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ARTÍCULO DE INVESTIGACIÓN

Medidas criminológicas especiales para prevenir amenazas o violencia contra agentes del orden público

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Resumen

La investigación está dedicada a las peculiaridades del funcionamiento de métodos criminológicos especiales para evitar amenazas o violencia por parte de los agentes del orden. Hay consenso en que el problema de la seguridad física, psicológica y moral de los funcionarios encargados de hacer cumplir la ley, cuya actividad profesional está prácticamente siempre asociada a un riesgo para la salud y la vida, se considera correctamente en el contexto amplio de la protección social (o sociojurídica). Se está llevando a cabo una transferencia de enfoques para mejorar el nivel de educación y capacitación profesional de los agentes del orden mediante la formación de profesionales, paramédicos del ejército con conocimientos jurídicos actuales y una cultura jurídica y profesional, disciplina de servicio y comportamiento legal. Es importante señalar que a los agentes del orden se les debe dar no menos respeto que el entrenamiento de salud y combate. Se confirma que con la ayuda de investigaciones criminológicas operativas es posible no sólo acelerar la adquisición de conocimientos objetivos sobre las tendencias dinámicas de la malignidad, sino también comprender mejor la naturaleza de los casos y procesos penales, sin ninguna confusión. por qué nacieron o se desarrollaron sus mentes.

Palabras clave: Organismos encargados de hacer cumplir la ley, aplicación de la ley, disciplina, protección social, seguridad del personal, educación profesional, conciencia jurídica.

Abstract

Special criminological measures to prevent threats or violence against law enforcement officers

The study is devoted to the peculiarities of application of special criminological measures to prevent threats or violence against law enforcement officers. It is emphasized that the issue of physical, psychological and moral security of law enforcement officers, whose professional activities are almost always associated with a risk to health and life, is rightly considered in the broad context of social (or socio-legal) security. The author provides a list of measures which should be applied to improve the level of professional education and training of law enforcement officers with a view to forming professionals with appropriate legal awareness and legal and professional culture, official discipline and lawful behavior. It is noted that the safety of law enforcement officers should be given no less attention than health and combat training. It is argued that with the help

of operational criminological research, it is possible not only to accelerate the acquisition of objective knowledge about the dynamic trends of crime, but also to better understand the nature of criminal phenomena and processes, the immediate causes and conditions of their origin and development.

Keywords: Law enforcement agencies, offenses, discipline, social protection, staffing, professional education, legal awareness.

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1. Introduction

External threats and violence directed at law enforcement officers are related to the peculiarities of their professional functions. In particular, it is often caused by the reaction of criminals to law enforcement activities, which may include detention of criminals, investigation of crimes and other measures. As a result, law enforcement officers may be vulnerable to aggression and violence as a result of their duties.

To prevent violent attacks on law enforcement officials, it is important to develop and implement specific criminological measures and strategies. These measures may include improving the safety and security of law enforcement officers in the performance of their duties, psychological training and support, and the study and analysis of factors that lead to violence against law enforcement officers. Understanding the victimization component is an important part of these measures, as it helps to understand how law enforcement officials can become victims of violence and threats and how they can be protected.

2. Analysis of recent research and publications

Among the priority tasks of reforming modern European-style states is the creation of an effective system of law enforcement agencies, and an important component of this system is to guarantee a high level of protection of the rights and freedoms of law enforcement officers. The effectiveness of law enforcement agencies largely depends on the degree of protection of the rights and freedoms of their employees. Given the functions they perform, this level must be extremely high. To this end, the legislation on criminal liability provides for a system of criminal law restrictions aimed at strengthening the protection of law enforcement officers. A number of

researchers have devoted their scientific works to this issue. In particular, V. Belenok (2021) devoted his work to solving complex theoretical and practical problems related to the criminal law and criminological characterization of threats or violence against a law enforcement officer and the development of scientifically based recommendations for preventing these criminal offenses, their termination and proper qualification on this basis. Y. Voloshyna (2018) analyzed the essence of criminological and special prevention of threats of physical violence and made an attempt to consider the essence and explore such concepts as "crime prevention", "threat of physical violence", "special criminological prevention", "criminological prevention", "crime prevention", "crime prevention" and "crime suppression". Y. Gladkova (2014) examined various aspects of the current state of prevention of crimes committed against law enforcement officers. She analyzed the organization and legal regulation of prevention of such crimes, including special (criminological) and individual crime prevention, as well as victimization prevention. The author proposed various measures to significantly improve certain aspects of the activities of entities involved in crime prevention in general.

A. Myroshnychenko (2018) conducted a comprehensive analysis of the criminological aspects of revenge as a motive for committing crimes against law enforcement officers and judges. At the same time, the issue of special criminological measures to prevent threats or violence against law enforcement officers remains open and requires further research in this area.

The purpose of the study is to provide a comprehensive analysis of the system of special criminological measures to prevent threats or violence against law enforcement officers

3. Results and discussion

The problem of physical, psychological and moral security of law enforcement officers, whose professional activities almost always involve a risk to health and life, is rightly considered in the broad context of social (or socio-legal) security. Thus, the most important thing is stated: it is necessary, first of all, to resolve the issue of social protection of law enforcement officers; to organize proper conditions for their professional activity; to ensure social optimism. This will facilitate the selection of personnel on a truly competitive basis, rather than being content with the mechanical registration of applicants, which is often the case when forming the staffing of the law enforcement system. It is the careful selection of personnel that will ensure the necessary quality of law enforcement personnel. This will directly affect the efficiency and effectiveness of professional work. In the light of crime prevention and counteraction, it is necessary to resolutely return to the problems of social protection of law enforcement officers as the social basis for ensuring law and order and legality. Thus, the social protection of these employees, including in terms of the primary preventive measure, includes: a) guaranteeing their rights to security; b) material and health care for law enforcement officers and their families; c) real criminal law protection against

life and health hazards; d) sufficient pension provision and state insurance (Tanko, 2015).

Lack of proper social protection of law enforcement officers, economic and logistical problems make law enforcement unattractive not only for many citizens, but also for the officers themselves, which causes a significant outflow of highly qualified personnel, a shortage of candidates for service and, as a result, staff instability. The decline in the prestige of the service has become a factor that is currently causing the chronic inability of HR departments to retain young professionals in the service. The lack of competition for vacant positions, which is the result of citizens' reaction to the social disorganization of the law enforcement system, forces us to solve personnel problems, often ignoring the qualitative characteristics of candidates for service. At the same time, we are currently facing gaps in regulatory frameworks, including legal and social conditions, which leads to uncertainty of some law enforcement officers about their future, which leads to a state of professional apathy.

A significant preventive potential for threats or direct acts of violence against law enforcement officers is provided by an adequate level of their professional training, which allows them to avoid some conflict situations with offenders and to minimize the risk of those that could not be avoided. Studies confirm that the following strategies can be used to improve the level of professional education and training of law enforcement officers in order to create professionals with appropriate legal awareness and legal and professional culture, service discipline and lawful behavior:

- a) Development of deontological legal consciousness of law enforcement officers, which consists in forming beliefs about the importance of observing the law for the normal functioning of society, emphasizing the need to choose lawful ways of behavior and intensifying official activities.
- b) Expansion of cultural background and formation of legal outlook, taking into account international law and achievements of world legal science.
- c) Introducing the priority of universal values related to human and civil rights and freedoms, including training in service ethics, human rights and prevention of violations in service activities.
- d) Ensuring a high level of legal knowledge and formation of relevant beliefs and feelings, development of legal thinking and will for effective use of law in official activities.
- e) Development of skills of qualitative application of law in different situations, including strategy, tactics, methods and techniques.
- f) Supporting the development of talents, aptitudes and inclinations in accordance with the specifics of law enforcement.
- g) Improving communication skills of employees and promoting active cooperation, collective responsibility and creativity in the performance of official duties.

- h) Improvement of moral and psychological training to increase resistance to stress and difficulties, as well as to increase the level of stress resistance and the ability to overcome the negative effects of stress (Tanko, 2015).

It should be borne in mind that the consideration of conflict interactions that occur or may occur during the work between law enforcement officers and the behavior of individual citizens is very specific for both law enforcement officers (normative and disciplinary regulation) and citizens (frankly subjective vision), when each party often takes into account only "its" personally defined situational facet, not sufficiently perceiving the opposite. Unfortunately, this interaction is not always to the liking of those who interact in a totalitarian manner, and therefore one of the most important tasks of any conflict is to test a person's ability to remain a person under any circumstances. It is from this perspective that it is advisable to consider the problem of ethics of relations between law enforcement officers and the public. Practice shows that often the professional ethics of law enforcement officers can prevent an impending offense or resolve a conflict that has already begun. However, significant difficulties in implementing the principle of ethics are caused by the nervousness, lack of restraint, and straightforwardness of some law enforcement officers or their conscious or subconscious admiration for the sense of power, which, in the end, is the low level of their professional and general psychological stability.

Thus, ensuring the ability of a law enforcement officer to prevent the commission of offenses and resolve various types of conflict situations, and thus reduce the risk of becoming a victim of violence against themselves, raises the issue of proper psychological support for law enforcement.

Experts point out that in order to ensure effective psychological support for law enforcement officers, it is first of all necessary to:

- Ensure the availability of qualified psychologists in all structures and services who have knowledge not only of general psychology and methods, but also understand the specifics of the activities of various units and have special methods for psychodiagnostics.
- Conduct psychodiagnostics studies both before and after performing special official tasks. Based on the data obtained, provide recommendations for the prevention and correction of mental conditions. It is important to detect acute stress disorder at the initial stage to avoid the transition to chronic and post-stress conditions that are difficult to correct. Particular attention should be paid to employees who have been in extreme conditions and psychodiagnostics should be conducted immediately after the events.
- Understand that negative mental states do not occur in all employees and depend not only on the importance of the traumatic event, but also on the personal characteristics of each employee, such as reduced adaptive potential, character accentuation, psychopathization. It is also important to keep in mind that the likelihood of mental disorders depends on the presence of traumatic situations in the past.

These aspects should be taken into account for effective psychological support of law enforcement officers in the performance of their duties (Tanko, 2015).

Experts identify key aspects that require priority improvement in the psychological support of law enforcement agencies in extreme conditions. The following are important among them:

- a) Assessment of work intensity and psychophysiological load for different types of law enforcement activities.
- b) Study of the factors leading to professional dissatisfaction among law enforcement officers and the main mental disorders that may arise in law enforcement officers during operational activities.
- c) Study of the psychological characteristics of law enforcement officers' actions in risky and dangerous situations of operational activities.
- d) Analysis of the psychological impact of various stress factors that arise during operational and service activities on law enforcement officers.
- e) Development of the latest methods and psychotechnologies within the framework of professional psychological training of law enforcement officers for effective actions in extreme situations.
- f) Developing modern methods for working with law enforcement officers in the post-extreme period, providing psychological support and restoring the mental state of personnel after performing complex tasks of operational and service activities and other aspects.

These measures are aimed at improving the psychological health and effectiveness of law enforcement officers in difficult conditions of their work.

Implementation of the task of preventing violent, as well as any other, unlawful attacks on law enforcement officers cannot be limited to the implementation of measures aimed at neutralizing and eliminating criminogenic factors of an objective nature. It is necessary to implement measures aimed at ensuring lawful behavior of law enforcement officers. At the same time, it is necessary to prevent the negative consequences of professional deformation of law enforcement officers by all possible means.

Both individual and collective work on shaping the personality of law enforcement officers and creating an internal environment conducive to lawful behavior and psychological health plays an important role.

The professional deformation that can occur among law enforcement officers due to the performance of their duties in difficult and stressful situations can indeed affect their behavior and contribute to the risk of violence. Such situations require systematic psychological training and support for law enforcement officers.

It is important to provide employees not only with theoretical knowledge and skills, but also to develop their emotional and volitional qualities, which can be useful in stressful situations. It is also necessary to implement a system of control and accounting

of their professional activities in order to prevent abuse of authority and to perform tasks in compliance with relevant norms and standards. This helps reduce the risk of violence and threats by law enforcement officers.

In general, effective psychological training and support for law enforcement officers is an important component of preventing unlawful behavior and ensuring the safety of both the officer and society as a whole. This problem is especially relevant for rank-and-file and junior management personnel, who often have an overestimated self-esteem compared to their actual capabilities, a belief that government officials are allowed to do more than ordinary citizens, and an overstated level of harassment.

Experts identify the following areas for early prevention of possible professional deformations of law enforcement officers:

- Continuous improvement of the level of service readiness on the basis of deep moral and legal values, including awareness of the idea of continuous improvement.
- Focusing efforts in the system of education and social and psychological work on the development of such professionally important personal qualities among employees.
- Using the opportunities of advanced professionalism and learning from the best examples to improve the level of service skills and the quality of performance of their duties by employees in their daily work to exercise their rights and responsibilities (Tanko, 2015).

The main areas of educational influence in order to prevent misconduct of law enforcement officers should be:

- a) Formation of beliefs about the exceptional importance and necessity of law enforcement officers' service in society, along with fostering respect, attentiveness and polite attitude towards citizens.
- b) Educating members of the personnel in the spirit of elitism and positive corporatism, emphasizing the need to support and enhance the authority of law enforcement agencies and to foster respect for all public authorities.
- c) Formation of high moral qualities among employees and improvement of general and professional culture.
- d) Developing the ability to perform their official duties in accordance with high moral and ethical standards, including professional ethics, oath requirements, statutes, guidelines and other relevant regulations.
- e) Formation of a healthy moral and psychological climate in the team, based on the principles of continuity among law enforcement officers and principled condemnation of negative behavior of colleagues who violate moral and legal norms. It is also important to teach employees to defend their rights and obligations in cases of violations by other employees.

- f) Formation of the necessary volitional qualities and skills to resist an aggressive environment, while trying to use non-violent methods as much as possible.
- g) Raising the level of managerial culture among managers at all levels of management, from the initial to the highest.

Most of the time, when law enforcement officers are faced with threats or violence, they do not react in a victimized manner. That is, they do not show weakness or seek help, which may be necessary in such situations.

This situation can be caused by several factors. Firstly, law enforcement officials, especially if they consider themselves strong and independent, may be reluctant to acknowledge their victimization or concerns and try to conceal the facts of violence or threats. Secondly, there may be fears or beliefs that prevent law enforcement officials from seeking help or disclosing their victimization. This may be related to an image of professional independence and resilience that may be prevalent among law enforcement officers.

It is important that law enforcement officials are aware of their rights and opportunities to receive help and support in the event of threats or violence. Work on psychological training and awareness of the importance of victimization can help improve the situation and ensure the safety of law enforcement officers.

This situation is caused by the employee's desire to avoid responsibility for violating various job descriptions, rules of conduct or safety standards. At the same time, the relevant practice at the level of departments and services is a consequence of negative manifestations of corporate behavior of law enforcement officers. According to O. Ignatov, the corporate nature of law enforcement officers is largely due to the specifics of their activities, mutual responsibility, and a defense mechanism of self-justification. Bringing to justice for various kinds of offenses of not every employee is partly the result of corporate corruption in a broad sense - "the misunderstood "solidarity" of lawyers who condone violations of the law by their colleagues". In turn, the silence of law enforcement officers about the facts of violent attacks against them makes it impossible to establish the real scale of this phenomenon, analyze the situation of the relevant acts, and the factors of their determination, and, accordingly, significantly reduces the possibility of developing effective prevention measures. This problem is significantly exacerbated by the growing confidence of criminals in the possibility of avoiding punishment and the vulnerability of law enforcement officers (Tanko, 2015).

Thus, one of the main means of preventing threats or violence against law enforcement officers is to establish the real scale of this phenomenon, including by preventing the concealment of relevant facts by law enforcement officers themselves.

When considering the system of special criminological measures to prevent threats or violence against law enforcement officers, one should take into account the particular importance of the problem of means of ensuring personal safety of law enforcement officers.

4. Conclusions and directions for further research

The safety of law enforcement officers should be given no less attention than their health and combat training. It is possible to create advisory groups and departments in law enforcement agencies, assigning them the following responsibilities: counseling, training in self-defense measures; finding out the reasons that contributed to the commission of violent crimes against law enforcement officers; generalizing practice in relation to solved and investigated cases of this category; using the entire arsenal of scientific and practical measures to prevent these crimes.

Among the alternative measures to ensure personal safety of law enforcement officers, we believe that the proposal of experts to legislate the right of persons who had the right to carry combat or service weapons at all times during their work in law enforcement agencies and courts, to receive them for free after retirement, if in connection with the performance of their duties in the past there may have been attacks on life and health. A positive characterization from the place of former employment and the absence of statutory grounds for refusing to issue weapons should also be mandatory conditions for issuing them. According to other scholars, such a proposal can be accepted subject to a number of points: the phrase "if in connection with the performance of their duties in the past, there may have been attacks on life and health" should be excluded. It is also necessary to add certain conditions: a petition from the heads of the ministries in which they served; a health certificate. In addition, it is necessary to provide for the withdrawal of service weapons in the following cases: being declared insane; criminal prosecution; immoral behavior in everyday life with administrative prosecution; personal unwillingness.

With regard to the implementation of certain specific measures of special criminological prevention of threats or violence against law enforcement officers at the level of detection and suppression of crimes, the direct role in this belongs to the bodies competent to implement the relevant operational and investigative measures.

With the help of operational criminological research, it is possible not only to accelerate the acquisition of objective knowledge about the dynamic trends of crime, but also to better understand the nature of criminal phenomena and processes, the immediate causes and conditions of their origin and development. In particular, when studying regional and "local" crime and its individual types, a unique, previously unused opportunity opens up to directly and indirectly observe criminal manifestations in the process of their emergence, formation and development with the involvement of operational and investigative forces, means and methods. It is with the help of covert operational and investigative forces, means and methods that a unique opportunity arises to monitor criminal phenomena as if from the inside, by the method of surveillance, to constantly monitor changes in the criminogenic and criminal environment, to obtain a unique type of social information about hidden processes, functioning crime centers, and criminally active parts of the population.

The results of forecasting the development of the criminal situation (based on the analysis of official and operational information) should be used to prepare documents

for legislative bodies and local self-government bodies in order to neutralize crime factors. In particular, it is advisable to include in each State Program for Combating Crime an independent section on the protection of the safety of police officers with a starting analytical basis for combating attacks on the life, health and dignity of police officers and appropriate criminological planning for strengthening such a fight. In general, the effectiveness of such planning needs to be decisively improved through better departmental control.

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