Summary

Over the course of criminal proceedings, there are several procedural-forensic activities which are used to determine the material truth and to justly decide the matter of criminal responsibility for a crime. This includes, amongst others, a visit to the scene of a crime. However, this activity has not been defined in any of the Polish Criminal Procedure Codes in force to date. Instead, the aforementioned concept appears in scientific publications in the field of penal studies, textbooks on forensic science, and is also in use by practitioners, especially law enforcement officials.

Three groups of views can be identified in the literature on the subject. A visit to the scene of a crime is considered a secondary examination, a form of procedural experiment or independent procedural activity.

The lack of any normative definition of a visit to the scene of crime also causes certain practical problems. It must be emphasized that in many cases officials of the procedural authorities have problems with the adequate definition of a visit to the scene of a crime and define it rather arbitrarily and not always appropriate to the purposes of the pending proceedings. An additional difficulty that results from the fragmentary description of a visit to the scene of a crime is the lack of consistent standards for performing this activity.

Therefore, a comprehensive study of a visit to the scene of a crime is warranted not only because of the scarcity of monographs and scientific studies on the subject but also because of the practical use of this activity. The research problem is specified in the form of the question: What is a visit to the scene of a crime? Is it a form of procedural experiment, secondary examination or an independent procedural activity?

To meet the defined objectives and verify the adopted seven detailed problems and six hypotheses, it was essential to use the following methods: research of the literature, legal sources, case files and surveys. The research of the case files was carried out in the Regional Courts, i.e. in Białystok, Olsztyn and Gdańsk. A total of 114 cases from 2000-2015 were surveyed, in which 70 cases revealed protocols of visits to scenes of crime. The survey involved 116 police officers from the investigative division of the Polish Police who perform procedural activities in criminal cases on a day-to-day basis.

The work includes an introduction, six chapters on the subject, a conclusion and a bibliography.

When summarizing the results of the analysis carried out in the work, taking into account also the practice of application of the law by the authorities carrying out criminal proceedings, it is possible to formulate some of the most important de lege ferenda postulates.

Most importantly, it is necessary to postulate the consideration of a visit to the scene of a crime as an independent procedural activity, and consequently its legal regulation in the Polish Code of Criminal Procedure. Although it is an activity similar to the inspection of the scene of a crime and, in particular, a procedural experiment, it is distinguished by its characteristics resulting from its verificatory (control) and static nature.

Documentation of a visit to the scene of a crime should also be regulated by law, with the adoption of a protocol as its primary, obligatory form and the possibility of recording the course of a visit in supplementary documentation under general regulations. At the same time, it appears that it would be appropriate to develop a model protocol of a visit to the scene of a crime to ensure consistency in documenting this activity.

It is also necessary to develop forensic standards for carrying out this activity, as well as to cover this institution in the courses designed for law enforcement officials and judges and to develop educational materials. Problems with the proper execution of a visit to the scene of a crime are also indicated by the surveyed police officers. In their opinion, such problems are caused precisely by the lack of literature on visits to the scene of a crime and the absence of training dedicated to this issue. It is difficult to consider it appropriate to obtain knowledge about the subject matter only from the experience of senior colleagues or from the Internet. Therefore, it is necessary to prepare a training program, as well as educational materials for the court and prosecutors' trainees, as well as students of police colleges.