

## **Criminalistical characteristics of inspection of place of occurrence and corpse**

**Abstract:** It is determined concepts of an occurrence place, investigated definitions of place of occurrence, and formed criminalistical characteristics of this investigation action.

Recommendations on inspection of occurrence place and corpse are given; suggestions on change and supplement of criminal procedural legislation are offered.

**Keywords:** criminalistical characteristics; inspection of place occurrence; a corpse; method; consistency; traces; mechanism of crime.

It seems necessary, first, to determine a concept of place of occurrence as there is no united opinion in juridical books.

So, I.P. Yakimov believed that a place of occurrence was named a certain territory or space, in bounds of which crime's event had happened (ex. a place where happened burglary) or found its consequences (crime's instruments, traces of feet etc) [20, p. 98]. According to A.N. Vasilyev, place of occurrence – in wide sense of the word is not only territory or space where happened directly investigated event (crime), but also a place where found data linked with it and its consequences (ex. a corpse, stolen property, traces of feet of criminals, arms left by criminals etc.) [4, p. 61-62].

D.P. Rassevkin considers that under place of occurrence should be understood those territory or space where directly happened an event, which is subjected to inspection. Exemption of this rules are the cases of corpse finding at other place than a place of murdering. This case a place of corpse detection will be also a place of occurrence despite territory or space where he/she detected is not a place of murder commission [16, p. 9].

It seems that D.P. Rassevkin is right as under determination of place of

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occurrence one needs to proceed from that this concept is not identity to place of crime. The concept “place of occurrence” is wider than the concept “place of crime” and in some cases it will absorb him, ex. when a corpse found at place of his killing.

But, detection of a corpse in a certain place does not give grounds for attribution of this place to the place of killing, which could be committed at other place and the corpse was removed.

Detection of a corpse is an event or occurrence for a certain persons and place of corpse detection is a place of occurrence (event) for them.

Stated is related to all events having a criminal background, and only subsequent investigation will allow replying in a question whether a place of occurrence is the same time a place of crime commission.

As for definition of inspection of occurrence place, there are a lot of definitions in juridical books, but, in our view, all they have only criminal nature, in which procedural aspect is absent [5, p. 11-12; 6, p. 6; 9, p. 5-6; 13, p. 11-12].

It seems that inspection of place of occurrence is an investigative (procedural) action and this should be ground for its criminalistical concepts.

According to article 236.1 of the Code of Criminal Procedure (further, the CCP), “...in purposes of detection of crime’s traces, other material objects, which might be a source of evidences, establishing of the circumstances of crime commission and other circumstances, which have significance for case, an investigator carries out an inspection of a place of occurrence, premises, documents, items, man or animal’s corpse” [19, p. 254].

It seems that enumeration in the law all objects of inspection is wrong as this is practically impossible: a list will very long.

In addition, as justly noted by Azerbaijani specialists, “... not all place of inspections are the places of occurrences, animals are needed to inspect also alive, grave is not a place of occurrence, to premises are not related etc.” [11, p. 81].

Article 236.2 of the CCP says that inspection is carried out in daytime, exemption of cases urgently inspection of a place of occurrence after its detection [19, p. 243]. Therefore, it seems to be right assertion that accent on inspection of

place of occurrence is wrong because in some cases inspection of other objects might be urgent [11, p. 81].

According to article 236.5 of the CCP, in course of production of inspection an investigator is entitled to seizure items and documents himself or with help of specialist [19, p. 255], that also seems to be wrong.

In our view, if an investigator looks into cupboards and other storage and seizure something from there, then this is a search, which should be produced according to norms regulating this investigative action.

Article 236.6 of the CCP says that on completion of inspection an investigator draws up a record, and article 236.7 of the CCP stipulates that the record is signed by investigator and all participants of investigative action, which are entitled to demand an insertion their notes in it [19, p. 255].

It seems that a record should be drawn up in course, but not on completion of inspection and should be signed by all participants of this investigative act, but only those who are entitled to demand insertion their notes in it.

In addition, clarification of the rights to participants of inspection should be produced before beginning of it as it stipulated by article 120.3 of the CCP, but not after completion together with drawing up of a record [19, p. 145] that is a fraught with below described situation.

Search in a flat of accused S had been continuing for few hours when one of the attesting witnesses – old lady, said that she needed to go out due to her grandson came back from school soon, and he had no home keys.

No any requests and threatens made her leave, moreover, her rights as attesting witness were not explained in written (under signature) [3].

According to article 236.9 of the CCP, inspection of residence place, offices or production premises and visible objects are carried out in urgent cases only under availability of reliable information, which gives the grounds to believe that: a) items or documents are hidden in dwelling, which testifying about crime commission against person or public power or preparation to commission of this crime; b) a person is hidden in dwelling, who preparing, committing or committed crime against

a person or public power, escaping from arrest or prison; c) there is a corpse (part of corpse) in dwelling; d) there is a real danger for life or health of a man in dwelling [19, p. p. 255-256].

In our view, which based on the works of Azerbaijani authors, stated contradicts to the law and logics [11, p. 85-86].

So, if it reliably known that items or documents having evidential significance are hidden in dwelling then it should be produced seizure or search concerning all categories of crimes but only committed against person or public authority.

Moreover, if criminal is hidden in dwelling, who may be armed, should produce his detention; and if there is a real danger for life or health (put an explosive device), then specialists-sappers should be called, but to produce an inspection.

In addition, it is getting that if sappers take away explosive device from dwelling or office then to produce a search one needs to go long procedure of court's decision receiving.

It seems that content of article 236 of the CCP and associated with it article 243.3 of the CCP should be changed with considering of stated circumstances. It will allow optimizing production of such important investigative actions, which are inspection of place of occurrence and search (seizure).

In our opinion, an issue about a right of an inquiry officer to forcible production of investigative actions is problematic; it is resolved ambiguously in the CCP. But, due to an investigator is not a subject of the present studies, required separate and detailed consideration, we do not touch him, and therefore in our suggestion under investigator we mean a body, which carrying out criminal process.

Pretext to visit place of occurrence on cases about murders from lucrative motives typically are cases of detection of a man corpse with signs of forcible death or suspicion on forcible death, attempted murder. Being received message about such incident, an investigator has to make clear, first of all, whether measures on protection of place of occurrence are accepted, and if no, then to give instructions to police officers about that.

Further, investigator needs to clarify: where and when an event has happened; whether murder committed with firearm; if a corpse found on open ground, when death happened, to be determined with members of operational investigative group and if required to involve to inspection additional specialists, and also a cynologist and attesting witnesses.

Being come to place of occurrence and before begin to inspect, an investigator has to conduct some measures, which consist of the following.

All unauthorized persons should be removed from place of occurrence. The persons, who were eye-witnesses of occurrence or found him, and individuals being lived together with victim, i.e. all so named potential witnesses, have to be notified to be close to place of occurrence [10, p. 19-21].

Forensic medical expert should be instructed to check whether a victim alive or dead. If he is alive then at once to make measures on rendering him medical aid, desirable to ask him about criminal's personality, motives of crime commission, as victim may be dead soon.

It is necessary to check, whether protection of a place of occurrence is properly provided. If required, to expand the bounds of a place, make changes among a guard.

Together with cynologist should conduct quick inspection of place of occurrence and determine the places where might be used a sniffer dog.

If the dog came to a certain person then he has to be detained. In presence of attesting witnesses an investigator has to make examination of this person as suspected one in order to establish possible crime's traces on his body and clothes. This case it might be done personal search of detained and search at his home in order to find material evidences.

If somebody says that he saw a criminal and shows where he has escaped, then investigator should clarify the marks of a criminal and make measures to detain him, arrange barrage measures, to notify appropriate police bodies about occurrence and criminal marks [13, p. 21-22].

Should be arranged questioning of eye-witnesses and other persons who live together with victim.

Under investigation of criminal case about murder of Gadirov had been a paradoxical fact caused by ignoring of abovementioned rule. Being come to place of finding of a corpse, an investigator clarified that Aliyev was a first who was at place of occurrence.

Investigator wrote down his home address and telephone number, but forgot to notify him to be close the place of occurrence or at home.

The next day the investigator tried to call him on telephone with request to be interrogated. But, morning this day he left to business trip to Moscow and would come back in five days.

Five days later the investigator call again to Aliyev and summoned to be appeared at police next day morning for interrogation.

In interrogation Aliyev said that saw citizen Ibadov, who lived on neighbourhood, escaping from place of occurrence. Ibadov was arrested only three months later [3].

One can meet recommendations about plan of place occurrence inspection in criminalistical books, but drawing up detailed written plan of place of occurrence is to be wrong as it would take much time, which an investigator has no. I.P. Lukin offers to be limited with notes and systematically look through and supplement them [12, p. 16-17]. Besides, it is impossible to plan an inspection not seeing the place of occurrence.

According to method of conducting, inspection of place of occurrence might be produced from centre to periphery or vice versa. Under centre is understood geometric centre of a room or part of ground where crime committed, and those main objects, on which were directed criminal's actions, ex. a corpse, broken safe case, etc. A corpse of a man is considered to be a centre for the cases about murders on lucrative motives [13, p. 24].

I.S. Povolokin notes that dependence on situation inspection might be produced from centre to periphery or vice versa; ex. when premise, which consist on few adjacent rooms, is a place of occurrence [15, p. 29-30].

Beginning inspection of a place of occurrence, investigator has always to remember about necessity observance the rules relating to inspection, namely: objectiveness, conformity to plan, completeness, carefulness [7, p. 11].

Objectiveness of inspection means a lack of prejudgement; investigator has to produce an inspection comprehensively, not limiting with checking of a version, which is seemed more probable for this case.

Conformity to plan means that investigator has to produce inspection keeping the plan, which was designed before inspection; moving from one object or part of ground to another one.

Everything that is on place of occurrence should be inspected and examined very careful.

Inspection should be applied to all, i.e. room, where a corpse found, territory close to it, with purpose to find criminal feet's traces, traces of transport means, items lost by criminal and other material evidences [10, p. 29-30].

In purpose of complete and planning inspection of place of occurrence in course of inspection one needs to keep generally accepted rules, which come to that inspection should be begun from examination of room's entrance, and further to examine along the walls on clockwise direction or vice versa, dependence on specific situation of place of occurrence, and so way inspect whole room. Inspection in the room is usually more complex than on the ground since there are a lot of various items subjected to inspection in the room. It is reasonably to design draft-scheme of place of occurrence, in which should be marked walls, doors, windows, disposition of furniture and other items, before inspection beginning. Information, which relates to dimension of the room, distance between separate items, and dimension of separate items having significance for a case, should be included at the draft-scheme of plan. It is typically made photo recording of place of occurrence before inspection commence. Detailed photo recording is usually made in course of inspection. Orienting photo recording of place of occurrence might be produced before or after inspection [15, p. 40-41].

It seems important to examine condition of the locks at the doors, especially if murder committed at night or late evening, when entrance doors are closed. This helps to judge about circle of individuals, among of which should be searched a criminal [15, p. 41].

Criminal could be entered in a room or would have gone out through a window. Therefore, under inspection ones take attention at presence of the locks on windows, their condition, and condition of the glasses. Criminals who usually are not familiarize with a victim, enter through a window.

There are no small points under inspection, which confirmed by the following sample.

In course of inspection of a flat, where was detected a corpse of Farajev, investigator drew attention at table lamp, which was on a bed, and despite the corpse was at other room, where there were a lot of traces of crime, noted it in a record.

In a few time through operative information it was established citizen Asadov, who confessed in commission of Farajev's murder in lucrative motive and pointed out that in course of values searching he touched power cord and dropped table lamp on a floor, then mechanically took it up and had thrown on a bed.

Naturally, inspection's record of place of occurrence had played significance role in disclosure of the crime carrying out principle of inevitability of punishment [3].

Under detection of a corpse on the ground, a work of investigator is come to external inspection of a corpse and examination place around corpse.

It should be carefully examined a land around of the corpse to find criminal feet's traces, traces of transport means and other material evidences. In order to establish whether a place of corpse detection, place of murder's commission, should be examined all position around a corpse [7, p. 72].

Land around a corpse should be inspected on the parts using natural frontier, or specially to divide in parts, marked them with artificial landmarks.

Under inspection of occurrence place on cases about murders from lucrative motives, especial significance is given to detection of the traces, which are able to light the circumstances of the subject of proving [10, p. 58].

Fingerprints, first of all, should be searched at those objects, items, to which could probably touch a criminal. They are door's handles if their dimensions and signs, on which are suitable to identify traces; instruments of crime commission; storages, from which criminal seized values or searched them; the rest of food, table wares if according to position might be assumed that a criminal before commission murder sat with victim at a table. It is possible feet traces of criminal will indicate directions of his motion at place of occurrence, to which objects criminal had come and consequently, could leave fingerprints on these objects. Specific situation of place of occurrence, motives of crime commission, acumen of investigator allow to determine the places where probably could be fingerprints of criminal [13, p. 61].

It is reasonable to seize the items not conducting their processing at place of occurrence if visible fingerprints are detected on small items. Insufficient experience or carelessness may lead to damage of these fingerprints in course of their processing at place of occurrence. But these fingerprints should be photographed [13, p. 62].

The fact fingerprints detection, objects where they are found, number and way of fixation, their seizure should be written in inspection record of place of occurrence. If there are no much fingerprints then during their description should be indicated each object, type of tracery, and if possible what fingers and hand they are left [12, p. 61].

Criminal always leave traces of his feet at place of occurrence, but they are often unsuitable for identification as they are expressed so weak and unclear that it is practically a personality of footwear of criminal cannot be identified.

One has occasion to meet often with feet's traces in investigative practice. These traces unlike the traces of bare foot allow identifying footwear, but not a personality. It is distinguished general signs (form and size of sole, heel, dimensions of some their parts) and private (availability of defects, traces of repairing on sole, heel, metal heeltaps, extent and form of wear etc.) [7, p. 29-30].

Under inspection of place of occurrence the traces of criminal feet look for on territory close to room, in which murder committed, taking into consideration the ways of criminal coming and escaping from place of occurrence.

If a corpse detects on territory then space around a corpse is subjected to inspection. Limits of inspecting territory are determined by investigator on base of specific situation of place of occurrence.

A.S. Gubin notes that it is necessary carefully to examine and to fix a line of the traces – main elements of walking (gait, line of walking, length and width of step, angle of step) independently on presence and nature of private signs of feet's traces detected at place of occurrence, since a personality can be identified by this data [7, p. 99-100].

There is often transport traces met at place of murdering commission. They can be when place of corpse detection is not the place of murder commission and the corpse is quite far from the place of murder. In these cases, a corpse is typically removed from murder place with any vehicle. Traces of the vehicle might be as close to murder place so and in some distance from that. Limits of territory, which is subjected to inspection to find the vehicle traces, are determined by investigator at each specific situation.

It might be made various presuppositions being examined blood marks at place of occurrence, conclusions from which will have significance under investigation of this category of cases [10, p. 191].

On blood stains might be established a fact of corpse's motion. Level and form of disposition blood stains on a wall or on some items allow to judge about position of a victim at time of wounding, in particular whether he had stood or lain. On blood stains can be also define whether after wounding a victim move and at what direction. Blood stains of feet of criminal can indicate at what directions he moved, to which objects he came. Traces of blood stains' hands on some items testify that criminal touched them, looked for something. On blood stains on a corpse may sometimes judge at what position a victim was at time of wounding [13, p. 126-127].

S.T. Zlobin notes that during examination of blood stains at place of occurrence, in particular their disposition, quantity, nature of injuries of a corpse; it is important to determine whether blood of victim could be on criminal's body, clothes, footwear. Under validity of such presupposition it is necessary to make as soon as possible examination of a person, who suspected in commission of this crime [8, p. 141-142].

During inspection of place of occurrence on murdering cases might be met very various traces, left by criminals, ex. smoking traces (ex. cigarette butts). It might be established a group of slobber under examination of cigarette butts, and consequently and group of blood of criminal. It might be also fixed smoking habits of criminal: chew, gnaw, peculiar to smash the mouthpiece; a peculiar way of quenching, for example, to pass the saliva through the mouthpiece, strongly squeeze, flatten the burning end of a cigarette and etc. Presence of the traces on lipstick at the end of mouthpiece of cigarette indicates usually at that this was woman who had smoked [13, p. 99-100].

Criminal may accidentally bring some dust, dirt at his footwear and left them at place of occurrence. It is important to establish a nature, composition of a dust, dirt and to determine where from they could be brought. If criminal left hat, cloth at place of occurrence then on nature of a dust one would may define profession of a criminal, and place where he could work [15, p. 171-172].

S.J. Shiraliyeva notes that in course of inspection of place of occurrence, an investigator has to search and find traces of firearm and clarify some issues concerning to a fact of its application, in particular, direction of shooting and location of shooter, kind and system of applied firearm [5, p. 72-73].

Inspection of a corpse is an integral part of occurrence place inspection on cases about murders from lucrative motives. Investigator has to watch, examine all details having on a corpse, and make appropriate conclusions. External examination of a corpse often gives to investigator important material about nature, mechanism and other circumstances of happened event and defines further direction of case investigation [10, p. 182].

Application of static and dynamic stages of place of occurrence inspection is related in the same extent to external inspection of corpse. At the beginning, at static stage of inspection, not being touched corpse, is fixed its disposition, everything that is had on a corpse, at hands, visible clothes and traces on the clothes. Fixation is produced through photograph (video recording) and notes in a record of inspection. After that dynamic stage of inspection is carried out.

O.O. Martinson indicates that inspection and description of corpse at place of occurrence should be produced at certain sequence: a) place of location (detection) of a corpse; b) general view of a corpse, his position and pose; c) items, which are on a corpse, hands, blood stains close to corpse touching with parts of body or cloth; d) corpse's cloth and items on the cloth, and under corpse; injuries on a corpse and decomposition [13, p. 177-178].

Under description of a place of corpse detection is indicated, where corpse is, ex. in forest, in some residential area, at some distance, southward, northward from certain settlement, at garden etc. If possible it is defined correct landmarks in order to image on record's notes and if necessary to restore a place of corpse detection. The same is done when corpse detected at settlement, ex. at some street, opposite some home, at some distance from it, at flat – with indication of address and ownership of the flat. At the past case place of corpse location is fixed by way of measurements from some immovable objects at place of occurrence, ex. from a wall of a room, table, which fixed at floor etc. [15, p. 170].

Disposition of corpse at place of occurrence might be differ. For instance, a corpse can hang, to be on floor, ground, bed etc., being in various positions concerning to items around him.

Under pose of a corpse is understood a disposition of human body and its parts. In course of corpse's pose description is indicated at which disposition is body and parts of it. Sometimes on corpse's pose might be judged some circumstances, under which death happened or about criminal's actions in connection with murder's commission [7, p. 197].

Description of corpse' pose is oriented on cardinal points direction and also relating to separate items at place of occurrence. Sometimes, corpse's pose is usual, difficult to be described. Photographing or video recording is the best way of corpse's fixation in such situations [14, p. 76].

In this part of a record should be described only those blood stains, which are directly close to corpse, on a floor, ground, bed etc., and also blood stains on open parts of a body. It is especially important detailed description of the blood stains, when can be done certain conclusions on them.

Clothes' description is begun at static stage of a corpse inspection, when are usually described outer clothing, footwear, headgear, if they are on a corpse. It is also described visible blood stains and other traces, which are on clothes, ex. particles of ground or grass sticking at place of occurrence or in course of removing of a corpse by criminal from place of murder into place of detection, signs of dragging [18, p. 126].

Inspection of outer clothes is begun dynamic stage of corpse inspection. Outer clothes, underwear are come undone and described. It is drawn attention on possible presence of tearing and other damages of clothes, which may testify, in particular, on fight at time of murder. It should be described in details a nature of cloth's damages, their form, sizes, and disposition. If cloth damages are caused by firearm, one should carefully examine holes appeared on clothes to find the signs of close shooting.

Everything that found in pockets of corpse's clothes is described in details. Under inspection of a corpse of unknown person one should turn inside out the pockets of clothes and shake out dust from them, and also the dust from end of sorts and put it into glass test-tube. This dust might help to define profession of a victim and make easy establishing his personality [21, p. 121].

Under inspection of footwear one should pay attention on sole. It is possible that sometimes they can have particles of such soil or other particles, which are not available at place of corpse detection. This circumstance testifies that probably the place of corpse detection is not the place of murder commission. The same we may say in respect of soles feet, if a corpse was found barefoot [7, p. 200].

Some items might be found underneath of corpse or in clothes of corpse at time of murder commission. These items are examined and described in course of inspection of dynamic stage of external examination of a corpse.

Under investigation of criminal case on accusation of Mammadov G.T and others, it was established that at time of murder of Ismayilov N. one of the members of gang dropped sunglasses near corpse. Despite it happened in February, nobody of police officers, who participated in inspection, were not drawing proper attention of it. Meantime, an owner of sunglasses bore due to eye diseases [2].

During external examination of corpses at place their detection one is needed met with different injuries. Nature of these injuries depends on at what instrument they had been caused. Injuries can be stabbed, cut, minced, firearm etc.

Injuries in a corpse should be described in details and exactly as on nature, form, dimension so and their location on body's part. Description of injuries and decompositions is usually produced under active help of forensic medical expert [13, p. 191-192].

It is important to make clear a mechanism of their infliction when injuries are examined on a corpse, and also type of which they are caused in order to know, which instruments of murder commission should be searched at criminal.

I.P. Lukin notes that under corpse examination one should necessary pay attention to the traces indicating on absence of any items, which were earlier on a victim. For instance, fingerprints, traces of watches and bracelets, fresh braking and injuries of lobe of the ears, indicating that earrings are taken by murderer. These circumstances usually indicate on commission of murder of lucrative motives [12, p. 126-128].

Under nails of corpse's hands can be blood stains, particles of skin's pattern of criminal. Such traces testify that victim had defended. Therefore, on the open parts of criminal's body should be seen injuries (scratches).

One should never hurry up with conclusions about reason of death under external examination of a corpse at place of its detection. Visible injuries on a corpse

sometimes cannot be death's reason. The reason of death is finally established by forensic medical expertise after mandatory full postmortem carrying out [13, p. 301].

Studying of primary data, conducting of logical operations and application of heuristic methods under inspection of place of occurrence and corpse forms mental model of way of commission and concealment of lucrative murder, in which is integrated a system of ideas about an event, interaction of objects and persons during preparation, commission of crime and concealment its traces. This model allows making presupposition on necessity or possibility appearance at certain places of certain sources of criminalistical information or those, existence of which contradicts created ideal model. Detection of stated sources confirms or excludes correctness of hypothesis, gives a chance to forecast a disposition other sources of information at other place and thus created conditions for planned purposeful search of these new sources.

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