

Methodological Recommendations Regarding the Initial Stage of Investigating Crimes from Previous Years in Which the Person Who Can Be Accused Was Not Placed under the Indictment, after the Suspension of the Criminal Prosecution

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Abstract

In the elaborated article, the authors addressed the existing tactical-procedural peculiarities at the initial stage of investigation of crimes from previous years in which the person who can be charged was not placed under the indictment, after the suspension of the criminal investigation. Although the criminal procedural legislation that regulates the activity of suspending and resuming criminal prosecution during the last decade has not undergone essential changes, the subject of the investigation of crimes from previous years in which the person who can be charged, from a forensic point of view, has not been placed under the indictment, has not been sufficiently researched. In this sense, it is necessary to develop methodical recommendations that would govern the activity carried out by the person carrying out criminal prosecution at the initial stage of investigation of crimes from previous years in which the person who can be charged was not placed under the indictment, after the suspension of the criminal prosecution.

Keywords: undetected crimes, suspension, resumption, criminal investigation, criminal case.

JEL Classification: K39

1. Introduction

In accordance with the provisions of paragraph (1) of art. 287¹ of the Code of Criminal Procedure of the Republic of Moldova, the criminal prosecution is suspended in cases when there is one of the following grounds that prevent its continuation and completion: 1) the accused has disappeared, evading prosecution or trial, or his whereabouts are not established; 2) the person who can be accused is not identified; 3) in case of refusal regarding deprivation of immunity of the person or in case of refusal to extradite the person by a foreign state, if the criminal investigation cannot be completed in the absence of this person; 4) the accused fell ill with a mental illness or another serious illness, which prevents him from taking part in the criminal trial, certified by a medico-legal conclusion of a state medical institution; 5) started the mediation process under art. 276 paragraph (7) of the Code of Criminal Procedure.

From the stated legal considerations, it emerges that in four cases out of the 5, even if the criminal prosecution is suspended, the person is identified regarding whom there is sufficient evidence administered to send him to the court of law or, as the case may be, there are sufficient grounds to take one of the decisions provided by art. 291 of the Code of Criminal Procedure.

The situation is different when the criminal investigation is suspended based on the non-identification of the person who can be accused (*see diagram no.1-2*³). In this case, although the criminal investigation body carried out all the necessary criminal investigation actions to achieve the purpose of the criminal process, it could not identify the person who can be placed under the indictment.

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³ The information is analyzed according to the data presented by the STI of the MIA of the Republic of Moldova, no. 8/6-1-4406.

Diagram no. 1

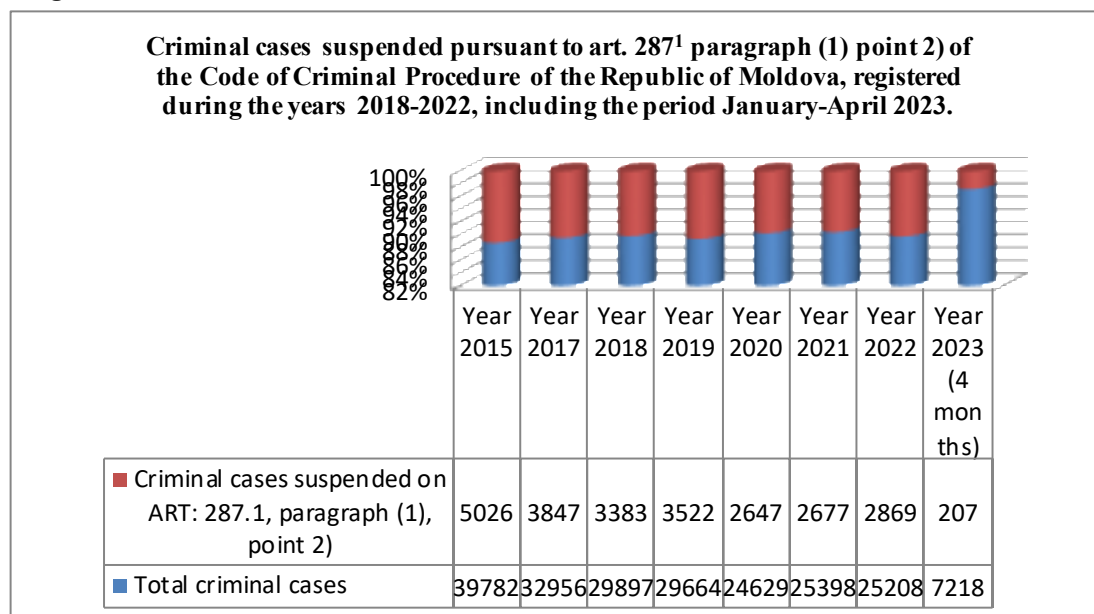
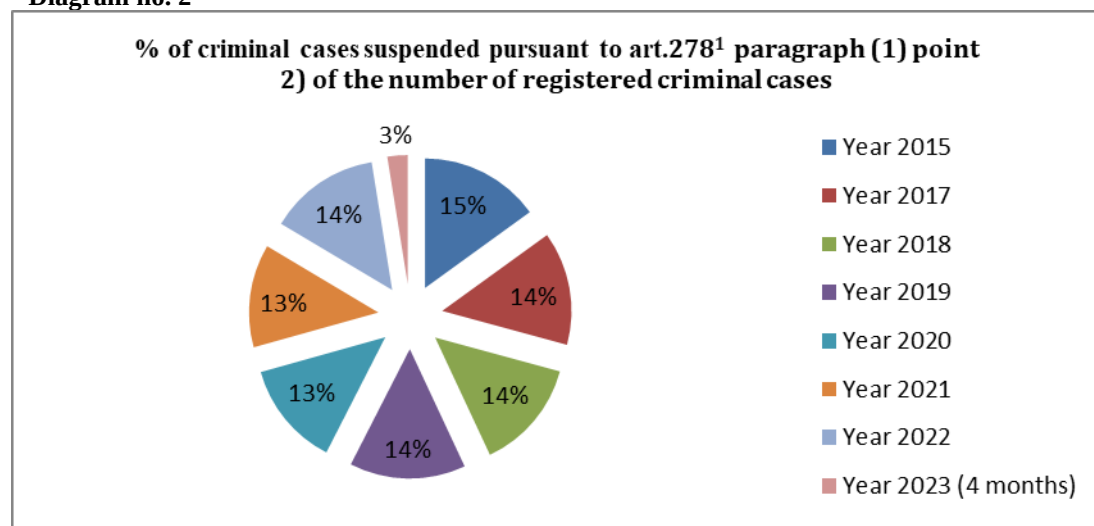


Diagram no. 2



The analysis carried out demonstrates that from 13% to 15% of the cases in which the criminal investigation may be started, are suspended due to the non-identification of the person who can be placed under the indictment. This percentage is problematic, from our point of view. Or, approximately one-sixth of the activity of the criminal investigation body is dedicated to identifying this person, and this fact leads to additional expenses, involves human resources, as well as delays the prosecution of the person and along with this leads to violation of the rights of the victims of the crime or their representatives.

If we refer to the so-called “undiscovered” criminal files and relating them to the type of crimes, according to official data, most of them are started on light and less serious crimes (see *diagram no. 3*).

As a rule, thefts, robberies, economic crimes, crimes related to the circulation of drugs, forgery of documents, sometimes also murders, rapes, etc., remain undiscovered. On the contraposition are human trafficking, robberies, pimping, etc. (see *diagram no. 4*).

Diagram no. 3

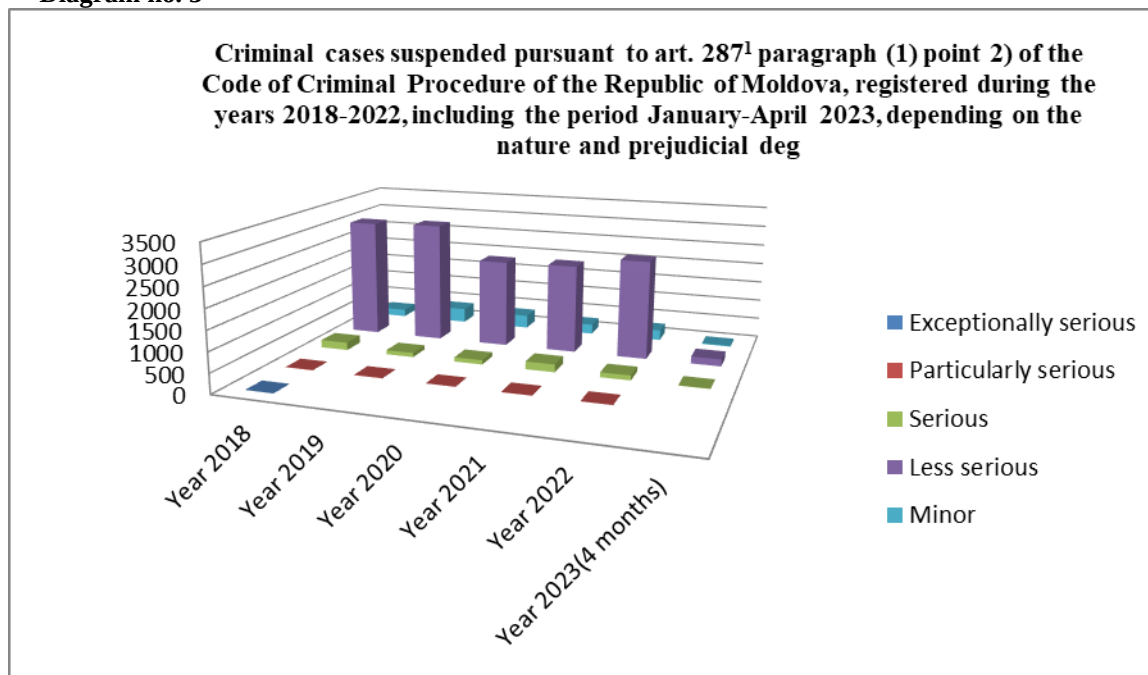
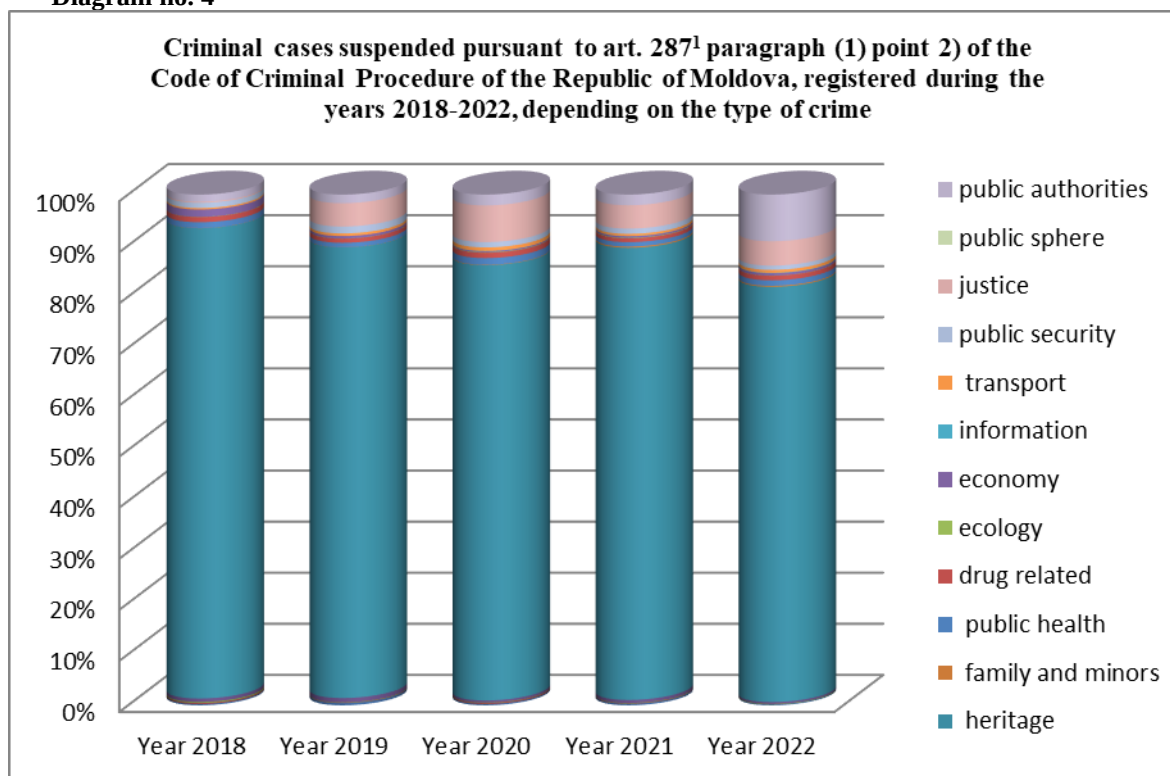


Diagram no. 4



According to our opinion, these files remain undiscovered and, respectively, the perpetrators are not identified due to the weak activity of the legal bodies (detection bodies, the criminal investigation body and the prosecutor's office), and finally the goal of the criminal process is not achieved.

By way of explanation, we proposed to develop recommendations that would govern the activity of the criminal investigation body regarding criminal cases in which the criminal investigation was suspended based on the non-identification of the person who can be placed under the indictment and the resumption of the criminal investigation after the suspension.

2. Applied methods and materials used.

In the process of developing the article, the author was guided by a system of scientific research methods, and namely: systemic method, method of deduction and induction, analysis method, comparative method and many others. The theoretical-legal basis of the scientific article includes the normative regulations regarding the activity of the criminal investigation body in criminal cases in which the criminal investigation was suspended based on the non-identification of the person who can be placed under the indictment.

3. Opinions and discussions

3.1. Analysis of the materials of criminal cases suspended based on non-identification of the person who can be placed under the indictment

The success of any investigation, especially the investigation of an undiscovered crime, depends, to a large extent, on the correct evaluation and skillful use of the evidentiary material already administered in the criminal case and the information obtained from the special investigative measures. Before describing the specific content of the activities on the analysis of materials in criminal cases where the prosecution has been suspended, we must at least describe the objectives, subjects, objects and methods of such an analysis.

The objectives or purpose of the analysis of available materials in the case of undiscovered crimes, consist of: the study and evaluation of the evidence administered during the criminal prosecution, which was obtained from criminal prosecution actions and special investigative measures; the evaluation of all available data, in their entirety, with the new information obtained after the suspension of the criminal investigation; establishing the gaps, errors and shortcomings of the investigations and the possibilities of their elimination; identification of specific goals and objectives for additional activities in the criminal case in which the criminal prosecution was suspended.⁴

We support the opinion of V. Pavlov who mentions the fact that the process of studying and evaluating the evidence is uninterrupted throughout the course of the criminal investigation, including in the case of undiscovered crimes in criminal cases where the criminal investigation has been resumed after suspension. In other words, the activity of the criminal investigation body after the resumption of the criminal investigation should not be seen as a formality, this activity should be approached in the same way as the activity in a recently started criminal case.

Also V. Pavlov, quoting I. Luzghin, specifies that the preliminary criminal investigation is a cognitive activity, rightly emphasizing that the object of knowledge is not the same as the object of probation in a criminal case, it is much more widely as the object of probation. The object of knowledge in the analysis of the materials in a criminal case in which the prosecution is suspended does not coincide with the object of probation, because its scope is a much narrower subject of evidence, although it refers to a very important part - the guilty person⁵.

Isolation and evaluation of data on the identity of the perpetrator is one of the most important purposes of analysis of the materials of the criminal case in which the criminal prosecution has been suspended. Most often, in these cases, direct references to the guilty person are not available, but often there is evidence, the use of which makes it possible in the future, under certain circumstances, to identify the person who committed the crime (fingerprints, other traces, description of external signs and so on and so forth).

If we refer to the subjects of the respective analysis, then they are the following: the investigating officer, who must continue to work in order to identify the person who could be charged; the investigating officer, obliged to carry out the special investigative measures in order to

⁴ Pavlov Valentin, *Peculiarities of disclosure of crimes of past years*. Monograph. Moscow, 1972, p. 75.

⁵ Ibid.

identify the perpetrator or to fulfill the provisions of the criminal investigation body issued in this regard, or to obtain information that derives from his activity on the side of other cases but which is also important for the investigated case; the head of the criminal investigation body that provides the necessary methodical help in order to discover the crime; the prosecutor, obliged to conduct the criminal investigation and ensure the discovery of the crime.

As for the object of the analysis, it is the following: the criminal case in which the criminal prosecution was suspended and to which all the offenses are attached; the information and materials obtained from the special investigative measures on the side of the respective case; the materials accumulated on the side of similar criminal cases in which the crime was committed by the same method, whether these crimes were discovered or not.

Speaking about the objects of study or the respective analysis in a broad sense, it is advisable to analyze the materials of the criminal case in which the criminal prosecution is suspended in relation to the operational situation at the time of the commission of the undiscovered crime.

Sometimes, from the analysis of the situation, one can draw provisional conclusions about the circle of people, among whom we should look for the perpetrator of the crime, taking measures to prevent the commission of similar crimes in the area where the crime was committed, etc.

In the same sensory objects of study, similar cases in which the crime could not be discovered, the particular signs and other characteristics of the persons in these criminal cases, obtained from forensic records and through other information systems, should be studied. At the same time, it is necessary to analyze and study all notifications regarding crimes, statements, anonymous letters and other communications from citizens and relevant organizations for the detection of crimes.

As V. Pavlov⁶ noted, the process of research and evaluation of the evidence in the analysis of the materials of the criminal case in which the prosecution was suspended acquires some specific features. These consist of the following:

a) the volume of materials and information evaluated is much greater than at the initial stage of the criminal investigation, and in this sense, the evaluation process becomes similar to the process of analyzing evidence at the end of the investigation;

b) the completeness of the assessed information is relatively sufficient - otherwise the prosecution would not have been suspended. At the same time, this "fullness" cannot be considered sufficient (as for example in the case of the indictment). There is insufficient evidence regarding the guilt of a particular person in committing the crime, the causes and conditions that contributed to the commission of the crime, mitigating and aggravating circumstances, as it is difficult to establish with the necessary fullness in the absence of the perpetrator. In other words, the evidence management process is not finished yet, it is only temporarily suspended;

c) the main content of the analysis is not only an evaluation of the administered materials, but also the search and identification of new evidence and circumstances of the commission of the crime;

d) the main objective of this analysis is to obtain information related to the person that committed the crime, as well as relevant information for identifying him in the future;

e) the criminal investigation officer must not focus on the value of the evidence in the criminal case in which the criminal investigation is suspended, this activity will be carried out after the resumption of the criminal investigation. The criminal investigation officer must take measures to identify the perpetrator, and these measures can only be taken after analyzing the materials from this criminal case.

f) the specificity of the result of the analysis of the materials of the criminal case in which the criminal prosecution was suspended consists in making the decision to resume the criminal prosecution or not.

If the materials of the criminal case in which the prosecution was suspended are studied and

⁶ Ibid., p. 80.

analyzed, it is necessary to draw attention to the following aspects: if the prosecution was started immediately, how much time passed from the moment of the crime to the start of the criminal investigation, the quality of carrying out criminal prosecution actions that do not suffer postponement, the quality of criminal prosecution actions at the initial stage⁷, the fullness of the forwarded versions⁸, the quality and completeness of the verification of the submitted versions, the quality of carrying out special investigative measures, whether or not the victim's personality was studied and to what extent, the completeness of the identification of the circumstances that characterize the way the crime was committed, the correct establishment of the causes and conditions that contributed to the commission of the crime, the volume and quality of the evidence administered in the criminal case.

It is advisable that the analysis of the materials of the criminal cases suspended on the basis of the non-identification of the person who can be accused should be started with an examination of the document containing the main results of the criminal investigation, in other words, the suspension ordinance, or even the report of the criminal investigation officer with the proposal to suspend the criminal prosecution. Afterwards, the findings or notification based on which the criminal investigation was started is studied⁹. The respective study will give us useful information regarding the date of the crime, the person who notified the criminal investigation body, under what circumstances the crime was committed, who started the criminal investigation, who worked on the criminal case, witness and victim data, etc.

At the same time, the consecutiveness of criminal investigation actions and special investigative measures, research tactics and methodology, the use of special knowledge in the execution of procedural actions, the completeness of revealing and fixing traces, etc. are studied as well. Particular attention must be paid to the quality of the on-site investigation: whether the specialists or forensic doctors were trained in the investigation or not, the conditions in which the on-site investigation was carried out, the application of technical-scientific means, the quality of the preparation of the minutes of the respective procedural action, detecting the traces and circumstances of the crime, etc.

It is necessary to analyze the statements of the injured parties. In the case of property crimes, it is necessary to analyze whether the injured party was fully heard¹⁰, questions were asked about the stolen goods, their value, whether or not the documents certifying the property of the injured party were attached to the criminal case, whether the goods were described in detail, if they have any specific or particular signs, if the goods were found and confiscated, where they were found, if they were highlighted as marked objects, etc.

In the meanwhile, it is necessary to study the statements of the eyewitnesses¹¹, if they were heard completely or if there are other questions that they did not answer or were generally not asked. It is checked whether there are no contradictions between their statements, as well as of the injured parties. At the same time, their statements are verified in relation to the entire evidence administered in the criminal case.

A special attention is paid to the results of the expertises arranged¹². It is analyzed whether all the necessary expertises have been ordered, what are their results, whether the experts were asked the necessary questions or other questions can be asked, the answer to which will be of particular importance for the identification of the perpetrator and the discovery of the crime, etc.

There are cases when suspected persons appeared in the criminal case, but they were

⁷ Gheorghita Mihail, Crîjanovschi Segiu. *Procedura și tactica efectuării unor acțiuni de urmărire penală* [Procedure and tactics of carrying out criminal prosecutions]. Chișinău: F.E.P, 2021, p. 22.

⁸ Gheorghita Mihail, *Tratat de criminalistică* [Treatise on forensics]. Chișinău: S.n, 2017, p. 321.

⁹ Ostavciuc Dinu. *Sesizarea organului de urmărire penală* [Intimation of the criminal prosecution body]. Chișinău: Ed. „Cartea Militară”, 2020.

¹⁰ Averyanova Tatyana, *Criminalistics (Textbook for Higher Education Institutions)*, edited by R.S. Belkin, 2nd edition, Ed. Moscow: NORM, 2005, p. 601.

¹¹ Ostavciuc Dinu. *Tactica efectuării audierilor: Ghid metodic pentru ofițerii de urmărire penală* [Tactics of conducting hearings: a methodical guide for prosecution officers]. Chișinău: Cartea Militară, 2020, p. 33.

¹² Art. 316 of the Law on forensic expertise and the status of the forensic expert no. 68/2016, published in the Official Gazette no. 157-162/10-06-2016.

removed from the criminal investigation. In such cases, it is necessary to study the administered evidence, as well as the personality of the suspects, the reason that served to remove them from prosecution, the need to carry out other procedural actions and others. It is necessary to analyze the completeness of the verification of the submitted versions, if it is necessary to submit other versions, were they relevant to the committed act or not, etc.

Studying the criminal case in which the criminal prosecution was suspended based on the non-identification of the person who can be accused, it is necessary that no evidence or procedural act remain unnoticed. It is also necessary to draw attention to the mistakes, errors and gaps omitted by the person who carried out the criminal investigation within the study. Simultaneously, the correct classification of the criminal act should be analyzed. These desiderata, even if they will not lead to the discovery of the crime; methodical recommendations can be developed based on them, so that some types of crimes are not admitted during investigations.

Obtaining information from special investigative measures is a practical matter. The analysis carried out shows us that in 95% of the criminal cases in which the prosecution was suspended pursuant to art. 287¹ paragraph (1) point 2) of the Code of Criminal Procedure, constitute less serious and light crimes and, respectively, 5% - serious, particularly serious and exceptionally serious crimes.

Thus, according to art. 132¹ of the Code of Criminal Procedure, special investigative measures, in addition to other conditions, also regulate the seriousness of the crime, strictly speaking, the crime must be serious. At the same time, the conditions established in art. 132¹ of the Code of Criminal Procedure must be cumulatively met. By the way, special investigative measures cannot be ordered and carried out for light and less serious crimes according to the criminal procedural law. However, on the respective cases, the special investigative measures provided for in art. 18 paragraph (1) point 3) of Law no. 59 of 29.03.2012 regarding the special investigative activity, can be performed. Therefore, in the majority of the suspended cases, only the questioning, the gathering of information about persons and facts and the identification of the person can be carried out.

Subsequently, it is difficult to obtain those data that are eligible for the respective research stage. However, due to them, based on the disposition of the criminal investigation officer ordered according to art. 57 paragraph (2) point 11) of the Code of Criminal Procedure or on the basis of the authorization issued by the head of the specialized subdivision, some relevant information can be obtained, which must not be left without an analysis in conjunction with other data already existing in the criminal case.

There are less serious offenses for which the criminal law criminalizes acts of online sexual exploitation of victims, including minors (for example, child pornography). The crime in question is committed in the virtual environment, and the monitoring of telegraphic and electronic communications connections, for example, cannot be ordered and carried out, because art. 132¹ of the Code of Criminal Procedure does not regulate this possibility, due to the seriousness of the criminal act. This is groundless, because this special investigative measure is definitely among the most basic actions during the crime discovery in question and the perpetrator identification.

Therefore, we consider it appropriate to amend and supplement the criminal procedural law to give the possibility of carrying out special investigative measures also in the case of less serious crimes that are carried out by IT means. On the other hand, if the law will not grant the previously mentioned possibility, other actions are difficult to achieve.

3.2. The activity of the criminal prosecution body on criminal cases in which the criminal prosecution was suspended based on the non-identification of the person who can be charged and the resumption of the criminal prosecution after the suspension

In accordance with the provisions of paragraph (2) of art. 287² of the Code of Criminal Procedure, after the suspension of the criminal investigation, based on the non-identification of the person who can be charged, the criminal investigation body is obliged to take measures, both

directly and through other bodies that exercise the special investigative activity, in order to identify the person who can be accused. The prosecutor, periodically, but no less often than once every 6 months, will check the search measures to identify the person. Moreover, according to paragraph (3) of the same procedural rule, if the criminal investigation is suspended, in the criminal case it is not allowed to carry out criminal investigation actions.

Thus, analyzing the legal requirements, it follows that the criminal investigation body cannot carry out procedural actions after the suspension of the criminal investigation, although it is obliged to take measures, both directly and through other bodies that exercise the special investigative activity, in order to identify the person who can be charged. In other words, the criminal investigation body must take measures only for the identification of the perpetrator and in no way for the administration of evidence (which has already been administered).

Logically, the question arises: What are the measures that should be taken, if the criminal prosecution body cannot carry out criminal prosecution actions? We will try to enumerate these measures, which in our view could be undertaken in these criminal cases, but before moving directly to the respective measures, we will analyze some legal considerations related to the competence of the criminal investigation officer in this sense. According to paragraph (1) of art. 1 of Law no. 333 of 10.11.2006 regarding the status of the criminal investigation officer and paragraph (1) of art. 57 of the Code of Criminal Procedure, the criminal prosecution officer is the person who, on behalf of the state, within the limits of his competence, conducts the criminal investigation in criminal cases and exercises other actions expressly provided by law. Analyzing the imperatives of the law, on the one hand, it would seem that the criminal investigation officer carries out his activity only within the framework of the criminal investigation, and in the case of its suspension, he would not be able to perform any action after the suspension. On the other hand, the legislator uses the phrase “exercises other actions expressly provided by law”, which in fact allows actions to be taken outside the criminal prosecution phase and, respectively, allows measures to be taken even after suspension. This position is supported by other legal provisions, such as, for example, point 7 and point 11 of paragraph (2) of art. 57 of the Code of Criminal Procedure, paragraph (3) of art. 57 of the same code, etc.

For instance, point 7 of paragraph (2) of art. 57 of the Code of Criminal Procedure regulates the fact that the criminal investigation officer has the right to request documents and materials that contain relevant data for the criminal case. Thus, the legislator does not expressly provide that the request for the corresponding documents and materials must be carried out within the criminal investigation and, respectively, does not specify in which criminal case, the one that is under performance or the one in which the criminal prosecution was suspended. In this case, the given provisions allow the criminal investigation officer to carry out these actions even after the suspension of the criminal investigation.

According to point 11 of paragraph (2) of art. 57 of the Code of Criminal Procedure, the criminal investigation officer gives instructions to the police or other competent bodies regarding detention, forced bringing, arrest and other procedural actions, as well as asks them for help in carrying out criminal investigation actions. Analyzing these imperatives, we notice that the law differentiates between two notions - that of “other procedural actions” and that of “carrying out criminal prosecution actions”. Thus, the legislator in the given case tells us about the criminal prosecution actions that can be carried out only in the criminal prosecution phase and the procedural actions that can be carried out outside this phase of the criminal process. Respectively, the criminal investigation officer can order the police or other competent bodies to carry out and undertake measures regarding the identification of the perpetrator, the accumulation of information, etc.

At the same time, according to paragraph (3) of art. 57 of the Code of Criminal Procedure, within the criminal process, the criminal investigation officer has other powers provided by the criminal procedural law, such as taking measures both directly and through other bodies that exercise the special investigative activity, in order to identify the person who can be accused¹³.

¹³ See the provisions of paragraph (2) of art. 287² of the Code of Criminal Procedure, with subsequent amendments and additions.

From the above, the criminal investigation officer can take measures and undertake some procedural actions even after the suspension of the criminal investigation¹⁴, about which we will further talk. Therefore, in the criminal cases in which the prosecution was suspended based on the non-identification of the person who can be accused, first of all the versions will be carefully analyzed. Here we can face three situations: 1) the versions submitted in the course of the criminal investigation were not verified after all; 2) from the materials of the criminal case in which the prosecution is suspended, other versions can be submitted; 3) new versions can be submitted, based on the information obtained after the suspension of the criminal investigation.

Afterwards, it will be checked whether or not there are materials or data in the materials of the respective criminal case that could help the criminal investigation body to identify the perpetrator (for example: appearance, fingerprints, teeth marks, footprints, biological traces, etc.), discussions will be held with the victims and witnesses, in order to obtain new information about the circumstances of the crime (sometimes, after the suspension of the criminal investigation, victims or witnesses can obtain new information and data, but for various reasons they did not declare and did not address the criminal investigation body to notify them. Sometimes, the injured parties, for example, the perpetrators, either directly or through trusted persons, come and recover the damage caused by the crime, etc.); the repeated visual investigation of the crime scene will be carried out without drawing up the respective minutes; the staff of the police bodies will be oriented in order to establish and identify the perpetrator (the orientation will reflect the known circumstances of the crime, the particularities and the way it was committed, the perpetrator's reports, other known data, the stolen objects, their detailed description, etc.); different institutions and organizations will be interrogated in order to establish new circumstances or identify people who may be involved in one event or another (for example, the penitentiary institutions can be interrogated, in the event that the criminal investigation body has data related to some particular marks, for the purpose of studying the personal files of the detainees, in order to check whether any of the detainees have these marks on their bodies, or who have already been released etc.); databases and records of fingerprints, stolen goods, other objects and persons that are included in the so-called operative records will be periodically checked (this procedure will be carried out periodically, because during the period of suspension of the criminal prosecution, on other criminal cases under the management of other criminal prosecution bodies, the person is identified and put on record and, respectively, he could also commit the crime in which the criminal prosecution was suspended); it will be requested to carry out some checks in the places of storage and sale (for example: in the markets where spare parts are sold, in the pawnshops, etc.); the criminal cases started on similar crimes, which have the same method of committing the crime, will be analyzed; help will be requested from forensic specialists, forensic doctors or other experts in order to clarify some aspects that have become difficult to know or generally unknown to the criminal investigation body (here we are talking about consulting specialists in the following fields: financial, banking, medical, IT, etc. Unknown useful information can be obtained from them during the criminal investigation up to the suspension) etc.

All these measures are beneficial in order to identify the person who can be accused, but, as practice shows, a very common method is to undertake the measures with the support of special investigative bodies, because both the criminal investigation officer and the operative officer after the suspension of the criminal prosecution have a common objective – the identification of the person who committed the crime.

It should be mentioned that the criminal prosecution officer and the investigation officer use different methods for this purpose, and if they will collaborate closely, the results will be positive and, finally, the possibility of identifying the perpetrator will be even bigger one. An important condition for the effectiveness of this cooperation is systematic mutual information and coordination of the most important activities, such as: identification of persons who would know the

¹⁴ Dolea Igor, *Codul de procedură penală al Republicii Moldova (Comentariu aplicativ)* [Code of Criminal Procedure of the Republic of Moldova (Applied Commentary)], 2nd edition, Chișinău: Cartea Juridică, 2020, p. 824.

circumstances of the commission of the crime or the personality of the offender; establishing the persons who may be involved in committing the crime; operative verification of the forensic versions and those of the criminal investigation¹⁵ that were submitted in the respective criminal case; searching for stolen goods; searching for the offender based on the method of committing the crime; cooperation with penitentiary collaborators in order to identify the perpetrator; verification, through operational means, of the veracity of the statements of the injured parties, of the witnesses or even of the suspects who were removed from the criminal investigation, etc.

In the following, we will draw attention to the resumption of the criminal investigation in these cases and to the primary measures that need to be taken by the criminal investigation body. Thus, according to art. 287³ of the Code of Criminal Procedure, the criminal investigation can be resumed, through a reasoned ordinance, by the prosecutor, upon the proposal of the criminal investigation body or *ex officio*, after the reasons for the suspension have disappeared or it has become necessary to carry out criminal investigation actions, establishing the term of the criminal prosecution. The resumption of the criminal prosecution is communicated to the accused, the defense counsel, the injured party, the civil party, the civilly responsible party or their representatives.

Based on the legal provisions, the criminal investigation body must clarify two situations in case the question of resuming the criminal investigation arises. Firstly, if the reasons for the suspension disappeared and, secondly, if it became necessary to carry out criminal prosecution actions.

At the same time, in the case of the resumption of the suspended criminal prosecution based on the non-identification of the person who can be accused, the respective decision will be compulsorily communicated to the injured party, the civil party, the civilly responsible party or their representatives.

The disappearance of the reasons for the suspension is dictated by the following factors: the person who committed the crime submitted a self-denunciation to the criminal investigation body, or the person who committed the crime was identified through operative means or by other bodies (for example, by the Center of Technical-Criminal and Judicial Expertise of the GPI, through the Dactyloscopy Register, etc.), the injured party or the witness communicated details about the offender, etc.

When criminal prosecution actions need to be carried out, the respective aspect is dictated by the following:

- a) during the versions' checking, some of them were not checked after all;
- b) not all possible witnesses were interviewed (for example, a witness, who was abroad, returned to the country after a long time);
- c) criminal investigation actions were not carried out in full volume, or some gaps were found in the investigation that must be removed (the resumption of the criminal prosecution in the last case is carried out to accomplish criminal prosecution actions in order to correctly administer the evidence and strengthen the existing evidence);
- d) it is necessary to carry out criminal investigation actions and special investigative measures based on new or recently discovered data, etc.

It should be mentioned that the criminal prosecution is often resumed when the submitted versions are verified, because following them there is also the need to carry out the criminal prosecution actions and the necessary special investigative measures. Thus, in that case it is about the versions regarding: the personality of the offender and his accomplices, the location of the stolen goods, the causes and conditions of committing the crime and those that prevent its discovery, the reason for failure to check some versions after all, etc.

After resuming the criminal investigation, the prosecuting officer must develop a well-

¹⁵ Osoainu Tudor, Ostavciuc Dinu, Odagiu Iurie, Rusnac Constantin. *Tactica acțiunilor de urmărire penală [Tactics of criminal prosecution actions]*. Chișinău: Ed. „Cartea Militară”, 2020, p. 31.

thought-out and determined plan¹⁶. This plan must focus on the actions and measures that must be taken with the participation of the perpetrator (his recognition and hearing as a suspect, the choice of coercive procedural measures regarding him, presentation for recognition, and verification of statements at the scene of the crime, confrontations, searches, etc.).

An important aspect of planning is to study the suspect's personality¹⁷. Here, the criminal investigation body must request the characteristic from the place of work, from the place of living, the verification of the information regarding the criminal antecedents, the study of the sentences of conviction or acquittal (if these persist), the composition of the family, the way and living conditions, the circle of friends and acquaintances, as well as other interesting data. After identifying and detaining the suspect, the criminal investigation body proceeds to perform other necessary criminal investigation actions.

When the suspect agrees to submit statements, they must be checked and analyzed in conjunction with the evidence already administered in the criminal case. Afterwards, if there is reason, objects will be seized, searches, confrontations, additional hearings of some participants in the process who were heard until the criminal prosecution will be suspended, presentations for recognition and other actions necessary to establish the truth and prove the perpetrator's guilt will be carried out. Following the resumption of the criminal investigation, it should be noted that the criminal investigation body is obliged to play an active role and take all the measures provided by law for the investigation under all aspects, complete and objective, of the circumstances of the case to establish the truth, before the suspension of criminal prosecution.

4. Conclusion

It is advisable that the analysis of the materials of the suspended criminal cases on the basis of the non-identification of the person who can be accused should be started with an examination of the document containing the main results of the criminal investigation, in other words, the suspension ordinance, or even the report of the criminal investigation officer with the proposal to suspend the criminal prosecution.

During the examination of the criminal case, it is also necessary to draw attention to the mistakes, errors and gaps omitted by the person who carried out the criminal investigation. At the same time, the correct classification of the criminal act must be analyzed. These desiderata, even if they will not lead to the discovery of the crime; serve as grounds for the development of new forensic versions, that will certainly determine the activity of the person who carries out criminal prosecution at the subsequent stage of investigation of criminal cases suspended on the basis of the non-identification of the person who can be put under accusation.

The reason for resuming the criminal prosecution, if it was suspended based on the non-identification of the person, who can be charged, could be the following:

- a) there are data that a specific person committed the crime (either data obtained from the activity of the criminal investigation body after the suspension, or data from the measures carried out by the investigating officers or other bodies);
- b) the person who committed the crime submitted a self-report to the criminal investigation body;
- c) there is a need to remove some mistakes, gaps or omissions made during the investigation up to the suspension of the criminal investigation.

¹⁶ Ostavciuc Dinu (editor), *Ghid practic de urmărire penală (pentru uzul ofițerilor de urmărire penală)* [Practical Prosecution Guide (for the use of prosecution officers)]. Border Police Department, Chișinău, 2014, p.105.

¹⁷ Toma Titus Daniel, *Psihologia învinutului-inclupatului și tactica ascultării* [Defendant-inmate psychology and listening tactics]. Bucharest: Publishing House of the Institute of Social Ecology and Human Protection, 2006, p.141

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