

GENERAL OPERATIONAL MEASURES AND ACTIONS - TACTICAL PREVENTIVE-REPRESENTATIVE CHARACTER

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Abstract

Criminal verification is a measure and a general operative-tactical action, the purpose of which is to prove the accuracy (reasonableness) of the collected (understood) effects (indices, grounds of suspicion), which point to a certain criminal offense, the perpetrator its or other important circumstances for the illumination of the criminal offense or certain criminal activity. Indices or data, the validity of which must be proven through verification, discarded or partially completed, may be of different degrees of probability, more or less real and logical, obtained or collected from different sources. All these facts must be verified in such a way that, on the basis of the records and the correctly proven facts, the work can be continued in the illumination of the specific criminal offense and the discovery of its perpetrator. For this reason, verifications and analyzes are the basis of numerous tactical-operative measures and actions, both general and investigative, such as: raids, ambushes, deprivation of liberty, control, etc.

Keywords: crime tactics, security technique. indicjet victim, crime, criminal offense, perpetrator of the criminal offense, etc.

1. Introduction

The operational-tactical action related to the specific criminal offense, many times and very often exists even after the criminal complaint or report, even in the already started criminal procedure, as it is always necessary to prove the probability or the validity of the facts understood later. For this reason, verification is a permanent method in the work of official persons, in which case its application is applied from the beginning when identifying the first indices (based on suspicion) for the criminal offense or its perpetrator.

Disposing of notes that have not been verified as correct not only in the criminal procedure, but also before it, to a considered extent, can damage the prestige and honor of the persons to whom those notes are related, and at the same time, undesirable consequences can be induced in understanding of the compromising of authorized official persons, which is unacceptable both from the point of view of identifying the factual situation, and from the point of view of acting humanely at all stages of the procedure. Regardless of the heterogeneous composition of the data that is verified, the different degree of probability theirs as well as the methods which used can indicate some of their common characteristics related to the type and method of verification¹⁹.

2. Types of verifications

In essence, in the framework of criminalistics, we distinguish the following types of verifications:

1. Official authorized persons perform the verification by: a). Personal initiative; and b). the request of other subjects;

¹⁹ D. Modly, N.Korajlic,252.

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2. according to the object of the verification, they are related to: a). persons; and b).objects;
3. according to the way of performing the verification, it can be: a). open(public); b).conspiratorial (secret).

The verifications that the authorized person made official on the basis of personal initiative have to do with the grounds of suspicion, the indices or the knowledge that these authorized persons have come to during the operational engagement, with direct perception, exercising certain operational-tactical measures and actions, based on the information provided by citizens, working organizations, or other subjects, or in any other way, regardless of whether there was interest in such information beforehand or not. These verifications are the most numerous and they represent the basis for the overall responsibility of authorized official persons. Of particular importance are those verifications of information and notes which have their source in personal operational engagement, or were born based on the direct perception of authorized official persons.

In this way, there is the greatest opportunity to select some data, the validity of which must be proven. In addition to the verifications that are done on the initiative of the law enforcement agency, it often happens that the verification of certain data is also required by some other law enforcement agencies. Among them, the most frequent are the verifications that other law enforcement agencies require due to the need to verify certain records in the territory which, due to non-competence, belongs precisely to the other agency. Such notes are more often related to the need to carry out certain operational-tactical measures and actions such as: identity verification; disclosure of residence or address; movement or behavior control; registration of criminal evidence; verifying that the specified person has criminal tendencies; has he been convicted before, etc. Verification at the request of another agency is done in accordance with the principle of coordination of cooperation between several law enforcement agencies.

The request for verification can also be directed by other state bodies, such as judicial bodies, military bodies, representative bodies of social and political communities, etc. Very frequent are also the verifications which are carried out at the request of the public prosecutor, in accordance with the provisions of the LPP. It is imperative that all verifications required by other bodies be carried out in a timely, detailed and conscientious manner. Only such a relationship in interpersonal cooperation can bring satisfactory results in preventing and fighting criminality.

The verifications which are related to some objects, first of all those against which criminal offenses are most often committed or socio-pathological phenomena appear and as such have the importance of the criminogenic object. Such objects are most often verified by gathering information. The purpose of such verifications is to undertake other operational activities for the purpose of criminal control or detection of criminal offences.

According to the method of execution, verifications can be conspiratorial (secret) and public or open. When, in the case of data verification, information and the like are collected, one or the other method will be applied, it depends first of all on the object of the verification, for example, otherwise, the criminal connections of the suspect will be verified or the data will be verified for any person who prepares to commit the criminal offense, which must be verified discreetly in order to set an ambush in the place where the offense is planned or similar operational reasons, and otherwise, for example, it must be verified where the direct witness of the specific criminal event lives, that is, whether the specified person has paid the specified property tax, by looking at the tax books.

The conspiratorial way of verification requires a much higher degree of care and greater skill, a more complex tactic and a longer time to perform it as well as a greater uncertainty when it comes to the final result of the verification. However, regardless of this, some information and

data collected must be verified in this way, of course, strictly applying the principle of maintaining official secrecy. The reasons for this are operational, moral and legal.

The operative reasons have to do with the fact that the verification will make the basic mistake, but that the person with whom the verification is concerned will understand about the verification. In case of the real existence of criminal activity, the suspect will undertake certain actions with the aim of destroying the traces and objects of the criminal offense (material evidence), would warn the co-participants and be able to leave in time or even prevent them all the operational criminalistic measures which are taken against the criminal offense, which means that the criminal activity will not even be able to be proven.

Moral reasons have to do with preserving the authority and dignity of the persons with whom the information or verification is concerned. As we are talking about notes whose accuracy is still unverified, it means also incorrect in terms of definition or identification or verification, such a thing could ruin the prestige and authority of the person, so in certain circumstances this would it could also be a criminal offense. Regarding the performed verification, an official note or report is drawn up. Both of these notes have an exclusively operational importance, although certain facts during the verification can be recorded in the form provided by the LPP, if they would be of evidentiary importance in the criminal procedure.

In the note or official report, the means used during the identification, the content and description of the data collected during the verification, their source and authenticity must be noted. If the verification was carried out at the request of the prosecutor or other agency, then the notes are documented in writing in the form of a special report in which the source of the data is highlighted and which operational - tactical tools were used if this was in objections to the preservation of official secrecy. However, it should also be noted that the data have been verified, are they completely or partially correct. The official notes or report related to the verification carried out are used for operational purposes, while they are included in some records depending on their character and content. The verification is not only related for the criminal offense, but it has wider importance, it can be carried out for the purpose of general information on the situation in a certain territory and not only when criminal offenses and their perpetrators are in question, but even then when it comes to social phenomena - pathological. It can have a wider meaning, a collection of information by the law enforcement agency, which in cooperation with other subjects has an extremely important operational - criminalistic and public safety²⁰.

3. Collection of information

When looking at the role and duties of authorized official persons in the fight against crime, it is important that in this activity there is suspicion, namely the basis for suspicion that a criminal offense has been committed. The grounds for suspicion exist if the authorized official person does not understand that there is a probability that an offense has been committed criminal. In this case, for the existence of the basis of suspicion, it is irrelevant whether the person suspected of committing the criminal offense is known or not. Such a concept of the basis of suspicion should be distinguished from reasonable suspicion as a higher degree of suspicion. This means that for the existence of the basis of suspicion on the commission of a criminal offense, a lower degree of probability is required than for the existence of a reasonable suspicion, which is necessary for the initiation of criminal proceedings. In order to successfully perform the tasks in this direction, authorized persons are given the opportunity to request information and necessary reports from citizens (H. Sjerqiç - Çolliq, D. Vuleta, M. Haxhiomeragiq1999/41). It is about the informal conversation of which is not regulated by normal law. The search for the necessary information from the citizens is actually the

²⁰ Krivokapiq 205, 185-190.

collection of evidence in the sense of the investigation of evidence (operational - criminalistic) for people and for securing them at the same time.

The collection of necessary information from citizens is a form of operative-tactical activity of authorized official persons, which activity they undertake on their own initiative in a methodical manner and according to the previously compiled plan. This duty of authorized persons first of all means the duty of searching for persons who can provide necessary and relevant information. So, we are talking about the so-called personal sources of information and if the information is obtained according to the aforementioned form, then it can also have a proof character. Due to the current trends in ensuring the rights of citizens who are contacted by authorized official persons when collecting information that could be useful for carrying out criminal proceedings, the LPP also regulates their position, because that citizen who could be said to be the alleged witness in the eventual criminal procedure, you are not obliged to give any statement or answer any question that is put to him except the data about his identity. This means that these people have the right to remain silent, for which even the authorized official persons are obliged to notify them from the beginning²¹.

Information is collected from all available sources (persons, objective results, technical recordings and documents). A prerequisite for the successful collection of information is knowledge of daily activities, knowledge of some spheres of life of citizens in a certain territory, etc. In the case of information gathering, different methods should be harmonized in accordance with the basic purpose of the measure and activity²². This achieves rational compatibility and economy. Forensic evidence and data analytics are of great importance. The collection of information from citizens viewed as a whole is a form of operational activity of authorized official persons which they undertake on their own initiative, with plans and in a methodical manner with the aim of collecting useful information for the successful implementation of the procedure. This concept includes both conversation with persons, as well as the collection of written reports and various documents, notes from legal entities, notes from various evidence and other results of the discovery activity which were not undertaken in a procedural form.

The collection of information from citizens in the narrow sense has to do with the statements of citizens given to authorized official persons in the informal procedure related to the specific criminal offense. We are talking about the form of conversation oriented at the same time to the collection of evidence in the sense of recognition and discovery of evidence and persons.

Collecting or seeking information from citizens as an operative-tactical action in practice, actually exists in two different forms. The first, an interrogation or informal informative conversation of the suspect, and the second, as a systematic interview with the informants. At the same time, this is a "softer" method, because psycho-social elements dominate in it, which dictates a different approach to citizens and a different implementation tactic.

In criminal investigations, for example, due to murder, we distinguish three basic strategic directions in which the collection of information from citizens is oriented as follows:

1. victim treatment strategy;
2. the strategy of identifying and collecting information from witnesses;
3. the perpetrator's treatment strategy.

The approach to gathering information from each of the mentioned groups has its own specificities. Although it can be said that each conversation requires an individual approach, nevertheless the basic structure of the conversation is similar except for a more or less minor or major modification. The general model of the conversations consists of the following elements²³:

²¹ H. Sjerqić - Çoliq, D. Vuleta, M. Haxhiomeragiq1999/41).

²² Yes there.

²³ Pavlicek, 2022, 64.

1. planning and preparing the conversation;
2. entering the conversation;
3. processing of the thematic whole;
4. ending the conversation;
5. evaluation

4. Planning and preparing the conversation

The last part of the preparation of the conversation is the creation of the plan for the conversation, the basis of which is the nine criminalistic golden questions, and it is carried out step by step, from the known to the unknown. The right starting point must be determined and what is desired to be ascertained and proven through conversation. So, be careful that the planned measures and activities and their order are adapted for this. It always starts from the indisputable, that is, from the proven facts, from the private and social circle of the respondent, from his life and housing situation, from professional circle etc. So, from the respondent's social anamnesis. If criminologists do not adhere to the principle of finding the truth step by step, then there may be distortions in the search for facts and in thinking about them, which leads to deviation or avoidanc²⁴e.

Usually the conversation plan should contain:

1. the description of the circumstances that must be clarified during the conversation and the formation of questions for that purpose, as well as possibly the ordering of questions for this purpose. The conversation should be lively and oriented towards the process, therefore the plan of the ongoing conversation is changed and completed on the spot. The plan is not a survey, and the conversation does not stop at providing answers to the survey. The tactical situation dictates a whole series of unforeseen questions in the conversation process, whether such a conversation was opened by the correspondent or imposed by the respondent.
2. to foresee the order of the questions and the time intervals in which the clarification of the various circumstances should be approached, i.e. at what moment and in what order the specific question will be asked.
3. predicting conversations with so-called external elements such as; day and time, where the respondent will be expected until the beginning of the questioning, etc.

The conversation plan is inseparable from the criminal processing plan related to the criminal event. It assumes good knowledge of details about the object. Whenever possible, criminalists should pay special attention to interview preparation. With this, they will save time and will enable the planning of the conversation, so that at the beginning it can be estimated what is desired to be achieved with the conversation, to gain newness, but also the respondent understands and experiences it as serious, etc.

During the preparation of the conversation, the fund of available facts is analyzed, the plan of the conversation is made, the place for the conversation is provided, the facts that need to be presented are provided, etc. During the preparations for the conversation, the purpose of the conversation, the topic, strategy and tactics, the tasks, the extension and the necessary technical preparation should be taken into account. The direct preparation of the conversation includes information, argumentation, formation and conclusion or finding. Whenever possible, the right time and place should be chosen, information should be collected about the interlocutor, the framework of the conversation object should be set, the way of starting the conversation and the moment of transition to direct issues, the preparation of personal questions, the order or strategy of questions, the logical sequence of questions, the types of

²⁴ Yes there.

questions, the flow of the conversation (if possible), the way the criminalist works in an actively oriented way so that the purpose of the conversation is never avoided²⁵.

In order to have a successful conversation, it is necessary to take into account:

1. the real elements, which are; place, time and recognition of the object.
2. the elements of psychological character, according to which it is not enough for the criminal to know only people, but it is desirable that he be able to pass them on, because if it is desired to know what people think, then we must know that how they live, because different people react differently to the conversation technique. In most cases, success itself depends on adequate technique.
3. the elements of tactical character which result from the first two, continue with them and together with them make the entirety of the interrogation tactic. As Mr. Roso points out, (1995 /60 - 62). Choosing the time and place for conducting the informative conversation and interview is important for two reasons: First, many tactical-psychological reasons require that the informative conversation be carried out as soon as possible and immediately after the event or after the person we want to talk to has noticed it the fact and the circumstances which are relevant for the criminal processing of the criminal procedure. Secondly, tactical reasons require postponing the conversation for a shorter or longer time, if it is necessary to raid the apartment in advance, to confiscate the objects of the criminal offense, to look at the necessary documentation, to collect additional notes on some facts and circumstances. of the criminal offense etc. because otherwise the result of those actions would fail if the conversation is undertaken before these are done. Also, depending on the concrete tactical situation, it may happen that there is a need for more conversations at the same time, in a synchronized way, or that informative conversations and interviews are tactically connected with some other measure or operational activity.

On the occasion of the conversation with citizens, it is desirable that it takes place outside the official premises, because we ask the citizens to sacrifice their time and comfort. When choosing the place of the interview, the citizen should always be given the opportunity to choose or designate the place of the conversation that suits him, because such an approach contributes to the creation of a pleasant and informal atmosphere and serves the purpose of the interview. The interview site must ensure the anonymity of the conversation and its content. The time for the interview is also a sensitive matter, which must be decided together with the interlocutor, because it depends on the interlocutor's own mood as to when it can take place, unless the situation necessarily requires that the conversation take place immediately and as urgently as possible.

The place for conducting the conversation with the suspected person is usually the official premises where the necessary conditions exist for unimpeded work. Exceptions to these rules are "hot situations", when there is no other way out. There are many reasons why this is recommended, and some of them are: discretion, suitable conditions, the possibility of access to various documents, the impossibility of escape, a special bar for conversations, etc.

The conversation with the person suspected of a criminal offense did not improve his home, because he feels safer there, and the possibility of obstacles is greater, then pauses, obstacles, family environment, etc.

5. Introduction to the conversation

Great attention should be paid to the part of entering the conversation in the first contact, because the end of the conversation may depend on the initial impressions. Thus, from the beginning it is important and necessary to eliminate the obstacles of the authorities that exist

²⁵ T. Marković 1972. 501-508

between the criminal and the citizen, and try to establish a professional relationship. Mainly this is achieved both through verbal communication and through non-verbal communication. First impressions are essential. In psychology, they are known as "halo effect". This is the belief of some characteristics of a person in accordance with the general assessment (impression of that person). If the observer does not have a good opinion of a person, then he will tend to evaluate many of his characteristics negatively,

and the opposite, if there is good - positive thinking, even though individual characteristics have nothing to do with the totality of that person's personality.

On the other hand, the opinion of the individual characteristics of any one In order to eliminate such mistakes, we must adhere to the rules for fellow citizens to act as we would like them to behave towards us or towards our family members, or towards friends. Also, continuous eye contact with the person, positive non-verbal signals and attentive listening have a positive effect on setting the mood. At that stage the goal is to create a positive reflection and a mutual understanding, so that the person agrees to talk about honest For this reason, the first conversation is usually entrusted to more experienced criminalists. I can influence the viewer's opinion of that person in general.

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After that follows the clarification of the rights that the citizen has in accordance with the LPP, and the reason for the conversation is explained. The meaning of the conversation should be the ascertainment of the truth. In that case, the interlocutors should be encouraged to describe in as much detail as possible the circumstances that are known to them for the case without any embellishment of the answer, apoharmonization with any logical order of it, in their own words and as they have perceived. If it is about people who have been harmed in any way by the criminal offense, then they should be allowed to calm down, concentrate, refresh, receive therapy, if they are using therapy, so that the conversation can continue.

6. Ending the conversation

When all topics related to the content of the petition are processed, in the last stage of contact with the respondent, it is necessary to clarify his role in the next stages of the procedure, as well as the need to ensure future contacts about additional clarifications of some facts. News. If necessary, citizens should go to specific institutions, whether victims or witnesses, because many citizens have not been able to be treated by authorized persons, therefore for many of them this contact is quite unpleasant, as due to treatment by the police, as well as due to its role as an incident. At this stage, it should be checked once again whether all thematic areas are included and the respondent is given the opportunity to emphasize, clarify, or change some things that he thinks are important, as well as to ask questions about the issues that interest him. related to the event. They are usually interested in their procedural role, their safety and that of their families. These questions should be given honest answers as much as possible, and if the criminalist does not know something, or cannot find out because of the interest of the procedure, then it should be said clearly. In the respondent's departure, the exact

²⁶ Z. Roso, 1995, 100-101

time when the conversation ended should be noted and it should be verified whether the person took his personal belongings.²⁷

7. Conclusions

1. The evaluation of the information received, where the questioner asks what effect the new information has had on the important criminalistic processing, what information is involved and what additional measures should be taken;
2. Looking at the argumentative facts is also an aspect of looking at the compatibility of the information with the evidence collected and with other information, namely, which relevant facts connect the person to the murder, as well as what is the argumentative value of those facts and what should be done to assess the quality of the theirs. In this part, in addition to the facts that can be affirmative and connect the person to the murder, it is also important to reach the facts that show that the person whose initial knowledge has shown that he is the perpetrator of the murder is not a murderer,
3. Assessment of the questioner's ability. It should be noted here that every conversation is a new experience, not only for new criminals, but also for those with longer experience, because every conversation and every person is specific in its own way so that it is important that the experiences reached during the conversation are recorded so that in the future if there have been mistakes they can be eliminated so as not to be repeated, as well as if new knowledge has been gained, the same methods and tactics can be applied in the following cases.

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²⁷ Yes there.