

Control over police authorities of the Latvian Republic as newly established EC country-member: traditional model and new one

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In modern terms the problems of realizing democratic principles of the state national activities and providing human rights and freedoms based upon humanistic approach take on great significance. We have to meet rigid requirements to respective law enforcement activities, quality and efficiency of the police services on law and order. At the same time the working conditions of the law enforcement authorities may cause some severe complications. Along with it the intellectual, material, financial, professional resources of the police and other law enforcement authorities providing legal services maintain its previous and very low level.

One should note that **current political, social, economic and other conditions** for the police authorities **come into conflict while tension and confrontation issues continue to escalate resulting in more expanded violation, crime, terror actions as well as enhancement of the transnational organized crime groups.**

How to provide a relevant quality of the required law enforcement services and law order under this situation within a single European or global social environment?

How to supervise over police and other law enforcement bodies, its required operational level accordingly with legal requirements and international legal acts?

Is this control process valid for any required enhancement of the efficiency as per police authorities' actions?

What has been accomplished towards this aspect in Latvia?

Here we'll try to respond the questions as above and others.

Theoretical attitude to analysis of the police activities

It is possible to analyze some various aspects of the police activities. **Firstly**, the *conventional method* must be considered. Thus, K. Belsky, Professor, Academy of the Economic Safety, RF Ministry of Internal Affairs, noted that police operation as law enforcement activities provided by relevant executive powers..., having its own instruments available for using some procedures of state force in law (2, 36). In other words, the **police authorities may be considered an instrument of law enforcement (if required) so that to observe law requirements implicitly.**

Secondly, to some extent one could see the *unconventional method* when any law enforcement (including police actions) operation is a kind of some social services such as laundry, cleaning facilities, photoshops, social security offices, fashionable fitness clubs etc. The law enforcement and police activities differ from any other social practices by its competence of the specific crime, economic, financial, political and other type of police authorities. **The competence must be shown as respective rights and liabilities based on knowledge, skills and experience of the policemen.** Alongside it must be mentioned that social police services are rendered only under rather crucial terms of the life as per any individuals, social groups or society as a whole. In any other cases the police proxies may not be realized and corresponding social services ("ambulance") may not be rendered. Here it is vital to note that in accordance with the Item 1, Police Declaration approved by PACE on May 8, 1979 "the policeman must perform its obligations on protection of the citizens and society from violation, robbery and any other social dangerous actions as established by law" (2). This very approach as unconventional one to some extent relates to a new model of control over police operation which, in our opinion, has been developed insufficiently and hardly put into practice.

Control over police operation

As quite truly noted by Vera Stone, Ch. E., Institute of Justice, "the citizens of both new and old democratic entities exert pressure on police authorities not only with purpose to follow crime actions but also with reason of respectful treatment to everybody" (3). In this connection the challenge is to supervise over law enforcement authorities and respective operational methods of the police bodies so that to cut short violations of the law and crime actions, to make arrests, investigation procedures, to use special methods and physical power.

Experience of the Latvian police authorities and mechanism of control over its activities

As evidenced by the data of survey made by SKDS (Social Correlation Data System) in November, 2003 **less than half of the Latvian citizens (44%) do trust to its police.** At the same time **more than half of the questioned persons expressed its evident distrust towards police bodies.** Among them 16% of the respondents do not trust policemen completely and 34,6 % of them more likely enjoy confidence than otherwise. **Only 4% of respondents have a total faith in police officers. (4)**

It is impossible to evaluate the results of this survey unambiguously. A certain part of the population gives the police a vote of confidence or likely trusts while good few Latvians

sincerely distrusts its law enforcement servicemen. More trustful are persons of age higher than 55 y. o. (i.e. within pension age limit) as well as unemployed, students and housewives. It must be noted that a sufficient part of the Latvians (24%) encountered with policemen directly within last year.

Model of the control process over police authorities in Latvia

Latvian Ministry of Internal Affairs State Police Authority		Outer control structure
Inner control structure	Inner Safety Bureau	Public Prosecutor Courts
	General Inspection п/c	State Bureau on Human Rights
	Structures п/п	Appeal Service under President
		Corruption Prevention Bureau
		State Control
Non-governmental organizations		
Committee on human rights' security		
Latvian Center of ethnic studies on human rights		
Center of victims' support		

General types of complaints and applications

Two general types of the complaints and applications as per police authorities' actions may be seen as follows.

a) direct complaint to the entity where a policeman admittedly violated the law requirement works;

б) application to any other institutions.

In parallel it is necessary to note a practice of the Latvian citizens to appeal for some various entities simultaneously.

Analysis of the complaints and applications for any police actions showed 54% of cases when citizens have applied to any other institutions (Prosecutor's office, bureau on human rights, Ministry of Internal Affairs etc.). The Inner Safety Bureau has independently instituted proceedings (on the basis of materials published by mass media, initiated by phone calls etc.) in 13% of cases. Only 32% cases of this category were initiated upon direct citizens' statements to the institutions of the presumed facts of violation of the law.

It must be mentioned that currently the so called anonymous "trust phone" is in use at the Latvian Ministry of Internal Affairs, State Police Authority, cities' and district's departments so that to receive a significant number of calls on police authorities' actions.

Types of complaints against police actions

At present some data are available on any applications and complaints against the policemen at the Latvian Ministry of Internal Affairs for 2003. So, in 2003 3,300 complaints and applications were addressed to the state police bodies. From this number some interrogation cases were initiated on 1,879 facts as above including 978 cases related to non-performance of the duties, 518 - other disciplinary misdemeanours, 189 - violation actions regarding citizens, 149 - infringement of professional ethics respectively.

In total the complaints and applications for Latvian policemen may be classified into principal categories as follows:

- Violation acts;
- Non-performance of functions/duties;
- Infringement of moral and ethic rules;
- Other misdemeanours.

In 2004 the Inner Safety Bureau received 3,022 complaints of the policemen actions. The interrogation procedures have been initiated regarding 1,740 cases as above. The information on police violation actions has been contained in 193 complaints. The cases of infringement have been confirmed only in 12 cases (about 7%). In Riga the complaints against violation actions of the policemen involved 88 cases and just a single fact of such a kind has been proven.

Substantiation of facts as per complaints and applications of policemen actions

Validity and trustworthiness of the facts as per any complaints and applications depend on series of factors as follows:

- firstly, on any information type and category of the presumed infringement;
- secondly, on any immediate receiving complaint or application of policemen action;
- thirdly, on any circumstances and complete data of the initial applications and reports regarding facts of violation of the law;
- fourthly, on any arrangement and working methods of the police department, its management style;
- fifthly, on moral and ethic ambience at the police department.

On the above basis one could note that any facts as per complaints and applications of the policemen actions:

- in majority of cases may be substantiated by facts of infringing relevant moral and ethic rules including misfeasance with personal reasons (25 complaints of the total number of 33 ones were confirmed in 2003) ;
- relatively rarely may be substantiated any complaints on facts of unfair practices regarding non-performance of duties by policemen (2 complaints of the total number of 52 ones were confirmed in 2003). Although this conclusion is perhaps arguable because it is impossible to make inspection the site of occurrence once more, to interrogate eyewitnesses, to make required examination etc.;
- any complaints of physical injuries and violation actions by fault of the policemen may be rarely substantiated. This refers to the fact that checking-up procedures on any

violation actions by fault of the policemen may be performed through a long period upon date of statement.

Consistency between mechanism of considering complaints on police actions in Latvia and international standards and principles

Such principal issues related to the procedure of considering complaints on police actions as compared to relevant major standards and principles must be mentioned as follows:

firstly, in recent years and especially upon Latvia entering EC the system of control over police activities in total and consideration of complaints on policemen actions, in particular, was improved;

secondly, the control mechanism and system became more multiple, complex and intensive;

thirdly, the system of control over police actions includes new subjects as state entities and non-governmental organizations.

On the whole it is essentially to note such issues as follows:

- The national legislative acts and norms show evidence of the tendency to presume state entities' liability of receiving and considering any citizens' claims for illegal police actions;
- The legal acts secure relevant rights to appeal against decisions. The citizens' rights have been expanded presuming to lodge complaints and to make applications addressing various international, state entities and non-governmental organizations;
- In case of any citizens' physical injuries the police authorities must check up a respective fact as above;
- In case of using any special measures the interrogation procedure on its legal usage is obligatory;
- The Inner Safety Bureau has been established as part of the state police authority with reason to inspect its activities;
- The rules on arranging relevant and detailed registration of the complaints on police actions and interrogation results have been presumed for the state police bodies;
- In 2003 the Code of the policeman ethics was approved in Latvia.

Along with it and to some degree this system of control over police activities does not correspond to respective international standards and principles per some parameters as follows:

- currently no alternative instrument with major proxies has been formed as an independent one from the police authorities with purpose to consider any complaints of police actions;
- information and statistic data on any infringements and misfeasance are marked as "For limited usage" and are unaccessible for non-governmental organizations and citizens;
- various entities have its own proxies available for considering complaints of police activities, and these proxies are unknown to the citizens. The population frequently does not use its legal rights on lodging complaints and making applications due to some lack of legal info as above (which is an objective issue). Thus, the process of application and consideration of complaints is prolonged and efficiency of the examining applications is reduced respectively;
- Lack of information materials on citizens' rights to lodge complaints of policemen actions is exhibited;
- No required transparent procedure of considering applications and complaints and making relevant decision is available;
- In many cases the citizens are not provided with its right to obtain some required legal assistance; right to make application for medical, psychological, psychiatric and other kinds of examination; right to inform closest relatives and friends about facts of arrest/detention etc.;
- Not all cases presume the international legal principle to perform any immediate interrogation on the facts of complaints on police activities. In a lot of cases respective interrogation procedures may be made upon certain period of time (concerning missing persons - after three days upon date of statement), thus significantly hindering performance of the effective searching operation;
- In practice the system of the state compensation for any illegal detention and arrest as preventive punishment operates unsatisfactorily;
- The legal acts presume no special institution of liability for any illegal accusation of the police officers;

- Under substantiated facts of any illegal police actions no relevant analysis of the reasons as per this given offences is available as well as any developments on respective suggestions on its prevention and required conclusions on required organisational improvement of the police bodies' operation;
- The police inner control bodies are not completely equipped and provided unsatisfactorily;
- The structures of the police public relations (communications) targeted for improvement of the police image and prestige operate unsatisfactorily;
- No specially equipped facilities for reception of the population outside police premises are available;
- No specially elaborated plan on optimizing control over police activities, developing relations with non-governmental entities and social environment is provided.

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3. See also: Latvijas policijai uzticas mazāk nekā puse Latvijas iedzīvotāju. (Less than half of the Latvian population trusts policemen) – <http://delfi.lv/archive/print.php?id=10890501>. Info obtained via Internet on 14.04.2005.
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