

## Video Recording of the On-site Investigation

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### Abstract

Currently, the increasing effectiveness of criminal procedural investigations is determined by the level of implementation in the practical activity of methods and technical-scientific means intended for discovery, fixation, collection, and examination through which the missing data omitted by the person in the process of perception, memorization, saving, reproduction, systematization, and transmission of information are compensated.

Thus, because of the application of technical-scientific means and methods, the evidentiary data become more precise and complete, determining new tactical possibilities for carrying out criminal prosecution actions.

In this article, the authors examine the existing opinions in forensic literature on the necessity and forensic-technical rules governing the technical process of video recording of on-site investigation activity. Even though there are various technical ways of recording the on-the-spot investigation, judicial bodies are hesitant to use the video technique in the on-the-spot investigation. The circumstances requiring the use of video technology and the situations determined by them are characterized in terms of their doctrinal and empirical basis.

The authors also deal with the subject of video recording which needs to be reflected in the on-the-spot investigation report.

**Keywords:** video recording, crime, crime scene investigation, forensic film

The use of video footage in on-site investigations in the legal and forensic fields is of crucial importance. These records provide detailed visual documentation of the crime scene, providing information that may be essential for investigations and court processes.

Researching the issue of applying video recordings when conducting on-site research, author Semtsov V. notes that “the use of video recording technique is of great importance for the rapid discovery of the crime and identification of the perpetrators. If the criminal investigation officer has a video camera, he can re-reconstruct the recordings for the purpose of analyzing the research carried out and studying the results obtained in detail” [7].

The importance of the video recordings made during the investigation of the crime scene was also investigated by local authors. Odagiu I., Luchin L. and Rusnac C. mention that “the video recording made during the investigation of the crime scene offers the possibility of printing and reproducing with great accuracy the image and sound of some criminal activities; of some phenomena, circumstances and states of fact in the static phase and especially in the dynamic one; of the appearance of objects, as; details, shades of colours and micro-phenomena of objects research, which are inaccessible to ordinary view”[4, p 42].

In the opinion of Odagiu I. and Andronache A. “the application of video and audio recordings in the case of on-site research requires to be applied in the following cases:

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- if the investigation of the crime scene was started until the end of the event, i.e. when the change of the place continues; (mass disorder, fires, etc.);
- if the urgent need arises to remove the consequences of the Act, which lead to a change in the situation; (violation of the rules of road traffic safety, violation of the technique of labour safety, etc.);
- if there is a need to modify the crime scene in order to discover the traces of the crime and detain the perpetrator on fresh traces;
- if special terminologies from different areas are applied to the description of the crime scene and the research of objects and documents (in case of violation of technical security and the need arises to describe the principle of work, etc.);
- when the place of the crime represents a huge territory with characteristics that hinder (complicate) the conduct of research on the spot (catastrophes). In such situations it is rational for video recording to be carried out from the air;
- if the state of affairs at the scene, due to its complexity, will be difficult to describe in the minutes of Investigation at the scene;
- if at the scene of the crime there are both unfavourable and negative circumstances” [5, 120].

In addition to the situations listed above, Odagiu, Luchin et.al. consider it “appropriate to apply video recording also in the case when for a more complete analysis of the recorded actions and a better perception of them it is necessary to reproduce the footage more slowly or at an accelerated pace: in the case where it is urgent to search for traces of the crime until the initial ambience of the crime scene is fixed ” [4, p.43].

As in the case of the application of video recordings at the hearing, the on-site investigation requires compliance with two categories of rules: procedural rules, which unfortunately the local legislation does not regulate, and forensic rules. Concerning the first category of rules, we once again demonstrate the necessity of a general rule regulating the principles and criteria for the application of technical and scientific means in judicial activity.

The forensic rules for the application of video recording in the investigation of the crime scene determine and require compliance with certain genres and procedures to be filmed.

Judicial film video genres:

**A. Making the generic.** *The generic is aimed at creating the procedural framework.* It will be carried out before the actual filming of the crime scene is carried out, as well as after the completion of the investigation at the scene [1, p.51].

Regardless of when it is executed, the generic must contain the following particulars:

- presentation of participants, the name of the institution within which the video recording is carried out, and the nomination of the person commenting. Comments will be made on the traces discovered and the actions that resulted in the discovery of the traces. Comments must be clear and brief and can be executed, in a loud voice, by both the prosecuting officer and the specialist.

The video recording must first film all participants in this activity, the participation of which is mandatory (criminal investigation officer, specialist, coroner ) and the participation of which is optional (other specialists, victim, injured party, suspect, accused, witnesses, etc.) after this is recorded the moment of explaining the rights and obligations of the participants

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and warning them about the criminal liability they bear and that during the investigation on the spot will be applied video recording [5, p.121].

- presentation of the object to be investigated;
- name of the judicial body that conducted the research, Date, Place, reason and legal basis;

**B. Orientation shooting.** Orientation shooting serves to fix the overview picture of the place of commission of the crime, showing its position relative to the immediate surroundings. This first moment of the making of the judicial film is aimed to frame the overall picture of which the crime scene is part.

**C. Filming sketch.** The sketch film helps to establish the place of the crime committed in whole or in sections, highlighting the mutual relations of position in which various trace-bearing objects and other means of evidence are positioned.

Sketch photography, unlike judicial photography, is subdivided into:

1. **Shooting panoramic sketch.**
2. **Cross-sketch shooting.**

This is determined by the fact that during the investigation on the spot, it is necessary to fix the criminal field from several opposite angles, the image capture having as object the removal of "blind" areas, a very important requirement for highlighting some details during the subsequent examination. In order to fully achieve the intended purpose, the cross-sketch film must be executed, as far as possible, from four diametrically opposite points, whose imaginary axes cross at the central point of the place of the crime.

Orientation and sketch filming will begin after the prosecution officer pronounces the words: "*through research, it was found that:....*"

**3. Shooting sketches by sectors.** It has the role of detailing the aspects fixed by the methods described above, for the implementation, value of factual circumstances and objects of research interest. It will focus on those sectors where traces of the investigated crime were discovered.

**D. Shooting of the main objects.** It is carried out on objects valued as main by their nature or by the traces that bear them, which have or may be related to the act committed. The filming of the main objects, as well as the orientation and sketch filming, is carried out in the static phase of the on-site research, without them being moved from the place where they were found, in order to fix, first of all, the position and distances at which they are located from the other surrounding objects. The frame also includes the numbers with which the objects and traces are marked.

**E. Filming traces.** In the execution of filming the traces – it means that they appear in the foreground – one must start from the general image of the trace, and by zooming to highlight its main characteristics.

The recording must be made in such a way that the image of the filmed object persists on the screen at least 15", the minimum time for the reception by the criminal investigation body or the court of the individual characteristics of the traces presented in the projected judicial film.

**F. Detail filming** is required from the static phase of the research, where the situation allows. It is aimed at fixing the detail of the filmed object, as it was found in the criminal field.

Detail filming is carried out on a scale larger than the actual size of the track or object being filmed, in order to highlight features that are difficult to reach the human eye.

### **Judicial film proceedings**

**A. Image composition.** From a technical point of view, when composing the image, the frame and placement of the station point relative to the subject and in relation to the lighting sources are taken into account, so that the film represents the whole ensemble clearly and accurately.

**B. Panoramic process.** They are performed from a fixed point, by rotating the camera on a vertical, horizontal, or oblique plane, and aim at presenting a space wider than the angle of the lens; tracking a moving subject; and indicating the direction of movement. For panoramic still images, it runs from a fixed plane, performing a slow and uniform motion, and ends in a fixed frame. In moving subjects, the direction of rotation of the apparatus is determined by their direction of travel. Panoramas are executed within a film, as a rule, in the same direction (Left - Right or vice versa). In the case of fixing the crime scene, it is recommended that the recordings be carried out using the tripod, avoiding sudden movements.

**C. Traveling** is performed by moving the apparatus in the sense of:

- approach to the subject, when starting from a general framework and setting the maximum point of interest by detailing;
- distance from the subject, to illustrate the environment in which the point of interest is placed;
- tracking the subject (parallel to him, following or ahead of him), speed and distance being kept relatively equal to illustrate his activities during the movement.

**D. Stop the frame.** Frame stopping finds wide application in judicial film because cursive marking of an event or circumstance cannot always meet judicial requirements. In the making of the judicial film appears the need to "freeze" the important phases, as far as possible from different angles of view, in order to be sufficiently represented in time.

In our opinion, taking into account that the criminal prosecution actions from a tactical point of view are divided into three stages: preparation, work and documentation and that previously we investigated the application of video recording at the hearing we consider it rational to emphasize only some peculiarities of the application of video recording when conducting the investigation on the spot.

Thus, at the preparation stage, the actions and objects to be recorded on video will be identified; elaboration of a plan based on which the video recording will be made; if necessary, inviting a photographer specialist, to whom the purpose and objects will be explained.

Speaking about the working stage of the on-site research, we conclude that the application of video recording can determine the existence of two situations:

1. full fixation of on-site research. The video recording of the crime scene will include not only the existing circumstances and circumstances, but also the actions taken by the members of the Criminal Investigation Task Force. The existence of such a record will allow to assess the quality, objectivity and how complete the research was carried out on-site.

2. selective fixation of on-site research. Video recording is mandatory only at the stage of preparation at the crime scene, in order to carry out the investigation, and if the Criminal Investigation Task Force discovers important traces. The video fixation will contain the generic, the orientation film, the trace-bearing object, and the way of lifting, packing, and sealing. Because the investigation at the scene is a prosecution action that can take from several hours to days, only the process of researching the most important sectors at the scene will be recorded on video to exclude the possibility of loss of useful information.

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Solving the problem of full or selective recording of the investigation on the spot, as a general rule, we consider correct the opinion of the local author Osoianu Tudor, who mentions that “solving the problem of applying video and audio recordings to conducting the investigation on the spot it is necessary to take into account that this criminal investigation action requires to be carried out in a long time and that, for what it is necessary and it is recommended to record on video only the most important moments” [6, p.74]. However, it should not be forgotten that there is an exception for every rule. Thus, in our opinion, the perimeter of the crime scene, the quantity and character of the objects to be fixed, the conditions and situations existing at the crime scene, and the resonance of the crime can determine the full recording of the investigation of the crime scene.

### **Conclusions**

Video recording of the investigation at the scene is a useful practice that gives a new perspective to the process of technical documentation of the crime scene. Summing up the investigated ones, it can be said, without pretending to have exhausted the subject addressed, that video recording of the on-the-spot investigation, through the prism of the technological process, requires the existence of general rules that would regulate the use of technical means in criminal prosecution actions. The correct application of the premises of video recordings qualitatively and quantitatively increases the technical-tactical arsenal of the criminal investigation officer used in the discovery, investigation, and prevention of crimes.

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