

FEDERAL LAW ENFORCEMENT TRAINING CENTER



CRIME SCENE MANAGEMENT AND INVESTIGATIONAL GOALS

DEPARTMENT OF THE TREASURY

CAVEAT

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CRIME SCENE MANAGEMENT AND INVESTIGATIONAL GOALS

New law enforcement officer recruits find themselves immersed in a veritable deluge of new information as they study law, departmental policy, operational procedures, human relations, and a host of applicable hands-on skills. However, the unifying philosophy, the integrating relationships between isolated units of knowledge may be overlooked in the effort to be certain that the recruits will be exposed to the body of knowledge necessary to fulfill their new responsibilities.

Thus, as an example, we learn the proper way to approach the crime scene, to isolate it, to make an acceptable record of the scene, and to collect and preserve physical evidence. The reasons for carrying out these actions are sometimes taken for granted and perhaps overlooked.

Why, then, do we undertake these procedures? What purposes are served by these actions? As we might imagine, there are a number of very legitimate objectives served by these labors. We shall list some of these and subsequently elaborate upon them in more detail.

1. To establish that a crime has been committed.
2. To identify the victim.
3. To identify the criminal.
4. To establish venue (geographical jurisdiction).
5. To locate the criminal.
6. To prove guilt.

A. To establish that a crime has been committed. The ultimate goal of the criminal investigator is to bring the offender to a court of law and to present evidence sufficient to obtain a conviction. We must realize, however, that unless we can establish that a crime has been committed, the case will never go to trial. In other words, we must establish certain elements of the offense. These elements may include a variety of factors. Did the subject break into the dwelling? Was there burning or charring of property? Was death the result of a wrongful act by another person? Was force or threat of force used to obtain the victim's money? How were the break-in and subsequent theft accomplished?

These are examples of questions which may be answered by physical evidence and associated crime procedures.

Thus, in a suspected arson case, we establish the location of the charred surfaces, take note of the inflammable trailer of combustible material, collect samples of accelerant fluid, and record the scene photographically and diagrammatically. These materials, observations, and records will help to establish clearly that the offense is indeed arson.

In responding to the burglary complaint, we will record the broken window at the rear of the house, collect broken glass samples, record the drawers pulled out, the cash box with lid forced open. We will attempt to recover fingerprints and make replicas of tool marks.

The results of these types of activities will help to establish the elements of the crime under investigation, the entry by force, the intent which is clearly evident.

From these examples, it should be understood by the officers that there is a coherent relationship between the various skills and knowledge which they acquire in their basic training. Thus, it is important that they learn, or at least have readily accessible, information relating to the elements of the many offenses they may investigate. The knowledge of these elements in turn will serve as a guideline in the scene investigation. Conversely, the investigation may help to establish and prove the existence of the elements of the crime.

B. To identify the victim. In the development of a case for prosecution, a victim must be identified. Some individual was robbed, raped, assaulted, burglarized or in some way was the victim of an unlawful offense. (Of course, there is a variety of so-called victimless crimes in which the state or the public at-large is considered to be the victim.)

Charles O'Hara, in his book "Fundamentals of Criminal Investigation," cites an interesting case which illustrates this need. "In a recent case, a detective, after stopping an automobile on suspicion of another crime, questioned the driver concerning the mink coat lying on the back seat. The driver confessed to stealing the coat from a restaurant and

was duly arrested. Further investigation, however, failed to discover the true owner of the coat, and the case was dismissed for the reason that a larceny had not been established."*

So it is important to establish the identity of a murder victim. We should use whatever resources are available for such identifications. These may range from simple identification by relatives to the use of fingerprint classification, dental identification, or the use of tattoos, scars, or other unusual characteristics.

Such victim identification is a routine part of any criminal investigation.

C. To identify the criminal. One of the major objectives in the investigation is to establish the identity of the perpetrator. (At the same time, it is equally important to assure that innocent parties are freed of the implication of guilt.) It should be understood that even though the corpus delicti, or fact that a crime has occurred, is clearly established and the victim is clearly identified, no prosecution can occur without a suspect being identified. So, as police and investigators, we bend our efforts to establish such identification. Such identification is so critical to a successful prosecution that some law enforcement agencies

*Fundamentals of Criminal Investigation, Charles O'Hara, Charles C. Thomas Publishing Co., 1956, p. 16.

are presently following a policy of effectively shelving those cases in which there is no early possibility of identification of a suspect.

Such identification may be accomplished in many ways. The simplest, but not necessarily the most reliable way, of course, is direct identification by one or more victims or witnesses. Descriptions of the offender may also lead eventually to identification. Analysis of modus operandi elements may result in the identification of a suspect. (For this reason, a very accurate and detailed descriptive crime scene report may be of critical importance, as the elements of modus operandi can be extracted from such a report.)

Careful processing of crime scenes may also contribute to such identifications. Although it does not happen very often, on occasion the offender may accidentally leave an item which serves to identify him/her directly or may indirectly lead to such identification. A credit card, a hotel key, or a parking garage receipt carelessly dropped from the pocket of the perpetrator serves as a "calling card." The wise investigator will be alert for such valuable evidence.

Routine crime scene processing may turn up evidence which may be critical in linking the criminal with the scene. Fingerprints may serve as positive identification. Bullets and expended cartridge cases may ultimately be identified as having been fired from a suspect's gun. Blood, hair, fibers, torn clothing fragments, fabric impressions,

shoe prints, or tool marks may serve as associative evidence which eventually serves to strongly connect the offender with the crime.

So we should never approach the crime scene processing as a mechanical routine. Be aware that what you do and what you collect may be of critical importance in establishing the identity and the criminal implication of the culprit.

D. To establish venue and jurisdiction. It is also important to establish just where the crime occurred. The reason for this is that when the case goes to trial it must be established that the crime actually occurred within the venue of the court trying the case. So, as investigators, we must be prepared to present such information. This is accomplished by the officer's testimony, by photographs showing the general and specific location, and by charts or maps.

Certain federal officers are limited by functional, as well as geographical, jurisdiction. Thus, it may be the nature of the offense rather than the geographical location, which determines whether federal action is appropriate. For example, bank robbery anywhere in the United States will fall within the jurisdiction of the FBI. Nevertheless, many federal officers are also limited in their authority to certain geographical locations. The authority of a Federal Protective Service officer will be limited to federal buildings and properties. That of a National Park Service Ranger may

be limited to federal recreation or conservation areas.

So the establishment of a geographical location will be of importance in federal investigations as well as in the non-federal sector.

E. To locate the criminal. One of the primary goals of the investigation will be to locate the offender and take the culprit into physical custody at some appropriate time after he/she has been identified.

The processing of the crime scene may turn up evidence which serves to help locate the offender. We have already mentioned the possibility of finding a "calling card" which may contain a name, address or telephone number. Other possibilities of so-called "tracing evidence" exist.

Crime scene investigators may find a cigar butt which turns out to be a somewhat unusual imported brand. This may lead to a distributor who may in turn identify a customer who regularly purchases that particular cigar.

A recent popular novel now being distributed as a movie describes an interesting investigation of this nature. A number of random murders are committed. It is determined that the victims have all been killed with an unusual instrument which is identified as an ice-axe used by alpine climbers. The investigation then leads to specialized sporting goods stores and catalogue purchases. This, in turn, ultimately leads to the principal suspect.

Although we are speaking of a fictional situation, it does indicate in a very dramatic form the possibilities of such tracing evidence.

F. To prove guilt. Imagine that we have achieved all of the foregoing objectives. We have demonstrated that a crime has occurred, a victim has been identified, we are certain as to the identity of the offender and have placed the culprit in custody, and we can establish where the event took place. We must now be prepared to prove to the court beyond reasonable doubt that our findings are true.

At this stage, it will be important to work closely with the prosecutor who will be able to identify areas of potential weakness in the prosecution of the case.

Investigators will review witness and victim statements, records of interviews with suspects, and assembled documentary evidence.

The Crime Laboratory will develop reports and exhibits to be used in the courtroom.

The investigator's crude diagrams will be used as the basis for refined charts. The relevant crime scene photographs will be enlarged for courtroom examination.

Fingerprints will be photographically enlarged and charts will be constructed showing the detailed point for point comparison which will prove identity.

The final test of all of our activities will take place in a court of law where, under our adversary system, the defense attorney will have the opportunity to challenge and contest our findings, our methods and our conclusions.

Examples of the questions we must be prepared to answer are:

1. Did we obtain our information and our evidence legitimately?

2. Was a proper approach used in interrogating the suspect?
3. Did we use proper procedures in actually collecting the evidence?
4. Can we really identify the court exhibit as the same item of evidence which was originally recovered?
5. Can the evidence be accounted for in terms of:
 - (a) who had possession at any given time?
 - (b) whether it was maintained in a secure location?
6. Are the photographs, charts, and evidence relevant and material to the case?
7. Is there another possible interpretation to our laboratory findings?

If we have done the job properly, there is a good possibility that our original goal of providing the means for society to convict the guilty offender will have been achieved. And even in those cases where the defendant walks off scot-free, the officers can rest assured that they used every resource and exerted every effort to achieve a just conclusion.

Society and each individual conscience can demand no more.