

**Kazachek Elena Yuryevna** senior lecturer of the chair of criminalistics of the fifth faculty of professional development of the Institute of professional development (with dislocation in Khabarovsk), the Federal state educational institution of higher education "The Moscow academy of Investigative Committee of the Russian Federation" (Khabarovsk). *E-mail: dobrychkaa@mail.ru.*

### **The questions of organization of person identification of a large number of dead at the accidents and techno-genic catastrophes**

*Identification of a corpse, despite the extremely complex organization of this investigative action both with the tactical, and with psychological points of view is one of the most effective and widespread remedies of identification of a large number of dead at the accidents and techno-genic catastrophes. It is connected with a number of problems caused by the whole complex of factors: serious high-quality changes of morphological features of a body as a result of modification and destruction, stressful state identifying in connection with the loss of the loved one by them, etc. In this regard the author of article has made an attempt not only to show the influence of noted factors on tactics of presentation of corpses for identification, but also to offer some recommendations which as we believe, can increase its effectiveness, objectivity and reliability.*

**Keywords:** *the investigator, identification of a corpse, criminal case, presentation of a corpse for identification, identification of the personality, organizational actions for identification of a corpse, identification problem.*

### **Вопросы организации опознания личности большого количества погибших при авариях и техногенных катастрофах**

*Опознание трупа, несмотря на крайне сложную организацию данного следственного действия как с тактической, так и с психологической точки зрения, является одним из самых эффективных и распространенных средств установления личностей, погибших при авариях и техногенных катастрофах. Этот процесс связан с рядом проблем, обусловленных целым комплексом факторов: серьезными качественными изменениями морфологических признаков трупа в результате видоизменения и уничтожения, стрессовым состоянием опознающих в связи с потерей ими близкого человека и т. д. В связи с этим автором статьи была предпринята попытка не только показать влияние отмеченных факторов на тактику предъявления трупов для опознания, но и предложить некоторые рекомендации, которые, как автор полагает, могут повысить его результативность, объективность и надежность.*

**Ключевые слова:** *следователь, опознание трупа, уголовное дело, предъявление трупа для опознания, идентификация личности, организационные мероприятия по опознанию трупа, проблемы опознания.*

Recently the cases of emergencies connected with accidents and technogenic catastrophes, leading to the numerous victims when sharply there is a question of identification of the identity of bodies of the dead aren't rare. Despite the big variability of these means such investigative action as identification, doesn't lose the relevance. At the same time it is specific on the purpose, an object and a procedural form.

The main objective of presentation for identification of a corpse is identification of the dead therefore it is carried out only when the corpse or remains of the unknown person or when there is a need to prove that the documents found at a corpse or near him belong to the dead is found. Identifying in such cases, as a rule, are the people who knew well the dead during the lifetime [2].

It should be noted that in special literature of uniform approach to the concept "identification" is still not developed. Many authors find possible application of the concept "identification" in relation to a corpse. So, N.G. Britvich notes that "... identification of the dead – the most important problem of investigation" [1]. A.V. Popov writes: "... the crime investigation which is usually beginning with detection of a corpse which personality isn't identified fairly is considered difficult" [6]. The master's thesis of B.A. Salaev is completely devoted to the problems of "identification of a corpse in the emergency situations connected with the mass death of people" [7].

The existing criminal procedure legislation allocates a corpse as a separate, independent subject to presentation for the identification holding the special procedural position other than the position of the identified living persons and objects [3].

In spite of the fact that for identification or specifics the legislator doesn't speak about any other exceptions of general order of presentation of the objects, presentation tactics for identification of a corpse has a number of features following from the specifics of the most shown object. Many morphological features which can be used for identification on a corpse during short time undergo serious high-quality changes, and then and absolutely disappear. With the approach of death the constant metabolism stops, active decomposition of protein begins that leads to the changes connected with the early and late cadaveric phenomena. These factors become determining when holding organizational preparatory activities, direct presentation of a corpse for identification and also when fixing the course, results of this investigative action and their evaluation.

In cases of emergence of a large number of the unknown dead (at the natural disasters, accidents) there is a need of identification of persons of all dead.

In the most widespread way of identification of the identity of a large number of the unknown dead is conducting the forensic medical examination. It is necessary to notice that medico-legal identification of identity of the dead is very

labor-consuming, long on time and expensive process which success depends on a set of factors. Therefore to take as a basis only the results of forensic medical examination is not absolutely truly. At authentically carried out identification of the identity of the dead in certain cases need for conducting identification examination of a corpse disappears that allows save a significant amount of time and means. At the same time identification of the identity of the dead – investigative action which success of carrying out can depend on different factors which underestimation can lead to an investigative mistake and very tragic consequences.

The analysis of the developed investigative practice on identification of the identity of a large number of the unknown dead (the air crash "Boeing 737" in Rostov-on-Don, the air crash "Boeing 737 – 500" in Kazan, the air crash of "Tu-154" in Sochi, explosion in the subway in St. Petersburg, etc.) and synthesis of the recommendations stated in the special criminalistics literature allow offer the list of the organizational preparatory activities to carrying out identification consisting in the following:

- 1) work of the investigator on inspection of the scene and holding other organizational actions on fixing of external signs of a corpse of incident;
- 2) inclusion in the plan of investigation of the actions directed to preservation of corpses in the conditions interfering the subsequent development of the posthumous phenomena leading to change or destruction of the morphological features allowing identify the personality;
- 3) actions directed to establishment and a call of the persons earlier familiar with the victims for presentation of a corpse to them for identification;
- 4) in the presence of a possibility of carrying out "a corpse toilet" for the purpose of giving of a look close to lifetime;
- 5) preliminary interrogation of the identifying, his psychological preparation.

Each of the listed actions in the own way is specific. Therefore we will stop only on some problems of tactical and psychological character which cause in the investigative practice – serious difficulties.

Presentation for identification is an investigative action which essence is that previously interrogated person in the conditions which are specially created by the investigator gets acquainted with the object shown it and states judgment of its identity or similarity to an object about which he reported on interrogation. Thus, it is about specific identification by the mental comparison of signs of the shown object to the image which was stamped on the memory of the identifying. A psychological basis of identification as investigative action is the known mental processes: perception, storing and procreation. Success of the identification which is carried out in this case and its reliability depends on ability of the investigator to induce at the steady fancy of the dead identifying procreation with perhaps greatest number of significant identification signs for its further comparison to the signs of the shown object.

Features of the organization of work at the accidents and techno-genic catastrophes with a large number of the dead are caused by the following factors:

- the temporary deficiency arising at simultaneous entering of a large number of unknown corpses from the scene;
- achievement in short terms of coherence in interaction of several services which are carrying out works on the scene – the Ministry of Emergency Situations, FSB, subdivisions of SD, subdivisions of the organs of police, the Ministry of Defence of the Russian Federation, health services etc;
- the lack of specially equipped rooms and platforms for the organization of investigative actions for identification and survey of the arrived bodies of the dead;
- character of available comparative material – lack of the required quality of intra-vital photo and video images (suitable for establishment of photo-portrait similarity), exact data on the body height and other anthropometric data, lack of materials for the comparative dactyloscopic and stomatologic analysis, lack of the authentic complete list of the dead;
- the need of primary selection among a set of subjects to identification of couples "the unknown – the probable person" for carrying out the identification investigative actions, etc.

First of all, at a mass receipt of corpses of the unknown dead the investigation team between which participants for carrying out such volume of investigative actions duties are distributed is created.

Only in case of the available basic data the investigating authorities have an opportunity to compare and carry out primary identification therefore the work of group on identification of the personality for the purpose of their systematization and registration for creation of preliminary base of basic data begins with the work directed to the preliminary collection of information about the dead.

With such base primary identification and preparation for the procedure of identification can successfully take place and that is often very important, quickly. In the presence of a name list of the dead (for example, at the plane crashes) the investigation authorities have a possibility of selection of identifying from among the colleagues who knew well the dead. Ideally primary identification by the colleagues has to be confirmed with identification by the relatives of the dead. In this case the need of forensic medical examination on identification of the personality disappears, as a rule, completely. At the same time, especially in the cases when the number of the dead, brought from the scene are less, than the number of persons specified in the list it isn't necessary to exclude a possibility of obviously false or casual identification by the relatives.

Studying of investigative practice shows that because as identifying, as a rule, relatives of the dead act, carrying out identification takes place in a difficult situation [4]. This investigative action causes in this group, as a rule, horror and increased feeling of responsibility. It is caused, first of all, by the need to examine by the identifying often altered from a traumatized corpse or its parts and also understanding of responsibility that depends on him in general results of all investigative action which can't be carried out repeatedly [8].

In this regard the investigator when carrying out identification needs to provide participation of the health workers and psychologists who are in advance prepared for the actions in so difficult emotional situation.

Preparation of places for work of the investigation team on identification of the bodies of the dead has important value. It is necessary to provide existence of the rooms for:

- preliminary interrogation of the identifying persons about the signs and features of the dead;
- presentations to identification of the unknown corpses;
- storages and presentations to identification of clothing and personal belongings of the dead found and withdrawn during inspection of the scene and a corpse;
- the room for the required rendering emergency medical service and psychological support of the identifying.

Besides, the investigator for achievement of reliability of the results of presentation for identification should meet also the general conditions following from demands of the law and the references of criminalistics tactics:

- carrying out preliminary work of the investigation team on the collecting of medical documents (medical records with data on stationary and out-patient treatment);
- systematization of the data obtained at survey of a corpse and the subsequent medico-legal research about the remained specific features of the dead for determination of character and a circle of the individual signs which are a subject to examination and bracing during the interrogations of witnesses;
- preliminary interrogation of the identified object identifying as the witness for the purpose of psychological preparation it to identification and a specification of the signs;

It is necessary to consider that the general rules of the ban about inadmissibility of familiarity of the identification by the identifying with an object and the data received during the preliminary work of investigation team on the found specific features of the dead extend to identification of a corpse. This condition provides objectivity of the results of investigative action and allows avoid possible subjective errors or deliberate distortions of reality.

It is tactically true to begin presentation for identification of the dead in the following order:

- first of all the least changed and destroyed corpses of the dead with pronounced specific features are shown for identification. It will allow narrow gradually a circle of the unidentified dead, to reduce their number to a minimum and finally to identify all dead in rather short time;
- to show for identification the single object beforehand selected from among others according to specified by the identifying during interrogation by the signs. It will allow lower a negative background of the given investigative action and to avoid the additional psycho-injuring impact on the identifying;
- to provide the forensic scientist's involvement for the purpose of information provision to the participants of investigative action about the localization, character and changes of appearance specified by the identifying and the specific features found on a corpse. It will allow to set convincingly existence or absence of the signs specified by the identifying and also in some cases to

concretize indistinct formulated signs specified by the identifying in case of interrogation;

Especially it is necessary to pay attention to a specification of signs on which the object with their fixing in the protocol of identification is identified. It is not enough to the investigator to receive from the identifying the affirmative response that the corpse of dead is identified. A necessary condition of reliability of it is receiving sure confirmation in identification with the specifying of specific features which give the identifying the chance to make such statement.

Coincidence and the partial likeness of the majority of compared signs, absence of inexplicable steady contradictions and also existence of the identified signs is the principal condition of presentation of a body for identification. For facilitation of visual acceptability identifying, the available identification signs are recovered by the forensic scientists when carrying out a toilet of a corpse.

Existence of remains of clothes and personal belongings on a corpse at the time of carrying out identification is regarded as additional identification signs which reliable accessory at the time of carrying out identification is, as a rule, not established. In this connection presentation for identification of clothes and personal belongings is carried out only when the identifying person states uncertainty in a result of identification at rather sure instruction on a set of specific features of the shown remains of the dead.

Studying of investigative practice shows that carrying out identification of bodies of the dead develops on three main types of behavior of identifying. The first type – the identifying adequately and crucially perceives explanations of the expert, soberly estimates what was seen, asks logical questions and comes to the corresponding conclusions. The second type – the identifying actively participates in the identification process, indicating a number of the hidden identifying signs, gives their exact description, localization thanks to what these signs which aren't noted at a primary survey come to light and the personality of the dead is identified authentically. At the same time also the third type of behavior of identifying is observed – even at the obvious visual similarity of elements of appearance and full coincidence of the available signs the relatives doubt what was seen and are afraid to draw a conclusion about accessory of the identified body to the specific person. In these cases for identifying decisive factor in the course of identification such less significant signs as are: coincidence of a blood type, feature of composition of fabric and breed of clothes, footwear, etc.

The analysis of investigative activities allows mark the main shortcomings of the organization of operation marked when carrying out identifications of a large number of the unidentified dead in a case of accidents and catastrophes. First of all it, certainly, delay in evacuation of the bodies from the scene; absence of the documentary data obtained in case of primary inspection of the scene and places of detection of each dead (in cases of carrying out the rescue efforts in case of explosions of houses of a body of the dead were delivered by the rescuers without any marks or data on the place of their detection, in cases of delivery of the dead in case of catastrophe of the helicopter of the copy of protocol of inspection of the scene on the place of detection of the delivered corpse were also not provided);

often the material evidences (documents, personal belongings of the dead) found and excepted during the primary inspection of the scene were also not provided together with a corpse to the venue of identification. Besides, collection of comparative material (when it is possible) – medical documents, photos, lists of the dead – is organized and carried out with the considerable delay, days two later after the incident. As a rule, when carrying out a medico-legal research the representatives of investigating authorities who are responsible for collection and processing of identification and significant information no that does not allow record quickly the features and signs of appearance of the dead found in case of the medico-legal research and to the shortest terms to carry out identification.

Thus, identification is not only one of the most effective and widespread remedies of identification of the perished (dead) on a corpse, but also extremely difficult both with the tactical, and with the psychological points of view the investigative action putting both before the investigator, and before the identifying row of the problems caused by the whole complex of factors, connected including with the serious high-quality changes of morphological features of a corpse as a result of course of the posthumous phenomena leading to their modification and destruction, impossibility of use of the majority of functional features, difficulty of comparing of two images (an image of the living person depicted in the memory of the identifying, and appearance of the dead shown for identification), a stressful status of the identifying in connection with a loss of the loved one by them, need to examine the dead body or its remains which changed under the influence of traumatized, followed by the strong sincere disturbance and psychological stresses. In this regard the author of article made an attempt not only to show the influence of the marked factors on tactics of presentation of corpses for identification, but also to offer some recommendations which as we suppose, can increase its effectiveness, objectivity and reliability.

### ***Literature and the sources:***

1. Бритвич Н. Г. *Тактические особенности предъявления трупа для опознания* // *Криминалистика и судебная экспертиза*. Вып. 9. Киев, 1972. С. 86.
2. Бурыка Д. А. *Правовые, организационные и тактические основы предъявления для опознания* : дисс. ... канд. юрид. наук. Москва, 2006. С. 80.
3. Воропаев Г. С. *Проблемы идентификации неопознанных трупов в криминалистике* : дисс. ... канд. юрид. наук. Владивосток, 2001. С. 40.
4. Дубягин Ю. П. *Проблемы криминалистического отождествления человека в обычных условиях расследования и чрезвычайных ситуациях*: дисс. ... д-ра юрид. наук. М., 2000. С. 286.
5. Попов А. В. *Некоторые криминалистические и психологические вопросы опознания трупов* // *Юридические науки (Казанский государственный университет)*. Вып. 3. Алма-Ата, 1973. С. 66.

6. Салаев Б. А. Установление личности трупа в чрезвычайных ситуациях, связанных с массовой гибелью людей : дисс. ... канд. юрид. наук. С. 203–204.

7. Шаповалов В. А. Организация опознания личности большого количества погибших при вооруженных конфликтах, террористических актах, катастрофах // Вестник военного права (Военный университет Министерства обороны Российской Федерации). Вып. 2. М., 2016. С. 56–59.

### **References:**

1. Britvich N. G. Takticheskie osobennosti predyavleniya trupa dlya opoznaniya // Kriminalistika i sudebnaya ehkspertiza. Vyp. 9. Kiev, 1972. S. 86.

2. Buryka D. A. Pravovye, organizacionnye i takticheskie osnovy predyavleniya dlya opoznaniya : diss. ... kand. yurid. nauk. Moskva, 2006. S. 80.

3. Voropaev G. S. Problemy identifikacii neopoznannyh trupov v kriminalistike : diss. ... kand. yurid. nauk. Vladivostok, 2001. S. 40.

4. Dubyagin YU. P. Problemy kriminalisticheskogo otozhdestvleniya cheloveka v obychnyh usloviyah rassledovaniya i chrezvychajnyh situacijah: diss. ... d-ra yurid. nauk. M., 2000. S. 286.

5. Popov A. V. Nekotorye kriminalisticheskie i psihologicheskie voprosy opoznaniya trupov // YUridicheskie nauki (Kazanskij gosudarstvennyj universitet). Vyp. 3. Alma-Ata, 1973. S. 66.

6. Salaev B. A. Ustanovlenie lichnosti trupa v chrezvychajnyh situacijah, svyazannyh s massovoj gibel'yu lyudej : diss. ... kand. yurid. nauk. S. 203–204.

7. SHapovalov V. A. Organizaciya opoznaniya lichnosti bol'shogo kolichestva pogibshih pri vooruzhennyh konfliktah, terroristicheskikh aktah, katastrofah // Vestnik voennogo prava (Voennyj universitet Ministerstva oborony Rossijskoj Federacii). Vyp. 2. M., 2016. S. 56–59.