

„Criminalistica” - a teaching course for the students' support

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The book „Criminalistică”, written by Delia Magherescu, is a university course directed to the fourth university year students who study the Forensic Science at the Faculty of law. It is the first edition published with the Wolters Kluwer Publishing House of Bucharest in 2017 and contains 312 pages.

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For a better understanding of the forensic science notions, principles and legal institutions by students, the current book has been carried out in respecting the both theoretical and practical topics of the forensic investigation.

For this reason, it is appreciated that carrying out the activity of criminal investigation and achieving implicitly the justice in criminal matters is not possible in missing knowledge and forensic examinations the forensic science provide it with.

Moreover, the book comes to accustom the students to the jurisprudence reference in criminal cases, solved by the courts of law in criminal matters, where the forensic examinations were disposed.

Most frequently, the forensic examinations focus on the cases of homicide, domestic violence, rape as well as the theft, trafficking in drugs, those being of high importance for the forensic examination in criminal cases investigated.

It is well known that in other areas of sciences than the legal ones, in which the judges do not have speciality knowledge regarding the cases they are invested with, they often call for forensic experts in order for them to carry out the forensic examinations and clear up those ambiguous aspects disposed by the judicial bodies.

For example, the offenses committed through shooting or those which involve the fingerprint examination, the cases of theft or the cases of falsified documents, all these are solved through the forensic examination.

The book is divided into topics of interest for students, comprised in nine chapters, as follows.

The Chapter I, entitled „Introductory notions”, presents the basis elements of the forensic science, such as defining forensic science, its object, scope and features, as well as its interconnections with the other sciences, especially with the legal ones - Penal law and Penal procedure law - and with Forensic medicine.

At the same time, it is highlighted the special feature of the forensic science connection with the other sciences than the legal ones. It is about the physics, chemistry and biology.

The Chapter II is entitled „The basis principles of forensic science” and focuses on the main principles of penal trial, such as the principle of legality, the principle of official character, the principle of finding truth, the principle of solving penal cases in a reasonable time, as well as on the special principles of forensic science, such as the principle of celerity in carrying out the activity of forensic examination, the principle of expeditiousness, objectivity and opportunity in carrying out the forensic activity, the last ones being „... *in strengthened relation with administering evidence in the penal trial*” [1]. This feature has a high importance in carrying out the forensic investigation activity, „... *knowing the fact that it consists especially in discovering offenses traces, fixing and analyzing them, as evidence in the penal trial*” [2].

The Chapter III - „Forensic examinations” - presents in detail the notion of forensic examination, the competencies in the activity of carrying out the forensic examinations, both at the National Institute of

Forensic Examinations and within the inter-regional specialty laboratories. The most important kinds of forensic examinations are analyzed, a special attention being pointed out on the writing and documents forensic examination, fingerprint forensic examination, ballistic forensic examination, routing forensic examination, traffic accidents forensic examination, voice forensic examination, photo and video forensic examination, physical-chemical forensic examination. The procedure of carrying out the forensic examination is presented in detail within the current chapter, a special attention being focused upon its objectives, the forensic expert's rights and duties, the forensic examination report. The author also focuses on the ethics aspects the forensic activity requires, namely those regarding the probity, impartiality, respecting profession, the forensic experts must be provided with.

The Chapter IV, „*Technical Scientific Means of criminal investigation*”, introduces the acts of criminal investigation, carried out by the judicial bodies, in cases in which the forensic examinations have a particular interest in finding truth and solving the criminal cases legally [3]. The factors which have developed the methods and scientific techniques used in the activity of forensic examination are also highlighted. „*Thus, the techniques and methods development necessary for the judicial bodies, called to solving an increased number of criminal cases, more and more complex ones, having a high level of social danger, are the result of these complicated cases, which require specialists from different scientific areas in order to solve legally and substantially the criminal cases ...*” [4]. It emphasizes the factors which influence the procedure of solving criminal cases. Equally, it is insisted on the techniques and methods used in the activity of forensic investigation of serious crimes, such as those of organized crimes and terrorism, knowing the fact that the „criminal progress” [5] means a real challenge for the judicial bodies in their activity of maintaining a national security environment and respecting of citizens' rights and liberties.

The investigation of crime scene is analyzed from the point of view of the developing stages, materialized in preliminary acts, static investigation and dynamic investigation, as well as from the point of view of methods, techniques and proceedings „... *which help the investigator in achieving this activity*” [6].

The Chapter V of the book is devoted to „The technical scientific methods of examining the material means of evidence”, which analyze the methods most frequently used in the forensic activity. Thus, the microscopy method, the spectral method, the luminescence method, the method though neutrons activation and the physical-chemical method, all these help the forensic expert in investigating some particular cases of crimes, the samples gathered from the crime scene and can offer information on the perpetrator's *modus operandi*. In this matter, it is also the forensic science purpose, that of clearing up the aspects regarding the committing offenses and perpetrators. Nevertheless, the author does not exceed the forensic science objectives, which characterize the investigation activity of discovering, fixing, picking up and examining the offenses' traces. It is obviously that the information gathered from the other sciences than the legal one has an important role in examining the offenses' traces. It is about the physics, chemistry, which offer newer methods to the forensic experts which can help them in finding valuable data regarding the substances used in committing offenses, the chemical composition of goods found on the crime scene, the samples also gathered from the crime scene [7].

The Chapter VI, entitled „*Judicial photograph*”, also points out the way in which the forensic techniques interact with the scientific methods the other areas of science, such as physics and chemistry offer [8]. Several kinds of judicial photography are analyzed, most of them being the operative and examining ones. In the current chapter, the methods of releasing the photography on the crime scene is provided, knowing the fact that the crime scene is very rich in evidence that provide the judicial bodies with data on the *modus operandi* and the perpetrator.

The Chapter VII is the „*Forensic investigation of traces*”. The traces from the crime scene are discussed from the point of view of their variety in the area of diverse criminal activity [9]. In this field, the idea in accordance with that „... *in a multitude of crimes, it is relevant that they are also very diversified, in conformity with the kind of offense committed and the modus operandi the perpetrator uses of*” is strengthened [10]. It is true that the crimes traces are generally characterized with the feature of being „*modifications produced as a consequence of the activities of committing crimes*” [11]. In this context, the forensic science is particularly interested in this kind of traces, due to the fact that committing an offence

generates material modification in the environment. This means traces turned by the judicial bodies in evidence which help them finding truth in the criminal cases, they are invested with, and solving them. Discovering the traces are carried out usually using specific tools and forensic techniques of detecting and observing those traces which cannot be particularly observed by eyes. The most frequent devices of detecting traces are those that use both ultraviolet and infrared radiations. Within the current chapter, the author distinguishes between the forensic investigation of hand traces, forensic investigation of foot traces and last, but not least, the forensic investigation of biological traces, including the DNA one.

The Chapter VIII presents the aspects regarding the „*Writing forensic investigation*”. The notion of document and its protection by means of penal law, more specifically through incriminating offense of falsifying both official and private documents are presented [12]. In a comprehensive manner, the author states the utility of the forensic investigation of documents, taking into account the fact that they have a determining role as evidence in criminal proceedings. For this reason, the forensic expert has the duty of carrying out the activity of examining documents in purpose to find out if they are authentic or falsified ones. Moreover, other categories of forensic examination, such as those related to banknotes, financial-banking documents and artefacts are analyzed.

The Chapter IX on the topic of „*Forensic investigation of firearms*” discusses about the judicial ballistics, as being a distinctive area of the forensic technique, intended to examining firearms and their traces. The author emphasizes the idea of difference existing between the judicial ballistic and general ballistic, which consists in the methods each of them appeal to [13]. Taking into consideration that the firearms traces are rich in information regarding the way of committing offenses, the kind of arm used, the distance of shooting a.s.o., the forensic examination of firearm used by perpetrator in committing offense appears as a judicial instrument necessary both for the forensic expert and for the court of law in order to pronounce the legal and justified solution. The connection of firearm forensic examination is based on its examination from technical point of view. Regarding the ammunition examination, it is carried out from the physical-chemical point of view.

Taking into account the above mentioned aspects, the conclusion of the book importance in covering a large area of topics in the judicial field of the forensic science is highlighted.

It is remarkable that the book is accessible for students, facilitating them to familiarize with the notions of forensic science, the activity of forensic examination, the methods and techniques which this science provides the forensic expert with in purpose to carry out the forensic examination.

For these reasons, I appreciate that the current university book of forensic science offers useful information for students and supports them with a rigorous basis in the field of legal sciences.

References

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- [2] Idem, p. 67.
- [3] Delia Magherescu, *Modificarea învinuirii în prima instanță (Aspecte comparative)*, Editura Wolters Kluwer, București, 2016, p. 34.
- [4] Delia Magherescu, *Criminalistică*, op. cit., p. 113-114.
- [5] Ibidem.
- [6] Idem, p. 122.
- [7] Delia Magherescu, *New specific techniques of investigation for the economic offences*, în vol. „*Diversity and Interdisciplinarity in Business Law*”, Editura ADJURIS - International Academic Publisher, București, 2017, p. 178-188; Delia Magherescu, *Criminalistică*, op. cit., p. 139-148.
- [8] Magherescu, *Criminalistică*, op. cit., p. 149.
- [9] Idem, p. 179.
- [10] Ibidem
- [11] Idem, p. 180.
- [12] Idem, p. 209.
- [13] Idem, p. 228.