

FORENSIC INVESTIGATION OF CRIMES AGAINST PROPERTY

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Abstract

Frequently, thefts have as material object goods with a considerable economic value, reason for which they are committed on people with a good material situation, usually being businessmen or foreign investors. Robbery is one of the most serious crimes, damaging the heritage and life, implicitly the health of the person, and through serious consequences it has a negative effect on the population. In order to combat the criminal phenomenon, it is useful to determine the areas and environments in which the crimes of theft and robbery are committed with predilection. In addition, the authorities may contact the representatives of the companies that are located and operate in those areas/environments to guide them in order to ensure proper security and the installation of surveillance systems. The crime prevention must be accompanied by a socio-cultural approach to maximize its impact on the entire population.

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JEL Classification: K14

1. The main problems, the object of probation, which must be clarified by investigating the crimes of theft and robbery

Thefts of theft are of particular importance, as they are committed with increasing frequency, in various ways, having as material object goods with a high economic value².

The robbery is one of the most serious crimes, damaging the heritage and life, implicitly the health of the person, and through serious consequences it has a negative effect on the population.

1.1. Determination of movable property

Frequently, thefts have as material object goods with a considerable economic value, reason for which they are committed on people with a good material situation, usually being businessmen or foreign investors.

The determination of movable property is an essential aspect, which is necessary for the assessment of the damage and the correct legal classification of the deed³.

1.2. Determining the place and time of the crime

The rapid establishment of the place and time of the crime is of major importance for the quantity and quality of the identified traces and contributes to the correct legal classification of the criminal act.

From a brief analysis of the crimes of theft and robbery can be drawn a number of characteristics: they are frequently committed in crowded urban centers, perpetrators often act in the shelter of darkness, on low-traffic streets or in isolated places belonging to elderly people who they live alone, and in many cases the robberies are the result of thefts that have turned into robbers.

1.3. Identify the means and methods used to commit the crime

The most common methods of operation in the case of theft are: cutting hinges and latches with a firecracker, wolf pliers or even destroying them with various tools, including the welding device or a drill with a battery; forcing locking systems by using adjustable jacks, metal bars or

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² V. Dongoroz, *Explicatii teoretice ale Codului penal roman*, vol. III, Romanian Academy Publishing House, Bucharest, 1971, p. 443.

³ C. Suci, *Criminalistica*, Didactic and Pedagogical Publishing House, Bucharest, 1972, p. 622.

bulldozer system; use of original keys or forged keys.

The vast majority of robberies are committed using the following methods of operation: assaulting and robbing businessmen/motor vehicles used to transport monetary values or persons operating or directing such values, robberies carried out in the homes of persons known to hold property of great value, robberies committed in the stairwell of blocks of flats or elevators of blocks of flats.

1.4. Identification of the perpetrator and of the possible participants in the commission of the crime

Judicial practice presents the categories of persons who make up the sphere of the perpetrators of the crime, respectively: persons with a criminal record, persons without occupation, persons who have recently been released from penitentiaries and persons who have evaded judicial proceedings.

One of the most efficient ways of gathering information is made by its own information network, through qualified personnel, able to enter the environments of criminals to prevent the spread of false information and disclosure. Informative work initially involves recruiting informants based on their credibility, sincerity, abilities and intellectual abilities.

1.5. Identification of the injured person

The process must be approached in a broad way, aiming both to identify the owner, in case of theft, and to identify the injured person, in case of robbery, on whom the violence was exercised, but also to identify the owner of the stolen property.

1.6. Determining the conditions that favored the commission of the crime

The factors that favor committing thefts are the following: locking systems, locks, doors, metal frames, window grilles, damaged, dysfunctional, inadequate or effectively missing security/ alarm systems; keeping valuable goods or sums of money in drawers or unsuitable places with a guard provided by a negligent staff or without a guard being provided.

2. The first measures taken to investigate the offenses of theft and robbery

2.1. Finding the flagrant crime

The finding of flagrant crimes is a complex operation, which must take into account the nature of the crime, its degree of repeatability, the means/methods used, depending on which will be established the modalities and when the judicial bodies will intervene.

In case of finding a flagrant crime, the perpetrator is detained, searched, the identity is established and he is questioned about the crime committed. The information obtained from the injured person, eyewitnesses, the investigation of the crime scene and other important mentions are included in the minutes, according to art. 293 para. 3 of the Criminal Procedure Code.

2.2. Carrying out the on-site research - art. 192 of the Criminal Procedure Code

In order to be able to identify and trace them, the on-site investigation must be carried out immediately after the report of the act, carried out with professionalism, attention and patience, responsibility and in an organized manner.

The on-site investigation aims to establish the time/place of the deed, the means/methods used, the determination of the goods that were stolen, the collection of traces, the identification of eyewitnesses and the determination of the factors that favored the commission of the deed.

The negative circumstances intentionally created by the perpetrator for misleading are of great

importance. Traces created from the perpetrator's carelessness, haste or negligence, such as his lost objects, are carefully examined.

2.3. Listening to the injured person

The injured person can describe in detail the goods that were stolen and can provide information on their value. Thus, the stronger the opposition from the victim, the greater the chances of creating traces that can later be recovered.

The victim is heard taking into account her emotional state, in most cases the passive subject interacting with the judiciary shortly after committing the crime. Victims may be in a state of turmoil, agitation, fear, horror, due to which they cannot remember aspects relevant to the investigation of the deed, or on the contrary, they reproduce certain elements through an exaggerated description.

2.4. Hearing witnesses

The hearing of witnesses and the recording of statements is done with the most accurate mention of the elements they perceived directly, such as: the signals of the perpetrators, the description of the stolen goods with the emphasis of their particular elements, the report of the crime, „witnesses must describe the attitude of the victim at the moment of the deed, that is, if she actually opposed or simulated”⁴.

In order to identify and apprehend the perpetrators, the witnesses will be presented with the help of photo albums and audio-video materials of the offenders registered in the police records that present modes of operation identical or at least similar to those used in the investigated crime.

2.5. Carrying out searches - art.157 of the of the Criminal Procedure Code

If the perpetrators are identified and caught, searches will be carried out to find the stolen goods, tools used to commit the crime, vehicles used, to identify the property belonging to the perpetrator, which shows traces of the crime or other elements necessary for investigation.

In this sense, in the context of the flagrant crime it is necessary to carry out the bodily search of the perpetrator.

2.6. Identification and apprehension of the perpetrator perpetrators

The circle of suspects may consist of: persons with a criminal record, who have a modus operandi similar to that encountered in the crime under investigation; persons who have been convicted of theft or robbery; persons with the perpetrators' signals confirmed by witnesses and / or victims; persons who cannot justify their period related to the commission of the deed, or on the contrary, persons who justify that period of time with unnaturally accurate information.

3. Other criminal investigation activities carried out in the forensic investigation of theft and robbery

3.1. Listening to suspects or defendants

The hearing of the suspects or defendants will be carried out focusing on the details of the crime, namely: the mode of operation, the means used, the persons involved and the indication of the stolen goods.

⁴ A. Ciopraga, I. Iacobuță, *Criminalistică*, Ed. Junimea, Iași, 2001, p. 374.

3.2. Making presentations for the recognition of objects and people. Performing reconstructions - art.132 of the of the Criminal Procedure Code

Presentations for the purpose of recognizing objects are intended to determine the goods that have been stolen, the tools that have been used by the perpetrators, as well as the motor vehicles used to commit the crime or other such means.

Presentations for the recognition of persons is useful for situations in which victims or witnesses remember the signals of the perpetrators, and they have not yet been identified.

Reconstruction is a supplement to the information obtained from the presentations for the recognition of objects and persons or for verifying the statements in terms of their veracity "the injured party will also be invited to reconstitute to give indications regarding the initial state of the crime scene, the way in which the furniture is presented before the theft, its location".⁵

3.3. Disposal of forensic expertise

In the field of judicial expertise, an important place is occupied by the findings and forensic expertise having as object the analysis of the traces on the objects found in the criminal field, "when the offender commits a deed, he creates on the spot fingerprints on touched objects"⁶.

4. Specific issues to be clarified

- a. Determining the negative circumstances, considering the way of accomplishing the deed;
- b. Establishing the real situation of the patrimony, if the stolen goods actually existed, what was the quality of the goods at the time of the theft and establishing as accurately as possible the quantity of stolen goods.

In order to combat the criminal phenomenon, it is useful to determine the areas and environments in which the crimes of theft and robbery are committed with predilection. In addition, the authorities may contact the representatives of the companies that are located and operate in those areas/environments to guide them in order to ensure proper security and the installation of surveillance systems.

Crime prevention must be accompanied by a socio-cultural approach to maximize its impact on the entire population.

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⁵ See Emilian Stancu, *Tratat de Criminalistică*, Ed. Universul Juridic, Bucharest, 2015, p. 625.

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