

*Anatolii Shchadylo – Deputy Chief of the Main Department
of the Ministry of Internal Affairs of Ukraine in the City of Kyiv,
Researcher of the Dnepropetrovsk State University of Internal Affairs*

Operational Units Activities in Criminal Proceedings: Some Aspects of their Relation with Operative-Detective Activities

We consider some aspects of operational units' activities in criminal proceedings, their differentiation of operative-detective activities. The discrepancy between current legislation and the practice to conduct investigative (detective) activities entrusted to operational units by the pre-trial investigation, as well as measures taken to ensure certain types of criminal proceedings and suspect detection are substantiated.

Since the present legal institution is new to the criminal procedural regulations and operational activities, inadequacy of its rules may be possible, which is not unfounded, especially taking into account the experience of implementing other legal institutions, such as investigating judge, temporary access to belongings and documents, unified registry of pre-trial investigations, etc.

When carrying out prosecutor's orders investigative activities are entrusted to an operational officer. Prosecutor's orders for conducting investigative (detective) activities and secret investigative (detective) activities are binding on operational units.

The author focuses on the fact that most activities are conducted without the application of the Criminal Procedure Code of Ukraine on the basis of the Law of Ukraine «On operative-detective activity» and departmental regulations.

The author notes that the concept of proceedings is broader than the concepts of provision of criminal proceedings, investigative

(detective) activities and they should be included in the definition. He also highlights the discrepancy between current legislation and the practice of entrusting to operational units to conduct certain types of measures to ensure criminal proceedings by investigators and prosecutors, such as temporary access to belongings and documents, temporary seizure of property, detention, etc. Such discrepancy between current legislation and the practice of carrying out such tasks by operational units, leads to the fact that evidence obtained in this way is recognized invalid.

Resolving this contradiction may be possible due to the amendments clarifying the relevant rules and the Criminal Procedure Code of Ukraine.

Keywords: operational units; legal institution; criminal proceedings; investigative (detective) actions; secret investigative (detective) activities; measures to ensure criminal proceedings; orders.