

POLICE COMPETENCE AS A SUBJECT OF COUNTERING AND COMBATING ILLICIT DRUG TRAFFICKING

Olha Bezpalova, Kharkiv National University of Internal Affairs
Maryna Dzhafarova, Kharkiv National University of Internal Affairs
Olena Volkovych, Kherson State University
Kateryna Rudoi, Odesa State University of Internal Affairs
Olga Minchenko, National Academy of Internal Affairs

ABSTRACT

The article is devoted to the investigation of police powers as a subject of countering and combating illicit drug trafficking. The statistical data confirming that illicit trafficking in narcotic drugs, psychotropic substances, their analogues, and precursors is one of the most acute social problems, which damages human health, social sphere of the state, and its national security in general. The norms of the legislation of Ukraine, in particular the Law of Ukraine “On the National Police”, which enshrines the powers of the police bodies in the sphere of countering and combating crimes in the sphere of drug trafficking, psychotropic substances, their analogues, and precursors, are considered. It is concluded that the police have significant powers in the mentioned field. It is noted that in Latin America, society and the state, on the contrary, cannot count on the police in countering and combating such a negative phenomenon as drug crime since the police are actually part of the problem and not part of the mechanism for solving it. It is found out that the activity of the National Police of Ukraine in the field of countering and combating illicit drug trafficking is restrained by several factors: lack of a special unit of the authorized person to carry out countering and combating illicit trafficking in narcotic drugs, psychotropic substances, their analogues, and precursors; low level of interaction of police with customs and law enforcement agencies; ignoring by the police certain aspects of crime prevention in the sphere of trafficking in narcotic drugs, psychotropic substances, their analogues, and precursors.

Keywords: Police, Drug Crime, Narcotic Drugs, Psychotropic Substances, Customs.

INTRODUCTION

Sean et al. note that 130 people die from overdoses annually in the United States in the current state of development, globalization of such a negative phenomenon as a drug crime, which significantly lowers the average life expectancy for citizens (Sean et al., 2019). In addition, in Ukraine, according to the Unified State Report on Criminal Offenses, in 2015, 25,325 crimes in the sphere of illicit trafficking in narcotic drugs, psychotropic substances, their analogues, and precursors were recorded, in 2016–22,217, in 2017–29,010, for 8 months 2018–20,716. It should be noted that the data of the Autonomous Republic of Crimea, city of Sevastopol, and the partially occupied territories of Donetsk and Lugansk regions are not taken

into account the official statistics of the Prosecutor General's Office of Ukraine. (Police figures in the fight against drugs in southern Ukraine are extremely low). The situation, which, in fact, takes place in the world and Ukraine in particular in the sphere of illicit trafficking in narcotic drugs, psychotropic substances, their analogues, and precursors, is one of the most acute social problems, damaging human health, social sphere of the state, and its national security in general.

Problem Statement

Thus, the problem of crimes in the sphere of trafficking of narcotic drugs, psychotropic substances, their analogues, and precursors is generally relevant for all states since these crimes have acquired including the signs of transnational crime. At the same time, police authorities play an important role in countering and combating this negative phenomenon, which requires that not only the competence of the police authorities in this field should be studied but also the search for ways to optimize their interaction with other subjects in order to achieve one goal - reducing the level of crime in the sphere of trafficking in narcotic drugs, psychotropic substances, their analogues, and precursors.

LITERATURE REVIEW

Despite the obvious relevance of this issue, there are very few scientific publications dedicated to the study of police competence as a subject of combating trafficking in narcotic drugs, psychotropic substances, their analogues, and precursors. Most of the scientific works are devoted to the analysis of the damage, the economies of different states experience this type of crime annually, as well as sociological researches.

The social and economic value of drug trafficking in the world is estimated at around £10.7 billion, of which £6 billion relates to drug-related crimes (Modern Crime Prevention Strategy, 2016). Bergman, argues that crime has become a profitable industry in weak states with an outdated criminal justice system that is unable to withstand new challenges that increase consumer demand for illicit goods, stimulating the growth of secondary and illegal markets, including markets for stolen goods and drugs that can provide illegal income to those willing to risk arrest and loss of life. While some countries experienced moderate levels of crime, others suffered catastrophic levels of violence, which led to the emergence of virtually two types of states: low crime and high crime (Bergman, 2018).

Inoue et al. note that drugs have long been a major social problem in the world. This is confirmed by the fact that the rate of recidivism of recidivism-related crimes in 2014-2015 was higher than in 2009-2010. Accordingly, the police must, jointly with local communities, implement drug prevention measures (Inoue et al., 2017).

At the same time, as Ilyas et al. points out, the results showed that the regulation of drug crime prevention is not effective in practice. Sociological studies suggest that many drug-related factors, such as psychological factors, sociological factors, and economic factors, are significantly interrelated, causing an increase in drug crime (Ilyas et al., 2019).

Leslie et al. also draw attention to the results of sociological studies, including surveys of drug users, most of whom noted that their contact with the police had a neutral or negative impact on their perception of law enforcement, including the police, although some respondents emphasized that the police had a positive influence, which led them to stop drug use (Leslie et al., 2018).

METHODOLOGY

The methodological basis for the investigation of the issue of police competence as a subject of crime control in the sphere of narcotic drugs, psychotropic substances, their analogues, and precursors is logical-semantic, system-structural, and formal-logical methods, each of which made it possible to fully disclose the substance and discussion of the matter in question. The logico-semantic method was used to determine the nature and features of crimes in the sphere of trafficking in narcotic drugs, psychotropic substances, their analogues, and precursors. The system-structural method allowed to reveal the place of police bodies in the mechanism of combating crimes in the sphere of drug trafficking, psychotropic substances, their analogues, and precursors. In its turn, the formal-legal method made it possible to study the rules of the current legislation of Ukraine that enshrine the powers of the police, in particular, to combat crimes in the sphere of trafficking in narcotic drugs, psychotropic substances, their analogues, and precursors.

FINDINGS AND DISCUSSIONS

The European Commission defines trafficking in narcotic drugs as cross-border organized crime and poses significant threats to the internal security of the European Community. The content of the concept of “*trafficking in narcotic drugs*” forces the European Commission to develop a specific strategy for combating drug crime among EU states, and the latter to regulate the procedure for combating drug crime at the level of national legislation, in particular, determine the subjects and their powers in this area.

The legislation of Ukraine, in particular the Law of Ukraine “*On Measures to Combat Illicit Trafficking in Narcotic Drugs, Psychotropic Substances, Precursors, and Drug Abuse*” dated February 15, 1995, refers the National Police of Ukraine, the Security Service of Ukraine, the Prosecutor General of Ukraine, and the central executive body to the subjects of countering the illicit trafficking in narcotic drugs, psychotropic substances, their analogues, and precursors, which ensures the formation and implements the state tax and customs policy, the central executive authorities that implement the state policy in the areas of protecting the state border, trafficking in narcotic drugs, psychotropic substances, their analogues, and precursors, combating their illicit trafficking and other executive bodies within the powers granted to them by the law (Law of Ukraine, 1995). The Law of Ukraine “*On the Fundamentals of National Security of Ukraine*” dated 21 June 2018 also classifies the police of Ukraine as subjects of counteraction and the fight against drug crime.

In particular, under the Law of Ukraine “*On the National Police of Ukraine*” dated 5 July 2015, the powers of the police include the collection, storage, and destruction of seized, voluntarily surrendered or found narcotic drugs or psychotropic substances. In addition, the police:

1. Carry out controlled deliveries and controlled and expeditious purchases of narcotic drugs, psychotropic substances, and precursors in order to identify and document the facts of unlawful acts;
2. Perform the prevention of offenses related to the circulation of narcotic drugs and psychotropic substances, their analogues, and precursors;
3. Measures to identify and prevent detected offenses related to illicit trafficking in narcotic drugs (Law of Ukraine, 2015).

Based on the foregoing, the main powers of the police bodies granted to them by the Law of Ukraine “*On the National Police*” correspond to the existing principles of combating drug crime, one of which is harm reduction, improving public safety, popularizing the problem of drug crime among citizens.

In general, the powers of the police, including as the subject of the fight against crimes in the sphere of trafficking in narcotic drugs, psychotropic substances, their analogues, and precursors, are similar in all states. At the same time, the formally mandated police powers are not always implemented in practice. Thus, Pion-Berlin and Miguel note that most Latin American states are faced with the fact that the state and society cannot rely on their police authorities to prevent damage that can be caused to society by crimes in the field of trafficking in narcotic drugs, psychotropic substances, their analogues, and precursors. It is related to the fact that the police are an integral part of such a problem as drug crime, which is due to their unprofessional and corrupt employees and often even if they can withstand such a negative phenomenon, the low motivation of the police nullifies efforts. Therefore, assisting in the sale of narcotic drugs, psychotropic substances, their analogues, and precursors, prostitution, kidnapping has long been part of the police practice of Latin America. This situation has led to a decrease in citizens' trust in the police for dissatisfaction with their activities (Pion-Berlin & Miguel, 2017). There is no doubt that the experience of the police in the countries of the world, including combating crimes in the sphere of trafficking in narcotic drugs, psychotropic substances, their analogues, and precursors, is different and deserves special attention in order to analyze and prevent similar situations in others states.

Therefore, assisting in the sale of narcotic drugs, psychotropic substances, their analogues, and precursors, prostitution, kidnapping has long been part of the police practice of Latin America. This situation has led to a decrease in citizens' trust in the police for dissatisfaction with their activities (Pion-Berlin & Miguel, 2017). There is no doubt that the experience of the police in the countries of the world, including the fight against crimes in the sphere of trafficking in narcotic drugs, psychotropic substances, their analogues, and precursors, is different and deserves special attention in order to analyze and prevent similar situations in others states.

At the same time, the level of corruption in Ukraine in view of the study by Kulish et al. still leaves much to be desired but the trust of citizens in the police are satisfactory today (Kulish et al., 2018). Although the question “*How do you assess the current state of the interaction of units and services of the National Police of Ukraine in combating drug trafficking?*”, 62% of respondents answered “*unsatisfactory*”, 28% of respondents-“*good*”, 10% found it difficult to answer. It is impossible to unequivocally answer what is the reason for such an assessment of the activities of the police in countering the illicit trafficking in narcotic drugs but it can be assumed that this is due to:

1. The absence of a special unit of the National Police of Ukraine authorized to counter and combat illicit trafficking in narcotic drugs, psychotropic substances, their analogues, and precursors;
2. Low level of interaction of the National Police of Ukraine with other law enforcement agencies, customs, etc in this field;
3. Ignoring specific aspects of crime prevention in the sphere of trafficking in narcotic drugs, psychotropic substances, their analogues and precursors.

First of all, it should be noted that by the end of 2016, the Department for Combating Drug Crime, which was liquidated by the relevant government decree, was functioning in the structure of the National Police of Ukraine. In our opinion, such a step by the government significantly slowed down the counteraction and the fight against drug crime by the police. It is also worth paying attention to the fact that, according to the Law of Ukraine “*On Measures to Combat Illicit Trafficking in Narcotic Drugs, Psychotropic Substances, Precursors, and Drug Abuse*” dated 1995 to the subjects of combating drug crime, the customs authorities, which in order to identify the sources and channels of illicit trafficking in narcotic drugs, psychotropic substances, their analogues, and precursors, persons participating in this, together with other state bodies, can use the method of controlled delivery of those drugs, substances, their analogues, and precursors, and have a number of other powers (Law of Ukraine, 1995).

The provisions of the current legislation of Ukraine confirm that the police in the field of countering and combating crimes in the field of illicit trafficking in narcotic drugs, psychotropic substances, their analogues, and precursors must interact with the customs authorities. Moreover, there should be mechanisms for the police to interact with each of the subjects of countering and combating such types of crimes defined by the Law of Ukraine “*On Measures to Combat Illicit Traffic in Narcotic Drugs, Psychotropic Substances, Precursors and Drug Abuse*” dated 1995. Since the state of the fight against drug crime depends only on the interaction of several entities, special attention of which should be directed at identifying organized criminal groups that supply and market drugs, including the existing international drug trafficking channels into the state.

Speaking about the neglect by the police as subjects of countering and combating the illicit trafficking of narcotic drugs, psychotropic substances, their analogues, and precursors of certain aspects of preventing such types of crimes, it is worth noting that the police do not take measures to minimize hidden drug advertising, which, according to Burbyka et al. is a significant challenge to combating drug crime in Ukraine (Burbyka et al., 2015). And the next Strategy of the state policy on drugs should take this into account and provide for measures aimed at minimizing the hidden advertising of drugs, including with the involvement of the police.

RECOMMENDATIONS

Thus, to improve the activities of the National Police of Ukraine as a subject of countering and combating crimes in the sphere of trafficking in narcotic drugs, psychotropic substances, their analogues, and precursors, it is necessary: to ensure the exercise of powers in this area by qualified police officers since the Department for Combating Drug Crime of the National Ukrainian police has been liquidated; to take measures to ensure the interaction of the National Police of Ukraine with customs and law enforcement agencies in the field of countering and combating illicit trafficking in narcotic drugs, psychotropic substances, their analogues, and precursors; to envisage the minimization of the hidden advertising of drugs, psychotropic substances, their analogues, and precursors as one of the measures of the State Drug Policy Strategy in Ukraine for the coming years, to involve the police in this implementation.

CONCLUSIONS

Thus, the illicit trafficking in narcotic drugs, psychotropic substances, their analogues, and precursors is the negative phenomenon that harms the health of citizens and poses a threat to the national security of the state. Therefore, improving the activities of entities in the field of

countering and combating this phenomenon is relevant. The legislation of Ukraine, like a number of other states, refers the police to the subjects of countering and combating illicit trafficking in narcotic drugs, psychotropic substances, their analogues, and precursors. The Law of Ukraine “*On the National Police*” really gives the police authorities significant powers in this area, however, factors that reduce the effectiveness of their activities are: the lack of a special unit authorized to counter and combat the illicit trafficking in narcotic drugs, psychotropic substances, their analogues, and precursors; low level of police interaction with customs and law enforcement agencies; ignoring certain aspects of crime prevention by the police in the sphere of trafficking in narcotic drugs, psychotropic substances, their analogues, and precursors. Therefore, it is obvious that the activities of the Ukrainian police as a subject of countering and combating trafficking in narcotic drugs, psychotropic substances, their analogues, and precursors need to be improved.

REFERENCES

- Bergman, M. (2018). *More money, more crime: prosperity and rising crime in Latin America*.
- Burbyka, M.M., Kulish, A.M., Reznik, O.N., & Solonar, A.V. (2015). The particularities of counteraction of hidden advertising of narcotic drugs. *Criminology Journal of Baikal National University of Economics and Law*, 9(2), 334-342.
- Ilyas, A., Anggraeni, R., & Widaningsih, Y. (2019). Ineffective regulation of narcotics crime prevention (Criminology perspective). *Indian Journal of Public Health Research and Development*, 10(1), 1259-1279.
- Inoue, K., Fujita, Y., Fujita, Y., Takeshita, H., Takinami, Y., Hoshi, M., Horiguchi, J., & Okazaki, Y. (2017). A report focusing on effective prevention of drug-related offenses: Viewpoint of statistical trends. *International Medical Journal*, 24(6), 490–491.
- Kulish, A., Andriichenko, N., & Reznik, O. (2018). A step forward in the minimization of political corruption in financial support of political parties: The experience of Ukraine and Lithuania. *Baltic Journal of Law and Politics*, 11(1), 108-130.
- Law of Ukraine. (1995). *On measures to counter the illicit traffic in narcotic drugs, psychotropic substances, precursors and their abuse*. Retrieved from <https://zakon.rada.gov.ua/laws/show/62/95-%D0%B2%D1%80>
- Law of Ukraine. (2015). *On national police*. Retrieved from <https://zakon.rada.gov.ua/laws/show/580-19>
- Leslie, E.M., Cherney, A., Smirnov, A., Kemp, R., & Najman, J.M. (2018). Experiences of police contact among young adult recreational drug users: A qualitative study. *International Journal of Drug Policy*, 56(1), 64-72.
- Modern Crime Prevention Strategy. (2016). Retrieved from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/509831/6.1770_Modern_Crime_Prevention_Strategy_final_WEB_version.pdf
- Pion-Berlin, D., & Miguel, C. (2017). Armed forces, police and crimefighting in Latin America. *Journal of Politics in Latin America*, 9(3), 3–26.
- Sean, E., Goodison, M.J.D., Vermeer, J.D., Barnum, D., & Woods, B.A. (2019). *Law enforcement efforts to fight the opioid crisis*. Retrieved from https://www.rand.org/content/dam/rand/pubs/research_reports/RR3000/R3064/RAND_RR3064.pdf