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CRIMINALISTICS PORTRAIT RESEARCH: FEATURES OF REALIZATION AND DRAWING ON RESULTS ARE IN THE CRIMINAL LEGAL PROCEEDING

In the article the forensic investigation and portrait research in criminal proceedings Ukraine.

Keywords: portrait research; investigation; criminal proceeding.

Досліджено судово-медичну та портретну експертизи в кримінальному судочинстві України.

Ключові слова: портретна експертиза; розслідування; кримінальний процес.

Исследованы судебно-медицинская и портретная экспертизы в уголовном судопроизводстве Украины.

Ключевые слова: портретная экспертиза; расследования; уголовный процесс.

In a criminalistics aspect in modern circumstances, especially with adopting of new CPC of Ukraine, the special interest is presented by a person suspected (defendant) as an element of criminalistics description of certain type of crime.

The studies about the features of appearance of person are the component element of study of a criminal. A human beings is a difficult biological mechanism to which inherent it, unique complex of properties and features. Properties characterize the internal qualities of a person, features – external. The process of forming of any person begins from the moment of its birth and takes place under an influence of external environment (natural and social) in which it lives, and

internal state of its organism. The result of this process is an existent variety of people, which differ one from other by an appearance, behaviour, financial and cultural values.

In the mechanism of crime people are a basic criminalistics information source. Person as a subject of co-operation and formation of traces is one of multifaceted objects of wild nature. Difficult and varied role of a subject in the structure of criminal activity, as he occupies the first place – there is not activity without a subject, and consequently a crime is not committed.

Being on the high degree of development and organization of matter, a person owns the most quantity of features and properties, that allows to distinguish it among the numerous objects of living and lifeless nature.

The establishment of personality after the features of appearance is carried out in the process of investigation of crimes and is the result of complex of operational investigative measures and proceedings (search actions) among which actual is appointment of the judicial-portrait examination.

The conclusion of an expert, especially with the categorical form of identity which comes as a result of portrait research studies in the process of identifying of a person after a result of the estimation of information, which were collected during prosecuting an investigation in criminal realization.

Certainly, appointing an examination the investigator counts on the detailed and high-quality research of the given objects. Unfortunately not always an expert can give the detailed expert conclusion because of different objective or subjective circumstances.

This affirmation justly can be applied to any type of examination, but among traditional criminalistics examinations the judicial-portrait examination occupies a specific place, because the experts sufficiently often appoint portrait images examinations of the low quality, which do not allow in a complete measure to use all the methods and receivings of research of features of appearance that are developed nowadays.

The acuity of the problem arises due to the fact that recently in the expertise practice are being appeared the images received from the use of

digital photographic, which allow to take photo from the close distance. As a result on the photo is observed a significant distortion of the features of human appearance. Wide spread are the cases, when on the research are presented passports, photos in which were subject of processing by the programs such as «Photoshop». Even at the previous study of similar photos is noticeable the change of some size descriptions of a face, contours of elements of appearance, not to mention about cosmetic and surgical changes and deleting of wrinkles. Certainly, that it is necessary for such situations the working out the recommendations and methods for exposure of similar changes of initial images and account of differences at comparison of features of appearance.

The analysis of expert practice rotined that such objects of judicial-portrait examination as images received from the videosupervisions, became prevailing in comparing to the photos. However the videoshots are studied like photographic images, although the principle of exposure of features of appearance is another and needs new approaches and analysis of both images and fixed features of appearance on them. Existed methodical recommendations on the conducting of expert research of shots of the videotape recording meet mainly to the analysis of methods of video, possibility of technical correction of images, although there is a requirement in the specialized method of research of features of appearance after such mediums of portrait data.

This problem also needs serious working outs not only in relation to the research methods of features of appearance after such images but also corrections and additions of content of the stages of portrait examination. So contet of actions of expert on the stage of previous research must include the independent choice of videoshots on which are represented the optimum features of appearance, an expert to our opinion must not be limited to only materials given by an investigator or court. As a rule for comparing to the person which is on the videotape recording, are given photos, made after the rules of photographing on documents. As a result not comparison of images, the process of analysis and their comparative research becomes complicated. Therefore theexperts need to use their right for petition about the receipt of compared images on foreshortening and positions of head of a person on a photo. Also it will be correct to initiate a right

of an expert to take photography of persons which are checked up, that will allow to get maximally suitable images for authentication.

Another problem of portrait authentication is plastic surgery, which arises up in connection with appearance of the newest methods of surgery which influences on changing of features of human appearance.

In this connection there is a necessity of exposure of reasons and circumstances of such state of practice of processing of portrait researches, including at the level of training of the proper expert personnels. It is necessary to pay attention to such important moments in basis of expert method of implementation of judicial-portrait examinations, such as a decision of identification meaningfulness of the selected features, decision of question, in relation to possibility of the use of receptions and methods of comparison, structure of content of synthesizing part of conclusion, criteria of ground of conclusions according to the results of research [1, с. 287].

Consequently, the judicial-portrait examination in comparing to other criminalistics examinations, is appointed rarely, and that is why experts slowly accumulate own experience of their implementation.

Modern state of the judicial-portrait examinations requires an activation of scientific researches of the investigations and preventing crimes, and also the working out the methodical recommendations from criminalistics equation of person on original human appearance.

The subject of portrait examination is regularity of physiological structure of features of human appearance, their changes along life and after death, the use of features of human appearance of man for disclosure and investigation of crimes.

The task of portrait examination is equation of person (troupe) after its image.

Reference list of solvable questions:

- Is a concrete person represented on this photo?
- Is on represented photos, made in different periods, the same person?
- Is or are one or different persons represented on these photos?
- Is among persons on a group photo a person, represented on the comparative photos presented for research?
- Is a concrete person represented on the photo of unrecognized dead body? [2].

The requirements to materials, which must be presented to an expert for the processing of research: Objects of examination of equation of a person after the features of appearance are foto-, kino-, video-, digital representations of live persons, unrecognized dead bodies.

By comparative materials for authentication of person after a photo there can be pictures of this person, also the images, special made for this examination. Such images are made according to the rules of identificative (signalitical) filming: three chest pictures are made – in a right type, full laugh (at the front) and with the turn of a head on the right. For the receipt of the most exact reflection of features of appearance the head of person, which pictures are taken, during a filming in full laugh and in a type must occupy vertical position. During a filming in a semitype a head of person must be some lifted and returned on the right thus, that the left auricle was expressly looked over.

On filmings in a type and full laugh a person which pictures are taken must be represented with an ordinary mien, without a head-dress and other articles of clothes, which hide any objects; the hair must be combed back (for the women the hair should not cover an auricle).

The filming is conducted at illumination which allows most fully to find out the relief of person and his peculiarities. Usually the combined illumination is applied which consists of one enough intensive source of light (window, soffit) with a beating back screen from white fabric or paper.

At any variant of illumination an image must not have the large shaded areas which interfere with reliable judgement in relation to signs. During a filming relatively light neutral background should be used. It is desirable, that among comparative samples there were pictures, closed to researched at filming period, foreshortening of image, illumination.

Together with comparative materials it is necessary for an investigator to give information about possible plastic operations, done to a person which must be identified.

The rules signalitical filming is spreading on the photographic fixing of appearance of dead in the cases of exposure of unrecognized dead bodies (there are troupes with the stored covers of face). Authentication of dead body is conducted by comparing of image of dead body to the live images of person. A filming is conducted, as a

rule, in morgues. At photographing a dead body is often practiced to take 5 images of a head: full laugh, right and left types, and also with the turn of the head on the right, as among live pictures there can be not samples on which a person is represented fullface or type. If for authentication of dead body a photo is given, except the noted photos is conducted photography with the that foreshortening and illumination, that is on the given picture. In necessary cases before a filming the so-called rest room of head of a dead body is conducted: face is washed, hair are combed, eyes are opened and so on. In the cases when muscles of face were saved, but integrity or ordinary look is broken and judgement in relation to the signs of deceased is impossible, come running to restoration of external covers of face for a giving the dead body live look. The special signs of external anatomy of dead are filmed with a scale. Comparative images are not retouched.

Nowadays the plastic (cosmetic) operations, which purchased considerable distribution allow not only to remove the defects of development, consequences of mechanical, chemical damages and surgical interferences, but also to change a form and sizes of certain elements of face (nose, mouth) and to conduct the so-called rejuvenation. All these operations change the look of a person. So, as a result of removal of wrinkles on a face the edge of growth of hair can change, which leads to the increase of height of forehead, and also the level of location of eyebrows (as a rule, up).

In general the cosmetic operations are an independent type of surgery, which also can be the finishing stage of renewable surgery. The purpose of such operations is a removal of anomalies or certain (usually sufficiently noticeable) failings with the purpose of achievement of accordance of original appearance of patient acceptable him the aesthetically beautiful norms.

Plastic operations conduct for renewal of the blasted or tumbledown organs of human body by moving of fabrics, taken in close of defect or displanted from other places, and also the use of live or dead fabrics of other person or animal. For transplantation can apply different artificial materials. Thus simultaneously with the form of organ is renewed his function. Important value gives also achievement of certain cosmetic effect.

More informing in an expert aspect are plastic operations for which material for transplantation is taken in sick (autoplastic). After

such operation on the human body there are scars not only in the place of renewable organ but also in the place of taking of transplant (during such operations on face replant a skin, mucus shell, fat, muscles, cartilages, bones, combined fabrics, and also nerves and vessels). In some cases the scars from the exception of automaterial it is possible to observe it on a photo.

During authentication of appearance of supposition about cosmetic and surgical interference on face should be checked always and above all things in cases:

- when on more late portrait a person looks junior than on earlier;
- when on earlier photo there are defects, injuries, anomalies and other rejections, on face, and on more late they are not or they are less expressed;
- when at presence of separate divergences in the appearance of the compared persons on one of the photos evidently scars, which need the decision of their attitude toward scars of surgical interference.

For establishment of relation of found out on photos the divergences and changes of appearance to the consequences of cosmetic and plastic operation can appear the need in involvement of specialists-surgeons, in fact not always for the conducting of research it is enough for an expert to familiarize with the special medical literature in this question, sometimes the consultation of a specialist is needed. In certain cases the commissional examination should be done [3, c. 133].

The judicial-portrait examination in comparing to other criminalistics examinations, is appointed rarely, and that is why experts slowly accumulate own experience of their implementation. In this connection it is necessary to use such active form of methodical work, as criticizing of copies between expert subdivisions for an exchange experience, to publish the results of criticizing as samples of expert practice. Modern state of the judicial-portrait requires an activation of scientific researches executed with accounting of the actual questions of practice of investigations and preventing crimes, and also the working out of methodical recommendations on criminalistics equation of person on original human appearance.

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