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Problematic Issues of the Administrative and Legal Status of the Police in the Baltic States (Lithuania, Latvia, Estonia)

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Abstract:

This research article aims to analyze the essence of the notion 'administrative and legal status of police bodies'. Materials and methods include analysis of the target and structural and organizational elements of the administrative and legal status for each country; consideration of comments and proposals made by representatives of the public and experts, as well as problematic issues of the administrative and legal status of the police of countries: Estonia, Latvia, and Lithuania. Results of the article are that the international community and the Council of Europe, based on the national experience of different countries, have developed a set of norms and recommendations in the field of crime prevention measures, the perception of which is an important condition for qualitative improvement of police service, implementing it in accordance with the principles of legality, humanism, respect for human rights and freedoms and the citizen. In the conclusion of the article, it should be noted that there is still room for improvement and harmonization of the administrative and legal status of police in the Baltic countries.

Keywords: administrative status; legal status; the police; the Baltic States; the Council of Europe; crime prevention.

JEL Classification: K00; K40; K23; K40.

Introduction

Preventive and investigative work against illegal activity, terrorism and other threats to national security performed by law enforcement structures is important in preserving security in the Baltic countries. Survey of the recent scientific literature on issues related to these structures demonstrated a clear understanding of a great number of various problems connected with them. However, few of them address problematic issues of the administrative and legal status of police in the Baltic States (Lithuania, Latvia, and Estonia). Hence, the significance of this study showing common and particular features of the administrative and legal status of law enforcement structures in the above-mentioned countries.

1. Materials and Methods

The article examines the issues of the administrative and legal status of the police in the Baltic States in detail. The problems regarding police, its status and functions in the Baltic and EU countries dealt with in publications by foreign

authors are numerous (Shearing and Marks 2011; Stone and Travis 2011; Sootla and Kattai 2012; Virta 2013; Adam and Hughes 2012; Voruz 2011; Darke 2011; Heyer 2013; Basinska *et al.* 2014; Suzuki 2000). It is explained by the importance of this system of public services and public order enforcement bodies due to a wide range of functions, the set of which may vary from country to country. The most characteristic function performed by police is prevention, suppression, detection and disclosure of crimes and other offenses.

Updating and restructuring of police in the Baltic States began before their splitting from the Soviet Union. New laws related to it were adopted in these countries: in Estonia the new law on police was passed in 1990 and was updated in 1998, in Lithuania – in 1990 and updated in 2000, while Latvia enacted a new law on the police in 1991. Latvia law included three levels of police forces: the state and security police operating across the country, and local police forces placed in municipalities. In Estonia there is a state police divided into 17 regions. Lithuania's police also include national and municipal levels. In Estonia, the Estonian Internal Security Police Board was established as contact point of counter-terrorism combat. After the adoption of the Law on Police on December 11, 1990, 'the remaining departments of the interior affairs were reorganized into police commissariats' (Kerikmäe *et al.* 2017, 378). The police were assigned with tasks in the areas of prevention, disclosure and investigation of crimes, and other cases of disregard of law; strengthening public and social order, tranquility and safety, 'protection of Lithuanian citizens, their rights, freedoms, and their possessions and also the protection of the environment. The function of the police also included the supervision of traffic safety and the provision of the immediate social help to the residents of Lithuania' (Kerikmäe *et al.* 2017, 378). The current Law on Police Activity regulates the basic task of the Lithuanian police, the legal basics of its activity, the main purposes of police, its organizational structure, the grounds of the police communication with citizens of Lithuania, nongovernmental organizations, etc. (Kerikmäe *et al.* 2017, 378–379).

In scientific works police administration is described from several perspectives: a systems perspective; a traditional, structural perspective; a human behavioral perspective; and a strategic management perspective. The systems perspective highlights the connection between units and organizations, the effect of external conditions on systems, and the urgency of feedback for improving performance. The traditional perspective underlines administrative regulations, management functions, and the significance of written guidelines. The behavioral perspective mentions the human element in structures. The strategic management perspective focuses on singling out the most productive ways of fulfilling the organization's work and performing its mission (Police Administration 2010).

It is worth mentioning the change in ethnic composition on the police forces of these states in the post-Soviet period: Russophones had to leave because of a lack of language skills. In the three Baltic countries this process was going not in the same way. It is explained by the fact that Estonia was particularly against the imposition of russification strategies and demonstrated a stronger refusal of Russian cultural influence than its Baltic neighbors. Besides, during the 1979 Soviet census many Estonians mentioned Finnish as their second best language. In a study referring to the issues of stability of countries, including the Baltic countries, the attention is paid to the fact that only these states improved their stability very quickly 'in the post-split period and eventually reached peaks approximately 39-46% better than those in the splitting year', 'they achieved favorable economic growth after 1995, when they overcame the difficulties of structural reform' (Suzuki 2000).

The change and adaptation of various issues related to police structure, functions, etc. is stipulated by the fact of the Baltic States' entering the EU. It is necessary for Nordic countries to work together on security-related matters. This cooperation has led to establishing efficient structures, such as the Nordic Baltic Police Academy, where instructors are sent for training courses held in the Baltic countries. Another regional action is the Baltic Sea Conference on Combating International Crime organized to deal with criminal problems of the region. In addition to it, Europol was established to cooperate on the crime prevention and control matters.

There are many other issues under discussion in works referring to the police by foreign authors. They include the ethnic composition of the police in the Baltic States, the introduction of women into the police (Estonia and Latvia have the greatest share of women in the police force among the European Union states); cross-border law enforcement. Crime prevention through environmental design is another problem discussed in works of foreign experts. Special measures related to environment to reduce the fear of crime and the risk of burglary are undertaken to hinder crimes: school routes along busy streets, locating schools in a populated area (not in remote areas or in a park), good visibility and lighting, fencing off the school area. Prevention and fight against cyberterrorism is paid attention too (Leukfeld *et al.* 2013).

The question of cooperation of police and border guards in the Baltic Sea area is also of paramount importance and is discussed in scientific papers. Different social and cultural backgrounds of the participants should be taken into consideration. It is aimed at fighting criminality and creating 'a safer Europe' (Yakhlef *et al.* 2017).

The self-positioning of the three Baltic States in the international arena in relation to the main structural pressures threatening the *status quo* of the transatlantic security arrangement is under analysis as well. The global economic decline, the debt crisis in the Eurozone and other negative factors are taken into consideration, they are 'the key sources of the emerging Baltic security predicament' (Mälksoo and Šešelgytė 2013).

Many works discuss the interrelation between professional police and community policing in view of professionalism, strategy and structures (Suve *et al.* 2015; Jones and van Steden 2013; Dobrin 2006; Mastroski 2006; Scheider *et al.* 2009). 'A community policeman is a kind of liaison officer' between the professional police and its environment (Dobrin 2006, 40).

Today the efficiency of police work cannot be overestimated. 'The dynamics of the number of crimes recorded in the state, number of crimes recorded by the police per 100,000 residents, as well as the clearance rate' are employed to compare police efficiency issue (Kriviņš 2015). Some authors suggest determining satisfaction with the work of the police and the level of latent crime in the state as 'universal criteria for transnational comparison' (Kriviņš 2015).

2. Discussions

The basis of activity of any subject of executive power is the administrative and legal status, to the characteristics of which they include (Uskova 2002): official name, its position in the hierarchy of subjects of state power, subordination issues; goals, tasks and functions; the procedure for its formation, reorganization and abolition; rights and obligations; Form and methods of activity; organ structure and much more. The administrative and legal status of police units is a set of goals, tasks and functions, their organizational and structural structure, rights, duties, jurisdiction and guarantees for the implementation of state principles of law enforcement. According to the authors (Uskova 2002; Sevryugov 2009) in the administrative and legal status of collective subjects, there are three main blocks: (1) target; (2) structural and organizational; (3) competent. The first element of the administrative and legal status is the goals, tasks and functions of the subject. The second component includes the regulatory regulation of the formation of subjects and their subordination, the establishment and change of their organizational structures, etc. Competence represents a significant part of the administrative and legal status, which consists of a combination of power, certain subjects of authority and those of an authoritative nature. The following types of authority can be distinguished: (1) authority to implement administrative activities; (2) authority to implement administrative proceedings; (3) criminal procedural powers; (4) organizational authority.

Let us consider in more detail the administrative and legal status of the police in the Baltic States.

Latvia:

In Latvia at present, there are many different law enforcement agencies. Their activities are not regulated by one general law, and the legal status of each is determined by its separate legislative act. What makes it possible to combine them into one group with common name law enforcement? First of all, this is their place and role in the mechanism of the state. These bodies have common characteristics:

- (1) All of them are created in compliance with the principles of legality, humanism, human rights, social justice and openness;
- (2) These bodies on the basis of direct instructions in the law or other normative act that determines their status and special position in the mechanism of the state are directly intended to ensure:
 - (a) Legality and law and order;
 - (b) Protection of the rights, personal freedoms and legitimate interests of the individual, and the interests of the state;
- (3) These bodies are endowed with the appropriate rights and have specific competence to prevent and suppress offenses and to consider legal issues related to offenses and legal protection;
- (4) Depending on the nature of legal issues, law enforcement bodies have the right to apply appropriate measures of public and state influence to restore and strengthen law and order, up to the criminal punishment imposed by the court.

In view of the foregoing, under the designation of law enforcement we traditionally mean such state bodies (institutions) and public organizations that, in their activities, on the basis of law and in appropriate forms, should:

- Ensure law and order;
- Protect the rights and freedoms of the individual;
- Protect the interests of the state and society;
- Prevent and suppress violations;
- Apply state and public measures of influence against persons who violate the rule of law and the rule of law.

It should be noted that these features are characteristic for a very wide range of organs.

After the proclamation of the declaration 'On Restoring the State Independence of the Republic of Latvia' on 04 May 1990, judicial reform was identified as one of the primary tasks. In the state, the creation of a new system of law enforcement agencies, in the development of which there are three ways: (1) Some law enforcement agencies, as not corresponding essentially to the state system, ceased to exist; (2) There were new, previously not existing law enforcement institutions, the creation of which was dictated by the need to strengthen the state; (3) Those that continued to operate and without which the existence of a state of law are impossible, have undergone and continue to undergo the process of restructuring and improvement, changing the legal status of their activities.

The final goal of the changes is to establish a legal and democratic state. As is known, simultaneously with the adoption of the declaration of independence, Latvia has also acceded to a number of international documents in the field of human rights, which necessitated the implementation of the norms set forth there and the harmonization of legislation. The gradual implementation process was marked by the following main legal developments:

- On September 26, 1990, the law 'On Prosecutor's Supervision in the Republic of Latvia' was passed. It was developed in great haste and, despite the fact that it did not significantly change the structure and functions of the prosecutor's office, since its main goal was to get rid of the dictatorship of the USSR Prosecutor General, it is noteworthy that it marked the beginning of the reform of the law enforcement system;
- On 04 July 1991, the Law on the Police was passed;
- On 15 December 1992, the law 'On Judicial Power' was passed;
- This was followed by the adoption of a law on the legal profession, the renewal of the law on the notary, etc.

There came a period when unnecessary ones were liquidated in our state and new institutions were created that could work in a new, altered legal system - for example, state security institutions, guardsmen (militia). However, the created system did not remain unchanged. Thus, on 01 July 1994, a new law 'On the Prosecutor's Office' came into force, in 1996 the law 'On the Constitutional Court' was adopted.

In recent years, the state has created all new institutions, including non-state ones, which we can subordinate to the above-mentioned system of law enforcement institutions, for example, the Bureau for the Protection of Human Rights, Save the Children, etc. Thus, the range of law enforcement agencies has become extensive and almost unreachable, especially in scope.

The police is an armed paramilitary institution of the state and local governments whose duty is to protect life, health, rights and freedoms, property of persons, the interests of the state and society from criminal and other unlawful attacks.

A police officer is a person holding a position in an institution (division) of the police, having a special official rank and having taken an oath.

A state police officer is an official of a specialized state civil service.

The tasks of the police are as follows:

- Guaranteeing the safety of individuals and society;
- Prevention of criminal acts and other offenses;
- Disclosure of criminal acts, the search for persons who have committed criminal;
- Assistance in the manner prescribed by law to individuals, institutions, enterprises and organizations in the protection of their rights and the implementation of statutory duties;
- Execution within the limits of their competence of administrative and criminal penalties.

It is forbidden to involve the police to perform such tasks, which are not defined by the laws of the Republic of Latvia. No one has the right to interfere with the actions of the police when it performs its duties, except for the institutions and officials authorized by law to do so.

The legal basis of police activity is the Constitution of the Republic of Latvia, international treaties, the law 'On Police', adopted on 04 June 1991, other laws of the Republic of Latvia and regulations, as well as local government resolutions, if they do not contradict the laws of the Republic of Latvia.

The police consist of the State Police, the Security Police and the Municipal Police (municipal).

The State Police and the Security Police, each within their competence, perform their duties throughout the territory of the Republic of Latvia, and the police of local governments - in the relevant administrative territory.

The State Police and the Security Police are institutions subordinate to the Ministry of the Interior. The state police operate in accordance with the regulation approved by the Minister of Internal Affairs. The security police operate in accordance with the regulations approved by the Cabinet.

A part of the police is also the combat and command staff of the Police Academy of Latvia, acting in accordance with the Academy's statutes and statutes established for the employees of the system of the Ministry of Internal Affairs with special ranks.

Local government police are included in the local government, and on the organization of work cooperates with the State Police.

The State Police comprises the central apparatus of the State Police and subordinate structural units.

The task of the public security police is to guarantee public order, fight crime and protect individual objects.

The functions of the criminal police include the prevention and disclosure of criminal acts, the search for persons who hide from inquiry, investigation and trial, evading sentences and missing persons, as well as ensuring the participation of criminologists in investigative actions.

Citizens of the Republic of Latvia who are not younger than 18 years and not older than 35 years who, taking into account their personal qualities, education, physical fitness and health status, are able and willing to perform certain tasks for the police are admitted to the police service. To serve in the police are not accepted by persons previously convicted for committing intentional criminal acts. Police officers must be proficient in the state language and, when performing their duties, they should be able to communicate with persons in the language that is mainly used in the region or in this area of work.

A police officer, when taking office, swears an oath.

It is the duty of the police officer to steadfastly comply with the requirements of the law, observe professional ethics standards, respect and protect human honor, support and protect human rights in relation to all persons, care for people and readiness to help them at any time, act decisively and purposefully, And, if necessary, not sparing his life, for the performance of official duties. Failure to comply with these requirements is not compatible with the police service.

Police officers wear appropriate clothing.

As a confirmation of his powers, a police officer is issued a service certificate, and to employees of the criminal police - also a special token. The uniform of a policeman should have a sign with his name and personal number affixed in a prominent place, and the employee of the local government police (municipal) also has a sign of the difference of the corresponding territory and the name.

Activities of the police are controlled by the Cabinet of Ministers, the Minister of Internal Affairs and self-government institutions within their competence. Supervision of compliance with the law in the activities of the police is carried out by the Attorney General of the Republic of Latvia and the prosecutors subordinate to him.

Lithuania:

Formation and development of the bodies that formed the law enforcement system of Lithuania took place in the process of implementing the general reform of the legal system of the state. The reform of the legal system of Lithuania assumes the adoption of many laws and other legal acts, the creation or reorganization of law enforcement agencies, the training of relevant professionals able to work in law enforcement institutions.

Reforming the system of law enforcement agencies is a complex and multi-stage process and the stability and security of the society, ensuring constitutional rights and freedoms of citizens, and ensuring the conditions for the accession of the Republic of Lithuania (hereinafter referred to as the 'RL') to the European Union depend on its successful implementation.

The state, as the guarantor of the Constitution, is entrusted with the task of creating a system of law enforcement agencies, adopting legal acts regulating their activities, determining their functional purpose, and creating conditions that ensure their activities.

The most important task of the law enforcement bodies of the RL is to protect the rights and legitimate interests of state institutions and organizations, private, public and other organizations and associations, protect the rights and freedoms of citizens, ensure law, order and public safety.

The unity of the law enforcement system is determined by the fact that its constituent institutions operate in close interconnection and interaction.

Traditionally, the law enforcement system is formed by the Court, the Prosecutor's Office, the Ministry of Internal Affairs, and the Ministry of Justice, the Advocacy, the Notary and some other bodies.

At the same time, other state institutions have been established in Lithuania, the activities of which are carried out within the framework of the competence established by laws and directly related to the implementation of the law enforcement function. These are the State Control, the Tax Inspectorate, the Customs Department, the Audit Department (under the Ministry of Finance); the Special Investigation Service (under the authority of the President); Supervisors of the Seimas; Department of State Security; the bodies of the Ministry of the Krai (including the Military Police) and several others.

Ministry of Internal Affairs of the Republic of Lithuania is the Institute of Executive Power.

According to the Regulations on the Ministry of Internal Affairs (approved by Government Decision No. 1015 as of 06 August 1998) and the Regulations of the Ministry of Internal Affairs (Order No. 444 of 10.08.2001), the activities of the Ministry of Internal Affairs are based on the principles of objectivity, proportionality, supremacy and non-abuse of power, the basis of other democratic, administrative principles. Main functions and tasks of the Ministry of Internal Affairs:

- Ensuring public order and security;
- Combating crimes and other offenses;
- Ensuring the protection of state borders;
- Ensuring the protection of senior government officials and official guests;
- Organization of emergency assistance in case of accidents and natural disasters;
- Ensuring road safety;
- Providing fire safety;
- Ensuring migration regulation.

In order to implement the tasks assigned to the Ministry in its structure, departments, services and other units have been established.

Departments: Police, Investigations, Fire Protection, Migration, Tax Police, Computer Science and Communications, Security Management, Personnel, Economics and Finance, Property Management, International Relations and European Integration and other departments.

Services: Protection of the state border, the register of residents, health protection, internal audit, etc.

Activity of each structural unit is strictly regulated. For example: at the Ministry of Internal Affairs the Department of Migration has been established. The main tasks assigned to it are as follows: the issuance and exchange of passports, the issuance of emigration and migration documents, the issuance of permits to foreigners for permanent residence in the state, the issuance of visas, the control of the stay of foreigners in the state, the implementation of decisions on citizenship issues, passport control. In order to carry out these tasks throughout the territory of Lithuania, the Departments of Migration have been established at the police commissariats, which include passport offices.

Thus, each department under the Ministry of Internal Affairs performs its specific functions and carries out activities within its competence.

An important place in the structure of the Ministry of Internal Affairs is assigned to the Police Department.

The law on the activities of the Police of the RL, adopted by the Seimas (No. VIII-2048 as of Oct 17, 2000), defines the tasks and functions of the police, the principles and legal framework of its activities, the organizational structure and other issues related to the implementation of police functions.

The police are an institution that ensures public order and public safety. The most important principles of police activity are such principles as respect for human rights, humanism, morality, openness, and legitimacy. Thus, the legislator, placing the emphasis of the police, sees in it, above all, the establishment of the protection of the individual, society and the state, their rights and freedoms, and not a purely punitive institution. In this case, the use of violence is permitted in necessary cases, in accordance with the law and with the principle of proportionality. Officials of the police are civil servants who are accepted and dismissed in accordance with the rules established in the Status of the Service of the Internal Affairs System. The status of the service also determines the procedure for taking the oath, appointing and moving in the service, awarding titles, attestation, the rights and duties of officials, as well as the types of disciplinary responsibility. A number of provisions (norms) are included in the Status, which form: Code of honor of officials. When protecting the interests of citizens and the state, the Code of Honor says, an official should act as a representative of the authorities. Be competent and objective and always remember that people, who turn to it, wait and hope for its support.

Citizens of the RL, not younger than 18 years and not older than 30 years, who have the necessary personal qualities and health, are accepted for service in the system of the Ministry of Internal Affairs. Requirements for the level of education are made in accordance with the position for which the candidate applies.

At the moment, the Ministry of Internal Affairs is reorganizing, which directly touched the Police Department and the Border Police Department (the new name is Service of state border protection at the Ministry of Internal Affairs of the RL).

The reorganization is carried out with a view to further improving the activities (public administration) of institutions responsible for ensuring order and public safety, reducing management costs, optimizing and modernizing the structure of the Police Department, and also for the purpose of forming a professional, decentralized, efficient, understandable and socially supported institution, focused on the future of Lithuania's

accession to the European Union. The police should strengthen the national security of the country and comply with the principles of police activity in the countries of the European Union.

Each of the structural units of the Police Department has specific functions defined by the relevant provisions. The police system is formed by: Department of Police under the Ministry of Internal Affairs of the RL; Territorial police institutions; establishments for professional police training; Specialized police institutions (not established on a territorial basis).

The most important structural units of the Police Department are specialized institutions: Bureau of Criminal Police and Bureau of Public Police. Their structural representation is given in Figures 1 and 2.

The Bureau of Criminal and Public Police is a legal entity established by the General Commissioner of Police, who exercises overall management of the bureau.

The most important tasks of the BCP and its services:

- Prevention and control of crimes and other offenses;
- Disclosure and investigation of crimes and other offenses;

The most important tasks of the BPP and its services:

- Ensuring public order and security by the police of public security that protects human rights and freedoms;
- Provision of emergency assistance to the population, prevention of crimes and other offenses, ensuring road safety, supervising and coordinating activities.

In accordance with the Criminal Procedural Code of the RL, the Police are the body of inquiry. The bodies of inquiry in the RL are established in:

- Police
- The bodies of state security;
- The service of special investigations;
- The military police;
- Correctional labor institutions;
- Fire protection service;
- The service of state border protection;
- Customs offices;
- State control organs;
- Tax inspectorate.

The captains of the ships, which are in the distant voyage, also have the right to carry out an inquiry.

Control over the activities of the bodies of inquiry and investigation in the manner prescribed by law (the Criminal Procedure Code of the Republic of Latvia) is carried out by the prosecutor's office.

Previously, the Interior Ministry had a special investigation service (in 2000 the SIS was transferred to the jurisdiction of the President of the RL). The main task of the service is to fight corruption, as well as some others. In this case, the special investigation service conducts an inquiry on cases within its competence.

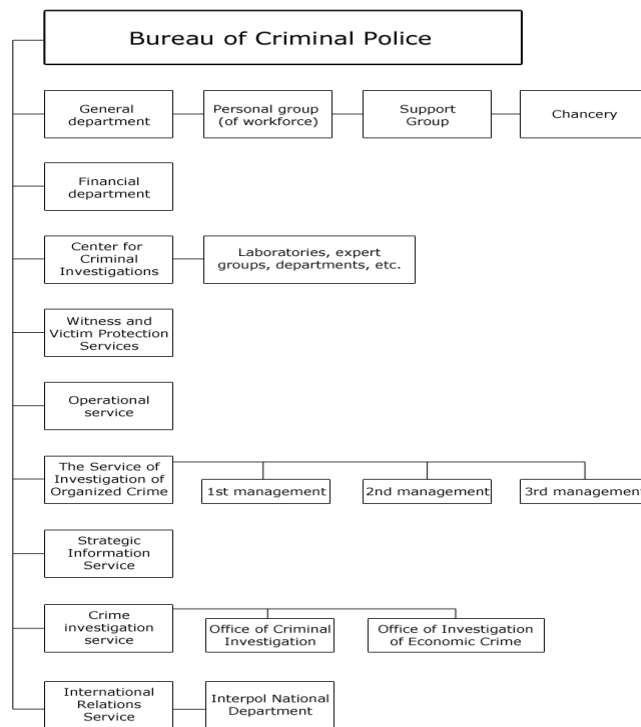
Police officers, special investigation services, carrying out their official duties within the limits of the law, guided by the principles of proportionality, can apply physical force and mental influence to persons committing offenses. However, the Statute of the SIS, approved by Law No. VIII-1697 as of May 23, 2000, provides the following definition: mental violence is a warning of an attempt to immediately apply physical force, special means and firearms to an offender. The use of mental violence equated with the demonstration of firearms, warning shots. However, the use of this type of violence is carried out only in special cases provided for in Part 2 of Art.19 of this Status. One of the most important functions assigned to the Ministry of Internal Affairs is the function of protecting the state border (Law of the Republic of Latvia on the protection of the state border 2000). Therefore, in the executive branch of the Ministry of Internal Affairs, the State Border Guard Service was established. The Service is a budgetary institution, legal entity.

Direct management of all structural units is carried out by the Head of the Service and the central structural unit - Headquarters. The subordination of the Head also includes the management of operational activities, the management of informatics and communications, the infrastructure development department, the internal audit and control department. The State Border Guard Service also established an investigation department. Territorial subdivisions of the Service are outposts.

The tasks of the Service are defined in the Law of the RL on the protection of the state border and in the Regulations on the Service for the Protection of the State Border of the Ministry of Internal Affairs of the RL. One of the most important tasks is to ensure the inviolability of the state border and the implementation of the state

policy on border protection. Citizens recruited for service become officials, the order of service of which determines the status of the Ministry of Internal Affairs service.

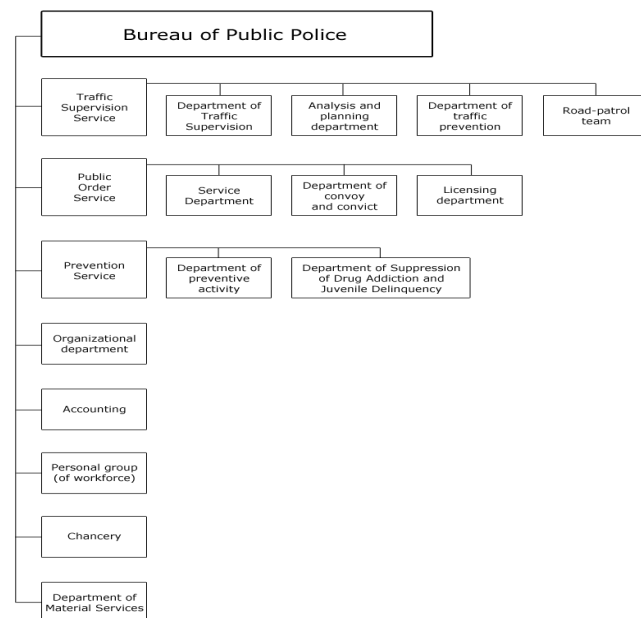
Chart 1



Source: Constitutions of the CIS and Baltic countries 2016.

Figure 1. Bureau of Criminal Police

Chart 2



Source: Constitutions of the CIS and Baltic countries, 2016.

Figure 2. Bureau of Public Police

Estonia:

The legal basis for the activities of all law enforcement agencies of the Republic of Estonia is the Constitution (Basic Law) of the Republic of Estonia, adopted by popular vote on June 28, 1992 (Constitutions of the CIS and Baltic countries 2016).

Article 1 of the Constitution states that 'Estonia is an independent and independent republic where the people are the supreme power bearer. Independence and independence of Estonia are imperishable and inalienable'. Thus, the attainment of the centuries-old dream of Estonians is stated.

State power is exercised only on the basis of the Constitution and the laws that are consistent with it. The universally recognized principles and norms of international law are an integral part of the Estonian legal system. This establishes the most important principles of the rule of law.

One of the first chapters of the Estonian Constitution is devoted to the detailed regulation of the institution of human and civil rights and freedoms. Thus, the legislator emphasizes the recognition by the state of the true value and significance of this institution. Moreover, in terms of detail and the logic of presentation, the legal constructions of the norms of this institution, the Constitution of Estonia can be attributed to the most interesting examples of modern constitutionalism.

Article 13 of the Estonian Constitution states that 'everyone has the right to protection by the state and the law. The law protects everyone from the arbitrariness of state power'.

The people exercise supreme power (Article 56 of the Constitution of Estonia) through elections to the State Assembly and by referendum.

The highest state authority of the Republic of Estonia is the State Assembly (Parliament), the President of the Republic (head of state), the Government of the Republic and the courts. The activities of these bodies are carried out on the principle of separation and balance of power (Article 4 of the Constitution).

Legislative power (Article 59) belongs to the State Assembly. It includes one hundred and one deputies.

The President of the Republic is the head of the Estonian State (Article 77). He is elected by the State Assembly, and in case of non-election in the course of three rounds, he is elected (Article 79) by a team of electors (members of the State Assembly and representatives of local government councils).

Executive power (Article 86) belongs to the Government of the Republic.

The Estonian Constitution fixes the following bodies related to the law enforcement system:

- State control (Article 11);
- Chancellor of Justice (Article 12);
- Court (Article 130).

Since most of the Estonian law enforcement bodies are members of the executive branch, they act on the basis of the Constitution articles on the executive branch (Article 6, Government of the Republic), laws and other normative acts issued on the basis of the constitution. For example, such acts are the following: The Law of the Republic of Estonia 'On the Prosecutor's Office', adopted by the State Assembly of the Republic of Estonia on February 25, 1993, and the Regulation 'On the Prosecutor's Office of the Republic of Estonia' (approved by the Minister of Justice on April 8, 1993) (Constitutions of European countries 2016).

The Estonian police, as a police organization existing in a democracy, was established on March 1, 1991 after the proclamation of the Republic of Estonia (in 1940, when Estonia became part of the USSR, the Estonian police ceased to exist). When creating 'this police organization, they deliberately refused both organizational structures and the tasks of the' Russian militia'. Thus, the Estonian police are at the stage of formation and acquisition of the initial experience.

The police belong to the Ministry of Internal Affairs of Estonia. The highest police authority is the police department, which is responsible for all affairs of the police.

The head of the management is the general director of the police. The Estonian Police Department manages, directs, and coordinates the activities of all the police in its possession. One of the eight structural divisions of the department is the 'Criminal Police Department', whose task is to combat crime, including the fight against drug trafficking.

In connection with the fact that the law enforcement agencies of Russia are interested in the criminal police in the light of improving contacts with the Estonian police on the fight against organized crime, we will consider it in more detail.

The Department of Criminal Police is subordinated to 21 independent police units (see Figure 3):

- Central unit with three subordinate 'regional centers';
- Institute of criminalistics and forensic medicine;
- Police school;

- Service of own security;
- 17 police prefectures in 15 districts and in the cities of Tallinn and Narva.

The Central Criminal Police (CCP) is a government agency in the department of the Criminal Police Department (Police Act, §11). It is headed by the director. The structure of CCP includes following departments: on combating organized crime, on combating drug offenses, information on combating economic crimes, the Interpol department, international criminal information, office, personal service.

The central criminal police warn, prevent and disclose, and conduct pre-trial investigation of serious crimes and crimes of an international character, interacting with Interpol. In carrying out its tasks, the Central Criminal Police (CCP) is guided by the Law on Search Activities.

The CCP works on the following crimes:

- Committed by criminal gangs or related to their activities;
- Especially dangerous, having a public resonance or entailing particularly grave consequences;
- Which caused great material damage to the state or local governments;
- Involving large-scale international cooperation
- Related to major drug trafficking;
- Associated with a large number of persons who committed them, or with a large number of episodes;
- Committed in a particularly dangerous way.

The police prefecture (for example, Harju) has the following structure, police prefect and deputy prefect, criminal department, youth police, administrative service, office, personal service, trust post, referent, press secretary, duty officer. Harju prefecture is subordinated to two police departments. In particular, the Lääne-Harju police department serves 9 townships and three cities; the Ida-Harju police department serves 10 townships and 3 cities. The department staff includes: head of the department, the deputy, the duty officer of the department, the duty officer of the accident department, the patrol and road supervision service, the criminal service, the prevention service and youth.

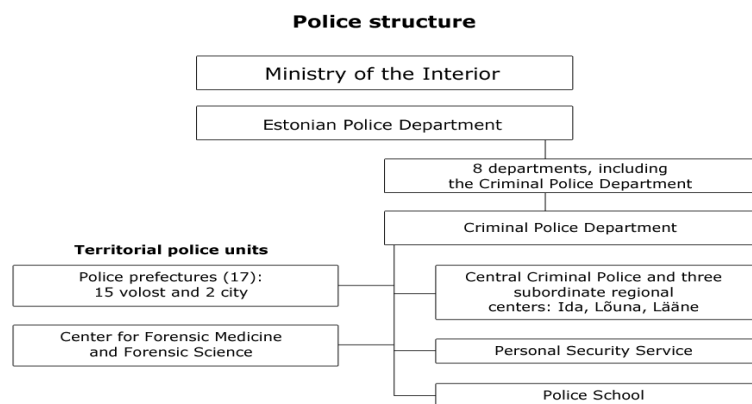
Among the eight divisions of the Estonian Police Board, an important part is also assigned to the internal security police. This is a government agency within the Police Department. The Internal Security Police guards the President of the Republic, the Chairman of the State Assembly, the Prime Minister and officials on behalf of the Government, and ensures the guarding and protection of government facilities (Police Act, §113).

The Police School is an educational institution under the jurisdiction of the Ministry of Internal Affairs and the Office of the Police and prepares junior and senior police officers on the basis of secondary education.

There is a problem of organizing the management of 17 territorial police units that are part of the Criminal Police Department. Their organizational reform is planned (within the framework of the administrative-territorial reform).

The main tasks of the police, among others, are constantly preventive and repressive measures in the fight against illicit drug trafficking. The police management realizes the importance of this task and takes part in their decision by the actions of subordinate units, providing them with material support.

Chart 3



Source: Constitutions of the CIS and Baltic countries 2016

Figure 3. Police structure

In the field of fighting crime, 1,300 police officers are involved. Not all of them have special training to work in the criminal police. The field of police activity (service authority) is not clearly defined; so many non-criminal police officers can be used to conduct investigations in the area of crime control, as decided by local authorities.

In general, it seems that the fight against crime is given great importance. There is a tendency to reduce the number of police personnel in the field of combating crime in favor of other police services.

The police equipment for the general economic conditions is at a satisfactory level. Computer equipment in comparison with the Central European can be considered good. Independent services and police institutions, including prefectures, are provided with a budget of less than one hundred percent. Budget funds are allocated mainly to the personnel of the police and its material support.

Along with the police, which are a criminal investigation body, there is also a border police inside the country that controls the movement of people and goods across the border, and customs. The competence of customs includes: to carry out control, as well as to conduct investigations related to international trade and drug smuggling. According to reports, there are problems in coordinating the actions of customs and police not only in governance structures, but also in the field. The border police have no statutory right to investigate crimes related to drug trafficking. Except for a few personal contacts, there is no coordination between the border guards and the police.

Conclusions

Having examined the administrative-right status of the police in the Baltic States, it is possible to single out the main problematic issues:

It is necessary to increase the level of safety and social security of police officers. It is desirable that the remuneration of police officers does not come from budgets of different levels and extra budgetary sources, as is currently the case, but only from the federal budget of the countries in question. It is needed to solve questions with the provision of housing and compensation in case of injury or death during the service. Further harmonization of legislation on police with generally accepted principles and norms of international law is also required. Police legislation is increasingly approaching international legal standards.

The international community and the Council of Europe, based on the national experience of different countries, have developed a set of norms and recommendations in the field of crime prevention measures, the perception of which is an important condition for qualitative improvement of police service, implementing it in accordance with the principles of legality, humanism, respect for human rights and freedoms and the citizen. It is necessary to improve the mechanisms of public control over the police institution. It is necessary to work out such criteria for the work of law enforcement officers, who would not push them to abuses associated with gross violations of the rule of law. In this regard, public control must penetrate into activities related to the inspection of law enforcement officers on the polygraph detector, which is gradually being introduced into the practice of working with personnel.

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