their managers and the users of their services.

### **3 DESCRIPTION OF THE METHOD, INSTRUMENT AND SAMPLE**

#### **3.1 Description of the Questionnaire**

When conducting the study, we used a questionnaire<sup>7</sup> in order to obtain the assessments of security guards, security managers and security service users regarding various features of security guards' work. The data used in the analysis were obtained within the framework of a wider study on non-governmental supervisory bodies. The analysis uses 60 statements that are divided into four substantive sets related to the work of security guards. Thus, the first 14 items fall in the set of interpersonal competencies, 9 in the set of satisfaction with work conditions and salary, 11 in the set of characteristics of employee education and training, and 21 in the set of management style based on an orientation to tasks and relationships. The participants evaluated each item using a Likert-type, five-point scale, where 1 meant the statement "is not at all true" and 5 that the statement "is completely true". We used three different forms of the questionnaire in the study depending on the status of the participant, specifically for security guards, security managers, and the users of security services. The questions were identical in all forms, only the necessary instructions and form of the introductory address differed. Each questionnaire also contains a part about the participants' socio-demographic data, which includes their gender, age, education and marital status.

#### **3.2 Study Procedure Description**

In the empirical part of the study, we used the described questionnaires with the selected sample of participants, who were chosen via security companies where

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<sup>7</sup> *The questionnaire was developed to meet the needs of a wider study on the competencies of employees in the private security sector in the context of research on non-state security (Dvojmoč, 2013).*

they are employed or whose services they use. The participants thus come from eight different security companies which vary in terms of size, specifically: two are large, four are medium, and two are small companies<sup>8</sup>. Participants received the questionnaire at the workplace (primarily for the groups of security guards and managers). They followed the attached instructions and filled out the questionnaires. The questionnaires were completed without any issues or need for additional explanations; participation was voluntary and anonymised<sup>9</sup>.

We collected the study results contained in the questionnaires and analysed them based on our interest. Within the substantive set of the questionnaire, we primarily focused on calculating the descriptive statistics of all results and the significant differences between the groups of participants, considering their status.

### 3.3 Sample Description

The study included a total of 471 participants – 378 males and 93 females. For the purpose of our work, the sample was divided into three groups, namely: security guards ( $n = 234$ ), security managers<sup>10</sup> ( $n = 32$ ), and users of security services<sup>11</sup> ( $n = 205$ ). The educational structure of the study participants is shown in Table 1.

**Table 1:**  
Educational structure of the sample by groups

Group	Level of education							Total
	Primary school	Secondary school	Short-cycle college	Professional college	University degree education	Master's degree	Doctorate	
Security guards	19/ 8.16%	199/ 85.40%	8/ 3.43%	6/ 2.58%	1/ 0.43%	/	/	233/100%
Security managers	2/ 6.25%	20/ 62.50%	2/ 6.25%	4/ 12.5%	4/ 12.5%	/	/	32/100%
Users of security services	12/ 5.85%	55/ 26.83%	36/ 17.56%	34/ 16.59%	55/ 26.83%	9/ 4.39%	4/ 1.95%	205/100%

## 4 RESULTS

In the study, the questionnaire was administered to three groups of participants, specifically security guards, security managers, and the users of security services. Questions referred to various substantive sets on whose basis we also present the participants' answers, arranged by status.

8 Companies are divided according to the number of security staff employed: over 300 employees – large company, between 100 and 300 employees – medium company, and under 100 employees – a small company.

9 Together with the questionnaire, participants received an envelope with a stamp and written address to which they returned the completed questionnaire so they were not subjected to social pressure.

10 Eight of the security managers are licensed security managers, 24 of them, while performing tasks similar to those of the security manager are without the necessary education and further training, are operational managers who actually carry out all the functions of a security manager, which in terms of the legality of operations raises a special question.

11 We sent out 806 questionnaires, of which 407 were sent to security guards and we received 234 replies, 63 were sent to security managers and we received 32, while the remaining 367 were sent to the users of security services and we received 205 replies.

Participants first answered questions on the interpersonal competencies of security company employees. The groups of security guards and security managers provided self-evaluations, i.e. opinions about their own interpersonal competencies, while the users of security services evaluated the competencies of the other two groups.

Statement	Group of participants					
	Security guards		Security managers		Users of security services	
	M	SD	M	SD	M	SD
I perform my work professionally.	4.48	0.63	4.50	0.57	3.86	0.92
I perform my work expertly.	4.49	0.65	4.31	0.59	3.74	0.95
I am approachable.	4.53	0.71	4.69	0.47	4.00	0.95
I am communicative.	4.50	0.69	4.62	0.55	4.01	0.88
I am polite.	4.65	0.57	4.28	0.77	4.02	0.88
I am fair.	4.79	0.46	4.81	0.47	4.01	0.94
I am hard-working.	4.68	0.56	4.72	0.52	3.90	0.90
I am adaptable.	4.54	0.66	4.44	0.67	3.81	0.88
I am intelligent.	4.34	0.69	4.21	0.71	3.64	0.98
I am considerate.	4.52	0.61	4.28	0.73	3.83	0.91
I am willing to help.	4.67	0.53	4.72	0.46	4.02	0.88
I respond quickly.	4.57	0.59	4.66	0.48	3.92	1.01
I am tidy.	4.69	0.53	4.56	0.67	4.10	0.90
I am compassionate.	4.64	0.58	4.53	0.56	3.93	0.89

**Table 2:**  
Descriptive statistics for all participants' answers to statements on interpersonal competencies

Notes: M stands for the arithmetic mean of answers on the Likert-type, five-point scales, and SD for standard deviation.

Table 2 shows the arithmetic means and standard deviations of all participant groups' answers to the listed statements on interpersonal competencies at work. The responses indicate high values, as confirmed by the presence of the listed competencies in the participants, considering their self-assessment. After reviewing the values, we also find that the evaluations made by the users of security services for all statements are lower than the evaluations given by the other two participant groups. There are no noteworthy differences between the statements.

In the framework of the question set on interpersonal competencies, we were also interested in any significant differences between participant groups based on their status, which we tested using a one-way ANOVA.

## Competences of Security Guards in Slovenia as Assessed by Users and Security Managers

**Table 3:**  
ANOVA results  
for statements  
on participants'  
interpersonal  
competencies

Statement		SS	df	MS	F	p
I perform my work professionally.	Between groups	44.90	2	22.45	38.35	0.00
	Within groups	275.11	470	0.58		
	Total	320.00	472			
I perform my work expertly.	Between groups	61.75	2	30.88	49.59	0.00
	Within groups	292.67	470	0.62		
	Total	354.42	472			
I am approachable.	Between groups	36.09	2	18.04	27.39	0.00
	Within groups	309.60	470	0.66		
	Total	345.69	472			
I am communicative.	Between groups	29.92	2	14.96	24.98	0.00
	Within groups	281.45	470	0.60		
	Total	311.37	472			
I am polite.	Between groups	44.14	2	22.07	40.53	0.00
	Within groups	255.90	470	0.54		
	Total	300.04	472			
I am fair.	Between groups	70.70	2	35.35	70.21	0.00
	Within groups	236.66	470	0.50		
	Total	307.36	472			
I am hard-working.	Between groups	71.45	2	35.73	67.25	0.00
	Within groups	249.68	470	0.53		
	Total	321.14	472			
I am adaptable.	Between groups	60.54	2	30.27	51.92	0.00
	Within groups	274.03	470	0.58		
	Total	334.57	472			
I am intelligent.	Between groups	54.23	2	27.11	39.17	0.00
	Within groups	325.35	470	0.69		
	Total	379.59	472			
I am considerate.	Between groups	53.3	2	26.68	46.04	0.00
	Within groups	272.341	470	0.58		
	Total	325.70	472			
I am willing to help.	Between groups	53.26	2	26.63	54.19	0.00
	Within groups	230.99	470	0.49		
	Total	284.25	472			
I respond quickly.	Between groups	50.82	2	25.41	40.12	0.00
	Within groups	297.74	470	0.63		
	Total	348.56	472			
I am tidy.	Between groups	38.71	2	19.36	37.17	0.00
	Within groups	244.72	470	0.52		
	Total	283.43	472			
I am compassionate.	Between groups	56.46	2	28.23	52.78	0.00
	Within groups	251.40	470	0.53		
	Total	307.86	472			

Notes: SS stands for the sum of squares, df for degrees of freedom, MS for the mean square, F for F-test statistic, and p for the statistical significance of ANOVA, which was performed at a risk of 0.05.

The analysis of variance between all participant groups, listed in Table 3, shows that the differences in answers to all statements about interpersonal competencies are statistically significant. Participants' answers therefore significantly differed only based on whether they assessed their own competencies (security guards and security managers) or the competencies of employees from the perspective of the users of security services. Using Dunnett's C test, we analysed which groups have statistically significant differences; the results are presented in Table 4 below.

Statement	Status of participants		Difference M between groups	SE	95% IZ	
					Lower limit	Upper limit
I perform my work professionally.	security guard	security manager	-0.017	0.11	-0.28	0.25
		user of services	0.62*	0.08	0.44	0.80
	security manager	security guard	0.02	0.11	-0.25	0.28
		user of services	0.64*	0.12	0.35	0.93
	user of services	security guard	-0.62*	0.08	-0.80	-0.44
		security manager	-0.64*	0.12	-0.93	-0.35
I perform my work expertly.	security guard	security manager	0.18	0.11	-0.10	0.46
		user of services	0.74*	0.08	0.56	0.93
	security manager	security guard	-0.18	0.11	-0.46	0.10
		user of services	0.57*	0.12	0.26	0.87
	user of services	security guard	-0.74*	0.08	-0.93	-0.56
		security manager	-0.57*	0.12	-0.87	-0.26
I am approachable.	security guard	security manager	-0.15	0.10	-0.39	0.08
		user of services	0.53*	0.08	0.34	0.72
	security manager	security guard	0.15	0.10	-0.08	0.39
		user of services	0.69*	0.11	0.43	0.95
	user of services	security guard	-0.53*	0.08	-0.72	-0.34
		security manager	-0.69*	0.11	-0.95	-0.43
I am communicative.	security guard	security manager	-0.12	0.11	-0.38	0.14
		user of services	0.49*	0.08	0.31	0.67
	security manager	security guard	0.12	0.11	-0.14	0.38
		user of services	0.61*	0.12	0.33	0.89
	user of services	security guard	-0.49*	0.08	-0.67	-0.31
		security manager	-0.61*	0.12	-0.89	-0.33
I am polite.	security guard	security manager	0.37*	0.14	0.02	0.72
		user of services	0.63*	0.07	0.46	0.80
	security manager	security guard	-0.37*	0.14	-0.72	-0.02
		user of services	0.26	0.15	-0.10	0.63
	user of services	security guard	-0.63*	0.07	-0.80	-0.46
		security manager	-0.26	0.15	-0.63	0.10
I am fair.	security guard	security manager	-0.02	0.09	-0.24	0.20
		user of services	0.78*	0.07	0.61	0.95
	security manager	security guard	0.02	0.09	-0.20	0.24
		user of services	0.80*	0.11	0.54	1.05
	user of services	security guard	-0.78*	0.07	-0.95	-0.61
		security manager	-0.80*	0.11	-1.05	-0.54

**Table 4:** Statistically significant differences between groups identified using Dunnett's C test

**Competences of Security Guards in Slovenia as Assessed by Users and Security Managers**

**Table 4:**  
**Continuation**

Statement	Status of participants		Difference M between groups	SE	95% IZ	
					Lower limit	Upper limit
I am hard-working.	security guard	security manager	-0.04	0.10	-0.28	0.21
		user of services	0.78*	0.07	0.61	0.95
	security manager	security guard	0.04	0.10	-0.21	0.28
		user of services	0.82*	0.11	0.54	1.09
	user of services	security guard	-0.78*	0.07	-0.95	-0.61
		security manager	-0.82*	0.11	-1.09	-0.54
I am adaptable.	security guard	security manager	0.10	0.13	-0.20	0.41
		user of services	0.73*	0.07	0.56	0.91
	security manager	security guard	-0.10	0.13	-0.41	0.20
		user of services	0.63*	0.13	0.30	0.95
	user of services	security guard	-0.73*	0.07	-0.91	-0.56
		security manager	-0.63*	0.13	-0.95	-0.30
I am intelligent.	security guard	security manager	0.12	0.13	-0.21	0.45
		user of services	0.69*	0.08	0.50	0.89
	security manager	security guard	-0.12	0.13	-0.45	0.21
		user of services	0.57*	0.14	0.23	0.92
	user of services	security guard	-0.69*	0.08	-0.89	-0.50
		security manager	-0.57*	0.14	-0.92	-0.23
I am considerate.	security guard	security manager	0.24	0.13	-0.09	0.57
		user of services	0.70*	0.07	0.52	0.87
	security manager	security guard	-0.24	0.13	-0.57	0.09
		user of services	0.45*	0.14	0.10	0.80
	user of services	security guard	-0.70*	0.07	-0.87	-0.52
		security manager	-0.45*	0.14	-0.80	-0.10
I am willing to help.	security guard	security manager	-0.02	0.09	-0.23	0.20
		user of services	0.67*	0.07	0.51	0.84
	security manager	security guard	0.02	0.09	-0.20	0.23
		user of services	0.69*	0.10	0.45	0.94
	user of services	security guard	-0.67*	0.07	-0.84	-0.51
		security manager	-0.69*	0.10	-0.94	-0.45
I respond quickly.	security guard	security manager	-0.08	0.09	-0.31	0.14
		user of services	0.65*	0.08	0.46	0.84
	security manager	security guard	0.08	0.09	-0.14	0.31
		user of services	0.73*	0.11	0.47	1.00
	user of services	security guard	-0.65*	0.08	-0.84	-0.46
		security manager	-0.73*	0.11	-1.00	-0.47
I am tidy.	security guard	security manager	0.12	0.12	-0.18	0.43
		user of services	0.59*	0.07	0.42	0.76
	security manager	security guard	-0.12	0.12	-0.43	0.18
		user of services	0.46*	0.13	0.14	0.79
	user of services	security guard	-0.59*	0.07	-0.76	-0.42
		security manager	-0.46*	0.13	-0.79	-0.14
I am compassionate.	security guard	security manager	0.11	0.11	-0.15	0.37
		user of services	0.71*	0.07	0.54	0.88
	security manager	security guard	-0.11	0.11	-0.37	0.15
		user of services	0.60*	0.12	0.31	0.89
	user of services	security guard	-0.71*	0.07	-0.88	-0.54
		security manager	-0.60*	0.12	-0.89	-0.31

\* statistically significant differences

Based on the results shown in Table 4, we can determine differences between arithmetic means in answers of different participant groups to statements on interpersonal competencies. We can conclude there are no major differences between the groups of participants when evaluating their own competencies, i.e. security guards and security managers. The trend of differences is mostly apparent between self-evaluations of one's own competencies and the evaluations of security guards' competencies made by the users of security services.

In all statements, except the statement "I am polite", differences between the security guards and security managers groups are not statistically significant. Both groups therefore evaluate their own interpersonal competencies similarly. Only the difference for the statement "I am polite" turned out to be statistically significant between the participant groups, with the security guards evaluating themselves higher than the security managers. In total, self-evaluations of the interpersonal competencies of security guards in the workplace are therefore similar, regardless of whether they hold a management position or not. Compared to the group of security guards, managers evaluate their politeness in the workplace somewhat higher. Statistically significant differences between the group of security service users and the group of security guards were apparent for all statements. As a rule, the users of security services evaluated all of the listed competencies lower than the security guards.

The same pattern is revealed when comparing the group of users of security services and the group of security managers, where statistically significant differences are apparent for all statements, except the statement "I am polite" where both groups' assessments were similar. For all the other statements, security service users assessed the competencies of security managers lower than they assessed them themselves.

## 5 CONCLUSION

The findings herein can hardly be compared with any other study conducted so far as none of them talked about the competence of private security guards, mostly about the relations between the police and private security, with the only similar study conducted by Meško (1999) showing that at the end of the twentieth century police officers and private security guards were more competitors than collaborators.

Examining the study results allows one to conclude that the differences are indeed perceived; however, statistically significant differences are mainly reflected in the security managers' view of the guards, which we regard as meaning that security managers view of the competencies of their employees are not evaluated equally highly as by themselves. In the future, it would therefore be worth exploring security managers' competencies regarding management skills.

Accordingly, the findings can help security managers and executives of security companies in decision-making, when communicating with employees or the users of their services, in human resources management, in managing interpersonal relationships etc. The difference between good and bad managers is first detected by their subordinates. With its findings, this article contributes

to a better understanding of the security guard profession, allowing managers to reflect on themselves and start managing the company and the employees, and not to – as is often the case in private security – issue orders. In addition to the above, this article is the first to discuss interpersonal competencies in private security given that the general consensus seems to be that practically anyone can be a security guard.

Lokovšek (2015) found that police officers do not have sufficient knowledge about the work and tasks of private security guards, or the necessary competencies for their work.

Nowadays, when the labour market is quite saturated but it is harder to assess workers' competencies, security companies can implement a competencies assessment model in their business to improve their personnel primarily by adhering to the following steps:

- checking if their employees are even suitable for the work they are performing;
- checking if their employees assess them as being sufficiently competent to lead and appoint tasks and thus, if necessary, to change their own management style;
- checking what their employees think about the users of security services;
- based on an analysis, to remove employees who are unsuitable in terms of their personality for the job of a security guard; and
- during recruitment, by considering the individual's competencies as one of the criteria of the job interview.

We may therefore conclude that it is extremely important for the work of security personnel to be performed by persons holding suitable interpersonal competencies for such work; otherwise, the work is performed poorly or, in the worst case, causes conflicts within an organisation, as well as with the users of the security company's services, thereby weakening the reputation of the both profession and the organisation employing the individuals, which also poses a significant challenge for management in private security companies.

We also see numerous options for the development of private security activities chiefly in integration with other activities and organisations, from telecommunications operators and insurance companies to the banking sector and in integral corporate security.

## REFERENCES

- Bocklet, R. (1990). Police-private security relationship. *Law and Order*, 38, 54–59.
- Bohlander, G., & Snell, A. (2004). *Managing human resources* (13th ed.). Manson: South-Western Publishing.
- Bratton, J., & Gold, J. (2003). *Human resource management: Theory and practice* (3rd ed.). Houndmills; Basingstoke; New York: Palgrave Macmillan.
- Companies Act [Zakon o podjetjih]. (1988, 1989, 1990). *Uradni list SFRJ*, (77/88, 40/89, 46/90, 61/90)



- Cunningham, W., & Taylor, T. H. (1985). *The Hallcrest report I: Private security and police in America*. Stoneham: Butterworths-Heinemann.
- Čas, T. (1999). Zasebna varnost in zasebno varstvo kot sestavini nacionalne varnosti in nacionalnovarnostnega sistema Republike Slovenije [Private security and personal protection as a component of national security and the national security system of the Republic of Slovenia]. In A. Anžič (Ed.), *Nove možnosti zasebnega varstva v Sloveniji* (pp. 21–25). Ljubljana: Visoka policijsko-varnostna šola.
- Dvojmoč, M. (2013). *Nedržavno institucionalno zagotavljanje varnosti ter občinska redarstva v Republiki Sloveniji* (Doktorska disertacija) [Non-state institutional ensuring the safety and municipal officers in Slovenia (Doctoral dissertation)]. Nova Gorica: Evropska pravna fakulteta.
- Hansen Löfstrand, C., Loftus, B., & Loader, I. (2016). Doing 'dirty work': Stigma and esteem in the private security industry. *European Journal of Criminology*, 13(3), 297–314.
- Kohont, A. (2005a). *Kompetenčni profil slovenskih strokovnjakov za upravljanje človeških virov* (Magistrsko delo) [Competence profile of Slovenian experts in human resource management (Master thesis)]. Ljubljana: Fakulteta za družbene vede.
- Kohont, A. (2005b). Razvrščanje kompetenc [Classification of competencies]. In M. S. Pezdirc (Ed.), *Kompetence v kadrovski praksi* (pp. 30–48). Ljubljana: GV Izobraževanje.
- Lokovšek, D. (2015). Problematika ukrepanja policije v okviru Zakona o zasebnem varovanju [The issue of police action under the Private Security Act]. In *Učinkovitost državne regulative v panogi zasebnega varovanja* (pp. 60–64). Ljubljana: Zbornica za razvoj slovenskega zasebnega varovanja.
- Meško, G. (1999). Policisti in varnostniki – sodelavci ali tekmeči? [Police officers and security guards – colleagues or competitors?] In A. Anžič (Ed.), *Nove možnosti zasebnega varstva v Sloveniji* (pp. 203–217). Ljubljana: Visoka policijsko-varnostna šola.
- Meško, G., Nalla, M. K., & Sotlar, A. (2004). Youth perceptions of private security in Slovenia: Preliminary findings. In G. Meško, M. Pagon, & B. Dobovšek (Eds.), *Policing in Central and Eastern Europe: Dilemmas of contemporary criminal justice* (pp. 745–752). Ljubljana: Faculty of Criminal Justice.
- Meško, G., Nalla, M. K., & Sotlar, A. (2005). Policisti in zasebni varnostniki – veliki in mali bratje [Police and private security officers – big and little brothers]. *Revija za kriminalistiko in kriminologijo*, 56(2), 147–162.
- Meško, G., Sotlar, A., Lobnikar, B., Jere, M., & Tominc, B. (2012). *Občutek ogroženosti in vloga policije pri zagotavljanju varnosti na lokalni ravni* [Perceptions of threats and the role of police in ensuring security at the local level]. Ljubljana: Fakulteta za varnostne vede.
- Modic, M., Lobnikar, B., & Dvojmoč, M. (2014). Policijska dejavnost v Sloveniji: analiza procesov transformacije, pluralizacije in privatizacije [Policing in Slovenia: An analysis of the processes of transformation, pluralization, and privatization]. *Varstvoslovje*, 16(3), 217–241.
- Mosley, C. D., Pietri, H. P., & Megginsson, C. L. (1996). *Management – leadership in action* (5th ed.). New York: Harper Collins College Publishers.
- Musek, J., & Pečjak, V. (2001). *Psihologija* [Psychology]. Ljubljana: Educy.

- Nalla, M., & Newman, G. (1990). *A primer in private security*. Albany: Harrow and Heston.
- Perrenoud, P. (1997). *Construire des competences des l'ecole* [Building competences of the school]. Pratiques et enjeux pedagogiques. Paris: ESF.
- Ponsears, P. (2001). Reading about »community (oriented) policing« and police models. *Policing: An International Journal of Police Strategies & Management*, 24(4), 470–496.
- Private Security and Obligatory Organization of Security Services Act [Zakon o zasebnem varovanju in obveznem organiziranju službe varovanja]. (1994, 1997). *Uradni list RS*, (32/94, 23/97).
- Private Security Act [Zakon o zasebnem varovanju]. (2003, 2007, 2009, 2011). *Uradni list RS*, (126/03, 102/07, 41/09, 17/11).
- Private Security Act [Zakon o zasebnem varovanju]. (2011). *Uradni list RS*, (17/11).
- Robbins, P. S., & Langton, N. (2003). *Organizational behaviour: Concepts, controversies, applications*. Toronto: Pearson Education.
- Rozman, B. (2005). Upravljanje kompetenc v družbi Merkur [Management skills in company Merkur]. In M. S. Pezdirc (Ed.), *Kompetence v kadrovski praksi* (pp. 127–152). Ljubljana: GV Izobraževanje.
- Slak, B. (2014). *Deregulacija področja zasebnega varovanja – med potrebo in možnostjo* [Deregulation of the private security sector – between the needs and the possibilities]. Paper presented at the Conference: "Private security 2014", Zagreb, 27. 11. 2014. Retrieved from <http://www.hcz.hr/UserDocsImages/KONFERENCIJA%20PRIVATNA%20ZASTITA%202014/BSLAK-ZRSZV-HCZ-2014.pdf>
- Sotlar, A. (2007). Izvor legitimnosti zasebnega varovanja: dobiček med zasebnim in javnim interesom? [The Origin of the Legitimacy of Private Security: Earnings between Private and Public Interests]. In *IV. mednarodna konferenca, VIII. strokovni posvet Dnevi zasebnega varovanja* (pp. 13–25). Ljubljana: Zbornica Republike Slovenije za zasebno varovanje.
- Sotlar, A., & Čas, T. (2011). Analiza dosedanjega razvoja zasebnega varovanja v Sloveniji – med prakso, teorijo in empirijo [Analysis of the current development of private security in Slovenia between practice, theory and empirical experience]. *Revija za kriminalistiko in kriminologijo*, 62(3), 227–241.
- Sotlar, A., & Dvojmoč, M. (2016). Private security in Slovenia: 25 years of experiences and challenges for the future. In B. Vankovska, & O. Bakreski (Eds.), *International Scientific Conference Private Security in the 21st Century* (pp. 15–39). Skopje: Chamber of Republic of Macedonia for Private Security.
- Sotlar, A., Dvojmoč, M., & Tominc, B. (2016). Zasebno varovanje kot nadzorovalec privatiziranih urbanih prostorov: študija primera nakupovalnega središča v Sloveniji [Private Security as a Supervisor of Privatized Urban Spaces: A case study of a shopping mall in Slovenia]. *Varstvoslovje*, 17(1), 49–64.
- Stewart, J. K. (1985). Public safety and private police. *Public Administration Review*, 45(Spec. Iss.), 758–765.
- Svetlik, I. (2005). *O kompetencah* [About the competence]. Ljubljana: GV Izobraževanje.

Walsh, W. in Donovan, E. (1989). Private security and community policing: Evaluation and comment. *Journal of Criminal Justice*, 17(3), 187–197.

Živković, J. (2008). *Pomen interpersonalnih kompetenc za sodelovanje v timu* (Diplomsko delo) [The importance of interpersonal competencies to participate in the team (Final thesis)]. Ljubljana: Filozofska fakulteta.

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# Trust in Police by Serbian and Slovenian Law Students: A Comparative Perspective<sup>1</sup>

Natalija Lukić, Vanja Bajović, Bojan Tičar, Katja Eman

## **Purpose:**

Based on past studies and cognitions about legitimacy and related concepts, the paper presents law students' perceptions of trust in police and policing in Serbia and Slovenia, analysing data from a web survey conducted in autumn 2012 and spring 2013.

## **Design/Methods/Approach:**

We conducted a secondary analysis of data from a web survey conducted by Meško and colleagues in 2013 in Serbia and Slovenia using descriptive and multivariate statistical methods (factor analysis, t-test and regression analysis).

## **Findings:**

The findings indicate that the law students generally question their willingness to comply with laws and cooperate with the police. The results reveal a slightly more positive perception of police legitimacy and its correlates by the Slovenian law students than their Serbian counterparts. Similar, police authority, trust in police, procedural justice and police effectiveness are more positively perceived in Slovenia.

## **Research Limitations/Implications:**

The results provide insights into trust in the police held by potential future professionals in the (criminal) justice system in Serbia and Slovenia, also revealing differences between the two countries.

## **Practical Implications:**

The police should primarily strive to improve their effectiveness, authority and procedural justice to improve the trust in and legitimacy of policing in the respective country.

## **Originality/Value:**

The article presents a very good starting point for a further analysis of law students' attitude to the police in Serbia and Slovenia. In the conclusion, the authors discuss possible solutions for improving the relationship between the police and law students.

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**Keywords:** trust, police, law students, Serbia, Slovenia

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## **Zaupanje v policijo srbskih in slovenskih študentov prava: primerjalna perspektiva**

### **Namen:**

Na podlagi preteklih študij in spoznanj o legitimnosti in z njo povezanimi koncepti ter z analizo podatkov spletne ankete, ki je bila izvedena jeseni 2012 in spomladi 2013, članek predstavlja, kako študenti prava dojemajo zaupanje v policijo v Srbiji in Sloveniji.

### **Metode:**

Izvedli smo sekundarno analizo podatkov iz spletne raziskave, ki so jo izvedli Meško in sodelavci leta 2013 v Srbiji in Sloveniji, ter jih analizirali z opisnimi in multivariatnimi statističnimi metodami (faktorska analiza, t-test in regresijska analiza).

### **Ugotovitve:**

Ugotovitve kažejo, da študenti prava na splošno dvomijo v njihovo pripravljenost strinjanja z zakoni in sodelovanja s policijo. Rezultati razkrivajo nekoliko bolj pozitivno dojetje legitimnosti policijske dejavnosti in njenih korelatov pri slovenskih študentih prava v primerjavi s srbskimi študenti prava. Podobno bolj pozitivno zaznavajo v Sloveniji tudi avtoriteto policije, zaupanje v policijo, postopkovno pravičnost in učinkovitost policije.

### **Omejitve/uporabnost raziskave:**

Rezultati omogočajo vpogled v zaupanje v policijo potencialnih bodočih strokovnjakov na (kazensko) pravnem sistemu v Srbiji in Sloveniji, ki kažejo tudi razlike med primerjanima državama.

### **Praktična uporabnost:**

Policija bi si morala predvsem prizadevati za izboljšanje njihove učinkovitosti, pooblastil in procesnih pravic, da bi izboljšali zaupanje in legitimnost policijskega dela v posamezni državi.

### **Izvirnost/pomembnost prispevka:**

Članek predstavlja zelo dobro izhodiščno točko za nadaljnje analize odnosov študentov prava do policije v Srbiji in Sloveniji. V zaključku avtorji razpravljajo o možnih rešitvah za izboljšanje odnosa med policijo in študenti prava.

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**Ključne besede:** zaupanje, policija, študenti prava, Srbija, Slovenija

## **1 INTRODUCTION**

Trust in this modern, fast-paced and individually focused society is a very rare and respected value. We trust the people surrounding us ever less, and have even less trust in authority. The level of trust is even lower among young people, especially adolescents, who are usually very self-centred and anti-authority. Numerous criminological studies have tested the impact of various factors on trust and on

creating the perception of legitimacy in the way the criminal justice system works. The argument that legitimacy is largely a condition of the existence of procedural justice, entailing a fair procedure as well as impartial decision-making on citizens' rights, appears to be undisputed. Besides that, it has been established that the efficiency of the formal social control, distributive justice, the moral credibility of criminal justice and the absence of legal cynicism have a certain impact. The significance of studies on legitimacy is reflected in its impact on human behaviour since empirical evidence shows that the perception of legitimacy encourages compliance with legal rules and cooperation with institutions of formal social control, which play an important role in suppressing crime. The said goal is impossible to achieve by solely relying on either citizens' obedience or the work of the police and criminal justice – it requires cooperation (Tyler & Fagan, 2008). While promoters of the legitimacy model argue that people's views about the institutional legitimacy of the police and judiciary influence their compliance with legal norms and cooperation, advocates of the instrumental model believe sanctions have a decisive role in making people obey legal rules (Meško & Eman, 2015).

Legitimacy is accepted as a central concept in procedural justice theory (Hough, Jackson, Bradford, Myhill, & Quinton, 2010) or as a composition of different elements (i.e. rules, appropriate beliefs etc.). If these elements are present, people believe in the legitimacy of power (Beetham, 1991). Comprehending legitimacy as a multi-dimensional phenomenon enables scientists to distinguish different ways in which power is (non)legitimate (Beetham, 1993). What is more, in the debates on legitimacy and the relationship between science and legitimacy "scientists are to provide reasoned, factual analysis and justify their input; whereas the institutions are to enjoy discretion to meld the scientists' contribution with relevant lay voices" (Corkin, 2008: 359).

Legitimacy can be described as the property of an authority closely connected with those who believe that specific behaviour or, better put, doing in law enforcement procedures is appropriate, proper and just (Gaeta, 2010). Karpiak's (2013: 390) way of thinking on legitimacy, police and society is very interesting: "At their base, these questions ask what the relationship between 'police' and 'society' should be once we understand both as an expression of the use of violence. Should they be fully integral bodies, so that there is no distinct institution of policing? Should there be an absolute distinction, so that only a small community of qualified individuals can claim the right to police power? If it's the former, is George Zimmerman what a broadly distributed and unregulated police would look like? If I am troubled by that thought, do I find myself in favour of the latter – a rule by experts? If the answer is somewhere in the middle, how would that work? Should the goal, the ends, of policing – and therefore collective life – be the maintenance of community norms at the expense of individual liberty, or is a technocratic focus on law enforcement and civil rights the necessary priority of a democratic police force regardless of the violence inherent in legal-bureaucratic regimes? Such questions circulate around the troubled terrain of freedom and security, norms and rights, for which I also find myself disarmingly unprepared to offer final positions".

Legitimacy implies that citizens believe that the institution involved has the right to dictate appropriate behaviour, at the same time feeling a duty to obey its instructions (Bradford, Hohl, Jackson, & MacQueen, 2015). Authors define legitimacy as a social value, i.e. as a legally-oriented value (Reisig, Wolfe, & Holtfreter, 2011) which, based on results of numerous studies, has a more significant influence on compliance with legal norms and cooperation than threats of punishment and efficiency in suppressing crime (Ignjatović, 2012; Lukić, 2015). According to Tyler (2009), the concept of legitimacy consists of two segments: the obligation to obey, and trust and confidence in police and criminal justice. Jackson et al. (2011) believe the above only covers the subjective side of legitimacy as an expression of citizens' views, i.e. a belief that the criminal justice system (i.e. segments thereof) is legitimate. More recent studies outline a different concept of legitimacy that is three-dimensional and consists of the following: an obligation to obey the authority, the existence of a moral framework mutually shared by citizens and the criminal justice system, and the perception that the system follows its own internal rules (Šifrer, Meško, & Bren, 2015). According to this approach, trust and confidence in the work of institutions of formal social control is separated from the concept of legitimacy and is measured by the level of trust in effectiveness, distributive fairness and procedural justice. Further, a normative concept of legitimacy is stressed which finds citizens' views on the legitimacy of the criminal justice system to be insufficient and insists on the existence of objective indicators as well. A criminal justice system can be considered legitimate when the actions of its representatives conform to minimum standards with regard to fairness, efficiency and neutrality in its representation (Beetham, 2013). The author emphasises that, in theory, the normative conception of legitimacy is made operational through the concept of procedural justice as one of the key predictors of legitimacy. On the other side, Tyler (2009) distinguishes between institutional and personal legitimacy, depending on whether a representative of the institution of formal social control is personally known to citizens.

Deriving from past studies and cognitions about legitimacy and related concepts, the paper aims to present law students' perceptions of trust in police and policing in Serbia and Slovenia, analysing data from a web survey conducted in autumn 2012 and spring 2013.

## **2 YOUNG PEOPLE, TRUST AND THE POLICE**

Legitimacy is very closely connected with trust; accordingly, we sometimes talk about two different yet interlaced phenomena at the same time. Likewise, Tankebe (2013: 103) defines legitimacy – “the right to exercise power” – as an established concept in criminological analysis (i.e. especially in relation to policing). Thus, deriving from the core of the discussion about the importance of legitimacy in securing law-abiding behaviour and citizens' compliance with the law, Tankebe (2013) addresses the issue of equating legitimacy with concepts such as “trust” and “obligation to obey the law”. The author analysed the work of Beetham (1991) and other researchers with the aim to test the hypothesis “that the contents of the multiple dimensions of police legitimacy comprise procedural



fairness, distributive fairness, lawfulness, and effectiveness” (Tankebe, 2013: 103). The survey was conducted in London in cooperation with London Police in the first quarter of 2010 on a sample of 5,120 participants aged 15 or more. OLS regression analyses were used to test four police legitimacy models. The research results confirmed the thesis about the different dimensions of police legitimacy. Moreover, the analysis confirmed the direct impact of legitimacy on cooperation that is independent of obligation and the indirect impact of legitimacy on citizens’ obligation to obey the law. Tankebe (2013) concludes that “a new course in the operationalization of public perceptions of police legitimacy” is needed in criminology and beyond, taking the broad concept of legitimacy and all its elements into account.

When studying legitimacy, Tyler and Huo (2002), Sunshine and Tyler (2003), Tyler and Wakslak (2004), Reisig, Tankebe and Meško (2012) employed different combinations of usually four different sub-scales (perceived obligation to obey the law, expressed allegiance or support for legal authorities, cynicism about the law, institutional trust) which can be combined into an overall audience legitimacy scale (Bottoms and Tankebe, 2013). Previous studies point to the significance of certain factors in shaping citizens’ perception of legitimacy. The primary impact of that effect is asserted by procedural justice. The impact of procedural justice upon the perception of legitimacy was first tested by Thibaut and Walker (1975) who carried out a series of moot trials. Participants in this study were accused of certain criminal offences and had to be defended in two types of procedures – adversarial and investigative (inquisitorial). The results showed the participants assessed the adversarial procedure as fairer regardless of the outcome (Tyler, Boeckmann, Smith, & Huo, 1997). Some later studies indicated the importance of two other factors encouraging people to abide by verdicts. In addition to a favourable decision, the other decisive element is procedural justice. People believe that decisions are fair when they are made according to objective criteria, impartially and without prejudice, while the contact with representatives of authorities is assessed based on their respect for people’s rights and dignity (Tyler, 2003). Besides procedural justice, the perception of legitimacy is impacted by other factors, such as the efficiency of actions taken by the police and judiciary. The relevant literature offers different data on the influence of this variable on legitimacy. That efficiency influences the perception of legitimacy is beyond dispute, but the significance of this factor appears to be considerably less than procedural justice (Reisig et al., 2012; Tyler, 2003). However, it is interesting that in the transitional countries there is a noticeable impact of the efficiency of actions by the institutions of formal social control upon the perception of legitimacy.<sup>2</sup> Studies embracing the three-dimensional concept of legitimacy have found that, after procedural justice, efficiency has the biggest influence on the citizens’ obligation to obey the rules. Similar is true regarding the relationship between the moral framework mutually shared by citizens and the institutions of formal social control and the perception of legality (Šifrer et al., 2015).

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2 For example, the research conducted by Dvoršek, Maver and Meško (2006) showed that victims of property crimes were more satisfied with the police if the perpetrators were found (police effectiveness) despite the fact that the police officer did not behave politely (procedural justice) (Meško & Eman, 2015).

Chermak and Weiss (2005: 501) agree that the police as an organisation has to provide strategic control of its external environment if it wishes to maintain organisational legitimacy. In addition, knowing the relationship between the police and the media is a crucial element for achieving the legitimacy of the police organisation whereby this relationship is very trivial, which means that the media “are not, and cannot afford to be, perceived as simply a propaganda tool that government agencies use to manipulate public opinion”.

For organisations such as the police it is very important that they strategically respond and try to manage the threats and opportunities appearing almost daily or already existing outside the organisation in the same way (Chermak & Weiss, 2005), especially when dealing with young people. Such organisational practices are important for providing “explanation, rationalisation, and legitimation” (Pfeffer, 1981: 4) of the performed activities. Moreover, when police organisations try to strategically respond to the external environment, which can be particularly threatening, the police must be aware, prepared and equipped to respond to various phenomena such as corruption, abuse of power, scandals, exploding crime rates. Further, the police has to provide explanations and put forward reasons why high profile crimes are not solved when faced with public criticism. Given their mission ‘to protect and to serve’, police organisations “must be prepared to have daily, frequent intrusions into important regions of organizational life and direct these inquiries to promote preferences and priorities and hide secrets” (Chermak & Weiss, 2005: 510). Since young people, despite being aged 18 and above, usually act differently (e.g. more emotionally and self-centred) than ordinary adults, the police has to take these particularities into consideration.

In their adolescence period, young people can be very self-centred and anti-authority. Clark and Wenninger (1964) named this behaviour an “anti-authority syndrome” orientation, typical of adolescence. Among young people, such attitudes are typical towards social institutions such as schools and social centres, and legal institutions such as police and courts. Nelsen, Eisenberg and Carroll (1982) stress that young people generally form their beliefs based on direct experiences. Given this and the fact that contacts between young people and the police are very frequent (Hinds, 2009; Loader, 1996), it is not surprising they generally have negative experiences with the police and therefore act in line with the above-mentioned “anti-authority syndrome”. Nevertheless, some past studies paint a somewhat less negative picture of the young people–police relationship. For example, Reisig et al. (2012) studied trust in and public cooperation with the police among young adults in Ljubljana and Maribor in Slovenia. Their results showed that trust in the police (i.e. fair and just interpersonal treatment by police) is a significant factor influencing the process of the youth’s cooperation with the police. This means the police can rely more on young people’s cooperation if they treat them fairly, justly and with respect.

Carr, Napolitano and Keating (2007) conducted a survey on crime, danger and informal social control among young people (aged 12–23) in three high-crime neighbourhoods in Philadelphia. The results show that the majority of youth in all three neighbourhoods reported a negative attitude to the police based on negative encounters experienced with law enforcement, especially the police. Considering

the subcultural value system, the authors stress that young people do not trust the police due to their inefficient responding to problems (in their neighbourhoods) or the possible stigmatisation of snitching if cooperating with them. This attitude to the police is normally based on negative experiences that undermine police legitimacy. What is more, the subcultural approach defines “legal cynicism as the logical outcome of the marginalized status of minorities in disadvantaged neighbourhoods and ... a coping mechanism for a situation where police are not accorded legitimacy” (Carr et al., 2007: 450).

On the other hand, as a possible way to reduce crime in their neighbourhood young respondents suggest increased and tougher law enforcement. Carr et al. (2007) explain this phenomenon with the possibility that youth are not completely alienated from the police and that most of them understand and accept the important role played by the police and law enforcement in the process of crime control and reduction. Research results show support for the cultural attenuation/procedural justice approach where a negative attitude and disposition toward the police does not indicate a wholesale rejection of formal control but is only a transitory and context-dependent phenomenon (Carr et al., 2007).

Chow (2012) examined past surveys and published results on young people’s attitudes to the police and other criminal justice institutions: He summarised the following: 1) the quality of young people’s contacts with the police correlates with their attitudes to the police; 2) contextual factors and individual characteristics influence young people’s perception of the police, for example, young females generally have positive attitudes to the police; and 3) younger people have more negative attitudes regarding the police than older groups of people (Meško, Hacin, & Eman, 2014).

### **3 PREVIOUS SURVEYS ON TRUST IN THE POLICE AND POLICE LEGITIMACY**

While studies on legitimacy were very rare 20 years ago, especially in Europe, things have really been changing in recent times. One of the biggest and best known studies is the European Social Survey. The survey was conducted in 28 European countries at the end of 2010. The results revealed that, when it comes to trust in the police, personal contact with police officers is a key predictor. Further, significant variation in the proportion experiencing a police-initiated contact was detected across the 20 countries (Jackson et al., 2011; Jackson, Bradford, Hough, & Murray, 2012). Jackson et al. (2011: 5) discovered that opinions regarding trust in and the procedural fairness of the police vary widely across Europe. People trust the police the least in Russia, Bulgaria, Portugal and Poland. Meško et al. (2014: 486) emphasise that “... respondents in Slovenia reported a low level of trust in public institutions, especially the police”. In addition, people in the Russian Federation and Bulgaria hold the most negative opinions about the way the police treats people, while people in Denmark, Finland, Norway and Spain have the most positive opinions (Meško et al., 2014). In Slovenia, approximately 30 percent of respondents believed that police officers often do not make fair and impartial decisions (Jackson et al., 2011).

Jackson et al. (2011) concluded that people in the Nordic countries report the highest levels of trust in their police and courts, and believe their institutions are legitimate holders of power and authority. On the contrary, citizens in Eastern and sometimes Southern European countries report lower levels of trust in authorities. Hough, Jackson and Bradford (2013) found there is good support among different European countries based on the connection between trust in the police and people's perceptions of the legitimacy of the police. The analysis revealed patterns in the relationship across the countries between two dimensions: trust in the police and perceived legitimacy of the police; therefore, it can be concluded that trust in the police and belief in its fairness are very important factors of police legitimacy in the European space (Hough et al., 2013). The pattern revealing that Nordic countries have the highest trust in the police and believe it is the legitimate holder of the given power and authority, and that Eastern (sometimes Southern Eastern) countries show the least trust is actually not surprising (Hough et al., 2013). To obtain a more accurate picture of the situation in the two countries under study in this article, we carried out a literature review of national studies on trust and legitimacy in Slovenia and Serbia.

### **3.1 Research on Trust in the Police/Police Legitimacy in Slovenia**

In more than a decade several studies were conducted in Slovenia that tackled the issue of trust in the police and police legitimacy. The first was a study on procedural justice, legitimacy and prisoner misconduct in Slovenian prisons conducted by Reisig and Meško (2009). The authors tested a model of regulation and discovered that prisoners who evaluated prison guards' use of authority as procedural were less likely to be reported engaging in misconduct and were less often charged for violating institutional rules. While legitimacy was inversely related to both prisoner misconduct measures, the authors noted the associations were relatively weak (Reisig & Meško, 2009).

Reisig et al. (2012, 2013) tested Tom Tyler's process-based model using survey data from a school-based sample of young adults in Slovenia. They tested the role of procedural justice and police legitimacy in understanding legal compliance. The authors established a positive correlation between procedural justice judgments and police legitimacy. The analysis showed that police legitimacy had the expected impact on legal compliance, except in the area of traffic regulation where the effect of police legitimacy on compliance with traffic laws was zero (Reisig et al., 2013). They stressed that while it was long assumed the police can do little to reduce community crime rates, focusing only on specific characteristics of crime (e.g. poverty, the social environment etc.), their study confirmed the very opposite. The authors confirmed the general applicability of Tyler's process-based model policing and emphasised the possible additional correlation and insight into the model (Reisig et al., 2012, 2013).

Somewhere around the same time, a national research project "Feelings of threat and the role of the police in providing security at the local level" (2010–2012) was underway and Meško, Lobnikar, Jere and Sotlar (2013) found that in 2012 approximately 53 percent of the respondents trusted the police, which was in

accordance with results of other surveys testing trust in the police in Slovenia (Kurdija & Vovk, 2006; Černič, Makarovič, & Macur, 2009), where between 50% and 60% of the respondents expressed trust in the police in Slovenia.

Meško, Fields, Šifrer and Eman (2016) analysed law students' perceptions of police authority and trust in the police in eight Central and Eastern European countries. They discovered that law students normally question their willingness to comply with laws and cooperate with the police. What is more, police authority and procedural justice are related to trust in the police in all countries, and police effectiveness in Slovenia, Russia, Romania, Poland, Bosnia and Herzegovina, and Croatia. Further, Meško and Eman (2015) obtained similar results when analysing the legitimacy of policing and criminal justice in seven Central and Eastern European countries, including Slovenia. The results revealed that the legitimacy of and trust in the police are related to the democratisation of these countries. A comparison of the countries indicates statistically significant differences among all countries for police legitimacy, police effectiveness, willingness to cooperate with the police, procedural justice and moral credibility. The results show that the legitimacy of the police is perceived most positively by Polish law students, followed by Slovenians, while Russian and Serbian students perceive it with the lowest. Police effectiveness is most positively perceived by Slovenian students, followed by Romanian ones, while Bosnian and Russian students perceived it in the most negative way. Willingness to cooperate with the police is highest in Croatia followed by Slovenia and is the lowest in Russia and Poland. Procedural justice is the most positively perceived in Serbia and Slovenia and the most negatively in Russia, followed by Bosnian and Croatian students. Further,

Reisig, Tankebe and Meško (2014) discussed compliance with the law in Slovenia, Meško et al. (2014) focused only on the perception of police legitimacy by Slovenian law and criminal justice and security students. They concluded that criminal justice and security students trust the police more than law students. Moreover, police effectiveness and authority together with their just behaviour during procedures have a positive impact on students' trust in the police.

In the last 2 years, it appears as if studies on the trust in and legitimacy of police have reached a peak, with even the self-legitimacy of police officers no longer being a 'hot topic' (Čuvan & Meško, 2015), and therefore new topics are revealed. Meško and Hacin focused on a study of legitimacy in the prison environment (Hacin & Meško, 2015; Meško, Fields, & Hacin, in press; Meško, Tičar, Hacin, & Hojs, 2016).

### **3.2 Research on Trust in the Police/Police Legitimacy in Serbia**

Not much research on trust in the police and police legitimacy in Serbia has been carried out. In a survey conducted by the Organisation for Security and Co-operation in Europe (OSCE, 2004) in Serbia, the ongoing reforms of the police were studied with the goal to establish a modern and accountable police service. Among the various conclusions, two major views on the police emerged. First, the police are perceived as a body that exists in order to protect the system and as an instrument of the government rather than the people. Second, the police force

is seen as inefficient, slow and secretive, and made up of individuals lacking the necessary education and training. In addition, respondents were largely affected by their negative experiences, both direct and indirect, and found it difficult to be positive about the police. On the other hand, the research shows that complaints about the police service had generally increased in the previous 2 years. This can be viewed as an indicator of the increased trust held by the public in the police service. While the internal affairs procedures within the service are only partially developed and accountable (and will be dealt with in more detail below), there is a momentum to which the public has responded. That said, the police still lag behind the confidence levels enjoyed by similar services within most democratic societies (OSCE, 2004).

Scientific works on this subject have chiefly analysed some theoretical issues whereas empirical research should be given more attention in the future. In the article "Principles of Legality and Legitimacy of Police in Crime Prevention", Vuković (2009) mentions results from a questionnaire administered by the Partner Marketing Research Agency in several municipalities in Serbia. The research results show that citizens think the police should work more on suppressing crime (56.7%), maintaining public order and peace (43.6%), and protecting people and property (44.4%). When it comes to the question of police authority, almost half the respondents (42.8%) believe the police should be more efficient in solving criminal cases whereas 37.8 percent of them think the authority of the police would improve if corruption were less widespread and 32.4 percent think the police should work more consistently on law enforcement. In terms of police discrimination when coming in contact with citizens of different nationalities, almost half the respondents (44.8%) think the police treats all citizens equally, while 36.2 percent of them believe the opposite and 19 percent left the question blank (Vuković, 2009).

Kešetović (2013) stresses that several surveys on the police have been conducted in Serbia and their results were quite different. According to the Strategic marketing survey in 2008, 74 percent of respondents thought that politicians had an influence on the work of the Ministry of Interior. Further, 74 percent of the respondents considered the police as an instrument to protect Government interests, and 66 percent as a means to protect political parties. It is interesting that only 38 percent thought the police act as a service for citizens. When it comes to the citizens' confidence in the institutions, according to this study the police are in fourth place, after the church, military and the education system (Kešetović, 2013).

A closer look at past studies on trust in the and the legitimacy of the police in Slovenia and Serbia reveals this is a very interesting and examined topic in Slovenia, but not so much (yet) in Serbia. Although some comparisons between Serbian and Slovenian students have already made by Meško et al. (2016)<sup>3</sup> and

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3 *The results revealed that perceived legitimacy among students in Slovenia is higher than in Serbia. Further, regression analysis shows that, with regard to police legitimacy, police authority and procedural justice are significant predictors of police legitimacy in Serbia but not in Slovenia. Finally, the results showed the strongest predictor of police legitimacy in Serbia is procedural justice (0.57) and police effectiveness is a significant predictor in Slovenia (0.31) (Meško et al., 2016).*



Meško and Eman (2015)<sup>4</sup>, we wanted to focus more on the law students' attitude to and trust in the police, deriving from a comparative perspective, as presented below.

## 4 THE PRESENT SURVEY

### 4.1 Methods

This study entails a secondary analysis of data from an international student web survey on trust in policing conducted in eight South-Eastern European countries (Croatia, Bosnia and Herzegovina, Macedonia, Poland, Romania, Russia, Serbia and Slovenia) between February and May 2013. Administration of the survey was organised by criminal law lecturers at faculties of law in all countries. The survey used a questionnaire previously used and tested by Reisig et al. (2012). The questionnaire was translated into the respondents' native language. For the purposes of this paper, we use secondary data for Slovenia and Serbia. The analysis includes law students' trust in the police and other correlates of legitimacy. A sample of law students ( $n = 292$ ) from Slovenia ( $n = 143$ ) and Serbia ( $n = 149$ ) was collected. For this paper's purposes we conducted analyses on a subsample of law students, consisting of male ( $n = 89$ ) and female respondents ( $n = 202$ ). The students' average age was 21.68 years. After basic analysis of demographic data, the collected data were analysed using factor analysis, regression analysis and a t-test.

### 4.2 Variables and Factor Analysis

Factor analysis was used (direct oblimin rotation) to test all constructs (scales) and the principal components method was used. A reliability test according to Cronbach's alpha and the Kaiser-Meyer-Olkin (KMO) tests of sampling adequacy were calculated for each factor, new variables (factors) were computed after the factor analysis, and descriptive statistics for each factor (means with standard deviations and median) are also presented in Table 1. As shown by Table 1, all of the newly created factors, except police legitimacy ( $KMO = 0.508$ ) which is a composed variable, have KMO higher than 0.62 and a value of sig. 0.000, meaning the adequacy of the sample is optimal and the correlation matrix is not unitary. This means our data are suitable for factor analysis.

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<sup>4</sup> *The comparison between Serbia and Slovenia reveals that the legitimacy of the police and police effectiveness are perceived more positively by Slovenian law students than their Serbian counterparts. The results for willingness to cooperate with the police are similar although, on the contrary, procedural justice is more positively perceived in Serbia than in Slovenia and the same goes for beliefs about the moral credibility of the legal system (Meško & Eman, 2015).*



**Table 1:**  
Factor analysis

Variable	Communalities	<i>Mdn</i>	<i>M</i>	<i>S.D.</i>
<b>EXPERIENCE WITH CJS*</b> <b>KMO = 0.653; var = 49.75%; <math>\alpha</math> = 0.641</b>		<b>2.00</b>	<b>1.81</b>	<b>0.29</b>
As a hearsay witness.	0.44	2.00	1.87	0.33
As an eyewitness.	0.43	2.00	1.82	1.09
As someone who reported a crime.	0.49	2.00	1.84	0.89
As a victim of a crime.	0.63	2.00	1.78	1.01
<b>COOPERATION WITH THE POLICE**</b> <b>KMO = 0.624; var = 57.89%; <math>\alpha</math> = 0.626</b>		<b>3.42</b>	<b>3.35</b>	<b>0.63</b>
If the police were looking for witnesses in a case where someone's wallet was stolen, how likely would you be to volunteer information if you witnessed the theft?	0.63	3.00	2.92	0.92
Imagine you had evidence that someone bribed a government official. How likely would you be to report this behaviour to the police?	0.46	4.00	3.62	0.90
How likely would you be to volunteer to serve as a witness in a criminal court case involving a crime that you witnessed?	0.65	4.00	3.29	0.82
<b>POLICE AUTHORITY***</b> <b>KMO = 0.728; var = 67.16%; <math>\alpha</math> = 0.835</b>		<b>2.00</b>	<b>2.10</b>	<b>0.58</b>
The police always obey the law.	0.59	2.00	1.89	0.66
When the police deal with people, they always behave according to the law.	0.69	2.00	2.01	0.65
If I were to talk to police officers in my community, I would find their values to be very similar to my own.	0.61	2.00	2.28	0.75
The police act in ways that are consistent with my own moral values.	0.80	2.00	2.23	0.76
<b>OBLIGATION TO OBEY***</b> <b>KMO = 0.652; var = 69.43%; <math>\alpha</math> = 0.767</b>		<b>2.50</b>	<b>2.46</b>	<b>0.69</b>
People like me have no choice but to obey the directives of the police.	0.54	3.00	2.52	0.88
You should do what the police tell you to do even if you disagree.	0.76	3.00	2.59	0.77
You should accept police decisions even if you think they are wrong.	0.77	2.00	2.30	0.82
<b>POLICE TRUST***</b> <b>KMO = 0.931; var = 68.13%; <math>\alpha</math> = 0.921</b>		<b>2.29</b>	<b>2.36</b>	<b>0.63</b>
The police in my community are trustworthy.	0.76	2.00	2.39	0.73
I am proud of the police in this community.	0.69	2.00	2.16	0.74
I have confidence in the police.	0.76	2.00	2.36	0.79
The police in this community are often dishonest (reverse scored).	0.64	3.00	2.53	0.76
The police are usually honest.	0.65	3.00	2.47	0.66
People's basic rights are well protected by the police.	0.65	2.00	2.37	0.77
The police can be trusted to make decisions that are right for my community.	0.63	2.00	2.30	0.74
<b>PROCEDURAL JUSTICE***</b> <b>KMO = 0.925; var = 60.2%; <math>\alpha</math> = 0.925</b>		<b>2.29</b>	<b>2.28</b>	<b>0.55</b>
The police treat citizens with respect.	0.73	2.00	2.36	0.72
The police take time to listen to people.	0.55	2.00	2.16	0.69
The police treat people fairly.	0.74	2.00	2.25	0.68
The police respect citizens' rights.	0.73	2.00	2.44	0.71
The police are courteous to citizens they come into contact with.	0.62	2.00	2.39	0.71

## Trust in Police by Serbian and Slovenian Law Students: A Comparative Perspective

**Table 1:**  
Continuation

Variable	Communalities	Mdn	M	S.D.
The police treat everyone with dignity.	0.52	2.00	2.06	0.64
The police make decisions based on the facts.	0.58	2.00	2.36	0.66
The police explain their decisions to the people they deal with.	0.41	2.00	2.25	0.72
The police make decisions to handle problems fairly.	0.61	2.00	2.30	0.64
The police follow through on their decisions and promises they make.	0.53	2.00	2.32	0.67
<b>DISTRIBUTIVE JUSTICE***</b> <b>KMO = 0.724; var = 59.378; <math>\alpha = 0.758</math></b>		<b>2.21</b>	<b>2.17</b>	<b>0.54</b>
The police provide the same quality of service to all citizens.	0.75	2.00	2.14	0.66
The police enforce the law consistently when dealing with ALL people.	0.76	2.00	1.97	0.68
The police make sure citizens receive the outcomes they deserve under the law.	0.42	3.00	2.53	0.68
The police provide better services to wealthier citizens (reverse scored).	0.45	2.00	2.15	0.78
<b>POLICE EFFECTIVENESS***</b> <b>KMO = 0.878; var = 53.45%; <math>\alpha = 0.872</math></b>		<b>2.39</b>	<b>2.39</b>	<b>0.57</b>
The police are always ready to provide satisfactory assistance to victims of crime.	0.45	3.00	2.52	0.74
The police are always able to provide assistance the public needs from them.	0.48	3.00	2.48	0.71
The police are doing well in controlling violent crime.	0.51	2.00	2.16	0.72
Crime levels in my neighbourhood have changed for the better in the last year.	0.51	2.00	2.16	0.75
There is not much crime in my neighbourhood.	0.40	3.00	2.59	0.88
The police respond promptly to calls about crime.	0.55	3.00	2.47	0.79
The police are doing a good job preventing crime in my neighbourhood.	0.68	2.00	2.30	0.78
The police do a good job maintaining order in my neighbourhood.	0.69	3.00	2.59	0.77
<b>DETERRENCE****</b> <b>KMO = 0.730; var = 50.66%; <math>\alpha = 0.674</math></b>		<b>2.52</b>	<b>2.53</b>	<b>0.59</b>
How likely are you to be caught and punished if you broke traffic laws?	0.41	3.00	2.82	0.76
How likely are you to be caught and punished if you bought something you thought might be stolen?	0.49	2.00	1.96	0.74
How likely are you to be caught and punished if you stole a car?	0.58	3.00	3.18	0.92
How likely are you to be caught and punished if you used marijuana or some other drug?	0.54	2.00	2.14	0.88
<b>POLICE LEGITIMACY***</b> <b>KMO = 0.508; var = 48.58%; <math>\alpha = 0.645</math></b>		<b>2.49</b>	<b>2.34</b>	<b>0.56</b>
You should do what the police tell you to do even if you disagree.	0.48	3.00	2.59	0.77
You should accept police decisions even if you think they are wrong.	0.44	2.00	2.30	0.82
The police in my community are trustworthy.	0.56	2.00	2.39	0.73
I am proud of the police in this community.	0.46	2.00	2.16	0.74

Extraction method: Principal Component Analysis, Rotation: Oblimin

\* Scale: 1 – Yes, 2 – No; \*\* Scale: 1–4; 1 – Never, 2 – Rarely, 3 – Occasionally, 4 – Frequently; \*\*\* Scale: 1–4; 1 – Strongly disagree, 2 – Disagree, 3 – Agree, 4 – Strongly agree; \*\*\*\* Scale 1–4; 1 – Very unlikely, 2 – unlikely, 3 – likely, 4 – very likely

With the factor analysis the variables were combined to form ten factors: 1) Experience with the criminal justice system; 2) Cooperation with the police; 3) Police authority; 4) Obligation to obey; 5) Trust in the police; 6) Procedural justice; 7) Distributive justice; 8) Police effectiveness; 9) Deterrence; and 10) Police legitimacy.

### 4.3 Regression Analysis

In the next phase of our analysis, we wished to know which variables affect trust in the police (and police legitimacy) and to identify the level of trust in the police. We therefore conducted regression analysis and used police legitimacy as the dependent variable. In Slovenia and Serbia, the linear combination of predictive variables that correlated with police legitimacy is very simple. Thus, the regression analysis shows that with regard to police legitimacy, obligation to obey (Slovenia:  $p < 0.01$ ;  $\beta = 0.468$ ; Serbia:  $p < 0.01$ ;  $\beta = 0.430$ ) and trust in the police (Slovenia:  $p < 0.01$ ;  $\beta = 0.583$ ; Serbia:  $p < 0.01$ ;  $\beta = 0.504$ ) are significant predictors of police legitimacy in both countries. However, age is a significant predictor of police legitimacy only in Serbia ( $p < 0.05$ ;  $\beta = 0.018$ ). In the two countries, trust in the police is the strongest predictor of police legitimacy. Results of the regression analysis are presented in Table 2.

Dependent variable: Police legitimacy						
	Slovenia			Serbia		
	(s.e.)	$\beta$	VIF	(s.e.)	$\beta$	VIF
Age	.007	-.003	1.11	.009	.018*	1.13
Gender	.035	.005	1.06	.036	.001	1.13
Experience with CJS	.050	.005	1.06	.063	-.030	1.05
Cooperation with the police	.026	.017	1.06	.027	-.008	1.17
Police authority	.043	-.023	2.34	.045	.010	2.65
Obligation to obey	.024	<b>.468**</b>	1.12	.025	<b>.430**</b>	1.11
Trust in the police	.048	<b>.583**</b>	3.33	.062	<b>.504**</b>	5.23
Procedural justice	.054	-.054	2.99	.062	.028	4.87
Distributive justice	.040	.015	1.97	.046	-.012	2.25
Police effectiveness	.042	.007	2.37	.043	.059	2.14
Deterrence	.029	-.008	1.13	.028	.008	1.12
<b>F</b>	93.41			81.11		
<b>R<sup>2</sup></b>	88.8%			87.2%		

**Table 2:**  
Regression analysis

\* $p < 0.05$ ; \*\* $p < 0.01$

Due to high values of  $R^2$ , we calculated the variance inflation factors (VIF) and tested for multicollinearity. The results reveal that the variables Police authority, Trust in the police, Procedural justice and Police effectiveness have VIFs higher than 2 in both countries as well as for the variable Distributive justice in Serbia, meaning there is multicollinearity among these factors and that they measure the

same thing. We are aware that to provide more accurate conclusions a further, more in-depth study (on a bigger sample) is needed. We can thus conclude that the variables Police authority, Trust in the police and Procedural justice are closely related with the variable Police legitimacy and therefore such results are perhaps not so surprising.

#### 4.4 T-test

The two countries were compared using a t-test. The results show statistically significant differences between Serbia and Slovenia for the following variables: Police authority, Trust in the police, Procedural justice, Distributive justice, Police effectiveness, and Police legitimacy. When talking about trust in the police, Slovenian law students express a higher level of trust (2.58) than their Serbian colleagues (2.14). Detailed results are presented in Table 3.

**Table 3:**  
T-test –  
comparison of  
the countries

	Experience with CJS	Cooperation with the police	Police authority	Obligation to obey	Trust in the police	Procedural justice	Distributive justice	Police effectiveness	Deterrence	Police legitimacy
	M/SD	M/SD	M/SD	M/SD	M/SD	M/SD	M/SD	M/SD	M/SD	M/SD
Slovenia	1.75/0.32	3.36/0.62	2.24/0.56	2.57/0.68	2.58/0.59	2.41/0.50	2.28/0.55	2.54/0.57	2.61/0.57	2.52/0.54
Serbia	1.87/0.26	3.34/0.63	1.97/0.56	2.35/0.67	2.14/0.58	2.15/0.57	2.06/0.51	2.25/0.53	2.45/0.61	2.17/0.52
<i>F</i>	14.05	0.03	1.19	0.16	0.22	1.54	2.31	0.78	0.93	0.23
<i>p</i>	0.00	0.86	0.00	0.05	0.00	0.00	0.00	0.00	0.02	0.00

The results reveal that a slightly more positive perception of police legitimacy is held by the Slovenian law students compared to the Serbian law students. Similarly, police authority, trust in the police, procedural justice and police effectiveness are more positively perceived in Slovenia. Further, experience with the criminal justice system and cooperation with the police are equally perceived by both student groups (there are statistically significant differences between the groups); whereby, only the variable Experience with the criminal justice system is more positively perceived by the Serbian law students.

Reisig et al. (2013) established a positive correlation between procedural justice and police legitimacy among young adults in Slovenia. Thus, our study revealed that obligation to obey and trust in the police are significant predictors of police legitimacy in Slovenia and Serbia, while age was a significant predictor of police legitimacy only in Serbia

Moreover, our results are similar to findings by Meško and Eman (2015) and Meško et al. (2016) emphasising that police authority and procedural justice are related to trust in the police in Slovenia and Serbia, and that police effectiveness is related to trust in the police in Slovenia. Accordingly, there are some statistically significant differences between Serbia and Slovenia for the variables Police authority, Trust in the police, Procedural justice, Distributive justice, Police effectiveness and Police legitimacy. Slovenian law students express a higher level of trust in the police than their Serbian counterparts, along with a slightly more positive perception of police legitimacy and procedural justice. Finally, our results confirm the finding of Meško and Eman (2015) that legitimacy and trust in the police are related to the state of democracy in the studied countries, as already described above.

## 5 CONCLUSION

The regression analysis indicated that obligation to obey and trust in the police are significant predictors of police legitimacy in Serbia and Slovenia. Contrary to the findings of Meško and Eman (2015) that willingness to cooperate with the police is more positively perceived by Slovenian than Serbian law students, our results show almost no differences between the compared groups, leading to the conclusion that Slovenian and Serbian law students express the same positive willingness to cooperate with the police.

Surprisingly, some of the current study's findings did not confirm past findings (Meško & Eman, 2015; Meško et al., 2016; Reisig et al., 2012, 2014) stating that citizens' attitude to the police (especially willingness to cooperate) varies with age. The results show that age is a significant predictor of police legitimacy in Serbia, but not in Slovenia.

The results reveal that the Slovenian law students hold a slightly more positive perception of police legitimacy than the Serbian law students. Similarly, police authority, trust in the police, procedural justice and police effectiveness are more positively perceived in Slovenia. These results are similar to the findings of Meško et al. (2016) and Taylor, Turner, Esbensen and Winfree (2001) indicating that social context has an impact on young people's attitudes to the police. Further, cooperation with the police is perceived equally by both groups of students; whereby only the variable Experience with criminal justice system is more positively perceived by the Serbian students.

It is possible to explain the difference between Slovenia and Serbia with the dissimilarity in the development of democratisation of police and the European Union membership, given that in Slovenia changes in police work and attitudes to the public started around 2000 (Meško, Fields, Lobnikar, & Sotlar, 2013). In Serbia, police reforms occurred a decade later but the results are only slowly appearing in the performance of police work and police relations with the public (Kešetović, 2013), in our case young adults. Despite this, it is surprising that both student groups express almost the same level of willingness to cooperate with the police. Does the development of the democratisation of the police in Serbia have such a positive impact on the law students or has something happened in Slovenia (i.e. the widespread public demonstrations in 2011) that had an impact on students' attitude to the police. We will probably have to wait a decade or two and repeat the comparative survey to find answers to these questions.

We may conclude that there are almost insignificant differences concerning trust in the police held by Serbian and Slovenian law students. Nevertheless, based on the research results police from both countries should improve their effectiveness and authority if they wish to improve the perception about them and their work as "future experts", as described by Meško et al. (2013). This will help them improve trust in the police and the legitimacy of policing. The present paper presents a step forward in the comparison of trust in the police by Serbian and Slovenian law students. It is surprising that both student groups have a similar opinion about the police in their countries, and thus it would be very interesting to conduct a more detailed analysis of the historical, social, political, economic

and other factors that may impact the social (i.e. students') perception of, trust in and cooperation with the police. We therefore believe that future studies should include other factors and test whether they have an impact on students' perception of the police in both countries because the development of the police in history, particularly in the last two decades, has differed greatly in the two countries.

## REFERENCES

- Beetham, D. (1991). Max Weber and the legitimacy of the modern state. *Analyse & Kritik*, 13(1), 34–45.
- Beetham, D. (1993). In defence of legitimacy. *Political Studies*, 41(3), 488–491.
- Beetham, D. (2013). Revisiting legitimacy: Twenty years on. In J. Tankebe, & A. Liebling (Eds.), *Legitimacy and criminal justice: An international exploration* (pp. 19–36). New York: Oxford University Press.
- Bottoms, A., & Tankebe, J. (2013). Beyond procedural justice: A dialogic approach to legitimacy in criminal justice. *Journal of Criminal Law & Criminology*, 102(1), 119–170.
- Bradford, B., Hohl, K., Jackson, J., & MacQueen, S. (2015). Obeying the rules of the road procedural justice, social identity, and normative compliance. *Journal of Contemporary Criminal Justice*, 31(2), 171–191
- Bradford, B., Huq, A., Jackson, J., & Roberts, B. (2014). What price fairness when security is at stake? Legitimacy in South Africa. *Regulation and Governance*, 8(2), 246–268.
- Carr, P. J., Napolitano, L., & Keating, J. (2007). We never call the cops and here is why: A qualitative examination of legal cynicism in three Philadelphia neighbourhoods. *Criminology*, 45(2), 445–480.
- Chermak, S., & Weiss, A. (2005). Maintaining legitimacy using external communication strategies: An analysis of police-media relations. *Journal of Crime and Justice*, 33(5), 501–512.
- Chow, H. P. H. (2012). Attitudes towards police in Canada: A study of perceptions of university students in a Western Canadian city. *International Journal of Criminal Justice Sciences*, 7(1), 508–523.
- Clark, J. P., & Wenninger, E. P. (1964). The attitude of juveniles toward the legal institution. *Journal of Criminal Law, Criminology, and Police Science*, 55(4), 482–489.
- Corkin, J. (2008). Science, legitimacy and the law: Regulating risk regulation judiciously in the European community. *European Law Review*, 33(4), 360.
- Černič, M., Makarovič, M., & Macur, M. (2009). *Javnomnenjska raziskava o ocenah in stališčih prebivalcev Republike Slovenije o delu policije* [Slovene public opinion poll on assessments and attitudes towards police work]. Retrieved from <http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/SOJ/word/JMraziskava.pdf>
- Čuvan, B., & Meško, G. (2015). Samozaznava legitimnosti policistk in policistov v Sloveniji [Self-legitimacy of female and male police officers]. *Varstvoslovje*, 17(3), 318–337.
- Dvoršek, A., Maver, D., & Meško, G. (2006). Policijsko delo z oškodovanci premoženjske kriminalitete – med prijaznostjo in učinkovitostjo [Police work



- with victims of property crime – between kindness and efficiency]. *Revija za kriminalistiko in kriminologijo*, 57(1), 57–68.
- Gaeta, T. (2010). “Catch” and release: Procedural unfairness on primetime television and the perceived legitimacy of the law. *The Journal of Criminal Law and Criminology*, 100(2), 523–554.
- Hacin, R., & Meško, G. (2015). Legitimacy of penal system in Slovenia. In *Criminology as unitas multiplex: Theoretical, epistemological and methodological developments: Book of abstracts* (p. 631). Porto: European Society of Criminology.
- Hinds, K. (2009). Youth, police legitimacy and informal contact. *Journal of Police and Criminal Psychology*, 24(1), 10–21.
- Hough, M., Jackson, J., & Bradford, B. (2013). Legitimacy, trust, and compliance: An empirical test of procedural justice theory using the European Social Survey. In J. Tankebe, & A. Liebling (Eds.), *Legitimacy and criminal justice: An international exploration* (pp. 326–352.). Oxford: Oxford University Press.
- Hough, M., Jackson, J., Bradford, B., Myhill, A., & Quinton, P. (2010). Procedural justice, trust, and institutional legitimacy. *Policing: A journal of Policy and Practice*, 4(3), 203–210.
- Ignjatović, Đ. (2012). Da li je kaznena politika sudova u Srbiji odgovarajuća? [Is the crime control policy in Serbia adequate?]. In *Kaznena politika: (raskol između zakona i njegove primene)* (pp. 101–127). Banja Luka: Ministarstvo pravde Republike Srpske, Službeni glasnik Republike Srpske; Beograd: Srpsko udruženje za krivičnopravnu teoriju i praksu.
- Jackson, J., Bradford, B., Hough, M., & Murray, K. H. (2012). Compliance with the law and policing by consent. In A. Crawford, & A. Hucklesby (Eds.), *Legitimacy and compliance in criminal justice* (pp. 29–49). New York; London: Routledge.
- Jackson, J., Hough, M., Bradford, B., Pooler, T., Hohl, K., & Kuha, J. (2011). *Trust in justice: Topline results from round 5 of the European Social Survey*. European Social Survey. Retrieved from <http://www.icpr.org.uk/media/32166/Topline%20Results%20from%20Round%205%20of%20the%20ESS.pdf>
- Karpiak, K. (2013). Jock Young: The criminological imagination. *Critical Criminology*, 21(3), 389–391.
- Kešetović, Ž. (2013). Serbian police: Troubled transition from police force. 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.
- Kurdija, S., & Vovk, T. (2006). *Raziskava o ocenah in stališčih slovenske javnosti o delu policije* [Research on Slovene public opinion and assessments of police work]. Ljubljana: Fakulteta za družbene vede.
- Loader, I. (1996). *Youth, policing and democracy*. Basingstoke: Macmillan Press.
- Lukić, N. (2015). Legitimnost delovanja organa formalne socijalne kontrole [Legitimacy of formal social control agencies]. In Đ. Ignjatović (Ed.), *Kaznena reakcija u Srbiji* (Vol. 5, pp. 272–284). Beograd: Pravni fakultet.
- Meško, G., & Eman, K. (2015). Legitimacy of policing in Central and Eastern Europe: Results from a cross-national law student survey. In G. Meško, & J. Tankebe (Eds.), *Trust and legitimacy in criminal justice, European perspectives* (pp. 231–260). Cham: Springer.



- Meško, G., Fields, C. B., & Hacin, R. (in press). An overview of penology and penal practice in Slovenia after 1991. In *Balkan Criminology Summer School: Collection of scientific papers*.
- Meško, G., Hacin, R., & Eman, K. (2014). Trust in police by Slovenian law and criminal justice and security students. *Varstvoslovje*, 16(4), 471–491.
- Meško, G., Fields, C. B., Lobnikar, B., & Sotlar, A. (2013). Introduction to Handbook of policing in Central and Eastern Europe. In G. Meško, C. B. Fields, B. Lobnikar, & A. Sotlar (Eds.), *Handbook on policing in Central and Eastern Europe* (pp. 1–4). New York: Springer.
- Meško, G., Fields, C. B., Šifrer, J., & Eman, K. (2016). Understanding trust in police and legitimacy in Central Eastern Europe: The law student survey. In D. Noga et al. (Eds.), *Policing civil societies in times of economic constraints: European police science and research bulletin (Special conference edition)* (pp. 73–82). Münster: European Police College (CEPOL).
- Meško, G., Lobnikar, B., Jere, M., & Sotlar, A. (2013). Recent development 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., Tičar, B., Hacin, R., & Hojs, V. (2016). Samozaznava legitimnosti pravosodnih policistov – povezave z osebnimi in organizacijskimi dejavniki v zaporskem okolju v Sloveniji [Self-legitimacy of prison officers – Correlations with personal and organisational factors in the prison environment in Slovenia]. *Revija za kriminalistiko in kriminologijo*, 67(1), 61–76.
- Nelsen, E. A., Eisenberg, N., & Carroll, J. L. (1982). The structure of adolescents' attitudes towards law and crime. *Journal of Genetic Psychology*, 140(1), 47–58.
- Organization for Security and Co-operation in Europe [OSCE]. (2004). *Police reform in Serbia, towards the creation of a modern and accountable police service, law enforcement department OSCE mission to Serbia and Montenegro*. Retrieved from <http://www.osce.org/serbia/18310?download=true>
- Pfeffer, J. (1981). Management as symbolic action: The creation and maintenance of organizational paradigms. In L. L. Cummings, & B. M. Staw (Eds.), *Research in organizational communication* (pp. 1–52). Greenwich: CT7 JAI Press.
- Reisig, M. D., & Meško, G. (2009). Procedural justice, legitimacy, and prisoner misconduct. *Psychology, Crime, and Law*, 15(1), 37–54.
- Reisig, M. D., Tankebe, J., & Meško, G. (2012). Procedural justice, police legitimacy, and public cooperation with the police among young Slovene adults. *Varstvoslovje*, 14(2), 147–164.
- Reisig, M. D., Tankebe, J., & Meško, G. (2013). Compliance with the law in Slovenia: The role of procedural justice and police legitimacy. *European Journal on Criminal Policy and Research*, 20(2), 259–276.
- Reisig, M. D., Tankebe, J., & Meško, G. (2014). Compliance with the law in Slovenia: The role of procedural justice and police legitimacy. *European Journal on Criminal Policy and Research*, 20(2), 259–276.
- Reisig, M. D., Wolfe, S. E., & Holtfreter, K. (2011). Legal cynicism, legitimacy and criminal offending –The nonconfounding effect of low self-control. *Criminal Justice and Behavior*, 38(12), 1265–1279.

- Sunshine, J., & Tyler, T. R. (2003). The role of procedural justice and legitimacy in shaping public support for policing. *Law and Society Review*, 37(3), 513–547.
- Šifrer, J., Meško, G., & Bren, M. (2015). Assessing validity of different legitimacy constructs applying structural equation modelling. In G. Meško, & J. Tankebe (Eds.), *Trust and legitimacy in criminal justice: European perspectives* (pp. 161–187). Cham: Springer.
- Tankebe, J. (2013). Viewing things differently: The dimensions of public perceptions of police legitimacy. *Criminology*, 51(1), 103–135.
- Taylor, T. J., Turner, K. B., Esbensen, F. A., & Winfree, L. T. (2001). Coppin' an attitude: Attitudinal differences among juveniles toward police. *Journal of Criminal Justice*, 29(4), 295–305.
- Thibaut, J., & Walker, L. (1975). *Procedural justice: A psychological analysis*. Hillsdale: John Wiley.
- Tyler, T. R. (2003). Procedural justice, legitimacy, and the effective rule of law. In M. Tonry (Ed.), *Crime and justice: A review of research* (pp. 283–357). Chicago: University of Chicago Press.
- Tyler, T. R. (2009). Legitimacy and criminal justice: The benefits of self-regulation. *Ohio State Journal of Criminal Law*, 7(307), 307–359.
- Tyler, T. R., & Fagan J. (2008). Legitimacy and cooperation: Why do people help the police fight crime in their communities? *Ohio State Journal of Criminal Law*, 6, 231–275.
- Tyler, T., & Huo, Y. (2002). *Trust in the law: Encouraging public cooperation with the police and courts*. New York: Russell Sage Foundation.
- Tyler, T. R., & Wakslak, C. J. (2004). Profiling and police legitimacy: Procedural justice, attributions of motive, and acceptance of police authority. *Criminology*, 42(2), 253–281.
- Tyler T. R., Boeckmann, R. J., Smith, H. J., & Huo, Y. J. (1997). *Social justice in a diverse society*. Boulder: Westview.
- Vuković, S. (2009). Principi zakonitosti i legitimnosti u postupanju policije u prevenciji kriminaliteta [The principles of legality and legitimacy in the conduct of the police in crime prevention]. *Bezbednost*, 51(1–2), 179–192.

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# Housing and Resettlement of Young Offenders: The Case for a Cross-government Action Plan for Malta

Lino Bianco

**Purpose:**

The paper addresses social inclusion support as a main focus area of intervention for young offenders after being released from custody in Malta, a former protectorate and colony of Britain from which it has inherited its public administration and education system. According to European Commission statistics published in 2011, the island has the highest percentage of young offenders in the European Union. The objective of this research is to investigate whether it is financially feasible to embark on studies to prepare a Young Offenders Housing and Resettlement Protocol and a cross-government action plan for the resettlement of juveniles following their term in custody.

**Design/Methods/Approach:**

This research is based on quantitative analysis of published and unpublished data relating to Young Offenders Unit Rehabilitation Services, Malta. The approach adopted is inspired by current practice and findings in Britain.

**Findings:**

Compiling a protocol and a cross-government action plan essential for effective public policy for housing young offenders following their term in custody is a financially viable option for Malta. The expenses incurred in providing custody for reoffenders balance out the costs involved in funding preparation of a Young Offenders Housing and Resettlement Protocol, the action plan and all supporting technical reports. In the payback period, a further reduction of the costs of preparing them can be attained by tapping into funding sources such as European Union co-financing programmes.

**Practical Implications:**

The preparation of a Young Offenders Housing and Resettlement Protocol and a cross-government action plan for young offenders drafted with all parties involved, including the offenders themselves, is a way to invest in the nation's social capital with humanity. The short-, medium- and long-term impacts on such human capital investment are positive for both the young offenders and the community, the victim of crime.

**Originality/Value:**

This paper proposes that the effort to draft instruments introducing an effective housing and resettlement policy constitutes a viable, cost-effective preventive measure against the relapsing of young offenders.

**UDC: 343.915(458.2)**

**Keywords:** housing, re-offending, youth crime, young offenders, resettlement, Malta

**Nastanitev in reintegracija mladih prestopnikov: primer medresorskega akcijskega načrta za Malto****Namen prispevka:**

Prispevek obravnava podporo pri socialnem vključevanju kot osrednji ukrep po izpustitvi mladih prestopnikov na prostost. Avtor se osredotoča na Malto, nekdanji protektorat in kolonijo Velike Britanije, od katere je država podedovala svojo upravno ureditev in izobraževalni sistem. Glede na statistične podatke Evropske komisije iz leta 2011 ima Malta najvišji odstotek mladih prestopnikov v Evropski uniji. Namen prispevka je ugotoviti, ali se je s finančnega vidika smiselno lotiti raziskav za pripravo protokola za nastanitev in reintegracijo mladih prestopnikov (angl. *Young Offenders Housing and Resettlement Protocol*) ter medresorskega akcijskega načrta za reintegracijo mladostnikov po izpustitvi na prostost.

**Metode:**

Raziskava temelji na kvantitativni analizi objavljenih in neobjavljenih podatkov malteške Službe za rehabilitacijo mladih prestopnikov (angl. *Young Offenders Unit Rehabilitation Services*). Pristop temelji na aktualni praksi in ugotovitvah iz Velike Britanije.

**Ugotovitve:**

Priprava protokola in medresorskega akcijskega načrta, ki sta ključna za učinkovito politiko na področju skrbi za mladostnike po izpustitvi na prostost, je finančno izvedljiva možnost za Malto. Stroški, ki nastanejo pri obravnavi povratnikov, so izenačeni s stroški financiranja priprave protokola in medresorskega akcijskega načrta ter vseh podpornih tehničnih poročil. V obdobju odplačevanja je mogoče doseči dodatno zmanjšanje stroškov, in sicer preko alternativnih virov financiranja, kot so denimo programi sofinanciranja Evropske unije.

**Praktična uporabnost:**

Priprava protokola in medresorskega akcijskega načrta, ki bi upoštevala vse vključene strani, tudi mlade prestopnike, predstavlja human način investiranja v narodov družbeni kapital. Kratkoročni, srednjeročni in dolgoročni vplivi takšne naložbe v družbeni kapital so pozitivni tako za prestopnike kot tudi za skupnost in žrtve kriminalitete.

**Izvirnost/pomembnost prispevka:**

Avtor prispevka ugotavlja, da so prizadevanja za vpeljavo učinkovitih politik na področju nastanitve in reintegracije mladih prestopnikov izvedljiv in stroškovno učinkovit preventivni ukrep proti povratništvu mladih prestopnikov.

**UDK: 343.915(458.2)**

**Ključne besede:** namestitev, povratništvo, kriminaliteta mladih, mladi prestopniki, reintegracija, Malta

## 1 INTRODUCTION

In criminology, as a main driver of criminal justice policy benefit-cost analysis (BCA) has been on the agenda for the past two decades. A milestone study was undertaken by Schweinhart, Barnes and Weikart in 1993 while the first book on the subject was edited by Welsh, Farrington and Sherman in 2001. The most noteworthy publications on benefit-cost models include van Dijk (1997) and Donohue and Siegelman (1998). The first reviews were made by Welsh and Farrington (1999, 2000a, 2000b). Some of the latest research is by Domínguez-Rivera and Steven (2015) and the fundamental issues raised there were addressed in a commentary by Welsh and Farrington (2015), the authors of the most recent reviews on the topic (Welsh, Farrington, & Taheri, 2015).

Juvenile justice policy has always been viewed as fluctuating between rehabilitative and punitive models (Jenson & Howard, 1998). Studies in Britain made in the past decade support the claim that accommodation reduces the probability of young offenders relapsing (Arnull et al., 2007; Hucklesby & Hagley-Dickinson, 2007; McCormack, 2005). The one-size-fits-all approach to housing young offenders in the period subsequent to their custody has limited benefits. Each young offender has his/her own personal needs that require individual-specific, professional support. Resettlement in suitable and sustainable housing environs that are secured prior to a young offender's release is fundamental to facilitating his/her integration with the community. This increases the young offender's chances of employability and becoming productive and enhances his/her possibilities of achieving social cohesion with the rest of society.

Prison resettlement runs high on government policy agendas (Hucklesby & Hagley-Dickinson, 2007). In Britain, most young people below 18 years of age relapse within a year of being released. A reduction of the rate of re-offending was noted when juveniles were provided with suitable accommodation that met their needs (Bateman, 2015). When provided with accommodation satisfying their respective emotive and social needs, namely when they are not homeless, the chances of a young offender relapsing are reduced. Homelessness is not simply about not having a home; a juvenile may still be homeless or utilise homelessness services because he/she lives in a home unsuited to his/her needs (Taylor, 2008). As a former protectorate (1800–1814) and colony (1814–1964) of Britain, Malta has similar public administration and education systems. For nearly a century, criminology in Malta relied on analogies from Britain and the counterpart Maltese criminal justice institutions were modelled accordingly (Knepper, 2008). Further,

the theory and practice of housing still draw on British research. This article considers the sustainability of: (i) compiling a protocol; and (ii) a cross-government action plan for a housing policy to help young offenders in Malta resettle once released from custody along the lines developed in Britain. Thus, whilst reviewing the British system and noting the scenario in Malta, the case is made that such documents should be prepared. Addressing the social reality of young people, once released, benefits both them and the community at large.

## **2 RELAPSING AMONG JUVENILES**

### **2.1 Reducing Relapsing Among Juveniles**

The Corradino Correctional Facility (CCF), the only prison on the island, was constructed by the British in 1866 in line with Bentham's panopticon typology, the iconic prison design concept. Modelled on the design of HM Prison Pentonville, the CCF was extended in recent decades to cater for the larger prison population. Not only is its architecture British but so too is the present managing philosophy and administration. Local professionals and practitioners in the fields of criminology and related disciplines have received Anglo-Saxon education and a number have even undertaken postgraduate studies and research in the United Kingdom.

The Association of Chief Officers of Probation of Britain (HM Inspectorates of Prisons and Probation, 2001: 12) defines the "resettlement of offenders" as: "A systematic and evidence-based process by which actions are taken to work with the offender in custody and on release, so that communities are better protected from harm and reoffending is significantly reduced. It encompasses the totality of work with prisoners, their families and significant others in partnership with statutory and voluntary organisations."

The National Reducing Re-offending Delivery Plan lists seven resettlement pathways to be considered by Youth Offending Service case managers as part of an overall intervention planning (National Offender Management Service, 2005). These are: (1) accommodation; (2) education, training and employment; (3) health; (4) drugs and alcohol; (5) finance, benefit and debt; (6) children and families; and (7) attitudes, thinking and behaviour. With respect to accommodation, the document states: "Getting offenders into accommodation is the foundation for successful rehabilitation, resettlement and risk management. It can provide the anchor for a previously chaotic life and act as a springboard for other crucial steps – such as getting and keeping a job, and accessing health care or drug treatment." (National Offender Management Service, 2005: 17)

### **2.2 Issues Relating to Housing Young Offenders**

In 2004, the Youth Justice Board for England and Wales identified a number of issues relating to accommodation and young offenders (Patel, 2004). Released from custody with nowhere to go, they were faced with a dilemma. Some local councils were failing to provide suitable housing for them prior to them leaving custody. In a bid to improve the situation, a strategy paper was prepared to phase out, by



2010, the practice of housing young offenders at bed and breakfast accommodation (McCormack, 2005). In 2005, the Youth Justice Board commissioned a year-long study to provide (i) based on national data from public and specialist agencies, a picture of the housing issues faced by young offenders and (ii) whilst taking note of the opinions of practitioners and key stakeholders involved, an in-depth understanding of the perspective of young people encountering accommodation issues (Arnall et al., 2007).

In 2010, after being drafted by the Home Affairs Committee of the House of Commons, the British government's approach to crime prevention was published (House of Commons, 2010). Barnados, a leading British charity organisation founded in 1866 to provide care for vulnerable children and young people, published its research in February 2011. It concluded that young offenders are leaving custody without a safe place to live, forcing them into a life of homelessness and relapsing. The study noted that (Hill, 2011):

1. all young offenders who were referred to the charity organisation in 2009–10 listed housing as one of their five top concerns;
2. a young offender caught in a cycle of homelessness and reoffending costs the public coffer the sum of GBP 116,000 over a period of three years;
3. suitable support for young offenders after being released from custody can reap a saving of GBP 67,000 per individual over 3 years; and
4. previous research shows that stable accommodation reduces the risk of reoffending by up to 20%.

A report entitled *Resettlement of Young Offenders* issued by the Local Government Association highlights initiatives undertaken in the UK to address the needs and modes to provide support to young offenders (Local Government Association, 2011). The following three focus areas of support were identified: (i) accommodation; (ii) education, training and employment; and (iii) life skills and holistic support. For Barnado's chief executive, youth reoffending is still "... shockingly high. ... The resettlement of young people when they leave custody remains an intractable problem" (Hill, 2011). According to statistics issued by the Ministry of Justice in 2013, nearly 75% of youth less than 18 years of age relapse within 12 months of being released from custody (Ministry of Justice, 2013).

### **3 JUVENILE CRIME IN MALTA**

#### **3.1 Official Statistics**

A significant number of young offenders has special educational needs, others suffer depression and many return to family environments that cannot support them whilst others end up without safe accommodation. According to an EU Justice Commission Green Paper released on 14 June 2011, Malta, the smallest EU member state, registered the highest rate of young offenders among its prison population (European Commission, 2011). Comparative statistics with other European Union member states for the period 2009–2010 are tabulated in Table 1 and graphically shown in Figure 1. In reaction to the Green Paper, the



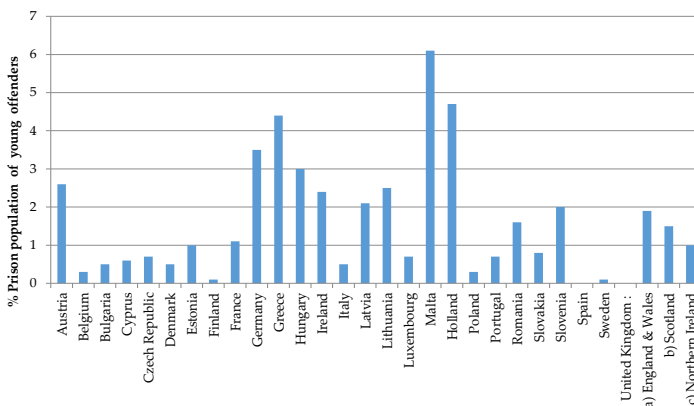
Government of Malta argued that the country’s percentage rate, unlike many other EU countries, includes inmates aged between 18 and 21 who are serving time at the Young Offenders Unit Rehabilitation Services (YOURS) unit within the CCF (Grech, 2011). According to the *World Prison Brief* (Walmsley, 2016), in August 2014 the share of offenders below 18 years was 1.7%. This figure, which works out at between 6 to 10 inmates under 18, is more realistic (S. Scicluna, personal communication, December 14, 2015). This averages out at 8, the actual number in 2011 (Office of the Commissioner for Children, 2011).

Austria	2.6	Greece	4.4	Portugal	0.7
Belgium	0.3	Hungary	3.0	Romania	1.6
Bulgaria	0.5	Ireland	2.4	Slovakia	0.8
Cyprus	0.6	Italy	0.5	Slovenia	2.0
Czech Republic	0.7	Latvia	2.1	Spain <sup>2</sup>	0.0
Denmark	0.5	Lithuania	2.5	Sweden	0.1
Estonia	1.0	Luxembourg	0.7	United Kingdom	
Finland	0.1	Malta	6.1	a) England & Wales	1.9
France	1.1	Holland	4.7	b) Scotland	1.5
Germany <sup>1</sup>	3.5	Poland	0.3	c) Northern Ireland	1.0

**Table 1:** Percentage of prison population of young offenders in the European Union for 2009–2010 (Based on European Commission, 2011: 14–16)

<sup>1</sup> Pre-trial offenders only  
<sup>2</sup> 2.1% under 21 years of age

Her Excellency the President of Malta Marie-Louise Coleiro Preca, when still Minister for the Family and Social Solidarity, stated that: “We need to understand what pushed these people to carry out infringements and we need to ensure a continuity of care of these persons once they leave the facility” (Balzan, 2013). She also noted that YOURS lacks a multidisciplinary team to support young people who at times land themselves behind bars because they end up homeless. From a review of profiles of young inmates at the YOURS unit, it transpires that most offenders had experienced economic difficulties and/or were homeless prior to entering the facility and, in the case of re-offenders, after leaving it.



**Figure 1:** Comparative statistics for the period 2009–2010 (Based on European Commission, 2011)

### 3.2 The YOURS Unit

This facility was established in 1999 at the CCF. On these premises, minors and young offenders up until 21 years are remanded in custody. In 2006, the YOURS unit catered for 20 males, one of whom was 15 years of age while some were older than 21 (Cefai & Cooper, 2006). At present, it houses around 30 male offenders aged between 18 and 26 (Carabott, 2013). This marks a significant increase. A brief appraisal of the situation at the facility until early 2011 is given in the report Interim Recommendations regarding Minors prepared by the Task Force set up in February 2011 (Office of the Commissioner for Children, 2011). The premises housing the YOURS unit are intended to allow segregation between young and adult offenders. However, in practice, this segregation is partial for two reasons:

1. young female offenders do not have a separate section but are kept in the female division at the CCF; and
2. the YOURS facility also caters for adult, first-time offenders who, whilst not being hardened criminals, might be chronic offenders.

At the YOURS unit, inmates are provided with educational lessons twice a week and spend most of the remaining time watching television and playing video games (Balzan, 2013). They have limited time devoted to physical exercise.

Interest in the built environment relating to young offenders was registered in recent years. A dissertation undertaken at the University of Malta and completed in 2010 focused on the architecture of correctional facilities for such inmates (Georgiev, 2010). As part of this research, a workshop was held with them whereby ideas for cell design, upgrading the existing visitors' area and a design layout for the outdoor recreational areas within the facility precincts were developed. This study was followed by another, this time focusing on the innovative design of correction facilities in Austria (Bason, 2013). With respect to designing the policy for the housing and resettlement of young offenders in Malta, no studies have so far been undertaken.

### 3.3 Towards a Housing and Resettlement Policy

Unlike the UK where young offenders at risk of homelessness due to their term in custody or when on remand are addressed in both the Housing Act 1996 and the Homelessness Act 2002, Malta has no such legislation. Further, no research has been conducted on the housing needs of young offenders who have been in custody.

In Britain, the National Standards for Youth Justice Services makes it mandatory that the Youth Offending Service "assess accommodation needs prior to transfer [of a juvenile offender] to the community, ensuring that satisfactory accommodation is available prior to release, and inform the YOT [Youth Offending Team] manager if this is not provided" (Youth Justice Board, 2013: 43). To ensure that the housing for resettlement is suitable, it recommends that a protocol between the Youth Offending Service, the local Children's Services and the Local Authority Housing Department is in place.

The Ministry for the Family and Social Solidarity of Malta includes in its portfolio not only YOURS but also social housing, the remit of the Housing Authority. In the absence of legislation and an integrated strategic plan, having well-defined guidelines to allocate housing to young juveniles would help establish a user-oriented policy for this sub-population. This requires the formulation of a cross-government action plan for young inmates leaving the YOURS unit (Bianco, 2013). Such a plan assumes the preparation of a Young Offenders Housing and Resettlement Protocol (YOHRP). The objectives of such a protocol are twofold: (i) to reduce the likelihood of ending up homeless, or placed in unsuitable accommodation upon leaving the YOURS facility; and (ii) to prevent relapsing encouraged by a lack of alternative accommodation following custody. For the YOHRP, and subsequently the cross-government action plan, to address the issue holistically, a 'joint venture' bottom-up approach which engages government agencies and non-governmental organisations is the way ahead. The preparation of these documents is effectively a consultation process with all concerned, inclusive of the victims of crime and the young offenders. The data will not only be quantitative but also qualitative, based on one-to-one and group interviews with the main actors, the young inmates. Thus, the process will not only be an informative but also an educational exercise. Analysing the profile of young offenders, a disadvantaged vulnerable group with unique personal circumstances, and noting the experiences of all involved, will form a body of knowledge underpinning a long-term social philosophy.

### 3.4 Budgeting for a Housing and Resettlement Policy

Irrespective of a proposal's validity, the civil service thinks in monetary terms: Is there a vote in the national financial estimates to cover a given item/proposal? This triggers the questions: What is the amount of money involved to prepare such documents? Is it a financially viable option to have them? What is the payback period for the funds invested?

To cost YOHRP and the cross-government action plan, an estimate of the professional fees and expenses involved was undertaken. Based on a plausible duration of a team of 40 multidisciplinary professionals, including supporting staff, of four calendar months on a full-time basis, the financial estimates involved in preparing these documents are shown below (Table 2). The monetary cost to undertake such an assignment, inclusive of value added tax, is accordingly estimated.

Mobilisation (setting up offices and supporting human and IT infrastructure)	€ 035,000
Compilation of database on young offenders, past and present	€ 015,000
Research and compilation of library sources	€ 075,000
Salaries of employees engaged in data collection and processing	€ 240,000
Consultancy fees (for engaging professional expertise; 10 in no.)	€ 090,000
Expenses relating to workshops (4 in no.) with present and past young offenders	€ 028,000
Expenses relating to compilation and printing of documents	€ 045,000
National conference	€ 005,000
Other expenses (use of cars, petrol etc.)	€ 025,000
Value added tax (@18%, to three significant figures)	€ 100,000
Total (inclusive of value added tax @ 18%)	€ 658,000

**Table 2:**  
Estimated costs of compiling a protocol and a cross-government action plan based on hourly rates for Malta

If the percentage of resettled, non-reoffending youth is  $\alpha$ , then the annual direct savings of public funds generated by young offenders not relapsing can be expressed as follows:

$$\sum_1^n \alpha * a * b$$

where:

a: daily cost per young offender;

b: duration, in days, at the correctional facility; and

n: young offenders at the correctional facility at a given instant.

The average time a juvenile is in custody is around 500 days and the cost of an inmate at the YOURS unit, which is circa equivalent to the cost of an inmate at the CCF (S. Scicluna, personal communication, 14 December 2015), is estimated about EUR 75 a day. Given that the population at the YOURS unit is 30, then public savings resulting from 20% of the inmates not relapsing is EUR 225,000. This implies that, if the administrative infrastructure is in place to address young offenders' post-custody housing issues, the payback period for the proposal is nearly 3 years. This may be significantly reduced through external sources for project financing, say, through the European Social Fund Operational Programme 2007–2013, which would have covered 85% of the costs involved (European Social Fund, 2012).

Another direct saving, which cannot be quantified as no data are available, relates to the costs borne by the victims of re-offenders. Psychosocial costs are sustained by the victims of crime. Dealing with the difficulties of managing an encountered trauma has a socio-economic dimension. The professional support to cope with their experiences incurs financial expenses.

## 4 CONCLUSION

The resettlement of offenders following custody runs high on present political agendas and reducing re-offending is a priority policy area for the Government in England and Wales (Hucklesby & Hagley-Dickinson, 2007). Research conducted in Britain indicates that suitable housing is linked with a decrease in re-offending (Arnull et al., 2007; Hucklesby & Hagley-Dickinson, 2007; McCormack, 2005). Suitable stable housing is a crucial factor of resettlement (Linney, 2013), albeit less correlation exists in the USA than in the UK (Flint, 2013). Such housing is more successful with female offenders (Ellison, Fox, Gains, & Pollock, 2013).

The National Reducing Re-offending Delivery Plan (National Offender Management Service, 2005) provides a baseline for hypothetical criminological studies in Malta. This paper concludes that the expenses of providing custody for re-offenders balance out the costs incurred in funding YOHRP, the action plan and all supporting technical reports. Further, given that YOURS, the Housing Authority and the Social Services Department all fall within the portfolio of the Ministry of the Family and Social Solidarity, the action plan will effectively be cross-departmental and thus likely to be less bureaucratic.

The BCA of crime-prevention programmes was the subject of research in the late 1990s. One dimension arising from a BCA of a given initiative is its financial sustainability. Taking a humanistic approach, the well-being of young offenders, their victims and society at large are parameters which cannot be quantifiable in monetary terms. Setting aside the psycho-socio-economic gains, the benefits outweigh the costs in having a juvenile-justice-sensitive housing policy in place. This is in line with recent reviews on BCA made by Welsh, Farrington and Raffan Gowar (2015). Welsh and Farrington (2015: 674) acknowledge the significance of BCA as “one of the ‘key drivers of criminal justice policy’”, a main contribution of Domínguez-Rivera and Steven (2015). But does such a policy account for a reduction in relapsing? With respect to the United States, when referring to Jenson (1997) and Williams, Ayers and Arthur (1997), Jenson and Howard (1998) list a number of social situations that make juveniles susceptible to crime.

The resettlement pathway for young offenders is a way to invest in the nation’s social capital with humanity. The short-, medium- and long-term impacts on such human capital investment are positive for both the young offenders and the community, the victim of crime. Social inclusion and well-being improves the former’s dignity and the latter’s social capital.

## REFERENCES

- Arnall, E., Eagle, S., Gammampila, A., Patel, S. L., Sadler, J., Thomas, N. S. et al. (2007). *Housing needs and experiences*. Youth Justice Board. Retrieved from [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/354901/yjb-accommodation-needs-experiences.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/354901/yjb-accommodation-needs-experiences.pdf)
- Balzan, J. (April 12, 2013). Situation at young offenders rehabilitation unit is ‘unacceptable’- Coleiro Preca’. *Malta Today*. Retrieved from <http://www.malta-today.com/mt/news/national/26034/situation-at-young-offenders-rehabilitation-unit-unacceptable-coleiro-preca-20130412#.VnB7T9IrJp>
- Bason, S. (2013). *The administration of justice: The work of architect Josef Hohensinn*. (B. E. & A. Dissertation). Malta: University of Malta.
- Bateman, T. (2015). *Resettlement of young people leaving custody: Lessons from the literature*. Beyond Youth Custody. Retrieved from <http://www.beyondyouth-custody.net/wp-content/uploads/Resettlement-of-young-people-leaving-custody-lessons-from-the-literature-March-2015.pdf>
- Bianco, L. (2013). *Housing and resettlement for young offenders: Compilation of a protocol and a cross-government action plan: Project proposal for the ESF Operational Programme 2007-2013* [Unpublished manuscript]. Malta: University of Malta.
- Carabott, S. (April 13, 2013). Young offenders in prison need care programmes. *Times of Malta*. Retrieved from <http://www.timesofmalta.com/articles/view/20130413/local/-Young-offenders-in-prison-need-care-programmes-465343>
- Cefai, C., & Cooper, P. (2006). Social, emotional and behavioural difficulties in Malta: An educational perspective. *Journal of Maltese Education Research*, 4(1), 18–36. Retrieved from [http://www.academia.edu/3753927/Social\\_emotional\\_and\\_behavioural\\_difficulties\\_in\\_Malta\\_An\\_educational\\_perspective](http://www.academia.edu/3753927/Social_emotional_and_behavioural_difficulties_in_Malta_An_educational_perspective)

- Domínguez-Rivera, P., & Steven, R. (2015). The role of the cost-of-crime literature in bridging the gap between social science research and policy making: Potentials and limitations. *Criminology & Public Policy*, 14(4), 589–632.
- Donohue, J. J., & Siegelman, P. (1998). Allocating resources among prisons and social programs in the battle against crime. *Journal of Legal Studies*, 27(1), 1–43.
- Ellison, M., Fox, C., Gains, A., & Pollock, G. (2013). An evaluation of the effect of housing provision on re-offending. *Safer Communities*, 12(1), 27–37.
- European Commission. (June 14, 2011). *Strengthening mutual trust in the European judicial area – A Green Paper on the application of EU criminal justice legislation in the field of detention*. Brussels: European Commission. Retrieved from [http://ec.europa.eu/justice/policies/criminal/procedural/docs/com\\_2011\\_327\\_en.pdf](http://ec.europa.eu/justice/policies/criminal/procedural/docs/com_2011_327_en.pdf)
- European Social Fund. (2012). *Operational Programme II: Empowering people for more jobs and a better quality of life*. Retrieved from <https://eufunds.gov.mt/en/Operational%20Programmes/Operational%20Programme%20II%20Approved%20Projects%20and%20Beneficiaries/Documents/opijuly.pdf>
- Flint, J. (2013). Policing public housing: New York and British cities. *Safer Communities*, 12(1), 13–23.
- Georgiev, T. (2010). *The architecture of punishment* (B. E. & A. Dissertation). Malta: University of Malta.
- Grech, S. (August 21, 2011). Malta has highest EU percentage of juvenile prisoners. *The Malta Independent on Sunday*. Retrieved from <http://www.independent.com.mt/articles/2011-08-21/news/malta-has-highest-eu-percentage-of-juvenile-prisoners-297558/>
- Hill, A. (February 28, 2011). Young offenders leaving custody for life of homelessness and reoffending. *The Guardian*. Retrieved from <http://www.theguardian.com/society/2011/feb/28/young-offenders-released-homelessness-crime>
- HM Inspectorates of Prisons and Probation. (2001). *Through the prison gate*. London: HM Inspectorate of Prisons. Retrieved from <https://www.justiceinspectors.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2014/08/Through-The-Prison-Gate-2001-ao.pdf>
- Homelessness Act 2002. *Legislation.gov.uk*. Retrieved from <http://www.legislation.gov.uk/ukpga/2002/7/contents>
- House of Commons. (2010). *The Government's approach to crime prevention* (Vol. 1). London: The Stationery Office.
- Housing Act 1996. *Legislation.gov.uk*. Retrieved from <http://www.legislation.gov.uk/ukpga/1996/52/contents>
- Hucklesby, A., & Hagley-Dickinson, L. (2007). *Prison resettlement: Policy and practice*. Cullompton: Willan.
- Jenson, J. M. (1997). *Risk-focused delinquency prevention: An evaluation of eight Iowa Projects*. [Unpublished manuscript]. Iowa: University of Iowa.
- Jenson, J. M., & Howard, M. O. (1998). Youth crime, public policy, and practice in the juvenile justice system: Recent trends and needed reforms. *Social Work*, 43(4), 324–334.
- Knepper, P. (2008). 'La Scuola Lombrosiana' and the beginning of criminology in Malta. *Journal of Maltese History*, (1), 3–18.



- Linney, J. (2013). Offenders, welfare reforms and housing. *Safer Communities*, 12(1), 24–26.
- Local Government Association. (2011). *Resettlement of young offenders: How local initiatives can make a difference*. London: Local Government House. Retrieved from [http://nya.org.uk/dynamic\\_files/justice/ResettlementofYoungOffenders.pdf](http://nya.org.uk/dynamic_files/justice/ResettlementofYoungOffenders.pdf)
- McCormack, H. (June 2, 2005). Bid to improving housing situation for young offenders leaving custody. *Community Care*, (1575), 14–15.
- Ministry of Justice. (2013). *Proven reoffending statistics quarterly bulletin – April 2010 to March 2011: England and Wales*. London: Ministry of Justice.
- National Offender Management Service. (2005). *The national reducing re-offending delivery plan*. London: National Offender Management Service. Retrieved from <https://www.i-hop.org.uk/ci/fattach/get/51/0/filename/Reducing+Reoffending+Delivery+Plan+2009.pdf>
- Office of the Commissioner for Children. (2011). *Interim recommendations by the task force regarding minors*. Malta: Office of the Commissioner for Children. Retrieved from [http://www.tfal.org.mt/MediaCenter/PDFs/1\\_Interim%20recommendations%20-%20Task%20Force%20regarding%20Minors.pdf](http://www.tfal.org.mt/MediaCenter/PDFs/1_Interim%20recommendations%20-%20Task%20Force%20regarding%20Minors.pdf)
- Patel, N. (2004). *Accommodation needs of young offenders*. London: Youth Justice Board.
- Pitts, J. (2015). Youth crime and youth justice 2015–2020. *Youth and Policy*, (114), 31–42.
- Schweinhart, L. J., Barnes, H. V. & Weikart, D. P. (1993). *Significant benefits: The high/scope perry preschool study through age 27*. Ypsilanti: High/Scope Press.
- Taylor, A. (January 24, 2008). Young offenders: A place to live is not enough. *Community Care*, (1706), 16–18.
- van Dijk, J. J. M. (1997). Towards a research-based crime reduction policy: Crime prevention as a cost-effective policy option. *European Journal on Criminal Policy and Research*, 5(3), 13–27.
- Walmsley, R. (2016). *World prison brief*. Institute for Criminal Policy Research. Retrieved from <http://www.prisonestudies.org/country/malta>
- Welsh, B. C., & Farrington, D. P. (1999). Value for money? A review of the costs and benefits of situational crime prevention. *British Journal of Criminology*, 39(3), 345–368.
- Welsh, B. C., & Farrington, D. P. (2000a). Monetary costs and benefits of crime prevention programs. In M. Tonry (Ed.), *Crime and Justice: A Review of Research* (Vol. 27, pp. 305–361). Chicago: University of Chicago Press.
- Welsh, B. C., & Farrington, D. P. (2000b). Correctional intervention programs and cost-benefit analysis. *Criminal Justice and Behaviour*, 27(1), 115–133.
- Welsh, B. C., & Farrington, D. P. (2015). Monetary value of early developmental crime prevention and its policy significance. *Criminology & Public Policy*, 14(4), 673–680.
- Welsh, B. C., Farrington, D. P., & Raffan Goward, B. (2015). Benefit-cost analysis of crime prevention programs. In M. Tonry (Ed.), *Crime and justice: A review of research* (Vol. 44, 447–516). Chicago: University of Chicago Press.
- Welsh, B. C., Farrington, D. P., & Sherman, L. W. (Eds.) (2001). *Costs and benefits of preventing crime*. Boulder: Westview Press.



- Welsh, B. C., Farrington, D. P., & Taheri, S. A. (2015). Effectiveness and social costs of public area surveillance for crime prevention. *Annual Review of Law and Social Science*, 11, 111–130.
- Williams, J. H., Ayers, C. D., & Arthur, M. W. (1997). Risk and protective factors in the development of delinquency and conduct disorder. In M. W. Fraser (Ed.), *Risk and resilience in childhood: An ecological perspective* (pp. 140–170). Washington: NASW Press.
- Youth Justice Board. (2013). *National standards for youth justice services*. London: Youth Justice. Retrieved from [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/296274/national-standards-youth-justice-services.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296274/national-standards-youth-justice-services.pdf)

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# Risks and Benefits of Interpreter-Mediated Police Interviews<sup>1</sup>

VARSTVOSLOVJE,  
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**Jane Goodman-Delahunty, Natalie Martschuk**

## **Purpose:**

To identify best practice in interpreter use in suspect and intelligence interviews conducted by an international sample of experienced law enforcement practitioners in Asian Pacific jurisdictions (Australia, Indonesia, Philippines, South Korea and Sri Lanka).

## **Methods:**

Semi-structured interviews were conducted with 121 practitioners who described their experiences with and perceptions of interpreter-mediated interviews. Responses were transcribed and coded by trained research assistants, achieving a high degree of inter-rater reliability.

## **Findings:**

The practitioners agreed that interpreters changed the interview dynamic, and identified benefits and risks of interpreter use. The responses revealed misconceptions about interpreter codes of practice regarding neutrality. Major concerns were maintaining control of the interview, accuracy loss, maintenance of nonverbal communication, interview duration and fatigue. Strategies used to manage interviews were the selection of the interpreter, advance preparation regarding ground rules and content, and placement of the interpreter (behind/adjacent to the interviewee). The key to a successful interview was a skilled, experienced interpreter.

## **Research Limitations:**

Although the purposive sample was not representative, data from multiple practitioners revealed commonalities across jurisdictions. Self-reports are subject to memory distortions and cannot be validated, thus future research in a controlled experiment is recommended.

## **Practical Implications:**

Interviewer training is needed: (i) to familiarise interviewers with differences between trained, accredited interpreters and untrained bilinguals; and (ii) effective strategies to ensure accurate information, maintain nonverbal communication and the legal right of interviewees to a fair interview.

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### **Originality/Value:**

Unique insights were gained from experienced practitioners in the field on an important global issue. Their observations hold significance for interviewing practitioners, interview training programmes, and researchers.

**UDC: 159.9:340.6**

**Keywords:** bilingual, interpreter, investigative interview, interview management

## **Tveganja in koristi vključevanja tolmačev v policijske razgovore**

### **Namen prispevka:**

Cilj raziskave je bil opredeliti najboljšo prakso vključevanja tolmačev v policijske razgovore na podlagi mednarodnega vzorca izkušenih predstavnikov organov pregona iz azijsko-pacifiške regije (Avstralija, Indonezija, Filipini, Južna Koreja in Šrilanka).

### **Metode:**

Opravljenih je bilo 121 pol strukturiranih intervjujev s predstavniki organov pregona, ki so opisali svoje izkušnje in dožemanje vključevanja tolmačev v policijske razgovore. Odgovore so prepisali in kodirali usposobljeni raziskovalni asistenti, kar zagotavlja visoko stopnjo zanesljivosti.

### **Ugotovitve:**

Respondenti so se strinjali, da vključenost tolmača spremeni dinamiko razgovora, in identificirali koristi ter tveganja njihove vključenosti. Iz odgovorov je razvidna napačna predstava respondentov o kodeksih ravnanja tolmačev glede nepristranskosti. Glavni pomisleki so se nanašali na ohranitev nadzora nad razgovorom, izgubo natančnosti, ohranjanje ustrezne neverbalne komunikacije, trajanje razgovora in utrujenost. Strategije, ki se uporabljajo za vodenje razgovorov, so izbira tolmača, vnaprejšnje priprave v zvezi z osnovnimi pravili in vsebino ter položaj tolmača (za/poleg izpraševanca). Ključ do uspešnega razgovora je več, izkušen tolmač.

### **Omejitve/uporabnost raziskave:**

Kljub temu, da vzorec ni bil reprezentativen, so pridobljeni podatki razkrili skupne značilnosti različnih jurisdikcij. V izogib odzivom, ki so lahko podvrženi izkrivljanju spomina, je v prihodnje priporočljivo izvesti raziskavo v obliki nadzorovanega poskusa.

### **Praktična uporabnost:**

Izpraševalce je treba usposobiti: (i) da se seznanijo z razlikami med usposobljenimi, akreditiranimi tolmači in neusposobljenimi, laičnimi dvojezičnimi posamezniki; in (ii) glede učinkovitih strategij za zagotavljanje točnosti informacij, ohranjanje ustrezne neverbalne komunikacije ter pravice izpraševanca do poštenega razgovora.

### **Izvirnost/pomembnost prispevka:**

Intervjuji z izkušenimi predstavniki organov pregona omogočajo edinstven vpogled v pomemben globalni problem. Njihova opažanja so velikega pomena

za strokovnjake s področja vodenja policijskih razgovorov, za oblikovanje programov usposabljanja izpraševalcev ter za raziskovalce.

**UDK: 159.9:340.6**

**Ključne besede:** dvojezičnost, tolmač, preiskovalni razgovor, vodenje razgovora

## 1 INTRODUCTION

Widespread global mobility has significantly increased the proportion of people in almost every country in the world whose native language differs from the official language spoken in court and legal proceedings. This phenomenon affects police investigations when suspects and/or witnesses do not speak the official language fluently and when many divergent language and dialects are spoken within a country. For example, the Philippines has over 100 native languages, 13 of which each have more than 1 million speakers (Lewis, Simons, & Fennig, 2016). The language barrier in bilingual interviews magnifies the already complex interaction between police interviewers and interviewees. While interpreters can bridge the language gap between interviewer and interviewee, facilitating the interaction between the parties, their presence also changes the interview dynamic, and may inadvertently obstruct interviewing techniques (Lai & Mulayim, 2014; Nakane, 2014). The risks posed by an underqualified interpreter should not be ignored. They include misunderstandings between interviewer and interviewee, failure to secure sufficient information and, more importantly, the loss of information. Interpreting errors in an investigative interview may result in information that is inadmissible at trial or lead to a wrongful conviction or acquittal (Roberts-Smith, 2009). Given such potentially serious consequences, surprisingly little research has been conducted on the influence of interpreters on an investigative interview (Berk-Seligson, 2002; Nakane, 2007, 2009, 2011; Russell, 2002). The present study explored the nature of police and military interviewers' experiences with interpreters, and their perceptions of interpreter-mediated interviews.

### 1.1 The Risks of Inaccuracy in Interpreted Propositional Content

Interpreting is commonly misunderstood as the provision of a literal word-for-word rendition of an oral, verbal exchange (Hale, 2007; Krikke & Besiktaslian, 2004; Morris, 1993). Trained interpreters are bound by the professional code of ethics within their community. For example, the Code of Ethics and Code of Conduct of the Australian Institute of Interpreters and Translators (AUSIT, 2012: 10) states that interpreting must accurately replicate the source without modification. That is, "interpreters and translators do not alter, add to, or omit anything from the content and intent of the source message".

The principle of accuracy is theoretically straightforward but, in practice, it is more complex (Berk-Seligson, 2002; Wadensjö, 1998). Despite explicit guidelines to provide verbatim interpretation, numerous studies have shown that interpretations are often edited and that the linguistic content of utterances in bilingual interactions is not always accurately replicated (Angelelli, 2004;

Aranguri, Davidson, & Ramirez, 2006; Berk-Seligson, 2002; Hale & Gibbons, 1999; Nakane, 2008). The reality is that, even with the most experienced and skilled interpreters, interpreter-mediated interactions are not equivalent to monolingual interactions. The differences between them are magnified by unskilled, untrained bilinguals (Hale, Goodman-Delahunty, & Martschuk, in press).

For instance, interpreters tended to violate ethically appropriate norms by 'repairing' poorly worded or ambiguous utterances which were not susceptible to meaningful translation (Nakane, 2008). Their motivation may have been to appear competent or to ensure better intercultural communication between parties. Repairs are sometimes justifiable and can avoid misunderstandings due to differing expectations between cultures, but may be problematic if the speaker deliberately and strategically intended to pose an ambiguous (Wadensjö, 1998) or leading (Berk-Seligson, 1999) question to an interviewee.

Untrained bilinguals are generally not qualified interpreters, do not hold professional accreditation, and may lack proficiency in the target language, for example, regarding technical legal terminology (Goodman-Delahunty, Hale, Dhimi, & Martschuk, 2015). Poor interpreting poses a risk to suspects who may not fully understand the questions being asked, and to the police investigators who obtain a distorted answer. Unilateral or mutual misunderstandings in an interview can have adverse consequences for law enforcement agencies when tactical decisions must be made in the short term based on information gleaned in a field interview, and for agencies and suspects when they arise in later stages of a formal criminal justice process. Inaccurate interpretation may have dire consequences for both practitioners and interviewees, particularly when the stakes are high: for instance, it could result in distorted answers from the suspect, false confessions, or evidence that is inadmissible at trial.

### 1.2 The Risk of Failure to Replicate Tone and Pragmatic Force

With respect to the tone or pragmatic force of the utterances, interpreters need to ensure that the same level of politeness or brusqueness as the speaker uses is replicated. Skilled interpreters understand that the portrayal of tone and politeness is just as important as verbal precision, whereas untrained bilinguals tend to render only the propositional content of a message (Hale, 2004; Hale, Goodman-Delahunty et al., in press). The focus by some interpreters on factual information alone and neglect of communicative goals of the interviewer (Hsieh in Fernández, 2010), or non-content features such as hesitations, filler or hedges, may diminish the veracity of the message (Dueñas González, Vásquez, & Mikkelsen, 1991). This is problematic for police and military interviewers who: (a) strategically formulate their questions to achieve a particular response from the interviewee; and (b) seek to discern the veracity of the responses. An important consequence when interpreters fail to reproduce tone and politeness is that this impairs the listeners' ability to evaluate the speaker's character or credibility (Dueñas González et al., 1991; Goodman-Delahunty et al., 2015; O'Barr, 1982) and may change the perceived guilt of a suspect (Mizuno, Namakura, & Kawahara, 2013).

Research shows that less proficient interpreters may alter the degree of politeness of a question during interactions (Hale & Gibbons, 1999; Goodman-Delahunty et al., 2015). In particular, interpreters had difficulty matching discursal features such as the degree of coercion, politeness and equivalence of register. Thus, interviewees may not be aware of the strength of hostility with which they are being questioned, and the interviewer's carefully nuanced questions may be lost. Even minor variations in the level of coercion intended in a question can alter the meaning of an interviewee's answers. For example, an analysis of police interviews conducted with different interpreters and Russian-speaking witnesses revealed that interpreters tended to change colloquialisms and hedges, and to misinterpret metaphorical expressions (Krouglov, 1999: 299). Interpreters not only produced different renditions and interpreted more politely, they also "provide[d] evidence of pragmatic intention" that differed from that of the speaker. These modifications were not necessarily a result of poor interpretation but a consequence of the many ways in which an utterance can be reproduced (Braun & Taylor, 2011).

### **1.3 The Risk of Partiality and Bias in Interpreted Interviews**

A common misconception is that any bilingual is competent to serve as an ad hoc police interpreter without specific training (Hale, 2007). At times, for different reasons police interviewers use untrained bilinguals from their community (e.g., friends or family members of the interviewee) or members of the police force as interpreters. This may be due to difficulties in finding a trained interpreter on short notice or because police interviewers prefer to have a second interviewer in the room. Unlike trained interpreters who are cognizant of their duty to remain impartial to both the interviewer and interviewee, untrained bilinguals and ad hoc interpreters in the community may misconstrue their role as one to assist the police with their investigation (Burke, Brown, & Britain, 1997; Dixon, Bottomley, Coleman, Gill, & Wall, 1990) or switch between roles of investigator and advocate for the suspect during the course of an interview (Berk-Seligson, 2002). Interpreter failure to maintain neutrality may compromise a police interview. When an interviewee's rights to fair treatment in a police investigation are violated, this can lead to the exclusion of evidence at trial or create grounds for a post-trial appeal (Berk-Seligson, 2002).

### **1.4 The Present Research**

The aim of the present study was: (i) to assess the nature of experience with interpreters of interviewing practitioners working in a variety of jurisdictions; (ii) to explore the techniques; and (iii) identify best practices they employed when conducting interpreter-mediated intelligence and investigative interviews.

## **2 METHOD**

### **2.1 Participants**

A total of 121 interviews was conducted with police (73.6%) and military officers (26.4%) employed in diverse operating environments in five Asian Pacific countries.

Half the participants in the study sample were Australian, including state and federal counter-terrorism officers (28.9%) and military officers (15.7%). Other participants were international agents (19.8%) (from Australia, India, Singapore and the United Kingdom) and investigative and intelligence practitioners in the Philippines (12.4%), Indonesia (8.3%), South Korea (8.3%) and Sri Lanka (6.6%). Most participants were seasoned practitioners with more than ten years' experience conducting law enforcement and intelligence interviews (71%). Of the sample, 92% were men and 8% were women.

Participants reported that they conducted intelligence interviews (33.9%), investigative interviews (30.6%) or both (35.5%). The vast majority used an information-gathering approach to an interview (89.3%), whereas 8.3% applied a more accusatorial approach to interviewing. Two participants (1.7%) reported that their approach was dependent on the interviewee or their cooperation. The type of interview approach differed significantly between the police and military participants ( $\chi^2 = 28.89, p < .001, \Phi = .491$ ), and between the interview types ( $\chi^2 = 26.26, p < .001, \Phi = .466$ ). Whereas almost all police interviewers applied the information-gathering approach (98.9%), 65.6% of the military interviewers relied solely on that approach. Similarly, whereas all practitioners conducting investigative interviews applied the information-gathering approach, 85.5% of interviewers conducting intelligence interviews did so.

## 2.2 Materials

Four topics about experiences with interpreters<sup>2</sup> formed a discrete subset within a longer structured interview protocol about interview practices (Russano, Narchet, Kleinman, & Meissner 2014). Interviewing practitioners were asked the following questions to prompt discussion about the nature and frequency of interpreter use: (1) In your experience, what percentage of the time do/did you conduct interviews with the assistance of an interpreter? (2) Have you conducted an interview directly in a foreign language without the support of an interpreter? If so, please estimate what percentage of your total interviews was conducted this way. (3) Do you believe that the presence and/or use of an interpreter affects the dynamic or flow of an interview? Why or why not? If yes, how so? If yes, how do you try to minimise or offset the impact of the interpreter's presence? (4) Do you believe that the presence and/or use of an interpreter affects the likelihood that an interview will be successful? Why or why not? If yes, how so?

## 2.3 Procedure

A purposive convenience sample of interviewing practitioners was recruited through their employers and the snowball sampling method. Trained researchers interviewed the participants in military and police offices, at universities, hotels and other mutually convenient locations. A small number of interviews

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<sup>2</sup> The term 'interpreter' does not imply specific training or accreditation of interpreters, unless otherwise specified.



was conducted by telephone (2%) when face-to-face meetings were infeasible. Interviews were recorded using digital voice recorders.

Most interviews were conducted in English and transcribed verbatim by a contracting agency. Interviews with Indonesian interviewing practitioners (8.1%) were conducted in Bahasa and English with the assistance of an interpreter. Interviews with South Korean interviewing practitioners (8.1%) were conducted in Korean, transcribed and then translated into English. Analyses were conducted from the transcriptions, with occasional reference to the audio recording to clarify any ambiguities.

## **2.4 Data Coding and Analysis**

Interview transcripts were analysed using categorical codes developed from the interview questions. Appendix A is a copy of the interview transcript coding protocol. To assess the reliability of the categories, ten percent of transcripts were dual coded by two research assistants independently of each other. The interrater reliability was good to excellent (Krippendorff  $\alpha = .88$ ).

## **3 RESULTS AND DISCUSSION**

### **3.1 Frequency and Nature of Practitioner Experience with Interpreter-Mediated Interviews**

The majority of the interviewing practitioners (85.1%) reported some experience of working with interpreters in the field. Approximately one-third of the practitioners (30.6%) had conducted an interview in a second language without the aid of an interpreter. A small proportion of the study sample, approximately one in every five practitioners (17.4%), reported frequent use of interpreters in more than half of their interviews. Moderate experience with interpreters was more common, with one-third of the interviewing practitioners (37.2%) reporting the use of interpreters in 10%–49% of their interviews. Occasional and infrequent experience with an interpreter (<10% of the sample) was reported by 30.6% of the practitioners.

The presence of the interpreter was a minimal concern for 12.4% of the practitioners whose investigations were typically conducted without reliance on the suspect as an information source. In other words, the purpose of the suspect interview was not to gather information as the interview took place only at the conclusion of the investigation, for legal reasons, or as a formality, using scripted questions. In these circumstances, the dynamic between the suspect and the interviewer was not anticipated to influence the interview outcome.

Interpreter use varied by jurisdiction: all of the Australian, Indonesian and Sri Lankan interviewers and almost all the international practitioners (95.8%) had experience working with interpreters. A substantial majority (86.7%) of the Philippine interviewing practitioners had worked with interpreters, and this experience was also common among South Korean practitioners (60%).

Given the high degree of exposure in the study sample to working with interpreters, it was surprising that only one in every five practitioners (20.7%)

perceived that interpreters had a positive effect on their interviews. Despite these reservations, practitioners generally opposed the practice of conducting interviews themselves in the suspect's language without the assistance of an interpreter. Approximately one-third of the practitioners (30.6%) reported they had conducted an interview in the suspect's language without the assistance of an interpreter.

Practitioners acknowledged that interpreters were generally "more aware of the nuances between both languages" (Australia 42) and were therefore the better option than "going it alone". Working without an interpreter was seen to pose the greater risk:

It's been less effective than using an interpreter and the reason being is often our grasp of the second language isn't as strong as the grasp of our native tongue and so you lose some of the nuance in the questioning. And so my view is if you've got a quality interpreter, you're far better going through the interpreter even if you speak the language yourself because you can actually get the nuances and get, I guess, a more detailed response (Australia 2).

Some practitioners stated they always used an interpreter, even when fluent in the target language, because they could use this strategy to their advantage: it allowed more time to plan questions, and threw the interviewee off guard, or yielded a more detailed response.

...it gives an advantage. If we need to disarm the person, or get them on a shaky footing, start speaking their language, showing we understood what they were saying beforehand. It throws them off, and makes them uncertain where they stand. I like to keep that as an option (Australia 74).

Even when an interpreter was present, many practitioners relied to some degree on the interviewee's familiarity with the official language, or at least a basic understanding of the official language. One participant outlined the advantage of using basic English (the official language) in an interpreted interview to assist the interviewee in understanding the questions:

I'd say I speak in the simplest terms I can. A lot of the people that I've interviewed with an interpreter, they still have a basic understanding of English. And, if you can use language that they actually understand, quite often they'll be answering you as the interpreter is also asking the same question, and then you're almost getting two answers from the person to the same question, which gives you a bit more of a chance to assess 'Are they telling the truth? What's their motivation?' – all those sorts of things (Australia 60).

Other interviewers outlined the benefits for a practitioner of having at least some understanding of the interviewee's language, even when using an interpreter, as it increased the practitioner's insight into the accuracy of the interpretation.

If you want to make the best of the interpreter, you must be knowledgeable in both languages (Australia 26).

My basic Arabic has ensured that, while I may not understand the full question, holistically, I'll know when he's slipping up. So that helps (Singapore 3).

### 3.1.1 Remote vs In-person Interpreter Use

A small proportion of interviewing practitioners (4%) had experience with remotely interpreted interviews in which the interpreter was physically absent and interpreted via phone. These findings contrasted with the frequency of remote interpreter use reported in a survey of 413 Australian police officers working in Queensland, Australia (Wakefield, Kebbell, Moston, & Westera, 2014), perhaps due to the greater difficulty of finding interpreters proficient in the target language spoken in rural and remote areas in that state.

Practitioners in the present study reported that remote interpreting reduced the quality of the interview and did not favour remote interpreting. Compared to a phone-interpreted interview, an interview seemed to flow better and it was easier to clarify information when the interpreter was physically present:

The presence of the interpreter has helped the flow of the interview compared to when it's been across the phone. And again, I think it's probably to do with 'lost in translation' when it's across the phone, whereas it just seems to be easier to clarify and convey things quicker if there's some misinterpretation when the interpreter's in the room (Australia 22).

Having an interpreter physically present in the interview gave the interviewing practitioners more time to observe the interviewee's body language, providing a more accurate interpretation of the meaning of an utterance.

...gives me an opportunity to observe the suspect in answering the question, because obviously they turn to hear what the interpreter has to say, and then they usually turn to answer. So it gives me more time to observe their body language and non-verbal cues. So it has advantages as well (Australia 74).

Prior research indicated that interpreters achieved a lower level of accuracy when working remotely in a video-conference as opposed to face to face (Braun & Taylor, 2011), and that interpreters disliked working remotely (Rozinger & Schlesinger, 2010).

## 3.2 The Perceived Effect of an Interpreter on the Interview Dynamic

Most practitioners (87.6%) agreed that the presence of an interpreter affected the dynamic of the interview. The effects distinguished were: (a) compromised nonverbal communication with the interviewee (41.5%;  $n = 44$ ); (b) a slower pace of the interview (33.0%;  $n = 35$ ); and (c) loss of control over the interview (23.6%,  $n = 25$ ).

### 3.2.1 Loss of Nonverbal Communication

A common concern expressed by the practitioner sample was the change in level of politeness or tone of a question or different emphases on words. These reports

were consistent with earlier findings that interpreters sometimes changed the tone of an utterance in legal settings (Hale, 1999).

In my experience, unless you've got an absolutely brilliant interpreter, the tone of your questioning changes through the interpreter (Australia 47).

They emphasise different words, and, yeah, the tone ... (Australia 59).

A series of different reasons was provided as to why interpreters might change the tone of a message. First, the tone of utterances might change based on the experience and training of the interpreter: "Some will have been taught to interview a particular way" (Australia 51). A second reason was cultural influence where: (a) the interpreter may have phrased a question more politely to conform with the cultural norms of the interviewee; or (b) the relative status of the interpreter and interviewee within the community. For example, interpreter who had a higher status they might direct the message to the interviewee in a harsh manner and vice versa when their status was lower. A third concern was difficulty in exploiting the shock of capture.

...when you just say, 'Hello, how are you going?' they take into their cultural ways of delivering 'Hello, how are you', which could be, 'Oh, sir, hello. How are you?' You wonder why the guy looks at you and replies to you with some sort of dignity or some sort of superiority in a way, and it's just because of the way the interpreter's said it (Australia 50).

...if you're trying to do a little bit more, direct, by retaining the shock of capture type interview, you do lose some of that dynamic because it is going through an interpreter. The key is to try and get the interpreter to try and say things exactly the way you're saying things, so that the intimation is unchanged, and so the message isn't stilted through going through an interpreter (Australia 2).

And the way I say it may not be said to him the way that the interpreter's going to say it. And sometimes, I've noticed working in counter-terrorism, your tone can mean something completely different. If it's said in a certain tone, it has a completely different meaning to the stuff I say. Something in a certain tone, trying to be a little bit direct, or forward, may be said in a completely different way, may mean something completely different (Australia 54).

Similarly, practitioners faced difficulty conveying nonverbal emphases via an interpreter:

It is very hard to convey vocal communication to a third party. As in 'I really want you to tell me', or 'I really want the person' – and your hand gestures – and you emphasise particular words – emphasizing. Unless the interpreter is doing it, unless it's been explained to them, and these are the things we have to emphasise. So, non-verbal cues and things you are emphasising, it's very hard for that to be conveyed too (Australia 14).

### 3.2.2 Interpreter Effects on Interview Pace and Completion

The slower pace of an interview when conducted with an interpreter was viewed both positively and negatively. Some practitioners commented that this gave them and the interviewee more time to reflect and consider questions or answers. Further, it allowed interviewing practitioners to observe the interviewee's nonverbal behaviour separately from the answer to the question.

The negative effect of the slower pace of the exchange was noted when interviewees understood the language used by the practitioner:

They were predominantly Asian, so every one of those, and I knew they spoke English, fluent English, but they would say 'interpreter' because quite clearly, I'll ask a question to the interpreter while you're formulating an answer, because you know what I've already asked, and then the interpreter turns around [and] says it. They get an extra 10 or 15 seconds to think of an answer (Australia 53).

One practitioner reported that, in some instances, both parties were fatigued by the more protracted interview. This made them less inclined to delve further into any particular subject. Truncated questions and answers resulted in a less thorough interview.

It makes the interview much longer, causes everyone to be more tired. So I might be less inclined to delve further into a particular subject. And I have found that the person being interviewed is less inclined to explore or explain a particular subject if they know that there is this cross conversation, if you like. Really the interpreter has got to repeat it, so the whole thing will be shortened and the interview itself will be not as complete (Australia 25).

Some practitioners became impatient when an interpreter was present, and did not conduct the interview to the full extent. The questioning process became truncated because the language barrier frustrated the interviewing practitioner.

It is hard to maintain momentum. And if he avoids the question, the one question, you can be on it for 10 or 20 minutes. And it can be extremely frustrating. And I'll be honest – a couple of times I think I've moved on from questions because I just wasn't getting anywhere, and was becoming too frustrated (Australia 40).

[...] sometimes it just gets so difficult that I think interviewers can lose their own drive. So just like 'This is hard. Let's just get this finished'. So I think people tend to rush through them (Australia 69).

These findings are in line with research showing that the interpreter's presence inevitably changed the dynamic and pace of the conversation as the traditional dyad between interviewer and interviewee was transformed "into a triadic mixture of opposition, cooperation and shifting alignments" (Russell, 2002: 116).

**Effect of mode of interpreting on pace.** Although most interpreters in the study sample had experience working with interpreters who provided a consecutive interpretation, some practitioners encountered interpreters who

provided a simultaneous interpretation. They perceived that simultaneous interpreting was less exhausting and faster:

I've worked with translators who are simultaneous translators. I think that's brilliant. That's my preference, simultaneous translation, because that goes very well. It's faster and it's probably less exhausting. Not for the translator, but for everyone else (South Korea 8).

Research conducted on the mode of interpretation in legal settings confirms the faster flow of the interview (Ewens et al., 2014), that the experience is less tiring for the parties (Hale, Martschuk, Ozolins, & Stern, 2017) but more demanding for the interpreter (Moser-Mercer, Kunzli, & Korac, 1998). A controlled experiment with mock-jurors showed other effects of the interpreting mode: simultaneous interpreting achieved credibility and culpability ratings of the defendant undifferentiated from those in a monolingual version of the same trial (Hale et al., 2017), whereas consecutive interpreting boosted the credibility ratings of the defendant and decreased perceptions of his culpability.

### 3.2.3 Loss of Interview Control

About one-third of the practitioners reported a perceived loss of control over the interview when they had to "speak through an interpreter" (Australia 46). One major concern was lack of trust in "what the interpreter is saying to them [interviewees]" (Australia 54) which, in some instances, resulted in a "disconnected emotional response" (Australia 38).

...the real understanding out of the literal sense of translating those words could affect the meaning and the percentages of the meaning of the questions that you have put and at the same time of understanding the responses that they have given because you yourself as an interviewer will not be able to gauge the issue of honesty, the issue of sincerity, the issue of the involvement of those individuals because you are depending much on the ability of the interpreters who might not have the experience of understanding the subject that you're talking about... (Singapore 2).

When interviewees tended to address their comments to the interpreter instead of the practitioner, the practitioner felt 'side-lined'. Although interpreters are required by their code of ethics to avoid side conversations with the interviewee or the practitioner (AUSIT, 2012), untrained interpreters are not necessarily aware of this principle and are more likely to stray from their interpreting role (Hale et al., in press).

## 3.3 Strategies to Manage Interpreter-mediated Interviews

Most interviewing practitioners (89.3%) reported they applied a variety of different strategies to manage interpreter-mediated interviews and to mitigate the risks of perceived negative influences of an interpreter on the interview process and outcomes. A small proportion of the interviewing practitioners (10.7%) reported they did not or could not take any steps to counter the effects of an interpreter on an interview.

The three key strategies reported by practitioners to manage interpreter-mediated interviews were: (a) selection of the interpreter; (b) preparation of the interpreter in advance of the interview; and (c) strategic placement of the interpreter in the interview setting.

### 3.3.1 Selection of an Interpreter

Practitioners endorsed different strategies in selecting an interpreter. Twenty percent worked with both internal and external interpreters, depending on their availability. Some relied exclusively on independent interpreters (11.6%) while others relied exclusively on agency interpreters employed by the police/military (8.3%). A benefit of internal interpreters was their familiarity with interviewing strategies and legal terminology.

Regardless of interpreter type, 13.9% of the practitioners had formed an ongoing relationship with interpreters. An interpreter who was an internal staff member often took on a role of directing the interview and as a second interviewer. These practices may compromise the interpreter's ability to remain unbiased and impartial. Interpreters who have dual roles may violate an interviewee's right to fair treatment, and result in inadmissible evidence or a successful post-trial appeal (Berk-Seligson, 2002).

**Interpreter skills.** One in five practitioners made inquiries about the interpreter's skill in the target language prior to the interview. However, more than half the practitioners (55.4%) referred to the use of untrained interpreters in the field. Some practitioners confirmed that inaccurate interpretation had occurred:

...and then there's an interpretation of the response of the question that's given to me which occasionally on review hasn't always been completely accurate when we've had it transcribed (Australia 20).

Negative experiences of this nature can be avoided by insisting on a trained interpreter who is skilled in unobtrusively providing accurate renditions of the content and nonverbal features such as tone, without exerting any personal influence on the interaction. Trained interpreters apply protocols to interpret everything that is said, without adding or omitting information and without changing the tone of the message. A study comparing the interpreting performance of trained and untrained interpreters in a simulated police interview showed that trained interpreters outperformed untrained bilinguals, conveyed the verbal and nonverbal message of the speaker without omission or addition, and remained neutral (Hale et al., in press).

**Specific training in legal interpreting.** Of particular interest to some practitioners was an interpreter's knowledge of the law and expertise in legal interpreting:

Because some interpreters, they are not aware of the legal terminology, this will be the first time for them to learn. When they do it in police environments or a legal interview, this will be the first time they will be exposed to that sort of interview, and they don't understand what they are saying (Australia 61).



**Corroboration of the interpretation.** Regardless of the interpreter's proficiency, some practitioners preferred to use a second interpreter to cross-check the interview transcripts for accuracy. Another strategy was to have a second interpreter take notes during the interview. The interviewing practitioner would use these notes to clarify the accuracy of the interpretation by the first interpreter.

Normally, I employ not only one interpreter. I used to validate information using another person. Otherwise I will be penalised with the findings of a single person (Philippines 15).

### 3.3.2 Preparation of the Interpreter in Advance of the Interview

Approximately one-quarter of the practitioners provided interpreters clear instructions on their role in the interview (24.0%). Many of the ground rules or instructions on interpreting that practitioners gave to interpreters conformed with best practices taught to formally trained and accredited interpreters as specified in their codes of ethics and professional practice (e.g., AUSIT, 2012; Mulayim & Lai, 2016). For instance, they advised interpreters to use a direct approach, to interpret everything stated by any party as precisely as possible, without adding or subtracting information.

We go through confirmation processes, like saying: 'Do not add anything else and tell him/her exactly what I say' (South Korea 5).

If we have time to prepare, we just talk first, 'You just translate when I ask. Just keep quiet and ask the question that I ask. Don't express your emotions or something like that' (Australia 28).

Practitioners reported that, in the absence of clear instructions, interpreters may add their own interpretation to an utterance.

It's very important to set your ground rules. Often interpreters will start engaging in conversations with the interviewee, blah blah blah, da da da, and what you have to make very clear is, no, I'm having the conversation. If I say it you say it. They something you say it back. Don't interpret it, just say it, exactly what you understand. If I say I don't understand that, then you may say to him 'Can you further explain please?' Again keep the respect, but you don't let them start, otherwise when you get it reinterpreted down, you actually find that they're adding their own interpretation to it, so you don't want that (Australia 63).

Some practitioners gave the interpreters sample practice questions before the interview to increase the likelihood of accurate interpretation during the interview.

I know I've had questions written down so the interpreter can read questions that I've written down and write answers that have been written down underneath those questions. So that would be potentially one strategy (Australia 21).

Finally, practitioners asked interpreters not to hold side conversations with the interviewee or to engage in contact with the interviewee outside of the interview room:

A lot of the time the interviewee likes to try to talk to the interpreter instead of you, so you have to keep reminding them (Australia 4).

### 3.3.3 Briefing of the Interpreter in Advance of the Interview

The most prevalent strategy used to manage an interview was to brief the interpreter prior to the interview (33.9%) on the nature of the interview and/or interviewee. Interpreters prefer to receive this type of information (Hale & Stern, 2011; Goodman-Delahunty et al., 2015) and one study indicated that advance briefing increased performance accuracy (Gile, 2005). A study with US interviewing practitioners revealed that almost half of that group would disclose their interrogation strategy to the interpreter (47%; Russano et al., 2014). However, detailed case briefing may potentially bias the interpreter.

### 3.3.4 Placement of the Interpreter in the Interview Setting

Eighteen percent of the practitioners strategically positioned the interpreter in the interview room to maximise the success of the interview, but the preferred placement of the interpreters varied. Of those practitioners who had an opinion on this topic, 27.3% preferred the interpreter to be behind the interviewee and a further 18.2% preferred them beside the interviewee. Placement behind the interviewee may portray dominance (U.S. Department of the Army, 2006) and has been used by US interviewing practitioners to minimise the impact of the interpreter by reducing their visibility (Russano et al., 2014). Positioning the interpreter in a triangular position was preferred by 22.7%, mainly to increase the rapport between the parties. In the present study, 9% of the practitioners preferred the interpreter beside or behind them so interpreter would “speak as their voice”. A further 18.2% of practitioners varied the placement of the interpreter according to the goals of a particular interview.

## 3.4 Successful Interpreter-mediated Interviews

The final interview question about practitioners’ experiences with interpreters focused on the success of an interpreter-mediated interview. Twenty-eight percent of the practising interviewers responded that interpreters had no effect on the interview success. One-third of the interviewing practitioners (31.4%) perceived that interpreters had a negative impact on interview success. A primary concern was that interpreters might be unable to match discursual features of the interview or that important information would be lost.

Another common concern was the lack of the interpreter’s neutrality. For instance, practitioners were concerned the interviewee would be less likely to disclose sensitive information in front of a third party, especially if the interpreter was from the community/known to the interviewee. Another issue raised was potential interpreter prejudice towards the interviewee, as this impaired rapport-building with the interviewee.

Only 19.0% of the practitioners perceived that interpreters increased the success of the interview: “If you haven’t got one [an interpreter] then you haven’t got a successful interview” (Australia 16). Practitioners in this group speculated

that interviewees might be more willing to speak with someone who spoke their language. An important reason to use an interpreter was outlined by an Indonesian practitioner who referred to the admissibility of the evidence extracted from the interview at trial:

When the case is brought to the court, the judge will ask the suspect, 'Did you understand the questions asked by the interrogator?' So, if the suspect says, 'No, I did not understand the questions asked by the interrogator', the case will fail at the court. And, based on the regulations in Indonesia, when you have foreign citizens, then the foreign citizen should be assisted by a certified interpreter (Indonesia 4).

Some practitioners commented that they had never considered whether interpreters could affect the success of an interview.

### 3.4.1 Success Depended on Accurate Interpretation

One in every five practitioners (21.5%) acknowledged that the interpreter's skill and experience contributed to the success of the interview:

So with a really good interpreter you may say it doesn't really impact a whole lot, but with a poor interpreter it can definitely impact (Australia 71).

It [interview success] depends on the skill of the interpreter. It is important not to interpret things by himself because so many times you realised he's adding words on his own when he's interpreting. So I think it's important to have a properly trained skilled interpreter who is not going to bring in his own thoughts and values into it (South Korea 5).

A common observation was the addition or subtraction of information from utterances or rephrasing an utterance in their own words, and changing direct into indirect speech.

Sometimes I've had interviewees give a 2 or 3 minute response and the interpreter gives me a 30 second response, and I'm in a situation of being caught on video saying, 'You've actually given me a 30 second response of something that this person took 2 minutes to say. [...] So I feel like, in my experiences, that there's a real possibility of loss of information, or misinterpretation of that information (Australia 21).

It's a classic thing you've probably seen on the movies where he might have been talking – or whoever you're interviewing has been talking for 3 minutes and the interpreter comes back to me with a two-sentence answer, it happens all the time (Australia 23).

If the practitioner has carefully chosen words to achieve a specific purpose, paraphrasing by the interpreter can significantly reduce the question's effectiveness (Lai & Mulayim, 2014).

Well you – I go through a lot of effort in choosing a certain amount of words and explaining things in detail, and if they paraphrase

it then it loses the effectiveness of what I'm trying to convey or the question I'm trying to ask. I've had interpreters where they understand what the interviewee is trying to say and they will try to explain it in their own words, so they basically instead of directly interpreting what the other person is saying, they're speaking from a third person point of view. And that can be a hurdle (Australia 32).

## 4 CONCLUSION

This study explored the experiences of interviewing practitioners in police and military settings with their attitudes to interpreters. Most practitioners agreed that using interpreters was inevitable in bilingual interviews on both legal grounds and to ensure accurate communication. They reported positive and negative experiences with interpreters, and the strategies they had applied in these circumstances to improve the outcome of the interviews. Consistent with prior research (Russell, 2002), interviewing practitioners demonstrated a limited understanding of the complexity of interpretation. Erroneous beliefs emerged that word-for-word translations (a) were possible, and (b) resolved all communication challenges. Other practitioners, however, recognised that verbatim interpreting was not always feasible, although this view was more common among the non-English-speaking practitioners, whose views were likely attributable to their greater exposure to other languages. Practitioners further understood interpreting is a complex task, and the importance of reproducing linguistic and paralinguistic communication.

A major challenge was the fact that the presence of an interpreter changed the dynamic and pace of the interview, which frustrated many practitioners. Further, practitioners were often critical of inaccuracies in interpreted interviews but recognised that competent interpreter performance depends on individual skills, training and experience. The neutrality of the interpreters was another important topic of discussion. The practitioners were either concerned about biases on the part of the interpreter or they themselves used strategies that might potentially compromise the interpreter's neutrality. Further research is needed to examine practitioners' experiences and perceptions of interpreter-mediated interviews in light of codes of ethics and conduct.

### 4.1 Research Limitations

This field study explored practitioners' experiences with interpreters, their views of best practices, and the risks and benefits of interpreter-mediated interviews. Some limitations arise from the nature of the research methodology. First, the information was based on practitioners' self-reports, relying on their retrospective memory, which might be subject to a selection bias. Self-reports often entail self-enhancement (Sedikides & Gregg, 2008). For instance, the reported effectiveness of strategies applied to manage interpreter-mediated interviews could have been biased by attributing successful interviews to their

own strategies and unsuccessful interviews to the presence of interpreters. No direct observation of interpreted interviews was conducted to corroborate the information provided by the practitioners, and their causal attributions of the success and failure of interpreted interviews were not empirically tested. At times, their recommendations were contradicted by evidence-based interpreting practices. Thus, further research is needed to test the influence of interpreters on interview outcomes and on the effectiveness of the strategies practitioners apply to manage interpreter-mediated interviews (Hale et al., in press).

### 4.2 Practical Implications

Analyses of the interviewing practitioners' experiences with interpreters outlined important implications for police interviewers and interpreters. First, police interviewers should employ formally trained independent interpreters and, if possible, interpreters with specific training in legal interpreting. Independent trained interpreters not only interpret more accurately, they also adopt practices which assist them in remaining neutral. These attributes contribute to the success of the interview. Second, in advance of the interview, the practitioners and interpreters should clarify what is expected and feasible in an interpreter-mediated interview to avoid frustration with the interpreter. Finally, both interpreters and police interviewers would benefit from training on legal interpreting in order to gain a greater understanding of the interpreting process in this context.

### REFERENCES

- Angelelli, C. V. (2004). *Revisiting the interpreter's role: A study of conference, court, and medical interpreters in Canada, Mexico, and the United States*. Amsterdam; Philadelphia: John Benjamins.
- Aranguri, C., Davidson, B., & Ramirez, R. (2006). Patterns of communication through interpreters: A detailed sociolinguistic analysis. *Journal of General Internal Medicine, 21*(6), 623–629.
- The Australian Institute of Interpreters and Translators [AUSIT]. (2012). *AUSIT code of ethics and code of conduct*. Retrieved from [http://ausit.org/ausit/documents/code\\_of\\_ethics\\_full.pdf](http://ausit.org/ausit/documents/code_of_ethics_full.pdf)
- Berk-Seligson, S. (1999). The impact of court interpreting on the coerciveness of leading questions. *The Journal of Forensic Linguistics, 6*(1), 30–56.
- Berk-Seligson, S. (2002). *The bilingual courtroom: Court interpreters in the judicial process*. Chicago: University of Chicago Press.
- Braun, S., & Taylor, J. L. (2011). AVIDICUS comparative studies Part I: Traditional interpreting and remote interpreting in police interviews. In S. Braun, & J. L. Taylor (Eds.), *Videoconference and remote interpreting in criminal proceedings* (pp. 85–100). Guildford: University of Surrey.
- Burke, T., Brown, D., & Britain, G. (1997). *In police custody: Police powers and suspects' rights under the revised PACE codes of practice*. London: Home Office.
- Dixon, D., Bottomley, K., Coleman, C., Gill, M., & Wall, D. (1990). Safeguarding the rights of suspects in police custody. *Policing and Society, 1*(2), 115–140.
- Dueñas González, R., Vásquez, V., & Mikkelsen, H. (1991). *Fundamentals of court interpretation*. Durham: Carolina Academic Press.

- Ewens, S., Vrij, A., Leal, S., Mann, S., Jo, E., & Fisher, R. P. (2016). The effect of interpreters on eliciting information, cues to deceit and rapport. *Legal and Criminological Psychology, 21*(2), 286–304.
- Fernández, E. I. (2010). Verbal and nonverbal concomitants of rapport in health care encounters: Implications for interpreters. *Journal of Specialised Translation, 14*, 216–228.
- Gile, D. (2005). Research on the translation processes and education in conference interpreting. *Meta, 50*(2), 713–726.
- Goodman-Delahunty, J., Hale, S., Dhimi, M., & Martschuk, N. (2015). *Effects of situational and relational variables on interpreting in high stakes police interviews*. Report to United States High Value Detainee Interrogation Group and the Center for Law and Human Behaviour. Manly: Charles Sturt University.
- Hale, S. (1999). Interpreters' treatment of discourse markers in courtroom questions. *Forensic Linguistics, 6*(1), 57–82.
- Hale, S. (2004). *The discourse of court interpreting: Discourse practices of the law, the witness and the interpreter*. Amsterdam; Philadelphia: John Benjamins.
- Hale, S. (2007). *Community interpreting*. Basingstoke: Palgrave Macmillan.
- Hale, S., & Gibbons, J. (1999). Varying realities: Patterned changes in the interpreter's representation of courtroom and external realities. *Applied Linguistics, 20*(1), 203–220.
- Hale, S., & Stern, L. (2011). Interpreter quality and working conditions: Comparing Australian and international courts of justice. *Judicial Officers Bulletin, 23*(9), 75–78.
- Hale, S., Goodman-Delahunty, J., & Martschuk, N. (in press). Interactional management in a simulated police interview: Interpreters' strategies. In M. Mason, & F. Rock (Eds.), *The discourse of police investigation*. Chicago: University of Chicago Press.
- Hale, S., Martschuk, N., Ozolins, U., & Stern, L. (2017). The effect of interpreting modes on witness credibility assessments. *Interpreting, 19*(1).
- Krikke, A., & Besiktaslian, M. (2004). Effective use of interpreters. In W. J. Gasille, & H. Keijzer-Lambooy (Eds.), *Instruments for lifting language barriers in intercultural legal proceedings, Aequilibrium, EU Project* (pp. 155–171). Utrecht: ITV Hogeschool voor Tolken en Vertalen.
- Krouglov, A. (1999). Police interpreting: Politeness and sociocultural context. *The Translator, 5*(2), 285–302.
- Lai, M., & Mulayim, S. (2014). Interpreter linguistic intervention in the strategies employed by police in investigative interviews. *Police Practice and Research, 15*(4), 307–321.
- Lewis, M. P., Simons, G. F., & Fennig, C. D. (Eds.). (2016). *Ethnologue: Languages of the world* (19th ed.). Dallas: SIL International.
- Mizuno, M., Nakamura, S., & Kawahara, K. (2013). Observations on how the lexical choices of court interpreters influence the impression formation of lay judges. *Studies in Social Sciences, 9*(2), 1–11.
- Morris, R. (1993). The interlingual interpreter: Cypher or intelligent participant. *International Journal for the Semiotics of Law – Revue Internationale De Semiotique Juridique, 6*(18), 271–291.



- Moser-Mercer, B., Kunzli, A., & Korac, M. (1998). Prolonged turns in interpreting: Effects on quality, physiological and psychological stress (Pilot study). *Interpreting*, 3(1), 47–64.
- Mulayim, S., & Lai, M. (2016). *Ethics for police translators and interpreters*. Boca Raton: CRC Press.
- Nakane, I. (2007). Communicating the suspect's rights: Problems in interpreting the caution in police interviews. *Applied Linguistics*, 28(1), 87–112.
- Nakane, I. (2008). Politeness and gender in interpreted police interviews. *Monash University Linguistics Papers*, 6(1), 29–40.
- Nakane, I. (2009). The myth of an 'invisible mediator': An Australian case study of English-Japanese police interpreting. *PORTAL Journal of Multidisciplinary International Studies*, 6(1), 1–16.
- Nakane, I. (2011). The role of silence in interpreted police interviews. *Journal of Pragmatics*, 43(9), 2317–2330.
- Nakane, I. (2014). *Interpreter-mediated police interviews: A discourse-pragmatic approach*. New York: Palgrave Macmillan.
- O'Barr, W. M. (1982). *Linguistic evidence: Language, power, and strategy in the courtroom*. New York: Academic Press.
- Roberts-Smith, L. (2009). *Forensic interpreting: Trial and error*. In S. Hale, U. Ozolins, & L. Stern (Eds.), *Critical link 5: Quality in interpreting- a shared responsibility* (pp. 13–35). Amsterdam; Philadelphia: John Benjamins.
- Roziner, I., & Shlesinger, M. (2010). Much ado about something remote: Stress and performance in remote interpreting. *Interpreting*, 12(2), 214–247.
- Russano, M. B., Narchet, F. M., Kleinman, S. M., & Meissner, C. A. (2014). Structured interviews of experienced intelligence and military interrogators. *Applied Cognitive Psychology*, 28(6), 847–859.
- Russell, S. (2002). Three's a crowd: Shifting dynamics in the interpreted interview. In J. Cotterill (Ed.), *Language in the legal process* (pp. 111–126). Basingstoke: Palgrave Macmillan.
- Sedikides, C., & Gregg, A. P. (2008). Self-enhancement: Food for thought. *Perspectives on Psychological Science*, 3(2), 102–116.
- U. S. Department of the Army. (2006). *Human intelligence collector operations: Field Manual 2-22.3*. Washington: U.S. Department of the Army.
- Wadensjö, C. (1998). *Interpreting as interaction*. London; New York: Longman.
- Wakefield, A. J., Keibell, M. R., Moston, S., & Westera, N. (2014). Perceptions and profiles of interviews with interpreters: A police survey. *Australian and New Zealand Journal of Criminology*, 48(1), 53–72.

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## Appendix A: INTERVIEW TRANSCRIPT Coding PROTOCOL

1. Proportion of interviews conducted with an interpreter (1= <10%; 2= 10%- 24%; 3= 25%- 49%; 4= 50%-74%; 5= 75%-89%; 6= 90%+);
2. Bilingual interview conducted without an interpreter (0=No; 1=Yes);
3. Interpreting affects flow of the interview (0=No; 1=Yes);
4. Effect of interpreter on interview (1=Slower pace; 2=Quality of information compromised; 3=Rapport compromised; 4=Interviewer less in control; 5=Positive (more time to think));
5. Effect of interpreter on interview success:
  - a. Outcome (1=More likely to succeed; 2=Less likely to succeed; 3=No effect, or effect in either direction);
  - b. Dependent on cultural and ethnic factors (0=No; 1=Yes);
  - c. Dependent on interpreter skill (0=No; 1=Yes);
6. Strategies to manage interpreter (1=Instruct to interpret everything; 2=Strategic placement; 3=Share direction of interview (second interviewer); 4= Advance briefing; 5=Build relationship with interpreter; 6=Advice on vocabulary; 7=No steps taken);
7. Placement of interpreter (1=Beside interviewer; 2=Beside interviewee; 3=Behind interviewer; 4=Behind interviewee; 5=Between interviewer and interviewee (triangular); 6=Remote; 7=Combination of positions; 8=Unimportant/not considered);
8. Type of interpreter (1=Internal; 2=External; 3=Both)

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