

DEVELOPMENT OF THE POLICING IN LATVIA

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S u m m a r y

The principle of the rule of law determinates that all changes that will be done must be legitimate. In this case we can speak about urgent changes in the legislation for legitimacy of modern way of the policing. This article is about urgent legal problems in the process of democratisation of policing in Latvia.

Introduction

Many Central and Eastern European countries have great experience with totalitarian regime where police forces often were used to intimidate and rule citizens. For this reason, many police forces had bad reputation and in the nineties the police were seen as part of problem rather than the protector of human rights and individual freedoms.

After the break-down of the Soviet Union, the new democracies in Central and Eastern Europe have tried to re-establish the integrity of their police. Community policing is used effectively towards this end. Only when the community and the police can truly work together for a common goal, the citizens really will trust the police. Once the citizens trust the police they will provide the police with information and assistance to help prevent crimes and arrest more criminals. This will help the police to serve their communities better, fulfill their task to protect and serve.

Presently, the community policing is looked upon more like a philosophy than a programme or project. Community policing is a subject of research for many scholars all across the world. Practical realising of the main principles of community policing shows a necessity for high professional police staff. Thus, presently, not only changing the policing methods, but also education and training of personnel, is an urgent need for police forces. The education of other subjects of legal relations in the area of policing is necessary, too. The implementation of civil society and of the rule of law demands highly educated citizens in the sphere of state administration and legal tasks of police.

1. Historical background of the policing in Latvia

In the context of this article, the historical overview of policing history in Latvia is very short. The authors do not declare having found new scientific discoveries in this area. Equally, this short overview is necessary for better illustration and understanding of policing problems in contemporary Latvia.

1.1. Policing in the first independent Republic of Latvia (1918–1940)

In 1918, the Republic of Latvia was established and Latvia became an independent country. The organisation of new Latvian police forces was very important because previous police forces was part of tsarist Russia administration and had bad reputation.

On 5 December 1918, the Temporary Regulations of Organisation of the Interior Guarding were established. Presently, this date is known as Police day. According to paragraph 13 of these regulations, the main aims of police were maintaining public security and public order, and protect people from violence and arbitrariness. The main tasks of police were the following:

- to stop and prevent violations of public order established by laws and mandatory regulations;
- to announce regulations issued by the Government and social institutions;
- to protect civil rights;
- to edit identification cards and another documents scheduled by laws and regulations;
- to draw up acts and reports in cases of any accidents and violations when it is necessary for citizens for protection of their rights;
- to supervise keeping in order roads, streets, bridges, squares, maintenance of public order in public places and traffic security;
- to maintain public order and security and rendering of help in cases of fire, flood, and another disaster; and
- to appeal to citizens for rendering of help in cases of accidents. (1; 14-15)

It was hard time for the new Latvian police. The Government had not enough resources for financing police and put an obligation to municipalities, to equip and provide the police forces with support. At that time, National Militia was established—a voluntary force for protection of public order.

The Police Structure Act of 1933 established the organisation of Latvia police. According to this law, there were formed the Order Police (also the Railway Police), the Criminal Police, and the Political Police who were required to act in close co-operation. If it was necessary, police had the right to ask the assistance of the military forces, border guards, guards, and firemen. For reinforcement of guarding in one district, the Minister of the Interior had the right to take personnel from other districts. The logistical support of police came from the Government and local governments. The main posts for employees in police were policeman (*kārtībnieks* in Latvian) in rural areas and supervisor (*uzraugs* in Latvian) in urban areas. The main requirements for policemen were truthfulness, patience, boldness, politeness, self-sacrifice, and insistent firmness. These requirements are urgent also nowadays. (2; 8)

The policing during 1918–1940 was successful and the lessons from this period are very important for better understanding of policing in the beginning of the 21st century. The police bearing conscientious attitude towards their duties obtained dignity and authority. Although the philosophy of community policing was not known then yet, we can see the practical implementation of some methods and forms of policing which complies with the contemporary understanding of community policing.

1.2. Policing in Latvia during the Soviet period (1940–1991)

In 1940, Latvia was occupied by the Soviet Union. However, no analysis of policing during German occupation during the Great Patriotic war 1941–1945 is done in this article. The Soviet regime (called also Communist regime) totally abolished all laws and institutions of the Republic of Latvia, and Soviet legal acts and regulations in all areas of public and private life were introduced. Most of persons who worked in governmental institutions of the Republic of Latvia were arrested and many were deported. Militia in Latvia during this period was part of the Soviet militia and acted according to the Soviet legislation.

The structure of the Soviet militia was highly centralised. The local police forces were strictly responsible to the Ministry of the Interior of Latvia, which was subordinated to the central Ministry of the Interior of the Soviet Union. The Soviet militia as an institution of the totalitarian regime focused on surveillance and control functions. According to the Standing Order of 1973 on Soviet militia (3), which was in force till the disintegration of the USSR, 27 functions of militia were listed, e.g.: protection of the public peace, traffic surveillance, criminal quest, investigation and search, provision

of passport system and regulations of weapon, surveillance over people released from prison and over foreigners, and many others.

The Soviet militia (Latvian militia as well, as part of Soviet militia) was not perfectly stable during all the period referred in this subparagraph. There were some significant changes in its relations to the Committee of State Security (in Russian, *Комитет Государственной безопасности – КГБ*), to the central Ministry of the Interior, and to other institutions of criminal justice. After the death of Stalin, some gradual and inconsistent softening of policing regulations and methods was done (4; 45-96). Analysis of the Soviet concept of fight against criminality and Soviet policing ideology was made by professors of the Law University of Lithuania, J. Peckaitis and V. Justickis, and presented during an international conference, "Human rights and public security" on August 2004 in Riga. (5; 173-192) They emphasised that the Soviet concept of criminality was based on Marxism ideology where it was declared that the basic reasons of criminality had macro-social nature, which meant that most fundamental processes in society produced the criminality. Hence, criminality could be successfully affected only at the higher level and insignificant local measures could affect only symptoms instead of roots. According to this philosophy, it was logical that the Soviet criminal justice system, and especially militia, were strictly centralised and highly anti-local. Every impact of local governments and local militia on decisions taken at the highest level contradicted the key ideas of organisation of the Soviet government and militia. The Soviet crime control system was based on the statement that the top knew better, what local community and private persons really needed, that the most important and deepest roots of local problems could be seen only on the top, and also the needs of local community could be formulated and estimated on the top. According to this point of view, any local officials or local authority having taken a decision to solve local problems were condemned to be short-sighted and narrow-minded. In such a situation, ideas on *community policing* or social institutions like American local sheriff, chosen and controlled by the local society, seemed to be totally impossible. However, the representatives of state power were authorised to inspect inspectors in precincts, and these militia officials were responsible also for interrelation with the local society and their problems. It means that authorised inspecting of inspectors in precincts occurred in more or less contact with local society, and possibly, someone would try to identify these actions with the idea of *community policing*. From our point of view, it is necessary to compare the works of Soviet and American scholars in the area of the development of policing. Maybe it is possible to find some common values. In this case it will be much easier for Latvian scholars to justify the transformation process from the Soviet to the European policing model.

J. Peckaitis and V. Justickis pointed also at the problem of control of the Soviet militia. According to the Soviet concept of policing, a criminal is an enemy, a very cunning and fastidious one, so he will misuse all information about police and its activities. Therefore, everything has to be concealed from potential espionage and Soviet militia must have a highly developed system of secrecy. The result was a thick secrecy wall around every police activity. From this point of view, policing was practically uncontrolled by the local community. The control of militia was a duty of law enforcement officials from agencies like the Committee of State Security, prosecutor's office, and militia itself. In this sense, the Soviet militia was extremely self-regulated and defended from every external review. (6; 13-63)

Were actions of the Soviet militia effective? It seems that the answer to this question is discussible. Since there were no effective and independent Soviet law enforcement institutions and no external control system for militia, it is difficult to hope for an objective answer to this question. As emphasised by J. Peckaitis and V. Justickis, Soviet mass media used effective methods to ensure a public impression of the public peace. There lacked objective information about criminal safety in Soviet Union. Thus, most citizens felt that the state of affairs was good and militia's actions were effective (5; 178). However, if looking from today's position, maybe the actions of the Soviet militia were effective enough but most inhabitants abominated and did not trust militia, which is in conflict with the ideology of community policing.

In conclusion of this subparagraph, it is possible to give a short summary of Latvian militia during the Soviet period. It was unitary organised and based on ideas of centralisation and fight against criminality, and its actions were based on central planning, anti-localism, militarisation, closeness for external control, exclusion of the public and communities from decision making and secrecy. The protection of human rights and building of good relationships with the local society were not priorities for the Latvian militia during this period.

1.3. Policing after the restoration of independence of the Republic of Latvia in 1991

The period of restoration of the independent state of Latvia has been divided into two stages. The first stage began on 4 May 1990 with the lodging of the Declaration on the Restoration of Independence of the Republic of Latvia by the Supreme Council of the Latvian Soviet Socialist Republic. This stage finished after the putsch on August 1991 with acceptance of the constitutional Law on the National Status of the Republic of Latvia. The second stage began after the end of first stage and continued till 6 July 1993 when the fifth Saeima (Parliament of the Republic of Latvia) came together and renovated the Constitution of the Republic of Latvia of 1922 (*Latvijas Republikas Satversme*) in gamut.

The first stage has been defined as a typical period of dual power. Most of the institutions of the Latvian militia were loyal to the Government of Latvia. But there occurred several incidents during that period. For instance, the activities of the Unit of the Task Force of Militia (in Russian, *ОМОН – отряд милиции особого назначения*) were well known, which was underfoot of the Ministry of Interior of the Soviet Union and were involved in some fighting against forces of the independent Republic of Latvia.

The formation of new police forces for the independent Republic of Latvia was very important at that time. It was a necessity to take for basis the regulations and equipment of Soviet militia. At the same time, there was a necessity for transformation according to principles of democracy and transparency of policing methods used by militia. The shortcomings of the Soviet organisation and methods of policing described in the previous subparagraph were eliminated.

On 5 June 1991, the Supreme Council of the Republic of Latvia adopted the Law on Police. According to this law, the police are an armed, militarised state or local government authority, the duty of which is to protect from criminals and other illegal threats to life, health, rights and freedoms, property, and the interests of society and the state. The tasks of the police are:

- to guarantee the safety of persons and society;
- to prevent criminal offences and other violations of law;
- to disclose criminal offences and search for persons who have committed criminal offences;
- to provide assistance, in accordance with procedures prescribed by law, to persons, institutions, undertakings, and organisations in the protection of their rights and carrying out of tasks prescribed by law; and
- to implement, within the scope of its competence, administrative sanctions and criminal sentences.

The police is comprised from the State Police, the Security Police, and local government police. The State Police and the Security Police, each within its competence, shall perform their duties throughout the whole territory of the Republic of Latvia, while the local government police—within the relevant administrative territory. The State Police and the Security Police are institutions under the supervision of the Ministry of the Interior. A police precinct is the basic organisational unit of the State Police system of the Republic of Latvia, the police officers of which shall perform all the duties referred to in Sections 9, 10, and 11 of the Law on Police, except those that are directly within the competence of the State Police central headquarters, administration, and divisions.

According to the Section 19 of the Law on Police, the local government police are incorporated in the relevant local government but regarding organisation of work they co-operate with the State Police.

The duties of local government police include:

- prevention of violations of the law;
- provision of social rehabilitation assistance to persons who have been released from institutions of deprivation or of restriction of liberty, or who are under treatment for alcoholism, or addiction to toxic or narcotic substances;
- guarding and conveyance of persons arrested and under administrative arrest for administrative violations;
- control of the observance of regulations approved by the local government, for the violation of which administrative sanctions are prescribed, as well as the imposing and collection of fines regarding such violations; and
- support of the State Police and Security Police in the guaranteeing of public safety and the fighting of crime.

Instructions regarding the separation of police authority within the State Police shall be issued by the Chief of the State Police.

The operations of the police shall be organised observing lawfulness, humanism, human rights, social justice, transparency, and an undivided authority, and relying on the assistance of the public. The police shall protect the rights and lawful interests of persons irrespective of their citizenship, social, economic, and other status, race and nationality, gender and age, education and language, attitude towards religion, political, and other convictions.

The police, in the interests of the service, shall inform state and local government institutions—as well as the public—regarding police operations. The police are prohibited from disclosing information that is an official secret or other secret specifically protected by law and which contains commercial secrets or patent secrets. It is prohibited to disclose data from a pre-trial investigation without the permission of the prosecutor or the head of the investigative institution, as well as materials that are contrary to the presumption of innocence.

State and local government institutions, undertakings and organisations, and their officials shall provide assistance to the police in the performance of their duties. The police shall co-operate with the undertakings that perform security functions, with the civil security services of undertakings, institutions and organisations (fire fighting, traffic safety, and other services), as well as with health services, social support and charity services of local government institutions, and shall support them in crime prevention. The police of the Republic of Latvia shall co-operate with the police (militia) of other states and with international police organisations by entering into relevant treaties and agreements in accordance with the laws of the Republic of Latvia.

The legal basis for the operations of the police is the Constitution of the Republic of Latvia, international agreements, the Law on Police and other laws, regulatory enactments of the Republic of Latvia, decisions of local governments, if they are not contrary to the laws of the Republic of Latvia.¹

The analysis of the Law on Police shows some shortcomings, but it is modern enough for policing according to the principles of the rule of law and democracy. However, principles described in the European Code of Police Ethics must be integrated in Latvian legislation for more modern policing in future (7; 74).

Comparing the policing model of today's Republic of Latvia with the Soviet model before disintegration of the USSR, many similarities and differences are found. The organisation of State Police is strictly centralised and bureaucratic, like Soviet militia. But the minister of the Interior is not serviceman any more, but he is a politic. Since 1991, the State Police is out of policy and a police officer shall not be bound by orders and decisions of parties and other socio-political organisations and movements or their representatives. According to the law, interference with the operations of the police by parties and other socio-political organisations and movements or their representatives is prohibited.²

The State Police are under the supervision, but not under strict control of the Ministry of the Interior. Supervision means the rights of higher institutions or officials to examine the lawfulness of decisions taken by lower institutions or officials and to revoke unlawful decisions, as well as to issue an order to take a decision in case of unlawful failure to act.³

There are two comparatively independent police institutions the duties of which are to maintain public order and security and prevent crimes: the State Police and the local government police (not all local governments have established their police). So it is possible to speak about dispersion of State Police functions and involvement of local community in policing.

There were some attempts of demilitarisation of the State Police of Latvia. The police officer of the State Police is a civil servant in the specialised state civil service, but military ranks of police officers, like in Soviet militia, are in force presently.⁴

2. Community policing and its realisation in Latvia

On 1 May 2004, the Republic of Latvia became the Member State of the Europe Union where community policing seems as a modern way of policing. The creation of an area of freedom, security

¹ See the Law on Police in force.

² Law on Police in force, Section 23, Parts 2, 3.

³ State Administration Structure Law in force, Section 7, Paragraph 5.

⁴ State Civil Service Law in force, Section 3, Paragraph 2. Also Law on Police, Section 2.

and justice in the European Union is important for Latvia at present time. The Latvian police will seem as a part of the so-called European police. In this context, it is very important for the Latvian police to find out similarities with European policing model.

If the statement of contemporary police mission is written, it will be something like this:

The police are a public enterprise aimed at serving the cause of a safe environment. They pay attention to securing conditions in which citizens can realise their private and public potential in a just way and are complementary to active citizenship. The police are committed to serve the public so that they satisfy citizens' needs in a way that generates trust towards the police. That must be done by representing in their operations the public motives to sustain a police. The police are to perform public service by carrying out their tasks in a way that promotes active citizenship and caring communities.(8;10)

It is difficult to define community policing in European context, but it is even more difficult to translate it into Latvian and find an optimal policing model. In this chapter we will try to do this.

2.1. Community policing as police model¹

In scientific literature community policing has been seen both as a police model and police philosophy. Most of American authors look at community policing as police model.

It is almost certain that the idea of community policing comes from the USA. In the 1970s, in the USA, a movement started for a new type of policing instead of the repressive model of policing. The modern police models can be identified in two mainstream concepts, namely the military-bureaucratic model and the lawful policing model. The military-bureaucratic model is centred round the notion of discipline and reacting against corruption and politicisation. In Europe, this police model has important historical roots that go back to the Napoleonic period. Key notions in this model are: coercive, hierarchical and internal discipline, to avoid police misconduct. (9; 336)

The lawful policing model has to be understood as a reaction against the military-bureaucratic model. Central keynotes of this model are: application of the law, legal and illegal action, use and misuse of the law, jurisdiction. In this model the police functions distant from the population, and this kind of policing implies a strong specialisation in the domain of crime fighting. There are three relatively distinct types of this model.(10; 64)

The first style is referred to as the "watchman style"—the principal function of the police is order maintenance rather than law enforcement in cases that do not involve serious crime. The second one is the "service style"—the police intervene frequently but not formally, take all requests for service serious and often find alternatives to arrest and other formal sanctions. The third model of policing, according to Wilson, is the "legalistic style"—police officers are encouraged to handle commonplace situations as if they were matters of law enforcement as opposed to order maintenance. Officers are under pressure to "produce" arrests and tickets and are expected to simply "do their job".

Broad-scope policing was not to be considered as an independent police model. It was the reaction of social sciences to the myth of exclusive models as the military-bureaucratic and the lawful policing model. Social scientists demonstrated that police was doing much more than simple public order maintenance or crime fighting. Police work is dominantly situated in the domain of "peacekeeping" (intervention, public service, public tranquillity, traffic, etc.). Broad-scope policing is incident-driven policing. The broad scope approach prepared the postmodern police models. Community (oriented) policing is in fact the only real postmodern model. There are defined also such models as problem solving/oriented policing, broken window policing, (neo) intensive policing (s.c. zero tolerance), technological (led) policing (computer assisted policing), public-private divided policing.

One of the most programmatic and clear definitions of community policing as a police model is the following: community policing is a policy and a strategy aimed at achieving more effective and efficient crime control, reduced fear of crime, improved quality of life, improved police services and police legitimacy, through a pro-active reliance on community resources, seeking to change crime-causing conditions. It assumes a need for greater accountability of police, greater public share in decision-making, and greater concerns for civil rights and liberties (11). Some authors use the

¹ In this subparagraph are used information presented during the European Police Academy (CEPOL) "Seminar on Community and Problem Oriented Policing" which held on 9 – 14 February, 2003 in Netherlands.

metaphor of illness in regard of crime in the context of community policing - the police and the doctors have the same role: they try to cure real or imagined (individual) problems, thus contributing to the overall health of the community. In this context, analogous to the doctor, the community policing officer's role is not limited to police tasks, they both give advice and support.

S. D. Mastrofski declared that community policing brings to North America the promise of "quiet revolution," "paradigm shift," "sea change," and "new blue line" and the hoped for results were safer, happier, and more socially integrated communities (12; 161). He marked that some authors suggested that community policing did not really introduce new strategies and tactics, but only found more effective ways of promoting the best of what had always been with modern democratic police forces. Whether methods of community policing are old or new, there is a premise that police organisations must be restructured in fundamental ways. S. D. Mastrofski identified four structural features of the community policing reform: debureaucratisation, professionalisation, democratisation and service integration. In conclusion, he declared that most of the community policing structural reforms did not enjoy firm prospects of successful implementation in a foreseeable future (12;162).

The statement mentioned above corresponded with unsuccessful practice of policing reform and decentralisation of police forces in Lithuania in 1991. Peckaitis J. and Justickis declared that the reform in Lithuania was unsuccessful mainly for a lack of faith. When modern policing model met the first problems and uncertainty, anxiety, stress, and its disorganisation aroused by them, it was the point to return to some good old Soviet experience and its consummation. The Soviet policing model suggested a cosy way of understanding. Consequently, Lithuania comes to her today's policing model which is specific. Analysis of Lithuanian experiment shows the dangerousness of unprepared reforms of policing models (5; 182). In this context, Latvia has not done such unsuccessful experience.

2.2. Community policing in contemporary Europe Union

On 15–16 October 1999, the European Council held a special meeting in Tampere on the creation of an area of freedom, security, and justice in the European Union. The Presidency Conclusions of this meeting called *Towards a Union of Freedom, Security and Justice: the Tampere Milestones* is a powerful statement of the common ground for public policing in Europe. According to it, European integration from the very beginning has been firmly rooted in a shared commitment to freedom based on human rights, democratic institutions and the rule of law. The area of freedom, security and justice should be based on the principles of transparency and democratic control. The Presidency Conclusions urge the integration of crime prevention aspects into actions against crime and the development of common priorities, the exchange of best practices and the establishment of a network of competent national authorities. The Conclusions include principles for a common EU asylum and migration policy, a genuine European area of justice and union-wide fight against crime. A European Police College (CEPOL) for training of senior law enforcement officials should be established (13; 2-3).

Activities of the CEPOL in this area started with the first conference on community policing in October 2001 in Lyon and were continued in February 2003 in Netherlands. The point of departure was that Europe stands for a rich diversity of views and practices on policing, but it also contains common values. Fierce discussions led to the notion of a set of principles of European community policing model. A part of the discussion was concerned at the terminology: is community policing considered as a term or a concept? Community policing seemed to be permanently associated with the "soft side" of policing and in that context was seen as an obstacle in developing "mean and lean" police service at the time when a European-wide call for a tough stance towards crime and disorder was preached. On the other hand, many experts pointed that community policing can be hard on crime, but this message was not fully understood. Community policing can seem as a specialised policing subject and task rather the context, method, and means to enhance also effective police service. Additionally, there was the widespread view that it is extremely difficult to define community policing because it means different things and translates in various ways in different countries (13; 3-4).

On a CEPOL seminar, "Moving Forward with Community Policing in Europe," which took place in 14–18 June 2004 in Tampere, the community policing was dealt in the context of main principles and values which are the point of departure. The key words were: **good governance** (quality of public policing, performance management, internal and external accountability), **community policing**

(as a general method and means, answering mainly the question HOW, and recently proliferating policing methods - reassurance policing, proximity policing, integrated security, intelligence-led policing etc.), **partnerships** (as a more specific method and means and their structures, coalitions and networks, partnership management and transformation leadership, community engagement, and participation) (13; 6).

Possibly, community policing is nothing more and nothing less than a historic statement that the police are only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence. In other words, community policing have many ways of expression in accordance with interpretation of meaning of key words in its different definitions.

We sustain the understanding of community policing more like a philosophy than some kind of police models.

2.3. Community policing in the contemporary Republic of Latvia

The USSR and the USA were in the position of incompatible ideological contradictions. Therefore, policing in Latvia did not use words community policing during the Soviet period until 1991. However, in actions of Soviet militia is possible to recognise some elements of community policing. For example, broad activities of voluntary public guardsmen, in-depth co-operation with different persons and institutions, co-operation with mass media, etc.

After 1991 and surrender of the Soviet policing principles, discussions started on using tools of community policing in Latvia. However, there were very poor possibilities for studying works of foreign scholars about community policing in English. Most literature about policing was in Russian and it was difficult to understand the main positive aspects of community policing. Moreover, in literature in Russian words like “community policing” were not used

For many the idea of community policing in Latvia did not go farther than some forms of activities of district inspectors.¹ Up to date, no scientific research and considerable publications are made in the area of implementing community policing in Latvia. There is not official definition of this term in Latvia.

The following definition of community policing is under discussion:

Community policing—police actions carrying out their duties according to legal tasks, especially in prevention of crimes and other violations of law, based on the support of the local society, principles of democracy and state of law, observing the norms of professional ethics, providing observation of human rights in acceptable way for the society (14; 50).

Some authors share an opinion that district inspectors in Latvia (about 12% from all the State Police Staff) are “community policing inspectors,” but it is not in accordance with official duty instructions. Some elements of community policing philosophy are included in duty instructions of juvenile affairs inspectors, illegitimate hunting and fishing inspectors, licensing and permit system inspectors, traffic police inspectors and patrolling constables also.

Section 30 of the Law on Police validated a legal institute of assistants to police officers. Assistants to police officers may be permanent residents of the Republic of Latvia from 20 to 65 years of age, who, taking into account their personal background, are able to assist voluntarily the police officers. Regulations to police officers with respect to work organisation and performance of duties by assistants, and the rights and duties of such assistants shall be determined by the Cabinet of Ministers of the Republic of Latvia (15).

The implementation of the community policing as philosophy at present time in Latvia is following. Some municipalities with support of foreign collaboration partners realise different safety projects. For example, there is a project “Big and small in safe city” in Jelgava. Part of this project contains the operations of civic organisation “Parents for Jelgava”. A similar project is led in Riga, the capital of Latvia, and some other cities. Prevention actions at the beginning of the study year are organised every year at schools. Topics of these actions are: “Be safe on the road,” “Be visible on roads in darkness,” and others. During these activities, police officers give information about the danger of drugs and alcohol, how to act in the case of abuse, how to be safe on roads, and so on. The pupils may take part in the drawing competition “My vision of a policeman.” These prevention actions are going on during all study year.

¹ The district inspector is one of the posts of today’s Latvian Public Order Police structural units and his duties are similar with duties of authorised inspecting inspector in Russian militia.

The State Police is the initiator of an action “Do you know your district inspector?” The competition “The best district police inspector in Latvia” is organised every year, when every person have the right to vote for the best policeman. The winners of this competition have been awarded. The Traffic Police with the support of the Road Traffic Safety Administration take part in an anti-alcohol campaign, “Protect Your Friend. Forbid Him Drunk Driving” every year. Drunk-driving preventing actions take place during the traditional midsummer-night festival and Christmas every year.

3. The future policing in Latvia as the Member State of the European Union

The Republic of Latvia became the Member State of European Union on 1 May 2004. In context of policing it means that European police organisations must achieve gain greater unity between themselves. Some police experts talk about the formation of unitary European police force in the immediate future. It means that the basis of national police forces of the EU Member States must be similar. Despite of diversity of police structures and means of organising of police in different countries, the main values of policing in the European Union must be democracy and the principle of the rule of law, policing activities to a large extent performed in close contact with the public and police efficiency depended on public support, police organisations in addition to upholding the law perform social as well as service functions in the society. The principles declared in the United Nations Code of Conduct for Law Enforcement Officials, the resolution of the Parliamentary Assembly of the Council of Europe on the Declaration on the Police, laid down in texts related to police, adopted by the Committee of Ministers, decisions and judgements of the European Court of Human Rights and principles adopted by the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment must be bearing in mind and consider (7; 5-6).

According to the European Code of Police Ethics the main purposes of the police in a democratic society governed by the rule of law are:

- to maintain public tranquillity and order in society;
- to protect and respect the individual’s fundamental rights and freedoms as enshrined;
- to prevent and combat crime;
- to detect crime;
- to provide assistance and service functions to the public (7; 7).

Doubtlessly, the development of policing in Latvia must be advanced in close contact with the European Code of Police Ethics and other legislations of the European Union. From the authors’ point of view, it is necessary not only to introduce European Union legislation in Latvia, but also to educate state and self-government officials, in particular police officers, and individuals in contemporary understanding about police tasks, duties, accountability, possibilities of control, etc. We look forward and see the study course “Police law” as an integral part of education process for students studying social sciences, in particular, law and social work.

Comparison of legislative acts of Latvia and the European Union shows that there are no substantial differences at present time. On the other hand, the Law on Police of the Republic of Latvia was accepted in 1991 and was based on an analogous Soviet normative act and seems unconfomable in anent of modern European theory of law. Many amendments of the Law on Police were made since 1991, and in addition, numerous are on the preparation stage. It seems that there are three ways of development of policing legislation in Latvia.

Firstly, it is possible to continue the process of transformation of the Latvian police legislation from Soviet to European in the way that was started in 1991. It implies a comparatively slow advancement and can be compared with “delusion in the dark” because practically there is a lack of scientific research in this area in Latvia. On the other hand, the legislation of Latvia includes some specific things regarding national distinctions; therefore, implementation of foreign legislation without scientific analysis is not advisable. However, this way of development dominated at present time in Latvia.

Secondly, some persons sometimes recommended some foreign normative acts for implementation without a detailed analysis and application to specific Latvian conditions. In this case, the relevant role is played by the country where the concrete normative act has originated. Unfortunately, there is no strictly declared country the legislation of which will be introduced in Latvian legislation. Sometimes this way of development gives satisfactory results, but nothing more.

Thirdly, it is possible to take samples from the legislation of the Republic of Latvia during 1918–1940, which was appropriated to modern European legislation at that time. In this case there will be some difficulties because the titles of some normative acts must be changed and sometimes they have some incompatibility with contemporary theory of law. However, this legislation has been sound in practice in the conditions of Latvia and showed comparatively good results.

The authors of this paper do not have enough arguments for strict choice of one of these ways. But we certainly recommend for substantial development of Latvian police education system based on modern findings of European police science. On this score, many activities have been made by the Dutch Police Academy (16; 144).

On December 2004, the working group of staff of the Police Academy of Latvia worked out the Vision of the Professional Education System of the State Police Officers (hereinafter, Vision).

The authors of this paper recommend the following definition of the vision of the contemporary State Police of Latvia:

The State Police, meeting the requirements of today's European Union and which, on the basis of such fundamental values as partnership, respect, integrity, credibility, and provision of opportunities, are in close co-operation with the society and comply with the rules of professional conduct, will ensure individual and public safety to all inhabitants of Latvia, maintain public peace, rule of law and order, protect human rights, prevent and combat crime, render assistance, and serve to the society. The State Police is aware of the value and significance of its officers and will provide its officers with a highly qualified leadership, good training, and conditions and resources necessary for professional work.

Implementation of the community policing philosophy is an actuality at present time. It is not prohibited to use principles of community policing, but there is no unified understanding about what is community policing at present time in Latvia. Demilitarisation and decentralisation of the State Police is an urgent actuality of the immediate future.

The Vision is based on the system of lifelong education, which in its turn, is based on the obligatory initial professional training in order to be able to commence the service or fulfil the duties of office. The statement of the Vision is the following:

The professional education system for police officers, complying with the principles of modern democratic state and based upon the concept of lifelong education and the principles laid out in the Bologna Declaration, will be established. This system will provide high professionalism of police officers, based on knowledge, understanding, skills, attitude, behaviour, and work quality and which will be implemented within the Police Academy of Latvia in close co-operation with the State Police.

Presumed benefits from the implementation of the Vision will be following:

- The society will obtain highly professional police service that will be based on a scientifically valid crime prevention programme. As a result of this programme, the level of public safety will increase and criminality will be substantially diminished.
- The society will receive police services corresponding to the traditions of modern democratic state enabling it to integrate fully into the European Union processes.
- The State Police will be prepared for close co-operation with the police services of other European countries in carrying out joint police operations regarding the maintenance of public order and combating international criminality and terrorism.
- All police officers will be trained within a single educational system implemented by the Police Academy of Latvia and will be involved in a comprehensive system of lifelong education as a result of which the professional preparedness of the police officers will meet today's requirements.
- Public and municipal financial, material, and technical as well human resources will be used more efficiently.
- The development and intensification of the Police Academy of Latvia with a view of training highly qualified police officers for all kinds of activities will improve the quality the professional higher education to be acquired, the scientific research to be carried out, and the post-graduate training to be implemented.

The implementation of the Vision requests the following changes in the existing legislation:

- The Police Academy of Latvia is to be made the only professional education institution of the police officers where it will be possible to acquire the professional higher education programmes of both levels.
- Within 10 years (until 1 January 2015) all the specialised civil service officers of the State Police are to obtain at least the first level of professional higher education.

- The Centre of Applicant Selection and Career Planning has to be made within the State Police, selection for police service must be done according to unified criteria and only the Chief of the State Police should be entitled to accept for the service in the police.
- The professional standards of police officers have to be altered according to the provisions of laws and regulations and according to this Vision.
- The existing study programmes have to be improved and new programmes have to be developed in accordance with the redrafted professional standards for police officers.
- It should be provided for that the fourth-level professional qualification for work in the police is to be obtained only by taking full-time studies.
- In order to increase professionalism of the teachers it is necessary to attract for work in the Police Academy of Latvia teachers having practical experience at least of five years.
- Further specialisation (retraining) of all State Police officers is to be organised through refreshment courses according to the nature of each service.
- The system of the career course of service has to be implemented not allowing to promote an officer if he/she has not served the established minimum period in a lower position and has not obtained the professional education required for a higher position.
- The special service ranks are to be annulled and a system of the grades of office is to be introduced.
- The system of work remuneration for police officers is to be reviewed basing on the condition that restrictions of certain common rights and freedoms related to police service are to be compensated by appropriate privileges and refunds.
- The quality of training practice is to be improved appointing only previously instructed officers as practice guides. It is also necessary to improve substantially the control mechanism of the process of training practice.
- The quality of the study programmes administration implemented in the Police Academy of Latvia is to be improved by introducing the total quality management model (EFQM Excellence Model).

Conclusions

1. The police have been seen as a part of public management. The development of policing in Latvia must be seen in the context of public management reform in Latvia which began after the renovation of independent state in 1991 and continues at present time. In this context, a successful end of process of the development of policing in Latvia will be reached in the case of finishing public management reform. Since the police is an expressly important institution of public management system. Having power to use force and guns in extraordinary situations when as the result of police actions there have been violations of fundamental human rights, it seems impossible to speak about implementation of principles of rule of law and democracy till police actions mismatch to these requirements. In other words, the policing reform must be in the centre of all public management reforms in contemporary Latvia. Unfortunately, the analysis of the current situation partly reflected in this article shows that the real situation is far from desideratum.

2. The adopting and coming into force of the Administrative Procedure Law, the State Administration Structure Act, the State Civil Service Act, and some other significant normative acts in the area of public management has given legal basis for changes in policing methods and forms. However, adoption of new and modern normative acts is not enough for real changing of policing because, for instance, most part of the society (state officials and police officers, inhabitants) did not understand the essence of new normative acts. It is expressly important in cases of emergencies when the police must act immediately and in the conditions of real deficit of time for decision-making. In this context, very important is the education of police officers, state civil servants, lawyers, local government employees and civil persons in the sphere of contemporary policing.

3. The developing of policing in Latvia must be looked in close accordance with the international legislation in sphere of policing. It is very important to adopt good practise of policing from other European Union Member States. In this case, formation of close co-operation with foreign police forces play the main role, as well as finding tools of this co-operation, for example, language.

4. Presently, there is no special law on crime prevention in Latvia. The coordination between the State Police, local governments, local government police, and other institutions involved in crime

prevention actions is rather poor. There occurs doubling of functions of the State Police and local government police in crime prevention area. The most of local governments have not enough finance resources for implementation of new crime prevention methods. The district inspector is not a high-prestige post presently; mostly he is excessively loaded with crime investigation actions and, as a result, lack time for preventive actions.

5. From the point of view of authors of this article, the education and training of police officers is especially important at present time in Latvia. The experience of other European Union states with policing reform shows that only highly motivated and well-trained police officers can successfully implement community policing. Studies of community policing as a philosophy of contemporary way of policing must be incorporated in education programmes not only for police officers, but also for officials of the state administration and self-governments, judges, procurators, social workers, teachers etc.



REFERENCES

1. Žģure, A. *Latvijas policijas vēsture 1918–1927*. Rģga: Likuma vārdā, 1998.
2. Bermanis, J. *Policijas iecirkņu inspektoru dienesta attģstģbas vēsturiskie aspekti*. Rģga: LPA, 1998.
3. Положение о советской милиции. Утверждено постановлением Совета Министров СССР от 8 июня 1973 г. № 385.
4. Еропкин М. И., Попов Л. Л. *Административно-правовая охрана общественного порядка*. Ленинград: Лениздат, 1973.
5. Peckaitis, J., Justickis, V. *Development of the policing concept in the transitional Lithuania*. Collection of articles of International Scientific-Practical Conference “Human rights and public security.” Rģga: Police Academy of Latvia, 2004.
6. Goldsmith, A. J. *External Review and Self-Regulation: Police Accountability and the Dialectic of Complaints Procedures*. Complaints against the Police. Oxford: Oxford University Press, 1991.
7. *The European Code of Police Ethics*. Recommendation Rec (2001)10 and explanatory memorandum. Legal issues. Council of Europe Publishing, 2002.
8. Ruts, R. *Europe as a whole; developing common principles and practices in public policing*. In: Moving Forward with Community Policing in Europe—Sharing and Developing Good Practice. Edited by Sirpa Virta. Tampere: University of Tampere, Publications 8/2004.
9. Van Outrive L., Cartuyvels Y., Ponsaers P. *Les polices en Belgique. Histoire socio-politique du systeme policier de 1794 a nos jours*. Bruxells: Vie Ouvriere, 1991.
10. Cox, S.M. *Police practices, perspectives, problems*. London: Allyn and Bacon, 1996.
11. Friedmann, W. *The community role in community policing*. In: Rosenbaum, D. P. (eds.) *The Challenge of Community Policing—Testing the Promises*. London: SAGE Publications, 1994.
12. Mastrofski, S. D. *Community policing and police organization structure*. In: Brodeur J.-P. (eds.) *How to Recognize Good Policing. Problems and Issues*. Police Executive Research Forum, Washington, DC.
13. Moving Forward with Community Policing in Europe—Sharing and Developing Good Practice.
14. Garonskis, A. Kārtģbas policģjas darbinieku sagatavoģšana un tālākģzglģtoģšana Latvijā: problģmas un perspektģvas. *Administratģvā un Kriminālā Justģcija*, 2003, Nr. ½.
15. The Cabinet Regulations № 958 of the Republic of Latvia, adopted 11 November, 2004.
16. *Police Science and Police Studies in the Netherlands*. Apeldoorn: Dutch Police Academy, 2002.



Policijas veiklos raida Latvijas Republikoje

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Pagrindinēs sąvokas: policijas istorija, policijas veiklos koncepcija, Latvijas policija.

SANTRAUKA

Straipsnyje autoriai iškēlia ir nāgrinēja policijas bei viešosios tvarkos ir visuomenēs saugumo užitkrinimo sistemos raidos tendencijas Latvijas Republikoje. Autoriai apžvelgia policijas veiklos istorinē raidā, kuri apima trīs laikotarpjus: Latvijas Republikos nepriklausomybēs (1918–1940), Sovietų Sąjungos (1940–1990) ir atkurto nepriklausomybēs (nuo 1991 m. iki šiu dienu) laikotarpj. Taip pat autoriai analizuoja bendruomenēs teisētvarcos kaip policijas veiklos modelio įgyvendinimo galimybes Latvijos Republikoje.

Daroma išvada, jog įstatymų viršenybēs principas įtvirtina nuostatā, kad valstybėje vykstantys pokyčiai turi remtis įstatymais ir būti teisėti. Vadovaujantis šia nuostata galima diskutuoti apie skubius įstatymų pakeitimus įvirtinant šiuolaikinēs policijos veiklos teisētumą. Taip paaiškinamas esamų teisinių problemų sprendimas liberalizuojant policijos veiklos valdymo procesus Latvijoje.

