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Tactical Particularities of Conducting Certain Prosecution Activities on Fresh Traces

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ABSTRACT: The activity of investigating criminal offenses involves solving several complex cognitive tasks in the process of gathering evidence and other criminalistic relevant information. Solving these tasks establishes the lack of comfortable conditions for this, as well as the presence of resistance to criminal prosecution on the part of persons disinterested in uncovering criminal acts. Therefore, it is essential for law enforcement officials not only to know the provisions of criminal procedural legislation, but also to be familiar with certain procedures for conducting criminal prosecution, the possibilities and appropriateness of applying technical means in this direction. It is also relevant to have the ability to plan the investigation and prosecution, to correctly assess the existing prosecution situations, and, based on them, to submit the appropriate versions. Today, criminalistics serves as the main guiding principle for the application of several achievements of natural, technical and humanitarian sciences in the field of jurisprudence. This fact determines the basic trends in the development of criminalistics as a science, with the expansion and modification of the tasks that it is its duty to solve. This is why, for the sake of argument, we resume the assumption that forensic science is a legal science by application, developing a system of procedures, methods, and specialized means for collecting, preserving, researching, and using evidence. Furthermore, these (procedures and methods) are applied in the criminal process for several purposes: prevention, investigation, discovery of crimes, and examination of criminal cases.

KEYWORDS: fresh footprints, prosecution officer, prosecution group, prosecution actions, tactical procedures

Introduction

At present, criminalistic science is the "leading figure" in the application of the achievements of technical, natural and humanitarian sciences in the field of criminal procedure (Jitariuc & Rusu, 2025, p. 15; Rossinskaya, 2010, p. 795). Criminalistics is a legal science, with an autonomous and unitary character, which studies, develops and uses technical-scientific methods and means, tactical and

methodical procedures aimed at the discovery and investigation of crimes, the identification of perpetrators and the prevention of anti-social acts (Aioniţoaie et. al., 1992, p. 9).

In the process of holding criminals accountable, the criminal trial defines the framework and the limits within which the judicial bodies can operate, while forensic science defines the actual ways of obtaining the data needed to establish the facts and, ultimately, to prove that crimes have been committed, in all its requirements in terms of subjects, subject matter and constituent content (Stancu & Manea, 2017, p. 5). The effective performance of tasks in the investigation of criminal offenses requires not only strict and firm observance of the order established by the criminal procedure law, but also a high tactical skill, skillful application of the basic scientific recommendations, on the part of the prosecuting authorities and those who carry out special investigative measures (Gheorghita & Crijanovschi S, 2021, p. 16).

Each form of taking evidence is carried out in accordance with the provisions of the criminal procedural legislation, strict observance of which ensures that objective and truthful evidence is obtained and the rights of those involved in the proceedings are fully respected. However, the law only lays down the most important rules, while the procedural activity of gathering evidence of the offense is carried out largely on the basis of special procedures made available to the prosecution authorities by criminalistic tactics (Doras, 2011, p. 269).

There is a clear relationship of reciprocity between the rules of criminal procedure governing criminal prosecution activities and the tactical procedures applied in connection with their conduct, but they are not identical. The rules of criminal procedure are imperative and mandatory, and ignoring them is inadmissible. The tactical procedures, on the contrary, are merely scientific recommendations, and the prosecuting authority is free to use them, based on the specific circumstances of the case under investigation. Tactical procedures, which acquire the character of procedural rules, a phenomenon known in the legislative practice of criminal procedure, cease to exist as soon as they are enshrined in law (Doras, 2011, p. 269, Ciopraga, 1996, p. 269; Gerasimov & Drapkin, 1994, p. 224). When investigating any criminal offense, the prosecuting officer, before implementing an evidentiary procedure, in order to choose the most optimal and effective option, analyzes the situation, studies the recommendations and takes into account his own conviction, his own experience and that of other colleagues. The result of such mental activity is the chosen tactical solution, which consists in determining the tasks for each evidentiary procedure and developing the algorithm for its realization. The algorithm implies the use of certain tactical procedures in concrete situations (Osoianu et. al., 2020, p. 27).

Results and Discussions

Uncovering crimes, identifying and holding criminals criminally liable often entails extensive and varied activities, mobilizing significant human and material resources. Combating crime requires, alongside other measures, a prompt and reliable response by state bodies to every criminal act committed. The firm application of the law to those who, by behaving in an undignified manner, offend against social values is, in fact, the main means of preventing crime. It is also well known that nothing encourages people to commit crimes more than the belief that they can avoid criminal liability (Jitariuc & Rusu 2025, p. 52; Chiopraga & Iacobuta, 2001, p. 210; Doras, 1999, p. 21; Doras, 2011).

It is a well-known fact that forensic research into crime involves extensive work carried out retrospectively, i.e., after the events have occurred. The retrospective method is nothing but a procedural and tactical technology built on the accumulation of data obtained as a result of various procedural actions and, first of all, as a result of crime scene investigation. Along with this data, the results of other prosecution actions are of great importance in establishing the truth and uncovering the crime (Gheorghita, 2017, p. 103).

Yablokov (2005) mentions, "The most typical and characteristic of initial and urgent investigative actions in hot trail investigations are:

a) examination of the scene and the corpse;

b) examination of objects and documents and their preliminary investigative examination directly at the scene (including with the help of various specialists using express methods of investigation);

c) interrogation of witnesses and victims;

d) detention of the suspect; personal search of the suspect; interrogation of the suspect;

e) search at the place of residence;

f) examination;

g) presentation for identification;

h) appointment and performance of various expert examinations" (Yablokov, 2005, p. 562).

The same opinion is also stated by the author Doraș, "for the initial stage of investigation of offenses on fresh traces, the following actions of the prosecution body are indicated:

a) investigation on the spot;

b) medico-legal examination of injured persons and human corpses;

c) hearing the victims of the crime and eyewitnesses, detention;

d) interviewing and searching persons suspected or charged;

e) ordering technical-scientific, forensic and medico-legal findings and criminalistic expert opinions" (Doras, 2011, p. 533).

As typical actions of criminal prosecution carried out at the initial stage of *research on fresh traces*, Gheorghita enumerates the following:

a) investigation of the crime scene;

b) examination of the corpse, when it exists;

c) examination of objects and documents;

d) hearing the victims, if any;

e) hearing eyewitnesses;

f) apprehension and hearing of the suspect;

g) carrying out searches: body, home, work;

h) presenting the suspect for identification;

i) ordering and carrying out forensic, technical-scientific or medico-legal investigations

j) interception of communications, etc." (Gheorghita, 2017, p. 103).

In addition to those listed by researchers in the field we add to the list of typical actions of initial criminal prosecution the search *on fresh traces* and the bodily examination.

Crime scene investigation

Criminal activity, which is, after all, a particular form of human interaction with the environment, is in most cases accompanied by the production of certain changes in the environment at the scene of the crime, known in forensic theory and practice as crime traces (Footprints are the most relevant and irreplaceable element in the investigation and discovery of criminal acts of any kind. In the process of investigating criminal offenses, the discovery and investigation of traces occupies a special place. Several people are involved in the criminal act, bringing changes to the material environment at the scene of the crime, leaving a variety of traces on various objects. Criminalistic trace research allows us to determine the specific object that has left the footprint, or to assign it to a particular class, genus or type. Anatomical, physiological, functional and dynamic peculiarities of the person can be established. Identification and diagnostic tasks are also solved (Rusu & Jitariuc, 2023, p. 260; Derevyanko & Ezikyan, 2007, p. 35; Jitariuc & Rusu, 2024, p. 9). By objectively reflecting the activity of the persons involved in the unlawful act, traces of crime are highly probative, and not infrequently unique, elements capable of establishing the truth in criminal proceedings.

In order to make use of the traces left in connection with the crime, the crime scene investigation is one of the most important activities carried out by the judicial authorities in order to achieve the aim of the criminal proceedings. Without this activity being carried out in a timely and proper manner - where necessary - there is always a risk that the criminal proceedings will not be able to proceed effectively, the truth will not be uncovered and as a result many crimes will remain undetected or with unidentified perpetrators (Jitariuc & Rusu 2025, p. 95;

Doras, 2011, p. 295; Olteanu & Ruiu, 2009, p. 9; Anghelescu et. al., 1976, p. 25). The crime scene investigation is a prosecution action of major importance and cannot be postponed (According to the opinion of most specialized authors, the investigation of the place of the crime, i.e. the space where the criminal activity was committed or its consequences manifested themselves, represents an initial act of criminal prosecution with an "obvious significance" in the whole of the concerns devoted to establishing the truth in a criminal case, the informative foundation of the uncovering and investigation of crimes on the fresh traces of their traces. Doras, 2011, p. 533; Stancu, 2007, p. 32; Lavrov, 1999, p. 369; Averyanova, 1999, p. 868; Yablokov & Koldin, 2004, p. 506). The meticulousness of carrying it out in strict compliance with certain methodical recommendations serves as a guarantee for the subsequent investigation and discovery of the criminal acts. The purpose of the crime scene investigation is focused on shaping the mechanism of the crime committed, on the search for traces left behind, which in turn can be useful in drawing up an anthropological, biological and psychological portrait of the perpetrator, laying the basis for his identification and search (Jitariuc & Rusu 2025, p. 95; Dvorkin, 2001, p. 10).

The primary task of the crime scene examination in the case of a "resh traces" investigation is to establish the circumstances of the crime, to establish the details of the person who committed the crime, to determine the direction and place where he might have hidden, to find the location and apprehend the offender. The information obtained during the examination about the person of the offender is immediately forwarded to the guard service of the police inspectorate for the implementation of the plan of operative measures - blocking of territories, areas and carrying out the measure of tracking, searching and apprehension of the offender and also of the discovery of stolen property (Gheorghita, 2017, p. 103).

The inspection of the scene of an accident as an investigative action, which provides the basic factual material necessary for carrying out targeted search and investigation criminalistic activities on hot traces, has some tactical features:

a) Focusing of attention during the inspection first of all on such traces, objects and various kinds of phenomena in the situation of the scene, information about which can be immediately used to establish the identity of the criminal, his detection and apprehension;

b) Priority examination of those parts of the scene where (judging by the situation) there may be traces and other objects, information about which may play an important or even decisive role in solving the crime;

c) Preliminary, pre-expert examination of individual traces and objects of various kinds directly at the scene.

In the analyzed situations, usually in parallel with the examination (on the basis of partial, intermediate data of the examination) or according to its full results operative-search workers on behalf of the investigator or on their own initiative (within the framework of pre-agreed actions) carry out the necessary

operational-search activities aimed at solving the crime (application of service-search dogs on the identified traces, pursuit on fresh traces, implementation of barrier measures, verification of certain identified objects on forensic evidence) (Yablokov, 2005, p. 562). However, criminalistics odorological information can provide the prosecuting body with important clues to help it achieve its purpose (Doras, 2011, p. 533). During the examination of the crime scene, the actions of each participant are directed towards elucidating the general picture of the crime. First of all, those areas of the crime scene are examined, where the most important traces can be concentrated for the quick discovery of the crime. During this time, the superior of the investigative task force studies and determines the environment (conditions) at the crime scene, provides versions about the mechanism of the crime and its participants; with the help of the specialist, he discovers, determines and removes various traces of the crime, etc. The traces discovered at the crime scene are subject to preliminary investigation until the period of expert examination with the help of the specialist in the form of a technical-scientific report (Jitariuc, 2020, pp. 61-67). The search results are used immediately for the verification of objects in forensic records and during operational pursuit, search and seizure operations (Gheorghita, 2017, p. 104).

Specialists participating in the investigation of the crime scene, using their special knowledge, skills and technical-scientific means, assist the investigating officer in obtaining evidentiary data that would allow the subsequent direction of the investigation and the search for the offender (e.g. obtaining initial information about the criminal event, its mechanism, the complicity of a specific person in the crime, etc.). While examining the crime scene, law enforcement operational workers identify victims and eyewitnesses of the crime, question them in order to obtain the operational information necessary for the search, tracing and apprehension of the offender. In some cases, they may be interviewed if they have factual information. In the course of questioning, interviewing victims and eyewitnesses, the following questions are elucidated:

a) when and where the respective event took place; what are the circumstances of the crime; where was the witness, the victim, at that time;

b) who committed the given offense, how many offenders there were, what were their outward signs, what were their peculiarities; what were they dressed in, what means did they use, where did they appear on the scene and in which direction did they go;

c) how the offenders addressed each other; whether there were any peculiarities in their voice and speech;

d) if there were any of the offenders at the scene of the event until the event occurred, on what occasion, what exactly did he take an interest in;

e) whether the criminals had means of transport, which were their model, color, registration numbers in which direction they disappeared;

f) who, in their opinion, can be suspected of committing the crime, on what grounds, etc. (Gheorghita, 2017, p. 104).

Examination of the corpse

Examination of the corpse offers multiple possibilities for discovering traces of the crime. This operation is carried out by the forensic pathologist at the scene of the crime, who describes the injuries and the objects used by the perpetrators to inflict the wounds - the examination also includes the body's wardrobe, which is carried out either at the scene of the crime or in a laboratory where the technical possibilities are better and allow the micro-curves to be revealed (Aionitoaie et. al 1992, p. 47).

The external examination of the body at the place where it was discovered is carried out by the prosecuting body with the participation of the forensic pathologist, and in his absence - with the participation of another doctor (Art. 120 – Examination of the corpse. Criminal Procedure Code of the Republic of Moldova. Law No.122 of 14-03-2003. In the Oficial Monitor No. 248-251, of 05-11-2013). The law requires the participation of a criminalistic pathologist or another person capable of assessing the corpse. The data established by them on the nature and time of death, the mechanism of production of bodily injuries, the characteristics of the weapon, instruments or materials used to suppress life, etc., will effectively contribute to the most appropriate versions of the circle of persons to which the perpetrator may belong, other factual circumstances and, implicitly, to the orientation of the investigation of the case (Jitariuc & Rusu 2025, p. 136; Doras, 2011, p. 307; Aionitoaie et. al. 1992, p. 37).

In crimes resulting in the victim's death (if the death of the victim has occurred, searching the body at the crime scene is totally contraindicated, as it leads to the destruction of microarrays. The victim's clothes or body should be placed in plastic bags and transported to the laboratory (Carjan, 2005, p. 330). In suspicious deaths or deaths of unknown cause, as well as in the case of discovery of bodies of unknown identity, a thorough investigation of the body is mandatory. It must include an examination of clothing, footwear, wearables, undergarments, subungual deposits and injuries on the body. All these activities involve moving the corpse from the place where it was discovered and are carried out by the criminalistic specialist in collaboration with the forensic pathologist, who is the only person in a position to describe the nature and manner of the injuries and the objects with which they were caused (Ibidem, p. 169; Ionescu, 2009, p. 44).

Examining objects and documents

The objects discovered during the crime scene investigation shall be examined at the scene of the investigation and the results of the examination shall be recorded in the minutes of the investigation. If a longer period of time is required for the

examination of objects and documents, as well as in other cases, the person conducting the criminal prosecution may take them for examination at the premises of the prosecution authority. For this purpose, the objects and documents should be packaged, sealed, the package should be signed and this should be noted in the minutes (Art. 118 – Crime scene investigation, para. 4. Criminal Procedure Code of the Republic of Moldova. Law No.122 of 14-03-2003. In Official Monitor No. 248-251, of 05-11-2013).

The major importance of the examination of objects and documents, through which a part of the evidence is practically administered, lies in the fact that these "mute witnesses", as they have been suggestively called, know how to "speak" and sometimes present more accurate and complete data than real witnesses, who may be in bad faith or influenced by various factors in their depositions. Of course, the possibility cannot be ruled out that some of the evidence referred to may be forged or deliberately altered by those concerned in order to lead the prosecuting authority to erroneous conclusions (Aionitoaie, et. al. 1992, pp. 194-195).

Hearing victims, eyewitnesses, suspect

By means of his sense organs and abstract thinking, man knows what is happening in the world around him and keeps in his memory for a long time the images of the events that occur before him. He is thus able to reproduce in his consciousness the facts and phenomena that happened a long time ago. So also, the offenses, perceived during their commission, can be reproduced by the receiving subject and played back to others with sufficient general characteristics and detail to be easily understood. Eyewitnesses, perpetrators and even victims, perceiving the process of the crime at first hand, are in a position to give useful accounts of how and under what circumstances the crime was committed (Mircea, 1992, p. 310; Mircea, 1994, p. 249; Mircea, 1999, p. 253).

The statements of the injured party constitute evidence in their own right, expressly mentioned by criminal procedural law (see Art. 111 Criminal Procedure Code of the Republic of Moldova. Law No. 122 of 14-03-2003. In the Official Gazette No. 248-251, of 05-11-2013). They contain particularly valuable information for the outcome of the case, considering that, apart from the perpetrator, no one knows better the circumstances in which the crime was committed and its consequences. The information obtained from the hearing contributes to a more precise knowledge of the circumstances in which the crime was committed, to proving the existence or non-existence of the crime, to identifying the perpetrator and proving his guilt, to establishing the damage caused by the crime and the means of repairing it, etc. (Ionescu, 2009, p. 154).

However, the statements of the injured person must be rigorously verified (even when in good faith), as his or her accounts may be distorted voluntarily or involuntarily, due to his or her interest in a favorable outcome of the criminal

proceedings, the objective and subjective factors that manifest themselves at the time of the crime and the phenomena that accompany the process of statement formation. Unlike those who participate in the commission of the crime as witnesses and even as perpetrators, in the case of the injured party, the perception and, implicitly, the memorization of the facts take place against a background of intense emotional disturbances, which explains the lack of clarity of the statements and the unconscious distortion of the events. The affective states under the control of which the perception of the facts takes place are characterized by organic changes, as well as by intense subjective experiences (Jitariuc & Rusu, 2025, pp. 460-461; Ciopraga, 1996, p. 301; Ciopraga, 1988, p. 65; Tucicov-Bogdan, 1973, p. 127; Fraisse, 1963, p. 238).

This situation of the injured party should not, however, lead to the conclusion that their statements would always be a distorted reflection of reality. The injured party, if he or she has first-hand knowledge of the act, is almost always in a position to describe the manner and the specific circumstances in which it was committed, the perpetrator's external features and the instruments used by him or her. If he or she was not present during the commission of the crime, he or she can show who the persons involved in the commission of the crime were, provide information about the previous relations between him or her and those persons, specify the general and individual characteristics of the stolen or destroyed objects and their intended use (Mircea, 1999, p. 268).

Being part of the category of oral evidence, witness statements are characterized as evidence relating to the nature of the criminal activity, and therefore necessary and appropriate evidence to establish the truth (Dongoroz, et. al., 1975, pp. 200-202). Witness statements are the most commonly used form of evidence in criminal proceedings. Witness testimony has been known since ancient times, when it was considered to be the main form of evidence used in legal evidence. At that time, due to the small number of book experts, it was natural that, when the parties were unable to obtain written evidence, the main means of evidence admitted was the witness statement (Jitariuc & Rusu, 2025, p. 502; Doltu, Draghici & Negip, 1972, p. 575; Ciopraga, 1979, pp. 7-8; Ionescu, 2009 p. 181; Rosetti &Baicoianu, 1943, pp. 247-248).

Even today, testimonial evidence is still widely used in criminal proceedings, without this being taken to imply that it has greater probative force than the other means of proof enshrined in the Code of Criminal Procedure. It should also be noted that witnesses are considered to be the "eyes and ears of justice", since their statements help to shed light on a large number of facts and circumstances specific to one type of crime or another. Moreover, witness statements are accessible in any criminal case, unlike other forms of evidence which can only be used where the specifics of the case allow it (Ibidem, p. 502; Stancu & Manea 2017, p. 177; Bentham, 1823, p. 93; Rusu & Nastas, 2022, p. 157; Doltu, Draghici & Negip, 2004, p. 7.). The hearing of witnesses is one of the most important means of

obtaining evidence, as well as a way of verifying existing evidence from other sources. Testimonial evidence is, as is well known, one of the oldest means of proof and one of the most widely used in judicial proceedings in general and criminal proceedings in particular, since the hearing, as a witness, of a person who has knowledge of a particular fact or circumstance relating to a legal fact or criminal case and the information obtained by testimony is such as to serve to ascertain the truth. Thus, the testimony of those who have first-hand knowledge of the crime - *ex propriis sensibus* - is the most expressive, the most plastic way of establishing the facts and circumstances of the crime or the perpetrator (Ibidem, p. 503; Mircea, 1978, p. 152; Stancu, 2001, p. 385; Ciopraga, 1979, p. 151). The function of witnesses' statements is given by the fact that to the extent that they bring to light factual elements that may lead to the existence or non-existence of the offense, to the identification of the perpetrator or to the knowledge of circumstances essential to the case, they may serve as evidence in the criminal trial (Berchesan, 2002, 121).

The purpose of hearing the crime victim and eyewitnesses is, like the crime scene investigation, to obtain evidence about the circumstances of the crime and the perpetrator. Therefore, these activities are also immediate and of great importance, as both the victim and the eyewitnesses cannot name the offender, but they can describe his or her features. The victim has to characterize the stolen goods, weapons and objects used by the offender, if it becomes obvious that the offender can be identified by recognizing him, the hearing will take into account the tactical requirements of the respective prosecution activity. The victim, as well as eyewitnesses, will be trained in the activity of modeling the perpetrator on the basis of the photobooth or sketch-portrait of the perpetrator. In this respect, drawings, photographs, sketches and, of course, the respective technical means will be used in the hearing process (Doras, 2011, p. 534).

The suspect must be interrogated immediately after his arrest, because he knows all the details of the crime and the circumstances contributing to its commission better than others. During the interrogation, it turns out where he was at the time of the crime. If the suspect refers to an alibi, then it is necessary to find out where, with whom and when he spent time, that is, to quickly and in detail verify his claim of innocence. If he admits his guilt, during the interrogation it is necessary to find out: the accomplices of the crime; when and how the intention to commit the crime arose; what technical means and what kind of transport were used in this case and where they are at the moment; what exactly was taken, stolen and where, from whom it is located, etc.

Detention and hearing of the suspect

A result of research actions "on fresh traces" is the establishment and detention of the suspect (Gheorghita, 2017, p. 105). According to the dictionary of Criminal Procedure – detention-represents a procedural measure of coercion applied in a

criminal case and which manifests itself in the provisional isolation from society of the person suspected or accused of committing a crime, and in some cases - already convicted, with its detention in specialized institutions for a strictly established term by law (Rusu, et. al., 2012, p. 208).

The criminal investigation body has grounds to detain the person, if there is a reasonable suspicion of committing a crime for which the law provides for imprisonment for a term of more than one year (Osoianu, et. al. 2020, pp. 77-78). As grounds for the detention of persons suspected of committing crimes are recognized factual data, which justify the soundness of the suspicion regarding the person's involvement in the commission of the crime. These factual data are obtained from the sources provided for by the procedural-Criminal Law, having a unique common feature – the thoroughness, justice and justification of the detention of the person suspected of committing the crime.

The emergence of grounds for detaining persons must preclude certain data that constitute the basis of suspicion. The totality of the latter gives us the opportunity to make the decision on the detention of the suspected person. The grounds for the detention of the person suspected of committing the crime represent by themselves the situations of factual detention of the person, which are to be catalogued, assigned to the activity of the criminal investigation bodies, carried out in the process of investigating crimes (Jitariuc & Rusu, 2025, pp. 217-218; Bacanu, 2024, p. 292-293).

In the case of persons suspected of committing a crime, detention will be considered justified and therefore lawful, if the person concerned has been caught in the act, or if eyewitnesses or the injured party directly indicate that the person concerned has committed the criminal act, as well as in situations where obvious traces of the crime have been detected on the body or clothing of the person, at his home or in the means of transport belonging to him. In other cases, the person suspected in the commission of the crime can be detained only if he tried to hide or hide his identity, he does not have a permanent place of residence and a service (Doras, 2011, p. 329). If the person was detained in the act of misdemeanor. Flagrant (from fr. "flagrant") means obvious, striking, which jumps into the eye, and flagrant misdemeanor constitutes a crime discovered during or immediately after its commission. In the legal sense, "the crime discovered at the time of its commission is considered flagrant". It is also flagrant the crime whose perpetrator, immediately after the commission, is pursued by the victim, eyewitnesses or other persons or is surprised close to the place of commission of the crime, having on him weapons, tools or any other objects that would give grounds to assume that he participated in the crime (Boroi & Negrut, 2020, p. 322).

In the course of investigating crimes, detention, in the most common cases, presents itself in combination with other activities of criminal prosecution and represents a tactical operation. Such a combination, on the one hand, attributes important content to detention, and, on the other hand, serves to optimally

achieve the purposes of other operative and prosecution activities. Most of the time, the procedural detention merges with the search, in particular, with the corporal one. On the one hand, this fact conditions a more qualitative conduct of the search, and, on the other hand, ensures the very detention. The procedural detention is strictly combined with a series of special investigative measures. It is for this reason that its instrumentation requires the obligatory participation of the investigation officers who ensure the carrying out of the detention. An operative action of this kind is the operative pursuit of the person to be detained. Or, the peculiarities of detention as a tactical activity consist in the fact that in a number of cases it is planned not with the purpose of carrying out the procedural act of detention, but, first of all, to fix certain facts, for example, taking bribes, embezzlement, murders, robberies, rapes, thefts, etc. (Jitariuc & Rusu, 2025, p. 233; Rusu, et. al. 2012, p. 210; Gheorghita, 2017, pp. 413-414; Gheorghita & Crijanovschi, 2021, pp. 74-75). Immediately after his detention, his body search and hearing as a suspect are carried out, in order to obtain the necessary information in order to detain the accomplices of the crime and to discover the help of the used means or material assets stolen. During the first hearing, it is necessary to elucidate the questions related to the preparation, Commission and concealment up to the crime, the establishment of accomplices and the place of their finding, etc. (Gheorghita, 2017, p. 105).

Corps examination

Body examination is a typical, non-verbal criminal prosecution action based on the laws of figurative visual perceptions of fragments of objective reality, of material circumstances. Its essence lies in the fact that the subject of procedural cognition, using sight or other sense organs, involved in the process of perception, non-verbal cognition, convinces himself in the existence of certain signs on the person's body or material objects that are of importance for the criminal case (Jitariuc & Rusu, 2025, p. 874; Rossinsky, 2014, pp. 26-29).

Body examination has the following basic (mandatory)tasks:

a) search for particular marks on the person's body;

b) search for traces of the crime on the person's body;

c) ascertaining the presence of lesions on the person's body;

d) determination, finding of certain states or qualities that are of importance for the criminal case;

e) obtaining information that allows us to verify the veracity and authenticity of witness statements.

As optional tasks of this prosecution action can be identified the following:

a) search for traces of the crime on the clothes of the examined person;

b) search on the clothes of the examined person for other traces that may be of importance for the criminal case (Rusu & Ciobanu, 2024, pp. 167-168).

The body examination may be carried out in respect of the suspect, the accused, the witness or the injured party.

The suspect (accused) may be subjected to bodily examination for the discovery on their body of particular signs, traces of the crime, States, signs or qualities important for the criminal case of bodily injuries that speak of:

a) the preparation or use of certain weapons of crime;

b) overcoming, passing certain obstacles; - being at the scene of the crime or in other places;

c) direct contact with the victim of the crime, with certain objects or substances, located on the spot;

d) the struggle between the offender and the victim of the crime;

e) staging the crime, etc.

The injured party may be subjected to bodily examination in view of:

a) the discovery on her body of bodily injuries, which speak of violent actions on the part of the offender;

b) the discovery of traces in the form of spots or particles of various substances, which speak of direct contact with the offender, of being on the spot;

c) the establishment of particular signs, the finding of qualities, States or signs which are of importance for the criminal case (Jitariuc & Rusu, 2025, 882; Logvin, 2021, pp. 132-133).

During the conduct of the corps examination, the representative of the criminal investigation body monitors the person under examination, which can help prevent the destruction of traces on his body in certain situations and timely adjust the tactics of conducting the prosecution action.

An important role in the corps examination is played by the specialist, especially the doctor. The role of the doctor as a specialist becomes all the more significant when he, at the request of the prosecuting officer, carries out the body examination of a person of the opposite sex, which involves the bareness of the body. In this case, the doctor independently conducts an examination of the person's body. The prosecuting officer is not present during this examination. Registration of the conduct and results of the body examination in this case is made on the basis of the statements of the doctor.

During the conduct of the corps examination, the doctor, as a specialist, helps the prosecuting officer identify the lesions on the body, consults him about the discovered traces, helps him describe them in the minutes, contributes to their fixation by other methods and their lifting. A similar role is played by other specialists invited to participate in the body examination (Ibidem, pp. 893-894).

The results of the corps examination performed may indicate at the following times:

a) involvement of the examined person in the commission of the crime;

b) the use of certain weapons or objects by the perpetrator;

c) finding the perpetrator directly at the crime scene, or in other places until and after the crime has been committed;

d) direct contact between the offender and the victim of the crime;

e) the commission by the examined person of certain actions, including for hiding traces of the crime;

f) ascertaining the presence of certain professional skills, skills and particularities, etc. (Ibidem, p. 896; Logvin, 2021, p. 129).

Conducting searches

The search performs the following functions: gathering as completely and without delay the means of evidence in order to achieve the purpose of the criminal trial; discovering other means of evidence than those sought, therefore new elements of fact that can serve to find out the truth, including to expand the investigations in question; preserving the means of evidence, both those discovered during the activity, and those that the persons concerned refused to hand over willingly to the judicial bodies and it was necessary to proceed to the forced removal. At the same time, in the course of investigations related to the commission of crimes, the carrying out of the search often acquires a decisive importance because through this activity it is ensured the gathering not only of the means of evidence whose existence is known, but also of new means of evidence necessary for solving criminal cases (Ibidem, pp. 287-288; Berchesan, 1998, p. 272; Ciopraga, 1988, p. 109). At the same time, the results of the search often contribute directly to the unmasking of bad-faith behavior, thwarting activities contrary to those of criminal prosecution (Doras, 2011, p. 534).

The reasoned and timely carrying out of the body search of the suspect, at his home and at his place of work, in certain open places, his means of transport, etc., in order to pick up all the objects and documents confirming the circumstances of the crime, as well as the concrete person's contribution to the investigated Act are of great importance in exposing the offender. The search, in the presence of the respective grounds, is not only a right, but also an obligation of the criminal investigation body. During the search, certain material evidence is discovered and, in a constrained manner, are raised, priceless misdemeanors for the investigated case. For this reason, the search cannot be replaced by another criminal investigation (Gheorghita, 2015, p. 442).

Searches are carried out by surprise and in an operational manner, with information being exchanged between groups simultaneously searching different places. This is necessary for the operational use of information both for search purposes and for overcoming resistance to the search by detained persons or their accomplices. Searches are carried out with the aim of discovering the weapon, the objects with which the crime was committed, the stolen goods, various objects and documents of evidentiary importance. Also, in order to obtain operative

information about the deceased, the offender, the stolen property, the identification of the corpse, living persons, objects (Gheorghita, 2017, p. 105).

Presentation for recognition

Presenting for identification from an action that usually does not require special urgency, in hot-track investigation situations also turns into an urgent investigative action containing important information for solving a crime in fresh traces (Yablokov, 2005, p. 563). Being an independent evidentiary process, the presentation for recognition represents an efficient means of checking both the accumulated evidence and the acquisition of new evidence, which previously did not appear in the file (Osoianu et. al. 2020, p. 260).

As an important form of Criminalistic Identification, the presentation for recognition is one of the most effective ways of identifying unknown bodies, establishing the belonging of illicitly stolen goods, weapons and tools used to commit the crime and other objects that relate to its side of the objective. Or, the presentation for recognition represents a form of Criminalistic Identification, at the base of which are the psychic mechanisms common to all acts of human knowledge of material reality, a form that is distinguished by the way it is carried out (Jitariuc 2024, p. 125; Doras, 2011, p. 430).

The criminalistic purpose of making the presentation for recognition is determined by the knowledge of causal and other links, which is reflected at the level of circumstances characterizing the elements of forensic relevance. As mentioned earlier, the criminalistic purpose of the prosecution action reveals its internal content. Unlike the tasks of the prosecution action, which are related to obtaining factual data, recorded in the minutes of the criminal action, the forensic purpose appears in the form of an evaluation-assessment-conclusions of the representative of the criminal investigation body, which cannot be included in the content of the minutes of the criminal action."

The criminalistic tasks of the presentation for recognition, in contrast to its criminalistic purposes, indicate the factual content of the prosecution action and characterize its external appearance. Among such tasks are the following: obtaining evidence of the involvement or non-involvement of a particular person in the commission of the crime; obtaining information that allows to evaluate previously obtained evidence, in particular the statements of witnesses and injured parties relating to their presence at the scene of the crime; identification of new sources of information relevant to the investigation of the criminal case; study of the features of the recognized person, the person who recognizes and other persons, as a condition for preparing the hearing and other actions of criminal prosecution, such as confrontation, search, etc.; study of the circumstances that contributed to the commission of the investigated crime (Jitariuc & Rusu, 2025, p. 700; Knyazkov, 2008, pp. 713-714). The function of presentation for recognition

derives from the fact that it represents, many times, the starting point in identifying the perpetrators, the assets or values that formed the object of the crime, etc. (Berchesan, 1998, p. 66).

Ordering and carrying out judicial expertise or technical-scientific or medico-legal findings

The technical-scientific finding and the judicial expertise are means of carrying out the criminalistics identification, through which the expert or specialist formulates conclusions, following the examination of certain categories of objects to be identified and of identifying objects, and the multilateral, complete and objective study of the identifying characteristics. The essential function, both of the findings and of the expertise, is to shed light on the role that certain objects, States of affairs, factual circumstances could play in clarifying the investigated cause (Jitariuc & Rusu, 2025, p. 903; Coroiu, 2016, p. 43; Grofu, 2019, p. 42).

In the case of the investigation of the crime "on fresh traces", as a criminal investigation action, which cannot be postponed, it highlights the disposition and carrying out of some types of expertise, the carrying out of which does not require much time, and complex laboratory research. These are usually referred to by the following expertise (Doras, 2011, p. 534): dactyloscopic, ballistic, medico-legal, chemical, automotive technique and others. The operative results of the research carried out by the experts are also used for the purposes of discovery and research of the respective crime on an urgent basis (Gheorghita, 2017, p. 105).

By conducting expert examinations, it is possible to: obtain initial, initial information about the event, its mechanism, and criminal nature; obtain data on the involvement of a particular person in this crime; quickly verify the suspicion using special knowledge, and obtain the data necessary to search for and detain a suspected person; to consolidate and expand the "investigative information base" for further investigation of the crime event, including for conducting other examinations when suspects or new traces appear that require comparison with those found during the"fresh trace" inspection; to identify other crimes committed by the suspect (in this way, using these tools, etc.), in order to combine the efforts of a number of employees and even various bodies of inquiry and preliminary investigation to solve these crimes (Averyanova et al. 1999, p. 836).

Other measures taken

Measures and special investigative measures are applied simultaneously with the initial prosecution actions. To these measures are attracted, as a rule, investigative officers, sector officers, teams of the patrol police, the Directorate for combating organized crime and crimes in the field of economy, etc. (Gheorghita, 2017, p. 105). During the conduct of criminal prosecution actions and special investigative measures, the data of forensic records are used. The purpose of criminalistic

records is to provide the law enforcement bodies with the official information necessary for:

a) identification of persons who have committed crimes, based on nominal and dactyloscopic criminal registration decadactylation;

b) identification of offenders on the basis of mono dactyloscopic recording and by mode of operation;

c) identification of missing persons, persons and bodies with unknown identity according to external signs or other anthropological data;

d) identification of animals, of lost, stolen objects or of *the corpus delicti* (Rusu & Jitariuc 2023, pp. 701-702; Carjan, 2005, pp. 357-358).

After carrying out the above-named actions and discovering the crime on fresh traces, from an organizational aspect, the subsequent investigation of the crime falls into the usual way and can be carried out in the following two variants:

a) further investigation and full discovery of the crime is carried out by the same group of criminal investigation officers, specialists and operative workers, with some exceptions, when certain persons from them are included in other assignments or excluded from the group for some reason — illness, rest, studies, etc. in such situations, continuity of the conceived work is ensured, and no time is wasted for examining materials administered by other persons — members of the initial research group on fresh traces;

b) the initial criminal investigation group transmits all the materials of the case to another group of criminal investigation officers who will continue the full investigation and discovery of the committed and documented crime. Such transmission of cases may be carried out in connection with the establishment of that competence or at the direction of the prosecutor general and his deputies, if necessary, in order to ensure full and objective prosecution in all aspects (Gheorghita, 2017, p. 106).

Conclusion

The investigation of crimes *on fresh traces* highlights the complementarity between the imperative norms of the criminal-procedural legislation and the flexibility of the criminalistic tactical procedures, the latter being essential tools for adapting the investigation methods to the specifics of each situation.

The results of the research confirm the need to use modern technical and scientific means, such as judicial expertise (dactyloscopic, ballistic, forensic), to optimize the process of discovery and research of crimes on *fresh* traces.

The investigation of the crime scene is an irreplaceable activity in the process of investigating crimes on *fresh traces*, having the role of collecting unique and objective evidence that can establish the mechanism of committing the crime, thus directing the subsequent actions of Investigation and identification of the perpetrators.

Hearing victims, witnesses and suspects is an essential means of obtaining evidence. The results indicate that the application of appropriate tactical and psychological techniques increases the accuracy of statements and facilitates the reconstruction of criminal events.

The body examination provides essential data on the involvement of persons in the commission of the crime, as well as details of the weapons used, the place of commission of the act and other evidentiary elements. It is grounded in the legalities of objective perception, confirming its relevance in the criminal process.

Measures and operative actions carried out simultaneously with the Criminal Investigation are strategic components in the detention of perpetrators and the accumulation of evidence. The rapid application of these measures is extremely important for the success of investigations.

Through the research, we also emphasize the importance of collaboration between criminal prosecution bodies and specialists from various fields (legal doctors, criminalistic experts), which contributes to a more complete and objective assessment of the evidence, thus increasing the efficiency of the criminal process.

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