

Секція 1

ОРГАНІЗАЦІЙНО-ПРАВОВІ, СОЦІАЛЬНО-ЕКОНОМІЧНІ ТА НОРМАТИВНО-ПРАВОВІ ОСНОВИ РЕГУЛЮВАННЯ СИСТЕМИ ПІДГОТОВКИ ПЕРСОНАЛУ СЕКТОРУ БЕЗПЕКИ І ОБОРОНИ УКРАЇНИ

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POLICE EDUCATION AND TRAINING IN WARTIME

Currently, there is no clear mechanism for curricula development for any type of training. According to the law on “National Police”, the police is not a decision-maker in this process. Most of the training programs for the National Police of Ukraine are elaborated by higher education institutions of the Ministry of Internal Affairs and agreed upon by both the Ministry of Internal Affairs and the corresponding specialized police unit.

”There should be greater continuity between recruits’ academy training and their field training. To accomplish this, academy staff and the FTO program staff need to do a better job collaborating with each other” [1, p.215].

Policing requires law enforcement agencies to expand police officers education and training in wartime. It is not enough to focus on the law or skills such as arrest, driving or firearms. It is necessary to train psychological skills to meet war challenges of police work. Police education and training becomes extremely important for safety and domestic security and officers charged with enforcing laws must be open to new approaches. Policing also involves the community and the role of police in the society is important. Well-educated and trained officers are more adept to solving problems, thinking creatively, and exhibiting open-mindedness.

At wartime police education and training is particularly important for Ukraine as the country is constructing new police forces and undertaking reforms in the law enforcement sector. Nowadays, the police continue to work in an enhanced mode. They ensure the activities of checkpoints, evacuate the population, check documents and vehicles, conduct search and investigation of sabotage activities, and also counter looting.

Ever since a full-scale war began in Ukraine on February, 24, 2022, police officers have been doing their job: attack the enemies and explode their tanks, help civilians in supplying them with food, provide first medical aid, and evacuate people. The new police actions inspire many people in Ukraine.

The level of trust in the police increased as it is a huge step forward in establishing a modern law enforcement system. The development of the professional education standard (competencies of police officers) has launched.

The next step in the process of the education and training reform is the development of a strategy on police education and of a training model proposed by the Ministry of Internal Affairs.

“The analysis of strengths and weaknesses of the national departmental education enables to state that at present it requires constant improvement and development, and accordingly hard systematic work on errors to achieve effective and efficient“ [2, p.146].

Military police exist in most European countries, in the United States and Canada as well. Ukraine will also implement a new integrated defense leadership and management system as modern and effective law enforcement body that meets NATO standards.

The Military Police should be set up within the Ministry of Defense. The military police is a military law enforcement unit whose task is to ensure law and order among servicemen, conscripts and reservists during their military training; prevention, detection of criminal and other offenses committed by servicemen, as well as employees of the Ministry of Defense and the Armed Forces of Ukraine, their detection and termination.

Such police will improve the organization of law and order in the Ministry of Defense and the Armed Forces of Ukraine, special law enforcement agencies and other military formations. It should also provide an opportunity to effectively and promptly investigate the most common war crimes, which will have a positive impact on the level of national security of the state.

In addition to standard functions, the military police will have additional powers. This includes, in particular, the pre-trial investigation of corruption crimes committed by civil servants and employees of the Ministry of Defense of Ukraine and the Armed Forces of Ukraine while performing their official duties at a military unit.

The number of servicemen and employees of the military police is not less than 1.5 percent of the total number of the Armed Forces and is determined by the Minister of Defense of Ukraine.

Depending on the tasks, they include structural units: investigation, prevention, detection of crimes and other offenses, security, patrol service and search, military traffic safety inspection, special purpose, service investigations, units of the Military Police in separate garrisons, units that ensure the implementation of assigned tasks and daily activities of the Military Police.

Ukrainian lawmakers want to provide the military police with additional powers, including pre-trial investigations of corruption crimes committed by civil servants and employees of the Ministry of Defense and the Armed Forces. But, there is the National Anti-corruption Bureau of Ukraine (NABU) which has broad procedural powers to investigate corruption crimes, including those committed by civil servants and employees of the Ministry of Defense of Ukraine and the Armed Forces of Ukraine. There is also the State Bureau of Investigations which also has the authority to investigate war crimes.

According to Mykola Khavronyik, Doctor of Law, Professor, Honored Lawyer of Ukraine, the bill contradicts the Constitution. In particular, it violates Article 17, which clearly states that military formations, unlike the police, cannot be used by anyone to restrict human rights and freedoms.

If the military police perform investigative functions, the body cannot consist only of servicemen. There must be either civil servants or specialists with ranks. That is, it is either necessary to amend the Constitution, or to create such a unit not from the military, but from police officers but it is also not appropriate. There are a lot of issues about the bill on the military police, the document is not perfect, it needs changes.

According to the bill, the rights of servicemen are limited to other similar servicemen. Therefore, the military police must be created as a military formation. But then it cannot perform investigative and search functions, but only security functions. If the military police are given investigative functions, they cannot consist only of servicemen.

These should be either civil servants or specialists with ranks. That is, it is either necessary to amend the Constitution, or to create such a unit not from the military, but from police officers, which is also not appropriate. There were a lot of issues about the bill on the military police, the document is not perfect, it needs many changes.

It is import to create military police in Ukraine nowadays. Non-compliance with the order, desertion, theft of property offenses committed by military men have their specific features. To solve them, we need the efforts of not only law enforcement agencies but also the military bodies. The Law Enforcement Service is responsible for ensuring the law in the Armed Forces of Ukraine. However, its powers are much wider than just checking and detaining soldiers.

Nowadays, in wartime the National Police of Ukraine is investigating more than 1,000 criminal cases on missing Ukrainians, more than 600 cases of abduction of civilians, more than 2600 cases related to the death of Ukrainian citizens, and this number is increasing with every day.

Ukrainian Parliament expanded the powers of the police in wartime and approved of Bill No. 7147, which amended the laws "On the National Police" and "On the Disciplinary Statute of the National Police of Ukraine". 310 people's deputies voted for this decision.

It is obvious that the Ukrainian police do not have enough time to open cases due to the constant receipt of new information about the cases of missed persons and deaths of Ukrainian citizens during the war unleashed by Russia on February 24, 2022. Ukrainian authorities say that thousands of peaceful Ukrainians were killed (most of the victims in Mariupol, where more than 20 thousand people could have died), including more than 200 children.

The new law is to regulate police activities in wartime. It is important to relate the amendments the issues of interaction between the bodies and units of the National Police with representatives of state bodies, local governments as well as with legal entities of the state form of ownership in matters concerning prisoners of war, ensuring detainees escort and maintenance, demining and police officers' admission to carry out special explosive tasks. The adopted bill will settle the issues regarding representation in the International Criminal Police Organization – the Interpol. It will also regulate the issue of collecting persons' biometric data including fingerprints.

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