

## SPECIFIC ASPECTS OF UNCONVENTIONAL METHODS IN INVESTIGATING THE CRIME OF MURDER

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**Abstract:** The article analyzes the specific features of the use of some unconventional methods in foreign countries in investigating crimes, and studies the application of one of these methods in the practice of Uzbekistan in exposing the crime of staged murder using a polygraph.

**Keywords:** manslaughter, staging, crime, polygraph, hypnosis, interrogation, investigation.

As one of the unconventional methods of eliminating adverse effects in the investigation of the crime of intentional homicide, the use of a “lie detector” (polygraph) is a modern method of exposing lies told by a person accused of committing a crime or another person participating in the criminal process, which is an interrogation using a polygraph. However, in Uzbekistan, as a general rule, the results obtained from a “lie detector” do not meet the requirements set by law as evidence, including the requirement of truthfulness. Such studies are expedient to use at the initial stage of the investigation for the purpose of developing and verifying investigative models. In this regard, the results of psychophysiological research conducted using a polygraph are not considered evidence, but are expedient to use mainly in conducting operational-search measures [1].

The use of a polygraph in the investigation of a murder is very simple and widespread. It should be noted that today in more than sixty countries of the world, law enforcement agencies are developing methods for recording the psychophysiological reactions of individuals using polygraphs, which indicates the relevance, demand and modernity of this problem.

The practice of using a polygraph in the United States shows that this method of psychophysiological examination is widespread not only in criminal cases, but also in civil cases [2]. In this regard, in 1988, the US adopted the "Employee Protection from Polygraph Examinations" Act. This Act clearly and strictly regulates the procedure for conducting such examinations in many areas of life.

Canada ranks second after the US in terms of the number of polygraph examinations conducted. In Canada, psychophysiological examinations conducted using a polygraph

are actively used in the investigation of crimes, but, unlike the US, these results are not used in court to prove the guilt of the defendant.

*In Canada, law enforcement agencies use polygraphs only to identify and narrow down the number of suspects or to obtain additional information, but polygraphs are used not only for the accused, but also for the victim, witnesses, and plaintiffs.*

*The experience of the United States shows that the use of polygraphs here is actively used in many human activities, in particular, in counterintelligence studies and in processes aimed at assessing the performance of employees [3]. In America, psychological tests using polygraphs have long been used to detect and investigate the crime of intentional homicide[4] but it is difficult to say that they have always yielded or continue to yield positive results.*

*For example, the following case can be cited in the USA: the reason for the wrongful conviction of young P. Reilly was that his mother had been brutally murdered by P. Reilly. The police became suspicious and turned their attention to the deceased's son P. Reilly. Physically exhausted and mentally stressed, P. Reilly was first taken to the police for an "intensive interrogation" and immediately after the interrogation he was given a polygraph test, the results of which were negative for P. Reilly. The operator who conducted the test assured P. Reilly of the scientific rigor of the test. At that time, P. Reilly, thinking that he had probably killed his mother in a fantasy, "confessed and was convicted." However, a few years later, P. Reilly's innocence was established and he was acquitted [5].*

As we have already mentioned, the ability to establish the truth on the basis of collected, verified and evaluated evidence is of great importance in the detection, detection and investigation of crimes. However, in this case, the main problem is inherent in crimes committed using staging.

In European countries, there is a different form of using the polygraph for the needs of criminal proceedings. Thus, attempts to introduce and use the psychophysiological research method in Great Britain did not end successfully and did not develop further. In particular, in Germany, in 1954, a judge ruled in accordance with the Constitution of the Federal Republic of Germany that the use of polygraphs in criminal proceedings was prohibited. This court justified its position by stating that the "lie detector" test violated human dignity and inviolability. Later, in 1981, the Constitutional Court of the Federal Republic of Germany upheld the ban on the use of polygraphs throughout

the country. The Austrian Code of Criminal Procedure also prohibits the use of polygraphs in criminal investigations, even if the accused himself requests it.

In Poland, the results of a polygraph examination as evidence in a criminal case are the only cases in which the results of a polygraph examination can be recognized by the court as evidence in a criminal case, but this is an exception to the general rule. Today, in Poland, the polygraph is used by law enforcement agencies only in the framework of operational activities (for example, in the development of investigative models, as directional information).

Among the CIS countries, the polygraph is actively developing in Belarus[6], Russia, Kazakhstan, Kyrgyzstan, and Azerbaijan. For example, in Russia, in recent decades, the use of polygraph has become widespread not only in the field of crime fighting, but also in everyday life [7].

In addition to the above, hypnosis can be cited as one of the methods of influencing the investigation of the crime of intentional homicide and some non-traditional ways of eliminating them. In a number of countries, hypnosis is a means of overcoming obstacles to the detection and investigation of the crime of intentional homicide. For example, in Israel, the 1984 Law on the Use of Hypnosis is still in force today. According to Article 1 of this law, hypnosis is defined as any action or process that can lead to changes in the consciousness, bodily sensations, emotions, thoughts, memory or behavior of another person or is carried out through suggestion.

Also, in Article 3, among the purposes of hypnosis, in addition to medical and scientific purposes, this law also indicates the updating of memory during an investigation conducted by the police or security services. According to the law, a person may be subjected to hypnosis only voluntarily, with written consent and only after the essence of the hypnosis process and its possible consequences have been explained to him. A person who has been arrested or detained may consent to interrogation under hypnosis only in the presence of his own lawyer or a lawyer appointed by the Ministry of Justice. Hypnosis may be used only by decision of a specially formed commission. The police may not subject a person suspected of a crime to investigative hypnosis, except in cases where the person himself requests this in writing in the presence of a lawyer in order to prove his innocence. However, any words spoken by a person during investigative hypnosis may not be used as evidence proving his guilt.

At the same time, hypnosis is also used in the USA, and according to it, hypnosis is understood as the activation of memory, which allows you to purposefully control the process of restoring hidden information stored in the memory of witnesses to a crime. As a result, such information is even recognized as evidence by the courts[8]. For

example, we can cite the position expressed and justified by the US Supreme Court in the 1978 criminal case “Rock v. Arkansas”. In this criminal case, the circumstances of the intentional murder committed could only be known to the accused, but he could not testify because he did not remember anything. Taking this into account, a proposal was put forward to conduct hypnosis on the accused, which led to the reconstruction of the circumstances of the intentional murder in his memory[9]. In addition, the manual for the US prosecutor's office states that witness hypnosis should be used only if there is a real need for additional information. If a witness does not give written consent, he or she should not be hypnotized and should be informed of the legal nature of hypnosis. Only a psychologist or psychiatrist trained in forensic hypnosis should be allowed to hypnotize a witness. To prevent false answers during questioning, leading questions should be avoided. Questioning while the witness is under hypnosis should be videotaped and a transcript should be prepared in addition to any audio recording. However, it is important to remember that information stored in memory can be distorted (altered), i.e. information provided by the subject under hypnosis should not be accepted as axiomatic, but should be verified by other objective means [10].

*Taking into account the above, both the results of the polygraph and the voluntary “hypnotized interrogation” can be used as a means of identifying evidence or as a method of finding previously unknown evidence to law enforcement agencies through other unconventional methods of investigation and detection of premeditated murder, but in our opinion it is still premature to discuss their admissibility from the point of view of the law of evidence.*

*Thus, we can draw a general conclusion about the caution in using the results of international experience psychophysiological research in the fight against premeditated murder and all crime in general, in the field of justice, in the use of the polygraph in the field of justice. This is primarily due to the lack of a single natural scientific basis for the psychophysiological method of the polygraph. Therefore, the results of this diagnosis using the polygraph are probabilistic in nature, and the results of the study are based on the subjective assessment of the polygraph specialist.*

These conclusions are consistent with the international point of view on this issue, and we conclude that modern science has not sufficiently studied the mechanisms of psychophysiological reactions that are the result of lying. As a result, the capabilities of the polygraph, including any polygraph examiner working with it, cannot be a

reliable source that accurately determines where lies and where the truth lies. In this regard, in the investigation of crimes in Uzbekistan, the capabilities of the polygraph should be used only to obtain directional information that allows you to approach the incident under investigation.

As a result of the use of the polygraph in the investigation of the crime of intentional homicide committed through criminal staging, it is an important auxiliary tool in forensic practice for identifying false information and assessing the psychophysiological reactions of a person in the effective conduct of the investigation process. In the crime of intentional homicide committed through criminal staging, the importance of the polygraph increases even further, and it plays a significant role in restoring the true mechanisms of the incident.

In cases of staging, the accused or other persons artificially create a different version of the event. In such cases, there are often contradictions in the testimony, inaccuracies in the chronology, and details that do not correspond to the event. The polygraph allows you to determine the person's reaction to hiding this information or repeating an invented scenario. Also, in the tactics of investigating a staged murder, the polygraph can provide the following advantages: - speed in sorting out the images; - use of psychophysiological data in identifying suspects; - use as an additional tool to identify negative circumstances in the testimony; - whether the person participated in changing the scene of the crime; - who placed the weapon, rope, tools; - whether there was a quarrel, conflict, or motive for the murder with the deceased; - additional appointment of examinations; - additional questioning of witnesses; - re-examination of the accused's previous images; - leading to a more accurate description of the mechanism of the incident; - assistance in admitting guilt.

Although the polygraph is not considered independent evidence, it is an important aid in the investigation of the crime of staged murder. It makes it possible to get closer to the real information about the incident, to identify hidden situations through the psychophysiological reactions of the person, and to optimally direct the investigation.

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