

UNDERTAKING OF EVIDENCE ACTIONS BY THE POLICE IN SERBIAN LEGISLATION: INVESTIGATION AND RECONSTRUCTION

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Abstract: *In this paper, several significant roles of the police were considered, with the focus being on two related activities. This work, entitled Undertaking of Evidence Actions by the Police in Serbian Legislation: Investigation and Reconstruction, as can be concluded, primarily deals with the issue of undertaking of evidence actions by the police, after which two very delicate and key police actions for successful discovery of the perpetrator of the criminal act and the possibility of successfully completing the court process in general. The hypothesis of this research can be seen precisely from the above. The investigation aims to gather evidence of criminal activity, determine the circumstances surrounding offenses, and ensure thorough documentation of findings, as mandated by the Criminal Procedure Code. The collaborative effort between public prosecutors and police is crucial for effective investigations, with expert assistance being a valuable asset. The necessity for continuous training and adherence to high standards in investigative practices is emphasized, addressing common pitfalls such as selective evidence collection. The reconstruction process is complex and subject to subjective influences, necessitating high professional standards from investigators. The Criminal Procedure Code recognizes it as an independent action, contrasting with previous legal frameworks where it was merely a segment of investigations. Reconstruction is ordered by procedural authorities to verify evidence and establish essential facts related to criminal offenses. Unlike earlier legal interpretations where only courts had the jurisdiction, both public prosecutors and police can now order reconstructions, fostering collaboration while ensuring that the prosecutor is informed of the process and outcomes.*

Keywords: evidence actions, investigation, reconstruction, Serbian legislation, Criminal Procedure Code

1. Introduction and opening of the discussion

Following the general efforts undertaken by the Republic of Serbia in the context of accession to the European Union, an important segment of these tendencies is represented by the undertaken obligations to reform the Ministry of Internal Affairs and certainly the police (Nikač & Leštanin, 2016:110). Arising from constitutional powers, the newly adopted Code of Criminal Procedure, and the Law on Police, the position of the police is additionally adjusted to the new challenges of combating extremely complex phenomena, such as organized crime and corruption (Marinković, 2010:75).

Analyzing the national legislative framework, part of the police activity is based on undertaking search actions from Art. 286 of the Criminal Procedure Code (CPC), which are aimed at achieving the basic goal of criminal proceedings. This implies the detection of criminal acts and perpetrators, as well as the detection and securing of traces of criminal acts and objects that can serve as evidence in criminal proceedings.

Bearing in mind the aspect of social development, it should be noted that in the previous decades, criminality also evolved in a phenomenological sense. Hence, the actions of the police are of particular importance in all those non-traditional forms of illegal action, which require practical and legislatively complex application of high technologies (Bodrožić, 2013:150), as well as new legal institutes (Matijašević-Obradović, 2017:400).

In order to fulfill the duty from Art. 286, para. 1. of the CPC, the police can: request the necessary notifications from citizens; to carry out the necessary inspection of means of transport, passengers and luggage; to restrict movement in a certain area for the necessary time, up to eight hours at the longest; to take the necessary measures in connection with establishing the identity of persons and objects; to issue a search warrant for the person and objects sought; to inspect certain facilities and premises of state bodies, companies, shops and other legal entities in the presence of the responsible person, to gain insight into their documentation and to confiscate it if necessary; to take other necessary measures and actions. It is, in fact, a fairly wide range of powers that, in the demands of the dynamism of the police, enable the application of complex criminal procedures and the timeliness of response in the context of discovering the perpetrator of the crime and fixing the identified evidence.

A report or an official note will be drawn up about the facts and circumstances that were established when certain actions were taken, and may be of interest for criminal proceedings, as well as about the objects that were found or seized. Here, therefore, we are talking about the original actions of the police, the main purpose of which is to discover the perpetrator, discover and secure evidence, and collect data and information that can be useful in the further course of criminal proceedings (Ilić et. al, 2012: 611).

In the criminal procedure, three types of facts are determined (decisive and auxiliary facts and indicative facts) and without their determination, the correct application of criminal law is not possible. Also, bearing in mind the complexity of the concept of "facts", it is necessary to point out the concept of "evidence", where we come across numerous interpretations.

According to Bauer (1978, p.15), evidence is the carrier of data on the basis of which the criminal procedure body concludes about the existence or non-existence of facts, so the following are named as evidence: witness, expert, object or things. Also, there is an understanding that evidence is the result (source of knowledge) obtained by the procedural action of the data bearer, on the basis of which it is concluded whether there are facts that need to be determined in the procedure. Evidence, according to this understanding, would be the testimony of witnesses, findings and opinions of experts, objects as material evidence, documents and the like. From the above, it can be concluded that the term evidence refers to the source from which the evidence originates.

After that, Božidar Marković (1930, p.322) defines that evidence "is the evidentiary actions prescribed by procedural law that are undertaken in the procedure for the purpose of establishing the facts, so, accordingly, all evidentiary actions, such as the examination of witnesses, expert testimony, etc., are considered evidence."

The process of proof consists of several systematic process activities of criminal process subjects, which can be classified by way of synthesis into: discovery of evidence, verification of evidence and assessment of evidence. The above-mentioned activities are planned in a logical order, with some of them taking place simultaneously, for example, presentation and evaluation of evidence, that is, discovery and presentation of evidence, etc (Dimitrijević, 1981:168).

Therefore, we can conclude that the term "proving" represents a complex and diverse procedural activity of parties to criminal proceedings and the criminal court with the aim of establishing legally relevant and other facts in criminal proceedings.

Accordingly, the police in the preliminary procedure can:

- to hear the suspect, if the public prosecutor entrusts it to her, whose statement, if obtained in the presence of a defense attorney and the hearing itself was conducted according to the provisions for hearing the accused, can be used as evidence in criminal proceedings;
- to determine the necessary expert reports (except for expert reports on corpses and exhumation) for all criminal acts, with the emphasis that the police cannot question a person in the capacity of an expert witness;
- undertake an investigation, regardless of the gravity of the crime;
- determine the reconstruction of events, for all criminal acts;
- temporarily confiscate objects that should be confiscated according to the provisions of the Criminal Code or that can be used as evidence in criminal proceedings;
- enter the apartment or other premises and, if necessary, carry out a search if the conditions prescribed by the Code are met;
- obtain documents from the domain of their jurisdiction that can have the character of public or private documents and that can be presented as evidence in criminal proceedings, assuming that they are authentic.

Therefore, in order for the evidence collected by the police to be used in the criminal proceedings, it is necessary to collect such evidence in accordance with the prescribed manner prescribed by the Code itself.

In the continuation of the work, we will show and explain the procedure of the police in the investigation and reconstruction of the event.

2. Investigation

Analyzing the contributions of domestic authors, Milidragović (2008, p.72) points out that the investigation represents an important phase of the pre-criminal procedure, during which objects and traces of a criminal offense are secured and fixed. That is, this is the procedure for determining all other

facts and circumstances that can be used for the purpose of elucidating the committed criminal act and concluding the criminal case in the appropriate procedure before the court.

In addition to the criminal procedural definitions of investigation, it should be noted that there are closer criminal concepts in the literature. Legal-theoretical contributions from the time of the former SFRY thus define an investigation as "a procedural action by which a criminal procedure authority (or, exceptionally, an internal affairs authority) learns (determines) certain facts that are the subject of determination in criminal proceedings and which are recorded in the minutes or in some other way by their own observation" (Bayer, 1980: 49).

Perhaps the most complete framework of definition is given by Aleksić and Škulić (2002, p.63), who state that investigation is "a system of various criminal actions, which, based on the provisions of the Code of Criminal Procedure, are observed at the scene (directly or indirectly with the participation of experts, or with the use of special instruments criminal techniques), all important circumstances of the events that occurred, and find and in accordance with the criminal-technical rules expertly process traces and objects with a mental reconstruction of the criminal event, and with the aim of collecting and registering (through the record and its criminal attachments - sketches, photos, video -recordings, etc.), all criminally relevant information, for the purpose of clarifying the criminal event and collecting evidence". Bearing in mind the national framework of positive criminal legislation, in order to undertake an evidentiary action such as an "investigation", it is necessary to refer to Article 133 of the Criminal Code, which states that an investigation is an evidentiary action undertaken when it is to establish or clarify a fact in the procedure, direct observation of the procedure body is required. Therefore, this evidentiary action is carried out by the authority of the procedure, and by that term we mean that they are the public prosecutor, the police or the court. Therefore, to establish a fact with the help of an investigation means to make sure that it exists or does not exist based on the direct observation of the procedure body, and to clarify it means to directly perceive some features or relationship of objects or traces of a criminal offense, which serve to clarify, i.e. to understand the existence or non-existence of important fact procedure.

Referring to the contributions of Bejatović and associates (2013, p.107), according to the time of the investigation, investigative investigation and the so-called trial investigation can be distinguished. The first framework is implemented in pre-investigation and investigative proceedings, by the police or the public prosecutor, while the second framework represents the jurisdiction of the court.

Only the distinction between these forms is based on the principle of immediacy. Namely, in the first case, important facts are perceived by non-judicial authorities, while the court obtains knowledge based on the content of the recorded minutes. However, if the investigation is conducted at the main trial, the court panel has the possibility of direct inspection of the identified evidence.

Returning to the previous elaboration, it should be pointed out that the Code of Criminal Procedure determines only this, above-mentioned, condition for conducting an investigation, while it does not provide for other material and formal conditions. Therefore, the opinion, that is, the definition of Z, stands out. Jekić, who states that an investigation means the actual undertaking of an action for which only the existence of a material condition is sufficient (Jekić, 1998:292).

Therefore, we can state that in the criminal procedure provisions it is not foreseen, that is, it is not emphasized for which crimes an investigation should be carried out, nor is it determined according to which type of criminal offenses and sanctions an investigation can be carried out, nor according to the degree of importance, nor the amount of the threatened prison sentence. Based on the contributions of Matijević and Marković (2013, p.107), the investigation is an urgent investigation. In fact, it is carried out according to the principle of speed and efficiency, with the tendency to make the time between the execution of the criminal offense and the investigation as short as possible.

The aforementioned imperative arises from the consequent effect of the law of entropy, that is, the loss of relevant information that can be destroyed by the action of the perpetrator of the crime himself - persons who may unknowingly damage or contaminate the place where the crime was committed or due to the action of atmospheric conditions.

The question of the urgency of the procedure has significant implications regarding the equipment and skills of the procedural body that conducts the investigation. Precisely for this reason, the technical aspects of this task are entrusted, as a rule, to the police. In addition, taking into account other criminal possibilities, such as the identification of traces and the smell of the perpetrator of the crime, the possibility of using, for example, sniffer dogs, speaks in favor of the justification of the police as an enforcement agency.

In addition to the stated principle of urgency or timeliness, the investigation must incorporate the principle of objectivity, activity and methodicality. The first frame thus implies that during these actions,

all possible versions of events are foreseen, and that they are examined with equal attention. This practically means that investigative action cannot be carried out with a certain preconceived notion, that is, a predetermined interpretation.

The second segment refers to the imperative of creative initiative of the procedural body that conducts the investigation *ex officio*. Finally, the methodical principle will cover the planning segment of the preparation of means and procedures, and their implementation according to the order and rules of scientific and professional knowledge. (Krivokapić et al, 2000:158; Ishchenko, 2010:120).

In the context of criminal theory, we can state that the object of investigation can be a place, person or thing. Therefore, it is necessary to carry out an investigation in all criminal acts where traces and objects can be found at the place of execution or in a wider area, to determine certain facts and circumstances of importance for clarifying the criminal act, discovering the perpetrator and securing evidence. It is necessary to emphasize the opinion of S. Bejatović (2010, p.74), who states that in relation to which criminal offense is committed, every investigation must be characterized by timeliness, objectivity in work, activity of the body undertaking the investigation, methodicality and consistency.

Also, the goal of the investigation is to discover and collect evidence of the existence of a criminal act, to determine the circumstances under which the crime occurred, i.e. to determine the circumstances for the classification of the criminal offense, to discover evidence important for finding the perpetrator and determining his criminal responsibility, to collect data important for determining the existence and amount damage, checking other evidence and the like, and therefore it is of great importance that this evidentiary action is carried out in a professional and professional manner, i.e. according to procedural provisions and criminal rules, because what is missed during the investigation is difficult or almost impossible to find later can compensate (Vasiljković & Grubač, 2010:250).

In the theory of criminal procedural law, there are numerous classifications of investigation, which depend on certain criteria. We are of the opinion, as we have already mentioned, that investigations are distinguished by the subject of the investigation and the time of the investigation. The subject of the investigation can be a person, thing or place, while according to the time of the investigation, investigative and investigative investigations differ. In the following, we will primarily point out the characteristics of investigative investigation.

Investigative investigation is undertaken during the investigation, while trial investigation is undertaken at the hearing and other hearing sessions of the court, after which criminal cases are adjudicated. The competence of the public prosecutor to conduct an investigation follows from the competence of conducting the investigation. Considering the expertise, equipment and competence, the public prosecutor in practice often entrusts the investigation to the police. Therefore, we state that there is no legal obstacle for the police to independently conduct an investigation with mandatory reporting to the public prosecutor (Bošković, 2015:111).

Based on the statements of the previously mentioned Matijević and Marković (2013, p.174), the public prosecutor, due to the nature of his education, is not capable of conducting investigations independently. Finally, Rakočević (2014, p.44) points out similarly, who notes that the *conditio sine qua non* of a complete and valid evidentiary procedure is knowledge of criminal tactics, methodology, technique, operatives and strategies. This is why the cooperation of the prosecutor, criminal inspector and technicians is extremely important. Only in that synergistic case, it is possible to adequately cause and secure material traces, package identified evidence, photograph and sketch the necessary details of the crime scene.

According to Bošković (2015, p.111), the best solution in practice would be for the public prosecutor and the police to conduct the investigation together, that is, for the public prosecutor, as *dominus litis* of the previous proceedings, to lead the investigation in cooperation with the police, who will provide adequate professional assistance. Therefore, the procedural body that undertakes the investigation has the possibility to seek help from an expert. Most often, these are professionals from the forensic, traffic, architectural, IT, medical or other professions, who use their extra-legal knowledge to clarify a specific matter.

The main characteristic of an expert is having expertise that can cover different fields of expertise. This is stated in view of the phenomenological heterogeneity of criminalistic requirements, and the impossibility to determine in advance what kinds of professional knowledge are necessary in order to carry out the investigation in the prescribed manner. It can be said that an expert, if hired by the authority leading the proceedings, ie hired by the police or public prosecutor, can attend the investigation, and it is necessary to provide his professional and adequate assistance (Bošković, 2015:112). The complexity of the procedure during the investigation is also determined by the very diversity of the execution of criminal

acts. Numerous works by domestic authors therefore refer to challenges in the evidentiary context of various illegal actions, such as those against life and limb (Krstić, 2002:15), causing fires (Blagojević et al, 2010:80), high-tech crime (Ivanović, 2015:15) or crimes against sexual freedom (Bojanić et al, 2008:30). It is precisely in this sense that there is a demand to follow high standards of science in the context of criminal and forensic knowledge (Alimpić, 2017:130; Bjelovuk et al 2017:80).

The question of the quality of the investigation is also emphasized in the context of the imperative of continuous training of members of the criminal police (Brkić, 2016:196). This is especially important considering the not-so-rare mistakes that are made during investigative actions. Authors Miladinović and Simkić (2013:100) thus point out that it happens that the police selectively collects only the evidence they consider relevant. Also, among the mistakes, it is stated that not all the evidence is collected, especially not those that support the suspect or if it is estimated that the existing quality of the evidence is sufficient to clarify the criminal case. Finally, the same authors point to the frequent neglect of the application of the so-called doctrine. "fruits of the poisonous tree".

When it comes to procedural expertise, authors such as Kiurski (2014:200) also emphasize the requirement that prosecuting prosecutors undergo mandatory training in criminology. This is imposed because, in addition to the legal segment, the one who leads the investigation must also have knowledge of the technique and organization of the investigation. The same author notes that only a well-trained and technically well-equipped investigative team can accomplish the complex task that is set before them in the event of a criminal offense being committed.

Analyzing further procedural aspects of the investigation, it is necessary to keep in mind, when we talk about the probative value of the testimony of an expert, that that person does not conduct the investigation. In fact, it is justified to say that a professional of a certain profession, only on the order of the investigative body, attends a specific evidentiary action. That is, when attending an investigation, an expert works exclusively on the orders and instructions of the public prosecutor or the police. The head of the investigation team, that is, the authority of the procedure, by his signature on the prepared minutes of the investigation, confirms that all the stated data, given statements and stated facts obtained by experts are true and reliable.

As we have already stated, an expert can be invited to the investigation if his opinion and presence is necessary and significant (Article 133, paragraph 4). Above all, we would stop for a moment to briefly explain, in our opinion, the difference between the activities of a professional and an expert. Under the term "professional person", we consider that natural person of a non-legal profession, that is, we consider that a person who possesses professional knowledge that is diverse (forensic, technical, medical, traffic or some other profession) who may or may not be official face. The testimony obtained by an expert does not constitute evidence, because that person does not conduct the evidentiary action, but only participates in the investigation according to the instructions and directions of the competent authority. True, it is not impossible that when fixing the evidence, the same is done in the context of the testimony of an expert, which actually carries a certain evidentiary strength of the mentioned framework.

Contrary to the previous one, bearing in mind that "expert" in itself is an evidentiary action, the testimony, findings and professional opinion of an expert, according to the automatic system, is evidence in criminal proceedings.

Therefore, when performing the evidentiary action of investigation, unlike an expert, an expert has the right to demand that certain circumstances be clarified. Also, in addition to the aforementioned experts, experts, police and public prosecutor, the suspect, his defense attorney and the injured party can attend the investigation, if the investigation is not conducted against an unknown person. On the basis of Article 404, paragraph 3 of the Criminal Procedure Code (CPC), the investigation, which is conducted outside the main trial, can be attended by the injured party and the expert advisor, defense counsel and the parties.

As already mentioned, it is generally known that when it comes to the subject of the investigation, it is divided into the investigation of persons, things and places. Article 134 of the CPC states that the investigation of the accused person will be undertaken without his consent if it is considered necessary to establish facts important for the proceedings, while the investigation of other persons will be undertaken without their consent only if it is necessary to determine whether certain traces or consequences of a criminal offense are found on their body. If, during the performance of the evidentiary action, the examination of the person, it is established that there are certain physical injuries or certain biological traces on the body, with the conditions prescribed by the Law, it may be ordered to take samples of the same for forensic genetic analysis or expert examination.

After the completed investigation, as in the previous evidentiary action, the questioning of the suspect, it is necessary, i.e., it is mandatory for the police officers to draw up a Record of the completed investigation, which must contain, in a descriptive form, the factual situation at the place where the crime was committed, with special reference to the objects found and traces. Also, the factual situation is documented with a photo report and a sketch of the place where the crime was committed, which is an integral part of the record. Therefore, as Article 233, paragraph 3 of the CPC states, when undertaking an action, such as an investigation, taking a sample, search or recognition, data that are important considering the nature of such an action or for determining the identity of individual objects (description, measurements and size of objects or traces, labeling of objects, etc.), and if sketches, drawings, plans, photographs, film or other technical recordings were made - this will be stated in the minutes and attached to the minutes.

3. Reconstruction

The reconstruction of the criminal event, viewed in the national legislative framework, was introduced as an investigative action by the Law on Criminal Procedure of the Socialist Federal Republic of Yugoslavia from 1977 (Radosavljević 2015:127). Starting from then, with a larger segment of domestic and foreign scientific works, this topic was analyzed from a criminal point of view (Modly, 2019:125; Šikman, 2012:107). However, in addition to this professional aspect of the procedure, the given framework also requires the criminal procedural aspect of consideration, in the context of strengthening evidentiary credibility.

According to Đurđević and colleagues (2009, p.70), the reconstruction of a criminal offense can be defined as a set of systematic analytical processes aimed at ensuring reliable and relevant information about the manner and dynamics of the execution of the criminal offense. This complex process integrates material evidence obtained, for the most part, during the investigation, but also other sources of information, such as statements of witnesses, victims, and even the accused.

Bearing in mind the complexity of the reconstruction requirements, it should be noted that this is a segment of the procedure that is subject to subjective influences. It is only with the aim of achieving maximum approximation to the real characteristics of illegal actions, which are the subject of analysis, that a high level of professional knowledge and ethical standards of the acting criminal investigator is imperative.

Studying the criminal-procedural literature, there are divided opinions on whether the reconstruction of a criminal event is just a special type of investigation or whether it is a special investigative action. The authors, like Roksić (2014:100), emphasize that the given framework does not represent an independent means of evidence, but only a special case of investigation. However, following the provisions of Article 137 of the new CPC, the reconstruction of the event is prescribed as an independent action, which was not the case in the case of the old CPC from 2001. That is, according to the provisions of the previous CPC, reconstruction was seen only as a form or segment of investigation.

When it comes to the reasons for conducting the reconstruction of the event, the same is carried out by order of the procedural authorities, on two grounds: 1) the first frame involves checking the evidence presented; 2) the second framework is subordinated to the goal of establishing facts that are important for solving the criminal offense.

Similar to the previous segment of the analysis of evidentiary acts, the question arises of the competence of the authority for determining the reconstruction. This is particularly accentuated in comparison with earlier legal solutions, where the given framework of jurisdiction was entrusted exclusively to the court. Only the role of the police, in that sense, was at the level of assistance, but by no means independent powers.

Analyzing the framework of the CPC, it is found that the content of Article 2, para. 1, item 15 of the CPC, explains that the reconstruction of the event can be ordered by the public prosecutor and the police. At the same time, the aforementioned is not limited by the severity of the criminal offense. Only the limitation, in this sense, implies the obligation that when the reconstruction of the event is ordered by the police, the authorized police officer must immediately, without delay, inform the public prosecutor about the need to carry it out. Practically, the same as in the previous evidentiary actions, if the implementation of this evidentiary action is left to the police, then the authorized officials will be obliged to immediately inform the public prosecutor about the course and outcome of the reconstruction. Although the reconstruction of the event is based on the repetition of the action or the situation of the commission of the criminal act, it should be noted that the legislator limits these actions within the framework of insulting public morals or endangering people's lives and health (Article 137, paragraph 2, of the CPC). At the same

time, in addition to the tendency to formulate identical conditions for the performance of the event, the reconstruction of the event can also be performed based on the testimony of the witness or the defendant. Just as it is possible in practice for witness statements to not completely match, that is, to possibly deviate from other evidence, the CPC predicts that the reconstruction will take place in separate scenarios, individually, with different witnesses.

The subject concept itself can find different frameworks of practical implementation. Most often, this implies artificial conditions, which according to their attributes most closely correspond to the observed situation in reality, based on photo-documentation, prepared sketches and performed expertise. With the development of the technique, apart from the tendency of weather conditions and the use of means of committing the crime, other concepts are also applied (Robert, 2007:74). For example, the modern framework of forensics includes special ballistic gels that imitate the density and structure of the human body, as well as the special use of digital technologies (Jussila et al, 2005:67). Thus, today, with the application of special computer software, it is practically possible to repeat the context of the criminal act, giving a graphic representation and technical interpretation of the decisive variables of the execution (Krivokapić, 2008:40).

According to M. Škulić (2007, p.433), during the reconstruction of the event, the results obtained by undertaking evidentiary actions are checked, which can reveal other feigned criminal acts. Also, the virtual reconstruction of the criminal offense, which is used to a considerable extent in our country, can be of great importance. Therefore, with the use of modern techniques and technologies, the use of certain computer software, based on the obtained statements and collected evidence, by entering certain parameters into the program, it is possible, in a very realistic way, to show how and in what way a criminal offense was committed, i.e. that did the said crime really happen or was it faked?

Based on the work of Matijević and Marković (2013, p.180), in addition to the concept of reconstruction, the evidentiary importance of the concept of criminal experiment should also be emphasized. Namely, it is about the procedure of conscious, planned and repeated variation of the circumstances, and in the function of determining the causes, mechanisms of the development of the criminal event, and the legality of the emergence of the consequences and traces of the criminal act. In fact, it can be said that it is one phase of the reconstruction of a criminal event, which checks the validity of existing evidence and strives to find new ones.

According to the same source, there are certain differences between the reconstruction of a criminal act and a criminal experiment. Thus, the first frame will exclusively be based on those data that are related to the factual situation, without varying them (Marinković & Stevanović, 2014:79). However, when it comes to the experiment, it is actually about realistic modeling and introduction of new circumstances, which aim to eliminate ambiguous scenarios.

The reconstruction of the event can be carried out in full or in part, and some evidence can be presented again, which depends on the specific situation (Article 137, paragraph 3 of the CPC). In the event that the police need help in reconstructing a criminal event, traffic, forensic, medical or other professionals will be hired, depending on the specific case.

Therefore, we can point out that the role of the police, during the reconstruction of the event, is to secure the place where the reconstruction is carried out, to limit movement in the area where it is carried out, to obtain the necessary data from criminal records and other records within its jurisdiction, to establish the identity of the injured party and other persons, to implement the measures of summoning and enforcement of orders to bring in persons and other legally regulated and entrusted tasks within its jurisdiction. During the reconstruction of events, it is necessary, as with previous evidentiary actions, to take into account ethics, which implies that one acts with special care and professionalism, objectivity and impartiality, as well as the need to respect each individual, privacy and their human dignity (Kiurski, 2014: 204).

4. Conclusion

Bearing in mind what has been presented on the topic of investigation, the following can be concluded. The investigation is an evidentiary action that is undertaken when the determination or clarification of a fact in the procedure requires the direct observation of the authorities of the procedure, i.e. the police. In practice, the investigation is more trusted than the testimony obtained during the questioning of the suspect precisely because of its immediacy, and it is also considered the most reliable evidence in criminal proceedings, because the sensory perception of the organs of the procedure during the investigation is carried out thoroughly, expertly and planned. When it comes to the reconstruction of events we can conclude that the evidentiary action "reconstruction" is used to check the evidence

presented or establish facts that are important for clarifying the subject of the evidence. The reconstruction of the event is carried out by repeating the event or situation in the conditions under which it happened, based on the collected statements and evidence, that is, it is a simulation of the event. If necessary, the police hires an expert who, with his expertise, participates and helps in the reconstruction of the event. In principle, the reconstruction of events rarely establishes facts that are important for clarifying the criminal offense, but that is why already established facts are checked.

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