

Artículo de investigación

International experience of ensuring public safety and order by police forces during mass events and the possibility of its application in Ukraine**Зарубежный опыт обеспечения полицией публичной безопасности и порядка во время проведения массовых мероприятий и возможности его использования в Украине**

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The author of the article has substantiated the expediency of studying international experience of police activity and, in particular, the provision of public safety and order by the police during mass events. The analysis of the main provisions of normative document, which regulated the activities of the National Police, concluded that public safety and order attached as an important sphere of public life, which requires certain maintenance and support of the National Police. The experience of the European Union countries, the USA, Canada and other highly developed countries in the sphere of ensuring public safety and order by the police during the mass events has been analyzed. The possibilities of using this experience in Ukraine have been formulated. Attention is focused on the fact that maintaining public safety and order is one of the main tasks of the National Police. Therefore, based on international experience, the problems associated with the implementation of this task should be resolved legally, in particular, taking into account administrative, demographic, cultural, economic

Аннотация

В статье исследовано нормативно-правовую регламентацию деятельности Национальной полиции в сфере обеспечения и поддержания публичной безопасности и порядка. Анализ основных положений нормативных документов, которые регламентируют деятельность Национальной полиции, дал возможность прийти к выводу, что общественная безопасность и порядок являются важной сферой гражданского общества и жизнедеятельности страны. Обоснована целесообразность изучения зарубежного опыта деятельности полиции и, в частности, в ходе обеспечения полицией публичной безопасности и порядка во время проведения массовых мероприятий. Проанализирован опыт стран Европейского Союза, США, Канады и других высокоразвитых стран в сфере обеспечения полицией публичной безопасности и порядка во время проведения массовых мероприятий. Сформулированы возможности использования данного опыта в Украине.

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and other factors affecting the level of public security and order. The **objective** of this article is to study international experience in ensuring public safety and order by the police during mass events and the possibilities of its use in Ukraine. In the research process to achieve the goal, a complex of general scientific and special methods of cognition was used, in particular, the comparative legal method, the system and structural method, the method of analysis and the sociological method.

Key words: Police, public safety, public order, mass events, international experience.

Акцентируется внимание на том, что поддержание общественной безопасности и порядка есть одной из основных задач Национальной полиции. Поэтому, исходя с международного опыта, проблемы, связанные с выполнением этой задачи, должны решаться законным путем, в частности, учитывая административные, демографические, культурные, экономические и другие факторы, влияющие на уровень общественной безопасности и порядка. *Целью статьи* является изучение международного опыта по обеспечению общественной безопасности и порядка со стороны полиции во время массовых мероприятий и возможностей его использования в Украине. В процессе исследования для достижения поставленной цели использовался комплекс общенаучных и специальных методов познания, в частности, сравнительно-правовой метод, системно-структурный метод, метод анализа и социологический.

Ключевые слова: полиция, публичная безопасность, публичный порядок, массовые мероприятия, зарубежный опыт.

Introduction

The history and practice of holding mass events in Ukraine testifies to the existing shortcomings both in the regulatory base and the organization of mass events, as well as in ensuring public safety and order during their conduction. Quite often, mass events are accompanied by violation of human and civil rights, riots, damage to private and public property, etc. At the same time, mass events (sports, cultural and entertainment, religious and especially important for Ukraine political, etc.) in most countries of the European Union, as well as other developed countries of the world, are characterized by a high degree of legislative regulation and orderliness, due level of public safety and order. Police forces play a significant role in this process, which, as a rule, have direct function of ensuring public safety and public order, including during public mass events. However, the police forces of different countries have their own characteristics, forms and methods of activity. This fact determines the relevance of the study of international experience in ensuring public safety and order by the police during mass events in order to improve the situation in Ukraine.

The relevance of this study is primarily due to the fact that international experience of ensuring public safety and order by the police during mass events and, in particular, the possibility of its use in Ukraine has not been practically researched, and now these issues are covered rather fragmentarily in legal science.

The **objective** of this article is to study international experience in ensuring public safety and order by the police during mass events and the possibilities of its use in Ukraine.

Theoretical framework

The scientific and theoretical basis for writing the article was the work of scientists in the field of constitutional and administrative law, including foreign researchers. The provisions and conclusions of the article are based on the norms of legislative and subordinate regulatory legal acts regulating the activities of the police aimed at ensuring public safety and order during mass events. The study also used international documents, legislation of other countries (European Union, USA, Canada), whose experience in ensuring public safety and order during public events can be used in Ukraine.

Methodology

In the research process to achieve the goal, a complex of general scientific and special methods of cognition was used, in particular, the comparative legal method, the system and structural method, the method of analysis and the sociological method. The comprehensive use of these scientific methods made it possible to analyze the international experience in ensuring public safety and order by the police during mass events and the possibilities of its use in Ukraine. In particular, the system-structural method was used in the process of researching normative legal acts and other sources related to the legal regulation of police activities to ensure public security and order. The comparative legal method was used to analyze the norms of the legislation of Ukraine and individual foreign states that regulate legal relations in the field of ensuring public safety and order. The analysis method was used to clarify the nature of public security and order as an object of police activity. The sociological method was used in the process of studying the opinions of scientists, identifying the level of social efficiency of applying legal norms and implementing organizational measures on the problems that are considered in the article. Using these methods, it was possible to obtain reliable and objective research results.

Results and discussion

As it is expediently proclaimed in the European Security Strategy «Safe Europe in the world that should become better», nowadays Europe faces new threats, which are more diversified, less explicit and less predictable (terrorism, proliferation of weapons of mass destruction, regional conflicts, fiasco of statehood, organized crime, etc.). Under such conditions, security is indispensable condition for development, because conflicts not only destroy the infrastructure, including social, but also serve as the basis for the development of crime, discourage investors, and make normal economic activity impossible (ESS, p. 3-6).

One of the main subjects of ensuring public safety and order in almost all countries of the world is the police. However, according to A. D. Tereshchuk, the work of the police of foreign countries was analyzed, but there were few practical propositions to improve the activities of the police of Ukraine. According to the author, the absence of such propositions is mainly associated with various approaches to the systems of building the police and attitudes towards holding mass events (Tereshchuk, 2014,

p.141). Therefore, it is important to study the specifics of ensuring public safety and order by the police in various countries of the world whose police practice is characterized by a high level of efficiency.

By studying international experience of ensuring public safety and order by the police during mass events, we consider it appropriate to pay attention to some postulates of the European Convention on Spectator Violence and Misbehavior at Sports Events and in particular at Football Matches dated from August 19, 1985 No. ETS N 120, because it is sports events that occupy a significant share compared to other events in Europe and the world.

In particular, according to the Art. 3 of the Convention, the parties undertake to ensure the development and adoption of measures aimed at preventing and controlling violence and hooligan behavior of spectators, which, in particular, include: 1) ensuring the attraction of sufficient resources to protect public order and combating explosions violence and hooligan behavior, both in areas directly adjacent to stadiums and stadiums, and on the tracks used by spectators; 2) promoting close cooperation and the exchange of relevant information between the police units of various settlements, which this concerns or may concern to; 3) the application or, if necessary, the adoption of legislation that provides the imposition of appropriate penalties or, when necessary, the adoption of administrative measures against persons found guilty of offenses related to violence or inappropriate behavior by spectators; 4) ensuring that the design and material infrastructure of the stadiums guarantees the safety of spectators, does not directly contribute to clashes between spectators, allows effective crowd control, has adequate barriers or fencing, and allows guards and police to act; 5) the effective separation of groups of fans of opposing teams and the placement of groups of fans arriving from other places in separate stands in case they attend matches; 6) ensuring such a branch through strict control over the sale of tickets and the adoption of special measures immediately before the match; 7) the withdrawal of existing or potential violators of the order, as well as persons who are intoxicated, from the stadiums and matches or the prohibition of entry of such persons into stadiums and matches, if this is possible from a legal point of view; 8) equipping stadiums with an effective communication system with spectators and ensuring a full measure of the use of such a system, match programs and other promotional materials in order to encourage

spectators to behave correctly; 9) a ban on spectators from bringing alcoholic beverages to stadiums; restrictions, and preferably a ban on sales and any distribution of alcoholic beverages in stadiums, as well as ensuring the sale of all drinks in safe packaging; 10) conducting inspections in order to ensure that spectators do not bring objects that can be used in acts of violence or pyrotechnic products or similar items to stadiums; 11) ensuring cooperation between the responsible persons and agencies before the matches to determine the ways to control the crowd and joint application of the relevant rules (European Convention, 1985), etc.

In our opinion, it is advisable to apply the above measures to ensure public safety and order not only in the case of sports events, but also events of a different nature. Moreover, most of them, one way or another, are implemented in practice in many world countries. Let us consider in details the features of ensuring public safety and order by the police in some of them.

Thus, both the units of land police and the federal police (in Germany, the two-level police system is the federal police and the land police) can be involved in Germany during mass events. Moreover, as V. V. Kovalenko notes, there are developed plans for bringing federal police units to places where mass events are planned (Kovalenko, 2012). Besides, public security and order in Germany is protected by special units within the Federal Office of the Ministry of the Interior, which performs many police functions. For example, the Federal Border Guard is involved for keeping public order during demonstrations, nationwide political events, etc. At the same time, the function of ensuring public safety and order at the local level in all federal states, is assigned to the police of public order protection (patrol service) and the police of readiness (in case of danger, threat, the Federal Government may subordinate the police forces of one or several lands to its direct instructions) (Kampo, 1994, p. 74). As a rule, the functions of the police of readiness are to assist the police in keeping public order and criminal police during mass events, mainly using force.

Besides, German experience is indicative for Ukraine in regard to the fact that German law provides the obligation of organizers to notify the police of planned events (but not local authorities), and the police after considering submitted applications for a mass event, allows or prohibits such an event (Zarosylo, 2016, p. 58). It is interesting to note that German law provides the possibility of holding spontaneous

rallies if their occurrence is due to recent events. Serious punishments in the form of imprisonment up to one year are threatened by the organizers only if they hold a pre-planned event without notice (messages about the rally are submitted to the local police station no later than two days before the event) (Simakin).

The similar situation is in the UK, the permission to hold a mass event is given precisely by the heads of the police, while the application for permission to hold a mass event must be submitted to the police department no later than 6 days before it begins (Zarosylo, 2016, p. 58). In this country, the most severe penalties for rioters – are up to 10 years of imprisonment, provocation and incitement to violence – is up to 6 months or a fine of up to 5,000 pounds. Besides, there may be sanctions for event organizers in case of violation of the procedure of events (violation of the established notification deadlines, uncoordinated changes in the date, time and route of marches, etc.) – imprisonment for up to 3 months or a fine up to 1,000 pounds (Simakin).

The entire regular police force in the UK, in general, consists of uniformed police, and the police «in civilian clothes», however, there is no clear distinction between those who keep public order and the prevention of offenses, and it is envisaged that all uniformed law enforcement officers are involved in prevention of crime and offenses, protection of public order and public safety. Therefore, it is not surprising that patrol service in this country reaches 55-60% of the total police working time (Report of the Commissioner of Police of the Metropolis, p. 93). Besides, the Mounted Police Department was created within the London Police, whose immediate task is to ensure law and order with a large crowd of people, and that is involved in official events. Mounted police officers have the appropriate equipment, portable radio stations for operational communications. Moreover, it is advisable to use this type of patrol in Kyiv, in forest zones and during cultural events, since it has advantages over foot patrols with speed and over auto patrols with maneuverability (Kostiuk, Molotai, Pelahesha, Syvukhin, 2011, p. 9), which we consider to be a possible event for practical implementation in modern conditions in Ukraine. The following aspects of ensuring public safety and order by the British police during mass events should also be called positive experience useful for the application in the activities of the police and, in particular, patrol police: 1) patrol police officers while patrolling try to prevent the formation of groups of people who are in places

of rest in the evening and at night, in order to prevent mass violations; 2) the police maintains close contact with residents of those regions where entertainment facilities are concentrated and where violations of public order can most often occur (communication is maintained by telephone or by direct contact of the police with citizens); 3) technical and electronic surveillance tools (video cameras, etc.) are widely used; 4) a mandatory search of visitors to entertainment venues was introduced in order to reduce the facts of drug use and sale; 5) the state has tight control over the sale of alcoholic beverages and the very system of selling alcoholic beverages; 6) there is the service of voluntary police assistants – special constables that perform the functions of regular police officers for several hours per week at no cost (Heavens, 1995, p. 5; Chernii, 2003, p. 112].

Unlike studied countries, the leading role in ensuring public safety and order during mass events in France is played not by the police, but by the National Gendarmerie. Unlike civilian police institutions, the Gendarmerie has the same organization, uniform, rank and discipline as the French army. In particular, the Gendarmerie of France, serving more than 90% of the state's territory, where 60% of the population lives, is subordinate to the Ministry of Defense and implements its directives, while the police, serving only 10% of the territory and 40% of the population, is subordinate to the Ministry of Justice (Dien, 1996, p. 48). In this context, it should be noted that the jurisdiction of the Gendarmerie extends to small towns and rural areas, and the police – to metropolitan cities and certain areas of activity. As you can see, France is characterized by the presence of units designed to strengthen the police functions of ensuring public order, because in case of emergency these two law enforcement organizations act together and in concert.

In turn, the Carabinieri Corps operates in Italy, similarly to the French Gendarmerie, which, although represents an army formation responsible for the defense of the state, the protection of its infrastructures and public safety, also performs the functions of protecting public order (Vasyleva, 1996, p. 71). At the same time, the organizers of mass events are obliged to notify the local police department about the planned event at least three days in advance. Organizers of unauthorized rallies, according to Italian law, may face a fine (the maximum amount of which is unlimited: especially for those demonstrators who caused material damage to city or private property, the court may

impose a fine commensurate with the damage caused) or imprisonment for a term of 1 to 12 months.

On the other hand, we consider Sweden's positive experience the fact that if the police forces stop a rally, demonstration, march, picket or any other mass event, the organizers will not receive permission to conduct such events in the future.

Analyzing the experience of ensuring public safety and order by the police during mass events of the countries of the European Union, it should be noted that law enforcement officers in these countries according to the law on police and other regulatory acts, in order to stop riots, are allowed to use weapons that belong to the category of non-lethal. Besides, persons who violated public order, committed hooligan actions during mass events or became participants in mass riots may be detained by police for up to 8:00. At the same time, they should be brought to court immediately, and the judicial authorities work 24 hours in such cases (Tereshchuk, 2014, p. 142). And in case of organizing demonstrations in the immediate vicinity of the European Parliament building, they call a special unit formed of representatives of the European Parliament security service and national police forces, and a security perimeter is established (Analytical Note).

Israel's experience on the research issues is also interesting. In particular, the leading role in keeping public order in this country is assigned to the Department of Law Enforcement and Public Security, which is the largest and most powerful police unit, consisting of a number of structural units, including a network of duty units (emergency call centers), a patrol department and patrol service, etc. (Kostiuk, Molotai, Pelahesha, Syvukhin, 2011. p. 12). In Israel, meetings of more than 50 people, within which speech is proclaimed, a lecture is given, political issues are discussed; processions with the participation of more than 50 people, meetings for the purpose of joint movement from one place to another are carried out only with the permission of the police. However, this requirement is not applied to pickets until political speeches are delivered to them, and the participants in the assembly do not begin to move. In addition, the police forces have the right to intervene in the course of the demonstration, if the organizers do not have permission (when by the rules it should be), if the demonstration has grown into riots (or the possibility of such a development of the situation) (Analytical Note).

It is important to pay attention to the experience of the police ensuring public safety and order during mass events in the USA and Canada. Unlike other studied countries, the organization issues, permits for mass events are not run by the police in the United States and Canada. It is within the scope of local authorities, as it is the situation in Ukraine. However, more than 50% of the work of the US police is carried out in the sphere of keeping public order, the vast majority of which is assigned to the local police patrol service, whose primary task is the prevention of crimes or offenses and the initial investigation of crimes «without delay». The patrol service of the territorial agencies is entrusted with preventive work with the population under the methodological guidance of special prevention units, and in metropolitan cities they distinguish districts, where the most frequent violations of public order occur, and more patrols are sent there (Kostiuk, Molotai, Pelahesha, Syvukhin, 2011., p. 11-12).

Besides, in some cases units of the National Guard are used to suppress riots in the United States. Unauthorized actions are considered public disturbances that pose a threat to public safety and order. In this case, the police forces have the right to disperse the demonstrations and arrest the most active participants, who may be at risk of a maximum sentence of 10 years of imprisonment (subject to participation in riots with weapons). In the vast majority of cases, protesters receive a fine in the form of an administrative fine for obstructing the passage of people and passing vehicles, the maximum amount of which is \$ 3,000. Although in some states, for example, in Texas, you can go to jail for up to 6 months (Zarosylo, 2016).

Thus, despite the differences in ensuring public safety and order by the police during mass events, the organization of the police system on a territorial basis is the same for almost all countries; internal functional specialization of police agencies and units; the presence of specialized units created to strengthen police functions; high legislative regulation of the procedure for holding mass events and ensuring public order and safety during their holding; detailed regulation of sanctions and liability for participants in riots and violators of the rules for holding a mass event, etc.

Conclusions

Analyzing and summarizing international experience of ensuring public safety and order by the police during mass events, we conclude that

is advisable to use the following positive aspects in Ukraine it: 1) assigning the function of granting permission to hold a mass event directly to the police (European Union countries) , in contrast, from the authority in this area of local authorities, as it is now in Ukraine; 2) legislative consolidation of the deadline for early notification of authorized agencies of the police about a mass event (European Union countries); 3) detailed legislative regulation of the grounds and procedure for bringing to liability both participants who violated the rules of conduct and organizers of the mass event who violated the established procedure of holding a mass event (administrative, criminal liability) with a specific indication of sanctions (European Union countries); 4) a ban on obtaining permission to hold a mass event in the future, if the organizer's event was stopped by the police (Sweden); 5) promoting close cooperation and the exchange of the relevant information between police units, police interaction with citizens (Great Britain and other countries of the European Union); 6) legislative consolidation and use of the functions of police preparedness during mass events, which are to assist the police in ensuring public safety and order predominantly by «force» methods in case of need (Germany, etc.); 7) legislative consolidation of the possibility of using weapons belonging to the category of non-lethal in order to stop riots (countries of the European Union); 8) the expansion of the use of technical and electronic surveillance tools, special tools; 9) expanding the range of powers of the police to suppress offenses during mass events, in the field of entertainment facilities activities, etc.; 10) involvement of non-governmental organizations and associations of citizens in the protection of public order; 11) legislative consolidation and detailed regulation of the procedure for holding mass events and ensuring public safety and order during mass events in special laws, etc.

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