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## POSSIBILITIES OF OPTIMIZING THE INTERACTION BETWEEN THE INVESTIGATOR AND THE INQUIRY BODIES DURING THE OPERATIONAL SUPPORT OF THE INVESTIGATION

**Abstract:** *The authors, in the analysis of the tactical features of the interaction between the investigator and operational officers, comes to the conclusion. That this type of interaction is the most widespread and important for the successful disclosure and investigation of crimes requiring operational support of the investigation for the investigation, since the process of obtaining information that is significant for the investigation is almost entirely based on operational search activities, planning and subsequent implementation of operational and tactical combinations that contribute to optimization the investigation process.*

*By their nature, the essential content and the mechanism of practical implementation, the proposed organizational forms of joint activities are procedural, since they are based on the norms of criminal procedure legislation, and therefore, they can be characterized by the presence of interdependent and supplemented procedural relations between the investigator and the body of inquiry.*

*When planning the investigation of a crime and organizing interaction, it is tactically correct to pay attention to the planning and development of joint operational tactical combinations when conducting operational support or ensuring the investigation in cases of this category. Since very often there are problems of the legality of the admission of evidence obtained in an operational way and their subsequent transformation into procedural evidence.*

*According to the results of the study, the authors come to the conclusion that the disclosure, investigation and consideration of cases requiring operational support and support, of course, are organizationally complex, and the nature of the criminal manifestations does not allow the preliminary investigation bodies to properly organize work with them, to fill the organizational, tactical and methodological gaps.*

**Key words:** *efficiency, activity, investigation, body of inquiry, tactics, law, disclosure, procedural evidence, legislation, complexity.*

**Language:** *English*

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### Introduction

The procedure for transforming the results of the ORD into evidence and their subsequent use in criminal procedure evidence is one of the most pressing problems [1].

The complexity of the implementation of ORD in these cases is due to a number of legal, methodological, organizational, and technical problems: 1) the problem of tactics of operational search activities; 2) the Problem of communicating the results of the ORD, in the process of preliminary investigation; 3) the Problem of understanding the content of the results, the problem of raising them to the status of evidence in a criminal case [2].

In theoretical research and practical recommendations, the classic form of subjective interaction in the course of an investigation is defined, as a rule, by the joint activities of the subjects of the investigation and the bodies of inquiry that directly provide operational support for the investigation. These two categories are the main subjects of criminal proceedings in accordance with the content of article 34. article 37. of the criminal procedure code of the Kyrgyz Republic.

However, according to paragraph 1 part 1 article 37 of the criminal procedure code of the Kyrgyz Republic [3], to the investigative bodies and internal Affairs bodies of the Kyrgyz Republic, and the operational divisions of individual departments are an integral part of the internal Affairs bodies, therefore, because of the specific competences and operational capacities of the staff of these units should interact with investigators in the investigation of crimes requiring operational support.

Practice shows that during the investigation of cases requiring operational support or support, the practical interaction of the subjects of the investigation, with employees of operational units providing operational support of the investigation, is implemented through procedural rules in the form of [4]:

- 1) to clarify all the circumstances that are subject to proof and establish the facts significant in the case;
- 2) in cases where special investigative actions are required, the subject of the investigation makes a request to the investigating judge, with subsequent notification to the Prosecutor (paragraph 2 of article 212);
- 3) Implementation of the investigator's decision to detain a person who has committed a crime or misdemeanor for the purpose of actually restricting freedom of movement (clause 1, clause 2, article 98);
- 4) to ensure the conduct of investigations and special investigative actions (paragraph 3 of article 98);
- 5) to establish the location of the suspect or wanted subject, a separate order is issued (paragraph 1 of article 239).

During the analysis of the practical activities of employees of operational divisions, it was found that all the above-mentioned forms of organizational interaction are used in the investigation of cases requiring operational support or support [5].

According to the author, all these forms of interaction are relevant and meaningful, but due to the specifics and tasks of the police DEPARTMENT, the content of the last of the overpowered forms of interaction organized as part of the investigation of a crime deserves more careful attention. The presented form of interaction between the subject of investigation and the bodies of inquiry is laid down in the content of operational support of the investigation in the form of the definition of clause 1. clause 2. p. 239 of the UPU of the Kyrgyz Republic: "if the location of the suspect or accused is unknown, the investigator entrusts the search to the investigative bodies", for which the investigator issues a separate resolution [3].

The practical implementation of interaction in the form under consideration is initiated from the moment when operational officers actually receive the investigator's decision to search for the accused or suspected subject or the decision to suspend (resume) pre-trial proceedings, and stops from the moment when the wanted subjects are identified and detained. Both in the theory of criminal procedure and in the practice of operational investigative activities, the definition of "search" has different semantic meaning, but the same in content [6].

The author interprets the content of the definition of "search" in the expanded scope of interpretation as a search activity intended for the purpose of establishing and collecting evidence relevant to the investigation related to the case under investigation.

Within the limits of a specific understanding of the content of "search", this is the practical establishment of the subject, object, significant for the investigation of authentic characteristics [7]. At the same time, it is important to clearly understand that the definition of "search" in its content has a set of all special investigative actions designated by the norms of the criminal procedure code and operational search measures laid down in the framework Of the law "on ORD".

In the analyzed parity norms, the definition of the term is interpreted in a strictly narrow specialized format, due to the fact that the object of the search is specified, namely the suspect or accused [8].

From the conceptual content of the definitions of paragraph 1. article 98. paragraph 1. article 239 of the criminal procedure code of the Kyrgyz Republic, we can proceed to the conclusion that the main initiator of the search process is the subject of investigation, namely the investigator himself, including in cases where the search is entrusted to the investigator, employees of operational divisions of the Ministry of internal Affairs, the investigator is burdened with the

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function of constantly monitoring the process using existing official competencies and procedural actions (performing investigative actions, issuing orders, requests, requirements).

Within the framework of the form of organizational interaction analyzed by the author, specialized services for combating extremism and illegal migration are obliged, by virtue of their competence and legal authority, to monitor and manage the activities of the operational search services of their Department. The speed and effectiveness of the search for a subject of interest, both for the investigation and for operational search activities, almost completely depend on the clarity of planning the organizational interaction of the subject of investigation with special operational units. The implementation of this provision is fully facilitated by the full and constant exchange of investigative information collected by the investigator in the course of the investigation, and by special operational services in the process of operational support for the investigation of a crime [9].

A clear illustration of the quality of practical interaction of the subject of the production of the investigation with operational services in identifying persons suspected of committing a crime and in the implementation of investigative activities is an example of materials of criminal cases investigated UVD of Osh. 4.01.2016 G. unknown persons with the use of firearms was an assault on the crew of private security of Department of internal Affairs of Osh city, in which killed two police officers. During the attack, two AK-74 assault rifles, 8 magazines with ammunition for the machine gun, and a portable Motorola radio station were stolen. A criminal case was opened on this fact. In order to solve this crime, an investigative task force was created, which included employees of the Department for combating extremism and illegal migration of the Ministry of internal Affairs of the Kyrgyz Republic. Through the mass media, residents of Osh and Jalal – Abad regions were informed that the criminals who committed the specified crime fled the scene in a gray DAEWOO car. A few days later, the internal Affairs bodies received a telephone message from residents that a burnt-out car of the specified brand was found in a field at a distance of 45 km from Osh in the Nookat district. Employees of the ECC restored the license plates of the car, which made it possible to identify the car and, through its owner, identify the suspects in the murder of police officers-Abdullayev Hamidillo Pazylovich, born in 1970, a resident of Osh, and his relatives.

During the search for Abdullayev H., information was received that he and two other people, presumably his relatives, had left the region. As a result of operational activities within the borders of Osh and Jalal – Abad regions of the Department for combating extremism and illegal migration of the

interior Ministry of the Kyrgyz Republic were detained and prosecuted an active member of an underground cell of REO "Hizb-ut-Tahrir" - Abdullayev Khamidilla of Pozlovice, born in 1970, resident of Osh, St. Papan No. 52. Together with him, they were brought to criminal responsibility under art. 299-2 CC KR Raimzhanov Rustam Uktamzhanovich, born in 1989, living in Osh region, Kara-sui district, Kyzyl - Kyshtak village, Akhmedov Yadgorbek Murodilovich, born in 1979, living in Osh region, Kara-sui district, Kara-Suu village, Ashimov Rahmatilla Khozhakhunovich, born in 1986, resident of Osh region, Kara-sui district, shark village.

The above example clearly shows that the effectiveness of well-thought-out interaction between the subject of investigation and specialized units in the form of operational services is very high and in the current conditions of combating crime is developing not only in practice, but also in the norms of current procedural and operational legislation. However, only the results of special investigative actions obtained in compliance with the requirements of the criminal procedure can be used. In this case, article 223. article 260 of the criminal procedure code of the Kyrgyz Republic implies that listening to conversations is carried out on the basis of the decision of the investigating judge, by considering this issue by the investigating judge with the participation of the Prosecutor, investigator, person of the bodies of inquiry in a court session at the place of special investigative actions, and the term of validity of the decision of the investigating judge may not exceed two months. 228 of the criminal procedure code of the Kyrgyz Republic [3], the penetration and inspection of premises or other property, as the same is carried out on the basis of a judicial decision which provides in cases of operational necessity, the possibility of conducting the special investigation solely on the basis of the petition of the investigator before the investigating judge and notify the Prosecutor, and in cases not related to procedural restrictions, in accordance with the law of the Kyrgyz Republic "About operational search activities», by departmental or judicial authorization. Summarizing theoretical and practical materials in the study of optimization of operational support and support of crime investigation, the author comes to the conclusion.

That the legal nature and quality of organizational interaction, the subject of investigation with the bodies of inquiry, during the investigation, is achieved both by the implementation of criminal procedure norms that underlie the legal basis of interaction, and in the whole list of restrictions laid down in the basis of the requirements of other legal acts regulating investigative and operational work [1].

In this case, we are talking About the law "on ORD", the content of which is currently in quite

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serious contradiction with the current criminal procedure code.

According to the author, these contradictions, taking into account the requirements of the legislation and the results of studying the materials of investigative and operational practice, are [10]:

1) Practical implementation of the plan of organizational interaction within the competence and legal powers of the subjects of investigation;

In this case, we mean the fact that the subject of the investigation is not authorized in relation to operational bodies to demand the execution of investigative and other actions that go beyond the responsibilities of operational departments, including the execution of orders the execution of which is imputed by law only to the subject of the investigation;

2) the Existence of procedural rules involving the secrecy of the investigation and production operational activities in respect of non-disclosure of investigative information, the investigator and operational staff, as well as tactics and characteristics of production MPAS, including circumstances of the crime established in the proceedings of the investigation, the subject of investigation in the pretrial stage;

2) there is a practical need for joint planning and regulation of all stages of the investigation when organizing interaction between the investigator and the subjects of operational activities at the place and time, as well as ways to consolidate evidence based on the results of joint activities;

3) in particular cases, there is a need for constant and timely receipt of the collected investigative information and mutual exchange of available results in the framework of interaction on the production of investigative and special actions in accordance with the requirements of criminal procedure.

At the same time, the forms of information exchange in each specific case should be determined by the heads of investigative bodies and operational divisions [2], who, taking into account the requirements of the CPC and the specified Instructions on the procedure for providing the results of operational search activities to the inquirer, inquiry body, investigator, Prosecutor or court, set its scope and limits, and the range of employees allowed to confidential information is set depending on the nature of their investigative and operational search activities.

Of course, the subjective qualities of the interacting parties, i.e. their professionalism, experience, communication culture, and sociability, are also important for organizing effective interaction between services. According to the author, a characteristic feature of high-quality interaction between investigation subjects and operational employees is that when solving complex issues related to the investigation, combined forms of interaction are

used in combination with different types of organizational activities.

The interaction effect occurs when the interacting parties to solve a common problem use various techniques, methods, tools and methods in the practical implementation of their personal activities. At the same time, all subjects of interaction should correlate the results of their activities with the ultimate goal, which is to form a high-quality, sufficient evidence base and timely, objective investigation of the crime event. This should determine the assessment of the subjective actions of the interacting parties, and ultimately the achievement of the intended results of the activities of all participants in the interaction.

Investigative and operational practice related to the investigation of crimes that require operational support or support has revealed a number of characteristic features and conditions that affect the effectiveness of organizational interaction between the subject of investigation and the subjects that provide operational support to the investigation:

1) Filtration, preventive, and preventive measures organized to protect against possible manifestations of all forms of criminal activity;

2) Moral, moral foundations, established domestic relations and social division of the population;

3) Regional natural conditions and features of the ethnic composition of the locality in which operational search actions are performed;

4) Motivation, purpose and methods of action of criminal subcultures, features of their tactics and their supposed capabilities;

5) the Mentality, degree of intelligence and psychological characteristics of members of an extremist group, the level of religious fanaticism, the ability to social adaptation.

Investigative and operational practice in cases requiring operational support in the investigation of crimes confirms the fact that the subjects of interaction during the investigation of crimes are investigators and operational employees of the body that identified signs of the crime event under investigation. As well as special subjects represented by employees of specialized departments of the Ministry of internal Affairs of the Kyrgyz Republic. This circumstance caused the bounds of personal competences of the participants in the investigation under the category of criminal cases and the specifics of performance of functional duties by the subjects of interaction for the investigation of crime, in terms of production, operational support of the investigation [4].

Analysis of investigative and operational practices allows the author to draw the following conclusion. The lack of proper cooperation in investigation of crimes in this category, between the investigator and operative officer, leads to the fact that the number of criminal cases had not been timely

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revealed facts not admissible impact on participants in criminal proceedings as well, with suspects, accused, and other persons interested in the outcome of the case, which led to the country witnesses and victims of false testimony or significant changes in their testimony as in the course of the investigation and the trial.

The author comes to the conclusion that the law enforcement practice does not regulate clear

restrictions on conducting joint investigative actions during the interaction of the investigator and the bodies of inquiry on the operational support of the investigation. They are based on jointly planned operational and tactical combinations, techniques and methods of investigation within the framework of organizational interaction.

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