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Issues and main optimization directions of unsolved crime investigation over past years

This article discusses one of the topical issues of forensic science, namely: investigation of unsolved crimes over past years and the state of this activity.

The factors of such a situation and the social danger of the availability of array of unsolved crimes over past years are considered.

Based on the analysis of investigative practice, opinions of scientists and practitioners, the main issues of this activity are identified and the main directions for its optimization are proposed in order to reduce the number of unsolved crimes over past years.

Positive influence of time factor on disclosure and investigation of criminal cases of this category is considered. Modern possibilities in the investigation of crimes over past years and directions of their use are demonstrated.

It is concluded that issue of disclosing and investigating unsolved crimes over past years is complex, therefore, its solution requires the same complex efforts.

Keywords: *crime detection, investigation, unsolved crimes over past years, activity optimization.*

Formulation of Research Problem. For many years, domestic scholars and practitioners have unjustifiably paid little attention to the issues of detection and investigation of unsolved crimes of previous years. There are almost no dissertations, monographs, other comprehensive research, guidelines, relevant sections in textbooks and manuals on this topic. Separate publications on this topic appearing from time to time in periodicals and conference proceedings cannot solve this issue definitively.

Analysis of Essential Researches and Publications. Despite its relevance and relative antiquity, the investigation issue of unsolved crimes of past years has lacked the attention of scientific community. Individual research papers in particular dissertations, did not solve this issue in general, but only covered some of its components. To date, only 6 dissertations have been defended on this issue, in particular, two of them were prepared by domestic researchers E. M. Voitovych ¹

¹ Войтович Е. М. Теоретические и практические вопросы методики расследования убийств прошлых лет : дис. ... канд. юрид. наук. Запорожье, 2005. 249 p.

and O. V. Luskatov ¹. Other dissertations were written in Russia while 2005—2016 (V. Yu. Nizamov, I. Yu. Kuleeva, A. V. Morozov, N. M. Samilev) ².

It should be noted that all these research papers are devoted to various aspects of this issue: legal regulation of investigation, methodology of investigation of individual unsolved crimes of past years, the investigation organizational basis. O. V. Luskatov came close to considering the problems of unsolved crimes of past years investigation in his dissertation, although some important issues of the practice of investigating crimes of this category were left out of his attention.

Considering that mentioned dissertations of Ukrainian scientists were written during the Criminal Procedural Code of Ukraine of Ukraine in 1960 (Criminal Procedural Code of Ukraine from 2012 is currently in force containing new institutions (covert investigative) actions), modern conditions of law enforcement agencies and new opportunities to use innovative technical means and technologies in the investigation of unsolved crimes of past years), this issue is still relevant and requires urgent further research to address.

Research Paper Purpose is to consider the investigation state of unsolved crimes of past years, to identify a number of problems in optimizing activities of law enforcement agencies to investigate this category crimes.

Main Content Presentation. In our opinion, this state has developed, in particular, due to the lack of understanding by the leadership of law enforcement agencies (primarily pre-trial investigation bodies and operational units) of public danger of unsolved crimes of past years existence, especially their number, the array of decades.

Even non-disclosure of one crime, non-detection of at least one criminal (especially a criminal group), except for transfer of such criminal cases/proceedings in the category of “unsolved” (eloquent treatment of them and return to work on them is in the professional statements law enforcement agencies: “unsolved case”, “cold case” (hopeless case), indicates certain significant shortcomings in activities of pre-trial investigation bodies and operational units, their inability to identify the perpetrators and bring them to justice as a result, elusiveness, impunity, gives them weight in the criminal hierarchy, which helps to involve and attract new people to commit crimes, the

¹ Лускатов О. В. Розслідування нерозкритих злочинів минулих років : автореф. дис. ... канд. юрид. наук. Харків, 2006. 20 р.

² Е.г., Низамов В. Ю. Вопросы теории и практики раскрытия убийств прошлых лет : дис. ... канд. юрид. наук. Иркутск, 2005 ; Кулеева И. Ю. Правовое регулирование и криминалистическое обеспечение расследования нераскрытых преступлений прошлых лет : дис. ... канд. юрид. наук. Омск, 2010 ; Морозов А. В. Использование экспертно-криминалистических учетов в расследовании преступлений прошлых лет : автореф. дис. ... канд. юрид. наук. Москва, 2016 ; Самилев Н. М. Расследование нераскрытых преступлений прошлых лет (по материалам Республики Таджикистан и Российской Федерации) : дис. ... канд. юрид. наук. Москва, 2016. 221 р.

latter contributes to continuation of criminal activity at a higher professional level, gaining criminal experience, leading to repeated crimes and serial crimes.

In addition, it is unsolved crimes of past years that most often fall into the category of so-called high profile crimes (serial murders, robberies and robberies, fraud, etc.), when society can no longer accept that criminals remain at large, continue to die and suffer material damage and the damage has not been compensated, law enforcement agencies are not able to put an end to this, so let's not talk about protecting the rights, freedoms and legitimate interests of citizens.

While working on unsolved crimes of past year, professionals simultaneously identify and solve many criminal cases. Among such high-profile criminal cases, in particular, the case of A. Chikatilo about which high party cabinets said: "that there is no case in the country more important than Operation Forest Path", while investigation of which 1,062 crimes were solved. During 1984—1985, during the investigation of H. Mikhasevich's case, 221 crimes were solved, including 27 murders, 479 criminals were identified, and 186 people were found missing. Such results are typical of most crimes of the past years, which investigation was carried out organizationally and tactically correctly with the use of all necessary forces and means.

It seems that the above is enough to understand the danger of having a large array of unsolved crimes of past years and to conclude that it is necessary to intensify work on their detection and investigation.

However, there are other factors that motivate us to return to this topic and undertake to correct the current situation in such cases/proceedings.

In addition to de facto non-compliance/non-compliance with the law to ensure prompt, full and impartial investigation and trial so that anyone who has committed a criminal offense is prosecuted as he is guilty and no innocent person is charged or convicted (Article 2 of Criminal Procedural Code of Ukraine) array existence of unsolved crimes of past years also complicates the work on detecting and investigating current crimes that have just been committed and which with the proper attitude and professional work of investigators and operatives (hopefully!) Will not move to the category of "unsolved".

The fact is that working on unsolved crimes of past years is a good school both for training and becoming a young investigator and for improving the skills of more experienced investigators, as it requires certain knowledge and approaches to study the analysis of case papers/proceedings, their evaluation, organization and planning of investigations, tactics of re-investigation, nature and direction of operational and investigative measures, other important components of this category of criminal cases proceedings. In particular, their materials may contain information for the disclosure of later crimes, which may have involved the same persons wanted under unsolved crimes of past years, or their accomplices in previously committed crimes: data on how to commit and

conceal the crime, traces of criminals and crimes previously committed was not investigated due to lack of technical capabilities and expert methods, physical evidence, data on connections, relatives and acquaintances of criminals, testimony of witnesses, results of investigative actions, etc. All of the above with proper skill and proper use cannot only help to solve these crimes but to identify previously unknown crimes (by the commission method, characteristic traces and signs of appearance).

The time factor for an investigation can play both a negative and a positive role that should always be kept in mind. For example, victims and witnesses may change their residence, move abroad, be abducted and resold, destroyed, criminals may change their appearance, surname, residence and so on.

However, with modern communication possibilities, a person can be found through social networks, interrogated and interrogated remotely via video conferencing, correspondence and photos can be used to obtain information about his current appearance, identification and research on photos from social networks, etc. It possible to establish the circle of communication of the person, his current connections, find the stolen or find out his future fate. The digitalization of the world space is developing and expanding almost every day, providing, in particular, many opportunities to solve the problems of investigation. Consideration of all modern possibilities deserves a separate publication. Conducting covert investigative actions and investigative measures further enhances the ability to identify and collect forensically significant and evidentiary information.

The analysis of the practice of research on physical evidence according to unsolved crimes of past years indicates that positive results in this work can be achieved in the case of a combination of several factors, including: appointment of additional (repeated) examinations of objects (given the emergence of new (modern) opportunities for forensic examinations); involvement of geneticists to assess the completeness of previous research, the objectivity of their results and determine the possibility of new research; use of other possibilities of forensic examinations ¹.

Among the shortcomings of investigative unit activities that did not allow to detect crimes in a timely manner, generalization of investigative practice revealed, in particular: conducting forensic researches on not all objects removed from crime scenes; limited to that period possibility of conducting forensic examinations ².

¹ Бастрыкин А. И. Раскрытие преступлений прошлых лет как одно из приоритетных направлений деятельности Следственного комитета Российской Федерации. Раскрытие и расследование преступлений серийных и прошлых лет : мат-лы Междунар. науч.-практ. конф. (Москва, 16.03.2017). Москва, 2017. Р. 8—18.

² Багмет А. М. Раскрытие и расследование Следственным комитетом Российской Федерации преступлений прошлых лет. *Ibid.* Р. 19—23.

Despite importance of modern possibilities of forensic science the most important thing while working on unsolved crimes of past years is the mental activity of the investigator, his investigative thinking, his training, experience and ability to analyze the materials of criminal cases/proceedings. While working on such cases that investigators learn analysis methods, which results are often the starting point for the successful detection of a crime (in particular, through investigation), identify other, previously unknown criminal episodes.

This is exactly what happened with the criminal case of Yu. Ladjun that arose from the analysis of documents, when it was established that several dozen thefts and frauds remained unsolved in various republics. Despite the geography of the scene, an experienced investigator M. P. Daineko on the basis of analysis of available materials, comparing the methods of the offender to “enter into trust”, in default of a single handwriting of crimes, practically calculated the offender, determining where the latter could see acquaintances, establishing them and having obtained the identity of the offender. The criminal case, initiated on the facts of theft of personal property of 72 citizens, was opened by investigation and ended with proving an episode of premeditated murder that Lajun carefully hidden ¹.

Unfortunately, such findings of investigative skills have not been studied and generalized in detail, they do not become the subject of methodological recommendations, they are unknown to general investigative community, they are not available to students of departmental educational institutions preparing for crime detection and investigation.

At present, conditions for combating crime have changed significantly, as has the quality of crime itself. It is no longer enough to work as before, relying only on one's own experience and skills, on positive examples from investigative practice. It is necessary to actively and more widely apply the scientific knowledge provided by science opportunities, and not only in the form of examination results. It is a question of proper mastering of modern criminological knowledge and corresponding practical skills and methods of “field criminalistics”.

“Shortcomings of the investigation are explained primarily by the weak theoretical training of our investigators and, in particular, weak and sometimes complete ignorance of criminalistics... This explains the fact that manuals that generalize investigative practice are left without attention... Criminalistics requires that criminalist-practitioner, the investigator has mastered all the variety of knowledge needed to collect and study evidence... Equipped with diverse knowledge of criminology studying ways of committing crimes and summarizing the experience of investigative work, should show the investigator

¹ Лаврова О. А., Лавров А. С. Полуденный вор : криминальные повести. Москва, 1991. Р. 9—71.

*the right way to solve crimes and expose criminals”*¹. This conclusion of the outstanding criminalist V. P. Kolmakov about importance of criminology in the investigation of crimes is shared by the famous scientist S. S. Samishchenko, disappointing: *“procedural law is observed quite scrupulously, but the laws and requirements of criminology are grossly ignored”*².

Conclusions. Without proper attention to the training of investigators, identification of its weaknesses, improvement of theoretical knowledge relevant to the current crime state, without inculcation and development of practical skills required by investigation in modern conditions do not expect to improve the work on unsolved crimes of past years and results in the fight with crime in general.

However, one professional skill of investigators will be lacking to significantly improve the situation with investigation of unsolved crimes of past years; the issue that is complex and also requires the use of a set of forces and measures; the case for further thorough research, study and implementation of best practices specific recommendations for the investigation of unsolved crimes of past years for practitioners.

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¹ Колмаков В. П. Больше внимания криминалистике : сб. науч. тр. : к 100-лет. со дня рож. учен.-криминалиста ; сост. : В. В. Тищенко, О. П. Вашук. Одесса, 2013. Р. 11, 15.

² Самищенко С. С., Самищенко А. С. Синдром игнорирования криминалистики при расследовании убийств. Актуальные проблемы расследования преступлений : мат-лы Междунар. науч.-практ. конф. (Москва, 23.05.2013) : в 2 ч. Ч. 2. Москва, 2013. Р. 311.

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О. В. Александренко

**Проблемні питання та основні напрями оптимізації діяльності
з розслідування нерозкритих злочинів минулих років**

Розглянуто одну з актуальних проблем криміналістики — розслідування нерозкритих злочинів минулих років і стан цієї діяльності. Визначено чинники такого положення та суспільну небезпеку існування масиву злочинів попередніх років. На основі аналізу слідчої практики, думок науковців і практиків виявлено проблемні питання цієї діяльності та запропоновано шляхи їх вирішення. Показано сучасні можливості в розслідуванні злочинів минулих років. Зауважено, що проблема розкриття і розслідування злочинів минулих років має комплексний характер, тому її вирішення потребує саме комплексних зусиль.

Ключові слова: розкриття злочинів, розслідування, нерозкриті злочини минулих років, оптимізація діяльності.

Е. В. Александренко

**Проблемные вопросы и основные направления оптимизации
деятельности по расследованию нераскрытых преступлений
прошлых лет**

В статье рассмотрена одна из актуальных проблем криминалистики — расследование нераскрытых преступлений прошлых лет и состояние указанной деятельности.

Отмечены факторы такого положения и общественная опасность наличия массива нераскрытых преступлений прошлых лет.

На основе анализа следственной практики, мнений учёных и практиков выявлены и определены основные проблемные вопросы этой деятельности

и предложены основные направления по её оптимизации с целью сокращения количества нераскрытых преступлений прошлых лет.

Рассмотрено позитивное влияние временного фактора на раскрытие и расследование уголовных дел указанной категории. Показаны современные возможности в расследовании преступлений прошлых лет и направления их использования.

Сделан вывод, что проблема раскрытия и расследования нераскрытых преступлений прошлых лет носит комплексный характер, поэтому её решение требует таких же комплексных усилий.

Ключевые слова: раскрытие преступлений, расследование, нераскрытые преступления прошлых лет, оптимизация деятельности.

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Contributor

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