

ABBREVIATIONS

art.	– article
CPC	– criminal procedure code
DNA	– deoxyribonucleic acid
ECHR	– European Court of Human Rights
Ed.	– edition
et. al.	– Et Alia
etc.	– et cetera/and others
ml.	– milliliters
No.	– number
OSR	– on-site research
Op. cit.	– cited work
p.	– page
par.	– paragraph
pp.	– pages
RM	– Republic of Moldova
vol.	– volume(s)

INTRODUCTION

Currently, the professional level of criminals is constantly increasing. This is also specific to their opposition to the investigation of criminal acts. At the same time, there is also a lack of representatives of the criminal investigation bodies who would have an appropriate level of professional training, causing certain concerns their large workload, which makes it impossible to achieve an effective result in the process of investigating criminal facts.

This fact allows us to talk about the need to improve the technical-criminological assurance of the activity of the criminal investigation bodies, about the consolidation of the efforts of all law enforcement bodies and their effective interaction in the process of carrying out measures to combat criminality.

In order to optimize this interaction, law enforcement agencies apply a diversified spectrum of tactical operations that include, multiple criminal investigation actions. However, the most effective and fruitful interaction is carried out in the on-site investigation process which, regrettably, is not fully regulated and “covered” by the criminal procedural regulations and the forensic recommendations regarding the performance of this criminal prosecution action. For this reason, the value and importance of on-site investigation as a criminal prosecution action cannot be doubted.

In the process of investigating criminal facts, one of the most complicated criminal prosecution actions, in terms of identifying the appropriate tactical procedures for carrying out and selecting the necessary technical means, with minimal loss of time and forces, but at the same time, productive in terms of the volume of evidence collected in criminal cases, is the on-site investigation.

The crime scene investigation occupies a special place in the system of criminal prosecution actions. The subsequent conduct of the criminal investigation depends on its timely and technically and tactically competent performance. This criminal prosecution action is one of the most productive if we refer to the volume of cataloged circumstances that hold all sides of the criminal composition and, at the same time, a very difficult one, requiring the application of a complex of specific tactical procedures, means of discovery and investigation of traces of the crime, offering us the possibility of identifying the perpetrator of fresh traces.

The purpose of the on-site investigation is to model the mechanism of the crime committed, to look for traces that, in turn, can be useful for drawing up the anthropological, biological and psychological portrait of the perpetrator, thus laying the foundation for his search and identification. The complex obtaining of such information requires the participation of experienced representatives of law enforcement agencies as well as a wide spectrum of properly equipped and well-trained specialists in carrying out this criminal prosecution action.

The importance of the on-site investigations increases, in particular, in the process of investigating crimes committed under conditions of uncertainty, of complex criminal acts, which include such socially dangerous acts as contract murder, kidnapping, acts of terrorism, etc.

The on-site investigation is an initial and non-postponable criminal investigation action that determines and conditions the subsequent direction and conduct of the criminal investigation. It also represents an important means of obtaining information about the investigated act. The success of the investigation of the criminal case depends, in the vast majority of cases, on the quality of the on-site investigation, because the information acquired in the process of carrying out this criminal investigation action has a significant probative value. However, often times, the factual data obtained as a result of crime scene investigation cannot be obtained from other sources. In this way, the results obtained in the on-site investigation process are, as a rule, the starting point on which the subsequent development of the investigation and discovery of criminal facts depends.

Omissions admitted in the investigation process are difficult to compensate, to restore and sometimes, in general, this restoration of the circumstances of the case may be impossible.

The crime scene investigation is of particular importance, especially, in cases, where the criminal investigation body starts investigations with only information about the discovery of traces of crimes, this criminal investigation action representing, in fact, the only possibility of establishing the nature and content of the act that occurred. Of course, the on-site investigation consists not only in the contemplative observation of the changes in the material environment, determined by the criminal act, in the fixation and lifting of the traces of the crime. When carrying out this criminal investigation action, we also need constant mental work regarding the modeling of the mechanism of the crime committed in order to ensure the visual search for traces, so that later, based on what is discovered, versions of the criminal investigation can be developed and

be ordered the necessary judicial expertise for the appropriate research and the discovery of criminal facts.

In this way, the information collected as a result of the crime scene investigation, carried out correctly and thoroughly, also appears as grounds for the submission of certain versions, determining the subsequent directions in which the criminal investigation will be carried out.

Elaborating the monograph, the authors specifically followed this path, describing in a complex way the entire process of the on-site investigation, taking into account all forms of activity of the representatives of the criminal investigation bodies in the process of carrying out this criminal investigation action. In addition to the general provisions related to the crime scene investigation, the technical assurance of the conduct of this criminal prosecution action, etc., a considerable part of the work is dedicated to the specifics of carrying out this criminal prosecution action on different categories of criminal cases, from which consideration this work will be of great use to a wide circle of representatives of law enforcement agencies, trained in the activity of research and discovery of criminal facts.

Finally, what has been presented tells us about the topicality of this subject and the urgent need for scientific investigation of the procedural-criminal and tactical-criminological peculiarities of the on-site investigation. Or, the actuality of the research is determined by the need to improve the activity of the criminal investigation bodies in terms of conducting the investigation on the spot, by the improvement of the normative regulations that apply in the process of carrying out this criminal investigation action and the identification of some recommendations regarding the optimization of the activities carried out within this evidentiary procedure. All the opinions, conclusions and recommendations that can be found in the content of the monograph make a substantial contribution to the development of criminal procedural regulations and forensic tactics in the field of conducting the on-site investigation.

Also, summarizing the above, it can be mentioned that the monograph represents substantial research that makes a significant contribution to improving the tactical and organizational foundations of conducting the crime scene investigation.

Authors

CHAPTER I

GENERAL REFLECTIONS OF THE CRIME SCENE INVESTIGATION

1.1 The notion, importance and characteristic features of the investigation

Criminal activity, representing, in essence, a special form of human interaction with the environment, in most cases is accompanied by the production of certain changes in the environment of the crime scene, known in forensic theory and practice as *crime traces*¹. Or, objectively reflecting the activity of the persons, involved in the commission of the illegal act, the crime traces constitute elements of high probative value, not infrequently unique, able to ensure the establishment of the truth in the criminal process².

In order to use the traces left in connection with the commission of the crime, *the crime scene investigation* is one of the most important activities, which is carried out by the judicial bodies in order to achieve the purpose of the criminal process³. Without timely and proper performance³ of this activity – in cases where it is required – there is always the risk that the criminal process cannot be carried out efficiently, the truth cannot be found out, but, as a result, numerous crimes will not be discovered or remain with unidentified authors⁴.

The on-the-spot investigation is an important and unique law enforcement measure. The thoroughness with which it is carried out, in strict compliance with

¹ In the process of investigating crimes, the discovery and examination of traces occupies a special place. Several people are involved in the crime, causing changes in the material environment of the crime scene and leaving a variety of traces on different objects. The forensic study of traces allows us to identify the specific object that left the footprint, either to assign it to a specific class, gender or type. Anatomical, physiological, functional and dynamic characteristics of the person can be determined. It also solves identification and diagnostic problems. Jitariuc V., Rusu V. *Judiciar tracelogy and its expertise*. Ed. ProUniversitaria. București, 2024, p. 13; Rusu V., Jitariuc V. *Treatise on forensics. Part I (General notions. Forensic technique)*. “Pro Universitaria” Publishing House. Bucharest, 2023, p. 260; Derevyanko A. I., Ezikyan V. I. *Criminalistics. Textbook*. YURGTU. Novocherkask, 2007, p. 35.

² Doras S. *Forensics*. Publishing house: Cartea Juridica. Chisinau, 2011, p. 295.

³ Olteanu G.I., Ruiu M. *Forensic tactics*. AIT Laboratories Publisher. Bucharest, 2009, p. 9.

⁴ Anghelescu I., Asanache Gh., Aionitoaie C., et. al. *Practical treatise on forensic science. Vol. I*. Publisher: Editorial Service, Press and Propaganda Among the Population. Bucharest, 1976, p. 25.

certain methodological recommendations, serves as a guarantee for the subsequent investigation and detection of criminal acts. The aim of the on-the-spot investigation is to establish the mechanism of the crime committed, to search for traces left behind, which in turn can be used to draw up an anthropological, biological and psychological portrait of the perpetrator, laying the foundations for his identification and search⁵.

According to forensic dictionaries⁶, crime scene investigation is the law enforcement activity that consists in the direct perception of the crime scene by the law enforcement authorities and its examination in order to discover, fix and collect traces of the crime and other material evidence, to determine how the crime was committed, to identify the perpetrator and to prove the criminal activity. Forensic means and methods play a particularly important role in these activities.

According to the criminal-procedure glossary, the crime scene investigation is a criminal investigation act, aimed at directly perceiving the traces of the crime, at prospecting the context of the objects, at fixing the interaction and relationships between those responsible for the act, at determining the link between signs, qualities, states and situations, in order to elucidate the event, the mechanism of the act and the important circumstances for the examination of the case⁷.

In the procedural-criminal legislation, the on-site investigation is aimed at the purpose⁸ of discovering and collecting the traces of the crime, the material evidence⁹ to establish the circumstances of the crime or other circumstances that

⁵ Jitariuc V., Rusu V. Treatise on criminalistics. Part II. Tactics of criminalistics. Ed. Pro Universitaria. Bucharest, 2025, p. 95; Dvorkin A. I. Examination of the scene of an incident. Practical manual. Edit. Yurist. M., 2001, p. 10.

⁶ Anghelescu I. Dan N., Constantin I. R., et. al. Dictionary of Forensics. Publisher: Scientific edition and encyclopedia, Bucharest, 1984, pp. 38-39; Țîru G., Lepăduși V., Nenov P.Z. et. al. Romanian Dictionary of Criminalistics. Tip. TRIUMPH. Bucharest, 2012, p. 52.

⁷ Rusu V., Gavajuc S., Gheorghies Al. et. al. Dictionary of criminal procedural law. Publisher: Pontos. Chisinau, 2012, pp. 44-45.

⁸ The purpose of the on-site investigation is to discover the traces of the crime, other material means of evidence to establish the circumstances of the crime or other circumstances that are important for the case. Dolea Ig. The Criminal Procedure Code of the Republic of Moldova. (Applicative commentary). Issue II. Publishing house: Cartea Juridica. Chisinau, 2020, p. 395.

⁹ Material means of evidence – objects that contain or carry a trace of the committed act, as well as any other objects that can serve to find out the truth. The material means of evidence can be classified into four groups: a) objects that were used or intended to serve in the commission of the crime; b) objects that represent the proceeds of crime; c) objects that contain or bear a trace of the crime committed; d) any other objects that help to find out the truth. The material means of evidence mentioned in points a and b are also called criminal bodies. In the doctrine of procedural-criminal law, the material means of evidence (records) are classified as uncharacterized and characterized.

are important for the case¹⁰, the criminal prosecution body performs the on-site investigation of the lands, buildings, objects, documents, computer systems or computer data storage media, animals, human or animal corpses¹¹.

From this legal text it follows that the on-site investigation¹² is an evidentiary procedure¹³ that involves the direct perception by the criminal

Non-characterized inscriptions are considered any objects, regardless of the material from which they are made, which contain various scriptural mentions from which factual elements likely to be used to find out the truth in the criminal process can be obtained (documents, acts, letters, prints, schemes or plans, files, written pieces, photographs). Characterized entries are considered the minutes of findings concluded by the judicial bodies during the course of the criminal process. According to their source, the material means of evidence can be divided into primary (original) and reproduced (children). The material means of evidence are also classified into actual material means, which are in a direct connection with the committed deed and assimilated material means, which do not contain and do not bear traces of the deed, but sometimes they can serve to find out the truth in the criminal process. Like any evidence, material evidence has the same probative value. When assessing the material evidence, the possibility that they can be artificially created by the author in order to mislead the judicial bodies must be taken into account. Therefore, the evaluation of the information provided by them must collaborate with the other evidence of the case. The material means of evidence occupy a prominent place among the means of evidence, due to the wide possibilities of finding and gathering them, as well as the specific contribution they can bring to the discovery of the truth in the criminal case, especially where the other means of evidence are missing or are insufficient. Rusu V., Gavajuc S., Gheorghies Al. et. al. Op. cit., pp. 147-148.

¹⁰ See also Theodoru Gh. Treatise on criminal procedural law, Issue II. Publisher: Hamangiu. Bucharest, 2008, pp. 410-411.

¹¹ Art. 118 – On-site investigation, paragraph 1. Criminal Procedure Code of the Republic of Moldova. Law of the Republic of Moldova no. 122 of March 14, 2003. In the Official Gazette No. 248-251, of November 5, 2013. Available at: https://www.legis.md/cautare/getResults?doc_id=138876&lang=ro, accessed on March 5, 2024.

¹² In the specialized literature, the special importance attributed to the investigation of the crime scene for the identification of the perpetrator and the solution of the criminal case is appreciated. See Suci C. Forensics. The Didactic and Pedagogical Publishing House. Bucharest, 1972, p. 503; Doraş S. Op. cit., p. 295; Cîrjan L., Chiper M. Forensics. Tradition and modernism. Curtea Veche publishing Bucharest, 2009, p. 272; Stancu Em. Treatise on forensics. “Actami” Publishing House. Bucharest, 2001, pp. 325-326; Ciopraga A. Forensics. Treatise on tactics. Publishing house: “Gama”. Iasi, 1996, p. 31; Cîrjan L. Treatise on forensics. Publishing house: PINGUIN BOOK. Bucharest, 2005, p. 458; Mîrcea I. Forensics. Publisher: Lumina Lex. Bucharest, 1999, p. 226; Aionitoaie C., Berchesan V., Butoi T., et. al. Treatise on forensic tactics. Issue II. Publishing house: Carpati. Craiova, 1992, p. 26; Neagu I. Criminal Procedural Law. General Part, Vol. II. Publisher: Euro-trading. Bucharest, 1992, p. 102.

¹³ Evidential procedure – way of proceeding in the use of evidence. The evidentiary procedure does not constitute a category of evidence and, therefore, should not be confused with them. Each means of evidence can be the subject of various procedures. For example, the statements of the