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CRIMINAL SITUATION AND ITS EFFECTS ON FORCING THE CONCEPT OF TACTICAL OPERATIONS

The problems of formation of scientific conception of tactical operations and its are investigated.

The problems of formation of the scientific concentration of tactical operations and its interrelation with the forensic situation are investigated. It is substantiated that at the present stage of the development of forensics, the problem of developing a separate forensic theory of tactical operations, taking into account the provisions of the forensic situation, is very relevant and important. It is proved that the investigative (judicial) situation exerts a direct managerial influence on a tactical operation, determines the need for its production, determines the specificity and substantive content, so in the procedure of preparing and deciding to conduct a tactical operation, the assessment of the current situation occupies one of the central places. Tactical operation is considered as a specific tactical means of solving the investigative and judicial situation. It is substantiated that studies of the forensic situation open up new perspectives and opportunities for successful formation of the scientific concept of tactical operations and implementation of its provisions in practical activity. Further researches of these issues will contribute to the enrichment of forensic theory, will provide prerequisites for the emergence of new approaches to the solution of important problems of forensic tactics and techniques aimed at improving the efficiency of criminal proceedings. Today the gradual process of formation of the corresponding scientific concept of tactical operations is traced, its interrelation with the forensic situation, which is transformed into an independent forensic theory. Prospective directions of further scientific developments of the considered problems are offered.

Keywords: forensic situation, situational approach to crime investigation, tactical operations, investigative and judicial situation, situational dependence of tactical operations, concept of tactical operations, forensic theory of tactical operations.

Formulation of Research Problem. The current trends in the development of criminalistics and the reform of the criminal procedural legislation provide for the introduction of an effective system of counteraction to criminal offenses, the adoption of urgent measures aimed at improving the investigation and judicial activity, based on the latest achievements of science and technology. Among such means, special attention is paid to various tactical and forensic complexes. They act as an effective means of implementing methods of pre-trial investigation and

court proceedings, solving specific tactical tasks and creating appropriate conditions for optimizing the activities of the investigator, prosecutor, court. All this testifies to the importance and timeliness of the theoretical substantiation and development of the scientific concept of tactical operations, its interrelation with the forensic situation, and the further implementation of such scientific developments in the practical activity of investigating crimes and judicial review of criminal offenses.

The gradual process of forming the corresponding scientific concept of tactical operations, its interconnection with the forensic situation, which is transformed into an independent forensic theory (doctrine), which substantially enriches the scientific potential of forensics and practice of effective counteraction to modern criminal manifestations is traced today.

Therefore, at the present stage of the development of forensics, the problem of developing a separate forensic theory of tactical operations, taking into account the situation of the forensic situation, is quite relevant and important.

This kind of research opens new perspectives and opportunities for successful formation of the scientific concept of tactical operations and implementation of its provisions in practice.

Analysis of recent research and publications.

Important contribution to the development of theoretical foundations for the formation and implementation of tactical operations have made well-known forensic scientists: V. P. Bakhin, R. S. Belkin, A. V. Dulov, V. A. Zhuravel, I. M. Komarov, V. O. Konovalova, G. A. Matusovsky, V. O. Obraztsov, O. O. Cheburenkov, V. V. Tishchenko, V. Y. Shepitko, V. I. Shikanov, B. V. Shchur and others¹. At the same

¹ *Bahin V. P.* Sledstvennaja situacija i takticheskoe reshenie [investigative situation and tactical decision]. Specializirovannyj kurs kriminalistiki : uchebnik. Kiev : Ni i RiO KVSh MVD, 1987. S. 198–202; [in Russian]. *Belkin R. S.* Ocherki kriminalisticheskij taktiki [Essays in forensic tactics] : ucheb. posobie. Volgograd : VSh MVD RF, 1993; *Dulov A. V.* Takticheskie operacii. Kriminalistika [actical operations. Forensics] : ucheb. posobie / A. V. Dulov, G. i. Gramovich, A. V. Lapin i dr. ; pod. red. A. V. Dulova. Minsk : NKF «Jekoperspektiva», 1996; [in Russian]. *Zhuravel' V. A.* Rozsliduvannja kradizhok. Kriminalistika [investigation of thefts. Forensics] : pidruchnik: u 2 t. T. 2 / V. Ju. Shepit'ko, V. O. Konovalova, V. A. Zhuravel', V. M. Shevchuk ta in. / za red. V. Ju. Shepit'ka. Harkiv: Pravo, 2019; [in Ukrainian]. *Obrazcov V. A.* Kriminalisticheskoe uchenie o takticheskij operacii. Kriminalistika [Forensic doctrine of tactical operations. Forensics] / pod red. prof. V. A. Obrazcova. Moskva : Jurist, 1995; *Cheburenkov A. A.* Obshheteoreticheskie polozhenija i prakticheskie aspekty kriminalisticheskij taktiki [General theoretical provisions and practical aspects of forensic tactics]. Moskva : Jurlitinform, 2008; [in Russian].

time, there are a number of theoretical and practical problems in the formulation of the concept of tactical operations that remain undeveloped or debatable. In addition, the tendencies of theoretical developments from the practice of using tactical operations in criminal proceedings are traced.

At present, the issues that are decisive in the formation of the forensic theory of tactical operations, including the problem of developing a dissolved scientific concept, taking into account the provisions of the forensic situation, remain debatable.

Considering the problems of development and implementation of tactical operations and their situational conditionality in the investigation of crimes, it is necessary to take into account the basic provisions of the theory of investigative situations, which are relative to the problem of tactical operations *more general*¹. In this regard, the conceptual provisions of the forensic situation and proposals for its classification in the general theory of forensic science (S. V. Velikanov, T. S. Volchetska, S. E. Voronin, L. Y. Drapkin, D. V.) deserve attention. Kim, G. A Matusovsky, M. P Yablokov and others)².

In our view, such an understanding of the current state of the theory of investigative situations reflects its methodological importance for forensics in general and allows us to clearly determine the place of this theory in the system of forensic science. As the results of scientific research have shown, the situational approach is characteristic of all

Shepit'ko V. Ju. Kriminalistichna taktika (sistemno-strukturnij analiz) [Forensic tactics (system-structural analysis)]: monografija. Harkiv: Harkiv juridichnij, 2007 ta in.; [in Ukrainian].

¹ *Belkin R. S. Oчерki kriminalisticheskoy taktiki* [Essays on forensic tactics]. Volgograd : VSh MVD RF, 1993. S. 70 [in Russian].

² *Volcheckaja T. S. Kriminalisticheskaja situologija* [Forensic Situation]: monografija ; pod red. N. P. Jabloкова. Kaliningrad : izd-vo Kaliningrad. un-ta, 1997; *Volcheckaja T. S., Jablokov N. P. Predposylki formirovaniya kriminalisticheskoy situologii* [Prerequisites for the formation of forensic situationalism]. Vestn. Mosk. un-ta. Serija 11. Pravo. 1997. № 3. S. 41–50; *Voronin S. Je. Problemno-poiskovyje sledstvennyje situacii i ustanovlenie istiny v ugolovnom sudoproizvodstve* [Problem-searching investigative situations and the establishment of truth in criminal proceedings]: monografija. Barnaul : izd-vo Alt. un-ta, 2001; *Drapkin L. Ja. Osnovy teorii sledstvennyh situacij* [fundamentals of the theory of investigative situations]. Sverdlovsk : izd-vo Ural. un-ta, 1987; *Kim D. V. Teoreticheskie i prikladne aspekty kriminalisticheskikh situacij* [Theoretical and applied aspects of forensic situations]: monografija / pod red. prof. V. K. Gavlo. Barnaul : izd-vo Alt. un-t, 2008 [in Russian]; *Matusovsky H. A. Sytuatsiyni pidkhid do rozsliduvannia zlochyniv. Kryminalistyka. Kryminalistychna taktyka ta metodyka* [situational Approach to Crime investigation. Criminalistics. Forensic tactics and methodology] : pidruch. dlja vuziv / za red. V. Yu. Shepitka. Kharkiv : Pravo, 1998. S. 165–170 ta in [in Ukrainian].

sections of forensic science, and in each of them the investigative (judicial) situation is of particular importance for the deeper analysis of the regularities studied, the development of forensic recommendations adapted to specific conditions of activity¹. These circumstances lead to the need for a comprehensive approach to the study of these issues and require fundamental work and further scientific development.

The **Article purpose** is to investigate the problems of forming the scientific conception of tactical operations, its interrelation with the criminalistic situation and the further implementation of such scientific developments in the practical activity of investigation of crimes and judicial review of materials of criminal proceedings. The conclusions and results of the study are aimed at the development and improvement of certain provisions of the forensic theory of tactical operations, the specifics of the construction of such organizational and tactical tools and the practice of their implementation in criminal proceedings. Investigative and judicial situations are seen as decisive determinants of tactical operations that directly affect the practice of such operations.

Main Research Content Presentation.

For the formation of the theoretical concept of tactical operations and the practical implementation of its provisions, the situational approach, which gives the possibility to use in the investigative and judicial activity the information of the general nature, most adequate for the choice and adaptation of typical tactical decisions that provide optimal criminal proceedings. Indeed, it is through the definition of investigative (judicial) situations, the implementation of their typing, the formulation of tactical tasks for them and the optimal means of solving them, can significantly raise the level of scientific development in the theory of tactical operations.

Investigation of the investigative situation as a determining factor-determinant of tactical operation should cover, in our opinion, the following three aspects: 1) definition of the concept of investigative situation; 2) to find out the composition of the components of the investigative situation and the role of each of them in the process of constructing tactical operations; 3) identifying the possibilities of typing investigative situations into specific stages of investigation and court proceedings in order to identify tactical tasks and means of their solving.

¹ *Volcheckaja T. S., Jablovkov N. P.* Predposylki formirovanija kriminalisticheskoi situologii [Prerequisites for the formation of forensic situationalism]. Vestn. Mosk. un-ta. Serija 11. Pravo. 1997. № 3. S. 43–44 [in Russian].

In the specialized literature, the investigative situation is defined as the set of conditions in which the investigation is being conducted, that is, the situation in which the process of evidence is taking place, and which is determined by the presence or absence of adequate factual data that determine the system of direct tasks and directions of the investigator's activity¹. At the same time, there is no consensus among forensic scientists about the notion of an investigative situation, much less such a new category as *judicial situation*. It is defined as the set of conditions under which an investigation is currently under way²; as a set of circumstances in a case that may be favorable or unfavorable to any investigator's findings and actions; as a ³set of factual data that reflects the essential features of the event⁴; as a state of investigation of a crime, which is determined by the presence (absence) of evidentiary and prompt information about the circumstances of the subject of evidence and the components of the forensic characteristic, which determines the system of immediate tasks and direction of the investigation; as the degree of information awareness of the crime, as well as the state of the investigation process at any particular point in time, and which assessment allows the investigator to make the most appropriate decisions in the case⁵.

Currently in the forensic literature there are also different approaches to determining the structure of the investigative situation.

Thus, according to V. A. Obraztsov, the content of the investigative

¹ Zhuravel V. A. Sytuatsiia slidcha. Velyka ukrainska yurydychna entsyklopediia [investigation situation. The Great Ukrainian Legal Encyclopedia]: u 20 t. Kharkiv : Pravo, 2016. T. 20 : Kryminalistyka, sudova ekspertyza, yurydychna psyholohiia / redkol. : V.Iu. Shepitko (holova) ta in. : Nats. akad. prav. nauk Ukrainy; in-t derzhavy ta prava im. V. M. Koretskoho NAN Ukrainy; Nats. yuryd. un-t im. Yaroslava Mudroho. 2018. S. 743–744 [in Ukrainian].

² Belkin R. S. Ocherki kriminalisticheskoy taktiki [Essays on forensic tactics]: ucheb. posob. Volgograd : VSh MVD RF, 1993. S. 67 [in Russian].

³ Gerasimov I. F. Principy postroenie metodiki raskrytija prestuplenij. Voprosy kriminalisticheskoy metodologii, taktiki i metodiki rassledovaniya [Principles of building a technique for solving crimes. Questions of forensic methodology, tactics and investigation techniques]. Moskva: Jurlit, 1973. S. 82 [in Russian].

⁴ Gavlo V. K. O sledstvennoj situacii i metodike rassledovaniya hishhenij, sovershaemyh s uchastiem dolzhnostnyh lic. Voprosy kriminalisticheskoy metodologii, taktiki, metodiki rassledovaniya [On the investigative situation and investigation method of theft committed with the participation of officials. Questions of forensic methodology, tactics, investigation methods]. Moskva, 1973. S. 90 [in Russian].

⁵ Volcheckaja T. S. Kriminalisticheskaja situologija [Forensic Situology]: monografija pod red. N. P. Jabloкова. Kaliningrad : Kaliningrad. un-t, 1997. S. 46 [in Russian].

situation includes information, forensic, psychological, logistical, personnel, legal components¹. In turn, I. O. Vozgrin distinguishes the following components in the structure of the investigative situation: the specificity of the crime committed, the peculiarities of information about the crime event, its completeness, reliability and relativity, the content of the investigation conducted to a certain point in time, its results, and the conditions of the investigation, ie the level of scientific organization and management of the investigative apparatus, the degree of security of criminalistics and special facilities, the employment of the investigator, etc.

Analyzing the structural components of the investigative situation, T. S. Volchetska proposes to divide them into three main groups, in particular: 1) factors relating to the event being investigated and determining the degree of reliability and completeness of the information model of the event being investigated up to the moment of the investigator's evaluation the situation; 2) factors characterizing the system of investigation itself, its procedural, tactical states, psychological relationships of participants of the preliminary investigation, etc; 3) factors relating to the environment in which the investigation is conducted and determine the so-called investigative environment².

The variety of approaches to defining the concept and structure of the investigative situation gave grounds for V. P. Bakhin to consider this forensic category in a broad and narrow sense. In a broad sense, the investigative situation is a set of conditions that most fully characterize and reflect everything that influences and can influence the investigation of a crime, determining its peculiarities. In a narrow sense, an investigative situation is defined as a set of information that characterizes the state (situation) of an investigation at a certain stage³.

In the forensic theory, attempts were made to classify investigative situations. Thus, R. S. Belkin and M. P. Yablokov all investigative

¹ *Obrazcov V. A.* Kriminalistika [Forensics] : ucheb. posobie. Moskva : Jurist', 1995. S. 56 [in Russian].

² *Volcheckaja T. S.* Kriminalisticheskaja situologija [Forensic situational]: monografija; pod red. N. P. Jabloкова. Kalinigrad : Kalinigrad. un-t, 1997. S. 146 [in Russian].

³ *Bahin V. P.* Sledstvennaja situacija i takticheskoe reshenie. Specializirovannyj kurs kriminalistiki (dlja slushatelej vuzov MVD SSSR, obuchajushhihsja na baze srednego special'nogo juridicheskogo obrazovanija) [investigative situation and tactical decision. Specialized course in forensics (for students of higher educational institutions of the USSR Ministry of internal Affairs studying on the basis of secondary specialized legal education)]: uchebnik. Kiev : Ni i RiO KVSh MVD SSSR, 1987. S. 196 –197[in Russian].

situations are divided into favorable and unfavorable for investigation¹. Other forensic scientists have suggested dividing investigative situations into typical and specific ones; initial, intermediate and final; conflict-free and conflict-free². L. Ya. Drapkin identifies simple and complex investigative situations. Depending on the number, nature and content of the shaping factors, all complex situations are differentiated by the scientist into the following classification groups: problematic (characterized by the contradiction between knowledge and ignorance, the specific relation of known and unknown, in which the search is not given and not directly contained in the source data, but is in ambiguous possible connection with already established facts, which to some extent limit and direct the search for a solution); conflicts (the particular state of the system of interpersonal relations of two or more participants in a criminal trial who have conflicting interests and seek to achieve different goals in the context of information uncertainty that arises from the plans and intentions of the opponent); tactical risk (defined as the specific relationship between the possible course of action of the investigator aimed at achieving the intended purpose and ambiguous, non-guaranteed results of their realization); organizationally disordered (the ratio of the significant organizational and managerial difficulties of the investigation process and not enough to overcome the objective and subjective capabilities (resources) of the investigator); combined (they may have inherent problems, conflicts, tactical risk and organizational disorder at the same time or in different combinations) or mixed situations³.

In addition, the *standard*, the repetition of investigative situations and the corresponding ways of solving them, create the preconditions for their typing⁴. Identification of typical situations and development on this basis of recommendations on the methodology of investigation of certain

¹ *Belkin R. S., Jablovkov N. P.* Ponjatie i struktura sledstvennoj situacii. Kriminalistika socialisticheskikh stran [Concept and structure of the investigative situation. Forensics of the socialist countries/] pod. red. V. Ja. Koldina. Moskva : Jurid. lit., 1986. S. 162–163 [in Russian].

² *Bahin V. P.* Sledstvennaja situacija i takticheskoe reshenie [investigative situation and tactical decision // Specializirovannyj kurs kriminalistiki (dlja slushatelej vuzov MVD SSSR, obuchajushhihsja na baze srednego special'nogo juridicheskogo obrazovanija): uchebnik. Kiev : Ni i RiO KVSh MVD SSSR, 1987. S. 198–202 [in Russian].

³ *Drapkin L. Ja.* Osnovy kriminalisticheskoi teorii sledstvennykh situacij [undamentals of the forensic theory of investigative situations] : avtoref. dis. ... d-ra jurid. nauk : 12.00.09. Moskva, 1987. S. 9–11 [in Russian].

⁴ *Velikanov S. V.* Klasyfikatsiia slidchykh sytuatsii v kryminalistychnii metodytsi [Classification of investigative situations in forensic methodology] : avtoref. dys. ... kand. yuryd. nauk : 12.00.09. Kharkiv, 2002. S. 12 [in Ukrainian].

types of crimes, including the formation of tactical operations necessary to determine the direction of further investigation, proper construction and verification of investigative versions, identifying circumstances relevant to the case, the choice of the complex and the sequence of investigative actions¹. At the same time, typical investigative situations are *result of the scientific generalization of investigative practice, highest degree of scientific abstraction, situation in which information structure is dominated by common, frequently recurring features*². In this connection, V. Yu. Shepitko is correct in stating that, with regard to typical situations, one can identify a certain course of action for an investigator in the process of obtaining evidentiary information. Knowledge of typical situations makes it possible not only to predict their occurrence under appropriate conditions as natural, but also to choose such tactical techniques (tactical combinations) that are the most optimal³.

It should be borne in mind that typing investigative situations can be mainly on one of the main components. Usually, such a condition is the availability of information about the event of the crime and its participants.

Typical situations are those faced by an investigator at the initial or subsequent stage of a crime investigation, depending on the completeness of the source data. Typical investigative situations differ materially from the circumstances in which the crime was committed: obviousness or non-obviousness. For example, in the investigation of premeditated murder, the following typical starting situations are identified: 1) the victim's identity and the perpetrator's identity are known; 2) the identity of the victim is known, the killer is unknown; 3) there is a suspect in the murder, the identity of the victim is unknown; 3) there is a suspect in the murder, the identity of the victim is unknown; 3) there is a suspect in the murder, the identity of the victim is unknown⁴.

¹ *Jablokov N. P.* Kriminalisticheskaja harakteristika i tipichnye sledstvennye situacii kak vazhnye faktory razrabotki metodiki rassledovanija prestuplenij [Forensic characteristics and typical investigative situations as important factors in the development of crime investigation methods]: Voprosy bor'by s prestupnost'ju.1979. Vyp. 30. S. 121 [in Russian].

² *Vasil'ev A. N., Jablokov N. P.* Predmet, sistema i teoreticheskie osnovy kriminalistiki [Subject, system and theoretical foundations of forensic science]. Moskva : izd-vo MGU, 1984. S. 139 [in Russian].

³ *Shepitko V. Yu.* Kryminalistychna taktyka (systemno-strukturnyi analiz) [Forensic tactics (system-structural analysis)] : monohrafiia. Kharkiv : Kharkiv yurydychnyi, 2007. S. 115 [in Ukrainian].

⁴ *Ishhenko E. P.* Kriminalistika [Forensics]: kratkij kurs. Moskva : «KONTAKT»: iNFRA-M, 2003. S. 107–109 [in Russian].

Typical investigative situations can be distinguished in the next stage of the investigation if the suspect attitude to the suspected message is taken as the basis for typing. In view of the above, it is possible to distinguish the following typical investigative situations: (a) the suspect agrees in full with the provisions of the notification of the suspected crime; (b) the suspect agrees in part to the terms set out in the notification; c) the suspect does not agree with the provisions of the notice of suspicion and does not admit his involvement in the criminal offense.

It should be noted that depending on the investigative situation, some of these tactical operations may be end-to-end and be addressed at both the initial and subsequent stages of the investigation. It depends on the decision (or not the solution) of the tactical tasks at a certain stage of the investigation, i.e. it is impossible to clearly link one or another tactical operation to the stage of investigation of the crime, since the implementation of such an operation is primarily due to the relevant investigative situation and a certain period of time of the investigation process during which an intermediate tactical task is solved. Thus, «in cases where the offender has not been identified, or has been installed but has not yet been detained, the investigative situations of the initial proceed to the next stage of the investigation»¹. This also applies to tactical operations that can be aimed at identifying the offender, finding the abducted, providing compensation for material damage, preventing the crime, etc.

Developing these provisions, V. M. Karagodin, in our opinion, rightly notes that the existence of a relationship between investigative situations on the one hand, and tactical operations on the other, provides an opportunity to develop typical tactical operations, which by the level of generalization can be arbitrarily split into two groups. Typical tactical operations of the first, higher level of generalization are designed to be used in situations that are typical of crimes of various kinds. These operations include the com-plexes of the search action and the exposure of the offender. Typical tactical operations of the second group are developed taking into account the forensic characteristics of the crimes and the situations typical for their investigation. These tactical operations are more specific because they specify their tasks. We consider that they should be planned on the basis of more general operations of the first kind. In particular, typical operations for identifying and overcoming the methods

¹ *Zhuravel V. A. Rozsliduvannia kradizhok. Kryminalistyka [investigation of thefts. Forensic] : pidruchnyk: u 2-kh t. T. 2 / V. Yu. Shepitko, V. O. Konovalova, V. A. Zhuravel, V. M. Shevchuk ta in.: za red. V. Yu. Shepitka. Kharkiv : Pravo, 2019. S. 86 [in Ukrainian].*

of concealing crimes are of the second level of commonality and should be developed depending on the particular methods of concealment¹.

Thus, the analysis of literary sources and judicial investigative practice gives grounds to claim that the investigative (judicial) situation is a systematic, rather complicated, multicomponent formation, the content of which is made up by different conditions, circumstances, factors that determine the situation (situation) of the investigation process. (litigation) at a certain stage and are important for the selection and implementation of optimal techniques, methods and tools, including tactical operations. The fact that the vast majority of scientists, exploring the notion of tactical operation, consider situational conditioning as one of the important features of this criminalistics category, confirms this. This once again proves that there is a deep genetic connection between the investigative (judicial) situation and the tactical operation, which is that the tactical operation is formed in a specific investigative situation, depends on it both by the selection of the means and their content.

In this case, ordering of investigative (judicial) situations, it is advisable to carry out on the basis of situational modeling, the essence of which is that a large number of specific situations, similar in any significant respect, «merges», combined into one or more generalized situations for which optimal decision-making and practice programs are being developed).² In view of the above, a comprehensive list of all components of the investigative (judicial) situation can hardly be drawn up, so it is advisable to point only to certain groups of them. This approach simplifies the analysis of the content of the situation and at the same time allows practitioners to consider all the important components of the investigative (judicial) situation, to determine the possibilities of their optimal use for solving investigative tasks.

While examining specifics of the «investigative (judicial) situation, namely: and tactical operation»; it is also necessary to assume that the relationship between the tactical operation and the investigative (judicial)

¹ *Karagodin V. N.* Takticheskie operacii v dejatel'nosti po raspoznavaniju i preodoleniju sposoba sokrytija prestuplenija. Takticheskie operacii i effektivnost' rassledovanija [Tactical operations in recognizing and overcoming the method of concealing a crime. Tactical operations and the effectiveness of the investigation]: sb. nauch. tr. Sverdlovsk : Sverdlov. jurid. in-t, 1986. S. 56–59 [in Russian].

² *Drapkin L. Ja.* Situacionnyj podhod v kriminalistike i programmirovanie rassledovanija. Problemy programmirovaniya, organizacii i informacionnogo obespechenija predvaritel'nogo sledstvija [Situational approach in forensics and investigation programming. Problems of programming, organization and information support of the preliminary investigation] : mezhvuz. nauch. sb. Ufa : Bashkir. un-t, 1989. S. 28–29 [in Russian].

situation is mutual and is bilateral, multilevel and dynamic. In particular, the decision on the expediency of conducting a tactical operation is made on the basis of an assessment of the investigative (judicial) situation. In the future, the structure and orientation of the tactical operation is determined by the nature of the investigative (judicial) situation that has developed at a particular stage of the investigation. In this case, the complex of procedural and non-procedural actions and measures that determine the structure of the tactical operation may be modified (supplemented) depending on the situation. For example, if the investigative situation at the time of the investigation is favorable, then these circumstances are simply used in the application of the tactical operation, and its favorable parties are taken into account when planning and conducting such a tactical operation. If the investigative situation is unfavorable, the tactical operation is intended first of all to change it for the better, to weaken its orientation, which counteracts the investigation, or to eliminate it altogether. However, an unfavorable investigative situation may prompt the investigator to refuse to conduct a tactical operation at the moment or at all. If, for example, the ill-advised actions of the investigator have given birth to the suspect, then the operation to detain him and his accomplices with physical evidence may become ineffective¹. In addition, the adverse investigative situation directly affects the structure of the tactical operation, restricts the investigator in the selection of its elements, does not allow one or other investigative actions as elements of the tactical operation².

With respect to court situations that determine the expediency of using tactical operations as a means of resolving them, the following may be mentioned: (a) the confirmation situation in the judge of the evidence gathered in the pre-trial investigation; (b) the contradiction situation of and inconsistency of the evidence gathered during the pre-trial investigation and confirmed in the course of court proceedings; (c) the situation during

¹ *Belkin R. S.* Kurs kriminalistiki [Forensic science course] : ucheb. posob. dlja vuzov. 3-e izd., dop. Moskva : JuNiTi-DANA; Zakon i pravo, 2001. S. 397; *Ishhenko E. P.* Kriminalistika: kratkij kurs. Moskva, 2003. S. 107–109; *Cheburenkov A. A.* Obshheteoreticheskie polozhenija i prakticheskie aspekty kriminalisticheskoi taktiki [General theoretical provisions and practical aspects of forensic tactics]. Moskva : Jurlitinform, 2008. S. 179–187 [in Russian]; *Shevchuk V. M.* Taktychni operatsii u kryminalistytsi [Tactical operations in forensics: theoretical foundations of formation and practice of realization]: teoretychni zasady formuvannia ta praktyka realizatsii : monohrafiia. Kharkiv : Apostyl, 2013. S. 254–269 ta in. [in Ukrainian].

² *Belkin R. S.* Ocherki kriminalisticheskoi taktiki [Essays on forensic tactics]. Volgograd : VSh MVD RF, 1993. S. 70 [in Russian].

the course of the trial of new evidence requiring further verification, including by means of a tactical operation.

Certain scholars¹ pointing to the two-way relationship of tactical operation with the investigative situation, say that tactical operations are carried out mainly in the context of a conflict investigative situation, the purpose of which is to change it in the best way for investigation. The conflict situation causes the application of a specific complex (system), a «set» of coordinated actions and measures.

We believe that this approach has some inaccuracies and requires some re-work. First, tactical operations are conducted in investigating crimes not only in conflict situations but also in conflict-free situations.

Secondly, such separation of investigative situations is rather conditional, any conflict-free situation in the case of improper organization and investigation, errors of the investigator, can turn into a conflict. In this case, it can be concluded that at the beginning of the investigation there was no need for tactical operations in a conflict-free situation, but subsequently the investigator turned such a situation into a conflict situation and artificially emerged the need for tactical operations.

Therefore, this approach is controversial.

In other cases, forensic scientists say that tactical operations are conducted in complex situations which are usually characterized by an incomplete knowledge of the crimes, their circumstances and participants².

In particular, L. Ya. Drapkin³ believes that the need for tactical operations increases, depending on the complexity of investigative situations. For example, in a tactical risk situation, the reliability of even the right course of action is significantly reduced and depends on random, unforeseen factors. In this regard, the problem of increasing the likelihood of achieving the goals becomes a key issue here, and tactical operations are the main means of optimizing the investigation.

¹ *Ivchenko L. I.* Taktika kontrolja i zapisi peregovorov i ispol'zovanie rezul'tatov jetogo sledstvennogo dejstvija v rassledovanii prestuplenij [Tactics of monitoring and recording negotiations and using the results of this investigative action in the investigation of crimes]. Moskva : JurLitiform, 2005. S. 66–67 [in Russian].

² *Karagodin V. N.* Takticheskie operacii v dejatel'nosti po raspoznavaniju i preodoleniju sposoba sokrytija prestuplenija. Takticheskie operacii. Jefferektivnost' rassledovanija [Tactical operations in recognizing and overcoming the method of concealing a crime. Tactical operations. The effectiveness of the investigation] : sb. nauch. tr. Sverdlovsk : Sverdl. jurid. in-t, 1986. S. 56–59 [in Russian].

³ *Drapkin L. Ja.* Osnovy teorii sledstvennyh situacij. Sverdlovsk [Fundamentals of the theory of investigative situations]: izd-vo Ural. un-ta, 1987. S. 139 [in Russian].

In our opinion, it is essential to consider whether there is a real need (reason) for a tactical operation in a particular (judicial) situation.

The need for a tactical operation arises when a separate, isolated use of other tactical means is not effective enough to solve the tactical task, will result in loss of information associated with additional time or material resources. The peculiarity of a tactical operation is that its content does not consist of a random set of investigative actions, but a holistic complex of internal unity, predefined, coordinated, coordinated and deliberately carried out in the optimum sequence of actions on the basis of a special program¹.

Therefore, the investigative (judicial) situation constantly exerts a certain managerial influence on any tactical operation.

Knowledge and consideration of this circumstance make it possible to increase the efficiency of tactical operations being developed.

Therefore, in the process of preparing and deciding to conduct a tactical operation, the situation assessment occupies one of the central places. No wonder in the forensic literature that «the correct evaluation of investigative situations and the selection of investigative tactics on this basis are important conditions for the purposefulness of the investigation, making scientifically sound and optimal decisions of a tactical, methodological and technical forensic nature»³. In other words, the investigative (judicial) situation causes the conduct of tactical operations, which in turn are a means of tactically influencing the situation in order to change it for the better. Thus, the tactical operation acts as a specific tactical means of resolving the investigative (judicial) situation.

The investigative (judicial) situation, as a complex multidimensional formation, combines not only the components of information-logical, tactical-psychological, managerial, organizational-technical and material orientation, but also reflects the originality of the relations and relations between them. A comprehensive analysis of these relationships and relationships is important for determining the nature of the investigative situation, the precise choice of means and tactics for influencing it, but it is especially necessary to identify unknown elements in the context of a particular situation.

In this regard, it is advisable to consider how certain components of the investigative (judicial) situation find expression in the planning and

¹ *Dulov A. V. Takticheskie operacii. Kriminalistika [Tactical operations. Forensics] : ucheb. posobie / A. V. Dulov, G. i. Gramovich, A. V. Lapin i dr. ; pod. red. A. V. Dulova. Minsk : NKF «Jekoperspektiva», 1996. S. 13 [in Russian].*

³ *Kriminalistika socialisticheskikh stran [Forensics of the socialist countries] / pod. red. V. Ja. Koldina. Moskva : Jurid. lit., 1986. S. 165 [in Russian].*

conduct of tactical operations, how they affect the structure of the tactical operation. Forensic recommendations for the preparation and conduct of tactical operations as a complex organizational complex of investigative, operational, search and other measures should also be developed taking into account material, technical and organizational factors that manifest themselves in a particular situation¹. The content, scale, composition of executors, duration, effectiveness of the operation may depend, in particular, on the possibility of joining forces of employees of different law enforcement agencies, control structures and special services; involvement of specialists and support technical staff; use of special technical means; involvement in the operation of permanent operating investigative groups, etc.².

In addition, taking into account the peculiarities of the investigative (judicial) situation, in particular, its procedural and tactical components such as the possibility of isolation from each other in the case, is important for the improvement of existing and development of new tactical operations. conducting a specific investigative (search) action or operative-search event, etc.

It is also necessary to take into account the components of the investigative (judicial) situation of material and organizational and technical nature, such as the presence of communications between the duty unit and the investigation team, the availability of means of information transfer, the possibility of mobile maneuvering available forces, means, etc.³

The forensic doctrine rightly states that scientific research into the problems of tactical operation should be carried out at a general, group and species level. At the level of general approach, the concepts, scientific foundations, structure, classification of tactical operation, history of development, place of this teaching in the criminalistics system, connections with other branches of forensic and other scientific knowledge, practice and norms of law are considered. The purpose of such research is to develop a general model of tactical operation in terms of its systemic characteristics. At the group and species level, the peculiarities of the identified types and types of tactical operations, forms and possibilities

¹ *Cheburenkov A. A.* Obshheteoreticheskie polozhenija i prakticheskie aspekty kriminalisticheskoy taktiki [General theoretical provisions and practical aspects of forensic tactics]. Moskva : Jurlitinform, 2008. S. 185–187 [in Russian].

² *Obrazcov V. A.* Kriminalistika: modeli sredstv i tehnologij raskrytija prestuplenij [Forensics: models of crime detection tools and technologies]: kurs lekcij. Moskva, 2004. S. 211–215 [in Ukrainian].

³ *Churilov S. N.* Kriminalisticheskaja metodika: istorija i sovremennost [Forensic technique: history and modernity]. Moskva : Marketing, 2002. S. 230 [in Russian].

of realization of the acquired knowledge are studied in order to create and apply in practice appropriate models of the specified operations, carried out to solve typical problems of investigation in cases of different categories, Investigation of certain groups of certain similar species, particular types and varieties of socially dangerous acts. The use of the information contained in such models enables investigators to effectively address common and situationally determined issues of organizing and conducting tactical operations in various categories of crimes¹.

We believe that the study of the conceptual foundations of tactical operations in forensics should be directed in two directions. The first involves the study and study of the nature of tactical operations, scientific and methodological foundations, the history of development, structure and classification of tactical operations, the place of this theory in the criminalistics system, the relationship with other branches of forensic and other scientific knowledge, forensic practice. The second level is peculiarities of formation of separate types and types of tactical operations, forms and possibilities of realization of the acquired knowledge in order to construct and put into practice the typical tactical operations, which are carried out to solve typical problems of investigation of particular types and groups of crimes, taking into account the provisions of the forensic situation.

Conclusions. Thus, forensic investigations open new perspectives and opportunities for the successful formation of the scientific concept of tactical operations and the implementation of its provisions in the practice of identifying, investigating crimes and judicial review of criminal proceedings. In addition, the optimization and enhancement of the effectiveness of counteraction to criminal manifestations largely depends on how deeply developed the theoretical foundations for the formation and implementation of tactical operations. The development of tactical operations is an urgent need for forensic theory and investigative practice.

This is quite natural, because tactical operations activate and organize the processes of interaction of law enforcement agencies, act as a means of implementing methods of investigation, solving individual tactical problems taking into account the situational approach. Therefore, at the present stage of the development of forensics, the problem of researching a separate forensic theory of tactical operations, taking into account the provisions of the forensic situation, is quite relevant and

¹ *Obrazcov V. A. Kriminalisticheskoe uchenie o takticheskoy operacii. Kriminalistika [Forensic doctrine of tactical operations. Forensics] / pod red. prof. V. A. Obrazcova. Moskva : Jurist, 1995. S. 75 [in Russian].*

important. Further scientific developments on the issues raised will contribute to the enrichment of the theory of crime-science, provide prerequisites for the emergence of new approaches to solving important problems of forensic tactics and techniques aimed at improving the effectiveness of crime investigations and optimizing investigative activities.

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**КРИМІНАЛІСТИЧНА СИТУАЛОГІЯ ТА ЇЇ ВПЛИВ
НА ФОРМУВАННЯ КОНЦЕПЦІЇ ТАКТИЧНИХ ОПЕРАЦІЙ**

Досліджуються проблеми формування наукової концепції тактичних операцій та її взаємозв'язку із криміналістичною ситуалогією. Обґрунтовується, що на сучасному етапі розвитку криміналістики досить актуальною й важливою є проблема розробки окремої криміналістичної теорії тактичних операцій із урахуванням положень криміналістичної ситуалогії. Доведено, що дослідження криміналістичної ситуалогії відкривають нові перспективи і можливості для успішного формування наукової концепції тактичних операцій і реалізації її положень у практичній діяльності. Запропоновано перспективні напрямки подальших наукових розробок зазначеної проблематики.

Ключові слова: криміналістична ситуалогія, ситуаційний підхід у розслідуванні злочинів, тактичні операції, слідча та судова ситуація, ситуаційна обумовленість тактичних операцій, концепція тактичних операцій, криміналістична теорія тактичних операцій.

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