

Some Aspects of Crime Scene Investigation

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ABSTRACT: The crime scene investigation represents the procedural and criminalistic tactical activity whose object is the immediate perception of the place where the crime was committed; searching, discovering, revealing, fixing, picking up and examining traces and other means of evidence; specifying their position and status; determining the path taken by the offender (*iter criminis*), with the purpose of establishing the nature and the circumstances of the commission of the act, as well as the data necessary to identify the perpetrator. The crime scene investigation is the most important place for the criminal investigation, being, most of the times, the starting point of the forensic investigation. It is the richest in traces or data regarding the fact and its perpetrator, so how the entire investigation, search and collection of the traces or material evidence is carried out, as well as the determination of the results of the investigations, will depend on the discovery of the crime and the identification of the perpetrator.

KEYWORDS: circumstances, crime, investigation, perpetrator, traces

Crime scene investigation concept

The evidentiary procedure, called by the Romanian Criminal Procedure Code – crime scene investigation - known in Western laws and as the crime scene investigation or crime scene, as is the case of the Anglo-Saxon or American judicial system - represents the onset act of investigations in particularly dangerous crimes.

This activity, which contributes to the achievement of the purpose of the criminal trial, in order to establish the truth and where it is registered, is also the crime scene investigation, term which in the judicial practice has a wider content, namely the forensic investigation of the place of the crime.

The crime place is the most important place for the criminal investigation, being, most of the times, the starting point of the forensic investigation (Buzatu 2013, 27).

Crime scene investigation purpose

The crime scene investigation has as immediate objectives:

- a. To discover the traces and to highlight the circumstances capable to lead to the identification of the perpetrator, to clarify the circumstances in which the crime was committed, discover the *corpus delicti*;
- b. To obtain by the investigating body and the magistrate, through the direct knowledge and study of the crime scene, of the correct conclusions, regarding the manner of committing the crime and the person who committed the crime, an aspect that can highlight the main function of the crime scene investigation (Amza 2014, 141)

Crime scene investigation purpose

The importance of crime scene investigation is underlined in the specialized literature, both procedural-criminal and criminalistic, the vast majority of authors agreeing that we are facing a probationary process with a deep significance in finding the truth. In other words, moving the judicial body to the scene is one of the most effective procedural measures.

The crime scene investigation is carried out, in general, by the criminal prosecution body and exceptionally by the court (Udroiu 2011, 172). The fact that the criminal prosecution body, as well as the court, have the opportunity to investigate directly the place of the crime and the consequences of the crime, to establish the circumstances in which the criminal act was committed and to identify the perpetrator - by discovering, fixing, picking up and by forensic investigation of the traces, of the material items of evidence - is likely to contribute effectively to the achievement of the purpose of the trial.

It is even more necessary to underline the importance of such a procedural activity, as there are more crimes that are practically impossible to be solved without investigating on the scene. For example, in the case of homicide, offenses against public and personal property (theft, robbery, destruction), serious work accidents, railway, naval and air disasters, traffic accidents and so on.

Crime scene investigation tasks

In the situation in which on-scene investigation is carried out without delay and qualitatively, the body invested with its execution, based on a consistent and rational study of the changes that have resulted from the illicit act, will strive to determine the following (Mihail 2014, 40):

a) *The legal nature of the crime*

The overall picture of the place investigated, the objects present or missing, the traces left by the conduct of the criminal activity, the status of the material object of the crime, can lead to the establishment, sometimes definitely, of the nature of the act (natural death, murder, suicide, accident).

b) *The place and time the crime was committed.*

As it has been pointed out, the place investigated does not always coincide with the one where the criminal activity took place. The corpse can be discovered and investigated in a completely different place than the one where the victim's life was suppressed. The criminal prosecution bodies encounter this situation whenever the perpetrator removes the corpse from the place where the act of murder was committed. The place of the theft and the one in which the stolen goods were discovered are investigated separately.

c) *The way the crime was committed.*

The way of committing a criminal act includes the means and methods of preparing and carrying out the criminal activity or covering up its consequences. The perpetrator choice of a certain modus operandi from the multitude of possible modalities is conditioned, on the one hand, by the circumstances and situation in which it is activated, and on the other hand, by the skills and experience of the perpetrator, including his/her criminal experience.

d) *The perpetrator, the motive and the purpose of the crime.*

A particularly important task that must be solved by the investigation on the scene consists in obtaining information that can contribute to limiting the circle of persons from which the subject of the crime is going to be recruited and, finally, to ensure his/her identification. The valorisation of the data obtained through the on-scene investigation can lead to the delimitation of the *criminal motive and purpose*.

e) *Victim identity and quality.*

To know the victim and its quality is important, first and foremost, for the orientation of the investigation activity, because, in most cases, his/her personality represents the starting point in the logical activity of elaborating and verifying the versions regarding the motive and the eventual purpose pursued by the perpetrator (Tudorache 2010, 171). Depending on the relationships, the functions and occupation of the victim, the persons suspected of committing the crime can be delimited to a narrow circle and it can be established the procedural and extra-procedural activities required for their detention.

f) *Other circumstances in which the crime was committed.*

Depending on the nature of the crime, the on-scene investigation will also seek to determine the harmful effects of the crime or deed, whose criminal character is going to be to be determined, and the factors that caused or favoured their triggering or to determine other factual circumstances which may contribute to the conscientious implementation of prophylactic measures in accordance with the requirements of the procedural-criminal legislation in force (Mihail 2014, 41).

Crime scene investigation stages

The specialized literature distinguishes two phases of the investigation of the scene: static and dynamic.

1. *Static phase research*

In the static phase of the investigation, a careful examination of the crime scene is carried out, both as a whole and on the most important areas, without doing any modification. The investigation can start from the centre and continue to the edge of the scene, or to the main object such as, the victim's body, the outbreak of a fire, a broken vault, etc. In open places, the investigation can be carried out along the room's walls, and, in open places, on well-defined portions of land from the centre to the edge or vice versa. The possibility of conducting the investigation is not excluded, considering the supposed path that might be followed by the perpetrator of the crime (Coman 1976, 428-429).

Among the most important activities carried out in the static phase of the investigation are mentioned:

- ***establishing the status of the position of evidences***, the visible traces, the material traces as found by the investigation team;
- ***measuring the distance between the main objects***, between them and traces or access places, an aspect that can help to clarify some circumstances of the case.
- ***execution of orientation photographs***, sketch and photographs of the main objects, as well as fixation by magnetic video recording.
- ***determining any changes that occurred prior to the arrival of the investigation team***

By corroborating the results of these first investigations with the elements deduced from the changes of the normal appearance of the place of the crime and the actual consequences of the criminal act, it can be obtained important data regarding the nature of the crime, the time and the circumstances in which it was committed and even regarding the perpetrator (Ciopraga 1996, 67).

2. *Dynamic phase investigation*

The dynamic phase or, as it is also called, the detailed investigation phase, involves carrying out a thorough and orderly examination of all the objects, of the material items of evidence found in certain relationships with the crime committed, as well as the traces that are a consequence of the crime committed.

The dynamic phase is the most complex and laborious stage of the investigation on stage, since it involves the participation of all team members in carrying out investigations and the full use of the forensic technical-scientific means at their disposal (Stancu 2004, 42). This moment of the investigation involves:

- ***a thorough examination of the victims' body***, of object that can possible have traces or which served to commit the crime, being allowed to touch or change their position. Also, special attention is paid to discovering, fixing and picking up the traces of the crime, according to their type and nature (traces of hands, feet, etc.), in this category being included the items of evidence.
- ***execution of the photos and the detailed video recordings***, of the two-dimensional photographic measurements, the sketch of the crime scene being finalized and it beings the writing of the report.
- ***the first statements of witnesses and victim are taken***, if it is still on the scene, including suspicious persons. The statements will be of course taken separately, without any appreciation from the judiciary body, without influencing the persons listened in a certain way, respecting the listening tactical rules specific to the phase of the investigation.
- ***clarification of the negative circumstances*** caused by the incongruity between the factual situation and the event supposed to have occurred, by the absence of traces or objects which normally should have existed on the scene.

Aspects regarding fixing the investigation of the crime scene

All on-scene investigation activity is described in the minutes by the criminal investigation body that conducts the respective investigation. The minutes are among the most significant sources of probative information. From this perspective, the procedural document in question must satisfy certain requirements arising from the procedural - criminal legislation in force, namely:

a) To reproduce objectively the factual circumstances on the scene. The minutes must present an impartial description of the crime scene in the status in which it was at the time of the arrival of the investigation team, avoiding categorically the subjective interpretations and deductions. The statements of the victim and other persons involved are recorded in the minutes but to the extent that these concerns the location of the crime scene and the changes produced to its environment until the investigation team arrived;

b) To represent completely and faithfully the situation on the scene, the traces and objects discovered and picked up in order to be used in the probation process. From this point of view, it is advisable to insist in the minutes on the overall picture of the place, its location and topography, as well as on all the modifications that constitute the consequences of the criminal act. By its content, the minutes must offer the possibility to those who will study it, to easily imagine the place and the circumstances in which the wrongful act took place, and in critical situations, to ensure their reconstitution.

Regarding the traces and the material items of evidence, they are described in the minutes by the general characteristic elements (the destination, the shape, colour, dimensions), but also by certain specific signs (defects of wear, repair elements, etc.) (Popa 2014, 134).

c) To be drafted in a neat, clear and accessible language. The use of ambiguous terms, dubious constructions or with multiple interpretations is contraindicated. Formulas of the type "probably ...", "not far from ...", "approximately to ..." should be avoided. The scientific terms of reduced circulation will be used only if they cannot be replaced with the appropriate terms of wide circulation.

d) To represent the findings made on the occasion of the investigation on the scene in the succession in which the judicial body subordinated the activity of investigating the scene. The description of the crime scene must be carried out from the recording of the data obtained in the general observation phase, subsequently recording the established facts and the circumstances following the detailed examination. The on-stage investigation minutes is expressly provided for in the law and is composed of three parts:

- The introductory part;
- The descriptive part;
- The final part.

The introductory part contains brief reports on the place and date when the investigation was conducted on the scene; the name and profile of the unit that is part of the investigated body, thoroughly factual and legal of the investigation; the name, forename, surname and the quality of the persons who participated at the criminal prosecution actions; the name of the institution in which the specialists who participated in the investigation activates, the name and profile of the unit from which belong the protection workers involved, the meteorological and lighting conditions in which the investigation was carried out. At the end of this part of the minutes it will be noted that the participants, specialists and other persons involved in the investigation activity were familiarized with their rights and obligations under the law. The descriptive part of the minutes begins with a general characterization of the crime scene, its location in relation to the cardinal points or to certain relatively stable landmarks - neighbouring building, street, railway, forest, river etc. In the case of investigation an open land, it is indicated that in the minutes, a special attention to be paid to the relief and its topography, as well as to the delimitation elements by the neighbouring objects (fence, construction, ditch) of the investigated space. Regarding the closed places, in the minutes the data regarding the destination of the room of the house, office, auditorium or class for studies, house on the ground, garage, cellar, location (locality, county, sector, block, floor, etc.) will be reported, the characteristics and the ambience (walls, floor, ceiling, doors, windows, the state of their locking devices, furniture etc. (Stancu 2014, 204).

Conclusions

In this paper, I went through one of the foremost actions of forensics, namely the on-scene investigation, which is the initial act of criminal prosecution. On-scene investigation is one of the procedural and

tactical activities of the criminal prosecution body, which is usually performed at the beginning of the criminal prosecution, with the aim of immediately knowing the crime scene, of discovering, fixing and picking up the traces created during the crime. According to the data obtained during an on-scene investigation, on this depends not only on the argument for committing the case, but also to find out the basic truth. Through the content of the paper my goal was to form a defining, exact conduct of the operative investigation of the traces of the crime, the general and special tactical rules of the investigation, the stages of preparation for carrying out the investigation, the forensic technical-scientific means used in the preliminary stage and of the effective investigation of the crime scene in the static and dynamic phase.

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