

FOREIGN EXPERIENCE OF ACTIVITIES OF NATIONAL POLICE BODIES IN CONDITIONS OF ARMED AGGRESSION

HARASYMIV Volodymyr - Head of Police Department No. 4 (Zbarazh) of the Ternopil District Police Department of the Main Department of the National Police in the Ternopil Region

**УДК 342.951:[351.74:341.4]
DOI 10.32782/NP.2021.1.36**

The standards of the Council of Europe in the field of police activity are analyzed in the article. Emphasis is placed on the social role and a clear distinction between the role of the police and the prosecutor's office, the judicial and penitentiary systems; emphasizing that the police should not control their bodies. The implementation of «Community Policing» is characterized as a strategy and practice of the closest cooperation between police forces and society, which demonstrates its effectiveness at various levels. Aspects of foreign experience that may be important during an armed conflict are given: prevention and investigation of crimes; public security; humanitarian help; criminal investigation; interaction with international forces. An analysis of the activities of the national police bodies of foreign countries that faced armed aggression was carried out. Key elements include professional training, use of modern technologies and cooperation with international partners. Proposed areas of activity for the National Police of Ukraine in conditions of armed aggression. In particular, Colombia's experience can be useful for Ukraine in the context of combating illegal weapons and crime during armed aggression. The experience of the Polish National Police in conditions of armed aggression emphasizes the importance of mobilizing public support, cooperation with underground and resistance structures, as well as the role of the police in ensuring the safety of citizens and monitoring public order even in conditions of occupation and aggression.

Key words: *armed aggression, foreign experience, EU standards, national police, activity*

Problem's setting

As everyone knows, police activity in a modern democratic state is determined by two models of its organization: «continental-European» and «Anglo-Saxon» (British). The first model is characterized by the rigidity of the centralized management of police units by the state, «vertical» power and a wide range of police powers.

This group includes Austria, Germany, Spain, Italy and France. The second model is characterized by the decentralization of management, the «horizontal» of power, the increase in the level of powers of local authorities and already in part police functions [1, p. 6].

Another study notes that in the mechanism of such states of the continental legal family as France, Germany, Poland, the police is an integral part of the system of executive authorities as an element of the state apparatus. A common feature for the above countries of the continental legal family is that that, formally, the police, as an independent state body, belongs to the subsystem of executive authorities, authorities that are directly subordinate to a special higher echelon of the executive authority - the Ministry of Internal Affairs [1, p. 34].

Also important are the standards of the Council of Europe in the field of police activity, which, in view of Ukraine's membership in the Council of Europe since 1995, must be implemented in the course of police reform.

The state of the problem's research

Questions of determining foreign experience of activities of the National Police bod-

ies are always in the field of scientific research by domestic scientists. Among the latter, the works of such scientists as L. Nalyvaiko, O. Kondratuk, V.V. Chumak, O.I. Bespalova and some others. The scientific works of these researchers definitely have theoretical and practical significance, however, taking into account the current conditions, it is necessary to revise conceptual approaches to understanding the essence of the forms of police activity, the peculiarities of their implementation, especially in the conditions of Russia's armed aggression against Ukraine.

The objective of the research is analysis of the foreign experience of activities of the National Police bodies as well as the provision of practical proposals and recommendations for improving the order of their implementation in the conditions of Russia's armed aggression against Ukraine.

The main part

One of the first documents in the field of police standards should be considered the Council Resolution «On the Declaration on the Police» (1979). In the preamble of this document, it was stated that the European system for the protection of human rights should contain norms regarding the professional ethics of police officers.

The document includes three parts: A. «Ethics». B. «Status». S. «War and other emergency situations - occupation by a foreign state.» Paragraph 1 of Part B defines the police: "The police are a statutory public service which shall be responsible for the maintenance and protection of law and order.

The next basic document of the Council of Europe in the field of policing is Recommendation (2001)10 of the Committee of Ministers to member states European Committee on Police Ethics, 19 September 2001.

First, it was pointed out that the promotion of the rule of law is the basis for any truly democratic system. In turn, the criminal justice system plays a decisive role in protecting the rule of law. The police play an important role in this system. Police actions are largely carried out in close contact with the population and their effectiveness depends on public support.

However, most police services in Europe play a role, along with law enforcement, a social role and provide certain services in society. In addition, the Committee of Ministers noted that the attitude of the population to the police is related to the position and behavior of the police in relation to this population, especially respect for human dignity and the basic freedoms and rights of the individual in the form in which they, in particular, are enshrined in the European Convention on Human Rights.

Secondly, the understanding of the police (the scope of the Code) was determined as traditional units and services of the state police or other authorized and/or state-controlled bodies, created primarily to ensure the maintenance of law and order in civil society, which the state allows to use force and /or special powers.

The main goals of the police include:

- a) ensuring public peace, maintaining law and order in society;
- b) ensuring the protection and observance of basic human rights and freedoms, including the form in which they are, in particular, enshrined in the European Convention on Human Rights;
- c) prevention and fight against crime;
- d) crime detection;
- e) provision of assistance and services to the population.

Thirdly, Section II also stated that the police is a public body established by law and that police operations must always be conducted in accordance with the domestic laws of the country and with those international norms to which the country has agreed.

Legislation regulating police activities should be accessible to citizens and sufficiently clear and specific. Police officers are subject to the same laws as ordinary citizens; exceptions to this principle can be justified only when they are aimed at ensuring the norms of police activity in a democratic society.

In the next section, there are other features of the police organization that show its role in the criminal justice system (paragraphs 6-10), in particular:

a clear distinction between the role of the police and the prosecutor's office, the judicial and penitentiary system; with an emphasis on

Дискусії, обговорення, актуально

the fact that the police should not control their bodies;

the police must strictly adhere to the principles of independence and impartiality of courts;

the police should not deny the decisions or resolutions of the courts, not prevent their execution;

the police should not perform any judicial functions.

The delegation of judicial powers of the police should be limited to a limited number of cases provided only by law. At the same time, there must be a procedural possibility, directly provided by law, to challenge in court any actions, decisions or inaction of the police regarding the rights of citizens;

appropriate functional cooperation between the police and the prosecutor's office should be ensured.

Fourthly, Chapter VI highlights another aspect of police organization - «Police Responsibility and Control». According to paragraph 59, the police must be accountable to the state, citizens and their representatives, and be subject to effective external control. State control over the police should be divided into the legislative, executive and judicial branches of government [2].

Among the OSCE standards on police activity, first of all, it is necessary to pay attention to the decision of the Council of Ministers of the OSCE dated December 4, 2001 «Activities related to the performance of police functions», which highlights the main approaches to understanding the importance of police activities.

The document, in particular, notes the need to «strengthen the existing activities of the OSCE Police in the field of conflict prevention, crisis management and post-conflict reconstruction, including by providing participating states, with their consent and at their request, advisory services and assistance in the restructuring and reconstruction of the police cases, monitoring the work of police services and training for them.

It was planned to «increase and develop cooperation between participating states in countering new security challenges» with the aim of:

a) expansion of operational and tactical capabilities of the police;

b) training of police officers in key areas, including respect for human rights, fundamental freedoms and, where relevant, criminal aspects of illegal migration;

c) increasing the potential in the field of police work on the ground - the fight against drugs, corruption, terrorism.

1. The police is the most visible manifestation of state power, which carries out the most obvious, urgent and intervention-requiring tasks to ensure the well-being of individuals and entire communities.

2. The interpretation of the understanding of «the police as a public service» is outlined as follows: «The main duty of the police is to maintain public peace, law and order, protection of basic human rights and freedoms, prevention and detection of crimes; reducing the level of fear; and providing assistance and the public.

However, it is noted that the democratic foundations of police activity are achieved if there is a transition «from a control-oriented approach to services», that is, when the main focus of law enforcement activities is on active crime prevention.

3. The democratic police develops and carries out its activities in accordance with the needs of the public and the state, and also pays special attention to providing emergency assistance to members of society who need it [3].

In 2012, the OSCE adopted the Strategic Concept of activities related to the functions of the police, the Permanent Council of this organization outlined the priorities of activities in this area. The document highlights the factors that the OSCE

will take into account when working on issues related to police functions:

1) the evolution of transnational threats to security and stability in the OSCE region and beyond;

2) rapidly changing criminal manifestations;

3) the need to increase the professionalism and potential of law enforcement authorities, improve the criminal justice systems of participating states, consolidate and strengthen democracy, the rule of law, human rights and fundamental freedoms throughout the OSCE region;

4) a wide variety of traditions in the area of administration of justice and law enforcement activities; different levels of cooperation between individual criminal justice sectors;

5) participation of many and various international, regional and national actors in the comprehensive reform of criminal justice in the participating states;

6) budget and personnel limitations both in the OSCE and in the participating states.

If we turn to the foreign experience of legal regulation of the activities of law enforcement agencies, it shows that:

- interaction of law enforcement bodies with other state bodies ensures a high level of performance of the tasks assigned to them.

At the same time, in many countries of the world, not all law enforcement functions are performed by state bodies. In particular, other non-governmental organizations have gained wide popularity in the USA, Great Britain, France, Poland, and the Czech Republic;

- the interaction of law enforcement agencies with other state agencies in these countries involves close cooperation with communities, there is the implementation of «Community Policing» - the strategy and practice of the closest cooperation between police forces and society, which demonstrates its effectiveness at various levels.

«Community Policing» is interpreted as a philosophy of police work, which means a new type of relationship between the police and law-abiding citizens, the participation of the latter in setting priorities, establishing standards that enable them to participate in improving the general quality of life. This approach shifts the focus of police work from handling random calls to solving problems.

The main aspects are:

1) strengthening the partnership between the police and citizens, including the participation of the whole society in the strategy of promoting the improvement of public safety;

2) participation of society in the determination, effective elimination of the main conditions that lead to crimes of anarchy;

3) transformation of the police as an organization capable of responding to the needs of society (society) more effectively [4, p. 212];

- certain countries, taking into account the objective increase in the level of the terrorist threat, made changes to their respective national legislation on combating terrorism, including on issues of expanding the powers of law enforcement agencies and special services.

The foreign experience of the activities of national police bodies during armed conflicts may vary depending on the country and specific circumstances. However, there are certain general principles and practices that can be applied in such situations. Below are some aspects of foreign experience that can be important during armed conflict:

Crime prevention and investigation: National police authorities have an important role in the prevention and investigation of crimes committed during conflict. They mostly work side by side with the armed forces to ensure security and law and order.

Public safety: Police authorities ensure public safety by patrolling, controlling access and conducting operations in important public places. They ensure the protection of public order and the protection of the civilian population from crime and violence.
Humanitarian assistance: During an armed conflict, the police can participate in humanitarian operations by providing aid to victims, evacuating civilians, ensuring the safety of humanitarian workers, and assisting in the distribution of humanitarian aid.

Criminal investigation: Police authorities must conduct criminal investigations into crimes committed during armed conflict. This may include investigating war crimes, acts of terrorism, robbery, violence, etc.

Cooperation with international forces: In the event of armed conflict, the police may cooperate with international forces, such as United Nations peacekeeping missions or international coalitions. They can share intelligence, coordinate joint operations and provide security support.

It is worth noting that each country has its own laws, police forces and approaches to the activities of national police bodies during conflicts. The experience described above is general and its application may vary depending on the specific situation and political context of each country.

Дискусії, обговорення, актуально

In the context of the activities of national police bodies in the conditions of armed aggression, Ukraine can gain useful experience from countries that have faced similar situations. Several countries that may have good experiences for Ukraine in this context include:

Poland: During World War II, Poland was occupied by Nazi Germany. The Polish underground state organized an underground police force to maintain order, control migration, and fight resistance movements. This experience showed the value of volunteer organizations capable of mobilizing public support and performing police functions in conditions of aggression.

Israel: Due to the constant security threat from terrorist groups and conflict with neighboring countries, Israel's national police have developed a high level of effectiveness in fighting terrorism and maintaining public order. They use advanced technologies such as video surveillance, intelligence and counterintelligence and cooperate with intelligence services and military forces.

Croatia: During the war in the Balkans in the 1990s, the Croatian police became an important instrument of state security. They have gone through the difficult path of reforms and modernization, focusing on improving professional training, ensuring cooperation with international partners and preventing corruption.

Colombia: Colombia has been embroiled in a long armed conflict with rebel groups and drug cartels. The Colombian police have developed strategies to counter criminal groups, ensure public safety, and implement operational measures to combat illegal weapons. Colombia's experience can be useful for Ukraine in the context of combating illegal weapons and crime during armed aggression.

These examples testify to the importance of continuous improvement and adaptation of the national police in the conditions of armed aggression. Key elements include professional training, use of modern technologies and cooperation with international partners. However, it is also important to take into account the context and peculiarities of Ukraine, adapting ideas and practices to national needs and realities.

The activities of the Polish National Police in the conditions of armed aggression against the country provided significant experience and important lessons for the further improvement of the police force.

During World War II, when Poland was occupied by Nazi Germany, Polish police forces operated in difficult conditions and performed a variety of tasks.

One of the interesting aspects of the activities of the Polish police in the conditions of aggression is the organization of underground police structures. The underground state in Poland formed structures aimed at maintaining public order, controlling migration, and fighting resistance movements. These underground police structures were actively involved in the fight against the occupiers and helped gather intelligence.

In addition, the Polish police actively cooperated with the underground army and other resistance organizations. They exchanged information, coordinated joint operations and cooperated to ensure security and control in the territory of the occupied country. An important factor was the ability of the police to cooperate with various partners and resistance agencies in order to achieve common goals.

It is also worth noting that the Polish police authorities focused on exposing and countering treasonous acts and cooperation with the occupiers. They actively worked to ensure the safety of citizens and identify collaborators, which contributed to the strengthening of society and the support of national resistance [5].

Conclusions. The experience of the Polish National Police in conditions of armed aggression emphasizes the importance of mobilizing public support, cooperation with underground and resistance structures, as well as the role of the police in ensuring the safety of citizens and monitoring public order even in conditions of occupation and aggression.

The activities of Israel's national police in conditions of armed aggression provide valuable experience and examples of effective action in conditions of conflict and terrorist threats.

Israel is under constant security threat due to conflicts with neighboring countries

and terrorist organizations. Some features of the Israel National Police include the following items:

Prevention: The Israel National Police is actively engaged in preventive work to prevent terrorist acts and other crimes. They use intelligence, preventative measures and traffic control to ensure the safety of citizens.

Technological innovation: Israel is known for its advanced security technologies. The National Police actively uses high-tech solutions such as video surveillance systems, reconnaissance drones, biometric systems and data analytics to detect and counter threats.

Cooperation with the armed forces: The Israel National Police has a close cooperation with the country's armed forces. This allows for the coordination of joint operations and the exchange of intelligence, ensuring an effective fight against terrorism and other threats.

Adaptation and training: The Israel National Police constantly adapts to changing threats and situations. They conduct systematic training of their employees in emergency response, anti-terrorist measures, criminal investigation and cooperation with the public.

Public Trust: The Israel National Police actively engages with the public and engages citizens in security. They establish contact with local communities, develop prevention and awareness programs that contribute to cooperation with the police and increase the level of security.

The activities of the Croatian National Police in conditions of armed aggression provide valuable experience of effective work in conflict conditions and ensuring the safety of citizens. Croatia faced military conflict in the 1990s during the breakup of the former Yugoslavia.

Some features of the activities of the Croatian National Police include the following points:

Martial Law and State of Emergency: In the face of armed aggression, Croatia imposed martial law or a state of emergency, giving the police additional powers and resources to maintain security and order.

Mobilization of police forces: In connection with the armed aggression, the Croatian National Police carried out a large-scale mobiliza-

tion of police forces to support defense activities and ensure the safety of the population.

Cooperation with the Armed Forces: The Croatian National Police cooperated with the country's armed forces to coordinate joint operations and share intelligence. They worked together to ensure the safety of the population and to control the territory. **Protection of national infrastructure:** Croatian police have improved their efforts in the area of protection of national infrastructure in conflict situations. They patrolled critical facilities, controlled the movement of people and goods, and ensured safety on roads and in public places.

Support of public security: The Croatian National Police actively cooperated with the public, establishing trusting relationships and involving citizens in the security process. They organized information campaigns, provided advice on personal safety and promoted active cooperation with the public.

Thus, Colombia's experience can be useful for Ukraine in the context of combating illegal weapons and crime during armed aggression. Although situations may differ and each country has its own unique challenges, some general principles and approaches can be translated to the Ukrainian context.

Here are some possible aspects of the Colombia experience that may be helpful:

Ensuring public security: Colombia has experience in the fight against crime and terrorism. The development of effective police strategies to prevent and investigate crimes, ensure the safety of citizens, and coordinate with other law enforcement agencies can be beneficial for Ukraine.

Fight against weapons: Colombia has a lot of experience in fighting illegal weapons, in particular due to the problem of armed groups and drugs.

References

1. Bezpalova O.I. Administrativno-pravovyi mekhanizm realizatsii pravookhoronnoi funktsii derzhavy [The administrative and legal mechanism for implementing the law enforcement function of the state]: monohrafia. Kharkiv : NikaNova, 2014. 544 s. [In Ukrainian]

Дискусії, обговорення, актуально

2. Chumak V.V. Orhanizatsiino-pravovi zasady diialnosti KNAB Latvii ta DBR Ukrayny: porivnalnyi analiz. Rol ta mistse pravookhoronnykh orhaniv u rozbudovi demokratychnoi pravovoi derzhavy [Organizational and legal principles of KNAB of Latvia and SBR of Ukraine: comparative analysis. The role and place of law enforcement agencies in the development of a democratic legal state] : materialy KhI mizhnarod. nauk.-prakt. inter-konf. (25 berez. 2019 r.). S. 60–61. URL: http://dspace.univd.edu.ua/xmlui/bitstream/handle/123456789/9347/Orhanizatsiino%20pravovi%20zasady%20diialnosti%20KNAB_Chumak_2019.pdf?sequence=1&isAllowed=y (data zvernennia: 10.04.2021). [In Ukrainian]

3. Chumak V.V. Diialnist Zbroinykh Syl Latvii, Lytvy ta Estonii: dosvid dlia Ukrayny [Activities of the Armed Forces of Latvia, Lithuania and Estonia: experience for Ukraine]. Visnyk Kharkivskoho natsionalnogo universytetu vnutrishnikh sprav. 2019. № 4 (87). S. 162–169. [In Ukrainian]

4. Dosvid Velykoi Brytanii u vykorystanni hromadskosti shchodo zapobihannia zlochynnosti [Great Britain's experience in using the public to prevent crime]. Forum prava. 2013. №3. S. 317–323. [In Ukrainian]

5. Dotzenko O. S. Osnovni napriamy diialnosti politsii zarubizhnykh kraiin, osnovnym zavdanniam yakykh vystupaie zabezpechennia hromadskoi bezpeky [The main areas of activity of the police of foreign countries, the main task of which is to ensure public safety]. Mytna sprava. 2014. No 2 (92). Ch. 2. Kn. 2. S. 217–220. [In Ukrainian]

АННОТАЦІЯ

У статті проаналізовано стандарти Ради Європи у сфері діяльності поліції. Акцентується увага на соціальній ролі та чіткому розмежуванні ролі поліції та прокуратури, судової та пенітенціарної систем; підкреслюючи, що поліція не повинна контролювати все. Впровадження «Community Policing» характеризується як стратегія і практика найтіснішої взаємодії між поліцейськими силами та суспільством, яка демонструє свою ефективність на різних рівнях. Наведено аспекти зарубіжного досвіду, які можуть бути важливими під час збройного конфлікту: попередження та розслідування злочинів; громадська безпека; гуманітарна допомога; карний розшук; взаємодія з міжнародними силами. Проведено аналіз діяльності національних поліцейських органів іноземних держав, які зазнали збройної агресії. Ключові елементи включають професійну підготовку, використання сучасних технологій та співпрацю з міжнародними партнерами. Пропоновані напрями діяльності Національної поліції України в умовах збройної агресії. Зокрема, досвід Колумбії може бути корисним для України в контексті боротьби з нелегальною зброєю та злочинністю в умовах збройної агресії. Досвід Національної поліції Польщі в умовах збройної агресії підкреслює важливість мобілізації громадської підтримки, співпраці з підпільними структурами та структурами опору, а також роль поліції в забезпечені безпеки громадян і моніторингу громадського порядку навіть в умовах окупації. і агресія.

Ключові слова: збройна агресія, іноземний досвід, стандарти ЄС, національна поліція, діяльність