

Competence and authority of the head of the territorial authority of the national police as a subject of control

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Abstract. The scientific article draws attention to the fact that the head of the territorial unit is endowed with a wide range of official powers, especially after their expansion, which was due to the aggressive invasion of Russia on the territory of Ukraine and the need to repel the aforementioned armed aggression. Within the framework of the application of the head's powers, he is able to organise the service of subordinates in an appropriate manner, namely in such a way that all the duties and tasks assigned to the unit related to combating crime and ensuring law and order are performed in a timely and full manner. In order to fulfill them, the chief delegates control and organizational powers to his deputies and chiefs of services, to create an effective multi-level management system, organizes interaction with the population on the basis of partnership, ensures cooperation and exchange of information of the entrusted police unit with other state authorities, represents it at official events, is in constant direct interaction with the top management, takes part in documenting, uncovering and investigating high-profile crimes, conducts hearings on the status of pre-trial investigations, organizes support and protection of public safety and order during mass events, ensures the conduct of checks at the request of citizens, controls the timeliness and correctness of such checks, which he certifies with his signature, under the conclusion and the answer to each appeal.

Attention is focused on the need to introduce a neuro-network based on artificial intelligence into the activities of the head of the territorial division of the police, which would control all areas of activity of the police body would carry out an analysis of official activities, statistics, the state of pre-trial investigation of criminal offences, the state of consideration of citizens' appeals, the correctness and compliance with the law of the decisions made, which would increase the efficiency of the manager and the unit in general. It has been also emphasised that the use of technologies based on artificial intelligence in the work of the information and analytical portal of the National Police led to its streamlining, improving the convenience and efficiency of using this police base.

Key words: head of the police body, National Police of Ukraine, powers, competence, managerial decisions, legality, discipline, control.

Problem statement. Due to the full-scale invasion by Russia, the work of the heads of territorial police units has changed, as has the work of the entire body in general, since the powers of the police have been expanded, resulting in an increase in the duties and tasks of police officers. Considering the fact that many territorial police units are not fully staffed, as many law enforcement officers are involved in repelling Russia's armed aggression, the specific workload on each law enforcement officer has significantly increased in such conditions, it is necessary to create new algorithms for the activities of law enforcement units, introduce new methods, and possibly even technologies to optimise the activities of territorial units. The main task of the head of a territorial police unit is to properly organise the work of the entrusted unit, but in today's realities, this task requires considerable professionalism, experience, and skills. Therefore, it is important to study the peculiarities of the implementation of the powers of the head of the police body, identify the problematic aspects associated with this, and develop practical recommendations for implementing positive changes aimed at improving the work of the leaders of this level.

State of the study. S. M. Alfeyorov, O. M. Bandurka, V. V. Galunko, I. P. Golosnichenko, O. V. Jafarova, O. Yu. Drozd, V. A. Zavorodniy, T. E. Kaganovska, R. A. Kalyuzhny, T. O. Kolomoets, V. K. Kolpakov, A. T. Komzyuk, O. V. Kuzmenko, O. M. Muzychuk, V. I. Olefir, A. A. Starodubtsev, M. M. Tyshchenko, O. V. Tkachenko, S. O. Shatrava, Kh. P. Yarmaki, and others.

The analysis of the powers and competencies of

the head of a territorial police body by Ukrainian scientists has not been fully conducted; there are certain aspects that require additional study. For example, the state of implementation of their powers by the head of a territorial unit under conditions of armed resistance, personnel shortages, and excessive workload on each individual police officer.

Purpose and objectives of the study. The purpose of the research is to study the specifics of the competence and powers of the head of the territorial police body in the conditions of repelling a full-scale invasion of Russia, distinguishing data that are close in essence but at the same time different concepts.

The task of the research is to study the peculiarities of the activity of the head of the territorial unit of the National Police and his powers and competences. Development of practical recommendations aimed at increasing the efficiency of the performance of his official duties.

Scientific novelty of the study. The scientific novelty of the research is determined by the study of the competencies and powers of the head of a territorial police unit, especially after their expansion, which was carried out in connection with the full-scale invasion by Russia. The peculiarities of distinguishing the concepts of 'powers' and 'competence' and their relationship with each other have been thoroughly studied, and practical recommendations aimed at improving the efficiency of the unit head's activities under conditions of excessive workload on personnel and shortage of police officers have been developed.

Presentation of the main material. As part of the

study of the competence and powers of the head of the territorial body of the National Police, it is first necessary to form a definition of these concepts, "competence" and "authority," and to establish the peculiarities of their demarcation, since in essence they are quite close.

Thus, the category "competence" is understood by some scientists in a broad and narrow sense. Some scientists understand it as a set of rights or obligations, others associate this definition with a set of functions and powers in certain areas or define this concept through functions, others - through subjects of knowledge and powers.

Without debating the understanding of the concept of "competence," we note that the competence of the National Police is a set of powers (rights and duties) that are assigned to the police in accordance with the law, a range of issues that can be resolved by this body in certain areas with the aim of performing relevant tasks and functions.

The competence of the National Police is defined in legislative and sub-legislative legal acts, the main of which are as follows: the Law of Ukraine "On the National Police," the Regulation on the National Police, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 10/28/2015 No. 877. The above-mentioned legal acts regulate the general rights and duties of every police officer, the place of the National Police in the system of executive authorities, and the limits of the independence of the police as a separate central executive authority [1].

"Competence" is a broader concept than "authority," which is its structural element. Therefore, "the powers of the police are a set of rights and obligations enshrined in law, which are established for the performance of a specific task (field of activity) and/or the execution of certain actions or the adoption of administrative (procedural, etc.) decisions. And competence, in turn, is a set of police powers (rights and duties), guarantees of their implementation, as well as subjects of knowledge that condition and determine these powers [1]". The head of the territorial unit of the police ensures the implementation of all police powers granted to him within the framework of his competence. He holds a particularly responsible position of managerial and organisational type. In addition, the manager is tasked with organising the provision of almost all existing police services, which are provided for by the Law of Ukraine on the "National Police" and are within the competence and sphere of activity of the territorial unit. At the same time, a detailed and comprehensive list of police functions is defined in Article 23 of the Law of Ukraine "On the National Police" and it looks as follows: "1) the police carries out preventive and prophylactic activities aimed at preventing the commission of offenses; 2) discovers the reasons and conditions that contribute to the commission of criminal and administrative offenses, takes measures within its competence to eliminate them; 3) takes measures to detect criminal and administrative offenses; terminates identified criminal and administrative offenses; 4) takes measures aimed at eliminating threats to the life and health of individuals and public safety, which arose as a result of committing a criminal or administrative offense; 5) provides a timely response to applications and reports on criminal,

administrative offences, or events; 5.1) carries out emergency communications by phone number 102, processing and using information provided to the police by providers of electronic communication networks and/or services in the cases and in the manner stipulated by the Law of Ukraine "On Electronic Communications"; 6) carries out a pre-trial investigation of criminal offences within the limits of the specified jurisdiction; 7) search for persons hiding from pre-trial investigation bodies, investigating judges, courts, evading criminal punishment or fulfilling obligations defined by law for probation subjects, missing persons, and other persons in cases defined by law; 8) in cases defined by law, conduct proceedings in cases of administrative offences, make decisions on the application of administrative penalties, and ensure their execution; 9) Deliver detained persons, suspects in committing criminal offences, and persons who have committed administrative offences in cases and procedures defined by law; 10) take measures to ensure public safety and order on streets, squares, parks, stadiums, stations, airports, seaports, and river ports, and other public places; 11) Regulate traffic and monitor compliance with traffic rules by participants and the legality of vehicle operation on the street-road network; 12) Escort vehicles in cases defined by law; 13) Issue permits for the movement of certain categories of vehicles in accordance with the law; in cases defined by law, issue and approve permit documents in the field of road safety; 14) takes all possible measures to provide first aid to persons who have suffered as a result of criminal or administrative offences or accidents, as well as to persons who have found themselves in a situation dangerous to their life or health." [2]. In addition to the organization of the provision of police services through the performance of police functions, the competence of the head of the territorial body of the National Police of Ukraine includes a significant list of duties, such as the distribution of available resources, forces and means, the organization of planning and the implementation of various types of training, operational, or other types of activities, monitoring the activities of subordinates to ensure that they comply with the norms of current legislation, discipline and legality, and if necessary, the manager makes corrections to the algorithms of their official activities, is in constant communication with the top management, which reports to him on the results of work, organizes the performance of his tasks, orders, instructions, interacts with representatives of local self-government, organizes the cooperation of state authorities with a subordinate unit, communicates with representatives of the community and public organizations, establishes cooperation with them, which is an extremely important aspect of police activity, taking into account modern trends and the pro-European orientation of the ongoing reform of the National Police of Ukraine.

In the doctrine of this reform of the law enforcement body, the organisation of interaction with the public on the basis of partnership, following the example of developed countries of Europe and the world, is a priority area of activity. Thus, in Art. 11 of the Law of Ukraine, "On the National Police," it declares that "police activities

are carried out in close cooperation and interaction with the population, territorial communities, and public associations on the basis of partnership and are aimed at meeting their needs. In order to determine the reasons and/or conditions for committing crimes, the planning of official activities of police bodies and units is carried out taking into account the specifics of the region and the problems of territorial communities. The level of public trust in the police is the main criterion for evaluating the effectiveness of police bodies and units [2]. Cooperation on the basis of partnership with the public can be implemented through the participation of its representatives in investigative actions, in the role of witnesses, in joint patrols and protection of public order, the search and detention of dangerous criminals, the provision of important demonstrations and testimonies, as well as various types of operational information and joint provision of public safety during mass events. At the same time, in order to successfully achieve the necessary level of interaction with the local population, the manager must take measures aimed at establishing a permanent dialogue with the community, organise various types of informational events, including those aimed at increasing the legal awareness of citizens, clarifying the specifics of legislation during the martial law period, solve problematic issues that bother the community, and participate in its life in every possible way. In this way, through active participation and not indifference to needs and problems, the trust of the local population is gained. In addition, the manager bears personal responsibility for the legality of the actions of subordinates, monitors their observance of human rights and freedoms, and in every way promotes their implementation in accordance with the norms and requirements of current legislation. The success of this line of activity shapes the face of the unit and the manager himself, creates a reputation that will work for him in the future, increases the level of trust, and deepens interaction with the community.

In order to exercise his powers, the head has the right to issue orders related to the organisation of the unit's work, check the implementation of tasks, and control the activities of subordinates, which is essentially his main duty in accordance with job descriptions, to analyse the criminogenic situation in the service area of the entrusted unit, the effectiveness of which depends on many moments related to the prevention and overcoming of crime, reducing its impact on the life of the population. Analytics makes it possible to understand the trends in the commission of offences in comparison with previous years and places, establishing the proportion of grave and especially grave crimes from their total gross, and tracking the growth or decline of crime both in general and in various areas, such as burglary, robbery, etc. Statistical analysis of the criminogenic situation makes it possible to understand the miscalculations in the strategy of the organisation of service activities, moments that require detailed analysis and adjustments. It is the driving force behind positive changes in the unit.

Given the seriousness of the challenges facing Ukrainians at this time, the state is adapting the work of

state authorities and the police to changes in the environment, which is responsible for maintaining order within the country and combating crime, and on the other hand, many police officers protect Ukraine at the front from an external enemy. Since the beginning of the full-scale invasion, the powers of the police have undergone a certain expansion, as it was necessary to adapt to a dangerous, dynamic, constantly changing, and unpredictable situation. "Police officers were given the right, upon written request, to receive free of charge from state bodies, local governments, and state-owned legal entities the information necessary to perform certain tasks and powers of the police, including in relation to prisoners of war, in the form specified in such a request [3]. The entities to which the relevant request is addressed are obliged to provide the relevant information within three days, and in case of impossibility, no later than 10 days from the date of receipt of the request, or inform about the reasons that prevent it from being provided [3]". Article 23 "Basic Powers of the Police" [2] was supplemented with paragraphs 36-46, according to which the police: "escort persons detained on suspicion of committing a criminal offense, taken into custody, accused or sentenced to imprisonment, as well as guard them in the courtroom; in cases envisaged by law, hold in temporary detention facilities persons detained for committing criminal or administrative offences, persons in respect of whom detention has been applied as a measure of restraint, persons subjected to administrative arrest, as well as accused and convicted persons; within the competence defined by law, carries out demining, which is of an operational nature, in terms of detection, neutralization and destruction of explosive objects, in respect of which there is reason to believe that they are objects, tools or means of committing administrative or criminal offenses; organizes work on the provision, deprivation and confirmation of admission of police officers to carry out special explosive works; provides technical and forensic support for the inspection of the scene, including those related to fires, and special explosives work on the facts of explosions, reports of the detection of suspicious explosive objects, the threat of explosion; collects biometric data of persons, including by fingerprinting, in cases provided for by the Criminal Procedure Code of Ukraine; carries out administrative supervision in accordance with the law [2]. The police can now use information obtained with the help of photo and video equipment, technical devices, and technical means that are in someone else's possession. This normative act also enshrines the norm that "during martial law, if it is necessary to repel an attack that threatens the life or health of a police officer or other person, as well as to eliminate danger in a state of extreme necessity or when detaining a person who has committed an offence and/or resists a police officer, a police officer has the right to use improvised means [2]. In addition, during martial law, a police officer has the right to apply coercive measures provided by law for persons participating in armed aggression against Ukraine without taking into account the requirements and prohibitions provided for in Articles

43, 45, and 46 of the Law of Ukraine "On the National Police" [2; 4]. A wider range of powers, due to the aggressive, dangerous situation around and the presence of significant challenges, automatically imposes additional responsibility on the manager for the implementation of subordinates in an appropriate manner. The law provides for effective mechanisms for managing the police body, which is why the head has a wide range of powers, tools, and mechanisms for exercising his will. The success of subordinates' activities depends on how skilfully and effectively he will use them. To this end, as well as taking into account the rapid development of technology, it is worth analysing the possibility of introducing artificial intelligence into the activities of the department, including the manager. Since in today's period the world is filled with neural networks based on artificial intelligence, which are able to control all processes without exception and speed up the implementation of certain routine tasks tenfold, a very interesting and ambitious project could be the introduction of a neural network based on artificial intelligence into the activities of the head of the territorial police unit, which would control all areas of the police body. It would carry out an analysis of official activities, statistics, the state of pre-trial investigation of criminal offences, the state of consideration of citizens' appeals, and the correctness and compliance with the law of the decisions made, which would significantly increase the efficiency of the head and the department as a whole. Also, the use of technologies based on artificial intelligence in the work of the information and analytical portal of the National Police has led to its streamlining, improving the convenience and efficiency of using this police database. However, the use of artificial intelligence in policing requires additional research, and if the police leadership recognises this area as expedient, it would be worth implementing certain pilot projects in order to assess the compliance of such an innovation with the realities of today and, as a result, the demand.

Summing up, it is worth noting that serious challenges often require non-standard, sometimes innovative solutions. Since the competence and powers of the head of the police body are constantly expanding, as this is due to the situation in the country, and the workload on the personnel is increasing, the digitalisation of the police could partially compensate for the negative impact of today's problematic issues and would help stabilise the activities of the law enforcement agency and provide many new tools for the head of his powers, a wide range of which is provided for within the framework of the current legislation.

Conclusions. The head of the territorial unit is endowed with a wide range of official powers, especially after their expansion, which was due to Russia's aggressive invasion of Ukraine and the need to repel the above-mentioned armed aggression. As part of the exercise of his powers, he is able to organise the service of subordinates accordingly, namely in such a way that all the duties and tasks assigned to the unit related to combating crime and ensuring law and order are fulfilled in a timely and full manner. In order to implement them, the chief delegates control and organizational powers to his deputies and

heads of services, to create an effective multi-level management system, organizes interaction with the population on the basis of partnership, ensures cooperation and exchange of information of the entrusted police unit with other public authorities, represents it at official events, is in constant direct interaction with senior management, participates in documentation, disclosure and investigation of high-profile crimes, conducts hearings on the status of pre-trial investigations, organizes escort and protection of public safety and order during mass events, ensures verification of citizens' appeals, controls the timeliness and correctness of such inspections, which is certified by its signature, conclusion and response to each appeal.

The competence of the territorial police unit is extremely broad, so a senior position in such a body can only be held by an experienced, courageous person who is ready to sacrificially turn police service into a lifestyle, since the operational situation often forces him to stay awake at night and work for several days without being at home. Problems in the form of incomplete police reform and lack of people also make themselves felt, as a significant number of police officers are involved in organising measures to repel Russia's armed aggression. Therefore, the specific workload per police officer has increased several times compared to at least the period before the full-scale invasion. Given the shortage of people and overload of personnel, the burden on the unit's employees could be reduced by introducing technologies based on artificial intelligence. For example, each police officer would have his own electronic assistant who would help, for example, a district police officer to conduct inspections on citizens' appeals, form conclusions, provide tips, analyse the norms of the current legislation and its interpretation and use in each individual case, monitor the status of administrative supervision, house arrest, etc. He could help the investigator prepare all the documentation on pre-trial investigations and control the timing of certain procedural measures and investigative actions. Such assistants could be combined into one network on the basis of which the assistant head of the department could quickly receive any service information from any subordinate by communicating with his assistant. Such changes look quite innovative, correspond to the realities of today, and allow you to take advantage of scientific achievements and keep up with the times. Their use would most likely improve the state of implementation by the head of the territorial unit of his official powers within the existing competence.

The relentless development of technology and the emergence of increasingly difficult life challenges force us to look for new options for organising the activities of both the territorial unit and the police body as a whole. The best solutions are sometimes at the intersection of industries and represent a combination of the advantages of different spheres of human activity. In our case, at the intersection of science and law enforcement, there is an effective solution to existing problems in the official activities of the largest law enforcement agency in the country.

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