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COMBATING TRANSNATIONAL ORGANIZED CRIME

Organized crime (OC) is a criminal organization with a well-defined hierarchy that plans and commits serious or particularly grave crimes.

Transnational organized crime (TOC) groups are self-perpetuating associations of individuals who operate, wholly or in part, by illegal means and irrespective of geography. With a few exceptions, the main goal of TOC groups is economic benefits, and they will use a variety of legal and illegal schemes to profit. Example of crimes that are key stones in TOC enterprises:

- drug trafficking;
- migrant smuggling;
- human trafficking;
- money laundering;
- firearms trafficking;
- illegal gambling;
- extortion;
- counterfeit goods;
- wildlife and cultural smuggling;
- cybercrime.

Countering Transnational Organized Crime

Success in reducing the threat posed by TOC can be expressed under four imperatives:

1. Understand the problem in order to adequately protect societies from these threats, we have to first measure the ability of transnational

organized crime to undermine political and social stability and economic development. [1]

2. Establish the normative framework International norms and conventions are required to set the stage for a response. During the past decade, the Convention against Transnational Organized Crime and the Convention against Corruption have delivered this framework, and it is increasingly being used to set the legislative and regulatory to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty. This must continue and expanded to create a consensus, across society [2].

3. Build technical capacity countries must equip themselves to respond. This response needs to come at both the “upstream” and “downstream” levels. At the upstream level, national security strategies need to incorporate an assessment of the threats posed by transnational organized crime. This assessment may place crime on the priority list of national security threats.

4. Expand regional partnerships in our globalizing world, none of the former three will succeed if we do not have a fourth – the response beyond borders. Unfortunately, law enforcement is inherently national in character. It is therefore necessary to integrate national responses into international strategies.

Practice

1. The FBI uses the RICO Act to expand criminal accountability for a number of “predicate offenses” and to expand a single offense across multiple members of a criminal enterprise. This multi-pronged approach allows the FBI to disrupt or dismantle the entire enterprise. Due to the transnational nature of these criminal enterprises, the FBI leverages political and law enforcement relationships domestically and abroad to combat the influence and reach of these organized crime groups. The Bureau deploys subject matter experts to international locations to develop strategies to address TOC matters impacting the region, as well as to identify targets of mutual interest. [2]

2. UNODC acts as a liaison between States and international organizations and facilitates regional networks of cooperation against organized crime around the world. Specifically, UNODC is supporting the establishment and implementation of regional network of Prosecutors against Organized Crime (REFCO). UNODC develops and delivers training to promote cooperation in the implementation of the UNTOC and its supplementary Protocols and actively contributes to conferences, meetings and specialized workshops at regional and international levels. An Open-ended Working Group of Government Experts on Extradition, Mutual Legal

Assistance and International Cooperation for Purposes of Confiscation is held concurrently with the biennial sessions of the Conference of the Parties to the Organized Crime Convention [1].

3. Interpol unit works hand in hand with all of INTERPOL's police services to identify major figures involved in transnational crime, the associated criminal networks and their activities. The Unit conducts criminal analysis based on intelligence provided by member countries and partners, such as biometrics, images and known associations. This allows to provide a global picture and link organizers, financiers, recruiters, distributors and corrupt officials. Our Organized Crime unit also runs a number of projects which focus on specific types of criminal networks, each of which comes with its unique set of challenges. These projects encourage national and international enforcement bodies to exchange operational data, best practice and lessons learned with a view to dismantling specific groups. [2]

4. One of Europol's key goals is to provide EU law enforcement authorities with 24/7 operational support for investigations in three key priority areas aligned with the European Agenda on Security: serious and organised crime, cybercrime, and counterterrorism. Operational-coordination services include:

- facilitating international cooperation and the exchange of criminal intelligence;
- identifying organised crime groups;
- targeting the key perpetrators behind criminal networks;
- providing on-the-spot-support, including access to criminal databases and analytical tools, to law enforcement;
- offering operational analysis;
- providing forensic and technical expertise;
- offering training and capacity building;
- offering mobile offices [2].

Conclusion: Internationalization gains importance, both in organised crime itself and the fight against it. In the field of legal measures and repression, different types of organised crime groups may lead to different approaches to combat them. Next to the legal measures, special international law enforcement agencies were set up. No one jurisdiction or country can combat organized crime on its own. Continued national and international cooperation is critical to addressing this.

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ANTI-CORRUPTION IN EUROPE

Corruption is the abuse of power for private gain. Corruption takes many forms, such as bribery, trading in influence, abuse of functions, but can also hide behind nepotism, conflicts of interest, or revolving doors between the public and the private sectors. Its effects are serious and widespread. Corruption constitutes a threat to security, as an enabler for crime and terrorism. It acts as a drag on economic growth, by creating business uncertainty, slowing processes, and imposing additional costs. Although the nature and scope of corruption may differ from one EU State to another, it harms the EU as a whole by lowering investment levels, hampering the fair operation of the Internal Market and reducing public finances.

At the ECBA's spring conference of 2015 in Bucharest, the idea emerged to create within the ECBA a new working group on anti-corruption and bribery in Europe. At the same time, triggered by international legal instruments like the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, bribing foreign officials has become criminal in most countries. The risk of criminal prosecution for multinational companies and individuals has further increased by national legislation with jurisdictions going beyond the national borders, such as the US Foreign Corrupt Practices Act or the UK Bribery Act 2010.

Also at the level of the EU, corruption is considered as one of the main challenges for European societies. Early in 2014, the EU Commission released its first anti-corruption report [1] and in 2015, DG Migration and Home Affairs of the European Commission launched an "Anti-corruption experience sharing programme" to "support Member States, local NGOs and other stakeholders in addressing specific challenges identified in the EU Anti-Corruption Report" [2]. It is clear that the need to strengthen the fight against corruption seems present more present than ever.

The purpose of this working group shall be to improve knowledge and awareness among defence practitioners of national and international