

UDC 343.98
DOI: 10.33270/01211203.16

Features of Investigation of Murders Committed Using Firearms

Vlada O. Husieva*

Kharkiv National University of Internal Affairs
61080, 27 Landau Ave., Kharkiv, Ukraine

■ **Abstract.** The purpose of the study is to determine the typical tactical tasks to be performed at the initial stage of investigation of murders committed using firearms, and the specific features of their implementation, based on the analysis of investigative and judicial practice, and studies of Ukrainian and foreign researchers. Methodology. The general dialectical and special research methods are used to achieve this goal, in particular: system analysis, comparative-legal, and system-structural methods. The scientific originality of the study lies in the fact that based on the analysis of available studies in the outlined area, materials of investigative and judicial practice, typical tactical tasks to be performed at the initial stage of the investigation of intentional murders committed using firearms are considered. Conclusions. The position, according to which the activity of investigating murders committed using firearms is characterised by a prominent level of complexity because during their it is necessary to perform a set of tactical tasks is justified. It is emphasised that such tasks include: establishing the identity of the victim, the nature of the event of a criminal offence, the place and time of committing a criminal offence, the method of committing a criminal offence; examining the crime weapon; establishing the identity of the criminal and the motives for committing a crime. It is stated that tactical tasks depend on the current investigative situation, aimed at checking or refuting investigative versions. The implementation of tactical tasks during the investigation is possible by conducting a complex of investigative (search), secret investigative (search) and procedural actions, and separate measures to ensure criminal proceedings. In the context of this study, the most effective actions that should be taken are proposed, and some of their possibilities are identified

■ **Keywords:** intentional murder; firearms; pre-trial investigation; criminal proceedings; tactical task

■ Introduction

According to the crime rating compiled by the Numbeo information portal, Ukraine ranks first among European countries with the lowest security index [1]. One of the factors that substantially affect the Security Index should be considered the undeclared war that continues in the East of Ukraine. This factor is also associated with an increase in illegal flows of firearms, military supplies, explosives, and explosive devices in Ukraine.

Firearms are a common tool that is used in the commission of various types of criminal offences. According to statistical reports generated by the Prosecutor General's Office of Ukraine in 2018, 508 criminal

offences were committed using firearms, in 2019 – 388, and in 2020 – 395. A substantial place among these indicators is occupied by intentional murder. In particular, in 2018, 60 intentional murders were committed using firearms, in 2019 – 43, in 2020 – 57 [2]. Therewith, a substantial number of suicides and negligent homicides are committed using firearms.

In this regard, Ukrainian and foreign researchers focus on the need to strengthen responsibility for the illegal handling of weapons [3-5], and some of them demonstrate that this is already a proven way to reduce the crime rate [6]. American researchers even formulate conclusions that in large cities of the United States, where branches of the Association of firearms dealers are located, the risk of killing an intimate partner is higher, and the presence of branches of this association researchers define as a risk factor for increasing the number of murders [7].

Admittedly, there are studies in which researchers do not find confirmation of the relationship

■ Suggested Citation:

Husieva, V.O. (2021). Features of investigation of murders committed using firearms. *Scientific Journal of the National Academy of Internal Affairs*, 26(3), 16-27. doi: 10.33270/01211203.16

■ *Corresponding author

■ Received: 25.08.2021; Revised: xx.xx.2021; Accepted: xx.xx.2021

between the liberalisation of gun legislation and the level of homicides or other violent crimes [8], but these are isolated cases.

Researchers from other countries also note the presence of such problems. For example, in Sweden, the number of homicides related to the use of firearms and attempted murders is increasing. Because of this, the police have difficulties in solving these crimes related to the use of firearms, so the level of trust in the Swedish police and judicial system may decrease among citizens [9]. Such consequences can also occur in Ukraine, and this is unacceptable since the main criterion for evaluating the effectiveness of police bodies and divisions is the level of public confidence [10].

The above actualises the need for effective investigation of criminal proceedings initiated on the facts of detection of corpses with gunshot wounds. Notably, the process of investigating murders is quite complicated, and those that are committed using firearms are even more complex, because a list of circumstances is subject to clarification, and a number of difficult tactical tasks are conducted both at the initial stage of the investigation and in the future.

Among the latest studies aimed at clarifying the specific features of the investigation of murders committed using firearms, it is necessary to highlight the methodological recommendations for practitioners developed by V.S. Bondar, in which the researcher provided a criminal-legal description of such crimes, determined the circumstances to be established, typical investigative situations and corresponding investigative versions, the tactics of conducting individual investigative (search) actions, and the specific features of the appointment of forensic examinations [11].

A comprehensive study of the methodology for investigating intentional murders committed in a way that is threatening to the lives of a substantial number of persons was conducted by V.V. Nevhad. In this work, it is emphasised that depending on the crime weapon in the investigated group of murders, it is necessary to distinguish those committed using firearms [12]. Aspects of the problem related to firearms in the process of homicide investigation were investigated by V.O. Yaremchuk [13].

Thus, intentional murders committed using firearms are quite common, but the studies of typical tactical tasks to be performed at the initial stage of their investigation have not been conducted by Ukrainian and foreign researchers, which determines the relevance of the problem raised.

The purpose of the study is to determine, based on the analysis of investigative and judicial practice, and studies of Ukrainian and foreign researchers, typical tactical tasks of the initial stage of investigation

of murders committed using firearms. The following tasks were identified to achieve the stated objective:

- outline the typical tactical tasks to be performed at the initial stage of investigating murders committed using firearms;
- considering tactical tasks, examine the specific features of their implementation during the investigation.

The scientific originality of the study is the consideration of materials of investigative and judicial practice and typical tactical tasks to be performed at the initial stage of investigation of murders committed using firearms based on the analysis of studies of Ukrainian and foreign researchers.

In accordance with the tactical tasks, the most optimal ways of their implementation are outlined, in particular, investigative (search) actions that should be conducted are identified, and the possibilities of individual forensic examinations are highlighted.

■ Results and Discussion

The ultimate goal of pre-trial investigation in the criminal procedural aspect can be defined as the fulfilment of the tasks of criminal proceedings. In the forensic aspect, this is the establishment of objective truth by implementing a set of intermediate and strategic tactical tasks.

Tactical tasks that are subject to implementation are determined by the investigative situation that has formed at a certain stage of the investigation and the investigative versions that are subject to verification. The need to formulate tactical tasks is justified by the fact that they allow you to plan an investigation, choose a set of investigative (search), secret investigative (search) and procedural actions, tactical operations, etc., which should be conducted to process the suggested investigative versions.

Researchers classify tactical tasks according to various criteria. The study supports the position of B.M. Shevchuk, who, based on the stages of criminal proceedings, identified tactical tasks of pre-trial investigation, judicial proceedings, and tactical tasks that need to be completed before the start of pre-trial investigation. Among the tactical tasks of pre-trial investigation, the researcher identified the following:

- establishing the nature of the event of a criminal offence;
- establishing the place and time of commission of a criminal offence;
- establishing the method of committing and concealing of a criminal offence;
- establishing the subject of criminal encroachment;
- establishing the motives for committing a crime;
- identification of the criminal;
- identification of the victim(s);

- establishing the victim's provocative behaviour;
- checking the victim's connections;
- identification of accomplices of the crime;
- detaining a criminal at the crime scene;
- searching for a person who fled the scene and is hiding from the investigation;
- checking the suspect's alibi;
- identification of witnesses;
- checking the incrimination (self-immolation);
- neutralisation of opposition to the investigation by interested parties;
- investigation of the suspect's identity;
- ensuring the protection of evidence;
- ensuring the protection of the victim and witnesses;
- establishing the causes and conditions that contributed to the commission of the crime, taking measures to eliminate them [14].

Given the position of V.M. Shevchuk, it is proposed to consider in detail the typical tactical tasks to be performed at the initial stage of the investigation in case of detection of a corpse with a gunshot wound, and the specific features of their implementation.

Notably, in the event of receiving a message about the discovery of a corpse, the investigator is charged with the duty to ensure the presence at the scene of the incident of a forensic medical expert, with whose involvement the body will be examined. In addition, depending on the place of detection of the corpse, the issue of involving a cynologist with a service dog should be resolved. Analysis of investigative practice shows that if a body is found in apartments of multi-storey buildings located in large cities, the involvement of a service dog is ineffective. In other cases, if the murder was committed recently and there is reason to believe that smell traces could have remained at the scene, its use is appropriate. This is due to the fact that the cynologist with the service dog can assist in identifying and selecting smell traces, which can later be sent for forensic-odorological examination. In addition, a cynologist with a service dog help in finding the criminal in hot pursuit.

When determining the subjects that should be involved in the inspection and what determines the success and timeliness of certain tactical tasks, the commission of murder using firearms is the basis for attracting a written (as an exception – oral with subsequent registration in writing) request of the head of the pre-trial investigation body or a person performing their duties, a specialised mobile laboratory of the expert service of the Ministry of Internal Affairs. The decision on the expediency of attracting a specialised mobile laboratory to take part in the inspection of the scene of an accident is

made by the management of the relevant division of the expert service of the Ministry of Internal Affairs together with the management of pre-trial investigation bodies, depending on the category of the crime committed, objective circumstances and the need to apply appropriate special knowledge [15]. The need to attract specialists to take part in the review is due to the fact that the further course of the investigation depends on the thoroughness and correctness of its implementation.

The first tactical task to be performed is to establish the identity of the victim because this will be directly related to the motives for committing murder or the reasons for committing suicide, that is, establishing the nature of the event that occurred, etc. Establishing the identity of the victim involves not only the investigation of their personal data but also the type of occupation, lifestyle, material standard of living, etc.

Establishing the identity of the deceased, in particular, their profession is associated with the requirement to provide a preliminary legal qualification of the act that occurred, because it is the preliminary legal qualification of a criminal offence with the indication of the article (part of the article) of the Law of Ukraine On criminal liability that is entered in the Unified Register of Pre-Trial Investigations [16]. For example, if the victim is an employee of a law enforcement agency or a journalist, the investigator must decide on the need to exercise legal qualification under Art. 348 or 348-1 of the Criminal Code of Ukraine, respectively. These criminal offences are also often committed using firearms [17; 18], but researchers have not yet conducted a separate investigation of tactical tasks to be performed during such an investigation, which actualises the problems raised in the study.

Another tactical task is related to “identifying the victim” – establishing the nature of the event of a criminal offence, that is, murder, intentional or negligent, or suicide. By completing this task, which is quite complex, a preliminary legal qualification of the event will be provided.

For the final and correct qualification of the event that resulted in the violent death of a person, as intentional murder, as O. Peresada rightly notes, it is necessary to determine in detail all the circumstances that constitute the relevant crime. The object of encroachment of intentional murder is always the life of another person, but the object of encroachment of suicide is one's own life. The subject-object composition of the accident event is exclusively random due to the coincidence of factual circumstances, which may partially coincide or not coincide with the corresponding qualification signs

of intentional murder. On the objective side, the circumstances of intentional murder, suicide, and accident can be similar and have a lot in common. However, it will be essential to establish a causal relationship between the act and the consequences. If there is no such connection, it can be argued that an accident occurred. If there is a causal relationship, then the subjective side of the event, namely the presence and form of guilt of the person, requires increased attention. Intentional murder is always characterised by the intent to deprive a person of life. If the guilty person did not have a corresponding intention and did not even realise the possibility of such consequences, the act should be qualified under other articles of the Criminal Code of Ukraine, depending on other circumstances (for example, Art. 119 "Negligent homicide", etc.). If the subject of the act and the injured person coincide (in the case of suicide or negligent death), the qualification of the act as intentional murder can be excluded [19].

Determining the nature of the event of a criminal offence begins with an inspection of the scene of the incident. It is proposed to outline the circumstances that indicate the commission of suicide and can be identified during this investigative (search) action.

Suicide may be indicated by the presence of a suicide note at the place where the body was found. Admittedly, the discovery of only this fact should not be immediately perceived as an indisputable argument indicating the commission of suicide, because if the murder was a contract killing and the organiser was interested in staging a suicide, then forging such a note is possible. In this regard, the discovery of the note should not be defined as a circumstance that allows the investigation to be taken lightly. The pre-trial investigation, even in the case of establishing the fact of suicide, must be complete and impartial, and the investigator must conduct a set of actions aimed at establishing the objective truth.

The presence at the scene of an accident of firearms, shell casings and bullets that are in close proximity to the victim's body, or in the hands (if this refers to a weapon) or in the body (meaning a bullet) may also indicate that the person committed suicide.

Refutation of the version of suicide can occur during the examination of the corpse and forensic medical examination, during which grounds will be obtained to believe that it is impossible to independently cause bodily injuries [20]. The presence of other injuries, the nature of which may indicate a struggle, and the disturbed environment at the scene of the incident give grounds to put forward a version of committing violence against the victim or countering violence against them.

The absence of weapons, shell casings, cash, securities, or other valuable items at the scene may indicate that a person was murdered.

It is necessary to search for biological traces, in particular, saliva, blood, cells with nuclei, and fingerprints or bootprints to refute or confirm the presence of unauthorised persons at the scene. If weapons and shell casings are found at the site, collecting of biological material from them should not be done, it is correct to send it directly for research to cytologists or geneticists to conduct appropriate examinations. It is mandatory to discharge the weapon and put it on the safety catch before packing it, in compliance with appropriate measures to prevent contact interaction with members of the investigative task force. Packaging of objects that will be sent to experts for forensic examinations to identify and examine biological material should be conducted in paper envelopes or boxes, ensuring their internal fixation.

It is necessary to focus on the mandatory photo recording of the corpse and the scene of the incident, which will reproduce not only the surrounding environment but also the detected traces, in particular, traces of the bottom of shoes, fingerprints, etc. After that, corpse examination can be started.

If at the time of the beginning of the examination of the corpse, the identity of the victim was not established, then the inspection report indicates information about their approximate age, focuses on a detailed description of the special signs found on their body. In this case, a set of measures should be implemented aimed at establishing the identity of the victim – the identity of an unidentified corpse.

Examination of the corpse with a detailed reflection of the relevant data in the protocol of the investigative action will allow performing a tactical task to establish the place and time of committing a criminal offence in the future. Body temperature, the nature of cadaveric phenomena give grounds for forensic medical experts to determine the time of death and the period of time during which the victim was alive after getting gunshot wounds. According to the nature of cadaveric phenomena and based on the results of the examination of the corpse, a forensic medical expert can give an opinion on the movement of the corpse or a change in its position.

Having detected the presence of gunshot injuries, during the examination, it is attempted to determine their nature, entrance and exit holes, establish the number of wounds, whether they correspond to each other's localisation on clothing and the human body, and take measures to preserve additional factors of the shots. For this purpose, it is advisable to cover the place with gunshot damage to

clothing with gauze or cloth. On the body, wounds can be covered with the same materials, receding a certain distance from the edges. These areas are covered with an adhesive film, which is then examined simultaneously with the objects. However, in the opinion of L. Golubovych, V. Olkhovskiy, and O. Gerasymenko, fine hairspray is the best option to use. It can cover substantial surfaces of various shapes, dries quickly, does not affect the results of further studies of traces, and does not change its physical and chemical composition [21].

Examination of the corpse ends with taking measures to preserve the original appearance of gunshot wounds. If they are not treated with the products mentioned above, then they must be covered with wet gauze or cotton wool. Certain precautions are taken to preserve additional factors of the shot in the hands of the victim, mainly, if there is a suspicion that they were shooting. In such cases, the hands may contain soot residues, individual dust particles, or traces of them in the form of minor damage. These areas of the body are treated with hairspray or covered with an adhesive film. Rubber gloves are worn on the hands [21]. The adoption of such measures is due to the need for further collection of samples to send them for forensic examination of materials, substances, and products to identify traces of powder combustion products.

When examining the scene of an accident, it is necessary to consider the presence of video surveillance cameras at the place of discovery of the body and near it, which will also allow for determining the time of committing a criminal offence and getting information about persons involved in the commission of a criminal law violation.

The search for eyewitnesses to the commission of a criminal offence or persons who may be aware of information of operational interest should also take place during the first visit to the scene of the incident because the timeliness of search and investigative actions is a guarantee of ensuring a quick and effective investigation.

Establishing the method of committing a criminal offence is also important during the investigation because it refers to the circumstances to be clarified. Knowledge of the method of committing a crime can be considered as a method of practical activity, one of the ways to establish the truth in a certain case, the investigation of which can last from establishing the method of committing a crime to its disclosure.

The fundamental possibility for this arises due to the fact that each method of committing a crime leaves only its inherent consequences. Examining such consequences, the investigator at the

stage of detection and investigation of the crime can build an imaginary model of what happened, put forward a version about the method used, and sometimes a version about the identity of the criminal. The method of committing crimes is an element of not only intentional but also negligent crimes. Since both intentional and negligent behaviour is an activity of a person, it also leads to certain consequences and causes corresponding changes in the environment, leaving behind traces with which the event can be investigated [22].

In the structure of methods of committing criminal offences, criminologists distinguish the preparation, direct commission, and concealment of a crime. The study shares the position that homicides committed using firearms are preceded by careful preparation [23]. This position is also justified by the materials of investigative and judicial practice, but simultaneously, preparation is available only in the case of intentional murder.

Preparation for the commission of intentional murder using firearms mainly consists in finding the murder weapon – firearms and ammunition for it, choosing the time and place of commission of a criminal offence, etc.

When determining the methods of performing this tactical task, it is advisable to focus on the importance of forensic examinations, in particular, complex ones. The most important condition for the successful implementation of a comprehensive expert examination, states I. Syvodied, is a high-quality and timely preparation of research objects. These objects must be collected during the inspection of the scene and other initial investigative actions. Therewith, it is necessary to ensure the provision of objects suitable for complex, rather than separate examination [24]. When assigning comprehensive examinations, it is necessary to be aware that the areas of knowledge that will be used for conducting research should be related.

An important role in the implementation of this tactical task is played by a comprehensive forensic ballistic and medical examination (the analysis of traces of a firearm shot that caused the injury (death) of a person).

The objects of complex forensic medical and ballistic examination are firearms, their parts, elements of ammunition equipment; gunshot injuries and layers on the body, clothing, shoes of the victim, or elements of the material situation of the scene of the accident; case materials containing information about the circumstances of the use of weapons and ammunition. The main task of complex forensic medical and ballistic examinations is aimed at establishing the circumstances of the use of firearms

and a certain type of ammunition that caused injury or death of a person, which can be formulated in the following questions: what was the relative location of the weapon and the victim during the shot; is it technically possible to perform a shot from the provided weapon by the victim themselves to cause injuries; what cartridge belongs to the projectile located in the victim's body; from what distance was the shot made; are the indications of citizen N. regarding the circumstances of the shot from the standpoint of special knowledge? [25].

These expert studies are quite complex and therefore are lengthy in time. Notably, now forensic medicine is actively implementing the latest computer technologies in practical work. The creation and use of 3D models greatly facilitate the interaction of forensic experts with law enforcement agencies, increase accuracy, and provide an opportunity to clearly illustrate expert opinions, which is extremely important for people with non-medical education [26]. In addition, three-dimensional models allow seeing in which parts of the bullet origin channel both the main and additional shot factors are present [27].

Without focusing on a thorough breakdown of the method of committing intentional murder using firearms, this is a complex issue, and therefore should be the subject of a separate study.

When performing tasks related to the examination of the weapon of crime, standard firearms can be used during the commission of a murder. There are also cases, states V. Yaremchuk, of the use of homemade, reconstructed, and atypical weapons. Firearms research during homicide investigations is conducted in several ways. The investigator, together with a specialist in forensic ballistics, when conducting such investigative (search) actions as an inspection of the scene of an accident, search, and an investigative experiment, conduct an inspection of firearms, traces of their action, and the circumstances of their use. In the future, a number of forensic examinations are appointed, the central place among which is occupied by the examination of weapons, traces, and circumstances of their use. Complex examinations can be appointed for the analysis of firearms. The effectiveness of the expert examination depends on the correct questions asked to the expert. For assistance in formulating questions for the expert, the investigator can contact specialists in forensic ballistics [13].

The group affiliation of the model of the weapon from which the shot was fired, in case of its absence at the scene, can be established by the type of cartridge used, the shape, size, location, and nature of the reflection of traces on the cartridge

case, the direction, angle of inclination, the number of rifling, the width of their fields, the calibre of the barrel, the degree of its wear, the state of the barrel bore, reflected in the traces on the shot bullet. Individual identification is conducted using an expert experiment. From the detected weapon, a shot is fired at a special bullet trap. At the stage of comparative research, the characteristics of experimental bullets and shell casings, and those submitted for research, are compared. Comparative microscopes, combining photographic images, etc. can be used [28].

Regarding the analysis of traces of firearms, the study shares the position of researchers who claim that it is a precise and time-consuming task, the results of which can later play a key role as a source of evidence [28]. In this regard, one of the main tasks at the scene of an accident is to identify traces of firearms, their correct removal and the appointment of a forensic ballistic examination in relation to them.

Establishing the identity of the criminal and the motives for committing a crime should take place not only by examining ideal traces but also material ones. The key to the success of this task is a detailed and careful inspection of the scene of the accident, during which the detection, correct removal, proper packaging and preservation in appropriate conditions of traces of biological origin left at the scene by the criminal must be ensured.

The most reliable way to identify biological traces is through molecular genetic investigation. During the investigation of intentional murders, human cells with nuclei from which it is possible to isolate DNA can be found in traces of blood, saliva, semen, hair, and epithelial lobules, including parts of organs and tissues of corpses. In case of detection, seizure, and storage of objects of biological origin during the inspection of the scene of an accident and other investigative (search) actions, the investigator, prosecutor, specialists, and all other participants must adhere to measures aimed at preventing the destruction or contamination of traces. Selective analysis of criminal proceedings on intentional murders, and materials of molecular genetic examinations, conducted by R.L. Stepaniuk, gave grounds for the researcher to conclude that cases of DNA damage during the extraction of traces, and their contamination are common. Subsequently, this leads to the inability to complete the task of identifying a person based on genetic characteristics. According to the researcher, in about 23% of cases, objects that did not contain DNA or degraded molecules were submitted for examination, and in 16% – they contained mixed DNA from more than two people. This situation develops due to mistakes

made by investigators at the stage of collecting traces of biological origin in cases of intentional murder [29]. In this regard, the need to improve the professional competence of investigators and forensic inspectors in relation to actions at the scene of an accident related to the detection and seizure of biological traces is actualised.

Fingerprint examination also plays a substantial role in establishing the identity of the criminal. This examination, as before, remains the most common type of special investigation, due to the fact that fingerprints are a “conventional component” of the scene of an accident for various types of crimes. In addition, they are a source of valuable forensic information, in particular, about the person who left them, the time and features of the mechanism of trace formation (certain circumstances of a criminal event, and anatomical and functional features of a certain person) [30].

In the case of detection and collection of smell traces at the scene of the incident, a forensic odorological examination can be assigned for the identification of a possible criminal. If there is a video recording from the scene of the incident, which shows the criminal's face in the proper quality and appropriate angle, the investigator should appoint a forensic portrait examination. The need to appoint forensic examinations is due to the fact that based on the results of their conduct, an expert opinion will be obtained, which is a procedural source of evidence.

A non-procedural method of identity identification is the use of Open source intelligence (OSINT) technologies – intelligence based on the analysis of open sources of information, and HUMINT (human intelligence).

OSINT is a form of the process of intelligence collection management, which involves their search and selection from public publicly available sources, obtaining and analysing information, forming an intelligence document for making an appropriate decision [31]. HUMINT technologies include: social media monitoring, surveys, and social engineering. These technologies are now being actively implemented in the field of investigation of criminal offences.

Establishing the motives of the criminal's identity takes place by conducting interrogations of the suspect and witnesses. If there is voluntary consent from the suspect, a polygraph can be used against them, in particular, during a forensic psychiatric examination or psychophysiological study. The analysis of the state of mind at the time of committing a crime should be conducted by specialists, it is possible during a forensic psychiatric examination.

Thus, the choice of certain investigative and procedural actions that are appropriate to conduct to perform a specific tactical task depends on the existing investigative situation, and the decision to conduct them can be made only if the possibility of achieving the intended result is recognised.

■ Conclusions

The conducted study provided an opportunity to formulate the following conclusions:

1. Investigation of murders committed using firearms is characterised by a high level of complexity because a substantial number of tactical tasks are subject to execution, and a wide range of circumstances are subject to clarification. Tactical tasks to be performed at the initial stage of investigation of murders of this type include: establishing the identity of the victim; establishing the nature of the event of a criminal offence; establishing the place and time of the commission of a criminal offence; establishing the method of committing a criminal offence; investigating the crime weapon; establishing the identity of the criminal and the motives for committing the crime. The implementation of these tactical tasks is possible through the joint activities of various subjects, including carriers of special knowledge.

2. Identification of the victim occurs mainly during the inspection of the scene and the corpse. The need to immediately complete this task is due to the need to ensure the implementation of the correct legal qualification of the event that occurred, and therefore the choice of the appropriate research area.

3. Establishing the nature of the event of a criminal offence in the context of the conducted research involves solving the question “what happened?”: was the intentional murder, negligent homicide, or suicide committed. The commission of a certain act can be confirmed by certain circumstances that are identified during the inspection, based on the results of investigative actions or relevant forensic examinations.

4. Establishing the place and time of committing a criminal offence is possible by identifying eye-witnesses or witnesses of a criminal offence, investigating video recordings of surveillance cameras that conducted continuous video recording, or appointing forensic examinations. In the process of investigating intentional murders committed using firearms, the time of committing a criminal offence can be determined by conducting a forensic medical examination, because it is often connected with the moment of death. The place of murder, according to the results of the analysis of investigative and judicial practice, often coincides with the place of discovery of the body.

5. Establishing the method of committing a criminal offence in the context of this study is not considered in detail, since this subject is quite complex and requires a separate thorough analysis. It is emphasised that the proven technique of investigation of the method of committing a criminal offence is the appointment of comprehensive forensic examinations.

6. The examination of the murder weapon requires the involvement of appropriate specialists. Forensic ballistics examinations should be considered the most effective method. A substantial number of murders are committed using firearms that are in illegal circulation, which complicates the investigation process and requires appropriate measures to be taken by law enforcement agencies to prevent their distribution and withdrawal from free circulation.

7. Establishing the identity of the criminal and the motives for committing a crime is one of the most difficult tasks, the implementation of which begins from the moment of conducting a primary investigative (search) action – examining the scene of the incident and the corpse. The effective and thorough inspection ensures the identification of various types of traces, which, according to the results of a competent examination, can acquire the status of evidence. Direct identification of the criminal is possible during molecular genetic, fingerprint, and portrait examinations, and it can also be conducted in a non-procedural form.

This study attempts to determine the typical tactical tasks to be performed at the initial stage of the investigation of murders committed using firearms and the most optimal ways to implement them. Since this issue is extremely relevant in Ukraine, it requires further thorough research.

■ References

- [1] Barati, M., & Adams, S. (2019). Enhanced penalties for carrying firearms illegally and their effects on crime. *Economic Analysis and Policy*, 63, 207-219. doi: 10.1016/j.eap.2019.07.001.
- [2] Bondar, V.S. (2013). *Methods of investigating premeditated murders committed with firearms*. Luhansk: RVV LDUVS im. E.O. Didorenka.
- [3] Europe: Crime Index by Country 2020 Mid-Year. (n.d.). Retrieved from https://www.numbeo.com/crime/rankings_by_country.jsp?title=2020-mid®ion=150/.
- [4] Hamill, M.E., Hernandez, M.C., Bailey, K.R., Zielinski, M.D., Matos, M.A., & Schiller, H.J. (2019). State level firearm concealed-carry legislation and rates of homicide and other violent crime. *Journal of the American College of Surgeons*, 228(1), 1-8. doi: 10.1016/j.jamcollsurg.2018.08.694.
- [5] Holubovych, L.L., Olkhovskiy, V.O., & Herasymenko, O.I. (2021). *Fundamentals of forensic medicine*. Kharkiv: FOP Brovin O.V.
- [6] Husieva, V.O. (2021). *Theoretical bases of a methods of investigating crimes against authority of public authorities in terms of law enforcement activity. Doctor's thesis*. Kharkiv: Kharkiv National University of Internal Affairs.
- [7] Khylyk, A.O., Zvonar, Ya.P., & Sukhope, P.S. (2020). Possibilities of application of computer technologies in modeling of fire damages in forensic medicine. In *International Medical Students' Conference in Poltava: Proceedings of the International Scientific Conference* (p. 154). Poltava: National University.
- [8] Khoshnood, A. (2018). Firearm-related violence in Sweden – a systematic review. *Aggression and Violent Behavior*, 42, 43-51. doi: 10.1016/j.avb.2018.07.008.
- [9] Kovalenko, A.V. (2018). *Investigation of encroachments on the lives and health of journalists*. Sievierodonetsk: RVV LDUVS im. E.O. Didorenka.
- [10] Criminal Procedural Code of Ukraine, No. 4651-VI. (2012, April). Retrieved from <http://zakon0.rada.gov.ua/laws/show/4651-17>.
- [11] Melnyk, S., & Hretskykh O. (2020). Impact if the legislative gap on the special law on weapons on the development of domestic judicial ballistics. *Law Bulletin*, 15, 156-163. doi: 10.32850/LB2414-4207.2020.15.21.
- [12] Order of the Ministry of Internal Affairs of Ukraine “About the statement of the Instruction on the procedure for involvement of employees of bodies of prejudicial investigation of police and Expert service of the Ministry of Internal Affairs of Ukraine as experts for participation in carrying out inspection of a scene”, No. 1339. (2016, November). Retrieved from <https://zakon.rada.gov.ua/laws/show/z1392-15#Text>.
- [13] Nevhad, V.V. (2019). *Methodology of Investigating Intentional Homicides Committed in a Manner Dangerous to the Lives of Many Individuals. Extended abstract of candidate's thesis*. Kharkiv: Kharkiv National University of Internal Affairs.

- [14] Peresada, O. (2021). Determination of premeditated murder from suicide and accident: theoretical and methodological approaches. *Law Journal of Donbass*, 2(75), 88-95. doi: 10.32366/2523-4269-2021-75-2-88-95.
- [15] Rozhyk, E.M. (2020). The relationship between the method of committing a crime and the consequences of the crime. *Law and Society*, 6-2, 200-207. doi: 10.32842/2078-3736/2020.6.2.2.30.
- [16] Rzhavska, N.F., & Kozhushko, O.O. (2011). *Open Source Intelligence*. (n.d.). Retrieved from <http://ena.lp.edu.ua/bitstream/ntb/19232/1/53-Rzhavska-257-261.pdf>.
- [17] Senchenko, N.M., & Prorochenko, V.V. (2019). Forensic investigation of the traces of the shot and their significance in the disclosure of criminal offenses. *Comparative and Analytical Law*, 5, 395-398. doi: 10.32782/2524-0390/2019.5.102.
- [18] Shevchuk, V.M. (2016). The value of tactical tasks for the construction and implementation of typical tactical operations in criminal proceedings. *National Law Journal: Theory and Practise*, 5, 204-207.
- [19] Simakova-Yefremian, E.B. (2017). *Theoretical-legal and methodological foundations of complex forensic research. Doctor's thesis*. Kharkiv: Kharkiv National University of Internal Affairs.
- [20] Sivaraman, J.J., Ranapurwala, S.I., Moracco, K.E., & Marshall, S.W. (2019). Association of state FIREARM legislation with female intimate PARTNER HOMICIDE. *American Journal of Preventive Medicine*, 56(1), 125-133. doi: 10.1016/j.amepre.2018.09.007.
- [21] Stansfield, R., Semenza, D., & Steidley, T. (2021). Public guns, PRIVATE violence: The Association of city-level firearm availability and intimate PARTNER homicide in the United States. *Preventive Medicine*, 148, article number 106599. doi: 10.1016/j.ypmed.2021.106599.
- [22] Statistical information for 2011-2020. (n.d.). Retrieved from <https://www.gp.gov.ua/ua/1stat>.
- [23] Stepaniuk, R.L. (2019). Specificities of the assignment of forensic molecular-genetic examination while investigating murders. *Scientific Bulletin of the Dnipropetrovsk State University of Internal Affairs*, 3, 174-178. doi: 10.31733/2078-3566-2019-3-174-180.
- [24] Sukhomlyn, T., & Yurchyk, T. (2019). Forensic fingerprint examination in criminal proceedings. *Collection of scientific works of Kharkiv National Pedagogical University named after G.S. Skovoroda*, 30, 104-109. doi: 10.34142/23121661.2019.30.13.
- [25] Syvodied, I. (2020). Use of special knowledge and problems of appointment of forensic examinations in the investigation of intentional murder of service officials. *Juris Europensis Scientia*, 4, 176-180. doi: 10.32837/chern.v0i4.152.
- [26] Verbitska, M., & Hnativ, M. (2021). Some aspects of legal liability for offenses related to illegal handling of firearms in Ukraine. *Actual Problems of Law*, 1(25), 33-39. doi: 10.35774/app2021.01.033.
- [27] Yaremchuk, V. (2020). Some aspects of studying firearms at murder investigation. *Juridical Scientific and Electronic Journal*, 2, 430-433. doi: 10.32782/2524-0374/2020-2/111.
- [28] Law of Ukraine "On the National Police", No. 580-VIII. (2015, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/580-19>.
- [29] Zamula, B. (2018). Criminalistics characteristics of institutions involved by foreigners in the territory of Ukraine. *Knowledge, Education, Law, Management*, 4(24), 296-304. doi: 10.5281/zenodo.2594783.
- [30] Zamula, B. (2020). Establishment of the event of murder as a circumstance to be established at the initial stage of the investigation of murders committed by foreigners on the territory of Ukraine. *Juridical Scientific and Electronic Journal*, 4, 303-306. doi: 10.32782/2524-0374/2020-4/73.
- [31] Zmiievskaya, Yu., & Savka, I. (2020). Development and up-to-date resources of forensic diagnostics of a kind of the main traumatic factor with gunshot wounds. *Clinical & Experimental Pathology*, 19, 1(71), 152-159. doi: 10.24061/1727-4338.

■ Список використаних джерел

- [1] Barati M., Adams S. Enhanced penalties for carrying firearms illegally and their effects on crime. *Economic analysis and policy*. 2019. No. 63. P. 207–219. doi: 10.1016/j.eap.2019.07.001.
- [2] Бондар В. С. Методика розслідування умисних вбивств, вчинених із застосуванням вогнепальної зброї: метод. рек. Луганськ: РВВ ЛДУВС ім. Е. О. Дідоренка, 2013. 148 с.
- [3] Europe: crime index by country 2020 mid-year. URL: https://www.numbeo.com/crime/rankings_by_country.jsp?title=2020-mid®ion=150/.
- [4] Hamill M. E., Hernandez M. C., Bailey K. R., Zielinski M. D., Matos M. A., Schiller H. J. State level firearm concealedcarry legislation and rates of homicide and other violent crime. *Journal of the american college of surgeons*. 2019.. Vol. 228 No 1. P. 1–8. doi: 10.1016/j.jamcollsurg.2018.08.694.
- [5] Основи судової медицини: навч.-метод. посіб. / Л. Л. Голубович, В. О. Ольховський, О. І. Герасименко. Харків: Бровін О. В., 2021. 535 с.
- [6] Гусєва В. О. Теоретичні основи методики розслідування злочинів проти авторитету органів державної влади у сфері правоохоронної діяльності: дис. ...д-ра юрид. наук: 12.00.09. Харків, 2021. 538 с.
- [7] Хилько А. О., Звонар Я. П., Сухопер П. С. Можливості застосування комп'ютерних технологій при моделюванні вогнепальних пошкоджень і ушкоджень в судовій медицині. *International medical students'conference in Poltava: матеріали Міжнар. студ. наук. конф. (Полтава, 2–3 квіт. 2020 р.)*. Полтава, 2020. 154 с.
- [8] Khoshnood A. Firearm-related violence in Sweden – a systematic review. *Aggression and violent behavior*. 2018. No. 42. P. 43–51. doi: 10.1016/j.avb.2018.07.008.
- [9] Коваленко А. В. Розслідування посягань на життя та здоров'я журналістів: монографія. Сєвєродонецьк: РВВ ЛДУВС ім. Е. О. Дідоренка, 2018. 268 с.
- [10] Кримінальний процесуальний кодекс України: Закон України від 13 квіт. 2012 р. № 4651-VI. URL: <http://zakon0.rada.gov.ua/laws/show/4651-17>.
- [11] Мельник С., Грецьких О. Вплив законодавчого пробілу щодо спеціального закону про зброю на розвиток вітчизняної судової балістики. *Юридичний бюлетень*. 2020. № 15. С. 156–163. doi: 10.32850/LB2414-4207.2020.15.21.
- [12] Про затвердження Інструкції про порядок залучення працівників органів досудового розслідування поліції та Експертної служби Міністерства внутрішніх справ України як спеціалістів для участі в проведенні огляду місця події : наказ МВС України від 5 листоп. 2016 р. № 1339. URL: <https://zakon.rada.gov.ua/laws/show/z1392-15#Text>.
- [13] Невгад В. В. Методика розслідування умисних вбивств, вчинених способом, небезпечним для життя багатьох осіб: автореф. дис. ... канд. юрид. наук: 12.00.09. Харків, 2019. 22 с.
- [14] Пересада О. Відмежування умисного вбивства від самогубства та нещасного випадку: теоретико-методологічні підходи. *Правовий часопис Донбасу*. 2021. Вип. 2. № 75. С. 88–95. doi: 10.32366/2523-4269-2021-75-2-88-95.
- [15] Рожик Є. М. Співвідношення способу вчинення злочину та наслідків злочину. *Право і суспільство*. 2020. № 6–2. С. 200–207. doi: 10.32842/2078-3736/2020.6.2.2.30.
- [16] Ржевська Н. Ф., Кожушко О. О. Розвідка відкритих джерел (open source intelligence). URL: <http://ena.lp.edu.ua/bitstream/ntb/19232/1/53-Rzhevskaya-257-261.pdf>.
- [17] Сенченко Н. М., Пророченко В. В. Криміналістичне дослідження слідів пострілу та їх значення у розкритті кримінальних правопорушень. *Порівняльно-аналітичне право*. 2019. № 5. С. 395–398. doi: 10.32782/2524-0390/2019.5.102.

- [18] Шевчук М. Значення тактичних завдань для побудови та реалізації типових тактичних операцій у кримінальному провадженні. *Національний юридичний журнал: теорія та практика*. 2016. № 5. С. 204–207.
- [19] Сімакова-Єфремян Е. Б. Теоретико-правові та методологічні засади комплексних судово-експертних досліджень: дис. ...д-ра юрид. наук: 12.00.09. Харків, 2017. 503 с.
- [20] Sivaraman J. J., Ranapurwala S. I., Moracco K. E., Marshall S. W. Association of state firearm legislation with female intimate partner homicide. *American journal of preventive medicine*. 2019. Vol. 56. No 1. P. 125–133. doi: 10.1016/j.amepre.2018.09.007.
- [21] Stansfield R., Semenza D., Steidley T. Public guns, private violence: the Association of city-level firearm availability and intimate partner homicide in the United States. *Preventive Medicine*. 2021. No. 148. article number 106599. doi: 10.1016/j.ypmed.2021.106599.
- [22] Статистична інформація за 2011–2020 роки. URL: <https://www.gp.gov.ua/ua/1stat>.
- [23] Степанюк Р. Л. Особливості призначення судової молекулярно-генетичної експертизи під час розслідування вбивств. *Науковий вісник Дніпропетровського державного університету внутрішніх справ*. 2019. № 3. С. 174–178. doi: 10.31733/2078-3566-2019-3-174-180.
- [24] Сухомлин Т., Юрчик Т. Судово-дактилоскопічна експертиза у кримінальному провадженні. *Збірник наукових праць Харківського національного педагогічного університету імені Г. С. Сковороди*. 2019. № 30. С. 104–109. doi: 10.34142/23121661.2019.30.13.
- [25] Сиводєд І. Використання спеціальних знань і проблеми призначення судових експертиз під час розслідування умисних вбивств військовослужбовців під час проведення бойових дій. *Juris europensis scientia*. 2020. № 4. С. 176–180. doi: 10.32837/chern.v0i4.152.
- [26] Вербіцька М., Гнатів М. Деякі аспекти юридичної відповідальності за правопорушення, пов'язані з незаконним поводженням із вогнепальною зброєю в Україні. *Актуальні проблеми правознавства*. 2021. Вип. 1. № 25. С. 33–39. doi: 10.35774/app2021.01.033.
- [27] Яремчук В. О. Деякі питання дослідження вогнепальної зброї при розслідуванні вбивств. *Юридичний науковий електронний журнал*. 2020. № 2. С. 430–433. doi: 10.32782/2524-0374/2020-2/111.
- [28] Про Національну поліцію: Закон України від 2 лип. 2015 р. № 580-VIII. URL: <https://zakon.rada.gov.ua/laws/show/580-19#Text>.
- [29] Замула Б. Криміналістична характеристика вбивств, учинених іноземцями на території України. *Knowledge, education, law, management*. 2018. Вип. 4. № 24. С. 296–304. doi: 10.5281/zenodo.2594783.
- [30] Замула Б. Встановлення події вбивства як обставина, що підлягає встановленню на початковому етапі розслідування вбивств, учинених іноземцями на території України. *Юридичний науковий електронний журнал*. 2020. № 4. С. 303–306. doi: 10.32782/2524-0374/2020-4/73.
- [31] Змієвська Ю., Савка, І. Розвиток та сучасні можливості судово-медичної діагностики виду основного травмуючого фактора при вогнепальних ушкодженнях. *Клінічна та експериментальна патологія*. 2020. Т. 19. Вип. 1. № 71. С. 152–159. doi: 10.24061/1727-4338. XIX.1.71.2020.327.

Особливості розслідування вбивств, вчинених із застосуванням вогнепальної зброї

Влада Олександрівна Гусєва

Харківський національний університет внутрішніх справ
61080, просп. Льва Ландау, 27, м. Харків Україна

■ **Анотація.** Мета дослідження – на підставі аналізу слідчої та судової практики, а також наукових праць українських й іноземних вчених визначити типові тактичні завдання, що підлягають виконанню на початковому етапі розслідування вбивств, вчинених із застосуванням вогнепальної зброї, та особливості їх реалізації. Для досягнення поставленої мети використано загальний діалектичний метод, а також спеціальні методи дослідження, зокрема: метод системного аналізу, порівняльно-правовий, системно-структурний. Наукова новизна дослідження полягає в тому, що на підставі аналізу наявних наукових праць за окресленим напрямом дослідження, а також матеріалів слідчої та судової практики розглянуто типові тактичні завдання, що підлягають виконанню на початковому етапі розслідування умисних вбивств, вчинених із застосуванням вогнепальної зброї. Висновки. Обґрунтовано позицію, згідно з якою діяльність щодо розслідування вбивств, вчинених із застосуванням вогнепальної зброї, вирізняється високим рівнем складності, адже під час їх розслідування необхідно виконати комплекс тактичних завдань. Акцентовано, що до таких завдань належать: встановлення особи потерпілого, характеру події кримінального правопорушення, місця та часу вчинення кримінального правопорушення, способу вчинення кримінального правопорушення; дослідження знаряддя злочину; встановлення особи злочинця та мотивів вчинення злочину. Констатовано, що тактичні завдання залежать від слідчої ситуації, яка склалася, спрямовані на перевірку чи спростування слідчих версій. Реалізація тактичних завдань під час розслідування можлива шляхом проведення комплексу слідчих (розшукових), негласних слідчих (розшукових) і процесуальних дій, а також окремих заходів забезпечення кримінального провадження. У контексті цього дослідження запропоновано найефективніші дії, які слід здійснювати, а також визначено деякі їхні можливості

■ **Ключові слова:** умисне вбивство; вогнепальна зброя; досудове розслідування; кримінальне провадження; тактичне завдання