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Some features of formation and use of versions

The key step of the investigator during the inspection activities is the extension and validation investigative leads. Features of versions at this stage of the investigation is their multi-variant, permanent character, the ability to check directly with the inspection of the scene. Their significance consist of: a) determining the range of circumstances to be established and objects requiring the search; b) establishing links between identified, its place and role in the events, evidence-based and tactical value; c) the timely planning of urgent investigative actions and operative-search measures to facilitate collection of information.

Key words: versions, information, indirect experience, investigation, nvestigative actions, operational search actions.

During the inspection of the scene person who carrying out pre-trial investigation, makes the first attempt to describe the event, to explain detected situation, to find out its value to the investigation. Solution of these problems occurs during the construction of the first version, which determine the direction of further investigation. Preliminary consideration of cause and effect allows to understand connection of versions derived from these effects, because in most cases, version is an assumption about causes which identified in the material conditions of changes. Formation of versions — difficult and important stage of knowledge, construction of inferences based on the judgment as the results of the analytical and synthetic study of the situation on the scene, which purpose is to obtain new information with more or less high extent probability of perceived aspects of crime that need to be installed.

Problems of formation of versions as one of the methods of cognition of a crime are reflected in [1–3] and others. At the same time, there is no unanimity of views in nomination of versions on specific issues during the inspection of the scene, in the criminalistic literature. In addition, special aspects of building versions in different situations of the investigation, also mistakes which made in this case studied too low. Analysis of the available works demonstrate that scientists have unambiguous position on the possibility and feasibility of the nomination of versions in the inspection of the scene. For example, some scientists on the basis of understanding the traditionally accepted lead as an objectively reasonable assumptions about the nature of the incident scene, and its elements, consider formation of versions possible only if there is a sufficient factual basis [4; 22, 5; 151]. Others note the ability of constructing versions with a minimum initial information, including the time of the inspection of the scene [6; 5, 7; 140, 8; 51]. The difference of approaches to the issue connected with the specific versions in the process of inspection of the scene, due to the lack of sufficient information about the event of the crime and the criminal. The situation before initiating inspection may be characterized by varying extent of awareness — from the brief information about what happened, identify the individual tracks that (presumably) relate to a crime, to apprehend a criminal at the crime scene.

The basis for the development of versions in the course of inspection of the scene are the results of the analysis of the situation, its parts, as well as mental activity to establish the causes of the observed changes — actions of people, events according to their assessment, formulation of event patterns, etc. Evaluation as a

judgment about credibility and value of the objects is the result of the expression of subjective opinions about the facts, their connection with each other and with the event. Also person who carries out pre-trial investigation is guided not only by the results of direct personal experience acquired in the study of the factual circumstances of the crime, but also the experience gained in the investigation of other crimes, as well as knowledge and practices of others (indirect experience) [4; 109]. Reflecting to V.A. Konovalova, it is necessary to consider two aspects versions — an objective (objectively existing circumstances of the accident as a base version) and subjective (as an expression of personal estimates, causes and circumstances of a crime under investigation) [9; 13].

During the inspection, person who carrying out pre-trial investigation, operates information, which is not only reflected on the scene, and was obtained from other sources, including the one that has no evidentiary value, — oral or written reports, explaining of the eyewitnesses, the victim, operational information, information from the criminal records and others. In any case, the person carrying out pre-trial investigation will be more or less complete picture of the event that took place, which determines the possibility of constructing versions, as well as the extent of their validity.

Construction of versions in process of inspection of the scene takes place in accordance with the laws of logic. This particular activities related to the applied techniques of logical thinking, depends on amount of information about the event. As noted in the criminalistic literature, extended versions based on the analysis of evidence material is inductive method, in the absence of such material — deductive, and in the case of similarity of the available information with observed earlier — similar [9; 12]. In the first case, on the basis of synthetic consideration of certain identified features of event that took place, the person carrying out pre-trial investigation concludes a more general nature in the second, on the basis of generalized representations, it considers necessary the existence of separate parts; in the third — makes the assumption of the possible presence of certain circumstances, following in connection with the already identified coincidental combination of features in the investigation event. Using of analogy is manifested in using of information about the typical symptoms of certain types of crimes — the typical ways of committing and concealing them and signs that characterize them.

In addition to information directly related to the offense under investigation, an important role in constructing of versions by using certain general data, by comparing with the actually existing event which makes conclusions for a particular crime scene inspection. The main direction of extended lead is determined by the substantive and procedural law.

First of all, during this activity a success maybe achieved by abidance conditions to the general rules of logic of reasoning and communication of their elements. Firstly, such rules in the construction conclusion require to use only efficient facts [10; 177]. This requirement could be violated as a result of incorrect using of the data analysis, evaluation, and using of false or inaccurate information about certain kind of laws. Secondly, the connection between the premises and reached conclusions must be unique and in a certain way justified. Non-observance this rules cause the false conclusions like «do not». Compliance with these rules allows to draw conclusions different extents of accuracy: reliable — in deductive conclusion, valid or probable — in inductive [10; 214].

Precedence inspection of the scene during the investigation, the volume of initial information does not allow the person conducting the pre-trial investigation to be sufficiently aware of the details of event that is studied. In addition, incomplete representation of the event creates a threat to the correct assessment of the available information. Even at first glance, obvious picture may actually have a different character, be distorted, staged, and its details — is not associated with the event. Identified changes in the situation can be regarded as the effects of different reasons. These circumstances determine the construction of the versions in process of inspection scene require different (including reverse) an explanation of events and some of its parts [11; 35, 8; 54]. This approach of the advancement of versions allows to avoid one-sidedness in the investigation, provide all the possible options of flowing events in this situation, more fully identify and explore significant information for investigation with purposes to further establishing the truth.

Another feature of versions built during the inspection of the scene their permanent nature, mobility: as more information is obtained such versions are gradually changing and refined, discarded and put forward again. Version is the starting point in the process of development of the model, as the assumption of wider plan of the studied phenomenon, object, combining their quality — both static and dynamic, external and internal, physical and mental [1; 21]. According to V. Popov in the cromonalistic literature this team model is associated, a "floating silhouette" [12; 56], discovering new evidence, revealing their hidden connections, the event mentally replayed in the mind of the investigator, determined place of each established fact in

the general picture of event. A special feature of this model that it does not have only abstract nature, also includes real objects and traces that characterize not only the actions of participants in the events, but the circumstances leading up to it and follow it.

In situation of limited information about the nature of the events that took place, inspection of the scene begins from the construction of the options general versions. Depending on the suspected cause of the incident version may be nominated for its individual elements (members, crime method, used guns, etc.). As well as person who carries out pre-trial investigation use the recommended methods of investigation of certain types of crimes, typical lead which expressed in general laws of their commitment of the usual situations. The quality and completeness of this kind of recommendations substantially affect on the correct extension of versions, the predictions of all the possible explanations for the circumstances of accident. Topical focus more efficient using of general versions is their formation based on the analysis of the correlations between the elements of criminological characteristics of individual categories of crimes, which includes the study of large empirical array and its careful handling and a scientific substantiation of the results. Application of knowledge about elements of criminological characteristics of the particular category of offenses make it possible in situation of incomplete event reflection build version on its basic circumstances [13; 4].

Cognitive role of the version is not only ability to explain the known circumstances of the crime investigation, but that it can help open up new circumstances and facts that are not known to the investigator until the moment of release [14; 61]. The consequences derived from the common version, taking into consideration the knowledge of typical traces of certain types of crime allow to implement direct search for specific tracks and facilities. Justification of the reasons, time occurrence (changes, extinction) happening in the process of nomination and verification of individual versions. Depending on which of these are confirmed by checking, will regulate common version, eliminate false versions. What about separate versions, according to A.N. Vasiliev, they can also occur on the circumstances not related to the cause of a crime, but which have connection with him at the place and time [4; 40]. For example, the version that found traces can be formed at the scene after committing the crime by other persons, or lack of necessary traces for this situation, may be related to their subsequent damage, destruction by outsiders, animals, the disappearance under the influence of objective temporal processes, weather conditions etc. Such new versions will contribute to the proper definition of lines of inquiry, establishing ways of obtaining circumstantial evidence. V.P. Kolmakov, emphasizing the role of small objects — physical evidence in the investigation of crimes, tried to typify version of causes by their appearance on the scene:

- a) were brought or forgotten, lost by criminal or accomplices in the crime at the scene;
- b) have been the victim, remained on the scene at the time of commission of the offense;
- c) taken by criminal from outsiders and thrown at the scene to enter the investigator misled;
- g) was brought to the scene survey participants, there are forgotten or lost;
- d) were at the scene, got there before or after the commission of the crime and not in connection with them [15; 150].

The decisive role in the formation of versions during the inspection plays a detection method of committing the crime, which allows on the basis of theoretical typifications nominate assumptions about many other related elements of the event (in particular, the characteristic traces of the application of this method and their location — «the trace picture»); using tools and resources; typological and individual characteristics of the criminal, his skills; place, time, circumstances of the offense, its motives, and others. The importance of establishing methods of offense for the investigation have repeatedly emphasized in the criminalistic literature [4; 64, 14; 80], as a choice of a criminal, is not accidental, is associated with the objective conditions of the commission of the crime, individual characteristics of a criminal, his attitude to the object, victim, the motives of actions, etc. It is noted that the process of committing a crime must be considered in a broad sense, including the way of hiding [4; 66]. In each case, the last one, has pronounced features to characterize the person who committed the crime, their status, availability needs in concealment of these circumstances, the possible reasons for this. So, to conceal the murder by destroying the corpse, staging an accident or suicide are usually resorted a person from among the relatives of the victim; to conceal «for a time» the fact of committing a crime, and their tracks in the scene resorted criminals, not related to the victim [4; 68]. A corresponding method of crime can be used only by persons with the possibility of its implementation, access to the object and means of committing a crime. In other cases, the set features of the process of committing a crime (pattern in crime) suggests that it has committed a particular person. At the same time it is necessary to take into account the fact that other person may conceal a crime, which is not a criminal [16; 38].

It is necessary to emphasize the special importance of the participation of experts in nominating versions. Received due to the expertise information helps build a version on important elements and circumstances of the event (the number of its members, their individual characteristics, the nature of the actions and behavior, mechanism and manner of commission of the offense, there is a performance, the type and the individual characteristics of used tools, time, place and the motives of the damage and others) that contribute timely planning and conducting urgent investigative actions and operational-search measures.

Usually the version put forward during the inspection of the scene, are checked in the process of further investigation. Some of them can be confirmed, some even denied during the inspection that is carried out by the consequences of the constructed versions and subsequent verification of their presence in the material conditions of the scene, in other sources (the testimony of the persons, criminal records, etc.). This is more predictive versioning. As a result of this test may established lack of the necessary details of the situation (the consequences) or their damaged views, condition or location, which contributes to narrowing of the range of version and specifying further investigation [17; 4].

At the same time, the confirmation of consequence of the advanced version is not yet its uniquely correctness, since occurrence of the last one could be due by other causes, including falsification by individuals. In addition, consequences that derived from the built version can be unambiguous and credible, that is only be possible under the action of some of the reasons in this situation, because the conditions of its validity can not be clearly established. Necessary consequences arising from the fact of committing a crime, as O.Y. Baev writes always exhaustive, as determined by the type of crime and the method of its commission and do not depend on the personality of criminal and the circumstances of the commission of a criminal act [18; 77]. Realization of this provision in criminalistic science is the inclusion of criminalistic characteristics of individual species and groups of crimes as an independent element — trace pictures — descriptions of typical traces of the crime, making it easier to advance and check versions in practice. In this way, the absence of the necessary consequences for this case is a signal that the built version incorrect or inaccurate, while the absence of possible consequences of it does not exclude.

In checking versions during the inspection of the scene, considerable importance have the opportunity in using the information contained in the criminalistic accounting systems. Registration information, as noted in the literature, plays an important role in the search and establishment of criminal dactocard by comparing a person who is registered in the operational and reference files of internal affairs, finger-print, left by criminal at the scene. Verification may be subject to other groups of tracks, as well as individual objects (weapons, guns hacking, etc.), characteristics the method of committing the crime, allows to refine available versions and exclude refuted. Opportunities of investigator for the operational use of criminal records data and the rapid exchange of relevant information directly from the scene in recent years significantly increased, due to the use of mobile phones equipped with digital photography, which allow to send pictures of objects and tracks within a few minutes through the Network [19; 3].

Conducting additional inspection of the scene, as indicated the analysis of criminal cases, becomes mainly necessary due to the incompleteness of the nomination and checking all possible versions. Thus, are still unaccounted for specific details of the situation: the approach path to the scene, the subjects used as a weapon of criminal in committing a crime, traces, and others.

Taking into account above we can summarized that the value of the version in the inspection of the scene affected:

- to the definition of the circumstances need to be established and objects, requiring the search;
- to establish links between the revealed, their place and role in the events of their evidencial and operative value;
- the timely planning of urgent investigative actions and operative-search measures facilitating collection of information.

Despite the priority inspection of the scene, and related characteristics previously mentioned, there are already possibilities for the construction of a wide range of versions at this stage, among which are:

a) General, indicating: nature of the event that occurred (crime, accident, suicide, natural death, and the other non-criminal event); view of the offense; the way it was committed (concealment);

b) Individual about: used guns, means of committing crimes; the methods and the way of penetration criminal (s) on the scene; nature and sequence of criminal (s) actions, victim at the scene (mechanism of action); the residence time of criminal (s) at the scene; the crime scene; time when it was committed; the number of criminals, their characteristics (appearance, social status, psychological portrait, profession, nature of the relationship with the victim, awareness about mode operation of objects, people, etc.); objectives, mo-

tives criminal action (s); the presence of traces of the crime and criminal (s), other evidence of their possible location; the origin of the detected traces; traces that may remain on the offender (s), and others.

The results of generalization practice investigation of criminal cases allow to draw conclusions about the necessity of forming versions in the inspection of the scene. In the process of the study of criminal cases, in each of them we evaluated the initial information about the crime, the results obtained during the inspection, conducting operative search measures, that is all that could be the basis for building a version. The results were compared with the information containing in the other cases — the protocols of investigative actions, expert opinions, qualification of the act, sentences.

Thus, in 82% of cases of crime scene investigation, obtained results give grounds for promoting the unique version about nature of the event; 21% — the available information do not allow to draw such conclusions (were the preconditions for the consideration of all standard versions of the research situation); 80% — there were grounds to put forward suggestions on the type of the offense; 23% — such a conclusion could not make unambiguously.

In 83% of the inspection, studying trace picture allowed to put forward reasonable suggestions on how to commit a crime (strangulation, inflicting fatal stab, gunshot injuries, abrasions, arson, hitting the vehicle, drowning in water, throwing from a height, penetration into the premises by breaking doors, locks, windows, walls, etc.), which was confirmed in the next 76% of criminal cases. In 24% of diagnosed cases it was not enough information for such conclusions. Versions about way of concealing the crime had reason to nominate 36% of the investigated cases (it is the concealment, destruction of corpses, victims of things, instruments of committing the crime, removing blood stains from clothing, the criminal body, guns, hand traces with fitments, masking traces objects, creating a performance), which was confirmed in 28% of cases. For example, if criminals commit crime in the area where the victim lives, in process of fleeing from the scene, often use his keys to the front door, to give the appearance of his absence at home, with the aim of leaving a corpse for a long time undetected. In 47% of cases the inspection results provide grounds for speculation that the offender did not resort to conceal the crime. Version about guns used in commission of a crime could be put forward only according to received during the inspection of the incident information in 65% of cases (as indicated by the nature of the damage, as well as the direct detection of themselves weapons, which are characterized by the presence of blood on them layers, and other substances) that further confirmed in 56% of criminal cases.

In 70% of cases of crime scene investigation gave grounds for a version that scene is a crime scene (that of the victim's body was found at the scene of the murder, often indicates the presence of randomly scattered things, traces of blood, the presence of traces of eating, drinking alcohol, the victim is the owner of the apartment, violated a familiar atmosphere in the room, on the ground, the presence of damage, the lack of property, finding murder weapons of crime, etc.). These findings are further confirmed in 68% of cases. Version mismatch scene and crime scene had reason to nominate 15% of cases (place inspected: concealment of a corpse prior bodily injury, criminal detention after committing the crime, finding traces associated with the concealment of the crime). In 20% of cases there were no grounds for nominating version of the crime scene.

In 58% of criminal cases considered by the analysis of the situation made it possible to build a scene version about method and the penetration of the offender at the scene and used tools in this case, which was confirmed in 45% of cases. On the nature and consistency of the criminal actions of the victim at the scene (mechanism of action) shows a picture of what happened in 63% of cases (which is confirmed by the other materials of the case in 55% of cases), a residence time of the offender on the spot — in 39% (such conclusions can be made with considering left destruction, damage to the victim, moving corpse, objects and other violations of the situation, signs of joint residence with the victim, etc.), as confirmed in 30% of cases.

In 82% of cases, as a generalization of the results show there is the possibility of nominating versions of the crime about time (this takes into account signs of decomposition, entomofauna corpse, the nature of his clothes, the nature of food debris, testimony of witnesses, the prescription of blood traces, shoes, the presence of snow tracks, rain, layers under corpse, which correspond to the environment, damage to vegetation, signs of burning, burnt matches, included lighting, finding traces of blood on the switch, the date of documents, newspapers, operation, attendance of specific objects, areas, etc.), which is confirmed by other materials in 74% of the reviewed cases.

In 63% of cases the trace pattern, ways of committing the crime and its cover-up, a place of committing time, the victim's identity, the information obtained in the survey of persons give rise to the formation of theories about the purpose, motive of the crime that has been affirmed in 46% of cases [20; 4]:

- In the presence of the corpse in his own house, no one can reasonably assume values of selfish motives behind the crime or staging;
- Presence on the body jewelry, money in their pockets, on the contrary, allows to put forward the version of not selfish motives;
- If the body is found in the atmosphere, which indicates the sharing food, drinks with other people, to the fight, can be put forward versions about the murder during an argument, due to the hostile attitude of the victim and the offender;
- A lot of damage to the victim, their severity may indicate the killing out of revenge, jealousy;
- Traces of sexual intercourse indicate on sexual motives, overcoming the resistance of the victim;
- Impaired situation of discovering body, the presence jewelry, lack of traces of the offender, left weapon, is the basis for the assumption that the murder was committed by the order.

In 23% of cases analysis of the scene allow us to put forward the version about the number of criminals (in the footsteps of the hands, shoes, that is different, the presence of dishes on the table, cigarette butts, the number of victims, the extent and nature of damage to the victims, obstacles, destruction, weight, volume and the number of stolen items, posted guns), which was confirmed in 11% of cases.

The results of examination of the scene in 69% of the investigated criminal cases allow to put forward a wide range of versions of the offender, his characteristics: gender, age, height, weight, especially body, walking, individual features of appearance, distinctive features, state of health, habits, psychological characteristics (temperament, personality traits, strong-willed, intelligent, professional qualities, skills, emotional state in the commission of a crime, mental condition, etc.), the social status of the person, the type and nature of the relationship with the victim, awareness about the features of a scene, object mode, humans, and others [20, 4].

The foregoing, in our view, justifies the advisability of nominating version in inspection of the scene, as they timely coordinate the learning process, have directive significance in the search for criminalistic important information, contributes to the establishment of the truth in the case. Take into consideration that criminal can deliberately resorted to a change trace picture, left artificial traces, thus creating the prerequisites for the nomination of the wrong version, the process of committing a crime, used weapons, the motives of the crime, including criminal signs, etc. In addition, the offender and the victim, and witnesses can report deliberately false or misleading information about an event. Therefore all options of the versions must be considered which possible for each situation.

The incompleteness of the research environment of the scene, prevents to completeness of the formation of considered versions (that demonstrate contents of the inspection protocol of the scene, which often do not have the characteristics of the detected traces and others).

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Болжамдарды құрастыру мен пайдаланудың кейбір ерекшеліктері

Мақалада карау барысында тергеуші қызметінің қорытынды кезеңі тергеу болжамдарын ұсыну мен тексеру болып табылады. Автор тергеп тексерудің аталған кезеңіндегі болжамдардың ерекшелігі олардың көпнұсқалылығында, тұрақты сипатында, оқиға болған жерде тікелей тексеру мүмкіндігінің бар болуында жатады дейді. Олардың мағынасы: а) анықтауға жататын жағдайлар мен ізденуі тиіс объектілер шеңберін анықтауда; ә) анықталған жағдайлардың, оның ахуалдағы орны мен рөлін, дәлелдемелік пен тактикалық құндылығы арасындағы байланысын анықтауда; б) ақпаратты жинастыруға мүмкіндік туғызатын тергеу әрекеттері мен жедел-іздістіру шараларын уақытылы жоспарлауда көрініс табады.

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Некоторые особенности формирования и использования версий

В статье отмечено, что ключевой стадией деятельности следователя при осмотре являются выдвижение и проверка следственных версий. Особенности версий на этом этапе расследования, подчеркнута автором, являются их многовариантность, перманентный характер, возможность проверки непосредственно при осмотре места происшествия. Их значение, определено в статье, состоит в: а) определении круга обстоятельств, подлежащих установлению, и объектов, требующих поиска; б) установлении связей между выявленным, его места и роли в событиях, доказательной и тактической ценности; в) своевременном планировании неотложных следственных действий и оперативно-розыскных мероприятий, способствующих сбору информации.

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