

the rapid detection and investigation of cases of theft or abuse, improve the organization of the fight against crime on the vehicle. This is a serious reason for considering the issue of the earliest possible provision of equipment by the Ministry of Internal Affairs of Ukraine.

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Summary

The article deals with the study of the features of the fight against theft of goods when using freight vehicles, analysis of the peculiarities of the use of technical means of weighing in the fight against these crimes.

The authors attribute the classification of such crimes to open and disguised, revealing the complexity of identifying the latter. and explain why the use of roadside technical means of weight control (weighing systems) is considered an effective means of combating these crimes today.

Keywords: *theft, cargoes, methods, motor transport, law enforcement agencies, crimes, uneven speed, mass correction, method of correction.*

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TACTICS OF INTERROGATION OF THE SUSPECTED IN CASES OF ILLEGAL HOLDING OF FIREARMS BY SERVICEMAN

Котюба С. ТАКТИКА ДОПИТУ ПІДОЗРЮВАНОВОГО У СПРАВАХ ПРО НЕЗАКОННЕ ЗАВОЛОДІННЯ ВІЙСЬКОВОСЛУЖБОВЦЕМ ВОГНЕПАЛЬНОЮ ЗБРОСЮ. У статті сформульовані організаційно-тактичні особливості проведення допиту на початковому етапі розслідування незаконного заволодіння вогнепальною зброєю. Автор дійшов висновку, що до основних організаційно-підготовчих заходів до проведення допиту можна віднести: повне та детальне вивчення матеріалів кримінального провадження; вивчення слідчої ситуації, що сформувалася на певному етапі досудового розслідування; визначення кола осіб, які підлягають допиту; встановлення послідовності проведення допитів (якщо декілька підозрюваних осіб); визначення предмета допиту; вивчення особи допитуваного (збирання оперативної інформації про допитувану особу; її місце у складі злочинного угруповання, що займається наркобізнесом; вчинені цим угрупованням кримінальні правопорушення); визначення часу проведення допиту; встановлення місця проведення допиту; визначення способу виклику на допит; підбір речових доказів та інших матеріалів для пред'явлення допитуваному; визначення учасників проведення допиту; визначення технічних засобів фіксації допиту та їх підготовка; забезпечення сприятливих умов проведення допиту; ознайомлення зі спеціальною літературою або використання допомоги осіб, що володіють спеціальними знаннями; визначення низки тактичних прийомів, що будуть застосовані під час допиту; складання плану проведення допиту та ін.

Ключові слова: *незаконне заволодіння вогнепальною зброєю, допит, доручення, початковий етап розслідування.*

Formulation of the problem. One of the separate aspects of a successful investigation into the illegal possession of firearms is to increase the effectiveness of conducting investigatory (search) actions, among which a special place is interrogated, which requires careful prepara-

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ration, a correct definition of the range of circumstances to be clarified, and a competent choice of tactical techniques. In this regard, it should be noted that the development of tactics for interrogation of suspects takes on special significance. The interrogation tactics of this category of persons has a certain specificity, since it directly depends on the investigative situation that has developed at a certain stage of the investigation, in particular, conflict or conflict-free. Based on the investigative situation prevailing between the participants in the interrogation, the investigator selects certain tactical techniques that allow obtaining true evidence of the crime. The latter circumstance determines the relevance and timeliness of the study of selected issues.

Analysis of the latest publications that initiated the solution to this problem. The study of the organizational and tactical aspects of conducting interrogation in criminal proceedings related to the illicit trafficking of firearms has attracted many scholars, including the works of G. O. Boyko, O. M. Vdovin, V. V. Efimenko, I. V. Kapustina, S. P. Melnichenko, S. G. Pavlikova, I. Y. Ragulina, A. S. Tarasenko, E. S. Teslenko, S. B. Fomin, M. V. Shchegoleva and others. At one time, these scientists made a scientific contribution to the study of this problem. However, a detailed analysis of the content of these works has shown that certain results of earlier studies are controversial, partly prepared taking into account the criminal status of other states, do not reflect the organizational features of conducting interrogation at the initial stage of the investigation into the illegal possession of firearms, or, in general, were left out of the attention of scientists.

The purpose of this article is to determine the organizational and tactical characteristics of the interrogation at the initial stage of the investigation into the illegal possession of firearms.

Presentation of the main research material. The questioning is a ISA, the content of which is the receipt of testimony from a person possessing information that is relevant for establishing the truth in a criminal proceeding. The complexity of this ISA consists in the fact that interrogation is a form of communication strictly regulated by the criminal procedural rules, which always has a forced character and is conditioned by necessity. Such a situation excludes the psychological closeness of people, "causes" additional communicative obstacles, which in some cases contributes to the concealment of truth in the case [1]. In addition, the complexity of this ISA in investigating crimes committed by the mass media depends, first and foremost, on the volume and quality of investigative information received as a result of operational investigations, ISA and SISA, the personal qualities of the interrogator, his procedural status (suspect, witness, victim), places in the hierarchical structure of the criminal community (organizer, leader, participant), criminal orientation etc. [2, p. 94]. It is on overcoming these and other negative circumstances (obstacles) and directed the tactics of interrogation.

However, interrogation is a central investigative (search) action, which allows: to establish the circumstances of the crime; promptly put forward investigative versions; get information about members of the MU and their leaders; determine the sequence and tactics of other procedural actions, etc. The interrogation of a person in a criminal proceeding is directly aimed at finding and consolidating evidence. According to some scholars, he can take about 25% of the entire time of the investigator [3, p. 282]. The result of this investigative (wanted) action often depends on the adoption of weighty procedural decisions.

The main purpose of the investigation (investigation) action is the truth in criminal proceedings and questioned receipt of complete and those that objectively reflect the reality of indications [4, p. 129].

Individual scholars define interrogation as a process for obtaining information from the interrogated person [5, p. 283; 6, p. 249; 7, p. 131; 8, p. 6], others - emphasize the procedural regulation of this investigative action [9, p. 9]. In general, agreeing with the views of scholars have noted that, in our opinion, is a more complete definition of interrogation, which focuses on the psychological component relationships investigator questioned.

In our opinion, the definition of interrogation proposed by M.O. Yankov, "regulated by criminal procedure law process specific verbal interaction with the interrogation, during which the investigator (investigator, prosecutor, judge) using legal tactics and methods of psychological influence, receives questioned and records in the record oral information known to him circumstances which are important for the investigation of a crime "[10, p. 10].

In general, the questioning consists of three main stages: preparation for interrogation (preparatory); direct interviewing (worker); fixing the course and the results of the interrogation (final) [11].

At the initial stage of the investigation into the illicit use of firearms committed by crim-

inal organizations, the quality of organizational and preparatory measures to conduct interrogation is important.

According to K.O. Chaplinskyi, timely, thorough and comprehensive preparation for interrogation is a prerequisite for obtaining the most complete and objective evidence in criminal proceedings. According to the scientist, the preparation for interrogation can be divided into three main levels: cognitive (studying materials of criminal proceedings, collecting information about the person of the offender, acquaintance with operational intelligence); prognostic (determining the subject of interrogation, the range of persons subject to interrogation, and the sequence of their conduct); synthesizing (determining the place and time of the investigative action, the method of calling for questioning, drawing up a questioning plan) [12, p. 148].

V.K. Veselsky, V.S. Kuzmichov, V.S. Matsishin and A.V. Staryushkevich distinguishes the following three main levels of planning and preparation for interrogation: organizational - providing a rational conduct of the interrogation (where and where it is expedient to hold it from the point of view of rational use of the budget of the time and opportunities of the investigator - today, tomorrow, in the morning, to use scientific and technical means, etc.); meaningful - determination of the completeness and interconnection of circumstances that are subject to establishment; tactical - the establishment of appropriate means and methods for solving specific tasks interrogation [13, p. 61].

In scientific literature, scientists are differently suited to the consideration of preparatory measures for interrogation.

So, according to V.D. Bernasa, V.V. Biryukova and A.F. Volobuyev, preparation for interrogation should consist of the following organizational measures: thorough, complete and comprehensive study of materials of criminal proceedings; determining the order of interrogation (that is, the circles of persons subject to interrogation, and the sequence of their conduct); obtaining information about the interrogated person; familiarization with some special issues; invitation of persons, participation in interrogation of which is obligatory; planning interrogation; determining the time and place of the interrogation; preparation of a workplace for interrogation [14].

M.T. Kuts adds the following organizational and preparatory measures for the conduct of the interrogation: the establishment of motives for giving knowingly false testimony or refusing them; establishment of information characterizing the nature of the relationship between the suspect and the victim; Identification of possible contradictions in the testimony of the interrogators to establish false testimony.

S.S. Cherniavskyi believes that the preparation for interrogation should consist of the following main elements: careful examination of the materials of the criminal proceedings; study of the person being interrogated; preparation of special questions; drafting a plan for interrogation [15, p. 532].

On the basis of the generalization of the scientific views of scientists and materials of criminal proceedings on crimes related to the illegal transport of narcotic drugs by rail, O. A. Vovchanska came to the conclusion that the main organizational and preparatory measures for interrogation include: full and detailed study of materials criminal proceedings; study of an investigative situation that was formed at a certain stage of pre-trial investigation; determining the range of persons to be questioned; Establishing a sequence of interrogation (if several suspects); definition of the subject of interrogation; investigation of the person being interrogated (collection of operational information about the interrogated person, his place in the criminal group involved in drug trafficking, criminal offenses committed by this group); determining the time of interrogation; establishment of the place of interrogation; determining the method of calling for questioning; selection of material evidence and other materials for presentation to the interrogator; definition of participants in the interrogation; definition of technical means for recording interrogation and their preparation; Providing favorable conditions for interrogation; acquaintance with special literature or use of the help of persons with special knowledge; definition of a number of tactical methods to be used during interrogation; drafting a plan for conducting interrogation [4, p. 130-132].

In our view, interesting in this regard is the point of view of A.V. Hirschina, who highlights the following main organizational and preparatory measures for interrogation: timely and thorough preparation for interrogation; immediate interrogation after the arrest of the offender (at the place of his detention); prevention of possible counteraction to pre-trial investigation and its immediate neutralization; prevention of information contacts between detained persons; conducting an intelligence conversation before interrogation; the differentiation of the interro-

gators depending on the evidence available in the investigative system for each participant in the criminal group; the use of conflicts and contradictions between members of the criminal group [16, p. 11].

It should be noted that the use of a surprise factor during interrogation becomes important. According to V.P. Bahina, V.S. Kuzmichova and E.D. Lukianchikov, his implementation is characterized by the regularity, the essence of which is that the effectiveness of suddenness is limited by the time necessary to rearrange the person's actions and intentions, the choice of means and methods of counteracting abruptness. After that, suddenness ceases to act. Loss of investigative time leads to his winning by the suspect, which enables him to analyze the situation, choose a new line of conduct and coordinate his actions with accomplices and other interested persons. That is why the untimely conduct of investigative action or the use of tactical reception (the attitude of the question, the presentation of the subject, the document) often leads to the loss of surprise, complicates the process of gathering evidence [17, p. 23-24]. Therefore, the effect of the factor of surprise should be taken into account when selecting the moment of interrogation among other investigative (search) actions, as well as when forming the range of issues that is planned to be put before the interrogator, and the range of available evidence potentially capable of being presented to him during the interrogation.

Such a tactical method, in our opinion, should be applied not only to the suspect, but also to witnesses who, over time, change due to various reasons (including because of fear of members of criminal organizations that commit illicit use of firearms) your attitude to the need to give testimony. Therefore, the most effective is conducting interrogation at the site of the event while leaving the next IOG. The vast majority of victims are not interested in giving false testimony. Typically, such a category of individuals tries to help the investigator establish all the circumstances of the case in order to expose the offenders and return the property.

However, the testimony of the victim and the witness may contain certain gaps and inaccuracies. Victims and witnesses give incomplete indications due to the negative influence or fear of revenge by members of the criminal association.

In addition, as V.V. Yefimenko [18] are also possible other investigative situations, for example: theft of weapons was accompanied by desertion; the crime was committed by a military official who, in his official capacity, was to ensure the preservation of firearms.

It should not be forgotten about the need to identify lies in the testimony of the victim, since the statement (notification) on the commission of theft of weapons, provided by the victim's information may be erroneous. A knowingly false declaration of theft could be dictated by the fact that, for example, the owner, using his weapon, committed a crime (or gave his weapon to commit a crime to another person), and in order to provide himself with an alibi, he told the law enforcement authorities that the weapons he was kidnapped. An erroneous application for theft of weapons may be made by its owner in order to discuss a particular person. The victim may give false testimony about the conditions of the storage of weapons, to conceal that the weapon was not kept properly. Not in the interests of the victim to talk about his own wrong behavior, which the victim provoked the commission of theft of weapons [19].

In this regard, the investigator must be aware of the possibility of the crime of staging the victim and that the latter may be one of the members of the criminal association. Therefore, interrogation, depending on the personality of the applicant, his psychological qualities, marital status and relations with the command, as well as members of the criminal association that has stolen weapons, can be both conflict and non-conflict.

Its successful conduct depends on the knowledge of the investigator of the regulatory framework that regulates the movement of weapons in the troops. During the interrogation it is necessary to take into account that the interrogated person has a life experience, established views. To establish psychological contact and achieve the purpose of interrogation, it is necessary to study the personality of the interrogated person, his family status, ties [18].

That is why the investigator should choose tactical methods of interrogation of victims, aimed at their neutralization. The investigator's ability to establish psychological contact with the victim is of paramount importance. The ways of its achievement in the affairs of this category have their own peculiarities. In particular, they include the following measures: preliminary study of the "victim's person", observation of her, creation of a friendly atmosphere during interrogation, finding out the causes of fear, difficulties in answering, etc. [20].

However, according to Art. 214 of CPC is the only ISA that can be conducted in urgent cases before the information is submitted to the Unified Register of Pre-trial Investigations is an overview of the place of the event. However, the results of a preliminary survey of investi-

gators and operatives indicate that in unlikely cases witnesses in criminal proceedings concerning the illicit use of firearms by criminal associations are being conducted prior to entering information into a single register of pre-trial investigations during the review of the place of the event, with the abandonment of the free timetables for the interrogation to be filled in later by the relevant date and time, which will be later than the moment when the information is submitted to the Uniform register of pre-trial investigations. In addition, such questioning is carried out not only by investigators but also by operational staff. At the same time, in the future, in order to ensure the lawfulness of its conduct, the investigator makes an appropriate order and sends it to the operational unit, after which the date of the interrogation is already filled.

This position is justified by investigators and operational agents in several circumstances: time saving; the tactical need to use the factor of surprise.

It should be noted that after receipt of information on the commission of a criminal offense to the organ, police department, immediate measures and urgent investigative (search) actions may include the detection of witnesses and eyewitnesses of the event, a survey.

Due to the wide-spread practice of attracting to the daily duty of several IOG compositions, we are proposing to introduce a separate algorithm of actions in the work of IOG, which carries out departure to the place of the event. In particular, upon arrival of IOG at the scene of the event and the establishment of all circumstances, the head of the IOG (investigator) by means of communication informs the circumstances of the criminal offense to the investigator who is in the territorial subdivision of the police for immediate registration. After receiving the URPI number, the investigator who is on the scene, independently interrogates, and in case of necessity gives a commission to conduct interrogations to the operational officer.

Conclusion. Thus, the main organizational and preparatory measures for interrogation include: full and detailed study of materials of criminal proceedings; study of an investigative situation that was formed at a certain stage of pre-trial investigation; determining the range of persons to be questioned; Establishing a sequence of interrogation (if several suspects); definition of the subject of interrogation; investigation of the person being interrogated (collection of operational information about the interrogated person, his place in the criminal group involved in drug trafficking, criminal offenses committed by this group); determining the time of interrogation; establishment of the place of interrogation; determining the method of calling for questioning; selection of material evidence and other materials for presentation to the interrogator; definition of participants in the interrogation; definition of technical means for recording interrogation and their preparation; Providing favorable conditions for interrogation; acquaintance with special literature or use of the help of persons with special knowledge; definition of a number of tactical methods to be used during interrogation; drafting a plan for interrogation, etc. In addition, we believe that the organizational and preparatory measures for interrogation during the departure of IOG to the place of the event appropriate to include: a) registration of materials in the URPI investigator who is in the territorial subdivision of the police; b) giving a written instruction to the operational officer to conduct the interrogation directly during the review of the place of the event.

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Summary

The article outlines the organizational and tactical features of interrogation at the initial stage of the investigation into the illegal possession of firearms.

The author concludes that the main organizational and preparatory measures for conducting the interrogation include: full and detailed study of materials of criminal proceedings; study of an investigative situation that was formed at a certain stage of pre-trial investigation; determining the range of persons to be questioned; Establishing a sequence of interrogation (if several suspects); definition of the subject of interrogation; investigation of the person being interrogated (collection of operational information about the interrogated person, his place in the criminal group involved in drug trafficking, criminal offenses committed by this group); determining the time of interrogation; establishment of the place of interrogation; determining the method of calling for questioning; selection of material evidence and other materials for presentation to the interrogator; definition of participants in the interrogation; definition of technical means for recording interrogation and their preparation, providing favorable conditions for interrogation; acquaintance with special literature or use of the help of persons with special knowledge; definition of a number of tactical methods to be used during interrogation; drafting a plan for interrogation, etc.

Keywords: *illegal possession of firearms, interrogation, assignment, initial stage of investigation.*