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MUNICIPAL POLICE IN THE REPUBLIC OF SERBIA

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Abstract: *In this paper authors analyse the place and role of law enforcement agencies called Municipal police in the Republic of Serbia. The authors also deals with historical development of Municipal police in Republic of Serbia, the reasons that made the formation of this organization inevitable, as well as with legal basis, organization and control of Municipal police.*

They paid special attention to the analys of public trust in the Municipal police in the Republic of Serbia and points out that Citizens of the Republic of Serbia generally have no trust in the institutions. Research conducted by Ipsos Strategic Marketing in November last year within the project Argus Beta news agency supported by the EU Delegation in Serbia, showed that public trust in most institutions was below 50%.

In this general context, the conclusions regarding the trust of citizens in municipal police can only be drawn indirectly, due to the fact that this is a relatively new institution, not uniformly set, and, in particular, due to the lack of research.

According to the evaluations of some of the surveyed executives, municipal police had no support from the citizens. The citizens were ready to assist municipal police only to the extent of the solution to their current problem, but as far as the cooperation and support of the system were concerned there was neither willingness nor interest for it.

In the end, the conclusion is that citizens are gradually getting used to the presence of communal police in their cities and municipalities, although there are many unknowns related

to the functioning of communal police, which should be overcome through education of both citizens and better training of communal police.

Key words: *the law enforcement, police, municipal police, R Serbia, public trust.*

INTRODUCTION:

With the advent of population growth or decline, economic prosperity or depression, political division, or jurisdictional issues, however, cities that were once content with outside law enforcement services find that they are no longer satisfied with these arrangements. Local government leaders in these areas may feel that their cities would be better served by establishing municipal police units¹.

What is the definition of Municipal police? They are the **law enforcement agencies** that are under the control of **local government**. In some countries, even in the **municipal government**, with the smallest **administrative subdivision**, there are municipal police units. They receive funding from the city budget, and usually they may have fewer legal powers than the “state paid” police. These police forces usually report to a **mayor** or a local police board. Historically, the role of the municipal police of local civic protection was carried out by **municipal guards**.

Among the key reasons that influenced the decision to introduce the communal police in Republic of Serbia, was the evaluation that this service is needed to overcome the difficulties in maintaining public order and improving efficiency in the implementation of city regulations, as well as contributing to solving increased security problems in the cities. State police lacks sufficient capacity, and sometimes even enough interest in dealing with these issues. This is especially true for non-compliance with regulations on communal activities, urban public transport, noise protection and environmental protection, the use of building land and construction of buildings, keeping the city’s goods, maintaining public peace and keeping order in public places. Providing assistance from the state police in case of need for forced implementation of the decisions of the city government was also a problem because it was not among the priorities of state police. In short, the need for such a service had resulted directly from the existing substantial difficulties in maintaining public order and also from the requirement for the cities to take control and implement their own share of responsibility for a safer and more peaceful life of their inhabitants.

On the other hand, during the public debate regarding the Bill on Municipal Police there was a lot of disapproval. It was claimed that the state police is sufficient for all the problems of the public order², that the new communal police would become an unnecessary budget cost, that the mayors could abuse their power with this police or that it would be misused for political purposes etc. The resulting decision was that this service was firstly introduced only in the cities, with established limits and precisely defined authorities, and that each case of the use of force would have to be placed under the control of the state police. For the same reasons, carrying and possible usage of a firearm were excluded from coercive measures authorized by the communal police.

1 Boyne, G., & Walker, R. (2004). Strategy content and public service organizations. [Electronic version]. *Journal of Public Administration Research and Theory*, 14, 231–252.

2 These claims came from the police circles.

1. HISTORICAL DEVELOPMENT OF MUNICIPAL POLICE

During the period of dual Serbian-Turkish rule (until 1830) the task of keeping order among the Serbs was given to the local authority of Serbian population (rural and municipal chiefs). Based on the act of the Ottoman Empire in 1830, Serbia received the independent internal administration, and the first Serbian Constitution (1835) was soon passed along with the formation of regular police and administrative bodies. The territory was divided into villages, municipalities, counties and districts. Each level of government had police jurisdiction, and police authorities were integrated into one single police-administrative system managed by the Ministry of Interior. According to The First Law on the Regulation of Municipalities from 1839, the principal municipal authority was the Court of Peace. Its president was the police authority (“serf”), and was subordinated to the Chief of the County - authority officer, appointed by the Minister of Interior. An elected local council was in the cities, administering the self-governing activities and was separated from the warden of the city, who was a police authority.

From the mid-19th century, the position of the self-governing municipalities has gradually strengthened, but remained subordinate to the Ministry of Interior regarding police affairs. Based on the law from 1861, departments of night guards were formed both in Belgrade and other major cities. The offices were under the municipal jurisdiction. The municipality was defined as a “direct police power.” This local basis of the police organization remained as such until 1918. Additionally, the central police apparatus was gradually developed: a gendarmerie in Belgrade was formed in 1860, and introduced throughout Serbia in 1882.

Following the unification of Serbia with other South Slavs into the Kingdom of Yugoslavia (1918), the police organization was changed. In addition to the gendarmerie and central police authorities, there were also local (territorial) police authorities in all administrative-territorial units - regions, districts, cities and larger municipalities. Municipalities were able to organize their own municipal police in case there were no state police authorities on their territory. This police was funded by the municipality, and its tasks were defined by the Law on Municipalities from 1933 (taking care of personal or property safety, public order, traffic, fire protection, etc.). Being the capital, Belgrade had a particular arrangement of the police. It was managed by the city administrator by the instructions from the Minister of Interior.

In the period of socialist Yugoslavia (1945-1990), there were two types of police authority: the central authorities and the administrative-territorial units. At first, the municipalities (as the first instance) and districts (as the second instance of the administrative and self-government units) had a department of internal affairs. In addition, municipalities had the Secretariats of the Interior, while in Serbia the districts were abolished in 1967. The municipal authority of internal affairs was the basic police authority for public security until 1990, specifically, until the breakup of the SFRY. The municipality had elected the mayors and financed the work of law enforcement agencies. The police had directed the work towards solving local security problems as much as possible. In socialist Yugoslavia, instead of the term “police”, the term “militia” was in general usage (up to 1956 “People’s Militia” was used).

Since 1990, the entire police was completely centralized at the state level, so the municipality lost its jurisdiction over local police authorities and any opportunity to interfere with their work. In the period from 1992 to 2003, Federal Republic of Yugoslavia was a two-

member Federation of Serbia and Montenegro. In addition to the Federal Ministry of the Interior, there were Ministry of Internal Affairs of both Serbia and Montenegro that held a predominant part of the police jurisdiction compared to the federal ministry. The only changes made during that time in Serbia were: in 1993 the Police Academy was established (as the Police College, which still exists under the name Police Academy); in 1996 the term “police” instead of “militias” was introduced, as well as military ranks and other militarization features; and in mid-2002 the former State Security Department, which was an integral part of the Ministry of Internal Affairs, was reformed into the Intelligence Agency as a separate organization – State Security Service³.

Although it was proposed that municipalities should form municipal police in the mid-nineties, such proposals did not receive the official support of the Milosević’s regime. The same occurred with the proposals oriented towards the establishment of local security councils, through which municipalities could influence the police work. It was only in 2005 that the latter idea was modestly presented in the Law on Police⁴. In the most recent Law on Police, which was passed in January 2016⁵, a number of regulations were adopted with the purpose of strengthening the influence of local communities on the police work and in improving the previous results of promoting the “community policing” concept which have not been presentable enough so far.

Also, the process of establishing municipal police was slow. Firstly, in the Law on Local Self-Government and the Law on the Capital, which were adopted at the end of 2007⁶, it was specified that both the city of Belgrade and other towns include the work of communal police in their jurisdiction domain. In particular, legal regulation of such service was provided by the Act on Municipal Police from 2009⁷, and its forming and initial operation began by the end of 2010 and in early 2011. Communal police only exists in the cities, which with the city of Belgrade are a total of 24, but does not operate in the municipalities. The system of local self-government in Serbia is single-staged and made of municipalities (150 in total), other towns and the city of Belgrade. The only significant difference between the jurisdiction of cities and municipalities is that communal police is currently available only in the cities.

2. LEGAL BASIS AND ORGANIZATION OF MUNICIPAL POLICE

3 More on the police development: (1) Milosavljević, B., *Nauka o policiji* (Police Science), Beograd: Policijska akademija, 1997, pp. 91-122; (2) Milosavljević, B., „Reform of the Police and Security Services in Serbia and Montenegro: Attained Results and Betrayed Expectations“, in: *Sourcebook on Security Sector Reform: Collection of Papers*, edited by Philipp Fluri and Miroslav Hadžić, Geneva: Centre for the Democratic Control of Armed Forces; Belgrade: Centre for Civil-Military Relations, 2005, pp. 249-271.

4 Official Journal of the Republic of Serbia No.101/2005, 63/2009 – Constitutional Court ruling, 99/2011, 64/2015

5 Official Journal of the Republic of Serbia No. 6/2016, This Law is in effect since February, 5, 2016.

6 Both these laws were published in the Official Journal of the Republic of Serbia, No.129/2007.

7 Official Journal of the Republic of Serbia, No.51/2009

2.1. Legal Framework

Law on Communal Police (hereinafter: the Law) regulates the modus of organization, tasks, authorizations of municipal police officers, control of their work, principal elements of their position and, lastly, their protection. Based on the legal authorities, the minister responsible for local government afterwards enacted four sub- Acts vital for the start of the Act implementation. These are the regulations concerning (1) the procedure for exercising control over municipal police, (2) the method of determining the necessary mental and physical ability for conducting activities of municipal police, (3) the programs, professional trainings and development, content and ways of professional examination and verification of qualification, records and certificates of passed exams and confirmed competence of municipal police officers and (4) the official identification of communal policemen⁸.

As an integral component of legal framework, the City assembly passed the following (1) the assembly decision on the organization and the internal organization of municipal police, (2) the assembly decision on the form and method of achieving cooperation between the department of communal police and the inspection services of the city, (3) the assembly decision on uniforms and insignia of municipal police officers and (4) the assembly decision on the color and labeling of vehicles and boats and also the municipal police equipment⁹. Previously, the drafts for these decisions were prepared (in December 2009) within the activities of the Standing Conference of Towns and Municipalities (association of local authorities) and delivered to all of the cities with the purpose of providing expert assistance for creating and passing those acts. Within the same purpose, a detailed manual on methods of conducting municipal police (practical rules and standards for conducting and implementing authorizations) was compiled and sent to the assemblies.

In accordance with the passing of these acts, the Ministry for Local Government and the Ministry for Internal Affairs made all the necessary preparations to start training the municipal police officers. A special “Manual for Professional Training and Examination of Municipal Police Officers” (on 392 pages) was made and printed, training cycles were planned, accommodation facilities were provided for participants during the training, training instructors were appointed, commission members, who were to check the progress of acquiring knowledge and skills in training were determined, and so forth. With these actions, alleverything was set for the start of training of future municipal police (training prior to employment) were realized.

In addition, a remarkable number of promotional activities of municipal police took place in numerous cities. The purpose of these activities was to introduce new service and its mission to the public, especially to citizens, the media and civil associations. As a result, and before it even began functioning, municipal police has become a well-known service followed by great expectations from the citizens.

And in conducting all of these activities, from the preparation of the project on the Act, up to promotional campaigns, significant technical assistance and support was provided by the Council of Europe through the Program “Support to the Strengthening of Local Self-Government in Serbia - Phase II”, OSCE Mission to Serbia and the German Technical Assistance - GTZ (within the project “Strengthening the Local Self-Government”).

8 These four regulations were published in the Official Journal of the Republic of Serbia, No.106/2009.

9 The assembly decisions were published in official journas of those cities.

2.2. Activities and Organizations

The legal description of the tasks of municipal police is given in a general way, through describing the key tasks and identifying areas where particular jobs should be performed. In short, the duties of municipal police under the Law are: (1) the maintenance of public order, (2) the exercise of control over the implementation of laws and other regulations in the field of communal and other activities within the city jurisdiction, (3) supervision in public local transport, (4) environmental protection, preservation of cultural heritage, safety maintenance on local roads, streets and in other public city buildings and (5) supporting the implementation of regulations that ensure the undisturbed functioning of city life, the preservation of the city's resources and performing other tasks within the city jurisdiction, including the provision of assistance to public authorities in carrying out their individual acts. Also, municipal police can undertake urgent measures for environmental protection, protection against natural and other disasters and fire protection, when these measures cannot be taken by other relevant bodies and services in time. In case of declaration of an emergency situation, it participates as a rescue team. More detailed determination of activities is left to the internal city acts on communal police.

Communal police is organized as an internal organizational unit within the city administration, in which on every 5,000 city inhabitants one municipal police officer can be hired. According to this scale, Belgrade can have up to 320 communal police officers, Novi Sad up to 70, and in other cities this number can vary from 12 to 50 communal police officers. Most municipal police officers are males, while the percentage of women is between 20-30% (with differences in some cities). The work of these services is managed by the chief of municipal police, appointed by the head of the city administration. Among the chiefs there are also former police officers (members of the national police with many years of experience). In certain areas, regional organizational units can be formed. There is no specialization for certain types of tasks.

Communal police operates through organized presence of communal policemen at places for maintaining order (patrol activity), by taking other preventive measures and by applying law provided authorizations. All operations are performed in keeping accordance with given instructions on work methods.

Priorities in conducting communal police work are determined in the strategic plan of municipal police, passed by the city council (collegial executive city authority). In accordance with the strategic plan, municipal police prepares annual work plans and submits them to the city council for approval. This annual strategic work plan is adjusted with appropriate planning documents of the state police before its adoption. According to the law, Ministry of Interior issue to provide expert assistance for the preparation of the above plans to communal police. However, these legal provisions regarding the coordination of plans and assisting municipal police in plans preparations are not fully respected in practice. Practical cooperation between municipal police and the state police is still good with regards to data exchange and coordination of particular actions.

The Law states that municipal police should co-operate with the city's inspection services to supervise the implementation of laws and other regulations in certain areas (communal inspection, building inspection, sanitary inspection, traffic inspection and others). The forms of cooperation include joint control actions, information and data exchange and mutual assistance.

Even though there is a generally positive assessment of mutual cooperation between municipal police and municipal inspection services, there are still a number of problems that could be pointed out, such as: attempts by the city inspection services to “transfer” part of their responsibilities to the communal police; failure of inspection services to act upon the notifications received from the municipal police and the absence of feedback on it; parallel instead of coordinated action in solving the same problems; absence of mutual consultation and agreement, etc. Similarly, adding that the cooperation of municipal police and the state police is very good, certain problems are indicated, such as slowness in obtaining required information and data from the police (for example, data on vehicle owners, their addresses and ID numbers); attempts to “transfer” duties and responsibilities to the communal police in cases of offenses against public order (for which municipal police had no jurisdiction thus far)¹⁰; lack of police willingness to cooperate; etc.

The aforementioned “disputes” regarding co-operation between the state police and municipal police (regarding the offenses against public peace and order) were resolved by the new Law on Public Peace and Order where the communal police, along with the state police, had become responsible for the prevention and suppression of these offenses. This proposal was formulated by the Ministry of Interior in December 2015 and subsequently supported by the Government and then, adopted very quickly by the National Assembly in January 2016¹¹. In this way, the role of the municipal police has changed essentially, since this is the first time it would be formally recognized as one of the authorities of public order and as a participant of public safety. This is precisely what that same ministry had denied at the time of the introduction of communal police in 2009. The change in the attitude of the Ministry of Interior was probably the result of recognizing the fact that communal police may contribute to the security of the citizens and that better results in maintaining public order and peace could be achieved through joint action of municipal police and the state police.

2.3. Authorizations and Responsibilities of Municipal Police Officers

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

- (1) Issuing warnings (a warning is given to a person whose behavior or failure to act may violate the communal order, and is given orally, in writing or through the media);
- (2) Issuing a verbal order (this order is issued as a mandatory instruction, a ban, or requires that an action must be taken to establish order);
- (3) Identity authentication (for a person who violets regulations and at the request of city officials; the identity is determined by examining the identity document or based on the statement of another person whose identity had previously been checked);

10 Offenses against public peace and order include a set of offenses which constitute ofan unlawful conduct in a public place, for example, quarreling, shouting and making noise in a public place; rude, insolent and reckless behavior; insults, violence, threat or hail; leaving dangerous objects behind; begging; prostitution; ignition of pyrotechnic products; endangering the safety by using devices with remote control, etc.

11 The Law on Public Peace and Order, Official Gazette of the Republic of Serbia No. 6/2016, This Law is in effect since February, 5, 2016.

(4) Bringing in (an individual can be brought into the premises of the state police if municipal police officer cannot find another way to determine the identity of the person whose identity needs to be established);

(5) Inspecting individuals and objects (a municipal police office can inspect a person caught in the violation of regulations, its items and vehicles; this inspection is carried out directly or by using technical means);

(6) Temporary seizure of objects (an item obtained through violation of regulations, used for the breach of regulation or made during the breach can be seized; a certificate is issued upon the seizure of items);

(7) Video surveillance (in order to prevent violations of regulations a certain area or a facility can be secured with a video surveillance, along with visible notifications about it);

(8) The use of coercive measures, physical force, batons and means of restraint (the rules of the Police Act apply to the use of force).

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

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

2.4. Control of Municipal Police

Special procedures for the control of municipal police are stipulated by the law and by the Regulations on the Procedure for Exercising Control of Municipal Police. These include: (1) internal control over the use of coercive measures (reporting on each case of the use of these measures and the evaluation of the justification for their use); (2) reporting to the state police about the use of force for control; and (3) control for addressing citizens' complaints about the work of municipal police (carried out by the chief of the municipal police and the Special Commission of the City Assembly for the resolution of these complaints). In addition to these control procedures, municipal police, as well as any other organizational unit of the city administration, falls under the control carried out by the head of administration, city council, city hall, courts, the citizens' protector (Ombudsman) and other official authorities. The latter control mechanisms will be analyzed, as they are not regulated by the Law on Communal Police, but by the general regulations on administration or other regulations.

Internal control for the use of coercive measures is implemented by the chief of municipal police or the person authorized by the chief. Municipal police officer is obliged to submit a written report for any case of use of coercive measures. The report has to be submitted immediately after the use of coercive measures, and no later than 24 hours from the event. The whole purpose of control is to determine whether the use of coercion was justified and

correct or incorrect and unjustified. Based on the established facts, the chief of municipal police assesses the justification and correctness of the use of coercive measures. If it is the case of an unjustified and improper use of force, then the chief takes certain measures for establishing disciplinary, misdemeanor or criminal responsibility of the municipal police officers. The deadline for this type of control is 15 days.

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

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

The number of complaints about the work of municipal police and municipal police behavior is not very high, but tends to increase annually. In the first year since starting, there were only 42 complaints (of which 27 in Belgrade and 15 in all other cities) on the work of municipal police. Afterwards, the number kept growing at an annual rate of 5 to 10%. The contents of the complaints were different: they were usually related to selectivity in the treatment of municipal officers with the complainant (for example, why is the penalty imposed or the intervention carried out just for one person or persons, but not for others), the rudeness of municipal officers when dealing with the parties involved, the nonparticipation of the municipal police patrol after the filed report, the failure to notify about the outcome of the proceedings and the like. However, there were complaints that indicated various irregularities and illegalities in the implementation of the authorities of municipal police, as well as the unnecessary or excessive use of force. Some of these other cases were recorded with mobile phones and shown on television or social networks. They were related to the use of physical force or binding passengers in the public city transport who were without transport

tickets and did not want to show an identity card so that the municipal police officer could not issue a misdemeanor report¹². Such events have evoked strong negative reactions in the public and adversely affected the reputation of the municipal police (as discussed in the last section). The public, however, had not been informed of any measures taken against municipal police officers who were responsible for such behavior (except in one case).

Serbian Ombudsman had recently pointed to a series of failures regarding procedures of Belgrade municipal police. Those remarks were made in his recommendations¹³, issued after the inspection procedure for the case in which the municipal police prevented a team of journalists to film the site of “Belgrade Waterfront”. This project is favored as one of the most important under the Government of Serbia, and involves the construction of a complex of office and residential buildings in the old part of the city, along the river Sava.

3. CHARACTERISTICS AND MANNER OF CONDUCT OF THE MUNICIPAL POLICE

The basic work methods of municipal police include (1) patrol activity (“organized direct presence in the areas of maintaining order” i.e. patrol touring of city parts, in patrols of two or more municipal police officers, usually one male and one female officer; (2) interventions upon citizens’ complaints or requests by the city authorities on suspicion of the committed offense against public order; (3) assisting the city inspection authorities and other city services at their request; (4) joint actions with city inspection authorities and services; and (5) other methods (duty, support, joined participation in traffic regulation control and with the police, etc.).

Communal police have got the duty call center, which receives requests from both the citizens and city authorities for intervening, directs field patrols and provides the necessary support in their work. In patrol work, municipal police officers monitor, track and register important events for maintaining the municipal order and intervene in case of violation of order. Information about events in which the communal police can intervene is obtained directly from the citizens and from the call center via radio communications. Patrol leader then defines the intervention plan and gives assignments to patrol members, and upon the completion of the intervention, as well as at the end of shifts, submits a report regarding the interventions and relevant observations on the communal order.

The municipal police are obliged to cooperate with the citizens, providing the necessary information, advice and guidance within their jurisdiction. Using proactive approach, noticing the events which may lead to an offense and taking care of security needs of citizens, it orients its activities towards solving community problems (problem-oriented work) and forming good relations with citizens and other community subjects.

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

13 The recommendations of the Ombudsman, dated 23 December 2015. see: www.ombudsman.rs/index.php/long-sr/2012-02-07-14-03-33/4502-2015-12-33-11-12-34.

Citizens' requests for the municipal police intervention outnumber those referred to the city authorities. This ratio typically ranges from 1:10 up to 1: 100 or more, which means that, in some cities, for any intervention undertaken at the request of the city authorities comes 10 to 100 or more interventions undertaken at the request of citizens. Those requirements are most often related to the problems of neighbour or restaurant noise late at night, parking cars on green areas, irregular garbage disposal and similar. Among the calls made by the citizens to municipal police, there were plenty of those not under the jurisdiction of this service, but of other city departments or state police. When it comes to requests for intervention directed by the city authorities, they usually refer to providing assistance in the execution of individual acts of city authorities, establishing the identity of an offender, or resolving a specific problem which is under the municipal police jurisdiction.

The prevailing problems that appear in the work of communal police differ slightly among cities, depending on the established priorities in this service and on the municipal order. By analyzing municipal police work it can be noted that the most frequent activities are the following: combating irregular sales of goods (i.e. selling goods outside the permitted area); preventing the unauthorized occupying of the public green and other areas, especially vehicles parking; controlling the order in public transport, specifically related to non-payment of transport tickets; disabling "illegal dumps" (i.e. improper disposal of garbage and other waste); maintaining public hygiene (in public and in residential areas); complying with regulations for residential buildings ("house rules"); abiding the working hours of catering, trade and craft facilities and controlling the music noise from cafes and restaurants; assisting the city authorities in the execution of individual acts (i.e. assistance in preventing illegal construction or other unlawful activities). Additionally, other important activities of municipal police in some cities were: control of taxi, suburban and special public transport, control of compliance with regulations on keeping pets and domestic animals, and other operations.

Along with state police, the municipal police participated or still participates in the implementation of specific preventive programs, such as programs of safety improvement for school children ("School policeman"), increasing the children's safety in traffic around schools, combating illegal drug trafficking among young people, more control of compliance with the ban on selling alcohol and cigarettes to minors, care of people (particularly children, young people and sick persons) that have no accommodation ("homeless"), and other programs.

Based on numerous claims, the five-year activity of municipal police has had a positive effect on reducing the number of offenses against public order, as well as certain types of crimes committed in public places. Although difficult to prove, it is generally argued that the increasing presence of municipal police officers in places where more violations of order and criminal offenses occur has a preventive effect, in that it discourages potential abusers of illicit behavior. When it comes to the number of reports submitted by the municipal police for committed criminal offenses, this number is not large but it certainly represents an important contribution in detecting these acts and their perpetrators.

The positive side of municipal police work is that its members relatively rarely resort to the use of force. And when these situations occurred, it was usually the application of physical force and use of means of restraint, but quite rarely the use of batons. This manner of work is a good thing and should be continuously maintained. Doing the job effectively and

lawfully is possible and highly desirable in developing good relations with citizens. And it should remain as a permanent tendency for all municipal police officers, especially due to the fact that almost every example of the use of force was met with rather harsh comments in public and was linked to bad examples and experiences in the work of the national police during recent times.

4. PUBLIC TRUST IN THE MUNICIPAL POLICE IN THE REPUBLIC OF SERBIA

Citizens of the Republic of Serbia generally have no trust in the institutions. Research conducted by Ipsos Strategic Marketing (Strategic) in November last year within the project Argus Beta news agency supported by the EU Delegation in Serbia, showed that public trust in most institutions was below 50%. As with the previous survey from February 2014, Serbian citizens had the most trust in the police 48% and the Serbian Government 48%. 59% of the citizen have no trust in the Serbian Parliament, 57% of people do not trust the media, and 61% of the citizens do not have trust in NGO, although in those areas, a slight decrease of confidence was recorded. The vast majority of citizens believe that the judiciary system in Serbia is not effective (82%), while 81% of the citizens disagree with the statement that the judiciary was independent of political influence and other interest groups. Most citizens (59%), believe that the laws in Serbia are worse than those applicable in EU Member States and are very badly or badly implemented. (GBR, ND). The (dis)trust of the citizens in local self-government stands in the middle, between the police and the military with the highest position on one side, and political parties with the lowest trust position, on the other. (Ipsos, 2014)

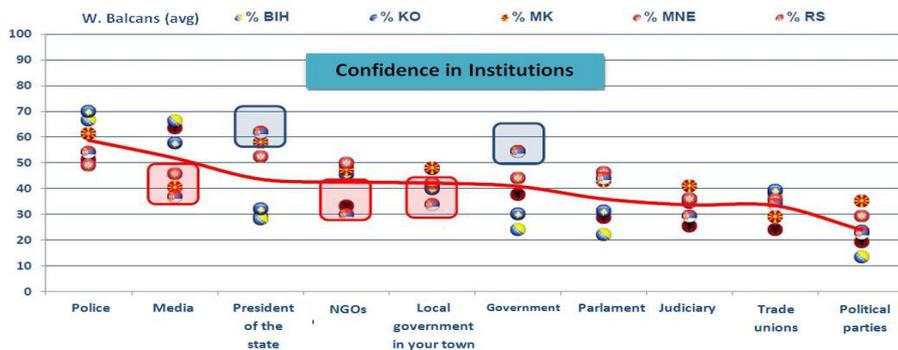


Figure1: Trust in the Institutions

Countries, L-R: West Balkans, Bosnia and Herzegovina, Republic of Kosovo, FYR Macedonia, Montenegro, Republic of Serbia.

Institutions, L-R: Police, Media, Head of State, NGO, Local City Administration, the Government, the Parliament, Judiciary System, Syndicates, Political Parties.

In this general context, the conclusions on the trust of citizens in municipal police can only be drawn indirectly due to the fact that this is a relatively new institution, not uni-

formly set, and, in particular, due to the lack of research. In fact, besides small scale sample surveys, which should be taken rather cautiously¹⁴, there have not been any systematic studies on public attitudes toward municipal police so far¹⁵.

According to the evaluations of some of the surveyed executives, municipal police had no support from the citizens. The citizens were ready to assist municipal police only to the extent of the solution to their current problem, but as far as the cooperation and support of the system were concerned there was neither willingness nor interest for it. The causes of such results are multidimensional and require specific research, but certainly they have a lot to do with the perception of communal police and the attitudes of citizens. According to the municipal police executives, the main causes of the negative attitude of citizens towards municipal police are unrealistic expectations of the citizens, unfamiliarity with the service jurisdiction, and negative media presentation. Certainly, the occasional inappropriate interventions, abuse of authority and other inappropriate behavior and at times even a political misuse of the service influence a great deal to the general trust of the public in the municipal police. Namely, from the standpoint of the politics, municipal police is often seen as a service which is always available and easily (miss) used for political purposes. On the other hand, there are some examples, as in the case of the municipal police of the city of Valjevo, where citizens are willing to cooperate with this service and, in return, it enjoys their full support.

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

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

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

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

Treatment of municipal police on the social networks is mainly polarized on the diametrically opposed views and impressions - from the harsh and ruthless criticism to the full support for this service. Attitudes certainly depend both from the municipal police and its methods as from the person who expresses them - personal values, interests and positions. The general impression is that the negative comments in the virtual space prevail, which is partly due to the fact that citizens who feel damaged and harmed by the municipal police are more than ready for this type of communication and sharing of experiences than those who were helped by the municipal police. When it comes to the presentation of municipal police on social networks, YouTube holds a key position since there is a possibility of posting multimedia files, and there are several hundred video clips on communal police. Besides the reports from local television, there is also the "citizen journalism" or videos clips posted by the citizens that almost always show this service in a negative light. It is not uncommon that people use their mobile devices to record the interventions of the municipal police and post those clips on YouTube. These are usually the cases of the use of force against citizens, especially against members of vulnerable groups (the elderly, the poor, the unemployed, women and juveniles) and against journalists, but some also show arrogance and disrespect of regulations by the members of the municipal police (e.g. improper parking of official vehicles, crossing the street outside the pedestrian crossing, sitting in a cafe during working hours on duty, etc.). Specially created video clips and music segments made in hip-hop and rap style, that in satirical and critical but also rather rough and insulting manner speak about the work of municipal police, its brutality, alleged links to the organized crime and being easily submissive by political influence can also be found¹⁶.

The situation is similar on Facebook, where communal police is a common theme within certain groups. There are mostly negative comments, but also some positive ones. And

16 such as <https://www.youtube.com/watch?v=Anae5BNmM20>.

civic activism has different forms in relation to the communal police. Thus, on the Internet, there is a petition addressed to the Government of the Republic of Serbia, the President of the Republic and President of the National Assembly of the Republic of Serbia, with a request to urgently cancel the communal police in all the cities on the territory of the Republic of Serbia because of the following reasons: does not meet the basic activity for which it was established; works far outside its entrusted jurisdiction; serves only to some political parties and personal interests of individuals; unlawfully applies improper use of force and coercive measures against citizens; it has no clearly defined mechanisms of control and thus stands out as a special paramilitary unit of repression and intimidation of citizens¹⁷.

On the other hand there is a petition on the Internet created to protect municipal police, whose author is Ana Jovanovic. It states that: "Municipal police officers are honest people who do their work for a salary, and have the tasks to perform. They work in three shifts and in the service of the citizens and the state. The media have created a chase against the municipal police and incurred the hatred that can be dangerous. We hereby ask you to stop the chase against the Municipal Police, as to what the media are doing is immoral and very dangerous. Please note that they are just doing their jobs for a small salary¹⁸."

As of January 2, 2016 a petition for the cancellation of municipal police was signed by a 3274 citizen, and a petition for its protection was signed by only two citizens.

CONCLUSION

The existence of the Municipal Police in Serbia has a long tradition. As far back as 1861, on the basis of the law, a night guard service was formed in Belgrade and other larger places. That service was under municipal jurisdiction. This local basis of the police organization remained as such until 1918. Additionally, the central police apparatus was gradually developed: a gendarmerie in Belgrade was formed in 1860, and introduced throughout Serbia in 1882.

In the period of socialist Yugoslavia (1945-1990), there were two types of police authority: the central authorities and the administrative-territorial units. At first, the municipalities (as the first instance) and districts (as the second instance of the administrative and self-government units) had a department of internal affairs. The municipal authority of internal affairs was the basic police authority for public security until 1990, specifically, until the breakup of the SFRY. The municipality had elected the mayors and financed the work of law enforcement agencies.

Since 1990, the entire police has been completely centralized at the state level, so the municipality lost its jurisdiction over local police authorities and any opportunity to interfere with their work.

From 2000 to the present, in the Republic of Serbia, a slow, uneven and interrupted overall process of the security sector reform has been in progress, including the segment concerning the police work. In that regard, so far only the so-called first phase of this process has formally ended, and it was conducted with resistance and in complex conditions

17 http://www.peticije24.com/peticija_za_ukidanje_komunalne_policije

18 http://www.peticije24.com/peticija_za_zatitu_komunalne_policije

in the domestic and international level¹⁹. Also, the process of establishing municipal police was slow

Firstly, in the Law on Local Self-Government and the Law on the Capital, which were adopted at the end of 2007, it was specified that both the city of Belgrade and other towns include the work of communal police in their jurisdiction domain. In particular, legal regulation of such service was provided by the Act on Municipal Police from 2009 and its forming and initial operation began by the end of 2010 and in early 2011. Communal police only exists in the cities, which with the city of Belgrade are a total of 24, but does not operate in the municipalities.

Among the key reasons that influenced the decision to introduce the communal police in Republic of Serbia, was the evaluation that this service is needed to overcome the difficulties in maintaining public order and improving efficiency in the implementation of city regulations, as well as contributing to solving increased security problems in the cities.

The community policing combines preventive and repressive actions, but is basically oriented towards prevention. Representation of preventive action can be seen in data on the frequency of authorizations usage for giving warnings as opposed to other authorizations usage of predominantly repressive nature. The prevailing problems that appear in the work of communal police differ slightly among cities, depending on the established priorities in this service and on the municipal order. By analyzing municipal police work it can be noted that the most frequent activities are the following: combating irregular sales of goods; preventing the unauthorized occupying of the public green and other areas, especially vehicles parking; controlling the order in public transport, specifically related to non-payment of transport tickets; disabling "illegal dumps"; maintaining public hygiene; complying with regulations for residential buildings; abiding the working hours of catering, trade and craft facilities and controlling the music noise from cafes and restaurants; assisting the city authorities in the execution of individual acts. Additionally, other important activities of municipal police in some cities were: control of taxi, suburban and special public transport, control of compliance with regulations on keeping pets and domestic animals, and other operations.

According to the municipal police executives, the main causes of the negative attitude of citizens towards municipal police are unrealistic expectations of the citizens, unfamiliarity with the service jurisdiction, and negative media presentation. Certainly, the occasional inappropriate interventions, abuse of authority and other inappropriate behavior and at times even a political misuse of the service influence a great deal to the general trust of the public in the municipal police.

In the end, the conclusion is that citizens are gradually getting used to the presence of communal police in their cities and municipalities, although there are many unknowns related to the functioning of communal police, which should be overcome through education of both citizens and better training of communal police.

19 Nikolić, G.(2016)., *Mesto i uloga OEBS-a u reformi policije u R Srbiji i državama bivše Jugoslavije*, Doktorska disertacija, Beograd, Fakultet bezbednosti, str.10.

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