

Correlation of mechanism of crime with structural elements of the integrative criminalistical tactics

Abstract: It is studied a notion “mechanism of crime”, structural elements of it, system.

Correlation between mechanism of crime and systemic elements of integrative criminalistical tactics are considered.

It is given suggestions on their exposure and use under investigation of crimes.

Keywords: mechanism of crime; elements; system; correlation; integrative criminalistical tactics; way of commission; way of concealment.

A notion “mechanism of crime” and doctrine about the mechanism keep one of the leading position in general theory of criminalistics. It is explained with the fact that data on mechanism of crime is used in all branches of criminalistics without exception, under development all means and methods of work with information about crime. This doctrine goes with roots in research of judicial, investigative, expert, operational and search practices, based on provisions of natural, technical and humanitarian sciences including such branches of law as criminal, criminal procedure law and criminology.

Each phenomenon, event, process, fact, subject might be considered from structural side, which are unity of parts, elements, forming an integer. Based on this, under structure of crime’s mechanism should be understood the unity of interconnected elements, forming an integrate system of actions on preparation, commission and concealment of crime, determining by certain factors, which have nature of stable regularities.

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Under mechanism of crime R.S. Belkin understood a complex dynamic system including subject of crime, attitude to its actions, their consequences, co-participants, subject of encroachment, way of commission and concealment of crime, criminal result, and condition of crime (place, time and other circumstances relating to it); behaviour and actions of a persons who become an accident participants of events and other [2, p. 10].

Thus, it might be distinguished more common elements in structure of mechanism of crime, which are inherent to any crime. They are the following: condition of preparation, commission and concealment of crime (place, time of year, day of week, climate conditions, visibility, and audibility), disposition of object and its specifics (flat in block building, detached house, establishment, institution, hospital, and school), street, shop, transport means (vehicle, carriage, train, plane, and ship), railway station, airport, theatre, settlement, highway, river, lake, sea, mine, etc.); participants of crime (persons who committing crime, accomplice, concealers, witnesses, eye-witnesses, victims); way of preparation, commission and concealment of crime (arms, home instruments, technical appliances, mechanisms, transport means, mass-media, different substances (including explosive, poisoning substances), materials (paper, fabric, constructional materials, lacquers, paints, flaming materials), random items (stones, sticks, soil, and other items, randomly taken by criminal or other participants of crime)); consequences of crime in dependence on crime's nature; materially fixed traces of crime; items left by participants of crime on scene of occurrence; destroying, sequences of fire, explosion; work; documents including fake, burnt; products of criminal activity (counterfeit money, explosive devices, disassembled cars etc.); stolen property, values, money; body injuries; mental traumas.

But, the main chain, core of mechanism of crime is an individual, his actions or inactions, his attitude to them, from what is in certain condition depended consequences of crime [1, p. 13-14].

Actions of man, their motivation, goal, and way of achievement might be rightly understood and explained with using of provisions of criminalistics and other sciences.

Some elements have not significance for legal qualification of criminal offence (for example, in dependence on specific situation, a choice of way of commission or concealment crime might not influence in qualification, for instance, a pick pocketing or robbery), but each element of crime's mechanism has significance to disclose crime and establish criminal. Explanation of significance of these elements is provided disclosure and investigation of crime, establishing of corpus delicti of it, search of criminal, development of the tactics of production of investigative actions, interrogation, and search, bringing for identification and other actions, and also whole complex of operational search measures.

Structure of crime's mechanism is movable, changeable, multiple options. State of this structure is characterized with one signs in period of crime's commission, by other signs after commission of it. We should keep in mind that consequences of crime might be sufficiently changes under impact of environment and people; they can obtain other features that make disclosure and investigation of crime difficult or impossible.

On 21 August 1996 at 13.10, information about stealing from flat of Mr. G. was received by police control room of Nasimi District Police Department of Baku. At 12 o'clock pensioner Mr. G. Went to get pension at post-office, and when came back home, he found door of his flat broken. Clothes, video-recorder, TV set, food and few bottles of vodka were stolen from flat.

Operational-Investigations Group came at scene of occurrence at 13.30 and immediately began work. Interrogations of neighbours and janitor allowed supposing that stolen items had been kept at home. During examination of attic space police found unemployed citizen "A" who kept piece of sausage in one hand and bottle of vodka other one. Stolen items were around him [1, p. 15-16].

Structure of crime's mechanism determined (caused) by a number of factors, the most important of which are kind of crime and nature of deed. Here, specific example

that shows this provision. On 15 May 1998 unknown persons entered in territory of Baku plant of industrial-rubber products and stole finished products – 400 thousands metres of polyethylene film from warehouse. Operational-Investigations Group that came to scene of occurrence, found break in the wall that separated plant from public toilet, a hole in wooden partition between director and chief quality control's rooms, broken window in finished products warehouse (7 metres above floor) and 3 metres long stairway reclined to a door of warehouse. Close to toilet a drill, hammer, two knives and slab were found by investigator. In course of investigation were established that this stealing was committed by ancillary workers at time of loading works. Break in wall and window, using of stairway and other items were made in order to conceal the true circumstances of the crime [1, p. 17].

Mechanism of crime depends not only on kind, but also on specific particularities of each crime, behaviour of its participants, situation, in which crime is committed, used instruments and other means of crime.

Structure of crime's mechanism should be considered in frame of situational approach. Situational approach to consideration of crime's mechanism obliges to distinguish and take into account in practical activity on disclosing and investigation of crimes the next:

a) situations, which are favoured to actions on preparation, commission and concealment of crimes;

So, for example, videos and movies, in which are played the ways of preparation and commission of crimes, might be assisted under preparation of plunders, rapes, robberies, steals. It is possible and other favourable situations for preparation of crime.

There are many situations, which are favoured to crimes' commission. These are the situations that associated with mass riots, which are used with criminal elements to commit hooligan actions, arsons, destroying of property, murders, robberies, steals and other crimes. Night, manless of street, etc. might be favourable to commit such crimes as plunders, robberies, steals, rapes.

In order to conceal crimes are used various situations. These are indifference of people who become eye-witnesses of crime (hooliganism, robberies, plunders, traffic incidents) and had not accepted measures to detain criminal.

Concealment of many crimes is become possible owing to purposefulness actions of accessories. According to article 307 of Criminal Code of Azerbaijan Republic, criminal responsibility is stipulated for non-promised in advance concealment of grave and especially grave crimes [4, p. 176].

b) situations, which non-favourable for preparation, commission and concealment of crimes.

So, for example, preparation of murder, arson, explosion, sabotage, terroristic act might be prevented by timely disclosure and seizure of arms, explosive devices, ammunition that prepared to commit crimes.

Crime commenced might be prevented with interference of witnesses, policemen, resistance of victims. Just in such way can be prevented pick pocketing at railway and bus stations, undergrounds, trolleybuses, robber's attack at parks, and manless streets. Non-favourable for criminals situation might be created in period of crime's concealment. These are the situations of detention of criminal escaped, driver of a car when he tries to conceal consequences of crash, timely detection and seizure of stolen items.

In structure of its mechanism, situational approach to crime allows distinguishing properly criminal situation, which forms *corpus delicti* [1, p. 21].

We note that concealment includes in criminal situation when it is covered by common intention with crime and will be committed at criminal situation or at once after that. For example, committing steal, criminal liquidates hands' traces on surface of items, which it concerns in order to find money, values, clothes etc. Sometimes, mechanism of crime, its structure, criminal situation depend also on nature of crime.

Being as term of crimes' committing, concealment is a part of contraband, steal, cheating, deception of buyers, fakes, production and sale of fake documents, stamps, forms. In some cases concealments are used to prepare crime, for example, hidden actions on producing crime's instruments, planning of crime (flat, man) etc.

Concealment as term of preparation, commission and hiding of the crime's event might be an integrate part of a way of crime commission, including preparation, act of crime, actions that provide its secretiveness. So, for instance, when criminal is prepared to commit murder, he secretly buys or produces a crime's instrument himself (explosive device that masked under parcel, torch, handmade gun, brass knuckles and others); criminal destroys its traces and escapes as soon as crime committed.

Here is specific sample. It was committed hold-up a guard of poultry farm and stolen big sum of money from cash of farm. Being prepared to this crime, B. and K. stole a car, and use the car to carry away metallic box with money. B. and K. set fire a cash room in order to destroy traces of burglary before they had left farm. Empty box was hidden by criminals in a forest, and the car had drowned in river [1, p. 51].

Typical ways of concealment are:

- withholding of information or items. Content of this way is active or passive leaving in ignorance in respect of some circumstances of crime and source of formation, escaping from scene of occurrence;
- masking some objects with purpose to change their initial state, position, external appearance;
- falsification of objects, creation of false information;
- mixed ways including adaptation and simulation [1, p. 52].

The factors, impacting on concealment, have also situational nature; collection of them is closely linked with criminal situation, which is formed during investigation.

Criminalistical significance has mental relation of crime's participants to its mechanism in whole and separate elements of this mechanism – to situation, way crime commission, each other.

Data on crime's mechanism and its structure, reflected in criminalistical characteristics of crimes, are used under designing of private criminalistical methods of investigation of some kind of crimes. Not knowing legal structure, mechanism of

preparation, commission and concealment of crime one cannot disclose and investigate of it.

Knowledge of the mechanism orientates relatively:

- all its elements, which are sufficient to establish corpus delicti;
- allow to develop algorithms of investigation, especially initial stage of it;
- orientate on more typical consequences of crime, caused by subject, way of infringement, instruments of crime, situation of commission of it;
- help to design versions on a case and to plan investigation, solve other issues of method of investigation of some kind of crimes [1, p. 71].

It is impossible to design any elements indicated of method investigation of some kind of crimes out of connection with data on mechanism of preparation, commission and concealment of crimes that described in criminalistical characteristics of them. Knowledge of particularities of crimes' mechanism is a basis to develop ICT (integrative criminalistical tactics) of many investigative actions and operational-search measures.

So, for example, ICT of examination of occurrence scene is mainly determined by crime's mechanism. To provide integrity of traces and other consequences of crime, at once, it is arranged protection of scene of occurrence. After that, it is carried out common familiarization with situation that characterizes a scene of occurrence (disposition of buildings on streets, roads, character of building, internal appearance etc.), through interrogation of witnesses are clarified the details of the appearance, primary state of it, changes that happened due to actions of criminal and other persons, is fixed nature of these changes and whole appearance that was to beginning of examination.

Further is begun peculiar entering in mechanism of crime through detailed examination of scene of occurrence with using of techniques of concentric, eccentric, frontal and selective on separate moments of examination of occurrence scene. Especial attention is drawn to some traces, items and other consequences of crime that characterize the mechanism of it. It is produced fixation of their location in

position, signs, which are sufficient to explain mechanism of deed and show the ties with crime [1, p. 83].

ICT of interrogation of accused (suspected) person, witnesses, and victims is also stipulated with particularities of crime's mechanism. Common and private versions of an investigator, and also information about crime that he has, determine subject of interrogation and circle of questions, which should be clarified under case. Traces and other material evidences that found and studied in course of examination, search, forensic expertise, are used during interrogation as evidences, which returned interrogator to crime's mechanism and freshening the details in his memory, i.e. important circumstances of crime.

Czech criminalist Yan Pishak wrote in his book: "Way of crime commission acts as expression of objective interlink of "technique" of crime commission and "technique" of its detection, investigation and prevention" [3, p. 111]. That is, a way of crime is often key circumstance to disclosure of crimes.

Information on way of preparation of commission and concealment of crimes are used in their detection and investigation in various directions. First, for construction of versions and detection of criminal, and planning of investigation. Signs that indicate on way of crime allow bringing versions about personality of criminal. Each kind of crime with considering of specific criminology situation might have a complex of way's signs.

So, for residential burglaries - a complex of signs of entering at home (traces of breaking, signs of masking of appearance, crime's instruments, traces of footwear, hands etc.); signs characterizing actions of criminal (scattered items, opened doors of warehouses, traces of hands' fingers, footwear, signs of smoking and other signs) [1, p. 85].

Especial significance has information for designing of versions on crime's commission by recidivist or habitual criminal, and also for determination of tactics of investigative actions, in particular, tactics of examination, identification, search, investigative experiment, interrogation, bringing for identification. So, signs of breaking of warehouse oblige to search appropriate instruments of breaking; signs of

murder with poisoning - poisoning substances and traces of their use in criminal purposes; signs of arson - means, with which arson committed; signs of counterfeiting of money - instruments and equipment of counterfeiting money production.

ICT of investigative experiment is directly depends on knowledge of ways of crime's commission. On a case of hold-up and killing of member of family of J. became known that organizer of the crime is J. himself. Using of killers he deprived life of his relatives, and then adapted "hold-up" tied himself with ropes.

At time of production of investigative experiment, he showed everything. Number of tactical issues appear under preparation and production of bringing for identification, when criminal masks his appearance in purpose of concealment, re-putting cloth, wearing wig, gluing mustache and beard and these techniques (masking) determine also terms of bringing for identification [1, p. 85].

Information on way of crime is an element of scientific criminalistical knowledge. They are widely used in criminalistical characteristics of crimes, forming one of its mandatory elements, impact direct influence on designing of criminalistical methods of separate kinds of crimes.

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