

«3. Утворення СОГ за участю оперативних працівників Департаменту кіберполіції Національної поліції України, його структурних підрозділів, для розслідування кримінальних правопорушень у сфері використання комп'ютерів, систем та комп'ютерних мереж і мереж електрозв'язку здійснюється за спільним наказом керівника органу досудового розслідування та керівника відповідного оперативного підрозділу. Утворення СОГ у кримінальному провадженні, досудове розслідування у якому здійснюється Головним слідчим управлінням Національної поліції України, здійснюється за наказом Голови Національної поліції України або за наказом заступника Голови Національної поліції України – начальника Головного слідчого управління, погодженим керівництвом Департаменту кіберполіції Національної поліції України. Старшим СОГ є слідчий, якого керівником органу досудового розслідування визначено здійснювати досудове розслідування кримінального правопорушення».

Запропоновані нами пропозиції, на нашу думку, сприятимуть ефективності взаємодії органів досудового розслідування та оперативних підрозділів кіберполіції під час протидії злочинам у сфері інтелектуальної власності.

1. Бондар В. С. Взаємодія слідчого (дознавача) з підрозділами, які здійснюють оперативно-розшукову діяльність, у криміналістичному та кримінальному процесуальному вимірах (методологічні та праксеологічні проблеми). Київський часопис права. 2022. № 2. С. 141-153.

2. Юрченко А. М. Нормативно-правове регулювання взаємодії слідчого з оперативними підрозділами. Актуальні проблеми держави і права: зб. наук. праць. Одеса : Видавничий дім «Гельветика», 2016. Вип. 76. С. 186-191.

3. Дараган В. В. Протидія злочинам у сфері державних закупівель підрозділами Департаменту захисту економіки Національної поліції України: монографія. Дніпро: ДДУВС, 2017. 224 с.

4. Про затвердження Інструкції з організації взаємодії органів досудового розслідування з іншими органами та підрозділами Національної поліції України в запобіганні кримінальним правопорушенням, їх виявленні та розслідуванні: Наказ МВС України від 07.07.2017 р. № 575.

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CONDUCT OF SIMULTANEOUS INTERROGATION OF PREVIOUSLY INTERROGATED PERSONS DURING THE INVESTIGATION OF CRIMINAL OFFENSES AGAINST MORALITY: DIRECTIONS OF IMPROVEMENT

The investigation of criminal offenses against morality obliges authorized persons (investigator, investigator, prosecutor) to carry out all possible procedural actions as efficiently and quickly as possible until its indictment. In accordance with Part 2 of Art. 42 of the Criminal Procedure Code of Ukraine, the accused is the person against whom the indictment was submitted to the court [5]. That is, from the moment information is entered into the EDPR and before the indictment is drawn up, the indicated persons must conduct the maximum number of investigative (search) actions, covert investigative (search) actions and other procedural actions, which will ensure the objectivity of the decision made. Among the specified actions, simultaneous interrogation of previously interrogated persons occupies an important place. In terms of the investigated category of illegal acts, its implementation is extremely important, since a large number of persons (victims, witnesses, suspects) are involved in their commission. At the same time, in most cases, they all provide somewhat or completely contradictory indications. Due to the implementation of the specified procedural action, it is possible to eliminate these contradictions or inaccuracies [2, p. 305].

It should be noted that simultaneous interrogation was conducted in 82 % of criminal

proceedings of the studied category. On the basis of a questionnaire of law enforcement officers, the significant effectiveness of simultaneous interrogations of members of an organized group or criminal organization (pimp, prostitute, owner of a place of debauchery, etc.) was established, which is characterized by the elimination of contradictions in 58 % of cases.

Regarding the list of organizational and preparatory measures, in our opinion, the most complete and accurate is given in his own monographic study by K. Chaplinskyi [8, p. 274-282]. We adjusted it somewhat in accordance with the changes in the Code of Criminal Procedure of Ukraine and defined the following measures:

- full and comprehensive study of criminal proceedings materials;
- making a decision on simultaneous interrogation of previously interrogated persons;
- determining the time and place of simultaneous interrogation of previously interrogated persons;
- establishment of circumstances to be ascertained;
- conducting an additional interrogation;
- determination of the persons between whom the simultaneous interrogation of previously interrogated persons will be conducted and the sequence of their interrogation;
- selection of participants for simultaneous interrogation of previously interrogated persons;
- psychological training of participants in the simultaneous interrogation of previously interrogated persons;
- determination and preparation of technical means of recording the simultaneous interrogation of previously interrogated persons;
- creation of favorable conditions for simultaneous interrogation of previously interrogated persons;
- drawing up a plan for simultaneous interrogation of previously interrogated persons.

We consider it necessary to consider the most important organizational and preparatory measures in the investigation of criminal offenses against morality. Such, in particular, is the determination of the persons between whom the simultaneous interrogation of previously interrogated persons and the order of their interrogation will be conducted. During it, the authorized person must take into account the possible influence of persons on each other. In this regard, we support the position of O. Luskatov, who emphasizes that first you need to listen to the opinion of persons with a more «weak» psyche or persons who give truthful testimony [6, p. 27]. And indeed, during the investigation of the studied category of illegal acts, there will definitely be persons of the specified type (for example, prostitutes, minors).

The study of judicial and investigative practice made it possible to conclude that the number of persons involved in the specified investigative (search) action is as follows:

- a) two interviewees – 95 %;
- b) three – 4 %;
- c) four or more – 1 %.

In addition, the analysis of the questionnaire of the respondents indicates the highest efficiency of the interrogation between two people – 99 %. In the course of the study, it was found that the indicated investigative (search) action was carried out in 68 % of cases between members of an organized group or criminal organization (pimp, recruiter), pimp and witness – 21 %, pimp and victim – 10 %, victims – 1 %.

We support scientists who emphasize that it is not recommended to conduct simultaneous interrogation between the following categories of persons:

- between persons, each of whom gives knowingly false testimony;
- if there is reasonable evidence that the persons with whom the face-to-face bet is to be conducted have agreed to give false testimony;
- with the participation of a suspect who partially admits his guilt, but is prone to changing his testimony;
- between persons from whom the one giving truthful testimony is financially, family or otherwise dependent on another participant;
- when one of its participants refuses to testify in the presence of another person;
- between a minor and an adult, if there is reason to believe that the adult will negatively influence the testimony of the minor, etc. [4, p. 30].

In turn, K. Chaplinsky defined the following main circumstances to be investigated: finding

out the reasons for the contradictions in the statements of the interrogated persons and their elimination; exposure of one of the interrogators in giving false (incomplete) testimony; verification of the veracity of statements of previously interrogated persons; overcoming honest mistakes of the interrogated; psychological influence on an unscrupulous participant in investigative action in order to induce him to give truthful testimony; strengthening the willpower and positions of a conscientious participant of the direct bet; discovery and establishment of evidence and new circumstances relevant to the case; verification and assessment of forensic versions; additional verification and confirmation of statements of witnesses, victims, accused persons, suspects; strengthening the position of certain participants in the investigative action who gave truthful statements, etc. [7, p. 355].

It should be noted that both non-conflict and conflict situations may arise during the direct simultaneous interrogation. A certain set of tactical techniques can be used to solve them. In turn, V. Konovalova and V. Shepitko offered the following list of tactical techniques:

- supporting communication with the presentation of evidence;
- masking the goal of the eye bet;
- the suddenness of its implementation;
- concealment of the investigator's awareness of certain circumstances of the case;
- conducting several face-to-face bets in a row with a dishonest participant or conducting a face-to-face bet in combination with an interrogation;
- conducting eye bets according to increasing strength [3, p. 239].

On the basis of the conducted research, we identified the most effective tactical methods of simultaneous interrogation: the use of contradictions in an organized group or criminal organization (for example, between a pimp and a prostitute), involving the interrogated in a dispute [1, p. 221]. In addition, as noted earlier, the establishment of psychological contact and the presentation of evidence will be important tactical techniques.

Summing up, we note that the simultaneous interrogation of previously interrogated persons is a rather important investigative (search) action during the investigation of criminal offenses against morality. Thanks to its implementation, it is possible to eliminate contradictions in the testimony of participants in criminal proceedings. Measures of an organizational and preparatory nature have been defined, among which the following are highlighted: identification of persons between whom simultaneous interrogation of previously interrogated persons will be conducted and the sequence of their interrogation; establishment of circumstances to be ascertained. On the basis of the conducted research, we identified the most effective tactical techniques of simultaneous interrogation: the use of contradictions in an organized group or criminal organization (for example, between a pimp and a prostitute), involving the interrogated in a dispute. In addition, establishing psychological contact and presenting evidence will be important tactical techniques.

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