

**Features of inspection of scene under investigation
of mercenary murders hidden by adaptation**

Abstract: Under committing of mercenary murders hidden by adaptation, natural course and nature of an event is deflected by system of actions undertaken by criminal. True picture of happened is masked some way and also distorted the content of an event. This circumstance makes complex cognitive activity of an investigator, considerably widening its diapason with presence of the deadlocks, uncertainty of versions brought, breaching of causal relationships between the event and its consequences

Common logics of investigation is violated under commission such kind of crimes and often caused a number of wrong judgements, which impede establishing of the true.

Murder of lucrative motivations associated with adaptation or as it acceptable in criminalistical terminology, murder hidden by adaptation, is usually committed in respect of persons, personality of which a quite good known, though sometimes it might be non-typical cases.

Despite some traditional nature inherent to all kinds of these crimes, in method of investigation of these one should pay attention onto the cases, which losing from general picture of event and remain non-disclosed due to typical approaches to investigation excluding heuristic resolution of the matters appearing in course of clarification of important circumstances for crimes' disclosure. The latter might be manifestation of typical approaches to resolution of the matters or resulting by professional deformation, in which typical prevails over heuristic. Mercenary murders hidden by adaptation are related to such kind of crimes.

Negative circumstances are a notion characterizing combination of the traces,

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signs, which are deviations in common sequence of the events. In course of investigation they are that moment, which assist finding of contradictions in consequence of measures undertaken for establishing the casual ties between action and result. Therefore, an investigator is recommended carefully evaluate everything that was found by him, discovering causal dependence between actions and their results – traces or other material evidences.

Keywords: mercenary murder; adaptation; logics of investigation; criminalistical method; inspection of scene; negative circumstances.

Technique of investigation of mercenary murders, which hidden with adaptation, is one of the complex one. Since a natural course and character of an event is corrupted with a system of the actions, undertaken by a criminal, the true scene of happened is masked but is jumped a core of the event. Named circumstance makes difficult cognitive activity of an investigator, considerably expanding its diapason with presence of dead end situations, uncertainty of the versions suggested, violation of the cause-effect links between an event and its consequences [5, p. 210].

Typical logics of investigation at the commission of such crimes are violated and often are caused with some wrong judgements, disturbing to establish the truth.

Murder from mercenary motives associated with adaptation or, as it customary in criminalistics, a murder hidden with adaptation is usually committed in respect of persons linked with relative, friendship, official ties, i.e. in respect of the persons, a personality of who is known well [14, p. 100]. Murders committed in respect of unknown persons are not included in this category; though, sometimes there might be untypical situations. Circumstances given are allowed with certain part of conditional nature discovering the regularities in them, which give an opportunity an investigator to bring forward a version about personality of a criminal, who is close of formalized with a victim. Some scientists, who involved in this studying, directly indicate at “regular in the adaptations”, noting that, as rule, adaptations are used by persons, who are in close links with victims and are needed to give explanation concerning to death

of their close people. Adaptation should be in wrong light presented an event happened and by that to stave suspicious off a guilty person [15, p. 291].

Despite some typicality inherent to all kind of this crime, one should be pay attention in the technique of murder's investigation at the cases, which are fallen from common picture of the event and are remained to be undetected just due to typical approaches to investigation, excluding heuristic decisions of the tasks appeared in a process of determination of important circumstances for crimes' disclosing. The latter might be as manifestation of typical approaches to decision of the tasks or result of the professional deformation, in which common, typical prevails over heuristic. Mercenary murders hidden with adaptation are related to this kind of crimes.

Knowledge of their criminalistical characteristics, the most informative of which is the ways of commission and concealment of crime, has a great significance at investigation of this category of the crimes. They are usually considered as independent elements, since each of them is forming a complex of the actions having various directions. As I.M. Shmelev notes, from one side, this is a system of criminal actions, in particular, murder of a victim, and from other one – a system of actions, which has other direction, - concealment of a crime event and the traces of its commission [5, p. 310].

Though, applicably to investigative category of the murders, a way of crime's commission and way of its concealment has other nature, which distinguishes them from typical ideas about the ways, existing in reality. In this context, a way of mercenary crime's commission, which hidden with adaptation, is joined with both, a way of commission and a way of concealment. This consists on the following: an event of crime follows one goal – to kill and to hide an offence, using any adaptation, which, in opinion of a criminal, will be more convincing and suitable for execution. Second side, which joins the ways of commission and concealment, is the fact that they both are carried out simultaneously or with very small difference in time. Sometimes, this is adapted with other circumstances, though, the fact that undertaken

actions are in advance planned, prepared and fulfilled almost simultaneously with a crime, and sometimes, before its commission (e.g. distribution of information about intention of a person to suicide and later adaptation of it) allows considering them like one way of crime, which are joined with goals, motives and implementation, as in way of commission so and a way of concealment [11, p. 292].

In addition, we should note that in some cases of crimes' commission, like and other crimes, criminal's idea about adaptation of an event appears spontaneously, and its realization at time often do not coincides with the event of crime. The idea about adaptation like a way of concealment of deed is appeared later than crime committed, and as this is presented to be like separately existed way of concealment.

It is actually impossible to give exhausted list of the ways of concealment with adaptation of a person's death as there are a lot of variants, which might to be chosen by a criminal. Therefore, let's consider only typical methods of concealment with adaptation of mercenary murder. So, for example, a murder, which is adapted like an accident of falling from the height, is usually characterized with the signs of body injures, caused with shoots of blunt instruments, distinguished by its features from the injures caused with falling from height [16, p. 262-263].

One of the kinds of the adaptation of murder in result of careless treatment with the arm is a statement of a suspected person about that a victim made a fatal wound himself. Under this, through determination of shooting distance and other signs, which are determined with forensic ballistic examination, there can be founded the signs of adaptation. The same way, it might be disclosed adaptation of suicide, under investigation of which the great role belongs to forensic ballistic examination, and also dactyloscopic examination, which is studying in the details of belonging to fingerprints a victim and suspected person [3, p. 291-292].

Practice of crimes' investigation has the cases, when a death is adapted by a drowning. At first view, the details of the circumstances of the drowning are truthfully described by a suspected person. Though, in course of a scene and a corpse inspection is established the data, which disprove witness' testimonies. So, in course

of measurement of depth of a place in a river or lake it is discovered the depth is not big and a victim could easily swim out. Moreover, even external inspection of a corpse testifies about presence of wounds and injuries, which could not be appeared under drowning. During production of forensic medical expertise is often clarified that a victim was thrown at water, being dead. Thus, a version about drowning adaptation might be confirmed [4, p. 91].

Under commission of kill is quite often used the following burning, being supposed that the traces so and corpses will be destroyed by a fire. Actually, there is most part of criminals' traces at a scene and committed killing are destroyed by the fire. Though, analysis circumstances of corpses discovering, which are linked with fire, allows establishing their personalities. Detailed examination of found during expertise productions and remained traces give to an investigator a complex of evidences, testifying about an event happened and a mechanism of its fulfillment. There is a significant information comes from a forensic medical expert, who examines the corpse burned. Thus, the results of expertise can be established that available traumas from a fire are post-mortem ones, a nature of the wounds are not linked with burning; the lubricants were a fireplace at different places of a room etc. All these signs, which have a nature of negative circumstances, indicate to presence of adaptation and refute other appeared versions [7, p. 92-94].

Death from electricity is a rather rare kind of adaptation – a statement of a person death resulted careless treatment with electric appliances or other sources of electricity. Despite a careful preparation and designing of a model of incident, which is presented to be blameless, there are also existed the signs of adaptation. According to I.S. Yaschin, the signs, which characterize adaptation such kind of murders, are the following: location of the traces of electricity at places, which are not linked with accidental touching a source of electricity; absence of traces of electric locking from long influence of electricity to a person; dislocation of a corpse concerning to source of electricity; presence of violence or resistance traces on a corpse. It is rather complex is a disclosure of adaptation in these cases and it requires not only special

knowledge but also detailed analysis all circumstances, which might have attitude to an event of a crime [17, p. 287-289].

There are quite often the cases of adaptation in the practice, which are happened in result of car or railway traumas. Under investigation such incidents inspection of a scene and a corpse, and also assignment of forensic medical expert examination are the main investigative actions. As rule, an expert determines post-mortem nature of injuries, which caused with transport means, during inspection of a corpse at the scene. Specialist draws attention of an investigator to localization of a trauma, which is not corresponded to typical dislocation of the traumas, appearing under car crash, and corresponds to the injuries, which are inherent to horizontal position of a victim's body, i.e. about the fact that victim was laid down at a road or railway line. These circumstances assist to formation by an investigator of a version about adaptation of an accident [17, p. 290-291].

One of the crimes considered is an adaptation of a suicide. It might be adapted as suicide with using of weapon, drowning, through hanging, and poisoning. There are the signs that inherent to each of the varieties, which allow constructing a version about adaptation of an event.

According to I.S. Nikolayev, the following signs might be assisted to disclosing of death adaptation from arm: a) absence of the traces of burn injuries, traces of unburned moles or so named "recoil injury" – a fingerprinting of a muzzle trace at a body or clothes of a victim as evidence shot to point-blank; b) big distance between traces of shot and arm, which, ostensibly, was at hand of a victim; c) incompliance of position of arm and pose of a corpse, which testifies that shot was produced by other person; d) absence of shot cartridge-case at a scene like an evidence of material evidence destroying; e) availability of two shots, each of which was a fatal, and others [11, p. 294-296].

Determination of this information, received by an investigator independently or with help of forensic-medical experts is a direct evidence of adaptation, excluding other versions and refuting the statements of persons about suicide. The results of

thorough inspection (together with above mentioned) of a scene with participation of forensic ballistic specialist and forensic-medical expert assist to right interpretation of the traces, their mutual disposition (blood traces), location of an arm to attitude to a corpse, traces of shots etc. [14, p. 108].

Another variety of the adaptation is a suicide through hanging. The signs of the adaptation of such crime might be different circumstances, which contradict to information of persons about suicide. We should note that in some cases in order to create truthful picture of an event, an adaptation of hanging is thorough prepared and whole mechanism is worked out in the details. Criminal prepares not only some material traces (ropes, ante-mortem letters), but also an ideal ones, distributing rumors that a victim had many times expressed an intention to suicide as he was tired of life; to get rid of illness, which had bothered him, etc. Creation of ideal traces, which confirm truthfulness of adapted event, is assisting to appearance wrong versions disturbing to a choice of the correct direction of investigation [16, p. 300].

Disclosing of the circumstances, which are not meet common ideas about natural development of an event, is the typical signs of suicide's adaptation. The following are related to such circumstances: a) absence of required distance between the stand for feet and a corpse; b) absence of dirty layers on footwear or feet of hung person, despite that there is a dirty around of scene; c) presence of the traces of fight or resistance, which was confirmed with abrasions around a neck and hands of a victim; d) presence of constriction mark of post-mortem origin; e) remoteness of writing of ante-mortem note or writing of it by other person, attempting to copy of victim's handwriting and others. Analysis of enumerated circumstances, some of which might be obvious or hidden, is the basis for brought the versions about adaptation of a suicide [16, p. 301-304].

There are the adaptations of suicide in practice committed with using of cold arm. In course of inspection of a scene and corpse might be found the signs indicating to adaptation. They are the following: a) presence of the cuts on victim's hands, which might be a resistance's traces; b) presence of a cold arm of the fingerprints,

which belong to other person; c) presence of injuries, which, judging their location, a victim could not make himself; d) presence of two injuries, each of them, according to forensic-medical record, is a fatal; e) presence of the traces, obviously testifying about resistance of a victim; f) absence of a victim's hands of blood traces, which should be if he made with a cold arm the injuries himself [5, p. 301].

Enumerated circumstances do not exhaust all signs, which are the basis to bring the versions about adaptation of suicide, though they are directing to this the both, an investigator and forensic-medical expert.

Adaptation of a suicide can be fulfilled through drowning. In these cases, the main signs, which indicate into adaptation, are a presence of violence's traces – injuries on the hands and sometimes on a head of a drowned man. One should pay special attention in the traces of external influence; a forensic-medical expert can give a record about lifetime or post-mortem nature of injuries [5, p. 302-303].

Together with described cases, there is an adaptation of natural death of a victim. More often this variety is met in cases of poisoning of a victim by other person, who tries to make an impression of his non-participation in this crime. Usually, poisoning substances are mixed with alcohol drinks, medicines, drugs or in food. Adulteration poisoning substances in drinks or food, which are often used by a victim, is very effective way of adaptation of natural death. In other side, this is a way to conceal of used poisoning substances, with other one – it refutes a version about poisoning with other person, and in third one – impede to establishing of the poisoning substance in these or those objects of examination, where mainly prevail medicine and drug substances founded under production of expertise. The latter might be the basis for the experts' conclusions not detected the poisoning substances under examination and therefore supposing that exceeding of a dose might be caused of a man's death. Though, there are clear determined signs of poisoning, in which should be paid attention during inspection of a scene and under production of forensic-medical and forensic-chemical expert examinations [14, p. 111].

Inspection of a scene has an important significance under investigation of the cases of indicated category, since in process of its production is resolved a big circle of the matters, requiring of analytical approach and evaluation of a complex of information, which have attitude to the event and will be able to be as evidences on the case. Under this, the scene should be considered as a complex of information, which allow finding different on volume and value information about crime's event.

Unfortunately, under checking of the fact of detection a corpse of Ismayilov N.A. stated by an investigator recommendations were ignored, as result the crime has been remained long time undetected.

Ismayilov N.A. was killed by Mammadbekov, Abdullayev and others, the members of a band, who smothered him, putting on his head a plastic bag, and after that delivered a corpse to a cemetery and had put on a ledger stone, imitating his death from heart-attack [1].

The scene is presented itself a fragment of objectively existed event, where are fixed its separate sides. It contains objective information about crime's event, reflected in changing of furniture, traces of criminal's visiting, his actions, their consequences etc., which allow designing thinking or partly material model of a crime, its circumstances. In connection with this, a theory of criminalistics determines a list of the matters, which might be resolved during inspection of a scene: information about criminal, time his visit at the scene, motives and goals of crime's commission, the ways of entering to the scene, the ways of traces' concealment etc. [15, p. 121-122].

It is justly noted in criminalistical literature that first private and general versions about crime's event, put forward by an investigator, often is contained in its basis the analysis of results of a scene's inspection. This testifies that there is quite enough information at a scene in order to determine a direction of investigation, they allow putting forward a version enabling to fast and efficient investigation of a crime [8, p. 92-93].

Information, which is received at a scene, has different nature and evidential significance. There is an important to find in a complex of information the facts, which are related to crime's event. It is necessary for that to resolve thinking tasks, which linked with pertinence of found item to investigated event. Formation of this process has some aspects: a) perception of items dislocation of a scene; b) thinking analysis of discovered traces and material evidences; c) determination of causative attitude of found to crime's event; d) designing of thinking model of crime's event [9, p. 66-67].

Perception of the item dislocation by an investigator subordinated to common regularities of the perception, though it has own specifics, which is determined with professional particularities, subordination of the latter to forming as a primary of thinking model of an event [6, p. 210].

Professional direction of perception helps to an investigator during inspection of a scene to establish presupposed places of the traces' discovering in the both cases, as in case of common location, so and in case their masking. Professional knowledge is widely used in the cases of traces' masking, their destroying or creation new ones.

Being inspected a presupposed place of killing, investigator perceive a situation as the most characteristic traces of this event. In addition, his attention should be concentrated into other traces, which are out of a picture of the scene, even contradict to it, changes imagination about happened, creating a version about adaptation. Under inspection of a scene there are appeared the elements of thinking analysis, which allow relating all perceived to the objects having significance for a case and containing evidential information or to useless in plan of cognition. Such analysis is distributed to whole situation of a scene, which, according to R.S. Belkin, acts as manifestation of quality and spatial links compiling a complex of the scene and also some traces and items, which are allowed to rightly evaluate of it [2, p. 92].

Since, disarticulation of the object of analysis from combination and initial their consideration is characteristic for analytical activity so an application of the analysis function under inspection of a scene possesses with such characteristics. Detected in

course of a scene inspection an object is primarily considered and analyzed as its substance and assignment. After that thinking analysis is made, aimed to establishing of such signs, which testify about its usage at crime's event.

The further analysis supposes detection of some information, which allows determination a role and assignment of this object, place and ways of its usage etc. Thus, this stage, according to I. Cobart, gives an opportunity to find the chains linking a certain object with crime's event, and thereby to make clear a circle of the circumstances having significance for a cognition process in this investigation. Analysis of situation of a scene directed to receive some quantity of information, which allows establishing applicably to research object the temporal ties with an event, substantial, spatial and personal links relatively to a source of crime, link with a way to conceal of it. Therefore, each detected object is analyzed material one, and determined its role in crime's event. This requirement is also determined direction of the analysis, some its limitation with a complex of information, which may have significance for investigation [6, p. 201-204].

Movement from analysis to establishing of causative ties of detected event of crime is produced in process of assessment of the results of this analysis and discovering a strict causative dependence from action, which left some results. Here, investigation carried out in process of inspection of a scene is come up in higher level enabling to formation of private and common versions, and in some cases – a direct establishing of the circumstances, which are manifested in the traces or in their combination, forming of a situation of crime's event. So, discovering a bullet or shot cartridge case at a scene allows coming to conclusion what type arm was used. Studying the traces of a transport means at scene one may establish a model of a car and sometimes individual particularities of its wheel having identification significance. Thus, the results of analysis in indicated cases are come to determination of causative ties.

According to I.P. Lukin, sometimes an analysis and its results do not allow making a conclusion about causative dependence of the traces or items that detected

at a scene. This limits an opportunity to an investigator only with put forward the versions, checking of which is carried out with production of the actions, in particular a forensic expert examinations. So, the traces of an instrument of breaking are not allowed establishing at once what instrument was used. Though, this remains a chance to do presupposition assisting to investigator in searching of this instrument. The following causative relation to an event of crime is clarified with expert examination, discovering the signs, which are testified about the fact that this trace belongs just to the instrument. Consequently, a scheme of establishing of causative ties is changed in dependence on quantity and nature of received information and the ways of determination its attitude to crime's event [10, p. 198-199].

Mental imagination about an event and crime's mechanism, persons committed of it, is formed at a base of an analysis' results of detected traces, material evidences and establishing of causative links between them. Generalization of analysis' results allows accumulating information, synthesizing through establishing of causative ties, which is a basis for formation of mental model of an event. Nature and volume of evidential information determine a completeness and validity of the mental model, which in cognitive development is turned out in movable version, determining direction of the following cognition [10, p. 200].

Each mental model of happened event applicably to investigation of crime any category has a certain level of probability, which is determined with availability of information (evidential value of it) and with number of the circumstances, which should be clarified in order to establish the truth in this case. In those cases, when circumstances of the first group is expressed more clearly than the circumstances of the second one, reasonableness of forwarded version relatively to crime's event will be significant, and its mental model – more complete. Completeness of the model makes sufficiently easy determination of the ways of detection those details, which transmit a mental model into really established circumstances. Since bringing up the versions is a mental process, under which is fulfilled cognition, so during investigation it does a cognitive function [10, p. 202].

From point of view of cognitive function of the models designing in process of inspection of a scene the most interested presented to be the fact that appearance and destroying carried out as far as detection and evaluation of evidential information. Therefore, they are a dynamic (movable, developing) and newly appeared and destroying in dependence on validity of the model's components, which determine reliability of it.

Model, created concerning to happened event, is distinguished with the fact that it has a collective nature, joining in itself action of criminal, victim, circumstances, previous to crime commission, and its consequences. This determines a complexity and cognitive value of it. According to R.K. Wagner, such model joins disembodied traces, items, circumstances and supplements them with typology of the event, logics or adaptation, imagination about deeds of people in the same situation, allows quickly restoring a picture of crime's event [13, p. 300].

Discovering of the negative circumstances in process of inspection of a scene is an indicator of adaptation of a crime, including a mercenary murder; this is also a basis of fast and effective investigation. Conducting an inspection of a scene, discovering the evidences and analyzing them, an investigator establishes the facts, which indicate into nature of crime, its motives, ways of commission, personality of criminal and others.

Basing on analysis and evaluation of some evidences in their combination, an investigator brings presuppositions about origin of them; nature of criminal's actions and other information, i.e. designs of the private and common versions.

Using a logical thought an investigator makes clear causative ties between found traces and actions of certain persons. On some noticed signs he, using criminalistical information, establishes circumstances playing leading role in disclosure of crime. According to V.I. Shirikov, there are no secondary evidences under production of inspection of a scene as an insufficient, at the first sight, though rightly assessed detail obtains an important meaning for disclosure of crime and detection of a criminal [16, p. 114-115].

During production of inspection, an investigator has sometimes a deal with information, which indicates at absence of the signs inherent to investigated event or phenomenon, i.e. with negative circumstances, contradicting to natural development of the event, objective regularities of its existence.

As it noted, negative circumstance is a notion characterizing of combination of the traces, signs, which presented to be itself deviation in common sequence of an event. They are that moment in process of investigation, which assists to disclosure of the contradictions in sequence of the measures, undertaken for establishing of causative ties between an action and result. Therefore, an investigator is recommended especially to evaluate thorough everything detected by him, discovering causative dependence between the actions and their results in form of traces or other material evidences.

Negative circumstances are presented to be the traces in the cases, when natural course of the events are not presupposed their presence at this place or opposite, absence of these traces in the cases, when they should be mandatory resulted of undertaken actions. Rightly interpretation and assessment of the negative circumstances in connection with clarifying of the reasons of creation of the traces or reasons their absence are assisted to accuracy understanding of the circumstance of a crime's event, designing of the versions and are used for checking of the testimonies of witnesses and accused persons [10, p. 199].

Stated above allows determining the negative circumstances like presence or absence of materially fixed traces or actions, which under certain conditions contradict to natural development of the events, to causative ties between these phenomena and their consequences. On nature, and also on the way of detection they can be divided into the two groups” a) negative circumstances – materially fixed traces; b) negative circumstances – actions. In turn, negative circumstances – traces are distinguished on their presence and absence in the cases, when they should be mandatory. The reasons of traces’ appearance – negative circumstances mostly are either neglect of a criminal or adaptation of the traces.

Under consideration of the traces – negative circumstances, it is necessary to take into account a nature and place of their location. In dependence on brought version one may clarify a sense of the negative circumstances, paying attention to the details and their compliance to a crime's nature.

The actions are related to the second, more limited group of the negative circumstances. These negative circumstances should be taken into account, when the versions are brought and checked. The correct assessment of them is required knowledge of logics and psychology, careful analysis whole circumstances of a case.

Detection of the negative circumstances and their evaluation present a certain complexity. They might be discovered relatively these or those conditions, and also in connection with brought of investigative versions and their checking, both versions, like an investigator so and accused or suspected person. In investigative practice discovering of the negative circumstances is more often met in connection with versions' checking brought by accused person (and often by an applicant). Each negative circumstance is relatively, it exists in compliance with these conditions or versions. So, any circumstance being negative relatively one condition or version, might be a positive relatively another one, i.e. being included in it as a constituent part, receives its logical explanation in a chain of actions and their consequences. Thus, negative circumstance may receive its logical explanation only in result of the conditions of an investigative version. Elimination of causative ties between phenomenon and its consequences in order to explain the negative circumstances fulfills in the logic form of conditionally-categorical judgement, under which is understood such indirect judgement of reliability, in which one is a conditional judgement, and other one is a categorical judgement.

Consideration of the negative circumstances shows what significance has their discovering and right assessment for investigation of the crimes. The negative circumstances, discovering by an investigator under inspection of a scene, assist to evaluation and understanding of the circumstances and content of crime's event. In combination with other circumstances of a crime they assist to designing of the

investigative versions, determining direction of an investigation. Detection of the negative circumstances is one of the effective ways of checking of truthfulness and correctness of the testimonies of witnesses and accused persons. Ignoring of the negative circumstances and wrong assessment of them is caused to mistakes and a loss of the significant evidences and as result, impedes of establishing of the truth under crimes' investigation. In this connection, we should note that detection of the negative circumstances and their thorough analysis are a key to disclose of crimes, including mercenary murders hidden by adaptation.

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