

group in the police force.

The number of police officers involved in main group from group of preventive communication, their tasks and subordination, must be indicated in the relevant management document.

During a mass event police officers from the group of preventive communication do the following tasks:

1) Establish interaction with the organizer and participants of the mass event for clarification purpose.

2) They support communication with participants of the mass event and negotiate with the organizer and participants of the event in case of conflict situations.

During the service group of preventive communication interacts with other police groups.

During a mass event police officers from the group of preventive communication serve as a part of one or more paired alternations directly in placements of participants of the event.

Measures of police coercion are applied in accordance with the procedure established by law.

#### **Список використаних джерел**

1. <http://visnyk.academy.gov.ua/pages/dop/82/files/5ba80c65-b0ca-4e06-ad51-d4a23e09e6ee.pdf>

2. <https://pravo.org.ua/img/books/files/1553534140police%20commissions%20in%20ukraine.%20summary.pdf>

3. <https://www.euam-ukraine.eu/news/future-of-ukrainian-dialogue-policing-looking-good-as-euam-trained-police-officers-train-colleagues/>

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#### **ISSUES OF LEGALITY OF POLICE ACTIONS IN UKRAINE**

The National Police of Ukraine started its work on November 7, 2015; so many issues related to its functioning require clarification and legal regulation. Instead, the history of the organization of the activity of

this agency in adopting a positive foreign experience and its implementation in the law enforcement system of Ukraine is a guarantee that the newly established police will work on the basis of cooperation with public and protection of its interests.

According to article 1, part 1 of the Law of Ukraine (2015) “On the National Police” of 02 July 2015 no. 580-VIII the National Police of Ukraine is the central executive authority which serves the society by ensuring the protection of human rights and freedoms, combating crime, maintaining public safety and order. In case of committing unlawful acts, police officers bear criminal, administrative, civil and disciplinary responsibility in accordance with the law (Article 19 of the Law on the National Police).

Country Reports 2014 indicates that there have been reports of police and other law enforcement officials abusing and torturing persons in custody to obtain confessions (US 25 June 2015, 4). The same source states that during the first 8 months of 2014, the Prosecutor General's Office opened 8,236 criminal investigations into alleged torture or degrading treatment by the police, and of those investigations that were opened, authorities "forwarded 1,424 cases of alleged mistreatment to courts, including 28 cases specifically alleging torture or degrading treatment involving 43 law enforcement officers" Civil liability of police officers in Ukraine is based on article 1176 of the Civil Code of Ukraine, stating that the damage caused to an individual as a result of his (her) unlawful conviction, unlawful prosecution, unlawful use of preventive measures, unlawful detention, unlawful imposition of administrative penalties in the form of arrest or community service, is compensated by the State despite the guilt of the officers engaged in police operations, pre-trial investigation, officials of prosecution and judicial authorities.

The type of liability, which a police officer bears for damage caused is a recourse liability, since the State, having compensated for such damage, has the right to sue the guilty person. In case of harm to a citizen as a result of the unlawful actions of several police officers, the latter will be jointly and severally liable to the State by way of recourse.

The right to sue the guilty person is enshrined in article 1191 of the

Civil Code of Ukraine, which states that a person who was compensated for the damage caused by another person, has a right of the opposite demand from the guilty person in the amount of compensation paid.

If the damage is caused by police officers who are not officials of the body engaged in police operations or pre-trial investigation, then article 1191, part 4 of the Civil Code of Ukraine should be applied to bring them to justice. According to it, the State, having compensated the damage caused by an official as a result of his (her) illegal decision, act or omission the State has the right of the opposite demand from the guilty persons in the amount of compensation paid.

In doing so, the application of the article of the Civil Code of Ukraine, in which this principle is enshrined, is connected not with an analogy, but with a direct effect of the relevant norm. Besides, according to article 1195 of the Civil Code of Ukraine, a person who suffered from illegal acts of police officers should be compensated for damage caused by injury or other damage to health or by death.

Thus, a natural or a legal person who caused injury to an individual is obliged to compensate the victim for the income lost by him (her) as a result of the loss or reduction of professional or general working capacity, as well as to reimburse additional expenses if necessary (nutrition, medical treatment, medicines, prosthetics, care, provided by third parties etc.).

According to Article 1202, part 1 of the Civil Code of Ukraine, compensation for the damage caused by death of the victim is made in a monthly term. In certain circumstances and taking into account the material situation of the victim, the amount of compensation may be paid in one amount, but not more than for three years in advance.

Regarding the compensation of non-pecuniary damage caused by police officers, either of the acts, enshrined in article 1 of the Law, may be grounds for its compensation (namely, unlawful conviction, unlawful reporting of a suspected criminal offense, unlawful detention, unlawful conducting of a search, seizure in criminal proceedings, unlawful seizure of property, unlawful suspension from work (office) and other procedural actions, which limit the rights of citizens, unlawful application of administrative arrest or correctional labour, unlawful confiscation of

property, unlawful fines, unlawful conduct of police operations).

Compensation for non-pecuniary damage caused to a person by a police officer is paid if there are all general requirements for responsibility for causing harm. In particular, the following shall be investigated: the presence of such damage, the wrongfulness of the perpetrator's act, the existence of a causal link between the harm and the wrongful act of the perpetrator and the fault of the latter.

The court must determine whether the fact of causing non-pecuniary or physical harm to the plaintiff is confirmed, under which circumstances or by which acts (omission) this harm has been inflicted, in what amount of money or in what material form does the plaintiff evaluate the damage caused and what he (she) refers to, as well as other circumstances relevant to the resolution of the dispute.

In conclusion, police officers in Ukraine are held liable on the basis of the provisions of the Civil Code of Ukraine and the Law of Ukraine. Although the principle of full compensation for damage is also applied in Ukraine, however, in accordance with the Law, the loss of profit is not included in the amount of compensation and is not reimbursed by uncontested procedures.

In addition, from this report we can see that the cause of the problem in legality in the work of the police is caused by small pavement that they get from our authority, lack of comprehensive social security and insurance, and bad attitude of people towards the police.

#### **Список використаних джерел**

1. Ukrainian Parliament Commissioner for Human Rights. "The Ukrainian Parliament Commissioner for Human Rights- the Ukrainian Model of Ombudsman.

2. Committee against Torture. (2019). Concluding observations on the sixth periodic report of Germany at its 1750th meeting, held on 14 May.

3. <https://www.refworld.org/docid/57a187914.html>

4. [http://ratinggroup.ua/en/research/ukraine/pravoohran\\_organy\\_ukrainy\\_doverie\\_i\\_ocenki\\_naseleniya\\_problemy\\_vnutrenney\\_bezopasnos\\_i\\_gotovnost\\_k\\_s.html](http://ratinggroup.ua/en/research/ukraine/pravoohran_organy_ukrainy_doverie_i_ocenki_naseleniya_problemy_vnutrenney_bezopasnos_i_gotovnost_k_s.html)