

D.B. Malikov , **Z.K. Malikova** 

Al-Farabi Kazakh National University, Kazakhstan, Almaty,
e-mail: msholpan7876@gmail.com, msholpan7876@mail.ru

USING THE RESULTS OF FORENSIC EXAMINATIONS IN THE INVESTIGATION, PREVENTION OF CRIMES AND THE SEARCH FOR CRIMINALS

The study is devoted to the study of the significance and determination of the role of an expert's opinion on the results of a criminalistic examination as evidence in a criminal trial. In the course of the study, we pursued the following goals: definition of the concept of evidence in criminal proceedings; study of the role of expert opinion in criminal proceedings; highlighting the significance of the conclusion of the forensic examination as evidence, designating the main trends in the use of the conclusion for the prevention of crime. During the study, the features of conducting forensic examinations in the criminal process of the Republic of Kazakhstan were revealed. The practical significance consists in determining the practical significance of the expert's opinion on the results of the forensic examination for the disclosure of criminal cases. It should also be noted that the work outlines the main trends in the prevention of offenses with the help of a qualitative analysis of expert opinions. During the study, the following methods were used: dialectical method; analysis, synthesis, comparative – legal, private law. Based on the results of the research work, the main trends in the use of forensic expertise to identify the circumstances of the case were identified. The research work makes a significant contribution to the development of the role of forensics in criminal proceedings. Research work has proven its practical value.

Key words: examination, evidence, expert, criminal process, crime.

Д.Б. Маликов, З.К. Маликова

Әл-Фараби атындағы Қазақ ұлттық университеті, Қазақстан, Алматы қ.,
e-mail: msholpan7876@gmail.com; e-mail: msholpan7876@mail.ru

Криминалистикалық сараптаманың нәтижелерін қылмыстық құқық бұзушылықтардың алдын алуы және тергеу, қылмыскерлерді іздестіру үшін пайдалану

Зерттеу қылмыстық сот ісін жүргізудегі дәлел ретінде сот сараптамасының нәтижелері бойынша сарапшы пікірінің рөлін анықтауға және зерттеуге арналған. Зерттеу барысында біз келесі мақсаттарды көздедік: қылмыстық процестегі дәлелдемелер ұғымын анықтау; сараптама қорытындысының қылмыстық процестегі рөлін зерттеу; сот сараптамасы қорытындысының дәлелдеме ретінде маңыздылығын көрсете отырып, қорытындыны қылмыстың алдын алу үшін пайдаланудың негізгі тенденцияларын белгілейді. Зерттеу барысында Қазақстан Республикасының қылмыстық процесінде сот сараптамаларын жүргізудің ерекшеліктері анықталды. Практикалық маңыздылығы қылмыстық істерді ашу үшін сот сараптамасының нәтижелері туралы сарапшының қорытындысының практикалық маңыздылығын анықтаудан тұрады. Сондай-ақ, жұмыста сарапшылардың пікірлерін сапалы талдау көмегімен құқық бұзушылықтың алдын алудың негізгі бағыттары көрсетілген. Зерттеу барысында келесі әдістер қолданылды: диалектикалық әдіс; талдау, синтез, салыстырмалы-құқықтық, жеке құқық. Зерттеу жұмысының нәтижелері бойынша істің мән-жайын анықтау үшін сот сараптамасын пайдаланудың негізгі бағыттары анықталды. Зерттеу жұмысы сот ісін жүргізудегі сот сараптамасының рөлін дамытуға айтарлықтай үлес қосады. Зерттеу жұмысы өзінің практикалық құндылығын дәлелдеді.

Түйін сөздер: сараптама, дәлелдемелер, сарапшы, қылмыстық процесс, қылмыс.

Д.Б. Маликов¹, З.К. Маликова²

Казахский национальный университет имени аль-Фараби, Казахстан, г. Алматы,
e-mail: msholpan7876@gmail.com, e-mail: msholpan7876@mail.ru

Использование результатов криминалистических экспертиз в расследовании, предупреждении преступлений и розыске преступников

Исследование посвящено изучению значимости и определения роли заключения эксперта по результатам криминалистической экспертизы в качестве доказательства в уголовном процессе. В ходе исследования мы преследовали следующие цели: определение понятия доказательства в уголовном процессе; изучение роли заключения эксперта в уголовном процессе; выделение значимости заключения криминалистической экспертизы в качестве доказательства, обозначение основных тенденций применения заключения для предупреждения преступности. В ходе исследования были раскрыты особенности проведения криминалистических экспертиз в уголовном процессе РК. Практическая значимость заключается в определении практической значимости заключения эксперта по результатам криминалистической экспертизы для раскрытия уголовных дел. Также необходимо отметить, что в работе изложены основные тенденции предупреждения правонарушений с помощью качественного анализа заключения экспертов. В ходе исследования были использованы следующие методы: диалектический метод; анализ, синтез, сравнительно-правовой, частноправовые. По результатам исследовательской работы были выявлены основные тенденции применения криминалистической экспертизы для выявления обстоятельств дела. Исследовательская работа вносит значительный вклад в развитие роли судебной экспертизы в уголовном процессе. Исследовательская работа доказала свою практическую значимость.

Ключевые слова: экспертиза, доказательство, эксперт, уголовный процесс, преступность.

Introduction

Relevance of the topic. Effective law enforcement activities for the detection and investigation of crimes at the present stage of the fight against crime is unthinkable without the use of special knowledge implemented in the form of forensic examinations.

Given this, and also taking into account that the procedural activity in the investigation of crimes is carried out today under the updated procedural legislation, it can be fully justified that the appointment of forensic examinations, their importance in the process of disclosing and investigating criminal cases, especially the assessment of expert opinions on this. The class of examinations is now particularly acute.

The subject of the research is the theoretical and legal foundations of the activities of law enforcement entities on the appointment of forensic examinations and the use of their results in modern criminal proceedings; judicial, investigative, expert practice of the appointment and production of forensic examinations, their assessment and use in the search for criminals and evidence.

The subject of the study is the patterns that underlie the activities of investigators, investigators, judges for the appointment, assessment and use of

expert opinions in criminal cases, as well as experts in the production of forensic examinations.

The purpose of this research is to develop recommendations for improving the practice of obtaining and verifying evidence using forensic examiners by law enforcement entities.

Materials and methods

In order to study the problems, scientific sources and legislation of foreign countries and CIS countries were studied and analyzed. When conducting an expert opinion analysis as evidence in a criminal proceeding. The following methods were applied: analysis and synthesis, induction and deduction, formalization, comparative analytical, scientific generalization, logical methods that allow comparing domestic and international work methodology.

The validity of the conclusions, scientific provisions, recommendations of the author is ensured by the results of applying the methods of observation, analysis, generalization of investigative, judicial and expert practice, statistical, questioning, logical and legal and other modern methods of scientific knowledge used to collect, generalize and analyze evidence in solving the set tasks.

Results and discussions

In criminal proceedings, a central place is taken by the norms of the process of evidence. Considerable importance is attached to the types of evidence and their legal force. According to the Code of Criminal Procedure of the Republic of Kazakhstan, no evidence shall prevail over other evidence. Nevertheless, the current criminal procedural law uses the concept of “force” as applied to evidence. So, for example, in accordance with paragraph 2 of Art. 25 of the Code of Criminal Procedure of the Republic of Kazakhstan no evidence has a predetermined force, and in paragraph 5 of Art. 133 of the Code of Criminal Procedure of the Republic of Kazakhstan it is indicated that unacceptable evidence does not have legal force, which therefore cannot be used as the basis for the prosecution, and is equally used to prove any of the circumstances included in the subject of proof. Also, for example, Art. 563 of the Code of Criminal Procedure of the Republic of Kazakhstan regulates the concept of legal “power” of evidence obtained in the territory of a foreign state. Assessment of evidence is based on a clear analysis of their relevance, relevance, admissibility, sufficiency and reliability. As a result of such an assessment, individual evidence sometimes at all loses its legal force, and the court lays the foundation of the sentence on the evidence that has passed its assessment and can serve as an argument for a lawful sentence. For example, we can talk about the loss of legal force of evidence when it is recognized by the court as unacceptable and not evaluated together with other evidence in a criminal case, when various violations of the requirements of the Code of Criminal Procedure of the Republic of Kazakhstan are allowed.

The following legal classification of evidence can be given: testimony of the suspect, accused; testimony of the victim, witness; expert opinion and testimony; expert opinion and testimony; evidence; protocols of investigative and judicial actions; other documents. In our opinion, it is quite reasonable to argue that certain sources of evidence are necessary for certain categories of criminal cases. In particular, if we talk about the appointment of expertise, then in cases where its production is mandatory, we can conclude that evidence is needed (Belkin, 1997).

Expertise and evidence are of different kinds, and there are different degrees of certainty in the conclusions that can be drawn from them. Difficult

and complex decisions have to be made, often involving different kinds of expertise – academic, professional and institutional; and different considerations – scientific, social, and economic. Judgements have to be made about priorities, affordability and acceptability.

“The use of evidence represents the final stage of work with evidence: after collecting, researching and evaluating it, the subject of proof operates with it, and with their help it solves certain “other tasks of proof. The use of evidence is the handling of it, the application for certain purposes – intermediate or final. These provisions expressed by A.R. Belkin, apply to all evidence collected during the investigation of the criminal case, including the results of forensic examinations. In the Code of Criminal Procedure of the Republic of Kazakhstan, the legislator named the expert’s opinion as evidence, on the basis of which the person authorized by law, in the manner prescribed by law, establishes the existence of circumstances to be proved during the investigation of the criminal case, as well as other circumstances relevant to the case.

Forensic examinations are carried out according to scientific methods, the observance of which during the production of examinations guarantees the reliability and objectivity of the expert study as a whole. The most important moment of forensic examination is the completeness and comprehensiveness of the study of material evidence. The results of the study and its progress in accordance with existing requirements are described in detail by the expert in conclusion. In particular, the conclusion describes in detail the objects subjected to the study, their shape, size, condition, color, purpose, as well as properties, signs and features of the objects. Also, in conclusion, an expert assessment of all these characteristics is made and it is noted what they matter for the expert’s conclusion, where possible the origin of the properties, signs and features that are important for resolving the questions posed before the examination is explained. (Aver’yanova, 2006) The description and explanation of the noted characteristics in the conclusion are actual data, the use of which is aimed at:

- 1) investigation of crimes and the search for criminals;
- 2) crime prevention.

Next, we consider the above blocks in more detail.

Crime Investigation and Criminal Investigation

The results of forensic examinations in the majority contribute to the investigation and disclosure of crimes and are aimed at solving identification, diagnostic, classification problems. The results of identification examinations help establish the specific person who committed the act, as well as the time, method and mechanism of the criminal event as a whole. Such data follows from the results of fingerprints, trasological examinations of shoes, hacking tools, traces of the protectors of motor vehicles, handwriting, ballistic examinations. The evidence established during the expert study contributes to the nomination and verification of versions, which makes the investigation process more efficient and less costly. Whether many other forms of identification-evidence could survive comparable demands is doubtful.

Using the results of the research in the form of a conclusion about the generic (group) affiliation of the object is weaker evidence compared with the establishment of an individual identity. Such a conclusion is indirect evidence and is aimed at establishing the group, class, to which the object belongs. For example, the pattern of the footprint of the shoe matches the shape and size of the shoe seized from the suspect. (Burkov, 2006) The conclusion in the form of a generic group affiliation is more characteristic of trasological examinations at the initial stage of the investigation.

The results of the diagnostic tests help to collect general information about the suspect's personality on the traces and objects under investigation: for example, in fingerprint examination, it is the establishment of sex, age, hands, types of papillary patterns of the fingers that left marks; in trasological examination, this is the establishment of the type of shoe, its size and approximate height of the person, as well as the establishment of the type and size characteristics of the breaking tool; in handwriting examination – the establishment of the sex and age of the performer, as well as the fact of intentional change in handwriting.

Also, in the process of expert research, the participation of a particular suspect (accused) in the commission of several crimes can be established. (Chariot, 1994)

Sometimes the results of an expert study of the footprints, arms, shoes removed from the scene, allow the expert to present in the research part of the report data related to some anatomical features of the person who left these traces. Such information contained in the expert's opinion

(in the research part) will be able to help the investigator or operative as orienting information in the search for the hiding criminal.

Finding out the presence of extraneous inclusions in the traces (in the form of sawdust, paint particles, powdered substances or any other), the expert usually describes them in the research part of the conclusion. If necessary, the investigator uses these data to appoint an appropriate examination (for example, chemical, physical, biological, etc.) in order to determine the nature of these inclusions and their homogeneity with substances found directly at the suspect, or at his place of residence.

A necessary circumstance is an accurate description by an expert in the research part of the conclusion of the mechanism for the appearance of traces. So, having come to the positive conclusion that the handprints at the scene of the incident were left by a specific person, the expert in some cases in the conclusion text indicates that these marks could have occurred when a set of certain actions had been performed (as a result of the capture of the object), and their location indicates the implementation of specific actions at the scene. Acquaintance with such data of an expert opinion allows the investigator or operative to find out the nature of the actions of the person who left the traces, use them to expose the criminal explaining the origin of the traces by random reasons, etc.

The conclusions of the expert in the case, as well as the conclusion as a whole, have evidentiary value. With their help, facts that actually took place take on probative value in the case. The investigator or operative officer should pay the most serious attention to them and correctly use not only the findings, but also the actual data contained in the expert's report for the purpose of investigating crimes. (Jogin, 1965)

Taking into account the information indicated by the expert in the research part and in the conclusions of the conclusion, it is necessary to carefully consider the tactics of interrogating the accused, who are presented with the results of the examination, prepare for his possible petitions and objections about the merits of the examination, and then take appropriate measures to eliminate contradictions between the explanations circumstances of the case by the accused, as well as evidence and conclusions of the expert available in the conclusion (Vinberg, 1979).

If the investigator finds it difficult to apply the wording used by the expert in custody, at the initiative of the investigator, the expert may

be involved in the interrogation of the suspect (accused). The expert's participation in the interrogation of the accused (suspect) is advisable in cases of economic crimes, as well as crimes in the field of computer information, during the investigation of which the investigators often do not have the necessary special knowledge that is essential for resolving all the circumstances of the criminal case. (Vinberg, 1961) It is advisable to conduct an interrogation of a suspect (accused) with the participation of an expert after familiarizing the accused with the expert's opinion and nominating him with certain versions, which must be refuted during the interrogation. With the participation of the expert in the interrogation, the investigator has the opportunity to ask the expert any question that allows him to refute the version put forward by the accused (suspect).

In accordance with the Code of Criminal Procedure of the Republic of Kazakhstan, the investigator is entitled to involve a specialist in participation in the procedural actions, that is, a person with special knowledge to assist in the detection, fixing and seizure of objects and documents, the use of technical means in the investigation of criminal case materials, as well as for raising questions to the expert. (Jones, 1993)

The practice of criminal investigations indicates insufficient use of the capabilities of specialists in carrying out procedural actions and indicates the need for mandatory participation of a specialist (expert) in inspections of accident sites related to fires, explosions, seizures of narcotic and psychotropic substances, weapons and ammunition, i.e. that category of cases where narrow-profile specialized knowledge helps the investigator to resolve the issue of whether there is a reason for initiating a criminal case.

In criminal cases of an economic nature, it is advisable to involve a specialist in a search or seizure when, before the appointment of forensic accounting

and handwriting examinations, the investigator does not fully determine the list of documents to be sent to the expert for the examination. (Isaeva, 2005) The participation of a specialist in the search (seizure), on the one hand, allows you to seize all the documents necessary to give an objective conclusion, on the other hand, allows the investigator to refrain from seizing documents that are not related to the subject of evidence.

The actual evidence of the expert's opinion can be used to build versions and conduct appropriate investigative actions even if the expert conclusions are expressed in a probable form. (Ishenko, 2007) Most often, such findings are used in criminal cases with a precisely limited number of suspects.

The participation of specialists and experts in investigative actions serves to collect and consolidate evidence in criminal cases, allows us to fully establish all circumstances relevant to the case, to refute the versions of the accused (suspects) at all stages of the investigation of the criminal case: prior to the appointment of the examination, during the examination, as well as after receiving an expert opinion.

A significant role is played by forensic examinations in criminal prosecution and the imposition of a fair punishment for the guilty, in protecting the rights and legitimate interests of persons and organizations who have suffered from crimes, as well as in protecting the individual from unlawful and unjustified accusation, conviction, restriction of her rights and freedoms.

So, with the help of the expert's quality work at the scene of the incident and the examination, the serious crime was uncovered and the suspicion of an innocent person was removed.

Separate forensic examinations are used not only in solving crimes, but also in tracing criminals, identifying objects, objects, mechanisms by their materially fixed displays (traces) using forensic records

Table 1

type of forensic examination	Name of accounting	Purposes	Objects of accounting
dactyloscopic	Hand Tracking accounting	Establishment of persons who left handprints at the scene of the incident, the fact of leaving handprints by the same person in the commission of several crimes	Handprints seized from crime scenes

Continuation of table 1

type of forensic examination	Name of accounting	Purposes	Objects of accounting
Trasological (shoe traces)	Accounting of shoes traces	identification of persons who left traces of shoes at the scene of the incident, the facts of leaving traces of the same instance of shoes in the commission of several crimes	Footprints of shoe soles seized from crime scenes
Trasological (traces of breaking tools)	Accounting of breaking tools	Identification of hacking tools that left traces at the scene, facts of using the same hacking tool for several crimes	Spin marks, other traces of traces with a sufficient degree of display of individual features of trace-forming tools, removed from crime scienses
Trasologic (traces of tire treads of vehicles)	Accounting of the trace of tire treads of vehicales	Establishment of vehicles that left traces at the scene of the incident, the facts of using the same vehicle when committing several crimes	Traces of tire treads of vehicles taken from crime and accident sites
Ballistic (assignment of improvised items to the category of firearms)	Accounting of improvised items to the category of firearms	Establishment of a single source of origin of improvised firearms (its individual parts, mechanisms) according to the design and technological features of its manufacture	Homemade or remodeled firearms>
Ballistic (bullets and shells)	Accounting for bullets, cartridges and cartridges with traces of rifled firearms seized from the scene	Establishment of a specific instance, facts of the use of the same instance in the commission of several crimes	Bullets, cartridges and cartridges (caliber not exceeding 14.5 mm) with traces of rifled firearms seized from the scene

The most effective for tracing criminals are the results of fingerprint examinations on the traces of hands taken from unobvious crimes.

Jurists and legal scholars have debated whether DNA evidence warrants this special treatment.

If, according to the records of handprints, it is possible to establish a specific person who left marks on the scene of the incident, then according to the records of footprints of hacking tools, vehicles, traces left when shooting from firearms on bullets and shells, a specific object is established, a copy of the weapons that were the traces listed above are left. The information obtained when using these accounts is aimed at the further process of proving a criminal act and the attitude of a particular person to specific objects, objects that left the above traces. Verification of the records can combine criminal cases based on similarities in the group affiliation of the trace traces, as well as by the method of manufacturing fake banknotes, etc (Vinberg, 1958).

Also, a study of the traces seized from several crimes, and comparing them with each other (in the absence of the person being verified) gives information about the commission of these crimes by the same person. Thus, the role of forensic investigations in the detection and investigation of crimes is obvious. (Koehler, 1991) At present, a sufficiently high level of use of scientific and

technical means of computer technology in the detection and investigation of crimes has been achieved. In the future, it is necessary to more actively use computer programs and automated systems in expert studies that will help experts in the most complex and time-consuming studies, facilitate the processing of research results and objectify the process of expert research, leaving the expert to evaluate the results and formulate reasonable conclusions. Currently, it is not possible to determine all the possible reference systems necessary for the preliminary investigation of forensic objects and the production of forensic examinations

Crime prevention

Substantial assistance in the prevention of crimes is provided by a forensic examination, which is an effective means of establishing the circumstances that contributed to the commission of crimes and developing measures to eradicate such circumstances or reduce their negative consequences.

The modern dynamic development of scientific and technological progress leads to the fact that law enforcement officials are not able to monitor the continuous improvement of the capabilities of forensic examinations. Even in the traditional types of forensic forensics, new or existing means of examination of material evidence appear or

are modified. Issues of a preventive nature in the decision on the appointment of the examination may not be indicated by the initiator of the appointment of the examination for many reasons, including ignorance of the possibilities of forensic examinations.

Thus, even if the preventive questions were not posed to the expert in the decision on the appointment of the expert, the expert, in the order of his own initiative, can, in identifying circumstances that contributed (or could contribute) to the commission of crimes, reflect them in his opinion and scientifically argue specific measures to eliminate these circumstances. (McCormick, 1992)

It seems necessary to consider in more detail the possibilities of individual types of traditional forensic expertise in crime prevention.

The results of fingerprint examinations can help in establishing the circumstances that contributed to the commission of crimes, as well as in developing preventive proposals for their elimination.

The preventive role is also played by the results of forensic examination. During this examination, the experts establish the weak security features of the locks, indicate criminal methods for unlocking specific types of locks (locking devices). At the same time, experts establish that the reasons for the poor security features of the castle are both design flaws and defects (defects) in the manufacture of the lock. Based on this information, the investigator can contact the manufacturer of these products to take measures to prevent the opening of locking devices not using standard keys.

Examination of cold and throwing weapons have a preventive focus. When conducting these examinations, experts establish facts of the free sale of knives made in excess of established technical standards (by blade size, metal hardness, etc.). There are cases of experts making preventive proposals on the withdrawal from circulation of various souvenir or tourist items, which by their design characteristics belong to a certain group of cold steel.

If we talk about DNA examination, the following should be considered because DNA identification can involve testimony as to laboratory findings, statistical interpretation of these findings, and the underlying principles of molecular biology, expertise in several fields might be required. (Moreau, 1997) An expert who is qualified to testify about laboratory techniques might not be qualified to testify about molecular

biology, to estimate population frequencies, or to establish that an estimation procedure is valid. Consequently, more than one expert witness might be needed. Limitations in the knowledge of a technician who applies a generally accepted statistical procedure can be explored on cross-examination, and, if serious questions arise, more knowledgeable specialists can be called to address those questions.

The results of technical and forensic examinations of documents aimed at preventing crimes are directed at the production of which the experts identify the method, place of production of documents, cash tickets and securities, facts and the way to amend documents. Sometimes experts install equipment and other technical means, materials used in the manufacture of counterfeit money or documents, as well as other circumstances that can be used for search purposes and in the development of preventive measures. (State, 1995)

Based on the results of the technical and forensic examination of documents, it is possible to develop and communicate to the appropriate manufacturers specific proposals for improving the technology for producing documents, improving their means of protection; for example, a proposal to return to the protection of serial numbers of vehicle passports with fluorescent paints, as was the case in vehicle passports of the 2005 model

Currently, the number of economic crimes is growing with the use of fake power of attorney, receipts, invoices and other financial documents. Experts have difficulty in resolving questions about the relative prescription of the details of documents, that is, the study of intersecting strokes of the signature and seal of the seal, the seal of the seal and the text of the document relative to each other. It is not always possible to resolve the issue of performing disputed signatures by specific individuals, the examination of which shows signs of an intentional change in their signature or the addition of additional elements to their signature, as well as a complete change in the version of their signature. Therefore, there are frequent cases when experts on these grounds generally refuse to resolve such issues. It seems that the reasons for the refusal set forth in the expert's opinion can be used by the investigator to create reviews on the processing of various documents, in which it is recommended to change the procedure for filling out documents (various receipts, powers of attorney, invoices, invoices, etc.), namely – do not use forms with pre-printed impressions of seals

and signatures of persons, which contributes to the commission of crimes.

Subsequently, the necessary text is added to such blank sheets of paper or letterhead, as a result of which it is very difficult to challenge such a document. It is also necessary to bring to the heads of enterprises and organizations the requirement to make transcripts of signatures in the form of handwritten notes in various documents. With the advent of various commercial organizations and enterprises, for example, credit organizations working in the regional consumer lending market, former law enforcement officials, this proposal began to be implemented. With their participation, the initial application forms for obtaining loans were developed, in which much attention is paid to displaying the individualizing information of the client. These proposals help to eliminate a number of circumstances that facilitate the falsification of signatures and impressions of seals for criminal purposes.

Conclusion

An analysis of expert opinions shows that in 70% of cases, experts reflect prophylactic questions in their studies, but preliminary investigation bodies rarely or rarely ignore such expert opinions.

Evaluation of the expert's conclusions and familiarization with the actual data set forth in the research part of the conclusion allow the investigator to correctly select tactics for investigating crimes and formulate proposals for their prevention. It is also necessary to take into account that the expert's conclusions and the content of the research progress are based on the results of applying scientifically developed research methods to certain objects of expertise. Proper, correct application of the methods guarantees the reliability of the results. Therefore, the conclusions of experts recorded in the conclusion are objective.

The indicated points require, without overestimating the evidentiary value of the expert's opinion, to use its content as a source of forensic information useful and necessary in the investigation and prevention of crimes.

All evidence is assessed by the judge in their entirety, nevertheless, the feature of the mandatory evidence is that it is defined in the Code of Criminal Procedure of the Republic of Kazakhstan; are an independent source of evidence; possess a high degree of information, and without them it is not possible to establish the actual circumstances of the crime; have a legal basis; entail procedural guarantees defined by law, for example, in the case of establishing the age of a minor or the presence of a mental illness; thanks to the research, the experts contain the knowledge that neither the inquiry officer, nor the investigator, nor the judge possess at a professional level; at the level of internal conviction, judges have a reasoning, most convincing legal force. The evidentiary value of forensics is a concept that has long been established in the criminal procedural literature. If the evidence matters, carries a meaningful load, then this indicates its need for a criminal case, its convincing, arguing power for the court.

Thus, the use of the results of forensic examinations in the investigation of crimes and the search for criminals plays a large role and is aimed at:

- construction and verification of investigative versions;
- verification of evidence obtained during other investigative actions;
- justification of procedural decisions made by officials;
- modeling of the mechanism for committing a crime;
- description of the appearance of the offender;
- definition of interrogation tactics;
- the formation of records and file cabinets conducted in the ATS.

Литература

- Аверьянова Т.В. Судебная экспертиза: Курс общей теории. – М.: Норма, 2006. – 480 с.
- Белкин Р.С. Курс криминалистики: Общая теория криминалистики: В 3-х томах. Т. 1. – М.: Юристъ, 1997. – 408 с.
- Бурков И.В., Мурзинов А.В. Заключение эксперта как вид доказательств. – Владимир: Б. и тип. «Транзит инкс», 2001. – 151 с.
- Винберг А.И., Малаховская Н.Т. Судебная экспертология (общетеоретические и методологические проблемы судебных экспертиз). – Волгоград: Прогресс, 1979. – 482 с.
- Винберг А.И. Насущные вопросы теории и практики судебной экспертизы. – М.: Советское государство и право, 1961. – 72 с.

- Винберг А.И., Толмачев Е.Ф. Советская криминалистическая экспертиза: лекция. – М.: ВШ МВД СССР, 1958. – 46 с.
- Chariot, P. and Durigon, M. 1994. The Impact of Forensic Science Journals. *Forensic Science International*, Vol. 66, pp. 213-215.
- Жогин Н.В. Предварительное следствие в советском уголовном процессе. – М.: Юридическая литература, 1965. – 367 с.
- Jones, A. W. 1993. The Impact of Forensic Science Journals. *Forensic Science International*, Vol. 62, pp. 173-178
- Исаева Л.М. Аналитический обзор «Профилактика преступлений с использованием средств судебной экспертизы». – М.: ВНИИ МВД Казахстана, 2005. – 26 с.
- Ищенко Е.П., Образцов В.А. Криминалистика: Учебник. – М.: Эксмо, 2007. – 480 с.
- Koehler, J. J., & Saks, M. J. 1991. What DNA 'Fingerprinting' Can Teach the Law About the Rest of Forensic Science. *Cardozo Law Review*, 13, 361-372.
- McCormick 1992. § 203, Kaye and Freedman, 524, 363.
- Moreau, Dale M. 1996. *Fundamental Principles and Theory of Crime Scene Photography*. Quantico: Forensic Science Training Unit, FBI Academy.
- State v Bogan. 1995. Features of DNA examination. *Ariz. Ct. App.*, 905, 522.
- State v Colbert. 1995. In view of general acceptance of VNTR databases, estimate of match probability admissible despite expert's concessions that he was not a population geneticist and was not qualified to explain how the databases applied to the town of Coffeyville), 256, 11.

References

- Aver'yanova T.V. *Sudebnaya ekspertiza: Kurs obshchej teorii*. – Moscow: Norma, 2006. – 480 s.
- Belkin R.S. 1997. *Kurs kriminalistiki: Obshchaya teoriya kriminalistiki. V 3-h tomah. T. 1*. – Moscow: YUrist', pp. 408.
- Burkov I.V., Murzikov A.V. 2001. *Zaklyuchenie eksperta kak vid dokazatel'stv*. – Vladimir: B. i tip. «Tranzit iks», pp. 151.
- Vinberg A.I., Malahovskaya N.T. 1979. *Sudebnaya ekspertologiya (obshcheteoreticheskie i metodologicheskie problemy sudebnyh ekspertiz)*. – Volgograd: Progress, 482 s.
- Vinberg A.I. 1961. *Nasushchnye voprosy teorii i praktiki sudebnoj ekspertizy*. – Moscow: Sovetskoe gosudarstvo i pravo, pp. 72.
- Vinberg A.I., Tolmachev E.F. 1958. *Sovetskaya kriminalisticheskaya ekspertiza: lekciya*. – Moscow: VSH MVD SSSR, pp. 45.
- Chariot, P. and Durigon, M. 1994. The Impact of Forensic Science Journals. *Forensic Science International*, Vol. 66, pp. 213-215.
- Zhogin N.V. 1965. *Predvaritel'noe sledstvie v sovetskom ugovolnom processe*. – Moscow: YUridicheskaya literatura, pp. 367.
- Jones, A. W. 1993. The Impact of Forensic Science Journals. *Forensic Science International*, Vol. 62, pp. 173-178
- Isaeva L.M. 2005. *Analiticheskij obzor «Profilaktika prestuplenij s ispol'zovaniem sredstv sudebnoj ekspertizy»*. – Moscow: VNIИ MVD Kazahstana; pp. 26 s.
- Ishchenko E.P., Obrazcov V.A. 2007. *Kriminalistika: Uchebnik*. — Moscow: Eksmo, 2007. pp. 480.
- Koehler, J. J., & Saks, M. J. 1991. What DNA 'Fingerprinting' Can Teach the Law About the Rest of Forensic Science. *Cardozo Law Review*, 13, 361-372.
- McCormick 1992. § 203, Kaye and Freedman, 524, 363.
- Moreau, Dale M. 1996. *Fundamental Principles and Theory of Crime Scene Photography*. Quantico: Forensic Science Training Unit, FBI Academy.
- State v Bogan. 1995. Features of DNA examination. *Ariz. Ct. App.*, 905, 522.
- State v Colbert. 1995. In view of general acceptance of VNTR databases, estimate of match probability admissible despite expert's concessions that he was not a population geneticist and was not qualified to explain how the databases applied to the town of Coffeyville), 256, 11.