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STANDARDS OF PROOF IN LAW ENFORCEMENT ACTIVITIES OF THE COUNTRIES OF ANGLO-SAXON LEGAL SYSTEM

The multifaceted concept "law enforcement activity" creates an urgent need to conduct a special theoretical and legal study, including its comparative and legal components. The complex, systematic study of the problem of law enforcement activity is acutely relevant in Ukraine nowadays. At the current stage of the development of statehood and legal science, law enforcement activities face new complex challenges and tasks that require comprehensive, systematic research and effective solutions. The role of an individual, not the state, the concept of natural law, the needs of a person, society, and then a state are decisive. The essential tasks typical for most law enforcement agencies and aimed at the protection of rights and freedoms of a person and citizen constitute the fundamental principle which should be used as the basis for revealing the essence and content of the tasks of law enforcement activities. Law enforcement (security) activity of the state implements the security function of law. The relevant provisions are reflected in the Constitution and laws of Ukraine and other European states. The system of law enforcement bodies is an organic component of society, a product of its activity, reflection of mentality, and the level of civilizational development. Learning from the positive experience of other states in the organization and functioning of the law enforcement sytem can prevent mistakes, miscalculations and negative phenomena, which is especially relevant for Ukraine on the way of its democratic development. The unification of standards of law enforcement activity will contribute to increasing its effectiveness and cooperation between law enforcement agencies.

Today, the process of convergence of various criminal procedure systems of the world is taking place. And in this regard, the Anglo-Saxon system of criminal procedure is quite interesting, it has the features that are different from the Ukrainian system and deserve attention. In particular, the sources of criminal procedure law are judicial precedents, normative legal acts and legal doctrine. The system is based on adversarial process and equity, such phenomena of the criminal proceedings as the plea guilty agreement, the jury trial, the concept of restorative justice, discretion of the powers of persons conducting criminal proceedings originate from it. Another feature of the criminal procedure of the Anglo-American system is the specificity of the implementation of evidentiary criminal procedural activities.

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The concept of the standards of proof is quite new for the criminal procedure in Ukraine. The source of its borrowing is the criminal procedure activity of law enforcement agencies of the Anglo-Saxon legal family. Therefore, it seems to be important and necessary to consider the specifics of the activities of this institution in the countries that are part of this legal system. This study and further implementation of the methods in Ukraine will provide an opportunity to increase the quality and efficiency of evidentiary standards application in law enforcement activities in our country.

The professional research of the Anglo-Saxon law-enforcement system requires the sufficient English language skills. The development of academic and communicative skills for law enforcement officers will provide access to the sources of information in the English language, essential for both: research and practical activities. The growing importance of learning a foreign language is necessitated by the rapid entry of our country into the European space and the introduction of integration reforms, which, in turn, requires significant changes in the approaches to teaching of foreign languages.

The materials of the article represent both theoretical and practical value. They can be used for further scientific research on the peculiarities of the domestic criminal procedure proof, as well as for proper understanding and implementation of it into law-enforcement criminal procedure activities.

Key words: *law enforcement activity, Anglo-Saxon legal system, criminal procedure proof, standards of proof, reasonable suspicion, balance of probabilities, beyond a reasonable doubt, language skills for professional activities.*

Беспалько Інна, Романцова Яна, Зелінська Ольга. Стандарти доказування в правоохоронній діяльності країн англосаксонської правової системи

Комплексна проблематика багатогранного поняття «правоохоронна діяльність» викликає актуальну потребу у проведенні спеціального теоретикоправового дослідження, включаючи його порівняльно-правову складову. З огляду на потреби сьогодення, в Україні гостро актуальним є питання саме комплексного, системного дослідження проблеми правоохоронної діяльності. На сучасному етапі розвитку державності та юридичної науки перед правоохоронною діяльністю постають нові складні виклики і завдання, що потребують комплексного, системного вивчення і ефективного вирішення. Визначальними при цьому є роль людини, а не держави, концепція природного права, потреби людини, суспільства і держав. Найсуттєвіші завдання, що характерні для більшості правоохоронних органів і спрямовані на захист прав і свобод людини і громадянина, зумовлюють виокремлення цього фундаментального принципу, який варто покласти в основу розкриття сутності і змісту завдань правоохоронної діяльності. Правоохоронна (охоронна) діяльність держави реалізує охоронну функцію права. Відповідні положення відображені у тексті Конституції і законів України, інших європейських держав. Система правоохоронних органів становить органічну складову частину суспільства, продукт його діяльності, відтворення менталітету і рівня цивілізаційного розвитку. Запозичення позитивного досвіду організації і функціонування системи цих органів однієї держави в інших здатне запобігти помилкам, прорахункам і негативним явищам, що особливо актуально для України на шляху розбудови демократії. А уніфікація стандартів правоохоронної діяльності також сприятиме підвищенню її ефективності, співпраці правоохоронних органів тощо.

Сьогодні відбувається процес конвергенції різних кримінальних процесуальних систем світу. І в цьому плані досить цікавою є саме англосаксонська система кримінального процесу, яка має відмінні від вітчизняної характерні особливості, що заслуговують на увагу. Ними, зокрема, є те, що джерелами кримінального процесуального права є судовий прецедент, нормативно-правові акти та правова доктрина. Особливістю цієї системи є й те, що вона заснована на змагальності та справедливості, у ній беруть початок такі явища кримінального процесу, як угода про визнання вини, суд присяжних, концепція відновного правосуддя, дискреційність повноважень осіб, які здійснюють кримінальне провадження тощо. Ще однією характерною особливістю кримінального процесу англо-американської системи є також і специфіка здійснення доказової кримінальної процесуальної діяльності. Зокрема, поняття стандартів доказування є досить новим для кримінального процесу України. Джерелом його запозичення є саме кримінальна процесуальна діяльність правоохоронних органів англо-саксонської праової сім'ї. Тому вважаємо за важливе та необхідне розглянути особливості реалізації даного інституту в країнах, які входять до цієї системи права. Це надасть можливість підвищети якість та ефективність використання стандартів доказування у правоохоронній діяльності України. Розвиток іноземномовних комунікативних умінь співробітників правоохоронних органів передбачає необхідність знання іноземної мови, що забезпечить доступ до джерел інформації іноземною мовою, що є суттєвим як в дослідницькій діяльності так і практичній. Зростання важливості вивчення іноземної мови пояснюється стрімким входженням нашої держави в загальноєвропейський простір та впровадженням інтеграційних реформ, що в свою чергу потребує значних змін в підходах до викладання іноземної мови.

Матеріали статті представляють як теоретичну, так і практичну цінність. Вони можуть бути використані для подальшого наукового дослідження особливостей вітчизняного кримінального процесуального доказування, а також для належного розуміння та здійснення його правозастосовної кримінальної процесуальної діяльності.

Ключові слова: *праваоохоронна діяльність, англосаксонська система права, кримінальне процесуальне доказування, стандарти доказування, обґрунтована підозра, баланс ймовірностей, поза розумним сумнівом.*

Problem Statement. Since the declaration of independence, Ukraine has been in the process of reforming the system of public administration and local self-government, the forms and methods of their work, the territorial organization of the authorities, and the search for the ways and tools to ensure the rights and freedoms of people and citizens. The majority of modern states have faced the similar tasks in their development. We are talking, among other things, about the countries of the Anglo-Saxon legal system, which have achieved the significant success in strengthening legality, law and order, implementing generally recognized international legal standards in this area. Today, Ukraine is also gradually implementing such standards, sometimes borrowing the positive practice of other states, the experience of the European integration processes, convergence of legal systems, and some legal institutions. At the same time, in the Ukcrainian legal science, the discussions have been going on for a long time regarding the definition of the essence and nature of state, legal phenomena, and institutions in connection with the change and development of social relations, the organization of public authority, the interests of a person and citizen, society and state. Undoubtedly, law enforcement activities, the peculiarities of proof should be highlighted among them. The successful completion of the reform of the law enforcement system remains an urgent task that requires a timely solution by the Ukrainian state in modern conditions. This cannot be done without a proper theoretical conceptualization of the nature and essential characteristics of law enforcement, the mechanism of its provision and implementation, taking into account the mechanism of the similar reforms in foreign countries. Therefore, the researched topic can be considered as relevant at both theoretical and practical levels.

Materials and Methods. A significant contribution to the development of the concept, essence and system of standards of proof, the scope and mechanism of their application in the field of law enforcement has been made by V. Basai, V. Vapnyarchuk, I. Glowyuk, V. Hrynyuk, V. Zavtur, I. Zinkovskyi, O. Kaplina, S. Kovalchuk, O. Kuchynska, V. Maryniv, V. Nor, A. Pavlyshyn, M. Pohoretskyi, O. Podobny, V. Popelushko, H. Slyusarchuk, A. Stepanenko, V. Stepanenko, O. Tolochko, V. Trofymenko, O. Shilo, M. Shumylo, O. Yanovska and other domestic and foreign scientists. At the same time, there are still many unsolved and insufficiently researched issues in this field.

The methodological basis of the research is a combination of general scientific methods (analysis, synthesis, dialectical) and special research methods (comparative jurisprudence, historical, systemic and structural, and others). This approach allows for a comprehensive analysis of the subject under research.

The purpose of the article is to study the peculiarities and distinctive as well as common features of criminal procedure proof in countries within the Anglo-Saxon legal system and Ukraine. It also aims to explore the potential for adopting positive experiences in implementing standards of proof, which could aid in resolving numerous legislative and practical challenges in Ukraine.

The Results. In the modern legal science of Ukraine, in the context of the evaluation of proof and in connection with the deepening of the adversarial nature of criminal proceedings, the issue of standards of proof is becoming relevant, which usually means certain criteria for evaluating evidence in particular and proof in general.

This approach to the essence of this concept deserves support. So, the *standards of proof* are certain conditional samples, benchmarks, optimal levels of requirements, which testify to the sufficiency of knowledge (both in the objective aspect: certain set of evidentiary information) and in the subjective one (certain level of conviction) for making the appropriate procedural decision. (textbook).

The emergence and development of the standards of proof in the countries of Anglo-Saxon legal system are conditioned by the historically formed adversarial form of the procedure, which involves the passive role of the court as an arbitrator in the procedural dispute of the parties and, as a result, operating with the rules for evaluating evidence that allow a procedural decision to be made on the basis of the evidence provided by the parties. In contrast to the assessment of evidence carried out according to the internal

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conviction of the court in the countries of the Romano-Germanic legal system, in the Anglo-Saxon legal system the evidence is assessed on the basis of the standards of proof formed and tested by judicial practice [3, p. 66; 4, p. 84]. In this regard, the standards of proof developed in the countries of the Anglo-Saxon legal system are often considered to be an objective model of the sufficiency of evidence in the domestic doctrine of the criminal procedure. In particular, V. Vapnyarchuk notes that the significant jurisdictional role of jury courts (both in criminal and civil proceedings) necessitated the development and use of the concept of "*standard of proof*" as a certain objective criterion to evaluate the proof [1, p. 102]. Taking into account the flexibility of the standards of proof and the specifics of their application in the judicial practice of the countries of the Anglo-Saxon legal system, the evaluation of evidence based on the standards of proof is subjective in its nature [2, p. 151].

Based on the analysis of Articles 214, 314 and others of the current Criminal Procedure Code, it can be assumed that to initiate a pre-trial investigation, appoint a trial, make other procedural decisions or implement procedural actions the law involves the simplest and least rigid standard of proof which can be called *"at the first sight" ("according to the external signs of phenomena" or "probable assumption"*). The essence of this standard is to establish the presence of certain facts to believe in their existence. Thus, according to Art. 214 of the Criminal Procedure Code, the cause (a legally defined source of information about the commission of a criminal offense) and the grounds (sufficient data on the signs of the offense commission – an object and the objective party) are necessary to initiate a pre-trial investigation. Another example of the application of this standard of proof can be the decision to question a witness. If an investigator believes (assumes the probability) that a person knows (or may know) about the circumstances to be proven during the criminal proceedings, he / she can quite legitimately summon the person to testify (textbook) [5, p. 153].

In the legal doctrine of the United Kingdom, the standards of proof are considered as civil *("balance of probabilities"*) and criminal (*"beyond a reasonable doubt"*), indicating their different degrees: lower – for the first and higher – for the second. N. Monaghan explains the application of a higher standard of proof – *"beyond a reasonable doubt"* – in a criminal trial, by the necessity to protect a defendant from the wrongful accusation and the risk of being deprived of liberty as a result of a conviction [15, p. 56]. V. Stepanenko draws attention to the significant predominance of the "beyond a reasonable doubt" standard of proof in the criminal procedure of the UK and notes the limited scope of application of the *"balance of probabilities"* standard of proof which can be used by the defendant to refute certain presumptions or prove some circumstances [8, p. 173].

In Australia, as in the UK, two standards of proof are applied: *"balance of probabilities"* in civil proceedings and *"beyond reasonable doubt"* in criminal proceedings. At the same time, the Australian scientists note that the application of the *"balance of probabilities"* standard of proof in civil proceedings is not absolute. Thus, C. R. Williams points out that a different standard may be established by law in civil cases, as provided by the Repatriation Act of 1920, which imposes a criminal standard on repatriation commissions [21, p. 165–188]. Intermediate standards are not used in the Australian legal system although the High Court of Australia in the decision in the case "The King v. Jenkins" (1949), made an attempt to introduce a higher standard of proof *"practical certainty"* into the civil procedure [19].

In New Zealand two standards of proof are also used – *"balance of probabilities"* (predominantly in civil cases) and *'beyond a reasonable doubt"* (exclusively in criminal cases). The legal system of New Zealand, like the UK and Australia, does not operate with intermediate standards of proof. At the time when the House of Lords in the UK was the highest court its jurisdiction was extended in civil and criminal cases to the courts of England, Wales and Northern Ireland. Meanwhile, the legal doctrine of New Zealand outlines the range of cases where the *"balance of probabilities"* standard of proof is applied in criminal proceedings [16, p. 35–36].

In the USA, unlike the UK, Australia, and

New Zealand, along with the *"balance of probabilities"* and *"beyond a reasonable doubt"* standards of proof, the *"clear and convincing evidence"* standard of proof is used. This standard of proof occupies an intermediate position between the standards of proof *"balance of probabilities"* and "*beyond a reasonable doubt*" [9, p. 247] being more "strict / demanding" than the *"preponderance of the evidence"* standard of proof, but not as demanding as the *"beyond a reasonable doubt"* standard [6, p. 20].

In the legal system of Canada, as in the United States, three standards of proof are applied, along with the standards of *"balance of probabilities"* and *"beyond a reasonable doubt"*, the third one is *"evidence raising a reasonable doubt"*. The abovementioned standard of proof, as noted by V. Stepanenko, provides for the defense to overcome the allegations of the prosecution and, unlike other standards of proof, provides not for conviction, but for its destruction [7, p. 135–138].

In the countries of the Anglo-Saxon legal system, the standard of proof *"balance of probabilities" ("preponderance of the evidence")* has almost the same meaning (with the exception of UK where this standard of proof is flexible). This standard of proof in the Anglo-Saxon legal doctrine is generally interpreted as "more likely than not" [13, p. 469]. Similarly, the content of the standard of proof *"balance of probabilities"* ("preponderance of the evidence") is defined in the legal systems of Australia, New Zealand, the USA and Canada. The doctrine draws attention to several aspects related to understanding the content of the *"balance of probabilities" ("preponderance of the evidence")* standard of proving.

Firstly, the "balance of probabilities" is not just about one party's position being more likely than the other's. The very probability of the proven event must be possible and based on common sense. Secondly, the balance of probabilities is established by the court based on the evidence [12, p. 51]. Thirdly, the superiority of evidence does not mean simply a greater number of witnesses or the presence of material evidence, but consists in the quality of such evidence, that is, the ability to convince, the weight and the effect they have on the mind of the judge, the jury [6, p. 19], and therefore requires evidence of a persuasive force that is greater than the mere possibility that the statement is true [14, p. 321]. Thus, the content of the standard of proof *"balance of probabilities" ("preponderance of the evidence"*) lies in the fact that, in order to make a decision, the court must be convinced that the event as a whole and the individual facts to be established are more likely than not have occurred. The value of this standard of proof, as noted by K. Clermont, is that it applies to minimize the expected cost of a mistake if mistake against the plaintiff is as costly as mistake against the defendant [13, p. 469].

Despite its inherent civil character, the *"balance of probabilities" ("preponderance of evidence")* standard of proof is used in certain cases in the criminal procedure of the countries of the Anglo-Saxon legal system.

In Canadian jurisprudence, the *"preponderance of the evidence / balance of probabilities"* standard of proof is seen as placing the burden of proof on the accused, which requires them to satisfy a presumption that demands for them to establish or prove the fact or existence of the grounds for acquittal [20].

The scope of application of the *"balance of probabilities"* standard of proof is defined by the Model Code of Criminal Procedure of the United States, the summary of the provisions of which indicates that this standard is used during: 1) a court hearing for detention, bail or other restrictive measures – articles 186 (3) and 186 (4) [14, pp. 302–303]; 2) extension of terms of detention or house arrest – Articles 190(7) – 190(9) [14, p. 309]; 3) court hearing regarding the confirmation of the indictment – Articles 201(5) and 201(7) [14, p. 320]. In the US criminal procedure, the content of the abovementioned standard of proof also consists in the need for a prosecutor to prove the circumstances that indicate the existence of grounds for the application of restrictive measures initiated by him / her before the judge (detention, bail, other restrictive measures, extension of the terms of detention or house arrest) or confirm the commission of a crime specified in the indictment (in the case the prosecutor has to confirm the commission of a crime).

The second standard of proof which can be distinguished in the criminal procedure of

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Ukraine is the standard of *"significant belief"* or *"reasonable assumption"*. In accordance with it, the law provides for the possibility of applying measures to ensure criminal proceedings, including the selection of preventive measures (Part 3, Article 132, Part 2, Article 177 of the Criminal Procedure Code); notification on suspicion (Part 1, Article 276 of the Criminal Procedure Code). The essence of this standard of proof is that in order to make a certain decision, the subject of proof must have sufficient evidence that confirms its legality [5, p. 154].

The *"reasonable suspicion"* standard of proof is used in the criminal procedure of the UK and the USA. The legislation of the UK provides for the application of the *"reasonable suspicion"* standard of proof for the detention of a person or a vehicle, and their search. Unlike the UK, in the USA the standard of proof *"reasonable suspicion"* formed in judicial practice, but then its content was disclosed in Art. 1(40) of the Model Criminal Code of the United States, according to which *"reasonable suspicion"* means the existence of evidence and information of such quality and reliability that they indicate that a person could have committed a crime [14, p. 37]. The commentary to this article states that the *"reasonable suspicion"* standard of proof will be met when a police officer, based on specific objective facts or conclusions and taking into account his own experience, believes that a person has committed a crime. This standard is partly objective and partly subjective, and carries a lesser burden than *"probable cause"*, *"balance of probabilities"*, and *"beyond a reasonable doubt"* [14, p. 43]. The *"probable cause" ("sufficient cause")* standard of proof used in the US criminal proceedings is based on the Fourth Amendment to the US Constitution, according to which the right to privacy of a person, home, personal papers and property shall not be violated by unreasonable searches and seizures; a warrant for search and seizure must be issued only upon probable cause evidenced by oath or affirmation, and with a detailed description of the place to be searched and the persons to be arrested or the things to be seized [18].

The concept of *"probable cause" ("sufficient reason")* is defined in Art. 1(36) of the Model Code of Criminal Procedure of the United States, according to which probable cause means an objectively justified and clearly defined suspicion based on specific facts and circumstances that indicate that a certain person may have committed a crime [14, p. 37]. At the same time, as indicated in the commentary to the mentioned article, the probable cause is a higher degree of proof than *"reasonable suspicion"* contained in Art. 1(40) of the Model Code of Criminal Procedure of the United States.

Unlike *"reasonable suspicion"*, *"probable cause"* is entirely objective in nature and requires the existence of such facts that could create a reasonable belief that a crime was committed; in other words, the *"probable cause"* standard requires the presence of the facts that would convince a reasonable or prudent person that a crime was committed [14, p. 43]. In the US case law, the scope of the *"probable cause" ("sufficient basis")* standard of proof is not limited to search and seizure decisions. Thus, based on the analysis of a number of decisions of American courts, A. Stepanenko notes that the mentioned standard of proof is used during detention, arrest of a person, search and seizure, seizure of property, preliminary court hearing and consideration of the case by the grand jury [6, p. 22].

Thus, the content of the specified standard of proof is that a number of procedural actions that lead to the restriction of a person's rights (search of premises, housing and person, inspection and search of vehicles without a warrant, temporary seizure of property, search and other technical measures, autopsy and corpse exhumation, arrest and detention of a person, bail, and other restrictive measures) can be carried out only if there is a *"probable cause" ("sufficient grounds")* – a reason (ground) established with a high degree of probability, which depends on the types of necessary procedural actions [3, p. 90; 4, p. 151].

The standard of proof *"sufficiency of the evidence"* is used in the criminal procedure of the United States and Canada when a judge reviews the preliminary hearing on evidence of the case that will be presented to the jury by the prosecution. In the US criminal procedure, the the abovementioned standard of proof is formed in judicial practice. While examining this standard of proof

J. Fleming points out that the concept of sufficiency of the evidence belongs to the functions of court, not the jury. The court will not send a case to the jury unless it resolves the initial issue of whether the litigant has proven each of the allegations essetial for their claim by sufficient evidence to acquit or justify a finding in their favor. This requirement is apparently a consequence of the modern notion that the jury should decide a case based on the evidence presented to them in court and can no longer rely on private knowledge unknown to the judge. Thus, the content of the indicated standard of proof lies in the fact that the prosecution must prove to the judge conducting the preliminary hearing of the case that they have the evidence at their disposal which they intend to present to the jury and which, as a whole, may be sufficient for the conviction [3, p. 92].

The *"air of reality"* standard of proof is used in Canadian criminal proceedings when a judge determines during the pre-trial hearing if the objections of defence are admissible for their consideration by the jury. The conceptual foundations for understanding of the abovementioned standard of proof were laid by the Supreme Court of Canada in the decision on the case "R. v. Cinous" (2002), in which the Court pointed out several key aspects of its understanding. Thus, first, the judge has to familiarize the jury with all claims of the defense that arise from the facts, whether or not they were specifically raised by the accused, but the accused has a positive duty not to give to the juri the claims of the defense that have no evidentiary basis – the air of reality. Second, the *"air of reality"* test places the burden that is only probative, not persuasive on the accused. Third, in applying the *"air of reality"* test the judge considers the corpus of the evidence and assumes that the evidence relied on by the accused is true. The judge's threshold determination is not intended to resolve the claims of defense on the merits, as that issue is the competence of the jury. The judge does not make a decision on the credibility of witnesses, does not weigh the evidence, establish facts or make factual conclusions. Fourth, the *"air of reality"* test involves determining whether there is *"separate evidence"* to support the defense and should not involve the level of the evidence. Fifth, the *"air of reality"* test was never intended to produce a conviction, but was primarily intended to avoid juror confusion, especially in cases of conflicting alternatives. Sixth, when the defense uses the reasonableness requirement, the *"air of reality"* test has to focus on assessing whether there is any evidence that explains the defendant's perception and conduct. Seventh, the defense has an air of reality if the properly instructed jury acting reasonably can acquit an accused on the basis of the defense's statements.

Thus, the content of the *"air of reality"* standard of proof is that the defense has the right to present the evidence at their disposal to the judge during the pre-trial hearing, which the defence intends to give to the jury and which, in its totality, may be sufficient for acquittal [3, p. 93]. According to the current criminal procedural legislation of Ukraine, the third standard of proof, which also should be distinguished, is the standard *"beyond a reasonable doubt"* (it essentially corresponds to the legally regulated method of free evaluation of evidence based on internal conviction). In the Ukrainian criminal procedure, it refers to final court decisions (in particular, the sentence). Thus, according to Part 2 of Art. 17 of the Criminal Procedure Code, if the prosecution does not prove the person's guilt *"beyond a reasonable doubt"*, the court has to pass the acquittal. The essence of the *"beyond a reasonable doubt"* standard is that it does not mean proof beyond a reasonable doubt. Such doubts may exist. The main thing is that they are reasonable. A reasonable doubt is based on certain circumstances and common sense, arises from a fair and balanced consideration of all relevant and admissible information, and in the absence of the latter, motivates a person to refrain from making a decision on matters of the greatest importance. From a practical point of view, the issue of compliance with the *"beyond a reasonable doubt"* standard can be resolved as follows: a fact should be considered proven beyond a reasonable doubt, if such a doubt can be rejected on the basis of the collected evidentiary information, the knowledge of the subject of proof, their professional and life experience with the following phrase: "of course, it is possible, but not likely at all."

The standard of proof *"beyond a reasona-*

ble doubt" is also used in international jurisdictions. International criminal courts and tribunals are guided by this standard in the situation where the burden of proof lies on the side of the prosecution. This means that when assessing a fact, judges must be convinced *"beyond a reasonable doubt"* of its authenticity. If this standard is not met, the fact cannot be considered established and form the basis for a "guilty" verdict [11, p. 99]. In the countries of the Anglo-Saxon legal system, as emphasized by O. Tolochko, the standard of proof *"beyond a reasonable doubt"* is understood as the level of proof of the statements made by one or the other party regarding the circumstances of the case, which they should achieve, with the burden of proving all the circumstances of the case and convincing the jury of the defendant's guilt beyond a reasonable doubt and placed on the prosecution [10, p. 7]. The value of this standard of proof, according to K. Clermont, is that it helps to minimize the expected cost of an error, since the error of exposing the innocent is particularly costly [13, p. 469]. The single approach to understanding the standard of proof *"beyond a reasonable doubt"* has neither been formed in the doctrine of criminal procedure nor in the judicial practice of the countries within the Anglo-Saxon legal system. In the UK, the standard of proof *"beyond a reasonable doubt"* is defined as a high degree of confidence in the guilt of the accused. In researching the practice of applying the standard of proof *"beyond a reasonable doubt"* by English courts, O. Tiaglo points to its alignment with the standard of moral credibility: the standard of proof *"beyond a reasonable doubt"* is met when the moral credibility of the indictment is established, and any corresponding *"shadow of doubt"* remains in the realm of moral unreliability [13, p. 92].

In New Zealand, the content of the "beyond a reasonable doubt" standard of proof, as well as the concept of reasonable doubt, was clarified by the Wellington Court of Appeal in the case of "R. v. Wanhalla" (2007), which states that the Crown has to prove the accused is guilty beyond a reasonable doubt. The proof *"beyond a reasonable doubt"* is a very high standard of proof that the Crown will only accept if the jury is convinced at the end of the case hearing that the accused is guilty. It is not enough for the Crown to convince the jury that the accused is probably guilty or even that he is likely to be guilty [17].

In the United States, the standard of proof *"beyond a reasonable doubt"* is based on the concept of "due process", formed on the basis of the Fifth and Fourteenth Amendments to the US Constitution, and is the highest standard of proof required to convict a person of a committing crime [14, p. 43]. Despite the widespread use of the *"beyond a reasonable doubt"* standard of proof in court practice and its recognition as an element of due process, the US Supreme Court does not define the concept of this standard, which leaves federal and state courts free to interpret its meaning. Some of them reveal the concept of the abovementioned standard but at the same time have a rather ambiguous approach to understanding its content. In particular, based on the analysis of the practice of applying the standard of proof *"beyond a reasonable doubt"* by the US courts, A. Stepanenko points out that among those jurisdictions that provide its definition, the following most common approaches can be distinguished: 1) as such convincing proof / conviction that a prudent person would rely on when making the most important decisions in his / her own life, i.e., a reasonable doubt is the kind of doubt that would force a person to make decisions in his / her own life based on the same doubt; 2) as a feeling of firm, unchanging conviction that should arise after a full and impartial examination of the evidence or in the absence of certain evidence; 3) as a combination of the first two approaches [6, p. 145].

In the Canadian jurisprudence, the standard of proof *"beyond a reasonable doubt"* is considered to be the standard that the Crown must meet against the accused [20]. Unlike the UK and the US, in Canada the concept of the standard of proof *"beyond a reasonable doubt"* is defined by providing its inherent characteristics, which are set out in court practice as recommendations to the jury. Thus, in the decision in the case of "R. v. Lifchus" (1997), the Supreme Court of Canada identified the following characteristics of this standard of proof: 1) the standard of proof *"beyond a reasonable doubt"* is inextricably linked to the presumption of innocence as a fundamental principle of criminal proceedings; 2) the burden of proof rests

with the prosecution throughout the trial and never shifts to the accused; 3) reasonable doubt is not a doubt based on sympathy or bias; 4) most likely, reasonable doubt is based on reason and common sense; 5) reasonable doubt is logically related to the evidence or lack thereof; 6) reasonable doubt does not require proof to the level of absolute certainty; it does not require proof beyond a reasonable doubt and is not an imaginary or frivolous doubt; 7) it is more that required than proof that the accused is likely to be guilty – the jury that finds only that the accused is likely to be guilty must acquit him or her [19]. Thus, the meaning of the standard of proof *"beyond a reasonable doubt"* is that in order to reach a guilty verdict in court, a level of conviction must be formed on the basis of the evidence presented by the prosecution that the accused is guilty of the crime, which excludes any reasonable doubt [3, p. 77; 4, p. 49].

Along with the standard of proof "*beyond a reasonable doubt*", the doctrine of criminal procedure indicates the existence of the standard *"beyond the shadow of a doubt"* in the countries of the Anglo-Saxon legal system. Analyzing the content of the standards of proof in the US legal system, V. Stepanenko notes that the highest standard in the US is "*beyond the shadow of a doubt*", i.e. a conviction that does not allow any doubt at all. However, at present, this concept has no practical dimension and is not actually applied in the American criminal procedure, since the standard under which certain circumstances are brought to the level of absolute conviction, i.e., excluding any, even fictitious, unrealistic doubt, is unattainable [9, p. 248].

The standard of proof *"proof that raise a reasonable doubt"* is applied in Canadian criminal proceedings when an accused provides evidence that indicates his or her innocence of the crime charged. Based on a study of Canadian case law, V. Stepanenko points out that the accused has the right to remain silent, but if the case, "prima facie", has certain evidence against him and he is the only person who can provide *"evidence to the contrary"*. Thus, the meaning of the standard of proof "evidence that gives rise to reasonable doubt" is that the accused must, with the help of evidence that indicates his innocence of the crime charged, cause the court to have reasonable doubt about his guilt in committing it [3, p. 80; 4, p. 49].

Conclusions. Summarizing the abovementioned, it should be noted that the standards of proof *("reasonable suspicion", "reasonably believe" ("reasonable / justified grounds to believe"), "probable cause" ("reasonable grounds"), "separate reliable evidence", "sufficiency of evidence"*, and *"air of reality")* relate to certain procedural actions or adoption of certain procedural decisions, and therefore are characterized by an auxiliary nature in solving the problems of criminal proceedings. At the same time, each of them has its own content and scope of application, defined either in the provisions of the criminal procedure legislation or in court practice.

These standards of proof require a lower degree of probability than the standards of proof to be applied in making final procedural decisions (in particular, *"beyond a reasonable doubt"* and *"balance of probabilities"*). At the same time, given the required degree of probability, they are also in close hierarchical relationship, which has been repeatedly pointed out by scientists.

It should also be noted that the countries of the Anglo-Saxon legal system differ in defining the system of standards of proof due to the peculiarities of their formation in the judicial practice of each country. In general, it consists of two main standards of proof that apply to the final procedural decision: *"balance of probabilities" ("preponderance of evidence")* and *"beyond a reasonable doubt"*.

In addition, the system of evidentiary standards in the USA distinguishes an intermediate standard of *"clear and convincing evidence"* and in Canada – *"evidence that creates a reasonable doubt"*, which is not, however, given the character of an intermediate standard of proof.

Other standards of proof are applied in criminal proceedings of the countries of the Anglo-Saxon legal system either in the course of certain procedural actions *("reasonable suspicion", "reasonable belief" ("reasonable grounds to believe"), "probable cause" ("reasonable grounds"))*, or at certain stages of criminal proceedings *("separate reliable evidence", "sufficiency of evidence", "air of reality")*, and therefore are essentially auxiliary to the basic standards of proof.

One of the main tasks of our state is to raise

the level of law enforcement to the European standards, to create an effective system of training of cadets (students) and subsequently law enforcement officers who would be able to solve professional tasks successfully during interactive communication in a foreign language in professional environment. The current stage of the Ukrainian police development has opened a new chapter in its formation, namely, international cooperation in various areas of state functioning, including the training of highly professional personnel. In the course of performing their official duties, police officers engage in communication with dozens of people, so in order to avoid most conflict situations or to resolve them most effectively, police officers must adhere to the cultural norms of professional speech. The knowledge of a foreign language, the English language for professional and academic purposes in particular, and skills of intercultural communication should be developed enough for officers to perform professional duties effectively and successfully.

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