

»Stop and Search«: Slovenian Police Officers' Perspective

Mirče Milenkov, Maja Modic

Purpose:

The purpose of the article is to find out what attitudes police officers in Slovenia have towards the use of powers that can be classified as stop and search police powers. These powers are regulated in Slovenian legislation by the Police Tasks and Powers Act and include establishing the identification of person, security searches and searches of the person.

Design/Methods/Approach :

The article is based on a review of literature and the findings of interviews conducted with Slovenian police officers in various working environments and various positions.

Findings:

We found that the legal regulation of the powers in question is relatively adequate, although certain weaknesses exist that allow the possibility of abuse, particularly in the case of the power to establish identity. We also found that police officers are very well aware of the importance of their attitude when dealing with members of the public in police procedures. Some interviewees also highlighted the fact that police powers in Slovenia are not fully comparable to stop and search police powers as they are known in the United Kingdom.

Research Limitations/Implications:

We limited ourselves to Slovenian police officers, where, however, the sample is not representative, meaning that we cannot generalise the results to all uniformed police officers.

Originality/Value:

Stop and search police powers in Europe and elsewhere are subject to strong criticism because of frequent cases of discriminatory use (both alleged and proven) and links to racism and police violence. Therefore this topic should also be addressed by research in Slovenia, above all from the point of view of the legitimacy of police work and good relations with the community. Our research thus offers a partial insight into the police officers' perception of the use of the powers in question and highlights key needs for further research.

Keywords: Stop and search, police powers, police and community, abuse of powers

UDC: 351.741

»Stop & search«: pogled slovenskih policistov

Namen prispevka:

Namen prispevka je ugotoviti, kakšen je odnos policistov in policistk v Sloveniji do uporabe pooblastil, ki jih lahko uvrstimo v skupino tako imenovanih »stop & search« pooblastil. Ta so v slovenski zakonodaji urejena v Zakonu o nalogah in pooblastilih policije, in sicer gre za pooblastilo ugotavljanja identitete, varnostnega pregleda in pregleda osebe.

Metode:

Prispevek temelji na pregledu literature in ugotovitvah intervjujev s slovenskimi policistkami in policisti v različnih delovnih okoljih in na različnih delovnih položajih.

Ugotovitve:

Ugotovili smo, da je pravna ureditev obravnavanih pooblastil relativno primerna, vseeno pa obstajajo pomanjkljivosti, ki dopuščajo morebitne zlorabe, še posebej pri pooblastilu za ugotavljanje identitete. Prav tako smo ugotovili, da se policisti in policistke zelo dobro zavedajo pomena, ki ga ima njihov odnos pri obravnavi oseb v policijskih postopkih. Nekateri intervjuvanci so sicer izpostavili, da pooblastil v Sloveniji ne moremo povsem primerjati s pooblastili »stop & search«, kot jih poznajo v Združenem kraljestvu.

Omejitve/uporabnost raziskave:

Omejili smo se na slovenske policistke in policiste, pri čemer pa vzorec ni reprezentativen in tako rezultatov ne moremo posplošiti na vse uniformirane policistke in policiste.

Izvirnost/pomembnost prispevka:

Pooblastila »stop & search« so v Evropi in širše podvržena številnim kritikam zaradi pogosto očitane in dokazane diskriminatorne uporabe ter posledično povezave z rasizmom in policijskim nasiljem. Predvsem z vidika legitimnosti policijskega dela in dobrih odnosov s skupnostjo je smiselno to področje raziskovalno nasloviti tudi v Sloveniji. Naša raziskava tako predstavlja delni vpogled v policijsko zaznavo uporabe omenjenih pooblastil in izpostavlja ključne potrebe za nadaljnje raziskovanje.

Ključne besede: stop & search, policijska pooblastila, policija in skupnost, zloraba pooblastil

UDK: 351.741

1 INTRODUCTION

The term »stop and search« refers to powers that, in Slovenian legal system, include the power to identify persons, the power to conduct a security search (frisk, pat down) and the power to conduct a search of a person. It is a broad

term that defines powers which, in some European countries, in particular the United Kingdom, are extremely controversial, with various studies indicating that the use of these powers is frequently very questionable and even detrimental to police–community relations (Bowling & Phillips, 2007; Miller et al., 2001). These powers are defined considerably more narrowly in Slovenian legislation (»Zakon o nalogah in pooblastilih policije (ZNPPol)«, 2013) and are nowhere as controversial as in other European countries, at least judging from debates on the lawfulness and manner of use of these powers, or rather the absence of such debates. Yet despite the absence of such debates, it seems to us to be of key importance that discussion of this topic should also develop in Slovenia. The use of stop and search powers has been greatly criticised in other countries because of their link with racism and police violence (Bowling & Phillips, 2007; Miller et al., 2001). The discretion to use stop and search powers is frequently abused (Bear, 2016; Jobard et al., 2012; Murray, 2014), including the breaches of privacy rights, as was established by the European Court of Human Rights in the case of the 2000 Terrorism Act in the United Kingdom (Murray, 2014). We believe it is vital to know what the attitude of the people who use these powers on a daily basis actually is, and – even more important – what the attitude of their superiors is towards the use of these powers and how these powers are actually used in practice. If we only start dealing with this issue after problems similar to those seen in other countries regarding the use of these powers have started to occur, it can be too late.

The main purpose of the article is to study the way in which police powers that can be classified as stop and search powers (identification of persons, security search and search of the person) are used, and to ascertain the attitude of police officers towards the use of these powers. We want to find out when these powers are used, what approach is taken by police officers when using them and whether resistance to the use of these powers on the part of the public is a frequent occurrence. We also want to identify the causes of resistance when it does occur.

Numerous studies to date have shown that the attitude of police officers in procedures involving the public is of key importance, since through their approach police officers can significantly influence the response of those individuals against whom a police procedure is being implemented (De Maillard et al., 2018; Flacks, 2018; Hunold, 2015). There are, of course, differences in the approach of police officers when carrying out duties in urban environments and rural environments (Van Bueren & Woolley, 2010), since the attitude of the population towards the police is also different. Slovenian police officers are well aware of this, since they are well trained to deal with and manage various situations, which, however, may also influence their views regarding the implementation of security searches, searches of the person and identification of persons. In comparison to the United Kingdom or France, where police officers have considerable discretion in the use of stop and search powers, the use of powers that can be included in the stop and search category in Slovenia is considerably more clearly and centrally defined.

A first limitation of this study is represented by the relatively small number of interviewees, as a result of which the findings of the study cannot be generalised to all police officers. The next limitation relates to the existing literature consulted, since we only used available literature in either Slovene or English. Similarly, we

limited ourselves to literature relating to Europe, in this way ensuring that the circumstances referred to are as comparable or similar as possible to circumstances in Slovenia. An additional limitation is represented by the fact that the use of stop and search powers is a relatively poorly researched topic from the point of view of the police, which means that the literature on the subject is relatively limited.

2 DEFINITION OF STOP AND SEARCH POWERS

The Slovene language does not have an exact translation for the police powers referred to in English either as »stop and search« or as »stop and frisk«, since these terms actually cover a broad range of powers used by police officers in their everyday work. After reviewing available literature, we found that the expression »stop and search«, which is the one that we will use in this article, is mainly used in Europe and the United Kingdom, while the expression »stop and frisk« is used for the most part in the United States of America. Both expressions refer to the same thing.

In its broadest sense, stop and search is defined as the power of police officers to carry out actions such as checking a person's identity and searching them for the purpose of finding and seizing prohibited substances, a weapon, stolen property or something which officers suspect has been used or could be used to commit a criminal offence (Flacks, 2018; Gov.uk, n. d.; Hargreaves, 2018; Miller et al., 2001; Murray, 2014).

These powers are very welcome from the police point of view, since they enable officers to confirm or allay suspicion that a criminal offence has been committed without using powers that encroach even further on human freedoms and rights such as detaining or arresting a person (Sussex Police, 2020; Van Bueren & Woolley, 2010).

Viewed idealistically, then, stop and search is an extremely good police power, since on the one hand it is very well accepted by police officers, while on the other it is also reasonably well accepted by the public, although only when its use is proportionate and correct (Miller et al., 2001). Just as with all their other powers, police officers must use the powers included in the stop and search category in accordance with specific guidelines, which state that the use of these powers must be: proportionate, meaning that before using them they must consider the needs of the public and the rights of the individual; legitimate, with a correct interpretation of legislation; and responsible, where encroachments on an individual's rights are consistently recorded. Not only that, but these powers must be used on the basis of the best and most reliable information currently available, and only when the use of such powers is urgently necessary in order for police officers to exercise their functions and perform their duties successfully (Van Bueren & Woolley, 2010).

From a legal point of view, stop and search powers are intended above all for the detection and investigation of various criminal offences. In practice, this is not always the case, since some studies indicate that stop and search powers are frequently employed as a deterrent to crime, in other words they are used as a preventive measure, which should by no means be acceptable, since it is

important to be aware that excessive use of stop and search powers by the police can lead to deviant or criminogenic behaviours, which is the exact opposite of the purpose of these powers (Bear, 2016; Bowling & Phillips, 2007; Deuchar et al., 2019; Flacks, 2018; Flacks, 2020).

3 REVIEW OF EXISTING STUDIES

Trends in research into stop and search powers carried out to date indicate that studies of this kind have been taking place in Europe and the UK since at least the 1980s and that such studies are more or less consistent in their findings. The great majority of such studies have found, in fact, that police powers of this type do not contribute to reducing crime and that sometimes their use is extremely questionable, since only a small proportion of such procedures conclude with the detention or arrest of an individual or seizure of prohibited substances or items (Borooah, 2011; Deuchar et al., 2019; Epp et al., 2017; Tiratelli et al., 2018; Topping & Bradford, 2020). In some cases the improper and incorrect use of such powers can even lead to a significant reduction in public confidence in the police work, while at the same time findings indicate that there is considerable discrimination against ethnic minorities and other social groups such as young people when it comes to using these powers (Bear, 2016; Bowling & Phillips, 2007; De Maillard et al., 2018; Flacks, 2018; Flacks, 2020; Hallsworth, 2006; Hargreaves, 2018; Miller et al., 2001; Miller et al., 2020; Topping & Bradford, 2020). While the majority of studies agree that disproportionality and discrimination against various groups occur in the use of stop and search powers, the results are not always the same with regard to the level of such disproportionalities and discriminations (Ariel & Tankebe, 2018).

Stop and search powers are the subject of considerable discussion regarding racism and police profiling, and the subject itself is somewhat controversial (Bowling & Phillips, 2007; Miller et al., 2001), since many researchers in this field have found that ethnic groups such as members of the black, Muslim and Asian communities, are subject to considerably greater control or a higher level of attention on the part of the police than members of the white community, with figures showing that members of the black population are stopped by the police between four and nine times more often than whites, while Asians are stopped two to three times more often than whites (Miller et al., 2001; Miller et al., 2020; Van Bueren & Woolley, 2010). These figures relate to the UK where more studies have been carried out on this topic than anywhere else in Europe, but it is still necessary to emphasise that differences in the treatment of ethnic groups by the police are not the same all over the UK, since discrepancies most commonly occur in densely populated urban areas, while as a result of the decentralised organisation of police forces in the UK, there are also significant regional differences (Equality and Human Rights Commission, 2013; Miller et al., 2020; Van Bueren & Woolley, 2010).

Not every European country has the same ethnic picture as the UK, of course. Even so, major discrepancies appear when we talk about the use of powers such as identification of persons and security searches, both between ethnic groups

and between social groups. In Germany, for example, discrepancies occur in the case of Turkish immigrants, while in France they relate to immigrants from sub-Saharan and North Africa. In Scotland, on the other hand, young people in general are strongly subject to discrimination of this kind (De Maillard et al., 2018; Jobard et al., 2012; Murray, 2014).

As already mentioned, in addition to differences between ethnic and racial groups, large differences appear between genders and between age groups, with young people – particularly young men – significantly more likely to be stopped by the police on the basis of stop and search powers (De Maillard et al., 2018; Jobard et al., 2012; Murray, 2014; Sussex Police, 2020). Young people spend a lot of time in public areas and spaces, while their wardrobe style, attitude and youth culture in general are frequently and stereotypically associated with deviant or even criminal behaviour, which consequently influences the attitude of police officers when dealing with young people. This type of discretionary use of stop and search powers occurs on an even greater scale in Scotland and in Northern Ireland, where young males aged between 15 and 25 are particularly likely to be stopped by police using such powers (Topping & Bradford, 2020). The excessive use of stop and search powers against young people, regardless of their gender or ethnicity, can be extremely harmful and problematic, since it exposes them to unpleasant experiences in their interaction with the police and they become considerably more reluctant and sceptical about cooperating with them in the future, which not only negatively affects their mental and, consequently, physical health, it damages relations between the police and the community and, of course, the ability for the police to do their job effectively (Flacks, 2018).

The attitude of police officers when dealing with members of the public is always important, but it must be emphasised that when police officers are dealing with young people, their attitude towards them can be of key importance, since it frequently happens that young people who are exposed to deviant behaviour and, as a consequence, to greater attention from the police, are not always well-inclined towards authority and can potentially be more volatile or irritable than other age groups. In such cases, the police officer must be very careful about how they approach such individuals, since an incorrect approach can lead to an individual reacting in an inappropriate and aggressive manner, which can result in them being detained or arrested, despite the fact that an identification or security search would have demonstrated no irregularity or unlawful conduct, which means that in these cases the use of stop and search powers does considerably more harm than good (Deuchar et al., 2019; Flacks, 2018).

Through our review of available literature, we also found that in some areas young people are frequently treated with a greater degree of scepticism by the police, or on the basis of a lower standard of reasonable suspicion, as a result of which they are also subject to more frequent stops or controls (Deuchar et al., 2019; Flacks, 2018; Murray, 2014). One consequence of this can be a greater degree of intolerance and violence, or a different form of punishment from parents and, in some cases, even other close relatives – something that is a particular problem in families of Middle Eastern and Asian origin. It is often the case that parents find it difficult to believe that young people have been unfairly treated by the police,

instead taking the view that the police would not have stopped them without reason if they had not done anything wrong (Flacks, 2018).

Despite numerous attempts to explain why differences occur in the use of stop and search powers, there is still no universal theory that explains this disproportionality. Several authors have tried to explain disproportionality in the police's use of stop and search using the theory of »availability«, according to which some groups – be they ethnic or social – are stopped more frequently by the police because they are more frequently present in public areas where stop and search powers are used. This theory is somewhat self-fulfilling, since the contrary argument is that the police mainly do stops and searches in areas where specific groups of ethnic or social minorities tend to be present (De Maillard et al., 2018; Hunold, 2015; Tiratelli et al., 2018; Van Bueren & Woolley, 2010). Numerous other theories attempt to explain disproportionality using crime statistics, where specific groups are seen to be responsible for the majority of crimes of a particular type, and the police direct the use of stop and search powers on the basis of these statistics (Delsol & Shiner, 2006). This theory does not fully hold up either, since it emphasizes specific criminal offences only being carried out by specific groups of people, while at the same time it does not include the majority of criminal offences, but only a small part of them (Delsol & Shiner, 2006; Tiratelli et al., 2018). Finally, statistical data do not for the most part support this theory (Borooah, 2011). In an attempt to explain disproportionality in the use of stop and search, a 2010 report by the UK's Equality and Human Rights Commission mentions the unreliability of statistical data on the use of stop and search powers, where police officers are more likely to record their use of these powers against certain groups because of the fear of complaint, while in the case of other groups keeping such records is less frequent. It is suggested that this might be the cause of the disproportionality (Delsol & Shiner, 2006). The theory that comes closest to a universal explanation is the theory of institutional and social racism, which states that police officers frequently use stop and search powers unlawfully because their suspicions are based on various stereotypes rather than on objective factors (Van Bueren & Woolley, 2010).

The frequency and manner of use of stop and search powers are influenced by numerous factors, including the attitude and demands of superior officers and the attitude of other police officers towards the use of such powers, since it is far more likely that police officers will use stop and search powers more frequently if the use of these powers is seen as a measure of performance or if they are likely to be praised by their superiors and colleagues for doing so. The discretion of an individual police officer in the use of stop and search powers is also significantly influenced by discriminatory mentalities or the various stereotypes that apply to specific ethnic or social groups. Another factor, of course, are the various forms of training that raise the awareness of police officers and draw their attention to such mentalities and teach them how to avoid stereotyping (Bear, 2016; Giacomantonio & Litmanovitz, 2017; Lennon & Murray, 2018; Quinton, 2011).

The effectiveness and proportionality of the use of stop and search powers are also influenced by the purposes that police organisations are attempting to achieve through the use of such powers. Our review of the available literature

in fact revealed that stop and search powers are used for different purposes and to achieve different goals. The use of these powers can roughly be divided into proactive and reactive use. The proactive use of stop and search powers means using them in order to deter people from committing or participating in crime. The reactive use of these powers, on the other hand, means using them in order to detect offenders and prevent criminal offences from being committed, in other words the use of stop and search powers for the purposes of investigating or preventing criminal offences (Delsol & Shiner, 2006; Wortley & Tanner, 2005). The purpose for which these powers are used is also strongly expressed in statistics on the use of stop and search powers. In areas where these powers are used for preventative purposes, it is possible to observe a significantly higher degree of disproportionality both between ethnic groups and between different social groups, and, at the same time a lower percentage of cases where the use of these powers has led to the discovery of prohibited items, stolen property or items which police officers suspect will be or have been used to commit a criminal offence. In areas where these powers are used reactively, the rate of successful procedures – procedures where the use of stop and search powers has led to the discovery of prohibited items, stolen property or items which police officers suspect will be or have been used to commit a criminal offence – is significantly higher, while at the same time there is a considerably lower disproportionality rate between the ethnic and social groups against whom these powers are used (Murray, 2014).

The fact is, stop and search powers are very intrusive, since they encroach directly on the personal space and freedoms of the individual. Precisely for this reason, the attitude of police officers when using these powers and the reasons for their use are extremely important (Epp et al., 2017; Hunold et al., 2016; Murray et al., 2021). People, regardless of race or ethnicity, are largely supportive of the use of stop and search powers, since they agree that these powers have the potential to be extremely useful and effective, but only if they are utilised correctly, transparently and impartially (Delsol & Shiner, 2006). By no means are interactions between police and citizens during the use of stop and search powers all negative, but people only tend to remember the ones that are, for which reason it is extremely important that people feel respected during police procedures; that they are given a proper explanation of the grounds for the use of stop and search powers and the invasion of their personal space, not just a standard explanation from a police officer; that police officers behave respectfully and correctly towards them; and that the procedure does not last longer than is strictly necessary (Bowling & Weber, 2011; Stone & Pettigrew, 2000).

The improper use of powers can be far more harmful and criminogenic than a positive outcome of their use can be beneficial, since their improper use and disproportionality on the part of the police increase the mistrust of the community in the work of the police, which can significantly influence the effectiveness with which the police fulfil their functions in other areas of work and, at the same time, reinforce stereotypes and prejudices about the police as a repressive organisation rather than as an organisation to which people can turn for help when they most need it. It also increases people's anger and intolerance towards police work and

the officers who do this work (Bowling & Weber, 2011; Deuchar et al., 2019; Flacks, 2020; Stone & Pettigrew, 2000).

4 STOP AND SEARCH IN SLOVENIA

Powers that may be placed in the category of stop and search powers may be found in the legislations of numerous European countries, despite their different legal systems and the different names given to such powers. As in the UK, stop and search powers are an integral part of everyday police work in France, while we also find them in Germany, Belgium and Slovenia, among other countries. In the case of Slovenia, powers comparable to stop and search powers may be found in the Police Tasks and Powers Act (»ZNPPol«, 2013), specifically in Article 40 (establishing identity), Article 51 (security search) and Article 52 (search of the person).

The following may be counted as stop and search powers from Article 40 (»ZNPPol«, 2013):

- the third indent of the first paragraph, which states that police officers may identify a person who is »in an area, place or building where measures are being undertaken for searching or tracing the perpetrator of a criminal or minor offence or objects and traces relevant for a criminal or minor offence procedure«,
- the fourth indent of the first paragraph, which states that police officers may identify a person who »by their behaviour, actions or the fact that they are loitering in a particular location or at a particular time, gives grounds to suspect that they will commit, are committing or have committed a criminal offence or minor offence«,
- the fifth indent of the first paragraph, which states that police officers may identify a person who »is similar in appearance to a person sought«,

The second paragraph of the same article explains what is meant by loitering in a particular location or at a particular time (»ZNPPol«, 2013):

»Loitering in a particular location or at a particular time shall mean, in particular, being present in public places where free movement is permitted under specific conditions, in the environs of protected buildings or premises of special importance, or in other locations with a high daily, periodic or momentary flux of people, or on public transport in the case of areas that are vulnerable in terms of security«.

As already mentioned, stop and search powers can also be found in Articles 51 and 52 of the above Act (»ZNPPol«, 2013). These two Articles govern, respectively, security searches and searches of the person. Police officers may, in the course of their duties, conduct a security search of a person »if in view of the circumstances it is reasonable to expect that they will attempt an assault or self-harm« (»ZNPPol«, 2013), while searches of the person are carried out for the purpose of seizing items if police officers consider »on the basis of their own perception, that there is a high probability that the person in question has on their person objects which must be seized pursuant to law« (»ZNPPol«, 2013).

Both Article 51 and Article 52 also define the scope of powers and the method by which searches are to be carried out, as follows (»ZNPPol«, 2013):

- »A security search shall consist of a search of the person in question, their belongings and vehicle, by means of which police officers establish whether the person is armed or has other dangerous items or substances on their person«.
- »During a security search, police officers shall pat down the individual's clothes, gloves, headgear and hair with their hands and inspect their footwear. A security search shall not include a body search or personal search«.
- »During a security search of items, police officers shall inspect the items the person in question has on them and which could serve to conceal a weapon or other dangerous items or substances«.
- »During a security search of a vehicle which is in the immediate vicinity and accessible to the person who is undergoing the security search, police officers shall inspect its interior, the boot and other luggage compartments or equipment of the vehicle. In so doing, they may not inspect concealed parts of the vehicle«.
- »If the person referred to in the first paragraph of this Article is in or standing next to a vehicle and police officers have themselves observed that items have been concealed or discarded in the vehicle or are located in the vehicle, they may also inspect the interior of the vehicle, with the exception of its concealed parts«.
- »During a search, police officers shall pat down the person's clothes with their hands and check the contents of items in the possession of or carried by that person. When inspecting items, police officers may not use force to open sealed items«.

On the basis of the above legislation, we may therefore state that the Slovenian police also possess statutory powers that may be included in the category of stop and search powers.

5 RESEARCH AMONG POLICE OFFICERS

Since we wanted to find out what attitude police officers in Slovenia actually have towards the use of powers that can be classified as stop and search powers, we decided to conduct interviews with police officers around Slovenia.

5.1 Methods

We have conducted interviews with police officers in various working environments and various positions. After completing the interviews, we first anonymised the information obtained, in such a way that it is not possible to identify individual interviewees. We then analysed these results, which are presented below.

We divided the interviewees into six groups. We initially divided them into personnel in management positions, individuals with less than three years of

experience in the police (young police officers), and community policing officers or officers with several years of experience in the police. We then further divided all three groups into those who work in an urban environment and those who work in a rural environment.

5.2 Data collection

The interviews were conducted between 15 July 2021 and 22 July 2021 at 14 police stations around Slovenia. Within the area of Murska Sobota Police Directorate, we conducted interviews at Lendava Police Station, where we interviewed four individuals; in the area of Maribor Police Directorate we interviewed a total of five individuals at Ruše Police Station and Maribor II Police Station; in the area of Celje Police Directorate we conducted interviews at Šmarje pri Jelšah Police Station, where we interviewed three individuals; in the area of Ljubljana Police Directorate we interviewed two individuals at Kočevje Police Station; in the area of Novo Mesto Police Directorate we interviewed four individuals based at, respectively, Novo Mesto Police Station, Metlika Border Police Station, Šentjernej Police Station, and Črnomelj Police Station; in the area of Nova Gorica Police Directorate we conducted interviews at Ajdovščina Police Station and Nova Gorica Police Station with a total of seven individuals; in the area of Koper Police Directorate we interviewed two individuals at Izola Police Station; and in the area of Kranj Police Directorate we conducted interviews with two individuals at Jesenice Police Station and Radovljica Police Station.

We thus carried out a total of 29 interviews in the course of our research, of which 24 were carried out face to face in the premises of individual police stations, one was carried out face to face in a police vehicle in the field and three were carried out using the videoconferencing tools Microsoft Teams (one interview) and Zoom (two interviews). One interview was conducted by emailing questions to the interviewee, who then sent their answers back in written form.

Of the 29 interviews conducted, 19 were recorded and the results subsequently transcribed. Nine interviewees did not consent to their interviews being recorded. In those cases we took notes by hand during the course of the interviews. In one case we interviewed two individuals together (joint interview) in order to fit in with their work commitments.

We conducted interviews with police officers in different positions and roles, including one female police station commander and two male police station commanders, one male deputy commander and two female deputy commanders working in a rural environment, and two female deputy commanders working in an urban environment.

We also carried out interviews with four police officers who have been in the police organisation for less than three years. Two of them were employed in a rural environment and two in an urban environment.

The last group with which we conducted interviews consisted of community policing officers and individuals who have been in the police force for more than three years. This group included six individuals (two female and four male) working as community policing officers in rural environments, a female

investigator who at the time of the interview was working as a uniformed officer in a rural environment, and a male police officer working as a patrol officer in a rural environment. The group also included two female police officers with several years of experience working in urban environments, a female investigator who likewise worked in an urban environment, and six community policing officers (five male and one female), all of them working in urban environments.

We obtained candidates willing to be interviewed by sending a request to the Research and Social Skills Department at the Police Academy, in which we sought approval to conduct a research among police officers and requested the contact details of individuals who would be willing to take part in the research. Having received the contact details of individuals willing to take part, we contacted these individuals via email and arranged a meeting with each of them separately. In two cases we obtained additional interviewees by asking the originally contacted person, at the end of the interview, whether at the time of our visit to the police station there was any other police officer present at the station who might be willing to take part in the research. This resulted in two additional interviewees in the first case and one additional interviewee in the second case.

In view of the lack of interviewees from the areas of the Ljubljana Police Directorate and the Kranj Police Directorate, we decided to send an email to community policing officers at stations under the Kranj Police Directorate and at Bežigrad Police Station and Ljubljana Center Police Station, which fall under the Ljubljana Police Directorate, requesting their cooperation. In this way we obtained a further two interviewees from the Kranj Police Directorate.

The sample is, unfortunately, not representative, since despite the fact that we used a qualitative research method rather than a quantitative research method in our research, the sample is still too small for us to be able to generalise the results to all uniformed police officers. Furthermore, we were not able, with our sample of interviewees, to ensure a balance between the groups, since we had too few interviewees among police officers in management positions working in urban environments, while in the case of young police officers or police officers who have been in the police organisation for less than three years, we did not have a sufficient number of interviewees from either urban or rural environments. In none of the three groups were we able to achieve adequate geographical coverage, which means that in some groups we did not have even a single interviewee from some police directorates.

5.3 Description of the questionnaire

To conduct the interviews we used a semi-structured questionnaire consisting of 15 questions and beginning with five demographic questions. The demographic questions asked the interviewees to state their age, their educational qualifications, their work experience in the police, the environment in which they work and their reasons for joining the police.

The first question related to our research asked the interviewees whether they had ever come across the expression »stop and search« before preparing for the interview and what they think of when they hear this expression. We then asked

the interviewees in what situations they would carry out identification of persons, security searches and searches of the person and what, in their view, constitutes suspicious or unusual behaviour. The next question related to the frequency and focus of the above procedures, in other words how frequently these procedures are carried out and whom they are mainly used against. We then asked the interviewees how willing people usually are to cooperate in such procedures, whether they often see resistance or a lack of cooperation on the part of those subjected to these procedures, and what attitude or approach they adopt, as police officers, towards those people against whom they are carrying out or wish to carry out procedures on the basis of the powers mentioned above.

The sixth question related to the legal regulation of the above powers. We asked the interviewees whether they believed that the above powers had an adequate legal basis in Slovenia and whether there was anything they would wish to change or would like to see change in the future regarding the legal regulation of the powers to conduct security searches, searches of the person and identification of persons. We also asked them whether they thought that these powers were used excessively in Slovenia and in their environment, and whether they knew of any cases where abuse or overstepping of these powers had occurred.

The last question related to the attitude of the community in which they work towards them and their work, and attitudes towards the police in general.

5.4 Results

The answers to the demographic questions reveal that the average age of the interviewees was 42, the average age of those in management positions was 43, the average age of young police officers (police officers who have been in the police force for less than three years) was 29.5, and the average age of community policing officers/police officers with several years of experience was 41.4. If we look at the division into rural and urban environments, we see that the average age of all interviewees working in a rural environment is 41.1 while the average age of all interviewees working in an urban environment is 37.8. The average age of female interviewees was 39.8, while the average age of male interviewees was 40.3.

Six of the interviewees had a master's degree, nine had a bachelor's degree, eight had a further education qualification and five had a secondary qualification. In one case, the interviewee's educational qualifications were not given. Both the management personnel working in urban environments had a master's degree, while of those working in management positions in rural environments, four had a master's degree, one had a bachelor's degree and one did not give details of their educational qualifications. All the police officers (in both rural and urban environments) who had been in the police organisation for less than three years had completed a further education qualification. Among community policing officers/police officers with several years' experience in rural environments, four individuals had a bachelor's degree, two had a further education qualification and two had a secondary qualification. Among community policing officers/police officers with several years' experience in urban environments, four individuals

had a secondary qualification, two had a further education qualification and three had a bachelor's degree.

On average, the interviewees had been in the police for 17.3 years and in their current position for five years. The newest police officers had been in the police for less than a year, or just nine months to be precise (these were police officers in the group of those with less than three years' experience), while the officer of the longest standing was a community policing officer who is currently working in an urban environment and began his career 31 years ago. There were no noticeable or statistically significant differences between rural and urban environments as regards length of employment in the police or length of time in current position.

As regards reasons for joining the police organisation, these varied, although we found that there were no significant differences in reasons for joining the police between officers working in a rural environment and those working in an urban environment. The main reasons given for joining the police were a childhood/long-held desire to become a police officer (this answer was given by 10 interviewees), followed by the desire to help people (six interviewees). Other reasons for joining the police included the desire for a steady job and a regular salary, the desire for a varied, stimulating and interesting job, the desire to please parents or relatives and the desire to get to know the work of the police better. One interviewee did not give an answer to this question.

When we came to the first question, in which we asked the interviewees whether they had ever come across the expression »stop and search« in the past and what they think of when they hear this expression, we found that 25 of our 29 interviewees had never come across this expression before and were unfamiliar with it, although they imagined that it described the procedure in which a police officer stops someone and searches them (suggesting that they were simply translating the English expression literally into Slovene). One interviewee answered that they had never come across this expression before and did not know what it meant but presumed it was another one of »those fancy expressions they think up in Ljubljana« (Interview #24, 20 July 2021). Two interviewees answered that they had never heard the expression before and had no idea what it meant. Two interviewees answered that they had come across the expression before: one of them had heard it during training at the police academy (in a conversation with a lecturer), while the other had encountered it several times both when talking to colleagues from other countries and in various media such as films and newspapers.

With the second question, in which we asked the interviewees about the situations in which they carry out (or would carry out) identification of persons, security searches and searches of the person and what, in their view, constitutes suspicious behaviour, we found in several cases that, instead of giving a concrete answer, they simply cited the legal basis for the use of the powers in question. Those in management positions in rural environments most frequently answered that they would use the powers in question when the legal conditions to do so were met and that they would implement procedures with regard to the circumstances, depending on the place and time, and in cases where someone's presence or behaviour caused them to suspect that they were about to commit or

had committed a criminal offence, or in other words when someone is found in an environment in which they do not belong or is found loitering in a particular place, giving rise to the suspicion of a criminal offence in progress. The interviewees in this group consider suspicious behaviour to include the presence of foreign persons and vehicles with foreign number plates in a particular place, whose appearance and conduct makes them stand out from the environment in which they are located or in which they do not belong.

One interviewee gave the following answer to this question: »... it depends, some people are nervous, some have tics or keep repeating themselves, others try to lead you off in another direction. Otherwise it seems to me that over time you develop a kind of sixth sense, so that when you stop someone you know that something isn't right« (Interview #14, 19 July 2021).

Like management personnel in rural environments, management personnel in urban environments answered that they would carry out the procedures in question if the legal basis for doing so was met, and defined suspicious behaviour as loitering in places such as shopping centres or office and commercial buildings at unusual hours.

Like their superiors, young police officers (those who have been in the police organisation for less than three years) answered that they would carry out the procedures in question when the legal basis for doing so was met, in other words that they would carry out an identification of persons when faced with someone they do not know if they suspected that a criminal offence had been committed and when persons were found in particular places at unusual hours, specifically in places where there is an increased rate of specific criminal offences or in places where they would not normally expect to see anyone (e.g. inside the fence of closed business premises at night). The interviewees in this group likewise considered examples of suspicious behaviour to include behaviour such as suddenly changing direction on seeing police officers or a police vehicle, a state of agitation, the presence of an individual in a particular location at unusual hours and the presence of vehicles with foreign number plates in specific areas, particularly if such areas are considered areas of increased risk of property crimes such as robberies and theft. Community policing officers/police officers with several years' experience in rural environments gave similar answers, stating that they would carry out the procedures in question if the legal basis for doing so was met. Regarding the power to carry out identifications of persons, the most frequent answer was that they would use this power (or that they do use this power) when someone was found loitering in a particular area, when they suspected that a criminal offence had been committed, or when they witnessed unusual behaviour by individuals in particular areas at particular times. Regarding security searches, all the interviewees in this group answered that they only carry them out when they wish to ensure their own safety and the safety of the person concerned, while they carry out searches of the person more rarely and only when they have personally seen that an individual has concealed or attempted to conceal something. Regarding the definition of suspicious behaviour, the majority answered that this depends on the circumstances. Some examples they gave included the presence of a person in a particular place at a particular time

(for example around petrol stations or schools when closed) or when a person seen in a particular place at a particular time appeared not to belong there. One of the interviewees from this group gave the following answer to this question: »When conducting a procedure, suspicious behaviour can include exaggerated friendliness, particularly from certain individuals. For example, when we know that someone gets angry and upset every time we stop him, or tries to be clever, but then the next time he is perfectly calm and cooperative, presumably hoping that this will mean that the procedure is completed quickly and he can be on his way« (Interview #11, 16 July 2021). Another interviewee said that, for them, suspicious behaviour meant every unknown individual or every individual who appears not to belong in a given environment (Interview #4, 15 July 2021).

Police officers with several years' experience/community policing officers in urban environments answered that they implemented (or would implement) identification procedures quite frequently, in accordance with the relevant legal basis, when they have been informed about a missing person and see an individual who matches their description, or when someone is found loitering in an area considered a hotspot for crime or in an area where there is an increased risk of crime. They carry out security searches when they wish to ensure their own safety and the safety of the individual in question, but only carry out searches of the person when they personally witness an individual trying to conceal something from them. The interviewees in this group gave similar definitions of suspicious behaviour, for example the presence of an individual in a particular place at a particular time and avoidance of contact with the police. Several interviewees also felt that they had a kind of sixth sense when it came to suspicious behaviour, in other words that they treat people's behaviour as suspicious when they sense that something is not as it should be.

In response to the question regarding the frequency with which they carried out identification of persons, security searches and searches of the person, interviewees from rural environments answered that the most common of these procedures is identification of persons, which they carry out on a daily basis. Regarding groups that stand out in these procedures, five interviewees answered that Roma and migrants stand out as far as the identification of persons and security searches are concerned, with one interviewee stating that »we identify Roma for every slightest thing that could be at all suspicious – we'll certainly check them« (Interview #27, 22 July 2021), and another adding that young people account for a large number of these procedures during the weekend. Four interviewees answered that no specific social or ethnic group stands out as far as implementation of these procedures is concerned. Eight interviewees gave no answer about whether any group stands out in terms of the use of these procedures. One of the reasons given by a police manager working in a rural environment to the question of whether there were discrepancies in the use of the powers in question was that such discrepancies do not occur because they do not have sufficient staff to use these powers for proactive purposes (Interview #14, 19 July 2021).

Interviewees from urban environments answered this question by saying that they use these powers on a daily basis, carrying out identification of persons

most frequently and searches of the person least frequently. Seven interviewees answered that there are discrepancies in the use of these powers, in that these powers are most frequently used against young people and foreigners. »I definitely use the identification procedure most frequently in relation to foreigners, when we are trying to establish whether a foreigner actually meets the conditions to be in this country ... searches of the person are definitely most frequent in the case of young people« (Interview #22, 20 July 2021). Four interviewees answered that there are no discrepancies, while one individual did not give a definitive answer to this question.

In answer to the question of how willing people usually are to cooperate in these procedures, the majority of interviewees responded that in most cases people are willing to cooperate and have no difficulty following the instructions and orders of police officers. They also emphasised that every now and again there are cases of people refusing to cooperate, but these are usually people under the influence of alcohol or in possession of prohibited substances. On rare occasions there are cases of individuals who do not wish to cooperate because they do not accept the police officers' explanation or believe that the procedures against them are unlawful. One interviewee emphasised that this happens more frequently at protests, while in normal circumstances it is quite rare.

Interviewees from urban environments reported a slightly higher degree of unwillingness to cooperate, although even this group emphasised that willingness to cooperate varies from individual to individual and also depends on the place where the procedures in question are being carried out.

»I have the impression that foreigners are very used to people constantly identifying them, so this isn't something that they hold against you personally ... security searches are generally better accepted than searches of the person, because in the latter case the individual usually already knows that we're going to seize something he doesn't want us to seize. The search of the person is therefore the least desirable procedure among the people we deal with, while in principle they are all happy to submit to a security search. As regards the identification of persons, people here are already used to the idea that we can ask them to identify themselves and will often spontaneously hand us the documents they know we need to see« (Interview #22, 20 July 2021).

One interviewee emphasised that if these procedures are being carried out in areas where lots of people are present, for example shopping centres and public places where there are a large number of people, the likelihood that the individual will not wish to cooperate is considerably greater than if these procedures were being carried out in areas where there are fewer people, since in the former case people feel extremely exposed and judged or even mocked by passers-by (Interview #25, 21 July 2021).

Answers to the question about the interviewees' attitude towards the individuals against whom they wish to carry out an identification, security search or search of the person revealed that there are no significant differences between the three groups of police officers (those in management positions, young police officers and community policing officers/police officers with several years' experience) in rural environments. The majority of them answered that

their attitude depends on the situation, but that in the majority of cases they are friendly, respectful and understanding. We did detect a slight difference between police officers in management positions and other police officers in urban environments. Some of those in management positions were, in fact, stricter and more authoritative. »When I used to conduct identifications or security searches, I was serious and authoritative« (Interview #29, 15 July 2021). Meanwhile, young police officers and community policing officers/police officers with several years' experience mainly answered that their attitude is, as a rule, adapted to circumstances and that they usually approach people in a polite and respectful manner, although when circumstances demand it they can also be a lot more authoritative and strict.

»You try to approach people in a human way, because you are intruding on their personal space and must therefore explain exactly what is happening and why you are going to carry out a given procedure. People almost always cooperate if you approach them in a human way« (Interview #10, 16 July 2021).

Several police officers, in both urban and rural environments, highlighted the fact that their attitude towards the person they are dealing with is of key importance if they wish to carry out procedures without problems. They also highlighted the fact that when carrying out such procedures, they »try to be first and foremost a human being, and only then a police officer« (Interview #25, 21 July 2021), and that they try to have the same attitude towards the individuals they are dealing with that they themselves would expect from a police officer (Interview #10, 16 July 2021).

Regarding the adequacy of the legal basis, we found that five interviewees in management positions in rural environments are of the opinion that the legal basis is adequate and they would not change anything, while one interviewee was of the opinion that the legal regulation of the three powers in question is only partly adequate and that powers of this type should be expanded. We obtained mixed responses from police officers, with six of them of the opinion that the legal basis is adequate and that they would not change anything, while two were of the opinion that the legal basis is not adequate. One person thought that only the legal basis of security searches was inadequate, while another did not give a concrete answer to the question. Among interviewees from urban environments, eight felt that the legal basis is adequately regulated, while three felt that the legal basis is only partly adequate and the certain aspects should be improved or changed. One interviewee felt that the legal basis for the identification of persons is inadequate, while another was of the opinion that only the legal basis of security searches is adequate and that the legal basis of searches of the person and identification of persons is inadequate.

»Searches of the person are definitely a power which should be significantly better defined, in legal terms, although as long as they are producing results, nothing will change. The procedure for establishing somebody's identity is a power that is frequently abused ... we always find grounds for it, but these grounds aren't necessarily something that justifies it. In the end it's always wrapped up in accordance with the law and police powers, but irregularities undoubtedly occur« (Interview #22, 20 July 2021).

When we asked the interviewees what they would like to change as regards the legal basis, or what they themselves would change, we discovered that there were no noticeable differences between the answers of police officers working in rural environments and those working in urban environments. All the suggestions offered, with the exception of two, related to the expanding of the powers in question and allowing their use in more cases and in an easier manner. Three interviewees from urban environments and one from a rural environment were of the opinion that the legal basis should be changed so as to enable police officers to identify any individual at any time and in any place, without having to give the individual being identified any explanation as to why they are being identified.

»I think that at least this power – that of identifying persons – should be relaxed a little and not so conditioned by the elements by which you can actually identify someone. If we're being sincere, an individual's identity is established even during a traffic stop, although this doesn't count as an identification. Police officers would actually be a lot happier if they were allowed to establish the identity of any individual at any time, without prejudice, not because we want to abuse our powers but simply because, after all, we're the police and we're just doing our job, which means we have to have the relevant information ... rather than the police officer having to determine in advance if identifying someone is lawful ... this seems a little too restrictive to me: this part, at least, could be relaxed« (Interview #17, 20 July 2021).

One individual from an urban environment also proposed changing the legal basis regarding the identification of persons by adding two further grounds for checking someone's identity, namely the fact that the police have had previous dealings with the individual being identified and the fact that a person looks suspicious (when having to explain why the power is being used, officers could choose one of these two options in addition to the already existing options).

Not all the interviewees were in favour of further expanding powers, with two individuals (one from a rural environment and one from an urban environment) of the opinion that the legal definition of the power to identify persons is too broad, since under the current legal regulation of this power it is always possible to find grounds to carry out an identification.

»With a little imagination you can always find a reason for identifying someone ... it's true that sometimes you have to rack your brains a little but in most cases it is possible to give a plausible reason why any given individual was required to identify themselves« (Interview #11, 16 July 2021).

The interviewed police officers who work in a rural environment were, for the most part, of the opinion that excessive use of powers does not occur in Slovenia, although not all agreed, with two interviewees responding that excessive use of powers undoubtedly occurs, particularly the power to identify persons, while two others responded that this does not occur in their environment but they had the impression that it had happened at the Friday protests taking place in Ljubljana. One of the interviewees in this group expressed the opinion that excessive use does not occur in Slovenia and that police officers could sometimes use these powers more often.

The prevailing opinion among police officers working in urban environments was likewise that excessive use does not occur and the police officers could use these powers more frequently, although not all the interviewees were of the same opinion on this point, with some stressing that despite the fact that excessive use does not take place, police officers sometimes misjudge when it is really necessary to use these powers and when it is not; that police officers look for explanations they can use to retrospectively justify their decision to use their powers – in other words first they carry out the procedure (where the procedure regarding the identification of persons is particularly problematic) and only then attempt to explain their decision in a way that corresponds to the prescribed legislation. Three individuals pointed to the fact that even though excessive use of powers does not occur, the possibility of abuse of these powers is extremely high and is something that might occur in the future, since the relevant legislation, particularly as regards the identification of persons, is written too loosely and in a manner that makes it possible to justify the identification of persons in all circumstances. One individual expressed the opinion that excessive use or even abuse of the power to identify persons definitely occurs and has done for a considerable time (Interview #22, 20 July 2021).

In the case of many of the police officers from both rural and urban environments who, in response to the question of whether excessive use of police powers takes place in Slovenia, answered that it does not, it was apparent that the identification of persons did not seem to them to be a power that excessively intrudes on an individual's privacy. They were, in fact, of the opinion that individuals whom police officers ask for their identity documents should simply hand these documents over without questioning the grounds on which the police officers are requesting them, on the grounds that police officers would not ask for them if they did not really need them in order to be able to do their job properly.

In response to the question of whether they knew of any cases where abuse or overstepping of the above powers had occurred, 11 interviewees from rural environments answered that they were not aware of any such cases; one interviewee answered that they were aware of a case where discrimination had taken place on the basis of appearance; four interviewees answered that they were aware that such cases had occurred but they did not know the exact details. Among police officers working in urban environments, eight individuals answered that they were not aware of any such cases; one interviewee answered that they were aware of a case where abuse of the power to conduct a security search had occurred, but they did not know the details; one interviewee answered that they were aware of a case where an overstepping of the power to identify persons had occurred but did not know what the eventual outcome was. Three interviewees answered that they were aware of such cases but did not know the details.

In response to the question about the attitude of people in the community towards the interviewees and their work, the majority replied that both the attitude towards them personally and the attitude towards their work and towards the police in general depended on the individual, with some people being very happy with them and others strongly disliking them, although generally speaking people's attitude is still relatively good. Even among police officers working in

urban environments, the prevailing opinion was that, to a large extent, people's attitudes towards them and their work, and towards the police in general, were fairly correct and positive, although they did point out that attitudes vary from individual to individual. In principle, though, they believed that a relatively positive attitude still prevailed. Three interviewees disagreed with this view, with one interviewee giving the opinion that the attitude towards them, because they work in the police, and towards the police in general, was extremely negative; two interviewees answered that while people's attitudes towards them are relatively good and positive, goodwill towards the work of the police in general had declined considerably during the pandemic.

6 DISCUSSION

When analysing the results of the interviews we were quite surprised by the fact that the majority of interviewed police officers had never heard or come across the expression »stop and search«. Although it is an expression that comes from English-speaking countries, we did expect a larger number of interviewees to answer that they had at least heard it before. We were particularly surprised by the fact that the majority of management personnel interviewed, who in principle also had higher educational qualifications, had not encountered this expression. Several interviewees highlighted the fact that the powers of the Slovenian police cannot be compared with stop and search powers as they are known in the United Kingdom. In our opinion, this is only partially true. The powers in question are the powers of police officers to carry out measures such as the identification of persons and searches of the person in order to find and seize prohibited substances of various kinds, weapons, stolen property and items which police officers suspect have been or will be used to commit criminal offences (Flacks, 2018; Gov.uk, n. d.; Hargreaves, 2018; Miller et al., 2001; Murray, 2014). A review of the statutory basis confirms that police officers in Slovenia also possess powers on the basis of which they are able to conduct searches of the person and security searches (»ZNPPol«, 2013). These powers are, however, considerably more narrowly defined than in certain other European countries, while analysis of the results obtained through the interviews also showed that it is not these powers that are most problematic, despite the fact that occasional abuses and irregularities do also occur in the use of these powers. What the interviews did show is a similarity between the problems that occur in relation to the identification of persons in Slovenia and the problems that occur in relation to stop and search powers in numerous other European countries – including the possibility of abuses of power. Attention was drawn to this by interviewees from both rural and urban environments and it is also evident in the presentation of the results. Even some of the interviewees who believe that abuses of this power do not occur pointed out that the legal basis is inadequate and that it permits this. Given that the current legal regulation of the power to identify persons has been in force for a number of years, and given that police officers are aware that abuses of this power can occur, it is difficult to believe that this has not happened and that this power is not abused. It is even more difficult to believe this in view of the statements of some police officers that

it sometimes happens that police officers first conduct a procedure and only then attempt to formulate a justification for it that conforms to legislation and other regulations, which can mean that the explanation of the grounds for conducting a specific procedure can sometimes be heavily manipulated and untrue. One of the forms of abuse pointed to by our interviewees is that this power is also used when not strictly necessary. In such cases the abuse of the power does not consist of demanding too much information from the individuals against whom it is used, but rather lies in the fact that these individuals are »booked« too often. These abuses do not occur so frequently as to become a social problem, since judging from the figures contained in the report on the work of the police for 2020, the number of identification procedures carried out in the previous year was 76,225, which is comparable to and does not deviate excessively from figures from previous years (Ministry of the Interior, Police, 2021). The interviews also revealed discrepancies in some parts of the country regarding the groups against which the use of these powers is directed – something which correlates with the findings of the numerous studies from other countries cited in the first part of this article. In our case we saw that certain groups are subject to more attention from the police, specifically that the police use their powers most frequently against Roma and migrants and, in some areas, young people/adolescents.

One finding we arrived at on the basis of analysis of the results of the interviews, which also accords with the findings of existing studies, relates to the attitude or approach of police officers towards the members of the public they come into contact with. We found that the interviewed police officers are fairly mindful of their attitude towards the people they deal with and are well aware of the importance of the attitude of police officers towards members of the public when conducting police procedures. Many of the interviewees were of the opinion that the attitude adopted by officers and their ability to adapt to situations are of key importance for ensuring the smooth implementation of police procedures. Owing to the small size of the sample, we unfortunately are unable to generalise these results to the entire population of uniformed police officers, but we can state that those we interviewed are well educated about the importance of the attitude of officials towards members of the public and the importance of carrying out their work in a professional manner.

Something that we did find slightly more concerning is the fact that quite a number of the interviewees felt that police officers in Slovenia do not make sufficient use of the powers in question (i.e. powers that can be included in the stop and search category), that police officers should identify various groups of people more frequently, and that legislation governing the use of these powers should be expanded so as to allow the more frequent use of these powers. Despite the fact the police officers were of the opinion that the powers they have in Slovenia cannot be fully compared to stop and search powers as they are known in the United Kingdom, we got the impression that they wished their powers were a bit closer to stop and search powers, at least as regards their scope and frequency of use. It is our belief that this should not be allowed to happen, since we cannot pretend that a relaxation of legislation would not lead to more abuses of these powers and, consequently, to the »harassment« of specific social or ethnic groups in Slovenia.

Even on the basis of existing studies, it is evident that, where legislation allows it, certain discrepancies occur in the treatment of various groups by the police, while at the same time these studies show that increased use of these powers does not contribute to a reduction in the number of criminal offences or minor offences, while on the other hand it does have a strong influence on the attitude of the community towards the police (Bear, 2016; Bowling & Phillips, 2007; De Maillard et al., 2018; Flacks, 2018; Flacks, 2020; Hallsworth, 2006; Hargreaves, 2018; Miller et al., 2001; Miller et al., 2020; Topping & Bradford, 2020).

Relatively high levels of public trust in the Slovenian police are something that we must maintain by ensuring that police officers continue to be educated about the importance of police–community relations and about the fact that just because legislation permits the use of certain powers, this does not mean that they must use these powers, particularly when a situation is highly sensitive and the use of these powers would not contribute significantly to resolving it.

7 CONCLUSION

A review of existing literature showed that stop and search powers in other countries, particularly in the United Kingdom, are subject to numerous criticisms because of the discriminatory way in which they are used and because of the links between these powers and racism in the police and police violence (Bowling & Phillips, 2007; Miller et al., 2001). The groups in other countries that are most likely to be on the receiving end of stop and search powers include black people, Muslims, young people and other ethnic minorities living in specific areas who are the object of specific stereotypes or prejudices regarding their involvement in crime (Miller et al., 2001; Miller et al., 2020; Van Bueren & Woolley, 2010). In Slovenia, too, we were able to identify groups of this kind and found that Roma, migrants and, in some places, young people are the groups most subject to this treatment.

We would also like to draw attention to the finding that the attitude of police officers towards the people they deal with is of key importance for the successful implementation of police procedures and for ensuring good police–community relations (Deuchar et al., 2019; Flacks, 2018). This is something the police officers in Slovenia are very well aware of, and in fact numerous officers from both urban and rural environments emphasised in the course of the interviews that a correct and respectful attitude towards members of the public is of key importance. On the basis of analysis of the results of the interviews, we find that there are no real differences between police officers working in rural environments and those working in urban environments as regards their attitude towards the use of the powers to conduct security searches, searches of the person and identification of persons. Any discrepancies were too small for us to be able to state that there are any significant differences in the attitude of police officers working in different environments in Slovenia towards the use of these powers.

In the course of writing this article we identified a number of opportunities for further improvements. We realised, for example, that it would be a good idea to adapt the questionnaire in the case of interviews with personnel in management

positions, since they are not the ones using the powers in question in the field. We also feel that more detailed studies need to be carried out regarding the use of specific powers, particularly the power to identify persons. Future studies should include a greater number of interviewees and go into greater depth with regard to the manner of implementation of procedures for the identification of persons. Finally, the point of view of citizens should also be included in future analysis.

REFERENCES

- Ariel, B., & Tankebe, J. (2018). Racial stratification and multiple outcomes in police stops and searches. *Policing and Society*, 28(5), 507–525. <https://doi.org/10.1080/10439463.2016.1184270>
- Bear, D. (2016). The need to create a narrative: Examining the justifications police used to target drugs in the lead up to the 2011 London riots. *Police Practice and Research*, 17(4), 317–328. <https://doi.org/10.1080/15614263.2016.1168598>
- Borooah, V. K. (2011). Racial disparity in police stop and searches in England and Wales. *Journal of Quantitative Criminology*, 27(4), 453–473. <https://doi.org/10.1007/s10940-011-9131-0>
- Bowling, B., & Phillips, C. (2007). Disproportionate and discriminatory: Reviewing the evidence on police stop and search. *The Modern Law Review*, 70(6), 936–961. <https://doi.org/10.1111/j.1468-2230.2007.00671.x>
- Bowling, B., & Weber, L. (2011). Stop and search in global context: An overview. *Policing and Society*, 21(4), 480–488. <https://doi.org/10.1080/10439463.2011.618735>
- Bueren Van, G., & Woolley, S. (2010). *Stop and think: A critical review of the use of stop and search in England and Wales*. Equality and Human Rights Commission. <https://www.equalityhumanrights.com/en/publication-download/stop-and-think-critical-review-use-stop-and-search-powers-england-and-wales>
- Delsol, R., & Shiner, M. (2006). Regulating stop and search: A challenge for police and community relations in England and Wales. *Critical Criminology*, 14(3), 241–263. <https://doi.org/10.1007/s10612-006-9013-1>
- De Maillard, J., Hunold, D., Roché, S., & Oberwittler, D. (2018). Different styles of policing: Discretionary power in street controls by the public police in France and Germany. *Policing and Society*, 28(2), 175–188. <https://doi.org/10.1080/10439463.2016.1194837>
- Deuchar, R., Miller, J., & Densley, J. (2019). The lived experience of stop and search in Scotland: There are two sides to every story. *Police Quarterly*, 22(4), 416–451. <https://doi.org/10.1177/109861111984964>
- Epp, C. R., Maynard-Moody, S., & Haider-Markel, D. (2017). Beyond profiling: The institutional sources of racial disparities in policing. *Public Administration Review*, 77(2), 168–178. <https://doi.org/10.1111/puar.12702>
- Equality and Human Rights Commission. (2013). *Stop and think again: Towards race equality in police PACE stop and search*. https://www.equalityhumanrights.com/sites/default/files/stop_and_think_again.pdf
- Flacks, S. (2018). The stop and search of minors: A 'vital police tool'?. *Criminology and Criminal Justice*, 18(3), 364–384. <https://doi.org/10.1177/1748895817720485>

- Flacks, S. (2020). Law, necropolitics and the stop and search of young people. *Theoretical Criminology*, 24(2), 387–405. <https://doi.org/10.1177/1362480618774036>
- Giacomantonio, C., & Litmanovitz, Y. (2017). Implementation fidelity in a loosely coupled system: The challenges of maintaining consistent 'problem theory' and 'programme theory' in a multi-force training pilot. *Policing and Society*, 27(6), 586–601. <https://doi.org/10.1080/10439463.2017.1341511>
- Gov.uk. (n. d.). *Police powers to stop and search: Your rights*. <https://www.gov.uk/police-powers-to-stop-and-search-your-rights>
- Hallsworth, S. (2006). Racial targeting and social control: Looking behind the police. *Critical Criminology*, 14(3), 293–311. <https://doi.org/10.1007/s10612-006-9014-0>
- Hargreaves, J. (2018). Police stop and search within British muslim communities: Evidence from the crime survey 2006–11. *British Journal of Criminology*, 58(6), 1281–1302. <https://doi.org/10.1093/bjc/azy013>
- Hunold, D., Oberwittler, D., & Lukas, T. (2016). 'I'd like to see your identity cards please' – Negotiating authority in police–adolescent encounters: Findings from a mixed-method study of proactive police practices towards adolescents in two German cities. *European Journal of Criminology*, 13(5), 590–609. <https://doi.org/10.1177/1477370816633724>
- Hunold, D. (2015). Ethnic minority recruitment and policing ethnically diverse neighbourhoods in Germany. *European Journal of Policing Studies*, 2(4), 422–441.
- Jobard, F., Lévy, R., Lamberth, J., Névanen, S., & Wiles-Porter, E. (2012). Measuring appearance-based discrimination: An analysis of identity checks in Paris. *Institut National d'Ethudes Démographiques*, 67(3), 349–375. <https://www.jstor.org/stable/23358671>
- Lennon, G., & Murray, K. (2018). Under-Regulated and Unaccountable? Explaining variation in stop and search rates in Scotland, England and Wales. *Policing and Society*, 28(2), 157–174. <https://doi.org/10.1080/10439463.2016.1163359>
- Ministry of the Interior, Police. (2021). *Letno poročilo o delu policije 2020* [Annual report on the work of the police 2020]. <https://www.policija.si/o-slovenski-policiji/statistika>
- Miller, J., Bland, N., & Quinton, P. (2001). A challenge for police-community relations: Rethinking stop and search in England and Wales. *European Journal on Criminal Policy and Research*, 9(1), 71–93. <https://doi.org/10.1023/A:1011271727673>
- Miller, J., Quinton, P., Alexandrou, B., & Packham, D. (2020). Can police training reduce ethnic/racial disparities in stop and search? Evidence from a multisite UK trial. *Criminology and Public Policy*, 19(4), 1259–1287. <https://doi.org/10.1111/1745-9133.12524>
- Murray, K. (2014). *Stop and search in Scotland: An evaluation of police practice*. University of Edinburgh. https://www.sccjr.ac.uk/wp-content/uploads/2014/01/Stop_and_Search_in_Scotland1.pdf
- Murray, K., McVie, S., Farren, D., Herlitz, L., Hough, M., & Norris, P. (2021). Procedural justice, compliance with the law and police stop-and-search: A study of young people in England and Scotland. *Policing and Society*, 31(3),

- 263–282. <https://doi.org/10.1080/10439463.2020.1711756>
- Quinton, P. (2011). The formation of suspicions: Police stop and search practices in England and Wales. *Policing and Society*, 21(4), 357–368. <https://doi.org/10.1080/10439463.2011.610193>
- Stone, V., & Pettigrew, N. (2000). *The views of the public on stops and searches*. <https://www.politieacademie.nl/kennisenonderzoek/kennis/mediatheek/PDF/89415.PDF>
- Sussex Police. (2020). *Stop & search annual report 2019/2020*. <https://www.sussex.police.uk/SysSiteAssets/media/downloads/sussex/about-us/stop--search/stop-and-search-annual-report-2020.pdf>
- Tiratelli, M., Quinton, P., & Bradford, B. (2018). Does stop and search deter crime? Evidence from ten years of London-wide data. *British Journal of Criminology*, 58(5), 1212–1231. <https://doi.org/10.1093/bjc/azx085>
- Topping, J., & Bradford, B. (2020). Now you see it, now you don't: On the (in) visibility of police stop and search in Northern Ireland. *Criminology and Criminal Justice*, 20(1), 93–110. <https://doi.org/10.1177/1748895818800742>
- Van Bueren, G., & Woolley, S. (2010). *Stop and think: A critical review of the use of stop and search in England and Wales*. Equality and Human Rights Commission. <https://www.equalityhumanrights.com/en/publication-download/stop-and-think-critical-review-use-stop-and-search-powers-england-and-wales>
- Wortley, S., & Tanner, J. (2005). Inflammatory rhetoric? Baseless accusations? A response to Gabor's critique of racial profiling research in Canada. *Canadian Journal of Criminology and Criminal Justice*, 47(3), 581–609. <https://doi.org/10.3138/cjccj.47.3.581>
- Zakon o nalogah in pooblastilih policije [Police Tasks and Powers Act] (ZNPPol). (2013, 2015, 2017, 2019, 2021). *Uradni list RS*, (15/13, 23/15, 10/17, 46/19, 47/19, 153/21).

About the authors

Mirče Milenkov, B.A., Master's Student, Faculty of Criminal Justice and Security, University of Maribor, Slovenia. E-mail: mirche.milenkov@student.um.si

Maja Modic, PhD, Assistant Professor, Faculty of Criminal Justice and Security, University of Maribor, Slovenia. E-mail: maja.modic@um.si