Volume 20 Issue 22
Originally issued as H4



Global Journal of human-social science: H
Interdisciplinary
Volume 20 Issue 4 Version 1.0 Year 2020
Type: Double Blind Peer Reviewed International Research Journal
Publisher: Global Journals
Online ISSN: 2249-460x & Print ISSN: 0975-587X

Individual Way of Actions in Zoological Crimes

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GJHSS-H Classification: FOR Code: 060899



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Individual Way of Actions in Zoological Crimes

Alexander Mikhailovich Pleshakov [α] & Gennady Sergeyevich Shkabin [σ]

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I. Introduction

Nowadays, in criminal law literature, considerable attention has been paid to such a problem as cruelty to animals (Kitaeva V.N., 2011; Semenov K.P., 2015). However, in contemporary publications, it is difficult to find works devoted to crimes committed with the help of animals (Jacques Rossi, 1987). However, law enforcement agencies periodically face zoological crimes. They are socially dangerous acts committed with the use of animals, prohibited by criminal law. There are few such cases, but their number remains stable from year to year. According to our estimates, every year about, 1% of crimes with the use of animals are committed to the Russian Federation. Most of them are crimes against property (approximately 42%) and crimes against life and health (about 38%). The rest (about 20%) are crimes against public order, public health, state power, etc. An analysis of judicial investigative practice for these types of crimes showed that using any method of committing them, using animals as tools or means, indicates the specificity of the objective side of the act. In such situations, there are almost always additional details that are not mandatory for the crime, but necessary for the perpetrator to increase self-esteem, to obtain satisfaction from the action, to implement well-known, constant and familiar behavior. We propose to call this feature a way of action or an individual style of a criminal. To denote this concept, we introduced the phrase "modus operandi" (from lat. Modus operandi - a method of action). The purpose of the article is analysis, identification of the signs and types of this way of acting of a criminal using animals.

During the research, we used the following empirical methods:

The specific sociological approach included a survey of 220 respondents. They are crime victims, eyewitnesses (witnesses) of the event, persons who, due to their professional duties, observed the adverse effects of physical conflict with animals – medical workers, hunting inspectors, circus trainers, dog handlers, police officers, etc. Also, from 1996 to 2019, we studied materials from published judicial practice for more than thirty subjects of the Russian Federation (Republic of Tuva, Moscow, Moscow, Nizhny Novgorod, Ryazan, Tver regions, etc.).

We obtain the huge amount of information using content analysis. Four hundred eighty-three cases of using animals in the commission of violent crimes were identified and studied in the media.

II. Typical Methods for Crime Preparation with Animal using

In its external meaning, the modus operandi is a system of individual micro-receptions, micro-operations that are carried out sequentially, obeying the specific order and design of the culprit (Enikeev M.I., 1982, p. 105). Accordingly, the modus operandi is a small way in any of the typical methods or techniques with animals using – in violent, cruel, intimidating, secret, etc. In these methods, the subjective features of the criminal's actions appear.

Modus operandi has an individual character, is a peculiar and unique phenomenon. It is quite clear that since it is specific, then there are several internal signs and elements. Subjectively, it consists of many mental and psychopathic personality traits. It is the nature of thinking, skills, and ability to handle animals, skills in their training, life experience, temperament, characteristics, and duration of habits (the so-called dynamic stereotype), etc.

The specific physical role of an animal in a crime commission determines the non-standard action in the modus operandi. In this regard, the modus operandi has a unique feature, which consists in the fact

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that the perpetrator often needs to pre-train the "animal accomplice," to prepare it for the crime committed. We consider this aspect of the problem in detail.

Preparation is a broad and open concept. The criminal law considers it as preparation for a crime (for example, the Criminal Code of the Russian Federation in Part 1 of Article 30 provides it). About the way of action, we are interested in three forms of such a process and result. Firstly, the search for an animal as an instrument or means for committing a socially dangerous act; secondly, its adaptation (training) for such behavior; thirdly, another deliberate creation of conditions for the crime committed.

The search is any acquisition of an animal, that is, taking possession of it in any way – legal or illegal. It is understandable that not every representative of the fauna is capable of playing the role of an instrument or means of crime. Therefore, the search is not a mechanical process. Such acquisition is the result of a long and focused search and selection of a "partner." From this period, the training of a biological individual begins. After all, the guilty person need not only smart but also capable of feeling the owner and fulfilling his commands animal.

Adaptation to a crime commission (the second form of preparation) is bringing the representative of the fauna into a state that makes him suitable for the successful implementation of the plans and intentions of the offender. Adaptation, as a result, means a change in the qualities of the animal as an object of the material world (a change in its properties as a biological object), which gives it the human character of a thing, that is, an instrument or means of encroachment. Such criminal legal adaptation, reflected in the modus operandi, involves a combination of at least three conditions. Firstly, the perpetrator must have extraordinary abilities for training; secondly, the animal must have natural mind and ingenuity; thirdly, both need patience for long-term training in the development of joint actions.

To illustrate the preliminary training of the animal, we use the sociological method of exemplification, namely, a concrete example from fiction. J. London describes the unique interaction and mutual understanding of the dog – the Irish Terrier and the man in his novel "Jerry of the Islands" (London J., 2019, p. 137, 140, 142). It is not about preparing for a crime, but about attempt to protect their own life. The work reflects the stages of animal training in detail. For example, a dog could sit, stand, or lie for hours, for quite a long distance from the owner and tried to catch barely audible sounds or rustles in the bushes, and then coordinate its growl or grunt with forest noise. If the terrier recognized the owner or saw a domestic or wild animal, then he was not supposed to growl at all. If someone who tried to move carefully made the rustle, then he should growl quietly. If someone moved carefree, then Jerry was obliged to grumble very quietly. In the future, the mutual vocabulary of the man and the dog expanded so much that they could maintain a quick and accurate conversation from far away. The owner, with various whistles or lip sounds, ordered the terrier to stand still or not make noise, shut up, get closer, go into the bush, and find out the cause of the strange rustling. A person could give more complex tasks, and the dog learned to perform them, for example, describe a circle, move left or right, cross a ravine, and go back. After such instructions, executed with the accuracy, the terrier "reported" what he saw and heard, because he could faultlessly count to five.

In objective meaning, the several psychological factors form interaction of a man and an animal. First of all, it is an addiction to the requirements of the owner. Then the gradual formation of sensory reactions and conditioned reflexes are executed. To teach something to do, the laws of ethology, that is, the usual, natural behavior of animals, are used. Subsequently, in the so-called signaling situation, a skill is constructed. In these cases, muscle coordination is necessary, genetically non-fixed movements appear. Animal's abilities are formed to do something different, in a new way (Fabry K. E., 1993, p. 41-74).

The so-called associative reactions form the addiction to coherent and cooperative behavior. Associative learning is the formation of a temporary connection between two stimuli in the central nervous system of the animal, one of which was initially indifferent to it, and the other served as a reinforcement - either reward or punishment (Zorina Z. A., Poletaeva I. I., 2010, p. 67).

With such training, the behavior of an animal depends on conditioned reflexes. Depending on their structure, they are called either classical or instrumental. In classically conditioned reflexes, that is, during the pressure of unconditioned stimuli, a temporary connection between the signal and the obligatory reaction arises involuntarily (for example, salivation before eating). In instrumental conditioned reflexes (learning by trial and error) reinforcement, such as food, is given after the animal performs the actions that do not have a direct connection with the unconditioned stimulus (Thorndike N., 1911).

Correspondingly, in the process of associative learning, conditioned reactions of an animal appear only with a specific stimulus, and stimuli that are close in their physical properties do not cause such reaction. The famous neurophysiologist I. P. Pavlov defined this formation of behavior as the production of differentiated conditioned reflexes or, as he called it in abbreviated form, "differentiation" (Pavlov I. P., 1949, p. 262-263).

The division of conditioned reflexes into classical and instrumental is a methodical device and does not mean at all that they have a different nature. Similar neurophysiological mechanisms form them, that is, any instrumental action of an animal is always

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accompanied by a reaction that refers to classically conditioned reflexes. And vice versa, in any purely classical reflex, one can detect a motive component, which in its properties refers to instrumental.

Associative learning, built on instrumental and classical reflexes, is subjected to the laws of species experience, fixed in the process of evolution. The species experience is transmitted from generation to generation in the form of innate instincts; that is, it is video typical. Accordingly, the range of associative learning is also video typical. A man cannot teach "anything" a representative of any animal species. Animals do not have unlimited human capabilities and, by their nature, cannot do anything. There are natural "limits" for any training, even though animals of the same species have many different forms and types of behavior (Tinbergen N., 1993, p. 18).

Moreover, one animal may be more talented than another. However, this circumstance cannot affect the range of learning anything. So, we can teach a hare to knock on a drum. However, it is impossible to force it to light matches. The hare simply does not have physical capabilities for this. We can teach a penguin to dance, but we are not able to teach him to react to a person as a dangerous creature. These birds never had land enemies, and at the genetic level, there are no corresponding instincts (Fabry K. E., 1993, p. 62).

Of course, we gave examples with the hare and the penguin solely to illustrate the boundaries of the species experience. As far as we know, the criminal law practice has not yet recorded zoological crimes using these animals.

Repeated repetitions and lengthy exercises form associative learning for collaborative actions. This process of training, that is, the preparation of animals for the permanent solution of tasks, is based on their adaptive activity. Accordingly, the purpose of the learning is to develop the ability to adaptive changes (Sokolov E. N., 1997; Prior K., 1995). A property such as plasticity form the training opportunities themselves and their realization. W. Thorpe defined this feature of the central nervous system as the ability to change its reactions to external influences (stimuli), taking into account previous experience (Thorpe W., 1963).

In zoopsychology, the method of a delayed reaction determines the ability of an animal to respond to a memory of a stimulus (encouragement or punishment) in its absence. This set of techniques allows recording the presence of elementary mental representations in animals, for example, about a hidden object (its image). Accordingly, using these methods, it is possible to establish brain activity, which in this case, replaces information from the sensory organs (Griffin D. K., 1984).

During the animal training, the so-called method of successive approximation or the method of forming behavior is often used. The formation of instrumental reflexes by the mechanism of successive approximation involves reinforcement (stimulation) of animals only when they perform or do not perform specific actions. Using this method, a person gradually brings the behavior of a biological species closer to the desired result. This technique has been known for a long time and has a high degree of effectiveness. With its help, it is possible to form the most diverse, complex, and sometimes unexpected skills. For example, in the experiments of the American psychologist B. Skinner, the rats pulled a billiard ball towards themselves using twine, took it in their front paws and put it into a tube 5 cm above the cage's floor (Zorina Z.A., Poletaeva I.I., 2010, p. 77). The sequential approach mechanism always underlies the training (learning) of various types of circus and service animals. It is quite clear that criminals can use similar experiences for the preparation of zoological crimes.

In associative learning, the sequential approximation method is universal. With its help, the interaction between a man and an animal is quickly achievable, since elementary and minimal psychological requirements provide such a process and result. The essence of this method in a simplified form comes down to the well-known, although the limited, system of "carrot and stick" (encouragement and punishment).

Specialists often use such mechanical training to train service dogs. So, in the scientific literature it is indicated that dogs learn thanks to the gained experience: to feel the difference between pleasant and unpleasant sensations (in principle, no one objects to this opinion). Then the statement follows – there is no other method in dog training.

It is difficult to agree with this purely pragmatic conclusion about the presence of only "carrot and stick." However, it is possible that for special dogs (service animals, that is, for professional equipment), such a restriction is quite enough in the training range.

However, the disadvantages of the mechanical method are well known. Scientists explain them by the fact that such learning does not meet with reciprocal enthusiasm in dogs; its interest in any work is low. Often with such training, the animal shows shyness, excessive submission, inadequately responds to extraneous stimuli. Accordingly, for zoological crimes, the use of this method alone is not enough.

A study of forensic practice has shown that in preparing for the crime, the perpetrator also uses other techniques. In zoopsychology, this method of teaching animals is called operant (instrumental). The basis of the development of this system of skills is to use the cognitive (knowing) activities of various representatives of the fauna. Operant behavior is spontaneous action that is not caused by any physical stimuli. A guilty person form differentiated conditioned reflexes. They can determine the so-called orientation to learning, that is, the animal "learns to learn" (Birn R. W., 1998, p. 174).

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There is a transition from simple associative mechanisms to cognitive, to the emergence of ideas about the general rules for solving problems of the same type. According to the figurative expression of one of the theorists of teaching N. Mackintosh, in these cases, the animal "goes from memorizing to memorizing by meaning" (Mackintosh N. J., 2000, p. 123-143). The formation of knowledge about external events and causal relationships between them is naturally associated with the processing of information on temporal, numerical, and spatial characteristics of the environment. In these situations, the animal creates a mental picture of the world, which includes a complex of ideas about "what," "where" and "when" (Premack D., 1983, p. 351-362).

With the operant method, the animal is trained "with a smile on his face." The basis of this process is positive emotions, pleasure, the need for the favor of the owner. Ultimately, operant training consists of satisfying the animal's social instincts, which by no means excludes the possibility of punishment (demonstration of discontent) (Tsigelnitsky E.G., 2010, p. 162-164).

The cognitive abilities of animals belong to those mental processes that have other alternative names: reason, rational activity, rational behavior, etc. Scientists have given a general definition of this zoopsychological phenomenon. The thinking of an animal is its ability to capture the empirical laws that bind objects and realities of the external world and to operate with these laws in a new situation for it to build a program of an adaptive behavioral act (Krushinsky L.V., 1977).

In this article, in our opinion, it is necessary to give some explanations related to the conceptual apparatus in zoopsychology, comparative psychology, and law. While using the same terms in describing the thinking of higher animals and humans, we should, of course, remember the fundamental difference between them. No matter how complicated the mental features in the behavior of animals are, we can only talk about their conditional comparison with elements of cognitive activity of a human.

It is time to abandon another outdated opinion that there is a significant, profound difference between the psyche of a man and an animal. So, M.N. Marchenko argued that animals have no thinking and no consciousness at all (Marchenko M.N., 2010, p. 137).

Of course, it is not correctly. Up to date, zoopsychology accumulates a large number of facts that indicates that a wide range of vertebrates and birds have certain forms of elementary thinking. Numerous experiments in comparative psychology show that dolphins, parrots, and corvids have abilities for the highest degree of abstraction (thinking). Perhaps this property is also inherent in individual, prominent representatives of the Canids and, probably, some elephants, horses, and bears.

However, of course, anthropoid apes occupy a special place in this range: gorillas, orang utans, common chimpanzees and pygmy chimpanzees (bonobos). To one degree or another, these animals have elements of all the most complex cognitive functions of a person: not only abstraction but also generalization, comparison, assimilation of symbols, self-recognition, etc.

At the beginning of the twentieth century, the famous German zoopsychologist V. Köhler concluded that anthropoid apes possess the intellect that allows them to find answers in problem situations, not by trial and error, but due to a psychic mechanism – insight ("glimpse") (Zorina Z. A., Poletaeva I.I., 2010, p. 104-105). The meaning of this process is to understand the connections between incentives and events. It allows the monkeys to quickly solve new problems, including with their social contacts.

Highly organized primates are able not only to take into account the events of the external behavior of relatives but also to some extent, penetrate the hidden intentions of partners. The American scientist D. Primack called this model of cognitive ability the "theory of mind" (Premack D., 1983, p. 353). In an adapted form, it can be translated as figurative self-awareness, I-thinking, that is, the development of knowledge about myself.

Ethological studies show that individual chimpanzees can put themselves into the place of other individuals. Animals can hypothesize the psychological state and reactions of a neighbor, mentally calculate the situation, deliberately deceive partners, anticipate the consequences and thereby manipulate other monkeys. To determine such behavior, as we have already said, zoopsychologists R. Byrne and A. Whiten even invented the term "Machiavellianism" (Byrne R., Whiten A., 1988, p. 9, 37).

Analyzing the modus operandi, our task, of course, did not include a detailed distinction between associative and cognitive learning. We tried only to state that the individually adaptive activity of animals can be a combination of both forms of behavior. In other words, under certain conditions, an animal can "think, comprehend, and plan" its actions (Manning A., Dawkins S., 1998, p. 87). It is clear that in some cases, the perpetrator can use these abilities of his physical partner to commit a crime.

We can be suspected of anthropomorphism, that is, in the simple attribution of human features to highly organized animals. However, there is hardly any reason for this. As experience and the logic of constructing modern experiments in zoopsychology show, various approaches to their analysis are based on repeatedly verified materials of ethological observations and are designed in laboratory conditions (Zorina Z. A., Poletaeva I. I., 2010, p. 295).

The extraordinary mental characteristics of the animal determine the way of actions of a guilty person.

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We are talking about the increased emotional sensitivity of individual biological species, about their ability to understand the intentions of the owner. This property is called empathy. The essence of this phenomenon is to erase the psychological boundaries between the sensations of a man and an animal. During this feeling, some representatives of the fauna not only capture the emotions, mental states, and needs of the owner, but they can also fully calculate the situation. As a result of heightened perception, the animal is ready to solve a difficult problem and complete any task. Accordingly, the interaction of empathic communication and instrumental reflexes formed by the method of successive approximation make a basis for the modus operandi.

Empathy is objective and subjective. In the first meaning, this condition shows itself focused on unconscious bodily connections, is transmitted from the human body to the body of the animal (France de Waal, 2014. p. 195). In corporal synchronization, based on a community of moods, a face, various forms of facial expressions, gestures, body movements, voice, sounds, different intonations that convey the emotions and feelings of a person are involved.

Experience shows that individual training of an animal in a "criminal craft" can be very useful. Individual, empathically sensitive species are sometimes very observant and capable of prohibitively high concentration of attention. Such properties allow them to respond to the smallest involuntary (ideomotor) actions. They detect the deviation of the body, not even by centimeters, but by 2-3 millimeters, react to micromotions of eyelashes or eyes, to almost imperceptible facial expressions – to changes of eyebrows, lips, nostrils, forehead, etc. Of course, it is hardly possible to get a dog to do anything only with an eye movement, but the animal is quite capable of capturing the mood of the owner and his intentions.

In subjective meaning, empathy means the interpenetration of emotions. Experiments in neurobiology show that there are no clear dividing boundaries between the feelings of a person and a highly organized animal (France de Waal, 2014, p. 201). In the world of living beings, a man is empathic by definition. Due to its nature, each of us, in principle, can feel the moods and conditions of animals. Moreover, it can occur in a wide range. So, many people can understand when a dog, for example, jokes, laughs, takes offense, is sad, jealous, or experiences other feelings that are characteristic for a person. With a high level of empathy, the emotions and feelings of a person can become integrated, that is, subjective sensations coincide. The emergence of such psychic compatibility gives rise to an almost complete understanding of each other.

The interaction of the objective and subjective in empathy is based on the ability of domestic animals to respond to the owner's brain activity, which a person has not yet realized himself. This brain energy affects the micromotion of a person in some way and can suggest the direction of his future intentions. Observation of the owner, understanding of the smallest details of his behavior, possibly forms mental associations. It allows the animal to "read" the mood, accurately guess the hidden desires of a person even at the stage when he has not yet decided what he wants to do. Figuratively speaking, the animal can catch the mood of the owner at the moment when he only turns the key in the lock of the front door.

Many neurobiologists, zoopsychologists, ethologists, biolinguistics believe that empathy can reach a very high level in some cases and go beyond the boundaries of joint emotional sensations. In these situations, it is reasonable to talk about the telepathic connection between a man and an animal (A. Dubrov, 2001, p. 64).

In principle, in its psychological essence, telepathy is empathy, "turned on" at full capacity. Objectively, animal telepathy is the capture of human intentions at a distance without the help of five known sensory organs. Moreover, some animals are capable of not only "reading" thoughts, but also accurately fulfilling the orders of the owner (A. Gorelov, 2010, p. 235).

Telepathy is among those mental states that are called precognition, that is, the ability to foresee. As observations and experience show, many animals can, for example, predict the danger: natural disasters (earthquakes, floods, etc.) and even human-made disasters. Supposedly, the animals can read low-frequency sounds and feel geomagnetic vibrations and anticipate changes in the real world, for example, changes in the weather.

Probably, representatives of the animal world perceive reality much more sharply than humans and can focus all the feelings that they possess at one point. Highly organized pets, for example, can anticipate the appearance of the owner before its actual arrival. What forms such precognition is not completely clear (Tsareva I. B., 2000, p. 256-302).

To many scientists, the existence of supersensory perception still seems very doubtful. Moreover, they often refer to the well-known conclusion of V. M. Bekhterev that there is not a single impeccable and the completely persuasive fact that would speak about the possibility of mental suggestion at a distance. More than a hundred years ago, the scientist said that all the presented data do not withstand criticism (Balandin R. K., 2010, p. 305-306).

Up to date, the situation has not, in principle, changed. Telepathy remains alien to modern science; official science does not recognize it. As a rule, there are no reliable tools and techniques for experimental verification of this phenomenon. At the same time, there is another, directly opposite opinion. Scientists argue

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that telepathic communication certainly exists and practical evidence, and numerous observations testify this for a long period.

A.N. Kursky defines telepathy as the direction into the brain of another biological being of certain perceived requirements and mental images (Kursky A. N., 2002, p. 23). These models of reality reflect pictures of being that are born of one's imagination. Of course, the physical nature of such a phenomenon is still unclear. We suppose that there is a special "matter" that is radiated by the brain and is also perceived only by the brain.

In support of this idea, scientists suggest that in addition to the three states of matter (liquid, solid, gaseous), there is a fourth state of matter. It is the one that determines our feelings, emotions, experiences, and other numerous processes of the "mental" (psychological) order. In the universe, in addition to the well-known physical fields (electromagnetic, gravitational, acoustic, etc.), there may exist others that are invisible to the human eye. In the theory of natural science, one of them has long been called a biofield, or morphic field (Karpenko M., 1992, p. 177, 201).

The energy of brain waves has no limitations in the physical space and is closely connected with such mental states as the unconscious and subconscious. In other words, the reflection of the uncondiciousness of one person into the unconscious of another is perfectly acceptable (Dubov A. P., Pushkin V. N., 1989, p. 189).

According to the same scheme, people can also transfer information from the unconscious sphere to the subconscious (unconscious) sphere of an animal (Samygina S. I., 2008, p. 397-398). The exchange of information can occur at the level of their biofields, and thoughts can be transmitted as it happens during radio transmission in an electromagnetic field. This matrix, in the form of a connection of brain waves with a mental state, can only be assumed. The existence of a morphic field is only a hypothesis and an attempt to explain the paranormal abilities of individual animals. However, this assumption is logical. The basic idea is that there are no absolute laws in the universe. All known natural laws reflect only the picture that currently exists. All that is established by experience (experiments and observations) is only the probability of a conclusion. This probability can be extremely high, but it can never turn into a dogma since there is nothing eternal on Earth. In other words, we are always in search, but only approaching the truth, trying to penetrate the vastness of the unknown. The world is far from known because the universe is limitless and infinite.

Any scientist, from any branch of knowledge, must humbly admit: in the universe, there is nothing impossible, and the possible is always explainable. Inexplicable, in principle, does not exist. There is only that what we know, and that what we do not yet know. We do not know where our knowledge of animals ends, which, unfortunately, sometimes helps criminals, and where the expanses of the unknown begin. However, sooner or later, we will surely understand the mystery now. Science will determine the physical nature of telepathy, the resulting mental states, and the foundations of morphic fields. According to M. Karpenko, such spheres cannot but exist. "Their existence is inevitable, just as the infinite existence of matter generating these fields is inevitable" (Karpenko M., 1992, p. 209).

Such logical and dialectical statements allow us to conclude an applied nature. Since telepathic transmission of information from a person to an animal is quite acceptable, the extrasensory perception of thought orders can be taken into account and planned to achieve a criminal result.

Several objective factors determine training an animal in "criminal behavior" and the way of actions associated with this process. So, not every person has the ability to train, and not everyone can use the operant method. Few people have a genuine talent for handling animals, and not everyone has real opportunities to use them even for everyday purposes.

During preparing for a zoological crime, a guilty person, of course, does not operate with the terms and concepts of zoopsychology and ethology: a conditioned instrumental reflex, a delayed reaction, a consistent approach, associative or cognitive training, empathy, the operant method, etc. In the vast majority of cases, he does not know about them at all, either does not understand and cannot rely on scientific statements and conclusions. Accordingly, during training an animal, only two pragmatic circumstances are used: the experience of other people and their own observations. The guilty person always seeks to engage any developed ties with his "accomplice": visual, verbal, constructive, empathic, and even, possibly, telepathic.

It is necessary to move on to the third form of preparation for a zoological crime. The criminal law reflects it. This stage will be about the deliberate creation of conditions for the commission of a criminal offense using animals. In such situations, the modus operandi manifests that no one trains the representatives of the fauna. Creating conditions – it is the formation or use by the perpetrator of all external circumstances for the development of the event. Depending on the place, time, and situation, animals can play the role of elemental natural forces.

The peculiarity of this form of the modus operandi is that, as a rule, unstoppable, uncontrolled individuals in a state of natural freedom are used. The criminals make the calculation on the usual behavior of wild animals that act as part of their biological program. Under these conditions, their natural reactions act as a trigger for aggression.

In the world of living beings, natural forbidden rules apply, about which the perpetrator generally

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knows. Their essence is that representatives of the fauna cannot behave as they want. Only a person is capable of this. Animals, for example, of their own free will, cannot take their own lives or begin to breed when they want. In the animal kingdom, there is no free will with aggressive behavior. The biological species does not obey his own will: he wants to attack, but if he is not in the mood, he does not attack. Any of the most dangerous predators cannot attack anyone, anytime, because a strict biological program always determines their desires.

The same basic instinct of "life and death" determines prohibited behavior (I. Kant). Under natural conditions, the mechanism of its action determines the main thing – the survival (conservation) of its biological species. There are numerous variants of such reactions that occur with the so-called genetically programmed stimuli. It is the desire for self-preservation, fear for one's life, which appears with pain, injury, stalemate, to protect offspring, to the fight for prey. It also manifests itself during hunger, the protection of one's territory, sexual arousal, etc. Under such conditions, the reaction of the animal is spontaneous, automatic.

III. Zoological Crime Models

During committing a zoological crime, the guilty person uses the preceding predictable situations. However, from the application of criminal law, several difficulties arise here. The fact is that such preparatory actions as creating conditions for the commission of a grave or especially grave crime are practically unprovable. In order to fix this form of an unfinished crime, it is necessary that it not be brought to an end due to circumstances beyond the control of the guilty person, that is, the evidence is essential that the animal was only ready to attack. At the same time, such preparatory work can be quite distant in time from the end of the crime, or by themselves look like a minor act. Accordingly, the intention to take an action to "create conditions" is deprived of the evidence base. The modus operandi in such situations can theoretically be established only retrospectively, after bringing the criminal act to an end. Forensic practice does not have such facts of preparation.

A way of actions has a separate and unique character. Nevertheless, the uniqueness of the modus operandi can be generalized, grouped, and reflected in a specific system. Depending on two different criteria - on the nature of violent or non-violent actions and the social purpose of animals, we will give conditional specific names to all modus operandi.

The first modus operandi is "Baskerville." The criminals use it in violent, intimidating and destructive ways. This modus operandi involve, as a rule, trained pets.

The following types of individual actions are "provocation" and "delayed aggression." The perpetrators use them in violent, cruel, and generally dangerous ways, involving untrained wild animals.

The non-violent modus operandi are "long-arm," "distraction," and "vehicle." The criminals use them in covert mode, involving both trained and untrained pets.

We consider these types in more detail, and first of them will be the ones related to violence.

1. Baskerville. This term is a derived concept. This word is an interpretation from the famous work of A. Conan-Doyle "The Hound of the Baskervilles." The story tells about the murder and the attempt to intentionally cause death with the help of a specially trained dog.

The essence of this modus operandi is to cause physical harm to the victim. Baskerville is carried out, as a rule, by setting an animal on a person. This process is initiated by arousing hostile intentions, artificially fomenting the aggression of a biological species about a victim.

Instigation (setting an animal on) has a very long history. This bloody sight was usual for ancient Rome. People could watch it at the Colosseum. Artificial, provoking coercion of an animal to attack a person has been used at all times and among all peoples. The first forms of its legislative prohibition appeared in the Russian Empire in the XVII century. Thus, by the Council Code of 1649, criminal liability was incurred for deliberately setting a dog on a person. After 200 years, in the Code of Criminal and Correctional Punishments (1845), such acts committed out of prank (hooliganism) or with the purpose of causing harm (Articles 1253, 1254) were also prosecuted in the criminal procedure. And further in the Charter on the punishments imposed by magistrates in 1864 (Article 122) and the Criminal Code of 1903 (Article 233), setting dogs or other animals on a person was forbidden by criminal liability.

Instigation can be carried out by various methods and primarily with the help of mental means of influence. The inclination to aggression, as a rule, occurs verbally, that is, a man gives a command by voice – abruptly, loudly, demonstratively, or, conversely, quietly and without an accent. The password can be well-known and anything: "take," "alien," "face" or veiled: "safe," "high," "push" and etc. In the case of Baskerville, the command of the guilty person sometimes has complex and combined content. Supposedly, it can be a signal for aggression with the simultaneous task of immediately releasing the victim or a command for a "soft," deceitful attack with a quick leaving of the place of the event, or a demand to make distracting, aggressive movements and lie low, etc.

A signal for hostile behavior can be given simultaneously with constructive actions: patting on the

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body, pushing forward, stroking against the hair, etc. In some cases, the initiation of naturally protective or aggressive reactions occurs due to feeding the animal with narcotic, psychotropic, or potent drugs. Such agents and substances that have stimulating or hallucinogenic properties are capable of triggering video-typed and innate animal behavior programs. As a result of instrumental Baskerville, a peaceful pet can turn into a rabid beast or an ancient pterodactyl and cause significant harm to health.

Forensic practice indicates that in the vast majority of cases, different dogs are used to set on the victim in Russia and abroad (A. Pleshakov, 1992–1993, pp. 54-56; 62-63). Canids, by their nature, are predators and are always potentially dangerous to humans.

In the legal literature, there is an opinion that setting a dog of an aggressive breed is like starting a homing weapon (A. I. Korobeev, 2008, p. 256-257). We believe, that it is a misperception. In principle, it is clear what the author wanted to say, but there are several "trifles" in this statement that distort the essence of Baskerville.

Firstly, dogs of aggressive breeds do not exist (we have already talked about this). Secondly, the homing of a weapon, that is, it's directing towards a target mechanically or automatically, without further participation in this process by a person, is in no way suitable for a well-trained dog, and it, of course, is necessary for Baskervilles. Service animals, for example, can stop a physical attack on the appropriate command. Accordingly, in these cases, "launching a weapon" and its further use is under human control, and there is no need to talk about any homing.

The perpetrators use this modus operandi not only in crimes against the life and health of a particular person. Practice shows that we can see Baskerville in criminal acts against public safety; that is, it can harm the bodily integrity of many people. It is quite acceptable, for example, with group hooliganism or riots. In the world practice and our country, there are known cases when the perpetrators use dogs in clashes between rival gangs, extremist and criminal associations, during the "dismantling" of a fan or nationalist groups for spheres of influence or for settling bills. At the same time, the criminals train dogs to cause maximum harm to people and to protect themselves from knives, chains, baseball bats, bottles, rubber hoses, and even fire extinguishers. As we see, it is a modified version of one of the ancient forms of ethno zoological violence, when a man uses animals as weapons in his battles.

Interpersonal clashes involving dogs are usually very fleeting due to the stampede of members of the human race. In a massacre, a one trained dog can withstand at least five fighters, and even then under the doubtful condition that they will attack or defend in concert. And dogs trained to act in pairs, in general, become an irresistible force.

2. Provocation. The criminals use this way of action in three zoological ways: violent, dangerous, and cruel. Provocation means inciting (inducing) the animal to attack the victim. In certain situations (life-death instinct), a biological species is doomed to aggression – it cannot but attack. In zoopsychology, it is because the animal crosses a genetically programmed threshold of biological irritability.

Objectively, an assault is always a sudden attack or a raid, an unexpected hit or throw, etc. (Alexandrova Z. E., 1975, p. 243-244). All these active actions represent a rapid movement in space (on the ground, in the air, or the aquatic environment) with the aim of hostile physical contact with the victim. As a result, the victim falls into a disadvantageous and dangerous position, that is, into a "zoological" trap. A guilty person calculates this trap taking into account the place, time, situation, and radius of a possible attack of the animal.

During provocation, the mechanism of aggression starts reflexively. It is impossible to stop animals, usually wild ones because they are not technical means or mechanical devices. Unlike Baskerville, the perpetrator does not control the behavior of animals, which in these cases represent an irresistible natural force. Depending on external factors, a dangerous situation can develop so rapidly and unexpectedly that the guilty person or unauthorized persons can become victims.

From a psychological point of view, people can realize their provocative intentions in two forms. The first is to encourage the victim to enter into a dangerous conflict with animals. The second form is his coercion to such actions. According to the degree of mental impact, they have a different level of intensity.

The motivation is to deceive the victim deliberately or to ignore the circumstances of the dangerous situation. Less often, persuasion, promise, and prankster form an incentive. In turn, compelling a collision with animals represents a direct physical impact (violence) or active mental pressure (threat of violence). In any case, coercion always happens without consent of the victim.

Provocation is the multivariate modus operandi. As domestic and international experience shows, this technique is possible with a large variety of animals living in the wild environment. It can be both predatory mammals and large herbivores, for example, a bear, an elk, a bison, an auroch (Pleshakov A. M., 1994, p. 23, 67). For provocation, people use the so-called lycanthropes, that is, those who live in the buffer zone between the natural habitat and the sphere of human activity (large forest parks in megacities, national reserves, urban water areas, etc.). They can be wild

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boars, black and brown bears, wolfhounds, alligators, monkeys, etc.

Sometimes the perpetrators use poisonous snakes, arachnids (spiders), scorpions, or other toxic representatives of the fauna for provocation. Usually, they place the animals in a limited space – in the passenger compartment or a trunk of the car, in a bathtub, a cellar, a closet, a mailbox, etc. Physical and unexpected contact with such animals inevitably leads to their instant protective reaction and attack on humans.

In principle, this modus operandi has an old legislative tradition. Thus, in the Laws of the Great Ming Dynasty (China, 1368–1644), the number of crimes punishable by death included the deliberate use of a snake, a scorpion or other poisonous insects so that another person would die as a result of their bites (Article 314). It is a rare criminal law. However, at present, the actual use of this modus operandi is periodically noted in police reviews.

The provocations sometimes involve the so-called social insects – bees, ants, etc. The social behavior of such representatives of the fauna, their lifestyle is genetically programmed to preserve the species and to repel any aggression, even false. When self-defense reflexes are excited, numerous hymenopterans act in concert, by the entire community. By their attack, they are capable of causing death to the victim or causing significant harm to his health.

Provocations with predatory sea or freshwater fish in their physical consequences are some of the most difficult for victims. The mechanism of this method, as a rule, is divided into two stages. Firstly, the criminal transfers the victim to the aquatic environment – he pushes the injured person into the water, throws overboard, etc. Then, the perpetrator lowers raw meat next to the person, or pours out the blood of the animal, or inflicts bleeding wounds on the victim. Such conditions ensure the attack of predators, and it is impossible to stop it.

The range of dangerous aquatic inhabitants suitable for crime is diverse. They can be sharks: white (Carcharodon), brindle, mako, blue, blunt, possibly gray, sand, and other cartilaginous. They also include a barracuda, a moray eel and, probably, a stingray.

The list of freshwater predators is also very representative. On every continent, in different regions and water areas, there are fish that can cause serious harm to health or death. In South America, they are, for example, an arapaima, an electric eel, and the famous piranhas, in Africa – an electric catfish, a tiger fish, in Asia (India, Malaysia, Thailand) – a sarong, a freshwater stingray, in New Zealand – a black eel, etc., in Russia in our country it is an ordinary (European) catfish. The fish can reach five meters in length and weigh up to 400 kg.

3. Delayed aggression. The postponed reaction phenomenon forms the objective nature of the modus operandi.

This feature of behavior is a reaction to the memory of a negative stimulus (harm from people) in the absence of such irritants (people themselves). W. Hunter gave the general concept of a delayed reaction (Hunter W., 1913, p. 1-86). Correspondingly, the mental ideas of animals about the associative connections between the harm and the need to "respond" to protect offspring and preserve the species form delayed aggression. In other words, delayed aggression is a reaction to human evil; it is revenge on all people, a sign of interspecific conflict.

Offensive-hostile actions of animals do not arise immediately since a person (s) often manages to hide after causing damage to the biological community. The predator postpones the aggression for some time, but the negative stimulus persists. The biological individual does not consume an internal negative impulse simultaneously; it does not splash out on foreign objects, on other animals, on fellow tribesmen, etc.

Practice shows that some representatives of the animal world are can remember evil (incentive) for a long time and postpone the hour of reckoning. Experience suggests that birds living in large populations are revengeful: large (sea) gulls, black crows, rooks, etc. Gray crows inhabiting in cities are very vindictive. Their attacks are usually recorded at the time of nesting and hatching. The ruin of nests, the destruction of eggs, the killing of ravens give rise to a response. Bird communities can attack any of the human race. They do not care who is in front of them – a man, a woman, an older man or a child, although crows, for example, can remember a specific person.

Deferred aggression is a complex and multi-stage modus operandi, which is very rare. It is because the perpetrator must take into account many coinciding factors: climate, season, terrain conditions, biological status of animals (birds), their unconditional aggressiveness, etc. And, perhaps, the most difficult is to count on the presence of the victim in the point in space where the attack can take place. Accordingly, with delayed aggression, strangers often suffer.

Now we consider the modus operandi that is not connected with violence.

1. The long-arm. Scientists stylize and simplify the name of the modus operandi. Objectively, they define this type as "the continuation of the hand of a thief."

The long-arm is a technique that criminals use to steal, secretly thieve someone else's property with the help of animals. Those actions of the guilty party that is carried out unnoticed by the victim and by unauthorized persons or in the presence of other people, but who do

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not understand the unlawfulness of what is happening, are considered secret.

The long-arm is the exceptional modus operandi, a criminal mastery of a thief. To carry out secret thefts using animals, not only the observation and patience are required to choose a place, time, and determination of the victim, but also an understanding of the behavior foundations of the fauna representatives. The use of this technique is impossible without full comprehension and synchronous interaction of "accomplices." It is achievable only with prolonged animal training.

The criminals try to adapt small, plastic, swift animals that can hide and lie up for thefts. They include dogs, rats, primates of various species: monkeys, macaques, langurs, less often chimpanzees, etc. All monkeys have excellent hearing, sharp eyesight, and they distinguish between the shapes and colors of objects. Primates have an innate cleverness, are easy to learn, quickly memorize the gestures and people's words, understand what they want from them, and obey commands. As social experience shows, highly organized monkeys can be used to solve very complex problems and teach the most incredible things: to drive a tractor, to perform the duties of a switchman, to graze goats and sheep, to sort coconuts and to perform other, no less complicated actions. Experiments in zoopsychology show that chimpanzees, for example, can remember the position of 9 digits on a computer screen and play them in the correct order in one second. It is quite understandable that such abilities of animals are in demand for achieving criminal goals, including for the theft of other people's property.

2. Distraction. The modus operandi is one of the most common during committing zoological crimes. The technique is complex, inventive, sophisticated because criminals can use it to deceive both people and other animals.

The natural, ethological reactions form the deceptive distraction of another animal. Such instinctive reflexes are possible when the distracting individual is a sexual partner, or prey, or a rival, etc. for the fauna representative. In any case, it is a psycho physiological bait, drawing attention to oneself to lure or leave a place. The reaction to the bait is only the first step in the mechanism of criminal behavior. The second and main part is the skillful use of the situation.

Distraction in the form of focus on another object is the most often used against guard dogs that guard property, protect housing, control the territory, and the established order. To do this, as a rule, use a flowing bitch.

The criminals also use distraction to steal expensive domestic dogs and cats (the so-called dog-thieves and cat-thieves). For example, they use the same method of bait in the form of a flowing bitch for Canids theft. The perpetrators lure the dog to the place where it disappears from the field of view of the owner. After the capture of the animal, the culprits wait for the corresponding announcement about the monetary reward for the dog's finder.

The criminals also use this modus operandi to catch expensive wild animals (illegal hunting). So, for example, pigeons, which are natural prey for predatory birds, are used as bait for poaching falcons. The perpetrators attach a spinning reel with metal hinges to the pigeon's back, and tie a fishing line to this structure. Then they launch the birds into the sky, where the falcon rushes to prey and gets entangled in loops. The poachers rewind the fishing line and drag the birds towards itself (T. Revyako, 1998, p. 239, 258).

The culprits also use distraction to deceive or mislead people. They make the calculation on human's natural reactions. The animal distracts attention by its unexpected appearance, false assault, fussy movements, unusual behavior, emitting sounds that are inadequate to the situation – a sharp bark, a growl, a screech, etc. In these cases, the animal acts as a camouflage to hide the true intentions of the individual.

3. The vehicle. The criminals know this modus operandi for a long time and successfully use it in their practice. Animals are used as a mobile device for moving, transporting, crossing the border, transporting money, property, drugs, currency, and other material substrates. It is necessary to distinguish two options – passive and active use of animals in this modus operandi.

According to a passive form, the criminals use the natural physiological properties of the representatives of the animal world. In this case, the biological species can behave physically active: to run, to walk, to crawl, to respond to external stimuli, etc. However, from the targeted actions of the guilty person animal is passive. Birds (pigeons, falcons, hawks, etc.), reptiles (pythons, boas, crocodiles, etc.), livestock (cows, goats, sheep, etc.) that carry themselves or in themselves (by ingestion) various objects are used as such vehicle.

The criminals also use the active form of the vehicle. They involve trained and self-acting animals for this purpose. The culprits often use dogs in this way. The range of crimes with an active form is very broad. They can be smuggling of various material objects (things), transportation of property stolen during the theft or other types of illegal seizure of assets, transportation of drugs, psychotropic substances, weapons, the movement in the space of other prohibited items withdrawn from public use, etc.

IV. Conclusions

Summing up, we should note that in the general structure of individual criminal behavior, the details that

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accompany a socially dangerous activities are related to the place, time, and situation of its commission, that is, the signs of the corpus delicti. Thus, the modus operandi can additionally characterize the objective side of the act and thereby have criminal law, criminal procedure, criminological, and forensic significance. Accordingly, an analysis of the characteristics of a criminal event allows us to solve practical problems in identifying and disclosing a socially dangerous attack, and helps to establish the identity of the perpetrator. Indeed, the modus operandi is essentially a "visiting card" of the criminal. The image of his activity reflects both specific and characteristic features of behavior, as well as a way of actions while using animals.

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