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Article



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ABOUT SOME ISSUES OF INVESTIGATION OF ROAD ACCIDENTS COMMITTED IN THE DARK

Abstract: *The article examines the issues of investigation of road accidents, the improvement of which largely depends on a clear understanding of the most typical conditions and circumstances in which violations of road safety rules most often occur. The forensic characteristics of road accidents resulting from criminal violations of safety rules can be of great help here. The author notes the peculiarities of the investigation of road accidents committed at night, which are characterized by greater severity of consequences, especially when hitting pedestrians and overturning.*

Key words: *a traffic accident, an investigation, an accident committed at night, the situation of the accident, the circumstances of the accident.*

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Introduction

A traffic accident is a failure to comply with the usual rules of the road for the movement of vehicles on the carriageway, as a result of which factors threatening human life arise [1]. The occurrence of emergency situations on the roadway, first of all, leads to an increase in the number of vehicles, unsatisfactory condition of roads, the use of old technically defective vehicles, indiscipline of persons driving vehicles, including the use of alcoholic beverages, narcotic drugs, psychotropic and other intoxicating substances by the driver, as well as other confluences of conditions [2]. The number of accidents is increasing every year, the serious consequences of accidents are increasing. For this reason, ensuring road safety has long been one of the priority policy directions not only of our state, but also of the entire world community.

The key types of accidents are [3]:

- collision of vehicles with an obstacle;
- collision of vehicles with each other;
- piloting (overturning) of vehicles;

- hitting vehicles on a person, including those traveling by bicycle;

- hitting vehicles on a domestic or wild animal.

At the same time, any traffic accident is accompanied by a change in the material situation - damage and destruction of vehicles, tracological traces, traces of substances and materials. The process of their occurrence is subject to the objective laws of nature (physics, mechanics, chemistry), and therefore their presence, mutual disposition and changes that have occurred with them can form the actual basis for the reconstruction of the mechanism of the event.

For an objective and professional investigation of motor vehicle crimes, the investigator must have the basics of special knowledge in the field of road traffic, the functioning and arrangement of motor transport. The specifics of the mechanism of a motor vehicle accident, the transience of the event and other factors cause difficulties in fixing and fixing traces of the event that occurred. All this requires the investigator to know the methods of investigation of the group of crimes under consideration and determines the relevance of the chosen topic of work.

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Forensic scientists have long drawn attention to the complexity of the mechanism of a traffic accident. It easily detects the initial state, the occurrence of danger in traffic and the final stage of the incident. Discrete stages of the development of an accident for the purposes of research can only be conditionally distinguished as simultaneous events. In fact, each stage – the moment of the development of the accident mechanism – is simultaneously a necessary consequence of the preceding event and the cause of the subsequent phenomenon, inextricably linked with the preceding link in the chain of the dynamic process in a road accident.

Successful investigation of road traffic accidents, improvement of the activities of the preliminary investigation bodies largely depend on a clear understanding of the most typical conditions and circumstances in which violations of road safety rules most often occur [4]. The forensic characteristics of road accidents resulting from criminal violations of safety rules can be of great help here.

The peculiarity of the investigation of road accidents committed at night is that they are characterized by a greater severity of consequences, especially when hitting pedestrians and overturning [5].

The specific features of the investigation are that:

- assaults are committed in the presence of a small number of witnesses, eyewitnesses and other persons or in their absence;
- makes it difficult to inspect the scene of the accident and the vehicle;
- it is difficult to find and fix traces of the vehicle (braking, skidding, etc.) and physical evidence;
- limitation of the possibility of using photo-video and other forensic means;
- the possibilities of examining the victim's corpse and his clothes are limited.

Due to these specific features, the investigator has to devote more time to examining the scene of the accident, the vehicle, searching and collecting material evidence and studying the road situation associated with limited visibility and lack of additional lighting [6].

Being at the scene of the incident, it is necessary to find out [7]:

- the general situation and visibility of the road section of the accident (presence or absence of road lighting);
- all interference to and near the scene of the accident for both the driver, pedestrian and other road users;
- in what light did the driver follow on this section of the road before the incident;
- visibility from the cab of the car, who committed an accident, in the low beam and high beam mode;

- is the headlight light adjusted correctly and does it meet the requirements of the vehicle design and road accidents;

- were all the lighting fixtures in good condition and were there any additional ones that could interfere with the driver;

- from witnesses, eyewitnesses, victims, drivers and others to find out at what speed the car or pedestrian was following;

- inspection with special attention to the places of damage to the vehicle, their measurements, search for physical evidence (paint, fabric, hair, blood, etc.);

- when examining the cab of the car – in what position are the switches of lighting devices and the position of the gear lever;

- what is the visibility of this road section from the pedestrian exit point to the roadway;

- whether there is a horizontal marking on the road.

Clarification of the circumstances will help the investigator to establish [8]:

- firstly, could the driver receive the necessary information about obstacles appearing in the field of view in a timely manner;

- secondly, could the driver easily distinguish the road and its direction;

- thirdly, whether the driver and pedestrian could freely navigate in the current situation and take timely measures to prevent the incident and its consequences.

Driving at night adds difficulties to the driver, it is noted that "... when driving at night, fatigue occurs faster ... from 2 to 5 in the morning, a person is the weakest physically and therefore ... between 2 and 4 in the morning, muscle strength, memory, attention, thinking, reaction decrease in a person, which leads to an increase in the number of errors and accidents" [9].

The investigator needs to present the reasons that affect the commission of an accident at night:

- physiological features of human vision – a decrease in the effectiveness of visual perception by the driver and other road users;

- lack or poor quality of road lighting;

- production of road signs without reflective coatings;

- absence of road signs on dangerous road sections;

- absence or indistinctness of horizontal marking and so on.

Taking into account the reasons that caused the accident, it should be borne in mind that visibility at night is sharply reduced and therefore the driver's ability to take measures to prevent an accident and avoid serious consequences by reducing speed, taking measures to brake or detour one or another obstacle decreases.

The completeness and objectivity of the investigation of the incident at night depends entirely on how correctly the protocol of the inspection of the scene of the accident, the causes and circumstances of

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the accident are reflected, the situation and illuminated evidence are recorded, according to which the investigator will have to establish the mechanism of the incident and determine the guilt of the driver or pedestrian in violation of traffic Rules [10].

In conclusion to the considered chapter, we can say that the specific features of the investigation of types of accidents can be divided into two groups: general and individual. Common features are features inherent in all types of accidents. These include: search, collection and fixation of physical evidence, technical knowledge; knowledge and correct application.

The first feature is the ability of the investigator (inquirer) to correctly determine the boundaries of the search for material evidence of the incident.

The second feature – technical knowledge – is that the investigator must have basic concepts about

car models that affect traffic safety and so on. In technical malfunctions, first of all, the main ones should be highlighted. The main technical malfunctions include: brake malfunctions; breakdown of steering gear and drive parts; tire damage.

The third feature is the knowledge and correct application of Traffic Rules to a particular accident. The rules of the road as a by-law make it possible to establish the relationship between violations of traffic safety rules and the onset of certain harmful consequences. The absence of a causal link between the violation of traffic Rules and the ensuing consequences excludes criminal liability of the person who committed the accident.

The individual specific features discussed in this chapter allow us to more fully reproduce the accident and establish its causes and conditions.

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