

# POLICE CHIEF'S TASKS AS A SUBJECT OF LAW AND DISCIPLINE ENFORCEMENT

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**Abstract.** *The author of the article has studied the main tasks facing the police chief as a subject of law and discipline enforcement. The author has emphasized the multi-functionality of powers of the police chief and his main task - creation of conditions for subordinates to exercise their rights and fulfill their duties in accordance with the requirements defined by regulatory legal acts. The understanding of the chief's intra-organizational activities has been studied in the article and it has been indicated that the chief's tasks are quite complex and should be based both on the chief's availability of appropriate administrative, managerial, punitive and other powers and on his personal authority. The spectrum of his general tasks has been outlined; the understanding of the concept of "law and discipline enforcement" as an evaluation category has been indicated. It has been stated that the concept of "law and discipline enforcement" is not clear enough and is not revealed in any regulatory legal act that regulates the activities of the police, and therefore this concept is difficult to correctly and fully interpret and understand. The main reasons and conditions for law and discipline violations within the police work have been analyzed; and on this basis the author has made a conclusion about the inefficiency of the chief's work, who cannot fully exercise their organizational and control powers. It has been emphasized that the chief must motivate subordinates to comply with the law and discipline, form their correct idea of legality and clear performance of official duties, legal orders and directives of higher management. The author has determined the main tasks of the police chief in matters of law and discipline enforcement in the following areas: in the field of regulatory and legal work; in the HR sphere; in the field of considering law and discipline violations; in the field of analyzing the compliance with the law and compliance with official discipline of subordinates of the National Police; in the field of public activity, etc.*

**Key words:** *police agency, a chief, law, discipline, provision.*

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## 1. Introduction

The activity of the police chief is multi-functional, and his work is associated with a huge responsibility not only for the execution of procedural actions of subordinates, management of the agency, but also for the formation of stable psycho-emotional contact with every employee, the ability to quickly respond to employees violations, quickly and effectively resolve conflicts, be a leader and a manager at the same time. The chief's main task in the field of law and discipline enforcement is to create conditions for subordinates to exercise their rights and perform their duties in accordance with the requirements defined by regulatory and legal acts. Nowadays, the chief is assigned the duty to maintain official discipline at the level of the Disciplinary Statute of the National Police of Ukraine. It is the chief who must clarify and interpret the basic rights and duties to a subordinate, which in general form the basis for the formation of fundamentals for further work of each police officer. It is worth noting that the standards of relationships between chiefs and subordinates of police agencies have been formed at the level of the law, and their actual relations should be based on the principles of

subordination, mutual respect, demandingness, benevolence and reciprocity.

## 2. Review of the literature

Certain problems of understanding law and discipline in the work of the National Police agencies were studied by such scholars as: V.B. Averianov, O.F. Andriiko, Ye.I. Bakutin, O.M. Bandurka, Yu.P. Bytiak, O.I. Bezpalova, V.M. Harashchuk, V.M. Zinchenko, T.O. Kolomoiets, A.T. Komziuk, O.M. Muzychuk, D.M. Polonskyi, M.M. Prokofiev, V.V. Sokurenko, M.M. Tyshchenko and others. However, it is worth defining in more details the main tasks facing by the chief regarding the compliance with law and discipline within the police agency. We would like to emphasize that the role of the chief is key one, given the range of tasks that the latter has to perform and implement. It is extremely difficult, responsible and requires full devotion to work, because an example of a proper chief is the face of a government agency that other people trust, from whom they expect protection and understanding of the situation that became the reason for addressing the police agency. The chief's influence on his subordinates should motivate them

to take actions regarding the observance of law and discipline, to complete, objective and impartial compliance with the prescriptions of the law, taking actions in accordance and in sequence with the specified regulatory acts.

### 3. Problem's setting

The purpose of the article is to study the tasks facing by the chief as a subject of law and discipline enforcement. To solve the set purpose, the following tasks are being solved in the article: consideration of the main purpose of the police chief, which is related to his legal status, consideration of the general concepts of "law and discipline enforcement", "tasks"; the role of the chief in solving certain tasks of the police agency; systematization of the main tasks of the police chief as a subject of law and discipline enforcement in certain areas.

### 4. Research results

Moving on to the direct consideration of the definition of the tasks entrusted to the chief as a subject of law and discipline enforcement, we note that the task of the chief of the National Police agency in the indicated sense consists in a comprehensive understanding of the aspects of his work and the capabilities of his team. In general, the main task of the chief of the National Police agency should be characterized as the implementation of intra-organizational activities in a specific National Police agency. In particular, O.V. Petryshyn speaks about such activities of the police chief, indicating that the specificity of the activity and legal status of the specified category of employees consists in "implementing intra-organizational (on the principles of direct subordination) management of the relevant team" [1, p. 32]. H.Yu. Shtanko refers the work with information, the processes of making and implementing management decisions, various forms of organizational activity, which collectively form the management process to the sphere of intra-organizational administrative activity of the National Police agencies [2, p. 186]. Intra-organizational activity is precisely ensured by chiefs who are empowered with appropriate authorities regarding the management work of the police agency, making both procedural and organizational decisions, implementing measures to stimulate the work of employees, encouraging their initiative to serve, preventing unjustified disciplinary actions, ensuring control over the state of executive discipline, etc.

Such an evaluative concept as "law and discipline enforcement" is called in the scientific literature as the main task of the managing personnel of any government agency, where the National Police is generally included. However, this concept of "law and discipline enforcement" is not clear and is not revealed in any regulatory legal act that regulates the activities of the police. Therefore, it is quite difficult to correctly and fully interpret the specified concept and understand those spheres of activities, where such

enforcement takes place and the ways of achieving the optimal level of law and discipline. V.M. Harashchuk offers to understand law enforcement within the state administration as "the activities of the relevant state formations, aimed at: 1) preventing violations in the activities of state authorities, their officials, those requirements and prescriptions that are enshrined in current laws and by-laws, which they use in their daily work; 2) education of employees of the management apparatus in the spirit of strict compliance with the law and state discipline; 3) timely and prompt detection, termination and establishment of the relevant violations; 4) restoration of violated rights and provision of legitimate interests of citizens, public organizations; 5) establishing the reasons and conditions that contribute to the violation of law; 6) bringing to liability those guilty of violations of law and discipline; 7) developing and adopting the measures aimed at eliminating the causes and conditions of violations of law and discipline; 8) creating conditions of inevitability of liability in case of their violation" [3, p. 37]. Ensuring the fulfillment of the tasks facing by police chiefs in matters of law and discipline enforcement should be formed on the basis of the organization of effective informational and educational work with police personnel, the implementation of preventive work and direct work with subordinates in a close relationship,

Studying the essence of the concept of "task" in general, we will outline the definition provided by O.M. Bandurka, who suggested that the term "task" should be understood as the scope of work that must be performed to achieve a goal, purpose, or plan [4, p. 53]. The Article 21 of the Law of Ukraine "On the National Police" dated from July 02, 2015 No. 580-VIII establishes provisions on the understanding the police chief and his deputy, and the Article 22 defines the main powers of the police chief [5]. However, the specified powers are quite general and are applied to all areas of work of the police chief without any exception. The specific powers of the chief in matters of law and discipline enforcement are defined rather ambiguously and, in our opinion, incompletely. The Law of Ukraine "On the Disciplinary Statute of the National Police of Ukraine" dated from March 15, 2018 No. 2337-VIII [6] does not clearly outline the main tasks of the chief of the National Police agencies in relation to subordinates. Supporting the legislator's position, we note that the managing staff of the police agencies plays the key role in the formation of law and discipline among the personnel of the police agencies, however, the measures carried out by chiefs should be comprehensive and target-oriented. Analyzing the causes and conditions of violations of law and discipline in the work of the police, using the example of patrol police agencies, V.O. Mykhailov cites the results of sociological research in the specified area. If we analyze, 97.2% consider it a problem that there is lack of developed sanctions for discipline and law violations; 66.7% talk about the desire of

chiefs to ensure high indicators of the department's official activity, which encourages subordinates to violate the law; 62.0% note that weak internal management activity dominates among the problems of law enforcement in the police; 60.8% note the psychological unpreparedness of police officers to comply with the law; 59.4% point out the lack of control of direct chiefs over the behavior of subordinates, their ignorance of living conditions and personnel needs; 58.9% cite the problem of a low level of knowledge of the regulatory and legal framework of police officers; 53.7% of respondents believe that untimely and formal conduct of attestations and special inspections of personnel as the negative reason [7, p. 59-60]. The specified problems indicate, first of all, the ineffectiveness of police chiefs work, who are unable to fully exercise their organizational and control powers, as well as to carry out legal education and educational work among the police personnel at the appropriate level.

Understanding the role and importance of the police chief it is reasonable to carry out the understanding of the tasks facing by the chiefs. The main task of the chief according to S.V. Odehova is ensuring maximum motivation to work of subordinate employees – civil servants in the process of performing their official duties [8, p. 114]. In general, we agree that the chief's work should motivate subordinates to comply with legislation and discipline, form their correct idea of legality and clear performance of official duties, legal orders and directives of higher managing personnel. The task of the police chief regarding the compliance with law and discipline is quite complex and should be based both on the fact that the chief must have appropriate administrative, managerial, punitive and other powers, and on having personal authority. The chief's leadership and authority should become the basis for forming and setting the main tasks of the chief as a subject of law and discipline enforcement. It is quite difficult to achieve a high level of executive discipline and legality without personal example.

In general, ensuring effective management and obtaining necessary results regarding the compliance by the police personnel with law and discipline should be called as the main task of the police chief as a subject of law and discipline enforcement. However, this task should be more detailed, and therefore, the main tasks of the chief as a subject of law and discipline enforcement should be defined and named according to the following types of activities:

*In the field of regulatory and legal work:* 1) studying the requirements of regulatory legal acts that are related to the compliance with law and discipline by the personnel of any division; 2) control by the chief over the compliance by the personnel of the division with the requirements of regulatory legal acts that are related to law and discipline enforcement; 3) informing the personnel about the main regulatory legal acts related to the compliance with the law and

official discipline, informing about the main amendments in the legislation in regard to the use of special means and weapons, main amendments to the legislation in the field of ensuring executive discipline.

*In the HR field:* 1) the police chief must ensure the exercise of such influence on subordinates in order to encourage them to certain official behavior that would meet the requirements of both the chief and the police agency in the whole; 2) increasing the level of the compliance with law and order by subordinates on the part of chiefs, forming a proper and unbiased attitude to laws, regulatory legal acts among personnel, forming an understanding that a person is the highest social value in accordance with the Constitution of Ukraine and protection of human rights, freedoms and legitimate interests is the priority area of work of law enforcement agencies in any situation [9]; 3) studying the personnel of the police agency and each subordinate, his / her personal and professional features, working qualities and professional capabilities by the police chief. According to L.E. Orban-Lembryk, the chief should pay special attention to studying individual features of subordinates, observing statutory relations between them, uniting the team, timely establishing the causes of subordinates' misdeeds and preventing them, creating an atmosphere of intolerant attitude towards discipline violators. At the same time, the chief is obliged to use the power of public influence of the team in every possible way [10, p. 128]. The purpose of the indicated task is the target for the chief of the National Police agency to understand the living conditions and life needs of his subordinates, the problems and difficulties they face in everyday life. It is important information for the chief, because the latter must understand the living conditions of his subordinates in order to make a correlation with their possible violation of law and discipline, to form an idea of the possibility of committing illegal actions or corrupt acts by them, which may be determined by everyday life and conditions of their lives; 4) ensuring the implementation of educational influence on personnel in matters of the compliance with discipline and law; 5) ensuring proper conditions for service by the chiefs of the National Police agencies, as well as creating proper conditions for police officers to perform their official duties, ensuring appropriate conditions for the performance of official discipline; 6) creating legal guarantees of the compliance with law and discipline by subordinates of police agencies and control over their compliance; 7) raising the level of work culture of police officers, since we agree with the opinion of A.I. Subbot: "discipline is influenced by the professional and business features of an employee. The higher the work culture is, the higher is the readiness to perform tasks in any conditions and circumstances under equal terms. Well-organized work affects the moral atmosphere of the team, the development of social and aesthetic culture and the most important it contributes to the organization and discipline of personnel, and is a

guarantee of ensuring the personal safety of law enforcement officers" [11, p. 200]. The tasks of the chief of the National Police agency are to systematically improve the legal culture, special training and moral features of each employee; 8) timely response to the emotional state of subordinates, including the state caused by personal problems, problems in the family, other problems (death of a loved one, own or a family member's illness, divorce, etc.), including by providing appropriate assistance both by the police chief and other employees, taking actions related to moral and psychological relief, working with a psychologist, etc.

*In the field of considering violations of law and discipline:* 1) the chief's implementation of his powers in the field of the compliance with disciplinary duties, which are related to the imposition of disciplinary penalties and the use of incentive measures in relation to subordinates of police agencies; 2) ensuring a comprehensive review of the situation that contributed to the violation of law and discipline by subordinates; 3) identification of the reasons that contributed to violations of law and discipline by subordinates, analysis of the occurrence of such reasons and search for ways to prevent the occurrence of similar violations in the future; 4) ensuring an objective approach to the choice of disciplinary punishment for subordinates; 5) ensuring the inevitability of punishing guilty party of violations of the law and discipline.

*In the field of analyzing the implementation of the law and the compliance with the official discipline of subordinates of the National Police agencies:* 1) ensuring by the chief of the National Police agencies the proper implementation of the decisions of the boards, meetings, requirements of orders and instructions (directives) related to the work of the police agencies, their compliance with acts related to their activities; 2) ensuring a systematic analysis of official discipline and the compliance with the law by subordinates, by carrying out certain control or monitoring over the state of compliance with the law and discipline; 3) ensuring and monitoring over the compliance with the deadlines for the completion of assigned tasks, since this is the basis of the discipline of police personnel.

*In the field of public activity, the main task of the chief of the National Police as a subject of law and*

*discipline enforcement* should be reporting to society about the situation on the compliance with law and discipline within the agencies of the National Police. The Article 86 of the Law of Ukraine "On the National Police" dated from July 2, 2015 No. 580-VIII establishes that the police chief and chiefs of the territorial police agencies annually prepare and publish reports on the official web portals of the police agencies about the police activity in order to inform the public about the activities of the police [5]. The transparency of the activities of police agencies also implies the transparency in regard to publishing the relevant statistical information, data on the number of violations and initiated criminal and administrative cases within police agencies, etc. V. Derzka emphasizes that the official reporting of the police chiefs regarding the compliance with the state of legality is the main form of the implementation of control by local authorities over the legality in exercising the powers by police officers [12, p. 109].

Therefore, under the terminological understanding of the tasks of the chief of the National Police agency as a subject of law and discipline enforcement, we offer to understand administrative, legal and organizational activities of the police chief, which is aimed at maintaining the proper state of executive discipline, the implementation of laws and subordinate legal acts by the personnel of the police agencies, as well as the execution and implementation of measures on law and discipline enforcement in relation to the personnel of the police agency when they exercise administrative, official and other powers.

## 5. Conclusion

As a conclusion, we note that the police chief is entrusted with quite a large number of tasks, which he must implement in order to achieve a normal level of the compliance with law and discipline within the subordinated to him police agency. Those tasks cover all managerial and organizational activities of the chief, they concern not only the issue of the compliance by certain police officers with the norms of the law and certain prescriptions regulating their behavior, but also have the purpose of protecting police officers in cases of imposing disciplinary sanctions, applying other measures of coercion and incentives.

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