

ON-SITE INVESTIGATION IN THE EVENT OF COUNTERFEITING CURRENCY OR OTHER ASSETS

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ABSTRACT:

COUNTERFEITING CURRENCY OR OTHER ASSETS CREATES A HIGH RISK FOR SOCIAL ORDER, SO CRIMINOLOGY PROVIDES NECESSARY KNOWLEDGE FOR PROVING SUCH FACTS TO LEGAL BODIES AND EXPERTS, AN IMPORTANT ROLE IN THE PROBATION PROCESS BEING REPRESENTED BY THE FINDINGS MADE ON THE SPOT, USING TECHNICAL AND SCIENTIFIC CRIMINOLOGY METHODS, TACTICS AND MEANS, ON THE BASIS OF WHICH THE INVESTIGATION BODIES MAY ALSO ORDER PERFORMING CRIMINAL EXPERTISE WHOSE CONCLUSIONS HAVE GREAT EVIDENTIAL VALUE

KEY WORDS: COUNTERFEITING CURRENCY AND OTHER ASSETS, ON THE SPOT INVESTIGATION, CRIMINAL METHODOLOGY, TACTIC AND TECHNIQUE

INTRODUCTION

As part of offenses group generically known as “crimes of forgery”, counterfeiting currency or other assets is a well individualized category, both in terms of structure and legal content as well as factual ways of committing the crime.¹

Counterfeiting currency or other assets seriously undermine the truth and the trust underlying human relations formation and conduct², so by incriminating this act, the criminal law protects social relations whose formation, development and evolution involves confidence in the authenticity of the values subject to the investigated crime.

According to law, counterfeiting currency or other assets consists of a person’s act of forging or distorting currency or other assets for the purpose of giving them, apparently, a greater value. Therefore, this crime is achieved by *altering the truth, by producing or by modifying currency or other assets*, so as the obtained piece provides – apparently – the characteristics of authentic currency or other assets.

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¹ Ion Vochescu, Vasile Bercheșan “Banknotes and banknote counterfeiters”, (Bucharest: Chance Publishing, 1996), 120.

² Vintilă Dongoroz, Siegfried Kahane, Ion Oancea, Nicoleta Iliescu, Constantin Bulai, Rodica Stănoiu, Victor Roșca, “*Theoretical explanations of Romanian Criminal Code*”, Volume IV, (Bucharest: Romanian Academy Publishing, 1972), 357.

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Specific of counterfeiting activity of currency or other assets is the fact that this operation requires careful, very complex preparation, the author being forced to find the necessary funds, to purchase specific materials and instruments, to obtain the collaboration of some “experts”, including those who will introduce the counterfeit pieces in the circuit.³

Where applicable, after the notification of such a crime, it may proceed to *on the spot investigation*, performed activities and findings being recorded in the minutes of findings.

As for any other offense which, by its nature and manner of committing, leaves traces in the place where it was committed, for counterfeiting currency and other assets, crime scene investigation is one of the activities that substantially contributes to establishing the truth.

On the spot investigation will usually be performed at the location where counterfeiting currency or other assets takes place, but it is not excluded that this activity be performed at the location where currency or other forged assets are kept, in order to release them in circulation.

“The crime scene” includes the locations where the required operations for counterfeiting currency or other assets took place, in whole or partially, the locations where the materials and tools used for counterfeiting are, as well as the locations where the product of the crime: currency or other assets in different stages of forgery are.

On the spot investigation must be prepared in detail, since any inadvertence may lead to failure of the activity and of the whole cause.

When counterfeiting takes place in several locations, each of them intended for certain operations, it is recommended that investigation on the spot be simultaneously initiated in all the used locations.

Team members who are to investigate need to know detailed information about perpetrators and their activities, to establish liaison arrangements between them, to be properly equipped in order to act in any situation and to keep the investigation’s specific operations a secret.

The locations where the above mentioned assets are counterfeited are usually chosen carefully, in peripheral areas, away from prying eyes, with multiple entries and exits, etc., so the criminal investigation bodies approaching the area where the investigation will take place, as well as entering the buildings need to be performed with great caution, the element of surprise playing a decisive role, as it doesn’t give the perpetrators time to hide or to destroy evidence material means and to remove traces of the crime.

On the spot investigation is performed according to well known rules, strictly respecting the criminal procedure rules, as well as the methodical, technical and criminological tactical rules.⁴

Criminological methodology is defined as a part of criminology that “deals with investigation particularities of different types of crimes, taking into account the general rules of criminological tactics and techniques.”⁵ It studies, elaborates and applies rules of investigating different types of crimes, based on strictly observance of legal provisions and on criminal investigation bodies’ positive experience.

Therefore, this is a distinct field of criminology, since the methods, technical means and tactical methods apply when investigating crimes with their particularities defined both by the nature of the crime and by the concrete conditions in which the offense was committed.

Criminological methodology establishes the use of the most appropriate investigation rules – technical means and criminology tactical processes – which provide clarification of key

³ Vintilă Dongoroz and others, *Theoretical explanations of Romanian Criminal Code*, 382.

⁴ See Vasile Bercheșan, Constantin Pletea, Ion Eugen Sandu, „Investigation on the spot”, in „Treaty of criminal tactics”, (Craiova: Carpathian Publishing, 1992), 26-75.

⁵ Octavian Pop (coordinator), [7], 15

issues regarding the offense content, participants, circumstances in which it was committed, in order to find out the truth during the criminal process.

Criminological technique is defined as “the totality of technical means and scientific methods required for discovering, setting, lifting, examining and interpreting traces and other evidence material means, performing expertise and scientific – technical findings.”⁶

Technical means are represented by all equipments, tools and technical devices required for a practical action, established by a predetermined method, and the method refers to a system of rules according to which an action takes place, so that, starting from known situations, to reach a result.

The method requires the application of material technical means, without which some criminological methods would be destined to remain without practical application.

Scientific technical means used in criminological investigation are diverse, starting from the simplest to the most complex: magnifiers, microscopes, photo and video cameras, polar meters, spectrographs, spectrophotometers, serigraphs, polygraphs, infrared, ultraviolet radiation installations, X-rays, gamma and beta rays,⁷ the variety of this technical instrumentation enabling the application of various technical – scientific methods specific to criminology, such as: microscopy, photolorimetry, betography, chromatography, AAN neutrons activation analysis.

After entering the building and identifying all the found persons – involved or not in counterfeiting currency or other assets -, before passing to the proper criminological examination, it is mandatory to perform body search, special attention should be paid to all traces and evidence related to counterfeiting.

Apart from counterfeited currency or assets, at the crime scene can also be discovered: currency or other assets in different stages of counterfeiting; attempts (tests) made by offender in order to obtain the desired model of currency or of other assets; Romanian or foreign currency or other assets, taken as a model for counterfeiting; various materials used for this purpose (paper, inks, printing inks, etc.), as well as their traces on different media; tools or equipments used for counterfeiting currency or other assets, such as moulds, photographic devices and clichés, slides, copy machines, various writings emitted by the perpetrator or by the persons to whom he is related; the amounts of money proceeded from the sale of counterfeited currency, etc.

Results of the on the spot investigation are recorded⁸ in a minutes of findings, which includes: date and location where the finding was performed; quality, first and last name of the ones who performed the finding and the unit of which they are part of; first and last name of the specialists who were part of the team and the unit from which they come; actual reason of the intervention; legal basis of the offense finding; first name, last name and other identifying information of the witnesses; topographical and criminal location of the crime scene; persons found on the spot, indicating all the identification data, including the act through which identification was made;⁹ assets, writings or values found on the perpetrator; search result of baggage and means of transport used by the offender; perpetrator’s explanations on the activities he was performing the moment he was caught, goods and values discovered on him; witness statements; reference to the assets, values and writings taken from the perpetrator;

⁶ Octavian Pop (coordinator), Ion Anghelescu, Lupu Coman, Ion R. Constantin, Mircea Constantinescu, Ion Grigorescu, Alexandru Hasnas, Vasile Lapadus ș.a., „*Practical Criminal Treaty*”, volume 1, Bucharest, Publishing services, media and propaganda among the population of the Ministry of Interior, Institute of CRiminology, 1976, 15.

⁷ Camil Suci, *Criminology*, (Bucharest: Didactic and Pedagogical Publishing, 1972), 17.

⁸ Vasile Bercheșan, Ion N. Dumitrașcu, „*Evidence and Means of Evidence*”, (Bucharest: Ministry of Interior Publishing, 1994), 126-164.

⁹ Ion Vochescu, Vasile Bercheșan, Banknotes and banknote counterfeiters, 204.

reference to the assets, values and writings taken on occasion of finding fragrant crime; categories of traces and evidence material means discovered, set and packaged, describing their nature, the locations where they were found, the manner of picking up, mentioning that, before being picked up, they were fixed by metric photography; mention the way each object or discovered category of trace was packaged, labelled and sealed; the measures that were taken regarding the perpetrator; judicial photos taken, indicating the brand, the film and the sensibility of the camera that was used (likewise for filming or video-filming); mentions of crime scene sketch preparation and the scale at which it was done; start and completion time of investigation on spot, outlining the conditions of visibility in which the activity was performed; witnesses' and other participants' observations, as well as the perpetrator's objections, both on the way the on the spot investigation was performed and on those recorded in the minutes of findings; the number of copies of the minutes of findings and their destination.

Also, witnesses are recorded in the minutes of findings, with their identification data and any objection to those observed and recorded.

Judicial photos made on the spot, which are annexed to the minutes, are among the most important means of establishing the investigation results. In the same way, the blueprint of the crime scene, which is a modality of graphic representation of the situation on the spot, helps to better understand the real frame of the crime scene, aiming at illustrating the findings from the minutes and at rendering complete the other settling means. At the same time, the film, the judicial videophonogram and the audio magnetic tape have the purpose of faithfully rendering the various aspects of the crime scene investigation.

The technical scientific findings or the criminal expertises play a special role in establishing the facts regarding counterfeiting of currency or other assets and, implicitly, in proving the perpetrator's guilt.

Characteristical to this type of crimes is the *criminal expertise of counterfeit of currency or other assets*. Taking into account the proliferation of currency counterfeit or other assets, especially at international level, this kind of expertise has an important place in the activity of criminology laboratories, both in the country and from abroad, including within specialized international organisms in the fight against organized crime¹⁰, organisms that centralize and process related data and contribute to the formation of specialists, experts, as well as to the exchange of information between national organisms¹¹.

The criminology examination of currency or other paper assets, supposed to be counterfeited, is performed by general methods used in writings investigation¹², metallic coins needing special methods.

Coins or other paper values will be examined under more aspects: of paper quality, of china ink and ink, of thread-mark, of drawings performed, of the printing manner, etc.

Usually, the coin paper is very different from the qualitative point of view from the paper usually found on the market, regarding thickness, elasticity, tear resistance and, especially, thread-mark. It is thinner and has a special composition, as the fibers are woven in a certain way, there are metallic fibers, of plastic or textile materials in various colours, and having a specific fluorescence¹³.

China inks and inks used for printing coins or other assets are special, their composition assuring, besides clarity and stability of printing, a high resistance at acids treatments¹⁴. At the

¹⁰ By the Secretariate O.I.P.C.-Interpol- is the International Central Office for fight against currency counterfeit.

¹¹ Emilian Stancu, *Criminology, The Science of Crimes Investigation*, vol. I, (Bucharest: Tempus S.R.L. Publishing House, 1992), 285.

¹² Camil Suci, *Criminology*, 482.

¹³ Emilian Stancu, *Criminology, The Science of Crimes Investigation*, 286.

¹⁴ Certain inks contain fluorescent substances and magentic particles.

same time, drawings existing on coins or on other assets are performed in various colours and shapes, which supposes the use of more clichés (one for each colour), in a certain order.

It must be also taken into account the fact that the printing modality in authentic coins usually supposes a combination of printing methods, of the type: plan pattern (offset or lithography), deep pattern (tifdruck), high pattern (photozincography), photoengraving and intraglio procedure – this one is mainly used at present.

Some of the most counterfeited coins are US dollars, taking into account their wide circulation. This is done by altering banknotes that is by “transforming” the 1, 2, 5 or 10 dollar banknotes in banknotes with higher nominal value¹⁵.

Counterfeit, invention of dollars supposes the wholly manufacture of the banknote, which needs adequate paper, inks and printing instruments, etc.

On the basis of the facts presented, the problems that could be cleared by *expertise* may be established, and then are established the questions that the criminal prosecution authorities should ask to experts.

In case of analyzing the banknotes or other counterfeited assets by *alteration*, experts will answer the following questions: if the currency or other asset presented to be examined is or is not authentic; by what means the counterfeit was performed; the initial nominal value of the banknote or of the counterfeited asset; what instruments and methods were used to perform the counterfeit; if the ink (china ink) of the counterfeit has the same chemical composition as the ink picked up from the crime scene; if the counterfeit could be performed with the instruments found on occasion of investigating the crime scene etc.

CONCLUSIONS

In case of analyzing the forgery by *counterfeit* of currency or other assets, the experts will answer the following questions: if the paper that represents the material support of the banknote or of other asset supposed to be counterfeited is genuine or not; the physical- chemical characteristics of the paper, currency or of other assets submitted to examination, in case they are not genuine; if the paper on which the banknote is printed presents the same physical-chemical characteristics as the paper not used, picked up from the crime scene; which was the procedure of fulfilling the currency or other asset counterfeit; if the instruments or devices picked up from the accused or defendant were used to make the forgery; the revelation of other elements that could demonstrate the counterfeit of currency or of other asset, with special reference on the thread-mark, ink, front and back drawing, printing particularities, including under the aspect of differences between the dimensions of the currency in litigation, towards the ones of the real currency¹⁶.

The objective use of criminology tactic, methods and technique in on the spot investigation of the crime, can decisively contribute to establishing the truth by direct findings made on this occasion, as well as from the materials picked up in order to be analyzed by specialists

¹⁵ For instance, from the 1 dollar banknote a 100 dollar banknote is made, and from the 5 dollar banknote one of 50 dollars. Usually, in these cases only the numbers that indicate the nominal value of the currency are altered, both the portrait (on the front) and the drawing (on the back) remain the same, which represents a certain proof of counterfeit.

¹⁶ Ion Vochescu, Vasile Bercheșan, Banknotes and banknote counterfeiters, 218.

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