

The Verification of Statements at the Crime Scene: The Main Goals, Objectives and Requirements

Vitalie JITARIUC¹, Nicoleta-Elena HEGHEȘ²

¹PhD, Associate professor, Dean of Faculty of Law and Public Administration, Cahul State University
“Bogdan Petriceicu Hasdeu”, Cahul, Republic of Moldova, vjitariuc@gmail.com

²Researcher 2nd Degree, “Andrei Rădulescu” Legal Research Institute of Romanian Academy,
Bucharest, Romania, nicoleta.heghes@icj.ro; Professor, PhD, “Dimitrie Cantemir” Christian University
of Bucharest, Romania, nicoleta.heghes@ucdc.ro; Vice-president of the Romanian Forensic Scientists
Association, Bucharest, Romania

ABSTRACT: Investigative tactics comprise a system of tactical techniques developed on the basis of special sciences, including logic, psychology, generalization of investigative practice, and others. All constituent elements of investigative tactics serve for the application of logical methods of investigation by the investigator, the shaping of the psychology of his relationship with the participants of investigative actions, the organization of systematic investigation of the crime and effective collection of evidence in accordance with the norms of the Criminal Procedure Code. One effective method for clarifying certain evidentiary information contained in witness statements, victims' statements, and statements of suspects and accused persons is their verification at the crime scene. A significant number and different nature of tasks, which are solved in the process of verification of testimony to the crime scene, indicate its significant possibilities as a means of proof in the detection and establishment of the truth on the committed crime.

KEYWORDS: evidence, evidentiary procedure, tactical procedure, verification of statements at the crime scene

Introduction

One of the most important investigative tasks of crime investigation is the collection and verification of evidence in criminal prosecution. In this context, the question regarding the need to streamline the work of criminal prosecution bodies to improve the tactical and methodological bases of criminal prosecution, is particularly topical. Improving prosecutorial tactics is capable of exerting a beneficial influence on the conduct of investigations and, in particular, on obtaining an adequate volume of evidence in criminal cases (Jitariuc and Popescu 2023, 49). The probative procedure, known as verifying statements on the scene of the crime, is an investigative action in which a previously questioned person reproduces the situation and circumstances of the event under investigation. This process involves pointing out relevant objects, documents, and traces relevant to the criminal case, demonstrating certain actions. Any kind of extraneous interference in the course of verification and leading questions is prohibited. Testimony shall be verified on the crime scene in order to establish new circumstances relevant to the criminal case, testimony previously given by the suspect or accused, as well as the victim or witness, may be verified or clarified at a place related to the event under investigation.

The peculiarity of cognition in the process of verification and testimony on the crime scene lies in the ability of the investigator to abstract from the sensually perceived. In the

production of this investigative action, sensual cognition is not absolute but acts only as a necessary basis, a necessary element in the process of cognition.

Moreover, the investigator's thinking activity is aimed at transforming the received information within the framework of logical operations. In addition to general scientific methods of cognition, logical operations are no less important, they are necessary for the establishment of strict rules for obtaining, processing, and systematization of information, making it more accessible for understanding and further use in the process of cognition.

Research methodology and technique

The dialectical method of cognition and other tested methods of scientific research served as the methodological basis of the work. In the process of preparing the research, methods such as analysis and synthesis, induction and deduction, as well as statistical and sociological methods (including the study and analysis of criminal case materials and statistical data) were used. Among these methods, it is necessary to mention etymological analysis, which allows for a deeper understanding of the conducted research by establishing the primary meanings of the key terms.

Results and discussions

Over the past decades, there have been discussions among scientists about the independence and necessity of legislative fixation of the crime scene testimony. Some proceduralists rejected its legitimacy at all (Aleksandrov and Strogovich 1960, 20-26). In contrast, other legal scholars (Belkin 1961; Soya-Serko 1966; Khlyntsov 1971; Doraș 2011; Gheorghiță 2017) not only recognized the effectiveness of these investigative actions and the need of regulating them in the legislation but also developed tactics of verification and clarification of testimony on the crime scene. The correlation of the testimony on the scene of the incident with other investigative actions and its place in the system of investigative actions has been considered in detail in a number of dissertations and monographic studies (including modern ones). However, the opinions of scientists on the essence, goals and objectives of the testimony verification are not characterized by uniformity. In this regard, it seems appropriate to conduct a comprehensive analysis of this problem and, taking into account these opinions, to give its definition of the testimony verification on the site of the event, as well as to set out a list of its goals and objectives.

Belkin (1961, 3) defined the crime scene testimony as “an investigative action consisting in demonstration by the accused or a witness of a certain place connected with the event of a crime, statement on actions committed on this place, comparison of information reported by these persons with the objective situation on the place and occasionally demonstration of some actions.” “The crime scene testimony verification is a very peculiar investigative action of a complex nature, which organically combines elements of a number of other investigative actions, such as crime scene examination, interrogation, investigative experiment, searching and identification, and which, at the same time, does not fit within the framework of any of them. As well the crime scene testimony verification consists of the pointing out by the previously questioned person of the place and objects related to the event under investigation, his description of this event, demonstration of individual actions, investigation of the actual situation of this place and comparison with it of the received reports in order to verify the existing and establish new factual data” (Khlyntsov 1971, 7).

The most complete definition of the crime scene testimony was formulated by Soya-Serko (1966, 14), according to whom, “the crime scene testimony consists of pointing out by the previously interrogated person the place and objects related to the event under investigation, his description of this event, demonstration of individual

actions, study of the actual situation of this place and comparison of the received reports with it in order to verify the existing and establish new factual data.” Meanwhile, Firsov notes that some essential features of this concept are not formulated clearly enough, their logical sequence is not maintained, the possibilities of the considered method of obtaining and verifying evidence are unjustifiably limited. The author considers that “the content of the crime scene testimony verification consists in obtaining testimony from a previously questioned person about the situation and circumstances of the event under investigation; recognition and indication by this person of certain places (routes, objects) related to the event under investigation; demonstration by the person whose testimony is being verified of certain actions; comparison of testimony and actions with the actual situation of the established places (routes) and other circumstances of the event under investigation in order to verify existing and obtain new evidence, as well as to establish other circumstances relevant to the investigation of a criminal case” (Firsov, ed. by Stepanov 1995, 7-8).

A detailed definition of testimony verification on the crime scene event is provided by Uvarov: “testimony verification on the crime scene as an independent investigative action is that the questioned person at the suggestion of the investigator in compliance with certain procedural conditions, in order to verify the testimony indicates the place, objects and other things about which he had previously testified, explains the relationship of these circumstances with the event under investigation and demonstrates in this case separate actions that took place during the event. The investigator listens to the explanations of the person whose testimony is being checked, observes the circumstances and actions of the person, and by comparing the explanations, as well as the actions of the person, with the situation at the scene of the event, establish the conformity or nonconformity of the person’s testimony with the situation at the scene of the event.” Here, the definition of the crime scene testimony includes the tactical side of its conduct (which clutters the definition), as well as its purpose. V.N. Uvarov notes that the purpose of on-site testimony is also its purpose. V.N. Uvarov notes that “the purpose of the on-site testimony test is the main purpose of this investigative action is one - to verify the testimony” (Uvarov 1982, 6).

Kopylov and Rezvan (2000, 4) adhere to a similar point of view, stating that “(...) the purpose of the crime scene testimony is precisely to verify previously given testimony and compare it with the objective environment of the place of the event”. Furthermore, the paragraph 1 of article 114 of the Criminal Procedure Code of the Republic of Moldova, it is expressly stated that “In order to verify or clarify the statements of the witness, the victim, the injured party, the suspect, the accused about the events of the crime committed in a specific place, the representative of the prosecution is entitled to go to the scene of the crime together with the interviewed person and, where appropriate, with the defense counsel, interpreter, specialist, legal representative and to propose to the interviewed person to describe the circumstances and objects about which he has made or may now make statements” (The Criminal Procedure Code of the Republic of Moldova, Law nr.122-XV, 14.03.2003).

In his work, Uvarov names such a formulation as “double purpose” and believes that the conclusion about the double purpose of the crime scene testimony was formed as a result of mixing the concepts of two independent investigative actions - the crime scene testimony and inspection of the scene of the incident with the participation of a suspect, accused, victim or witness. In turn, the judgment that the purpose of on-site testimony verification is not only verification, but also clarification of testimony, in the opinion of the scientist, arose as a result of confusion of two concepts: the crime scene testimony verification and investigative experiment. The author attributes the testimony on the crime scene to verification investigative actions and believes that the study of the

actual situation of the place, the event is beyond the limits of testing testimony on the crime scene (Uvarov 1982, 7). A similar opinion is held by other scientists (Avsyuk 1990, 10-12; Sheifer 1978, 118).

It seems that there seems to be a contradiction in this case: in the definition of the crime scene testimony, Uvarov admits the possibility of demonstration by the tested person of certain actions that took place during the event. However, the author does not accept the clarification of the testimony of the tested person as the purpose of the investigative action under consideration. Nevertheless, the demonstration of certain actions by the person concretizes the information available to the investigator, visually explaining exactly how the event took place. Thus, the visually perceived information forms an accurate picture of the event in the investigator's mind, and serves as an illustration of the verbal testimony of the tested person, further clarifying it. In practice, it is not uncommon that in the course of the crime scene testimony verification, the clarification of testimony consists mainly in the demonstration of actions and cannot be carried out without the participation of the tested person (for example, within the framework of an investigative experiment), or without traveling to the scene of the event (for example, through interrogation). Indeed, the mere analysis of the testimony of interrogated persons often does not allow the investigator to independently present the content of the actions of these persons during the event and, as a result, to reconstruct the mechanism of the crime as a whole.

Meanwhile, considering in detail the objectives of crime scene testimony verification, along with verification, clarification of collected evidence and obtaining new evidence, Belousov named the formation of internal conviction of the investigator about the objectivity and relevance of the information obtained during the interrogation to the criminal event as a whole or its individual circumstances (Belousov ed. by Natura 2004, 64). In our opinion, the internal certainty formation about the objectivity and relevance of the received information is a result of the activity on its verification and clarification, as well as obtaining new evidence, and, as we have already noted above, is a psychological aspect of this activity.

The solution to the problem of specifying the purpose of verification of testimony on the crime scene is of great practical importance. The purpose of this investigative action is to verify the testimony of the suspect, accused, victim or witness, establish the reliability of this testimony, and to establish new factual data and obtain new evidence (Khlyntsov 1971, 8). According to Shurukhnov, this investigative action is carried out in order to discover new evidence, verify versions, identify and eliminate contradictions in the testimony of several persons, to establish the circumstances contributing to the commission of crimes (Shurukhnov ed by Lavrov 1997, 21). Merculova (2008, 48) states that verification of testimony on the crime scene of the event - an investigative action consisting in the indication by a previously questioned person of a place, route or other objects related to the crime under investigation, demonstration of individual actions and simultaneous explanations, as well as in the study by the subject of investigation of the given place, route, other objects and comparison of the information obtained in order to verify and clarify existing testimony, as well as obtaining new evidence in the criminal case.

The characteristic essence of the crime scene testimony is the indication by the subject, whose truthfulness is to be verified, of a certain place, which is connected with the event of the committed and investigated crime, as well as the study of the said place and comparison of the discovered data with its actual situation. This investigative action, combining the characteristic features of some investigative actions, has a peculiar complex nature and specific tactics of investigation (Andreev 2014, 56).

The most significant tasks of the crime scene testimonies are: detection of the place of the incident, which the interrogated person has either incompletely or inaccurately described, which does not allow the investigator to detect it independently by other means;

determination of the route of movement to the alleged place of the incident, as well as departure from this place in a situation when the interrogated subject could not give any information about it; identification of material traces of the criminal act and other objects that may become material evidence in the case under investigation, about which the questioned subject testified, as well as various traces and objects about which the investigator himself had no information; establishment of the actual situation at the alleged scene of the incident at the time of the immediate commission of the criminal act in the situation if various changes occurred after the inspection; detection of victims, as well as witnesses, about whom the investigator; detection of victims, as well as witnesses about whom the investigator had no information; detection of causes and conditions that contributed to the commission of the specified crime, etc. (Yenikeev in Enikeev, Obratsov and Eminov 2011, 56).

New information obtained as a result of the verification of testimony at the crime scene is characterized by the ratio of data coming from four sources: information contained in the testimony being verified; information contained in the explanations of the person interrogated at the crime scene; information whose source is the actual situation at the crime scene in its relationship with the circumstances of the commission of the crime; information obtained as a result of an earlier examination of the given the crime scene (Panteleyev and Selivanov ed. 1984, 294.)

The undoubted advantage of this scheme is its visibility and relative clarity of the list. At the same time, it should be noted that the fourth source of information is optional, because not always the place of the testimony verification is not always the place previously examined by the investigator. In addition, the list can be supplemented with information contained in the testimony of other persons, obtained as a result of other investigative actions, etc.

Minkovsky and Ratinov (1973) divided all investigative actions according to the complexity of their structure into 4 groups:

(a) Investigative actions, the content of which is to obtain one “stream” of information;

(b) Obtaining the main and additional “streams” of information, the latter being necessary solely to certify the progress and results of the investigative action;

(c) Obtaining two or more “streams” of information, the comparison of which provides new factual data;

(d) The generation of two or more “streams” of information that are transformed by merging into factual information of a different kind from the elements that made it up.

The transformation of two or more integrated “streams” of information by merging them into a new evidentiary information of a different kind occurs during the investigative experiment, identification and the crime scene testimony. The verification of testimony on the crime scene is characterized by the combination of testimony (the first system) with the actual situation on the crime scene (the second system). It is the correlation of these elements in a new complex system, rather than their separate display predetermines the cognitive value of on-site testimony verification (Minkovsky and Ratinov 1973, 394-395).

A number of different specific tasks can be accomplished by verifying testimony at the scene of an incident. In the course of verifying testimony at the scene, the investigator is convinced of:

(a) the existence of the place about which the witness or the accused testified (by the characteristic features of the place described in the testimony and existing in reality);

(b) The existence of the way in which the perpetrator entered or left the scene of the crime;

(c) the existence or absence of contradictions in the testimony of several witnesses or defendants as to the route to the scene of the crime or as to the scene of the crime itself, the place of meeting with accomplices, or the actions at a particular place);

(d) The knowledge of the person whose testimony is being tested on the actual circumstances of the case (Belkin 1961 11-12).

Khlyntsov gives one of the most complete and detailed lists of tasks of verification of testimony at the scene of the crime. It includes:

(a) Discovery of an incident scene or several incident scenes of which the investigator was not previously aware, and the person or persons who testified about the event have difficulty in providing orienting data, by which the investigator could independently find the named places.

(b) Identification of the track by which the interrogated person entered or left the crime scene, which had not been previously identified by the investigator and which is essential to the case, and the interrogated person finds it difficult to describe this track because he or she does not know the exact name of the surrounding streets, alleys and objects located on them.

(c) The discovery of any crime traces or material evidence, the location of which is unknown to the investigator and cannot be accurately determined in the presence of the testimony of the interrogated person. The investigator may have had prior knowledge of the existence of such evidence or may have assumed the possibility of its existence.

(d) Detection of new evidence (traces and material evidence) not previously known to the investigation and not mentioned in the testimony of the interrogated person.

(e) Detection of victims previously unknown to the investigation.

(f) Identification of witnesses not previously known to the investigator.

(g) Identification of other suspects (accused).

(h) Identification of the involvement of the suspect (accused) in other crimes of which the investigation is aware but the perpetrators have not been identified.

(i) Establishing the causes and conditions that contributed to the commission of the crime.

(j) Establishment or clarification of certain circumstances related to the actions of the interrogated person at the crime scene or at other points in cases when these circumstances are not clear to the investigator and it is impossible to establish or clarify them by other means. Establishment of the actual situation of the crime scene at the time of the event that took place there.

(k) Establishing the knowledge of the person or people being interrogated as to the scene, objects or routes described in their testimony.

(l) Establishing the knowledge of the interrogated persons as to the actual circumstances of the event or actions of which they were participants or eyewitnesses.

(m) Verification of investigative or search leads (Khlyntsov 1971, 10-19).

Shurukhnov (1997) formulated the following tasks to be solved by the crime scene testimony verification:

(a) To locate the place of the incident, about which the interrogated person found it difficult to give exact data allowing the investigator to find it.

(b) Identify the route, not known to the investigator, by which the interrogated person entered or left the scene.

(c) Discover traces of a crime or physical evidence not previously identified or of which the investigator was unaware.

(d) Identify victims or witnesses not previously known to the investigator.

(e) Identify accomplices to the crime.

(f) To determine whether or not there are contradictions in the testimony of several witnesses or defendants.

(g) To clarify or clarify certain circumstances related to the actions of a person at the crime scene or on the route of the crime, when these circumstances are relevant to the case and cannot be clarified or clarified by other means.

(h) To establish the actual situation at the scene of the accident at the time of the events that took place there.

(i) To find out the degree of knowledge of the persons involved in the case regarding the scene of the accident, individual objects, routes, actions of the accomplices described in the testimony.

(j) Identify the causes and conditions that contributed to the commission of the crime (Shurukhnov 1997, 22).

The range of private tasks solved by the crime scene testimony is very wide. Depending on the uniformity of the content of the tasks to be solved, the following types of on-site testimony can be distinguished.

(a) Verification of on-site testimony on the establishment of unknown to the investigation spatial relations of places, routes, objects relevant to the event under investigation.

(b) Verification of on-site testimony to restore (reconstruct) the actual situation of the scene unknown to the investigation at the time of the event under investigation.

(c) Verification of on-site testimony to establish the content of the suspects' (accused persons') actions in preparing, committing and concealing the event under investigation.

(d) Verification of on-site testimony to gather background data to establish the identity of suspects, victims and witnesses not known to the investigation (Firsov 1995, 11-15).

Vlasenko and Stepanov (2004) also believe that in the course of the crime scene testimony verification general and specific tasks can be solved. At the same time, they refer to the general tasks as: a) obtaining new information; b) verification of existing information. According to them, the specific tasks of on-site testimony verification are:

(a) Tasks related to the investigation of the immediate circumstances of the crime: discovery of the crime scene or several crime scenes of which the investigator was not previously aware, and the person who testified has difficulty in providing landmarks by which the investigator himself could find these places; establishment of the route by which the interrogated person entered the crime scene or left it, if it is relevant to the case and the investigator has not previously established; clarification of certain circumstances related to the actions of the interrogator; clarification of particular circumstances related to the actions of the interrogated person at the crime scene; establishment of the actual situation of the crime scene at the time of the event; establishment of the interrogated person's awareness of the crime scene, objects or routes, circumstances of the event; clarification and elimination of contradictions in the testimony, exposure of false testimony, self-incrimination, false alibi (or creation of preconditions for this); identification of causes and conditions that contributed to the commission of the crime.

(b) Tasks to identify new sources of evidence: discovery of any traces of crime previously unknown to the investigator; discovery of witnesses, victims previously unknown to the investigator; identification of other suspects (accused) (Vlasenko and Stepanov 2004, 49-54).

Kopylov and Rezvan (2000) propose to divide the range of tasks solved by on-site testimony verification into three large groups:

(a) The actual testimony verification, determining whether the information obtained from the interrogated person corresponds to objective reality. In the opinion of these authors, it makes it possible to: incriminate the person being tested in a lie or expose self-incrimination; clarify, and in some cases establish for the first time, the place where the crime was committed, as well as the ways by which the interrogated person got to or left the

place; establish or clarify certain circumstances related to the actions of the interrogated person during the incident. These may be details of the committed crime method, and actions of the victim (accused, witness), which are difficult to report in isolation from the place and in verbal form; it is difficult to obtain more complete testimony from the person, because the very situation of the scene, demonstration by the person of his actions (or actions of the perpetrator), using the advantages of a free narration help the interrogated person to revive associative links, motor memory and possibilities of reasoning recall. Therefore, on the crime scene, the interrogated person can recall essential circumstances; specify the role of each accomplice in group crimes.

(b) The possibility of establishing new factual data. In the course of the investigative action under consideration, it is possible to discover traces of the crime not previously revealed, to find material evidence, hidden, stolen property, to establish new witnesses, victims and persons subject to criminal liability.

(c) Establishing the causes and conditions that contributed to the commission of the crime (Kopylov and Rezvan 2000, 5-6).

Conclusion

The testimony verification on the crime scene is an investigative action, which consists in the reproduction by the interrogated subject of testimony about the criminal act as a whole or its individual circumstances directly on the crime scene, which is connected with the commission of the criminal act, pointing directly to objects and various traces that are significant for the case, as well as a certain demonstration of which actions to carry out the verification of existing and acquisition of new evidence. By conducting this investigative action, a set of tactical tasks are solved. They may include:

- clarification, specification, and development of previously established factual data;
- establishment of circumstances of significant importance for the case, about which nothing was known before;
- obtaining new evidence.

Such evidence may include:

- *previously unknown traces of the crime and other material evidence.* However, even when in the course of verification of testimony on the crime scene it is not possible to find new material traces of the crime, the results of this investigative action have an important evidentiary value. If a person is well oriented in the situation on the ground, and the testimony that he confidently gives in the presence of witnesses, consistent with the situation of the place and with the evidence collected in the case, this fact is undoubtedly new independent evidence in the case. If the person, whose testimony is checked, cannot show the way to the place of the event, and his testimony does not coincide with the situation and traces found on it, this is also evidence that refutes the relevant version;

- *disclosure of false statements;*
- *verification of the hypothesis that the actions to be verified can be carried out by one person without the assistance of others;*
- *identification of changes that have occurred in the environment from the moment of realization of the event under investigation to the moment of verification of the statements;*
- *determination of the psychological stability and strength of the position held by the person whose testimony is verified.*

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