

Some Issues of the Application of Information and Communication Technologies in the Investigation of Crimes

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ABSTRACT

The article reveals the use of information and communication technologies in the preliminary investigation, individual aspects of sending and receiving a crime report in electronic format, as well as the electronic format of the preliminary investigation. The purpose of studying this issue is to consider the possibility of introducing existing practice and scientific developments, the positive results of foreign countries in this area in the criminal procedure legislation of the Republic of Uzbekistan. An analysis of law enforcement practice allows us to draw well-grounded conclusions that the process of transferring a pre-trial investigation from paper to electronic format involves different directions, while it takes a lot of time and trumpets overcoming many difficulties.

KEYWORDS: *Preliminary investigation, crime report, electronic document, electronic criminal investigation, electronic criminal case, law enforcement practice.*

The use of modern information technologies is required not only when conducting individual investigative actions, but also when the subject of the investigation makes procedural decisions on criminal cases and inspection materials, as well as when organizing verification activities. Let's turn now directly to the possibility of using information technology in making various kinds of decisions during the preliminary investigation.

The essence of the adoption by the subject of the investigation of the procedural resolution is the formation of answers to various legal questions, as well as summing up the interim or final results of the investigation or determining the direction of further proceedings in the case. However, the procedural action is expressed in the form provided for by the criminal procedure legislation - in the form of a procedural act.

In this regard, we consider the use of information technology in this activity from two points of view. The first area of activity, in our opinion, should be considered as a certain algorithm of actions of the subject of the investigation, in which he studies the conditions and grounds for making certain decisions. Today it can be assumed that the ability to algorithmize the process of solving any type of problem, with which the final sequence of actions can be determined, is already a generally accepted fact. Thus, depending on the qualification of the crime by the investigator, and the current state of the investigation, the use of the term "algorithm" in the process of making procedural decisions seems very appropriate. This makes it possible to identify typical crime investigation algorithms and appropriate procedural solutions in typical investigative situations. In this case, the term "algorithm" is used in a broad sense – as the most appropriate program while maintaining the overall constructive nature of the investigation of a criminal case[1].

In turn, the issuance of a resolution is subject to a number of requirements, which include: comprehensive validity of the decision, its timeliness, competence, compliance with previous resolutions. Computer programs can help in the adoption of this resolution, which, when adopted,

should be developed taking into account the coefficients of certain circumstances. Such programs can be useful both for experienced investigators who are independent practitioners, and for young professionals. Undoubtedly, one of the most important decisions taken by the subject of the investigation is the decision to initiate a criminal case or to refuse to initiate it.

Article 329 of the CPC regulates the initiation of a criminal case, which consists in the decision by the subject of the investigation of the possibility of adopting a resolution on the initiation of a criminal case or the existence in the current situation of grounds for refusing to initiate a criminal case (the availability of sufficient information indicating the presence (absence) of the corpus delicti). In this case, we are talking only about the availability of sufficient information, because all elements of the crime can be identified and without fail only after the initiation of a criminal case, during the performance of procedural actions at the stage of preliminary investigation.

This requirement is directly enshrined in article 82 of the CPC (circumstances to be proved). Nevertheless, in article 2 of the CPC, where the main focus is on the tasks of criminal proceedings, the priority is to protect the individual from illegal and unfounded accusations, criminal liability and restrictions on his rights and freedoms, the correct solution of this issue is difficult, especially for inexperienced, novice investigators.

The algorithm of investigative actions proposed by us assumes the necessary actions of the subject of the investigation during the investigation of various types of crimes. A computer program based on the analysis of typical situations can be performed in the form of a test, when the investigator is asked to choose one of the proposed answers and answer the questions asked to him, as well as fill out the appropriate forms.

After all the information is collected, the program may "require" the investigator to perform additional investigative actions or make a final decision on the investigation materials. In addition, the program naturally "requires" the correct qualification of the case.

With the help of such software, not only information processes can be rationalized, but also automated systems can be implemented that will allow investigators, experts and operatives to make appropriate decisions. In recent years, dozens of systems have been developed that essentially mimic the work of methodologists-investigators, help to investigate the most complex crimes and help formulate specific recommendations based on the results of the investigation in criminal cases[2].

Gradually, the idea of programming the investigator's actions depending on the type of crime being investigated, the initial data and the circumstances of the investigation is becoming more and more rooted in the minds of scientists working in the field of forensic technologies[3].

We agree with the position of N.A. Selivanov that different elements of forensic signs are interconnected and that the manifestation of their connection is subject to certain patterns, the identification of one element makes it more or less likely to assume the presence of other elements, and if the probability is high, additional elements can also be identified[4].

One of the first attempts to identify logical connections between these elements was based on the typification of data on various elements of crime signs in the study of a significant part of murder cases and carried out by researcher L.G. Vidonov[5].

Later, N.S. Yumashev, having studied the materials of 1,100 criminal cases, reveals the links between robberies and robberies (according to approximately 37 parameters of forensic medical examination), came to the conclusion that if the "attack" was committed on a citizen younger than 35 years, the alleged (with an accuracy of 60%) criminal is a man aged 18 to 35 years; commits a crime alone; lives in the territory of the city where the crime was committed; has secondary education; is a worker; single; previously convicted; was drunk; as a rule, leads an antisocial lifestyle[6].

Developing this direction, researcher I.S. Fedotov suggests using standard models of the mechanism of criminal prosecution in the investigation of violent crimes against minors. This makes great practical sense, in our opinion, criminalistic monitoring of crimes can serve as a basis for developing recommendations and effective methods of investigating various types of crimes. However, any software must have a standard framework (algorithm) selected for a particular category of crimes.

According to article 322 of the CPC, the reasons for initiating a criminal case are:

- 1) statements of persons;
- 2) communications from enterprises, institutions, organizations, public associations and officials;
- 3) mass media reports;
- 4) detection of information and traces indicating a crime directly by the investigator, investigator, prosecutor, as well as by the body carrying out the pre-investigation check;
- 5) a statement of guilt.

The grounds for initiating a criminal case are data indicating the presence of signs of a crime.

When an application for a criminal offense is submitted orally, it can be successfully recorded through information technology in the form of recording, audio or video recording, photographing, procedural fixing using computer technology, as well as through audio, video messages and sending an electronic file to law enforcement agencies through available means of telecommunications.

If the fact of the commission of a crime is revealed during the investigative action, it is included in the protocol of this investigative action, while during a specific investigative action, information technology can be used as an alternative means (audio and video) of fixing when correcting the electronic protocol, its procedural design and drawing up the necessary applications (by means of copying equipment).

If the application is submitted orally, but the applicant cannot participate in person (for example, he is in a medical institution due to injury to health, for reasons of personal safety, etc.), in this case, the application is made by an authorized employee of a particular law enforcement agency in accordance with Article 328 of the CPC, and information technology (audio and video recordings) can be used to make such an application and its appendices.

Law enforcement agencies have departmental instructions that determine the procedure for receiving, registering and reviewing reports of crimes and offenses sent on condition of confidentiality (during operational activities).

In addition, we believe that information technologies can be successfully used to record information received on digital media about a crime (offense), as well as to inform participants in criminal proceedings about the procedural decision made by the subjects of the investigation.

Information technologies can be successfully used in the creation of electronic databases to collect information in the order of receipt and registration, as well as to monitor the progress of proceedings in a criminal case.

Other sources of information about the crime include:

- 1) direct detection by the subjects of proof of information about the commission of a crime;
- 2) obtaining information about crimes committed, being committed or being prepared by law enforcement agencies, as well as other bodies and officials responsible for identifying and reporting violations in the relevant area as a result of inspections and studies;

- 3) official letters, statements, communications and documentary materials from enterprises and organizations of various forms of ownership, officials, persons affected by someone's criminal actions and in need of protection, public associations demanding that the perpetrators be held accountable;
- 4) materials of operational search activities;
- 5) electronic surveillance materials used in everyday life.

Thus, digital video surveillance, access control systems, security and fire alarm systems, innovative identification systems, computer control centers, software products and various other technologies are increasingly being used to ensure public safety, including fixing the facts of offenses.

Therefore, if the material carriers obtained as a result of the use of information technologies have sufficient information to identify signs of a crime, such information may be the basis for initiating a criminal case in accordance with the procedure established by the criminal procedure legislation.

Information and communication capabilities involve the use of starting from the initiation of a criminal case to the preparation of an indictment, the implementation of procedural control, objective analysis and evaluation of procedural actions, the creation of conditions for the systematic management of the ongoing investigation of criminal cases, while significantly improving the efficiency of criminal proceedings and the entire process of record keeping within it.

In accordance with article 12 of the Law of the Republic of Uzbekistan "On Internal Affairs" No. ZRU-407 dated September 16, 2016, the internal affairs bodies, in accordance with the legislation, ensure the provision of electronic public services within their competence to individuals and legal entities, as well as the use of electronic forms for receiving and registering documents, notifications on the provision of public services.

At the same time, in the Russian Federation, the use of information and communication technologies in the activities of bodies for receiving and registering reports of crimes is fixed at the legislative level[7].

Thus, in accordance with the Federal Law of the Russian Federation No. 210-FZ of July 27, 2010 "On the Organization of the provision of State and Municipal Services", reports of crimes are processed electronically through the unified portal of state and municipal services [8].

Law enforcement agencies have organizational and administrative documents regulating the formation and use of state information resources. The departmental rules governing the procedure for obtaining, registering, studying and disclosing information about crimes also provide for receiving messages in electronic form through official websites[9], telephone, telegraph and other means of communication[10].

In our opinion, it is advisable to apply this experience in our country as well. The study of practice shows that currently law enforcement agencies use various forms of obtaining information about a crime committed or being committed to ensure citizens' access to justice. A network of dispatching services of emergency services, a geographically distributed automated telecommunications management system has been created using a single telephone number "102".

By the way, in 2018, the "Safe Capital" system was introduced in Tashkent, while as part of its implementation, the Ministry of Information Technologies and Communications of the Republic of Uzbekistan installed a set of equipment and software, all departments of the GUV D of the city of Tashkent were equipped with an intelligent face recognition system and equipment for registration of vehicle license plates[11].

Thus, the introduction of the latest means of communication and information can be considered as one of the priority areas for optimizing law enforcement activities, changing the style, form and technology of the organizational component of the procedural order of consideration of a crime report. However, practice shows that modern technical innovations are not fully used. In our point of view, the main reasons for citizens' inactivity in this area are: insufficient awareness of the possibilities and advantages of using these methods of reporting crimes, low computer literacy, lack of technological capabilities in small towns, villages and auls; distrust of modern means of disseminating citizens' information on the Internet.

We believe that these obstacles can be partially overcome by allowing law enforcement agencies to more actively use the opportunity to inform citizens about the facts of crimes through the widespread introduction of a unified electronic document management system using electronic signatures.

The advantages of electronic document exchange are unconditional. This will significantly speed up the process of receiving and processing information, respond promptly by automating the process of receiving and registering reports of crimes, thereby contributing to the rapid restoration of violated citizens' rights, saving time, reducing the workload, as well as eliminating the subjective arbitrariness of officials. In addition, sending a crime report electronically at any time, anywhere, from any computer connected to the network, in the absence of transport infrastructure, geographical distance is also convenient for people with disabilities.

At the same time, despite the fact that the use of electronic document management in criminal proceedings, in fact, has already begun, there is no legal concept and regulatory procedure for electronic reporting of crimes in the CPC. In our opinion, it is necessary to legislatively regulate the relations of receiving and registering reports of crimes in electronic form and give it an appropriate legal status.

We believe that reports of crimes received electronically should be considered as electronic documents. As a carrier of primary information about a crime, it enters the information system using electronic means of communication, is automatically included in a single document flow, becomes an element of electronic interaction and is recorded in the database by technical means. This allows you to process the message in the future: automatic registration, sending confirmation of receipt, exchange of information, its receipt and storage, application in statistical documents and search engines.

An electronic message about a crime can come to the authorities through various channels of information and communication, while the forms of such a message vary significantly. In particular, the message can be received via the Internet via a universal electronic card, a mobile application for smartphones and tablets, and official law enforcement websites. An electronic message about a crime must contain the following mandatory details: the name of the law enforcement agency to which the message about the crime was sent, the surname, first name, patronymic of the applicant, registration address and place of residence, e-mail, mobile and landline phone numbers, information about the crime committed or being committed or being prepared, information about the prevention of criminal liability for perjury in accordance with Article 238 of the Criminal Code, information about the procedure for obtaining confirmation of receipt of information, personal data of the applicant for storage and processing in accordance with the legislation on personal data, electronic signature, date of the message.

You can also report a crime through other information channels: social networks, email, ISQ, Skype, etc.

In this case, to receive an electronic message about a crime, not a type of electronic communication is used, but an electronic form of information about the identity of the applicant or the source of

information about the crime committed, being committed or being prepared for commission. In this matter, it is necessary to agree with A.P.Vershinin that the content of electronic documents does not differ from the information that may constitute the content of other types of documents, for example, paper documents. The only difference is the specific form of the availability of data about the crime on a tangible medium. Since information about a crime can be presented in three different ways, it is important to determine which of them cannot be submitted electronically.

A declaration of guilt (yaka with a confession), confirmed by a signature, also has a simple written form, in our opinion, this method cannot be accepted electronically. The admission of guilt implies a personal, voluntary and active approach on the part of a person who has information about the crime committed by him or his accomplices directly to the authorities and officials authorized to initiate a criminal case. The legislative body, using the term "appearance" in the title of the article, defines its position - a person must appear (arrive) at the competent authority and verbally or in writing report the crime committed. In addition, a personal statement of guilt reduces the likelihood of self-incrimination and abuse of power by officials.

Thus, taking into account the above, we can say that *an electronic message about a crime is a message about a crime sent electronically or via other remote channels, including using the Internet information and telecommunications network.*

In this regard, in order to consolidate procedural relations with the use of information and communication technologies in legislation, we consider it necessary to supplement paragraphs "1), 2) and 3)" of Article 322 and part one of Article 324 of the CPC with the words "via electronic or other remote communication channels, as well as through the use of the Internet information and telecommunications network."

The received message must be registered immediately. If there are circumstances preventing the implementation of this rule, registration is carried out through various communication channels. In the internal affairs bodies, this activity is carried out in the round-the-clock duty units of the territorial bodies of the Ministry of Internal Affairs.

However, it is advisable to use the possibilities of information technology when registering reports of crimes. Thus, in accordance with the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated July 8, 2021 "On additional measures for the introduction of an electronic system of proceedings in cases of administrative offenses" No. 431, the state automated system for electronic processing of information on administrative offenses, administrative fines and other penalties "Electronic administrative case" was introduced[12].

We believe that the prospects for using similar information and communication technologies include the implementation of a project for electronic registration of crimes, which provides for the creation of a unified electronic database on crimes, the form, content, details and procedure for filling in an approximate electronic template (form) of a crime report.

In this case, information about the registration of a message by an authorized official is automatically reflected in a similar system of the prosecutor's office. This will allow the prosecutor, who oversees compliance with the requirements of the law when receiving, registering and reviewing reports of crimes, to receive complete information online about the registration of a crime report, its dynamics, timing and results of checking the message. The use of innovations will ensure the transparency of the criminal process, will positively affect the legality in the field of accounting and the discipline of office work, the ability of the prosecutor's office to record information necessary for maintaining a unified state statistical record of crimes, will increase the effectiveness of prosecutorial control.

In conclusion, it should be noted that the use of modern information technologies as a promising, in-

demand in practice effective organizational component of the procedural procedure for receiving and registering criminal communications, as well as the direction of the optimal organization of criminal proceedings, cannot be limited only for use in registering reports of a crime. In our opinion, we can talk about the following promising areas of application of forces and potential of information and communication technologies:

- 1) creation of a model of a single information space for units authorized to investigate crimes by combining information resources on a single technological platform;
- 2) the use of modern telecommunication technologies and open communication channels of the global Internet to create online services that work in the form of network communication mechanisms, an open forum, e-mail nodes, an Internet platform and others;
- 3) equipping all law enforcement agencies with software and key media for electronic document management using electronic signatures (as well as creating a mobile location "Safe City").

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