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## Definition of conformity directed to expertise sites

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

## DEFINITION OF CONFORMITY DIRECTED TO EXPERTISE SITES

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Consistency directed to the examination of objects received in order to experts, and studied them during the examination. The study labels on packages received expert, the appearance of objects that have been investigated during the examination, set their compliance objects that have been identified, extracted and displayed in the criminal case referred to in the resolution of an examination [1; p.101- 105].

Objects and output data related to the crime, which is not reflected in the file, as mentioned above, cannot be used by an expert because they do not correspond to the principle of admissibility.

Installation complete and the scope of our assessment, clarity of final conclusions. At this stage it is necessary to determine the following:

- Are all questions stated in the resolution of an examination, answered. Note that the number of final conclusions do not necessarily coincide with the number of questions asked. The opinion can be solved questions posed by the initiative of the expert, if findings relevant to the case (Article 200 CPC of Ukraine). If the resolution of an examination were made on issues related to different kinds of

expertise, in the opinion of the expert that solves some issues should include links to

other findings that have solved other issues;

- Or all of the objects studied presented an expert, do not "forget" any objects in cases where the examination is sent to a large number of physical evidence (eg, documents, accounting records for the longest period of the company ; loose pills seized in different places, etc..)
- Whether the expert made final conclusions crisp, clear, unambiguous, those that do not require them to understand the nature of expertise [1; p.110- 130].

The definition of logical validity of conclusions. In the study, a written expert opinion investigator must determine whether the resulting final conclusions of the expert of the research. For this purpose, is defined by:

- Compliance with finite intermediate conclusions set out in the experimental part of the report. Sure interim findings complete some sections of the study. their presence is characteristic of the comprehensive examination and the study of heterogeneous or bahatoyakisnyh objects in relation to each of which is made a separate interim report (conclusions);

- The absence of contradictions between different parts of the conclusion. For example, are consistent interpretation of the research results contained in the text of the conclusion of the research data or photographs annexed to the report. If you conduct a comprehensive examination of one of the experts using the research results of another expert, the "raw data" of the first expert should coincide with the findings of the second intermediate;
- Lack of arithmetic errors in computation performed. In accounting, avtotehnichnyh, commodity, material science and other expertise, which are determined during the various quantitative indicators are used fairly simple mathematical formulas are available for reference check by the investigator;
- The presence of the criminal case or other expert findings of the data, facts and circumstances relied upon by the expert for the argument, made the final study report. For example, expert automotive uses for calculating the size of the carriageway, which are reflected in the scheme protocol inspection of the motor vehicle accident.

Determination of membership identified expert evidence of Investigation criminal case. The investigator determines that there is a connection between the actual data displayed in the expert opinion, the circumstances to be proved, that is a matter of proof. Due to the nature of formation of expert opinion as evidence in a criminal case the requirement of membership is composed of the following:

- Informative, describing the correspondence between the information content of the expert and the circumstances of the criminal case ;
- Value, which determines the ability of the information contained in the conclusion to confirm or deny the circumstances relevant to the investigation of the crime [1 ; p.110- 130].

A positive decision on the conclusion belonging to the subject of expert evidence means that the investigator can use it to establish the circumstances of the crime, the guilt of the accused and the other circumstances mentioned in Art. 64 Code of Ukraine. In most cases, expert studies established the so-called evidentiary facts on which defined the main facts that are the subject of evidence.

Matching Expert opinions other evidence is the case. After evaluating the internal content expert opinion findings are compared with other evidence collected in the case. If the conflict between the totals of expert opinion (experts) and case-file, the output is used in court evidence. The presence of conflict requires verification report. The contradiction may be due as mistakes in assessment, and other evidence of poor quality. For example, if the fingerprint examination determined that the marks left at the scene by the suspect, and the testimony of witnesses at this point he did not show up, the contradictions are resolved by checking all the evidence: how the repeat examination and clarification of testimony.

A special study and evaluation of the expert involves determining the scientific validity of the final conclusions of the expert and his expertise.

Practice shows that the investigator and the court are usually not able to assess any scientific validity of expert opinion, not the right choice and application of research methods, nor consistent with the achievement of the modern branch of science. Objective reason for this situation is that for such an assessment, they should have the same knowledge as the expert. Also difficult to assessing the level of competence of a forensic expert who performed the examination. Although the opinion states education, profession, work experience and other information, but this is even the existence of a scientific degree and academic

rank, is not evidence of competence experts in the particular expert study [2].

Evaluation of the scientific validity of the expert knowledge required in that field of expertise, which relates to the subject matter expertise and performed on which objects are investigated. Evaluation of the results of the studies are often beyond their strength not only for investigators, but even the experts is a problem of another jurisdiction (specialty). Awarded fact is objective sources that are, first, the differentiation of specialized knowledge and, secondly, the development of scientific and methodological foundations of some forensic examinations [3].

Determination of sufficient facilities for examination to address the issues. A sufficient number of presented objects (their number, weight, volume, size) assessed against appropriate for expert research methods and techniques. The requirement of a sufficient number of sites concerned mainly required for installation identification number of

comparative studies of samples. The lack of comparative material can be the cause of the error, that is making the wrong conclusion or a disclaimer of solving this issue. Sometimes the expert clearly states in summarizing conclusion about the impossibility of resolving the issue due to insufficient facilities. The experts do not always use their right to submit petitions for additional materials (Article 77 CPC of Ukraine). In this case it is necessary to turn to the criminal case and find out whether it was possible to obtain a sufficient number of samples [1 ; p.130].

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