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International experience of citizen engagement in prevention of criminal offences

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Abstract

The objective of the article is to study the international experience of involving citizens in the prevention and fight against crime. The research methodology includes the following legal, general, and special methods: logical method, hermeneutic method, monographic method, comparative legal method, sociological methods, abstract-logical method. The views of Ukrainian and foreign academics on the problem of involving citizens in cooperation with the police to prevent and combat crime are examined. It analyses the experience of individual countries around the world on the peculiarities of involving citizens in crime prevention. It examines in detail the practice of cooperation of citizens with the police of countries such as the United States, Great Britain, Germany, and a few others. To achieve this objective, the relevant government and regional programmes of these states were studied and the necessary data analyzed. It is concluded that they have identified circumstances that prevent the participation of the population in cooperation with the police in Ukraine. As a result, they suggest appropriate ways to solve these problems.

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Keywords: crime prevention; citizen participation; police cooperation; international experience; citizenship-police relationship.

Experiencia internacional de involucrar a ciudadanos en la lucha contra los delitos

Resumen

El objetivo del artículo es estudiar la experiencia internacional de involucrar a los ciudadanos en la prevención y lucha contra los delitos. La metodología de investigación incluye los siguientes métodos legales, generales y especiales: método lógico, método hermenéutico, método monográfico, método legal comparado, métodos sociológicos, método abstracto-lógico. Se examinan las opiniones de académicos ucranianos y extranjeros sobre el problema de involucrar a los ciudadanos en cooperación con la policía para prevenir y combatir los delitos. Se analiza la experiencia de países individuales del mundo sobre las peculiaridades de involucrar a los ciudadanos en la prevención del delito. En lo concreto, se estudia en detalle la práctica de cooperación de los ciudadanos con la policía de países como Estados Unidos, Gran Bretaña, Alemania y algunos otros. Para lograr este objetivo, se estudiaron los programas gubernamentales y regionales relevantes de estos estados y se analizaron los datos necesarios. Se concluye que se han identificado circunstancias que impiden la participación de la población en cooperación con la policía en Ucrania. En consecuencia, se sugieren formas apropiadas de resolver estos problemas.

Palabras clave: prevención del delito; participación ciudadana; cooperación policial; experiencia internacional; relación ciudadanía-policía.

Introduction

The deterioration of the criminal situation in Ukraine makes it necessary to intensify the work of law enforcement agencies to combat crime (Larkin *et al.*, 2020). In this regard, the experience of foreign countries of citizen engagement in preventing and combating criminal offenses is valuable for the practice of crime prevention in Ukraine. Our State is currently in a state of deep political, economic, and social crisis. The activity of criminal justice bodies is unbalanced. The law enforcement agencies are in the process of reform and qualitative organizational and managerial transformations. A number of new criminal prosecution bodies are being set up, including in the field of anti-corruption.

In this regard, the study of modern progressive foreign experience in crime prevention with the involvement of alternative entities deserves special attention.

The current approach of the world community in preventing and combating crime is based on establishing partnerships between government agencies and public and non-governmental organizations, as well as individual citizens. The activities of the latter are directly focused on the prevention and combating crime criminal prosecution, etc.

The study of modern progressive foreign experience of public influence on crime in such countries as the United States, Great Britain, Germany is due to the fact that they are civilized democracies with high degree of protection of human rights, established humane law enforcement practices and the newest strategies of crime prevention.

China and Japan are interesting from the point of view of regulating this issue within Eastern civilization.

1. Methodology

General scientific and special methods were used according to the purpose, tasks, object and subject of research. To achieve the goal of the Article, the following methods of scientific knowledge were used.

Logical method was used for identifying the problems of involving citizens in preventing and combating criminal offenses in Ukraine

The method of hermeneutics was applied when considering legal acts regulating the problem of involving citizens in preventing and combating criminal offenses in Ukraine.

Monographic method helped in the analyses of the research of domestic and foreign scientists who studied the issue under consideration.

Comparative and legal method made it possible to study progressive foreign experience of the involvement of public in preventing and combating criminal offenses.

With the help of specific sociological methods (expert surveys, public opinion polls), information on the effectiveness of public's involvement in crime prevention was collected and processed.

Abstract and logical method was used for proposing the ways to solve the problems of involving citizens in preventing and combating criminal offenses in Ukraine on the basis of effective foreign experience.

2. Literature Review

Dubow and Podolefsky (1982) argue that the police and the public actively cooperate to combat crime. Citizen participation in this activity manifests itself as collective response to crime, which means combining the efforts of individuals to prevent and combat crime. Several or a large number of people can interact within crime prevention; they can channel their efforts in an organized manner or spontaneously, formally or informally. The authors analyze the strategies aimed at stimulating the activity of citizens in the fight against crime.

Choi *et al.* (2014) emphasize that police officers are not able to effectively combat crime without the help of the public. The researchers are searching for the ways to increase citizen participation in crime prevention on the example of the United Kingdom within the article. To do this, they used a survey of 200 citizens of London who have previously cooperated with the police.

Schreurs *et al.* (2018) stress on the significant role of citizens in combating crime, but note that most people are reluctant to cooperate with the police. To conduct their study, the researchers used data from a survey conducted among 217 Dutchers who filled out specially designed online questionnaires. The results show that 4 broad categories of participation behavior can be distinguished: social control; responsive participation; collaborative participation; and detection.

Carr (2012) studies the peculiarities of the interaction of citizens with the police on the example of two US cities in order to determine the opposite features of such interaction because of contrasting contexts and different institutional imperatives. He emphasizes that citizens are a developing entity in the fight against crime and justifies its significant role in cooperation with the police in the future.

UN officials, who have also studied the issue, say that public participation plays an active role in containing rising crime rates. The main attention of the authors is paid to two questions: 1) how to use this resource in the most effective way; and 2) how citizens can effectively assist in preventing and combating offenses and controlling offenders. The author identifies four ways in which citizens can effectively cooperate with law enforcement agencies to combat crime (The United Nations, 1979).

3. Results and Discussion

The increase in negative processes in social and economic life due to the global pandemic of Covid-19, the associated collapse of the economy and, as a result, impoverishment of the population has led to the significant criminal activity increase (Boiarov *et al.*, 2020). In this regard we can

note that the fight against crime is a difficult and continuous process, within which both social and special measures aimed at detecting and disclosing crimes are carried out simultaneously and in parallel (Sevruk, 2017). However, there are a number of problems that negatively affect the investigation and detection of organized crime despite the significant legal support for combating such kind of offences (Pavlenko, 2018). One of these problems is difficulties with legislative regulation and practical matters of citizen engagement in prevention and cessation of criminal offences. Accordingly, it is necessary to study foreign experience on this issue.

As Hribov and Kozachenko (2019) correctly point out in this regard, the confidential cooperation is extremely important for Ukraine; the case law shows that evidence obtained by undercover agents using the means of covert transmission (fixation) of information, are generally considered inadmissible as those collected by improper subjects. Therefore, this issue needs to be addressed immediately, through amending legal documents of Ukraine taking into account foreign experience.

According to Article 8 of the Law of Ukraine “On investigative activities” (LU 2135-XII/1992, February 18), operational units are entitled to use confidential cooperation in accordance with Article 275 of the Criminal Procedure Code of Ukraine in order to perform investigative activities if there are grounds enshrined in the Article 6 of this Law.

Art. 11 of the abovementioned Law of Ukraine states that public authorities, enterprises, institutions, organizations, regardless of ownership, are obliged to assist operational units in solving problems of investigative activities. This cooperation can be concluded by written agreement guaranteeing the confidentiality of cooperation at the request of individuals. Such an agreement can be concluded only with a capable person. The procedure for concluding the agreement is determined by the Cabinet of Ministers of Ukraine.

Persons involved in the performance of investigative activities are obliged to keep the secret that has become known to them. Disclosure of this secret entails liability under applicable law, except in cases of disclosure of unlawful acts violating human rights.

We support the opinion of Holdberh (2016) that individuals may be involved in investigative activities, but such activities should comply with applicable law. The use of individuals in covert investigative (search) actions, including controlled delivery, controlled and operational procurement, special investigative experiment, simulation of the crime situation and other covert investigative (search) actions, unless expressly provided by law, is illegal. Evidence thus obtained must be declared inadmissible by the court.

The effectiveness of citizen engagement when conducting covert activities by police (detective, agent) in criminal proceedings is confirmed by law enforcement agencies of many foreign countries, such as: The Republic of Argentina, the United States, the Federative Republic of Brazil, Great Britain, Portugal, the French Republic, the Federal Republic of Germany and post-Soviet countries: the Republic of Georgia, the Republic of Latvia, the Republic of Moldova, the Republic of Kazakhstan, etc.

As Skulysh (2012) correctly noted, the indisputable achievement of the Criminal Procedure Code of Ukraine is the adoption of established standards of law enforcement of the developed democracies, including the United States, Britain, Germany, where pre-trial investigation of crimes is carried out with the use of public and private, and the processing of intelligence activities is in turn a consequence of the search for the legislative solution to the problems of developing an effective crime control mechanism.

The analysis of the legal experience of such countries as the United States, Germany, Belgium, Austria shows that the legal regulation of investigative activities is carried out by the relevant "open" laws, and the use of the results of such activities as evidence becomes common.

Experience useful for introduction in Ukraine, occurring both in developed democracies and in post-Soviet countries, is the possibility of direct participation of undercover agents in conducting investigative and search measures (covert investigative actions) and the use of special technical means to obtain and record information in criminal proceedings.

There are the following forms of involvement of citizens to preventing crime in the United States: 1) patrolling in public places; 2) participation in prevention programs; 3) providing information on committed crimes; 4) participation in educational activities.

The restoration of the system of crime prevention in the United States began in the late 80's – early 90's of the 20th century, the core of which was the reform of the police. The new concept has been and continues to be based on community policing or community-based policies. One of the directions of this doctrine is the involvement of citizens in patrolling in public places. The legal basis for the implementation of this preventive work is the constitutional provisions of legislation that not only the State has a duty to protect the rights of citizens and ensure their safety, but also the latter has a duty to passively and actively contribute to crime prevention.

In general, the high level of public confidence in the police and the activity of citizens in law enforcement in the United States is explained by the creation of special public organizations that coordinate work in this area. Thus, the National League for the Prevention of Crime by the Population was established in 1974, under the auspices of which a set of measures within the self-defense system is carried out, which, in addition

to joint patrols with the police, includes cooperation in crime detection, prevention of juvenile drug abuse, etc. (Bandurka, 2003b).

Scientists estimate that community policing on the part of the local population in the United States has been optimized since the establishment in 1999 of the Public Patrol Association, with a special activity of 10,000 of its members, which can be traced in New York, Los Angeles and Chicago. Despite the fact that the unemployment rate in the United States remained stable (10%), the country managed to reduce registered robberies by 7.5% and car theft by 19%. Experts state that the improvement in the dynamics of crime is due to the positive effect of assistance on the part of unemployed citizens who are involved in combating street crime (Kolodiazhnyi, 2017).

Useful is the experience of the United States in involving suspects, accused and convicted (prisoners) on legal grounds and on the basis of the opportunity of their release from or commutation of their criminal sentence in case of real assistance in detecting and/or investigation of the facts of preparation and (or) commission of an offense. It is expedient to introduce a witness protection program in Ukraine, by analogy with the United States, which is possible only under the above economic conditions.

Another good example of the impact on crime of public associations is the operation of “Operation Peacekeeper”, which was introduced in 1997 in Stockton (California) and whose experience is currently used in other US cities. The aim of the project is to reduce youth banditry and the use of firearms. The program is designed for people aged 10 – 18 who are members of organized crime groups or may be likely to be involved in the near future. The subjects of its implementation, in addition to the police, are the representatives of the local community, including young people-volunteers carrying out an outreach mission in areas of concentration of adolescents (parks, squares, residential areas). Volunteers conduct legal representation with the members of youth gangs, explaining the latter the possible legal consequences associated with their participation in criminal organizations and the commission of various crimes, give examples of lawful behavior as an alternative to crime (National Institute of Justice, 2021)

The special project “Crime Stoppers” has also become popular in the United States; it provides for close cooperation between the media, law enforcement and administrative agencies and volunteer informants in the area of crime prevention. The history of this precautionary approach in the United States dates back to 1976; initially, it laid in a free confidential telephone line with which it was possible to send anonymous information about a particular crime or the person who committed it. The basis of modern practice of this project is material reward in the amount of 100 to 1000 dollars to those persons who provide any information about the committed latent crime. At the same time, commercial structures (banks, individual businessmen) that are interested in protecting their interests

and reducing local crime are involved in financing the “Stop the Criminal” program (Bandurka, 2003a).

Neighborhood Watch is another common type of program to provide information to the police about crimes committed. This practice began in the 1970s and then spread rapidly to Canada, the United Kingdom, and the Kingdom of the Netherlands. Thus, in the United States, about 20% of families live in areas where such projects operate, and a third of them participate in these programs themselves. A key principle of neighborhood watch is to expand informal surveillance and timely inform the police about offenses. This leads to an increase in the number of arrests and, as a consequence, a reduction in the level of local crime, especially its recurrence. This practice also helps to reduce the population’s fear of crime and increase security in the area of residence.

In 1994, the British government took the initiative under the name “Partners Against Crime”, which aims to deepen further cooperation between the police and the public on crime prevention. Within this initiative, a number of programs are being implemented:

- Neighborhood Watch.
- Street Watch.
- The Neighborhood Constable.

Besides, the Safer Cities Program has been introduced in the country since 1983. It is not only about fighting crime, but also about eliminating the fear of crime. Its activities are carried out jointly by local authorities, police, private business and the public (Kolodiazny, 2017).

Great Britain enshrines the institution of a special constable within which the volunteers can perform some police functions. The system of “neighborhood surveillance”, under which citizens participate in the detection of offenses both individually and through public law enforcement associations, is very common.

Work has been organized to provide advice to individual citizens and companies on the organization of their protection. Discussions and TV quizzes on crime prevention are held. A system of measures has been developed to encourage citizens to be witnesses or informants in various cases. Both individual citizens and public law enforcement associations are involved on a voluntary basis to assist the police. According to the plans of the country’s leadership, the number of such public associations as “voluntary guards” should reach up to 5 million people in the future, which is a very significant number. Volunteers are responsible for patrolling and retrieving information about crimes and other offenses. They are not armed, do not have special equipment and clothing. Upon learning of the crime, they report it by walkie-talkie to the relevant rapid response unit,

as the cessation of crimes and other offenses is not part of their functional responsibilities (Muzychuk, 2002).

As mentioned above, the government and law enforcement agencies of this country pay special attention to the activities of socially active citizens and their preventive work in the local community at the place of residence. This is due to the fact that, according to British politicians and the belief of the vast majority of Britons, the rule of law is impossible without the participation of citizens in social life, including the protection of public order (Vedernikova, 2001).

In general, there are lively discussions among government officials, law enforcement officers, academics, and NGOs in British society about the current role of the police in ensuring the rule of law and protecting the rights of citizens, the activities of the police, etc. The most common view in this regard is the words of former British Police Secretary H. Blairs, who noted that the best modern innovation of the British police in its history is the creation of the so-called Community Patrol Service (CSO), which includes the work of volunteers police assistants (Moskvychev, 2005).

Volunteers are actively used during mass events, the search for criminals, missing persons, and in other cases of reinforcement of the formed police force.

The institution of special constables exists in many counties and cities in the UK, which facilitates the work of constables of the regular police force. Special constables serve in their free time and receive an hourly wage. Volunteers are used mainly at their place of residence. This has a positive impact on their activity, as it contributes to the realization of personal interest in maintaining law and order in the service area.

The experience of some British cities in introducing the position of community safety managers, who perform a coordinating and supporting function aimed at enhancing police partnerships with local authorities and the local community, is useful from a criminological perspective. This experience was first introduced in Bracknell Forest (Berkshill) in 1992, and later it was spread in many cities of the UK.

Another project of this city, aimed at increasing the role of the public in crime prevention, was a program called "Safe Doors". This lies in the development of requirements by the local police for some civilian personnel. Security guards of private security agencies, who perform control at checkpoints and entrances to entertainment establishments (restaurants, discos, cafes) are required to have no criminal record; they also have to notify the police on the facts of violations of law and order by the visitors to these institutions.

There are public councils for crime prevention in Denmark, France, the Netherlands, Sweden, and Germany. The leadership of these councils is usually headed by authoritative politicians and managers. For example, the board of the public council of the German district of Schleswig-Holstein included the Minister of the Interior, the Minister of Culture, the Minister of Justice, the Minister of Social Protection.

Crime prevention councils were established both at the land level and at the municipal level in Germany in the early 90's of the 20th century. In total, this State has about 2 thousand such councils varying in purpose and scale of crime prevention. The main ones carry out their activities at the land level, considering crime as a local phenomenon. At the same time, the Federal Government pursues a nationwide crime control policy.

The project called "Jet", which was introduced in 2006 in Heilbronn (Baden-Württemberg) and is still operating, can be distinguished from the variety of program and preventive measures on in Germany. The essence of this program reflects its name, as it consists in the reactive, fast response of various subjects of preventive activity to violent crime in the juvenile environment of this city. In particular, the Heilbronn Police Department decided to change the local law enforcement concept to limit the exclusive response to juvenile violence already committed, while increasing the presence of police officers and volunteers in public places, especially on weekends and holidays. Of the city's 800 police officers, 90 are also law enforcement officers, who perform their duties in civilian clothes and promptly notify the local police in case of wrongdoing.

The effectiveness of this project is due to the speed of criminal prosecution of violent criminals, as well as a broad information campaign of local media, which inform the public about the constant presence of police and volunteers on the streets not only during mass events, but also in other days. Besides, the key to the effectiveness of this program was the conduct of preventive conversations with the leaders of informal groups of adolescents, who are most often involved in mass riots. The above precautionary measures have borne fruit, as the proportion of violent crimes in Heilbronn has decreased significantly, proving the need for this project on a regular basis (The European Crime Prevention Network, 2014).

Following the example of Germany and the United States, it is advisable to regulate the activities of persons who, on their own initiative, using the legislative guarantees of confidentiality provide reliable and relevant information on the preparation and commission of crimes (free or for reward). One should also take into account the experience of the Russian Federation in standardizing the appointment and payment of remuneration for assistance in detecting crimes and apprehending their perpetrators, ensuring confidentiality of such information and the security of persons, who reported it. These persons cannot be considered undercover employees

(freelance undercover agents), but are part of the social institution of covert cooperation. In the future a covert apparatus may be formed from among them, and they themselves should be considered as potential candidates for such cooperation, as practiced in the United States, Germany, and other developed democracies.

In our opinion, effective is the system of influencing crime with the help of the public in Asian countries, where the activity of the Japanese police is of considerable interest. Thus, there was particularly alarming growth of the so-called “blind spots” in cities (the neighborhoods under the control of criminal groups) in the late 80’s in Japan. Police officers are making significant efforts to organize the residents of these areas to jointly combat crime and provide them with the necessary assistance. These efforts culminate in the creation of security communities in most criminogenic neighborhoods. Due to this style of work, close contacts are maintained between the population and the police; people trust the police and provide them with all possible assistance in the fight against crime and maintaining public order (Muzychuk, 2002).

The system of influencing crime with the help of the public in the Republic of China is less humane, but no less effective. The core of the system of influencing crime in China is the socio-political structure of Chinese society, based on socio-economic equality, general employment and material security (at a minimum level of meeting needs). A powerful propaganda apparatus allows to involve broad masses in solving national problems, among which is also the fight against crime. A nationwide campaign against crime was launched in this country, new forms of public participation in the fight against crime appeared, and their number increased, when alarming trends emerged in the development of criminal proceedings. It should also be noted that the practice of national campaigns may not always be negative, as it allows to involve almost the entire nation in solving important problems, to integrate the activities of various state and public bodies, to focus national efforts on the most pressing issues. The Chinese practice of large-scale campaigns (although it is formally criticized) has been adopted in many countries (including the United States, Japan, etc.) (Muzychuk, 2002).

Conclusion

Analysis of foreign experience shows that the interaction of citizens with the police is an important means of preventing and combating crime. In most countries, the population is involved in law enforcement under both national and regional programs. They take part in joint patrols together with law enforcement officers, in conducting legal education work, preventive talks with persons who are already involved in illegal activities or have a tendency to commit illegal acts.

Such cooperation can be carried out both on a paid and free basis. Clearly, receiving a reward is an additional incentive for citizens to help police officers. To stimulate the participation of citizens in law enforcement, various methods are used: issuing free overalls, encouraging citizens' activities with various signs of attention (from sending a letter on a birthday to awarding commemorative signs and medals), organizing free meals, parties, cash prizes, mentioning them in the media, announcing gratitude to senior government officials – all this things allows such people to feel their importance and realize the need for their activities.

Unfortunately, Ukraine has lost a great deal of preventive potential that existed during the Soviet period. Such forms of this activity as voluntary peoples' guards and team sites are a thing of the past. At present, there is an artificial inhibition of the process of greater involvement of citizens in crime prevention activity, primarily because of the leadership of law enforcement agencies. Certain achievements can be noted only in the military sphere and anti-corruption activities. Currently, there are about 200 public organizations in Ukraine, the purpose of which is to form State anti-corruption policy and limit corruption risks in the activities of various public authorities and local governments.

The study of modern progressive foreign experience of peoples' participation in crime prevention provides grounds for the selection of a number of areas of its implementation in Ukraine. Activities in these areas can be grouped as follows:

- a) political (reform of outdated Soviet approaches to crime prevention, development of political will to use modern alternative approaches in the modernization of law enforcement, etc.);
- b) legal (adoption of the new Law of Ukraine “On the Participation of Citizens in Prevention and Counteraction to Crime”; amending current legislation of Ukraine by supplementing the relevant legal acts with the provisions on monetary incentives for informants who provided information about the crime).
- c) institutional and management:
 - creation of pilot projects in the area of crime prevention with the involvement of citizens.
 - formation of a fund to pay for the services of whistleblowers and other persons who provide important operational information about the committed crimes.
 - development of volunteer activity in Ukraine for the use of operational data of volunteers on crimes against the foundations of national security, as well as the creation of volunteers on a voluntary basis of public associations of law enforcement.

- development of narrowly focused European-style crime prevention programs, in which volunteers should take an active part.
- d) socio-psychological (protection and observance of human and civil rights in Ukraine with simultaneous popularization of citizen participation in the field of crime prevention).
- e) technical (participation of individual citizens in the installation of video surveillance cameras at the place of residence; their assistance in the technical equipment of public order patrols) (Kolodiazhnyi, 2017).

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