


Summary

The article deals with the issue of criminal liability for the illegal trafficking of weapons in the criminal law of the countries – members of the Commonwealth of Independent States, Europe and the United States of America.

Keywords: criminal liability, weapons, illicit trafficking, explosives, ammunition, weapons possession, weapons storage, arms trafficking, weapons production, weapons transfer.

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ORGANIZATIONAL PECULIARITIES OF CONDUCTING INDIVIDUAL (INVESTIGATIVE) ACTIONS IN THE INVESTIGATION OF CRIMES IN THE FIELD OF THE AGRICULTURAL COMPLEX

Володимир Єфімов, ОРГАНІЗАЦІЙНІ ОСОБЛИВОСТІ ПРОВЕДЕННЯ ОКРЕМИХ СЛІДЧИХ (РОЗШУКОВИХ) ДІЙ ПРИ РОСЗЛУДУВАННІ ЗЛОЧИНІВ У СФЕРІ АГРОПРОМИСЛОВОГО КОМІСЕКСУ УКРАЇНИ. У статті досліджуються організаційні особливості проведення окремих слідчих (розшукових) дій при рослудуванні злочинів в сфері агропромислового комплексу України. Акцентується увага на послідовності проведення слідчих (розшукових) дій при рослудуванні економічних злочинів, що вчиняються в агропромисловому комплексі, яка залежить від способу виявлення, закріплення та збереження інформації, а також черговості виявлення та фіксації слідів злочинного посягання. Висвітлюються задачі проведення слідчого огляду: – фіксація та процесуальне оформлення місця, де відбувалося вчинення злочину; –
виявлення та фіксація слідів злочину як матеріальних так і «інтелектуальних». Вказано, що в якості свідків можуть бути допитані наступні категорії осіб: 1) працівники банківських установ; 2) працівники державних установ (закладів, організацій) сфери управління органу державної виконавчої влади (Українського державного фонду підтримки фермерських господарств і його регіональних відділень, Головних управління (управління) агропромислового розвитку областних (районних) державних адміністрацій та інших); 3) керівники сільгоспінознавчих та їх секретарі й помічники; 4) головні бухгалтери та інші працівники фінвідділів (відділів) сільськогосподарських підприємств; 5) працівники науково-дослідних установ та навчальних закладів; 6) працівники підрядних фірм з будівництва, реконструкції споруд та приміщень; 7) інші особи.

Також зосереджується важливість того, що якісно зафіксована інформація в наступному дозволить правоохоронцям вдало побудувати версії про можливу причетність до злочинів конкретних осіб, також від якості проведення огляду можливого місця вчинення зазначеної категорії злочинів, залежить успіх їх подальшого досудового розслідування. відзначити, що знання слідчим і оперативним працівником основних організаційних аспектів проведення тих чи інших слідчих дій, переліку реалізованих пошукових заходів у справах про злочини у сфері агропромислового комплексу, дозволить йому грамотно і успішно вирішувати поставлені перед ним завдання по виявленню, розкриттю і повному розслідуванню злочинів в зазначеному секторі економіки України.

Ключові слова: агропромисловий комплекс, слідчі (розшукові) дії, огляд документів, обшук, допит свідків, слідчий, оперативний працівник.

Problem statement. The importance of ensuring the economic security of the agro-industrial complex of Ukraine is given to the bodies of the National Police of Ukraine. However, the reorganization of the Ministry of Internal Affairs, which has been carried out in recent years, has brought about a number of problems, not the best, which have affected the provision of one of the functions of the National Police – the protection of the economy, namely the fight against economic crime. The analysis of the situation in the sphere of the agro-industrial complex shows that criminogenic factors largely determine not only its current state but also its development prospects. Confirmation of the process of active criminalization is the number of crimes of economic orientation committed in the specified sphere, as well as the amount of material damage caused.


The article’s objective is to analyze some aspects related to organizational peculiarities of conducting separate investigative (investigative) actions in investigating crimes in the sphere of agro-industrial complex of Ukraine.

Basic content. Today, the investigative practice of investigating crimes in the agro-industrial complex (AIC) of Ukraine proves that the sequence of application of investigative (investigative) actions depends on the method of detection, consolidation and preservation of information, as well as the sequence of detection and fixation of traces of criminal encroachment.

The most common and effective investigative (investigative) actions in the investigation of crimes related to the use of budgetary funds in AIC are the review of documents, searches and interrogation of witnesses [1, с. 99].

Examination of materials of criminal proceedings indicates that the place of committing crimes in the field of agriculture may be: – office of the chief accountant or other premises of the enterprise or institution; – place of transfer of funds at registration of documents; – the place of conclusion of the contract of sale of finished goods, equipment, raw materials or contract for the performance of any services and the like.

Of all investigative (investigative) actions, the review is the most widespread, as it is most commonly used by law enforcement officials in the course of criminal proceedings being opened and investigated. Forensic research is defined primarily as a generic, collective concept that integrates all types of review to which the investigator (an overview of the scene, terrain or premises, objects, documents, etc.) [2, c. 28].

The crime scene must be inspected immediately. This is due to the dynamics of the crime of this type, as well as the specifics of exposing a person or group of persons involved in
the commission of criminal acts, or the identification of caches where they may be found exposing evidence. In addition, a crime scene inspection provides an opportunity to understand whether a specified crime is ongoing or not [3].

The main tasks of conducting an investigative or inspection carried out by operatives are: – fixing and procedural registration of the place where the crime took place; – detection and fixation of the traces of crime, both material and "intellectual".

Inspecting copies of accounting documents, inspection materials, or audits of farms is the primary task of identifying notes, corrections, and the like, in documents reflecting the postings of postings for completed work or sales of finished products.

Particular attention should be paid to reviewing the possible crime scene. As a rule, crime scene in the sphere of agriculture is: – office of the chief accountant or other premises of the enterprise where financial issues of economic activity can be discussed; – place of transfer of funds or signing of documentation; the place of conclusion of contracts for the sale and purchase of equipment or other contracts for the performance of any services for the benefit of customers.

During the inspection, first of all, they pay attention to notepads, workbooks, notebooks that are on the desks of managers, accountants and other persons related to accounting documents. Pay attention to the trash cans where there may be drafts or broken documents. The most careful way is to check the niches of the tables, look at the walls for paintings, posters, as well as other places where it is possible to conceal cash, valid contracts of sale of property on the balance sheet of the company, other accounting documents confirming the so-called "black" accounting. Also, special attention is paid to copies of various certificates, contracts of sale. If necessary, documentation of interest to the investigator or operative is carefully described in the record and removed for further procedural steps.

In the case of equipment purchased at the expense of budget funds, in this case it is necessary to conduct an inspection of the premises where the said property is stored or used, namely garages, other warehouses, parking places of vehicles. When identifying documents related to transportation of property, it is necessary to check them by date, quantity, place of transportation, as well as the actual availability of this property.

It should be noted that the success of their further pre-trial investigation depends on the quality of the review of a possible crime scene. It is necessary to keep in mind the timeliness and lawfulness of certain investigative (investigative) actions in order not to violate the requirements of criminal procedural law. The implementation of most of the developed state measures, programs to overcome the shadow economy in the agro-industrial complex of Ukraine is possible only on condition of political will and public support of this sphere to eliminate the causes and conditions that lead to a significant spread of criminalization of socio-economic relations of agricultural production.

In criminal proceedings, fraud, misappropriation, misappropriation of property, or misappropriation through the abuse of office, most often, the materials of audits or direct testimony of the employees of the enterprises themselves about committing these crimes are the beginning of the opening of proceedings.

Often, there is an increase in economic crime with violent acts involving firearms and explosive devices. There are cases where so-called "white-collar" criminals seek the help of criminal authorities in order to obtain protection from influential persons in the criminal world with the ability to use weapons, explosive devices. The latter may intimidate possible witnesses or destroy the very evidence of economic crimes, which significantly complicates the process of investigating crimes in the specified category of criminal proceedings.

It should be noted that qualitatively recorded information in the following will allow law enforcement officers to successfully build versions of possible involvement in specific individuals' crimes, as well as the quality of the review of a possible crime scene, depending on the success of their further pre-trial investigation. It is necessary to keep in mind the timeliness and lawfulness of certain investigative (investigative) actions in order not to violate the requirements of criminal procedural law.

During the investigation of crimes related to the use of budget funds in the agro-industrial complex, the following categories of persons may be interrogated as witnesses: 1) employees of banking institutions; 2) employees of state institutions (institutions, organizations) of the sphere of management of the state executive body (Ukrainian State Fund for Support of Farms and its Regional Branches, Main Departments (Departments) of Agroindustrial Development of Regional (District) State Administrations and others); 3) heads of agricultural enterprises and their secre-
The main tasks that the investigator should set during interrogation are to establish the fact of committing the crime, to study the identity of the respondent (suspect), as well as to identify the causes and conditions conducive to the crime. Of great importance in the interrogation will be his preparation. The main task in this aspect of the action will be a competent choice of the time of the questioning. Incomplete examination of all material pertaining to the case, as well as the investigator's incompetence in understanding how to commit theft (misappropriation, misappropriation, fraud, or fraud) of budgetary funds allocated for the development of the agro-industrial complex can cause irreparable damage to criminal proceedings [4].

The survey of practitioners allows to conclude that the interviewed person realizing that the investigator does not fully possess the information on the crime being investigated or does not understand the mechanism of its commission, may feel confident that in the future it may adversely affect the results of the investigators (investigative) actions in criminal proceedings. Postponing the same interrogation indefinitely is also inappropriate. In our view, it would be more rational to conduct the first interrogation after collecting all the evidence at least one episode (if the case is multi-episode).

As a rule, preparation for the interrogation should consist not only in the study of the suspect's personality, but also in the study of the budget organization in which the crime took place, the peculiarities of its functioning, the conduct of business operations and transactions therein. A written plan must be drawn up before questioning. How the investigator will work in the process of investigative (search) action. A thoughtful, well-prepared written plan gives greater confidence to the investigator that he will not forget any circumstances of the case, will not miss the details of the investigation. In our view, the plan of interrogation in criminal proceedings should be divided again into episodes that have already been proven, with reference to the letters of the criminal proceedings, because the investigator, in a hurry turning through the pages of criminal proceedings, will look to the suspect in a convincing picture of his guilt will be proven and the conduct of the investigator will leave the impression of unprofessional law enforcement.

The next detail required for a successful interrogation will be the identity of the suspect himself. Comprehensive study of personality can give us a more complete picture of the mechanism of the crime, the number of episodes and other details. Here the whole portrait of the suspect is established, whether he committed this crime of this kind, what positions he held before, or whether he is still complicit in the crime under investigation. All this will be useful to know to predict the behavior of the interviewee and to build the tactics of the interview.

It is very important for the investigation that not only the investigators of forensic versions be nominated, but also the participation of an operative employee who conducts operative-search support of conducting investigative (investigative) actions. Joint efforts are aimed at establishing the features of the mechanism of crime by the interviewee, which the investigator will need to pay attention to in the process of establishing contact at the psychological level. Further versions put forward by investigators should be verified.

It should be noted that interrogation of relatives in criminal proceedings will be of considerable importance. In this aspect, the actions of an operative employee who seek to establish such relatives or close relationships that will agree to cooperate with the investigation play an important role, since these individuals have a constitutional right not to testify. Their interrogation is necessary in all cases: when the person is wanted, when the location of the main suspect is known to us, but the accomplices can hide and continue to resist the investigation. First, if a person is wanted, then relatives can know the possible location of the person. Second, interrogation of relatives is largely related to the disclosure of personal information, and in some cases intimate. Third, in the case of material interest on the part of relatives, the investigator may be able to get serious pressure from them [4].

During the interrogation of the suspect's relatives, the following information should be found out: – composition of the suspect's family; – the presence of relatives on the territory of the countries of the former Commonwealth of Independent States and other countries; – what education the suspect received, the name and location of the school with whom he or she maintains contacts; – if it is related to military service, if served, the name, location and number of the military unit and with whom it maintains contacts; – previous places of work, what positions he occupied and in what years, reasons for dismissals or transitions; – the financial status.
of the suspect, what big purchases he has been making lately, what property belongs to him and his family; – whether the hobby has a suspect or other inclination or hobby.

Conclusions. As practice shows, one of the effective ways of collecting information and the identity of the suspect is to receive a one-sided negative characteristic of the suspect. In this case, the interrogated person will correct and add information about the identity of the suspect, his / her circle of acquaintances, hobbies, etc.

To summarize, it should be noted that the knowledge of investigators and operatives of the basic organizational aspects of the conduct of certain investigative (search) actions, the list of implemented search measures in cases of crimes in the field of agro-industrial complex, will allow him to competently and successfully solve his task., disclosure and full investigation of crimes in the specified sector of the Ukrainian economy.

References

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Summary

The organizational features of conducting individual investigative (investigative) actions in investigat- ing crimes in the sphere of agro-industrial complex of Ukraine are investigated in the article. Attention is drawn to the sequence of investigative (investigative) actions in the investigation of economic crimes committed in the agro-industrial complex, which depends on the method of detection, consolidation and preservation of information, as well as the sequence of detection and fixation of traces of criminal encroachment.

Keywords: agro-industrial complex, investigative (search) actions, examination of documents, search, examination of witnesses, investigator, operative worker.