

**Yemets Oleh** –  
PHD, senior teacher the Special  
Technique and Operative  
Investigation Department of the  
National Academy of Internal  
Affairs

## PROCURATION FOR DEBAUCHERY DATA SEARCH CONDUCTED BY THE MINISTRY OF INTERNAL AFFAIRS OF UKRAINE

*The questions connected with procuration for debauchery data search conducted by Ministry of Internal Affairs of Ukraine are considered in article. The general analysis of legal support of fight against this crime is carried out; objects of such a search and its direction are defined.*

**Keywords:** procuration; debauchery; Ministry of Internal Affairs of Ukraine; detective activity.

*Розглянуто питання, пов'язані з пошуком оперативними підрозділами МВС України фактичних даних про звідництво для розпусти. Проведено загальний аналіз правового забезпечення боротьби з цим злочином. Визначено об'єкти та напрями такого пошуку.*

**Ключові слова:** звідництво; розпуста; оперативні підрозділи МВС України; оперативний пошук.

*Рассмотрены вопросы, связанные с поиском оперативными подразделениями МВД Украины фактических данных о сводничестве для разврата. Проведен общий анализ правового обеспечения борьбы с этим преступлением. Определены объекты и направления такого поиска.*

**Ключевые слова:** сводничество; разврат; оперативные подразделения МВД Украины; оперативный поиск.

Prostitution is considered to be one of the oldest professions, however it often turns out, that most income arrives not to the person who provides sexual services, but to the one who sets up and controls the immoral business, the one who does procuring with the purpose of debauch. Unfortunately, such unlawful acts are still

happening in modern Ukraine. In March, 2013 the capital limbs of the law disrobed the procuresses organizing «leisure» for the clients of prestigious hotels. 27-years-old inhabitant of Vinnitsa region told the police, that she had placed an advertisement in booklets and made visiting-cards which she left for the hotel employees. The advertisement is transparent and brief enough – a photo of a naked girl and a telephone number. In order to extend the number of clients the defined involved her friends into sexual business. So, contacting the indicated number, a man always could order a girl due to his own taste. An income, as a rule, was shared fifty-fifty [1].

In April, 2013 the police disrobed a procuress which was engaged in finding clients for her «workwomen». She placed an announcement on the Internet, where she offered to pleasantly spend time in a society of one or two girls which will provide a client with «maximum relaxation». In an ordinary multi-story building in Tchernihiv 20-years-old girls gave sexual services to men, and sometimes to married couples. A cost is 500 UAH per hour of sexual pleasures with one girl; otherwise a price was decided on question with a client right in a given place. Students belonged to the poor layers of population; some of them were even married and had children. Yes, husband of one of the girls was aware of what his wife is engaged in, but being jobless he closed his eyes on everything [2].

In June, 2013 employees of Combating Human Trafficking and Crimes Department and CID office of the Crimea halted activity of a bar, where, except for strong alcoholic drinks, clients were provided with intimate services. Three women worked in the establishment: 20, 33 and 38 years old, including an original «domestic debauchery» of mother and daughter. The police found out that the owner of the bar also organized the girls' departure to the customers. However it was forbidden for them to give the phone numbers and take money from clients. A pay was got by the owner herself [3].

The described certifies that facts of procuration for a debauch in our state are not rare, so it is necessary to constantly take measures concerning exposure and stopping of such crimes. Many scientists dedicated their scientific works to the study of the questions, related to public morality defense, and also theoretical principles of lead through of operative search, in particular – V. C. Abramyan, O. O. Dul'skiy, V. I. Vasilinchuk, A. A. Vasil'ev, M. G. Verbenskiy,

V. K. Vesel'skiy, I. O. Voronov, V. I. Gorbachevskiy, O. M. Dzhuzha, O. B. Zapadnyuk, K. B. Levchenko, V. A. Nekrasov, D. I. Nikiforchuk, M. A. Pogoreckiy, O. S. Pirozhenko, V. V. Pyaskov'kiy, V. P. Shelomencev. However, the problem of counteraction against procuration for a debauch remains burning. We obviously need to search for modern effective algorithms of actions of operative subsections of Ministry of Internal Affairs of Ukraine regarding exposure of signs of this crime which would correspond to the operating legal provision of countering crime.

Taking into account it, we aim to investigate a complex of questions related to procuration for a debauch facts search by operative subsections of Ministry of Internal Affairs of Ukraine. According to a purpose such tasks are formulated: to conduct the global analysis of the legal providing of fight from procuration; to conduct total analysis of legal provision of countering procuration, to learn the features of retrieval of actual data about these crimes by operative subsections of Ministry of Internal Affairs of Ukraine; to define the objects of such a search and its directions.

Responsibility for procuration for a debauch is foreseen by the article 302 of the Criminal code of Ukraine [4]. It is a so-called mediation which appears in assisting voluntarily sexual relations of persons unknown to each other. It can be rendered through acquaintance or organization of meetings of such persons, through a search of persons which agree to be engaged in a debauch, through predisposing of persons to the debauch etc [5, p. 897]. However, even the protracted enough existence of the norm about criminal responsibility for creation or maintenance of places of debauch and procuration does not give possibility in practice to avoid problems concerning interpretation of signs of objective side of corpus delict, the decision of which is possible only by the specification of maintenance of concepts and terms in the proper recommendations, which on the basis of generalization of practice of law application on criminal responsibility will give Plenum of the Higher specialized court of Ukraine considering civil and criminal cases [6, p. 135].

We make a statement that the tasks of detective activity by a legislator includes search and fixing of facts about the unlawful acts of individuals and groups, responsibility for which is foreseen Criminal Code of Ukraine [7]. A search and fixing of facts about

procurement for a debauch is attributed to plenary powers of operative subsections of Ministry of Internal Affairs of Ukraine.

Under an operative search the form of detective activity is meant. The one which shows by itself the system of reconnaissance-searching measures, which are carried out by its authorized subjects for receiving and verification of primary information on persons, objects and events which present an operative interest for operative subsections, with the purpose of determining signs of crime or refutation of information about it. Here are the basic signs of operative search [8]:

the objects of operative search are persons, objects and events (facts) which are operative information generators;

the basic criterion of determining a certain person, object and event, as an object of operative search is that they present an operative interest for operative subsections of law enforcement authorities, and primary information about them is operatively meaningful for these subsections;

an operative search is carried out of connection with a definite person or fact due to implementation of separate tasks, unveiling and investigation of separate crimes, and also already by the known facts and persons;

realization of operative search is based on the potential possibility of recognition of the object after the preliminary known signs, that are typical for these very yet unknown certain objects of search (person, object, events (to the fact) which can be found out in the process of its realization;

the basic tasks of operative search is getting primary information about persons, objects, events (facts) which present an operative interest for operative subsections, and also verification of this information for establishment of signs of crime or refutation of information about it;

the core of operative search is a permanent determined searching work, which is the system of reconnaissance-searching measures carried out both personally by the subjects of search (personal search), and involving proper forces and facilities, including informative systems, video- and audio recording, making photos, etc;

a legislative order serves as the ground for beginning of primary operatively meaningful information search (search and fixing of fact

sheets about the unlawful acts of individuals and groups, responsibility for which is foreseen by the Criminal code of Ukraine);

for taking reconnaissance-searching measures it is enough only to bring in a supposition in relation to preparation or commission of crime in accordance with the presence of separate signs, pointing on such acts or on persons which prepare, accomplish or commit crime, thus such supposition can have a character of a version which is based on certain facts;

an operative search is carried out in the places of the most credible exposure of objects of search, namely wherein unlawful processes have a tendency to repeat regularly, where appearance of persons which prepare, accomplish or committed crime is credible, and where there is a concentration of unlawful contingent;

time and place of an operative search depending on circumstances is determined by the subjects of search and proper orders (by functional duties, pointing, plans, etc).

Procuration for a debauch is a secretive crime, so people not often get to know about them from the police. V. C. Abramyan and O. B. Zapadnyuk state that procuration has a large coefficient of lateness, especially in a street prostitution. It is very difficult to discover and fix persons-mediators who attract and control street prostitutes, as a fact of procuration appears only in permission of a pimp to «advertise» the services of a prostitute on a certain territory [9]. That is why it is necessary for the operative subsections of Ministry of Internal Affairs of Ukraine to work thoroughly on exposure of these crimes.

The retrieval of actual data about certain unlawful activity has its own specific features. The objects of an operative search of a separate crime are determined depending on the specific of their feausance. Generalizing practice of countering procuration for a debauch, we think that the proper work of operative subsections Ministry of Internal Affairs of Ukraine must be directed on finding out:

persons who have a project of feausance of procuration for a debauch with the purpose of study of possibility in relation to prevention of crime or documenting of unlawful activity;

persons which prepare to procuration for a debauch;

persons which are already involved into procuration for a debauch;

persons which are pulled in dissolute actions and sexual services;

persons which used services of panders for a debauch;

witnesses and eyewitnesses of procuration for a debauch;

apartments and other places which are used for a debauch;

money and values, which were spent for organization of criminal activity, as well as their sources;

unlawful profit, that is money and values which were got in a criminal way. In addition, it is necessary to take measures in relation to establishing other financial values of crime participants with the purpose of possible providing of lawsuit in relation to reimbursement of the losses inflicted by them;

objects and documents which have an detective activity and evidential value. These can be copies of public-call connections of participants, debentures, above all things persons which are pulled in by dissolute actions, electronic carriers of data with the records of video cameras of supervision in apartments, where places of debauch are located, or parking places, placed not far away, etc;

circumstances and terms which promote procuration for a debauch;

definite facts of procuration for a debauch;

other fact sheets about procuration for a debauch.

The retrieval of actual data about procuration for a debauch must carry offensive character and foresee permanent activity of operative subsections of Ministry of Internal Affairs of Ukraine in accordance with the requirements of current legislation. In our opinion, it is possible to underline the followings directions of such activity:

receiving and verification of statements or reports about procuration for a debauch from citizens aware of such facts;

actual data search of procuration for a debauch in a network the Internet;

work with persons which confidentially co-operate with operative subsections of Ministry of Internal Affairs of Ukraine, directed on the establishment of concrete facts and circumstances of procuration for a debauch;

co-operating with other law enforcement, state authorities and oversea colleagues with the purpose of receiving subsequent verification of information on procuration for a debauch from them;

co-operating with non-governmental organizations, counteracting trafficking, and also protecting persons, sufferings from sexual violence or exploitation with the purpose of receiving proper information from them and its subsequent verification;

monitoring mass media reports on procuration for a debauch, and also verification of results of journalistic investigations in this sphere;

monitoring activity of tourist and transport firms, agencies of employment, renting, agencies of escorts and marriage bureaus in relation to getting information on procuration for a debauch;

verification of hot lines reports, directed to help those who suffer from trafficking, sexual violence, etc;

working with persons, convicted before or detained after procuration for a debauch, other crimes against morality or trafficking in relation to the receipt of information about the fixed facts and circumstances of procuration for a debauch not fixed before;

working on and verification of information, got from the already known victims from crimes against morality or trafficking, their relatives, about the yet not fixed facts and circumstances of procuration for a debauch;

working on information about the yet not fixed facts and circumstances of procuration for a debauch at investigation of other criminal realizations.

If the conducted measures allowed setting and fixing fact sheets about procuration for a debauch, it is necessary to study a matter concerning the fact, whether a certain person can appeal to the police with a statement about the commission of this crime and, if positively, to accept it. According to the article 214 of the Criminal code of practice of Ukraine [10], investigator, public prosecutor, another official person, authorized on acceptance and registration of statements and reports about criminal offences, is obliged to accept and register such statement or report. A refuse in acceptance and registration of statement or report on criminal offence is not permitted. Investigator or public prosecutor is obliged to bring in the proper information in the Unique register of pre-trial investigations and begin an investigation. He should do it immediately, but not later than 24 hours after receiving a statement, report on criminal offence or after an independent exposure of the crime by himself from any source of circumstances which can testify to the feaseance of criminal

offence. An investigator who will carry out pre-trial investigation is determined by the leader of pre-trial investigation organ. Pre-trial investigation begins from the moment of bringing information in the Unique register of pre-trial investigations.

In addition, in accordance with the article of a 10 Law of Ukraine «About detective activity» [7], considering changes in connection with acceptance of the Criminal code of practice of Ukraine [10], brought in 2012 years [11], materials of detective activity are used as occasions and grounds for the beginning of pre-trial investigation, for the receipt of fact sheets which can be proofs in criminal realization, and also for warning, exposure, stopping and investigation of crimes.

The conducted research of a complex of questions, related to countering procuration for a debauch, allows drawing a conclusion, that Criminal Code of Ukraine foresees responsibility for such acts [4]. Moreover, according to the current legislation search and fixing of fact sheets about these the crimes are basic tasks of detective activity of operative subsections of the Ministry of Internal Affairs of Ukraine. The legal provision of detective activity changes in connection with adaptation of national legislation to the European standards in accordance with the international obligations of the state, and also in connection with acceptance in 2012 years of the new Criminal code of practice of Ukraine [10].

On the basis of studying practice of retrieval of actual data about procuration for a debauch, we enumerated the features of such work performed by operative subsections of Ministry of Internal Affairs of Ukraine in modern terms. We also identified the objects of operative search and its directions that will be vital for an increase of theoretical preparation of employees of these subsections.

Research results can be used both in everyday work of operative subsections of Ministry of Internal Affairs of Ukraine for a search and fixing of fact sheets about procuration for a debauch; and for a detective activity tactics improvement on the whole. It can also play an important role in the process of carrying out future scientific researches in this sphere



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