



STATE BUREAU
OF INVESTIGATION

STRATEGIC PROGRAMME OF ACTIVITIES

2022-2026

Kyiv 2022

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The law is the only one for all!

MISSION

establish justice in society by conducting independent and comprehensive crime investigations to bring perpetrators to justice, as established by law, regardless of their positions, contacts or resources

VISION

the SBI is an independent and efficient law enforcement agency that enjoys a high level of trust from the civil society

VALUES

justice; independence; professionalism; responsibility; integrity; transparency and openness; trust from the public

GENERAL PROVISIONS

The State Bureau of Investigation is a state law enforcement agency entrusted with preventing, detecting, terminating, solving and investigating criminal offences committed by high-ranking officials, law enforcement officers, judges, and servicemen. Using their powers, they can influence the course of criminal proceedings and avoid punishment for the criminal offences committed. The State Bureau of Investigation focuses its primary efforts on supporting such an essential condition for the existence of the law-based state as equality before the law for all citizens without exception. After successful completion of its initial formation stage, the State Bureau of Investigation has been actively establishing itself as an efficient state institution that, in the short term, should become a reliable safeguard against any abuses in the criminal justice system that result in violations of constitutional rights.

The Strategic Programme aims to establish the State Bureau of Investigation institutionally as an

The Strategic Programme of Activities of the State Bureau of Investigation identifies its key vectors of advancement and priorities for the next five years, moulds the understanding by the State Bureau of Investigation personnel of ways to allocate available resources rationally and of measures to be taken to succeed in its mission, declaring its willingness to cooperate constructively with its partners.

independent law enforcement agency that is highly efficient in performing its tasks and enjoys profound trust from the public.

WORK PRIORITIES

Under the Law of Ukraine on the State Bureau of Investigation, the State Bureau of Investigation, within its competence, addresses the tasks of preventing, detecting, terminating, solving and investigating criminal offences committed by:



high-ranking officials: the President of Ukraine, whose powers have been terminated; Prime Minister of Ukraine; members of the Cabinet of Ministers of Ukraine; People's Deputies of Ukraine; Governor of the National Bank of Ukraine, his First Deputy or Deputy, etc.*



judges and law enforcement officers: employees of the Prosecutor's Office, National Police of Ukraine, Security Service of Ukraine, etc.*



persons who have committed war crimes, other than those referred to in Article 422 of the Criminal Code of Ukraine (disclosure of military information that constitutes state secret or loss of documents or materials that contain any such information)

* unless pre-trial investigation of these criminal offences is referred to the investigative jurisdiction of the National Anti-Corruption Bureau of Ukraine



WORK PRIORITIES

Following the review of the outcome of the tasks performed since the inception of the State Bureau of Investigation, in response to the Ukrainian public's demand for the rule of law and justice, we have outlined the priorities in the operation of

the State Bureau of Investigation, on which the attention of investigative and operative units would focus and which would determine the scope and sequence of the measures to be taken, along with the rational allocation of available resources.

Over the next five years, the SBI's efforts will focus on managing systematic and comprehensive work to protect the following vital interests of man and citizen, society and the State:



***combating and investigating**

crimes against national security and ensuring law and order in the military sphere



combating torture

and other ill-treatment in the performance of its duties by law enforcement officers



fighting corruption

and combatting abuse in all areas of the State's functioning according to the SBI's investigative jurisdiction



completing

the investigation in the "Maidan" cases



investigation

of crimes committed by high-ranking officials



combating

organised crime

* added in accordance with the SBI order № 392 from 04.08.2022

OBJECTIVES

SCOPE AND IMPLEMENTATION SEQUENCE

The establishment of the State Bureau of Investigation as a successful law enforcement agency will depend, in particular, on a better institutional and legal basis of its operation, implementation of efficient administrative

and human resource management, enhanced logistical support, development of constructive cooperation with state institutions, international partners, the public, and require a number of objectives to be met in these areas.

INSTITUTIONAL AND LEGAL PRINCIPLES OF OPERATION

DEVELOPMENT OF SBI REGIONAL DEPARTMENTS

The SBI faces the urgent issue of optimising its structure, including regional departments. It may be addressed by:

Increasing the limits on the number of SBI employees to 2,500 persons



Such changes would reduce the investigators' workload and improve the efficiency of operative support for pre-trial investigations.

The investigators' workload grows with each year. The number of criminal proceedings where the pre-trial investigation was conducted by the SBI investigators is as follows:

37,128 in 2019
43,271 in 2020
56,220 in 2021

OBJECTIVES

The establishment of the SBI's standalone subdivisions in each region based on its regional departments is enshrined in law



The lack of legislative enshrinement of the location of SBI regional departments in region centres affects the consideration of investigators' motions within criminal proceedings by local courts outside the (registered) location of the respective SBI regional department as a legal entity.

Moving the regional department from Melitopol to Zaporizhzhia



This is dictated by practical considerations only since Zaporizhzhia is an region centre. Given that the distance between Melitopol and Zaporizhzhia is 125 km, the SBI TD investigators have to spend a lot of time travelling to Zaporizhzhia. Meanwhile, before going to Zaporizhzhia, investigators from Kherson have to travel to Melitopol to draw up and approve all documents required to obtain rulings authorising covert investigative (detective) actions from investigating judges. Furthermore, it affects the efficiency of pre-trial investigation and increases the burden on the budget through additional expenditures on fuel and lubricants, travel allowance, etc.



Improved/streamlined organisational structure of SBI regional departments



Setting up within the SBI TD of:

- technical operations unit;
- physical protection special unit;
- specialised unit for investigation of torture (according to the Strategy for Combatting Torture in the Criminal Justice System, as approved by the CMU Order No. 1344-r dated 28 October 2021); augmenting the investigative unit with forensic expert positions.

Support for full-scale functioning of standalone subdivisions of SBI regional departments



Support for the operation of standalone subdivisions formed in 2021 in each region centre within the specified limits on the number of State Bureau of Investigation employees; in particular, workflow management and setting up within these subdivisions of:

- confidential records unit;
- duty officer sector.

OBJECTIVES

SUPPORT FOR PROPER EXERCISE OF POWERS

The SBI personnel must be able to exercise the full range of powers granted by law to conduct prompt, high-quality and impartial investigations. To achieve this, work should continue on improvements to the legal basis of the SBI's operation, in particular by:

1) granting the State Bureau of Investigation direct automated access to registers (databases, information systems).

To support prompt and impartial investigations, the SBI investigators should be granted direct, including automated, access to information and reference systems, registers and data banks administered by government or local self-government authorities;

2) defining a clear list of persons among high-ranking officials who the State Bureau of Investigation could investigate.

It is advisable to include in this list those Category 1 and 2 local self-government officials who are authorised to make responsible decisions and may potentially harm the interests and rights of man, community and the entire State;

3) regulating the procedure for the storage of certain types of evidence.

On numerous occasions during the investigation of criminal offences referred to the SBI's competence, other law enforcement agencies would refuse to accept from the State Bureau of Investigation any seized drugs, psychotropic substances or precursors, arguing that Article 25 of the Law of Ukraine on Narcotic Drugs, Psychotropic Substances and Precursors, along with the Procedure for Storage of Narcotic Drugs, Psychotropic Substances and Precursors Withdrawn from Illicit Trafficking, as approved by the CMU Resolution No. 422 dated 7 May 2008, do not designate the SBI as an entity authorised to seize and store such substances without a licence;



4) integrating the State Bureau of Investigation into the system of agencies that fight organised crime.

Investigators of the State Bureau of Investigation are currently involved in almost 60 criminal proceedings in the crimes referred to in Article 28 of the Criminal Code of Ukraine.

At the same time, the fact that the State Bureau of Investigation is not included in the entities that fight organised crime has a negative impact on the effectiveness of operational and investigative measures, including in the interests of pre-trial investigation;

5) setting up expert institutions.

Since the inception of the State Bureau of Investigation, investigators have ordered more than 10,000 forensic examinations that, because of the lack of own expert services at the State Bureau of Investigation, were forwarded to expert institutions that operate under the jurisdiction of other agencies and suffer from excessive workload.

Given that expert services, under Article 7.4 of the Law of Ukraine on Forensic Examination, operate, in particular, within the Security Service of Ukraine or the Ministry of Internal Affairs of Ukraine, investi-

gators from the State Bureau of Investigation have to work in the unequal legal environment whenever criminal offences committed by employees of these law enforcement agencies are to be investigated;

6) granting the right to carry weapons.

The right to keep, carry and use firearms (only in the instances stipulated by Part 2 of Article 18 of the Law of Ukraine on the State Bureau of Investigation) has been granted only to the physical protection of special unit employees. However, this need is also felt by other rank-and-file and senior officers of the State Bureau of Investigation in view of their tasks.

Furthermore, **investigators' area of expertise should be observed** during the investigation of criminal offences, including those related to torture and other acts of ill-treatment committed by law enforcement officers in the performance of their duties; corruption and abuse in the relevant spheres of the State's functioning, in accordance with the jurisdiction of the State Bureau of Investigation; as well as those committed by high-ranking officials; by an organised group; military offences.

OBJECTIVES

INTERNAL COMMUNICATION

Well-established internal communication is a vital element in the successful functioning of the entire SBI system, which will promote, accelerate and facilitate the accomplishment of the SBI's mission. Communication between the Central Office and the SBI RDs should occur through:

The proper coordinating role of the Central Office



across all areas of work while providing methodological and practical assistance to the State Bureau of Investigation regional departments in addressing critical issues

Continuous feedback



that supports prompt sharing of information, effective bilateral dialogue, mandatory and reasonable follow-up by the Central Office on the initiatives and proposals from regional departments, and timely adjustments to the functioning of the SBI system



LOGISTICAL SUPPORT

SBI continues to build on its capacity and develop its physical infrastructure. This requires continuous rational allocation and management of resources in line with current objectives, effective internal audit of the State Bureau of Investigation and

its regional departments for the reporting legality and accuracy, proper accounting and compliance with legislative acts, plans, procedures, contracts in the matters associated with the asset use and preservation and property management.

To create an adequate environment for the functioning of the SBI structural subdivisions, the following matters must be addressed:



construction /overhaul of premises that would meet the requirements of modern law enforcement and regulations in the field of labour protection, protection of state secrets and other restricted information



arming the State Bureau of Investigation special units under the state defence order



maintaining the appropriate level of logistical support to attain the SBI's objectives

OBJECTIVES

IT INFRASTRUCTURE DEVELOPMENT

A rationally combined set of technical innovations, based on the specifics of the development and functioning of the State Bureau of Investigation, would offer an opportunity for major streamlining of internal processes and more robust data protection.

The priority tasks in the development and build-up of a robust IT infrastructure in line with current global standards of resilience and cybersecurity, designed to ensure the effective attainment of the objectives facing the State Bureau of Investigation, should include:

1) development of secure communication channels between the Central Office and structural subdivisions of the regional departments of the State Bureau of Investigation;

2) rollout of comprehensive data protection systems across information and telecommunication systems of the State Bureau of Investigation;

3) delimitation between the SBI's service and open networks;

4) introduction of paperless administration:

- uniform workflow across all administrative levels in the State Bureau of Investigation;

- e-accounts of applicants for vacancies;

- a system to manage human resources, financial, business and materials accounting;

- an e-portal of an employee of the State Bureau of Investigation;

- an analysis and reference system of the State Bureau of Investigation;

- an educational portal for an employee of the State Bureau of Investigation;

- a cyber incident monitoring and response system;

5) improved and expanded electronic liaison with government authorities; setting up a one-stop shop for access to departmental information resources;

6) supplying the SBI with up-to-date technical equipment with regard to the latest technological solutions and technologies;

7) setting up the primary and back-up data processing centres at the State Bureau of Investigations, which are protected against external influences;

8) introduction of state-of-the-art technologies to control access to the SBI's information resources and services.



EFFICIENT HR MANAGEMENT

TEAM PROFESSIONALISM AND INTEGRITY

Behind each outcome, both in the investigation of high-profile crimes and the performance of daily duties, there are people whose efforts are based on shared values, such as integrity, professionalism, determination and responsibility, teamwork and equal opportunities.

To assemble a team of highly professional employees, it would be necessary to ensure the implementation of employees' annual motivational scheme, professional and physical training, introduce a certification system, improve the procedure and conditions for service, and advanced training of employees of the State Bureau of Investigation.

Within the annual motivational scheme, it would be necessary to:

- 1) introduce motivational factors of service (employee incentive system; introductory training system for newly appointed employees);
- 2) address the issue of employees' social benefits, health services, and housing;

3) launch sports, cultural and educational events (various sports festivals at the State Bureau of Investigation, support for and participation in social projects, which would contribute to the team cohesion).

An essential prerequisite for setting up an expert team is the professional and physical training of the State Bureau of Investigation employees.

To support it, the following would be necessary:

- 1) initiate legislative regulation for the establishment of the Staff Training Institute at the State Bureau of Investigation;
- 2) set up its own training centre to quickly adapt novice employees to the specifics of work at the State Bureau of Investigation across various areas of operations;
- 3) introduce a mentoring institution for newly appointed employees;
- 4) arrange for internships by students from national higher education institutions under the relevant agreements;

OBJECTIVES

5) create a favourable environment for physical training and sports;

6) enhance international cooperation to absorb the experience of law enforcement agencies from other countries.

Promote the effective exercise of powers by the SBI personnel and enhance the overall prestige of service at the State Bureau of Investigation.

To ensure transparent and objective evaluation of rank-and-file and senior officers of the State Bureau of Investigation (certification) to address issues related to the promotion of the best employees and their adequacy for the positions occupied, it would be nec-

essary to introduce a certification system, develop the rules of procedure for certification commissions at the Central Office and regional departments of the State Bureau of Investigation, and to improve the process for employee transfer and advanced training.

Implement a zero-tolerance policy towards any instances of violation of law by employees of the State Bureau of Investigation, which would require:

- improved arrangements to prevent corruption and conflict of interest;
- observance of ethical behaviour;
- ensuring the inevitability and transparency of prosecution for any offence.

SOCIAL PROTECTION

Applicable laws that govern the operation of the State Bureau of Investigation stipulate that rank-and-file and senior officers of the State Bureau of Investigation shall enjoy social protection under the Law of Ukraine on the National Police and other laws of Ukraine, subject to the provisions of the Law of Ukraine on the State Bureau of Investigation.

Health Service Support

The Law of Ukraine on the State Bureau of Investigation offers no details on the protection granted to police officers by Articles 95-103 of the Law of Ukraine on the National Police, thereby making the application of these rules in practice much more complicated, including the right to receive medical care at the institutions of the Ministry



of Internal Affairs of Ukraine (provision of medical and preventive care, military medical examination, provision of medicines, etc.).

The first step towards addressing the issue of medical care for rank-and-file and senior officers of the State Bureau of Investigation was the inclusion of the State Bureau of Investigation in the list of state institutions covered by the Procedure for Provision of Medical Care at Military Medical Institutions and Mutual Settlements for it Between Military Formations.

Further steps to address the issue of medical care for the State Bureau of Investigation employees would include regulation of this issue at the level of joint and internal departmental managerial and regulatory documents.

Housing

Given the specifics of their activities and the importance of their tasks, the matter of adequate social protection of employees of the State Bureau of Investigation in the field of housing requires regulatory improvement and detailed arrangements.

Implementing the following arrangements should offer a promising way to address this matter:

- housing provided to rank-

and-file and senior officers of the State Bureau of Investigation under financial lease agreements;

- provision and use of service housing.

Pension benefits

Article 19 of Law of Ukraine on the State Bureau of Investigation stipulates that pension benefits, including those of rank-and-file and senior officers of the State Bureau of Investigation, shall be provided in the manner and on the terms set out by the Law of Ukraine on Pension Benefits for Persons Discharged from Military Service and for Certain Other Persons.

However, this Law does not list rank-and-file or senior officers of the State Bureau of Investigation as a special entity, thereby preventing payments of pension benefits to them under special conditions; therefore, it is essential that the matter of their pension benefits is regulated through appropriate legislative changes.

Service uniform

The procedure for supplying service uniforms to rank-and-file or senior officers of the State Bureau of Investigation and the rules for wearing, accounting systems, and service uniform standards require legislative adjustments.

OBJECTIVES

LIAISON AND COOPERATION

The State Bureau of Investigation establishes effective cooperation with government authorities, educational institutions, the public, the media, and international partners.

Continued dialogue, cooperation and sharing of experience are necessary components in building the State Bureau of Investigation institutional capacity.

LIAISON WITH STATE INSTITUTIONS

The key liaison vectors are aimed to develop/strengthen:

1) cooperation with core committees of the Verkhovna Rada of Ukraine in improving the regulatory framework for the SBI operation;

2) cooperation with the Commissioner of the Verkhovna Rada of Ukraine for Human Rights to prevent and terminate any offences against human freedom, honour and dignity;

3) cooperation with the Specialised Anti-Corruption Prosecutor's Office of the Prosecutor General's Office, National Agency on Corruption Prevention, National Anti-Corruption Bureau of Ukraine, National Agency of Ukraine for Finding, Tracing and Management of Assets Derived from Corruption and Other Crimes to detect unreasonable as-

sets and document the instances of unreliable information declared;

4) relations of partnership with law enforcement and other government authorities in the matter of combatting crime, including its organised forms;

5) liaison with academic and higher education institutions, such as seeking professional advice and clarifications on specific issues of law enforcement; participation in joint projects to develop and implement the latest methods of investigating crimes referred to the investigative jurisdiction of the State Bureau of Investigation; exchange/dissemination of the SBI's practical experience by creating conditions for internships by students from core Ukrainian higher education institutions.



INTERNATIONAL COOPERATION

Proper performance of tasks assigned to the State Bureau of Investigation as a state law enforcement agency, given the specifics of entities involved in criminal offences investigated by the State Bureau of Investigation and the rapid growth of cross-border crime, largely depends on the development of cooperation with law enforcement and other foreign authorities, international organisations.

Here, we will act along the following lines:

1) improved bilateral cooperation with the European Union Delegation to Ukraine, the European Union Advisory Mission for Civilian Security Sector Reform Ukraine, the Council of Europe Office in Ukraine, and other international partners to build institutional capacity of the State Bureau of Investigation, implement the best global law enforcement standards in the State Bureau of Investigation operation;

2) development of the regulatory framework that governs the SBI's international cooperation with law enforcement agencies in other states and with international organisations. Deeper international cooperation will be facilitated by additional powers

granted to the State Bureau of Investigation to collaborate directly with international organisations and to enter into international, including interagency, agreements;

3) effective cooperation with the Council of Europe and the Council of Europe Office in Ukraine, the The United Nations (UN) Human Rights Monitoring Mission in Ukraine, the Organization for Security and Co-operation in Europe Project Co-ordinator in Ukraine, and other international organisations to combat torture and other ill-treatment;

4) implementation of international technical assistance projects;

5) international cooperation in criminal proceedings, under the laws and international treaties of Ukraine, with the police and other respective authorities from other states, including initiation by the competent authorities from foreign states of procedural actions required for pre-trial investigation;

6) attendance at international training sessions, workshops, and other educational events;

7) stronger partnership relations with law enforcement agencies in foreign countries in crime prevention.

COOPERATION WITH THE PUBLIC

The operation of the State Bureau of Investigation is currently at the centre of the public's attention, whose trust is the key indicator of the successful performance of the tasks set before the State Bureau of Investigation.

To ensure openness and transpar-

ency of its operation, the State Bureau of Investigation will promptly and thoroughly inform about its activities and report on their outcomes in the manner determined by the Law of Ukraine on the State Bureau of Investigation.

The SBI will communicate with civil society along the following lines:



establishing efficient cooperation with the Public Control Council under the State Bureau of Investigation



coverage of the SBI's operation through statements, comments, clarifications, videos, photos, etc., posted on its official website and social media



provision, under the Law of Ukraine on Access to Public Information, of information owned by the SBI



communication of the SBI's senior officers with the media by providing comments or interviews, attending briefings, press conferences, etc.



functioning of the community liaison office and personal reception of citizens by the SBI's senior officers (subject to the lifting of quarantine restrictions)



supporting the operation of the SBI's dedicated 24/7 hotline, and e-mail address for prompt response to criminal offences

IMPLEMENTATION MECHANISM AND CRITERIA

This Strategic Programme will be in force for five years (2022–2026). The Strategic Programme will be implemented by duly developing and adopting the relevant statutory instruments, managerial and regulatory documents of the State Bureau of Investigation, preparing and taking practical measures under the annual activity plans of the Central Office and annual programmes of activities of the SBI regional departments.

The degree of attainment of the defined objectives and priorities will be evaluated through ongoing monitoring and annual assessment of the performance of the State Bureau of Investigation, the criteria of which would include quantitative and qualitative performance indicators, as defined by Part 3 of Article 23 of the Law of Ukraine on the State Bureau of Investigation*, to be reflected in the annual reports of the SBI operations.

*1) statistics on activity outcomes, including the following mandatory information:

- a) the number of registered statements and reports of criminal offences referred to the investigative jurisdiction of the State Bureau of Investigation;
- b) the number of investigative proceedings initiated by the State Bureau of Investigation and their efficiency;
- c) the number of persons indicted for criminal offences referred to the investigative jurisdiction of the State Bureau of Investigation;
- d) the number of persons, guilty verdicts against whom for criminal offences referred to the investigative jurisdiction of the State Bureau of Investigation have become effective;
- e) the number of persons for whom judgments of acquittal for the commission of the relevant criminal offences have become effective;
- f) information on damages and losses caused by

criminal offences referred to the investigative jurisdiction of the State Bureau of Investigation, progress and scope of reimbursement;

- g) information on the funds or other property obtained from the commission of criminal offences referred to the investigative jurisdiction of the State Bureau of Investigation, seized under a court ruling, including funds recovered for the benefit of the State in the amount of illegally obtained services or privileges, and disposal thereof;

- h) information on the funds or other property obtained from the commission of criminal offences referred to the investigative jurisdiction of the State Bureau of Investigation, returned to Ukraine from abroad, and disposal thereof;

- i) information on the attachment of property, seizure of items or proceeds from criminal offences referred to the investigative jurisdiction of the State

IMPLEMENTATION MECHANISM AND CRITERIA

Bureau of Investigation, and disposal thereof;

2) outcome of liaison with other government authorities, local self-government authorities, enterprises, institutions and organisations;

3) outcome of cooperation, within its competence, with government authorities, foreign non-governmental and international organisations;

4) manning and qualitative characteristics of the SBI personnel, its employees' skills, expertise and advanced training;

5) performance of the internal control unit of the State Bureau of Investigation, the number of reports of the offences committed by the State Bureau of Investigation employees, the outcome of the review thereof, and of prosecuting the State Bureau of Investigation employees;

6) execution of the SBI's budgeted expenditures;

7) other information about the outcomes of the activities pursued by the State Bureau of Investigation and the performance of its duties.

