**Komarov I.V.**

Doctor of juridical Sciences, Professor,

Head of Department forensics and criminology

Belgorod State National Research University

**CRIMINALISTICS OPERATIONS AND INVESTIGATORY SITUATIONS IN SYSTEM OF THE CRIMINALISTICS CHARACTERISTIC OF INVESTIGATION OF CRIMES**

**Summary.** In article is given the analysis of a ratio of criminalistics operations and investigatory situations as elements of system of the criminalistics characteristic of investigation of crimes, applied value of these «tools» for investigatory activity reveals.

**Keywords:** forensic characterization, forensic operation investigatory situation.

**Formulation of the problem**. The basis of the application methods of investigation of crime are based theory of forensic data, the use of which contributes to the appointment of an investigator of criminal proceedings, certain art. 6 of the Code.Presentation of the basic material. Forensic investigation methodologies structure is a system that consists of two elements: the forensic characteristics of crimes and criminal characteristics of crime investigation.Forensic characterization of crimes as multielement system with the main purpose - to serve the common information base extension versions (mainly at the initial stage) the preliminary investigation. Forensic characterization of the investigation more difficult category, which was introduced into scientific VK Havel and VA Model in 1982. [1] In the works of VK Havel and it is most developed as a component of forensic crime investigation techniques, which reflects its forward-looking content with laws mechanism proiazvodstva pretrial and trial sledstviya.V.K. Havel says is true that the major components of forensic data investigations are "investigating the situation, investigative leads and lines of inquiry formed on the initial and subsequent phase, the system of investigative, search operations and other organizational and technical actions and tactical operations to ensure that the objectives of investigation" [2].

Given that the typical characteristics of forensic investigation is a unit that combines a system of knowledge about how to uncover, investigate and prevent crime in the pre-trial and trial work, naturally raises questions, particularly about what communication and relationships exist between the parts its content and, above all, with the forensic operations and that gives forensic investigation characteristic of the planning, organization and conduct forensic operations during pre-trial proceedings. Answers to these questions must be sought from the linkages and relationships in the "forensic operations and forensic situation" as the most important component of forensic data investigations.To do this, refer to the original question of what constitutes a forensic situation?Common opinion RS Belkin that investigative situation is setting in, "which takes proof" [3]. In our opinion, should be distinguished from forensic situation (situation) pretrial investigation specific crime and criminal situation as a category of forensic science. Uniqueness of particular pre-trial criminal proceedings related to the many individual factors and conditions, including those with a certain characteristic of the personality of the investigator, established on the basis of his experience, intelligence, character, expertise, other features. Together, they define specific forensic pretrial situation. For it is impossible to develop guidelines for forensic use of certain techniques, it is impossible to consider all the factors and conditions that arise in every single pre-trial proceedings. If you still try to go this route, then it will not be criminalistics and parakriminalistika wrote about AM Larin [4].In this regard, we share the view LY Drapkina, GA Zorina, OJ Baev and other criminologists, claiming that forensic situation as a category forensic science is nothing more than a model, primarily informational nature, the typical pre-trial forensic cases. [5] Informative nature is one of the main features of forensic situations, so as to rightly observes TS Volchetskaya, "reflects the criminal situation, a crime". [6] Relevant to forensic situations as a model allows one to perceive them only the most important and typical features and properties of the specific situations of forensic pretrial proceedings, a model of which they are and can be used in the investigation of specificcriminal cases.Typical forensic situations in content, perform a kind of theoretical models that can properly "oriented in the existing state of things in general, and to select the most specific to the case of techniques and methods of investigation, providing the actual collection of the missing information on the case". [7] They are based on key performance indicators such as the presence (absence) of a typical background information, information on the actual data and other pre-trial proceedings, grass-typical forensic characterization of a particular type of crime. Therefore reveal the contents of forensic situations need a definition of the information structure. It consists of data related to the type of forensic characterization of these crimes and manifest themselves in the course of pre-trial, thus showing which ones are known (unknown) in the initial stage, installed (not installed) during the pre-trial, what is their combination and the value for certain tasks pretrial. Especially it is necessary to emphasize the influence of the situation on the formation of forensic forensic characteristics of crime investigation, reflecting information about the environment in which crime and revealed initiated pre-trial, procedural and non-procedural carried out the action that the forensic tools, techniques and methods to achieve the objectives of pre-trial proceedings. The above understanding of the information structure of forensic situations the appropriate system-genetic approach to explain the complex studies of various phenomena and, in our view, more precisely defines a framework and a field presence in their factual and other information as a result ofand the fact of their education. The information structure of forensic situations include the following: a) investigation and search information about the way the mechanism, the identity of the perpetrator, the object and the subject of a criminal assault, the victim's identity, environment, motives, goals, and otherwise investigating the events, and b) the investigative and operational - search data in general about the event under investigation, c) the availability of evidence of an event under investigation and its individual circumstances, and c) data on the possible staging of the event under investigation, and d) information on combating the investigation by the individuals concerned, and e) a description of the possible sources of evidence and other data, e) information on the situation in which revealed a criminal case is under investigation and carried out the initial investigation and other actions, g) information about the situation, which is under investigation after the production of the initial investigation and other actions, and h) the data that make it difficult investigation "as a consequence of uniqueness of the situation and the conditions for the detection and preservation of individual evidence". [7] At this point there are other points of view. [8] System of these components can be considered as the most common theoretical model of forensic situations.Therefore forensic situation can be defined as an information theoretical model of the knowledge which enables the investigator to choose the ways and means to solve problems in typical pre-trial forensic situations. In other words, this theoretical model, based on the nature of scientific abstraction, it contains components that allows us to formulate an investigator in the general expression "program geared to solving a particular problem". [9] The program of activities to investigate crimes on the basis of analogy allows us to apply the typical model of forensic situations of any type of crime, similar to the structure of its information to the above information system. The investigator can ignore the individual components of the situation, but only under certain conditions: if they are not specific to the investigation offenses. For example, for pre-trial investigation of certain crimes is not a typical component of the information structure of forensic situations, the data on the possible staging of the event under investigation. Therefore, this component in the construction of theoretical models of typical forensic situations in pretrial proceedings may be omitted. The determining factor in these circumstances is the relevance of the components of the entire process of pretrial proceedings. The higher degree of specificity of this knowledge gives the investigator the possibility of formulating a generic algorithm for solving a particular problem of pretrial proceedings, that is, program of activities, "including a complete list of all necessary actions and their sequence" [10]. Questions arise: what is the mechanism of this activity and how they should be used to achieve these goals? Answers we see the following. Forensic characterization of these crimes investigator tells its content, where and what to look for, what are the consequences of the offense, traces, etc. She has knowledge of the typical material fixed and ideal of the form of crime. Implementation into a criminal significant probative information and guidance possible by achieving systemic problem that when checking the version of the investigation provides a planned, organized and applied in the course of pre-trial forensic operation. Its nature and content is determined by the specified task typical theoretical model forensic situation, which, based on its information structure the "dictates" what procedural and non-procedural actions necessary to carry out and what should be their consistency. For example, a typical characteristic of forensic crime-related deviations from serving military duties 1, its content specifies the system task: track down and arrest the soldier who committed the absence without leave. One of the goals of the system, allowing the system to solve this problem through a methodical and forensic operations, is the study of the individual soldier, the goals and motives of his crime. Under favorable situation typical forensic investigation at an early stage to achieve this goal makes it possible to obtain a significant criminal 1 This kind of criminal activity on the mechanism upovedeniya offender is more clear to us, due to the length of service in the system of the military prosecution on the probative value of information and guidance on the following: 1. The identity, evading the duties of military service, the method of "verbal portrait" showing the clothes in which he was held, as well as items that are with him, 2. the circumstances in which the soldier had disappeared, and his behavior before the escape, thinking that people are making to the commission of the offense; life plans for the near future, human settlements, where he had previously lived, about past relationships, things and objects that were taken during his escape; the way of life soldier, habits, skills, etc. 3. Mental Health voennosluzhaschego.Ukazannaya this information can be obtained on the basis of the following procedural and non-procedural algorithm actions of the subject of proof: the interrogation of commanders and military colleagues wanted, questioning the parents and relatives of the soldier on individual assignmentsinvestigator, and his requests for necessary information regarding wanted to relevant state and non-state institutions and enterprises. The importance of forensic situations to plan, organize and conduct forensic operations during pre-trial proceedings does not only an opportunity to "ask" or "supporting" investigator required program activities, containing a complete list of all necessary actions and their sequence, but the fact that they can change the system goals and objectives of the investigation, in whole or in part. If, for example, to take the above system of goals of teaching forensic operation to track down and arrest the soldier who committed the deviation from the duties of military service, his detention after achieving the goals of this operation, as the study on the results of a crime scene examination and study of the individual soldier, purpose and motive, changing forensic situation, the purpose of the operation removes associated with the study of its relationships, obtaining the desired information about his personality and relationships, knowledge of the behavior after the deviation from the performance of military duties and his alleged paths followed. Thus, the communication and the relationship between forensic situations and forensic operations in the system of forensic investigation characteristics can be defined as a system of "typical forensic characteristic type of crime - forensic situation - forensic operation - the investigator." Criminological situation in this system by direct probabilistic relationships are the determinant of the content of forensic operations. Forensic characterization of crime here is mediated informational role. System tasks and content of forensic operations in reduced system are highly dependent on the nature of forensic situations and especially the character, based on the essence of the sections comprising the system forensics. We believe, in this context we can say forensic situations technical, tactical and methodical. In criminology partly already expressed similar views. Thus, AN Vasiliev and NP Yablokov pointed to the possibility of studying forensic situations, as in section forensic tactics and techniques under investigation of certain types of crimes. [11] However, a study that was done. Our views on the technical and forensic point of view the situation is close VA Snetkova, who treated them as private to forensic situations that affect the activity of the investigator on the application of technical and forensic tools when working with the material evidence. [12] Clarifying the reduced point of view we can say that the technical and forensic situations determine the nature of the private investigator to address systemic problems of technical and forensic operations. The basis of determining tactical forensic situations is the extent and reaction of a pre-trial process, as well as true writes OJ Baev, "the resulting relations developing between the investigator and the subject - the carrier of information of interest to the investigator," [13]. On the tactical situation as a kind of forensic forensic situations wrote IF Gerasimov. He regards them as "basic kind of investigative situations with regard to the tactics of certain investigative actions" [14]. The methodical nature of forensic cases at each stage of production is determined by the pre-trial criminal significant probative information and guidance, direction and causing a possibility of pretrial proceedings. [15] n our opinion, in one single operation of forensic forensic situation can be technical, tactical and methodical. This is due to systemic challenges which this forensic procedure solves the complexity of the factual circumstances that arise in the course of pre-trial proceedings. For example, a methodical nature of forensic situations for methodical and forensic operations to track down and arrest the soldier who committed the deviation from the duties of military service, at least, in its initial phase, is determined by the following factors: known soldier, who, judging by the typical background information made absence without leave. Resolve this situation, it is necessary to establish whether these soldiers committed the offense, whether the act is necessary elements of an offense under Art. 337 of the Criminal Code, as well as the circumstances required, within the meaning of Art. 73 of the Code. In the course of this methodical and forensic operations during certain proceedings investigator may face a situation in the tactical and forensic forensic nature. It may be favorable or unfavorable. For example, the external evidence of direct military commander wanted forensic reflect favorable tactical situation, which, for example, OJ Baev, in the broadest sense is defined as the following: "... subject has the required information, it adequately perceived, willing and able to adequately reproduce it as an investigator," [16].Technical solutions require forensic situation of teaching forensic operation to track down and arrest the soldier in case during the investigation activities will be discovered the mutilated body of a man, presumably referring to the wanted service member, which requires identification of necessary actions and further investigative action - presentation for identification. In this case, obviously, we should talk about the technical forensic situation. Criminologists also noticed (AN Vasiliev, N. Yablokov and others) that the complex tactical and forensic situations, evaluation and authorization arise in the production of certain investigative and forensic operations. Incorrect analysis and evaluation of the facts in the situation does not allow to count on the success of the application and investigative activities, and these transactions. As in investigative proceedings, and in operations consist certain forensic situations, but on the content and direction are different. Forensic situations arising in the context of the specific investigation and operations characterize existing local situation mainly tactical positions. Information basis of such provisions is consistent with the local character of their role. Properly priced originality content determines the best choice of tactics of one or more actions in order to successfully meet the challenges facing them. Such situations are little to do with the nature and characteristics of crime. Therefore, they proposed to call situations investigative and forensic situations operations. With this we should agree. It is important to note that a careful analysis of the content of forensic investigator situations provides an opportunity to plan, organize and carry out the necessary forensic operations caused by these situations, information content. Investigative leads and lines of inquiry formed on the initial and subsequent phase, as was noted, along with the forensic situations are an important component of forensic data investigations. It forensic operation will act as a comprehensive solution to the problem of pretrial proceedings. Version Checking, writes A.M. Larin, as you know, is a meaningful and appropriate, ie effective, collecting evidence. [17] Seems correct when checking investigative leads through forensic operations to distinguish two stages: a preliminary logical processing investigator investigation launched version and its practice for the organization and implementation of the planned forensic operations. In the first phase will be effective enough mental activity following algorithm investigator. First, this inference of investigative leads and the assumption of tracks that can be found in the case of the relevant investigative version of the event that the actual circumstances of the crime (forensic system task operations). Important role as an information base in the thought process of the subject of proof is a typical characteristic of forensic offenses. Second, the definition based on the type of forensic characteristics of the species and the nature of the current crime situation forensic procedural and non-procedural algorithm of actions to ensure an optimal forensic operations. Third, the definition of procedures for the organization and conduct of the planned forensic operations. Reduced order processing logic put forward preliminary investigative lead investigator for its content actually points to a structure of the method we have forensic operations (system task and system goals, the means of communication), allowing for the planning, organizing andin the practice of the investigator with the nature and features of forensic situations.Forensic operations associated with investigative leads and ways to achieve the pre-trial system task. Their relationship can be represented by a system of "typical forensic characteristic type of crime - forensic situation - investigative lead forensic operation - the investigator."The other component of forensic investigation is the system performance of investigative, search operations and other organizational and technical actions. In fact, this system of collection methods, research, and evaluation of evidence, about which he wrote, SA Shafer [18].Communication and relationships in the forensic system operations and methods of collection, research and evaluation of forensic evidence determined situations. They are, as noted LY Drapkin, in accordance with the principles of cybernetics and the theory of situational management of a relatively unreliable elements (some procedural and non-procedural actions) will form a reliable and криминалистическуюоперацию subsystem [19].Thus, communication and relationships between the investigative and organizational and technical measures and criminal operations in the system of forensic investigation characteristics can be defined as a system of "typical forensic characteristics of species (group) crimes - forensic situation - investigative lead - effect organizational and technical measures - forensic operation - the investigator. " All of the above leads us to the following conclusions: - the nature of forensic cases and investigative leads as components of the pre-trial investigation of forensic data points directly to the investigator for the content of forensic operations, to a lesser extent, they adjust their system tasks;- Effect of organizational and technical measures as a component of forensic data investigations, given the nature of forensic cases and investigative leads directly shape the content of forensic operations ". [20]Our findings are similar to the conclusions of LD Samygin, who investigated the crime investigation process as a system of activity. "Statement of the problem - he wrote - only slightly hints at ways of addressing it. Direct recommendations about appropriate methods and tools offering forensic investigation characteristic type of crime, especially now, when you can offer even algorithm for a specific task (through forensic operations - IK) "[21].Established connections and relationships, are thought to play an important role in modeling of forensic operations for the practical application of the investigator in the trial proceedings.

**Literature:**

1. Гавло В.К. Криминалистический механизм преступления и его значение в расследовании / В.К. Гавло // Борьба с преступностью на современном этапе. –Барнаул, 1982. – С. 59-61; Гавло В.К. О понятии, значении и задачах методики расследования отдельных видов преступлений / В.К. Гавло // Борьба с преступностью на современном этапе. – Барнаул, 1982. – С. 109-118.

2. Гавло В.К. Проблемы теории и практики криминалистической методики расследования преступлений : автореф. дис. на соискание ученой степени д-ра юрид. наук / В.К. Гавло. – М., 1988. – С. 29.

3. Белкин Р.С. Курс криминалистики / Р.С. Белкин. – 3-е изд. – М. : НОРМА, 2001. – С. 630.

4. Ларин A.M. Криминалистика и паракриминалистика : научно-практическое и учебное пособие /A.M. Ларин. – M. : БЕК, 1996. – 192 с.

5. Драпкин Л.Я. Основы теории следственных ситуаций / Л.Я. Драпкин. –Свердловск, 1987; Зорин Г.А. Теоретические основы криминалистики / Г.А. Зорин. – Минск : Амалфея, 2000; Баев О.Я. О структуре / О.Я. Баев. – Калининград : Изд-во Калинингр. ун-та. 1997. – С. 92.; Волчецкая Т.С. Криминалистическая ситуалогия : монография / Т.С. Волчецкая ; под ред.

Н.П. Яблокова. – Москва.

6. Васильев А.Н. Предмет, система и теоретические основы криминалистики / A.H. Васильев, Н.П. Яблоков. – М. : Изд-во МГУ, 1984. – С. 14.

7. Гавло В.К. Теоретические проблемы и практика применения методики расследования отдельных видов преступлений / В.К. Гавло. – Томск : Изд-во Том. ун-та, 1985. – С. 225-226.

8. Белкин Р.С. Курс криминалистики : в 3 т. / Р.С. Белкин. – Т. 3: Криминалистические средства, приемы и рекомендации. – М. : Юристъ, 1997. – С. 129-139.

9. Эйсман А.А. Логика доказывания / А.А. Эйсман. – М. : Юрид. лит., 1971. – С. 109.

10. Эйсман А.А. Логика доказывания / А.А. Эйсман. – М. : Юрид. лит., 1971. – С. 109.

11. Васильев А.Н. Предмет, система и теоре- тические основы криминалистики / А.Н. Васильев. Н.П. Яблоков. – М. : Изд-во МГУ, 1984. – С. 134.

12. Снетков В.А. Элементы технико-криминалистической ситуации осмотра места происшествия / В.А. Снетков // Следственная ситуация. – M., 1985. – С. 16.

13. Баев О.Я. Следственные ситуации: их тактическая и методическая сущность / О.Я. Баев // Роль и значение деятельности профессора Р.С. Белкина в становлении и развитии современной криминалистики: Материалы международной конференции. – M. : Изд-во Академии управления МВД РФ, 2002. – С. 108.

14. Герасимов И.Ф. Криминалистическая тактика и следственные ситуации / И.Ф. Герасимов // Теоретические проблемы криминалистической тактики. – Свердловск : Изд-во Свердл. юрид. ин-та, 1981. – С. 18.

15. Баев О.Я. Основы криминалистики / О.Я. Баев. – M. : Экзамен, 2001. – С. 224-232.

16. Баев О.Я. Следственные ситуации: их тактическая и методическая сущность / О.Я. Баев // Роль и значение деятельности профессора Р.С. Белкина в становлении и развитии современной криминалистики: Материалы международной конференции. – М.: Изд-во Академии управления МВД РФ, 2002. – С. 108.

17. Ларин A.M. От следственной версии к истине / A.M. Ларин. – M. : Юрид. лит., 1976. – С. 155.

18. Шейфер С.А. Следственные действия / С.А. Шейфер. – M. : Юрид. лит., 1981. – С. 45-60.

19. Драпкин Л.Я. Основы криминалистической теории следственных ситуаций : автореф. дис. на соискание ученой степени д-ра юрид. наук / Л.Я. Драпкин. – М., 1987. – С. 31.

20. Комаров И.М. Криминалистические операции и криминалистическая характеристика раскрытия, расследования и предотвращения преступлений / И.М. Комаров // Известия Алтайского государственного университета. – 2003. – № 2(28) – С. 56.

21. Самыгин Л.Д. Расследование преступления как система деятельности / Л.Д. Самыгин. – М. : Изд-во МГУ, 1989. – С. 57.

**Комаров І.М. Криміналістичні операції та слідчі ситуації в системі криміналістичної характеристики розслідування злочинів**

**Анотація.** У статті дається аналіз співвідношення криміналістичних операцій і слідчих ситуацій в якості елементів системи криміналістичної характеристики розслідування злочинів, розкривається прикладне значення цих «інструментів» для слідчої діяльності.

**Ключові слова:** криміналістична характеристика, криміналістична операція, слідча ситуація.

**Komarov I.M. Criminalistics operations and investigatory situations in system of the criminalistics characteristic of investigation of crimes.**

**Summary**. In article is given the analysis of a ratio of criminalistics operations and investigatory situations as elements of system of the criminalistics characteristic of investigation of crimes, applied value of these "tools" for investigatory activity reveals.

**Keywords:** forensic characterization, forensic operation investigatory situation.