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Roles and Responsibilities of Specialists and Experts in Investigating and Prosecuting Crimes

In this article the author reveals the significant role and duties of specialists and experts in investigating and prosecuting crimes. According to the Criminal Procedure Law of Ukraine, a specialist in criminal proceedings shall be a person who has special knowledge and skills necessary to use technical or other devices and who is able to consult during pre-trial investigation and trial on issues which require special knowledge and skills. Specialist may be committed – by parties during pre-trial investigation and by court during trial – to directly provide technical assistance (photographing, drawing schemes, plans, drawings, taking samples for expert examination,

etc). The author depicts an expert in criminal proceedings as an individual who has scientific, technical or any other special expertise, has the right under the Law of Ukraine «On Forensic Examination», to conduct expert examination and who is assigned to examine objects, events and processes that contain information on circumstances under which a criminal offence was committed, and to provide an opinion on issues arising in the course of criminal proceedings and relating to the sphere of his knowledge. The author infers that the persons who are dependant, officially or otherwise, on parties in criminal proceedings, on the victim, may not be experts.

The clear distinction is established between the two notions of a specialist and an expert. Previously the duties of a specialist and an expert were performed by one specialist; nowadays these duties are vested in two different specialists. Nevertheless there are some specific tasks which are assigned for both specialists at the same time. The author stresses that mutual collaboration of both specialists and experts is aimed at enhancing law enforcement activities in Ukraine.

The main responsibilities of both specialists and experts are compared and contrasted. The specialist shall not be required to appear when summoned by the investigator, prosecutor or court and have with him/her technical equipment, devices, and appliances. If a specialist does not appear before court without valid reasons or fails to notify the reasons for his/her non-appearance, all costs related to the adjournment of court session shall be imposed by court on the specialist concerned. According to the author's observations there are explicit contradictions between the rights and responsibilities imposed on their jobs by the law.

Other factors that affect the quality of experts' work are identified. Namely: gathering material that leads to the detection of a crime is carried out only at the initial stage of the investigation (examining the scene of the crime), short-term reforming of the law enforcement system reflect very low level of specialists and causes incomplete regulation of law enforcement activities.

Keywords: specialist, inspector-criminalist, procedural status, authority, responsibility, quality of work.