
**КРИМІНАЛЬНИЙ ПРОЦЕС ТА КРИМІНАЛІСТИКА
ОПЕРАТИВНО-РОЗШУКОВА ДІЯЛЬНІСТЬ**

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**ACTUAL ISSUES OF THE OBTAINING OF INVESTIGATION
AND SEARCH INFORMATION UNDER MODERN
CONDITIONS**

Several issues of obtaining of investigation and search information under modern condition are considered.

Keywords: *investigation and search information, sources of information, information resources, information and analytical work, information systems, investigation and search operations.*

Obtaining of the investigation and search information is the initial phase of information and analytical work and essentially boils down to an investigation and search work in a social environment, in certain levels of population, in certain industrial and other economic facilities, in certain infrastructural formations, etc.

Problems of the obtaining the investigation and search information are considered in the writings of V. Atmazhitov, O. Bandurka, B. Baranenko, D. Babichev, A. V. Babiyak, O. Bochkovy, K. Goriayinov, D. Grebelsky, L. Gula, V. Yeminov, V. Zhuravlyov, Y.A. Zadorozhny, V. Zakharov, I. Kozachenko, V. Lukashov, Y. Lukiyanchikov, B. Nagilenko, D. Nikiforchuk, A. Ovchinsky, V. Ovchinsky, S. Ovchinsky, Y. Orlov, M. Perepelitsya, G. Sinilov, S. Stepashin, V. Hahanovsky, O. Shumilov, B. Shchur, M. Yablokov, Y.Yakovets and others.

However, the development of the theory and practice of investigation and search activities as well as an introduction of up-to-date information technologies necessitate further research of this problem. The purpose of the paper is a study of actual issues of obtaining of investigation and search information in investigation and search activities. According to O.M. Bandurka, receiving, picking up, according to the law, of the necessary information is the “core” of the investigation and search activities [1, 3].

Search of an investigation and search information is maintained primarily in the traditional environment of operational forces (formerly judged persons, especially for the crimes committed in criminal groups; direct accomplices, tutorials, distributors, who were the criminal processes for group crimes and were not held to criminal responsibility for various reasons; criminal authorities; the person who lead a clearly pronounced antisocial and unlawful way of life, etc.), as well as among the representatives of the informal business, questionable trading, currency structures etc [2, p. 170].

Implementation of an effective function of operational and investigation information provides, on the one hand, obtaining of necessary, tactically important for operational development information, and on the other hand, their feedback

incorporating into the process of its developing, favorable for it. This is the schematic diagram of the “work” of the investigation and search information in investigation and search activities, i.e. its impact on the immediate objects of the development [2, p. 171].

According to A. Ovchynsky, we are in the “ocean” of information, data, signals, knowledge that constitute information field or the information environment. This environment includes a database of public and private enterprises; information systems of law enforcement and intelligence agencies; operational registries, archives, testing materials; individual people (their experience and knowledge), groups; information circulating in the developed criminal groups. This environment is considered not as the source from which information can be obtained, as well as information resources requiring the development [3, p. 41].

Researchers publicate the sources of information. However, the source of the information, according to A. Ovchynsky, is such only in the case if it is quite refined investigation and search information, which is interpreted unambiguously. The circle of such sources is always very limited and they may not be at all [3, p. 41]. At the same time investigation and search information, or other information is born and immediately disappears, implementing into anew, synthesized knowledge and understanding, taking the form of evidence of the criminal activities, new found facts, links or form analytical inquiries, reports and reviews, notes, memoranda, reports [3, p. 37].

It should be noted, that the main resource of direct investigation and search information is contained in the materials accumulating during the initial information about the crimes and the persons who committed them (in particular: the appeal and the statement of citizens; the message about criminal offenses, missing persons; the documents containing the results of execution of orders of the investigator, the Prosecutor, the investigator and the Court judges; response protection; intelligence; other operational-office documents) [4]. It should be noted that obtaining of an investigation and search information, i.e. search, extraction, registration and information processing is carried out, usually with the use of special technical means and modern computer technology.

Such an application includes audio, video control, control of telephone conversations, the removal of information from communication channels, electronic intelligence, review correspondence, an unspoken survey of the publicly inaccessible places, dwelling or other possessions, setting of the location of radio-electronic means, information on electronic information networks (systems), audio, video. A powerful resource for the obtaining investigation and search information under modern conditions is, in particular, the information, concentrated in the media and Internet, which are the most important resources of investigation and search information.

The operational and investigation information includes data banks of various law enforcement agencies, government revenues and fees, registration, funds, medical and social insurance, medical facilities, banks and financial companies, transport companies, air and railway tickets, etc [5, p. 318]. Meanwhile, the data and information that are entered in the AIS, is not yet operational and search information in the functional-tool condition. They constitute only one of the important and convenient to use information resources [3, p. 43].

Along with search and processing of information in the information-analytical subdivisions of the organs of internal affairs the informational and analytical activities in numerous public and private information-analytical centers are carried out. In the process of getting information is possible both sending the official written requests to

the heads of enterprises, institutions and organizations to provide them with relevant information and personal data accessing by the operational employees publicly or encrypted during operatively-search actions. The fact that traditional ways of collecting and receiving by the operational units of the tactical information with the help of secret sources run into fairly effective countermeasures of the objects ISA is given. Nowadays great value has got an indirect receive of an operational and investigation information related to the criminal environment.

The content of this information can be variable: from coverage of lifestyle, spending money, gifts, interest to the individual objects, bodies and individuals from the investigated figures to the discussion of their specific criminal plans, the consequences of the committed crime, ways of the realization of the property [2, p. 175]. Investigation and search practice shows that in the process of gathering information about economic, financial-economic activities of the enterprises, institutions or organizations of different forms of property, commercial banks, exchanges it's necessary to figure out the name of the object and its location, to explore the relevance of a given structure to socially useful goals, as well as to identify the possible violation of current legislation on lending, the legality of the company property, to find out the conditions of use of premises (free rental), etc [6, p. 30].

In order to detect signs of trafficking, operational units searching primary information, include: an information obtained from operational sources; complaints and statements of victims; information obtained during inspections of firms that provide intermediary services on the employment of Ukrainian citizens, and marriage agencies; information obtained from the work of Interpol Apparatus, law enforcement agencies of other states; information obtained from the State Border and the Security Service; information obtained from the media and the Internet; information received from non-governmental organizations [7].

Famous British expert on trafficking Paul Holmes gives an advanced list of the sources, from which the information can be obtained, which which has an operational interest, in particular: information obtained during monitoring of advertisements; information obtained through the monitoring of travel and transportation firms, employment agencies, recruitment, escort agencies and marriage bureauxes; the information provided by the partner law enforcement agencies; the information provided by inter-disciplinary primary partner institutions; open sources (media information, research, etc.); information obtained from the members of public; the information that you give "special agents"; local, regional and national law enforcement databases; a database of international law enforcement agencies such as Interpol, Europol, Baltic Working Group, Black Sea Economic Cooperation; specialized databases that are supported by other institutions, such as the State Border Service, customs, Ministry of Foreign Affairs, and contain the information on the issuance of visas, database of other ministries (health, social policy, etc.), which may contain information related to trafficking in human beings; specialized intergovernmental and non-governmental organizations; reporting hotlines of non-governmental organizations; the airline and other carriers; confidential information may disclose the banking and financial institutions; victims of trafficking and their relatives [7].

Considering modern and forward-looking technologies and technical means of the obtaining of the investigation and search information, it must be borne in mind also the possibilities of such high-tech spheres such as aerial photography with the use of unmanned aerial vehicles (UAVS) and space exploration. In particular, now we have an experience of using UAVS and spacecraft for the detecting of various

crops, which is the raw material for the production of drugs, the development of mineral deposits without a license, illegal clear-cutting forest stands, etc.

In the ideal case the investigation and search information, such as an information about the activities of the leaders of criminal gangs or about complex technology involved in business:

- is taken with the involvement of a wide range of both open and enclosed information resources through the use of special technical means and computer technology, as permitted by law;

- undergoes processing, in particular, cleaning (audio, video), identification (votes, trace), structuring (text data) for officially accepted techniques;

- is analyzed by the application of reliably tested powerful logic-mathematical methods of analytical and simulation modelling;

- is visualized and read with the use of multimedia technologies, providing the informational “stitching” criminal proceedings and a visual representation of it in the litigation [3, p. 56–57].

An important significance has the use of both technical and programmatic means of fixation of an operative information. And the function of the fixation, which is implemented through the program-technical means should not be accounted as a recoding information and presenting it in the form of another code, and the process of accurately copying or transferring an information from one object to another in a form that corresponds to the nature of the latter.

Nowadays, law enforcement agencies are equipped with powerful information systems that are able to handle and store huge data arrays, perform analytical functions, carry out a visual analysis of the relationships between the objects. Modern technologies allow to create unprecedented before promptly organized information resources.

At the same time, the presence of even high performance information and search systems will not automatically solve the problems of an obtaining, stockpiling and processing of an operational and investigation information. You must first work out a unified approach to the issues of the collecting, organizing and analyzing of data.

The need to appeal to a variety of informational resources arises as a result of the consecutive development of operative and search information as something different from a set of an information and data. According to experts, it should strive for well established channels for the receipt of information and data from a variety of information and analytical centers. At the same time, a clear idea about where and what kind of information is accumulated and how you can get it, has already become a significant step in the fight for information resources [3, p. 44].

According to the results of the analysis of the concept of obtaining operational and investigation information we will highlight the following its constituent elements: 1) the obtaining of an investigation and search information – as one of the forms of information and analytical work in investigation and search activities, which find and fix the details of several individuals and groups; 2) the subjects of obtaining the operational and investigation information are operative and search, operational and technical, information and analytical departments and their officials and to some extent other MIA employees and secret employees;

3) objects of the obtaining of investigation and search information are physical and legal entities, corporate objects, objects, materials, animals, corpses, premises, structures, areas, media, Internet network, information systems and databanks, phenomena, processes, events, skills, external human actions, radio traffic, traffic links of mobile communication, etc.;

4) mechanism of the obtaining of the operational and investigation information includes a number of actions (search, extraction, fixation, information processing) using existing forces, means, measures and methods of investigation and search activities;

5) subjects of the obtaining of operational and investigation information have characteristics or features of the objects of the obtaining of operational and investigation of information fixed in the appropriate media or in the memory of people, or their reflection;

6) the aim of an investigation and search information is the solving of the tasks of ISA who find and fix the details of several individuals and groups with use of available forces, means, measures and methods of ISA, with the help of which the evaluation and analysis of the decision regarding the further use of an information received in the interests of the ISA and the pre-trial investigation are carried out.

Given the above mentioned, we'll define the obtaining of the investigation and search information as a form of informational and analytical work in ISA, within which it is carried out finding and fixing details of several individuals and groups with the use of available forces, means, measures and methods of the ISA in the interests of the investigation and search activities and the pre-trial investigation.

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