

PROGRAM-TARGET METHOD IN CRIMINALISTICS

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The article investigates the theoretical foundations of the modern forensic doctrine regarding the methods of crime investigation, in particular; a number of controversial issues related to the concept and content of the programmed target method in forensic science are touched upon. By the method of the programmed target is meant the scientific analysis and the organization of the activity in order to obtain new knowledge by means of the standard forensic programs, elaborated in time which are systems of recommendations to give help to the law enforcement bodies in terms of the organization of the research and obtaining of new knowledge, with a view to the correct and timely solution of the tasks that stand before the criminal process, at the initial stage. The authors investigated the possibilities and the contribution of the programmed target method to the detection and investigation of crimes, emphasizing the features and the algorithm of the activities that need to be followed when applying this method, in order to find the truth in a criminal case.

Keywords: programming, investigation, criminalistics, criminal process, knowledge method, criminal case.

METODA ȚINTEI PROGRAMATE ÎN CRIMINALISTICĂ

Articolul efectuează o analiză a fundamentelor teoretice ale doctrinei criminalistice moderne privitor la metodele de investigare a infracțiunilor. În special, sunt abordate o serie de probleme controversate legate de conceptul și conținutului metodei țintei programate în știința criminalistică. Prin metoda țintei programate se subînțelege analiza științifică și organizarea activității în vederea obținerii de noi cunoștințe prin intermediul programelor criminalistice tip, elaborate din timp care reprezintă sisteme de recomandări pentru a acorda ajutor organelor de ocrotire a normelor de drept în ceea ce privește organizarea cercetării și obținerea de noi cunoștințe, în vederea soluționării corecte și în timp a sarcinilor care stau în fața procesului penal, la etapa inițială. Autorii au examinat posibilitățile și aportul metodei țintei programate la constatarea și cercetarea infracțiunilor, accentuând trăsăturile și algoritmul activităților ce necesită a fi respectate la aplicarea acestei metode, în vederea aflării adevărului într-o cauză penală.

Cuvinte-cheie: programare, investigare, criminalistic, proces penal, metodă de cunoaștere, cauză penală.

LA MÉTHODE DE LA CIBLE PROGRAMMÉE EN CRIMINALISTIQUE

L'article étudie les fondements théoriques de la doctrine médico-légale moderne concernant les méthodes d'enquête criminelle, en particulier, un certain nombre de questions controversées liées au concept et au contenu de la méthode de la cible programmée en science médico-légale sont abordées. Par la méthode de la cible programmée, on entend l'analyse scientifique et l'organisation de l'activité afin d'obtenir de nouvelles connaissances au moyen des programmes médico-légaux standard, élaborés dans le temps, qui sont des systèmes de recommandations pour aider les forces de l'ordre en termes de l'organisation de la recherche et de l'obtention de nouvelles connaissances, afin de résoudre correctement et à temps les tâches auxquelles est confronté le processus pénal, au stade initial. Les auteurs ont enquêté les possibilités et la contribution de la méthode des cibles programmées à la détection et à l'investigation des crimes, en mettant l'accent sur les caractéristiques et l'algorithme des activités qui doivent être suivies lors de l'application de cette méthode, afin de découvrir la vérité dans une affaire pénale. .

Mots-clés: programmation, enquête, criminalistique, processus pénal, méthode de connaissance, affaire pénale.

ПРОГРАММНО-ЦЕЛЕВОЙ МЕТОД В КРИМИНАЛИСТИКЕ

В данной статье исследуются теоретические основы современной криминалистической доктрины относительно методов расследования преступлений. В частности затрагивается ряд дискуссионных вопросов, связанных с понятием и содержанием метода программируемой цели в криминалистике. Под методом программной цели понимается научный анализ и организация деятельности по получению новых знаний с помощью разработанных в свое время типовых криминалистических программ, представляющих собой комплекс системных рекомендаций для оказания помощи правоохранительным органам в условиях организации исследования и получения новых знаний, с целью правильного и своевременного решения задач, стоящих перед уголовным процессом на начальной его стадии. Авторы проанализировали возможности и вклад метода программной цели в раскрытие и расследование преступлений, акцентируя внимание на особенностях и алгоритме действий, которые необходимо соблюдать при применении данного метода для установления истины по уголовному делу. .

Ключевые слова: программирование, расследование, криминалистика, уголовный процесс, метод познания, уголовное дело.

Introduction

Over time, legal sciences in general, and forensic science in particular, have developed and put into practice a wide arsenal of tools (means, techniques and methods) for the detection, investigation and prevention of crimes. In this arsenal, a significant role is given to crime research methods.

The problem of investigation methods occupies a special place in forensic research. Many works have raised questions about the concept and content of forensic methods, a number of works are devoted to the development of individual methods of crime investigation (modelling, programmed target, complex approach, etc.). There is practically no scientific forensic publication in which the

author does not address investigative methods to one degree or another.

Some scientists believe that the method of investigation is the main qualitative characteristic of the activity of the subject of investigation.

Unfortunately, the issue of the concept and content of the investigative method has not been fully resolved in the forensic scientific literature. Forensic theory regarding investigative methods is only taking the first steps towards its formation. In this regard, it should be specified that there is no common opinion that would define this category of methods, the differences from similar concepts have not been clarified and there is no unified system of investigation methods. The question

of identifying a general, universal method of investigating crimes remains open.

The purpose of the article is to highlight the desirability of the programmed target method in criminalistics, so that its application, within the criminal process, has the purpose of finding out the truth.

Applied methods and materials. In order to achieve the proposed goal, taking into account the specificity and the complex nature of the investigated topic, the logical, systematic and comparison method was used as research methods. The researches carried out are based on the study of the specialized doctrine.

Results obtained and discussions

The task of the programmed target method is the accumulation, analysis and synthesis of information based on the formulated conclusions, making decisions regarding the organization and management of the activity.

By the method of the programmed target is meant the scientific analysis and the organization of the activity in order to obtain new knowledge by means of the standard forensic programs, elaborated in time. In order for there to be the possibility of using the programmed target method, there must be carefully developed programs, which represent the tool that organizes the activity and the technology of applying the standard program, in a concrete case [7].

A typical forensic programming - represents a system of recommendations whose purpose is to assist law enforcement bodies in organizing the investigation and obtaining, within the criminal case, new knowledge, as well as the correct and timely resolution of the tasks facing the criminal process, at the initial stage.

The accumulated programs, the research results of criminal investigation practice and forensic investigations represent a source of tasks, methods, means, typical research procedures and their solutions. They contribute

to the appreciation of existing and incoming information, offering optimal solutions for existing tasks.

The programmed target methods can be used by different subjects of knowledge activity [7].

The methodological basis of forensic programming is represented by the legalities of the criminal act and the criminal investigation activity carried out in relation to the crime committed.

The programmed target method used in prosecution is nothing more than scheduling prosecution to solve existing tasks.

Type forensics programs are classified according to several criteria.

Depending on the degree of generalization:

- programs intended for the organization of the criminal investigation activity for all types of crimes, for certain types of crimes, for a specific crime.

Depending on the object of the research, there are programs aimed at:

- organizing the investigation of the general crime;

- solving concrete research tasks (discovering the crime, preventing the crime, verifying concrete versions, investigating circumstances, etc.);

- carrying out certain criminal investigation actions and special investigative measures (on-site investigation, search, identification of witnesses, etc.);

- examination and description of certain objects (traces, objects, processes).

Depending on the volume, the programs can be general and additional (which concretize the general recommendations).

Depending on the structure, they can be: extended and reduced [8].

A reduced program - represents by itself a system of typical tasks, logically ordered, which are recommended for the research of a certain object. They represent a “bank”

of questions that help the subjects of the investigation (criminal investigation officer, prosecutor) to determine what is necessary to ascertain during the investigation, studying the concrete circumstances, solving certain tasks, in order to carry out a criminal prosecution action.

This group includes:

1. Programs in which only the general typical tasks recommended to achieve the purpose of the program are specified.

Their application facilitates: the organization of information analysis criminal; grouping, systematization, use of information held; determining the main tasks, the action strategy; obtaining new conclusive data and discovering hidden (camouflaged, encrypted) information.

2. Programs in which, in addition to general tasks, transitional and special ones are specified. These programs, starting from the initial stage of work in the criminal case, help to identify all the tasks that are or will be solved in the process of investigating the crime. Which significantly relieves and simplifies the organization of the work at the same time favoring simultaneous action in different directions (criminal investigation officer, expert, specialist, investigation officer).

3. Programs in which standard tasks (general, transitional, special) are formulated according to a specific criminal investigation situation. Such programs simplify the organization of activities in concrete conditions.

Extended programs – represent a system of typical tasks, research activity and typical, ordered and recommended logical solutions for the research of a concrete object.

These programs, in addition to the “bank” of questions, also contain a “bank” of solutions. Using the respective type of programs, the criminal investigation officer, the prosecutor, the investigating officer has the opportunity to determine what needs to be established in the criminal case, what criminal investigation

actions and special investigative measures for this need to be carried out.

Extended programs can be: non-prognostic and prognostic [8].

Non-prognostic programs are created according to the scheme - general typical task - typical solution means.

They list typical tasks and criminal investigation actions, special investigative measures, recommended procedures and methods for their resolution. These programs can be used in certain situations, but they do not contain the possible results that can be obtained, they do not indicate how to act (subsequently) after taking the recommended measures.

Non-prognostic programs carried out allow, starting from the initial research stage, to notify all the activities that need to be carried out within the case, to choose the concrete tasks of the criminal investigation, to determine the optimal strategy and tactics of the research activity of the criminal case. The shortcoming of these programs lies in the fact that they do not reflect the process of solving the tasks, but only reflect the recommendations that can be fulfilled. Precisely this fact determines that the respective programs are on secondary roles in the activity of organizing the investigation of the case. This shortcoming is compensated by the prognostic programs unfolded.

Prognostic programs carried out, in addition to the tasks and typical solutions, contain and the possible results that can be obtained as a result of the activity carried out, as well as indicating the new fields of activity in which the obtained data can be used. Depending on its structure, these programs are the most complex. They are created according to the scheme: typical task - means, typical methods - probable results - further criminal prosecution actions

Prognostic programs simplify the assessment, analysis, systematization of the existing and arriving information related to the

investigated case. They allow the organization of the activity not only at the initial stage, but also at a later stage, offering the possibility to follow imaginary, and in some cases to forecast, all the curves that may appear in the research and judgment process.

The development of programs must be structured in compliance with certain principles [7], otherwise the results obtained will represent a simple list of questions that require answers or a list of actions that need to be carried out, in the best case - a complex of tasks, criminal investigation actions, special investigative measures or organizational-tactical measures.

In order not to reach such results, in addition to the general principles of forensics and criminal procedure [1, p. 718], the following rules must be observed:

- *The rule of consecutiveness* imposes the logical ordering of the points in the program so that each preceding point offers the possibility or simplifies the achievement of the subsequent point.

- *The rule of finality* assumes that the achievement of all points of the program will determine the result, which is the object of the use of the respective program. In other words, after completing the program there will be no need to carry out additional activities. And if no result will be obtained, it is necessary to choose or create another program, to modify or repeat the program.

- *The tenacity rule* presupposes the existence of a goal that needs to be achieved by the program, including and the existence of a complex of tasks, which need to be solved in order to achieve the stated goal.

- *The rule of complexity* assumes that the program includes certain interdependent tasks in terms of achieving the goal, including such tasks, for the solution of which separate programs can be created.

- *The systematization rule* points to the fact that the curriculum is made up of certain

elements, interdependent and logically consecutive, to which individual transitional goals are advanced. The main complexes, which follow one after the other and have different tasks, are: the accumulation of information initials, simultaneously highlighting the one that does not have a forensic character; analysis of accumulated information and formulation of primary conclusions; the detailed investigation of the elements of the criminal act, the search for traces and evidence, the synthesis of information.

- *The verification rule* requires that the questions contained in the program be developed in such a way that there is the possibility to verify the information related to any question and their solutions.

- *The rule of periodicity* determines the fact that not only the answer given for each previous question simplifies the solution of the next question, but also each answer given to the subsequent questions, supplements, concretizes and possibly completely changes the information regarding the previous questions. In other words, after obtaining the answers to the questions, each time, we have to review the previous questions to check if the information has not changed, what is related to these questions and if the answers to these questions have not changed. Thus, after each answer, it is necessary to carry out a cycle of operations that allow increasing the volume of information regarding the object of the program.

In contrast to the subjective approach, when the subject of the evidential activity of knowledge in order to solve the problems, for the most part, is based on his knowledge and own experience, the programmed target method proposes to carry out the analytical activity based on typical programming that allows the successive study of the circumstances reflected in it: the selection of the data held, the assessment of the data and the formulation of conclusions, the

forwarding of the versions, the determination of the tasks of the means and the methods of their solution.

The analysis begins with the use of typical reduced programs that determine the selection directions and processing of existing information. It is recommended to resort to the typical programs carried out for the purpose of self-control, in cases where there are difficulties regarding the accumulation of information in order to formulate truthful conclusions within the reduced program or difficulties regarding the determination of transitional tasks and the choice of means for their solution.

Typical programs contain only general tasks, they do not reflect individuality. Using the method of the programmed target as a result of the information analysis, it is necessary to determine, for the researched fact, the individual tasks and the solutions.

The method of the programmed target requires a more detailed study of the data held and based on the conclusions reached, if possible, to submit certain solutions based on other circumstances as well [7].

All the tasks of the typical programs are interdependent, the solution of one contributes to the solution of the other. Therefore, when analyzing each task, the information must be used contained in the solutions for the previous tasks.

- the solutions for the previous tasks do not change, if they offer the possibility to solve other tasks, which were not previously solved.

Taking into account the fact that an objective of the analysis is the elaboration of the knowledge evidentiary activity plan, it is important to analyze, in addition to the existing materials on the case, all the circumstances and circumstances in which the crime was committed, including all the circumstances that influence the criminal prosecution activity, in especially: the behavior of the perpetrator, the injured part, the witness, etc.

The analysis of the materials according to the typical programs is completed with the synthesis of the obtained data [7]. The synthesis represents a mandatory element of the organizational technology of crime investigation with the help of typical programs.

The following are subject to synthesis:

- the data regarding the criminal act, as a result the overall picture of the criminal act will be obtained (the general model of the committed act);

- assessments regarding the qualities (traits) of the victim, as a result the forensic characteristics of the victim will be obtained;

- assessments regarding the qualities (traits) of the perpetrator, as a result the criminalistic characteristics of the perpetrator will be obtained;

- the tasks of the existing criminal investigation activity in the criminal case - as a result, a reduced work program will be obtained regarding the evidentiary knowledge activity;

- the assessments regarding criminal investigation actions, special investigative measures and other activities, operations, tactical combinations necessary to carry out in order to solve the research tasks, as a result the model of the criminal investigation activity is obtained;

- the questions (tasks) that need to be ascertained and resolved during the execution of the planned criminal prosecution actions, as a result a reduced work program of the criminal prosecution action will be obtained.

Typical programs need to be applied from the time the criminal process begins.

The typical programs are not only a tool of the method, but also an effective means of controlling the objective and multilateral investigation of the circumstances of the fact and of the criminal investigation activity itself.

The technology of the programmed target method can be described by the following *algorithm* [8]:

1. Choosing the reduced typical program that corresponds to the situation or the tasks that need to be solved within the criminal process. If such a program does not exist - it must be created.

2. Perceiving the essence of the chosen program, focusing on the researched fact.

3. Finding the existing data regarding the question that needs to be solved, in the content primary information.

4. If there is:

- determination of known data, their memorization;

- assessing and making a decision about whether the existing data are sufficient to make reliable conclusions;

- formulating conclusions;

- probing the possibility of obtaining more knowledge regarding the investigated case:

a. asking questions, which concretize the formulated conclusions;

b. rendering all possible theoretical assumptions;

c. verifying all the assumptions presented, carrying out an imaginary experiment, using imaginary modeling, factor analysis;

d. the use of the data found in order to carry out the criminal investigation: the submission of the versions, the perception of the tasks, the choice of the means and methods of their solution;

e. moving on to research the next question of the reduced typical program.

5. If there is no information for researching the question or it is insufficient to formulate viable conclusions, the analysis carried out by means of the extended typical program is checked. In case of failure, the unsolved questions for the identified problems are noted.

6. Analogously, all the questions of the reduced typical program are researched.

Solving each task, use information obtained within the solution of the previous tasks. And if it succeeds solving the question, it is mandatory to check if the result obtained does not change the solutions for the previous questions or if it offers the possibility to solve the tasks that remained unsolved.

7. Determination of individual tasks, their analysis.

8. Synthesizing the results of the analysis: try to reconstruct the committed deed in your imagination, elaborate the forensic characteristics of the perpetrator, the injured part of other people. If necessary, use other auxiliary tools.

9. Using the synthesized knowledge to organize the research activity, drawing up plans, making decisions.

10. Realizing the programmed measures, the path taken and the results obtained need to be appreciated; use the knowledge obtained for the organization of the subsequent research activity and solving the tasks of the criminal process. If necessary repeat the cycle using empirical methods and scientific knowledge.

Conclusions

The analysis of some trends in the development of science in general and criminology in particular, the problems of criminal investigation practice is extremely important for the further improvement of the programmed target method, because it indicates the shortcomings of the traditional (descriptive) investigative methodology and offers the desired must meet the method of the programmed target in forensics. In this sense, the results of the study play to a certain extent the role of a meta-theory, which makes it possible to approach the selection of information from various fields of knowledge more appropriately, passing them through the prism of practical needs.

The author notes that the application of the programmed target method, unlike the

recommendations of other crime research methods, ensures, by laconicizing and semantically compressing the information and eliminating descriptive text, the existence of useful, clear and complete practical recommendations. It is also noted that all programs can only be a guide at a certain (often initial) stage of the investigation.

Thus, the general conclusion is that the main task of the programmed target method is to develop an individualized plan to investigate a specific crime.

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