



ПОЛИЦИЈСКИ ГЛАСНИК

СЛУЖБЕНИ ЛИСТ МИНИСТАРСТВА УНУТРАШЊИХ ДЕЛА

„ПОЛИЦИЈСКИ ГЛАСНИК“ излази једанпут, а према потреби и више пута недељно. ПРЕТПЛАТА СЕ ПОЛАЖЕ У НАПРЕД, И ТО НАЈМАЊЕ ЗА ПОДА ГОДИНЕ, КОД СВИЈУ ПОЛИЦИЈСКИХ ВЛАСТИ, И ИЗНОСИ: 20 ДИНАРА НА ГОДИНУ ЗА ДРЖАВНА И ОПШТИНСКА НАДЛЕШТВА, А ЗА СВЕ ДРУГЕ ПРЕТПЛАТНИКЕ У ОПШТЕ 12 ДИНАРА ГОДИШЊЕ. ЗА ИНОСТРАНСТВО: ГОДИШЊЕ 24, ПОЛУГОДИШЊЕ 12 ДИНАРА У ЗЛАТУ. ПОЈЕДИНИ БРОЈЕВИ „ПОЛИЦИЈСКОГ ГЛАСНИКА“ НЕ ПРОДАЈУ СЕ. РУКОПИСИ СЕ НЕ ВРАЋАЈУ.

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POLICE REORGANIZATION (Continued) D. Đ. Alimpić

3. Neither in Switzerland nor in Belgium the municipal mayors are elected directly, but in Switzerland they are elected by a local community committee, and in Belgium they are appointed by the government, or the King, from among the selected councillors. At least this is the practice, although the executive branch can, according to the law, appoint any person they want for the municipal mayor, in other words even a person who is not a municipal councillor.

A few years ago we had a similar situation, the difference being that the municipal mayors were not appointed from among the councillors but independently of them and usually from among the people who were not the expression of the municipal majority will. After what we said about Belgium, the following question is imposed: wouldn't it be appropriate, considering the present state of our municipal authorities, to implement through our municipal legislation

the Belgian system of appointing the municipal mayors? This would, in our opinion, in no way encroach upon the right of the people to elect their leaders and administrators on their own, since they will elect them according to this system as well, not *directly* but *indirectly* through municipal councillors. This small change in the *form* of elections of municipal mayors would be, however, of unassessed benefit to proper functioning of our entire national administration.

4. Both in Switzerland and in Belgium there is *rural police*, which includes gendarmes and field rangers. In each municipality there is at least one municipal constable paid by the municipality and appointed by the state authority. Gendarmerie is dispersed in the heartland and they constantly patrol their respective areas. In addition to this, in larger municipalities there are forest and road guardians, who are also police authorities to a certain extent.

5. Both in Switzerland and Belgium there are *police – justices of the peace* who prosecute misdemeanours, investigate crimes and felonies in the absence of investigative judges and decide in small civil disputes. In addition to the justices of the peace there are also investigative judges, as well as the state prosecution office and the judiciary police, the duty of all these bodies being to take care of repression of crimes.

6. In both countries there are special bodies to execute court decisions in civil disputes, and the executive procedure is much faster and simpler than in our country, and

7. Field police force is much more dominant than administration both in

Switzerland and Belgium. Administration is made simpler in both police and municipal authorities, and there are printed forms for almost all administrative acts.

These several notes will be sufficient, we hope, to provide general picture of police forces in Switzerland and Belgium. Their police organizations are very similar to the police organization in France, but in the latter the supervision of the state authorities over the municipal authorities is much stronger, at least with a view of police, and the police in large towns are in the hands of the state. This tendency of replacing municipal police with the state police in towns is growing both in the Parliament and in the public opinion.

1. Since our police, after coming into force of laws on district and town courts, will become what they actually should be, and that is the *institution for keeping order and providing personal and property security*, their future reorganization should mainly go in that direction.

In order to keep order in the first place the good will is required, and in the second stronger *and more energetic* authorities. As for the personal and property security, in our debate “*Crime in Serbia*” we have proved by statistical data that our crime is not professional but local and special and therefore it is not difficult to suppress and cure.

In order to suppress crime, in addition to other measures, in this debate of ours, we have suggested the following:

a) The special *public security department* should be established within the Ministry of

Internal Affairs which would take care, free from any influence, of

everything related to public security in the country and whose subordinates would be permanent and regional *gendarmierie* forces and anthropometric departments. Such a department has existed in France since 1871 under the name of *Public Safety Department*.

If there are not enough reasons for a new department to be established within the Ministry, then the scope of work of its Anthropometric Police Department should be expanded. This would be appropriate even more since it is already the duty of the Anthropometric Department to gather data on crime trends in the country, as well as to keep records on the convicts;

b) The best police officers, particularly the senior officers, should be posted in those counties and districts where the situation is bad in respect of crime;

c) Necessary amendments to the criminal code should be adopted as soon as possible according to which the pro-



professional vagrants and gamblers would be punished by court. Oddly enough, there is not a single provision regarding these matters in the new draft of the criminal code, and

d) It should prevent alcohol abuse by legislation, as well as limit the selling and carrying of weapons.

Still keeping to these suggestions, we are of the opinion that with a view of the most successful fight against juvenile crimes it should regulate by laws the issue of morally abandoned children.

The category of these measures for crime suppression includes also gendarmerie with field police, about whom we speak in particular.

2. Our *gendarmerie* should be organized on a different basis, and the gendarmes should be better rewarded and secured by pensions. We do not share the opinion with those who find that gendarmerie should be purely civil institution – since in this case we would have simple coppers instead of disciplined soldiers – but we also find that it should be more of a *civil than military* institution, and that the police superiors should have gendarmes who are delegated for the service at unlimited disposal, naturally within the limits of law. Even the promotion of gendarmes to non-commissioned officers ranks should be left to police superiors, and commissioning of gendarmerie officers to the Ministry of Internal Affairs, since the future gendarmerie officers must have much more professional, police qualifications than today's gendarmerie officers or better to say the officers of permanent staff, who are temporarily sent to serve in the gendarmerie. *In any case the gendarmerie should still be governed by military discipline and military judiciary.*

3. For local security in municipalities it is necessary to have *rural police*, which exist in almost all countries. There are two ways and manners to accomplish this: either to organize them as a completely new police force, or to enlarge the number of today's gendarmes and then detach from thus increased number a required number for the service in municipalities (at least one in each municipality). In our opinion, this second manner would be much better, more practical and safer. It would be precisely laid down by the law how much the municipalities would pay to the state for thus detached gendarmes, who would help the municipal authorities in local policing and they would be supervised by district or county commissioners.

At the remark that such organized field police would be very expensive we reply in advance that in other countries, in addition to field rangers – appointed by the state authorities in each municipality – there is also gendarmerie, which is deployed all around the country, and who constantly patrol in the given area. The number of low-positioned police bodies in these countries, who take care of order and personal and property security is generally rather large. For instance, we mention the canton of Geneva, with not more than 150,000 residents, (with Geneva) but they have: 200 gendarmes, 80 field rangers and up to 50 security agents. One small part of gendarmes is in Geneva, and the rest are deployed around the canton. Field rangers are deployed in municipalities, but they are organized as a separate body and are subordinate to the director of the central police. Security agents are in Geneva all the time, and they go to the canton if and when required. We have already said earlier that the police in the canton of Geneva are organized well and cen-



tralized. Thanks to this, both personal and property security in it is excellent – in the last 5 years there has been just one murder for profit.

In Belgium there are also both gendarmes and field rangers, and in France there is also *mobile gendarmerie* (brigades mobiles).

Four years ago there was a discussion in the well-known Parisian association “*Société Général des Prison*” on police reorganization both administrative and judicial, and as the basis for the former the following principle was set:

“Keeping order and public peace in the entire territory is the duty of the state. According to this, it has the right, considering the importance and character of each place, to perform directly, fully or partially, police tasks provided by paragraphs 2 and 3 of Article 97 of the Law dated April 5, 1884,¹ or to delegate them to the municipal mayors under the specifically set reservations and conditions.”

In addition to this basic principle for administrative police, the following desires are also expressed:

a) For the number of gendarmerie brigades to increase, and

b) For the Parliament to adopt as soon as possible the legislative proposal on creation of mobile gendarmerie,² and that in the future the permanent gendarmerie brigades do not leave their respective places of residence.

The following text is formulated for field rangers:

“Every village municipality must have at least one field ranger, who will be appointed by the municipal mayor following the approval of the county commissioner

and whose salary cannot be less than 500 dinars a year.

Only those persons can be appointed the field rangers who served in the army and are healthy, well built, literate and younger than 65.

In addition to this it can be allowed for two or more municipalities with a small number of residents and small territory jointly support one field ranger.

If a municipality is not able to support a field ranger without a special surtax, it will be given subsidy from the regional budget on conditions determined by the law. This task will be mandatory for the county. If the county must resort to special surtax to that effect, it will be given the subsidy from the state budget, again on conditions determined by the law.

As it can be seen from the above said, in order to maintain security in inland France there are: *permanent gendarmerie* deployed in brigades all over the country, *mobile gendarmerie* and *field rangers*. Since we do not have gendarmerie brigades in the heartland, and it would be much for us to create both them and field rangers, we have given advantage to the field police consisting of *gendarmes* to the one consisting of *field rangers*.

4. The provisions on police authorities and bodies, on their duties and jurisdictions, are dispersed over various laws (the Law on County and District Governance, Law on Municipalities, Law on Public Security, Organization of the Belgrade City Administration, Police Ordinance, etc.). Since the amendments of all these laws will have to be addressed anyway, we find that it would be good and practical if all these provisions will be gathered in one law – *the law on police authorities and bodies* – and then submitted to serious revision. This revision is particularly necessary for the

¹ Law on Municipalities

² Law on Mobile Gendarmerie was adopted three years ago.



Organization of the Belgrade City Administration, which dates from the time when Belgrade did not have more than 15 to 20 thousand inhabitants.

It goes without saying of course that it is indisputably necessary for the new law to regulate the issue of police officers on the principles of *true qualifications, integrity, continuity in service and raise of today's salaries*.

In our opinion it would be best if the candidates for police officers would be submitted to *professional qualification examination* (the exception could be made only for graduate lawyers), as well as the candidates for district commissioners and council secretaries. (In these cases not even the lawyers should be exceptions).

Also it would be very good and useful for the service if all the tasks related to appointments, transfers, promotions and suspensions of police officers would be conveyed to one *committee*, which would consist of: the police chief and the inspectors of the Ministry of Internal Affairs, the administrator of Belgrade, and the Belgrade county commissioner. In this way Mr Minister would be relieved of a boring and unthankful job, and police officers – which is about time – of dishonest party prosecutions.

5. *Municipal authorities* should be reorganised from the foundations, in order to create healthy and strong municipalities, which would always be capable of offering their inhabitants the first and necessary help in personal and property protection.

a) We have already expressed our opinion on the appointment of municipal mayors on the model of Belgium legislation. Ultimately it could be laid down by the law: *that the municipal committee elects from among their envi-*

ronment and proposes two or three candidates for the municipal mayor, among which the Government or the Minister of Internal Affairs would verify one.

In his work “*De l'organisation communale et municipale*”, the French writer *Henri Pascaud* says regarding the Belgium legislation:

– Organization of municipalities in Belgium is very similar to that in France. Modern Belgium is characterised with broadminded legislation to this effect. If, therefore, in this country, which offers today so much proof of political wisdom (this work was written in 1877), we find the laws which give the right to executive power to appoint municipal mayors, *it means that this is where the real administrative truth is, which conquered old and powerful traditions.* According to the present law, in every municipality there is one municipal body, which consists of: the president, his assistants (the village elders) and councilmen. The councilmen are elected directly among municipal inhabitants, under prescribed conditions, and their term of office is 6 years. Half of them drop out every third year. The tasks of the municipal committee are numerous. It takes care of all municipal interests, as well as of other things awarded to it by the higher authorities.

– The mayors and their assistants are appointed by the King from among the councilmen (but the mayor can be appointed from outside the group of councilmen, according to the opinion of the regional committee). The mayor is the Government body, and as such, he takes care of police laws and orders. There is no autonomous municipality. Everywhere, absolutely everywhere, it is organized and administered pursuant to state laws regulations, which are more or less, depending on the country, liberal. The



spirit of municipal legislation is influenced by tradition, level of domestic culture and most of all politics. The political influence is particularly high in the countries where there is tendency to make municipal presidents the election agents.

Both the government and the opposition would like to get hold of them, and in this way they are diverted from their mission. They would be agents of the state and municipality, but never the instruments of the parties

(To be continued)

