

USE OF FORCE BY POLICE OFFICERS IN BOSNIA AND HERZEGOVINA

Gojko Šetka^a, Dragomir Jovičić^b

The police indisputably represent one of the most important and, for citizens, the most visible state body. The nature of police activities places it within the realm of concern for every citizen, regardless of their differences. The main reason for this is certainly the powers that the state, through the legislative framework, has conferred upon the police as a specialized state body, enabling the police to effectively carry out their duties. The police are a particularly interesting state body given their authority to apply force against citizens, but strictly in cases prescribed by laws and regulations. It is imperative that police officers can apply force solely in accordance with the prescribed procedures. Since the application of force produces consequences that cannot be subsequently eliminated, it is crucial for police officers to know the legal basis for the use of force, as well as the methods for its use. In this work, by employing scientific methods and collecting data through interviews with police officers from all levels of the police system, we aimed to attain insights into the situation in the area of the application of force by police officers in Bosnia and Herzegovina.

KEYWORDS: police, means of force, coercion, police agency, state.

^a Assistant Professor at the Faculty of Security Sciences, University of Banja Luka, e-mail: gojko.setka@fbn.unibl.org; ORCID <https://orcid.org/0009-0008-8910-0038>.

^b Associate Professor at the Faculty of Security Sciences, University of Banja Luka, e-mail: dragomir.jovicic@fbn.unibl.org; ORCID <https://orcid.org/0009-0005-4989-1224>.

Introduction

The state is the primary organization in global society and, as such, holds political and sovereign authority founded on the monopoly of armed power, and regulates key social relations and performs specific functions. Therefore, the state regulates the common life of people. By enacting legal acts, the state authorities forcibly direct important social relations (Jovičić, 2018). The enforcement of laws is carried out by state institutions in name and on behalf of the state, with the police being among the most significant.

The main objective of any state is to retain political and economic power. For this reason, the state has proclaimed core values and prescribed sanctions for their violation. The state has designated bodies that will, in its name and on its behalf, if necessary and under the prescribed conditions, also apply means of force – a term that replaced the earlier term means of coercion. (Jovičić, Šetka, 2023).

Respect for the fundamental rights and freedoms, as enshrined in the European Convention on Human Rights, entails an obligation to preserve these rights and the existence of limitations on the police in pursuit of their objectives. In carrying out police duties, the police must respect everyone's right to life, even though the exercise of police duties may result in the loss of life as a consequence of the use of police force. In carrying out police duties, the police may employ force only when absolutely necessary and only to the extent required to achieve a legitimate objective. (Škrtić, 2007).

It is evident that, in an orderly society, the state holds the monopoly on force. This is why the state bears the responsibility for ensuring the security of its citizens. It is widely acknowledged that certain state functions can only be fulfilled through coercion against individuals suspected of committing criminal offenses or those who need to be deprived of their liberty for other reasons. Since the use of force can cause personal injury (physical pain, etc.), it must not be applied arbitrarily. Any arbitrary use of force could lead to violations of fundamental constitutional and conventional rights, particularly the right to life (Veić, Martinović, 2019, pp. 453-454). Deterrence and justice functions are outsourced to the police, and in return we expect them to be fair, impartial, efficient and effective. (Jackson et al., 2011).

One of the objectives of this paper is to advance knowledge in the field of police sciences, given the well-founded perspectives within the academic community that the production of new police knowledge in our country over the past thirty years has remained at an insufficient level. Consequently, the body of newly generated knowledge on policing, along with numerous theoretical and empirical studies, has had a limited impact and application in the education of police personnel and the execution of daily policing tasks. (Banović, Amanović, 2022, pp. 210-211).

Use of force (coercion)

Police agencies in Bosnia and Herzegovina apply force on the basis of the law and the Rulebook on the Use of Force. In the Ministry of Internal Affairs of the Republic of Srpska, the use of force is regulated by the Law on Police and Internal Affairs of Republic of Srpska (Official Gazette of the RS, No. 57/16, 110/16, 58/19, 82/19 and 48/24), as well as the by the Rulebook on the Use of Force adopted in 2010. Police agencies at the level of Bosnia and Herzegovina's joint institutions apply force based on the Law on Police Officers of Bosnia and Herzegovina (Official Gazette of BiH, No. 50/2008, 63/2008, 35/2009, 7/2012 and 42/2018 – Constitutional Court decision), as well as the Rulebook on the Use of Force from 2005. Article 1 of the Rulebook on the Use of Force applied by the police of Republic of Srpska defines only the conditions for the application and types of means of force (Official Gazette of RS, No. 98/10). Meanwhile, Article 1 paragraph 2 of the Rulebook applied by police agencies at the level of Bosnia and Herzegovina's joint institutions defines force as the use of physical strength, batons, means of restraints, chemical agents, water cannons, roadblocks, specialized vehicles, special types of weapons and explosive devices, trained police dogs, and firearms. In addition to these "traditional" means of force, there is increasing mention of electrical devices, particularly the Taser. The Taser, an electronic control device (ECD), as a means of coercion was invented by Jack Cover in the 1960s (Definis-Gojanović, Alujević, 2011; Tadijanović, 2017; Jozić, Pejaković-Đipić and Pačelat, 2022) with the aim of developing an effective yet non-lethal weapon that uses electric current to incapacitate a person without causing lasting harm to their psychosomatic status of the affected person (Jović, Pejaković-Đipić and Pačelat, 2022, pp. 248).

Although the legal terminology in the Republic of Srpska and Bosnia and Herzegovina now refers to "force" rather than "coercion," we believe some clarification is necessary. Namely, etymologically the terms "force" and "coercion" do not have the same meaning, despite their similarities. This raises the question of whether this terminological shift was justified. If we stick to the actual meaning of these words, the answer is clear – this shift should not have been made. The key reason why this substitution of terms should not have been made is that "force" implies an action occurring independently (e.g. natural forces), whereas "coercion" involves compelling someone to act against their will. In practical terms, a police baton cannot be considered a tool of "force" if it requires a police officer to put it into function and actually compel a person to behave in a certain way, therefore, it is clear that a baton is a means of coercion, not force (Jovičić and Šetka, 2023).

Coercion, in a broad sense, refers to the use of physical or psychological pressure to achieve a particular outcome, forcing someone to act, refrain from acting, or endure a situation against their will. Therefore, in a broader sense, coercion involves overriding another person's will to accomplish a goal (Stevandić, 2022; Milosavljević, 1998; Miletić and Jugović, 2019). Only coercion carried out on behalf of the state has a legal character, that is, the character of coercion permitted by law and differs from unauthorized and unlawful coercion that is prohibited and punishable by law. The legal character of coercion is defined by its objectives and the conditions under which it is applied (Milosavljević, 1997).

It is important to emphasize the fact that police officers use their powers in contact with citizens for preventive reasons. In most cases, these are perpetrators of punishable acts and offenses such as violent people, intoxicated individuals, mentally ill persons, or other problematic actors). From this context it follows that if there are reasons for such an intervention, if it is necessary to protect people's lives, to establish public order and peace, police officers must, or rather are obliged to intervene against such a person. However, they do not have the right to personal judgment! (Tulezi, 2000).

Whenever force is used, the law mandates that the police officer involved must submit a written report to their superior as soon as possible, but no later than 24 hours after the use of force. The use of means of coercion (force) is one of the most common reasons why citizens complain to various addresses. These complaints are particularly frequent after incidents in which physical force is used against them. In response, modern legal frameworks, including those in Bosnia and Herzegovina, have established clear regulations on the use of force (coercion). Despite Bosnia and Herzegovina having 20 independent police agencies, each has its own rulebook governing the use of force.

Furthermore, it should be noted that the use of force is similarly regulated by various international documents – the United Nations Code of Conduct for Law Enforcement Officials, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the Declaration on the Police and the European Code of Police Ethics (Dapčević-Marković, 2006; Marković, 2014).

Professional and credible police take care to enjoy the highest possible level of trust among citizens. Trust in the police essentially represents the belief that the police are aware of the needs of their citizens, and are therefore ready to protect their needs and interests (Cao, 2015). Accordingly, trust in the police is a belief that the police have the right intentions towards citizens and are able to act in a competent way in specific situations. Because trust is a dynamic and situational social construction, it reflects personal experiences, media images, and common beliefs as well (Boda, Medve-Balint, 2017). For trust in the police, the perception of legitimacy, i.e.

the trust in the police that citizens have and the acceptance of police authority and following the decisions made by police officers is important (Tyler, 2011).

In a democratic society, the police have a dual role. On one hand, they protect our security by protecting property, they ensure that we travel safely, they protect us from attacks. On the other, they are also responsible for upholding fundamental human rights. In society, while governments are expected to serve their citizens, the police often deliver “services” that may be unwelcome—such as issuing orders, imposing fines, or depriving individuals of their liberty (Borovec, Dunaj, 2022, according to Roberg et al., 2015).

Any form of unprofessional conduct by police officers or the police organization as a whole influences public perceptions of the police, and, consequently, overall trust in the police. It is clear that exceeding the authority and unlawful use of force by police officers are among the most significant factors eroding public confidence in police.

The use of force by police is a specific law enforcement action governed by a complex framework of laws and regulations. Although such actions may be legally justified in certain situations, researchers have long debated the extent to which police use of force is perceived as justified or unjustified in the eyes of the public. When citizens are satisfied with the police, when they believe that the police are credible and impartial, they are more likely to justify various police actions. It has also been shown that individuals who identify more strongly with the police are more likely to justify police use of force in specific situations precisely because they believe that police officers share the same values as them. On the other hand, when individuals strongly identify with the social group to which the person against whom force was applied by the police belongs, they will be less likely to justify such a course of action because they trust their social group (Bradford et al., 2017; Kuhns and Knutsson, 2010).

Some scholars argue that in recent decades, legal authorities are increasingly recognizing the importance of generating and sustaining their legitimacy in the eyes of citizens, and if they are to encourage public support and cooperative/compliant behaviour, they should ensure that police take action in accordance with procedural justice, and the use of force is one of those actions (Gerber, Jackson, 2017). If the police lose the trust of the citizens, this has far-reaching consequences on its efficiency in performing its duties, which negatively affects its work results.

When using force, police must take care not to use excessive force. Excessive force exists in the case when a police officer used force of greater intensity than what is necessary to resolve a lawfully initiated action. For example, means of coercion are not applied in accordance with the principle of proportionality, if the intensity and extent of their application were not adapted to the source and form of the threat (Kesić, 2018, p. 38; Walker and Archbold, 2018).

Research methodology

The subject of this research is to measure the knowledge, experience, awareness, and the way of acting in certain situations in current practice. It also aims to assess the situation in the field of use of force by police officers who were interviewed during the research.

The objective of this research is to determine the level of police officers' knowledge in the field of use of force, and to assess whether regulatory frameworks require amendments in order to improve the situation in terms of that a police officer applies his/her powers with minimal adverse effects on citizens and their fundamental human rights and freedoms, and in order to perform his/her official duties in the most efficient way. Furthermore, one of the goals is to identify practical challenges in the use of force, in order to propose solutions for them, and try to contribute to improving this area.

The core purpose of this research is to provide an accurate assessment of the current state of police use of force and, to understand the issues in this area that may lead police officers to refrain from using force even when legal conditions for its application are met.

Hypothesis: Police officers have insufficient knowledge of the legal basis for the use of force and lack adequate training in its proper application and justification. As a result, they tend to avoid using force in practice.

Sample

The total sample of respondents interviewed in this research was 116 police officers. Therefore, the sample in this study consisted of employees of police agencies across Bosnia and Herzegovina. If each police agency is considered a separate subsample, the study comprised eight subsamples, namely: (1) police officers of the Ministry of Internal Affairs of the Republic of Srpska (N=26), (2) police officers of the State Investigation and Protection Agency (N=15), (3) police officers of the Ministry of Internal Affairs of the Federation of Bosnia and Herzegovina (N=17), (4) police officers of the Ministry of Internal Affairs of the Herzegovina-Neretva Canton (N=17), (5) police officers of the Directorate for Coordination of Police Bodies of Bosnia and Herzegovina (N=15), (6) police officers of the Ministry of Internal Affairs of the Central Bosnia Canton (N=10), (7) police officers of the Border Police of Bosnia and Herzegovina (N=7) and (8) police officers of the Brčko District Police (N=9).

Data collection method

The interview protocol for data collection used in this study was developed by the authors Jovičić and Šetka (2024), based on their professional, practical and theoretical experience. The protocol was semi-structured, with questions adapted in such a way that they could provide answers to solve the hypothesis set, as well as to obtain data that should contribute to establishing facts that would contribute to achieving the research objectives.

The research was conducted on the territory of Bosnia and Herzegovina in the period from June to December 2024.

Results and discussion

Through research conducted across the aforementioned police agencies of the police system in Bosnia and Herzegovina, we obtained clear indicators of the current situation in the area of the use of force by police officers. Below, we present some of the most relevant parts of the excerpts from the interviews we conducted with the interviewed police officers, which are directly related to the hypothesis set in this paper, i.e. the research conducted.

General jurisdiction police, which operate daily in the security sector and maintain direct contact with the public, frequently find themselves in situations requiring the use of force. However, training on the use of force remains one of the most neglected aspects of police education.

A police station commander explains: “Our police station, whose officers frequently – if not daily – use force, barely receives any training on the use of force. It all comes down to one live-fire exercise per year and a single refresher session on regulations before the annual test.” (Interview B-3). Similar responses were recorded across other police agencies, leading to the conclusion that insufficient attention is paid to the training of police officers in the use of force.

Our research also revealed inconsistencies in the legal framework governing the use of force across Bosnia and Herzegovina. For instance, we have a situation where when using restraints in entity-level and canton-level police agencies, no report on the use of force is required, but only an official note is made. In contrast, police agencies under the jurisdiction of state-level institutions must submit a formal report whenever force is used. Furthermore, there are discrepancies in how the use of firearms by police officers is defined. Entity-level regulations consider the use of a firearm as firing at a person, whereas in Brčko District and at the state level, it includes merely pointing a firearm at a person.

A SIPA inspector states: “In terms of use of force our agency, unlike entity-level police agencies, considers the pointing of a firearm by a police officer at a person as a use of force, requiring a formal report. In entity-level agencies, however, only the act of firing a weapon at a person is classified as the use of force. Therefore, an official report on the use of force is required in situations when we fire a weapon. Likewise, when restraints are used, an official report on the use of force is not required in entity-level police agencies, but only an official note is made. In our agency, a report on the use of force must be written for any use of restraints” (Interview B-27).

Due to the complexity of the police system in Bosnia and Herzegovina, which can be defined as a complex uncoordinated system, there are problems that are also reflected in the area of the use of force. First of all, we are thinking of keeping records on the use of force. Only the Ministry of Internal Affairs of Republic Srpska maintains a single database that is unified and centralized for the part of the territory for which this police agency is competent. In contrast, no such database exists at the entity level in the Federation of Bosnia and Herzegovina.

One of the employees of the Police Administration of the Ministry of Internal Affairs of the Federation of Bosnia and Herzegovina explains: “Three years ago, we attempted to establish a single database on the use of force at the entity level. However, several cantonal police agencies refused to provide their data for the single database for the Federation of BiH, effectively boycotting the initiative. As a result, the effort failed at that time and we, as the umbrella police agency in the Federation of BiH, still lack a unified database. Only the cantonal police agencies have databases, which they maintain separately for their own needs” (Interview B-93).

The interviewed police officers expressed their views almost identically regarding the most frequently used means of force. All claim that physical force, which includes martial arts, is most often used first, and then the baton is used. Firearms are rarely used. According to a police chief: “Sometimes, out of fear, police officers skip the use of physical force and go straight to using a baton. This can create significant problems when justifying the use of force by a police officer, as the principle of restrictiveness has not been fully observed” (Interview B-41).

Training in the field of specialized physical education, the use of force, as well as writing of the reports on the use of force, which should be conducted in local-level police stations of police agencies, is virtually nonexistent in practice. A deputy police station commander states: “It is planned that we undergo training in the field of specialized physical education, but in our station, it is not conducted. In conversations with other colleagues from other police stations, as well as other police agencies, such training is not carried out at all in police stations of general jurisdiction.

Sometimes, we get together and go to the gym to play indoor football, that is our only physical activity. Otherwise, the only training some younger officers receive is working out in the gym. Additionally, in the 20 years I have worked here, we have never received training on writing reports on the use of force, even though it would be very useful. Basically, all training on writing reports comes from a few more experienced colleagues helping us when reports need to be written” (Interview B-46). The following statement by the security sector head should be added to this: “Probably at least 50% of police officers refrain from using force in practice because they know that it will be a problem to write a report later, and that they will face additional challenges. This is not good for the reputation of the police at all, as citizens expect the police to intervene in certain cases, and officers, in order not to justify the use of force later, refrain from doing so and chose not to act at all” (Interview B-73).

Thus, we have discovered that reports on the use of force are sometimes not submitted, even when force is used. This was especially the case in the earlier period in the canton-level police agency that, for an extended period, lacked an appointed commissioner and a fully constituted Police Board. We can see this best according to the statement of a shift leader in the intervention group in the police station: “In the earlier period, since we did not have a commissioner appointed for a long time, due to political problems between the ruling majority, as well as because internal supervisory bodies were not constituted in our police agency, we hardly ever filed reports on the use of force. In my practice, as a member of the intervention group in the police station, I have used firearms four times. I submitted a report twice, but twice I did not. Likewise, during that period, reports on the use of physical force and batons were almost never filed. This has changed in recent times” (Interview B-52).

It is evident that police agencies in Bosnia and Herzegovina have a problem with the lack of a sufficient number of police officers. Among the police agencies in which we conducted our research, only one police agency does not have a problem with the lack of a sufficient number of police officers. Other police agencies have a significant lack of police officers, which in practice is also reflected in the use of force. This creates insecurity among police officers, but also damages the reputation of the police among citizens, and creates a perception that the police are no longer capable of resolving certain problem situations. The commander of a police station in a canton-level police agency states: “We have a problem with the lack of a sufficient number of police officers because a significant number of police officers have retired in the last few years. For us, in terms of the use of force, this means that our police officers are increasingly refraining from using force even when the legal conditions for its use are met. This causes major problems for us and damages our reputation among citizens. It creates an image of us as incapable of handling problematic situ-

ations. Furthermore, this has led to a situation in which, I guarantee, at least 80% of police officers avoid using force. The first reason is a lack of knowledge of regulations in this field, the second is the shortage of officers, and the third is the challenges they face after using force. That is my view” (Interview B–103).

Personal safety measures when using force should be strictly observed. Adhering to these measures is the only way to mitigate risks for police officers. However, our research revealed that almost none of the respondents respected these measures or adhered to them. The respondents believe that they are not sufficiently familiar with all safety measures, but also that little attention is paid to them when performing police duties. The head of the security sector at the police station stated: “ If we received regular training, observing personal safety measures when using force would become second nature to us. We would apply them automatically in every intervention. In this way, we are left to ourselves, focusing primarily on resolving the problematic situation we encounter” (Interview B–32).

Police officers believe that the prosecution lacks understanding of their use of force, and some feel that, sometimes, prosecutors are on the side of the person against whom force has been justifiably used. This can best be seen in the example of the commander of a police station in an entity-level police agency. The commander of the police station shared the following: “When we talk about the use of force, I can personally testify that the prosecution has a negative attitude towards the police. Whenever a citizen presents an injury report to a prosecutor, an investigation is launched immediately – without even determining whether the use of force was justified. Charges are promptly filed against us. I have personally faced at least ten charges, and each time I was acquitted in the end. The pressure from the prosecution is significant. Here, to give you an example, I was baselessly accused by a person recently that I used force on him, despite having seven witnesses testifying that I did not, while my accuser had none. A medical expert report even confirmed that the redness on the accuser’s neck was not an injury but likely a transient allergic reaction. Nevertheless, the prosecutor still filed charges against me. After the court acquitted me in the first instance, the prosecutor appealed the decision” (Interview B–57).

Given the perception that the prosecution exerts undue pressure on them when they use force, police officers have developed a strong sense of solidarity. We say this because we received confirmation from all respondents that when an assessment is made that a police officer used force in accordance with the law, then one can clearly feel the support of colleagues for the police officer who used force. According to a police officer employed in a police station of an entity police agency: “ When one of us uses force, and we determine that it was done in accordance with the law, we all try to ensure that the

incident report is written as thoroughly as possible. We do this because we know that there will certainly be pressure and that the use of force will be challenged by various control bodies, first and foremost, by the prosecution. I must also highlight that in our police station, and as far as I know in others as well, supervisors always stand by their police officers when force is used lawfully. This is one of the few positive aspects in an otherwise challenging environment when it comes to the use of force” (Interview B–26).

In discussions with respondents regarding the adequacy of the current legal framework for the effective use of force, we received nearly identical responses. For the most part, all respondents agreed that the existing legal framework governing the use of force is sufficient for the effective execution of police duties that require the use of force. However, respondents from the police agency operating in the territory of the Brčko District made a complaint about the legal framework. This complaint is best reflected in the statement of an internal control inspector: “I believe that certain amendments should be made to the laws and regulations governing the use of force. I think that the current regulations do not clearly define the so-called formation-based means of force. I believe that the individual means of force applied by police officers are clearly defined, however, the formation-based means of force (which should be applied by several police officers simultaneously) are inadequately defined and clear amendments to the laws and regulations need to be made there” (Interview B–82).

A key focus of our research was to determine, based on respondents’ perspectives, the extent to which police officers are familiar with the legal grounds for the use of force. We tried to establish how much police officers know the legal basis for the use of all means of force, as well as how much they know the legal basis for the use of the most commonly used means of force – physical force and police batons. Regarding knowledge of the legal basis for the most commonly used means of force, the respondents claim that only 50% of police officers know the legal basis for the use of physical force and police batons. According to the statement of the police station commander: “I believe that only 50% of police officers are familiar with the legal basis for using certain means of force, such as physical force and police batons. However, when it comes to the legal basis for all prescribed means of force, I doubt that even 20% of officers have sufficient knowledge” (Interview B–10). Furthermore, summarizing our findings, the respondents believe that no more than 40% of police officers know the legal basis for the use of all means of force. It is worrying that a significant number of respondents claim that not even 20% of police officers know the legal basis for the use of all means of force. According to the statement of the deputy commander of one of the largest police stations in a police agency: “I believe that not even 10% of police officers know the legal basis for the use of all police powers, because this includes the so-called formation-based powers, which are most often known only to the heads of

organizational units. The majority of police officers, police officers with general jurisdiction, show little interest in understanding when these police powers can be used. Additionally, I believe that members of traffic safety police stations know very little about the legal basis for the use of force” (Interview B-13).

Finally, let us list some of the results of a survey conducted in the Republic of Serbia, which shows that the situation is similar to that in Bosnia and Herzegovina. The survey concerned the use of firearms, and was conducted among 306 police officers. “Almost half of respondents (47%) believe that police officers of the Ministry of Interior are not well trained to use firearms ($X=2.83$), and a similar percentage of respondents (44.8%) believe that police officers in the unit are not well trained to use it ($X=2.89$). When it comes to personal liability to use firearms, 54.6% of respondents believe that they are well trained to use firearms ($X=3.34$). Regarding the training for the use of firearms during police training, 53.6% of respondents believe that a lot of attention is paid to the theoretical content ($X=3.33$), while in contrast to such high percentages, 51.9% of them believe that not enough attention is paid to practical content ($X=2.67$). 53.9% of respondents ($X=2.51$) believe that the Serbian police do not pay enough attention to training for the use of firearms. When it comes to written forms for use of firearms, as many as 61.1% of respondents believe that they are complicated to fill out ($X=2.32$), while even more respondents (65%) believe that it takes a lot of time to fill the form ($X=2.22$). Only 32.7% of respondents oppose the assessment that police officers should be given greater discretionary powers to use firearms ($X=3.27$).” (Turanjanin, Otašević, Janković, 2024, pp. 10).

Conclusion

If we take into account the findings we have obtained through our research, then we can summarize it through several general conclusions that unequivocally reflect the current state of police use of force in Bosnia and Herzegovina. First and foremost, we have undoubtedly realized that insufficient attention is paid to the training of police officers in the field of the use of force, and that this situation should be changed in all police agencies.

Furthermore, we observed that training in specialized physical education, i.e. the use of force, as well as writing reports on the use of force, which should be held in police stations at the local level of police agencies, is virtually non-existent in practice. This is a serious shortcoming, as effective and lawful application of force, along with its proper justification, cannot be expected without adequate training. The above may ultimately negatively affect the decision of police officers to use force even when the legal conditions for its use are met, can result in a pattern of opportu-

nistic behavior among police officers. Additionally, the above can seriously affect the inefficient performance of police work and the weakening of the police's reputation among citizens, as well as the loss of citizens' trust in the work of police agencies.

Our research also revealed that many police agencies are struggling with a shortage of personnel. Such a situation negatively affects the results of police work in terms of the use of force, i.e. on police officers who, although the conditions for the use of force are met, refrain from using force in their actions. According to the respondents, this happens when they are aware that they do not have a sufficient number of police officers in the field who are necessary for the successful execution of a police task and the use of force. Then they feel insecure and give up on the use of force, as well as on solving a police task in general. It is not difficult to conclude that these situations further damage the reputation of the police among citizens.

The statements of the respondents also led us to the conclusion that police officers frequently fail to adhere to personal safety measures when using force. We also consider this unacceptable because only by applying personal safety measures can police officers be protected from the negative consequences of the use of force. Almost all respondents believe that they are not sufficiently familiar with these measures, and that little attention is paid to them in daily policing. They justify their failure to comply with personal safety measures by the routine performance of their duties, as well as their lack of training. These measures should be part of the automatic behavior of police officers when using force, and this is currently not the case.

However, the most alarming finding of our study is the unacceptably low level of legal knowledge regarding the use of force among police officers employed in Bosnia and Herzegovina police agencies. Even under optimistic estimates, at least 50% of officers lack a sufficient understanding of the legal basis for using force, while some estimates suggest this figure could be as low as 20%. This is an unacceptable situation that requires urgent remedial action. In the short term, foundational legal training in this area should be prioritized for all police officers. The current situation in this area certainly has a detrimental impact on the efficient performance of police duties, the safety of citizens, and the reputation that the police have among citizens.

In conclusion, our research fully confirms the initial hypothesis: *Police officers have insufficient knowledge of the legal basis for the use of force and lack adequate training in its proper application and justification. As a result, they tend to avoid using force in practice.*

LITERATURE

- Banović, B. and Amanović, Đ. (2022) 'Policijske nauke u Republici Srbiji – stanje i ciljevi'. *Revija za kriminologiju i krivično pravo*, 60(2), 203-215.
<https://doi.org/10.47152/rkkp.60.2.10>
- Boda, Z. and Medve-Balint, G. (2017) 'How perceptions and personal contact matter: The individual-level determinants of trust in police in Hungary', *Policing and society*, 27 (7), 732-749
- Borovec, K. and Dunaj, A. M. (2022) 'Različitosti u pogledima na poželjne kompetencije policijskih službenika', *Policija i sigurnost*, 31(2), 101-117.
- Bradfor, B., Milani, J., Jackson, J. (2017) 'Identity, legitimacy and "making sense" of police use of force'. *Policing: An International Journal*, Vol. 40 (3), 614-627.
<https://doi.org/10.1108/PIJPSM-06-2016-0085>
- Cao, L. (2015) 'Differentiating confidence in the police, trust in the police, and satisfaction with the police'. *Policing: An International Journal of Police Strategies & Management*, 38(2), 239-249. <https://doi.org/10.1108/PIJPSM-12-2014-0127>
- Definis-Gojanović, M. and Alujević, A. (2011) 'Električni paralizatori – djelovanje na ljudsko tijelo i zdravlje'. *Policija i sigurnost*, 20 (3), 435-440.
- Dapčević-Marković, Lj. (2006) 'Evropski standardi u radu policije'. *Bezbednost*, 48 (5), 726-747.
- Gerber, M., & Jackson, J. (2017) 'Justifying violence: legitimacy, ideology and public support for police use of force'. *Psychology, Crime & Law*, 23(1), 79-95.
<https://doi.org/10.1080/1068316X.2016.1220556>
- Jovičić, D. (2018) *Uvod u pravo*. Novi Sad: Faculty of Law and Business Studies Dr Lazar Vrkatić.
- Jovičić, D. and Šetka, G. (2023) *Organizacija i nadležnost policije*. Banja Luka: Faculty of Security Sciences, University of Banja Luka.
- Jackson, J. et al. (2011). *Trust in justice: Main results of the fourth round of the European Social Survey*. London: City University.
- Jozić, M., Pejaković-Đipić, S. and Pačelat, J. (2022) 'Električni paralizator kao moguće sredstvo prisile u postupanju policijskih službenika'. *Policija i sigurnost*, 31 (3), 247-269.
- Kesić, Z. (2018) 'Policijska brutalnost i tortura sličnosti i razlike'. *NBP - Nauka, bezbednost, policija*, 23 (1), 35-50. <https://doi.org/10.5937/nabepo23-17166>

- Kuhns, J.B. and Knutsson, J. (2010) *Police use of force a global perspective*. Praeger, Santa Barbara, Ca. In: Nickel, O. (2015) *Critical Factors in Police Use-of-Force Decisions*. Doctoral dissertation. Walden University: College of Social and Behavioral Sciences.
- Milosavljević, B. (1998) 'Diskreciona vlast policije'. *Pravni život*, 46 (12), 1049-1060.
- Milosavljević, B. (1997) *Nauka o policiji*. Belgrade: Police Academy.
- Miletić, S., Jugović, S. (2019) *Pravo unutrašnjih poslova*. Belgrade: Criminalistic and Police University.
- Marković, S. (2014) 'Praktični aspekti primene nekih policijskih ovlašćenja i obavljanja poslova'. *Bezbednost*, 56 (1), 104-125.
- Stevandić, D. (2022) 'Policijsko ovlašćenje - prilog teorijskopravnom određenju pojma'. *Bezbednost*, 64 (2), 119-144. <https://doi.org/10.5937/bezbednost2202119s>
- Škrtić, D. (2017) 'Međunarodni pravni standardi kojima se uređuje policijska uporaba sredstava prisile'. *Hrvatski ljetopis za kazneno pravo i praksu*, 14 (1), 187-214.
- Turanjanin, V., Otašević, B., Janković, B. (2024) 'Police Use of Deadly Force in Serbia: The Police Officers' Perception'. *SAGE Open*, 14 (2), 1-16. <https://doi.org/10.1177/21582440241259703>
- Tadijanović, J. (2017) *Uporaba tasera kao mogućeg sredstava prisile (graduation thesis)*. Zagreb: Police College.
- Tyuler, T.R. (2011) 'Trust and legitimacy: Policing in the USA and Europe'. *European Journal of Criminology*, 8(4), 254-266. <https://doi.org/10.1177/1477370811411462>
- Tulezi, J. (2000) *Policija i javnost*. Zagreb: Police Academy - Ministry of Internal Affairs of the Republic of Croatia.
- Veić, P. and Martinović, I. (2019) 'Uporaba vatrenog oružja i drugih sredstava prisile pri uhićenju normativna ograničenja u kontekstu prava na život i zabrane mučenja te odgovornost policijskih službenika'. *Policija i sigurnost*, 28 (4), 453 - 467.
- Walker, S. E. and Archbold, C. A. (2018). *The new world of police accountability*. Thousand Oaks, CA: Sage Publications.

OTHER SOURCES

- Rulebook on the Use of Force, Official Gazette of Bosnia and Herzegovina, No. 20/05.
- Rulebook on the Use of Force, Official Gazette of Republic of Srpska, No. 98/10.
- Law on Police and Internal Affairs of Republic of Srpska, Official Gazette of Republic of Srpska, No. 57/16, 48/24.

Law on Police Officers of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, No. 50/2008, 63/2008, 35/2009, 7/2012 and 42/2018 – Constitutional Court decision).

UN, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 1990.

UN, Code of Conduct for Law Enforcement Officials, 1979.

Council of Europe, European Code of Police Ethics, 2002.

© 2025 by authors



This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution 4.0 International