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ABSTRACT

The scientific article focuses on solving the current scientific problem of studying the causes of crime dynamics during quarantine restrictions and ways to prevent them in Ukraine. The research was based on legislative and scientific sources, the analysis of which made it possible to reach certain conclusions.

In the work, an attempt was made to systematize the reasons that affect the dynamics of indicators of various types of offenses during the coronavirus pandemic. It was emphasized that the quarantine restrictions had an effect on the increase in the number of cases of domestic violence, online fraud, Internet trends of dangerous content, falsification of medicines and administrative offenses, however, the number of pickpocketing, hooliganism, and vandalism decreased.

Keywords: *coronavirus, COVID-19, quarantine, pandemic, forensic prevention, offense.*

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THEORETICAL AND PRACTICAL FEATURES OF THE TACTICS OF PUBLIC USE BY CRIMINAL POLICE UNITS DURING OPERATIONAL AND INVESTIGATIVE SUPPORT OF CRIMINAL PROCEEDINGS

Олександр Христов. ТЕОРЕТИКО-ПРИКЛАДНІ ЗАСАДИ ТАКТИКИ ГЛАСНОГО ВИКОРИСТАННЯ ГРОМАДСЬКОСТІ ПІДРОЗДІЛАМИ КРИМІНАЛЬНОЇ ПОЛІЦІЇ ПІД ЧАС ОПЕРАТИВНО-РОЗШУКОВОГО ЗАБЕЗПЕЧЕННЯ КРИМІНАЛЬНОГО ПРОВАДЖЕННЯ. Стаття присвячена дослідженню тактичних особливостей гласного використання громадськості підрозділами кримінальної поліції під час оперативно-розшукового забезпечення кримінального провадження. Ефективність проведення процесуальних дій досягається умілим застосуванням та комбінуванням гласних і негласних сил, заходів і засобів, які використовуються під час їх оперативно-розшукового забезпечення. Тактика використання громадськості підрозділами кримінальної поліції під час оперативно-розшукового забезпечення кримінального провадження у системі оперативно-розшукової тактики умовно відноситься до спеціальної оперативно-розшукової тактики.

Перевага (цінність, суспільна корисність) використання представників громадськості перед іншими негласними силами оперативно-розшукової діяльності, які використовуються під час оперативно-розшукового забезпечення кримінального провадження, полягає у тому, що негласна форма (вид) такого сприяння у разі необхідності (за добровільною згодою особи) може перетікати в гласну на наступних етапах кримінального провадження, а сам представник громадськості може виступати свідком (джерелом ідеальних слідів кримінального правопорушення). Саме залучення представників громадськості до виконання окремих дій під час оперативно-розшукового забезпечення проведення гласних слідчих (розшукових) дій за їх добровільною згодою не вимагає їх обов'язкової конспірації. Тактика гласного використання представників громадськості підрозділами кримінальної поліції під час оперативно-розшукового забезпечення проведення гласних слідчих (розшукових) дій обумовлюється завданнями оперативних працівників, які визначає (доручає) їм слідчий (дознавач),

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прокурор: самостійне проведення або виконання окремих завдань.

Ключові слова: *дознавач, гласні слідчі (розшукові) дії, громадськість, оперативно-розшукове забезпечення кримінального провадження, оперативно-тактичні ситуації, підрозділи кримінальної поліції, слідчий.*

Relevance of the study. Today, operational-search support of criminal proceedings is in the center of scholars' and practitioners' increased attention, since a number of problems that arose in connection with the adoption of the Criminal Procedure Code in 2012 (in particular, certain institutions: confidential cooperation, covert investigative-search actions, inquiries and etc.), caused, in a certain sense, a "systemic collapse" of such activity, which has not yet been resolved in the 10 years this code has been in force, even despite numerous amendments and supplements to this law. But the speed, completeness and objectivity of the entire process of pre-trial investigation and court proceedings (exposing the criminal activity of all accomplices (links) and proving their roles in the commitment of a criminal offense; establishing the location and return of property and finances) largely depend on the successful implementation of such activities illegally acquired; prevention (neutralization) and/or overcoming opposition to the investigation or influence on persons authorized to conduct it or make procedural decisions; ensuring the safety of persons who contributed to the implementation of investigative activities, pre-trial investigation, court proceedings or participate in it, etc.), as well as the timeliness of the initiation (opening) of criminal proceedings, the effectiveness of open and covered investigative (search) actions or other procedural and non-procedural actions or measures.

Such support (operational and investigative) by criminal police officers involves the use of all legally permitted opportunities (forces, means, measures, methods), both open and covered, among which members of the public often contribute to the successful resolving of complex operational-tactical situations with the least expense of state funds resources.

Almost no pre-trial investigation by the National Police is carried out without the open use of public representatives, who are involved in the fulfilment of various tasks, provide operationally significant information, or receive direct access to the housing, premises, vehicles and other property that they own, necessary for the fulfilment of these tasks, take a direct part in the preparation and/or implementation of operational measures and procedural actions, act as witnesses, etc.

But today, the tactics of open use of the public by units of the criminal police during operational-search support of criminal proceedings have not yet been developed in practice, which determines the timeliness and necessity of researching this issue.

Recent publications review. The problems of operative investigative support of criminal proceedings were studied by many scholars, including: K. Antonov, Zh. Bygu, O. Ignatyuk, O. Kyrychenko, Yu. Kramarenko, V. Lysenko, V. Mosyazhenko, S. Obshalov, P. Pavlyk, M. Pohoretskyi, O. Podobnyi, V. Pcholkin, V. Rudik, S. Savenko, V. Sas, S. Safronov, V. Sokurenko, M. Stashchak, O. Tarasenko, D. Khamatov, R. Khalilyev, S. Chernyavskyi, V. Shendryk, O. Yukhno and many others. At the same time, in the works of the mentioned authors, not enough attention was paid to the issue of the tactics of open use of the public by the criminal police units during operational-search support of criminal proceedings.

In special studies dealing with problem of the use of the public as a force of operational-search activities (V. Davydyuk, A. Kyslyy, V. Krugly, V. Otrudka, etc.), these aspects were considered fragmentarily as part of the theory of "Assistance in operational-search activities". At the same time, conceptual views of supporters of the mentioned theory (A. Kisyly, V. Otrudka) do not allow for a clear meaningful distinction between representatives of the public and other forces of operational-search activity (undercover out of staff agents) who are involved in it. The conceptual views of researchers who studied this problem from the point of view of the forces of operational-search activity (V. Davydyuk, V. Krugliy) do not separately investigate the tactics of open and secret use of public representatives. In addition, V. Krugliy did not define the legal relationship between the public and operational-search officers as the subject of his research. V. Davydyuk in his dissertation research limited himself to the list of directions for the use (involvement) of public representatives in the operational-search activities of the National Police. In addition, scholars do not consider such use in the context of operational-search support of criminal proceedings. Thus, there was no comprehensive study of problems of the tactics of open use of public by the criminal police units during operational-search support of criminal proceedings.

The research paper's objective is to determine the theoretical and applied principles of the tactics of public use by criminal police units during operational and investigative support of

criminal proceedings.

Discussion. The concept "operational-search support" has a special place in the theory of operational-search activities, which has great theoretical and practical significance [1, p. 14-15].

Taking into account that in modern science it is considered from different points of view, we believe that it is key in the context of the coverage of the issues under consideration, as it specifies the object and subject of the research (open use of the public) through the prism of the stages in relation to which it is carried out, as well as through the prism of measures included in its system. As for the latter, for example, S. Obshalov believes that operational search support is "a complex of the most appropriate open and covert operational search measures" ... [1, p. 14-15]; O. Kyruchenko – "a system of actions, measures of operational (initiative) search (or operational-search measures)" [2, p. 267]; V. Pcholkin – "a system of operational investigative measures and covert investigative (search) actions..."; [3, p. 260]; V. Bilyaev – "a system of operational-search measures, overt and covert investigative (search) actions..." [4, p. 19]; K. Antonov, M. Stashchak – "one of the organizational-tactical forms of operational-search activities..." [5, p. 49; 6, p. 236].

First, we share the opinion of the authors who believe that operational-search support is an independent form of operational-search activities. Secondly, we also consider its definition as a "system" to be correct, but the content of this activity cannot be investigative (search) actions or covert investigative search actions, since the latter are part of the process (criminal proceedings) that such activity is aimed at supporting. The content of such activity is the making of favorable conditions through the use of open and covert operational-search capabilities (resources): forces, means, measures of operational (initiative) search (or operational search measures carried out within the scope of the operational search case "Search") and other actions aimed at achieving the final result.

Next, we will note the scientists' opinions regarding the stages that cover such activity. For example, one group of scholars (V. Bilyaev, V. Daragan, O. Podobny, etc.) believes that such activity is a time-space process during pre-trial investigation and during court proceedings [7, p. 273; 8, p. 302]. Other scientists do not clearly distinguish stages (O. Kyruchenko) in which such activity takes place, but note that its purpose is "to make optimal conditions for a full and objective process of pre-trial investigation ..., to ensure the participants safety in criminal proceedings" [2, p. 267].

The third group of scientists generally believes that sometimes operational-search support begins long before the initiating of criminal proceedings, namely at the stages of preliminary verification of operational information and operational elaboration (V. Davydenko) [9, p. 120] or may go beyond the limits of criminal proceedings, both before its initiation and after its closure (S. Obshalov) [1, p. 15].

In the context of our research, we believe that this activity can be understood in a broad and narrow sense. In a broad sense, it goes beyond the beginning and end of criminal proceedings and can conditionally begin with the professional training of specialists (operational officers) who carry it out; be combined with separate elements of operational maintenance of the territory (line, object), since it is during such activity that the majority of public representatives are selected (chosen), who are effectively used in combating the most widespread (typical) types of criminal offenses committed in the territory (lines, objects) of maintenance. And it ends after the criminal punishment is served and the conviction of the persons who committed the criminal offense is expunged.

We make such a conclusion from the fact that the latest research by scholars states a wide range of tasks (goals) that are put forward for the operational-search support of criminal proceedings. These include: making of optimal conditions for the detection of crimes and implementation of a complete and objective process of proof; termination or neutralization of the opposition of an organized criminal group members to the carrying out of law enforcement function of the state and justice; fulfilment of the function of protection (security) of criminal procedure participants [8, p. 302]; guaranteeing the implementation of the principle of inevitability of the responsibility of the guilty for the committed crime [3, p. 260]. The objective execution of these tasks goes beyond the beginning and end of criminal proceedings. Conventionally, they cover the stages (limits) we have mentioned, in which it is theoretically possible to carry out such support.

In the narrow sense, operational-search support begins from the moment of completion of operational-search measures, which were carried out within the framework of an operational-search case, and from the moment of initiating (beginning) of criminal proceedings and/or from

the moment of the initiation of investigative (search) actions, which are carried out before the initiating of criminal proceedings (investigative examination), that is, within the framework of responding to statements or reports of a committed criminal offense, and the moment of its end is the sentencing.

The content of operational-search support of criminal proceedings is the making of favorable conditions through the use of open and covert operational-search capabilities (resources): forces, means, measures of operational (initiative) search (or operational-search measures carried out within the scope of operational-search case "Search") and other actions aimed at achieving the final result.

For the most part, the effectiveness of open and covert investigative (research) actions depends on the availability of reliable operational information, which is obtained with the help of operational capabilities (forces, means, measures of operational-research activity), accurate analysis and assessment of the operational-tactical situation, operational-tactical forecasting, making operational-tactical decisions, including regarding the determination of the moment and sequence of execution, operational skill in the application of operational combinations (combining investigative (search) actions with operational (initiative) search measures), etc.

Along with this, the effectiveness of procedural actions is achieved by the skillful use and combination of open and covert forces, measures and means used during their operational-search support. In theory and practice, these elements of such activity are usually called tactics. Today, in the theory of operational-search activities, there is a tendency to consider operational-search support of criminal proceedings in the way of determining the tactical features of carrying out certain procedural actions, in addition, mostly only the activities of investigative or operational workers are taken into account, and such an aspect as the implementation of interaction and the involvement of third parties remains out of the attention of both scholars and practitioners [10, p. 305-306].

In the context of our research, it is worth noting that the tactics of using the public by criminal police units during operational-search support of criminal proceedings in the system of operational-search tactics tentatively belong to special operational-search tactics.

Special operational-search tactics in legal science is understood as a system (subsystem) of scientific and theoretical provisions and recommendations developed on their basis, containing algorithms (programs) of operational-tactical actions of operational units' officers regarding the use of forces, means, methods of operational-search activities in the most optimal (effective) method, taking into account features of a specific operational-tactical situation [11, p. 120-121].

V. Otrudko rightly claims that the specifics of the tactics of using open and covert citizens' assistance to criminal police operational units during combating crimes are dictated by factors related to the phenomenon of crime, namely: the presence of a socially closed criminal environment, penetration into which is complicated by the conspiracy of the latter; the distribution of criminal activity areas and the emergence on this basis of a carefully disguised system of relations; the desire of criminals to establish rules of behavior and relationships that cause fear in people who know about them, encourage them to hide the truth; the presence of such phenomena as criminal professionalism and criminal qualifications. To the concept of the tactics of using open and covert assistance, the scientist includes both the tactics of involvement and the tactics of working with persons who provide such assistance [12].

The open use of the public by the criminal police units should be understood as such use of its individual representatives, in which the information about the content of the events in which they took part does not require concealment (conspiracy), but the fact of involving such persons in the fulfilment of certain tasks (their personal or profile data) do not need to be kept secret [13].

The advantage (value, social utility) of the use of members of the public over other covert forces of operational-search activities, which are used during operational-search support of criminal proceedings, is that the covert form (type) of such assistance in case of need (with the voluntary person' consent) can flow into the vopenice at the next stages of criminal proceedings, and the public representative him/herself can act as a witness (the source of ideal traces of a criminal offense). At the same time, unlike hidden forces, there is no need to keep secret (to change) data about his/her identity during the interrogation. In addition, it is the involvement of members of the public in the performance of certain actions during the operational-search support of open investigative (search) actions with their voluntary consent that does not require their mandatory conspiracy.

In addition, their involvement in the conduct of procedural actions or the provision of

operationally significant information does not require the use of special tactical techniques, complex checks or operational combinations, which are mandatory when involving persons as undercover out of staff agents. This feature does not mean that tactical techniques are absent or not used at all. On the contrary, in contrast to the above-mentioned category of operational-search forces, public representatives are, as a rule, educated, law-abiding persons, sensitive to the violation of individual space boundaries, the boundaries of the correctness of business communication, which are often characteristic of operational officers and are caused by the professional deformation of the latter under the influence constant communication with criminal contingent.

In this regard, there is a high probability of conflicts between operational unit officer and individual ordinary citizens, public members, where the factors of confrontation are the negative assessment of methods and measures of operational-search activity by the household morality and the prevalence of social stereotypes of a distorted attitude towards police detectives. As a result of the high probability of conflicts in the field of legal relations, the actor of operational-search activity is primarily characterized by those conflict management capabilities, means of their prevention or constructive resolving, which were acquired by him/her as an actor in the field of legal relations, including both during acutely conflictual and probably conflict-free communication with various categories of citizens, interaction with the population, the public, mass media, etc. From a psychological point of view, a significant characteristic of the actor of operational communication is the ability and skills to exert a legitimate psychological influence on various "objects" of operational interest in the conditions of conflict confrontation; knowledge of techniques and technologies and the ability to counteract attempts to manipulate oneself during conflict relations; the ability to negotiate with offenders during operational development, reaching a consensus decision, etc. [14, p. 10, p. 108-109].

It should be noted that the tactical techniques of open use of public members during operational-search support of criminal proceedings are important not only for establishing psychological contact during the involvement of such persons, but also throughout the entire process of their assistance. But the tactics of such use are open use of public members during operational-search support of criminal proceedings include, first of all, tasks that can be solved with the help of such use, which are determined by certain measures or procedural actions of an open nature carried out by agents. The system of public investigative (search) actions according to the Criminal Procedure Code of Ukraine includes: interrogation (Articles 224-226, 232); presentation for identification: person, items, corpse (Articles 228-230); search (Articles 233-236); examination (Articles 214, 237-239); investigative experiment (Article 240); examination of the person (Article 241); assignment and conducting examinations (Articles 242-243), obtaining samples for examination (Article 245) [15].

Tactics of public use of public members by criminal police units during operational-search support for the specified investigative (search) activities is conditioned by the tasks of operational officers determined (assigned) to them by the investigator (inquiry officer), prosecutor: independent conduct or fulfilment of individual tasks. At the same time, their open use of public representatives may consist in involvement in: protection of the scene of the incident or material evidence; performing actions related to the provision of qualified services (divers, rock climbers, diggers, locksmiths, etc.); execution of technical actions to record the progress and results of the procedural action; participation as witnesses; persecution and detention "in the heat of the moment"; surveillance of suspicious persons who are in the area of procedural action; "by yard" or "apartment-by-apartment survey" etc.

Thus, on the example of the open use of public members by criminal police units during activities within the framework of the inspection of the scene of the incident (response to statements or reports of a committed criminal offense), we will consider some of its tactical features, in particular, with regard to facilitating the interview of a large number of people of the same profession for the purpose of possessing them operationally significant information.

For example, if it is necessary to establish possible witnesses (eyewitnesses) of a criminal offense among the number of taxi drivers of one service, it is advisable to involve a representative from this "micro-community" of a driver of one of the cars (who usually works in this area). His/her assistance consists in: providing personally known information; providing of video recordings; surveying other drivers using radio communication (for example, Zello-radiation – a mobile application) for possession of such information or video recorder recordings; identification of persons from the number of drivers known to him/her who, in his/her opinion, could be accomplices (carriers) or direct perpetrators of a criminal

offense.

The significance of such use is that in such a "micro-environment", the representative of the latter inspires trust, especially among witnesses who are not involved in the commitment of a criminal offense, but for various reasons refrain from proactively reporting information about a criminal offense known to them or are unaware of its significance such information. Among the widespread reasons for reluctance to proactively assist law enforcement agencies is the avoidance of time-consuming and repeated calls to the National Police to conduct investigative (search) actions. In this regard, a tactical technique that must be applied to such persons through a representative of this microenvironment is modeling the situation last in a conversation with other representatives of the situation, as if he/she saw the event with his/her own eyes and emotionally commenting on it in order to arouse the desire of the interlocutors to support the dialogue and share their impressions of the events they actually saw.

Conclusions. The results of the study allow us to state that the content of operational-search support of criminal proceedings is the making favorable conditions by using open and covert operational-search capabilities (resources): forces, means, operational (initiative) search measures (or operational investigative measures carried out in within the limits of the investigative case "Search") and other actions aimed at achieving the final result. Mostly the effectiveness of open and covert investigative (search) actions depends on the availability of reliable operational information, which is obtained with the help of operational capabilities (forces, means, measures of operational-search activity), accurate analysis and assessment of the operational-tactical situation, operational-tactical forecasting, making operational-tactical decisions, including the determination of the moment and sequence of execution, operational skill in the use of operational combinations (combining investigative (search) actions with operational (initiative) search measures), etc.

Along with this, the effectiveness of procedural actions is achieved by the skillful use and combination of open and covert forces, measures and means used during their operational-search support. The tactic of using the public by criminal police units during the operational-search support of criminal proceedings in the system of operational-search tactics tentatively refers to special operational-search tactics.

The advantage (value, social utility) of the use of members of the public over other covert forces of operational and investigative activity, which are used during operational-search support of criminal proceedings, is that the covert form (type) of such assistance in case of need (with the voluntary person's consent) can flow into the open one at the next stages of criminal proceedings, and the public representative him/herself can act as a witness (the source of ideal traces of a criminal offense). At the same time, unlike covert forces, there is no need to keep (to change) secret data about his/her identity during the interrogation. In addition, it is the involvement of public members in the performance of certain actions during the operational-search support of public investigative (search) actions with their voluntary consent that does not require their mandatory conspiracy.

Tactics of open use of public members by criminal police units during operational-search support for conducting public investigative (detective) actions is determined by operational officers' tasks, which are determined (assigned) to them by the investigator (inquiry officer), prosecutor: independent conduct or performance of individual tasks. At the same time, the public use of public representatives by operational officer may consist in involvement in: protection of the scene of the incident or physical evidence; performing actions related to the provision of qualified services (divers, rock climbers, diggers, locksmiths, etc.); execution of technical actions to record the progress and results of the procedural action; participation as witnesses; persecution and detention "in the heat of the moment"; surveillance of suspicious persons who are in the area of procedural action; "yard" or "per-apartment" survey, etc.

Conflict of Interest and other Ethics Statements

The author declares no conflict of interest.

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ABSTRACT

The article is devoted to the study of the tactical features of the public's voice use by the criminal police units during operational investigative support of criminal proceedings. The effectiveness of procedural actions is achieved by the skillful use and combination of overt and unspoken forces, measures and means used during their operative and investigative support. The tactic of using the public by criminal police units during the operational-investigative support of criminal proceedings in the system of operational-investigative tactics tentatively refers to special operational-investigative tactics.

The advantage (value, social utility) of the use of members of the public over other covert forces of operational and investigative activity, which are used during operational and investigative support of criminal proceedings, is that the covert form (type) of such assistance in case of need (with the voluntary consent of a person) can flow into the voice at the next stages of criminal proceedings, and the public representative himself can act as a witness (the source of ideal traces of a criminal offense). It is the involvement of members of the public in the performance of certain actions during the operational-investigative provision of public investigative (search) actions with their voluntary consent that does not require their mandatory conspiracy.

Tactics of public use of members of the public by criminal police units during operative investigative support for conducting public investigative (search) activities is determined by the tasks of operatives determined (assigned) to them by the investigator, prosecutor: independent conduct or performance of individual tasks.

Keywords: *investigator, public investigative (search) actions, public, operational and investigative support of criminal proceedings, operational and tactical situations, criminal police units.*