

Place and role of Forensic Science within Romanian System of Public Order and National Security (I)

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Content description:	The article tackles with the main issues linked to the role and the place of Forensic Science within Romanian System of Public Order and National Security, the importance of this science, main principles and characteristics. Also, the purpose of this article is to offer a description of the perception of Forensic Science from a Romanian perspective.		
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a. Introduction

In Romania, the System of Public Order and National Security refers mainly to the activities and tasks of Ministry of Internal Affairs and the forces from its subordination (Police, Gendarmerie, Firefighters). Beyond the characteristic tasks of Ministry of Internal Affairs, other forces are also involved in this system: Romanian Intelligence Service, organisms linked to the fight against corruption, other intelligence institutions, structures involved in training and education of different categories of personnel¹ and others. In this article, we will only refer to the links between Forensic Science and Internal Affairs area.

Within the Romanian Police, Forensic Science tends to be a very special and sensitive area. Thus, it has to be said that lately the domain of Forensic Science (called, in Romanian language, especially with the term of „Criminalistics”, and in other languages with terms such as „kriminalistic” in german, „police technique et scientifique” in french) gained more and more importance due to its role in linking the criminals to the crime scene and, as follows, providing for law enforcement institutions the material means to sustain in Court aspects related to the guilt or innocence of a person. Due to the specific and, for some part, the limitations of the Criminal Law from Romania, testimonial proofs are often unsure to be used, as a witness or a suspect has the right to change his statement at any moment of the trial. For this reason, physical evidence provided by Criminalistics are of a great value for our system. Beyond this, as a difference between our country and others, it has to be stated that in Romania Forensic Science is only carried out by police workers. We do not allow the presence of private personnel at crime scene; furthermore, only dedicated personnel can carry out the tasks linked to forensic domain – for example an investigator will only coordinate the activities linked to

crime scene, but will not interfere with searching and discovering the traces, also he will be involved in specific activities but not the ones from forensic domain.

b. Criminalistics – a police domain

The first question to be answered when tackling this field is: *what actually is Criminalistics (or Forensic Science) in the perception of Romanian realities?*

There are multiple opinions linked to instructing a complete and correct definition of this science. First of all, we have to emphasize two main opinions: Forensic Science as a part of the Law Educational System and Forensic Science as a part of Public Order and National Security Educational System. Both opinions have pros and cons, and we will try to approach them on an objective perception.

Currently, Forensic Science is being taught in almost all Law Faculties, being part of the general training of the future lawyers, prosecutors, judges and other categories of personnel to be licensed in the field of Law. However, though, none of the categories presented above will be able to actually practice real forensic. This is because the dedicated personnel to practice forensic science is to be found only within the structures of Ministry of Internal Affairs. We do not have any type of private personnel with the legal ability to actually be involved within the crime scene investigation, forensic identification, laboratory analysis and other specific activities. The private laboratories of forensic science only provide advisory opinions and only if demanded by the Judge. As follows, the job of forensic scientist is reserved for police cadets and officers². As a discipline dedicated for police-involved personnel, some of the methods and techniques are only available for these categories of workers. Within the Police Academy and Cadets Schools, Forensic Science is being taught to all of the students, and especially for the (future) forensic specialists. In my opinion, some aspects related to this science can be taught to every law student, but for certain this is domain strictly linked to police work and therefore to Public Order and National Security domain. Of course, for a teacher part of a Law Faculty³ there is a motivation to sustain the links between this domain and law, but the specific of this discipline makes it to be bonded with the police work and not other domains. From the point of view of

c. The Criminalist or Forensic Scientist

In order to fully understand what a Criminalist is, conceptual boundaries linked to this profession must be done. First of all, in Romania there are three levels at which a police practitioner can operate: technician (cadet), specialist (officer) and expert. In the following lines we will only tackle those three levels from the point of view of the forensic science.

A forensic technician is that police worker that has graduated a cadet school and is working within Romanian Police – Forensic areas. It does not matter how long has he been working in this area, nor the subdomain (crime scene, investigation, laboratory work).

A forensic specialist represents the police officer (has graduated Romanian Police Academy) – with studies in the field of Forensic science. Within the Police Academy, all students are to choose a profile, a domain they are to follow for two years, becoming specialist in that domain. As follows, it is mandatory to have graduated the Academy in that area of expertise in order to become a forensic officer (or specialist).

A forensic expert is that forensic specialist (that is officer) who has worked in one specific domain of forensic science for four years, has sustained an exam and is being certificated by a national organism as expert on that domain (ballistics, traceology, crime scene, forged documents etc.). It must be said that one officer can be expert in multiple domains, if he meets the requirements for certification.

d.Domains of Forensic Science – a Romanian Perspective

It has to be said that, linked to the Forensic Science, there are also two different opinions regarding its subdomains. From the point of view of the police work, it is obvious that a forensic technician, specialist or expert has his specific tasks and none of the other officers presents at the crime scene cannot replace him. From the point of view of (some of) the teachers from this area, forensic science has three branches: forensic technique, forensic tactics and special tactics (also known as forensic methodology). While forensic technique is actually overlapped on the stricto sensu perception of forensic work, the other two branches are referring to the investigative side of police work, with all types of specific issues linked to interrogation, forensic search, crime scene reconstruction, group identification etc., all from the point of view of the investigation officers. Even at the level of Romanian Police Academy, those three disciplines are reunited within the Forensic Science Department. We only partially agree with this opinion: while at the learning level it is nothing wrong in having all three disciplines taught under the same name, at operational level there are some police officers calling themselves “forensic experts”, while they are only simple investigators.

As follows, the three domains of the forensic science (the one touted in educational systems) are:

- forensic technique, dealing mainly with the activities linked to traces and exploiting them with laboratory analysis. This domain contains judicial ballistics, crime scene investigation, different levels and subdomains of forensic identification, forensic anthropology, polygraph examinations, forensic databases etc.

- forensic tactics: training personnel in general investigative knowledge (interrogation, crime scene management, reconstruction etc.);

- forensic methodology (or special tactics), teaching how to apply general rules from forensic tactics to different types of crimes, for example, how to interrogate a witness of a rape, or how to conduct a search in case of drug-related crimes.

e.Criminalistics – A Science

Another issue linked to Forensic Science is linked to the very question whether this can be considered an autonomous science or not. In this case, the answer is simple, as this domain is characterized thru own methods, specific character and its own principles. Furthermore, this science is actively promoting scientific research and innovation of the best methods to interact with traces (in the laboratory or at the crime scene).

As follows, an accepted definition for Forensic Science (or Criminalistics) is: “the multidisciplinary science, reuniting methods and techniques for searching, discovering, revealing, fixation, sampling, documentation, interpretation, conservation, transportation and analysis of different categories of traces, in order to reveal the truth”⁴. It has to be said that forensic science is also called “the science of truth” or “the science of the factual realities”, as it is only based on facts (the trace was created by someone) and not on legal problems (guilty/innocent).

The main characteristics of this science are the following ones:

- forensic science has scientific character (own rules, own research methods, own principles);
- forensic science is a judicial science, as a result of the links between the crime scene, forensic science, prosecution activities, court and the help provided by this domain for judicial system itself;

- forensic science is independent and autonomous: this area is not under the coordination of any other domain (except the content of the laws governing it);

- forensic science is a multidisciplinary science, as it uses methods taken from other areas (biology, medicine, chemistry etc.) and bonds them in order to obtain objective conclusions;

- forensic science has a legal character, as the activities are only governed by laws, methodologies, procedures and are developed within those limits.

From the point of view of the principles governing this domain⁵, we can tackle the following ones:

a. Forensic activities are governed by the presumption of innocence. As all the activities from the domain of police work, forensic tasks will be carried out with the idea of this presumption, as it is not mandatory to prove the guilt of a person if the traces are not confirming it.

b. All forensic activities are under the principle of confidentiality. None of the data related to an exploited case are to be revealed to the public, media or other institutions, in order to protect the fundamental rights of a person and not endanger the identification itself (for example, by giving some intelligence linked to a case to the media might help the criminal to know whether he is a suspect or not). On the other hand, most of the time the forensic worker only works with codes and numbers and not with a known identity (for example, he only has a code of a DNA profile and not the real identity of the suspected person).

c. All criminal activities or interactions produce changes in the environment (the Locard principle). This principle can also be restated as: there is no perfect crime, no matter the measures the criminal has taken in order to prevent leaving those traces. Even if at a crime scene there are no visible traces there can always be found latent traces or micro traces. It only depends on the forensic worker to choose the best way to search them.

d. Principle of quality activities in forensic. Without respecting a minimal quality standards, there are different types of risks (linked to personnel, alteration of traces etc.). The quality in the field of forensics is achieved thru accreditation of the laboratories, standardization of the procedures and certification of personnel.

e. Establishing the truth is the desired finality of the forensic activities. A forensic worker is only interested in identity or nonidentity aspects as they appear following the examinations. He is not interested in proving someone is guilty or not, as this is to be decided in Court.

f. All forensic procedures are characterized by celerity and operability. Forensic activities means interacting with traces. This must be done as soon as possible as some categories of traces can be altered by human action or environment. Furthermore, some of the characteristics of the object that created the trace can change in time (for example, an impression from a shoeprint has some characteristics that can change in time; the same rule applies to a weapon's barrel whe firing very often etc.), thus an immediate response in order to search and discover traces/ creator factor must be carried out.

g. Principle of legality. Everything linked to the police and, as follows, the forensic activities are carried out in accordance with the laws. This principle involves the following aspects:

-the laws are governing the forensic activities;

-the laws are protecting the forensic workers, giving them the right to use different methods and techniques;

-forensic activities are carried out in order to identify the persons that have violated the law.

h. Principle of identity. In other words, any object of the material world is identical with itself at a certain moment. Furthermore, forensic science regards the term "identity" in a relative way and not in an absolute one, as it accepts some modifications (a person grows and his weight/height are changing, yet it remains the same person) and still can prove the identity.

i. Principle of objectivity. All forensic personnel must perform tasks without subjective interferences. This principle is strictly linked with the ones linked to establishing the truth and legality.

f. Conclusions

In the first part of the article we have presented the main characteristics, principles and definition of forensic science – also known as criminalistics, with accent on the perspective of the

Romanian specialists. Furthermore, issues linked to the controversial aspects of this domain – such as domains, place and position, term of “criminalist” – have been tackled.

We have also tried to explain the way that our system of Public Order and National Security works and why this area is placed within it. In Romania, the domain of forensic science tends to be monopolized by Police and Government, despite the existence of some private structures, which have a limited role and for certain cannot interfere with the main source of evidence in process – that is crime scene. Another purpose of this article was to provide elements to sustain the scientific character of this domain.

Bibliography

¹ Romanian Police Academy, Cadets Schools, National Intelligence Academy etc.

² Officers are trained by Romanian Police Academy, which is placed at rank of University (courses of 3 and 4 years), while cadets are workers trained by Cadet Schools (can be followed after highschool, have no equivalent linked to a Faculty and have courses of 6 months to 2 years).

³ Usually, this discipline is taught in the Law Faculties by active/retired police officers.

⁴ G.Panfil, Forensic Science Fundamentals, Estfalia Publishing, Bucharest, 2013, p.12.

⁵ V.Viorel (coord.), G.Panfil, D.Nechita, P.Enache, Forensic science – theoretical and practical guidelines, Estfalia Publishing, Bucharest, 2014, p.14-16.

