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TACTICAL-CRIMINALISTIC LANDMARKS OF THE HEARING PRIOR TO THE PRESENTATION FOR RECOGNITION, ACCORDING TO THE PROCEDURAL STATUS OF THE EXAMINED PERSON

Abstract: The article "Tactical-Criminalistic Landmarks of the Hearing Prior to the Presentation for Recognition, According to the Procedural Status of the Examined Person" aims to analyse the particularities of the hearing tactics applied to different categories of participants in criminal proceedings prior to conducting the presentation for recognition as a criminal investigation act. By examining both the theoretical framework and the investigative practice studied, the specificity of the tactics applied in the case of witnesses, victims, suspects and accused persons who are to be involved in the presentation for recognition is highlighted. Special attention is also given to the psychological component of the hearing, as well as to the selection of tactical procedures adapted according to the procedural status of the heard person. The results of the scientific research show that, in preparing and conducting the hearing with a view to the subsequent presentation for recognition, the representative of the criminal investigation body must take into account the procedural position of the heard person, their psychological state and the specific particularities of each investigated case. This enables the obtaining of complete and truthful statements, the rigorous substantiation of evidence and the increase of the efficiency of the criminal investigation bodies.

Keywords: hearing, statements, criminal investigation act, presentation for recognition, witness, victim, suspect, accused, investigation, psychology, tactical procedure, identification, evidence, subjective factors, objective factors, physical description, characteristics.

REPERE TACTICO-CRIMINALISTICE ALE AUDIERII PREMERGĂTOARE PREZENTĂRII SPRE RECUNOAȘTERE, ÎN FUNCȚIE DE STATUTUL PROCESUAL AL PERSOANEI AUDIATE

Abstract: Articolul „Repere tactico-criminalistice ale audierii premergătoare prezentării pentru recunoaștere, în funcție de statutul procesual al persoanei audiate” își propune să analizeze

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particularitățile tacticii audierii diferitelor categorii de participanți în procesul penal înainte de efectuarea prezentării spre recunoaștere în calitate de acțiune de urmărire penală. Prin examinarea atât a cadrului teoretic, cât și a practicii investigative studiate, se evidențiază specificul tacticii aplicate în cazul martorilor, părților vătămate, bănuților și învinuiților care urmează a fi implicați în efectuarea prezentării spre recunoaștere. De asemenea, o atenție deosebită este acordată componentei psihologice a audierii, precum și selecției procedeele tactice adaptate în funcție de statutul procesual al persoanei audiate. Rezultatele cercetării științifice arată că, în pregătirea și desfășurarea audierii în vederea ulterioarei prezentări spre recunoaștere, reprezentantul organului de urmărire penală trebuie să țină cont de poziția procesuală a persoanei audiate, de starea sa psihică și de particularitățile specifice fiecărui caz investigat. Acest lucru permite obținerea de declarații complete și veridice, fundamentarea riguroasă a probelor și creșterea eficienței activității organelor de urmărire penală.

Cuvinte-cheie: *audiere, declarații, acțiune de urmărire penală, prezentare spre recunoaștere, martor, parte vătămată, bănuț, învinuit, cercetare, psihologie, procedeu tactic, identificare, probă, factori subiectivi, factori obiectivi, semnalmente, caracteristici.*

1. INTRODUCTION

Researcher M. Gheorghită argues that „In the course of criminal investigation, situations arise where, during the hearing, the witness, the victim or even the suspect and the accused make statements about certain persons who were involved in the criminal act, either as eyewitnesses or as victims of the committed act, yet do not possess complete information about them (name, surname, other data). In such cases, the statements are usually limited to describing the persons only by certain external physical features retained in their memory. The interest of the criminal investigation body consists in identifying and hearing the persons involved in the investigated case, or the eyewitnesses and victims who are not yet known to the investigating authorities. The presentation for recognition is of particular importance, as is the actual hearing activity of the procedural subjects who hold information about certain persons involved in the investigated offence. Representing a concrete procedural and forensic tactical form of identification, the presentation for recognition constitutes, at the same time, a means of verifying the evidence administered in the case and the versions developed throughout the investigation of the unlawful act”¹.

The hearing of the person who is to carry out the recognition constitutes a mandatory condition for conducting the presentation for recognition. In the legal literature, the hearing of the person who is to carry out the recognition is most often referred to as a preliminary hearing².

„The preliminary hearing, despite its specific designation, does not represent a separate form of hearing: the term itself merely expresses the requirement that the hearing is mandatory prior to conducting the recognition. The substantial difference of this hear-

¹ Gheorghită M. *Tratat de criminalistică*. Chișinău: F. E.-P. „Tipografia Centrală”, 2017, p. 613.

² Osoianu T., Ostavciuc D., Odagiu Iu., Rusnac C. *Tactica acțiunilor de urmărire penală*. Chișinău: Ed. Cartea Militară, 2020, pp. 260-294; Miheș C. *Criminalistica: Audierea martorului*. București: Ed. Lumina Lex, 2008, pp. 7-158; Stancu Em., Manea T. *Tactică criminalistică: Curs universitar*. București: Ed. Universul Juridic, 2017, pp. 177-216; Цветков П. П. *Предъявление для опознания в советском уголовном процессе*. Ленинград, 1962, с. 38-39; Гинзбург А. Я. *Тактика предъявления для опознания*. Москва, 1971, с. 10-11; Дулов А. В., Нестеренко П. Д. *Тактика следственных действий*. Минск, 1971, с. 178-179; Дворкин А. И. (ред.). *Следственные действия. Криминалистические рекомендации. Типовые образцы документов*. Москва: Юрист, 2001, с. 166-178; Рыжаков А. П. *Очная ставка. Предъявление для опознания. Проверка показаний на месте. Основания и порядок производства*. Москва: Экзамен, 2007, с. 115-141.

ing lies in identifying the characteristics of objects from the material world, observed in connection with the commission of the offence, and in forecasting the possibility of their recognition. Generally, at the first hearing of the person who has perceived such objects, the main effort of the interviewer should be focused on creating the necessary conditions for the accurate reproduction (recollection) of their distinctive characteristics. However, the identification of these features may also occur later, including immediately before the recognition. For reasons of procedural expediency, it should be clarified immediately before the recognition whether, after the initial hearing, the identifying person has identified the object (person) under certain circumstances, for example, during a chance meeting”³.

The actual hearing, according to M. Gheorghiță, „is conducted according to the general tactical rules regarding the hearing of victims, witnesses, suspects or accused persons, but presents certain particularities, due to the fact that, on this occasion, the person is not required to recount the circumstances relating to the committed offence and the conditions under which it took place, but rather to describe the perceived physical features or characteristics of the specific person or object involved in the committed offence. These data may lead to the recognition of the person or object subject to identification. At this hearing, it is essential to clarify the manner in which the observation and retention of information was carried out (spontaneously, involuntarily or premeditatedly, being driven by certain interests), as well as the emotional experiences that optimised or, on the contrary, disrupted the perception process. The victim, in addition, will also be questioned regarding the physical and moral suffering endured as a result of the criminal attack, given the known repercussions of these on sensory acuity”⁴.

However, the term „preliminary” does not provide grounds for restricting the purpose and scope of the hearing of the person who is to carry out the recognition. As a rule, this constitutes a part of the general hearing of the respective person, and its tactics are established primarily according to the procedural status of the heard person. Establishing the fact that the heard person may have the capacity of a person who will carry out the recognition confers upon the hearing only that specificity with which the notion of preliminary hearing of the person carrying out the recognition is ordinarily associated. Thus, the tactics of the hearing preceding the presentation for recognition depend on the procedural status of the heard person (witness, victim, suspect, accused), as well as on the position adopted by that person. Such a state of affairs is determined by the fact that the circumstances in which the object or person was observed (including, possibly, those preceding their observation) are interdependent and inseparable from the situation in which their perception took place..

2. THEORETICAL AND METHODOLOGICAL FRAMEWORK OF THE RESEARCH

The theoretical and methodological framework of the research is grounded in the in-depth analysis of forensic concepts and those from the field of forensic psychology applied in the context of the hearing. The research emphasises the theoretical framework from the specialised legal and forensic literature, which defines the principles, objectives and methods of hearing participants in criminal proceedings, as well as the study of the

³ Jitariuc V., Rusu V. *Tratat de criminalistică. Partea a II-a. Tactica criminalistică*. București: Ed. Pro Universitaria, 2025, p. 711; Князьков А. *Криминалистика: Курс лекций*. Томск: ТМЛ-Пресс, 2008, с. 721-722.

⁴ Gheorghiță M. *Op. cit.*, p. 618.

tactics of hearing witnesses, victims, suspects and accused persons. From a methodological standpoint, the study is based on combining the comparative analysis of normative provisions and criminal procedure rules with the practice of criminal investigation bodies. Furthermore, the research draws upon the results of psychology applied in forensic science, in particular the study of the processes of perception, memory and emotional reactions of heard persons, in order to highlight the manner in which these aspects influence the quality and truthfulness of statements. Thus, the research methodology is focused on identifying the optimal hearing tactics preceding the presentation for recognition, depending on the procedural status and psychological particularities of the heard person, ensuring a systematic approach to this subject.

3. DISCUSSIONS AND OBTAINED RESULTS

According to S. Doraș, „Establishing, in all its aspects, the circumstances of a criminal act, the manner in which it was committed and the persons involved requires the timely and judicious conduct, from a tactical standpoint, of the criminal investigation activities provided for by law, with a view to gathering evidence, identifying and unmasking the perpetrator”⁵.

The presentation for recognition is an efficient identification instrument⁶ for establishing the circumstances of a criminal case. Where the representative of the criminal investigation body observes the procedural requirements and forensic recommendations, the criminal investigation act has an emotional and psychological impact on the participants in the criminal proceedings. The decision of the representative of the criminal investigation body to conduct a presentation for recognition and to establish at what stage of the criminal investigation to do so must be taken with the utmost caution, weighing all the pros and cons, because, in the event of a negative result or its failure due to poor organisation of the criminal investigation act, the position of the defence is considerably strengthened, and the suspect (accused) becomes more confident that he will escape criminal liability⁷.

Researchers T. Osoianu, D. Ostavciuc, Iu. Odagiu and C. Rusnac specify that „The decision regarding the necessity of conducting the presentation for recognition is, as a rule, taken after the hearing, during which the heard person declares that he has observed a certain object (a certain person), has memorised the individual characteristics and will be able to recognise it (him/her). In order to establish the individual characteristics of the object (person), in the opinion of the authors, the criminal investigation officer has two options: 1) during the initial hearing, within the questioning phase, he adjusts his hearing plan, devoting greater attention to the given characteristics and the circumstances in which they were perceived; 2) he conducts a supplementary hearing whose objective is to establish the individual characteristics of the object (person) to be presented for recognition and the circumstances in which they were perceived. In this context, authors T. Osoianu, D. Ostavciuc, Iu. Odagiu and C. Rusnac consider that the term „preliminary hearing” used by specialists is

⁵ Doraș S. Criminalistică. Chișinău: Ed. Cartea Juridică, 2011, p. 427.

⁶ A correct understanding of the nature and content of identification is essential both for the rigorous conduct of the procedure and for the assessment of the authenticity, credibility and probative value of the results obtained in the course of the investigation of criminal cases. Jitariuc Vitalie. Prezentarea spre recunoaștere – procedeu probatoriu și varietate a identificării criminalistice. În: Revista Dreptul, nr. 3, București, 2024, p. 124.

⁷ Jitariuc V., Rusu V. Op. cit., pp. 698-699.

not appropriate, the more rational term being that of hearing”⁸.

The tactics of hearing the victim prior to the presentation for recognition are, in general terms, practically no different from the tactics of hearing a witness. However, if the person carrying out the recognition in the capacity of a witness is, from this point of view, procedurally neutral, the victim carrying out the recognition appears almost always as a person with a vested interest in a certain outcome of the case, favourable to themselves. As a rule, it is precisely from the victim that the complaint addressed to the law enforcement bodies originates, requesting the protection of their rights and legitimate interests. For this reason, it must be borne in mind that personal interest may determine the formation, in the victim, of a predisposition to carry out the recognition at any cost. Such a predisposition may exert upon certain psychological processes both a positive influence (conscious efforts to retain in memory the perceived features and the circumstances of observation) and a negative one (filling the gaps of perception with information from external sources or through personal deductions and suppositions).

It is also important to establish whether the victim has not exchanged information regarding the appearance of the person to be recognised with another victim or with an eyewitness. In the event that, in the same situation, there is a witness who is to carry out the recognition, the latter must be heard before the victim, in order to obtain information about the psychological state of the victim at the moment of perceiving the facts; this will allow a critical assessment of the victim's statements at the subsequent hearing. At the same time, it is necessary to clarify both from the victim what their state was during the commission of the offence, and their state at the moment of the hearing, in order to avoid the premature adoption of the decision regarding the conduct of the presentation for recognition.

The influence of the factor that disrupts the psychological balance of the victim upon the eyewitnesses who are to carry out the recognition manifests itself to a much lesser extent. Even in those situations where the witness actively intervened in the course of events, the latter's statements are, as a rule, more accurate, although they may be equally incomplete in volume as the victim's statements. The focusing of attention and the orientation of consciousness towards understanding what has occurred, particularly in an environment favourable to observation and safe for the respective person, allow the witness to perceive, retain and reproduce during the hearing, in as complete a manner as possible, both the circumstances of the occurrence of the event and the characteristic features of the persons who participated in it. Thus, in this context, it is of no particular importance whether the event is perceived as being unlawful or merely as a situation that does not correspond to the normal course of things.

However, Manțurova L. A. states that „such situations are relatively rare. In numerous cases, witnesses who are to carry out the recognition observe the objects of the future recognition in an ordinary circumstance, when these happen to appear in their field of vision, and their actions do not arouse suspicion. In situations where the observer understands what is happening and forms a certain attitude towards the events, superimpositions and distortions of perception may arise, determined by a strong emotional reaction, particularly in the case of persons with heightened excitability”⁹.

⁸ Osoianu T., Ostavciuc D., Odagiu Iu., Rusnac C. Op. cit., p. 266.

⁹ Манцурова Л. А. Особенности тактики допроса, предшествующего предъявлению для опознания, в зависимости от процессуального положения допрашиваемого лица. Пробелы в российском законодательстве. 2013, № 6, с. 239-241. [online], [citat 02.03.2026]. Disponibil: <https://cyberleninka.ru/article/n/>

Author S. Doraș notes that „Cases of accurate recognition of the aggressor by the victim or by witnesses, who during the hearing were unable to describe his appearance or described it only superficially, are frequent. This phenomenon, states S. Doraș, has a scientific explanation: the excitations triggered by direct contact with the factors that determined the formation of impressions regarding the person and the objects previously perceived are capable of updating their mental representation and, consequently, of ensuring their recognition”¹⁰.

M. Gheorghită argues the following: „From practice it follows that the heard persons do not always succeed in providing a satisfactory description of the physical features or identifying characteristics, which at first glance may lead to the conclusion that the presentation for recognition will not yield the expected result, being unreliable. Nevertheless, there are numerous cases in which a reliable recognition was achieved, despite the fact that, during the preliminary hearing phase, the person who was to carry out the recognition demonstrated certain inaccuracies in the statements made. Therefore, states M. Gheorghită, the inability of the person to present the basic elements on the basis of which the identification is to be made does not necessarily mean their incapacity to carry out the recognition”¹¹.

Persons carrying out the recognition in the capacity of a suspect or accused are, first and foremost, persons whose position in the proceedings is determined by the procedural decisions adopted in respect of them (detention, application of a preventive measure, indictment). On the other hand, Ratinov A. R. notes that „the psychology of the person who has committed the offence is characterised by the predominance of defensive dominance — a maximum focus of nervous excitation, through the prism of which the perception and evaluation of the situation, as well as the regulation of the perpetrator’s behaviour, are filtered”¹².

The psychological processes that precede and accompany the commission of the offence, as well as those that succeed it, are integrated into the structure of the Ego of the interrogated person, in the form of a criminal pattern implemented in the cerebral cortex in the form of the criminal matrix. Thus, in clear forms or through symptomatic acts that escape the censorship of the conscious mind, against his own will, the perpetrator will unmask himself¹³.

In this context, attention is also drawn to the fact that, in practice, all actions of the representative of the criminal investigation body, aimed at gathering and examining evidence, are directed towards overcoming and neutralising this focus of nervous excitation; in relation to it, taking into account the established factual circumstances, the tactical procedures for hearing the suspect and the accused are conceived.

The accomplishment of this task in relation to the suspect is always more difficult, due to the insufficiency of evidence, a fact which confers upon the latter certain tactical advantages in relation to the criminal investigation body. In most cases, the change in the behaviour of the perpetrator occurs later, after being held criminally liable. For this rea-

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¹⁰ Doraș S. Op. cit., p. 432.

¹¹ Gheorghită M. Op. cit., pp. 618-619.

¹² Ратинов А. Р. Судебная психология для следователей. Москва: Высшая школа МООП СССР, 1967, с. 196.

¹³ Tănăsescu Camil. Psihologie judiciară. [online], [citat 02.03.2026]. Disponibil: https://file.ucdc.ro/cursuri/D_2_N211_Psihologie_judiciara_Tanasescu_Camil.pdf

son, the suspect appears relatively less frequently in the role of the person carrying out the recognition than the accused. Precisely by virtue of their procedural status, both the suspect and the accused may have the capacity of persons carrying out the recognition only with their consent. As a rule, this takes place after the acknowledgement of the commission of the offence, the awareness of one's own guilt and out of the desire to provide assistance to the criminal investigation bodies¹⁴.

At the hearing preceding the presentation for recognition, tactical techniques aimed at activating memory are employed (the detailing of statements; the use of associative connections; the verification of statements at the crime scene; repeated hearing, etc.)¹⁵.

The lack of clarity and abstraction in the description of the features of the person to be recognised may become a cause of the inefficiency of the criminal investigation act that is planned to be conducted. If, during the hearing, the person who is to carry out the recognition has failed to indicate the individual features of the person to be recognised, a repeated hearing may be necessary. A repeated hearing is also conducted in cases where a significant amount of time has elapsed since the first interrogation, during which the features of the person to be recognised were mentioned, in order to verify whether the memory of the identifying person has retained the same features and whether they will be able to recognise the person¹⁶.

According to M. Gheorghită, „...in the process of hearing the person, certain imperfections arise regarding the reproduction of certain facial features or particularities of the appearance of the person or object to be presented for recognition. The difficulties arising in connection with the description of certain features of the person may be caused by the lack of basic knowledge in the field, given the strictly specialised terminology, the existence of regionalisms, or simply the inability to reproduce at the level of knowledge possessed by the person who is to carry out the recognition. It is considered, states M. Gheorghită, that in these situations the heard person may be assisted by certain technical means used to compose human physiognomic images, so that it may be assessed in terms of its fidelity in relation to the accounts given”¹⁷.

Furthermore, in the context of previous studies „if, in the course of the preliminary hearing, it is established that the person who is to carry out the recognition encounters difficulties in describing the physical features, in order to reactivate their memory process, they will be requested to declare everything they know about the persons of interest to the case, without limiting in any way the content or the scope of their accounts”¹⁸.

The preliminary hearing of the suspect and the accused in the capacity of persons carrying out the recognition constitutes, in fact, also a part of the general or repeated

¹⁴ The methods and means by which the „disarmament” of the suspect and the accused is achieved are analysed within the scope of the tactics and psychology of the hearing: See: Карнеева Л. М., Ордынский С. Я., Розенблит С. Я. Тактика допроса на предварительном следствии. Москва, 1958; Кертес И. Тактика и психологические основы допроса. Москва, 1965; Ратинов А. Р. Судебная психология для следователей. Москва: Высшая школа МООВ СССР, 1967; Порубов Н. И. Допрос в советском уголовном процессе и криминалистике. Минск, 1968; Васильев А. Н., Карнеева Л. М. Тактика допроса при расследовании преступлений. Москва, 1970; Дулов А. В., Нестеренко П. Д. Тактика следственных действий. Минск, 1971; Дулов А. В. Судебная психология. Минск. 1975.

¹⁵ Jitariuc V., Rusu V. Op. cit., p. 712.

¹⁶ Ibidem, p. 714; Логвин В. М. Криминалистическая тактика: Учебное пособие. Минск: Изд. Академии МВД, 2021, c. 230.

¹⁷ Gheorghită M. Op. cit., p. 619.

¹⁸ Jitariuc V., Rusu V. Op. cit., pp. 707-708.

hearing of these persons. The representative of the criminal investigation body always fully exploits the favourable psychological environment, with the aim of obtaining complete and detailed statements regarding all the essential circumstances of the investigated offence, its participants and the objects to be presented for recognition. In such cases, the victims, the accomplices of the accused, as well as the witnesses may be designated as objects of recognition. Since, in the majority of cases, the parties involved in the recognition process are the victim-accused and the witness-accused, an analysis of the differences in the process of formation of statements in the case of the accused (suspect), the victim and the witness in the capacity of persons carrying out the recognition is necessary.

There is no doubt that the objective conditions of perception are the same for both parties. An exception is made for situations in which the accused (suspect) covertly studies the victim from the period of preparation of the offence or subsequent to it.

The content of the actions of the accused and their direction are determined by the psychological particularities of the respective person and their influence on the quality of perception. In individual cases, certain special states must also be taken into account (for example, the state of alcoholic intoxication). The influence of these factors will be analysed below. In the commission of certain offences (for example, fraud, obtaining goods by means of false documents), the nature of the actions as a whole, or at least their initial stage, presupposes direct interaction between the accused and the victim, conducted under ordinary and normal conditions of perception. In such cases, the possibility of the accused subsequently recognising the victim can hardly be called into question.

The different direction of the perpetrator's actions, for example in the case of robberies or aggravated robberies, causes the victim to become a secondary object of perception. The circumstances of the commission of these offences (evening or night-time hours), as well as the indifference towards the victim as an object of perception, justify confidence in the accused's statement regarding the impossibility of recognition.

Witnesses enter the field of vision of the accused, as a rule, just before the commission of the offence, when they become an unexpected obstacle in the path of realising the criminal intent. This leads the accused (suspect) to come into contact with the witness, either in order to dispel any suspicions, or to ensure that there are no real obstacles preventing the commission of the offence. The lack of time, as well as the awareness of the need to leave the scene of the crime as quickly as possible, generally does not lead the accused to focus their attention on other persons (apart from the victim), unless these present themselves as obstacles to be removed. For this reason, in criminal investigation practice, cases in which the accused recognises the eyewitnesses or the witnesses encountered while leaving the scene of the crime are rare.

In the perception phase, the psyche of the accused carrying out the recognition is devoid of the states that arise, as a rule, in victims and eyewitnesses. The state of excitement, generated by their conscious unlawful behaviour, does not influence, according to the opinion of author Manțurova L. A., the direction of their actions. Furthermore, a certain moderate dose of alcohol, frequently administered intentionally by the perpetrator prior to the commission of the offence, does not exert its effect on the quality of perception¹⁹.

¹⁹ Манцурова Л. А. О.р. cit., pp. 240-241.

In the course of the hearing, the representative of the criminal investigation body obtains from the identifying person a response to a specific inquiry regarding their capacity to identify the person (object) of interest to the criminal investigation; and, if so, on the basis of which specific features. In the event that no concrete response is provided, the purpose of this hearing is not considered to be fully achieved. Furthermore, the hearing of the person who is to carry out the recognition involves establishing the objective and subjective factors that have had (or could have had) an influence on the process of perception, retention and recall of past events, since these factors also influence the assessment of the results of the presentation for recognition²⁰.

Author S. Doraș also argues that „At the preliminary hearing of the person, the circumstances that could have facilitated or, on the contrary, hindered the processes of perceiving and retaining information regarding the objects to be identified must first of all be clarified. The heard person will be requested to specify the time, distance and position from which they perceived the person or objects that need to be recognised. They will also be asked to specify the weather and lighting conditions under which they perceived, the presence of noise interference factors or physical obstacles liable to influence the quality of perception. The data concerning the time and distance from which the observation was conducted, being of particular importance, must also be clarified in terms of the manner in which the heard person assessed them. In connection with the hearing, the subjective circumstances that may have influenced the representation by the heard person of the person or objects to be presented for recognition must also be clarified. First of all, they will be asked whether they knew the person or object in question, when and on what occasion they had previously come into contact with them. Then it will be established whether the sense organs function normally. If there are certain doubts in this regard, the criminal investigation body may proceed to verify the perceptual capacities of the heard person through experimental means or by means of a forensic medical examination”²¹.

The notion of perception is used in a broader sense, encompassing both sensation and perception proper, and it is with this *lato sensu* that it is also used in the psychology of witness testimony, designating, in fact, the first moment of the formation of statements. Perception is the consequence of a more complex reflection that leads to awareness, to the identification of objects and phenomena. The emergence of sensations and subsequently of perception depends on the intensity of the stimuli acting upon the sensory analysers²².

Testimonies based on visual receptions are the most frequently encountered in practice, the superiority of visual sensations over the other sensations lying in the fact that they provide an accurate and complete image of the world around us²³.

The retention processes of the accused (suspect) are carried out intensively. The active and targeted nature of their actions ensures a satisfactory retention of what has been perceived. The inevitable inner tension compels them to repeatedly revisit the crim-

²⁰ Jitariuc V., Rusu V. Op. cit., p. 713; Логвин В. М. Op. cit., p. 229.

²¹ Doraș S. Op. cit., pp. 430-431.

²² Butoi I.-T., Butoi T. Psihologie judiciară: Curs universitar. București: Ed. Fundației România de mâine, 2004, pp. 78-79. [online], [citat 27.02.2026]. Disponibil: https://eresursdrept.wordpress.com/wp-content/uploads/2021/01/psihologie_judiciara.pdf

²³ Tănăsescu Camil. Op. cit., p. 55.

inal event, to its participants, re-examining in memory the features and behavioural details, in order to more carefully devise the variants of the defence plan and to adjust them according to the concrete situation (at detention, at confrontation, etc.). Therefore, at the moment when the representative of the criminal investigation body manages to influence the behavioural course of the accused, both the event and its participants are still vivid in their memory. It must also be borne in mind that highly minute details of the event may be retained in the perpetrator's memory for a considerable period of time, so that their recounting during the hearing may, at times, cast doubt on their truthfulness.

Thus, the process of recollection and recall of what has been perceived by the accused carrying out the recognition unfolds in a less tense manner than in the case of the victim or the witness. At the same time, Manțurova L. A. argues that „...this does not mean that these processes cannot encounter difficulties. Therefore, the representative of the criminal investigation body must be capable of providing assistance to the heard person, using the well-known tactical hearing procedures. The general requirement to critically evaluate the information obtained, the signs and evidence, to correlate them with those already known and to establish the causes of discrepancies or divergences in relation to objectively verified sources also remains valid”²⁴.

The use of general tactical procedures in the hearing of the suspect and the accused is subordinated to the main objective – obtaining truthful statements from them. The need to apply these procedures stems from the negative psychological attitude of these persons towards the criminal investigation. Once this attitude is overcome, the hearing tactics are adjusted: the same procedures are used as in the hearing of persons carrying out the recognition (the victim or the witnesses), including the procedures for assisting in the retrieval of forgotten information, as well as the procedures determined by the objective and subjective conditions of the development of the psychological processes of the heard person, in relation to the concrete situation.

Taking into account the results obtained during the hearing of the person for the purpose of the eventual presentation for recognition of certain individuals, according to M. Gheorghită, „...finally, two mandatory questions must be posed. The first, whether upon seeing them, they would or would not be able to recognise the person (object). The second, whether or not they agree to participate in the identification of the described person (object) who may be presented to them among other persons (objects). Only upon obtaining a positive response to both questions can the presentation for recognition be organised and conducted with the participation of the heard person”²⁵.

4. CONCLUSIONS

Based on the analysis conducted in this scientific article, it can be concluded that the specific nature of the hearing preceding the presentation for recognition is essentially determined by the procedural status of the heard person and their position within the criminal proceedings. This entails that the tactics adopted by the representative of the criminal investigation body must be flexible and tailored to the particularities of each person – witness, victim, suspect or accused – taking into account the influence of the psychological state, personal interest and the objective conditions of perception of each individual.

²⁴ Манцурова Л. А. *Op. cit.*, p. 241.

²⁵ Gheorghită M. *Op. cit.*, p. 620.

In this context, the representative of the criminal investigation body must pay particular attention to the careful selection of the tactical procedures to be applied, so as to maximise the accuracy and completeness of the statements obtained during the hearing, to ensure the critical evaluation (assessment) of the information and to properly address any possible distortions of perception. At the same time, the tailoring of the tactics to the procedural status and the psychological particularities of the heard person contributes to enhancing the efficiency of the criminal investigation act and to the establishment of high-quality evidence, useful for the proper conduct of criminal investigations.

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