

Forensic portrait of the identity of the offender in the medical field

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ABSTRACT

The article is devoted to the generalization and analysis of the main typical forensic characteristics of the offender in the medical field and suggests ways to use the information as indicative information that allows to determine the range of persons involved in the crime, with their subsequent identification. The forensic portrait of the person of the criminal in the medical sphere is researched and developed and the recommendations directed on increase of efficiency of fight against crimes, and also investigation of these crimes are scientifically substantiated. A comprehensive approach to the laws associated with the formation (emergence) of images that contain information about the external features and characteristics of the offender, and the laws of detection, collection, evaluation and use of this information in the investigation of crimes in the medical field.



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1. INTRODUCTION

It is known that since ancient times, people have sought to determine the appearance and actions (behavior) of man's character, feelings and abilities. The long path of their search has left descendants forensic theories such as habitology, graphology, dermatoglyphics, phrenology, physiognomy, palmistry, chirosophy, etc., which, with some assumptions, allow the appearance and behavior of man to determine his character, feelings and abilities. However, unfortunately, in criminology and investigative practice, information about the properties and characteristics of the offender is now used very sparingly. In modern society there are avalanche-like processes of innovation, materialized scientific ideas and discoveries, technical inventions and developments, fundamentally new technological processes, which together, in turn, generate rapid, dynamic

changes in the social structure of society. In particular, scientific progress has accelerated sharply, the connections and relationships between science and society have changed, and new social functions and opportunities of science have emerged. The roots of this qualitative leap, its causes and consequences began to be denoted by the concept of "scientific and technological revolution", later – "scientific and technological progress" [1].

The relevance of the chosen topic is due to the fact that the current stage of development of the state is accompanied by complex socio-political and economic processes that take place, given the complex epidemiological situation caused by the coronavirus pandemic. All this exacerbates the general criminogenic situation, which leads to a corresponding increase in crimes of a new criminal color. This requires the need for modern generalizations, the development of fundamentally new, including "non-traditional", theoretical doctrines and practical recommendations for the application of acquired knowledge about the identity of the offender.

Analysis of recent research and publications. Some aspects of the announced problem are reflected in the works of scientists in various fields: B. M. Komarinets, S. D. Kustanovich, M. P. Yablokov, A V. Dulov, O. I. Ustinov, M. E. Portnov, V. M. Ladin, M. Denisov, M. Lyubarsky, V. M. Pleskachevsky, O. S. Podshibyakin. Besides them it is necessary to allocate: V. P. Bakhin, R. S. Belkin, T. V. Varfolomeev, O. G. Guk, V. F. Ermolovich, V. A. Zhbakov, V. K. Lisichenko, V. O. Konovalov, A. V. Kofanov, V. M. Melnichuk, E. V. Pryakhin, M. V. Saltevsy, V. V. Tishchenko, V. Yu. Shepitko and others.

Their work laid the foundation for future substantive research on the identity of the offender in the medical field as a specific type of offender. However, it should be noted that a comprehensive approach to the study of this issue in modern realities is virtually absent. Currently, there are no systematic applied studies of criminal activity in the medical field, drug trafficking, etc. Issues related to the diverse characteristics of perpetrators of crimes of this category are considered in fragments.

The aim of the study. The theoretical foundations of the "forensic portrait" of the criminal in the medical field, laid the methodological considerations of Academician V. O. Konovalova on the feasibility and prospects of using the method of modeling, noting that in the history of modeling from the beginning there were two trends, one of which was related to the technical implementation of the model of the event, action, method, the second - with a conscious idea, which relates to a wider range of problems - the crime, its perpetrator, the identity of the offender, the motives of the crime and other data that can only be perfectly reflected , except for technical design [2].

Therefore, in the future, the authors' conclusions are promising. Modeling in this context is considered: first, to the current or future investigative situation – are perceived as ideal models; secondly, to the optimal conditions of the investigator's perception of the source information [3].

2. Results

Traditionally, the science of criminology studies the identity of the offender from different positions, namely: as an element of forensic characteristics of the crime [4], [5] object and subject of tactical interaction during the investigation of crimes the behavior of the offender during the commission of a crime (mechanism and method of commission), which contains organically interconnected elements of internal (mental) and external (physical) activity [6].

Such knowledge of the characteristics of the offender "allows the investigator to plan and organize the

investigation so that all actions that will be carried out within it will be as effective as possible, and the investigation as a whole will be successful" [7].

Today, much attention is paid to the development of information models of crimes and standard programs of their investigation based on the algorithmization of investigative activities using computer technology. Typical forensic portraits (psychological profiles) of various categories of criminals, etc. are being actively developed.

Taking into account the data received from suspects, accused, victims, witnesses, determine the circumstances to be proved in criminal proceedings (Article 91 of the CPC of Ukraine) [8], build search, investigative, expert versions, develop and implement programs to prepare and conduct individual procedural (investigative and investigative) actions, tactical complexes (operations) and combinations at the stage of pre-trial investigation. The information contained in the testimony of persons of these categories allows to solve search and identification tasks of criminal proceedings. The person who committed the crime, as a forensic category is considered in science as a set of social, physical, biological and psychological properties that distinguishes it from all others (V. G. Lukashevich, M. V. Saltevsky). In contrast to external factors that may change during the formation of a skill or habit, these personality traits are relatively stable factors [9].

The problem of comprehensive study of man as an object of forensic knowledge, including all its properties, features and qualities, manifestations important for distinguishing the defining characteristics of the offender, in criminal proceedings is not only scientific interest but also of great importance for law enforcement agencies.

All these diversity of personality traits in different fields of knowledge creates the preconditions for their generalization and typology for use in determining the characteristics and characteristics of the offender in the medical field. However, today there is a noticeable tendency to consider the identity of the offender in forensic research, mainly through the prism of criminology.

In this aspect, we support the opinion of scientists [10], that in the characterization of the criminal as an element of the forensic characterization of crimes reflects a set of information, including those reflected in the criminal law, criminological, psychological characteristics. The specificity of the forensic characterization of crimes is the reflection of correlations between its individual elements: "criminal person – a way of preparing, committing and concealing a crime", "criminal person – object of crime", "criminal person - subject of crime", "criminal person - typical traces of a crime ", etc.

Insufficient information about the perpetrators at the time of detection of signs of crime and the initial stage of the investigation is compensated by the availability of generalized data on potential types of possible criminals that correspond to the circumstances of the investigated act. This information makes it possible to put forward versions of the direct perpetrators and accomplices of the crime, the mechanism of the crime, possible locations, preservation of tools and objects of the crime, actions to hide traces of the crime, etc. [10]. The identity of the offender as an integral part of the subject of knowledge has become mandatory in forensic research. In particular, the personality of a criminal in the medical field differs in a set of characteristics characteristic of him, namely: specific skills, abilities, interests and other essential and relatively stable properties, naturally formed under the influence of negative elements of the social environment (armed conflict, quarantine), which, ultimately, found realization in the commission of a crime in the medical field as a means to achieve this goal [11].

In the first years of Soviet power, the problems of the criminal's personality were dealt with mainly by either psychiatrists or lawyers, who used medical data in their research [11].

Distinctive personality traits are the result of the life experience of a person who has committed a crime, which is an integral result of the whole set of conditions, way of life, own activity. Therefore, the study and interpretation of all sources of information (material and ideal) in combination with the study of the victim (victim), even in the absence of the suspect, will help with a high probability to identify the wanted person. Compilation of "forensic portraits" should be carried out not chaotically, but according to a clear algorithm, which allows, first of all, to systematize the information obtained to achieve efficiency and consistency in the work.

Having selected and checked the necessary scientific and technical means; conditionally we find a certain amount of material sources of information about the identity of an unknown criminal; identify "ideal" sources of information about the identity of an unknown criminal (by interviewing witnesses, eyewitnesses, victims); as a result, we obtain from the discovered – material and "ideal" traces (sources) – qualitative and quantitative information; Appropriately recorded traces are recorded and the information obtained is compiled into a "forensic portrait" of an unknown criminal through the use of analytical processing, research and evaluation of collected information, clarification (replenishment) of the information model of an unknown criminal.

The beginning of an investigation is always associated with the availability of one or another piece of information, the scope of which may vary. However, even a minimal amount becomes a set of data to build versions of the crime scene. When confronted with a version of the identity of the offender, an exemplary model of which has not yet been developed separately - we use the model of "Typical forensic portrait of the identity of the offender."

It is necessary to begin with a careful study of the victim's personality, its social and anthropometric characteristics, behavioral aspect, etc. [12].

Information about the victim, as rightly noted by A. R. Rossinskaya, helps to more fully describe the identity of the offender and the motives for the crime: because between them (victim and offender) is often a relationship, because the offender usually chooses a victim [13].

Returning to the identity of the victim, it should be noted that a careful study of its social, psychological and other characteristics, features of its life significantly optimizes the search for the offender [12]. For example, crimes in the medical field in a sufficient percentage involve personal contact of the offender – the victim or the offender's awareness of the victim and so on.

An important reference point for compiling a psychological portrait of a person who has committed a crime is the materials of forensic autopsy, because the general picture of injuries (bodily and clothing damage) allows to establish his mental state at the time of the crime. In addition, the nature and location of injuries on the victim's body can make a probabilistic conclusion about the suddenness of their infliction, the struggle that preceded it, the possibility of infliction of injury after death, etc. [14].

This is how we follow the following algorithm. We analyze the initial data on the basis of our own practical experience and theoretical ideas. We collect information about social characteristics that characterize a person as a person at the level of individual and social consciousness, his attitude to the law, society, moral and ethical values. A person is a person who manifests himself in social, economic, spiritual and other activities

as a citizen of Ukraine. Therefore, it is essential that all means and methods of obtaining information about and from a person comply with the principles of humanity, and that the activities of those involved in gathering evidence must be lawful. Therefore, such information in the narrow forensic aspect can be called social or personal. The following physical and biological properties that characterize man as a physical body, its external and internal structure. Information about such properties can be called structural, because it defines the structural organization and reflects the functional activities of man, so information about them should be called functional. Psychophysiological and psychological properties, the data of which should contain the developed model of the criminal's personality, reflect the human condition: depression, cheerfulness, excitement; characterize the type of nervous activity: sanguine, lively, mobile, emotional, sensitive; choleric – violent, hot, sharp; phlegmatic – calm, lethargic, slow, steady; melancholic – sad, gloomy, indecisive, timid. This should include physical disabilities: deafness, blindness, dementia, various disabilities.

The basis of the information base for the investigation of these crimes is the scene, the situation and circumstances of the scene, the behavior of persons who participated in it, personal data collected at the scene, which may be of different nature. In our case, we pay special attention to the fact that the pre-crime behavior of the offender is manifested, inter alia, in the acquisition of knowledge of medicine or pharmacy, skills in handling medical equipment, drugs, preliminary search for potential donors, etc.; place of work in the medical field or related to medical; social connections with the medical sphere (including in social Internet networks, with special databases); access to medical equipment, medicines, etc.; this is usually a middle-aged man (30-50 years); the nature of injuries, their severity and motivation, etc., can be judged on the medical qualifications and level of education, respectively; commit crimes; they are usually single and for the first time, it is either the spouse or family of the offender, or persons who have been in contact with him, etc. ; these are usually intentional crimes with abuse of office, with the use of special equipment; the choice of the method of committing the crime, which may be determined by the nature and effectiveness of the available means, more suitable for use in a particular situation, depending on the personal skills (abilities) of the offender and the conditions of the situation; not under the influence of alcohol or drugs; "professional solidarity of doctors" cannot be ignored; special attention should be paid to former students of medical universities who have mastered a certain set of skills and not enough professional level and do not have the necessary moral and ethical education; emotionally resilient individuals; sociable, with leadership qualities; high social status, poor handwriting (incomprehensible) [15], etc.

The preferences, values and moral characteristics of the person are also taken into account. Forensic data on the appearance, height, weight of the offender, the method of committing the crime are also used in the work of law enforcement officers [16].

According to the theory of physiognomy, according to the external structure (skull) - you can "consider" human abilities. According to research by Parisian physician Michel Reno (mentioned in his work by Boris Higur), it may be useful in identifying victims of accidents or criminals if their fingers are damaged [17]. Skull shape; eyebrows; human face (eyes (including eyelids); shades of face paint also express different feelings; forehead (and skin); chin; wrinkles; hair; head; ears (and lobe shape); fingers; nose; mouth; lips; cheekbones, jaws, teeth, cheeks, neck, shoulders, arms, chest, thighs, abdomen, knees, legs, feet): objectively and impartially tell about all its virtues and vices [18].

Thus, at the first stage, the information model of the "forensic portrait" consists of the expected (predicted) information that needs to be verified. In the second stage, this model is supplemented by reliable (positive) knowledge about the characteristics of the desired subject. It is formed on the basis of testimonies of victims,

eyewitnesses of the crime, other data. At the third stage, a combined model is formed, which contains already obtained reliable data (information) on some and the expected knowledge about other properties and characteristics of the offender [19].

The general characteristics of the offender's personality is "a system of traits that together characterize the person who commits a crime, various aspects and manifestations of his social existence and life practice and which are directly or indirectly related to such anti-social behavior, cause or facilitate committing a crime or helping to understand the reasons for its commission" [20].

The effectiveness of the search model depends not so much on the completeness of its information content (the number of features reflected in it), but on the search, different (unique), the importance of its individual features. Frequent situations of effectiveness of the "trigger" of the model, even when it includes knowledge of a very limited range of characteristics of the desired person, but very significant in terms of its differences from other people, distinguishing, recognizing and identifying (especially for special features). The more individual, more unique, expressive feature, the less often it occurs, the faster it stands out, the more reliably remembered and recognized, the faster and easier it is to identify and identify the offender.

For example, the identity of the killer has a set of characteristics specific to each type of murder, because it reflects the motives for the crime, the method of implementation, character and temperament, skills used in everyday life (meticulousness, neatness, slovenliness) and professional skills (doctor, paramedic, chemist) – when dissolving parts of the corpse. When dismembering the corpse of the murdered person, the pathologist left a mark on one of the internal organs, which he usually put in the morgue during the examination of the corpses, so as not to examine the same thing again [21].

For example, the most dangerous people are the organizers of criminal groups. They organize and manage the acquisition, manufacture and distribution of drugs. They are the ones who finance the criminal activities of the group for the purchase of drugs and raw materials, solve the problems that arise in this regard, organize the delivery of drugs to their destination and their sale. Most often, they are men between the ages of 40 and 50, with other backgrounds, former convicts who are well versed in drug trafficking, and have significant funds from entrepreneurial activities based on drug money laundering. These are usually criminal authorities, people who have been previously convicted, primarily for drug-related crimes, and those who have large sums of money. The organizers themselves are often not personally involved in drug buying and selling operations, they only finance these activities and make a profit, diligently disguising their involvement in the drug business. This category of people is characterized by personal connections with corrupt representatives of the legislative and executive branches, law enforcement officers. Organized criminal groups involved in drug trafficking have their own financiers, bankers, lawyers, logic experts, wholesale and retail specialists, engineers, and doctors. Other members of the organization perform specialized functions. These are recruiters, financial advisers, contract specialists (persons who enter into agreements with pilots, sailors, loaders, truck drivers, etc.), buyers, salesmen, carriers, and thieves [22], [23].

If the criminological features of the identity of the offender allow us to identify a certain typology in the classification of the latter, the forensic features are most inclined to their practical use in the investigation of crimes. In the system of forensic characterization of crimes, the person of the offender with its inherent features occupies a place that allows to clarify the essence of each feature and their complex to solve problems related to its dependences (regular connections) with other elements of this characteristic. The set of features that characterize the identity of the offender may be different depending on its purpose and, accordingly, includes features of different nature. As an element of forensic characteristics, the complex consists of such

features that can serve to determine effective ways and methods of identifying, finding and identifying the culprit. Some of them have not only forensic significance (for example, previous convictions), but also other important factors, mainly for the detection of a crime (for example, methods of committing a crime, concealment skills, methods of staging, etc.). The specific composition of this element of forensic characteristics is determined by the set of personality traits that is specific to criminals who commit crimes of this type and essential for a successful investigation [24].

Thus, the study of personality traits allows to diagnose a stable group trait that characterizes the person who committed the crime (eg, left-handed), and in a limited number of suspects, such a trait may be conditionally individualizing. Thus, the study of personality traits provides a systematic approach to the study of human inherent properties and characteristics, which ensures the effectiveness of the process of identifying the person who committed the crime [8], [25].

It is known that all the variety of ways to commit and conceal crimes, their motives and goals, the specificity of the tools and means used, the peculiarities of place and time, due to the different properties of criminals. Thus, the choice of the perpetrator's concealment of the crime is influenced by the nature of the perpetrator's connection with the victim and the crime scene. The content and sequence of actions committed in this case is determined by the personal data of the offender and the circumstances of the crime. In cases where the offender and his victim did not know each other or their acquaintance was accidental, and the crime scene is not directly related to the person of the offender, the latter, implementing the criminal plan, seeks to disappear as soon as possible. To create a reserve of time that allows him to leave this place without hindrance, the victim of violence is often helpless [26].

A person plans a crime, chooses tools and means, acts on the scene based on his skills and abilities. If the habits at the scene are not manifested, then, probably, the criminal does not have them, which from a forensic point of view is also very important.

The analyzed properties are considered by us as relatively stable indicators that reflect the uniqueness of the individual, the specificity of the conditions in which its development takes place, and so on. They are the objects of operational search systems and forensic records that allow to identify the person who committed the crime [27].

Lack of information about the identity of the offender at the time of detection of signs of crime at the initial stage of the investigation is compensated by generalized data on "typical criminals", which include information on typical signs of their criminal behavior before, during and after the crime [28- 30], [31].

This generalized information, if it corresponds to the circumstances of the investigated act (its "trace picture"), allows to put forward versions of the direct perpetrators and accomplices of the crime, the mechanism of the crime, their possible location, preservation of weapons and objects, actions to conceal traces of crime, etc. They allow the investigator to identify persons prone to illegal behavior, significantly narrow the circle of suspects in the crime, find out its purpose and motive, plan tactical operations, and after the suspect becomes known - to determine the necessary list of investigators (investigators) and covert investigative (search) actions against her [32], [33].

3. CONCLUSION

This work is an attempt to fill the gaps, to give a comprehensive assessment of the identity of the offender in the medical field, to identify the author's vision of its typology, which, in our opinion, will improve criminal

proceedings and forensic recommendations.

Along with theoretical developments, this structure, purpose and objectives of the study provided an opportunity, based on theoretical achievements, to consider practical aspects and offer their own approaches to solving the problem of implementing the recommendations in investigative and judicial practice.

Forensic information about the identity of an unknown criminal can be obtained using such students, which traditionally belong to the sections of forensic technology: homeoscopy (or homology), dactyloscopy, dermatoglyphics (examines fingerprints, palms and hands and feet); habitology (or habitoscopy) (studies the external features of man and a set of methods and scientific and technical means of their study and use to identify a person); Scriberology (handwriting) (studies the patterns of formation of written language and handwriting and develops methods of their study as carriers of information about the individual); car science (studies the conditions and patterns of human speech behavior, which determines the individuality of his written and oral speech, develops methods for establishing their author); forensic odorology (also distinguished by areas: medical and psychological odorology) (system of knowledge about odors and odor carriers, as well as scientifically sound techniques, technical means, recommendations for detection, analysis, removal and storage of odorous traces for further use in criminal proceedings).

Some teachings, in particular, graphology (according to which there is a stable relationship between handwriting and individual personality traits); physiognomy (determination of a person's personality type, his mental qualities, properties and state of health, based on the analysis of facial features and his expression); phrenology (the connection between the human psyche and the structure of the surface of the skull); chirosophy (palmistry or chirognomy, or chorology, or palmistria) (which studies the relationship between the shape of the hands and papillary and especially flexor lines, as well as bumps on the palm with character, physical data and human destiny, as well as with physical and mental qualities).

These doctrines are not always approved by official criminology at the present stage of its development. However, domestic criminologists have not conducted serious scientific research on refuting the scientific (unscientific) nature of their approaches. At the same time, their critical rethinking and application together with well-tested recommendations of forensic science will help to identify and investigate, in addition to traditional "traces of crime", special individual signs of an unknown criminal, adequately describe them in order to narrow the range of wanted persons and their identification. In this regard, it is advisable to review the established forensic recommendations for pre-trial investigation, when the lack of initial information about the crime and the identity of an unknown offender, you need new tools (methods and technologies) to investigate the scene, work with sources of verbal and nonverbal information.

It is these teachings that can "suggest" what to look for (signs, their location); connections between internal signs and their external manifestation. Possessing such new knowledge, the investigator (prosecutor) will be more aware of the study of the mechanism of the crime, more accurately (more adequately) read information from trace media; more objective to diagnose the appearance of the wanted person. The new knowledge obtained in this way will give the "key" to the effective implementation of the search model, which depends not so much on the completeness of its information array, the number of features reflected in it, but on search, in particular cognitive, significance of its elements. Frequent situations of effectiveness of the "trigger" of the model, even when it includes knowledge of a very limited range of characteristics of the desired person, but very significant in terms of its differences from other people, recognition and identification (especially for special, visible features). The more individual, unique, expressive the feature, the less common it is, the faster it stands out, the more reliably remembered and recognized, the faster and easier it is to identify and identify

the perpetrator.

Thus, the integration of new knowledge corresponds to the general trend of adaptation of criminology for the needs of criminal proceedings data of various scientific theories (students), which "in a transformed form" become part of the content of forensic science.

While acknowledging the importance of the results of such monitoring of certain types of verbal and nonverbal communication, it should be emphasized that the interpretation and analysis of the information obtained in this way should be approached from the standpoint of strict adherence to a number of fundamental rules of world psychological and investigative experience. Thus, determining among such rules are the provisions on the need, first, to consider different types of information signals in the complex and the relationship; secondly, to take into account the peculiarities of the situation in which the activity of the information communication partner is realized. For all the importance of any signal of one kind or another and even a set of signals of one kind, their receipt does not guarantee against errors in diagnosis and decision making. The risk of error can be minimized only on the basis of a comparative analysis of the results of observation of different types of interconnected communication, which form a holistic recognition or identification complex. There is also a need to adjust to the specifics of situations, the nature of objective and subjective factors that determine certain deviations from the usual manifestations of activity, including the impact on the state of the carrier and the conditions of information transfer (health, degree of his anxiety from expected adverse prospects and other factors).

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