

Criminal Investigation

CJA-241

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This week the student will learn:



- Describe the process of criminal investigation
- Explain the coordination of the crime scene
- Discuss the search procedures followed in a crime scene investigation
- Identify the procedures of securing and subsequently transporting evidence from the crime scene
- Discuss the importance of tracking each piece of evidence collected from the crime scene
- Discuss the US Supreme Court case law concerning crime scene searches
- Explain the role of search warrants, police intelligence, and line-ups in criminal investigation

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Homework

- Chapter 2, "Direct and Circumstantial Evidence," pp. 25–45
- Chapter 3, "Records of the Crime Scene," pp. 59–66
- Chapter 4, "Laboratory and Technical Services," pp. 69–82
- Chapter 5, section titled "Informants," pp. 101–112
- Chapter 9, section titled "Case Preparation," pp. 176–181
- Sketch project of bathroom

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Initial Investigation

- Probing from the known to the unknown (backwards in time)
- Informers and Interrogation is old school
 - Informers and interrogation bad for court
- Forensic science is new school
- Hans Gross – first advocate of science to solve crimes.
 - Accuracy and Ethics were his credos

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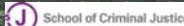
Initial Investigation

- Evidence Admissibility – Page 4
 - Relevant. **Rule 401.** "Relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.
 - say you want to know if putting ice on something makes it cold:
relative evidence: the object gets cold when ice touches it.
not relevant evidence: the object does not change colors.

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Initial Investigation

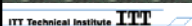
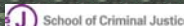
- Evidence Admissibility – Page 4
 - Material. “Material evidence” must relate to the facts in issue and must be important enough to warrant its use.
 - Competent. “Competent evidence” tends to prove the matter in dispute. In a murder trial, for example, competent evidence might include the murder weapon with the defendant's fingerprints on it.





Initial Investigation

- The Fourth Amendment refers to the right of citizens to have and maintain items of secrecy from the eyes of the government.
- It states specifically that people enjoy “the right to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.”
 - This has also been extended to include their vehicles, private areas at work and recreation and even their owned land.
 - This indicates that barring exigent circumstances, a search warrant must be issued for the government to search these areas.



Initial Investigation

- This Amendment goes on to explain the requirements for obtaining such a warrant by stating that “warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”
- In this way, the government must convince an impartial judge that the search is reasonable and necessary. If the judge is convinced, then he will issue the warrant, and place constraints upon the warrant that must be followed by the government when they enforce it.
- This is designed to insure that a person is not unduly inconvenienced or searched without a valid reason.

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Initial Investigation

- Difference between criminal & civil
 - Criminal
 - Prove a case against the defendant beyond a reasonable doubt – to a moral certainty
 - 50+%
 - Civil
 - Plaintiff needs 1% fault attributed to defendant
 - Defendant needs 100% attributed to plaintiff

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Initial Investigation

- First Responder
 - Neutralize the crime scene
 - Ensure that medical attention is provided
 - Evidence is trumped by medical needs
 - Set the boundaries of the crime scene
 - Can be reduced, hard to enlarge
 - The initial officer is “IN CHARGE”
 - Searches
 - Point-to-point, widening circle, zone/sector, strip/grid

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Initial Investigation

- Point-to-point
 - Follow a chain of objects that are obviously evidence
- Widening circle
 - A widening spiral starting at the central point
- Zone/sector
 - Area is divided into zone and each is search individually
- Strip/grid
 - Search up and back slowly covering entire area to be searched.

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If  Made Condoms



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Initial Investigation

- Edmond Locard's Exchange Principal
- Do NOT harvest evidence
 - Take notes
 - Make sketch
 - Take photos
 - Take ACCURATE measurements
- If you harvest evidence, always mark it for identification

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Initial Investigation

- Chain of Possession
 - In court, can you positively ID the evidence?
 - Has the evidence been altered in any fashion?
 - What was done? By whom? Why? Where?
 - Whom has touched this evidence?
- Known standard (of evidence) – control
 - Fingerprint, Hair, Paint, Carpet, etc.

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Initial Investigation

- Schmerber vs. California 1966
 - Police can force a blood draw
 - 5th Amendment does not protect against providing real evidence (blood, hair, clothing)
 - 5th Amendment only protects against communicative or testimonial evidence.
- The fifth amendment to the U.S. Constitution states that:

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Police Testimony

- No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

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Police Testimony

- In short, The fifth amendment to the U.S. Constitution states that:
- “(no person) shall be compelled in any criminal case to be a witness against himself (,) nor be deprived of life, liberty, or property, without due process of law,”
- In grammar, the comma is used to separate items in lists or provide a pause.

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Initial Investigation

- Miranda vs. Arizona 1966
 - If in custody
 - If suspect is center of investigation
- A.D.D.
 - Admit Nothing
 - Deny Everything
 - Demand Proof



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Crime Scene Records

- Sketches and photographs are evidence
 - Used to support investigator's testimony
 - Raw vs. JPG
 - Data recorded about photos
- Worst mistake when sketching is to record an erroneous distance.
- Discovery is when the defense officially requests a copy of the prosecution case.
- Define Corpus Delicti
 - The essential elements of the crime.

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Crime Scene Records

- Corpus Delicti elements (collect data for each)
 - Type of crime
 - Person attacked
 - How attacked
 - Means of attack
 - Trademark of suspect
 - Words spoken or written
 - Vehicle used
 - Property taken
 - Name or description of suspect

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