

УДК 343.8

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CRIMINAL LAW APPROACHES TO THE ANALYSIS OF CRIME PREVENTION PROGRAMS IN THE USA

<http://doi.org/10.23939/law2023.40.310>

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It was emphasized that in Ukraine, representatives of all types of law enforcement activities develop certain methods and measures to combat crime at the level of their own competence. Of course, there are national and regional programs, but specific bodies and their divisions have considerable freedom of action regarding the direction of professional implementation.

This approach has positive points and some caveats. Guided by national programs, representatives of a specific law enforcement branch can determine on the ground the main «risk zones» and the contingent of citizens with whom it is expedient to work more intensively. The point of concern is that all services and units need to act in a coordinated manner so that preventive work is carried out in a planned manner and covers all areas of the population without gaps and duplication of measures.

It is noted that the introduction of grant programs is a powerful factor for the full implementation of preventive measures to prevent crime. Each grant program provides for a specific direction of implementation of measures that will ensure work with the target audience based on a certain set of methods. Programs for work with minors are, as a rule, educational, those that cover the population in general – legal education, work with the elderly

is aimed at familiarization with social guarantees and opportunities, in particular, with regard to inheritance law, lifetime maintenance contracts, etc.

It was found out that today in all developed countries of the world, in particular in the USA, large-scale work on preventive activities is carried out at the state level. The authorized bodies develop perspective programs and create specialized units that implement these projects in practice. World practice on crime prevention is implemented through practical application after being established in the relevant regulatory and legal acts.

Attention is focused on the importance of conducting preventive work with persons released from prisons in the context of their resocialization. Such persons need psychological and material support in order not to commit crimes due to the rejection of them by society, because many of them claim that it is easier for them to be in places of deprivation of liberty than in a prejudiced environment, when it is difficult to get a job, to restore lost social connections ties, etc.

Keywords: prevention; crime; directions; victimology; crime prevention.

Formulation of the problem. The issues of crime prevention in the modern world are relevant for all countries, regardless of the level of economic development and democratic and legal transformation. Society tries to fight against the manifestations of criminal behavior of citizens, but in the process of development of civilization, humanity came to the conclusion that the fight against crime and its prevention are much more important in overcoming human misconduct than the disclosure of crimes and their punishment after the fact.

Today, in all developed countries of the world, in particular in the USA, large-scale work on preventive activities is carried out at the state level. The authorized bodies develop perspective programs and create specialized units that implement these projects in practice.

Even before the war, Ukraine actively adopted the experience of world states in the work on crime prevention among the population. During Russia's war against Ukraine, the authorized bodies continue to work on improving the means, methods and measures to prevent crime in the state, as the war «generates» active criminal activity in certain areas of society (violation of the rights of children, temporarily displaced persons, looting, collaborationism, as well as crimes against life and health of citizens, etc.).

Therefore, the world practice of crime prevention is realized through practical application after being enshrined in the relevant legal acts.

Analysis of the research problem. A number of scientists and practitioners of lawyers, psychologists and sociologists were engaged in researching the peculiarities of crime prevention in the world, especially in developed legal, democratic states. Their scientific concepts and achievements became a solid basis for further scientific developments and practical implementation in the preventive activities of relevant services and bodies.

Among the famous researchers of the declared problems, the following scientists can be identified: O. Dzhuzha, O. Tytarenko, A. Bogatyrev, M. Vasylevich, P. Eprintsev, M. Kolesnyk, V. Kuts, V. Chernei, S. Chernyavskiy.

The analysis of the works of these scientists served as the basis of the conducted research at the level of international legal acts.

The purpose of the article is to analyze the peculiarities of crime prevention programs in the United States based on the criminal law approach.

Presenting main material. The essence of combating crime is the implementation of social and administrative activities, including the implementation of public and private initiatives and criminal justice

efforts aimed at keeping crime within socially acceptable limits, the content of which is the prevention of such offenses and legal response to them as interconnected continuous processes [6, p. 103-112].

As a rule, we are used to talking about legal response to crimes as a socially harmful and dangerous phenomenon. However, the modern world is at a stage of development where responding to violations of the law is not enough. Efforts should be directed at preventing acts that pose a public danger.

As an integrative system of organized crime counteraction, crime prevention includes a variety of preventive measures from different fields of knowledge. There are different classifications of preventive measures based on the goals they are intended to achieve. Measures can be classified by: level, scale, content, subjects, objects, etc. By level, there are general social, special criminological and individual crime prevention measures; by scale – measures that are carried out in the territorial context, at a separate facility, in relation to a group of persons; by content – measures of socio-economic, socio-demographic, technical, environmental, legal and other nature; by subjects – measures carried out by bodies of all branches of government, organizations, labor associations, institutions and individuals; by objects – according to the types of crimes they are aimed at counteracting [7].

From the presented classification of preventive measures, it is possible to draw a conclusion about the global work of authorized bodies and services in crime prevention.

It is important that individual citizens and labor groups are involved, because this can be the most effective way to prevent certain types of crimes. In particular, if we are talking about violence in the family, about the failure to fulfill parental duties, about the illegal behavior of children and adolescents in schools, including manifestations of bullying, etc.

It is important to carry out strategic planning to combat crime, in which case it is advisable to use a SWOT-analysis.

From the 1960s to the present, SWOT-analysis is widely used in the process of strategic planning, which consists in dividing factors and phenomena into four categories [2]:

- strengths of the project;
- weaknesses of the project;
- opportunities that open up during the implementation of a specific project;
- threats associated with its implementation.

This type of analysis allows you to predict all the positive and negative aspects of the crime prevention project, because unforeseen situations can always arise and it is better to calculate them in advance. The most frequent «side effect» of innovations is resistance or lack of understanding on the part of the population. If, for example, measures are aimed at minors, then misunderstandings may arise with their parents or legal representatives.

It is worth remembering about the instigators of resistance to legal means of crime prevention, who are interested parties, or representatives of the interests of criminal groups, or simply, individuals with marginal behavior.

As O. Tytarenko points out, the use of SWOT-analysis makes it possible to build a strategic choice matrix that allows you to determine possible strategies of behavior to achieve the maximum desired result (for example: a strategy of success, a strategy of gradually active influence on crime, a strategy of maintaining influence on crime, a defense strategy, stagnation in combating crime) [8, p. 81–82].

This type of strategy is actively used in European countries and the USA.

The United States Department of Justice (DOJ) [11] is the main entity that is engaged in the formation of crime prevention programs and manages budget funds for their implementation.

In Ukraine, representatives of all types of law enforcement activities develop certain methods and measures to combat crime at the level of their own competence. Of course, there are national and regional programs, but specific bodies and their divisions have considerable freedom of action regarding the direction of professional implementation.

This approach has positive points and some caveats. Of course, in our opinion, there is more positive, because guided by national programs, representatives of a specific law enforcement area can

identify the main «risk zones» and the contingent of citizens with whom it is expedient to work more intensively. The point of concern is that all services and units need to act in a coordinated manner so that preventive work is carried out in a planned manner and covers all areas of the population without gaps and duplication of measures.

One of the most demanded in the USA is victimological crime prevention. It does not require greater material costs and realizes the desire for self-defense inherent in all people. In Western Europe and the USA, many popular articles and recommendations have appeared on the topic «How to protect yourself, your family, your home and your property from criminal encroachments». Programs for the protection of victims and witnesses in criminal proceedings are implemented, associations of victims of crimes have been formed. There are «Neighborhood Associations» everywhere, whose members patrol neighborhoods and villages and, if necessary, call police patrols [3, p. 209].

Such a conscious approach of the population to this problem brings significant results in the prevention of crime. It should be noted that a number of critics of this approach argue its impracticality by the fact that the authorities and law enforcement agencies encourage citizens to mistrust their surroundings, to have a prejudiced attitude towards people they may not like for personal reasons.

As experience shows, these fears are unnecessary. Such situations can occur regardless of whether the residents of the neighborhood belong to certain neighborhood associations. On the contrary, joint patrolling of the territory allows you to make an informed decision and not act impulsively.

Titarenko O. notes that in modern conditions in the United States there are three models of preventive activities: 1) the model of public institutions; 2) the model of individual safety; 3) the model of environmental impact [9, p.18].

The legislative basis for the formation of prevention programs in the United States at various levels (federal, state, local – city, canton) is the Violent Crime Control and Law Enforcement Act of 1994 (Law «On control over violent crime and on human rights activities»).

In particular, it is envisaged to provide program grants aimed at eliminating certain criminogenic conditions in society, including: educational programs for young people; introduction of mentoring; programs that help in employment; preventive programs to reduce child abuse, etc.

At the local level, grant programs are being implemented regarding: prevention of violence against minors, prevention of the growth of gangs among minors, prevention of drug addiction among minors and drug distribution, prevention of offenses against the elderly [9, p. 19–20].

The introduction of grant programs is a powerful factor for the full implementation of preventive measures to prevent crime. Each grant program provides for a specific direction of implementation of measures that will ensure work with the target audience based on a certain set of methods. Programs for work with minors are, as a rule, educational, those that cover the population in general – legal education, work with the elderly is aimed at familiarization with social guarantees and opportunities, in particular, with regard to inheritance law, lifetime maintenance contracts, etc.

The creation of the Federal Interagency Council on Crime Prevention and Improving Reentry by the Presidential Decree (Executive Order 13826) of March 7, 2018, should be noted as a positive experience in the formation of program documents on combating crime in the United States. Based on the content of this document (Executive Order 13826), it can be concluded that the current US policy in the field of crime control is to focus on: 1) preventing an increase in the criminalization of the youth environment; 2) reducing the recidivism rate by improving the work with convicts; 3) state influence on a number of factors that have a significant criminogenic impact, in particular: social and economic factors, poverty alleviation, lack of education and employment opportunities, family breakdown, drug abuse, the growth of drug addiction, mental illness and the state of mental health of the population [10].

Of course, it is important to carry out preventive work with persons released from prisons in the context of their resocialization. Such persons need psychological and material support in order not to commit crimes due to the rejection of them by society, because many of them claim that it is easier for

them to be in places of deprivation of liberty than in a prejudiced environment, when it is difficult to get a job, to restore lost social connections ties, etc.

An interesting crime prevention measure in the USA, in our opinion, is the article provided in the budget on reward for information that has operational and preventive significance. We believe that such an article can also be provided in the budgets of domestic law enforcement agencies, including bodies and institutions of the Ministry of Justice of Ukraine in the field of execution of punishments, in order to prevent the commission of a new crime [1, p. 205–208].

Of course, in every society there are conscious citizens who provide operational information about a crime that has been committed, about suspects wanted by law enforcement agencies, or about people preparing to commit a crime. But unfortunately, there are also people who are unwilling to help prevent crime unless they are paid. If this approach is effective, then it may be worth implementing it to maintain law and order in society.

As for the US practice, a significant role in the fight against organized crime is played by the US Department of the Treasury, in particular, its structural units such as the Secret Service (investigation of financial matters related to organized crime); Internal Revenue Service (detection of corruption and tax evasion); Bureau of Alcohol, Tobacco and Firearms (detection of violations of the law in the part related to the production and sale of these goods). The Customs Service, the Postal Service, the US Department of Labor, the Securities and Exchange Commission, and the State Department are to some extent involved in the fight against organized crime [4, p. 699].

A significant role in increasing the effectiveness of crime prevention is played by the use of scientific achievements. The application of laser and other optical technology for the purpose of controlling traffic, drugs, weapons, etc. is considered particularly promising; improvement of the methods of drawing up a socio-psychological portrait of the criminal based on the characteristic features of the crime and the situation at the place of its commission; increasing the level of information support for preventing and stopping crimes [5, p. 123].

Today, we are talking not only about the latest technical means used to prevent crime, but also about artificial intelligence, which in the future will be able to implement a number of preventive programs, in particular, educational ones, as well as recognize a person who is likely to be committed a crime.

Of course, the role of the achievements of scientific and technical progress is important in the context of the analyzed problems, but no robot can fully replace a person with his intelligence. Deontological aspects of the professional activity of law enforcement agencies contribute to a comprehensive understanding of the situation, analysis of the suspect's behavior, as well as the correct selection of crime prevention measures for a specific social group of the population.

Conclusions. So, we came to the conclusion that in the modern world crime prevention takes first place in the system of combating illegal behavior of citizens. The creation of state and public formations, the development of a clear strategy for the implementation of project-grant activities for the formation of lawful behavior in society, the involvement of the active population in patrolling the territories of populated areas, preventive work with minors, persons prone to committing offenses, as well as ensuring the possibility of full resocialization former convicts – all this will contribute not only to overcoming crime, but, what is important, to its prevention.

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Дата надходження: 30.08.2023 р.

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КРИМІНАЛЬНО-ПРАВОВІ ПІДХОДИ АНАЛІЗУ ПРОФІЛАКТИЧНИХ ПРОГРАМ ПРОТИДІЇ ЗЛОЧИННОСТІ В США

Наголошено, що в Україні представники всіх видів правоохоронної діяльності на рівні власної компетенції розробляють певні методи та заходи боротьби зі злочинністю. Звичайно, є національні та регіональні програми, але конкретні органи та їхні підрозділи мають значну свободу дій щодо напрямків професійної реалізації.

Такий підхід має позитивні моменти та деякі застереження. Керуючись національними програмами, представники конкретної правоохоронної ланки можуть на місцях визначити основні «зони ризику» та контингент громадян, з якими доцільно працювати інтенсивніше. Викликає занепокоєння те, що всі служби та підрозділи мають діяти злагоджено, щоб профілактична робота проводилась планомірно та охоплювала всі верстви населення без прогалин та дублювання заходів.

Зазначається, що запровадження грантових програм є потужним чинником повноцінної реалізації профілактичних заходів із запобігання правопорушення. Кожна грантова програма передбачає певний напрямок реалізації заходів, які забезпечать роботу з цільовою аудиторією на основі певного набору методів. Програми щодо роботи з неповнолітніми є зазвичай просвітницькими, такими, що охоплюють населення загалом – правопросвітницька, робота з людьми похилого віку спрямована на ознайомлення із соціальними гарантіями та можливостями, зокрема щодо спадкового права, договорів довічного утримання та ін.

З'ясовано, що сьогодні в усіх розвинених країнах світу, зокрема в США, на державному рівні провадиться масштабна робота з профілактичної діяльності. Уповноважені органи розробляють перспективні програми та створюють спеціалізовані підрозділи, які реалізують ці проєкти на практиці. Світова практика протидії злочинності реалізується за допомогою практичного застосування після закріплення у відповідних нормативно-правових актах.

Акцентовано увагу на важливості проведення профілактичної роботи з особами, звільненими з місць позбавлення волі, в контексті їх ресоціалізації. Такі особи потребують психологічної та матеріальної підтримки, щоб не вчиняти злочинів через неприйняття їх суспільством, адже багато з них стверджують, що їм легше перебувати в місцях позбавлення волі, ніж в упередженому середовищі, коли це важко влаштуватися на роботу, відновити втрачені соціальні зв'язки тощо.

Ключові слова: профілактика; злочинність; напрями; віктимологія; профілактика злочинності.