

Criminal procedural activities of departments Border Service of Ukraine

Abstract: The article deals with the content and characteristics of Criminal Procedure, as a form of performance parts Border Guard Service of Ukraine. Reveals a set of measures - investigative (detective) actions and covert investigative (detective) actions carried out by the staff of the border units in the criminal proceedings on the written instructions of investigators or prosecutors. Because the study of legislation and research papers by authors proposed to improve certain aspects of Criminal Procedure of border service divisions.

Keywords: Offices Border Service, State Border Guard Service of Ukraine, criminal procedural activities, law enforcement, border security.

In accordance with the laws of Ukraine "On Operational Activities" and "On the State Border Service of Ukraine" for units of the State Border Service of Ukraine (hereinafter - SBS) is charged with the function of operational activities. Operational activities of the Border Service (hereinafter - Air Force) SBS - is one of the types of its operations, which is a system of overt and covert actions that are implemented using operational and operational and technical means in the interest of protecting the state border of Ukraine.

The objective of operational activities is finding and fixing evidence of wrongful acts of individuals and groups, responsibility for which the Criminal Code of Ukraine, intelligence and subversive activities of special services of foreign states and organizations to suppress crime and in the interests of criminal justice, as well as a information security for the benefit of citizens, society and state.

Another direction is to carry out investigative Air Force investigation (investigation) actions and covert investigative (detective) action in the criminal proceedings on the written instructions of the investigator or prosecutor. In the implementation of the measures implemented by the full range of criminal proceedings Force.

In today's performance of Air Force assignments investigator or prosecutor is relevant direction of police action. Thus, only in the first quarter of 2013 bodies and entities SBS from law enforcement agencies received 718 orders for the investigation (investigation) action. In particular, MIA - 466 from SSU-232, from prosecution - 10 of the State Tax Service - 10. Of these, 528 completed orders from the Interior Ministry - 349 of SSU - 168, prosecution - 6, of the State Tax Service - 5.

Implementation of these activities rests with the officers of border operational and investigative department (Group) Air Force – Senior agent to implement the investigative (detective) action.

Implementation of the operational unit of written instructions provided in the manner specified by the Criminal Procedure Code of Ukraine (hereinafter - the Code of Ukraine), is not the creation of the operational affairs under the relevant criminal proceedings, except for orders of operational units regarding the investigation the suspect (Art. 281 "Searching suspect "Code of Ukraine), persons fleeing from the preliminary investigation, the investigating judge, court or avoid serving a criminal sentence. In such cases, the order is carried out under the operational case, which wound under Part 3, Section 1, Art. 6 of the Law of Ukraine "On Operational Activities."

If you receive a commission investigator, prosecutor body SBS head, his deputy for operational work immediately reported to the senior management of the subsequent work in the dispatch department operational within 24 hours of receipt. The head of Border Protection or his deputy for operational work, which has received a written authorization, shall immediately inform the prosecutor, the investigator stating that the order, the delay of the reasons for and reporting measures to overcome obstacles in the implementation of the order or other orders of the items.

In a report to be sent to the Department of Operations, a date and time of receipt of order, pretrial investigation that sent the order, the number of criminal proceedings by a single registry of pre-trial investigations, qualification from the Criminal Code of Ukraine and deadlines (if specify). Personal data of people who have been made investigating (detective) and covert investigative (detective) actions were not disclosed.

Orders received by the organs of the state border, regional management and administration SBS is registered to the law. Accounting assignments done in the organs of the state border, regional departments and Operations Administration SBS in relevant journals. After this assignment are distributed accordingly operatives Air Force.

Accumulation of materials during the written instructions of the investigator, prosecutor in the Air Force may take the appropriate lists, which are recorded by account number order. Journal of orders received is stored for one year after closing, and then destroyed the established order.

During the organization and implementation of investigative (detective) actions authorized by the Air Force operational units are not allowed to go beyond the instructions of the investigator, prosecutor. In criminal proceedings in the execution of orders investigator, prosecutor operational Air Force officers are not entitled to carry out legal proceedings on its own initiative or on the request to contact the investigating judge. By decision of the head of the operating unit (if necessary), the plan of investigation (Investigation) actions, tacit investigative (detective) an act signed by designated operational Air Force officer and approved by the head of the border agency that has received authorization from the prior agreement with the Head of Operational unit. The plan shall include plan and concrete measures to implement the order, decision makers, and the manner, place and time of their conduct, safety measures, order communication between the participants and the interaction between the investigator, the prosecutor, the technical and financial support, the frequency of compilation protocols and more. The plan may be amended and amendments, and consist of additional plans.

Compliance with deadlines, complete the orders of the investigator, the prosecutor at the head of the Air Force is authorized operational units and senior management. As a result of the orders of operational staff report to the head of operational reporting unit. The report shall include the results of the assignment involved with the strength and resources. Head of Operational Unit shall decide by putting a resolution on the report concerning the possibility of sending materials as a result of the orders of the investigating prosecutor or the taking of appropriate engagement as reports of heads of border. Materials on the results of the power of attorney (original) with a cover letter signed by the head body SBS or his authorized deputy of the operational work immediately provided the investigator, in the order specified.

Materials that can decrypt sensitive persons to obtain information not available. In accordance with the Air Force received orders within a specific criminal investigation proceedings conducted pursuant to Section III of the CPC of Ukraine.

Fixing the course and the results investigators investigation, undercover investigation (investigation) actions must conform to the rules commit criminal proceedings provided for PDA Ukraine. After the execution of instruction materials contained in the lists, but were transferred to the investigating prosecutor (plans, requests, etc.) with the exception of orders and report operational Air Force officer on the results of engagement destroyed the established order. Commission and report on the results of operatives involved in the orders corresponding nomenclature of the case.

Thus, the criminal procedural activities Air Force is to implement operatives Air Force investigation (investigation) actions and covert investigative (detective) action in the criminal proceedings on the written instructions of the investigator or prosecutor. Further research needs to ensure cooperation and coordination of operational performance of the Air Force during the execution of instructions of the investigator or prosecutor.

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Instruction on the organization of the criminal proceedings written assignments investigator, prosecutor operational units of the State Border Guard Service of Ukraine approved by the Administration of the State Border Service of Ukraine № 1129 of December 24, 2012.

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