

**Public Law****The Particularities Involved in Crime Scene Searchings in Illicit Traffic of Drugs****Nicoleta Elena BUZATU<sup>1</sup>**

**Abstract:** The investigation of the crime scene plays an important role in discovering and sampling the proofs. The crime scene is considered to be the most important place in a penal investigation, as this is the place where the prints of the criminals and of the victims are to be found: visible, hidden, placed deliberately or by negligence or ignorance. The article under discussion will focus on the static and dynamic stages carried on in the investigation of the crime scene and will analyze the modalities and the operating systems used by the drugs traffickers. Such an investigation presumes that the penal legal authorities should have been informed that a penal deed had been committed by petition or denunciation, as provided by article 221 of the Penal Code, or to take its own self notice/ decision when finding out - no matter how - that such an offence has taken place and conclude a written report.

**Keywords:** static stage; dynamic stage; modus operandi; drugs; Code of Penal Procedures

**1. Introduction**

According to the international convention, the definition of drugs is: a chemical substance of those submitted to control by the Unique Convention on Narcotics of 1961, as well as one of the psychotropic substances whose control is stipulated by the 1971 Convention.

In conformity with article 1 of Law no 143 of July 26, 2000 on fighting against the traffic and illicit consumption of drugs, published in the Official Gazette, Part I, no 362 of August 3, 2000, *drugs* are considered to be those plants and stupeficient substances or mixtures containing such types of plants and substances as listed in tables I - III of the law. The high risk drugs are listed in tables I and II of the law, and the risk drugs, in table III of the law. This legal definition is accepted.

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The familiar definition of drugs is: the products and the stupeficient or toxic substances considered as such, and prohibited by national or international legislations.

Terms as *licit drug* and *illicit drug* were used the moment the psychotropic substances had been incriminated by the law (Cone, 2009, p. 27).

The current practice, as well as the specialized literature, speaks about various classifications of drugs which are based on various scientific, juridical, medical, etc. criteria, because the majority of the substances included in the group of stupeficient are natural and, there is no systematized nomenclature meant to group them in strict classifications (Berche an, & Pletea, 1998, p. 66).

This happens because of the multitude of substances, because of the various specific of chemical groupings and because of the difficulties faced in correlating the chemical group with the effect they have on the human body (Berche an, & Pletea, 1998, p. 66).

Law no 143/2000 on fighting against the traffic and illicit consumption of drugs classify the drugs in to large categories:

1. *High risk drugs*: heroine, mescaline, morphine, amphetamine, cocaine, codeine, opium, phencyclidine, etc.

2. *Risk drugs*: cannabis, cannabis resin, cannabis oil, diazepam, meprobamate, etc.

The main categories of stupeficient frequently met with in the drugs traffic are: opium, morphine, heroine, cannabis, cocaine, L.S.D., ecstasy but also certain types of plants and substances which are not legally prohibited - new psychoactive substances (new narcotics and psychotropic substances - in either pure state or prepared) which are not legalized by the 1961 Unique Convention of the United Nations Organization on psychotropic substances that can be considered a menace for the public health comparable with the one already estimated by the lists elaborated by these conventions (Decision 2005/387/JAI of the Council).

The users of drugs have certain physical symptoms as: red eyes, fallen eye lids, stare look, dilated eye balls, faint coughing, etc. Behavioral modifications as: depression, anxiety, faintness, loss of concentration, etc. are to be noticed, as well. The addicts can have with them pipes, filters, mirrors, blades, rolled-up cigarettes, small aluminum boxes, mushrooms, capsules or tablets of an unknown origin, etc. They can be easily identified on the ground of the pharmacy registers, of the impressed stamp issued by polyclinics, hospitals and pharmacies, prescribed per

person, on the ground of the book of entries of each emergency room or on the documents of the emergency and intervention squads.

## **2. Crime Scene Investigation**

In order to prevail and raise the material evidence, the place where the crime was committed plays an important role.

The investigation takes place in conformity with the standard rules, by strictly respecting the criminal tactics imposed by the practice of the judiciary organs.

The investigation team shall be endowed - beside the forensic kit - with special pouches including: reactors for testing the stupeficient, check probes (periscope) for checking the hard accessible places in cars, necessary equipment for x-raying objects that can hide stupeficient substances.

The policemen are not allowed to taste the drugs or the substances they have discovered as there is the risk of intoxication or even death. In case of a toxic substance, the check will be done with specific instruments as the narcotic-test kit or, in labs.

After the preparatory measures have been taken the following steps are to be followed (Berche an, 2001, p. 262):

- immediate measures for the interruption of the criminal activity and preventing intoxications with narcotics;
- body search of the persons involved in the traffic and illicit drug consumption;
- searching, discovering, fixing and raising the drugs that were the object of the traffic or illicit consumption of drugs;
- attentive body search of the person involved in the illicit drug consumption and pointing out to traces of stings/ injections, crusts, scars, etc. on all the four limbs;
- looking for and discovering, describing, fixing and raising other categories of traces on wrappers, especially papillary;
- the attentive search of the means of transport used in transporting the drugs;

- examination of all close or open spaces;
- seizure of all the discovered materials.

### **2.1. The Static Stage**

In *the static stage* of the investigation of the crime scene accent shall be laid on (Cârjan, & Chiper, 2009, pp. 467-468. For more details, see Isac, G.P., 2005, pp. 445-462):

- salvation of the possible stupeficient intoxicated persons;
- prompt judiciary photographs or films for pointing out the stupeficient and the places they were hidden;
- discovering the corpus delicti and the visible traces;
- body search of the persons present at the crime scene;
- processing the traces collected from trace-dog.

### **2.2. The Dynamic Stage**

In *the dynamic stage* of the investigation of the crime scene accent shall be laid on (Cârjan, & Chiper, 2009, p. 468):

- examination, by a doctor, of those suspected to be under the influence of the narcotics, as to take blood and urine for lab tests;
- attentive examination of clothes, luggage, packages and other objects;
- finding the hiding places;
- examination of the real content of tins, food, alcoholic or refreshing drinks;
- detailed photos and films: traces of shots, traces of powders, pipes, cigarettes, notes, pocket books, documents, etc. that were found with the suspects, as well as of the objects found in the hiding places;
- special attention shall be granted to the way the corpus delicti are wrapped and seized; the original wrapping shall be well kept as not to contaminate the proofs; those proofs that might contain volatile solvents shall be packed in secure containers;

- all packages will be sealed and labeled

The drugs that were found shall be described in detail (from, aspect, colour, the results obtained from the reactors kit). At the same time all the wrappings and labels found on them shall be described in detail. The drugs shall be looked for in luggage as well as in personal objects of food where they can be hidden or dissimulated. The clothes shall be attentively examined as they can have traces of drugs impregnated in their texture. All tools and objects used for the consumption of drugs shall be attentively looked for (pipes, syringes, ampoules, etc.)

All the materials used by the offenders for the fabrication, extraction, processing, experiments of drugs consumption shall be taken and confiscated (apparatuses, raw materials, precursors, stamped receipts).

In order to discover the drugs specially trained dogs will be used.

It is absolutely necessary the medical control to be applied to all persons who have the symptoms similar to those of an addict's or to all persons suspected to have used drugs; these measures are necessary for both the biological proofs and for possible medical prophylactic measures.

The investigation of the crime scene will end with a written report to which photos, sketches, drawings, films or video records can be attached.

### **3. Modalities and Operating Systems used by the Drugs Traffickers**

#### **3.1. Modalities of Hiding the Drugs**

According to information offered by OIPC-INTERPOL and by the practice of the Romanian Police specialized teams, the fighting against criminals specialized in drugs, there appear the following modus operandi practices used by the offenders to hide, to conceal and to traffic the drugs (Stancu, 2002, pp. 626-631; urlea, 1991, p. 167; Alecu, 2004, pp. 195-206).

*Modalities of wrapping and dissimulation with a view to trafficking* (Cârjan, & Chiper, 2009, p. 461):

- a) manufacturing means of hiding the drugs (boxes, labels, etc.) in the tin factories, by replacing the food they contain with drugs;
- b) hand making means of hiding (lids, boxes, labels, etc.);

c) replacing the food contained by cans with drugs, by either a normal opening of the can or by creating orifices which, after the content was emptied, the drugs were introduced and tinned or the can will be transversally cut and a new lid will be added;

d) impregnating the clothes with stupeficient substances - cocaine dissolved in alcohol is easily impregnated in underwear;

e) use of the mail system;

f) use of couriers.

#### *Methods of hiding some drugs specific smells*

The traffickers resort to various ingenuous methods to dissimulate the specific smells of certain drugs as to prevent to be found by the trace dogs specialized in such operations. The methods used are (Cârjan, & Chiper, 2009, p. 461):

- placing in hermetically closed containers;
- wrapping them in special cardboards or canisters in which there were put dry fish or anti-moth balls (especially for the transport of marijuana);
- using onion or garlic essence in packages as to confuse the dogs.

#### *Methods of avoiding or annihilating various devices used in discovering the drugs*

Depending on the complexity and the updating of the supervision measures at customs points, there are (Cârjan, & Chiper, 2009, p. 462):

- x-ray devices for checking the passengers' luggage;
- fumbling the suspect parcels, in case the x-ray devices are not efficient because the drugs are wrapped in tinfoil or indigo paper;
- the use of certain sophisticated techniques (check apparatuses, AWACS planes - with early warning, choppers and ships transporting drugs).

### **3.2 Drugs hiding places**

#### *Means of transport*

Depending on the means of transport the drugs can be hidden in (Stancu, 2002, pp. 628-629):

- a) motor vehicles; the hiding places are specially created or the drugs can be hidden in the ceiling, the seats upholstery, headlights, board, torpedo, spear wheel, etc.
- b) The suspect vehicles are, generally, announced at the customs offices and the customers can notice them according to the general aspect of the cars, of the luggage and of the state of agitation of the passengers. The check is based on the general behaviour of the passengers and drivers and on the way the luggage and goods are distributed; they can be signs that drugs are hidden or dissimulated in case of trucks and busses. It often happens that these means of transport are “accompanied” by undercover investigators or are the object of a supervised delivery.
- c) train carriages offer a multitude of hiding possibilities: man’s rooms, compartments or even in the exterior installations of the carriages.
- d) in planes, alongside with the luggage there are many hiding places if the flying team or the airport personnel participate in the deal;
- e) on ships: cabinets, shelves, store rooms, freezing cases, propeller, saving belts, etc.

*In attire or directly on the body*

Drugs can be hidden in (Stancu, 2002, pp. 628-629):

- women’s and men’s anatomical cavities;
- *clothing articles*: coat lapel, epaulettes, inside of the tie, pockets, lining, belt buckles, slits and trousers cuffs, hats, caps, bras, prostheses, shoes, false heels;
- hiding places in little sacks fixed on the abdomen, corsets, prostheses, hairdo;
- the cannabis tablets can be modeled in the form of an interior sole and covered by the leather inner sole;
- *in household and personal assets*: double bottomed suitcases, handbags, flower pots, paintings, books, toys, umbrellas, walking sticks, pens, protective holders, powder cases, lipsticks, sprays, wax or paraffin candles, etc.;

- *in food, beverage and cigarettes*: cans, salami, cheese, sausages, eggs, bread, fruit, chocolate mixed with drugs, sugar cubes imbued with LSD, etc.

### 3.3 Frequent operating modalities of the drugs traffickers

The operating modalities differ according to the activities: illicit aim, fabrication, transport and distribution (see Ghiorghici & Preda, 2010, p. 99 i urm.).

*Drugs fabrication* (Cârjan, & Chiper, 2009, p. 463):

- *legal drugs*, manufactured in medical aims, can become the object of the illicit traffic: cocaine, amphetamines, depressives;
- *clandestine plantations* of opiate poppy, coca plant, hallucinogenic mushrooms, Indian kemp etc.;
- *manufacturing in clandestine labs* arranged in basements, storehouses, abandoned buildings, isolate buildings, kitchens, etc. which are betrayed by the smell of acetone, ammonia or by other chemical substances;
- except for the *marijuana*, the other synthetic drugs, as well as all the totally synthetic, require precursors and technologies.

*Transportation of drugs* (Cârjan, & Chiper, 2009, p. 463) is made by different means of transport: from the human body to motor-vehicles, planes, ships, etc.;

- false vehicle matriculation is used or transit matriculation;
- the drugs can be hidden in long international vehicles with or without the knowledge of the personnel, together with perishable food as not to be kept too long in the customs station;
- private cars do not appear in the police accounts;

*Drugs distribution* (Cârjan, & Chiper, 2009, p. 463):

- opium is wrapped in linen little bags and sold in the shape of flat cakes’;
- on the wrapped goods (opium of morphine) there can be applied recognition marks as: playing cards, butterflies, etc., or labels of quality slogans (for example: the best opium);



- the drugs are sold in the street, in markets, parks, schools, clubs or luxury restaurants; very often they are distributed by under age children supervised by a real network of traffickers;
- the users or the addicts obtain their drugs amiably, but they can also become violent when they have no more financial means.

#### 4. Conclusion

A written report is concluded at the crime scene which has to consists - except for the conditions mentioned in article 91 of the Procedural Penal Code, a detailed description of the state at the crime scene, of the prints, of the examined and seized objects, of the position and the status of the other material evidence, so that they should be described with a maximum precision and, if possible in their real shape and size. In all cases drawings, sketches or photographs can be added or any other detail that can be favorable to the report.

#### 5. References

- Alecu, G. (2004). *The criminalization of drug trafficking and consumption*. Constanta: Europolis Publishing House.
- Berche an, V. (2001). *The criminal investigation. Complete Handbook of criminal investigation*. Bucharest: Icar Publishing House.
- Berche an, V. & Pletea, C. (1998). *Drugs and the Traffickers of Drugs*. Pitesti: Paralela 45.
- Cârjan, L. & Chiper, M. (2009). *Criminalistics. Tradition and modernity*. Bucharest: Curtea Veche.
- Ghiorghici, V. & Preda, C. (2010). *Crime scene investigation of drugs trafficking and consumption offenses*, in *Forensic investigation of organized crime offenses*, Vol. The XII International Symposium on the Forensic Science, Bucharest: Romanian Forensic Association.
- Isac, G.P. (2005). *Odorological investigation and judicial probation*, in *The role and contribution of forensic and medical forensic in establishing the truth*. Bucharest: Luceafărul.
- Stancu, E. (2002). *Treaty of forensic*. 2-nd Ed. Bucharest: Universul Juridic.
- one, C. (2009). *Drugs. Temptations and murderous passions*. Craiova: Sitech Publishing House.
- urlea, S. (1991). *Drugs Bomb*. Bucharest: Humanitas Publishing House.