

Unit Goal: Goals and objectives of criminal investigation.

32.1. Define criminal investigation.

- A. A criminal investigation is the process of legally gathering evidence of a crime that has been or is being committed.

Source: Criminal Investigation: Law and Practice, 2nd ed., Michael F. Brown, Butterworth-Hienemann, 2001, pg. 3.

- B. Relevant terms and definitions significant to the criminal investigation process:

- i. Bias: A highly personal and unreasoned distortion of judgment.
- ii. Crime: An act or omission forbidden by law and punishable by a fine, imprisonment, or even death. Crimes and their penalties are established and defined by state and federal statutes and local ordinances.
- iii. Circumstantial Evidence: Not based on actual personal knowledge or observation of the facts in controversy, but of other facts from which deductions are drawn, showing indirectly the facts sought to be proved.
- iv. Complainant: Person requesting an investigation or that action is taken. Is often the victim of a crime.
- v. Corpus delicti: literally means the body or substance of the crime. In law the term refers to proof establishing that a crime has occurred; the necessary elements that constitute a crime.
- vi. Elements of a crime: Conditions that must occur for an act to be called a specific kind of crime.
- vii. Evidence: Anything to be offered in court to prove the truth or falsity of a fact in issue.
- viii. Fact: Something known to be true.
- ix. Fence: One who receives and disposes of stolen property on a regular basis.
- x. Field Identification: On-the-scene identification of a suspect by the victim or witness to a crime, conducted within minutes of the commission of a crime.
- xi. Prejudice: An opinion or leaning adverse to anything without just grounds or before obtaining sufficient knowledge.
- xii. Modus Operandi (MO): A criminal's characteristic method of operation.
- xiii. Proof beyond a reasonable doubt: Level of proof required to obtain a conviction in a criminal trial.
- xiv. Probable Cause: Credible information exists that would cause a reasonable and prudent person to believe a particular suspect committed or is committing a specific offense (in the case of arrest); Or – Credible information exists that would cause a reasonable and prudent person to believe there is a fair probability that contraband or evidence of a crime will be found in a particular place.
- xv. Rapport: a feeling of ease and harmony in a contact or relationship between people.
- xvi. Reasonable Doubt: A juror must have a level of certainty beyond a reasonable doubt to find a defendant guilty of a crime. Reasonable doubt alone is a level of certainty a juror must have to acquit a defendant of a crime.
- xvii. Reasonable Suspicion: Specific articulable facts, together with rational inferences from those facts that would reasonably warrant the detention of a

- person.
- xviii. Statement: A legal narrative description of events related to a crime.
- xix. Suspect: A person considered to be directly or indirectly connected with a crime, either by overt act or by planning and/or directing it.
- xx. Witness: A person who saw a crime or some part of it being committed or who has relevant information.
- xxi. Victim: The person injured by a crime.

32.2. Identify the tools of the criminal investigator.

- A. The tools available to a criminal investigator have increased and will continue to increase in number and sophistication; however, the fundamentals of criminal investigation remain the same.
- B. Criminal investigation tools:
 - i. Information: The knowledge a criminal investigator gathers from other persons (victims, witnesses, suspects) and other legitimate sources (records, reports, etc.) Instrumentation or forensic science: The techniques that help in the solution of the crime. Consists of fingerprints, serology, ballistics, and DNA analysis, etc.
 - ii. Interviewing: The questioning of victims, witnesses, or suspects in a criminal investigation.
 - iii. Laws of arrest, search, and seizure: Provides guidance on what investigative techniques are acceptable. Mastery and knowledge of criminal procedures and the rules of evidence enable the investigator to gather evidence against a suspect that can withstand court challenges.

32.3. List the goals of a criminal investigator.

- A. The goal of any criminal investigation is to determine, to the extent possible, the truth about how a crime occurred. The goals are:
 - i. To determine if a crime has been committed.
 - ii. To legally obtain information and evidence to identify the person(s) responsible for committing the crime.
 - iii. To legally arrest the suspect(s).
 - iv. To recover all stolen property.
 - v. To present the best case possible to the prosecutor.
- B. The criminal investigator must be mindful that the basic task of a criminal investigation is to determine the truth. This requires the investigator to gather all the information that tends to prove or disprove a person's involvement in a criminal act or omission. Not all crimes are solvable.

Source: Criminal Investigation: Law and Practice, 2nd ed., Michael F. Brown, Butterworth-Hienemann, 2001, pg. 3.

Bennett, Wayne W. and Hess, Karen M. (1991). Criminal Investigation, (3rd ed). St. Paul: West Publishing Company.

Black, Henry C. (1992). Black's Law Dictionary, (6th ed.). p. 344.

32.4. Discuss the legal significance of evidence.

- A. The legal significance of evidence rests in its influence on the judge or juror.

Source: O'Hara, op cit, p. 627; Weston and Wells, op cit p. 12.

32.5. Discuss the significance of proof beyond a reasonable doubt in criminal cases.

- A. The level of certainty a juror must have to find a defendant guilty of a crime. A real doubt, based upon reason and common sense after careful and impartial consideration of all the evidence, or lack of evidence, in a case.
- B. It is not a mere possible doubt, because everything relating to human affairs and depending on moral evidence is open to some possible or imaginary doubt. It is that state of the case, which, after the entire comparison and consideration of all the evidence, leaves the minds of jurors in that condition that they cannot say they feel an abiding conviction, to a moral certainty, of the truth of the charge.
- C. The investigator shall collect corroborating evidence of an accused person's guilt to negate the defenses claims.

Source: Black's Law Dictionary, op cit, p. 1265.

32.6. List the characteristics of an investigator.

- A. Knowledge of the basic fundamentals, methods, and techniques of investigation are essential for anyone conducting a criminal investigation.
- B. Criminal investigators must strive for objectivity when conducting any investigation. The actions of an investigator, or lack thereof, can affect the lives of all those involved, both guilty and innocent.
- C. Characteristics of a criminal investigator:
- i. Suspicious – takes nothing for granted. Investigators may find that victims and witnesses, as well as suspects, may be motivated by various physiological, psychological, and sociological needs that may “color” the information they give. Gathers information but verifies its credibility.
 - ii. Curious – desires to investigate and learn the facts and truth about people, places or objects. This means being habitually curious of such things as spontaneous statements by suspects, an unusual amount of money in the possession of a person of modest means, etc.
 - iii. Observant – investigators should be trained observers. They should develop the ability to take accurate notice of, keep in view and give attention to, that which is present in their five senses.
 - iv. Unbiased and Unprejudiced – an investigator must possess an unbiased and unprejudiced mind. Allowing either attitude to be involved in a case will result in a sloppy investigation, incorrect conclusions and unfairness to victims and suspects.
 - v. Develops rapport through interpersonal communication skills – establishing rapport with victims and witnesses is one of the prime facilitators of an investigation. Accomplished by being patient, courteous, and sympathetic with persons contacted during an investigation.
 - vi. Logical thinking – the ability to apply logic when comparing a person's behavior to their statements and their expressed motivations, in order to search for

information, evidence, or other potential leads. Does their statement make sense? Does it fit the physical evidence? Is their behavior consistent with their statement?

- vii. Creative problem solving – the ability to think of other possible ways to accomplish a task, or to secure certain information or evidence. Requires a thorough understanding of the rules of evidence, as well as current accepted forensic methods.
- D. Criminal investigators must not attempt to exhibit expertise in all fields of law enforcement, nor discuss case details with anyone outside of police or other authorized circles. This practice can be prejudicial and compromising to both the prosecution and defense.

Source: Practical Criminal Investigation, 5th ed., Manuel S. Pena, Wadsworth, 2000, pgs. 18-25.

Unit Goal: Crimes against property and persons and characteristics of these crimes.

32.7. Discuss various types of property offenses and characteristics of these types of crimes.

- A. Professional Criminal(s):
- B. Professional thief:
 - i. Penal Code Sec. 31.03 - Theft
 - ii. Profit motive
 - iii. Operate to minimize chances of observation.
 - iv. Lack of eyewitnesses.
 - v. May be traced when stolen property is recovered.
 - vi. This type requires planning, direction, and operating skills.
 - vii. The type of property stolen may be an important clue.
 - viii. Often work in conjunction with criminal receivers (fences).
 - ix. May also commit the crimes of burglary, white collar crimes, vehicle theft, agricultural crimes, and arson.
- C. Semi-professional (unskilled) thief:
 - i. Profit still underlying motive, but this type may be more interested in getting money for drugs.
 - ii. Targets are determined more by opportunity (cruising robber)
 - iii. Less involved in planning or preparation
 - iv. More likely to resort to violence against victim.
 - v. Presents a special danger when interrupted and cornered.
 - vi. More prone to violence to try to effect escape.
 - vii. Less rational than "professional" counterpart
- D. Burglar:
 - i. Same motivation as professional thief
 - ii. Has ability to gain entry to premises by stealth or defeating locks, alarms.
 - iii. Ability to plan, direct, and execute an operation.
 - iv. Has business sense - ability to distinguish between valuable and worthless items during burglary.
 - v. Connections to dispose of fruits of the crime.
 - vi. Type of burglary committed may give a clue to suspect identity.
 - vii. Residential premises

- viii. Safe burglary
 - ix. Commercial premises
 - x. Vehicle
 - E. Robber:
 - i. Penal Code Sec. 29.02 - Robbery
 - ii. Penal Code Sec. 29.03 – Aggravated Robbery
 - iii. Penal Code Sec. 29.04 – Jugging
 - iv. Indicates a tendency to use violence on a stranger.
 - v. Bolder type personality - sacrifices secrecy through confrontation with victim
 - vi. Generally classed according to style
 - 1. Ambush - least planned; based on element of surprise.
 - 2. Planned operation - carefully structured; robbery group examines all aspects of the situation and plans for foreseeable contingencies. May engage in "dry runs" in preparation for robbery or "casing" of the robbery scene.
 - vii. May specialize in specific targets i.e., banks, jewelry stores, home invasion.
 - viii. "Signature" aspects of robbery (modus operandi) may help in typing a person or group to a series of robberies.
 - ix. Use of "backup" creates a special hazard to officers responding to robbery in progress.
 - F. An accomplished thief not only completes the crime but successfully disposes of the property. The "Achilles' Heel" (weakness) of property crime is the disposal of the stolen property.
 - G. Con Artists and Con Games or Schemes:
 - i. Penal Code Sec. 32.44 – Rigging Publicly Exhibited Contest
 - ii. Penal Code Sec. 31.03 – Theft
 - iii. Based on promises of unusual return i.e., something for nothing, double your money, etc. Often use victims' own greed, assuring them risks are minimal.
 - iv. Often use props in carrying out schemes
 - v. Frequently work with partner(s)
 - vi. Often prey on elderly
 - vii. Generally, very mobile
 - viii. Tend to be non-violent.
- Source:** Weston and Wells, op cit, pp. 324 - 325
- H. Forgery and Credit Card Abuse:
 - i. Penal Code Sec. 32.21 – Forgery
 - ii. Penal Code Sec. 32.31 – Credit Card or Debit Card Abuse
 - iii. Penal Code Sec. 32.41 – Issuance of Bad Check or Similar Sight Order
 - iv. Penal Code Sec. 32.56 – Fraudulent Use, Possession, Or Tampering with Gift Card, Gift Card Packaging, or Gift Card Data or Redemption Information
 - v. Least violent of offenders
 - vi. Four steps in check fraud
 - 1. Forging
 - 2. Use of false or stolen identification cards
 - 3. Use of a presentation that overcomes a merchant's reluctance to cash a check upon minimal identification.

- 4. Con artist's sense of right time, place, and victim
- vii. Credit cards often used as alternative to check writing.
- viii. Contemporary computer software allows forger to create checks, credit cards and currency.
- I. Auto Theft:
 - i. Penal Code Sec. 31.03 – Theft
 - ii. Penal Code Sec. 31.07 – Unauthorized Use of a Vehicle
 - iii. Penal Code Sec. 31.11 – Tampering with Identification Numbers
 - iv. Comprised of both amateurs and professionals.
 - v. Generally, fall into one of five categories:
 - 1. Unauthorized Use of a Motor Vehicle offender(s) - Joy-riding juvenile; usually host to several other juveniles. Abandons vehicle when it runs out of gas, or they tire of it. Transportation thief - "borrows" car for transportation. Abandons vehicle when it has served its purpose.
 - 2. Use-in-crime thief - steals a car for sole purpose of using it in the commission of another crime.
 - 3. Insurance fraud swindlers - owner abandons vehicle in area where he knows vehicle will be stripped. May burn vehicle or have it dismantled in junkyard.
 - 4. Strippers and dismantlers: Strippers attack parked vehicle and remove parts that can be readily disposed of. Dismantlers steal vehicle and tow or drive it to a "chop shop."
 - 5. Professional auto thief - steals late model vehicles and resells them. May ship vehicles and resells them. May ship vehicle out of country (Mexico or South America).

Source: Weston and Wells, op cit, pp. 393-39

32.8. Identify the characteristics of a street thief.

- A. Street Thieves
 - i. Uniformed officers encounter "street" thieves more often than the truly professional car thief.
 - ii. Street thieves often carry weapons and take reckless chances to avoid apprehension.
 - iii. Street thieves are usually stealing for trading material to procure narcotics or alcohol.
 - iv. Street thieves are the most dangerous auto thieves.
 - v. The truly professional thief will rarely be armed since he would get more time for a weapon charge than the theft charge. He will try to use his mind to outwit his captor.
 - vi. The better an officer becomes at questioning a suspect and catching him in a lie, the better that officer's chances are he will catch a professional car thief.

32.9. Explain what a "salvage switch" is and how it works.

- A. Salvage Switch
 - i. Described as the altering of a vehicle's identity by placing the serial number of a total loss car (total loss vehicles are cheaper to buy and still get a title) onto a

- stolen car.
- ii. When the serial plate of the stolen car is removed and replaced with the serial plate of the wrecked car, a thief is then able to sell a stolen car as if it was legal.
 - iii. The degree of VIN switching varies with the degree of expertise of the thief. Some switches are very primitive, and others are so good that they are almost undetectable.
 - iv. Many times, officers will run a VIN or license plate and receive a return with "junk" salvage title issued on a certain date under the remarks section. This return indicates that Austin MVD computer records show the vehicle as a non-operating vehicle that should not be on the road. It is a registration violation to operate a vehicle on a salvage title.
 - v. If the license plate is obviously just issued (not reported by county) the driver may have just repaired the vehicle to running condition and surrendered their salvage title to a tax or MVD office to get their new blue title. In this case the driver is legal, and no enforcement action should be taken.
 - vi. When a salvage switcher changes VIN plates, it is easy to distort or damage the rivets and plate. Close examination of VIN plates and rivets should be made.
 - vii. Obviously, when a VIN is changed the MVI certificate, which contains a repeat of the VIN, must be changed. To avoid having an inspector write down his information from the back of the old MVI certificate, the thief will tear it off. The newly installed MVI certificate will contain "none" in the space for previous MVI certificate.

32.10. Identify some common problems of dealership inventory control.

A. Dealership Problems

- i. One problem that is common in large cities with big auto dealerships is inventory control. A dealer may do an inventory at 30, 60, or 90 days.
- ii. If a thief has an inside contact who knows when an inventory is conducted, he can arrange to steal a car off a dealer's lot, and it won't be missed for up to three months.
- iii. To combat this problem, officers must look at car dealer decals when they receive "not reported by county" on a registration request. Also, examine the MVI certificate for the station number to identify the dealership and give them a call.

32.11. Identify some problems with car rental agencies (civil vs. criminal violations).

A. Rental Cars

- i. Many times, officers will stop a vehicle that is obviously a rental car. (It is registered to a rental company and displays small stickers in the rear window or in the center of the license plate.)
- ii. The vehicle is not reported stolen through the computer.
- iii. A check of the rental contract in the vehicle may reveal that none of the occupants rented the car and the car is not supposed to be out of the state it was rented in.
- iv. If you have stopped a carload of hitchhikers in a California rental car is two months overdue, you have a civil case, not a criminal case unless the rental

- company is willing to prosecute.
- v. Many rental companies have trouble keeping track of the large inventory of vehicles they rent.
- vi. A vehicle may be missing from inventory for months before it is reported stolen.
- vii. Before any enforcement action is taken, a theft report should be secured by the rental agency.
- viii. If the agency is reluctant to prosecute, the best work an officer can do is document the occupants of the vehicle and the VIN of the car for possible future prosecution.

32.12. Identify some conditions of a vehicle that might lead an officer to suspect it to be stolen.

- A. Analysis of a vehicle that may have been stolen:
 - i. Is there broken glass on the vehicle where primitive entry was made? (Is there a window down on a very cold day?)
 - ii. Does the license plate match the VIN by a registration? (Use the last six characters of the VIN to save radio time.)
 - iii. Is one plate being displayed in a two-plate state?
 - iv. Does the vehicle display a current registration sticker located in the appropriate place on the windshield?
 - v. Does the vehicle display a MVI sticker from one state and license plates from another state? (Clever thieves sometimes change plates often to confuse traffic officers.)
 - vi. Does a clean vehicle display dirty license plates or does a dirty vehicle display clean license plates?
 - vii. Does the vehicle display license plates that are capable of being quickly changed? (Are the license plates held onto the car with wire or heavy magnets?) Does the vehicle display license plates from different states on the front and back?

32.13. Identify some indicators that lead an officer to believe the vehicle is stolen after it has been stopped and observed.

- A. Analysis of vehicle that may have been stolen:
 - i. Has the steering column been broken to defeat the ignition system?
 - ii. Is the steering column covered by a towel or piece of tape large enough to conceal a break in the steering column?
 - iii. Does the key work the ignition or has the ignition system been defeated and the key is there just a disguise? (Does the driver refuse to turn off the vehicle during a contact?)
 - iv. What position is the ignition key in while the engine is running?
 - v. Do the door lock holes show teeth marks from vice grips used to turn the entire keyhole to open a locked door?
 - vi. Is the vehicle identification plate securely fastened to the vehicle?

Instructor Note: Additional indicators are listed in Texas DPS “Stolen Vehicle Recognition and Apprehension Manual for Patrol Officers.”

Obtain as complete a description as possible of any property stolen by suspect -

detail of item, color, model, make, serial number, place of purchase, value, significant characteristics, or marks. Estimate property values of stolen or recovered goods. The officer should obtain the victim's estimate of property value.

32.14. Describe procedures for determining whether a vehicle has been impounded or repossessed in reported auto theft cases.

- A. Determine whether recovered property is linked with a previous crime by checking stolen reports, NCIC/TCIC, teletypes from other jurisdictions.
- B. Determine time and date that vehicle was found to be missing or stolen.
- C. Check with dispatcher to determine if vehicle was impounded in by an agency.
- D. Check with any lien holder of vehicle to determine if vehicle was repossessed.

32.15. Identify the various types of offenses against persons and the characteristics of these type crimes.

- A. Crimes Against Persons
 - i. Homicide:
 - 1. Penal Code Sec. 19.02 – Murder
 - 2. Penal Code Sec. 19.03 – Capital Murder
 - 3. Penal Code Sec. 19.04 – Manslaughter
 - 4. Penal Code Sec. 19.05 – Criminally Negligent Homicide
- B. Criminal homicides generally fall into nine categories:
 - i. Anger killing: An extension of the crime of assault. Dispute-anger-attack-death (cycle of violence).
 - ii. Revenge or jealousy killing: History of involvement between perpetrator and victim.
 - iii. Triangle killing: Husband or wife kills spouse who has involved themselves with another lover.
 - iv. Killing for profit: The elimination of another because it would result in profit for the murderer.
 - v. Random killing: Seemingly motive-less. Most difficult to solve.
 - vi. Drive-by shootings
 - vii. Murder-suicide: Actor kills another, then self. Not uncommon among elderly and mentally distraught.
 - viii. Sex and Sadism: Marked by unusual violence. May follow rape, acts of sexual perversion, or sadistic acts.
 - ix. Felony murder: Death results from injuries received during the commission of some other felony.
- C. Some crossovers in patterns may be evident, as in serial killings or mass murders. In most cases, the victim knows the perpetrator. All suspicious deaths should be treated as homicide until proven otherwise

Source: Weston and Wells, pp cit. pp. 276-277

- D. Child fatalities:
 - i. Infant death: avoid using any terms that reflect a medical diagnosis.
 - 1. Sudden Infant Death (SID): is a medical diagnosis, responding officer must not use this term at the scene. Only after a complete and thorough investigation can this be determined.

2. Sudden Unexpected Infant Death (SUID): is a medical diagnosis, responding officers must not use this term at the scene. Only after a complete and thorough investigation can this be determined.
 - ii. Juvenile death
 - iii. Motor vehicle accidents
- E. Responding officers' responsibilities (infant fatalities):
 - i. Do not move, touch, or cover the deceased. The integrity of the scene must remain intact.
 - ii. Ask the caretaker questions while memory is fresh and take notes.
 1. Identify where the infant was found, position is critical.
 2. Keep questions related to scene.
 3. Make notes of the position of head or any bruises on the body.
 4. Get a general timeline.
 - a. If a caretaker brings up an injury, ask to be shown the specific place/area/situation.
 - iii. Photographs are vital to an investigation.
 1. Photographs should only be taken by trained crime scene photographer.
 2. Responding officers must keep the integrity of the scene until photographs can be taken.
 - iv. It is important to not diagnose or express conclusions without a complete investigation. It is only after a thorough investigation that cause of death can be determined. Responding officers must not use medical, diagnosis terms like Sudden Infant Death (SID), Sudden Unexpected Infant Death (SUID), or indicate there was fault or lack thereof until a complete investigation can determine cause of death.
- F. Sex Offender Registration:
 - i. Code of Criminal Procedure Art. 62. Sex Offender Registration Program
 - ii. Code of Criminal Procedure Art. 62.051 Registration(a) - The person shall satisfy the requirements of this subsection not later than the later of: the seventh day after the person's arrival in the municipality or county; or the first date the local law enforcement authority of the municipality or county by policy allows the person to register or verify registration, as applicable.
- G. Sexual Assaults:
 - i. Penal Code Sec. 22.011 – Sexual Assault
 - ii. Penal Code Sec. 22.021 – Aggravated Sexual Assault
 - iii. Sexual Assaults are acts of violence.
 1. The perpetrator's purpose is to exercise power over victim.
 2. These are not crimes of sexual desire.
 - iv. Means of control is of importance in the classification of the offense.
 1. Force or threat of the use of force
 2. Administering of drugs (includes alcohol)
 3. Incapacity of victim to consent (physical or mental condition)
 - v. It is sometimes difficult to achieve full cooperation of victim due to psychological trauma.
 1. Officer's attitude has a significant bearing on the victim's ability to deal with crime and assist law enforcement.

H. Assaults:

- i. Penal Code Sec. 22.01 – Assault
- ii. Penal Code Sec. 22.02 – Aggravated Assault
- iii. In many cases the victim knows the assailant.
- iv. Aggravated assaults are often failed murder attempts.
- v. Victim often changes mind on issue of prosecution.
- vi. Assaults where victim does not know perpetrator are conducted more like homicide investigations.

I. Elder Abuse:

- i. Penal Code Sec. 22.04 – Injury to a Child, Elderly Individual, or Disabled Individual
- ii. Three major types of elder abuse are:
 - 1. Neglect
 - 2. Abuse
 - 3. Exploitation
- iii. Over half the cases involve self-neglect, the failure of a person to provide for themselves the goods and services necessary to avoid physical harm, mental anguish or mental illness, unreasonable confinement, or cruel punishment.
- iv. Elder abuse cases are often difficult to investigate because of the diminished capacity of many victims.
- v. Many elder abuse cases involve caretaker neglect by nursing facilities or family.
- vi. Elder abuse often involves physical abuse by family members (willful infliction of injury, unreasonable confinement, intimidation, or cruel punishment)
- vii. Elders are often exploited for their government assistance checks.

J. Hate Crime:

- i. A criminal offense against a person or property which is motivated, in whole or in part, by the offender's bias against race, religion, ethnic/national origin group, or sexual orientation group. (Code of Criminal Procedure Chapter 42.014 (a))
- ii. Penal Code Sec. 12.47 – Penalty if Offense Committed Because of Bias or Prejudice

Instructor Note: Instructor should emphasize that hate crime is not a specific offense.

K. Responding officers' responsibilities (hate crime):

- i. Basic response is same as for other crimes.
- ii. Officer must be sensitive to the needs of the victim.
- iii. Officer must be knowledgeable of the elements of hate crimes.
- iv. Some considerations
 - 1. Is the motivation of the offender known?
 - 2. Was the incident known to have been motivated by racial, religious, ethnic, or sexual orientation bias?
 - 3. Does the victim perceive action of the offender to have been motivated by bias?
 - 4. Is there no clear other motivation for the incident?
 - 5. Were any racial, ethnic, or sexual orientation bias remarks made by the offender?
 - 6. Were there any offensive symbols, words, or acts which are known to

- represent a hate group or other evidence of bias against the victim's group?
- 7. Did the incident occur on a holiday or other day of significance to the victim's group or the offender's group?
- 8. What do the demographics of the area tell you about the incident?

Lecture Scenario: Lead students in a discussion of:

- Utilization of Second Level Judgement Officer/Unit
- UCR reporting procedures.

Source: U.S. Department of Justice, "Training Guide for Hate Crime Data Collection."

Unit Goal: Basic preliminary investigatory procedures associated with various crimes.

32.16. Discuss the general procedures for conducting field identifications (show-ups) at the time of initial investigations.

- A. Purpose: When circumstances require the prompt display of a single suspect to a witness, challenges to the inherent suggestiveness of the encounter can be minimized by procedural safeguards.
 - i. Determine and document, prior to the show-up, the witness' description of the perpetrator.
 - ii. Consider transporting the witness to the location of the detained suspect to limit the legal impact of the suspect's detention.
 - iii. Confirm that the witness understands the identification process.
 - iv. Avoid doing or saying anything that might be suggestive or influence the witness.
 - v. When multiple witnesses are involved:
 - i. Separate witnesses and instruct them to avoid discussing details of the incident with the other witnesses.
 - ii. If a positive identification is obtained from one witness, consider using other identification procedures (e.g., lineup, photo array) for remaining witnesses.
 - vi. Caution the witness that the person they are looking at may or may not be the perpetrator. It is just as important to clear innocent parties; a non-identification can help to refocus the investigation.
 - vii. Obtain and document, in the witness' own words, a statement of certainty for both identification and non-identifications.
 - viii. Document the time and location of the show-up.
 - ix. Encourage the witness to carefully consider their comments to media contacts.
 - x. The use of a show-up can provide investigative information at an early stage, but the careful use of procedural safeguards can mitigate the inherent suggestiveness of a show-up.

Source: U. S. Department of Justice, National Institute of Justice, "Eyewitness Evidence – A Guide for Law Enforcement" October 1999.

U. S. Department of Justice, National Institute of Justice, "Eyewitness Evidence: A Trainer's Manual for Law Enforcement," September 2003.

32.17. Discuss general preliminary investigatory procedures to be followed when dealing with crimes against property.

A. Officer duties:

- i. Establish whether a crime has been committed. Arrest the perpetrator. Determine the type of crime by category and, if possible, by specific classification.
- ii. In eyewitness cases, secure a description of the perpetrator, vehicle (if any), direction of flight, and transmit information to dispatcher for broadcast to other units.
- iii. Locate and interview the victim and witnesses. Record stories and take statements. Secure and accurately record identity, addresses, and other necessary data for future contacts.
- iv. Protect the crime scene. Search for and collect objects and traces that are obviously evidence or likely to be evidence. Mark evidence for identification and protect it from change, loss, damage, or contamination. Safeguard it to protect its integrity by maintaining control from the time evidence is found until trial.
- v. Determine, how the crime was committed, the extent of personal injuries and the nature and value of property taken.
- vi. Record in field notes and sketches all data about the crime, the stories of the various participants and witnesses, the crime-scene search and evidence collected and its disposition, measurements taken at the scene and other pertinent information. Arrange for a photographic summary of the crime scene and major items of evidence, make required reports.

Source: Weston and Wells, Criminal Investigation, Basic Perspectives, pp. 5-8.

32.18. Discuss general preliminary investigatory procedures to be followed when dealing with crimes against persons.

A. Homicide:

- i. Code of Criminal Procedure Art. 49.04 – Deaths Requiring an Inquest
- ii. Code of Criminal Procedure Art. 49.25 – Medical Examiners
- iii. Care for injured persons.
- iv. Protect the integrity of the crime scene.
- v. Determine what offense, as near as possible, has been committed.
- vi. Record the scene.
- vii. Seal the scene.
- viii. Identify the victim.
- ix. Develop tentative crime theory.
- x. Obtain names, addresses, etc. of all living victims and witnesses.
- xi. Interview witnesses and living victims.
- xii. Determine time of death.
- xiii. Determine place of death (if different from scene of discovery).
- xiv. Determine cause of death.
- xv. Determine means of death.
- xvi. Ascertain background and activities of victim.
- xvii. Determine motive.
- xviii. Prepare preliminary report.

B. Many of the activities noted may be handled by crime scene search unit and criminal

investigators. The officer conducting a preliminary investigation needs to be familiar with and adhere to departmental policy.

C. Assaults:

- i. Care for injured, record injuries
- ii. Process scene
- iii. Determine type of dispute (origin, place, time, participants, witnesses)
- iv. Identify weapon or weapons.
- v. Interview participants and witnesses
- vi. Prepare preliminary report.

D. Sexual Assault:

- i. Aid the victim (includes care for injuries as well as emotional support)
- ii. Preserve evidence (at scene as well as victim and clothing)
- iii. Document injuries
- iv. Photograph or videotape area
- v. Interview witnesses (if any)
- vi. Interview victim
- vii. Prepare preliminary report.

Instructor Note: There is mandatory training (3232 Special Investigative Topics) for the documentation of injuries by photograph or videotape in the Occupations Code Chapter 1701.352.

E. Child Abuse and Exploitation:

- i. Reconstruct the event or events.
- ii. Determine if a crime has been committed.
- iii. Identify person or persons responsible.
- iv. Take appropriate action to protect child.
- v. Prepare preliminary report.

F. Child fatalities:

- i. Crime scene tape should be secured around the entirety of the crime scene.
- ii. A crime scene log should be started and every person who enters that crime scene needs to be documented.
- iii. An officer who is specifically trained in crime scene photography should be requested to the scene.
- iv. The body belongs to the Medical Examiner's office. Overall pictures of the body, as found, should be taken. Under no circumstances should the deceased be touched or moved for pictures. Once an investigator with the Medical Examiner's office arrives at the scene, the officer can photograph the deceased as the medical examiner proceeds with processing the body.
- v. After taking photographs, collect evidence. The integrity of the scene must remain intact.
- vi. Any wet items, such as clothing with blood on them should be placed in paper bags.
- vii. Each piece of evidence should have its own paper bag.
 1. Case number, date and time, collecting officer's name, and description of evidence should be documented on the outside of the bag.
- viii. Any wet items should be taken to a secure location to be hung and dried.

- ix. Any fiber or hair evidence should be collected and placed in a manila envelope.
- x. Each piece of fiber or hair evidence should have its own envelope.
 - 1. Case number, date and time, collecting officer's name, and description of evidence should be documented on the outside of the envelope.

32.19. Identify the elements of the continuing or follow-up investigation, to include the introduction of various line-ups.

A. Elements of a continuing investigation:

- i. Follow up the preliminary investigation and initiate or continue inquiries among basic investigative leads to the identification and arrest of the perpetrator and associates, if any.
- ii. Develop and revise a scheme of the crime.
- iii. Analyze the legal significance of information and evidence.
- iv. Continue the search for witnesses, the liaison with witnesses interviewed during the preliminary investigation, the interviews with new witnesses, and the necessary re-interviews with original witnesses.
- v. Prepare appropriate line-ups.
 - 1. When conducting the line-up procedure, explain to students the distinction between a simultaneous and a sequential identification procedure.
 - 2. Sequential identification procedure can be utilized in both live and photo line-ups.
- vi. When conducting line-ups instruct the witness that it is just as important to clear innocent persons from suspicion as to identify guilty parties.
 - 1. Instruct the witness that the individuals shown or depicted in the line-up may appear different than they did on the date of the incident.
 - 2. Instruct the witness that the person who committed the crime may or may not be present in the line-up.
 - 3. Assure the witness that regardless of whether identification is made, the police will continue to investigate the incident.
- vii. Establish liaison with laboratory technicians and assess the reports of their analyses of physical evidence.
- viii. Identify the perpetrator and accomplices, if any.
- ix. Locate and arrest the perpetrator and accomplices, if any, prepare wanted notices for perpetrators and accomplices, if any.
- x. Conduct appropriate surveillance and interrogation.
- xi. Prepare the case and confer with the prosecutor.

Source: Weston and Wells, Criminal Investigation Basic Perspectives, pp. 8-9.

U. S. Department of Justice, National Institute of Justice, "Eyewitness Evidence – A Guide for Law Enforcement" October 1999.

U. S. Department of Justice, National Institute of Justice, "Eyewitness Evidence: A Trainer's Manual for Law Enforcement," September 2003.

Unit Goal: Forensic procedures and terminology related to homicide investigation.

32.20. Discuss the definition of "autopsy" and autopsy's value in homicide investigations.

A. Autopsy:

- i. A postmortem examination of the body of a person, including X-rays and examination of the internal organs and structures after dissection, to determine the cause of death or nature of any pathological changes that may have contributed to the death. Code of Criminal Procedure Chapter 49.01 (1)
- B. The autopsy report usually provides the investigator with the following data:
 - i. Time of death
 - ii. Nature of the injuries resulting in death
 - iii. Any other injuries found or evidence of chronic illness or disease.
 - iv. The weapon or substance causing death.
 - v. Whether the body was moved after death
 - vi. Amount of blood alcohol
 - vii. Contents of the stomach - indicates interval between victim's last meal and his or her death and what was eaten.
 - viii. Any indications of seminal fluids, injuries to genitalia, or pregnancy in female victims. Any evidence of blood, hair, or other traces not the victim's.
- C. In addition, evidence developed by medical experts may include bullets removed from victim, comparison of fatal wounds with a suspect weapon, identification of the poison causing death, identification of trace material from under the victim's nails or from victim's clothing, comparison of dental impressions to wounds on victim.

Source: Black's Law Dictionary Weston and Wells, op cit, pp. 37-38.

32.21. Discuss the significance of homicide investigation terms.

- A. Postmortem lividity:
 - i. A purplish discoloration observable on the parts of the body that are nearest the ground.
 - ii. Appears from one to two hours after death and may provide a clue as to whether the body was moved after death.
 - iii. Indicates body position for one to two hours after death. Is dependent upon several factors, including ambient temperature, body temperature at time of death, body mass, age, etc.

Source: O'Hara, op cit, p. 534.

- B. Rigor Mortis:
 - i. Chemical changes occurring in body tissues, the muscles stiffen after death.
 - ii. This stiffening starts at the neck and lower jaw and spreads downward.
 - iii. Onset of rigor mortis may start from 15 minutes to 15 hours after death, but generally, it starts 5 to 6 hours after death.
 - iv. The upper part is affected within about 12 hours and the whole body within about 18 hours.
 - v. Rigor mortis usually disappears within thirty-six hours, again beginning at the head and neck and extending to the lower parts of the body.
 - vi. This latter process may take from 8 to 10 hours. Presence or absence of stiffening may help in establishing time of death.
- C. Body temperature:
 - i. The temperature of the body is normally 98.6 F. The rate of cooling is dependent on the temperature of the air, the way the body is clothed, and the size of the

- person.
- ii. Body temperature may help in determining time of death.
- D. Putrefaction:
 - i. Decomposition of body tissues.
 - ii. Onset and rate are influenced by the temperature of the environment.
 - iii. Principal changes involve bloating of the body by gas, darkening of the skin in suspended parts of body, green discoloration of the abdominal area, and the formation of blisters filled with fluid or gas, may help in approximating time of death.
- E. Cadaveric Spasm:
 - i. When there is severe injury to the central nervous system or when there was great tension at the time of death, sometimes stiffening occurs immediately.
 - ii. The stiffening is usually in the small muscles of the face and/or hands.
 - iii. This gives strong presumptive evidence of suicide if the hand is clutching the weapon.

Unit Goal: Application of the tasks required in conducting a criminal investigation.

32.22. Describe procedures to be taken upon arrival at the scene.

- A. Determine upon arrival:
 - i. If suspect(s) are at, or near, scene by observing unusual activity, persons, vehicles.
 - ii. Appropriate tactical action if suspect is at scene and offense is in progress weapon(s) involved.
 - iii. Number of suspects.
 - iv. Is a backup request appropriate?
- B. Search perimeter of building for open doors and/or windows. Locate the victim, witness, complainant, and the person who reported offense. Solicit information from persons in immediate area; appear through media; find and develop informants. Separate witnesses so they don't influence others.
- C. Obtain identification:
 - i. Name
 - ii. D.O.B.
 - iii. Address
 - iv. Home/work phone number
 - v. Place of employment.
 - vi. Other data to ID later
 - 1. Driver's license number
 - 2. License plate number

32.23. Describe procedures for identifying victim in case of serious injury or death.

- A. ID – Serious Bodily Injury:
 - i. If person is alive and conscious, obtain identification and information about next of kin.
- B. ID – Death:
 - i. Officers shall obtain permission from the medical examiner or justice of the peace to move or disturb the body prior to any attempt to locate sources of

identification such as driver's license, military ID, social security card, tattoo, amputation, or unusual scars, etc.

Instructor Note: See Code of Criminal Procedure Chapter 49.25(8) Medical Examiners; Code of Criminal Procedure 49.05 Time and Place of Inquest; Removal of Property and Body from Place of Death.

32.24. Identify the available special units which may be called to the scene.

- A. Special units:
 - i. EMS for injuries
 - ii. Medical Examiner/J.P. for homicides.
 - iii. Bomb squad
 - iv. Fire department
 - v. Military
 - vi. Narcotics investigators / task force officers
 - vii. Other L.E. agencies for assistance
 - viii. Technicians
 - ix. Supervisors
 - x. Detectives

32.25. Identify information that should be made known to other officers.

- A. Identify any known information describing suspect and suspect's clothing.
- B. Involved vehicles.
- C. Weapons
- D. Direction of travel
- E. Fruits of the crime

32.26. Discuss the legal authority to protect the crime scene and establish the perimeters.

- A. Legal authority for crime scene:
 - i. Code of Criminal Procedure Art. 6.06 – Peace Officer to Prevent Injury
 - ii. Code of Criminal Procedure Chapter 6.07 – Conduct of Peace Officer
 - iii. Code of Criminal Procedure Chapter 49.25 – Medical Examiners
 - iv. Code of Criminal Procedure Chapter 49.05 – Time and Place of Inquest; Removal of Property and Body from Place of Death
 - v. Code of Criminal Procedure Chapter 49.22 – Sealing Premises of Deceased
- B. Establish crime scene perimeter. Officers should keep in mind that the scene may include multiple locations.

32.27. Describe procedures for securing the crime scene.

- A. Protection of a crime scene
 - i. Establish defined entry and exit points to minimize loss, destruction, and contamination of evidence.
 - ii. Establish an inner and outer perimeter using street barricades, ropes, crime scene tape, or additional personnel around the perimeter to keep unauthorized persons out.
 - iii. Protect the crime scene from contamination and the removal of evidence.

Possible methods include the use rope or tape, officers, other personnel, or barricades to guard the perimeter. If possible, obtain permission from the property owner to prevent entry by unauthorized persons.

- B. Responsibilities of the officer in charge: consult local departmental policy for specific procedures.

Instructor Note: Penal Code Sec. 30.05 Criminal Trespass; Penal Code Sec. 37.09 Tampering With or Fabricating Physical Evidence; Penal Code Chapter 38.15 Interference With Public Duties, Code of Criminal Procedure Chapter 49.05 Time and Place of Inquest; Removal of Property and Body from Place of Death, and Code of Criminal Procedure Chapter 49.06 Hindering an Inquest.

Unit Goal: Protecting and searching the crime scene.

32.28. Discuss the objectives in conducting a crime scene search.

- A. Officers must determine if a search warrant is required or if the search will meet the requirements for search without a warrant.
- B. A crime scene search is a planned and coordinated legal search of a crime scene to locate physical evidence or witnesses to the crime under investigation.
- C. The objectives in conducting a search of a crime scene are to aid in the following:
 - i. Can help establish that a crime has been committed. (i.e., identify the type of crime and establish the elements of the crime.)
 - ii. Can be used to place the suspect at the scene (i.e., shoe impressions may match those of a known suspect in the community.)
 - iii. Can be used to eliminate persons, such as through DNA testing.
 - iv. Can cause suspects confronted with physical evidence to confess the crime.
 - v. Witness's testimony can be supported with physical evidence.
 - vi. Can help establish where the crime was committed? How was the crime committed (M.O.)? Why was the crime committed (motive)? When was the crime committed?

32.29. Identify the potential problems in conducting a crime scene search.

- A. Evaluate physical characteristics of area to be searched -- size, landscape, density, indoors, outdoors.
 - i. Consider the size and type of area to be searched.
 - ii. Consider personnel and equipment necessary and available.
 - 1. Indoor scenes, depending on their size and content, usually require only a 2- person team.
 - 2. Outdoor scenes, performed by two or more individuals, are more effective if the search is well organized.
 - iii. Consider the degree of thoroughness required depending on the following:
 - 1. Relevant case circumstances
 - 2. Physical evidence sought.
 - 3. Purpose of the search
- B. Evaluate hazards of area to be searched and what safety measures may be necessary.
 - i. Are there physical hazards present, live electrical lines, deep or swift water,

- heavy brush, etc.?
- ii. Are there geographic hazards, uneven terrain, sudden drop-offs, low overhead hazards, etc.?
- iii. Is Personal Protective Equipment (PPE, Universal Precautions) (i.e., Gloves, protective suit, shoe covers, face shield, mask, hair cover, respirator, etc.) needed?
- C. Evaluate potential of recovering any evidence.

32.30. Demonstrate the selection and use of crime scene search methods.

- A. Consider the size and type of area to be covered.
- B. Consider the personnel and equipment necessary and available.
- C. Consider the degree of thoroughness required depending on the type of crime committed, type of physical evidence sought and the purpose of the search.
- D. Methods of Crime Scene Search
 - i. Point-to-point search:
 - 1. Can be used as a preliminary step in evaluating the scene.
 - 2. Some of the disadvantages of this method are:
 - a. It is often disorganized.
 - b. Trace of evidence may be overlooked.
 - c. Others at the scene may feel that when this method of search is completed, they are then free to invade the scene.
 - 3. Description:
 - a. Move in order of appearance of evidence, as follows:
 - b. First item of evidence at the scene to second item.
 - c. Second item of evidence at the scene to the third item.
 - d. Move like this until all evidence is covered.
 - ii. Strip search (thorough):
 - 1. This method, in both the double and single form, is among the most effective for outside searches.
 - 2. Stakes and lines are useful in setting up lanes.
 - 3. Natural landmarks may be used as borders.
 - iii. Grid search
 - 1. A variation of the strip or line search utilizing two compass directions.
 - 2. This type of search is useful for providing two views of the same area.
 - iv. Circular (Spiral or Concentric) Search:
 - 1. Useful when an item is missing from the center and the search must be conducted rapidly.
 - 2. The search may begin in the inside or the outside as the circumstances dictate.
 - v. Quadrant, Sector or Zone Search:
 - 1. Effective for indoor and outdoor scenes that have regular patterns or defined borders.
 - 2. Also permits different types of searches in the different sectors.
 - 3. Subdivide the scene into areas or sectors:

- a. A building into rooms
 - b. A bookshelf into sections
 - c. A vehicle into sections
- vi. Area Search:
 - 1. Uses any technique which will be effective in examining specific and small areas with defined borders, such as landscaped areas, bushes, paths, and sidewalks.
- vii. Aerial Search:
 - 1. May employ infrared film for discovery of such things as gravesites.

Required Scenario: Use the above information for following scenarios and role-plays to give students practice in search methods.

Scenario #1 - Strip and Line Search

The victim reported that late at night, they heard two gunshots go off near their residence. The victim then exited their residence and observed that her vehicle had a broken front windshield and noticed a hole on the hood of their vehicle. Using both the strip and line search method, the student will search the area for possible evidence (casings).

Scenario #2 - Grid Search Method

While attempting to locate any evidence (casings) on the street near the victim's residence, the officers were unable to locate any evidence. The victim stated that they noticed what appeared to be a "bullet" on the front lawn of their residence. Using the grid search method, the student will search the front lawn area for possible evidence (casings).

Scenario #3 - Circle Search Method

A person was located without signs of life in their restroom with an apparent stab wound to their chest. A knife appeared to have been missing from the knife block in the kitchen. Several bloodstains were located leading from the kitchen into the master bedroom. Using the circle or spiral search, the student will search the bedroom for the missing knife.

Scenario #4 - Zone Search Method

After a search warrant was obtained for a vehicle involved in a possible homicide, the investigator was informed that a handgun used in the offense was located inside of the vehicle. Using the zone search method, the student will search the vehicle for possible evidence related to the homicide.

Scenario #5 - Quadrant Zone Method

Police learned that a victim was beat to death outside of their residence. A witness later reported that they observed the offender pick up a rock and attacked the victim. The offender was seen throwing what appeared to be a rock covered in blood outside of the victim's dirt lot. Using the quadrant zone method, the student will conduct a search for a rock or similar item possibly containing blood on the victim's dirt lot.

32.31. Describe procedures involved in implementing a crime scene search.

- A. Implementation procedures:

- i. Determining the starting point of the search based on priorities in the central scene, but if it is not possible to protect evidence, may begin outside of central scene.
 - ii. Establish a headquarters and assemble personnel outside of area to be searched.
 - iii. Conduct a briefing of searchers and give pertinent information.
 - 1. Basic information about the offenses
 - 2. The type of evidence being sought and why.
 - 3. The search method to be used.
 - 4. Discuss and establish the speed at which the search is to be conducted - a slow search for trace evidence, and a fast search for a missing person in a field.
 - 5. Assign areas of responsibility to each person in search group.
 - 6. Guidelines for evidence recovery.
 - iv. Maintain communications with all searchers.
 - v. An effective procedure for rechecking is to alternate searchers from one area to another area.
- B. The basic steps of which a crime scene search normally progresses are as follows:
- i. Approach scene
 - ii. Secure and protect
 - iii. Establish entry and exit
 - iv. Preliminary survey
 - v. Narrative description
 - vi. Photograph scene (overall photos)
 - vii. Identify, mark, and document evidence
 - viii. Sketch scene
 - ix. Detailed search
 - x. Mark and document additional evidence
 - xi. Collection of evidence and establish chain of custody
 - xii. Fingerprints / Latent prints
 - xiii. Debriefing
 - xiv. Final survey to ensure conditions of the crime scene have been documented as thoroughly as possible and all evidence is collected
 - xv. Transport evidence, body, etc.
 - xvi. Notify next of kin
 - xvii. Create case file
 - xviii. Lab results, autopsy, etc.
 - xix. Press release or news conference
 - xx. Follow-up investigation

Instructor Note: Refer to department policy/protocol for order of steps.

32.32. Determine circumstances under which additional investigative and technical personnel should be called to conduct a crime scene search and when officers may vacate the scene.

- A. Summoning Assistance:
- i. When physical characteristics of area make it impractical for one person to search.

- ii. When the amount of damage or evidence to be searched for makes it impractical for one person to search.
- iii. When expertise is needed beyond that of those present.
 - 1. Consider what personnel are available.
 - 2. Consider the degree of thoroughness required.
- B. Leaving the scene:
 - i. When released from responsibility
 - ii. When not needed
 - iii. When directed

32.33. Identify when evidence may and may not be used.

- A. Evidence in Criminal Actions:
 - i. Code of Criminal Procedure Art. 38.21 – Statement
 - ii. Code of Criminal Procedure Art. 38.22 – When Statements May Be Used
 - iii. Code of Criminal Procedure Art. 38.23 – Evidence Not to Be Used
 - iv. Code of Criminal Procedure Art. 38.34 – Photographic Evidence in Theft Cases

32.34. Identify the procedures to be followed in photographing a crime scene.

- A. Elements and procedures of crime scene photography:
 - i. Preparation
 - 1. Camera setting
 - 2. Flash
 - ii. Take first photo of card identifying photographer, date, location, and case number.
 - iii. Maintain a log of photos.
 - iv. Do not delete photos that are out of focus.
- B. Photos are assigned unique numbers at the time they are taken, and there should be no photo numbers unaccounted for.
 - i. Photograph starting with exterior to interior, or with a landmark to locate evidence; then work to detail from farthest relevant point.
 - ii. To achieve a progression, the crime scene should be covered by photographs from three major vantage points:
 - 1. Overall / Long-range photographs
 - a. These are usually an overview of the scene and are considered location establishing photographs.
 - b. Examples include overview of a location, aerial photographs from drone or aircraft, etc.
 - 2. Mid-range photographs
 - a. Usually taken in a manner which portrays the scene from approximately ten to twenty feet of distance from the subject.
 - b. For the viewer to associate the general crime scene with separate areas photographed, sufficient detail should be contained in each photograph to allow this association.
 - 3. Close-up photography
 - a. Normally taken five feet or less from the subject matter.
 - b. Detailed photographs of items that could not be effectively seen

and studied in long-range or mid-range photographs.

- iii. Photograph specifics of crime, evidence, victims, weapons, etc.
- iv. Special documentation requirements: sexual assault, child abuse, family violence
- v. When photographing injuries:
 - 1. First take an overall photo of the person front and back
 - 2. Take an intermediate photo of the injury, including a joint of the body (i.e. wrist, elbow, shoulder, knee, hip).
 - a. This helps identify left vs right, front vs back, arm vs leg, etc.
 - b. Then take close-ups as needed.

Lecture Scenario: Lead a discussion on:

- Current trends in crime scene photography
- Latest technology in crime photography

Instructor Note: There is mandatory training for the documentation involving family violence, sexual assault, and child abuse/exploitation in the Occupations Code Chapter 1701.352

32.35. Discuss the value of crime scene sketches.

- A. A sketch is a drawing which represents the crime scene and serves to supplement photography by providing accurate information concerning the distance between various points in the scene.
- B. Reasons for preparing crime scene sketches:
 - i. To provide a permanent record of conditions otherwise not easily recorded (i.e., distance, photography, and movement of suspect).
 - ii. To reconstruct the crime scene
 - iii. To record the location and spatial relationships between pieces of evidence and the surroundings
 - iv. To help refresh the investigator's memory.
 - v. To help corroborate testimony of witnesses.
 - vi. To eliminate unnecessary and confusing details
 - vii. Can be enlarged for use as an exhibit during courtroom testimony.

32.36. Describe the proper procedures for crime scene documentation.

- A. Documentation procedures:
 - i. Methods of measurement
 - 1. Triangulation – a bird's eye view of the scene
 - a. Measurements are made by triangulation from two fixed permanent objects within the area of the crime scene to the point you desire to plot and illustrate in the sketch. (Ex: fixed starting points may be the corners of a room. From these fixed points, measurements are made to the various objects within the scene.)

NOTE: By calculating the reduced distances on a scale drawing and scribing arcs from the fixed points indicated, the point at which the arcs intersect is the exact location of the object.

- 2. Rectangular coordinates

- a. Objects are in this method by their distance from two mutually perpendicular lines.
 - b. Graph paper can be used for making these straight-line measurements.
 - c. Make sure that the straight-line measurements taken from a given base line are taken with the rule at right angles with the given base line. Only then will the finished scale drawing be an accurate representation of the scene.
- 3. Transecting base line
 - a. Transect crime scene by laying down tape at some convenient point so it crosses entire area as from A to B
 - b. Measure perpendicular distance C and record.
 - c. Now objects within the crime scene can be located or plotted by measuring their distance from this established base line.
 - d. Distances, for example, from points 1, 2 and 3, and so on, to your base line are measured at right angles to the tape.
 - e. This system is particularly useful in large, irregularly shaped outdoor areas where no satisfactory natural base line exists.
 - f. This system could be used in large outdoor scenes such as major disasters, airplane crashes, scattered human remains, etc.
- ii. General considerations: Sketching, if properly accomplished, can lend accuracy and precision to an officer's testimony. The officer's position in court is enhanced by being able to produce accurate measurements showing the location of evidence and their location relative to other evidence.
- iii. When taking accurate measurements, officers should use a standard, acceptable measuring device.
- iv. In taking measurements, obtain sufficient measurements to accurately locate objects in the crime scene.
- v. Record measurements in crime scene using permanent reference points.

32.37. Demonstrate methods for preparing a crime scene sketch.

- A. Preparing a crime scene sketch:
 - i. Make a rough drawing at the crime scene on paper.
 - ii. The rough drawing needs to be accurate but does not need to be drawn to scale.
 - iii. The rough drawing needs to be a representation of the crime scene showing objects and measurements.
 - iv. Use an arrow to show north and orient north to the top of the sketch.
 - v. Draw lines to show where measurements are taken from.
 - vi. In making a completed crime scene sketch determine a scale to use and locate all objects on drawing to scale
 - vii. Show scale on final crime scene sketch.
 - viii. Use a legend to explain any symbols used on the crime scene sketch.
 - ix. Avoid excessive lettering on sketch by using numerical designations.
 - x. The crime scene sketch should include the following information:
 - 1. Investigator's complete name and rank.
 - 2. Date, time, type of crime, and assigned case number, complete name of

- other officers assisting in the making of the sketch (measuring, etc.).
3. Address of the crime scene, its position in a building, landmarks, and so on.
 4. Scale of the drawing (if no scale, indicated by printing “not to scale”).
 5. Primary items of physical evidence and other critical features of the crime scene, located by detailed measurements from at least two fixed points of reference.
 6. Key or legend identifying the symbols or points of reference using in the sketch.
 7. Dimensions of rooms or areas contained in the sketch.
 8. The sketcher should always have control of taking and observing measurements.

Required Scenario: Use the above information for following scenarios and role-plays to give students practice in methods in preparing a crime scene sketch.

Scenario #1

The victim was found without signs of life and was lying on their kitchen floor. A knife that contained what appeared to be blood was found near the kitchen sink. A pink cell phone was also located on the kitchen countertop. Several bloody shoe impressions were located leading away from the kitchen. Bloodstains were also seen on the opposite side of the kitchen on the floor, just east of the countertop where the cell phone was located. Using the provided material to complete a crime scene sketch, the student will complete a “not-to-scale” sketch with all pertinent information. A legend of the location of evidence must be included.

Instructor Note: The “final” sketch does not need to include measurements. The original drawn sketch with measurements is scanned into the report for future reference.

32.38. Explain chain of custody.

- A. Chain of Custody is the process in which records transactions of evidence from person to person since its acquisition by a law enforcement agency.
- B. Chain of custody maintains exactly what happened to evidence from the time it was found until it is disposed of after being presented in court.
- C. Chain of custody accounts for:
 - i. Who found the item, and where.
 - ii. Who took custody and marked it.
 - iii. Who transported it.
 - iv. Where it is being stored.
 - v. When it went to a lab, and who transported it there.
 - vi. When it was returned from the lab.

32.39. Use procedures for establishing chain of custody.

- A. General considerations in handling evidence are to preserve its integrity, preserve its value to owner and mark as evidence if possible.
- B. Evidence is located and identified - the person doing this marks on evidence or attaches a tag on evidence showing name of person, date, offense, location found (if

possible) and case number if available.

- C. If evidence is too small to mark on, or if marking on will alter or damage, then evidence may be placed in an envelope or container that shows necessary identification.
- D. Chain of custody is established by adhering to certain guidelines:
 - i. The number of persons handling evidence from the time that it is collected should be limited.
 - ii. If the evidence leaves the possession of an officer, they should record in the notes: to whom the evidence was given, the date and time, and the reason it was turned over.
 - iii. Anyone who handles evidence should affix their name, personal identifier, and date to the package containing evidence.
 - iv. A signed receipt should be obtained from the person accepting the evidence. In turn, the investigator should sign a receipt or log when the item is returned.
 - v. When a piece of evidence is turned in, the investigator should check his or her identification mark on it to ensure that it is the same item.

32.40. Categorize the type of evidence to be collected for the type of offense committed.

- A. Fruits of the crime
- B. Tools of the crime
- C. Contraband
- D. Mere evidence

32.41. Discuss safe methods for preserving evidence in original condition.

- A. Packaging:
 - i. The purpose of proper packaging is to prevent breaking, spoiling, loss, and contamination.
 - ii. Use paper instead of plastic bags to reduce contamination and spoiling.
 - iii. Containers should fit tightly.
 - iv. Each different item should be packaged separately.
 - v. Items from different places should be packaged separately.
 - vi. Wet evidence, such as bloodstains, semen stains, mud, and such, must be allowed to dry before packaging to prevent rotting.
 - vii. Liquid blood must be refrigerated.
- B. Safety Precautions:
 - i. Use disposable latex gloves.
 - ii. Upon completion, dispose of gloves properly.
 - iii. Wash hands
 - iv. Avoid contact with any other body fluids.
 - v. Use extreme caution when handling HIV body fluids.
- C. Firearms:
 - i. Physical appearance of a weapon before it is moved.
 - ii. Note the position of cylinder (as well as fired and unfired cartridges), slide or bolt.
 - iii. Position of exposed hammer, firing pin and safety
 - iv. Lift weapon

- v. Unload weapon
- vi. Do not clean or strip weapon.
- vii. Never place an object inside of barrel
- D. Collecting paint evidence:
 - i. If practical, submit the item bearing the questioned paint.
 - ii. Obtain paint samples from all damaged areas on a vehicle.
 - iii. Sketch the location from which the paint sample was taken.
- E. Protect the working surfaces of tools from mechanical damage, rust, and corrosion.

32.42. Apply procedures for obtaining information from victims, complainants, and witnesses.

- A. Information-getting procedures:
 - i. Gather information as to description of the complainant, suspect, witnesses, and any other related investigative facts.
 - ii. Obtain and record all pertinent information regarding the offense - time, date, location where they were when offense occurred, what was seen, what was heard.
 - iii. Allow complainant and witnesses to tell own story, then ask pertinent, direct questions.
 - iv. Ask questions without supplying an answer.
 - v. Record any information you receive and denote if the information is from personal observation or heard from someone else.
 - vi. Obtain written statement from witnesses or complainant, whenever necessary
 - vii. Property victims can be just as traumatized as injury/homicide victims - officer should treat all with dignity and respect.
 - viii. Obtain as complete a description of suspect as possible - race, sex, height, weight, clothing, facial features, weapon, and direction of travel.
 - ix. Obtain as complete a description of any vehicle used by suspect - license plates, make, model, color, significant damage or features & direction of travel.
 - x. Remember to separate witnesses, suspects, involved parties when questioning them.

Unit Goal: Recognize the components of and the differences between interviewing complainants/witnesses, victims, and suspects.

32.43. Explain the legal requirements for conducting interviews.

- A. Interviews:
 - i. Interviews should be conducted individually and outside the presence of others.
Interview suspects:
 - ii. Applies to the questioning of one suspected of a crime.
 - iii. Duty of officers: must warn suspect, **who is in custody**, of their rights (Miranda vs Arizona) prior to questioning.
- B. See Miranda vs. Arizona 384 U.S. 436 (1966); Code of Criminal Procedure Art. 15.17 Duties of Arresting Officer and Magistrate; Code of Criminal Procedure Art. 38.21 Statement; and Code of Criminal Procedure Art. 38.22 When Statements May Be Used.

32.44. Practice the techniques used in conducting an interview.

- A. Separating persons to interview:
 - i. Separate persons so that their statements reflect their own opinions and observations.
 - ii. Allows interviewer to locate discrepancies in statement and establish validity of statement.
 - iii. Confront subject with any discrepancies and allow subject to explain or retract.
- B. Locations for interviews:
 - i. Obtain facts and as much pertinent information as is necessary at the scene.
 - ii. Conduct more in-depth interview where the environment can be controlled by the interviewer.
 - iii. Allow no distractions for the subject being interviewed.
 - iv. One officer should conduct interview depending on the interview technique.
 - v. Lighting and temperature should be comfortable.
 - vi. A small room, not cramped, with minimal furnishings is ideal.
- C. Constitutional Rights:
 - i. Whenever a person is in custody, reading of rights is necessary prior to interviewing
 - ii. If while interviewing a person becomes suspect **and is taken into custody**, stop the interview and advise that person of their rights.
- D. Do's and Don'ts:
 - i. Eliminate any physical barriers or distractions, especially furnishings.
 - ii. Know what information you have and know what information you need to obtain from the suspect.
 - iii. Establish a rapport with suspect by asking questions unrelated to the case and keep suspect talking and allow them to tell their own story.
 - 1. This is the most important phase of the interview and cannot be emphasized enough.
 - iv. Direct questions toward establishing the validity of witness/suspect statement.
 - v. Direct questions toward establishing the facts of the incident.
 - vi. Confront suspect with discrepancies and falsehoods with known facts, but only after allowing them to tell their story in its entirety at least once.
 - 1. Don't interrupt to confront discrepancies until they have had the opportunity to tell the "whole story" at least once.
 - 2. Prevents confusion caused by starting and stopping.
 - 3. As they talk, they become more comfortable and will share more information, than if they feel every word is being scrutinized.
 - 4. You can always go back and confront discrepancies later.
 - vii. Avoid questions that can be answered with just a yes or no and have suspect explain their answers.
 - viii. Avoid leading or suggestive questions.
 - ix. Avoid rapid fire questions, allow suspect the opportunity to answer, avoiding confusion.
 - x. Interviewer should control their emotions and be patient with suspect or pass the interview to another officer.
 - 1. Treat them as human beings; regardless of what they have done.
 - xi. Allow complete narrative:

1. Keeps person from becoming confused.
2. Gives interviewer opportunity to review what person knows of the incident, locate discrepancies, and confront him/her about discrepancies.

E. Techniques:

- i. Spend plenty of time establishing rapport.
- ii. Get to know the subject you're interviewing.
- iii. Find a way to empathize.
- iv. Be sincere; sincerity breeds trust.
- v. Don't be judgmental.
 1. No matter what the person admits, you must act as though it was expected.
 2. And give no indications you are judging them as a person.
 - a. Their biggest fear is to be thought of as though they worth less than everyone else.
- vi. Make it a conversation.
 1. Try to make the person feel comfortable until you confront them about lies.
 2. They are more likely to provide helpful information.
 3. Establish rapport, and don't get in a hurry to confront them.
- vii. Concentrate on motives.
 1. Convince them it is in their best interest to confess, but make no promises you can't keep (i.e., probation, lighter sentence, etc.).
 2. Offer a possible motive that allows a suspect to confess while still saving face.
 3. Watch for signs of agreement as you propose each possible motive.
- viii. A comfortable suspect is unlikely to confess.
 1. When you confront them, you must be confident and definite.
 2. If there is the slightest hint of doubt, they are unlikely to confess.
 3. Sell yourself and your investigation.
- ix. Stay in control of the conversation.
- x. Be confident, but not cocky.
- xi. Watch others interview subjects and learn from them.

F. Street Interviews

- i. Obviously do not have as much time available as detectives at the station, but still must not be rushed.
- ii. Establishing rapport is still important.
- iii. Point out when their story does not make sense.
- iv. If there are multiple suspects, use them against one another.
- v. Use all the same techniques a detective would use, just have a shorter rapport establishing time.
 1. If you have dealt with this individual before, use the previous relationship to help.

G. Preparing written statements:

- i. Record information obtained from person involved.
- ii. Make notes of information received during interview.

- iii. Review notes and correct discrepancies
- iv. Write or type statements in the person's own words.
- v. Have person sign the statement and initial any changes made in content.
- vi. Enter statements as evidence.

Practical Scenario: Use the above information for following scenarios and role-plays to give students practice in search methods.

Officers are dispatched to an address in reference to a family fight in progress. Reporter is a family attending a party at the address advising that the female and male that reside at the residence are involved in a physical fight, no weapons.

Role play

Scenario – Domestic Dispute

Select four (4) students to participate as suspect, complainant and two witnesses.

Select suitable site for location of crime (classroom). Instruct class that they are to apply all learned skills, and knowledge to investigate the crime. Provide specific instruction to players. Have them investigate, write report, file appropriate charge(s) and prepare case for presentation

Offense: Domestic dispute

Witness/Reporter: You are a family member of the one of the people attending a birthday for their child. You advise most everyone attending is family and some adults are drinking alcohol but aren't sure if the couple is. Explain that you only saw arguing between the two and it escalated when they went inside to the kitchen, and you heard one of them yelling at the other to "stop!" and "let me go". You advise that due to the couple's history of family fights, you call for police assistance. That is all the information you have.

If officers ask, respond with all known information. Be cooperative.

Witness: You are a friend from work of the other half and did not see anything and do not want to be involved.

When officers arrive, do not volunteer any information until asked and then respond only to direct questions.

Complainant: Advise officers that you are having a birthday party for your child and invited family and friends over. Explain that you and your spouse were arguing throughout the party, and it escalated when you went in the kitchen to get the cake. Explain that they tried to block you from going outside so you told them to stop and to let you go outside with your guests. Explain although he has been physical with you in the past, nothing happened today, and you don't know why they were called.

Possible Offender: Advise officers that you and your spouse were arguing about inappropriate text messages on her phone. Tell them you were arguing about the messages at the beginning of the party, but they kept avoiding it and although you feel it should have been dealt with after the party, you decided to bring it up to them when you two were alone in the kitchen. Explain that you reached for their cell phone but when they

grabbed for it, they accidentally scratched you in the process.
Officers: Give student officers the call to investigate a domestic dispute at location.

- Officers will have to control the scene, separate witnesses, and figure out which are the ones with pertinent information.
- Officers will need to have to compare stories of witnesses and involved parties to determine if an offense occurred and if an arrest needs to be made.

Unit Goal: Officer's responsibility in the booking process.

32.45. List the reasons and procedures for search during booking.

A. Reasons for Search:

- i. Safety
- ii. Eliminate suicide risk and prevent death in custody.
- iii. Attorney General's procedures for reporting (see Commission on Jail Standards) - suicide screening for all prisoners being booked to check emotional stability.
- iv. Security of Facility
- v. Safeguard of prisoners' personal property

Instructor Note: Refer to Code of Criminal Procedure Art. 49.18 Death in Custody; Penal Code Sec. 9.53 Maintaining Security in Correctional Facility.

B. Procedures:

- i. Perform a search of the prisoner.
- ii. Officer should empty pockets; remove coat, hat, tie, (if applicable); remove shoes, and remove belt. Note: Observe the property being removed by the prisoner for any contraband or articles that pose a threat and remove the article from the immediate reach of the prisoner.
- iii. Tell prisoner to lower head and run a comb or fingers through hair.
- iv. Run your fingers under collar, crushing the fabric.
- v. Using both of your hands, run them down each arm, feeling for items that might be attached to the arm or inner sleeve, crushing the cuffs of the shirt, if any
- vi. Starting from the armpit, run hands down both sides of the prisoner to the belt line.
- vii. Starting from the collar, run your hands down the front of the prisoner, crushing pockets and button areas, to the waistline.
- viii. Starting from the shoulders, run your hands down back of prisoner.
- ix. At the belt line, check waistband of pants, crushing the reinforcement fabric.
- x. Crush each belt loop.
- xi. Starting at the waist, proceed down the buttock, crushing the back pockets and checking hips down into the groin area.
- xii. With both of your hands, check each leg by placing hands where legs and hips join; run hands all the way into groin area.
- xiii. Crush front pockets (remove any items that may be detected)
- xiv. Crush zipper area (pants fly)
- xv. Check coat for contraband.
- xvi. Visually inspect shoes for contraband
- xvii. Flex shoes (bend in several directions)
- xviii. Hold shoe by toe, strike floor with heel to break open a false heel or loosen

- contraband that may be in inner sole.
- xix. Inspect belt for contraband visually and by rolling it up.
- xx. Tug on belt buckle
- xxi. Inspect the belt seams by twisting the belt to see if it separates.
- xxii. Inspect hat or other headgear by running fingers around crown. Note: Watch for razor blades or pins.
- xxiii. Inspect sweatband of headgear for contraband by turning it down or out
- xxiv. Remove and inspect wig.
- xxv. Inspect tie for contraband by pulling and crushing.
- xxvi. Inspect cigarette packages by emptying them and looking into or flattening package, (return cigarettes to package)
- xxvii. Inspect Tobacco packages or pouches.
- xxviii. Inspect matchboxes or match books.
- xxix. Hold handkerchief by one corner and shake it out.
- xxx. Visually inspect comb.
- xxxi. Use other applicable techniques.
- C. Female searches are generally the same but include:
 - i. Search brassiere.
 - ii. If a female is wearing a dress, it must be raised so that waistband of undergarments can be searched.
- D. Except in a case of an emergency, a male officer searches a male prisoner, and a female officer searches a female prisoner. A search should be conducted out of view of the opposite sex.

Instructor Note: Strip Search is regulated by Texas Commission on Jail Standards

Source: Texas Commission on Jail Standards Rule 265.2(b)

32.46. Practice proper manner of detailed recording and securing of prisoner's property.

- A. Use Departmental form for documenting recording and interviewing (Departmental policy) Let the form guide the questioning.
- B. Problem situations:
 - i. If needed, request the assistance of another officer to deal with uncooperative prisoner.
 - ii. Maintain control over emotions and prejudices.
 - iii. Control reactions to prisoners you find objectionable.
 - iv. Avoid making offensive and abusive remarks to the prisoner.
- C. Recording and securing property:
 - i. Verbally describe in the presence of the prisoner, using the correct form
 - ii. Common articles to be inventoried: money, billfold or wallet, watch, jewelry, knife, keys, credit cards.
 - iii. List and describe all articles of clothing as well as other property the prisoner possessed when arrested.
 - iv. Describe property as specifically as possible, i.e., color, shape, size, identifying characteristics, serial number, visible damage, emblems, design, inscription. Be sure to use appropriate descriptors, such as "yellow in color"

instead of “gold.”

- v. Describe the articles of clothing in detail, including whether men's, women's, children's, or infant's clothing; color or pattern; size; maker's label; laundry or cleaner's marks; kind of material; type and design; and general condition.
- vi. Check for impounded vehicle.
- vii. Upon completing the inventory and recording of the prisoner's property have the prisoner sign the form to acknowledge that the inventory is true and correct

32.47. Practice proper procedure to record all necessary booking data on a prisoner and vehicle impound information.

A. Common/standard information on most departmental forms

B. Personal Data:

- i. Name
- ii. Nickname(s)
- iii. Alias'
- iv. Race
- v. Sex
- vi. Age
- vii. Date of birth
- viii. Place of birth
- ix. Height
- x. Weight
- xi. Color of hair
- xii. Color of eyes
- xiii. Complexion
- xiv. Tattoos, scars, marks, and/or deformities
- xv. Residence address
- xvi. City and state of residence
- xvii. Driver's license number and issuing state
- xviii. Social security number
- xix. Name and address of person to contact in case of emergency.
- xx. Occupation
- xxi. Place of employment
- xxii. Marital status and name of spouse
- xxiii. Name(s) of person(s) arrested with and/or known associates.

Lecture Scenario: Provide students with various sample booking forms and allow them the opportunity to practice filling them in.

C. Vehicle Data:

- i. Color
- ii. Year of manufacture
- iii. Make
- iv. Body style
- v. Registration information: state and year; license plate number and/or letters
- vi. Location of vehicle

D. Arrest Data:

- i. Charge (include any warrant numbers)
- ii. Place of arrest
- iii. Date and time of arrest
- iv. Name(s) of arresting officer(s)
- v. Name of booking officer
- vi. Time booked into jail.
- vii. Name and address of complainant (include business and residence phone numbers)
- viii. Facts of arrest
- ix. Names, addresses and phone numbers of witnesses
- x. Amount of bond
- xi. If Miranda warning has been given
- xii. Phone calls granted and to whom.
- xiii. Name of prisoner's attorney

32.48. Identify the processes by which stolen and wanted information may be retrieved.

A. Warrants, stolen property, etc. - Other jurisdictions:

- i. Agency's SOP
- ii. Is prisoner wanted by another agency?
- iii. Does prisoner possess stolen property?
- iv. TCIC/NCIC system contains a database with ten files:
 1. Article
 2. Boat
 3. Canadian warrant
 4. Computerized Criminal History (CCH)
 5. Gun
 6. License plate
 7. Missing person
 8. Securities
 9. Vehicle
 10. Wanted person

Sources : Violent Crime Apprehension Program (VICAP). Tracks serial rapists and murderers. A database that can be searched by M.O., signature aspects, victimology, geographic considerations, weapons used, etc. Other data may be required by agency policy and procedure and/or by the Texas Commission on Jail Standards (for county correctional facilities).

32.49. Identify procedures to follow when a prisoner and/or officer may have suffered bodily injury.

A. Procedures for prisoner with bodily injury:

- i. Call for medical assistance for treatment.
- ii. Photograph offender
- iii. Photograph officer
- iv. Write proper report if injury occurs in jail facility.

32.50. Identify results of a proper booking process.

- A. Booking process:
 - i. Complete accurate records
 - ii. Contraband will not be introduced into facility.
 - iii. Additional charges may be filed if contraband is found.
 - iv. Other agencies are notified when outstanding warrants against a prisoner are discovered.
 - v. The safety of the prisoner, arresting officer, and persons already in jail is protected by all reasonable means.
 - vi. The personal property of the prisoner is correctly inventoried, recorded on the proper form, and safeguarded until the person is released from jail.
- B. Booking procedures may vary from one jurisdiction to another. Officers should confer with local administration for appropriate policy in their agency.

Instructor Note: Practice fingerprinting.

Unit Goal: How to be an effective courtroom witness.

32.51. Discuss the benefits of professional courtroom demeanor and appearance.

- A. Benefits of professionalism in a courtroom:
 - i. The precautions officers take at a crime scene, the handling of evidence, interviews, complete and accurate reports, and detailed case preparation culminate in a trial.
 - ii. The reputation of the officers and the department may be enhanced or diminished by the demeanor and appearance of the officers in court.
 - iii. A positive outcome is achieved when the appearance meets the trial objectives, public relations are improved, and the officers are satisfied.
 - iv. Officers who do not prepare for court appearances risk personal humiliation through unacceptable personal appearances and/or poorly expressing themselves while testifying.
 - v. Courtroom testimony represents a challenge to officers and is a test of true abilities, such as self-control, tact, obedience, personal conduct, bearing, and verbal communication.

32.52. Employ the steps used to refresh memory in preparation for testimony.

- A. Elements of preparation for testimony:
 - i. Vital to every criminal prosecution is the officers' preparation to testify.
 - ii. Anticipation of logical questions allows for refreshing memory on important information.
 - iii. Have ready a full history of the officers' participation in the case, with any relevant evidence and facts.
 - iv. Conduct a careful study of reports, interviews, photos, evidence, and notes.
 - v. Failure to do so will often result in misstatements, omissions, and contradictions.
- B. Using notes during testimony:
 - i. The decision to use notes in court must be based on a determination as to whether the information can be remembered without the notes.

- ii. Some officers believe that jurors trust officers' notes more than their memory and are favorably impressed when notes are used.
- iii. If the witness/officer had firsthand knowledge of the preparation of the notes and the notes were prepared contemporaneously to the investigation, the notes may be used by the witness to refresh memory.
- iv. However, once the notes are used by the witness/officer, they are subject to cross-examination and admission into evidence.

Instructor Note: Mode and order of interrogation and presentation – Texas Rules of Evidence (TRE) 611

32.53. Demonstrate proper demeanor when called to testify.

- A. First Impressions:
 - i. Proper courtroom attire:
 - 1. Uniformed officers in appropriate dress uniform
 - 2. Plain clothes officer in professional business attire
 - ii. Approach the court confidently.
 - iii. Walk directly to the witness stand or clerk's desk and prepare to take the oath.
 - iv. Do not look at the accused, the jury, or the judges.
 - v. Follow the prosecutor's direction.
- B. Taking the Oath:
 - i. While taking the oath, look at the person administering it.
 - ii. Keep right hand at shoulder level, with fingers extended, until the oath is completed.
 - iii. The prosecutor will then begin by directing the officer to be seated and then asking for name, occupation, and department.

Practical Scenario: Use the above information for following scenarios and role-plays to give students practice in search methods.

Role play – Courtroom setting

Select four (4) students to participate as prosecutor, defense attorney, the judge and one as a jury. Select suitable site for location of courtroom. (classroom) Provide specific instruction to players. Have them act out different roles for student officer to demonstrate proper demeanor when called to testify.

Prosecutor: Ask student officer for name, occupation, and department. Ask various questions about the case.

Defense Attorney: Ask student officer questions about the case, question his time on the department and level of expertise in the subject.

Judge: Try to make eye contact with student officer. Shake your head or nod (not supposed to look at accused, the jury, or the judges).

Jury: Try to make eye contact with student officer. Shake your head or nod (not supposed to look at accused, the jury, or the judges)

32.54. Describe methods of court procedure.

- A. The initial phase of the trial during which the prosecution presents the evidence demonstrating the guilt of the defendant is usually when the officer is first called to testify.
- B. Direct Examination:
 - i. The prosecutor elicits facts from the officer.
 - ii. Direct testimony to the jury, or to the judge in the absence of a jury, when answering prosecutor's questions
 - iii. If defense counsel objects to a question, remain silent until the court has ruled on the objection.
 - iv. The judge will rule on the objection in one of two ways.
 - 1. "Sustained" (the officer may not answer)
 - 2. "Overruled" (the officer may answer the question)
- C. Examination:
 - i. The defense counsel will begin the questioning after the prosecution has finished with the witness.
- D. Redirect Examination:
 - i. Following the cross examination by the defense attorney, the prosecutor may question the witness to clarify statements or answers given during the cross-examination.
- E. Recross Examination:
 - i. The defense attorney may further question a witness after redirect examination by the prosecutor.

32.55. Use techniques for presenting effective testimony.

- A. A juror's impressions are strongly affected by the way an officer/witness informs the court of the facts discovered during an investigation.
- B. The Principles of Witnessmanship:
 - i. Honesty: present a modest demeanor and display a sincere interest in the accuracy and truth of statements.
 - ii. Brevity: most witnesses do not get flustered, confused, or embarrassed if they confine their statements to answering the questions. Be brief and to the point. Do not volunteer information, argue with the attorney, or make spontaneous, unneeded comments.
 - iii. Clarity: errors, inconsistencies, and confusion undermine credibility with the jury.
 - iv. Objectivity: present an impartial and conscientious picture of a public servant working for the interests of justice. Be courteous, answer directly, and remain poised. The defense counsel will often endeavor to portray the officers as prejudicial and interested to accuse the first person of whom they become suspicious, so remain the objective public servant during testimony
 - v. Emotional Control: ignore insults, badgering, and innuendoes. A display of anger loses credibility.
 - vi. If given the opportunity to explain something about police procedure,

perform as if you are training the jury on that procedure. This will gain credibility with the jury.

32.56. Discuss responses to questions within the limits of known information without speculation.

- A. Officers should answer only the questions they are qualified to answer.
- B. "I don't know": does not mean ignorance, only that the facts were not observed directly. This statement closes examination on a point about which the attorney may need to ask additional questions concerning forgotten facts. "That is all I can recall" may be an appropriate statement.
- C. "I don't remember": witness is unsure.
- D. Avoid irritation, anger, being misled, or trapped. Stay with the facts of the case to avoid distortion of statements and conflicting testimony.
- E. Opinion evidence should always be based upon facts. Make clear the distinction between opinion and facts. Represent only facts as fact.

32.57. Explain the procedure for exclusion of witnesses from the courtroom.

- A. Applicable codes:
 - i. Texas Rules of Evidence (TRE) 614 – Exclusion of Witnesses
 - ii. Code of Criminal Procedure Chapter 36.03 – Invocation of Rule
 - iii. Code of Criminal Procedure Chapter 36.05 – Not to Hear Testimony
 - iv. Code of Criminal Procedure Chapter 36.06 – Instructed by the Court
- B. Leaving the courtroom
 - i. Officer/witness to leave courtroom
 - ii. Stay close to courtroom.
 - iii. Do not discuss the case with other witnesses or jurors.
 - iv. After testifying leave the courtroom again. ("under the rule")
- C. Staying in the courtroom when witnesses have been excluded may render the officer ineligible to testify, thereby threatening the outcome of the case. The result is usually prejudicial to the state's case.

32.58. Give examples of courtroom tactics used by defense attorneys.

- A. Many times, the defense counsel realizes the prosecution has an extensive case against the defendant so the only logical defense must be based on challenging the credibility of the prosecution's witnesses.
- B. Defense Tactics:
 - i. Offensive: rapid-fire questioning is intended to confuse the witness and procure inconsistent answers. When faced with such a situation, take time to consider each question, be deliberate in answering, and ask to have the question repeated. Remain calm.
 - ii. Condescending: defense counsel will be ultra-benevolent in approach to the point of ridicule to give the impression that the witness is inept. When faced with such a situation, ask for the question to be repeated if it was improperly phrased and then answer in a confident and decisive manner.
 - iii. Friendly: defense counsel may be overly courteous to lull the witness into a false

sense of security where answers may be given in favor of the defense. When faced with such a situation, stay alert and bear in mind that the defense counsel is attempting to diminish the effect of the testimony.

- iv. Badgering / Belligerent: intended to provoke the officer to lose emotional control and, therefore, credibility with the jury. When faced with such a situation, ignore the defense counsel's actions, stay calm, speak in a deliberate voice, and give the prosecutor time to make the appropriate objections.

32.59. Demonstrate the ability to testify effectively and to critique the testimony of others.

- A. Since the witness testimony is what the verdict is based upon, follow closely the questions of the attorney, avoid extraneous material, and allow time for objections.
- B. Objections are to keep improper evidence out of the case. When the defense attorney asks a question, pause long enough to give the prosecutor time to object. If an objection is made, remain silent until the judge rules on the objection.
- C. Treat both attorneys in the same courteous manner, showing respect and an unbiased attitude.

Practical Scenario: Use the above information for role-play of a mock trial to give students practice: **See Chapter Resource for mock trial exercise.**

Unit Goal: Develop proficiency in the case management process.

32.60. Describe the reasons for case management.

- A. Reasons for case management:
 - i. To have an organized, easily understood, factual, and thorough account of the investigation.
 - ii. To identify serious weaknesses in case
 - iii. To help to assure failure to prosecute is not due to lack of preparation or mistakes on officer's behalf.

32.61. Discuss the value of a properly prepared case folder.

- A. Value of a properly prepare case folder:
 - i. To prevent duplication of work
 - ii. To prove efficiency on the part of the officer and dept
 - iii. To be useful for review by prosecutor and grand jury
 - iv. To give the defense attorney the impression that the officers involved are extremely professional, organized, and efficient.

32.62. Review the type of documentary information included in a case folder and in a prosecution summary.

- A. Items included in a case folder:
 - i. Offense and supplemental reports
 - ii. Witness and victim statements
 - iii. Voluntary confessions
 - iv. Fingerprint cards and comparison report form expert
 - v. Other pertinent reports
- B. Items included in a summary:

- i. Case facts
- ii. Legality of arrest and seizure of evidence
- iii. Names of witnesses and nature of testimony

32.63. Identify the necessity of properly prepared case files.

- A. Reasons for properly prepared case files:
 - i. Assist in prosecution.
 - ii. Review details with prosecution when filing charges.
 - iii. Review details with witnesses
 - iv. Allow prosecutor knowledge of officer's knowledge of the case.
 - v. Gives the defense attorney the impression that the officers involved are extremely professional, organized, and efficient. May help in obtaining a plea agreement.

CHAPTER RESOURCES

COURTROOM DEMEANOR AND TESTIMONY

LEARNING OBJECTIVE: Criminal Investigation – practical application.

PURPOSE: To provide student opportunity to demonstrate his knowledge, abilities, and skills as it applies to the criminal investigation process and to testifying in a mock trial.

ACTIVITY: Role play

1. Select student, instructor, and/or officer to participate as suspect, witness, and complainant.
2. Select suitable site for location of crime.
3. Instruct class that they are to apply all their learned skills, and knowledge to investigate the crime.
4. Provide specific instruction to players.
5. Divide class into teams.
6. Have them investigate, write report, file appropriate charge(s) and prepare case for presentation.

Offense 1: Burglary

Witness: You are a neighbor residing across the street from a house that is being burglarized. You noticed a suspicious vehicle backed into the driveway of your neighbor's house and you called the police. After calling the police you noticed a white male dressed in blue jeans, white T-shirt exiting the house from the front door. He was carrying some type of large item that appeared to be a box. He got into the vehicle on the passenger side. A late model Chevrolet Camaro, dark blue, damage to left front side, decal "Hot" on rear window. Texas PKP 709. Vehicle occupied by at least one other unknown suspect. Vehicle left scene headed west.

When officers arrive do not volunteer any information until asked and then respond only to direct questions.

If officers ask what you saw – limit your response with general statements: EXAMPLE: “This guy broke in and took something out of the house. They were in a blue Chevy.”

- Complainant:** Left home at 7:30 AM enroute to work. Returned home 5:30 PM. Noticed front door had been pried open. Checked house and found silverware missing.
- Description of property: 12 place setting, Oneida Silverware, Classic Rose pattern. Carrying case, brown leather, size 24” x 18” x 6”. Valued \$1,200.00.
- Appear to be traumatized because your home and property has been violated.
- If officers ask, respond with all known information. Be cooperative.
- Officers:** Give student officers the call to investigate a suspicious car at location.
- Offense 2:** Family disturbance
- Neighbor:** You are a next -door neighbor to a couple that has family fights most every weekend. You have reported disturbances at your neighbor’s house on several occasions over the past 6 months. Approximately 4 months ago, you reported a disturbance at your neighbors and following the police investigation; you notice they had the husband arrested and took him off in the patrol car. You report a disturbance again and meet the officer in the front yard and tell them all you know about the situation.
- Complainant:** You are the wife of a man who for the past 6 months on most every weekend gets drunk. He usually starts a verbal attack against you for little or no reason. The verbal attacks progresses to the point where he physically assaults you by pushing you around and has on two previous occasions hit you in the face. You filed charges on him for assault one time, but the case was dismissed for unknown reasons.
- It’s a weekend, he’s drunk and physically abusing you. He hit you in the face, your jaw is sore. He has told you he’ll beat you if you call the police. You don’t, your neighbor has called.
- When the police arrive, be reluctant to answer any questions about the offense. You’re afraid your husband will beat you again. You have

considered leaving your husband, but you have nowhere to go, have no income and two small children to raise. If the officers presume questioning, tell them what all has happened in the past.

Officers: You receive a call to a disturbance. Investigate, write report, and prepare your case.

Offense 3: Robbery

Complainant: You are a grocery store manager leaving your store after closing. You have your daily receipts in a zipper type bag with the Bank 2 logo printed on the side. The bag contains \$900.00 bills, 1-\$50. Bill, 15-\$20 bills, 300-\$1 bills, \$50.00 in silver and other coins. As you remove the key from the lock on back door a white male dressed in dark clothing and white tennis shoes sticks an object, you believe to be pistol in your ribs and says "Give me the money." He pulls the bank bag from under your arm and runs to a vehicle parked at the curb, gets in the passenger side and the vehicle speeds away. You run to where the vehicle was parked and recognize the vehicle as a late model Chevrolet, light color bearing Texas license plate with prefix numbers 323. He was headed north on South Avenue. You didn't see the driver.

Witness: You are standing on the corner Main and South Avenue near the front of the grocery store. You hear a vehicle spin the tires, as you turn to see the vehicle, you notice it headed toward you north on South Avenue. It is occupied by two white males. You recognize the driver, Bill Smith, parts man at the local auto parts store.

Bystander: You are standing on the corner with your friend the witness. You didn't see anything and furthermore don't want to get involved.

Suspect(s) Vehicle driver, Bill: If police interview you, don't admit to anything about the offense. If officers pursue with questioning tell them your friend was out partying the night of the crime. If they pursue, tell them his name. If they continue questioning about your being stopped at location of offense, tell them your friend wanted you to stop so he could urinate. You knew nothing about the robbery until he got back in the car and told you to "Get out of here, quick." You are afraid of going to jail.

Robbery Suspect: Don't confess to anything. Demand a lawyer.

Officers: Investigate, write report, and prepare for case.

Offense 4: Murder/Suicide

Suspect: Older woman approximately 65 years old is in living room of residence. She is on her knees, bending forward coving her face with both hands and crying. There is a slight trace of blood on her right hand. She is bleeding from a gunshot wound to her right cheek.

Victim: Younger woman in back bedroom, lying in bed. She has blood, some partially dried, that has come from her mouth, and run down her left cheek and partially dried blood in her left ear. She appears to be dead.

There is a .22 caliber revolver lying on the floor near the foot end of the bed. The pistol has two spent cartridges in the cylinder, the second in rotation is under the hammer.

Should officers continue questioning Jane? They will find Jane found a pistol under Mary's pillow and they struggled over the weapon. They will find that Jane's health is failing to the point where she can no longer take care of Mary. She stated to neighbors across the street "Nobody will take care of Mary." The pistol has Mary and Jane's fingerprints and some smudged prints. Jane shot Mary and then attempted suicide but failed.

Bystanders: After officers arrive at the scene, a man and woman walk up in the front yard and begin discussing what could be going on inside the house.

If officer interview them, they will tell officers they are neighbors from across the street and have known the two women for years. They can identify the woman as Jane Doe and her daughter Mary who both reside at this house. If asked, they can tell officers that they have helped her take care for Mary. Mary was physically handicapped, totally dependent on her mother since birth and has been bedridden for the past 10 years. She has had to support her and her daughter on her deceased husband's social security benefits.

Witness: Next-door neighbor is sitting in his back yard swing, hears what he believes are two gunshots. They are approximately one minute apart. He thought it came from the house next door where his friend (Mary) lives. He investigates. As he approaches the back door, he can hear screaming and crying. Upon checking further, he finds Mary lying in bed, bleeding and appears to be dead. Hearing another scream, he immediately returns home and calls the police. He tells the dispatcher that he heard gunshots and it sounded like it came from next door. During the call he tells the dispatcher his name and address.

If officer questions next-door neighbor witness, they will determine that he and Mary were friends for the past several years. He knew that Mary was mentally sound; however, she has been depressed because her mother has to physically take care of her, with her mother's failing health, she is not able to do what she has in the past. Mary exists without regular meals, clean clothing, and other necessities of life, on a regular basis. Jane does not like Mary's friend sneaking in the back door, talking to Mary because he complains that Mary is not being treated with dignity. Mary has complained to friend that unknown individuals try to get in the house and asked friend to buy her a small pistol to protect herself. He did buy a .22 caliber revolver and gave it to Mary.