

Artículo de investigación

Foreign Experience of Staffing of the National Police of Ukraine at the Regional Level and the Possibility of its use**Зарубіжний досвід кадрового забезпечення Національної поліції України на регіональному рівні та можливості його використання**

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The desirability of taking into account of foreign experience, both positive and negative, in the sphere of staffing of the National Police of Ukraine is noted. Such necessity is based on the fact that in Ukraine this law enforcement agency is at the stage of its formation and development. It is noted that in each country the appropriate model of police management and its staffing is formed taking into account historical background, national experience of law enforcement reform, features of legal, political, social, economic and other factors. The following models of police management and staffing are analyzed: 1) centralized (continental); 2) decentralized; 3) semi-centralized (combined). It is considered appropriate to take into account the European standard of decentralization as a mechanism for effective management of police bodies in the process of improving the staffing of the National Police at the regional level. This is explained by the fact that the principle of decentralization makes it possible to take more informed decisions, since the needs of a particular region of the country are taken into account. It is stated that in Ukraine there a combined (semi-centralized) model of police management. The

Анотація

Відмічається про доцільність врахування зарубіжного досвіду в сфері кадрового забезпечення Національної поліції України, зокрема як позитивного, так і негативного. Така необхідність обумовлена тим, що в багатьох країнах Європи та світу поліція успішно функціонує вже протягом багатьох років, в той час як в Україні даний правоохоронний орган знаходить на стадії свого становлення та розвитку. Зазначається, що у кожній країні відповідна модель управління поліцією та її кадровим забезпеченням формується з урахуванням історичних передумов, національного досвіду реформування правоохоронних органів, особливостей правового, політичного, соціального, економічного та інших чинників. Проаналізовані такі моделі управління поліцією та її кадровим забезпеченням, як: 1) централізовану (континентальну); 2) децентралізовану; 3) напівцентралізовану (комбіновану). Визначено доцільним під час удосконалення кадрового забезпечення Національної поліції на регіональному рівні враховувати європейський стандарт децентралізації як

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procedure, which is now multi-level, for selecting and accepting a candidate for police service in Poland is positive. It is emphasized that the formation of professional identity, professional consciousness, professional competence of police officers is of great importance in the process of development of police staffing. *The purpose of the article is to analyze and reveal the role of foreign experience in police staffing at the regional level and to identify possible ways of its use in Ukraine.* During the writing of the article, general scientific methods of cognition (analysis, induction, deduction) and special methods (dialectical, formal-logical, comparative-legal) were used.

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

механізму ефективного управління органами поліції. Пояснюється це тим, що врахування принципу децентралізації дає можливість прийняти більш виважені рішення, оскільки беруться до уваги потреби конкретного регіону країни. Констатовано, що в Україні має місце комбінована (напівцентралізована) модель управління поліцією та її кадровим забезпеченням. Позитивно визнана процедура відбору та прийняття кандидата на службу в поліції в Польщі, яка є багатоступеневою. Такі процедури відбору є не лише важливим інструментом ефективного кадрового забезпечення поліції, але й антикорупційної політики. Акцентовано увагу, що важливе значення в процесі розвитку кадрового забезпечення поліції має становлення професійної ідентичності, професійної свідомості, професійної компетентності поліцейських. *Мета статті* полягає в тому, щоб проаналізувати та розкрити роль зарубіжного досвіду кадрового забезпечення поліції на регіональному рівні, а також визначити можливі напрями його використання в Україні. Під час написання статті використано загальнонаукові методи пізнання (аналіз, індукція, дедукція) та спеціальні методи (діалектичний, формально-логічний, порівняльно-правовий).

Ключові слова: поліція, публічна безпека, громадський порядок, масові зарубіжний досвід.

Introduction

The positioning of Ukraine as one of the European countries, which coexists in the open global international environment and seeks to follow the leaders in different spheres of social-legal relations, necessitates the importance of using of foreign experience - both positive and negative. The issue of staffing of the National Police of Ukraine is especially acute, since in many countries of Europe and all around the world the police have been functioning successfully for years, whereas in Ukraine this law enforcement agency, having been established in 2015, is at the stage of its formation and development.

Theoretical framework

Some aspects of foreign experience of staffing of police authority were investigated by a number of scholars: M. I. Anufriev, O. M. Bandurka, V. M. Beschastnyi, O. N. Yarmysh,

A. V. Gubanov, V. A. Ilnitskyy,
M. F. Kryshchanovich, O. I. Martynenko,
Yu. I. Osipov, O. S. Pronevich,
A. V. Savchenko, D. V. Shvets, L. D. Varunz, N.

Wildrix, V. M. Zhminko and others. However, the possibilities of using of foreign experience of staffing of the National Police of Ukraine at the regional level are studied in a fragmented manner and require further study for the development of theoretical and improvement of practical principles of staffing and effective functioning of the National Police system as a whole.

The provisions and conclusions are based on legislative regulations governing the activities of the police in Ukraine and other countries. The study also used international documents, legislation of other countries (for example, Japan, Germany, Poland and others), whose

experience in the field of staffing the police at the regional level can be used in Ukraine

The purpose of this article is to analyze the foreign experience of staffing of the National Police of Ukraine at the regional level and the possibilities of its use in Ukraine.

Methodology

During the research, general scientific methods of cognition were implemented, namely: analysis, induction, deduction and generalization. In addition, special methods such as the dialectical, formal-logical and comparative-legal methods were used.

In particular, the use of the dialectical method made it possible to identify and analyze the existing models of police management and its staffing in the world today. The formal-logical method was used to determine the criteria for police staffing, personnel management, process of selecting, methods of professional selection (psychological testing, biographical questioning, document analysis, and selection interviews), receiving of education etc. The comparative legal method is the basis for comparing the staffing of the National Police of Ukraine at the regional level and in other European countries.

Results and discusión

As pointed out by O. V. Gubanov, the improved management of law enforcement agencies should be closely linked to the achievements of foreign police science and practice (Gubanov, 1999). According to M. F. Kryshchanovich, the modern model of a democratic and social State of law requires new conceptual approaches to solve the problems of implementation of law enforcement functions, so synthesis of experience of the European Union countries in managing the activities of national police structures is of utmost importance (Kryshchanovich, 2015). V. M. Beschastnyi emphasizes that it is useful to consider foreign experience in the context of reform of law enforcement agencies and their integration into the system of law enforcement agencies of foreign countries, taking into account the growing needs to improve their activities and optimize the professional training of staff (Beschastnyi, 2009). After all, rich and diverse experience of training for police services has been accumulated abroad (Anufriev, Bandurka, Yarmysh, 1999). At the same time, the reform of the police in all democratic countries happened in one way or another through depoliticization,

demilitarization, decentralization of law enforcement agencies (Zhmkinko, 2015), which is what the Ukrainian society is striving for now.

It should be noted that there is an agreement in the European Community regarding the essential importance and specific requirements for staffing of the police and the existence and activities of the body in general. The evidence of that is the adoption of the Police Declaration of 1979, which notes, firstly, that police plays a vital role in all Member States, it has to operate in situations of risk to police officers and that performance of their duties is even more complicated when there are no clearly defined rules of conduct. Secondly, it is stated that persons who, while serving in the police, have violated human rights, or persons who worked in police units disbanded because of inhumane practice, cannot be employed as police officers. Third, it is appropriate for Ukraine to take into account the guidance of the Council of Europe on the widespread adoption of rules of the police professional ethics based on human rights and fundamental freedoms, which will help to improve the system of protection of human rights and fundamental freedoms. In addition, it is worth noting the need for active moral and physical support for the society served by police officers (Resolution No. 690) and that is of particular relevance in Ukraine now.

Based on the universally recognized principles in Europe in each country, taking into account the historical background, national experience of law enforcement reforming, the particularities of legal, political, social, economic and other nature, a model of police management and staffing, in particular, is formed. The following models are distinguished: 1) a centralized (continental) model, under which the dominant central role is played by a central body, the Ministry of Interior, under which the police, strictly subordinating to the center of lower ranks, focusing on national rather than local interests (Belgium, Holland, Denmark, Spain, Ireland, Italy, Luxembourg, Norway, Portugal, Finland, France, Sweden and a number of post-socialist countries of Central and Eastern Europe); 2) a decentralized model, under which there is no a single body but there is a number of police bodies at national, regional and local level, with regional and local authorities having predominant power over managing the organization, operation and activities of the police (Switzerland, partially - Bulgaria, Romania, The Czech Republic); 3) a semi-centralized (combined) model, characterized by

the combination of the elements of the two models mentioned above - a national body (ministry) operates, which performs predominantly a coordinating role to ensure internal security and relevant policy in the state, general police bodies (state police, federal or national level) are created, so regional and local authorities (municipal police, land and state levels, etc.) with the overwhelming number and power of the first group (Great Britain, Netherlands, Germany) (Pronevich, 2009; Wildrix, 2006; Osipov, 1992).

We consider that O. S. Pronevich's research is fundamental on this issue. The scholar objectively states that decentralization is considered as a mechanism for effective management of police bodies in European countries (Pronevich, 2009), which is useful for Ukraine in the process of improving police staffing at the regional level, since decentralization makes it possible to adopt a majority of important decisions taking into account the needs of the regions.

The United Kingdom, one of the European countries, is interesting in this regard, which is a semi-centralized model of police management with a high proportion of decentralization, in our opinion. In particular, this country is characterized by an extensive network of independent regional and local police authorities, which are autonomous and have limited jurisdiction: more than 40 bodies in England and Wales are metropolitan police, including New Scotland Yard, London City Police and a number of other provincial police authorities in Scotland - separate local police units and consolidation of police units, police forces in Ireland and more. In addition, the Transport Police, the Military Police and other independent special police forces operate separately. The UK Home Secretary, in turn, does not directly influence the management of local police, because under the law, he is empowered only with supervisory powers over its work, the right to dismiss regional chiefs who are not in accordance with the posts they hold (Martynenko, 2004).

Thus, as a result of the analysis of the world models of police management and its staffing, in particular, we conclude that in Ukraine for a long time there has been a transition from a centralized model of law enforcement management, and now there is a combined (semi-centralized) model of police and its staffing because the Ministry of Internal Affairs, despite the reform of the National Police and its

withdrawal from subordination and dependence on the Ministry, still has considerable influence and in some cases puts pressure on adoption of important management decisions at regional and local level.

Notwithstanding this or that model of police management, some features of police staffing are common for the European Union countries what follows from the above-mentioned Police Declaration and other European norms and standards, namely: 1) a planned possibility to be chosen among all citizens to serve in police bodies by meeting a set of requirements; 2) gender equality, non-discriminatory principles of recruitment of applicants from ethnic minority to the police; 3) the general, professional and official training of the police officer, including awareness of the law, human rights and freedoms are necessarily; 4) safeguarding the rights and interests of the police officer is established, material, professional and psychological conditions of his / her activity are ensured, including increased wages based on the increased risk and unregulated working day which is the case for police service; 5) openness of the police to the community etc. (Resolution No. 690; Recommendation, 2001). Such common features as demilitarization of police activities, lustration of personnel etc. should be added to the above. Effective police institutions that are welcomed by the population and in other developed countries around the world are found on such principles.

We find it interesting to study the 10 most professional police structures in different countries of the world, among which are the National Police of Japan, the USA, Italy, the United Kingdom, France, Australia, Germany, China, the Netherlands and the Royal Canadian Mounted Police. For example, in Japan, the hallmark of police staffing is discipline and knowledge of martial arts, rigorous learning and training under difficult conditions. The Chinese police great attention pays to the competence, discipline, non-discrimination and ancient kung fu martial arts, which is now widely used in training future police officers alongside hand-to-hand combat and shooting. In addition, police are taught the skills to speak properly, to learn to control his or her temper in provocative situations and other techniques in order to effectively prevent crime and corruption, to arrest criminals without weapons (10 most professional police).

A prominent feature of the German Federal Police is well-trained and highly qualified police officers (approximately 40,000), who are considered to be a kind of elite troops in order to control the public in the states and federal districts. Applicants for police service have intensive training at a specialized university, which includes a theoretical and practical course. Even before entering such a university, applicants must pass a special selection - testing their mental and physical abilities. The Italian police, in turn, is considered one of the most trained in the world, equipped with a branded vehicle fleet of Lamborghini. More than three hundred thousand officers in five National Police units and five Municipal Police units are in its ranks. In Canada, a prominent feature is the preparation of police officers to work in real-life conditions according to the strict rules in prestigious specialized colleges, where in the process of training police officers pass "field practice", being taught on senior partners' examples how to behave in a particular situation according to the law. Therefore, upon completion of training, police officers are actually able to immediately begin their duties (10 most professional police).

The UK National Police is distinguished by its 'upon instruction' work and the large number of conferences where the police themselves develop behavior strategy and basic working principles. Police officers receive thorough and diverse training that meets the established standards, especially about of discipline and law. Instead, the French police, with considerable support from the army and navy, are constantly trained to prevent and investigate the disappearance of persons, robberies, hooliganism, accidents etc. The peculiarity of the Australian Police staffing is the stable reputation of real and skilled defenders of order, while Australian police keep order not only on the streets, but also on the Internet. Unlike police institutes mentioned above, the "highlight" of the Dutch police is its coherent structure (under the direction of the Minister of Justice and under the authority of the Commissioner) and functionality, a combination of individual and team work, not only "upon instruction" but also in unforeseen situations.

As we can see, in most developed countries of the world, much attention is paid to the staffing of the police, in particular, to the optimal education and training of professional staff who can work in real conditions immediately upon graduation, as well as discipline and legality. We fully agree with L. D. Varunz, that changes of emphasis of

selection from mainly physical to professionally significant and personal qualities of the employee is obvious, which reflects the general tendency in the training of law enforcement staffing. Personnel work is considered as a long-term factor for the successful functioning of the police, so special attention is paid to the issues of organization of personnel management, personality of the employee (Varunz, 2008).

In turn, V. O. Ilnitsky emphasizes that initial training should be central in the structure of police staffing, since formation and development of the professional skills of the police officer depend on the quality of initial training. In the US, UK and other developed countries, this type of training is mandatory for anyone who came into the service, as the author believes should be the case in Ukraine. Moreover, the level of education for applicants directly depends on the type of future work and responsibilities (Ilnitsky, 2016).

At the same time, as noted by A. V. Savchenko, the specificity of police staffing management is due to the existence of many jurisdictions, such as in the United States: municipal police; district police; state police; federal police. An important feature of the police training system in the US is the presence of numerous private and public training centers focused on the service of certain territories, in each case its own selection system is inherent, due to the specific activity, departmental requirements etc. The main task of selection (recruitment) - to select the most deserving candidates who, by their personal and moral qualities, educational level, physical and medical indicators, can effectively perform complex functional duties to ensure law and order in the country, in a particular state or district (Savchenko, 2003). It should be noted that a distinctive feature of the recruiting system in the US police is a high competition - 20-40 people per place, and in some units - even up to 200 people per place, due to the prestige and well-paid profession of the police officer (Savchenko). In this regard, a number of professional selection methods are used: psychological testing, biographical questioning, document analysis, selection interviews etc.

The procedure for selecting and accepting a candidate for police service in Poland, which is currently multi-stage, is constructive, takes place in the field and training units of the police and includes: 1) consideration of the documents from the perspective of their compliance with the requirements; 2) introductory interview

(information stage, briefing); 3) general knowledge testing (in the sphere of public administration, including police and public safety); 4) test for determination of physical indicators; 5) psychological test (intellectual ability, social behavior, resilience, etc.); 6) verification (whether the person can guarantee confidentiality and thus can have access to classified information); 7) a combined interview (to assess the candidate's characteristics and suitability, as well as the competencies required for police service); 8) medical commission (determination of the candidate's physical and mental capacity for police service) (Martynenko, 2014). In our opinion, such procedures of selection are not only an important tool for effective police staffing but also for anti-corruption policies. However, in addition to the required procedures, there should be a moderate object-subject composition of their implementation.

The fair point of view on the investigated issue is expressed by D. V. Shvets. The scholar stresses that the role of the human sciences (sociology, psychology) is increasing in the staffing of the police, since all processes related to law enforcement reform are not simply "technical" external changes in the activities of police institutions, but have profound psychological content. Therefore, according to the author, the following lines of psychological support for police staffing reform should be marked: 1) optimization of the processes of professional identity formation of new employees; 2) mobilization of the mental and psychological resources of all workers on the execution of their professional activity under a transformational society; 3) positive psychological content, which is provided by appropriate programs aimed at forming a sense of psychological torment, psychological security, psychological accessibility of adaptation means; 4) information support, assessment, correction, support and organizational consulting of current professional activity etc. (Shvets, 2016). So, formation of professional identity, professional consciousness, and professional competence of police officers is very important in the process of development of staffing of the police. We consider this approach to be the key to the psychological comfort of the police officer and the effective performance of his / her duties accordingly, the satisfaction of the public etc., and therefore the effectiveness of the police staffing.

Nowadays, the concept of community-oriented police staffing is also popular in the world. However, it is pointed out that simply increasing the number of police officers is not an effective strategy for combating crime or illegal behavior. Quantitative changes do not provide qualitative changes to ensure the effectiveness of police activity. In addition, the police cannot prevent crime and perform their functions without the assistance of the population, and increased communication between the police and the population causes a potential increase of the level of satisfaction of citizens with its work (Community-Oriented Policing in Europe, 2012).

Conclusions

As a result of studying and generalizing of foreign experience of staffing of the police, it is appropriate to mark the following opportunities for its use in Ukraine: 1) compliance with the normative, organizational and managerial procedures of staffing with recognized by the European Community norms and standards; 2) explicit legislative regulation of police staffing, direct involvement of the police in the development and improvement of the regulatory framework, its adaptation to modern conditions and requirements (conferences, round tables with the participation of authorized persons); 3) moderate decentralization of police management and its staffing; empowerment of regional level police officers in meaningful decision-making process to take into account and satisfy the interests of the region itself; depoliticisation, demilitarization and lustration of the police; 4) basing of staffing on the principles of full respect for human rights and citizens (including police officers), equality and non-discrimination on the basis of race, nationality, gender etc. - an opportunity for all to go to the police in accordance with a set number of requirements; unconditional adherence to discipline and legality in the process of police staffing; ; 5) ensuring of guarantee and protection of the rights of policeman, material, social, professional and psychological conditions of his activity; 6) obligatory of initial (basic) education and training of police officers; presence of an extensive system of further (postgraduate) education and advanced training; 7) special selection of applicants at the stage of entry to the specialized educational institution, where intensive diverse training should take place, which includes theoretical and practical component, preparation and adaptation to work in real conditions immediately after graduation;

8) multi-stage professional open selection with the help of modern methods and technologies, obligatory competition, changing of emphasis of selection from mainly physical (depending on the chosen specialization) to professionally significant and personal qualities of the employee; 9) introduction of a combined approach of individual and team work, not only "under instruction" but also in unforeseen situations; 10) emphasis on the psychological component - ensuring the formation of professional identity and psychological adaptation of new employees and the positive psychological content of their activities, independent motivation etc.

Bibliographic references

- Anufriev, M. I., Bandurka, O. M., Yarmysh, O. N. (1999). Higher education institution of the Ministry of Internal Affairs of Ukraine: Scientific and practical manual. Kh.: Univ. Affairs, (369 p.).
- Beschastnyi, V. M. (2009). International experience about police activity in Ukraine. *Viche*, 24. Retrieved from <http://www.viche.info/journal/1780/>.
- Community-Oriented Policing in Europe (2012): Concepts, Theory and Practice: EUCPN Handbook. *Brussels*, (136 p.).
- Gubanov, A. V. (1999). Police of foreign countries. Legal and institutional bases, strategy and tactics of activity. M. : MAEP, (288 p.).
- Ilitskiy, V. A. (2016). European experience of legal regulation administrative procedural activities of the National Police. *Young Scientist*, 12 (39), 581-587.
- Kryshtanovich, M. F. (2015). European experience in police public administration and the possibilities of its use in Ukraine. *Actual problems of public administration: Collection of scientific works*. Kh.: The KhRIDY NADY Master's, 1 (47), 287-293.
- Martynenko, O. I. (2004). The state of law enforcement in the activities of British police. *Bulletin of National University of Internal Affairs*, 26, 70-75.
- Martynenko, O. I. (2014). Polish police training system (based on the Ministry of Internal Affairs of Ukraine). Retrieved from <http://khpg.org/index.php?Id=1399022448>.
- Osipov, Yu. I. (1992). Organization and activity of police abroad: textbook. Moscow: VNII Ministry of Internal Affairs of Russia, (196 p.).
- Pronevich, O. S. (2009). Models of police management: analysis of foreign experience. *Problems of Law and Law Enforcement: Collection of scientific works*, 1, 145-167.
- Recommendation Rec (2001) 10 of the Committee of Ministers to the Council of Europe member states on the European Code of Police Ethics (19 September 2001). Retrieved from <http://prav.org.ua/files/Criminal%20justice/rec1.pdf>.
- Resolution No. 690 (1979) of the Parliamentary Assembly of the Council of Europe on the Police Declaration (Strasbourg, 8 May 1979). Retrieved from http://zakon0.rada.gov.ua/laws/show/994_803.
- Savchenko, A. V. (2003). US Federal Law Enforcement: Mission, Organizational Structure, and the Application of Criminal Law: Educ. manual. K.: Text, (122 p.).
- Savchenko, A. V. (2015). US Police Training System / National public platform: «Reform of police: transparency and responsibility». Retrieved from <http://police-reform.khpg.org/index.php?id=1437755035>.
- Shvets, D. V. (2016). Reform of police agencies of foreign countries: legal and psychological aspects. *Law and Security*, 4, 162-169.
- The 10 most professional police structures from around the world (2016). Retrieved from <http://www.novate.ru/blogs/270316/35664/>.
- Varunz, L. D. (2008). Some aspects of the Royal Canadian Mounted Police staffing. *Bulletin of the Kharkiv National University of Internal Affairs*, 42, 102-108.
- Wildrix, N. (2006). Police activities in post-communist societies. K.: Attica, (248 p.).
- Zhminko, V. M. (2015). Possibilities and limitations of the application of international law enforcement reform experience in Ukraine. *National security and defense*, 2-3, 103-107.