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RĪGAS STRADIŅA
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**POLICE FUNCTIONS
IN THE CONTEXT
OF CRIME PREVENTION
AND ENFORCEMENT**

Summary of Doctoral Thesis
for obtaining the degree of a Doctor of Law
Speciality – Law
Subfield – Criminal Law

Rīga, 2016

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1. GENERAL DESCRIPTION OF THE SUMMARY

1.1. Theme Topicality

The theme of the doctoral thesis is “Police functions in the context of crime prevention and enforcement”. The topicality is unambiguous. Neither society is able to function adequately without restriction and control of crime within particular boundaries. The police are the most essential institution of crime combating in any country of the world.

Traditionally democratic countries have acknowledged that nowadays the police without involvement of society are unable to combat crime successfully. Unfortunately, the development of social processes in Latvia points to a certain extent of the police isolation. In addition, in recent times the public space more often doubts the success of certain police structures, as they cope with definite tasks¹. Within the political planning documents², serious problems have been identified; as a result the police are unable to completely provide its implemented functions, among them those, which refer the crime combating field.

In spite of the above mentioned causes and reasons, the author is about to accentuate the complex nature of problems. In terms of scientific research, essential is exactly the systemic approach in coping with the problem as a whole. The police development and its practical activity is only one of many elements of the state criminal political system.

¹ Ceļu policija nespēj tikt galā ar agresīvajiem braucējiem. Available: <http://www.delfi.lv/news/national/criminal/celu-policija-nespej-tikt-gala-ar-agresivajiem-braucejiem-vesta-raidijums.d?id=46014503#ixzz3FJvE6nFM> [21.06.2015.]

² Valsts policijas attīstības koncepcijas projekts, izskatīts Ministru kabineta komitejas sēdē 2014.gada 25.augustā (prot. Nr.28 1.§). Available: <http://tap.mk.gov.lv/lv/mk/tap/?pid=40310861&mode=mkk&date=2014-08-25,> [04.07.2015]

In order to assess the activity of the police in combating of crime, the purpose is to figure out the content of the police functions. The scientific level in research of those functions is low and lacks systematism. For instance, within a conception of the police development, with good reason it is found, that due to the shortage of resources, the police combat of crime is not corresponding to the standards of a modern country, yet these standards only partly reflects the methodological fundamentals of its functional activity. The research on the quality of the police activity from the point of view of a victim³, to a great extent is the self-evaluation of the police as an institution.

The theoretical conception of a function is one of the most complicated abstractions within the law science, and its comprehension is built upon the description of the most essential state and law functions. According to specifics of the law, enforcement institutions and their activities; functions are of various forms.⁴ The content investigation of functions is objectively complicated due to transformation of the judicial system in the period of restored independence of the Republic of Latvia, which changed the fundamentals of the police activity. The ideal situation would be if the activity content corresponded to the law regulations. However, it has to be admitted, that law regulations and their changes deserve essentially different attitude.⁵ “The Law on Police” is still being into force, which was initially created for the transition period, therefore the profession standard of a police officer cannot be found in the legislation. This leads to the lack of particular requirements of the professional fundamentals. At the same time Latvia possesses the international legislation, and its mandatory standards in combating of crime within The Criminal Law, with special guarantees in the human rights area.

³ Policijas darba kvalitāte – cietušā vērtējumā. Rīga: Valsts policija, 2013.

⁴ Теория государства и права. Любашиц В.Я., Смоленский М.Б., Шепелев В.И., Ростов н/Д: Феникс, 2002, стр. 131.

⁵ Levits E. Priekšvārds Inetas Ziemeles rakstu krājumam “Starptautiskās tiesības un cilvēktiesības Latvijā: abstrakcija vai realitāte”. Rīga: Tiesu namu aģentūra, 2005.

The above mentioned statements point to that the police functions in combating of crime must have been figured out from its fundamentals – according to the genesis of the police role, as well as in the evolutionary context of a particular society and state. Therefore, by applying the deduction, it becomes possible to reveal the developing tendencies of the police doctrine in Latvia, concretize and compare politically declared and factually realized approaches in combating of crime. Considering the changes of the social awareness, caused by transformation processes, similarly, the social and socially psychological aspects have to be explored.

Within the methodological level, the police functions in the area of crime prevention and enforcement integrate corresponding state and law function elements; in the above mentioned level its content is reflected by the normative instructions, which form particular police activities.⁶ Therefore, the police fundamental mission “to serve and defend” is concretized, and the state criminal politics is implemented practically.

The necessity to carry out the research on the police functions in such an aspect is actualized by one of the most significant challenges in the criminal politics of Latvia – the reorientation from the model of the Soviet Militia to the democratic police. Up to this moment, these sorts of researches have not been carried out in Latvia.

As stated above, in order to find out the content changes of the police functions in combating of crime, an extended theoretical research has to be done, involving the development problems of the police doctrine, as well as the criminal political and social aspects of crime.

⁶ Plašāk sk.: Maļcevs A. Pārdomas par dažiem V.Jakubaņeca tiesību teorijas mācības metodoloģiskiem aspektiem. Profesors Voldis Jakubaņecs Latvijas Policijas akadēmijā piecpadsmit gados. Rīga: Petrovskis un Ko, 2006., 13.–14. lpp.

The conclusions, obtained in the process of research on the political, judicial, and social aspects of crime problematic, serve as a sufficient background for the analysis of interaction between the theory and practice.

Considering the updated issues, the thesis research involves the state and legislation theories, scientific investment of criminology, criminal legislation, human rights, as well as contribution of the law sociologists, carried out up to now in the area of general theories and specific problems.

1.2. Scientific Novelty and Theoretical Significance

The scientific novelty of the thesis is manifested by the conception of the problem, as well as the approach of the solution.

The thesis brings forward the problem, which is aimed at the specification of the theoretical background of the police functions and practical content in the area of crime prevention.

Traditionally, the state tries to adapt for the changes in crime, focusing on the current problem aspect of a particular situation, thus correcting police aims and objectives. The problem formulation of the thesis requires an utterly new approach in terms of quality and quantity – the genesis investigation of the police role in the context of the state criminal politics and functional system.

Firstly, this kind of approach, in a systemic way connects the political, judicial and social fundamentals of crime combating with its result – the crime control within particular boundaries.

Secondly, the study of the above mentioned system connections and relations, as well as its analysis, objectively allows to find out changes of the police functions, regarding the criminal politics, social processes and crime developing tendencies, reveal new characteristics of particular functions, and establish the level of its factual realization, as well as identify the problems and their causes.

Therefore, the scientific research novelty is manifested by updating and studying the state criminal politics and its methodological and doctrinal aspects in transformation of the police activity.

The dissertation novelty is to discover the actual content of the police functions, as well as the available judicial means and practical methods within the police activity.

The conclusions of the thesis research are significant in either theoretical or practical level. The research of the methodological fundamentals of the police activity is the investment in the areas of the police doctrine development and the improvement of the judicial regulation. The range of methods applied in the police activity can be used in the organisational planning and optimization of the police activity. In such a context, the novelty is the scientific investigation of the essential consequences between the theory and practice, and practical proposals, which are based on the results of the research.

1.3. Research Issues

1. The main assessment criterion of the police activity is the implementation of its functions. The fundamental function of the police “to serve and defend” initially involves immanent combating of crime.

2. In the practical and methodological level combating of crime transforms into the function of the criminal legacy. The actual content of this function is determined by the evolution peculiarities of a particular society.

3. In the context of transformation of the judicial system, the precondition of clarifying the content of the criminal legacy of the police is the analysis of the development of the police role within the criminal political, legal and social aspects.

1.4. Research Aim and Objectives

Aim: To study the impact of the judicial system consequences in the period of transformation in Latvia on the content changes of the police functions in the process of combating and preventing of crime, and gather the police development perspectives, according to the changes.

Objectives:

1. To profoundly investigate the interaction of the police and crime, according to the political and legal aspects in the evolution process of the society and state.
2. To find out the way changes in social and functional relations influence crime and combating of it within transforming societies.
3. To gather and analyse current tendencies in combating of crime and their practical options in the general police fight of crime in Latvia.
4. To gather the content of the police functions in combating and preventing of crime, and to find its implementation stage in Latvia.
5. To identify the problems of The Police of Latvia in combating and preventing of crime, and outline the potential development perspectives.

1.5. Research Object and Subject

Research object – the methodological fundamentals of the police functions and structure, and the content of the functional activity of the police in the area of combating and preventing of crime.

Research subject – the documents of the criminal politics planning and law sources – the legislation, legislation principles, legislation doctrine, and practice, reflecting, determining and regulating the role of the police within combating and preventing of crime in the period of the restored independence of the Republic of Latvia.

1.6. Research Methods

The abstraction level of the thesis theme and the range of the viewed issues determined to select orientation, leading from the general to specific. This kind of reasoning model is the deduction, which in the law science traditionally is being applied along with the induction (reasoning model by abstracting from the specific to general). The process of the deductive reasoning involves four basic stages: 1) the general aim, 2) its implementation plans and programmes, 3) the activity itself, 4) the activity result. The analyses of the content of its functions within the interaction of the theory and practice can be scientifically significant only if it involves sustainable connection with aim orientation of the public processes, especially, if it undergoes crucial changes. Thus implemented, the deductive approach provides the above described connection. Moreover, the method of induction ensures the opportunity to assess the involvement of a specific solution in the general action plan. According to the above mentioned orientation of the thesis basic method, the systemic approach was selected. The implementation of those methods is an essential precondition in the conception of the content of the police functions. The systemic approach is applied to explore the most significant categories, referring the research problematic – the police functions, crime, transforming society, social mission of the police, methods of the police, police doctrine, models of the police, social structure of the society, public oriented police activity, problem oriented police activity, general and specific prevention⁷ etc. The implementation of the systemic approach provided the opportunity to find out the content of the above mentioned categories, as well as the common interactions and relations.

⁷ Vilks A. Krimināltiesiskā politika: diskursa analīze un attīstības perspektīvas. Rīga: “Drukātava”, 2013., 205.–206. lpp.

In order to study the above mentioned categories in detail, the following common scientific methods are applied: the analysis and synthesis, the historical and logical method, abstracting, comparing, extra polarization, as well as other methods. These same methods are used in the practice research, as well as in order to relate the obtained theoretical conclusions to practice. As the practical part of the thesis focuses on the issues of the police functions in combating and preventing of crime, it involves analyses of the normative legal acts, regulating the police activity as a special method.

1.7. Result Approbation and Publications

The publications concerning the development of the doctoral thesis:

- Daži policijas attīstības problēmjaudājumi Latvijas tiesību sistēmas transformācijas kontekstā. *Juridiskās zinātnes aktuālās problēmas*. Rīga: Latvijas Universitāte, 2012, 118.–134. lpp.
- Policijas administratīvās darbības saturs. *Administratīvā un Kriminālā Justīcija*, 2010., Nr. 4 (53), 42.–46. lpp.
- Policijas administratīvās darbības saturs. *Administratīvā un Kriminālā Justīcija*, 2010., Nr. 1 (50), 54.–62. lpp.
- Policijas administratīvās darbības jēdziens. *Administratīvā un Kriminālā Justīcija*, 2009., Nr. 3/4 (48/49), 68.–76. lpp.
- Kārtības policijas darbības reglamentācija juridisko doktrīnu kontekstā. *Administratīvā un Kriminālā Justīcija*, 2000., Nr. 3/4 (48/49), 68.–76. lpp.
- Policijas modeļu daudzveidības vispārīgie pamati. *Administratīvā un Kriminālā Justīcija*, 2013., Nr. 1(62), 42.–50. lpp.

The researches carried out during the development process of the doctoral thesis, have been presented in the following conferences:

- Daži policijas attīstības problēmjautājumi Latvijas tiesību sistēmas transformācijas kontekstā. *Juridiskās zinātnes aktuālās problēmas*. Rīga: Latvijas Universitāte, 2012, 118.–134. lpp.
- Policijas administratīvās darbības saturs. *Administratīvā un Kriminālā Justīcija*, 2010., Nr. 4 (53), 42.–46. lpp.
- Policijas administratīvās darbības saturs. *Administratīvā un Kriminālā Justīcija*, 2010., Nr. 1 (50), 54.–62. lpp.
- Policijas administratīvās darbības jēdziens. *Administratīvā un Kriminālā Justīcija*, 2009., Nr. 3/4 (48/49), 68.–76. lpp.
- Kārtības policijas darbības reglamentācija juridisko doktrīnu kontekstā. *Administratīvā un Kriminālā Justīcija*, 2000., Nr. 3/4 (48/49), 68.–76. lpp.
- Policijas modeļu daudzveidības vispārīgie pamati. *Administratīvā un Kriminālā Justīcija*, 2013., Nr. 1(62), 42.–50. lpp.

2. MAIN RESEARCH RESULTS

2.1. Police and Crime Interaction in the Evolution Process of Society and State

The first chapter deals with the genesis of the police role in combating of crime, taking the co-partnership in the implementation of the state power as an accounting point. The transition from the totalitarian to the democratic state system changed the police role fundamentally. This led to the necessity to study the development of the police role within the political and judicial aspects in the broadened context. The systemic analysis of the above mentioned aspects gradually formed the theoretical fundamentals of the police functions according to the idea as the ideal aim. However, the most significant is exactly the approach, which allowed objectively find the development peculiarities and problems in the police doctrine of the Police of Latvia, as well as their relatedness to the aim.

The general duty of the state is the crime combating. In this area the police, implementing the state power, fulfils the function of the police administratively and judicial punishing.⁸

After the restoration of the independence of the Republic of Latvia, it was essentially to introduce crucial changes in the area of combating and preventing of crime, as a result causing inevitable contradictions between theory and practice.⁹ In order to prevent the above mentioned contradictions, the opportunities provided by the laws were not used completely, and the political will, in order to strengthen the rule of law, was insufficient. As a result of in consequence of criminal politics, instead of strengthening the rule of law, in fact, combating and preventing of crime was continued by applying the

⁸ Dišlers, K. Ievads Latvijas valststiesību zinātnē. Rīga: A.Gulbis, 1930, 32.–37. lpp.

⁹ Levits E. Pārveidojot PSRS tiesiskās sistēmas mantojumu. Likums un Tiesības, Nr. 6, 2002., 166. lpp.

former methods of the soviet system, consequently leading to contradictions between police activities and public demands.

In Latvia “The Law on Police”¹⁰ is still being into force, which was initially created for the transition period, which reflects the former model of combating of crime. The adaptation of such special laws as “The Criminal Law”¹¹ and “The Law of Criminal Procedure”¹² to the demands of society was delayed, which caused a permanent situation, when the normative regulatory was not corresponding to the regulatory relations of the criminal legacy. The demands of the professional background for the employees¹³, the reward, and the material and technical base¹⁴ are yet not corresponding to the declared aims of the criminal politics.

The efficiency of preventing of crime in the democratic system depends on collaboration between the police and society¹⁵. Although this kind of collaboration is stated by the international legislation mandatory¹⁶ to Latvia, is only partly included in the politics planning documents in recent years¹⁷, while it has not been involved in the normative acts. In the context of collaboration, the change of the police orientation in order to establish the democratic activity model and the effective crime prevention system was delayed by the

¹⁰ Likums “Par policiju”. Available: <http://likumi.lv/doc.php?id=67957>

¹¹ Krimināllikums. Available: <http://likumi.lv/doc.php?id=88966>

¹² Kriminālprocesa likums. Available: <http://likumi.lv/doc.php?id=107820>

¹³ Indrikovs Z. Policijas darbiniekiem nepieciešamās profesionālās izglītības minimālās prasības: Nacionālie likumdošanas akti un Eiropas Savienības valstu prakse. Grām.: Policijas augstākās izglītības vadības problēmas: starptautiskā zinātniski praktiskā konference. Rīga: Latvijas Policijas akadēmija, 2007., 32..lpp

¹⁴ Iekšlietu ministrijas konferences materiāli Available: http://www.iem.gov.lv/lat/nozare/valsts_policijas_attistibas_koncepcija/ [16.10.2014.]

¹⁵ Bērziņa-Ručere Ilze, Avota Inese, Grūbis Normunds, Tošovskis Mihals. Uz sabiedrību vērstis policijas darbs Latvijā 209.–2012. Rīga: Valsts policija, 2012., 9. lpp

¹⁶ Eiropas policijas ētikas kodekss. Pieņemts ES Ministru komitejā 2001. gada 19. septembrī. Available:

<http://openpolice.ru/docs/evropejskij-kodeks-policejskoj-etiki/> [21.03.2015.]

¹⁷ Valsts policijas attīstības koncepcija, Available:

http://www.iem.gov.lv/lat/nozare/valsts_policijas_attistibas_koncepcija/

diminished loyalty of the society to the state power after the restoration of the independence.

Instead of the former control system, another one was about to be established – such a system, which would be based on mutual loyalty and collaboration between the police and society. The establishment of this kind of a system is related to prevention of the theory and practice contradictions, which is yet distracted by the inconsequence of the criminal politics and legal nihilism.¹⁸ The practical manifestation of this problem in the methodological and methodical level means that the police in the preventive activity lacks the systemic normative regulatory beyond the criminal proceedings.

2.2. Combating of Crime: Nature, Current Tendencies, and Developing Perspectives

The second chapter studies the problematic of crime and its prevention in the context of transformative processes. The adaptation of the preventive models to changes of crime is a crucial precondition in order to analyse the further theoretical fundamentals of the police functions and find out the actual content of those functions. The approach to the crime as a social phenomenon¹⁹ determined the necessity to study the social aspect of the crime problematic in a more diligent way, especially changes of the social and functional relations, influenced by transformative The matching of the social and functional aspects of transformation processes with the study of the police doctrine, started in the previous chapter, allowed to use the experiences of the democratic states and the current tendencies of combating and preventing of crime in the level of an utterly new quality.

¹⁸ Osipova S., Roze I. Tiesiskā nihilisma saknes Latvijā. Drošība un tiesiskums Latvijā. Rakstu krājums. Rīga: LU Filozofijas un socioloģijas institūts, 2007., 55. lpp.

¹⁹ Работа полиции. Пособие по оценке систем уголовного правосудия. ООН, Нью-Йорк, 2010., стр. 2.–4.

The combating of crime in the aspect of the social regulatory involves two fundamental directions – the adjustment of contradictions in the form of crime prevention, where an essential role is given to self regulation, as well as restoration of justice in the form of crime combating, which reflects the state reaction to the criminal offenses.

An essential factor, which determines the organizing of the police activity in the fight of crime, is the stage of public integration.²⁰ The solution of the problem is uncertain and complicated even in the democratic societies. In the traditional societies, which have chosen a democratic way of development, the particular problem updates the social aspect of crime, stating it as one of the most significant elements of the criminal politics.

In the context of crime prevention, the mutual relations between the police and public are mainly determined by the social structure and the state of legal awareness. During the transition period in Latvia the genesis of the relations between the police and public was influenced by such factors as escapism, oligarchy, corruption, social stratification, fractioning, isolating of particular social groups, disintegration, and opposition.²¹ These tendencies as such are crime contributing factors, and the dominance of stereotypes caused by them in the legal awareness of society principally discloses the partnership between the police and public, according the current demands of the democratic state.

The experience of the democratic states approves, that the efficient strategy of the police activity involves the traditional “standard” model of the police activity, which has been supplemented with the problem oriented police activity within the framework of the public oriented police activity.²² One of

²⁰ Szabo D. Science et Crime. Available:

<http://www.isbns.co.je/search/?sa=4&isbn=Science+et+crime+Denis+Szabo>

²¹ Kristapsone S. Noziedzība Latvijā. Rīga, RaKa 2003., 115.–116. lpp

²² Klarks R., Eks Dž. Noziedzības analīze 60 soļos. Rīga: Valsts policija, 2011., 17. lpp

the factors, which negatively affected the implementation of the above mentioned strategy in the activity of the Police of Latvia, was the necessity to ensure its continuity during the initial stage of the transition period. As a result the police was forced to adapt to new, initially uncertain and imprecisely defined functions without any organizational and quality changes of its structure. Later the implementation of the strategy was delayed by the political will.

Within the current situation it is necessary to improve “The Law on Police”, which is still being into force, in its two aspects. First of all, in the methodological level the definition of the police is necessary to be broadened, as well as the principles of the police activity need to be listed according the demands of the modern democratic society. Secondly, in the methodical level the police activity needs to be structured according its actual role in the area of preventing and combating of crime, involving the link of the law with the appropriate chain of continuous and contracted legal provisions according to each of the directions of the area.

This provides a gradual and systematic transition to the model of the democratic police, taking into account the current situation, when crucial changes are not possible due to the lack of resources, and the consequences would also be impossible to predict. Therefore, this kind of solution is necessary and at the same time sufficient, and does not require developing of a new and special law.

2.3. Police Functions and Their Content

The third chapter views the content of the police functions in preventing of crime. According to the conclusions of the previous chapter on the methodological fundaments of the police functions, the social nature of the crime problem, and the current tendencies of crime combating, within this

chapter the functions of the police in combating of crime have been analyzed in the level of the methods of legal means and legal regulatory.

According to the European Police Code of Ethics²³, the police are formed by the institutions, whose main aim is the law enforcement function and order keeping in the civil society. The order keeping is one of the main functions of the state, which is based on the necessity to defend the individuals and the vital interests of the public functioning. The police take the leading role in defending those interests, it is entitled to use the variety of legal means against the law violators, which have to be judicially and reasonably stated. In modern democratic states the society defending and order keeping functions are impossible with mutual collaboration and assistance of the police and public.²⁴ The necessity and content of this kind of collaboration and assistance is based on the conception of a judicial state. Latvia still lacks the legal regulatory and resources in order to implement the public oriented police activity and involve the society in the crime prevention.

The quintessence of the police functions in combating of crime is the function of the criminal legacy. The practical implementation of this function is reflected by the interaction of the focusing and stimulating methods, ensuring the related functions – warning and renewing. The essential role of the police appears in the majority of the cases, when the police not only finds the cause of the criminal legacy relations, but also determines their initial direction.

The problems, which have been found in the area of crime combating in Latvia, are related to the gradually increasing amount of work in the field of crime investigation, as well as the shortage of human and financial resources.

²³ Eiropas policijas ētikas kodekss. Pieņemts ES Ministru komitejā 2001.gada 19.septembrī. Available:

<http://openpolice.ru/docs/evropejskij-kodeks-policejskoj-etiki/> [21.03.2014.]

²⁴ Garonskis A. Community policing filozofija un tās realizācija Latvijā. Grām.: Qua vadīs policijas iecirkņa inspektor? Zinātniski praktiskās konferences materiāli, Latvijas Policijas akadēmija, 03.06.2005., 46. lpp

One of the solutions would be the simplification of the criminal procedure, which requires highly qualified personnel. In the same way, the developing model of the criminal intelligence is obstructed by the shortage of material and human resources.²⁵

The common prevention opportunities in the activity of The Police of Latvia are restricted by the shortage of resources – a typical work day of a police officer can be characterized as reacting to current events and work with documentation of the criminal and administrative processes. The implementation of the preventive measures of compulsion are not been stated by the normative legal acts, except a temporal protection against the violence in the family.

The collaboration strategy of the contemporary and democratic police is based on replacing the application of force with persuasion of the social partners, which requires high level of professional development for the police.²⁶ This involves specific knowledge in sociology, psychology, as well as communication skills. The recovery function of the police role most typically is revealed by working with victims of crime. Most often the initial activities of the police have a crucial meaning.

The analysis of the police legal order and practice approves the findings of the first two chapters – collaboration with society and its involvement in the preventive activity is still the missing stage of the police activity in combating and preventing of crime.

The optimisation of resources and simplification of the criminal proceedings may not serve to diminish the quality of criminal investigations. It is allowed and must be compensated by fundamentally transforming the

²⁵ Valsts policijas attīstības koncepcijas projekts, izskafīts Ministru kabineta komitejas sēdē 2014. gada 25. augustā (prot. Nr. 28 1.§). Available: [http://tap.mk.gov.lv/lv/mk/tap/?pid=40310861&mode=mkk&date=2014-08-25, \[04.07.2015.\]](http://tap.mk.gov.lv/lv/mk/tap/?pid=40310861&mode=mkk&date=2014-08-25, [04.07.2015.])

²⁶ Brewer Y.D. The Police Public Order and State. – NY, 1988. – P. 19. – 23.

investigation model – simultaneously along with resource optimization gradually implementing the elements of the problem oriented police activity. In addition, this kind of a strategy is in a natural way connected to the newly established strategy – the public oriented approach of the police activity. The above mentioned logically requires adequate professional qualification.

CONCLUSION

Summarizing the thesis statement, the author concludes that in general the chosen methodological approach has gained its justification. In order to provide the scientific analyses of the police functions in the aspects of transformation, there was an objective necessity to provide a systematic study of widely general theoretical issues. Although crime is a category of criminology and a social phenomenon, its investigation in the aspects of evolution and functioning, has been objectively justified by the necessity to study the impact of transformation processes on the police combating of crime.

This kind of approach allowed analysing the development peculiarities of the police doctrine of The Police of Latvia in a more diligent way, to objectively state its role in combating of crime, which accordingly led to the findings of particular problems in either methodological or practical level.

The analyses of the police role according to the general theoretical content and the social and judicial aspects in the transformation context of the judicial fundamentals of Latvia served as a background for argumentative conclusions on the thesis hypothesis.

In the thesis research process the brought forward hypothesis on the inconsistency of the police activity in preventing and combating of crime to its functions and objectives in the democratic state.

The investigation of the police role in the aspects of criminal politics and criminal legacy approved the functional character of the interaction between the police and crime. This leads to that any kind of significant changes in the society and legal system cause at least similar kind of essential changes in the relations of the police and crime. In the context of transformation of the judicial system of Latvia the most significant factors, which fundamentally changed the interaction context of the police and crime, was the legacy role in the democratic society and its involvement in combating of crime. The analyses

of the normative legal acts and the practice approved that these changes have not taken place. This evidently proves the validity of the thesis hypothesis.

The analyses of the theory and practice allowed to concretize the police functions and the content of the methods of legal regulatory, applied in the police activity, which exceeded the initial aim of the thesis. The understanding and awareness of those functions and the content of methods in the daily activity of the police is a significant precondition in order to raise the efficiency of the police activity.

As a result of the research, the author brings forward to presentation the following thesis in the form of conclusions and proposals.

CONCLUSIONS

1. The interaction of the police and the state is based on the co-partnership in the implementation of state power. The police implement the state enforcement either in the context of state authority or judicial system, manifesting into the functions of public legacy – implementing the systemic system of the society and establishing the power legality. According to the state duty of combating the crime, these functions involve the function of administration and police, and jurisdiction and punishment.

2. After the period of the regained independency of the Republic of Latvia, the cardinal changes in the area of crime combating were necessary. This inevitably caused the contradiction between the theory and practice. To prevent these contradictions, the judicial opportunities were not completely used, as well as the political will, in order to strengthen the role of law, was insufficient.

3. In the democratic state the power implementation directly depends on its legitimacy. Since the period of the regained independency the loyalty level of the society to the state power has reached a critical level. This essentially delayed the orientation to the model of the democratic police, as well as establishment of the crime prevention system.

4. In the modern democratic states the protection of public order and security, as well as prevention of crime is impossible without mutual collaboration and assistance between the police and society within the framework of the public oriented police activity. The necessity of such collaboration and assistance primarily results from the conception of a law governed state, which is also stated by the international legislation mandatory to Latvia. In recent years this kind of collaboration and assistance have been partially involved in the documents of the politics planning, however its implementation still lacks the legal order and resources.

5. The idea of a modern democratic state immanently comprises the crime prevention priority in connection with combating. The collaboration strategy prescribes to replace the force engagement with persuasion of the social partners. This requires a high level of professionalism of the police employees, which along with the judicial qualification involves specific knowledge of sociology, psychology, as well as communication skills.

6. As nowadays the crime is considered to be a social phenomenon, in its restriction the relation peculiarities of general and social kind have to be taken into account – as well as their targeted, subjective, and dual character.

7. The mutual relations between the police and public are greatly determined by the social structure of a society and the condition of legal awareness. During the transition period in Latvia the genesis of the relations between the police and public was influenced by such factors as escapism, oligarchy, corruption, social stratification, fractioning, isolating of particular social groups, disintegration, and opposition. These tendencies as such are crime contributing factors, and the dominance of stereotypes caused by them in the legal awareness of society principally discloses the partnership between the police and public, according the current demands of the democratic state. The evaluation of the above mentioned tendencies along with their prevention in directly depends on the actual level of the rule of law.

8. After the restoration of the independence, instead of the former system of a total control, it was necessary to establish such a system, which is based on mutual loyalty and collaboration between the police and society. The establishment of this kind of a system, as well as the prevention of the theory and practice contradictions are still delayed by the inconsequence of the criminal politics and legal nihilism. In the methodological and methodical level this problem manifests as the lack of systemic normative regulatory of the police activity beyond the criminal proceedings.

9. In the context of transformation of The Police of Latvia, it is essential to increase awareness of the rule of law as a precondition of changing the public attitude. The determining of equal rights to all the parts involved in the process initially diminishes the contradiction of the police against the society, thus providing a real chance of collaboration and the public involvement in preventing of crime.

10. After the restoration of the independence, as a result of the inconsistent criminal politics, instead of strengthening the rule of law, the combating and preventing of crime, in fact, was continued with methods of the former – soviet – system, thus in a long term creating the contradiction between the police activities and public demands.

11. “The Law on Police”, which is still being into force in Latvia, in fact, reflects the former (soviet) model of crime combating; the delay in adaptation of special laws (The Criminal Law and The Criminal Procedure Law), which led to a long-lasting situation, when the normative regulatory was inconsistent to professionalism of the personnel; its reward and material and technical supply is not consistent to the declared aims of the state criminal politics.

12. “The Law on Police” is not conceptually correspondent to ”The Constitution of Latvia” and the international legislation of a democratic state, and is unable to serve as legal background of the police activity.

13. The most significant argument, which determines to transform “The Law on Police”, also stated the approach to organize the police (militia) activity. The defining of the police as a paramilitary institution is not correspondent to the mission of a democratic state “to serve and defend”, and narrows the content of this mission in the general and social aspect.

14. The law enforcement function is one of the most significant state functions, which is based on the necessity to protect the individual and vital public interests, and in their protection the police role is important.

15. The general aim of the criminal legacy is the public protection against the dangerous risks. In the social and functional aspects of those relations, the combat of crime involves two fundamental directions – the coordination of the contradictions in the form of crime prevention, where the role of self regulation is important; as well as the regaining of justice in the form of crime combating, which reflects the reaction of a state towards the criminal offences. A significant factor, which determines the organization of the police activity in combating of crime, is the stage of public integration. The rapid progress of the pluralism tendencies in the modern “transforming” states, including Latvia, essentially diminishes the stage of public integration.

16. The practical implementation of the criminal legal functions is reflected by the interaction of the force and stimulation methods in order to provide their subordinated functions of warning and renewing. The essential role of the police appears in the majority of the cases, when the police not only finds the cause of the criminal legacy relations, but also determines their initial direction.

17. The common prevention opportunities in the activity of The Police of Latvia are restricted by the shortage of resources – a typical work day of a police officer can be characterized as reacting to current events and work with documentation of the criminal and administrative processes. The implementation of the preventive measures of compulsion are not been stated by the normative legal acts, except a temporal protection against the violence in the family.

18. An essential form of the common prevention is “The Public Oriented Police Activity”; however its conception has not been stated by the normative legal acts.

19. The problems, which have been found in the area of crime combating in Latvia, are related to the gradually increasing amount of work in the field of crime investigation, as well as the shortage of human and financial

resources. One of the solutions would be the simplification of the criminal procedure, which requires highly qualified personnel. In the same way, the developing model of the criminal intelligence is obstructed by the shortage of material and human resources.

20. The experience of the democratic states approves, that the efficient strategy of the police activity involves the traditional “standard” model of the police activity, which has been supplemented with the problem oriented police activity within the framework of the public oriented police activity. One of the factors, which negatively affected the implementation of the above mentioned strategy in the activity of the Police of Latvia, was the necessity to ensure its continuity during the initial stage of the transition period. As a result the police was forced to adapt to new, initially uncertain and imprecisely defined functions without any organizational and quality changes of its structure. Later the implementation of the strategy was delayed by the political will.

21. Relating the transformation problematic of the police functions to the current situation in the area of crime combating and prevention, the following two criminal political problems of urgent solution can be selected:

- The first, in the methodological level the definition of the police is necessary to be broadened, as well as the principles of the police activity need to be listed according the demands of the modern democratic society.
- The second, in the methodical level the police activity needs to be structured according its actual role in the area of preventing and combating of crime.

The formerly determined problems not only approve the thesis hypothesis on the inconsistency of the police activity in the area of crime combating and prevention to its functions and objectives in the democratic state, but also points to the character and essence of this inconsistency – regardless the changes of the police strategy, declared by the planning

documents of the politics, the police model is principally inconsistent to the judicial system and law doctrine. This allows bringing forward the methodological approach, which corresponds to the current situation, in order to solve the above mentioned problems – taking into account the lack of resources, which delays the cardinal changes now and in the near future. The special police laws need gradual harmonization with the rest of the judicial system, in order to close the most obvious and most essential gaps of legislation. Therefore, the author offers the following proposals.

PROPOSALS

1. From the methodology point of view, a compulsory precondition of the police reorientation to the problem oriented activity model and the involvement of society in the process of crime prevention is the definition of the police, corresponding modern democratic demands. The author proposes the following definition of the police to be stated by “The Law on Police”, “The police is an independent, law based administrative institution with its aim to maintain the public peace, the rule of law and order within the society. In order to achieve these aims, the police collaborate with other state institutions and the public, and are authorized to implement the forcing methods and means in the cases and according the order stated by the law”.

2. Considering the content changes of the police functions in the context of transformation processes, it is fundamentally essential that the broadening of its competency, according to the democratic demands, would be done in a systemic way. To implement this, a set of particular guiding principles of the police activity are necessary to be stated by the legal order. The author proposes to change “The Law on Police” Chapter 1 Section 5 in the following edition, “The organization of the police activity is based on the following principles:

- lawfulness,
- humanism,
- human rights,
- social justice,
- transparency,
- undivided authority,
- effective management,
- principle of subsidiary.”

3. In order to harmonize the organization of the police activity with the administrative system of the state, it is necessary to concretize the police collaboration as a form of democratic administration within “The Law on Police”. Therefore, the missing gap of the police preventive activity would be closed. In order to achieve that, the author proposes to change “The Law on Police” Section 7 “Co-operation of the Police” in the following edition:

“In order to implement tasks, the police shall co-operate with the public representatives (public unions and persons of public unions, as well as independent competent persons) of its serving administrative territory (town or district), involving them in work groups, advisory boards, or asking for an expert opinion. The chief police officer takes responsibility for involving the public of a particular administrative territory.

Within the competency, stated by the first paragraph of the section, the chief police officer is authorized to enter into co-operation and participation contracts (“The State Administration Structure Law” Sections 50 and 61), in accordance with the chief officer of The State Police.

In order to solve essential issues of crime prevention in the serving administrative territory, the chief police officer regularly organizes public polls and meetings with local inhabitants.”

Overall, supporting the simplification of 5 criminal proceedings, provided by the development of The State Police, in order to implement optimization of the investigation resources; the author points to the secondary meaning of this solution in comparison to the principally urgent development of the police – in order to implement optimization of the resources, first of all, they must be! Therefore, the author proposes to develop the profession standard of a police officer, within the profession standard of an operative police officer to include adequate demands of judicial qualification, ensure suitable education programmes in preparing of the police employees, and differentiate the wages according to the positions of the police employees and their corresponding qualification.

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