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FEATURES OF PERSONNEL MANAGEMENT IN THE POLICE OF THE LITHUANIAN REPUBLIC

Abstract. The article deals with the peculiarities of personnel management in the police of the Republic of Lithuania, where European trends are clearly reflected. For Ukraine, given its choice of a European vector of development, it is archiving to take into account foreign experience, first and foremost the experience of EU countries, in particular in the management of police personnel.

It is confirmed that the Concept of Good Governance is applicable not only at the macro level – in the sphere of state and municipal administration, but also in certain spheres, in particular the activities of the police. Although this concept has not yet been enshrined in the Lithuanian police regulations governing the Lithuanian police, the police units (the example of the Šiauliai district) in managing efficiency apply certain principles of good governance through: the Code of Ethics for Lithuanian Police Officers; different orders of heads of the institution, mechanisms of management of activity of officials.

The experience of the Republic of Lithuania confirms the applicability of such principles to the police as: integrity, ethics and the rule of law; openness and full cooperation; measuring outcomes in terms of the social and environmental benefits of a sustainable economy; identifying interventions to optimize expected results; similarly capacity building of the organization and its staff; risk and efficiency management; principles of accountability. It is also proved that the combined (semi-centralized) model, the peculiarity of which is: the presence of a national body (ministry) responsible for ensuring internal security, coordination of the activities of disparate police services; co-existence of state police services of national and regional (territorial) as well as state and municipal police with priority of development of national police, which is being formed in the Republic of Lithuania, has prospects in Ukraine as well.

Keywords: public administration, police, personnel management, models of internal security, police of the Republic of Lithuania.

ОСОБЛИВОСТІ УПРАВЛІННЯ ПЕРСОНАЛОМ В ПОЛІЦІЇ ЛИТОВСЬКОЇ РЕСПУБЛІКИ

Анотація. Розкрито особливості управління персоналом в поліції Литовської республіки, де явно відобразилися загально європейські тенденції. Для України, враховуючи обрання нею європейського вектору розвитку, архіважливим є врахування зарубіжного досвіду, насамперед досвіду країн ЄС, зокрема щодо управління персоналом поліції.

Підтверджено, що Концепція належного управління є застосовною не лише на макрорівні – у сфері державного та муніципального управління, а і в окремих сферах, зокрема діяльності поліції. І хоча ця концепція поки не закріплена в нормативно-правових актах Литовської Республіки, що регулюють литовську поліцію, але підрозділи поліції (приклад округу Шауляй)

в управлінні ефективністю застосовуються окремі принципи належного управління через: Етичний кодекс для працівників поліції Литовської Республіки; різні розпорядження керівників установи, механізми управління діяльністю посадових осіб.

Досвід Литовської республіки підтверджує застосовність у діяльності поліції таких принципів як: доброчесність, етика та верховенство права; відкритість та повна співпраця; вимірювання результатів з точки зору соціальних та екологічних переваг стійкої економіки; визначення заходів втручання для оптимізації досягнення очікуваних результатів; так само розбудова потенціалу організації та її персоналу; управління ризиками та ефективністю; принципи підзвітності. Також доведено, що комбінована (напівцентралізована) модель, особливістю якої є: наявність загальнонаціонального органу (міністерства), відповідального за забезпечення внутрішньої безпеки, координація діяльності розрізаних поліцейських служб; співіснування державних поліцейських служб загальнонаціонального та регіонального (територіального), а також державної та муніципальної поліції з пріоритетністю розвитку національної поліції, та, яка формується у Литовській республіці, має перспективи і в Україні.

Ключові слова: державне управління, поліція, управління персоналом, моделі забезпечення внутрішньої безпеки, поліція Литовської республіки.

ОСОБЕННОСТИ УПРАВЛЕНИЯ ПЕРСОНАЛОМ В ПОЛИЦИИ ЛИТОВСКОЙ РЕСПУБЛИКИ

Аннотация. Раскрыты особенности управления персоналом в полиции Литовской республики, где явно отразились общеевропейские тенденции. Для Украины, учитывая выбор нею европейского вектора развития, архиважным является знание зарубежного опыта, прежде всего опыта стран ЕС, в частности по управлению персоналом полиции.

Подтверждено, что Концепция надлежащего управления применима не только на макроуровне — в сфере государственного и муниципального управления, но и в отдельных сферах, в т. ч. деятельности полиции. И хотя эта концепция пока не закреплена в нормативно-правовых актах Литовской Республики, регулирующих литовскую полицию, но подразделения полиции (пример округа Шяуляй) в управлении эффективностью применяют отдельные принципы надлежащего управления через: Этический кодекс для работников полиции Литовской Республики; различные распоряжения руководителей учреждения, механизмы управления деятельностью должностных лиц.

Опыт Литовской республики подтверждает применимость в деятельности полиции таких принципов как: доброчесность, этика и верховенство права; открытость и полное сотрудничество; измерение результатов с позиции социальных и экологических преимуществ устойчивой экономики; определение мер вмешательства для оптимизации достижения ожидаемых результатов; также развитие потенциала организации и ее персонала; управ-

ления рисками и эффективностью; принципы подотчетности. Также доказано, что комбинированная модель, особенностью которой являются: наличие общенационального органа (министерства), ответственного за обеспечение внутренней безопасности, координация деятельности разрозненных полицейских служб; сосуществование государственных полицейских служб общенационального и регионального (территориального), а также государственной и муниципальной полиции с приоритетностью развития национальной полиции, что формируется в Литовской республике, является перспективной и для Украины.

Ключевые слова: государственное управление, полиция, управление персоналом, модели обеспечения внутренней безопасности, полиция Литовской республики.

Thesis statement. The democratic foundations of governing public affairs fundamentally change the nature and structure of administering social, political, economic, social and other processes in the country. This applies to both the public administration as a whole and its specific areas, including law enforcement.

It should be noted that it is within the competence of the Ministry of Internal Affairs of Ukraine, incl. National Police of Ukraine to ensure the implementation of the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other [1], the National Security Strategy of Ukraine approved by the Decree of the President of Ukraine of May 26, 2015 № 287 [2], Concept of Development of the Security and Defense Sector of Ukraine, approved by the Presidential Decree of March 14, 2016 № 92 [3], Strategy of Public Administration Reform for 2016–2020, approved by decree of the Cabinet of Ministers of Ukraine on June 24, 2016 № 474-p [4],

as well as the Strategy for the Development of the Ministry of Internal Affairs for the period up to 2020 [5].

The service of the National Police of Ukraine is a specific state service, which is the professional activity of police officers in the exercise of their powers [6].

The Human Resource Strategy for 2012–2020 [7] and the Strategy for the Development of Bodies of the Ministry of Internal Affairs for the period up to 2020 [5] are primarily aimed at improving personnel management. Thus, the implementation of the priority “Human Resources Development and Social Protection of Employees” [5] implies the formation of a stable and highly professional staff of the bodies of the Ministry of Internal Affairs of Ukraine, which is able to properly respond to challenges and threats in certain areas.

For Ukraine, given its choice of a European vector of development, it is crucial to take into account foreign experience, first and foremost the experience of EU countries, in particular in the management of police personnel.

Analysis of the latest research and publications by: O. Bandurka,

R. Botvinov, K. Buhaichuk, A. Klochko, M. Kryshchanovych, N. Matyukhina, O. Pronevych, S. Shatrava, etc., indicates active scientific research to improve the efficiency of the activities of the internal affairs bodies and the management of their staff.

It should be noted that the issues of the modern public service of special purpose in Ukraine (State Fiscal Service of Ukraine, State Service of Special Communication and Information Protection of Ukraine, Security Service of Ukraine, State Border Guard Service of Ukraine, National Police of Ukraine, National Guard of Ukraine, National Anti-Corruption Agency of Ukraine, State Special Transport Service, etc.) relate to single scientific studies. However, not all of these works take into account the latest changes that have taken place, in particular in the system of the National Police of Ukraine.

The purpose of the article is identification of the specialties of personnel management in the police of the Lithuanian Republic.

Outline of the main research material. There are three internal security patterns in the country today:

centralized, or (continental) pattern with the dominant role of the Ministry of Internal Affairs, the prescriptive style of controlling and harsh line of subordination of lower bodies to the central organs;

decentralized pattern, characterized by the absence of a single national body, the multiplicity of police forces on the national, regional and local levels, the predominant concentration of levers of police force management in the hands of regional state authorities and local self-government authorities, which im-

ply the role of municipal state bodies in police management;

a combined (semi-centralized) pattern, a peculiarity of which is: the existence of a national body (ministry) responsible for internal security, coordination of the activities of separate police services; co-existence of state police services of national (federal) and regional (state, land) levels, as well as state and municipal police with priority of state police development [8, p. 148].

These pan-European trends in policing are fully reflected in the development of the police force of the Republic of Lithuania, which has become an EU Member State since 2014. That is why their experience is especially important for Ukraine today.

First of all, it should be noted that the police of the Republic of Lithuania must protect all individuals in the territory of the Republic of Lithuania, regardless of their nationality, race, gender, language, origin, social status, etc. [9]. The Police of the Republic of Lithuania operates within the Ministry of Internal Affairs. The main tasks of the police of the Republic are:

- protection of human rights and freedoms;
- guaranteeing public order and security;
- providing emergency assistance to individuals when necessary due to their physical or mental helplessness, as well as to individuals who have been victims of criminal acts, other violations of the law, natural disasters or similar acts;
- prevention of criminal acts and other violations of the law;
- detecting and investigating criminal acts and other violations of the law;
- control of traffic safety.

The main document regulating the functioning of the police in the Republic of Lithuania today is the Law on Police Activity 2000 [10]. Along with it, there are still some provisions of the Police Act 1990.

The Police of the Republic of Lithuania is formed by: 1) the Police Department in the Ministry of Internal Affairs (hereinafter – the Police Department); 2) territorial police precincts (police commissariats performing functions in a designated territory); 3) police educational establishments; 4) specialized police units.

1) *The Police Department* shall: (a) ensure that the tasks assigned to the police are fulfilled; b) coordinate the actions of subordinate police precincts and provide them with recommendations and instructions; c) formulate a common strategy of actions of the subordinated police departments and personnel; d) guarantee the implementation of state programs by police precincts; e) assist the Commissioner General of Police to formulate a police strategy and to manage police units.

The Police Department has the following functional structure:

The Police Department is headed by the Commissioner General of Police. The Commissioner-General: establishes the internal structure and staffs of police precincts directly subordinated to him; supervises and coordinates the activities of police precincts; organizes logistical conditions for police precincts; creates territorial, specialized police precincts and professional educational establishments; exercises other powers conferred by laws and regulations.

Under the direct guidance of the Commissioner-General, there are: a Monitoring Group, a Division of Personnel, a Bureau of Internal Investigation, an Internal Audit Division, and some others, as well as two specialized police units (Logistics Center, Anti-Terrorist Unit).

The Deputy Commissioner is assisted by three alternates, each of whom oversees an independent line of business:

One deputy heads the Criminal Police (which is a specialized police unit) and includes the Criminal Police Bureau and the Science Police Center.

Under the direction of another alternate are: the Headquarters, the Office, the Information Division, the International Cooperation Division, and two specialized police units (Police Training Center and Special Edition Police).

The third alternate oversees the Public Security Police and three specialized police units (Road Police, Police Guard, Police Team).

2) Territorial police precincts consist of higher level police headquarters (commissariats) and their subordinate lower level police units (police precincts).

Higher-level police headquarters are required to: coordinate and manage the activities of lower-level police units (territories); carry out other tasks and functions and be responsible for their execution before the Commissioner-General of Police. The Police Commissariat may also carry out the tasks and functions of lower level police units.

Lower-level police units are located in the administrative centers of the respective municipalities. They provide public safety and order; implement pro-

grams designed to prevent crime, protect the life, health and property of the population; prevent criminal acts and acts, detect and investigate crimes and other offenses; carry out other tasks and functions.

3) Police training institutions are represented by the Police Training Centers, which are specialized police units.

4) *Specialized police units* are police units established on a non-territorial basis. These include: the criminal police, the science center, the public law enforcement office, and others.

According to the Law “On police duty” [10] in Lithuania the police officers are: Commissioner General; chief-commissioner; senior commissioner; commissioner; commissioner-inspector; senior inspector; inspector; junior inspector; first sergeant; chief policeman; policeman; intern [9].

The Commissioner General of Police shall be appointed by the President of the Republic for the submission of the Minister of Internal Affairs and recommendations of the Government. Term of authority is 5 years. An individual who reached 35 years, holds master’s degree in law or higher judicial or equivalent education and worked as a head of police department, specialized or territorial police unit can be appointed for the post of the Commissioner General of police [10, p. 12]. Territorial police precincts are headed by the officers appointed by the Commissioner General of Police. Their candidacies are agreed by the head of the governing body of certain area.

An individual acquires the status of the police officer at a time of being hired into service to the police of Lithu-

ania in the order outlined by laws and regulations and is acknowledged by police identity card, uniform or special identity badge [10, p. 17]. The status of the police officer is granted to individuals, so that they take up the service at the police precinct. A police employee can be a citizen of Republic, of 18 years, healthy physically and mentally [9]. The police rank is assigned to individuals upon passing qualifying test (procedure and conditions of which are designated by the Ministry of Internal Affairs) and joining an appropriate police unit.

Police and police officers are not entitled to take part in political campaigns. Police officers cannot be members of political parties (article 2 of the Law on Political Parties).

Police actions in Lithuania are based on the principles of democracy, respect for human rights, humanity, public morality, legality and publicity [10, art. 4]. Coercion is used if necessary.

The police officer at the official function is entitled to oblige all individuals to fulfil his or her legal requirements. Coercion is applied at times of not meeting them or resistance. Police officer is entitled to [9]:

- “suspecting administrative offence,” examine the documents of the individual, vehicle and freight registration documents, and withdraw them temporarily;

- within legal framework, can detain and deliver the offenders to the official police precincts or other law enforcement agencies to establish the identity of the individuals, to make the reports and notifications while establishing the identity of individuals and property;

- during the prosecution of suspected or absconded criminals, as well as in the case of counteraction to a criminal act, to intervene at any time in residential and non-residential premises, into the territory of individuals and legal entities, and to stop any vehicle, and use it if necessary. If such actions show resistance, police officers have the right to use force. The prosecutor's office must be notified of such actions within 24 hours;

- to use in the cases provided for in Chapter 4 "On Police Activities" [10], firearms, physical or other forms of coercion;

- to use communication facilities belonging to individuals or legal entities in an unforeseen situation;

- to temporarily restrict access to any territory or premises;

- to inspect an individual driving the vehicle if it is suspected that the individual has been exposed to alcohol, drugs, psychotropic or other similar substances, or is under the influence of drugs to prevent the vehicle from being operated by such individual as well as by an individual without a driver's license or an individual who causes obstruction to traffic;

- to prohibit the operation of a vehicle, structure or equipment that does not comply with the state traffic rules, regulations and standards in force in the country;

- to remove firearms, ammunition, explosives, drugs and other objects in order to evidence the violation of the relevant rules;

- to take photographs, to make audio and video recordings (without violation of the privacy guaranteed by the law);

- to exercise other rights conferred upon him by law.

Police officer is *entitled* to [9]:

- visit individuals on the register of police prevention at their home and summon individuals to court, formally warn other persons about their unacceptable behavior in conflict with the public interest;

- to enter at any time of the day the accommodation of the individuals sentenced, if it has to do with the forced execution of a sentence adopted by a court or the execution of an obligation, and also to summon to court and bring such persons to the police precincts to control their submission to the laws and restrictions imposed by the court;

- to enter the premises from 6am to noon to 10pm to check compliance with state border and migration laws;

- to take photographs and make audio and video recordings of individuals under administrative arrest or individuals on the register of police, to take fingerprints of such persons and to take other samples for comparative study or identification;

- to require information in health care facilities and conduct mandatory screening of abusers who take alcohol, drugs, psychotropic or toxic substances in order to prevent the spread of sexually transmitted infectious diseases by persons at risk establishments;

- to remove from office persons who take alcohol, narcotic, psychotropic or other dangerous substances if they are unable to move and may cause harm to themselves or others.

When investigating a crime or having information that it is planned or committed, a police officer is entitled to:

check the activity of enterprises, agencies and organizations of all types and forms of ownership; to check vehicles, cargo and transport documents; check vehicles, individuals and luggage at checkpoints of all kinds;

carry out inspections, investigate the results of inspections of other bodies; withdraw documents, raw materials, products for inspections; receive information and explanations from individuals and organizations;

enter the premises of enterprises, agencies, and organizations of all types during working hours; during non-business hours, only with the participation of a representative of the organization or owner;

carry out operational activities, to investigate criminal cases, to create forensic databases,

carry out other actions stipulated by regulatory acts.

A police officer *must*: take urgent action upon receipt of a report of a crime or other violation of the law, suspend criminal acts and other offenses, store the crime scene and its witnesses, deliver suspects to the police station; guarantee the rights and legitimate interests of detained or arrested persons, provide first aid to victims of crime and persons in a helpless state; take possible measures to preserve the property of persons in the event of natural disasters, catastrophes or other emergencies; keep confidential information; perform other duties prescribed by law.

A police officer *is entitled to use coercion* “if it is necessary to prevent a violation of the law, to anticipate the perpetrators of these violations, as well as in other cases, protecting and upholding the legitimate interests of the

individual, society, and the state” [10, Art. 23].

Coercion that could cause injury or death is acceptable if this is the only measure that can be applied in this situation and other measures have been taken but have proved ineffective. The type of coercion and the limits of its use is chosen by the police officer, taking into account the specific situation, the nature of the violation, the legal and individual peculiarities of the offender.

A police officer may, in the form and in the cases prescribed by law, use verbal or physical coercion, firearms and explosives. Prior to the use of physical coercion or firearms, a police officer must warn the person of his or her intentions, except where the delay may endanger the life or health of the police officer or other person, or when such a warning is impossible.

If a police officer is not equipped with special equipment or firearms, he or she may use any other additional measures necessary to reflect the attempted attack or eliminate the sources of the threat. A police officer who has used coercion without violating the requirements of the Law “On Police Activity” but has caused damage to the values protected by law should not be held liable. The prosecutor's office is informed of the use of coercion by a police officer who caused the death of a person or injuries.

A police officer *is entitled to physical coercion* by: protecting himself or others from an existing attempt of violence or attempt to pose a direct threat to life or health; having established an identity of a person who has violated the law and is resisting arrest through active action; when an individual at-

tempts to commit a crime with the use of firearms, explosives, special communications; during mass riots or actions of groups that violate public order; stop the vehicle in case of an official order.

It is forbidden to use methods of combat fighting and special equipment against pregnant women, against persons with mental retardation or minors, unless they resist and cause harm to life or health, or attack of a group of such persons that cause threat to life or health.

When other coercive measures are ineffective, a police officer *is entitled to use a firearm* [10, Art. 25]. A police officer is entitled to use a firearm in the following cases: protecting himself or others from committing a criminal assault that poses a direct threat to life or health; in pursuit of a criminal who “escapes arrest by active action” in the event that it is impossible to detain him or her in any other way, in cases when the person refuses to fulfill legal requirements to get rid of a weapon or other thing that can harm the person if there is threat to life or health of a police officer or other person and cannot be disarmed by any other means; reflecting the attack on protected objects; when necessary to release the hostages or to prevent an act of terrorism; at the time of escape from the place of imprisonment or riots at the places of imprisonment.

A police officer has the right to use a firearm against vehicles and animals. It is forbidden to use firearms if it poses a danger to innocent people; against pregnant women, against persons with mental retardation or minors, unless they resist and cause harm to life or health, or attack of a group of such

persons that cause threat to life or health.

At the request of a person, the police should provide information about the person stored in police databases. Access to personal information of other persons should be prohibited, unless otherwise provided by law and other regulations.

Police may not provide information that is state, professional, advertising, trade or banking secret, except as required by law. It is obligatory to preserve information that harms the honor, dignity or safety of individuals, legitimate interests of citizens and legal entities, complicates the prevention, detection of criminal acts. Police should not provide information that may damage the presumption of innocence, police ethics, security interests of the individual, society or the state.

Police officers are personally responsible for their actions and their consequences. Police officers who violate the requirements of the law in the performance of their duties are liable. A police officer who complies with an explicitly illegal order or order is not released from liability. The state is obliged to compensate for the damage caused by the illegal actions of a police officer.

These peculiarities of the activities of the police of the Republic of Lithuania determine the peculiarities of managing its personnel and in particular the training of personnel.

Training of police officers includes training of police officers in educational institutions of the Ministry of Education and Science and Vocational Education in police institutions - centers of advanced training [10, p.15]. Educa-

tional institutions that train police officers in a program of training approved in the prescribed manner provide the education and professional knowledge necessary to fulfill police tasks. Relations between schools and the Police Department are based on a cooperation agreement. The professional development of police officers in police institutions – training centers – is organized by the Police Department in accordance with specific professional development programs.

It should be noted that the concept of proper governance is applicable not only at the macro level – in the field of government and municipal administration, but also in certain areas, in particular the activities of the police. The experience of the Republic of Lithuania confirms the applicability of such principles to the police as: integrity, ethics and the rule of law; transparency and full cooperation; measuring outcomes in terms of the social and environmental benefits of a sustainable economy; identifying intervention measures to optimize expected results; similarly capacity building of the organization and its staff, risk and efficiency management; principles of accountability [11, p. 80]. The main element of good governance that demonstrates police activity (such as Siauliai County), the relationships with stakeholders and users of services, the value of the organization itself and the importance of its values, a code of ethics for police officers (although its rules are not specific enough, each police officer's has individual understanding what is ethical and what is not, to enhance the ethics of society) [11, p. 80–81].

Although the concept of good governance has not yet been enshrined in

the Lithuanian police regulations governing the Lithuanian police, but police units (the Shaulai County example [11, p. 80–81] apply separate principles of good governance in efficiency management through: Ethical code for police officers of the Republic of Lithuania, various orders of the heads of the institution, mechanisms for managing the activities of officials.

Conclusions of the study. Thus, the activities of the police force of the Republic of Lithuania, and in particular the management of its personnel, are fully reflected by European trends.

We agree that the Concept of proper governance is applicable not only at the macro level – in the field of government and municipal administration, but also in certain areas, in particular the activities of the police.

The experience of the Republic of Lithuania confirms the applicability of such principles to the police as: integrity, ethics and the rule of law; openness and full cooperation; measuring outcomes in terms of the social and environmental benefits of a sustainable economy; identifying intervention measures to optimize expected results; similarly capacity building of the organization and its staff; risk and efficiency management; principles of accountability.

We believe that the combined (semi-centralized) pattern, the peculiarity of which is: the presence of a national body (ministry) responsible for internal security, coordination of the activities of separate police services; co-existence of state police services of national and regional (territorial) as well as state and municipal police with priority of development of national police, which is

being formed in the Republic of Lithuania, has prospects in Ukraine as well.

Further scientific research in this area should address specific mechanisms for managing national police personnel in the light of current global best practices.

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