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ABSTRACT

The article is devoted to the consideration of the peculiarities of the use of special knowledge in the investigation of illegal fishing, animal or other water mining. Among the measures aimed at overcoming the existing circumstances is seen in increasing the expertise of authorized persons and expanding the possibilities of involving in the conduct of individual investigative (search) actions of specialists of the corresponding activity profile. It is noted that the use of knowledge in conducting investigative (search) actions in the investigation of criminal offenses against the environment in general and the illegal occupation of fish, animal or other water mining in particular is due to the need to attract specialists with specialized knowledge in the relevant field, direction of activity. The study argues that careful preparation for each individual investigative (detective) action determines the need to identify specialists, state or public organizations, including international, which should be involved.

Key words: *criminal offenses against the environment, identification and documentation of a socially dangerous act, illegal implementation of fish, animal or other water mining, the situation of committing a criminal offense, means and tools for implementing a criminal plan, authorized persons, special knowledge, specialist, organization of investigation and investigative (search) actions.*

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PROBLEMS OF FORMATION AND USE OF FORENSIC RECORDS FOR OPERATIONAL AND INVESTIGATIVE PURPOSES

Ігор Пиріг, Сергій Прокопов. ПРОБЛЕМИ ФОРМУВАННЯ ТА ВИКОРИСТАННЯ КРИМІНАЛІСТИЧНИХ ОБЛІКІВ ОПЕРАТИВНО-РОЗШУКОВОГО ПРИЗНАЧЕННЯ. У статті приділено увагу одному з напрямків інформаційно-довідкового забезпечення розслідування, а саме формуванню та використанню криміналістичних обліків оперативно-розшукового призначення, що зосереджені на трьох рівнях – центральному, регіональному та місцевому Розглянуто детальніше окремі види оперативно-розшукових обліків, залежно від об'єктів, відомості про які містяться в кожному конкретному обліку, а також завдання та порядок отримання з них криміналістично значущої інформації, звертаючи увагу на проблеми, що існують в експертній діяльності з їх формування та ведення.

При розгляді функціонування дактилоскопічного обліку приділено увагу його реалізації з використанням програмно-апаратного комплексу АДІС «Дакто-2000», що дає можливість оперативно здійснювати обробку дактилоскопічної інформації та пошук необхідних відомостей щодо осіб певної категорії. Окрему увагу в статті приділено балістичному обліку, оскільки на сьогодні, у зв'язку з розв'язаною росією війною проти нашої країни, збільшилась кількість кримінальних правопорушень, що вчиняються з використанням зброї. Кулегільзотеки, що

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складають основу балістичного обліку створюються з метою: встановлення фактів використання одних і тих же екземплярів зброї у разі вчинення кількох кримінальних правопорушень; виявлення зброї, що застосовувалась у вчиненні правопорушень серед знайденої, вилученої та добровільно зданої, такої, що була на озброєнні поліції або військових підрозділів та іншої, зареєстрованої на об'єктах дозвільної системи. Розглянуто переваги автоматизованої балістичної інформаційної системи «BalScan», що використовується експертними підрозділами для проведення на якісному рівні роботи з обліку гільз і куль зі слідами вогнепальної зброї. Розглянуто облік грошових знаків, бланків документів та цінних паперів сприяє розслідуванню та попередженню фальшивомонетництва, а також правопорушень, що пов'язані з виготовленням і використанням підроблених документів. Зосереджено увагу на формуванні обліку трасологічних об'єктів у формі натурних предметів зі слідами, вилученими при огляді місця події та інших слідчих (розшукових) дій: взуття; рукавичок; знарядь зламу; транспортних засобів тощо або фотозображень таких слідів. При цьому звертається увага на функціонуванні інформаційної підсистеми «СЛІД» інформаційно-телекомунікаційної системи «Інформаційний портал Національної поліції України», що є нічим інакшим як узагальненням всіх існуючих обліків оперативно-розшукового призначення на місцевому та регіональному рівнях.

Звертається увага на існуючі проблеми в практичній діяльності з формування та використання обліків, пов'язані з неналежною взаємодією Експертної служби та підрозділів техніко-криміналістичного забезпечення органу досудового розслідування поліції. При цьому зроблено висновки, що існуюча на сьогодні система криміналістичної реєстрації потребує реформування шляхом зосередження криміналістичних обліків оперативно-розшукового призначення в одній службі, а саме у підрозділах з техніко-криміналістичного забезпечення органів досудового розслідування поліції.

Ключові слова: *кримінальні правопорушення, розслідування, криміналістичні обліки, слідчий, спеціаліст-криміналіст, експерт, сліди, інформація, техніко-криміналістичне забезпечення.*

Relevance of the study. One of the ways to improve the pre-trial investigation of criminal proceedings is its information support, which consists in collecting and processing existing information about the crime and providing an opportunity for the investigator to obtain this information in a form convenient for him for the purpose of its further use in the investigation [1, p. 338]. The accumulation of information obtained during the investigation and its systematization is a component of the activities of expert, investigative, information-analytical and other units of the National Police, and the result of such activities are forensic records formed according to certain criteria.

In the case when the sources of information are objects causally related to a criminal offense, and such objects are seized during investigative (search) actions, it is potentially evidential. If the information contains informative and reference information, it is indicative [2, p. 204]. According to this criterion, namely the functional purpose, forensic records are divided into operative-search and informational-reference [3, pp. 166-167].

To date, in our opinion, certain successes have been achieved in the formation of information and reference records, starting in 2017, when the Regulation on the Information and Communication System "Information Portal of the National Police of Ukraine" [4] was approved and a unified information system of the Ministry of Internal Affairs of Ukraine was formed [5]. Since that time, individual subsystems of this system have been constantly updated and improved. Information and analytical systems have acquired a certain development and use in the investigation and operational search activities [6, p. 344-349; 7, p. 165]. Taking into account the current conditions, namely the war launched by the russian federation against our country, appropriate means of countering aggression are being developed on the basis of existing information about the enemy. In particular, specialists of the Center for Innovations and Development of Defense Technologies of the Ministry of Defense of Ukraine developed a unique system for collecting, processing and displaying information "Delta" to ensure the coordination of defense forces and situational awareness on the battlefield [8]. Despite certain achievements in the formation of information and reference records, there are certain problems in the formation and use of records for operational and investigative purposes, although they play the main role in the establishment and identification of criminals.

Recent publications review. Considerable attention was paid to the problematic issues of the formation and use of forensic records in the investigation by Ukrainian scientists: V. Areshonkov, V. Bahina, A. Volobuyev, V. Biryukova, V. Goncharenko, D. Dabizhi, R. Demchyshak, V. Zhuravel, A. Ishchenko, N. Klymenko, V. Lysenko, V. Lukashevych, V. Lysychenko, E. Lukyanchykova, O. Motlyakh, O. Oderia, V. Prykhodko, M. altevsky, R. Stepaniuk, V. Stratonov, V. Tishchenko, V. Khakhanovskyi, K. Chaplinskyi, Yu. Chornous,

V. Shepitka, M. Scherbakovskyi, V. Yusupov, and others. However, despite the significant contribution of these scientists to solving the problems of creating forensic records, certain issues related to the use of records for operational and investigative purposes remain unresolved and require further development.

The article's objective. The purpose of the article is to develop recommendations for the formation and use of operational search records in the modern conditions of the development of information technologies.

Discussion. Operational investigative records function in the Expert Service of the Ministry of Internal Affairs of Ukraine and contain objects that are directly related to the occurrence of a crime and are seized during investigative (search) and covert investigative (search) actions. According to the Instructions for the Organization of the Functioning of Forensic Records of the Expert Service of the Ministry of Internal Affairs of Ukraine, "the sources of the formation of forensic records are objects (their copies, images) and (or) information about them, which come from the bodies of inquiry, pre-trial investigation, prosecutor's office, courts, divisions, which, respectively according to the current legislation, they have the right to carry out investigative activities, as well as from the Ministry of Health of Ukraine, the Ministry of Justice of Ukraine, other executive authorities, as well as the National Bank of Ukraine" [9]. In accordance with the same Instruction, investigative records are intended for obtaining information about a person who is involved in the commission of a criminal offense; identification of a person, instrument of crime: weapon, vehicle, equipment, etc.; establishment of common group belonging of substances and materials; other factual data testifying to the commission of an offense by a specific person; obtaining other information about the committed and prevention of criminal offenses [9]. After checking the forensic records, if a positive result is obtained, it is possible to assert the existence of certain facts in criminal proceedings, for example, the presence of a person in a certain place and at a specific time, or the belonging of traces from different places to a particular person or their belonging to the same person. From the foregoing, it is clear that the main purpose of investigative records is to establish group membership and identification of various types of objects, including living persons.

Information support is important during the investigation of criminal offenses in conditions of lack of information, when the investigator feels a shortage of the data he needs both to identify traces of the offense, to find out the mechanism of the crime, and to organize the entire investigation. In particular, this is required in investigative situations at the initial stage of the investigation, when the person who committed the criminal offense has not been identified. The activity of the investigator is based on the data of the forensic records, which consists in the construction and verification of versions, the organization and planning of the investigation, the selection of tactics for conducting separate investigative (search) actions, tactical combinations and operations and other measures [10, p. 235]. The effectiveness of the use of information contained in forensic records is of great importance, determined by the time since its receipt. The faster this information is implemented, the greater is its impact, and the higher the efficiency [11, p. 241].

During the formation of databases and ensuring their functioning, special knowledge is required in a non-procedural form. As a rule, the results of the accounting check are implemented in the form of an examination. According to the Instructions, registration is carried out only after their expert examination, which is diagnostic in nature and consists in identifying a set of signs that are individual and sufficient for the identification of objects. Objects obtained after conducting investigative (search) actions with the participation of persons suspected of committing a criminal offense are used as comparative samples in the databases of operative and investigative records. They can be photographs, video images, dactyloscopic maps, audio recordings, objects of biological origin, etc.

Operational investigative records function at the central level – at the State Scientific Research Expert Forensic Center of the Ministry of Internal Affairs of Ukraine, and at the regional level – at the regional Scientific Research Expert Forensic Center. This division fully corresponds to the system of the Expert Service of the Ministry of Internal Affairs of Ukraine [12]. However, the Instruction on the organization and functioning of forensic records of the expert service of the Ministry of Internal Affairs provides for three levels of their concentration – central, regional and local (bush) [9]. This state of affairs is explained by the fact that the specified legal act was adopted in 2009 even before the reform of the system of the Ministry of Internal Affairs of Ukraine and corresponds to the system of expert institutions of the Ministry

of Internal Affairs that existed at that time. It is clear that the specified Instruction is outdated and needs updating, as noted in the scientific literature [13, p. 10]. In our opinion, there is a need to create a new normative legal act that would regulate the procedure for the formation, maintenance and use of forensic records, which are currently concentrated in the Expert Service of the Ministry of Internal Affairs of Ukraine and pre-trial investigation bodies of the police, and would also regulate the issue of interaction between bodies and units other departments that have forensic records.

At the central level, – State Scientific Research Expert Forensic Center of the Ministry of Internal Affairs of Ukraine, – the following types of operational-investigative purpose records function: 1) central bullet casing file (cases and bullets with traces of weapons); 2) central collection of counterfeit money; 3) forged documents produced using printing methods; 4) the central file of handprints removed from the places of unsolved serious and high-profile crimes; 5) the central fingerprint index of persons subject to registration at the level of the State Department of Internal Affairs and Communications; 6) a central collection of phonograms with the voices and speech of anonymous announcers and established persons who reported on various socially dangerous acts; 7) shoe traces formed from images of shoe traces from the scene of various types of serious and especially serious crimes; 8) DNA profiles (human genetic characteristics); 9) explosive devices and their remains, removed from the scene; 10) central catalog of information on synthetic and semi-synthetic narcotic drugs and psychotropic substances [9].

At the regional level, the same types of operational search records function in the regional Scientific Research Expert Forensic Center as at the central one. At the same time, the Instruction provides certain types of records exclusively at the regional concentration level. They include objects and traces removed during inspections of the scene of events following proceedings on crimes committed in the territory of their service, as well as those provided for verification from other regions [9]. Therefore, the records of exclusively regional level are the following: objects bearing traces (copies, images of traces) of hacking tools or parts of broken obstacles, vehicles, gloves; subjective portraits of persons suspected of committing crimes. Depending on the method of registration of the object – descriptive, photographic, schematic or mixed (when objects are registered by at least two types of methods), the organization of accounting work can be carried out in different forms. The forms of their management are: card libraries, which consist of information and search maps of the established model and are placed according to a certain system; trace files containing copies of traces from unsolved crime scenes; photo and video libraries are an array of photographs and video images of registered objects; sound libraries contain an array of audio recordings of the voice of famous and unknown persons; magazines and e-magazines; automated data banks in which information about registered objects is stored in coded form: automated information systems and information search systems.

Let's consider in more detail individual types of investigative records, depending on the objects, the information about which is contained in each specific record, as well as the tasks and the procedure for obtaining forensically significant information from them, paying attention to the problems that exist in the expert activity of their formation and driving We consider it expedient to consider in detail the purpose of those types of operational search records, the effectiveness of which is the highest. In turn, the procedure for obtaining information from any type of accounting is typical.

One of the main ones today is dactyloscopic accounting, given that handprints are the most common objects recovered at the scene. This account is one of the first, which was laid as a basis for accounting and registration activity as a whole. According to the Instruction on the procedure for dactyloscopic registration of the Expert Service of the Ministry of Internal Affairs of Ukraine, the purpose of this type of registration is: searching for people who have gone missing; establishing a person's identity from unrecognizable corpses; confirmation of the identity of a person who was previously fingerprinted; identification of persons who left handprints at the scene; establishing the facts of one person leaving traces of his hands in the commission of various crimes [14]. Within the dactyloscopic records, the following components are interrelated: card index of handprints (fingerprint index) and index of dactyloscopic cards (fingerprint index). Today, dactyloscopic accounting functions and is implemented using the Automated information and search system "Dakto-2000" software and hardware complex, which makes it possible to quickly process dactyloscopic information and search for necessary information about persons of a certain category.

The system performs the following functions: entering fingerprints (fingerprint cards) and demographic data into the database; input into the database of fingerprints removed from unsolved crime scenes; storage and management of the database of handprints and unidentified traces; conduct and analysis of fingerprint card searches and traces with the database; preparation and printing of search results; creation of statistical reports; conducting searches based on demographic data of a person. The server provides work with databases containing arrays of automated dactyloscopic card files and ice files, manages the processing of requests, performs dispatching functions, analyzes and issues the results of automated processing of requests. The complex allows you to enter fingerprints and traces and transfer them to a higher level, where they are processed and entered into the database. The complex can exchange dactyloscopic data, send requests and receive search results with the central database through communication channels [15]. Also, for the purposes of registration of dactyloscopic objects, Automated information and search system software and technical complexes are used, which are equipped with colorless image input scanners, to which a finger, fingerprint card or a photo of the trace is applied, and their scanning takes place with subsequent display on the monitor screen. Having entered dactyloscopic information into the computer, with the help of such systems, checks are carried out and the coincidence or discrepancy of certain objects is established.

Today, in connection with the war waged by russia against our country, the number of criminal offenses committed with the use of weapons has increased. That is why the accounting of ballistic objects is of great importance. Bullet files are created for the purpose of: establishing the facts of the use of the same weapons in case of committing several criminal offenses; detection of weapons used in the commission of offenses among those found, seized and voluntarily surrendered; detection of facts of use by offenders of lost rifled or smooth-bore firearms that were in the service of the police or military units, registered at the objects of the permit system, and those that were in the personal use of citizens; detection of weapons lost by police officers among those found, recovered and voluntarily surrendered.

In order to carry out high-quality work on the accounting of casings, bullets with traces of firearms, expert units are equipped with the automated ballistic information system "BalScan" of Czech production, which is universal for detecting, fixing and accounting for traces of firearms on ammunition. Cartridges and bullets found at the scene are scanned using modern optics and a three-dimensional digital copy is created and stored in the database. The program automatically evaluates possible matches with other images in the database. The program has prepared a special mode for comparing found bullets or casings by a ballistic specialist. The system is designed for processing and storing in digital format a wide range of ammunition from traumatic and home-made weapons to firearms of industrial production. The side surface of the case or bullet, the bottom of the case are scanned completely in high resolution with a 360-degree surface coverage and include spatial information in 2D or 3D images. "BalScan" detects traces not only on undamaged surfaces, but also on bullets or their fragments deformed by impact. There is also the possibility of direct scanning of the striker and the front edge of the breech part of the firearm.

"BalScan" software includes a tool for managing scanned data based on proven Oracle database technology, divided into two logical units. The first – the database of criminal proceedings contains scanned reference bullets and casings, as well as those recovered from the scene. The second database allows you to match reference bullets and cases with a specific weapon. The database can be installed on a separate high-performance server connected to other "BalScan" workstations located in the network. Active stations equipped with the "BalScan" system provide real-time image analysis, digital images of casings and bullets, search and comparison in the database. Conventional computer servers, or passive stations, allow you to search and compare only the database. It is also possible to directly compare the front of the bolt and firing pin with the marks on the bottom of the case. Advanced algorithms and three-dimensional data analysis are used for maximum reliability. The operator has the ability to highlight the surface relief at different lighting angles, which can be easily synchronized and changed.

The accounting of currency signs, document forms and securities contributes to the investigation and prevention of counterfeiting, as well as offenses related to the production and use of forged documents. According to its purpose, it ensures: establishment of common features and one method of production with currency notes, document forms, securities in collections; identification of persons involved in the production of counterfeit securities,

money, and document forms. Today, this type of accounting is also automated. Information about the objects of accounting is concentrated in Automated information and search system "Forgery" or Automated workplace "TDOD", which ensure the functioning of accounting of real and forged documents with the possibility of use in banking, law enforcement and other spheres of activity.

During the commission of a significant number of criminal offenses, especially property offenses related to breaking into a home or storage, offenders use various tools and mechanisms to break security devices. Traces of gloves, shoes, other parts of a person's clothing, vehicles, etc. may be found at the scene. To create proper conditions for the identification of the specified objects, there are records of traceological objects in the form of physical objects with traces removed during the inspection of the scene of the incident and other investigative (search) actions: shoes; a glove; breaking tool; vehicles etc. or photographs of such traces. The main purpose of the traceological accounting is: identification of traces left by the same trace-forming object: shoes, gloves, burglary tools, vehicles when committing several crimes; identification of a trace-forming object belonging to a certain person based on the traces removed during the inspection of the scene of the incident; generalization of information about types of trace-forming objects.

Dactyloscopic, traceological and ballistic records receive and accumulate information from objects seized during investigative (search) actions. Most of these actions are carried out with the participation of forensic specialists of the technical and forensic support units of the police pre-trial investigation body. In addition to the functional responsibilities of the employees of the specified divisions regarding participation as specialists in investigative (search) actions, they are also responsible for the functioning of the information subsystem "SLID" of the information and telecommunication system "Information Portal of the National Police of Ukraine" [16].

The specified subsystem is nothing more than a generalization of all existing records of operational and investigative purposes at the local and regional levels. According to the Instructions for the formation and management of the "SLID" information subsystem, the information entered into it is kept under the following categories: photo images of traces: hands, shoe soles, breaking tools, material structure (gloves), vehicle tire protectors; multimedia information (photo, video, sound recording) about persons involved in the commission of a criminal offense; multimedia information (photo, video recording) of the situation of the event that occurred; information about casings, bullets and cartridges with traces of weapons; information about objects of biological origin; information about other seized material objects that were a tool for committing a criminal offense and retained its traces or contain other information that can be used as evidence of a fact or circumstances established during criminal proceedings [16]. Today, the process of forming this subsystem is fully automated, and active activities are being carried out to improve the process of automating the identification of all objects included in the system.

However, in the practical activity of creating and using records, certain problems arise related to the interaction of the Expert Service and technical and forensic support units of the police pre-trial investigation body. The heads of police investigative departments are ultimately responsible for the formation of the "SLID" subsystem at the regional level, and in the Expert Service, they are the directors of the NDEKC. These services are not subject to each other. Since the records contained in the Expert Service receive information precisely based on the results of investigative (search) actions by the police, in this case such information does not always arrive as intended. For example, forensic specialists, upon detecting handprints at the scene of the incident, enter their photographs into the "SLID" subsystem. This activity, according to the order, is strictly controlled by the heads of the investigative units of the police. At the same time, the procedure for transfer of dactyloscopic information to units of the Scientific Research Expert Forensic Center is regulated only by the Instructions [9, 14], the provisions of which are imperfect, the terminology, including the names of units, is outdated. Accordingly, there is no desire of the police units to do extra work on the transfer of such information.

Conclusions. Taking into account the above-mentioned problems, it can be noted that the existing criminal registration system needs to be reformed. Forensic records of operative and investigative purposes should be concentrated in one service. In our opinion, it is possible to do this in the units for technical and forensic support of police pretrial investigation bodies, leaving the performance of examinations as the sole activity of the Expert Service of the

Ministry of Internal Affairs. Another direction of reform may be a return to the system of expert institutions that existed before 2015, namely, the establishment of Scientific Research Expert Forensic Center divisions at district police departments with the duties of both conducting examinations and participating as specialists in investigative (search) activities and the formation of forensic records. Accordingly, the specified changes must be established by regulatory and legal acts of a departmental nature.

Conflict of Interest and other Ethics Statements
The authors declare no conflict of interest.

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ABSTRACT

The article pays attention to one of the areas of information and reference provision of the investigation, namely the formation and use of forensic records of operational and investigative purposes, which are focused on three levels – central, regional and local. Individual types of operational and investigative records, depending on the objects, are considered in more detail, information about which is contained in each specific account, as well as the task and procedure for obtaining forensically significant information from them, paying attention to the problems that exist in the expert activity of their formation and management.

When considering the functioning of dactyloscopic accounting, attention is paid to its implementation using the ADIS "Dakto-2000" software and hardware complex, which makes it possible to quickly process dactyloscopic information and search for necessary information about persons of a certain category. Special attention is paid in the article to ballistic accounting, since today, in connection with the war waged by russia against our country, the number of criminal offenses committed with the use of weapons has increased. Bullet magazines, which form the basis of ballistic accounting, are created for the purpose of: establishing the facts of the use of the same weapons in the case of committing several criminal offenses; detection of weapons used in the commission of offenses among those found, seized and voluntarily surrendered, such as were in the arms of the police or military units and others registered at the objects of the permit system. The advantages of the automated ballistic information system "BalScan", which is used by expert units to carry out high-quality work on the accounting of casings and bullets with traces of firearms, are considered. Considered accounting of currency signs, forms of documents and securities contributes to the investigation and prevention of counterfeiting, as well as offenses related to the production and use of forged documents. Attention is focused on the formation of the record of traceological objects in the form of real objects with traces removed during the inspection of the scene of the incident and other investigative (search) actions: shoes; a glove; breaking tool; vehicles etc. or photographs of such traces. At the same time, attention is drawn to the functioning of the information subsystem "TRACK" of the information and telecommunication system "Information Portal of the National Police of Ukraine", which is nothing other than a generalization of all existing records of operational and investigative purposes at the local and regional levels.

Attention is drawn to the existing problems in the practical activity of the formation and use of records, related to the improper interaction of the Expert Service and technical and forensic support units of the police pre-trial investigation body. At the same time, it was concluded that the currently existing system of forensic registration needs to be reformed by concentrating forensic records of operational and investigative purposes in one service, namely in the units for technical and forensic support of police pre-trial investigation bodies.

Keywords: *criminal offenses, investigation, forensic records, investigator, forensic specialist, expert, traces, information, forensic technical support.*