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Investigation of Crimes Committed By Members of Youth Informal Groups

Расследование преступлений, совершаемых членами молодежных неформальных групп

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Abstract

The deterioration of the criminal situation in Ukraine makes it necessary to intensify the work of law enforcement agencies to combat crime. In particular, there is a need to improve the investigation methods of certain types of crimes. This category of crimes includes crimes committed by members of youth informal groups. The object of the study was public relations in the field of investigation of crimes committed by members of youth informal groups. As a result of the study, the features of proposing a version of the involvement of members of a youth informal group in criminal activity are considered. Initial investigative (search) actions are determined, which serve as the basis for verifying the indicated version. When working on the article, special literature was analyzed devoted to the study of various aspects of the activities of youth informal groups, criminal associations, the fight against crime, the investigation of group crimes, etc. In addition, such scientific methods as observation, analysis, synthesis, and generalization were used. The authors used a combination of methods of scientific knowledge, which together allowed them to achieve the stated results of the study. Among other, the methods of analysis, synthesis, extrapolation, generalization method were

Аннотация

Ухудшение криминогенной обстановки в Украине обуславливает необходимость активизации работы правоохранительных органов по борьбе с преступностью. В частности, существует необходимость совершенствования приемов и способов расследования отдельных видов преступлений. К такой категории преступлений относятся и преступления, совершаемые членами молодежных неформальных групп. Объектом исследования выступили общественные отношения в сфере расследования преступлений, совершаемых членами молодежных неформальных групп. В результате проведенного исследования рассмотрены особенности выдвижения версии о причастности к совершению преступной деятельности членов молодежной неформальной группы. Определены первоначальные следственные (розыскные) действия, которые служат основой для проверки указанной версии. При работе над статьей была проанализирована специальная литература, посвященная исследованию различных аспектов деятельности молодежных неформальных групп, преступным объединениям, борьбе с преступностью, расследованию групповых преступлений и т.д.

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used. The empirical basis of the study was the materials of the investigation of crimes committed by members of youth informal groups and associations.

Key Words: investigation, crime, youth, informal group, version, special issues.

Introduction

One of the most difficult categories of crimes, in the context of their investigation, is group manifestations of a protest nature. Most often, these acts are inherent in participants of various kinds of informal groups, associations that try to express certain ideas, views, beliefs (pseudo-beliefs) by any means, including illegal ones.

In this regard, there is, without exaggeration, an urgent need to develop methods for investigating of crimes committed by members of youth informal groups and associations. In this case, one should take into account the lack of fundamental scientific and practical research that could serve as the informational basis of these methods.

However, the analysis of empirical material, of individual scientific publications makes it possible to highlight certain features of the investigation of crimes committed by members of youth informal groups and associations.

Moreover, often these features are associated with the problems that the investigating authorities face in the process of their investigation.

The main objective of the study was to analyze the features of the formulation of the version of the involvement in the commission of criminal activity of members of youth informal groups.

An additional objective of the study was the formulation of a set of initial investigative (search) actions, which serve as the basis for checking of this version.

The authors also tried to group in two blocks special issues that arise in the process of studying information related to the activities of informal

Авторы использовали комбинацию методов научного познания, которые в своей совокупности позволили достичь поставленных результатов исследования. Среди прочего, были использованы методы анализа, синтеза, наблюдения, экстраполяции, генерализации и т.д. Эмпирической основой исследования стали материалы расследования преступлений, совершаемых членами молодежных неформальных групп, объединений.

Ключевые слова: расследование, преступление, молодежь, неформальная группа, версия, специальные вопросы.

youth groups in the context of investigating their criminal attacks: 1) issues directly to be studied; 2) sources of information.

At the same time, we should also speak about ... the existence of high requirements of civil society for its citizens (Kharytonov, Kharytonova, Tolmachevskaya, Fasiy, & Tkalych, 2019).

The standards of modern civil society require not only the fight against crime and the principle of the inevitability of punishment, but also the respect for the legitimate rights of those suspected of committing crimes.

Accordingly, the activities of bodies investigating crimes committed by representatives of youth informal groups should clearly comply with procedural law. In no case shall the rights and legitimate interests of the suspected persons be infringed.

Theoretical framework

When working on the article, special literature was analyzed devoted to the study of various aspects of the activities of youth informal groups, criminal associations, the fight against crime, the investigation of group crimes, etc.

Having examined a considerable amount of specialized literature, the authors of the article found, that Gross (2002), Konovalova (2013), Klimenko (2005), Bukaev and Vassalatiy (2010) studied some general problems of the crimes investigation process.

Moreover, Shepitko (2009), Shrub (2018), and Varfolomeeva (2011) were engaged in the development of domestic forensics in general. In addition, the psychological view on the different sides of the commission of a crime was studied by Kazmirenko (2009), Vasiliev (2008), Vasylichuk (2016), and Lisovets (2011).

Furthermore, it should be also noted that Denisyuk and Shepitko (1999), Ershov (2006) in their works revealed the issue of conducting a search in the investigation of crimes committed by members of youth informal groups.

Besides, Korshunova (2006) also raised the issue of countering of crimes of extremist orientation. Nevertheless, a number of issues during the investigation of crimes committed by members of youth informal groups haven't been studied enough in domestic science.

In particular, the issues addressed by the authors in this article have not been thoroughly investigated by either domestic or foreign forensic experts.

Methodology

To write the article, the authors used such scientific methods as:

- method of observation (when studying the materials of criminal proceedings, which became the basis for the formulation of certain recommendations);
- method of analysis (in the study of scientific sources; the practice of investigating crimes committed by informal youth; the features of verifying the version of the involvement of members of the youth informal group in the commission of a crime);
- synthesis method (when summarizing individual recommendations on the investigation of crimes committed by members of youth informal groups);
- extrapolation method (in the study of scientific sources devoted to the investigation of crimes);
- generalization method (when considering certain features of the tactics of investigative (search) actions, formulating conclusions).

The empirical basis of the study was the materials of the investigation of crimes committed by members of youth informal groups and associations.

Results and discussion

I. The formulation of a version of involvement in the commission of a crime (s) by members of a youth informal group.

The primary investigative (search) actions in many respects predetermine the success of the investigation of the indicated categories of crimes, therefore, in no case should we allow an "aristocratically distant relationship" (Gross, 2002) to them. The investigator, operational officers should be incredulous and critical. Hans Gross wrote: "an experienced investigator treats a whole series of crimes with distrust from the very beginning and always leaves the question open whether he is dealing with something completely different" (Gross, 2002).

After receiving information about the crime and analyzing the source data, the process of planning the investigation begins. The need for planning arises from the activities of the investigator for the investigation of crimes, which requires organization, speed (Shepitko, 2019).

Depending on the content of the source data obtained by analyzing the investigative situation and taking into account typical versions for this category of cases, the investigator plans his actions at a certain stage of the investigation of the crime, determining their circle, sequence, and content (Shrub, 2018). The version (versions) is the basis of the planning of the investigation, it is a mental model of the crime committed, built by the investigator based on initial data, his or her theoretical ideas and practical experience (Konovalova, 2013).

However, it should be noted that the version of the crime committed by members of the youth informal community is not typical (despite a wide range of crimes committed by "informals"), and its occurrence is usually associated with the identification of specific traces, that is, traces indicating the involvement of a certain youth informal group to commit a crime (items left at the crime scene with symbols of informal movement, inscriptions, graffiti, leaflets – material traces; showing witnesses, victims, for example, about the presence in the actions of the suspected motive of racial, national or religious hatred due to statements, insults, etc. are ideal traces) (Larkin, 2019). Moreover, as the practice of investigating crimes of this category shows, often these traces are of secondary importance, which leads to an unproven motivational

component and the group nature of the criminal activity, and, accordingly, distorts all investigative activities.

Verification of the version of involvement in the commission of a crime by informal youth, as well as analysis of the traces, is carried out by conducting three main priority investigative (search) actions: an examination of the scene, interrogation of witnesses (victims), and a search (if a suspected person is identified).

Tactically competent inspecting the scene of an incident can largely predetermine the further course of the investigation in this category of crimes. It is rightly noted in the legal literature that the inspection of the scene is one of the most complex investigative (search) actions (Klimenko, 2005); (Shepitko, 2009); Varfolomeeva, 2011).

The tactics of examining a crime scene during the investigation of crimes committed by members of youth informal groups are determined by the following:

1. The nature of the investigative situation (the circumstances of the commission of criminal acts; the size of the territory to be inspected; the degree of conflict).
2. The level of preparation for its conduct (by the composition of the investigative-operational group (in particular, by the presence in it of a specialist who studies the activities, functioning of various youth non-formal entities), technical equipment, the availability of a plan, etc.).

It is the inspection of the scene of the incident, if carried out carefully that can convince the investigator to verify the version of the crime committed by participants in the youth informal community. In practice, often this investigative (search) action is carried out superficially, which cannot but cause concern.

After examining the scene, interrogations of witnesses (victims, if possible) should be carried out. It is advisable to conduct them either simultaneously with the inspection of the scene of the incident, or immediately after it (Bukaev, & Vassalatiy, 2010).

Considering the interrogation of witnesses (victims) as "a complex act of communicative interaction" (Kazmirenko, 2009), it is necessary to approach its implementation as carefully as possible:

1. Minimize conflict (to convince the interrogated that they and their close relatives will be safe, not enter into various disputes, be tolerant, willing to compromise). The ability to use dialogue to search and establish the truth can be considered a sign of a high culture of investigation (Vasiliev, 2008).
2. Use all the tactical tools that the investigator possesses (in addition to using tactical techniques and tactical combinations, a situation may arise when it is advisable to interrogate the presence of individual specialists, for example, a psychologist, a linguist, a specialist who studies the activity, the functioning of various youth non-formal entities, etc.).
3. Be prepared for opposition to the investigation by interrogated persons (the motives for such opposition may be different, for example, fear for one's life, the life of close relatives).

Interrogations of witnesses (victims) can determine the reality of the version of a crime committed by members of a youth informal group.

If the identity of the suspect(s) is established, it becomes necessary to conduct a search. The purpose of the search is to find the instruments of crime, things, and valuables obtained by criminal means, as well as other objects and documents that are important for establishing the truth in the case. The purpose of the search may also be the discovery of corpses, persons hiding from the court and the investigation, other persons (Denisyuk, & Shepitko, 1999).

A search in the investigation of crimes committed by members of youth informal groups should be preceded, as far as possible, given the factor of efficiency, thorough preparation. Moreover, all objects of search activity should be divided into:

- 1) those that are of direct importance for the disclosure and investigation of a crime (crimes), these are fingerprints, biological substances, weapons, ammunition, etc.;
- 2) those that testify to the involvement of participants in a particular informal community in the commission of a given crime (crimes) or the person (s) belonging to such a community (Larkin, 2020).

The optimal composition of the investigative-operational group can also have a significant impact on the effectiveness of this investigative

(search) action. So, it should include a specialist psychologist and a specialist studying the activity and functioning of various youth non-formal entities.

It is the evidence obtained during the search (searches) that can convince the investigator and the prosecutor that members of a youth informal group committed the crime.

II. The study of special issues in the investigation of crimes committed by members of youth informal groups.

One of the key trends that is inherent in all youth informal communities is their variability (transformation, disappearance, the emergence of new ones, etc.). In order to understand the trends of modern informality, one should constantly monitor its dynamics, qualitative and quantitative indicators, which only a limited number of people can afford (specialists, scientists, etc.).

The investigator (prosecutor), faced with practical activities to investigate crimes committed by "informals", is in a kind of information vacuum, which, in the future, cannot but affect the results of the investigation. Therefore, the study by these persons of special issues related to the existence and activities of informal youth is of great importance.

To optimize the study of special issues regarding informal youth, in the context of the investigation of their criminal activity, this process should be divided into two blocks:

- 1) issues to be studied;
- 2) sources of information.

The first block includes the following questions:

- 1) the history of the youth informal movement, its form;
- 2) the causes of youth informal groups, their types;
- 3) the most radical youth informal communities;
- 4) features of the functioning of youth informal criminal groups in a particular country (region, city, district);
- 5) sources of financing for youth informal groups (given the specifics of their activities);
- 6) communication features of participants of individual youth non-formal entities, etc.

The second block of this activity has the nature of information content, i.e. obtaining certain knowledge, information. These sources include:

- 1) consultations with specialists (for example, regarding historical issues – a specialist historian if his studies are devoted to topics of interest to the investigator; types and features of the functioning of youth informal groups – a specialist who studies the activities and functioning of various youth non-formal entities; issues of language communication in the informal environment – specialist linguist; issues of religious studies - a specialist in religious studies, etc.);
- 2) the study of specific information resources (for example, the works of Andryushchenko (2015); Vasylchuk (2016); Roszak (1969); Lisovets (2011); Schafer and Navarro (2013); Kolomoets, Liutikov and Larkin (2017); Boiarov, Larkin, Legkykh, Melkovskyi and Hromova (2019)).

The study by the investigator, the prosecutor of literature devoted directly to the investigation of crimes related to the activities of informal youth (Ershov, (2006) (including crimes of an extremist nature, hateful (Korshunova, 2006; Hate Crime Operational Guidance, 2014), etc.) is also important.

Conclusions

As a result of the study, the features of the version of the involvement of members of the youth informal group in criminal activity are considered. Initial investigative (search) actions are determined, which serve as the basis for verifying the indicated version. Due the fact that the investigator (prosecutor), faced with practical activities to investigate crimes committed by informals, is in a kind of information vacuum, which can subsequently affect the results of the investigation, the study of special issues related to the existence and activities of informal youth by these persons is of great importance. So the process of studying of special issues regarding informal youth, in the context of the investigation of their criminal encroachments, must divided into two blocks:

- 1) questions to be studied;
- 2) sources of information.

A promising area for subsequent research is the study of other features of the investigation of crimes committed by members of youth informal groups and associations.

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