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Features Of Tactics And Fixation The Results Of A Search Carried Out With The Participation Of A Specialist

One of the procedural actions is a search, the tactics of which was and continues to be a topic discussed in the legal literature. It is axiomatic that the effectiveness of the search is determined not only by the competence and coherence of the actions of its participants but also by the expertise of the specialists involved. The purpose of the article is to elucidate the problematic moments of conducting and recording the results of the search, in which specialists took part, formulating scientifically based recommendations aimed at solving them and minimizing the negative impact. Based on the analysis of investigative and judicial practice, it was determined that typical mistakes made by investigators during a search, the participants of which are specialists of various specialties, include the following: entrusting the investigation (search) action to the involved knowledgeable persons; improper recording in the protocol of the actions taken by the specialists, etc. The importance of researching this issue and eradicating similar mistakes from investigative practice, in particular by conducting educational and scientific activities, to increase the professional competence of representatives of the prosecution, was emphasized.

Keywords: criminal proceedings, pre-trial investigation, investigative (search) action, search, specialist, tactics.

Research Problem Formulation. Search is one of the typical and, at the same time, the most complex investigative (search) actions. During the conduct of the latter, it is important to adhere to the totality of legal principles established by the current criminal procedural legislation and formed by investigative practice, as well as to correctly select and use effective tactical techniques, rationally apply forensic techniques, etc. In the meantime, it is axiomatic that the efficiency of conducting searches is to some extent ensured by the competence and correctness of the actions of the participants involved in its execution. Indeed, competent specialists, carefully selected by the investigator during the planning stage of the future investigative operation, play a significant role for the investigator or prosecutor. Currently, it is quite challenging to envision how an investigator could autonomously implement the entire spectrum of tactical tasks, the resolution of which is planned to be achieved through the execution of a search. Therefore, the involvement of experts in searches is entirely justified, although it is crucial to adhere to a set of conditions to ensure that the evidence collected is not declared inadmissible during the judicial proceedings.

Analysis of Recent Researches and Publications. Legal and tactical principles of conducting and documenting investigative (search) actions were covered by such scientists as V. I. Aliexsiechuk, N. M. Akhtyrskaya, A. F. Volobuev, V. I. Halahan, M. O. Holovetskyi I. A. Zhaldak, L. P. Kovtunenkov, V. O. Konovalova, T. P. Matiushkova, V. V. Nehrebetskyi, D. M. Piskun, O. M. Protsiuk, V. A. Sas, M. V. Saltevsykyi, M. F. Sokyran, V. M. Tertyshnyk, L. D. Udalova, S. V. Kharchenko, M. L. Tsymbal, K. O. Chaplynskyi, Yu. M. Chornous, V. Yu. Shepitko, etc.



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ОСОБЛИВОСТІ ТАКТИКИ ТА ФІКСАЦІЇ РЕЗУЛЬТАТІВ ОБШУКУ, ПРОВЕДЕНОГО ЗА УЧАСТЮ СПЕЦІАЛІСТА

Однією з процесуальних дій є обшук, тактика проведення якого була та продовжує залишатися обговорюваною в юридичній літературі темою. Аксиоматичною є теза про те, що ефективність проведення обшуку зумовлена не тільки компетентністю і злагодженістю дій його учасників, але й фаховістю залучених спеціалістів. Метою статті є з'ясування проблемних моментів проведення та фіксації результатів обшуку, участь в яких брали спеціалісти, формулювання науково обґрунтованих рекомендацій, спрямованих на їх вирішення та мінімізацію негативного впливу. На підставі аналізу слідчої практики визначено, що до типових помилок, яких допускаються слідчі під час обшуку, учасниками яких є спеціалісти різних фахів, належать такі як: доручення проведення слідчої (розшукової) дії залученим обізнаним особам; неналежна фіксація обшуку в частині внесення відомостей про залучених спеціалістів і застосовані ними техніко-криміналістичні засоби, неналежна фіксація в протоколі проведених спеціалістами дій та ін. Наголошено на важливості дослідження цієї проблематики та викорінення подібних помилок зі слідчої практики, зокрема шляхом проведення освітніх і наукових заходів, задля підвищення професійної компетентності представників сторони обвинувачення.

Ключові слова: кримінальне провадження, досудове розслідування, слідча (розшукова) дія, обшук, спеціаліст, тактика.

The theoretical, legal, and organizational foundations of conducting searches in criminal proceedings have been the subject of monographic research by C. F. Denysiuk (1999), T. O. Borets (2009), M. V. Komarova (2019), A. O. Nechval (2020). Certain aspects of the search were also studied by T. A. Abushov, A. S. Amelina, O. V. Byshevets, I. V. Hloviuk, M. A. Hryha, V. O. Husieva, S. V. Davydenko, O. V. Kaplina, O. V. Kerevech, A. I. Kuntii, V. H. Lisohor, V. V. Nazarov, H. K. Teteriatnyk, S. S. Cherniavskiy, V. M. Shevchuk, V. O. Yaremchuk, etc. Certain scientists focused on specific aspects of specialists' involvement in investigative (search) actions, including searches. This demonstrates the thoroughness of the developments by Ukrainian researchers; however, some of them were conducted in accordance with outdated legislative provisions, while others were carried out without considering contemporary challenges in investigative practice. Therefore, there is every reason to assume that this issue requires further research to continue its scientific development.

Article Purpose is to elucidate specific problematic aspects related to the conduct and documentation of search results, in which specialists participated. The goal is to formulate scientifically substantiated recommendations aimed at addressing and minimizing the negative impact of these factors on the course of subsequent pre-trial investigations.

Main Content Presentation. By its very nature, a search is a somewhat similar investigative (search) action to an inspection, and therefore the functions of the involved specialist during these procedural actions are somewhat similar, including, in particular: technical; reference; consulting; organizational and technical; information¹. When determining the profession of the involved specialists, their quantity, and tactical features of their participation in the planning and conduct stages of the future investigative (search) action, it is worth considering: 1) a type of search that will be conducted (residence or other property of a person, premises, locality, vehicle, person); 2) characteristics of the search object and search items (tools of the crime, things and valuables acquired by criminal means, as well as other items and documents that are significant for establishing the truth in the case or the hiding criminal); 3) a subject at whose place the search is conducted; 4) a purpose of the search; 5) which specialist should be invited; 6) a decision on the need to invite several specialists to conduct the search; 7) situation in which the search will be conducted (depending on the available materials of the criminal proceedings); 8) whether it will be an additional, repeated research; 9) a need to involve a specialist in conducting a tactical operation, such as a "group search", and so on².

During the planning of a future search, it is important to take into account the fact that certain aspects will be clarified only after the start of the investigative (search) action, so one will have to orient on-site: how and in what way to organize the further course of this measure. However, the prevailing majority can still be resolved and anticipated in advance, so careful planning of the search is important.

The involvement of a specialist in the planning stage of a search may involve providing consultative and reference assistance to the investigator. As an example, during consultation, a specialist can help the investigator decide whether there is a need for the application of specific expertise or if it is impractical to do so during the search. As V. O. Yaremchuk rightly notes, at the planning stage, the investigator determines the form of future assistance from the specialist, which will be provided during the operational stage of the search, specifying the type of institution, enterprise, organization, and the number of specialists who will be involved in the procedural action.

¹ Вуйма А. Г. Використання спеціальних знань під час розслідування вбивства : дис. ... докт. філософії: 081 Право. Харків, 2023. С. 144.

² Яремчук В. О. Організаційні засади участі спеціаліста у проведенні обшуку. *Теорія і практика правознавства*. 2016. Т. 2. №10. С. 2.



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FEATURES OF TACTICS AND FIXATION THE RESULTS OF A SEARCH CARRIED OUT WITH THE PARTICIPATION OF A SPECIALIST

Similar consultations with a specialist may also relate to: peculiarities of the preparation and manufacture of tools and equipment that are advisable to use; timing and deadlines for conducting investigative (search) actions; investigative hypotheses and determination of algorithms for implementing complex measures; features of assessing found items or traces that may subsequently be recognized as evidence and formed materials of criminal proceedings; other features of organizing the procedural action, etc.³.

During the consultation stage, the specialist will help clarify for the investigator whether it will be possible to conduct a preliminary investigation of the objects planned to be searched during the search; the scope of work planned and the time frame within which the involved expert can perform them; whether the specialist will need assistance from experts in other fields, and so on. Timely receipt of consultative assistance from a specialist is important to ensure that at the time of the investigative (search) action, it does not turn into actual consultation of the investigator on the spot.

In the context of our research, it is worth noting that searches are generally typical and most effective in certain categories of investigations, including those initiated in connection with the illegal trafficking of weapons, narcotics, psychotropic substances, their analogs, and precursors, as well as the commission of criminal offenses in the field of economic activity. Therefore, we consider it necessary to focus on the peculiarities of specialists' involvement in searches conducted in this category of investigations. This is important, taking into account the contemporary realities in which Ukraine undergoes political, and socio-economic development.

Thus, based on the prolonged active hostilities due to the armed aggression of the Russian Federation, theorists and practitioners predict an increase in the number of criminal weapons both among the civilian population and criminal groups. There have already been cases where law enforcement officers, during authorized searches, confiscated a significant amount of various weapons even in territories that were not temporarily occupied. However, it is not only the number of such facts that is striking but also the scale of illegal activities. One such situation is a recent incident in the Dnipropetrovsk region, where almost 100 police officers, as a result of a series of actions, including searches, "seized an arsenal of weapons, ammunition, and explosive substances, namely: 21 pistols, 7 submachine guns, 14 shotguns, 5 rifles, 10 Kalashnikov assault rifles, about 25 thousand rounds of various calibers and packaging, 36 anti-tank grenade launchers, 76 grenades, smoke grenades, and other material evidence. In addition, significant amounts of money were seized from the criminals: 5.7 million dollars, almost 50 thousand euros, over 700 thousand hryvnias, as well as five premium-class cars"⁴. In connection with this, it is important to note the specific nature of searches related to the discovery of firearms, ammunition, explosive substances, and explosive devices.

The rational and deliberate determination of tactical search tasks will allow the investigator to identify the specialists whose expertise is advisable to be involved in the process. In this regard, it is relevant to indicate that the purpose of the investigative search in criminal proceedings related to the investigation of illegal circulation of firearms and ammunition is to: obtain initial information for formulating investigative hypotheses about the origin of weapons and ammunition, methods of their transportation and storage, individuals who committed a criminal offense; identify traces of individuals involved in the illegal circulation of firearms and ammunition; record and seize the discovered weapons and other objects; clarify the circumstances of

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Key words: criminal proceedings, pre-trial investigation, investigative (search) action, search, specialist, tactics.

³ Яремчук В. О. Участь спеціаліста при плануванні розслідування злочину. Теорія та практика судової експертизи і криміналістики. 2017. Вип. 17. С. 102, 105-106.

⁴ Схрон зброї та майже 6 мільйонів доларів готівкою: у Дніпрі затримано організоване злочинне угруповання. Головне Управління Національної поліції в Дніпропетровській області. URL: <https://dp.npu.gov.ua/news/skhron-zbroi-ta-maizhe-6-milioniv-dolariv-hotivkoiu-u-dnipri-zatrimano-orhanizovane-zlochynne-uhrupovannia>

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**BESONDERHEITEN
DER TAKTIK UND
DOKUMENTATION DER
ERGEBNISSE EINER
DURCHSUCHUNG MIT
BETEILIGUNG EINES
SACHVERSTÄNDIGEN**

Eine der wichtigsten verfahrensrechtlichen Maßnahmen ist die Durchsuchung, deren Ziel die Auffindung und Beschlagnahme von Gegenständen und Dokumenten ist, die für ein Strafverfahren von Bedeutung sind. Die Effektivität der Durchführung einer Durchsuchung hängt in hohem Maße von der Taktik ihrer Durchführung ab, die in Abstimmung mit einem Sachverständigen erfolgen sollte.

Dieser Artikel untersucht die problematischen Aspekte der Durchführung und Dokumentation der Ergebnisse einer Durchsuchung, an der Sachverständige beteiligt waren, und formuliert wissenschaftlich fundierte Empfehlungen zur Lösung dieser Probleme und zur Minimierung ihres negativen Einflusses.

Basierend auf der Analyse der Ermittlungs- und Gerichtspraxis können folgende typische Fehler identifiziert werden, die von den Ermittlungsbehörden bei der Durchführung einer Durchsuchung mit Beteiligung eines Sachverständigen begangen werden:

Anvertrauen der Durchführung einer verfahrensrechtlichen Maßnahme einer sachkundigen Person.

Unzureichende Dokumentation der Durchsuchung in Bezug auf die Aufnahme von Angaben zu den beteiligten Sachverständigen und den von ihnen eingesetzten forensisch-technischen Mitteln.

Unzureichende Dokumentation der von Sachverständigen durchgeführten Maßnahmen im Protokoll. Um diese Fehler zu beheben, ist es erforderlich, die Einhaltung folgender Anforderungen sicherzustellen: Die Durchsuchung darf nur auf Ersuchen eines Staatsanwalts oder eines Ermittlers durchgeführt werden.

Das Protokoll über die Durchsuchung muss Angaben zu den Personen enthalten, die die Durchsuchung durchgeführt haben, einschließlich Sachverständigen.

Das Protokoll über die Durchsuchung muss eine Beschreibung der

committing a criminal offense; obtain data about individuals who may provide information about the circumstances of committing a criminal offense; clarify the circumstances that contributed to the commission of crimes, and so on⁵.

Searches conducted to find weapons require the involvement of specialists, among whom competent experts, especially those with skills in the use of a variety of forensic techniques, must be present. These searches are prolonged, complex, can occur in conflict situations, and involve the execution of a significant number of tasks. Moreover, searches related to locating and seizing weapons can be dangerous to the life and health of participants in investigative (search) actions, necessitating adherence to safety measures. It also requires individuals conducting the searches to have specific expertise and skills in handling weapons. In particular, as emphasized in legal literature, when receiving information about storing firearms or ammunition in a specially equipped hiding place, it is necessary to take into account the fact that it may be booby-trapped. Therefore, it is advisable to involve explosive experts and specialists in ballistics in its search⁶. The latter can assist in providing a qualified description of the discovered items, their disarming, identification, and recording of marking signs, determining the presence of any damage to weapons, ammunition, explosive devices, the absence of components, the packaging of seized objects, etc.

The conduct of searches in criminal proceedings related to the illegal trafficking of narcotic substances, psychotropic substances, their analogs, and precursors should also be carried out with the participation of specialists in the fields of chemistry, biology, pharmacy, and so on. An involved specialist can contribute to solving the same tasks as during a search, particularly in the description of discovered objects, their characteristics, packaging, etc., especially when weapons are among the search objects. For example, in the context of the planting or cultivation of opium poppy or hemp (Article 310 of the Criminal Code of Ukraine), it is crucial to properly select from among the identified plants those that are of investigative interest and to duly confiscate them. This is important for further ensuring the fulfillment of tasks that will be assigned to a forensic biologist during forensic biological examination.

A specialist in the field of chemistry can also indicate to the investigator the need to seize certain items that may have been used as equipment or tools for the synthesis of chemical substances, as well as the packaging of finished narcotic substances, psychotropic substances, etc. Additionally, they can assist the investigator in locating and identifying the components used in the makeshift production of substances and products that have been withdrawn from circulation. The involved specialists can assist in detecting drugs and their traces, resolving questions regarding the classification of drugs, and identifying pharmaceuticals, powders, liquids, and other substances that have been discovered⁷.

During searches in criminal proceedings, there may be a need to involve specialists such as economists or accountants in their respective fields, experts in the field of computer technology and computer equipment, and so on. The latter ones, during the search, mostly provide advisory assistance in resolving questions regarding the advisability of seizing certain documents, computer equipment, etc.

The involvement of specialists in searches, especially those involving the seizure of computer data, is particularly important. This is especially true since in some cases, it may be impossible to seize the carriers of

⁵ Коваленко В. В. Організація й тактика огляду вогнепальної зброї та боєприпасів на місці їх виявлення. Вісник Луганського державного університету внутрішніх справ імені Е.О. Дідоренка. 2017. № 1. С. 191-192.

⁶ Там само.

⁷ Косміна Н. М. Використання спеціальних знань при розслідуванні злочинів, пов'язаних з незаконним обігом наркотиків : дис. ... канд. юрид. наук: 12.00.09. Харків, 2010. С. 71-80.



computer information. This also refers to situations where an investigator discovers computer data, systems, mobile terminals, etc., after the search has already begun. In the motion for the search warrant, and consequently, in the order, these items may not have been specified. However, there are grounds to believe that they are directly related to the criminal offense and the circumstances that require clarification. In this regard, we consider it appropriate to introduce a legislative novelty to grant the investigator the right to search, detect and record computer data contained thereon at the place of search⁸. Moreover, according to Part 6 of Article 236 of the Criminal Procedure Code of Ukraine, "persons who have information about the content of computer data and the peculiarities of the functioning of computer systems or their parts, mobile terminals of communication systems may inform the investigator, prosecutor during the search, and the information shall be entered into the search report"⁹. In addition, the radical seizure of computer equipment may lead to further claims from individuals such as owners or managers of enterprises, institutions, and organizations. All of this underscores the importance of involving specialists to make copies of computer data during a search. This is especially crucial given the possibility of multiple instances of copying and, in some cases, even the retrieval of deleted information¹⁰.

Regarding errors made by investigators during the conduct of searches involving specialists, here it is necessary to emphasize the need for the correct tactical conduct of this investigative (search) action. As evidenced by our analysis of materials from criminal proceedings, self-exclusion from searching is among the typical mistakes of the investigator. This refers to investigators assigning the performance of certain actions, particularly in locating search objects, to engaged specialists or even present employees of operational units. Sometimes, the latter carry out these actions in the absence of the investigator and without clear instructions, for example, in adjacent premises. In such cases, the court deems the compiled protocol, and thus the seized objects, inadmissible evidence. Subsequently, the defendant in such a case was acquitted¹¹.

Ensuring proper documentation of a search is crucial. Currently, an investigator or prosecutor must use video recording during its conduct. Based on the analysis of materials from criminal proceedings, it is worth emphasizing the importance of documenting the search before entering a person's residence or other property. For example, in case No. 387/324/18, which was considered by the Dobrovelychkivskiy District Court of Kirovohrad Oblast, video recording of the search began after the participants of the investigative (search) action and the personnel of "Kord" special unit were already in the corridor where later a grenade with a detonator was found. In addition, video recording during both searches was done on the personal mobile phone of the operational officer, and at the time of the court hearing, the original copy of the technical carrier of the recorded procedural actions was not preserved, indicating a violation of Part 3 of Article 107 of the Criminal Procedure Code of Ukraine. This has led to both searches conducted in the criminal proceedings, including compiled protocols and seized objects,

Durchführung der bei der Durchsuchung durchgeführten Maßnahmen enthalten, einschließlich der Beteiligung eines Sachverständigen. Die Untersuchung der problematischen Aspekte der Durchführung und Dokumentation der Ergebnisse einer Durchsuchung mit Beteiligung eines Sachverständigen hat gezeigt, dass es derzeit eine Reihe von Mängeln in der Ermittlungspraxis gibt. Um diese zu beheben, ist es erforderlich, die Einhaltung der Anforderungen der StPO Ukraine sicherzustellen und Mitarbeitern der Strafverfolgungsbehörden die Taktik der Durchführung einer Durchsuchung mit Beteiligung eines Sachverständigen zu vermitteln.

Schlüsselwörter: Strafverfahren, Vorverfahren, verfahrensrechtliche Maßnahme, Durchsuchung, Sachverständiger, Taktik.

⁸ Кримінальний процесуальний кодекс України : Закон України від 13.04.2012 № 4651-VI // База даних (БД) «Законодавство України» / Верховна Рада України. URL: <http://zakon.rada.gov.ua/laws/show/-4651-17>

⁹ Там само.

¹⁰ Охріменко С. С. Залучення слідчим спеціалістів під час розслідування комп'ютерних злочинів // Актуальні проблеми досудового розслідування : матеріали міжвідомчої наук.-практ. конф. (м. Київ, 5 липн. 2017 р.). Київ : Нац. акад.. внутр.. справ, 2017. С. 178-182.

¹¹ Вирок Зарічанського районного суду м. Суми по справі від 22.02.2019 р., у справі № 591/4742/16-к // Єдиний державний реєстр судових рішень: офіц. сайт. URL: <https://reyestr.court.gov.ua/Review/80042046>

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**PARTICULARITES
DES TACTIQUES ET
ENREGISTREMENT DES
RESULTATS DE RECHERCHE
REALISES AVEC LA
PARTICIPATION D'UN
SPECIALISTE**

L'une des actions procédurales est une perquisition, dont la tactique a été et continue d'être un sujet discuté dans la littérature juridique. Il va de soi que l'efficacité de la recherche est déterminée non seulement par la compétence et la cohérence des actions de ses participants, mais également par l'expertise des spécialistes impliqués. Le but de l'article est d'élucider les moments problématiques de la conduite et de l'enregistrement des résultats de la recherche, à laquelle des spécialistes ont participé, en formulant des recommandations scientifiquement fondées visant à les résoudre et à minimiser l'impact négatif. Sur la base de l'analyse de la pratique d'enquête et judiciaire, il a été déterminé que les erreurs typiques commises par les enquêteurs lors d'une perquisition, dont les participants sont des spécialistes de diverses spécialités, sont les suivantes : confier l'action d'enquête (perquisition) aux personnes bien informées impliquées ; enregistrement inapproprié de la recherche dans le cadre de la saisie des informations sur les spécialistes impliqués et les moyens techniques et médico-légaux utilisés par ceux-ci, enregistrement inapproprié dans le protocole des actions entreprises par les spécialistes, etc. L'importance d'étudier cette question et d'éradiquer des erreurs similaires dans la pratique des enquêtes, notamment en menant des activités éducatives et scientifiques, afin d'accroître la compétence professionnelle des représentants du ministère public, a été soulignée.

Mots-clés : procédure pénale, enquête préalable au procès, action d'enquête (recherche), perquisition, spécialiste, tactique.

being deemed inadmissible evidence, as they were obtained as a result of a significant violation of human rights and freedoms¹².

The application of technical means of fixation is also important, which can qualitatively transmit video images and sound, as well as those that have the ability for prolonged fixation of the procedural action. Information about all applied forensic-technical means must be mandatory and included in the text of the protocol. The absence of information about all technical means of fixation used during the procedural action, along with the corresponding information carriers, their characteristics; information about all persons involved in the conduct of the procedural action, including the person who carried out the video recording, and their procedural status; as well as information about technical malfunctions or other reasons for interrupting the video recording of the search, are violations of the requirements of Article 104 of the Criminal Procedure Code of Ukraine and, therefore, may be grounds for declaring the drawn-up protocol inadmissible¹³. These are just some of the mistakes made by investigators. In our opinion, all of them could have been avoided with timely involvement of specialists, particularly in the field of forensic science, especially considering that in all police departments, there is currently a position of a forensic inspector.

Conclusions. Search is one of the most effective actions in criminal proceedings related to the illegal trafficking of weapons, narcotics, psychotropic substances, their analogs, precursors, as well as criminal offenses in the field of economic activity, etc. It allows for the seizure and documentation of objects and other circumstances that require identification and investigation during the investigation.

Involved specialists play a crucial role in planning and conducting searches, providing not only technical assistance but also performing reference, advisory, organizational-technical, and informational functions.

Depending on the circumstances of the case, the specialty and number of specialists who will participate in the searches are determined. At the same time, as the analysis of investigative and judicial practice shows, the assistance of a forensic inspector should not be neglected, who may be entrusted, in particular, with a video recording of the search, which is mandatory.

Among typical mistakes made by investigators during searches involving specialists of various professions, we highlight the following: assigning the conduct of investigative (search) actions to informed individuals; improper documentation of the search, including recording information about involved specialists and the forensic tools they use; inadequate documentation in the protocol of actions performed by specialists, etc. All of this typically leads to the recognition of conducted searches, including drawn-up protocols and seized objects, as inadmissible evidence. Subsequently, in accordance with the "Fruit of the Poisonous Tree" doctrine, articulated, for example, in the decision of the European Court of Human Rights in the case of "Gäfgen v. Germany", it results in the exclusion of other evidence gathered based on them, including expert opinions, and so forth. In general, such negative legal practice formed through the mentioned mistakes of investigators hinders the fulfillment of tasks in criminal proceedings and the functions of criminal law. Recognizing the importance of its eradication, we consider it appropriate to emphasize that it requires further in-depth and comprehensive research to

¹² Вирок Добровеличківського районного суду Кіровоградської області від 11.06.2019 р., у справі 387/324/18 // Єдиний державний реєстр судових рішень: офіц. сайт. URL: <https://reyestr.court.gov.ua/Review/82363877>

¹³ Вирок Люботинського міського суду Харківської області від 14.05.2019, у справі №630/530/18 // Єдиний державний реєстр судових рішень: офіц. сайт. URL: <https://reyestr.court.gov.ua/Review/81719957>

formulate scientifically grounded recommendations and their implementation to enhance the professional competence of the prosecution representatives.

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CECHY TAKTYKI I USTAWIENIE WYNIKÓW PRZESZUKIWANIA PRZEPROWADZONEGO Z UDZIAŁEM SPECJALISTY

Jedną z czynności procesowych jest rewizja, której taktyka była i jest tematem poruszonym w literaturze prawniczej. Aksjomatycznym jest, że o efektywności poszukiwań decydują nie tylko kompetencje i spójność działań jej uczestników, ale także wiedza specjalistyczna zaangażowanych w nie specjalistów. Celem artykułu jest naświetlenie problematycznych momentów prowadzenia i rejestrowania wyników poszukiwań, w których brali udział specjaliści, formułowanie opartych na naukowych podstawach rekomendacji mających na celu ich rozwiązanie i minimalizację negatywnego wpływu. Na podstawie analizy praktyki śledczej i sądowej ustalono, że typowymi błędami popełnianymi przez śledczych podczas przeszukań, których uczestnikami są specjaliści różnych specjalności, są: powierzenie czynności dochodzeniowo-śledczych (przeszukań) zaangażowanym osobom znającym się na rzeczy; nieprawidłowy zapis przeszukania w części wpisania informacji o zaangażowanych specjalistach oraz stosowanych przez nich środkach technicznych i kryminalistycznych, nieprawidłowy zapis w protokole czynności podjętych przez specjalistów itp. Podkreślono wagę badania tego zagadnienia i eliminowania podobnych błędów z praktyki śledczej, w szczególności poprzez prowadzenie działalności edukacyjno-naukowej, dla podnoszenia kompetencji zawodowych przedstawicieli prokuratury.

Słowa kluczowe: postępowanie karne, dochodzenie przygotowawcze, akcja dochodzeniowa (poszukiwawcza), przeszukiwanie, specjalista, taktyka.