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Psychological Aspects in the Assessment of the Crime Scene Statements

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Abstract: It is significant that the activity of discovering crimes, identification and capturing the suspects, as well as establishing by evidences their guilt, as a pretrial activity, is necessary for the prompt and firm combating of crimes as well as their prevention, representing the purpose of criminal law, but also the immediate and prospective purpose of the criminal process. But, the assessment of statements of persons involved in the criminal process at the crime scene is difficult, both objectively and subjectively. The part of objective difficulties complicates the realization of the given activity, being determined, first of all, by gaps and contradictions allowed by lawyers during these activities. The objectives causes could be the insufficient training of the law enforcement officers, prosecutors that have to pass through themselves the knowledge of the all peculiarities of procedural-criminal law, as well as a certain degree of frequent learning, practicing of the tactical-criminological and psychological procedures for carrying out the act of assessment of crime-scene statements of the persons involved in the criminal process. The complex research of the assessment procedure of the crime scene statements of persons involved in the criminal process has a great theoretical and practical importance and a predominant psychological connotation.

Keywords: criminal investigation; activity of discovering crimes; assessment of crime scene statements

1. Introduction

Crime scene investigation is a procedure carried out for the purpose of gathering material and other evidence for the purpose of clarifying the circumstances in which the crime (action or inaction) was committed or others, important for the criminal process, regulated by the Code of Criminal Procedure. In the given action, the suspect, the accused, the injured party, the witnesses can be involved, carrying out an additional procedural activity – that of reproducing the information on the spot. Thus, apart from this, the reproduction of the information on the spot is carried out in a series of cases, which require the verification of the data related during the interrogation or the control of some contradictions, appearing in the content of the information submitted by the accused, suspect, victim or eyewitness (Rusnac, 2021, p. 195), which also includes the verification of the crime scene statements.

It is opportune that such a verification is useful for the criminal investigation officer investigating the case in order to confirm the real existence of some or other circumstances, factual circumstances at the scene of the crime that was declared at the hearing of the persons indicated above. At the same time, by going to the scene of the crime together with the eyewitness, the victim or the suspect, the accused, it is

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possible to clarify the direction of movement to and from the investigated event of its participants, their mutual situation at a certain moment, as well as to detect traces and objects that can become criminal bodies (Bercheșan, 2000, p. 73).

2. Some General Reflections regarding the Verification of Crime Scene Statements

It should be emphasized that a criminal prosecution activity capable of supplementing the means of evidence administration in a criminal trial is the verification of the crime scene statements of the persons involved in the trial (Doraș, 2011, p. 406). Thus, according to art. 114 of the Code of Criminal Procedure, “in order to verify or specify the statements of the witness, the injured party, the suspect or the accused about the events of the crime committed in a specific place, the representative of the criminal investigation officer has the right to appear at the crime scene together with the person interviewed and, as the case may be, with the defense counsel, the interpreter, the specialist, the legal representative and propose to the interviewed person to describe the circumstances and objects about which he/she made and can still make statements”¹.

It is relevant that the interviewed person, as further stipulated in the law, shows the way to the crime scene, describes the circumstances and objects about which he/she previously made a statement and answers the questions of the criminal investigation officer. If, during the verification of the crime scene statements, objects or documents are found that can serve as evidence in the criminal case, they will be collected and this fact will be recorded in the minutes (Doraș, 2011, p. 406).

Verification of the crime scene statements is allowed according to the rules included in the content of the criminal law, provided that it does not harm the dignity and honor of the participating persons and does not endanger their health. As in the case of other criminal investigation activities, the verified statements are recorded in the minutes of this evidentiary activity and with the help of the forensic technical means allowed by the legislation in force. About the application of magnetic audio or video recording means, the interviewed person will be notified before the hearing begins at the scene of the crime. Respectively, from the content of the procedural-criminal legislation, it follows that the verification of the person’s crime scene statements is a complex criminal investigation activity, incorporating elements of other criminal investigation activities, especially the crime scene investigation, the experiment, the presentation for recognition and, of course, hearings, but it does not overlap any of them. The verification of the person’s crime scene statements is particularized by the way it is carried out, but, above all, by the purpose and the specific tasks assigned to it. The importance of the activity in question lies in the research and completion of the evidentiary information of the verified statements, the removal of possible gaps and contradictory aspects from their content (Catuna, 2008, p. 182).

The peculiarity of the verification of the crime scene statements consists in the fact that it combines elements characteristic of other criminal investigation activities (hearing, presentation for recognition, crime scene investigation, reconstruction of the act and experiment in the criminal investigation procedure) at the same time, this procedural activity in terms of content does not completely coincide not with any of the indicated activities and has an independent importance (Gheorghîță, 2017, p. 638). We emphasize that the essential peculiarity of this criminal investigation activity consists in the fact that in the process of submitting statements for the purpose of verification, specifying them and administering new evidence, the criminal investigation officer aims to identify the traces of the crime,

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the material evidence that has the ability to provide clarifications regarding the circumstances of the event. This activity is carried out, by virtue of the possibilities, immediately after initiating the lawsuit or even before, when it is necessary to carry it out without delay. A successful investigation determines the appropriateness of the assumptions of the criminal prosecution, and therefore its efficiency (Rusnac, 2021, pp. 190-191).

3. The Usage of Specific Psychological Knowledge Peculiar to the Verification of the Crime Scene Statements

The verification of the crime scene statements, from a psychological point of view, has a number of peculiar features in relation to other procedural actions and forensic tactics, such as the hearing, the crime scene investigation, the presentation for recognition, the experiment within the criminal prosecution, etc. Thus, unlike the hearing, when verifying the crime scene statements, the respective person's explanations are submitted in a more real environment. The criminal investigation officer obtains more detailed information, given the fact that he/she not only hears the respective statements, but also perceives the real atmosphere that he can compare with those previously exposed by the specific person. Their perception takes place not only at the word level as a symbol, but goes to a more advanced level, to the creation of an image (Васильев, 1974, pp. 59-60).

We emphasize that the repetition of the crime scene statements, due to the involvement of association links, stimulates the imagery memory, confirmed also by the elements of the concrete environment, a fact that allows clarifying or completing the statements submitted previously, as well as the removal of some divergences or falsehoods in the statements of persons of "bad faith". Unlike the simple hearing, when verifying crime scene statements, not just one, but simultaneously three processes of knowledge are used: *perception*, *observation* and *comparison*. So, the action given by the criminal investigation and forensic tactics, as well as the presentation for recognition, is characterized by the direct process of knowledge. When verifying the statements, the person providing them recognizes the place and the details of the circumstances of the investigated case. But, unlike presentation for recognition, the objects whose identification takes place are not chosen ahead of time and the one who recognizes them does not have to determine them from the same group of objects, similar objects. Unlike the experiment in the criminal investigation, during the verification of the crime scene statements, no preparatory or experimental actions of the respective person, changes in the environment are allowed. Everything is limited only to the explanations of the witness, the injured party, the suspect or the accused about the events of the crime committed in a specific place (Mira & Lopez, 1999, p. 98).

As psychological peculiarities of the verification of the crime scene statements are: 1) the individual aptitude of the person whose statements are being verified, to perceive and memorize the environment in which one or another event takes place; 2) orientation in space (topographical) when reproducing the circumstances; 3) the psychological influence of repeated presence at the scene of the investigated crime, on the person giving statements (Коновалова, 1978, p. 117).

Contextually, we emphasize that the individual aptitude (capacity) of the concrete person to perceive and memorize certain events, circumstances, clues, details of the crime committed or of the criminal can be detected during his/her interview, which takes place before the verification of statements or forensic expertise. At the same time, it must be taken into consideration that once he arrives at the scene of the crime, the one who submits statements repeatedly interprets the psychological model of what happened. He/she does this much more effectively than during the hearing, because he/she not only restores in memory the circumstances, the details of the act, but also actually observes them directly. Thus, the

criminal investigation officer must determine the subjective and objective factors that influenced the perception of the circumstances and the surroundings of the fact investigated by the person whose statements are being verified. The category of objective factors includes: the place from which the respective person perceived the event, the objects, etc.; meteorological conditions; the distance to perceived objects; brightness etc. The subjective factors can refer to: the state of the sense organs; the emotional state of the person (fear, despair, pain, other personal problems); the general condition of the human body (illness, intoxication, narcotic euphoria, etc.) (Шиханцов, 2008, pp. 103-104).

The memorization of the criminal event, the features of the persons involved in it and some peculiar details, can take place both voluntarily and involuntarily. For example, a person who happened to be in a room in the immediate vicinity of the place where the criminal appeared unexpectedly and broke a car, after which he/she withdrew in a certain direction with the objects stolen from there, intentionally (voluntarily) will remember this event and, subsequently, not only in the office of the criminal investigation officer, he will be able to submit the statements about the perceived deed and the offender's specific external features, but also at the crime scene he/she could give the respective explanations. In this regard, the practice demonstrates that the criminal investigation officer often encounters the situation of involuntary memorization, when the criminal, witness or victim does not aim to memorize the circumstances and the environment of the actions they undertake or have taken place, but this it takes place independently of their consciousness. However, repeated observation of the environment, where the crime took place, stimulates memory activity. So, apart from this, it is known that (motor) activity is interdependent with perception, memorization and recollection. Given the fact that all events have an emotional aspect, the experience of certain feelings by the nominated persons also influences the completeness (integrity) and stability of memorization. For this reason, the criminal investigation officer, during the verification of the statements of the concrete person at the scene of the crime, must recommend to the one who gives explanations, to remember the moments experienced in the respective situation of perception of the event that happened. At the same time, the criminal prosecution officer can determine the nature of the emotions experienced by the person in question at that moment (Филонов, 1999, p. 214).

It is known that those events that are related to facing certain difficulties, obstacles are better memorized. Establishing their existence, their character and essence, also represents an effective means of providing assistance to the one who offers crime scene statements. In addition to this, the character of the perceived objects must be taken into consideration, as well as their degree of originality. It is always better to remember objects that are not standard, that are distinguished by certain individual signs, particularities (Fisher & Geiselman, 1992, pp. 78-79).

The repeated presence, during the verification of their statements, at the scene of the crime of the injured party or the witness, sometimes leads to the fact that the person in question relives the interrelated emotions with the crime. The emotional abundance of some of these people can prevent the normal development of the given action. In such a situation, the criminal investigation officer must show tact, using methods of psychological influence (persuasion, exemplification, etc.) in order to neutralize the state of tension that has arisen. From a tactical point of view, the statements at the crime scene are verified only after the respective person (the witness, the injured party, the suspect, the accused) has been heard and has given his/her consent to participate in this procedural action. However, in order to obtain the consent to verify the statements, from the interviewed person, and to maintain a psychological contact for the entire duration of this action of criminal investigation and forensic tactics, the criminal investigation officer must demonstrate his/her organizational and social skills. They are also necessary for the management of the team, which participates in the verification of the declarations or who are

present at it. From a psychological point of view, it is also important to establish the right time for verifying statements. Due to the fact that the verification of the crime scene statements can only be carried out with the consent of the previously interviewed person, it is recommended that the given action be carried out as soon as possible after the interview. For this purpose, it is also necessary to carry out certain preparatory measures for going to the crime scene. Delaying the verification of the crime scene statements can lead to a change in the person's position, loss of psychological contact with him/her and other undesirable consequences (Butoi, 2004, p. 133).

It is inevitable that when carrying out this action of criminal investigation and forensic tactics, the person whose statements are verified must be given full freedom in exposure and selection of the route to the scene of the crime. These essential factors, usually psychologically, help the person in question to remember more easily the circumstances, moments and details that preceded the criminal event, the unfolding of the illegal act, as well as the evolution of the post-criminal stage. In certain situations, when it is observed that the person, whose statements are verified, deviates from those declared at the hearing, the criminal investigation officer must ask him certain clarifying questions and together analyze the statements submitted at the scene of the crime. In some situations, it can be recommended to carefully study the environment and its elements, not to hurry with the explanations, to return to the previous stage completed within the given action. Throughout the mentioned action, it is necessary to monitor the behavior of the person giving crime scene statements (Paulson, 2008). Thus, establishing an inappropriate consecutiveness in the actions of the person whose statements are verified, his/her attempts to mislead or to damage (destroy) the detected traces, the criminal investigation officer must take the necessary measures to eradicate these attempts. In addition to this, it should not be limited only to the information obtained from the verified person. Appreciating the progress and the results of the verification of the declarations, actions aimed at identifying traces and material evidence in the respective area must be carried out on one's own initiative, even if no there is information about them from the person in question. This can be done by the participants (other criminal investigation officers, forensic specialists) who help to carry out the given procedural action. So, the effective psychological procedure, which allows from the beginning to establish the sincerity of the person whose statements are being verified, is the reconstruction to a certain extent of the environment of the crime scene. The essence of this procedure consists in the fact that, upon arriving at the scene of the crime, the respective person is asked whether or not the environment corresponds to the one in which the crime was committed. If he/she confirms the correspondence between the existing environment and the one in which the illegal act took place, he/she is asked to make statements regarding what happened, and when the interviewed person declares that the existing environment does not correspond to the previous one, he/she is asked to restore verbally the environment. The restoration of the environment, which corresponds to the previous one, as well as the data contained in their statements and in the report from the crime scene investigation, objectively and convincingly will confirm the accuracy of the presented statements (Патинков, 1991, pp. 284-285).

It is relevant that from a psychological point of view, the verification of statements at the scene with the participation of the minor has some particularities. When verifying the minor's statements, his/her abilities must be taken into account depending on his/her age and the possibility of determining the location in space of some objects, concrete things, which are in a separate sector, as well as his/her own location in relation to them. So, when verifying the minor's crime scene statements, it is necessary to exclude, absolutely, the possibility of the existence of any help or influence. Even detecting some inconsistencies in the factual data, which the minor's statements contain, in the surrounding environment, this fact should not be exposed to him, because for this reason he could change his behavior, to the detriment of the interests of the case (Rusu, 2004, p. 157). Accordingly, verifying the

statements of witnesses, suspects, minor defendants or victims presents significant difficulties and does not always lead to obtaining positive results. Usually, the need to verify their statements arises when investigating crimes of theft, robbery, sexual crimes, etc., and consists in the indication by the minors not only of the place where the act was committed, but also of the place where the objects-result of the crime are hidden, the route taken to it. At the given action, the minors' parents or educators from the appropriate institution, whom the child knows, are always present. The respective persons are recommended to walk with the minor, sometimes even holding his/her hand, in order to inspire confidence in what he is doing, to help him/her concentrate and not to mislead him/her. At the same time, it should be taken into consideration the fact that minors, because they are not sufficiently developed, sometimes cannot indicate with certainty the entire route traveled, as a rule, memorizing only a part of it. In such cases, only the road segment indicated by the child is indicated in the report, because this fact, together with other evidence, may be important for the circumstances of the case (Rusu & Pop, 2008, pp. 83-84).

4. Psychic Peculiarities of Encoding, Storing and Retrieving Information Regarding the Judicial Event in the Case of Verification of the Statements at the Crime Scene

It is important to mention that directly perceived data and information or representations do not volatilize, do not disappear, but on the contrary, they crystallize, taking the form of the previous experience. This acquired experience will be of real use, in the case of witnesses, to be able to achieve reproduction or recognition. Thus, human memory is usually defined as an ability to reactivate, partially or totally, in a truthful or distorted manner the events of the past (Zlate, 1999, p. 347).

Through memory, person imprints, preserves and reuses both his own life experience and human experience in general, in the sense that he/she will not have to make all the discoveries, he/she will use them through learning. From this point of view, memory can be considered a form of knowledge, named in specialized literature as knowledge of the past. In this order of ideas, memory is considered the ability to produce acts of knowledge (Buş, 1997, pp. 119-120). To fulfill this role, the received information must be well stored, protected from the effects of time, and easily accessible. Thus, the witness must be able to reproduce, when needed, what he/she perceived visually, auditorily, tactilely or emotionally or otherwise at the scene of the crime (Gregg, 1998, p. 17).

Memory is a common property of all organized matter. Thus, three fundamental characteristics of memory were emphasized:

- memory has a *mediated character* – in order to remember better and, finally, to reproduce more easily, the witness uses a series of tools as means of memorization;
- memory has an *intelligible character* – it involves the understanding of what is memorized and updated, the organization of the memorized material according to significance criteria;
- memory is *selective* – absolutely not everything that is perceived or learned is memorized.

Retention of all contents is neither possible nor necessary. From the point of view of its role, memory ensures the continuity, consistency, stability and finality of the individual's psychic life. Through this we have the possibility of updating the previous data resulting from knowledge, data that we subject to a critical examination and thus, we can move forward, in the sense of widening the horizon of knowledge. However, the memory of the witness must be viewed from a double aspect: qualitative, i.e. the possibility to retain and preserve exactly how the judicial event took place and quantitative aspect

that refers to the possibility to retain as many details of the judicial event as possible (Popa, 2000, p. 104).

Without memory we could not have the witness statement, because without going through this process, the witness will have nothing to declare, even if the sensory reception phase has been completed. Memory is a mechanism that unfolds over time, going through a series of processes. Traditional psychology prefers the terms memorization, preservation, reactualization; more recently, terms such as: encoding, storage and retrieval are used. Although the terminology is different, it essentially expresses the same thing, namely the fact that the psychic process of memory includes three phases: the acquisition phase of the memory contents; their retention, respectively their reactivation (Bogdan, 1983, p. 163).

♦ *Encoding* → it represents the psychic process with the help of which information is translated into a form that allows it to enter the memory system. Human transforms information into images or units to which he/she assigns a certain meaning, with the help of specific thinking operations. The transfer of information in the memory system is carried out with the help of a code. We are mainly talking about three types of codes, respectively encodings: visual encoding, auditory encoding and semantic encoding (Petcu, 2001, p. 203).

Contextually, we also emphasize the fact that we should not look at memory as a simple record of events, without the critical participation of the witness in their processing. In any case, encoding cannot be separated from thinking. The assignment of codes (meanings) to the judicial event is carried out through the logical operations of thought. Good and correct encoding is based on the premise of memory storage and reactivation of the information perceived by the witness. However, the importance of a good encoding is highlighted by the following case: a cashier of a train station was robbed at gunpoint. He later identified, from a group of individuals, a sailor, but the latter had an iron alibi. It turned out that the sailor had bought train tickets from that cashier three times - but before committing the crime - the cashier, actually mistaking him/her for the criminal. Respectively, the specialized literature has emphasized a series of factors that negatively or positively influence encoding. They were classified into two large categories: factors that concern the peculiarities of the material to be memorized and subjective factors dependent on the psychological particularities of the memorizing subject (Zlate, 1999, p. 365).

– *Peculiarities of material to be memorized*: the nature of the material (it is easier to print an image of an object than a word describing that object), the degree and way of organization of the material, the homogeneity or heterogeneity of the material, the volume of the material (if the material to be memorized increases in arithmetic progression, the memorization time increases in geometric progression), familiarity, significance, pleasantness or unpleasantness, the time of day when the event takes place (research shows that immediate memorization is about 20% better in the morning at 06.30 than in the evening at 23.00, and in the case of delayed recall these differences disappear);

– *Peculiarities related to the subject that memorizes*, are extremely numerous, of which we mention: the state of the subject (fatigue, sleep, affective states), experience, motivation, interest, attitudes, involvement in the activity, repetition of the task by the subject, distraction (Larigaudere, 2002, p. 208-209).

♦ *Storage* → it represents the storage of information and its maintenance over a period of time, inside the brain. Regarding the duration of storage, we mention the fact that the time interval between the entry of the information and its exit from the memory is extremely variable for each individual witness. The variability of the storage duration is given by the nature and significance of the stored information. Personal events are remembered longer than impersonal or neutral ones. Semantic information will also

be retained longer than non-semantic information. Respectively, storage dynamics therefore refer to the phenomena that happen to the material during storage. From this point of view, storage fidelity, amplification, enrichment and “logicization” of the content of the material is important. In the dynamics of the storage process, the phenomenon of diminution, degradation or even disappearance of the stored material may occur. The witness may have a distorted memory or forgetfulness may occur, especially regarding aspects that are not essential or interesting to the witness.

♦ *Retrieval* → aims to surface the encoded and stored information, with the purpose of using it. Recovery in the case of the witness is carried out in two ways: reproduction and recognition. Forgetting is inextricably linked to the dynamics of storage. However, the problem arose, we forget or the information entered the long-term memory and we cannot access it (Miclea, 2004, p. 315).

We see that there is a variety of forms of forgetting, we present below some of them, as they were highlighted in the specialized literature:

► *Current forgetting* (daily) – frequently intervenes in connection with the most diverse situations or contents of memory. Like an unused muscle that atrophies, content that doesn't feel refreshed disappears;

► *Repressed (motivated) forgetting* it is a means of protection against events and memories that generate psychological discomfort or even suffering for the witness. Also called active forgetting or inhibition, it is characterized by the subject's inability to remember.

► Due to reasons related to the person's psyche (for example, a name of a person associated with an unpleasant episode will be forgotten more quickly) (Miheș, 2008, p. 70);

► *Induced forgetting* (traumatic) – occurs as a result of a shock, trauma or brain injury, medical conditions or interventions;

► *Forgetting through simultaneity* – it is caused by the presence in space and time of several events, which causes some of them, based on the principle of selectivity, to be forgotten;

► *Regressive forgetting* – appears with age, often due to the progressive degeneration of brain tissues;

► *Directed forgetting* (voluntary) – we forget what we are told and what we want to forget. Also called intentional forgetting, it refers to the cognitive mechanisms that are engaged intentionally with the purpose of blocking certain information. The information will be selected based on a decision, the witness will take into account aspects related to his/her person;

► *Forgetting dependent on environment* – consists in erasing from the mind the circumstances in which the information was encoded, which can lead to the loss of integral informational units (Aionitoaie, Sandu & Bercheșan, 1992, p. 283).

In the reference context, we can also emphasize the fact that among the factors that influence storage, respectively forgetting, we mention: the volume of the material, its meaning, the age and individual characteristics of the subjects, the time elapsed since the event, the witness's temperament, the witness's interest in that event, the duration memorization, the complexity of the material, its degree of understanding, the depth of information processing and the intentionality of learning (Mircea, 191, p. 39).

On the axis that interests us in this investigation, we do not overlook the point of view regarding forms of memory:

A) *Sensory memory* – also called the sensory information register (SIR), has the role of storing the information received from the receptor cells in order to process it. The essential function of this type of memory is to preserve the sensory information until the subsequent cognitive processes will be able to take it, analyze, interpret and assign a meaning to it. From here, it can be deduced that we will have sensory memories for each type of sensation, the most important being the visual memory and the auditory memory. The storage capacity is not equal at the level of the different categories of information, as a result, the study of the two types of sensory memory shown above is of intense interest to us, because they contribute decisively to the process of forming witness statements (Zlate, 1999, p. 265).

Thus, regarding its mechanism, we specify that sensory memory is automatic and does not require additional efforts on the part of the individual. The duration of visual memory has been estimated between 200 milliseconds and 2 seconds, while auditory memory has a longer duration - 1.5 to 2 seconds. From the point of view of sensory memory, researches have highlighted a certain specialization of the analyzers over time. This fact is closely related to the profession or activity of the witness, a situation that must be taken into account by the criminal prosecutor officer when hearing the witness. Based on the visual memory, the physical features contained in it, people will be able to be identified. Thus, we speak of a memory of faces, which can be viewed from two aspects: the psychological impact of a face causing certain affective states, either pleasant or of rejection, and the physical features that the witness perceives (the shape of the eyebrows, chin, hair, etc.). On the other hand, the witness will not be able, in most cases, to draw the memorized face (Miclea, 2004, p. 270).

B) *Short-term memory and long-term memory*. The information stored in the sensory memory is transmitted to the short-term memory, and only a part of it will reach the long-term memory. Thus, the short-term memory (STM) ensures a preservation of the image, which, except for special conditions, lasts a maximum of 18 sec. Long-term memory (LTM) includes received information, which has been kept for a longer period of time, sometimes even for a lifetime. It is assumed that STM has an unlimited capacity and fixes everything or almost everything that is perceived (daily events, knowledge, feelings, dreams, habits, skills, social events, etc.). The specific feature of STM is the fact that we are in the presence of a semantic memory, resulting from structuring the results of knowledge in a system of schemes, operations and notions. Three systems are thus distinguished: 1) a phonetic system – the terms being evoked based on the sonority of the words; 2) a system of images – the visualization of an image entails the invocation of the notion that defines that image; 3) The system of semantic-syntactic indexes, which appears due to the relationships between meanings (Cosmovici, 2006, pp. 142-143).

An important factor that favors STM is affectivity, which accompanies the memorization process including the reactivation phase of perceived information. A person or an event that had an affective influence on the witness will constitute a pillar in the formation of the STM regarding a certain judicial event. In specialized literature, two other types of memory were emphasized: episodic memory and semantic memory (Zlate, 1999, p. 172).

– *Episodic memory* is the memory of certain events in which the individual participated or lived and contains information associated with precise spatial-temporal contexts. Episodic memory has its source in knowledge based on personal experience.

– *Semantic memory* – is the memory of general knowledge about the environment in which the individual lives (e.g. the chemical formula of water is H₂O or HOH).

Episodic memory is relevant in the case of witnesses, because they participate or experience circumstances related to the unfolding of the judicial event. The information they provide represents lived information (Bruno, 2006, p. 64).

In the specialized literature, two problems were raised: a) to what extent the account of a witness in good faith is or is not influenced by information adjacent to the case; b) to what extent the questions of other participants in the process can influence the activation of episodic memory and the narration of the facts (Miclea, 2004, pp. 307-308). Therefore, we present below two experiments carried out to find the answer to the raised problems: 1) A group of subjects watches a film. Some of them (with the knowledge of the experimenter) discussed certain aspects of the film that actually did not exist in the film. Thus, at the time of the report, the subjects testified about non-existent facts but present in the conversations of the accomplices; 2) Subjects watch a film about a road accident. Some time later some of the subjects answered the question “Do you remember how the first car hit the second?”, the other subjects answered the question “Do you remember how the first car hit the second car?” - the second one?”. In the narrative, when asked to estimate the speed at the moment of impact, the first group provided an average estimate that represents approximately 50% of the average speed estimated by the second group. Of course, in the second case we are in the presence of a certain degree of suggestion, a phenomenon that we will deal with in the reproduction (Miheș, 2008, pp. 72-73).

We can also note that other types of memories emphasized in specialized literature are: cognitive, affective, motor, sensorial-motor, social, autistic memory. In some cases, a memory distortion caused by post-event information was highlighted. The last item memorized before playback can erase at least part of the previous items (Miheș, 2008, p. 75).

Considering the ease with which information about a target event can be distorted, in recent years research has also focused on the use of hypnotic techniques in the process of updating information from memory. Although the information gathered through hypnosis is not considered evidence in court, this procedure can bring relevant information, being able to guide the criminal investigation officer or the lawyer on the right tracks that will later lead to the fair resolution of the case (Buș, Miclea, David et al., 2004, p. 73).

5. Memory Retrieval in Case of Verification of the Crime Scene Statements

Memory retrieval or reactualization represents the last moment of testimony formation. Being a phenomenon that presents a certain degree of complexity, retrieval of events cannot be done mechanically, because it is closely related to a number of factors. The efficiency of memorization is judged according to the efficiency of recovery. An essential condition, prior to memorization, is going through the stages of the sensory reception process, completed with the representation. For the same person, the representations can be expressed differently, the visual ones can be stable and accurate, and the auditory ones imprecise and unstable (Miclea, 2004, p. 316).

The process of sensory reception is followed by the memorization, respectively the reproduction of perceived information – in written or oral form – in front of the criminal investigation officers or the courts. The reactivation of the judicial event consists in revealing the encoded and stored contents and can be achieved in two ways: a) reproduction; b) recognition (Golunski, 1981, p. 321). Reproduction consists in the mental projection of the images perceived at the scene of the crime, selected and kept in a certain order by memorization and, then, their reproduction, in written or oral form, at the request of the prosecutor (Mircea, 1995, p. 58). Whereas, recognition represents a secondary way of communicating information. During the recognition, persons and objects that have an unknown identity are presented to the witness in order to identify them, being the objects or persons previously perceived in connection with the process of committing the crime. Thus, regarding the efficiency of the

recognition, the point of view was expressed according to which its performances are superior to reactualization through reproduction (Voinea & Dumitrescu, 2009, p. 145).

Conclusions

Finally, we conclude that the verification of the crime scene statements of the people involved in the process is an activity of major importance within the procedural evidentiary activities due to the information that can be obtained both regarding the circumstances and the ways in which the act was committed but also regarding to the personality of the perpetrator. This information helps the criminal investigation officer to understand the case from all aspects, thus determining a correct legal classification of the act committed by the perpetrator.

The verification of the crime scene statements, finally, represents an effective means of influence with a particular resonance on the process of re-education and social recovery of those brought to the criminal investigation officer, as suspects, as accused. Without going into details on this super-complex problem, we mention that direct contacts with the accused, carried out under the specific conditions of the criminal prosecution, offer the respective institution great possibilities in this regard. However, the sincere recognition of the committed deed, the feelings of regret and remorse, the voluntary reparation of the damages caused by the criminal activity are indicators of behavioral recovery, of attitudinal correction.

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