



Criminal Investigation

CJA-241



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
Homework

- Read chapters 10,11,12,13, starting on page # 191.
- The student will be aware of:
 - Investigative processes related to violent crimes
 - Unique Investigative needs special to each crime category
 - Role of medical examination in violent crimes
 - Role of search warrants in violent crime

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Development of Investigative Information

- We will be reviewing the required reading of chapter 9, starting on page # 165.
- The student will be aware of:
 - Process of arrest
 - Necessary info included in crime bulletin for stop
 - Activities in a background investigation or a crime
 - Reasonable suspicion vs. probable cause
 - Preparation of a case packet

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Arrest of the Accused



- Where can information about the suspect be obtained? (More later)
 - Records of criminal justice agencies
 - NCIC
 - Parole and Probation
 - Credit reports
 - Telephone records
 - Employment histories
 - Public records

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Arrest of the Accused

- The broadcast
 - The suspect description
 - Description is a compromise because it is a composite from victim and witness recollection
 - Never change it in field notes or broadcast
 - Identifying characteristics
 - Scar, tattoo, blemish, disfigurement, etc.
 - Damaged fender, partial plate, special paint, etc.
 - The crime
 - PC #, time, date, location, weapons, etc.

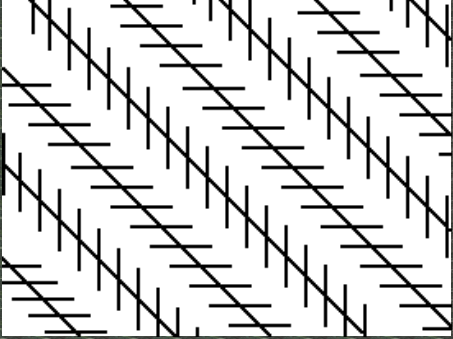
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Arrest of the Accused

- The broadcast
 - The crime cont.
 - Type of items stolen
 - Some special MO info if officer safety is concerned
 - Suspect description
 - Race, gender, age, height, weight, build, hair style/type/color, eyes, marks.
 - Clothing
 - Vehicle description
 - Direction of flight

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Records for Info

- City or County
 - Tax, welfare, court, school, juror, voting
- State
 - Tax, corporate, court, alcoholic beverage, DMV, veh. registration, weapons registration.
- Federal
 - FBI, INS, U.S. Postal, Social Security, Military
- Private
 - Moving companies, phone, utilities, credit agencies, banks, BBB, chamber of commerce, professional associates, business directories, etc.

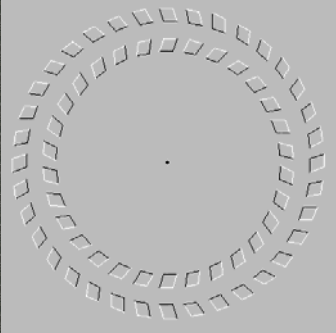
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Records for Info

- Most every locality possesses a special record system known only to them
 - Reno has the best divorce record system in the country
 - Miami has the best records of spouses cheating on spouses (and getting into minor trouble)
 - Other info sources are available on the web, you just have to locate them
- Document your sources

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Wanted Notices

- Notice provides probable cause for stop and arrest
- Include color photos in published notice because it provides a more life-like image
- Locate and include fingerprints of susp.
- See 12 descriptive features on pages 169 and 171.
- Don't worry about being kind or "P.C."



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Wanted Notices

Known associates, friends, relatives, habits, hobbies all provide info.

It is the DUTY of any investigator to specify in the notice whether the fugitive is armed, a weapon was used in the crime, the fugitive is known to use weapons to avoid capture.

NEVER permit a brother officer to be injured due to your neglect or laziness

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The Arrest

- Rochin vs California
 - Search may not shock the conscience
 - Stomach pumped to recover heroin packets
- When arrested, the person and immediate area are searched – without a warrant
 - Look for trace evidence and other items to connect the suspect to the crime
 - The concept of immediate area of control is a vital concept.

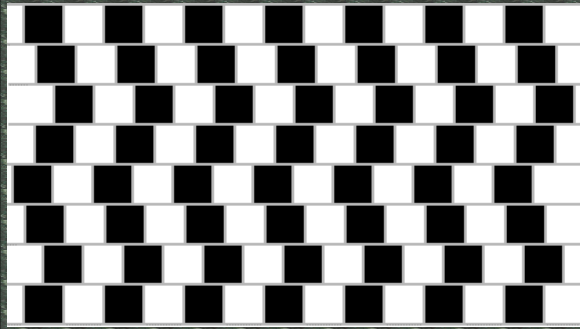
The Arrest

- Chimel vs. California (Page 372)
 - Immediate area of control
 - On the street, anywhere in the area
 - In a car, search the interior of the car
 - In a building, the room they are in and any immediately attached with easy access
 - Search warrant still advisable
- Landlords and managers can only consent to search of public areas

The Arrest

- If more than one person has ownership or control of an area, get permission from all of them, first.
- Accusatory Pleading
 - At a specified time and date
 - In a specified place
 - The named person
 - Committed an act or omission
 - That was a violation, AT THAT TIME

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Case Preparation

- Case preparation is the organization of all case information in an orderly array
 - Include reports
 - Listing of exhibits
 - All documentation
 - List of witnesses (and their testimony, brief)
 - Lab results
 - Chronological investigation
 - Chronological crime

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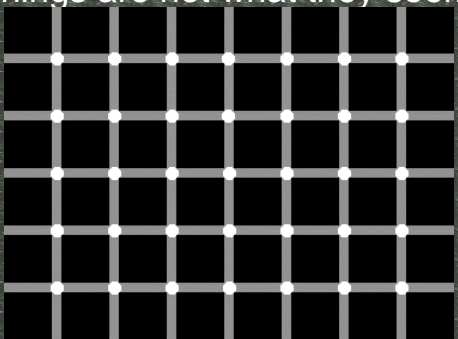
Case Preparation



- If you are an expert, include an outline of your opinions
 - What the opinion is for a specific topic
 - What the evidence used to make opinion
 - The tests conducted to reach determination
 - Any findings those tests revealed
 - Any difficulties encountered
 - Reason these results influenced your opinion
 - Why a different opinion would be erroneous

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Negative Evidence

- The investigator must be prepared to counter negative evidence
 - Defendant did not commit the crime
 - Mistaken identity
 - Shoddy police work
 - Coincidence, he was somewhere else – alibi
 - Defendant did commit crime, but ...
 - It was excusable
 - It was an accident
 - Due to legal insanity
 - Diminished mental faculties

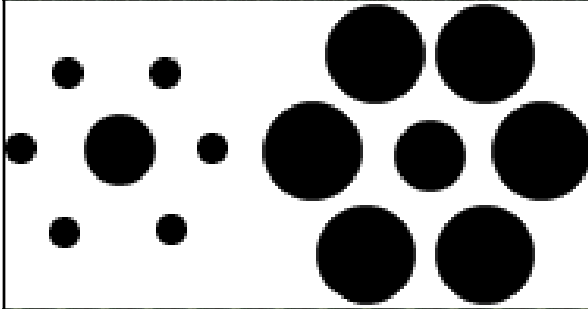
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Negative Evidence

- No crime was ever actually committed
 - Corpus Delicti will be attacked
 - The evidence will be attacked
 - Sufficiency
 - Harvesting
 - Testing
 - Results
 - The essential elements will be attacked
 - Intent
 - Proximate cause
 - Etc.

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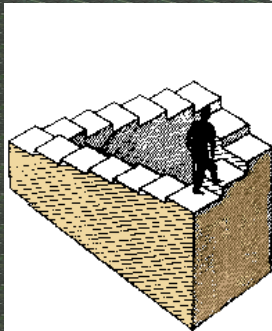
Lawful Procedures

- It is the responsibility of the investigator to point out procedural lawfulness
 - Proper protocol followed for locating and interviewing witnesses
 - Reasonableness and legality of searches
 - Integrity of collecting and preserving evidence
 - Surveillance that conforms to due process
 - Voluntariness of confession or admission
 - Complete adherence to all due process concerns.

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Closure

- The decision to charge is NOT YOUR CONCERN
 - Investigation finds that no crime occurred
 - The offender dies
 - Case is a murder-suicide
 - Suspect confesses on their deathbed
 - Uncooperative victim
 - Suspect already in long-term custody
 - Non-extradition with another locality
 - Suspect convicted of a lesser included offenses.

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Closure

- Criminal investigations are closed when:
 - Full results obtained, arrest made or other exceptional clearance
 - All possible results obtained, no further results currently possible
 - No results can be obtained
- This permits cases to be closed without an arrest being necessary
- Confirms that search is for truth not arrest

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Closure

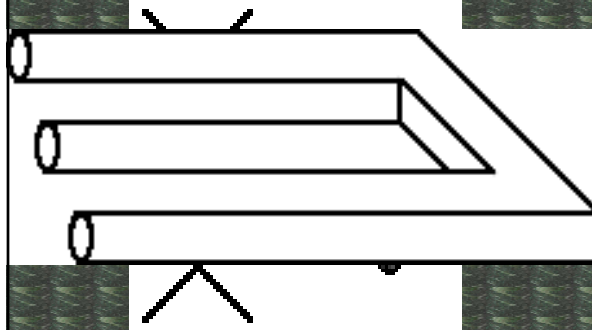
- “investigators must view all aspects of a case, particularly information pointing to the innocence of the accused person. Presenting a prima facie case and hoping and trusting it will withstand the contradiction of a defense attack is no longer sufficient. The case must be prepared so that legally significant evidence presented in court will withstand attack by the defense and establish guilt beyond a reasonable doubt”.

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Closure

- Exonerate the innocent, identify the guilty.
- Examine all the data, both for and against the suspect
- ALWAYS look at a case from your opposition's standpoint
- Inform your atty of any information you develop that would be damaging to his case, then present methods of mitigating that information

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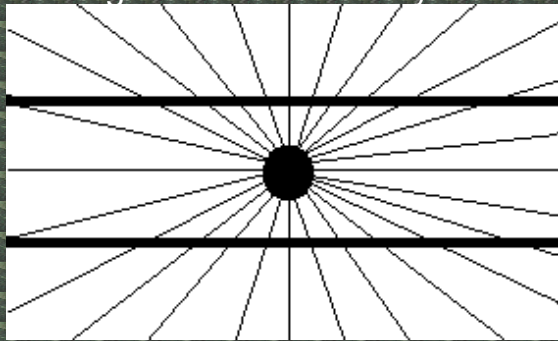
Definitions

- Lividity (liver mortis) indicates body position following death
 - Blood pools at the lowest parts of the body due to lack of circulation.
 - Begins immediately and lasts 12 hours
- Liver temp (Algor Mortis) indicates approximate time of death (0-20 hrs)
 - Changes in the body, after death, that cause it to lose heat.
 - Begins about one hour after death,
 - Loses about 1-1.5 degrees per hour.

Definitions

- Rigor mortis
 - The tightening of the muscle tissues within the body without the shortening of the muscles.
 - Stiffening begins about 24 hours after death and disappears about 36 hours following death.
- Vitreous Humor (eyeball jelly)
 - Fluid in the eyeball
 - Following death, cells in the eye release potassium into the fluid.
 - Measuring the amount of change over time, can permit a back figure to time of death.

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Homework

- Read chapters 10, 11, 12, & 13, starting on page # 191.
- Be prepared to discuss Investigations of Violent Crimes