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### Abstract

The article describes the illegal activities in the field of transplantation, in particular, taking into account the current state and new forms of illegal actions in this area, its subjects and their role distribution. These criminological features of illegal activities in the field of transplantation are based on empirical material. Particular attention is paid to modern methods of committing the investigated criminal activity – recruitment using telecommunications and information technology.

The normative, legal and organizational measures aimed at improving the legal responsibility for illegal activity in the field of transplantation, measures of its detection, prevention and documentation, etc. are offered.

**Keywords:** *illegal activities in the field of transplantation, recruitment, prevention, crimes, donor, human trafficking, information technology.*

UDC 343.13

DOI: 10.31733/2078-3566-2020-5-227-231



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### OPERATIONAL INVESTIGATIVE SUPPORT OF SEARCHES

**Сергій Обшалов. ОПЕРАТИВНО-РОЗШУКОВЕ ЗАБЕЗПЕЧЕННЯ ПРОВЕДЕННЯ ОБШУКІВ.** Розглянуто особливості оперативно-розшукового забезпечення проведення обшуків. Розслідування тяжких і особливо тяжких злочинів, особливо вчинених кримінальними угрупованнями, супроводжується формуванням несприятливих слідчих ситуацій, зокрема, відсутність слідів злочину, наявність незначного обсягу орієнтуючої інформації, відсутність очевидців злочинної події, не встановлення особи потерпілого, активна протидія досудовому розслідуванню та ін.

Зазначене вимагає удосконалення організаційно-тактичних заходів щодо проведення окремих слідчих (розшукових) дій, зокрема, обшуків. Обшук є невідкладною процесуальною дією, що дозволяє на початковому етапі розслідування виявити знаряддя і сліди злочину, встановити особу злочинця, висунути правильні слідчі версії. Невідкладне й якісне проведення процесуальної дії з урахуванням особливостей розслідування тяжких і особливо тяжких злочинів може сприяти одержанню важливих доказів, які свідчать про причетність членів кримінальних угруповань, їх лідерів та організаторів конкретних злочинів до організованої злочинної діяльності. Наголошено, що слідчі, розслідуючи тяжкі та особливі тяжкі злочини, повинні враховувати, що злочинці не завжди

можуть зберігати зброю, засоби вчинення злочинів, викрадені предмети, цінності та інші об'єкти, що мають значення для кримінального провадження, за місцем проживання, а користуються послугами осіб, які не приймали безпосередньої участі у вчинених злочинах або не входять до складу кримінальних угруповань, але здатних за певну винагороду зберігати у себе вказані об'єкти. Такі особи, як правило, приховують свої зв'язки зі злочинцями, тому під час підготовки до проведення обшуків важливо виявити таких осіб, застосовуючи низку оперативно-розшукових заходів. Це дозволяє економити час, сили та засоби і тим самим сприяє реалізації принципу наступальності у боротьбі з організованою злочинністю.

Висвітлено методи обшуку та особливості їх поєднання з оперативно-розшуковими заходами.

**Ключові слова:** оперативно-розшукове забезпечення, слідчі (розшукові) дії, обшук, оперативний огляд, тактичний прийом, методи обшуку.

**Relevance of the study.** Recently, crime has adapted to new political and socio-economic conditions. The growth of organized crime, its transformation into transnational one, merging crime with the state and organizational and administrative apparatus, improving the technical equipment of criminals, complicating communication between them, the use of new methods of preparation, commitment and concealment of crimes and other negative factors, of course, complicate an already difficult activity of law enforcement agencies and, above all, units of the National Police of Ukraine, for the timely and high-quality detection, investigation and prevention of grave and especially grave crimes. Criminals cannot do without a reliable organizational and technical base, which makes them less vulnerable to law enforcement agencies, more mobile in obtaining the information necessary for criminal activity.

**Recent publications review.** Such scholars as V.P. Bakhin, R.S. Belkin, I. P. Kozachenko, K. O. Chaplynskyi, V. V. Shendryk, V. Yu. Shepitko and others have devoted their works to the study of the conceptual principles of detection and investigation of criminal offenses, features of investigative (search) actions. However, the problematic issues of the peculiarities of operational and search support of searches need additional coverage.

**The article's objective** is to highlight the features of operational-search support of searches.

**Discussion.** Further development of the theory and practice of operational-search activities involves raising the professional and educational level of operational-search units of the National Police of Ukraine, training personnel to perform operational and investigative tasks in new social conditions and effective use of operational units in criminal proceedings.

That is why the comprehensive, timely and effective use by the National Police operational units of methods and means of operational-search activities, combining them with individual investigative (search) actions, is an effective tool in combatting crime. This requires constant improvement of organizational-preparatory and tactical measures to do certain procedural actions, in particular, searches.

Immediate and sudden searches, taking into account the specifics of the investigation of certain types of crimes, can help to obtain important evidence of the involvement of specific individuals in criminal activities.

In general, a search is an investigative (search) action, the content of which is a compulsory inspection of premises and buildings, areas, individual citizens in order to find and seize items relevant to criminal proceedings, as well as identifying wanted persons [1, p. 290].

The general tactics of the search imply the need to take into account the investigative situation at the initial stage of the investigation, the characteristics of the opposing party and the nature of the criminal encroachment. Hence, the right choice of search tactics allows us to effectively conduct procedural action. During the detection and investigation of grave and especially grave crimes, a search should be carried out immediately in order to identify the perpetrators of these crimes, stolen items and valuables. Unjustified delay, untimeliness and unpreparedness of searches allow criminals to destroy or replace traces and tools of crime, to hide from the investigation and court, to hide or sell stolen items, to spend money obtained by criminal means, etc.

Regarding this, searches should be planned depending on the investigative situation at the initial stage of the investigation, the circumstances of the criminal proceedings and the analysis of the indicative information collected.

Investigators should keep in mind that in conducting searches, the suddenness of their conduct is crucial. However, the speed and suddenness of searches should not lead to haste and reduce the quality of their conduct, and negative results should not affect the intention to bring searches to their logical conclusion. The suddenness of the search is also of great psychological

importance. The sudden start of the search is unexpected for the searched objects' owners and causes nervous and psychological stress, which the investigator must use as effectively as possible during the search.

The suddenness of searches is impossible without observance of conspiracy and the rules of secret decision-making on their conduct, including operational-search measures. Therefore, the disclosure of information about a planned search to a significant number of persons may lead to information leakage and loss of the factor of the procedural action's suddenness.

The generalization of the materials of criminal proceedings for grave and especially grave crimes for which searches were conducted, allowed us to conclude that the effectiveness of their direction depends on the time and suddenness of the conduct.

We can agree with the opinion of K.O. Chaplynsky, who on the basis of the study of operational materials and criminal proceedings, generalization of survey data and questionnaires of investigators and operational units officers has identified the most effective methods of search:

Sequential and sample survey. During the sample survey, if there are sufficient grounds, the places of probable concealment of the searched items are checked first of all. This method is used for time-consuming work. If the selective search does not give positive results, the operation manager proceeds to a sequential inspection of all items. The search must begin with the most labor-intensive areas, as the investigator will be tired and will not be able to examine them thoroughly until the end of the proceedings. This is due to the fact that the search results are negatively affected by the investigator's fatigue, as it is difficult to focus attention due to the weakening of the sharpness of perception. In such cases, it is advisable to vary the nature of the search. But the sequence of the search depends on both its features and the investigator's tactical considerations. During the search, the research must be carried out carefully from all sides, inspect the parts that are hidden from the investigator, with each object being studied and inspected separately.

Parallel and counter examination is advisable during searches of a spacious room or area. In other cases, a counter-examination is performed. In this case, one searcher moves to the right of the entrance and the other to the left. When they meet, they inspect the center of the room. In general, depending on the nature and characteristics of the object under study, the objects sought and other circumstances, eccentric, concentric, frontal, sector, square or nodal methods of object study may be applied using the necessary technical devices.

Single and group searches are selected based on the number of people conducting the search. Due to the fact that searches involve a large number of people who do not have sufficient skills, it is necessary to skillfully combine the techniques of single and group searches. Where individuals are insufficiently qualified in search tactics, the search is conducted by the head of the search team, and others provide assistance. In this case, the survey is best conducted by a single search. At the same time, if the persons are sufficiently prepared to carry out the procedural action, the search may be carried out by the method of group search. At the same time, more experienced participants perform skilled work, and assistants perform ancillary operations.

Examination without violation and with violation of the integrity of objects. In the first case, methods of measurement, comparison and others are used to establish differences in weight and size. Detection of discrepancies between objects indicates the presence of hiding. During the search, the investigator has the right to open the locked premises and storage facilities if the owner refuses to open them. At the same time, the investigator must avoid unnecessary damage to doors, locks and other objects. However, the inspection of objects in violation of the integrity of the objects should be carried out only if there are sufficient grounds for it.

Distractions are used by changing the sequence of searches, conducting sample surveys, deliberately holding attention to minor objects in cases where the head of the search team is aware of hiding places, in cases where it is impractical to disclose their awareness to criminals and its operational sources.

Use of reflection of searched persons. Through reflection, the investigator elicits certain criminals reactions or creates specific conditions under which a person commits certain acts and observes them to expose hidden objects.

Systematic search and accounting of actions. The investigator should inspect the objects carefully and consistently, without being distracted by others. The obtained results should be carefully noted in the protocol, and also it is expedient to make plans and schemes, in those cases when photography does not provide clarity and does not allow to fix the location of a

hiding place and ways of detection and removal.

Use of scientific and technical means. Simultaneous searches should be combined with the use of search equipment to give criminals the impression of the futility of hiding items under search.

Involvement of a suspect, witness and victim in searches. Participation in the search of suspects allows the investigator to observe their psychophysical reactions during the proceedings. Involvement of witnesses and victims will prevent the seizure of items that have nothing to do with criminal proceedings.

During the search, it is advisable to use a technique based on the removal of certain persons from the place of search, in order to use their ignorance of its results during subsequent interrogations and simultaneous interrogations of previously interrogated persons.

Constant exchange of information between participants of the search about the detected items, methods of concealment and methods of detection.

Observing the behavior of those who are searched and those who find themselves at the scene is used when it is necessary to establish which investigator's actions are causing such a reaction in such persons. Searches conducted in the presence of these persons are more effective than without their participation. They are not mandatory participants in the search. Therefore, the investigator in each case, based on the investigative situation, decides on their involvement in searches. But it is important to remember that sometimes criminals can deliberately simulate certain psychophysical reactions to distract the investigator and tire the group with a fruitless search.

Sudden presentation of the item found during the search to the searched person. This tactic allows the searched person to have the impression that the search team knows all the objects to be found and their location. From here, the searched person can voluntarily name the places where other material evidence and items relevant to the criminal proceedings are hidden.

When criminals are identified but not detained, it is advisable to use a psychological technique based on the «leakage» of information, in order to persuade the perpetrators of stolen property to commit actions controlled by law enforcement agencies. However, such tactical operations have certain difficulties and risks, as there may be a loss of operational control over the movement of values.

Using the detecting dogs is an operational-search measure carried out during a search as well as before its beginning. This allows us to find items with a specific smell, encrypt the source of the received indicative information and legalize the information obtained in operational manner.

Given that the search sites may be located in the open area, the head of the operation must provide external protection, the responsibilities of which include: surveillance of the searched object, preventing anyone from leaving the object of search, monitoring the behavior of persons who are involved in the search. This measure allows the head of the operation to concentrate those who were in the search area in one place under the supervision of external security. On the other hand, the operations manager can obtain information about the results of observation of the situation around the objects where the search is conducted, and use it, guided by tactical considerations [2].

In criminal proceedings for grave and especially grave crimes, investigators should take into account that criminals may not always keep weapons, means of committing crimes, stolen items, valuables and other objects relevant to criminal proceedings, at the place of residence or work, and use the services of persons who did not take a direct part in the committed crimes or are not members of criminal groups, but are able to keep these facilities for a fee. Such persons, as a rule, hide their relationships with criminals, so in preparation for searches, it is important to identify such persons, using operational-search measures [2].

According to the Law of Ukraine «On Operational-Search Activities», operational units of the National Police of Ukraine may secretly detect and record traces of grave and especially grave crimes, documents and other items that may be evidence of preparation or commitment of grave crimes, or to receive indicative information, including by penetration into premises, vehicles, land plots.

Taking into account operational and investigative capabilities, it is important to ensure the mandatory operational-search support of searches, through the use of a number of methods, forces and means of operational-search activities. This is due to the fact that most serious and especially serious crimes are latent.

**Conclusions.** The importance of conducting searches in the investigation of grave and

especially grave crimes is due to the fact that often their results contain initial information that proves the involvement of certain persons in criminal activities and can be the basis for timely forensic and pre-trial investigation planning. All traces of the crime found during the searches are compared with the information obtained after the inspection of the scene. So, identification of links between items that are seized during searches, allows us to link to a specific person and bring him/her to justice. All this saves time, effort and resources and thus contributes to the implementation of the principle of offensiveness in combatting crime.

There is the need for operational-search support of certain investigative (search) actions, first of all due to the fact that it contributes to the most successful solution of problems of prevention, detection and investigation of crimes by establishing sources of information about the circumstances of its commitment (possible witnesses, location of stolen property, tools of crime), determining the most appropriate time for investigative (search) actions and the use of tactics, recording operational and investigative information that may have probative value, verification of evidence, etc.

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*Submitted 11.12.2020*

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#### Abstract

Peculiarities of operational-search support of searches have been considered. Investigation of serious and especially serious crimes, especially committed by criminal groups, is accompanied by the formation of unfavorable investigative situations, in particular, the absence of traces of the crime, the presence of a small amount of indicative information, the absence of eyewitnesses, failure to identify the victim etc.

The importance of conducting searches in the investigation of grave and especially grave crimes is due to the fact that often their results contain initial information that proves the involvement of certain persons in criminal activities and can be the basis for timely forensic and pre-trial investigation planning.

**Keywords:** *operational-search support, investigative (search) actions, search, operational-inspection, tactical tool, search methods.*