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PROSPECTS FOR THE USE OF TECHNICAL DEVICES AND PHOTO AND VIDEO RECORDING EQUIPMENT BY DISTRICT POLICE OFFICERS WHEN RESPONDING TO STATEMENTS AND REPORTS

Катерина Король. ПЕРСПЕКТИВИ ВИКОРИСТАННЯ ДІЛЬНИЧИМИ ОФІЦЕРАМИ ПОЛІЦІЇ ТЕХНІЧНИХ ПРИЛАДІВ ТА ТЕХНІЧНИХ ЗАСОБІВ ФОТО ТА ВІДЕОФІКСАЦІЇ ПРИ РЕАГУВАННІ НА ЗАЯВИ ТА ПОВІДОМЛЕННЯ ПРО ВЧИНЕННЯ ДОМАШНЬОГО НАСИЛЬСТВА. В статті розглянуто питання використання дільничними офіцерами поліції портативних відеореєстраторів при реагуванні на ситуації, пов'язані з домашнім насильством.

Домашнє насильство є дуже поширеною проблемою, яке потребує вирішення з боку Національної поліції України. Головними завданнями поліції у сфері протидії домашньому насильству є: вчасне реагування та протидія даному виду правопорушення, притягнення правопорушників до юридичної відповідальності, відповідно до чинного законодавства. Однією з нерозв'язаних проблем, яка недостатньо вивчається в законодавстві є застосування відеореєстраторів саме дільничними офіцерами поліції при реагуванні на різні види правопорушень, наприклад домашнє насильство.

Використання портативних відеореєстраторів (портативних камер для запису відео) дільничними поліцейськими є практикою, яка стає все більш поширеною в багатьох країнах. Ці пристрої можуть мати значний вплив на забезпечення безпеки, підвищення відповідальності і транспарентності поліцейських дій.

Дослідження судової практики вказує на тенденцію того, що суди різних рівнів все частіше зауважують про відсутність достатніх доказів від дільничних офіцерів поліції, які можливо підтверджували б правомірність їхніх рішень щодо винесення термінового заборонного припису. Фактично судам стає недостатньо лише самого заборонного припису, де коротко викладена суть справи, і заяви потерпілої особи, а також інших матеріалів щодо адміністративного правопорушення. Також вивчення судової практики вказує на те, що стають частими випадки оскарження рішень дільничних офіцерів поліції щодо видачі термінових приписів, що свідчить про потребу вдосконалення механізму впровадження спеціальних заходів у сфері протидії домашньому насильству.

Ключові слова: Національна поліція України, поліцейський, дільничний офіцер, портативні відеореєстратори, домашнє насильство.

Relevance of the study. According to Article 1 of the Law of Ukraine "On the National Police", the National Police of Ukraine is a central executive body that serves the public by ensuring the protection of human rights and freedoms, combating crime, and maintaining public security and order. The main tasks of the police are to provide police services in the following areas: ensuring public safety and order; protection of human rights and freedoms, as well as the interests of society and the state; combating crime; providing, within the limits established by law, assistance to persons who, for personal, economic, social reasons or as a result of emergencies, need such assistance [1]. It is for the legitimate exercise of their powers and tasks that portable video recorders are an effective means of recording offenses. However, the use of portable video recorders in police activities needs to be improved, because currently, only patrol police officers have the opportunity to use video recorders to record offenses.

However, an important step in improving the work of the National Police is the possibility of using portable video recorders by all police officers to prove the legitimacy and legality of their actions, coercive or preventive police measures. In our opinion, this will be an effective step to fulfill the powers vested in the police.

Recent publications review. Certain issues of the use of portable video recorders by police officers are reflected in the works of H. Blinova, O. Bochkovyi, R. Valiev, Y. Gerasymchuk, Y. Hnusov, V. Korshenko, E. Mamedova, O. Mysliwa, M. Mordvintsev, S. Prokopov, V. Svitlychnyi, E. Korol, and others, who considered the necessity and feasibility of using portable video recorders, but at present, this issue is still not fully considered and requires more thorough research.

The article's objective is to prove the need for district police officers to use portable video recorders when responding to situations involving domestic violence.

Discussion. Law enforcement units in different countries have been using video recording for quite some time now, not only during investigative actions, but also in the course of their normal daily work on city streets and roads. Due to the fact that equipment that allows for long-term recording was, until recently, rather cumbersome, it was placed only on cars. Improvements in microelectronics have made it possible to create devices capable of recording video and audio throughout the working day in a small footprint, which makes it possible to use them to record the situation around police officers moving on foot.

A miniature video recorder is placed on the chest of an officer and fastened to his or her clothing. Its purpose is to control everything that happens in the frame, including recording the behavior of offenders and patrol officers in various controversial situations.

Analyzing one of the priority laws of Ukraine, which the police rely on in the performance of their duties, namely the Law of Ukraine "On the National Police", we can single out Article 40, which regulates the use and application of portable video recorders: the police, in order to perform its tasks and exercise its powers, may use the following technical devices, technical means and specialized software: photo and video equipment, including equipment operating in automatic mode, technical devices and technical means.

According to Article 40 of the Law of Ukraine "On the National Police", "the police may attach automatic photo and video equipment to their uniforms, official vehicles, and mount/place it on the outer perimeter of roads and buildings to ensure public safety and order" [1].

Portable video recorders are an integral part of a police officer's uniform to record offenses. The use of video recorders greatly simplifies the subject of disputes in administrative and, more importantly, criminal courts. In my opinion, "A portable video recorder has been and remains an integral attribute of a patrol police officer's equipment, which is designed to demonstrate the openness and objectivity of the patrol police, to control and, most importantly, to keep the behavior of participants in the situation in the legal field, to simplify the subject of dispute over administrative or criminal offenses" [2, p. 414].

As already noted, portable (wearable) video recorders are being introduced to improve the system of recording traces of crimes and offenses in general in order to document the actions of offenders, prevent and stop their illegal actions, accumulate evidence in the commission of crimes and offenses, complicate the operational situation, as well as ensure effective control over the performance of service by police officers, assess the legality of their actions in various situations during service [3, p. 56].

However, analyzing the current prospects for the use of portable video recorders, we can conclude that these devices are commonly used and applied in the activities of patrol police officers, which is a problem of our time.

Therefore, it is important to note the importance of using portable video recorders among district officers.

District officers are representatives of law enforcement agencies who work in specific districts or neighborhoods. Their task is to ensure security and order in a particular area. They can perform a variety of functions, such as patrolling, responding to citizen calls, investigating crimes, and cooperating with other security services. The term "district" is often used to indicate that these officers are responsible for a specific neighborhood or precinct within a larger area.

Therefore, in cases where district officers respond to offenses, portable video recorders should be used, which will allow them to record the act of committing an offense and prove the legitimacy of their actions in court. Also, video recorders, often installed on the uniforms of district officers, are an important tool for ensuring security and documentation in the work of

law enforcement officers.

Here are some applications of video recorders among district officers [3, p. 67]:

1. Evidence in crime investigations – video recordings can serve as evidence in the investigation of crimes or events. They can record the behavior of individuals, evidence of events and serve as objective testimony in court proceedings.

2. Analysis of actions – video recordings can be used to analyze and improve actions and strategies for responding to various situations.

3. Protection against unlawful accusations – DVRs can serve as a defense against unlawful accusations against law enforcement officers. Recordings can help resolve disputes and establish the circumstances of events.

4. Patrolling and responding to calls – district officers can use video recorders to record their patrolling movements and responses to calls. This can make it easier to monitor their performance and identify areas for improvement.

5. Increased objectivity – video recordings can serve as an objective source of information that helps to resolve conflicts and ensure openness and transparency in law enforcement activities. The use of video recorders among district officers can help improve interaction with the community, increase safety and efficiency of law enforcement.

At the same time, the analysis of case law suggests that district police officers should use portable video recorders, especially when responding to situations involving domestic violence.

Domestic violence is an act (actions or omissions) of physical, sexual, psychological or economic violence committed in the family or within the place of residence or between relatives, or between former or current spouses, or between other persons, who live together in the same family, but are not in a family relationship or married to each other, regardless of whether the perpetrator of domestic violence lives in the same place as the victim, as well as threats of such acts [4].

That is, analyzing the legislative framework, we can conclude that the powers of the police, including district officers, include responding to and counteracting manifestations of domestic violence, so we can identify a number of advantages in the use of portable video recorders by district police officers in situations related to domestic violence.

First, as already mentioned, it is an evidence base, i.e. portable video recorders can serve as a source of objective and documentary evidence of events. This can be useful in investigating and prosecuting domestic violence cases by providing details and context to the situation.

Secondly, it is the prevention of misconduct, the presence of video recorders can serve as a precautionary measure that limits the possibility of misconduct or aggressive actions by both police officers and other participants in the situation.

Thirdly, a portable video recorder can serve as a way for a district officer to analyze the actions taken. This helps to improve professional skills and the effectiveness of response to domestic violence situations.

Increased openness and public trust, i.e. recorded video can contribute to increased openness and public trust in police activities. Citizens can be assured that the actions of law enforcement officers are recorded, which contributes to a positive perception of police work.

Supporting decisions in court: Video recordings can serve as a key element in court decisions in cases of domestic violence. They can confirm the circumstances and record the behavior of the participants in the trial.

Reducing the possibility of manipulation of information by perpetrators Video recordings provide an objective means of recording events, reducing the possibility of manipulation or distortion of facts.

It is important to consider ethical and constitutional issues related to the use of video recorders, and to develop policies for the retention and use of recordings to protect the rights of citizens and ensure compliance with the law.

Conclusions. Thus, we can conclude that it is necessary for district police officers to use portable video recorders when responding to situations related to domestic violence, Video recordings from portable video recorders can be used by the police to document statements, observe the behavior of the victim of the offense and/or the offender, document evidence in the case, record other circumstances that may serve as grounds for issuing urgent restraining orders, etc. In my opinion, "the use of portable video recorders will reduce the escalation of the conflict, deter aggression against the police officer and/or other parties to the conflict, and the

video recording made by such a recorder can be used by the police officer as a means of justifying the decision made or the police measure applied" [2, p. 416]. That is, analyzing the above, I can add that the use of a portable video recorder in the activities of a district police officer is necessary, since the video recording from such a recorder will act as a means of preventing errors when deciding to issue an urgent restraining order and registering the offender for preventive registration.

Conflict of Interest and other Ethics Statements

The author declares no conflict of interest.

References

1. Про Національну поліцію: Закон України від 02 липня 2015 р. URL : <https://zakon.rada.gov.ua/laws/show/580-19#Text>.
2. Король К. С. Щодо доцільності використання дільничними офіцерами поліції портативних відеореєстраторів при реагуванні на ситуації, пов'язані з домашнім насильством. *Juridical Scientific and Electronic Journal*. 2023. № 8. Р. 414-417.
3. Алгоритми дій працівників патрульної поліції на місці події (у схемах) : навч. посібник / Р. Г. Валєєв, О. О. Мислива, В. В. Фурса, Ю. В. Герасимчук. Дніпро : Дніпроп. держ. ун-т внутр. справ, 2020. 140 с.
4. Про запобігання та протидію домашньому насильству: Закон України від 7 грудня 2017 року № 2229-VIII. URL : <https://zakon.rada.gov.ua/laws/show/2229-19#Text>.

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1. Pro Nacionalnu policiyu: Zakon Ukrayini vid 02 lipnya 2015 r. [On the National Police: Law of Ukraine dated July 2, 2015]. URL: <https://zakon.rada.gov.ua/laws/show/580-19#Text>. [in Ukr.].
2. Korol, K. S. (2023). Shodo docilnosti vikoristannya dilnichnimi oficerami policiyi portativnih videoreyestratoriv pri reaguvanni na situaciyi, pov'yazani z domashnim nasilstvom [Demonstration of the feasibility of using portable video recorders by precinct police officers when responding to situations related to domestic violence]. *Juridical Scientific and Electronic Journal*. № 8. Pp. 414-417. [in Ukr.].
3. Igoritmi dij pracivnikov patrolnoyi policiyi na misci podiyi (u shemah) [Algorithms of actions of patrol police officers at the scene (in diagrams)] : navch. posibnik (2020). / R. G. Valyeyev, O. O. Misliva, V. V. Fursa, Yu. V. Gerasimchuk. Dnipro : Dniprop. derzh. un-t vnutr. sprav, 140 p. [in Ukr.].
4. Pro zapobigannya ta protidiyu domashnomu nasilstvu: Zakon Ukrayini vid 7 grudnya 2017 roku № 2229-VIII [On preventing and combating domestic violence: Law of Ukraine dated December 7, 2017 No. 2229-VIII.]. URL : <https://zakon.rada.gov.ua/laws/show/2229-19#Text>. [in Ukr.].

ABSTRACT

The article examines the use of portable video recorders by precinct police officers when responding to situations related to domestic violence.

Domestic violence is a very common problem that needs to be addressed by the National Police of Ukraine. The main tasks of the police in the field of combating domestic violence are: timely response and combating this type of offense, bringing offenders to legal responsibility, in accordance with current legislation. In our opinion, one of the unsolved problems that is not sufficiently studied in the legislation is the use of video recorders by precinct police officers when responding to various types of offenses, such as domestic violence.

The use of portable video recorders (portable video recording cameras) by precinct police officers is a practice that is becoming more common in many countries. These devices can have a significant impact on ensuring security, increasing accountability and transparency of police actions.

A study of judicial practice indicates a tendency that courts of various levels increasingly note the lack of sufficient evidence from precinct police officers, which would possibly confirm the legality of their decisions to issue an urgent restraining order. In fact, only the prohibition order itself, which briefly outlines the essence of the case, and the statement of the victim, as well as other materials regarding the administrative offense, is not enough for the courts. Also, the study of judicial practice indicates that there are frequent cases of appeals against the decisions of district police officers regarding the issuance of urgent orders, which indicates the need to improve the mechanism of implementing special measures in the field of combating domestic violence.

Keywords: *National Police of Ukraine, police officer, precinct officer, portable video recorders, domestic violence.*