

# DETERMINING THE GROUP NATURE OF A CRIMINAL OFFENSE DURING THE CRIME SCENE INSPECTION

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**Annotation.** The article is dedicated to highlighting the features of determining the group nature of a criminal offense during the crime scene inspection.

It is noted that forensic specialist is the universal member of the investigative-operational teams conducting crime scene inspections. Specialists from other fields may be involved as needed, at the discretion of the investigator.

Author states that during the search actions at the crime scene, the involved specialists must identify potential locations where traces of the criminal offense may be localized. This includes detecting and documenting traces of forced entry, hand and foot prints, vehicle tracks, and so on. The presence of multiple individuals involved in the commission of a criminal offense can be indicated by a significant number of handprints left on various objects by the same fingers but with different types of papillary patterns. Determining which finger of which hand left a trace, and even more so, identifying the type and kind of papillary pattern directly at the crime scene, can only be done by an experienced forensic specialist, who must be involved in the investigative (search) action.

It is recommended to pay attention to the presence of fuel and lubricants, brake fluid or coolant at the crime scene, which may remain if they have leaked from the components and units of multiple vehicles at the location where they were parked.

A promising direction for further research, as identified by the author, is the development of scientifically grounded forensic recommendations on the use of specialized knowledge during other investigative (search) actions to establish and prove the group nature of criminal offenses.

**Key words:** criminal proceedings, organized group, criminal organization, crime scene inspection, investigative-operational group, investigator, specialist, forensic specialist.

## 1. Introduction.

Despite the general changes in the criminogenic situation and a certain decrease in criminal activities during the martial law period in Ukraine, the number of criminal offenses committed by organized groups or criminal organizations remains consistently high. We can confidently assume that this trend will persist during the post-war recovery period in our country too.

The analysis of parts 3 and 4 of Article 28 of the Criminal Code of Ukraine shows that the main characteristic of a criminal offense committed by an organized group, as defined by the legislator, is the involvement of several persons (three or more) in the preparation or commission of a crime (part 3 of Article 28 of the Criminal Code of Ukraine). In contrast, a criminal organization is defined as a group of several persons (five or more) united with the purpose of directly committing grave or especially grave crimes, or leading or coordinating the criminal activities of others, or ensuring the functioning of both the criminal organization itself and other criminal groups (part 4 of Article 28 of the Criminal Code of Ukraine) [1].

At the beginning of a criminal proceeding, it is usually unclear to the investigator whether the act was committed by one person or by several individuals within a group. Therefore, the investigator must take all measures prescribed by criminal procedural law to determine this circumstance.

One of the procedural methods for obtaining information about the group nature of a criminal offense is the crime scene inspection.

## 2. Analysis of scientific publications.

The issues of investigation methods for criminal offenses committed by organized groups or criminal organizations have been studied in the scientific works of V.D. Bernaz, A.F. Volobuiev, V.A. Zhuravel, A.V. Ishchenko, V.O. Konovalova, V.K. Lysychenko, Ye.D. Luk'ianchykov, O.V. Oderii, R.L. Stepaniuk, V.M. Stratonov, V.V. Tishchenko, S.S. Cherniavskiyi, V.M. Shevchuk, V.Yu. Shepitko, R.M. Shekhavtsov and other scholars. The specifics of conducting crime scene inspections with the involvement of specialists during the investigation of criminal offenses committed by organized groups or criminal organizations have been the subject of scientific research by V.M. Vartsaba [2], L.F. Hula [3], O.M. Mirkovets [4, p. 151–160], K.O. Chaplynskyi and P.Ya. Minka [5, p. 76–90], K.O. Cherednyk [6], V.Yu. Shepitko [7], A. Yurchenko and I. Rachok [8] etc. At the same time, many issues related to determining the number of individuals involved in the commission of a criminal offense and identifying the role of each participant remain unaddressed or contentious, which underscores the relevance of this research.

**3. The aim of the work** is to formulate forensic recommendations for determining the group nature of a criminal offense during the crime scene inspection.

## 4. Review and discussion.

A crime scene inspection is an urgent investigative (search) action, the essence of which involves the direct perception of the crime scene by the investigator, detective, or prosecutor. It includes the detection, perception, examination, and documentation of traces and other objects to determine the nature of the event, the identity of the offender, the motives for the crime, and other circumstances relevant to the investigation of criminal offenses. The urgency of this investigative (search) action lies in the fact that it may be conducted before information about the criminal offense is entered into the Unified Register of Pre-trial Investigations.

A qualified specialist of the relevant profile can provide significant assistance to the investigator during the crime scene inspection. A specialist in criminal proceedings is a person who possesses specialized knowledge and skills and can provide consultations, explanations, information, and conclusions during the pre-trial investigation and court proceedings on issues that require such specialized knowledge and skills (Part 1 of Article 71 of the Criminal Procedure Code of Ukraine) [9].

Specialized knowledge here refers to scientific and practical knowledge and skills that align with the current level of development in relevant fields of human activity. These are used by the parties involved in criminal proceedings during the pre-trial investigation and by the court during judicial review to aid in the collection and examination of evidence [10, p. 179].

As is known, specialized knowledge in criminal proceedings can be used in procedural and non-procedural forms. An analysis of Part 2 of Article 71 and Part 7 of Article 237 of the Criminal Procedure Code of Ukraine shows that the procedural form of using specialized knowledge during a crime scene inspection involves engaging a specialist to provide direct technical assistance. This includes conducting measurements, photographing, recording audio or video, creating plans and diagrams, producing graphic images of the inspected scene or individual items, making impressions and casts, collecting samples for examination, inspecting and seizing items and documents relevant to the criminal proceedings, and more. In the non-procedural form specialized

knowledge may be used for preliminary examination of material traces of the criminal offense, providing consultations etc.

As the study of forensic-investigative practice shows, the universal participant in a crime scene inspection is the forensic specialist, who is involved in the vast majority of investigative (search) actions, regardless of the type of criminal offense being investigated. A forensic specialist can be defined as a person who is impartial to the outcome of the case and possesses specialized forensic knowledge and skills. This individual may be involved, according to the procedural law, by either party to the criminal proceedings or the court to assist in the collection of evidence.

Typically, forensic specialists are represented by criminalistics inspectors (forensic technicians) who are regular employees of the investigative units of the National Police of Ukraine. Specialists from other fields (such as biologists, automotive experts, fire protection engineers, etc.) are involved in the crime scene inspection at the discretion of the investigator, depending on the type of criminal offense being investigated. If the crime scene inspection involves the external examination of a corpse, a forensic medical expert or a physician (if it is not possible to involve a forensic medical expert in time) is a mandatory participant in the investigative (search) action (Part 1 of Article 238 of the Criminal Procedure Code of Ukraine).

In addition to specialists, the investigative-operational group may include operational staff, district police officers, and canine units with service dogs, among others. Their task is not to directly search for traces at the crime scene, but to carry out parallel activities such as eyewitnesses' searches, reviewing surveillance camera footage, etc., aimed at identifying and pursuing individuals who committed the criminal offense while the trail is still "fresh".

The presence of a significant number of handprints left on various objects by the same fingers but with different types of papillary patterns can indicate the involvement of multiple individuals in the commission of a criminal offense. Determining which finger of which hand left a trace, and particularly identifying the type and kind of papillary pattern directly at the crime scene, can only be done by an experienced forensic specialist, who should be involved in the investigative (search) action. The collected traces should be checked as soon as possible against the fingerprint database of the Ministry of Internal Affairs of Ukraine. This can help identify the individuals who left the traces at the crime scene, as well as determine if the same person left fingerprints at different criminal offenses, which could be grounds for consolidating multiple criminal proceedings into one case. Subsequently, through the results of an identification fingerprint examination, it may be possible to establish which specific objects the individual came into contact with during the commission of the criminal offense.

The number of individuals involved in the commission of a criminal offense and the nature of each person's actions can also be indicated by shoeprints. These can be found both directly at the crime scene and on the paths leading to and from the scene. If shoes are seized from suspects, identification traceological examinations of the shoeprints should be conducted. These examinations can help "link" each participant of the group to specific areas of the crime scene.

The presence of traces from multiple vehicles can indicate a group nature of the criminal offense. These traces can be found both in close proximity to the crime scene and at some distance from it. For example, in the judgment of the Rivne City Court dated December 11, 2023, in case No. 569/18024/14-к, concerning the indictment of four individuals for criminal offenses under Part 5 of Article 185, Part 3 of Article 15, and Part 5 of Article 185 of the Criminal Code of Ukraine, it was established that, to prevent the exposure of their criminal activities, the members of the organized group took measures for secrecy on the instructions of the organizer and leader. In particular, the vehicles (Chevrolet Aveo and Skoda Octavia) driven by the members of the organized group to the crime scenes were parked in locations near store premises where they could not be easily seen by witnesses. This arrangement allowed the members of the organized group to leave the crime scenes unobstructed in case of any risk of exposure of their criminal activities [11].

Traditional methods for documenting shoeprints and vehicle tire tracks include describing them in the protocol of the investigative (search) action and photographing them according to the rules of measurement photography. For three-dimensional impressions, plaster casts are made. A promising method for documenting both surface and three-dimensional shoeprints and tire tracks is 3D-scanning. The specifics of using this method for documenting trace evidence are detailed in the specialized literature [12, pp. 465–472].

It is also important to pay attention to the presence of fuel and lubricants, brake fluid, or coolant at the crime scene, which may remain if they have leaked from the components and units of several vehicles at their parking location.

Traces of entry into a premises where a criminal offense was committed generally do not allow for an exact determination of the number of individuals involved in overcoming the obstacle. Judging by the method used to overcome the barrier and the nature of the traces left (such as the presence of signs of hydraulic cutters, angle grinders, hand drills, etc.), it can only be concluded that there were multiple perpetrators who had prepared in advance for the commission of the criminal offense. The method used to overcome the obstacle can also indicate the special criminal skills (qualifications) of the individuals who performed the breach, as well as suggest that multiple or a series of criminal offenses were committed by the same individuals.

The number of individuals involved in committing a murder using firearms can be indicated by traces of gunshots found at the crime scene: cartridges, bullets fired from different weapons, as well as various directions of entry wounds on obstacles, including the body of the victim. A ballistic and a forensic medical specialists can provide such information to the investigator directly during the crime scene inspection and the external examination of the corpse. More accurate information may be obtained later through forensic ballistics and forensic medical examinations.

The seized fired cartridges and bullets should be checked against the ballistic database of the Forensic Service of Ministry of Internal Affairs of Ukraine. This can help identify the specific firearms from which they were fired and reveal if the same weapon was used in the commission of multiple crimes.

The number and types of firearms and ammunition found in a specially arranged caches can also indicate a group nature of the criminal offense. It is important to be aware that such caches may be booby-trapped. Therefore, it is essential to involve an explosives expert and a ballistic specialist in the inspection of such “arsenals.”

Information about the group nature of a criminal offense can also be obtained through activities conducted in parallel with the crime scene inspection. Results from questioning witnesses and victims, as well as information obtained from surveillance cameras, as per Article 245-1 of the Criminal Procedure Code (regarding the extraction of data from technical devices and means with photo, film, or video recording functions), can also indicate the group nature of the criminal offense.

The information obtained about the commission of a criminal offense by a group of individuals should be analyzed, assessed, and used as the basis for formulating a theory about the involvement of an organized group or criminal organization in the crime.

## **5. Conclusions.**

In summary, it should be noted that during the crime scene inspection and related activities, signs indicating the group nature of the criminal offense may be identified. These signs can include the presence of multiple fingerprints, shoeprints, vehicle tracks, burglary tools, the use of firearms, witness interviews (victims and witnesses), and information from surveillance cameras, among other things. A qualified specialist of the appropriate profile can provide significant assistance to the investigator in this regard.

The information obtained this way should be analyzed, assessed, and used as the basis for formulating a theory about the involvement of an organized group or criminal organization in the crime.

A promising direction for further research, in our view, is the development of scientifically grounded forensic recommendations regarding the use of special knowledge during other investigative (search) actions to establish and prove the group nature of criminal offenses.

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