

UDC 348.98

Anna Myrovska,

*Candidate of Legal Sciences, Associate Professor,
Professor at the Department of Criminalistics and Forensic Medicine
National Academy of Internal Affairs*

Lesya Patyk,

*Candidate of Legal Sciences,
Associate Professor at the Department of Criminalistics and Forensic Medicine
National Academy of Internal Affairs*

CONCEPTUAL PROVISIONS OF FORENSIC TECHNOLOGY

The article deals with the conceptual provisions of forensic medicine. Forensic technology in its definition should combine not only the sources of the formation of achievements of other sciences, but also the community of tasks aimed at the disclosure and investigation of crimes, with the legal grounds for such an application.

Key words: forensic medical technology, criminal procedure law, crime.

Formulation of the problem. In consideration priority of the person and citizen interests. The current state of crime is evaluated by a possible hazard to the nation and required the development of new equipments and methods for prevention crime. Stiffening of organized crime activity, organized, armament, technical equipment of criminals, that's why, it requires an appropriate level of forensic equipments, investigation and prevention of criminal offenses. One of the sources of such advances in law enforcement, there is a separate paragraph the forensic science- criminal investigation technique (forensic technique).

On the one hand, the term "forensic technique" has refers to the sub-discipline of criminology and on the other, set of techniques which are used in criminal proceedings. In historical perspective, the techniques had its beginning as special tools of the trade, which expanded cognitive opportunities of the investigator, employee of criminal investigator (detective), expert. Later, they obtained the duties of research material sources, and after that –expert evaluation and presentation of evidence in criminal proceedings. Consequently, the tasks and subject of forensic technique were developed.

As a part of forensic science, forensic technique- is a system of scientific provisions and references that provide with the development of techniques (devices, tools, accessories and materials). And also, methods and ways of their use in order to investigation and prevention of criminal offenses. Forensic technique has still remained intact and more accepted, this dual reference.

The purpose of the scientific article. The scientific procedures of forensic technique are based on the acquirements and usage regularities of engineering, natural and other sciences (physics, chemistry, biology, anthropology, etc.), and also on certain criminalistics theories and practices (doctrine of the traces mechanisms, the theory of identification, etc.). And it's all about development of techniques, methods and ways of intent the information acquisition from material evidence for acquirements of the occurrence of a criminal offense and make inquiries by way of learning the truth in criminal proceedings.

A presentation of the main problem. Forensic technique is tightly linked to other sub-discipline of criminology, and its provisions are implemented and realized, both in tactics of conducting separate investigative (search) activities and in methodology of investigation certain types of crimes, which supports successful investigation, as a general principle.

The tasks of forensic technique are as follows:

- development of technical equipments and methods that provides the introduction of new sources of criminalistics information in the investigation process;
- detection, recording, seizing and preservation of material vestigial traces of crime;
- establishment a mechanism for the track formation/condensation and the reasons for their cooperation;
- establishment of properties, states, group membership and identity of sources of information;

- processing and use of forensic information for investigation and prevention of criminal offenses;

- development of methods and technical means for the assessment and use of forensic information in law enforcement activities.

The system of forensic technique - is a subjective classification of scientific conditions, based with due regard the types (cases) of vestigial traces of crime, as well as distinctions of trace-indicating objects and tasks, resolvable in their examination, that permits the submission of relevant acquirement in the structure which covering the main elements (branches) of forensic technique. The system of forensic technique has comprises two parts: the general provisions and branches of forensic techniques.

The general provisions of forensic technique include the concept, content and sources, and its connection with some branches of criminalistics and other sciences, concept and content of its constituent elements (branches).

The branches of forensic technique has includes:

- 1) Forensic photography and video recording – a set of scientific provisions and purpose designed photo-, video tracking (recording) facilities and appropriate methods intended for collection, investigation and demonstration of evidence.

- 2) Trace evidence or trasology (forensic processing of traces) – studies the patterns and occurrence of various kinds (types) of traces, develops tools, methods and ways of detection, collection, investigation and using the purpose of traces with investigation and prevention of felonies.

- 3) Ballistics (the application of weapons, ammunition, explosives, devices and traces) – studies the design patterns and operation of various types of weapons, that is the application of occurrence traces, as well as, develops items, methods and ways for research of such objects and using the purpose of traces the investigation and prevention of criminal offenses.

- 4) Graphology (or grapho-analysis) – investigates the patterns of the formation, development and functioning of written language and handwriting, develops methods of writing and handwriting in order to identification of the author of the manuscript, the authorship attribution (paternity) and other information, which has implications for establishment the truth of an investigation of criminal offenses.

- 5) Forensic technique of documents examination – involves the learning of laws the documents processing and the methods of whole or partial forgery, as well as develops tools, methods and ways of research, such objects for use in the investigation and prevention of criminal offenses.

- 6) The anthropometry (personal identification on the basis of appearance) – refers to the measurement of the human individual and material and perfect map, the theory operation of such features upon the ascertainment that are relevant during the investigation of criminal offenses.

- 7) The phonoscopy (forensics of sounds traces) – is a forensic teaching about designated use of recorded sounds to investigate criminal offenses.

- 8) The odorology or science of smells- is a system of scientifically hammered out methods and detecting technology, extracting, storing and studying odor print, for subsequent use and solving the resolution of unique tasks.

- 9) Forensic processing of substances, materials and articles.

- 10) The content of, criminal registration involves developing means, methods and ways of registration people, animals and other objects of investigation and prevention of criminal offenses.

As an composite element of criminal science, and that description the branches of forensic technique – is not exhaustive, as development the social relations of new departures (branches), in the modern context, which are: polygraph examiner – is a study of the socially importance questions of human body responses; forensic entomology - is the study of developmental delays insect on the corpse and the nature of the damage ets.

Forensic equipment, methods and ways are applied, as a rule, by those who are directly involved in the process of investigation and prevention of criminal offenses. We can include such investigators, investigators, experts, criminological inspectors, operational officers (staff), because they are using forensic techniques and specialist knowledge when working with evidence.

It is essential that proper custody of objects must be tend, when applying some techniques or methods, as their destruction or even change may subsequently adversely affect the results of the investigation of a criminal offense and significantly complicate the process of proof. Under certain conditions can employ a method that destroys or modifies the object under study is an expert. Other trial participants can use forensic equipments and methods, only those which will not bring about changes of appearance or destruction the object.

Primarily, at struggle with criminal nature is determined by eligibility, of forensic equipments and techniques, that is, direct consolidation in the law (or other statutory instruments), recommended, or not compatible with the law by nature.

The general legal reasons for the use of forensic equipments and methods are entrenched in the Criminal procedure code (CPC) of Ukraine. The article 25 which defines: "The prosecutor and investigator are obliged, within the limits of his competence, to begin pre-trial investigation in each case of direct detection of signs of a criminal offense ... as well as to take all measures envisaged by law to establish the occurrence of a criminal offense and the person who committed it". To carry out the tasks of criminal proceedings, to ensure the prompt, complete, objective and comprehensive investigation of the event, it is necessary to use all statutory means, including technical ones.

In the criminal procedural law there is no special rule that would contain a clear definition of the legal basis for the application of forensic technology, but at the same time, the article 273 in the CPC of Ukraine regulates the use of means used during the conduct of secret investigation (search) actions.

In addition, it should be noted that certain provisions of the application of forensic technology are enshrined in the relevant articles in the CPC of Ukraine and relate to the definition of techniques and means of fixing material evidence in conducting separate investigatory (search) actions, providing, where appropriate, the use of certain technical means. These norms are prerequisite for the use of special knowledge and technical means in criminal proceedings, depending on the specifics of the specific situation of the place of the event or the specifics of conducting an investigative (search) action. That is, the investigator selectively selects a set of scientific and technical means, technical methods and ways, which necessary for the successful conduct of a separate investigative procedure (search activity) or investigation as a whole, depending on the situational conditionality.

The procedure for the application of forensic technique and specialist knowledge is regulated by departmental normative acts, which are aimed at ensuring the implementation of criminal procedural legislation.

Proposals on the necessity of legislative consolidation of the complete list of all scientific and technical means, methods and ways that can be used during the investigation of criminal offenses, do not find their embodiment in connection with the inability to foresee by law the whole range of methods and means of work with evidential information through its constant expansion and improvement.

The facts of the use of technical means during the investigation, as well as the materials obtained as a result of their application, require a mandatory processing.

It is expedient to use the forensic technique in the protocol according to the following scheme:

where, when, in connection with which objects, who, for what purpose and which scientific and technical means were used, objects or information, discovered or received as a result of application of technical means. The protocol necessarily states that before the use of technical means, persons who participated in conducting an investigative (search) action were notified about it.

Replenishment of an arsenal of scientific and technical means used in the fight against crime during the criminal procedure should be carried out with observance of the relevant principles, which may include:

- the principle of legality, according to which the use of any means of forensic technique should not contradict the requirements of the law and be aimed at respecting the rights, freedoms and legitimate interests of citizens;
- the principle of scientific (scientific substantiation) – is, guarantees of probability, reproducibility, accuracy and reliability of the results, which are based on the achievements of natural and technical sciences. To do this, any new method, technical means or methodology must first be tested and recommended for use;
- the principle of profitability – if obtaining the necessary results is possible with the help of various technical and forensic means, the advantage is given directly to those whose application is associated with the least cost of time, forces and means;
- the principle of safety determines the inadmissibility of the use of scientific and technical means that may be a threat to the life or health of participants in the criminal process;
- the principle of effectiveness is the provision for the rational use of such technical means and methods that ensure the prompt, objective, complete and comprehensive reception of information relevant to a successful investigation, that is, to achieve the best results in the best possible time.

Conclusion.

Forensic technology in its definition should combine not only the sources of the formation (use) of achievements of other sciences, but also the community of tasks aimed at the disclosure and investigation of crimes, with the legal grounds for such application. For the successful resolution of the tasks of the criminal procedure law, it does not matter which scientific and technical means were used, but it is important that the use of such equipment unconditionally meets the criteria of admissibility in the criminal process, does not endanger the life and health of people, does not degrade honor and the dignity of the individual, allowed to obtain reliable results and provided an opportunity for their verification through the procedural way.

References:

1. Ishchenko A.V. Methodological problems of forensic scientific researches: [monograph] / Ishchenko A.V.; ed. by I.P. Krasnyuk. : Nat. Acad. Int. Affairs of Ukraine, 2003. – 359 p.
2. Forensics [text]: textbook.: /A.V. Ishchenko, A.V. Myrovska, L.L. Patyk, A.A. Sakovskyi and others. – K.: "Center for Educational Literature", 2015. – 544 p.
3. Kogutich I. I. Forensic knowledge, their essence and the need to expand the boundaries of

use: [monogr.] / Kogutich I. I. – Lviv: Triad Plus, 2008. – 420 p.

4. Kotyuk I.I. Theoretical aspects of forensic identification: Monograph / I. I. Kotyuk. - K.: VPK "Kyiv University", 2004. – 208 pp.

5. Shepitko V. Y. The function of investigation of crimes and scientific tools of forensic science / V. Y. Shepitko // Current problems of criminal law, process and forensics: materials of II-nd International. Science-practice Conf., (Odessa, October 8, 2010): [in 2 vol.]. – Odessa, 2010. – T. 2. – P. 357-359.

У статті розглядаються концептуальні положення судово-медичної техніки. Судово-медична техніка в її визначенні повинна поєднувати не тільки джерела формування досягнень інших наук, а й комплекс завдань, спрямованих на розкриття та розслідування злочинів, з юридичними підставами для такої заявки.

Ключові слова: судово-медична техніка, кримінально-процесуальний закон, злочин.

В статье рассматриваются концептуальные положения судебно-медицинской техники. Судебно-медицинская техника в ее определении должна сочетать не только источники формирования достижений других наук, но и комплекс задач, направленных на раскрытие и расследование преступлений, с юридическими основаниями для такой заявки.

Ключевые слова: судебно-медицинская техника, уголовно-процессуальный закон, преступление.

