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Peculiarities Of Investigating Negligent Severe Or Moderately Severe Bodily Harm At The Initial Stage

One of the important stages in the development of a separate sub-type methodology for investigating negligent severe or moderately severe bodily harm is the determination of the specifics of the initiation of criminal proceedings based on this fact and circumstances to be established during investigation of the specified criminal offense.

Conducting a study of this issue will serve to eliminate the gap in forensic science, since currently the indicated methodology has not yet been developed.

The Article purpose is to provide scientifically-based criminological recommendations regarding the specifics of initiating a pre-trial investigation into the infliction of negligent severe or moderately severe bodily harm. This includes outlining a set of investigative (search) and other procedural actions based on various typical investigative situations, with a focus on determining circumstances to be established during investigation of this crime.

An analysis of investigative and judicial practices was conducted to study the methods used in investigating specific types of criminal offenses, peculiarities of initiating pre-trial investigations for the specified criminal offense. As a result, information sources about the committed crime have been determined.

The tasks that must be solved by a person conducting a pre-trial investigation at its initial stage are formulated. The most typical investigative situations at the initial stage of investigating negligent severe or moderately severe bodily harm have been determined, taking into account informational, psychological, tactical, and procedural factors affecting their formation. The main investigative situations occurring during investigation of the specified type of crime are:

- Investigative Situation No. 1. At the time of opening a criminal proceeding, there is information about a person's identity and his/her whereabouts; the suspect has been apprehended.
- Investigative situation No. 2. The offender's identity is known, but his/her whereabouts has not been established.
- Investigative situation No. 3. The suspect's identity and his/her whereabouts are unknown.

Depending on each specific investigative situation, recommendations are provided regarding the optimal conduct of a pre-trial investigation at this stage, namely, a list of tasks, investigative (search) and other procedural actions.

The list of circumstances to be established during investigation of criminal offenses based on the fact of negligent infliction of severe or moderately severe bodily harm is defined.

Keywords: investigation of negligent severe or moderately severe bodily harm, initial stage of investigation, typical investigative situation, circumstances to be established.

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ОСОБЛИВОСТІ РОЗСЛІДУВАННЯ ЗАПОДІЯННЯ НЕОБЕРЕЖНОГО ТЯЖКОГО АБО СЕРЕДНЬОЇ ТЯЖКОСТІ ТІЛЕСНОГО УШКОДЖЕННЯ НА ПОЧАТКОВОМУ ЕТАПІ

Research Problem Formulation. Analysis and generalization of investigative practices indicate the necessity to enhance the efficiency of pre-trial investigation agencies in countering criminal offenses, specifically those involving the negligent infliction of severe or moderately severe bodily harm. The development and implementation of a separate sub-type methodology for investigating such crimes — an effective approach to addressing this issue — require, among other things, defining the peculiarities of initiating a criminal proceeding and determining circumstances to be established during investigation of the specified criminal offense.

The initial information about criminal damage caused by negligence can vary considerably, depending on many features and circumstances related to a criminal event. Undoubtedly, one of the decisive factors influencing the prompt initiation of a pre-trial investigation and, consequently, the speed of detection, recording and seizure of physical evidence, physical traces, on which the success of further investigation depends, is the source of obtaining information about the commission of a criminal offense.

Depending on the information available at the beginning of the investigation into a case of causing negligent severe or moderately severe bodily harm, what circumstances are established, what evidence is found, and what testimonies are obtained from participants and witnesses of the event, a certain typical investigative situation arises. It dictates the tasks facing the investigator, as well as the algorithm of further, most efficient, and rational investigative (search) and other procedural actions at the initial stage of investigation.

Defining circumstances requiring establishment during a pre-trial investigation of causing negligent severe or moderately severe bodily harm is necessary and crucial. It allows for effective planning of investigative (search) actions in the most rational sequence, prioritization of procedural steps, prompt performance of work on identification, seizure and examination of evidence in a criminal proceeding, prevention of its possible loss. It also includes organizing the urgent implementation of investigative (search) actions aimed at establishing the suspect's identity and whereabouts.

Analysis of Essential Research and Publications. Issues concerning the most relevant and efficient procedural actions taken at the initial investigation stage, particularly in the development of investigation methodologies for specific types of criminal offenses, have been studied by numerous researchers such as P. D. Bilenchuk, R. Kh. Bichurin, I. V. Borysenko, V. I. Boiarov, H. P. Vlasova, A. F. Volobuev, V. A. Zhuravel, R. V. Karpenko¹, I. I. Kohutych², V. P. Kolmakov, M. V. Kostenko, I. M. Kuntii, M. H. Kup'ianskyi, I. V. Pyrih, V. V. Polishchuk, M. A. Pohoretskyi, Yu. P. Prykhodko, O. V., M. V. Saltevsykyi, S. V. Svyrydenko, M. O. Selivanov, V. L. Synchuk, A. V. Starushkevych, R. L. Stepaniuk, I. A. Strok³, V. I. Farynnyk, S. S. Cherniavskyi, V. Yu. Shepitko, V. M. Shevchuk, O. O. Yukhno⁴, and others.

The papers authored by the mentioned scientists delineate provisions addressing issues at the initial investigation stage. These provisions encompass both generalized principles applicable to various types of criminal offenses and detailed methodologies for investigating different types

На підставі аналізу слідчої і судової практики розслідування окремих видів кримінальних правопорушень, вивченні теоретичних розробок, визначено особливості початку досудового розслідування заподіяння тяжкого або середньої тяжкості тілесного ушкодження на початковому етапі, проведено дослідження, в результаті якого визначено джерела інформації про скоєний злочин.

З'ясовано тактичні завдання, вирішення яких покладено на особу, яка здійснює досудове розслідування, на його початковому етапі.

Сформовано типові слідчі ситуації початкового етапу розслідування спричинення необережного тяжкого або середньої тяжкості тілесного ушкодження та по кожній з них надані рекомендації щодо оптимального проведення досудового розслідування на даному етапі.

Визначено перелік обставин, які підлягають установленню при розслідуванні кримінальних правопорушень за фактом заподіяння необережного тяжкого або середньої тяжкості тілесного ушкодження.

Ключові слова: розслідування, заподіяння необережного тяжкого або середньої тяжкості тілесного ушкодження, початковий етап розслідування, типова слідча ситуація, обставини, що підлягають установленню.

¹ Теорія і практика розслідування заподіяння тілесних ушкоджень, учинених неповнолітніми : монографія / І. В. Пиріг, Р. В. Карпенко. Дніпро : Дніпроп. держ. ун-т внутр. справ, 2021. 188 с.

² Когутич І. І. Типові ситуації початкового етапу розслідування вбивств, та обумовлені ними алгоритми дій слідчого. Вісник Чернівецького факультету Національного університету "Одеська юридична академія". 2013. Вип. 1. С. 233-247.

³ Строк І. А. Початок розслідування умисних тяжких тілесних ушкоджень, заподіяних у стані сильного душевного хвилювання. Юридична наука. 2019. № 9. С. 202.

⁴ Строк І. А., Южно О. О. Основи методики розслідування умисних тяжких тілесних ушкоджень, заподіяних у стані сильного душевного хвилювання : монографія. Харків : Факт, 2022. 204 с.

FEATURES OF THE INVESTIGATION OF NEGLIGENCE SERIOUS OR MEDIUM BODILY INJURY IN THE INITIAL STAGE

One of the important stages in the development of a separate sub-species methodology for the investigation of careless serious or moderate bodily injury is the determination of the specifics of the initiation of criminal proceedings based on this fact and the circumstances to be established during the investigation of the specified criminal offense.

Conducting a study of this issue will serve to eliminate the gap in forensic science, since currently the indicated technique has not yet been developed.

The purpose of the article is to define scientifically based criminological recommendations regarding the specifics of the initiation of a pre-trial investigation into the infliction of careless serious or moderate bodily harm, as well as the complex of investigative (search) and other procedural actions depending on various typical investigative situations, establishing the circumstances to be established during the investigation of this crime.

On the basis of the analysis of the investigative and judicial practice of studying the methods of investigation of certain types of criminal offenses, the peculiarities of the beginning of the pre-trial investigation of the specified criminal offense were studied, a study was conducted, as a result of which the sources of information about the committed crime were determined.

The tasks that must be solved by the person conducting the pre-trial

of crimes. However, as of today, recommendations for the optimal conduct of pre-trial investigation at the initial stage of investigating negligent severe or moderately severe bodily harm have not yet been developed. At the same time, possibilities for using scientific and technical means are expanding, identification and examination of physical traces are improving, and ways of conducting procedural actions are being refined, necessitating an update of tactical and organizational recommendations for conducting effective pre-trial investigations.

The Article Purpose is to develop science-based forensic recommendations for ensuring an effective conduct during the initial stage of a pre-trial investigation into negligent severe or moderately severe bodily harm. It also aims to provide sets of investigative (search) and other procedural actions based on typical investigative situations at the initial investigation stage and to identify circumstances that need to be established.

Main Content Presentation. The success of a pre-trial investigation into a criminal offense often depends on the rational selection of investigative (search) actions at the initial stage of investigation. Timely acquisition of information about the time and place of a criminal offense provides the opportunity to quickly and efficiently examine the crime scene, identify, record, and collect its traces, as well as organize the identification, search, and apprehension of a person suspected of committing a criminal offense.

As set out in provisions of Article 214 of the Criminal Procedure Code of Ukraine (hereinafter referred to as the CPC of Ukraine), pre-trial investigation begins from the moment information about a committed criminal offense is entered into the Unified Register of Pre-trial Investigations (hereinafter referred to as the URPI). This information must be entered into the URPI by an investigator, detective, or prosecutor within 24 hours after the receipt of a statement or information on the commission of a crime or independent detection⁵. Thus, the law establishes general sources of information related to crime commission. For certain types of crimes, there are individual sources of information about their commission that are characteristic of them.

An analysis of investigative practice regarding cases of inflicting negligent severe or moderately severe bodily harm allows the identification of the following sources for obtaining information about the commission of this criminal offense:

- a statement from a victim or his/her relatives;
- a statement from witnesses, eyewitnesses of an event;
- a notification from representatives of hunting grounds, farms, other institutions, on the territory of which the specified crime was committed during hunting;
- notifications from representatives of a medical institution to which the

victim has applied for medical assistance;

- sincere confession,
- direct discovery of circumstances of this criminal offense by an investigator or prosecutor.

So, a pre-trial investigation begins after the investigator (prosecutor) enters information about the investigated criminal offense into the URPI.

At the initial stage of investigating the infliction of negligent severe or moderately severe bodily harm, the volume and nature of the initial materials



⁵ Кримінальний процесуальний кодекс України. Закони України. URL : <https://zakon.rada.gov.ua/laws/show/4651-17#Text>



about circumstances of a criminal offense may vary, primarily depending on peculiarities of each case.

The study of criminal proceedings of the specified category, as well as the analysis of available investigation methodologies for criminal offenses involving bodily harm, allows us to identify the following tasks, which are solved at the initial investigation stage of inflicting negligent severe or moderately severe bodily harm:

establishing the time, place of crime commission, the situation at the scene, along with the changes that resulted from crime commission;

determining the method of committing the specified criminal offense, i.e., the perpetrator's modus operandi, providing the investigator with indicative information on possible sources for evidence search;

identifying, recording, seizing, and examining traces of a criminal offense, instruments of bodily harm, which will subsequently serve as physical evidence;

identifying witnesses, eyewitnesses, and other persons who were present at the crime scene or nearby;

collecting evidence directly pointing to the suspect;

obtaining information on the whereabouts of a person suspected of committing a crime, taking measures to search for and apprehend him/her.

Developing practical recommendations for the algorithm of actions at the initial stage of investigating negligent severe or moderately severe bodily harm predominantly depends on the most distinctive investigative situation, which may vary in each specific case.

In criminalistics, investigative situation refers to certain conditions and circumstances that have developed at a particular moment of criminal offense investigation.

The development of the investigative situation is influenced by various factors of informational, psychological, tactical, and procedural nature, such as:

the investigator's awareness of criminal offense circumstances, the existence of sources of indicative information, the extent of available evidence;

peculiarities of psychological relationships that develop between the investigator and other participants in the process during investigation, namely whether there is resistance from the suspect, witnesses, or even the victim, and whether the process of their interaction is conflict-free;

the procedural status of persons participating in investigative (search) actions conducted by the investigator,

tactical tasks faced by the investigator, the degree of their specificity, the range of tactical solutions that can be applied, and the degree of tactical risk and its possible minimization.

Based on the analysis of investigative practice in the investigation of crimes of the type we are studying, we can identify the following typical investigative situations at the initial stage of investigation:

Investigative Situation No. 1. At the time of opening a criminal proceeding, there is information about a person's identity and his/her whereabouts; the suspect has been apprehended.

A distinctive feature of the first situation is the infliction of bodily harm to a victim in an apartment, house, dormitory room, workplace, or in a public place. Cases of committing a crime during conflicts or quarrels are widespread. Often, witnesses to the event in this investigative situation are friends, acquaintances, relatives of the victim, or the suspect.

The primary tactical tasks of investigation in such a situation include the procedural consolidation of a criminal offense, the mechanism of bodily harm, determination of reasons that resulted in a conflict, including the examination of the relationship between the victim and the perpetrator, whether they had unfriendly relations, and if so, the reasons for it (such as jealousy, unpaid

investigation at its initial stage are formulated. The most typical investigative situations of the initial stage of the investigation of the careless infliction of serious or moderate bodily injury have been determined, taking into account informational, psychological, tactical, and procedural factors affecting their formation. The main investigative situations during the investigation of the specified type of crime are:

- investigative situation 1. At the time of the opening of criminal proceedings, information is known about the identity of the criminal and his location, the identity of the suspect has been detained.

- investigative situation 2. The identity of the offender is known, but his location has not been established.

- investigative situation 3. The identity of the suspect and his whereabouts are unknown.

Depending on each specific investigative situation, recommendations are provided regarding the optimal conduct of the pre-trial investigation at this stage, namely, a list of tasks, investigative (search) and other procedural actions.

The list of circumstances to be established during the investigation of criminal offenses based on the fact of negligent infliction of severe or moderate bodily injury is defined.

Key words: investigation of careless serious or moderate bodily injury, initial stage, typical investigative situation, circumstances to be established.

**BESONDERHEITEN
DER UNTERSUCHUNG
VON FAHRLÄSSIGEN
KÖRPERVERLETZUNGEN
MIT SCHWEREN ODER
MITTELSCHWEREN FOLGEN
IM ANFANGSSTADIUM**

Auf der Grundlage einer Analyse der Ermittlungs- und Gerichtspraxis bei bestimmten Arten von Straftaten und der Untersuchung theoretischer Entwicklungen wurden die Besonderheiten der Einleitung der Voruntersuchung von fahrlässigen Körperverletzungen mit schweren oder mittelschweren Folgen im Anfangsstadium ermittelt. Es wurde eine Studie durchgeführt, deren Ergebnisse die Informationsquellen über die begangene Straftat identifizierten.

Die taktischen Aufgaben, die einer Person, die Voruntersuchung durchführt, in diesem Anfangsstadium auferlegt sind, wurden geklärt.

Typische Ermittlungssituationen im Anfangsstadium der Untersuchung von fahrlässigen Körperverletzungen mit schweren oder mittelschweren Folgen wurden entwickelt, und für jede dieser Situationen wurden Empfehlungen für eine optimale Durchführung der Voruntersuchung in diesem Stadium gegeben.

Eine Liste von Umständen, die bei der Untersuchung von Straftaten im Zusammenhang mit fahrlässigen Körperverletzungen mit schweren oder mittelschweren Folgen festgestellt werden müssen, wurde definiert.

Schlüsselwörter: Untersuchung, fahrlässige Körperverletzung mit schweren oder mittelschweren Folgen, Anfangsstadium der Untersuchung, typische Ermittlungssituation, festzustellende Umstände.

debts; often the conflict situation arises at the initiative of the victim or due to his/her inadequate behavior). Another important task is to establish the involvement of a suspect in inflicting bodily harm, detect physical evidence, instruments of a crime, physical traces, and other evidence of causing bodily harm.

To address the indicated tasks, it is essential to implement a set of investigative (search) actions: inspection of a crime scene, interrogating a victim, interviewing witnesses; if necessary, examining the perpetrator and the victim, searching the place of residence of a person involved in a crime; in certain cases, obtaining temporary access to their belongings: clothing, footwear, other items, instruments of bodily harm, etc.

In a situation where the suspect is unfamiliar to the victim or witnesses, it would be appropriate to conduct an identity parade with him/her. Additionally, for obtaining information on matters requiring specific expertise, it is required to appoint and conduct a set of forensic examinations, including forensic-medical and criminalistics examinations, etc. In order to obtain objective conclusions of forensic medical research, it is important to conduct investigative experiments. The offender's testimony, asserting that bodily harm was inflicted unintentionally and that there was no specific intent to cause those particular consequences to the victim, is confirmed during the investigative experiment. This experiment involves participation of the victim, witnesses, the suspect, and the specialist (medical examiner). Subsequently, a forensic medical examination is conducted based on the results obtained from this investigative (search) action. It is important and appropriate to determine the presence of technical devices and means that function for photo, film or video recording at the scene or in the adjacent territory. In case of their detection, copies of recordings made by these devices in public places, even automatically, should be obtained from the person who owns or possesses them.

Investigative situation No. 2. The offender's identity is known, but his/her whereabouts has not been established.

This situation involves a victim suffering bodily harm inflicted by an acquaintance, either someone they recently met or someone they've known indirectly for some time. Such crimes are more often committed in open spaces or public places: cafes, parks, markets, etc. The main tactical task is to obtain information about the suspect's whereabouts, to identify and apprehend him/her. Simultaneously with the search for the perpetrator it is necessary to carry out a number of investigative (search) actions aimed at obtaining and documenting complete data on the circumstances of the committed criminal offense: crime scene inspection, interrogation of the victim and witnesses, investigative experiments with the victim and

separately with the witnesses, required forensic examinations. It is undeniably important to take measures in order to establish the presence of external video surveillance cameras, followed by obtaining from the owner or the holder of technical devices and technical means with functions of photo, film shooting, video recording, or means of photo, film shooting, video recording, copies of readings obtained from the specified devices and means acquired in publicly accessible locations, including instances where the devices operate in automatic mode.

After detaining a suspect, the individual conducting a pre-trial investigation will





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CARACTÉRISTIQUES DE L'ENQUÊTE AU STADE INITIAL DE BLESSURES CORPORELLES GRAVES OU MOYENNES NÉGLIGENTES

have the opportunity to conduct an identity parade, involving the suspect, the victim, and witnesses, perform a search at the offender's place of residence, interrogate the suspect, participate in an investigative experiment regarding the mechanism of causing bodily harm, and, if necessary, temporarily access the offender's clothing, footwear, instruments of inflicting bodily harm, and other items relevant to a criminal proceeding.

Investigative situation No. 3. The suspect's identity and his/her whereabouts are unknown.

Such an investigative situation is the most unfavorable and challenging, as there is no information about circumstances of a criminal offense, the identity of the perpetrator, his/her whereabouts, or the tools used in crime commission at the beginning of a pre-trial investigation. There is no opportunity to perform expert research on the suspect's clothing, footwear, and other belongings, as well as biological substances, etc. Furthermore, this situation can be further complicated if the victim is in a critical condition and unable to provide testimony about the incident.

The primary investigative (search) actions in this situation will include: conducting crime scene inspection, if possible, interrogating the victim and witnesses, inspecting and conducting forensic examinations of all physical traces, items, substances (which may include the victim's clothing, traces of biological origin, objects that could have been involved in the mechanism of inflicting bodily harm) that are relevant to a criminal proceeding, and carrying out investigative experiments involving the victim and witnesses. At the same time, it is necessary to carry out a series of investigative (search) actions aimed at establishing the perpetrator's identity, determining his/her whereabouts, and subsequently apprehending him/her. It will be vital to establish and copy data from technical devices and means with functions of photo and video shooting or recording, or devices and means with functions of photo and video shooting or recording acquired in publicly accessible locations, including instances where devices operate in automatic mode. When conducting search measures for the offender, information from the victim or witnesses can be crucial, as well as details about the perpetrator's appearance, clothing, footwear, the mode of transportation he/she used, traces that might have been left on his/her body and clothes during crime commission, items, things, traces he/she could have left at the crime scene, data from external video surveillance cameras, etc.

The set of investigative (search) actions that will be relevant after the suspect's apprehension is similar to that outlined in the second investigative situation.

Identifying the specifics of initiating a pre-trial investigation into the fact of causing negligent severe or moderately severe bodily harm, depending on various investigative situations and tactical tasks faced by the investigator, we will focus on the circumstances that require clarification. While developing the methodology for investigating a criminal offense, it is important to elucidate such circumstances.

Determination of the commission of a crime, guilt of a person and other circumstances corresponding to a criminal proceeding is possible only in the presence of evidence. The Criminal Procedure Code of Ukraine provides a clear understanding of evidence in a criminal proceeding. It refers to factual data obtained in the manner established by the Code, on the basis of which the existence or non-existence of facts and circumstances relevant to a criminal proceeding are determined and subjected to proof⁶.

However, it is worth mentioning that, in addition to circumstances subject to proof, it is crucial to establish those not explicitly defined in the Criminal Procedure Law but which may be revealed through cognitive, search, and research activities during investigation.

Sur la base de l'analyse de la pratique d'enquête judiciaire sur certains types d'infractions pénales, de l'étude des développements théoriques, les particularités du début de l'enquête préalable au procès sur les lésions corporelles graves ou modérées au stade initial ont été déterminées, une étude a été menée, à la suite de laquelle les sources d'informations sur le crime commis ont été déterminées.

Les tâches tactiques, dont la solution est confiée à la personne qui mène l'enquête préliminaire au stade initial, ont été clarifiées.

Des situations d'enquête typiques de la phase initiale de l'enquête sur la cause imprudente de blessures corporelles graves ou modérées ont été constituées, et pour chacune d'elles, des recommandations ont été formulées concernant la conduite optimale de l'enquête préliminaire à ce stade.

La liste des circonstances à établir lors de l'enquête sur les infractions pénales fondées sur le fait d'avoir infligé par négligence des lésions corporelles graves ou modérées est définie.

Mots-clés : enquête, infliger par négligence des blessures corporelles graves ou modérées, stade initial de l'enquête, situation typique d'enquête, circonstances à établir.

⁶ Там само.

CECHY BADANIA ZANIEDBANIA POWAŻNEGO LUB ŚRĘDNIEGO OBRAŻENIA CIAŁA W ETAPIE POCZĄTKOWYM

Na podstawie analizy praktyki śledczej i sądowej w zakresie badania niektórych rodzajów przestępstw, badania rozwoju teoretycznego, określono cechy charakterystyczne początku dochodzenia przedprocesowego w sprawie spowodowania poważnego lub umiarkowanego uszkodzenia ciała na początkowym etapie przeprowadzono badanie, w wyniku którego ustalono źródła informacji o popełnionym przestępstwie.

Doprecyzowano zadania taktyczne, których rozwiązanie powierzone jest osobie prowadzącej postępowanie przygotowawcze na jego wstępnym etapie.

Sformułowano typowe sytuacje śledcze początkowego etapu śledztwa w sprawie nieostrożnego spowodowania ciężkiego lub umiarkowanego uszkodzenia ciała i dla każdej z nich podano zalecenia dotyczące optymalnego prowadzenia postępowania przygotowawczego na tym etapie.

Określa się katalog okoliczności, które należy ustalić w toku dochodzenia w sprawie przestępstwa na podstawie faktu spowodowania przez niedbalstwo ciężkiego lub umiarkowanego uszkodzenia ciała.

Słowa kluczowe: śledztwo, nieostrożne spowodowanie ciężkiego lub umiarkowanego uszkodzenia ciała, wstępna faza śledztwa, typowa sytuacja dochodzeniowa, okoliczności do ustalenia.

The accurate determination of the scope of circumstances to be established in a criminal proceeding regarding the infliction of negligent severe or moderately severe bodily harm will eliminate incompleteness and ensure the purposefulness and objectivity of the investigative process in a criminal proceeding.

Considering the diversity of conditions, situations, and methods of causing negligent severe or moderately severe bodily harm, we suggest identifying the following circumstances to be clarified in this category of crimes:

Circumstances confirming the event of a criminal offense (characterize time, place, situation, method, etc.).

This category is the most extensive and significant, as investigation becomes impossible if the constituent element of a criminal offense is not established. An important feature characterizing crime circumstances is time: whether it occurred during the day, evening, or night, on a working day or during the weekend. The place of commission can be the home of one of the participants in the event, such as an apartment, house, or dormitory, or an open area, especially a place of rest for a certain group of people like a park, square, or forest belt, or a public place such as the territory of an enterprise, a store, a cafe, or a transport stop, etc.

Equally important is the information about participants and witnesses of an event, determining who initiated a conflict, how it unfolded, and under what circumstances a crime has been committed. Such data will allow conclusions to be drawn regarding whether certain environmental conditions or the placement of objects and items at the crime scene contributed to the infliction of bodily harm, considering the specific mechanism. Additionally, obtaining other crucial information that proves the facts and circumstances of crime commission is possible. Furthermore, precisely determining the time and place of a criminal offense will help identify additional witnesses and obtain required evidence, such as bodily injuries, biological traces, forensic impressions, objects, micro-objects, and other materials from video recordings.

A crucial element in establishing this type of crime is understanding how it was perpetrated, including the tools and methods employed by the offender. There are various ways to inflict severe or moderately severe bodily harm, including: a forceful push by the criminal resulting in the victim getting injured in the fall, unintentional stabbing with a knife or another sharp object, harm caused to the victim using firearms, hunting weapons, small arms, or other types of weaponry, as may occur during activities like hunting. Additionally, additional circumstances requiring evidence involve methods of concealing a crime, such as convincing the victim not to disclose the cause of harm, giving gifts to the victim, or intimidating the victim.

Circumstances characterizing the identities of the victim and the offender, as well as their relationship.

Equally significant are details related to the identities of the victim and the suspect for the purpose of proof. There are instances where prolonged tensions or animosity existed between these participants well before the incident, or other events such as jealousy, unpaid debts, or past conflicts preceded the crime. Additionally, common situations arise where the actions of the suspect are triggered by the victim's inappropriate, aggressive behavior, possibly resulting from their state of alcohol or drug intoxication. During investigation, it is





crucial to thoroughly examine both the victim's identity, who may have provoked the criminal's reaction, and the offender's identity, including his/her demographic and social status (gender, age, professional skills, occupation, marital status, children), health and physical fitness, psychological traits, tendency to abuse alcoholic beverages, propensity for unwarranted irritability, and aggression. Emphasis should be made on the establishment of culpability, motives, and intentions of the criminal, as well as his/her attitude towards causing bodily harm, in order to determine his/her intent and correctly qualify his/her actions.

Additional circumstances concerning the offender's identity which have to be established are those which may aggravate or mitigate his/her punishment or exclude criminal liability.

Nature and extent of damage resulted from a criminal offense.

Damage caused during the commission of a crime primarily concerns the victim's health. However, in addition to this, the clothing, footwear of the victim, as well as pieces of furniture at the scene, may also be damaged. Another type of harm is moral damage. As envisaged in the provisions of the Criminal Procedure Code, the investigator is obliged to determine the type, nature, and extent of the inflicted damage in each specific case, explaining to the victims their right to file a civil lawsuit in a criminal proceeding ⁷.

Conditions facilitating the commission of a criminal offense and additional related circumstances.

Circumstances contributing to criminal offense commission may include the peculiarities of weather conditions at the place of hunting, such as poor visibility, fog, dusk during hunting, failure to check the weapon before its use in hunting, slippery floor in a house, etc.

Other circumstances that need to be proven may include the fact that the victim committed a criminal offense or that the suspect committed another crime, aside from causing negligent severe or moderately severe bodily harm. An example of this could be the use of firearms, ammunition, or cold weapons without the legally required permission during commission of the specified criminal offense.

The specified list of circumstances subject to establishment during investigation of inflicting negligent severe or moderately severe bodily harm is not exhaustive. Considering the diverse methods of its commission, it is impossible to predefine the entire scope of such circumstances. However, the mentioned circumstances are undoubtedly decisive for ensuring a prompt, comprehensive and impartial investigation of the criminal offense under investigation.

Conclusions. In summary, we have identified the peculiarities of the initial stage of investigation into a criminal case involving infliction of negligent severe or moderately severe bodily harm. A list of information sources regarding this criminal offense has been compiled.

We have determined the tasks addressed at the initial investigation stage of inflicting negligent severe or moderately severe bodily harm.

The conducted research enabled us to recognize factors of informational, psychological, tactical, and procedural nature that impact the development of an investigative situation.

The main typical investigative situations at the initial investigation stage of causing negligent severe or moderately severe bodily harm have been determined:

Investigative Situation No. 1. At the time of opening a criminal proceeding, there is information about a person's identity and his/her whereabouts; the suspect has been apprehended.

Investigative situation No. 2. The offender's identity is known, but his/her whereabouts has not been established.

⁷ Там само.

Investigative situation No. 3. The suspect's identity and his/her whereabouts are unknown.

Tactical tasks have been clarified, which, depending on the specified situations, are faced by a person conducting a pre-trial investigation. Recommendations regarding the list of necessary investigative (search) actions have been formulated depending on a specific typical investigative situation during the initial investigation stage.

Stemming from the results of the performed research and investigative and judicial practices in criminal proceedings involving infliction of negligent severe or moderately severe bodily harm, circumstances subject to establishment for this category of criminal offenses have been identified, taking into account various conditions, circumstances, and methods of committing a crime:

Circumstances confirming the event of a criminal offense (characterize time, place, situation, method, etc.).

Circumstances characterizing the identities of the victim and the offender, as well as their relationship.

Nature and extent of damage resulted from a criminal offense.

Conditions facilitating the commission of a criminal offense and additional related circumstances.

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