

DISCIPLINARY RESPONSIBILITY OF POLICE OFFICERS IN THE SERBIAN REPUBLIC

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Summary: Along with stating the point of view of legal theory and quoting the practice of the European Court of Human Rights, in the paper the author gives a review of the legislation which regulates disciplinary responsibility of police officers in the Serbian Republic. Disciplinary responsibility is a special aspect of legal responsibility for violations of official duty, and respecting work discipline is of particular importance for the police because it ensures the functioning of the service and protection of the reputation of individual police officers and the service in general. In separate chapters of the paper the author analyses: violations of duty, disciplinary measures, internal and disciplinary proceedings, separation of disciplinary and criminal or misdemeanour responsibility, and suspension of police officers. The author's conclusion is that by proscribing large number of minor and severe violation of duty, the legislator managed to cover all violations of official duty; however, the current catalogue of disciplinary measures does not allow individualization of sanctions for individual violations or for individual perpetrators, due to which the author suggests proscribing measures of conditional termination of employment which can be imposed for particularly severe violations of duty, when it is justified to give the police officer last chance to correct their behaviour and attitude towards work. In the view of the author, disciplinary proceedings have been regulated clearly and in details. It is important to emphasize that the decision can be made even in the absence of the police officer who unjustifiably failed to answer the summons, and that a disciplinary decision can be based on a written statement of witness, which enables fast implementation of the proceedings. The legislator has provided the protection of the rights of police officers against whom the proceedings are conducted, primarily in provisions requiring from the employer to enable the police officers in internal and disciplinary proceedings to plead on the evidence and facts they have been charged with, and the police officers are also guaranteed judicial review of disciplinary decisions. By prescribing suspension of the statute of limitations, the legislator has prevented the occurrence of statute of limitations in the cases when disciplinary proceedings cannot be conducted for justified reasons, while statute of limitations, in the cases when the competent (regular) court returns the case for retrial, can be prevented by proscribing that actions by courts which assess the legality and constitutionality of disciplinary decisions lead to termination of statute of limitations on disciplinary proceedings. The legislator has proscribed separating disciplinary and criminal or misdemeanour responsibility, taking into account that these are separate aspects of legal responsibility that have different purposes and protect different social values, thus the said proceedings have no influence on each other. In relation to the suspension of police officers, the author suggests that facultative suspension is conditioned by justified expectation that the officer could be sentenced to the termination of employment.

Keywords: disciplinary procedure, disciplinary responsibility, police officer, working duty.