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The role of forensics in detection of criminal offences and combating crime

Introduction to discussion

There is no limit to how much experience one should acquire in order to best exercise his/her profession, for example as a prosecutor. However, everyone can have his/her weakness for perceiving the state of affairs from a personal, narrowed point of view. In order to invigorate this point of view and make it more realistic, a lawyer continuously maintains a dialogue with his/her own as well as other people's experiences. There is not a point on the path of professional career of a person aspiring to become a master, when he could responsibly declare that he knows a lot, so much, that the forthcoming experiences will be just copies of those already well known or they will cause disappointment. A practicing lawyer who aims to actively counteract intellectual depletion, distances himself form the surrounding reality and strives not to lose his interest and contact with everything that modern forensics has to offer.

A look into the past encourages formulation of an opinion that the canon of bridging sciences has remained relatively stable. A number of theses in the fields of tactics and profiling of professional competences proposed by: Halban-Blumenstok, Kowalski, Wachholz, Gross, Locard, Sobolewski, Schilling-Siengalewicz and Sehn can still inspire our respect. Also the details and principles of cooperation with the investigating magistrate and the police during crime scene investigation applied, among others, by Halban-Blumenstok should be treated with due deference. Similar reflections are raised by fantastic lectures given by Prof. Jan Sehn on the topic of investigative techniques or - first of all - investigative tactics 65 years ago.

To comment on the role of forensics in combating various social pathologies, a person passionate about investigatory and prosecutory proceedings will likely state that it is unquestionable and as such, does not require any justification. No need to discuss facts. I will, however, mention in passing a few examples derived from court and investigatory practice. The examples will stand out by their coherency with recommended practices, as regards the relevant cases[1].

The main focus of my attention will be on the claim, verging on heresy, that the sophisticated techniques, methodologies and technologies used to prepare court expertise can be developed single-handedly, almost overnight, or purchased from the patent owner and put into practice within relatively short period of time. This is not the case with the lawyers or experts acquiring the abilities to think in a manner resembling silent conversation, to reason, to engage in a dialogue, to work in a teamwork environment, or to make associations, which is a basis for a read cross approach. The latter, while being a poorly justifying technique, may still deserve an interest due to a considerable invention value.

The above issues can be discussed, based on a case study of Marian L, convicted of exiting a subordinate road in his tractor and cutting in front of an approaching Java 350 motorcycle ridden by a 20-year-old. An attempt by the perpetrator to immediately notify the medical emergency service and the police was efficiently opposed by the victim. The investigation was not initiated until 6 months after the accident, thus preventing securing any reliable evidence.

To make up for the lack of evidence, the court experts from the University of Technology Y have been appointed, who issued an opinion, based on a computer simulation. They concluded unequivocally that the victim motorcyclist, traveling at a speed of 59.6 km/h, along a straight section of the road when visibility was good, has not violated any of the provisions of the traffic law. In their opinion, Marian L. was the only party at fault for the accident. Both parties as well as the court accepted this opinion without reservations. They particularly emphasized scientific values of the methods used, which allowed to formulate irrebuttable final conclusions. All that mattered at the court room was who issued an opinion, not how and based on

1 A. Szostak: Elementy etyki zawodowej policjanta, „Przegląd Policyjny" 1991, No. 1(23), p. 113–120.

what facts it was built. Obviously, such a court ruling creates a sense of psychic discomfort. The fragility of evidence in this case ignites the imagination and raises questions as to the actual course of events.

Professional experience allows to realize that material and non-material evidence is properly collected, secured and analyzed only when the customer and contractor spontaneously establish intense working relationships. In my opinion, such relationships must not in any case suppress doubts or conceal uncertainties. To the contrary, both parties should seek to identify any ambiguous situations, with an unyielding intent to solve them without jeopardizing the delimitation of roles in a court trial. In other words, interpersonal relations should be shaped in a way allowing the actors of the trial to see and hear not only the facts that are close to their hearts. The prosecutors and forensic expert will demonstrate their professional integrity when they will be able to see the facts that contradict their pre-assumed view on the case, offence, suspect, defence and prosecution witnesses. Failure to respect these obligations will not go unpunished.

Selected prerequisites for successful relation between a lawyer and a forensic expert

First, the cooperation needs to be based on the principle of partnership, involving the taking up and sharing responsibilities, which must not be regarded as competitive, but complementary. The community will thrive when its members ask themselves questions aiming at learning the truth. A solidarity between the customer and the contractor is shaped by mutual relations cleared off doctrinairism, dogmas, a priori reality, fossilization or the alleged imperturbability of various visual inspection algorithms, hearing, experimentation and similar activities. Blurred boundaries between the competences of the partners are not only harmless, but even positively affect the achievement of final goals.

Secondly, the examples of completely disastrous pre-trial proceedings show that the prosecutors, police officers and forensic experts lack the skills that would qualify them for exercising their professions. The factual situation being the subject of the investigation should be recognized with due awareness as to its complexity. While analyzing the situation, the investigators should make use of their professional preparation and put themselves in the shoes of actors involved in the proceeding.

In spite of the years passed, we still have memories of some prestigious cases that have stalled as a result of marginalizing or neglecting certain tactical activities such as rigorous consistency in the search for multidimensional nature of people/events or sharp contradictions. The complex character of people, objects, phenomena is quite natural.

The desired skills also involve listening to and understanding other people's point of view, formulated on the basis of their personal vision of the world derived from their experiences. Finally, professionalism of the lawyer or expert can be demonstrated by the courage to admit to the lack of knowledge, time or methods essential for correctly performing a specific task.

I hope that the logic behind my reasoning can be explained by the following case study: During one of academic conferences attended by practitioners, an expert in the field of road accidents, who expressively presented his qualifications (including theoretical knowledge) ex cathedra, boasted about issuing 5500 court opinions within a period of 15 years. The audience did not comment on such an interesting statement, even though the total number of opinions divided by the number of years gives a figure of 366, meaning that the expert have been providing the court with more than one opinion per day. The above example speaks a little about our current stand as lawyers. It may be worth reflecting on the level of free assessment of expertises which are produced in bulk.

It can be assumed that similar questions should have been raised - yet this was not the case - by another opinion, issued by a psychologist, who claimed that he had prepared it after a thorough analysis of the case file and on the basis of complete examination of the witness-victim. The expert firmly concluded that the testimony of the witness was factual, weighed, harmonized with details and therefore reliable. The problem was that the case file, allegedly examined by the expert, contained an opinion (absent from a summary) of a medical expert, who diagnosed the witness (affected by the accident) with concussion, which could have caused loss of consciousness and amnesia covering the circumstances of the incident. Despite his fact, the police officer, prosecutor, and finally the courts in both instances have positively assessed both the psychologist's opinion and the testimony of the concussed witness. Hence, the parties in trial failed to act where expert's mistake should have been taken into account. Such mistakes can be reduced or even avoided by systematic, mutual and up-to-date exchange of information (including ambiguities), stances of the actors in the process of issuing an opinion. Demonstration of different opinions is a value in itself, especially wherever a divergence of views becomes apparent.

I shall complete my reflections by referring to admonitions given by J.S. Olbrycht and F.D. Weinert, who were very skeptical about appointing court experts, whose only proof of expertise is a university degree or relevant job position. However, if the expert with weak qualifications had been appointed, it is advisable to intensify and diversify forms of mutual cooperation.

By refreshing memories of some of the realities of the practice, I will show that the described issues are

not just fiction. One example can be the decision of the District Court to accept the following statement: „the purpose of this opinion is to assess the reasoning and validity of the conclusions formulated by the public prosecutor (...). Within the framework of this opinion, the conclusions of the public prosecutor were assessed, drawn on the basis of the results obtained by forensic experts (...)" etc. in the same style. It is hard to guess, why the substance of the opinion were the „conclusions" of the prosecutor and not e.g. post-accident traces.

With a bit of irony, I will recall a statement by another „objective" expert, who, out of concern for the prosecutor's well-being, declared: „In my career as an academic teacher I do not recall any other rape case file that would contain equally abundant and deliberately gathered evidence". Therefore "It would be to my great satisfaction if I could present the case file to my students as an example of a job well-done". Relieving the court of its obligation of free assessment of evidence, this expert - an academic teacher - additionally remarked that in such cases, usually provisional detention is ordered and "the penalties are imposed to the fullest extent of the law". The opinion, including the advices it contained was accepted without reservations.

Professional experience proves without a doubt that the significance of science in establishing the truth (frequently incomplete) depends on the relevant psychological qualities of the customer and the contractor. The above is merely a statement of fact, not an accusation. According to Z. Bauman, incomplete truth is practically useless. An applicative truth must be simplified.

On the basis of my long-term observations, I can conclude that persons who are gloomy, selfish, overconfident, „besserwissers" or intolerant of others' views are the worst at investigating forensic incidents. To the people who are at the beginning of their professional careers, I would recommend reading Pascal's „Thoughts" with particular emphasis on the author's indignation at the authors of prizes. While participating in the proceedings involving large investigation teams, I have on many occasions convinced myself of the rationality of thinking in line with Pascal. In some cases, those teams were close to bursting, i.e., when the above tendencies became apparent either on the side of forensic science expert or the representatives of judicial bodies.

If I could go back in time and were to build the investigation team (prosecutor, police officer, expert), I would primarily invite someone who: a) has insatiable thirst for knowledge, is fascinated with question: "What really happened?"; b) listens attentively to what others have to say, but at the same time is a rebel of unyielding character, man of contradictions, capable of firing back at any authority who compromises him/herself (as in the case where, driven by scientific advice, the authority recommends raising an indictment against mentally incompetent person) or finally, is willing to listen only to the point where his interlocutor starts talking nonsense; c) is wise, meaning aware of his limitations and capable of drawing his own, practical conclusions; d) has doubts, so much as to be made almost entirely of doubts, yet at the same time remains optimistic and does not lose faith in his own success; e) is predisposed to become a quasi-conscience of the team, owing to the fine sense of the borderline between things which are possible in a given situation and those that are still moral, yet already verge on indecency; f) excels in conveying positive emotions to people; as there is no much-desired empathy without sympathy. Furthermore, it never hurts to add a pinch of humor.

Such conclusions are encouraged by both occupation-related and private observations. Let us start with the latter group. The importance of humor in context of forensics has been emphasized for a long time. The most important thing is to adhere to the virtue of moderation. This also applies to exercising of the office as excessive pride may bury the prospects of case development. It would be completely wrong of the prosecutor (police officer) to be adamant about a clear delimitation of roles, offering him advantage over a more passive witness testifying at a hearing. In fact, in its own way, the witness can also "hear" the investigative authority and draw logical conclusions - sometimes lethal for investigation - for example from the content of the questions asked or from facial expression of the interrogator, accompanying his certain feelings and moods. These insights give rise to correcting the rules of the game.

There is no doubt that each prosecutor has been, or will be given the opportunity to acquire such experiences as in relations with sui generis shoemaker, impostor, Friedrich Wilhelm Voigt. The man went down in the history of forensic sciences as the Captain of Koepenick, who spectacularly occupied the city hall in 1906. At the end of the 1950s it has happened to me to meet on my career path an alleged "navy vice-commodore, Trzaska-Ostroróg". Out of vanity, I will boast about this adventure, all the more so given that the incident involving "Trzaska-Ostroróg" did not make it to the literature. I write "Trzaska-Ostroróg" in quotation marks, because it was not possible to confirm his oral self-presentation, due to the inconsistency of the documents confiscated from him. I will list his deeds in chronological order and in summary form:

- In the Polish Navy there was not a rank of vice-commodore, which he spontaneously provided in front of his name as he was brought to the prosecutor's office.
- Signed a deal with the Propaganda Secretary of KW PZPR [Voivodship Committee of the Polish United Workers' Party - translator's note], in which he pledged to run social and cultural monthly „Pobrzeże" and to act as its editor-in-chief.

- Was authorized to possess firearms by the MO [Citizen's Militia - translator's note] Voivodship Commander.
- Inspected one of the OHP [Voluntary Labour Corps - translator's note] commands where he „borrowed" 600 PLN from the commander.
- After speaking with President of the Voivodship Administrative Court, went to the prison where, under the authority of President, he carried out a penitentiary control and provided advice to the personnel.
- Signed an agreement with the Deputy Commander for Political and Educational Matters of the Air Force Regiment, concerning the creation of amateur regimental theater; in the closing provisions of the agreement, the deputy commander invited institutions to provide assistance to his counterpart.
- Based on the provisions of the agreement concluded, he rented from the prop room of the famous theater a peculiar uniform comprising a beret with a V-shaped distinction with a star in the middle, lavishly decorated khaki jacket with large epaulettes, dark blue breeches with lampasses and knee-high boots with spurs.
- So uniformed, he inspected two stations of the Citizens' Militia, where he examined the investigation files and scolded the commanders for irregularities found.
- Paid a visit to the secondary school and the District Board of ZMS [Union of socialist Youth – translator's note] where he "borrowed" 300 and 600 Polish zlotys from the Polish teacher and the chairman of the Board, respectively.

During the hearing at the District Prosecutor's Office, he ostentatiously posed as bon vivant and closely watched the reactions of the interrogator. The latter consciously assumed that even the slightest slip-up will reduce the chance that he saw in giving up entire initiative and handing it over to the talkative impostor. Thus, he only smiled slightly, without showing excessive interest in the babble. This, in turn, stimulated the vice-commodore to further increase the dose of sensation, until he has gone so far that he was unable to withdraw his previous statements in a reasonable manner.

To reiterate, wearing a mask of someone gloomy, dry, stiff and flaunting his bureaucratic manners does not augur well for the successful resolution of the case.

The investigation team will benefit from including someone brave and ready to take risks. Many have led or supervised investigations wherein discovering even the partial truth required organizing and participating in dangerous, or even health-threatening activity.

To avoid allegations of meaningless theorization, I will refer to an interesting case study from some years ago. Namely, in line with the provisions of the Penal Code of 1928 then in force, an investigation has been launched against PKP [Polish State Railways – translator's note] driver and his assistant, accused of failing to meet the obligation of the observation of railway route while driving their TY 147 locomotive on a foggy November day, after 11 p.m., and thus causing a head-on collision with a freight train (96 axes, loaded with 1100 tons of goods). The collision killed 3 people and damaged two locomotives, a few wagons, and over 1 km of railway tracks.

The suspects pleaded not guilty, arguing that they had erroneously confused the lights of the approaching train with those of the tractor from the nearby PGR [former state-owned agricultural holdings – translator's note]. This line of defense was not possible to undermine by using measures provided for in the Penal Code of the time. The prosecutor has therefore concluded that there was no ground for indictment (Art. 245, par. 1 of the PC), unless an experiment had been conducted, i.e., something that has never been done before, but was not prohibited expressis verbis. The waiting time for appropriate weather was one year. In the meantime, two train compositions, almost identical to those involved in the accident, have been set up. The trains departed from W. and M., respectively, so that they were expected to opposite one another at approximately 23:45 hours.

The prosecutor, supported with some invaluable ideas of the experts in the field of traction and traffic, which proved to be instrumental to the success of the project, has set up an experiment, aimed at answering the two following basic questions: (i) When a train driver spots the lights of a locomotive on the horizon, does he have enough time to stop his own locomotive, thus preventing a head-on crash ? and (ii) Can a person distinguish between the lights of the tractor and those of the approaching train by observing the railway route ? Both questions were answered positively, despite certain degree of uncertainty as to whether the brakes would work properly and if the safety criteria for the simulation had been correctly laid down by the experts.

The courts in both instances have given appropriate weight to this evidence, which was reflected in the recital of the judgment. Both Stanisław N. and his assistant were found guilty of the charges laid down against them.

The principles of forensics are implemented more efficiently when all the actors get personal satisfaction from bringing a particular investigation to a successful end. A clear understanding and acceptance of the objective highlight the rationale behind certain actions and motivate to invent, plan and carry out extra tasks. Such is one of the most suitable ways to achieving creative atmosphere and friendly relationships among the investigative team. These bonds are the stronger, the more convinced are the members that the hardships they endure are a matter of honor, necessary to ensure that each of the actors of the criminal proceedings receives what he deserves.

As obvious as it sounds, an appropriate atmosphere within the team is facilitated by the respect for professionalism, honesty and solidarity, while working on different tasks. In other words, highlighting the importance of teamwork serves well for assembling professionals from various fields into unity. This, however, cannot be achieved without understanding other people such as prosecutors, policemen or forensic experts. Worthy of note is one key element of this deliberation, namely the language as a main tool of communication. The immanent imperfections of language, while having a negative impact on the flow of information through the communication channel, from the customer to the contractor and backwards, should not ex definitione prevent the same understanding of words. Therefore, reading of correspondence means interpreting and transforming words into images, guessing what the other party had in mind. In addition, it is important to bear in mind that the case files merely contain written recording of words that can be understood in different ways. Information can be also conveyed at the level of gestures, facial expressions, allusions, silence, pauses, timbre etc.

According to J.S. Olbrycht, K. Jaegermann, M. Heller, S. Raszeja and W. Myśliwski, in order to neutralize the negative effects of information noise, one should use a language that guarantees stability of communication, i.e., simple and common language bridging lawyers with forensic experts.

The above considerations can be concluded by a few digressions regarding the relationship between judicial authorities and forensic experts maintained on a "case to case" basis. Continuous observation of a judicial system reaffirms my belief that the annoying lengthiness of court proceedings results from applying the above principle. For some time and not without important and verifiable reasons, I have been postulating drawing common-sense, yet unpopular conclusions from the Regulation of the Ministry of Justice of 15 June 1929. Rules of internal procedure of the criminal (...) courts (OJ RP 1929, No. 42, item 352) and the Regulation of the Ministry of Justice of 28 June 1929. Rules of internal procedure of Prosecutor's Office (...) (OJ RP 1929, No. 46, item 382).

Namely, paragraph 46 of the court regulations, entitled "Timing of proceedings" states that: "Urgent criminal proceedings shall also be conducted on Sundays and public holidays. The above applies to the main hearing, wherever it is necessary to be conducted on Sundays and public holidays, the hearings of arrested persons (...) and urgent deliveries". The prosecutor's office regulations, under paragraph entitled: "Working time and holidays" specified that "On Sundays and on days officially recognized as public holidays (...) routine work shall not be performed, with exception of certain urgent matters as specified by the provisions of criminal proceedings". I will leave the straightforward regulations of the interwar period without comment. Incidentally, it can be well substituted by the below case presentations.

The District Court in X examined the case of a woman accused of having committed a criminal offence laid down under Art. 162 of the Penal Code, resulting in the death of a victim. Sitting outside the courtroom were five farmers requested to appear at the hearing. At 13:00 hrs., the defence attorney requested a break "due to the late hour". The prosecutor, in the act of procrastinating, "left the attorney's request to the discretion of the court". The court ruled in accordance with the request and dismissed all five witnesses with the announcement that they will be summoned again at a different time.

The District Prosecutor's Office conducted a difficult and long-lasting investigation against Teresa M., accused of poisoning her husband with lead oxide. One of the versions adopted by the investigators had it that the local school janitor, Mieczysław M., sympathetic to the suspect, had stolen lead oxide from the school's chemical storage cabinet. On one day, after 18:00 hrs., drunk (breath alcohol level of 1,2 per mille) and excited, Mieczysław M. entered the District Police Headquarters and declared in the presence of two police officers that he had provided Teresa M. with the stolen lead oxide, for the purpose of poisoning her husband. The officers made a laconic memo of these revelations and instructed the man to appear on the following day for the hearing. Mieczysław M. became annoyed with such an ordeal and after snapping at the policemen: "You will never see me again!", he left the facility.

On the same night, he set his house on fire and committed suicide by hanging. His brother testified ex post that on that day, around 17:00 hrs., the deceased, visibly agitated, told him that he was going to the police command in order to reveal his secret, expecting that he would be arrested. The court found the defendant not guilty, which was reasonable considering the prosecutor's inability to dispel all the doubts about the evidence despite the determination of Mirosław M. Clearly, there was a lack of understanding for the "from task to task" work concept, which could have been implemented by considering whether the desperate man should have been detained.

A virtue of independent thinking, which is severely tried during investigation of complex cases, should be always promoted. The test for an independence may be the attitude towards the truth as a foundation for justice. Independence of a prosecutor as well as its synonym - independence of a judge is guaranteed not so much by the regulations, but most of all by an undisputed honesty and comprehensive expertise of the lawyer and forensic expert.

Personal experience allows me to claim that the merits of forensic experts in the search for the truth are undisputable. I respectfully remember, among other cases, tireless, thoughtful efforts of uniformed

technicians put into the investigation which, by an official order of their supervisors, was to be conducted and completed within the non-extendible deadline of three days. The investigation concerned the fatal shooting (two shots) of a Municipal Commander of the Polish Citizens' Militia by the Deputy Commander in Chief of the same formation. The incident took place during the wild boar hunt in Bieszczady mountains. The above-standard, complex investigative proceedings involving numerous technicians have been completed within three days and nights, out of which first night was spent on performing a time-consuming autopsy, second on conducting urgent experiments and third on verifying the evidence and its courier delivery to the Institute of Forensic Research in Kraków. The applied fact-based tactics met the expectations of justice-seekers as it led to sentencing of the deputy commander for manslaughter of Jan R.

Perhaps even more instrumental was forensic science for tracking down of an extremely dangerous criminal, NKWD Junior Lieutenant Iwan Slezko vel Zygmunt Bielaj, who mounted a convolute line of defence, blindly attacking not only the prosecutor, but even the victim, a physician of outstanding achievements. He deliberately confused the investigation, using methods probably learned during the training course offered to NKWD agents. This arch-criminal was tracked down owing to two opinions, one issued by a handwriting expert (ZK KGMO) and another prepared by a linguist from Adam Mickiewicz University in Poznań. After examining anonymous letters demanding a ransom sent, among others, to the husband of a kidnapped physician from Płock, the latter expert issued a showpiece opinion in which he profiled the kidnaper-blackmailer with remarkable accuracy. At the flood bank of Warta river in Konin, a crime officer approached a passer-by (a tailor, Marian A.) with a question, whether he knows a person who is a fan of cars, uses a typewriter, is or has been a journalist, has completed at least secondary education, is interested in crime novels, is an Ukrainian from beyond Zbrucz, etc. Marian A. immediately pointed out "Mr. Zygmunt Bielaj" as a person matching the description.

Next, the experts in the fields of tool marks identification and dactyloscopy, in their equally brilliant opinions, demolished the methodical and twisted line of defense adopted by Iwan Slezka, whose ability to tell blatant lies calumniating noble people appeared to have been written in his genes. He himself maintained with cynicism that "the best defence is a good offence".

The influence exerted by forensic expert on the progress and the result of the criminal proceeding also depends on certain cultural fascinations showed sensu largo by the contractor and, even more so, the customer. The collaboration is only effective when both parties understand the particular messages in an identical manner. By cultural fascinations, I mean passion for literature, history, philosophy, art etc. Taking advantage of the cultural message allows the prosecutors, police officers and experts to increase their potential by extending the range of useful associations and deepening sensitivity. Without doubt, valuable and dogmatic comments and recitals formulated by the experts slightly open the window to the world around us, whereas the works of eminent humanists throw the window wide open.

Our inner self must accept that closing ourselves in a shell made out of legal regulations (not to be confused with the law) and the case law can hinder and/or delay, and in extreme cases even prevent the administration of compensatory justice to the perpetrator and the victim (suum cuique tribuere). Of course, the knowledge of the sound foundations of forensic sciences is a must for every lawyer.

Sometimes, the cases are so complex that even the uttermost commitment fails to produce the expected results. When the situation seems hopelessly complicated, a bit of luck can come to the aid. Also, the perpetrators count on good fortune and often make use of it when they get into trouble. Jokingly putting it, if the perpetrators were only haunted by bad luck, the charm of work of the investigator and forensic expert would be definitely less appealing.

While often going astray, I can say at the risk of appearing immodest, that I have also been a beneficiary of happy endings. Entourage of success eludes classification. I will explain my deliberations by the following case study: during one of the periods of my professional career, I frequently visited the main reading room of the Library of Medicine, where I read 19th century forensic medicine literature. It was sometimes necessary to wait for a book order to be processed. On one occasion, just to kill time, I took down a book from the shelf and flipped it open to a random page. Next, I read with some interest a passage in which the author, using easy to understand and distinct language, described the symptoms of acute pancreatitis.

This random incident soon paid off. Namely, there was once a long-stalled investigation into a series of 10 killings, involving an interesting thread concerning the death of XY. The autopsy protocol was signed by forensic medicine expert, prosecutor and forensic technician, the first of whom determined that the cause of death was acute pancreatitis. Since I still remembered the symptoms of the disease from my accidental reading, I came up with the assumption that neither the data from the autopsy report, nor from the interviews have given any grounds for formulating such diagnosis by the pathologist.

Indeed, the following exhumation of remains of XY, carried out under the scientific patronage of Prof. M. Byrda, revealed that: (i) contrary to the title of the protocol, only external examination of the remains has been performed and therefore, the opinion issued must be deemed fictitious, (ii) there is nothing to preclude drawing a conclusion that XY was stunned and then

drowned. As a result, five defendants, three men and two women, accused of the above as well as nine other crimes, have been sentenced.

Summary not too typical

The above exemplary reasons contribute to my undisputed commitment to the values of professional experience, the truth, fine tradition, wisdom of reasoning, cultivation of ideals of common objectives and partner relationship between the lawyer and forensic expert.

I will comment on the process of oversimplifying one's intellectual horizon by quoting an example from the sketch of Prof. Tadeusz Gadacz, who once examined a student on the subject of philosophy. The student fobbed off the first question, then the second question, and finally, annoyed by the third question, he asked: „Why should I have his knowledge in my memory ? After all, I have it on a computer hard drive." The Professor answered: „The difference between me and you is that when we face a power blackout in this city, your education will be over, while I will still keep mine" Meaningful, isn't it ?

Allow me to share one more reflection, or perhaps digression. I have always had a great deal of respect for scientists, who impressed me with their achievements and from whom I have learned so much, yet still not enough. At the same time, motivated on one hand by my personal life experience, while on the other by the significance of the above, unfortunate philosophy exam, I wish to raise for discussion a subject of education provided to future and current lawyers.

In the teaching of forensic science, it is important to open the minds of the students to other (different) people and to the world as a whole. Keep the hard drives and tests to the minimum! As regards the latter, instead of fostering a habit of independent thinking, they introduce impersonal evaluation criteria. They impoverish an invaluable relationship between the teacher and the student. Both the candidates as well as practicing judges, prosecutors, police officers and experts should be encouraged to think, philosophize, use logic and remain curious about what awaits them around the next corner...

Translation Rafał Wierzchosławski