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Legal Status of Pretrial Investigation Agency Chief

Chief of pretrial investigation agency is one of the key actors in organization of pretrial investigation. It is stated that according to the Criminal Procedure Code of Ukraine chiefs of pretrial investigation agencies are: chiefs of General Investigative Department, investigative departments, investigative unit, law enforcement unit, agencies monitoring tax law compliance, state investigation agency and his/her deputies acting within the scope of their authorities. Article provides research of legal status definition, competences and functions of pretrial investigation agencies' authority.

It is noted that the main function performed by the chief of pretrial investigation agency is procedure control aimed to ensure legitimacy, integrity, completeness, extensiveness and objectivity of his/her subordinates' actions.

But author has defined that current powers of pretrial investigation agencies' authority according to the norms of current Criminal Procedure Code of Ukraine are significantly limited. For example, suspension of investigator from pretrial investigation may be initiated by his/her authority only upon reasoned decree (prosecutor's or personal initiative) with further notice of prosecutor and assignment of another investigator only on grounds established by the Criminal Procedure Code of Ukraine (disqualification or in case of inefficient pretrial investigation).

Some powers were transferred from the chief of pretrial investigation agency to the prosecutor (control functions) and procedural autonomy of investigator was even more limited.

Author offers to fix the organizational powers of pretrial investigation agencies' authority in relevant provisions and other legal acts regulating pretrial investigation procedure in order to advance efficiency of criminal cases solution and investigation.

Keywords: pretrial investigation; pretrial investigation agency; chief of pretrial investigation agency; procedural supervision; legal status.