

**Particularities of view of place of occurrence under investigation of
lucrative murders hidden by adaptation**

Abstract: It is studied particularities of view of place of occurrence under investigation of lucrative murders, hidden by adaptation.

Circumstances that influence on versions brought are considered.

Way of lucrative murder commission hidden by adaptation joins the way of commission and way of concealment.

Keywords: view of place of occurrence; lucrative murdering; adaptation; way of commission; way of concealment; criminalistical characteristics.

Technique of lucrative murders investigation hidden by adaptation is one of the most complicated one. As much as natural course and character of an event are distorted by system of actions undertaken by criminal, the true scene of happening is externally masked, and a content of the event is distorted. This circumstance makes difficult cognitive activity of an investigator, considerably expanding diapason of it with presence of dead-end situations, uncertainty of brought versions, violation of cause-and-effect relations between the event and its consequences [5, p. 210].

Traditional logics of investigation under commission such kind of crimes is violated and often is accompanied with some wrong conclusions that impede establishing of the truth.

Lucrative killing associated with feigning or murdering hidden by feign (according to criminological terminology) is usually committed in respect of persons associated with relative, friendly, official ties, i.e. in respect of men, personality of which is know well [14, p. 100]. With few exceptions, killing of unknown persons are not included in this category. With certain conditionality, given circumstances

♦ **Tagiyev Anar Dinyadur oglu** – a prosecutor of the International Relations Department of the Prosecutor General’s Office of the Azerbaijan Republic, the Counselor of Justice (Azerbaijan). E-mail: anartagi@box.az

allow discovering their regularity, which gives an opportunity to an investigator to bring version about personality of criminal, which are familiar or close to a victim. Some scientists, who research this issue, indicate directly to “typical in adaptations”, noting that the adaptations are used by persons, who have close ties with victim, and need to give clarifications concerning death of their close relatives. The adaptation should show happening event in wrong light, and divert suspicion from culprit [15, p. 291].

Despite some traditional nature that inherent in all varieties of this crime, in technique of murdering investigation should take attention to the cases, which fall out of common scene of crime and are remained undetected due to typical approaches to investigation, excepting heuristic problem solving, appearing in process of clarification of important circumstances for crimes’ disclosure. The latter might be manifestation of typical approaches to problems solving, or by result of professional deformation, in which a typical prevails over heuristic. Lucrative killings hidden by adaptation are related to this type of crimes.

Knowledge of their criminalistical feature has a great significance in investigation of the category of crimes. Ways and concealment of crime are the most informative among them. Usually they are considered as independent elements as each of them forms a complex of actions that have variable directness. According to I.M. Shemelev, they are system of criminal actions (killing of victim) and system actions directed on concealment of crime and traces of its commission [5, p. 310].

But, applicably to research category of murders, a way of crime commission and way its concealment have other nature, which distinguishes them from traditional ones. In this plan the way of commission of lucrative killing hidden by adaptation joints the ways of commission and concealment. This is the following: an event of crime has one aim – to kill and conceal deed using any adaptation, which, in opinion of criminal, will be more convincing and suitable to do it. The second side, which joints the ways of commission and concealment, is the fact that they are carried out at the same time or with small interval of time. Sometimes this is feigned with other circumstances, but the fact that undertaking actions are in advance planned, prepared

and carried out simultaneously with crime, and sometimes before commission of it (for example, distribution of information about desire of a person to commit suicide and adaptation it later) allows considering them as one way of crime, joining in aims, motives and fulfilling as the way of commission and concealment [11, p. 292].

In addition, we should note that in some cases of killing commission an idea of criminal about adaptation of crime appears spontaneously, and fulfillment of adaptation with time often does not coincide with an event of the crime. Idea about adaptation as a concealment way of committed appears later that crime has committed, and in this quality is presented as separately existing way of concealment.

It is actually impossible to give exhausting list of the ways of concealment of person's killing by adaptation, as there are many variants might be chosen by criminal. Therefore, we will consider only traditional methods of concealment by adaptation of lucrative killing. So, for example, murder adapted as an accident of falling from height, is usually characterized by the signs, body injuries, caused by infliction of blows with blunt items caused by falling from height [16, p. 262-263].

Statement of suspected person about the fact that a victim inflicted mortal wound himself is one of the kinds of adaptation of killing in result of casual handling with weapon. But the signs of adaptation can be founded with determination of distance of shooting and other signs, which is defined through judicial ballistic expertise and also fingerprint one [3, p. 291-292].

Practice of crimes' investigation is met with the facts when drowning death is adapted. The circumstances of drowning are described by suspected person in the details, and at first sight, truly. But in course of view of place of occurrence and corpse are established data, which refuting witness' testimonies. So, investigation establishes that depth of a river, lake of the place indicated by witness' testimony is insignificant and dead person could be easy swum out. Moreover, even external examination of a corpse testifies about presence of wounds and injuries, which could not be appeared under drowning. In course of forensic medical examination is often established that victim was thrown to water being dead. Thus, a version about adaptation of drowning might be confirmed [4, p. 91].

Under commission of murder is often used subsequent arson, believing that fire destroys corpses and traces. Actually, a lot of number of criminals' traces and signs of killing commission are destroyed by fire. But, analysis of corpses at fire places allow establishing their identification, careful examination of traces remained at the scene give to an investigator set of evidence, which testify about crime and mechanism its commission. In this respect it is especially important information receiving from forensic medical expert, who examines burnt corpses. So, the expertise can establish time of traumas received, whether of nature of wounds is linked with fire etc. All these signs, which have a nature of negative circumstances, indicate on presence of adaptation and refute other versions that appeared [7, p. 92-94].

Statement about death of electricity as kind of adaptation is rare one. Despite careful preparation and creation of a model of accident, which is presented irreproachable, the signs of this adaptation are also existed. According to I.S. Yaschin, there are the following characteristic signs of adaptation: arrangement of electrical marks on the places, which are not associated with casual touching to electricity source; absence of signs of circuit from a long impact of electricity to a person; corpse disposition concerning a source of electric power; presence of the traces of violence or resistance on a corpse. Exposure of adaptation in similar cases is quite complex process, which requires as special knowledge so and detailed analysis of all circumstances, which might be related to the crime [17, p. 287-289].

Adaptation of death in result of car or railway traumas is often met in practice of investigation. View of occurrence place and corpse, and also assignment of forensic medical examination are the main investigative actions in course of examination of these crimes. As rule, postmortem nature of injuries caused by transport means is established by an expert at process of a corpse examination at occurrence place. The specialist takes attention of an investigator at localization of traumas, which do not correspond to casual disposition of injuries that typical for horizontal position of victim's body, i.e. the fact that a victim was placed on road or railway bed. These

circumstances provide formation of version about adaptation of misfortune [17, p. 290-291].

Adaptation of suicide is one of the kinds of crimes considered. It might be adapted as suicide from weapon, drowning, hanging, poisoning.

Each of the varieties has the signs, which allow constructing version about adaptation of crime.

In particular, according to I.S. Nikolayev, exposure of death adaptation through suicide with using weapon may assist the following signs: a) absence of burn injury, implanting of non-burnt motes of gun powder or printing of gunpoint trace of a body or hand of victim as evidence of pot shot; b) big distance between traces of shot and gun, which, ostensibly, was at hand of victim; c) incompliance of position of gun and corpse pose, which testifies that shot was made by other person; d) absence of shot cartridge case at place of occurrence as testimony of unnecessary liquidation of material evidence (using of cartridge of proper caliber); e) presence of two shots, each of which was mortal, and others [11, p. 294-296].

Establishing of this information received by an investigator or through forensic medical expert is direct evidence, which refute version about suicide. Along with this information, results of thorough examination of occurrence place with participation of ballistics specialist and forensic expert are assisted to accuracy interpretation of the traces, their mutual disposition (blood traces), disposition of gun concerning to corpse, traces of shooting etc. [14, p. 108].

Another variety of adaptation is suicide through hanging. In this case different circumstances contradicting to the statements of persons about suicide can be the signs of adaptation. We should note that sometimes in order to create reliable scene of an event the hanging adaptation is prepared very carefully, and whole mechanism is worked out in the details. Criminal prepares not only some material traces (string, dying letter), but also ideals, distributing rumors on the fact that a victim had repeatedly expressed earlier his intention to commit suicide in order to be free of a disease, etc. Creation of ideal traces that confirm the truth of adapted event is caused

appearance of false versions, which disturb to choosing of the true investigation direction [16, p. 300].

Typical signs of adaptation of suicide are detection of circumstances, which do not meet to recognized imaginations about natural development of an event. There are the following circumstances, which are not constituted in suicide adaptation: a) absence of obligatory distance between footstool and corpse; b) absence of dirty layers on the footwear or foot of hanging man, when round surface is covered with dirt; c) presence of fight or resistance's signs, which could be manifested as excoriations around the neck, on the hands of a victim; d) presence of strangulation trace of post-mortem origin; e) long standing writing of suicide note or writing of it by other person who tried to copy the handwriting of a victim and others. Analyses of indicated circumstances are the ground to bring versions on suicide adaptation [16, p. 301-304].

There are suicide adaptations committed with application of cold arms in practice of investigation. The signs indicating onto adaptation might be seen when viewing place of occurrence and corpse. They are the following:

a) presence on the hands of victim cutting injuries, which could be the signs of resistance; b) presence on a cold arms the fingers' traces of other man; c) presence of injuries, which could not be made a victim himself; d) presence of two injuries, each of them, according to forensic medical expert, is mortal; e) absence on victim's hands signs of blood, which are mandatory when victim causes bodily harm [5, p. 301].

Enumerated circumstances do not exhaust all signs, which are the grounds for bringing the versions on adaptation of suicide, but they direct as investigator to this, so and forensic expert.

Adaptation of suicide might be carried out through drawing. The main signs, indicating to adaptation, are presence of violence's traces – injuries on the hands of drowned man in kind of scratches, bruises, sometimes on a head. In all cases that cause doubt in suicide or accident it is necessary to draw especial attention to the traces of outside impact, forensic expert may give a record on his lifetime or post-mortem nature of injuries [5, p. 302-303].

Adapting of natural death of a victim is presence together with cases described. More often this variety is met in cases of victim poisoning by other person, which create an impression of non-participation to crime. Usually, poisoning substances are added to alcohol drinking, medicines, drugs or in meal. Mixing any substances in the most used by victim drinking is very efficient way to adaptation of natural death. From one hand, this is a way of concealment of poisoning substances introduced, and from other one – it refutes a version about poisoning by-stander, and third one – impedes establishing of poisoning substance in the subjects of examination, in which medicine and drug substances are prevailed, detecting under production of expertise. The latter might be ground for conclusions of the experts, who could not find poisoning substances during examination and supposing that excessive dosage might be caused a man death. But, it is existed clearly determined signs of intoxication, on which should be paid attention as under examination of scene of occurrence, so and under production of forensic and chemical expertise [14, p. 111].

Viewing of scene of occurrence is an important place when such categories of crimes are investigated, as in course of its production is solved wide circle of issues that require analytical approach and evaluation of set of information, which have relation to an event and will be able later to play a role of evidence on case. The scene of occurrence should be considered as a set of data that allow find various on volume and value information on crime event.

Unfortunately, under checking of a fact of corpse detection of Ismaylov N.A., stated recommendations were ignored by an investigator and as result the crime remained non-disclosed long time.

Ismaylov N.A. was killed by mobs – Mammadbekov, Abdullayev and others, who strangled him putting cellophane bag on head, and later a corpse had been delivered to a cemetery and laid down on gravestone, adapting a death from heart attack [1].

Scene of occurrence is a part objectively existing event where separate sides of it are fixed. It contains objective information on crime event that is reflected in changing of situation, traces of presence of criminal, his actions, their consequences

etc., which allows designing mental or partially material model of crime, its circumstances. In connection with this, theory of criminalistics determines a list of questions, which might be solved in process of examination of scene of occurrence: information on personality of criminal, time of his presence on scene of occurrence, motives and goals of crime commission, ways of penetration in a scene, ways of concealment of traces, etc. [15, p. 121-122].

Criminalistical books note justly that first private and common version on crime's event brought by an investigator contain analysis of examination results of scene of occurrence. This testifies on the fact that information from scene of occurrence is quite sufficient to determine direction of investigation, they allow bringing versions assisting on quick and efficient investigation of crime [8, p. 92-93].

Information, which received in scene of occurrence, has various nature and different evidential significance. It is important to find just information that is related to crime event. It should be solved mental tasks linked with relevance of information found to event investigated. Formation of this process has some aspects: a) perception of situation of occurrence scene; b) mental analysis of traces and material evidence found; c) establishing causative attitude found to crime event; d) creation of mental model of event happened [9, p. 66-67].

Perception of situation of occurrence scene subordinated to common regularities of perception, but together with them it possesses with its specifics determined by professional particularities, direction, subordination of the latter to forming or mental model of an event that taken as initial one [6, p. 210].

Professional direction of perception helps an investigator to establish during examination of occurrence scene presumptive places of traces found as in cases of their common location, so and in cases of their masking. Professional knowledge is widely used in cases of masking of traces or their destroying or creation new ones.

Being examined presumptive scene of murdering, investigator perceives situation with point of view the more characteristic traces of the event. Together with this, he should pay attention to other traces, which are not introduced in scene of event, contradicted to it. This changes idea on happened, is appeared new version on

adaptation. Under examination of occurrence scene an investigator receives the elements of mental analysis, allowing him to relate all perceived to the elements having significance for case, containing of evidential information or useless in form of event's cognition reflected in this place of occurrence. This analysis in its mental expression is distributed into all situation of occurrence scene, which, according to R.S. Belkin, acts as manifestation of quality and spatial ties forming in its complex an occurrence scene and separate traces and subjects that are presence in this situation and allowing assess it in correct form [2, p. 92].

Since for analytical activity, actual or mental, is inherent division of analyses' objects from combination and initially isolated their consideration so under examination of occurrence scene application of this function of analysis possesses with the same characteristics. Object found in course of occurrence scene examination is initially considered and analyzed with point of view of its common substance and assignment. After that it is carried out mental analysis targeted into establishing the signs, which testify on its using in crime event.

Further analysis presupposes detection of some information that allows determining a role and assignment of this object, place and ways of its using etc. thus, this stage of analysis, according to I. Cobart, gives an opportunity to find ties, which connect certain object with crime event, and thereby to make clear a circle of circumstances having significance for process of cognition in this investigation. Analysis of occurrence scene directed to the fact that to receive some quantity of information, which is allowed applicably to object investigated establishing temporary ties with event, substantive, spatial and personal links relatively to source of crime, ties with a way of its concealment. Therefore, each object found is analyzed, from one side, in frame of its existence in material world, and other one – its role in crime event. Direction of analysis and certain limitation with set of data, which might have significance for investigation, is determined by this requirement [6, p. 201-204].

Motion from analysis towards establishing of causative ties detected event of crime is carried out in process of results' evaluation of this analysis and

determination of strict causative dependence from action, which remained some results. Here, an investigation, which carried out in process of examination of occurrence scene, is raised on higher stage causing formation of private and common versions, and sometimes – direct establishing those circumstances, which are found in traces or their combination forming a situation of crime's event. So, detection of bullet and cartridge in occurrence scene allows in result of their analysis making a univocal conclusion on the fact that from what kind and type of arms they were shot. Studying the traces of motor transport in occurrence scene, one may establish what model were motor vehicle, and sometimes individual particularities in traces of tread that have identification significance. Thus, analyses' results come to clarification of causative ties in the situations indicated.

But, I.R. Lukin believes that in some cases analysis and its results do not allow make conclusion on causative dependence of the traces or subjects, found in occurrence scene, limiting capability of an investigator only with bringing of versions. Checking of these versions is carried out with production of some actions, in particular, forensic expertise. So, traces of break-in instrument do not allow establishing at once what type of instrument it was, but leave an opportunity to make certain supposition that directs an investigator to search of this instrument. The next causative attitude to crime's event is clarified by expert examination, which detect the signs testifying exactly by what instrument has been remained this trace. Thus, a scheme of establishing of causative ties is changed in dependence on quantity and nature of information received and ways of determination of its attitude to crime's event [10, p. 198-199].

Ideal imagination on an event and mechanism of crime, persons who committed of it, is formed on basis of the results of analysis of traces, material evidence found and establishing of causative ties between them in the extent, which is determined by available information. Generalization of the results of analysis allows accumulating information, synthesizing with establishing of causative ties, which is a basis for forming of ideal model of an event. Nature and volume of ideal model, which in its

cognitive development, is transformed in movable version, determining the direction of further cognition [10, p. 200].

Each ideal model of an event happened applicably to investigation of crime any category has certain extent of probability, which is determined with one side, availability of information (its evidential value), from other one – with number circumstances, which should be clarified for establishing of the truth in this case. In the cases, when the circumstances of the first group are clearly expressed than the circumstances of the second one, validity of version brought relatively to crime's event will be more considerable, and ideal model – fuller. Completeness of the model sufficiently facilitates determination of the ways to find those particularities, which transform ideal model to actually established circumstances. Due to bringing versions is mental process, under which is carried out cognition; therefore it performs cognitive function in course of investigation [12, p. 202].

The most interesting from the point of view of cognitive function of the models, designing in process of examination of occurrence scene, presents the fact that appearance and destruction of them carried out in course of discovering and assessing of evidential information. Therefore, they are not only dynamic (movable, developing), but also re-appearing and destroying in dependence of reasonableness of a model's components that determines finally its reliability.

Model of an event happened is distinguished with the fact that it has collecting nature, joining actions of criminal, victim, circumstances, which preceded crime's commission, and its consequences. This determines complexity and cognitive value of it. R.K. Wagner notes that such model as if joins the scattered traces, items, circumstances and supplements them with typology of an event, logics or adaptation, ideas on man's behaviour in the same situations, allows quickly and completely restore a picture of crime's event [13, p. 300].

An indicator of crime's adaptation in general, and lucrative murdering in particular, is detection during of examination of occurrence scene of negative circumstances what is also a basis for quick and effective investigation. Being examined a scene of occurrence, discovering evidence and analyzing them, an

investigator establishes the facts, which indicate character of crime, its motives, ways of commission, personality of criminal, etc.

Based on analysis and evaluation of some evidence in their combination, an investigator brings supposition about their origin, character of criminal's actions and other information, i.e. states private and common versions.

An investigator clarifies through logical thinking causative ties between traces found and actions of certain persons. Using own experience and data of criminalistics, he on some traces found established circumstances, which have important role in crime disclosure. From this point of view, V.I. Shirikov believes that there are not secondary evidences under production of examination of occurrence's scene as any as if non-sufficient but correctly assessed detail assumes an important significance for crime disclosure and criminal detection [16, p. 114-115].

Sometimes, under production of examination of occurrence's scene, an investigator deals with information, which are showed absence of the signs that are inherent to investigated event, i.e. with negative circumstances, contradicting on natural development of an event, objective regularities of existence of it.

As it is noted, negative circumstances is a notion that characterizes a combination of the traces, signs, which is deflection of common sequence of an event. In process of investigation they are the moment that assists discovering of contradictions in sequence of measures undertaken to establish causative ties between actions and result. Therefore, everything should be carefully assessed by an investigator based on causative dependence between actions and their results in form of traces or other material evidences.

Negative circumstances are the traces when natural course of events does not presuppose their presence in this place or conversely absence of these traces when they must be mandatory resulted of the actions undertaken. Correct interpretation and assessment of negative circumstances of presence or absence of traces assists exact understanding of circumstances of occurrence's event, designing versions and is used to check the testimonies of witnesses and accused persons [10, p. 199].

Above stated allows determining the negative circumstances as presence or absence of materially fixed traces or actions, which are, under certain conditions of place and time, contradicted to natural development of events, causative ties between these phenomena and their consequences. On character and way of detection they might be divided in two groups: a) negative circumstances – materially fixed traces; b) negative circumstances – actions. In turn, negative circumstances – traces are distinguished on their presence or absence when they must be mandatory. The reasons of traces appearance – negative circumstances in mostly murdering is became mistakes of a criminal or adaptation of traces.

Under examination of traces – negative circumstances it is necessary to take into account their disposition. In dependence on version brought it may clarify a meaning of negative circumstances, paying attention to details and their compliance to nature of crime.

To the second, more limited, group of negative circumstances are related actions. These negative circumstances should be taken into consideration by an investigator in time of bringing and checking versions. Correct evaluation of them is required knowledge of logics and psychology, careful analysis all circumstances of case.

Exposing of negative circumstances and their assessment present a certain complexity. They can be found relatively any conditions, and also with bringing of investigative versions and their checking as versions of an investigator so and versions of accused or suspected person. In practice of investigation exposing of negative circumstances is more often met in connection with checking of version brought by accused person (sometimes by applicant). Each negative circumstance is relatively, as it exists in compliance with these conditions or versions. So, circumstance, being negative relatively one condition or version might be become positive in respect of other version, i.e. being included in it as constituent part, receives logical explanation in chain of actions and their consequences. Thus, logical explanation of negative circumstance might be received only in course of analysis of investigation version. Elimination of causative ties between phenomenon and its

consequences, in order to explain negative circumstances, is carried out in logical form of conditional and categorical deduction, under which is understood such mediate inference of truth, in which one is conditional judgement, other – categorical judgement.

Consideration of negative circumstances shows what a great significance has their exposing and correct evaluation for investigation of crimes. Negative circumstances found by investigator under examination of occurrence's scene assist to evaluation and understanding of circumstances and content of crime's event. Together with other circumstances of crime they help designing of investigative versions, determining direction of investigation. Detection of negative circumstances is one of effective ways of checking of truthfulness and correctness the testimonies as witnesses so and accused persons, which are carried out in deadline. This helps fast investigation of crime committed. Ignoring of negative circumstances and wrong assessment of them is caused to mistakes, elimination of important evidences and is impeded establishing of the truth under crimes' investigation. In this connection, we should note that exposing of negative circumstances and their careful analysis is a key to detect crimes, including lucrative murdering hidden by adaptation.

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