

Євген ГІДЕНКО
МЕТОД СИТУАЦІЙНОГО МОДЕЛЮВАННЯ
У ТАКТИКО-СПЕЦІАЛЬНІЙ ПІДГОТОВЦІ ПРАЦІВНИКІВ ПОЛІЦІЇ

Анотація. Тактико-спеціальна підготовка є частиною загальної професійної підготовки співробітників органів внутрішніх справ. Метою вивчення даної дисципліни є отримання спеціальних знань здобувачами освіти, формування умінь і навичок, що дозволяють їм вирішувати оперативно-службові та службово-бойові завдання в надзвичайних ситуаціях. Досягнення цієї мети передбачає практичне вивчення тактичних способів та прийомів, для цього використовуються знання різних правових дисциплін, особливостей застосування зброї, фізичної сили, бойової та спеціальної техніки, засобів зв'язку та спеціальних засобів, вивчаються психологічні прийоми подолання почуття страху та інших перешкод, зумовлених екстремальною ситуацією.

Що стосується методу ситуаційного моделювання, то його можна визначити як максимально наближене до реальності відтворення тієї чи іншої екстремальної ситуації, що виникає у мирний або воєнний час, з метою вивчення та напрацювання алгоритмів дій, які необхідно виконувати для вирішення оперативно-службових та службово-бойових завдань. Слід зауважити, що під час несення служби правоохоронці можуть зіштовхнутися із ситуаціями, що мають специфічні особливості, саме для цього у даному методі застосовуються різноманітні інноваційні технології, спеціальний інвентар, що дає змогу здобувачам освіти опинитися у обстановці максимально наближеній до реальної та вірно побудувати алгоритм своїх дій. Підготовка співробітників підрозділів національної поліції до дій у стресовій ситуації, що виникає під час виконання оперативно-службових завдань, вимагає відпрацювання до автоматизму відповідних навичок та умінь на заняттях та тренуваннях. Застосування зазначеного методу на заняттях з тактико-спеціальної підготовки суттєво підвищує ефективність навчального процесу та відпрацювання дій в умовах екстремальної ситуації; зазначений метод вимагає особливої підготовки до проведення навчальних занять. Дана стаття висвітлює основні принципи методу ситуаційного моделювання, його дієвість та актуальність.

Ключові слова: тактико-спеціальна підготовка, метод ситуаційного моделювання, психологічні аспекти несення служби поліцейським, тактична підготовка працівників поліції.

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**POLICE PRECAUTIONARY MEASURES – DISTINCTION OF THE CONCEPTS
OF "READY", "USE", "APPLICATION", AND "ACTIVE APPLICATION"
OF FIREARMS**

Abstract. The article of the Law of Ukraine "On the National Police" on the use of such coercive measures as firearms has been investigated. Gaps in legislation were analyzed and proposals were prepared to improve the norms and provisions of the law, to ensure the safety of police officers and not violate the rights of citizens. The aim of the article is to establish the specifics and clear interpretation of the concepts for greater study and improvement of the legal framework governing the use of firearms.

The use of firearms is the most severe coercive measure, which is why it is very important for

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police officers to comply with the law in order to prevent emergencies and impose liability on law enforcement officers. The positive fact is that the basic and necessary norms of at least coercion are set out in the current regulations, but there is a question about the accepted terminology and its understanding.

Keywords: *National Police, bringing weapons to a state of readiness, the firearms use, the firearms application, the active firearms application.*

Relevance of the study. The stressed and non-standard life situations associated with criminal acts, which a police officer encounters every day, require immediate, clear and effective action, in conditions of severe time pressure, thereby greatly influencing the police officer's actions. The firearms application is a serious task that requires legal preparation to instantly assess the situation and make the right, and most importantly, legal decision to use or use firearms.

Currently, the ability to competently use and use firearms are factors, on the one hand, the observance of personal safety by a police officer, and on the other hand, the protection of the life, health and property of citizens from unlawful encroachments. One of the most important and responsible issues in the current legislation, which is guided by the National Police of Ukraine, is the delimitation of the concepts of "ready", "use", "application" and "active application" of firearms at the disposal of a police officer. In accordance with this, the question very often arises: "How to correctly interpret the norms of legal acts regulating the effectiveness of concepts in practice?" Let's try to find the answer to this question in the context of this scientific article.

Recent publications review. Certain aspects of the legal regulation of the use of firearms by police officers were investigated in the works of such scientists as: T. Minka, P. Andrushko, A. Bandurka, Yu. Baulin, V. Videnko, V. Novikov and V. Osadchy and others. However, these issues are still relevant today, since in practice there are still difficulties in their correct and regulated use.

The article's objective is to establish the specifics and understandable interpretation of concepts for more study and improvement of the legal framework governing the use of firearms.

The use of firearms is the most severe coercive measure, which is why it is very important to comply with the requirements of the law by police officers, in order to prevent the creation of emergency situations and impose responsibility on law enforcement officers. This updates the research in our scientific article.

Discussion. It is positive that the basic and necessary norms for this coercive measure are set out in the current regulatory legal acts, but the question arises about the adopted terminology and its understanding.

In legal acts, there are many terms that are closely related in meaning, but with a thorough acquaintance with their interpretation, we see that in fact, these concepts are delimited and have a clear meaning when applied in different situations. Let's consider and analyze each of the terms separately.

A police officer can pick up a firearm and alert it if he believes that in the current situation, there may be grounds for its application. During the arrest of persons in respect of whom the police officer has suspicions of committing a grave or especially grave crime, as well as when checking the documents of such persons, the police officer can alert a firearm and warn a person about the possibility of its application [1].

Bringing weapons to a state of readiness can be understood to mean that police officers, in order to comply with security measures, must keep them in good working order and safe in relation to themselves and those around them, load and unload weapons in accordance with the appropriate rules. According to some scientists, bringing firearms to a state of readiness includes several elements, these are:

1. Removing a firearm from a holster (special equipment, pouch) or detaching a pistol from a pistol strap;
2. Removing the safety catch from the "protection" position in cases related to shooting;
3. Inserting the cartridge into the chamber.

Not a single legislative or by-law act, regulation or instruction contained the concept of "bringing weapons to a state of readiness". What did the legislator, writing this definition in Art. 46 of the Law of Ukraine "On the National Police", mean [2]?

We believe that the process of bringing the firearm to a state of readiness begins from the moment the firearm is received at the duty unit, namely, the examination of the firearm,

ammunition, equipment, checking the absence of faults and defects, placing the magazine case in the base of the handle. Based on this, readiness is a certain state in which an instant, unhindered use of firearms for its functions is ensured, without time delays and the risk of malfunctions. We must not forget about such an action as "exposing weapons", which should be understood as – the impact on the behavior of persons without using the damaging factors of firearms in the form of causing them harm; removal of a firearm from a holster or other equipment and a visual demonstration of weapons and intentions to use the weapon, in the event that illegal actions do not stop without turning off the fuse and sending the cartridge into the chamber; other open or hidden actions with the weapon of officials in which it is legally located. Today, every fact of sending a cartridge into the chamber, and even more so the application or use of firearms, is carefully checked, while, in our opinion, there are many gaps in the legislation, and we believe that police officers are generally not protected by legislation in terms of the application and use of firearms. The legislation does not contain the concepts of "exposing firearms", "bringing firearms to a state of readiness", it is not spelled out what should be the actions of police officers, when placing a firearm in the protection position, after sending a cartridge into the chamber, in the case when the need to use or use a firearm has ceased exist [2].

The article on the firearm application (Article 46 of the Law of Ukraine "On the National Police") says that a police officer can use such an exceptional measure as firearms only in cases stipulated by law. Such cases are: with and without warning. Further in this article, exceptional cases of the use of firearms are spelled out, as well as cases when its use is allowed without warning. It is obvious that the legislator in this norm does not focus on the terms "application" and "active application". In our opinion, the use of the terms "application" and "active application" of firearms is uncoordinated. Based on the etymological meaning of the term "apply" – to use (to use something with benefit, to use something), to put into practice the application is active behavior. In other words, both phrases – "application of firearms" and "active application of firearms" carry an identical meaning. Therefore, it is unnecessary to focus on the active application of firearms [3].

Having introduced the concept of "active application" into the legislation, the legislator did not disclose its meaning at all, especially since they used a completely different phrase to replace it – "the application of firearms without warning". We can confidently say that firearms are actively used in non-standard situations associated with acute social and state danger.

In our opinion, the moment of removing the safety catch from the "protection" position and sending the cartridge into the chamber is the use of a firearm, and, accordingly, the moment the shot is fired is an active application of the firearm. Under Part 10 of Art. 46 of the Law of Ukraine "A police officer is obliged to inform his supervisor in writing about the use of firearms, as well as to immediately inform the supervisor about the active application of firearms, who, in turn, must inform the central police department and the relevant prosecutor" [1]. The policeman must inform his supervisor in writing, in the form of a report, about the use of firearms in the performance of official duties, namely, sending a cartridge into the chamber and immediately informing about the active application, namely the firing of a shot in order to receive further instructions and take control of the situation by senior officials.

Summing up the above, it would be advisable to use one more separate term "the application of weapons without warning" or "the application of weapons to kill". As we have already established, neither in legal acts, nor in scientific literature there is no unambiguous solution to the question of the content of some terms, this also applies to "use". Certain aspects of this problem were considered, but basically the authors limited themselves to their interpretation in specific normative legal acts. We believe that "use" is a set of actions carried out with firearms by authorized officials in the form of active application, in order to eliminate the conditions for creating dangerous situations, as well as for:

- alarm signaling;
- call for auxiliary forces;
- neutralization of an animal that threatens the life or health of a police officer and other persons [1].

In other words, "use" is associated with the defeat of other targets or a shot into the air, and in no case at people, also never will the object of use be human life and health. Let's consider Part 5 of Art. 46 of the Law of Ukraine "A police officer authorized to use firearms only after warning about the need to stop unlawful actions and the intention to use the coercive measure specified in this article". We see that the essence of the concepts under consideration

is not specifically delineated here, probably because, in order not to repeat the verb "apply" in one sentence, the legislator borrows a verb that has a completely different meaning in the law. The terms "use" and "apply" a firearm refer directly to the actions performed with that firearm. The immediate goal of the active use of firearms is the infliction of physical pressure on a person, destruction of a vehicle or technical means to suppress socially dangerous, harmful actions. Using firearms, government officials take useful and necessary actions to protect society or an individual. The intended use differs significantly from the use of firearms. The motives and conditions for the application or use of weapons are divided according to the degree of danger to society and the situation in it. As a result, at the legal level, there will be disagreements and controversial points in the correctness of their application in practice.

Conclusions. The analysis made it possible to conclude that the issue of using firearms today is very acute, because the life and peace of any member of society depends on it. Determining the relevance and completeness of the legal regulation of relations in the field of application of police coercive measures is a problematic aspect at the present time. Police officers should receive clear and understandable instructions through the current legislation regarding the circumstances and procedure for the use of firearms.

The interpretation of the basic concepts in our scientific work can be recommended for disclosing the terminology in the basic legal principles of the Law of Ukraine "On the National Police". We emphasize the need to revise the parts of the law regulating the use of firearms, to fully study and analyze them, to introduce necessary, fundamental changes to the provisions at the legislative level, to improve the practical activities of the National Police of Ukraine, to protect the life and health of citizens, to prevent harm to third parties and causing other uncontrollable consequences.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

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Анатолій НАТОЧІЙ, Володимир ТИМОФЄЄВ ПОПЕРЕДЖУВАЛЬНІ ЗАХОДИ ПОЛІЦІЇ – РОЗМЕЖУВАННЯ ПОНЯТЬ «ГОТОВИЙ», «ВИКОРИСТАННЯ», «ЗАСТОСУВАННЯ» ТА «АКТИВНЕ ЗАСТОСУВАННЯ» ВОГНЕПАЛЬНОЇ ЗБРОЇ

Анотація. Досліджено статтю Закону України «Про Національну поліцію» щодо застосування такого примусового заходу, як вогнепальна зброя. Проаналізовано прогалини у законодавстві та підготовлено пропозиції щодо вдосконалення норм та положень закону, для забезпечення безпеки поліцейських та не порушення прав громадян. Метою статті є встановлення специфіки та зрозумілого трактування понять для більшого вивчення та вдосконалення правової основи, що регламентує застосування вогнепальної зброї.

Застосування вогнепальної зброї є найсуворішим примусовим заходом, через що дуже важливим є дотримання вимог законодавства працівниками поліції, з метою недопущення створення позаштатних ситуацій та накладання відповідальності на працівників правоохоронних органів. Позитивним є той факт, що основні та необхідні норми принаймні примусу викладені в чинних нормативно-правових актах, але виникає питання про прийняту термінологію та її розуміння.

Ключові слова: національна поліція, приведення зброї в готовність, використання вогнепальної зброї, застосування вогнепальної зброї, активне застосування вогнепальної зброї.