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SYSTEM OF TYPICAL VERSIONS IN INVESTIGATION OF KIDNAPPING

In the article the considered system of typical versions, which can be used for investigation of theft of people. The results of generalization of criminal realizations (businesses) about the theft of people allowed to offer the system of typical versions taking into account typical consequence situations which arise up at investigation of theft of man. Depending on character of versions an investigator determines, what and in what sequence it is necessary to conduct consequence (search) actions.

Keywords: *typical version, typical investigation situation.*

One of the promising directions of optimizing and improving efficiency in investigation of special types of crimes is investigation and further development of the typical versions question. Practical meaning of this direction of scientific researches is confirmed by successful development of typical versions concerning special types of crimes on the basis of criminalistics characteristics [1; 2; 3; 4] and their using in conditions of shortage of actual data on the sense and content of special circumstances of the investigated criminal proceeding. In this regard, the fair view is the view of O.N. Kolesnychenko and H.A. Matusovskyi that using systems of typical versions introduces an element of precision in the investigation, helps to an investigator to analyze known to him similar situations and select correspondent situations for a special case from scientific sources. Learning the scheme of such cases allows covering and prospectively identifying all possible basic directions of the investigation [5, p. 10].

R.S. Bielkin defines a typical version as a natural one for a special situation from the point of view of the correspondent branch of science or summarizing practice (special investigative techniques, forensic, investigative, expert practice) determined explanation of certain facts or the event in full. On his point of view, typical versions have limited informative value, because they, on the basis of minimum actual data, can provide only general explanation of the event, not sufficient for successful completion of the investigation. Thus, a typical version is specified in the process of proofing depending how an investigator gathers the necessary information [6, p. 29, 30].

M.O. Selivanov and L.H. Vidonov suppose that “a typical version is the conditional reasoning, based on observations, expressing possible connection between certain types of elements of criminalistics characteristics of crimes” [7, p. 5, 6]. On developing their concept further, M.O. Selivanov considers typical versions as the result of summarizing the experience of investigative work, as some abstractions, conditional possible arguments such as: “If in the process of investigation some elements of the crime are found, it is likely that the crime is committed by a person with some data, with some motive” [8, p. 52].

The similar view is followed by I.M. Luzhin, O.N. Kolesnichenko, H.A. Matusovskyi, I.Ye. Bykhovskyi, V.O. Konovalova and several other criminologists. In particular, H.A. Matusovskyi defines a typical version as an assumption build on the basis of typical situations analysis, community of certain necessary relations. On his opinion, typical versions are the result of scientific summarizing the practice, which reflects the peculiarities of crimes investigation taking into consideration criminalistics characteristics. Such cases acquire the special meaning, when they shall operate in the situations with not complete information and which are specific to early investigations [9, p. 40].

Data on the relations between structural elements of criminalistics characteristics are the theoretical basis for typical version for a certain type of crime and almost always have a valid character, and the received conclusion is characterized by a certain level of probability. Typical version is a kind of “embryo” of the system of general (sometimes special) investigative versions of the criminal proceeding. It usually has orienting meaning and, based on the small amount of information, helps in forming mental model, explaining the criminal event or its separate circumstances with a varying degree of probability.

In this regard the fair is warning a number of scientists on creative and critical evaluation of typical versions on investigation of a certain crime [10, p. 58]. We can neither deny their informative meaning in general, thinking that they contradict creating thinking of investigators, nor convert them into a standard, making their meaning absolute, reduce all versions to them. Thus, typical versions shall provide the best conditions for manifestation of creative abilities of investigators, correct evaluation of the data, and then building well-founded specific version.

In a lack of useful information in criminal proceedings on kidnapping an investigator uses generalized data of criminalistics characteristics of the considered group of crimes as additional information, which allows putting up prospective versions, mainly, on

the identities of possible kidnappers, based on the available information, mainly of possible type. The information, accumulated in typical criminalistics characteristics, is a very important component of theoretical basis of versions and allows sufficient optimizing the process of putting the versions up.

The content of the original information at the beginning of the investigation is relevant for setting out versions and determining the directions of the investigation. Depending on the content and completeness of the information, and the nature of the versions, the investigator determines what and in what order to conduct investigative (detective) actions.

Typical versions acquire theoretical significance and big practice on investigating kidnapping. Taking into consideration the general theoretical positions of criminalistics on the system of investigative leads, the system of typical versions in the proceedings of kidnapping, in our opinion, should contain two structural levels:

a) general versions as assumptions about the crime as a whole or separate elements of the offense;

b) separate versions related to assumptions about the other, more specific (detailed) circumstances of the kidnapping.

This approach to building a system of standard versions according to O.M. Vasyliiev is “justified according to the actual content of the assumptions ...”, allowing “on designing a range of versions of the expectation of their comprehensive volume systematically and purposefully cover all the issues of subject of proof “ [11 , p. 61]. It should be borne in mind that the basis of standard version serves typical situation as certain state investigation of kidnapping, which is characterized by a certain ratio of known and unknown to the proceedings, allowing you to nominate an educated guess as to unknown circumstances - a criminal, a way of committing kidnapping and more.

Typical general versions in the proceedings of kidnapping are the following:

1. The fact of kidnapping is undeniable.
2. There is a kidnapping connected with the commission of other crimes (article 115 “Murder”, article 121 “Intended Grievous Bodily Harm”, article 189 “Extortion”, article 257 “Banditism” of the Criminal Code of Ukraine etc.).
3. In this case no kidnapping was committed but other crime (article 146 “Illegal Confinement”, article 147 “Hostage taking”, article 189 “Extortion” of the Criminal Code of Ukraine etc.).
4. The fact of committing kidnapping is missing; there is a re-enactment for the purpose of obtaining money or wealth from family, friends, business associates, allegedly abducted person.

5. The fact of committing kidnapping is missing, there is disappearing a person under other circumstances (including non-criminal).

In forensic science there are versions of standard concepts that are characterized for common investigative situations that arise during the investigation of crimes. The results of the generalized criminal proceedings (cases) of kidnapping allow us to offer the following system model versions based on common investigative situations and general theoretical conclusions.

Regarding the typical investigative situations where there are available features of kidnapping and information about criminals, putting up typical generic version of that in terms of content give one possible explanation of the nature and character of the events perpetrated as a whole and its elements. Therefore, the investigator, solving the question of the signs of kidnapping in the first place puts forward assumptions about the nature of the offense - versions of skills that are the basis of the standard version. Ignoring the above versions often leads to errors in the qualification of the committed action. So, putting up the above version promotes proper evaluation and training events that took place.

The second level of the structural model versions in a typical situation, same as in the investigation of kidnapping, there are some versions that are put forward primarily by individual parties offense under the article 146 of the Criminal Code of Ukraine.

On investigating kidnapping there are most noteworthy separate versions that include assumption of the reasons for kidnapping, time and place of the seizure of stolen, ways to capture, transfer and retention, detention of the victim, location of criminals, features and abilities of suspects, the number of members of the criminal group its technical equipment and the equipment of, type of criminal groups, methods of extortion and so on.

There are versions of the reasons of kidnapping, when information about them is conflicting or missing. In such case it can be made the following revisions: a) kidnapping committed for mercenary motives, b) kidnapping committed for revenge c) kidnapping committed on the grounds of jealousy d) the offense is committed for other reasons (to exchange for others to use as labor etc.).

Typical individual versions of the time and place of the kidnapping are the following: a) kidnapping committed during the daytime from an apartment or workplace of the assault victim; b) kidnapping committed during the night from the apartment of the victim or his friends; c) kidnapping committed in the daytime from the path traffic victim to or from work, and d) kidnapping committed

during the night of recreational or entertainment victim e) kidnapping committed in the daytime or night time from another location (the country, sports club, etc.).

Typical versions explaining the way to capture kidnapped persons contain the following: a) kidnapping committed by the use of physical violence; b) kidnapping committed by the use of psychological violence; c) kidnapping committed by fraud; d) kidnapping committed with the use of the helpless state victim.

To finding out the ways of moving of the kidnapped person there putted up the following typical versions: a) moving kidnapped is carried by road or railway, and b) movement effected by air or land; c) move made by public transport (bus, tram, trolley bus, taxi, etc.); d) movement effected by other means of transportation.

The task of establishing location of the kidnapped is secured by putting up the following typical versions: a) the victim is kept in a specially rented or adapted for this purpose isolated building (apartments, villas, hotels, motels, etc.) and b) the kidnapped is at the residence of one of the culprits; c) the kidnapped is held in the country, in the garage, the other non-residential premises owned by criminals, d) the kidnapped is at the residence of one of the friends of criminals, e) the kidnapped is held elsewhere (in a building located on major repairs, basement or attic residential building in the woods, etc.).

Important information for the development of the operation to free the kidnapped can provide way to the establishment of maintenance of the kidnapped in a particular place, which you can use the following typical version: a) the kidnapped person is bound and b) the kidnapped is held by handcuffs; c) the kidnapped is in specially adapted isolated room, which eliminates the escape (bunker, basement, garage) d) the kidnapped is applied with drugs or other psychotropic agents of influence, and d) the victim is kept by individuals acting as guards.

Important forensic capacity versions are about the number of suspects and structure of criminal groups. These versions provide the investigator with the opportunity to field services staff to develop alternative plans investigative (detective) actions and other measures for the release of kidnapped, detained the hijackers and gather evidence of their guilt.

In the situation where criminals are known, but hiding, designing specific versions should be oriented for maximum collection data on the criminals to establish their whereabouts or possible occurrence in a particular place, as well as their arrest. Therefore, to successfully resolve this situation the detective versions become important.

According to R.S. Bielkin, the sense of the detective version includes the assumption of action of a person to hide the object sought. Determining the direction of the investigation, detective version is an important factor in the determining the behavior of the subject of the investigation [12, p. 217-219]. Having a specific character, detective version is the basis of focus on the identification of tools and means of committing the crime, establishing a mechanism for the inquiry, apprehend the fugitive investigation and trial of others.

The features of the detective versions in the investigation of crimes, including kidnapping, unlike other investigative leads are defined by the following:

1) the process of putting up and testing versions of search terms is not limited to the investigation and may continue even after the termination of the preliminary investigation;

2) detective versions are put up to determine the location of the suspect who disappeared, and other objects as wanted at present and in the future;

3) the detective versions are separate because they do not belong to the whole event, but only some of its elements.

Taking into consideration the situation and practice of searching kidnappers wanted fugitives, the investigation of such a category of criminal proceedings can be brought forward by following versions:

a) criminals hiding in their relatives, friends and acquaintances;

b) the persons wanted remained on the legal position or moved underground;

в) criminals went abroad etc.

In a typical investigation of the situation when there are signs of kidnapping, the kidnapped is released, but the perpetrators remain unknown, along with versions of skills characteristic above the typical situation, they put up some versions which checking is directed primarily at determining the number of persons, including the need to conduct the search of criminals.

In this situation the efforts of the participants of the investigation should be directed to the immediate solution of two key issues: a) the collection of information about criminals and their location, and b) the implementation of the data collected for the purpose of identifying and prosecuting criminals. In this regard considerable interest is the establishment of indications on group affiliation of hijackers. It means an idea to which group (gender, age, ethnic, professional, etc.) they belong to.

On developing and putting up versions of identities of kidnappers should be first considered the way of committing

kidnapping, time, individual characteristics of the person affected. Along with personal experience it is necessary to use the data contained in the forensic characterization of kidnapping as a way of committing this crime often indicates the identity of the perpetrator.

The put up versions of the subject of kidnapping can be of two types:

1) version of the personal nature that tend to occur in this situation, when committed kidnapping and famous people who have done it, that in this case put up by the assumption of guilt of specific individuals;

2) versions of general nature, based on data contained in the materials of the criminal proceedings, but do not point to specific individuals. They are characterized by typical situations where kidnapping is committed, but the person, who has done, is unknown or if there is information about the identity of the perpetrator, but the latter has disappeared, that in these cases the assumption imposed on a person who has certain properties - skills physical strength, height, shoe size, picture papillary patterns on the hands of others. Based on these and other data they constructed and put up the version of the circles of persons, which may drink wine. Then during the test versions they put up the assumption of a particular person which focuses. Therefore, there become particularly important typical investigative leads on the subject of kidnapping when the initial data on it is minimal or very limited.

On putting up and building investigative leads on persons guilty of kidnapping, be aware that the above-mentioned list of standard versions is not exhaustive and may be expanded considerably to the specific circumstances of the proceedings and formed with the investigation of the situation. In such cases it is necessary to consider all possible and most likely assumptions about persons involved in the commission of the crime.

Typical versions of the perpetrators of kidnapping are the following:

- a) the offense is committed by one person;
- b) the offense is committed by a group of persons on the basis of the previous concert;
- c) the offense is committed by an organized group.

As for the members of the criminal group, we can offer the following typical versions:

- a) living in one area;
- b) a common place of work or study;
- c) the interests or occupation;
- d) fraternity (people from one locality, region, etc.);

e) previous criminal connections (previously committed crimes together, served a sentence in a correctional labor institution, etc.);

e) joint leisure (regular visits to the same places of public accommodations - restaurants, nightclubs, casinos, etc.);

g) family ties (most members up close or distant relatives).

Thus, the system of typical versions in the proceedings of the kidnapping is a structure that consists of general and individual levels that are in direct proportion to the investigation of the situation as a dynamic information system that reflects the ratio between installed and not yet aware of the circumstances of the criminal proceedings.