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Promising ways to improve training for police service under martial law: administrative and legal aspect

Перспективні шляхи поліпшення підготовки кадрів для служби в поліції в умовах воєнного стану: адміністративно-правовий аспект

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Written by:

Ivanytsia Andrii¹⁵<https://orcid.org/0000-0001-8818-5334>**Yunin Oleksandr**¹⁶<https://orcid.org/0000-0003-4846-2573>**Yunina Maryna**¹⁷<https://orcid.org/0000-0003-0311-4591>**Bobrishova Liliia**¹⁸<https://orcid.org/0000-0003-1022-4027>**Shevchenko Serhii**¹⁹<https://orcid.org/0000-0003-4133-8860>

Abstract

The purpose of the article is to establish the ways to improve administrative and legal provision of police personnel training under martial law. The subject of the research is the policemen preparation. Methodology. The research methodology covers a number of general scientific and special scientific methods, including: dialectical, analytical, logical and semantic, system and structural, method of documentary analysis, formal and legal method. Research results. Strategic legal acts related to the issues of police officers training are considered, as for administrative and legal training for the police it is necessary to have clear guidelines established at the level of laws or by-laws for the development of general police training. Practical meaning. It is indicated that in the availability of the police training strategy, institutions of higher education with specific learning conditions will be able to draw on general provisions and trends during the

Анотація

Метою статті є встановлення шляхів поліпшення адміністративно-правового забезпечення підготовки кадрів в поліцію в умовах воєнного стану. Предметом дослідження є підготовка кадрів в поліцію. Методологія. Методологія дослідження охоплює низку загальнонаукових та спеціально-наукових методів серед яких: діалектичний, аналітичний, логіко-семантичний, системно-структурний, метод документального аналізу, формально-юридичний метод. Результати дослідження. Розглянуто стратегічні акти, які торкаються питань підготовки кадрів на службу в поліцію, оскільки в питанні адміністративно-правового забезпечення підготовки кадрів в поліцію необхідно мати чіткі закріплені на рівні законів або підзаконних актів орієнтири для розвитку загальної системи підготовки кадрів до служби в поліцію тощо. Практичне значення. Вказується, що при наявності стратегії

¹⁵ Candidate of Legal Sciences, Associate Professor, Associate Professor of the Department of General Law Disciplines of the Educational and Scientific Institute of Law and Innovative Education of Dnipropetrovsk State University of Internal Affairs (Dnipropetrovsk, Ukraine).

¹⁶ Doctor of Legal Sciences, Professor, Honored Worker of Science and Technology of Ukraine, the First Vice-Rector of Dnipropetrovsk State University of Internal Affairs (Dnipropetrovsk, Ukraine).

¹⁷ Candidate of Legal Sciences, Associate Professor, Associate Professor of the Department of Civil Law and Procedure of Dnipropetrovsk State University of Internal Affairs (Dnipropetrovsk, Ukraine).

¹⁸ PhD in Law, Deputy Head of Training and Methodology Department of Dnipropetrovsk State University of Internal Affairs (Dnipropetrovsk, Ukraine).

¹⁹ Candidate of Legal Sciences, Associate Professor, Director of the Educational and Scientific Institute of Distance Learning and Advanced Training of Dnipropetrovsk State University of Internal Affairs (Dnipropetrovsk, Ukraine).

development of training plans for future policemen, policemen already in service. Value/originality. It is concluded that such a regulatory legal act can become a strategic legal act in the form of the Personnel Policy Strategy of the National Police of Ukraine. In turn, in accordance with the Strategy, a Plan of measures for its implementation should be developed. At the same time, it should include implementation of courses on premedical training, rules of conduct in combat situations in the initial training of police officers, in-service training and postgraduate training courses.

Keywords: administrative and legal support, extreme conditions, personnel, police service, professional training, strategic legal acts.

Introduction

After the events of 2014, with the change of Ukraine's foreign policy vector from formal to real European integration and the establishment of State institutions according to the standards of Western liberal democracies, active reform of law enforcement agencies began, and the National Police of Ukraine was founded. The changes affected not only the name, the exterior, but also the philosophy of police activity and functions. The police became a provider of police services to the population; the «civilian» component of the police service is being significantly strengthened. The researchers knowingly define the National Police administration as an executive-administrative, state-power activity on the organization and exercise by the National Police of such functions as protecting public order, ensuring public safety, preventing and stopping offenses by administrative and legal means and providing public service services (Hlukhoverska, 2017, p. 8).

But the foreign and domestic political situation in Ukraine, military actions, -provide in the strategic plan for amending the basic principles of training police personnel with a focus on preparation for the activities of the police in combat or close to them; execution of police tasks in front-line settlements or lands liberated from occupation forces. This needs to be done

підготовки кадрів до поліції, заклади вищої освіти із специфічними умовами навчання, зможуть під час розробки планів підготовки здобувачів-майбутніх поліцейських, поліцейських, які вже знаходяться на службі, відштовхуватися від загальних положень і тенденцій. Цінність/ оригінальність. Підсумовано, що таким нормативно-правовим актом може стати стратегічний правовий акт у вигляді Стратегії кадрової політики Національної поліції України. У свою чергу у відповідності до Стратегії має бути розроблений План заходів з її реалізації. Водночас він має передбачити завдання із запровадження в рамках первинної професійної підготовки поліцейських, службової підготовки та післядипломної підготовки курсів із зазначеної домедичної підготовки, правил поведіння за умов бойових дій.

Ключові слова: адміністративно-правове забезпечення, екстремальні умови, кадри, поліцейська служба, професійна підготовка, стратегічні правові акти.

now because of the need for police involvement in the performance of police tasks in de-occupied settlements and communities where the threat of mines will be significant, the population will be highly likely to have a significant number of firearms (and not as rifles or pistols, but as automatic weapons, machine guns, grenades, etc.), instead of organized crime, the presence of enemy sabotage and intelligence groups under high probability of artillery and rocket attacks; if necessary, policemen should provide first medical aid to citizens, which may not be required as a result of traffic accident, but from shrapnel or bullet wounds, mine explosions (for example, the territory is actively mined by Russian troops with PFM-1 mines "Petal", which do not kill a person, but can tear off a limb). Clearly, such service differs from the specifics of police activities in peaceful cities, communities, etc. And after the de-occupation of Ukrainian lands, there will be a need to attract a significant number of police officers to restore Ukrainian sovereignty and power in Ukraine. Given that the National Police is a body of executive power, its activities and personnel training are clearly and exclusively regulated by the rules of law, in particular the rules of administrative law and relevant legal instruments, it is important to pay attention to the administrative aspects of ways to improve the police officers training under martial law.

Consequently, the purpose of the article is to establish the ways to improve administrative and legal provision of police personnel training under martial law.

Methodology

The research methods were chosen taking into account the object and subject matter of the research, as well as based on the specifics of the goal and defined tasks. The research methodology covers a number of general scientific and special scientific methods, including:

dialectical method, the application of which made it possible to determine the specifics of personnel training under martial law, as well as to determine ways to improve its administrative and legal regulation.

Analytical method helped to determine the problems related to the peculiarities of the preparation of police officers taking into account current situation in Ukraine.

Logical and semantic method was used in the study of main definitions and concepts, as well as during the justification of the need to make changes to the current legislation.

System and structural method made it possible to characterize professional training system of police personnel in general and under martial law and active hostilities in particular.

Method of documentary analysis was helpful in revealing the shortcomings, gaps and contradictions in the administrative and legal regulation of policemen preparation and to highlight the features of scientific organization of service training.

With the help of formal and legal method, directions for improving legislative governance of the issue under consideration were proposed.

Literature Review

According to Seredinsky (2021, p. 26), personnel training should be considered in a broad and narrow sense:

- in a broad sense it is an element of personnel policy, which is characterized by stages related to selection for service, the process of training in the educational institution the realization of educational function (moral

education, inculcation of police ethics), proper psychological adaptation to the realities of the service (developing psychological resilience to police work conditions and psychological resilience in extreme situations), etc.;

- in a narrow sense, it is pedagogical activity during initial training, professional qualification improvement of police officers, retraining, teaching professionally oriented courses for certain types of police activity, as well as professional training during service.

In opinion by Kireiev (2011), professional training of police officers is an organized and purposeful process of mastering and continuous improvement of professional knowledge, abilities and skills necessary for successful performance of tasks assigned to the Ministry of Internal Affairs, and is organized in accordance with the procedure established by the legislation of Ukraine. The system of professional training of police officers, as a rule, consists of two main blocks: stationary training, carried out in training centers and educational institutions, and training at the place of service, carried out in the course of everyday official activities. The main elements of the system of professional training of police personnel are: initial professional training and advanced training.

Kleygrewe, Oudejans, Koedijk and Hutter (2022) state that training plays a key role in the development of police officers. Because this institution combines different educational components and is governed by guiding principles, police training is a sophisticated, comprehensive subject.

Gutierrez (n.d.) stresses on the importance of conflict management, which cannot be undervalued. Police officers have to undergo special training and obtain relevant knowledge to manage their emotional and mental condition, particularly in high stress situations.

Horton (2021) has investigated the amount of time dedicated to policemen training in the most developed countries and concluded that Finland (5 500 hours) is the leader in this matter. Then follow Germany (4000 hours), Australia (3500 hours), England (2500) and Canada (1000 hours).

Mkrtychyan et al (2020, p. 168) emphasize the need for conducting regular police officers trainings on keeping public order and providing

public security, psychological and physical training, analytical work, etc.

The effectiveness of ensuring the activities of the National Police in the context of providing police services in the sphere of guaranteeing public safety and order depends on the quality of administrative legislation (Matchuk & Savranchuk, 2019, p. 69). The fundamental rules regarding the requirements for police officer in Ukraine are enshrined in the Law No. 580-VIII "On the National Police" (2015), namely in the Article 49 "Requirements for candidates for police service"; Article 72 stipulates that professional training consists of primary professional training; training in higher educational institutions with specific study conditions; postgraduate education; service training – the system of measures aimed at consolidating and updating the necessary knowledge, abilities and skills of a police officer, taking into account the operational situation, the specifics and profile of his (her) operational and official activity. These components are detailed in the Regulation of the Ministry of Internal Affairs of Ukraine No. 105 "On the organization of initial professional training of police officers who were first recruited into police service in 2016" (Order No. 105, 2016), the Regulation of the Ministry of Internal Affairs of Ukraine No. 1625 "On the organization of post-graduate education of the National Police employees in 2015" (Order No. 2015), Regulation of the Ministry of Internal Affairs of Ukraine No. 50 "On the organization of service training of the National Police employees of Ukraine in 2016" (Order No. 50, 2016) and other acts.

Results and Discussion

We consider it expedient to dwell on some strategic acts dealing with matters of training for police service, since in the matter of administrative and legal provision of personnel education, it is necessary to have clear guidelines established by the relevant laws or by-laws. It is worth to disclose a common definition of strategic legal acts for a better understanding of the problem. According to Kharchenko (2020, p. 244), the concept of "strategic legal acts" is a set of written legal acts that mostly contain specialized legal rules, determining the basic principles and directions of social or State development in a specifically defined period, approved by State authorities. In the scientific literature, strategic legal acts are also interpreted from two perspectives: firstly, strategic legal acts are all acts identifying the direction of social and state development: Basics of state policy, Address of the President of Ukraine, Strategy,

Concept, Doctrine, Program, Plan (broad approach); secondly, strategic legal acts constitute only those legal instruments called strategies.

Strategies as a type of legal act contains planning norms based on a certain specific problem, the general state of the problem in a specific area, measures, order and means aimed at realization of the problem, estimation of results and mechanism of implementation. Such acts may contain legal norms and organizational and administrative rules at the same time, and specific plans or programs, detailing and clarifying the measures specified in the strategy, containing the terms of the strategy's implementation are already being developed on the basis of strategic legal acts. Strategies can be at the level of both legislation and by-laws (Kharchenko, 2019, p. 244).

Therefore, if there is a training strategy for the police or generally for law enforcement agencies, the Ministry of Internal Affairs, institutions of higher education with specific training conditions, will be able to develop training plans for prospective police officers, police officers who are already in service, based on general regulations and trends, tasks set in the strategy. Thus, nowadays one of the main conditions for training personnel for police service should be the police preparedness in the context of martial law, the proximity of the territory under control to the theatre of operations, etc.

Several strategic legal acts concerning police personnel have been implemented recently. In 2012, the Strategy of the State personnel policy for 2012 – 2020 was adopted (Order of the President of Ukraine No. 45/2012, 2012); this by-law is currently no longer in force. The Strategy defined the goal of the state personnel policy – to provide all spheres of the State's vital activities with qualified personnel for the realization of national interests in the context of the development of Ukraine as a democratic, social state with a developed market economy. In 2017, a strategic legal act related to the training of personnel for the police was adopted – the Development Strategy of the Ministry of Internal Affairs for the period up to 2020 (Order of the Cabinet of Ministers of Ukraine No. 1023-r, 2017).

The researchers, having characterized this Strategy (which is in force), stressed that it is oriented towards the standards of the European community, establishment of a non-politicized integrated administration, and these guidelines

became the main points for the development of personnel policy in the National Police. The creation of a public space favorable for people with a high level of personal safety, supported by the effective work of police officers, aimed at meeting the needs of community members, immediate and expedient solutions to their problems, prevention of emergency situations that pose a personal or public threat, prevention of the influence of dangerous factors on people's lives and stimulation of active participation of citizens in maintaining public order, defined as the strategic goal of the activities of all structural units and employees of the system of the Ministry of Internal Affairs of Ukraine" (Tanko 2020, p. 217).

The development of personnel potential and social protection of employees is among the priorities defined in the Strategy (Order of the Cabinet of Ministers of Ukraine No. 1023-r, 2017). According to this act, it is supposed to form a stable and highly professional personnel of the bodies of the Ministry of Internal Affairs, which is able to properly respond to challenges and threats in the specified areas. Expected results are presented as overcoming a number of significant challenges, including destruction of the professional core, insufficient staff of the Ministry of Internal Affairs system; lack of an effective and modern system of personnel training, selection and management, transparent mechanisms of career development, etc. However, currently, among the main challenges is preparing personnel for the police under martial law, hundreds of kilometers of active combat operations on the front, which concerns a number of settlements, where it is necessary to maintain law and order.

Researchers actively highlight the issue of the specifics of the National Police's activities under martial law, indicating the examples of such collision line activities:

providing evacuation assistance (with significant risk to life and health of police officers, there are rescue operations such as those involving minors in which parents have died from settlements in the "gray zone" or settlements where artillery fire is constantly taking place, and such operations are more military than police);

policemen under artillery fire deliver humanitarian cargo and aid to local residents of those settlements where hostilities are taking place;

police officers constantly receive and process reports from citizens, bring criminal proceedings against Russian military personnel, who constantly commit offenses (which also involves the presence of police officers in territories where active hostilities are taking place and there is a significant threat to the life and health of police officers, which requires the ability to behave correctly under hostilities). During the full-scale aggression of the Russian Federation, the police registered more than 53,000 criminal offenses, initiated more than 550 criminal proceedings for collaborationism (90 people have already received reports of suspicion), detained 779 people on suspicion of subversive activities, recorded almost 11,000 property crimes, more than 10,000 of which is theft. More than 2,300 suspects were identified. Over 2,800 "enemy information channels" with a common audience of mere 23 million users were blocked (Kovbasa, Kusko & Drozd, 2022, p. 247; Myslyva, Nykyforova & Kuntsevych, 2021).

Under martial law and active hostilities, the National Police performs general and specific tasks of both protective and law enforcement direction. The given information additionally indicates the need to actively implement the upgraded system of police officers training and this applies to all components, namely primary professional training, training in institutions of higher education with specific conditions of study, postgraduate and service training.

Therefore, an important aspect of police training is to ensure personal safety of police officers during the performance of tasks under martial law, this is one of the important factors for the performance of official duties. Ensuring personal safety is the main function performed by police officers, which can save life of the police officer and even those who are rescued by the police in the performance of their duties. Therefore, it is necessary to establish a system of obtaining practical skills also in terms of providing emergency medical assistance, understanding the processes that will occur in the body of the victim. Such knowledge and skills must necessarily be based on awareness of the risk of being in extreme conditions, in particular, the so-called "fire" contact with the offender (Klymenko, 2022).

In 2019, the Action Plan for the implementation of the Strategy for the Development of System Bodies of the Ministry of Internal Affairs for the period up to 2020 regarding issues of police training in extreme conditions was approved (Order of the Cabinet of Ministers of Ukraine

No. 693-r, 2019). According to this Plan, the development of personnel potential and social protection of the police employees lies only in the establishment of special courses within the educational disciplines regarding psychological preparation for the performance of official duties (carrying out service) in extreme (combat) conditions. Under the circumstances, such emphasis on police training is clearly insufficient.

Thus, researchers Vaida and Kruhlyk (2022) in the context of the system of professional training of police officers and pedagogical conditions on formation of the personality of the law enforcer to effective actions in extreme conditions, consider the essence of professional training as the formation of preparedness of policemen to protect public order, ensure public safety in society, including in extreme conditions of combating crime (military activity).

In turn, the preparedness of a law enforcement officer to act in extreme conditions consists of two main complex types: 1) general professional preparedness; 2) special (service-combat, extreme) preparedness. The second type of special professional training of a policeman is determined by the specifics of the complicated conditions of service (especially under martial law and hostilities). Extreme training of a police employee, according to researchers, consists of three components: 1) extreme training; 2) moral and psychological preparedness for actions in extreme conditions; 3) extreme development (Vaida and Kruhlyk, 2022, p. 13).

With regard to the priority given to the training of police personnel, one should focus on extreme training, which involves the formation of police officers' awareness of the mandatory performance of professional tasks defined by functional duties, as well as methods for their effective solution; the presence of potential extreme conditions; expected difficulties, ways to overcome them, legal bases for the use of force methods and weapons, characteristics of the alleged enemy/offender; skills and ability to qualitatively perform all necessary professional actions in any difficult circumstances, including the skills of group actions to solve tasks in extreme conditions; experience in the use of military tactics of detention and self-defense, application of weapons and special means under conditions of force and armed counter-action against criminal elements; training in the adequate perception of extreme conditions and overcoming the psychological difficulties connected with them; skills and abilities to

ensure personal safety; the ability to learn in extreme conditions and take into account the experience of professional actions of the best police officers (Vaida & Kruhlyk, 2022, p. 15).

In the case of the formulation of a new Strategy for the development of the bodies of the Ministry of Internal Affairs and the creation of a corresponding Plan for the implementation of the Strategy, we consider it expedient in the section on the promotion of personnel potential to indicate as a priority not only the development of special courses on psychological preparation for the performance of official duties (carrying out service) in extreme (combat) conditions in the relevant educational programs, courses, modules in institutions of higher education of the bodies of the Ministry of Internal Affairs, but also assistance for elaborating special courses within academic disciplines for preparation for medical treatment with an inclination to damage caused by specificity of modern wars and combat operations (as a result of injuries from mines, remotely piloted aircraft, artillery shells, anti-personnel mines, gunshot wounds from automatic firearms, etc.); courses on the rules of behavior and performance of the tasks assigned to the police under hostilities. At the same time, it is necessary to foresee in the Plan the tasks for the implementation of the courses on the said pre-medical training, rules of conduct in combat conditions as part of the initial professional training of police officers, service training and postgraduate training courses. Special attention should be paid to the rules of police actions under conditions of radiation danger, use of chemical weapons, etc.

A positive phenomenon in the issue of personnel training for police service under martial law is the developed and proposed typical programs of primary military-professional training for education seekers and employees of higher education institutions of the Ministry of Internal Affairs, rank-and-file and senior staff of the civil protection service and police officers, such as the one that was developed by the National Academy of the National Guard of Ukraine, the Department of Military Training of the National Academy of Internal Affairs, the Department of Military Training of Kharkiv National University of Internal Affairs, approved by the Department of Education, Science and Sports of the Ministry of Internal Affairs of Ukraine in 2022.

For the sake of effective administrative and legal support for personnel training under martial law and performance of the tasks assigned to the police in territories adjacent to active hostilities

or directly in territories where active hostilities are taking place, it is necessary to develop a new legal act of a strategic nature and a corresponding plan of measures for its implementation, which will involve a systematic approach to preparing for police service in the specified conditions.

Conclusions

Thus, according to the set goal and the conducted research, we came to the following conclusions:

- 1) As a result of the full-scale aggression of the armed forces of the Russian Federation in Ukraine, the National Police of Ukraine faced demands to perform their tasks in the conditions of martial law and active hostilities, which in turn implies a change in approaches to professional training and training of police officers and personnel for police service.
- 2) Among the aspects of administrative and legal provision of police personnel training under martial law and active hostilities, it is important to outline the rules that will become a reference point and priority during the development and changes of the system of professional training for service in the police. Such a legal instrument can be a strategic legal act in the form of the Personnel Policy Strategy of the National Police of Ukraine. In turn, in accordance with the Strategy and the Action Plan for the Implementation of the Personnel Policy Strategy of the National Police of Ukraine, we consider it expedient in the section on the promotion of personnel potential to indicate as a priority not only the development of special courses on psychological preparation for the performance of official duties (carrying out service) in extreme (combat) conditions in the relevant educational programs, courses, modules in institutions of higher education of the bodies of the Ministry of Internal Affairs, but also assistance for elaborating special courses within academic disciplines for preparation for medical treatment with an inclination to damage caused by specificity of modern wars and combat operations (as a result of injuries from mines, remotely piloted aircraft, artillery shells, anti-personnel mines, gunshot wounds from automatic firearms, etc.); courses on the rules of behavior and performance of the tasks assigned to the police under hostilities. At the same time, it is necessary to foresee in the Plan the tasks for the implementation of the courses on the said pre-medical training,

rules of conduct in combat conditions as part of the initial professional training of police officers, service training and postgraduate training courses. Special attention should be paid to the rules of police actions under conditions of radiation danger, use of chemical weapons, etc.

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