

NEW IDENTIFIED SOCIO-INTEGRATIVE PROBLEMS IN POLICING¹

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S u m m a r y

The article deals with the presentation of new identified problems affecting the process of implementation Community Policing in Lithuania. The findings are also useful for the future police activities planning in the European Union.

The main concept of the paper is composed of the statements, which identify the necessity of integration of the different policing practices and experiences of the involving Communities into the security affairs in neighboring European countries. Therefore, some negative processes, which were met in Lithuania, have great possibilities for migration around Europe. In the sphere of policing the phenomenon of the self-regulations within the poor communities was identified. In such communities objectively manifested security needs could be satisfied rather by illegal structures (by providers of substitutive police services) than by public police. In the sphere of Communities' formation an important conclusion about the specific transitional content of the ownership, which is most important for the integration, is presented. In the society in transition first of all the concept on development of ownership have to be disseminated. In the sphere of future development of Community policing experience of common public officials training is described.

Introduction

On the national and international levels implementation of Modern Community Policing is faced with the rapidly unstable and continuously changed environment. Therefore, experience in general and in particular as well, which is used for the future reforming of the public-police relations' area, has not been adopted or disseminated among the European countries as the absolute truth. It is because the experience and following recommendations are absolutely right at a given time and in certain circumstances. Moreover, particular experience of the public-law enforcement co-operation, which is recognized in one country as a complete benefit, at the same time, could be discovered as dangerous in different environment of social life, traditions, and laws.

¹ The article is prepared on the basis of statements collected for the report „Implementing Community Policing in Practice: New Identified Socio-integrative Problems“, presented to OSCE (Organisation on Security and Co-operation in Europe) Supplementary Human Dimension Meeting „The Role of Community Policing in Building Confidence in Minority Communities“ (Vienna, 28–29 10 2002):

http://www.osce.org/odhr/documents/reports/shdm/finrep_shdm_28-29oct2002.php

Community Policing is a multilateral social phenomenon. It is the subject of the constant research and surveys in Lithuania. Particular problems of the development of Community Policing and possible solutions are identified and recommended by A. Laurinavicius [1], R. Kalesnykas [2], A. Novikovas [3] and others. All researches are quite useful because examination of the delivered foreign police experiences is required by the intensively developing social changes. European integration has also caused new developments in social structures of society therefore, a new approach to the sampler definitions and recommendations of the Community Policing has to be taken. In general, it requires re-visioning of some well-known truths concerning the role and obligations of police in the creation and development of confidence in the communities. It also applies to the renewing of the officials' training systems, because an ordinary police officer, even if she/he is well trained in community policing matters, can not act effectively within the organizational structure with limited or stratified responsibility between various actors.

1. Degree of recognition of the Community Policing by Lithuania's police

The term of „Community Policing“ is well known among the police officials and academics around Lithuania. It is because some ideas for the strengthening of the police-public co-operation started in 1986. In the last years of „Perestrojka“, the police began to incorporate more socially oriented activities. Preventive units had been formed, and the work of county's police inspectors had been mostly oriented towards crime prevention and co-operation with residents. Patrol officers carried out patrols together with civil volunteers. Public participation by special „representatives“ to protect public order was encouraged by additional privileges for the participants in their places of work, such as prolonged vacation, financial premiums, etc. Official statistics of 1987 indicate that there were approximately 200 000 volunteers in Lithuania at that time. [5, p. 167–172; 6, p. 5–13] All of these changes are indicative of the attempts made to implement Western police experience in terms of community policing. The essential difference, however, was that the participation of Lithuanian society in forms of community policing, rather than being really voluntary, was based on the privileges offered by politicians.

Close co-operation among police and public in frame of modern Community Policing establishments was started in 1990, when Police Act was adopted and Municipal Police, responsible for the police preventive actions, was created. The direct channels for the gathering of the information from the West were useful for the development of police sciences directed by new-established Police Academy. Scientific findings accordingly were implemented into the police officers training systems and it was supported to form the new mentality of the police staff. Experience appropriation related connections between Lithuania and West European countries created the basis for preparation and realization of a number of Community Policing programmes. For instance, community oriented experience of Siauliai City Public Police received the highest assessment during the seminar-exhibition on Community Policing implementation in the Baltic countries, which was organized by European Commission (Directorate of Legal Affairs) in 1997.

It could be stated that at the moment Lithuania's police is disposing in great number of internal and external information. It means then, that implementation of new approach to the providing of police services on the basis of close co-operation with the public has quite a strong informative background. Difficulties for the realization of them, from our viewpoint, could be met in organizational structure of the law enforcement system.

2. Understanding the Community Policing in law enforcement

On the Lithuania's ground, the term of **Community Policing** is composed of two sociologically different categories. The difference means the conditional mental connections each of them with the separate branches of authority. On the theoretical level some ties between different issued phenomenon could be identified through complex interdisciplinary research. Impact of the research results to the practice in this case depends from the objectively manifested needs of the practitioners for the theoretical explanations. If these needs are abased, the misunderstanding, disagreement and ineffective activities follow in practice.

Therefore, the phenomenon of policing has to be identified in adequate way both by researchers and by public administrators.

The Policing

Researches of the police activities indicate the changes in the content of policing. The dual function of the police, described by John Alderson [7] and formalized by European Code on Police Ethics [8] is faced with the different interpretations concerning the implementation forms and methods. Theoretically, equal status and importance of the tasks for law enforcement and providing of the social services create the difficulties for the tactical planning of police actions. It is because in the context of the continental legal system law enforcement means the social service provided by the State. Therefore, the „flying sentence“ concerning the best crimes prevention, which could be provided solely through the manifested number of imprisoned criminals, still exists. The market-oriented media also maintains such kind of society-wide opinion. In fact, on the state level police has implemented the activities, which are not recognized, and therefore are not supported, by the local society. In other words, the needs of the society and approach of the police to the society's needs are different. Why?

For instance, Ronald T. Stansfield described functions of policing on psychological and social levels. On the psychological level function of policing there is the fulfillment of the individual's need to feel safe and secure. On the social level of policing there is an intention to reproduce order. [2] Examination of both applies for revision of existing service systems, because execution of order applies to the various social establishments. It means then, that policing is not, or can't be, implemented exclusively by the public police, because some parts of citizens' need more or less security than State can provide. Therefore, modern police organization is acted in the free market of the services provided the security for individuals and, as an ordinary entity, is faced with the activities of competitors and producers of substitutes. From the criminological viewpoint, most dangerous for the statehood and for communities are producers of substitutes, because the substitute in this case means other kind of protection than the protection given on the legal basis from legally obligated services. For instance, organized criminals provide order within the national-based communities, illegally living abroad, because these communities can't apply for protection to official authorities. Existence of such sub-cultural communities with the covered security structures within the European countries could be recognized as an important output for the future police co-operation plans.

The stratification of the society into the rich and the poor is also taken into account as an issue for discussion concerning renovated policing strategy. The so-called traditional policing, that the public police provides is oriented to the middle strata of the society. Research of the society's development in Lithuania, indicates formation of the territory – based communities of the elite, which required the additional security guarantees. On the other hand, destruction of the existing communities, which had been formed in so-named factory's towns and big villages, is indicated too [4]. Generally, it caused the inter- and inner-migration, social and demographic, and economical degradation in different areas, and small towns, uncontrolled movement of criminals abroad. It requires the change of traditional methods of policing and expansion of the circle of related organizations.

The Community

Community is the next category, which has been additionally studied in an adequate way. In Central and Eastern European countries the position of the community in the policing is based on the police task enforcement traditions. The status of the community and the police in society, as well as society's attitude towards them in general, is the culmination of a long process. Western European countries have deeply rooted traditions of municipality and various law enforcement functions have gradually evolved over a long period of time in these societies, based on the needs of a more or less stable environment. In contrast with Western European traditions and evolution of municipality and state government, the policing models applied in the small countries of Central and Eastern Europe have been imported from abroad and are the result and subject of geopolitical processes. For instance, the category of *ownership* is the main psychological and social reason for the communities' formation. Anyway it has to be newly discussed. It is because the soviet-type common ownership was broken, and new one was not established. This manifested negatively in public social life. Communities in the developed countries meet the psychological difficulties for the realizing of the right to ownership in the public matters, because in the public environment ownership means the common estate, which eliminate the responsibility for its state condition. Therefore, we found the necessity for the additional research of a little bit different phenomenon, which could be named as *ownership*. The content of *ownership, from our point of view, is the understandable and adaptable compromise between the privatized public and the private-issued interests. Why some transitional period has to be discussed?*

First of all, Lithuania's people lost a period of the development of communities in the cities during the Soviet occupation, which historically had been changed into the period for the „formation of the Society“. In theory sociologists divide the communities into two main types [4]. The first one is a Gemeine-type community. It was developed in agricultural area, but such communities were preserved in Lithuanian villages before occupation. The specific impact of the villages into the condition of public security and into the providing of tradition-based justice is well described by historians (for example, by A. Sapoka) [4]. The second one is a Gesselschaft-type community, which was developed in the industrial area on the basis of displaced farmers groups. After World War II Lithuania was faced not only with the destroyed communities but also with the lack about of a million of population. Nationalization and collectivization of the real estate and the tools of production had formed the specific attitude to the community's affairs, which was based on the permanent assistance of public authority. During one generation the specific collectively-thinking individual was formed and was left in an unknown environment after the privatization. The unknown environment in this context means the broken ties for applying to the authority-ruled responsible agency in daily matters. Finally, it could be stated that different reasons for the changes caused the different ways of the transformation of communities in Western and Eastern European countries.

Accordingly, responsible law enforcement agencies have to solve a number of problems dealing with the correct identification of communities, which are concerned with security matters. Identification in this case means the examining of the common interests and stipulating of the motivations for the organizational structuring within communities. The problems are still alive because the hopes and needs of the community can be fulfilled exceptionally through organizational establishment, which is carried out on behalf and with the representation of residents. Unfortunately, institution-building initiatives still are weak spots within the communities.

3. Institution building for the implementation of Community Policing

In Lithuania police is the firsthand institution, which acts in the public safety area in the environment of close co-operation with other social establishments. Then, it means that police have the most part of interests (both political and managerial) and obligations for the

discreet actions, and resources, which are obligated and involved, and responsibilities. It requires the certain level of administrative abilities.

Difficulties, which have been met in the process of the Community Policing philosophy implementation into the practice in Lithuania call for search of the new ways for common countrywide interpretations. In the sphere of community's problem – solving activity functions of the public administration institutions were strictly separated [5]. How to find the proper institutional model, which could be able to cover community problems solving area, both without function duplication and with real supportive interaction of the institutions?

Consequently it was argued that the creation of such institutional model couldn't be successful without preliminary readiness. Training of the officials, who are responsible for the creation of the model, maybe recognized as a first step towards the general goals. Common training of the officials in the Community Policing matters at the Law University of Lithuania took start at the beginning of 1999 under the TEMPUS Phare Joint European Project [9]. Following the aim of the project senior police officers and civil servants, who were responsible for the policymaking in their home institutions, were invited for the training. A possibility was created for the policy makers to actually get worldwide information and discuss common problems under some kind of „academic supervision“. The project was issued on the statements concerning problems in vocational training within Lithuania's educational system. The fact that public administration practitioners are „too much busy“ and that they do not received any training after graduation from the Universities was discovered. So called „self-studies“ in most cases are not self-stimulated because strong psychological resistance and unmotivated apprehension keep seniors from the studies as well.

The success of lifelong education of high-level officials (from our point of view) is based on three main pillars. First of all, training needs have to be self-motivated by the lack of knowledge perception. Sometimes high-level officials try to undercover the lack, because officially, specific educational background is required only before the official is appointed to the position. Therefore, it is easier for them to get additional knowledge in the environment of „equal rank officials training“. Secondly, training of the high rank officials has to be implemented by a highly authoritative institution. Institutional independence of the training institution, high qualification of the training staff, supportive equipment, environment of the classes, syllabus, etc. is quite important as well. Thirdly, attractiveness of training depends from the content of training. From our viewpoint, knowledge about aspects of practical activities is very important for the training of high rank officials. Most part of the trainees had great practical experience and knowledge about the real situation in the country. They needed the information about European requirements (standards) and practical possibilities of their implementation. On the other hand, presentation of the practical experiences from the West and their theoretical explanation stimulate active participation in the training and real self-studies.

Conclusions

The main problems that confront Lithuanian police services in the period of new-established Independence are dealing with the unclear statement for the police mission. Some diversity of the attitude to the police social service could be met inside social structures, which are forming this order. It negatively affects the common understanding of the different police tasks and contributions for the delivering of the public security and order.

Public administration and society in most cases required the voluntary assistance of the police. It is argued that in the time of transition police activities must be reactive. Such attitude can be named as distinctively pragmatic because it does not search for the problematic ties related with the conditions of public administration system as a whole. The mission of the police exclusively with the criminal law enforcement priorities is formed under this attitude. State and Society can't concentrate the view towards the solution of the complex problems in the long-time period. It is necessary to change the attitude to the rationally pragmatic, which stimulates the understanding of complex-based police service.



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Naujos socialinės integracijos problemos teisėtvarkoje

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SANTRAUKA

Straipsnis parengtas detalizuojant teiginius, pateiktus pranešime „Bendruomenės teisėtvarkos įdiegimas į praktiką: naujai identifikuotos socio-integracinės problemos“, autoriaus skaitytame Europos saugumo ir bendradarbiavimo organizacijos posėdyje 2002 m. spalio 28 d.

Straipsnio įvade formuluojama hipotezė, kad kai kuriose Europos šalyse policijos funkcijos įgyvendinimo praktika negali būti pripažinta universalia ir be išlygų pritaikoma kitose šalyse, nes policijos organizacijos veikia skirtingoje, nestabiliai ir nuolat kintančioje aplinkoje. Policijos organizacijų įvairovė siejama ne tik su pagrindinių teisinių sistemų skirtumais, bet netgi su skirtingomis saugumo palaikymo tradicijomis tą pačią teisinę sistemą turinčiose šalyse. Savitais ypatumais pasižymi ir Lietuva, kurios policijos pertvarkai neišvengiamai turi įtakos susiformavusios tradicijos ir stereotipai.

Pirmojoje straipsnio dalyje, pavadintoje „Bendruomenės teisėtvarkos atpažinimas Lietuvos policijoje“, pateikiami duomenys apie policijos (milicijos) bendradarbiavimą su visuomene paskutiniaisiais Sovietinės santvarkos metais. Vadinamosios „perestrojkos“ laikotarpiu milicijos darbas buvo labiau orientuotas į nusikaltimų prevenciją ir darbą su visuomene, tačiau to negalima pripažinti sovietinės milicijos vadovybės savanorišku aktu. Policijos tyrimų ir jos pertvarkymo pasaulyje chronologija rodo, kad sovietinės milicijos pertvarka prasidėjo tuo metu, kai buvo viešai paskelbtos JAV ir Europoje atliktų policijos tyrimų išvados (7–8 praėjusio amžiaus dešimtmečiai). Tai suponuoja teiginį, kad pagrindiniai metodiniai bendruomenės teisėtvarkos principai Lietuvos policijai žinomi gana seniai, tačiau jų įgyvendinimo praktika buvo kitokia. Tai pasakytina, pavyzdžiui, apie visuomenines viešosios tvarkos apsaugos formuotes, kurios, neturint aiškiai apibrėžtų gyventojų bendruomenių, buvo formuojamos įmonių ar organizacijų pagrindu, arba vadinamąsias „liaudies draugoves“ ir pan. Sovietinė praktika patvirtino kai kuriais atvejais ir mūsų dienomis mėginamo naudoti partinio ar politinio atspalvio suteikimo saugumo užtikrinimo reikalams negalimumą. Kartais iš esmės sveikintinas visuomenės formuočių iniciatyvas piliečiai ignoruoja vien dėl politinių motyvų.

Antrojoje straipsnio dalyje „Bendruomenės teisėtvarkos supratimas“ analizuojamas kategorijų „teisėtvarka“ (angl. policing) ir „bendruomenė“ junginio turinys. Teigiama, kad bendruomenės teisėtvarkos suvokimą apsunkina šių kategorijų mokslinio pagrindimo šakų skirtingumas, nes teisėtvarkos kategorija priskirtina jurisprudencijai, o bendruomenės – sociologijai. Todėl šis junginys apibrėžtinai tarpšakiniais tyrimais.

Teisėtvarkos kategorijos analizė leidžia teigti, kad jos turinys neatitinka visuomenės poreikių. Nestabili ir greitai kintanti gyvenamoji aplinka suponuoja didelę saugumo poreikių įvairovę. Policija ir kitos teisėtvarkos institucijos saugumo poreikių tenkinimo rinkoje nepajėgia konkuruoti su kitomis analogiškas paslaugas teikiančiomis institucijomis, nes tarptautinė gyventojų integracija vyksta nepaprastai greitai. Kyla grėsmė, jog susidariusį saugumo paslaugų vakuumą gali užpildyti neoficialios kvazipolicinės institucijos, migruojančios kartu su jas išlaikančiomis neturtingomis bendruomenėmis. Todėl įtaka tokioms bendruomenėms turi būti pradėta daryti jų kilmės šalyse. Tai iš esmės suponuoja policijos prevencinio darbo integraciją.

Bendruomenės kategorijos analizė duoda pagrindo teigti, kad Lietuvoje bendruomenės kuriamos neturint jokio istorinio ar tradicinio pagrindo. Sociologų tyrinėtose „Gemeinschaft“ ir „Gesellschaft“ tipo bendruomenės Lietuvoje dar sunkiai atpažįstamos. „Gemeinschaft“ tipo bendruomenės, susikūrusios agrokultūrinėje eroje ir egzistavusios tarpukario Lietuvoje, buvo išdraskytos. Tuo tarpu „Gesellschaft“ tipo bendruomenės (industrinės eros dariniai) nebuvo formuojamos, nes tuo metu, kai vyko Lietuvos industrializacija ir urbanizacija, buvo siekiama kurti ne bendruomenes, o „visuomenę“. Kadangi bendruomenių plėtra turi evoliucionuoti, galima teigti, jog jų reikšmė gali pasireikšti vėliau. Kartu siūloma bendruomenių formavimąsi paspartinti pabrėžiant bendruomenines vertybes. Tai pasakytina apie savininkiškumo jausmo skatinimą, kuris gali būti paspartintas keičiant jo suvokimo kontekstą. Paprastai savininkiškumas siejamas su nuosavybe, tačiau šiandieninėje Lietuvoje tai tik pagilina skirtingų visuomenės sluoksnių prieštaravimus. Todėl siūloma deklaruoti ne tik nuosavybės,

kuri siejama su teisėmis nevaržomai turėti, naudotis ir disponuoti materialiu objektu, bet ir nuosaviškumo, saviškumo arba savybės, kaip teisės turėti aiškiai apibrėžtą viešai turimo ir naudojamo, bet nedisponuojamo objekto dalį, vertę.

Trečiojoje dalyje „Institucinė bendruomenės teisėtvarkos įgyvendinimo struktūra“ analizuojami kai kurie egzistuojančių institucijų gebėjimų veikti bendruomenės teisėtvarkos sąlygomis sistemos elementai. Keliamo hipotezė, kad šios veiklos sėkmė daugiausiai priklauso nuo visų institucijų susitelkimo bendram darbui. Prielaida šiai būklei pasiekti laikytinas bendras pareigūnų mokymas. Tokio mokymo efektyvumas buvo patvirtintas Lietuvos teisės universitete įgyvendinant TEMPUS PHARE projektą „Pareigūnų mokymas teisinės sistemos reformai Lietuvoje“. Analogiškų vadovaujančių darbuotojų mokymų organizavimas leistų pašalinti motyvaciją mažinančias kliūtis: nenorą pasirodyti neišmanančiam tarp pavaldinių, mokymąsi aukštą tarptautinį įvertinimą turinčioje mokslo įstaigoje (universitete), kur naujausių mokslinę informaciją pateikia aukščiausios kvalifikacijos mokslininkai, susipažinti su šiuolaikinės įstaigos technologine aplinka ir kt.

Išvadose konstatuojama, kad policijos ir kitų teisėtvarkos institucijų veikla objektyviai yra sudėtinga, todėl jos turi keisti organizacinę struktūrą taip, kad galėtų nuolat stebėti veiklos aplinką ir nedelsiant prie jos prisitaikyti. Tačiau tam reikia kaupti ir analizuoti visapusišką informaciją ir išplėsti reguliacinio poveikio ribas formuojant bendrų interesų sritį.

