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**MECHANISMS OF RADICAL REFORM OF LAW  
ENFORCEMENT AGENCIES IN UKRAINE  
AS THE MAIN REQUIREMENT OF INCREASING  
THE EFFICIENCY OF NATIONAL SECURITY**

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*This article is devoted to the investigation of mechanisms of radical reform of law enforcement agencies aimed at increasing the efficiency of national security and society. It is stressed that the principle of optimization of its structure as independent body of executive power should lie as a foundation of reform of the Ministry of Internal Affairs of Ukraine given the needs of Ukrainian society and the specifics of the law enforcement system. Renewed Ministry of Internal Affairs of Ukraine in the context of national security must deal with law enforcement, the protection of the constitutional system, territorial defense, migration activity, state border guard, fire-rescue activities. It is important to distinguish between political functions, securing them for minister, and professional functions, that have to be determined by the direction of the National Police and other bodies, which will be included in the structure of the Ministry of Internal Affairs of Ukraine. Demilitarization of the Ministry of Internal Affairs of Ukraine requires the establishment of civil model of activities and relationship among personnel. Therefore, police officers should be recognized as civil servants, not as soldiers. Moreover, suggested mechanisms of "active reforming" of the internal affairs bodies of Ukraine will contribute to the process of transformation of these militarized, authoritarian agencies into actually law enforcement agencies of the European standard, which will enforce the powers granted to them, protect rights and freedoms of the individual and, accordingly, the internal security of society.*

**Keywords:** *reform, law and order, the Ministry of Internal Affairs of Ukraine, internal affairs bodies, police, national security, Ukraine.*

**Kryshchanovych M.F. Mechanizmy radykalnej reformy organów praworządowych na Ukrainie jako główny warunek zwiększenia efektywności bezpieczeństwa narodowego.**

*Artykuł dotyczy ważnych aspektów współczesnej reformy organów ścigania. Analizowano podstawowe zadania i kierunki organów praworządowych na Ukrainie na drodze transformacji ich do policji standardów europejskich. Pro-*



to external conditions rather than to solve its problems altogether. Since the declaration of independence of Ukraine, the issue of reforming internal affairs bodies has been raised repeatedly. There have been nine attempts to reform the Ministry of Internal Affairs of Ukraine, but no reform was implemented to its logical conclusion. Absence of systemic measures and mechanisms for a long time aimed at real change of internal affairs bodies, caused a situation in which unreformed internal security sector generated risks inside of itself.

Despite all efforts, the system of internal affairs remained as repressive cumbersome machine as it was established in Soviet times. Events of Euro-maidan, when many people suffered from the police, and the total inaction of law enforcement officers during a confrontation in the Crimea and in eastern regions of the country, where separatist movements were unfolding there, became a further argument in favor of a radical reform of internal security sector.

Systemic problems of internal affairs bodies appeared in:

- excessively cumbersome structure of law enforcement agencies which, in addition, was complicated by the presence of overlapping and non-core functions;

- lack of opportunities in local communities to monitor police activities in its territory;

- imperfection of legislative regulation, presence of the large number of by-laws that are contradictory to the laws and Constitution of Ukraine;

- low efficiency of work of law enforcement agencies and the lack of evaluation system that reflect the actual activity results;

- the development of police marching toward the paramilitary structure, which led to the closure of the system and the lack of effective mechanisms of public control;

- not effective system of selection, education and training of police personnel;

- excessive use of force and special equipment by police;

- impunity for law enforcement officers [3].

Understanding public demand for immediate reform of the Ministry of Internal Affairs of Ukraine, experts from the public sector and the Reanimation reform package started drafting a law on police and police activities, in which they tried to combine all the best European practices and Ukrainian realities. It was the first draft of amendments to the work of police during the independence of Ukraine, which included public opinion rather than, as before, only the vision of the Ministry of Internal Affairs of Ukraine or the National Security Council of Ukraine.

The Cabinet of Ministers Ukraine also confirmed the intention to follow this way. The Cabinet of Ministers Ukraine issued the Resolution # 647 “On approval of the plan of priority measures to overcome the corruption” from July

2nd, 2014. It entrusted the Ministry of Interior Affairs of Ukraine, the Ministry of Justice of Ukraine, the Ministry of Regional Development of Ukraine and the Government Agent for Anticorruption Policy of Ukraine to develop and submit in the established order to the Cabinet of Ministers of Ukraine the draft law on the internal affairs bodies until September 1st, 2014. However, since that time the Ministry of Internal Affairs has not prepared a draft law that would regulate the work of revised police in the country.

One needs to take into consideration that the law enforcement bodies in modern Ukraine must first service their own country. Therefore, experts from public sector rightly emphasize that the policy will never truly reform itself, because why to cut the branch on which one sits? A group of experts from various organizations and institutions developed and submitted for public discussion the concept of police reform and a draft law on police and police activities in Ukraine to replace the outdated law on police. It was proposed to introduce development Strategy of the internal affairs bodies, which involves the formation of Internal Affairs of Ukraine as an institution of the European standard and the formation of the police as a major performer on ensuring internal security.

The proposed Strategy should focus on meeting certain requirements of the society to the police. Firstly, serving the needs of individual citizens, social groups and society as a whole must be a priority direction of in police work. These requirements for the content of police activity in a modern democratic society were formulated by the famous American researcher of police work D. Bailey based on the analysis of a wide range of regulatory requirements [4]. Secondly, the police should be held accountable before law, not the government. Thirdly, it must protect human rights, especially those that are needed to free political activity in democratic society. Fourthly, the police should be transparent in their actions. Police departments must be sufficiently open to forms of external control, including public control. Fifthly, partnerships with the public must take place within the model “community policing”. Sixthly, the Ministry of Internal Affairs of Ukraine must implement a gradual reduction of staff through redeployment of staff among other ministries and executive agencies, as well as through the dismissal of staff with the previous provision of services for additional vocational education. The National Police Service should consolidate the functions of crime prevention and protection of public order as the main performer. Because of this the service of district inspectors and patrol police that would concentrated 70% of service personnel, should be the main performers of police services.

Hundreds of suggestions and comments from experts from Ukraine and other countries were received and processed during the preparation of the draft law “On police and police activities”. There were a number of meetings, including with the representatives of the Ministry of Justice of Ukraine, the Secretariat of the Verkhovna Rada of Ukraine on Human Rights.

Projects of Reform and Development of internal affairs bodies were submitted on September 16th, 2014 at the meeting of the Expert Council under the Ministry of Internal Affairs of Ukraine. Experts of working group on reform of law enforcement agencies, who are also members of the Expert Council under the Ministry of Internal Affairs of Ukraine, provided comments and corrections to these projects to flesh out their content and lay the foundations of genuine reforms. On October 22nd, 2014 comments on the Concept of reforming the system of Ministry of Internal Affairs of Ukraine, the development Strategy of internal affairs bodies of Ukraine were submitted to the Government.

The expert from France, expert of the European Union “Support for Justice Reforms in Ukraine” divisional police commissioner M. Zherber also provided recommendations to policy documents to reform the law enforcement system adopted by the Ukrainian government in late October 2014. Among them one should pay attention to following: the ministry should leave only a supervisory role for law enforcement; it is necessary to develop a system of sanctions and their application in case of failure to obey the rule of law and appropriate system of appeal in the event of violations; abandonment of uniform can only be justified by secrecy of the assignment; community policing - in no case it has to mean direct participation of citizens or groups of citizens in performing the tasks of the police; to provide too much autonomy to services, including budgetary independence, because that would mean no need for the existence of the ministry; it is also important to consider that an automated management has never led to lower costs, often contrary [2].

It should be noted that reforming the police conducted since independence of Ukraine has been partial and incomplete. There were no conceptual approach and consistency mechanisms on implementation of the main tasks of the internal security of the country and society.

The Committee on Legislative Support of Law Enforcement of Verkhovna Rada of Ukraine emphasized that reform should take place in several stages indicating the timing and expected results. The first stage is the approval of the concept of reform, the adoption of the law on police and police activities, which should be based and reflect the content of the above-mentioned basic components of reform. The second phase is bringing the legal framework into compliance with the new law, the development and approval of regulations on the activities of law enforcement agencies (the police). The third stage is the introduction of reforms. In addition, it is necessary plan the development program of reform. Program should have stages and timing of reform, needed resources, criteria and indicators of evaluation of intermediate and final results.

The Ministry of Internal Affairs of Ukraine developed and submitted to the Verkhovna Rada of Ukraine in the beginning of January 2014 the draft law on creation of National police. As the Prime Minister of Ukraine Arseniy Yatseniuk at a government meeting, this bill eliminated a number of non-core functions of

the police, including “those post-Soviet departments to combat crime and corruption, which led crime and corruption” [8].

Directions of reforming the law enforcement system in Ukraine were discussed on December 15th, 2014 during a meeting with representatives of the European Union police of members of the Verkhovna Rada of Ukraine on Legislative Support of Law Enforcement. The President of the European Union Police Gerrit van de Kamp said regarding the reform of law enforcement system of Ukraine that there were many models of reforming the system in different countries. According to him, the question is that Ukrainians need to select the most appropriate model for them and the European Police Union is ready to assist in its implementation and share their experiences. [7]

It is clear that it is relatively easy to develop reform plans, formulate new objectives, goals and values, but implementation mechanisms on a durable basis are seen as more challenging task. In particular, tools are needed for reforms, but now Ukraine spends a lot of money on defense.

E. Zguladze received Ukrainian citizenship and was appointed the Deputy Minister of Internal Affairs by the Cabinet of Ministers of Ukraine on December 17th, 2014. This can we seen as the first step towards reforming the police. In the beginning of her work she stressed that much can be done already without money, for example, one can write a legal framework, make structural and systemic reform. The reform of law enforcement agencies was launched from the initiative of professionals and community activists. It was envisaged that functions of traffic police patrol should be given to patrol service, which will increase the number of patrol crews and expand the range of their duties. To test how effective the new measures will be the Ministry of Internal Affairs of Ukraine has decided to conduct the three-month experiment in Khmel'nitskiy - a city of about 300 thousand inhabitants. It was expected to summarize the experiment, after which it would be extended to other cities of Ukraine [6].

The principle of optimization of its structure as independent body of executive power should lie as a foundation of reform of the Ministry of Internal Affairs of Ukraine given the needs of Ukrainian society and the specifics of the law enforcement system. Renewed Ministry of Internal Affairs of Ukraine in the context of national security must deal with law enforcement, the protection of the constitutional system, territorial defense, migration activity, state border guard, fire-rescue activities. It was important to distinguish between political functions, securing them for minister, and professional, that have to be determined by the direction of the National Police, National Guard, Border Guard Service, Migration Service, State of Emergency, which will be included in the structure of the Ministry of Internal Affairs of Ukraine.

Demilitarization of the Ministry of Internal Affairs of Ukraine requires the establishment of civil model of activities and relationship among personnel with

the decline in the number of uniformed staff. The state had to change the status of the police and turn it from militarized formation to the service providing public services to ensure security and order. Police officers should be recognized as civil servants, not as soldiers.

It should be noted that a centralized system of setting targets to ensure the internal security of the state and society, without the mechanism of their coordination with the regions and corresponding adjustments did not allow differentiated approach to the planning of regional and district police units and to determine priorities before them, given the specificity of the area. In this regard, decentralization of the system of police units for flexible management and setting up a mechanism of coordination with the regions became necessary.

There was the task to resolve service functions of the Ministry of Internal Affairs of Ukraine, as well as the size and powers of the police services in legislation. The National Police Service was supposed to consolidate the functions of crime prevention and protection of public order as the main performer, because of what service of district inspectors and patrol police should become the main one. Regular parts, service detectives on disclosure of ordinary crimes, information services and logistic support should join the other units.

The reform of internal affairs bodies of Ukraine in the context of national security, according to international standards of law enforcement, is impossible without quality management of the personnel of law enforcement. It is important to develop new criteria and procedures for selection of personnel, reform the vocational training and improve the system of internal control over the actions staff from her community, NGOs, and local authorities to improve the efficiency in the implementation of the mechanism personnel policy, professionalization of staff.

These issues were addressed in Coalition Agreement that is in the chapter IU "Reform of law enforcement", which has provided a section on the system of training of police personnel. According to it, the system of training of police personnel should be a three-tier: several monthly general basic training for acquisition of initial positions; specialized training for acquisition of positions of middle management staff and specialized criminal police on the basis of BA degree; training of MA graduates at the Police Academy for manning senior positions.

Tasks in the field of law enforcement only at the expense of its technical staff and equipment, without the active assistance of the population, are recognized as impossible at the level of the Ministry of Internal Affairs of Ukraine. Therefore, close cooperation with the public and local communities involves creating service model of law enforcement agencies, focused on solving the problems of population as part of generally accepted approach to the world community policing. We must not talk about individual cases of attracting people to cooperate with law enforcement agencies, but about the creation of other

psychological conditions, different atmosphere around police work, when the population will not only observe, analyze and criticize the police for its shortcomings or failures, but also rather empathize and actively respond to proposals from police [1].

The development of legislative initiatives aimed at establishing a clear coherence of legal provisions in criminal, administrative, labor, civil and other branches of law regulating the activities of police personnel should become an important condition for increasing the efficiency of law enforcement agencies to ensure the internal security of the state and society. It is necessary to implement the mechanism of revision and update of normative base taking into account new recommendation documents of international institutions.

Tasks assigned to these or other internal affairs bodies should be developed taking into account European standards. Moreover, new internal and external evaluation criteria and methods of their functional activity should be introduced. However, we cannot allow mechanical copying foreign designs and ways to reform the police.

### **Conclusions**

Thus, suggested by author mechanisms of “active reforming” of the internal affairs bodies of Ukraine will fully contribute to the process of transformation of these militarized, authoritarian agencies into actually law enforcement agencies of the European standard, which will enforce the powers granted to them, protect rights and freedoms of the individual and, accordingly, the internal security of society. Reformed police, in our opinion, should take its rightful place in the subjects of enforcement agencies and, in general, the national security of Ukraine.

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