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**O. S. Sheremet,**

PhD in Law, Associate Professor, Professor of Criminal Law Department at Classical Private University, deputy of Chernihiv City Council

## **FINANCIAL SUPPORT OF THE MEASURES FOR CRIME PREVENTION BY LOCAL AUTHORITIES (REGIONAL EXPERIENCE)**

*The author provides a brief review of one of the most important functions of local authorities, that is to ensure law and order, protection of rights, freedoms and legitimate interests of citizens. Special attention is focused on close collaboration between local authorities and law-enforcement agencies especially at the regional level and at the level of regional centres. The author insists on the financial support of the measures for crime prevention being provided not only by the state government but by local authorities as well. We can take the experience of a number of regional centres of Ukraine as a model. The author offers to have a look at the Chernihiv experience in the implementation of the program of financial support of ensuring public safety and order in the city.*

**Key words:** *community, local authorities, crime prevention, law enforcement agencies, regional programs, funding.*

**I. Introduction.** The formation of Ukraine as a legal state, whose main objective is the protection of human rights requires a radical change in priorities. After the passage of the first package of «decentralization laws» by Verkhovna Rada, particularly the law of Ukraine «On cooperation between territorial communities»<sup>1</sup>, the process of reforming territorial administration, as well as the process of financial redistribution on social, economic, organizational and administrative functions in local communities began in Ukraine. According to the above mentioned legislation, local communities have received real financial resources to solve their local problems which are within their authority.

**II. Formulation of the problem.** As scientists state, the development of local self-government is one of the priorities of the state policy, since state develop-

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<sup>1</sup> Про співробітництво територіальних громад : Закон України від 17 червня 2014 р. № 1508-VII // Відом. Верхов. Ради України. – 2014. – № 34. – Ст. 1167.

ment is impossible without the development of regions<sup>2</sup>. Indeed, the development of democracy in Ukraine, as well as the provision of security, law and order depends on how strong the regional government is, and how efficiently it ensures the provision of social services.

Taking the importance of this issue into consideration, at the present stage of development of all branches of power the question comes up as for the need to improve the local government and to implement in it such function as ensuring security, law and order in the community. So, the purpose of this article is to try to discover the capacity of local authorities to provide financial support of measures for crime prevention.

**III. Results.** The Constitution of Ukraine defines the person, their rights, freedoms, honor and dignity as the State's main value<sup>3</sup>. One of the important functions of local authorities in accordance with Art. 38 is to ensure law and order, the protection of rights, freedoms and legal interests of citizens<sup>4</sup>. We should note that under the threat of criminalization of society this area of local government is a priority. Of course, the main burden of crime prevention is entrusted to law enforcement agencies, including newly established police, but crime is traditionally influenced by the characteristics of a local community and often depends on the economic situation in the region, its national structure and local traditions. Most crimes can be prevented due to close cooperation between local authorities and law enforcement agencies, especially at the regional level and at the level of regional centers, in particular. We can take the experience of a number of regional centres of Ukraine as a model. The author offers to have a look at the Chernihiv experience in the implementation of the program of financial support of ensuring public

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<sup>2</sup> Місцеве самоврядування в Україні: сучасний стан та основні напрями модернізації : наук. доп. / редкол.: Ю. В. Ковбасюк, К. О. Ващенко, В. В. Толкованов та ін. ; за заг. ред. Ю. В. Ковбасюка. – К. : НАДУ, 2014. – С. 3; Бабенко А. Н. Запобігання злочинності в регіонах України: концептуально-методологічний та праксеологічний вимір : монографія / А. М. Бабенко. – Одеса : ОДУВС, 2014. – С. 8.

<sup>3</sup> Конституція України : Закон України від 28 червня 1996 р. № 254к/96-ВР // Відом. Верхов. Ради України. – 1996. – № 30. – Ст. 141.

<sup>4</sup> Про місцеве самоврядування : Закон України від 21 травня 1997 р. № 280/97-ВР (редакція від 10 серпня 2016 р.) // Відом. Верхов. Ради України. – 2016. – [Електронний ресурс]. – Режим доступу : <http://zakon3.rada.gov.ua/laws/show/280/97-%D0%B2%D1%80>. – Заголовок з екрану.

safety and order in the city for some years ahead. The main purpose of these programs is to enhance the coordinating role of local authorities in solving the problems of crime control, to eliminate preconditions for offences and to ensure the constitutional rights and freedoms of citizens on the basis of clearly defined priorities for scaling up efforts of law enforcement agencies, local authorities, the public and to raise the prestige of the National police of Ukraine as well. Particularly, on 29.09.2016 the Chernihiv City Council took a decision № 11 / VII-3 «About the program of ensuring security, law and order on the territory of Chernihiv in 2016–2017». This decision was possible only due to the budget capacity of the regional centre to financially support the measures for crime prevention in the city. Among the main tasks set before a police and the city council structural units are:

- preventive activities aimed at the prevention of crimes;
- identifying causes and conditions which are favourable for criminal and administrative offences;
- implementation of measures aimed at eliminating the threat to life and health of individuals;
- providing immediate response to the reports of criminal and administrative offences;
- implementation of measures to ensure public safety and order in the streets, squares, parks, stadiums and other public places;
- monitoring compliance with the legislation on guardianship, custody of orphans and children deprived of parental care, implementation of measures against child neglect and juvenile delinquency;
- implementation of measures to prevent and stop family violence.

The effectiveness of the implementation of this program depends on the staff of executives. Among them there are law enforcement agencies and city council departments such as Financial Department, Housing Department, the Department of Family, Youth and Sport, Education Department and others. The chief coordinator of the program is the Department of interaction with law enforcement,

mobilization, defense and special work of the City Council. The decision on systematic consultation with the public through seminars, public hearings and round table talks was taken.

In compliance with paragraph 27 of the State Program it was decided to «engage community units of public order and community self-organization bodies in the protection of public safety and order».

A very important factor is the financial support of the program at the expense of the city budget within the expenditure approved by the city council.

This financial support was made possible due to the processes of financial decentralization which resulted in a budget surplus for the regional centre. This situation is characteristic of a number of regions of Ukraine which gives us the right to talk about the possibility of all-Ukrainian process of joining local community efforts on the one side and law enforcement on the other in order to stabilize the crime situation.

This process will enhance the role of local authorities, community units for public order and of community organizations for crime prevention.

Since the process of financial decentralization is quite effective today it is necessary to raise a question of partial decentralization of the state function of law-enforcement agencies, the National Police, in particular, especially in the sphere of public safety (patrol police) and security police; and in the future we should consider the impact of local government on the formation of criminal police in the region.

The real prospect can be seen in partial delegation of functions of the central law enforcement agency to structural units of local authorities, including the establishment of municipal law enforcement units (some European countries (Germany) can be taken as a model. For the model we can also take the practice of the Soviet era, when the local deputy councils were to ensure law enforcement, as well as the maintenance of state and civil order, citizens' rights and had actually double subordination.

Unfortunately, the law of Ukraine «On the national police» came to nothing more in this aspect than just a general statement as for the cooperation with local

authorities, namely, art. 5 «police in the course of their activities interacts with law enforcement and other governmental bodies as well as with local authorities according to the law and other regulatory legal acts»<sup>5</sup>. Although it is worth noting that p. 2 of Article 11 specifies that to determine the causes and conditions of crimes the activities of the local law enforcement agencies should be planned with a glance at the specific problems of the region and local communities. So, actually we have to recognise and define the urgent need in cooperation and full coordination of efforts at ensuring security, prevention of offenses and crimes which all in all can be decisive in the fight against crime. The experience of Chernihiv City Council is definitely a positive example of such cooperation at the regional level and shows that financial support at the level of local governments is a real fact.

Local authorities, which represent the interests of a local community, can respond more quickly and actively to the crime situations in the region, and the role of local authorities in preventing crime in their areas is difficult to overvalue.

At the same time, the thesis of partial decentralization of the state function of law enforcement in favor of local authorities, needs further study by academic lawyers as well as by practical people from law enforcement agencies and local governments.

***Шеремет О. С. Фінансування заходів із запобігання злочинності органами місцевого самоврядування (регіональний досвід)***

*Автором надається короткий огляд однієї з важливих функцій органів місцевого самоврядування, а саме, забезпечення законності, правопорядку, охорони прав, свобод і законних інтересів громадян. Акцентується увага на тісній співпраці органів місцевого самоврядування з правоохоронними структурами, особливо на рівні області та обласних центрів. Зазначається необхідність фінансового супроводу заходів по запобіганню злочинності не тільки державою, а й органами місцевого самоврядування. Показовим на цьому фоні є досвід ряду обласних центрів України, зокрема, пропонується досвід м. Чернігова з прийняття програм фінансового супроводу забезпечення громадської безпеки та правопорядку у місті.*

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<sup>5</sup> Про Національну поліцію : Закон України від 2 липня 2015 р. № 580-VIII // Відом. Верхов. Ради України – 2015 р. – № 40–41 – стор. 1970. – Ст. 379.

*Ключові слова:* громада, органи місцевого самоврядування, запобігання злочинам, правоохоронні органи, регіональні програми, фінансування.

**Шеремет О. С. Финансирование мероприятий по предупреждению преступности органами местного самоуправления (региональный опыт)**

Автор дает краткий обзор одной из приоритетных функций органов местного самоуправления, а именно, обеспечение законности, правопорядка, охраны прав, свобод и законных интересов граждан. Акцентируется внимание на взаимодействии органов местного самоуправления и правоохранительных органов, особенно на уровне областей и областных центров. Отмечается необходимость финансового сопровождения основных мероприятий предупреждения преступности не только государством, но и органами местного самоуправления. На примере опыта областных центров Украины и, в частности, г. Чернигова, предлагается черниговский опыт принятия программ по обеспечению финансового сопровождения деятельности по общественной безопасности и правопорядка в городе.

*Ключевые слова:* община, органы местного самоуправления, предупреждение преступности, правоохранительные органы, региональные программы, финансирование.