

## Research Article

# Organizational and Legal Principles of the Activities of Operational Units in Combating Drug Offenses: International, Criminal and Administrative Aspects

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### Abstract

**Aim:** The purpose of the article is to reveal the organizational and legal principles of the activities of operational units in combating drug offenses (international, criminal and administrative aspects).

**Materials and Methods:** Using the method of analysis and systematic study of legal norms, as well as generalization and synthesis, requirements for compliance with legislation on the organizational and legal principles of the activities of operational units in the fight against drug crimes, as well as compliance with the rights and fundamental freedoms of civil servants of operational units in the fight against drug crimes, were determined.

**Results:** In Ukraine, the effectiveness of the outlined activity is correlated primarily with the effectiveness of the work of specialized entities that combat drug crime. Among them, a key place is given to the operational units of the national police, namely the criminal police. This article analyzes the structural and functional organization of the units of the national police of Ukraine that specialize in combating drug crime and determines their role in the prevention of such crimes. According to the results of the study, the author states that the main entities for preventing criminal offenses related to the illegal circulation of narcotic drugs, psychotropic substances, their analogues and precursors, in addition to the units directly involved in combating drug crime, are the criminal investigation and strategic investigation units of the national police of Ukraine.

**Conclusion:** It has been determined that the preventive activities of the above-mentioned units are a complex of systematic search, operational-search, administrative, criminal-procedural and other preventive measures (actions) implemented by the units for combating drug crime of the national police of Ukraine and other units of the criminal police (criminal investigation, strategic investigations). These measures are aimed at specific groups of persons and individuals who have a tendency to commit criminal offenses related to the illegal trafficking of narcotic drugs, psychotropic substances, their analogues and precursors and/or have criminal intentions to commit them, or have already begun criminal activity. Their goal is to minimize criminogenic factors, adjust the

activity. Their goal is to minimize criminogenic factors, adjust the behavior of persons prone to crimes, prevent the commission of offenses at different stages of criminal activity and also reduce the scale of drug addiction in the state.

**Keywords:** Activity; Criminal police; Units to combat drug crime; Operational units; Prevention; Drug crime; Drug addiction; Operational; Investigative activities

### Introduction

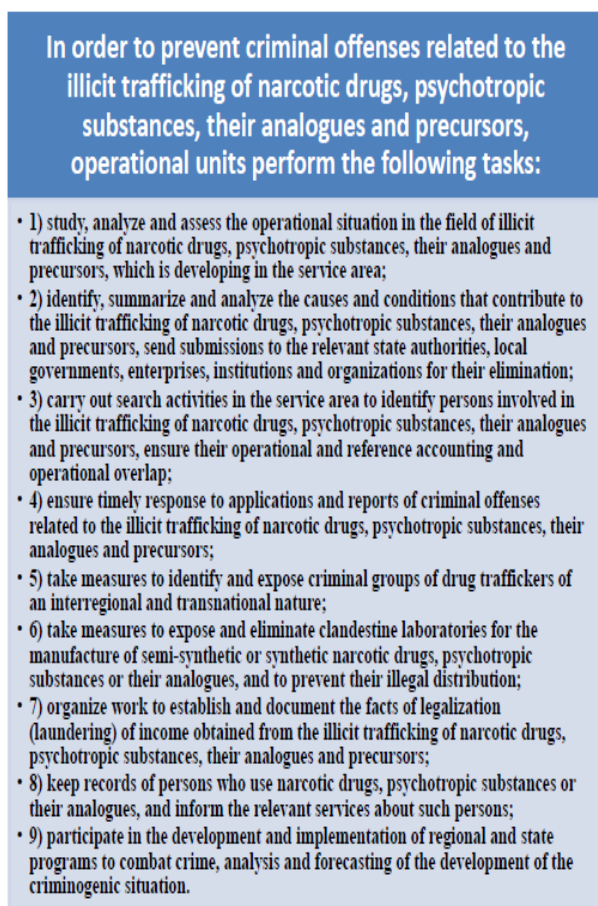
Today, the world community defines drug crime as a problem that can only be contained (minimized) comprehensively, at the expense of all state and social mechanisms. The main task of countering drug crime was and remains to exercise preventive influence on negative phenomena and trends. In Ukraine, the effectiveness of such activities depends primarily on the effectiveness of the work of specialized subjects of countering drug crime (SBU, SBI, prosecutor's offices, etc.), among which a special place is occupied by operational units of the national police (criminal police).

Along with this, the tasks of preventing drug crime are performed by criminal police units in different volumes, while performing various functions and powers assigned to them, which are often characterized by duplication, mutual inconsistency, lack of systematization, etc.

In this regard, there was a need to study the tasks and functions of the units of countering drug crime of the national police of Ukraine, as well as to determine their role as subjects of crime prevention.

## Materials and Methods

The methodological basis of the study is a system of both philosophical, general scientific and special, traditionally legal, concrete sociological methods. At the empirical level, to establish the essence of combating crimes in the field of drug trafficking, methods of observation of the practical activities of operational units, generalization and analysis of the results of combating crime were applied [1-4]. The work also uses separate methods of cognition: Historical and legal (during the scientific study of the activities of operational units in combating crimes in the field of drug trafficking), comparative legal (for the study of operational-search, criminal, procedural and other legislation), systemic-structural (for determining the set of structural elements that make up the concept of the organization of operational units in combating), statistical (during the collection, generalization and study of data on the detection, prevention and cessation of crimes in the field of drug trafficking by operational units), sociological (for surveying employees of operational units of law enforcement agencies, studying materials of operational-search cases and criminal proceedings), formal logical (allowed us to obtain new theoretical knowledge about the activities of operational units of law enforcement agencies in combating crimes in the field of drug trafficking) (Figure 1).



**Figure 1:** Tasks of operational units preventing illicit drug trafficking activities

## Results and Discussion

The main subject of combating crime are the bodies and units of the national police of Ukraine-this is the central executive body that serves society by ensuring the protection of human rights and freedoms, combating crime, maintaining public safety and order. The police include:

- Criminal police.
- Patrol police.
- Pre-trial investigation bodies.
- Security police.
- Special police.
- Special purpose police.

Based on the functions of the national police, its main tasks are:

- Implementation of state policy in the areas of ensuring the protection of human rights and freedoms, the interests of society and the state, combating crime, maintaining public safety and order.
- Submission to the Ministry of Internal Affairs of proposals for ensuring the formation of state policy in the specified areas.
- Provision, within the limits determined by law, of assistance services to persons who, for personal, economic, social reasons or as a result of emergency situations, require such assistance.

According to the order of the national police of Ukraine dated 06.11.2015 No. 1 "On approval of the structure of the national police of Ukraine", the separate subdivisions of territorial bodies include the subdivisions of the departments of criminal investigation; strategic investigations; combating crimes related to human trafficking; countering drug crime; operational service; operational and technical measures; ensuring activities related to hazardous materials, as well as the Department of Criminal Analysis.

However, in connection with the liquidation of the Department of Economic Protection, reorganization and creation of new structural subdivisions within the criminal police, corresponding changes have occurred in the structure of territorial and interregional territorial bodies of the criminal police. Thus, the subdivisions of the criminal police include the subdivisions of criminal investigation; strategic investigations; combating drug crime; cyber police; migration police; ensuring activities related to hazardous materials; protecting the interests of society and the state; internal security; criminal analysis; operational service and operational-technical measures. It should be noted that today the process of reforming the Internal Affairs Directorate is ongoing in terms of optimizing the structure of the national police of Ukraine, clearly delimiting and eliminating duplication of their powers, as well as depriving the units of the national police of Ukraine bodies of functions not inherent to them [5]. The main areas of reform include the following: Delimiting competence

and functions, eliminating duplication in work; optimizing the police structure and number; introducing new criteria for evaluating the work of employees of the bodies and units of the national police; re-certification of personnel in order to improve the quality of personnel support for law enforcement activities.

One of the main units of the criminal police in combating the illicit trafficking of narcotic drugs, psychotropic substances, their analogues and precursors is the units for combating drug crime of the national police of Ukraine [6,7].

It should be noted that the first department for combating illicit drug trafficking was created in March 1986 within the structure of the Criminal Investigation Department of the Ministry of Internal Affairs of the Ukrainian SSR [8,9]. Such units were not created in the territorial bodies, but employees were allocated in the criminal investigation units who specialized in solving drug crimes.

In 1993 In 2015, an independent Department for Combating Illicit Drug Trafficking was created within the structure of the criminal police of the Ministry of Internal Affairs of Ukraine and soon the same units were created in the main departments (departments) of the Ministry of Internal Affairs of Ukraine in the regions, the Autonomous Republic of Crimea, the cities of Kyiv and Sevastopol and in transport, which were subsequently reorganized [9-10]. The creation of these units was due to the fact that representatives of international drug crime began to use the country's territory as a new sales market and channel for transporting drugs and criminal investigation units could not at that time effectively counteract drug crime and block drug supply channels from foreign countries. In connection with the reform of the Ministry of Internal Affairs and the creation of the national police of Ukraine in 2015, the Department for Combating Drug Crime of the national police of Ukraine was established as part of the criminal police. The department was designated as an interregional territorial body of the national police of Ukraine and, in accordance with the legislation of Ukraine, carried out operational and investigative activities. In addition, 10 regional departments of the Department for Combating Drug Crime were established: The first department (serving Lviv, Ivano-Frankivsk and Zakarpattia regions); the second department (serving Khmelnytskyi, Ternopil and Chernivtsi regions); the third department (serving Rivne, Volyn and Zhytomyr regions); the fourth department (serving Vinnytsia, Cherkasy and Kirovohrad regions); the fifth department (serving Kyiv, Kyiv and Chernihiv regions); the sixth department (serving Kharkiv, Sumy and Poltava regions); the seventh department (serving Dnipropetrovsk and Zaporizhia regions); the eighth department (serving Odessa, Mykolaiv and Kherson regions); the ninth department (serving Donetsk region); Tenth Department (serving Luhansk region) [11-19].

The high level of public demands for stabilization of the drug situation in the country became the reason for

searching for an updated structure of the work of the drug crime counteraction service. The first step was the return of drug crime counteraction departments to the structure of territorial bodies of the national police of Ukraine.

To strengthen the interaction of drug crime counteraction service employees with those who provide daily patrolling in the territory of their service, it was decided to transfer the most promising representatives of the patrol police for further service to drug crime counteraction units.

Also, in order to minimize corruption risks inherent in the drug business, each unit of the service, including the Department's staff, was staffed by representatives of the Department of Internal Security of the national police of Ukraine. In addition, in the course of reforming the drug crime counteraction service, the features inherent in modern drug crime are taken into account. First of all, its organized and transnational nature.

In order to qualitatively and promptly document the activities of organized groups and criminal organizations of drug dealers, including those with interregional and international ties, the Department for Combating Drug Crime initiated relevant organizational and staff changes and created a department for operational and operational-technical support in its structure, designed to improve the quality and efficiency of conducting NSRD in exposing offenses committed primarily by organized drug groups. In addition, in order to timely detect and prevent the sale of narcotic drugs, psychotropic substances, their analogues and precursors by organized groups and criminal organizations, four interregional divisions were created in the structure of the Department for Combating Drug Crime of the national police of Ukraine, each of which serves several regions, divided into eastern, western, central and southern regions.

Also, within the structure of the Main Investigation Department of the national police of Ukraine, a separate department was created, specializing in the investigation of serious and especially serious criminal offenses in the field of illegal drug trafficking, which most often involve members of organized groups and criminal organizations.

In addition to the units for combating drug crime of the national police of Ukraine, the subjects of preventing criminal offenses related to the illegal circulation of narcotic drugs, psychotropic substances, their analogues and precursors are the criminal investigation and strategic investigation units of the national police of Ukraine [20-27].

It should be noted that the Criminal Investigation Department of the national police of Ukraine is a structural unit of the apparatus of the central management body of the national police of Ukraine, which belongs to the criminal police and, in accordance with the legislation of Ukraine, ensures the provision of police services in the areas of protecting human rights and freedoms, the interests of society and the state and combating crime. The main tasks of these units include:

- Within the limits of their powers the provision of police services in the areas of protecting human rights and freedoms, the interests of society and the state and combating crime.
- Detection and suppression of criminal offenses, including those committed by participants and members of organized groups and criminal organizations, search for persons who committed such offenses.

The Department of Strategic Investigations of the National Police of Ukraine is an interregional territorial body within the criminal police of the national police of Ukraine and, in accordance with the legislation of Ukraine, carries out operational and investigative activities. The tasks of this department include:

- Detection, suppression and prevention of illegal activities of socially dangerous organized groups and criminal organizations, including in state authorities and local self-government bodies, which affect the criminal situation in the state and in its individual regions.
- Combating corruption among officials subject to the law of Ukraine "On Prevention of Corruption", taking measures to detect corruption offenses and offenses related to corruption and their suppression in accordance with the legislation of Ukraine.
- Carrying out operational and investigative activities aimed at obtaining information about criminogenic processes in the criminal environment, related to the illegal activities of individuals and criminal groups, schemes for legalization (laundering) of proceeds from crime.
- Organizing and implementing, in accordance with the legislation of Ukraine, measures to protect employees of the Department of Strategic Investigations, other bodies and units of the national police of Ukraine, ensuring the safety of participants in criminal proceedings, their family members and close relatives of these persons [28-32].

Although the functions of criminal investigation and strategic investigation units do not include combating the illicit trafficking of narcotic drugs, psychotropic substances, their analogues and precursors, combating the illicit sale of these drugs and substances, including those committed by organized groups and criminal organizations, is inherent in these units.

Having considered the range of subjects of the units of the national police of Ukraine's drug crime countermeasures and their functional purpose in preventing the illicit trafficking of narcotic drugs, psychotropic substances, their analogues and precursors, we will clarify the content of the preventive activities of the units of the national police of Ukraine's drug crime countermeasures.

In criminology and in the theory of operational and investigative activities, the terminology used for the preventive activities of operational units of law

enforcement agencies is "prevention of criminal offenses by operational units" and "operational and investigative prevention". We support the point of view that "prevention of criminal offenses by operational units" is a broader concept than "operational and investigative prevention". Operational and investigative prevention is only part of the various areas of criminal offense prevention by operational units, since operational units also carry out other measures: criminal procedural, administrative, etc.

## Conclusion

While Taking into account the above and the fact that crime prevention as one of the forms of combating crime is aimed at minimizing criminogenic factors and correcting the behavior of persons prone to committing criminal offenses, preventing the commission of criminal offenses at various stages of criminally unlawful activity, we can define the preventive activities of the units for combating drug crime of the national police of Ukraine as follows: These are the activities of the units for combating drug crime of the national police of Ukraine and other units of the criminal police (criminal investigation, strategic investigations), which systematically and comprehensively carry out search, operational-search, administrative, criminal-procedural and other measures (actions) of preventive purpose, aimed at individual groups and specific persons who are prone to committing criminal offenses related to the illegal circulation of narcotic drugs, psychotropic substances, their analogues and precursors and/or have criminally unlawful intentions to commit them, or have initiated criminally unlawful activities in order to minimize criminogenic factors and correct the behavior of persons prone to committing these offenses, prevent the commission of criminal offenses at various stages of criminally unlawful activities, as well as minimize drug addiction in the country.

## Acknowledgement

None.

## Conflict of Interest

Authors have no conflict of interest to declare.

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