

THINKING ABOUT 'POLICIYA V SHAGOVOI DOSTUPNOSTI': SKETCHING THE COUNTOURS OF POTENTIAL BARRIERS TO IMPLEMENTATION

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In 2020, Kassym-Zhomart Tokayev, announced in his Address to the Nation the transition to the 'service police model'. *Policiya v shagovoidospupnosti* is based on the idea of local police working close by and with its community. Within this model, two elements stand out. First of all, police stations should be located close to their community. Second of all, bobby on the beat is seen as the manager who mobilises local knowledge and resources in solving community problems. One must point out that this idea is not new. It echoes a community policing model that emerged in the UK in the late 1990s when the British government decided to use law and order rhetoric to appear trustworthy and worth voting. It was a new way of coming across as credible in the eyes of the public.

This model has now migrated to Kazakhstan, and before it is implemented on the ground, one should look at the pitfalls and experiences of other states who embraced the practice. Such awareness is paramount. Knowing risks means identifying them and addressing them at the earliest stage to translate the theoretical model on the ground successfully. However, before one engages in critical analysis, community policing needs to be clearly defined.

Community policing is based on the idea that state police, in partnership with the local community, directs its resources for the most recurrent concerns in the area. If the state is to be responsive to local problems, officers need to be given flexibility in accomplishing their jobs within the model of community policing. Instead of following rigid protocols, officers will have to be creative in their responses to what residents perceive to be essential crime-related issues [1]. That means a need for a frequent connection between residents and the state. Frequent and sustained communication between community members and a patrolling officer is the defining feature of the model. In practice then, the officer cannot assume the power for the decision-making process. Instead, responsibilities become shared as interaction moves onto an informal level [1]. The officer is no longer a figure who merely responds to calls for help. He becomes an active community member who is actively engaged in foot patrolling to identify and early prevention of escalating problems. In such a context, the officer is no longer an authoritarian figure; instead, he continually demonstrates 'soft skills' in his interaction with the locals.

A partnership between the state and citizens can take various forms. First of all, one needs to introduce the practice of bobby on the beat. That is to say, a permanent circle of police officers patrol is allocated for the same district. Their proximity to the residents is paramount for that reason mini-offices are set up neighbourhoods [1]. However, those stations are not locations where state actors merely wait and expect to be called out. Instead, constant foot patrols are instituted, whereby policing bodies establish permanent contacts with community organisations to maintain a pleasant image of the area beyond mere monitoring. Thus, this engagement with maintaining a positive area image in community policing is the key to building trust between the state and its citizens.

To some extent, community policing reflects the work of Wilson and Kelling (1982), who build on Newman's positive area image concept through their 'Broken Windows' theory [2]. It states that small signs of anti-social behaviour can create a general perception that disorder is acceptable. Such an attitude, in turn, inadvertently attracts more chaos. At the core of the theory is an assumption that people read environments. By paying attention to the negative image of the area, offenders see areas that lack control. If a negative perception prevails, then more nuisance will occur, thereby further reinforcing the impression that a place is not cared for, inadvertently leading to more crime. For this reason, Wilson and Kelling (1982) argue that it is crucial to maintain a positive area image, with any signs of disorder dealt with at the earliest stage [2].

Thus, it is precisely at this stage, where community police officers step in. Their job is to deal with the disorder at the local level. And such disorder can take many forms in the eyes of the residents. For some, it could be noisy neighbours, while it could be constant littering or dissatisfaction with local cleaning services for others. Within this approach, policing officers also engage in by-law enforcement, parking infringements, and disorder prevention. Whatever issues community members might perceive as problematic become an objective reality for the state actors.

For that reason, such an approach cannot be built in a top-down manner. It is not merely an addition to an already existing traditional policing structure. It is an entirely new way of carrying out policing functions. One does not merely build a few stations in a neighbourhood and fill them up with permanent staff. Instead, a new mentality should emerge whereby all police members are continuously committed to building a working partnership with community residents.

For that reason, many proponents of COP state that organisational reform is unavoidable. In this model, police organisational structure is flattened through eliminating some mid-level positions. The paramilitary command structure of policing gives more power, authority and responsibility to the officer on the beat [3]. Command and control way of organising police force gives way to more advisory and empowering form of communication. As a result of this, officers receive support from the senior ranks; they are permitted to make mistakes and given the autonomy to find solutions through partnership with citizens. Those senior in command do not impose organisational changes; instead, they continuously undergo soft skills training alongside their junior colleagues.

Chappel and Lanza-Kaduce (2004) suggested that community policing involves different structures (decentralisation, flattening of the layers of hierarchy, less specialisation, teamwork, and hiring civilian employees), management changes (including coaching, mentoring, empowerment of line officers, and selective discipline), and the collection and utilisation of more information (including the use of community surveys, performance appraisals, program evaluations, information systems, crime analysis, and geographic information systems) [4; 9]. Therefore, in order for community policing to be successful, administration and management must be on board—from recruitment, selection, and training—to supervisors' expectations and the measures of officer productivity. In short, the move toward a community policing model is an exercise in extensive change management [4, p.83-84].

By no means, however, community policing should be seen as a soft way of policing. Policing actors do not merely turn into social workers, who babysit local community members. They do not cease making arrests. Reactive policing remains intact. However, putting people behind bars is no longer the only tool. Security nodes now must possess various technologies in translating the service model of police on the ground. Stenning (2000) compares security technologies to a worker's toolbox – full of tools to assist security personnel in doing their work. He lists four different kinds of techniques that private security may rely upon. These are 'physical and technological tools (such as guns, batons, handcuffs, cars, sirens, computers, and surveillance devices), legal tools (powers to arrest citizens, or search them), 'symbolic' tools (such as the status of their office, the power of the uniform), and personal tools (physical strength, build, verbal skills, personal charisma)' [4, p.330]. Furthermore, it is precisely symbolic and personal tools that actively play in the interaction with community members.

Thus, beyond the need for organisational changes, one also has to consider the attitudes of police officers as a vital factor in the successful implementation of the community policing strategy. One of the studies that have evaluated officers' perception of community policing found some negative results. Security actors were unwilling to accept the changes due to lack of soft skills, knowledge and training. For them, service work was not seen as real police work[5]. The police force is traditionally associated with crime-fighting and law enforcement. It requires toughness, strength, assertiveness and risk-taking behaviour[5]. Hence, it stands in stark contrast to community policing ideals, where power-sharing, soft skills and service-oriented mentality

predominates. COP model somewhat undermines ideals of masculinity. The ideal community police officer has a social-worker orientation, as there is an emphasis on cooperation, power-sharing and the maintenance of connections [5]. Moreover, these feminine ideals give way for resistance in the ranks, resistance by police managers, and resistance by police units. For that reason, one has to critically think about expanding the roles of women in service orientated police work.

The other reasons for disregard of community policing stem from the measurements of police effectiveness. If one were to introduce community policing model on the ground, it is vital to update performance measures to reflect such a model's ideals. Behavioural change in officers' attitudes can be nudged by tying them to appropriate performance evaluation criteria, as they send a message about what is vital in an organisation [6]. Unless there is no link between performance indicators and the officers' daily work, it is likely to be disregarded in practice. For that reason, one has to work on setting clear mission statements and goals that are indispensably linked with the values of service orientated policing[6]. However, even if the missions and targets come spelt out, they might stay at the paperwork level if there is no adequate training.

Interestingly, one of the most frequently discussed barriers to the service model of policing is a lack of soft skills training. Even in the UK, where effort in 90s was made to move towards a community policing model, little time has been allocated to appropriate training. State police is traditionally associated with force. The state tends to claim a monopoly on the legitimate use of physical force within its territory. Such belief is clearly reflected in practice with lots of training hours in the field being allocated to law enforcement and crime-fighting exercises. Thus, without the provision of adequate training, policing actors are likely to misunderstand the principles of community policing and lack the skills in translating the ideals into an efficient practice [7]. Hence, if one were to implement a service-oriented approach to policing, it must emphasise the mastery of technical skills and empowerment. Trojanowicz and Bucqueroux (1994) argue that 'this philosophical shift has profound implications for everything that is taught in training, from the academy, through field training, to in-service training' [7, p. 57].

The authoritarian approach to policing does not teach communication skills. Rigid training does not impart on someone the critical thinking and problem-solving skills. It only teaches the discipline and instils fear of senior in command. Skills in community-oriented policing are fundamentally different from traditional policing model. Use of firearms, search procedures and performing an arrest has very little to do with service-oriented police philosophy. COP does not stem from inflexible rules, law, commands and procedures. It has little to do with law enforcement practices. For that reason, there has to be a fundamental shift in how new police recruits are educated. Introduction to basic human psychology, behavioural sciences, ethics, minority rights, problem-solving, and communication skills should become the new guide for fresh recruits. For that reason, if a service model of policing is to be taken seriously and more from paper to the ground, one has to devise methodologies in the way state recruits are educated on a mass level. Effective community policing requires a unique combination of physical, cognitive, emotional, and interpersonal skills, not merely knowing how to enforce a law and process an arrest.

To conclude, before one implements the police force reform, serious considerations should be given to several practical aspects. First of all, social engineers have to consider how the police organisation's current command and control structure can incorporate decentralised and less specialised models based on soft skills. Secondly, if structural changes were to occur in the state police, one must reflect on practices that would help change police officers' mentalities concerning service-based models. Resistance towards new reforms are expected if they do not match masculine ideals of what the police should be like. For that reason, COP ideals and principles must be linked to the performance measurement indicators to prompt an organisational change. Lastly, one must make changes in training. Alongside technical skills, there should be more emphasis on developing practical communication skills in recruits to translate COP model on the ground successfully.

References:

1. Hunt, J., Moore, L.W, Hayes, L.W., Lubitz, R. L. (1997). Community oriented policing. Centre for urban and regional studies, The University of North Carolina at Chapel Hill.pp. 1-92.
2. Wilson, J., &Kelling, G.(1982). Broken windows. Atlantic monthly, 249(3), 29-38.
3. Chappell, A. &Lanza-Kaduce, L. (2004). Integrating sociological research and theory with community oriented policing: bridging the gap between academics and practice. Journal of Applied Sociology, 6(2), 80-98.
4. Stenning, P. (2000). Powers and accountability of private police. European Journal on Criminal Policy and Research, 8(3), 325-352.
5. Roberts, J. W. (2018) The perception of community oriented policing from a law enforcement organisation's perspective. *College of Education*, pp.1-00.
6. Parsons, T. (2021). Community policing: often advocated, rarely practiced. In Nolan, J. J., Crispino, F., & Parsons, T. (Eds.). (2021). *Policing in an Age of Reform. Palgrave's Critical Policing*, 33-49.
7. Trojanowicz, R., &Bucqueroux, B. (1990). Community policing: A contemporary perspective. Cincinnati, OH: Anderson
8. Cordner, G. (2001). Community-based policing. In R. Dunham & G. Alpert (Eds.), *Critical issues in policing* (pp. 493-510). Prospect Heights, IL: Waveland.
9. William V. Pelfrey Jr. (2004) The inchoate nature of community policing: Differences between community policing and traditional police officers, *Justice Quarterly*, 21:3, 579-601

ОСОБЕННОСТИ ДЕЯТЕЛЬНОСТИ ПРАВООХРАНИТЕЛЬНЫХ ОРГАНОВ ПО ОБЕСПЕЧЕНИЮ И ЗАЩИТЕ КОНСТИТУЦИОННЫХ ПРАВ И СВОБОД ЧЕЛОВЕКА В УСЛОВИЯХ КРИЗИСНЫХ СИТУАЦИЙ

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Демократизация государственной власти означает прежде всего формирование такого режима взаимоотношений граждан и организаций с субъектами власти, который благоприятствует обеспечению прав и законных интересов личности. Формированию и развитию гражданского общества. Такой режим необходим во всех областях социальной, жизни, но особую значимость он имеет во взаимоотношениях граждан и организаций с такими государственными органами, которые имеют дискреционные полномочия, прежде всего это органы внутренних дел. Закон строго регламентирует эти полномочия, но этого еще недостаточно. Важно то, как они осуществляются в общественной жизни. Функционирование гражданского общества в Республике Казахстан использует различные формы выражения мнений: референдум, митинги, демонстрации, шествия, СМИ, обращения в органы государственной власти. Однако, практика показывает, что и в случаях использования указанных средств бывают ситуации, когда такие действия признаются незаконными (несанкционированными, например).

Терроризм и стихийные бедствия, государственные перевороты и межнациональные конфликты, эпидемии и эпизоотии не могут не представлять опасность для государства с любой формой государственной власти и управления, политического режима и религиозной направленности. Тем более актуальны данные проблемы в условиях недостаточной подготовленности органов государственной власти и местного самоуправления к экстренному и интенсивному реагированию на них в условиях чрезвычайной ситуации, зачастую обусловленной действием не одного, а целой совокупности вышеназванных факторов. Режим чрезвычайного положения имеет целью обеспечение защиты прав и свобод граждан, а также конституционного строя государства