

UDC 343.98

DOI: 10.31733/2078-3566-2020-5-275-279



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### **ALGORITHMS OF LAW ENFORCEMENT OFFICERS' ACTIONS IN INVESTIGATION OF MASS RIOTS**

**Антон Лісняк. АЛГОРИТМИ ДІЙ ПРАЦІВНИКІВ ПРАВООХОРОННИХ ОРГАНІВ ПРИ РОЗСЛІДУВАННІ МАСОВИХ ЗАВОРУШЕНЬ.** Висвітлено особливості розслідування масових заворушень. Зазначається, що послідовність заходів під час здійснення будь-якої діяльності забезпечує її ефективність та можливість досягнення бажаного результату. Процес розслідування кримінальних правопорушень не є виключенням. Розслідування масових заворушень на початковому етапі кримінального провадження може мати певні складнощі організаційного та доказового характеру. Тому вказаний процес потребує певної алгоритмізації з огляду на умови сучасності та зміни законодавства.

Наголошено, що типова слідча ситуація – це сукупність обставин, що підлягають доказуванню у кримінальному провадженні про злочин, інших обставин, що склалися в ході провадження слідчих дій, офіційно і неофіційно встановлених, можливо навіть у сукупності із загостренням суперечностей між учасниками, суб'єктами криміналістичної діяльності та іншими особами.

Автором підтримується позиція, що врахування типового та індивідуального при розслідуванні кожного конкретного кримінального провадження робить цей процес більш ефективним. Роль і значення слідчих ситуацій обумовлені, перш за все, тим, що вони є моделлю для з'ясування невідомих елементів конкретної ситуації; їх виокремлення та врахування дозволяє під час практичної діяльності істотно економити час для визначення доцільності проведення тих або інших заходів при розслідуванні злочинів. У розроблених криміналістами типових вихідних слідчих ситуаціях окремих видів злочинів зосереджені дані, що дозволяють виробити наукові рекомендації з найбільш ефективного висунення загальних та окремих версій у ході слідчої діяльності. Тому типізація саме вихідних слідчих ситуацій є надзвичайно важливим завданням, що сприятиме розробці ефективних методик розслідування масових заворушень, а також ефективній практичній діяльності із розслідування злочинів цього виду.

На основі аналізу низки думок науковців та матеріалів кримінальних проваджень, науковцем визначено типові слідчі ситуації початкового етапу розслідування масових заворушень.

**Ключові слова:** масові заворушення, організація, тактика, слідчі ситуації, слідчі (розшукові) дії.

**Relevance of the study.** The sequence of measures during the implementation of any activity ensures its effectiveness and the ability to achieve the desired result. The process of investigating criminal offenses is no exception. The investigation of mass riots at the initial stage of criminal proceedings may have certain organizational and evidentiary difficulties. Therefore, in our opinion, this process requires some algorithmization regarding current conditions and changes in legislation.

**Recent publications review.** Such scholars as V.P. Bakhin, A.F. Volobuyev, V.A. Zhuravel, R.L. Stepanyuk, K.O. Chaplynskyu, V. Yu. Shepitko and others have devoted their works to the study of the conceptual foundations of the investigation of criminal offenses. However, typical investigative situations during the investigation of mass riots were not fully studied, taking into account the current CPC of Ukraine and the current needs of law enforcement practice.

**The article's objective** is to determine the algorithms of action of law enforcement officers in the investigation of riots.

**Discussion.** We support the opinion of M.I. Skryhonyuk, who emphasizes that the investigative situation in criminal proceedings concerning mass riots can have conflict and non-conflict character and affect the process of criminal-procedural activity in different ways, and

the latter, in turn, regulates it. This scholar formulates the concept of a certain forensic category as a set of circumstances to be proved in criminal proceedings for a crime, other circumstances that arose during the investigation, officially and informally established, perhaps even in conjunction with the escalation of contradictions between participants, actors of forensic activity and other persons [6, p. 68].

The presence of typical investigative situations, as noted by some authors, allows to develop directions for their solution, makes the investigator's work purposeful. Taking into account the typical and individual in the investigation of each specific criminal proceeding makes this process more effective. The role and significance of investigative situations are primarily due to the fact that they are a model for clarifying the unknown elements of a particular situation; their separation and consideration allows during practical activities to save time to determine the feasibility of certain measures in the investigation of crimes. The data concentrated in the typical initial investigative situations of certain types of crimes developed by criminologists, allow to develop scientific recommendations for the most effective promotion of general and individual versions in the course of investigative activities. Therefore, the typification of the initial investigative situations is an extremely important task that will contribute to the development of effective methods of investigating riots, as well as effective practical activities for the investigation of crimes of this kind [3, p. 77].

Having analyzed the materials of criminal proceedings, we have identified the following typical investigative situations of the initial stage of the investigation of mass riots:

- 1) information on mass riots has been obtained, material traces of a criminal offense have been identified, witnesses and victims were available, offenders have been identified;
- 2) information on the commitment of mass riots by an unidentified person has been received, information on the nature of the criminal offense is available, there are witnesses and victims;
- 3) information on the commitment of mass riots has been received from authorized persons, information on the nature of the criminal offense is available, there are witnesses;
- 4) the fact of commitment of mass riots has been revealed, there are no witnesses.

Let's describe these typical investigative situations and try to algorithmize them: to determine the possible actions of law enforcement officers and their sequence. In the first situation the main work relies on the coordinated activities of law enforcement at the initial stage of the investigation. In this situation the investigator must inspect the scene, make examination, identify witnesses, interrogate victims and witnesses. The timely conduct of these actions will provide a sufficient evidence base to notify the offender of suspicion.

So, on April 7, 2014, approx. 10:00 p.m. Mr. D., being on the square in Kharkiv, where he took an active part in the rally for friendly relations with the Russian Federation and expanding the powers of the regions of Ukraine, succumbing to the appeals of individuals, acting knowingly, with the aim of gross violation of public order, the Kharkiv Regional State Administration and the Kharkiv Regional Council, as well as in order to destabilize the situation in Kharkiv region, decided to take an active part in the riots. Mr. D. not stopping his illegal actions aimed at committing mass riots and seizing the building in which the Kharkiv Regional State Administration and the Kharkiv Regional Council are located, had broke into the ground floor of the building with other people, where they began throwing stones, boards, light and noise grenades, explosive packages and to make shots from the unidentified traumatic weapons towards law enforcement officers who performed official duties to guard the building. Continuing their illegal actions, the participants of the riots, whose personalities were not identified, in order to overcome the resistance of law enforcement officers, set fire to car tires in front of the entrance to the building and, throwing several bottles of incendiary mixture, set fire to four offices located in the building. During the commitment of these actions, various injuries were inflicted on law enforcement officers and other persons [8].

This situation is common and is determined by the need for maximum fixation of the trace picture of the crime, taking measures to identify and detain offenders. In this situation, the examination and interrogation of eyewitnesses of the event is of special importance. In turn, N.O. Kononenko emphasizes that "Detention at the scene" is a fairly common tactical operation. Its preparatory stage is the longest and most difficult and is determined by the investigative situation at the time of detention.

At this stage, the characteristics of the victim and his/her environment should be clarified; the organization of measures to ensure the safety of victims, their relatives and witnesses and the preservation of their property should be completed; data on criminals' identities and

their environment should be clarified and studied; technical devices should be prepared that will be used for photography or videotaping, etc. Only after that the direct capture of hooligans starts [2, p. 103].

And already in this situation M.I. Porubov defines a possibility of conducting the following procedural and other actions:

- cessation of illegal actions;
- detention of the suspect;
- personal examination of the suspect, inspection of his/her clothes and the scene;
- identification of the detainee, establishment of signs of an offense in his actions;
- identifying and ensuring the preservation of sources of evidence, including interviews, inspection, interrogation, search [4, p. 244].

The second investigative situation is somewhat more complicated, as the perpetrator has not been identified. In this case it is necessary to carry out the following procedural actions: 1) inspection of the scene; 2) interviewing eyewitnesses of the event, and subsequently interrogating them as witnesses; 3) prescribing of appropriate expertise; 4) search for offenders on a verbal portrait from eyewitnesses; 5) interception of surveillance cameras.

It should be emphasized that the preliminary inspection materials are the result of open and covert activities of the pre-trial investigation bodies. All of them are concentrated in the investigator, who alone or together with the prosecutor (head of the pre-trial investigation body) analyzes them and makes the appropriate decision in the manner prescribed by law. The results of the preliminary inspection create an information field, assessing which the following situations can be constructed: 1) there are sufficient data on the existence of an obvious crime; 2) there are sufficient data on the hidden crime; 3) there are no sufficient signs of an obvious or hidden crime; 4) there are no signs of an obvious or hidden crime. According to these situations the investigator makes procedural decisions stipulated by law [1, p. 436-437].

In view of the above, the obligatory investigative actions, as well as other measures in the defined investigative situation will be the following:

- inspection of the scene;
- interrogation of the victim, the witnesses and the suspect;
- examination of the victim and suspect;
- prescribing and conducting examination to determine the severity of injuries, identification of the offender;
- examination and instructions for the proceeding of videos, photographs, which record illegal actions and their consequences.

So, on August 31, 2015 approx. at 08:00 a.m., next to the building of the Verkhovna Rada of Ukraine, at the address: Kyiv, Hrushevskoho st., 5, a number of people, among whom was Mr. G. In order to provoke the crowd to mass riots, if the Verkhovna Rada of Ukraine approves the draft amendments to the Constitution of Ukraine in the first reading, they found wooden and metal sticks, explosive packages and explosive devices adapted for inflicting bodily injuries in advance who intended to use as a weapon to counter law enforcement officers, and who brought with them to the square near the building of the Verkhovna Rada of Ukraine. After the meeting, Mr. G., carrying wooden and metal sticks, explosive packages and explosive devices, were stationed across the border from law enforcement officers who performed their duties to maintain public order during the work of the Verkhovna Rada of Ukraine. Upon learning of the results of the vote and the adoption in the first reading of the draft amendments to the Constitution of Ukraine, at about 13:30 a crowd provoked by unidentified persons, among whom was Mr. G., near the Verkhovna Rada building and the hotel "Kyiv", carried out active physical resistance and resistance to law enforcement officers and servicemen of the National Guard of Ukraine, who are representatives of the authorities, accompanying their actions with the use of objects specially adapted to inflict bodily harm. In particular, Mr. G., taking an active part in the riots together with other persons, attacked law enforcement officers - employees of the Special Purpose Company of the Main Department of the Ministry of Internal Affairs of Ukraine in Kyiv and servicemen of the National Guard of Ukraine, did not comply with their legal requirements to stop public order, was trying to injure them, was throwing various objects at them, pushing them and with a plastic stick specially adapted for inflicting bodily injuries, was striking several blows to the face of an employee of the Special Purpose Company of the Main Department of the Ministry of Internal Affairs of Ukraine in Kyiv [7]. Mr.G. was detained due to coordinated activities of law enforcement officers at the initial stage.

Starting planning the solution of the tasks of the analyzed situation, the investigator must, first of all, find out the following points:

- circumstances that were not established at the beginning of the investigation;
- investigative (search) actions and operational search measures that were not carried out or were not carried out fully;
- sources that need to be further identified and introduced into the course of proof.

We support the position by V.O. Malyarova, who emphasizes that the algorithm for finding a criminal includes a consistent solution of the following tasks:

- detecting sources of information about the offender's characteristics;
- construction of a hypothetical model of the criminal and establishment of his/her belonging to: a wide set (class) of persons on general grounds; a narrow set (group) of persons on individual grounds;
- identification of a limited, quantified group of persons being inspected;
- identification of the person being inspected, i.e. a person who, according to the circumstances of the criminal proceedings, may be a wanted criminal, and if necessary, obtain samples from him/her for examination, according to art. 245 of the Criminal Procedural Code of Ukraine;
- identification of a specific person;
- identification of the wanted criminal [5, p. 131].

In the third situation we see an even more complicated picture: information on mass riots has been received from authorized persons, information on the nature of the criminal offense is available, and there are witnesses. This situation is marked by the fact that in addition to the above actions, it is important to detect the offender's identity as soon as possible on the "hot" tracks. Therefore, it is necessary to accurately compile his/her photo work from the words of eyewitnesses and the victim, to carry out appropriate operational search activities (in particular, the special operation "Spiral"). In a specific investigative situation it is necessary to carry out the following investigative (search) actions and to take other measures:

- inspection of the scene;
- interrogation of victims and witnesses;
- search for the offender on the "hot" tracks;
- examination of victims and witnesses;
- prescribing and conduct of examinations to establish the severity of injuries, identification of the offender.

So, Mr. O. on March 1, 2014 in the period from 11 o'clock. 00 min for 13 years. 00 minutes, acting together with other persons not identified by the pre-trial investigation, arrived at the Freedom Square in Kharkiv and was near the building of the Kharkiv Regional State Administration. At about 1 p.m. 00 min March 1, 2014 in order to actively participate in the riots, which were accompanied by the illegal seizure of the building of the Kharkiv Regional State Administration and destabilization of the situation in Kharkiv, c. O., acting together with unidentified persons, took an active part in the illegal actions aimed at seizing the building of the Kharkiv Regional State Administration. During the specified illegal actions Mr. O., wanting to demonstrate his obvious disregard for all current rules and norms of society, acting together with unidentified persons, demonstrating to others his intention to use violence against others, holding a stick in his hand, entered the building through the main entrance, thus took an active part in mass riots, which were expressed in the seizure of the building of the Kharkiv Regional State Administration [9].

The fourth investigative situation is complicated by the fact that hooliganism of mass riots was simply revealed, and witnesses and any information are missing. Therefore, it is necessary to increase the evidence base by taking appropriate procedural steps. In this situation, the following actions are required:

- inspection of the scene in order to identify traces of mass riots;
- identification and interrogation of witnesses;
- Orientation of law enforcement officers to identify persons who may be witnesses to the act, and then their interrogation as witnesses;
- appointment of examinations necessary to establish certain circumstances of the offense.
- search for offenders.

**Conclusions.** Summing up, we note that in the investigation of mass riots, the amount of evidence that can be seized during the effective conduct of investigative (search) actions and

other measures is quite significant. We have identified the following typical investigative situations in the initial phase of a riot investigation: 1) information on mass riots has been obtained, material traces of a criminal offense were identified, witnesses and victims were available, offenders were identified; 2) information on the commission of mass riots by an unidentified person has been obtained, information on the nature of the criminal offense is available, there are witnesses and victims; 3) information on the commission of mass riots has been received from authorized persons, available information on the nature of the criminal offense, there are witnesses; 4) the fact of committing mass riots has been revealed, witnesses are absent. Typical investigative situations of an investigation allow it to be effectively planned, to carry out appropriate investigative (search) actions and other measures. Therefore, at the initial stage of criminal proceedings, it is desirable to algorithmize the actions of law enforcement officers by constructing specific typical situations of the investigation.

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*Submitted 18.12.2020*

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#### Abstract

Features of investigation of mass riots are covered. It is noted that the sequence of measures during the implementation of any activity ensures its effectiveness and the ability to achieve the desired result.

It is emphasized that a typical investigative situation is a set of circumstances to be proved in criminal proceedings, other circumstances that have arisen during the investigation, officially and informally established, perhaps even in conjunction with the escalation of contradictions between the participants, the subjects of forensic activities and other persons.

Based on the analysis of a number of opinions of scientists and materials of criminal proceedings, the scientist identified typical investigative situations of the initial stage of the investigation of mass riots.

**Keywords:** mass riots, organization, tactics, investigative situations, investigative (search) actions.