

## **CHAPTER 7**

### **ACTUALIZATION OF CERTAIN CURRENT COURSES OF FIGHTING ORGANIZED CRIME**

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#### **INTRODUCTION**

Combat crime is always at leading place in law enforcement activity. However, the relevance of such activities' adequacy is a fairly objective understanding of crime determination, and especially in organized forms of their actings.

Great attention has been paid to the specific scientific and applied crime issues in the economy of Ukraine as an independent state in recent years. They are considered in dissertation researches, monographs, relevant sections of textbooks and manuals, scientific articles. In different years, they became the monographic and dissertation researches' subject of many famous scientists.

Crime prevention issues were studied in the scientists' researches of: O.M. Bandurka, V.O. Glushkov, V.V. Golina, V.K. Gryshchuk, N.O. Hutorova, L.M. Davidenko, O.M. Dzhuzhi, A.E. Zhalinsky, A.P. Zakalyuk, V.M. Kutsa, A.M. Litvak, M.I. Melnyk, P.P. Mihailenko, M.I. Panov, V.I. Shakun and other specialists. In numerous works on Criminal law and Criminology, general issues of the crime prevention theory, prevention of certain types of crime were considered. At the same time, nowadays, crime prevention activities require fundamentally new approaches aimed at ensuring a reliable protection of legal rights and interests of person, society and state.

#### **7.1. Evaluation of organized crime risks**

The problem of estimating and accounting for economic risk now in market relations acquires an independent theoretical and applied value as an important component of management theory and practice.

Most managerial decisions are taken at risk, due to a number of factors – lack of complete information, presence of opposing tendencies, elements of chance, variability of goals, etc. In these conditions, there is uncertainty in obtaining the expected final result, increasing the likelihood

of additional costs and losses. Therefore, in economic theory, such systemic characteristics of economic decisions as maneuverability, flexibility, stability, adaptability, reliability, which are closely related to economic risk category, are increasingly used.

As the experience of social production's development shows, risk is a characteristic phenomenon of market economy and belongs to the fundamental concepts of economic theory and management. Therefore, one of the main lines of economic theory development in the second half of the 20th century was the study of risk, construction and improvement of adequate tools for its analysis, modeling, forecasting, and also taking into account managerial decisions' process.

It is clear that the growing role of risk and its significance in modern society require deep and comprehensive research in this area. Even in the abundance of scientific researches devoted to the essence and conceptual apparatus of risk, methods of its analysis, and increasing their flow, unfortunately, it is to be noted that there is still insufficient scientific and methodological work of a large range of risk problems. The researches and development results carried out in this area do not answer to many urgent theoretical and methodological and practical issues and may not always serve as an effective tool for addressing risk assessment and development of ways to prevent or mitigate the negative consequences of its occurrence<sup>1</sup>.

New features of the risks potential dangers in society are that they pose a threat to human life as a whole. At the same time, the distinctive feature of these threats is the lack of borders and impossibility of identifying their perpetrators, and therefore these risks' consequences and threats can not be unequivocally foreseen, calculated, compensated for both human beings and environment.

The specific danger, that is the subject of our analysis, is organized crime, and growing role and significance of risk in modern society, it is necessary to introduce risk– analysis for organized crime as the most dangerous form of criminal activity.

Organized crime is a significant problem for all countries. This is not only a problem in national law enforcement activities that undermines state security but also has the potential to influence other important human security sectors, whether social, political, economic or environmental<sup>2</sup>. It

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<sup>1</sup> *Proty`diya vidmy`vannyu koshtiv: ry`zy`k oriyentovany`j pidxid / [Kory`stin O.Ye., Korzhenivsky`j Ya.V.]; navch. posib. za zag. red. O. Ye. Kory`stina. – K.: KNT, 2013.–172s. [Anti-Money Laundering: Risk Oriented Approach / [Korystin O.Ye., Korzhenivsky Ya.V.] (in Ukrainian)*

<sup>2</sup> The evolving challenge of transnational organized crime // Trends in Crime and Justice, 2005 (UNODC/UNICRI). – P. 25–54.

threatens security, stability and development – at personal level, local communities' and at the national (and, of course, transnational) levels.

Many aspects of organized crime have a global reach, for example, drugs and human trafficking, fraud and money laundering. But this activity also has a significant impact on some countries, as well as local communities where victims and criminals appear, and where «goods» are produced, transported, received, sold or used.

The complexity of organized crime is also growing and changing along with new opportunities for spreading crime, which is often promoted by processes of improvement in society (for example, globalization and new technological advances). New routes are used, new methods of work are regularly identified and implemented. The criminal activity is more flexible and dynamic, the general tendency is constant improvement of organized crime. And, knowing how more complex is organized crime, due to the hidden nature of most of its activities, illegal activity becomes less vulnerable.

But understanding the scale and consequences of organized crime, as well as the need to identify and implement effective strategies to minimize such criminal activity, national response is absolutely necessary. This is the main task for all countries. In certain weak jurisdictions, there is a lack of information; in others, which is rather widespread, there is an excess of information, but it is disorganized and inaccessible or not «connected» with some persons, agencies and institutions, which for objective reasons do not have the opportunity to exchange it, conditionally – the situation «we know what we know, and what we do not know?». Most countries, as a rule, have several agencies responsible for preventing and investigating various aspects of organized crime. The organization of these measures can be problematic to avoid duplication and ensure maximum coordination, impact and savings.

The implementation of the national risk assessment process for organized crime will provide a better and deeper understanding of the problems and working methods used by criminals over a period of time. It is important to understand the general picture of the threats and harm associated with organized crime, its impact (at the international, national and local levels) and how it changes and develops. It is not less important that this will be an adequate response to organized crime, identifying priority areas for law enforcement activities. It will also enable the development and implementation of more effective and coordinated strategies that will be more effective in preventing and securing the

investigation of organized crime. This will allow the state and its law enforcement agencies to take the top step towards solving organized crime problem, with a greater probability to provide an appropriate level of security in society and increase public confidence.

In general, assessing the usefulness of developing an assessment of organized crime risks, it is appropriate to identify certain concomitant causes, among which:

- possibility of more effective protection of the state and its citizens from organized crime consequences;
- institutionalization of procedures by which information on organized crime can be more systematically collected, evaluated and published;
- is an important policy and management organizational tool for defining priorities and making resource allocation decisions;
- identification of more effective activities to prevent and prosecute;
- excellent monitoring tool;
- provides a foundation on the basis of which other information and intelligence tools can be built;
- important contribution to the achievement of a higher degree of transparency and providing a forum for discussion of involvement of stakeholders (business groups, community leaders, etc.) in process of effective counteraction to organized crime;
- providing a mechanism for promoting cooperation and interaction of interested public and private sector organizations.

Thus, implementation of national process for assessing the organized crime risks improves awareness, helps to make effective decisions, improves the use of limited government resources, and so on. A national risk assessment of organized crime is a process that helps to make a decision. This is a description of the threats and assessments of the current risks facing the country and arise in the future related to organized crime, identifying gaps in the current system of counteraction and identifying appropriate measures to avoid them, as well as developing management recommendations for identified threats<sup>3</sup>.

In addition, the assessment of organized crime risks provides a better understanding of organized crime in the country, its specificity and possible future spread. This includes understanding the impact of organized crime within the state, which originates or is initiated from

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<sup>3</sup> Central Intelligence Agency, USA. URL: [www.page2007.com/dni\\_2008.pdf](http://www.page2007.com/dni_2008.pdf) () Europol; URL: [www.europol.europa.eu/index.asp?page=publications&language=](http://www.europol.europa.eu/index.asp?page=publications&language=); Royal Canadian Mounted Police, Canada. URL: [www.rcmp-grc.gc.ca/es-ae/2007/enviro-scan-analyse-2007-eng.pdf](http://www.rcmp-grc.gc.ca/es-ae/2007/enviro-scan-analyse-2007-eng.pdf); Serious Organized Crime Agency, UK. URL: [www.soca.gov.uk/assessPublications/UKTA0809.html](http://www.soca.gov.uk/assessPublications/UKTA0809.html)

others, as an external threat. It is covered the whole range of organized criminal activity, not only its special type. These are various criminal markets and sectors of organized crime, as well as membership and structure of criminal groups involved in such activities; on the use and interpretation of quantitative and qualitative data for description of organized crime, as well as for identifying threats to the country, assessing the risk degree they represent, and damage level they cause as of now and, possibly, in future. This is a «big picture» and a far-sighted system. Of course, it relies on information that is specified in the operating reports, but usually does not contain details about suspects. This is usually a strategic product, not tactical.

The primary significance of implementation of the system of organized crime risks assessment (hereinafter – SOCRA) is the subject definition of SOCRA development and its evaluation. There are many options available. In some countries, this may be a special agency with such powers (for the collection and analysis of operational information), or an existing agency that can be legally identified and required by its legal status to carry out this work, taking into account its role in preventing or investigating organized crime. Among the suggestions it may also be the involvement of external agency other than traditional law enforcement agencies to carry out this work, for example, as independent agency or institution, but this is essentially a matter of national choice.

There are other key elements of SOCRA implementation, in particular, the necessary resources. Ideally, a small group team should handle a problem, consisting of a leader and two or three analysts or researchers. This group should have easy access to information and work in close cooperation with law enforcement agencies. Team members are predominantly trained in criminal analytics, but if not, then they should be objective persons, with a creative mind and critical thinking.

There is a potential need for training and not only for the managers and analysts of the working group. One part of the relevant risk assessment and management report needs to be covered by a relevant curriculum for law enforcement professionals with gaps in the current system of vocational training. This kind of training shows how to build SOCRA, and why it is a useful tool and as politicians, authorities and managers can get the effective output from national SOCRA.

The main reason for conducting a national assessment of organized crime is to provide valuable, timely and accurate information for politicians and law enforcement officials about the problem's nature and

extent and the way in which action is needed to make more informed decisions and effectively combat organized crime. This includes making decisions on priorities, identifying preventive measures and investigative capabilities, and allocating resources.

In some countries, the national assessment of organized crime risks is used by the government as initial organizational unit for identifying goals and allocating resources at the national level. This is an important element for the issue concept in law enforcement, as well as implication and importance of national assessment of organized crime risks.

In addition, national SOCRA is an extremely valuable tool for executives and law enforcement officials (and other public and private sector organizations) as it informs about recent trends and trends in the spread of organized crime. It also helps in choosing priorities and identifies more effective measures to implement effective mechanisms to combat organized crime. In some countries, this contributed to the development of the so-called «intelligence police», which recognized the denotation and importance of timely and accurate information on its analytical processing for an effective solution of organized crime issue.

## **7.2. Serious and Organised Crime Threat Assessment (SOCTA)**

It is believed that threat assessment, including those related to organized crime, can be guided only by intuition and common sense. Perhaps, but it is quite logical to assume that intuition, as well as life experience, which is based on «common sense», are purely individual phenomena, and the «intuitive-understandable» conclusions made are subjective. Therefore, in order to ensure reliability of analysis results, ability to check or reproduce them, there is a need to formalize the rules of using those same intuitions and «common sense» to analyze the threats, that is, to create a certain methodology for such an analysis.

Why do you need reliable results of threat analysis– it is also understandable – to make correct administrative decisions to manage these risks in order to minimize their impact on the goal (in our case, to minimize the impact of organized crime on individuals, society, state, and environment).

Based on this conviction, the organized crime threats can and must be analyzed using both standard risk analysis techniques and specially designed tools specifically for assessing the organized crime threats.

The introduction of the EUROPOL methodology, SOCTA 2017, is a Eurointegration element in Ukraine and provides for its further

development and improvement on the basis of innovative methods of analysis and crime evaluation.

In 2010, the EU has developed a multi-year policy cycle for dealing with serious crimes and organized crime with a view to consistently addressing the most important criminal threats through effective cooperation between the relevant services of member– countries, EU institutions and bodies, as well as Third Parties and organizations. This approach was approved by the EU Council in December 2010.

The start of this EU policy cycle implementation was the SOCTA creation (Serious and Organized Crime Threat Assessment), in which Europol formulates analytical findings that can be transformed into political priorities, strategic objectives and operational plans of the EU. The connection is important between the conclusions of the SOCTA Assessment and the definition of the Council on the Counter-Terrorism objectives. The assessment provides direct information to those responsible for making policy decisions and the resolution of the most serious threats and risks in the EU.

In 2013, the first SOCTA analysis was published based on customer requirements (EU) and defined methodology. The SOCTA methodology was developed by Europol in conjunction with the SOCTA Consultative Group (consisting of representatives of the EU member states, EU institutions, the European Commission and the General Secretariat Council), as well as in accordance with the agreed requirements of the SOCTA customer and with the support of Third Countries and Organizations.

As a decision result of the Council, the methodology of SOCTA has been updated, revised and improved. During 2013-2015, the SOCTA Advisory Group reviewed the SOCTA methodology. The first update was proposed in 2014 and endorsed by the Standing Commission on Operational Interaction on International Security (COSI).

In 2015, the implementation of new customer requirements was carried out for the SOCTA 2017 preparation. Based on these contractor requirements, an updated methodology was prepared.

SOCTA is a transcript of the English Serious and Organized Crime Threat Assessment and defines the system and model for threats of organized crime and serious crimes assessment.

The main reason for the national assessment of the threats of organized crime and serious crimes is to provide valuable, timely and accurate information from politicians and leaders about the crime nature

and its extent, and adoption, on this basis, of more informed decisions on crime issue in general and organized crime, in particular. These are various criminal markets and sectors of organized crime, as well as the membership and structure of the organized criminal grouping.

This is the use and interpretation of quantitative and qualitative data to describe organized crime, as well as to identify and analyze the threats, the harm level they cause both now and, possibly, in the future.

SOCTA relies on information defined in the reports, but usually does not contain details about individual suspects, usually described as a «strategic» product, not «tactical»). The information provided should be based on criminal proceedings materials, operational and investigative cases, control proceedings and reference and analytical reports.

As a rule, SOCTA focuses on the national level. In addition, in many countries, SOCTA is developed at the regional, local, individual institutions for internal use, as well as on separate basis (for example, the impact of drug trafficking, cybercrime or corruption in the country is explored). These more specific assessments are extremely valuable when they form a single picture of the SOCTA national level.



**Fig. 1. Concept Model of SOCTA<sup>4</sup>**

<sup>4</sup>Europol. URL: [www.europol.europa.eu/index.asp?page=publications&language=](http://www.europol.europa.eu/index.asp?page=publications&language=); Serious Organized Crime Agency, UK. URL: [www.soca.gov.uk/assessPublications/UKTA0809.html](http://www.soca.gov.uk/assessPublications/UKTA0809.html)



The conceptual model of SOCTA defines four separate components of the methodology: purpose, tools, analysis and prioritization, as well as results.

SOCTA focuses on three elements:

- Organized criminal groups (Criminal Groups)
- organized crime areas and serious crimes' committing (SOC Areas), zones and environment they are concerned and their manifestation factors (Environment – Environment).

### **7.3. Rationale for the concept of anti-criminal intelligence of law enforcement agencies in Ukraine**

The joint efforts that have been made over these decades have led to successes in the criminal prosecution of organized crime groups, and some have hoped that the threat of organized crime will be overcome. As Steer and Richards noted, «... prosecutors and investigators who were engaged in organized crime believed that if every person from especially dangerous criminals' list would be incarcerated, then only this one would paralyze organized crime and eliminate its corruption». It is slowly, but confidently, practitioners and theorists realized that organized crime was regenerative ... and that is why law enforcement agencies began to focus their efforts on sources of power and the influence of organizations ...”<sup>5</sup>.

Thus, emphasis should be placed not on the individuals who are to be punished, but on the broader aspects. Law enforcement agencies should look wider – take care not only of specific offense, but also of criminal wider schemes. In 1983, Dintino and Martine pointed out that intelligence remains the only rational means of solving organized crime issue<sup>6</sup>.

The use of intelligence also allows law enforcement agencies to obtain long-term benefits. «In order to obtain significant results, investigations should be part of a general strategy aimed not only at punishing some persons and enterprises; investigations should be based on informed understanding of organized crime issue that must be addressed, and must take into account the long-term effects of both a specific strategy and day-

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<sup>5</sup> Stier, Edwin and Peter Richards (1986) "Strategic Decision Making in Organized Crime Control; The need for a Broadened Perspective," *Major Issues in Organized Crime Control*. Washington, DC: National Institute of Justice.

<sup>6</sup> Dintino, Justin and Frederick T- Martens. (1983) *Police Intelligence Systems in Crime Control*. Springfield, IL.

to-day operations on the implementation of this strategy»<sup>7</sup>. Thus, we must work not only for the sake of success today, but also for the purpose of long-term obtaining and preventing crime.

Intelligence products should give impetus to the fight against organized crime; but, unfortunately, this happens rarely. As a rule, efforts aimed at fighting organized crime are reported at operational-tactical level through the secret agents' using, informers and observers (physical and electronic).

All these activities are gathering of information, and many of intelligence officers consider data collection the most important thing. However, many such units operate without analysts or trained scouts capable of analyzing this important information. The information collected may be unofficially analyzed by scouts or prosecutors, but such informal analysts are not adequately trained on acceptable analytical methods that have been developed over the past few decades.

One of the main goals for which analytical intelligence information is used in operational investigations of cases related to organized crime is to identify incomes derived from criminal activity. Such a task requires an in-depth financial research and analysis. For example, bank records' analysis of enterprises controlled by organized criminals may reveal buildings, land, cars or other property that may be confiscated by law enforcement agencies, and may also detect other crimes such as concealment of income, money laundering, theft of funds, etc.

In response to organized crime strategic intelligence provides a long-term definition of objects and potential consequences of organized crime groups in the jurisdiction of law-enforcement agency. It can study the evolution (and devolution) of criminal groups, as well as the scope of their influence.

For future investigations, general strategic assessments are used to identify group members and illegal activities<sup>8</sup>. One of the challenges faced by counter-organized crime units in the 21-st century is the increase in the number of different criminal groups and syndicates. The efforts of law enforcement agencies to minimize the negative effects of these criminal groups are hampered by the lack of reliable information about their

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<sup>7</sup> Goldstock, Ronald (1986) "Operational Issues in Organized Crime Control" *Major Issues in Organized Crime Control*. Washington DC: National Institute of Justice.

<sup>8</sup> Peterson, Marilyn B. (1994) "Intelligence and Analysis within the Organized Crime Function" *Handbook of Organized Crime in the United States*, Robert J. Kelly, Ko-Lin Chin and Rufus Schatzberg, editors. Westport, CT: Greenwood Press.

members and activities. Therefore, the collection, systematization, analysis and compilation of such information will provide the intelligence unit with the main information for use in investigations.

The current criminogenic situation in Ukraine is a qualitatively new phenomenon both in terms of scale of criminal manifestations and in the degree of their devastating influence on the vital activity of society, the rights and freedoms of citizens. In recent years there has been a transformation of crime in our country, an increasing organized criminal groups quantity that have a strict hierarchical structure, use the latest technical means to ensure illegal activities, and counteract law enforcement. Organized criminal groups have turned into symbiosis of the shadow economy businessmen, armed groups serving them, and corrupt civil servants of different levels. It is the weakening of state control over the situation in the country, which allows criminologists to set their tone, dictate their rules of conduct, ideology, subculture, lobby for its legal, organizational and tactical decisions of legitimate power, and actively counteract law-enforcement structures. For the organization of criminal activity, they operate considerable financial resources, which are used, in particular, for bribing civil servants, law enforcement officers, attracting specialists from different sectors to create effective mechanisms, technologies, methods and schemes of committing crimes, etc. The situation is greatly worsened in connection with the intensification of aggressive manifestations of terrorism and extremism.

According to our belief, effective counteraction to crimes, especially its organized forms, is impossible without understanding of those processes that take place in criminal environment or vice versa creating the necessary conditions for documenting the facts of illegal activity, etc. In this regard, law enforcements face the need to find out the formation and existence provisions of criminal groups, their chosen mechanisms for committing crimes, role participation in this process of each party in the criminal group, the movement of shadow and certain legal financial flows that are the basis of these groups' existence or vice versa, the subject of their criminal interests, organized crime infrastructure functioning, etc. The organization of counteraction to their criminal activity requires extraction, analytical processing and use of intelligence information obtained in the course of conducting vowels and secret actions in order to timely prevent,

detect and neutralize real and potential threats to the national interests of Ukraine.

The situation is also actualized by the fact that today, in connection with the enactment of the new Criminal Procedure Code of Ukraine, operative-investigative activity of internal affairs bodies has been offensive.

The essence of the offensive, which consists in the necessity of the preventive nature of operational units' actions so that, even at the early stages of the commission of intentional crimes (preparation, attempt), actual data were received about the criminal intention of a person or group of persons, there was not allowed the exaggeration of previous criminal activity in disposal crime is actually ruined. Today, since the criminal proceedings' commencement, law enforcement operational units are denied the right to initiate measures aimed at establishing and exposing the perpetrators, but only acting within the scope of instructions of investigators and prosecutors. Thus, the essential arsenal of operative-investigative activities and methods remains virtually unnecessary. In addition, the current Law of Ukraine «On Operative-Investigative Activity» loses its relevance, linking the process of implementing the rights of operational units with the provisions of the Code of Criminal Procedure. We have to state that the operative-investigative activity theory has to be substantially rethought.

A comparative analysis of modern European and world practice shows that most developed countries go through a clear division of criminal procedure and activities for obtaining, extraction, analytical processing and forecasting of crime information, some crimes and those involved in them. It is precisely such activities that can be defined as anti-criminal intelligence.

The most developed network of expansion units exists in the US police, where each police unit has its own intelligence group, which, depending on its level, consists of information and analytical unit, group of operational personnel, group of special operations, experts group, operating undercover operatives' group, external and electronic surveillance groups, and logistics teams. The general purpose of the US intelligence service is to collect operational information that would ensure effective planning and implementation of anti-crime measures. This type of reconnaissance activity is called internal intelligence. Similar units were

created in French Police – the brigade of search and seizure. They take active measures to study and monitor the criminal element, penetrating into its environment. The same approach has special units' organization in Switzerland. The Hungarian police have a wealth of experience in using intelligence units in the fight against crime. It has units at its disposal of carefully constrained collaborators specially trained to work in criminal sphere. In turn, the German Criminal Police and the constitution guardianship also use «under cover» officers in the criminogenic sphere, mainly for grave and particularly serious crimes' solving.

On October 2, 2012, the Seimas of the Republic of Lithuania adopted the Law «On Criminal Investigation», which replaced the Law «On Operational and Investigative Activities». With its adoption and entry into force, the counteraction to crime in the Republic of Lithuania consists of two logical components: constant reconnaissance activities and criminal procedure.

Structurally, the Law of the Republic of Lithuania «On Criminal Investigation» consists of 24 articles:

1. Purpose of the Law;
2. Basic concepts of the Law;
3. Legal basis and principles of criminal intelligence;
4. Task of criminal intelligence;
5. Protection of the rights and freedoms of person during conducting criminal intelligence;
6. Rights of criminal intelligence entities;
7. Duties of criminal intelligence entities;
8. Grounds for criminal intelligence;
9. Receiving information from business entities providing electronic communications and/or services, the Central Bank of Lithuania, financial enterprises and credit institutions, as well as other legal entities;
10. Use of special means of hardware, secret inspection of postal items and documents, control of postal items and withdrawals, secret control of correspondence and other communications;
11. Secret penetration of person's dwelling, service and other premises, closed territory, vehicles;
12. Tasks performed by law enforcement agencies;
13. Imitation of criminal activity;
14. Controlled delivery;

15. Observation;
16. Assistance to persons of criminal intelligence;
17. Preparation of procedural documents used for secret/ cover-up in the course of engaging in engaged activities in relation to arrested persons;
18. Use of criminal intelligence information;
19. Financing of criminal intelligence;
20. Internal control;
21. Coordination of criminal intelligence and control of legality;
22. Government control;
23. Parliamentary control;
24. Enactment.

It should be noted that the current Law of Ukraine «On Intelligence Organs of Ukraine» does not include the law enforcement operational units to the subjects of intelligence activities. At the same time, in accordance with the Law of Ukraine «On Operational Investigative Activity», «operative-investigative activity is a system of active and secret search, reconnaissance and counter-intelligence activities carried out with the use of operative and operational-technical means.» This Law establishes an exhaustive list of state bodies that have been granted the right to carry out operative-investigative activities. In our opinion, a logical-semantic analysis of the provisions of the said Law, gives grounds for asserting that certain entities, in particular, internal affairs bodies, are granted the right to realize intelligence function.

In addition, Art. 1 of the Law of Ukraine «On Operative-Investigative Activity» stipulates that the tasks of operative-investigative activity are to search and fix facts on unlawful acts of individuals and groups, responsibility for which is provided for in the Criminal Code of Ukraine, intelligence and subversive activities of special services of foreign states and organizations in order to stop the offenses and in the interests of criminal justice, as well as obtain information in the interests of citizens, society and state security. Consequently, the legislator emphasizes the information nature of operative-investigative activity, which constitutes the essence of intelligence activities.

Intelligence operations of law enforcement operational units are carried out in the following areas – personal intelligence, agent intelligence, technical intelligence, analytical intelligence. In the system of the Ministry of Internal Affairs of Ukraine, intelligence functions are

performed by units of the Department of Criminal Investigation, Department of Operations and Operations Department. In addition, at the tactical level, reconnaissance activities are inherent in other law enforcement operational units in terms of work. At the same time, it is etymologically correct, in our opinion, to speak about «criminal» intelligence, which emphasizes its essence and direction in combating crime.

Based on the foregoing, we believe that today it is reasonable to develop a Concept of criminal intelligence of the bodies of internal affairs of Ukraine, which should structurally consist of:

1. General provisions (statement of problem);
2. Definition of basic concepts and categories (thesaurus of concept);
3. The state of legal regulation;
4. General characteristics of the object (crime) and development forecast;
5. Purpose, task and mechanism of the concept implementation;
6. The main ways and directions of the concept implementation;
7. Information, scientific, personnel, material and technical and financial support, etc.

The Concept purpose should be to determine the legal, organizational and tactical foundations of criminal intelligence of the bodies of internal affairs of Ukraine in order to protect individuals, state and society from crime. The elaboration of this Concept will ensure the legal basis creation for the operational units of the Ukrainian law enforcement agencies that carry out intelligence activities in the interests of criminal justice and will ensure that information security actors in Ukraine are informed of the intelligence necessary for prompt adoption of management decisions in the field of combating crime.

An obligatory element of this Concept is the drafting of the Law of Ukraine «On Criminal Investigation», introducing the relevant amendments and additions to the current legislation of Ukraine, in particular, the Criminal Procedure Code, the Laws of Ukraine «On Intelligence Authorities of Ukraine», «On the Militia», departmental normative acts, etc.

It should be emphasized that the bill should define the purpose and tasks of the criminal intelligence of law enforcements, grounds for its implementation, its legal basis and principles. It establishes the state

authorities that carry out criminal investigation, these units' authorities, order of providing intelligence information and protection of criminal intelligence information, specified bill, among other things, should contain an exhaustive list of reconnaissance measures (without disclosing the tactics of their conduct). It also defines the procedure for financing and logistics, social and legal guarantees of employees of bodies and units that carry out criminal investigations and persons conducive to its implementation, guarantees of observance of legality, especially the control over the implementation of criminal intelligence, and the peculiarities of control and supervision.

It is believed that the perception of the necessity of forming the Concept of criminal intelligence of the bodies of internal affairs of Ukraine, the drafting of the Law of Ukraine «On Criminal Investigation» has theoretical and practical components.

First, it will promote further scientific research in the field of combat crime and revision of paradigm of operational and investigative activities.

Secondly, it will turn off the offensive, pre-emptive nature of the operational units of the internal affairs bodies in the strategic and tactical directions of combating crime.

Thirdly, it will provide a comprehensive, continuous supply of intelligence information in order to fulfill the tasks of criminal justice.

We believe that the directions of this Concept are fully in line with the directions of reforming the bodies of internal affairs of Ukraine and their legal support, the European integration course of our state.

## **CONCLUSIONS**

The value of criminal intelligence is difficult to overestimate. It is essential for the enforcement of the law enforcement function. We must further promote its «scientific» approach, realizing, of course, that it is art that requires great analytical abilities to convert raw data into a finished product, and this product is called intelligence information. To initiate an intelligence process, you must have a criminal predicate. Perhaps even more important is the recognition that the ability to set the level of a criminal threat is of utmost importance in order to ensure that there is neither excessive nor insufficient, but a well-considered response. It is the question of threat level that seems to have led to the use of intelligence and



misuse of intelligence in the history of the United States. The same reaction deserves not all criminal threats.

Accordingly, the establishment of real and fleeting or transitional threats is an art that can only be realized through careful analysis and long experience and deep knowledge.

### **SUMMARY**

The problems of evaluation of organized crime risks as a defining and important organizational tool of politics and management are researched. It is noted that most managerial decisions are taken at risk, due to a number of factors, which are emphasized. Assessing the usefulness of developing an assessment of organized crime risks identified certain related causes. It was noted that in the implementation of the system of assessment of organized crime risks, the subject definition of development of SOCTA and the conduct of evaluation is of primary importance. The SOCTA model is evaluated. The opinion is grounded on the necessity of activating the intelligence function of law enforcement agencies in combating organized crime in Ukraine.

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