

## COMBATING OFFENCES: CRIMINAL-PROCEDURAL, FORENSIC, ORGANIZATION AND TACTIC ASPECTS

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### COORDINATION OF THE ACTIVITIES OF BODIES AND UNITS OF THE NATIONAL POLICE OF UKRAINE DURING DISCLOSURE AND INVESTIGATION OF CRIMINAL OFFENSES

**Костянтин Чаплинський. КООРДИНАЦІЯ ДІЯЛЬНОСТІ ОРГАНІВ І ПІДРОЗДІЛІВ НАЦІОНАЛЬНОЇ ПОЛІЦІЇ УКРАЇНИ ПІД ЧАС РОЗКРИТТЯ ТА РОЗСЛІДУВАННЯ КРИМІНАЛЬНИХ ПРАВОПОРУШЕНЬ.** Наукову статтю присвячено висвітленню проблемних питань взаємодії органів і підрозділів Національної поліції під час розкриття і розслідування кримінальних правопорушень. Приділено увагу створенню сучасної дієвої системи криміналістичного забезпечення взаємодії між підрозділами поліції. Така система потребує обов'язкового узагальнення матеріалів правоохоронної практики та аналізу наукових розробок для формулювання найбільш ефективних способів і методів його застосування. Зосереджено увагу на визначенні поняття та сутності взаємодії. Вчасна і якісна взаємодія органів та підрозділів Національної поліції забезпечує своєчасне розкриття та швидке розслідування кримінальних правопорушень. Системна й узгоджена діяльність працівників різних підрозділів дозволяє проводити окремі слідчі (розшукові) дії швидко та раціонально, отримувати необхідний обсяг доказової інформації.

Діяльність з розкриття і розслідування кримінальних правопорушень вимагає від працівників правоохоронних органів досить чіткого планування своїх дій, особливо на початковому етапі їх розслідування. Зважаючи на це, розробка практичних рекомендацій щодо взаємодії органів і підрозділів Національної поліції є одним із важливих напрямів досягнення мети кримінального провадження.

Розкрито основні форми взаємодії у кримінальному провадженні. Визначено основні організаційні та процесуальні форми взаємодії слідчого з працівниками оперативних підрозділів при розслідуванні кримінальних правопорушень. До процесуальних форм взаємодії віднесено: а) виконання оперативним підрозділом доручень слідчого щодо перевірки оперативно-розшуковим шляхом відомостей, що мають значення для встановлення наявності чи відсутності підстав для внесення відомостей до ЄРДР за оперативними матеріалами; б) виконання доручень слідчого про проведення слідчих (розшукових) дій та негласних слідчих (розшукових) дій. Серед організаційних форм взаємодії при розслідуванні кримінальних правопорушень виокремлено наступні: а) спільна діяльність у складі слідчо-оперативних груп; б) взаємний обмін оперативною інформацією між слідчим і працівниками оперативних підрозділів; в) сумісне планування початкового етапу розслідування та першочергових процесуальних дій; г) використання криміналістичних і оперативно-технічних засобів тощо.

**Ключові слова:** взаємодія, кримінальні правопорушення, тяжкі злочини, організація, планування, слідчі (розшукові) дії, тактика, тактичний прийом.

**Relevance of the study.** During all the years of independence, Ukraine strives to become a European and democratic state. As a result of the military aggression by Russia in 2014 and the full-scale invasion of the territory of Ukraine in February, 2022, the state leadership is making considerable efforts to accelerate Ukraine's accession to the European Community and integration into NATO. Based on this, there is a need to continue the previously initiated reforms of the socio-economic and political foundations of society, taking into account the current conditions.

A special place in this activity is given to combating corruption and organized crime. However, the socio-economic and political changes that have taken place in recent years in the countries of Europe and the CIS, including in Ukraine, have directly affected the international nature of organized crime. There is a steady tendency to the deterioration of the criminogenic situation in the state, which is due to the emergence of qualitatively and quantitatively new types of activities of criminal groups. Serious miscalculations in the implementation of reforms in the socio-economic, law enforcement and other spheres of state activity contributed to the change in the structure and nature of organized crime, the general level of which tends to increase. Combating organized crime is an important area of state activity. At the current stage, a number of complex organizational and tactical tasks arise in the activities of law enforcement agencies for the detection and investigation of criminal offenses, which are caused, on the one hand, by the requirements to intensify the fight against criminal acts, and on the other hand, by the complication of this fight, in particular, in connection with the integration of organized crime with economic structures and the strengthening of corrupt ties; strengthening of illegal opposition to the administration of justice by criminals; their use of the latest methods of preparation, implementation and concealment of criminal offenses. A significant increase in the number of crimes, primarily serious and especially serious, demonstrates the inability of law enforcement agencies to resist these negative phenomena.

Currently, the main priorities of law enforcement agencies include the documentation of war crimes. In recent months, the number of de-occupied territories of Kherson, Zaporizhzhya, Luhansk and Donetsk regions has been increasing. The Armed Forces of Ukraine continue to actively liberate the territories captured by Russian military personnel. As a result, there is a need to carry out stabilization measures in these regions and take comprehensive measures to document war crimes. The effectiveness of this work is not possible without a clear and systematic coordination of the activities of the bodies and units of the National Police of Ukraine during the disclosure and investigation of criminal offenses.

The rapid disclosure and investigation of criminal offenses directly depends on the proper interaction of operational and investigative units of the National Police of Ukraine in criminal proceedings. This makes it possible to qualitatively plan the implementation of priority investigative (search) and procedural actions and operative-search measures. Considering this, the development of practical recommendations for the interaction of investigators and employees of operational units of the National Police is, of course, one of the priority directions for achieving the goal of criminal proceedings, especially in the conditions of martial law.

**Recent publications review.** The main directions and problematic issues of coordination of the activities of the bodies and units of the National Police of Ukraine during the disclosure and investigation of criminal offenses are quite thoroughly outlined in the scientific works of a number of scientists, in particular: K. Antonov, L. Arkusha, V. Bahin, A. Volobuyeva, M. Yefimov, V. Konovalova, V. Kuzmichov, E. Lukyanchikov, V. Lukashevich, S. Obshalov, I. Pyrog, M. Pohoretskyi, V. Pletens, M. Saltevskyi, R. Stepaniuk, Yu. Chornous, V. Shepitko and others. However, taking into account the strengthening of opposition both at the stage of the pre-trial investigation and the trial of criminal proceedings, as well as the increased pressure on the employees of the investigative units of the National Police from the leaders of criminal groups with the aim of prolonging the pre-trial investigation or closing criminal proceedings, which is observed in a number of high-profile cases, there is a need to create a modern system of forensic support for the coordination of the activities of the National Police bodies and units during the disclosure and investigation of criminal offenses.

**The article's objective** is to outline the current problematic issues of the organization of the interaction of the bodies and units of the National Police during the disclosure and investigation of criminal offenses, as well as the coordination of their activities in the conditions of armed aggression by Russia.

**Discussion.** In the policy implemented by the state, aimed at strengthening law and order and improving the quality of the fight against crime, increasing the effectiveness of law

enforcement agencies, in particular those that carry out pre-trial investigations, is of particular importance. In the optimization of this process, an important role is played by the full application of modern achievements of science and technology. The expediency of such an approach to investigative activity is due primarily to the fact that the use of modern scientific and technical means and methods contributes to the expansion of the spectrum of sources of evidentiary information in criminal proceedings.

Also, no less important factors, according to O. Volobueva, are the increase in the "professional" level of criminals and the technical support of criminal activity, the emergence of new types of criminal activity, etc. [1, p. 3]. Considering this, the quality of combating criminal manifestations directly depends on the state of improvement of methods and methods of law enforcement activity, ensuring their adequacy to the needs of practice through the use of modern special knowledge and skills.

The development of an effective system of forensic support for the investigation of criminal offenses is impossible without a thorough generalization of the materials of operational and judicial investigative practice, the study of archival criminal cases and materials of criminal proceedings. This will make it possible to develop the most effective ways and methods of planning and organizing a pre-trial investigation, which are integral components of any criminal proceeding.

The effectiveness of any activity depends on the quality of the implementation of the relevant measures. The investigation of criminal offenses is not an exception, because during this process both employees of law enforcement agencies of Ukraine and employees of state, private and public enterprises, institutions and organizations may be involved. The timely and coordinated interaction of the above structures enables the employees of the investigative units of the National Police to conduct criminal proceedings as quickly and efficiently as possible.

Interaction is one of the main forms of organizing the disclosure and investigation of criminal offenses. Cooperation is based on the Law, the cooperation of the investigator with the employees of the operational divisions of the National Police, which is carried out at a single time and place, with agreed goals, with the aim of full and rapid disclosure of criminal offenses, full and comprehensive investigation of the circumstances of criminal proceedings and establishing the identity of offenders who have disappeared from places of events or are hidden from the investigation and the court, the discovery of stolen valuables and other objects that are important for criminal proceedings.

The essence of the interaction of the bodies and units of the National Police is manifested, first of all, in the consolidation of the forces and means of the interacting subjects, in the reasonable combination of coherence and independence of the actions of the investigator and specialists in the process of their joint activity, under the priority leadership role of the investigator, not excluding the initiative of specialists. Despite the fact that the criminal procedural law does not contain a definition of the concept of interaction, it covers all aspects of activities related to pre-trial investigation and is the basis of the legal regulation of the considered interaction [1, p. 17].

The definition, study and analysis of forms, tasks and elements of interaction has not only theoretical, but also important practical significance, since knowledge of the typology of interaction allows you to find the most effective version of its organization in specific conditions of activity, for specific subjects, solving specific tasks at different stages investigation of criminal offences. One of the reasons for the insufficient level of interaction between the bodies and units of the National Police in criminal proceedings is the ignorance of certain subjects of the classification of types, forms and tasks of interaction.

During the investigation of criminal offenses, the interaction between the bodies and units of the National Police is implemented in various forms, through the implementation of joint actions. The main condition for the effectiveness of such joint actions is optimal coordination, coordination and specialization of interacting subjects. A clear demarcation of the competence of interacting subjects is one of the necessary conditions for compliance with the law during the disclosure and investigation of a criminal offense [1, p. 19].

Yes, the interaction has criminal procedural and organizational features, and if in some cases joint concerted actions can be carried out with the participation of employees of operational units in conducting priority investigative (search) actions, and this will be a joint activity of an investigator and an operational worker, then the participation of the investigator in conducting operational measures are excluded. V. Kolesnyk and M. Yefimov also caught this opinion.

The main reasons for the interaction of operational and investigative units include the

following:

- the same legal force of the procedural acts of the investigator and the employees of the operative divisions of the National Police;
- the common goal and tasks of operatives and the investigator, because by joining efforts, pre-trial investigation bodies and operative units will be able to effectively fulfill their tasks;
- the need to use the capabilities of the operational unit and the investigator (in particular, the investigator, in accordance with Article 40 of the Criminal Procedure Code of Ukraine, can conduct investigative (search) and covert investigative (search) actions, and the operational unit, in accordance with Article 41 of the Criminal Code of Ukraine, can carry out covert investigative (research) actions in criminal proceedings only on the written instructions of the investigator, prosecutor.

Forms of interaction should be understood as organizational techniques and methods, methods and the order of connections between them, based on the criminal procedural law and departmental legal acts of law enforcement agencies, as well as the best experience of operative-investigative and judicial practice, aimed at ensuring their coordinated activities and the correct combination of methods and means of activity peculiar to each of these bodies [2, p. 267].

In addition, it is necessary to emphasize the main principles of interaction of the bodies and units of the National Police in criminal proceedings, which include the following:

- 1) independence of interaction participants in choosing the means and methods of their activities;
- 2) distribution of competence and job duties of interaction participants;
- 3) complex use of available forces, means and methods;
- 4) single leadership of the investigator; optimal use of forces and means at the disposal of the subjects of interaction.

Based on the generalization of law enforcement practice, it is possible to single out the following main forms of interaction between the bodies and divisions of the National Police in criminal proceedings: organizational and procedural. In general, the given forms of interaction are methods of cooperation that ensure the coordinated nature of the activities of its participants, specific methods of communication between interacting subjects. Among the procedural forms of interaction of investigative and operative units, in accordance with the Code of Criminal Procedure of Ukraine, the following can be distinguished:

- a) instructions and instructions of the investigator regarding the conduct of secret investigative (search) actions (articles 40, 246 of the Criminal Procedure Code of Ukraine);
- b) providing assistance to the investigator during secret investigative (search) actions (Article 40 of the Criminal Procedure Code of Ukraine);
- c) recording and providing the investigator (prosecutor) with the results of secret investigative (search) actions (Article 252 of the Criminal Procedure Code of Ukraine).

In general, procedural forms of interaction are the type of criminal-procedural legal relations that are regulated by current legislation, that is, established in legal norms.

On the basis of summarizing the materials of criminal proceedings and survey data of employees of operational and investigative units of the National Police of Ukraine, the following procedural forms of interaction can be distinguished:

- execution by the operational unit of the investigator's instructions regarding the verification by operational-investigative means of information that is important for establishing the presence or absence of grounds for entering information into the EDPR based on operational materials;
- execution of instructions of the investigator regarding the conduct of separate investigative (search) actions and covert investigative (search) actions;
- execution of the instructions of the investigator regarding the conduct of certain investigative actions;
- conducting investigative (search) actions by the investigator simultaneously with the implementation of the agreed operative and search measures by the inquiry body
- providing the investigator with materials collected in the course of operational investigative activities to resolve the issue of entering information into the EDPR;
- carrying out, together with urgent investigative (search) actions, the necessary operational and search measures;
- carrying out operative and investigative measures on the authority of the investigator to establish the whereabouts of a person who is evading the investigation and the court and bringing

him to criminal responsibility;

- assistance to investigator in carrying out separate investigative (search) actions, etc.

In this context, the specifics of interaction between operational units should be emphasized. Thus, the generalization of the scientific developments of scientists allows us to classify the interaction between operational units as follows:

- according to the nature of connections between units, where interaction can be direct and indirect (direct interaction involves the establishment of direct connections between operational units, indirect – communication between operational units through a higher authority representing this unit);

- in terms of time, the interaction can be carried out permanently and temporarily (permanent interaction is carried out during the entire time of operational and search activities, temporary – aimed at solving a specific task);

- by functions (criminal-procedural, operational-investigative, etc.).

Therefore, during the interaction of an investigator with an operational worker in a procedural form during the investigation of criminal offenses, it is important to have contact between these workers, which allows for a thorough study of the available operational materials and to jointly develop a plan for their implementation. This form of interaction makes it possible to timely prevent tactical mistakes and miscalculations in criminal proceedings, to single out the most promising areas of further investigation. The application of organizational forms of interaction of the bodies and units of the National Police has an important place in the disclosure and investigation of criminal offenses. Thus, considering the organizational forms of interaction in criminal proceedings, we can say that in the legal literature, scientists distinguish various types of such interaction. One can fully agree with the opinion of V. Pcholkin, who singles out the following among the main organizational forms of interaction of bodies and units of the National Police in the investigation of criminal offenses:

- formation of an investigative and operative group for specific criminal proceedings and coordinated activities within these groups;

- joint activity of investigative and investigative units at the initial and subsequent stages of the pre-trial investigation;

- joint planning of separate investigative (search) actions and tactical operations aimed at identifying evidentiary (orienting) information;

- coordinating the work of investigators and operatives when planning the solution of individual tasks in criminal proceedings;

- familiarization of the investigator with operational materials within the limits stipulated by departmental regulations;

- joint trips of the investigator and operatives to conduct investigative (search) actions and separate procedural actions;

- mutual exchange of oral and written information of operatives and investigators on issues related to their activities;

- joint discussion and assessment of data obtained as a result of operational and investigative measures regarding their sufficiency for entering information into the EDPR [3, p. 117-118].

V. Konovalova adds the following organizational forms of cooperation in criminal proceedings:

- joint planning of investigative (search) actions, NSRD and operational search measures;

- determination and distribution of employees of operational and investigative units, in accordance with the tasks, the plan for the performance of individual functions;

- joint planning of the investigation of criminal offenses in general and the initial stage of the investigation in particular;

- formation of investigative and operative groups for the implementation of the approved plan;

- determination of the participants of investigative and operational groups for the investigation of individual episodes of criminal activity and the performance of other tasks [4, p. 136].

Timely planning (development of a single plan) is important in the organization of the investigation. Drawing up a plan is an important element of organizational interaction in criminal proceedings. All participants of the interaction should be familiarized with this plan in advance.

For the most part, such plans define:

- a list of investigative (search) actions, NSRD and other investigative measures, which

are necessary to establish all the circumstances of a criminal offense;

- a clear sequence of investigative (search) actions, NSRD and operational search measures;
- circumstances to be established in criminal proceedings;
- circumstances that can be established only by means of operative and investigative measures;
- the sequence of verification of the put forward investigative versions to be worked out;
- deadlines for implementation of planned activities;
- responsible persons for each point of the developed plan.

In law enforcement practice, there are cases when the investigation of individual illegal acts requires the use of in-depth specific knowledge from the subjects of the investigation. Thus, taking into account the informatization of society, the number of illegal actions carried out in cyberspace is increasing. In view of this, in the opinion of a number of scientists (A. Fomenko, A. Melnychenko, N. Pavlova, etc.), the investigation of illegal actions with financial resources in cyberspace requires the use of special knowledge from the subjects of the investigation, which, unfortunately, they cannot be achieved for various reasons (outdated scientific and practical training and technology). This significantly complicates the process of preventing and countering illegal actions and allows them to exist for a long period of time [5, p. 142-143].

Bearing this in mind, it is precisely in these criminal proceedings that the interaction between various bodies and units of the National Police is of great importance, which allows for the effective use of forensic means, techniques and methods of countering criminal manifestations, as well as to choose the correct organization and tactics of carrying out a complex of investigative (search) actions, NSRD, operative search measures and other organizational measures.

**Conclusions.** In general, the interaction of the bodies and units of the National Police of Ukraine under the conditions of the leading role of the investigator consists of joint efforts in the matters of disclosure and investigation of criminal offenses and establishment of all circumstances subject to proof in criminal proceedings, as well as establishment of the whereabouts of suspects who are wanted by pre-trial investigation bodies.

Meanwhile, unfortunately, the legislator in the domestic criminal procedural legislation, for some reason, did not pay due attention to the issue of interaction between authorized subjects during criminal proceedings. Such a conclusion can be reached by analyzing the provisions of the current Code of Criminal Procedure, according to which there is no legal regulation of interaction, both during pre-trial investigation and court proceedings. Such regulation can be guessed only by separate procedural norms. However, the interaction of the relevant bodies and units of the National Police in the investigation of criminal offenses (especially in the documentation of war crimes) is important for increasing their efficiency and effectiveness.

#### *Conflict of Interest and other Ethics Statements*

The author declares no conflict of interest.

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#### ABSTRACT

Coordination of the activities of bodies and units of the National Police of Ukraine during disclosure and investigation of criminal offenses.

The scientific article is devoted to the coverage of problematic issues of interaction between bodies and units of the National Police during the disclosure and investigation of criminal offenses. Attention is paid to the creation of a modern effective system of forensic support of interaction between police units. Such a system requires mandatory summarization of law enforcement practice materials and analysis of scientific developments to formulate the most effective ways and methods of its application. Attention is focused on defining the concept and essence of interaction. Timely and high-quality interaction of the bodies and units of the National Police ensures timely disclosure and quick investigation of criminal offenses. Systematic and coordinated activity of employees of various departments allows to carry out individual investigative (search) actions quickly and rationally, to obtain the necessary amount of evidentiary information.

The activity of uncovering and investigating criminal offenses requires law enforcement officers to plan their actions quite clearly, especially at the initial stage of their investigation. Considering this, the development of practical recommendations for the interaction of the bodies and units of the National Police is one of the important directions for achieving the goal of criminal proceedings.

The main forms of interaction in criminal proceedings are disclosed. The main organizational and procedural forms of interaction between the investigator and operative units during the investigation of criminal offenses are defined. Procedural forms of interaction include:

a) execution by the operational unit of the investigator's instructions regarding the verification by operational-investigative means of information that is important for establishing the presence or absence of grounds for entering information into the ERDR based on operational materials;

b) execution of the instructions of the investigator on conducting investigative (search) actions and covert investigative (search) actions.

Among the organizational forms of cooperation in the investigation of criminal offenses, the following are distinguished:

a) joint activity as part of investigative and operational groups;

b) mutual exchange of operational information between the investigator and employees of operational units;

c) joint planning of the initial stage of the investigation and priority procedural actions;

d) use of forensic and operational-technical means, etc.

**Keywords:** *interrogation, criminal offenses, serious crimes, organization, planning, investigative (search) actions, tactics, tactical reception.*