

INTERNATIONAL SCIENTIFIC CONFERENCE “ARCHIBALD REISS DAYS”  
THEMATIC CONFERENCE PROCEEDINGS OF INTERNATIONAL SIGNIFICANCE



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# THE ANALYSIS OF THE QUALIFICATION LEVEL OF MEMBERS OF POLICE INTERVENTION PATROLS FOR APPLICATION OF MEANS OF COERCION<sup>1</sup>

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**Abstract:** Due to intensity of stress in police officers and the frequency of its appearance, policing is classified among the most stressful jobs. The most extreme kinds of stress in police officers are connected with the use of means of coercion because these are situations in which breach or limitation of human rights or liberties may appear, or there may be injuries and fatal consequences. Because of the listed specificities of policing, a survey was conducted on the sample of 32 members of intervention patrols of the Ministry of Interior of the Republic of Serbia (MOI of the RS), because members of the police intervention patrols often operate in high-risk situations, in which there is stronger probability that means of coercion would be used, than in interventions by police officers in other jobs and assignments. The aim of the study was to determine how often and in which way the police officers use means of coercion, to which extent they are trained to use them and how much attention is paid to such type of training. The results of the study point that all respondents have used means of coercion at least once during their careers. However, disturbing results are related to situations in which almost the third of the respondents have not used the means of coercion although all legal conditions for their application have been fulfilled. Also, the results imply that insufficient attention is paid to education of police officers related to the use of means of coercion. All things listed above imply that the approach to this problem should be changed, that is, the training of a police officer should be more intense, so that it would be continuous and applied during the whole career.

**Key words:** analysis, police intervention patrols, means of coercion, high-risk situations

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## INTRODUCTION

Because of intensity of stress in police officers and the frequency of its appearance, policing is classified in the group of the most stressful jobs. The most extreme kinds of stress in police officers are related to the use of the means of coercion (Hickman, Fricas, Strom, & Pope, 2011). No other civil servant is imbued with the powers of coercion that we afford police officers (Atherley & Hickman, 2014). In such situations, exceeding or misuse of the means of coercion as one of police powers may appear (Kesić, 2016) stipulated by the Law on police (2016), which can lead to breach or limitation of human rights and liberties, injuries and fatal lethal consequences. Thus, for example, in the period from 2003–2013 the police officers of the MOI of the RS used the means of coercion illegally in 76 cases, which is 0.21 % of the total number of recorded uses of this power (Kesić, 2016). At the same time, of all available means of coercion, the police officers most often used physical strength illegally, in 41 cases or 53.9 %, while, for example, there were only 2 cases of illegal use of firearms in the same period.

The right of the police to use means of coercion stipulated by the law has brought the expectancy that the police respect the basic human rights during the use of the means of coercion (Noppe & Verhage, 2017). However, in practice the police officers can find themselves in unexpected situations in which they have to decide in a fragment of a second how to react and whether to use means of coercion. And when they are in such situations, there is no dilemma whether, but how to use those (Noppe & Verhage, 2017).

All the listed problems that may occur during the use of the means of coercion can be overcome only if the police officers possess a certain level of knowledge and skills from this field. To achieve a certain level of knowledge and skills, the process of education should be completed. Here we talk about a special type of education, about special knowledge and skills necessary for policing that cannot be obtained in general education institutions, but in specialized institutions for police education and in the Ministry of Interior itself (Janković & Milojević, 2016). Such type of education can be classified into two categories: education conducted before admission into police units (the Academy of Criminalistic and Police Studies, the Basic Police Training Centre) (Milojević, Janković, & Cvetković, 2015) and education after being employed in the police units, conducted via different specialized courses and trainings (Macvean & Cox, 2012).

In recent years police use of the means of coercion has become a popular topic in newspapers and blogs, in classrooms, and elsewhere (Atherley & Hickman, 2014). Here we have to mention that the use of the means of coercion is not as frequent as widely thought by the public (Hickman, Atherley, Lowery, & Alpert, 2015). Use of the means of coercion is a statistically rare event; when it happens, levels of force are relatively low (Alpert & Dunham, 2004). According to one study (Taylor & Woods, 2010), in all contacts with citizens, the police used the means of coercion in only 1.75% of situations, and in 20% of cases of arrest. In another study (Hickman et al., 2015) it is stated that out of the total number of calls directed to the police, only 0.4% are related to situations in which the means of coercion are used. In addition to being rare, a small number of officers use the means of coercion disproportionately (Worden & Catlin, 2002).

On the other hand, there are numerous reasons to doubt reliability of official indicators, which should be searched for in objective circumstances (e.g. bureaucratized procedures for submitting reports, outdated technology, types of forms), but also in subjective reasons, primarily in non-submitting reports about the use of the means of coercion (Janković, 2010). In sharp contrast to the story told by police administrative data, the public tends to have a very different view of police use of the means of coercion: the police routinely use of the means of coercion (Hickman et al., 2015); the level of force is often excessive (Terrill, 2003); and police target minority citizens (Lersch & Mieczkowski, 2005; Terrill & Reisig, 2003).

Because of the fact there is doubt in official records, and also because official records are sometimes incomplete (e.g. there are missing data about during which operations the means of coercion have been used – operations by the police intervention patrols), in this study we shall examine views of the intervention patrol members who are often in high-risk situation. The paper shall focus on the fact whether the members of the police intervention patrols are ready and trained to apply the means of coercion adequately in accordance with the given legal authorizations.

## THE POLICE INTERVENTION PATROLS

The first police intervention patrols in the MOI of the RS were formed in 1992 within the Police station of permanent duty – 92, which by its organization belonged to the Secretariat of the Internal Affairs in Belgrade (Stevanović, 2013b) of that time. By passing the Law on police in 2005, the police intervention patrols have got their own place in other organizational units – regional police directorates. Today they are a part of the Intervention unit 92 (IU 92), which organizationally belongs to the officers on duty of the Police Directorate of the City of Belgrade (Stevanović, 2013a), and also in police stations that are on duty and in charge of intervention within the Police Directorates in Novi Sad, Niš and Kragujevac, while in other Police Directorates of the MOI of the RS they are a part of units on duty.

Training for intervention patrols, according to the special program different from training for other police officers, was in the beginning only for the members of the police intervention patrols within IU 92. From 2010 to 2012 the training was expanded to other members of intervention patrols in other police directorates. In this period the training for intervention patrols was realized as a course for police officers performing their duties in intervention patrols. The subject course was realized as professional development in accordance with the program contents of the Training Program for Police Officers of the MOI of the RS (2010, 2011, 2012), related to IU 92. It was realized by instructors of the IU 92.

Since 2014, according to the Catalogue of Specialist Training Programs (2014), where the Training Program for Interventional Patrols can be found, the training for police officers who perform this group of tasks has been carried out. The target group for this training are police officers who carry out tasks and duties at workplaces in the police intervention patrols of general jurisdiction. A special condition for being chosen for such training is the fact they were graded from 3.00 to 5.00 during the last check of physical abilities. The training segments include operational police skills, firearms training and shooting, police enforcement tactics and mental-tactical training. The duration of the training is 10 days. The emphasis of this training is primarily on acquiring practical skills without theoretical lessons. The aim of the program is to train participants for independent and team work and to perform tasks in the police intervention patrols in the field.

## METHOD AND SAMPLE

The empirical research was conducted to find out whether and to what extent the members of intervention patrols of the MOI of the RS are trained to use the means of coercion. The research was carried out using the method of testing, particularly the survey technique (Milošević & Milojević, 2001). The survey paper (a questionnaire) consisted of two groups of questions. The first group of questions was of general character, i.e. it was related to collecting data on the surveyed population, the length of duty in the MOI, completed education, etc. The

second group of questions was related to views of the respondents on the level of training of the police intervention patrols members for the use of means of coercion.

The research was conducted during training of the members of the intervention patrols in the Education centre of the MOI of the RS in Mitrovo Polje, on the mountain of Goč in August 2017. On that occasion, 32 members of the intervention patrols of the MOI of the RS were surveyed anonymously. All respondents were males, with completed police education (The Academy of Criminalistic and Police Studies, the Police High School, or a course for police officers). Out of the total number of respondents, 5 (15.6%) graduated from the faculty, while the remaining 27 (84.4%) completed their secondary schooling. The structure of the sample was presented in Table 1.

**Table 1.** *Characteristics of the sample*

Characteristic of the sample	Number of respondents	%
Age of the respondent		
18-25 years of age	1	3.1
26-35 years of age	22	68.8
36-45 years of age	7	21.9
46-50 years of age	1	6.2
Work experience		
1-5 years	8	25.0
5-10 years	6	18.8
10-15 years	12	37.5
over 15 years	6	18.8

## RESULTS

To the question whether they have used the means of coercion, all respondents confirmed that they used some of the means of coercion stipulated by the Law on police (2016) at least once. The structure of the use of means of coercion is shown in Table 2.

**Table 2.** *The structure of the use of means of coercion*

Number of uses	Firearms		Police baton		Restraining devices		Physical force		Chemical agents	
	N	%	N	%	N	%	N	%	N	%
0	31	96.9	15	46.9	2	6.3	9	28.1	31	96.9
1	1	3.1	6	18.8	8	25.0	10	31.3	-	-
2	-	-	2	6.3	1	3.1	2	6.3	-	-
3	-	-	1	3.1	4	12.5	1	3.1	-	-
4	-	-	-	-	1	3.1	3	9.4	1	3.1
5-9	-	-	6	18.8	4	12.5	5	15.6	-	-
10 - 20	-	-	1	3.1	5	15.7	3	9.4	-	-
21-49	-	-	-	-	3	9.4	-	-	-	-
50 and more	-	-	1	3.1	4	12.5	2	6.3	-	-

It is important to emphasize here that only one member used firearms as the means of coercion. The largest number of means of coercion used are related to the use of restraining devices. All respondents used these means of coercion at least once, while 37.5 % respondents used the same more than 10 times. Only one police officer stated that he was the subject of the disciplinary procedure because of unjustified or improper use of means of coercion.

The following question given to police officers was whether there had been situations in which the means of coercion were not used although the legal conditions for their use had been fulfilled. Almost a third of the respondents (10 of them) 31.2 % answered that they were at least once or more times in situations not to use means of coercion although all legal conditions for their use were fulfilled. The respondents gave various reasons why they did not use means of coercion in these situations (Table 3), and the greatest number of respondents answered that the complicated procedure and extensive documentation that should be submitted after the use of means of coercion was the reason not to use them.

**Table 3.** *Reasons for respondents not to use means of coercion*

The means of coercion used		The respondents who did not use means of coercion and the reason for not using them					
N	%	Complicated procedure and extensive documentation		Fear of disciplinary or criminal liability		Another reason	
No means of coercion used							
N	%	N	%	N	%	N	%
22	68.8	6	18.8	1	3.1	3	9.4
10	31.2						

The police officers were asked about their training related to the use of means of coercion. As many as 75% of them stated that since the beginning of their work in the MOI of the RS they had never had any special training directed to the use of the means of coercion. The respondents in the survey stated their views on the level of training of police officers for the use of means of coercion. Their views can be seen in Table 4. When the questions on the level of training were directed towards other police officers, and in general towards all police officers of the MOI of the RS, the respondents gave negative answers. However, when the question was related directly to them, there were even 22 respondents (68.9%) who stated that they were well trained for the use of means of coercion.

**Table 4.** *Respondents' views on the level of training of the police officers for the means of coercion use*

No.	Statement	I completely disagree with the statement		I slightly disagree with the statement		I neither agree nor disagree with the statement		I slightly agree with the statement		I completely agree with the statement	
		N	%	N	%	N	%	N	%	N	%
1.	Members of the police of the MOI of the RS are generally well trained for the use of the means of coercion.	5	15.6	7	21.9	12	37.5	8	25.0	-	-

2.	Members of the police in my police station are generally well trained for the use of the means of coercion.	5	15.6	4	12.5	8	25.0	13	40.6	2	6.3
3.	I am well trained for the use of the means of coercion.	1	3.1	3	9.4	5	15.6	17	53.1	5	15.6
4.	The MOI of the RS pays enough attention to training of members of the police to use the means of coercion.	7	21.9	13	40.6	9	28.1	2	6.3	1	3.1

At the end, the respondents gave their opinion about the accompanying paperwork submitted after the use of the means of coercion. Namely, only 3% of the respondents agreed with the statement that the listed paperwork was simple for writing, while 78.2% of the respondents disagreed with the statement. The remaining 18.8% of the respondents had the neutral attitude regarding this question.

## DISCUSSION

From the results shown, it can be noted that all respondents used some means of coercion stipulated by the Law on police (2016) at least once in their working career. It was stated that only one of the surveyed police officers used the firearms once. However, the respondent did not state the situation in which he used it, as the Law on Police stipulates that the use of firearms is considered to be its use when the legal requirements are met for citizens, but also animals. In practice, the authors encountered that the firearms were more often used against animals, and there were fewer cases of use against citizens.

It can be noted that police officers have used restraining devices significantly more often than other means in other situations. The reason for this is that other means of coercion are used exclusively in interventions (establishment of disturbed public order and peace, refusal of attack, deprivation of freedom of perpetrators, etc.), where greater intensity of use of force is required, while restraining devices are also used in situations where no greater force is required, where there is consent of a person to be put on official handcuffs, such as in situations of escorting persons to penitentiary institutions for the purpose of serving sentences, escorting persons who do not respond to calls from courts and other jurisdiction organs, etc. Another reason is that the reporting procedure for the use of a restraining device is far simpler than with other means of coercion. In situations in which restraining devices are used, only one form has to be filled in and the entire procedure is completed. In case of use of other means of coercion, the whole case is formed; the lawful use of which is assessed by a direct officer or by a commission, when the means of coercion are used against more than three persons or in cases when the consequences of their use are either fatal or serious bodily injuries. In Canada, in the local police departments, unlike after the use other means of coercion, no report is submitted when restraining devices are used (Boivin & Lagace, 2015), and they are not included in the official statistics concerning the use of means of coercion. The appearance of restraining devices in official statistics gives a false impression that police officers often use

the means of coercion, and the public can get the impression that the police act with too much violence against the citizens. The truth is completely different. The situation when someone stretches out hands and you just put handcuff on him to bring him to a magistrate judge cannot be interpreted to be the same as the use of the police baton, or as the use of restraining device upon the application of physical force after that particular person's resistance.

Another key issue seen in statistical data is that almost one third of respondents did not use the means of coercion, although all the legal requirements for their use were met. The largest number of respondents stated that reasons for that were a complicated procedure and extensive documentation. Police officers of the MOI of the Republic of Serbia have similar answers in the research conducted by Savić (2015). It can be assumed that there is another situation, that is, there are a number of respondents who used the means of coercion without submitting an appropriate report. The reasons for both situations can be different, but Janković (2010) sorted out some of the most frequent ones in his research – ignorance, concealment of illegal and improper use, laziness of the police officer who does not want to go through a complicated procedure of assessing justification and regularity of the use of means of coercion; the arrangement with the perpetrator of a criminal offense or an offense not to record the listed acts and therefore the use of means of coercion, because of material (receiving a bribe) or some other benefit.

The previous problem is related to the fact that only one of the interviewed respondents was subjected to disciplinary proceedings for the illegal use of means of coercion. According to Kesić (2016), an extremely small number of registered cases of illegal use of means of coercion are certainly encouraging, but at the same time it raises the question of justification of scientific research of such rare occurrences as the question of the credibility of statistics. The problem is that official police records rarely or never systematically collect all the information necessary to understand the true nature of interaction of the police and citizens, including the use of the means of coercion by the police (Hickman et al., 2015). This is indicated by the aforementioned problem when respondents did not use the means of coercion although all legal conditions were met. The Law on police (2016) provides that a police officer can use means of coercion only if the task cannot be performed in any other way. It can be assumed that the respondents performed certain tasks using other powers, but it was possible that certain tasks were not completed because they did not use the means of coercion when they had to. If there had been other situations, the number of disciplinary procedures would have been considerably higher.

Regarding the question of training and knowledge of respondents related to the use of means of coercion, it is evident that the police training on this topic is not so intensive, i.e. it is missing. The respondents themselves also assessed this by expressing their views. In addition to the quantity of training, qualitative contents of these trainings are also missing. Namely, training for the police intervention patrols is focused on practical knowledge without any theoretical contents. It is good that members of the intervention teams know the tactics of procedure in certain situations, but they should primarily be familiar with the legal basis for exercising police powers. Unfortunately, in practice, the authors know a considerable number of cases where police officers acted tactfully, but the legal conditions for the use of certain means of coercion were not met. In practice, the authors encountered another banal situation. Namely, the police officers acted tactically and the legal basis was adequate, but after completing the report on the exercise of authority, they did not write the reports correctly, and were subjected to disciplinary procedure because of mistakes in the paperwork. Practical and theoretical knowledge must be complemented.

Finally, it is interesting that the respondents expressed their views in which they estimate that the level of training of police officers in their station and general in the MOI of the RS



was low. Contrary to that opinion, they assessed their own knowledge of the use of means of coercion as good. Obviously, at this point, the human characteristic that we always want to show ourselves in the best possible light became apparent.

## CONCLUSION

The results of the study suggest that there is not enough attention paid to the training of police officers regarding the use of means of coercion. All the foregoing point out that the approach to this problem should be changed, that is, the training of police officers should be intensified in order to be continuous throughout the working life. In particular, it should particularly be intensified for the members of the police intervention patrols, which are often in high-risk situations, with greater likelihood of using the means of coercion. A part of the training should be theoretical, with inclusion of the legal basis for using the means of coercion, but they also should be familiar with the forms submitted after the use of means of coercion and the evaluation procedure. If they were explained in more detail, they might not avoid using the means of coercion because of a complicated procedure.

In addition to training, the supervisory task of senior officers who assess the justification of the use of means of coercion in police directorates or police stations should be strengthened. They should intensify their controlling activity, and pay special attention to all suspicious situations. But they should also devote themselves to instruction, in which they will point out mistakes to police officers, both in tactical situations and in filing reports after the use of means of coercion. The objective is not just to punish a police officer, but rather to help him get better in the future in order not to repeat mistakes. Senior officers should analyze detected mistakes at joint meetings with all police officers, so as not to repeat the same, and not to hide them and secretly talk about them. Because of all these things, we believe that the tasks of controlling justification and regularity of the use of means of coercion should be performed by highly experienced police officers who have valuable work experience, immediate knowledge of assessing the use of means of coercion, who were involved in processing or solving a large number of cases of the use of means of coercion and who can compare earlier cases with the present ones.

In addition to education of police officers, it should be checked whether the procedures for submitting reports in cases of use of certain means of coercion could be made less complicated. This should not be insisted on at all costs, but it could be possible when using restraining devices. It should also be considered whether the individual use of restraining devices should be shown in the statistics with other means. It has already been noted that in certain countries the use of restraining devices is not reported and shown in the statistics, since the public may have a wrong picture of the excessive use of force, which can influence the formation of an ungrounded negative attitude of the public on the conduct of the police. All this can make the work of the police more difficult to a certain extent in other areas.

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