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Jerzy Konieczny, Tadeusz Widla, Jan Widacki, Criminalistics, Jan Widacki (Ed.), (in Polish: Kryminalistyka, pod redakcją Jana Widackiego, wyd. 2, Wydawnictwo C.H. Beck, Seria Studia Prawnicze, Warszawa) 2012, 438 pp.

A book series "Studia Prawnicze" (eng. Legal Studies) published by C.H. Beck publishing house in Poland, features in-depth reviews of the entire scope of issues, relevant to the particular area of law¹. So far, the series included subsequent editions of the leading textbook of substantive criminal law². A compendium of knowledge about criminalistics – in Poland achieving a scientific level only within university law faculties – has been written by three academic professors – specialists in the field – who share a common passion for criminalistics and have, during their professional careers, gained extensive experience as legal experts and witness experts³. The authors are Professors: Jerzy Konieczny and Jan Widacki of the Andrzej Frycz Modrzewski Krakow University, and Professor Tadeusz Widla of the University of Silesia, supported in writing Chapter IV by Professor Zdzisław Marek – an experienced forensic physician of the Jagiellonian University.

Second edition of the reviewed textbook contains significant revisions and updates as compared to the first edition of 2008⁴. Although the book explicitly refers to the volume "Kryminalistyka" (eng. Criminalistics), published in 1999 and 2002, edited by Jan Widacki⁵, it constitutes a completely new, independent item. The 22 chapters of the book contain logically arranged reviews of almost all key issues of general investigation theory, crime fighting tactics and the identification methods, not included into recognized, specialized scientific disciplines such as forensic pathology, forensic toxicology or forensic chemistry (p. 4 of the source).

At the outset, the authors discuss the issues relevant to the subject and the scope of criminalistics (Chapter I), practiced as an independent scientific discipline and perceived in Poland as ancillary to procedural criminal law, which attests to the inseparability of criminalistics from the above area of law and its case-law. The authors further emphasize a strong connection between Polish criminalistics of the interwar period (1918–1939) and forensic pathology. Among the world famous forensic pathology professors who contributed significantly to the development of criminalistics were: Leon

Blumenstok-Halban (1838–1897), Leon Wachholz (1867–1942) and Jan Olbrycht (1899–1968) of the Jagiellonian University⁶. Furthermore, the authors fully apprehend the complexity of criminalistics in terms of borrowing from the achievements of psychology, linguistics, physics, chemistry and natural sciences, in particular biology, electrical engineering, material science and information technologies (p. 2–3, 361)⁷. Particularly valuable are authors' comments on exploitation of criminalistics for other than criminal prosecution purposes (p. 5–6)⁸. In authors' opinion, an event of particular importance for the development of criminalistics in Poland was the founding of the Forensic Laboratory of the Central Investigation Service of the State Police (currently Central Forensic Laboratory of the Police), dated back to 1919⁹. Another event they consider significant was the launching of editions of such professional journals as: "Przegląd Policyjny" quarterly (eng. Police Review) published between 1936–1939 and then again since 1991¹⁰; "Problemy Kryminalistyki" quarterly (eng. Issues of Forensic Science) published continuously in the same form since 1955¹¹ and "Z Zagadnień Nauk Sądowych" quarterly (eng. Problems of Forensic Science) in print uninterruptedly since 1960¹² (p. 2, 400).

In the following chapters, the readers become acquainted with the following subjects: history of crime (Chapter II); examinations (Chapter III); issues concerning cooperation between forensic pathologists and judicial bodies, and analysis of biological evidence (Chapter IV); problems in investigative scenarios and *modus operandi*, problems in criminal analysis and the directions of its development (Chapter V); an outline of the issues related to hearing (Chapter VI); identification of individuals based on eyewitness memory – a police lineup (Chapter VII); selected tactics in connection with legal proceedings, involving the suspect or the witness (Chapter VIII); statutorily defined operational and exploratory activities, and the basic police registries combined into a coherent system facilitating the police work (Chapters IX–X); selected types of tactical and criminal activities such as: pursuit, search, trap, radar

speed meter control, identity check, personal search and luggage inspection, detention, alcohol breath testing, special actions and the use of police dogs (Chapter XI); methodology of basic forensic casework such as: forensic photography, an introduction to forensic identification, forensic applications of anthropometry, dactyloscopy, document examination, osmology – identification based on individual scent, identification of toolmarks, shoeprints and tire tracks, firearms identification and analysis of ballistic evidence, physicochemical analyses (Chapters XII–XX); identification by means of emotion recognition, novel methods of identification and forensic analysis (Chapters XXI–XXII).

The authors do not shun such complex and difficult issues as hearing of individuals with personality disorders, mentally ill or mentally handicapped (Chapter VI § 4), interception of telephone conversations, eavesdropping on premises (Chapter IX § 3 III–IV), controlling correspondence (Chapter IX § 3 V), police provocations (Chapter IX § 3 VII) or the use of undercover agents or informants (Chapter IX § 3 XI). With no doubt, the scope of the aforementioned operational and exploratory activities should be expanded in subsequent editions of the book, due to their relevancy in these times of pervasive terrorist threat in Poland and worldwide. All the more so, the applied remedies are not easy to reconcile with basic human rights, particularly with the right to privacy (Article 8 of the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms dated 1950).

The reviewed textbook is indispensable source of academic knowledge that can be conveyed in the form of lectures to Polish students pursuing a Master's degree in law (uniform 5-year M.A. studies), who enroll in „Criminalistics” facultative course (currently offered by the majority of Polish universities). As the authors themselves aptly put it: „A practicing lawyer should have acquired a collection of forensic expertise sufficient for performing any procedural acts in criminal proceedings (...), for cooperation with experts in different fields” (Chapter XXV, p. 25). At this point it should be emphasized that the courses in forensic science compulsory in the curriculum of the studies in the field of national security at Polish universities¹³. Numerous forensic courses are also offered at Kazimierz Wielki University in Bydgoszcz, in both first degree (B.A.) and second degree (M.A.) study programmes in the field of physics, boasting the recently established, worldwide unique specialization in physical fundamentals of criminalistics¹⁴. Moreover, it must not be forgotten that forensic science plays an important role in police academies.

The reviewed textbook includes the most recent amendments to the provisions of law applicable in Poland, current case-law of the Polish courts as well as notable achievements of the Polish and foreign

doctrine and forensic practice. Therefore, its reading could also give benefit to the practicing lawyers (prosecutors, judges, attorneys and trainees thereof), officers of the police or other services responsible for maintaining public order or safeguarding of internal security, had it included information beyond a basic level of knowledge and had it been firmly grounded in the most modern achievements of forensic sciences, thus looking forward towards the accomplishments of the 21st century. An additional asset of the publication lies in sharing with the audience sound professional knowledge, presented in a synthetic manner, about the issues related to forensic sciences, including worldwide achievements in this area¹⁵. The center of gravity has been laid by the authors close to undisputed knowledge and routine methods, while the discussion on the controversial issues has been reduced to the minimum¹⁶. In this context, the book collects traditional knowledge. „Criminalistics” is enriched by numerous illustrations and tables. A comprehensive and detailed table of contents makes it easier to find specific topics of interest, which cannot be said for relatively underdeveloped subject index.

„Nowadays, the only scientific literature deemed »serious and impactful« are the publications (...) in the English language, which currently constitute more than 99% of the total number of new scientific articles published worldwide” (p. 399). Coming across this statement, one must conclude that the volume quite clearly lacks at least a brief summary of the main theses in the English language, which would have provided a degree of insight into its contents to foreign readers.

In summary, „Criminalistics” is the newest, leading textbook on the subject on the Polish publishing market, suitable for audiences interested in issues related to academic-level forensic sciences.

Notes

¹ Among other complex textbooks of criminalistics published in recent years, particular attention should be given to the following positions: Tadeusz Hanausek, *Kryminalistyka: zarys wykładu*, 6th edition, Wolters Kluwer Polska, Warszawa 2009, 244 pp.; Brunon Hołyst, *Kryminalistyka*, 12th edition, LexisNexis, Warszawa 2010, 1470 pp.

² Andrzej Marek, *Prawo karne*, 10th edition, Wydawnictwo C.H. Beck, Warszawa 2011, 678 pp.

³ Among more than twenty independent academic researchers specializing in forensic science in Poland, the only person holding a university degree (doctor habilitowany – postdoctoral graduate) in the field outside law sciences is Dr. Bronisław J. Młodziejowski. The remaining researchers all graduated with a degree in law, which clearly shows the relationship between forensic and law sciences in the Polish model. According to: <http://nauka-polska.pl>.

⁴ Jan Widacki (Ed.), Jerzy Konieczny, Tadeusz Widła, Jan Widacki (Authors), *Kryminalistyka*, 1st edition, Wydawnictwo C.H. Beck, Warszawa 2008, 404 pp.

⁵ Jan Widacki (Ed.), *Kryminalistyka*, 1st edition, Wydawnictwo C.H. Beck, Warszawa 1999, 401 pp; Jan Widacki (Ed.), *Kryminalistyka*, 2nd edition, Wydawnictwo C.H. Beck, Warszawa 2002, 435 pp.

⁶ P. 2–3. See also Stefan Raszeja, *Zarys historii medycyny sądowej w Polsce i jej powiązań z medycyną sądową w krajach niemieckojęzycznych*, „Archiwum Medycyny Sądowej i Kryminologii” 2004, p. 184–194. It is for this reason that Chapter IV – devoted to analysis of biological evidence, medico-legal examination of living persons, internal and external examination of dead bodies (autopsy) and exhumation – which shows a close relationship between forensic pathology and criminalistics, was written in cooperation with Z. Marek.

⁷ Which is reflected in the particular chapters. For instance, Chapter VI shows a close relationship between criminalistics and psychology and linguistics, whereas Chapter XX, between criminalistics and physics and chemistry.

⁸ For example, for the purposes of the civil proceedings or special services activities (intelligence, counterintelligence), and also in museology, archeology, historical studies.

⁹ For more information, see: <http://clk.policja.pl>.

¹⁰ For more information on this topic, see: <http://www.wspol.edu.pl/przegladdpolicyjny>.

¹¹ See footnote 9.

¹² Initially, under the title “Z Zagadnień Kryminalistyki” (eng. Problems of Criminalistics). For details, see: <http://www.forensicscience.pl>.

¹³ See, education and training standards for the students in internal security programs (first degree B.A. studies). See: http://www.nauka.gov.pl/g2/oryginal/2013_05/7754bfb22fbd8c49d532d9e881dafef4.pdf.

¹⁴ For more details, see: <https://www.rekrutacja.ukw.edu.pl/index.php>.

¹⁵ At this point it should be noted that, contrary to rich bibliography of the older literature on the subject, the use of more recent literature positions in the book leaves a lot of room for improvement. Reading “Criminalistics” can create an impression that no research articles have been published, neither in Poland nor abroad in the 21st century. While it seems obvious that the authors are familiar with the most recent scientific publications on the matter, this fact has not been reflected in their current textbook.

¹⁶ Regretfully, an important Chapter XXII (Novel Methods of Identification and Forensic Analysis) received only moderate consideration in the book (p. 397–402), while Chapter XVI (Document Examination) takes up a disproportionate number of pages (p. 225–302).