As a positive point, it should be noted that these norms have been thoroughly worked out in terms of the structure of the norms of law. Due attention is also paid to the issues of correlation between the specified norms.

References:

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PSYCHOLOGICAL WELL-BEING OF PRISONERS: BASIC SCALES

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The classical approach to the analysis of positive social climate follows on the scope of criminal psychology. However, it has a wider perspective. After all, the criteria presented on this scale affect not only the psychological well-being of the convicts but also serve as a benchmark for real change in the conditions of holding the convicts, which is in the focus of attention to penal law and criminology [1]. At the same time, the aim of the paper is to study the development and modern state of implementation of international standards for the treatment of convicted persons. The aim of this paper is to study the development and modern state of implementation of international standards for the treatment of convicted persons. It is also the task of the article to choose the most appropriate scale for assessing the social climate in Ukrainian prisons. This will allow contributing to the improvement of human rights in Ukraine, improve the state statistics, and help to understand the real needs of convicts. This paper explores the importance of an effective prison crime prevention system. In order to assess the condition of detention according to international standards, the PSC scale is proposed.

Day et al. (2011) [2] also has identified the means by which a prison social climate can be assessed. They suggest using EssenCES: “[t]he EssenCES measure is routinely used to audit the social climate of a prison or prison unit on an annual basis, such that changes over time can be assessed, standards and targets set, and
the need for additional resources or interventions identified and responded to. Further research is required to establish how a social climate might be modified or changed in a way that would enhance rehabilitative outcomes” [2]. Lafferty et al. investigated the social climate of Australian prisons. They were based on the concept of the social climate of the prison, EssenCES. Researchers conclude that “while the EssenCES measure does not directly capture social capital, it measures elements of social capital such as safety, inmates’ social cohesion and mutual support (whereby the care expressed between inmates is measured), and hold and support (a measure of the level of support provided by staff to inmates)” (Lafferty et al., 2015) [3]. Scientists pay attention to the fact that “differential coercion and social support within the prison environment evidenced that social capital can be developed between inmates and prison officers in a capacity reliant on mutual trust and reciprocity” (Lafferty et al., 2015) [3].

Ross et al. have also explored prison climate measurement. They “[c]ompared the factor patterns and stability from three domains of the PSC survey (Environmental quality of life; Personal wellbeing; and Safety and security). Factors as factor-scored according to the US factor pattern showed significant differences between the USA and England on the Environmental quality of life scales and the Personal wellbeing scales and significant differences on only two of the six of the Safety and security dimensions” (Ross et al., 2008, p. 447) [4]. The researcher states that “[processed by them data suggest that the PSC is stable within the US sample, and is also stable in its factor pattern between the US and English samples. Prison climate, as measured by the three domains of the PSC selected, appears a stable measure across similar western penal systems and inmate cultures” (Ross et al., 2008, p. 447) [5].

Milsom et al. are more suited to the study due to the very well known EssenCES scale is used in prisons around the world. It reflects such dimensions: “Patients’ Cohesion, Experienced Safety, Therapeutic Hold” (Milsom, 2013, p. 86) [4]. However, it should be noted that EssenCES is the 15-item instrument that comprises of three climate dimensions: Patients’ Cohesion and Social Support, Safety (vs. threat by aggression and violence) and Therapeutic Hold. It is used both in psychotherapeutic practice and in assessing the condition of convicts in prisons. In scale lanes, physical parameters and other similar parameters are given less attention. However, the link between the conditions of detention and the wellbeing of prisoners is key to Ukraine. Despite the significant advantages of the scale, for Ukrainian practice, it is not suitable.

MQPL consists of a number of empirical-conceptual dimensions, such as ‘respect’, ‘staff-prisoner relationships’, ‘humanity’, ‘fairness’, ‘staff professionalism, organization and ‘consistency’, ‘security’, ‘personal development’ and ‘well-being’. The downside of the MQPL survey is the time that is required for it. For this reason this scale is not very appropriate for countries that are in an active reform phase, such as Ukraine. However, for sustainable democracies, it is optimal. The comparison of the three most popular scales (PSC, EssenCES, MQPL) shows that PSC is the most relevant for Ukraine. However, the potential of PSC is not limited to issues of criminal psychology. The basic and additional parameters included in such a scale have the potential for application in the penal law and criminology, for the purpose of improving the well-being of convicts. The very logic of constructing all these scales (PSC, EssenCES, MQPL) is based on the opinion of the convicted prisoners on the conditions of their stay. However, only the consideration of prisoners’ opinions, without effective measures for working with prison staff and changes in legislation, will not be enough to change the situation. Therefore, to solve these problems, we need a comprehensive work with the prisoners themselves and with the staff of the prisons. The comparison of the three most popular scales (PSC, EssenCES, MQPL)
Theoretical and empirical scientific research: concept and trends

Volume 4

shows that PSC is the most relevant for Ukraine. However, the potential of PSC is not limited to issues of criminal psychology. The basic and additional parameters included in such a scale have the potential for application in the penal law and criminology, for the purpose of improving the well-being of convicts.

References:


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TACTICAL MEANS OF INVESTIGATION OF UNAUTHORIZED OCCUPATION OF LAND AND UNAUTHORIZED CONSTRUCTION AND THEIR PLACE IN THE SYSTEM OF CRIMINALISTICS

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Abstract: Problems of formation of the scientific concept of tactical means of investigation of unauthorized occupation of the land and unauthorized construction, in particular, establishment of their place in system of criminalistics are investigated. It’s substantiated that tactical means of investigation of unauthorized occupation of land and unauthorized construction are the optimal set of interrelated non-procedural actions (measures), tactics, combinations, operations, recommendations, which are related to determining the behavior of the subjects of investigation and decision tactical tasks of a specific type of criminal offense. It’s proved that the precondition for the active development and implementation of tools in investigative practice was that the realities of socio-economic transformations in Ukraine, led to the emergence of new types of criminal activity and improved ways of its implementation.

Introduction. In the general system of fight against crime the most important role is given to criminalistic tactics, after all it’s receptions, methods, means make a basis of the maintenance of investigation [1]. Raising the question of the importance of criminalistic tactics in combating criminal acts, due to the strategic stock of specific