

V. Bernaz

*Doctor of Law Sciences, Professor,
Head of the Department of Criminal Law, Procedure and Criminalistics,
International Humanitarian University,
Honored Worker of Science and Technology,
Corresponding Member of the National Academy of Legal Sciences of Ukraine*

COVERT INVESTIGATIVE (DETECTIVE) ACTIONS AS CRUCIALLY IMPORTANT MEANS FOR SOLVING STRATEGIC GOALS OF PRETRIAL INVESTIGATION

Defining trend of development of modern criminalistics and practice of pretrial investigation of crimes is the use of not only tactical but also strategic approaches to solving investigative tasks.

Using the foundations of the strategy is often the key to the use of innovative tools and techniques for sustainable improvement of activities in order to maintain optimal quality of pretrial investigation of criminal offenses.

A characteristic feature of the modern state of investigation of crimes is that investigative activities are carried out in an increasing organized opposition on the part of criminal underworld.

In the preparation and conduct of the covert investigative (detective) activities (CI(D)As) investigator must always remember the ultimate strategic goal of criminal proceedings. His current activities should correspond to the strategy of the investigation, be aimed at examination of existing evidences and detection of new ones. It is rarely possible to succeed being focused only on short-term results.

The prohibition to disclose the tactics of the CI(D)As enshrined in the criminal procedure law does not allow to reveal the problem in more details in this publication, however, the already stated enables to argue that the development of the problems of using the CI(D)As in course of implementation of the strategic objectives of the pretrial investigation is at the initial stage of the study. CI(D)As have their advantages and disadvantages and can lead to success or to failure of the strategy: a lot depends on the prevailing situation of investigation; the level of organization of investigative activities and training of the investigator; determination of the optimal direction of the investigation and the quality of implementation of the strategic plan for the investigation of criminal proceedings; ability to timely and quality conduct the CI(D)As to fulfill tactical and strategic objectives of pretrial investigation. All these aspects are components of the strategy of investigative activities and are subjects to further research.