

**Features of inspection of place of occurrence under investigation of murders for mercenary motives when corpse is absent**

**Abstract:** It is considered features of inspection of place of occurrence under investigation of murders for mercenary motives when a corpse is absent.

Recommendations of the practical natures are given.

**Keywords:** inspection; place of occurrence; corpse; murder; way of committing; motive.

Complexity of detection of similar crimes is explained with that putting up versions about disappearing of person is associated often with murder, though it might be also other suggestions. In this course, an actual set of the elements of criminalistical characteristic is violated, as and ties between them. There is no corpse at the first stage; traces that inherent to the crime are absent. Situation, time and place of crime committing are not known. Therefore, solution of thinking tasks, which include analysis of small information and versions, reliability of which are not much provided with evidential and operational and search information, come to foreground [4, p. 66-67].

As it known, in the most courses a way of murder committing is due to the way of its cover up and to a certain extent determined by it. Criminal when committing crime after that is guided by logics of reaching of criminal result and avoiding of responsibility. In order to hide securely the traces of crime, a criminal, who is intended to conceal murder, carefully ponders a way of its commission. It is generally accepted that a way of crime commission depends on objective and subjective factors, which influence on volitional behavior of criminal at time of its choice [2, p.

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21]. One of the objective factors, which determine acceptance of decision on perpetration of mercenary murder with further concealment of a corpse, is a place of its execution. In these cases, the most suitable places for criminal to hide traces of crime are become the next: remote from the settlements places; derelict quarries; ruins; lonely forest areas; private houses; cottage areas; lands close to dumps. Under this he takes into consideration that committed offence would remain unnoticeable and further it will not be discovered. Choice of a scene of the crime and time of its committing is correlated. The favourable time for “disappearance” of a person is time of his hunting, business trip, travel to the relatives and friends etc. [3, p. 266].

Preparation to crime, apart from a choice of scene and time of crime commission, includes determination of: a) method of kill; b) instrument of crime; c) method of concealment (actual concealment and feigned behavior reflecting position that was chosen by a criminal); d) way of the traces concealment. Thus, a criminal mentally forms a model of future event, realization of which will be in certain extent depending on objective situation. Modeling contains the variants of changing on intentions and criminal behavior in case chosen scheme may not be fulfilled. In addition, a criminal may refuse from realization of planned crime due to changing of situation and subjective state [8, p. 210-211].

Rigid stereotype, which is inherent to those or this individual, is often found in the way of crime commission – this is a poisoning, suffocation, using of cold and firearms. This is manifested in all actions of a criminal including under choice of a scene of crime and time. This stereotype is obviously seen in so named “serial murders”, where crime commission and the way of concealment (or their absence) is typical for certain person, repeating in the details [7, p. 56-57].

Determination of a way of crime commission may assist receiving of additional information such as: a) specify individuals, who could commit homicide; b) indicate individuals who could have instrument of murder and use skillfully with them; c) point out on psychological and physical data of a criminal [14, p. 30-34].

In this aspect a way of crime commission can be defined as determined conditions of external environment and psycho-physiological features of an

individual, associated with using of the instruments and means, a scene of crime and time, corresponding to achievement of criminal goal.

A way of crime concealment is one of the most important for investigation of the crimes of this category of the elements of criminalistical characteristics. Knowledge of the typical ways of concealment by an investigator, and also the factors determining their application, is advantaged of determination of the circumstances of crime commission and personality of a criminal.

According to I.S. Nikolayev, when a criminal commits murder, he undertakes number of mandatory actions to conceal crime. Non-fulfillment one of them means incompleteness crime concealment [15, p. 179-180].

Concealment of a corpse is one of the main ways, on which concealment mechanism is determined. Therefore, in dependence of the purposes, activity of a criminal is differentiated into the next groups: a) concealment of crime fact (burial, concealment, corpse dissection, disfiguring); concealment of crime traces (destroying, hiding); b) concealment of crime evidence (feign, falsification, masking, failure to report); c) concealment of crime traces on a criminal (destroying, hiding, creation of false alibi) [17, p. 206-208].

Burial is the most often way of a corpse concealment. Criminal hides a corpse any suitable for this purpose place: in a cottage area, in a neighbour garden, in forest, swamp, and river. Sometimes, burnt or dissolution of a corpse in chemical items is found [9, p. 40-41].

When a criminal dissects a corpse he undertakes some measures of additional protection not to be disclosed: disfigures a corpse face, destroys a finger patterns. Instruments and traces of crime are also destroyed.

Criminal nature of event (actions) includes feign, falsification, masking and failure to report.

Way of crime concealment depends on connection of a criminal to an object of offence, character which is cardinally influenced in bringing of the versions about personality of a criminal.

A tie of criminal with a victim can be close and casual. The latter way of concealment does not require special contrivances as attitudes between criminal and victim are not led with any motives, which are demanded preparation. Actions of a criminal have other direction when the ties between criminal and victim have a nature of close or official and are differentiated with distaste. On opinion of R.K. Wagner, in this cases a criminal has few ways of behavior; two of them are more typical: 1) he hopes some circumstances in situation of crime commission, artificial changing of which is convincingly explained a death of victim; 2) he understands that he cannot explain a death of close man and therefore tries to conceal a corpse, instruments and traces of crime. Concealment of the fact of death is allowed concealing to a criminal his implication in a killing, which are accompanying with his explanations about disappearing of a victim [16, p. 301-304].

Set of features that established during investigation assist to form of thinking model of a criminal, when the details of suspected in murdering person are absent. It is happened the most often when people make statements about disappearance of the relatives, close individuals; a character of the statements, which do not have the details, such as absence during long time, situation of victim disappearing, motives, place and time, arouse suspicious and are the grounds to create a model of criminal event and personality of criminal [16, p. 304-306].

So, Hasanov, a citizen of Buzovna settlement, submitted a statement, in which had indicated that widow of his brother went out home five days ago had taking all things, and there was no any news from that time about her.

The district police officer knew the applicant as a man who often spoke about honor, decency, reproaching some neighbors by improper conducts of their family members.

The police officer shared with his doubts with his chief and operational officers as soon as he knew that Hasanov undertook nothing to find out about her during five days.

Soon Hasanov was detained when he tried to sell the jewelry things that belonged to the widow; after that he had confessed in killing and showed the place of corpse burial [1].

As it known, an interconnection of the elements of criminalistical characteristic consists in that presence of one of its elements is caused the presence other one. This circumstance gives an investigator more chance to find and evaluate evidential information, which is facilitated to investigate of crime.

But, under consideration of the mercenary murders, when a corpse is absent, such ties have probabilistic nature, which are explained with absence of reliable data about victim, situation of an event, behavior of victim, presence of some experiences and abilities to a criminal in order to conceal crime [13, p. 196-197].

It should be paid attention to the factors, which are determined the way of crime concealing, i.e. core of the concealing methods, motives and goals, reflection of the concealing methods in criminal conscience; conditions, which are favored the concealment, features of a criminal personality that determined intention and execution of concealment.

Combination of the traces as an element of criminalistical characteristic may have the tie as with all elements so with one of them. The named causal nexus might be established through determination of the changes, which have been undergone the situation of a scene, certain items, relations between people after disappearing of a victim. So, determination of ties of the traces found with an instrument of crime means an establishment of probable way of crime committing. On the traces found one can do a conclusion about the method of concealment, ex, disclosure of bones parts that belonged to a man will be testified about corpse concealment through its dissection and further hiding in various places or its burning. It is noteworthy that finding of consequences of a corpse concealment, which characterized murdering traces and assisted in establishing of a criminal, has a great significance in the most cases of “without corps” killing detection [6, p. 100-101].

It is not existed criminalistical notion of an incident scene during preliminary investigations of such categories. Here, we can talk only about intended scene of

crime, and consequently, about set of the traces, which may give an imagination that a scene of event is the scene of crime. This happens often when an applicant lodges a version on murder of a person, and clarifies other circumstances connected with disappearing of an individual (finding traces of fingers, which belong to him, clothes, some items etc., when it is necessary to make inspection of a dwelling or other spaces). This inspection should be produced in the cases, when there are not any grounds to suspect a person in crime commission, but it is necessary in order to get more detailed information about an individual, who lived there, his interests etc. [8, p. 198-200].

Inspection of occurrence location is produced before initiation of criminal case, when there are grounds to suspect an applicant or other individual in murdering commission. According to the results, an investigator can do conclusion in respect of a scene of killing, and a person committing of it. Connection between scene of incident and crime committed is expressed in the following:

a) Crime committed through instruments, left at the scene or seizure from there; b) Crime with purpose to kill a victim; c) nature of situation and its conditions have been determined a choice of action method by criminal and influenced in achieving of criminal purpose; d) there were items of a scene of occurrence, without of which an offender could not leave the place.

If receiving of information is a common goal of the inspection then establishing of a complex of the data, which testify on crime and criminal, is become the private tasks of it. For this, it is presupposed to solve the following traditional issues: whether a place of inspection is a crime scene, concealment of a corpse, containing the traces of crime; how killing was committed, what was concealing way of it and what was the way to move away crime scene; how many criminals were; what changes were made in crime scene; how much time criminal was in crime scene; time of murdering commission; what items criminal took from crime scene; what items and traces were left by criminal in crime scene; who could be a witness of crime committed [12, p. 198-200].

We should note a specific nature of crime scene inspection including when it investigated killings “without corpse”. It consists in the following: a) criminal situation is characterized with uncertainty; b) crime scene inspection is directed to search evidence, the nature of which are dictated with particularities of crime, the ways commission and concealing of it; c) an investigator has to solve an issue about attitude information received to investigated crime and evidential significance. Specific nature of crime scene inspection, which is distinguished of it from other investigative actions, is concluded in the ways of information receiving and nature of it. This means receiving some range of evidence and necessity to resolve an issue of their relevance [10, p. 78].

Familiarizing with the situation in crime scene before inspection allows determining: a) contradictions in lay of life of a victim with information received earlier; b) changes, which is undertaken in a victim residence after his disappearance; c) possible place of finding of crime traces and material evidence [11, p. 301].

It is important to familiarize with presumptive crime scene before inspection in order to have a mental model of crime committed. This model is probabilistic one as contains fragmentary, inaccuracy presentations about crime. But, this is outlines for an investigator to inspect of crime scene, which concentrate his attention onto certain objects that having significance.

In course of inspection of presumptive crime scene

When during inspection of a scene crime event is not testified obvious, it is reasonable to use in course of inspection of presumptive crime scene the system of tactical methods that developed by I.P. Lukin. Among them are: a) comparison of initial data with information of inspection scene; b) participation in inspection individuals, who stated about disappearance of the close man; c) analysis of signs of traces damage; d) analysis other information with scene of incident and its comparison with established facts. Named methods will allow to receive an investigator the clarifications from applicant and other individuals about origin of those or other traces, detect traces of murder, and consequently, to obtain some ideas on personality of criminal [12, p. 105-106].

In our view, methods of inspection suggested by I.P. Lukin, do not correspond to the "methods" definition in their criminalistical understanding and meaning as do not contain the elements of activity (actions), and are confined with analytical direction and thinking work to compare analysis results. The latter is interesting as specifies functions of analysis under inspection of incident scene, to which belongs dominating role in searching of crime traces and their evaluation.

Under all mentioned methods inspection of the place of occurrence we may not ignore an objective inspection method, which presupposes the following: a) detailed and sequential inspection everything that is on the place; b) detailed inspection of the objects, which were brought by a criminal or undergone any his impact; c) detection so named negative circumstances.

Negative circumstances are presence or absence materially fixed traces or actions, which contradict to natural course of events development, causal connection between facts and their consequences [4, p. 51-53].

Diversity of negative circumstances depends on specific circumstances of place and time relatively various kind of crimes. They can be presence theft of property in cases, when presence of document obvious contradicts to statement of a suspected person in that he did not undertake financial operation; under stealing, when situation of event, presence of "excessive" traces, points out obvious on feign; under homicides, in which deed is masked with natural death or misadventure. Negative circumstances have place at all kind of crimes where an investigator version contradicts to the development of certain actions, which are substantiated causally. Problem of resolving of thinking tasks, which relate to determination of the negative circumstances, is classified to general issues of criminal procedure studying in process of proving and is required more detailed research. But it has a great role in regard to issue considered.

Here, it is more expedient to distinguish number negative circumstances, which are traditionally related to a place of occurrence when disappearing a person who presupposes to be killed. They may be classified the next: a) presence in the place of inspection the clothes of a victim, personal items and documents; b) unreasonable



repairing in the place of inspection after disappearing of a victim (painting of the floors in winter etc.); c) rearrangement of furniture, carpets, which change a view of room; d) works in garden with purpose of change of previous view; e) (covert) sale of personal items of a victim, while police produce investigation actions; f) ostentatious sense of compassion about loss while everyone knew his conflict relations with a victim [12, p. 111-114].

In respect of the negative circumstances, we should note one more position, which may be applied to the categories of murders considering in this chapter of dissertation. We are talking about such classification as the negative circumstances, which are presented there where they should not be, and being absent there where according to logics they should be presented.

So, presence of numerous stabbing on a corpse found at railways with injuries caused by train is negative circumstance in relation to feign of train accident. We should note that in all cases detection of negative circumstances, they are specific compass, which shows direction of investigation.

Comparison of investigative information with certain analogues of crimes may assist to determination of the negative circumstances. They are typical signs of crime such as: typical features of criminal personality; typical systems of investigative actions and operational investigative means. In spite of standard nature of the typical analogues and some limitation of them in studying activity, they can fulfill the functions of goal in resolving of thinking tasks and arrangement of investigation [5, p. 6-14].

In course of inspection of the place occurrence an investigator actions in regard of mercenary murders are not limited with detection of traditional traces: blood, fingers, crime instruments. Certain significance may have findings of micro particulars - fibre, parts of textile, ground, seeds etc, which could not be noticed by criminal. It is important produce searching of these particulars in the places of probable location - hard-to-reach parts of a floor, walls, furniture, clothes of criminal.

This recommendation is applicable also when other categories of cases about mercenary murders are investigated.

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