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**TACTICS OF SUSPECTS INTERROGATION IN PROCEEDINGS
ABOUT APARTMENT THEFTS, COMMITTED BY EARLIER
CONVICTED PERSONS**

Кузьменко А. ТАКТИКА ДОПИТУ ПІДОЗРЮВАНИХ У СПРАВАХ ПРО КВАРТИРНІ КРАДІЖКИ, ВЧИНЕНІ РАНІШЕ ЗАСУДЖЕНИМИ ОСОБАМИ. Наукова стаття присвячена висвітленню деяких аспектів розслідування квартирних крадіжок, учинених раніше засудженими особами. Розглядаються особливості проведення слідчих (розшукових) дій для вилучення інформації з особистісних джерел для більш швидкого розслідування досліджуваної категорії кримінальних правопорушень.

Ключові слова: *квартирні крадіжки, раніше засуджена особа, організація, тактика, слідчі (розшукові) дії, допит, одночасний допит раніше допитаних осіб.*

Formulation of the problem. In investigating criminal offenses, depending on the particular investigative situation, appropriate procedural actions must be carried out. Each of them has certain peculiarities of carrying out depending on the structure of the crime and certain conditions that have developed at the appropriate stage of the proceedings. At the initial stage of the investigation of apartment thefts committed by previously convicted persons, an important role is played by conducting investigatory (search) actions to extract information from personal sources. After all, it is reduced to obtaining specific orientation information on stolen property, persons who could commit offenses, etc. Therefore, the study of organizational and tactical peculiarities of the implementation of these procedural actions is very important for the entire criminal proceedings.

Analysis of recent research and publications. Researchers at the conceptual basis for investigating crimes were dedicated to their work by such scientists as L.I. Arkusha, K.V. Antonov, V.P. Bahin, V.D. Bernas, R.S. Belkin, A.F. Volobuev, V.A. Zhuravel, A.V. Ishchenko, O.N. Kolesnichenko, V.K. Lisichenko, I.M. Luzgin, V.G. Lukashevich, E.D. Lukiyanichikov, M.V. Saltevsykyi, R.L. Stepaniuk, K.O. Chaplinskyi, V.Yu. Shepitko, M.P. Yablokov and others. However, the peculiarities of criminal proceedings in cases of apartment theft committed by previously convicted persons have not been fully researched in the light of the current CPC of Ukraine and the current needs of law enforcement practice.

The purpose of this article is to study the peculiarities of conducting investigatory (search) actions for extracting information from personal sources during the investigation of apartment thefts committed earlier by convicted persons.

Presentation of the main research material. An important investigative (investigative) action in investigating apartment thefts committed by previously convicted persons is questioning. As is known, this procedural action is the most widespread and informative in criminal proceedings. It is precisely with its help that, in almost every proceeding, police officers receive the greatest amount of evidence that makes it possible to put forward versions and take further steps. Some authors define the interrogation as an investigative (wanted) action, which consists in obtaining and fixing in the established criminal-procedural form the subject of investigation of information by direct communicative contact, and the object of interrogation is the established information as any data that is relevant for the establishment truths [9, p. 151]. The questioning can be determined, according to M.O. Yankovskyi, as the procedure for the specific verbal interaction with the interrogator, regulated by the criminal procedure law, during which the investigator (prosecutor, judge), using the lawful practical methods and methods of psychological influence, receives from the interrogator and records in the protocol oral information about his known circumstances having meaning for the investigation of a crime [15, p. 190] that we support.

As a rule, when investigating apartment thefts committed by previously convicted persons, victims have been known since the beginning of proceedings. The subject of their interroga-

tion is any circumstances that are subject to establishment in the criminal proceedings. In general, the subject of interrogation forms the circumstances that are part of the subject of evidence, as well as other circumstances that can assist in the comprehensive, complete, objective conduct of criminal proceedings and the adoption of a proper procedural decision [4, p. 305].

In considering this issue, planning and preparation for interrogation can not be ignored. To them, according to V.K. Veselsky and V.S. Kuzmichov should include three main elements: organizational - ensuring rational conduct of interrogation (when and where appropriate, to hold it from the point of view of rational use of the budget of time and opportunities of the investigator - today, tomorrow, in the morning, to use technical equipment, etc.); meaningful - determination of completeness and interconnection of circumstances to be established; tactical - the establishment of appropriate means and methods for solving specific tasks interrogation. [1, p. 61].

In general, the interrogation consists of three parts: preparation for interrogation, direct interrogation and recording of the results of the interrogation. The preparatory stage of the interrogation on cases of apartment theft committed earlier by convicted persons, in principle, is based on the general rules of conducting this investigative (search) action. Therefore, not going deep into the judgments of various scholars, we give a set of organizational and tactical measures, which proposes to implement in preparation for its conduct, for example, A.F. Volobuyev. They, in our opinion, most fully cover the interrogation in the investigation of apartment thefts committed by previously convicted persons, and have the following form: thorough, complete, and comprehensive study of the materials of the criminal case; determining the order of interrogation (ie, the circles of persons to be interrogated 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 work-place for interrogation.

In particular, studying the materials of criminal proceedings allows us to determine the subject of interrogation, formulate the question to the interrogator, establish the circle of persons subject to interrogation, etc. This allows us to identify existing gaps, differences and contradictions between the participants of the process and take timely measures to eliminate them. It is also necessary to analyze investigative (wanted) actions that were carried out at the initial stage of the investigation: site review, questioning witnesses, etc. Their research may be useful for promoting versions of the mechanism of the committed crimes and those who committed them, and other circumstances.

Important in the investigation of apartment thefts committed by previously convicted persons, has the tactics of the investigative (wanted) action. According to M.P. Yablokov, the main tactical methods of interrogation include the following: demonstration before the interrogator possible mechanism of committing a crime; demonstration of evidence with explanation of their significance; creating an idea of an exaggerated awareness of the investigator; concealing the investigator's awareness of the interrogator; the use of element of surprise [14, p. 154].

Also, for successful interrogation, it is necessary to establish a psychological contact with the interrogated person. After all, communication during interrogation is complicated by the fact that interrogation is a specific form of communication in which citizens who are in the field of pre-trial investigation and trial are in direct contact with representatives of investigative and judicial bodies, which are endowed with authority "[13, p. 134]. Therefore, it is important that the investigator has the ability to call on the interrogator or to form a trust situation among the interrogators.

At the initial and subsequent stages of the investigation, various participants in the investigation may give contradictory evidence. This is explained by both the rapid course of events during the commission of a criminal offense and the concealment of one's fault. Therefore, an important investigative (investigative) action in investigating apartment thefts committed by previously convicted persons will be the simultaneous interrogation of two previously questioned persons.

Some scholars have analyzed the existing level of knowledge and skills of investigators regarding its conducting at the moment of starting work in investigative units and analyzed the typical tactical and psychological errors during its conduct. Based on the results of the study, she determined that investigators of all age groups considered insufficient training in educational institutions, the system of vocational training and in the system of advanced training. They consider the most important sources of knowledge about "face-to-face rates" as the expe-

rience of colleagues and their own experience. This is evidenced, firstly, by the lack of investigative tactical and psychological knowledge and professional skills in relation to the most effective conduct of the fixed rate and, secondly, the need to work out the above knowledge and skills in the learning process for further, more effective, their application in professional activities [6, p. 10]. The investigative (wanted) action indicated by clarifying and eliminating contradictions in the testimony of the interrogators helps law enforcement officials to achieve justice in criminal proceedings. It is a complex verbal procedural act, since it is conducted with the participation of 2 or more previously interrogated persons in the presence of substantive contradictions in the previously provided testimony in relation to the same circumstances of the case.

Under the confrontation, determined the investigative (judicial) act, which provides for the simultaneous interrogation of previously questioned persons about the circumstances in respect of which there were significantly contradictory evidence [11, p. 25]. In turn, A.B. Soloviev characterizes it as an independent procedural action, which is carried out by means of a repeated interrogation of two persons from among witnesses, victims, suspects and defendants in the presence of each other in order to establish in their testimony significant contradictions that are relevant to establishing the truth in controversial circumstances and ultimately for the adoption of a legitimate and substantiated final decision in a criminal case [10, p. 12].

By analyzing criminal proceedings in the investigated category of offenses, we found that simultaneous interrogation of 2 or more previously interrogated persons was conducted in 58% of cases. It is not recommended to conduct simultaneous interrogation between the following categories of persons: between persons, each of which gives knowingly false testimony; if there is substantiated evidence that persons with whom a fixed rate has to be agreed to give false testimony; with the participation of a suspect who partially confesses his guilt but is inclined to change the testimony; between persons from whom the one who gives true testimony is in material, family or other dependence on another participant; when one of its participants refuses to testify in the presence of another person; between minors and adults, if there is reason to believe that an adult will adversely affect the testimony of a minor, etc. [2, p. 30].

Conducting an "on-the-spot bet" between two persons who give knowingly false testimony is possible, but according to certain rules, and in the event that these persons speak truth in some episodes, and on the other, it is a lie. The tactics of the face-to-face rate should be based on the use of contradictions between them by exacerbating the conflict situation, aimed at deepening differences between the participants. It should be emphasized that most of the investigators who participated in the questionnaire spend most of their time in order to overcome the unknowing lie, but this investigative (investigative) action in practice is not always so effective. This can be evidenced by the results of the analysis of criminal cases. We will give a description of an individual of them. Thus, the main tasks for which this procedural action was carried out were as follows: to find out the reasons for the contradictions in the testimony of the interrogated and their elimination; exposing one of the interrogators in giving false testimony; strengthening the position of conscientious interrogators who gave true testimony; additional examination and confirmation of testimony, victims, suspects.

During a direct simultaneous interview with the investigation of apartment thefts committed by previously convicted persons, both conflict-free and conflict situations may occur. To solve them, a certain set of tactical techniques can be used. M.V. Saltevskiy, depending on the direction, allocates the following groups of tactical techniques: techniques for activating the participant's memory, which is conscientiously mistaken; receptions aimed at exposing lies; receptions to overcome the refusal of the interrogator from participation in the full-time rate; receptions aimed at overcoming the undesirable influence of one participant on another [8, p. 201]. Agreeing with the possibility of using these tactical techniques, we will consider some of them, given that it is most important to use them with the participation of suspects, especially in the context of counteraction to pre-trial investigation.

One of the most expedient tactical methods during the simultaneous interrogation of the investigated category of criminal offenses should be determined by the aggravation of contradictions in the testimony of the participants of the simultaneous interrogation in less significant controversial circumstances. The question of contradictions should be put in such a way that the participants of the personal rate could not mutually recognize the course of testimony beneficial to them. This is possible if the testimony of one participant becomes fully known to another. In order to prevent this situation, the investigator in respect of each controversy raises separate questions, the answer to which is initially proposed to one, and then to another inter-

rogator. After answering a question from one of the participants in the octal bet to another, one should ask if he agrees with such an answer. When the next question, the order is changed. As soon as any of them, contrary to the given testimony, agrees with the answer of another, he will take an explanation of this, and the answer is necessarily recorded in the protocol. Using such a tactical method, one of the interrogators can not fully agree with the other: they will alternately agree or contradict each other. In such circumstances, the falsehood of their testimony becomes apparent. If the person who gave the true testimony refuses from them at the personal rate, then the investigator should not ask the two participants for the purpose of detailing and clarifying their testimony. Otherwise, the participants of the investigative (search) action, having become acquainted with its details, will later be able to put forward mutually agreed versions [5, p. 96].

Conclusion. To summarize, it should be noted that investigation (investigation) actions to extract information from personal sources during the investigation of apartment thefts committed by previously convicted persons include the interrogation and simultaneous interrogation of previously questioned persons. A well-chosen tactic of these investigative (search) actions provides an opportunity to effectively collect evidence that will be relevant at a subsequent stage of the investigation. In order to optimally carry out these procedural actions, it is necessary to carry out thorough preparation and apply appropriate tactical techniques.

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Summary

The scientific article deals with some aspects of investigation of apartment thefts made earlier by convicted persons. The peculiarities of the investigation (investigation) activities for the removal of information from the perfect source for more rapid and effective investigation of the crime are devoted too.

The investigative (search) actions to extract information from personal sources during the investigation of apartment thefts committed by previously convicted persons include the interrogation and simultaneous interrogation of previously questioned persons. A well-chosen tactic of these investigative (search) actions provides an opportunity to effectively collect evidence that will be relevant at a subsequent stage of the investigation.

Keywords: *apartment theft, previously convicted person, organization, tactics, investigation (investigative) actions, interrogation, confrontation.*