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PECULIARITIES OF THE PREPARATORY STAGE OF INSPECTION WHEN INVESTIGATING CRIMINAL OFFENSES RELATED TO TRAFFICKING OF POISONOUS SUBSTANCES

Abstract. *The purpose* of the article is to study the peculiarities of the preparatory stage of inspection and establish its significance for the further conduct of the specific investigative (search) action during the investigation of criminal offenses related to the illegal circulation of poisonous substances. **Research methods.** The work was performed using general scientific and special methods of scientific knowledge, such as: dialectical and formal-logical ones, analysis and synthesis, generalization, comparison. **Scientific novelty.** The article examines the concept of the preparatory stage of inspection and covers its essence, gives the peculiarities of its conduct, taking into account the specific nature of criminal offenses related to illegal circulation of poisonous substances. Inspection stages have been specified, and their significance for the investigation has been partially elucidated: attention is paid to the preparatory stage because all subsequent actions during investigative (search) activity depend on it. The algorithm for organizational actions of the investigator before going to the scene, given the initial information about the criminal offense, is clarified, and actions of the patrol police before arrival of the investigative team are characterized. Emphasis is placed on the measures and means of ensuring the personal safety of the investigative team and actions to preserve the investigative information during and after elimination of negative consequences of the event. The algorithm of actions of the investigator and the CSI team upon arrival at the place of inspection and collection of forensically significant information, keeping the rules and procedures for working with poisonous substances, is presented. **Conclusions.** As a result of the conducted research, specific nature and peculiarities of the preparatory stage of inspection, which plays an important role in collecting physical evidence in these criminal offenses, have been determined. It was established that before the inspection's beginning, all its participants should strictly follow the defined algorithm of actions and work harmoniously in close cooperation. It was concluded that the neglect of measures and means of personal protection can harm the life or health of inspection participants.

Key words: inspection, preparatory stage, safety measures, personal protective equipment, degassing, crime scene investigation team, patrol police.

1. Introduction

The initial stage of the investigation of illegal acts involving poisonous substances requires a specific study, since it is characterized by the relative short duration, intensity and urgency of investigative (search) actions and intelligence operations, limited information about the criminal offense and perpetrator (Kuznietsova, 2008, p. 4).

At the initial stage of investigating criminal offenses related to the trafficking of poisonous substances, inspection matters since it is a point when the countdown begins to terminate the consequences of such acts, collect evidence

and plan further investigation. The effectiveness of inspection directly depends on the close interaction between the units involved, the awareness of a crime scene investigation (CSI) team about the actions before departure and upon arrival at the scene, and many other essential factors and particularities.

In forensic science, many scholarly contributions are devoted to the inspection tactics, in particular by V.P. Bakhin, H.I. Hramovych, V.O. Konovalov, N.I. Klymenko, V.S. Kuzmichov, Ye.I. Makarenko, H.A. Matusovskiy, M.I. Porubov, M.V. Saltevskiy, K.O. Chaplynskiy, Yu.M. Chornous, V.Yu. Shepitko,

I.M. Yakimov, and others. Despite a lack of works elucidating the essence and content of inspection, the issue of its tactics during the investigation of criminal offenses related to the trafficking of poisonous substances is still unsettled and requires scholarly inquiry.

The article's purpose is to study particularities of the preparatory stage of inspection and establish its significance for the further conduct of the relevant investigative (search) action when investigating criminal offenses related to the trafficking of poisonous substances.

2. The concept and content of the preparatory stage of inspection during the investigation of criminal offenses related to poisonous substances

During the development of forensic science, a well-established structure of investigative (search) actions has been formed, and inspection is no exception. In textbooks on forensic science, there are three stages of inspection, namely: 1) preparatory; 2) operational; 3) final (Piaskovskyi, Chornous, Samodin, 2020, p. 416). Each stage plays its role in collecting forensically relevant information for the effective investigation of criminal offenses under consideration.

Among the above stages of inspection, amidst the investigation of criminal offenses related to the trafficking of poisonous substances, preparation for its conduct is critical as after receiving the initial information about such a criminal offense, a set of actions and measures should be taken to eliminate the harmful effects of criminal actions, ensure the safety of persons, animals, the environment, etc., that will affect the further detection of material evidence, prevention of its loss and preservation for subsequent expert examination.

The preparatory stage of all types of inspection begins when the investigator makes the specific decision. According to O.V. Zarubenko, such a decision is due to the ability to solve the tasks facing the pre-trial investigation as quickly and fully as possible (Zarubenko, 2012, p. 373).

Thus, inspection during the investigation of criminal offenses under consideration does not tolerate delay and, first of all, is associated with the cessation of the spread of poisonous substances – the elimination of adverse effects of a criminal event and maintaining the security of citizens, animals, and the environment.

The preparatory stage of inspection is long enough, since it requires some organizational actions. Therefore, it is essential: 1) to come up with participants to inspection; 2) to determine time and place of its conduct; 3) to ensure the safety of all participants; 4) to involve the necessary specialists (a chemist to deal

with a poisonous substance during inspection; a forensic scientist to work with other traces; a fire safety engineer – if there was a fire, etc.); 5) to prepare photo/video software; 6) to maintain interaction with other units during inspection (solving the issue of transportation of poisonous substances and their disposal), as well as other organizational issues.

The above general recommendations relate to the preparatory stage of all types of inspection when investigating criminal offenses concerned. However, a crime scene investigation is more complex and cumbersome, hence we will specify the algorithm of actions at the preparatory stage for the subjects holding it.

3. Algorithm of the investigator's actions before visiting the scene of an event related to the trafficking of poisonous substances

As a rule, during the investigation of any criminal offense, the preparatory stage of crime scene examination is conditionally divided into two independent stages: the investigator's actions before visiting the scene and directly at the scene (Piaskovskyi, Chornous, Samodin, 2020, p. 416). We share such a division and consider it correct from the perspective of tactics, as that division contribute to performing all the tasks assigned to the investigator at minimum expenditures of forces and means.

Since poisonous substances are classified as chemical, all actions of police officers taken at the preparatory stage of inspection must comply with the requirements set out in the Instruction on the procedure for actions of police bodies (units) in case of detection of radioactive, chemical and nuclear materials or receiving information about violations of the rules or illegal handling of them, which was approved by the Order of the Ministry of Internal Affairs of Ukraine No. 754 dated 06.09.2017 (hereinafter referred to as the Instruction).

According to para. 3 of the Instruction, when police officers receive a notification of illegal handling of poisonous substances or direct detection of poisonous substances, they shall immediately take measures to ensure individual and public safety, prevent further contact of people and animals with them, and inform a duty officer of the police body (unit) about the relevant fact (Maksymchuk, Sakovskyi, Sura, Furman, 2019, p. 36).

However, as K.O. Krushelnytska aptly points out, a police officer, being in a situation which requires physical presence in the zone of action of chemical (poisonous) substances, is not able to ensure individual and public safety. One does not have expertise and practical skills in using personal protective equipment and is not aware of an algorithm for removing contaminated clothing, sanitizing exposed skin

and mucous membranes, etc. (Krushelnytska, 2022, p. 217). Therefore, at the present stage of inspection, a set of measures is carried out and the forces and means of various units of not only the National Police but also other bodies are involved.

After receiving a notification of a criminal offense related to the illicit trafficking in poisonous substances, the duty officer shall: (Nakaz MVS Ukrainy vid 06.09.2017, No. 754):

1) register the notification in the unified accounting log and report the event to the head of the police body (unit), his deputy – the head of the investigative department (division), the deputy for preventive activities, the head of the patrol police response sector, the person responsible for the police body (unit), and the senior duty officer (para. 6 of the Instruction);

2) ensure public safety and order and fencing of the scene before the arrival of emergency rescue services, send to the scene police squads and a CSI team equipped under paragraph 6 of Section 2 of the Instruction and, if necessary, an emergency (ambulance) team;

3) inform the territorial bodies of the State Emergency Service or their subordinate units, as well as the territorial bodies (units) of the Security Service of Ukraine, the State Environmental Inspectorate, the State Service of Ukraine on Food Safety and Consumer Protection, the State Nuclear Regulatory Inspectorate, local state administrations and local self-government bodies (hereinafter referred to as the interested state authorities) under the current legislation.

In addition, the chief inspector of the duty unit of the Department of Analytical Support and Operations of the National Police of Ukraine (hereinafter referred to as ASO), having received a notification (electronic card) about the specific criminal offense, shall inform a management personnel of the central police authority, ASO, and the structural unit of the central police authority entrusted with ensuring radiation, chemical and nuclear safety, and the interested public authorities.

In case of receiving information about the detection of poisonous substances in a large area or in places of mass presence of people, the duty officer of the National Police of Ukraine shall call the SES units to the scene to organize and take actions following the current legislation.

The above demonstrates that investigating such a criminal offense requires special treatment immediately after receiving a notification of its commission. Hence, different units and services are informed about a criminal offense, a set of actions aimed at ensuring safety and eliminating the harmful consequences of the offense are taken, etc.

As N. I. Klymenko notes, when preparing for the scene visit, the investigator shall obtain as much data about the event and its eyewitnesses as possible, organize the protection of the scene, take measures to preserve traces and other material evidence, and keep the situation stable (Klymenko, 2005, p. 13). Moreover, it is crucial to eliminate the negative consequences of the event, that is, poisonous substances and their spread.

Based on the analysis of literary sources, we identified the algorithm of the investigator's actions before visiting the scene of an event related to the illicit trafficking in toxic substances. In particular, the investigator shall:

1) send a patrol police detachment to the scene to ensure the safety of others and protect the scene before the arrival of a CSI team;

2) take measures to eliminate the harmful consequences of such a criminal offense, that is, send the SES, ambulance, etc. to the scene;

3) ensure the presence of eyewitnesses of such a criminal offense before their arrival;

4) make proposals for additional staff of the investigation team, namely, engage relevant specialists in inspection and ensure their arrival (a chemist to deal with a poisonous substance during inspection; a forensic scientist to work with other traces; a fire safety engineer – if there was a fire, etc.);

5) equip CSI members in accordance with para. 6 of Section 2 of the Instruction, as follows: a set of overalls and personal protective equipment, in particular: a) skin, respiratory and visual protection (bathrobe, shoe covers, respirator (gas mask) or disposable gauze mask, rubber gloves, safety glasses and chemical goggles, etc.); b) warning devices for the detection and preliminary identification of chemical (poisonous) materials, rapid tests for the identification of hazardous substances certified in accordance with the relevant procedure;

6) prepare software for video/photo recording of inspection;

7) maintain interaction with other units during inspection (solving the issue of transportation of toxic substances, their neutralization, disposal) and many other organizational issues.

All of the above are necessary measures and means of an effective inspection. However, an important issue at the inspection's preparatory stage is to promote the personal safety of CSI members since they may come into contact with poisonous substances during scene examination, personal inspection, and vehicle inspection when detecting clandestine laboratories which work with chemicals, etc.

We agree with V. V. Zelenko, N. Ie. Piriatska, M. I. Lytvynenko et al. that personal protective equipment and clothing can serve

as a barrier and minimize the effect of aerosols, spray, and accidental inoculation. The choice of protective equipment and clothing depends on the nature of the work on hand. Before leaving the inspection site, it is necessary to remove protective clothing and wash hands (Zlenko, Piriatsinska, Lytvynenko, 2015).

Such means and measures depend on the type of a criminal offense, its scale and other circumstances. For example, if a person has been detained at a checkpoint, who tried to cross the state border and illegally transport metal mercury in the amount of eight kilograms in sealed rubber pears, then it will be enough to wear a respirator, rubber gloves and shoe covers to inspect and remove such a poisonous substance. However, if there was a leakage of a poisonous substance into the environment, and the scene is large-scale, then one cannot do without overalls and other means of ensuring personal safety.

4. Actions of the police squad at the scene of an incident related to the trafficking of poisonous substances before a CSI team's arrival

It should be noted that the first to arrive at the scene are police squads that carry out immediate actions and wait for the arrival of a CSI team, emergency services, specialists of interested public authorities and executive authorities so they shall comply with the rules of physical protection and safety measures when handling poisonous substances.

According to para. 5 of Section 2 of the Instruction, the police officers who arrived first at the scene carry out the following immediate actions (Nakaz MVS Ukrainy vid 06.09.2017, No. 754):

1) evacuate people from the area of possible effect of poisonous substances to the minimum safe distance (approximately 100 – 400 m) in the opposite wind direction, taking into account the geographical location of the scene, climatic conditions, the nature of the terrain and particularities of the water area, the presence of buildings or structures, enclosed space, potential targets, etc.;

2) act to provide emergency prehospital care to persons affected by exposure to hazardous materials and call medical workers to the scene to provide medical assistance, and, if possible, inform the family members of the victims;

3) determine the approximate boundaries of the scene, fence the zone of possible damage and install warning signs, including for vehicles, as well as maintain road safety;

4) ensure public safety and order around the scene area, that is, prevent contact of people and animals with the place of detection of poisonous substances, ensure, as far as possible, the preservation and inviolability of the area and traces of a criminal offense;

5) take other actions to ensure the safety of citizens and the environment provided for by the legislation of Ukraine (for example, it may be the continuation of the scene protection until the completion of the decontamination of the zone of poisonous substance distribution, etc.).

From the above, it is worthwhile to note the importance of the actions of the police, who arrive first at the scene of an incident related to the trafficking of poisonous substances. After all, the evacuation of people from the place of spread of poisonous substances, the provision of prehospital care to victims, the determination and fencing of the scene boundaries, as well as taking actions to preserve the area and traces of a criminal offense are the key to subsequent full, objective and effective inspection of the scene and further planning of the investigation of such types of criminal offenses.

5. The investigator's actions upon arrival at the scene of an incident related to the trafficking of poisonous substances

After the work of emergency rescue services at the scene and specialists of interested public authorities and executive authorities on the elimination of the negative consequences of a criminal offense, the investigative team begins to collect significant information in terms of forensics.

Upon arrival of a CSI team at the scene, the next preparatory stage of the inspection begins. After communicating with the police officers who arrived first at the scene and waited for the arrival of the CSI team, the investigator must make sure that the safety measures in relation to the surrounding persons and animals, the environment and all participants in the inspection are observed. Since poisonous substances penetrate into the human body through the skin, respiratory organs and stomach, appropriate protective equipment should be chosen. Indeed, the degree of damage by toxic substances depends on their toxicity, effect specificity, duration, as well as their physical and chemical properties. However, at the scene, it is unclear at first glance what kind of poisonous substance the investigator and the entire investigative team will deal with, so protection should be universal. Since skin lesions accelerate the penetration of poisonous substances into the body, such areas of body parts should be covered when working at the scene. Moreover, it is crucial to refrain from smoking or eating at the scene, because poisonous substances enter the gastrointestinal tract due to non-compliance with personal hygiene rules and immediately enter the blood from the oral cavity. Such substances, for instance, include fat-soluble compounds, phenols, cyanides, etc.

It is equally important to control the provision of medical care to the victims. If it was not provided, then measures should be taken to provide the necessary medical care and find out the reasons for the lack of such actions.

As it was found out, the CSI team conducts a scene inspection only in the presence of specialists from the interested public authorities and only after they perform an initial inspection of the scene and confirm the absence of negative factors, the safety of the level of chemical contamination, and then the CSI team starts working. Therefore, before taking the relevant actions, it is essential that the investigator conducts a briefing on the handling rules at the scene by such inspection participants so that they do not leave their traces and do not destroy the traces of a criminal offense (fingerprints, footprints (shoes), vehicles, biological traces, etc.).

Let's specify the investigator's actions upon arrival at the scene of an incident related to the trafficking of poisonous substances, as follows:

1) check whether there is a criminal offense related to the trafficking of poisonous substances;

2) make sure that unauthorized persons present in the area of investigative (search) actions are removed;

3) make sure that the safety of others and participants in the inspection is maintained;

4) make sure that medical care is provided to the victims;

5) instruct the inspection participants on the work at the scene in terms of preserving forensically significant information in dangerous conditions;

6) only after the initial examination by specialists of interested public authorities and their confirmation of the absence of negative factors (chemical contamination), organize the work of the CSI team in order to identify and record the signs and traces of the crime, as well as perpetrators;

7) determine the scope of inspection;

8) choose the movement route of the CSI participants at the scene in order not to destroy the trace information;

9) involve, if necessary and appropriate, witnesses in the inspection and finally determine the circle of other participants in the inspection and instruct them on their rights and obligations;

10) identify the changes that were made at the scene as a result of its initial examination by the specialists of the interested public authorities, e.g., whether the means of degassing affected other traces of such a criminal offense and how exactly, since this will have impact on their removal for further investigation.

After taking the above measures, the investigator together with the CSI team proceed to the inspection's operational stage.

6. Conclusions

The above demonstrates that the inspection's preparatory stage plays an essential role in collecting material evidence of such criminal offenses and requires adherence to a well-defined algorithm of actions by all its participants. It was found that the preparatory stage of inspection has its specifics and the following features:

1 – it can cover a large area, and thus, it is difficult to plan and use forces and means of inspection;

2 – at each stage, adverse consequences of a criminal incident should be taken into account (the spread and effect of the poisonous substance that was the subject matter of the crime, the effect of bad weather on such a poisonous substance and the place where it was found, etc.);

3 – a CSI team inspects the scene after the elimination of negative consequences by specialists of interested public authorities that may affect the preservation of trace information;

4 – since many people are involved, there is a difficulty in coordinating the actions of each of them. Therefore, it is necessary to instruct and outline a role of every person (for instance, to allocate the personnel at the scene correctly, in particular: a specialist with the investigator work in the center of the incident, at a distance of 30-40 meters from them – other participants of the CSI team, and at a distance of 20-30 meters from the latter, if necessary, the media, etc.);

5 – efforts should be constantly focused on the preservation of material evidence, since there is a significant risk of its loss as a result of work on the site of many people (for instance, by visually examining the situation, to identify the trajectory of the offender's movement at the scene and limit the movement of the CSI team along it);

6 – maintain proper cooperation of all CSI participants;

7 – ensure the personal safety of CSI participants (individual protection), surrounding persons, animals, the environment;

8 – keep in mind the impact of degassing on crime traces and take measures to preserve them as much as possible;

9 – identify geolocation via Google Maps to visualize the scale of the incident and formalize the results as an annex to the protocol;

10 – it is recommended using UAVs to fix the large incident scene;

11 – the inspection area shall be secured before and after it;

12 – the detected and seized poisonous substance shall be transported for further storage, expert research and disposal.

Consequently, the safety of all inspection participants and the effectiveness of the entire investigative (search) action depend on the steps taken at the preparatory

stage of inspection. Awareness and observance by all participants to inspection of tactics and the implementation of all preparatory actions, without exception, will contribute to the effective, rapid and complete detection, recording and uptake of forensically solid information.

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ОСОБЛИВОСТІ ПІДГОТОВЧОГО ЕТАПУ ОГЛЯДУ ПІД ЧАС РОЗСЛІДУВАННЯ КРИМІНАЛЬНИХ ПРАВОПОРУШЕНЬ, ПОВ'ЯЗАНИХ ІЗ НЕЗАКОННИМ ОБІГОМ ОТРУЙНИХ РЕЧОВИН

Анотація. Метою статті є дослідження особливостей підготовчого етапу огляду, встановлення його значення для подальшого проведення цієї слідчої (розшукової) дії під час розслідування кримінальних правопорушень, пов'язаних з незаконним обігом отруйних речовин. **Методи дослідження.** Робота виконана з використанням загальнонаукових та спеціальних методів наукового пізнання, таких як: діалектичний, формально-логічний, аналіз та синтез, узагальнення, порівняння. **Наукова новизна.** У статті розглянуто поняття підготовчого етапу огляду та розкрито його сутність, наведено особливості проведення з урахуванням специфіки кримінальних правопорушень, пов'язаних з незаконним обігом отруйних речовин. Конкретизовано етапи огляду та частково розкрито їх значення для розслідування, зосереджено увагу саме на підготовчому етапі, оскільки від нього залежать усі наступні дії під час проведення цієї слідчої (розшукової) дії. З'ясовано алгоритм організаційних дій слідчого до виїзду на місце події, враховуючи вихідну інформацію про кримінальне правопорушення, а також охарактеризовано дії патрульної поліції до приїзду слідчо-оперативної групи. Акцентовано увагу на заходах і засобах забезпечення особистої безпеки учасників слідчо-оперативної групи та діях щодо збереження слідчої інформації під час та після ліквідації негативних наслідків події. Наведено алгоритм дій слідчого та слідчо-оперативної групи після

прибуття на місце огляду щодо збору криміналістично значущої інформації, враховуючи правила та порядок роботи з отруйними речовинами. **Висновки.** У результаті проведеного дослідження встановлено специфіку та особливості підготовчого етапу огляду, який відіграє важливу роль у зібранні речових доказів у таких кримінальних правопорушеннях. Встановлено, що до початку огляду слід чітко дотримуватися визначеного алгоритму дій усіма його учасниками, працювати злагоджено у тісній взаємодії. Дійшли висновку, що нехтування заходами та засобами індивідуального захисту може завдати шкоди життю чи здоров'ю учасників огляду.

Ключові слова: огляд, підготовчий етап, заходи безпеки, індивідуальні засоби захисту, дегазація, слідчо-оперативна група, патрульна поліція.

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