FEATURES OF FORENSIC TACTICS IN THE EXPERT'S INTERACTION WITH INVESTIGATIVE BODIES DURING THE ASSIGNMENT AND PERFORMANCE OF BALLISTIC EXAMINATIONS

Askarova Bakhytgul Polatovna,
Senior Lecturer of the Department of Administrative Activities at the Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan
https://doi.org/10.5281/zenodo.14909846

Abstract. The article examines the peculiarities of forensic tactics in the expert's interaction with investigative bodies during the assignment and performance of ballistic examinations aimed at promptly solving and thoroughly investigating crimes committed with firearms. A scientific analysis and study of forensic scientists' opinions regarding the algorithm of interaction between expert units and investigative bodies in conducting ballistic examinations to obtain reliable evidentiary information for solving and investigating crimes has been conducted.

Keywords: forensic interaction tactics, expert units, interaction technology, expert, investigator, forensic ballistic examination, firearms.

In modern conditions, the existence of a global problem in combating crime necessitates the improvement of interaction technology between expert units and investigative bodies. This is particularly important in the investigation of especially grave crimes involving the use of firearms or explosive substances, for which ballistic examinations are mandatorily assigned and conducted.

To enhance the interaction mechanism between ballistics experts and investigative bodies, it is necessary to develop an effective algorithm for their joint actions aimed at prompt and high-quality investigation of criminal cases. From 2016 to 2022 and the first 6 months of the current year, ballistics specialists conducted over 20,000 examinations, the conclusions of which were used as evidence[1]. This underscores the importance of ballistic examinations in crime investigation and the relevance of improving the interaction mechanism between expert and investigative bodies.

It should be noted that weapons are universal tools designed to engage targets - both people and objects. Analysis of data on weapons used by criminals shows that firearms are most commonly employed - up to 52%[2]. This indicates that particularly dangerous crimes are committed with firearms, and forensic ballistic examination is used for their thorough investigation. This type of examination is conducted to analyze firearms, their ammunition, and traces of their use, with the aim of establishing factual data relevant to the criminal case investigation. Consequently, heightened requirements are placed on the conclusions of ballistics experts. These conclusions must be scientifically grounded, and the findings should be objective and reliable [3, p.3].

The analysis of theory and practice regarding interaction between expert units and investigative bodies demonstrates the need to establish a unified understanding of interaction. Thus, G.A. Abdumajidov, addressing general aspects of interaction, points out the necessity of considering time duration, emphasizing that interaction can be one-time, short-term, or long-term [4, p. 18].

Improving the investigation of firearm-related crimes involves optimizing forensic tactics in the interaction between experts and investigating bodies, which actively participate in the evidence-gathering process due to their granted powers. This activity can be defined as forensic expertise, which refers to the special function of an expert or specialist aimed at detecting and recording evidentiary information. This function is carried out through the expert's participation as a specialist in investigative actions and by issuing expert opinions based on the resolution of the investigator, inquiry officer, or official conducting the pre-investigation check.

R. S. Belkin notes that "in the context of the general theory of forensic examination, whose object is practical expert activity, such a specific theory has, in our opinion, the right to exist, as it reflects an independent and, moreover, very substantial direction of expert practice" [5, p. 297.].

The effectiveness of crime fighting requires improving the existing mechanism of interaction between experts and investigative bodies when ordering ballistic examinations, as their results determine the speed and quality of crime solving and investigation. It should be noted that ballistic examination is a traditional type of forensic examination that provides conclusions on weapons, ammunition, and traces of their use. The examination addresses issues related to defining a weapon as a firearm and its identification based on available firing products (cartridge cases, bullets, projectiles, wads, shot, etc.).

V.D. Korma notes that "firearms" occupy one of the central places in the forensic lexicon. They are most often discussed in literature related to the method, mechanism, and forensic characteristics of crime, as well as issues of trace formation and the conduct of specific investigative actions [6, p. 4].

O. V. Yatsenko notes that according to the rules for conducting experimental shooting to obtain comparative samples for identification research, more favorable conditions must first be created to obtain a complete picture of the traces on the bullets. After that, if necessary, the conditions of experimental shooting can be made as close as possible to those at the crime scene [7, p. 74]. It follows that ignoring this requirement for obtaining experimental samples can lead to an erroneous conclusion.

When establishing identity through the examination of a weapon and a fired bullet, it is important to consider various factors related to the characteristics of the examined weapon, its various parts, condition, mechanical or other effects on it, and the use of caliber-appropriate but non-original cartridges. This can influence the expert's conclusions and potentially lead to incorrect findings. The specifics of the expert study will involve the timely identification of cartridge use in incompatible weapons and the presence or absence of special signs in the traces on bullets and cartridge cases that indicate this [8, p. 801.].

When carrying out interaction in a procedural form, the expert performs their function by participating as a specialist or expert in conducting various types of expert studies, among which forensic ballistic examination holds a special place.

In the first direction, this function is implemented during the inspection of the scene, the investigative experiment. For example, during the examination, the specialist can determine what contributed to the determination of the type of weapon or ammunition, its classification as a specific type of firearm, and other circumstances that contributed to the commission of the offense or crime.

In the second case, the expert, using their special knowledge, acts on the basis of the powers granted to them by criminal procedure legislation as an expert. At the same time, after establishing the circumstances that contributed to the commission of the crime, the expert indicates them in their conclusion. During the production of expert examinations, he may reveal such circumstances both on behalf of the person conducting the pre-trial investigation, investigating the criminal case, and on his own initiative. In the latter case, the expert informs the relevant official, who may provide him with additional materials or introduce new questions to the resolution.

Particular attention should be paid to the use of various devices in weapons for silent, unnoticed shooting. Such devices can reduce factory performance or otherwise affect the application result and make certain adjustments to the characteristics of gunshot traces [9, p. 7].

Based on the foregoing, in the appointment and conduct of ballistic examination, the interaction of the expert as a representative of expert-criminalistic units with the investigator, inquiry officer, and bodies carrying out pre-trial investigations has its own algorithm. The procedural algorithm of cooperation represents the coordinated activity of administratively independent subjects, regulated by law and departmental regulations, proceeding under the leadership of the investigator (inquiry officer), the body carrying out the pre-trial investigation, and consisting of their use of the assistance of an expert (specialist) in the appointment and conduct of ballistic examinations for discovered weapons or traces of their use.

One of the most important procedural forms of specialist-investigator interaction is assisting the expert in formulating questions, which is very important not only for their correct resolution during the examination but also for the objective and comprehensive investigation of criminal case materials.

According to A.A. Matchanov, solving the tasks of increasing the effectiveness of expert activity in order to solve crimes should be accompanied by further strengthening the technology of interaction with the investigator, inquiry officer, bodies carrying out pre-trial investigation and operational-search activities. This contributes to the strengthening of cooperation between these structural subdivisions and, with the further popularization of the possibilities of this work and the stimulation of its results. We are talking about the need to disseminate the positive experience of an effective algorithm for their joint interaction in cases of positive work of experts on specific examples [10, p. 117].

Regarding the forms of interaction between the expert conducting the ballistic examination and the investigative bodies, it should be noted that it occurs in most cases during the preparation and appointment of forensic ballistic examinations. In addition, investigators, when investigating crimes related to firearms, in most cases need the consultative assistance of specialists in formulating questions to which an expert can give a qualified answer. This can also be related to the selection of samples for examination, determining a specific expert or forensic institution for conducting the examination, evaluating the already prepared expert opinion, and participating in investigative actions related to the necessity of using special knowledge (examination, investigative experiment, on-site verification of testimony, search, seizure, and others).

One of the most important procedural forms of their interaction is assisting the expert in formulating questions, which is very important not only for their correct resolution during the examination but also for the objective investigation of the case materials.

There are other features of their interaction that affect the quality of the criminal case investigation when there is a need to appoint and conduct a ballistic examination. The use of new tactical developments and achievements of forensic science, innovative technologies will allow for the improvement of the tactics of interaction between these participants in criminal proceedings, which will allow for the quick and high-quality disclosure and investigation of criminal cases.

In the process of interaction, with the help of innovative technologies, scientific and technical means, the results of the expert opinion on the conducted ballistic examination allow us to establish the type, system, and model of the firearm. Through this, the serviceability and suitability for firing combat ammunition are determined more quickly and through innovative means and methods. This defines the tasks and objects, scientific foundations, and significance of forensic ballistics[11, p. 264].

Based on this, we can conclude that using information and communication technologies, digital tools, and other scientific and technical developments, ballistics experts can identify firearms, ammunition, and other objects intended for shooting, or the traces they leave, much faster and more efficiently. This affects the effectiveness of the interaction of the investigating subjects under consideration.

In conclusion, it can be concluded that the algorithm of expert interaction with the investigator, inquiry officer, and bodies carrying out pre-trial investigations allows for the successful solution of a wide range of identification and diagnostic tasks related to the examination of firearms, ammunition, and firearms. At the same time, modern achievements of forensic science are applied, which contribute to the optimization of the investigation algorithm. The improvement of the technology of interaction between the expert and officials carrying out pre-trial investigation, inquiry, or preliminary investigation when appointing and conducting a forensic ballistic examination depends on the effectiveness and quality of solving and investigating crimes

References:

1.From the materials received from the Main Expert-Criminalistics Center of the Ministry of Internal Affairs of the Republic of Uzbekistan

2.Kardanov R. R. The Concept of Creating and Using an Information and Analytical Base of Traces of the Use of Firearms for the Exposure and Investigation of Crimes Related to Terrorism: Abstract of diss.... Cand. of Juridical Sciences. Krasnodar, 2007. - P.11.

3.Hasanov Sh.Kh. Collection of Ballistic Expertise Conclusion Samples: Textbook / Sh.Kh. Hasanov, A.D. Husanov, T.B. Mamatkulov. - T.: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2014. - P.3.

4.Criminalistics/ G.A. Abdumajidov et al. J.2. - T., 2003. - P.18.

5.Belkin R. S. Course of Forensics. M., 2001. - P. 297.

6.Corma V. D. Features of using special knowledge in the field of forensic ballistics in the investigation of crimes: Abstract of diss.... Cand. of Juridical Sciences. - M., 2001. - P.4.

7.Yatsenko O. V. On the classification of cartridges for hand-held firearms / O. V. Yatsenko // Forensic Readings: Collection of Materials / Barnaul Legal Institute of the Ministry of Internal Affairs of Russia. Barnaul, 2008. - P. 74.
8.Yarovenko V. V. Application of Special Knowledge in the Study of Objects of Forensic Ballistics / V. V. Yarovenko // Law and Politics. - 2012. - No. - 801.
9.Latyshov I.V. Some problems of forming the conceptual apparatus of forensic ballistics // Forensic examination. - 2012. - No. 4 (32). - P. 7-12.
10.Matchanov A.A. Criminalistic tactics of appointing and conducting an examination in the detection and investigation of crimes. Monograph - T.: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2004. - 144 p.
11.The concept, tasks and objects, scientific foundations and significance of forensic ballistics / Yu.A. Govenko, E.S. Tabolova // University Science. - 2016. - No. 1. - P. 264-270