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Concept, System and Principles of Crime Prevention

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Abstract

This article raises two main questions. The first concerns the current idea that punishment – conceived as the loss of liberty – has an effect in preventing unlawful behaviour. It can be shown that, in general, sanctions have a poor individual preventive effect. As to general prevention, punishment may be expected to have a deterrent effect when the unlawful behaviour is the result of a rational decision, that is, a decision based on a cost-benefit analysis. However, a wide variety of factors, from group support to situational and systemic factors, may very well counteract the threatening effect of the sanction. The second question concerns the crime control model focusing on having an efficient system, with the most important function control crime to ensure that society is safe and there is public order. Under this model, controlling crime is more important to individual freedom. This model is a more conservative perspective to protect society and make sure individuals feel free from the threat of crime.

The results of this research underline the necessity for new concepts, including situational crime prevention, that must be accommodated within the academic and political discourses on crime control.

Keywords: public order, crime prevention, crime control.

Introduction

The most important problem of the research question is that until now the term “fighting against crime” has been used far. The fact is that the stated phrase “fight against crime” traditionally belongs to the Soviet period thus reflecting decades-old approach in the definition of goals and tasks set in the criminal policy, reflecting approach that is based on a naive belief that the crime can be “combated”, “defeated”, “eliminated” or

“eradicated”. Besides, the problem is that the principles of preventive (criminological) policy should be reintroduced in the norms of the industry of preventive legislation. So far, these norms have not become a separate system within the framework of an independent source of law but are concentrated mainly in normative sources related to other branches of law, the principles of which extend their action to these norms.

Considering the above, the aim of the study is to summarise and study the principles of crime prevention and clarify possibilities of their interpretation. To achieve the goal, the following research tasks must be performed: examination of the principles of crime prevention, explanation of those. The following scientific research methods were used to achieve the goal of the study: analytical method to analyse the nature of the principles of crime prevention; inductive and deductive method to draw conclusions about the principles of crime prevention and the need for their improvement. The scientific novelty of the research is related to the fact that by analysing the principles of crime prevention, problems will be identified, and proposals put forward.

1 Crime Prevention and Crime Control

Such terms as “fighting against crime” should be abandoned and replaced by the term “crime control”. The fact is that the mentioned phrase “fight against crime” traditionally belong to the Soviet period thus reflecting decades-old approach in the definition of goals and tasks set in the criminal policy, reflecting approach that is based on a naive belief that crime can be “combated”, “defeated”, “eliminated” or “eradicated”.

Historical experience shows when criminal policy is based on the formula “fighting against crime”, sooner or later criminal justice system is transformed into an instrument of societal oppression, which inevitably leads to the establishment of a totalitarian regime. Therefore, traditionally to the Soviet period belonging phrase “fighting against crime” under the influence of Western criminology and sociology are gradually being replaced by the concept of “crime control”.

Unlike “fighting against crime” the result of which should be fulfilled idea of crime eradication, crime control is considered to be a tool in crime limitation at an objectively possible level.

In the Soviet legal literature, crime control doctrine and its nature and basic features were characterised a form of critical position limited by the ideological framework. Independent analysis of this doctrine has a major significance in the evolution of opinions about the problems of maintaining the legal order, the activity of the law enforcement bodies of the European and other countries, including the police. The practice of the former USSR whose influence is still felt today evidences that the government authorities were tended to the protection of the interests of the state, enforcement of legislative provisions, but not to the protection of human rights.

The crime control doctrine emerged in the early 1960s. At the time it became evident to the Western, particularly American lawyers and political scientists that worsening

of the criminal situation is a permanent trend and may have unpredictable consequences in the future. The doctrine of due legal procedure, which originated as a means of protection of an individual from illegal acts by the state in the early period of development of democracy in the late 17th century and placed the interests of an individual above the interests of the state and emphasised the protection of the accused against the formal power, did not meet the interests of the society. Supporters of legal sociology G. Pecker, A. Goldstein, R. Pound, among others believed that this obstructs an adequate reaction of the criminal justice system to the increase of crime. Therefore, the authors of the crime control doctrine and their followers saw the main and decisive importance of the theory “in the protection of the interests of the state as a whole from perpetrators”. The latter were to be put under “a heavy control of the police and the judicial institutions” whose primary aim was social prevention of illegal actions (Roberts & McMahon, 2007).

This theoretic approach became one of determinant factors of the development of the legal policy in the USA, Canada, and the Western Europe, and later, in other parts of the world. Many scholars and lawyers who rightfully deplore excessive punishments in our system of criminal justice – excessive in both length and cruelty – place the blame for this excess on the influence of retribution and what they view as vile emotions of anger, hatred, and vengeance that drive retribution. This understanding of retribution is totally mistaken and the best corrective for the evils in our present system of punishment is to be found in retribution properly understood. This means that retribution will be seen as grounded not in vengeance but in respect for human dignity and a concept of desert grounded in human dignity (Luna, 2017).

In practice, principles of the crime control doctrine and the following concepts of legality manifesting themselves in abolishment or mitigation of sanctions for the criminals who repented their acts and/or cooperated with investigators. In these cases, criminal liability was substituted with administrative one for petty thefts, possession of a small amount of marihuana, prostitution, distribution of pornography, traffic offences and others (Simons & Kenneth, 2008). Thus, the crime control problem cannot be solved by law enforcement alone.

Police law scientists believe that governments have to intensify efforts in prevention of the most significant criminogenic factors by implementing reforms in social and economic spheres. Therefore, they have to develop and implement measures for harmonisation of urban development, improve legal education, establish special agencies for division and registration of labour force in those regions that are targets for large numbers of job-seekers from other countries, and improve police officer training, etc.

It is considered that crime can be better prevented with special programmes that are implemented jointly by the police, other government agencies, local authorities and the community. This approach is widespread in the USA where there are many crime combating programmes that can be subdivided into two types:

- 1) crime control programmes based on special prevention, detection and investigation of crimes and other offences against the law;

- 2) comprehensive crime prevention programmes that are realised by both the police (usually in cooperation with the population) and the community forces and means.

The first type of programmes is performed at all levels of government – federal, state and local; the second one includes mostly local programmes. However, the federal government and national organisations and foundations render advisory, financial, managerial and operational assistance.

Federal crime control programmes are extremely varied. They are approved by the Congress, i.e. they have the force of law. They may be either complex or special. The special programmes are aimed at concrete crime aspects. In the last decades, a series of such programmes – laws have been adopted (Prevention programmes and policies, 2016).

One of the police's tasks is to prevent criminal offences and other violations of law (Law on Police of Latvia 1991, Section, 3). The idea of prevention is the core of the police law, as police activity is related to prevention of criminal offenses and other violations of law, guaranteeing safety of individuals and society, protecting public order and other interests (Matvejevs, 2017).

Crime control is an activity that encompasses crime prevention, latent crime awareness, crime detection and investigation (Kavalieris, 2007).

Theory of control over crime is based on the doctrine that crime is a social phenomenon that eternally exists in a society with which it is impossible and inexpedient to fight, and which should only be controlled so that it does not go beyond certain limits. The modern world is characterised by an increase in diversity of manifestations of deviance – types of behaviour that violate norms established by the state (law) or worked out by society (morality). There is a blurring boundary between “deviant” and “normal” behaviour. Simultaneously, there is a “crisis of punishment” – ineffectiveness of traditional forms of social control over criminal (generally deviant) behaviour. In these conditions, development of strategy and tactics of social control over crime is gaining importance (Matvejevs, 2018).

There is a point of view that criminology is a part of criminal law or sociology. Sociology, typically aims to look for social causes of the phenomena. Criminology is one of the largest and fastest-growing subfields of sociology, and criminologists focus on sociological explanations for causes of crime. They also take a sociological view of how the criminal justice system, including police, prosecutors, and judges, responds to victims and offenders. Criminologists do not ignore individual causes of crime, such as personality and psychological characteristics, but they are especially interested in factors related to the larger world in which individuals live (Roberts, 2017).

In Latvia, according to the Cabinet Regulation No 49 of 23 January 2018 “Regulation on Latvian Science Sectors and Sub-sectors” criminology is recognised as one of the law sub-sectors. Majority of Latvian criminologists, according to their education, are specialists in the field of criminal law. It has advantages as well as some disadvantages. One

of the disadvantages of criminal justice education is that all types of crime prevention activities are traditionally divided into two unequal parts:

- 1) criminal repression, e.g., prevention carried out within the framework of criminal justice;
- 2) prevention which includes all types of anti-criminogenic effects that do not fall within the scope of criminal justice.

To some extent, this “inequality” is understandable, as it is the criminal law that defines parameters for the concept of “criminal offense”, while the concept of “crime” is explained as a set of criminal offenses in a certain territory. Crime is essential in the definition of the subject of criminology.

What is paradoxical, however, is that considering the importance of crime prevention to criminal repression, this form of prevention is excluded from the scope of the subject of criminology and, judging by the majority of textbooks, its preventive potential has not been studied by criminologists. Prevention of crime by the means provided for in the criminal law should be considered in criminology alongside and in connection with others. Consequently, it is not necessary to study criminal law dogma issues which is the subject of the science of criminal law but the issues of criminalisation and decriminalisation, preventive effectiveness of the means used in criminal law.

The statement that effectiveness of criminal law norms/standards is a matter of study for sociology of criminal law or criminal policy calls for little difference. The study of various problems of administrative punishment, disciplinary liability or economic incentives in relevant branches of sociology do not preclude their study as a means of crime prevention but within the framework of criminology.

It may be concluded that there is no reason to exclude criminal law effect from the crime prevention system. One of the criminal punishment goals is to “to achieve that the convicted person and other persons comply with the law and refrain from committing criminal offences” (Criminal Law of Latvia, 1998, Section 35). Criminological theory of crime prevention is thus a doctrine of totality of legal ways, forms, means and methods of crime prevention and control, irrespective of which sub-sector of law they are intended for.

2 Principles of Crime Prevention

One of the rules on which there is no dispute in criminology is the thesis that crime prevention is a specific form of social governance. It follows that crime prevention measures must meet all requirements of social governance. In the light of the framework of crime prevention measures, a distinction can be made between object, subject and prevention measures. Crime prevention, like any other type of meaningful purposeful activity, is built based on certain general, universal ideas that reflect the objective laws of social development and are designated in science by the term “principles” (from Latin *principium* – base, beginning).

Until now, principles of crime prevention in the legal literature have been considered only fragmentarily and have not received an unambiguous classification and meaningful interpretation. Specificity of crime prevention measures is such that a significant

part of them involve coercion, interference with privacy, restriction of the individual's constitutional rights and freedoms. This mandatory part must be strictly regulated by law. It follows that, in addition to the principles of social governance (goal setting, systemicity, impartiality and effectiveness), crime prevention must comply with the principles of law, the most important of which is the principle of legality.

The principle of goal setting is most important in highlighting crime prevention as a specific form of social governance. It is the goal in crime prevention that is the unifying system-forming principle, which allows to refer subjects, objects and measures of influence to this particular specific activity. The goal is in the centre of a subject, and its achievement serves as a measure of quality and effectiveness of prevention work. However, the systemicity principle involves considering crime prevention as an interaction between a subject (control subsystem) and an object (control subsystem), and crime prevention measures as a governance relationship.

The principle of objectivity requires maximum correlation of control activities with patterns and trends in social processes. In the context of crime prevention, this means that preventive action cannot be taken without knowledge of, and consideration for, the functioning patterns of the object and society. Preventing crime through "campaign-type" actions does more harm than good. Nevertheless, the principle of efficiency is about achieving the best result in the shortest time with the least effort and expenditure of material and financial resources. In prevention of crime, this principle is limited by the principle of legality, according to which all preventive measures must be taken within the framework of the law and no desire for efficiency can justify its violation.

3 National Level Changes and Institutionalisation of Community Policing

In democratically oriented countries, the police law scientists usually give policing definitions with overall social tint. The legal status of police institutions is determined not only and not so much by types of political regimes but the nation's attitude to the state as such (Pārskats par tautas attīstību, 2002/2003).

The most commonly used framework links changes in policing to changes in societal contexts. The police change because the societies in which they operate change. For example, changes in the ideologies and practices of policing throughout American history (the political, progressive/professional, and community policing models (Goldstein, 1980; Hahn, 1998)) resulted from factors such as public and intellectual disillusionment with the performance of prior models, leading to delegitimation of policing by large segments of society and the rise of reform advocacy in policing circles; emergence of new politically influential civic society interest groups demanding change and greater accountability; changes in crime and disorder perceived as warranting a different formal and more effective control response; shifts in legal norms and conceptions of justice as these are applied to the police; and technological innovations in information processing and communication. Police cannot remain aloof from the changing societal contexts within which they

work if they wish to remain legitimate. Therefore, in the USA, Canada, Japan and most Eastern European countries, there is the concept of “community policing”. Its essence is establishment of a partnership between the police and the community (Moving forward with community policing in Europe, 2004).

Community policing promises that closer alliances between the police and the community will help reduce citizen fear of crime, improve police-community relations, and facilitate more effective responses to community problems. More responsive policing better meets community needs, therefore improving overarching state-society relationship and strengthening the state.

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:

- 1) to maintain public tranquility and order in society;
- 2) to protect and respect the individual’s fundamental rights and freedoms as enshrined;
- 3) to prevent crime;
- 4) to detect crime;
- 5) to provide assistance and service functions to the public.

Doubtlessly, 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. 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. The Law on Police of the Republic of Latvia was accepted in 1991 and was based on an analogous Soviet normative act and seems unconformable in anent of modern European theory of law. Many amendments of the Law on Police have been 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 there is lack of scientific research in this area in Latvia. On the other hand, legislation of Latvia includes some specificity regarding national distinctions; therefore, implementation of foreign legislation without scientific analysis is not advisable. However, this way of development is dominating currently in Latvia (Melnis, Garonskis, & Matvejevs, 2006).

Conclusions

Principles of preventive (criminological) policy should be reflected in the norms of the emerging industry of preventive legislation. So far, these norms have not become a separate system within the framework of an independent source of law but are concentrated mainly in normative sources related to other branches of law, the principles of which, obviously, extend their action to these norms.

The crime control model focuses on having an efficient system, with the most important function control crime to ensure that society is safe and there is public order. Under this model, controlling crime is more important to individual freedom. This model is a more conservative perspective to protect society and make sure individuals feel free from the threat of crime.

Crime prevention is, therefore, a specific form of social governance aimed at reducing the likelihood of criminal behaviour, for which the subject, using the full range of legal means of influence (including coercive means), stimulates integration of the subject into the system of socially useful relations and limits its negative ties.

Understanding that crime is a complex social phenomenon is gradually emerging. Just as all diseases cannot be cured, there is no simple, universal and cardinal remedy for crime. The crime prevention system nowadays is becoming more and more complex and needs to be altered constantly. The general theory of crime prevention is the doctrine of the scope of legal ways, forms, means and methods of reducing crime level, irrespective of the branch of law to which they are designed for.

As crime prevention is a specific form of social governance, it combines principles of social governance with principles of legal regulation. The crime prevention system comprises objects, subjects and prevention measures. Successful crime prevention activity requires correct solution of the problems of normative, material, financial, organisational, personnel, informative analytical and scientific methodical support.

It is typical of developed countries that they have national and regional programmes for the police activity encompassing juridical, organising, administrative and other interconnected measures; these programmes have a sufficient financial support. Creative use of this practice can be very interesting, but the research of these problems – very perspective. However, these may be just prospects because the relevant programmes function where the social economic and political conditions are rather stable and there are vast financial opportunities for their implementation. The stated must be kept in mind during theoretical and practical analysis of any experience elements of the policing in democratic countries and must be considered when developing recommendations for their practical application.

Crime prevention involves activities that seek to prevent crime and offence before it occurs. It includes activities which address fear of crime. Prevention of crime requires individuals, communities, businesses, community organisations and all levels of government to work together. Crime prevention can reduce the long-term costs associated with the criminal justice system and costs of crime, both economic and social, and can achieve a significant return on investment in terms of savings in justice, welfare, health care, and protection of social and human capital. Safe and secure society is an important foundation for the delivery of other key services. Community safety and security is a prerequisite for sound economic growth through continuing business investment as well as community well-being and cohesion.

Bibliography

1. *Law on Police of Latvia*. Available: <https://likumi.lv/ta/en/en/id/67957-on-police>
2. *The Criminal Law of Latvia*. Available: <https://likumi.lv/ta/en/en/id/88966-the-criminal-law>
3. *The European Code of police ethics*. Recommendation (2001) 10 adopted by the Committee of Ministers of the Council of Europe on 19 September 2001. Available: http://www.krim.dk/undersider/straffesager/straffepoces/109-european_code_of_police_ethics-2001.pdf
4. Goldstein, H. (1980). *Improving Policing: A Problem-Oriented Approach, Crime and Delinquency*. US: Department of Justice, 1980.
5. Hahn, P. (1998). *Emerging criminal justice: three pillars for a proactive justice system*. London: Sage Publications, 1998.
6. *Kriminālistikas un operatīvās darbības latviešu, angļu, vācu un krievu terminoloģijas skaidrojošā vārdnīca*. (2007). Autoru grupa prof. Dr. habil. iur. A. Kavaliera vadībā. Rīga: LPA. 2007, p. 195. [In Latvian]
7. Luna, E. (2017). *Reforming Criminal Justice: Punishment, Incarceration, and Release* (Vol. 4). Phoenix, AZ: Arizona State University. p. 1–439. Available: https://academyforjustice.asu.edu/wp-content/uploads/2022/04/Reforming-Criminal-Justice_Vol_4.pdf
8. *Moving forward with community policing in Europe*. (2004). University of Tampere, Department of Management Science, Security Management, Publication 8/2004.
9. Matvejevs, A. (2017). Sabiedrības drošība un prevencija policijas tiesībās. *Administratīvā un Kriminālā Justīcija*. SIA “Baltijas Starptautiskā akadēmija”, Nr. 2 /2017, p. 4–9. ISSN 1407-2971. Available: <http://journals.rta.lv/index.php/ACJ/issue/view/78/showToc>
10. Matvejevs, A. (2018). Effective crime control as guarantor of public security. *Journal of Security and Sustainability Issues*, 7(3): 417–426. [http://doi.org/10.9770/jssi.2018.7.3\(4\)](http://doi.org/10.9770/jssi.2018.7.3(4)). Available: <https://jssidoi.org/jssi/papers/papers/journal/27>
11. Melnis, Ē., Garonskis, A., Matvejevs, A. (2006). Development of the policing in Latvia. *Jurisprudencija*, 1, 2006 (79): 72–84. Available: <https://repository.mruni.eu/bitstream/handle/007/12733/2927-6182-1-SM.pdf?sequence=1&isAllowed=y>
12. *Latvija: Pārskats par tautas attīstību 2002/2003. Cilvēkdrošība*. ANO Attīstības programmas izdevums. Rīga, 2003. [In Latvian]
13. *Prevention programs and policies*. (2016). Available: <https://www.ncbi.nlm.nih.gov/books/NBK424850/>
14. Roberts, A. (2017). *Understanding the cause of crime: Sociology and criminology*. Available: <https://uwm.edu/letters-science/news/understanding-cause-crime-sociology-criminology/>
15. Roberts, R., & McMahon, W. (eds.) (2007). *Social justice and criminal justice*. London: Centre for Crime and Justice Studies. p. 1–262. Available: <https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/socialjusticecriminaljusticeweb.pdf>
16. Simons, K. W. (2008). The Crime/tort distinction: legal doctrine and normative perspectives. *Widener Law Journal*, 17: 719–732. Available: https://scholarship.law.uci.edu/cgi/viewcontent.cgi?article=1539&context=faculty_scholarship