



## Inspection and Reconstruction of the Traffic Accident Site

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### **Abstract**

The purpose of this study is to study the scene of traffic accidents where the accident was caused by motor vehicles, including the persons who caused the accident, victims or injured in the accident and those who investigate the scene by collecting evidence during inspection through advanced technological forms and equipment and with the application of methods, where in case of reconstruction they have much easier reconstruction of the scene. Maintaining integrity and law enforcement, have an important role because great importance is given to the scene and during the inspection, we must be extra careful not to damage the data that lead us to the truth. Also, in this paper are presented the conducts how the data are created, found, obtained, examined, and afterwards this material evidence is presented to the court. The scene of traffic accidents and the presentation of information related to inspection and reconstruction is of great importance and for this matter various trainings have been held. Traffic accidents happen a lot, some of them occur due to negligence and some others occur as unexpected. Regarding the phenomenon of surveillance and reconstruction of the scene in cases of traffic accidents, a cooperative team is needed that must act with great speed for the fact that in cases of traffic accidents, traffic can circulate and evidence can be displaced. In cases of inspection and reconstruction of the scene, the body of procedure perceives the environment where the criminal offense occurred, there is discovered, the collection of material evidence, as well as the clarification of the circumstances that are important for the criminal case. Surveillance and reconstruction of the scene is one of the first investigative actions by which the procedural body begins to lay the foundations of the investigation, the stronger and more robust these foundations are, the stronger and faster will be the investigation.

**Keywords:** *Inspection; Scene; Traffic Accident; Investigation; Reconstruction*

### **Introduction**

Criminal offenses can be committed with conscious or unconscious negligence (Kodi Penal i Republikës së Kosovës, Kodi nr. 06/L-074, 2019), The high number of vehicles on traffic and the number of accidents is very current in the modern-day world and for the prevention, detailed scientific researches needs to be done.

A traffic accident is a road accident involving at least one moving vehicle in which one or more people have died or have been injured or material damage has been caused (Maloku, 2019).

Traffic accidents are a global problem and the main goal for many countries is minimizing traffic accidents by making investments, various projects and scientific papers on the causes and factors that contribute to the development of accidents and these can be identified through a detailed study of experts by analyzing the conditions and circumstances of the road and traffic, and in case of reconstruction, the mathematics is applied until its finalization. (Sergei , Kurakina, Lukinskiy, & Ushakov, 2017)

Scene inspections is the action taken by the police officers where according to their duty they must secure and inspect the scene until the responsible authorities arrive, meanwhile they have to find and provide evidence, identify the person who caused the accident (Gazeta Zyrtare e Republikës së Kosovës, 2012).

At the scene, the police should surround the place with warning tape and should stop the movement of citizens in that area, in order to secure the scene from damage and intentional distortion of evidence and should designate a suitable space for the media representatives ( Rregullore për personel dhe administratë në Policinë e Kosovës, 2019)

For the taking of evidence outside the court, the examination and reconstruction outside the main trial is done when it is necessary and this request is submitted by the single trial judge.

The main priority of any country or policy of a state is the improvement of traffic safety and systematic management while this issue will help in protecting the life and health of people. The systematic approach includes in-depth research and improvements of each element, driver, vehicle, road, environment (Kurakina, Evtiukov, & Rajczyk, 2020).

## **1. Literature Review**

The authors Jasarevic and Maloku (2021) in their book Criminology (etiology and phenomenology of crime) wrote about the causes of crime in terms of etiology and criminology. In Chapter X they wrote about alcoholism and its connection with different forms of crime. Maloku, further in his research about alcoholism as a pathological social problem in the region of the municipality Gjilan-Kosovo (2015), emphasizes the most frequent problems alarmed due to the uncontrolled consumption of alcohol that society faces in the Municipality of Gjilan and which some of them are, domestic violence, disturbance of public peace and tranquility together with careless driving as a result of being in a drunken state, etc. In recent years, there have been frequent cases when traffic accidents occur under the influence of alcohol and according to the legislation of Kosovo in force, anyone who endangers the life of people or property and thus causes property damage is punished with a fine or imprisonment of up to three (3) years and anyone who endangers the traffic of vehicles and thus endangers the life of people, physical security or property is punishable by imprisonment of up to five (5) years ( Kodi Penal i Republikës së Kosoves, Kodi nr. 06/L-074 Rrezikimi i Trafikut Publik, Neni 370, 2019).

Traffic accidents are unexpected and unforeseen events that occur in the environment vehicles traffic, movements of people and animals, which as a result of rapid development and sudden changes were associated with damage to vehicles, life or health of people or damage to the public or private property. (Latifi, Kriminalistika, Kuptimi i Aksidenteve të Trafikut, 2006).

According to the legislation of Kosovo, the collection of evidence from the scene has a very important role and the police carefully collects the evidence found at the scene for the suspected criminal offense and stores them in an appropriate way that allows the evidence to be tested by the competent laboratory. The examination and reconstruction at the scene may be ordered by the state prosecutor to

review the evidence gathered or to clarify the facts relevant to criminal proceedings; which would help to determine the reliability or find the facts (Këqyrja dhe Rikontruksioni, Neni 150, 2012).

The state prosecutor notifies the suspect, the defendant, or his defense counsel, regarding the inspection of the scene and the reconstruction if their identity is known and the defendant's defense counsel has the right to be present at the inspection or reconstruction. The reconstruction is carried out by recreating of facts or situations under the circumstances in which the event took place based on the evidence gathered, but it is very important that during the reconstruction, law and order is not violated, public morals, life-threatening and human health are not insulted, also inspection and crime scene reconstruction can be assisted by forensic and traffic specialists to describe evidence, recordings and sketches.

The pre-trial judge in order to verify the findings, may order the inspection and reconstruction and orders that the report had to be admissible. The expert may also be present, because his presence is considered useful by the court and the state prosecutor and after the indictment is filed the presiding judge can order the reconstruction of the scene only if the guilt or innocence of the defendant is proven and the trial panel has direct knowledge from the reconstruction of the scene or from the visit to the scene where the criminal offense was committed (Këqyrja dhe Rikontruksioni, Neni 150, 2012).

The first investigative actions are: examination of the scene, examination of the vehicle, examination of the driver of the vehicle, examination of the corpse, taking and examination of the clothes of the injured party, forensic examination of the injured, questioning of the driver of the injured party and witnesses who witnessed the event (Latifi, Këqyrja e Vendit të Ngjarjes, 2006), forensic expertise of the first degree means the examination of the facility for the first time by the expert, who then gives his written conclusion (Maloku & Maloku 2021:37). Accident investigators rebuild or reconstruct the scene with the circumstances of the road accident when the first collision with the car occurred (James, Mckinzie, & Benson, 2015).

Infrastructure assessment includes: registration of the surrounding road, details on site, road type, surface, road quality, traffic flow, type of intersection, road construction, weather and lighting (Rajaraman, Hassan, & Padmanaban).

## **2. Methodology**

For the completion of this paper is used scientific method, research method for traffic accidents in our country, in particular the methods applied during inspection and reconstruction and evaluations given by investigative authorities for law-and-order authorities in our country and statistics presented for accidents in traffic.

The scientific methods used in this paper are mainly methods of analysis, synthesis and comparison, which help to analyze, synthesize and compare the theoretical views of domestic and foreign authors (Maloku, 2020:323) in connection with the inspection and reconstruction of the traffic accidents site. In similar circumstances, the method of induction and subtraction is also used (Maloku, 2021:53). In addition, based on the available literature, reports, contacts and personal research, the paper provides a brief summary of the criminal legal aspect, respectively the material legal aspect. (Maloku & Maloku 020:21) The methodology of investigating the different categories of criminal offenses on its part supports the scientific recommendation to make the right qualification of the criminal offense.

The hypothesis of this paper is:

The number of traffic accidents in 2021 is increasing compared to 2020, 2019 and 2018.

### **3. Results and Discussion**

#### **3.1. Understanding the Scene**

An event is considered any change that has occurred in a given environment where a criminal offense has been committed, for which action must be taken in order to clarify the circumstances of the occurrence and to determine the causes of its mechanism and to discover the offender.

By “the scene” we mean the certain territory or location that at one point has undergone changes which may be caused by people’s actions.

From the criminological point of view, “scenes” are considered those that are followed by the movement of objects or items, that might get fractured and damaged, i.e., those that bring immense changes, consequences and leaving material traces.

The boundaries of the scene depend on several factors, such as: the nature of the criminal offense, the features that the scene has to reflect the traces of the criminal offense and the circumstances that need to be clarified for any particular type of criminal offense.

Scene – an open place, territory or building where the detailed search is done, photography, preserving, documentation of the situation, collection of materials and tools that may be related to the occurrence and can serve as a basis for finding the causes, circumstances, manner, and the perpetrator itself (Latifi, Kuptimi i vendit të ngjarjes dhe detyrat e këqyrjes, 2006).

#### **3.2. On-Site Inspection**

In classical and contemporary literature, the definitions of scene are similar, the place where the crime took place is the scene.

The concrete tasks of the proceeding body in case of a traffic accident are: clarification of the circumstances related to the scene such as: determining the width of the road, the intensity of movement, the condition of the roads, the viewing angle (general lighting, weather, trees, other means of transport), clarification of the circumstances related to the speed of movement, the technical condition of the vehicle, the psychophysiological condition of the driver of the vehicle (sleepy, tired, drunk, ill), clarification of the circumstances concerning the direction taken by the victim when making the movement from left or right, to the place and distance where he was before the event, to the speed of movement from one point to another.

Inspection procedure: Sketching of the scene, take pictures of the scene, photos of the scene (do they have a description), statements of the parties involved in the accident, undergoing alcohol testing of people involved in the accident (Ministria e Punëve të Brendshme, 2012).

#### **3.3. Reconstruction at the Scene**

Reconstruction of the scene aims to verify, extract (or collect) evidence or verify important facts for clarification purposes, which means only the subsequent (artificial) repetition of the situation and, if possible, the conditions that existed at the time of the incident and the course of events, namely the prenatal act. (Maloku, 2021:182)

Reconstruction is a repetition of the later scene in order to recreate the evidence at the request of the state prosecutor or the court where the criminal case has reached the main trial.

Reconstruction is about repeating the manner of committing criminal offenses or any stage or placing objects and people in a certain position in order to verify the given statements, if the facts or data

are presented differently in the testimonies of witnesses (Raporti i Prokurorit të shtetit ne rastet e këqyrjes dhe rikonstruksioni të vendit të ngjarjes, 2018).

Reconstruction is performed by recreating the facts or situations under the circumstances under which the event took place, based on the collected evidence. The judge may order the reconstruction of the scene only if the guiltiness or innocence of the defendant requires that the trial panel have direct knowledge of the reconstruction or visit of the scene. During the track or method of reconstruction caution should be followed, not to violate law or public order, not to endanger the life or health of people and not to insult public morals. (Sahiti & Murati, 2016).

By reconstruction, we mean the reconstruction of the event to compose a puzzle using parts of unknown and known extents over the whole view. Before preparing the reconstruction, it is necessary to make a complete analysis of the occurrence, whereas during a reconstruction the circumstances must be investigated why something happened and what caused a certain event. During reconstruction, efforts should be made to explain the changes and their effects on the reconstruction of events (Shkodra & Zekaj, 2019).

### 3.4. Reconstruction of Traffic Accidents

Reconstruction of traffic accidents is done through crash tests regardless of the cause of the accident due to driver error or irregular technical condition of the vehicle, traffic accidents are a continuous source.

In this case, the experts make comprehensive analysis by doing the collision testing by creating accident scenarios to provide evidence for determining the fault, cause and identification of the causes that have gotten to the accident.

Legal experts through detailed reports bring a truth through reconstruction by: providing accident tracks, assessing accident data storage, assessing accident photos, accident sketches with photographic assessment, computer-assisted collision analysis, accident-avoidance calculation and clarification of seat positions ( Accident Reconstruction).

In almost every traffic accident, the police appear at the scene where they aim to get to the truth while inspecting the scene. In our country, accidents are on the rise and the awareness of drivers has not yet been reached for more careful driving.

According to statistics obtained by the Kosovo Police, accidents have doubled compared to previous years, although the relevant traffic control and law enforcement authorities by implementing applicable laws have not managed to reduce traffic accidents.

Table no.1: Statistics for traffic accidents in the territory of the Republic of Kosovo (Policia e Kosoves)

	2018	2019	2020	2021
Fatal accidents	100	100	76	99
Dead people	129	113	81	111
Accidents with injuries	6217	6140	5396	7652
Injured people	12359	11865	10194	14680
Accidents with damage	9424	9959	8375	13523
<b>Total accidents</b>	<b>15741</b>	<b>16199</b>	<b>13847</b>	<b>21274</b>
Issued Tickets	400095	445729	359956	483477

Source: Kosovo Police, Statistics on traffic accidents in the territory of Kosovo for the research period 2018,2019,2020,2021.

From the research data of the paper, we can finally conclude that the hypothesis raised the number of traffic accidents in 2021 is increasing compared to 2020,2019 and 2018 is fully confirmed by the research data in table no.1.

### **Conslucion**

At the end of this paper, we have concluded that the inspection and reconstruction at the scene, play a very important role nowadays since today we have cases in a larger number of traffic accidents and this phenomenon is increasing every day due to the negligence of vehicle drivers.

Competent authorities that have direct access to the scene have an obligatory duty to respect the regular work process when inspecting the scene, but since the number of accidents is increasing then other protective and safety measures should be taken and studies must be conducted on the consequences of accidents. In the absence of law enforcement, by both drivers and law enforcement agencies, traffic rules are not observed and this leads to an increasing number of accidents.

Moreover, during the inspection maybe the process of data collection at the scene is almost regular and common, but the reconstruction of the scene is something that a certain number of the population of Kosovo have no information of this process, where it is held during the main trial request.

The reconstruction is neglected by the competent authorities and by the ignorance of the victims or the relatives of the victims, for whom the guilt or innocence of one or the other is sought to be proven.

The number of traffic accidents in Kosovo is increasing every year, this is confirmed by statistics from the Kosovo Police for the period 2018,2019,2020,2021 and traffic accidents in 2021 dominate from previous years.

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