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### **To the question about planning of investigation as a way of optimization of work of the employees of investigative bodies**

*The investigative activity is a laborious and many-sided process. Misunderstanding by the staff of investigative bodies of the importance of planning the investigation and its inefficient implementation leads to the low quality of preliminary investigation. Consideration of planning as a method of optimization of work of the employees of investigative bodies will improve the efficiency and quality of investigation and, therefore completing a complex task facing the investigating authorities of the Investigative Committee of the Russian Federation. The authors on the basis of the study, generalization of investigative practices gives practical recommendations, on-board on improving the process of planning the investigation as a whole, and different directions in particular.*

### **К вопросу о планировании расследования как способе оптимизации работы сотрудников следственных органов**

*Следственная деятельность представляет собой трудоемкий и многогранный процесс. Недопонимание сотрудниками следственных органов значимости планирования расследования и его нерациональное осуществление приводит к низкому качеству всего предварительного расследования. Рассмотрение планирования как способа оптимизации работы сотрудников следственных органов позволит повысить эффективность и качество расследования, а значит обеспечить выполнение комплексной задачи, стоящей перед следственными органами Следственного комитета Российской Федерации. Авторами на основании проведенного исследования, обобщения следственной практики даются практические рекомендации, направленные на совершенствование процесса планирования расследования в целом, а также различных его направлений в частности.*

**Keywords:** *planning of investigation; optimization of investigation; investigator; plan of investigation; techniques of planning; criminal proceedings; period of investigation.*

**Ключевые слова:** *планирование расследования; оптимизация следственной деятельности; следователь; план расследования; техника планирования; уголовное дело; срок расследования.*

Speaking about an increase in the efficiency of public administration, it is impossible to ignore such important, from the point of view of ensuring activity of all society, function as the law-enforcement. This function is one of the major as it, first of all, provides survival or preservation of the society and the state.

The law-enforcement function of the state activity is shown in providing a public and legal order with the state, protection of the rights and interests of the citizens and organizations, protection of the constitutional system and the state from illegal encroachments, in realization of the principle of inevitability of punishment for the committed offense. One of the main forms of realization of the law-enforcement function of the state is investigation of the committed crimes<sup>1</sup>.

Despite the actively undertaken measures for fight against the crime, the criminogenic situation in Russia continues to remain difficult.

Coming back to begun, in one of the previous issues of the journal, to a conversation on personal planning as the means of increase in the efficiency of investigation of crimes [5], we will pass to the following aspect of increase in the efficiency of work of the staff of investigating authorities, namely, to the planning of investigation of criminal case.

The questions of planning of the activity of investigator at an investigation of criminal case are taken widely up in the works of domestic scientists-criminalists E.P. Ishchenko [6], V.N. Karagodin [7], V.Ya. Drapkin [3].

Any kind of human activity is impossible without forecasting of its results, without judgment of a goal, considering and the choice of the most effective means and methods of solution of the standing tasks.

Investigation of crimes is a difficult and labor-consuming human activity on establishment of the truth in the criminal legal proceedings. In the time established by the law the employee of investigative body, the investigator, is obliged to take measures to establishment of the person who has committed a crime, to collect and investigate necessary proofs, to take measures to ensuring compensation of the caused material damage, to identification of the reasons and conditions promoting commission of the crime and to execute some other actions provided by the legislation.

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<sup>1</sup> In the scientific literature various opinions of rather law-enforcement function of the state are expressed. The detailed analysis of positions of participants of a discussion about it isn't given in a view of small volume of this article.

For ordering of work of the staff of investigating authorities and improvement of the quality of investigative activity it is necessary to optimize the solution of problems of investigation.

In our opinion, it is worth agreeing with M.V. Baranov's opinion understanding the situationally caused activity of the investigator aimed at providing the greatest efficiency and rationality of the solution of specific criminalistics objectives at the different stages of investigation of crime [1] as optimization of the solution of problems of the investigation.

At the same time the most important element of optimization of investigative activity is investigation planning.

At the competent planning of investigation both the separate criminal case and the work on a group of criminal cases the efficiency of investigative activity increases. It, in turn, will allow order the labor process, to reduce the time expenditure by performance of the daily working operations that finally optimizes the work of the staff of investigating authorities.

In the system of Investigative Committee of the Russian Federation there is no unified standardly approved form of the plan of investigation for criminal case.

As the analysis of investigative practice and also the conducted survey of staff of investigating authorities of Investigative Committee of the Russian Federation shows, the form of the plan and extent of its specification depending on complexity has put or from a group of cases can be different.

At least the plan is a list of actions which are a subject to performance on the case. D.G. Gaykov, S.V. Kornakova give definition:

"Ideally the plan of investigation is an abstract reference book on the case, in which versions, the course and results of the major investigative actions and examinations, information about the persons who are connected to the case and material evidences are reflected that significantly simplifies and accelerates the analysis of the investigative situation, proofs, further planning, preparation of procedural documents" [2].

The plan is the brief of the investigator on criminal case, at the same time the plan isn't dogma. Corrections and additions for a measure of development of investigative situation, establishment and obtaining the new information important for the case constantly have to be made to it.

The more detailed plan of investigation, as a rule, is formed only upon a completion of the urgent investigative actions.

Synthesis of positive experience of the investigation of criminal cases shows that it is expedient to carry out planning of investigation on the following stages:

At the beginning of planning it is necessary to determine the circumstances which are a subject to establishment and proof on a case proceeding from the provisions of the article 73 of the Code of Criminal Procedure of the Russian Federation by the criminal case, in relation to a disposition of the relevant article (articles) of the Criminal code of the Russian Federation.

A subject to proof on the criminal case are: crime event (time, place, way and other circumstances of commission of a crime); guilt of the person in commission of crime, a form of his fault and motives; circumstances characterizing

the identity of the defendant; character and extent of the harm done by a crime; circumstances excluding a crime and punishability of the act; circumstances commuting and aggravating a penalty; circumstances which can cause the release from criminal liability and punishment.

Circumstances, promoting commission of a crime are also a subject to identification.

If the structure of several crimes (based on the circumstances of a case possible at ideal set) or several episodes are a subject to investigation, it is necessary to determine a proof subject of each structure and episode. It needs to be made at once to plan clarification of the arisen questions.

In difficult cases already at this stage it is necessary to make the detailed draft of the resolution on attraction as the defendant. Then information gaps which will need to be filled in the course of investigation will become visible.

After that, it is necessary to analyze and compare the all volume of information which is available at the moment: the data received as a result of investigation and search operations; materials of investigation verification; similar standard situations and regularities; results of investigative actions.

Surely it is necessary to consider a position, including possible, available or potential accused (suspect), degree and forms of its probable or real counteraction to establishment of the truth on the case.

The result of this stage has to be formulated in the form of short assessment of investigative situation at the moment that is the most important, key facts and circumstances determining the main directions and content of investigation.

It is obvious, for example, that the plans of investigation in the different investigative situations when the victim's identity is known will significantly differ and when it isn't established; when suspected (defendant) is available and when he isn't known; when suspected (defendant) gives confession and when declares the reasoned counter-versions, etc.

Further the investigative situation is constantly analyzed and, depending on its change, corrections are made to the plan.

One of the important stages of planning is a formation on the basis of initial information of versions on the criminal case.

Versions can be general, that is the assumptions of the investigated event in general, and private, that is the assumptions of the subjects and separate circumstances of this event. In the un-evident cases the standard versions which are put forward for such category are considered. It is necessary to remember that any version has to be reasonable and be under construction only on the real basic data [4].

The put-forward versions need to be subjected to the careful analysis and to put forward from them all possible investigations (circumstances, events, facts) which are logically following from this assumption. The estimated investigations are used for the planning of practical actions for their check.

For example, about commission of a crime by the particular person at least follows from the private version that this person at the scheduled time was in a certain place, had motive and means of commission of a crime, on him, on his clothes, in the dwelling the traces could remain. For check of these investigations it

is necessary: to plan studying of the personality and a way of life of the suspect; to check whether he could, at least potentially, to be at the scheduled time on the crime scene and whether there was he in the other place; whether had the means for commission of crime; whether or the objects of traces of crime used by him isn't present on him.

For realization of the planned it is necessary to evaluate practical feasibility of the planned actions, the terms of their carrying out necessary for this purpose of force and means. Terms of holding the planned actions have to be carried out taking into account the terms established by the criminal procedure law, and holding the planned actions in the sequence determined by the both procedural and tactical expediency.

Proceeding from the established practices as prime are carried out: the actions directed to detection and detention of the person who has committed a crime; detection and fixing of traces of a crime; fixing of proofs which can be destroyed, lost or modified; the actions directed to data collection for the production of examinations and other actions (inquiries and personal errands to the other regions, etc.) which can demand a long time.

With the other things being equal first of all the operations which results serve for verification of several versions and also those which can obviously yield more essential and reliable results are performed.

If one subject is an object of several examinations, first of all the expertize keeping a possibility of carrying out the subsequent researches are carried out. For example, the expertize of micro-particles is carried out before the all others, medico-criminalistics on the mechanism of formation of traces, suspicious on blood, carried out before the genetic or biological, dactyloscopic – before the other traditional criminalistics examinations.

Making the detailed written plan and having brought the results of the previous stages together, it is recommended the main part of the plan for convenience to create according to the sections in which it is necessary to include:

- Actions for establishment of circumstances of an event of crime and guilt of the defendant. This section can be segmented on implementation of the separate versions and (or) episodes [2].

- Actions for collecting information about the identity of defendant. As required to provide in this section: additional interrogation of suspected (defendant) according to the autobiography and a way of life; withdrawal of originals (if it is taken into custody) or familiarizing of copies of the major private papers: passports, service record, military ID; familiarizing of the copies of documents on education, marital status, birth certificates of children; reclamation of data on criminal records, about the brought in the law-enforcement bodies, from the narcological and psychiatric clinics; reclamation of the copies of sentences, characteristics from the established places of work; interrogations of the family, close familiar about the personality, character, state of health; if necessary, conducting psychiatric, psychological, narcological examinations.

- Actions for collecting information about the victim. At least in the case by the end of investigation there have to be full biographical particulars of the victim;

concerning the dead, besides, data on marital status with application of a copy of passport and birth certificates of children, interrogations of close relatives, one of which has to be recognized as the victim, data on the existence absence of criminal records; on the cases of sexual crimes the characterizing data are requested; concerning minors, copies of birth certificates, one or both parents admit the lawful representatives; on the cases of crimes which have entailed material damage data on the income of the victim, etc. are requested.

- Actions for work with the material evidences, traces and other material objects. Appointing of examinations is put. The use of criminalistics accounts, etc. It is expedient to take out this section in the stand-alone program to the plan – the inventory of the withdrawn traces and material evidences which is kept in the offered form.

The actions for establishment of the extent of material damage and its compensation, search of the stolen (gone) property and possible confiscation of the property of defendant. It is necessary to provide in this section: interrogations of the victim (or the civil claimant) and witnesses about the signs, numbers of the kidnapped person, missing, the destroyed property, time and the place of its acquisition, cost at the time of acquisition and loss; about the extent of the harm which isn't connected with stealing or destruction of the property, but having the value terms (expenses on burial, treatment, mitigation of the consequences of crime, etc.); familiarizing of technical data sheets, cash-memos, etc. documents on the stolen, destroyed property and (or) confirming the done harm and expenses; if necessary, identification of analogs of the stolen property and familiarizing of its graphics or photos; organization of search of the kidnapped person, the gone property; carrying out the identification found, the found property; actions for compensation of the caused damage, the civil suit, including the costs of treatment, possible confiscation of property (seizure of property, voluntary compensation, search of the property belonging to the guilty person); documentary fixing of legal costs; drawing up, in necessary cases, claims for the benefit of the state.

- Actions for ensuring care about the children and protection of the property of defendant taken into custody, and if necessary and the victim. If necessary, the empty apartment is sealed up what the housing and operational organization is informed of, the property is given to storage to the public or municipal authorities or the person authorized by the defendant; the children who were left without guardianship go to the child care facilities, measures for a call of relatives are taken.

- Actions for identification of the reasons and conditions promoting commission of a crime, and their elimination. Depending on the facts of case it is necessary to provide interrogations, reclamation of documents, including the standard, appointing the service checks. Idea of elimination of the reasons and

Separately it is necessary to make the plans carrying out investigative actions in which it is necessary not only to provide organizational, but the tactical features.

For convenience in the work and saving of time for a single sheet it is expedient to take out a reference material on a case: data on the movement of the

case, some biographical particulars of the defendant, victim, the major witnesses, their home addresses, numbers of their office and home telephone numbers, phones of the experts, quick workers, dates of the arrests, etc. All these data are often necessary by the drawing up documents, inquiries, during the working conversations, operational meetings.

In the process of performance of the investigative and other actions, working off of the initial versions, at a change of investigative situation there is a need of adjustment, addition of the plan. It is necessary to remember that the plan is a brief therefore in it is necessary to do marks about performance, if necessary at once to plan additional actions, entering them in the plan.

After drawing up, the plan needs to be agreed with the head, and in the certain cases and with the head of the operational search department.

It is especially important to remember that the plan of investigation for criminal case has to be formed on the all criminal cases, it is the brief of the investigator, but not "formal reply" for the chief. And the process of planning from acceptance of a case to production and up to drawing up the indictment is continuous.

Investigation planning disciplines the investigator in the investigative activity, allows make investigation purposefully. Thanks to the planning the process of investigation is more ordered.

The recommendations of planning of investigation offered in the article will allow the investigators not only complete the investigation in the terms established by the law, to provide completeness of the investigation, and, the most important, promotes the solution of the main objective of the organization of work – to receiving the maximum effect at the smallest expense by the investigator of time, forces and means that will help to optimize work of the staff of investigating authorities in general.

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