

Municipal Warden Services in the Pluralised Policing Environment in Slovenia

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The internal security system in Slovenia has changed significantly over the last 25 years. Policing is getting more pluralised, and there are organisations, which were not established for the purpose of policing but their tasks, nature of work, and special powers make them “new police forces”. If numerous private security firms and private detectives are added to the police, municipal warden services, judicial police and customs services, the present situation of policing in Slovenia can be easily defined as plural. Among the aforementioned public/state/local managed policing-security-control organisations, municipal warden services are quite young organisations, with few employees, but more and more influential and present in the everyday lives of citizens since their tasks and powers are broadening. It is yet to be seen whether these organisations will cause a decisive shift toward de-centralisation and de-monopolisation of public policing which would be characterised by the creation of a city police.

Key words: municipal warden services, plural policing, police, judicial police, customs services, private security, private detectives

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1 Introduction

In Slovenia, one often gets the impression that the lay public and even some representatives of the professional (police) public believe that only the (state) police performs policing and that this is the only public body that provides security and public order. Such opinions do not leave much room for other bodies that ensure security and social control, and does not contribute to the development of new theoretical and practical concepts of policing. This does not mean that in Slovenia there is a mono-policing. On the contrary, in the last 25 years, when there was socio-political and economic transformation from socialism to liberal democracy of the western type (and at the same time Slovenia gained independence from Yugoslavia), there began to emerge various state/public, local, and private organizations, and individuals performing tasks related to policing, ensuring security and social supervision. In many but not all countries (de Waard, 1999), such organizations and individuals are usually granted “special powers” (Button, 2007: 114) “that are greater than those of ordinary citizens”³ (Wakefield, 2005: 534), and which are suspiciously reminiscent

of the responsibilities and powers of the police. In Slovenia, elements of policing are found not only in the public police, but also in customs, judicial police, prosecution services, intelligence and security service of the Ministry of Defence, military police, municipal warden services and, finally, with private security and private detectives.⁴ Such hybrid police organisations (Johnston, 1992; Ponsaers, 2001) actually create/represent a pluralist model of modern policing or plural policing (Crawford, Lister, Blackburn, & Burnett, 2004; Donnelly, 2013; Jones & Newburn, 2006; Stenning, 2009).

This paper will briefly present the plural police family in Slovenia, and later will focus primarily on municipal warden services. Its historical development will be briefly discussed, including its foundation in the years of the socialist political system. The focus will be on the current normative-legal, organizational, and functional arrangement of municipal warden services, and issues and dilemmas that still need to be answered in Slovenian society. This certainly includes the issue of further development of municipal warden services, which can also lead to the creation of some kind of city/municipal police forces, under the direct authority of city mayors. This would definitely mean de-centralization and de-monopolization of policing, since the Slovene police, which are very centralised, still play the most dominant role in Slovenian internal security system.

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³ For example, powers to stop, to search and seizure, to detain a person, to use arms etc.

⁴ In Slovenia, the English version “private detective” [zasebni detektiv] and not “private investigator” [zasebni preiskovalec] is mostly used.

2 Plural Policing in Slovenia

In the following sections, some of the major organizations of plural policing, divided into public and private, will be presented. The main public organizations include the police, customs, judicial police, and municipal warden services, while private organizations include private security firms and private detectives and their agencies (Table 1).

Table 1: Number of employees in organisations of plural policing in Slovenia

| Organisation | Number |
|---------------------------|---------------------------------------|
| Police officers | 6.991** |
| Customs officers | 1.133 ⁵ |
| Judicial police officers | 531* |
| Municipal wardens | 169* |
| Private security officers | 6.392**; 149 private security firms** |
| Private detectives | 86** |
| Total | 15.302 |

* Data from 2014, ** Data from 2015

Source: Detektivska zbornica RS, 2015; Finančna uprava RS, 2015; Modic, Lobnikar, & Dvojmoč, 2014; Policija, 2015; Uprava RS za izvrševanje kazenskih sankcij, 2015

Although it was impossible to obtain precise data on the actual number of employees in all organizations, it is evident that in some sort of police, supervisory, investigative, or security activities, there are some 15.302 employees; roughly 1 security professional for every 135 inhabitants. The most numerous are police officers, but private security officers are not far behind and they are slowly catching their “big brothers” (Meško, Nalla, & Sotlar, 2005). The ratio between the number of police officers and private security officers is approximately 1.09, or 0.91 private security employees to each police officer. The growth of private security officers in Slovenia recently is more a result of the fact that this economic branch started to develop only some 25 years ago, when the country changed its socialist political and economic system into a western style liberal democracy. Private property was developed slowly as did the need for its protections (Sotlar & Čas, 2011), and as a result, it is possible to claim, even today, security is still understood among most of the people as a need and value, and not so much in terms of a good and commodity (Goold, Loader,

& Thumala, 2010). But experts and owners of private security firms understand very well that (private) security is first and foremost about buying and selling – not security itself but the feeling of safety.

2.1 The Police

The police, working under the auspices of the Ministry of the Interior, still play a key (supervisory) role in providing security, public order, and crime prevention. In March 2015, there were 6.991 police officers (5.303 uniformed and 1.688 non-uniformed police officers, including criminal investigators), or one police officer for every 295 inhabitant. There are also 1.063 civilians working in the police (Policija, 2015). The police are a centralised hierarchical organisation, with a dominant position in the Slovenian security system, and their role and tasks are clearly prescribed by two “police” acts and many regulation acts. The national police force is organised into state, regional, and local levels. Police tasks at the state level are performed by the General Police Directorate, which is the highest body within the police organisation, represented by the Director General of the Police. The Director General is appointed by the Government and responsible to the Minister of the Interior. Since 2011, there have been 8 Police Directorates (regional level), responsible for organising police operations and criminal investigations, and coordinating police activity at the local level. These activities are performed by police stations which are autonomous when they enforce the laws, while on the other hand they receive instructions from the Police Directorates and from the General Police Directorate about the implementation of different policies and strategies. There are several different kinds of police stations - (general) police stations, traffic police stations, border police stations, maritime police stations, airport police stations, mounted police stations, service dog handler stations, and police stations for compensatory measures (Meško, Lobnikar, Modic, & Sotlar, 2013).

2.2 Customs Service

As in many countries, the Customs service is affiliated with the Ministry of Finance. In 2014, the Customs Administration became part of the newly established Financial Administration of the Republic of Slovenia (by merging the Customs Administration and the Tax Administration); a total of 1.133 employees worked in the Customs service, but the number of operational customs officers is logically significantly lower (Finančna uprava RS, 2015).

The Customs service was established primarily as a financial instrument for the protection of the domestic economy (Sotlar, 2010). Among other tasks, the prevention and detection of customs and excise offences and other criminal offences, is

⁵ This number represents all employees in Customs service. Customs service is from 2014 on part of Financial Administration of the Republic of Slovenia.

one of the most important. In order to be able to perform these tasks, customs officers are given certain special powers, similar to those of police officers (e.g. to stop, search, and seize, to wear arms), which describes the Customs service as “non-police police organisation”. With its executive functions and powers, the Customs service contributes to the efficiency of the internal security system, and in cooperation with the police, or alone, it plays an important role in monitoring, detecting, and preventing crimes and offences related to trafficking drugs, weapons, human materials, nuclear materials, and other materials necessary for the manufacture of weapons of mass destruction. The Customs service has well organised, trained and equipped mobile units that perform inspections of passengers, vehicles, and goods, and together with the police, they participate in pre-arranged and coordinated tasks of arresting smugglers at border crossings (Sotlar, 2010). Since customs officers recently are also used as toll supervisors at motorways for detection and prevention of moonlighting etc., the Customs service is sometimes seen even more intrusive than the police.

2.3 Judicial Police

The Prison Administration of the Republic of Slovenia, affiliated with the Ministry of Justice, is responsible for the management and control of 6 prisons and correctional facilities for minors and young adults. With the Act Amending the Enforcement of Criminal Sanctions Act (Zakon o izvrševanju kazenskih sankcij [ZIKS-1], 2008), prison guards were re-named as “judicial police officers” and the Judicial Police were created. In 2014, there were 531 such officers (Uprava RS za izvrševanje kazenskih sankcij, 2015), who also provide security to the Ministry of Justice, courts, and to the office of the state prosecutor. In fact, they are not just called “police officers”, but they actually have similar tasks and powers to those of police officers. Contrary to police officers, however, they can perform their duties only in prisons and in some facilities owned by the Ministry of Justice. For example, they can give orders, conduct a strip-search of a prisoner, search his/her prison cell and luggage, determine identity, conduct security checks and luggage searches of visitors to prisons and other facilities that belong to the Ministry of Justice, and use physical force and coercive means, in some cases including firearms with life less dangerous ammunition, etc. (ZIKS-1, 2008).

The primary tasks of judicial police officers are to prevent prisoners from escaping and to maintain order and security within the prison walls, and they try to prevent criminal offences related to drug and other illegal items smuggled into the prison, as well. Another of their tasks is to prevent possible connections between prisoners and organised crime groups or potential influences and threats to witnesses from their prison cells. Briefly stated, they aim to prevent the prisoners

and detainees continuing their illegal actions. In addition to this direct impact, it is necessary to mention the indirect effect the Prison Administration of the Republic of Slovenia has on the security of society, which is seen as a prisoner rehabilitation process. If successful, this process can substantially prevent new criminal offences, committed by ex-offenders (Sotlar, 2010).

2.4 Private Security Firms

The term “zasebna policijska dejavnost” which would be a correct translation of “private policing” is rarely used among experts in Slovenia and even more rarely in public discourse. The term “zasebno varovanje” (but also “zasebno varstvo” and “zasebna varnost”) which would be equivalent of “private security” is used more often (Sotlar, 2010). This term covers a wide range of security activities and services that are not provided by the state and, as such, relates to de Waard’s (1999: 144-145) “private security industry”. According to the Private Security Act (Zakon o zasebnem varovanju [ZZasV-1], 2011), 8 forms of private security exist in Slovenia all of which require licences, granted by the Ministry of the Interior. Private security firms may apply for one or more licences for the following forms of private security: (1) protection of people and property, (2) protection of persons, (bodyguarding), (3) transportation and protection of currency and other valuables, (4) security at public gatherings, (5) security at events in catering establishments, (6) operation of a security control centre, (7) design of technical security systems, and (8) implementation of technical security systems. In 2015, there were 149 registered private security firms⁶ of which only a few of the largest possessed all 8 licenses (Ministrstvo za notranje zadeve, 2015). It is important to add that police officers are not allowed to work for private security firms or in the field of private security, even when they are not on duty. The police participate in some of the aforementioned events only when they are obliged by law, otherwise they cannot compete in security market with private security firms.

In 2014, private security firms together employed 6.473 private security officers and other personnel (Slak, 2014), and in 2015 there were 6.392 active private security officers,⁷ who are granted (“special”) powers that go beyond the powers of regular citizens. In special circumstances, defined by the Private Security Act (ZZasV-1, 2011), private security officers may (in the public or private area they protect):

⁶ First private security firms were established in years 1989 - 1990 (Sotlar & Čas, 2011).

⁷ Data was obtained directly from a high ranking official of the Ministry of the Interior of the Republic of Slovenia.

- warn a person,
- give verbal orders,
- determine the identity of the person,
- examine the surface tops, the inside of the vehicle, and baggage of the person entering or leaving the protected area,
- prevent a person entering or leaving the protected area, detain a person who has been found committing an offence,⁸
- use physical force,
- use ‘coercive means’ (firearm,⁹ handcuffs, gas sprayer, service dogs¹⁰), and
- use other measures if this is prescribed by law in the field of security of airports, casinos, and nuclear facilities, and use technical security systems (e.g. video surveillance systems).

Bearing all these powers in mind, one can conclude that private security officers share to a certain extent in the monopoly of legal violence.

Private security personnel perform various jobs, as security officers (including bodyguards), security technicians, security control centre’s operators, authorised engineers of security systems, and security managers (ZZasV-1, 2011). For all of these, a training programme is prescribed by the state in terms of both the content and duration. For example, a minimum of 54 hours of training is prescribed for guards (for the less demanding jobs) and 152 hours for bodyguards. Successfully completed training programme is one among conditions for obtaining license of private security personnel. Currently there are 6 private schools with granted public authorities which carry out the training programmes for private security officers.¹¹

3.5 Private Detectives

Private detective activity in Slovenia developed simultaneously with private security, but is much less prevalent. It is regulated by the Private Detective Activities Act (Zakon o detektivski dejavnosti [ZDD-1], 2011), which defines it in the

Article 2 as a “gathering, processing, and conveying of information and advising regarding crime prevention, performed for customers’ needs by detectives who are granted licence in accordance with the Detective Activities Act”. According to the Act, detective activity is an economic activity, which is regulated by the Republic of Slovenia “in order to protect public order, public security, personal security, and the dignity of clients, third parties, and the detective who directly performs the activity.” Methods of gathering information – which is what detectives do – are legally defined as entitlements. A private detective is entitled to collect data directly from persons or publicly accessible sources, to acquire data from records, to engage in surveillance, and to use some technical means (e.g. photo and video camera, alcoholmeter, audio recorder, etc.) (Sotlar & Trivunović, 2012).

Private detectives perform their activities as individual professionals, but they can also work in detective companies or in other companies that have registered detective activity in the Slovenian Business Register. In 2015, there were 87 registered detectives (Detektivska zbornica RS, 2015) who work individually or in some 10 detective agencies.¹² The Slovenian market is without special restrictions open to detectives who have citizenship in the EU or EEA countries, and the Swiss Confederation, while detectives from other countries can work in Slovenia on the basis of reciprocity. Speaking the Slovenian language is no longer a condition for foreign detectives who want to work in Slovenia.

Detectives perform their activities solely on the basis of a written authorization from a client, which describes the area for gathering information, the purpose of gathering information, and the scope of authorisation. They can obtain information directly from a person, to whom the information relates, or from other persons who have such information and are willing to give it voluntarily, and from publicly available sources. In general, detectives try to find market niches and specialise in accordance with the type and range of demand in the marketplace (e.g. investigation of sick-leaves violations, travel costs violations, insurance fraud, violation of competition clause, checking the effectiveness and credibility of a potential business partner, preventing the leak of confidential information, especially hi-tech data, and even prevention of classical economic espionage). Detectives may also perform advisory functions for individuals, legal persons, and public authorities in the field of combating crime, and plan and implement the protection of business secrets, information systems, economic and personal data and information (ZDD-1, 2011).

⁸ A security officer may detain a person until the arrival of the police but for no longer than two hours.

⁹ When performing private security tasks, a security officer, except for a security watchman, may carry a firearm in accordance with the act regulating the possession and use of weapons (ZZasV-1, 2011). It is estimated that only some 10 % of all jobs in private security industry require carrying and use of firearm.

¹⁰ In protected area, a security officer may use a specially trained service dog and use its sense of smell or sight to determine the presence of a person or substance. The dog must be muzzled, on a leash and under the direct control of the security officer (ZZasV-1, 2011).

¹¹ There are also couple of public secondary schools providing private security related programmes for pupils.

¹² There is no official data about the number of detective agencies/firms since they are not prescribed by law. What is prescribed is that such agency/firms must employ detectives with licenses.

3 Municipal Warden Services

3.1 The Origin

The first major milestones of the development of municipal warden services in Slovenia date back to 1963 and 1974, after some constitutional changes were made. These changes redefined the role of municipalities, giving them more autonomy in relation to the central government. On the basis of these changes, Ljubljana, the capital of Slovenia, employed (on a part-time basis) the first municipal warden (Čelik, 2005). In the context of the System of General People's Defence and Social Self-protection,¹³ the National protection organisation was established in 1976, which in local communities and labour organizations took care of protecting working conditions, domestic property and facilities of common interest (e.g. streets, squares), law and order, and ensuring a safe and peaceful life (Čelik, 2005), which resulted in the increasing presence of local authorities to ensure local safety and security.

The Internal Affairs Act of 1980 brought innovation and expanded the functions of municipal wardens (Čelik, 2005), whose main task was to take care of the cleanliness of towns and settlements in the municipality (Sodja, 2008), and eventually there was also the need for stationary traffic control (Jeršin, 2008). In 1980, municipalities were given the opportunity to establish a body to oversee the implementation of public order and peace, parking of motor vehicles, and municipal cleanliness. In practice, this meant that they could engage municipal wardens, but this has not been their obligatory duty. The rights, duties, and obligations of municipal wardens have been established by decree from municipal assemblies. On the other hand, municipal assemblies themselves were granted the right to help the local station of "Milica" (People's Police Station) with the overall scope of their work by providing guidelines and instructions to perform its functions relevant to safety and security in the municipality (Čelik, 2005).

In 1993, the Local Self-Government Act (Zakon o lokalni samoupravi [ZLS], 1993) was passed that defined the basic tasks of a municipality, including among other things, the autonomous organisation and managing of municipal warden services as a task that was important at a local and public level.

¹³ This was the defence and security system in socialist Yugoslavia. It was based on assumption that defence and security is not sole responsibility of the government, armed forces and the police, but also of local authorities and citizens. Especially the doctrine of self-protection dealt with security and safety in local community (Meško, Tominc, & Sotlar, 2013), opening space for more independent decision-making of local authorities (municipalities) concerning security matters.

Due to the different views on the performance of municipal wardens in the newly created municipalities, there were some ideas of dividing municipal warden services, as there were divergent interests among municipalities (Sodja, 2008). Some municipalities and their mayors were more attentive to the problem of waste, bill-posting, and the tidiness of the place, but paid almost no attention to the control of stationary traffic, while others oversaw only the tourist tax and the like (Jeršin, 2008).

Article 21 of the Local Self-Government Act (ZLS, 1993) states that a municipality, in order to meet their needs or the needs of its people, regulates traffic, organizes municipal warden services, and is responsible for order in the municipality. The regulation that formed the basis of municipal warden services was undoubtedly the Road Traffic Safety Act (Zakon o varnosti cestnega prometa [ZVCP], 1998), which was also the first to give municipal wardens this title. Later, the umbrella act, which defined the operation of municipal warden services, became the Act on Local Police (Zakon o občinskem redarstvu [ZORed], 2006).¹⁴ This law puts municipal warden services in a more equal position in relation to other actors that ensure security in the Republic of Slovenia. The operation of the municipal warden services is also defined by the Civil Servants Act (Zakon o javnih uslužbencih [ZJU], 2002), General Administrative Procedure Act (Zakon o splošnem upravnem postopku [ZUP], 1999), Minor Offences Act (Zakon o prekrških [ZP-1], 2003), Road Traffic Safety Act (Zakon o varnosti cestnega prometa [ZVCP-1], 2010), The Protection of Public Order Act (Zakon o varstvu javnega reda in miru [ZJRM-1], 2006), and some municipal decrees and executive acts. One could claim that this normative-legal framework enables municipal wardens to work effectively enough. Municipal warden services are misdemeanour authorities and they can issue fines to the offenders. On the other hand, if a municipal warden finds that an offense for which the perpetrator is prosecuted ex officio or at the proposal, is preparing, implementing or has been committed, he/she is obliged to notify the police (ZORed, 2006).

3.2 Current Regulation of Municipal Warden Services

Current regulations will be analysed through the presentation of the tasks, organization, and control of municipal warden services, authorization, selection processes, and training of municipal wardens.

¹⁴ This is the official translation from Slovene, while literal translation would be "Act on Municipal Warden Services". This is important because nobody in Slovenia speaks about "local police" (which yet to be created by decentralisation of the Police), but only about municipal warden services.

3.2.1 Tasks

The basic tasks of municipal warden services are defined in the Act on Local Police (ZORed, 2006), while other laws make these tasks more specific and give municipal warden services powers within the defined tasks. This is in accordance with the hierarchy of normative legal acts of Slovenia, to which the executive act or municipal decree can define the specific tasks of municipal wardens in more detail. Tasks arising from the umbrella law are as follows:

- monitoring safe and smooth road traffic in residential areas,
- protecting the environment and roads in settlements and on municipal roads outside settlements,
- taking care of safety on municipal public roads, and recreational and other areas,
- protecting public property and natural and cultural heritage, and
- maintaining public order and peace.¹⁵

According to Article 15 of the Act of Rules in Road Transport (ZVCP-1, 2010), municipal wardens, in order to ensure safe and unimpeded road traffic on the roads in settlements and municipal roads outside settlements, and to protect the environment and roads, control the provisions of the Act relating to calm traffic areas; pedestrian areas; safety belts; maximum speed limits and maximum speeds for certain types of vehicles; stopping and parking; parking in a parking place designated for the disabled; short-term parking areas; exceptions of parking in an area where this is not allowed, and others.¹⁶

The Protection of Public Order Act (ZJRM-1, 2006) imposes certain duties on municipal warden services. They must oversee the implementation of the provisions regarding offences from Article 7 and 9, from the first paragraph

¹⁵ This could be considered as a typical police function.

¹⁶ For example: environmental protection; responsibility of parents, guardians, or foster parents; removal of the vehicle from the traffic and the duration of removal; removal of improperly parked and abandoned vehicles; protective helmets; prohibition of using facilities or equipment that reduce the driver's hearing or visual perception or the ability to control the vehicle; driving the vehicle on the road; driving the vehicle at a pedestrian crossing; opening the doors of the vehicle; leaving the vehicle; marking stopped vehicles; conditions for loading and unloading cargo on the road; conditions for business driving; involvement of pedestrians in road traffic; identification of pedestrians; child protection; carriage of persons; riders or animal drovers in traffic and the conditions for participation of animals in road traffic; conditions for use of special vehicles in road transport; traffic signalization; light signals (ZVCP-1, 2010: Article 15).

of Article 11, from Articles 12, 13, 16, 18, and 19, and from the first and third paragraph of Article 22. Municipal warden services are also responsible for decision-making concerning these offences. The aforementioned Articles define the following offences: indecent behaviour (incivilities),¹⁷ begging in a public place, use of hazardous items, damaging official inscriptions, signs, or rules, writing on buildings, vandalism; camping, use of animals, and disregard of legal action from officials.

If one compares Local Self-Government Act (ZLS, 1993) and Road Traffic Safety Act (ZVCP, 1998) with the Act on Local Police (ZORed, 2006) and the Protection of Public Order Act (ZJRM-1, 2006) he/she can recognize obvious trend toward the expansion of tasks and responsibilities of municipal warden services and the powers of municipal wardens. The Act on Local Police (ZORed, 2006), for the first time, outlined the responsibilities and powers of municipal wardens in one law, thus significantly contributing to their status in the plural policing community. Slovenian municipalities found out that the presence of additional uniformed people would often act preventively, so the work of municipal wardens could importantly complement the work of the police (Dvojmoč, 2007), whose presence "on the street" is sometimes less visible because of their obligations resulting from the Schengen Agreement in 2007.¹⁸

The municipal wardens' tasks could also be found in some strategic documents of municipalities. This is certainly the case with municipal warden service in Ljubljana, where in 2011, the city council adopted the *Strategy of community oriented work of the Ljubljana municipal wardens*. The municipal warden service here is the largest in Slovenia, employing 53 people who carried out 101.032 various activities in the field of their work in 2014. Municipal wardens cooperate with the police primarily in preventive activities, but also increasingly in mixed patrols (Municipal warden service, 2015). This is more or less a matter of agreement between mayors or heads of municipal warden services and chiefs of local police stations, which then usually becomes part of a municipality's safety programme. If the municipal wardens carry out the tasks provided by law together with police officers, they are bound to follow the instructions of a police officer and head of the police unit, respectively (ZORed, 2006).

¹⁷ For example: arguing, yelling, sexual intercourse in a public place, etc. (ZJRM-1, 2006: Article 7).

¹⁸ Of course, the real value of municipal wardens should be in their better connections with local community and better knowledge about local (security) problems. We have no evidences that this is always the case.

3.2.2 Powers of Municipal Wardens

In order to carry out duties professionally and efficiently, every service needs certain powers, rights, and duties, and in Article 10 of the Act on Local Police (ZORed, 2006) municipal wardens are given the following powers:

- issue warnings,
- give verbal orders,
- establish a person's identity,
- conduct a security check,
- confiscate items,
- detain offenders,¹⁹
- use physical force,
- use handcuffs and means for securing, and
- use pepper spray.

For the implementation of warnings, security checks, confiscations, and the use of coercive measures (use of physical force, handcuffing, use of pepper spray), the provisions of regulations governing the use of these measures for the police shall apply.²⁰

It should be noted that some powers of municipal wardens are not the same as those of the police, but similar, and are adapted to tasks in the field of traffic control, the functions of protecting public order in the local community, and dealing with breaches of public order. What does this mean from the standpoint of plural policing? The Protection of Public Order Act (ZJRM-1, 2006) and the Act on Local Police (ZORed, 2006), following the example of the Road Traffic Safety Act (ZVCP-1, 2010), state that the execution of the tasks for which municipal wardens acquired powers is performed simultaneously in the two-tier system by the police and the municipal warden services, which means that regardless of the transfer of responsibilities to the municipality, the state (in this case through the police) maintains its power and responsibility. In other words – one could say if municipal wardens fail, there are still police officers,²¹ but it is also true that police officers and municipal wardens sometimes even work together in mixed patrols, they exchange information and coordinate their actions.

¹⁹ Municipal warden may detain a person until the arrival of the police but for no longer than one hour (ZORed, 2006: Article 13).

²⁰ See: Rules on police powers (Pravilnik o policijskih pooblastilih, 2014) and Rules governing traffic control signals given by police and other authorized officers (Pravilnik o znakih, ki jih dajejo policisti in druge pooblašene uradne osebe pri urejanju in nadziranju cestnega prometa, 2013).

²¹ Of course, police officers have no powers regarding municipal ordinances.

3.2.3 Organisation of Municipal Warden Services

The organisation of municipal warden services in Slovenia is based on Article 2 of the Act on Local Police (ZORed, 2006), which requires municipalities to set up municipal/city warden services, and that two or more municipalities may jointly establish inter-municipal warden services. In 2011, a survey²² was performed in all 210 municipalities in the Republic of Slovenia, which showed the following state of organisation:

- 7 city warden services,²³
- 14 municipal warden services,
- 169 municipalities organised inter-municipal warden services,²⁴
- 20 municipalities did not meet the legal requirements for establishing municipal warden services,²⁵ and
- the total number of municipal wardens was 169.²⁶

3.2.3.1 Training and Selection Procedure for Municipal Wardens

Municipal wardens are public officials and, therefore have the same selection procedures for employment as other public officials; they must have at least secondary school, 6 months of working experience, a professional examination of general administrative procedures and misdemeanour proceedings, and a professional training course. At the same time, they must pass an assessment of security concerns, the lack of which checks the Ministry of the Interior. In 2011, the Ministry of the Interior adopted the Rules of specialist training and further training of municipal wardens (Pravilnik o strokovnem usposabljanju, obdobjnem izpopolnjevanju ter preiz-

²² The survey of compliance with the Act on Local Police (ZORed, 2006) was carried out as a part of a doctoral thesis entitled "Non-state institutional assurance of safety and municipal warden services" between 1st January 2011 and 1st August 2011 (Dvojmoč, 2013).

²³ City warden services should be organised in all 11 city municipalities, but only 7 were organised as separate city warden services. The remaining 4 city municipalities have fulfilled this requirement by connecting or organizing inter-municipal warden services.

²⁴ The exact number of inter-municipal warden services is unknown, but their number is estimated at 30.

²⁵ Statutory deadline for setting up municipal warden services was January 1, 2009.

²⁶ The number of municipal wardens represents the assessment made by the Ministry of the Interior in 2014. The number of municipal wardens on the level of Slovenia is gradually growing, while in the city of Ljubljana is rather stagnating. For example, as it follows from the Annual report on the work of Ljubljana Municipal warden service 2014, the number of municipal wardens have fluctuated from 48 in 2010, to 55 in 2011 and 57 in 2012, to 51 in 2013 and 53 in 2014 (Mestno redarstvo, 2015: 13).

kusu znanja občinskih redarjev, 2011), which defines the programme and duration of specialist training, further training, periodic training, and the way of examining periodic training. Municipal wardens must perform 450 hours of basic specialist training organised by the Police Academy, which is a prerequisite for beginning independent work. Every three years they must complete the mandatory 32 hours of periodic training, and both types of training conclude with written and practical examinations. No research has been done as to whether the method described gives municipal wardens enough professional expertise for quality performance of their work.

3.2.4 Control of Municipal Warden Services

Municipal wardens are authorized officials who can, on one hand, effectively carry out their work, and on the other, sooner or later interfere with the freedoms and rights of persons with whom they deal. The control over municipal warden services is more or less in hands of state ministries, while true civic control is most times absent. The Act on Local Police (ZORed, 2006) does not allow municipalities to have full autonomy with regard to the functioning of municipal warden services. Article 30 thus specifies the jurisdiction of the Ministry of the Interior to implement the Act on Local Police (ZORed, 2006), while other ministries have jurisdiction in accordance with their working areas. Thus, the Ministry of the Interior is responsible for supervision regarding the legality of the work of municipal authorities, municipal administrations, and municipal warden services in the enforcement of the Act on Local Police (ZORed, 2006: Article 30). This involves:

- reception and coordination of municipal security programmes with the documents of the Ministry of the Interior (professional assistance) and the police (coordination also with local police stations) regarding public safety and security needs in municipalities,
- reception and coordination of municipal decrees,
- defining the form of professional training, and its programme and execution,
- control of the establishment of commissions – evaluating the use of force (a representative of the police also collaborates)
- defining the equipment of a municipal warden,
- monitoring the implementation of decrees issued under The Protection of Public Order Act (ZJRM-1, 2006), and
- controlling the breaches of Article 25 (protection of uniforms and signs).

Other state bodies have certain powers over municipal warden services and municipal wardens. The Government Office for Local Self-Government and Regional Policy, which is also the holder of the law, is responsible for establishing the

uniforms of municipal wardens, determining the form and content of signs and the ways of using them, determining the colour, shape, uniform components, forms, and the text of the powers of municipal wardens on their business cards. The Ministry of Infrastructure, the Ministry for the Environment and Spatial Planning, and the Ministry of Justice have jurisdiction over municipal warden services in accordance with the substantive provisions that fall within their area of responsibility.²⁷ But what is the most important - municipal wardens as authorised officials are completely independent in their decision-making which must be, of course, in compliance with laws and municipal ordinances.

It has been already been said that there is no true civic control over the work of the municipal warden services. Citizens only have the right to make a complaint regarding the acts of municipal wardens, and an individual who believes that a municipal warden has violated their rights or freedoms by a certain act or omission, may complain to the mayor within 30 days. The mayor has to review the complaint and within 30 days inform the complainant in writing on their findings and actions. If a citizen complains about the legality and professionalism regarding the use of force by a municipal warden, a maximum five-member commission is called up in compliance with the Act on Local Police (ZORed, 2006) in order to assess the legality of the measures of municipal warden services. This commission consists of the director of municipal administration, a representative of the competent police forces, and a representative of NGOs (for example, a member of the security council in the municipality, or other citizen, but such cases are rather rare). Within 30 days, the commission has to compile a record of the meeting to include the information gathered, evidence, and findings and provide an opinion on whether the conduct of the municipal wardens was in accordance with the regulations, and whether it was professional and proportionate. If the commission finds evidence of a criminal offence, the perpetrator is prosecuted *ex officio*, or by evidence, abuse of human rights and fundamental freedoms, or other violations for which penalties are prescribed by law, it notifies the competent authority. This system of civic control and complaints is close to that in the field of private security (which is also inadequate), while civic control is much stronger when it comes to the police. Civilians take part in control thorough participation in a chamber of appeals, and through activities of NGOs, while there is also political control executed by the committees and commissions of the National Assembly.

²⁷ The Ministry of Infrastructure is responsible for legislation in traffic safety, the Ministry of the Environment and Spatial Planning for environmental legislation, as well as the Ministry of Justice for misdemeanour law.

3.3 Municipal Wardens and the Public

Lobnikar, Sotlar and Modic (2015) claim that there is a lack of public interest and research on the relationship between citizens and plural policing bodies in the Central and Eastern Europe, and Slovenia is no exception. However, recent research (Meško, Sotlar, Lobnikar, Modic, & Tominc, 2012) of Slovenian citizens on various aspects of local safety also addressed trust in plural policing institutions. Despite the fact that all scores are rather low, the results show that the public police (still) enjoy the highest level of public trust compared to other members of the plural policing family; the mean value for the police is 2.98,²⁸ private security companies ranked second after the police with 2.87, followed by private detectives (mean 2.76), municipal warden service (mean 2.65), and inspection services (2.61). It is not surprising that the municipal warden services and inspection services were ranked the lowest, since due to the nature of their work, citizens probably perceive them as institutions who “mostly collect money from fines”. The findings, on one hand, indicate that the responsibility for local safety provision is no longer perceived by the public as the sole monopoly of the police (Meško et al., 2012), while on the other, state actors (such as police) still have primary strategic and operational responsibility and directly influence the carrying out of community safety measures (Meško et al., 2013).

4 Some Dilemmas related to Local Police in Slovenia

Municipal warden services are an authority which provides local security through its responsibilities in public law and order and traffic, and which can contribute to a higher level of security. Slovenian society strives to achieve decentralization of public administration and strengthen local self-government in general, and policing is no exception. In recent years, the lay and professional public sometimes witnessed various questions and speculations as to whether the establishment of municipal warden services actually indicates a transitional period in which the conditions for the establishment of the city police will be improved, just as in some western countries. This would thoroughly change the current centralized image of the Slovenian police. While it is easy to support the idea of decentralisation of the police (and policing), there is no research claiming or proving that the next step must be done, and that real city police with all tasks and powers of national police must be created. This is because municipal warden services, in particular after the adoption of the

Act on Local Police (ZORed, 2006) and other legislation, meet the expectations, requirements, and needs of local communities in relation to the execution of security tasks that are to be managed by local communities.

Certain issues are also raised with regard to the status of the municipal warden profession, especially when (if) compared other professions that deal with ensuring security, in particular the police. If one compares salaries, he/she will find out that the starting salary of a municipal warden ranks 2 wage grades lower than the salary of police officer, but both have the same education. In January 2013, the gross earnings of entry-level municipal wardens was around 892 euros (around 627 Euros net salary), and those of police officer beginner was some 965 euros (around 675 Euros net salary) per month (Ministrstvo za notranje zadeve, 2013).²⁹ The difference in salaries of two professionals is much larger when it comes to wage supplements due to the police officer’s less favourable working hours and conditions, etc. Municipal wardens do not have accelerated pension benefits and municipalities do not pay them extra insurance for the third pension pillar, and one could always find other differences in comparison to police officers. A small consolation for municipal wardens is that private security officers are paid even less. In 2013, the average net salary in private security was 656.92 Euros, while the average net salary in Slovenia was 1,007.65 Euros (Slak, 2014).³⁰ What is there to say for a society who pays its frontline guardians so little?

Resolving complaints about the work of municipal wardens is very interesting, since it is bound to the mayor of each municipality, which as a body of second instance resolves complaints involving community wardens. The mere appointment of the head of the municipal warden services is not bound to the mandate of the mayor, but this is about an official appointment in which the head is appointed for 5 years and remains in the same position, even if the top actors at City Hall (including the mayor) are replaced. However, it would be naive

²⁸ On the scale ranging from 1 to 5, with higher values indicating higher level of trust.

²⁹ These calculations neither include compensation for transport and meals, which all public officials are entitled to receive, nor general tax relief. In reality total earnings are of course higher.

³⁰ Ministry of the Interior of the Republic of Slovenia came out with the following data of average salaries for police officers, customs officers, judicial police officers and soldiers (data are from January 2013):

- police officers: 1,615.24 Euros gross earnings / 1,076.77 Euros net earnings,
- customs officers: 1,560.83 Euros gross earnings / 1,057.18 Euros net earnings,
- judicial police officers: 1,432.25 Euros gross earnings / 976.80 Euros net earnings,
- soldiers: 1,097.01 Euros gross earnings / 766.23 Euros net earnings (A. Č., 2013).

to underestimate the role and political power the mayor has in relation to everything that is going on in “his/her” municipality. The position of mayor is especially controversial if he/she finds himself/herself in criminal proceedings which have been the case with some mayors of the largest Slovenian municipalities. Here the (rhetorical) question arises – can you imagine that such mayor is in charge of (future) city police, who would also be responsible for the investigation of criminal offences?

Municipal warden services and the police must develop constructive relations in cooperation and not competition,³¹ and the level of mutual trust between police officers and municipal wardens should be improved.³² Higher levels of professionalism among municipal wardens would definitively help in this regard, as well as the implementation of joint professional and advanced training programmes could contribute to the development of cooperative relations. Another possibility is the inclusion of authorized officers of the municipal warden services as auxiliary police³³ but this is rather unlikely given that the auxiliary police have not been used for a long time. In September 2015, the auxiliary police were called in to help the regular police in dealing with the massive influx of refugees and immigrants from the Middle East. Nevertheless, the government of the Republic of Slovenia passed the Decree on the auxiliary police (*Uredba o pomožni policiji*, 2014), which at least hypothetically offers the aforementioned possibilities.

5 Conclusion

Plural policing is not a very well developed concept in Slovenia, due mostly to the fact that this is a small country that has been guided in a very centralised manner for decades,

³¹ This is encouraged by mixed patrols (one police officers and one municipal warden), common meetings and even the fact that some heads of municipal warden services are former police officers and police chiefs.

³² It is interesting that according to mentioned research among Slovenian citizens on various aspects of local safety, police officers trust the municipal warden services even less than the citizens do (mean value 2.59) while putting them on the second place (right behind them) among most trusted plural policing institutions (Meško et al., 2012).

³³ Auxiliary police officers are nationals of the Republic of Slovenia, who sign a contract on voluntary service in the auxiliary police force and are trained to carry out police duties. When on duty they have all police powers. It is planned that auxiliary officers are called to perform police duties in order to replace the absence of a large number of active police officers; in cases of natural and other disasters; in cases where public security is seriously threatened; for the protection of the state border; and in the events of crisis, state of emergency or state of war (*Zakon o organiziranosti in delu v policiji [ZODPol]*, 2013).

and the public police were always dominant and the most influential actor in the security sector. However, one cannot overlook the substantial development and growth (especially of the private security sector) over the last twenty years.

Municipal warden services were introduced less than 20 years ago. With their growing tasks and powers, they present a gigantic step forward in Slovenia, especially because these services could mean the beginning of a process of (real) policing decentralisation and the transfer of security, law and order responsibilities from the state to local communities. It is even more important when it comes to the question of local democracy and integrity, yet the question as to whether the policy makers (politicians and high-ranking officials), the public, and the police are ready for such drastic changes, remains open. Over the past few years, there has been little public debate on this issue and something needs to be done about this concern because the public perception of non-state policing and security providers barely exists, or it has a negative connotation. In such circumstances, it is difficult to develop particular policing providers to a higher level and especially hard to make plural policing more acceptable to a broader public. The mere nature, diversity, and number of police organizations do not tell us much about the actual level of security in society, or feelings of threat among the Slovenian population. The absence of security threats and a sense of security are strong factors of legitimacy for the whole plural policy family, so on the other hand (paradoxically) the emergence of new ones is a bad sign for the existing ‘police’ organizations, especially if new organizations are established due to real needs and expectations of the population and not because of political decisions.³⁴ Furthermore, the question of relations always arises (cooperation, competition, opposition), especially between public and private organizations within the security sector (Sotlar & Meško, 2009). The creation of municipal warden services, and their responsibilities, duties, and powers, especially gives the impression that every step creates more control and supervision. This impression is even stronger if there are sometimes two institutions (the police and municipal warden service) carrying out the same

³⁴ Especially during economic and financial crisis, followed by austerity measures, states usually decide to reduce costs for governmental organisations which also lead to reduction of number of employees in public security organisations and/or services they provide to citizens. Sometimes these reductions are not consequence of financial crisis, but a simple result of government’s decision based on political philosophy and economic policy of neo-liberalism. In such cases, government advocates policy of “thin state” and asks its citizens to take more responsibility for their own security. Needless to say, that this is usually not possible without hiring private commercial security entities. Such situations encourage development of existed as well establishment of new security/policing organisations.

duties. Whether more control leads to greater security is an eternal (not merely rhetorical) question, which requires at least occasional reflection. Perhaps the development of Slovenian society has reached the point where policing and the security sector in general need to be redefined. It is very likely that this is not just the case in Slovenia, as policing is changing globally.

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Občinska redarstva v pluralnem policijskem okolju v Sloveniji

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Sistem notranje varnosti se je v Republiki Sloveniji v zadnjih 25 letih precej spremenil. Policijska dejavnost postaja vse bolj razvejana. Obstajajo organizacije, ki niso bile ustanovljene z namenom izvajanja policijske dejavnosti, toda njihove naloge, narava dela in posebna pooblastila jih determinirajo kot »nove policijske sile«. Če številna zasebnovarnostna podjetja in detektive dodamo policiji, občinskim redarstvom, pravosodni policiji in carinski službi, lahko policijsko dejavnost v Sloveniji brez dvoma definiramo kot pluralno. Med omenjenimi javno/državno/lokalno upravljanimi policijsko/varnostno/nadzorstvenimi organizacijami je občinsko/mestno redarstvo razmeroma mlada organizacija, ki nima veliko zaposlenih, vendar je čedalje bolj vplivna in prisotna v vsakdanjem življenju prebivalcev, saj se njegove pristojnosti in pooblastila povečujejo. Vendar pa bomo šele videli, ali bo ta organizacija povzročila odločilen premik v smeri decentralizacije in demonopolizacije javne policijske dejavnosti, kar bi se odražalo v ustanovitvi mestnih policij.

Ključne besede: občinsko/mestno redarstvo, pluralna policijska dejavnost, policija, pravosodna policija, carinska služba, zasebno varovanje, detektivi

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