

# TACTICAL DECISION IN THE SYSTEM OF CONCEPTS OF CRIMINALISTICS

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## Annotation

The article discusses the basic concepts of criminalistics, which are involved in the formation of a tactical decision. These concepts include: investigative (judicial) situation, tactical task, tactical recommendations, means of criminalistics' tactics. The place of the tactical decision in the system of concepts of criminalistics is shown. Emphasis is placed on the ratio of tactical decision and concepts of criminalistics in its formation.

**Key words:** tactical decision, investigative situation, tactical task, tactical recommendations, means of criminalistics' tactics.

## Introduction

The concept of "criminalistics' tactics" involves the selective use of means of criminalistics' tactics for the current investigative (judicial) situation. The direct selection and application of these funds are carried out by making tactical decisions. These decisions are aimed at performing tactical tasks and establishing the circumstances of the offense committed. At the same time, tactical decisions help to optimize the process of obtaining and recording information about the offense.

Appeal to tactical decisions makes the need to direct the activities of persons carrying out investigative (judicial) activities in determining the circumstances of the offense. The decision itself is not directly related to obtaining information about the offense. The decision, as a result of human mental activity, is embodied in the implementation (non-implementation) of actions by the person receiving it. This conclusion follows from the understanding of the volitional act of the person, ending with the achievement of the goal in the execution of the chosen decision<sup>1</sup>. Thus, a tactical decision precedes the receipt

of information about the offense and is a necessary condition for obtaining it.

In the theory of criminalistics, the concept of tactical decision is considered in conjunction with such notions as: the investigative situation; tactical task; tactical recommendations; means of criminalistics' tactics. This list of concepts of criminalistics' is taken in view of their influence on the formation of tactical decision. Between these notions of criminalistics there is a relationship that is systemic in nature. The accent, on the term "systemic" is made not accidentally. All the mentioned notions, when determining the circumstances of the offense, find their reflection in the volitional action of the person, which allows us to talk about their systemic relationship.

In the criminalistics literature the questions of understanding the place of tactical decision in the system of concepts of criminalistics are considered fragmentary. This leads to the analysis of these concepts, which is the purpose of the article.

### **Tactical decision and investigative (judicial) situation**

The current investigative situation (the situation of judicial review) is the initial concept in the formation of tactical decision. The information that characterizes this situation reflects the totality of the conditions in which the investigation is being carried out, i.e. the situation in which the evidentiary process is taking place<sup>2</sup>. This information is characterized by the fact that it can be perceived using verbal and nonverbal methods of information transmission. Tactical solutions for the resolution of these situations are taken in cases when there are problematic issues that can be solved by using the means of criminalistics' tactics. From the point of view of logic and theory of cognition, decisions are always taken with respect to some problem, which, in a broad sense, is considered a meaningful absence of a certain explanation (answer) to the question that arose in theory or practice<sup>3</sup>.

Considering the investigative situation, it is necessary to note the integrity and reality of this concept. The investigative situation as a set of conditions in which the investigation is carried out<sup>4</sup> is presented in the form of information that characterizes it. The integrity of the mentioned information consists in the possibility to make a conclusion about its qualitative content, i.e.: positive

<sup>2</sup> . P. . . . 3 . T. 3: . . . , 1997, . 135.

<sup>3</sup> / . . . , . . . , . . . . C. . . . / . M. . . . , 2001, . 130.

<sup>4</sup> , P. . Specified resource, p. 135.

or negative; the existence of certainty or uncertainty of evidence; conflicts or conflict-free<sup>5</sup>, etc. The integrity of the concept of the investigative situation is also determined by the period taken as the basis for its allocation. Information about the offence and the status of the investigation during a certain period of investigation allows to conclude that it is established in the investigation (judicial examination) and what are the prospects for the establishment of new evidentiary information. The integrity of the information at a specific time of its analysis and evaluation characterizes the investigative (judicial) situation as the concept of criminalistics.

In addition, the investigative situation has a sign of reality, which is the possibility of its perception by a person carrying out investigative (judicial) activities. At some point in the investigation (judicial review), the investigative (judicial) situation makes it possible to use the information that characterizes it to determine the ways of its development. Possibility of real perception of a situation allows to define tactical problems which, at their execution, will contribute to its change. In addition, the sign of the reality of the investigative (judicial) situation is manifested in the possibility of using the information that characterizes it in the formation of tactical decisions.

Unlike the investigative situation, the tactical solution (up to the moment of its realization) does not possess signs of wholeness and reality. Being in constant dynamics, tactical decision in thinking activity reflects the slightest changes of the investigative (judicial) situation at the formation. Based on the information on the commission of the offence, the tactical decision presupposes specific means of criminalistics' tactics and ways of their use for positive change of the given situation. Tactical decision is one of the possible ways to obtain information that will contribute to its change. However, even though the tactical decision is derived from the investigative (judicial) situation, it is directly aimed at the performance of the tactical task. At the same time, the positive development of the investigative situation depends on the correctness of its implementation. The relationship between the concepts of the investigative (judicial) situation and the tactical decision is the aim of the investigation (judicial review). This makes the ground for considering the consistency of such relations. The existence of an intermediate link as a tactical task between the mentioned concepts does not reduce their dependence and intersectionality.

<sup>5</sup> , P. . Specified resource, p. 142.

### Tactical decision and tactical task

Tactical task, as the concept of criminalistics' tactics, arises in the determination of the ways of development of the investigative situation. The reality of the tactical task can be seen in the emergence of issues that have problematic nature. These questions arise for the person carrying out the investigative (judicial) activity in the process of analysis of the situation. The reality of the information characterizing the investigative situation contributes to the real perception of the task, the permission of which is directed to its change.

Tactical task arises out of any dependencies on tactical decision. It is a logically conditioned concept of criminalistics tactics, which is a certain set of specific tactical issues<sup>6</sup>. The tactical task is resolved by means of the use of criminalistics' tactics. At the same time, the way to solve, the period required for this, what means of criminalistics' tactics can be applied, etc. - factors that are deterministic when choosing a tactical solution. This makes it possible to conclude that the tactical task has an impact on the formation of a tactical solution. The relationship that exists between these two concepts is bilateral in nature. On the one hand, the tactical task can be solved by using certain tactical means, and on the other hand - improper tactical decision on their choice and application will hinder its resolution.

The choice of means of criminalistics' tactics is determined by the level and nature of the tactical task being solved<sup>7</sup>. At the same time, the tactical solution concretizes the means of criminalistics' tactics that can be used to solve it. At the level of resolution, tactical task, tactical decision and means of criminalistics' tactics are closely related. This can be explained by the fact that in order to perform the tactical task such means of criminalistics' tactics are used, which will facilitate its rational and optimal implementation. However, the definition of the means of criminalistics' tactics and their use for the correct solution of the tactical task, is carried out using a tactical solution. Thus, between the concepts of tactical task, tactical decision and means of criminalistics' tactics there

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2008, . 150, . 5, . 239;

. 2010, . 152, . 4, . 207.

<sup>7</sup>

. 2017, . 159, . 2, . 507.

is a connection that is systemic in nature.

### Tactical decision and tactical recommendations

When performing tactical tasks, tactical decisions, when choosing and using the means of criminalistics' tactics, tactical recommendations are used. The latter contributes to the optimality of the choice and application means of criminalistics' tactics, their validity. In fact, tactical advice is the main criterion of what tactical decision is to be taken. This can be illustrated by pointing to their individual views. Thus, the tactical decision on the choice of means of criminalistics' tactics is based on the recommendations for solving tactical tasks of a certain kind. It is the tactical tasks, their content that predetermine the means of criminalistics' tactics necessary for its implementation. In addition, the tactical decision on the use of selected funds is based on recommendations for their use in time and consistency. Thus, the choice and formation of tactical decisions depend on tactical recommendations developed by the science of criminalistics.

### Tactical decision and means of criminalistics' tactics

The term „remedy“ in reference literature is defined as something that serves as an instrument in some action, deed<sup>8</sup>. In scientific criminalistics' literature the means of criminalistics tactics are defined ambiguously.

So, V Yu. Shepitko under the means of criminalistics tactics understands the certain tools, which include: tactical recommendations; tactical strategies; systems tactical technique; tactics of investigative action; system of investigative and other actions, and actions (tactical operations)<sup>9</sup>. The mentioned approach in definition of the means of criminalist tactics we observe in the works of other scientists-criminalists<sup>10</sup>. It should be noted that the allocation

<sup>8</sup> ( . . . ). , . . . , 2005, . 420.

<sup>9</sup> ( . . . ). : . . . (15 . 2008 .). , 2008, . 172.

<sup>10</sup> , . . . , . . . , . . . , 2008, . 16, . 218; , . . . , P. . . , E. . . : . . . , 1999, . 456; - . . . : . . . 2 . . 1

means of criminalistics' tactics in this way is the most common in criminalistics' literature.

A significant contribution to the investigation of criminalistics' tactics was made by S. Yu. Yakshin. In his works he defined the concept of tactical means in the investigation of crimes and the investigation of evidence in court. According to the author, a tactical tool is defined as a procedural and organizational-tactical form of implementation of optimal and permissible methods of action, a line of conduct in solving tactical problems of investigation<sup>11</sup> in the course of judicial investigation evidence of criminal proceedings by the prosecution and the defense, as well as by the court in order to successfully solve the problems of criminal proceedings<sup>12</sup>. To tactical means the author considers: tactical receptions; tactical combinations; tactical operations<sup>13</sup>; tactical recommendations<sup>14</sup>. When allocating tactical funds, which are used during the trial of the investigation of evidence, S. Y. Yakushin took as a basis a system of tactical funds used in the pre-trial investigation. As it seems to us, the author has rightly used the developments in the field of use of criminalistics' tactics at the pre-trial investigation and transferred them to the area of judicial review of materials of criminal proceedings<sup>15</sup>. It appears that these remedies can be used in judicial review by taking appropriate tactical decisions.

We find a slightly different approach to determining the means of criminalistics' tactics in V. V. Tishchenko. Thus, in addition to the traditional means of criminalistics' tactics, mentioned earlier, the author counts to them: tactics of investigation; interaction tactics; tactical rules and tactics of criminal activity<sup>16</sup>.

/ . . . . , 2019, . 218-219; . . . . .

11 . . . . . , 2015, . 298.

2008, . 150, . 5, . 240.

12 . . . . . ;

. 2007, . 149, . 6, . 292.

13 . . . . . specified resource, p. 296.

14 . . . . . P. . Specified resource, p. 293.

15 . . . . . ; . . . . . 2014, . 1, . 111-115.

16 . . . . . ; . . . . . / . . . . . , 2017, c. 242-247.

This approach to interpreting the criminalistics' tactics used in the pre-trial investigation, in our opinion, is debatable. Thus, the author does not specify how, for example, „investigative tactics“ is a resource of criminalistics' tactics. In our opinion, the concept of a tool of criminalistics' tactics has the characteristics that allow to individualize it in relation to the object of influence. Such signs are concreteness, validity, ability to carry out (tactical reception) and to direct (tactical recommendation) tactical influence, etc. At the same time, the investigation of offences is carried out with the use of methodical recommendations, which provide for the tactics of individual investigative (search) actions, which are the resource of criminalistics' tactics. This allows us to conclude that there is no real need to allocate in the general form of investigative tactics as a resource of criminalistics' tactics. The same conclusion can be made in relation to other means of criminalistics' tactics, named by the author.

The division of the types of criminalistics' tactics, outlined by A. V. Kofanov, A. L. Kobylansky, Ia. V. Kuzmichev and S. V. Hilchenko is of interest.

Thus, the means of criminalistics' tactics, according to the authors, are the means of its procedural, non-procedural and organizational activities<sup>17</sup>. To the procedural resource authors include: investigative actions; operational and search activities; receiving explanations; the reclamation of documents; appointment of a departmental audit. To non-procedural means-tactical reception, criminalistics' recommendation, tactical decision, tactical operation<sup>18</sup>.

Since such a classification of criminalistics' tactics differs from the traditional perceptions on the subject, it is necessary to express our views and visions of the problem.

Thus, the attribution to the means of criminalistics' tactics: operational-search activities, receiving explanations, the retrieval of documents and the appointment of departmental audit - is debatable. These actions, in the execution of pre-trial investigation and establishment of the circumstances of the offence, perform auxiliary functions. Their task is to obtain information that has a guiding character in the investigation. Such information requires further verification by means of investigative (search) actions and only after that the information obtained will have the status of evidentiary. In addition to these arguments, the argument not referring to these actions to the means of criminalistics' tactics is the function of the latter, which they perform in the investigation (judicial

<sup>17</sup> . . . . . , 2011, . 153-155.

<sup>18</sup> , P. . Specified resource.

review). In our opinion, the main function of the means of criminalistics' tactics is to provide tactical influence on a certain object<sup>19</sup>. As a result of this impact new data on the offense appears, which leads to a change in the investigative situation (the situation of judicial review). The tactical line of the person in determining the circumstances of the offence is formed based on available information on the one hand, and on the other-on information that is expected to be received. However, as it is known, not all actions provided by the law allow to receive the information on the offense having the status of probative. The funds designated by the authors, as tactical, perform auxiliary functions in the investigation. Their purpose is to obtain preliminary information, which allows to choose the direction of use of criminalistics' tactics. The mentioned allows to make a conclusion about impossibility of use of these means for carrying out tactical influence, and therefore they cannot be attributed to means of criminalistics' tactics.

There is a different attitude to the attribution of the mentioned authors to the means of criminalistics' tactics, investigative (search) actions. The main function of the latter is to obtain information about a committed offense, but at the same time they can act as tactical means. Investigative (search) actions are a resource of criminalistics' tactics only in cases when they contribute to the resolution of tactical tasks of investigation (judicial review) (for example, in the conduct of a tactical operation, etc.). In all other cases they do not carry a tactical load and carry out only the functions of the procedural investigative (analytical) action provided by the law.

In our opinion, we should note the procedural means of criminalistics' tactics to which should be attributed: to a) investigative (investigative) action; b) system of investigative (search) actions; (b) tactical operation. Procedural in its content, these tools perform tasks of tactical nature in certain investigative situations. For example, the conduct of investigative (analytical) action has a tactical meaning in such cases, when the information received will contribute to a positive result in the production of another investigative (analytical) action. An example is the questioning of a member of an organized criminal group identified as a „weak link“ in its hierarchical structure<sup>20</sup>. The use of his confession will allow to expose other members of an organized criminal group, who refuse to testify to the investigation, when carrying out interrogation. In

<sup>19</sup> The exception is tactical recommendations, which are a form of using other means of criminalistics.

<sup>20</sup> , 2002, . 36.



this case, the investigative (analytical) action-interrogation, will serve as a resource of criminalistics' tactics, which is aimed at obtaining information about the members of the group and their criminal activities. The tactical tool should also recognize the search with a previously known negative result<sup>21</sup>, in order to obtain further tactical advantage in the form of locating wanted objects. Similarly, it is necessary to consider the system of investigative (search) actions and tactical operation, which, having a procedural basis, are used to achieve tactical goals in the investigation (judicial review).

The attribution of A. V. Kobanov, A. L. Kobylansky, Ia. V. Kuzmichev and S. V. Hilchenko to the non-procedural means of the criminalistics' tactics of tactical reception, tactical recommendation, tactical decision and tactical operation, also demands explanations.

Thus, it is impossible to agree with the reference to the non-procedural means of criminalistics' tactics of criminalistics' recommendation. The criminalistics' recommendation is an advice for a wide range of actions related to the establishment of the circumstances of the offence committed. Such recommendations can also be applied to the tactics of conducting separate investigative (search) actions and other directions of the investigator's activity, and other persons (for example, the use of scientific and technical means at the scene of the accident; experiments in the examination of the scene; concerning work with traces of hands, legs, tools of hacking and instruments, etc.). The concept of „criminalistics' recommendation“ is collective and includes different kinds of it. The recommendations related to the selection and implementation of the tactical line in the investigation (judicial review) are a separate type of them. These recommendations are of a private nature and are referred to as tactical in relation to the criminalistics' recommendations. Thus, the means of criminalistics' tactics should be considered as tactical recommendations that allow the effective use of the theory and practice of investigating (judicial review) offenses. Tactical recommendations, as a resource of criminalistics' tactics, are their non-procedural kind, since they are an advice in the application of criminalistics' tactics.

It is an objection to the assignment of tactical operations by these authors to non-procedural means of criminalistics' tactics. Our position is based on the apparent contradictions in the content of the tactical operation by naming the „non-procedural“ tactical tool. In the criminalistics' literature under the tactical operation at the pre-trial investigation it is understood the complex of

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investigative (search) and other actions, combined investigative situation and related resolution of a separate tactical task<sup>22</sup>. The obvious procedural aspect of the tactical operation, in our view, is that it involves the production of investigative (search) actions. By contributing to the resolution of the problem, all the proceedings are combined to achieve the objective of the investigation (judicial review). This allows us to conclude that the tactical operation is a procedural tool of criminalistics' tactics and its attribution to non-procedural means is done unreasonably.

Considering the tactical decision and means of criminalistics' tactics, it is necessary to reveal the existing connection between them. Means of criminalistics' tactics are used in solving tactical problem. Their choice depends on the specific content of the task, the fulfillment of which will help to change the investigative (judicial) situation. This choice is made by a tactical decision which is based on the information characterizing the investigative situation and tactical task. The content of such a decision is information about the means of criminalistics' tactics and how to use them. In addition, the decision covers the need to change the investigative situation, the resulting tactical tasks and the means of criminalistics' tactics used to perform the latter. Communication of tactical decisions with the means of criminalistics' tactics is mediated by the need to perform a tactical task and simultaneously change the investigative situation. Thus, tactical decision and means of criminalistics' tactics are closely related. This relationship is bilateral in nature. On the one hand, tactical decisions are decisions on the choice of means of criminalistics' tactics, and on the other - the content and type of decision depend on the funds chosen. Consistency of such interrelation is produced by the purpose, on which achievement of the volitional act of the person carrying out investigative (judicial) activity is directed.

Separately, we should consider the issue of the classification of tactical decisions to the means of criminalistics' tactics. In order to give an answer to this question, it is necessary to deal the essence of tactical decisions and their place among the concepts of criminalistics.

### **Tactical decision in the system of concepts of criminalistics**

The essence of the tactical decision is the choice of the objective of tactical influence and determination of methods, techniques and means of achieving

<sup>22</sup>

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: . , 2013, . 123.

this goal<sup>23</sup>. A tactical decision is a decision to exercise an impact on an object<sup>24</sup>, which is the investigative situation or its individual components. In criminalistics' literature under tactical influence it is understood, any lawful influence on any object, carried out by means of tactical receptions or based on tactics of use of other criminalistics' means and methods<sup>25</sup>. Based on the understanding of the tactical decision as a complex volitional act of the subject of investigative (judicial) activity<sup>26</sup>, we can conclude that it does not have the signs of specificity and completeness until it is implemented<sup>27</sup>. Being in the field of mental activity of the subject accepting it, the tactical decision<sup>28</sup> is ephemeral in perception. The signs of such a decision are amenable to description and singling out only in the general form, in relation to the stages of volitional act. Being a mobile information education, having correlation relations with the information characterizing the investigative situation, tactical tasks, tactical recommendations and means of criminalistics' tactics the decision connects them together. The tactical solution on the one hand, acts as a bridge between these notions of criminalistics, and on the other-the function of choice. This indicates that the tactical decision is a subjective regulator of the knowledge of the crime event.

Considering the emergence of tactical decision in the course of the human volitional act, it is necessary to point out some signs. A tactical decision in a mental activity is nothing more than a theoretical design, which has the characteristics of an ideal model of a certain action. It should be noted that this model is quite unstable, as it is in correlation relations and with information characterizing the investigative situation in general, and with information characterizing its individual components. The formation of tactical decision and the whole thought process of the person at the same time, is based on the analysis of the investigative (judicial) situation. Accordingly, the change of information, which characterizes the investigative (judicial) situation, automatically affects

<sup>23</sup> P. . . . 3 . T. 3:

. . . . , 1997, . 163.

<sup>24</sup> Ibid.

<sup>25</sup> . . . . Specified resource.

<sup>26</sup> . . . . . *Criminalistics and forensic expertology: science, studies, practice*. Odessa, Ukraine, 2018, p. 276.

<sup>27</sup> . . . . Specified resource, p. 275.

<sup>28</sup> For ease of presentation of the content of the article, the concept «tactical decision» denotes the end of mental activity in a volitional act of a person carrying out investigative (judicial) activity. In reality, tactical decision acquires specific signs only at the stage of its implementation. The conclusion about correctness of the tactical decision and the choice made in the use of funds of criminalistics' tactics can be made only after evaluating the results of its adoption.

the formation of theoretical design tactical solution.

In the system of notions of criminalistics the tactical decision can be defined as the concept of criminalistics' tactics. The classification of the tactical decision to these concepts is due to the following: a) the usage in the investigation (judicial review) for the formation and implementation of the tactical line of the person carrying out pre-trial investigation (judicial review); b) the usage in solving tactical tasks of investigation (judicial review) of the offence; c) the usage in the selection and use of criminalistics' tactics. As a concept of criminalistics' tactics, the tactical decision occupies a special place among other concepts. The reasoning in favor of this thesis are: a) functioning of the tactical decision at the level of human thought activity in the exercise of volitional action; b) forming a solution using tactical recommendations; c) application of the decision only to perform the tactical task; d) the presence of signs of an ideal model of behavior or conduct; e) correlation dependence on the investigation situation; the tactical task; tactical recommendations; means of criminalistics' tactics; f) ephemeral perception.

In addition, the special place of the tactical solution in the system of concepts of criminalistics indicates the function of cognition. This function is manifested in the implementation of theoretical design tactical solution. The tactical impact, which is formed and directed by tactical decision, leads to obtaining new information about the offense. The tactical solution, formed to solve the tactical problem, is manifested as a result of the chosen tactical line. The need to use a tactical solution is due to incomplete information on the offence and the existence of sources of such information. As a rule, the receipt of information involves the reluctance of individuals to transfer it to the investigator (court). The conflict investigative situation in this case strongly requires the election of a certain tactical line in the investigation (judicial review). Tactical decisions, when implemented, direct tactical impact on the source of information, which leads to positive results and changes in the investigative (judicial) situation.

The systemic relationship of such notions of criminalistics as: the investigative situation, tactical task, tactical recommendations and means of criminalistics' tactics - contributes to the optimal content of the tactical solution. The latter has a subordinate character in relation to the notions of criminalistics. This subordination is manifested in the reflection in its content of information characterizing each of these notions of criminalistics in order to resolve the investigative (judicial) situation.

## Conclusions

We have considered the concepts of criminalistics (investigative (judicial) situation, tactical task, tactical recommendations, means of criminalistics' tactics) in contrast to the tactical solution, find their real manifestation in their perception. The emphasis on the reality of perception of these notions of criminalistics is made to determine the place of tactical decision among them.

The place of tactical decision among the notions of criminalistics is determined by its role in the process of their application. Thus, considering the role of tactical decision in the implementation of changes in the investigative situation, it is necessary to determine the sequence of interaction of these concepts. "The logical chain of interaction is: an investigative situation that facilitates the formation of tactical tasks; means of criminalistics' tactics, which are used to solve tactical tasks; tactical recommendations that are used in the selection and use means of criminalistics' tactics. All the mentioned notions of criminalistics are combined by one volitional action of the person carrying out the pre-trial investigation (judicial examination). The volitional action, which involves the intellectual mental activity of a person, ends with the onset of a certain result. At the level of consciousness there is a coordination of the investigative situation with a tactical task, the resolution of which will contribute to its change. In turn, the tactical task is coordinated with the means of criminalistics' tactics, the latter - with tactical recommendations, the application of which will lead to its resolution. All these agreements are carried out in the process of formation of tactical decision in the mental activity of the person. Thus, these notions of criminalistics are objects of the mental activity of the person and are joined together by a tactical decision to achieve the purpose of investigation (judicial review).

Therefore, the tactical decision must be attributed to the concept of criminalistics, which cannot be perceived during its formation and adoption. The whole process of constructing a theoretical design of a tactical decision lies in the plane of thought activity. However, this approach to understanding the tactical solution is not the only one. The tactical decision also needs to be considered as the conclusion of the person regarding the ways of realization of volitional action. The choice of means of criminalistics' tactics and the method of their use, are the main condition for achieving the necessary result of the volitional action of the person. This conclusion is a decision which, after realization of means of criminalistics' tactics, is perceived by us as tactical.

Referring to the mental activity, the decision binds together the problematic situation, tactical task, tactical recommendations, means of criminalistics'

tactics and the way of their realization. Performing the function of invisible “link”, tactical decision includes the results of analysis: investigation situation, tactical task and possibility of using certain means of criminalistics’ tactics<sup>29</sup>. The theoretical design of the decision in the process of volitional action of the person during investigation (judicial examination) is based on tactical recommendations. If in decision-making process, the tactical recommendations cannot be used, due to their absence, the developed methods of decision theory are used.

In our opinion, it is not justified to assign tactical decisions to the means of criminalistics’ tactics. Such conclusion can be made on the ground that the tactical decision does not have a tactical impact on the investigative situation and its components. Being manifested as a result of choice of a direction of tactical influence, and means and ways of its realization, the tactical decision in system of concepts of criminalistics acts as an active link. The activity of tactical decision as a link is manifested in selective use of information, which characterizes the investigative (judicial) situation, tactical task, means of criminalistics’ tactics and tactical recommendations. The information used is selected according to the principle of possibility of its realization at achievement of the set goal (desired result). The activity of tactical decision is activity of mental activity in the process of its formation. The actual role of the decision lies in the conclusion about the use to the means of criminalistics’ tactics.

Thus, the tactical decision occupies an important place among other notions of criminalistics, determined by its significance when finding the best ways to means complex investigative (judicial) situations in determining the circumstances of commissioning offences. The lack of possibility to perceive a tactical decision until the moment of its realization, contributes to certain complexities in its understanding, which causes scientific discussions on this issue.

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## TAKTINIAI SPRENDIMAI KRIMINALISTIKOS D SNINGUM SISTEMOJE

**Bululukov Oleg**

### **Santrauka**

Straipnyje siekiama aptarti taktini sprendim viet kriminalistikos d sningum sistemoje. Šiame kontkeste svarbiausi kriminalistikos institutai, lemiantys tyrimo rezultatus, yra tyrimo situacija (teisminio nagrin jimo situacija), kriminalistikos taktikos uždaviniai ir priemon s. Siekiant nustatyti taktinio sprendimo viet , buvo nagrin jama min t kriminalistikos institut taka priimamam taktiniam sprendimui ir jo realizacijai. Autorius atkreipia d mes , kad straipsnyje aptariami institutai yra tiesiogiai susij - nuo susidariusios tyrimo situacijos priklauso pasirenkama tyrimo taktika ir priemon s, jos realizuojamos bei visos iškilusios problemos sprendžiamos priimant taktinius sprendimus.

**Pagrindin s s vokos:** taktinis sprendimas, tyrimo situacija, taktiniai uždaviniai, taktikos rekomendacijos.

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