Actual problems of criminal law, criminal procedure and criminalistics

Materials of scientific conference

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maintenance and minor repairs of technical means.

In this regard, the role of specialist quietly rises as a person, who professionally does criminalistic activities. In the aspect of technical and methodological problems in working of forensic practitioners, there is a low level of methodological support in regions which have a place to be at this very high centralization of employees training.

The problem of excessive centralization in the technical and forensic training associated largely with the material factors - available in the central regions of the corresponding basis - the scientific and technical base for training. In forensic circles and also noted the relevance of the problem standardization: certification and expert techniques. The article marked the most significant, legal, organizational and methodological problems of the forensic solutions which, of course, technology, ambiguous, but the proposed options will help to specialists in solving the problems of technical and forensic security investigation crimes.

References:

1. Skorchenko P.T. Criminalistics. Technical and forensic software investigate crimes: Textbook. - M.: Bylina, 1999, p.31-47.

2. Lisichenko V.K., Zircal V.V. Using expertise in investigative and judicial practice: Textbook. - Kiev: 1987. - p.22-23.

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Tactics of minors interrogation

Abstract. This article describes methods and tactics of minor interrogation. There are basic tactics and methods which help to prevent crime among minors.

Keywords: minors, tactics, minors, investigator, crime.

Relevance of this subject is caused by a tendency of growth of development of crime among minors in the Republic of Kazakhstan. According to information given by Committee about legal statistics and the special accounting of the Prosecutor General's Office of the Republic of Kazakhstan, about eight thousand minors who have committed crimes annually come to light, from them nearly a half is brought to trial. For the last eight years on the republic more than 70 thousand minors are placed in the Centers of temporary isolation, adaptation and rehabilitation of

minors for neglect and homelessness, from them about 10 thousand are issued in orphanages and boarding schools. In this regard for optimization of investigation of the crimes committed by minors and with their participation application of psychological knowledge is actualized.

Minors concede to adults in ability to realize an event in general, can not always allocate the main thing, paying attention only to those facts which are interesting to them or have made strong impression. They more often than adults are mistaken at determination of