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# Forensic Investigation and the National Code of Criminal Procedures in Mexico

Review Article

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## SUMMARY

**Objective.** *The current state of the investigation of crime justifies the need to review the Forensic Investigation, as an effective way to raise the capacity of experts and police involved in this activity, an aspect that is necessary due to the crimes that are perpetrated and that are not solved or its solution is difficult.*

**Discussion.** *A method of investigating crime is described, beginning in the crime scene and finally the identification of a suspect, following the guidelines of the National Code of Criminal Procedures of Mexico. An analysis is made of the fundamental element in research, which is science,*

*integrating the knowledge of the natural and social sciences allowing us the understanding of the criminal act and the perpetrator. Crime is defined and the human and circumstantial elements that intervene in its perpetration are described. It is analyzed from an interdisciplinary approach, based on research practices among the participants (experts and police).*

**Conclusion.** *The monitoring of methodology, the application of science knowledge as well as ethics and interdisciplinarity, will be the factors which determine success in forensic investigation and delivery of justice.*

**Keywords:** *Science, crime scene, forensic investigation, chain of custody.*

## INTRODUCTION

Forensic investigation in Mexico is in a critical situation due to the series of homicides and disappearances that have happened without having been solved, reason why the confidence of the public and the spirit of the authorities have deteriorated; this has been caused by high-profile investigations that could not be concluded due to defective expert evidence leading to erroneous conclusions, causing experts from other countries to come to do the work that the experts attached to the Mexican government institutions can not perform or perform poorly.

It is necessary to demand that the members of the forensic community be better trained so that they can carry out better scientific studies, increasing the emphasis on the construction of excellent academic foundations for forensic work.

All these problems and solutions should be directed to forensic investigators in general to avoid discouraging results in the future, through evolution in the way of investigating crimes. An important aspect of this evolution is the progressive adoption of an integrating paradigm of forensic scientific research, which must be designed to be applied by the personnel in charge of this work. Just as our approach has changed due to the failures mentioned in our law enforcement institutions, so does science; therefore, research should focus on new theories, methods and techniques that can be developed and executed, as well as understanding how these changes will strengthen it to face new challenges, creating unique opportunities for development. We must be aware that these new changes can be difficult to assimilate for the experts who are currently studying evidence because there are many vices which can be difficult to overcome.

## SCIENCE

Science is the primary element that should govern acts in the forensic investigation of a crime; that is why it is necessary to enter into their concept and know their categories, in order to have clear knowledge and objectives that must be included in any research.

Science refers to a systematic and organized body of knowledge in any area of research that is acquired through "the scientific method". Science can be grouped into two broad categories: natural sciences and social sciences. Natural science is the science that studies objects or phenomena, such as light, objects, matter of the earth, celestial bodies, or the human body. Social science is the science of people or collections of people, such as groups, societies and their individual or collective behavior. The social sciences group disciplines such as psychology (the science of human behavior) and sociology (the science of social groups). The natural sciences are different from the social sciences in several aspects. The natural sciences are very precise, exact, deterministic and independent of the person who makes the scientific observations. In other words, there is a high degree of measurement error in the social sciences. The person who studies the social sciences must be aware and satisfied with the management of high levels of ambiguity, uncertainty and error that come with this type of sciences, which only reflects the high variability of social objects [1].

## Forensic Science

Forensic science is defined as the application of science in response to

questions that are of legal interest. Forensic scientists employ techniques and tools to interpret the clue at the crime scene and use that information in investigations. Forensic scientists and technicians come from a variety of academic backgrounds, although most have completed courses in the application of biological sciences, chemistry and law.[2]

Forensic science uses natural sciences such as physics, chemistry and biology to solve crimes; these events, when committed by human beings, also require the social sciences (sociology, anthropology, psychology, legal sciences and law), whose knowledge allows us to approach the understanding of the illicit and delinquent act; in the study of crime, it will not be understood solely and exclusively on the basis of the results of the application of the natural sciences in the examination of the evidence, but that the crime is committed in a situation in which the variables that influence in the behavior and environment of the person who commits crimes, they are unlimited and, therefore, determined by social, cultural and mental state aspects of the individual; therefore, its analysis must be carried out by a person who possesses the knowledge of the social sciences that allows him / her to understand human behavior, according to what Jorge Witker [3] refers to: "*social sciences are the set of disciplines that treat man and its problematic in the social-historical context*"; it is said that "man studies man"; additionally, you must assess the unforeseen factors that may influence the commission of the transgression, such as the circumstances (the people with whom you are living, the place where the crime is committed - house, open place, bar, etc. - intoxication with alcohol or drugs, etc.). For all the above, the modern forensic scientist must carry out the study of a

crime in the scientific and circumstantial context of the whole case.

## Forensic Research

The investigative approach is based on the sources of knowledge through deductive and inductive reasoning and is operationalized with the use of the method. The deduction allows to establish a bond of union between theory and observation and allows to deduce from the theory the object of observation. Induction leads to the accumulation of knowledge and isolated information. You can get to know the nature of the phenomena through experience, reasoning and investigation. [4]

Forensic investigation is an interdisciplinary work; interdisciplinarity represents the interaction of knowledge of several specialties with the purpose of shedding new light on complex phenomena. This operation can go from the simple communication of ideas to the integration of concepts, methodologies, procedures, epistemologies, empirical bases and academic formations.[5] Due to the complexity of some crimes, teamwork is essential.

This interdisciplinary work is carried out in the following manner: the preventive police intervenes in the preservation of the place of events and guarantees the integrity of the evidence; investigative police officer makes arrests ordered by the Public Prosecutor's Office and interviews persons who can provide data to the investigation and identification of witnesses and suspects and analyzes them, based on the provisions of the National Code of Criminal Procedures (CNPP) ) in his article 132, which literally says:

### *Obligations of Police*

*"III. Perform detentions in the cases authorized by the Constitution, letting the arrested person know the rights granted by the Constitution;...*

*X. Interview the people who could provide some data or element for the investigation;... "*

Experts, as assistants of the Public Prosecutor's Office, carry out research acts, based on the provisions of the CNPP, as follows:

### *Article 131. Obligations of the Public Ministry*

*"VII. Order the Police and their assistants, within the scope of their competence, the practice of investigative acts conducive to the clarification of the criminal act, as well as analyze those that authorities have practiced;... "*

### *Article 272. Expert reports*

*"During the investigation, the Public Prosecutor's Office or the Police Department with knowledge thereof, may order the practice of the expert reports that are necessary for the investigation of the event. The written opinion does not exempt the expert from the duty to appear at the trial hearing. "*

They are in charge of interpreting the findings, such as the changes derived from the dynamics that developed when committing the crime; they are in charge of identifying, collecting, processing, documenting and analyzing evidence located in crime scenes, emphasizing that "evidence" is defined as a thing that, without having been produced for it, indicates the possibility of existence of some previous thing; in other words, is any tangible object or substance, that has been found in the crime scene that once expertly studied becomes significant (which is so

clear and manifest, that it results indubitable); we could say, then, that the physical evidence includes all objects linked technically and scientifically with an alleged criminal act [6]; this transformation from clue to evidence is achieved by applying science, so the important word here is "science"; Science is an essential element in forensic investigation.

All these pieces will serve as a basis for the forensic investigation to fulfill its function which is to integrate all those components using the inductive and deductive reasoning of the information obtained from them, in order that the crime is known and reconstructed, establishing the mobile to commit it and determine the profile of the criminal; the results obtained will be provided to the investigative police to achieve the identification of the perpetrator. Consequently, it is clear from these arguments that the forensic investigation provides, through the application of science, evidence data to the Public Prosecutor's Office that conducts the investigation of the crime, for which the participants in it must be professionals who must know the scientific method and apply it on a solid manner; also, they will have to base their results when they are interrogated and cross-examined in court. Therefore, the information obtained by each of the participants in the research, through the application of the natural and social sciences, should be reflected in their results, because they will be the elements that will support their reasoning and arguments and thus fulfill the fundamental function of his work which is the scientific investigation of crime.

## **Criminal Act**

Crime is a particularly complex problem; is an activity in which criminals obtain resources from third parties through force, deception, caution, stalking or opportunity and is committed for various reasons: by a need (hunger, sex, addiction); for hatred of one or more people (jealousy, envy, gender, sexual preferences, religious orientation, etc.); others more to obtain respect, social status, power and in the last case, the crime arises untimely due to a momentary disorder such as fear or anger or one that is committed without wanting to achieve damage to the physical integrity of the people. As it is observed, in the crime come together many factors that can make it from a simple fact to a difficult problem to solve; for this reason, there is a need that in the investigation of these events one is prepared to be able to analyze elementary or complicated situations. People who commit these acts intentionally harm others for their own benefit or ego. Legally, crimes are defined as acts or omissions that sanction penal laws and can be punished with imprisonment, fine or reparation of the damage. Homicides and serial violations, hate crimes, kidnapping, terrorism, are some examples of the crimes that require more scientific substantiation.

People may think that a forensic investigator is one who can perform a wide variety of jobs in the investigation of a case; in fact, it should focus on only one area, since it is an expert in one of the multiple areas involved in the investigation, because for each forensic area there are trained personnel, who have an education and operational experience in the field of action; each expert must interpret the evidence provided by the different expert areas integrating it



properly and adding their own contributions so that the investigating police identify possible suspects or link the accused with the crime and thus experts and police provide the agent of the Public Ministry the elements to determine the existence of a crime, who committed it and who can sustain his accusation.

Therefore, those who participate in the investigation of a crime must have their role well defined, to avoid invading other areas, the duplication of activities, confusions and intrusions that can lead to chaos in this work. Also, they must have perseverance, ability to concentrate on teamwork and observation of details, because the success of the work is largely based on how they carry out. In addition to the foregoing, given that forensic scientists (experts) prepare reports or opinions and may be called to testify in an oral trial, they must have skills such as good oral and written communication and, above all, experience in the fieldwork, through an internship program.

Although academic preparation of the forensic investigator may be of the best quality, this, by itself, does not qualify as an expert, because the only way to achieve and earn this title is only obtained with experience in the field of work; detectives are required to have some expertise in the service before being authorized to have responsibilities. When taking a position in the chain of investigation of crimes, it is required that an expert must have the training and specific skills to have the right to participate in a criminal investigation. This is achieved through intensive study, both in theory and in practical aspects. Once these requirements are completed, you may be able to process an investigation.

## Crime scene

Field work in the forensic investigation of any crime begins at the scene; the person in charge of the preservation and prosecution of the crime scene is the police, according to the National Code of Criminal Procedures (CNPP), in its article 132, which says:

*"Obligations of the Police...*

*VIII. Preserve the crime scene or the Discovery scene and, in general, perform all the necessary acts to guarantee the integrity of the evidence. In such case, they must give notice to the Police with the capacity to process the crime scene and to the Public Prosecutor's Office in accordance with the provisions set forth in this Code and in the applicable legislation;...*

*IX. Collect and safeguard objects related to the investigation of crimes, in the terms of the previous section;... "*

However, it is convenient that the necessary investigators (according to the type of crime) should be present at the crime scene immediately when a crime is known. Once constituted in the place where a transgression of the law has probably been committed, the forensic investigator must determine if the area is well preserved; otherwise, they must participate in that process, because all research work starts there, so the treatment given to that place is very important.

The process of identifying a crime scene in the same way as its study, constitute the most important stages in forensic investigation. The maintenance of the integrity of the site through the organization of the staff is crucial. If from the beginning to the end of a criminal investigation evidence is not handled

effectively and reliably, then there will be negative effects in the forensic process and, potentially, in the results of justice. All law enforcement institutions follow basic rules of forensic functioning in order to maintain the integrity of the crime scene. These protocols and procedures exist in order to achieve the integrity of the found clues and the beginning of the chain of custody. However, these procedures will only be followed once the location where an incident has occurred has been identified and an alleged crime has taken place. Only then place can be sealed and processed.

Occurrence Scene can be defined as the meeting place of the people involved in the crime. Therefore, the scenario of occurrence offers a large amount of information that is useful to provide the link between the offender, the victim and the occurrence scene and evaluate the pattern of events. Scene is of great importance in all crimes. Planning, attention and diligence are required in its examination. Success or failure of the investigation in many cases depends entirely on the proper manipulation of the scene. It can not be preserved for centuries and changes rapidly. Some clues are lost shortly after the occurrence; others disappear, become contaminated or change over time. The opportunity to examine the crime scene is available only once; if it is not fully exploited, the wealth of information is lost forever. [2]

Crime scene is where a dynamic event has happened and its study includes a reconstructive process. The sooner the inspection and fixation of the scene begins, the more elements are obtained so that the investigator of the alleged crime can, from his perspective, form a theory about the event. The dynamic nature of the crime scene means that if it is not protected,

inspected and fixed before carrying out actions for its study, it is difficult (if not impossible) to put everything back as it was originally, since once clues are identified, the whole scenario is altered.

Mantra of crime investigators is "doing things right the first time." [7] Because research involves human participants, in addition to technical and scientific knowledge, researchers must have ethical concerns in how to conduct the study of the crime scene, so they must be careful not to use deception, cover-up, or be negligent in conducting their study, adding total confidentiality.

## Discussion

When a crime has been committed, investigators are usually faced with the task of determining who is responsible for their commission and then bringing them to justice. The forensic investigation is a process of: discovery, identification, collection and analysis of the clues, which would become evidence; these results will be documented and will constitute test data in the investigation stage of the criminal procedure being annexed to the investigation folder, interpreting them and ordering them coherently to verify if the reconstruction of the facts is possible; those are elements that the Public Ministry will use to establish the existence of a crime and the participation of the accused in his commission and thus have grounds to formulate his accusation (intermediate stage); once the foregoing is achieved, the relief of these means of evidence in the oral proceeding will continue, these being constituted in evidence, where a judge will determine the guilt of the defendant and issue a sentence; this classification is according to what was determined in the CNPP, in the following way:

*Article 261. Test data, means of proof and evidence*

*"The evidence is the reference to the content of a certain means of conviction not yet relieved by jurisdictional authorities, which is deemed appropriate and relevant to establish reasonably the existence of a criminal act and the probable participation of the accused".*

The means or elements of proof are all sources of information that allow reconstructing facts, respecting the procedural formalities foreseen for each one of them. Evidence is known as all true or probable knowledge about a fact, which entering the process as a means of proof in a hearing and relieved under the principles of immediacy and contradiction, serves the trial court as an element of judgment to reach a certain conclusion about the facts constituting accusation.

Therefore, a good investigator studies and analyzes, with support of all those technical-scientific elements that the natural sciences provide; he also applies social sciences to establish the nexus between the offender, the victim and the crime; he provides important information allowing authority may order the apprehension of the accused, according to what was determined in the CNPP, in the following manner:

*Article 131. Obligations of the Public Ministry*

*"XI. Order the detention and retention of the accused when appropriate in the terms established by this Code;... "*

In addition to performing the functions described above, researchers must be able to logically think and understand complex data, communicate and interact well with other members of

the research team (other experts, police and authorities), understand the concept of crime, know the technique of collecting evidence and knowledge of human rights. They must also have self-discipline, patience, knowledge of the law and a certain understanding of scientific techniques about the study of clues; coupled with deductive and inductive reasoning skills and decision making.

It must be emphasized that crimes are committed by human beings and for this reason there is an infinite variability in the procedures and variables that may arise at the moment of being perpetrated; that is why, the importance of the researcher knowing that there is no definitive or standardized research model for each and every one of the crimes that may be committed. Only general guidelines based on basic knowledge and practical experience can be established. An investigation can be compared with a series of paths, in each of which certain evaluations and judgments must be made before proceeding to take the next one. So if a researcher does not have enough experience to know which way to go to tackle an investigation, it can be lost in the attempt. Using a method, it allows the researcher to follow a clear and logical series of steps or stages that can help him to carry out the research to a successful conclusion. It is imperative that an inquiry be conducted in a logical sequence and that all actions undertaken be lawful because and all the evidence derived from an illegal act may not be admitted in the trial, according to the following articles of the CNPP.

*Article 259. General*

*"Any fact can be proven by any means, as long as it is lawful."*



*In addition to the previous one, Article 97 establishes:*

*"General principle. Any act carried out in violation of human rights shall be null and void and may not be sanitized or validated and its nullity shall be declared ex officio by the jurisdictional institution at the time of warning or at the request of a party at any time.*

*Acts executed in contravention of the formalities provided for in this Code may be declared void, unless the defect has been sanitized or validated, in accordance with the provisions of this Chapter. "*

A plan should be used to focus the investigation and ensure that each crime addresses the appropriate paths. In the same way, researcher must know his function in the study, coordinating and establishing communication with all the participating personnel. The use of a method allows participants to focus on their objectives, highlighting the path they must follow to achieve these objectives. The stage of the crime scene refers to the initial response of the police in which they report an alleged crime, followed by the preservation and protection of the place to the greatest extent possible. Whatever happens in the first minutes or hours, will be crucial to determine the success or failure of the investigation. It is important to follow a procedure for the study of the crime scene, in order to guide your examination. The team of experts together with the research police should distribute and allocate resources in the organization to achieve objectives efficiently and thus ensure that the investigation progresses in an orderly manner and maintain the focus and management supporting and administering functions from the crime scene to its final stages.

The first phase begins when the first public servant (who is regularly the preventive police officer) coordinates the place. Ideally, experts and investigative police should be present as soon as possible at the crime scene and help maintain control at all times; they should be aware of all the actions taken at the crime scene and the findings. Forensic investigators must know how the place will be treated, that is, identify if it is the place where a crime was committed or not. Subsequently the entire team of experts must organize themselves to carry out their work in a coordinated manner to avoid interfering with the other experts. Once this has been done, the experts must conduct a thorough examination and make sure that all the clues are identified, fixed, protected, collected and documented; all these actions are important for the success of any investigation and chain of custody.

This is motivated by the importance of care and protection of clues; from their identification until the oral trial they must be subjected to the chain of custody; this process determines the validity of the proof; failure to carry it out, interrupt it or not document it, may determine evidence and / or the result of its study may be contested by the other part. To this end it is necessary to ensure that the evidence subject to the expert study is related to the facts and that they could not be altered, changed or modified from their discovery until their presentation as evidence in the oral trial, so they must be delivered immediately to the authority as is referred to in the CNPP, in the following way:

*Article 227. Chain of custody*

*"The chain of custody is the control and registration system that is applied to the evidence, object, instrument or product of the criminal act, from its location,*

*discovery or contribution, at the crime or the Discovery scenes, until the authority competent order its conclusion.*

*In order to corroborate the evidentiary material elements and the physical evidence, the chain of custody will be applied taking into account the following factors: identity, original state, collection conditions, preservation, packing and transfer; places and dates of permanence and the changes that have been made in each custody; the name and identification of all individuals who have been in contact with these elements will also be recorded. "*

*Article 228. Chain of custody officers  
"... The application of the chain of custody is the responsibility of those who, in compliance with the functions of their commission or activity, in the terms of the law, have contact with the clues, vestiges, evidences, objects, instruments or products of the criminal act... "*

It is possible to properly carry out the chain of custody; chain of custody is a process for the treatment of everything that is allegedly related to a criminal act; it constitutes a formal guarantee system that aims to record all the activities carried out by each and every one of the people who come in contact with evidence. In this way, the chain of custody serves as a guarantee of the authenticity and protection of evidence that will serve to prove what happened in a criminal act; it is one of the core elements in a criminal investigation. A breach in the chain of custody affects the veracity of the expert evidence and, consequently, its legitimacy and validity in the oral proceedings. The chain of custody constitutes a guarantee that evidence examined is the same as that collected during the investigation at the crime scene, so that there would be no doubt about the results obtained from their study.

Another important activity of the experts is to work with the investigative police, who must have control of the investigation regarding the identification of possible witnesses and suspects; the experts and the police must be in communication to know what clues were found and perform their initial evaluation, helping with identification of the suspect. Another point that derives from the data obtained from the crime scene is to establish criminal profile, in those cases in which there is no information from witnesses or the victim. Criminal profiling (PC) is defined as the practice of predicting the personality, behavior and demographic characteristics of a criminal based on evidence at the crime scene. [8] In its most basic form, the profile is simply the prediction of the behavior; an action has taken place that allows researchers to make inferences about the responsible person. [9]

Investigative police should become familiar with the victim, interviewing her, if she is still alive, or, alternatively, by compiling a profile if she has died. The profile should include the history of the victim, possible criminal links, financial and family records. This is important because characteristics of a victim can provide links to possible suspects; inferences can be made about possible motives, modus operandi and the signature of the criminal. In the same way, they must identify the witnesses and interview them in order to obtain data about the crime and the perpetrator. Once this is done, after the methodical study of the crime scene by the experts, the investigative police officer should then begin the process of generating suspects taking into account the available evidence and the known information about the victim and the crime. It is in the investigation phase of the criminal procedure that the real challenge

begins. Investigative police should try to identify possible suspects reconstructing the crime scene and establishing the reason and, if applicable, identifying the criminal's signature; the repetitive and violent offense behavior often presents another element in the commission of a crime. This criminal behavior is a unique and integral part of the offender's behavior and goes beyond the actions necessary to commit the crime.

The so called signature of the criminal, can consist of phrases that the perpetrator always uses with its victims, acts of necrophilia, dismemberment, bites or cannibalism (anthropophagy), etc.; [10] In other words, it includes acts committed by the offender that are not necessary to complete the crime. The identification of the criminal's signature will also allow investigators to link offenses committed by the same offender in the case of serial crimes. If no criminal signature is present at the crime scene, investigators will have to prioritize suspects based on available clues and possible motives. The signature of the criminal is different from the modus operandi, which is a learned behavior deployed by one or more offenders in a crime or a series of crimes, and that is met with a certain characteristic pattern, necessary to ensure the success of the action and indemnity. Modus operandi will also have to be examined closely at this stage.

Likewise, any matter that may require new lines of investigation as a result of the information obtained during this stage should be considered. A margin of time should also be valued initially in relation to the last hours of the victim. This will help in the understanding of their movements and also contribute to potential motives, as well as help in the reduction of possible suspects or those who had

opportunity to commit the crime by being located in the place or its surroundings within the timeframe. The experts and investigative police must verify the usefulness of the evidence, which will be delivered to the Public Prosecutor's Office, as ordered by the CNPP, to be sent to the expert areas for study.

*Article 230 CNPP. Rules on the insurance of assets*

*"The insurance of assets will be made in accordance with the following:*

*... II. The Police must take the necessary measures for the proper preservation of the crime scene and of the clues, traces, or vestiges of the criminal act, as well as of the insured instruments, objects or proceeds of crime, and*

*III. The insured goods and the corresponding inventory will be made available as soon as possible to the competent authority, in accordance with the applicable provisions... "*

All available evidence, when analyzed, will determine if its helpful to establish links between the suspect and the victim and the crime, in relation to time, place and motives. It is at this point that the investigative police must be perfectly aware of the investigation as a whole and must evaluate the importance of the information collected in regard to the generation of potential suspects. Once the investigative police have an alleged suspect, they must request an interview, so it is crucial that they must be able to communicate with him; police officers must have the social skills to form a relationship with the suspect. They must develop a research / interview plan to clearly establish the direction and purpose of the action and know what to question at the time of the procedure. Although at this stage there are usually enough indications to link the offender with the crime, it may

be the case that the suspect offers new information. This may require the investigation of new clues. For example, if the suspect indicates that the day of the homicide was with a person that the police did not know, then that person would have to be interrogated.

To achieve objective results of that interview, it is important that the investigative police should question what information is relevant and what is not. At this point would apply the seven questions that prevail in any criminal investigation, considered by Dr. Hanns Gross, as: "*the precious legal maxim enclosed in the following Latin terms: quid, quis, quomodo, quando, ubi, quibus auxiliis, cur.* (what, who, how, when, where, with what and why) "[11].

1. What? What happened.
2. Who? The identity of all the subjects (actively or passively) involved.
3. How? Mechanics of injuries.
4. When? The moments of the events help establish the logical relationship between the testimony of the witnesses and the alleged perpetrators.
5. Where? The scene of the crime from where the signs are obtained that will later be submitted to study.
6. With what? Violent agents with which the injuries were generated.
7. Why? All those scientific and circumstantial elements that could explain the behavior of the offender.

In general, one can respond to what happened, when (moment of events), where (crime scene) at an early stage in most investigations. The "who did it", how

(mechanics) and "why they did it" are the ones that are usually unanswered. The experts usually face a situation in which the available information is limited by the fact that researcher only has elements that serve to speculate on these questions based on what has happened, who is the victim, where it took place and when.

When examining the crime scene, including the victim, the police officer may have some information about the type of person who committed the crime. Once the signs have been collected in the place (it refers to the "what" and "with what" of the facts), the police officer may be able to determine the "why"; that is, the motivation behind every detail of the crime scene and for the crime itself. A basic premise of the research is that if the what, with what, how and why of the facts can be determined, then who comes next.

If the investigating police officer is given the opportunity to interview or interrogate the suspect or accused without having the preparation, it may result in an investigation being obstructed or a weakening of the accusation because no important information was obtained from the individual I can link it with the crime, the victim or the crime scene, simply because the interview was not known to be carried out. The role of building relationships with the suspect is another tactical tool that the police should use in their search for information about a crime and the evidence against it.

Various laws provide a series of guarantees to the suspects, such as the right to silence and the right to a lawyer, etc. as is the case of the CNPP, which establishes it in the following way:

*Article 113 CNPP. Rights of the accused*  
*"III. To declare or to remain silent, with*  
*the understanding that their silence can*  
*not be used to their detriment;*  
*IV. Be assisted by the Ombudsman at the*  
*time of his declaration, as well as in any*  
*other action and to be interviewed in*  
*private in advance with him;... "*

These laws do not prevent the investigative police officer from speaking with the suspect even in the presence of his lawyer. Inexperienced or bad police officers may be considered hampered by this legislation and do not interact with the indicted at all. The trained investigative police is fit to build a relationship with the accused and will be more likely to get an interview with him. Criminal investigation is the most important function. Whether it is an art or a science, the expert must possess a variety of skills ranging from crime scene analysis, working together with the personnel involved in the study of the place and the ability to speculate applying their experience, knowledge and logic. It is for this reason, that criminal investigation is one of the most difficult areas of inquiry in which the duty of a forensic investigator will be performed.

## **Conclusion**

The purpose of this article is to determine the role of personnel involved in the investigation of crimes and increase awareness of what should be done to prevent something from going wrong and thereby avoid failures in the delivery of justice due to deficiencies in the investigation. Therefore, it is possible to argue that what happens from the beginning to the end of an investigation is crucial for the results in justice. A forensic investigation depends on the quality of the evidence collected at the crime scene. In

general, the crime scene can only be visited once; therefore, it deserves much more attention from the preventive police, experts and investigative police.

The application of methods of Forensic Science in the criminal field will lead to identify the elements of the crime scene, even though it could be complex. The adequate collection of clues, their preservation and custody procedures are not difficult and should be fully applied; diligent adherence to the rules is required to ensure that the evidence is processed from its initial collection to the final disposition in an orderly manner to ensure maximum probative value; when all potentially valuable clues are identified, fixed, collected, documented, processed and properly examined, the case has a greater likelihood of a favorable outcome. In this article, the topics that focus on decision making and crime management processes are presented: the way different investigators work together at the crime scene, the protocols and people responsible, management skills that must be learned and developed, attempts to provide solutions to the problems raised by an investigation and other key aspects. We analyzed how the application of the natural and social sciences as well as the good relationship between the participants are necessary if a complex crime scene is going to be processed, to do it effectively and efficiently (especially where the personnel of different expert areas and policemen are present). The importance of knowing how to interview the accused or suspect, by the police, is necessary to obtain favorable results in the investigation of the crime. It is important interdisciplinarity and have a high level of ethics, forensic awareness, confidentiality and knowledge of human rights so that forensic work can contribute positively in the delivery of justice.

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