

Concept and features of the interaction of the investigative and operational group of the national police with other entities investigating criminal offences

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Abstract. *Concept and features of the interaction of the investigative and operational group of the National Police of Ukraine with other entities investigating criminal offences*

The article proves that various bodies that are part of the law enforcement system are connected by daily communication. Thus, investigators and inquirers constantly communicate with the relevant prosecutors in the process of coordinating decisions, processing draft procedural documents, and exchanging information that is important for the subsequent referral of criminal proceedings to the court.

It has been determined that the interaction of the investigative and operational group of the National Police with other subjects of criminal offense investigation is a mutual, coordinated, systematic, coordinated actions of the investigative and operational group of the National Police with other subjects in the process of agreeing on decisions, exchanging information necessary to clarify the circumstances of the commission of a criminal offense at the scene of the incident, which is carried out with the aim of efficiently collecting primary information about the criminal offense, conducting an inspection of the scene of the incident, seizing evidence, identifying witnesses, minimizing the risks of abuse, violations of the requirements of the criminal procedural legislation of Ukraine, ensuring maximum involvement, effectiveness and efficiency of each police officer within the group, and in conditions of martial law, their maximum safety and readiness for unforeseen events and repeated attacks.

The following features are attributed to the individual features of the interaction of the investigative and operational group of the National Police with other subjects of criminal investigation: a special procedure for the interaction of the investigator with operational officers; special forensic support for such activities, for which the forensic specialist (inspector-forensic expert) is responsible; and planning of the interaction of the investigative and operational group of the National Police with other subjects of criminal investigation.

Keywords: *concept, features, interaction, investigative and operational group of the National Police of Ukraine, subjects of criminal investigation, investigator, operational officers, forensic support.*

Problem statement. The basis of the process of investigating criminal offenses is the interaction of authorized entities because constant communication, mutual information, joint events and other forms of cooperation create an obvious advantage of law enforcement agencies over any organized criminal associations.

A. V. Borovyk, A. G. Varkhov and N. Z. Derevyanko note that “any viable system is determined by the aggregate manifestation of specific features and conditions. Interaction in this case acts as a fundamental component, a leading characteristic and a necessary condition that allows it to function as a single whole and be adaptive to new challenges. Recognizing the above as a necessary paradigmatic concept for the development of the system of ensuring national security, the national leadership of the state proclaimed the formation of effective mechanisms for the interaction of entities of the security and defense sector during the performance of their functional duties as one of the basic directions for ensuring the national system of stability” [1, p. 5].

At the same time, interaction in the process of investigating criminal offenses is also aimed at ensuring the national security of the state. Crime, if it penetrates the spheres of defense procurement, distribution of humanitarian aid, material and technical support of formations, military units and subdivisions of the Armed Forces of Ukraine and other military formations, poses a direct threat to the national security of the state. It is also important to prevent the transfer of criminal practices to the processes of interaction themselves. After all, corruption, abuse in pre-trial investigation bodies, operational units, etc. are formed mainly during interaction with other bodies and subdivisions that are

involved in the process of investigating criminal offenses.

State of the study. For many years, the central place in administrative and legal research in Ukraine has been given to various aspects of the interaction of law enforcement agencies. In particular, this issue was studied by V. B. Averyanov, O. M. Bandurka, O. I. Bezpalova, Yu. P. Bytyak, O. V. Voloshyna, V. M. Garashchuk, V. G. Hrytsenko, S. M. Gusarov, O. Yu. Dubynsky, A. V. Zavydnyak, O. V. Zubrytsky, D. V. Zhuravlev, N. V. Ilchyshyn, A. T. Komzyuk, V. M. Lagovsky, K. B. Levchenko, Yu. P. Loboda, B. V. Malyshev, O. M. Muzychuk, D. M. Pavlov, A. O. Polyansky, O. Yu. Salmanova, V. V. Sokurenko, R. V. Shapoval, O. M. Shevchuk and others. However, the concept and features of the interaction of the investigative and operational group of the National Police with other subjects of criminal investigation have not yet been given sufficient attention in domestic scientific research.

Purpose and objectives of the study. The purpose of the article is to establish the concept and features of the interaction of the investigative and operational group of the National Police with other subjects of criminal investigation. To achieve this goal, it is necessary to solve the following tasks: to establish the purpose of the interaction of the investigative and operational group of the National Police with other subjects of criminal investigation; to determine the essence of the interaction of the investigative and operational group of the National Police with other subjects of criminal investigation; to consider certain features of the interaction of the investigative and operational group of the National Police

with other subjects of criminal investigation, in particular, the special procedure for the interaction of the investigator with operational officers; special forensic support for such activities, for which the forensic specialist (forensic inspector) is responsible; planning the interaction of the investigative and operational group of the National Police with other subjects of criminal investigation.

Scientific novelty of the study. The scientific novelty of the study lies in the special approach to identifying previously unstudied features of the interaction of the investigative and operational group of the National Police with other subjects of criminal investigation.

Presentation of the main material. A. V. Myrovska, Yu. B. Komarinska and L. L. Patyk emphasise that “the most important condition for achieving success in the disclosure and investigation of criminal offences is the interaction of the bodies participating in this activity. In the fight against criminal illegality, law enforcement bodies form a single system and perform their functions in accordance with the Constitution of Ukraine and other laws. At the same time, the law enforcement system is characterised by the fact that it includes management structures of different departmental subordination. The commonality of goals, tasks, principles and nature of activity connect them into a holistic system” [2, p. 447]. It is also worth adding that the various bodies included in the law enforcement system are also connected by daily communication. Thus, investigators and inquirers constantly communicate with the relevant prosecutors in the process of coordinating decisions, processing draft procedural documents, and exchanging information, which is important for the subsequent referral of criminal proceedings to court. In this context, it is important to form goodwill, openness and coherence in the process of daily communication, which, along with the formal requirements stipulated by the laws of Ukraine and subordinate regulatory legal acts, are the ideological basis of the interaction process.

In the process of investigating criminal offences, an electronic system that simplifies daily interaction is the Unified Register of Pre-Trial Investigations, “an electronic information and communication system designed to collect, store, protect, process, record, search, and summarise data used to generate reports, as well as provide information about the information entered into the Register, in compliance with the requirements of criminal procedural legislation and legislation regulating the protection of personal data and access to information with limited access” [3].

The unified register of pre-trial investigations allows minimising the risks of abuses and violations of the requirements of the criminal procedural legislation of Ukraine and also provides automatic control over the terms of making individual procedural decisions and makes the activities of the investigator as transparent as possible and accessible for review by both the controlling bodies and the defence, prosecution, and other participants in the criminal proceedings.

P.V. Tsybmal and O.I. Manzyuk note that “the goal of interaction is the maximum unification of forces and means of investigation and inquiry bodies in the fight

against crime through the correct use of procedural, administrative, and operational-search functions during the investigation of criminal cases, thus obtaining the most effective results in the implementation of criminal justice tasks” [4, p. 459].

In the process of interaction of the investigative-operational group of the National Police with other subjects of criminal offence investigation, such a goal is to ensure the fastest, most complete and lawful clarification of the circumstances of the commission of a criminal offence at the scene.

At the same time, it is the investigator who has the organising and directing role in the investigative and operational group and the main responsibility for conducting an inspection of the scene of the incident, seizing evidence, identifying witnesses, etc. The investigator coordinates the activities of operational officers and the criminal inspector and directs them in such a way as to ensure the involvement of each police officer in clarifying the circumstances of the commission of a criminal offence. Thus, the investigator is entrusted with a significant range of powers in the investigative and operational group; he is personally responsible for the actions of all employees involved. In practice, the investigator informs not only the employee of the duty unit but also the head of the pre-trial investigation body about the individual circumstances of the commission of a criminal offence. The investigator can also clarify certain information from the ARMOR database with the employee of the duty unit or independently check it on a service tablet (if available). In martial law conditions, the investigator (detective) must ensure maximum safety for other workers involved in the group, pay attention to air raid signals, and organise their immediate movement to shelter.

It is necessary to agree with the position of R. L. Stepanyuk and D. D. Zayats that “in criminal procedural science, interaction is considered as a legal institution. In the theory of operational and investigative activity, issues of interaction are studied in relation to certain subjects – operational units. In turn, the forensic interpretation of interaction is closely related to criminal procedure. In a broad sense, interaction is considered in relation to the joint activities of all bodies and officials conducting criminal proceedings. It is interpreted not only in relation to the investigator or the process of investigating a certain crime, but also in relation to the use of any forensic techniques, means and methods. In the narrow sense of interaction, the investigator always acts as one of its subjects, and it itself is considered as a form of organising the investigation. In the combined approach, there is an attempt to reflect various aspects of interaction: its external expression (joint activity), method of activity (organisational and tactical technique), individual features of activity (mutual trust), etc. [5, pp. 460-461].

It should be noted that in domestic legal science, the interaction between subjects of criminal investigation is most often considered through the prism of criminal procedure or forensic knowledge. At the same time, the administrative and legal approach will allow us to consider it from the point of view of determining the place of pre-

trial investigation bodies and other involved subjects as holders of authority in the system of public authorities authorised to make certain decisions, for the implementation of which, along with the technical and forensic component, the organisational and managerial component is also important.

A. Synoversky and M. Skrynyk consider interaction to be “a pre-agreed system of actions of authorised subjects, the purpose of which is to achieve a single result based on the use of joint efforts, methods and means. In the process of investigating criminal offences committed by organised criminal groups under martial law, the investigator (detective) involves other units of law enforcement agencies of Ukraine, as well as employees of state, private and public enterprises, institutions and organisations, which in turn requires proper coordination of the actions of each subject. Since within the framework of interaction between participants in criminal proceedings, it is necessary to establish psychological contact, it is important to observe the complex of tactical and psychological aspects of organising interaction between authorised subjects” [6, p. 142].

Thus, the interaction of the investigative and operational group of the National Police with other subjects of criminal offense investigation is a mutual, coordinated, systematic, coordinated actions of the investigative and operational group of the National Police with other subjects in the process of agreeing on decisions, exchanging information necessary to clarify the circumstances of the commission of a criminal offense at the scene of the incident, which is carried out with the aim of promptly collecting primary information about the criminal offense, conducting an inspection of the scene of the incident, seizing evidence, identifying witnesses, minimizing the risks of abuse, violations of the requirements of the criminal procedural legislation of Ukraine, ensuring maximum involvement, effectiveness and efficiency of each police officer within the group, and in conditions of martial law, their maximum safety and readiness for unforeseen events and repeated attacks.

Regarding the individual features of the interaction of the investigative and operational group of the National Police with other subjects of criminal investigation, it is necessary to pay attention first of all to such a feature as the special procedure for the interaction of the investigator with operational officers.

It should be noted that the interaction of the investigator with operational officers is the basis of the work of any investigative and operational group. These are the main subjects, the coordination of whose activities allows us to effectively obtain the necessary information and quickly, effectively and legally carry out the necessary investigative (search) actions. At the same time, it is at the level of interaction between these two subjects that problems can often arise that significantly hinder or make impossible the effective functioning of the investigative and operational group. These problems are due to the fact that in the process of professional activity and repeated service as part of investigative and operational groups, both investigators and operational officers develop algorithms for actions in certain

situations over time. These algorithms are not always legal, provided for by criminal procedure legislation. At the same time, an employee who uses such algorithms eventually becomes convinced that only they are effective and correct. A serious problem can be a situation when the same group includes an “experienced” operational officer and a newly appointed investigator (detective), who, due to the lack of many years of experience, may listen to advice and recommendations that may ultimately lead to significant procedural violations during the inspection of the scene of the incident, the use of illegal methods of obtaining evidentiary information, etc.

Yu. V. Holub and T. R. Skrypelyuk note that “properly established interaction helps to optimise and organically combine the use of the capabilities of pre-trial investigation bodies and operational units during criminal proceedings, thereby achieving speed, completeness and impartiality of the investigation of crimes and solving other tasks” [7, p. 47].

In this context, it is worth noting that in many respects the coordinated activities of investigators (detectives) with operational officers are related to the effectiveness of briefing before taking up duty as part of the investigative and operational group. It is the operational officer on duty or an authorised person from the leadership of the police agency who should explain in as much detail as possible the algorithms of actions in certain situations, consider possible conflict situations, and provide advice and recommendations that should be taken into account before leaving for the scene.

At the same time, another feature of the interaction of the investigative and operational group of the National Police with other subjects of criminal offense investigation is the special forensic support of such activities, for which the forensic specialist (forensic inspector) is also responsible. After all, even with the coordinated activities of investigators with operational workers, there is a need to use special methods of evidence extraction and technical means and devices that allow them to properly identify, remove, and pack certain objects, traces, and biological samples at the scene.

In the process of interaction between investigators and forensic inspectors, it is important to prevent the latter from being passive, in particular to exclude situations where, in cases provided for by law, forensic inspectors do not go to the scene of the incident, putting their signature in the scene inspection report and on the relevant safe packages after the return of the investigative and operational group.

Another important feature is the need to plan the interaction of the investigative and operational group of the National Police with other subjects of criminal offence investigation.

A plan is a predetermined course of action. Simply put, it is setting goals and deciding how to achieve them. Planning is a preliminary decision on what to do, how to do it, when to do it and who should do it. Planning is goal-orientated: all plans arise from goals. Goals provide basic guidelines for planning activities. Planning is meaningless if it does not contribute in some positive way to achieving

predetermined goals. Planning is a mental exercise: planning is a mental process that involves imagination, foresight, and common sense. Planning forces managers to abandon guesswork and wishful thinking. It forces them to think logically and systematically. Planning is a continuous process: it is an endless activity. It is a constant process of adapting to change. There is always a need for a new plan, which is developed based on new requirements and changing circumstances. Planning involves choice: if there is only one way to do something, there is no need for planning. The need for planning arises only when alternatives are available. Planning is an integrated process: plans are structured logically, where each lower-level plan serves as a means to implement higher-level plans. They are closely interdependent and complementary. Planning includes aspects of efficiency and effectiveness: plans are aimed at economical and efficient use of resources [8].

Conclusions. Thus, interaction in the process of investigating criminal offences is aimed at ensuring the national security of the state. Crime, provided it penetrates the spheres of defence procurement, distribution of humanitarian aid, material and technical support of formations, military units and subdivisions of the Armed Forces of Ukraine and other military formations, poses a direct threat to the national security of the state.

Attention has been focused on the fact that it is the investigator who has the organising and directing role in the investigative and operational group, the main responsibility for conducting an inspection of the scene of the incident, seizing evidence, identifying witnesses, etc. The investigator coordinates the activities of operational

officers and the criminal inspector and directs them in such a way as to ensure the involvement of each police officer in clarifying the circumstances of the criminal offence.

It has been determined that the interaction of the investigative and operational group of the National Police with other subjects of criminal offense investigation is a mutual, coordinated, systematic, coordinated actions of the investigative and operational group of the National Police with other subjects in the process of agreeing on decisions, exchanging information necessary to clarify the circumstances of the commission of a criminal offense at the scene of the incident, which is carried out with the aim of efficiently collecting primary information about the criminal offense, conducting an inspection of the scene of the incident, seizing evidence, identifying witnesses, minimizing the risks of abuse, violations of the requirements of the criminal procedural legislation of Ukraine, ensuring maximum involvement, effectiveness and efficiency of each police officer within the group, and in conditions of martial law, their maximum safety and readiness for unforeseen events and repeated attacks.

The following features have been attributed to the specific features of the interaction of the investigative and operational group of the National Police with other subjects of investigation of criminal offences: a special procedure for the interaction of the investigator with operational officers; special forensic support for such activities, for which the forensic specialist (forensic inspector) is responsible; planning of the interaction of the investigative and operational group of the National Police with other subjects of investigation of criminal offences.

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