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Research Article

I. Pyrih,
Doctor of Law, Docent, Professor of the Department
of Criminalistics and Pre-Medicine Training of Dnipropetrovsk State University
of Internal Affairs, Dnipro, Ukraine,
ORCID: https://orcid.org/0000-0002-8391-067x, e-mail: pira@ua.fm

V. Prihodko,
Senior Inspector of the Organizational and Analytical Department,
Management of Organizational and Analytical Support and Prompt Response
of the Main Directorate of the National Police in Kyiv, Kyiv, Ukraine
ORCID: https://orcid.org/0000-0002-4408-6948,
e-mail: vladlena_prihodko@ukr.net

Criminal records: problems of classification

Problems of criminal records classification have been studied. The article considers classification of criminal records according to the main criteria: intended purpose, degree of centralization and functional (target) purpose.

Criminal records develop and operate within various state bodies of Ukraine, therefore records can be classified by intended purpose as follows: records of the Ministry of Internal Affairs of Ukraine; State Tax Service of Ukraine; State Customs Service of Ukraine; Security Service of Ukraine; State Bureau of Investigation of National Anti-Corruption Bureau; General Prosecutor's Office, etc. All of them are aimed at facilitating investigation of criminal offenses. At the same time, criminal records of the Ministry of Internal Affairs of Ukraine, in turn include records of: the National Police of Ukraine, functioning in the department of information and analytical support; the State Border Guard Service of Ukraine; State Migration Service of Ukraine; Main service center of MIA of Ukraine; Expert Service of the Ministry of Internal Affairs of Ukraine.

It has been proved that according to the degree of centralization, records should be divided into central, regional and local, but at the same time, the virtual absence of records in the expert service at the local level is stressed, which is confirmed by results of studying case files of criminal proceedings and interviews of investigators. According to the view of authors, criminal record keeping of objects at the local level in the general classification should be left for further consideration, but responsibility for its formation and functioning should be assigned to the city departments of technical and forensic support of police.

Classification of criminal records by functional (target) purpose into search and reference ones is substantiated. At the same time, it is noted that reference and support records in the form of collections have lost their meaning today and cannot make up the system of criminal records. In view of the authors,

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they can be characterized as information databases formed and operating in cyberspace and that can be both freely available and owned by enterprises, institutions, organizations and individuals. In practice, this type of record keeping practically non-existent which is evidenced by studying work results of investigative police departments and expert service.

Keywords: *classification, investigation of criminal offenses, criminal records, search records, reference records, expert service.*

Formulation of Research Problem. Classification in any field of knowledge is a system-forming component, the basis of science methodology. Classification is the process of dividing objects, processes and phenomena into genera, classes, groups according to common features and properties. Accordingly, a class or group make up a system with common, predetermined features. A feature of any object is an element characterizing its peculiarity, individuality. The set of features helps to distinguish one object from another. V. V. Biriukov focused on the importance of criminal records classification: "Issues related to the definition and classification of record-reeping objects [1] are of great importance for the theory of criminalistics, as well as activities for organization and maintenance of criminal records, ensuring the process of investigation with needed information". Systematization is the maintenance of record-reeping objects in accordance with a scientifically developed system that is based on the classification of identification features of these objects. The system contains various types of criminal records which have their own structure, purpose, formation mechanism and procedure of functioning. Each type of record-reeping is based on features and properties of objects forming its content and referring to which search and identification are implemented.

Analysis of Essential Researches and Publications. In the scientific literature, issues of information support of investigation in general and the improvement of certain types of records are paid much attention to. It is needed to mention monographs dedicated to individual issues of information support of investigation reflecting the content of corresponding defended doctoral dissertations: Ye. D. Lukianchykov: *Methodological bases of information support of crimes investigation* (2005) [2], V. V. Biriukov: *Theoretical foundations of information and reference support of crimes investigation* (2009) [3], V. H. Khakhanovskyi: *Issues of theory and practice of forensic computer science* (2010) [4]. These research papers are to a large extent a synthesis of scientific opinions of

[1] Бірюков В. В. Теоретичні основи інформаційно-довідкового забезпечення розслідування злочинів : монограф. Луганськ, 2009. Р. 382.

[2] Лук'янчиков Є. Д. Методологічні засади інформаційного забезпечення розслідування злочинів : монограф. Київ, 2005. 360 р.

[3] Бірюков В. В. Op. cit.

[4] Хахановський В. Г. Проблеми теорії і практики криміналістичної інформатики : монограф. Київ, 2010. 382 р.

predecessors in the researched field. The following PhD dissertations are dedicated to functioning of certain types of criminal records: S. V. Kaduk: *Forensic reference collections and their importance in the crimes investigation* (2010) [1], A. E. Volkova: *Formation and use of information and reference collections of the expert service of the Ministry of Internal Affairs of Ukraine* (2012) [2]. However, in modern conditions of informatization of society and development of telecommunication networks and information technologies, provision of law enforcement agencies with relevant information is breaking new ground. Therefore, scientific developments of functioning and use of criminal records in the investigation of criminal offenses require constant improvement and updating, what conditions the relevance of this article.

The **Article Purpose** is to summarize views of scientists on classification of criminal records and develop their classification.

Main Content Presentation. Criminal records are very diverse and numerous, and although they are interrelated, it is feasible to distinguish them by individual criteria. Scientists define criteria for the classification of criminal records in different ways. Thus, L. Ya. Drapkin and V. M. Karahodin note that: "*classification of records can be implemented by different features. The most important of them are: a) the main function of record-reeping; b) information contained in a record; c) methods of information processing; d) a place of record-reeping information concentration"* [3]*. V. V. Biriukov (along with the above criteria) stresses the following: "By type of record-reeping documents that form their arrays; by record-reeping objects; by the degree of automation; by forms of record-reeping; by the way of combining information arrays; by methods and forms of displaying information in record-reeping units; by types of details and other criteria"* [4]*. In our opinion, quite exhaustive classification is suggested by P. D. Bilenchuk who noted that: "criminal records can be systematized on various grounds: for specific expertise: into criminal records that require specific expertise (records of forensic units), and those that do not require specific expertise (records of information centers); according to the degree of territorial distribution distinguish: interstate, state, regional and local records; depending on the place of concentration, they can be divided into records of information analysis centers and records of forensic units; by the nature of processing of forensically significant information: into automated data banks, automated information retrieval systems and manual files; by the*

[1] Кадук С. В. Криміналістично-довідкові колекції та їх значення у розслідуванні злочинів : автореф. дис. … канд. юрид. наук. Київ, 2010. 20 p.

[2] Волкова А. Е. Формування і використання інформаційно-довідкових колекцій експертної служби МВС України. автореф. дис. … канд. юрид. наук. Запоріжжя, 2012. 22 p.

[3] Драпкин Л. Я., Карагодин В. Н. Криминалистика : учебник. Москва, 2007. P. 148.

[4] Бірюков В. В. Op. cit.

degree of centralization into: centralized, centralized-local and local; records kept at SSRFC of the MIA are called centralized"[1]*. In general, concurring with the above classification, it should be stressed that criteria by the degree of prevalence and the degree of centralization are the same and need to be united into one which most scientists call "by the degree of centralization*".

Let's consider the classification of criminal records according to the criteria that, in our opinion, more fully characterize their essence and which are most significant for practice. Criminal records are formed and operate within various state bodies of Ukraine, therefore records can be classified by service belonging as follows: records of Ministry of Internal Affairs of Ukraine; records of State Tax Service of Ukraine; records of State Customs Service of Ukraine; records of Security Service of Ukraine; records of State Bureau of Investigation; records of National Anti-Corruption Bureau; records of General Prosecutor's Office.

All of them are aimed at facilitating investigation of criminal offenses. At the same time, criminal records of the Ministry of Internal Affairs of Ukraine, in turn, contain the following records: of the National Police of Ukraine, which operate within the department of information analysis support (hereinafter referred to as DIAS); State Border Guard Service of Ukraine; State Migration Service of Ukraine; the Main Service Center of the Ministry of Internal Affairs of Ukraine; Expert service of the Ministry of Internal Affairs of Ukraine.

Referring to the results of research on materials of criminal proceedings, we found out that the most vital for investigation are criminal records of the Expert Service and DIAS of the police. Records operating within these units, according to data obtained while research, were used in 92 % of criminal proceedings. Later, we will focus in more detail on types of these records.

As I. O. Vozghrin notes, the content of criminal records is limited by territorial, time and target limits. The territorial limit is understood by the author as limited gathering and use of information at a certain territory, the time limit is restriction by a specific time period; the target limit is the collection and use of only those data that meet tasks for which solution particular records are assigned[2]. In general, we agree with the specified characteristic of records and believe that these criteria are the foundation for their classification. However, we believe that territorial limits are more likely to be considered not as processes of collecting and using information, but as their concentration or centralization. Thus, information concentrated at a region level can be obtained outside a region and sent by request upon receipt of certain information during investigation of a particular criminal proceeding. Conversely, information or objects

[1] Арешонков В. В., Біленчук П. Д., Волошин О. Г. та ін. Криміналістична техніка. Книга друга : навч. посіб. ; за ред. А. В. Кофанова. Київ, 2009. P. 399.

[2] Возгрин И. А. Некоторые вопросы теории и практики криминалистического учёта. *Вопросы теории и практики борьбы с преступностью.* Ленинград, 1972. P. 7.

found at a specific location (for example, bullets seized while scene inspection) can be identified by weapons seized elsewhere. The time period cannot serve as a basis for classification of records and rather refers to the period of presence of certain objects in a certain information array.

Thus, according to territoriality, or, as we have emphasized and believe to be more accurate, according to the level of concentration, criminal records can be divided into: central, regional and local. The belonging of information systems to a certain level is conditioned by the principles of territoriality, specifics of use and the amount of information being processed. Some scientists classify records by territoriality emphasizing that objects of record-reeping may be the same at different levels. Thus, I. V. Hora and V. A. Kolesnyk note: "Centralization and concentration of record-reeping material can be carried out at the state or regional level, within the region, city, district. By this feature criminal records are divided into centralized and local. Information about individual objects is registered at the state and local levels. Such records are mixed by the feature of materials concentration"[1]. These scientists, co-authored with A. V. Ishchenko, specify their opinion by dividing records depending on the " the level of concentration of information on registered objects: centralized, regional, local and mixed" [2]. Individual textbooks on criminalistics address the levels of criminal records but do not name criteria for specified classification [3]. We believe that this is due to the fact that in this classification the same objects may be concentrated at different levels, depending on the need to use them in a particular criminal proceeding.

If there is no special discussion among scholars on classification of records by levels, then the content of this classification needs, in our opinion, clarification. Dividing records into three levels, V. V. Biriukov emphasizes: "a) at the central level: the level of MIA of Ukraine; b) regional: the level of regional Directorates of the Ministry of Internal Affairs of Ukraine; c) at the local level: the level of municipal and regional departments of Directorates of the Ministry of Internal Affairs of Ukraine. What is more, some records operate at the local, the second: at the local and regional, the third: at the regional and central, the fourth: only at the central level" [4]. Characterizing criminal records of the expert service, Yu. B. Komarynska defines the three-level structure as follows: at the central level: at SSRFC of the MIA of Ukraine, where central collections are maintained; regional: in SRFC at headquarters, regional headquarters where

[1] Гора І. В., Колесник В. А. Криміналістика : навч. посіб. Ч. 1. Криміналістична техніка. Київ, 2005. P. 300.

[2] Гора І. В., Іщенко А. В., Колесник В. А. Криміналістика : посіб. для підготов. до іспитів. 2-ге вид., допов. та перероб. Київ, 2004. P. 143.

[3] Андреев И. С., Грамович Г. И., Порубов Н. И. Курс криминалистики ; под ред. Н. И. Порубова. Минск, 1997. P. 91 ; Пясковський В. В., Чорноус Ю. М., Іщенко А. В., Алексєєв О. О. та ін. Криміналістика : підручник. Київ, 2015. P. 249.

[4] Бірюков В. В. Op. cit. P. 363.

regional collections are maintained; local (local, cluster): in units of forensic support of local, district departments where local (local, cluster) collections are maintained. Local, cluster records are kept at the unit for forensic support of local, district, police bodies and formed from objects (their copies, images) and / or information about them, which come from two or more local, district police departments serving adjacent territories [1].

Given the current situation, we cannot agree with the above views on functioning of criminal records at the local level. Undoubtedly, we agree that initial information for the formation of criminal records comes from the regional police departments. Objects seized during investigation (search) operations, information about detainees and suspects are registered in corresponding documents. But it is impossible to speak about its accumulation and systematization in full at the level of regional police departments. This is evidenced by the results of a survey performed among police officers. The lack of records at the local level (traces of shoes bottom, gloves, vehicles, burglary equipment and tools, etc.) was noted by 95% of criminalists-inspectors interviewed by us. A survey of DIAS employees in Kyiv and Kharkiv regions shows that positions staffing of employees of their service in regional police departments is about 40%, mostly in region centers. A similar survey in other regions showed significantly worse results.

Maintaining local records before reforming internal affairs bodies was entrusted to forensic experts of regional departments. Currently, as enshrined in law, forensic inspectors-criminalists are only required to keep individual records, so they do not analyze or summarize trace information seized during the investigation (search) operations (in particular, scene inspection). There is also no exchange of such information between police departments. For example: a group of burglars is detained, and shoes and burglary tools are not confiscated during search of their place of residence, therefore ignore their check for committing other crimes at this territory.

The Order of the Ministry of Internal Affairs of Ukraine No. 257 dated on 16.03.2020 provides for the formation and maintenance of the information subsystem: *СЛІД* of the information and telecommunication system: *Інформаційний портал Національної поліції України*, which actually obliges forensic units of the police pre-trial investigation body to keep forensic records at the local level. In particular, the purpose of the information subsystem *СЛІД* is:

"•*record-reeping for information about objects seized during investigation (search) operations in a single information space using modern information technology, computer and telecommunications equipment;*

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[1] Пясковський В. В., Чорноус Ю. М., Іщенко А. В., Алексєєв О. О. та ін. Op. cit.

• provision of information analysis support to the activities of police bodies (units) aimed at preventing and disclosing criminal offenses;

• establishing links between data significant for a criminal proceeding;

• ensure processing of information about objects that were seized while investigation (search) operations, filling and maintaining the current state of information resources in databases (databanks) included in Information Portal of National Police” [1].

The following information is entered to the *СЛІД* information system: “about objects that were seized during investigation (search) operations by responsible persons of the police pre-trial investigation after its assessment for the presence of a set of identification features by the Head of the forensic support unit of the police pre-trial investigation body. If during the analysis of seized objects coincidences with other objects entered into the *СЛІД* information subsystem are identified, the administration of the police pre-trial investigation body shall be immediately notified” [2]. In practice, this subsystem does not actually exist. For high-profile crimes, the information is sent to SRFC and is recorded and systematized at the level of DMIA in regions. In the district police departments, there are only “guard” cards with information on seized traces, which sometimes do not contain their images, and in the case of their presence, the images often allow to establish only the group belonging of objects. We do not speak about any identification researches. In addition, the lack of necessary technical and forensic support (this was stated by 87% of our investigators and inspectors-criminalists) and the low level of training of inspectors-criminalists (68% of surveyed investigators) in district police departments should be stressed.

In view of the above, we believe that consideration of objects record-reeping at the local level should be left, but the responsibility for its formation and operation should be assigned to local units of technical and forensic support. Our suggestion is also justified by the need to verify traces of these records not only within the district, but also throughout the city as criminals are usually not limited to one district, but operate throughout the city. This is especially true of such crimes as theft, robbery, burglary, hooliganism, causing bodily harm, etc.

From information viewpoint and in terms of importance for solution of criminal proceeding tasks, the distribution of records not by concentration but by functional purpose or tasks solved by criminal records is more important. Regarding classification of criminal records, forensic scientists did not reach consensus on this criterion. One group, represented by forensic scientists

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[1] Про затвердження Інструкції з формування й ведення інформаційної підсистеми «СЛІД» інформаційно-телекомунікаційної системи «Інформаційний портал Національної поліції України» : наказ МВС України від 16.03.2020 р. № 257. URL: https://zakon.rada.gov.ua/laws/show/z0319-20 (date accessed: 22.02.3021).

[2] Ibid.

of the so-called Soviet school (T. V. Averianova, R. S. Bielkin, O. F. Volynskyi, Yu. H. Korukhov, O. R. Rosynska) divides criminal records into three groups: operative-reference, forensic, reference-supplementary [1]. According to O. F. Volynskyi, operative-reference records include information: "about objects (and features individualizing them) that often have a cause-effect relation with a crime event. Thus, information is externally obvious, visually acceptable. No specific expertise is required to identify it and use it to detect wanted objects among similar (being inspected) objects. Criminal records contain information about objects, acquisition and implementation of which: "involves the help of forensic experts and the use of forensic research techniques". Reference-supplementary records contain information: "about objects, and sometimes objects themselves (their collections), which have no cause-action relation with a crime event. However, their use is important to establish crime circumstances" [2].

In our view, the above classification is not accurate since all of the above types of records should be called *forensic*, as they directly relate to investigation of criminal proceedings and contribute to identification of people involved in a crime and to other circumstances of the offense. V. A. Zhbankov, classifying records by functionality, divides them into "forensic operative-reference, forensic search and forensic reference-supplementary" [3], confirming their generic feature as forensic.

The second group of scientists provides another classification of records. V. Yu. Shepitko divides records (depending on tasks to be solved) into operative-search and information-reference [4], at the same time adhering to the classification specified in the Instruction on maintenance of criminal records functioning of the expert service of the Ministry of Internal Affairs of Ukraine. According to this Instruction, operative-search collections: "are formed from objects (their copies, images) and (or) information about them seized or obtained while scene inspection <…>, other investigative actions, operation-search operations, etc. as well as fingerprint cards, photo and video images, voice and speech recordings of persons, DNA profiles obtained during forensic registration" [5]. Information-reference collections: "are formed from objects of interest

[1] Аверьянова Т. В., Белкин Р. С., Корухов Ю. Г., Россинская Е. Р. Криминалистика : учеб. для вузов ; под. ред. Р. С. Белкина. Москва, 2000. P. 369 ; Криминалистика : учеб. для студ. вузов ; под ред. А. Ф. Волынского, В. П. Лаврова. 2-е изд., перераб. и доп. Москва, 2008. P. 321.

[2] Криминалистика : учеб. для студ. вузов... .

[3] Жбанков В. А. Получение образцов для сравнительного исследования. Москва, 1992. P. 63.

[4] Шепітько В. Ю., Журавель В. А., Коновалова В. О. та ін. Криміналістика : підручник : у 2 т. Т. 1 ; за ред. В. Ю. Шепітька. Харків, 2019. P. 203.

[5] Про затвердження Інструкції з організації функціонування криміналістичних обліків експертної служби МВС України : наказ МВС України від 10.09.2009 р. № 390. URL: https://zakon.rada.gov.ua/laws/show/z0963-09 (date accessed: 22.02.3021).

for crime detection and investigation, research and methodological activities and is physical evidence in criminal cases in which the case is closed and in respect of which there is a court decision on their placement in collections, as well as objects received from institutions, organizations, enterprises regardless of the form of ownership" [1]. Yu. B. Komarynska also classifies criminal records, but at the same time emphasizes that this classification belongs exclusively to criminal records of the expert service of the Ministry of Internal Affairs of Ukraine[2]. In general, the textbook content prepared by composite authors of the National Academy of Internal Affairs demonstrates that records kept by DIAS do not belong to the category of forensic (Chapters 18 and 19, author Yu. B. Komarynska), and we certainly disagree with it. P. D. Bilenchuk also distinguishes two types of records, but views them differently: a) operative-reference records which differ in a significant amount of arrays with a fairly short (reference) description of recorded objects. Their main purpose is to check the availability of constituent data about an object and its location at the time of request. Eternally obvious, visually acceptable features of objects are the basis of it; b) operation-search records that contain more information about an object, performing (along with operation-reference) the function of comparing not only constituent data, but also similar external descriptions of persons, things, products; they are outlined directly by the investigator and operative entities. Recording objects or their features does not require forensic knowledge. According to the scientist, these records are available in divisions of DIAS. Such distribution of records is quite possible, however, in fact the difference between them is the volume of descriptive part of objects forming arrays of recorded data, which are not, in our opinion, the basis for their division. In addition, the author singles out forensic records, in which: "informational features of objects are usually identified by implementing special researches or forensic examinations, and these records are kept only in forensic departments" [3].

Expanding classification of records by purpose, V. V. Biriukov divides them into three groups: operative-search, information-reference and reference-supplementary. According to the scientist, criminal records of operation and search purpose: "contain information about objects involved in unsolved crimes, as well as specific objects of operational interest, which are directly intended to facilitate their establishment by artificial or personal features" [4]. Criminal records are: "records designated to provide the investigation process with a wide range of information about objects involved in a crime which may be useful for solving problems arising in investigation process" [5].

[1] Ibidem.

[2] Пясковський В. В., Чорноус Ю. М., Іщенко А. В., Алексєєв О. О. та ін. Op. cit.

[3] Арешонков В. В., Біленчук П. Д., Волошин О. Г. та ін. Op. cit.

[4] Бірюков В. В. Op. cit. P. 375.

[5] Ibidem.

According to most scientists-criminalists, collections that are created and operate within the divisions of the expert service make up the basis of reference-support records. Thus, according to V. V. Biriukov, "reference-supplementary criminal records include collections and catalogs of various objects being used as samples for comparison during forensic examinations and researches, as well as in search activities to solve classification tasks" [1]. According to S. V. Kaduk, whose dissertation was dedicated to forensic-reference collections, they are systematized: "by one or more common features of collection of certain forensic physical objects or their copies (representations), which constitute scientific, cognitive and practical interest as a whole" [2]. The author concludes that forensic reference collections are part of reference and supplementary records and are formed from real-world objects, as well as their models (representations, copies): photographs, videos, casts, impressions, descriptions, etc. N. I. Klymenko emphasizes: "As for collections of reference and real-world nature, they are used to ensure information support to a forensic expert. In forensic science, they fall into two types: real-world collections and descriptive forms. <…> Real-world collections can be presented in the form of direct objects or their images. Forensic units of the Ministry of Internal Affairs have such descriptive collections as a reference fund of publications on various areas of forensic activity (including management), Automated Information-search system of regulations of MIA, etc." [3]. At the same time, the scientist does not mention the importance of collections directly while investigation, but singles out only their importance in forensic expert activities.

The significance of reference-suplementary records is stressed by V. V. Biriukov as follows: "Although these records do not directly help in detection of specific crimes, however, they contribute to solution of others, no less important tasks arising while investigation. For example, to categorize an object, define a group of similar objects, etc. [4] The Instruction on the organization of criminal records functioning of the expert service of the Ministry of Internal Affairs of Ukraine states: "Information and reference collections are intended for the use of objects contained in it during expert researches, creation of research and design-experimental developments, updating of methodological and regulatory framework of forensic examination, preparation of indicative information, summarizing information on causes and conditions of crimes and

[1] Ibidem. P. 375—377.

[2] Кадук С. В. Op. cit. P. 9.

[3] Клименко Н. І. Судова експертологія. Курс лекцій : навч. посіб. Київ, 2007. P. 98.

[4] Бірюков В. В., Хахановський В. Г., Бондар В. С., Шалімов С. В. Інформаційно-довідкове забезпечення кримінальних проваджень : підручник ; за заг. ред. В. В. Бірюкова. Київ, 2014. P. 27.

other offenses to counteract them" [1]. Analyzing the purpose of collections in this regulation, it can be observed that there is no direct indication of their use in investigation. It should also be noted that information-reference collections are dveloped from objects that don't relate to a criminal offense event.

As noted above, important research papers on formation and use of information-reference collections are dissertation researches by S. V. Kaduk: *Forensic-reference collections and their importance in crimes [2] investigation* and A. E. Volkova: *Formation and use of information and reference collections of the expert service of the Ministry of Internal Affairs of Ukraine [3]*. Scientists emphasize the use of collections both in forensic activities and directly in investigation (search) operations and crime detection and investigation. Let's consider more detailly main provisions of these research papers.

Thus, A. E. Volkova and E. O. Razumov in a joint monograph stress: "Information-reference records is a subsystem of criminal records that provides collection, registration, concentration, systematization of objects and other information used for information support of expert researches, procedural actions, operational measures, performing research, methodological and didactic work. For their part, reference records are divided into various types of reference collections designated to provide information support for conducting individual types of forensic examinations"[4]. However, in the dissertation, A. E. Volkov provides statistics of own research confirming use of this type of records in forensic activity but almost minimizing their significance in carrying out investigation (search) operations: "Collectible objects are used in procedural (during forensic examinations — 53 %) and non-procedural (during previous researches — 33 %, training of forensic experts — 9 %, performing investigative actions — 3 %, inspections by investigative records — 2 %)" forms [5].

Having familiarized with the content of paragraph 3.1: *The use of objects of forensic-reference collections during individual investigative actions* of the dissertation, S. V. Kaduk adheres to conclusions about the use of collections by the investigator, most often: at the preparatory stage of the investigation (search) operation to obtain additional information. But according to the results of the performed survey on investigators, none of them turned to expert collections both during preparation and execution of investigative (search) operations. At the same time, 65 % do not see the need for this, 12 % rely on their own expertise, 23 %: on the knowledge of experts involved in investigative (search) operations.

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[1] Про затвердження Інструкції з організації функціонування криміналістичних обліків … . URL: https://zakon.rada.gov.ua/laws/show/z0963-09 (date accessed: 22.02.3021).

[2] Кадук С. В. Op. cit.

[3] Волкова А. Е. Op. cit.

[4] Волкова А. Э., Разумов Э. А. Информационно-справочные криминалистические учеты: теория, организация, использование. Сумы, 2013. 344 р.

[5] Волкова А. Е. Op. cit. P. 11.

S. V. Kaduk's thesis on the use of: "collections of photographs, videos regarding persons who have previously committed similar socially dangerous acts" while compiling a portrait with a suspect's appearance is considered unjustified both from a theoretical and practical viewpoint, because forensic experts use a variety of computer programs such as *Portrait* for this purpose. There are also doubts about the use of collectible specimens of "objects which sound should be diagnosed [1] by analogy" during an investigative experiment.

Summarizing the above as to functioning and use of reference-supplementary records as collections, we can conclude that this type of record-reeping is used only in forensic activities; therefore collections cannot be considered criminal records in full understanding of this term. Research on forensic practice as well as the results of the survey of experts regarding types of collections of the expert service indicate that currently only objects of forensic ballistics and cold weapon examination are presented in real-world form (firearms, ammunition, bullets, cartridge cases). Their existence in the expert units in quantitative measurement is far below any catalog of the indicated objects that are publicly available to private collectors (in particular, on the Internet). The same can be stated about collections of models of explosive devices and substances; narcotic drugs, psychotropic substances, their analogues and precursors; tools used for break-in. Currently, there are no such collections in expert units as: embossed shoe soles; objects of trace evidence analysis; seals and stamps; magnetic media; paint coatings; glass of a car headlight; tire treads; fibers and hair; fuels and lubricants; fake numbers of knots and details and vehicle aggregates .

With the development of computer technology, real-world collections are losing their significance. Digital technology helps to create and store images of any object in excellent quality in digital format, as a consequence individual records take a different form. For example, samples of strict record keeping documents, securities and money are contained in the database of the video spectral comparator: *VSC 8000* from *Foster + Freeman Ltd*, which software allows you to create your own database as well as update the existing offline. A database of vehicle tire treads can be obtained using the catalogs of leading car manufacturers.

Conclusions. Summing up the classification of criminal records by functional (target) purpose, let's emphasize that today such types of records as reference-supplementary have lost their significance for investigation in general, have acquired new forms and cannot be called *forensic*. In our opinion, they can be characterized as information databases that are created and operate in cyberspace and can be both publicly available and owned by enterprises, institutions, organizations and individuals.

Thus, from our perspective, criminal records by functional (target) purpose are divided into search and reference. We consider it superfluous to use the

[1] Кадук С. В. Op. cit. P. 13.

concept of *operative search*, since with the introduction of the concept of *public and covert investigation (search) operations* in criminal procedure legislation, objects and information for records are obtained after their conduct, and results of inspections by records are used oftentimes in investigative, not in operative and search activities. We also consider the use of the term information-reference to be superfluous as any record-reeping contains a certain amount of information, as mentioned above.

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І. В. Пиріг, В. О. Приходько

Криміналістичні обліки: проблеми класифікації

Досліджено проблеми класифікації криміналістичних обліків. Розглянуто класифікацію криміналістичних обліків за службовою належністю, ступенем централізації та функціональним (цільовим) призначенням (як основними критеріями для класифікації). Доведено, що за ступенем централізації обліки потрібно поділяти на центральні, регіональні й місцеві, але при цьому зауважено фактичну відсутність обліків експертної служби на місцевому рівні. Обґрунтовано розподіл криміналістичних обліків за функціональним (цільовим) призначенням на розшукові та довідкові, водночас зазначено, що довідково-допоміжні обліки у вигляді колекцій станом на сьогодні втратили своє значення й не можуть складати систему криміналістичних обліків.

Ключові слова: *класифікація, розслідування кримінальних правопорушень, криміналістичні обліки, розшукові обліки, довідкові обліки, експертна служба.*

И. В. Пирог, В. О. Приходько

Криминалистические учёты: проблемы классификации

Исследованы проблемы классификации криминалистических учётов. Рассмотрена классификация криминалистических учётов по основным критериям: служебному назначению, степени централизации и функциональному (целевому) назначению.

Криминалистические учёты образуются и функционируют в различных государственных органах Украины, поэтому возможна классификация учётов по служебному назначению следующим образом: МВД Украины; Государственной налоговой службы Украины; Государственной таможенной службы Украины; Службы безопасности Украины; Государственного бюро расследований Национального антикоррупционного бюро; Генеральной прокуратуры и т. п. Все они направлены на содействие расследованию уголовных преступлений. При этом криминалистические учёты МВД Украины, в свою очередь, включают в себя учёты: Национальной полиции Украины, функционирующие в департаменте информационно-аналитической поддержки; Государственной пограничной службы Украины; Государственной миграционной службы Украины; Главного сервисного центра МВД Украины; Экспертной службы МВД Украины.

Доказано, что по степени централизации учёты следует разделять на центральные, региональные и местные, но при этом отмечается фактическое отсутствие учётов экспертной службы на местном уровне, что подтверждается результатами изучения материалов уголовных производств и опросов следователей. По мнению авторов, учёт объектов на местном уровне в общей классификации нужно оставить, но ответственность за его формирование и функционирование возложить на городские подразделения технико-криминалистического обеспечения полиции.

Обосновано разделение криминалистических учётов по функциональному (целевому) назначению на поисковые и справочные, при этом отмечено, что справочно-вспомогательные учёты в виде коллекций в настоящее время утратили своё значение и не могут составлять систему криминалистических учётов. По мнению авторов, их можно охарактеризовать как информационные базы данных, которые образуются и функционируют в киберпространстве и могут находиться как в свободном доступе, так и в собственности предприятий, учреждений, организаций и частных лиц. На практике этого вида учётов практически не существует, что подтверждается результатами изучения работы следственных подразделений полиции и экспертной службы.

Ключевые слова: *классификация, расследование уголовных преступлений, криминалистические учёты, розыскные учёты, справочные учёты, экспертная служба.*

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Contributors

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