

# POLICE PROCEDURE FOR HANDLING ORDERS AND REQUESTS ISSUED BY THE COMPETENT AUTHORITIES

Review Paper

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**Abstract:** In addition to the police duties set forth in Article 30(3) of the Law on Police (hereinafter referred to as Law), the police perform other duties and tasks established by law. A number of these duties pertain to the provision of assistance to other government bodies, primarily to the courts and prosecutors' offices in carrying out tasks within their scope of work, which consists of handling their orders and requests. To establish the amount of time police officers in the security sector spend on handling orders and requests, this paper presents sections of four surveys dealing with the engagement of police officers in performing these duties. The survey findings presented indicate that the police of the Republic of Serbia spend a considerable amount of working time on handling orders and requests and performing other tasks that are not directly related to the prevention and repression of crime. The fact that police officers are overwhelmed with an increasing number of orders and requests is, in addition to the survey findings presented, confirmed by the statistics of the Ministry of the Interior of the Republic of Serbia in the period 2010-2013, which is also presented in this paper. According to the statistical data, judicial authorities annually send over 101.000 requests for serving summons, about 435.000 orders for bringing in persons, and more than 100.000 requests for the verification of residence addresses, of which 75% pertains to field verification of residence addresses. The problem of spending most of the working time on handling orders and requests has been present for more than ten years in policing in the security sector. In resolving this problem, we propose to examine experience from other countries whose law enforcement agencies have entrusted some of their work to other government bodies or the private security sector.

**Keywords:** police, orders, requests, statistical data, working time

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## INTRODUCTION

In addition to the police duties set forth in Article 30(3) of this Law,<sup>2</sup> the police also perform other duties and tasks specified by law and by-laws. A number of these police duties and tasks pertain to the provision of assistance to other government bodies, competent courts and prosecutors' offices (hereinafter: assistance to the relevant authority) in carrying out tasks within their scope of work.

Assistance to relevant authorities should be distinguished from police assistance in the enforcements of out-of-court settlement procedures (hereinafter: police assistance).<sup>3</sup> The police render assistance to government bodies, or those with legal authority, during the enforcement of their duties when there is reasonable expectation for their assistance.

The fundamental differences between these two types of assistance is the time when it is rendered. Police assistance is rendered after the proceedings has been concluded by the relevant authority, when, after the final judgment, a decision on the execution have been reached and when the executive bodies have attempted to execute it. Unlike police assistance, assistance to the relevant authority is provided in the course of the proceedings.

The legal basis for the provision of police assistance is contained in Article 53 of this Law, while the legal basis for the provision of assistance to the relevant authority is provided for in Article 30, paragraph 3, item 12 of this Law.

Paragraph 3 of Article 30 contains police duties, while Item 12 of this Article stipulates that police duties also relate to the performance of other duties and tasks established by law and by-laws deriving from the law.

According to Slobodan Miletić, other tasks established by law and by-laws are deemed police duties if they are established as such by laws and other regulations. If this is not the case, it may be concluded that they are deemed police duties only if they meet the same criteria as other duties do. These criteria relate to: (1) nature, (2) character, and (3) the manner of performing police duties. By nature, and character, police duties refer to security and operational-duties, while (special) police powers are usually exercised in the performance of these duties. By the manner of performance, police duties are characterized by the specificity and immediacy of police procedure, the provision of security protection at the incident scene (police interventions on the spot). Unlike police duties, the aim of performing other internal affairs is not the direct protection of security – other internal affairs are, by nature and character, predominantly administrative and non-administrative affairs of the administration. Regarding the manner of performance, they are not characterized by the specificity and

<sup>2</sup> *Official Gazette of the RoS*, Nos. 6/2016, 24/2018 and 87/2018. See Article 30 of the Law on Police.

<sup>3</sup> For more details on the manner of rendering police assistance, see Articles 53-56 of the Law on Police.

immediacy of police procedure and may be performed by other agencies other than the police (Miletić, 2009: 45).

Police duties pertaining to uncovering and apprehending perpetrators of criminal offenses and misdemeanors as well as other persons wanted by the authorities and bringing them before the competent authorities, ensuring and analyzing evidence, conducting forensic analysis using modern forensic methods and records, require the exercise of police powers, for example, questioning suspects, collecting information from citizens, communications surveillance, forensic expertise, and the like.

According to the criteria listed by Miletić, solving crimes may be regarded as security and operational activities with police officers exercising their authority in the performance of these duties. In the case of the third criterion stated by Miletić, we believe that the concreteness and immediacy of the on-site procedure are not essential criteria for a certain duty to be regarded as a police duty. In the process of detecting and solving crimes, certain police powers are not exercised on the spot, (e.g., the questioning of suspects, communications surveillance, and the like). The same is true when handling orders and requests. Handling these legal documents requires the exercise of police authority, such as identity checks, conveying/bringing in persons, and sometimes the use of coercive means. Based on this explanation, we may say that the police duties are those duties whose performance requires the exercise of police powers and which are in the direct or indirect function of security.

More precisely, the obligations of the police in handling orders and requests are contained in the Misdemeanor Law<sup>4</sup>, the Criminal Procedure Code<sup>5</sup>, the Law on Execution of Criminal Sanctions<sup>6</sup>, Civil Procedure Law<sup>7</sup>, and the Law on General Administrative Procedure<sup>8</sup>.

In the literature as well as in the positive regulations, the notions of order and request have not been specified. In the *Dictionary of the Serbian Language*, the word *naredba* [Engl. order] is defined as: a) a legal act issued by the authority determining the obligations of the natural and legal persons over whom they are competent, b) in general, the request of one who has the power, military force and the like, which determines something as an obligation or command (Vujanić et al., 2007: 788).

Taking into account these meanings, the order can be defined as a legal act issued by the authorities, by which they order the competent authorities to execute certain actions for the purpose of concluding their proceedings. The

<sup>4</sup> *Official Gazette of the RoS*, Nos. 65/2013, 13/2016 и 98/2016-judgment by the Administrative Court.

<sup>5</sup> *Official Gazette of the RoS*, Nos. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014 .

<sup>6</sup> *Official Gazette of the RoS*, No. 55/2014.

<sup>7</sup> *Official Gazette of the RoS*, Nos. 72/2011, 49/2013-judgement of the Administrative Court, 55/2014 and 87/2018.

<sup>8</sup> *Official Gazette of the RoS*, No. 18/2016.

competent prosecutor's offices and courts may issue orders for the purpose of bringing in the defendant for the purpose of questioning him, if the defendant properly summoned does not appear after he or she has been served a summon, and his absence is not justified, or if the summon to attend the hearing could not be properly served. The grounds to act upon the orders of the competent prosecutor's offices and courts for bringing the defendant to the hearing represent the statutory solutions contained in the CPC<sup>9</sup>, while the grounds for bringing the defendant to the misdemeanor court are the solutions contained in the ML.<sup>10</sup> In addition to orders for bringing in persons in the course of the proceedings, the competent courts also issue orders for bringing in sentenced<sup>11</sup> or convicted persons.<sup>12</sup>

In the *Dictionary of the Serbian Language*, the word *zamolnica* [Engl. request] is defined as a written request/application from a court to another court to provide legal or technical assistance (Vujanić et al., 2007: 403). Starting from this definition, we can define *zamolnicu* as an application/request by a government authority addressed to another government body to provide legal or technical assistance, necessary for the initiation or conclusion of certain proceedings. The requests from government bodies addressed to the police primarily pertain to serving various decisions, judgments, summons, verifying residence addresses, and the like.

In police practice, orders and requests are handled by the general jurisdiction police and the execution of them represents secondary or service-related work. The number of orders and requests the police receive today is increasing and the substantial use of certain resources and time is required to execute them.

## SURVEY RESULTS ON POLICE PROCEDURE FOR HANDLING ORDERS AND REQUESTS

This section presents findings of three surveys conducted on the organization and policing in the area of the prevention and repression of crime – two surveys were conducted using a survey sheet, while the third survey was conducted by means of interviews. The study conducted by Ivan Đorović is also presented, including the observations of some commentators pointing to the police being overloaded with orders, requests, and other administrative work.

In order to comprehend the engagement of police officers in the security sector in performing police duties, in 2011, a survey was carried in two largest

<sup>9</sup> See Articles 195 and 196 of the CPC.

<sup>10</sup> See Articles 188 and 189 of the ML.

<sup>11</sup> See Articles 217–220 of the LECS.

<sup>12</sup> See Articles 53–58 of the LECS.

police departments within the Ministry of the Interior of the Republic of Serbia – the City of Belgrade Police Department and the City of Novi Sad Police Department.

The survey involved 415 officers employed in the general jurisdiction police, 260 police officers working on the territory under the jurisdiction of the Police Department in Belgrade (62% of the respondents), and 155 police officers working on the territory under the jurisdiction of the Police Department in Novi Sad (38% of the respondents).

Through the survey, the respondents were asked 20 questions regarding the procedure for handling orders and requests issued by the competent authorities, the preventive and repressive policing in the security sector, including the motivation of police officers.

The investigation encompassed the following police outposts in the Novi Sad Police Department: Stari grad, Detelinara, Klisa, Petrovaradin, Liman, and Futog, and three police stations within the City of Belgrade Police Department: Zemun, Stari grad, and Novi Beograd.<sup>13</sup>

The police officers interviewed were grouped into four groups according to their work experience in the police force. The first group consisted of the respondents with 0 to 3 years of work experience, the second group with 3 to 5 years of work experience, the third 5 to 10 years of work experience, while the fourth group consisted of the respondents with over 10 years of work experience. Of the 415 police officers surveyed, the largest number of them had over 10 years of work experience, accounting for 38.8% of the total sample, followed by police officers with working experience of 5 to 10 years accounting for 30.8%, then police officers with 3 to 5 years of work experience accounting for 13.5%, and finally police officers with 0 to 3 years of work experience accounting for 16.9% (Table 1).

*Table 1 – Distribution of respondents by years of work experience*

<i>Years of work experience in the police force</i>	<i>Number of respondents</i>	<i>Number of respondents in terms of percentages</i>
From 0 to 3 years	70	16.9 %
From 3 to 5 years	56	13.5%
From 5 to 10 years	128	30.8%
Over 10 years	161	38.8%
<b>Total</b>	415	100%

<sup>13</sup> For more details on this survey, see: Milidragović, 2016: 42–69.

The survey encompassed the police officers who were assigned to the following job positions in police outposts: police officers, sector chiefs, deputies of sector chiefs, shift chiefs (leaders), and assistant shift chiefs (leaders). The largest number of the respondents were police officers who accounted for 73.3% (or 304 respondents), shift chiefs (leaders) and assistant shift chiefs accounting for 13.5% (or 56 respondents), while the number of deputy sector chiefs accounted for 13.3% (or 55 respondents) (Table 2).

The majority of respondents, or 70%, had more than five years of work experience in the police force. The fact that more than two thirds of the respondents have significant work experience in the police force (5 years or over 5 years) gives a special value to the survey findings obtained (31% of the respondents have 5 to 10 years of service, while 39% of the respondents have over 10 years of service).

*Table 2 – Distribution of respondents by job position*

<i>Job position in the police precinct</i>	<i>Number of respondents</i>	<i>Results in terms of percentages</i>
Police officer	304	73.3%
Sector chief and deputy of sector chief	55	13.3%
Shift chief (leader) and assistant sector chief (leader)	56	13.5%
<b>Total</b>	415	100%

Of the total of 20 survey questions, the respondents were asked to provide answers to two questions about the procedure for handling issued orders and requests. Prior to responding to these two questions, the respondents were given the opportunity to declare themselves, by writing numbers 1 to 5 preceding police duties offered (securing public gatherings, suppressing crime – uncovering crimes and finding the perpetrators and persons wanted by the police; maintaining order and peace, handling orders and requests, and preventive visits to the security sector), about police tasks that take up most of the time during working time. Number 1 signified a duty requiring a high level of engagement, while number 5 referred to a police duty requiring the lowest level of engagement during a regular shift.

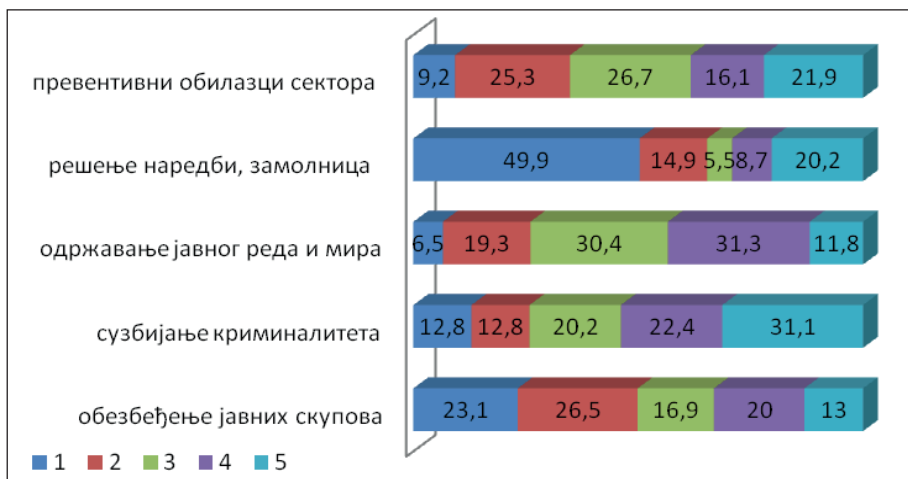


Figure 1 – Distribution of police officer working hours<sup>14</sup>

Of all the aforementioned duties performed on a daily basis, 49.9% of the respondents stated that they were engaged in handling issued orders and requests most of the time during their regular shift. With this distribution of forces and resources, the police become less engaged in performing priority police duties, primarily the prevention and repression of crime and the maintenance of public order and tranquility. An increasing number of orders and requests from competent courts and other government bodies place the police in the position of a courier service, which engages its forces and resources to perform these duties (Figure 1).

The fact that the lack of resources is equally bad for the police organization as well as their irrational use is often neglected. In this regard, the optimization of the engagement of available resources implies an analysis of the content of the work of police officers in the structure of their working time. For example, police officers spend a considerable amount of working time on performing duties which are not related to crime and the maintenance of public order and tranquility. Duties such as the conduct of background checks on job candidates, checks regarding firearms, handling requests from other government bodies (e.g., the verification of residence addresses) push preventive actions (e.g., visits to catering facilities where crimes and violations often occur, the creation and improvement of partnership relations with the members of a community, and so on) or detecting and solving crimes pushed into the background.<sup>15</sup>

<sup>14</sup> Translator's note: preventive patrolling around the sector, handling orders and requests, maintaining public order and tranquility, crime suppression, securing public events.

<sup>15</sup> The studies conducted so far in the United States demonstrate that activities related to combating crime and the forced enforcement of the law account for only 20% to 30% of the overall police work. Police officers spend 70% -80% of working time on the so-called. "social service work", rather than on the activities pertaining to combating crime (Banton, 1964: 6-7).

In order to see what amount of time police officer spend on performing such duties and tasks, the police officers were asked to indicate how much time they spend during the service (shift) on handling orders, requests, serving judgments and summons, verifying addresses and handling other requests from courts. Most of them (46%) responded that they spend more than 3 hours of their working time on performing these duties. Also, one-fifth of the respondents (20%) spend 1 to 2 hours on perform these duties during their shift, while 22% of the respondents spend 2 to 3 hours on performing these duties. Almost one in ten respondents spend up to 1 hour of their working time on these tasks (Table 3).

*Table 3. Results obtained from the question about the amount of time spent on handling orders and requests*

<i>What amount of time do you spend during the service (shift) on handling orders and requests from courts?</i>		
<i>Response options</i>	<i>Number of respondents</i>	<i>Results in terms of percentages</i>
Up to 1 hour	50	12%
1 to 2 hours	82	20%
2 to 3 hours	91	22%
Over 3 hours	192	46%
<b>Total</b>	415	100%

Bearing in mind the above issues, we may conclude that the performance of these duties represents a significant burden to police officers in urban areas, and, therefore, some other way to perform these duties has to be found so that it does not threaten the regular functioning of the police organization and the security within a certain territory. This view is supported by the results of the responses obtained from the question about the jurisdiction over handling orders and requests. The majority of the police officers (76% of the respondents) believe that the police should not perform these tasks (handling orders and requests), (Table 4).



*Table 4. Results obtained from the question about the possible transfer of jurisdiction over handling orders and requests*

<i>Do you think that handling issued orders and requests should be under the jurisdiction of a special organizational unit within the court (for example, judicial police or similar)?</i>		
<i>Response options</i>	<i>Number of respondents</i>	<i>Results in terms of percentages</i>
The police should not perform these duties	316	76%
The police should perform these duties	54	13%
No opinion	45	11%
<b>Total</b>	<b>415</b>	<b>100%</b>

It is necessary to seek to establish other services within the judicial bodies (e.g., the judicial police) to perform a number of duties currently performed by police officers (residence address verification, serving court judgments and decisions, assistance, and so on), or consider the possibility of engaging an auxiliary police force to perform these tasks in those police outposts/stations where these duties endanger the normal functioning of a police organization.

In analyzing the problems of policing in the local area in 2008, Radoslav Plachkov concluded that police officers spend most of their working time conducting background checks on job candidates and for firearms, assistance, handling requests from other government bodies often related to verifying residence addresses and orders issued by misdemeanor bodies to convey a person for failure to pay a mandatory fine, amounting to several thousands in one city sector on a yearly bases, and the like (Plachkov, 2008: 136–137).

In 2004, Kešetović reached the same conclusion. In analyzing policing, Kešetović concluded that an increasing number of obligations imposed on police officers (leaders of the security sectors and the police in the security sector) makes it difficult for them to carry out their main task – the prevention of, and combating crime. Based on the analysis of the tasks they perform, Kešetović concluded that police officers spend 60% to 80% of their working time on performing tasks that have nothing to do with combating crime (Kešetović, 2004: 526).

Based on the survey conducted and the analysis of the manner police officers spend their working time in the police outposts within the headquarters of the police department in Kragujevac, Đorović concludes that 30% of working time could be “freed” in this way and used for other purposes, such as the greater involvement of police officers in the content of the community policing concept (Đorović, 2011: 232).

In the period from March to June, 2014, an interview was conducted with the leaders of organizational units in charge of organizing and monitoring

community policing. Also, during the same period, a survey was conducted in all 27 police departments on the organization and work of the general jurisdiction police in the prevention and repression of crime, as well as on certain factors impeding their work.<sup>16</sup>

The interview was conducted with the chiefs of the Department for Organization, Prevention, Training and Community Policing in Novi Sad, Kragujevac, Niš, in the regional police departments, then with the Chief of the Department for Prevention and Community Policing within the City of Belgrade Police Department, and with the Chief of the Department for Prevention and Community Policing in the Police Department within the Police Directorate Headquarters.

The respondents were asked a total of 15 questions about the representation of community policing in the general jurisdiction police and the effects and problems in policing. In responding to the question about the representation of preventive work in the security sector, all the respondents emphasized that preventive work was under-represented, primarily due to an increasing number of tasks related to orders and requests, followed by a small number of police officers in police outposts, the inappropriate organizational structures of the police, the lack of knowledge on prevention and policing, as well as the focus which has been placed on handling daily or short-term problems.

A total of 359 police officers were interviewed through the survey questions. Leaders within the Police Department (chiefs, deputy chiefs, department leaders), in the police stations/outposts (commanders, deputy and assistant commanders) and ranked officers in the Police Department participated in the survey.

More than half of the police officers interviewed, 188 out of 359 (or 52.4%), were leaders within police stations/outposts (commander, deputy and assistant commander), at least 33 (or 9.2%) of the respondents were heads/leaders within the Police Department (chief, deputy chief, department head). There were 138 (or 38.4%) ranked officers in the Police Department.

In responding to the question about the representation of preventive activities in daily policing, the largest number of respondents (310 of 359) said that preventive activities are not represented. The respondents were offered the opportunity to express themselves regarding the factors that, in their opinion, affect the under-representation of prevention in daily policing. The largest number of respondents, 285 out of 310 (or 79.4%), believe that preventive activities are not represented in the daily work of the police due to the overload of the police with tasks such as serving requests and handling orders issued by the competent bodies.

Based on the survey findings and the observations of the mentioned scholars, the question arises as to whether such an organization of police work can successfully meet the citizens' expectations who finance the police

<sup>16</sup> For more details, see: Милидраговић, 2016.

through taxes and whose interests it should serve. In order to control crime, the police must enter the pretext of crime to see and act on the causes and conditions leading to its occurrence. However, as these causes and conditions are, as a rule, out of the reach of police action, there is also a need for the mobilization of other entities in the society in order to jointly counter crime. The moment it became clear that the police alone could not counter crime, primarily those factors affecting the quality of life of citizens, it became clear that the partnership with the community and other stakeholders became an important element in the exercise of police functions.<sup>17</sup>

If we consider the fact that many problems requiring police action arise and manifest themselves in the local community, then establishing and maintaining partnerships with the community is a prerequisite for the efficient operation of a police organization. This is the reason why it is necessary to create organizational preconditions in police work that will enable that. Therefore, the implementation of the concepts of community policing and problem-oriented<sup>18</sup> work should be restored, which have been largely neglected in our country, and whose significance in modern police practice has long been confirmed.

The survey findings presented demonstrate that the Serbian police are largely engaged in “courier” and other activities that are not related to the prevention and repression of crime. This type of the organization of police work requires changes in the organization of work, the establishment of partnership relations with the community, and the implementation of the concept of community policing.

## STATISTICAL INDICATORS FOR POLICE PROCEDURE FOR HANDLING ORDERS AND REQUESTS

An increasing number of orders and requests served to increase work loads of police officers, which, in addition to the survey findings presented, has been confirmed by the statistics of the Ministry of the Interior of the Republic of Serbia in the period from 2010 to 2013.

<sup>17</sup> Community policing places an emphasis on prevention as a primary task of the police. It is based on the strategy of communication, cooperation and police reliance on citizens, while at the same time maximizing the restriction of the use of force and replacing it with assertive and partnership action (Bayley, 1990: 85). The concept of community policing involves the association of citizens and police in the fight against crime, that is, the performance of police affairs with the partnership of the police and community in order to reduce crime and increase security in the local community (Champion, 2003: 2).

<sup>18</sup> Incidents, which are a core part of policing (interventions), are only the symptoms (consequences) of the problem and will continue to manifest themselves as long as there are causes and conditions that generate them. Therefore, within a problem-oriented approach, police action does not end with the “resolution” of incidents (e.g., filing criminal or misdemeanor charges against the perpetrator), but continues with the aim of identifying the hidden causes and conditions leading to their occurrence (Milić, 2012: 125).

According to the 2010 records of the Ministry of the Interior of the Republic of Serbia, there has been an increase in the number of requests from competent courts and prosecutors' offices to render them the necessary assistance in criminal and misdemeanor proceedings. Compared to 2010, the number of requests to serve a summon during the misdemeanor proceedings increased by 42% in 2013, while the number of requests to serve a summon during the criminal proceedings in the same period increased by 55.2%.

In the period from 2010 to 2013, police officers served 3,705 summons issued by misdemeanor courts and 4,319 summons from the prosecutors' offices and courts in charge of conducting criminal proceedings on a monthly basis. In the same period, the general jurisdiction police served more than 80% of the summons sent by misdemeanor courts and about 95% of the summons sent by the prosecutors' offices and courts in charge of conducting the criminal proceedings. During the studied period, the largest number of requests to be served were reported in the area of the City of Belgrade Police Department (approximately 1,700 requests received on a monthly basis), and the least number of summons was reported in the area of the Police Department in Prijepolje (32 summons on a monthly basis).

In the same period, the police received, on average, 27,909 orders issued by misdemeanor courts on a monthly basis, of which the police executed approximately 21,376 orders on a monthly basis. In contrast to this, the number of orders received from the courts in charge of conducting criminal proceedings was much smaller, and, on average, it amounted to 8,376 orders on a monthly basis, of which police officers executed, on average, 6,994 orders. During the studied period, the Serbian police received, on average, 8,334 requests to verify residence addresses, of which police officers executed, on average, 6,780 requests on a monthly basis.

In addition to the requests from competent courts and other government bodies to handle orders and requests, members of the general jurisdiction police also handle requests from other organizational units (traffic police, criminal police, and other units) regarding the serving of decisions on the sentence and statements on the imposed protective measures and security measures, requests to seize the passport, conducting security screening for citizenship application, background checks on job applicants, as well as submitted applications to keep and carry a weapon.

During the studied period, members of the general jurisdiction police conducted 2,542 security/background checks (application for citizenship, admission to employment with the Ministry of the Interior, and background checks for a weapon) on a monthly basis, of which they executed, on average, 258 orders to seize the passport.

Handling requests issued by the competent courts is significant and seems to be a specific duty within the scope of work of the general jurisdiction police, because without the proper serving of court summons or

finding and apprehending the defendant, it is not possible to conclude the criminal proceedings. Based on the content of the request (serving summons, judgements, executing orders, and so on.), it may be concluded that the general jurisdiction police were engaged in all phases of the misdemeanor and criminal proceedings, which is illustrated by the fact that the judicial bodies annually delivered approximately 101,000 requests to serve summons and approximately 435,000 orders to convey persons, as well as over 100,000 requests to verify residence addresses, of which 75% pertains to field verification of residence addresses.

A large number of requests to the general jurisdiction police are also sent by other organizational units within the Ministry of the Interior. Members of the general jurisdiction police annually act, on average, in 3,925 cases upon the order to seize the passport and undertake 30,000 security screening for citizenship applications for, background checks on job applicants, and background checks pertaining to weapons. At the request of the traffic police, members of the general jurisdiction police serve about 71,000 decisions and almost 30,000 statements on imposed protective measures and security measures.

The survey results presented and the statistical data of the Ministry of the Interior of the Republic of Serbia on police procedure for handling issued orders and requests demonstrate that police officers are overloaded with these duties on a daily basis, pushing the tasks of prevention and repression of crime into the background.

## CONCLUSION

The general jurisdiction police today, as well as several years back, spend a large amount of the available working time, forces and resources on handling requests issued by the competent prosecutor's offices, courts, and other government bodies and organizational units within the Ministry of the Interior.

In addition to the large number of orders and requests delivered, normative and practical problems have been identified in practice, making police officers' work more difficult. Police procedure for handling orders and requests indicates an overwhelming administration, starting from the receipt of requests, followed by making entries into police registers, verifying the justification and accuracy of data, organizing work, handling requests in the security sector, making reports on actions taken, responding to submitted requests, work control, and the like.

Police procedure for handling orders and requests is not prescribed the Law or any by-laws whatsoever. The Misdemeanor Law, Criminal Procedure Code, Law on General Administrative Procedure, and Law on the Execution of Criminal Sanctions only state the obligation of the police to provide

the necessary assistance for the performance of duties that fall under the jurisdiction of prosecutors' offices, courts, and other bodies.

Prior to the enactment of the current Law on Police, in practice, the problem of fictitiously registered persons at specific addresses was particularly evident, as well as the problem of finding these persons, because they seek to avoid or hinder the execution of orders and avoid being served summons, decisions, and similar documents in various ways, which is why the police often act regarding the same person.<sup>19</sup>

In practice, it has been noted that the competent courts send a large number of orders and requests to the territorially competent police department to be handled within tight deadlines, which is why sometimes additional forces and resources are engaged at the same time, only for the performance of these tasks.

In addition to the above mentioned problems, subsequent problems are present in practice as well: upon the request sent, the judicial authorities do not provide information that an attempt to serve a summon has been made through the relevant courier services; requests to serve a summon contain only the name and surname of the person and no other data is provided, which makes it difficult for police officers to find that person; the Misdemeanor Law allows the person being conveyed to the court to pay a fine in several installments and, in the event that a person does not pay the installments properly, the court issues an order to convey that person again, consequently, some persons have been conveyed several times; the working time of the acting judges is exclusively in the morning, which sometimes makes it difficult for police officers to find a person; in some police departments, the remoteness of the local competent courts represents a problem as well.<sup>20</sup>

In resolving these problems, normative and practical mechanisms should be undertaken. The Law and by-laws should precisely regulate the obligation and the manner in which police officers handle orders and requests. Within practical measures, the possibility of introducing, in cooperation with the judicial bodies, an electronic information system for keeping various records should be taken into consideration.

Finally, experience from other countries whose police have entrusted some of their affairs to other government bodies or the private security sector should also be considered.

<sup>19</sup> It has been noted that the persons for whom a warrant of apprehension has been issued by the competent court, find out the date of the main trial from their lawyers or otherwise, and if it is not in their interest to appear in court on the date stipulated, they leave the house and go outside the city or visit a doctor on that day. Under the new Law on Police, the police may issue a wanted notice for a person for whom the misdemeanor court has issued a general order of apprehension (Article 59, paragraph 4, item 2 of the Law).

<sup>20</sup> This problem arose following the reform of the judiciary in 2010, when a new network of courts was established.

In the Republika Srpska, the Federation of Bosnia and Herzegovina and the Brcko District, the judicial police was established under the Law on Judicial Police.<sup>21</sup>

The judicial police in the Republika Srpska is competent to assist in the work of the Supreme Court, the Higher Commercial Court, district courts, basic courts, and district commercial courts. The judicial police of the Republika Srpska, within its competence, performs tasks related to information security, bringing in witnesses and expert witnesses by force, forcibly bringing in suspects, accused and convicted persons, the transportation of persons to penal institutions, the enforcement of court decisions, securing courts and prosecution facilities, securing judges and other court officials, the maintenance of order in the courtroom and other court premises during a trial.

In addition to handling orders and requests issued by competent prosecutors' offices and courts, the Serbian police perform other tasks which, in Bosnia and Herzegovina, fall under the jurisdiction of the judicial police, such as securing persons during the investigative hearing conducted by the investigative judge, who are brought after the detention period has expired, the transportation of persons against whom a detention order is issued by the investigative judge to penal and correctional institutions where the detention is carried out, the transportation of persons found on the basis of a wanted notice to the competent court authorizing the search.<sup>22</sup>

By establishing the judicial police within the territory of the Republic of Serbia, the general jurisdiction police would be relieved of a portion of the "courier" affairs. Working time and resources spent on performing tasks at the request of the prosecution and the court would focus on primary police affairs, the prevention and repression of crime, which would reflect on the safety of citizens and their property.

<sup>21</sup> For more details on the organization and work of judicial police in Bosnia and Herzegovina, see: <https://sudpol-fbih.pravosudje.ba/>, <https://ossud-brckodistriktbih.pravosudje.ba/vstv/faces/kategorijevijesti.jsp?ins=90&modul=7254&kat=7285&kolona=7269>, <https://sudpol-rs.pravosudje.ba/>. Retrieved on January 25, 2019.

<sup>22</sup> For example, if a person is found by police officers in the city of Subotica based on the order of apprehension issued by the High Court in Leskovac, they are obliged to bring the person to the court premises in Leskovac. In the event that a judicial police was established in the Republic of Serbia, the person found on a wanted notice would be handed over to the nearest judicial police unit which would then bring the person to the court in Leskovac.

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