

Erwin Ryter¹

ANALYSIS OF THE UTILITY
OF VIDEO-MONITORING RECORDS IN THE IDENTIFICATION OF
PERPETRATORS OF HOMICIDE

ANALIZA PRZYDATNOŚCI ZAPISÓW Z MONITORINGU WIZYJNEGO
DLA CELÓW ZWIĄZANYCH Z IDENTYFIKACJĄ SPRAWCÓW
ZABÓJSTW

Received: October 10, 2021 Accepted: December 09, 2021 Published: December 31, 2021

DOI: 10.5604/01.3001.0015.6047

Original Article

Financing source – original study

Abstract

This article discusses factors relevant to the evaluation of the utility of video surveillance in the identification of perpetrators of homicide, as well as the relevance of video surveillance to crime prevention. It discusses the impact of the growing trend of mass-scale use of public-space-monitoring systems on the increased sense of security and control over possible threats to society. It also highlights factors relating to the perpetrator's awareness of the inevitability of being caught on video surveillance and its impact on the perpetrator's *modus operandi*, as well as its role as a potential deterrent. The article also attempts to explain the reasons underlying the protracted evasion of punishment by certain perpetrators of homicides committed in the 60s and 80s of the 20th century in the context of the absence of certain technological solutions, especially the lack of video surveillance in spaces in which it is nowadays universally deployed. The article also covers presently used legal solutions enabling the retrieval of video surveillance, including without limitation topics of data protection with regard to the processing of the perpetrator's image.

Keywords: killer identification, image, video surveillance, serial killer, *modus operandi*

¹ Mgr Erwin Ryter, Katedra Prawa Karnego Wykonawczego, Uniwersytet Łódzki, e-mail: doradztwoprawne.ryter@op.pl, ORCID: 0000-0002-7656-502x

Streszczenie: Artykuł prezentuje treści odnoszące się do oceny przydatności monitoring wizyjnego dla identyfikacji sprawców zabójstw, jak również zakwalifikowania go jako istotnego elementu profilaktyki przestępczości. Przedstawiono w nim wpływ wzrastającej tendencji masowego stosowania systemów monitorujących przestrzeń publiczną na zwiększone poczucie bezpieczeństwa oraz kontrolę nad sytuacjami, które mogą zagrozić społeczeństwu. Zostały ponadto zasygnalizowane kwestie związane ze świadomością sprawcy dotyczącą nieuchronności utrwalenia jego wizerunku za pomocą monitoringu wizyjnego oraz jego wpływu zarówno na sposób jego postępowania, jak również na ewentualne odstępianie od popełnienia czynu zabronionego. W artykule została także podjęta próba wyjaśnienia powodów długotrwałej bezkarności niektórych zabójców na przestrzeni od lat 60. do lat 80. XX w. w odniesieniu do braku niektórych rozwiązań technologicznych, a zwłaszcza braku monitoringów wizyjnych na obszarach, w obrębie których obecnie stosuje się go powszechnie. W artykule zostaną również wskazane obecne rozwiązania prawne pozwalające na uprawnione uzyskiwanie obrazów z monitoringu wizyjnego, w tym także nawiązujące do problematyki ochrony danych osobowych w związku z przetwarzaniem wizerunku sprawcy.

Słowa kluczowe: identyfikacja zabójcy, wizerunek, monitoring wizyjny, seryjny zabójca, *modus operandi*

1. Introduction

Nowadays, in many places video surveillance is regarded as an obvious element of the existing infrastructure. Video-surveillance coverage of a majority of public spaces having previously provided a convenient setting for crime have caused those spaces to lose their attractiveness to criminals as observation points, harbours of anonymity or locations where or from which to launch attacks on their victims. This applies especially to all sorts of communication routes, parks, streets, railway or bus stations, squares and plazas, paths and shortcuts.

The quick identification of the perpetrator and of the *modus operandi* is of key importance especially in the cases of killers in general and serial killers in particular, who leave traces of varying degrees of characteristic specificity or who are otherwise distinctive in some way in their unique methods of dealing with their victims.²

Apprehending the perpetrator of any crime as quickly as possible is essential not only to solving a given criminal case but also to stopping what may be a series of crimes in progress. This is a priority matter all the more so when dealing with homicides and

² M. Calkiewicz zwróciła uwagę na to, że największe znaczenie w procesie wykryczym mają najdrobniejsze nawet zachowania sprawcy, które nadają zdarzeniu indywidualny charakter. Ilustruje to przykład podawany w literaturze, mianowicie, że jeden z zabójców, realizując etap tropienia ofiary, kładł pod koła samochodu jej męża tanie zegarki, i to zarówno pod domem, jak i na parkingu pod budynkiem, w którym pracował. Był to niecodzienny sposób ustalenia godzin, w których mężczyzna przebywa poza domem. Źródło: M. Calkiewicz, *Modus operandi sprawców zabójstw*. Warszawa 2011, s. 149.

ANALYSIS OF THE UTILITY OF VIDEO-MONITORING RECORDS IN THE IDENTIFICATION OF PERPETRATORS OF HOMICIDE

especially with so-called serial killers.³ According to one of the sources, the term 'serial homicide' was introduced in 1974 by the FBI agent, Robert Ressler.⁴ Another source claims the expression was coined and entered into wide use in 1978.⁵ Robert Ressler was to use it in reference to such killers as David Richard Berkowitz, Richard Ramirez, Edmund Emil Kemper III and Jeffrey Dahmer.

One of the definitions found in Polish expert literature on the subject is 'a person who kills at least two people in incidents unconnected by time'⁶.

Practical case studies of certain crimes committed by serial killers permits the conclusion that they usually act in a characteristic or outright repetitive manner or activate when certain specific conditions are met. It is worth noting that very often their victims have exclusively been lone women of specific physical appearance, or the attacks have only occurred within certain hours, for example on parks or alongside communication routes. For this reason the law-enforcement officers pursuing them have often given them characteristic nicknames such as *Skorpion z Pomorza* (literally: 'the Scorpio of Pomerania'),⁷ *Wampir z Krakowa* (literally: 'the Vampire of Cracow'),⁸ or *Szatan z Piotrkowa* (literally: the 'Satan of Piotrków').⁹ The meaning of such monikers usually emphasized a terrifying personality emanating cruelty and ruthlessness.

What is remarkable is that the aforementioned famous killers, whose intensified activity fell in the in the 60s-80s period of the preceding century, were only caught a long time after their first crime, primarily due to the limited range of options then available for the detection of their identities, including the lack of the nowadays-common surveillance of the public space because of the technological limitations of the era. Unfortunately, the direct and at once very very difficult to accept consequence of the serial killers' protracted impunity were the ever-growing lists of their victims.

Compared to the modern instrumentarium, techniques available for the identification of perpetrators of homicide practically throughout all of the 20th century have demonstrated how much the technological progress has eventually been able to assist with law enforcements and improve detection levels. In the past, oftentimes killers would never be discovered due to the lack of options for discovering their identity. There were no tools

³ Aneta Urbaniak wskazała na interesującą definicję „seryjnego mordercy” ujętą przez S. Eggera, który podał, że „z morderstwem seryjnym mamy do czynienia wtedy, kiedy jedna lub więcej osób popełnia drugie lub kolejne morderstwo; jest ono pozbawione związku; popełnione zostaje w innym czasie i nie ma widocznego powiązania z pierwszym morderstwem; na ogół zostaje ono dokonane w innym miejscu. Ponadto motywem zabójstwa nie jest korzyść materialna; uważa się, że celem mordercy jest sprawowanie władzy nad ofiarami”. Źródło: A. Urbaniak, *Ludzkie thanatos (instynkt zabijania) – prawda o naturze człowieka*, „Zaszyty Naukowe Ruchu Studenckiego” 2014, nr 1, s. 22.

⁴ A. Lebedowicz, *Profilowanie nieznanymi sprawców zabójstw*, „Kwartalnik Krajowej Szkoły Sądownictwa i Prokuratury” 2021, nr 2(42), s. 90.

⁵ M. Caban, *Seryjne zabójstwo w ujęciu resocjalizacji*, „Zeszyty Naukowe. Zbliżenia Cywilizacyjne”, 2017, nr 4(13), s. 79.

⁶ A. Czerwiński, K. Gradoń, *Seryjni mordercy*, Warszawa 2001, s. 17.

⁷ Paweł Tuchlin, polski seryjny morderca o kryptonimie milicyjnym „Skorpion”. Skazany na karę śmierci i powieszony za zabójstwo 9 kobiet oraz usiłowanie dalszych 11 zabójstw, których dokonał w latach 1975-1983.

⁸ Karol Kot, polski morderca, oskarżony o zamordowanie 2 osób, 10 prób zabójstwa oraz 4 podpalenia. W rodzimym Krakowie swoimi zbrodniami wywołał psychozę strachu w latach 60. XX w.

⁹ Mariusz Trynkiewicz, polski seryjny morderca i przestępca seksualny, przez prasę nazwany „szatanem z Piotrkowa”. Pracował jako nauczyciel wychowania fizycznego. Za zabójstwo w lipcu 1988 r. czterech chłopców został skazany na karę śmierci, zamienioną później (na mocy amnestii) na 25 lat pozbawienia wolności.

allowing for the swift identification of the killer's appearance. At present, thanks to progress not only in science but also technology and the application of sophisticated technologies, law-enforcement agencies have a more effective array of methods to assist them with the detection of the perpetrator of the crime and thereby allow him or her to be apprehended sooner. In reference directly to the topic range of this article, the author would like to focus particularly on those situations in which video-surveillance records have numerous times made it possible to track both the probable last way of the victim, as well as the perpetrator's route and in some cases they have even captured the crime itself as it was being committed. From this perspective, the commonplace recording of individuals in the public spaces of large urban centres,¹⁰ with particular emphasis on locations potentially exposed to criminal activity, including the presence of large numbers of people, must be welcomed as a highly useful development. As G. Matuszek aptly observes, surveillance cameras have become a natural element of our lives.¹¹ Those encountering cameras every day in the public space have eventually ceased to pay attention to their existence. Moreover, as some data show, the use of video surveillance was reported in 89% Polish cities surveyed.¹²

In the author's opinion this permits the conclusion that the comfort level in relation to a higher expectation of safety has increased for the inhabitants, who, at least hypothetically, could otherwise be exposed in a greater degree to criminal assaults, had the various critical locations not been included in the video-surveillance system. The most probable consequence is that, conscious of the existence of such a system, at least some potential perpetrators will refrain from committing a criminal offence and those who do not will be identified more quickly than they would have been in the past, before surveillance cameras became a fixture on the landscape.

As far as the legal justification for the surveillance is concerned, the recording of locations of mass movement of natural persons in order to ensure the protection and safety of the public space is fully adequate and expedient. Of course, the existence alone of the cameras does not provide a complete guarantee of safety, but it is certainly instrumental in the elimination or mitigation of at least a portion of all potential threats to it.

Certain doubts, on the other hand, and some debate can be provoked by the circumstances of collecting specific data from the surveillance, representing the potential offender's image, and thereafter making that image public. Such type of situations usually occur in the face of intensified social pressure caused by the particularly outrageous nature of a crime along with expectations of fast apprehension of the perpetrator. Special

¹⁰ Dzięki działaniu monitoringu wizyjnego wielokrotnie było możliwe odtworzenie scen popełnienia przestępstwa, w tym morderstwa, a w konsekwencji zidentyfikowania sprawcy. Przykładowo dzięki monitoringowi wizyjnemu zarejestrowano 12 kwietnia 2006 r. na Dworcu Centralnym w Brukseli jak 17-letni Joe Van Holsbeek zginął od siedmiu ciosów nożem, gdy nie chciał oddać napastnikom swojego odtwarzacza MP3. Dzięki nagraniu momentu zabójstwa za pomocą monitoringu wizyjnego schwytanie sprawców, którymi okazali się dwaj nastolatki (wówczas w wieku 16 i 17 lat) narodowości polskiej – Mariusz O. i Adam G., zajęło zaledwie kilka dni. Źródło informacji: J. Wróbel, P. Podsiedlik, *Monitoring wizyjny cz. I. Geneza i czasy współczesne. Materiały dydaktyczne*, Katowice 2016, s. 14.

¹¹ G. Matuszek, *Monitoring wizyjny – ujęcie prawne i technologiczne. Współczesność i perspektywy*, „Zeszyty Naukowe SGSP” 2020, nr 1(73), s. 295.

¹² Informacja pobrana z: https://panoptykon.org/sites/default/files/publikacje/panoptykon_cctv_seminarium_10-10-2012_2.pdf, dostęp: 05.06.2021 r.

ANALYSIS OF THE UTILITY OF VIDEO-MONITORING RECORDS IN THE IDENTIFICATION OF PERPETRATORS OF HOMICIDE

attention must be paid to the problem of mistaken identification of a person as a perpetrator of a crime, with the consequent stigmatization of that person. The legality of operation activities undertaken in connection with the identification of a recorded person as the perpetrator of a criminal offence may be considered especially in relation to the degree of use of a person's image without her knowledge or consent in the context of implicating him or her in the commission of a crime. Law-enforcement agencies often resort to exhibiting surveillance records to a witness, asking him or her to attempt identification. Thus, apart from the analysis of the video record for the purpose of determining whether the person captured in it is the perpetrator, care must also be taken to note that both the retrieval and the presentation of surveillance records compete with data-protection rights and within the regulatory confines of data-protection law the law-enforcement agencies' activities should comply with the data-processing rules of Article 4(1) of Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA¹³. The author of the present article is of the opinion that the processing of video-surveillance records, even for such a legitimate purpose as the apprehension of a killer, should be undertaken with the highest degree of diligence and thus in compliance with the ideals central to criminal procedure, as well as data-processing rules and should not lead to abuses, particularly in the context of social pressure on apprehending the perpetrator as quickly as possible.

The results of the studies conducted by Professor Brandon L. Garrett, who analysed 200 cases of convicts subsequently acquitted, show that in as many as 79% of all cases wrongful convictions resulted from mistaken identification by an eye witness¹⁴. By contrast, thanks to the opportunity for comparing that identification with video-surveillance records capturing the potential perpetrator, it is now possible significantly to mitigate the risk of mistaken identification. All procedural activities discussed above must comply with the highest standards of data processing. Any mistakes during the identification of the personal data of the individual captured in the recording usually lead

¹³ Dane osobowe powinny być przetwarzane zgodnie z następującymi zasadami: zgodnie z prawem i rzetelnie; dane powinny być zbierane w konkretnych, wyraźnych i uzasadnionych celach i nie powinny być przetwarzane w sposób niezgodny z tymi celami; dane powinny być adekwatne, stosowne i nienadmierne do celów, dla których są przetwarzane; dane powinny być prawidłowe i w razie potrzeby uaktualniane, a ponadto należy podjąć wszelkie rozsądne działania, aby dane osobowe, które są nieprawidłowe, w świetle celów ich przetwarzania, zostały niezwłocznie usunięte lub sprostowane; dane powinny być przechowywane w formie umożliwiającej identyfikację osób, których dane dotyczą, przez okres nie dłuższy, niż jest to niezbędne do celów ich przetwarzania; a ponadto dane powinny być przetwarzane w sposób zapewniający im odpowiednie bezpieczeństwo, w tym ochronę przed niedozwolonym lub niezgodnym z prawem przetwarzaniem oraz przypadkową utratą, zniszczeniem lub uszkodzeniem, za pomocą odpowiednich środków technicznych lub organizacyjnych.

¹⁴ M. Kolbusz, *Przyczyny występowania pomyłek sądowych i ich sprawcy*, „Edukacja Prawnicza” 2019, nr 6, <https://www.edukacjaprawnicza.pl/przyczyny-wystepowania-pomyleksadowych-i-ich-sprawcy/>, dostęp: 05.06.2021 r.

to the infringement of personal rights and other rights of the person concerned, thus not only in the area of data protection.

These problems were pointed out by A. Grzelak,¹⁵ who noted that the European Court of Human rights,¹⁶ in *Perry v. United Kingdom*,¹⁷ held that the making of a recording and its use may be recognized as personal-data collection and processing, also if the case concerns a perpetrator of homicide. For the commission of a crime to captured in the eye of surveillance cameras is not a frequent situation, though the opportunity to rely on the recordings to trace all moments leading up to the crime, including the perpetrator's route or places visited by him or her or by the victim may come in very handy. All such moments in the recording, when analysed meticulously with extreme attention to detail, facilitate the identification of the offender and consequently his or her apprehension and prosecution.

Surveillance records on the one hand failing to capture the perpetrator's image and on the other hand managing to capture certain elements of the criminal reality that may be relevant to the investors' work may in specific situations, as well as in conjunction with other evidence gathered, prove to be of incredible assistance in the ultimate identification of the killer or at least elimination of some suspects. For example, they may help retrace the timing of the crime, exclude some persons as suspects and detect certain seemingly inconsequential details that, when combined with other evidence collected at the crime scene, may allow the investigators to put the puzzle together. For this reason securing the evidence of the crime at the scene of it is of such great importance.

This means that during the inspection of the scene it still remains an extraordinarily important technical activity simultaneously to take photographs documenting the appearance of the place, person or thing or the course of the various procedural activities. The photograph (this term was introduced in 1839 during first experiments with daguerreotypes) has accompanied criminology and forensics since the very beginning of their modern history.¹⁸ Thanks to photographs taken at the scene of crime, it is subsequently possible to retrace details that may be of importance to the case, especially whenever there is need to compare them with images retrieved from video-surveillance records, which may be many years later, if the case is not solved immediately. In such a case the video records may significantly contribute to the supplementation of the evidence gathered in the case and captured on the photographs.

The evidence gathered from either the video surveillance or other procedural activities can also prove to be a very useful indication for the profiler tasked with determining the psychological profile of a killer, sometimes a serial killer, who is linked to the case by a characteristic 'signature' left at the scene. This concept may also involve other features

¹⁵ A. Grzelak, *Ochrona danych osobowych we współpracy państw członkowskich UE w zwalczaniu przestępczości. W stronę standardu europejskiego*, Warszawa 2015, s. 117.

¹⁶ ETPC jest sądem międzynarodowym orzekającym w sprawie skarg na naruszenie praw i wolności zawartych w Konwencji o ochronie praw człowieka i podstawowych wolności oraz jej Protokołach dodatkowych.

¹⁷ Wyrok ETPC z 17.07.2003 r. w sprawie *Perry* przeciwko Zjednoczonemu Królestwu, skarga nr 63737/00.

¹⁸ K. Browarny, *Metody i środki wykorzystywane przez specjalistów w praktyce dochodzeniowo – śledczej*, w: *Innowacyjne metody wykrywania sprawców przestępstw. Materiały z konferencji*, red. M. Szostak, I. Dembowska, Wrocław 2014, s. 18.

ANALYSIS OF THE UTILITY OF VIDEO-MONITORING RECORDS IN THE IDENTIFICATION OF PERPETRATORS OF HOMICIDE

highly characteristic of a given perpetrator, which can now be caught in video-surveillance records. These may include elements such as the type of victim, location of attack, timing of the crime, method of assault, attempts to simulate or disguise the nature of the incident, etc.

An interesting nuance is the motif – often featuring in police procedurals – of the killer's so-called 'signature'. K. Olkusz points out the essential element of the plot that is the implication that the serial killer may be in a certain way ritualizing his or her activities, for example by the similarity of the method of killing or certain details that can be viewed as a sort of 'signature'.¹⁹

J. Zawartka is of a similar view, noting that many serial killers leave 'signatures' or collect 'trophies' or 'souvenirs'. All that makes it easier to link a given killing to a specific perpetrator, analyse his or her conduct, *modus operandi*, favourite tortures to inflict on the victims, as well as intellectual development, if the perpetrator adapts the methods and learns from mistakes or by watching police officers' activities at the scene.²⁰

Considering the above, due to the specificity of the traces left – especially by a serial killer – at the scene and for the purpose of subsequently comparing and analysing them, it is of essential importance for the location in which the body was found to be properly recorded, especially by conscientiously secured evidence, which, if later compared against records from video surveillance, may be of assistance to the identification. The latter becomes possible thanks to putting together a number of characteristic traces and telling features, including those composing the aforementioned 'signature' of the perpetrator when taken together. Currently, what makes the rapid identification of a perpetrator of homicide possible, is the dynamic technological progress, as well as the constant refinement of investigative techniques.²¹ Traces collected today and appropriately secured may bring investigators significantly closer to apprehending the perpetrator even many years after the crime. A perfect example of this type of situation can be found in the incredibly fruitful activities of police officers from the so-called 'X Archive'²² in the Lower Silesia province of Poland, who have explained a great number of previously unresolved cases, often literally in the last moment before the statute of limitations running out and preventing the punishment of even an identified perpetrator. Of great assistance in the investigators' work are photographs such as those showing crime scene as it looked many

¹⁹ K. Olkusz, *Opisać zło. Motyw seryjnego zabójcy w najnowszej europejskiej literaturze kryminalnej (na wybranych przykładach)*, „Acta Universitatis Wratislaviensis” 2014, nr 3633, s. 114.

²⁰ J. Zawartka, *Modus operandi seryjnego zabójcy na przykładzie Zdzisława Marchwickiego pseudonim „Wampir z Zagłębia”*, „Security Economy & Law” 2014, nr 4, s. 94.

²¹ W Polsce szczególnie cenionym specjalistą w zakresie nauk prawnych, w tym związanych z zagadnieniem kryminalistyki i kryminologii jest Brunon Hołyst, autor wielu znanych pozycji naukowych, m.in. *Kryminologia, Psychologia kryminalistyczna, Wykrywalność sprawców zabójstw*.

²² Dzięki pracy Archiwum X udało się wyjaśnić m.in. sprawę zabójstwa mężczyzny sprzed 26 lat. Na trop, który doprowadził funkcjonariuszy dolnośląskiej Policji do zatrzymanych, wpadli oni wyjaśniając inną zbrodnię z 1993 r., zaistniałą na terenie tego samego powiatu. Pracując nad sprawą, która również została wyjaśniona, a podejrzany zatrzymany, funkcjonariusze ustalili pewne okoliczności, które powiązali z zabójstwem mężczyzny z 1991 r. <https://www.policja.pl/pol/aktualnosci/149181,Tymczasowy-areszt-dla-podejrzanych-o-zabojstvosprzed-26-lat-kolejna-zbrodnia-wy.html>, dostęp: 05.09.2021.

years or other relevant traces or evidence that would otherwise have been irretrievably lost due to the passage of so many years.

In this matter, M. Wolińska infers the intriguing observation that during investigative procedures or even at trial photographs originally taken for different purposes (e.g. souvenirs or family pictures, or those of sports events) can play a significant role.²³ In such a case the images recorded by video surveillance, if they can be obtained for the purposes of the proceedings, may also provide a valuable rounding out of the information available. Thanks to technological progress and the development of forensic methods, as well as the nowadays common use of video surveillance, as compared to previously limited options for the detection of perpetrators, are beginning to put an end to their impunity. The problem of the removal of the detection in time had operated to their advantage, allowing them to continue their criminal streak for several years, sometimes more than a decade.²⁴ Moreover, some were never been apprehended and taken to book. One of the most widely known serial killers, the Zodiac Killer, who had terrorized San Francisco at the break of the 60s and 70s of the 20th century, was never apprehended, despite having left multiple highly distinctive traces at his crime scenes. Another was Jack the Ripper, murdering female prostitutes in the area of London in the 19th century. Among Poland's never-apprehended serial killers one should mention the so-called murderer of gay people in Łódź, who killed six men in 1988–1993. Although his criminal activity has ceased, one cannot completely exclude another attack, unless he has died or has for some other reason stopped to be an active killer. This example also provides a perfect illustration of how impunity arose from the lack of tools for the perpetrator's identification, even though he had accosted his victims in a public space, i.e. the vicinity of Łódź-Fabryczna Railway Station, and they all shared the trait of being homosexual. Most probably, if his criminal activity had occurred closer to present times, his apprehension would have been only a question of time precisely because of the proliferation of video surveillance, which in all probability would have captured the time of his appearance at the location from which he was to look out for a new victim, and the rigorous analysis of the recordings would most probably have quite quickly enabled the law enforcement to focus on the right person.

2. Legal aspects relating to the identification and image of a natural person being a perpetrator of crime

In the topic of identification of a crime perpetrator in connection with pending criminal proceedings, it must first be noted than any information that it is not prohibited to gather may potentially constitute evidence; this also applies to video-surveillance records potentially leading up to the identification of the perpetrator. It will be expedient to add that the term identification may in certain circumstances be extended to the image and

²³ M. Wolińska, *Metody i środki wykorzystywane przez specjalistów w praktyce dochodzeniowo-śledczej*, w: *Innowacyjne metody wykrywania sprawców przestępstw. Materiały z konferencji*, red. M. Szostak, I. Demboska, Wrocław 2014, s. 47.

²⁴ Jedną z dłuższych aktywności polskiego seryjnego mordercy, nim został wykryty, były zabójstwa popełniane w latach 1953-1970 przez Zdzisława Marchwickiego, który uśmiercił 18 spośród zaatakowanych 37 kobiet. Źródło informacji: J. Stukan, *Polscy seryjni mordercy*, Frampol 2018, s. 120-135.

ANALYSIS OF THE UTILITY OF VIDEO-MONITORING RECORDS IN THE IDENTIFICATION OF PERPETRATORS OF HOMICIDE

identity parade, due to the fact that identification is usually preceded by obtaining the perpetrator's image. Identification can also be the fruit of an identity parade organized by the law enforcement, or some other form of presentation to a witness.

The topic of identification is an interdisciplinary one. Although it lies primary in the area of interest of forensic studies, it is also dealt with by other fields such as especially data-protection law.

According to the definition of identification in an authoritative monolingual Polish dictionary titled *Słownik języka polskiego*, the term can mean 'ascertaining someone's personality; identifying one person with another, consisting in the transfer of an emotional attitude from one person to another; also: identifying one item with another; relating to a person; relating, as an individual or a group, to the beliefs or values of other people or another group'.²⁵ As M. Tomaszewska-Michalak notes, two types of traits can be used to identify a person – biologico-physical and behavioural.²⁶ T. Hanausek, in turn, states that forensic identification is an epistemic judgement formed on the basis of comparative study, whereby we determine that a specified object (such as a person, thing, corpse, etc.) either has the same features as an object belonging to a specified group and thus may be counted among that group, or has the same features as only one object (such as a person, thing, corpse, etc.) does and can thus be regarded as that object or part thereof or consequence of that object's activity.²⁷

It is worth noting that although dactyloscopic identification continues to be commonplace, similarly to the study of DNA traces, forensics have witnessed the development of more modern methods of identification, far better adapted to the ingenuity of crime perpetrators. Furthermore, in the process of counteracting the so-called 'perfect crime', forensic experts have discovered options for human identification on the basis of traces such as lip prints, ear prints, even glove prints,²⁸ although studies are rare and detailed analysis would venture significantly beyond the confines of this article and will thus not be provided.

Video-surveillance records, on the other hand, enable the use of anthroposcopic analysis for the identification of human persons.²⁹ That can be done thanks to the production of the images of persons captured by video-surveillance cameras on the various media such as photographs, video tapes, data carriers, etc. As noted by G. Matuszek, anthroposcopic opinions influence the outcomes of criminal cases. If the quality of evidence material so permits, that can even be a decisive influence.³⁰

²⁵ <https://sjp.pwn.pl/szukaj/identyfikacja'.html>, dostęp: 09.01.2021.

²⁶ M. Tomaszewska-Michalak, *Prawne i kryminalistyczne aspekty wykorzystania technologii biometrycznej w Polsce*, Warszawa 2015, s. 11.

²⁷ T. Hanausek, *Kryminalistyka. Zarys wykładu*, Kraków 1996, s. 30-31.

²⁸ K. Zakrzewski, *Nietypowe metody identyfikacji człowieka*, „Wrocławskie Studia Erazmiańskie. Zeszyty Studenckie” 2010, nr 5, s. 75.

²⁹ G. Matuszek, *Kryminalistyczne wykorzystanie zapisów monitoringu wizyjnego na przykładzie Laboratorium Kryminalistycznego KWPP w Katowicach*, „Zeszyty Naukowe Państwowej Wyższej Szkoły Zawodowej im. Witelona w Legnicy” 2019, nr 33(4), s. 75.

³⁰ Tamże, s. 88.

Importantly to the topic range at hand, in the context of modern legal sciences, the method by which the identification of a natural person is done and the purpose for which it is done are relevant not only from the perspective of the protection of image and other personality rights, or protection of personal data, but it is relevant primarily from the perspective of the ability to apprehend the perpetrator of a crime and especially, as narrowed down to the topic of the present article, of a killer. For it can be concluded that, although having the perpetrator's image available significantly facilitates his or her apprehension by the law enforcement, another extraordinarily important matter is to determine the area in which his or her centre of life affairs is located, which, in turn, can be achieved thanks to so-called forensic profiling. The purpose of creating a profile for the unidentified perpetrator of a criminal offence on the basis of analysis of the crime scene and evidence gathered is to facilitate the projection of the perpetrator's possible wonts and habits, the likely professional occupation or way of dealing with the victims. All this can contribute to the successful estimation of his or her location and, consequently, narrow down the geographical area of the search.

Moving on to the question of image, because of its inseparable link to personality it has an important identifying and informative role to play.³¹ The various existing statutory frameworks give rise to a variety of interpretations. In line with Article 23 of the Civil Code image presents as one of a human being's personality rights. Article 81 of the Act on Rights of Authorship and Related Rights provides for the necessity of obtaining the consent of anyone whose image is about to be publicized. In turn, article 3(13) of Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA recognizes the image of a human face among so-called biometric data, which are personal data arising from special technological processing and referring to the physical, physiological or behavioural traits of an individual and enabling or confirming the unequivocal identification of such a person.

According to the *Słownik języka polskiego*, image denotes likeness, imagination, portrayal or picture.³² As far as sciences relating to criminal law are concerned, the term 'image' does not have an express, direct or specific definition or regulation dealing with in what way and on what terms the perpetrator's image can be used. Only Article 173(1) of the Code of Criminal Procedure ('CCP') regulates the matter of exhibiting the image of another individual to the person being interrogated. The purpose of doing so is to confirm the perpetrator's identity by recognition and thus identification, provided that actually happens. As noted by D. Wilk, this is one of the oldest methods of forensic identification.³³ A. Sikora, in turn, asserts that presentation or exhibition (*okazanie*), in its common sense,

³¹ E. Kuczma, *Ochrona wizerunku uczestników zgromadzenia*, w: *Wolność zgromadzeń*, red. R. Balicki, M. Jabłoński, Wrocław 2018.

³² W. Doroszewski, *Słownik języka polskiego*, Warszawa 1958.

³³ D. Wilk, *Kryminalistyka*, Toruń 2013, s. 153.

ANALYSIS OF THE UTILITY OF VIDEO-MONITORING RECORDS IN THE IDENTIFICATION OF PERPETRATORS OF HOMICIDE

should be understood to mean the recognition of a specific object previously encountered by the person who is now recognizing it.³⁴ Either the presentation and identification can supplement the recognition of the perpetrator's image caught in video surveillance, or the video-surveillance record can be corroborated by the subsequent identity parade or some other form of presentation. On the one hand, perpetrators' images increasingly become the object of processing by video surveillance, and on the other hand video surveillance is beginning to be treated even as a remedy to all sorts of social problems underpinning criminal prevention.³⁵ For these reasons it has become a pressing issue to create appropriate legal frameworks to regulate the processing of image captured on video-surveillance records. It must be noted that Polish law lacks any typical statutory framework regulating video-surveillance systems venturing beyond the powers of the Police and other bodies authorized to process such records, in particular with regard to the image of a specified person, including a perpetrator of crime.

Furthermore, one should not underestimate the role of the media, publicizing the most heinous acts almost instantly, in the process of apprehension of the perpetrator. It can be increasingly observed that publicizing the circumstances of the crime is what can facilitate the quick apprehension of the offender and help reduce the number of his or her victims. In such situations, too, video-surveillance records can find their application if they are placed at the disposal of the competent authorities in connection with their proceedings.

Analysis of topics relating to the identification of perpetrators must not ignore the problem of the lawfulness of the processing of their personal data, especially in those situations in which such data can be publicized or transferred between the various bodies or used by the law enforcement already during the initial investigation of the matter (*ad-rem* stage of proceedings), before the filing of any charges against a specific suspect (*ad-personam* stage).

Social awareness of matters relating to the grounds of legality of data processing has increased significantly especially as a result of the coming into force of the GDPR³⁶ in May 2018, paralleled by the less publicized so-called Police Directive,³⁷ applied in the area of data processing linked to crime prevention and prosecution. In accordance with Article 3(1) of the aforementioned directive, 'personal data' mean any and all information about an identified or identifiable natural person ('data subject'). An identifiable person is one who can be directly or indirectly recognized, especially in reliance on an identifier such as

³⁴ A. Sikora, *Oskarżony obiektem okazania. Uwagi dotyczące obowiązku oskarżonego poddania się okazaniu w celach rozpoznawczych*, „Internetowy Przegląd Prawniczy TBSP UJ” 2017, nr 7, s. 59.

³⁵ Ł. Szejka, *Rola monitoringu wizyjnego w prewencji kryminalnej*, „Społeczeństwo i Rodzina” 2016, nr 47, s. 80.

³⁶ Rozporządzenie Parlamentu Europejskiego i Rady (UE) 2016/679 z 27 kwietnia 2016 r. w sprawie ochrony osób fizycznych w związku z przetwarzaniem danych osobowych i w sprawie swobodnego przepływu takich danych oraz uchylenia dyrektywy 95/46/WE (ogólne rozporządzenie o ochronie danych) (Dz. U. UE.L. 2016.119.1 z dnia 04.05.2016 r.).

³⁷ Dyrektywa Parlamentu Europejskiego i Rady (UE) 2016/680 z 27 kwietnia 2016 r. w sprawie ochrony osób fizycznych w związku z przetwarzaniem danych osobowych przez właściwe organy do celów zapobiegania przestępczości, prowadzenia postępowań przygotowawczych, wykrywania i ścigania czynów zabronionych i wykonywania kar, w sprawie swobodnego przepływu takich danych oraz uchyłająca decyzję ramową Rady 2008/977/WSiSW.

given name and family number, an identification number, localization data, an Internet nickname or one or more specific traits defining the physical, physiological, genetic, mental, economic, cultural or social identity of an individual. Images obtained from video surveillance may contribute to the identification of the person captured in them. The latter happens by analysis of the morphological features of the face and silhouette of the person captured in the image. Next, similarities and differences between the compared images are analysed in order to determine whether they represent two different people or one and the same person. What can also constitute part of identity and data characterizing a specific individual is also the manner of behaviour, which in some cases also enables identification. For the purposes of detecting the identity of the perpetrator of a criminal offence it may also be helpful to analyse his or her behavioural traits by processing the previously gathered relevant data.

The above indicates that the perpetrator's identification may be based on highly diverse range of criteria, from the analysis of physical features, to tastes and interests, to manner of behaviour, to insights into his or her values and views, inclinations or family background or roots in a specific environment. There can be no identification without previously processing the perpetrator's data, also where video-surveillance records are involved.

In the opinion of the author of this article, the processing of personal data of crime perpetrators, in line of Article 2 of 'Police Directive', which includes the acquisition of their image from video-surveillance records, should be met with full approval in the light of, on the one hand, the specificity of police activities and on the other hand the need to safeguard both the protection of personal data and a high level of public safety. In this case the purpose of the processing is specific and legitimate, for it affords precedence to the elimination of a criminal from public life before the interests of an individual (perpetrator) engaging in a major violation of the legal order.

It is worth adding that, although in some circumstances the methods of acquisition of data by law enforcement, such as seizing and analysing video-surveillance records, may appear to be questionable, from the perspective of the aforementioned directive they are fully justified and consistent with the goal of criminal proceedings that is the apprehension and conviction of the criminal, thereby preventing further crimes by him or her through his or her exclusion from society. The aforementioned controversiality may attach especially to the largely inevitable intrusion in the privacy sphere of those accidentally captured in the video-surveillance records besides the perpetrator. Not only the 'Police Directive' but also Article 15(1)(5) of the Act of 6 April 1990 on the Police³⁸ legalizes the processing of surveillance data by law-enforcement officers. In the performance of activities referred to in Article 14 of the last-mentioned act, officers are authorized to the observe and record, by technical means, the images of events playing out in public spaces; in the case of operational-explorative and administrative-order-keeping activities undertaken by statutory authority this applies also to the sound. Unfortunately, this framework paves the path for potential anomalies involving violation of the privacy persons not falling directly within the scope of interest of the law-enforcement agencies.

³⁸ Dz. U. z 2021 r. poz. 1882.

ANALYSIS OF THE UTILITY OF VIDEO-MONITORING RECORDS IN THE IDENTIFICATION OF PERPETRATORS OF HOMICIDE

P. Czarnecki confirms that the admissibility of the operational activities engaged in by special services has for many years sparked much controversy among lawyers and jurists, as well as society at large. Such activities constitute an extraordinarily powerful interference with basic human rights, such as the right to respect of one's private life, which are constitutionally (Article 49 of Polish Constitution) or internationally (Article 8 ECHR, Article 17 ICCPR) guaranteed.³⁹ In addition to the possible violation of the privacy of accidental persons in connection with operational activities, another problem worth discussing is the matter of law-enforcement bodies obtaining such information as may constitute evidence of the commission of a different criminal offence from the one in respect of which the activities had originally been undertaken.

In turn, in line with recital 21 of the 'Police Directive': 'To determine whether a natural person is identifiable, account should be taken of all the means reasonably likely to be used, such as singling out, either by the controller or by another person to identify the natural person directly or indirectly.'

Another interesting matter is that the processing of personal include, which includes their acquisition on the basis of so-called 'Police Directive', leading to identification, is done on different terms than in the case of the processing of the personal data of natural persons under GDPR. During the initial period of the activities of Polish Office for Personal Data Protection (UODO), having replaced the Inspector General for Personal Data Protection (GIODO), many complaints were received from natural persons dissatisfied with the processing of their personal data by law-enforcement authorities within the databases of the National Police Information System (KSIP) and National Criminal Information Centre (KCIK). As, however, the UODO was correct in such situations to observe, Article 20 of the Act on the Police and Article 2(2) of the Act of 6 July 2001 on the Processing of Criminal Information⁴⁰ allow the processing of personal data both in the KSIP and in the KCIK without the knowledge and consent of the data subjects. This means that criminals whose data were obtained for the purpose of their identification as part of the activities of law-enforcement agencies cannot rely on data-protection provisions to invoke subjective allegations of impropriety and dispute, among other things, the manner of acquisition of their data e.g. from video-surveillance records. Thanks to the above, any attempt to hamper the law-enforcement agencies in their activities may be successfully opposed.

Nonetheless, a problem spot could be found in the aforementioned matter – connected with the definitions of image and identification – of publicizing the image and data of persons against whom an investigation or court proceedings are pending before their guilt is clearly confirmed by a final and binding (unappealable by ordinary means) court judgment. It is believed that the competent prosecutor or court may allow such publication in the so-called important public interest. The latter, for the purposes of our discussion,

³⁹ P. Czarnecki, *Czynności operacyjno-rozpoznawcze a postępowanie karne*, „Palestra” 2014, nr 7-8, s. 123.

⁴⁰ Dz. U. z 2021 r. poz. 1607.

could be defined on the basis of existing jurisprudence on the matter. There is a noteworthy case in which the Supreme Court held that a social interest cannot be understood in an abstract way because it is a specific term and must be applied to a specific situation requiring the protection of that particular interest even at the cost of sacrificing the good name of another person, group or institution. Not just any action is in defence of a social interest but only one that actually serves that interest.⁴¹

Grounds to invoke 'important social interest' in order to publicize the image of a probable perpetrator unquestionably can materialize in the case of action taken in response to the activities of a killer, especially a serial one, where 'important social interest' represents a hierarchically superordinate value and need for protection compared to the protection of the interests of a single individual. Similarly, the identification of a perpetrator and the processing of his or her data that was made possible already prior to the apprehension thanks to publicizing the image appears to be completely legitimate and in no way infringing on any personal rights of the perpetrator within the meaning of the country's legal system. In such a case the protection of society's interest should decisively prevail over the interests of an individual finding himself or herself within the circle of suspects in a criminal case, i.e. in a situation in which his or her guilt is only yet to be confirmed or excluded by a binding court judgment.

3. The role of behaviours, analysis of characteristic features, and the *modus operandi* in the process of identification of the perpetrator of homicide with the use of video-surveillance records

Many killers and especially serial killers have been characterized by highly distinctive traits, unequivocally distinguishing them from other perpetrators, from atypical, even innocuous manner of behaviour, to personality type, to traces left at the scene, to a *modus operandi* unique to themselves.

The last-mentioned term has received multiple definitions and descriptions in the subject literature. For example, M. Całkiewicz explains it as the perpetrator's manner of conduct covering all stages relating to the commission of the crime, thus not only the actual commission of it but also the preceding stage of preparation, as well as conduct subsequent to the commission of the crime.⁴² The concept at hand illustrates that in some situations the analysis of video-surveillance records capturing the moment of the crime, or the location of it, can in a significant degree facilitate the analysis of who the perpetrator is, whether the manner of conduct observed in other, similar cases returns a match, or whether the traits and features correspond to the profiler's portrayal of the perpetrator.

In its judgment of 24 October 2018 in *VI Ka 645/18*, the Warszawa-Praga Regional Court in Warsaw held that video-surveillance records, as well as the defendant's explanation corroborating them had painted a clear picture of the *modus operandi*. This means that

⁴¹ Wyrok SN z 25.09.1973 r., V KRN 358/73, OSNKW 1974, nr 2, poz. 27.

⁴² M. Całkiewicz, *Wykorzystanie wiedzy o modus operandi w postępowaniu karnym*, „Kwartalnik Prawno-Kryminalistyczny Szkoły Policji w Pile” 2014, nr 2(19), s. 32.

ANALYSIS OF THE UTILITY OF VIDEO-MONITORING RECORDS IN THE IDENTIFICATION OF PERPETRATORS OF HOMICIDE

discovering the perpetrator's motive and manner of conduct solely by analysis of video-surveillance records may already significantly expedite the identification. The law-enforcement agencies had had no such options available to them as recently several decades ago, when the absence of video surveillance was conducive to the anonymity of the perpetrator, especially one who covered significant distances in pursuit of his or her victims, though usually within the neighbourhood of his or her place of residence and leaving characteristic traces of his or her presence. In such situations eyewitnesses usually testified to the presence or repeat appearance of a strangely behaving person at a given time and place. Unfortunately, the volatility of human memory often misled the law-enforcement authorities during the presentation of the perpetrator's image. Hence, facial composites were not always fully representative of the actual appearance of the person wanted by the law-enforcement agency.

Difficulties with the identification of killers prior to the advent of visual surveillance with the opportunities it brought for the quicker apprehension of the perpetrator were further compounded whenever he or she brought out of a repetitive *modus operandi*, for example as a result of carelessness brought about by increasing boldness or borne out of a sense of impunity. That was the case of Paweł Tuchlin, who, until a certain point, followed a repetitive pattern of behaviour consisting in assaulting women in remote places by hitting the victim on the head, for which reason most such assaults were fatal. However, an astonishing change in his behaviour was brought about by circumstances as a result of which he first used a stolen car to hit the victim and thereafter exploited her in a characteristic way. As a result, the particular case had initially been classified not as a murderer's next attack but as a traffic accident, once again delaying the investors from apprehending the perpetrator of several years' worth of criminal acts. This example shows that Tuchlin's case is a perfect reflection of what great importance video-surveillance records could have had during the time. Tuchlin would stick within a fixed area of operation, and he was seen in the same places in which he attacked his victims, but during that period there was no way of capturing and recording the acts or linking his person to discovered crimes.

As T. Berdzik aptly observes, some part of serial killers distinguish themselves by a characteristic element, closely interlinked with a given killer's own *modus operandi*, which manifests itself in the selection of a specific instrument of crime (Paweł Tuchlin, Henryk Moruś), acting in a certain role, for example that of a person enjoying public trust (Mieczysław Zub), the use of a law-enforcement officer's uniform in order to evoke a false sense of trust and safety from the victim (enabling the smooth execution of the assault), or selection of a season of the year and time of day in which to proceed with the killing.⁴³

The value of reasoning from the *modus operandi* is predicated on the assumption that all perpetrators, even if they commit acts fulfilling the definition of the same criminal offence,

⁴³ T. Berdzik, *Analiza modus operandi i próba ustalenia motywacji sprawcy na podstawie studium przypadku niewyjaśnionych zbrodni w Łodzi – kryptonim „Partner”*, „Acta Universitatis Lodziensis. Folia Iuriduca” 2018, nr 82, s. 62.

act each in a manner characteristic unto himself or herself.⁴⁴ That is a rather simple path leading to the identification of the perpetrator in conjunction with other evidence of his criminal activities gathered in the course of his criminal activities.

B. Hołyst rightly points out an important feature characteristic of serial killers, who appear to represent a highly heterogeneous group, i.e. exhibiting multiple types of disorders. Despite all the diversity, empirical academic studies have shown specific personality traits to be more frequent in serial killers.⁴⁵

M. Kowalczyk emphasizes that the pessimistic prognoses about the possible impact of rehabilitation efforts on serial murderers must be linked first of all to the so-called homicidal obsession formed in the majority of serial killers, taking shape under the influence of either innate predispositions (e.g. micro-deficits of the central nervous system, especially brain damage) or more frequent traumas and inadequate relationships with those closest to them.⁴⁶

In addition to personality-related factors with potential significant influence on the formation of a serial killer's profile, one must not ignore such matters as the killer's habits or quirks, inclination to typical behaviours, such as satisfaction in tormenting animals, presenting an inclination to appropriate property belonging to others, or fascination with fire and burning. Tracing a characteristic *modus operandi* and linking it to the aforementioned aspects may be the key to finding the perpetrator. Moreover, the nowadays commonplace options for video surveillance of areas linked to a killer's activities within a specified territory could bring the law-enforcement authorities closer to apprehending the killer, also in a combination with more specialized methods of identification of the traces left by him or her.

Thanks to the specific and usually repetitive nature of the activity of killers in general and serial ones in particular, thus predictable in a way because it follows specific fixed patterns, or in a correlation with certain probable patterns of conduct, it becomes possible to begin an attempt to identify the killer first of all by narrowing the circle of potential suspects. Next in the order of importance is to determine the typical characteristic features that will make it possible to tell one perpetrator from another by considering such other crimes as may be or have been detected in a similar area, at a similar time or targeting a similar category of victims. The most frequently mentioned among such characteristic features are the instrument of the crime, the general way of acting (e.g. typically at night-time or within a set territory), specific victim profile or predispositions or even specific clothing in which the perpetrator has been seen. A perfect example of the discovery of outer garments to round out a killer's description was the *budrysówka* (jackpot) duffle coat worn by Joachim Knychala. The aforementioned killer brutally assaulted young women in the area of Silesia in years 1974–1982, five of whom he murdered. After Zdzisław Marchwicki (the 'Vampire of Zagłębie'), he was the second ignominious 'vampire' operating within the Upper-Silesia Industrial District (colloquially referred to as

⁴⁴ M. Całkiewicz, *Modus operandi...*, s. 22.

⁴⁵ B. Hołyst, *Psychologia kryminalistyczna*, Warszawa 2004, s. 290.

⁴⁶ M.H. Kowalczyk, *Zabójcy i mordercy*, Kraków 2017, s. 595.

ANALYSIS OF THE UTILITY OF VIDEO-MONITORING RECORDS IN THE IDENTIFICATION OF PERPETRATORS OF HOMICIDE

'Zagłębie'). In his time, i.e. years when there had been no such broad choice of apparel as is modernly available to us, identification by distinctive clothing could have been significantly easier, bringing investigators closer to apprehending the perpetrator. The identification would likely have been even more effective, had video surveillance been available during the period. In the present day information about the perpetrator's appearance, and clothing among it, is frequently announced to the public, and often parts of recordings are publicized in which one can discern characteristic elements capable of facilitating identification.

Another characteristic example of identification of a murderer is the *modus operandi* of Karol Kot, which consistent in assaulting – at least during a certain period of time – elderly women by stabbing them in the back. The first of his victims to die had been attacked in the vestibule of the Presentation Sisters' church at 2 Św. Jana Street in Cracow. Having taken a stabbing blow to her back, Maria P. managed to say that a boy had beat her up, before falling unconscious and dying without regaining consciousness⁴⁷. The other highly distinctive characteristics of Karol Kot, and yet repetitive to other serial killers, were murderous tendencies manifesting themselves in a fondness for killing,⁴⁸ tormenting animals,⁴⁹ as well as fascination with fire and arson.⁵⁰ Interestingly, Karol Kot had generally been regarded as an altogether normal person, even a polite and well-adjusted young man, in his environment. As noted by P. Semczuk, the inquiry in his place of habitation, at school and the sports club he had attended did not arise the slightest suspicion. The boy was concluded to be a polite, disciplined and well-mannered person. He was twenty years of age and had never been seen in a state suggesting intoxication. He came from a decent family.⁵¹ The above thus demolishes the oft-cited stereotype of serial killers being incurably ill or insane psychopaths instilling dread in their environments.

As B. Hołyst asserts, the overwhelming majority of serial killers commit their crimes not as a result of psychotic or delusional disorders but as a consequence of personality disturbance.⁵² Among other traits prevailing among serial killers are a propensity for theft, which perhaps translates into the subsequent habit of collecting 'trophies' from their victims, as well as a past involving a difficult and often violent childhood due to parents or caretakers abusing the child, who, with time, began to adopt the attitude of a victim

⁴⁷ J. Stukan, *Polscy seryjni mordercy*, Frampol 2018, s. 83.

⁴⁸ J. Stukan zacytował w swojej książce *Polscy seryjni mordercy* fragmenty wypowiedzi Karola Kota, w których dzielił się on swoimi fascynacjami do przemocy, agresji oraz zadawania ofiarom bólu i cierpienia. M.in. podawał, że: „Z moich marzeń zdążyło się spełnić jedno, chciałem i byłem katem dla ludzi, choć myślałem o większej rzezi, o prawdziwym, dużym krematorium. Gdyby była wojna, chciałbym być szefem obozu koncentracyjnego”. Innym razem podał: „Już właściwie od rana miałem zamiar kogoś zabić. Gdy doszedłem do kościółka, zauważyłem niską, lekko zgarbioną kobietę, która czytała klepsydry. Po chwili ta kobieta zaczęła iść ulicą Jana i skręciła do wejścia, do klasztoru. Ja trzymając teczkę w lewej ręce, bo ciosy zawsze zadawałem prawą, wszedłem za tą kobietą. Podszedłem do niej i zadałem jej cios w plecy, z góry, tak że i tym razem nóż wszedł po rękęjęść. Wybiegłem, wszedłem do bramy i zlizywałem krew z noża”.

⁴⁹ Motyw dręczenia zwierząt, zwłaszcza w okresie dzieciństwa ujawniał się u wielu seryjnych morderców jako cecha charakterystyczna dla nich. Na przykład Karol Kot twierdził, że „przyjemność sprawił mu widok zarzynanych zwierząt i ich rozbierania...”.

⁵⁰ Karol Kot podkreślał, że „od najmłodszych lat lubił zabawy z ogniem”.

⁵¹ P. Semczuk, *M jak morderca. Karol Kot – wampir z Krakowa*, Warszawa 2019, s. 84.

⁵² B. Hołyst, *Psychologia kryminalistyczna*, Warszawa 2004, s. 292.

ultimately to be able, with time, to dominate a victim and carry out pathological behaviours.⁵³ The analysis of all of the perpetrator's life, including childhood, as well as preferences or behaviours commonly regarded as quirky or atypical, can allow a specialist to create a so-called profile of the perpetrator. Thus the circle of potential suspects can be narrowed, which in itself should already significantly facilitate the identification of one specific person, although there are, of course, exceptions to this. Also in such cases the images obtained from video surveillance can supplement the information already gathered in the case. An interesting case, already mentioned here, that has never been identified was the perpetrator of the unresolved murders taking place in Łódź from 1988 to 1993, in which several homosexual men lost their lives.⁵⁴

Modernly, by contrast, thanks to the availability of urban video surveillance, it was possible to detect, identify and apprehend the perpetrator of the publicized killing of a young woman in Łódź toward the end of 2018. The murderer turned out to have been a foreigner, who had lured the victim into the flat he had rented, where the crime subsequently took place. The apprehension of the murderer was possible thanks to tracing the route covered by the victim, who had travelled specific sections of Łódź streets in the perpetrator's company. Her image was recognized in images caught by video surveillance, allowing the perpetrator to be apprehended in a short time; furthermore, this enabled his data to be forwarded to Interpol, who immediately classified him as a dangerous criminal.

The detailed analysis of the characteristics of a specific killer, especially where no image is available, as well as profiling and an attempt to understand the *modus operandi*, can be of key importance to telling apart two perpetrators acting in similar ways.

As noted by T. Berdzik, the overall pattern of conduct of a certain alleged killer, nicknamed 'Roman', was practically identical to that of the aforementioned killer of homosexual men and thus an intercourse with the victim, followed by killing in a sophisticated way saturated with violence, then theft of valuables and escape from the scene of the crime.⁵⁵

As the above-cited examples show, the *modus operandi* usually constitutes behaviour that is typical of a given criminal offender and can potentially expedite his or her identification. Thus, M. Całkiewicz is correct in observing that the *modus operandi* is of

⁵³ Bardzo znamiennymi przykładami ofiar przemocy domowej, wśród polskich seryjnych morderców, byli Joachim Knychala, Zdzisław Marchwicki, Paweł Tuchlin czy Leszek Pękalski. Każdy z nich doświadczył agresji oraz uciemiężenia ze strony bliskich, której sprawcą nie zawsze był ojciec. W przypadku Joachima Knychala oraz Leszeka Pękalskiego doświadczyli oni znęcania się ze strony matki i babki, które w wyrafinowany sposób potrafiły maltretować dziecko. W przypadku Leszka Pękalskiego J. Stukan podał, że kiedy miał on 4 lub 5 lat, bawił się przy piecu łopatką do węgla i w momencie zauważenia tego przez babkę, przytknęła jego rękę do rozżarzonej płyty pieca. Matka, która się o tym dowiedziała, nie uznała, że jej dziecko spotkała ze strony babki zbyt surowa, a wręcz okrutna kara, lecz jeszcze dodatkowo ukarała swojego syna.

⁵⁴ W tym wypadku kryminolodzy podejrzewali, iż sprawca nienawidzi swojej orientacji seksualnej lub został skrzywdzony przez homoseksualistę. Morderca był kilkakrotnie widziany, gdy opuszczał mieszkania ofiar. Powstały portrety pamięciowe. Mężczyzna miał powyżej 20 lat i był blondynem o krępej budowie ciała. Przykład ten doskonale pokazuje, że nawet przy posiadaniu wielu znaków szczególnych, a nawet pomimo stworzenia profilu sprawcy i posiadaniu jego wizerunku sporządzonego najczęściej w oparciu o zeznania świadków, jego ostateczne wykrycie nie zawsze jest możliwe. Jednak w obecnej rzeczywistości, prawdopodobieństwo ujęcia tego sprawcy byłoby znacznie bardziej realne ze względu na to, iż w wielu miejscach Łodzi powszechnie funkcjonuje tzw. monitoring miejski, o czym było już wspomniane we wcześniejszej części opracowania.

⁵⁵ T. Berdzik, *Analiza modus operandi...*, s. 47-48.

ANALYSIS OF THE UTILITY OF VIDEO-MONITORING RECORDS IN THE IDENTIFICATION OF PERPETRATORS OF HOMICIDE

the most value to those handling the criminal investigation where at least some of the perpetrator's conduct is not quotidian, is strange or clearly deviates from that of other criminals.⁵⁶

Such behaviours, especially where they are atypical or involve the perpetrator exhibiting a specific or even schematic pattern of conduct, as well as appearances in certain specific places and at a certain times, may significantly facilitate the identification and apprehension of the perpetrator if they are caught in video surveillance and undergo relevant analysis.

4. Final notes

Thanks to the proliferation of technological solutions, such as modern video-surveillance systems, swift identification of natural persons on the basis of video-surveillance records has become far more available. In certain situations, apprehending the perpetrator as quickly as possible may cause him or her not fully to exhibit his or her demoralized nature, such as hypothetical capacity for serial killing.⁵⁷

It is worth noting that perpetrators – especially those of publicized killings – often attempt to escape the borders of the country in which they have committed a crime. Thanks to images from video-surveillance, if the quality is good enough, the law-enforcement agencies' activities, also in the international arena such as through the Interpol, may significantly facilitate the apprehension of the perpetrator. Analysis of matters relating to homicide and of the circumstances connected with the detectability of the perpetrators from the perspective of the utility of video-surveillance records cannot be complete without mentioning so-called homicide within a circle of closest persons to the perpetrator, which is statistically the most frequent type, as compared to crimes committed by serial killers, whose identification poses more of a challenge to the investigation authorities. However, upon exclusion of the possibility that the killer is someone from the victim's immediate environment, verification of video-surveillance records from the vicinity of the crime scene may be of enormous assistance to the analysis of the perpetrator's profile in order to determine which persons could have had any contact with the victim at the critical time. Thanks to the ubiquitousness of video surveillance in the public space, the increased rates of identification of perpetrators of crime has been felt tangibly.

As noted by A. Petermann, 90–95% of all cases involving homicide in Germany are resolved in a very short time-frame, often on the same day. Those are frequently crimes

⁵⁶ M. Calkiewicz, *Modus operandi...*, s. 23.

⁵⁷ Tego rodzaju sytuacja miała miejsce w przypadku nagłośnionej medialnie sprawy mężczyzny z Warszawy, który w 2016 r. zamordował lektorkę, do której udał się na zajęcia z języka obcego. Dzięki uchwyceniu wizerunku jego twarzy za pomocą kamer wizyjnych, doszło do niemalże jego niezwłocznego zatrzymania. Choć kwestia ewentualnego predysponowania tego sprawcy do powtarzalności popełniania zbrodni zabójstwa, może być dyskusyjna, to bez wątplenia prawie niezwłoczne zatrzymanie wspomnianego zabójcy wyeliminowało potencjalną możliwość ponowienia przez niego ataku.

committed precisely by persons belonging to the circle of the victims' relatives or acquaintances. This also often explains the shocking circumstances of a crime committed by a close person, such as a life partner or someone else in a close interpersonal relationship⁵⁸.

Thus, as E. Gałka rightly points out in her work, contrary to the common belief, perpetrators are usually not insane or mentally ill individuals. Moreover, to date, it has not been proven that those who are mentally ill are more predisposed to killing than those who are not. Statistics confirm the above. Only 3% of all homicides in Poland have insane perpetrators.⁵⁹

For the purposes of the topic of hand, a matter possibly opening territory for separate further analysis can be the potential study of the impact made on perpetrator's consciousness by the existence of a 'threat' in the form of the presence video surveillance in the area in which the crime was committed, as well as the question whether such knowledge had any influence on the manner of commission of the crime or preparation for it or behaviour after it.

As noted by Ł. Szwejka, the presence of cameras makes potential perpetrators desist from the commission of the crime out of fear of detection and apprehension.⁶⁰ It is the opinion of the author of the present article that, in the light of the facts cited hereinabove, modern crime, especially serial killings, has been significantly reduced compared to the situation prevailing from after the war to the beginning of the 90s of the 20th century. Together with the dynamic technological progress, the number of crimes committed over an extended period of time by serial killers successfully evading capture is currently low. This may be due to the fact that perpetrators are now apprehended much more quickly than they would have been several decades ago. In the author's opinion, this may be the consequence of, among other factors, routine analysis by law-enforcement agencies of video-surveillance records makes it possible to determine a significantly higher quantity of facts within a shorter time-frame. Moreover, the fact of apprehending the perpetrator relatively quickly prevents him from escalating the criminality, for which reason media warnings about such type of threats are becoming rarer and rarer.

As the available police statistics show,⁶¹ detection rates of homicide perpetrators have increased significantly compared to preceding years. In certain provinces of Poland, almost 100% of all homicides are resolved; for example, this was the case in 2016, 2018 and 2019 in Łódzkie Voivodeship⁶².

Thanks to the ubiquitous recording of human activity in the most frequented locations such as shopping galleries, parks, city centres, car parks, as well as railway and bus stations, the opportunities such places used to provide killers with have currently

⁵⁸ A. Petermann, *Na tropie zła. Raporty profilerów*, Warszawa 2014, s. 13.

⁵⁹ E. Gałka, *Typologia sprawców zabójstw*, „Wrocławskie Studia Erazmiańskie. Zeszyty Studenckie” 2010, nr 5, s. 65.

⁶⁰ Ł. Szwejka, *Rola monitoringu wizyjnego w prewencji kryminalnej*, „Społeczeństwo i Rodzina” 2016, nr 2(47), s. 80.

⁶¹ Zgodnie z danymi statystycznymi Policji w 2020 r. stwierdzono 641 przypadków zabójstw, z czego sprawców tych zbrodni wykryto w 631 przypadkach, co oznacza, że wykrywalność osiągnęła poziom 98%. Podobnie duża wykrywalność miała miejsce w latach poprzednich, na przykład w 2019 r. – 97,7%, 2018 r. – 95,9%, 2017 r. – 97,1%, 2016 r. – 96,3%, 2015 r. – 94,6%. Źródło: <file:///C:/Users/Justyna/Downloads/przestepstwa-zabojstwo-do-2020.pdf>, dostęp: 10.06.2021 r.

⁶² <file:///C:/Users/Justyna/Downloads/przestepstwa-zabojstwo-do-2020.pdf>, dostęp: 10.06.2021 r.

ANALYSIS OF THE UTILITY OF VIDEO-MONITORING RECORDS IN THE IDENTIFICATION OF PERPETRATORS OF HOMICIDE

practically ceases to exist. The aforementioned Paweł Tuchlin had watched his then-future victims with the benefit of complete anonymity; this means that during the period before the advent of video surveillance, attempts to identify possible perpetrators were often based on other types of evidence, inherently imperfect and often unreliable testimony of witnesses, diverging too far from one another in their descriptions of the characteristic features or traits of the potential perpetrator, such as hair colour, body type, age or dress. Although there can be no doubt that images from video surveillance can in a significant degree help minimize the risk of such divergence, they cannot exclude it completely. For it is worth bearing in mind that some killers, being aware of the increasing number of cameras, can make intentional attempts to disguise their identity by modifying their overall appearance, haircut or dress or even disguising their body type.

It will also be expedient to note that valuable supplementation in the process of discovering the perpetrator's identity may be the aforementioned profiling procedures and thus a forensic tactic providing indications as to what particular characteristics a specific person may have. Having the perpetrator's profile can facilitate investigators' work in projecting the correct person, whereas video-surveillance records may prove to be a very fitting supplementation of such activities.

The aforementioned process of projecting (*typowanie*), though the term is often employed interchangeably with profiling, is in reality something different and separate from it. As noted by J. Gołębiowski and K. Grochowska, literature written in the Polish language typically referred to: 'projecting (*typowanie*) the characteristics of an unidentified perpetrator on the basis of analysis of the *modus operandi*.' The more modern-sounding term 'profiling' made its first appearance in literature in the Maciej Szaszkievicz's report of the 5th Annual Seminar – Criminal Personality Profiling and Crime Scene Assessment, held in Dundee, Scotland, June 1995.⁶³

Differences between projecting and profiling were discussed by M. Sasiada, who defined profiling as the process of identification or attempt at it and description of the values of specified dimensions or personality traits, psychopathological traits, etc., of the perpetrator, ultimately resulting in the creation of a criminal profile. By contrast, projecting (*typowanie*) was, according to her, the process of matching the profile against the relevant populace, resulting in a projection of a circle of persons matching it.⁶⁴

As noted by J. Gołębiowski and K. Grochowska – themselves experts in criminal profiling – the criminal profiling of unidentified perpetrators of criminal offences is a series of activities undertaken usually in the case of serial killings, sexual assaults and arsons in order to project the traits of an unidentified offender, on the basis of data originating from the crime scene, the victim's characteristics, as well as knowledge of

⁶³ J. Gołębiowski, K. Grochowska, *Profelowanie kryminalne na potrzeby sądu. Kontrowersje wokół przydatności*, w: *Innowacyjne metody wykrywania sprawców przestępstw. Materiały z konferencji*, red. M. Szostak, I. Dembowska, Wrocław 2014, s. 120,

⁶⁴ M. Sasiada, *Modus operandi jako środek identyfikacji sprawcy przestępstwa*, „Wrocławskie Studia Erazmiańskie. Zeszyty Studenckie” 2008, nr 1, s. 218.

similar, previously committed crimes.⁶⁵ This may lead to the conclusion that the profiling conducted by specialists, when considered together with the availability of video-surveillance records documenting specific elements linked to the crime, can certainly increase the probability of apprehending the perpetrator in a shorter time compared to not so distant past, when the aforementioned methods had not been as easily available.

In consequence, ever since the beginning of the 90s of the 20th century, there have been practically no reports of any active serial killers in Poland, in contrast with their intensified activities in the 50s to 80s of the 20th century, which is when the apprehension of one was usually followed by the surfacing of another, or several were operating at a given time throughout the country.⁶⁶

Can thus the causes of the current state of affairs be identified with the ubiquitous presence of urban video surveillance? In the opinion of the author of this article, one should approach this matter with certain reserve, because video surveillance, despite the increasingly frequent recognition of its importance, should not be routinely regarded as a means of singular or dominant value in the detection of killers. Rather, it ought to be regarded as an instrument to assist the fight on crime, especially in the context of prevention. At the same time, one should not detract from the doubtless significant value of other methods currently employed by law-enforcement agencies, nor should one unjustifiably extol the importance of video surveillance above such other methods of detection.

Interestingly, available sources stated in that there had been so many active serial killers in the United States on the break of the 60s and 70s of the 20th century that, in 1972, the FBI created as special science unit – the Behavioral Science Unit⁶⁷ – to study homicides lacking a clear motive but having certain specific features in common. A similar peak of serial-killer activity also dates to the same period in Poland.⁶⁸ This enables the conclusion that so-called serial killers in the past had operated in significantly more comfortable conditions and could enjoy a greater degree of anonymity.

The current state of affairs in which potential perpetrators are aware of the practically total surveillance of the majority of public spaces, although not completely excluding it, can still significantly deter the fruition of their criminal intent. Moreover, on the one hand, urban monitoring discourages potential criminals, who fear punishment as a result of getting caught in the recordings, and on the other hand potential victims feel safer in areas covered by surveillance.⁶⁹

⁶⁵ J. Gołębiowski, K. Grochowska, *Profilowanie kryminalne...*, s. 119.

⁶⁶ Nasiloną, a czasami nawet jednoczesną aktywność seryjnych zabójców w Polsce miała miejsce w odniesieniu do następujących sprawców: Stanisław Modzelewski (1952-1967), Zdzisław Marchwicki (1953-1970), Edmund Kolanowski (1970-1983), Paweł Tuchlin (1975-1983), Leszek Pękalski (1984-1992).

⁶⁷ Jest to oryginalna nazwa jednostki w ramach Federalnego Biura Śledczego (FBI), która na przestrzeni lat ewoluowała. Aktualnie wykorzystuje się jej potencjał m.in. w realizacji programów badawczych, szkoleń oraz usług z zakresu nauk behawioralnych. Źródło: https://translate.google.pl/translate?hl=pl&sl=en&u=https://en.wikipedia.org/wiki/Behavioral_Science_Unit&prev=search&pto=aue, dostęp: 05.09.2021 r.

⁶⁸ XX w. do lat 90. XX w. działało 14 seryjnych morderców, wśród których szczyt ich aktywności przypadł na okres od lat 50. do lat 80. Z kolei z doniesień wynika, że między rokiem 2000 a 2007 w Polsce mogło działać 6 seryjnych morderców. Zob. J. Stukan, *Polscy seryjni mordercy*, Frampol 2018, s. 5-6.

⁶⁹ Zob. J. Szwierz, P. Matczak, A. Dąbrowski, A. Wójtowicz, *Monitoring wizyjny i jego wpływ na straty spowodowane przestępczością. Przykłady z wybranych polskich miast*, „Studia z Polityki Publicznej” 2020, nr 1(25), s. 53.

ANALYSIS OF THE UTILITY OF VIDEO-MONITORING RECORDS IN THE IDENTIFICATION OF PERPETRATORS OF HOMICIDE

In summary, on the basis of available police statistics, the detection rate of homicide has been rising since the 90s of the 20th century together with simultaneous decrease in the number of s-called serial killings. This happens primarily due to the technological progress and intensive development of forensic methods. The nowadays-commonplace video surveillance, even if one were to regard it as only a method supplementing other ways of detection of perpetrators, as well as a means to increase the sense of public safety and security on the prevention level, shows a positive influence on (falling) crime rates, especially in places in which other types of surveillance may be difficult to implement. This applies especially to less frequented locations such as parks, squares or vicinities of communication nodes, which have been among the most frequent locations in which victims of homicide had been found. On the other hand, it should not be forgotten that an unquestionable value of video-surveillance from the perspective of the elimination or reduction of crime will lie in the production of evidence of law-breaking in specific circumstances.

Bibliografia

Literatura

Berdzik T., *Analiza modus operandi i próba ustalenia motywacji sprawcy na podstawie studium przypadku niewyjaśnionych zbrodni w Łodzi – kryptonim „Partner”*, 82 Acta Universitatis Lodzianensis. Folia Iuriduca 2018.

Browarny K., *Metody i środki wykorzystywane przez specjalistów w praktyce dochodzeniowo-śledczej*, in: M. Szostak, I. Dembowska, *Innowacyjne metody wykrywania sprawców przestępstw. Materiały z konferencji*, Wrocław 2014.

Caban M., *Seryjne zabójstwo w ujęciu resocjalizacji*, 4 (13) Zeszyty Naukowe. Zbliżenia Cywilizacyjne 2017.

Całkiewicz M., *Wykorzystanie wiedzy o modus operandi w postępowaniu karnym*, 2 (19) Kwartalnik Prawno-Kryminalistyczny Szkoły Policji w Pile 2014.

Całkiewicz M., *Modus operandi sprawców zabójstw*, Warszawa 2011. Czarnecki P., *Czynności operacyjno-rozpoznawcze a postępowanie karne*, 7-8 Palestra 2014.

Czerwiński A., Gradoń K., *Seryjni mordercy*, Warszawa 2001. Doroszewski W., *Słownik Języka Polskiego*, Warszawa 1958.

Gałka E., *Typologia sprawców zabójstw*, 5 Wrocławskie Studia Erazmiańskie 2010.

Goc M., *Fonoskopia*, in: E. Gruza, M. Goc, J. Moszczyński (eds.), *Kryminalistyka – czyli rzecz o metodach śledczych*, Warszawa 2008.

Gołębiowski J., Grochowska K., *Profilowanie kryminalne na potrzeby sądu. Kontrowersje wokół przydatności*, in: M. Szostak, I. Dembowska (eds.), *Innowacyjne metody wykrywania sprawców przestępstw. Materiały z konferencji*, Wrocław 2014.

Grzelak A., *Ochrona danych osobowych we współpracy państw członkowskich UE w*

Erwin Ryter

zwalczeniu przestępczości. W stronę standardu europejskiego, Warszawa 2015.

Hanausek T., *Kryminalistyka. Zarys wykładu*, Kraków 1996. Hołyst B., *Psychologia kryminalistyczna*, Warszawa 2004.

Jakubowska E., Lewna A., *Wykorzystanie chelioskopii w praktyce śledczej*, in: M. Szostak, I. Dembowska, *Innowacyjne metody wykrywania sprawców przestępstw. Materiały z konferencji*, Wrocław 2014.

ANALYSIS OF THE UTILITY OF VIDEO-MONITORING RECORDS IN THE IDENTIFICATION OF PERPETRATORS OF HOMICIDE

Kolbusz M., *Przyczyny występowania pomyłek sądowych i ich sprawcy*, 6 Edukacja Prawnicza 2019.

Kowalczyk M.H., *Zabójcy i mordercy*, Kraków 2017.

Kuczma E., *Ochrona wizerunku uczestników zgromadzenia*, in: R. Balicki, M. Jabłoński (eds.), *Wolność zgromadzeń*, Wrocław 2018.

Lebiedowicz A., *Profilowanie nieznanych sprawców zabójstw*, 2 (42) *Kwartalnik Krajowej Szkoły Sądownictwa i Prokuratury* 2021, 2 (42).

Matuszek G., *Monitoring wizyjny – ujęcie prawne i technologiczne. Współczesność i perspektywy*, 1 (73) *Zeszyty Naukowe SGSP* 2020.

Matuszek G., *Kryminalistyczne wykorzystanie zapisów monitoringu wizyjnego na przykładzie Laboratorium Kryminalistycznego KWP w Katowicach*, 4 (33) *Zeszyty Naukowe Państwowej Wyższej Szkoły Zawodowej im. Witelona w Legnicy* 2019.

Mazepa J., in: J. Mazepa (ed.), *Vademecum technika kryminalistyki*, Warszawa 2009.

Olkusz K., *Opisać zło. Motyw seryjnego zabójcy w najnowszej europejskiej literaturze kryminalnej (na wybranych przykładach)*, *Acta Universitatis Wratislaviensis* 2014, no. 3633.

Petermann A., *Auf der Spur des Bösen. Ein Profiler berichtet*, transl. by L. Karnas as *Na tropie zła. Raporty profilera*, Warszawa 2014, 13. Sasiada M., *Modus operandi jako środek identyfikacji sprawcy przestępstwa*, 1 *Wrocławskie Studia Erazmiańskie. Zeszyty Studenckie* 2008. Semczuk P., *M jak morderca. Karol Kot – wampir z Krakowa*, Warszawa 2019.

Sikora A., *Oskarżony obiektem okazania. Uwagi dotyczące obowiązku oskarżonego poddania się okazaniu w celach rozpoznawczych*, 7 *Internetowy Przegląd Prawniczy TBSP UJ* 2017.

Stukan J., *Polscy seryjni mordercy*, Frampol 2018.

Szwejką Ł., *Rola monitoringu wizyjnego w prewencji kryminalnej*, 2 (47) *Społeczeństwo i Rodzina* 2016.

Szwierz J., Matczak P., Dąbrowski A., Wójtowicz A., *Monitoring wizyjny i jego wpływ na straty spowodowane przestępczością. Przykłady z wybranych polskich miast*, 1 (25) *Studia z Polityki Publicznej* 2020.

Tomaszewska-Michalak M., *Prawne i kryminalistyczne aspekty wykorzystania technologii biometrycznej w Polsce*, Warszawa 2015.

Urbaniak A., *Ludzkie thanatos (instynkt zabijania) – prawda o naturze człowieka*, 1 *Zeszyty Naukowe Ruchu Studenckiego* 2014.

Wilk D., *Kryminalistyka*, Toruń 2013.

Wolińska M., *Metody i środki wykorzystywane przez specjalistów w praktyce dochodzeniowo-sledczej*, in: M. Szostak, I. Dembowska (eds.), *Innowacyjne metody wykrywania sprawców przestępstw. Materiały z konferencji*, Wrocław 2014.

Wróbel J., Podsiadlik P., *Monitoring wizyjny cz. I. Geneza i czasy współczesne, Materiały dydaktyczne*, Szkoła Policji Katowice, Katowice 2016.

Zakrzewski K., *Nietypowe metody identyfikacji człowieka*, 5 *Wrocławskie Studia Erazmiańskie. Zeszyty Studenckie* 2010.

Zawartka J., *Modus operandi seryjnego zabójcy na przykładzie Zdzisława Marchwickiego*

pseudonim „Wampir z Zagłębia”, 4 Security Economy & Law 2014.

Orzecznictwo

Supreme Court judgment in *V KRN 358/73*, of 25 September 1973, OSNKW 1974/2/27.

European Court of Human Rights, *Perry v. United Kingdom*, application no. 63737/00, judgment, 17 July 2003.

Źródła internetowe

<https://www.policja.pl/pol/aktualnosci/149181,Tymczasowy-areszt-dla-podejrzanych-o-zabojstwo-sprzed-26-lat-kolejna-zbrodnia-wy.html>, dostęp: 05 September 2021.

https://translate.google.pl/translatehl=pl&sl=en&u=https://en.wikipedia.org/wiki/Behavioral_Sciene_Unit&prev=search&pto=aue, dostęp: 05 September 2021.

https://panoptykon.org/sites/default/files/publikacje/panoptykon_cctv_seminarium_10-10-2012_2.pdf, dostęp: 05 June 2021.

<https://sjp.pwn.pl/szukaj/identyfikacja.html>, dostęp: 09 January 2021.

Akty prawne

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Processing Regulation) (OJ EU L 2016.119.1 of 4 May 2016).

Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA.

Act of 6 June 1997 – Code of Criminal Procedure (Dz.U.2021.534, as amended).

Act of 23 April 1964 – Civil Code (Dz.U.2020.1740, as amended).

Act of 6 April 1990 on the Police (Dz.U.2021.1822).

Act of 6 July 2001 on the Processing of Crime-Related Information (Dz.U.2021.167).