

UDC 343

DOI: 10.56215/04221202.32

Forensic Examinations During the Investigation of Threats or Violence Against a Law Enforcement Officer

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Abstract

Forensic expertise, as a form of using special knowledge, is one of the most effective ways to establish the truth during the investigation of threats or violence against a law enforcement officer, especially given the often-limited amount of criminally valuable information in such proceedings, which conditions the relevance of this paper. The purpose of the paper is to establish the types and analyse the possibilities of forensic examinations that can be assigned during the investigation of threats or violence against a law enforcement officer. During the study, a set of scientific methods was applied – system, comparative legal, statistical, analysis, bibliographic, synthesis, induction, and deduction. According to the results of the study, a holistic view of the complex of forensic studies was presented, which: are most often assigned in the proceedings under consideration (examination of sound and video recordings, fingerprinting, examination of cold steel and firearms, forensic trasological examination, are mandatory if injuries are caused to the victim (forensic medical, can be assigned depending on the needs of the specific production (engineering and transport, phototechnical, forensic psychiatric examination; also, the types of examinations, the capabilities of which are not fully used by investigators (forensic psychological, were identified. The most important problems that arise at the stage of assigning expert examinations and can largely affect the quality of expert opinions were identified: violation of the deadlines for assigning expert examinations, incorrect formulation of questions to the expert, provision of insufficient quantity and/or poor quality of materials for research, incorrect definition of the type of expert study. It is emphasised that in the conditions of martial law and the expansion of the list of methods and tools of committing the investigated criminal offences in connection with it, there is a need for expert study, the objects of which are explosives and substances, various weapons, etc.

Keywords:

criminal proceedings; special knowledge; expert support; criminalistics

Article's History:

Received: 22.04.2022

Revised: 22.05.2022

Accepted: 22.06.2022

Suggest Citation:

Kobets, S.V. (2022). Forensic examinations during the investigation of threats or violence against a law enforcement officer. *Law Journal of the National Academy of Internal Affairs*, 12(2), 32-40.

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Introduction

The number of criminal offences related to the threats or violence against a law enforcement officer (Art. 345 of the CC of Ukraine)¹ is quite large compared with the total number of criminal offences against state authorities in the field of law enforcement and remains consistently high: 2016–967, 2017–1,115, 2018–817, 2019–821, 2020–909, 2021–819, January-April 2022–189 criminal proceedings [1]. Therewith, these illegal actions are aimed not only at law enforcement officers but generally undermine the authority of state power and make it impossible for law enforcement agencies to ensure the safety of society and protect it from criminal threats and other destabilising factors. Whereas, under martial law, the public danger of these criminal offences largely increases. This actualises the issues of effective counteraction to the mentioned illegal acts, especially considering that the process of their investigation is complicated by many factors: latency, the need for additional internal verification, problems with the correct qualification of illegal acts (since these criminal offences are often committed in conjunction with others), etc.

The achievement of the goals of a pre-trial investigation depends on the optimal set of investigative and procedural actions performed. Being a procedural form of using special knowledge in legal proceedings, forensic expertise is one of the most effective ways to establish the truth on the issues that constitute the subject of evidence. It is difficult to overestimate the role of using expert knowledge during an investigation: frequently, with a timely expert study of the appropriate type, the investigator receives the necessary data, which, even in conditions of a shortage of criminally valuable information, allows making the right decisions and effectively building the investigation process. In addition, considering the method of committing the criminal offences under study, the appointment of separate expert studies is mandatory.

Given the relevance, the level of scientific interest in the issues under study is quite high today, and many publications are devoted to the expert support for the investigation of criminal offences, including against the authority of state authorities. V.O. Husieva analysed the current possibilities of psychological [2] and features of the appointment of forensic medical [3] examinations during the investigation of criminal offences committed against law enforcement officers. A.A. Yukhno examined the current state, theoretical and applied issues, and prospects for the development of forensic support for the activities of pre-trial investigation and inquiry bodies in general [4]. The interest of Ukrainian researchers

in forensic medical examination remains permanently high. In particular, D. Ivanov clarified the importance of forensic medical examination for establishing and compensating for damage caused by criminal actions [5]; I. Senyuta, O. Orlyuk, S. Buletsa, D. Ivanchulynets covered urgent issues of appointment and legal regulation of forensic medical examination [6], S. Lykhova, A. Pletenetska, V. Sysoieva actualised the importance of forensic medical examination for the qualification of crimes [7]. Among foreign authors, many studies are also devoted to the features of forensic medical expert study, including injuries to law enforcement officers. Thus, within this issue, the publications of J. Payne-James [8], H. Tiesman [9], B. Schram [10], and other scientists are presented.

However, given the lack of a separate methodology for investigating threats or violence against a law enforcement officer and based on the need to make changes to the investigation of criminal offences (including in terms of expert support) caused by the conditions of martial law, the problem under study is relevant and requires further development.

The purpose of this paper is to examine the possibilities of certain types of expert studies that are assigned in the framework of criminal proceedings on a threat or violence against a law enforcement officer, to determine the objects, goals, and range of tasks that are solved during their conduct, and to identify problems that arise during the implementation of this form of using special knowledge in investigating the criminal offences under study.

Materials and Methods

To achieve the purpose, a set of scientific methods was used: system – provided an opportunity to determine the types of forensic examinations that are assigned in the studied proceedings, among the general system of expert study, and to analyse the theoretical developments of researchers to determine the typical problems that arise during the appointment of forensic examinations in criminal proceedings of the studied category; comparative legal – allowed analysing the provisions of the current criminal procedure legislation, individual existing bylaws, and proposed in wartime projects of regulations governing the expert activity. Within the framework of the bibliographic method, the relevant provisions of the Criminal Procedure Code of Ukraine (Art. 69–71, Art. 242–244)² and certain regulations on expert activity in Ukraine (the law of Ukraine “On Forensic Expertise”³, Instructions on the appointment and conduct of forensic examinations and expert studies⁴, Instructions on conducting forensic medical expertise⁵)

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

²Criminal Procedural Code of Ukraine. (2012, April). Retrieved from <http://zakon0.rada.gov.ua/laws/show/4651-17>.

³Law of Ukraine No. 4038-XII “On Forensic Examination”. (1994, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/4038-12#Text>.

⁴Order of the Ministry of Justice of Ukraine No. 53/5 “On Approval of the Instruction on Appointment and Conduct of Forensic Examinations and Expert Research and Scientific and Methodological Recommendations on Preparation and Appointment of Forensic Examinations and Expert Eeasrch”. (1998, October). Retrieved from <http://zakon2.rada.gov.ua/laws/show/z0705-98>.

⁵Order of the Ministry of Health of Ukraine No. 6(z0248-95) “On Approval of the Instruction on Conduct of Forensic Medical Examination”. (1995, January). Retrieved from <https://zakon.rada.gov.ua/laws/show/z0254-95#Text>.

were considered. Statistical methods (grouping, analysis of quantitative indicators) were used to summarise and process statistical reports, and materials of investigative, judicial, and expert practices.

The use of analysis, synthesis, induction, and deduction allowed building a logical structure of the study, which includes the following blocks: 1) a brief general description of expert study that is assigned during the investigation of threats or violence against a law enforcement officer; 2) analysis of the most popular types of examinations in such proceedings; 3) justification of the need and disclosure of the possibilities of forensic examinations, the capabilities of which are not fully used during such investigations.

Results and Discussion

The examination of the materials of criminal proceedings initiated on the commitment of a threat or violence against a law enforcement officer indicates that most often in such proceedings, expert examinations from the forensic block are appointed (more than 50% of proceedings). The above is conditioned by the fact that the method of committing the studied criminal offences is often associated with causing bodily injuries to the victim, and determination of the severity and nature of them, according to p. 2 of pt. 2 of Art. 242 of the CPC of Ukraine¹, requires an appropriate expert study. Furthermore, the analysis of the practice of investigating the criminal violations and the types of examinations appointed in such proceedings shows that among the forensic expert studies common in these proceedings are the appointment of: fingerprint examination, technical study of materials and means of video and sound recording, examination of cold steel and firearms, forensic trasological examination, examination of materials, substances, and products. If necessary, in accordance with the needs of specific proceedings, other examinations may be appointed, such as engineering and transport (investigation of the circumstances of the road accident), phototechnical (study of photographs and technical means of their manufacture) or forensic psychiatric (in case of doubt) sanity or limited sanity of the suspect), etc.

Notably, the conditions of martial law and a certain update of the methods and tools of committing criminal offences in general and in relation to law enforcement officers also necessitate expert study, the objects of which are explosive devices and substances, traces and circumstances of the explosion, non-kinetic weapons, grenade launchers, etc. It should be recognised that now some of these objects are not currently the subject of any expert specialisation available in the Expert Service of the Ministry of Internal Affairs (MIA). Given the

urgent need, the specialists of the State Research Forensic Center of the Ministry of Internal Affairs of Ukraine for the immediate introduction of new types of forensic science and expert specialties for the appropriate level of expert support of criminal proceedings during the war prepared a draft order amending the Regulations on the Expert Qualification Commission of the Ministry of Internal Affairs and the procedure for attestation of forensic experts of the Expert Service of the Ministry of Internal Affairs², the processing of which is currently underway.

From the block of forensic examinations assigned during the investigation of threats or violence against a law enforcement officer, primarily, it is worth highlighting the examination of video and sound recordings. Attention to this type of expert study in these proceedings is conditioned by the fact that often illegal actions of intruders can be recorded on video surveillance cameras since the criminal offences under study are mainly committed in public places (on streets, squares, parks, courtyards of residential buildings, territories of enterprises, shopping institutions, etc.). In addition, since portable body cameras are an integral part of the equipment of modern police officers, violent actions against them are also recorded without fail. Thus, one of the most common types of expert study assigned during the investigation of the commission of a threat or violence against a law enforcement officer is the examination of video and sound recordings. For example, in accordance with the established circumstances of criminal proceedings, a field officer and a senior inspector of the prevention department responded to a call to report domestic violence. Citizen S., being in a state of alcoholic intoxication, caused injuries to the senior inspector of the prevention department by striking with his right foot, which was recorded on video from the body cameras of the field officer³.

The expertise of video and sound recording is a forensic examination, which, in turn, consists of three areas: a technical examination of materials and means of video and sound recording; identification of the announcer on the physical parameters of oral speech; acoustic signals and media; linguistic inspection of oral speech. The subject of forensic examination is video and sound recordings of factual data that are relevant for pre-trial investigation and consideration of cases in courts and fixed in video and sound recordings [11].

The types of examinations within the framework of video and sound recording expertise are diverse:

- identification studies of human voice and speech (establishment of the identity of individuals (individual and/or group) by comparing their voices and speech on the signals and samples provided for the study);

¹Criminal Procedural Code of Ukraine. (2012, April). Retrieved from <http://zakon0.rada.gov.ua/laws/show/4651-17>.

²Order of the Ministry of Internal Affairs of Ukraine No. 675 "On Approval of the Regulations on the Expert Qualification Commission and the Procedure for Attestation of Judicial Experts of the Expert Service of the Ministry of Internal Affairs". (2020, September). Retrieved from <https://zakon.rada.gov.ua/laws/show/z0022-21#Text>.

³Case No. 234/119/21, proceedings No. 1-кп/234/531/21 "The Verdict of the Kramatorsk City District Court of Donetsk region". (2021, April). Retrieved from <https://reyestr.court.gov.ua/Review/96479773>.

- diagnostic examination of a person's voice and speech (identification of individual signs of a person's voice and speech);

- examination of audio and video recording devices. A diagnostic examination that establishes technical conditions and technology for obtaining a record (establishment of the identity of the recording device, the presence (absence) of signs of installation);

- identification and diagnostic studies of the sound environment (establishment of the identity and characteristics of the sound environment based on the characteristics of the object under study) [12].

The objects of the considered examinations are track records fixed on material media: phonograms, which are recordings of audio signals; videograms – recordings of image signals; videophonograms – recordings of both sound and image signals, and the material media themselves, means of recording and reproducing audio and video information.

Notably, video recording can also be the object of photographic examination, within which the identification of objects, premises, and areas depicted in photographs (negatives) and videos; setting the size of images on photographs (film frames, video frames) or their negatives; establishment of technological and technical features of shooting and production of photographs, films and videos, etc.¹

When conducting a portrait examination, in addition to photographs, the following methods are used to identify a person (corpse): videorecords.

Identification of a person in a video recording also becomes particularly important during the investigation of the category of proceedings under study. As O.P. Vashhuk notes [13, p. 508], “the legislation of Ukraine does not prohibit the study of a person based on the features of nonverbal information obtained from their appearance in a video recording and allows the development of a new methodology for the comprehensive expert study of a person based on video recording materials.” The researcher indicated that in the study of nonverbal information coming from the appearance of a person (anthropogenic nonverbal information), its main sources are appearance, emotional state, and accompanying signs (design of appearance, clothing).

Additional sources may include objects of verbal support for a person's activities. The sources of nonverbal information themselves, firstly, simultaneously act as independent objects of examination, which in this case are studied in aggregate and secondly, in the presence of objects of verbal information (which also act as independent objects of research) – these objects (verbal and nonverbal) are also studied collectively. The lack of information about one of these sources can largely affect

the receipt of such an expert opinion as the inability to solve the issues raised [13, p. 508].

It is necessary to pay special attention to the fact that to conduct a high-quality expert study of video recording, the specialist must provide the original sound recording (video recording or video sound recording); the original device with which the recording (phonogram, videogram, videophonogram) was recorded; additional equipment used for recording: microphone, power supply, signal transmission devices, control, etc.; if necessary – complete information about making structural changes to the recording device and additional equipment indicating the chronology of such transformations and a description of the recording path from the transmitter (microphone, video camera) to the receiver (technical fixing tools) with an indication of the number of channels and other related technical means [11].

It should be borne in mind that the original, from a technical standpoint, is a record that is fixed simultaneously (during the period) with those events that are recorded in it and which is contained exactly on the media (cassette, digital media, etc.) that was used. As a rule, it is impossible to establish the authenticity of records by expert methods based on copies of records, without the presence of their originals [11].

In addition to the above, to accurately determine the object of study and its location on the media, it is necessary to indicate in the question submitted for the decision of forensic examination the name of the investigated file with extension (file name), the name of the directory (folder) where the investigated file is contained, type and name of the medium, device (identification marks of the medium, device (serial number, IMEI)), on which it is fixed (for example: “... in the phonogram of the file named “1181.wav” in the folder with the name “audio” contained on the disk for laser reading systems “MAXIMUS” DVD-RW 4.7 Gb 16x ...”). According to practitioners, the issue of solving the forensic examination of video and sound recordings should be raised only after careful processing of the recordings, drawing up protocols for their inspection and listening, and only in relation to those objects (fragments) that are essential for solving the tasks of the investigation. Moreover, to avoid long deadlines for performing an expert examination and to clarify the purpose, expediency, and accuracy of the issues raised, expert advice is required before appointing an expert examination [14].

It is noteworthy that the provision of video recording is also necessary during forensic medical studies, for example, to determine the severity and nature of injuries caused to a law enforcement officer. In practice, it is not uncommon for the expert to fail to provide relevant records. In this way, for example, video cameras placed

¹Order of the Ministry of Justice of Ukraine No. 53/5 “On Approval of the Instruction on Appointment and Conduct of Forensic Examinations and Expert Research and Scientific and Methodological Recommendations on Preparation and Appointment of Forensic Examinations and Expert Research”. (1998, October). Retrieved from <http://zakon2.rada.gov.ua/laws/show/z0705-98>.

near the scene recorded that the accused on a motorcycle hit a field officer and dragged him behind for a few metres to the roadway. However, during the proceedings in the Darnytskyi District Court of Kyiv, the investigators were not provided with relevant video recordings¹.

The provision of relevant video materials could simplify the determination of the mechanism of causing bodily injuries and the establishment of its compliance with that recorded on video recordings or in protocols of investigative actions. Furthermore, the video materials provided allowed experts to refute the possibility of a law enforcement officer receiving injuries in other circumstances that are not related to the service or at other times.

It is quite obvious that the investigation of a criminal offence related to causing violence can be successful only if the possibilities of forensic medical examinations are properly used. In addition, the results of forensic medical examinations are important in the preparation and conduct of investigative (search) actions. The use of special forensic medical knowledge during the forensic examination in criminal proceedings of crimes against the life and health of a person allows identifying the most important issues related to the establishment of the mechanism of offence, the nature and degree of harm caused to health, and, in many cases, a person who is subject to involvement as an accused [15, p. 150].

Analysis of criminal proceedings under Art. 345 of the CC of Ukraine² indicates that injuries caused to law enforcement officers are mostly minor, less often moderate and severe. Commonly, during the forensic medical examination in criminal proceedings on crimes related to the infliction of bodily injuries, a number of typical tasks are solved, including: the degree of severity of bodily injuries; the number, nature, location, and origin of bodily injuries; the statute of limitations for inflicting bodily injuries; the sequence of bodily injuries; the mutual location of the victim and the suspect during the infliction of bodily injuries, the presence of traces of struggle; the determination of the tool that inflicted bodily injuries; the degree of disability [16, p. 178]. In addition, forensic medical examinations are a key factor in creating legal prerequisites for compensation for physical harm to health [5].

The stages of preparation and appointment of forensic medical examination of living persons are: issuance of a resolution on appointment of examination with the establishment of issues, identification of the person and ensuring their arrival at the expert institution, provision of materials for acquaintance with the circumstances of the proceedings and medical documentation on the person who is sent for examination, and drawing up an expert opinion [17, p. 279].

Within the framework of the issue under study, it is also worth focusing on forensic medical examination based on the results of an investigative experiment. An analysis of the practice of investigating threats or violence against a law enforcement officer showed that this investigative action is often conducted within the framework of such proceedings. The main purpose of this subtype of forensic examination is to establish compliance with the mechanism of infliction of bodily harm, reproduced by the suspect during the investigative experiment, found on the body of the victim during the forensic examination. The appointment of this expert examination may also be extremely appropriate in cases of changing the suspect's testimony at the stage of pre-trial investigation or even during the trial. The relevant expert opinion, in this case, acts as irrefutable evidence in criminal proceedings.

Since the method of committing the studied offences is often accompanied by active physical confrontation, traces of biological origin (bloodstains, hair, skin particles, etc.) may remain at the place of illegal actions. These objects are examined as part of forensic examinations of traces of biological origin, during which the issues of establishing the affiliation of biological traces (fat traces, blood, etc.) and other physical evidence of biological origin to a particular person are resolved.

The study of blood traces is essential for exposing the perpetrators, and the form and location of such traces can be used to judge important circumstances of a criminal offence. Therewith, experts note that for the effective study of such traces, competent actions of the investigator are necessary to identify, seize, pack, and send them [18, p. 134]. In addition, V.O. Husieva emphasises the rule according to which the defining moment of the appointment of a forensic examination of traces of biological origin is that it should be appointed and conducted immediately after the emergence of issues that require special knowledge [19, p. 297]. For that reason, the appropriate specialist should be involved in the inspection of the scene of an accident.

The guarantee of conducting an objective forensic medical examination, which ensures the provision of a correct legal assessment of the event that occurred and provides an opportunity to conduct a quick and complete investigation, is the correct appointment of a specific type of examination. Typical mistakes made by investigators that make it impossible to conduct a high-quality forensic medical expert study are:

- failure to provide sufficient medical data necessary for the expert to address a number of issues;
- failure to inform the expert of important data established during the investigation and failure to provide materials of criminal proceedings;
- late appointment of forensic examinations;

¹Case No. 234/119/21, proceedings No. 1-кп/234/531/21 "The Verdict of the Kramatorsk City District Court of Donetsk region". (2021, April). Retrieved from <https://reyestr.court.gov.ua/Review/96479773>.

²Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

- incorrect formulation of questions to the expert;
- appointment of several examinations to solve the same issues and incorrect determination of the type of future examination [3, p. 103, 105].

In addition to the above-mentioned expert studies, conducting a forensic psychological examination in some cases is of great importance for establishing the circumstances of criminal offences related to the commission of violence or threats against a law enforcement officer. This examination is conducted in accordance with p. 4 of pt. 1 of Art. 91, p. 1 of pt. 1 of Art. 485 of the CPC of Ukraine and p. 2 of Art. 486 of the CPC of Ukraine¹.

As V.O. Husieva [2, p. 261] and O.O. Slipets [20, p. 509] emphasised, this type of expert research is unjustifiably underestimated during the investigation of such proceedings. Therewith, through the conduct of such examinations, individual psychological characteristics, emotional reactions and states of mentally healthy suspects, victims, and witnesses can be established, the ability of victims, witnesses, and suspects to perceive important circumstances in the case and give correct (adequate) testimony about them, issues of compensation for non-pecuniary damage to the victim can be resolved, orientation information obtained during the investigation and the conclusions of this examination in terms of determining the typological characteristics of the individual can be used in criminal and administrative proceedings to establish elements of the subjective composition of the crime and individualise the punishment.

The object of forensic psychological examination – mentally healthy persons-participants in criminal proceedings (suspects, accused, defendants, acquitted, convicted, witnesses, victims, plaintiffs, defendants: minors; adults, and the elderly), and the main task of this class of examination is the identification of features of individual psychological nature, key personality traits; factors-motives of mental life and behaviour; emotional reactions and states; patterns of mental reactions, the level of development and individual qualities of the subject².

A forensic psychological examination is especially important in the case of the involvement of minors in the proceedings. Thus, these individuals often witness domestic violence and other domestic crimes, to clarify the circumstances of which law enforcement officers are called. In addition, Art. 345 of the CC of Ukraine³ also defines relatives of law enforcement officers, who may also be minors, as victims.

Considering the above, such subspecies of forensic psychological expertise as:

a) forensic psychological examination of the ability of a minor suspect, accused to fully realise the meaning

of their actions and manage them (main questions: Is a minor able, based on the level of their mental development, individual psychological characteristics, and specific circumstances of the case (specify which ones), to fully realise the meaning of their actions and fully manage them?; Does the minor have mental disorders that are not signs of mental illness? If so, what are these signs? etc);

b) forensic psychological examination of the ability of a witness or victim to correctly perceive the circumstances that are relevant to the case and provide correct testimony about them (main questions: Can a subject, considering their emotional state, individual psychological characteristics and level of mental development, correctly (adequately) perceive the circumstances that are important in the proceedings and provide appropriate (adequate) testimony about them?; Whether and how the individual properties of the mental processes of the subject affected (indicate depending on what is essential in the proceedings: memory, attention, perception, thinking, features of emotional reactions or functioning of sensory processes: sight, smell, hearing, etc.) the adequacy of their perception of a specific situation (indicate the available signs of the situation), which is investigated in the proceedings, their reproduction in the testimony?; Does the witness (victim) have a pronounced tendency to fantasise?; Does the witness (victim) have a pronounced tendency to suggest?) [21].

In addition, despite the fact that video recordings often act as evidence in such proceedings, a forensic psychological examination of the communication activity of the person recorded in the video may also be important. This expert examination is appropriate in cases when the suspect (accused, victim, witness) refuses initial testimony, claiming that it was provided not independently, but under the psychological influence, or imitating information about the event of a crime previously reported to them by other persons (for example, operational workers, investigators, accomplices in the case, etc.). Within the framework of such an expert study, the following questions can be resolved: What are the psychological features of reproducing the situation and circumstances of events by a person (based on video recordings of investigative actions performed with the participation of this person)?; What are the psychological features of a person's communicative activity (surname, first name, patronymic) during the reproduction of certain events by them (specify which ones), during the conduct (specify the date) of an investigative action with their participation (based on the video recording of this investigative action)?; Are there any psychological qualities in a person's behaviour that are characteristic of independent,

¹Criminal Procedural Code of Ukraine. (2012, April). Retrieved from <http://zakon0.rada.gov.ua/laws/show/4651-17>.

²Order of the Ministry of Justice of Ukraine No. 53/5 "On Approval of the Instruction on Appointment and Conduct of Forensic Examinations and Expert Research and Scientific and Methodological Recommendations on Preparation and Appointment of Forensic Examinations and Expert Research". (1998, October). Retrieved from <http://zakon2.rada.gov.ua/laws/show/z0705-98>.

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

non-independent reproduction of certain events during the relevant investigative action with their participation?; Are there any signs in the video recording of the reproduction of the situation and circumstances of the events (date of the event) with the participation of the person (surname, first name, patronymic) indicating the exercise of psychological influence on them by the persons who took part in the conduct of this investigative action? etc.¹

The expert examination requires: an authentic video recording, a protocol of the relevant investigative action (it is possible to provide a properly certified photocopy). Other materials of the criminal case are not needed, since it is not the identity of the person involved in the case that is being investigated, but only their communication activities recorded in the video.

Evidently, within the framework of this paper, it is not possible to characterise all types of expert studies that can be assigned during the investigation of criminal offences related to the commission of threats or violence against a law enforcement officer. The needs of specific production make it necessary to attract specialists from various branches of expert knowledge.

Conclusions

Forensic expertise, as one of the forms of using special knowledge in legal proceedings, is an effective means of establishing the truth in criminal proceedings in the shortest possible time and in conditions of a limited amount of criminally valuable information. Considering the fact that the method of committing a threat or violence against a law enforcement officer is often accompanied by causing bodily harm, certain types of expert

study (forensic) are mandatory in accordance with the current criminal procedure legislation. Therewith, their appointment is often accompanied by problems that affect the quality of the expert examination: late appointment; incorrect questions; insufficient medical data required by the expert; failure to provide the necessary materials of criminal proceedings; incorrect determination of the appropriate type of examination, etc.

Given the fact that video recordings often act as physical evidence in the analysed proceedings, their expert study is extremely popular. Moreover, video recordings act as objects of different types of examinations: phototechnical, examination of video and sound recording, portrait, psychological, examination of the communicative activity of a person, etc.

A forensic psychological examination is unnecessarily underestimated during the investigation of threats or violence against a law enforcement officer. This type of expert study is indispensable when the persons involved in the proceedings are minors and there is a need to establish the ability to fully understand the importance of their actions and correctly perceive the circumstances that are valuable for the proceedings. In addition, this type of expert examination may be appointed in cases when the suspect (accused, victim, witness) refuses the initial testimony.

The conditions of martial law and the expansion of the arsenal of methods and tools of conducting the considered proceedings necessitate expert study, the objects of which are explosive devices and substances, traces and circumstances of the explosion, and non-kinetic weapons, grenade launchers, etc.

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Судові експертизи під час розслідування погрози або насильства щодо працівника правоохоронного органу

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Анотація

Судова експертиза як форма використання спеціальних знань є одним з найефективніших способів встановлення істини під час розслідування погрози або насильства щодо працівника правоохоронного органу, особливо з огляду на недостатній обсяг криміналістично значущої інформації в таких провадженнях, що підтверджує актуальність цього дослідження. Метою статті є встановлення видів та аналіз можливостей судових експертиз, які можуть призначати під час розслідування погрози або насильства щодо працівника правоохоронного органу. У межах дослідження застосовано комплекс наукових методів – системний, порівняльно-правовий, статистичний, бібліографічний, аналізу, синтезу, індукції та дедукції. Сформульовано цілісне уявлення про комплекс судово-експертних досліджень, які найчастіше призначають у розглядуваних провадженнях (експертиза звуко- та відеозапису, дактилоскопічна, експертиза холодної, а також вогнепальної зброї, судово-трасологічна експертиза). Доведено, що вони є обов'язковими за умови спричинення потерпілому тілесних ушкоджень (судово-медична) та можуть призначатися залежно від потреб конкретного провадження (інженерно-транспортна, фототехнічна, судово-психіатрична експертизи). Встановлено проблеми, які виникають на етапі призначення експертиз і можуть суттєво вплинути на якість експертних висновків: порушення термінів призначення експертиз, некоректне формулювання питань експертові, надання недостатньої кількості та/або низька якість матеріалів для дослідження, неправильне визначення виду експертного дослідження. Наголошено на тому, що в умовах воєнного стану, який передбачає розширення переліку способів і знарядь учинення досліджуваних кримінальних правопорушень, виникає потреба в призначенні експертних досліджень, об'єктами яких є вибухові пристрої та речовини, різні види зброї тощо

Ключові слова:

кримінальне провадження; спеціальні знання; експертне забезпечення; криміналістика