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IMITATION OF THE CRIME SITUATION

Imitation of the crime situation is a criminal procedural tool for the prevention and cessation of serious or particularly serious crimes, which has its own scientific mechanism for the implementation, recording and obtaining results in criminal cases.

Imitating the crime situation, control is exercised over the actions of the offender (s) who planned or ordered its commission. Such actions are ultimatum, because the criminal prepares or determines specific conditions for the occurrence of socially dangerous consequences in order to achieve the set goal. There is no obligation to check his behavior and make decisions about the crime.

Assessment by investigators and other authorized persons of the ultimate actions of the offender (s) determines their use of natural (actual) or artificial (specially created, simulated) means to create and simulate the environment and sources of evidence that will meet the intentions of specific socially dangerous consequences. That is, the staging of a certain event, fact or circumstance in an artificial environment will create an idea of the reality of its existence. Such misinformation is widespread for not limited range of persons.

The possibility of reproducing a model of a typical crime situation should not affect the motivation of the offender (s). Planning or ordering a crime must be an independent decision, moreover, in criminal's opinion, it will lead to inevitable consequences. Therefore, the ultimate nature of the offender's (s) actions should not contain signs of provocation.

Given that imitation of the crime must meet the requirements of criminal procedure law, we outline the following inherent features:

1) Object of knowledge: the ultimate nature of the actions of a known or unknown person (persons), which indicates the intentions of the inevitable consequences of the crime.

2) Grounds for conducting: sufficiency of information on planning or ordering the commission of a crime by a known or unknown person. That is, the facts confirming the existence of the preparation or organization of the crime, as well as data identifying the person (persons) involved in these actions.

3) The purpose of: prevention of inevitable consequences of committing crimes; identification of a person (persons) involved in planning or ordering the

commission of a crime (realization of socially dangerous intentions); prevention of crime (realization of socially dangerous intentions).

4) Form of carrying out: creation and imitation of conditions (staging of events, facts or circumstances) which in an artificial situation confirm planning or the order for commission of a crime, for the purpose of prevention of its actual commission.

5) Conditions of carrying out:

- creation and imitation of conditions (staging of events, facts or circumstances) must correspond to the available information about the real intention to plan or order the commission of a crime by a known or unknown person (persons), which cannot be prevented by other means;

- creation and imitation of conditions (staging of events, facts or circumstances) is carried out with the use of natural (real) or artificial (specially created, imitative) means;

- creation and imitation of conditions (staging of events, facts or circumstances) is not carried out if it is impossible to completely prevent encroachment on life or prevent severe bodily injuries to the person (persons); the spread of substances dangerous to the lives of many people; escape of a person who has committed serious or especially serious crimes; environmental or man-made disaster;

- the presence of the investigator and other authorized persons should not affect the independence of the decision of a known or unknown person (persons) involved in planning or ordering the crime commission;

- the artificial situation should be as close as possible to the presumed criminal activity, creating an idea in the person (persons) about the reality of the crime;

- the range of persons about whom misinformation may be spread is not limited.

6) Control of the conduct: the investigator should control imitation of the crime situation by and other authorized persons, the conditions of which will facilitate the identification and identification of the person (persons) involved in planning or ordering the crime.

7) No provocation: during the preparation and imitation of the crime situation it is forbidden to provoke (incite) a person (persons) to commit it in order to further expose him; to help a person commit a crime that he would not commit. It is also forbidden to influence his behavior by violence, threats, blackmail. Evidence obtained in this way cannot be used in criminal proceedings.

8) Effectiveness: during imitation of the crime situation, the artificial situation should facilitate the identification of a known or unknown person (persons) involved in the planning or ordering of the crime, and the possibility of his (their) detention on the "hot".

PLENARY SESSION

Thus, imitation of the crime situation is the activity of the investigator and other authorized person to create and simulate conditions (staging events, facts or circumstances), in an artificial environment which confirms the planning or ordering a serious or especially serious crime, to prevent its actual commission and exposing a known or unknown person.