

### OPINION

#### **Combating crime or counteraction to crime?**

**Lyudmila M. Volodina** – Doctor of Laws, Professor, Professor in the Department of Criminal Procedural Law at Kutafin Moscow State Law University.

The article considers some problems of correlation of notions of «combating crime» and «counteraction to crime», as well as issues of their content. The point of view is argued that criminal proceedings, being a part of the government machine, are a tool for implementing the criminal policy of the state, which is built on preferences of the state ideology.

*Keywords:* criminal policy; combating crime; counteraction to crime; criminal law; criminal proceedings.

### CRIMINAL PROCEDURE

#### **On the so-called criminal prosecution (in a narrow sense)**

**Stanislav V. Bazhanov** – Doctor of Laws, Professor, Leading Researcher in the Department of Problems Prosecutorial Oversight and the Rule of Law in the Economic Sphere at the Research Institute of the Academy of the Prosecutor General's Office of the Russian Federation.

The author of the article justifies his view that the term «criminal prosecution» does not have its legal content and should be excluded from the conceptual apparatus of the criminal process.

*Keywords:* public prosecutor; prosecutor's supervision; criminal prosecution.

#### **Problem of property in the system of principles of criminal proceedings**

**Tatyana Yu. Vilkova** – PhD in Law, Associate Professor, Associate Professor in the Department of Criminal Procedural Law at Kutafin Moscow State Law University.

The article shows that the legislator develops constitutional norms on the right of property and its protection in the sectoral legislation, establishing in the Criminal Procedural Code of the Russian Federation the grounds, conditions, procedures and terms for limiting this right in relation to such legal institutions as a civil lawsuit in a criminal case, procedural coercive measures and investigative actions related to interference with property rights, collection, storage, determination of the fate of physical evidence, rehabilitation, procedural costs. It is concluded that the development of criminal procedural legislation goes along the path of establishing additional guarantees for the property rights of participants in criminal proceedings, in particular, by expanding the exclusive competence of the court in this area. The conclusion is substantiated that the inviolability of property is the principle of Russian criminal justice.

*Keywords:* property inviolability; judicial protection; evidence; civil lawsuit; rehabilitation; procedural costs; principles of criminal justice.

#### **Borders of freedom and personal immunity in criminal proceedings: General Comment No. 35 of the UN Committee on Human Rights**

**Aleksandr G. Volevodz** – Doctor of Laws, Professor in the Department of Criminal Law, Criminal Procedure and Criminalistics, Deputy Dean for Science of the International Law Faculty at the Moscow State Institute of International Relations (University) of the MFA of Russia.

Russian scientists and law enforcers as sources of international standards of criminal justice, including those applicable to the measure of restraint in the form of detention, mainly perceive the European Convention for the Protection of Human Rights and Fundamental Freedoms and resolutions of the European Court of Human Rights. Meanwhile, the International Covenant on Civil and Political Rights and its monitoring mechanism, the Human Rights Committee, occupy a special place in the hierarchy of sources of such international standards. In October 2014, the Human Rights Committee adopted the General Comment No. 35, which provided an interpretation of various elements of freedom and inviolability of the person, guarantees of their observance and special features of international legal support for arrest in criminal proceedings, as stipulated by Article 9 of the said Covenant. The author

gives a general description of this document and draws attention to its most important and interesting provisions.

*Keywords:* international standards of criminal justice; freedom and personal inviolability; detention; International Covenant on Civil and Political Rights; UN; Human Rights Committee; General Comment No. 35.

### **Court proceedings – is it the central stage of the Russian criminal process?**

**Vagan L. Grigoryan** – PhD in Law, Associate Professor in the Department of Criminal Procedure at Saratov State Law Academy.

On the basis of the analysis of the current legislation and materials of the court practice and investigative practice, the article reveals the true correlation between the preliminary investigation and the court proceedings in the Russian criminal process. The author notes that the imperfection of a number of provisions of the Criminal Procedural Code of the Russian Federation, resulting in creation of conditions for the arbitrary disclosure of evidence collected previously, contributes to demonstration of the simplified approach of judges to cognitive activity, which is why the consideration of the case on its merits is essentially based on preliminary investigation data and, often turns into a pure formality. In the opinion of the author, dependence of the outcome of a criminal case on the results of pre-trial proceedings is most clearly manifested in differentiated forms of legal proceedings, where there is no justice as such. The article ends with the conclusion that court proceedings should be deprived of the status of the central stage of the criminal process in Russia.

*Keywords:* court proceedings; preliminary investigation; immediacy of the study of evidence; disclosure of evidence; central stage of the criminal process; differentiated forms of criminal procedure.

### **Exercise, by the woman accused of the crime, of her right to having her criminal case considered by the court with participation of jury members**

**Vladimir V. Dubrovin** – PhD in Law, Associate Professor in the Department of Criminal Law, Criminal Procedure and Criminalistics of the International Law Faculty at the Moscow State Institute of International Relations (University) of the MFA of Russia.

The article is devoted to the study of problems of legal regulation of exercise, by the woman accused of a crime, of her right to having her criminal case considered by a court with participation of jury members in accordance with the current criminal procedural legislation of Russia and with account taken of the legal positions of the Supreme Court of the Russian Federation and the Constitutional Court of the Russian Federation.

*Keywords:* the female accused; court with participation of jury members; court practice.

### **Criminal procedural proving in the court in the context of the record-keeping of the court session: critical notes**

**Igor A. Zinchenko** – PhD in Law, Associate Professor in the Department of Legal Disciplines at the Kaliningrad branch of the International University (in Moscow).

The author continues to participate in the discussion, which began by a 2016 publication by O.Ya. Bayev and M.O. Bayev in «Library of the criminalist. Scientific journal» [2]. The author criticizes views of that article on illegality and unreasonableness of verdicts because of absence of court records by the time of their passing, as well as on creation of a new stage within the structure of the court proceedings. Attention is drawn to specific features of criminal procedural proving in the course of pre-trial proceedings and judicial proceedings. The article states that for the court, which passes the verdict, the court record and the material which is attached to it and which is received as a result of use of technical means, are a means of fixing everything that is happening in the courtroom, including the testimonial evidence which has been voiced. On the other hand, they serve as executed (formed) source of evidence for other subjects of proving – for higher court instances, in case of a new trial, etc.

*Keywords:* law of evidence; proving in court; judicial investigation; passing a verdict; record of court session.

### **Ensuring a balance with observance of competitive rights of the suspected, the accused and underage injured persons and underage witnesses**

**Valery N. Karagodin** – Doctor of Laws, Professor, Dean of the Second Faculty for Professional Development, Deputy Director of the Institute for Professional Development of the Academy of the Investigative Committee of the Russian Federation (Yekaterinburg Branch).

**Natalia B. Vakhmyanina** – PhD in Law, Head of the Department of Criminalistics of the Second Faculty for Professional Development of the Institute for Professional Development of the Academy of the Investigative Committee of the Russian Federation (Yekaterinburg branch).

**Aleksandr A. Kazakov** – PhD in Law, Head of the Department of Criminal Procedure of the Second Faculty for Professional Development of the Institute for Professional Development of the Academy of the Investigative Committee of the Russian Federation (Yekaterinburg branch).

At present, the issue of ensuring the right of the defendant to interrogate persons who evidence against him/her in connection with application, in the court session, of the procedure for announce the testimony of underage injured persons and underage witnesses becomes especially relevant. The authors criticize the position of the researchers who propose, as a general rule, to introduce the practice of additional interrogation of these trial participants at the stage of preliminary investigation, upon the initiative of the accused or of his/her defender. A conclusion is made on the necessity to use a differentiated approach when solving this problem. The author argues that such an interrogation should be allowed only in exceptional situations.

*Keywords:* underage injured person; underage witness; announcement of testimony; additional interrogation; the right to defense; video recording of interrogation; forensic psychological examination of underage persons.

### **The defender's position in consideration of the criminal case according to the procedures of Chapter 40 of the Criminal Procedural Code of the Russian Federation: procedural and ethical aspects**

**Svetlana A. Kasatkina** – PhD in Law, Scientific Researcher of the Sector of Criminal Law, Criminology and Justice Problems Institute of State and Law of the Russian Academy of Sciences, Lawyer.

The article deals with the problem of implementation, by the defender, of the duty assigned to him/her to carry out defense in case of consent of the accused with the charge brought; the factors are studied which influence the formation of the position of the defender on the petition, declared by his/her client, on consideration of the criminal case according to the procedures Chapter 40 of the Criminal Procedural Code of the Russian Federation; the conclusion is substantiated on admissibility of existence of an opinion of the defender that does not coincide with the opinion of the accused. In order to improve the effectiveness of participation of the defender in the special procedure for the trial, it is proposed to extend the possibility of applying the provisions of Part 5 of Article 62 of the Criminal Code of the Russian Federation to verdicts that were passed according to general procedures, in the cases where termination of the simplified procedure was due to the presence of objections from the defender.

*Keywords:* simplified procedural form; special procedure for the trial; consent to the charge brought; opinion of the defender.

### **On the subject of judicial control in the stage of performance of the verdict**

**Viktor I. Kachalov** – PhD in Law, Associate Professor, Professor in the Department of Criminal Procedure, Criminalistics and Forensic named after N.V. Radutnaya at Russian State University of Justice.

Specific features of judicial control exercised by the court in resolving issues arising in the enforcement of the sentence are examined. A conclusion is made that the subject of judicial control is pre-determined by the content of issues to be considered by the court at that stage of the process. The author proposes a classification of issues subject to correction in execution of the sentence, on the basis of the nature of the issues under consideration, their legal nature and their relationship with the purposes of criminal punishment.

*Keywords:* justice; judicial control; execution of the sentence; correction of the sentence; essence of the sentence; classification of issues to be considered by the court in the execution stage of the sentence; subject of judicial control.

### **Relevant issues of checking reports of crimes**

**Sergey V. Kleshchev** – Senior Lecturer in the Department of Organization and Support of Crime Detection and Investigation at Tver branch of Moscow University of the MIA of Russia named after V.Ya. Kikot.

The article considers problematic issues of procedural regulation of verifying reports of crimes. The problems arising in the practical implementation of changes in the criminal procedural legislation are analyzed. The ways of solving these problems are suggested.

*Keywords:* verification of reports of crimes; criminal procedural form; initiation of criminal case; procedural and investigative actions.

### **Criminal procedural code: a form of live law or a «soul-less» instruction**

**Aleksandr V. Pobedkin** – Doctor of Laws, Professor, Deputy Head of the Department of Professional Training at the Directorate of Public Service and Personnel of the MIA of Russia.

The article is devoted to the problem of optimal content of the Criminal Procedural Code of the Russian Federation. Critical assessment is given to excessive details of the law, to orientation of the legislator toward the level of preparation of individual law enforcers. Tools are proposed that allow to fill the criminal procedural law with the real spirit necessary for correct application of the law.

*Keywords:* criminal procedural code of the Russian Federation; principles of criminal justice; the spirit of the law; interpretation of the rules of law.

### **Importance of the defendant's recognition of his/her guilt in case of termination of criminal prosecution in connection with active repentance (Article 28 of the Criminal Procedural Code of the Russian Federation)**

**Iraida V. Smolkova** – Doctor of Laws, Professor, Professor in the Department of Criminal Law, Criminology and Criminal Procedure at Baikal State University.

The article is devoted to one of the keenly debated problems of the science of criminal procedural law – the problem of determining the importance of confession of guilt by the accused in case of termination of criminal prosecution in connection with active repentance, on the basis of Article 28 of the Criminal Procedural Code of the Russian Federation. The author of the article defends her point of view that in case of termination of criminal prosecution in connection with active repentance, full confession of guilt by the accused is a necessary condition of such termination and, proposes to make the respective changes to the Criminal Procedural Code of the Russian Federation. At the same time, the author notes the current legislative trend which is aimed at terminating the criminal case and criminal prosecution in case of indemnity of damages without account taken of recognition of guilt.

*Keywords:* active repentance; exemption from criminal liability; termination of criminal case; termination of criminal prosecution; the accused; indemnity of damage; voluntary surrender; confession of guilt; pre-trial cooperation agreement.

### **On participation of the prosecutor in evaluation of evidence during pre-trial stages of criminal proceedings**

**Aleksandr V. Spirin** – PhD in Law, Associate Professor in the Department of Criminal Procedure at Ural Law Institute of the MIA of Russia.

The article is devoted to analysis of the status of the prosecutor as a subject of proving in pre-trial proceedings. The article considers in detail the participation of the prosecutor in evaluation of evidence, and certain aspects of the prosecutor's evaluation of evidence in pre-trial proceedings. On the basis of analysis of legislation, law enforcement practices, views of scientists and practitioners, the article justifies necessity to make changes to the Criminal Procedural Code that would make it possible to improve the effectiveness of prosecutor's supervision and, consequently, the degree of protection of rights and legitimate interests of persons involved in criminal proceedings.

*Keywords:* public prosecutor; pre-trial proceedings; prosecutor's supervision; evaluation of evidence; admissibility of evidence.

### **Toward the issue of interrelation between criminal and civil court proceedings**

**Tatyana E. Sushina** – PhD in Law, Senior Lecturer in the Department of Criminal Procedural Law at Kutafin Moscow State Law University.

On the basis of analysis of investigative and judicial practice and data of statistics, the article identifies the causes for formation, among victims of crimes, of a stable opinion on pretentiousness of provisions of Article 52 of the Constitution of the Russian Federation. To find a way out of this situation, the author proposes to address the concept of judicial law and the theoretical foundations of the judiciary, which performs a single function through criminal, civil, administrative and constitutional court proceedings. In this regard, the author proposes to make greater use of the possibilities of civil proceedings for resolving civilistic issues arising in the criminal process. Such integration will lead to a balance in the criminal procedural policy, whose purpose is equal protection of the rights of injured persons and the rights of persons subjected to criminal prosecution.

*Keywords:* conflict of goals; compensation for damage; injunctive remedies; rapprochement between criminal and civil court proceedings.

## CRIMINOLOGY

### **Personal characteristics of violent sex criminal**

**Alla A. Semerikova** – PhD in Law, Practicing Psychologist.

This scientific article is devoted to criminological and psycho-psychiatric analysis of personality of violent sex criminal. The research is based on five criteria that determine the structure of personality of a violent sex criminal: his/her social, psychological and medical characteristics that allow identify him/her from among the total set of persons who commit crime. The fundamental platform for the analysis is the results of a study of 132 persons brought to criminal account for crimes of violent sexual nature.

*Keywords:* personality of sex criminal; sex violence; aggression; socio-demographic criterion; social and professional criterion; criminal and legal criterion; ethical and psychological criterion; medical criterion; socialization; destructuring; mental instability.

### **Criminological characterization and prevention of illegal organization (conduct) of gambling**

**Anton E. Shalagin** – PhD in Law, Associate Professor, Head of the Department of Criminology and Criminal Executive Law at Kazan Law Institute of the MIA of Russia.

**Svetlana O. Kormiltseva** – Lecturer in the Department of Criminology and Criminal Executive Law at Kazan Law Institute of the MIA of Russia.

The article discusses gambling as a socially negative phenomenon and shows their relationship to crime. Attention is paid to the historical and foreign experience of counteraction against illegal gaming business. Criminological description of the crimes provided for in Article 1712 of the Criminal Code of the Russian Federation is reflected. Criminogenic factors and specific features of personality of the criminal are analyzed. A set of preventive measures aimed at minimizing criminal acts in this area is proposed.

*Keywords:* gambling; organization and conduct of gambling; personality of the criminal; causes of crime; gambling business; prevention; prophylactic measures; counteraction.

## CRIMINALISTICS

### **Forensic methodology of maintenance of state prosecution: theoretical foundations of construction**

**Sergey L. Kislenko** – PhD in Law, Associate Professor in the Department of Criminalistics at Saratov State Law Academy.

The article considers theoretical issues of formation of the forensic methodology for maintaining state prosecution. The author's vision of the process of building its structure is given. The need for the use, as well as the place and importance of the general pattern of activities for maintaining state prosecution in the said process, are substantiated. Elemental composition of the activity on maintaining the state prosecution and the informative content of the composition are considered.

*Keywords:* maintenance of state prosecution; forensic methodology; methodology of supporting state prosecution; structure of activity; methodology.

### **Toward the issue of possibility to form a united forensic methodology for investigation of crimes in the area of illicit trafficking of drugs**

**Elena E. Kosmodemyanskaya** – PhD in Law, Associate Professor, Associate Professor in the Department of Criminalistics at Siberian Law Institute of the MIA of Russia.

The article outlines the theoretical substantiation of the possibility of creating a united forensic methodology for investigating crimes in the area of illicit drug trafficking. Analysis is made of specific techniques of investigation of a number of elements of crime included in the group: smuggling of narcotic drugs, psychotropic substances, their precursors or analogues ... (Article 229.1 of the Criminal Code of the Russian Federation), illicit cultivation of plants containing narcotic drugs or psychotropic substances or their precursors (Article 231 of the Criminal Code of the Russian Federation), organization or maintenance of dens or systematic provision of premises for consumption of narcotic drugs, psychotropic substances or their analogues (Article 232 of the Criminal Code of the Russian Federation) and others. As a result of the analysis, the criteria for generality of the above-mentioned specific techniques are

identified, which are the basis for formation of a united methodology for investigating crimes in the area of illicit drug trafficking.

*Keywords:* drug trafficking; united forensic methodology; situations and tactical objectives of investigation.

### **Some specific features of investigation of insurance fraud**

**Anastasia V. Matyushkina** – PhD in Law, Associate Professor in the Department of Law Enforcement Activity and Executive Proceedings at the Middle Volga (Saransk) branch of the Russian Law Academy of the Ministry of Justice of the Russian Federation.

The article considers some specific features of investigation of insurance fraud using car insurance as an example, on the basis of methods of committal of this kind of crime. The factors which complicate and hinder investigation of this category of cases are analyzed; also, measures of complex nature are presented to address the identified problems of the insurance business.

*Keywords:* fraud; investigation; insurance; car insurance, insurance indemnity; insured case; concealment.

### **Theoretical foundations of methodology of investigation for special types of crime: the making and the contemporary status**

**Ivan A. Popov** – Doctor of Laws, Professor, Leading Researcher at the All-Russian Research Institute of the MIA of Russia.

Attention is focused on the role and importance of methodology for investigating certain types of crime and its theoretical basis. The author states that the history of development of forensic science knows certain time periods when the view prevailed, according to which the publication of works dealing with methods of crime committal was regarded absolutely unacceptable. Attention is drawn to the fact that when developing techniques for investigating certain types of crime, it is also necessary to determine to what extent they are applicable in investigation of a particular category of criminal cases. At the same time, it should be established as completely a possible what are the specific features for application of some or other tactical and technical techniques in investigation of a particular category of criminal cases.

*Keywords:* methodology of investigation of certain types of crimes; information on methods of committing crimes; development of general principles of methods for investigation of certain categories of criminal cases; main tasks of methodology for investigating crimes; requirements of the criminal procedural legislation; procedural implementation of document verification.

### **On development of the concept of forensic methodology of investigation of tax crimes**

**Vladimir M. Proshin** – PhD in Law, Associate Professor, Dean of the Law Faculty of the International Slavic Institute.

Analysis of materials of criminal cases on tax crimes and literature sources allows the author to define and describe the concept of the forensic methodology for investigating these crimes, to describe a typical forensic methodology. Analysis of the literature sources has contributed to description of the author's position in respect of the concept and content of the forensic methodology for investigating crimes.

*Keywords:* methodology for crime investigation; private methods of investigation of groups of crimes similar from the forensic point of view; mechanism of crime.

### **Some aspects of forensic support for pre-trial agreement on cooperation under conditions of counteraction to disclosure of crimes**

**Ramil R. Rakhmatullin** – PhD in Law, Associate Professor in the Department of Criminal Procedure and Criminalistics at Kazan (Volga Region) Federal University.

At the present stage, activities of the investigator in detection of crime require a rethinking in accordance with the changed conditions of his/her work. The struggle against organized crime, corruption, crimes of terrorist orientation remains relevant. At the same time, opposition to detection of crimes has largely become of systemic and long-term character. In these conditions, scientists, practitioners and lawmakers are actively looking for optimal ways to raise efficiency of criminal prosecution. The most promising ways include development of forensic recommendations on use, by the investigator, of provisions of the institution on pre-trial cooperation agreement.

*Keywords:* tactics; detection; investigation; petition; pre-trial agreement; defense; indictment; investigator; special procedure; cooperation.

### **Application of forensic tomography in identification of victims of natural disasters, catastrophes and military conflicts**

**Andrey A. Strelkov** – Vice-Chairman of Tver regional public organization of veterans of investigation «Soyuz».

The article shows the role of radiological diagnostic methods in identification of victims of mass catastrophes and natural disasters (DVI). The first stage of application of usual radiography in practical activities had important positive significance for results of identification of the deceased. With the gradual increase of technological potential in modern conditions, multi-detector computer tomography (MDCT) has the greatest advantage; it provides larger scope of accessible information for DVI studies than other methods of postmortem radiological imaging. The use of modern telecommunication technologies in such cases provides an opportunity for a remote method of work of specialists in forensic tomography, which makes it possible to solve many issues associated with identification of the deceased more efficiently.

*Keywords:* victims of catastrophes and natural disasters; radiography; identification of personality; multi-detector computer tomography; forensic tomography.

### **Theoretical and practical aspects of arrest of a briber in flagrante**

**Aleksandr M. Khlus** – PhD in Law, Associate Professor in the Department of Criminalistics at Belarusian State University.

The article is devoted to typical investigative situations of the initial stage of detection and investigation of bribery. Features of operative experiment and tactical operation on detention of the bribe taker for various options of situational performance are considered. The author focuses attention on necessity to conduct a tactical operation only after institution of a criminal case.

*Keywords:* bribery; investigative situation; operative-and-search activity; operative experiment; detention in flagrante; tactical operation.

### **Prediction of possible counteraction to investigation of crime associated with drugs, psychotropic, potent and poisonous substances, and development of measures for its prevention and neutralization**

**Lyubov E. Chistova** – PhD in Law, Associate Professor in the Department of Criminalistics at Moscow University of the MIA of Russia named after V.Ya. Kikot.

The article draws attention to the signs of counteraction to investigation of crime, the article analyzes various points of view of researchers on this issue, and the author's definition is given. Particular attention is paid to the issues of identifying such signs both before commencement of investigation of this type of crime and in its course, as well as to measures taken for neutralizing the counteraction and preventing it through procedural and organizational measures.

*Keywords:* counteraction to investigation; signs of counteraction; neutralization of counteraction; prevention of counteraction; investigation of crime; narcotic drugs, psychotropic, potent and poisonous substances.

### **A document formed by automated information system: forensic context and evidential significance**

**Viktor I. Sharov** – Doctor of Laws, Professor in the Department of Mathematics, Informatics and Information Technologies at Nizhniy Novgorod Academy of the MIA of Russia.

The article considers a rather interesting case for law enforcement practice, where an electronic document automatically generated by an automated information system – online banks, payment service providers, etc. – is used as an evidence source. Proposals are given to verify the reliability of such information.

*Keywords:* criminal process; automated information system; document; electronic document; admissibility of evidence; proving.

## **FORENSIC EXAMINATION**

### **On the possibility of conduct of judicial psychological expert review to identify signs of reliability/unreliability of information obtained from participants of criminal proceedings**

**Vali F. Engalychev** – Doctor of Psychology, Professor (Tsiolkovsky Kaluga State University), Director of Scientific Research Centre of Forensic Examinations and Criminalistics.

**Galina K. Kravtsova** – Polygraph Expert at Kaliningrad Centre of Judicial Examination and Evaluation.

**Elena N. Kholopova** – Doctor of Laws, PhD in Psychology, Professor in the Department of Criminal Procedure, Criminalistics and Legal Informatics of the Law Institute at Immanuel Kant Baltic Federal University.

Psychology of lies is an important part of many branches of psychology. In particular, within the framework of legal psychology, scientific and applied research is conducted which is aimed at identifying factors and criteria for assessing the completeness and quality of information reported by participants in criminal proceedings. Despite the success of researchers, confirmed by practice, disputes still remain about the fundamental possibility/impossibility of producing forensic expert reviews aimed at solving problems associated with identification of psychological signs of reliability/unreliability of evidence from participants in the process. The authors of the article believe that the solution of the said problems solely by means of forensic science and criminal process is hardly possible, since we are talking about interpersonal communication, which amenable to legal regulation in the most general terms only.

*Keywords:* criminal process; verification of testimony; psychology of lies; reliability of information; forensic psychological expert review.

### **Evaluation of the expert opinion containing a probable conclusion or a conclusion on inability to decide the question on its merits in case of portrait expert review**

**Nikolay N. Ilyin** – PhD in Law, Senior Lecturer in the Department of Criminalistics at the Academy of the Investigative Committee of the Russian Federation.

The article considers issues of estimation of the expert opinion on portrait expert review containing probable conclusions and a conclusion on impossibility to decide on a question. The author draws attention to the fact that the Russian criminal procedural legislation and regulatory acts on forensic expert review do not directly state that probable conclusions of forensic experts may not be used in criminal proceedings to establish the truth in the case. The investigator and the court must evaluate each item of evidence in terms of its relevance, admissibility and reliability.

*Keywords:* forensic portrait expert review; expert opinion; video images; probable conclusion; a conclusion on impossibility to decide the question on its merits; signs of the outer appearance of a person.

### **Influence of fingerprint powders on efficiency of enzymatic DNA amplification**

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**Evgeny S. Mishin** – Doctor of Medical Sciences, Professor, Head of the Department of Forensic Medicine at North-Western State Medical University named after I.I. Mechnikov, Forensic Doctor of Medical and Forensic Department at St. Petersburg State-Funded Health Institution «Bureau of Forensic Medical Examination».

**Igor V. Kornienko** – Doctor of Biological Sciences, Forensic Doctor of the highest qualification category, Head of the Laboratory of molecular and genetic identification of branch No. 2 of the Federal State Governmental Institution «111 Main State Center of Medical Forensic and Criminalistics Examinations» of the Ministry of Defense of the Russian Federation.

Experimental molecular genetic studies of the effect of fingerprint powders on efficiency of the polymerase chain reaction (PCR) have been carried out. By means of «real-time» PCR, the degree of inhibition of fingerprint powders by enzymatic amplification of the control DNA template is evaluated. The results obtained allowed to divide the fingerprint powders studied into three groups: those not inhibiting PCR, those partially inhibiting PCR and those inhibiting PCR. It is found that in case of complex fingerprinting examination and molecular genetic examination of sweat and grease deposits, it is optimal to use fingerprint powders that do not inhibit or that partially inhibit PCR.

*Keywords:* fingerprinting powders; PCR efficiency; PCR inhibition; sweat and grease deposits; DNA identification; fingerprints.

### **On comprehensive application of instrumental tools to verify the reliability of information in psycho-physiological expert review**

**Artur G. Kholevchuk** – PhD in Law, Senior Lecturer in the Department of Civil and International Law at the State Marine University named after F.F. Ushakov.

The article analyzes some problems of using the results of forensic psycho-physiological expert review. On the basis of the study of modern instrumental tools for verification of information, the author makes a judgment on necessity to use the latter in psycho-physiological expert review, since their efficiency is confirmed by the studies made.

*Keywords:* lie detection; polygraph; non-verbal behavior; instrumental tools; testimony.

## **LAW ENFORCEMENT AGENCIES**

### **On some aspects of application of service dogs in activities of law enforcement authorities of Russia and foreign countries**

**Evgeny E. Maslennikov** – PhD in Law, Senior Researcher in the Department of the Improvement of Methodologies of Regime, Security and Escort Provision at the Research Institute of the Federal Penitentiary Service of Russia.

The article is devoted to consideration of some aspects of the use of service dogs in activities of Russian and foreign law enforcement authorities. The main exterior features and working qualities of dogs are specified. The ways to increase efficiency of performance of cynological units by means of successful practices are proposed.

*Keywords:* official activity; law enforcement authorities; narcotic substances; cynological service; successful practices.

### **Agencies of the European Union, acting in the area of combating cybercrime**

**Lyubov P. Shmatkova** – PhD Student in the Department of European Law at Moscow State Institute of International Relations (University) of the MFA of Russia.

The article provides an overview of some of the institutional mechanisms established in the European Union and designed to counteract cybercrime. Specific features of implementation of their powers in this area are shown.

*Keywords:* European Union; cybercrime; EU Agency for Police Cooperation (Europol); European Center for Cybercrime; EU Agency for Judicial Cooperation (Eurojust); European Police College; EU Network and Information Security Agency; European Defense Agency.

## **INTERNATIONAL CRIMINAL LAW AND JUSTICE**

### **Legal mechanisms of rendering consular legal assistance in investigation of criminal cases with foreign element: contemporary state and prospects of development**

**Aleksandr A. Kazakov** – PhD in Law, Head of the Department of Criminal Procedure of the Second Faculty for Professional Development of the Institute for Professional Development of the Academy of the Investigative Committee of the Russian Federation (Yekaterinburg branch).

**Aleksey I. Kazakov** – PhD in Law, Associate Professor, Associate Professor in the Department of Criminal Procedure at the Ural State Law University.

**Kirill K. Klevtsov** – PhD Candidate in the Department of Criminal Procedure at the Ural State Law University, Leading Counsel at the Center of Economic and Service Provision of the Main Directorate of the MIA of Russia for Sverdlovsk Region.

On the basis of legal analysis of multilateral and bilateral international treaties involving the Russian Federation, as well as the provisions of the Criminal Procedural Code of the Russian Federation, the article considers the current problems of rendering consular legal assistance in criminal matters with a foreign element, and proposes options for their solution. On the basis of the theoretical study, the authors formulate the concept of consular legal assistance in criminal cases and outline its structure schematically. For the purpose of optimizing its implementation, the article proposes to make additions to the Russian criminal procedure law.

*Keywords:* consular legal assistance; legal assistance in criminal cases; international cooperation; preliminary investigation; extraterritorial criminal procedural jurisdiction.

## COMPARATIVE LAW

### **Plea bargains in the criminal process of the USA and Great Britain: comparative legal analysis**

**Ekaterina G. Dubrovina** – PhD in Law, Senior Lecturer in the Department of Criminal Law, Criminal Procedure and Criminalistics of the International Law Faculty at the Moscow State Institute of International Relations (University) of the MFA of Russia.

The article is devoted to the study of the institution of plea bargains in the criminal process of the USA and Great Britain. The article considers both history of formation of this institution and its current state, with account taken of the provisions of the legislation currently in effect and judicial practice both in the US and in Great Britain.

*Keywords:* confession of guilt; plea bargains; plea guilty; plea bargaining.

## FROM LEGAL SCIENCE TO PRACTICE

### **Ensuring the right to defense during procedural actions by means of video conference communication facilities: legal opinions of the European Court on human rights**

**Aleksandr G. Volevodz** – Doctor of Laws, Professor in the Department of Criminal Law, Criminal Procedure and Criminalistics, Deputy Dean for Science of the International Law Faculty at the Moscow State Institute of International Relations (University) of the MFA of Russia.

On the basis of decisions on complaints cases against the Russian Federation, the article considers certain specific features of exercise of the right to defense in criminal proceedings by means of videoconferencing communication facilities. Attention is drawn to necessity for increased attention of the courts to organization of communication sessions and to the procedure for participation of representatives of the defense team in procedural actions conducted by means of videoconferencing communication facilities. Practical recommendations are given, whose implementation will, in the opinion of the author, ensure the proper exercise of the right to defense of participants in procedural actions by means of videoconferencing communication facilities.

*Keywords:* videoconferencing communication in criminal proceedings; the right to defense; European Court of Human Rights.

### **Organizational and tactical framework for establishment of psychological contact in interrogation of an underage injured person**

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**Evgeny A. Kiselev** – PhD in Law, Associate Professor, Head of the Forensic Laboratory of the Fifth Faculty for Professional Development of the Institute for Professional Development of Moscow Academy of the Investigative Committee of the Russian Federation (Khabarovsk branch).

In case of committal of crimes against underage persons, the most important initial investigative action is the questioning of the injured person. Preparation for such an interrogation has a number of specific psychological features. One of the main conditions of appropriate preparation for interrogation and its efficient conduct is the choice of techniques and methods for establishing psychological contact with the underage victim being questioned. The article has thoroughly studied and summarized the regional practice of involving in the questioning a teacher and a psychologist in the area of developmental psychology. The work carried out in this domain by investigative authorities of the Investigative Committee of Russia is analyzed. The authors suggest the positive experience gained in the Khabarovsk Krai to establish psychological contact with the underage injured person during the questioning. The research has helped to formulate recommendations for establishing psychological contact with underage victims being questioned.

*Keywords:* psychological contact; interrogation; underage injured person; preparation for questioning; tactics; investigator; crime; planning; investigatory action.

### **Concept and essence of investigatory experiment in investigation of road traffic crimes**

**Levon V. Pinchuk** – PhD in Law, Associate Professor in the Department of Criminal Procedure and Criminalistics at Ryazan branch of Moscow University of the MIA of Russia named after V. Ya. Kikot.

The article considers the concept and essence of investigative experiment, with account taken of the specific features of investigation of road traffic crimes. The author analyzes definitions of investigative experiment and identifies the signs characterizing this investigative action, by means of materials of judicial practice.

*Keywords* and phrases: investigation of road traffic crimes; investigative experiment; forensic tactics.

### **Inspection of the scene of an incident in case of investigation of a terrorist act with the use of an explosive device at a public transport stop**

**Alla V. Khmeleva** – PhD in Law, Director of the Institute of Forensic Science at Moscow Academy of the Investigative Committee of the Russian Federation.

The article considers the specific features of inspection of the scene of an incident associated with terrorist acts at public transport stops where terrorists use explosive devices. The article is based on the results of generalization and analysis of investigative practice in investigation of such crimes in the city of Voronezh. Preparations for the inspection, including organizational aspects, deployment of the investigative and operative group, its technical and forensic equipment are discussed in detail. Specific features of tactics of the inspection of the scene of the incident, practical experience of its participants in its conduct, and issues of cooperation with forensic experts are considered.

*Keywords*: inspection of the explosion site; explosive device; preparation for inspection; inspection tactics; forensic examinations; inspection of a corpse.

## **HISTORY OF LEGAL SCIENCE**

### **An outline of history of forensic science. Part II**

**Aleksey A. Bessonov** – PhD in Law, Associate Professor in the Department of Criminal Law Disciplines at Saratov State Law Academy (Astrakhan branch), First Deputy Head of the Investigative Department of the Investigative Committee of the Russian Federation in the Republic of Kalmykia.

This article continues to consider the development of forensic science. It is devoted to the history of Russian forensic science in the second half of the last century and in the beginning of the 21st century. The author specifies the contribution of particular forensic science researchers into the development and the making of modern forensic science, and draws conclusions about the significance of each of the stages of development of this science.

*Keywords*: history of forensic science; history of science; forensic science; development of forensic science; stages of development of forensic science.

### **Investigative authorities of Russia in the first quarter of the 18th century**

**Dmitry O. Serov** – Doctor of Historical Sciences, Associate Professor, Head of the Department of Theory and History of State and Law.

The article is devoted to the history of emergence of investigative authorities in the state mechanism of Russia. On the basis of a wide range of archival sources, the article shows that the first Russian investigative authorities were «Major» investigative offices which functioned in 1713 till 1723 and which were established by Peter the Great to investigate crimes against the interests of service. Particular attention is paid to the consideration of the Order to the «Major» offices on 9 December 1717, thanks to whose publication, the stage of preliminary investigation was for the first time was isolated in the Russian criminal process. New data are presented both on activities of the «Major» offices and on their personnel. Particular attention is paid to consideration of the multi-episode «case of fiscals», which was in charge of the investigative office of the Prosecutor General's Office, and afterwards, of the Searching Office of the High Court.

*Keywords*: preliminary investigation; criminal prosecution; «Major» office; fiscal service; the prosecutor's office; investigative office of the Prosecutor General's Office; the Supreme Court; Peter the Great; crimes against the interests of service.

## **LEGAL INFORMATION**

**General Comment No. 35 on Article 9 of the International Covenant on Civil and Political Rights, adopted by the Committee in accordance with Article 40, Clause 4, of the Covenant, Freedom and Personal Inviolability**