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## THE FOREIGN EXPERIENCE OF PUBLIC CONTROL OF POLICE ACTIVITY AND ITS IMPLEMENTATION IN UKRAINE

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**Антонів М., Миронюк Р. ЗАРУБІЖНИЙ ДОСВІД ГРОМАДСЬКОГО КОНТРОЛЮ НАД ДІЯЛЬНІСТЮ ПОЛІЦІЇ ТА ЙОГО ВПРОВАДЖЕННЯ В УКРАЇНІ.** Здійснено аналіз моделей побудови та функціонування системи правового забезпечення та організації громадського контролю за діяльністю поліції провідних країн світу.

З урахуванням аналізу зарубіжного досвіду реалізації окремих форм громадського контролю за діяльністю поліції в цілому ряді країн і в окремих країнах зокрема визначено перспективні шляхи його впровадження в Україні, до яких слід віднести: 1) визначення та нормативне закріплення підстав, форм і способів залучення громадян до охорони громадського порядку в новому Законі України «Про участь громадськості в охороні громадського порядку», який повинен бути розроблений і прийнятий на заміну Закону «Про участь громадян в охороні громадського порядку і державного кордону»; 2) визначення в Законі «Про Національну поліцію» однією з форм громадського контролю за діяльністю поліції - участі на добровільних засадах громадян в охороні громадського порядку, виявлення, фіксації та розслідуванні обставин скоєння правопорушень та злочинів та вжиття заходів щодо усунення причин та умов їх здійснення. А також визначення та нормативного закріплення в ньому організаційних форм участі громадян в охороні громадського порядку і порядку взаємодії громадськості з поліцією; 3) розробку та прийняття державної і муніципальних програм участі громадськості в охороні громадського порядку і безпеки, які повинні визначати дієві а не формальні підстави, форми і порядок такої діяльності, в тому числі закріплювати механізм взаємодії поліції і громадськості в цій сфері; 4) забезпечення державної і муніципальної підтримки створення Асоціації підтримки поліцейської діяльності, як громадської організації, яка створюється на добровільних засадах громадянами для участі в діяльності поліції, в тому числі для поліпшення надання поліцейських послуг населенню. Саме через мережу пунктів діяльності такої асоціації громадяни можуть: отримувати консультаційні послуги в сфері дозвільної та ліцензійної діяльності поліції; доводити інформацію про потреби громадян в поліцейських послуги, наприклад, посилення патрулювання місць з тимчасово підвищеним рівнем суспільної шкідливості або небезпеки; інформувати керівництво поліції про факти порушення і зловживання посадовим становищем поліцейськими і здійсненні ними корупційних діянь; ініціювати проведення особистих зустрічей громадян з керівниками підрозділів поліції; здійснювати відбір шляхом відкритого голосування представників громадськості в громадських, консультаційних, наглядових радах за діяльністю поліції та членів атестаційних комісій з відбору та атестації поліцейських; 5) запровадження діяльності моніторингової групи за дотримання поліцією прав і свобод громадян на рівні апарату Національної поліції; 6) визначення порядку звітування керівника поліції на засіданні місцевої ради; 7) запровадження загальнодержавного рейтингу безпеки регіону, як основного показника діяльності поліції та показника громадської думки про діяльність поліції регіону.

**Ключові слова:** поліція, громадський контроль, засоби та способи громадського контролю, зарубіжний досвід, напрями впровадження.

**Formulation of the problem.** As a member of the Council of Europe, Ukraine, in accordance with the Paris Charter for a New Europe of November 21, 1990, assumed the responsibility to accede to international human rights standards, to establish internal guarantees of their implementation, based on generally accepted international legal guarantees, enshrined in the relevant international legal norms.

The need to introduce uniform international standards into the work of the police is conditioned by the increase in the level of transnational organized crime, the rapid pace of population migration in the world, the significant differences in national policing systems, and the problem of ensuring human rights in the police activity. The signing of international

agreements also stipulate in the police activities the strict observance of standards in the field of human rights protection during the implementation of law enforcement functions, the need to respond to the emergence of new types of crimes and act in accordance with international human rights standards. Therefore, there is an urgent need to harmonize the principles of the National Police of Ukraine (hereinafter – NP) with world (in particular European) standards. First of all, it refers to the transition from the punitive to the socio-service content of its activities, the transformation of the police into a law-enforcement institution of the European model, which should provide law-enforcement services to citizens. The basic principles of police activity among the others in the Law of Ukraine "On National Police" dated July 2, 2015 (hereinafter – the Law) defined openness and transparency as well as interaction with the population on the basis of partnership, which in turn provides the basis for returning trust in this law enforcement body and its legal activities aimed primarily at servicing citizens in the law-enforcement sphere [1].

Therefore, based on the new "servicing" function of the police, the main customer of police services is the people of Ukraine, its citizens, who, by paying taxes, hold the police, and that's why have to legally determine the guarantees of control over their activities. Modern latest Ukrainian legislation regulating the system of rights of citizens in general and the observance and protection of their police provides certain opportunities for public control over the activities of the police, but the forms of such kind of public control, technologies and methods of its implementation need to be improved taking into account the foreign to all the European experience of public control over the activities of the police.

Thus, **the purpose of the scientific article** is to find out the means and methods of public control over the activities of the police in foreign countries (before the whole of Europe) and to identify the directions of its implementation in the national doctrine of the development of public control institutions for the activities of the National Police in Ukraine.

In order to accomplish the purpose within the article, the following *tasks* will be solved: the means and methods of public control over the activities of the police and the status of their legislative consolidation are determined; the efficiency and expediency of its application in the light of the positive international experience of the implementation of the control functions of civil society in the field of police activity have been determined.

**Basic content.** According to the current legislation, and in particular Section VIII "Public Control over Police Activity", the Law of Ukraine "On National Police" regulates the following forms of public control over police activities: receiving and publishing a report on police activity; control over the activities of the head of the police and the adoption of a resolution to distrust it; through interaction between the heads of territorial police bodies and representatives of local self-government bodies; by involving the public in the consideration of complaints about actions or omissions of police officers [1].

Despite the existence of legally defined forms of public control over the activities of the National Police, it is necessary to determine the means and methods of its implementation, which may include: 1) representation of the public in collegial bodies under the central and territorial units of the NP; 2) public participation in the discussion and preparation of legal acts regulating the activities of the NP; 3) direct appeal of citizens to the organs of the NP for the purpose of obtaining information about their activities; 4) circulation of mass media to the units of the National Defense Agency in order to obtain public information about their activities and its disclosure; 5) the participation of representatives of the public in the selection of personnel in the state of emergency and the certification of personnel; 6) participation of representatives of the public in the course of official examination of complaints about actions or inactivity of the police; 7) organizing public opinion polls on the activities of the NP; 8) the obligation to report to the public on the results of its activities; 9) participation of human rights public organizations in the development of programs of activities of the NP.

In the basis of the systematic study of forms of public control over the activities of the police in foreign countries and the ways of its implementation, we rely on the principle of selectivity, which is based on the study of international experience of successful political, economic, social plan countries (France, United Kingdom, Germany, USA, Canada, Japan) in which the public is actively involved in the activities of the police.

First of all, it should be noted that international standards for the interaction of police forces with the public are defined in Resolution No. 690 (1979) of the Parliamentary Assembly of the Council of Europe on the "Declaration on the Police" of May 8, 1979, Strasbourg [2], Recommendations (2001) 10 of the Committee of Ministers to the States Parties to the Council Europe "On the

European Code of Police Ethics", adopted by the Committee of Ministers on September 19, 2001 at the 765th Deputy Ministers' Meeting [3] and United Nations General Assembly Resolution 34/169. Code of Conduct for Law Enforcement Officials of December 17, 1979 [4]. The police declaration in many countries is the basis of the professional standards of the police, and although it has no legal force, its main provisions have been enshrined in the European Code of Police Ethics adopted as an additional regulatory document of the Council of Europe.

The aforementioned documents recommend that States organize their police in accordance with the professional standards for the interaction of police forces with the public and provide that: the activities of the police are conducted in close contact with the public and the effectiveness of the police depends on public support; police agencies, in addition to ensuring law and order, perform social and service functions in society; the public's trust in the police is closely linked to their attitude to the public, in particular, their respect for human dignity and fundamental human rights and freedoms; the police should be organized in such a way as to promote good police links with the public and, if necessary, to cooperate effectively with other bodies, local communities, non-governmental organizations and other public representatives; the police should be organized in such a way as to deserve public respect as professional lawyers and services to the public; police organizations should be prepared to provide objective information about their activities to the public without disclosing confidential information.

It should be noted that among the diversity of forms of public oversight of police activities in foreign countries, the active participation of the public in co-operation with the police, aimed at taking a number of preventive measures aimed at preventing (minimizing) violations of public order, and eliminating the consequences of such violations, are most effective, especially at the local (municipal) level, in particular: taking part in the patrolling of administrative-territorial units (streets, parks, squares, sports, musical and other entertainment arenas, public facilities and pipeline transport); participation in joint meetings of local police and municipalities; participation in the protection of public order in the event of an enhanced version of the police service (in case of natural disasters, massive violations of public order, demonstrations, rallies, during preventive measures and measures to eliminate the consequences of terrorist threats, etc.). It should be noted here that such involvement of the public in joint activities with the police takes place in the overwhelming majority of the citizens' initiative, and only in an exceptional case, for example, in disaster recovery, on the initiative of the police or public authorities.

Unfortunately, in the current legislation, and in particular Section VIII "Public control over the activities of the police" of the Law of Ukraine "On National Police", such forms of interaction between the public and the police did not find their normative consolidation, and perhaps this is due to the fact, that the long-standing practice of involving the public in participation in the police activities was to forcibly involve citizens as people's warriors in order to safeguard public order, has not been effective in recent years. Since such forms of interaction between the public and the police as involving the holding of meetings, participation in the selection of personnel in the police, public assessment of the results of the police activities were almost non-existent, they formed the basis of the new Law "On National Police" as a normative act which is primarily regulated police but not public activities.

Despite this, the legal framework for the possible participation of citizens in the activities of the police is still determined by the Law of Ukraine "On Citizen Participation in the Protection of Public Order and the State Border" of June 22, 2000, No. 1835 III [5], in particular in Article 1 of this Law, which states "public formations for the protection of public order and the state border may be established on the basis of public amateurs as consolidated units of public formations, specialized units (groups) of assistance of the National Police to assist in preventing and terminating the protection of the life and health of citizens, the interests of society and the state from illegal encroachments, as well as in the salvation of people and property during a natural disaster and other extraordinary circumstances" [5].

In this connection, the foreign experience of the participation of the public in the law enforcement and human rights activities of the police and its adaptation in Ukraine is of great interest. Despite the existence of specially created public institutions the main function of which is to ensure public order and security, and this function is entrusted to the police in most countries of the world, public involvement in police activities is essential and appropriate in some aspects: as an auxiliary subject of police activity that in most conflict situations a citizen-policeman acts as a certain social arbiter; as a subject controlling the activities of the police; as a subject that saves budget funds directed at public order protection. Indeed, it is

sometimes citizens who have witnessed a crime or are aware of a crime that is preparing to provide police with invaluable assistance in the prevention and investigation of crimes, as well as the maintenance of law and order in a particular area (primarily at the place of residence of citizens). It is no coincidence that in most countries the emphasis in the law-enforcement and human rights activities of public authorities is primarily on preventing crimes and other offenses with the help of the public. The first world-wide model of policing based on public support and participation was introduced by Robert Pillin the United Kingdom in 1829. Then, for the first time, it was suggested that police autonomy is an unjustified strategy. Police can not perform its duties efficiently and on time without relying on the support of community associations and residents of the areas servicing the police units. The result of this policy was the creation of a so-called new police, which worked closely with the population [6, p.160]. The cooperation between the police and the citizens is that they establish such relationships between them, in which they together solve the problems of fighting crime and maintaining the rule of law at the place of residence of citizens. In this case, as some researchers rightly noted, "it is triggered one of the basic principles of the functioning of the police: public security and the rule of law – a common concern for the state and society; the police will provide assistance only in cases where the efforts of the public is not enough"[7, p. 11-13].

The proper interaction of the public with the police can be carried out solely on the basis of voluntary and organizational securing. It should be noted here that in many countries, the police bodies have structural units (subdivisions), the staff of which exclusively engages in interaction with the population. Police and citizen cooperation is carried out through various community councils, committees, associations, which include representatives of trade unions, religious and other public associations. Undoubtedly, not all voluntary associations can withstand time checks and work efficiently, but in foreign practice there are many viable forms of participation of the population in the work of the police in combating crime and maintaining public order. But it remains obvious that the police bodies should support and stimulate the public's engagement. It should be manifested in the fact that the public relations police inspector should carry out the following work: keeping records of citizens involved in the protection of public order and interacting with the police in various forms, such information should be public (open), be made public in Mass media on official electronic pages of the police, except for cooperation in the field of operational-search activity; to petition the licensing authorities for the pre-emptive right to wear such firearms for traumatic weapons by such citizens (in the case of legislative consolidation in Ukraine of such a right of citizens); to petition the police supervision in charge of encouraging citizens' data, including the awarding of state awards and merits.

Beyond the borders of European countries, it should be noted the experience of interaction between the public and the police in Japan, where the level of crime is rather low and not least the reason is the high self-awareness of citizens and their effective cooperation with the police. For organizational support of such interaction at each police station there are offices of the Association for the Prevention of Crime, the member of which can be every citizen. It is interesting that the association includes not only ordinary citizens willing to cooperate with the law enforcement agencies, but also the association of persons by professions, whose representatives often become victims of criminal assaults (public transport drivers, banking workers, retail chains, car-, moto-, bicycle couriers and others), or most often provide legal advocacy services – lawyers. Members of the association voluntarily make money for its development. Through the territorial contact areas of the Association, citizens can obtain the necessary advice or effective legal assistance. Employees of contact areas work closely with police personnel, especially in case of committing a crime or seeking a missing person [6, p. 160].

Separate attempts to involve the public in engagement with the police would not have had a proper effect, if not national programs of public-policing interaction that were adopted and implemented in Great Britain, France, Germany, the United States, and aimed at effective cooperation between the population and the law enforcement agencies. So, in many European countries there is a public organization "Stop Criminal", which helps the police in combating crime, ensuring the proper state of law and order in the regions, carrying out preventive, educational, advisory work. Branches of this public organization are located on the territory of police stations, which greatly improves the cooperation of members of the organization with police officers [8, p. 90].

The organization and implementation of such programs in Ukraine should start with the

formation and analysis of public opinion about the activities of modern police. A positive image and high results of activity, impeccable reputation and an appropriate level of culture are key components of the professional success of the police, including in the field of communication with the public and community formations.

On the basis of analysis of legislative provision and organizational principles of public control over law enforcement agencies, in particular by police in foreign countries, it is advisable to state that the implementation of public oversight of police activities in foreign countries is carried out in the following forms: 1) ensuring the availability of citizens to decisions taken by law enforcement agencies (for example, in the United States, where the Federal Bureau of Investigation publishes on its official website all the case files that civil organizations often file from to score); 2) the availability of police services for visiting citizens and the creation of a hotline for the police (call center) to provide advice to the population (based on Georgia's example); 3) survey of citizens (through social networks, for example through the Facebook page) on the feasibility of improving police services and the effectiveness of using police equipment (for example, in the UK and Sweden on the feasibility of placing video surveillance cameras in certain public places); 4) public participation in a survey on the state of law and order in the region and the assessment of the police actions of the region and its leader (for example, in Canada and Australia); 5) the activities of the Public Councils at the police, acting as an advisory body, which includes specialists from various adjacent police activities – transport professionals, sports and medicine, developing together with the police regulations on law and order (in most countries of the world); 6) the activities of monitoring services (e.g., "Law Enforcement Monitoring Associations" in Germany), the main purpose of which is to independently evaluate the activities of the police and to prepare and publish a report on its activities at the request of the territorial community or at the request of the police organization itself.

Summing up, we note that optimizing the interaction of police with the public in the context of law enforcement activities has the main goal – to give a new impetus to positive domestic practices of involving citizens in police activities, which are time-tested and supported by the public and implement the best positive experience of the activities of the police structures of the world with regard to the forms, methods and procedures for public interaction with the police, implemented in one particular country, and which is more or less adapted to those countries that had similar stages of Ukraine statehood and show prospects for its development.

**Conclusions.** Taking into account the analysis of foreign experience in the implementation of certain forms of public control over the activities of the police in a number of countries and in particular countries it becomes possible, in particular, to identify prospective ways of its implementation in Ukraine, which should include: 1) determination and normative consolidation of the grounds, forms and methods of involving citizens to the protection of public order in the new Law of Ukraine "On public participation in the protection of public order", which should be developed and adopted to replace the Law "On the participation of citizens in the protection public order and state border"; 2) the definition in the Law "On National Police" of one of the forms of public control over police activities – participation in voluntary activities of citizens in the protection of public order, detection, fixing and investigation of the circumstances of committing offenses and crimes and taking measures to eliminate the causes and conditions for their implementation. As well as the definition and normative consolidation in it of organizational forms of citizen participation in the protection of public order and the order of interaction of the public with the police; 3) development and adoption of state and municipal public participation programs in the protection of public order and security, which should determine the effective rather than formal grounds, forms and procedures for such activities, including the establishment of a mechanism for the interaction of the police and the public in this area; 4) ensuring state and municipal support for the establishment of the Association for the Support of Police Activity, as a public organization, which is created on a voluntary basis by citizens for participation in the activities of the police, including to improve the provision of police services to the population. It is through the network of points of activity of such an association citizens can: receive advisory services in the field of licensing of the police; provide information on the needs of citizens in police services, for example, increased patrolling of places with a temporary increased level of social harm or danger; inform the police supervision of the facts of violations and misuse of the police officers' position and of committing them with corruption; to initiate personal meetings with the heads of police units; to conduct selection by means of open voting of representatives of the public in public, consultative, supervisory

ry boards for the activities of the police and members of the appraisal commissions for the selection and attestation of the police.

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#### Summary

The article analyzes the models of construction and functioning of the legal support system and organization of public control over the activities of the police of the leading countries of the world.

Taking into account the analysis of foreign experience in the implementation of certain forms of public control over the activities of the police in a number of countries and in individual countries, in particular, the prospective ways of its introduction in Ukraine are identified.

**Keywords:** *police, public control, means and methods of public control, foreign experience, directions of implementation.*



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#### **SOCIAL NETWORKS AS INTERESTED OBJECTS OF LAW-ENFORCEMENT BODIES**

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**Рижков Е. СОЦІАЛЬНІ МЕРЕЖІ ЯК ОБ'ЄКТ ІНТЕРЕСУ ПРАВООХОРОННИХ ОРГАНІВ.** У статті розглядається соціалізація мережі Internet, та її вихід на істотно новий рівень, що і зумовлює необхідність врахування значного масиву оперативної інформації в практичній діяльності правоохоронних органів.

У сучасному інформаційному суспільстві соціальні мережі все частіше використовуються не за своїм основним цільовим призначенням. Все частіше вони стають як знаряддям, так і місцем скоєння злочину. Дана тенденція вимагає від правоохоронних органів не тільки здійснення моніторингу та пошуку осіб в цілях оперативно-розшукової діяльності, але і у інтересах досудового розслідування.

Дедалі виникає необхідність використання різноманітних Інтернет ресурсів, як джерел оперативно-значущої інформації. Інформаційні масиви соціальних мереж виступають дієвим інструментом протидії злочинним проявам та джерелом інформації, яка становить оперативний інтерес.

**Ключові слова:** *соціальні мережі, правоохоронні органи, оперативно-розшукова інформація.*

**Problem statement and the state of its research.** Assessing the current scientific and technical situation in the world, it can be argued that humanity develops in an era of information society. In recent years, information, becoming one of the decisive factors in the development of modern society, is gaining increasing importance. Information processes that are observed in the world affect not only the scientific and technical sphere, but also on a wide