

# THE USE OF TECHNICAL, TACTICAL AND METHODOLOGICAL MEANS IN THE INVESTIGATION ON THE SPOT OF THE VARIOUS METHODS OF COMMITTING HOMICIDE CRIME

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**ABSTRACT:**

*THE HOMICIDE CRIMES ARE COMMITTED BY A MULTITUDE OF MODALITIES, BEING USED VARIOUS MEANS AND PROCEDURES, WHICH IMPOSES THAT THE INVESTIGATION ON THE SPOT BE FULFILLED BY USING THE MOST ADEQUATE TECHNICAL, TACTICAL AND METHODOLOGICAL FORENSIC MEANS.*

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**KEY WORDS:** HOMICIDE; TECHNICAL, TACTICAL AND METHODOLOGICAL MEANS; ON-SITE INVESTIGATION

## INTRODUCTION

Criminalistic is defined as an autonomous and unitary science which sums up the ensemble of knowledge materialized in patterns, technical-scientific means and tactical prevention procedures, discovery, crimes investigation and identification of their authors<sup>1</sup>, and appears as “a connecting bridge between legal sciences and nature sciences”<sup>2</sup>.

The object of methods refers to: problems which must be cleared during the criminal prosecution and the activities necessary to be developed for the administration of evidence and complete clearing of the cause<sup>3</sup>.

In relation with the nature of the crime committed, the circumstances of happening, the traces left behind at the crime scene and the modality of their rendering valuable, the forensic method, taking into account the general rules of the forensic technique and tactic, the knowledge supplied by other branches of the science and generalizing the positive experience

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<sup>1</sup> Emilian Stancu, *Criminalistic* (University of Bucharest, Faculty of Law, 1994) 17.

<sup>2</sup> Camil Suciu, *Criminalistic* (Bucharest: Didactic and Pedagogic Publishing House, 1972) 11.

<sup>3</sup> Regarding the matters to be cleared during the investigation, we consider that they are substantively established, in each particular cause, in relation with the content of the crime committed. Thus, at the identification of the author of a crime and for proving the guilt, the results of various criminal prosecution activities may compete, like: the investigation on the spot, the ascertainment of the flagrant crime, the fulfilment of search, the disposition of technical-scientific ascertainments or of expertises, witnesses interrogation, confrontation, presentation for the recognition of persons and objects.

of legal authorities, offers the frame and recommends the use of adequate investigation methods<sup>4</sup>.

According to the doctrine and legal practice, the methodological general rules are, mainly, the following<sup>5</sup>:

- the homicide investigation is fulfilled by a complex team, composed of prosecutor, coroner and police agents, its leadership being assured by the prosecutor, according to the provisions of art. 209 of the Criminal Procedure Code, for the purpose of developing the criminal prosecution activity in a unitary, adequately coordinated manner;
- the necessity to assure operativity, by an efficient organization of the investigation, giving priority to the criminal prosecution activities which require maximum emergency, like: investigation on the spot; interrogating the persons who have knowledge about the crime committed, about the victim or assaulter; the prosecution of suspect persons.
- the adequate investigation of the crime scene, given its importance in the precise and complete establishment of facts and circumstances of the cause, as well as in the identification of the homicide author, of the instruments or means used for this purpose;
- the adequate planning of the entire criminal prosecution activity, according to the particularities of each case in the elaboration of versions, following to take into account the data obtained, so that the administration of evidence be possible in due time, “avoiding the actions that could delay the solution of causes”<sup>6</sup>;
- the exact establishment of the crime committed, since the investigation must start from the deed to the author and not the other way around, in order to observe the principle of the presumption of innocence, so that legal errors could be prevented;
- the assurance of the continuity in the development of the criminal prosecution, being imposed that the prosecutor who fulfilled the preceding acts and the investigation on the spot, develop the entire investigation until the finalization of the case;
- the exact observance of the criminal trial law provisions and the consistent application of the most adequate technical-scientific methods and forensic methodological rules, so that the trial acts not be submitted to nullity, edifying evidence for the cause clearing being lost.

### **TACTICAL RULES OF CRIME SCENE INVESTIGATION IN CASE OF HOMICIDE CRIMES**

The investigation on the spot, especially of homicide crimes, represents one of the important problems in the forensic field, both at theoretical level and at practical level, the team of specialists fulfilling this very complex activity setting practically the ground of an investigation which will develop in good conditions or will make the further work more difficult, if the first investigations are superficial.

According to art. 30, last paragraph of the Criminal Procedure Code “the place of crime committing” contains the place where the criminal activity took place, wholly or partially, or where its result happened.

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<sup>4</sup> Nicoleta-Elena Buzatu, *Investigating the crime scene in murder offenses committed by shooting*, Christian University "Dimitrie Cantemir" Annals, Law Series, (Bucharest: Pro Universitaria Publishing House, 2007) 173-174.

<sup>5</sup> Constantin Ionițoiaie, *Criminalistic Course* (Bucharest: The Police Academy "Al. I. Cuza") 12.

<sup>6</sup> Ovidiu Năstase, *Some theoretical and practical aspects regarding the investigation of the homicide crime*, a study accomplished in the Department of criminal prosecution and criminology of the General Prosecution Office by the Supreme Court of Justice, in PPC no. 2 (1992) 5 and following.

The notion of “on the spot” or “place of crime committing” has a wider sphere than the one currently used for the “crime scene”, also including the closer areas, the access ways or other places from their examination conclusions being drawn regarding the acts of crime preparation and committing, including the crime consequences (land area, road segment or the room where the body was discovered, parts of it, skeleton, as well as their surroundings; the place where the main episode of the deed took place, respectively where the victim`s life was suppressed; the place where the victim was abandoned or the place where the body was disjointed, including their surroundings; the place where the victim died, in case it does not coincide with the place of aggression; the access ways used by the perpetrator in order to enter in the crime field, as well as the place where he went away)<sup>7</sup>; thus it contains the entire crime field bearing information regarding the crime committed<sup>8</sup>.

The investigation on the spot, as a trial act, is considered a probatory procedure, which finalizes in the procedure act named investigation minutes on the spot since it aims at discovering, establishing and picking up of the crime traces, as well as at establishing the status and position of probatory material means (art. 129, paragraph 1, Criminal Procedure Code).

In the homicide investigations the research on the spot is the starting activity of the criminal prosecution, being generally irrepeatable, since in most cases it can no longer be retaken, due to the modifications in time brought to the crime scene or to the alteration or disparition of the evidence material traces and means, which imposes from the start its solid and full development.

The homicide crimes can be committed by numerous factual modalities: the use of mechanic, physical, chemical, biological or psychic factors, etc, the first three factors have a higher frequency.

Regardless of the committing modality or of the homicide crime particularities, the investigation on the spot must clarify mainly the following issues: the nature of death; the immediate cause of death; the place and time of crime committing; the methods and means used to comit and cover the crime; the victim`s identity and quality; the perpetrators` identity, their quality and contribution to the crime committing; the mobile and purpose of crime committing; the conditions and circumstances which generated of favoured the homicide committing.

### **HOMICIDE INVESTIGATION PARTICULARITIES ACCORDING TO MEANS AND PROCEDURES USED BY PERPETRATORS TO SUPPRESS THE VICTIM`S LIFE**

In the investigation on the spot of the homicide crime, regardless of the modality in which it was committed, the two different sections of the criminalistic discipline are combined:

- the forensic technical part, which addresses to the technical instruments possessed, with the purpose of discovering, picking up and establishing the traces and for the further valorization in an expertise or forensic technical-scientific ascertainment;
- the special methodology part of investigation of various types of crimes; homicide investigation in the phase of examining the scene crime demands a series of specific

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<sup>7</sup> Vasile Bercheșan, Constantin Pletea and Eugen Sandu, *Investigation on the Spot* in *Treaty of Forensic Tactic* (Craiova, Carpați Publishing House, 1992) 26.

<sup>8</sup> Nicoleta-Elena Buzatu, *Features of crime scene investigation in crimes of murder*, in „Present and perspectives in the development of metropolitan areas in Romania”, vol. II (Bucharest: Pro Universitaria Publishing House, 2008), 222-232.

rules, some having a general applicability and others a subsequent one, deduced from the specific of every death in particular.<sup>9</sup>

Besides the ascertainments made on the spot by the investigation agent, the determining role in establishing the modality of homicide committing is given to the data made available by the coroner, by registration in the medical-forensic ascertainment report of the cause of death, of the production mechanisms and of the means used, which can substantially contribute to the establishment of the committing modalities and the particularities of each of the respective actions.

*a) Homicide committed with cutting weapons and blunt objects*

With the help of blunt objects excoriations, ecchymoses, wounds, sprains, luxations or fractures or other severe traumas can be produced, which can cause the victim's death, and the cutting weapons can produce cut wounds - chopped off (with ax, hatchet, hoe, mower etc), sectioned (with razor, blade, knife etc) or stung (with fork, needle, nail, bayonet etc).

The adequate interpretation of the traces left on dead bodies on occasion of the homicide committing makes it sometimes possible to approximately establish the procedure of its committing, the nature of the weapon used by the perpetrator as well as other circumstances of the homicide committing.

Thus, the use of a sharp weapon (knife, razor etc.) causes wounds characterized by their rectilinear or bow shape aspect, at the extremities of which sharp angles are formed<sup>10</sup>.

The wounds on the body, caused with a stinging weapon or with a sharp-stinging weapon often have the shape of the cross section of the weapon used, but having smaller dimensions than the ones of the weapon used.

By using blunt objects, which have a relatively small hitting area (hammer, the ax edge, etc), wounds that reproduce the linear shape of the edges of these objects are caused (for instance, a round hammer causes a bow shape wound)<sup>11</sup>.

*b) Homicide committed by asphyxia*

*Asphyxia* happens due to the forced breath stopping or by the impossibility to use the air breathed, which leads to the hindering of the blood circulation toward the brain, this causing in the end the victim's death.

Mechanical asphyxia can happen by hanging, choking, drawing, suffocation and occlusion of respiratory ways.

*Hanging* takes place by the compression of the neck with a lath made of rope, foulard, tie, cord, wire, etc, by which asphyxia happens under the action of the victim's weight<sup>12</sup> - on the external side of the neck appearing an incomplete hanging groove, oblique, ascendant, with maximum intensity in the opposite side of the bow.

In case of discovering a dead body hanging from the lath, it must be established whether a suicide took place or if there is the possibility of hanging the body, after having committed a homicide.

<sup>9</sup> Lupu Coman, Ion Constantin, *Some particularities of the investigation on the spot in homicide crime*, vol. I (Bucharest: M.I., 1976) 4 and following.

<sup>10</sup> The margins of a cut wound have a uniform, smooth surface and they are usually strayed, and the wound festers (is open).

<sup>11</sup> Blunt object with round areas cause wounds with a variety of shapes, irregular, presenting obvious crushing in the center, and the blunt objects of cylinder form (bats, iron rods), cause wounds in the shape of grooves with obvious crushing on all the length, in the middle of the section.

<sup>12</sup> Hanging, that is the introduction of the neck in a lath that narrows due to the body weight, often happens even if the body limbs have a support point (floor, ground).

The modality of looping the lath (professional bows) and the material of the lath can sometimes have a special importance for the discovery of the author, in case of violent hanging of the dead person or of an unconscious person<sup>13</sup>.

At hanging dead bodies, the death stains appear on the downward parts of the body (forearm, hands, foot plant), typical clues of hanging also being the astriction of the tongue between the teeth, the involuntary elimination of feces, and at men of sperm liquid.

In order to establish if it is a suicide, the choking groove must be analyzed, which is formed on the neck due to the lath action, being noticed the direction, the colour, the groove width, being mentioned if it contains the neck all around, etc<sup>14</sup>.

*Choking* supposes the compression of the victim's neck by another force than the one due to the weight of the victim's body, usually acting by means of the perpetrator's hand<sup>15</sup>.

When choking is performed by a band, the choking groove, unlike the hanging one, is horizontal, profound, complete, also presenting the impress of the bow<sup>16</sup>.

Ribs fracture and the pectoral and abdominal wounds can be caused in case the perpetrator climbed with his knees on the victim, in the respective areas.

*Suffocation* supposes the occlusion of respiratory ways by introducing a gag in the mouth: by pressing the face against a plastic support which moulds on it, stopping the air from entering; by covering the nasal orifices and the mouth; by glueing a water-proof foil or by applying a wet textile material or a pitch mask on the face<sup>17</sup>.

*Drowning* can happen by introducing the victim's face in a liquid or semiliquid mass, which is absorbed through the mouth and/or nose, followed by its penetration in the respiratory ways, causing thus the victim's impossibility to breath.

The examination by the coroner of a dead body taken out of the water allows the gathering of data regarding the fact if death happened as a suicide or an accident, or if the body was thrown into the water after having been committed the homicide<sup>18</sup>.

### c) *Homicide committed by shooting*

In order to determine the death nature by shooting, the main traces of the shooting will be investigated from medical-forensic and criminal point of view: the entering orifice, the exit channel and orifice (if they exist), as well as secondary traces: breaking caused by gases, burns, etc.<sup>19</sup>.

In case there are clues that a fire weapon was used, an important task of investigating the crime scene is the discovery of the weapon, of the bullets cases fired, of the bullets, as well

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<sup>13</sup> In these cases, the lath must be removed, cutting it in the opposite side of the bow, having to describe, draw or take pictures of the lath type, bow characteristics, as well as the hanging groove, like in the case of the bow made to fix the lath in the support point (for instance beam).

<sup>14</sup> In case of suicides by hanging, the choking groove usually has an ascendant direction, towards the bow, not forming a continuous line by being interrupted near the bow.

<sup>15</sup> When it is directly acted by hand, excoriations and ecchymoses or nails traces can be found on the victim's neck.

<sup>16</sup> If the lath is stretched by another person, the cyanosing of the skin tegument happens below the lath, the face getting an uptight aspect and being sometimes covered with numerous punctiform hemorrhages.

<sup>17</sup> The compression of the thorax by a mechanical force superior to the victim's possibility to perform respiratory movements leads to the impossibility of the air to penetrate the organism (the compression by the weight of the perpetrator's body of the thorax-abdominal region, placing weights over the immobilized victim, etc).

<sup>18</sup> In case the dead body is tied up at hands and legs, or if a weight is tied to the body, it must be attentively examined and established the position of the strings on the body and the way the bows were tight in order to find an answer to the question if this could have been done by the victim or not.

<sup>19</sup> The examination has as a purpose the establishment of the shooting distance and direction, of the self hurting possibilities in the conditions in which the victim was found.

as of the orifices and other damages present both on the dead body and on the surrounding objects.

The examination of the body is very carefully fulfilled, in order not to damage the shooting traces, which remained on the clothing and body (soot, powder)<sup>20</sup>.

With the help of the medical-forensic expert, the enter and exit orifice of the wound must be determined. It will be noticed if traces of shooting with the tight barrel exist or struggling traces of the victim with the aggressor (traces left of the barrel muzzle, blood or substance from the brain on the hands of the body, etc)<sup>21</sup>.

#### *d) Death by poisoning*

According to the doctrine, by toxic or poison, used by the authors of the deeds investigated, it is understood any substance that, introduced in the organism in reduced quantities, produces functional alterations or wounds, determining a pathological state named intoxication.<sup>22</sup>

In order to cause a person's death, animals or insects can be also used, which by their bite or stinging inoculate a poisonous substance.

At the same time, the medicine substances, by exceeding the therapeutical doses, have a toxic or lethal effect, which can be followed by the perpetrator.

In case there are suspicions that a person's death happened as a consequence of poisoning, it will be carefully investigated if in the victim's mouth and around it stains or burns happened. At the same time, it must be established if on the clothes, on the victim's body and on the floor, near the body, there are traces of the toxic or its residuals, in the form of liquid or powder flows<sup>23</sup>.

The residuals of a substance which is eventually toxic, the dishes as well as other objects in which the respective substance was found must be sent to be analyzed in the medical-forensic lab, like in the case of food remains, vomits and feces, if there is the possibility that they might contain traces of a toxic substance.

In any of the modalities shown above, of death happening, the coworking between members and specialists of the investigation team is necessary, without this the activity cannot be carried on successfully. For instance, the criminalistic expert will work together with the medical-forensic expert when determinations that claim medical knowledge are necessary, like the case of digital prints settled by the de-stratification of a sanguinolent substance or when the

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<sup>20</sup> The clothing must be carefully examined in order to certainly establish if in its bendings cases or bullets exist which got there after the shooting occurring.

<sup>21</sup> The wounds caused by shooting, present on the body, must be described in detail, being indicated the position, dimension, their shape as well as the presence of the shooting traces happened from a small distance, which are to be found close to these wounds.

<sup>22</sup> Toxic substances can be classified from the point of view of the chemical composition, in organic and inorganic; according to their origin in synthetic (created in the lab) and natural (vegetal, mineral or animal); according to their action on the organism, in caustic (silver nitrate, sulphuric acid, azotic acid, hydrochloric acid, sodium and potassium hydroxide, ammonia, phenol etc); hematic having an unfavourable action on the blood components (arseniated hydrogen, potassium chlorate, carbon oxide etc); parenchymatous, having a selective section on the brain, liver, kidneys and heart (mercury and its derivatives, lead and its derivatives, copper salts, zinc, thallium, barium, anaesthetics, arsenic, phosphorus, etc); with other toxic actions (hydrocyanic acid, methyl and ethyl alcohol, ether, chloroform, morphine, opium, the derivatives of barbituric acid, strychnine, nicotine, cocaine, atropine etc); food (solanine from sprung potatoes, toxins from poisonous mushrooms etc) and those used in agriculture (artificial fertilizers, herbicides, fungicides, insecticides etc.).

<sup>23</sup> For this purpose the dishes, the sink, the bed as well as other places where remains of the toxic substance could be traced, must be examined.

dactiloscopic exam made by the criminalistic expert is completed by the blood exam in order to establish the type and group classification of blood <sup>24</sup>.

### **CONCLUSIONS**

Criminalistic is intrinsically connected to the homicide investigation, fact which represents a special social danger, since it damages the supreme value of the human being: life.

For the investigation of such facts, criminalistic makes available to the criminal prosecution authorities technical, tactical and methodological means, such as: technical-scientific means of crime traces examination, of crime bodies picked up on occasion of the crime scene investigation, as well as on occasion of the search; the identification means of persons and dead bodies, other than those discovered in the crime scene; tactical procedures of fulfilling the criminal prosecution actions, frequently applied to these cases, like those destined to listening, confronting, searching, rebuilding; methodological rules applied according to the particularities of each separate case, starting with the general methodological ones.

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<sup>24</sup> For instance, in case of the homicide committed on the old woman I.I., from the locality of Pesceana, Vâlcea county (file no.732/P/1993), the author was identified following a laborious work of the criminology expert, who exploited the multitude of the traces found on the spot and after the expertises accomplished the author could be found. Thus on the doorcase of the victim's dwelling, on a glass and a plastic bag papillary traces were found and taken which settled by the de-stratification of a sanguinolent substance, and on a newspaper a foot mark was found, formed by stratification, that is by settling on the paper support of a biological substance of red colour which was established to be blood. The dactiloscopic expertise established that the papillary traces were created by the impression of the finger of the person suspected, and the impression evidence concluded that the foot mark on the newspaper was created by the sole of one of the shoes worn by the author at the crime scene. Besides, both on the shoes and on the author's clothes traces of blood belonging to the victim were found.

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