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## Organization of work of juvenile prevention units of the National Police of Ukraine

### Організація роботи підрозділів ювенальної превенції Національної поліції України

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#### Abstract

Juvenile delinquency is a social problem faced by each country. Depending on the effectiveness of prevention work, citizens' levels, and social sense of security in each country differ. Juvenile prevention units are just beginning their practical activities in a new legal direction. The article aims to characterize the organization of the work of juvenile prevention units of the National Police of Ukraine. The object of the study is public relations in juvenile prevention. The subject of the research is the organization of work of juvenile prevention units of the National Police of Ukraine. The methodological basis of the study is general scientific and unique methods. Thus, dialectical, descriptive, system-structural, and comparative-legal methods and methods of induction and deduction were used. It is emphasized that the organization of the work of juvenile prevention units of the National Police of Ukraine is due to several factors. First, the system of juvenile prevention in general. Secondly, the legislative sources determine the general principles of juvenile prevention and its specific measures. Third, the structure of juvenile

#### Анотація

Злочинність серед неповнолітніх – це соціальна проблема, з якою стикається кожна країна, і в залежності від ефективності ведення профілактичної роботи її рівень та соціальне почуття безпеки громадян у кожній країні різняться. Підрозділи ювенальної превенції, тільки починають практичну діяльність у новому правовому руслі. Враховуючи значущість завдання з протидії злочинності неповнолітніх, вжиття ефективних і дієвих заходів підрозділів ювенальної превенції Національної поліції України є важливим та нагальним. Саме тому, метою статті є характеристика організації роботи підрозділів ювенальної превенції Національної поліції України. Об'єктом дослідження є суспільні відносини у сфері діяльності підрозділів ювенальної превенції. Предметом дослідження є організації роботи підрозділів ювенальної превенції Національної поліції України. Методологічною основою дослідження є загальнонаукові та спеціальні методи. Так, було використано діалектичний, описовий, системно-структурний та порівняльно-

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prevention units at the national and local levels. Fourth, the normative definition of the main tasks of juvenile prevention units.

**Key words:** prevention, juvenile prevention, crime, juvenile delinquency, units of the National Police of Ukraine.

## Introduction

Juvenile delinquency is a social problem faced by each country. Depending on the effectiveness of prevention work, citizens' levels and social sense of security in each country differ (Ilchenko, Gushcha, 2018). Given the complexity of the demographic situation in Ukraine and the current trend of increasing juvenile delinquency due to the imperfection of the crime prevention system among children, society faces the problem of systemic counteraction to such phenomena as child neglect, begging, drug addiction, and involvement of children in crime, on the other hand, child abuse and trafficking. This led to reform processes in the law enforcement units for children. If earlier the main direction of their activity was the fight against juvenile delinquency, which led to the place of criminal police in children's affairs in the criminal police, today the Law of Ukraine "On National Police" prioritizes the preventive activities of such units. This led to the structural reorganization of the system of law enforcement units for children and the team's placement in the structure of the block of preventive activities of the National Police. The creation of juvenile prevention units (juvenile police) is due to the current emphasis on social rehabilitation of children of the so-called law enforcement risk, which will help restore their full social status, reduce social tensions in society and improve the health of the nation (Korolyuk, 2021). Juvenile prevention units are just beginning their practical activities in a new legal direction. Thus, the decision to establish a juvenile prevention unit within the National Police of Ukraine was made in August 2015 but remained uncertain for a long time. The order to develop the Juvenile Prevention Department was signed only in July 2017 and

правовий методи, а також методи індукції та дедукції. Наголошено, що організація роботи підрозділів ювенальної превенції Національної поліції України обумовлена кількома факторами. По-перше, системою ювенальної превенції в цілому. По-друге, законодавчими джерелами, які визначають загальні засади реалізації ювенальної превенції та її конкретні заходи. По-третє, структурою підрозділів ювенальної превенції на загальнодержавному та локальному рівні. По-четверте, нормативним визначенням основних завдань підрозділів ювенальної превенції.

**Ключові слова:** превенція, ювенальна превенція, злочинність, злочинність неповнолітніх, підрозділи Національної поліції України.

later in 2018. The departmental Instruction on the organization of work of these divisions of police came into force. Thus, the newly created unit has just started activities in protecting the rights and interests of children. The new formation of the unit's activities is of scientific interest and requires an objective and comprehensive analysis and review of the regulatory framework governing the activities of juvenile units (Pisotska, 2020). Given the importance of combating juvenile delinquency, adopting effective and efficient measures by juvenile prevention units of the National Police of Ukraine is essential and urgent. That is why the article aims to characterize the organization of the work of juvenile prevention units of the National Police of Ukraine. The object of the study is public relations in juvenile prevention. The subject of the research is the organization of work of juvenile prevention units of the National Police of Ukraine.

## Theoretical framework

The study's theoretical basis is the scientific works of Ukrainian and foreign scientists to determine the nature of juvenile delinquency in general and juvenile prevention. Young S., Greer B., and Church R. note that, in general, the term "juvenile offender" is widely used in the academic literature but requires some caution. This can be a potentially problematic term, and in some contexts, can strike a derogatory tone with deceptive negative assumptions. For several years, the UN has used the phrase "children in conflict with the law" to describe a diverse group of people under 18 who have broken the law or

are at risk of doing so (Young, Greer, & Church, 2017).

Abdulgaziev R., Zhukova T., Sukhorukova A., Mamichev V., Arshinov A., & Alsultanov M point out that juvenile delinquency as an antisocial behavior is one of the problems, the solution of which largely depends on the correctness of the overall strategy to overcome it. Forensic scientists and practical law enforcement officers are of great interest in this issue and the public. This is primarily due to the psychological characteristics of the adolescent, which determine the possibility, in the case of a timely response to the criminal behavior of a minor, his re-education (Abdulgaziev, Zhukova, Sukhorukova, Mamichev, Arshinov, & Alsultanov, 2018).

Juvenile delinquency is a more general social phenomenon - crime in general; therefore, it is natural that it has all the meaningful features of the latter. However, juvenile delinquency is characterized by isolation, and study is the key to effective counteraction to such crime (Mozgova, 2014).

Regarding the concept of juvenile prevention, I. Ishchenko is convinced that adolescent prevention is a relatively separate (autonomous direction in the juvenile justice system) social and legal relations, which has its object of legal influence and the system of subjects that exercise this influence within the limits set by law. In addition, it is at the same time, first, an integral part of both social and anti-deviant policy of the state, and therefore is closely linked to such related institutions as social protection of families, children, and youth; secondly, preventive education, education, which together solve a set of general and special tasks for the protection of childhood, ensuring the rights of children and their legitimate interests (Ishchenko, 2017).

According to Parkhanov G., juvenile prevention is aimed at identifying and eliminating the causes and conditions that contribute to the commission of offenses by children, and also has a positive impact on the behavior of individual children in Ukraine, in its region, family, enterprise, institutions or organizations, regardless of ownership, place of residence and at the same time aimed at ensuring their rights and freedoms (Parkhanov, 2018).

Thus, juvenile delinquency is a particularly destructive phenomenon. It contributes to the formation and consolidation of deviant forms of

behavior at the stage of forming a new personality. Hence, the state takes extraordinary measures to eliminate negative manifestations of juvenile behavior and resocialize. For example, adolescent prevention is widely used. We are convinced that such an approach is rational, especially in the humanization of penitentiary policy and the implementation of the principle of saving criminal repression.

The article analyzes the legal acts on the juvenile prevention system in Ukraine, outlines the role of the Interdepartmental Coordination Council for Juvenile Justice, defines the structure and powers of juvenile prevention units, and summarizes the practice of the police in juvenile prevention in foreign countries.

### Methodology

The methodological basis of the study is general scientific and unique methods. Thus, available scientific methods, such as dialectical, were used to study the concepts of juvenile delinquency and juvenile prevention in the Theoretical framework. The descriptive process served to characterize the legal regulation of the juvenile prevention system in Ukraine and the essence of the Interdepartmental Coordination Council for Juvenile Justice. The induction method was used to develop a general conclusion to the article. Inextricably linked to induction is the deduction method, which was used to determine the main tasks of juvenile prevention units. The system-structural method provided an opportunity to study in detail the elements of the structure of the juvenile prevention units. In addition to general scientific methods, unique methods were also used, particularly the method of comparative jurisprudence - to outline the practice of police activities in juvenile prevention in foreign countries. The article contains links to 20 sources, including articles indexed on the scientometric basis of Web of Science, 8 normative references.

### Results and discussion

#### *Regulatory regulation of the juvenile prevention system in Ukraine*

During the years of Ukraine's independence, considerable efforts have been made to update the legal system in Ukraine. In its modern format, the juvenile justice system began its development with the Decree of the President of Ukraine of May 24, 2011, № 597/2011, which approved the Concept for the Development of Juvenile Justice in Ukraine (Decree of the President of Ukraine

No. 597/2011, 2011). However, today there is no comprehensive legislative system of juvenile justice aimed at its regulation. There are only indirect legal acts in the country. First, international legal acts: 1) Convention on the Rights of the Child (United Nations, 1989), 2) Minimum standard rules concerning the administration of juvenile justice. "Beijing Regulations" (United Nations, 1985), 3) "Riyadh Guidelines" - United Nations Guidelines for the Prevention of Juvenile Delinquency, adopted and promulgated by a General Assembly resolution of December 14, 1990 (United Nations, 1990); "European rules on juvenile offenders subject to sanctions or measures" of November 5 2008 (Council of Europe, 2008). This document also reflects the rights and responsibilities of parents in the field of juvenile justice in the Recommendation Act of the Committee of Ministers of the Council of Europe addressed to the participating countries (including Ukraine).

Noteworthy are also domestic regulations: 1) The Constitution of Ukraine (Constitution of Ukraine, 1996) is the basis of the system and content of all sources of law in our country. In addition, it is the basis for the further development of law enforcement legislation in Ukraine. Based on its provisions, all other regulations governing the activities of the police of Ukraine are adopted. In carrying out their tasks, police units of juvenile prevention are guided by Art. 3 of the Constitution of Ukraine, according to which a person, his life and health, honor and dignity, inviolability, and security are recognized as the highest social value. Juvenile prevention units perform their duties according to the provisions of Art. 19 of the Constitution of Ukraine are obliged to act only on the basis, within the powers and in the manner prescribed by the Constitution and laws of Ukraine, and no one may be forced to do what is not provided by law. Another legal basis for the work of juvenile police is to ensure equal constitutional rights and freedoms of children. Yes, following Art. 24 of the Constitution of Ukraine, no one may have privileges or restrictions on the grounds of race, color, political, religious and other beliefs, sex, ethnic and social origin, property status, place of residence, language, or other characteristics.

#### *Interagency Coordination Council for Juvenile Justice*

Following the Resolution of the Cabinet of Ministers of Ukraine of May 24, 2017, № 357 (Resolution of the Cabinet of Ministers of Ukraine № 357 of May 24, 2017) in Ukraine established the Interdepartmental Coordination

Council for Juvenile Justice (in the future - Interdepartmental Coordination Council), which is a temporary advisory body of the Cabinet of Ministers of Ukraine, established to introduce an inter-institutional platform for systematic discussion and resolution of problematic issues of juvenile justice, making agreed decisions that meet the interests of the child. The Interdepartmental Coordination Council included representatives of the Ministry of Justice, the Ministry of Social Policy, the Ministry of Internal Affairs of Ukraine, the Ministry of Education and Science of Ukraine, the National Police, the Presidential Commissioner for Children's Rights, the Verkhovna Rada Commissioner for Human Rights, and the Prosecutor General's Office organizations whose activities are aimed at protecting the rights of children. One of the main tasks of the Interdepartmental Coordinating Council is to promote coordination of executive actions to ensure the development of policies and practices that meet international standards for the interests of juveniles who have committed a crime, become a victim, or witness of crime. A working group established within the framework of the Interdepartmental Coordination Council has prepared a draft Law of Ukraine "On Child-Friendly Justice" (Draft Law on Child-Friendly Justice № 5617, 2021).

#### *The structure of juvenile prevention units*

At the level of the staff of the central police body, the Department of Preventive Activities of the National Police of Ukraine has been established to perform the main tasks of crime prevention, including among children, which should be considered a specialized subject of prevention. The structure of the Department of Preventive Activities of the National Police of Ukraine includes the Department of Juvenile Prevention. In addition to this department, juvenile prevention units have juvenile prevention units of the leading departments of the National Police in the Autonomous Republic of Crimea and Sevastopol, oblasts, and Kyiv, as well as juvenile prevention units territorial (separate) units of the National Police. At the regional and local levels, juvenile prevention units operate as structural units of prevention departments (sectors) of the Main Directorate of the National Police. Thus, juvenile prevention units have a clear structural structure, which contributes to the effective implementation of tasks to prevent delinquency among children (Nazar, 2020).

### *The main tasks of juvenile prevention units*

Currently, the state aims not to punish a minor but to ensure his correction and prevent him from committing new offenses. That is why the vector of crime prevention has been shifted towards prevention. In particular, the main tasks of juvenile prevention units are: preventive activities aimed at preventing children from committing criminal and administrative offenses, identifying the causes and conditions that contribute to this, taking measures within their competence to eliminate them; keeping preventive records of children prone to committing crimes and conducting individual prevention measures with them; participation in locating a child in case of his / her disappearance or obtaining data for this purpose within the criminal proceedings opened on the fact of his / her disappearance, taking measures to prevent and counteract domestic violence against and against children, as well as child abuse; taking measures to prevent child neglect, including police care for minors; carrying out activities related to the protection of the child's right to general secondary education; interaction with other units of the National Police of Ukraine, public authorities and local governments on ensuring the rights and legitimate interests of children; implementation within the competence of pre-trial investigation of criminal offenses in the form of inquiry (Order of the Ministry of Internal Affairs of Ukraine № 1044, 2017).

### *The practice of the police in the field of juvenile prevention in foreign countries*

For example, in France, the functions of preventive work with children are performed by specialists of juvenile delinquency prevention teams, specialized units of the French gendarmerie. The brigade consists of personnel (from 5 to 7 gendarmes) who have special communicative and psychological approach skills to minors. Such teams are involved in preventing juvenile delinquency and assisting children who have themselves become victims of crime or find themselves in a difficult situation. Specialists of the brigades practice independently or help other units with minors, work together with a social worker of the departmental gendarmerie of the "Gard" group, and with medical and judicial police service psychologists. Gendarmes of these units work in close contact with the social services of the district, teachers, and administration of educational institutions, parents, intervene in incidents of violence in schools, families; explain the risk factors of communication technologies

(GSM, Internet, social networks), alcohol, drug use, theft, extortion; conduct interviews with children who have committed offenses or become their victims, witnesses, provide explanations on the progress of the investigation, give legal advice. Juvenile crime prevention brigades are atypical units of the gendarmerie (repressive methods of work dominate other services), whose primary mission is to be attentive to young people, to help them. It is also a team of professionals who help parents who are sometimes helpless due to the multifactorial problems that affect their children. It can be stated that the given model of organization and tasks of special police units is like the modern Ukrainian version of juvenile prevention units (Veselov, 2018).

The Swiss police work closely with the schools with which cooperation protocols are signed. According to this protocol, the school is obliged to make every effort to carry out preventive work with adolescents who conflict with the law and only then contact the police. In addition, the school is obliged to systematically remind children of the rules of conduct, in legal terms - to conduct legal education of children. Regular meetings with the school administration are held by the L'ilotier district inspector, who wears neither uniforms nor weapons and whose work is mainly focused on gathering information. In addition to these regular meetings with the administration, according to the protocol, the inspector has the right to attend school only in three cases: a) prosecution of the offender; b) legal investigation (investigation of a crime committed on the territory of the school); c) to conduct prevention lessons at the beginning and end of the school year (general prevention) (Muranenko, 2019).

In the case of a minor offense, the U.S. police are in many cases limited to counseling (conducting a preventive interview) and releasing the offender. Law enforcement officers have significant discretion in communicating with minors. They have several alternatives for making decisions such as: removing a child with a warning (rather an oral remark) or without it, but without making an official record for further action; releasing the child, but describing in detail the short-term contact or sending a report (report) to the children's service, informing about the incident; remove the child, but submit a more formal notice to the juvenile service for effective action; to send a minor immediately to the juvenile service; refer the case directly to the court through a district or district attorney (Lawrence & Hess, 2009).

## Conclusions

Summarizing the above, it should be emphasized that the organization of the juvenile prevention units of the National Police of Ukraine is due to several factors. First, the system of juvenile prevention in general. Secondly, the legislative sources determine the general principles of juvenile prevention and its specific measures. Third, the structure of juvenile prevention units at the national and local levels. Fourth, the normative definition of the main tasks of juvenile prevention units, in particular, preventive activities aimed at preventing children from committing criminal and administrative offenses, identifying the causes and conditions that contribute to this, taking measures within their competence to eliminate them; keeping preventive records of children prone to committing offences and conducting individual prevention activities with them; participation in establishing the whereabouts of a child in the event of his or her disappearance or obtaining data for this purpose within the framework of criminal proceedings opened on the fact of his or her disappearance; taking measures to prevent and combat domestic violence against and against children, as well as child abuse; taking steps to prevent child neglect, including police care for minors; carrying out activities related to the protection of the child's right to general secondary education; interaction with other units of the National Police of Ukraine, public authorities and local governments on ensuring the rights and legitimate interests of children; carrying out within the competence of pre-trial investigation of criminal offenses in the form of inquiry.

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