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Typical Mistakes during Investigation of Crimes Committed by Youth Informal Groups Members

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Mikhail Larkin *
Alina Biryukova **
Tamara Makarenko ***
Natalia Ivanova ****
Artur Fedchyniak *****

Abstract

The main objective of the study is to identify errors made by investigators and other persons authorized to investigate crimes during the process of investigating crimes committed by representatives of informal juvenile criminal groups. Problems related to the failure to present a version of the participation of members of an informal group of young people in crime have been identified. Some aspects of misuse of special knowledge were also considered. During the work, the scientific literature dedicated to the fight against crime, investigation of collective crimes, informal youth groups (associations, movements, etc.) was also analyzed. In addition, a set of different scientific methods was used, such as analysis method, synthesis method, extrapolation method, generalization method. Among the most relevant conclusions it stands out that the problem of juvenile delinquency is becoming general every year, a typical phenomenon not only in Ukraine, but also in other countries in the world; consequently, there is an urgent need to develop new interdisciplinary methods to combat this phenomenon and to understand its multidimensional causes and consequences.

* Ph. D., Associate Professor of Department of Criminal Law and Justice of Zaporizhzhia National University. Zaporizhzhia Ukraine. ORCID ID: <https://orcid.org/0000-0002-4676-460X>. Email: malark777@ukr.net

** Doctor of Legal Science, Associate Professor, vice-rector of Academy of Advocacy of Ukraine, Ukraine. ORCID ID: <https://orcid.org/0000-0003-1772-0808>. Email: kurinnyi_je@gmzil.com

*** Ph. D., Associate Professor, Dean of the Faculty of Humanities and Economics of Berdyansk State Pedagogical University. Berdyansk, Ukraine. ORCID ID: <https://orcid.org/0000-0003-2893-7789>. Email: tamara_makarenko@ukr.net

**** Ph. D., Associate Professor, Associate Professor of the Department of Legal Science of Berdyansk State Pedagogical University. Berdyansk, Ukraine. ORCID ID: <https://orcid.org/0000-0001-8693-3255>. Email: ins210218@gmail.com

***** Ph. D., Associate Professor, Associate Professor of the Department of Legal Science of Berdyansk State Pedagogical University. Berdyansk, Ukraine. ORCID ID: <https://orcid.org/0000-0003-0277-0888>. Email: fedchyniak.83@gmail.com

Keywords: typical errors in criminological investigation; juvenile offenders; informal group; interdisciplinary crime studies; methods to prevent crime.

Errores típicos durante la investigación de delitos cometidos por miembros de grupos de jóvenes delincuentes

Resumen

El objetivo principal del estudio es identificar los errores cometidos por investigadores y otras personas autorizadas para indagar delitos durante el proceso de investigación de delitos cometidos por representantes de grupos informales juveniles delictivos. Se han identificado problemas relacionados con la falta de presentación de una versión de la participación de miembros de un grupo informal de jóvenes en el crimen. También se consideraron algunos aspectos de la utilización errónea de conocimientos especiales. Durante el trabajo se analizó también la literatura científica dedicada a la lucha contra la delincuencia, investigación de delitos colectivos, grupos informales juveniles (asociaciones, movimientos, etc.). Además, se utilizó un conjunto de diferentes métodos científicos, como el método de análisis, método de síntesis, método de extrapolación, método de generalización. Entre las conclusiones más relevantes destaca que el problema de la delincuencia juvenil se está generalizando cada año, fenómeno típico no solo de Ucrania, sino también de otros países del mundo; en consecuencia, existe una necesidad urgente de desarrollar nuevos métodos interdisciplinarios para combatir este fenómeno y para comprender sus causas y consecuencias multidimensionales.

Palabras claves: errores típicos en investigación criminológica; delincuentes juveniles; grupo informal; estudios interdisciplinarios sobre el crimen; métodos para prevenir el crimen.

Introduction

The development of civil society is impossible without the state fulfilling its functions in the fight against crime.

At the same time, citizens must also exercise legal awareness and do everything in their power to protect their rights.

Crime has various forms of manifestation. One such form is juvenile delinquency. Forensics, as a science, offers various ways to combat such crime.

Thus, the authors tried to identify the mistakes made by investigators and other persons authorized to investigate crimes during the investigation of crimes committed by representatives of criminal youth informal groups.

One of the main forms of combating the crime of youth informal groups is the creation (improvement) and application in the process of investigation of relevant criminalistics' techniques (forensic techniques, crime investigation techniques). The main objective of the forensic technique is to equip the investigator with a complex of knowledge, skills for revealing, investigating, and preventing a particular type (group) of crimes in various investigative situations. The key conceptual element of the forensic technique is the methodological recommendation, which is a scientifically based indication of the most appropriate way for the investigator to act in a typical situation that develops during the investigation of a crime (Shruba, 2018).

However, the development and improvement of guidelines for the investigation of crimes committed by members of youth informal groups involves the study and analysis of typical mistakes made by investigators (prosecutors) during their investigation. The mistake, in the context of this issue, should be considered as a negative result, which is expressed in the loss of the ability to identify and / or use forensic information (evidence) (Shepitko, 2018).

The use of these recommendations by investigators (prosecutors) gives them the opportunity to put forward versions that can optimize the investigation as much as these versions reflect the typical criminal activity of organized youth groups. That is, knowledge about youth organized crime is not just information that is useful for the cognition process, but also a structure that acts as a tool with which the investigator can obtain new information.

1. Literature Review

Features of the investigation of crimes committed by representatives of youth criminal groups are the subject of scientific research by a number of domestic and foreign researchers.

Shruba (2018), Konovalova (2013) and Shepitko (2009), as well as Sergeev *et al* (1975) have studied different issues of the forensic technique of the investigation of crimes in general.

The different notions of the forensics, forensic examination, and legal psychology can be found in the work of Shepitko (2018).

The peculiarities of investigation of vandalism are depicted in the work of Latvian (2017). The author gives the forensic characteristics and organizational-tactical foundations of such investigation.

Ershov *et al* (2007) have studied another type of the investigation – the investigation of crimes against the life and health of citizens committed by members of informal groups (movements).

The scientific work of Podolny (2007) is dedicated to the investigation of crimes that make up youth organized crime.

Among other authors can be named Garmaev and Lubin (2006), Korshunova (2003), Vasiliev (2008), Boiarov *et al* (2020), Enikeev (1996), Davydov (2016), Goncharenko (2010), Podkatilina (2013).

Thus, scientists have studied various aspects of crime investigation. Nevertheless, some problems of determining of typical mistakes in the investigation of crimes committed by members of informal youth groups remain unsolved. However, this is a subject for further research.

2. Methodology

During the work on the article, the scientific literature on the fight against crime, the investigation of group crimes, youth informal groups (associations, movements, etc.) was analyzed.

Thus, a complex of various scientific methods was used. Among them:

- The observation method (when studying the materials of criminal proceedings, which became the basis for the formulation of certain provisions of the article).
- The questioning method (when using statistical indicators).
- The analysis method (when studying scientific sources, the practice of investigating crimes committed by informal youth).
- The synthesis method (when summarizing individual recommendations on the investigation of crimes committed by members of youth informal groups).

- The extrapolation method (when studying scientific sources devoted to the investigation of crimes).
- Method of generalization (to formulate conclusions).

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

3. Research Results

3.1. Superficial study of a trace-picture

Initial investigative (search) actions during the investigation of crimes committed by members of youth informal groups (examination of the scene, interrogation of witnesses, victims (if possible), search, etc.) are of great importance for the results of the investigation. They determine the outcome of the investigation. The main task of these investigative (search) actions is to collect study and analyse evidence-based information, which, in turn, is reflected in the trace picture. The trace is a reflection of criminal acts, individual elements of a criminal act. In the forensic understanding, the value of traces is due to the existing relationship between crime and its reflection (Shepitko, 2009).

Konovalova (2013) rightly notes that “there is no way to commit a crime as such at the initial stage of the investigation, but there are only traces whose nature is not defined and unknown, and in some cases requires expert advice in a particular field of knowledge”.

When crimes are committed by members of youth informal groups, a sufficiently large number of traces of a material and ideal nature remain. Conventionally, they can be divided into two groups:

- 1) general (those that are inherent in the commission of a crime, for example, traces of blood that are present in the commission of completely different types of premeditated killings – material traces; testimonies of witnesses who have suffered about the place, time, will take the criminals in which direction they disappeared and more – perfect traces);
- 2) specific, that is, these are traces testifying to the involvement of a certain youth informal group in the commission of the crime (objects left at the crime scene with symbols of informal movement, inscriptions, leaflets – material traces; testimonies of witnesses, victims, for example, about the presence of a suspected motive in the actions racial, national or religious hatred due to statements, insults, etc. – ideal traces) (Larkin, 2018).

The key mistake in studying the trace-picture is that the traces of the second group are given secondary importance and they are studied superficially. Nevertheless, it is specific traces that are the basis for establishing and proving the motive (s) for committing a crime (s).

To identify and study-specific traces as efficiently as possible, it is necessary, when conducting investigative (search) actions, to use the help of a specialist who studies the activities and functioning of various youth non-formal entities.

The results of the survey show that such a specialist was invited to leash in 2% of cases. Such a situation, in our opinion, is unacceptable and significantly reduces the quality of the investigation of crimes committed by members of youth informal groups.

3.2. Not putting forward a version of the involvement in the commission of a crime by members of a youth informal group

A superficial study of the trace pattern in the investigation of the criminal activity of informal youth, in turn, limits the possibilities for putting forward investigative versions (narrows their circle). The investigative version, determining the planning process, is its basis, the basis (Latvian, 2017).

The organic interconnection and interdependence of the processes of planning and building investigative versions are expressed in the fact that without investigative versions it is almost impossible to draw up an investigation plan, and without an investigation plan, it is impossible to verify the put forward versions (Sergeev *et al*, 1975).

As a rule, after conducting the primary investigative (search) actions, the investigator puts forward the basic versions of what happened (for example, a stool is committed – murder).

The version will only fulfill its function in the knowledge of the truth in a criminal case, when the assumption contained in it will be based on factual data, based on which investigative versions are constructed, verified by evidence obtained in the course of investigative (search) actions (Ershov *et al*, 2007).

If one of the versions is confirmed, then its refinement continues. Many versions are embedded in each version, resulting as a consequence of the premise. This is not about the “actual interweaving” of versions, but about their levels: if one version is formulated as a thesis, then the others should be its arguments (the structural environment of the main element) (Garmaev and Lubin, 2006).

When investigating crimes committed by members of youth informal groups, the main mistake is that they put forward a version about the commission of a group crime (crimes), the possible involvement of youth (minors), but they do not consider any ideological, ideological, political, religious components. It is not allowed that the group pursues any goals, and crime (s) is only a way to achieve them. Such an error leads the investigation in the wrong direction. The process of motivation and motives remains unexplored.

Sometimes a situation arises when the investigators, before carrying out the initial investigative (search) actions, have a preference to search for very specific evidence and that is why they do not pay any attention to the evidence that does not fit into this setting (Podolny, 2007).

3.3. Neglecting the study of selected special issues

One of the features of the investigation of crimes committed by members of youth informal groups is the need to study a fairly wide range of special issues. The use of special knowledge allows us to ensure the comprehensiveness, completeness, and objectivity of the study of all the circumstances of the case (Korshunova, 2003).

Obtaining special knowledge on the specified category of crimes is possible in three forms:

- 1) consultation with a specialist (specialists).
- 2) the appointment of forensic examinations.
- 3) independent investigation by the investigator of special issues.

The main mistake (error), which complicates, and sometimes leads to a dead-end investigation, is a neglect of the study of certain special issues. In particular, issues that directly relate to the functioning and activities of youth non-formal entities. Practitioners see this as a secondary task.

As a rule, the study of special issues is associated with the establishment of a place, time, method, instruments of crime. Investigators conduct consultations with a forensic doctor, appoint forensic, forensic psychiatric, ballistic, explosive, tribological, and other types of “standard” examinations.

At the same time, highly specialized issues are not being studied, for example, concerning the psychological aspects of the criminal activity of a youth informal group. Nevertheless, the use of psychological knowledge contributes to the correct solution of the tasks of disclosing and investigating crimes and re-educating persons who have committed crimes (Vasiliev,

2008). This is especially important during interrogations of victims (Boiarov *et al*, 2020), witnesses (Larkin, 2020). It is known that immediately after the commission of a crime, a person is in a state of strong mental stress, and this particular condition contributes, in some cases, to blocking part of the information important for the case. Only after this state passes do this important information begin to “pop up” (Enikeev, 1996).

As practice shows, investigators are superficially studying the issues of financing youth informal groups (Kolomoiets *et al*, 2017; Boiarov *et al*, 2019), which impedes their elimination, and after a certain time, “new”, “recovering” groups continue to commit criminal assaults that could escalate into transnational extremism (Davydov, 2016).

Separate emphasis should be placed on existing prejudices among practitioners regarding the advisability of conducting the forensic linguistic examination. Its results can show a certain ideological orientation of the criminal activity of the youth informal group and solve a number of tasks (identification, classification, diagnostic, situational) (Goncharenko, 2010). The subject of a forensic linguistic examination is to establish the circumstances to be proved in a particular case, by resolving issues requiring special knowledge in the field of linguistics (Podkatilina, 2013).

Conclusions and Further Research

As a result of the study, typical errors were investigated in the investigation of crimes committed by members of youth informal groups.

- The outcome of the investigation of crimes by members of youth groups is often predetermined by the initial investigative actions, among which are the inspection of the scene, interrogation of witnesses, victims, search, etc.
- A superficial study of the trace-picture largely determines the negative results of the investigation. In particular, a superficial study of the trace pattern in the investigation of the criminal activity of informal youth limits the possibilities for putting forward investigative versions (narrows their circle).
- Neglecting the study of certain special issues during the investigation of crimes committed by representatives of youth criminal organizations, in particular those related to establishing the place, time, method, and instruments of the crime, complicates and sometimes leads the investigation into a dead end.

- A promising area of research is the study of the specifics of crimes committed by representatives of informal youth groups. Knowledge of such features of juvenile delinquency as the connection between the victim of the crime and the mechanism of its commission; full-structure way of committing crimes; excessive, unconditional cruelty, etc., can help the investigator and others involved in the investigation to uncover a committed crime more quickly.

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