


боротьби зі злочинністю, форми та механізми взаємодії підрозділів правоохоронних органів України та інших держав [10].

Усі ці завдання потрібно виконати невідкладно, бо поки система вітчизняних правоохоронних органів не буде пристосованою до суспільно-політичних, економічних, інформаційно-культурних та інших світових умов свого функціонування, внутрішньо-державна управлінська діяльність не зможе забезпечити безпеку правоохоронних органів загалом та особисту безпеку їх співробітників. Разом з тим, зміни, які відбулися в суспільно-політичному розвитку країни, кардинальна переорієнтація державної політики на забезпечення передовсім прав, свобод і законних інтересів людини, формування в Україні ринкової економіки, плани входження нашої держави в Європейське співтовариство та інші трансформації системи суспільних відносин ставлять нові вимоги до правоохоронних органів, зумовивши необхідність їх реформування з урахуванням міжнародних стандартів. 

8

#### Список використаних джерел

1. Зозуля І. В. Теорія і практика реформування системи МВС України: [монографія] / І. В. Зозуля. – Х.: Харків юридичний, 2008. – С. 34.
2. Федченко О. Структура поліцейських органів держав ЄС та правове регулювання їх діяльності // Актуальні проблеми управління та службово-оперативної діяльності органів внутрішніх справ у

сучасний період розвитку державності України : матеріали Всеукр. наук.-практ. конф., (Київ, 26 жовт. 2007 р.). – К.: МП «Леся», 2008. – С. 73.

3. Реформирование полиции в странах Европы: Процесс и прогресс / П. Абрахам, Д. Бакрач, А. Бек и др.; под ред. М. Капарини, О. Маринина; предисловие А. Н. Ярмыша. – К.: Задруга, 2005. – С. 31.
4. Губанов А. В. Полиция зарубежных государств: основные черты организации и деятельности / А. В. Губанов. – М.: ВНИИ МВД СССР, 1991. – С. 44.
5. ГИЦ МВД СССР. Зарубежный опыт патрульной службы // Обзорная информация. – М., 1989. – Вып. 22. – С. 25.
6. D'Agosti A. Polizia in Mondo Contemporaneo. – R., 1996.
7. Соболев Е. Ю. Досвід організації та діяльності поліції провідних країн Європи / Е. Ю. Соболев, С. С. Коломойцев // Форум права. – 2012. – № 31(2). – С. 461, 463.
8. Окопник О. М. Органи внутрішніх справ в організаційно-правовому механізмі реалізації виконавчої влади в Україні: дис. ... канд. юрид. наук: 12.00.07 / Окопник О. М. – Х., 2007. – 179 с.
9. Бандурка О. М. Міліція і населення: Теорія і досвід партнерства: монографія / О. М. Бандурка, О. В. Джафарова. – Х.: Вид-во Нац. ун-ту внутр. справ, 2004. – 199 с.
10. Зозуля Є. Підготовку сучасного правоохоронця – на рівень європейських стандартів / Є. Зозуля // Віче. – 2014. – № 4 [Електронний ресурс] – Режим доступу: <http://www.viche.info/journal/4070/>.

# Application of Advanced World Standards for the Organization of Efficient Operations of Law Enforcement Agencies in Ukraine

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**The application of international experiences to ensure the personal security of the law enforcement officers of European countries are explored. The legal situation and the factors that affect the ensuring of the personal security of law enforcement officers are analyzed. The basic directions for solving existing problems are presented. It has been determined that an effective reformation of the system of law enforcement agencies is possible only on the basis of the usage of the experiences of leading European and other world countries.**  
**Keywords: law enforcement agencies, law enforcement officers, personal security, democratization of law enforcement agencies, work of law enforcement agencies with the public**

In connection with the events which have been recently taking place in Ukraine, the search for and implementation of new approaches aimed at increasing the degree of security for national law enforcement officers while performing their professional activities has actualized. Illegal and sometimes even criminal orders from the heads of law enforcement

agencies and their individual units ('Berkut', 'Alpha', etc.), when they operated in Maidan, breached the personal security of both the law enforcement officers and civilians.

The Constitution of Ukraine (Article 3) states that a person, their life and health, honour and dignity, inviolability and security are recognized as the highest

social values. So, the above-mentioned actions of some officials directly violated the provisions of the Basic Law. The reformation of the legal and social systems by building a qualitatively new model of security for their employees in accordance with the standards, principles and rules elaborated by the international community is one of the best ways of solving this problem. This reformation requires conceptually new approaches based on a detailed analysis of the experiences of foreign countries in improving the quality of security for the subjects carrying out the professional activities of maintaining order and administering justice in the state.

Having examined such practices, one can state that it is advisable to adapt them to the requirements and needs of the national law enforcement system.

The 'security of law enforcement agencies' model used in leading world countries provides a multilevel approach to solve the outlined task. Formation of a set of appropriate professional attitudes by law enforcement officers, their learning of strategies, tactics and methods to ensure personal security and how to behave in emergency situations, as well as the necessary additional material and technical, social and legal protection measures to be guaranteed by the state have become important elements of such an approach. According to this doctrine, the number of the prioritative tasks of law enforcement agencies includes, first of all, the ensurance of such an objectively possible level of personal security which, in certain cases, may even foresee the refusal to arrest offenders if there is no real risk to the public but there is the probability of death for the law enforcement officer. At the same time, the complete security of citizens is also guaranteed due to a number of effective mechanisms [Zozulya, 2008: 34].

The legal uncertainty regarding the activities of law enforcement agencies causes negative consequences resulting in some mismatches. These can include vague wording of the functional responsibilities of law enforcement officers that causes the duplication and inefficient performance of their professional duties; an intricate system of operational principles and objectives of each law enforcement agency; absence of a mechanism for implementing regulatory and judicial guarantees of social and legal protection of law enforcement agencies. The above-mentioned facts show that the national law enforcement system needs some reorganization which should not be carried out hastily (as it has always been done before) but should be based on a scientifically grounded state concept or programme of judicial reform. Exploring this topic one should be familiar with features of the legal status and structure of police in the Republic of Poland, Great Britain, France, the Federal Republic of Germany, Georgia and the CIS countries [Fedchenko, 2008: 73].

The law enforcement agency structures of European countries have some similarities which are the following:

- branching and variety of police systems; the presence of police units in the structures of different ministries and departments, and their mutual independence. That leads to the specific construction of a specialists' training system, its focus being not only on the general objectives of law enforcement activities, but, above all, on the specificity of a particular job in the proper police service. As a result, the period of adaptation to the profession and acquiring

of the necessary working efficiency is maximally reduced;

- the division of police units into state (federal), municipal (local self-government), and private (related to companies, corporations, syndicates, etc.) entities due to their sources of funding but on condition that there is close cooperation between them;

- social orientation of the work of police to be primarily focused on the protection of the rights and freedoms of the citizen;

- high professionalism of the police that is achieved not only through complete training in professional police education establishments. Policemen in the USA, Great Britain, France, and other countries have to learn throughout the entire length of their service as that has an influence on their career, conferral of official rank, the amount of wages, benefits, etc.;

- nonpartisanship of the police which imposes certain restrictions on political and partisan expressions; provides the impartiality of policemen while executing their official activities, as well as their awareness and conviction that the police serve the people and the state but not separate parties, clans or groups;

- active involvement of voluntary civil associations in order to support and help the police;

- openness, transparency, and constant appeal to public opinion in resolving difficult cases arising in law enforcement practice that ensures confidence and support of the police by the population [Kaparini, 2005: 31].

It is clear that a law enforcement system, even one extensively and financially secured and endowed with the necessary legal support, cannot fully carry out its tasks without the cooperation of the public, especially with the local people. Therefore, the police should actively participate in public events, the organization of sport competitions and festivals; work in schools and pre-school institutions; perform patronage actions; report to the public and realize the ideal of rapprochement. During official police trainings in Germany, France, and Italy, servicemen study a special course named 'Community Outreach'. Quite a large number of employees, who carry out their duties in the departments of psychological and social work, community outreach, relations with organizations and the media are prepared for the law enforcement systems of foreign countries.

It should also be noted that law enforcement officers of foreign countries widely use scientific and technical means, and introduce the scientific organization of police personnel while carrying out their functions. The latest findings of the natural sciences and technology are harnessed by the police. The police have an extensive system of expert research and scientific establishments. For instance, while investigating an intentional homicide or other serious crimes, within the shortest possible time the British police can hold dozens of various expertises including those that help to get evidence by examining the fumes of alcohol and drugs in the air of the room where the crime occurred, the remnants of food in the stomach, the chemical and biological composition of urine and feces, or the microparticles left by the offender on the floor and on the clothing of the victim. The collections of criminologists include all kinds of firearms that have been or once were produced in different countries of the world; all types of paint used in all car factories in the world; examples of all

the yarns and fabrics made in the USA, Japan, China or even during the processes of craftsmanship of the African tribes [Gubanov, 1991: 44].

However, the laws of France, Great Britain, and Germany establish specific procedures for the usage of scientific and technical tools which not only facilitates the identification of truth during the investigation of crimes but also provides protection for the rights and legitimate interests of citizens. The highly technical equipment of the patrol is a typical feature of the police in developed countries. The usage of technical tools ensures an effective operation by the police and, as a result, affects the mobility of their units [9, 1989: 25].

The ensurance of the security of law enforcement agencies is also affected by the fact that in the majority of democratic counties their employees are not responsible for the decline in crime detection if this is explained due to some objective reasons (e.g., an increase of tasks for the units, specializing in combating certain types of offences, when their staffing remains at the previous level). As a result, the personnel of the police almost never conceals crimes from the accounting procedure.

It is specific that the views of foreign and national experts usually concur while considering measures for the improvement of the efficiency of security and the professionalism of law enforcement activities offered in democratic countries. Therefore, one considers that first of all the state authorities should ensure the strengthening of the mutual interaction of sectoral services and police units, as well as their cooperation with other state and municipal authorities and the public; further specialization of the staff when dealing with specific types of offences; improvement of professional personnel training; optimization of the police information system; introduction of new technical means during work [D'Agosti, 1996: 20-53].

All states are connected by international law, and the rights of a man to security in each of them are protected by national legislation. The degree of the realization of the right of a man to security is largely dependent on the strict observance of and abidance by laws in a certain country. These circumstances give us reason to pay attention to the fact that, in most cases, the international standards regarding the protection of human rights and freedoms could be directly aimed at the regulation of the activities of law enforcement agencies. Ensuring of law and order, protection of rights, freedoms and the legitimate interests of citizens is the object every state should care about regarding its law enforcement agencies. It is not for nothing, despite the different assessments of police existing in the modern world, that foreign experts are unanimous in recognizing their huge role. The importance of the police in the process of ensuring the security of citizens was pointedly stressed by G. Marinon (Argentina): "They [the police. – Ed.] have really become one of the cornerstones of the state. The global force of each country can be measured by the capacity of its police. The state of the future could visionally be imagined without an army but with a police force that would be more powerful than the present one".

At the same time, a new approach to assess the activities of law enforcement agencies as organizations that provide the public with services in the law

enforcement field, in particular, with services aimed at the protection of a man and the citizen from illegal encroachments is widely proliferating.

That position was reflected in a number of national and international documents even in 1970-s. As stated in the Code of Conduct for Law Enforcement Officials, adopted by the UN General Assembly on 17 December 1979, service to the community is intended to include particularly the rendition of services of assistance to those members of the community who by reason of personal, economic, social or other emergencies are in need of immediate aid. Partial transformation of law enforcement agencies into service agencies makes possible significant improvements regarding the efficiency of law enforcement officers by bringing their professional operations closer to the public and simultaneously reducing the measures of their repressive influences. Preference should be given to the prevention of crimes rather than to the elimination of their harmful consequences.

In 1998, at the Congress in Munich major approaches for creating a new model of police operations were identified. It was pointed out that, firstly, the police are a service agency that provides services to the population in a specific area and, secondly, the police should work for citizens by developing a system of services for them [Sobol, 2012: 461].

The experiences of police system reformation in the Central and Eastern European countries (Germany, Hungary, Poland, Slovenia, the Czech Republic, Bulgaria, the Baltic countries, and Russia) shows that international standards, guidelines and regulations have influence on the processes of police reformation. They also influence the management of the internal affairs bodies as a whole, as the reformation results in the processes of demilitarization, democratization, de-politicization of the police agencies. Today, the strategic directions of police development in many countries of the world are characterized by aspirations for ensuring efficient and qualitative services provided to the public and improving their organization and division among government institutions. In particular, at the Congress determining the main approaches to create a new model of the police operation, it was stated that the police should exist for citizens and, therefore, are considered as a service agency that provides services to citizens in a specific area. Thus, the security services system needs further development [Sobol, 2012: 463].

In Ukraine, the problem of democratization and transformation of law enforcement agencies into service agencies for ensuring law and order and their rapprochement with the people while reforming the police system has come into the sight of many scientists. In particular, it is considered by O. Okopnyk [5] and O. Bandurka [1] but only from the perspective of interactions between law enforcement officers and the public; search for all possible forms and methods to involve the public in the performance of police tasks including assistance while ensuring both the security of citizens and the personal security of law enforcement officers. However, the finite vision of that problem limits the abilities for its solution, as there is nothing to contribute to the rapprochement between the law enforcement agencies and the public but their collaboration on the improvement of securi-


ty, in particular, by carrying out service and public functions that foresee some opportunities for the implementation of rights, duties and lawful interests by the citizens and legal entities.

Thus, one can state that the main directions to ensure the personal security of law enforcement officers includes democratization, socialization and the mutual coordination of different reforms while improving the quality of security, as well as forming a fundamentally new approach to the quality of state services provided by law enforcement agencies in maintaining law and order. This requires the adoption of appropriate government programmes for ensuring the quality of public services; decentralization of services' rendition through the delegation of powers to social organizations; introduction of a contractual form of services' rendition; realization of organization and structural measures for and functional inspections of the government entities within which the improvement of state service is taken place in order to enhance the effectiveness of law enforcement agencies.

Positive results of such steps primarily depend on the relevant state policy, i.e. strategy and tactics of relations between the state in the person of its authorized institutions and the subjects to ensure the personal security of law enforcement officers. The measures aimed at ensuring their professional security include development and implementation of a number of specific organizational, legal, administrative, and material and technical measures; improvement of the vocational and psychological state of employees; and acquisition of specialized knowledge and skills to ensure personal security while performing professional tasks or in situations related to their professional activities.

Under the conditions of the reformation of the law enforcement agencies of Ukraine to ensure the security and effectiveness of their activities, the experience of leading world countries, as has already been noted, is of great importance. This practice is gradually being realized in our country, too. The analysis of the main directions of international cooperation in the training of law enforcement officers in Ukraine confirms a need for the development and consolidation of modern forms of collaboration with international organizations, education establishments, scientific and police agencies of foreign countries; further implementation of the best foreign practices into the activities of personnel units, educational processes and scientific and research work of the higher education establishments of Ukraine. There is also a great necessity for the publication of learning and teaching materials regarding the results of international cooperation which would highlight the experiences of the fight against crime, forms and mechanisms of collaboration between the units of the law enforcement agencies of Ukraine and the other countries, etc. [Zozulya, 2014: 21].

All these tasks should be fulfilled immediately. For so long as the system of national law enforcement agencies is not adapted to social, political, economic, information, cultural and other world conditions of its operation, the internal state management activities cannot ensure the security of law enforcement agencies in general and the personal security of their employees in particular. At the same time, the chan-

ges which have taken place in the social and political development of the country; the radical reorientation of state policy to the primary ensuring of rights, freedoms and the legitimate interests of a person; the formation of a market economy in Ukraine; the plans of our country to enter the European Union and other transformations of social relations are putting new challenges to law enforcement agencies. That preconditions the need for their reformation to be realized according to international standards. 

## References

1. **Bandurka O., Dzhafarova O.** (2004) *Міліція і населення: Теорія і досвід партнерства: [монографія]* [The police and the public: Theory and experience of partnership: [monograph]]. Харків: Вид-во Нац. ун-ту внутр. справ.
2. **D'Agosti A.** (1996) *Polizia in Mondo Contemporaneo*. Roma: Ediesse.
3. **Fedchenko O.** (2008) 'Структура поліцейських органів держав ЄС та правове регулювання їх діяльності' [Structure of the police agencies of the EU Member States and the legal regulation of their activities]. Actual problems of governance and service and operational activities of the internal affairs bodies in the modern period of Ukraine's statehood development : Proceedings of the All-Ukrainian Scientific and Practice Conference, Kyiv, 26 October 2007. Київ: МП "Леся".
4. **Gubanov A.** (1991) *Полиция зарубежных государств: основные черты организации и деятельности* [Police of foreign states: main organization and operation features]. Москва: ВНИИ МВД СССР.
5. **Окопник О.** (2007) *Органи внутрішніх справ в організаційно-правовому механізмі реалізації виконавчої влади в Україні: автореф. дис. ... канд. юрид. наук: 12.00.07* [Internal affairs bodies in the organization and legal mechanism of implementation of the executive power in Ukraine: Dissertation abstract for the Ph.D. in Law, specialty: 12.00.07]. – Харків.
6. **Sobol I., Kolomoitsev S.** (2012) 'Досвід організації та діяльності поліції провідних країн Європи' [Experience of organization and operation of the police in leading European countries], *Форум права* 31(2): 461-466.
7. **Zozulya I.** (2008) *Теорія і практика реформування системи МВС України: [монографія]* [Theory and practice of reformation of the MIA system of Ukraine: [monograph]]. Харків: Харків юридичний.
8. **Zozulya I.** (2014) 'Підготовку сучасного правоохоронця – на рівень європейських стандартів' [Training of modern law enforcement officers is to comply with European standards], *Віче* 4: 20-22.
9. 'ГИЦ МВД СССР. Зарубежный опыт патрульной службы' [Main information centre of the MIA of the USSR. Foreign patrol experience] (1989), *Обзорная информация* 22: 25.
10. *Реформирование полиции в странах Европы: Процесс и прогресс* [Police reformation in the countries of Europe: Process and progress] (2005), М. Kaparini, О. Marinina (eds.). Київ: Задруга.

