

## **ABSTRACT**

**Obal O. O. Interaction of law enforcement, control and other bodies in the investigation of economic crimes.** – Qualification scholarly paper: a manuscript.

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The dissertation is a monographic study of the main problematic issues related to the organization and legal regulation of the interaction of law enforcement, regulatory and other bodies in the investigation of economic crimes.

Based on the analysis of investigative practice, legal acts and specialized literature, it is ascertained that the interaction of law enforcement and controlling bodies in the investigation of economic crimes is based on the consideration of two factors - features of the cognitive process (object, consequences, atmosphere of counteraction, form of proof) and mechanism of commission economic crimes, which is reflected in their forensic characteristics (object of attack, subjects, methods of committing and traces, methods of counteraction). These factors have a significant impact on the use of cognition methods in the investigation of economic crimes, which include methods used by the investigator (forensic methods), an employee of the operational unit (methods of operative-search activity), specialist (methods of special branches of knowledge). It is the necessity of harmonizing these methods with each other, their organic combination that requires the proper interaction between the subjects of cognition in the investigation.

The psychological aspect of interaction of subjects of pre-trial investigation, the effectiveness of which depends on the consideration of interpersonal relations, is investigated. The statutory procedure for granting and executing the investigator's instructions to the operational units for conducting investigative (search) actions does not facilitate the establishment of psychological contact between the investigator and the operative employee (the employees of the operative unit fulfill the investigator's instructions indirectly - through the instruction of their supervisor,

and deprived of rights). The proper conditions for taking into account both the professional qualities of operatives and investigators, as well as their psychological characteristics, are ensured only by the establishment and functioning of investigative-operational teams for the investigation of serious crimes, including economic ones.

At the opening of criminal proceedings and the commencement of a pre-trial investigation of economic crimes, the interaction of the investigator with the operational units is determined by the nature of the cognitive methods used by the indicated subjects and investigative situations. Operational search activity is a relatively independent activity, has a clear search orientation and is expressed in the rapid without formal procedural procedures for finding information about criminal activity and its subjects by using silent methods and special technical means. After the opening of criminal proceedings, the operative-investigative activity is implemented in the form of vague investigative (investigative) actions and thus acquires a criminal-procedural form, the results of which are significant evidence.

To a large extent, the nature of the investigator's interaction with the operational units in the investigation of economic crimes is influenced by situations that arise at the initial stage of the investigation. Investigative situations are crucial - they are decisive not only for the resolution of purely procedural issues of criminal proceedings, but also for the choice of cognitive and evidence techniques and methods that are implemented during the conduct of investigative activities and investigative (investigative) actions. Typical investigative situations that determine the nature of jointly resolved tactical investigative tasks are:

- 1) the situation of initiation of criminal proceedings and commencement of pre-trial investigation on the materials of operational investigative measures may have two options: a) the investigator receives materials from the operative unit that contain signs of economic crime, for the initiation and conduct of pre-trial investigation; b) the investigator receives from the operational unit only reports on the detection of signs of economic crime, but the operative-investigative measures have not yet been completed and, consequently, missing and relevant materials (in

both cases, to ensure a judicial perspective of the economic crimes case requires the early connection of the investigator to the analysis received materials and the creation of a task force);

2) the situation of initiation of criminal proceedings and the commencement of a pre-trial investigation on the materials of state control bodies or business entities - in the absence of a factor of surprise, involves involvement in the investigation team and use of specialists of control bodies that conducted the audit (audit), for consultation and practical assistance in the study of financial and economic documents, preparation and conduct of individual investigative (search) actions, the appointment of economic expertise;

3) the situation of opening criminal proceedings and commencement of pre-trial investigation on materials obtained directly by the investigator as a result of other criminal proceedings - is favorable for the commencement of the investigation, as it allows to record illegal activities, obtain relevant evidence, other evidence, and other information by conducting silent investigative (investigative) actions. can be used to solve a variety of tactical problems in criminal proceedings.

It is emphasized that since economic crimes are carefully concealed and committed under the shell of economic relations, the interaction of the investigator with the operational units is one of the key points in obtaining the proper and admissible evidence gathered by the prosecution. In particular, this relates to the conduct of the covert investigators investigative actions, which by their very nature are investigative measures that, after criminal proceedings, are permitted in certain situations to be used to gather evidence.

As a rule, the need for covert investigators investigative actions arises when, prior to the commencement of criminal proceedings, there were no operative-search measures aimed at solving operational-tactical tasks in order to document criminal activity and to secure a judicial perspective of the case. This is characteristic of a situation where criminal proceedings on the basis of the specified category of crimes are initiated on the basis of evidence obtained directly by the investigator as a result of another criminal proceeding about a serious crime and, accordingly, in criminal

proceedings there are all grounds for conducting covert investigators investigative actions aimed at obtaining evidence of criminal activity. (art., art. 260-264, 267, 269-272, 274 CPC of Ukraine).

It is stated that the effectiveness and vague investigative (search) actions depend on the proper interaction of the investigator with the staff of the operational units. First of all, it is about working with documents that show economic crimes, defining their list, removing them and using them as evidence in the future. These tasks are solved by means of searches with removal of documents, their review, preparation of relevant expertise (technical, handwriting, computer-technical, forensic accounting, financial and economic), interrogations of managers and employees of enterprises. These tasks are solved by the investigator with the involvement of operational staff in the preparation and conduct or by providing them with appropriate instructions for their independent conduct.

Attention is drawn to the fact that the granting of the CPC of Ukraine to the investigator of the powers formerly owned by the operational staff (the right to conduct the NSRF), as well as the limitation of the powers of the operational units in practice, led to a number of problematic issues in their interaction. The way to solve them is seen in the creation of investigative teams in the investigation of economic crimes. In this case, the instructions for conducting vowel and unspoken investigative (search) actions will be given not to the head of the operational unit, but directly to the operative employee, who is part of the investigative-operational group.

It is noted that in addition to the cognitive aspect (obtaining information about the crime), the interaction of the investigative and operational staff has a supporting aspect, which is manifested in the timely detection and elimination of counteraction to the investigation. This side of the operations of the operative units in the theory of operational search activities has been called the operative-search support of pre-trial investigation, in which a number of negative tendencies are manifested in the conditions of cardinal updating of the criminal procedural legislation. They are facilitated by the absence of norms in the CPC of Ukraine that would regulate the

establishment and operation of investigative teams to investigate serious and particularly serious crimes. The presence of such a gap, together with other deficiencies in determining the status of operational units, creates in the environment of employees of operational units the atmosphere of indifference to the results of criminal proceedings, the formal expectation of investigator's orders and, accordingly, their formal execution. This situation requires immediate correction, which is why a number of measures are proposed.

*Keywords:* economic crimes, interaction, investigative situation, counteraction to investigation, unspoken investigators (investigative) actions, investigative task force.