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Forensic Profile of a Person Who Interfered with a Government Authority Representative

In the course of criminal offense investigation, information about a person who has committed it is subject to proof. In the forensic doctrine, a separate element of forensic profile summarizes this information: "an offender's identity". Based on generalizing theoretical approaches to the investigation of an offender's identity, the position is well-founded that certain signs associated with certain types of crime can be prioritized for investigation and theoretical study, while other groups of crimes and offenses will become less important. The Article Purpose is due to the lack of theoretical developments on the forensic profile of a person who interferes with a government authority representative. Stemming from the results of empirical material analysis, it has been pointed out that typical characteristics of an offender who interferes with a government authority representative are as follows: undertrial male (92%), citizen of Ukraine (99%), with secondary vocational education (39%), with no previous convictions (77%), who had experience of working with government authorities in the past and therefore, knowing their methods of operation, tries to carry out a series of unlawful actions in order to achieve his own self-serving goals.

Keywords: criminal offense, interference, government authority representative, offender's identity, forensic profile.

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Research Problem Formulation. A prerequisite for developing efficient recommendations on the investigation of criminal offenses is an in-depth analysis of empirical material, specifically investigative and judicial practice. Synthesized data on the key elements of the criminal offense mechanism form the basis of a forensic profile, which subsequently serves as the information foundation for developing other elements of forensic methodology.

One of the crucial elements of a forensic profile related to any criminal offense is the offender's identity. As P. S. Matyshevskyi accurately observed, the offender's identity concept should be viewed as a whole spectrum of socially important qualities, which include: personal qualities, certain connections of this person and peculiarities of developing ties between him/her and others, some properties of moral and psychological realm of a person, personality traits, as well as his/her life attitudes [1]. It is important that this definition corresponds to the current doctrine of criminal law.

For example, as for the forensic understanding of the offender's identity concept, M. V. Saltevskyi proposed to define it as a system of socio-biological traits (physical, biological, and social) reflected in the material environment. It is crucial for supporting crime investigation [2]. Subsequently, scholars repeatedly developed approaches to understanding the central category of our

[1] Матишевський П. С. Кримінальне право України [Criminal Law of Ukraine]. Загальна частина: [підручник]. Київ : Юрінком Інтер, 2000. С. 50.

[2] Салтевський М. В. Навчально-довідковий посібник з криміналістики [Handbook on Criminalistics]. Київ : ВІПОЛ, 1994. С. 112.

study. Currently, it is often interpreted as ‘a set of socially important qualities and relations characterizing a person guilty of violating a criminal law, in combination with other conditions and circumstances that shape his or her criminal behavior” [3].

Such a leading role is assigned to this component of a forensic profile due to the fact that it is the one with the greatest number of correlations with other elements of a forensic profile. In this regard, the conclusion of Yu. M. Chornous and T. I. Synoverska is absolutely logical, it says that “if the method characterizes a person who has committed a crime, then certain characteristics of an offender can disclose the reason for choosing a certain method of committing a crime” [4].

Within the framework of examining a group of criminal offenses related to interference with government authority representatives, developing practical recommendations for investigating this type of socially dangerous acts, emphasis should be made not only on the offender’s identity, but also on the motives and goals that guided him/her when he/she unlawfully influenced government authorities, interfered with judicial authorities or members of the election commission, or obstructed law enforcement agencies in the performance of their official duties.

Analysis of Essential Research and Publications. The essence, structure, theoretical, and practical value of the forensic profile of criminal offenses have been the subject of multiple studies. Such scientists as V. P. Bakhin, A. F. Volobuiev, V. I. Halahan, V. O. Husieva, V. A. Zhuravel, V. V. Kovalenko, I. I. Kohutych, V. O. Konovalova, V. V. Korniienko, A. V. Kofanov, O. V. Oderii, O. V. Pchelina, I. V. Pyrih, M. V. Saltevskyi, O. S. Sainchyn, O. A. Samoilenko, M. Ya. Sehai, R. L. Stepaniuk, V. V. Tishchenko, V. V. Topchii, O. V. Fedosova, K. O. Chaplynskyi, S. S. Cherniavskyi, Yu. M. Chornous, V. M. Shevchuk, V. Yu. Shepitko at el. have substantially contributed to this forensic doctrine. At the same time, there were not any significant scientific achievements in the field of forensic profile of a person who interfered with government authority representatives, because most of these crimes still remain outside the focus of researchers.

Article Purpose. To identify specific traits inherent in a person who interferes with government authority representatives.

Main Content Presentation. Criminal offences involving interference with government authority representatives include unlawful conduct consisting in unlawfully influencing and obstructing the professional activities of law enforcement agencies, statesmen and stateswomen, members of electoral or referendum commissions and judicial authorities. The common factor of these offenses is that, by committing each of them, a person intends to persuade the victim, who is authorized to fulfil the state’s priority functions, to make illegal decisions or to impede decisions that are necessary and legal in the current situation. In this context, the offender’s identity

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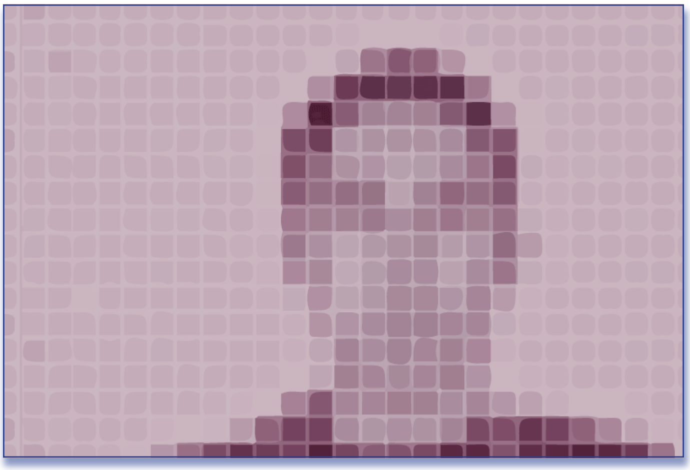
КРИМІНАЛІСТИЧНА ХАРАКТЕРИСТИКА ОСОБИ, ЯКА ЗДІЙСНИЛА ВТРУЧАННЯ У ДІЯЛЬНІСТЬ ПРЕДСТАВНИКА ОРГАНУ ДЕРЖАВНОЇ ВЛАДИ

Під час розслідування кримінального правопорушення доказуванню підлягають відомості про особу, яка його вчинила. У криміналістичному вченні такі відомості об’єднанні в окремому елементі криміналістичної характеристики – «особі злочинця». На підставі узагальнення теоретичних підходів до дослідження особи злочинця, нами обґрунтовано позицію, що деякі ознаки в контексті окремих видів кримінальних правопорушень можуть набувати пріоритизованого значення для розслідування та їх теоретичного вивчення, а в інших групах злочинів і кримінальних проступків – втрачатимуть таке значення. З огляду на відсутність теоретичних розробок, присвячених криміналістичній характеристиці особи, яка вчиняє втручання у діяльність представників органу державної влади, саме таке завдання покладено в мету статті. За результатами аналізу емпіричного матеріалу визначено, що типова характеристика особи злочинця, який вчиняє втручання у діяльність представників органів державної влади є такою: фізична осудна особа чоловічої статі (92%), громадянин України (99%), який має середньо-спеціальну освіту (39 %), раніше не суди-



[3] Чаплинська Ю. А. Особа злочинця як елемент криміналістичної характеристики злочинів [The Identity of the Offender as an Element of the Forensic Characteristic of the Crime]. *Актуальні проблеми вітчизняної юриспруденції*. 2019. №. 6. С. 183.

[4] Чорноус Ю. Криміналістична методика розслідування жорстокого поводження з тваринами [Forensic Methodology for Investigating Cruelty to Animals] : монографія / Юлія Чорноус, Тетяна Синоверська ; М-во внутр. справ України, Нац. акад. внутр. справ. Київ : Право, 2022. С. 69-70.

мий (77 %), який у минулому мав досвід роботи в органах державної влади, а тому усвідомлюючи методи їх діяльності намагається реалізувати комплекс незаконних дій для реалізації власної корисливої мети.

Ключові слова: кримінальне правопорушення, втручання, орган державної влади, особа злочинця, криміналістична характеристика.

V. Popov

FORENSISCHE CHARAKTERISIERUNG EINER PERSON, DIE DIE TÄTIGKEIT EINES VERTRETERS EINER ÖFFENTLICHEN BEHÖRDE BEEINTRÄCHTIGT HAT

Bei der vorgerichtlichen Untersuchung einer Straftat sind Informationen über die Person, die die Straftat begangen hat, Gegenstand von Beweismitteln. In der forensischen Wissenschaft werden diese Informationen zu einem separaten Element der forensischen Charakterisierung - der „Persönlichkeit des Täters“ - zusammengefasst. Ausgehend von einer Verallgemeinerung der theoretischen Ansätze zur Untersuchung der Täterpersönlichkeit begründet der Autor den Standpunkt, dass bestimmte Merkmale im Zusammenhang mit bestimmten Arten von Straftaten vorrangig untersucht und theoretisch erforscht werden können, während sie bei anderen Gruppen von Straftaten und Delikten an Bedeutung verlieren. In Anbetracht des Mangels an theoretischen Studien über die forensischen Merkmale einer Person, die die Tätigkeit von Beamten stört, ist

is a particularly important element for scientific cognition. Prior to specification of traits that are crucial for developing the offender's forensic profile, we should refer to those stipulated in the modern doctrine of criminal law for the possibility of bringing a person to criminal liability for interference with public authority representatives.

Reviewing the criminal law profiles of criminal offenses set forth in Part 4 of Art. 157, Arts. 343, 344, 376 of the Criminal Code of Ukraine, we can state that in all of these cases, the offender's status can be acquired by the undertrial who has reached the age of criminal liability, that is, 16 years.

We can assert that criminalists, taking into account peculiarities of the criminal law profile of the offender, supplement the category of forensic profile 'offender's identity' with a number of other traits, and even individual groups characterizing information. For a long time, the approach according to which the offender's profile contained information of a demographic nature, moral qualities of a person, and his/her psychological properties remained generally accepted[5]. Now researchers are also pointing to the physiological characteristics of the offender[6], a group of moral qualities[7], etc.

From our perspective, when elucidating a group of criteria inherent in an offender, one should not set oneself the goal of approaching their differentiation in as much detail as possible and carrying out an in-depth analysis of each of the isolated groups. This is primarily due to the fact that criminalistics studies crime not as a social phenomenon, and therefore a person who has committed a criminal offense is not an object of sociological research. Especially since criminology studies the offender's identity in the context of determining his/her socio-demographic, social-role, and moral-psychological characteristics.

In our view, when establishing the criteria that must be taken into account during the investigation of the offender's identity, one should be guided predominately by the provisions of the criminal procedural legislation. Determinant in this context are the legal rules of Art. 91 of the Criminal Procedure Code of Ukraine specifying the list of circumstances that must be proven. They believe these are:

- "degree of guilt of the accused in the commission of criminal offense, form of guilt, motive and purpose of the criminal offense";
- "circumstances which aggravate, mitigate the committed criminal offense, characterize the accused's identity, increase or commute punishment, preclude criminal liability or shall be grounds for terminating criminal proceedings"[8].

[5] Шепітько В. Ю. Криміналістика [Criminalistics] : курс лекцій. 2-е вид., перероб. і доп. Харків : Одіссей, 2005. С. 258.

[6] Гагач В. Криміналістичні та психологічні особливості особи, яка вчиняє кримінальні правопорушення у сфері господарської діяльності, пов'язані з підробкою документів [Forensic and Psychological Features of a Person who Commits Criminal Offenses in the Field of Economic Activity Related to Forgery of Documents]. *Юридична психологія*. 2024. № 1(34). С. 54-64.

[7] Дишльова А. О. Особа правопорушника як елемент криміналістичної характеристики кримінальних правопорушень, пов'язаних із незаконним набуттям права на землю державної або комунальної власності [The Offender's Identity as an Element in the Forensic Profile of Criminal Offenses Related to the Illegal Acquisition of Rights to State or Communal Land]. *Вісник Луганського навчально-наукового інституту імені Е. О. Дідоренка*. 2024. Т. 1. №. 2. С. 144-155.

[8] Кримінальний процесуальний кодекс України : Закон України від 13.04.2012 № 4651-VI. Верховна

It should also be borne in mind that the content of a written notice of suspicion includes "personal data of a person (last name, name, patronymic, date and place of birth, place of residence, citizenship) who is notified of suspicion" [9]. The same information is subject to mandatory disclosure in the indictment (clause 2, Part 2, Article 291 of the Criminal Procedure Code of Ukraine). It is this information that is subject to mandatory disclosure in criminal proceedings, and therefore it can be disclosed objectively when finding out typical traits of the offender's identity in any category of cases. Information on the suspect's command of the language of the criminal proceedings must also be clarified. This affects procedural peculiarities of proceedings, as well as the tactics of conducting procedural actions with his/her participation. The status of a lawyer, Member of Parliament of Ukraine, local council deputy, candidate for the office of the President of Ukraine, Ukrainian Parliament Commissioner for Human Rights, Chairman, other member of the Accounting Chamber, Prosecutor General, his Deputy, the Prosecutor of the Specialised Anti-Corruption Prosecutor's Office, Director and officials of the National Anti-Corruption Bureau of Ukraine, Chairman of the National Agency for the Prevention of Corruption may also be a decisive factor in determining the form of criminal procedure in which the proceedings are to be conducted (Art. 480 of the Criminal Procedure Code of Ukraine). In view of the fact that the group we are investigating interfered with a statesman, these characteristics can often become immanent traits of an offender's identity.

It is additionally required to refer to the list of circumstances mitigating punishment (Article 66 of the Criminal Code of Ukraine), as they are of paramount importance in the context of providing objective justice. Thus, it is necessary to ensure their clarification during investigation. Therefore, circumstances defined in the criminal procedural law as characterizing the offender's (accused's) identity, in our opinion, can be defined as mandatory components of the offender's identity profile.

Accordingly, in terms of clarifying the peculiarities of the forensic profile of an offender who has committed a criminal offense, we emphasize the importance of taking into account the criminal procedure law provisions. With this in mind, we believe that we cannot ignore the fact that circumstances characterizing the identity of a suspect or an accused are subject to independent study in the criminal procedure theory. Synthesizing the approaches of A. V. Duda and R. P. Chicha, who comprehensively studied this issue, we can say that, in essence, the authors refer to the following points:

- personal profile data and data of social and household nature or socio-demographic information, i.e. questionnaire data (last, first name, patronymic); date and place of birth; citizenship; nationality; education; marital status (family composition and relationships within it); place of registration and place of actual residence; lifestyle and living conditions; financial situation; place of employment (study), seniority, position, attitude to work and study,

Рада України: офіційний веб-портал. URL: http://zakon.rada.gov.ua/laws/show/-4651-17

9 Там само.

dies der Zweck dieses Artikels. Auf der Grundlage der Ergebnisse der Analyse des empirischen Materials wurde festgestellt, dass die typischen Merkmale eines Straftäters, der die Tätigkeit von Vertretern öffentlicher Behörden stört, folgende sind: männlich, natürliche Person mit gesundem Verstand (92 %), Bürger der Ukraine (99 %), mit Sekundar- oder Fachausbildung (39 %), ohne Vorstrafen (77 %), der in der Vergangenheit Erfahrungen mit der Arbeit in öffentlichen Behörden gesammelt hat und daher, da er sich ihrer Arbeitsmethoden bewusst ist, versucht, eine Reihe von illegalen Handlungen durchzuführen, um seine eigenen egoistischen Ziele zu erreichen.

Schlüsselwörter: Kriminalität, Einmischung, öffentliche Behörde, Persönlichkeit des Täters, forensische Merkmale.

V. Popov

CARACTÉRISATION MÉDICO-LÉGALE D'UNE PERSONNE AYANT INTERFÉRÉ AVEC LES ACTIVITÉS D'UN REPRÉSENTANT D'UNE AUTORITÉ PUBLIQUE

Au cours de l'enquête préliminaire sur un crime, les informations sur la personne qui a commis le crime font l'objet d'éléments de preuve. En médecine légale, ces informations sont regroupées dans un élément distinct de la caractérisation médico-légale - la « personnalité de l'auteur ». Sur la base d'une généralisation des approches théoriques de l'étude de la personnalité de l'auteur, l'auteur justifie la position selon laquelle certaines caractéristiques dans le contexte de certains types de crimes

peuvent être prioritaires pour l'enquête et leur étude théorique, tandis que dans d'autres groupes de crimes et d'infractions pénales - elles perdront de leur importance. Étant donné l'absence d'études théoriques sur les caractéristiques médico-légales d'une personne qui perturbe l'action de fonctionnaires, c'est l'objet de cet article. Sur la base des résultats de l'analyse du matériel empirique, il a été établi que les caractéristiques typiques d'un criminel qui interfère avec les activités des représentants des autorités publiques sont les suivantes : homme, personne physique saine d'esprit (92%), citoyen de l'Ukraine (99%), avec une éducation secondaire ou spécialisée (39%), sans casier judiciaire (77%), qui dans le passé a eu l'expérience de travailler dans les autorités publiques, et donc, étant conscient de leurs méthodes de fonctionnement, tente de mettre en œuvre un ensemble d'actions illégales pour atteindre ses propres objectifs égoïstes.

Mots clés : crime, ingérence, autorité publique, personnalité de l'auteur, caractéristiques médico-légales.

type of occupation and place of leisure (profile of the specified locations);

- information on the presence of a criminal record (including cancelled and revoked), administrative penalties, etc.;
- information about temperament, character, behavior, emotional and volitional and individual psychological qualities, relationship and attitude to the victim (other participants in the process), attitude to a crime and its consequences;
- data on the state of physical and psychological health, overall development of the accused [10].

From the viewpoint of criminalists' approaches, V. O. Husieva, when establishing circumstances to be clarified during the investigation of criminal offenses involving interference with law enforcement, stressed that in the context of the offender's identity, the following are socio-demographic data, personal and professional qualities, peculiarities of physiological and psychological state, information on previous criminal experience and facts of bringing to administrative responsibility, financial status, place of employment, financial standing, dependent children or other dependants, form of guilt, purpose and motive of interference (which presupposes preventing a law enforcement agency from fulfilling his/her official duties or forcing him to draw illegal decisions, making it impossible to prevent a criminal offense or arrest the person who has committed it); circumstances aggravating or mitigating the offender's punishment are grounds for exemption from criminal liability or punishment excluding criminal liability, information about accomplices [11].

In our view, social, moral, and psychological qualities of a person who has committed a crime should be classified as optional traits. At the same time, classification of the offender's personal traits into mandatory and optional ones is conditional, since those that are optional might also be prioritized in certain groups of criminal offenses. For example, in criminal offences involving violence (domestic, sexual, gender-based), information about the offender's marital status, his/her family and household connection with the victim is highly relevant for the legal qualification of the acts committed and should also be considered during criminal procedural activities.

Having discovered practical approaches to determining typical traits that make up the offender's forensic profile, we can proceed to define those that are characteristic of a suspect, accused person, convicted of interfering with government authority representatives.

In the scientific literature, certain traits of an interfering person have already been the subject of research.

Our analysis of investigative and judicial practice demonstrates that inter-

[10] Дуда А. В. Обставини, що характеризують особу обвинуваченого, як елемент предмета доказування у кримінальній справі [Circumstances That Characterize the Identity of the Accused, as An Element of the Subject of Proving in a Criminal Case] : дис. … канд. юрид. наук : 12.00.09. Київ, 2010. С. 6-7; Чича Р. П. Реалізація фактичних даних про обставини, що характеризують особу обвинуваченого, у процесуальних рішеннях слідчого [Utilization of Factual Data About the Circumstances Characterizing the Accused's Identity in the Investigator's Procedural Decisions] : дис. … канд. юрид. наук : 12.00.09. Харків, 2012. 178 с..

[11] Гусєва В. О. Обставини, що підлягають з'ясуванню під час розслідування втручання в діяльність працівника правоохоронного органу [Circumstances to Be Clarified Under the Investigation of Interference Into Law Enforcement Officer's Activity]. *Право і безпека.* 2021. № 2 (81). С. 102.

ference with activities is predominately committed by male representatives (92%) who have Ukrainian citizenship (99%), secondary vocational (43%) and higher education (39%). It is important that, as a rule, criminal offenses we studied had been committed by a single perpetrator (94%). That is, any forms of complicity are not inherent in them, and in those situations where it did occur, it was mostly impossible to bring accomplices to justice due to a lack of information about their identities. In terms of criminal experience, interference is mostly committed by previously unconvicted persons (77%) who had experience of working in government authorities in the past.

A separate group of persons who interfere with government authority representatives is made up of officials who also engage in such interference using their official position. Their immanent traits are holding a responsible position, pursuing the goal of obtaining various material goods and property-related benefits, and not admitting their guilt in committing interference.

Overall, the main purposes of interference with government authority representatives are:

coercing the victim to adopt (draw) an illegal decision, which:

a) will enable the suspect to pursue a self-serving motive, obtain material benefits, etc. (38%);

b) will allow to avoid legal responsibility for committing a previous illegal act (30%) (30%);

willingness to undermine trust in the professional authority and independence of government authority representative, discredit him/her, cause the victim moral suffering (due to anger, despair, or revenge) (9%);

feeling sorry for a person who is trying to avoid criminal liability or other responsibility (12%);

concealment of another wrongdoing (7%)

satisfaction of their own self-serving motives (3%)

other (1%).

Based on the results of the pre-trial investigation representatives' survey, we have identified a set of psychological traits inherent in persons who interfere with government authority representatives. These, in particular, are as follows:

- disrespectful attitude towards colleagues (as a rule, characteristic of a person committing internal interference);
- neglecting one's functional duties, oath, social values, etc.;
- self-seeking motives that prevail in a person's mind to the extent that he/she is ready to commit socially dangerous acts;
- disregard for moral norms;
- belief in acceptability of using illegal means to meet one's own interests.

Conclusions. Thus, when defining the offender's forensic profile, one should keep in mind that not all information about him/her is reflected in case files of criminal proceedings. In most cases, once the empirical material has been processed, it is only possible to identify those circumstances that fall within the category of circumstances to be established. It is proposed that they should be classified as 'mandatory' given their significant role for supporting the fulfillment of the tasks in criminal proceedings, and thus for developing recommendations for investigation. Optional traits of the offender's forensic profile are those which are of orienting nature and do not substantially affect the investigation process, and therefore are not always enshrined in the case file of criminal proceedings.

Stemming from the results of empirical material analysis, it has been pointed out that typical characteristics of an offender who interferes with a government authority representative are as follows: undertrial male (92%), citizen of Ukraine (99%), with secondary vocational education (39%), with no previous convictions (77%), who had experience of working with govern-

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CHARAKTERYSTYKA KRYMINALISTYCZNA OSOBY, KTÓRA ZAKŁÓCIŁA CZYNNOŚCI PRZEDSTAWICIELA ORGANU WŁADZY PUBLICZNEJ

W toku postępowania przygotowawczego w sprawie o przestępstwo przedmiotem dowodu są informacje o osobie, która je popełniła. W kryminalistyce takie informacje są łączone w odrębny element charakterystyki kryminalistycznej - „osobowość sprawcy". Opierając się na uogólnieniu teoretycznych podejść do badania osobowości przestępcy, autor uzasadnia stanowisko, że niektóre cechy w kontekście niektórych rodzajów przestępstw mogą mieć priorytetowe znaczenie dla śledztwa i ich teoretycznego badania, a w innych grupach przestępstw i przestępstw kryminalnych - stracą takie znaczenie. Biorąc pod uwagę brak teoretycznych opracowań na temat kryminalistycznych cech osoby, która zakłóca działania przedstawicieli władz publicznych, jest to celem tego artykułu. Na podstawie wyników analizy materiału empirycznego ustalono, że typowe cechy przestępcy, który ingeruje w działalność przedstawicieli organów władzy publicznej, są następujące: mężczyzna, osoba fizyczna o zdrowych zmysłach (92%), obywatel Ukrainy (99%), posiadający wykształcenie średnie lub specjalistyczne (39%), niekarany (77%), który w przeszłości miał doświadczenie w pracy w organach władzy publicznej, a zatem, będąc świadomym metod ich działania, próbuje wdrożyć zestaw nielegalnych działań, aby osiągnąć własne egoistyczne cele.

Słowa kluczowe: przestępstwo, ingerencja, władza publiczna, osobowość sprawcy, charakterystyka kryminalistyczna.

ment authorities in the past and therefore, knowing their methods of operation, tries to carry out a series of unlawful actions in order to achieve his own self-serving goals.

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