
Legal Regulation of the Slovenian Police and the Municipal Warden Service

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Saša Kuhar, Bojan Tičar

Purpose:

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

Design/Methods/Approach:

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

Findings:

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

Originality/Value:

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

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

Pravna ureditev slovenske policije in občinskega redarstva

Namen prispevka:

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

Metode:

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

Ugotovitve:

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

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

Izvirnost/pomembnost prispevka:

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

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

1 INTRODUCTION

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

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

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

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

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

2.1 The Constitution of the Republic of Slovenia

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

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

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

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

2.2 Laws and Delegated Legislation

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

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

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

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

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

3 LEGAL REGULATION OF THE SLOVENIAN POLICE ON THE STATE LEVEL

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

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

3.1 Three-tiered Organisation of the Police

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

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

3.1.1 The General Police Directorate

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

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

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

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

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

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

3.1.2 Police Directorates

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

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

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

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

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

3.1.3 Police Stations

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

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

4.1 Regulation of the Police on the Local Level

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

4.1.1 Police Stations

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

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

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

Larger police stations have:

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

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

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

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

4.1.2 Police Precincts

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

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

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

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

4.1.3 Police Office

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

4.2 Municipal Warden Service

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.3.1 Police

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

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

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

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

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

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

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

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

4.3.2 Municipal Warden Services

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

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

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

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

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

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

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

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

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

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

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

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

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

5 CONCLUSION

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

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

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

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About the Authors:

Saša Kuhar, M.A., is a Researcher, Assistant in Criminology and a Ph.D. student at the Faculty of Criminal Justice and Security, University of Maribor, Slovenia. E-mail: sasa.kuhar@fvv.uni-mb.si

Bojan Tičar, Ph.D., is a Professor of Law at the Faculty of Criminal Justice and Security, University of Maribor, Slovenia. His research work takes place in the fields of administrative and corporate law. E-mail: bojan.ticar@fvv.uni-mb.si