



Lithuanian Law enforcement Officers on Aspects of Citizenship

Litovskí úradníci činní v trestnom konaní o aspektoch občianstva

Vaiva ZUZEVIČIŪTĖ¹

¹ Mykolas Romeris University

The manuscript was received on 17. 10. 2020 and was accepted after revision for publication on 01. 12. 2020

Abstract:

This paper presents some data from an empiric study carried out in Winter-Spring 2019, which was a presidential election and election to municipalities year in Lithuania; therefore, respondents had immediate and recent insights into issues related to citizenship. Almost 300 respondents: law enforcement officers, the absolute majority being police officers or future police officers, also representatives of other law enforcement agencies, such as state border guards, participated in the study. Due to ample data, a part of results was presented in a publication in 2019; in this paper in 2020 other part of results is analysed to a greater depth. Notwithstanding the limitations of the study, which is related to the convenience sample, the results provide certain insights, useful for educational settings. The findings of empiric survey enabled conclusion about the need to address issues of citizenship education in educational settings in order to support officer's nearly impossible quest towards perfection in one's profession via emphasising the rights and entitlements an officer legally has as a citizen, as a member of democratic society, which may contribute to having a more rewarding professional and social life.

Keywords: law enforcement officer, paradoxes, politics, citizenship; citizen

Abstrakt:

Tento dokument predstavuje niektoré údaje z empirickej štúdie uskutočnenej v období zima - jar 2019, ktoré boli v Litve rokom prezidentských volieb a volieb do samospráv; respondenti preto mali okamžitý a nedávny prehľad o otázkach týkajúcich sa občianstva. Na štúdiu sa zúčastnilo takmer 300 respondentov: policajti, z ktorých absolútnu väčšinu tvoria policajti alebo budúci policajti, tiež zástupcovia ďalších orgánov činných v trestnom konaní, ako napríklad príslušníci štátnej hranice. Z dôvodu dostatku údajov bola časť výsledkov predstavená v publikácii v roku



2019; v tomto dokumente v roku 2020 sa podrobnejšie analyzuje iná časť výsledkov. Bez ohľadu na obmedzenia štúdie, ktoré súvisia so vzorkou pohodlia, výsledky poskytujú určitý prehľad, užitočný pre vzdelávacie prostredie. Zistenia empirického prieskumu umožnili dospieť k záveru, že je potrebné zaoberať sa otázkami výchovy k občianstvu vo vzdelávacom prostredí, aby sa podporila takmer nemožná cesta dôstojníka k dokonalosti povolania zdôraznením práv a práv, ktoré má úradník ako občan ako člen demokratická spoločnosť, ktorá môže prispieť k obohacujúcejšiemu profesionálnemu a spoločenskému životu.

Introduction

Law enforcement – at least in contemporary discourse – is related to a political neutrality, which in many cases is indicated in legal stipulations of modern state's legal system. However, the neutrality is more complex as it may seem. It is associated to participation in certain political processes, such as participation in party's activities, rather than to other processes, namely, a right of a citizen to participate in choosing one's preferred political power via voting. That is, a contemporary law enforcement officer in a democratic state is prohibited in participating in certain political processes, whilst he or she is encouraged in participating in other; he or she is prohibited in shaping political landscape via creating landmarks, and yet he or she is encouraged to do just that by deciding which of the offered landmarks would stay (at least until the next election iteration). As so much in contemporary life is complex, so is law enforcement officer's political neutrality and living a life of a citizen.

The **purpose** of this paper is to present some of the data of the empiric study completed in 2019 and provide interpretations in the light of theoretical and legal considerations. A part of the results was already presented elsewhere [4]. In this paper, therefore, further the elaboration of theoretical findings and other parts of empiric data is presented.

Methods of theoretical critical analysis and the questionnaire (for an empiric study (survey)) were employed for the development of this paper.

1. Law enforcement: paradoxes, politics and citizenship

As [1] put it bluntly, a statement that law enforcement, particularly, policing is not political is profoundly a self-negating statement. Let us analyze the term 'law enforcement': the very word 'enforcement' immediately incorporates 'force'. The very reason for a state to have law enforcement institution is to use force in order to achieve certain (very important!) goals in society; however, whenever 'force' is involved, so is politics. Authors identify two main paradoxes in association with law enforcement.

Firstly, law enforcement (police) use force (in many cases: physical) to preserve order, public peace. Using force, they argue - is a morally dubious approach, however, once it is necessary to preserve peace, we, as a contemporary society, give our consent and even expect that, moreover, we, tax payers, pay for exactly that.

Secondly, authors argue, that police provide just a fraction of influence necessary to guarantee peace and order in society (that is to some or major extent: 'policing'). Author of this paper (Note - VZ) will argue, that law-enforcement/police for preservation of peace, law and order, is essentially, the last resort measure. In a way policing (if we define the term 'plicing' as preservation of law, order and peace in

society) is also performed by a whole array of other institutions, such as education, mass media, neighborhoods, that is, all the institutions that in some way perform social control over our behavior. ‘Policing’ aspect of their activities is more evident while analyzing certain institutions (e.g., media), than the others; nevertheless, it is there. Let us analyse media. It has the separate distinct branch of ‘investigative journalism’, which is praised nationally and internationally, when plots, corruption schemes are disclosed. Unfortunately, sometimes even resulting in journalists being persecuted or even killed, which is still a fact even in contemporary democracies. ‘Policing’ performed by other institutions, such as neighborhoods is less evident, and however, even those have their firm voice in establishing either law or moral principles, or both, which was the case in Lithuania, when neighbors reacted to instances of child’s neglect or animal’s suffering. The fact, therefore, that law enforcement in many cases (not all!) is called upon as the last resort measure, after all other less abrasive forms of ‘policing’/social control failed, leads to formulating the third paradox.

The third paradox raises from the fact that overwhelmingly, in majority of cases, law enforcement will be called upon, when there is a threatening emergency in human’s, neighborhood’s life. When we are happy, when we celebrate a birth of a child and go to hospital to congratulate new parents, we do not call police. When something threatening happens, when we get into an accident on the way to congratulate new parents, we call police (and other emergency services).

Analysis of these paradoxes is necessary in order to set parameters of a complexity of a contemporary law officer’s work. Officer constantly operates in disjunction, where the balance is subtle: between too much and not enough force. Between expectations for the presence of police and expectations not to be policed all the time and to be able to exercise one’s rights. Officer is expected to solve (or at least meliorate) our emergencies, and an officer is also expected not to interfere with comforts of our life. Basically, it is almost impossible to be ‘a good’ officer.

Therefore, in educational settings, we really need to reflect upon ways to help officers to construct their interpretation of profession as a realm of rewarding experiences.

One of those is the fact that in democratic states officer enjoys some of the same rights as any other citizen. Though law enforcement – at least in contemporary discourse – is related to a political neutrality, which in many cases is indicated in legal stipulations of modern states’ legal systems, however, the neutrality is complex. Neutrality is associated to participation in certain political processes, such as participation in party’s activities, rather than to other processes, namely, a right of a citizen to participate in choosing one’s preferred political power via voting at all levels of elections. That is, a contemporary law enforcement officer in a democratic state is prohibited in participating in certain political processes, whilst he or she is encouraged in participating in others. While he or she is prohibited in shaping political landscape via creating political landmarks, yet he or she is encouraged to do just that by deciding which of the offered landmarks would stay (at least until the next election iteration). As so much in contemporary life is complex, so is law enforcement officer’s political neutrality and living a life of a citizen.

As it was already discussed above, peace and order in society in many cases is achieved by social control performed by many institutions, based on a list of

unwritten rules that are based on ethical notions of coexistence in a certain territory at a certain historical moment, and in a certain historical context. Stability and accountability are among the several characteristics of the situation when the public order dominates. Obviously, law-enforcement officer has to both know those rules and to help to maintain them in order to contribute to stability.

Lithuanian state legal framework addresses citizenship both in Constitution [6] and in a special act (An Act on Citizenship [7]), however, the direct and straightforward implications and requirements on conceptualisation when notions of police officer - citizenship are lacking. Further on we will demonstrate that the missing link rather takes a form of terminology, as opposed to the contents and the essence of the concept.

The purpose of the Code of Ethics of Police Officer [8] in Lithuania is to stipulate guidelines for an ethical behaviour of a police officer. The Code was developed, and is reflected in many stipulations outlined in the Constitution of the Republic of Lithuania, The Act on the Statute of Internal Service [11], the Act on Police Activities [9] and other legal and strategic documents, adopted by the Seimas of the Republic of Lithuania and discussed internationally (e.g., at the level of the EU, the Charter of Police Officers and the Code of Ethics of Police Officers) [5]. The Code underscores that service in police is based on the main principles of ethics of the profession, namely respect for an individual and a state. Principles of justice, honesty, responsibility, objectivity, transparency, also, respecting human rights are underscored numerously.

There is a stipulation that a police officer should not express personal political preferences, at the same time, which is most important for the focus of this paper, there is also the stipulation that a police officer is entitled to almost all of the same rights and freedoms as any citizen. Most importantly, many requirements for activity of a police officer may be directly related to concept – or rather the contents - of citizenship. Important dimension is timely here: while the citizenship police officers' activities related to citizenship are not directly addressed in many of the legal documents identified, however, it is crucial to note that the term 'citizenship' may not be explicitly used, however, emphasis on the contents, the profound importance of the ideas that are related to the term is immediately clear. Ideas of loyalty to the state and its interests; prioritising the interests of citizens and residents and the state are also emphasised while national security, e.g., in An Act on National Security is discussed [10]. Moreover, legal stipulations require a police officer to relate in a genuine and ethical, reliable and helpful manner to communities, citizens, residents and the state in the Statute [11]. These stipulations are underscored internationally, e.g., respect for human constitutes the core of the values of the European Union (as in Constitutional Treaty, Part III - The Charter of Fundamental Rights, which mainly re-iterated the stipulations in earlier documents) [3]. Surely, the input, full participation of all citizens, including police officers is of utmost importance.

This central statement that is the entitlements of a contemporary law enforcement officer for citizenship was at the core of the empiric study, a survey, the results of which are presented further on. It is important to note that the study was conceptualised, the survey was developed and then implemented as a part of an international study. The questionnaire for this survey was developed by an

international team led by prof. dr. Beata Krzywosz-Rynkiewicz and prof.dr. Anna Zalewska (Poland); it was implemented in several countries. In Lithuania the study was implemented during Winter-Spring of 2019. Almost 300 respondents: law enforcement officers, the absolute majority being police officers or future police officers, also representatives of other law enforcement agencies, such as state border guards, participated in the study. It should be noted that in Spring of 2019 presidential elections and elections to municipalities took place in Lithuania, therefore respondents had recent memories and insights into many aspects (including voting and associated processes) of citizenship and being a citizen.

The limitations of the study: convenience sample was applied; however, the results provide certain insights. Quantitative research strategy was used. The questionnaire for this survey consists of 3 parts. Parts 1 and 2 are related to activities of respondents and Part 3 is related to respondents' assessment of the situation in the country. The questionnaire consists of 44 questions on citizenship, concepts and experiences. Also, the demographic data is requested to be provided. Respondents were invited to share their contributions using the Likert scale: from Definitely disagree - to Disagree- to Rather Agree to Definitely Agree.

Due to the extensive data received, only a part of the results is presented in this paper. Some of the data was already presented elsewhere [4].

2. Results of the empiric study

300 current or future law enforcement officers from all over Lithuania and future police officers (students at the Academy of Public Security at Mykolas Romeris University) were invited to participate in the survey. The survey was carried out as an anonymous questionnaire, with master degree students (Ms. D. Bisigirskienė and Ms. E. Videikė) facilitating access to police officers in service.

286 responses were received. 149 men, and 137 women filled in the survey. 214 of them were police officers, the rest were future police officers, future state border guards students at the Academy. 15 respondents were 18-23 years old; 32 of them were 24-26 years old, and the rest were older than 27.

While asked "Should state institutions (e.g. government, parliament, central offices) be respected?" a majority of respondents (194, which accounts for 68%) expressed their consent. Though percentage seems high, however, having in mind the fact that the respondents represent either law enforcement officers in the service or in studies, the results are somewhat worrying or at least inviting for further considerations.

To the question "Would you participate in demonstrations showing support for the Lithuanian government and authorities in the face of a foreign threat?" only a fraction more than half of respondents (163) answered "rather yes" or "definitely yes" (cumulatively). While expressing their opinions on "Would you join a resistance movement, for example by distributing newspapers and leaflets, in the face of a foreign threat?", a half of respondents answered affirmatively (142). Further more, while answering "Would you fight for Lithuania, for example in the army, in the face of a foreign threat?" less than a half of respondents (138) answered affirmatively. Fig. 1 illustrates results, where frequencies were re-calculated into percentage.

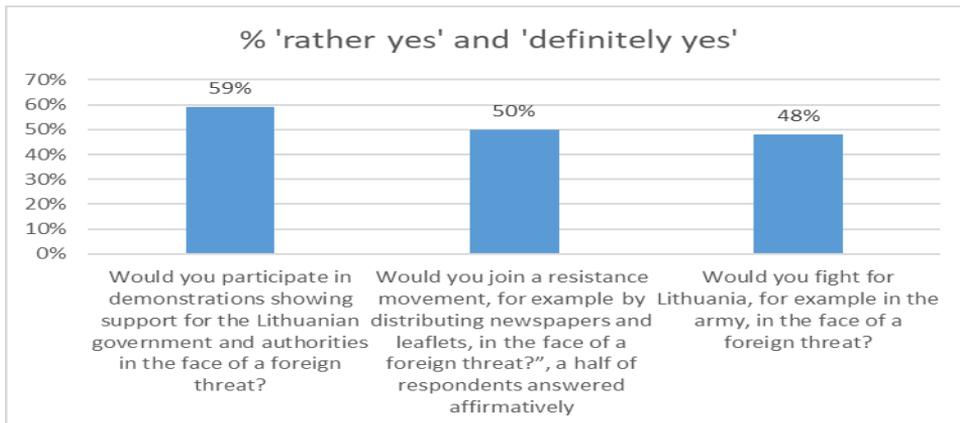


Fig.1. Respondents on stance against threats, in per cent (%)

Source: Author

The results are interesting and call for a more-in depth analysis and interpretation. On the one hand, a criticism towards the methodology of the research instrument is evident. Police officers (or future police officers-students at the moment of carrying out the survey) are expected – that is their direct professional function- to maintain peace within the borders of the state. Thus the external threat may be interpreted as something they never took into consideration. On the other hand, it is still surprising if a general citizen's stance is analysed. As McIntyre [2] put it: "Shared hardships unify nation's citizenry" (p.6); though, seemingly, not in this case.

15 (5.2%) of respondents answered affirmatively to the question "Do you participate in any activities or protests aiming to create social or political change (e.g. collecting petition signatures, putting up protest posters etc.)?", which also, in our context, is a positive indicator. While generally it is expected of all citizens, and especially, of the younger generation to be progressive and change-orientated, the same, however, does not apply to law enforcement officers (students) because of the reasons stated above (requirement for political neutrality).

However, in those dimensions that are related to general interests in state life, which do not necessarily lead to political changes, the respondents demonstrated certain level of interest and concerns, as is indicated in Fig.2.

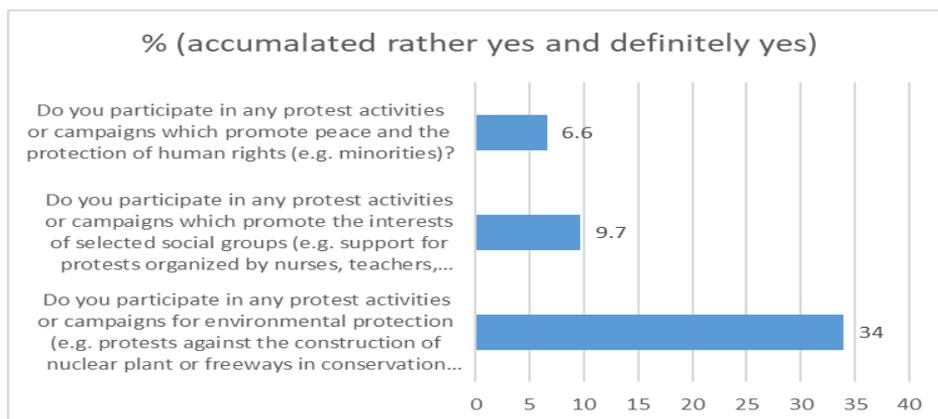


Fig.2. Respondents on their own activities as citizens, in per cent (%)

Source: Author

Interestingly, while one of the main functions of a contemporary law enforcement officer is protection of human rights, out of 19 respondents (6.6%) answered ‘rather yes’ to the question “Do you participate in any protest activities or campaigns which promote peace and the protection of human rights (e.g. minorities)?”, and only 1 respondent answered ‘definitely yes’.

On the other hand, the fact that more than a third of respondents answered positively to the question “Do you participate in any protest activities or campaigns for environmental protection (e.g. protests against the construction of nuclear plant or freeways in conservation areas)?” has certain implications. In the light of the fact that next to the borders of Lithuanian state the new nuclear plant (in Byelorussia), security protocols of which raise multiple concerns, is almost operative, the responses are indicative of young people’s general concern in their own well-being here and now and in the future.

If participation in university’s life is indicative of acting as a citizen in general, the data is non-linear. E.g., only 8 respondents (2,8%) of respondents answered positively to the question: “Do you have an interest in your university affairs, do you edit or read the university newspaper, do you actively contribute to the university’s Internet forum, do you participate in special events?”. The data, therefore, underscores the main focal point of this paper: the fact, that though a law enforcement officer according to legal stipulations must not participate in certain political processes (e.g., be a member of political party), he or she nevertheless is entitled to participate in other political and citizenship orientated activities. Lithuanian respondents seemingly do not use the opportunity to a significant degree. The statement is based on the answers to another question (“Are you a member of any university organizations such as student clubs?”), only 12 respondents (4.2%) answered ‘definitely yes’.

On the one hand the fact that 9 (3.19%) of respondents answered positively to the question: “Do you participate in the activities or are you a member of any university, local or national organization which works for a better future, e.g. scouts, university council, Amnesty International?” is not surprising in the light of responses analysed just above; but on the other hand in this particular case the limitations of a quantitative

approach are especially evident. All 9 respondents chose answer 'rather yes' (while in previous instances the data was given as an accumulative of 'rather yes' and 'definitely yes').

The finding poses an important note for the future: it is necessary to try to find out using qualitative tools, such as an interview, what respondents had in mind. Superficially it would seem one either participates in activities, or one does not; probably, respondents meant their support, may be participation in events organised by those organisations. However, this is strictly hypothesising, because a questionnaire did not ask for a clarification and elaboration, just for an affirmative or negating statement.

Answers to other questions indicate a relatively low level of concern, empathy, generosity, that is, the characteristics, attributed to being a citizen (which also are enumerated among the expectations for a law enforcement officer, as it is indicated in some of the legal documents, such as Code of Professional Ethics). E.g., only 33 respondents answered positively to the question "Do you participate in activities or campaigns aiming to give material support to others (e.g. collections for charity, fundraisers for medical expenses or victims of disasters)?"; 40 answered positively to the question: "Do you participate in activities or campaigns aiming to give non-material support to others (e.g. child and elderly care, volunteer work in hospices, welfare centers or children's homes)?" On the other hand, the fact that Lithuania rarely faces the dramatic or traumatic impacts of natural disasters may to some extent explain the relative non-commit stance. Though 55 respondents agree that they participate in activities organised by university ("Do you participate in any activities or campaigns (e.g. initiated by the university) aiming to improve local living conditions and protect the natural environment (e.g. Clean Up The World, energy saving, waste sorting)?").

Though – again - the limitations of a quantitative approach are glaringly evident, and the necessity to ask directly respondents on the reasons to the seemingly contradicting answers is clear, however: it may be interpreted in the light of young persons' life realities. Contemporary young person lives in the IT assisted and peer - reinforced social networking, where the activism against climate change is widely spread. The findings, therefore, though respondents are not so active in assisting victims of natural disasters (11% positive responses), but respondents are more active in saving energy (19% positive responses, please, see Fig 3 for the reference (frequencies are recalculated in percent)) may be quite logical and indicative of contemporary young person's structure of life priorities and micro - social system, Fig 3.

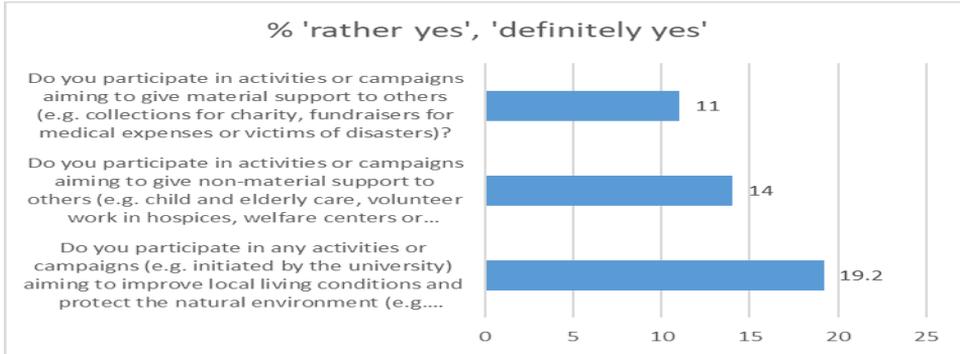


Fig. 3. Respondents on supporting issue, recalculated in per cent (%)

Source: Author

Regarding the general trends in society, respondents assess situation quite positively. Respondents note the improvement of the situation of democracy in the country, because they see increase in the freedom of public discussions for women (almost 17% of respondents) and from men (more than 11% of respondents) during the two years leading to the date of this survey.

Moreover, respondents note more freedom during elections, in society in general, Fig.4.

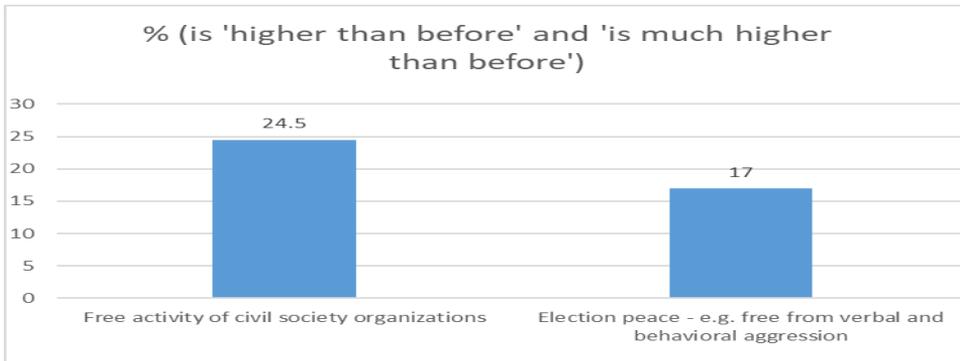


Fig. 4. Respondents on freedom in political arena, in per cent (%)

Source: Author

Some respondents note less negative aspects in societal and political arena, though this might be attributed to the fact that Lithuania enjoys a mature and stable democracy for substantial period of time already, where the negative aspects do not occur often.

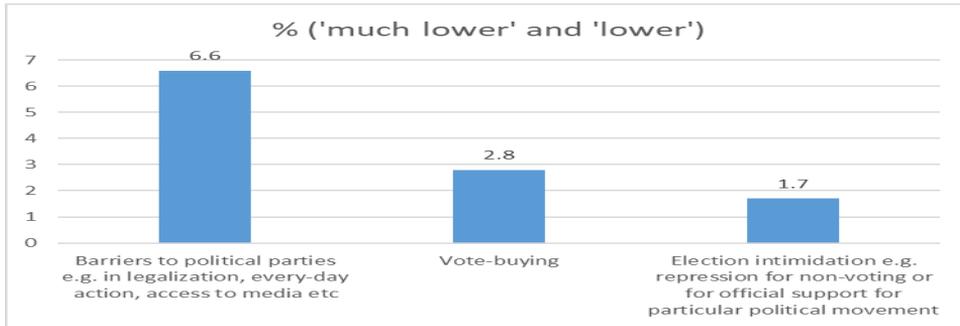


Fig. 5. Respondents on positive changes in political arena, in per cent (%)

Source: Author

Nevertheless, is positive, because respondents also note the lower level of barriers to parties, also the lower level of intimidation during elections, Fig.5.

Conclusion

The theoretical analysis reveals two profound paradoxes of contemporary police officers activities, both of them to some extent negate the statement that law enforcement in contemporary society is non-political. Also, a third paradox was formulated by the author of this paper, namely, that due the fact that law enforcement is called upon overwhelmingly in situations of threat, and is avoided in situation of happiness, an officer almost always operates in the situation of disjunction, where it is almost impossible to be 'a good' officer.

In educational settings it is important to help officers to conceptualise their profession and their life as rewarding, including full-fledged participation in those political processes that a law enforcement officer is legally entitled to participate.

The empiric study, based on quantitative research strategy revealed several issues for concern, though some of those may be clarified or elaborated only if qualitative approach is applied (interviews, focus groups may provide more in-depth insights into some aspects). For instance, while respondents do not demonstrate being active in assisting victims of natural disasters, they, however demonstrate themselves as active in saving energy. Though the findings may be quite logical and indicative of contemporary young person's life structure, the role that IT assisted social networking and trendy themes discussed there have in their life, however, further clarification is needed. Similarly, while one of the main functions of a contemporary law enforcement officer is protection of human rights, only very few expressed concern for the rights of minorities. On the other hand, respondents were quite optimistic about the level of democracy with regards to the rights to express opinions for various groups in society in elections, other aspects.

While summing up the data of empiric study two main conclusions may be formulated. Firstly, the respondents, current or future law enforcement officers do not

generally demonstrate an active involvement into those activities of a citizen and political processes that an officer is entitled to according to the legal framework in the country. Secondly, these findings reinforce the position identified in the beginning of this paper. Namely, the necessity to address these issues in educational settings in order to support officer's nearly impossible quest towards perfection in one's profession. Support via emphasising the rights and entitlements an officer legally has as a citizen, as a member of democratic society may contribute to police officer having a more rewarding professional and social life, especially in the context of the third paradox of professional life, identified in the beginning of the paper.

References

Books:

- [1] BOWLING, B., REINER, R., SHEPTYCKI, J. *The Politics of the Police*. Oxford University Press, Oxford, 2019.
- [2] MCINTYRE DAVID H. *The Imperfection of National Security and Public Safety*. Rowan and Littlefield, Lanham, 2020.
- [3] CINI, M. *European Union Politics*. Oxford University Press, 2007.

Data, reports, thesis:

- [4] ZUZEVIČIŪTĖ V., STEPANOVIENĖ A. *Citizenship and being a citizen: legal stipulations and subjective perspective of police officers = Občianstvo a byť občanom: právne stanoviská a subjektívny pohľad policajných dôstojníkov // Košická bezpečnostná revue = Kosice security revue*. Kosice : University of Security Management in Košice. ISSN 1338-4880. eISSN 1338-6956. 2019, vol. 9, no. 2, p. 64-72.
- [5] Europos policininkų chartija. Vilnius: Rotas 2001.
- [6] Lietuvos Respublikos Konstitucija (Constitution of the Republic of Lithuania), TAR. [Accessed on 11 October, 2020] <https://www.etar.lt/portal/lt/legalAct/TAR.47BB952431DA>.
- [7] Lietuvos Respublikos Pilietybės įstatymas“(An Act on Citizenship), TAR. [Accessed on 11 October, 2019]; <https://www.etar.lt/portal/lt/legalAct/TAR.F628061443C6/EpCCOAvKca>.
- [8] Lietuvos policijos generalinio komisaro 2018m. rugpjūčio 2d. Įsakymu Nr.5-V706 „Lietuvos policijos darbuotojų etikos kodeksas“. LRV. 72 <https://policija.lrv.lt/uploads/policija/documents/files/Lietuvos%2Bpolicijos%2Bdarbuotoju%2Betikos%2Bkodeksas.pdf> [Accessed on 11 October, 2020].

Lithuanian Law enforcement Officers on Aspects of Citizenship
Vaiva ZUZEVIČIŪTĖ

- [9] Lietuvos Respublikos policijos veiklos įstatymas (Act on Police Activities). LRS. [Accessed on 13 September, 2020]; <https://eseimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.111665/kUzjDBCwJl>.
- [10] Lietuvos Respublikos nacionalinio saugumo pagrindų įstatymas (An Act on National Security), TAR. [Accessed on 27 September, 2019]. <https://www.etar.lt/portal/lt/legalAct/TAR.A0BAB27D768C/asr>.
- [11] Lietuvos Respublikos Vidaus tarnybos statutas (A Statute of Internal Service). LRS. [Accessed on 12 October, 2020]; <https://eseimas.lrs.lt/portal/legalAct/lt/TAD/fae39102834511e89188e16a6495e98c/CsrnB Fsosw>.

Author:

¹Vaiva ZUZEVIČIŪTĖ – Mykolas Romeris University, Maironio str. 27, LT-44298 Kaunas, Lithuania, e-mail: vaiva.zuzeviciute@mruni.eu