

# POLITICS OF CRIME PREVENTION IN GEORGIA





# **Politics of Crime Prevention in Georgia**

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## Introduction

Crime prevention has a significant role in the life of a society. Its function is the creation of a safe and secure environment for people. Effective crime prevention policy contributes to avoidance of crime and victimization, also development of strong and vibrant communities.<sup>1</sup>

The present document studies crime prevention politics in Georgia. The document aims to assess how robust the steps taken by appropriate authorities are for changing the established practices of prevention and for their improvement.

According to the Georgian legislation, crime prevention falls under the mandate of law-enforcement authorities. Primarily, preventive functions are assigned to investigative authorities. State bodies engaged with healthcare, education, social, cultural and youth affairs are not much involved in crime prevention. Accordingly, the state adopts a traditional approach to crime prevention concerned only with the criminal dimension of prevention. Such an understanding of prevention is fiercely criticized in the modern literature, as it does not have the capacity to prevent the crime and is primarily concerned with deterrence and punishment.<sup>2</sup> Traditional understanding of prevention erases the line between control and actual prevention of crime.<sup>3</sup>

Contrary to the traditional framework, contemporary models of prevention opt for socially progressive measures of crime reduction, which implies work beyond criminal law and strengthening of institutions responsible for betterment of social conditions and social welfare.<sup>4</sup> Present understanding of prevention in Georgia impedes introduction of interdisciplinary programs against various types and categories of crimes, which could contribute to the rethinking of traditional model of prevention, promote work on causes of crime as related to prevention and help develop socially sensitive policies focused on care.

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1 National Crime Prevention Framework, Australian Institute of Criminology, 2012. available: <https://bit.ly/3DE9PN9> accessed: 29.10.2022

2 Farrington, D.P. and Welsh, B. C (eds) (2012) *The Oxford Handbook of Crime Prevention*, Oxford University Press

3 Lejins, P.P. (1967) *The Field of Prevention*. In Amos, W. E. and Wellford, C. F. *Delinquency Prevention: Theory and Practice*. NJ: Prentice-Hal

4 Farrington, D.P. and Welsh, B. C (eds) (2012) *The Oxford Handbook of Crime Prevention*, Oxford University Press

## Research Methodology

The present document studies the existing crime prevention policy from the lens of realist criminological theories. It briefly overviews the analysis developed in the literature regarding prevention typology and attempts to analyze the existing prevention policy on the basis of such classifications. The document assesses political understanding of crime prevention in Georgia and its development over time. The document discusses the issues of social prevention of crime and critically evaluates the compatibility of the current prevention policy with the constitutional idea of a welfare state.

The research paper assesses prevention strategies of the respective agencies, mechanisms used by them for the purposes of prevention and the initiated models according to the selected theoretical framework. Based on the findings, the paper formulates relevant recommendations for the purpose of establishing a socially sensitive state prevention policy focused on human rights.

Given that according to Georgian legislation, preventive functions are mainly held by law enforcement bodies, issues related to crime prevention in the document are discussed from the lens of the law enforcement system. In addition, although preventive powers are shared by various law enforcement agencies in the country, the document does not cover all aspects of crime prevention and does not consider activities of all responsible agencies in this direction. The study assesses crime prevention issues only from the lens of the police and penitentiary systems. Considering the limited scope of the paper, the research team emphasizes that a comprehensive analysis of prevention policies requires additional research, theoretical analysis, and a different methodology.

The discussion of prevention policy in this document is based on the analysis of relevant legislation and policy documents formulated in the Ministry of Internal Affairs and the penitentiary system. While working on the document, the research team also relied on existing academic sources on crime prevention – literature, articles, and dissertations.

In the course of research, the team requested public information from several agencies. The discussion in the study is mainly based on information provided by the Ministry of Justice, the National Agency for Crime Prevention, Execution of Non-custodial Sentences and Probation and the National Statistical Service of Georgia. The research team was faced with a significant obstacle of obtaining information from the Ministry of Internal Affairs. The organization requested detailed public information regarding prevention from the Ministry. Unfortunately, despite multiple instances of correspondence, no information was provided to the organization in the course of working on the document. The requested information could have significantly contributed to the analysis of the crime prevention policy and findings of the document.

## Findings and Recommendations

While working on the document, several problematic issues of crime prevention in the country were identified. More specifically, the study shows that:

- In recent years, state vision and policy regarding crime prevention have not significantly changed in the country. Prevention is still narrowly construed, merely as part of the law enforcement activities. In addition, use of inclusive, interagency programs is rare;
- State policy documents do not recognize the role of social policy in crime prevention and do not seek rapprochement of criminal law and social policy;
- Despite certain initiatives of the Ministry of Internal Affairs (such as models of community-oriented and intelligence-led policing), the tactics of crime prevention have not changed significantly. The police still uses mechanisms and measures incompatible with the nature of preventive activities to forestall crime;
- The current structure and institutional framework of the police system cannot ensure the effectiveness of intelligence-led and community-oriented policing. Moreover, embedding these models in the current structural and operational framework increases the risks of control and repression in the police system;
- In terms of powers, the proposed version of community-oriented policing deviates from the models operating in developed democracies. The powers of community officers (which was established in Georgia within the framework of community-oriented policing) do not substantially differ from the powers of other units of the police system;
- Legislation establishes uniform powers for employees of different police units. For instance, the uniform functions of an investigator, detective-investigator, assistant investigator of a detective, detective, district inspector and community officer are to participate in public safety and law-and-order measures; to ensure the safety of participants in gatherings, demonstrations, and other mass events; to collect, process information and submit it for inclusion in the daily reports etc. The creation of such an operational framework for community officers impedes the differentiation of this institution from other police units and, accordingly, depletes the idea of the community-oriented policing;



- The state has not introduced a continuous practice of criminological research. Criminological studies are carried out in a fragmented manner, with long time intervals impeding evidence-based policy-making on crime prevention;
- Legal entity of Public Law (LEPL) – National Agency for Crime Prevention, Execution of Non-custodial Sentences and Probation conducted criminological research only twice – in 2015 and 2018. In addition, the agency does not have information about the activities planned and implemented based on the findings of such research;
- It remains unknown to the research team whether a unified criminological study has been carried out by the Ministry of Internal Affairs in recent years. Despite the request of the organization, the Ministry has not provided information on the said issue;
- Crime prevention mechanisms in the penitentiary system are weak. Preventive mechanisms in the penitentiary system mainly relate to minors and are less focused on adults in contact with the system;
- As a rule, preventive measures aimed at adults are fragmented and do not acquire the scale to enable participation of all convicts. In addition, the participation rate of convicts is low even in the measures offered (for example, educational programs), which may be influenced by the subculture established in the penitentiary system.

### **Given the existing challenges, research team believes that:**

- In order to establish effective and human rights-oriented preventive mechanisms, the state should start actively reforming the existing crime prevention policy;
- The state should strengthen its work in the direction of the first and second-level crime prevention. For this purpose, it is important that law enforcement authorities actively cooperate with other state bodies and civil society organizations;
- Criminological studies need to be conducted with reasonable intervals, and the implementation of the studies should have a continuous character, so that the planned preventive policy based on such studies remain relevant to the present situation. It is advisable that policy documents address the issue of crime prevention policy-making based on criminological studies;

- To establish community-oriented and intelligence-led policing, the Ministry should take appropriate steps to strengthen institutional democracy, accountability and transparency;
- Alongside establishment of new models of police activity, it is necessary for the state to start discussing the transformation of the existing mechanisms (operational-investigative activities) and structural units (district inspector's service), which are not compatible with the initiated models of activity;
- The state should review the powers defined for community officers and bring their mandate and activity tactics closer to the models of community-oriented policing in developed democracies. For this purpose, clear differentiation between the functions of community officers from the ones of other police units is necessary;
- The planning and implementation of preventive measures tailored to the characteristics and needs of adults should be activated in the penitentiary system. Special emphasis should be placed on educational and post-sentence employment opportunities;
- It is important that the basis for equal participation in preventive measures is created and participation of convicts are encouraged. For this purpose, the state needs to work towards overcoming the subculture established in the system impeding active involvement of convicts in preventive programs.

**Part I**  
**Concept of Crime Prevention**

## Chapter I Criminological Theories – Realist Criminology (short overview)

### Right Realism

The development of realist criminological theories is related to the need to create an effective crime prevention policy, within the framework of which two ideologically different approaches – right and left realism – have emerged.<sup>5</sup>

Right realism is based on the traditional definition of crime. It denies the importance of socio-economic context in explaining crime and focuses on the idea of crime control and deterrence. More specifically, this approach ignores the connection between poverty and the rise in crime. In this sense, right realism views crime as behavior arising from private, individual causes, rather than an action driven by broader social and structural problems. To some extent, right realism considers the biological foundations of human behavior in its approach, emphasizing the inherent propensity for crime among certain groups and individuals. Within the framework of right realism, the response to crime is based on control and punitive measures.<sup>6</sup>

According to right realism, the rise in crime is related to the breakdown of moral values and social control. According to the followers of this approach, most crimes originate from the lower social classes, which represents a morally poor segment of the society. According to this idea, crime is based on moral rather than economic poverty.<sup>7</sup> Right realism had a significant impact on the formation of crime prevention policies in various countries, which were mainly based on situational prevention methods and characterized by punishment-oriented approaches. The preventive strategy of right realism involves the use of physical protection measures to enhance the safety of the public and the business sector. It is characterized by an intensive presence of the police in the areas, where crime rate is high, as well as by control of the offender and limiting of the physical conditions that enable commission of a crime.<sup>8</sup>

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5 McLaughlin, E. and Muncie, J. *The SAGE dictionary of criminology*, 2013, London: Sage

6 Newburn, T. (2009) *Key Readings in Criminology*, Cullompton: Willan

7 Newburn, T. (2017) *Criminology*, London: Routledge

8 Wilson, J.Q. and Kelling, G. (1982) *Broken Windows*. In Newburn, T. (ed.) (2009) *Key Readings in Criminology*. Cullompton: Willan

Despite its impact on policymaking, literature is critical of the right realism. A major criticism of this approach relates to its failure to address the root causes of crime. For example, right realism does not pay due attention to such social structural factors for human behavior as poverty, inequality, discrimination, and systemic vulnerability.<sup>9</sup> It underestimates the role of power in explaining crime, is overly focused on the rationality of human behavior, and does not pay due attention to official misconduct and similar categories of other crimes.<sup>10</sup>

## Left Realism

In contrast, left realism aims to identify causes of crime and develop effective methods for responding to it. As noted in the literature, left realism is focused on finding a causal explanation for crime, studying the relationship between the defining elements of crime – perpetrator, victim and formal and informal control – and on creating a framework for responding to crime, the so-called the ‘crime square.’<sup>11</sup> The crime framework brings together all the actors who may have a connection to the crime, namely, offender, victim, state authorities and society. A realist perspective on crime control requires responding to all elements of the crime framework that contribute to crime in one way or another, be it unemployment, low levels of community mobilization, ineffective policing, etc.

Left realism deems it necessary to consider crime as a problem and focuses on the possible causes of crime as well as its impact on public safety and order. In this sense, this approach requires crime management policies to be based on the results of crime research at the local level, which will reveal key crime indicators. At the same time, left- realism recognizes the need for the perpetrator to be held accountable in order to protect the victim, and does not exclude the use of situational prevention methods to achieve real results. However, this approach is characterized by the combination of situational prevention and social prevention methods (the difference between situational and social prevention will be discussed in more detail in the next chapter). Such an approach balances out methods and reduces the role of the police in crime prevention.<sup>12</sup>

Whilst right realism tries to maintain social order by deterring crime, in contrast, left realism recognizes the role of social and economic policies in crime prevention. In those

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9 Newburn, T. (2017) *Criminology*, Third Edition, Routledge: New York

10 Matthews, R. (2014) *Realist Criminology*, Basingstoke: Palgrave

11 Young, J. (1986) The failure of Criminology: The need for a radical realism, in Newburn, T. (ed) (2009) *Key Readings of Criminology*. Cullompton: Willan

12 Tierney, J., *Criminology: theory and context*, *British journal of criminology*, 1996, Vol.37 (3), p.473-475

systems where prevention policy was developed following the idea of left realism, this process was considered as one based on social inclusion and inter-agency cooperation (for example, in Great Britain). Left realism is guided by the idea of social prevention of crime, and it deems important that a strategy promoting de-marginalization, inclusion of excluded members of society will be formulated. Alongside limiting the police force, left realism deems it important that policing systems are democratized, community cooperates in crime prevention, and use of imprisonment as punishment is limited.<sup>13</sup>

Left realism is particularly focused on addressing issues of crime and victimization among vulnerable and poor groups. It is often criticized for such a straightforward approach, as it cannot cover all spectrums of crime and is not effective in dealing with crimes dominated by wealthy groups, such as organized, corporate and banking-financial crimes (crimes of the powerful).<sup>14</sup> At the same time, in contrast to radical and critical criminological theories, left realism rejects the idea that some criminal acts (for example, petty theft) can be seen as a reaction to hardship, a way to cope with the limited opportunities offered by social systems. With such an approach, left realism seems to exclude the effects of structural injustice on criminal behavior and resembles the idea of right realism.<sup>15</sup> However, clearly, the tactics of responding to crime differ between them, as left realism is more focused on long-term outcomes, improving the social background and context of crime prevention.

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13 Newburn, T. (2017) *Criminology*, Third Edition, Routledge, New York

14 Walklate, S., *Victimology: the victim in the criminal justice process*, *British journal of criminology*, 1989, Vol.30 (4), p. 522-524

15 Newburn, T. (2017) *Criminology*, Third Edition, New York: Routledge

## Chapter II – Typology of Prevention

### Prevention Levels

Literature provides many different classifications of crime prevention.<sup>16</sup> However, the discussion on the typology of crimes is mainly based on the three-level approach of prevention.<sup>17</sup> The present document does not aim to discuss all three levels of prevention in depth. However, in order to analyze the existing prevention strategies in the country, it is appropriate to briefly review the features of all three levels and discuss the existing models of prevention and the related challenges in light of them.

First-level prevention aims to stop the commission of a crime by changing the existing circumstances. Specifically, first-level prevention responds to the social conditions and situational factors that may lead to crime.<sup>18</sup> Therefore, first-level prevention does not have a defined target group and is entirely focused on the community and changing the environment around it.<sup>19</sup> Prevention of circumstances leading to crime inevitably requires the search for possible causes of crime.<sup>20</sup> Therefore, it can be said that the success of first-level prevention largely depends on the results of criminogenic research of a specific environment, place.

Second level prevention aims at early prevention of crime by working with groups who may face the risk of committing or becoming victims of crime. In this sense, unlike first-level prevention, second-level prevention has a more specific target group. Examples of second-level prevention are often referred to in the literature as community-oriented or community-based programs, such as juvenile crime prevention camps, community-oriented policing, etc.<sup>21</sup> The Justice Reinvestment Program, which aims to reduce incarceration by responding to the circumstances leading to crime also emanates from the second-level prevention.<sup>22</sup> This initiative implies the strengthening of human resources, improving of community cohesion and physical infrastructure in areas with high crime and incarceration rates.<sup>23</sup>

16 Graham, J. (ed) 1987. Home Office Research Bulletin 24: special European edition. London: HMSO.

17 Brantingham, P. and Faust, F. 1976. A conceptual model of crime prevention. *Crime and Delinquency* 22, 284-96.

18 Lab, S. (2010) Crime Prevention approaches, practice and evaluations. Seventh edition. Bowling Green State University, Anderson publishing

19 Newburn, T. and Neyroud (eds) 2013. Dictionary of Policing. United Kingdom: Willan Publishing

20 Gilling, D. (1997) Crime Prevention Theory, policy and politics, London: UCL Press Limited

21 Battams, S., Delany-Crowe, T., Fisher, M., Wright, L., McGreevy, M., McDermott, D. and Baum, F. Reducing Incarceration Rates in Australia Through Primary, Secondary, and Tertiary Crime Prevention, *Criminal Justice Policy Review*, 2021, Vol.32 (6), p.618-645

22 Ibid p.625

23 Fox, K., Albertson, K. and Wong, K.(2013) justice reinvestment: can the criminal justice system deliver more for less? London: Routledge

Third-level prevention responds to an offense that has already been committed to prevent re-victimization. Thus, third-level prevention has a direct target group focusing on individuals who have already committed a crime or have already become victims of a crime. Thus, third-level prevention is the stage where the role of the criminal justice system is at its highest. Accordingly, the role of criminal justice in the prevention process is actively introduced at the last – third-level prevention stage, in the event that the measures taken to prevent the crime at the first two levels are not sufficiently deterrent.<sup>24</sup>

Such a typology of prevention makes it clear that the first level is a turning point in preventing crime. The literature refers to this stage of prevention as the ‘ideal target’,<sup>25</sup> insofar as it is possible to eliminate the circumstances that may lead to the commission of a crime at this level. The literature recognizes that the least effective level of prevention is the third-level prevention, as it does not focus on the possible causes of crime. Consequently, it does not have the ability to improve the environment or social situation and acts only reactively, towards individually defined persons.<sup>26</sup> Thus, third-level prevention may have an effect only narrowly, to a specific individual. In this case as well, its success largely depends on the soundness of the entire criminal justice system and its proper functioning.

## Situational Prevention of Crime

Discussions on crime prevention strategies in the literature are often based on the ideas of situational and social prevention of crime.<sup>27</sup> Situational prevention is a strategy that attempts to reduce the possibility of committing a crime, making it less accessible and consequently ‘unprofitable.’<sup>28</sup> This model of prevention is focused on increasing the possibility of detecting crime, in the event that it cannot be prevented. Situational prevention actively uses traditional methods of responding to crime, and is built on the idea of monopolizing the use of force by the state.<sup>29</sup> Situational prevention uses different methods to protect the target group of a particular crime. This can be the creation of a

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24 Gilling, D. (1997) *Crime Prevention Theory, policy and politics*, London: UCL Press Limited

25 Battams, S., Delany-Crowe, T., Fisher, M., Wright, L., McGreevy, M., McDermott, D. and Baum, F. Reducing Incarceration Rates in Australia Through Primary, Secondary, and Tertiary Crime Prevention, *Criminal Justice Policy Review*, 2021, Vol.32 (6), p.618-645

26 Gilling, D. (1997) *Crime Prevention Theory, policy and politics*, London: UCL Press Limited

27 Newburn, T. (2017) *Criminology*, Third Edition, Routledge, New York

28 Caputo, T. and Vallée, M. Creating Safer Communities for Children and Youth: The Role of the Police in Crime Prevention, *International journal of child, youth & family studies* IJCYFS, 2010, Vol.1 (1), p.78

29 Lieblich, A., Maruna, S. and McAra, L. (2017) *The Oxford handbook of criminology*, Oxford: Oxford University Press



physical barrier for a potential perpetrator or the initiation of social campaigns that urge the public to be cautious and provide specific advice for protection from victimization. Although this preventive strategy may have some role in deterring crime, it works largely through physical and technological protection systems. This method is often perceived as part of policing and carries a high risk of controlling the public, infringing on personal data and private life.<sup>30</sup>

Situational prevention is not only characterized by a high risk of interfering with human rights, but its preventive potential is also limited. This strategy can only contain crime in a specific place and space. According to the prevailing opinion in the literature, situational prevention 'moves crime' to a more favorable environment but cannot reduce it.<sup>31</sup> From this point of view, situational prevention can be counterproductive, especially in poor or economically less developed urban spaces. As the reasoning above showed, situational prevention depends significantly on the infrastructural arrangement of specific places, on appropriate technologies.<sup>32</sup> Access to such infrastructure is limited in poor or economically less developed areas.<sup>33</sup> In parallel, appropriate infrastructure provision, which may have a deterrent effect on crime, does not depend only on state bodies. The said decision may be taken by private persons independently, in order to secure their own space,<sup>34</sup> which to some extent contributes to the privatization of security and increases the risks of access to a physically safe environment. In the context of unequal distribution of resources, reliance on situational prevention methods may further contribute to spatial stigmatization and territorial division in terms of vulnerability to crime.<sup>35</sup>

Despite varying positions in the literature,<sup>36</sup> situational prevention may be effective only if accompanied by coherent policies, which require equal development of urban spaces, introduction of preventive strategies according to the local context, and development of appropriate policing models. Otherwise, within the scope of situational prevention, the

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30 Gilling, D. (1997) *Crime Prevention Theory, policy and politics*, London: UCL Press Limited

31 Newburn, T. (2017) *Criminology*, Third Edition, Routledge, New York

32 Clarke, R. (2021) *Situational Crime Prevention: Theoretical background and Current Practice in: Simpson, D., Jensen, V. and Rubing, A. The City Between Freedom and Security: Contested Public Spaces in 21st Century*, Basel: Walter de Gruyter GmbH

33 Lab, S. (2010) *Crime Prevention approaches, practice and evaluations*. Seventh edition. Bowling Green State University, Anderson publishing

34 Wakefield, A. (2003) *Selling Security: The private policing of public space*. Cullompton, Devon: Willan Publishing

35 Hur, M. and Nasar, J. Physical upkeep, perceived upkeep, fear of crime and neighborhood satisfaction, *Journal of environmental psychology*, 2014, (38), p.186-194

36 Weisburd, D., Wyckoff, L., Ready, J. and Eck, J. Does crime just move around the corner? A controlled study of spatial displacement and diffusion of crime control benefits, *Criminology*, 2006, 549-92

“flow” of crime from economically developed areas to poor, less developed ones will be inevitable,<sup>37</sup> which can be even more problematic under conditions of increasing urbanization.

## Social Prevention of Crime

Social crime prevention focuses on identifying what drives people to commit crimes. Therefore, in contrast to situational prevention, social prevention aims to reduce the possibility of committing a crime and strives to eliminate or change those social conditions, ‘risk factors’ that may lead to crime.<sup>38</sup> Some authors consider poverty, unemployment, marginalization, scarce social, recreational, educational opportunities etc. as such risk factors.<sup>39</sup> Thus, the scope of social prevention is wide and it does not work only through security systems. Social prevention is based on multidisciplinary cooperation and tries to achieve the goal with the tools of social policy. Specifically, social prevention of crime focuses on issues such as housing, family and education, youth labor and employment policies, improvement of health care and education systems to combat drug addiction and alcoholism, etc.<sup>40</sup> Therefore, social prevention includes a wide range of interventions to prevent crime.

In this logic, the idea of social prevention significantly differs from other models of crime prevention. It is a participatory model of prevention based largely on collaboration with agencies outside the criminal justice system.<sup>41</sup> Although the literature emphasizes the limited role of the police in the process of social prevention, this approach does not unequivocally exclude its role in the prevention of crime. However, according to the literature, social prevention requires the inclusion of non-traditional, less repressive policing models in the prevention process, such as community-oriented policing.<sup>42</sup> It is true that social prevention operates through less stringent mechanisms and focuses on

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37 Clarke, R. V. and Weisburd, D. Diffusion of crime control benefits: Observations on the reverse of displacement, *Crime prevention studies*, 1994, 2:165–84.

38 Hope, T. (2001) *Community Crime Prevention*. In Tonry, M. and Farrington, D. (eds) *Building Safer Communities*, Chicago, IL: University of Chicago Press

39 Caputo, T. and Vallée, M. Creating Safer Communities for Children and Youth: The Role of the Police in Crime Prevention, *International journal of child, youth & family studies* IJCYFS, 2010, Vol.1 (1), p.78

40 Graham, J. (1990) *Crime Prevention strategies in Europe and North America*. Helsinki: HEUNI

41 Rossenbaum, D. 1988. Community crime prevention: a review and synthesis of the literature. *Justice Quarterly*, 5, 323-95

42 Hobson, J., Lynch, K., Payne, B. and Ellis, L. Are Police-Led Social Crime Prevention Initiatives Effective? A Process and Outcome Evaluation of a UK Youth Intervention, *International Criminal Justice Review*, 2021, Vol. 31(3) 325-346

social welfare, however, there are also several points of criticism in the literature. Some authors show that social prevention cannot cover all types of crime and all factors contributing to crime. This may be a legitimate criticism, since different types of crime have different determinants. That is why it is important for the preventive policy of the state to be based on effective criminogenic research, which will reveal the crime trends in the country and study its causes.<sup>43</sup>

When discussing the importance of the social prevention model and criminological research in Georgia, it should be noted that at this stage the research team does not have information about the unified criminological research recently conducted by the Ministry of Internal Affairs and its findings. However, based on the information provided by the National Agency for Crime Prevention, Execution of Non-custodial Sentences and Probation, it can be said that in Georgia, the practice of conducting criminological research and designing preventive policies on its basis is scarce. The agency is aware of only two types of criminological studies, which were carried out in 2015 and 2018 with a narrow, specific perspective. Obviously, it is difficult to establish an effective prevention policy based on research of this scale and intensity, given that the preventive policy should be relevant to the current situation. Therefore, it requires intensive monitoring and, if necessary, a change in strategy. It should also be noted here that the Prosecutor's Office of Georgia periodically conducts studies in relation to certain crimes. However, as noted in the methodology, the document examines issues related to crime prevention only from the lens of the police and penitentiary systems. Therefore, the study does not analyze the practices of other law enforcement agencies. This issue requires additional research and analysis.

As early studies and analysis of legislation show,<sup>44</sup> the current crime prevention strategy in Georgia is built more on the model of situational prevention. Prevention mechanisms are embedded in the general framework of policing and law enforcement system and operate through reactive methods, while in the Georgian context, the social prevention may be a more appropriate and effective model in terms of crime prevention, especially in light of the growing poverty rate.<sup>45</sup> As the information obtained within the research shows, currently, the number of subsistence allowance beneficiaries is the highest in the country since 2017 – 177,897 (as of 2017 – 166,046). Compared to previous years, the number of people registered in the unified database of socially vulnerable families (as

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43 Newburn, T. (2017) *Criminology*, Third Edition, Routledge: New York

44 Prevention of Crime - Risk Related to Police Control, Human Rights Education and Monitoring Center (EMC), 2017. available: <https://bit.ly/3UYpiiF> accessed: 04.10.2022

45 Information provided in the correspondence N 7-2241 from National Statistics Office of Georgia dated September 30, 2022.

of 2021 – 350,959), as well as of families receiving subsistence allowance (174,379 as of 2021) and the proportion of the population receiving subsistence allowance in the average annual population (15.8%) have increased.<sup>46</sup>

Alongside the difficult social and economic situation, the problems related to education,<sup>47</sup> healthcare,<sup>48</sup> homelessness, and adequate housing in the country are also critical.<sup>49</sup> In this situation, the state should investigate the impact of the social determinants of crime on the overall criminogenic situation and develop a criminal justice policy that is consistent with the social policy in the country. From this point of view, it is important that the crime prevention policy is revised and defined taking into account the current social situation in the country. The current social situation in Georgia requires a consistent prevention strategy. Crime prevention cannot produce a sustainable, continuous effect only within the framework of situational prevention operating with reactive methods. Therefore, it is important to review the current prevention trends and develop preventive policies within the framework of social prevention.

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46 Ibid

47 Papiashvili, A. and Bejanidze T. Higher Education and Social Justice: Study of Students' Needs, Friedrich Ebert Foundation 2022, available: <https://bit.ly/3CNpoCX> accessed: 10.10.2022

48 Begadze M. Rights and Economic Dimensions of Affordability of Medicines, Social Justice Center (EMC), 2022, available: <https://bit.ly/3F3Mwgr> accessed: 28.11.2022

49 Kashakashvili N. The Notion of a Homeless Person and the Criteria for Determining the Status of the Homeless, Human Rights Education and Monitoring Center (EMC), 2020, available: <https://bit.ly/3EDW-SEO> accessed: 10.10.2022

**Part II**  
**Crime Prevention Policy in Georgia**

## Prevention as a Political Category

As the above account shows, crime prevention is based on different theoretical and ideological foundations and offers various mechanisms of intervention. The multidimensional nature of prevention makes it a politically beneficial category,<sup>50</sup> given that crime is an actual political issue, which may have a significant impact on the style of government management, the formation of social and economic policies in the state. However, the ideologically flexible nature of prevention makes it accessible to any political group. The idea of prevention equally serves both left interventionism based on social policies and right ambitions based on the market and private responsibility.<sup>51</sup> At the same time, crime requires a continuous response from the state, while society demands effectiveness of the state in terms of fighting crime. Thus, prevention can become a political instrument of the government, especially for weak and poor states with a difficult social background and high crime rates. Thus, crime prevention may always be a part of political promises and a mechanism for maintaining the legitimacy of a particular political group. Criticism regarding the political nature of crime prevention is also based on the argument that the government may intensively use reactive preventive methods in order to maintain legitimacy. Such a strategy is a politically beneficial method of management, as it may create an illusion of effective state activity, while in fact, it is not aimed at fundamental social change, and preventive policy can only be successful if it has the capacity for fundamental structural changes.<sup>52</sup>

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50 Gilling, D. (1997) *Crime Prevention Theory, policy and politics*, London: UCL Press Limited

51 Freeman, R. (1992). The idea of prevention: a critical review. In S. Scott, G. Williams, S. Platt, h. Thomas (eds). *Private risks and public dangers*, Aldershot: Avebury

52 Billis, D. 1981. At risk of prevention. *Journal of Social Policy* 10 (3), 367-79

## Crime Prevention and Constitutional Framework of a Welfare State

Regardless of the politically flexible nature of prevention, preventive policy has to be defined within the constitutional framework. Accordingly, state policies that are focused on preserving the capitalist order, maintaining an unequal and unjust social order,<sup>53</sup> may be balanced by the constitutional idea of a welfare state. The idea of a welfare state obliges the state not to carry out policies that will contribute to the continuous reproduction of poverty and inequality.

The Preamble of the Constitution of Georgia declares the establishment of a welfare state as an unequivocal will of the people.<sup>54</sup> By constitutionalizing the idea of a welfare state and social rights, the state undertook the duty to meet the essential needs for welfare and the necessary conditions for a dignified life. Through this constitutional change, a proper normative standard was created, which mandated the state institutions to act within the framework of a welfare state.<sup>55</sup> Despite the different approaches, it should be noted that the results of the adequate realization of social rights are broad and has a significant impact on crime prevention. Moreover, the literature has long recognized the dependence of criminal law, and more specifically crime prevention policy, on social policy. Thus, adequate social policies can combat the social causes that lead to particular types of crime.<sup>56</sup>

Crime prevention within the framework of a welfare state must go beyond the traditional understanding of prevention, which applies it narrowly within the scope of criminal justice. On the contrary, the crime prevention policy should be aligned with the social policy, considering the existing context. From this point of view, it is logical that the policy of prevention should be developed based on social prevention of crime. However, at the same time, it should be noted as well that the idea of social prevention of crime will be able to achieve its goal only if accompanied by a corresponding social policy. It is true that the positive role of prevention policies based on the idea of a welfare state is still controversial with categories such as victimization, perception of crime, fear of crime, however, social policy has an important role in crime prevention, given that so-

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53 Coleman, R. *State, power, crime*, (2009), London: SAGE

54 Constitution of Georgia, Preamble, 1995.

55 Natsvlishvili V. Ghvinianidze L. Eristavi K. Kashakashvili N. The Draft Constitutional Amendments on Social Rights (general part), *Academic Review*, Grigol Robakidze State University, Special Issue, 2017, available: <https://bit.ly/3Ctfyfw> accessed: 03.10.2022

56 Rudolph, M. and Starke, P. How does the welfare state reduce crime? The effect of program characteristics and decommodification across 18 OECD-countries, *Journal of Criminal Justice*, 2020 (68)

cial policies that ensure adequate access to education, health care, and housing prevent the rise of unemployment and has significant potential to reduce crime in the future. Therefore, crime prevention through social policy mechanisms designed for long-term perspectives is a solid alternative to traditional preventive policies.<sup>57</sup>

As stated above, the current crime prevention policy of the state is developed rather on the basis of situational prevention and works less within the framework of social prevention. At the same time, the state social policy fails to adequately respond to the challenges facing the society in various spheres of life.<sup>58</sup> Against this background, the positive impact of social policy on crime prevention is questionable. In addition, it should be considered that in individual cases social policy alone may not be a sufficient mechanism for crime prevention and its effectiveness will be determined by analyzing appropriate individual indicators. However, clearly, the state needs to maintain a balance between situational and social prevention mechanisms, to achieve sustainable, long-term results, and to this end, to strengthen the role of social policy in crime prevention.

Nevertheless, the state may have an argument that the components of social prevention are reflected in the decisions made regarding relevant issues (by legislation, policy documents, etc.). Clearly, work on problematic social issues has some positive effect on crime prevention. However, without rethinking the existing practice of prevention, it is difficult for a fragmented response to specific issues to achieve appropriate results. In order to strengthen the methods of social prevention, besides the change in the preventive policing measures, the state needs to analyze the preventive effect of the individual decisions made or the policy formulated in relation to a particular social issue.

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57 Altamirano, M., Berens, S. and Ley, S. The Welfare State amid Crime: How Victimization and Perceptions of Insecurity Affect Social Policy Preferences in Latin America and the Caribbean, *Politics & Society* 2020, 48(3) 389–422

58 2020 Human Rights Report, Human Rights Education and Monitoring Center (EMC), 2020, available: <https://bit.ly/3CryUet> accessed: 03.10.2022; 2021 Human Rights Report, Social Justice Center (EMC), 2021, available: <https://bit.ly/3SxgIpA> accessed: 03.10.2022



## Prevention in Government Political Programs

Social and criminal justice policies as separate categories were also part of the political program of the Georgian Dream within its ten-year rule. The party's 2012 election program included special emphasis on the improvement of social policy and the formation of human rights based criminal justice policy.<sup>59</sup> Although this program did not directly focus on crime prevention, and even the issues related to criminal law policy mostly pertained to the change of criminal responsibility and punishment policy, the timely implementation of the social policy envisaged by the program could have had a positive effect on crime prevention as well. This line was maintained in the election programs of subsequent years. In the 2016 program, the focus on policing tactics to fight crime was more pronounced. With this program, the ruling party planned to introduce intelligence-led policing in the Ministry of Internal Affairs.<sup>60</sup> The analysis of the program revealed that despite proposing new prevention strategies to the public, its real understanding by the ruling party was still based on the traditional idea of fighting crime. Here as well, the program did not make specific emphasis on crime prevention with social policy instruments. Issues related to the drug policy can be considered as an exception, in relation to which humanization of the policy and provision of access to health services were promised.

The ruling party made a clear statement in the 2020 election program in relation to the crime prevention, in which it promised effective activity of the Ministry of Internal Affairs in this regard.<sup>61</sup> With this passage in the program, it became even clearer that the ruling party perceived crime prevention as a function of law enforcement agencies only. The program focused on prevention only within the framework of the police system. However, the 2020 election manifesto emphasized the introduction and strengthening of crime prevention approaches, such as intelligence-led policing and the expansion of community officers' institution. The strengthening of these directions in crime prevention was reiterated in the policy documents of the Ministry. Guidelines for the development of this kind of preventive strategies were also included in the 2021-2024 Governmental Program.<sup>62</sup> In parallel, the Minister's order also approved the strategy of police activities based on the analysis of 2021-2025 years.<sup>63</sup>

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59 Political Party - 'Bidzina Ivanishvili – Georgian Dream' Election Program, 2012, available: <https://bit.ly/3C7jXwR> accessed: 05.10.2022

60 'Georgian Dream – Democratic Georgia' Election Program, 2016, available: <https://bit.ly/3e7mdfD> accessed: 05.10.2022

61 'Georgian Dream – Democratic Georgia' Election Program, 2020, available: <https://bit.ly/3e8eHBe> accessed: 03.10.2022

62 Government Program 2021-2022 'Building an European State' 2020, available: <https://bit.ly/3SUsjPl> accessed: 05.10.2022

63 Order N1/258 of the Minister of Internal Affairs of Georgia dated July 11, 2021 'On Approving 2021-2025 Strategy of Developing Intelligence led policing (ILP)'

## **Part III**

# **Prevention within Police and Penitentiary Systems (analysis of legislation and policy documents)**

# Chapter I – New Models of Policing in the Georgian Context and their Impact on Prevention of Crime

## Intelligence Led Policing

The development of intelligence-led policing (ILP) in Georgia aims to improve crime prevention and response.<sup>64</sup> The strategy approved by the minister's order recognizes that traditional models of policing, which operate with reactive measures, cannot respond to the current challenges. The lack of proactive methods impedes the effective prevention of crime. In order to achieve the set goal, the strategy developed by the Ministry deems it necessary that analytical activities of the Ministry are optimized, human resources and software are developed, appropriate regulatory framework is created. In terms of the legislative framework, the strategy has an interesting finding in that it acknowledges the problematic nature of existing legislation on operative investigatory activities and policing and highlights their ineffectiveness in terms of crime prevention.<sup>65</sup>

According to the strategy, the model will be considered successfully introduced if, as a result of intelligence-led policing, the level of crime will be reduced, the preventive approach and the quality of management and coordination at the local, regional and national levels will be strengthened. In parallel, the Ministry of Internal Affairs considers the improvement of the quality of investigation and operational activities as one of the main indicators of successful implementation of the strategy.<sup>66</sup>

It is difficult to thoroughly discuss the peculiarities of the Georgian version of this model, its structural arrangement and functional role at the level of strategy. Evaluation of these issues requires that the development of ILP is monitored and its legislative regulation in the subsequent period is analyzed. However, at the initial stage, it can be noted that the introduction of modern models of policing is a necessary condition for changing the traditional police activity with democratic models. In parallel, the establishment of intelligence-led policing in Georgia is recognized as one of the important components of European integration and a tool for fighting an organized crime. In this regard, development of an appropriate vision and emphasis on strengthening the new models in policy documents is a strategically important issue. However, it is decisive which framework the state will choose and how democratic the

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64 Ibid, p. 2

65 Ibid, p. 31

66 Ibid, p. 4

police system is for proper implementation of these models. In states with fragile institutional democracy, where the issues of police accountability, trust and legitimacy are especially challenging, the effectiveness of modern models of policing is questionable. In such cases, establishment of new models will not have the capacity to change the conventional practices and will only strengthen the undemocratic practices of policing.

The idea of intelligence-led policing has emerged in the UK, with the aim of focusing on active and recidivist offenders to prevent them from re-offending through information-gathering and analysis. Based on the analysis of the information received from different sources, the police determine the tactics of policing in relation to a separate target group. Given its nature, the performance of this type of policing is significantly dependent on exchange of information and cooperation between agencies, and inter-agency resolution of crime-related issues at the local and regional levels.<sup>67</sup>

Despite the fact that in different systems parallels are often drawn between intelligence-led, problem and community-oriented policing, the literature has been critical of this approach.<sup>68</sup> Academic works point out that considering these models in one perspective is incompatible with their nature.<sup>69</sup> Whereas community-oriented policing strategies are based on local needs, intelligence-led policing is more hierarchical in nature and determines action strategies based on an analysis of a criminal environment. Accordingly, local needs and community demands may be excluded from its scope. Therefore, the preventive mandate of intelligence-led policing still operates narrowly, within the framework of situational prevention, and does not aim to respond to the social factors leading to crime.

Furthermore, this type of a policing model has a high risk of interfering with human rights. Its key mechanisms are confidential informants and eavesdropping. The biggest criticism in the literature towards this kind of policing activity is related to the tactics of its implementation. It is true that the use of such tactics in the police system is traditionally widespread, but it calls into question the ethics of police activity and threatens its legitimacy.<sup>70</sup> In parallel, it is also recognized that in specific cases recourse to such models may be an unavoidable necessity. In this case, the strong institutional democracy is the precise mechanism that should balance out the threat posed by intelligence-led policing tactics.

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67 Ratcliffe, J.H. (2009) Intelligence-led policing. In Wakefield, A. and Fleming, J. *The SAGE Dictionary of Policing*. London: SAGE Publications Inc

68 Tilley, N. (2003) Community policing, problem-oriented policing and intelligence-led policing. In T. Newburn (ed.), *Handbook of Policing*. Cullompton, Devon: Willan Publishing

69 Ratcliffe, J.H., (2009) Intelligence-led policing. In Wakefield, A. and Fleming, J. *The SAGE Dictionary of Policing*. London: SAGE Publications Inc

70 Ratcliffe, J.H. (2009) Intelligence-led policing. In Wakefield, A. and Fleming, J. *The SAGE Dictionary of Policing*. London: SAGE Publications Inc

In the case of Georgia, the fragile institutional situation is not the ground for the model's criticism. In this case, the model is to be analyzed contextually in view of the current legal framework and culture of policing in the country, also the traditional understanding of crime prevention. Against this background, when crime prevention is mainly perceived as a field of police activity under the model of situational prevention and is carried out using intrusive mechanisms,<sup>71</sup> the introduction of this model will reinforce the existing approach and expand the control mechanisms in the hands of the police. In parallel, intelligence-led policing measures are somewhat similar to operational investigative measures, which the police use almost daily and for all purposes of policing (whether investigative or preventive).<sup>72</sup> Considering that the state has not yet shown a clear political will to review operative investigative activities and to replace it with democratic mechanisms,<sup>73</sup> intelligence-led policing may become an additional tool of control in the police system operating under the guise of modern democratic policing. On the other hand, the state may properly use these models, may create an institutional basis for the use of modern policing techniques and begin work on replacing operational activities with democratic models. From this point of view, it should be considered promising that the strategy noted the need for revision of the existing legislation on operative investigative activities and policing and for aligning them with the European Union standards. This statement is an important pronouncement for transforming the existing policing practices. Therefore, it is necessary to monitor the process and critically analyze the steps taken by the state in this direction.

## Community-oriented Policing

The same logic of criticism can be applied to the proposed model of community-oriented policing. The Georgian model of community-oriented policing, within which the Institution of Community Officer was created, aims to strengthen the preventive functions of the police.<sup>74</sup> The competence of a community officer includes issues such as: responding to problems and challenges related to minors, domestic violence, neighborhood disputes, illegal migration, vulnerable groups. The functions and duties of community officers also include: planning and implementation of measures focused on crime

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71 Crime Prevention - the risks of policing, Human Rights Education and Monitoring Center (EMC), 2017, available: <https://bit.ly/3yqKHra> accessed: 04.10.2022

72 Operative-Investigation work in Law Enforcement Agencies, Human Rights Education and Monitoring Center (EMC), 2019, available: <https://bit.ly/3C3q7hH> accessed: 04.10.2022

73 It should be considered promising that reform of operative activities is mentioned in the Order N1/258 of the Minister of Internal Affairs of Georgia dated July 11, 2021 'On Approving 2021-2025 Strategy of Developing Intelligence led policing (ILP)'

74 Statement of the Ministry of Internal Affairs dated February 23, 2022, available: <https://bit.ly/3fiHYdb> accessed: 01.11.2022

prevention; collection, systematization and initial processing of information; proceeding the administrative offense cases; responding to the crime witnessed in the act.<sup>75</sup>

Although the models of this type of policing vary across countries, according to state structure, organizational form, leadership method and other characteristics, it is based on common ideas and principles in almost all operating systems. It can be said that among the models of policing, this one is most focused on crime prevention. In parallel, its effectiveness depends on the ability of the police system to align its activities with public needs and to actively cooperate with members of the local community, state and other bodies.<sup>76</sup>

The success of this model of policing in different systems was determined by close cooperation with the community, focus on their needs and the social factors causing crime at the local level. Considering this experience, it can be said that, unlike other models of policing, the main characteristics of this one are citizen involvement, focus on social problems and organizational decentralization.<sup>77</sup> Accordingly, community-oriented policing has the potential to operate within the framework of social prevention of crime and to have a positive impact on initial levels of prevention. However, it is necessary that the state creates an appropriate legal framework for this.

At first glance, in comparison to other structural units, Georgian legislation puts particular emphasis on preventive powers in defining the activities of community officers. This tendency is important on its own and highlights the basic idea of community-oriented policing. Also important is the fact that the legislation allows the possible cooperation of this unit with other agencies in order to plan joint preventive measures. Analysis of exercise of this authority and its effectiveness requires monitoring and evaluation of individual measures. In the process of working on the document, the research team was not given the opportunity to assess the authority of community officers in this direction, given that the Ministry of Internal Affairs did not provide the organization with information about the preventive measures planned and carried out by community officers, also the methods used and the inter-agency cooperation pursued.

At this stage, the regulatory framework of community-oriented policing does not guarantee the proper functioning of this model of policing in the country. It is especially

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75 Order N102 of the Minister of Internal Affairs of Georgia dated December 13, 2019, 'On Approving Rules of Operation of Investigators, detective-investigators, assistant-investigators of detectives, detectives, district inspectors, community officers and analysts of the Ministry of Internal Affairs.

76 Nigel, F. *Community Policing* (1995) Oxford: Clarendon

77 Skogan, W. (2009) Intelligence-led policing. In Wakefield, A. and Fleming, J. (eds) *The SAGE Dictionary of Policing*. London: SAGE Publications Inc.

challenging to develop new models alongside the old, problematic models of policing, on the existing institutional and structural base, where there are still issues of excessive authority and overlapping competences between police units.<sup>78</sup> Namely, generally in all territorial bodies, powers are uniformly distributed between structural units. Preventive, operative and investigative powers simultaneously belong to both detectives' and district inspectors' divisions. Moreover, the legislation establishes common functions for various units. For example, the common function of an investigator, detective-investigator, assistant-investigator of a detective, detective, district inspector and community officer is to participate in public safety and law and order protection measures, ensure the safety of participants of gatherings, demonstrations and other mass events, collect information, process and submit it for including in daily reports.<sup>79</sup>

The legislation establishes common functions for the district chief inspector-investigator, district inspector-investigators and community offices in different spheres, for example, on family/neighborhood issues, juvenile offenses, etc.<sup>80</sup> Such a division of powers blurs the line between the competences of community officers and other police units. Within the framework of such regulations, the institution of law community officers cannot fulfill the function of community-oriented policing.

When discussing the preventive functions of this unit, we should not overlook that in the current system the measures that the police use to prevent crime are generally critical. Some of them are more adapted to the idea of situational prevention and create the risk of disproportionate interference with rights.<sup>81</sup> The use of such mechanisms, especially within the framework of fragile institutional democracy and weak accountability, threatens public trust in the police and legitimacy of its activities. Community-oriented policing, by its very nature, absolutely depends on the level of public trust, since its driving force is close cooperation with the communities. This model of policing emerged precisely based on the idea of close contact with society, public involvement in police activities and developed as a democratic alternative to traditional authoritarian policing activities.<sup>82</sup>

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78 For a detailed evaluation see Crime Prevention - the risks of policing, Human Rights Education and Monitoring Center (EMC), 2017, available: <https://bit.ly/3NnK1sN> accessed: 01.11.2022; Operative-Investigation work in Law Enforcement Agencies, Human Rights Education and Monitoring Center (EMC), 2019, available: <https://bit.ly/3gP34A4> accessed: 01.11.2022

79 Order N102 of the Minister of Internal Affairs of Georgia dated December 13, 2019, 'On Approving Rules of Operation of Investigators, detective-investigators, assistant-investigators of detectives, detectives, district inspectors, community officers and analysts of the Ministry of Internal Affairs, article 10.

80 Ibid, article 12

81 Crime Prevention - the risks of policing, Human Rights Education and Monitoring Center (EMC), 2017 available: <https://bit.ly/3DVpFo2> accessed: 27.09.2022

82 Tilley, N. (2004) Community Policing, problem-oriented policing and intelligence-led policing. In Newburn, T. (ed.) *Handbook of Policing*, Willan Publishing, Portland, Oregon

In contrast to the model operating in developed democracies (for example, in Great Britain), the Georgian version of community-oriented policing does not unambiguously determine the extent of community involvement in this activity. In contrast, the British model directly determines the form and extent of the community participation in this type of policing activity for the purpose of crime prevention. For example, the police together with community members investigate and identify local problems, issues to which the police should respond, determine the type of policing activities and services for a particular problem, participate with the police in response measures to solve the problem. Consequently, the tactics and specific measures of this type of policing may vary depending on the local context. In parallel, clearly, the success of preventive powers of community-oriented policing is largely dependent on the structural arrangement of the policing system. For the proper functioning of this model, a decentralized system is needed, where policing is based on the principle of discretion and the tactics of its implementation vary according to the need.<sup>83</sup>

The literature considers community-oriented policing as one of the effective crime prevention, democratic mechanisms.<sup>84</sup> In parallel, as the reasoning developed in the previous chapters has shown, these types of policing models are often associated with social prevention mechanisms. Thus, the state working on the idea of this kind of policing seems to be a positive development at first glance. However, it is noteworthy that the literature critically assesses the effectiveness of this model in transitional democracies and/or in systems with years of experience of authoritarian policing,<sup>85</sup> since community-oriented policing, built on an undemocratic policing culture, often fails to maintain a balance between cooperation with community members and social control. Also, the idea of cooperation/consultation with the public may be used by the police to gather information, monitor, and control for operational purposes instead of identifying and responding to people's needs. In parallel, for proper functioning, alongside an adequate framework of authority, this model of policing requires an adequate institutional baseline, and strong guarantees of accountability. In the conditions of strict centralization and hierarchy of the existing police system in the country, it is difficult for the institution of community officers to be able to perform an actual community-oriented policing function and to introduce a democratic model of crime prevention into the system.

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83 Ibid, p. 317

84 Bayley, D.H. (2006) *Changing the guard: developing democratic police abroad*. New York: Oxford University Press

85 Bayley, D.H. (2006) *Changing the guard: developing democratic police abroad*, New York: Oxford University Press



## Chapter II – Prevention of Crime in a Penitentiary System

Important preventive functions are assigned to LEPL under the Ministry of Justice – the National Agency for Crime Prevention, Execution of Non-custodial Sentences and Probation. The purpose of the agency is to ensure public safety, including by implementing crime prevention measures.<sup>86</sup>

In view of its mandate, clearly, the agency's preventive authority cannot be so extensive as to cover all levels of prevention, however, it may have an appropriate effect on crime prevention in a specific group. Namely, the agency's preventive activities may contribute to crime prevention among persons in contact with the penitentiary system. The existing legislation gives the agency the authority to introduce institutional and complex approaches for crime prevention, to finance cultural, social, health care and other measures.<sup>87</sup> The agency implements preventive measures through structural units, whose activities are focused on avoiding recidivism through resocialization-rehabilitation measures. Psycho-social, pro-social, drug and gambling addiction and violence-related rehabilitation programs have been created under the auspices of the agency.<sup>88</sup>

The existence of an efficient and effective system of crime prevention in the penitentiary system is a significant prerequisite for avoiding recidivism and the social integration of an individual after having served the sentence. Therefore, it is important that the system manages to properly enforce the powers granted by law in terms of crime prevention. According to the information provided by the agency, it pays special attention to the issues of juvenile crime prevention.<sup>89</sup> Although the aim of this document is not to study the issues of juvenile crime prevention or to analyze the state policies in this direction, it must be said that the emphasis on juvenile issues is a logical and important decision considering the general criminogenic context in the country. However, on the other hand, it is also important that the state policy equally covers both issues related to juveniles and adults when devising crime prevention strategies.

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86 Order N485 of Minister of Justice dated December 31, 2019 'On Approving Regulation of LEPL National Agency for Crime Prevention, Execution of Non-custodial Sentences and Probation.'

87 Law of Georgia on Prevention of Crime, Procedure for Enforcing Non-Custodial Sentences and Probation, article 7.

88 Information provided by LEPL - National Agency for Crime Prevention, Execution of Non-custodial Sentences and Probation in the correspondence N2/91894 dated September 29, 2022

89 Information provided by LEPL - National Agency for Crime Prevention, Execution of Non-custodial Sentences and Probation in the correspondence N2/91894 dated September 29, 2022

It is also significant that the agency cooperates with other state and non-state actors, local and international organizations for preventive purposes. The main areas of cooperation are education, health care, voluntary work, and employment promotion. However, the exact information about the activities carried out within the framework of cooperation and the number of people participating in them is unknown.<sup>90</sup> According to the information of the agency, at this stage the project “Volunteer Teacher” is being implemented, which aims teaching of various subjects. According to the same information, from 2021 to September 2022, within the framework of this project only 18 beneficiaries completed a short-term course on various subjects. Other ongoing and planned projects (educational and volunteer activities) within the Agency are mainly targeted at minors. In the information provided by the agency, nothing was indicated about the planned and ongoing measures implemented for adult convicts. Educational programs and their accessibility are of particular importance in terms of crime prevention in the penitentiary system. Provision of appropriate educational opportunities for persons in contact with the penitentiary system is considered one of the most important prerequisites for their integration into society after having served the sentence. Educational programs increase employment opportunities, improve living conditions, and thus, reduce the risk of recidivism. That is why it is important that educational programs in the penitentiary system do not have a fragmented character.<sup>91</sup>

For the effectiveness of crime prevention programs in the penitentiary system, first, it is necessary that the prevention programs and strategies have a universal nature and to the extent possible, impact all people in contact with the system. Clearly, mere offers of individual programs cannot be sufficient for achieving this purpose. It is true that individual events and programs may have a significant effect on a specific group or individuals, however, it is arguable that such programs alone, without changing the existing social context, can improve the general conditions in the country that lead to commission of crime, thereby contributing to crime prevention.

By its very nature, the penitentiary system is more focused on the third-level prevention of crime. Therefore, it is difficult for the penitentiary system to equally cover all levels of prevention within this framework, and to respond to the causes of crime independently and effectively. This process requires active inter-agency cooperation so that preventive policies are equally effective within and outside the system.

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90 Information provided by LEPL - National Agency for Crime Prevention, Execution of Non-custodial Sentences and Probation in the correspondence N2/91894 dated September 29, 2022

91 Tønseth, C. and Bergsland, R. Prison Education in Norway – The importance for work and life after release, Cogent Education, 2019, 6 (1)

In view of the current social context, first and foremost, the development of crime prevention strategies requires the conduct of criminological studies. From this point of view, the function of the agency to support the conduct of relevant research in the country is important.<sup>92</sup> However, even then, it is necessary to carry out such studies in a systematic manner so that the planning of preventive strategies and measures is continuously relevant to the existing context. In this regard, the research team requested information from the agency about the criminological studies conducted from 2013 until the public information request was considered. The information provided by the agency clarified that during this time, criminological research was conducted only twice. In 2015, a pilot study was conducted in Tbilisi to identify the circumstances contributing to the wrongful conduct of minors. Later in 2018, a study was conducted through inter-agency cooperation (Prosecutor's Office, Ministry of Justice, Crime Prevention Center) on the contributing factors to the commission of crimes by ex-convicts. The organization asked the agency to share information about the research findings and the measures undertaken on their basis. However, as follows from the official correspondence, the agency does not have additional information regarding these issues, since the mentioned studies were carried out before the reorganization of the system.<sup>93</sup> Considering this fact, it can be implied that frequent structural reorganization is an additional obstacle for the law enforcement system impeding the creation of a sustainable preventive policy and its timely enforcement.

In parallel, it is important that the penitentiary system closely cooperates with other agencies and civil actors to act within the framework of social crime prevention. Such collaborative policies can address the individual needs of convicted offenders and, at the same time, help reduce the risk of recidivism after having served a sentence. As early research revealed, one of the main challenges for people in contact with the penitentiary system is post-release employment and improvement of their personal social conditions.<sup>94</sup> In terms of employment, alongside stigmatization and restrictions imposed by the legislation,<sup>95</sup> lack of relevant programs is another significant obstacle. On the one hand, such programs give opportunity to all those willing to acquire appropriate knowledge and develop skills while serving the sentence, and to use the obtained knowledge after release. In this regard, the launch of the professional train-

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92 Law of Georgia on Prevention of Crime, Procedure for Enforcing Non-Custodial Sentences and Probation, article 72

93 Information provided by LEPL - National Agency for Crime Prevention, Execution of Non-custodial Sentences and Probation in the correspondence N2/91894 dated September 29, 2022

94 Policy of Crime and Punishment in Georgia, Social Justice Center, 2021, available: <https://bit.ly/3RoLv6B> accessed: 29.09.2022

95 Ibid, p. 79

ing and retraining center for convicts, operating since January 1, 2020, is to be welcomed. The aim of the center is to promote the resocialization/rehabilitation of convicts by providing professional education, as well as professional training/retraining and by preparing them for employment.<sup>96</sup> The center offers professional training and retraining programs/sessions/courses to convicts in various penitentiary institutions. As it turns out, in 2020-2021, 508 convicts participated in professional training and retraining courses conducted by the center, 51 convicts were employed, 66 convicts participated in exhibitions and sales, and 100 convicts participated in various online meetings and educational tours. The Penitentiary Service also draws attention to its important role in the employment of convicts.<sup>97</sup> According to official information, in the years 2020-2022 (as of September 1, 2022), a total of 3103 convicts were employed in various sectors (agricultural, commercial etc.).<sup>98</sup>

The readiness of the penitentiary service to focus on issues of retraining and employment of convicts should be welcomed. Although the trend of employment is slightly decreasing (in 2020 – 1207 convicts; in 2021 – 985 convicts; as of September 1, 2022 – 911 convicts),<sup>99</sup> and it is difficult to determine the type of employment, duration and sustainability of employment programs through the information provided by the agency, these are important steps taken by the state in this direction. However, the recent rising trend of the number of convicts should be taken into account. As studies confirm, Georgia is leading in Europe in terms of the number of persons in contact with the penitentiary system, among them the number of probationers is also high.<sup>100</sup> In this context, it is questionable whether certain types of periodic, preventive measures involving only a small number of people will be sufficient or effective. It should also be taken into account that the intensive participation of persons in such programs is impeded by the subculture characteristic to the penitentiary system.<sup>101</sup> Overcoming of the penitentiary subculture requires intensive and complex work, which in turn may have a significant effect on the work of the crime prevention system.

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96 Order N492 of the Minister of Justice dated December 31, 2019, On Approving Regulations of LEPL – Center for Professional Training and Retraining of Convicts

97 Correspondence N 14657 of the Minister of Justice of Georgia dated October 28, 2022

98 Ibid

99 Ibid

100 Care or Control: Assessment of the efficacy of Georgia's probation system vis-à-vis drug offenses, Social Justice Center, 2022, available: <https://bit.ly/3QtmV4m> accessed: 29.09.2022

101 Slade G. Kelbakiani A. Tsagareli N. Kachkachishvili I. Influence of Criminal Subculture on the Management of a Penitentiary Institution, 2020, available: <https://bit.ly/3SEnSbG> accessed: 05.10.2022

In parallel, it is interesting to know what the basis for the concrete preventive measures planned in the penitentiary system is. Alongside improvement of the general social conditions, for the effectiveness of crime prevention within the system, it is important that the state introduces different prevention tactics/measures tailored to concrete crimes both within the penitentiary systems and outside it and does not have a uniform approach to the prevention of all types/categories of crimes, as they may call for different approaches, prevention programs or measures.

## Conclusion

The research for the present document showed that state vision on crime prevention has not undergone a significant change in the recent period. Still, crime prevention is not a priority for the state policy, and accordingly, there is weak emphasis on crime prevention in policy documents.

The existing crime prevention policy, preventive mechanisms and individual measures cannot properly respond to the challenges in the country. Its ideological framework is also unclear. The state hardly uses methods of social prevention of crime. Accordingly, prevention is still narrowly construed within the scope of the law enforcement system and is implemented through policing mechanisms. The police response to crime is almost always reactive, and as a rule, it engages with situational prevention methods at the third level. Such a limited policing response to crime can have the capacity to control and temporarily contain it at the individual level. However, with police control, the state cannot properly impact on the social and economic factors that cause crime. Consequently, the current policy fails to retain the line between crime control and prevention and cannot ensure the achievement of sustainable preventive goals.

The dominant role of law enforcement agencies in crime prevention indicates that the state does not consider introduction of social models of prevention, which can have a positive effect on the prevention of specific types of crime. The conventional understanding of prevention excludes the role of social policy in crime prevention and limits it to the framework of criminal justice, which cannot adequately respond to the constitutional idea of a welfare state.

With fragile institutional democracy, existing policing culture, low accountability, structural arrangements and the powers as defined, the success of prevention-oriented policing models (community-oriented and intelligence-led policing) is questionable in Georgia. Without reforming the existing mechanisms, introduction of new models will only strengthen the existing policing and control mechanisms in the system. Therefore, before establishing prevention-oriented policing models, it is important to create solid democratic foundations, increase trust and legitimacy in the police system and policing activities.

Preventive programs operating in the penitentiary system are scarce. Existing preventive measures and mechanisms do not adequately reach all persons in contact with the system. Preventive programs operating in the system may not be sufficient to promote the social welfare of individuals after having served their sentence, to create opportuni-

ties for them to find employment and to avoid recidivism. Alongside implementation of socially sensitive preventive programs in the penitentiary system and the allocation of appropriate resources, it is important that the state takes measures to dismantle the cultural obstacles to the participation of persons in the relevant programs in the penitentiary system.

To sum up, it can be said that despite the difficult social and economic background in the country, the role and importance of social policy in crime prevention is not acknowledged at the political level. The policy documents do not discuss the rapprochement of criminal law and social policy, the idea of a socially sensitive preventive policy. The state uses intensive policing measures under the guise of prevention, which rather have the function of control and establishment of order than of introducing a preventive policy focused on social determinants.