

## **SCENE OF CRIME AS A SOURCE FOR PROOF INFORMATION**

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### **INTRODUCTION**

An investigation as a process of cognition has a retrospective nature, in other words it is an activity which is aimed at establishing the events of the past on the basis of the study of available information in the present. It should be noted that crime information is often not obvious, very often it is obtained by the investigator in an encrypted form, and needs a skilled interpretation. For a qualitative and fast process of cognition of a criminal event a forensic description of crimes is required as a typical model that can be applied to an individual case and provides the investigator with the ability to construct and test the relevant investigative version, determine a set of actions and means, which are aimed at a productive solution to specific investigative tasks.

The emergence of forensic characteristics of crimes, as one of the fundamental categories of crime investigation methodology, is related to the need to accumulate information about typical and unusual properties and signs of a crime. Thus, the emergence of forensic characteristics of the crimes was caused needs of practice in the presence of a single data system about the most typical forensic-significant signs of crime and the interconnections between them, which is formed on the basis of generalization of the corresponding information for rational and effective crime investigation.

The structure of forensic crime characteristics should reflect needs of scientific realization and substantiation of existing elements in its composition, and practical demand when using forensic characteristics of crimes by investigator during investigation.

Between the structural elements of forensic characteristics of the crime are causal, functional, indirect and immediate, unambiguous and probable, correlation links.

## **1. Crime Scene as an Element of Forensic Characteristics of Crimes**

The crime scene is the source of criminalistically important information regarding an event that is the object of knowledge during the investigation. So that the information obtained by the investigator could be accessible to all participants in the criminal proceedings and was used in the process of proof, it must comply with procedural requirements which indicate the order of its receipt, permissible sources and fixing methods. Thus, criminalistically important information for its use in the process of proof must be converted into evidence.

To determine the situation of crime as a source of evidence is expedient to find out the correlation between the process of knowledge and procedural proof.

M.M. Mikheenko noted that non-procedural cognitive activity which precedes the procedure of proof and accompanies it, deprived of legal value since it goes beyond its limits. Establishing the truth in the criminal process, in other words cognition, which results have a legal significance, are carried out only in procedural form. Therefore, when we speak about the epistemological essence of criminal-procedural proof as a special kind of cognition of reality, there must be a sign of equality between proving and cognition<sup>1</sup>.

I. Luzgin pointed out that cognition in the broad sense of the word is a process of obtaining knowledge about certain subjects or phenomena, and proving is the justification of the prescribed provisions, the creation of conditions for the knowledge of the same objects in other ways<sup>2</sup>.

V.S. Jatieva noted that cognition is an activity "for yourself", and proving is "for the addressee". The purpose of knowledge is to acquire knowledge, and the purpose of proof is the conviction of the addressee about something<sup>3</sup>.

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<sup>1</sup> Михеенко М. М. Доказывание в советском уголовном судопроизводстве. К., 1984. С. 8.

<sup>2</sup> Лузгин И. М. Расследование как процесс познания : учебное пособие. М., 1969. С. 21–22.

<sup>3</sup> Джатиев В. С. Общая методология и современные проблемы обвинения и защиты по уголовным делам : автореф. дис. ... д-ра юрид. наук : 12.00.09. Владикавказ, 1995. С. 5.

The content of procedural evidence is the cognition of the crime scene which is carried out by a specially authorized official in a special procedural form and consists of collecting, verifying, and using a combination of evidence for making procedural decision as well as for a legitimate and well-founded decision of the case<sup>4</sup>.

We should agree with the position of S.A. Sheifer, which indicates that considering the process of collection of the evidence from the position of the theory of reflection, it should highlight such components, as a source search, extraction of information relating to a crime which is under investigation and procedural fixation (fixing)<sup>5</sup>.

From the above it is seen that proving and cognition in the implementation of criminal proceedings are not identical concepts<sup>6</sup>, although the proving of the actual circumstances of the case at all stages is in accordance with the laws, inherent in any process of cognition of objective reality<sup>7</sup>.

However, cognition of the investigated event is the part of the process of criminal proving. Comprehensive and objective investigation can only be done when will be combined the process of proving and all stages, ways, aspects of cognition as different aspects of the approaching thinking of the investigator to objective reality<sup>8</sup>.

Thus, proving as a procedural activity begins to be realized only on the basis of known circumstances although during the period of proving cognition continues, as far as it is well known that the execution of procedural actions of proving is not a simple reproduction, but an increase in knowledge<sup>9</sup>.

It should also be noted that today there is no single approach in criminalistics literature to the content of the concept of "evidential

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<sup>4</sup> Сидорова Е. И. Собираение и использование доказательств как элементы процесса доказывания в уголовном судопроизводстве. *Вестник ВИ МВД России*. 2007. № 4. С. 36–37.

<sup>5</sup> Лупинская П. А. Избранные труды в 3-х т. М. : Наука, 1991. Т. 3. Теория судебных доказательств. С. 156.

<sup>6</sup> Рыжаков А. П. Уголовно-процессуальное доказывание : понятие и средства. М. : Инф.-издат. дом "Филинь". 1997. С. 22.

<sup>7</sup> Карнеева Л. М. Доказательства и доказывание при производстве расследования. Лекция. Горький : НИиРИО ГВШ МВД СССР, 1977. С. 5.

<sup>8</sup> Журавель В. Формалізація розслідування : теоретичні основи і практичні можливості. *Правн. часопис Донець. нац. ун-ту*. 2010. № 1 (23). С. 47; 49.

<sup>9</sup> Лузгин И. М. Расследование как процесс познания : учебное пособие. М., 1969. С. 63.

information". For example, in the opinion of R.S. Belkin and A.I. Wienberg, changes related to the event are evidence and the measure of the correlation of evidence with an event, to which they belong (which is in direct dependence on the quantitative and qualitative content of these changes) is a evidential information<sup>10</sup>.

A.M. Grigoriev points out evidential information must be understood reception information in accordance with the established procedure, with aid of which the subject of the investigation establishes the presence or absence of circumstances, which are subject to proof in the course of criminal proceedings, as well as other circumstances relevant to the criminal case<sup>11</sup>.

From the V.Ya. Koldina's point of view, evidential information is data that constitutes the meaning of "evidence" in the strict procedural sense and any information about the event being investigated and the circumstances relevant with it which are used in the process of proving in order to identify collection and evaluation of evidence in the process of disclosure, investigation and judicial review of criminal and civil cases<sup>12</sup>. However, aforementioned definition expands the content of evidence, which gives rise to ambiguity in the use of the definition both in the scientific and practical sphere.

We can agree with the opinion of R.S. Belkin and A.I. Wienberg that to the evidential information refers only that information which makes the content of "evidence" in the strict procedural sense<sup>13</sup>. All other information which was received by the investigator and was not included in the content of the evidence, has orientational nature. It is rightly noted by V.O. Obraztsov, that with all the importance of evidential information to reduce the process of searching and cognition to the extraction and usage of this information cannot be done<sup>14</sup>.

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<sup>10</sup> Белкин Р. С. Криминалистика и доказывание (методологические проблемы). М. : Юридическая литература, 1969. С. 173; 176.

<sup>11</sup> Григорьев А. Н. Информация и информационное взаимодействие в расследовании преступлений: теоретические аспекты : монография. Калининград : Калининградский ЮИ МВД России, 2006. С. 208.

<sup>12</sup> Колдин В. Я. Информационные процессы и структуры в криминалистике. М. : Изд-во Моск. ун-та, 1985. С. 39–40.

<sup>13</sup> Белкин Р. С. Криминалистика и доказывание (методологические проблемы). М. : Юридическая литература, 1969. С. 173

<sup>14</sup> Криминалистика / под ред. В. А. Образцова. М. : Юрист, 1995. С. 58.

Thus, the evidential information is a part of the information, which investigator receives in the process of cognition of the crime and, which is used in the process of proving, as the internal content of the substantiation.

We can agree with the opinion of M.M. Stoyanov, that the proof in the criminal procedure is a system of several permanent, interdependent elements. Such elements are information about the circumstances of the case and the procedural form of their receipt<sup>15</sup>.

One of the most meaningful sources of evidential information is precisely the crime scene in which actions to prepare, implement and conceal the crime were taken.

V.G. Tanezevich points out that "... for a purposeful investigation investigator has from each case to imagine what exactly is needed to find out, which are the actual circumstances of the investigated event should be established and in what framework"<sup>16</sup>.

The study, analysis and correct interpretation of the information contained in the crime scene significantly contributes to establishing the circumstances which must be proved.

During studying the material environment, social and psychological conditions in which the crime was committed the investigator directly perceives the system of objects and phenomena, in which the process of preparation, implementation and concealment of the crime took place.

It should be noted that for the formation of evidence, must be necessary interaction of two components: the subject of cognitive activity and directly the object which is being known. In the process of investigation the interactions of the investigator and, in particular, the material environment of the crime scene are taking place. The result of aforementioned process from the procedural sources information which is the content of the evidence is revealed

In whatever form, quality, condition matter would be represented, it in any cases inherent characteristics, similar to the sensation the characteristics of the reflection. The phenomena that are not reflected in nature do not exist. This means that any event of the objective world,

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<sup>15</sup> Стоянов М. М. Властивості доказів у кримінальному процесі України : автореф. дис. ... канд. юрид. наук : 12.00.09. 2010. С. 13.

<sup>16</sup> Танасевич В. Г. Значение криминалистической характеристики преступлений и следственных ситуаций для методики расследования преступлений. *Актуальные проблемы советской криминалистики*. М., 1980. С. 84.

any phenomenon, any material thing, thought of the person always associated with the formation of changes in the surrounding reality. Not only the objects themselves change in the process of their creation, being (life, functioning), collapse, disappearance, but also the properties of other objects, which are interacting with them various connections and correlations<sup>17</sup>.

It should be noted that the environment itself stores information regarding the event, what happened in it, time and spatial characteristics, traces of the interaction between the crime scene and the method of crime and other circumstances of a criminal offense, which were reflected in the scene of the crime in the form of traces.

## **2. The Structure of the Elements of Scene of Crime**

Information which is correlated with reflection of the event which is learning in the case and is contained in its tracks (mental and materially fixed changes) is the object of search and means of cognition. That its part, which acquires the status of evidence, serves as the basis for the adoption of procedural decisions. In the case when the cognition is carried out in the mode of procedural proving the basis for making legal decisions is evidentiary information<sup>18</sup>.

Investigation of the crime scene provides the opportunity to identify, collect, fix and evaluate evidence in order to use it in the investigation of a crime.

As a result of investigating the scene of the crime as an object of evidence the following evidence can be obtained: regarding the essence of the criminal offense and its individual circumstances; regarding the person of offender, circumstances that characterize it; regarding the behavior of the person of the offender, his guilt in committing a criminal offense; forms of guilt; motives and the purpose of committing a criminal offense; regarding the circumstances that are the basis for exemption from criminal liability or punishment; regarding the victim's person, circumstances that characterize it; regarding to the behavior of the victim in the commission of a crime and after its implementation,

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<sup>17</sup> Шевчук В. М. Предмет злочинного посягання як елемент криміналістичної характеристики контрабанди наркотичних засобів. *Митна справа : науково-аналітичний журнал*. 2006. № 5. С. 15.

<sup>18</sup> Образцов В. А. Криминалистика: модели средств и технологий раскрытия преступлений. Курс лекцій. М. : Изд-во ИМПЭ-ПАБЛИЦ, 2004. С. 58.

about forms of interaction between the victim and the offender; regarding the use of certain tools and means by the offender, their types and fetchers (weapons, explosive devices, poisonous substances, etc.); regarding the object of the crime, circumstances that characterize it; regarding to the existence of the staged event of the crime; regarding the existence of the staging of the crime event, or its particular circumstances; regarding the circumstances that contributed or prevented the commission of a crime; regarding the outcome and consequences of criminal acts.

It should also be pointed out that the crime scene is the primary source for procedural sources of evidence in the form of material evidence, documents, testimonies, expert opinions. Information regarding the scene of the crime provides an opportunity not only to investigate the crime which was committed, but to take actions to control his commission in the form of simulation the crime scene.

On the basis of information regarding the scene of the crime for certain types of crimes it becomes possible to implement such a form of control over the commission of a crime, as a simulation of the crime scene.

Generalized and systematized information regarding the scene of the crime for a certain type of crime gives the opportunity to create a model of the crime scene for the purpose of misinforming the offender and others around for effective and prompt, disclosure of a crime, its termination and identification of the guilty person.

The above form of control over the commission of a crime can be attributed to the form of criminalistics misinformation, in other words is established and regulated by law the activities of authorized persons, which is aimed at misleading a potential offender with a target to prevent, detect and disclose of a grave crimes.

An important property of the crime scene is that it serves as a source of criminalisticly important information. The possibility of a crime scene to serve as a source of information is conditioned by the reflection process.

Reflection is an inalienable property of any interaction process, any motion of material systems. In the process of self-movement of each special, specific system is going to select the best options for reconciling it with a close and individual environment. The result is an active

reflection (fixation, implementation) environment properties in the form of a particular material object<sup>19</sup>.

R. S. Belkin pointed out that any crime event is necessarily reflected in the environment, the elements of which are material entities – objects, things, as well as people in whose consciousness the event of the crime is reflected. The environment in which the perpetrator makes the changes it's not something monolithic, not one object, but a complex of objects, processes, phenomena. In the process of display, come up traces of reflection<sup>20</sup>. Due to the general dialectical connection, interdependence and multiplicity of phenomena and processes come out reflection and all the laws of the material world<sup>21</sup>.

In the interaction of the crime with other elements of criminalistics characteristics of crime traces of reflection are left in the scene of crime and in the system that interacted with it. "Changing the environment, being a reflection of the crime event, the result of the objects' correlation, participating in the act of reflection is the final phase of this process. ... Judge by displaying about reflection, by information about crime, you can only in that case if the mapping is possible to find identify, understand the content of these changes"<sup>22</sup>.

I. F. Krylov examines the scene of the crime, as a system, a set of various tracks, which are interconnected by different forms of communication. The more we manage to study the system traces and establish the forms of existing links between them, the more correct it is possible to explain the result of the crime, and the scene in which it proceeded<sup>23</sup>.

It should be noted that the system of objects of the material environment and trace mapping system on these objects from interaction with other elements of crime characteristics this is not the same thing. Traces are material consequences, which arise after the interaction of the

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<sup>19</sup> Івакін О. А. Короткий нарис загальної філософії : навчальний посібник для студентів. Одеса : Астропринт, 1999. С. 35–36.

<sup>20</sup> Белкин Р. С. Ленинская теория отражения и методологические проблемы советской криминалистики. М. : Изд-во ВШ МВД СССР, 1970. С. 9–11, 14.

<sup>21</sup> Образцов В. Некоторые проблемы раскрытия преступлений. Свердловск : Среднеуральское книжное изд-во, 1975. С. 27.

<sup>22</sup> Белкин Р. С. Курс криминалистики : учебное пособие для вузов. 3-е изд., доп. М. : ЮНИТИ-ДАНА ; Закон и право, 2001. С. 90; 94.

<sup>23</sup> Крылов И. Ф. Криминалистическое учение о следах. Л. : Изд-во Ленинг. ун-т, 1976. С. 62.



elements of the scene of crime with other objects. The trace is the result of the movement of various objects the only material substance, the consequences of their interaction<sup>24</sup>.

If the traces are a confirmation of the interaction of the situation of the crime with other elements of criminalistics crime characteristics then it is possible to assume that their absence may also be a source of criminalistics important information. However, we should distinguish the notion of "missing traces" and "lack of traces"<sup>25</sup>.

Missing traces – this is a set of material consequences that are indistinctive of this phenomenon.

Unlike missing traces, which have no logical connection with the event, lack of traces is typical for a certain kind of phenomena becomes the object of cognition. Most often there are lack of traces is manifested after scrutiny and studying the existing traces, that is obvious phenomena. And when determining deviations from the regularity of appearance, development and disappearance of the phenomenon there is a question about the absence of a mandatory element which must manifest itself during the interaction with the scene of the crime in the form of a trace which is absent. The most clearly explored the lack of traces possibly in the analysis of criminalistics crimes characteristics in general, as a system when one of the tracks naturally predetermines the presence of others<sup>26</sup>.

By itself, the scene of the crime and the traces of reflection in it are only a source of information, but not particularly information. The person plays an important role in the process of obtaining information, which studies the source of information, i.e. investigator, as a subject of direct investigation of the crime scene. The quality and amount of information that can be obtained from the analysis of the scene of the crime depends on the professional level of the investigator, his level of education, awareness of the general laws of development and degradation of phenomena, their reflection in the material world, as well as professional knowledge regarding regularities of display of elements of criminalistics crime characteristics in the material environment (the

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<sup>24</sup> Кузнецов П. С. Отсутствующие следы и отсутствие следов (гносеологический и онтологический аспект). *Российский юридический журнал*. 2009. № 3. С. 185.

<sup>25</sup> Там же.

<sup>26</sup> Там же.

method of crime, the individual properties of the offender, etc.), as well as in identifying the correlations between its elements. Thus, information from the investigation of the circumstances of the crime is acquired through the prism of subjective perception of objective phenomena.

Important for proper understanding of the content of crime scene has a definition of the nature of the origin of its structural elements.

It should be agreed with I.I. Bukayeva's view that the material and physical nature of the elements of crime scene manifested in the form of location of objects, natural and climatic processes, states, temporal correlations, acting as circumstances and conditions which make out the scene of the crime. These include natural objects (mountains, valleys, atmosphere, shelf, nature reserve, etc.) and products of human activity (social): buildings, housing (house, apartment), various kinds of cantonment, phenomena and objects in the sphere of consumption: mode of life, leisure facilities; production (complexes, objects, units, equipment); processes; phenomena; objects of industrial and social infrastructure<sup>27</sup>.

Social environment is a set of social conditions in which, having experienced their influence, human activities take place. Among the elements of the social environment include individuals, groups of people, teams, social strata and other communities, various processes, material and spiritual relations, existing in these communities, objects of industrial, aesthetic and other purposes. Thus, the social environment can be defined as the sphere of social existence of the individual<sup>28</sup>.

Undoubtedly the social environment plays an important role in criminal activities, starting with the impact on the formation of criminal intent and ending with the stage of concealing a crime. However, its use as an element of the crime scene raises the danger of expanding its interpretation.

Specific situation is a collection of objective factors that through the prism of subjective perception of the person affect his behavior at a particular moment. The situation for the offender can be in the form of reason for committing a crime although objectively it may not contain provocative factors. The correlation between a particular situation and a

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<sup>27</sup> Букаева И. Н. Правильная классификация элементов обстановки совершения преступления – помощь в следственной работе. *Следователь*. 2005. № 3. С. 26.

<sup>28</sup> Образцов В. А. О криминалистической классификации преступлений. *Вопросы борьбы с преступностью*. 1980. Вып. 33. С. 92.

behavioral act can be traced. The concrete situation generates a volitional act not by itself, but only in interaction with the personality of a particular person refracting through his interests looks, habits, peculiarities of the psyche and other individual traits<sup>29</sup>.

V.M. Kudryavtsev distinguishes two main types of situation during the commission of a crime: the situation of preservation and consolidation of the scene of crime, allows the previous intention of the crime to be left unchanged; a change in the situation, which, in turn, is divided into improvements for a specific situation for the offender; deteriorating it, but not enough to exclude the commission of a crime; a complete deterioration of the situation that impedes the achievement of a criminal plan<sup>30</sup>.

The form of interaction between the scene of the crime and the subject of the crime is manifested in the case of committing a criminal offense by any act, both in the form of action and inactivity. Crime is one of the specific types of human activity. It should be noted that the activity (action, inactivity) of a person depends on the psychological ability to perceive the environment and react to its manifestations. The reaction that manifests itself in a variety of stimuli forms a unified system of acts – the behavior of the offender.

S.V. Lavrukhin distinguishes the following stages of criminal behavior: preparation for committing a crime (purpose of behavior – to create conditions for committing a crime); preparation for concealing a crime (purpose of behavior – creation of conditions for concealing a crime); committing a crime (purpose of behavior – achievement of a criminal result); concealing a crime (purpose of behavior – exclusion or complication of crime detection); use of the result of a crime (purpose of conduct – satisfaction of material and other needs of the offender or other persons as a result of the use of the result of a crime); assistance to the investigation (purpose of behavior – assistance to the investigator in gathering evidence); counteraction to the investigation (the purpose of behavior – the exclusion or complication of the investigation of a crime)<sup>31</sup>.

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<sup>29</sup> Кудрявцев В. Н. Причинность в криминологии (О структуре индивидуального поведения). М. : Юридическая литература, 1968. С. 15.

<sup>30</sup> Кудрявцев В. Н. Генезис преступления. Опыт криминологического моделирования : учебное пособие. М. : Инфра-М, Изд. Дом "Форум", 1998. С. 137–138.

<sup>31</sup> Лаврухин С. В. Криминалистическая концепция поведения преступника. *Государство и право*. 2004. № 6. С. 62.

Each of the following stages of criminal behavior can only be realized in a particular environment, since any activity is based on objects and phenomena, as an inherent condition of their being. Thus, we can say that the scene of the crime accompanies criminal activity at all stages in the form of a phenomenon that leads to its determination and acts as part of objective reality in which criminal behavior can be realized.

The environment may become a condition that will enable individuals to formulate a decision to commit a crime. Thus, favorable conditions for committing a crime can serve as the basis for the person's intention to fulfill their needs in a criminal way. However, if the conditions did not lead to a decision, As to the commission of a crime, they are only an environment favorable to the commission of a crime. Only after the formation of the intent and decision regarding the commission of a crime, the normal environment is transformed into a crime scene.

Mandatory presence of the volitional and intellectual part of the offender in shaping the scene of the crime is determined by the fact that in the same conditions and under the same circumstances each person decides independently on the lawfulness of his/her conduct. Thus, in order to form the scene of a crime the necessary condition is decision of a person relative to the satisfaction of their needs in a criminal way. And since, any activity can be done only in a certain environment taking into account the purpose and method of its achievement, the environment turns into a crime scene.

As an element of the crime scene it is more appropriate to use the micro-social environment of the offender, that is, the microsystems that represent the immediate social environment of a criminal offense at the stage of its preparation, commission and concealment. These are the direct connections of the offender with different social groups, contact groups and organizations.

However, it should be noted that the micro-social environment is available throughout all human life and only at a certain time, under certain circumstances, transforms into a scene of crime. The indicated conversion can only be realized after the appearance of the intention to realize its needs by generally dangerous, illegal way. Since that time, any microsocial environment, which has a direct or indirect correlation to the process preparation, realization and concealment of a crime, can

be considered an element of the crime scene. The most importance is the criterion of belonging and the relativity of the microsocial environment to a criminal act at any stage of it.

From the above it is seen that microsocial environment is a microsystems that represent the immediate social environment of criminal activity at the stage of preparing, committing and concealing a crime.

Being specific, limited in time and space, an act of behavior, the crime represents the unity of the external and internal sides of the activity. According to the results of the external activities of the offender we are more or less likely to assume the inner side of it. Material environment, gives an opportunity to know also the "internal" factors of the mechanism of crime, in particular, in one way or another, the psychology of the offender<sup>32</sup>.

In the structure of the crime scene it is expedient to include the moral and psychological environment in which the criminal event occurred however, limit its time frame to the preparation, commission and concealment of a crime. According to the information obtained on the basis of the investigation of criminal proceedings, most crimes are committed on a domestic basis, where a significant role is played by the moral and psychological environment, that is, the interaction of the offender with other people, which determines the crime he committed. And also the moral and psychological environment in which the crime is committed.

Moral-psychological environment is a combination of psychological and moral states, mood, relationships between people and the offender in the period of preparation, implementation and concealment of the crime.

Creation of the classification system of the elements of the crime scene, will provide an opportunity to study structural components and the links between them, since the origin of an element within a particular system due to the presence of interconnections, with other constituent parts of the inner structure and with the system as a whole. By studying these connections, it becomes possible to derive knowledge of unknown elements from the knowledge of known elements.

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<sup>32</sup> Ильченко Ю. И. Тактические приемы исследования материальной обстановки места происшествия : автореф. дис. ... канд. юрид. наук. М., 1966. С. 7.

## **CONCLUSIONS**

Understanding the scene of the crime can be carried out at the theoretical and practical levels. At the theoretical level, the notion of a crime scene is a system of typical data regarding the factors of objective reality, which determine the set of conditions, in which the process of preparation, implementation and concealment of a criminal offense take place, and which are reflected and evaluated in the system of criminalistics characteristics of crimes. At the practical level, the crime scene is the environment in which actions to prepare, implement and conceal the crime were taken which should be investigated analyzed and recorded in order to provide a fast, full and effective investigation of criminal offenses.

The scene of the crime during the pre-trial investigation is the object of cognition, which comes into contact with the subject of knowledge (investigator or authorized person) in order to establish the circumstances of a criminal offense.

The scene of a crime is a source of information that, if it is correctly identified, research, fixation and evaluation, in accordance with the rules of the current criminal procedural law acquires the status of evidence, that is used in the process of proving.

The crime scene is a carrier of a system that consists of certain elements – sources of evidence: testimony, material evidence, documents, expert opinions.

The system of information regarding scene of certain crime and typical its features is used to stop preparing the process of crime commitment or committing a serious or especially grave crime through the application of investigative actions

For criminalistics interest is the study of the properties of the person who determine the processes of preparing, committing and concealing the crime, as well as having the property displayed in the environment, that is, when interacting with other elements of the forensic character of the crimes to cause the appearance of the effect of each other.

The scene of the crime and the person of the offender, as elements of a single structure of forensic characteristics of the crime are in mutual dependence and associated with appropriate links at the stage of preparing for a crime, its commission and further concealment.

The environment in which the offender is located which indirectly or directly affects his behavior. The scene of the crime determines the

behavior of the offender, affects the decisions that it takes participates in the formation and change of motive, intent, directs his actions.

In turn, the offender also affects the situation of the crime. During the preparation for a criminal offense person studying and evaluating available the situation of the crime and shapes its model for the future that is, makes a forecast.

If the present scene of the crime and its predicted model meet the requirements for the successful commission of the criminal plan the offender will commit the crime without significant change in the circumstances of the crime.

If the situation of the crime is unfavorable for the commission of the crime, the offender will carry out actions for its conversion, changes to create favorable conditions for committing a criminal act. In case the change in the unfavorable situation of the crime is impossible the offender may refuse to commit a crime at all.

Also, acting in an environment of a crime the offender leaves in it the results of the interaction of what changes its original state. Investigation of the scene of a crime provides the opportunity to receive information regarding the person of the offender, features of his character, criminal qualification, mental health and other information, which make it possible to identify the person who committed the crime.

In shaping the way in which a criminal act is committed, objective factors are of great importance. Objective factor can be called the situation of crime, it directly or indirectly determines the election of a method of crime. Speaking about the factors that influence the choice of crime it should be noted their double character. On the one hand these are external manifestations of reality, that is the situation of the crime, on the other hand this is an internal conviction and the willful decision of the offender, which is mediated by the realities of the environment.

## **SUMMARY**

The article is devoted to the consideration of the importance of information about the scene of the crime in the process of forming evidence. The values of the data on the scene of the crime in the process of investigation and construction of investigative versions were considered. Moreover, the links between the offender and the crime situation are investigated. Their influence on each other is determined.

The structure of the crime scene is established. Interrelation between the elements of the structure of the crime scene is revealed

### REFERENCES

1. Михеенко М. М. Доказывание в советском уголовном судопроизводстве. Киев, 1984. 134 с.
2. Лузгин И. М. Расследование как процесс познания : учебное пособие. Москва, 1969. 177 с.
3. Джатиев В. С. Общая методология и современные проблемы обвинения и защиты по уголовным делам : автореф. дис. д-ра юрид. наук : 12.00.09. Владикавказ, 1995. 40 с.
4. Сидорова Е. И. Собираение и использование доказательств как элементы процесса доказывания в уголовном судопроизводстве. *Вестник ВИ МВД России*. 2007. № 4. С. 36–38.
5. Лупинская П. А., Строгович М. С. Избранные труды в 3-х т. Москва : Наука, 1991. Т. 3. Теория судебных доказательств. 285 с.
6. Рыжаков А. П. Уголовно-процессуальное доказывание : понятие и средства. Москва : Инф.-издат. дом «Филинь». 1997. 416 с.
7. Карнеева Л. М. Доказательства и доказывание при производстве расследования. Горький : НИиРИО ГВШ МВД СССР, 1977. 44 с.
8. Журавель В. Формалізація розслідування : теоретичні основи і практичні можливості. *Правн. часопис Донець. нац. ун-ту*. 2010. № 1 (23). С. 100–102.
9. Лузгин И. М. Расследование как процесс познания : учебное пособие. Москва, 1969. 177 с.
10. Белкин Р. С., Винберг А. И. Криминалистика и доказывание (методологические проблемы). Москва : Юридическая литература, 1969. 216 с.
11. Григорьев А. Н. Информация и информационное взаимодействие в расследовании преступлений: теоретические аспекты. Калининград, 2006. 272 с.
12. Колдин В. Я., Полевой Н. С. Информационные процессы и структуры в криминалистике. Москва : Изд-во Моск. ун-та, 1985. 134 с.
13. Криминалистика / под ред. В. А. Образцова. Москва : Юрист, 1995. 592 с.



14. Стоянов М. М. Властивості доказів у кримінальному процесі України : автореф. дис. канд. юрид. наук : 12.00.09. 2010. 20 с.
15. Танасевич В. Г. Значение криминалистической характеристики преступлений и следственных ситуаций для методики расследования преступлений. *Актуальные проблемы советской криминалистики*. Москва, 1980. С. 83–95.
16. Шевчук В. М. Предмет злочинного посягання як елемент криміналістичної характеристики контрабанди наркотичних засобів. *Митна справа : науково-аналітичний журнал*. 2006. № 5. С. 89–96.
17. Образцов В. А. Криминалистика: модели средств и технологий раскрытия преступлений. Москва : Изд-во ИМПЭ-ПАБЛИШ, 2004. 400 с.
18. Івакін О. А. Короткий нарис загальної філософії : навчальний посібник для студентів. Одеса : Астропринт, 1999. 112 с.
19. Белкин Р. С. Ленинская теория отражения и методологические проблемы советской криминалистики. Москва : Изд-во ВШ МВД СССР, 1970. 130 с.
20. Образцов В., Герасимов И. Ф. Некоторые проблемы раскрытия преступлений. Свердловск : Среднеуральское книжное изд-во, 1975. 183 с.
21. Белкин Р. С. Курс криминалистики : учебное пособие для вузов. 3-е изд., доп. М. : ЮНИТИ-ДАНА ; Закон и право, 2001. 765 с.
22. Крылов И. Ф. Криминалистическое учение о следах. Ленинград. : Изд-во Ленинг. ун-т, 1976. 197 с.
23. Кузнецов П. С. Отсутствующие следы и отсутствие следов (гносеологический и онтологический аспект). *Российский юридический журнал*. 2009. № 3. С. 185–189.
24. Букаева И. Н. Правильная классификация элементов обстановки совершения преступления – помощь в следственной работе. *Следователь*. 2005. № 3. С. 25–28.
25. Образцов В. А. О криминалистической классификации преступлений. *Вопросы борьбы с преступностью*. 1980. Вып. 33. С. 90–98.
26. Кудрявцев В. Н. Причинность в криминологии (О структуре индивидуального поведения). Москва : Юридическая литература, 1968. 246 с.

27. Кудрявцев В. Н. Генезис преступления. Опыт криминологического моделирования : учебное пособие. Москва : Инфра-М, Изд. Дом "Форум", 1998. 216 с.

28. Лаврухин С. В. Криминалистическая концепция поведения преступника. Государство и право. Москва : Наука, 2004. № 6. С. 58–65.

29. Ильченко Ю. И. Тактические приемы исследования материальной обстановки места происшествия : автореф. дис. канд. юрид. наук : 12.00.09. Москва, 1966. 18 с.

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