

Activities of the Investigator in the Form of Specialization: Organization and Issues

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Abstract

The article deals with the effectiveness of specialization in the activities of investigative apparatuses and bodies of inquiry in the investigation of criminal cases. Considering that the specialization consists in investigating by the investigator on an ongoing basis, crimes of the same or several categories that are similar to each other in the investigation methodology, it is recommended to specialize the employees of the investigative units and bodies of inquiry to carry out the same type of labor operations, that is, to improve their professional skills in the disclosure and investigation of a certain category of crimes. Improving their specialization in the disclosure and investigation of crimes of one category, the investigator and operatives acquire the necessary skills and experience. As a result, their activities are carried out with less labor and time.

Keywords: specialization of investigators, highly qualified corps of investigators, treason against the state, encroachments on the constitutional order of the Republic of Uzbekistan, espionage, specialized investigative units in railway, water and air transport, professionalism of investigators.

In the modern world, specialization in the investigation of crimes occupies a leading place in the organization of the work of investigators of the investigative apparatus. In the current conditions, in particular, in connection with a significant renewal and rejuvenation of investigative personnel, specialization is becoming an important tool to effectively organize the investigation process.

As the press service of the head of state reported, President of the Republic of Uzbekistan Shavkat Mirziyoyev on August 3 this year, when discussing plans to improve the system of training personnel for bodies of inquiry and investigation, instructed the responsible representatives who carry out preliminary investigation and inquiry to create a new system for training professional personnel for bodies of inquiry and investigation, their retraining and continuous professional development [1].

According to the head of the Academy of the Prosecutor General's Office, the task was set to form a highly qualified corps of investigators. The head of the Academy of the Prosecutor General's Office also said that the issue of specialization of investigators was discussed separately [2].

Specialization provides for the transfer of cases of a certain category to the investigator, regardless of where they originated (within the limits of jurisdiction established by law). The essence of specialization is as follows: the investigator constantly investigates crimes of the same or several categories; the methodology for investigating a number of crimes of the same category is very similar.

As an example, one can cite the features of the investigation of mercenary and violent crimes (murders, robberies, robberies, etc.) or crimes against the Republic of Uzbekistan (treason against the state, encroachment on the President of the Republic of Uzbekistan, encroachment on the constitutional system of the Republic of Uzbekistan, espionage etc.)

Specialization in work is the improvement of professional skills in the disclosure and investigation of a certain category of crimes, which, in essence, means the improvement of the same type of labor operations. The need for specialization is primarily due to the fact that in investigative practice there are complex criminal cases that require the investigator and the people who help him to have a lot of experience, deep knowledge of the methodology for disclosing and investigating certain types of crimes and certain special knowledge. Improving on the disclosure and investigation of crimes of one category, the investigator and operatives acquire the necessary skills and experience. As a result, their activities are carried out with less labor and time.

In turn, regarding the specialization of V.D. Zelensky noted the following: «As the professional skills of investigators grow (internship - formation - skill), their specialization should be carried out not only and not so much in terms of types of crimes, but, above all, in terms of the degree of forensic complexity of the investigation» [3].

Specialization involves the optimization of activities for the disclosure, investigation and prevention of crimes with the least expenditure of effort and means, achieving the greatest effect due to high professional training and qualifications of the investigator [4].

Specialization can be carried out either in one category of criminal cases (absolute specialization) or in several, i.e. specialization can be carried out on a group of crimes that are homogeneous in terms of the investigation methodology (relative specialization). The implementation of specialization should be preceded by a study of the operational situation, the state of crime, its dynamics, trends, regular capabilities of the investigative apparatus, etc. A number of factors influence the choice of this form of organization of activity - these are objective and subjective factors. Objective, combine social, legal and other factors.

When deciding whether to introduce this form of organizing activities to detect, investigate and prevent crimes, a number of conditions should be taken into account. A necessary condition is the presence in the investigative unit of such a number of investigators that would make it possible to carry out this form of organization of activities in full. Otherwise, the lack of qualified specialists leads to the fact that specialization in investigative units is partially observed.

Subjective, reflect the desire of leaders of different levels to improve their specialization, as well as the personal characteristics of an investigator specializing in investigating cases of a certain category. The criminal procedure law does not contain norms regulating this form of organization of criminalistic activity. Questions relating to the specialization of the investigator are displayed in departmental regulatory legal acts.

In accordance with the order of the Prosecutor General's Office, the distribution of official duties of investigators by establishing specialization in the investigation of certain categories of crimes is entrusted to the head of the investigative department (department, department, and group).

In modern conditions, such a form of organizing the activities of an investigator as specialization, depending on the grounds, is implemented in practice in the following forms:

On the subject of activity, due to the criminal-legal assessment of acts: specialization in the investigation of murders, thefts, treason, espionage, etc.;

On the subject of the crime: on juvenile cases, specialization in the investigation of cases committed by recidivists, military personnel, etc.

On other grounds of corpus delicti: the method of committing the crime, etc.

By industry: specialized investigative units in railway, water and air transport, etc.

However, specialization based on the sectoral sign of building a body can be called conditional, since within these specialized units specialization can be carried out in certain categories of cases: according to the function performed: specialization of investigators is possible, whose functions are limited only to visits to the scene of incidents; specialization of investigators, whose activity ends with the disclosure of crimes, specialization in the disclosure of unsolved crimes [5].

Specialization is possible not only in various categories of criminal cases; it is also used when performing certain types of work. An example is the creation of on-duty investigative units, in which there is specialization at the initial stage of the investigation in hot pursuit. Investigators who specialize in such activities acquire skills and knowledge on issues of interaction, faster response to reports of crimes, qualified inspection of the scene, organization of work to search for eyewitnesses and suspects.

The following can also be noted as positive points:

Investigators who are not part of the duty units are not distracted

Travel, get the opportunity to plan their activities, have more working time;

Duty investigators, freed from other work, will be entirely engaged only in the production of initial measures in a criminal case;

Investigators who specialize in investigating crimes in «hot pursuit» become true masters of the initial stage of work on a case [6].

However, this type of specialization also has its drawbacks, that is, problems. Investigators, working for a long time in this type of specialization, may lose their skills and qualifications in investigating criminal cases, as they work on the case until the identity of the perpetrator is established. The solution to this problem is to detach investigators to work on solving crimes in «hot pursuit» episodically, from time to time replacing them with others.

In addition, the very fact of the production of initial measures in a criminal case by one investigator, and further investigation by another can have a negative impact. Specialization in suspended criminal cases is also successfully practiced in the investigative units.

Specialization, depending on local conditions, can be carried out in other areas. Based on the generalization and analysis of the causes and conditions conducive to the commission of crimes, the operational situation, the state of work on the investigation of crimes, the study of statistical data on the state of crime, its detection, the head of the investigative department (department, department, and group) introduces other types of specialization of investigators into practice.

In addition, it is possible to single out such a basis for classifying the types of specialization of an investigator as the number of persons specializing in the investigation of a certain type of crime. In accordance with this, it is necessary to distinguish between the sole specialization of an investigator (specialization of an individual investigator) and specialized investigative units.

The creation of specialized investigative units is very important at the present time. As G. Slesinger noted, the transition to a system of building an apparatus based on a clear functional specialization of units is a radical way to improve the organizational structure and increase labor productivity [7].

Working in a specialized investigative unit has a positive effect on the formation of the professionalism of investigators, as it focuses their efforts on performing one type of task, and also contributes to the acquisition of professional skills in the process of training in the service training system. The unification of investigators specializing in the investigation of one type of crime makes it possible to use scientific and technical means more rationally, accumulate collective experience in investigating a certain category of criminal cases, and increase the professional potential and efficiency of each member of a specialized unit.

The practice of creating specialized investigative units is especially common in relation to the disclosure and investigation of road accidents. The creation of such units makes it possible to immediately solve a number of important problems.

Firstly, it fully allows for the conduct of inspections of accident sites and other initial investigative actions by investigators who have significant experience and qualifications and are able to investigate all categories of road accidents.

Secondly, the quality of procedural documents has improved. The concentration of criminal cases and materials on road traffic accidents in one unit also contributes to the exchange of experience and increased activity in the work of each employee of the specialized investigation department. As a result, the detection of crimes is significantly increased, and the number of criminal cases returned for additional investigation is reduced.

The creation of specialized investigative units can significantly improve the quality of the investigation, improve preventive work in this category of criminal cases, as well as expand the relationship with the population.

The authors are absolutely right, who basically reduce the advantage of specialization to the fact that the investigator gradually becomes a true master in investigating crimes. In addition, “the profession of an investigator is special not only because of external factors that complicate it. She makes high demands on his personal qualities [8]. In addition, the disclosure of crimes requires great skill, many years of experience, deep knowledge of the methods of investigation, technical, tactical and psychological techniques. This is best achieved through specialization.

The specialization of investigators allows you to deeply study the various ways of committing and concealing certain types of crimes and, on this basis, create and apply the most effective tactical and psychological methods in the investigation, gain experience in discovering and preventing the most dangerous, as well as latent crimes.

In the prevention of crime, this form of organizing an investigation makes it possible to identify specific causes and conditions that contribute to the commission of a certain category of crimes and to develop measures to eradicate them.

Specialization helps to improve the skills of an investigator in investigating certain types of crimes. It allows the investigation to be carried out qualitatively and in a shorter time, and also contributes to the disclosure of crimes. The advantage of this form of organization of activity also lies in the fact that the investigator continuously improves his qualifications. The following factors contribute to this:

1. investigating criminal cases of the same category, investigators acquire the necessary experience and professionalism in this area;
2. specializing, the investigator studies normative legal acts, manuals, guidelines, monographs, as well as other literature related to the investigation of a certain category of criminal cases;
3. Training at advanced training courses, seminars and in other forms is organized taking into

account the specialization of the investigator.

However, the specialization of investigators, as scientists note, with all the advantages, also has disadvantages. Some authors see a drawback in the fact that an investigator isolated from a certain territory does not have the opportunity to establish strong ties with the population and heads of institutions and enterprises. As a result, preventive work to prevent crimes is weakening, since the data collected by the investigator on the causes and conditions conducive to the commission of a crime, in their opinion, suffer from incompleteness and are studied in isolation from the general state and dynamics of crime [9]. Sharing to a certain extent the expressed fears, we, nevertheless, believe that the advantages, of course, dominate over the disadvantages.

This position is supported by other authors: «the specialization of investigators, despite their isolation from a certain territory, makes it possible to gain experience and improve skills not only in solving this type of crime, but also in identifying specific causes and conditions that contribute to the improvement of these crimes, which allows develop effective measures to eliminate them» [10].

At present, specialization of the investigative apparatus, for example, internal affairs bodies, exists in almost all major investigative units. True, in those districts and city internal affairs bodies where one or two investigators work, it is difficult to introduce specialization. However, it is gradually being introduced, although in a special form, into the work of investigative departments with a small staff.

When organizing work on the principle of specialization, such forms of professional development become especially effective, such as: training camps, educational and methodological seminars, at which experience is exchanged in investigating certain categories of crimes. In the city police department Tashkent has developed the practice of holding quarterly seminars-meetings with the heads of investigative units, as well as with investigators specializing in the investigation of certain categories of criminal cases.

A significant contribution to improving the organization of work is made by schools of professional excellence, in which investigators get acquainted with the best practices, the latest achievements of forensic science and technology, and deepen their knowledge in the field of methods of investigating the cases in which they specialize. All this is necessary for the successful disclosure of crimes.

It is useful in investigative units to have methodologist investigators who are well versed in the methods of organizing and monitoring the general state of investigative work and, moreover, who have good professional training in solving a certain category of the most complex crimes. This will make it possible to more deeply analyze the work of investigators and provide them with qualified assistance.

According to this principle, the work of the control and methodological department of the Main Directorate of the Ministry of Internal Affairs of the Republic of Uzbekistan and its territorial divisions is organized. The control and methodological department carries out managerial activities, its task is to organize and control the work of investigative units, to provide them with practical and methodological assistance.

The insufficient professional level of investigators specializing in the investigation of criminal cases of a certain category significantly affects the effectiveness of their activities, since many of them work in this area of specialization for less than a year. In order to neutralize this shortcoming, the Ministry of Internal Affairs conducts periodic business trips to territorial investigative units to provide practical and methodological assistance in the investigation of criminal cases. Give written instructions, conduct official classes with investigators specializing in investigating cases of a certain category.

The control and methodological department prepares analytical materials on the activities of

investigative units on various issues, and also develops methodological recommendations for the investigation of crimes.

Many investigators, after the passage of time and the accumulation of significant work experience, clearly show a desire to investigate certain categories of cases. If you do not take into account the professional orientation and specialize such investigators in the investigation of other crimes, then the above-mentioned advantages of this form of organizing the investigation of crimes will not be fully realized.

Some experts believe that it is effective to start the specialization of future investigators in the last year of a higher educational institution (hereinafter referred to as HEI), since the introduction of special courses will allow a more in-depth study of the methodology for investigating crimes, and in order to organize better interaction with the operational services of law enforcement agencies, a wider show their capabilities.

Others, the solution to the problem of specialization, believe that it can be carried out as follows: determining the direction of specialization on a national scale; the introduction of the necessary specialization into the HEI, taking into account the needs of practice [11].

However, a number of scientists on this very topical issue express the opposite point of view.

A.A. Chuvilev argued his position by the fact that the question of the specialization of a particular employee should be decided after he gains some experience and shows an inclination to investigate any category of cases [12].

Training in HEIs only for investigators, as noted by V.G. Kravchenko, - this is already a specialization, since among many legal specialties one stands out. It is unjustified to make this specialization even narrower, especially among persons who do not have experience in conducting an investigation, who have not learned the specifics of investigating certain types of crimes [13].

An analysis of practice shows that it is far from easy for every young investigator to determine what types of crimes he prefers to specialize in in the future. And, of course, it is even more difficult for a student to make such a choice at the HEI. In addition, HEI graduates often have to start working in small investigative departments, where cases are investigated in many categories of crimes. In investigative units, a situation may arise when there is already a sufficient number of specialists to investigate the category of criminal cases in which the student specialized.

Investigative units should study more carefully the individual aptitudes and abilities of investigators working in a district or small town. This is necessary in order to involve an investigator with experience in the investigation of a crime that is difficult from the point of view of solving it.

Specialization as a form of organizing the investigation of crimes allows investigators to constantly improve their professional skills and gain experience in investigating certain categories of crimes. In the process of investigating criminal cases, the investigator gains experience, replenishes the arsenal of tactics, borrowing them from practice and forensic science.

One of the conditions for improving the detection of crimes, of course, is the improvement of the specialization of investigators. According to these it is necessary to practice different approaches to specialization. At the same time, it is important to take into account the peculiarities of the territory, the current criminogenic situation, and the personnel composition. In addition to securing certain types of specialization for investigative workers, in a number of investigative units it is necessary to single out groups of investigators working only on obvious crimes or on non-obvious ones, in other units to introduce a different specialization.

Various approaches to such a form of organization of forensic activity as specialization need further research, which will reveal their optimal ratio, analyze the positive and negative aspects in order to further improve the forms and methods of specialization.

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