

## **Criminalistic informational tasks and problems of its algorithmic solutions**

**Abstract:** It is given a definition of the concept of criminalistic informational tasks under which is understood a realized by a participant of the process in a certain situation the need to reach a goal through filling a gap in his information, removal its uncertainty.

It is studied a process and components of determination of criminalistic task, it is offered algorithm of its solution.

It is considered the circumstances affecting on the solution of criminalistic informational tasks; it is supposed algorithms of its solution.

**Keywords:** criminalistic informational tasks; sampling task; level of community; activity; source of information.

During investigation of crimes the main obstacle on the way to establishment of the truth on a case is absence of information, it lack, contradictions in the testimonies of witnesses, an accused, a victim. In order to remove these obstacles and reach the main goal of investigation, are put the intermediate tasks resolution of which allows cover the gaps in information, to remove contradictions, to make clear arisen issues.

Informational task is realized by a man in a certain situation the need to reach a goal through filling a gap in information, removal it uncertainty (8, p. 72).

In juridical literature in dependence on aspect of consideration such tasks are named in different way: legal, procedural, criminalistic, investigative, expert, operational etc, but, the first of all, any task has informational essence since it consists in a lack of information and is resolved only by way of it filling and reproduction.

The positing of a task is supposed: a close familiarization with specific situation

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either with information about it or this and other; knowledge of the aim or a complex of the goals of activity. Applicable to investigation is knowledge of its goals; progress to desirable result of activity; knowledge of activity conditions; normative orders of criminal and criminal procedural law, subordinate acts.

In dependence on skills, special knowledge of an investigator, operational employee, complexity of the situation and other factors, the posing of task (their complex) might be relatively simple procedure or can create difficulties. In order to avoid these difficulties the criminalistics works out the model tasks which can arise in standard situations.

On November 20, 1998, the duty department of the Nasimi District Police Department of Baku received information about body of unknown man at S. Vurgun Str. 50 with the traces of gunshot wounds. Investigative operational group composed of the Nasimi Prosecutor's Office investigator, three operational officers of DPD and two experts (tracelologist and doctor) came to a scene of the incident.

Examining with dislocation of a scene of the incident, an investigator carried out the following actions: organized the guarding of a scene of the incident, instructed of policemen of inspection, authorized to the district police officer to find and interview witnesses, compiled a plan of inspection and further carried out inspection a scene of the incident.

During inspection it was found and interrogated a eyewitness of incident A. who informed that saw an argue between known him citizen B. and a victim. He told that B. made two shorts and thrown away his gun on a roof of the boiler house. In result of inspection of the roof it was found an instrument of crime.

The posing and resolving of the model (situational) tasks of an inspection of a scene of the incident had allowed at the shortest time to solve a crime (9).

In psychological aspect the task is supposed a result of awareness of the situation uncertainty and the need to overcome this incertitude for continuation of the activity and reaching a goal. In this case, it always connected with will of a man, i.e. his ability to act purposefully, owing to inner efforts (7, p. 76).

In logical aspect the task is involved with obligatory assessment of a specific situation and available information with expression of the results of this assessment. A judgment in which is expressed the task has feature of imperative, i.e. mandatory (dictatorial) instruction, but differing in dependence on evaluation of the situation on alternative or hypothetical and categorical – unconditional, ordering to act only this way but other one.

Criminalistical informational tasks that are appeared during investigation of crimes can have as hypothetical expression so categorical one.

Logical aspect of the task is one more interested in that the task is closely connected with such form of thinking as a question, one of the most and permanently used logical methods of transition from ignorance to knowledge, a method it development in all spheres of human activity. An investigation is not exception. In it may be more then in other sphere of practice is required to ask questions and search their responds. The question is appeared in that situation when cannot obtain knowledge directly, in other words when ignorance blocks a way to the truth (1, p. 71-72).

In procedural aspect the task is normative, mandatory for performance an instruction of the law, which comes out from the purposes of criminal procedural process. The tasks, appearing in criminal procedural activity, determine character legal relations of the participants of criminal process. So, the tasks of a search determine a procedural regime it production, the tasks of interrogation of a witness and a victim create a specific legal relations between them and an investigator, a body of inquiry, court.

Finally, criminalistical aspect of the tasks which appear in criminal process consists in that psychological, logical, criminal procedural and informational aspects are received a peculiar expression and as if are synthesized in it. Therefore, in criminalistical aspect the task is one of the terms of the purposeful activity that provides an investigation of the crimes on scientific basis in frame of the law.

Criminalistical informational tasks are worked out with consideration of their logical and psychological nature and criminal procedural orientation. They are based

on generalization of the methods of operational search, investigative, judicial and expert practices. They are in this or that level concentrated an experience which is borrowed from the other kinds of activity, especially having a retrospective orientation – archeological and historical investigations, art research. Elaboration of criminalistical tasks is entwined in the material of criminalistical doctrines and theories; it is an integral part of their (5, p. 11-12).

During investigation of the crimes appear various criminalistical informational tasks, which:

1. are made conditional on typical criminalistical characteristics of crime, criminal legal norms, determining of the composition of crime, criminal procedural norms, determining the terms of investigation;

2. are depended on contain of the sources of information about specific crime on the different stages of investigation work;

3. are presented themselves a product of valuing of an investigator activity, his skill, knowledge in criminalistics, law and other sciences;

4. are flown from specific investigative, operational and searching, expert and other situation that is connected with investigation;

5. are a landmark in cognitive activity and the same time are a method of reaching of the truth;

6. are helped of organization of investigation, it planning, as method of organization of thought, are assisted its regulation and such way regulation of the practical activity;

7. are taken into account during working out and choice of the criminalistical means and methods providing collection, investigation, assessment and usage for proving information about crime and criminal;

8. performance of the tasks and obtained data are one of the criterions for assessment of interim and final results of investigation (6, p. 17-19).

Criminalistical informational tasks might be classified on the following grounds:

- a) in dependence on level of similarity. On this feature can be named as general and special tasks. The most general tasks are legal ones. The tasks of investigation –

informational tasks – are caused and come out from these legal tasks, are subordinated them, provide an establishment of juridical composition of crime in the bounds that are formulated in the law.

b) in dependence on kind (sphere) of activity. On this feature may be selected the tasks, appearing:

- during carrying out investigative actions connected with collection, investigation, assessment and using of criminalistical information for establishment of the composition of crime;

- during production of the operational searching measures and in combination with investigative actions;

- during performance of criminalistical expert evaluation;

- at time of court proceeding and defense activity.

c) in dependence on contain. On this feature can be selected the following criminalistical informational tasks:

- searching and heuristic tasks appearing in connection with necessity to find the sourced of information about crime and criminal. This group of the tasks is appeared during inspection, search, taking out, experiment and other actions, during carrying out operational searching measures, sometimes in expert practice, if it needs to establish, for example, origin of the traces, find the traces of arson;

- the tasks connected with fixation and saving of the sources of information its contents for the further investigation and usage as evidence and in other purposes. This group of the tasks is connected with usage of technical and criminalistical means and methods of fixation and saving of information;

- the tasks of research nature connecting with studying of information and its sources, explaining of occurrences, separate facts, features, their origin, interrelation, properties, state, qualitative and quantitative characteristics.

In turn, research tasks can be subdivided on the classification tasks, the tasks on verifying of information and its systematization; identification, diagnostic, reconstruction; the tasks on establishing of structure of a subject (tasks of structuring); origin of contemporary, spatial and other relations between objects and

phenomenon in frame of criminal situation; studying of personality of suspected, accused, witnesses, victims. The list of these tasks can be continued, but it are named the main ones here (2, p. 42).

In turn, each of the research tasks might be subdivided on the subcategories in dependence on the specific situation, character of deed, contents of information about it. So, for example, identification task, connected with identification of a suspected through his presentation for identification, can be divided on a task of selection of the participants of this investigative action, tactical and the tasks connecting with assessment of the results. In its turn, any assessment work presupposes posing additional tasks in comparison of the facts, and if it is necessary to take specialists to consultations; the tasks on carrying out additional actions for collecting of information etc.

On April 16, 2002 in Khatai District of Baku it had been committed robbery at the apartment of A. During interrogation a victim stated that he had known in one of the robbers an employee of grocery shop located nearer and described him as a tall, red-haired, 36 old young man with a scar on the left eyebrow.

During investigation a suspected were presented for identification three brunette and one blond men; none of them have a scare on the face, i.e. interim criminalistical informational task had been solve wrong. On this reason during the court proceedings a protocol of identification was excluded from the list of evidences on this case (10).

Criminalistical informational tasks of the tactical and organizational character provide realization, search and research of information. These are the tasks on planning of investigation, construction of versions, preparation of investigative actions, choice of place, time, terms of their performance, coordination of an investigator, expert, operational employee actions, using mass media and assistance of people in investigation, forming of the investigative operative groups, allocation of duties between the investigators and operational employees, control for execution of investigation plan, the tasks on assignment of examination, auditing, taking stock, performance of organizational measures of an investigator.

d) in dependence of the complexity level. On this grounds are determined complex and simple (elementary) tasks. The tasks of research and search character, some tactical and organizational tasks (ex control for the activity of investigative and operational groups, coordination and other tasks) are related to the first one; the tasks on fixation and saving information are related to the second one (3, p. 20).

e) in dependence on the way of arising. These are criminalistical informational tasks that are formulated by the investigator on the basis of examination of case materials; arising under the assistance of specialists; working out by the members of investigative operative group; the tasks set by a prosecutor, court, and defender.

f) in dependence on an order of priority their resolving. These are urgent, criminalistical informational tasks which are decided under performance of requirements of CPC, under production of urgent investigative actions and operative searching measures, during a search of criminal in hot pursuit. Decision of these tasks is connected with necessity a quick discover, fixation, and preliminary research of information.

An order of priority depends on character of the event and contents of a specific situation, an analysis of which allows determining what the tasks and in which sequence should be resolved. Thus, in dependence on the situation under inspection of a scene of the incident on a case of running down a pedestrian the urgent tasks can be ones an establishment of a victim, providing him the first help, the witnesses, establishing of a suspected and the traces of the running down; and further - fixation of preliminary examination of these traces, an interrogation of the participants of an incident.

Criminalistical informational tasks determining a contents of the work on solving of crimes are closely linked each other and are created a system of the tasks, in which a decision of the one task prepares formulation and resolution of other ones.

Resolution of the criminalistical informational tasks depends on their types. Thus, decision of searching tasks consists in a search and detection of a suspected, material evidences, including stolen property, a dead body. The decision of studying issues consists in receiving an answer on the questions appeared. For example, an

investigator may obtain a task to establish a cause of the body injury of a victim. In order to solve this task he assigns a forensic examination. Solution of the identification tasks on identifying of the personality or object is reached through the identification examination or presentation for identifying in dependence on situation and other factors.

Decision of the criminalistical informational tasks depends on how correct and completely determined:

- character of the task, given its formulation;
- procedural condition of the task solution;
- primary data, that need for decision of the task;
- means and methods to resolve the task - algorithm of resolution (4, p. 41-47).

Formulation and character of the criminalistical informational tasks are determined by a character of the circumstances that are subjected to establishment, by the gaps in sources of information, contradictions in its content, and other factors which are determined by the particularities of a crime, skills and knowledge of an investigator.

Criminalistical informational task should be formulated detailed enough. It should be led with the material of a case and principally resolved by the means and methods of criminalistics and other sciences. For instance, one cannot put a question of identification of the materials and things without consideration of opportunity of criminalistics and other sciences.

Solution of criminalistical informational task is supposed a consideration of procedural terms their decision and a certain method, which, in a number of cases, has a character of the algorithm. Thus, a resolution of the tasks that are appeared under performance of investigative actions and as result, obtaining a criminalistical information, is connected with implementation of criminalistical recommendations on preparation, tactics of performance, fixation and assessment of the results of an investigative actions. The tasks arising in connection with execution of operative search measures are solved through realization of the means and methods of this activity, and expert one - by appropriate expert methods.



The above stated does not mean that ways of decisions of the criminalistical informational tasks are unchangeable. Decision of them has situational character, depends on the specific situations. This is related, first of all, to the tasks that are appeared under production of investigative actions and operative search measures. The situations, leading to specifics of their implementation together with general features, have in each specific case its particularities, consideration of which are determined the tactical and methodical particularities of resolution of the criminalistical informational tasks.

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