

UTILIZATION OF CRIMINAL ANALYSIS METHODS TO COMBAT CORRUPTION-RELATED CRIMINAL OFFENSES

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DOI: <https://doi.org/10.61345/1339-7915.2024.3.9>

Annotation. The purpose of the article is to develop and publish recommendations for the use of criminal analysis methods in the course of combating corruption-related criminal offenses. Methodology. Given the purpose, peculiarities of the object and subject of research, the author has chosen the appropriate methodological tools. The methodological basis of the article is a dialectical approach to the analysis of the use of criminal analysis in the activities of authorized units. When conducting the research, the author used a system of scientific methods of inquiry, such as formal logic (abstraction, analogy, deduction, induction, synthesis) for a detailed clarification of the content of the issues under consideration; empirical – during the experimental study and interviewing of experts; the system analysis method to determine the innovative approaches to solving the problem; theoretical – when studying scientific and educational literature; modeling – when studying certain objects via modeling some of their features. The scientific novelty is due to the need to improve the existing forms and methods of using criminal analysis methods in combating corruption-related criminal offenses, in particular, data analysis and criminal schemes. Conclusions. The research findings can be used by scientists in the follow-up scientific developments in this area, as well as by law enforcement officers in preventing criminal offenses.

Key words: operative proceedings, criminal proceedings, corruption-related criminal offenses, criminal analysis, operative and investigative measures, covert investigative (detective) actions.

1. Introduction.

Within the framework of their powers, the authorized law enforcement units acquire a significant amount of information on corruption-related criminal offenses while performing anti-corruption tasks. Therefore, it is crucial to use tools that would allow processing a large amount of available data. One of such tools is criminal analysis [1, p. 131 - 137].

Law enforcement agencies in most of the developed countries have been using criminal analysis to combating corruption-related criminal offenses for quite some time [2, p. 216].

For example, the Interpol General Secretariat has a separate criminal analysis unit, and the activities of Europol headquarters are largely enabled by criminal analysis technologies [3, pp. 300-303].

Criminal analysis in combating corruption-related criminal offenses provides analysis of financial documentation and criminal schemes for legalization of proceeds from corruption crimes, support for individual investigative (detective) actions or covert investigative (detective) actions, operational and detective activities; determines the tactics and methods of managing operational and detective cases, as well as pre-trial investigation in terms of their improvement; determines the scope of interests of persons who prepare or commit these corruption crimes; establishes their mental characteristics, structure and role of a particular organized criminal group [4, pp. 217-218].

The criminal analysis does not overlap the methods of work of operatives (detectives) or investigators; its algorithms help to process large amounts of data successfully in order to extract values from

them; thus, the criminal analysis serves as an additional tool in the hands of authorized employees (analysts) [5, p. 288].

At the same time, questions regarding the improvement of the legal aspects of the use of criminal analysis methods in combating corruption-related criminal offenses need to be answered.

2. Purpose and objectives of research.

Many prominent scholars, including S.V. Albul, R.V. Bilous, V.I. Vasylynychuk, V.A. Nekrasov, N.P. Svyrydiuk, O.Y. Korystin, O.V. Kalynovskyi, O.V. Korneiko, M.A. Pohoretskyi, M.M. Pohoretskyi, O.V. Tykhonova, O.M. Tsilmak, O.M. Zayets, V.I. Shkolnikov, A.M. Khankevych, O.B. Farion, I.A. Fedchak, S.S. Chernyavskyi and others focused on a wide range of issues related to the legal aspects of the use of criminal analysis methods in combating corruption-related criminal offenses. At the same time, it should be noted that organizational and legal changes are currently taking place in the work of law enforcement agencies, which makes it important to continue research in this area with due regard for the new conditions. This justifies our goal of developing and publishing recommendations for improving the legal aspects of the use of criminal analysis methods in combating corruption-related criminal offenses.

3. Summary of the core material.

The tasks of criminal analysis in combating corruption-related criminal offenses are analytical support; analysis of the complex and extensive structure of relations of persons preparing or committing corruption-related crimes; identification of risks and trends in future developments that may affect the commitment of corruption-related crimes, and development of ways and mechanisms to prevent such developments in the short and long term.

In the course of criminal analysis of corruption-related criminal offenses, the following tasks are solved: analysis of information aimed at identifying trends, patterns, forecasting the development of corruption-related crimes over a long period of time; processing a large amount of information on corruption-related crimes, including unstructured information, which makes it impossible to track and establish relationships between it without the use of special analytical methods; pooling of ultra-large amounts of unstructured data and their automated processing [5, p. 288].

Referring to the theory, it can be stated that criminal analysis is the basis of the Intelligence-Led Policing model, which is aimed at making effective management decisions based on the use of a set of methods and techniques for collecting, processing, evaluating, analyzing and implementing information, as well as exchanging information during operational and criminal proceedings, in the development of tactical and strategic measures to combat corruption-related crimes.

At present, criminal analysis has already set a start of extensive implementation of technological innovations through the constant updating of software analytical tools, upgrading of hardware, and the introduction of innovative technologies, for example, systems for quick viewing and analysis of surveillance camera materials using the Video Synopsis software, an innovative image processing technology [6, p. 112].

These software packages are Analyst's Notebook, Orion Leads developed by Orion Scientific Systems, and Watson Powercase, offered by Hanalys. Their common feature is the ability to identify criminal networks through associative or network analysis (i.e., analyzing the interaction patterns of key figures based on telephone bills) [7, p. 95]. Moreover, the United Nations Office on Drugs and Crime created and developed the goPRS software as a public procurement control tool designed to identify suspicious actions and patterns of behavior in order to counteract eventual fraud and corruption in public procurement. This software has particularly relevant for Ukraine since the launch of the ProZZoro electronic public procurement system in compliance with the Law of Ukraine on Public Procurement. Another software created by the same UN Office is the goTRACE data exchange and analysis system, which helps to compare confidential data stored in different databases of one or

more institutions securely and quickly and find matches [8, p. 142]. A domestic example of creating an effective analytical software package is YouControl, providing up-to-date information about a company or individual entrepreneur from more than 30 state registries [4, p. 218].

In general, criminal analysis is an action aimed at identifying and determining accurately the relationship between information related to the corruption-related criminal offenses, persons associated with them and data originating from various sources, and their further use during the pre-trial investigation and trial [9, pp. 194-196].

It is known that information analysis depends on a careful comparison of the current crime and the past crime. Using this method, the analyst identifies patterns and trends. Thus, the process of analysis is based on the use of an elaborated, consistent classification and categorization method [10, p. 11].

In the course of the criminal analysis of combating the corruption-related criminal offenses, a detailed analytical product is obtained, namely reports or documents containing assessments and forecasts of risks and threats, systematized information, signs, criteria, information, proposals, recommendations, conclusions and other results of the analytical process regarding the objects of criminal analysis [5, p. 32]; qualitative planning of operational detective activities, investigative (detective) and covert investigative (detective) actions is carried out; analytical support for operational and criminal proceedings; analysis of information aimed at identifying trends and patterns, as well as forecasting developments over a long period of time [9, pp. 194–196].

The purpose of collecting and analyzing information is to create and test hypotheses and conclusions about past, present and future illegal actions, including a description of the structure and scope of activities of persons who have committed or are committing corruption-related criminal offenses and to provide authorized persons (investigators, detectives) with clear information regarding operational detective activities, investigative (detective) and covert investigative (detective) actions.

During the analytical process, information about the person who has committed or is committing corruption-related offenses, the course of the event, the instruments of the crime, the time and place of its commitment, etc. is assessed. This information is shared between the analyst and the investigator (detective) and consists not only in providing or receiving information, but also in seeking it actively [11, pp. 223–241].

Large pools of information can only be processed using smart technologies reducing the analyst's and investigator's (detective's) brain load and helping them with carrying out relevant activities and making procedural decisions.

Therefore, one of the main factors indicating the effectiveness of combating criminal offenses is the level of the system of accumulation, concentration and use of various integrated operationally relevant information in operational and criminal proceedings [12, pp. 16–18].

Currently, it is quite difficult to imagine the disclosure of corruption-related criminal offenses without the participation of criminal analysts and the corresponding analytical intelligence work during operational detective and criminal proceedings, where a special place is given to the analytical conclusion, which, in our opinion, can be used in evidence through such a type of evidence as a document [10, p. 15], since the analytical conclusion, if presented properly and completely, can meet all the properties of a document as a type of evidence in criminal proceedings (Part 2 of Article 84 of the Criminal Procedure Code of Ukraine) [13].

It is worth agreeing with the opinion of V.I. Vasylynchuk, M.A. Pohoretskyi, M.M. Pohoretskyi, S.V. Tikhonov and other scholars that under paragraph 3 of Part 2 of Article 40 of the Criminal Procedure Code of Ukraine, the investigator is authorized to delegate investigative (detective) actions and covert investigative (detective) actions to the relevant operational units by issuing a procedural document, an order, and the operational unit shall implement them in accordance with Article 41 of the Criminal Procedure Code of Ukraine. At the same time, Chapters 20 and 21 of the Criminal Procedure Code of Ukraine of Ukraine provide an exhaustive list of investigative (detective) actions and covert investigative (detective) actions, and the term of “analytical study of materials” is a

measure to ensure operational and criminal proceedings, and is not defined in the Law of Ukraine on Operational and Investigative Activities [14] or in the Criminal Procedure Code of Ukraine [13], [10, pp. 13-14]. It should be noted that the execution of investigator's orders by employees of operational units [15, pp. 47–49], as well as the exchange of operational and detective or procedural information between them are appropriate forms of their interaction arising in the course of their legal relations [16, p. 160].

As correctly noted by M.A. Pohoretskyi, the analytical conclusion is particularly valuable at the initial stage of pre-trial investigation [17, p. 93–103], including the criminal proceedings on corruption-related criminal offenses, which is extremely relevant under martial law.

The pool of factual data collected as a result of these actions creates adequate prerequisites for information support of the further investigation progression at the initial stage of the pre-trial investigation of criminal proceedings. However, this becomes possible only when these actions are carried out taking into account all the peculiarities of the search and detective activity of the investigator (detective) or operational officer, as well as the peculiarities inherent in the reflection of a corruption-related offense information.

An analytical product is a formalized creative result of criminal analysis that contains conclusions, proposals or recommendations aimed at fulfilling the tasks set by the customer of criminal analysis.

Analytical products may be accompanied by additional materials in the form of charts, diagrams, illustrations, photographs, lists, tables, extracts from the Unified and State Registries, other registries, information databases and other materials; contain a detailed description of the research conducted and the conclusions, proposals and recommendations made based on their results, as well as substantiated answers to the questions posed by the customer of the criminal analysis or the criminal analyst himself.

Thus, the use of criminal analysis methods in combating corruption-related offenses involves, first of all, analyzing the financial actions of persons committing corruption-related offenses, which allows establishing *corpus delicti* of corruption-related offenses in the future. It is worth agreeing with the opinion of V.I. Shkolnikov that this is the so-called "by reversal method", when an authorized officer of a law enforcement agency can establish the fact of committing a corruption-related offense through the collection, processing and analysis of information about suspicious financial transactions already committed or information about suspicious activities of a particular entity.

The key methods of criminal analysis in combating corruption-related criminal offenses are data and criminal schemes analysis, in the course of which internal documents on databases of state bodies are checked, commercial databases are used, inquiries to foreign financial intelligence units or law enforcement agencies are sent, accounting statements, financial and tax reports, including tax returns, customs cargo declarations and other types of reporting are examined, the discrepancy between the volume of transactions and the income of participants, illogical or unprofitable transactions, the presence of compromising information (criminal record, loss of documents (statutory documents, company seal, passport), etc. is established [4, pp. 217-218].

4. Conclusions.

Summarizing the above, it should be noted that the use of criminal analysis methods in combating corruption-related offenses means conducting an analytical study of available information and creating analytical products based on the results of such analysis that are informative and advisory in nature and form the basis for solving operational and tactical tasks during pre-trial investigation of criminal offenses and operational detective activities, as well as strategic tasks in combating crime.

The utilization of criminal analysis in the activities of authorized units that counteract corruption-related offenses gives rise to a number of the following problems: the need for the further development of the regulatory framework for the use of criminal analysis in counteracting

corruption-related offenses; inadequate employment of criminal analysis capabilities by law enforcement agencies in counteracting corruption-related offenses; inadequate provision of authorized units engaged in criminal analysis with modern methods of criminal analysis in combating corruption offenses, as well as the formation of relevant information databases, etc.

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