

COMMENTS

CRIME AS AN OBJECT OF INQUIRY IN RUSSIAN CRIMINALISTICS

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This article deals with the definition of the subject and objects of modern Russian criminalistics. It is aimed at sensitizing world public opinion to the necessity of inquiry into the criminalistic essence of crime and encouraging criminalists to study new techniques of crime investigation in order to mitigate risks and reduce errors arising in the criminal investigation process.

One of the main objects that is constantly undergoing research in Russian criminalistics is criminal activity. The subject of Russian criminalistics is the regularities of criminal activity. When investigating crimes scientists are interested in the information that allows the successful investigation of the crimes and determination of the offender. The information about different types of crimes, which is necessary for crime investigation, is accumulated in the criminalistic characteristic of crimes. The Criminalistic Characteristic of Crimes is a scientific theory of modern Russian criminalistics that makes it possible to fully examine the specific features of crimes of all kinds, i.e. the forensic nature (essence) of crime, the system of crime elements with their characteristics, and the relationship between those elements. In U.S. and European criminalistics, the regularities of criminal activity are not defined as an object of study of this science. Yet, in the U.S. and European countries criminal profilers investigating criminal cases study the criminal links between crimes to identify crime series and crimes committed by similar offenders (or to determine co-offenders).

Keywords: crime; criminalistics; criminalistic characteristic of crimes; investigation; objects of criminalistic science; criminal profiling; subject of criminalistic science.

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Introduction

Science is a system of knowledge about the laws and basic properties of a particular subject area, confirmed by observational and experimental data, and embedded in a certain sign system – the language of science. The main functions of science are to obtain new knowledge of the essence of the objects of scientific research and keep track of reality.

The object of study of any social science is the specific phenomena of the surrounding world (living and inanimate matter, human activity, natural phenomena, etc.).

All the same, the existence of any science as an absolutely independent field of knowledge becomes possible only when the essence of the object under inquiry is cognized through the discovery of the regularities of its existence. In other words, the essence of a certain science finds its expression in the essence of its subject matter.

The subject of a science is the objective regularities that make up the essence of this or that phenomenon of the surrounding world studied by that science. The subject of a science is a specific aspect of the real object identified by the system of regularities and “replacing” this object in the research process in the form of its model. Such regularities becoming laws of science represent a relationship of phenomena which may be necessary, general, stable, repetitive, essential.

The main objects of Russian criminalistics inquiry are two types of human activity:

1) criminal activity (i.e. crime preparation, crime accomplishment, and concealment of a crime);

2) criminal investigation and prevention activities.

The additional objects of Russian criminalistics inquiry are:

a) the spheres of human activity in which certain types of criminal acts are committed, and therefore the elements of the abovementioned types of activity are interconnected;

b) the unlawful act in the form of torts and administrative offenses¹ which is not a crime but, by its nature, is similar to criminal activity;

c) the knowledge and achievements of other sciences allowing the solution of the problems of criminalistics.²

¹ Кустов А.М. Научный взгляд на предмет и объекты российской криминалистики // Библиотека криминалиста. Научный журнал. 2012. № 3(4). С. 63 [Anatoliy M. Kustov, *Scientific Outlook on the Subject and Objects of Russian Criminalistics*, 3(4) Criminalist's Library Scientific Journal 59, 63 (2012)].

² Бирюков В.В., Бирюкова Т.П. Криминалистика: объективная необходимость возникновения, соотношение ее объекта и предмета // Ученые записки Таврического национального университета им. В.И. Вернадского. Серия «Юридические науки». 2014. Т. 27(66). № 3. С. 185 [Valeriy V. Biryukov &

These types of activities are examined by criminalistics in their forensic aspect. Criminalists are particularly interested in all the information that, in terms of its content, will allow them to successfully investigate any crime. Specifically, while making inquiry into criminal activity, scientists put strong emphasis on the criminalistic nature of the crime, i.e. the information about the crime and its attributes that will allow for effective crime investigation, establishing all the circumstances of the crime, and determining the offender.

In turn, the regularities of the abovementioned objects of the actual reality are the subject of modern Russian criminalistics.

1. The Subject of Russian Criminalistics

Let us begin with the fact that to do any scientific and practical research into criminal activity for the purpose of exploring its nature (essence), it is necessary to obtain knowledge of the elements that make up the system of criminal activity, as well as of the regularities under which the system exists. As a matter of fact, objective knowledge of criminal activity can be obtained only when considering the criminal activity as a system.

*The regularities of criminal activity*³ that are of interest to criminalistics represent relatively stable and recurring correlations between the constituent elements of the system and other phenomena of the surrounding world revealed through the system evolution which determine the characteristics of the system elements and the nature (essence) of the criminal activity as a whole.

The knowledge of the criminal activity system elements and regularities is the information basis for generating recommended practices in criminal investigation and developing forensic technology in science, and for establishing all the circumstances of the committed crime in practice.

For example, in the course of inquiry into 3,000 crimes related to illegal fishing in the Caspian Sea and the rivers flowing into it, the following regularities were established. The crimes are always committed by a group of criminals and mainly during the daytime. The offenders are: (a) aged 18 to 50 years; (b) men who live in coastal settlements and are not officially employed. Many offenders have previously been convicted of illegal fishing. They always use boats, GPS navigation devices, and certain kinds of fishing nets. Their criminal activity is largely aimed at catching sturgeon species.⁴

Tatyana P. Biryukova, *Criminalistics: Objective Necessity, Occurrence, Correlation of Its Object and Subject*, 3 Scientific Notes of the Taurida National V.I. Vernadsky University. Series "Juridical Science" 180, 185 (2014)).

³ In their publications, different authors also use the terms "patterns of criminal activity" and "linkage of elements of crime."

⁴ Бессонов А.А. Расследование незаконной добычи рыбных ресурсов: Учебное пособие [Aleksey A. Bessonov, *Investigation of Illegal Extraction of Fish Resources: A Training Manual*] 8–65 (Moscow: Yurlit-inform, 2015).

This information allows criminalists to recommend the use of unmanned aerial vehicles (UAV) equipped with video cameras for the investigation of such crimes in order to record the time of the catch. The criminal investigator should examine coastal settlements to detect offenders among the local residents who are not employed but enjoy a certain level of affluence. Particular attention should be paid to those residents who were earlier convicted and own boats. It is possible to locate the places where offenders install fishing nets in the event that GPS navigation devices are seized.

The Russian scholar L. Vidonov conducted a study that also proves the need for a scientific study of the regularities of criminal activity in crime investigation. He studied more than 1,000 criminal cases of murder and revealed regularities that allow investigators to establish a suspect according to the characteristics of the place, the method of murder, and the characteristics of the victim. For example, L. Vidonov revealed that in a given case of the murder of a woman aged 15 to 22 years, committed in a secluded or solitary place by causing multiple injuries or strikes, the most likely person to be suspected is a man aged 15 to 23 years who was either a friend of the woman or had a relationship with her, residing within 400–500 meters of the crime scene, known for his cruelty and heavy drinking, and previously apprehended and convicted for hooliganism or theft.⁵

These examples show how a criminal investigator can collect relevant information by making use of the knowledge acquired by scientists through their investigations of the regularities of similar crimes committed earlier.

Michael D. Porter correctly points out that if sufficient physical evidence such as DNA or fingerprints is available, crimes can often be confidently attributed to a specific offender. Even in the absence of such evidence, it may still be possible to establish, with a high level of confidence, the crimes that were perpetrated by the same individual based on analysis of their typical forensic and psychological characteristics.⁶ In Russian criminalistics such features of crimes are studied as the regularities of criminal activity.

The first legal scholars who defined the subject of Russian criminalistics in the middle of the last century, and whose definition was agreed upon by most Russian scientists, were R. Belkin and Yu. Krasnobaev. In accordance with their definition, the subject of Russian criminalistics includes the following groups of regularities:⁷

⁵ Видонов Л.Г., Селиванов Н.А. Типовые версии по делам об убийствах: Справочное пособие [Leonid G. Vidonov & Nikolay A. Selivanov, *Typical Versions on Murder Cases: Reference Manual*] 18 (Gorky: Prosecutor's Office of the USSR, 1981).

⁶ Michael D. Porter, *A Statistical Approach to Crime Linkage*, 70(2) *The American Statistician* 152 (2016).

⁷ Белкин Р.С., Краснобаев Ю.И. О предмете советской криминалистики // Правоведение. 1967. № 4. С. 90–94 [Rafail S. Belkin & Yuriy I. Krasnobaev, *On the Subject of Soviet Criminalistics*, 4 *Pravovedenie* 90–94 (1967)]; Белкин Р.С. Курс криминалистики. В 3 т. Т. 1: Общая теория криминалистики [Rafail S. Belkin, *A Course of Criminalistics. In 3 vol. Vol. I: General Theory of Criminalistics*] 73–156 (Moscow: Yurist, 1997).

1) the regularities that make up the essence of the crime whose knowledge is necessary for successful crime investigation;

2) the regularities associated with the emergence, existence, and disappearance of information about the crime;

3) the regularities associated with such activities in the crime investigation and prevention process as collecting, researching, evaluating, and using the information about a crime;

4) the forensic methods of crime investigation and prevention developed on the basis of cognition of the abovementioned regularities.

Yet, at the beginning of the 21st century an active discussion on the need to clarify the subject of Russian criminalistics began. Many different points of view were expressed on this issue in scientific publications. In this regard, in our opinion, it is necessary to agree with some of them and to extend the definition of the subject of Russian criminalistics with the following elements that are relevant to the investigation of crimes:

5) the regularities of torts and administrative offenses, which by their nature are similar to crimes of the corresponding types;⁸

6) the regularities of the spheres of human activity that are related to the crimes committed in them and that, in this connection, are of importance for the investigation of such crimes;

7) the technique used to implement the recommendation systems developed by criminalistics in crime investigation;

8) the knowledge and achievements of other sciences which are of importance to criminalistics.⁹

This understanding of the subject of Russian criminalistics is dictated by the accumulated theoretical knowledge, the practice of using this knowledge in crime investigation, and the peculiarities of modern crimes. In view of the above, Russian criminalistics can be defined as a legal science about the regularities that make up the essence of a crime and other related activities that are relevant to crime investigation, the regularities in the emergence of information about a crime, collection, research, evaluation, and the use of this information in crime investigation and prevention, as well as about special methods and means of crime investigation and prevention based on the knowledge of the abovementioned regularities and the knowledge of other sciences, about the technique of their implementation in this activity and adaptation to it.

⁸ Kustov 2012, at 63.

⁹ Biryukov & Biryukova 2014, at 185.

2. The Concept of Crime in Russian Criminalistics

A crime is a systemic, social, socially dangerous, and unlawful phenomenon of objective reality that, on the basis of the integrity principle, is internally organized as an organic whole through the close interrelation of its constituent elements and, in this way, is detached from its environment although relating to it to a certain extent. Since the world around us is a system, criminal activity is also a system, but of a lower level.

The system of a crime includes the following elements:

- the criminal (offender);
- the victim and/or the object of encroachment;¹⁰
- the crime scene, including time, location and other circumstances of the crime;
- the method of criminal activity (modus operandi) or actions taken to achieve the criminal result, the weapons and tools used, the signature aspect;
- the traces of the crime and other information that has been recorded in the memory of people and electronic devices (for example, physical evidence, trace evidence, footprints, fingerprints, bloodstains, electronic evidence and other evidence).

Each of these elements is a system of a lower level than that of the crime within which they are included. All these elements are interrelated with each other and define each other's basic characteristics.

In this connection, we must consider, and perhaps this is the most important point, the interrelations between the crime elements, which reveal themselves as follows:

A) The choice of the victim and/or the object of the assault always depends on the characteristics of the offender. Typically, the criminal and the victim have a certain connection with each other (they live or work in the same place, they are friends, business partners, etc.). Sometimes the perpetrator chooses the object of encroachment on the basis of its location (for example, the theft of paintings from a museum).

B) The offender chooses the method of a crime (modus operandi) on the basis of the victim's characteristics (or the characteristics of the object of the assault) and the features of the crime scene. The method of a crime (modus operandi) contains information on the offender's characteristics.

C) The method of a crime (modus operandi) is reflected at the crime scene in the form of traces. Also, at the crime scene the traces are left by both the criminal and the victim.

D) In many cases the victim has a connection with the crime scene (this can be a house, a place of work, a walking route, etc.).

¹⁰ For example, in the case of theft, this is the object of encroachment (money or other property); in the case of murder: the victim; in the case of robbery: the victim and the object of encroachment (the property of the victim).

For example, to commit a terrorist act a terrorist always chooses a crowded place, a modus operandi that will involve a large number of victims and destruction. As a rule, the terrorist himself has accomplices, the connection with whom is carefully concealed, and he has also gone through special training to commit terrorist activities. It is self-evident that as a result of the act of terrorism, specific traces remain. For example, at an explosion site there remain details of the explosive device (bomb), which may contain fingerprints and bodily fluids containing DNA, and explosives residue in the offender's house. Also, in many cases there are witnesses and video recordings by outdoor surveillance cameras.

Scientists search for the regularities in criminal activity within the framework of these interrelations of the crime system elements. These interrelationships of the crime system elements are depicted in the diagram below.

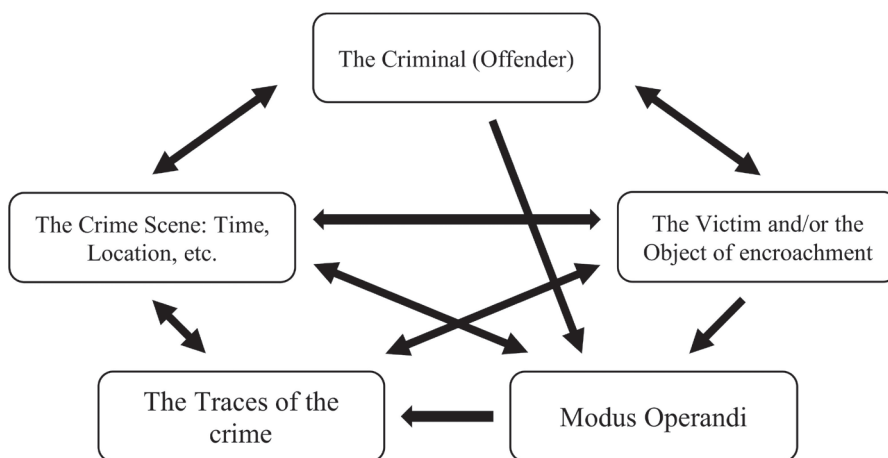


Figure 1: Correlation of elements of the system of crime

When conducting scientific research and inquiry into a crime, it is necessary to take into account the principles upon which the crime exists as a system.

It is possible to note the following *principles of the existence of a crime as an independent system*:

1) the system of a crime is a complete set of elements, which is a single whole and determines its nature as a crime. The existence of a crime as a system without any of these elements is not possible. However, each element individually will not carry all the signs of this system in itself. It is self-evident that all elements must exist simultaneously;

2) the formation of the characteristics of each element in the system of a crime occurs in the process of interaction with other elements.

For example, when a hired killer chooses the place and time for a homicide and the type of weapon, he will take the victim's characteristics, daily life schedule and route, and the presence or absence of a bodyguard into account. If the characteristics of anything connected with the intended victim change (the route of movement, he hires a bodyguard, etc.), then the killer will change the place, time, and possibly even the type of weapon;

3) all the elements of the system of a crime are interrelated. The relationships can be of two types:

a) causal relationships (causation) – they involve the emergence and/or development dependence of one system element on another in accordance with the scheme: cause → result;

b) correlation relationships – they involve the existence of one element in the presence of another, and a change in the characteristics of the former entails a change in the characteristics of the latter and/or the entire system as a whole.

In a crime, as in any phenomenon of objective reality, the relationships between the elements of its system exist objectively and are not directly perceived. They can be detected only by revealing the regularities in the relationships between the elements composing such a system and their properties;¹¹

4) the emergence and development of a crime system is determined by one or more objective and subjective factors that apply to both its internal and its external elements.

For example, an internal factor in a crime system may be the wrongful conduct of the victim that provokes a criminal to commit a crime against him (the victim insults the criminal).

External factors in the system of a crime can be environmental conditions (weather, manufacturing processes, political events, economic factors, etc.), which determine the criminal act. For example, a change in weather conditions during a flight may force the pilot to violate the rules or procedures of flying, resulting in a plane crash.

Subjective factors in the crime system are those that depend on the will of the persons involved in this system as its elements. Objective factors are those that do not depend on the will of the persons involved;

5) the system of a crime is not static; on the contrary, it constantly moves through a series of successive stages in its development, but this system is always qualitatively the same, identical to itself.

The most elementary stages of development that criminal activity follows are crime preparation, crime accomplishment, and concealment of a crime;

¹¹ Князьков А.С. О критериях значимости криминалистической характеристики преступлений // Вестник Томского государственного университета. 2007. № 304. С. 125 [Aleksey S. Knyazkov, *On Criteria of the Meaning of Criminalistic Characteristic of a Crime*, 304 Tomsk State University Journal 122, 125 (2007)].

6) the system of a crime in its present state bears the information of its past state and the possibility of predicting its development in the future;

7) repeatability, expressed in the fact that the main part of the elements of the system of a crime and the regularities between them, despite the originality of each individual criminal act, are identical in the same type of a crime (typical).

These principles of the existence of a crime as a system makes it cognizable and allows it to be put in the form of a theoretical model in science and in the form of a proof model (evidence-based model of a crime) in crime inquiry.

3. Crime Inquiry Specificities in Russian Criminalistics

Identification of the criminalistic essence of criminal activity, down to the content of its system elements and the regularities that are relevant to crime inquiry, is carried out through the scientific knowledge of particular crimes. Research on crimes occurs in order to obtain knowledge of criminal activity in general and the characteristics of various types of crimes (their groups).

Cognition of a particular criminal case can be scientific and practical, based on the results of primary and secondary reflection. These types of knowledge differ in the following features.

Scientific cognition of crime is crime research performed to obtain theoretical knowledge of crime for solving scientific problems. Practical cognition of crime is research on a particular crime by an investigator to achieve the objectives of criminal proceedings.

Every crime, like any other kind of activity, leaves information about itself in its crime scene primarily in the form of traces. Cognition of a crime based on the results of "primary reflection" is the research on information about the crime which is imprinted in its crime scene. Cognition of a crime based on the results of "secondary reflection" is the research on information about the crime which is recorded by the investigator in the procedural documents (evidence).

The investigator, as a rule, learns about the crime from his "primary reflection." The transfer of knowledge can be: (a) direct, when the crime is recorded on video (by the criminal himself, by eyewitnesses, or by a video surveillance system); (b) conveyed by traces of the crime.

The forensic scientist, as a rule, learns about the crime from his "secondary reflection," i.e. by inquiring into the empirical data contained in the case files of the investigating authorities and courts.

Russian forensic scientists research the crime from different perspectives using separate criminalistic theories – for example, the theory of the method of a crime, the theory of criminalistic research of man, etc. – for this purpose. The Theory of the Criminalistic Characteristic of Crimes, though, allows them to make a full and comprehensive inquiry into criminal activity.

The criminalistic characteristic of crimes is an information model containing data on the criminalistic essence of crimes of a certain type (groups of crimes similar to each other), i.e. information on the system elements and regularities in the relationships of these elements to each other are important for effective investigation. This model is based on research into criminal cases and other materials of investigation and cases heard by judges. It is important for the development of investigative methods for various types of crimes (their groups) and techniques used in solving different tasks in crime investigation and prevention.¹²

Scientists formulate the criminalistic characteristic of crimes of a certain type (murder, acts of terrorism, bombings, rape, robbery, crimes against children, etc.) according to the following scheme.

Stage 1. The scientist selects the empirical material to be researched for particular types of crimes and determines its whereabouts: court or investigating authorities' archives.

Stage 2. The scientist researches the selected empirical data (criminal cases, other case files) in order to identify the criminalistic significant signs of committed crimes and their regularities.

Criminalistic significant signs of a crime are the typical signs that characterize the essence of the crime and are important for conducting an effective investigation.

Stage 3. The scientist or group of scientists carry out analysis of the investigated crimes, systematize their criminalistic significant signs, and identify regularities between the elements of the crime system.

Stage 4. The researcher forms a criminalistic characteristic of the researched type (group) of crimes on the basis of the information obtained; for example, a criminalistic characteristic of murder, of acts of terrorism, of rape, etc.

Stage 5. The researcher adapts the criminalistic characteristic of crimes to the requirements of modern practice of crime investigation and, on its basis, creates a methodology for investigating the crimes whose model it represents.

Stage 6. The information contained in the criminalistic characteristic of crimes is used by criminal investigators in crime investigation, and scientists analyze its effectiveness.

Stage 7. On the basis of observation, scholars assess the reliability of the information contained in the criminalistic characteristic of crimes, the effectiveness of its use in crime investigation, and determine the moment when new research is required to improve it.

The accumulation of scientific information about crimes of a certain type in the criminalistic characteristic is carried out in the form of the following information blocks:

¹² Бессонов А.А. Частная теория криминалистической характеристики преступлений: Дис. ... докт. юрид. наук [Aleksey A. Bessonov, *Theory of the Criminalistic Characteristic of Crimes: PhD thesis*] 76 (Moscow, 2017).

- information on typical criminals (offenders);
- information on typical victims and/or the objects of encroachment;
- information on a typical crime scene (time, location and other circumstances of the crime);
- information on a typical method of criminal activity (modus operandi);
- information on typical traces of the crime and other sources of information on the crime.

Information on the regularities in the relationships between these elements reveals the dependence of the characteristics of one element on another: for example, the type of criminal who chooses a certain method of committing a crime and certain weapons; how the criminal and the victim are interrelated; the features of the victim that determine the choice of a specific place and time of crimes committed by the criminal, etc.

The great scientific significance of the criminalistic characteristic of crimes lies in the fact that it reveals the criminalistic essence of the crimes of a particular type (group of similar crimes), because it contains the criminalistic (forensically) significant information on those crimes and the regularities in the relationships between their elements as a system. All this information on crimes is obtained by scientists on the basis of research and analysis of the real practice of their investigation and trial proceedings, and in this regard can be used: (a) for researching the crime as an object of criminalistics; (b) for developing crime investigation methodology and techniques; (c) in practical activities throughout the investigation of particular crimes.

Another theory of criminalistics used by Russian scholars to study the regularities of criminal activity is the theory of the mechanism of crime.

The *mechanism of crime* is a system of interaction processes between the participants that are directly and indirectly involved in the crime and the environment of the crime scene, coupled with the use of weapons, tools, and other individual elements of the environment linked to the crime. The mechanism of crime determines the emergence of criminalistic information about the crime itself (that is, traces), its participants and results.¹³

The difference between the methodology of cognition of crime used by the criminalistic characteristic of crimes theory and the one used by the mechanism of crime theory is as follows:

- the Theory of Criminalistic Characteristic of Crimes allows the accumulation of information about typical characteristics of elements that make up the system of a particular type of crime, and the collection of data on the relationships between these elements;

¹³ Веренич И.В., Кустов А.М., Прошин В.М. Криминалистическая наука и теория механизма преступления: Монография [Igor V. Verenich et al., *Criminalistics Science and Theory of the Mechanism of Crime: Monograph*] 182 (A.M. Kustov (ed.), Moscow: Yurlitinform, 2016).

– the Theory of the Mechanism of Crime makes it possible to study the characteristics of the crime and its constituent elements from the point of view of the development of criminal activity in time and space in stages (preparation, commission, staging).¹⁴

The significance of these theories in the cognition of criminal activity lies in the fact that, using these theories, scholars can study the regularities of committed crimes of any type. Scientific information on the characteristics of crimes obtained by scientists can be used to formulate criminal investigative techniques, implemented in practice while investigating particular crimes, and used to identify suspects.

As the well-known Russian scientist R. Belkin has written, the investigative practice is the source of methodology and techniques for investigating crimes, and the criterion for their truthfulness and effectiveness (this outline plays the role of a fundamental axiom in criminalistics).¹⁵

4. The Specificity of Inquiry into Crimes in the U.S., European Countries, and Other Countries

While in Russian criminalistics equal attention is paid to the development of methods for both theoretical and practical cognition of crimes, the main efforts of foreign scientists are aimed at creating methods for practical cognition of crimes in the process of their investigation without forming the theoretical foundations of the science. In the U.S., European countries, and many other countries around the world, criminalistics (forensic science, criminal investigation) does not include inquiry into the regularities of criminal activity.

At the same time, solving the most urgent practical problems of forensic research, foreign criminalists carry out an active and broad scientific search for the latest technologies from various fields of scientific knowledge¹⁶ (psychology, statistics, economics, astronomy, etc.) suitable for forensic purposes.

For example, M.D. Porter, inspired by the Bayesian approach, developed the methodology of statistical analysis of crime series linkage which identifies and groups crime events committed in certain areas sharing a common offender and reveals the most likely suspects. One of the key laws of elementary probability theory applied in this methodology reveals connected and committed by the same person or a group of persons crimes based on the information derived from the geographical

¹⁴ See Bessonov 2017, at 252–253; Кустов А.М. Криминалистическое учение о механизме преступления: Дис. ... докт. юрид. наук [Anatoliy M. Kustov, *Criminalistic Doctrine About the Mechanism of Crime: PhD thesis*] 101–112 (Moscow, 1997).

¹⁵ Белкин Р.С. Курс криминалистики. В 3 т. Т. 3: Криминалистические средства, приемы и рекомендации [Rafail S. Belkin, *A Course of Criminalistics. In 3 vol. Vol. III: Criminalistic Tools, Techniques and Recommendations*] 349 (Moscow: Yurist, 1997).

¹⁶ See Криминалистика: Учебник. Т. I [Criminalistics: Textbook. Vol. I] 52 (A.I. Bastrykin (ed.), Moscow: Ekzamen, 2014).

coordinates of the places of the commission of crimes, the time of their commission, and the time interval between the crimes. The method allows the identification of a serial criminal by comparing the characteristics of recorded crimes which have suspects identified with those that do not. To justify the consistency of the approach, Porter makes the following arguments: (a) certain regularities can always be traced in the criminal behavior of the same person; (b) the behavior of each criminal has the key features distinguishing him from other criminals; (c) the behavior of criminals can be observed, measured, and accurately fixed. Porter's methodology of statistical analysis of crime series linkage reveals 82% of existing linkages between the criminal cases forming the crime series, with a 5% false positive rate. While identifying crime series, it is possible to distinguish 74% to 89% of additional crime events from a ranked list of 50 criminal incidents.¹⁷

As such, Porter's criminal linkage analysis is one of the proofs of the need to study the regularities of criminal activity in criminalistics in order to effectively investigate crimes.

When investigating crimes in Western Europe, the United States, Canada, Australia, and other countries, profiling, also called criminal investigative analysis, is used.

Profiling is the method of working up a sketch of the suspect in an investigated crime using the information models formed on the basis of the analysis of individual elements of crimes, traces, and psychological characteristics recorded in previously committed, similar crimes. The overall goal of profiling is the expeditious identification and apprehension of the criminal offender, or offenders, involved in multiple, violent crimes. The main types of profiling include the following: psychological profiling, offender profiling, crime scene profiling, and geographic profiling.¹⁸

In 1992, John E. Douglas, Ann W. Burgess, Allen G. Burgess, and Robert K. Ressler published "Crime Classification Manual" to assist in investigative profiling. Their manual gives the typical characteristics of such offenses as violent crime (murder, rape, sexual assault), arson, computer crime, and cybercrime. The typical characteristics of these crimes describe each of the key elements in categorizing a crime: victimology (age of the victim, relationship with the offender, etc.), crime scene indicators frequently noted (environment, place, time, physical evidence, weapon, among others), staging (the purposeful alteration of a crime scene), common forensic findings (the analysis of physical evidence), and investigative considerations. Profiling is, in fact, a form of retroclassification, or classification that works backward based on these elements and carried out by investigative profilers.¹⁹

¹⁷ See Porter 2016, at 152–165.

¹⁸ See John E. Douglas et al., *Criminal Profiling from Crime Scene Analysis*, 4(4) Behavioral Science & the Law 401, 404–405 (1986); John E. Douglas et al., *Crime Classification Manual: A Standard System for Investigating and Classifying Violent Crimes* 97–98 (2nd ed., San Francisco: Jossey-Bass, 2006); Michael D. Lyman, *Criminal Investigation: The Art and Science* 100–149 (6th ed., New Jersey: Prentice Hall, 2010).

¹⁹ See Douglas et al. 2006, at 93–434.

As such, profiling is a sort of counterpart to the criminalistic characteristic of crimes used in Russia. Nevertheless, the main difference between the criminalistic characteristic of crimes and profiling is that the former is framed by scholars for all types of crimes and contains information on the typical characteristics of the system elements and their regularities, while the latter is not suitable for use in all types of crimes. Profiling is most suitable for crimes that involve some form of psychopathology, such as murder, rape, ritualistic crimes, and torture.²⁰

Other scholars – S.T. Easton and A.K. Karaivanov – proposed applying an economics approach to the Network Theory in the study of crime. They developed a theory of optimal networks in the context of criminal organizations and they proposed a method for identifying the structure of a criminal organization, criminal connections between its members, its criminal “boss,” and key “players.” The basis of this method is network analysis, developed by the social economy, which allows the identification of the cost-benefit ratio of creating and maintaining links in the social network, as well as the strength of these bilateral and unilateral links. Within the framework of this method, it is suggested that a criminal organization be viewed as a social network that is the product of a behavioral process in which the criminals choose their network links with others according to a set of specified costs and benefits to participation, and the function of optimizing ties in this network is provided by its criminal “boss.” By establishing the coefficient of the strength of these links, the hierarchy of the criminal organization, its size and key “players,” and, most importantly, its criminal “boss,” are revealed.²¹

It should be added that sometimes scientists from outside of Russia put forward proposals to use theoretical propositions from seemingly remote fields in the investigation of crimes, for example the use of astronomy propositions in terms of achievements in the field of prognostics.²²

Thus, the methods of other sciences may expand the capabilities of forensic scientists in understanding the regularities of criminal activity and increase efficiency in crime investigation.

Conclusion

The study of criminal activity as the main object continues to be the foundation of Russian criminalistics. The regularities of a crime are the subject of Russian criminalistics. At the moment, a qualitative change in the world around us, of which

²⁰ See Stephen Tong et al., *Understanding Criminal Investigation 70* (Chichester, Malden: Wiley-Blackwell, 2009).

²¹ See Stephen T. Easton & Alexander K. Karaivanov, *Understanding Optimal Criminal Networks*, 10(1–2) *Global Crime* 41 (2009).

²² See Gloria Laycock, *Crime, Science and Evaluation*, 62(1) *Criminal Justice Matters* 10 (2005).

crimes are a part, causes a change in the approaches to defining the subject of Russian criminalistics.

It seems that the scientific research relating to crimes performed in order to obtain relevant information on crimes which will improve the efficiency and effectiveness of crime inquiry should be a task of the first importance to criminalistics throughout the world. In addition, it is precisely the definition of the subject of criminalistics that makes it possible to talk about criminalistics as an independent science. At the same time, in many countries criminalistics is a part of other sciences: criminology, police sciences, etc.²³

The criminalistic characteristic of crimes is the theory of Russian criminalistics which is an independent field of science studying the crime specificities which enable effective and successful investigation.

The information on the criminalistic specificities of various kinds of crime is accumulated in the criminalistic methodology within the criminalistic characteristic of crimes. This is one of the current trends in the development of Russian criminalistics.²⁴

Criminal investigators use information contained in the criminalistic characteristic of the type of crime they inquire into in order to: (a) advance the hypothesis as to who committed the crime, where the suspect can be looked for, where the weapons and traces of crimes can be found, etc.; (b) model the circumstances of the investigated crime that have not yet been established; (c) plan the investigation and determine the information that should be established relating to the crime; (d) assess the results of the investigation in terms of the completeness of the established circumstances of the crime.

However, Russian criminalists need to more actively, fully, and comprehensively study the valuable experience and knowledge of their foreign colleagues regarding the methodology of the theoretical and practical study of crimes and to integrate all of the advanced technologies into national science and practice.

The experience of scholars and practical experts in the investigation of crimes in many countries shows that the methods of the widest range of social and other sciences can be extrapolated into the process of cognition of the regularities of criminal activity in the field of criminalistics. In this regard, this area of research is very promising, offering a potentially big return in science for Russian scholars.

Summing up, we can also say that the inquiry into the criminalistic essence of crimes is the future of criminalistics and the crime investigation process. Each method of inquiring into crimes in criminalistics should necessarily be based on empirical material and aimed at obtaining new scientific knowledge by studying the empirical material.

²³ Darko Maver, *Criminal Investigation/Criminalistics in Europe: State of the Art and a Look to the Future*, 64(3) *Revija za kriminalistiko in kriminologijo* 233, 242 (2013).

²⁴ Stanislav A. Yalyshev, *Problems and Ways of Development of Modern Russian Criminalistics*, 64(3) *Revija za kriminalistiko in kriminologijo* 245, 247 (2013).

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