

UDC 351.741(4)

**Kapitonova N.** – Postgraduate Student of the  
Doctoral and Postgraduate Programs of the  
National Academy of Internal Affairs, Kiev, Ukraine

## **POLICE ACTIVITIES' MANAGEMENT IN GREAT BRITAIN AND FRANCE: COMPARATIVE ANALYSIS**

*Article provides analysis of police activities' management in Great Britain and France along with best police (municipal police) practices regarding protection of human rights and freedoms. The abovementioned analysis allowed to conclude that one of the challenges faced by British and French police is to keep the optimal balance of state power competences and civil society with due attention to interests of different social groups and political actors.*

**Keywords:** public order protection, police system, police force, state authority, municipal police.

Taking into account the enhancement of crime situation in Ukraine and inefficient crime combating approaches we claim for the search of innovative solutions for law enforcement activity improvement to become a priority in legal science. Therefore foreign experience in the area of theory, legal regulation, management, strategic and tactical aspects of police activity is of the highest importance as law enforcement is one of the crucial elements of law and order maintenance in any society. The decision was made to concentrate on British and French police practical experience (realizing the difference in structure, approaches and operative environment of these law enforcement systems) as there are objective preconditions for its further application in Ukraine.

Unlike the majority of other countries, there is no traditional system of national police force in Great Britain. Territories of Wales, Scotland and England are divided into zones – this administrative-territorial division defines the structure of police units' management. If zone borders match the same of a county or county borough, police units are subordinated directly to the municipal councils of these administrative units. Some police zones of England and Wales cover two or more counties or county boroughs. Police authorities report directly to the relevant municipal bodies. In Northern Ireland

police force is not subjected to the municipal competence – it is headed by the Inspector-General placed under the responsibility of the Home Secretary.

British police system is based on combination of state and self-governing authorities' powers in terms of law and order. British police is tasked to deal with public order protection, crime prevention, detention and isolation of criminals, issuance of specific legislative acts aimed at public order and safety approaches improvement. Two definitions are used – «royal order protection» (sometimes) and the borrowed American «public order protection» [1, p. 56].

Home Secretary in Great Britain does not directly manage the county police (territorial police force). According to the law of 1964, his/her key responsibility is to supervise the main departments of local police units and dismiss Chief Constables heading territorial police units in case of inaptitude to the positions held.

Each county has its own police administration and council which presents collegial management body and structure of the local authority at the same time. Council includes representatives of local self-governing authorities and judges; it is authorized to form the county police budget, its structure, key areas of activity and also to propose candidates for the Chief Constable position [2]. Apart from the councils there are civil consultative committees tasked to define the needs of society in area of public order protection and make proposals on improvement of police activity.

47 county and county-borough police units in England present the so-called territorial (local) police force [3, p. 84]. Traditionally each county has its own police division (unit) – standing joint committee comprising equal number of local authority representatives, county council and peace justice. Police force is primarily obliged to form and deploy (upon request) a division capable of protecting public order in the controlled area [4, p. 24].

French police system is generally divided into administrative and judiciary. The latter is responsible for crime documenting, collection of relevant evidence and search of criminals. Administrative police (police or gendarmerie) protects public order and detects relevant crimes, provides the judiciary police with investigation materials. French police and gendarmerie draw up the protocols, ensure presence of criminals in the court, issue orders obligatory to be complied with by the violators etc. [5].

French gendarmerie covers 90 % of the territory and subordinated to the Ministry of Defence whereas police covers the remaining 10 % and reports to the Ministry of Justice [6, p. 13]. Management of these services is very similar to Ukrainian in terms of activity methodology.

It must be noted that judiciary police functions as a repressive force and the administrative is established as preventive. Both services have a lot in common regarding the «cumulative» staff structure. For example, state police inspector is at the same time an agent of both judiciary and administrative police. Even prefects (according to art. 30 of Criminal Procedure Code of France) can act within the scope of judiciary police responsibilities. But there are bodies of judiciary police which simply cannot perform the tasks of administrative units – thus, court investigator does not exercise any administrative functions and superintendent can not function as judiciary representative. On the other hand, their activity is closely connected: if administrative police show good results, the judiciary puts every effort to ensure the irreversibility of punishment which eventually results in crime level decrease.

Key legislative framework regulating police activity in Britain includes Police Act (1996), Public Order Act (1986), Sporting Events (Control of Alcohol etc.) Act (1985), Road Traffic Act (1988) etc.

Police Act defines cornerstones of police activity organization, conditions of service enrollment/dismissal, structural division, service terms, holiday and leave etc. This document also contains another important provisions e.g. list of disciplinary measures taken regarding the authorities of police chiefs during investigation of crimes.

Applicable legislation on British municipal police is aimed to isolate police officers from state political life and keep it safe from any attempts of the ruling elites to use it in their interests. Every police officer has the same rights as any other citizen but his/her private life is a subject to certain limitations. Police officers have right to vote during the state elections but participation in all kinds of political activity is prohibited. They are obliged to live exclusively in a place approved by superiors and have no right to change address without permission. Commercial activity is forbidden – only official duties. Neither police officer, nor members of his/her family have right to get license for alcohol disposal. Members of his/her family have an

opportunity to become individual entrepreneurs in other locations after getting a special permission [7, p. 50–51].

Specific police activities (especially administrative) are defined by judicial precedents – it means that in some cases police must act in full compliance to decision of the court in a specific case.

Legislative framework of French police and gendarmerie activities are presented (as in other countries of civil law) by the Constitution of France, Decrees of French Government «On police» (1986), «On gendarmerie» (1970), «On municipal police and correctional labor» (1791), «On air police» (1929), «On juvenile criminals» (1952), «On railway police» (1942) etc.

There is no unified code of administrative offences in France. All violations detected by police are fixed in the criminal code. But there are special legal acts providing extra authorities to administrative police in the area of food retail, lotteries, gambling, recreation and environmental protection etc. On the other hand, administrative bodies provided with additional authorities cannot interfere in other administrative issues except of security, public order and sanitation [8].

There is one peculiar thing about British municipal police – it is supervised not only by local authorities but also by the Home Office. After dynamic transformations of 1990s, including the creation of joint police units, influence of local self-governing authorities on law enforcement has dramatically decreased. Now in every district each managing police agency is formed by several local authorities.

Today local police agency is functioning as a mediator between the municipal authority and territorial police force unit. It allows to assume that police force, being directly subordinated to local self-governing authorities, is in fact practically not influenced by it which enhances the efficiency of police activity [9, p. 277]. It means that local authorities are completely deprived of direct supervision of police operative activity and are not authorized to control the methods of criminals' detection, support and protection of public order by the police. Influence of Home Office is domineering – while police is given limited administrative functions, Home Secretary (State Secretary in Scotland) is tasked to perform unconditioned operative management of police. This division of competences is reinforced by the state judiciary as well [10].

Metropolitan Police Service (metropolitan borough) is the biggest territorial police force unit; 5 % of this unit are presented by

female officers. It is responsible for maintenance of public order in Greater London and its suburbs (the County of London, Middlesex, parts of Hertfordshire, Essex, Kent and Surrey). In this area Home Secretary of Great Britain is managing municipal police activities. He is supposed to bear political responsibility before the Parliament. Metropolitan Police is headed by Commissioner reporting directly to Home Secretary [11].

City of London Police operating in the central area of the capital is an independent territorial police unit. This area is given a special status as state bodies' premises, offices of commercial and financial companies are located here – police tasks are mostly limited by traffic regulation and remediation of incidents. City of London Police is supervised by the Common Council of the City (local authority) responsible for designation of the standing committee (operative management); unit is directly headed by the Commissioner of the City of London Police (all candidates for this position must be approved by the monarch). Unit staff is appointed by the Commissioner responsible before the standing committee for the efficiency of City Police activity.

Establishment of standing municipal police reserve is of great importance in Britain. It allows to provide quick response in emergency situations (political instability, riots, conflicts etc.) by recruiting volunteers – in such circumstances they are granted with all police authorities by the order of Chief Constable.

Municipal units in French police are not numerous – their tasks are concentrated mostly within the public order area. Also these units are traditionally formed in medium-sized cities and small towns (over 10 000 inhabitants). Municipal police is also present in Paris and reports to Municipal Police Main Department (twenty divisions in the city and twenty-six in suburbs) [12, p. 70].

Complex reforms launched in 1980s presented changes not only in legal status and organization of self-governing bodies but also in police status. It regards establishment of new institute of commissioners replacing traditional French institute of prefects.

Turning back to the problem of identification of municipal police legal status it must be noted that according to art. 2212-5 of Administrative-Territorial Code «regardless of the common territorial jurisdiction of National Police and National Gendarmerie, municipal police staff are tasked by the mayor to take actions aimed at

maintenance of public order, peace, security and healthcare with in the scope of their authorities. They are responsible for execution of direct mayor's orders».

It clearly demonstrates dual functional context of municipal police: firstly, it provides operative support to National Police and National Gendarmerie, secondly – take actions for maintenance of public order, peace, security and healthcare.

French legislation stipulates the following procedure of municipal police formation: police officers are selected on a competitive basis and appointed for specific posts by the mayor (all candidates are to be prior approved by the Prosecutor of the Republic). Moreover, every officer must take the oath in presence of first instance judge. After the appointment staff must complete special 6-month training course organized by National Centre of Territorial Management. Officer is enrolled on condition of probationary period up to 1 year. Municipal police own the status of «C» category state officials. Typical corporate ladder of police officer includes six key stages: from municipal police guard to chief guard, brigadier, senior corporal and chief of municipal police.

French municipal police is also responsible for street patrolling and traffic regulation. But there is one important feature which makes it different from the National Police: according to French legislation, municipal police has no authorities to carry out criminal investigation. If this fact is perceived through the prism of Ukrainian reforms, there is no evident ground for providing municipal police with abovementioned authorities as investigating functions must be transferred to a single independent structure – Central Bureau of Investigations [13, p. 186].

After numerous terroristic attacks have recently taken place in France and emergency procedures were established, the decision was made by the Minister of Interior Bernard Cazeneuve. This decision will authorize local municipal bodies to purchase and supply the law enforcement with 9mm semiautomatic pistols [14].

To conclude, it is necessary to mention that in modern France and Great Britain are facing a challenge to keep the optimal balance of state power competences and civil society with due attention to interests of different social groups and political actors in terms of management and control of municipal police. It is obvious that this challenge is to be faced by Ukraine. That is why foreign experience

must be thoroughly studied for further correct implementation. It must be also taken into account that foreign systems of municipal police management and control were formed and launched in different economic and political environment and some of its elements can be successfully implemented in practical activities of National Police of Ukraine and local self-governing bodies.

## REFERENCES

1. Osipov, Yu. I. (1991). Zarubezhnyi opyt munitsipalizatsii politzii [Foreign Experience of Police Municipalization]. *Munitsipalnaya militsiya: problemy organizatsii i pravovogo obespecheniya, zarubezhnyi opyt – Municipal Militia: Problems of Organization and Legal Regulation (foreign experience)*. – Moscow [in Russian].
2. Matiukhina, N. P. (2001). *Politsiia Velykobrytanii: suchasni tendentsii rozvytku ta upravlinnia [Police in Great Britain: Current Trends of Development and Management]*. O. M. Bandurka (Ed.). Kharkiv: Konsum [in Ukrainian].
3. Hubanov, A. V. (1999). *Politsiya zarubezhnykh stran: Organizatsionno-pravovye osnovyi strategii i taktika deyatel'nosti [Police in Foreign Countries: Organizational and Legal Strategy Aspects and Activity Tactics]*. Moscow [in Russian].
4. Knyazev, S. M. (1994). *Munitsipalnaya politziya zarubezhnykh gosudarstv [Municipal Police in Foreign Countries]. Pravo i zhizn – Law and life, 5, 23–28 [in Russian]*.
5. Trojanowicz, R., & Bucqueroux, B. (1992). *Development of Meaningful and Effective Performance Evaluations*. Michigan, Michigan State Univers., East Lansing.
6. Kravchenko, Yu. F. (1999). *Militsiia Ukrainy [Ukrainian Militia]*. Kyiv: Heneza [in Ukrainian].
7. Atkinson Hugh, & Wilks-Heeg Stuart. (1997). *British Local Government since 1979: the end of an era*. Sheffield Hallam University.
8. Zarosylo, V. O. (2012). *Tsentralizatsiia i detsentralizatsiia v roboti militsii Ukrainy ta politzii zarubizhnykh krain [Centralization and Decentralization in Work of Ukrainian Militia and Foreign States Police]. Problemy pravoznavstva ta pravookhoronnoi diialnosti –*

*Current Issues of Law and Law Enforcement Activity*, 3, 76–80 [in Ukrainian].

9. Kopotun, I. M. (2010). Zarubizhnyi dosvid okhorony hromadskoho poriadku munitsypalnoi (mistsevoi) politsiiei i mozhlivosti ioho vykorystannia v Ukraini [Foreign Experience of Public Order Maintenance by Municipal Police and Ukrainian Perspectives]. *Naukovyi visnyk Kyivskoho natsionalnogo universytetu vnutrishnikh sprav – Scientific Journal of Kyiv National University of Internal Affairs*, 1, 270–278 [in Ukrainian].

10. Pronevych, O. S. (2009). Diialnist munitsypalnoi (mistsevoi) politsii/militsii v ievropeiskyykh derzhavakh: deiaki teoretychni ta orhanizatsiino-pravovi aspekty [Activities of Municipal Police/Militia in European Countries: Theoretical and Organizational Aspects]. *Pravo i suspilstvo – Law and Society*, 4, 3–11 [in Ukrainian].

11. Sichkar, V. O. (2007). Vykorystannia dosvidu politsii zarubizhnykh krain v diialnosti militsii Ukrainy po zabezpechenniu prav ta svobod liudyny (orhanizatsiino-pravovyi aspekt) [Utilization of Foreign States Police Experience in Human Rights Protection Activities of Ukrainian Militia]. *Candidate's thesis*. Irpin: Nats. Un-t Derzh. Podatk. Sluzhby Ukrainy [in Ukrainian].

12. Hubanov, A. V. (1991). *Politsiya zarubezhnykh gosudarstv: osnovnyie chertyi organizatsii i deyatelnosti* [Police in Foreign Countries: Key Aspects of Organization and Activity]. – Moscow [in Russian].

13. Hrytsenko, V. H. (2015). Zarubizhnyi dosvid Frantsii shchodo orhanizatsii ta funktsionuvannia pravookhoronnykh orhaniv i mozhlivosti ioho vykorystannia v Ukraini [French Experience in Organization and Functioning of Law Enforcement Agencies: Ukrainian Perspectives]. *Pravo ta innovatsiine suspilstvo – Law and Innovative Society*, 1 (4), 185–189 [in Ukrainian].

14. U Frantsii uciu munitsypalnu politsiiu ozbroiat [All French municipal police will be authorized to use firearms]. (n.d.). *ukrinform.ua*. Retrieved from <http://www.ukrinform.ua/rubric-abroad/2089541-u-francii-usu-municipalnu-policiu-ozbroat-zigzauerami.html> [in Ukrainian].

*Стаття надійшла до редколегії 11.11.2016*