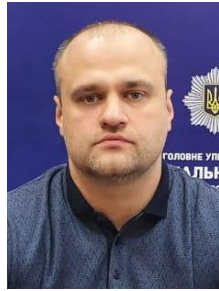


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TACTICS FOR EXAMINING THE SCENE WHEN INVESTIGATING SHOPLIFTING

Тарас Воліков. ТАКТИКА ОГЛЯДУ МІСЦЯ ПОДІЇ ПРИ РОЗСЛІДУВАННІ КРАДІЖОК З МАГАЗИНІВ. В статті розглядаються організаційні та тактичні особливості проведення огляду місця події при розслідуванні крадіжок з магазинів. Наголошується, що від своєчасності та якості проведення оглядів у багатьох випадках залежить успіх розслідування кримінальних правопорушень зазначеної категорії. Організаційно-тактичні особливості огляду місця події розглядаються на кожному з трьох етапів: підготовчому, робочому та заключному.

Приділяється увага тактиці огляду на робочому етапі. Після проведення організаційно-підготовчих заходів слідчий переходить до робочої стадії огляду. Метод огляду обирається в залежності від конкретної обстановки, що склалась на місці події. При розслідуванні крадіжок з магазинів, огляд починається з вхідних дверей та проводиться концентричним способом. У разі, коли спочатку виявлено місце проникнення до магазину, огляд проводиться також концентричним способом, починаючи з цього місця. У будь-якому випадку, огляд території приміщення магазину проводиться не суцільно, а вибірково. Щоб виявити сліди на місці події, необхідно скласти модель події, тобто загальне уявлення про характер і хід події, що відбулася; ознайомитися з обстановкою місця події, встановити стан і положення окремих предметів до події, виділити місця ймовірного розташування слідів, взаємозв'язок різних слідів та механізм їх утворення, визначити шляхи приходу та відходу злочинців. Виходячи зі створеної моделі події в цілому, визначаються вузлові ділянки приміщення, місцевості, конкретизуються предмети, що знаходяться на ділянках, на яких, ймовірніше могли бути залишені сліди. При цьому треба виходити з обстановки місця події, з властивостей слідосприймаючої поверхні, механізму утворення різних слідів. Під час огляду доцільно керуватися принципом комплексного підходу до пошуку слідів, тобто необхідно ретельно шукати сліди, утворені різними об'єктами: сліди рук, взуття, знарядь злочину, мікрочастинки, запах тощо. Сліди треба виявляти в повному обсязі, не варто робити передчасні висновки щодо ідентифікаційної значимості слідів, оскільки часто навіть неповні або нечіткі сліди можуть мати важливе криміналістичне значення.

Приділяється увага негативним обставинам, що можуть свідчити про інсценування крадіжки. Ними можуть бути невинуваті порушення обстановки, замикаючих пристроїв, відсутність слідів злочину у місцях, де вони за логікою повинні бути. В окремих випадках характер злочину перешкод може свідчити, що їх було зламано не ззовні, а з внутрішньої сторони приміщення. Заключний етап огляду полягає в узагальненні, аналізі та оцінці зібраної інформації та фіксації його результатів. Про проведення огляду слідчий складає протокол, який є обов'язковим засобом фіксації даної слідчої (розшукової) дії.

Зроблено висновок, що розглянута слідча (розшукова) дія є однією з важливих з точки зору інформативності. Від успіху її проведення залежить подальший хід розслідування. Вдосконалення тактичних прийомів проведення огляду та вплив його результатів на проведення інших слідчих (розшукових) дій за даною категорією справ є перспективним напрямом наукових розробок.

Ключові слова: розслідування, слідчий, крадіжки з магазинів, огляд місця події, сліди, тактичні прийоми.

Relevance of the study. The Constitution of Ukraine declares the inviolability of the right to private property and the inviolability of housing from any illegal encroachments (Art. 30, 41). The inviolability of private property is recognized as an extraordinary social value in the conditions of the renewal of our society, the formation of a democratic, legal state. Protection of private property, its protection from criminal encroachments was and remains one of the most important tasks of law enforcement agencies. The economic situation in the state, the level of

prosperity of the population in recent years, unfortunately, does not contribute to reducing the level of self-interested crime. Shoplifting accounts for a significant amount. Statistical data show that the disclosure and investigation of these thefts is not fully satisfactory in the practice of combating crime.

The reasons for the low effectiveness of the investigation are diverse, both objective and subjective in nature. The main factors include insufficient security of store premises; criminals' choice of the time of committing crimes, which does not contribute to the establishment of witnesses and eyewitnesses; untimely notification of the police authorities about the committed crime, which makes it impossible to use the method of investigating crimes on "hot" tracks; the heavy workload of investigative units, which leads to the relegation of the investigation of these thefts to the "second plan". One of the reasons is also the lack of scientifically based recommendations for carrying out separate investigative (search) actions, in particular, inspections during the investigation of shoplifting.

Recent publications review. The peculiarities of conducting investigative (search) actions during the investigation attracted the attention of many. Among them, such scientists as: V. Bakhin, V. Bernaz, A. Volobuev, V. Goncharenko, V. Zhuravel, A. Ishchenko, N. Klymenko, V. Konovalova, V. Kuzmichev, V. Lysychenko, V. Lukashevich, E. Lukyanchikov, G. Matusovskyi, M. Saltevskyi, K. Chaplinskyi, V. Shepitko and others. However, in the works of scientists, attention was not paid to the specifics of conducting an inspection in the investigation of thefts from stores, which testify to the relevance of the study of these problems.

The article's objective. The purpose of the article is to highlight the tactical techniques used when conducting an inspection of the scene during the investigation of shoplifting.

Discussion. A special place among investigative (research) actions aimed at obtaining evidentiary information from material sources belongs to the review. According to art. 237 of the Criminal Procedure Code of Ukraine, in order to identify and record information about the circumstances of the commission of a criminal offense, investigators and prosecutors conduct an inspection of the area, premises, things and documents.

One of the main types of inspection is the inspection of the scene. It belongs to the primary, unique and irreplaceable investigative (search) actions. It cannot be replaced by other investigative (search) actions, in particular, interrogations of persons who are eyewitnesses to a criminal event, since no witness is able to give in their testimony the necessary amount of information that the investigator can discover directly during the inspection of the scene of the event. During its conduct, all objects that may relate to a criminal offense are examined, depending on the specific investigative situation, according to the internal conviction of the investigator. Therefore, the informativeness of an investigative review is much higher than, for example, a search or an investigative experiment [1, p. 51]. That is why the development and improvement of tactical methods of this investigative (search) action is relevant for the practice of investigation.

Summarizing the views of scientists, it can be noted that inspection is understood as a procedural action, which consists in the direct perception of objects with the aim of identifying traces of a criminal offense and other material evidence, clarifying the mechanism of a criminal event, as well as circumstances relevant to criminal proceedings [2, p. 217; 3, p. 3; 4, p. 334]. During the investigation of thefts, the inspection allows the investigator to: directly perceive the scene and objects in order to identify traces of the crime; create an idea about the mechanism of the committed criminal offense; to identify, record, remove, investigate and evaluate traces of a crime, negative circumstances and other material evidence that is important for criminal proceedings; to establish the circumstances, reasons and conditions that contributed to the commission of a criminal offense; create an idea about the identity of the criminal; timely put forward investigative or investigative versions and correctly determine the directions of the pre-trial investigation; to receive initial information for the organization of the search for the criminal and the implementation of urgent investigative (search) actions; detain criminals on the hot trail or determine the directions of their pursuit, establish the number of criminals, etc.

The generalization of criminal proceedings regarding thefts committed from store premises allowed us to conclude that the inspection was carried out in 95 % of cases. It should be noted that the success in the investigation of criminal offenses of the specified category depends on the timeliness and quality of inspections in many cases. Any unwarranted delay in the inspection of the crime scene may result in the destruction of the crime scene. When investigating thefts committed from store premises, the scene may be the following objects: premises of the store's sales hall; storage facilities located in the store; offices of store

management; utility rooms, corridors; possible places of arrival and departure of criminals (windows, passage for unloading and loading goods); the surrounding area.

The inspection of the scene consists of three main stages: preparatory; working and final [4, p. 336]. We can agree with the opinion of V. Shepitka, who points out that the preparation for the inspection is a certain set of measures of an organizational and security nature, which create favorable conditions for its implementation [5, p. 198].

During the investigation of thefts committed from the premises of shops, the preparatory stage of the inspection must begin from the moment of decision on the conduct of an investigative (search) action and include the activities of the investigator, the prosecutor before going to the scene of the incident and directly at the scene of the incident.

The study of investigative practice, the generalization of scientific literature and the results of the survey of employees of investigative units allow us to conclude that before going to the scene of the incident, the investigator should carry out the following organizational and preparatory measures:

- to ensure the immediate arrival of the investigative team at the scene of the incident. The review may be postponed due to adverse conditions, but with the mandatory security of the scene. A minimum period of time must elapse between the receipt of initial information about the commission of a criminal offense and the beginning of an investigative review. The generalization of investigative practice allows us to conclude that the optimal period of time should not exceed 15 minutes. Ignoring the principle of urgency, unjustified and unwarranted delay in the examination can lead to negative consequences, in particular, to a change in the situation at the scene, destruction of traces of a criminal offense and physical evidence [1, p. 58];

- in the case of the impossibility of the immediate arrival of the investigative-operational team at the scene of the incident, to ensure its protection. This measure is most often provided at the request of police officers by store security or sellers, depending on the time of the crime;

- to ensure that witnesses and eyewitnesses are left at the scene of the incident until the arrival of the investigative team;

- to prepare the necessary scientific and technical means. The use of scientific and technical means, the use of scientific achievements and strict adherence to forensic rules for handling material sources of evidentiary information is important for conducting an examination [6, p. 50].

- to resolve the issue regarding the use of a service search dog.

Upon arrival at the scene, the investigator must take the following organizational measures:

- remove outsiders from the scene and take measures to preserve traces of a criminal offense and material evidence;

- take measures to identify eyewitnesses to a criminal offense;

- take measures to organize the pursuit and detention of hot-track criminals.

After carrying out organizational and preparatory measures, the investigator proceeds to the working stage of the inspection, during which he gets acquainted with the situation at the scene of the incident, determines the boundaries of the inspection, puts forward versions of the crime event. If the activity of the investigator at the organizational and preparatory stage has an organizational nature, then at the working stage it acquires a research character. The working stage of the investigative review consists of a number of tactical techniques that precede the review itself and accompany it [1, p. 51]. Review tactics should be understood as a complex of the most effective and rational techniques and methods of action or the most appropriate line of behavior of the investigator, which ensures the detection of the maximum number of traces of a criminal offense, physical evidence and the establishment of circumstances that are important for criminal proceedings.

The inspection method is chosen depending on the specific situation at the scene. As a rule, the examination in the investigation of thefts committed from store premises begins with the entrance door to the store. In this case, the concentric method of inspection should be chosen. In the event that the point of entry to the store is first detected, the inspection is also carried out in a concentric manner, starting from this point. In any case, the inspection of the territory of the store premises is not carried out continuously, but selectively. In order to detect traces at the scene of the event, it is necessary to make a model of the event, that is, a general idea of the nature and course of the event that took place; familiarize yourself with the situation at the scene of the event, establish the condition and position of individual objects before the event, identify the likely locations of traces, the relationship of various traces and the mechanism of their

formation, determine the ways of the criminals' arrival and departure. Based on the created model of the event as a whole, the nodal areas of the premises and terrain are determined, and the objects located in the areas where traces could most likely have been left are specified. At the same time, it is necessary to proceed from the situation of the scene, from the properties of the trace-receiving surface, and the mechanism of the formation of various traces. During the inspection, it is advisable to be guided by the principle of an integrated approach to the search for traces, that is, it is necessary to carefully search for traces formed by various objects: handprints, shoes, burglary tools, microparticles, odor, etc. Traces should be detected in their entirety, one should not make premature conclusions about the identification value of traces, since often even incomplete or unclear traces can have important forensic value.

A thorough and high-quality investigation of the situation at the place of theft allows you to get the maximum amount of information for the successful identification and search of the criminal. For example, random destruction of obstacles, specifics of stolen items can indicate the age of criminals; the place of penetration and its dimensions - on the body; the method of opening locking devices and other obstacles – on the used hacking tools and professional skills of the criminal; location of broken obstacles – on his physical strength. Researching the subject of illegal encroachment allows you to make assumptions about the places of possible sales, connections of criminals, their inclinations, preferences.

The objects discovered during the inspection must be pre-examined directly at the scene, which allows to obtain a certain amount of information necessary for the search of the criminal on the hot tracks. Such an investigation is usually carried out by a forensic specialist. Thus, the study of handprints allows with a certain percentage of probability to determine the gender, age, features of the structure of the hands, and the number of criminals. The study of shoe traces determines the number of criminals, their gender, height, and characteristics of shoes.

When inspecting the place of theft, it is necessary to pay attention to negative circumstances that may indicate that the theft was staged. They can be unjustified violations of the situation, locking devices, the absence of crime traces in places where they should logically be. In some cases, the nature of breaking obstacles may indicate that they were broken not from the outside, but from the inside of the room.

When removing traces, the following rules must be followed: try to remove traces together with the object on which they are formed. If the trace is on a low-value bulky object, it is advisable to remove the trace together with a part of the object; if it is impossible to remove the object or its part with a trace, it is copied by making casts or by copying onto trace copying materials; when removing traces on an object, it is important to record the position of the object or its parts at the place of detection, indicate where the outer and inner sides, lower or upper sides of the object are, etc.; the objects themselves or their copies should be packed in such a way as to exclude the possibility of damage to traces during transportation and storage. The package is sealed, an accompanying text is attached to it indicating what is in it, where, when, by whom and in connection with what it was removed and certified by the signatures of the investigator and witnesses [7, p. 98].

The final stage of the review consists in summarizing, analyzing and evaluating the collected information and recording its results. The investigator draws up a report on the inspection, which is a mandatory means of recording this investigative (search) action.

Conclusions. Having considered the peculiarities of conducting an inspection in the investigation of shoplifting, it can be noted that the considered investigative (search) action is one of the most important from the point of view of informativeness. The further course of the investigation depends on its success. Improving the tactical techniques of conducting the review and the influence of its results on the conduct of other investigative (search) actions for this category of cases is a promising direction of scientific development.

Conflict of Interest and other Ethics Statements

The author declares no conflict of interest.

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ABSTRACT

The article deals with the organizational and tactical features of conducting an inspection of the scene during the investigation of shoplifting. It is emphasized that the success of the investigation of criminal offenses of the specified category depends on the timeliness and quality of inspections in many cases. Organizational and tactical features of the inspection of the scene of the event are considered at each of three stages: preparatory, working and final.

Attention is paid to review tactics at the working stage. After carrying out organizational and preparatory measures, the investigator moves to the working stage of the review. The inspection method is chosen depending on the specific situation at the scene. Based on the created model of the event as a whole, the nodal areas of the premises and terrain are determined, and the objects located in the areas where traces could most likely have been left are specified. At the same time, it is necessary to proceed from the situation of the scene, from the properties of the trace-receiving surface, and the mechanism of the formation of various traces. During the inspection, it is advisable to be guided by the principle of an integrated approach to the search for traces, that is, it is necessary to carefully search for traces formed by various objects: handprints, shoes, burglary tools, microparticles, odor, etc.

Attention is paid to negative circumstances that may indicate that the theft was staged. They can be unjustified violations of the situation, locking devices, the absence of crime traces in places where they should logically be. In some cases, the nature of breaking obstacles may indicate that they were broken not from the outside, but from the inside of the room. The final stage of the review consists in summarizing, analyzing and evaluating the collected information and recording its results.

It was concluded that the considered investigative (research) action is one of the important ones from the point of view of informativeness. The further course of the investigation depends on its success. Improving the tactical techniques of conducting the review and the influence of its results on the conduct of other investigative (search) actions for this category of cases is a promising direction of scientific development.

Keywords: *investigation, investigator, thefts from the shops, review of place of event, tracks, tactical receptions.*