

## SIGNIFICANCE OF THE CRIME SCENE AND SPECIFIC PRINCIPLES OF INSPECTION

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### Summary

In the presented study, the authors try to analyze some of the basic attributes that influenced the current state of work at the crime scene. They present for discussion some contexts of the state and development of methods of criminalistics science, especially criminalistics scene inspection as one of the methods and it seems gradually one of the criminalistics branches. They indicate the usability of the knowledge of criminalistics theory, but also the basic concepts, purpose and content of criminalistics scene investigation. Today, the concept and content of criminalistics inspection as a method of research and its scope is often presented much broader

### Introduction to the problem

Criminalistic clarification of torts of all kinds is increasingly challenging for all entities involved. Offenders improve their procedures when committing crimes, the tortious characteristics of the method of committing and secrecy and the type composition of offenses are changing. This is also made possible by the fact that the perpetrators have a considerable amount of funds, are equipped with perfect technical means, etc. But mainly what is historically conditioned, they have a time advantage in the preparation and implementation of the crime, which is typical of the system of criminal investigations. In Criminalistics and forensic sciences, we examine the traces - as objects that arose in the past - are therefore the remnants of crime and related research objectives. In such a situation, the demands on the detection, documentation and criminal proof of science, especially on a scientific basis, increase. The basic task in this process is to find and secure clues and, based on them, evidence for the needs of the entire criminal proceedings. In the past, the main means of proving various crimes were very often verbal methods of tactics, but nowadays, taking into account fundamental human rights and freedoms, the emphasis is on obtaining sufficient evidence, especially "material to convict a suspect". Criminalistic science has an irreplaceable role to play in this regard. We can obtain the necessary evidence to convict a suspect of a crime, especially from one of the most important sources, namely the traces seized during the search of the crime scene. The principles of criminalistic tactics must be observed during the initial tactical procedures at the crime scene and especially during the inspection itself, especially with the specific principles related to the inspection and its organization, but also with

than in the past, especially due to acceptance in forensic cognition. Widely accepted inspection content, interchanged with other methods, in particular documentary value, and securing traces in general. For this reason, it is necessary in the future to distinguish between the documentary and scientific nature of criminalistics and forensic inspection. This study is based on the long-term research task "9/2008 - Methods and procedures of work at the crime scene".

**Keywords:** crime scene investigation, technical value of traces, tactical value of traces, procedures and processes of criminalistic inspection.

the criminal code and regulations governing the procedure of law enforcement agencies. proceedings.

Work at the crime scene is one of the priority prerequisites for increasing the effectiveness of clarifying crime from the point of view of criminalistics and its application in the practical performance of the criminological service. Utilization of the crime scene means with high erudition and professionalism to perform all activities from the time of receipt of the notification or detection of the infringement on their own. The complexity of the search as a method of criminalistic tactics, and this applies to all methods of criminalistics, lies mainly in the fact that these are phenomena that have occurred in the past, therefore they were not perceived by entities performing inspections or other methods, but directly but indirectly, i. through carriers and information carriers in criminalistic traces. In any case, these are traces found in the material environment of the committed offense, regardless of whether they are from a substance or memory source - i.e. from a human carrier or a substance carrier traces.

Proper documentation of the situation at the crime scene at the time of the police's arrival, as well as documentation of the course and results of the search and the post-act situation, is essential in clarifying and proving the crime. Without overestimation, we can state that the inspection of the crime scene is, in the vast majority of cases, the basis on which the whole further process is based, from the commencement of criminal proceedings to the main trial. This means that it is one of the most important and important sources of crime traces, contributing significantly to the process of detecting, investigating, clarifying and preventing crime. At the same time, it is necessary to realize the importance of a responsible

approach and quality implementation of the inspection as a method of criminalistic tactics.

In addition to the importance that virtually all important personalities in the history of criminalistics, such as Hans Gross, attach to the tour, its importance is also emphasized in current documents. The European Crime Scene Manual indicates, among other important facts not yet implemented in Slovakia, such as the importance of transmitting information during the inspection: "The site of a serious crime is a form of communication between the offender and the investigator. The investigator's ability to understand the language of the crime will determine how effectively the crime will be investigated<sup>1</sup>." Therefore, it is necessary to repeatedly present the importance of the inspection and the strictness of compliance with its principles. Their content has been taught for many years at police schools of all levels and law schools, and therefore basically everything should be clear to everyone involved. The problem, for example, is that the work at the crime scene, especially in the case of less serious crime, is carried out formally and, unfortunately, is only a statistical-record indicator. Many factors affect the quality of the course and results of the inspection, and this is one of the reasons why we returned to the verified issues in our research

### Comparison of the concept of inspection

Information about the event, the causes and consequences of a certain act, but also about the perpetrator and his relationship to the act, in which it is possible to see, for example, an illegal act, is the basis for knowing objective reality. In a broader interpretation, we can talk about the search for truth. More precisely, the search for true and accurate information to clarify the so-called facts and for the decision-making of police officers on the procedure in the process of criminalistic clarification of events and actions of certain persons. Whether as part of it or with a subsequent investigation. Reflection of events and actions of the perpetrator or other persons in the material environment, obtaining such information allows. In police practice, many specific criminalistic methods are used for these purposes, among which inspection is important. We believe that even the most important. Among the first credible findings about the incident of the crime are the findings obtained by the inspection. It is based on the immediate perception and identification of material changes that are related to the investigated event. It enables the investigator to obtain information on the place, time, manner and motive of committing the act, or on the perpetrator of the investigated crime, already in the initial stage of the investigation. The inspection also allows us to obtain additional information about the committed crime, especially of a criminal-tactical nature, (e.g. about the mechanism of the occurrence of the crime). In principle, only inspection and some other objective methods, for example, inspection, partly some tactical methods allow to obtain objective information, but also allows to obtain information about the circumstances of the crime indirectly.

and chose this method as a topic of long-term research.

Among several goals, we set the intention to analyze in more detail in the theoretical level the inspection of the crime scene, to point out the methods used in the inspection and the importance of adhering to tactical, in particular specific, inspection principles. We relied on the historically proven fact that the inspection allows us to detect and investigate not only specific traces, but also the causes and conditions of committing a crime or other relevant event and to determine other circumstances of the crime, for use in criminal proceedings and beyond. Figuratively speaking, the place of a crime is like a book written by the participants in their actions, from which the interested parties draw information during their inspection for their further activity and, ultimately, especially to obtain evidence. Therefore, we pay special attention to the analysis of specific principles applied in the inspection as a method of criminalistic tactics, the strict observance of which is an integral part of the correct application of this method.

In processing this research output and to achieve the goals, we used, in addition to the system-oriented search method, also logic methods and other general methods - generalization, analysis, synthesis, induction, deduction and comparison.

This is most often done through detected and secured tracks. By knowing the laws of the structure of the tracks, we can also infer the existence of other tracks that were not found during the inspection. A thorough inspection of the crime scene makes it possible to find out information about the conditions that contributed to the crime (e.g. the room is unsuitable for storing valuables). The survey as a method of criminalistic tactics was defined by different authors with different definitions as follows: Inspection is a separate and specific method of criminalistic clarification, the essence of which is direct observation, empirical research, ongoing assessment and documentation of the state of the material environment, as well as individual objects related to the act or event being clarified in order to determine the overall situation. serving to know the objective truth about the clarified act and its perpetrator or about the clarified event for the needs of the criminalistics decision on the next procedure<sup>2</sup>.

Inspection is a separate method of criminalistic practice based on direct observation and examination of the overall material situation or individual objects using a complex of methods and technical means to find and secure traces of crimes or other criminalistically relevant events and the information contained in them, relevant to their detection, investigation and prevention<sup>3</sup>.

Inspection is an independent and specific method of practical criminalistic activity, the essence of which is direct observation, empirical research, continuous assessment and documentation of the state of the material environment, as well as individual objects related to the clarified act or event

1 Metaňko, J. (2012). *Kriminalistická taktika*. S. 266; see too KEÚ PZ Bratislava, Európsky manuál miesta činu. S. 7.  
2 Šimovček, I. et al. (2009). *Kriminalistika*. S. 293.  
3 Pješčák, J., Bělkin, R. S. (1984). *Kriminalistika, II*. S. 33.

in order to determine the overall situation. Evidence used to know the objective truth about the clarified act and its perpetrator or about the clarified event for the purposes of deciding on the next step<sup>4</sup>.

Understandably, no definition is exhaustive and perfect. Anyone who encounters this issue will form a personal relationship for the inspection and place it in the appropriate place. However, in terms of individual evidence, however, the inspection will always have a special position<sup>5</sup>.

Perhaps the simplest, most concise and easiest-to-remember definition of a search as a method of criminalistic tactics can be considered as follows: Inspection is a criminalistic method, which uses direct observation to examine the material condition of objects, to identify traces, criminalistic traces and relationships between objects<sup>6</sup>.

Our preferred term from the tactics textbook: Inspection is a specific method of criminological research, which by direct observation, preliminary research and securing criminological and other traces, identifies, examines, evaluates and documents the state of the material environment, as well as other important objects related to the clarified event. In order to ascertain the overall situation and information used to know the objective truth about the criminalistically relevant event, as well as the relationships between them and other relevant circumstances.<sup>7</sup>

The essence of the inspection Based on the above concepts, the essence of the inspection as a criminalistic method is the immediate observation of a specific, usually predetermined criminalistic scientist. A pre-determined criminalist, or group of criminalists - usually referred to as an off-site training group. It is usually appointed according to a cyclical division of services - most often in a twelve-

### The importance of the inspection

The inspection is a relatively complex method and therefore cannot be performed by every police officer. In order for a police officer (criminalist) to be successful in a search, he must not only be familiar with the teaching of criminalistic traces and identifications, have practical skills in securing various criminalistic traces and ways of documenting them, but also have a good knowledge of the principles of the search. Another condition for successful inspection is the knowledge of the ways of committing individual crimes and its transformation into residuals - criminalistic traces. Such a transformation is already partly linked to skills acquired through training or repetition of the use of a specific method or procedure. When looking at this knowledge, skills and habits, and what he found through the search, the policeman actually forms his own idea of what happened in the past. He

hour cycle. A criminalistic scientist who, with the help of his sensory organs or indirectly with the support of the chosen technical means, perceives and subsequently learns certain facts - information about the tracks and stored in the tracks. This information, usually in the form of signs of criminalistic traces - exceptionally characteristics of non-criminalistic traces (for example, forensic), is then further evaluated. The importance of evaluating each track and each character on the track is primarily in creating the categorization of tracks (species and group division of tracks) but also in determining the traceability of tracks (number and quality of characters on the track). In the next procedure, the criminalistic scientist captures information about the track as a whole in a suitable way - usually prescribed in the standard, and thus secures such objects as tracks in its individual features. Only subsequently, using the procedures of investigation with the use of procedural acts according to the valid criminal procedural standards, the basis and source of which is the use of forensic methods and their results, the content of these tracks is transformed into evidence. The equation between the criminalistic trail and the evidence cannot be used from a criminalistic point of view and should fall within the realm of investigation theory and criminal proceedings. Hans Gross, the founder of modern criminalistic science, wrote about the significance of the crime scene inspection: nowhere does it show as clearly and completely as in the compilation of the crime scene report. An incompetent investigator will never compile a good inspection report<sup>8</sup> He characterized the tour as a method in his most important debut - the work *Handbuch für Untersuchungsrichter als System der Kriminalistik* III. edition, III. Section - Part 2: *Vorgehen auf dem Tatorte*<sup>9</sup>.

actually "gets used" to the role of the perpetrator, or "goes his way" in the investigation<sup>10</sup>.

Another significance lies in the fact that the inspection allows us<sup>11</sup>:

- a) immediate study of the situation, environment or condition of individual objects to determine the nature and circumstances of the audited event,
- b) to find, examine and evaluate traces and factual and documentary evidence,
- c) obtain information for the creation of investigative or operational-search versions,
- d) obtain basic documents for the organization and planning of the investigation,
- e) reveal the causes and conditions of the inspected event.

4 Zavalidroga, Š. *Kriminalistická taktika*. S. 27.

5 Šimovček, I., (2009). *Kriminalistika*. S. 208.

6 Krajník, V. (2005). *Kriminalistika*, s. 279.

7 Meteňko, J. (2012). *Kriminalistická taktika*. S. 266.

8 Pješčak, J. a kol. (1976). *Základy kriminalistiky, Kriminalistická fotografia*, str. 77, Naše vojsko. S. 228.

9 Straus, J. Hans Gross osobnost, dílo a přínos pro rozvoj kriminalistiky. *Kriminalistický sborník*. S. 58, original: Gross, H. (1899). *Handbuch für Untersuchungsrichter als System der Kriminalistik* III. P. 110-114.

10 Němec, M. et al. (2004). *Kriminalistická taktika*. S. 58.

11 Pješčak, J. (1976). *Základy kriminalistiky*. S. 209.

The significance of the inspection was added by the author ŠIMOVČEK I. as follows<sup>12</sup>:

(a) to establish in the modeling an assumption as to where, where traces of the event being clarified may be left and what the nature of those traces may be. The importance of the inspection is therefore irreplaceable, especially because the inspection is usually carried out immediately after the crime is reported as the first significant tactical procedure at the crime scene or at another facility. It therefore enables us not only to immediately study the situation on the spot and to find and evaluate criminalistic traces, but also to obtain the necessary information for the creation of criminalistic versions and for further progress in the investigation. During the inspection, we can also find out the causes and conditions that enabled or facilitated the crime. Finally, in the inspec-

### Characteristic features of the inspection.

A characteristic feature of the inspection is, in particular, immediate observation with the consistent use of other special methods and techniques, such as measurement, description, comparison, analysis, synthesis, etc. It is necessary to correctly distinguish inspection - usually in theory the inspection of the crime scene is preferred, from the inspection of another location (forensic orientation). The necessity of this distinction stems from the very specificity of the crime scene, which is that the most important traces and objects of investigation are located there (various facilities, adjacent areas, objects and means, documents, corpses, injured persons, etc.). It is therefore correct to approach the inspection in the broader sense of the word, as to the inspection of all objects, even in the case of a narrower inspection of the crime scene. Thus, we talk about the inspection of all objects located at the crime

tion process, sensory, empirical knowledge of the material situation and objects of the material world is combined with logical thinking, their analysis and evaluation performed by the inspector, in order to objectively and as fully as possible know the examined material situation or individual objects.<sup>13</sup>

The importance of the inspection is further given by the fact that this criminalistic method is also transformed into the formal framework of the investigative act.<sup>14</sup> and at the same time, from a legal point of view, it is a procedural act regulated in the Criminal Procedure Code where in paragraph (1) it is defined on the criminalistic basis of knowledge as follows: The inspection shall be carried out if the facts relevant to the criminal proceedings are to be clarified by direct observation, in particular if any traces could be found or seized.<sup>15</sup>

scene and in the stage of detailed inspection in the narrower sense, as well as the inspection of adjacent areas and various means, as well as objects (traces and deformations on other objects), focusing on the material situation of the place, traces, objects and documents. The inspection of other facilities must be carried out separately, and therefore it is necessary to distinguish between inspection of technical equipment, inspection of corpses, medical examination of injured persons and ascertainment of the status of participants in the crime. The inspection is therefore a specific criminalistic method, which has some similarities to other criminalistic-tactical methods (e.g. criminalistic experiment, inspection or expertise) and at the same time differs from them both in its origin and tactics of execution.<sup>16</sup>

### Types of inspections.

The inspection can be divided into different types according to various aspects, especially according to the objects of inspection and the sequence of inspection. Here too, however, the views of different authors differ. According to the inspected objects<sup>17</sup>:

- a) inspection of the scene of place,
- b) inspection of the corpse and the place of its finding,
- c) inspection of objects,
- d) inspection of documents and papers,
- e) inspection of animals,
- f) examination of the body of a living person.

The authors' opinions on the division of inspections also differ here. In the study of the literature from the nineties and later, we can come across other divisions, and for example I

give the following: We recognize according to the nature of the objects<sup>18</sup>:

- a) inspection of the crime scene,
- b) inspection of the corpse and the place of its finding,
- c) inspection of objects,
- d) inspection of traces,
- e) inspection of documents,
- f) inspection of animals,
- g) inspection of non-crime venues,
- h) inspection of the body of a living person.

According to the management or organization of inspections, inspections are performed<sup>19</sup>:

- a) gradually,
- b) in parallel,

12 Šimovček, I. et al. (2009). *Kriminalistika*. S. 294.

13 Pješčak, J., Bělkin, R. S. (1984). *Kriminalistika*, II. S. 33.

14 Drugda, J., Blatnický, J., Viktorová, J., Vajzer, L., Šimon, L. (2019). *Využívání špecifických druhov dôkazných prostriedkov na účely vyšetrovania obzvlášť závažnej trestnej činnosti*. 28 l.: 17 l.

15 Zákon č. 301/2005 Z. z. Trestný poriadok.

16 Pješčak, J., Bělkin, R. S. (1984). *Kriminalistika*, II. S. 33.

17 Krajník, V. a al. (2005). *Kriminalistika*. S. 268.

18 Němec, M. et al. (2004). *Kriminalistická taktika*. S. 58.

19 Krajník, V. et al. (2005). *Kriminalistika*. S. 280.

c) complex.

According to the chronological order of use, the inspection can be divided according to Straus into an inspection<sup>20</sup>:

- d) initial inspection,
- e) repeated inspection,
- f) additional inspection.

### Participants of the inspection

It should be noted that in connection with the organization of the inspection, there are historical anachronisms in the Slovak legislation: "The inspection is performed by a body active in criminal proceedings and in court proceedings."<sup>22</sup> Since the time of the judicial commissions - which is more than 200 years ago, the case of court search has not been recorded. The performance of the inspection clearly belongs to the hands of a qualified person / persons and this is a criminalistic technician today. At present, management - organizing - organizing an inspection by investigators would be considered. But even to this, the relevant European Manual of Procedures for Work at the Crime Scene gives a relatively unanimous answer - It should be the head of the inspection - specialized in the management of criminal proceedings, not the investigator as a legally responsible person. In police, criminalistic practice, the most frequent criminalistic technicians are to perform inspections, exceptionally at least a minimally qualified and equipped police officer. A normative regulation that nominates the tasks of the inspection to an investigator or an authorized member of the Police Force, who carries out a simpler investigation, is an anachronism in terms of the content and objectives of the inspection. There are many reasons, the most important are related to the qualification in finding and securing tracks, and on the contrary, the preference of management by investigators has its advantage in the presumed transformation of the results of the examination of the track into evidence. The inspection may be carried out by an individual or a group of workers. The inspection performed by the group prevails in practice. It can be a permanent field group or an ad hoc group, designed for a specific case. As a rule, the field group should consist of: head of inspections, investigator, required number of operatives, technicians, handler with a service dog, if necessary a doctor, expert or expert, as needed professional support of selected branches used in the inspection. The participant of the inspection may be another person - in terms of legal certainty or legally expected procedure, such as a prosecutor, may be invited - but a completely unimportant person and the participant may also be a helper, as mentioned above by an expert or other expert, accused (suspect), damaged

However, we are of the opinion - given the importance of the specific principle of non-repeatability, that in criminalistics in the spirit of Zenon from Milet: "you will not enter the same river twice"<sup>21</sup>

or witness. The participation of these people needs to be carefully considered, as in addition to the positive impact of legal certainty on the inspection, they can and often do have a negative impact. The European Guidelines for Good Crime Management Practices, developed by renowned European Union police institutions, feature functions and activities that should be standard within the EU and result from long-term experience and needs. These are mainly places and objects (in the criminalistic sense of the word) of a serious crime where the need for greater coordination and a better structured approach to the management of activities at the crime scene has been revealed. Undoubtedly, many shortcomings are due to ineffective communication and misunderstandings arising from the individual abilities of the various specialists required to inspect the crime scene. Advances in today's technology mean that every specialist has more methods, procedures and possibilities to use them. Today, according to the European Manual of Good Management Practice, any of the following specialists may be present at the scene, regardless of their status.<sup>23</sup>

Senior Investigator, Scientific Support Co-ordinator, Crime Scene Manager, criminalistic technician (Scene Examiner), Police Surgeon, Criminalistic Pathologist, criminalistic scientist (Forensic Scientist), Firearms Ballistic Experts, forensic documentary filmmaker (Plan Drawer), Exhibits Officer, other services and specialists: (entomologist, odontologist, forensic psychologist, corpses officer, police search teams, fire specialists, etc.). The document considers as a place of serious crime - a place of crime that includes murder or suspicious death (or in some cases the disappearance of a person), a serious sexual assault and all crimes considered serious. The European Crime Scene Management project was set up under Title VI. EU agreements (stored in OISIN). The importance of crime scene information The types of information found during the inspection are divided by Nemeč as follows<sup>24</sup>:

A. Initial and derived information

B. Information from the inspection according to its individual types.

### Initial and derived information.

As we already know, every crime is committed in the material environment of the world. Every phenomenon, and thus also the phenomenon in which a criminal offense is detected, precedes, accompanies and continues to be followed by other phenomena which, in terms of criminal proceedings and security work in general, may have a certain closer or broader connection with it. The reflection of a crime in the external environment takes place under the effect of the general law of causal connection and mutual conditionality between phenomena and objects of the world. This means that the preparation and execution of a crime as well as its outcome are reflected in different forms and to different degrees in the environment, which are then detected and fixed by the person. There are basically two types of information, namely: 1) Primary information that results directly and immediately from the nature of material changes in the properties of the inspected object and is caused by the audited event. 2) Derived information that can be logically deduced from the original information with regard to objective laws that come into consideration. It is not possible to identify them with conjectures, different assumptions or versions, because in all cases it is a matter of defining a narrow and definitive framework of other features of persons, objects and activities. The initial information can be used as a basis for individual identification and derived information for group identification. Information from the inspection according to its individual types This includes information from the inspection of the crime scene, the corpse and the place where it was found, objects, traces, documents, animals and living persons. From

the point of view of the crime scene, information from it can be summarized in the following types: • objective identification and demonstration of the course of a significant event from a criminal point of view, • objective finding of facts which confirm or refute that this event is a criminal offense, • knowledge of the mechanism of the event or crime, • finding out information about the person of the offender, which can be further divided into information about the physical and mental characteristics of the offender. Negative circumstances During the inspection, we can sometimes find out certain facts (traces, changes or signs) that are in logical conflict with the material situation at the crime scene. We can therefore characterize them as the absence of changes that should exist due to other changes and features, or changes that appear in the overall situation as foreign elements, which are not supposed to exist, but exist. Negative circumstances are an important factor in criminalistics, not only when inspecting the crime scene, as the attentive criminalist is told a lot about committing a crime. In this context, we can mention the possible staging of crimes, i. creating a misleading situation about the course of the event, they may further point out that the place of finding the corpse is not the place of the event, that the tracks were created intentionally, or conversely they erased the tracks at the place of the event. Negative circumstances may be the result of the perpetrator's efforts<sup>25</sup>:

- stage a committed crime,
- create a semblance of a criminal offense in order to cover up a more serious offense, • cover traces of the act,
- create a false idea of the course of the event.<sup>26</sup>

### Methods used to inspect the crime scene

By crime scene tactics we mean the use of procedures in which the optimal use of all methods and means to identify, investigate, evaluate and fix all information necessary for clarification and relevant to criminal proceedings must be ensured. The basic cognitive method of inspection is observation, which should be immediate using all the senses and, if necessary, special criminalistic means. Such observation allows to thoroughly get acquainted with all elements of the situation or state of the inspected objects in combination

with other methods (e.g. comparison, modeling, analysis and synthesis, etc.) leads to a thorough knowledge and correct evaluation of the findings.<sup>27</sup>

Based on this, we can conclude that they are used in the inspection, as in the whole of criminalistics<sup>28</sup>:

- general methods,
- methods taken from other scientific disciplines and
- specific criminalistic methods.

### General methods

They are used either in all or at least in several areas of human practice. Observation - is a deliberate, planned, purposeful perception in order to examine phenomena or objects. In criminalistic practice, it is the basic and most widespread empirical method of knowledge. Therefore, those who cannot observe well cannot be a good criminalist. Intentionally, observation differs into ordinary perception. The observer consciously turns his attention to a certain object and tries to

contact that object with his senses. Planning consists in the fact that the observer chooses suitable objective conditions, determines a certain sequence and time program of observation, obtains suitable aids (e.g. lighting), etc. Purposefulness means that from the vast number of facts that surround us, we select only those that are criminalistically relevant. So it follows that observation contains both a sensory and a rational component of knowledge. The main methodological

20 Straus, J. et al. (2008). *Kriminalistická taktika*. S. 73.

21 Meteňko, J. (2012). *Kriminalistická taktika*.

22 Zákon č. 301/2005. Z. z. Trestný poriadok, § 154 ods. 3.

23 Item, alebo pozri: <<http://www.mivv.sk/>>, Európsky manuál správnych postupov manažmentu na mieste činu.

24 Nemeč, M. a kol. (2004). *Kriminalistická taktika*. S. 61.

25 Krajník, V. et al. (2005). *Kriminalistika*. S. 270.

26 See in common: Meteňko, J. (2012). *Kriminalistická taktika*.

27 Musil, J. et al. *Úvod do kriminalistiky*. S. 182.

28 Musil, J. et al. *Kriminalistika*. S. 14.

requirements for observation are accuracy; credibility and consequently objectivity. French biologist Claude Bernard said: "An observer has the opportunity to remain silent and obey nature." The wrong observers approach the facts with an a priori idea and want to find only confirmation of their theory in the results of the observation. Therefore, "We need to believe more in phenomena than in our thoughts"<sup>29</sup>.

The criminalistic scientist should be able to abandon subjective ideas as much as possible and respect only the facts. Observations should be constantly focused on selected relevant properties and, if possible, repeatedly. Repetition reduces the likelihood of false perception due to random circumstances. Unfortunately, in criminalistic practice, it is not always possible to repeat the observation, because some phenomena disappear quickly. Therefore, the first observation must be made with the utmost care. If possible, the observation conditions should be performed variably, e.g. by choosing different types of lighting, at different magnifications, from different angles, etc. The variability of the observation conditions usually enriches the resulting information. During the whole observation, but also in its conclusion, an evaluation can take place. This means finding a connection between partial phenomena, recognizing ongoing changes, finding out relationships to other objects. But only what is uniform within can be unified. However, the observation does not only serve to know the external aspects of the object or phenomenon. By analyzing the observed characteristics, it is possible to find out even those properties that are hidden under the surface of the phenomenon, in its essence, i.e. to affect its legal characteristics, context and tendencies of its development. The objects of observation in criminalistics are both various objects and natural events, as well as people and their behavior. Observation is the content of all criminalistic methods. The mentioned method is especially characteristic

#### Methods taken from other scientific disciplines

They have a very wide application in criminalistics. They belong to the most dynamic group of methods, which is conditioned primarily by the rapid development of almost all fields of human knowledge. The most frequently applied methods include physics, chemistry, biology, psychology and logic. Physical, physicochemical and chemical methods are used to study almost all material objects and traces. These are microscopic and photographic methods, chromatography, gammagraphy, neutron activation analysis, etc. Especially in the period when the examination of criminologically relevant objects has moved to the field of micro-tracks, these methods are irreplaceable. Biological and anthropological methods

#### Specific criminalistic methods

There are methods that have emerged in the field of criminalistics and serve its needs. There are a large number of these methods and they have various wide applications. They

for the inspection of the crime scene and its objects, but it is also an integral part of the interrogation of criminal experiments and other methods. Other general methods are: Comparison - simultaneous mutual examination and evaluation of objects, the aim of which is to find their identical or different properties. Measurement - is a type of comparison, which aims to quantify selected properties and relationships of objects or phenomena. Only those properties that are quantifiable can be measured, i.e. which are precisely defined and sorted in advance and which take on different sizes. Description - is an expression of the characteristic features of the examined objects. It is a way of capturing the state of objective reality in order to preserve information for future use. The sensory perceived image of objects or phenomena is transformed by a description into a verbal or other information signal, which is usually fixed on the material information carrier. We know two types of descriptions: systematic description: it is bound to follow predetermined rules; free description:

- it is not predetermined;
- it usually happens in natural language.

Experiment - is a method of examining the phenomena of objective reality and their context in conditions controlled and purposefully changed by the user, while the experimenter actively interferes with objective reality and retains constant control over the ongoing processes and their conditions. It includes both the sensory and the logical side of knowledge. But it has two forms in criminal activity:

- as a separate criminalistic method,
- may form part of another complex criminalistic method.

Modeling - is the examination of real objects using other, usually artificially created objects, in which only selected properties, pages and relationships of the original object are expressed and defined.

have traditionally been widely used. They are used to identify living and dead people, animals, insects and plants, i. to examine all biological objects that occur as traces in terms of criminalistic relevance. We use anthropological methods in describing people, in forensic informatics, in searching, in identifying skeletal findings. The methods of molecular biology and genetics have found a very wide application. When decoding information from the memory trace, but also in other activities of a criminalistic nature, psychological methods, methods from the field of management sciences, informatics, logic, sociology, etc. have an irreplaceable application.<sup>30</sup>

were created as part of the development of criminalistics and primarily serve its needs. Some of these methods are used in practice only in solving partial tasks. Other methods are

more complex in nature, as they relate to the whole process of clarifying criminalistically relevant events. The classification of criminalistic methods is closely related to the classification of criminalistically relevant events, as it reflects the system of criminalistically relevant events and its reflection in the material environment and in people's consciousness. They differ

#### Application of the inspection guidance principles

In the inspection, as well as in the use of other criminalistic methods, the principles which are of a general nature and are binding for the whole of criminalistic practice must be respected in particular. At the same time, it does not matter whether the principles derive from criminal procedural law or the principles developed by criminalistics. However, in addition to these general principles, other principles directly related to the inspection must be followed during the inspection, as they result from the nature and tactical needs of this method. We then call these specific inspection principles. Thus, in addition to the general principles applicable to the inspection, other tactical recommendations of immediate relevance to the inspection must be respected and followed. Because they result from its character as a specific method of criminalistic-practical activity and tactical requirements that must be met in order to ensure the success of the inspection as one of the demanding, complex and by its importance irreplaceable methods of criminalistic-security practice<sup>31</sup>.

It follows that the inspection is not only defined by the Criminal Procedure Code, but is also governed by criminalistic-tactical principles, which can be divided into general principles and specific principles.<sup>32</sup>

Although the views of several authors differ to some extent in establishing the general and specific principles of the crime scene inspection, and in particular in the terms used, these principles can be considered as: We can include the general principles of the inspection<sup>33</sup>:

- inspection activity,
- inspection speed,
- objectivity of the inspection,
- completeness of the inspection.

These general principles of inspection are valid for all procedures applied in criminalistic practice during inspection, but we can also encounter many other methods, especially tactical ones. Their content is, among other things, covered by the method of application in specific policies. The content of these guidelines is so obvious that it is often not necessary for authors to elaborate further. According to PJEŠČAK J. The principles of inspection are also divided into general and specific, but the content of these two groups does not correspond to the previous division. However, he justifies this as follows<sup>34</sup>: The calculation of the general principles applicable to the application of criminalistic methods and acts in the process of search, investigation and prevention of crime includes:

in the predominant nature of the procedures used and the sub-operations. These can be more technical or more structural-tactical. From the point of view of the predominant nature of procedures, operations and means, their usability in solving problems of criminalistic clarification, we can talk about technical or tactical criminalistic methods.

- timeliness of inspection,
- objectivity and completeness of the inspection,
- inspection activity,

Methodology and sequence of inspections. Timeliness lies in the performance of this act, depending on the need to perform it. This general requirement is aimed at ensuring the immediate implementation of the method to the maximum extent and has a direct impact on the effectiveness and efficiency of this criminalistic method. The experience of criminalistic security practice shows that in those cases where the inspection was not carried out immediately, difficulties arose in the process of inspection, investigation and prevention of crime, often insurmountable, but would not have occurred if the inspection was carried out in time. In the case of an inspection, objectivity means, above all, examining and fixing everything found during the inspection only in the state in which they were in fact. The subjective elements are not necessary during the inspection. They are not necessary because the inculcation of an objective fact in a given case of inspection objects by the investigator is of a subjective nature. But as is well known, our subjective notions of reality have the character of objective truths only if the content of our ideas truly reflects reality. Therefore, it is not said that the subjectivity of the inspection of inspection objects should be ruled out, it is not possible. The objectivity of the inspection requires the removal of such a subjective one, which is not a reflection of the fact, by capturing the inspected person as accurately as possible. At the same time, the inspection is not carried out in general, apart from this or another idea of the inspection leader about the investigated event, about the inspection mechanism, about the causes of the traces. On this basis, the objectivity of the inspection is further manifested in the fact that the supervisor must not give preference to any of the versions checked, but must examine the inspected objects in terms of all possible versions, without bias and prejudice. Finally, the objectivity of the inspection is also perceived in the fact that in the protocol reflecting and containing the results of the inspection, the conclusions, judgments and assumptions of the inspection manager are inadmissible. The results of the inspection and their written recording in the protocol is the basis of the leader's reasoning judgments about what was seen, discovered and found during the inspection. The reason conclusions themselves (reasoning judgments) and possible explanations, evaluations, assumptions existing outside the scope of the protocol, which is only a snapshot of

29 Musil, J. et al. *Úvod do kriminalistiky*. S. 184.

30 Šimovček, I. et al. (2011). *Kriminalistika*. S. 16.

31 Pješčak, J., Bělkin, R. S. (1984). *Kriminalistika*, II. S. 47.

32 Němec, M. et al. (2004). *Kriminalistická taktika*. S. 67.

33 Straus, J. (2008). *Kriminalistická taktika*. S. 76.

34 Pješčak, J., Bělkin, R. S. (1984). *Kriminalistika*, II. S. 38.

the fact without commentary (explanation) of this fact by the head of the inspection. The completeness of the inspection, which is closely connected with it, also contributes to the objectivity of the inspection. Completeness of the inspection means ensuring the inspection, fixation and examination of all factual data that are of cognitive and tactical evidentiary importance for the upcoming process of inspection, investigation and prevention of crime. The completeness of the inspection requires for its implementation a wide use of scientific and technical means and methods of detecting, securing and examining traces and scientific evidence, overall control of these means and methods. The use of scientific and technical means and inspection procedures significantly expands the boundaries of the investigation and makes it possible to identify facts which would not otherwise be established and would remain unknown. The completeness of the inspection places a number of requirements on the activities of the manager<sup>35</sup>:

- must have a basic knowledge of criminalistics, especially trainology, and must know the mechanism of the various tracks; must be able to clearly imagine what signs indicate the use of one or another method of committing and concealing the crime by the offender, be able to find these signs and form an idea of the crime according to them; must bear in mind that the sum of such features not only individualises the event itself, but may also individualize the perpetrator,
- is obliged to organize the inspection in such a way that not a single circumstance relevant to the matter escapes; the versions he works with during the inspection help him to address the relationship of the facts found during the inspection; it should be borne in mind that the relationship of certain facts can only be clarified subsequently as a result of their comparison with the evidence already obtained, or also as a result of a special examination carried out by an expert.

The guarantee of the completeness and versatility of the inspection are such qualities of the manager as attention, sensitivity and patience. A hasty and superficial inspection does not help to investigate the incident, but causes subsequent difficulties. In addition, the completeness of the inspection requires that the inspection be carried out in such a way as to preclude the need for a further inspection due to insufficient initial inspection. Once it is not performed well, even a repeated inspection cannot replace the original inspection. Many times, the moment of re-inspection is separated from the event by a considerable time lag, in which the inspected objects may be subject to significant changes. The probability of preserving the original condition of the objects until the

moment of repeated inspection is small and maintaining the situation of the event is even smaller. The results of the re-inspection may prove less valuable in their operational significance, as the time of their use has already passed. The activity of the inspection consists, on the one hand, in that the manager carries out the inspection *ex officio*, independently of the suggestions of the persons concerned. Furthermore, by acting actively, it takes all measures to find the traces of the crime, it shows creative initiative in the performance of its duties, tenacity and perseverance in the case of inspection of the crime and identification of the perpetrator. Activity represents the purposeful action of a manager; the formulation of the tasks he / she wants to solve through inspection. In some literature, the term activity of the subject of the inspection also appears<sup>36</sup> which represents a purposeful action of a criminalist who, in order to fulfill the tasks of the Police Force, takes all necessary steps proactively with a highly professional approach to the matter, does not wait for suggestions and opinions of other persons, strictly adheres to the rules recommended by criminalistics. He proceeds patiently and tenaciously in order to bring as much information as possible through his activities for the purpose of knowing the committed act or the investigated event and its perpetrator. It carries out this activity systematically, in an organized, planned manner, using the most effective methods and procedures for inspections of the given type. The methodology and sequence of the inspection lies in the correct organization and planned execution of the inspection. Methodology in performing the inspection requires systematicity in its course with regard to the specificity of the inspected objects. That is, the use of the most effective inspection methods and procedures for a given object and situation. The sequence is a fixed order of activities performed by the manager during the inspection. If any inspection is to fulfill its purpose, it must accept basic and specific principles, the validity of which is verified in practice. Ignoring the principles of the inspection almost always results in biasedness, superficiality and thus inconclusiveness of the inspection results. Specific inspection principles are important tactical, but their acceptance requires an adaptation of the inspection procedure, not in order to meet the specific inspection principles, but to achieve the desired purpose of the inspection. Based on the above, many authors agree in the following division of specific inspection principles. Practically all authors included among the specific principles of the inspection<sup>37</sup>:

- management of the inspection by a single manager,
- urgency of the inspection,
- non-repeatability of the inspection,
- irreplaceability of the inspection.

35 Pješćak, J., Bělkin, R. S. (1984). *Kriminalistika*, II. S. 39.

36 Zavalidroga, Š. (1995). *Kriminalistická taktika*. S. 50.

37 Krajník, V., et al. (2005). *Kriminalistika*. S. 268. Mesteňko named as basic principles of inspection, for better preferetion. Mesteňko, J. (2012). *Kriminalistická taktika*. S. 135.

### Principle of single-manager inspection

This principle applies in particular to the organization of work when carrying out a crime scene inspection. In order to ensure a perfect and uniform organization of the inspection in the current conditions and thus ensure its success, the team of staff (fixed or ad hoc) conducting the inspection must be managed by one supervisor according to the principles of scientific work organization and to be a controlled process. This tactical principle will be applied when conducting a field trip inspection, as this is a basic condition for any teamwork. Whenever the goal of the team's work is to be achieved, one of the collective must be the leader and the team must lead to the achieved goal - it must lead it. The outreach group has a different division - composition, where the members of the outreach group differ from each other in their subjective characteristics and abilities. So they have different knowledge and practical experience of inspection, different physical and mental abilities or characteristics. However, they have to fulfill one common task, namely to inspect the object so that the result of the inspection serves as best as possible to further identify and clarify the inspected event. As a result, to ensure a successful inspection, a leader of the tour group must be appointed to coordinate the activities of the entire tour group. In particular, in order to achieve the stated objective of the inspection, it is not permissible for each employee to perform his or her own partial or special task, only in his or her own discretion, decision and focus, independently of the activities of the other employees of the group. This would result in chaos, incompetence and ultimately frustrating the purpose of the inspection. On the contrary, the activities of the whole group must be very well coordinated, coordinated and organized so that each sub-task fits into the whole activities of the group. This sequence of partial tasks is given mainly by the peculiarities of searching for and securing certain types of tracks, but also by the observed systematic performance of individual activities with regard to the specifics of a specific crime scene or other object of inspection<sup>38</sup>.

If the tasks indicated in the inspection of a group or team of workers are to be completed in a timely, prompt and high quality manner, it is essential that a single leader of such a group or team be appointed in advance. The leader of the tour group is responsible for the course and results of the inspection, further determines the activities of the tour group, controls and coordinates it. It also decides on the content and scope of immediate preparation to take all necessary measures at the inspection site. He personally manages the inspection by setting out the inspection procedure, allocating and specifying tasks to individual employees depending on the need, conditioned by the current situation during the inspection. The specification of the overall activity, consisting mainly in the specification of the tasks of individual employees, also applies to some tasks performed by individual specialists, where the manager must monitor and ensure the procedural side of the inspection, as one of the important

means of obtaining evidence in preparatory proceedings. The leader coordinates the activities of individual employees on the spot so that the tactical requirements imposed on the activities at the crime scene and other types of inspections according to the nature of the object are observed. During the inspection, all members of the tour group report to the leader. However, the procedural independence and expertise of the investigator as well as the other members of the field team is maintained. In addition to management activities, the group leader also performs control activities, which in the case of inspection becomes especially important in that various activities performed by a large number of employees at the crime scene or in its immediate vicinity may lead to errors or inconsistencies in the procedure. The control activity of the manager serves to prevent or detect them and to eliminate them immediately. Therefore, this manager should not perform any other activity in addition to the management and control activities. The staff assigned to the working group are subordinated to the head of the inspection during the inspection, who should always be an investigator with the richest theoretical knowledge and many years of practical experience. During the initial and preliminary examination of the material environment of the crime scene and the objects located on it, which are led by the leader, he continuously develops a thought model of clarifying the event. In other words, on the basis of the information obtained by the inspection, he tries to deduce the most probable course of the event, the actions of the perpetrator, the injured party, other persons. This model, which is the thought design of the leader, is never included in the inspection minutes. However, it significantly affects the progress and success in finding clues at the crime scene, which can later serve as irreplaceable evidence. The model created in this way has its place in the creation of versions and in the planning of criminalistic clarification<sup>39</sup>.

**This principle is of particular importance** if the inspection of the crime scene or the investigated event is carried out by a truly specially appointed large team of criminalists and police specialists, often e.g. with the participation of experts, the prosecutor, various expert commissions, etc., such as in the event of major road, shipping, rail or air accidents, fires, explosions and accidents. Furthermore, the head of the inspection organizes co-operation at the crime scene with the police officers of the basic unit of the Police in the district where the crime was committed, as well as co-operation with non-departmental bodies and other co-operation entities. The head of the on-site inspection shall cooperate in such a way that they are<sup>40</sup>:

- completed tasks set by Tr. the rules and principles of criminal-tactical activities,
- obtained documents for immediate search for the perpetrator and matters important for criminal proceedings

38 Zavalidroga, Š. (1995). *Kriminalistická taktika*. S. 51.

39 Zavalidroga, Š. (1995). *Kriminalistická taktika*. S. 43.

40 Viktorová, J. (2005). *Základy vyšetřování*. S. 109.

- safety measures taken where the situation requires it.
- The European Crime Management Good Practice Manual provides relatively detailed instructions for the crime scene manager <sup>41</sup>:
- check and, if necessary, add suitable barriers, it is better to block larger areas than smaller ones; a larger area can be reduced later,
  - protection of the place when there is a likelihood of damage or destruction of physical evidence by the weather, or otherwise the critical site needs to be adequately protected,
  - determine a contact point outside the boundaries of the demarcated area; inform all staff of this place so that they can report to the crime scene recorder upon their arrival at the crime scene,
  - consults with the investigator on the scene at the crime scene after the preliminary inspection,
  - crime scene inspections should be carried out thoughtfully and systematically so as to resolve the issues under investigation. In doing so, it is necessary to pay attention to the following points:
  - identify, prioritize and consult with the Scientific Support Coordinator (if established) and requirements for expert services,
  - ensure a structured approach, coordinate resources and disseminate information obtained on the inspection process from criminalistic technicians,
  - ensure that all persons entering the crime scene wear protective equipment, safety shoes, face masks, gloves and their availability,
  - provide advice and ensure the conditions of quality assurance in professional matters and guarantees in all scientific matters, including storage and packaging

#### Urgency of inspection

The urgency of the inspection is based primarily on the changes to which the individual types of traces are subject, both due to natural aging and the impact of negative circumstances of the subjective or external environment. In connection with the urgency of the inspection, it should be emphasized that these are not only environmental changes caused by physical, chemical or biological changes, but also

#### Non-repeatability of the inspection

Many criminalists accept the violation of this principle by possible re-examination. They see in it a way of correcting errors in case of inconsistent and irresponsible approach to the inspection. They accept that the value of the result when repeating the inspection may be lower. If it is clear that the probative value would be easily questioned, in particular, the lawyers prove that a re-inspection is inadmissible. However, we are of the opinion that even if a remedy is needed, it is not necessary to repeat the inspection to the same extent and with the same content. It is possible to select another

- of traces and permission to pick up from the crime scene,
- record all activities and measures in the appropriate log of the crime scene manager,
- request from the Scientific Support Coordinator (if specified) the necessary actions concerning the site of the inspection, criminalistic and other scientific support matters,
- ensure compliance with health and safety regulations at work,
- inform the Scientific Support Coordinator and the Senior Investigator of the completion of the pre-clearance inspection;
- provide the necessary care for the staff located at the crime scene,
- if a scientific support coordinator is not appointed, the crime scene manager will also take over his / her duties,
- is responsible for receiving and coordinating all documents created during the inspection and subsequently after the inspection of the crime scene,
- is responsible for all prepared photo documentation,
- in more complex cases, e.g. if there are several crime scenes, it may be necessary to appoint more crime scene managers, then in such cases it is necessary to set up a contamination log to avoid the problem of mixing cases and traces, in which case it is recommended to appoint a different manager for each crime scene. the problem of contamination has ruled out • in the case of several offenders, use different criminalistic technicians to inspect the crime scene for individual offenders.

changes caused by intentional intervention by a person trying to remove the trail or create a false trail. Thus, it is clear that the shorter the time that elapses between the end of the event and the beginning of the inspection, the better practically all the parameters of the traces, the tracks themselves and other information obtained by the inspection improve and the easier the procedure for clarifying the event is facilitated.

variant, namely to narrow the scope or content of the inspection to a supplementary inspection. However, it should be emphasized that if the inspection was disrupted for objective reasons such as. adverse weather conditions, poor visibility, threat of explosion, etc. such an inspection is not considered a repeated inspection but only an interrupted inspection and is a continuation of the same inspection. Irreplaceability of the inspection It is an important principle that is based on the fact that the inspection is a separate criminalistic method. The result cannot be replaced by examining the object

by other methods. Any information that may have been obtained by the inspection and is obtained by another act is considered to be mediated information, which loses the

exactness for criminalistics, but also the probative value in criminal proceedings.

#### Conclusion

More than other branches and methods of criminalistics, the current criminological examination feels the clarity of the concept in theory, but in practice we often perceive insufficient stratification of content and concepts. Mixing goals and content and methods leads to the confusion of criminalistic-technical value and methods and criminalistic-tactical, ie its highly criminalistic and documentary value. The inspection itself and its development have long overcome this problem, but in criminalistic theory and practice it has still not been sufficiently reflected and the adoption of criminalistic models in criminalistic technology disintegrates this previously stabilized knowledge of criminalistics. Therefore, in the presented study, the authors try to analyze some of the basic attributes that influenced the current state and development of criminalistic examination. They present for discussion some contexts of the state and development of methods

of criminalistic examination as well as crime scene investigation as one of the methods and procedures of criminalistic sciences. They also indicate a real reflection of the usability of the findings of the criminalistic examination, but also the basic concepts, purpose and content in the acceptance of criminalistic approaches. At present, the content and concept of criminalistic examination as a method of research and its scope are often presented very narrowly and interchanged with the documentary value and meaning of the inspection. For this reason, it is necessary in the future to develop the theory of criminalistic examination by its successful application between the criminalistic and forensic concept with the accepted scientific essence of criminalistic inspection.

This study is based of the long-term research task "9/2008 - Methods and procedures of work at the crime scene".

## ĮVYKIO VIETOS APŽIŪROS REIKŠMĖ IR APŽIŪROS PRINCIPAI

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#### Santrauka

Pateiktame tyrime autoriai analizuoja kai kuriuos pagrindinius veiklos principus, kurie turi įtakos darbo kokybei įvykio vietoje. Diskusijai autoriai pateikia kai kuriuos kriminalistikos mokslo metodų raidos kontekstus koncentruojant dėmesį į įvykio vietos apžiūros, kaip pažinimo metodo reikšmę, kriminalistikoje. Jie pristato kriminalistikos teorijos žinių panaudojimo galimybes, taip pat pagrindines įvykio vietos tyrimo sąvokas, tikslą ir turinį. Šiandien kriminalistinės apžiūros, kaip tyrimo metodo, samprata ir turinys bei jo apimtys dažnai pateikiami daug plačiau nei anksčiau, ypač

dėl kriminalistinio pažinimo galimybių padidėjimo. Įvykio vietos apžiūros metu itin didelis dėmesys skiriamas informacijos paieškai, jos fiksavimui, tikrinimui naudojant įvairius kriminalistinius pažinimo metodus. Dėl šios priežasties ateityje būtina išskirti įvykio vietos tyrimą į atskirą kriminalistikos šaką. Straipsnis yra paremtas atliktu tyrimu „2008/09 – Darbo nusikaltimo vietoje metodai ir procedūros“.

**Raktiniai žodžiai:** įvykio vietos tyrimas, kriminalistinė apžiūra, techninė pėdsakų vertė, taktinė pėdsakų vertė, kriminalistinės apžiūros procedūros ir procesai.