



Perceptions of the Belgrade Police Detectives about Core Principles of Democratic Policing in Serbia

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Purpose:

The main subject of this paper is the analysis of attitudes of police officers (detectives) in Belgrade Criminal Investigation Department (CID) about the core principles of democratic policing – protecting the citizens, commitment to the law, legal constraints of police activities and their impact on the effectiveness of policing, control of police and their legal liability. We also analyzed their views on legal solutions regulating the application of those police powers which are of greatest importance for the protection of human rights and freedoms of citizens.

Design/Methods/Approach:

The work is based on empirical research conducted in the period from September to October 2009 which included 250 (a 25 % sample) police officers in the Belgrade Police Department. The questionnaire comprised 49 questions, the first six of which pertaining to demographic data. Most questions were of the closed form.

Findings:

The results of the research show that Belgrade police highly value objectives that are in the function of protecting interests of citizens, cooperation with citizens and absence of all forms of discrimination. They have shown animosity towards the law, as they perceive the law as a factor that limits their efficiency. Efficiency of the police work is highly valued even at the cost of potentially violating human rights during the investigation. They consider the control of police work necessary, perceiving the forms of internal control more useful than external control, especially those exerted by courts.

Research implications/limitations:

This is an exploratory research, its results show tendencies and broad generalizations are not possible.

Practical implications:

Research results can be useful for police managers and for trainers in adjusting performance and attitudes of police officers in Belgrade PD.

Originality/Value:

The paper presents the findings of research upon which conclusions have been drawn regarding the perception of subjects regarding the most important issues arising from the democratic reform of police in Serbia.





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Keywords: police, law, efficiency, human rights, control, accountability

Stališča beograjskih kriminalistov o temeljnih načelih demokratičnega policijskega dela v Srbiji

Namen prispevka:

Poglavitna tema tega prispevka je analiza odnosov policistov (kriminalistov) v beograjskem kriminalističnem oddelku glede temeljnih načel demokratičnega policijskega dela – varovanja državljanov, spoštovanja zakona, pravnih omejitev policijske dejavnosti in njihovega vpliva na učinkovitost policijskega dela, nadzora nad policijo in njene pravne odgovornosti. Analizirali smo poglede policistov na zakonske rešitve, ki urejajo uporabo tistih policijskih pooblastil, ki so pri varovanju človekovih pravic in svoboščin državljanov najpomembnejši.

Metode:

Študija temelji na empirični raziskavi, opravljene v obdobju od septembra do oktobra 2009 in vključuje 250 policistov iz beograjske policije, kar predstavlja 25-odstotni delež. Vprašalnik je vseboval 49 vprašanj, od katerih je bilo prvih šest povezanih z demografskimi podatki. Večina vprašanj je bilo zaprtega tipa.

Ugotovitve:

Rezultati raziskave kažejo, da beograjska policija visoko vrednoti cilje, ki so povezani z zaščito interesov državljanov, s sodelovanjem z državljani in z odsotnostjo vseh oblik diskriminacije. Policisti so izrazili zadržanost do zakona, saj ga razumejo kot dejavnik, ki omejuje njihovo učinkovitost. Učinkovitost policijskega dela je visoko cenjena, tudi za ceno potencialnega kršenja človekovih pravic med preiskavo. Menijo, da je nadzor nad delom policije potreben, pri čemer se jim zdijo oblike notranjega nadzora bolj uporabne od zunanega nadzora, zlasti tistega, ki ga izvajajo sodišča.

Omejitve/uporabnost raziskave:

V tem prispevku gre za predhodno raziskavo, katere rezultati kažejo zgolj določene tendence, medtem ko širše posploševanje ugotovitev ni mogoče.

Praktična uporabnost:

Rezultati raziskave so lahko koristni za policijske vodje in učitelje pri prilagajanju izvrševanja nalog in ravnanja policistov v beograjski policiji.

Izvirnost/pomembnost prispevka:

Prispevek predstavlja ugotovitve raziskave, na osnovi katerih so bili izpeljani sklepi o zaznavah subjektov glede najbolj pomembnih vprašanj, ki izhajajo iz demokratične reforme policije v Srbiji.

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Gljučne besede: policija, pravo, učinkovitost, človekove pravice, nadzor, odgovornost





1 INTRODUCTION

While other socialist countries in the last decade of 20th century stepped into transition towards democracy, Serbia spent this time under autocratic rule of Slobodan Milošević. In this system of personal rule the police were not an instrument of law but of the ruling elite and one of the main pillars of the non-democratic regime. The only thing that was important to the police was to be seen in the eyes of the ruling elites as an efficient protector of the existing system. Protection of the interests of the ruling elites was, with the help of the ideological mechanism, interpreted in terms of “constitutional order” and “national interest”. The protection of citizens’ lives and property were tasks of much less importance - a state of affairs which had tragic consequences for both police organization and public safety. Besides politicization, processes that devastated the police professionalism in Serbia were also centralization, militarization, criminalization and ethnicization (Kešetović, 2007), high rates of general and organised crime, corruption and undermining the basic values of democratic society and the rule of law (Downes, 2004). There were no adequate legal solutions and procedural guarantees for suspects (Miranda warning, presence of the attorney etc.), so the police could operate in a repressive manner, including excessive use of force and violation of fundamental rights and freedoms of citizens. Efficiency was more important than legality, especially when dealing with political opponents of the regime. Paradoxically, due to inadequate laws and regulations, repressive police work was lawful.

In October 2000, after the defeat of Milošević, Serbia took its first steps towards democratic transition. One of the first and most difficult tasks, facing the new democratic government, headed by Zoran Djindjić, was to reform the Ministry of the Interior (MOI), the only police agency in Serbia. The aim was to transform it from authoritarian, partisan instruments of government into a modern police institution, which would be nonpartisan and democratically accountable. The MOI had been identified as suffering from a number of shortcomings which included links between some police officials and organized crime; corruption; politicization; militarization; centralization; a lack of respect for human rights; a lack of appropriate code of conduct; and a serious deficiency of managers, suitable lower-level staff and equipment. Police reform was developed and implemented with the support of foreign partners, primarily the OSCE Mission to Serbia. The key challenges of such a reform were flagged as the four ‘D’s – de-politicization, de-centralization, de-criminalization and de-militarization. While Serbian officials are quite satisfied (Kuribak, 2008) with the reform process, foreign experts (Downes, 2004) and national independent researchers are considerably more critical (Milosavljević, 2004; Kešetović & Davidović, 2007; Kešetović, 2008). The OSCE analysis concluded that reform was moving very slowly, was subject to variation in direction and lacked either a clear strategy or a defined time-frame (Bakić & Gajić, 2006).

What remains to be established is whether the police in Serbia have accepted the numerous solutions brought about by the reform as part of the democratization process or to what extent are such solutions perceived as means to achieve the rule of law. The police often show a degree of animosity towards law, especially





with regard to the legal restrictions aimed at protecting fundamental rights and freedoms. This has been noted not only in Serbia, but also in many other countries (including the ones with highly developed legal and democratic traditions). The main reason for this is usually found in the fact that the police strive to be as efficient in their work as possible and that they believe that numerous legal restraints can affect their efficiency (Bayley, 2002). Thus the efficiency of police and the need to uphold the basic human rights and freedoms (especially the rights of detained persons) are frequently manifested as two antagonistic goals of police activities, and their balancing appears to be one of the greatest challenges of the democratic society (Skolnick, 1966).

This problem appears to be particularly conspicuous in Serbia. In the past, there were no adequate legal norms providing for such issues, especially those related to procedural guarantees for suspects (mandatory presence of an attorney, the obligation of police to inform the persons deprived of their liberty about the reasons for detention and about their basic rights, etc.), which allowed the Serbian police to be more repressive in their actions. Daily policing frequently relied on the excessive use of coercion and violation of basic civil rights and freedoms, and this was even more conspicuous in exceptional, politically motivated activities of the police. Such practices encouraged the belief that the police work is, above all, to be efficient, and not necessarily lawful. Paradoxically, it was the inadequate legal acts that provided a legal foundation for repressive policing.

The purpose of the research presented in this paper was to establish how the officers of the criminal investigation branch of the City of Belgrade Police Department perceive the fundamental principles and features of the democratic reform of the police service. What we expected to achieve was to answer the question of the extent to which the awareness of the Serbian police officers had changed with regard to the most important issues of the democratic reform of police.

The text that follows will first outline the basic principles of democratic policing with respect to which our subjects were questioned; then it will present the latest legal provisions of Serbian laws pertaining to the relevant issues, and it will proceed further to present the research methodology, the results of the research and the their discussion.

2 DEMOCRATIC POLICING – MEANING AND MAIN OBJECTIVES

Democratic society postulates democratic policing. The manner in which the police perform their function can significantly influence peoples' lives, attitudes of citizens towards the government and processes essential for democracy like elections, freedom of expression, publishing and freedom of association (Bayley, 2006). If the police abuse their powers, basic civil rights and freedoms are seriously violated. The way the police are used in one society is the best indicator of the nature of the political regime (Bayley, 1990).

In democracy, police role should be harmonized with democratic principles and values like equity, delivery of service, responsiveness, distribution of





power, information, redress, and participation (Jones, Newburn, & Smith, 1996). Democracy implies the rule of law and efficient protection of basic human rights and freedoms. In determining the role of the police in democratic society focus is placed on protection of human rights and freedoms and other democratic values, without underestimating the traditional police tasks such as protecting of law and order, combating crime, etc. However, these traditional police tasks should be performed in accordance with the values of democracy.

According to Bayley, in democratic policing the police must be accountable to the law rather than to government. Second, the police must protect human rights, especially those rights that are required for the sort of political activity that is the hallmark of democracy. Third, police must be accountable to the people outside their organization who are specifically designated and empowered to regulate police activity. Accountability to multiple structures, at multiple levels of control, distinguishes democratic police from police governed by other regimes. No single accountability structure is sufficient; rather, structures at the internal, state and social levels are all necessary (Stone, 2000). And finally, the police must give top operational priority to servicing the needs of individual citizens and private groups (Bayley, 2006). Paradoxically, therefore, the powers that the police possess for the protection of fundamental freedoms also provide the potential for severe abuse of these freedoms (Jones et al., 1996).

Liang argues that democratic policing should: be legalistically guided; focus on individuals, not groups and their politics; eschew terrorism, counter-terrorism and torture, and strive to ensure minimal damage to civility (Liang, 1992).

The role of the police in democratic society is primarily focused on interests of a community. Citizens are the object of protection and essential purpose of democratic policing is to meet their needs, protect their lives and property and their rights and freedoms (Pino & Wiatrowski, 2006; Bayley, 2006). Also, democratic policing implies principles of non-discrimination, legality and accountability and transparency of police work.

It should be noted that the concept of democratic policing changed in recent decades due to different police reforms, social changes and security threats and challenges, but the underlying premise that a police officer serves as an agent of the community and his/her responsibility is to serve and protect community members remained (Nalla, 2009).

Basic conviction that democratic policing is built upon is that the police role can contribute to qualitative development of democratic society (Pino, 2001). This is of utmost importance in transitional societies in which crime and corruption can escalate generating social chaos. In such circumstances the police can give priority to their repressive function and combating crime, wasting the capacity for protecting civil rights and freedoms and building civil society. Particular contribution of the police in developing democracy is in realizing the fundamental need for social order and security of citizens as basic human right. This objective can be reached on the basis of key principles of democratic policing: the rule of law, legitimacy, transparency, accountability and subordination to civil authorities (Pino & Wiatrowski, 2006).





3 RECENT CHANGES IN SERBIAN CRIMINAL JUSTICE LEGISLATURE

An important part of the democratic reform in Serbia is the reform of legislature, particularly that pertaining to the criminal justice system. In this context several laws important for police work were adopted: Criminal Procedure Act (Zakonik o krivičnom postupku, 2001, 2002, 2004, 2005, 2007, 2009), Law on Security Information Agency (Zakon o Bezbednosno informativnoj agenciji, 2002) and Law on Police (Zakon o policiji, 2005). Beside those mentioned, several other laws and bylaws that influence police work were adopted - Law on Preventing Violence and Improper Conduct during Sports Events (Zakon o sprečavanju nasilja i nedoličnog ponašanja na sportskim priredbama, 2007), Road Traffic Safety Law (Zakon o bezbednosti saobraćaja na putevima, 2009), Law on Public Roads (Zakon o javnim putevima, 2005, 2007), Regulations Handbook on the Use of Force (Pravilnik o uslovima i načinu upotrebe sredstava prinude, 2004), Handbook on Police Ethics and Modalities of Police Work (Uputstvo o policijskoj etici i načinu obavljanja poslova policije, 2003), etc.

The 2001 Criminal Procedure Act [Zakonik o krivičnom postupku] was first to introduce the notion of pre-criminal procedure which, according to the law, covers the stage preceding criminal proceedings and in which police play a crucial law. Numerous procedural guarantees were also introduced and certain police powers were regulated in a new way, so that the legal status of suspects and citizens in general was significantly improved. Here we would like to point out to some existing provisions related to certain police powers which were subject of our research.

One of the most important police powers undoubtedly concerns measures aimed at ensuring the presence of a suspect in the pre-criminal procedure. Here we have in mind two measures – arrest and detention of the suspect. Factual ground for arrest is expressed in the requirement that there should be reasonable doubt that a certain person has perpetrated a criminal offence, which should be accompanied by legal prerequisites for detention.

A formal condition can be expressed in a court decision or based on legal authority (Zakonik o krivičnom postupku, 2001, 2002, 2004, 2005, 2007, 2009: Section 227). A major breakthrough was made with respect to this police power by granting special rights to arrested persons (Zakonik o krivičnom postupku, 2001, 2002, 2004, 2005, 2007, 2009: Section 5) which significantly improved the legal status of the arrested. Detaining a suspect on police premises for up to 48 hours is another measure which ensures the presence of the suspect in the pre-criminal procedure. The measure of detention is initiated by police themselves if there is a need to gather information or interview the suspect. When using this measure, the police must, immediately or within two hours at the most, issue in writing the decision on detention and hand it to the suspect, who may appeal against it either in person or by the defence counsel. Such appeals are addressed to the examining judge.

Examining the suspect presents one of the most important actions taken by the police in collecting evidence during the pre-criminal procedure. The questioning of the suspect is conducted in keeping with regulations relevant for hearing the





accused. In order to make the hearing of the suspect lawful, certain requirements have to be met, and the most important among them is the suspect's free will to make a statement. Besides, the person in question has the right to a counsel, either of his choosing or *ex officio*, and the public prosecutor is informed of all this and can be present upon the execution of such measures.

Searching an apartment or other premises, as well as persons, is a measure aimed at collecting evidence, taken when there is a possibility to apprehend the perpetrator or to find the traces of a criminal offence or objects of significance for criminal proceedings. The search of an attorney's office is subject to special regulations due to its delicate nature and significance; the condition for such a search is restricted to finding a specific object, writing or a document. The formal prerequisite for the search can be contained in the court order or legal powers (Zakonik o krivičnom postupku, 2001, 2002, 2004, 2005, 2007, 2009: Section 81).

Surveillance and recording of telephone or other conversations or communications by technical means and making visual recordings of persons (henceforth: communication surveillance) present actions aimed at collecting evidence which are taken when instituting proceedings for criminal acts of organized crime, corruption, and other particularly serious criminal offences (Zakonik o krivičnom postupku, 2001, 2002, 2004, 2005, 2007, 2009: Chapter XXIXa). This measure is ordered by the examining judge at the request written and explained by the public prosecutor if there are any grounds to believe that such an act has been committed or is about to be committed; if there is no other way to ensure evidence for criminal prosecution; if collecting such evidence would be significantly more complicated; if a criminal act could not be uncovered, prevented or proved in any other way; or if it would demand disproportional difficulty or gave danger (Zakonik o krivičnom postupku, 2001, 2002, 2004, 2005, 2007, 2009: Section 504e, paragraphs 1 and 2).

Communication surveillance can last for six months at the most, but this measure can be prolonged twice for the period of three months at the most for important reasons. The order to survey communications is carried out by police, Security Information Agency or Military Security Agency. Special attention should be paid to the provisions containing instructions on how to handle materials obtained by communication surveillance. Namely, the law provides that such materials are to be destroyed within six months from the date it is presented to the public prosecutor unless he decides to launch criminal proceedings or if he states that he will not use them in criminal proceedings or if he declares that he will not institute criminal proceedings against the suspect in question. The examining judge passes a decision on the destruction of the materials obtained by secret communication surveillance and informs the person in question of that fact, if the identity of such a person has been established.

However, it is much easier to change the rules and regulations, organograms and names of institutions than police culture and system of values that a police institution is based upon. For the sustainable police reform, a shift in the system of values from those that were adequate in the authoritarian system to one suitable for democracy based on the rule of law is of utmost importance. Despite importance of these changes, very little research exists that examines the democratization of police





that has occurred in these transitional democracies (Nalla, 2009). In our research we tried to find how officers of CID within Belgrade PD viewed basic principles of democratic policing, with special emphasis on understanding the relations the law - human rights - police efficiency. This is the first research of this kind in Serbia. For this research we have chosen the Criminal Investigation Department of Belgrade Police, which, as part of the metropolitan police, presents the largest police force in Serbia. We have focused on detectives (criminal investigation officers) because the most violations of human rights occur in this field of police work. Also, the largest number of Belgrade PD police officers is deployed in the criminal investigation department and they are faced with very complex and serious forms of crime on a large territory with almost 2 million inhabitants.

4 EXPLORING ATTITUDES OF CRIMINAL INVESTIGATION OFFICERS IN BELGRADE PD

4.1 Research Method, Instrument and Sample

4.1.1 The Course and Method of the Research

The research was initiated in the Belgrade PD early in October 2009. The questionnaires were distributed in groups according to the number of police stations and criminal investigation departments (the total number of groups being 28). Spoken instructions were given to senior officers on how to distribute the questionnaires using the random sample method, by taking the employee list and extracting the names of every third employee for every letter of the Cyrillic alphabet order. Naturally, the method of choosing respondents was beyond the scope of our control, since we could not ascertain that the suggested method was carried out in practice. The research was completed in the October-November 2009 period, after the filled-in questionnaires had been handed in.

4.1.2 The Research Instrument

The research used an anonymous questionnaire as its basic instrument for gathering data. The questionnaire comprised 49 items. The first six questions were of demographic nature and they referred to the age of respondents, their gender, type and level of education, work experience and jobs performed in the course of their careers. Most questions were of the closed type format. Out of 250 questionnaires that were sent, 249 were filled in, which testifies to the high level of response, although the number of questions to which answers were produced varied from one questionnaire to another.





4.1.3 The Sample

The sample included 250 respondents from all of Belgrade's 16 police stations and 12 criminal investigation departments. In this way, we achieved proper areal distribution and the representative sample for our research (25 %).

A little less than half the respondents (43 %) belong to the age group of 30 to 39; a little more than a quarter belong to the age groups of 20 to 29 (29 %) and from 40 to 49 (27 %). Only one percent of the chosen sample is aged over 50 (Table 1). Among 246 respondents who filled in the questionnaire, 79 % are male and 21 % female.

Answers offered	Number of respondents	%
20-29	72	29
30-39	107	43
40-49	67	27
Over 50	3	1
Total	249	100

Table 1:
Which age group do you belong to?

The fact that 72 % of the respondents are younger than 40 shows the comparatively young age of the Belgrade CID police personnel. A small number of people over 50 possibly resulted from early retirement practice or transfer to other working positions. The fact that one fifth of the employees are female indicates a satisfactory level of the presence of women, especially if we bear in mind that majority of women employed in the Serbian Ministry of the Interior still work outside the operative network.

The level and type of the respondents' education can significantly influence their attitude to the law. Most respondents have college (48 %) or university (42 %) education, whereas 8 % finished high school and 2 % have master degrees. The relation between the level of education and the age group varied from one age group to another. Namely, in the age group between 20 and 29 years of age, the number of employees with college education was almost twice that of employees with university degrees. In the 30 to 39 age group these numbers were equal, whereas in the age group of 40 to 49 university-educated employees outnumbered those with post-secondary college education. The education level of respondents proves to be satisfactory and indicates that crime investigation tasks in Belgrade are mostly performed by well educated police officers.

Beside the level of education, an important issue in this survey is the type of education. The fact that, formally, legal and police education are not prerequisites for employment in the Serbian police frequently raises the issue of police officers' competence for performing tasks and duties calling for specific expert knowledge. In our sample, 77 % respondents have received college or university education related to law or police studies (college 34 %, university 43 %). It can therefore be concluded that a large percentage of respondents possess the knowledge necessary for the kind of work they do.





5 FINDINGS AND DISCUSSION

The respondents were asked a question related to the primary purpose of police activity. Four answers were offered, two of which related to traditional police tasks (combating crime and maintaining the public order, security of the state government and institutions) while the two remaining ones focused primarily on the protection of citizens (protection of constitutional rights and freedoms of citizens; service to the community). More than a half of our respondents, 57.5 % to be specific, consider that the primary aim of police work is combating crime, whereas 27.5 % among them believe that it is actually the protection of constitutional rights and freedoms of citizens; 8.5 % think that it is protection of the public order and security of state, and only 7 % find that the primary aim of police is to serve the community (Table 2).

Table 2:
What, in your opinion, is the primary goal of police activities?

Optional answers	Number of respondents who answered the question	%
Crime suppression	141	57.5
Maintaining public order and peace; ensuring security of the state and its institutions	21	8.5
Protection of constitutional civil rights and freedoms	66	27
Serving the citizens/community	17	7
Total	245	100

It was expected that combating crime would rank high because the police officers involved were primarily engaged in this activity. However, the percentage of those giving priority to aims related to citizens also deserves attention. The results obtained led to a conclusion that the respondents valued the goals which were in the function of citizens.

As for cooperation with citizens in preventing and combating crime, the results show that a high percentage of respondents value the role of citizens in this area, and that they believe that police work should imply equal treatment for all citizens regardless of differences among them. As many as 94 % respondents consider cooperation between police and citizens to be useful and necessary in crime prevention; 5.5 % believe that it is useful, but can be dispensed with, and only one respondent sees such cooperation as useless for police.

Similar results were obtained in response to questions related to the need for and usefulness of informative interviews with citizens conducted by police. An exceptionally high percentage of respondents – 91 % consider these interviews with citizens to be very useful and necessary, whereas only 8.5 % believe they can be dispensed with.

A high percentage of respondents believes that police work must not involve any kind of discrimination, regardless of the citizens' affiliation (racial, sexual





or ethnic) or preferences (religious, sexual, political), as well as that all citizens deserve equal treatment by law enforcement officers – 98 %.

The mentioned results clearly indicate positive experience of the Belgrade police in their cooperation with citizens and their awareness of the necessity of such cooperation, but they also suggest an absence of discrimination, which essentially draws the Belgrade police closer to the principles of democratic policing.

One of the basic features of democratic police is consistent law enforcement and respect for the principle of legality. The ways in which the Belgrade police see law in general, and the principle of lawfulness in particular, were tested in the context of requirement for efficient police actions. Namely, the research performed so far has shown that there is a rather widespread conviction among police officers that strict adherence to the law frequently impairs the efficiency of the police, which may give rise to a certain amount of animosity towards the law and legal restrictions of police actions, as well as encourage readiness of police officers to occasionally violate the law for the sake of efficiency (Bayley, 2002).

A similar tendency surfaced in our research as well. Thus 57.5 % of respondents believe that strict adherence to the law in the performance of police tasks can render the police hand-tied and prevent them from doing their job properly and efficiently.

With reference to this, it was noted that the attitude does not depend on the level of education, since the percentages of respondents advocating this idea were almost identical among those with secondary education (55 %), those with college education (58 %), and the ones with university degrees (56 %). Certain departures and differences can be noted when an attempt is made to establish the relation between this attitude and the respondents' age and gender, as well as working experience. In the age groups 20-29 and 30-39, almost the same percentage of respondents shared this view (62.5 % and 63 %, respectively), whereas the number of older respondents was a bit smaller (41 %). It is somewhat surprising that such views are considerably more prominent among women (71 %) than among men (53 %). As far as the working experience is concerned, the results show that respondents with fewer years of experience were more inclined to take this view than those with longer work experience. Thus the percentage of those sharing the belief that strict adherence to the law may adversely affect police efficiency was the same among those with less than 5 years of experience in police work (62 %) and those of 5 to 15 years standing (62 %). The percentage of police officers taking this view declines with the growing number of years of service, so that 31 % of respondents with 15 to 25 years of police experience share this attitude, whereas among those with more than 25 years of experience only 17 % find that strict adherence to the law in the performance of police duties can hinder police efforts and prevent them from performing their tasks properly and efficiently. If we relate this finding with the fact that the percentage of those sharing such views declines with years of experience, we can conclude that as the time passes, life and work experience favourably affect the attitude that the law is a limitation factor in police activity, more than at the onset of the police career.

As far as the respondents' readiness to break the law for the sake of efficiency is concerned, the results have showed a comparatively high percentage of those who





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do not approve of it on principle, but frequently find it inevitable. Their response to the question whether they would justify violations of the law in the execution of police tasks if these violations may result in obtaining relevant evidence of a criminal act or criminal liability of the perpetrator resulted in 13.5 % of respondents who approved of it, 40.5 % disapproved, but believed it was necessary, whereas 46 % disapproved of such violations of the law regardless of their outcome (Table 3).

Table 3:
Do you justify violations of law in the execution of police tasks if they may result in securing adequate evidence of a criminal offence or of the perpetrator's liability?

Optional answers	Number of respondents who answered the question	%
I find it justifiable	33	13.5
I don't think it justifiable, but it is necessary	100	40.5
I don't think it can be justified, regardless of the motives or results	115	46
Total	248	100

Only 28 % of those claiming that the law is a limitation factor affecting police efficiency (the previous question) were not ready to justify violation of the law for the sake of efficiency, while all other respondents either thought it was fully justifiable (16 %) or found it to be frequently necessary (55 %). It can, therefore, be concluded that there is a prevalent belief among the respondents that police efficiency should be valued above the requirement for consistent implementation of the law, even at the expense of committing violations. Differences in the educational levels do not influence this belief to a great extent, whereas the gender conspicuously influenced it, since women showed more readiness to violate the law in order to improve efficiency. There were also some similarities with the previous question, in the sense that longer working experience and older age decreased the readiness to break the law on account of efficiency and increased disapproval of such practices.

The attitude of the Belgrade police towards the fundamental rights and freedoms of citizens was explored by analyzing the respondents' views regarding some specific legal provisions related to the subject matter. Our research focused on the provisions pertaining to the use of force and the presence of a defence counsel at the suspect's hearing, as well as the provisions concerning detention of persons, search of premises, surveillance and recording telephone conversations and other communication and visual recordings of persons.

As for the use of force, 63 % of the respondents find that police should have broad legal powers regarding the use of force, 36 % believe that the existing legal provisions are adequate, whereas only 19 % think that police powers should be more restricted than the existing ones.

We were especially interested in the respondents' view regarding the use of force during the hearing of a suspect. The question we asked clearly related the use of force with the hearing of the suspect, which emphasized the unlawful use of force. Among our respondents, 8.5 % found that the use of force was useful and necessary, 57 % believed that the use of force (physical or mental) upon hearing the suspect could be of use to the police in establishing circumstances related to a





criminal act or its perpetrator, but that it should be kept to a minimum, and 34.5 % thought that it was useless and that it should be completely eliminated (Table 4).

The view that police powers involving the use of force need to be expanded seems to be connected with the conviction that force can be useful. This has been confirmed in the case of our respondents, among whom only 24 % of those believing that police powers involving the use of force should be broadened thought that the use of force (mental or physical) in the course of suspects' hearing cannot be of any use for establishing circumstances of the given criminal act or its perpetrator, as well as that it should be altogether eliminated. This example also suggests that a high percentage of the respondents would show readiness or understanding for such practices, which cannot be considered as lawful on any account. *Hence the conclusion that by accepting or condoning such practices the respondents accepted possible unlawful treatment of the suspected persons, which constitutes a departure from the standards implied by democratic police practice.*

Optional answers	Number of respondents who answered the question	%
Coercion is useless and should be completely abolished	85	34.5
Coercion can be useful, but should be kept down to the minimum	139	57
Coercion is useful and necessary	21	8.5
Total	245	100

Table 4:
Do you think that the use of coercion (physical or mental) while interrogating a suspect can be useful for police in establishing the facts related to the circumstances of an offence or the perpetrator?

The issue of the defence counsel's presence during the hearing of the suspect as provided for by the law resulted in similar conclusion. Here, however, almost half the respondents (48 %) believed that the defence counsel's presence was necessary and justifiable. Still, 47 % of the respondents thought that the defence counsel's presence should be allowed only after the police have completed all the necessary operative and tactical actions, whereas 4.5 % of respondents were of the opinion that the mandatory presence of the defence counsel during the hearing of the suspected person should be entirely abolished.

The finding that almost one half of the respondents believe that the mandatory presence of the defence counsel should be allowed only later leads us to a conclusion that a high percentage of the respondents views this legal provision as a potential hindrance for performing operative and tactical actions on the part of police.

Special attention has been given to the respondents' attitude related to the legal provisions defining the period of time allotted to the police before handing the suspect over to the examination judge and other provisions pertaining to detention. A large number of the respondents, 73.5 %, agrees that the police should be given more time before handing the detainee over to the examination judge, 25.5 % consider the actual legal provisions to be adequate, and only 1 % finds that the period should be shorter.





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As for the period of detention, 72 % of the respondents advocated longer detention periods, 27 % thought that the statutory provisions were adequate, whereas only 1 % found that the detention period should be shorter.

Asked specifically how long the detention of suspects should be, 22.5 % of the respondents found that currently effective period of 48 hours was sufficient, whereas more than a half of them, 53 %, favoured the detention period of 72 hours (three days). 12 % of the respondents thought that detention should last 4 days, 7 % believed it should last from 5 to 10 days, whereas only 2.5 % said it should be shorter than 48 hours (Table 5).

Table 5:
According to
your opinion,
how long
should police
detention last?

Optional answers	Number of respondents who answered the question	%
It should last less than 48 hours	6	2.5
It should last 48 hours	56	22.5
It should last up to three days	132	53.5
It should last up to four days	29	12
It should last 5 to 10 days	18	7
It should last more than 10 days	6	2.5
Total	247	100

Detention of suspects is seen by our respondents to be a particularly useful means contributing to police efficiency. Namely, 99 % of the respondents find that detaining a suspect contributes to the police efficiency and success of the pre-criminal procedure, and 79 % of the respondents believe that longer detention would contribute to efficiency of the police is curbing crime.

The above data clearly indicate that *a high percentage of respondents find that the statutory provisions currently in effect are inadequate and that both the period allowed before the police hand the suspect over to the examining judge and the detention period granted by the law should be extended. A large number of respondents obviously tend to favour the provisions contained in the previous statute, seeing the ones currently in effect mostly as inadequate and hampering the efficiency of police work.*

As for police powers related to searching the premises, the provision demanding a special order of the examining judge for this measure to be taken is seen as justified by 62.5 % of the respondents, while 37.5 % of them disapproved of this.

However, when we placed this question in the context of police efficiency, the results have shown that 64.5 % of our respondents believed that searching the premises would contribute to police efficiency if this measure did not always require a previous order by the examining judge.

We took a similar approach when trying to establish the respondents' views regarding police powers involving surveillance and recording of telephone conversations and other communications, as well as visual recordings of persons. Within our sample, 79.5 % respondents thought that the legal provision demanding a previous order from the examining judge was justified. However, when the use





of this police power under strict order of the judge was related to police efficiency, the results changed to some extent in comparison with the previously discussed power. Namely, 57 % of the respondents found that the use of this power would not contribute to police efficiency unless its implementation was based on the court order as a prerequisite.

It is obvious that a rather high percentage of respondents consider the provisions calling for previous order of the examining judge as a prerequisite to be justified, whereas the difference with respect to the way in which they perceive the relationship between the use of police powers without a previous permission of the examining judge and police efficiency.

We also established the general attitude of our respondents towards acting on the basis of a permission previously given by the examining judge or some other relevant authority. In this case, most respondents, 60 %, considered the existing legal provisions to be adequate and thought that the number of police powers requiring previous permission of the relevant authorities should be neither extended nor reduced. Only 8.5 % stated that this number should be increased, 14 % said it should be reduced, whereas 17.5 % expressed belief that the police should not be bound by previous permissions or orders by examining judges or other relevant authorities

The tendency towards more initiative on the part of police in their work is particularly apparent with respect to combating organized crime and terrorism. Our research also confirmed this. Thus 80 % of respondents found that the police should have broader powers in combating organized crime and terrorism, and 18.5 % considered the existing legal provision to be adequate, whereas only 1.5 % of respondents thought that the existing powers should be restricted.

This is in keeping with the belief of 62 % of respondents that the police should be more independent in using their powers in combating organized crime and terrorism, especially with respect to the examining judge. The existing provisions were seen as adequate by 37 % of the respondents, while only 1 % thought that the police should have less independence in their work.

In this research we also attempted to establish the respondents' views regarding some basic issues of police accountability and control of lawfulness of police work. We initially tried to find out to what extent the respondents perceived control of police work as necessary and useful. In response to this question, 68 % of our respondents said they considered such control necessary and useful, 31 % found that it was necessary, but not always useful, while only 1 % regarded it to be neither necessary nor useful (Table 6).

Optional answers	Number of respondents who answered the question	%
I consider it both necessary and useful	169	68
It is necessary, but not always useful	77	31
Control of police work is neither necessary nor useful	3	1
Total	249	100

Table 6:
Do you consider control of police work to be necessary and useful?





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This score sufficiently illustrates positive attitudes of Belgrade police towards control, although the number of those who found it to be useless was rather notable. This can easily be understood if we bear in mind that the respondents expressed preference for internal control, as more useful and necessary than external control. For instance, asked whether external control of police was needed, 40 % of respondents answered that it was, but that internal control was more important; 21 % thought that it was unnecessary and that internal control means were quite sufficient; 10 % stated that external control was entirely unnecessary, whereas 29 % considered external control to be absolutely necessary.

The above mentioned leads us to a conclusion that *the respondents value the mechanisms of internal control above those of external control, which to some extent reflects their attitude towards the work of courts (as the most prominent form of external control of the police work lawfulness) in general and towards the role of courts in ensuring the lawfulness of police work.* The survey showed that 59 % of respondents thought that courts played an important, but not crucial, part in ensuring the lawfulness of police work; 20 % believed that courts had no part in it at all, whereas 21 % considered the role of courts to be crucial.

The work of courts was viewed as good by 21 % of the respondents; 48 % believed that they worked the way they had to and could, whereas 31 % thought that the work of courts was poor.

The commission for complaints against police was perceived as the most useful and most efficient form of external police control by a majority of respondents – 34 %, parliamentary committees ranked second – 15.5 %, boards of citizens for control of police work came third – 13 %, and ombudsman ranked fourth – 3 %.

As for the mechanisms of internal control, most respondents considered the hierarchical control (control by superiors) to be the most useful and the most efficient form – 55.5 %; it was followed by special services for police control (MI Internal Control Department) – 32 %, instance control (within the framework of administrative procedures aimed at evaluating lawfulness of police regulations and actions) – 8 %, and finally disciplinary proceedings – 4.5 %.

Control of the lawfulness of police work by the International Human Rights Court in Strasbourg was supported by 25.5 % of respondents, basically supported by 43.5 % of respondents who found that the national mechanism were sufficient, whereas 31 % of the respondents disapproved of this form of control over the police.

6 CONCLUSION

Attitudes of the Belgrade police regarding the basic features of democratic policing have led us to the following general conclusions. The respondents showed a high level of awareness regarding protection of the interests of citizens as the primary goal of the police. There seemed to be a great amount of readiness for cooperation with citizens in crime prevention, free from any form of discrimination in the course of law enforcement. However, the respondents' attitudes towards the law and the need for police work to be strictly based on the law did not comply with the standards





of a democratic society. A high level of animosity of police officers towards the law seemed to be present because they perceived it as a factor which hampered their efficiency. The police officers in the survey highly valued the need for efficiency, even to the extent of placing it above strict adherence to the law. A high percentage of those who found the use of force upon hearing suspects acceptable as means that can be of use for police in crime investigation is particularly concerning. They, in fact, accepted possibilities of unlawful treatment of suspects by police officers, which is absolutely unacceptable in a democratic model of police force. The same applies to their lack of awareness regarding the necessity of the defence counsel's presence in the course of examining a suspect. Their disapproval of the existing statutory provisions seemed to be most conspicuous with respect to the period of time allowed before an arrested person is handed over to the examining judge and with respect to the measure of police detention. The obviously prevalent belief among the respondents that these periods of time should be longer than prescribed indicated that the Belgrade police considered the provisions of previously effective legislation to be more acceptable, whereas the provisions contained in the currently effective legal acts were seen as inadequate and hampering the efficiency of police work. It is encouraging that most respondents took a favourable view of the existing provisions concerning previous permissions for the use of certain police powers (search of premises, communication surveillance) given by relevant authorities (primarily courts). However, it should be noted that the Belgrade police saw even these provisions as potentially hampering the efficiency of their work. The officers showed a satisfactory level of willingness to accept control of their work as an inevitable activity useful for the police. However, the respondents valued the mechanisms of internal control above those of external control, which was caused by distrust felt for external control, especially that performed by courts.

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