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INTERNATIONAL EXPERIENCE OF USING SPECIAL KNOWLEDGE IN POLICE ACTIVITY

Abstract. The scientific article focuses on the international experience of using special knowledge in policing. The functioning and interaction of some international organizations, such as: Europol, Eurojust, CEPOL, Frontex, Interpol, UN UN, ISO, IFSA. Special attention is paid to the European professional expert network. The scientific statements on the functioning of expert institutions, their structure and controlling bodies are analyzed, own remarks on this subject are made. In particular, in order to improve the quality of expert services in the international arena, it is proposed to comply with European standards, use common research methods, and have no monopoly on expert activities.

Keywords: *expert activity, international cooperation, international organizations, expert institutions.*

Relevance of the study. Effective fight against crime has always been an important task of civilized society and an indicator of state development. In today's world, such as the World Pandemic, new offenses are emerging that are increasingly transnational in nature. This uses the latest advances in science and technology, usually due to the Internet, which allows offenders to invent more virtuoso ways to commit them and cover the territory not only of neighboring states, but also to act intercontinentally.

Resent publications review. Well-known criminologists have made a significant contribution to the study of the problems of using special knowledge: I. Aliyev, L. Arocker, W. Arsenyev, Yu. Alenin, V. Bakhin, V. Bernaz, R. Belkin, T. Varfolomeeva, A. Winberg, F. Javadov, A. Ishchenko, N. Karpov, N. Klimenko, O. Kolesnichenko, B. Lisichenko, B. Lukashevich, E. Lukyanchikov, M. Porubov, M. Saltevsky, M. Segai, E. Simakovf-Efremyan, I. Friedman, P. Cymbal, V. Shepitko, M. Scherbakovsky and others. Recently, the issue of international cooperation has been studied in the works of O. Vinogradova, I. eshukova, M. Pashkovsky, M. Smirnova, Yu. Chornous, L. Udalova, O. Uzunova.

The article's objective is to highlight the international experience of using special knowledge in policing.

Discussion. In order to effectively fight crime, many countries around the world and the European Union understand the need to take effective international action in various areas. For example, in the United Kingdom, Australia, Germany, Switzerland, the Netherlands, and Canada, there is a need to create a "harm reduction program" that includes both substitution therapy and prevention work with people who no longer use drugs. Ukraine has also supported this program both for the treatment of patients and for the prevention of crime.

In recent years, Ukraine has ratified special international agreements on combating corruption, namely: the 1999 Criminal Convention against Corruption with the Additional

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Protocol of 2003, the 2003 UN Convention against Corruption. We have demonstrated only a few cases where there is a need for international cooperation with numerous organizations.

There are several types of internal organisation:

- EU law enforcement agencies, including: Europol, Eurojust, CEPOL and Frontex;
- European professional expert networks, such as: the European Network of Forensic Science Institutes (ENFSI), the European Judicial Training Network (EJTN) and the Law Enforcement Working Party (LEWP).
- Worldwide law enforcement agencies, including: INTERPOL, the United Nations Office on Drugs and Crime (UNODC) and the International Organization for Standardization (ISO).
- Networks in the forensic domain: the International Forensic Strategic Alliance (IFSA), a partnership of continental networks.

All of these organisations play an important role in setting up specific field standards or minimum requirements for police first responders, crime scene investigation units and forensic examiners [2].

The police need training in forensic procedures and minimum standards and best practices, but to date CEPOL notes no progress.

In this regard, rightly note N. Klimenko and O. Kuprievych, national forensic examination cannot exist in isolation, ie only within a single state. An opinion drawn up by experts of one State must have the force of evidence for the courts of another State. Such integration processes testify to the interest of states in cooperation and strengthening of international cooperation in the field of forensic examination in order to achieve and ensure the advanced level of forensic examinations, compliance with international quality standards [4].

Ways to improve the organizational support of forensic science in Ukraine O. Kravchuk believes the need to create a single state forensic service in Ukraine, which will improve working conditions, scientific and technical equipment and increase the efficiency of expert activities; eliminate interdepartmental barriers and different approaches to the organization of forensic examinations; to create larger expert institutions on the ground with greater opportunities and to increase the efficiency of management of forensic institutions. - the proposed structure should contain the State Department of Forensic Science of Ukraine with its central office and regional departments of forensic science with their structural units [5].

However, this point of view is quite debatable. In order to achieve the level of international standards in expert activity, it is necessary to adhere to the basic principles such as legality, comprehensiveness, impartiality, coherence, etc. As you know, the absence of a monopoly is one of the main conditions for approaching European standards. In addition, the presence of the same criteria, methods by which to conduct examinations and research, will contribute to the objectivity of the results.

In 2010, Europol developed a pan-European strategy to harmonize common on-site procedures and laboratory tests.

The EU decided to establish a European Forensic Science Area (EFSA) which covers all Member States. This means it gives for the first time an opportunity for different forensic service providers, including scene of crime units, to get assistance from abroad. This assistance can be sending pieces of evidence for further examination in a different country or inviting foreign forensic examiners to come and help in a case. In addition, all the existing non-personalised databases will be made available via a single gateway to all Member State law enforcement organisations.

As in developed countries, in Ukraine there are state expert institutions in various ministries, among which the main workload falls on the Expert Service of the Ministry of Internal Affairs of Ukraine and Scientific Institutes of Forensic Science of the Ministry of Justice of Ukraine.

Significant achievements in international activities include the membership of the State Research Forensic Center of the Ministry of Internal Affairs of Ukraine, the Kyiv Research Institute of Forensic Science of the Ministry of Justice of Ukraine and the Kharkiv Institute of Forensic Science named after Professor MS Bocarius in the International Laboratory of the European Network of Forensic Medical Institutions (ENFSI).

These expert institutions of Ukraine meet all the requirements for the provision of expert services of international level and accreditation according to international quality standards ISO 17025 or ISO 17020 and confirm their status annually through QCC surveys, which is also supported by Ukrainian legislation.

Thus, state specialized institutions of Ukraine that perform forensic examinations have the right to establish international scientific relations with institutions of forensic science, criminology, etc. of other states, hold joint scientific conferences, symposia, seminars, exchange trainees, scientific information and publications and carry out joint publications in the field of forensic science and criminology.

Within the framework of international cooperation in the field of forensic examination, in case of forensic examination on behalf of the relevant body or person of another state with which Ukraine has an agreement on mutual legal assistance and cooperation, the legislation of Ukraine shall apply, unless otherwise provided. Heads of state specialized institutions conducting forensic examinations, if necessary, have the right, with the consent of the body or person who appointed the forensic examination, to include in the expert commissions of leading specialists of other states. Such joint expert commissions carry out forensic examinations according to the norms of the procedural legislation of Ukraine [8].

In addition to Ukraine, ENFSI has sixteen international working groups working in the main disciplines of forensics, offering training programs for colleagues and organizing large-scale statistical surveys. During regular meetings, these working groups exchange scientific information and jointly manage databases [2].

It is the world's largest joint organization of forensic institutions, which has received international recognition. Among the countries whose institutions are part of the European network - Armenia, Austria, Azerbaijan, Belgium, Bulgaria, Great Britain, Hungary, Greece, Georgia, Denmark, Spain, Ireland, Italy, Lithuania, Latvia, the Netherlands, Norway, Poland, Romania, Russia, Serbia, Slovakia, Slovenia, Turkey, Sweden, Switzerland, etc. The most well-known ENFSI institutes conducting expert research are the Dutch, Polish, Hungarian and Prague forensic institutes [10].

However, ENFSI members not only provide knowledge sharing and training services in accordance with national and international standards, but also provide training in forensics and new developments for their partners in the criminal justice system, such as the prosecution, courts and police. By raising awareness, this ensures that forensic evidence is better understood in court, as provided for in the EFSA 2020 Action Plan. By raising awareness, this will ensure that forensic evidence is better understood when used in court.

This training is available for all types of first responders (police, fire brigade, medical teams, public health and environmental officials, military staff, forensic investigators) and for decision makers, prosecutors and judges. It takes place through ENFSI and CEPOL joint training schemes or via their domestic forensic service providers.

In cross-border investigations good cooperation is obviously beneficial, especially in situations where several law enforcement officers from different countries need to coordinate their actions in order to work as a one joint team. To achieve this, a framework for ITs was set up in 2009.

An IT is an investigative team that is set up for a fixed period and for a specific purpose, based on an agreement between or among two or more law enforcement authorities from different EU countries. In these cases Europol and Eurojust are always involved as well. Europol and Eurojust have jointly produced a Guide to EU Member States Legislation on Joint Investigation Teams. A specific resolution about a Model Agreement for setting up a Joint Investigation Team (IT) was released by the Council of the European Union in 2010.

The NFI has even created the conditions for cooperation even in the face of significant constraints in the context of the World Pandemic.

Cooperation between the Expert Service of the Ministry of Internal Affairs of Ukraine and Interpol is mostly carried out in the form of information exchange, in particular on:

- illicit trafficking in drugs, weapons, explosives, radioactive and toxic substances;
- forgery of documents, money, payment cards; identification of corpses;
- checks of DNA profiles;
- search for missing persons;
- spread of malicious programs (viruses);
- child pornography.

An important tool in the fight against crime are Interpol databases, and exactly:

- data bank on the appearance of the offender (file "S");
- data bank of documents and names;
- data bank of crimes; dactyloscopic file;

- photo library of appearance features; database of missing persons and unidentified persons corpses;
- database of stolen cars, works of art, cultural values, antiques, jewelry, etc. ;
- database of small arms;
- database of DNA profiles.

The information to the databases is provided by the member states of this organization, and is used by the competent authorities in order to solve the set tasks. Currently, one of the priority areas of international cooperation is exchange dactyloscopic information and DNA profiles on Interpol data banks [9, p. 10]. Other projects on international cooperation, harmonization, best practices and standard processes, national contact points and joint investigation teams (JITs), judicial training and on-site assistance, etc. are also attracting attention.

Conclusions. In summary, it should be noted that in the context of a successful fight against transnational crime, there is a need for the functioning and coordinated interaction of judicial and law enforcement agencies along with expert institutions. Despite the existence of different opinions and numerous discussions of scientists, we believe that such cooperation of expert institutions of Ukraine in the international space is possible only in the absence of a monopoly, but compliance with European standards, the use of common research methods and more.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

References

1. AIDS URL: <http://www.aids.ua/media/video/alyans-ukraina-snyal-film-o-katastroficheskoj-situacii-s-zamestitelnoy-terapiy-na-donbasse-10790.html>.
2. Forensic Awareness for Police First Responders. URL: https://leed.cepol.europa.eu/mod/scorm/player.php?a=140¤torg=articulate_rise&scoid=280&sesskey=5DP1GOZmrl&display=popup&mode=normal.
3. World Health Organization URL: <https://www.who.int/ru/news-room/fact-sheets/detail/opioid-overdose>.
4. Klymenko N. I., Kuprievych O. A. Mizhnarodne spivrobotnytstvo sudovo-ekspertnykh ustanov Visnyk kryminalnoho sudochynstva No. 4/2015. URL: http://vkslaw.knu.ua/images/verstka/4_2014_Klimenko_Kyprievuch.pdf.
5. Kravchuk O.V. Shliakhy vdoskonalennia orhanizatsiinoho zabezpechennia ekspertno-kryminalistychnoi diialnosti v Ukraini v konteksti zabezpechennia derzhavnoi bezpeky. URL: http://www.dy.nayka.com.ua/pdf/3_2019/23.pdf.
6. Natsyonalnyi unystytut krymynalystyky y krymynolohyy v Belhyy. URL: <https://incc.fgov.be/international>.
7. Nyderlandskiy unystytut sudebnoi ekspertyzy. URL: <https://www.forensicinstitute.nl/>.
8. Pro sudovu ekspertyzu Zakon Ukrainy Redaktsiia vid 01.01.2021 № 4038-XII. URL: <https://zakon.rada.gov.ua/laws/show/4038-12#Text>.
9. Chornous Yu. M., Lopata O. A. Pravovi zasady mizhnarodnoho spivrobotnytstva u sferi sudovo-ekspertnoi diialnosti Kryminalistychnyi visnyk. No.1 (25). 2016. Pp. 6-12.
10. Yevropeiska merezha instytutiv sudovoi ekspertyzy ENFSI. URL: https://enfsi.eu/wp-content/uploads/2016/09/151021_enfsi_constitution.pdf.

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Тетяна ПАКУЛОВА, Ганна БІДНЯК МІЖНАРОДНИЙ ДОСВІД ВИКОРИСТАННЯ СПЕЦІАЛЬНИХ ЗНАТЬ В ПОЛІЦЕЙСЬКІЙ ДІЯЛЬНОСТІ

Анотація. В науковій статті зосереджено увагу на міжнародному досвіді використання спеціальних знань в поліцейській діяльності. Розглянуто функціонування та взаємодія окремих міжнародних організацій, таких як: Europol, Eurojust, CEPOL, Frontex, Інтерпол, УНЗ ООН, ISO, IFSA. Особливу увагу приділено Європейській професійній експертній мережі, яка представлена Європейською мережею інститутів судової експертизи (ENFSI), Європейською мережею підготовки суддів (EJTN) та Робочою групою правоохоронних органів (LEWP).

Розкрито структуру ENFSI, членами якої є Державний науково-дослідний криміналістичний центр МВС України, Київський науково-дослідний інститут судових експертиз Міністерства юстиції України та Харківський Інститут судових експертиз імені професора М.С. Бокаріуса. Зазначено основні напрями діяльності ENFSI щодо надання послуг з обміну знаннями та навчання відповідно до національних та міжнародних стандартів, а також акцентовано на

забезпеченні навчання в галузі судової експертизи та нових розробок для правоохоронних органів. Висвітлено співробітництво Експертної служби МВС України та Інтерполу в частині обміну інформацією щодо певних баз даних.

Проаналізовано наукові висловлювання щодо функціонування експертних установ, їх структури та контролюючих органів, висловлено власні зауваження з цього приводу. Зокрема, для підвищення якості надання експертних послуг на міжнародній арені запропоновано дотримання європейських стандартів, використання єдиних методик проведення досліджень, відсутності монополії в експертній діяльності. Наголошено на взаємодії правоохоронних органів з різними службами, органами, організаціями, де значну роль відіграють експертні установи.

Ключові слова: експертна діяльність, міжнародне співробітництво, міжнародні організації, експертні установи.

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SPECIALLY AUTHORIZED ENTITIES IN THE FIELD OF ANTI-CORRUPTION

Abstract. The article describes and analyzes the current anti-corruption policy of Ukraine. The main methods and means of combating corruption at the present stage of formation of Ukrainian statehood are identified.

The main markers that show the existence of corrupt connections in one or another power structure have been identified. Considers the issue of establishing close and effective cooperation between the anti-corruption bodies of Ukraine during the investigation of criminal offenses (crimes) of corruption. The impact and role of each entity involved in the pre-trial investigation and trial is assessed.

Keywords: corruption, state policy in the field of corruption prevention, anti-corruption bodies, officials, system of measures to prevent and combat corruption.

Relevance of the study. Unfortunately, corruption is an urgent problem in Ukraine. Corrupt relations are increasingly displacing legal relations, which, of course, threaten its future. Recently, the extremely difficult socio-economic and political situations, the annexation of part of the country and the actions of separatists in some regions, both internal and external, have destroyed the already ineffective anti-corruption policy of the state, which is not fully operational. All this does not give grounds for an optimistic forecast of a decline in corruption in Ukraine.

It is worth noting that no country in the world has full immunity from corruption - they differ only in size, nature of manifestations and scale of impact on the socio-economic and political situation. In countries where corruption is widespread, it transforms from a social problem into regularity and becomes a common way of solving problems, becoming the norm of power and way of life for a large part of society. In countries where this phenomenon is relatively rare, corruption in the public consciousness is associated with great harm to the state

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