TEXTBOOK OF CRIMINALISTICS
Volume I: General Theory
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Preface

The idea of this publication was suggested in the context of international cooperation of Lithuanian and Ukrainian criminalists and was supported at the meeting of Criminalists’ Association of Lithuania and International Congress of Criminalists (INGO “Criminalists Congress”). The work at this project took quite a long time – about four years.

The textbook we present was prepared in the framework of the international cooperation projects of the criminalists and reflects the model of Eastern European school of criminalistics. The importance of publishing this textbook in the setting of mobility of European Higher Education system is conditioned by the need to develop common standards, guidelines and tools for training lawyers. The first volume of the course of Criminalistics (General Theory) has been already published. We expect that a complete course of Criminalistics comprising three volumes will be published.

Scholars representing Universities from a number of countries and scientific schools made their contributions to writing the Textbook on Criminalistics. The authors of this Textbook had significant experience in preparing Textbooks on Criminalistics for students in the national language. The need for preparation and publication of this work was conditioned by the processes of integration of the educational system, the introduction of uniform international standards, aspiration to broader communication.

The content of the first volume of the textbook reflects the current level and trends of Criminalistics development, its general theoretical concepts, the history of the formation of scientific basis and criminalistics sub-theories.
The first volume of the textbook consists of 15 chapters. Considerable attention has been paid to the subject, nature, systems, methods, tasks and functions of criminalistics. The role of criminalistics in the system of scientific knowledge and the system of legal sciences has been determined. The approaches to the development of expertise, expert and professional’s activity in the trial have been considered.

The presentations of specific criminalistic teachings (doctrines, studies) and theories: criminalistic identification and diagnostics, the doctrine of criminalistic versions, criminalistic classification of crimes and criminalistic systematics are of special scientific interest. The problems of criminalistic characteristics of crimes and neutralization of counteraction to investigation have been analyzed in detail. In our opinion another asset of the textbook is the fact that the book covers modern approaches to the adversarial nature of criminalistics, the opportunities of applying criminalistic knowledge in court activities, professional defense and public prosecution.

A special attention in the book has been paid to the problems of formation and activities of international criminalistic organizations and international cooperation. Also of interest is the textbook material on the problems of criminalistic didactics. A name and subject indices and a dictionary of specialized terminology are offered for the readers at the end of the textbook.

The publication is intended for students of law schools, graduate students, teachers, researchers, and practitioners.

Hendryk Malevski, Valery Shepitko
Acknowledgements

The textbook authors express their thanks to the Chairman of Criminalists’ Association of Lithuania, and President and Counselor-Secretary of International Non-Governmental Organization “Criminalists Congress” for their initiative in implementing the publication project. We also greatly appreciate a significant contribution to the preparation of the textbook made by scientific editors Prof. Hendryk Malevski and Prof. Valery Shepitko. The adaptation of the English version of the textbook required lots of efforts on the part of our consultants Mykhaylo Shepitko and Iryna Semyonkina. The authors also acknowledge the great work of the Apostille Publishing House, its technical staff for the preparation of the textbook publication.

The authors will greatly appreciate any feedback, comments and suggestions from the readers.
CHAPTER 1.
PRECONDITIONS FOR ORIGIN AND FORMATION OF CRIMINALISTICS AND ITS DEVELOPMENT

1.1. Preconditions and Reasons for Origin of Criminalistics.
1.2. Originators of Criminalistics.
1.3. Hans Gross' Influence on Criminalistics Formation.
1.4. Development of Criminalistics between World Wars.
1.5. Leading Schools of Criminalistics.
1.1. Preconditions and Reasons for Origin of Criminalistics

As a scientific discipline, criminalistics is relatively young because its scientific basics and system started its formation only in the second half of the nineteenth century. At the same time it must be acknowledged that in each political system the country realized the function of interpretation of crime, persecution of criminals and proof of criminal’s guilt in one way or other. Although these functions have been known the states developed, we can only talk about the modern process of criminal investigation organization and its more or less systematized procedures only from the nineteenth century. But as the famous saying goes, “Historia magistra vitae” (History is a teacher of life), it is necessary to know at least the outlines of the development of a certain science and its history so that we could consciously apply current forensic science methods and tools. History teaches us that the state should respond to crimes, investigate them and punish the criminals. But as Cicero wrote (Marcus Tulli Cicero, 106-43 Ave. BC), “Cavendum est, no maior poena quam culpatis” (care must be taken so that the punishment would not exceed the crime). Earlier, the states punished for crimes very severely, often the main or the only punishment was death penalty or criminals were cruelly crippled. The state sought to destroy the crime and to intimidate other potential criminals. But the investigation of crimes and administration of justice has often been based on the principles of customary law or on sheer formal rules, and was not effective, though certain civil and criminal justice institutes appeared in the slaveowning society. Efforts of courts and other institutions during crime investigations were mainly focused on the forcing a confession out of the suspect (defendant) owing to the offense
supply; to schedule (develop) the strategy for criminalistics science and training programmes; to supervise standards of studies and accreditation of criminalistics programmes at colleges and universities; to assess introduction of new technologies in the criminalistic investigations, etc. (Coordination and system guidance group).

A new challenge for the scientists in Europe: to develop scientific recommendations how to implement the conclusions by the European Union Council on the European criminalistics vision 2020, including creation of European criminalistics space and the development of infrastructure of criminalistics in Europe. Topic of didactics of criminalistics will have to take its worthy place here as well.
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Concealment of Crime
Activities aimed at obstructing crime investigation by concealing, destructing, covering and falsifying traces of the crime. Concealment of crime is a form of counteraction to investigation.

Counteraction to Investigation
Activities of interested persons, aimed at obstructing the detection and investigation of crime by creating barriers in the way of establishing the truth in a criminal case.

Criminal Law (Penal Law)
A branch of law that regulates social relations in the context of committing criminal acts, sentencing and the use of other measures provided for by criminal law.

Criminal (Offender) Personality
An element of criminalistic crime characteristics, which constitutes a system of features of the person who has committed a crime. The study of the offender personality includes the study of psychological mechanisms of illegal (criminal) behavior, motivations of different types of crimes, the role and correlation of individual psychological and social cultural factors in the formation of the offender personality and illegal (criminal) behavior, the impact of stable and situational mental states on it.

Criminal Policy
Criminal law science or separate sphere of knowledge within individual criminal law sciences (criminal law, criminal executive...
law, criminal procedure law, criminology, criminalistics), formu­
la­
ing the strategic objectives of the criminal justice agencies. The fol­
lowing areas can be distinguished: criminal law policy; penal poli­
cy; criminal procedural policy; criminological policy; criminalistic strategy.

Criminal Procedure (Law)
The procedure of investigation, legal proceeding, solution of cases, execution of court sentences regulated by law.

Criminalistic Crime Characteristics
A system of data on crime features significant for these crime types, which reflects the consistent connections between them, and is used to develop and test investigative versions in the investigation of crimes.

Criminalistic Diagnostics
The process of detecting, identifying and determining the features (attributes) of an object in order to establish the causes of its change on the basis of the available facts and phenomena.

Criminalistic Didactics
A system of knowledge about teaching Criminalistics and mastering criminalistic skills.

Criminalistic Forecasting
A criminalistic subtheory, which contains a set of principles of making criminalistic forecasts.

Criminalistic Identification
(from late Latin *identifico* – identify)
The process of establishing the identity of an individually spe-
cific object. Establishing of individual identity is based on the study of general and specific features.

Criminalistic Methodics
A part of criminalistics, which is a system of scientific statements and guidelines developed on their basis on the organization and implementation of the investigation and prevention of certain types of crimes.

Criminalistic Strategy
Counteraction to crime by criminalistic means from the perspective of long-term planning (some scientists consider criminalistic strategy as a part of criminalistics)

Criminalistic Subtheory
A system of scientific theses (teaching), describing one of the aspects of the subject of criminalistics, which constitutes the basis for the development of optimum tools, techniques and methods of investigation and trial.

Criminalistic Systematics
A section of the general theory of criminalistics, which develops various criminalistic systems and classifications.

Criminalistic Tactics
A part of criminalistics, which is a system of scientific statements and guidelines developed on their basis, regarding the organization and planning of the pre-trial and trial investigation, determining the line of conduct of persons involved in judicial analysis, and tools of investigative and judicial actions aimed at the collection and research (identification) of evidence, establishing the facts that contributed to the commission and concealment of crimes.
Criminalistic Techniques
A part of criminalistics, which is a system of scientific statements and technical means, tools (methods) and techniques developed on their basis used to collect, study and apply evidence.

Criminalistic Tool
The most rational and efficient way of taking procedural steps. There are technical, tactical, organizational approaches.

Criminalistic Version (Lead)
(from late Latin versio – a turning, change, version)
A reasonable suggestion as to an individual fact or group of facts which are relevant to the case or might be relevant, indicate the facts and explain their origin, relationship to each other and the content, which serving the purposes of establishing the truth.

Criminalistics
(from Latin criminalis – related to crime)
The science of dependences of criminal activity and its reflection in the sources of information, used to develop tools, methods and techniques of collecting, researching, evaluating and applying evidence for the purpose of detection, investigation, trial and prevention of crime.

Criminalistics System
Its constituent parts and sections (subtheories), which have stable correlations.

Dactyloscopy (Fingerprint)
(from Greek δάκτυλος – finger and σκοπέω – “I look at”)
A section of trasology which studies the properties and structure of papillary patterns in order to use their prints for the identification of the person and solving crimes.
**Defensive Dominant**
(from Latin *domina* – mistress of the house)
The dominant excitation focus, which accumulates impulses and specifies a certain behavior direction. It is characterized person, who committed a crime. The dominant causes disordered activity, instigate the criminal to commit the acts which, according to his/her calculations should protect him/her from exposure.

**Establishing a Group Identity**
Determining of the object classification group (type, class, sort, variety).

**Evaluation of Evidence**
A logical process of establishing the admissibility and relevance of evidence, the existence and nature of the correlation between its elements, identification of the role and ways of applying evidence to establish the truth in a criminal case.

**Evidence Collection**
The first stage of the evidence processing which consists of the following stages: detection, recording, seizing and preservation of evidence.

**Evidence Research (Identification)**
The study of evidence content by the investigator, prosecutor, court, validating of factual evidence that make up the content of the evidence, establishing the consistency of the given proof with all other evidence in the case.

**Evidence Using (Applying)**
Evidence handling in the process of providing proof, establishing the objective truth.
Expert (Forensic Expert)
(from Latin *expertus* - experienced)
A person possessing special knowledge and employed by investigation bodies, courts and other bodies for conducting an expert examination.

Expert Advice (Consultation)
Expert opinion based his special knowledge and reported to the investigator (court) orally or in writing, regarding the actions to be performed in the context of preparing materials, or the appointment of an expert examination.

Expert Competence
Knowledge of the theory and methodologies of forensic examination of a particular type, variety and subvariety. Often expert competence is understood as the range of issues that the expert has the right to solve on the basis of his/her special knowledge.

Forensic Examination
1) a study conducted by an expert in the order provided by the procedural legislation to establish evidence and circumstances of the criminal (or other) case on the basis of the available materials; 2) a procedural action, consisting in the expert study, authorized by an investigator or court (prosecution or defense), of material evidence and other materials in order to establish the evidence and circumstances relevant to the proper solution of the case.

Forensic Expert Agencies
Specialized agencies and services, which are authorized to conduct forensic examinations.
Forensic Expertology
A scientific discipline that studies dependencies, methodology and the process of formation and development of scientific bases of forensic examinations.

General Theory of Criminalistics
A methodological basis of criminalistics, which constitutes a system of philosophical principles, concepts, categories, and definitions that reflect the subject of criminalistics as a whole.

Group Affiliation
The definition of the object classification group (type, class, kind, variety). The establishment of the group affiliation can function as an identification phase or present an independent expert task. The assignment of an object to a certain set is based on the study of its general features (attributes).

Identification Attribute (Feature)
In the identification theory a feature of the object which meets certain requirements. The expert conclusion about identity is always based on the totality of identification features. Identification features according to their role can be divided into general and specific.

Identification Field
A set of identification features which are reflected on the object in the specific conditions of interaction.

Identification Period
A time interval, which allows to carry out identification, taking into account the sustainability and variability of the attributes (features) of the objects which should be identified.
Investigation Planning
Defining ways and means of investigation; a way of organizing work in the investigation of crimes.

Investigative Actions
Statutory criminal proceedings of collecting, research (identification), evaluation and use of evidence.

Investigative Situation
A characteristic of the information data available to the investigation team at the particular stage of the investigation.

Methodology of Criminalistics
A doctrine (study) of criminalistic methods, their system, possibilities of selection and application.

Method of Analysis (Synthesis)
A formal logical method of learning and scientific research by segmentation of the whole into parts (the reunification of the whole from its parts or integration of different elements into a single unit).

Method of Experiment
A general scientific research method, which consists in carrying out experiments to reproduce the phenomena in artificially created similar conditions.

Method of Induction (Deduction)
A formal logical method of cognition. The method of reasoning which implies inferences from particular facts to general conclusions (from the general provisions to specific conclusions).
Modeling (Profiling) Method
A method that consists in building models of any phenomena, objects for their detailed study.

Modus Operandi (Way of Crime, Method of Crime Commitment)
The method of crime commitment of the perpetrator, involving a certain interconnected system of actions (operations) and preparation methods for the purposes of commitment and concealment of the crime.

Objects of Criminalistic Identification
Any material bodies: 1) objects with a fixed external shape; 2) the amount (weight) of materials and substances; 3) the aggregates of material objects.

Organization of Crime Investigation
A set of important measures at various stages of investigation, that ensures crime detection, investigation and prevention of crime.

Portrait Parlé (Verbal Portrait)
A method of describing human appearance to confirm his/her identity on the basis of the external features.

Proof (Proving)
The process of establishing objective truth in a criminal case, the content of which is to collect, research, evaluate and apply the evidence.

Samples for Comparative Analysis (Research)
Material objects used for solving identification, classification and diagnostic tasks in forensic examination.
Scientific and Technological Means of Criminalistics

Equipment, tools or materials that are used for the collection and identification (research) of evidence or obstructing commission of crimes.

Special Knowledge

Knowledge in the field of science, technology, arts or crafts, which are necessary to solve problems arising in the course of investigation and court proceedings.

Subject of Criminalistics

A system of dependences of objective reality, the knowledge of which is necessary for a successful investigation, trial and prevention of crime (dependences of the crime mechanism; dependences of obtaining information about the crime and its participants; dependences of collection, research (identification), evaluation and use of evidence).

Traces of Crime (Trace Evidence)

1) the result of any material changes in the initial conditions, which occurred as a result of the commission of the crime (wide meaning); 2) materially recorded reflection of the external structure of one object on another (narrow meaning).

Trasology

(from French trace – an outline, track, trace and Greek λόγος – a word, a doctrine; literally a teaching on the tracks)

A section (subtheory) of criminalistic techniques, which studies traces and develops techniques and methods of scientific and technological means of detection, recording, seizure and investigation.)
**Trial**

The most important stage of the criminal process, consisting in the examination of criminal cases in accordance with the law at the court hearing and the application of statutory penalties for persons guilty of committing crimes or acquittal of the innocent.

**Ultimate Fact**

Totality of the circumstances, subject to proof in a criminal case.

**Victim personality**

An element of criminalistic crime characteristics, which constitutes a system of crime victim features.
Authors of Textbook on Criminalistics

Prof. Dr. Maksim Bayev;
Prof. Dr. Oleg Bayev;
Prof. Dr. Alexander Golovin;
Doc. Dr. Gabrielle Juodkaitė-Granskienė;
Prof. Dr. Violetta Konovalova;
Prof. Dr. Olga Korshunova;
Prof. Dr. Vidmantas Egidijus Kurapka;
Prof. Dr. Hendryk Malevski;
Prof. Dr. Snieguolė Matulienė;
Prof. Dr. Bohdan Shchur;
Dr. Mykhaylo Shepitko;
Prof. Dr. Valery Shepitko;
Prof. Dr. Nikolai Yablokov;
Prof. Dr. Stanislav Yalyshev;
Prof. Dr. Volodymyr Zhuravel.