BCSP Belgrade Centre for Security Policy

# CITIZEN-ORIENTED POLICING: Effective Fight against Serious and Organised Crime

## INTRODUCTION / EXECUTIVE SUMMARY

On 24-25 February 2023, in cooperation with partner organisations, the Belgrade Centre for Security Policy (BCSP) organised a citizens' assembly in Vrnjačka Banja. The topic of the assembly was how the police could better respond to the needs of citizens in the area of fighting serious and organised crime, while the immediate reason was the ongoing debate on the Draft Law on Internal Affairs. On this occasion, 36 citizens from all over Serbia were selected to discuss two topics from statutory solutions that have proven to be significant during the public debate. The first topic concerned biometric surveillance, i.e. the new powers of the police in the field of biometric data processing granted thereto in the new Draft Law, while the second related to police management, or, more precisely, to the relationship between the Minister of Internal Affairs, the Director of Police and the Public Prosecutor's Office. The debate was structured in line with the best practice and, for the first time in the short history of the application of the citizens' assembly as a model in Serbia, included the presence of decision makers. Namely, the final plenary debate was attended by three representatives of the Ministry of the Interior who are members of the Working Group charged with drafting the relevant Law, two opposition MPs, one representative of the opposition political party and a public prosecutor.

## WHAT IS A CITIZENS' ASSEMBLY?

The citizens' assembly can be best described as a deliberative democratic model that brings together citizens, experts and decision-makers to openly discuss important issues with the aim of arriving at concrete public policies and proposals for solving problems that citizens consider important. It was created as a response to the problem of modern democracies and democratic practices, where citizens are not sufficiently involved in the process of formulating and making political decisions that affect their lives.

Participants at the assembly are selected so as to represent the population and its demographic characteristics in a certain territory as faithfully as possible. The assumption is that, chosen in such a way, they possess different information and have different opinions and attitudes on the discussed subject. The work itself takes place in several stages:

1. Informing the participants prior to the meeting: The participants are provided material with a balanced content, so that they can familiarise themselves with all the important information and positions related to the topic.
2. Discussion and proposals: These are developed in the course of the assembly session, including the following steps:
   - Exchange of opinions among citizens within groups,
   - Plenary discussion between citizens and experts,
   - Additional discussions within groups of citizens, and
   - Plenary discussion between citizens and decision makers.
3. Policy proposals and voting results: In the end, several selected proposals are put to a vote, resulting in joint proposals as the final outcome.

## WHY THE DRAFT LAW ON INTERNAL AFFAIRS?

In the past year and a half, the Law on Internal Affairs - which should replace the Law on Police that is currently in force - has been the subject of a heated debate in Serbia. It all started when, at the end of August 2021, the Ministry of Internal Affairs published the draft of a new law that was supposed to introduce various innovations into the work of the police. However, after criticism from a part of the professional public, it was quickly withdrawn from the procedure.

In the period after the draft was withdrawn, a total of 7 public meetings were held with the aim of improving the text of the draft. Once that was over, the MoI published a new Draft Law on Internal Affairs on 8 December 2022 and put it up for public debate which lasted 20 days. It was again met with a sharp reaction from the parts of professional public and civil society, and was once again withdrawn from the procedure. A series of meetings between representatives of the MoI and the civil society and parts of the professional public was then agreed upon, with the aim of solving the problem. They started in January 2023.

At the time of the citizens' assembly and the drafting this report, these meetings are still taking place.

The two key topics that are being discussed, and where there is disagreement between members of the MoI and the parts of the professional public, are still biometric surveillance and the way the police are managed. The citizens' assembly was dedicated to these topics because they were already present in the public, because they worried the experts the most, and because citizens had nowhere to be informed about them or express their views thereon.

## CONCLUSIONS FROM THE CITIZENS' ASSEMBLY

### TOPIC 1: BIOMETRIC SURVEILLANCE

The debate at the citizens' assembly took place in three phases. During phase one, citizens were not sufficiently informed about the topic, so they took positions based on insufficient information. The second phase developed as the discussion proceeded, where the attitudes of the participants at the assembly changed as they became more familiar with the topic. In the third phase, which took place after the discussion with the representatives of the Ministry of the Interior, the citizens shaped their final positions based on a combination of new information, group discussion, and answers they received from the representatives of the MoI.

At the beginning of the group discussion, the majority of citizens were in favour of introducing biometric surveillance. However, a part of that majority claimed that they did not know enough about the subject, and that they only had basic information that was provided by the media. They did not show much interest, primarily because they believed that their opinion did not matter and that no one would ask them what they thought. What citizens were most interested in at the beginning was how the system in question would function and to what extent it would affect their daily lives.

As the discussion progressed, their views changed in favour of those who were opposing the introduction of biometric surveillance. The majority, which at the beginning of the discussion was in favour of introducing biometric surveillance, turned into a minority because the citizens who were less knowledgeable about the topic changed their opinion. The active discussion led to a significant increase in interest, as a result of which almost everyone wanted his/her opinion to be heard. In the end, the prevailing view was that this type of processing of biometric data should not be introduced, and that, should it happen regardless, it should be applied on a very limited scale, much narrower than proposed by the MoI.

As for the arguments in favour of the introduction of biometric surveillance, there were three:

The first, presented by the group of citizens who supported the introduction of the system, had to do with "increasing the security of citizens", which they considered to be the most important thing, arguing that those who do nothing illegal "have no reason to be afraid". The other two arguments in favour, which were highlighted by the citizens who were mostly opposed, had to do with "finding missing persons more easily" and "helping to solve crimes like terrorism".

However, there were many more arguments against:

First of all, distrust in the MoI as an institution was quite evident. Consequently, citizens believed that, although benefits from biometric surveillance would be obvious in a rule-of-law state, this cannot be a reason for its introduction in Serbia because "it is not such a state".

The citizens also believed that they would feel as if they were in the "home of the Big Brother", that they would be monitored, and that such an invasive technology "should not be tested in Serbia" considering that it has not been introduced in other European countries.

The most highlighted reasons against were the "possibility of a mistake, as well as the possibility of the police not recognising the mistake" and "the possibility of misuse of data by the competent authorities", which - as they said – would be "especially problematic in small communities".

During the discussion, citizens posed several questions to representatives of the MoI. They were most interested in finding out how citizens' biometric data would be stored and saved; who will be privy to this data; to what extent the data will be protected; who will verify the data; how reliable the data is; and what protection will be provided against incorrect data processing. They were also interested in why this technology is being introduced first in Serbia, whether the data collection system will be centralised or decentralised, and whether the MoI will be creating templates for the database while issuing personal documents. They also asked for explanations regarding the already installed Huawei cameras - who made the decision to install them, where did the money for the purchase come from, in which locations they were installed, and how much the whole thing will cost.

The participants formulated proposals and presented them to representatives of the MoI, MPs and representatives of the Prosecutor's Office. Although the majority of the citizens was against the introduction, due to the fear that the institutions will not give up on at least some form of biometric data processing, they demanded the following:

- The space in which processing of this type of biometric data would be allowed should be limited only to high-risk places (airports, sports stadiums, border crossings, etc.),
- Data processing should be possible only by order of the Prosecutor's Office, and the persons who have access to the systems should be determined by the Law on Internal Affairs, not by internal police acts,
- There is a need to establish a politically independent body to control the work of the police when processing biometric data,
- Biometric data processing should be used only in the investigation of serious crimes,
- Since misuse of data was recognised as the greatest risk should the system become operational, the citizens insisted on three things, namely:
  - » Transparency of police work in the form of submission of statistical reports, collected from several sources, in order to prevent falsification,
  - » Introduction of drastic punitive measures in cases of abuse of position of police officers who have access to data, and
  - » Supervision of control rooms where biometric data are processed, as well as inability to delete recordings.

In the end, having asked questions and made proposals to the representatives of the competent authorities, the citizens felt that they generally did not get the answers they were looking for, and that the representatives of the MoI avoided answering their questions directly, sticking mostly to a story that was one and the same. Since the risk of possible abuse was recognised as high from the very beginning, citizens believed that greater responsibility should be insisted upon, because - as they said - the passing of a law alone is not, and cannot be, a guarantee for its consistent implementation.

## TOPIC 2: POLICE MANAGEMENT AIMED AT FIGHTING CRIME MORE EFFECTIVELY

Citizens' discussion on this topic also had three phases. In phase one, they were not sufficiently informed about the powers of and the relationship between the Minister, the Police Director and the Prosecutor's Office, which was evident from the large number of questions they posed to the experts, seeking clarification. In the second phase, the discussion led the participants to quickly understand the problems and form opinions thereon. In the third phase, during the conversation with the representatives of the Ministry of the Interior, the citizens tested their newly formed positions and asked for additional clarifications and answers from the authors of the Draft Law that was the subject of the discussion.

Unlike the first topic - biometric surveillance, which was technically challenging but narrowly defined - police management was more difficult to understand and required additional efforts from the present experts to explain the mutual relations, legal framework and problems observed in practice. However, the dynamics of the work were similar to those of the other groups: interest was low at the beginning, both due to a lower level of understanding of the topic and the belief that "it doesn't matter what the citizens think" because things will be done the way "others decide" anyway.

To facilitate easier understanding, citizens were presented with three ideal-type models of the relationship between the minister, the director of the police and the prosecutor's office. Once their doubts were eliminated, the citizens very quickly identified the sources of the problems in the functioning of the system set up in this way, first of all identifying political pressure, i.e. political influence on the work of the police, which in practice usually comes from the Government, that is, the Minister of the Interior. Due to the complex relations between the three observed actors, citizens had great difficulty proposing specific models that could solve the problem, or at least improve the situation. However, as the discussion progressed, the powers of the aforementioned actors in an ideal situation came to the fore:

### The role of the Minister:

It should be limited and primarily focused on providing funds for the work of the police, representing the MoI, and advocating for its interests in the Government. The minister should not have insight into the data from the investigations, or be able to influence them, and should not address the public on behalf of the police, except possibly regarding cases that are especially important. In addition, the Minister *should* have access to data on the work of the police, but they should be only descriptive, i.e. on a general level (collection of information on work areas and sectors for statistical purposes, as well as other information relevant to the implementation of Government policy).

### The role of the Director of Police:

The director should take care of the operational work of the police and communicate closely with the Minister to ensure funding for police work. The candidate for director should come from the police and not from other state bodies. The director should be the "first man of the police", which would also include addressing the public in connection with specific cases that citizens should justifiably be informed about. The citizens recognised that the director should not answer to the minister for his work, and that, instead, it is necessary to ensure his accountability to the prosecutors, as well as citizens and the National Assembly. The election of the Police Director was also recognised as a problem; citizens were of the opinion that other actors should also be included in this process, and that the minimum would

be to organise a public hearing in the National Assembly to present the best candidates. Much time was dedicated to determining the criteria for electing Police Director. It was concluded that the prescribed 15 years of experience in management positions was too much and that this threshold should be lowered, that the director will have to have adequate education, and that it is very important that he be from the ranks of the police.

### The role of the Prosecutor's Office:

Citizens are of the opinion that the prosecutor's office should have some jurisdiction over the work of the Criminal Police Administration (CPA). Citizens recognised the "accountability on two levels" as a problem, that is, they wondered to whom a police officer would actually be accountable if s/he received conflicting orders (to his/her superiors or the prosecutors). Their opinion was that police officers should be relieved of this sort of pressure. One of the ways to achieve this could be separating the CPA from the composition of the Police Administration and the MoI, and merging it with the Prosecutor's Office (the so-called prosecutorial police). If such separation is not possible, there is a need to introduce effective mechanisms for police control. As specific suggestions for more effective control, the citizens mentioned the possibility for a prosecutor to suspend a police officers for a period of six months for non-compliance, or to reduce his/her salary by 30% if s/he fails to obey the prosecutor's order. Citizens showed the greatest level of creativity when considering possible models to improve the situation in this area:

1. Proposal: Form a Criminal Police Administration within the MoI, which would be on a par with the Police Administration but would be separate therefrom. The director of the criminal police should be elected and dismissed by the High Prosecutorial Council or another collective body/commission composed of representatives of the prosecution, the police, the Government, trade unions and employees of the MoI.
2. Proposal: Remove the criminal police from the MoI system and place it under the authority of the Public Prosecutor's Office. The idea is for the CPA to be organisationally separated from the Police Administration and to include crime suppression tasks within the prosecutor's office, while other tasks (personal documents, etc.) would remain under the jurisdiction of the Police Administration. Arguments in favour of this solution were: higher productivity of the police, independence from politics, less influence of crime, and more efficient work.
3. Proposal: The Public Prosecutor's Office should appoint the head of the Criminal Police Administration, which should remain under the jurisdiction of the MoI. The head of the CPA should be accountable to the Police Director regarding financial and related matters, and to the public prosecutor for work on cases.

## IMPRESSIONS OF THE PARTICIPANTS AFTER THE END OF THE CITIZENS' ASSEMBLY

Although relatively new to Serbia, citizens' assemblies are increasingly used to stimulate debate among citizens on important topics, but also to see to what extent ordinary citizens would be interested in contributing, or be able to contribute, to the development of policies that would better suit them "if they were more frequently asked".

Based on the evaluation forms and feedback from the participants, the impression of almost all was that this type of activity represents "a great opportunity for citizens to be informed, and to understand how it all works" (author's note: in this case, biometric surveillance), but also that this was one of the rare occasions for them to "freely express their views". The vast majority of participants believed that there was not enough information in the public space on the topics that were discussed, and that this was the main reason for the lack of understanding and the distrust in the institutions. The decision-makers felt the same, believing that many more discussions of this type will be needed to restore the citizens' trust.

The participants were almost unanimous in their opinion that they "would like to continue to be involved in this type of communication" between institutions and citizens, and that such events "are restoring their hope that someone will listen to their opinion", because after all, they are the ones "that will be most affected by these laws". Having participated in lively discussion with others, some of the participants were positively surprised by the fact that "there are still people who are interested in dealing with issues of public importance". The key complaint was that not enough time was allocated to exploring all the topics in even more detail, which - they felt - was especially true for the discussion with decision makers.