FEATURES OF DETERMINING AND CONDUCTING FORENSIC PSYCHOLOGICAL EXAMINATION OF SUICIDE CASES: ORGANIZATIONAL-METHODICAL AND TACTICAL PROCEDURAL ASPECTS

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One of the most effective means of solving crimes and increasing the effectiveness of investigation is the appointment and conduct of forensic examinations, including forensic psychological examinations.

In the scientific article, the author touched on the important points that the investigative bodies should pay attention to during the appointment of forensic psychological expertise, and pointed out that the necessary materials should be reflected in the case for more efficient expert research. It has shown that the received expert opinions are used in criminal proceedings to activate and thereby expand the evidentiary base.

Key words: forensic psychological examination, suicide, suicide attempt, criminal code, criminal procedural code, preliminary investigation, victim, accused.

Forensic psychological expertise, which is one of the dynamically developing areas of forensic expertise, plays an important and sometimes decisive role in cases of crimes against the personality, the application of psychological influence, in the investigation and trial of criminal cases committed in a group, and in the investigation of suicide cases.

Statistical data, results of summarization of forensic and expert experience show the growing demand for the use of psychological knowledge in criminal proceedings. This can be seen in the increasing trend of the number of forensic psychological examinations conducted at the Forensic Center of the Ministry of Justice of the Republic of Azerbaijan. It should also be noted that this tendency is accompanied by the expansion of the range of questions to be solved before the forensic psychological examination.

Forensic psychological examination of the fact of suicide in accordance with Article 125 of the Criminal Code of the Republic of Azerbaijan, which stipulates criminal liability for actions related to suicide, and also in cases that aggravate the responsibility of the accused person according to Article 61.1.2 of the Criminal Code is determined at the time of determination. In this case, "the crime caused serious consequences" (suicide) appears as an aggravating circumstance [1].

The Decision of the Plenum of the Constitutional Court of the Republic of Azerbaijan dated September 15, 2022 "On the Interpretation of Article 125 of the Criminal Code of the Republic of Azerbaijan" states: "According to the meaning of Article 125 of the Criminal Code of the Republic of Azerbaijan, bringing the victim, that financially dependent, or career subordinate to the offender and subjected to cruel treatment and humilation by offender, to the point of attempting to kill himself is committed in the form of direct or indirect intent.

Since "dependence in other respects" and "brutal treatment" reflected in the provisions of Article 125 of the Criminal Code of the Republic of Azerbaijan are signs that require assessment, all factual circumstances of the case should be comprehensively, fully and objectively investigated when solving the issue of entity's guilt, the nature of the defendant's actions or inaction, the form of the victim's dependence on the defendant, and the existence of a causal

relationship between the defendant's actions and suicide or attempted suicide must be determined" [2].

The authors of the textbook "Commentary of the CM of the Republic of Azerbaijan" note that in order for the deed to be described by Article 125 of the CM, the victim must be dependent on the offender financially, in terms of services or in other ways [3, p. 421].

If such dependence (service, material, etc.) has not been established in the case of suicide or attempted suicide as a result of cruel treatment or regular humiliation of the person, then the accused person is guilty of harming health, torture, slander and insult depending on the committed act. dereliction of duty, etc. is responsible for such actions. In such cases, the court has the right to take into account the fact of suicide or attempted suicide as an aggravating circumstance when determining the punishment.

Thus, in order to be held responsible for self-murder, the presence of a number of conditions is required: First, it is required to establish that the victim is dependent on the accused person financially, for services and in other ways; and the second it must be proven that the actions of the accused directly caused the suicide.

In the mentioned cases, the main goal of the investigative bodies and the court is to determine whether there is a cause-and-effect relationship between the actions of the accused and the fact of suicide. This issue is exclusively resolved by the investigative bodies and the court and does not belong to the authority of the expert. During the forensic psychological examination, expert psychologists do not determine the cause-and-effect relationship between the actions of the accused person and the fact of suicide. They only determine whether there is a cause-and-effect relationship between the victim's mental state before killing himself and the actions of the accused person.

Forensic psychological examination cannot solve the question of suicide, intentional homicide or the occurrence of an accident: the examination is based only on special knowledge in the field of psychology, based on the circumstances characterizing the personality of the person who lost his life (individual-psychological characteristics of the personality; mental state in the period before death; pre-suicidal and signs of suicidal behavior) can help in correct assessment.

The competence of an expert-psychologist includes the characterization of the mental state of a suicide before death (revealing its structural-dynamic characteristics and type), determining the content of his experiences and the state of his consciousness in the pre-suicidal period, analyzing the nature of the interaction of personality and the situation, determining the meaning type and purpose of suicide.

Post-mortem forensic psychological examination is conducted in relation to persons whose mental health is not in doubt or whose mental health is confirmed by forensic psychiatric examination.

The emotional reactivity of the suicide, the stability of his mood, the types of reaction to psychological stress, in order to clarify whether the person who committed suicide had a mental state that created a tendency to commit suicide in the period before death, as well as what are the reasons for the development of this state information about the tendency to depressive disorders is of particular importance. In this regard, special attention should be paid to clarifying the presence of signs of a psychogenic-depressive reaction in a person who has committed suicide in the period before suicide: sadness, anxiety, thoughtfulness, fear or apathy, boredom, depression and joylessness. It is also important to determine how typical depressive features are for the personality. It is possible to see that despair, agitation, high sensitivity, low self-esteem and intolerance to any emotional stress and self-directed aggression are easily seen in suicide victims.

Determining the quality of the suicide's dynamics immediately before suicide can be of significant help in the diagnostic assessment of personality traits. Special attention should be paid to changes in values, interests, tendencies, character. Sometimes the specificity of personality deformations itself allows the diagnosis of a developing mental illness.

Difficulties arising during forensic psychological examination of the mental state of a person who committed suicide are related to the fact that this type of examination mainly con-

sists of psychological analysis of criminal case materials. In the first stage, the main task of the expert consists of taking the facts necessary for the examination from the working materials, revealing the situational and individual-psychological aspects of the dynamics of the mental state, and the psychological interpretation of these data. A psychological portrait of the victim's personality is drawn up based on the analysis of witness statements and characteristics of the victim's personality in the case. The value-meaning field of this personality, social orientations, plans for the future and other components of the characteristic are important for clarifying the work situation. Analysis of the materials of the criminal case allows to determine the dynamics of the mental state. In addition, an important component of the psychological analysis of criminal case materials is the so-called psychological autopsy or the analysis of pre-mortem records.

Thus, the following can be mentioned as materials that are particularly important for experts in the case of forensic psychological examination after death:

1. Statements of witnesses, participants of the event, relatives, acquaintances, friends of the victim.

2. Medical documents. Medical histories are of particular importance, because each of them necessarily contains information about the physiological and psychological state of the individual and the development of these states. Valuable psychological material can be gleaned from the psychiatric history (if available).

3. Education, production and medical characteristics.

4. Documents and creative products that reveal the inner world of the suicide more fully and have a personal character. This includes letters, diaries, notebooks, drawings, creative works. They are the sources of information about the characteristics of a person's mental state before suicide or at the time of suicide, and allow to understand the reasons for such behavior.

5. Results of previous expert studies.

6. Protocols of investigative experiments.

The results of the forensic psychological research carried out by the expert should be interpreted in the expert opinion.

At each stage of expert research, certain tasks (issues) are solved, therefore, each of them has its own specifics and differs among themselves according to working methods, technical methods and tools.

In the first stage, which is called the preparatory stage, the expert clarifies the questions to be solved, forms general ideas about the condition and signs of the objects under study, puts forward hypotheses, determines the necessary methods, methods and means of the research, and in general, the order of their application. This is achieved through the investigator's (court's) decision, familiarization with the circumstances of the case, material evidence and comparative material.

Some scientists do not consider the preparatory stage as a stage of the expertise process, they say that they do not see the cognitive element in it. Others, on the contrary, consider the preparation stage as a necessary element of the cognitive process and show the impossibility of further analytical work without it.

In support of this position, it is necessary to note that it is in the preparatory phase that initial working hypotheses are formulated, which are tested, rejected or proven during the next phase.

At the preparatory stage of the forensic psychological examination, the expert-psychologist formulates the task of the expert for himself, studies the materials of the criminal case, determines the course of the psychological examination and experiment (the direction of the applied methods, the order of their presentation). The expert-psychologist examines the materials of the criminal case and records information (excerpts) about individual aspects and characteristics related to the behavior of the examinee's personality in a criminal (suicidal) situation directly related to the questions posed to him.

The research part of the expert opinion consists of several sections. This is the most extensive part of the review and comments on the following:

1. The story of the work.

2. Clinical-biographical study of personality. Here are the dynamics of the personality's mental development, showing the upbringing and education conditions; includes the study

of information about individual psychological characteristics recorded in criminal case materials or revealed during conversations with relatives and acquaintances.

3. Retrospective psychological analysis of the questions posed to the expert. Retrospective analysis, as a rule, is carried out in the form of interpretation of the episodes of the case in chronological order, showing the characteristics of the victim (suicide) to perceive the supposed circumstances, his possible situation in one or another period of the development of the event. In the retrospective analysis, the explanation of various behavioral facts, which are usually of interest to the psychological aspect of the investigation, has a special place.

The main, content part of expert research is the stage of comparative research of expertise objects. At this stage, the set of symptoms revealed separately is reconciled, their comparison is carried out, their overlap or differences are revealed, the reasons for existing differences, their importance or coincidence are determined.

The comparative research stage of the forensic psychological examination process is seen as a process of comparing all the obtained data, that is, it consists of reconciling the obtained information about the personality and behavior with the results of the psychological experiment and psychological examination (psychodiagnostics).

By planning the research and choosing psychodiagnostic tools (methods, tests), the expert psychologist takes into account the "intersection" of the characteristics revealed by each method. This process is carried out at the stage of comparative research.

The assessment of the forensic psychological examination process, the actual content of the conducted research and the formulation of the results is the final stage. The entire research process, applied research methodologies and methods, evaluation of the validity of the results obtained during the research is considered as the subject of evaluation. The expert evaluates the results and formulates the results according to his inner belief.

During the performance of forensic psychological expertise, at the stage of evaluating the conclusion of the research and formulating the results (synthesizing part), the information obtained during the entire research is summarized and, so to speak, the analysis is crystallized. It should be taken into account that in a number of cases during the forensic psychological examination, the results of the analysis are not so clear at the beginning, and only after the perfect and comprehensive understanding of the results of the research, this clarity emerges. It is also important to note that this stage, being the thought (cognitive) process of an expert-psychologist, does not require recording something in the form of an additional protocol.

The final stage is, first of all, the formulation of expert results and the compilation of an opinion. A transition from abstract to concrete is meant here, a mental image is superimposed on the learned fact that exists in reality. The results of the expert are the answers to the questions. Answers should be formulated precisely and clearly, interpretation should not allow ambiguity and diversity.

It is necessary to note that, despite the fact that suicide is caused by individual crisis situations, they all have a number of common characteristics. As a rule, suicidal behavior is accompanied by the stressful nature of current life conditions and the frustration of leading needs. Intolerability of suffering for a suicide; experiencing the hopelessness of the situation and one's own powerlessness; get stuck in a problem, etc. is characteristic.

Also, the resolution of the question about the need to appoint a forensic psychological examination after death at which stage of the investigation is not less important.

The general tactical rule is that the expertise should be appointed and conducted only in the following cases: 1) questions have arisen that require special knowledge for their solution; 2) materials necessary for the expert to give an opinion have been collected.

Changes should be made in the CPC in this regard, and in order to expand the range of cases in which it is necessary to appoint an expert, it should be considered appropriate to include a provision such as "investigation of cases of suicide or attempted suicide" in Article 140 of the CPC.

In accordance with Article 207.4 of the Criminal Code of the Republic of Azerbaijan,

the investigator may appoint a forensic examination at the stage of initiation of a criminal case, but this rule cannot be applied in relation to forensic examinations on the study of the mental activity of persons of interest to investigative bodies. Thus, it is practically impossible to fully collect the necessary materials for psychological or psychological-psychiatric research without starting the criminal case and conducting the necessary investigative actions (interrogation, search, seizure, presentation for recognition, etc.) [4, p. 178].

As it is known, making a decision about the expediency of appointing a forensic psychological expert is the authority of the investigator. The basis for such a decision is the characteristics of the mental state of the victim in the immediate period before the death revealed during the investigation. At this time, without conducting a deep and comprehensive analysis, it is extremely difficult to clarify whether this condition of the victim leads to suicidal behavior or not.

When formulating the questions to be solved before the expert, it should not be forgotten that a precisely and correctly, clearly and succinctly formulated question will greatly ease the work of the expert, and will also facilitate the work of the investigator after receiving the expert's opinion. In this regard, it is necessary to avoid asking overly broad questions with clear answers, for example: "Did the victim have individual psychological characteristics that could influence his behavior in the analyzed situation?".

Another important task facing the investigator is to understand the results of the forensic psychological examination. In a number of cases, the analysis of the texts of expert opinions shows that the results reflected in the expert opinion do not reflect the full depth of the conducted research and do not allow to see the complex psychological landscape underlying the victim's behavior. Therefore, ignoring the research part of the review should be considered a serious mistake. In addition, no matter how much the expert-psychologist tries to formulate the results more accurately and educatedly, in some cases he has to use special terminology, the content (essence) of which is usually disclosed in the text of the research part of the examination. In this regard, we believe that it should be considered appropriate for the investigator to fully familiarize himself with the expert's opinion in the presence of an expert. In this case, it is possible to immediately specify unclear points and discuss the general logic of the results.

It should be noted that in the normative-legal acts (laws, instructions) regulating the activity of forensic expertise, in the criminal-procedural code, the issue of the full extent of the research results and the content of the opinion is bypassed, that is, in the opinion of the expert-psychologist, apart from the names of the psychodiagnostic methods, with the results for each of them besides, there is no mention of the need to reflect the initial (interim) data obtained during their application.

It is indicated in the procedural legislation that if during the forensic examination the expert has determined the circumstances of importance for the criminal case and no questions have been put before him, he has the right to indicate them in his opinion. This case is noted in the opinion after the answers to the questions contained in the decision (decision) on the appointment of the expert are given (Article 271.2 of the CPC AR) [5].

It should be noted that the questions put before the expert should not go beyond the limits of certain special knowledge; they should not have a legal character.

Taking into account the fact that investigators and judges are not sufficiently informed about the range of issues and questions resolved within the framework of forensic psychological expertise, it is recommended that in complex situations, investigators should first determine the range of questions that can be solved by the experts of the forensic department, as well as the nature of the materials necessary for the research to be conducted, discuss the content and scope with the head of the expertise department.

Article 271.4 of the Criminal Code of the Republic of Azerbaijan states that if the submitted materials are not sufficient for the forensic examination or the expert does not have the knowledge necessary for the examination, the expert may return the decision without performing it.

In addition to research objects, criminal case materials necessary for conducting research and providing an expert opinion must also be submitted to the expertise department. It is stated in the AR CPC (Article 97.6) that the expert has the right to get acquainted with the criminal case materials related to the subject of the forensic examination. These data are cases of creation, discovery, detection and removal of criminal traces in material evidence; consists of information about the nature of other objects submitted for examination, their discovery or acquisition, as well as the circumstances of the occurrence of the investigated cases. All this information allows the expert to correctly determine the research methodology and draw reliable conclusions. The main information necessary for the expert from the materials of the criminal case is reflected in the decision on the appointment of the expert, in the copies of the protocols of the investigative actions attached to this decision, in the copies of medical certificates and other documents in the criminal case. Larger volumes of criminal case materials are required for different types of expertise (forensic-psychological in particular). If the materials submitted from the criminal case are not sufficient, the expert has the right to submit a motion to get acquainted with the additional materials contained in the criminal case. It was not accepted to acquaint the experts with all the materials of the criminal case, with the exception of separate types of expertise (primarily forensic-psychiatric and forensic-psychological).

It should be noted that suicide is often committed in a state of permanent or temporary mental disorder, sometimes in a very short-term mental affect, so to speak, in a reactive state. Therefore, in a number of cases, this or that subject's suicide is completely unexpected for the people around him, even those who are close to him. Sometimes, during the investigation, facts are revealed that indicate that the person planned the intention to kill himself. At this time, the only source of information, that is, the criminal case materials collected by the investigator as an object of expert research, is released.

Summarizing the issues under consideration, we can note that the determination and conduct of forensic psychological examination of suicide cases is characterized by a number of specific features, among which we can mention the following:

- it is not appropriate to appoint the forensic psychological examination of suicide cases at the stage of initiation of the criminal case, because at this stage there are not enough materials for conducting expert research and giving an opinion;

- it should be considered more appropriate to conduct the forensic psychological examination of suicide cases after collecting sufficient materials during the preliminary investigation, questioning witnesses and other informed persons (taking statements), inspecting the scene, searching and taking and other investigative actions;

- judicial-investigation and expert experience, when appointing a forensic-psychological examination of suicide cases, in a number of cases, the decision (decision) on the appointment of an expert is not drawn up at the appropriate level, the story of the case is not shown, the questions before the expert are not properly formulated, the expert is asked questions that do not belong to his authority and legal there are cases of asking specific questions.

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