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Typical Investigators of the Situation and Versions of the Priority Stage of Investigation of Illegal Manufacture, Processing or Repair of Firefighters

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Abstract

Modern illegal activity is becoming more and more organized, there is professionalism and specialization of these crimes. Wide practice has received use in affordable purposes of self-made explosive devices, grenades, grenade dispenser, mines and rounds. In view of the given, there is no doubt the relevance of optimization of the first stage of investigation of illegal manufacture, processing or repair of firefighters or falsification, illegal removal or change of its marking, or illegal manufacture of ammunition, explosives or explosive devices, separate typical investigation situations and versions. The purpose of the article is to separate the most typical investigative situations that arise at the initial stage of investigation of crimes envisaged by the Art. 263-1 CC of Ukraine, and elaboration of an algorithm of actions of authorized subjects concerning their solution. The combination of methods and methods of scientific knowledge is used to allocate typical investigative situations at the initial stage of investigation of the defined crimes, provided by Art. 263-1 CC of Ukraine, and the allocation of corresponding versions. On the basis of separate typical investigative situations of the initial stage of investigation of these crimes, typical investigative versions are proposed, which should be proposed and tested with regard to: the way of committing the crime; the person of the offender; the community; the introduction of other crimes, in particular those committed by means of the application of detected weapons, etc., is emphasized on the special urgency of the comprehensive application of appropriate unspoken investigative (search) actions and separate measures to ensure criminal proceedings – temporary access to property and documents, temporary removal of property, and arrest of property

Keywords:

evidences; armament supplies; investigative leads; information; investigative (search) actions; measures to ensure criminal proceedings

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Introduction

Of the whole group of crimes connected with violation of the established rules of handling of common dangerous objects, defined Art. 263-1 the Criminal Code of Ukraine “Illegal manufacture, processing or repair of firefighters or falsification, unlawful removal or change of their marking, or illegal manufacture of ammunition, explosives”¹, meets less often than others. However, this does not mean that their investigation and disclosure does not require the development of adequate response capabilities.

Recommendations for identifying the main fields and methods of investigation largely depend on the investigation situations at the initial stage of the investigation. The meaning of the identification of typical investigative situations at the beginning of the investigation is that they point to the content and direction of criminal proceedings [1, p. 176]. Application of the situational approach during the investigation of crimes envisaged by the Art. 263-1 of the Criminal Code of Ukraine², has also an important methodological value, because the allocation of typical investigative situations allows to formulate adequate tactical objectives of the program of activities of the investigator and other subjects [2, p. 964] in order to establish the circumstances of both a specific criminal offense and the whole criminal activity.

Many Ukrainian [3-5] and foreign [6-8] criminalists paid attention to study of investigation situations and development of algorithms on their basis, search of information about criminal offense and criminal, as well as recommendations on conducting investigative (search) actions and operational-investigative measures at various stages of investigation. Some conclusions made by these researchers. Among them A.A. Abdulmuslimov, Sh.R. Radzhabov “Methodology for investigating crimes related to illegal arms trafficking” [9]. E. Kleemans “Organised crime, transit crime and racketeering” [10], M. Klymchuk. et al. “Evaluation of forensic computer and technical expertise in criminal proceedings” [11], V.V. Bychkov “Arms and ammunition as the aspect that forms criminal trafficking of weapons” [12], K.V. Sharov “Ways to counter the investigation of crimes related to illegal arms trafficking” [13] have theoretical and practical meaning and can be used to separate the typical investigative situations of the initial stage of the investigation of crimes envisaged by Art. 263-1 of the Criminal Code of Ukraine³, the release of versions and the development of a corresponding algorithm of actions concerning their confirmation or denial.

The desire to describe the concept of the investigation situation in a comprehensive way, its content, has caused the existence in literature of a large number

of different definitions and relevant classifications, including those related to crimes related to the arms traffic. The classifications are based on different criteria, such as the amount of initial information; the source of the received information about the crime committed; the degree of information about the person of the offender; depending on the investigation mechanism and methods of crime; depending on the desire to cooperate with the investigative bodies; the location of the weapon detection; according to the number of possible perpetrators of crime, etc. [14–17].

At the same time, the crimes are envisaged by Art. 263-1 of the Criminal Code of Ukraine⁴ have its specificity, which is caused by both the content and volume of the initial information and the sources from which it is received. It is also worth noting that their investigation is complicated by a number of factors. In particular, it is difficult to investigate cases when illegal manufacture, processing, repair of arms objects is accompanied by their storage, explosion, use during the execution of other crimes (the threat of murder or destruction of property, the use of physical violence, destruction or damage of property, etc.), and, if the reasons are, requires additional qualification on Art. 15, 115, 129, 187, 194, 195, 263 of the Criminal Code of Ukraine⁵.

The purpose of the article is to find out typical investigative situations of the initial stage of investigation of the crimes envisaged by Article. 263-1 the CC of Ukraine, and elaboration of an action program on their solution on this basis.

Materials and Methods

The leading method of research is dialectical, with the help of laws and categories of which the essence of the first stage of investigation of illegal manufacture, processing or repair of firefighters, its typical investigative situations and versions, and peculiarities of the procedural actions, which are carried out during investigation of crimes of this kind is determined. The use of laws of formal logic and its methods, such as induction and deduction, analysis and synthesis, made it possible to define the structural-logical scheme of the article, to reveal properties and signs of the investigated criminal categories, to create a general idea about their contents during the investigation of the criminal offense. Also the following methods are used: dogmatic – for interpretation of certain concepts used in the article; typological and functional – for the purpose of drawing out investigation situations and versions of unlawful actions; methods of modeling and forecasting – for formation of proposals aimed at improvement of individual criminal

¹Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

²*Ibidem*, 2001.

³*Ibidem*, 2001.

⁴*Ibidem*, 2001.

⁵*Ibidem*, 2001.

recommendations; sociological and statistical methods – during analysis and generalization of the analytical base (judicial practice, questionnaire results).

The empirical base is the results of the study of materials of criminal proceedings initiated on the facts of the crime envisaged by the Article. 263-1 Criminal Code of Ukraine¹, considered by courts in 2016–2020 in different regions of Ukraine:

No. 1201616000000204 of 04/05/2016;

No. 12016220780000217 of 11/02/2016;

No. 12017040440002016 of 11/02/2017;

No. 12019100100010917 of 11/13/2019;

No. 1202000000000138 of 02/17/2020, etc.) [18];

summary of questionnaires of 185 investigators and operations staff of the National Police concerning the peculiarities of investigation of illegal manufacture, processing or repair of firearms; review of judicial practice.

Results and Discussion

The study of investigation situations plays an extremely important role, since, as the doctrine notes, the basic provisions of this category contribute to the concretization and improvement of the investigation methodology “the crime at both the initial and subsequent stages of investigation, development of the system of investigative (search) actions and tactical operations, the advancement, evaluation and verification of investigative versions, which contributes to the increase of its practical significance during use in direct activity of the investigator” [19, p. 87].

Opening up the contents of possible investigation situations in criminal proceedings on committing crimes envisaged by the Art. 263-1 of the Criminal Code of Ukraine², it is worth noting that the story of such investigative situations is conditional. After all, as A.A. Matsola notes that a specific investigative situation, is always exclusively individual and can be traced only by one element of its numerous components. It characterizes a certain state of criminal proceedings, solved and unsolved tasks, results and difficulties of investigation, prospects of successful establishment of circumstances of crime [20, p. 88].

We will cite some typical investigation situations of the initial stage of the investigation of crimes envisaged by the Art. 263-1 of the Criminal Code of Ukraine³, similar to a number of fairly common characteristics, and differ in degree of information uncertainty, we will select the versions, the most characteristic of the corresponding situation and determine the algorithm of procedural actions,

1) *The fact of unauthorized traffic, use of arms, and doubts arise as to their origin.*

In investigative practice, there are cases where the fact of “illegal carrying, storage, acquisition, transfer or sale of firearms, ammunition, explosives or explosive devices is revealed without the permission provided by law (Art. 263 Criminal Code of Ukraine⁴) (42% of criminal proceedings), other crime (58%), and the fact of illegal manufacture, processing, repair of firearms becomes known during the pretrial proceedings.

Typical versions in the above situation will be: a) the witnesses suspected in the criminal proceeding have illegally manufactured, processed, repaired the objects of arms; b) the perpetrators of the crime envisaged in the Art. 263-1 Criminal Code of Ukraine⁵; c) persons who committed crimes have information on illegal manufacture, introduction of constructive changes in the weapons used by them. In such cases, items of arms discovered during the examination of the event are removed and included in criminal proceedings as material evidences. Criminal proceedings are initiated and appropriate examinations are prescribed (usually complex molecular-genetic, dactyloscopic and ballistic (explosion-technical) examinations). “Upon receipt of the conclusion of the examination: in case of the determination that is not the subject of the arms removal, the criminal proceeding allocated from the main proceeding shall be closed on the basis of p. 2 p. 1 Art. 284 of the Criminal Procedural Code of Ukraine⁶; “in case of the establishment, that it is the weapons, including self-defense, or reworked, in this case, investigative (search) actions and covert investigative (search) actions are carried out” [21, p. 68].

For the purpose of checking the presented versions, the investigator must ask witnesses who observed the fact of detection and removal of objects of arms; receive eye-witness testimony from residents, or employees of enterprises, institutions, organizations located near the place where actions on illegal circulation of arms, ammunition, explosives and devices for the purpose of establishing involved in the committed crime; according to Art. 167, 168 CPC of Ukraine⁷ to carry out an overview of the storage media of recorded information from video cameras, registrars etc.

2) *There is no reliable information about who specifically committed the crime, provided by the Art. 263-1 CC of Ukraine⁸, but there are traces from which information about it can be obtained;*

For example, during operational measures, a place (room, basement, garage, manufactory, specially equipped storage with the appropriate devices, tools) can be found,

¹Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

²*Ibidem*, 2001.

³*Ibidem*, 2001.

⁴*Ibidem*, 2001.

⁵*Ibidem*, 2001.

⁶Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <http://zakon.rada.gov.ua/go/4651-17>.

⁷*Ibidem*, 2012.

⁸Criminal Code of Ukraine, op. cit.

which can testify to the illegal manufacture, processing, repair of arms objects. Thus, in 01/14/2021, during the search in the garage near the apartment building of the city of Toretsk, Donetsk region, 30 grenades of the RGD-5, five rocket-propelled grenade launcher (four RPG-22 and one RPG-26), grenade to the rifle-attached grenade launcher more than 5,5 thousand rounds for various weapons and other ammunition [17] were found.

The following versions may be proposed: a) detected at the scene indicates only the illicit manufacture, processing, repair of arms; b) traces at the scene of the crime testify not only the crime envisaged by the Art. 263-1 of the Criminal Code of Ukraine¹, as well as other crimes related to their use; c) objects and things related to firearms, belong to persons who are person involved in other criminal proceedings, are on a criminal record.

In this case, the investigator is recommended to organize the examination of the event scene, the identified traces, objects and subjects of arms, the establishment of the owner of the building, the vehicle, and after registration of the event in the Unified Register of pre-trial investigations – for the detection and fixing of evidence of the person's involvement in the crime envisaged by Article. 263-1 Criminal Code of Ukraine², or other crimes. In this case, it is necessary to inspect the crime scene, to carry out witnesses, searches, to check the persons on criminal records, to appoint the appropriate judicial expertise. It is also necessary to analyze and evaluate available operative reference materials; to collect and check information about persons who committed similar crimes; to check all available traces on the respective accounts; to organize audio-, video control of the location of the hide and adjacent territory, etc.

In this situation, other versions may be suspended. For example, "a possible version of the suspect, on whom information has been received, or any of his family's members, or someone related to his family, is engaged in the manufacture of weapons. Such a version may arise in case of identification of special literature in the person of manufacture of fire weapon, drawing of separate units and parts of weapon, etc." [22, p. 31]. The difference between the two investigation situations mentioned above is the situation where the offender is unknown, is the detection of the movement of illegally manufactured, recycled arms, their components using the Internet, mailing.

The actions of the investigator for such circumstances should be directed at the establishment of the involved. For this purpose, in particular, it is necessary to order the employees of the cybersecurity departments to monitor the Internet for the purpose of establishing information about the appropriate Internet resource,

which provided a channel of sale (purchase) of arms, their accessories, possible contacts, etc.; to ask witnesses and persons who have found the fact of illegal arms traffic; to ask questions; conduct a check of documents and questioning of all persons on the scene with the purpose of further checking for involvement in the crime.

In the presence of sufficient grounds, for example, the operative information about the fact that the person is selling the processed objects of arms in the Internet, the investigator, the prosecutor can initiate the conduct of such covert investigative (search) activities as control over the crime in the form of controlled and prompt purchase (Art. 271 Criminal Procedural Code of Ukraine³). Here, however, it should be made clear that such a possibility can be caused by the presence of criminal proceedings, initiated on the grounds of a serious or especially serious crime committed on the sum of the crime envisaged by the Art. 263-1 of the Criminal Code of Ukraine⁴, or without such. The above actions are aimed, first of all, at the establishment of both the person involved in the illegal manufacture, processing, repair of arms objects, and the persons who sold them, including Internet, couriers, etc.

Describing the initial actions of the investigator in such an investigation situation, caused by the place of movement of illegally manufactured, processed items of arms, for the purpose of checking certain versions, it should be taken into account that the traditional inspection of the place of the event as an immediate investigator (search) the action here may be inappropriate, since it is not always possible to reveal direct evidence of individual guilt (for example, instruments and devices for making constructive changes in the weapon in order to gain its functions of fire). At the same time, witnesses, search, presentation of a person for identification, appointment and examination, or simultaneous carrying out of the indicated and other procedural actions and operational measures, may be more relevant. For example, S.P. Melnychenko at the hearing points to the possibility of making a decision on the necessity of organization of the foundation or holding one or more investigators (search) and covert investigative (search) activities simultaneously: controlled delivery; special investigative experiment; imitation of the crime situation; prompt procurement [23, p. 226].

If there is a criminal proceeding, which has been initiated on the grounds of a serious or especially serious crime committed on the basis of the sum of the crime envisaged by the Art. 263 1 the Criminal Code of Ukraine⁵, or without such, to check the above versions, it is necessary to involve the subdivisions of struggle against cybercrime, experts of other law-enforcement

¹Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

²*Ibidem*, 2001.

³Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <http://zakon.rada.gov.ua/go/4651-17>.

⁴Criminal Code of Ukraine, op. cit.

⁵*Ibidem*, 2001.

bodies, in particular the Security Service of Ukraine, the State Revenue Service of Ukraine etc. in order to carry out a complex of investigative (search) actions and undisclosed investigative (search) actions envisaged by the Art. 263, 264 and 269 CPC of Ukraine¹.

In addition, taking into account the available initial criminal information, the investigator should take the following measures: to determine the possibility and expediency of prompt purchase and controlled delivery, special investigative experiment or imitation of the crime situation in the order of Art. 271 CPC of Ukraine²; if the tactical necessity in carrying out of the above actions is absent, or it is impossible to carry out them, it is expedient to conduct interrogation of witnesses and police officers; to conduct searches; to delete audio-video recordings; to appoint complex judicial molecular-genetic, dactyloscopic and explosion (ballistic) and other kinds of experts; to provide necessary written instructions.

3) *Known person of the offender who denies his involvement in the crime envisaged by the Article. 263-1 CC of Ukraine [1], is hidden from the bodies of pre-trial investigation.*

At that there are data received as a result of the conducted investigative (search), procedural and/or operative-search measures that the given person has carried out illegal manufacture, processing, repair of objects of arms. However, this information has no evidence available at the initial stage of the investigation. The suspect himself refuses to point out his involvement in the indicated activity, but the evidence that gives grounds to suspect a particular person in committing the crime provided for in Article 2. 263-1 CC of Ukraine³, enough. This may indicate certain trace information at the scene, showing witnesses. Such an investigative situation may be accompanied by an action to counter the investigation.

It is worth noting that the crime envisaged by the Art. 263 1 Criminal Code of Ukraine⁴, may also "become involved" in a number of other criminal acts, be a means of achieving other goals, a way of preparing for other crimes. Analysis of investigation and judicial practice shows that in 28% of cases such crimes were qualified by the sum with other crimes, provided by Art. 27, p. 2, Art. 29, 143, 149, 209, 314, 332-1, 358, 365 of the Criminal Code of Ukraine⁵. In such cases, the investigator has some difficulties in the investigation of criminal relations.

For example, the seller (buyer) was detained "red-handed" during sale of firefighters with signs of forgery, the courier with explosives and devices on the

way of navigation, which gives a typical example for such situations of indication. They said, they bought weapons from strangers, about whom it is illegally made, I do not know. In such cases, the investigator's actions should be directed at the collection of additional evidences of the detention or other persons' unlawful manufacture, processing, repair of arms objects by means of examination of witnesses and witnesses, examination of the scene, magnetic media of information, searches, appointment and carrying out of the relevant molecular-genetic, dactyloscopic and ballistic, molecular-genetic, trace examinations as well as other investigative (search) and covert investigative (search) actions (in t. by giving instructions to operational workers).

In order to reveal and fix evidence about illegal activity of criminal organization O.S. Tarasenko points to the expediency of conducting covert investigative (search) actions aimed at monitoring of figures of a criminal organization, forbidden in commerce item of property (fire weapon) or place (Art. 269 CPC of Ukraine)⁶; withdrawal of information from transport telecommunication networks (Art. 263 CPC of Ukraine)⁷; removal of information from electronic information systems (Art. 264 CPC of Ukraine)⁸. In the future it is necessary to determine the necessity and expediency of conducting control over the crime (Art. 271 CPC of Ukraine)⁹ in the form of prompt purchase or controlled delivery, imitation of crime [24, p. 117]. In the above-mentioned investigation situation, the following version can be confirmed/disposed: a) the arrested person crime connected with the illegal circulation of arms without knowing that they are recycled; the arrested person crime connected with the illegal circulation of arms objects, knowing that they are illegally produced, processed; b) the arrested person is a courier who has moved illegally manufactured, processed weapons and gives false testimony.

4) *Known person who pleaded guilty to criminal offense.*

There is enough evidence to reveal a particular person in involvement in the act. For example, an illegally manufactured weapon has been detected, and the person acknowledges his involvement in making constructive changes to it, at the place of residence of the suspect. In such cases, the main task of the investigator will be to conduct investigative (search) and procedural actions aimed at fixing evidence, clarifying the motives for committing the crime, the direction of the crime and the purpose, the check on involvement in other crimes, and the version of the self-defense. In any of the typical investigative situations we have identified, it is not necessary to

¹Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <http://zakon.rada.gov.ua/go/4651-17>.

²*Ibidem*, 2012.

³Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

⁴*Ibidem*, 2001.

⁵*Ibidem*, 2001.

⁶Criminal Procedure Code of Ukraine, op. cit.

⁷*Ibidem*, 2012.

⁸*Ibidem*, 2012.

⁹*Ibidem*, 2012.

exclude the version of the ownership of the person who produced, interrupted the items of arms, to the organized criminal group, its involvement in other crimes. The complexity in this category of crimes is observed much more often than it is reflected in statistical data.

Such actions on arms subjects can be a chain of activities for their illegal use, and it is a component of organized group criminal activity of a general criminal nature (robbery, banditry, blackmail, etc.). Sometimes, it is knowledge of the next stage of illicit arms trafficking, for example, establishing the circumstances for the acquisition of weapons, identifying the role of each member of the group in a specific stage of illicit trafficking, that allows to consistently withdraw some of the following versions. It helps to establish a person who was engaged in illegal manufacture, processing, repair of objects of arms.

If there is information about the crime envisaged by the Article. 263-1 of the Criminal Code of Ukraine¹, as a part of the organized criminal group, as a rule, personal evidence is used for the aggregate of evidence, in connection with the fact that the members of the organized criminal group in the absolute majority of cases act actively counteracting, without giving true evidence as to the circumstances of committing crimes, without making any of the bars of such a group, in t. the number of persons involved in the illegal manufacture and processing of arms.

The typical list of urgent investigative (search) actions and other measures at the same time includes: 1) the detention of a person, procedural execution of detention in order of Art. 207-208 of the Criminal Procedural Code of Ukraine², and further movement of the person to the body of the pre-trial investigation; 2) personal search and review of the suspect's items. Immediately after the arrest of a person, it is necessary to review the personal items, and to temporarily remove those items that are important for criminal proceedings. First of all, it concerns arms, instruments and devices, other things removed from circulation; 3) examination of the scene of the accident, places of detention of the person, examination of the removed arms, documents, items, material values and other objects. At the same time, it is possible to organize the prosecution and detention of other perpetrators of the crime without delay by means of inspection and inspection of vehicles, the protection of the surrounding territory, etc.; 4) interrogation of the detained person; 5) identification and interrogation of witnesses of the crime; 6) the appointment and conduct of necessary judicial examinations (ballistic, molecular-genetic, etc.), evidence of crime, other material evidence; 7) search for the place of residence of the person, in other places; 8) as necessary – conduct adjudication, investigative experiment, presentation for the

identification simultaneous interrogation of two or more already interviewed persons; 9) take measures to check the origin of detected weapons, ammunition, explosives and explosive devices; 10) check the detained person for other crimes with the use of firearms, explosives and establish its criminal links, possible sales places of illegally manufactured, processed weapons.

The order of conducting investigative (search) actions and other measures is determined by the investigator depending on the situation, and may differ from the above. In addition, depending on the specifics of the specific investigation situation, the application of the recommendations may not be sufficient. Then it is necessary to carry out other investigative (search) actions and measures chosen by the investigator depending on the specific situation based on his own experience and intuition. In any case, further investigation should be organized in such a way as to ensure compliance with the requirements of the full, full and impartiality of the pre-trial investigation. It is worth emphasizing the perspective of such a direction in the investigation of crimes envisaged by the Art. 263-1 of the Criminal Code of Ukraine³, how to use modern information technologies, in particular social networks. The possibilities of social networks during the investigation of crimes of the investigated category (for example, the review of the Internet-site "Youtube" and other Internet-content, social networks) allow to get a variety of help information, information about the person, its connections, hobbies, attitude to something and similar, and also to determine their location [25, p. 426].

The stated allows to summarize that depending on the investigation situation and the proposed investigative versions, the basis of planning the investigation of crimes, provided by Art. 263-1 the Criminal Code of Ukraine⁴, will constitute an approximate set of procedural actions, effective conduct of which will allow to identify, study and check the information about the circumstances of the crime, other criminal acts connected with it, to create their typical information model. Taking into account the initial investigation of the information received will help to supplement the criminalistics important information important for the nomination and verification of the versions during the pre-trial investigation.

Conclusions

Analysis of investigation practice of investigation of illegal manufacture, processing or repair of fire weapons or falsification, illegal removal or alteration of its marking, or illegal manufacture of ammunition, explosives or explosive devices has allowed to allocate the following typical investigation situations: 1) the fact of illegal traffic arms, use of weapons, and there are doubts about their

¹Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

²Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <http://zakon.rada.gov.ua/go/4651-17>.

³Criminal Code of Ukraine, op. cit.

⁴*Ibidem*, 2001.

origin; 2) there is no reliable information about who specifically committed the crime, but there are traces from which information about it can be obtained; 3) a known individual of the offender who denies his involvement in the crime is being investigated; 4) a known individual of the offender who recognizes his or her fault in the criminal offense.

At the initial stage of the investigation of crimes envisaged by the Art. 263-1 the Criminal Code of Ukraine, on the basis of separate typical investigative situations, should be put forward and tested by the typical investigative versions: the way of committing the crime; the person of the offender; the conspirator of crime; the act

of other crimes committed by means of the use of detected weapons and etc. In order to solve these investigative situations at the initial stage of the investigation, the necessary algorithm of actions of the investigator and operational staff is needed, where, apart from the mutually determined complex of investigative (search) actions and operational-investigative measures, appropriate covert investigative (search) actions, measures of criminal proceedings are especially relevant. Effective conduct of the above procedural measures will allow to identify, study and check the information about circumstances of the crime, other criminal acts connected with it, to create their typical information model.

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Типові слідчі ситуації та версії першочергового етапу розслідування незаконного виготовлення, переробки чи ремонту вогнепальної зброї

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Анотація

Сучасна протиправна діяльність дедалі більше набуває організованого характеру, спостерігається професіоналізація та спеціалізація зазначених злочинів, зокрема активне використання саморобних вибухових пристроїв, гранат, гранатометів, мін і снарядів. Зазначене підтверджує актуальність оптимізації першочергового етапу розслідування незаконного виготовлення, переробки чи ремонту вогнепальної зброї або фальсифікації, незаконного видалення чи зміни її маркування або незаконного виготовлення бойових припасів, вибухових речовин чи вибухових пристроїв, виокремлення типових слідчих ситуацій і версій. Метою статті є виокремлення найбільш характерних слідчих ситуацій, які виникають на початковому етапі розслідування злочинів, передбачених ст. 263-1 КК України, та вироблення алгоритму дій уповноважених суб'єктів щодо їх вирішення. Сукупність методів і прийомів наукового пізнання використано з метою виділення типових слідчих ситуацій на початковому етапі розслідування окреслених злочинів та висунення відповідних версій. На підставі виокремлених типових слідчих ситуацій початкового етапу розслідування цих злочинів запропоновано типові слідчі версії, які мають бути висунуті й перевірені щодо: способу вчинення злочину; особи злочинця; спільників; учинення інших злочинів, зокрема шляхом застосування виявлених предметів озброєння. Доведено необхідність усебічного застосування відповідних негласних слідчих (розшукових) дій та окремих заходів забезпечення кримінального провадження – тимчасового доступу до речей і документів, тимчасового вилучення майна, арешту майна

Ключові слова:

докази; предмети озброєння; слідчі версії; інформація; слідчі (розшукові) дії; заходи забезпечення кримінального провадження