
Local Governments as Providers of Public Order: The Case of Estonia

VARSTVOSLOVJE,
*Journal of Criminal
Justice and Security*,
year 19
no. 4
pp. 385–397

Ero Liivik

Purpose:

This paper deals with the legal regulation of Estonia's public order from the aspect of local governments. The purpose of the article is to analyse relevant Estonian legislation to help identify problems and make suggestions for improvement. Proposals are intended for the institutions involved in developing legislation in Estonia. Local governments in the country act according to the Constitution of the Republic of Estonia (1992), but still retain enough legal autonomy to decide on local affairs independently of the state government.

Methods:

The paper is based on an analysis of national legislation. In the legal research, the author pays attention to written sources of law, e.g. the Constitution of the Republic of Estonia (1992), and subsequent legal acts regulating public order.

Findings:

The main task of local government is to provide public services and improve the quality of the living environment. In Estonia, the principal provider of internal security is the Police and Border Guard Board. It is the responsibility of local government to assist the national structures in fulfilling their duties. On the other hand, the municipalities are required to ensure public order within their territories. The legal power given by parliament to local governments to carry out such activities is insufficient to ensure the law is enforced.

Practical Implications:

The findings in this paper highlight areas in which the legal regulation could be improved.

Originality/Value:

Although the legal basis for Estonian municipalities' operations has been studied carefully, it is necessary to examine issues concerning the links between local governments and public order in detail. The continually changing legislation makes the situation complex to handle. It also provides an opportunity for international comparative analysis with other European Union member states.

UDC: 351.78(474.2)

Keywords: local government, internal security, public order, policing, Estonia

Lokalne oblasti kot subjekti zagotavljanja javnega reda in miru: primer Estonije

Namen prispevka:

Prispevek prikazuje estonsko pravno podlago zagotavljanja javnega reda in miru z vidika lokalnih oblasti. Namen prispevka je analizirati veljavno zakonodajo, identificirati težave in pripraviti predloge za izboljšave. Predlogi izboljšav so namenjeni institucijam, zadolženim za pripravo estonske zakonodaje. Lokalne oblasti sicer delujejo v skladu z estonsko ustavo, vendar imajo tudi določeno mero pravne avtonomije.

Metode:

Prispevek temelji na analizi nacionalne zakonodaje, predvsem ustave in zakonskih predpisov, ki urejajo področje javnega reda in miru.

Ugotovitve:

Glavna naloga lokalnih oblasti je zagotavljanje javnih storitev in čim večje kakovosti bivalnega okolja. Notranjo varnost v Estoniji zagotavlja policija (angl. *Police and Border Guard Board*), lokalne oblasti pa sodelujejo pri izpolnjevanju varnostnih nalog državnih organov ter hkrati zagotavljajo javni red in mir na svojem območju. Pooblastila lokalnih oblasti za izvajanje teh dejavnosti niso zadostna.

Praktična uporabnost:

Ugotovitve prispevka lahko pripomorejo k izboljšanju pravne ureditve.

Izvirnost/pomembnost prispevka:

V prispevku je predstavljena pravna podlaga za delovanje lokalnih oblasti na področju zagotavljanja javnega reda in miru, ki je zaradi nenehnih sprememb zakonodaje na tem področju precej zapletena. Prispevek predstavlja tudi osnovo za nadaljnjo primerjalno analizo z drugimi članicami Evropske unije.

UDK: 351.78(474.2)

Ključne besede: lokalne oblasti, notranja varnost, javni red in mir, policijska dejavnost, Estonija

1 INTRODUCTION

Since Estonia declared its independence in 1991, the country's legislation has changed a lot. The main purpose of all the reforms was to overcome the Soviet era and create a new legal system harmonised with common European principles. European Union member states have the sole authority to decide on the structure of municipalities and their tasks. According to the 1992 Constitution of the Republic of Estonia (hereinafter: the Constitution), the local government (hereinafter: LG) as an administrative level is independent of the central government (Merusk & Narits, 1998). LG is based on the principles of decentralisation, subsidiarity and democratic legitimation. In addition to the classical principle of the horizontal

separation of powers, there is a vertical dimension: as a manifestation of this vertical separation LG is a kind of ‘bulwark’ that protects against the hyper-centralised and concentrated state power. The decision-making process that is guided exclusively by the central authority limits the vitality of democracy as a whole (Olle, 2002). According to Schöber (2003), LG is meant to provide the key conditions for the development of society. Similarly, the Constitution (1992) states the purpose of an LG is to make decisions relevant to local life. LG is the public power that is closest to a single person. Subsection 1 of section 154 of the Constitution (1992) provides that all local matters are determined and administered by local authorities, who discharge their duties autonomously in accordance with the law. Since 1993, a one-tier local government system has been in place in Estonia (Ratto Trabucco, 2015; Mäeltsemees, 2012). In total, in 2017 there were 213 LGs (30 towns and 183 rural municipalities) in Estonia. Most LGs are small, with fewer than 2,000 inhabitants. Estonia is currently (2016–2017) undergoing an administrative-territorial reform that will strongly reduce the number of municipalities. Regardless of their size, all LGs in Estonia have equal responsibilities and must be able to offer their residents the same benefits. In Estonia, LGs administer about two-thirds of all public services. The growing urbanisation creates many problems because vast areas are sparsely populated, and the cross-border commuting that is becoming more prevalent makes it harder to ensure equal services for all regions. What is more, LGs possess very different administrative capacities (Merusk & Olle, 2013). Their efficiency to act as a balance to central government has decreased, and each agency uses its units to communicate with local citizens and the LGs while, at the same time, there is a threat of uncoordinated and partly controversial messages and activities. In an Organization for Economic Co-operation and Development report (OECD, 2011), attention was drawn to the fact there are several significant unsolved problems in the provision of public services in Estonia: consolidating services on the mid-level and discordance between financial capacities and responsibilities on the local level. The solution offered suggests accustoming the requirements to provide services with people’s needs, connecting the local level with local development and regional policies, and matching the number of services rendered with an LG’s capacity, and increasing its scope (OECD, 2011). Estonia’s case is compelling even for the fact that, since the end of the Soviet era, Estonia has undergone significant socioeconomic changes that are reflected in its internal security. Tabur (2013, pp. 90–91) explains the latest developments in Estonia’s internal security system: “The history of newly independent Estonian law enforcement can be described as permanent reform from force to a service. While moving towards service-oriented organization also the number of administrative units of police, prosecutors’ office and courts have been significantly cut to put more resources into core activities of the institutions. The recent law enforcement reform in 2010 integrated police, border guard, and migration services into one — Police and Border Guard Board [PBGB], making it the biggest state institution in the country. [...] Law enforcement in Estonia is fully under responsibility of state. There is only one police with some separate governmental investigative organizations making the responsibility for developments in criminality and crime fighting clear and transparent”. Due to the

principle of local autonomy, LGs should be able to decide independently on their competencies, including the choice of legal instruments to achieve the set goals. However, the issues of internal security presuppose the more restrictive power of the central government. The maintenance of public order must take place in a partnership involving both the police and the local governments.

2 INTERNAL SECURITY IN ESTONIA: LOCAL GOVERNMENTS SUPPORTING THE POLICE

According to the development plan for Estonia's internal security, security means a stable living environment in which a person feels secure. Both national and cross-border international structures play the leading roles in providing internal security. Sections 1 and 3 of the Police and Border Guard Act (PBGA, 2009) describe the police as an institution of executive power within the Ministry of the Interior. The primary functions of the police include protection of the public order and proceeding with misdemeanour matters. Subsection 1 of section 4 states the Police and Border Guard Board is a police authority.

The Local Government Organisation Act (LGOA, 2016) regulates the main tasks of Estonian local governments. The LGOA (2016) states the functions of an LG include organising social assistance and services, welfare facilities for the elderly, youth work, housing and utilities, and supplying water and sewerage. LGs also offer different public services and facilities, carry out spatial planning, waste management, public transportation within the rural municipality or city, and the maintenance of local roads and city streets. In some instances, an LG also has to dispense with some state functions – these must be assigned to them by law or arise from a contract between an authorised state body and a specific council. At the same time, providing internal security is in the first place a responsibility of government structures like the PBGB, and is not a priority of the LGs. But different international studies show a constant rise in the role played by LGs in internal security (Bureau of Justice Assistance, 2001). This role can arise when there is fruitful cooperation with the police and other law enforcement organisations, but also among citizens and LGs. The role of municipalities mainly involves supporting and helping (e.g. sharing information, joint organisation of school events in schools or kindergartens, communication) the PBGB and other state structures for which internal security-related matters are their primary function. On the other hand, the national strategy, the Estonian Internal Security Development Plan 2015–2020 (EISDP, 2015), assigns security-related tasks to LGs. Subsection 2.5. of the EISDP (2015) emphasises the importance of a community-oriented approach and states that government institutions must involve the LGs, businesses, social and other organisations and citizens as much as possible. One positive example mentioned concerns the law enforcement committees that function as network-based working groups in LGs and the village chiefs' roundtables. According to the EISDP (2015), it is essential to establish and implement a community-oriented approach model to achieve internal security in the community. This practice also helps achieve all other sub-goals of the EISDP (2015). Implementation of the community-oriented

internal security model means that everyone understands their role and place in providing security and is also ready to contribute to it. It is important to develop and make the forms of citizens' initiative-based cooperation more versatile; here towns and rural municipalities hold a significant role. On one hand, the EISDP (2015) emphasises the part of LGs but, on the other hand, it refers to different problems.

For example, although the new Law Enforcement Act (LEA, 2011) states that towns and rural municipalities are responsible for maintaining public order, they have no apparent power to establish an order requiring the police and the Rescue Board to maintain security in the community. Hereto, LGs see crime prevention chiefly as a responsibility of the police. The EISDP (2015) also lists some critical activities LGs should implement. Pursuant to the LEA (2011), the general law enforcement agency is the police. According to the explanatory notes related to the act, there are two different models to choose from when determining a public law enforcement agency. It can be the police, or similar to the model used in several German lands, and these tasks can also be the responsibility of an LG. Preferring the police in Estonia is justified if one takes the country's legal tradition into consideration. Another advantage of this model lies in the fact the police as an administrative agency is fast and flexible in its operations, whereas it would be significantly more complicated for an LG to take on the role of a general law enforcement agency. For example, the departments of an LG are not ready for around-the-clock responses, and do not have the necessary means to apply direct coercion. It would be more complicated for LGs than for the police to deal with complex and large-scale threats that cross the borders of one LG (Explanatory notes relating to the Law Enforcement Act, 2007). At the same time, it has to be stated that community-oriented policing has been the core principle of Estonian police work for several years (Wijckmans, Klima, & Vanhauwaert, 2012). Community-oriented policing in Estonia is organised in the following way: 1) police officers – officials of the PBGB; 2) assistant police officers; 3) other volunteers and cooperation partners; and 4) law enforcement units or agents of a rural municipality or city. In every regional structural unit of the PBGB (in all, four prefectures), there is a coordinator. In conclusion, we can say the function of the LGs is largely supportive, for example, prevention activities and helping law enforcement volunteers, while the actions of the national police are organised based on community-oriented policing principles.

3 PUBLIC ORDER AND LAW ENFORCEMENT

The present LEA (2011) came into force in 2014. This step sought to arrange regulations concerned with state supervision and the combating of threats, which had previously been scattered across various different laws. When the LEA (2011) came into force, the principle for determining the rules of public order was altered. Prior to the provisions of public order in the LEA (2011), the field was mainly regulated by the municipalities themselves; therefore, these resulting rules varied widely across the country. Upon writing the new act, the government based its decisions on the principle that a person does not have to know in which territory of

a rural municipality he or she is – the right to security must be provided similarly across the country. In addition, the legal regulation for holding public meetings was renewed, and LGs were given the right to establish requirements to hold public gatherings. From the aspect of constitutional rights (e.g. freedom of expression and assembly), at this point the stringent open meeting regulations include significant issues. The bases for limiting the rights of individuals' fundamental rights, which are included in the requirements for behaviour in a public space, must be determined by law or given a sufficiently clear-cut authorisation, which at that time was missing. According to the explanatory notes relating to the draft of the LEA (2011), law enforcement is a combination of activities intended for combating a threat. The earliest stadium of law enforcement is prevention. In this case, there has been no clear and present threat on public order yet, but it is possible that such a hazard may arise. If it has been impossible to prevent a risk, and it may have already emerged but it is still unclear whether there is a threat or not, necessary details must be determined to detect the menace. If a risk to public order is identified, law enforcement needs to combat the threat (e.g. a police officer stops an intoxicated person who sitting behind the wheel and wanting to drive). The latest phase of law enforcement is eliminating a threat that has already arisen. In this case, the public order has already been breached (e.g. the police restore the traffic that was disrupted due to a road traffic accident, at the same time emergency medical staff is providing first aid to the injured). The practicality of the chronological activities of law enforcement lies in the fact that different measures are taken at various stages. The Constitution (1992) mentions public order in sections 26 and 33, in subsection 3 of section 40, subsection 1 of section 45 and sections 47 and 130. However, it does not determine the meaning of this concept. In addition to the idea of public order, the Constitution (1992) uses the notions of internal and external peace, the protection of which is one of the vital tasks of the state of Estonia. It should still be considered that the concept of public order in the Constitution (1992) and the concept of public order in the LEA (2011) may not entirely coincide. The European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) and its additional protocols, and some other international human rights related agreements, use the concept of public order (*ordre public*). The Convention also applies the concept of public safety (e.g. para 2, Article 9), which is mostly used in the meaning of law and order (European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950). An attempt to incorporate the concept of public order is made in the LGs' rules for public order, where the term mainly refers only to the rules of behaviour in a public space. It is a state of society in which the adherence to legal provisions and the protection of legal rights and persons' subjective rights are guaranteed. According to subsection 1 of section 6 of the LEA (2011), a law enforcement agency is an authority, body or person authorised by law or regulation to perform the function of state supervision. Therefore, it can either be the police or some other agency, including a town or rural municipality. Each administrative agency is a law enforcement agency only to the extent needed when fulfilling or guaranteeing the fulfilling of its tasks. According to the law, all law enforcement agencies may apply the general measure of state supervision and this special measure, which

has been indicated for all law enforcement agencies, e.g. the call for service. To implement the remaining special measures, the corresponding special law has to include a reference to the corresponding unique action. Law enforcement agencies engage in cooperation, which also includes collecting and exchanging the necessary information needed for carrying out state supervision and making proposals to make state control more efficient. The extent of cooperation is stated in a law or provision. Different rules determine different responsibilities of the LGs in carrying out supervision. An LG has the right to enact rules and to supervise the following of the rules. An LG's supervision capabilities are legally limited to these activities: 1) notifying; 2) addressing orders; and 3) ascertaining the existence of a threat. Each person has the right to participate in providing public order if necessary and to demand that someone stop breaching the public order. Still, the main structure for providing public order is the police, where some problems also appear. For example, according to the National Audit Office (2013), not all LG responsibilities are determined as falling solely to local governments or states. For example, confusion over the division of responsibilities may be created with the concept of state supervision – does it mean supervision over the fulfilling of state responsibilities or does it also embrace control over the fulfilling of an LG's responsibilities. The National Audit Office adds that in several areas of LGs' activity it is possible to detect tasks which may instead involve the fulfilling of state responsibilities, e.g. proceedings for misdemeanour matters (National Audit Office, 2013).

4 MUNICIPAL LAW ENFORCEMENT UNIT

As a rule, LGs do not have a police structure of their own, with the only exception in the law being the establishing of a municipal enforcement unit (department). Compared to the state police, such a law enforcement unit has significantly fewer powers. Subsection 1 of section 53/1 of the LGOA (2016) states that an LG may establish a town's or rural municipality's law enforcement unit or nominate an official dealing with law enforcement. The primary task of such official shall be to participate in maintaining public order and carrying out supervision over the adherence to the regulations passed by a local council in the area determined by the LG. The activities of a law enforcement unit and a law enforcement official are funded from the budget of an LG. Establishing and terminating the unit or the position held by a law enforcement official is decided upon by the local council. The jurisdiction, area of operation and a more detailed description of the law enforcement unit's responsibilities are found in a statute confirmed by the local council. Upon establishing the position of a law enforcement official in a rural municipality, the jurisdiction, area of operation and a more detailed description of the responsibilities are included in their job description. While fulfilling their duties, a law enforcement unit and official cooperate with other agencies of the LG, state agencies, the PBGB, legal entities governed by civil law and citizens and their unions. Based on a contract made with a rural municipality or a city government, the PBGB provides help when carrying out initial training and in-service training for a law enforcement unit and a law enforcement official. Law enforcement officials wear a uniform that bears the insignia of the LG or another insignia that

separates their uniform from the police uniform. Unfortunately, the current law suffers several deficiencies. LGs cannot form an inter-LG law enforcement unit or one LG cannot hand over its competency to another LG to carry out supervision on its administrative territory. What is more, an LG cannot authorise another rural municipality or town to conduct misdemeanour proceedings in their name. In addition, LGs do not have sufficient legal means to guarantee the carrying out of extrajudicial actions (Ranne, 2012).

4.1 The Tallinn Municipal Police Department

A typical municipal police department in the EU is a recognisable and functioning structure, but is somewhat exceptional in Estonia (Donnelly, 2013). As a separate unit, municipal police only operate in the capital of Estonia, Tallinn. The Tallinn city government has given it a name that is not entirely correct or is even misleading – the Tallinn Municipal Police Department [MPD] is not part of the PBGB. The MPD was established in 2003 as a structural unit within the Fire and Rescue Agency after a certain amendment to the LGOA allowed such a possibility. At the time, the unit had 12 officials. They supervised public order, the fulfilling of property maintenance rules, rules for historical excavation operations and norms for owning dogs and cats (Järvelaid, 2006). In 2004, the number of MPD staff increased to 36, and two divisions were established: a registry and a procedural department. Since 1 January 2006, the municipal police has conducted patrols 24 hours a day to prevent offences and solve situations quickly. Since January 2007, the MPD has been an independent authority, one of the 14 official bodies of the City of Tallinn. As the scope of responsibilities has widened, the number of MPD staff has also grown. While in January 2007 54 people were employed by the municipal police, at the beginning of 2008 there were already 79 officials among the MPD staff. In July 2008, the MPD was given the responsibility to check the documents permitting people to ride in public transport and, for this reason, the number of staff increased to 145. In 2009, a separate taxi and animal patrol service was established. In autumn 2009, the newest division of the MPD started work – school supervision, whose task is to observe and check the respect of tobacco-related requirements in school territories in Tallinn. In February 2010, class control inspectors started holding lectures about the dangers of smoking and alcohol. The MPD is a member of the local security and public order workgroup of the Union of Baltic Cities. At the start of 2014, structural changes were made in the department and development and administration divisions were added to the procedure, patrol, and registry units. The MPD actively communicates with the agencies of the city system and with citizen initiatives, and has also become an important partner of the citizens when several security-related questions in the city are concerned. At the moment, there are 110 positions within the MPD (Tallinn Municipal Police Department, 2016). The MPD currently fulfils the following tasks (Rules of the Tallinn Municipal Police Department, 2016): 1) exercising supervision over the performance of regulations adopted by the Tallinn City Council and conducting misdemeanour proceedings where such rules are breached; 2) as authorised by the Tallinn City Government, exercising supervision

over adherence to laws and processing misdemeanours; 3) guarding property owned or possessed by the City of Tallinn; 4) participating in guaranteeing public order in institutions and at public events of the City of Tallinn; 5) maintaining the Register of Misdemeanours of Tallinn and other registers and databases required in performing the board's tasks; 6) developing the legal acts of Tallinn connected with issues relating to the competency of the Tallinn MPD; 7) preventing misdemeanours that belong to its area of competency; 8) forwarding information to the city's agencies concerning the need to apply administrative coercion; 9) prevention work and supervision in schools and kindergartens; 10) prevention work and a posteriori monitoring of legal acts connected with the city's property maintenance rules and rules for keeping domestic animals; 11) offences related to parking; and 12) supervision of the taxi service. The MPD operates according to its statute (Statute of the Tallinn Municipal Police Department, 2014). According to section 7 of this Statute, in order to fulfil its tasks and responsibilities, the department has the right to: 1) present the city government with draft legislation on questions of the department's competency; 2) receive the necessary data and information from other agencies of the city, including city-owned businesses, foundations and non-profit organisations; 3) establish committees and work groups; 4) include specialists and experts in their work; 5) make contracts in order to fulfil its responsibilities; 6) implement an around-the-clock patrol service with a view to fulfilling the department's duties; 7) make suggestions for cooperation and about the organisation of work with other city agencies; 8) within the scope of its competence, issue prescripts and implement means of coercion or sanction; 9) consult, organise training events and seminars and carry out analyses; 10) participate in national and international projects, programmes and cooperation projects; 11) cooperate with state agencies, state police agencies, legal persons governed by private law and their unions; and 12) use the rights given to the department by the legal acts of Tallinn. The department is led by the head, and its structure and staff are confirmed by the city council. Therefore, compared to the state police, the municipal police's tasks are limited.

5 REGULATING PUBLIC ORDER IN LOCAL GOVERNMENT: A CASE STUDY

The LEA (2011) stipulates consistent, general requirements for behaviour in public spaces all over the country (Section 55), with an LG only able to specify related details to the extent provided by law. The requirements for organising a public event in the administrative territory of an LG unit shall be established by a regulation of the local government council (Section 59). According to the hierarchy of valid legal norms in Estonia, legislation ranking the highest includes the Constitution (1992), international contracts, and statutes. These are followed by administrative acts such as regulations issued by the Government and the Minister. According to subsection 1 of section 7 of the LGOA, municipal councils and governments (the executive body) have the right to issue regulations. Paragraph 2 of the same section states that municipal authorities have the right to

pass orders as legislation concerning a particular application. The legal acts issued by municipal councils and authorities are valid in the administrative territory of a given LG. Internal-security-related issues are often regulated by a provision in some fundamental document of an LG, for example a development plan. We will now look at three cases more closely: namely, the municipalities of Saue, Jõelähtme and Anija.

For example, entitled “Public order and security”, Article 5.4 of the Development Plan 2012–2022 of the Town of Saue declares that Saue is a safe town where public order is maintained by the security services ordered by the LG. During public events, the Defence League is to help a private security company. There have been discussions about installing a network of security cameras, but the final decision will only be made after the security concept has been finalised. The guarantee of public order means it is safe to be in Saue and to move around on its streets. The document also states the residents are involved in maintaining public order and security; Neighbourhood Watch is actively functioning (Saue town development plan 2012–2022, 2012).

Still, there are development plans which the security section includes a lot more details. For example, Article 4.7 of the Development Plan of the Rural Municipality of Jõelähtme explains “Security in the rural municipality: There are three voluntary rescue organisations in the rural municipality: the non-governmental organisation [NGO] Kostivere Firefighting Association, NGO Kaberneeme Club, and NGO Neeme Voluntary Firefighting Association. These organisations function mainly with the help of the rescue Board, the Jõelähtme rural municipality, and different projects. In addition to carrying out rescue works, more and more attention is paid to implementing prevention activities and informing the inhabitants of the area. Voluntary rescuers are officially in the national operative response system of the Rescue Board (112). In cooperation with the Rescue Board, the NGO Kaberneeme Club also has two boats with which they carry out maritime rescue and protect the small islands of the area. The number of neighbourhood watch sectors that have made a safety-related cooperation contract with the NGO Estonian Neighbourhood Watch and the PBGB are increasing in the rural municipality. Public recording security cameras have been installed in several populated places. There is a local constable in the area who has a permanent office in the small town of Loo” (Jõelähtme parish development plan 2015–2025, 2015).

LGs may decide to establish committees that deal with internal security themselves, and this office is given different names across the LGs: it can be called a legal, crisis or law enforcement committee. For example, the government of the Anija rural municipality has established a permanent crisis committee whose aim is to organise the rescue, disaster response and emergency-management-related responsibilities in the parish territory (Anija Vallavalitsus, 2017). Hiring a law enforcement specialist also depends on the priorities of the administration of an LG and its financial capability. Usually, there is either one or two positions. It is possible to give some functions to another official to carry out beside their primary activities. Therefore, an LG’s public-order-related operations mainly depend on cooperation with local structures and government agencies and its scale, in turn,

depends on the capabilities of local leaders and their interest in dealing with the topic. To some extent, joint organisations created by LGs, e.g. local government associations, support the LGs' activities.

6 FINAL CONSIDERATIONS

Compared to the police, the tasks and legal power of an LG to adopt responsibility for internal security issues are limited. The LGOA stipulates the essential functions of LGs in Estonia. The said act does not state that LGs have to perform specific internal security tasks (like fulfilling the duties of the police or rescue services). On the other hand, these responsibilities may arise from particular laws or national strategies. LGs' ability to perform these tasks is not similar to the legal power of the PBGB. Although the LEA (2011) authorises an LG to maintain public order within its territory, it has no apparent possibilities to achieve that without the help of the PBGB. LGs do not have their own police structure, the only limited possibility the law provides is to establish a law enforcement unit. The municipal police department operating in the capital of Estonia, Tallinn, is a wholly exceptional case in Estonia. The law restricts the competences and power of a law enforcement unit. LGs have the right to establish voluntary committees dealing with internal security and public order issues. The measures to maintaining public order are usually regulated in an LG's development plan. Unfortunately, LGs of different sizes also come with different financial and administrative capacities. LGs can also hire a law enforcement specialist; this depends on the local possibilities and needs. Many rural municipalities in Estonia only have a couple of thousand inhabitants or even fewer, which is why their opportunities to obtain financial resources to solve the situation are quite limited. Maintaining public order in the territories of the LGs is only achieved with the cooperation of the state structures.

REFERENCES

- Anija Vallavalitsus. (15. 11. 2017). *Vallavalitsuse ajutised ja alalised komisjonid* [Temporary and permanent committees of the municipality government]. Retrieved from <http://anija.kovtp.ee/vallavalitsuse-ajutised-ja-alalised-komisjonid>
- Bureau of Justice Assistance. (2001). *The role of local government in community safety*. Washington: U.S. Department of Justice Office of Justice Programs. Retrieved from <https://www.ncjrs.gov/pdffiles1/bja/184218.pdf>
- Constitution of the Republic of Estonia. (1992). *Riigi Teataja*. Retrieved from <https://www.riigiteataja.ee/en/eli/530102013003/consolide>
- Donnelly, D. (2013). *Municipal policing in the European Union: Comparative perspectives*. Basingstoke: Palgrave Macmillan.
- Estonian Internal Security Development Plan 2015–2020 (EISDP)* [Siseturvalisuse arengukava 2015–2020]. (2015). Tallinn: Ministry of the Interior of Estonia. Retrieved from https://www.siseministeerium.ee/sites/default/files/dokumentid/Arengukavad/siseturvalisuse_arengukava_2015-2020_kodulehele.pdf

- European Convention for the Protection of Human Rights and Fundamental Freedoms*. (1950). Strasbourg: European Court of Human Rights; Council of Europe. Retrieved from http://www.echr.coe.int/Documents/Convention_ENG.pdf
- Explanatory record to the Law Enforcement Act* [Korrakaitseaduse seletuskiri]. (2007). Retrieved from <http://www.riigikogu.ee/tegevus/eelnoud/eelnou/8a9c2286-06fc-65d2-957b-bd9e11a940c4/>
- Järveld, P. (22. 2. 2006). Munitsipaalpolitsei ja riigi sisejulgeolek [Municipal police and state internal security]. *Kesknädal*. Retrieved from <http://www.kesknadal.ee/g2/uudised?id=6660>
- Jõelähtme parish development plan 2015–2025* [Jõelähtme valla arengukava 2015–2025]. (2015). Jõelähtme: The Municipal Council of Jõelähtme. Retrieved from https://www.riigiteataja.ee/aktiisa/4221/0201/5001/m_54_lisa1.pdf#
- Law Enforcement Act (LEA) [Korrakaitseadus]. (2011). *Riigi Teataja*. Retrieved from <https://www.riigiteataja.ee/en/eli/504012016003/consolide>
- Local Government Organisation Act (LGOA) [Kohaliku omavalitsuse korralduse seadus]. (2016). *Riigi Teataja*. Retrieved from <https://www.riigiteataja.ee/en/eli/509012014003/consolide>
- Merusk, K., & Olle, V. (2013). Problems of Estonian local government in 2013 and co-operation as an instrument of their resolution. *Juridica International*, 20, 160–168.
- Merusk, K., & Narits, R. (1998). *Eesti konstitutsiooniõigusest* [Estonian Constitutional Law]. Tallinn: Juura.
- Mäeltsemees, S. (2012). Haldusterritoriaalne poliitika [Administrative territorial policy]. In R. Vetik (Ed.), *Eesti poliitika ja valitsemine 1991–2011* [Estonian politics and governance 1991–2011] (pp. 325–355). Tallinn: TLÜ Kirjastus.
- National Audit Office. (2013). *Overview of use and preservation of state assets in years 2012 and 2013: Annual report to the Parliament of Estonia*. Tallinn: Riigikontroll.
- Olle, V. (2002). *Kohaliku omavalitsuse teostamine vahetu demokraatia vormis: kohalik rahvaalgatus ja rahvahääletus* [Realization of local government in the form of direct democracy: Local public initiative and referendum]. Tartu: Tartu Ülikooli Kirjastus.
- Organization for Economic Co-operation and Development [OECD]. (2011). *Estonia: Towards a single government approach*. Paris: OECD Publishing. Retrieved from http://www.oecd-ilibrary.org/governance/oecd-public-governance-reviews-estonia-2011_9789264104860-en
- Police and Border Guard Act (PBGA) [Politsei ja piirivalve seadus]. (2009). *Riigi Teataja*. Retrieved from <https://www.riigiteataja.ee/en/eli/514062016002/consolide>
- Ranne, M. (2012). *Valla- või linnavalitsuse korrakaitseüksuse tegevuse õiguslikud alused ja seadusest tulenevad kitsaskohad tegutsemisel* [Legal foundations of the activity of law-enforcement units of the rural municipality or city government and legislative bottlenecks]. Retrieved from http://f.ell.ee/failid/LVP/2012/11/09_b_MET_tegevuse_probleemid_ja_oiguslikud_kitsaskohad.pdf
- Ratto Trabucco, F. (2015). An overview on local government in Estonia. *European Public Law*, 21(3), 467–480.

- Rules of Tallinn Municipal Police Department* [Tallinna Munitsipaalpolitsei Ameti tutvustus]. (2016). Retrieved from <http://www.tallinn.ee/est/Tallinna-Munitsipaalpolitsei-Ameti-tutvustus>
- Saue town development plan 2012–2022* [Saue linna arengukava 2012–2022]. (2012). Retrieved from <https://www.riigiteataja.ee/aktilisa/4311/0201/2040/Lisa.pdf#>
- Schöber, P. (2003). *Kohalik omavalitsus: Tänapäevase kohaliku omavalitsuse idee* [Local government: The idea of a modern local government]. Tallinn: Eesti Keele Sihtasutus.
- Statute of Tallinn Municipal Police Department [Tallinna Munitsipaalpolitsei Ameti põhimäärus]. (2014). *Riigi Teataja*. Retrieved from <https://www.riigiteataja.ee/akt/418122014004?tegevus=telli-teavitus>
- Tabur, L. (2013). Policing in Estonia: From police force to police service. In G. Meško, C. B. Fields, B. Lobnikar, & A. Sotlar (Eds.), *Handbook on policing in Central and Eastern Europe* (pp. 81–91). New York: Springer.
- Tallinn Municipal Police Department. (2016). *The history of the agency* [Tallinna Munitsipaalpolitsei ajalugu]. Retrieved from <http://www.tallinn.ee/est/munitsipaalpolitsei/Ajalugu-2003-2013-3>
- Wijckmans, B., Klima, N., & Vanhauwaert, R. (2012). *Community (oriented) policing in Europe: Concepts, theory and practice*. Brussels: European Commission, Directorate-General Home Affairs, European Crime Prevention Network. Retrieved from <https://biblio.ugent.be/publication/3228987/file/3228996>

About the Author:

Ero Liivik, PhD, is a lecturer in public law at the Centre of Law and Social Sciences at the Estonian Academy of Security Sciences, Tallinn. E-mail: ero.liivik@sisekaitse.ee