

POLICE ACCOUNTABILITY AND SUPERVISION IN THE REPUBLIC OF SLOVENIA

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Abstract

This paper addresses the system of police accountability and supervision, proceeding from the premise that, in the absence of effective mechanisms of supervision, the rule of law, the protection of human rights, and the safeguarding of fundamental freedoms are deprived of their substantive meaning. In the Republic of Slovenia, oversight mechanisms serve to ensure the legality, accountability, and professional integrity of police operations, as well as the consistent protection of human rights and fundamental freedoms.

Within the context of legal and administrative theory, oversight is a multifaceted concept appearing in various doctrinal frameworks and carrying different meanings. For the purposes of this paper, it is defined as a systematic process of reviewing the legality, propriety, and

correctness of the execution of police tasks and the exercise of police powers. Oversight constitutes an essential element of the state's responsibility to guarantee legality and to protect individuals against unlawful interference by coercive state authorities, thereby upholding the rule of law, with particular emphasis on police accountability.

The paper examines the various forms of oversight, with a primary focus on external oversight of police activities in the Republic of Slovenia. This form of oversight is exercised by multiple actors, including the National Assembly, the Government, the judiciary and the prosecution service, as well as by non-governmental organizations, the media, the general public, and international institutions. Furthermore, the paper analyses oversight conducted by the Ministry of the Interior and internal oversight mechanisms carried out within the Police itself, taking into account both its vertical chain of command and horizontal organizational structure.

Keywords: *the Police, accountability, supervision, external supervision, internal supervision, police powers, human rights and fundamental freedoms*

1 INTRODUCTION

1.1 DEFINITION OF THE PROBLEM AND SUBJECT OF STUDY

The study of any form of social activity or phenomenon inevitably raises the question of how to obtain scientifically grounded knowledge that reflects the need to establish the truth about reality. It should be emphasized that democratic oversight of the exercise of state authority constitutes an integral part of the state's responsibility to protect human rights in the activities of coercive state bodies, as stipulated by international law and reflected in the practice of international human rights protection institutions (Kečanovič, 2002).

Whenever state-provided security is examined, including the activities of the police, it is important to recognize that such protection is always subject to oversight by the state and its institutions, while supervision of state security activities is also exercised by non-governmental institutions and civil society. Furthermore, it can be observed that the state increasingly seeks to regulate state security activities normatively, including police work and the exercise of police powers (Čas, 2019), while acknowledging that the provision of security is a product of collective effort and cooperation among all competent actors at the national, local, and private-sector levels, as well as individual citizens (Christián & Bartóki-Gönczy, 2019).

»Security is an increasingly valued and protected human right that the state must ensure« (Čas, 2011, p. 227). »However, security is by no means merely a technical and professional issue; it is also crucial for the governance of any modern

socio-political system, as increasingly demanding criteria for its evaluation and assessment are being established everywhere» (Čas, 2001, p. 32). »However we view its development, the fact remains that the police cannot be separated from society, as it is always part of it and is sometimes a highly controversial institution« (Čas, 2000, p. 126).

Given the nature of police work and the exercise of numerous police powers and coercive measures that interfere with human rights and fundamental freedoms, policing is among the most closely observed and scrutinized public activities. "What is commonly understood as police professionalism may certainly be regarded as synonymous with the practice of all state coercive bodies. Whenever the limits and substantive issues concerning the exercise of their powers are discussed, it is important to recall that the modern state and its administration essentially developed on the foundations of the so-called police state. Today, however, both the organizational and functional role of the police in a modern democratic society differ fundamentally from the historical experiences that illustrate the unrestricted use of force characteristic of the aforementioned police state" (Trpin, 2002, p. 27).

"The police operate as a public service in accordance with legal regulations and an established tradition, and they have been subject to public scrutiny since their inception" (Čas, 2001, p. 32). Consequently, the police are entrusted with precisely defined powers (Žaberl, Pozdrec, & Oberman, 2017) that permit interference with human rights and fundamental freedoms only when the statutory conditions prescribed by law are fulfilled. At the same time, effective and impartial oversight of the exercise of police powers is essential for ensuring their lawful and professional implementation.

1.2 PURPOSE OF THE PAPER AND RESEARCH METHODS

The purpose of this paper is to examine democratic oversight of the police, police activities, and the exercise of police powers. Without democratic oversight of police activities, the rule of law, the protection of human rights, and respect for fundamental freedoms lose much of their substantive meaning.

The paper therefore discusses different forms of oversight and examines external democratic oversight of police activities in the Republic of Slovenia, exercised by various actors, including parliament, the government, the judiciary, and the prosecution service, as well as oversight carried out by non-governmental organizations, the media, the public, and international institutions. In addition, the paper addresses oversight conducted by the Ministry of the Interior and internal oversight mechanisms exercised by the police organization itself.

The research is based primarily on qualitative, comparative, historical, descriptive, and analytical methods of source analysis. Through the application of these research methods, the paper seeks to address the identified research questions and propose ways of establishing effective oversight of police activities and the exercise of police powers through various supervisory bodies. Oversight constitutes

an important component of management and governance; therefore, it is not irrelevant who directs and professionally supervises the supervisors, nor what professional and ethical values and characteristics they possess (Anžič, 2000). In this regard, the supervisors' perspective on their own work, as well as on the organization, functioning, and effectiveness of the systemic oversight of police work, is also important (Modic, 2020).

2 OVERSIGHT OF POLICE ACTIVITIES

2.1 GENERAL CONSIDERATIONS ON OVERSIGHT

Oversight is a concept and phenomenon that has increasingly appeared in everyday life and, in particular, within various scientific and professional theories, where it is associated with different meanings and contexts. Oversight may be understood as a form of systematic examination of the correctness and proper conduct of a particular activity and the elimination of identified irregularities (Leksikon CZ, 1994, p. 681), or as an effort and concern to ensure appropriate conduct, behaviour, or performance by an individual (Dictionary of Standard Slovene, 1994, p. 598), among other interpretations.

Oversight may also be viewed as a social relationship, the content of which determines the intensity, diversity, and consequences of its operation. In essence, oversight is a process involving two parties or subjects. The oversight process is the element that connects them and establishes their mutual relationship. One party exercises oversight, while the other is subject to it and must comply with its requirements (Anžič, 1997, p. 78). Oversight is always a social phenomenon and issue, and therefore it cannot be entirely separated from political considerations. It has consistently occupied a central place in political attention, and throughout history there has been no period in which politics and oversight have not gone hand in hand in shaping social developments and patterns of behaviour (Pečar, 1988, p. 38).

However, oversight does not merely involve supervision and inspection; it also entails providing professional guidance and assistance to those being supervised. For the purposes of this study, professional oversight is of particular importance. This form of oversight refers to supervisory activities carried out by a higher-level supervisory body over a subordinate entity. A distinction can be made between external and internal forms of professional oversight. External oversight is exercised by a supervisory authority operating outside the working environment that constitutes the subject of supervision. Internal oversight, by contrast, is carried out within the working or other social environment itself. This latter form may also be referred to as official or organizational oversight, as it involves superiors within a work process assessing the extent to which subordinates fulfil expected requirements and standards (Anžič, 1997, p. 79).

In democratic states, oversight of the police, including the exercise of police powers and the use of coercive measures, takes several forms:

- Parliamentary oversight, which may be characterized as political oversight;
- Judicial oversight, exercised by the courts;
- Prosecutorial oversight, exercised by public prosecutors;
- Oversight exercised by citizens, the media, and other societal actors; and
- Internal oversight, carried out by the Ministry of the Interior and by the police organization itself.

As noted in the introduction, oversight is generally divided into external and internal oversight. The following sections therefore examine these forms of supervision in greater detail. External oversight most commonly encompasses parliamentary oversight, government oversight, oversight by the Constitutional Court of the Republic of Slovenia, judicial oversight, prosecutorial oversight, oversight by the Human Rights Ombudsman, oversight by non-governmental organizations, oversight by the media and the public, oversight by the European Court of Human Rights, and oversight by the European Committee for the Prevention of Torture. External oversight is therefore carried out by various external bodies and institutions (Flander, Modic, Lobnikar, and Tičar, 2021).

2.2 EXTERNAL OVERSIGHT

2.2.1 Parliamentary Oversight

Parliamentary, or political, oversight of the exercise of police powers is carried out through the National Assembly of the Republic of Slovenia. The National Assembly exercises political oversight of the police through the Government of the Republic of Slovenia, which is accountable to Parliament for the results of its work, including the activities of the Ministry of the Interior and the Police.

The principal forms of parliamentary oversight in Slovenia include:

- Interpellation against the Minister of the Interior;
- Votes of no confidence in the Government;
- Monitoring the work of the Government through parliamentary committees and working bodies;
- Parliamentary questions addressed to the Minister of the Interior; and
- Special parliamentary commissions of inquiry (Čas, 2024).

2.2.2 Oversight by the Government of the Republic of Slovenia

In directing and managing the state administration, the Government also supervises the work of ministries, provides political guidance for the implementation of policies and the enforcement of laws, regulations, and other general acts, and ensures that ministries and their constituent bodies perform their functions lawfully, professionally, and in a coordinated manner (Čas, 2023).

As part of its supervisory authority over ministries, the Government as a whole, or its Prime Minister, may suspend the implementation of a regulation issued

by a minister. All security and intelligence services, together with their respective databases, are likewise subject to governmental oversight (Brus, 2011, p. 5).

2.2.3 Oversight by the Constitutional Court of the Republic of Slovenia

The Constitutional Court of the Republic of Slovenia is responsible for reviewing the constitutionality and legality of legal acts and, among other functions, adjudicating constitutional complaints concerning violations of human rights and fundamental freedoms. Article 160 of the Constitution of the Republic of Slovenia provides that the Constitutional Court may decide on a constitutional complaint only after all available legal remedies have been exhausted.

Through its review and decisions in individual cases, the Constitutional Court confirms its position as the highest authority for the constitutional protection of human rights and fundamental freedoms in the state. In this capacity, it also plays an important role in overseeing the exercise of police powers (Čas, 2019).

2.2.4 Judicial Oversight and Prosecutorial Oversight

Judicial and prosecutorial oversight arise primarily when the police carry out investigative activities, including official investigations and inquiries, during the pre-trial phase of criminal proceedings.

Courts are responsible for examining and authorizing requests for more intrusive police measures that interfere with human rights and fundamental freedoms, particularly the right to privacy. Such measures include search warrants for homes and persons, as well as the authorization of covert investigative measures. Following the implementation of these measures, courts may subsequently review whether the conditions specified in the warrant or authorization were lawfully fulfilled. If unlawful conduct by the police is established, courts may, in certain circumstances, impose procedural sanctions, including the exclusion of unlawfully obtained evidence.

Public prosecutors perform a similar supervisory role with respect to the use of covert investigative measures and also possess specific institutional powers to oversee the legality of police work. Furthermore, an individual against whom police powers have been exercised during pre-trial proceedings, in accordance with the Criminal Procedure Act, may lodge a complaint with the competent public prosecutor within three days (Žaberl, 2006).

2.2.5 Oversight by the Human Rights Ombudsman

The Constitution of the Republic of Slovenia provides the legal basis for the establishment of the Human Rights Ombudsman, whose role is to protect human rights and fundamental freedoms through informal forms of oversight in relations between individuals and state authorities, local self-government bodies, and holders of public authority.

The establishment of the institution of the Human Rights Ombudsman was intended to maintain a balance among the principal branches of government—the

legislature, the executive, and the judiciary—while also safeguarding the balance between individuals and the state, including its authorities and institutions (Čas, 2023).

The Ombudsman may investigate cases involving unlawful or improper conduct by state authorities, including the police, and must perform these functions in accordance with the Constitution of the Republic of Slovenia and international legal instruments concerning human rights and fundamental freedoms (Žaberl, 2006).

2.2.6 Oversight by Non-Governmental Organizations

In addition to the oversight mechanisms exercised by the state, most countries have a variety of non-governmental institutions and organizations dedicated to the protection of human rights and fundamental freedoms. These organizations increasingly cooperate and network internationally, thereby enhancing their influence and their ability to achieve their objectives.

One of the most significant organizations operating in the Republic of Slovenia is the international association Amnesty International (Čas, 2019). Amnesty International publishes annual reports addressing cases of human rights violations. Although these reports are generally not legally binding, they carry considerable weight among both professional and general audiences.

Another important organization active in Slovenia is the Helsinki Monitor. This organization issues public statements in response to events that, in its view, involve violations of human rights and fundamental freedoms. Through these statements, it communicates its findings, perspectives, and assessments to the public, individual states, and international organizations (Senčar, 2003, p. 26).

2.2.7 Oversight by the Media and the Public

An important form of external civic oversight is exercised by the public, which critically evaluates police work primarily through the media (Čas, 2023). The media therefore play a key role in overseeing police activities.

Their significance stems not only from their ability to collect and disseminate information, thereby influencing what citizens know or do not know at a given moment, but also from their capacity to shape public opinion through their interpretation and commentary on social events. Journalists represent the segment of the public that closely and critically monitors developments within society, while every citizen may, to a certain extent, contribute to the oversight of police conduct (Brus, 2011, p. 9).

2.2.8 Oversight by the European Court of Human Rights

The European Court of Human Rights (ECtHR) is competent to receive and adjudicate individual applications alleging violations of human rights (Čas, 2023). Many of the cases considered by the Court directly or indirectly concern police procedures and practices.

An individual who believes that a state authority—including the police—has violated rights guaranteed by the European Convention on Human Rights may submit an application to the ECtHR after exhausting all available domestic legal remedies. In the context of police activities, such cases commonly involve alleged violations of the right to life, the prohibition of torture, the right to liberty and security, the right to a fair trial, and the right to respect for private and family life (Klemenčič et al., 2002).

2.2.9 Oversight by the European Committee for the Prevention of Torture (CPT)

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) may visit any state party to the relevant convention and inspect any facility where persons are detained, held in custody, or imprisoned by state authorities. Police stations fall within the scope of such inspections.

The Committee's purpose is not to criticize or condemn individual states, police organizations, or police officers. Rather, its role is to assist states in ensuring that the treatment of persons deprived of their liberty does not amount to torture or inhuman or degrading treatment (Brus, 2011, p. 10).

2.3 INTERNAL OVERSIGHT

Internal oversight of police operations and the exercise of police powers may be divided into:

- Internal oversight conducted by the Ministry of the Interior; and
- Internal oversight conducted by the Police and its individual organizational units.

In the Republic of Slovenia, the Police is an administrative body within the Ministry of the Interior (hereinafter: the Ministry), which means that it enjoys a degree of functional autonomy. Nevertheless, it remains subject to democratic oversight by the Minister and may not operate as an autonomous state institution exercising its functions and powers at its own discretion. In most European countries, a hierarchical system of ministerial oversight over the police has been established. Similarly, in Slovenia, the Ministry of the Interior possesses supervisory and directive powers with respect to the Police (Čas, 2019).

These relationships are regulated by the Organization and Work of the Police Act and the Rules on the Direction and Supervision of the Police, which define the manner and forms in which the Ministry exercises its powers concerning the determination of developmental, organizational, personnel, and other fundamental guidelines for police work, as well as the direction, reporting, and supervision of police activities.

The Police also maintains its own internal oversight mechanisms, which are intended to assess the legality and professionalism of the exercise of police powers and to identify potential systemic, organizational, operational, and professional deficiencies in the performance of police duties. Through its organizational structure

and chain of command, the Police conduct general, professional, regular, extraordinary, and follow-up supervision.

The handling of complaints lodged against police officers by dissatisfied citizens or by persons subjected to official police procedures may also be regarded as part of the Ministry's oversight of police work and the exercise of police powers (Čas, 2019).

2.3.1 Oversight by the Ministry of the Interior

2.3.1.1 Types of Oversight

The Ministry conducts regular, extraordinary, and follow-up supervision of police activities (Article 9 of the Rules). The purpose of such supervision is to assess the legality of police operations, the protection of human rights during the performance of police duties and the exercise of police powers, and compliance with ministerial directives and binding instructions.

Within the Ministry, oversight is carried out by the internal organizational unit responsible for directing and supervising the Police (hereinafter: the Directorate), headed by a Director General (hereinafter: the Director).

Regular supervision is conducted on the basis of an annual supervision plan adopted by the Minister upon the proposal of the Directorate. The annual plan is communicated in writing to the Director General of the Police.

Extraordinary supervision may be ordered by the Minister on his or her own initiative or upon the proposal of the Director General of the Directorate.

Follow-up supervision may be conducted after the expiry of a deadline established for the implementation of corrective measures and tasks, or after the deadline set for remedying violations identified during regular or extraordinary supervision (Article 10 of the Rules).

Regular, extraordinary, and follow-up supervision are ordered by ministerial directive. The directive designates the head of supervision and the other officials participating in the supervisory procedure. In the case of regular supervision, the head of supervision must serve the directive on the Director General of the Police and on the head of the organizational unit subject to supervision at least fifteen days before the supervision commences. Extraordinary and follow-up supervision may be carried out without prior notice (*ibid.*).

2.3.1.2 Conduct of Supervision and Handling of Identified Irregularities

When conducting extraordinary or follow-up supervision, the head of supervision serves the ministerial directive on the head of the police organizational unit immediately before the commencement of supervision. At the same time, the Director General of the Police must be informed.

Upon completion of the supervisory procedure, the head of supervision prepares a report, which is signed by all officials who participated in the supervision.

The findings of the supervision are discussed at a meeting attended by the head of supervision, the Director General of the Police (or a designated representative), and the head of the organizational unit in which the supervision was conducted. Officials who participated in the supervision may also attend the meeting. Within fifteen days following the completion of the supervision, the Director General of the Directorate submits the report to both the Minister and the Director General of the Police. The Director General of the Police may submit comments on the report within fifteen days of its receipt. All materials upon which the supervisory findings are based form an integral part of the official supervisory documentation.

Where irregularities are identified, the Directorate proposes corrective measures and procedures for determining responsibility. The Minister may instruct the Director General of the Police to remedy the identified deficiencies within a specified period or in a prescribed manner. The Director General of the Police must subsequently inform the Minister in writing of the measures taken and of any procedures initiated to establish responsibility.

To ensure the effective implementation of supervision, the Director General of the Directorate and the Director General of the Police may establish various forms of cooperation during the supervisory process. In this regard, it is necessary to very clearly define the conceptual difference between responsibility, supervision, and the oversight exercised by the Ministry of the Interior, as well as the role of the Director General of the Directorate and the Director General of the Police, as an important form of “super-supervision”—that is, oversight of the overseers—which may involve going beyond a particular standpoint or belief (supervision).

2.3.1.3 Exercise of Powers by Ministry Officials Conducting Supervision

Police employees are required to enable Ministry officials conducting supervision of police activities to perform their duties and to provide any necessary assistance. A Ministry official who is present during the performance of police tasks within the scope of supervision may not interfere with police operations.

Officials conducting supervision must identify themselves with an official identification card issued by the Minister. The Ministry’s organizational unit responsible for personnel matters maintains records of issued identification cards and performs all related administrative tasks (Čas, 2019).

The front side of the identification card contains the following statement:

“Police employees are required to enable the holder of this identification card, when conducting supervision, to perform supervisory activities within the scope of his or her authority and to provide all necessary assistance.”

The reverse side contains the following statement:

“Within the framework of supervisory activities, the holder of this identification card possesses police powers and enjoys the same rights and duties as a police officer. For the purpose of ensuring the uninterrupted and effective conduct of supervision, the holder of this identification card is additionally authorized to:”

- Request access to data contained in police records and databases;

- Request inspection of documents, records, warrants, reports, decisions, and other materials obtained, prepared, or issued by the Police and, where necessary, request their submission or the submission of copies;
- Conduct interviews with police employees;
- Enter any premises used by the Police in the performance of their duties;
- Request certificates, technical documentation, and other information concerning equipment used by the Police, as well as proof of officers' qualifications to operate such equipment;
- Observe the performance of specific police tasks; and
- Require the Police and police employees to provide any other information or data within their competence that is relevant to the successful conduct of supervision (Article 17 of the Rules).

2.3.2 Internal Police Oversight

The fundamental principle of the internal police oversight system is the continuous and direct supervision of subordinate police personnel by their superiors. Primary responsibility for internal oversight rests with police managers, who ensure internal discipline through leadership, internal control mechanisms, and disciplinary measures.

Internal discipline includes, among other aspects, measures designed to ensure respect for human rights and fundamental freedoms. Given the sensitivity of the exercise of police powers and the need for effective control thereof, the Police have established special procedures for reporting, reviewing, and assessing the legality of police actions (Ćas, 2019).

The General Police Directorate supervises the work of its internal organizational units, police directorates, and police stations, while police directorates supervise the work of police stations within their respective jurisdictions. Internal oversight is also directed toward individual police employees.

The purpose of supervision of police personnel and organizational units is to assess the legality, professionalism, quality, and timeliness of police work and the exercise of police powers; to coordinate work processes; to evaluate the effectiveness and efficiency of police units generally or within specific areas of activity; to verify the achievement of organizational objectives; and to regulate police performance in accordance with identified levels of effectiveness and efficiency among individual organizational units and police officers.

Within the scope of their respective competences, supervision of police personnel is conducted by the heads of internal organizational units of the General Police Directorate and Police Directorates, their subordinate organizational units, specially appointed commissions or working groups, and police station commanders. These officials are responsible for ensuring that supervision is conducted lawfully, effectively, and in a timely manner. Police managers also supervise police personnel

by continuously monitoring and annually evaluating their professional performance and work results (ibid.).

3. CONCLUSION

This paper has examined the various forms of external and internal oversight, both of which are essential for ensuring the lawful and professional conduct of the police in the exercise of their powers and the use of coercive measures. These two forms of oversight constitute a comprehensive system of supervision over police activities, as the performance of police duties frequently involves interference with human rights and fundamental freedoms.

For this reason, external democratic oversight is of particular importance. The paper has briefly outlined its principal forms, ranging from parliamentary oversight and oversight by non-governmental organizations to supervision exercised by the media and the general public. At the same time, greater attention has been devoted to internal oversight, specifically the supervision exercised by the Ministry of the Interior over the Police and the internal control mechanisms implemented by the Police itself through the hierarchical chain of command between superiors and subordinate police personnel.

The analysis has shown that such oversight is of fundamental importance and is comprehensively regulated by the Organization and Work of the Police Act and the Rules on the Direction and Supervision of the Police. Oversight should not be understood solely as a mechanism of control and inspection with a repressive function. Rather, it also encompasses preventive guidance and professional support for those subject to supervision, thereby contributing to the strengthening of professionalism, accountability, and integrity throughout the institution.

Ultimately, the key to an effective oversight framework lies in the synergy and balance between external and internal mechanisms. While internal controls ensure immediate operational adherence to protocols and organizational discipline, external oversight provides the necessary objectivity and democratic legitimacy that internal processes alone cannot achieve. When these two dimensions function in tandem, they do not merely penalize misconduct, but actively foster institutional transparency. This, in turn, is vital for maintaining and strengthening public trust, which remains the cornerstone of modern policing in a democratic society.

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