

# ***Criminal Investigation***

BLET: 15E

TITLE: CRIMINAL INVESTIGATION

Lesson Purpose: To provide the student with the basic procedures and skills needed to adequately investigate a violation of criminal law.

Training Objectives: At the end of this block of instruction, the student will be able to perform the following objectives in accordance with information received during the instructional period:

1. List the essential steps to be completed in any preliminary investigation and then apply these steps to the following situations:
  - a) Arson and bombing attempts
  - b) Burglary
  - c) Homicide
  - d) Suicide
  - e) Robbery
  - f) Rape
  - g) Sex offenses
  - h) MV theft/attempt
  - i) Felony assault
  - j) Theft
  - k) Forgery/counterfeiting
  - l) Fraud
  - m) Embezzlement
  - n) Stolen property
  - o) Weapons/firearms offense
  - p) Firearms accidents
  - q) Gambling
  - r) Prostitution/vice
2. In a practical exercise, perform the necessary steps to protect a crime scene.
3. List the methods to identify and locate potential witnesses.
4. Explain in writing the proper procedure for recording confessions or other statements from suspects, victims and witnesses.

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5. Properly photograph and videotape a simulated crime and accident scene.
6. Given completed copies of an evidence submittal form and a completed crime lab examination form, discuss what the analysis revealed.
7. Given blank copies of an evidence custody document, complete these forms to document the correct chain of custody in evidence collecting circumstances.
8. Explain in writing how to examine public records such as motor vehicle registrations, school records, tax records, utility records, etc., for investigative leads.
9. Given a hypothetical set of facts, prepare a prosecution summary report for a felony prosecution.
10. List the elements present at a crime scene that identify the *modus operandi* of the perpetrator.
11. Explain in writing the investigative steps to take at a specific type crime scene, including contacting specialized personnel needed to complete the processing.
12. Explain in writing how to examine deceased persons to identify wounds and injuries.
13. List the steps to be followed in identifying an unknown deceased person, including reasons why a search should be made of the victim's belongings.
14. List the necessary procedures to complete a follow-up investigation of major crimes and incidents and conduct follow-up investigation of:
  - a) Arson and bombing/attempts
  - b) Burglary
  - c) Suicide

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- d) Robbery
  - e) Sex offenses
  - f) MV theft/attempt
  - g) Felony assault
  - h) Misdemeanor assault
  - i) Theft
  - j) Forgery/counterfeiting
  - k) Fraud
  - l) Embezzlement
  - m) Stolen property
  - n) Weapons/firearms offenses
  - o) Gambling
  - p) Vandalism/damage to property
  - q) Prostitution/vice
  - r) Environmental crimes
- 
- 15. Recognize the recommended practices necessary to conduct a legal eyewitness identification procedure.
  - 16. In a practical exercise, demonstrate the use of a photographic lineup as an eyewitness identification procedure.
  - 17. List the correct procedures to be followed in conducting stationary surveillance of individuals or locations and moving surveillance of individuals and vehicles.
  - 18. Satisfactorily perform the following tasks at a staged crime scene: locate, preserve, photograph, sketch, collect, package, and submit any evidence in accordance with instruction received in this class.
  - 19. In a practical exercise, perform the necessary steps to search for and collect physical evidence at accident scenes.
  - 20. List in writing the proper procedures for identifying, documenting, inventorying, and storing stolen, recovered, confiscated, and found property.
  - 21. Recognize and identify electronic evidence.

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22. Properly collect and preserve electronic evidence.

Hours: Thirty-four (34)

Instructional Method: Lecture/Conference/Practical Exercise

Required Equipment and Training Aids:

Audio-visual classroom equipment  
Equipment and supplies for practical exercises (see Instructor Notes section)

Videos:

*Criminal Investigations*, NCJA (1997)

*Cybercrime Fighting: The Law Enforcement Officer's Guide to Online Crime*, The National Cybercrime Training Partnership (1998)

References:

Casey, Eoghan. *Digital Evidence and Computer Crime*. San Diego, CA: Academic Press, 2000.

Dilday, Jonathan. "Forensic Examinations of Computers." *Fundamentals of Cybercrime Investigation*. Salemburg, NC: N. C. Justice Academy, 2001.

Eliopoulos, Louis N. *Death Investigator's Handbook*. Boulder, CO: Paladin Press, 1993.

*Evidence Field Guide*. Raleigh, NC: SBI, 2007.

*Evidence Manual: A Guide to the Services of the NC State Bureau of Investigation, Crime Laboratory*. Raleigh, NC: SBI, 1986.

Farb, Robert L. *North Carolina Crimes* 5<sup>th</sup> Edition. Chapel Hill, NC: Institute of Government, UNC-CH, 2001.

*Handbook of Physical Evidence, A Forensic Guide for Law Enforcement*. Metropolitan Dade County, FL: Board of County Commissioners, 1996.

Ingraham, Barton L. and Thomas P. Manuriello. *Police Investigation Handbook*. New York: Matthew Bender, 1994.

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United States Department of Justice, Office of Justice Programs, National Institute of Justice. *Electronic Crime Scene Investigation: A Guide for First Responders*. Washington, DC: United States Department of Justice, 2001.

United States Department of Treasury, Secret Service. *Best Practices for Seizing Electronic Evidence*. Version 2.0. Washington, DC: United States Department of Justice, 2002.

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## ***Criminal Investigation***

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Date Revised: July 2004

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Date Revised:                      January 2006  
   July 2007

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## TITLE: CRIMINAL INVESTIGATION - INSTRUCTOR NOTES

I. Instructors for this block should have extensive investigative experience and be very familiar with SBI evidence procedures and laboratory services. Relevant manuals explain in greater detail specific procedures found throughout this lesson.

## II. CRIME SCENE PRACTICAL EXERCISE INSTRUCTIONS

A. At least eight (8) hours of this block must be devoted to crime scene practical exercises, ideally divided into four (4) two-hour segments. The instructor must prepare four (4) different crime scenes for these exercises, i.e., homicide, sexual offense, burglary/B or E, robbery, etc. Attention must be made to ensure that all supplies and equipment necessary to complete the exercises are provided. Assisting instructors should have the investigative experience necessary to critique and evaluate student performance in these exercises.

B. The instructor should select the practical exercise areas and stage the crime scenes prior to beginning the exercise. To facilitate down time, the instructor should plan on staging the crime scenes within a few miles of each other.

C. The instructor should use the following guidelines when conducting the practical exercise segment.

### 1. Purpose

These exercises are intended to provide the students with an opportunity to observe, practice, and perform the following training objectives:

- a) Respond to and conduct preliminary investigation of events related to a variety of criminal offenses.
- b) Perform the necessary steps to protect a crime scene.
- c) Identify and locate potential witnesses.
- d) Record confessions or other statements from suspects, victims, and witnesses.
- e) Distinguish the elements present at a crime scene that identify the *modus operandi* of the perpetrator.

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- f) Correctly locate, preserve, photograph, sketch, collect, package, and submit any evidence collected at the crime scenes.
- g) Examine deceased persons to identify wounds and injuries.
- h) Properly photograph and videotape a simulated crime scene.

### 2. Exercise Conditions

- a) Exercises should be conducted after the lecture has been completed.
- b) Exercises require eight (8) hours to administer, ideally two hours at each crime scene. After completing one scene, the students all rotate to the next crime scene and select a different lead investigator.
- c) Exercises should take place utilizing a variety of locations, i.e., houses, trailers, convenience stores, hospital rooms, hotel rooms, abandoned storage buildings, etc.
- d) These exercises are designed for a class of 20 students or less.
- e) Each exercise involves at least four students working as a team. Each team will designate a different lead investigator for each crime scene. This leader will be responsible for completing the paperwork on his/her specific crime scene. If the groups have more than four students, then at some of the scenes there will be two students duplicating the paperwork.
- f) Each crime scene should have role players acting as complainants, witnesses, and victims.

### 3. Personnel and Equipment

- a) Each crime scene will need one facilitator, preferably a veteran criminal investigator, to monitor the crime scene processing and interviewing.

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- b) At least two role players should be used for each scene, utilizing a variety of gender and racial make-up.
- c) Cameras, film, plaster, sketching equipment, fingerprinting equipment, evidence containers, evidence markers, measuring devices, evidence tape, and any other equipment needed to process crime scenes should be available. Also, students will need blank copies of all the forms that will be completed.

#### 4. Procedures for Conducting the Exercises

- a) Brief the role players on their appropriate roles and stage the crime scenes accordingly.
- b) Ensure that the student officers are divided into workable teams.
- c) The students will rotate every two (2) hours to a different crime scene selecting a different lead investigator.
- d) Students will complete their investigative paperwork as a homework assignment or in class the following day.
- e) Evaluate the students using the following type of scenarios:

**NOTE: The scenario should be solvable based upon evidence, interviews, and standard investigative techniques.**

(1) Homicide

Responding students arrive at a residence where they are greeted by a woman that informs them that she just came home and found her husband dead on the bedroom floor. He has been shot and his partially clothed body was found on the floor next to the bed. The woman stated that she has been out of town for several days, and that she didn't talk with her husband while she was gone on business.

(2) Sexual offense

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Students respond to a residence where a woman complains of being sexually assaulted. She said that an individual known to her came to her residence and attacked her and beat her. There is evidence of a struggle in her residence, and the victim has bruises.

(3) Burglary/B or E

Students respond to a storage building, garage, or outdoor building on a complaint of a B or E that occurred the previous night. There is an obvious entry point and many items inside the structure were tampered with and stolen.

(4) Robbery

Students respond to a convenience store, restaurant, or financial institution that has just been robbed. The students meet with the owner/manager who has suspect information.

5. Directions for Grading

Instructors should use the evaluation criteria listed on the Practical Skills Evaluation Form. If the student performs the listed activity satisfactorily, place an "S" in the adjacent space. If the student performs in an unsatisfactory manner, indicate their poor performance by placing a "U" on the appropriate line. Students receiving more than 4 "Unsuccessful" scores, fail the practical exercise. The instructor must document the deficiency in the comments section. There will be instances when the student does not get to perform using the listed criteria. In those situations, the instructor should write an "NA" in the adjacent spaces.

### III. EYEWITNESS IDENTIFICATION EXERCISES

A. Purpose of the exercise

The purpose of this exercise is to allow the students to demonstrate their ability to properly construct and conduct a photographic identification based on the recommendations of the Actual Innocence Commission and the Criminal Justice Standards Commission.

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1. Selection of photographs
    - a) The instructor should gather at least forty-five (45) photographs of a variety of differing individuals (race, sex, age, facial characteristics).
    - b) The instructor should divide the 45 photographs into three groups; then select one suspect in each of the three groups of photographs, ensuring that each group has at least five other photographs properly resembling the suspect photograph.
    - c) The instructor should then divide the class into three groups; giving each group of students one of the groups of photographs.
    - d) Each group of students should then select five photographs similar to that of the suspect in order to prepare a photographic identification of six photographs.
    - e) The instructor should then review each group's selections to ensure they are constructed properly to conduct a photographic identification.
  2. Conducting photographic identifications
    - a) Using the selected group of photographs, the instructor should conduct at least one role-play exercise for each of the following three situations: a sequential presentation, a simultaneous presentation, and a situation where the witness cannot make an initial identification.
    - b) The role play should be conducted in accordance with the recommended procedures as to presentation, instructions to witnesses, and documentation of the procedure.
- IV. To promote and facilitate law enforcement professionalism, three (3) ethical dilemmas are listed below for classroom discussion. At their discretion, instructors must provide students with each ethical dilemma listed below. Sometime during the lecture instructors should "set the stage" for the dilemma prior to taking a break. Instructors are encouraged to develop additional dilemmas as needed.

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- A. Earlier in the day you arrested a suspect. You seized a locked blade knife from him. You failed to inventory the knife and put it into evidence. What will you do?
  
- B. While at a crime scene you pick up and move critical evidence without thinking. The location of this evidence is paramount to the case. Do you advise the investigators that you have moved the evidence?
  
- C. After being directed to protect the entrance to a crime scene, you allow a news crew to drive down a path destroying old tracks and creating new ones. What will you do?

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TITLE: CRIMINAL INVESTIGATION

## I. Introduction

**NOTE: Show slide, "Criminal Investigations."**

A. It is the responsibility of law enforcement agencies to investigate a crime after it has occurred, recover property, arrest the perpetrator, and to assist in the successful prosecution of him. It is not always possible to make an arrest in every case. However, it is possible to investigate the case thoroughly, not leaving anything undone. This will occur only if the investigator has the proper training and attitude about doing a good job. Success as an investigator is directly proportional to the effort expended.

## B. Training Objectives

**NOTE: Show slides, "Training Objectives."**

## C. Reasons

The competent investigation of a major crime is the primary responsibility of every law enforcement agency, whether large or small. Every officer must possess the basic knowledge and skills necessary to approach these incidents in a calm, objective, and professional manner and to deal with a variety of people and situations as they may present themselves at the scene of a major crime. If the officer is from a small agency, he/she may have the entire investigatory responsibility from start to finish. Therefore, it is necessary to present a comprehensive package in the training environment. Officers from larger agencies may be able to call upon the assistance of various specialists in processing major crime scenes and interviewing individuals involved, but they too must be knowledgeable about the entire investigatory process to be sure that no important function for which they are ultimately responsible is overlooked. The material presented in this lesson plan is designed to meet the needs of all entry-level officers, regardless of the size of the agency they serve.

## II. Body

A. Criminal investigation is the reconstruction of a violation of criminal law in order to identify and locate the perpetrator and gather evidence to convict him. In order to fulfill these objectives there are particular

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investigative steps that the officer should follow in any preliminary investigation.

**NOTE: Show slide, "Preliminary Steps."**

1. Record the time you received the call, your time of arrival and weather conditions. This is the beginning of the detailed notes that make up the investigative report.
2. Before entering the scene find out from witnesses: is anyone injured? what happened? is suspect gone? who is suspect? who is victim? etc.
3. Give aid to anyone injured.
4. Check the immediate area for the suspect(s) or victim(s), also called a protective sweep. Even when there is an injury, you are still responsible for your own and others' protection. If a suspect is present, he should be arrested if probable cause exists or held under investigative detention if reasonable suspicion is evident.
5. Protect the scene and call for the necessary assistance. Determine whether a search warrant or consent will be needed to search the scene. Note: Once you have tended to the injured and conducted a safety sweep, the emergency exception to the Fourth Amendment has ended.
6. Locate and identify witnesses. In some cases it will be possible to interview witnesses immediately while maintaining scene security. When possible talk to them as soon as you can.
7. Broadcast any lookouts or necessary information. This may lead to a quick and safe apprehension of the suspect.
8. When the requested assistance arrives, secure the scene more adequately. If witnesses have not been interviewed, someone should be assigned that responsibility.
9. After entry has been lawfully procured through a search warrant or consent, the investigating officer should carefully walk through the scene. This allows for three things:
  - a) To locate potential evidence.

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b) To establish a path that is safe to walk through.

c) To mentally trace the events of the crime.

(*Mincy v. Arizona* would allow the immediate seizure of evidence if the officer has reason to believe the evidence would be immediately lost, destroyed, or removed during time needed to get a search warrant.)

10. Photograph, measure, and sketch the scene including all items of evidence.
11. Collect, label, and package evidence.
12. If necessary, secure the scene until some follow-up investigation is done.

### **B. Crime Scene Protection**

1. The scene of a crime is protected for two reasons:

**NOTE: Show slide, "Why Protect Crime Scenes."**

a) To prevent the destruction or removal of physical evidence and

b) To allow for an accurate reconstruction of the events occurring at the scene.

2. Frequently, protection starts by removing unauthorized persons from the area. Complete this task quickly and carefully so evidence is not destroyed and potential witnesses are not alienated. Once they have been removed, the area must be secured to prevent their return or the unauthorized entry of others. This can be accomplished by employing any of these methods.

**NOTE: Instructors are encouraged to provide photos of protected crime scenes illustrating strategies listed below.**

a) Posting additional officers at entrances.

b) Using witnesses as guards at critical areas.

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- c) Roping off the involved area.
  - d) Placing signs on doors.
  - e) Positioning barricades to block streets.
  - f) Using traffic cones or flares.
  - g) Using patrol vehicles.
3. The boundaries of the crime scene must be determined as quickly as possible. There are seven areas common to most crime scenes that should be identified immediately. Each of the following areas should be considered part of the scene and appropriately protected.
- a) Place of arrival
  - b) Point of entry
  - c) Path through the scene
  - d) Contact with the scene
  - e) Contact with the victim
  - f) Place of exit
  - g) Place of arrest
4. While determining the boundaries of the scene, the officer should be identifying evidence that needs to be preserved and collected and also establishing a path through the scene that is safe for other officers to walk through. The scope of a cordoned area should be sufficiently generous to accommodate an expansion of the immediate scene.
5. Whenever possible, all evidence should be unmoved until photographed and measured for the sketch. It may be occasionally necessary to cover or move evidence that would be destroyed without taking some precaution. The object is to preserve that evidence so it can be used to aid in the investigation, not destroy its probative value. **DO NOT ALTER THE SCENE UNLESS ABSOLUTELY NECESSARY.**

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6. Oftentimes witnesses, family, business owners, or managers will be needed to direct the officer to potential evidence. These people must be informed of the need for protection and requested not to touch or move anything.

### C. Locating and Identifying Witnesses

1. Generally when an officer arrives at the scene of a crime, there will be people who saw or heard something that can help you in your investigation. At this time, their recollection of the crime is more complete than it will be anytime later. For this reason they must be identified and questioned as soon as possible. Some ways of locating and identifying potential witnesses are:

**NOTE: Show slide, "Locating Witnesses."**

- a) Conduct a neighborhood canvass
- b) Locate those that live or work near the crime scene.
- c) Observe the individuals that are talking while others are listening.
- d) Interview friends, relatives, and associates of victim.
- e) Discover names obtained from talking to the above people.
- f) Check your own department records division.
- g) Locate photographs found at the scene, on the victim or at the scene.
- h) Locate victim's address book or phone book.
- i) Seize surveillance film.

Be certain to identify any threats to witnesses so they could be properly shielded.

2. Anyone interviewed should be identified in the written report so they can be contacted again. The minimum identification should include:
  - a) Full name

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- b) Sex, race, and date of birth
- c) Home address and phone
- d) Business address and phone

(Agency legal counsel may wish to be consulted as to the disclosure or nondisclosure of certain pieces of witness information. See *Kyles v. Whitley*, \_\_\_ U.S. \_\_\_, 115 S.Ct. 1555, 131 L.Ed.2d 490 (1995).

- 3. When possible, get a written statement from each witness. At least include a detailed record of what the witness told you.

### D. Statements

- 1. Definition - A statement is first-hand information about the commission of a crime given to an investigating law enforcement officer.
- 2. The purposes of obtaining statements are many. Some of the more significant ones are:

**NOTE: Show slide, "Statements."**

- a) Substantiate the charges against the suspect.
  - b) Impeach conflicting testimony of a witness or suspect.
  - c) Provide investigative information such as descriptions or identity of suspects and vehicles.
- 3. There are three basic sources of statements. They are:
    - a) Witness - These may be obtained from individuals having personal knowledge of the circumstances of a case and are willing to state significant facts about the incident.
    - b) Victim - Whenever the victim of the offense can recall relevant parts of an incident, meaningful information can be provided to the investigating officer.

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- c) Suspect - A suspect may under certain circumstances be willing to make partial or full disclosure of involvement in a crime to the investigating officer.
- 4. Format of statements - typewritten v. handwritten - The more that is written in a person's own handwriting, the more weight is given to the statement.
- 5. Content of statements - Although departmental forms may vary, there are certain basic components which should be included in written statements.
  - a) Advisement of rights - There should be a clear, concise statement of and signed waiver of rights included on the statement (used only if suspect is in custody and being interrogated).
  - b) General data - Statements should include basic information such as:
    - (1) Date
    - (2) Times (started and completed)
    - (3) Location
    - (4) Name of officer(s) taking the statement
    - (5) Case number
  - c) Biographical data about person being interviewed
    - (1) Full name
    - (2) Personal identifying numbers
    - (3) Date of birth
    - (4) Place of birth
    - (5) Present address
    - (6) Employment status
    - (7) Telephone number(s)

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- d) Parts of statements
  - (1) Body (formats)
    - (a) Narrative
    - (b) Question-and-answer
  - (2) Facts should be kept in chronological order
  - (3) Use words within subject's vocabulary
  - (4) Closing
    - (a) Where statement is taken
    - (b) Investigators (officers) taking statement
    - (c) Signature of subject
    - (d) Signature of witnesses

### E. Reconstructing the Crime Scene

1. One of the objectives of criminal investigation is to reconstruct events of a crime. This is necessary to verify statements of witnesses and suspects so it can be recreated for a jury during a trial. If law enforcement personnel or other people are allowed to alter the scene there will be an inaccurate representation in court as well as incorrect testimony. This could lead to the acquittal of the defendant.

2. The proper reconstruction of the crime scene must include:

**NOTE: Show slide, "Crime Scene Reconstruction."**

- a) Field notes
- b) Photographs
- c) A crime scene sketch
- d) Evidence custody documents

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Each one supplements the other so a very understandable re-creation results.

3. Basically the field notes are a log of the officer's actions at the scene. They serve as his memory and make up the backbone of the preliminary report. They should include:
  - a) Exactly what was done
  - b) What time each action was taken
  - c) Weather conditions
  - d) Who was at the scene
  - e) What evidence located and where
  - f) What was done with the evidence
  - g) Indications of M. O.
  - h) Identity of witnesses and what they said
  - i) More specific information depending on each type of crime
  - j) **DO NOT RELY ON MEMORY ALONE. THE REPORT IS A REFLECTION ON YOU.**
  
4. Photographs are admissible evidence if they fairly and accurately represent what you saw at the scene. Thus photographs should be taken before the scene is altered (e.g. outlining a body with chalk). Fellow officers should not be included in the photographs unless absolutely necessary. The photographs must be labeled for identification and carefully maintained by the investigator until needed in court. At a minimum the label should include the following:
  - a) Photographer's name
  - b) Case number
  - c) Type case

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d) Date photographed

5. General photographic requirements include:

**NOTE: Show slides, "Photo Requirements."**

a) Approaches to the scene

b) Surrounding areas

c) Close-ups of entrances and exits

d) A general scenario showing condition of the scene and/or body.

e) All evidence located (tool marks, weapons, fingerprints, etc.)

f) Mid range photos of a body from all angles.

g) Damaged areas or items.

h) Points of entry and exit.

i) A ruler in the photo to indicate size of small pieces of evidence.

j) It is better to have too many pictures than not enough.

k) Location of camera positions should be included on a sketch.

**NOTE: Show slides of actual crime scene photographs to students. Instructors are encouraged to gather additional photos on their own.**

6. Videotaping a crime scene

**NOTE: Show slide, "Videotaping Crime Scenes."**

a) The purpose of videotaping a crime scene is to assist in explaining what happened, as well as how it may have happened, and when it may have occurred.

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- b) The video camera should be held at eye level on every shot showing the relationship with an object in the scene.
- c) There should be no narration of the scene.
- d) All persons present at the scene should be warned that the scene is being filmed. Processing personnel should leave the area during taping and refrain from conversation in the area of the taping.
- e) Begin the taping at the perimeter of the scene and work towards the center.
- f) The entire scene should be shot initially without any scales being placed in the scene at any location. After taping the entire scene, scales and markers can be added for visual aid purposes.
- g) Small items should be initially recorded in place without zooming in for a close-up shot. All small items should then be taped close-up with, and then without a scale.
- h) Videotaped scenes must meet two tests to be admitted into evidence:
  - (1) Videotape must depict the unaltered scene.
  - (2) Videotape must have been maintained in its original condition without erasures or editing.
- i) Exterior scenes
  - (1) An overall shot of the area should be made showing the general perimeters of the crime scene area (i.e., remote area, residential, industrial, recreational, etc.).
  - (2) The relationship of building or vehicle to other buildings, streets, or other landmarks should be recorded.
  - (3) Taping needs to record the address of involved residence or vehicle license plate if a vehicle is involved.

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- (4) Other evidence that should be taped includes:
  - (a) Footwear and tire tread impressions
  - (b) Cigarette butts or cigarette packs
  - (c) Discarded cans or cups
  - (d) Broken branches or disturbed shrubbery
  - (e) Drag marks
  - (f) Any weapons
  - (g) Shell casings
  - (h) Articles of clothing
  - (i) Blood stains relating to movement or activity of the individuals involved
  
- j) Interior scenes - The following should be taped in an interior crime scene:
  - (1) The room or area in which the crime was committed
  - (2) Adjoining rooms or areas associated with the event
  - (3) Any evidence of a struggle
    - (a) Torn or bloody clothing
    - (b) Overturned or broken furniture
    - (c) Rifled drawers, jewelry boxes, purses, safes, desks, etc.
    - (d) Broken windows or glass articles
    - (e) Blood stains
    - (f) Drag marks

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- (4) Any indication of the activities of persons immediately before the crime
    - (a) Preparation of a meal
    - (b) Status of television or lights
    - (c) Number and type of eating utensils
    - (d) Alcoholic beverages, drugs, or containers
  - (5) Areas which tend to show an object may have been taken or is missing
  - (6) Condition of windows and doors
  - (7) Trace evidence
    - (a) Blood stains and spatter
    - (b) Footwear impressions and foot prints
    - (c) Hair and fibers
    - (d) Toolmarks
  - (8) Weapons
7. Sketching the scene is vital to the proper reconstruction of the crime. The sketch augments the photographs because it is a complete view of the scene locating anything important to the case. It will also help when interviewing witnesses and presenting information in court.
8. A rough sketch should be completed at the crime scene. It should include:
- NOTE: Show slide, "Sketching."**
- a) All items necessary to reconstruct the scene
  - b) All items of evidence
  - c) Accurate measurements

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- d) Relative proportions, and
  - e) An indicator showing north
9. The completed sketch is made from the rough sketch. It is a neater drawing that may be used in court. It contains the same information as the rough sketch, as well as:
- a) Case number and type crime
  - b) Address of scene
  - c) Who drew it and the date drawn
  - d) The scale (if applicable)
  - e) A legend on it or accompanying it
    - (1) Letters denote critical items in the scene
    - (2) Numbers indicate items of physical evidence
    - (3) If needed, a separate sketch noting the camera positions for each photograph taken can be prepared
10. Measurements are critical in order to accurately locate evidence found at the scene. They should be made from fixed (immovable) points so the items can be placed there again if ever necessary. All measurements should be verified by a witness before recording them. The three most common methods for measuring are:
- a) Triangulation: often used outdoors where there are no identifiable edges of fields or roads for use as reference points. This method can also be used on indoor scenes using the corners of the room as reference points.  
  
**NOTE: Show slide, "Triangulation."**
  - b) Rectangular Coordinate Method: a system of right angles, used indoors or outside provided there are good reference points such as a wall or curb.

## ***Criminal Investigation***

**NOTE: Show slide, “Rectangular Coordinate.”**

- c) Base Line: a variation of the rectangular coordinate method.

**NOTE: Show slide, “Base Line.”**

- 11. Evidence custody forms provide documentation of all physical evidence seized during a criminal investigation. Documents for this purpose vary from one agency to another but they should include certain basic information for each item of evidence collected. This should include the following:
  - a) Administrative information identifying the agency, case number, etc.
  - b) The person from whom item(s) was seized or collected.
  - c) Location where item(s) was seized or collected.
  - d) Purpose for which property was seized.
  - e) Evidence number of individual item(s).
  - f) Description of items.
  - g) Section including chain of custody and final disposition of items.

**NOTE: Refer to handout, “Receipt for Evidence/Property” and show students how to complete properly.**

### F. Searching the Crime Scene

**NOTE: Show slide, “Searching the Crime Scene.” Instructors are encouraged to print copies of slides on all search methods and distribute to students.**

- 1. Crime scene searches are conducted in an effort to locate evidence which might lead to the identity of a suspect. Obviously investigators do not know what or where that evidence is. The evidence sought may be destroyed or overlooked if a systematic method is not used. Proper use of one of the following methods will provide for an orderly survey of an area, oftentimes rendering positive results.

## ***Criminal Investigation***

- a) The strip method can be used in or outdoors, and when looking for large or small items of evidence. The distance between officers should be governed by the evidence sought.

**NOTE: Show slide, "The Strip Method."**

- b) The grid (double strip) is the same method modified to cover the entire area twice.

**NOTE: Show slide, "The Grid."**

- c) The zone method is excellent for individual rooms and vehicles. It is particularly good when looking for small items of evidence. Officers participating should check areas already searched by others.

**NOTE: Show slide, "The Zone."**

- d) The spiral method is best used for large areas. Officers can start inside working out or the reverse.

**NOTE: Show slide, "The Spiral."**

### G. Collection and Preservation of Physical Evidence

**NOTE: Show slide, "Collection and Preservation of Physical Evidence."**

- 1. Physical evidence or real evidence is physical in nature. It can be seen, touched, smelled, or tasted. To the investigator today this may be the most important type of evidence in establishing the guilt of the accused. If the evidence collected is to be of value to the investigation, it must tend to identify the perpetrator or establish the circumstances under which the crime was committed.

The investigator should answer the following questions about any evidence collected.

- a) Does the evidence recreate the events of the crime (before, during, and after)?
- b) Does it show indications of M. O.?

## ***Criminal Investigation***

- c) Do I know what conclusions the laboratory examination might reveal?
  - d) Is the evidence properly identified?
  - e) Can the chain of custody be proved?
  - f) Is the evidence competent?
    - (1) Material
    - (2) Relevant
2. All physical evidence collected at crime scenes, in addition to all stolen, recovered, confiscated, and found property must be strictly recorded and accounted for from the time it comes into the possession of a law enforcement agency until it is disposed of by the court or other authority. If the chain of custody is not sound, the items may be excluded from evidence.
3. In the case of physical evidence associated with a criminal investigation, great care must be taken to preserve the integrity and evidential value of such items. This involves a process which includes several steps.
- a) First, all items of evidence collected at a crime scene must be identified when discovered by marking certain basic information either on the item itself or on the container the item is placed in for transport, storage, and/or an analysis. This basic data should include, but is not limited to the following:
    - (1) Case number
    - (2) Date/time of collection
    - (3) Item number
    - (4) Collector's name or initials
  - b) All items must be placed in the appropriate sealed container.

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- c) All items must be recorded on an evidence custody document. The chain of custody section of this document must indicate every transfer of custody of evidence items. (This includes transfers between law enforcement officers.)
  
- d) Storage of all property and evidence items must be in a secure environment at the agency. Depending upon the size of the agency, this could range from a locker to a section of individual rooms which are specifically set aside for secure storage of evidence and property. Access to such facilities should be strictly limited. Ideally, one person should have responsibility and control of this area.

**NOTE: Refer to handouts, "SBI Request for Examination of Physical Evidence." Using the instruction form, show students how to complete. Compare handout with completed "Laboratory Report."**

**NOTE: Show video *Criminal Investigations* (7 minutes). Have students take notes on the crime scene and discuss.**

### H. General Follow-Up Investigation Procedures

**NOTE: Show slide, "Follow-Up Investigation."**

1. The first step should be a thorough review of all existing information about the case.
  - a) Reports, sketches, photographs
  - b) Physical evidence
  - c) Laboratory analysis results
  - d) Witness/victim statements
  
2. The case should be discussed with other investigators to establish:
  - a) Method of operation
  - b) Motive

## ***Criminal Investigation***

- c) Theory of what happened and why
- 3. Re-interview witnesses if there is a need.
- 4. Identify, locate, and interview additional witnesses.
- 5. Identify the suspect. This is most commonly done by any of these four ways.

**NOTE: Show slide, "Identify Suspect."**

- a) Eyewitnesses at the scene who either knew the suspect or gave a description and can recognize the person again.
  - b) Circumstantial evidence collected from interviews, reports, criminal records, financial records or more generally by continuing the investigation.
  - c) Establishing the method of operation. The evidence needed to show the method should be gleaned in this preliminary investigation.
  - d) Physical evidence collected can conclusively link the suspect to the crime. It aids in getting confessions and convictions of the guilty party.
6. Once the suspect is identified, the investigator should attempt to establish the suspect's:
- a) Intent
    - (1) Threats made
    - (2) Assaults
  - b) Capability
    - (1) Similar crimes committed
    - (2) Criminal history
  - c) Opportunity: Make sure the suspect was not somewhere else when the crime occurred.

## ***Criminal Investigation***

d) Motive: Why would this person commit this crime?

7. Not until the investigator has answered the above questions, or as many as possible, should he/she take the next step of locating and arresting the suspect. There are a number of sources of information that may be used to locate a suspect or provide other investigative leads to the investigator. Some of these sources are quite common but may be overlooked in the search for information about a subject. These include both public and private agencies and much of the information is available for the asking, while in other cases a subpoena or other legal document may be required. The following are some of the more common sources:

- a) Telephone directories
- b) City and county directories
- c) Records of:
  - (1) Post Office
  - (2) Department of Motor Vehicles
  - (3) Public utilities
  - (4) Transportation companies
  - (5) Insurance companies
  - (6) Banks and other financial institutions
  - (7) Clerk of court
  - (8) Register of Deeds
  - (9) Probation/Parole
  - (10) Educational institutions

**NOTE: Instructors should obtain copies (or describe contents) of the above records and explain to the class.**

## ***Criminal Investigation***

- d) A great deal of information is available to investigators through the DCI system.

**NOTE: Instructors should refer trainees to Law Enforcement Radio Procedures and Information Systems lesson plan for details and information on NCIC and NLETS.**

- 8. When the suspect is arrested an interview should be attempted. If you know a great deal about the crime and the suspect, the chances are greatly increased of a favorable statement by the suspect. Take the time to build a good case before questioning the suspect.
- 9. A confession (obtained legally) is obvious evidence of guilt. If the person will not admit their involvement, the investigator should work toward discrediting their statements by showing discrepancies through other evidence and statements.
- 10. Prepare the case for court or presentment to grand jury
  - a) Submit your comprehensive report to the prosecutor well ahead of the trial. The report should:
    - (1) Establish that a crime was committed and identify the crime.
    - (2) Establish the defendant's involvement.
    - (3) Identify competent witnesses and to what they can testify.
    - (4) Identify evidence and the chain of custody.
    - (5) Present the material orderly and logically.

**NOTE: Refer students to handout, "Prosecution Report" and review.**

- b) Discuss the case with the prosecutor and witnesses before trial.
- c) In all cases within the superior court's original jurisdiction, law enforcement file documents concerning offenses alleged to have been committed by a defendant

## ***Criminal Investigation***

must be made available to the District Attorney and the defendant's attorney. The file documents include the investigating officers' notes.

- I. Establishing *Modus Operandi* (Method of Operation)
  1. The reasons for establishing M. O. as a part of every investigation are:
    - a) To show a pattern of criminal behavior.
    - b) Associate numerous crimes with a single criminal.
    - c) Possibly predict the perpetrator's next target.
    - d) Assist investigators in recognizing the characteristics of criminal activity.
  2. The criminal generally judges the value of his methods on the basis of accomplishment. As long as his methods work, he will most often continue to commit similar crimes in a similar fashion.
  3. In order to establish the criminal's method of operation, the following questions should be answered where applicable.

**NOTE: Show slide, "Establishing M.O."**

- a) Time (range) the crime occurred
- b) Type (description) weapon used
- c) Location of crime
- d) Type business victimized
- e) Type individual victimized
- f) Point of entry and exit
- g) Method of entry
- h) Detailed description of suspect(s) (i.e., apparel, size, marks, scars, tattoos, voice, mannerisms, etc.)

## ***Criminal Investigation***

- i) Number of suspects
  - j) Commands and demands of the victim
  - k) Type of property taken, generally
  - l) Peculiarities:
    - (1) Insignificant items taken from person or property
    - (2) Partaking of victim's food or beverages
    - (3) Psychopathic defecation
    - (4) Type sex demanded of victim
    - (5) Evidence not left at scene
    - (6) Particular expertise demonstrated during the crime
    - (7) Other
  - m) Motive
4. Establishing the M. O. will not necessarily provide a suspect's name, however, it will furnish vital information that may lead to clearing many cases once a suspect is developed.
- J. Investigation of Specific Crimes
- 1. Arson
- NOTE: Show slide, "Arson."**
- a) This crime does not immediately provide a *corpus delicti* (body of the crime). The investigator must first prove that the fire was purposely started.
  - b) In order to do that the investigation must start at the scene immediately after the fire is extinguished. The most productive investigation is accomplished at the fire scene.
  - c) Physical evidence at the scene.

## ***Criminal Investigation***

- (1) Smoke color (at the start of the fire)
  - (a) White smoke may indicate hay or vegetable matter.
  - (b) Black smoke usually indicates the burning material has a petroleum base.
- (2) Flame color (early stage of fire)
  - (a) The investigator should be familiar with the color a flame will burn when a particular accelerant is used.
  - (b) Alcohol may burn blue, but large quantities burn orange.
- (3) Be aware of the odor emitting from the fire. Gasoline, alcohol and kerosene give off an identifiable odor as do other accelerants.
- (4) Note how quickly the fire spread. If the progress is abnormally fast, arson should be suspected.
- (5) Obstructed doorways and covered windows may impede fire fighters progress and prevent detection of the fire.
- (6) It is important to get an inventory of what was lost due to the fire. The scene should reveal whether much of a businesses inventory was missing before the fire. If the owner states that the business was heavily stocked but the evidence shows otherwise, arson should be considered.
- (7) Look for the same person showing up at numerous fires.
- (8) "Plants" are preparations (rags, papers, trash, blankets, etc.) placed around the ignition device to get the flames started.

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- (9) "Trailers" are devices used to spread the fire such as rope, sheets, rolled paper, etc. They are frequently used to spread the initial flame to another "plant" which causes separate fire.
- (10) Several starting points are good indications of arson.
- (11) Look for matches at the point of origin.
- (12) Smell the burned area for the odor of flammable liquids. Submerge residues suspected of containing flammable liquids in water. Nonsoluble flammable liquids will float on the water's surface in a thin film with distinctive colors.
- (13) Flammable liquids will penetrate surfaces they were initially placed on.
  - (a) The investigator should dig below the surface for possible samples.
  - (b) These samples should be placed in an airtight container (e.g., clean paint can) to prevent further evaporation.
- (14) Determining the point of origin to establish where the fire started leads to the most evidence of arson. A "V" shaped burn pattern identifies the point of origin, with the bottom being the point of ignition and the rest of the "V" being formed by the upward and outward progress of fire. That area will most likely be more heavily burned than others. Light bulbs will typically melt toward the point of origin of the fire.
- (15) Pools of flammable liquid often burn from the outside in and leave a distinct mark on the floor.
- (16) In order to prove arson, the investigation must focus on the scene. Consequently it is vital to protect the scene carefully until a determination is made.

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- (17) Insurance companies have formulated Special Investigation Units, mostly consisting of individuals with prior law enforcement backgrounds. Under N.C.G.S. 58-79-40 "Insurance Company to Furnish Information" and N.C.G.S. 58-39-75 "Disclosure Limitations and Conditions," insurance companies must furnish insurance documentation to law enforcement when requested.

**NOTE: Refer the students to handout, "N.C.G.S. 58-79-40 and N.C.G.S. 58-39-75 Insurance Statute."**

2. Burglary (B. & E.) investigation

**NOTE: Show slide, "Burglary."**

- a) Burglary or break-ins are no exception to the rule of immediate and complete crime scene protection. It is rare, considering the number of burglaries that occur annually, to catch someone in a business or residence. Therefore, most of these cases must be solved by M. O. and physical evidence.
- b) Physical evidence may include:
  - (1) Tools/tool marks
  - (2) Fingerprints/impressions
  - (3) Blood/hair/skin
  - (4) Fibers
  - (5) Clothing/personal belongings
  - (6) Cigarette butts
- c) Establish the M. O. and document:
  - (1) Point of entry
  - (2) How entry was made

## ***Criminal Investigation***

- (3) Items taken
  - (4) Unusual behavior at the scene by onlookers
  - (5) Items left or not left at the scene
  - (6) Possible number involved
  - (7) Time occurred
- d) Always canvass the area for possible witnesses
  - e) Enter the stolen property in the National Crime Information Center (NCIC)
  - f) Check records for:
    - (1) Similar cases (M. O.)
    - (2) Suspicious person reports in area
    - (3) Field interview forms
  - g) Check with beat officers and informants for people or vehicles meeting the description.
  - h) Check pawn shops, fences and gold and silver merchants for stolen property.
  - i) Revisit the area during the time range the break-ins are occurring.
  - j) Do not exclude the burglaries that are fraudulent in nature for insurance profit. Below are possible indicators of fraudulent burglaries.
    - (1) Theft includes numerous family heirlooms.
    - (2) Theft includes numerous appraised items of scheduled property.
    - (3) The police department's inventory report differs greatly from insurance inventory report. (Use N.C.G.S. 58-39-75 to obtain insurance company's report.)

## ***Criminal Investigation***

- (4) Alarm system failed to work at time of loss.
- (5) Business or home for sale or moving.
- (6) Loss occurs at night, especially after 11:00 p.m.
- (7) Neighbors observed owner moving items out prior to alleged theft.

### 3. Death investigation

**NOTE: Show slide, "Death Investigations."**

- a) Any time there is a suspicious death the Medical Examiner must be notified. Department policy will instruct you on who else must be contacted.
- b) Check the body for any signs of life and act accordingly.
- c) The first officer responding should:
  - (1) Record time call was received
  - (2) Record time of arrival
  - (3) Scene temperature and weather conditions
  - (4) Condition of the body
    - (a) *Rigor mortis* - the stiffening of the muscles caused by chemical change.
    - (b) *Livor mortis* - (Post-mortem lividity) the settling of the blood to the lowest regions of the body.
    - (c) Body temperature - whether cold or warm.
    - (d) Obvious wounds or injuries.
- d) If the victim is clearly deceased, he/she should be carefully examined before being removed. Particular attention should be given to the following:

## ***Criminal Investigation***

**NOTE: Show slide, "Examining the Deceased."**

- (1) Detailed written description of the body
  - (2) Description of the clothing and condition of it.
  - (3) Careful examination of the hands. Bag them in paper bags if there is a potential for evidence.
    - (a) Gunshot residue
    - (b) Fingernail scrapings
    - (c) Hair or fiber adhering to fingers
  - (4) Check the wound(s) noting the number, location and the possible type.
  - (5) Always look under the body after it has been photographed and sketched and before it is removed.
- e) The crime scene, by a thorough search, can aid the investigator in determining what happened.
- (1) Signs of a struggle
  - (2) Amount and location of blood
  - (3) Weapons/ammunition
  - (4) Indications of visitors
  - (5) Windows open, lights or appliances left on, etc.
  - (6) Dishes in the kitchen
  - (7) Contents of the trash
- f) Look through the victim's personal belongings for associations with others.
- (1) Telephone and address books
  - (2) Checkbook

## ***Criminal Investigation***

- (3) Wallet (cards, pictures, notes, etc.)
  - (4) Closets for clothes belonging to someone else
  - (5) Drawers
  - g) Witnesses/neighbors and family should be used to help determine:
    - (1) When victim was last seen
    - (2) With whom
    - (3) Last seen wearing (clothing)
    - (4) Recent mental or physical condition
    - (5) Items that do not belong to victim
    - (6) Frequent visitors (cars or people)
    - (7) Victim's habits
    - (8) Valuables missing from residence or person
  - h) When there is a deceased victim and no suspect, the investigation must focus on the victim. The object is to delve into the background of the victim until a suspect with a motive is discovered from the victim's past.  
Check:
    - (1) Records for criminal activity
    - (2) Officers knowing the victim
    - (3) Friends
    - (4) Family
    - (5) Associates
4. Identifying unknown deceased

**NOTE: Show slide, "Identifying Unknown Deceased."**

## ***Criminal Investigation***

- a) In a death investigation establishing the identity of the victim is as important as establishing the identity of the suspect. Whatever the cause of death the investigation is not complete until the victim is identified. The investigator should systematically examine the victim's clothing noting:
  - (1) Color
  - (2) Type
  - (3) Size
  - (4) Store labels
  - (5) Laundry marks
  - (6) Any unusual conditions
    - (a) Missing buttons
    - (b) Tears
    - (c) Trace materials on clothes
- b) The clothing should be carefully collected to preserve any evidence. It should be air dried before sending it to the laboratory.
- c) The victim's personal effects should be noted:
  - (1) Driver's license
  - (2) Social security card
  - (3) Identification card/tag
  - (4) Photographs
  - (5) Letters/notes
  - (6) Check stubs/invoices
  - (7) Jewelry (engravings)

## ***Criminal Investigation***

- (8) Smoking materials
  - (9) Keys
  - (10) Monograms (clothing or belongings)
  - (11) Eyeglasses, hearing aid
  - (12) Address books, phone books, etc. to get names of associates
- d) If the search of the victim's belongings is in an area where a suspect may have an expectation of privacy, the officer needs either consent from the suspect or a search warrant. The U. S. Supreme Court ruled in *Mincey v. Arizona* (1978) that officers could perform the following functions without a warrant.
- (1) Look throughout the entire premise for persons needing help (i.e., medical attention).
  - (2) Look for suspect(s) and accomplices.
  - (3) Seize evidence if the officer has reason to believe the evidence would be lost, destroyed, or removed during the time needed to get a search warrant, or would lose its probative value unless immediately seized.
- e) Visual, external examination of the body
- (1) Victim's sex, approximate age, height and weight
  - (2) Muscular build
  - (3) Eye color
  - (4) Race
  - (5) Skin condition (complexion, signs of disease, scars)
  - (6) Hair

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- (7) Teeth (false, obvious dental work)
  - (8) Fingernails
  - (9) Any abnormalities (amputations, tattoos, deformities)
  - (10) Signs of a particular occupation
  - (11) Photograph the head alone (front and profile)
- f) Deceased persons should be examined at the scene for possible wounds and injuries that could assist investigators in determining the manner of death. If the medical examiner or his representative is present it is desirable to have this individual assist in this examination. If not, the investigator must take care not to do anything that would interfere or hinder later examination of the body at the autopsy. The following should be documented in writing and by photography, including close-ups of injuries, when found:
- (1) Abrasions - however slight as they may be outer signs of serious internal injuries.
  - (2) Fingernail marks especially in the neck and throat area.
  - (3) Abrasions on the nose, mouth, and neck of infants and small children.
  - (4) Gunshot wounds - examine and photograph to determine approximate distance between muzzle of weapon and victim, entrance or exit wounds, and number of wounds.
  - (5) Blunt force injuries - scratches and impact impressions may indicate type of weapon used.
  - (6) Sharp force injuries - note number of wounds and appearance as indicator of type of weapon.
- g) If the skeletal remains of a body are located, the Office of the Chief Medical Examiner should be notified. A pathologist should come to the scene to ensure that all

## ***Criminal Investigation***

the remains are collected. The officer should photograph and record the relationship of the bones to each other when they have obviously been moved. Any foreign material adhering to the remains should not be removed. It may contain trace evidence. (Officer should wear gloves for this procedure.)

- h) Internal examination of the body
  - (1) X-rays should be made.
  - (2) The officer should attend the autopsy:
    - (a) In order to find out the cause of death.
    - (b) To be informed of all wounds, bruises, scratches, etc. found during the examination.
    - (c) Maintain the chain of custody of any evidence removed from the body.
    - (d) To ask questions of the pathologist that may be pertinent to the case.
    - (e) To answer questions the pathologist may have about the scene, witnesses, time of death, etc.
    - (f) Make comparisons with a suspected weapon and wounds on the victim.

### 5. Suicide investigation

**NOTE: Show slide, "Suicide Investigations."**

- a) A suicide must be investigated with all the thoroughness of a homicide investigation. Probable suicide investigations have the potential of bringing a great deal of criticism upon the investigator and the investigating agency.
- b) Suicide findings are much more than a logical conclusion that a death is not a homicide. Suicide must be affirmatively proven by best available evidence.

## ***Criminal Investigation***

- c) Primary focus of the investigation
  - (1) Is it possible for the deceased to have committed suicide?
  - (2) Is it possible that the deceased committed suicide to the logical exclusion of homicide or accident?
  - (3) Establish the opportunity and conditions showing deceased to have self-inflicted his or her injuries.
  - (4) Develop and detail the motive for suicide.
  - (5) Methods of suicides:
    - (a) Drowning
    - (b) Drugs
    - (c) Firearms
    - (d) Hanging
    - (e) Jumping from heights
    - (f) Stabbing and incised wounds
- d) Scene investigation - Begin the investigation by examination of the physical evidence at the crime scene.
  - (1) Establish who may have had access to the deceased and eliminate these individuals as suspects.
    - (a) Gunshot residue test
    - (b) Blood spatter
    - (c) Position of body
  - (2) If the deceased was alone at the time of death, document steps necessary to gain access to the body.

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- (3) Look for and eliminate motives for homicide.
  - (a) Robbery related
  - (b) Sex related
  - (c) Drug related
  - (d) Domestic or altercation related
- (4) Look for and eliminate accidental nature of the injuries.
  - (a) No gun cleaning kit found - gunshot death
  - (b) Deceased not wearing a swimsuit - drowning death
  - (c) Deceased was not working on a car - carbon monoxide death
- (5) Document the intent of deceased.
  - (a) Position and condition of gun, ammunition, and body
  - (b) Notes written by deceased found at the scene
  - (c) Precautions taken by deceased to avoid rescue and ensure death
- e) Transportation of victim's body from scene

Be sure to preserve all evidence associated with mechanisms of death.

- (1) Hanging victims should be transported with noose and knots in position.
- (2) Gunshot wound victims should have hands bagged for transportation.
- (3) Preserve areas of bloodspatter on victim's body or clothing.

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f) Follow-up investigation

Known acquaintances of the victim should be interviewed seeking the following information:

- (1) Background information on the victim
- (2) What was occurring in the life of the victim?
- (3) Were there any gestures indicative of suicide? (i.e., giving away of personal possessions or making future care arrangements for children or pets)
- (4) Were there any expressions of despair, farewell, or finality?
- (5) Have there been previous suicide attempts?
- (6) Did the victim have financial, domestic, health, employment, legal, or personal problems?

6. Robbery investigation

**NOTE: Show slide, "Robbery Investigation."**

- a) Since robbery is from the person or the person's possession, generally the best witness will be the victim who has had a confrontation with the perpetrator. The victim can provide:
- (1) Detailed description of the suspect and vehicle
  - (2) Description of the weapon
  - (3) Exactly what was said
  - (4) What was taken
  - (5) Composite drawing
  - (6) Possible identification from photograph book
- b) Establish an M. O. from the scene and victim

## ***Criminal Investigation***

- (1) Type robbery
  - (2) Type victim
  - (3) Location
  - (4) Time occurred
  - (5) Notes
  - (6) Mode of travel
  - (7) Number of suspects
  - (8) Restraints on victim
  - (9) Container for money
- c) Normally there will not be a great deal of physical evidence at the immediate scene of a robbery. If a business has been robbed the best practice is to lock the doors so any evidence will be preserved. There is always the possibility of:
- (1) Fingerprints
  - (2) Restraints (rope, tape, etc.)
  - (3) Notes (Handle carefully by the corner and place in an evidence bag immediately to preserve prints, paper and handwriting.)
  - (4) The best possibility for locating evidence will be around the path of flight from the crime. The perpetrator is likely to get rid of:
    - (a) Disguises
    - (b) Weapons
    - (c) The money container
    - (d) Clothing

## ***Criminal Investigation***

### (e) Notes

- (5) The area should be checked for witnesses who were there when the robbery occurred and those who frequent the area. The robber may have spent time watching the business before the hold-up.
- (6) If the robbery is of a bank, the FBI should be notified. The film from the cameras should be utilized and the chain of custody maintained.
- (7) Officers working the area should be given a description or a chance to see the film for possible identification.

### 7. Sex offense investigation

**NOTE: Show slide, "Sex Offenses."**

- a) Any sexual assault investigation is extremely sensitive. The victim (male or female) is embarrassed and feels degraded. The aim of the investigation is to identify and prosecute the violator, not to humiliate the victim any further. The victim is again the best source of information in regard to solving the crime. The officer must show a genuine concern for the victim's misfortune and emphasize the need for detail concerning the crime. It may be advantageous to utilize the expertise of people trained in this area (Rape Line, medical personnel or whatever is available in your jurisdiction).
- b) The investigation of sexual assault must begin immediately. The victim will tend to repress the incident and may forget important details if not encouraged to remember very soon thereafter.
- c) First the victim must be taken to the local hospital before bathing or changing clothes. There, medical personnel will use the SBI Sexual Assault Kit designed to collect evidence that may be beneficial to the case.

**NOTE: A sexual assault kit or an explanation of the contents and their use may be helpful to the student's understanding.**

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- d) Then obtain from the victim:
  - (1) Detailed description of suspect and vehicle
  - (2) Composite drawing
  - (3) Detailed statement
- e) Locate the area of first contact
  - (1) Check for witnesses
  - (2) Check for physical evidence
- f) Identify area where assault occurred
  - (1) Check for witnesses
  - (2) Check for additional evidence
- g) Physical evidence that might be found
  - (1) Semen, hair, blood, fibers
    - (a) Collect bed sheets
    - (b) Victim's clothing
    - (c) Vacuumings
    - (d) Package in paper very carefully
  - (2) Fingerprints at scene or on victim
  - (3) Suspect's belongings (clothes, jewelry, etc.)
  - (4) Weapons
- h) Establish the perpetrator's M. O.
  - (1) Time occurred
  - (2) Weapon used

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- (3) How victim was approached
  - (4) Location(s)
  - (5) Comments made to victim
  - (6) Type sex demanded
  - (7) Injuries to victim
  - (8) Thing taken or left by suspect
- i) Check reports for:
    - (1) Suspicious person reports in the area(s)
    - (2) Similar cases
    - (3) Victim's background
  - j) Revisit the area(s) where the assault occurred at the same time period it occurred.
8. Stolen vehicle investigation

**NOTE: Show slide, "Stolen Vehicles."**

- a) Theft report

Due to the variety of police report formats used throughout the state, no effort will be made to establish a strict operational procedure for stolen auto reports. Certain information is crucial to a successful auto theft investigation and each report should contain the following information as a minimum standard.

- (1) Year of the vehicle
- (2) Make of vehicle and name of the model, for example, Pontiac: Grand Prix, Phoenix, Catalina
- (3) Body style (specify sedan, convertible, station wagon, etc., in addition to number of doors)
- (4) Color and/or color(s) combination

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- (5) License number, issuing state and year issued
  - (6) Vehicle identification number (VIN)
  - (7) Specify if vehicle was locked and if keys were left in ignition
  - (8) Special equipment including original factory equipment and owner added equipment (e.g., mag wheels, custom exhaust system or other performance parts, modified parts or body)
  - (9) Personal articles left in interior or trunk of vehicle (include serial numbers if applicable)
  - (10) Unusual features: Dents, scratches, cracked glass, missing parts, emblems, etc.
  - (11) Physical evidence found at the location from where the vehicle was stolen
  - (12) Who, what, where, when, how, and why; include victim and suspect information
- b) Once the above information is obtained, the investigating officer should contact communications and request the vehicle description be entered in NCIC, PIN and DMV. If the theft was very recent a broadcast should be made to departmental personnel and other nearby law enforcement agencies. The owner should be informed to notify your agency if he finds the car.
- c) A "Hot Sheet" should be distributed to the following shifts containing the necessary information.
- d) A check of records for similar thefts from the same area or of the same type cars should be made. If there appears to be a pattern, there may be a need for covert surveillance.
- e) While on routine patrol, the officer should be aware of and on the lookout for certain signs that may lead to the recovery of a stolen vehicle and the arrest of the thief.

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(1) Damage indicating forced entry

Broken window panes, damaged door handles or locks, damaged trunk compartment door, ripped convertible top, and a wired ignition system are all irregularities which may indicate that the vehicle has been stolen. If the officer has reasonable suspicion to believe the vehicle or occupants have been or will be involved in criminal activity, a temporary field stop may be authorized.

(2) Suspicious behavior of driver

Many drivers will display symptoms of nervousness or odd behavior upon being stopped by a policeman. This is a normal reaction and should not be interpreted by the officer as meaning that every driver acting in an unusual manner is a criminal. However, there are certain actions which should arouse suspicion.

- (a) Extreme nervousness or bluster.
- (b) The driver, who upon being stopped, jumps from his car and hurries back to the patrol car. There may be a reason for not wanting the officer to see the inside of his car.
- (c) Drivers who attempt to divert the officer's attention or give evasive or hesitant answers to routine questions.
- (d) Drivers or occupants who do not fit the car, such as poorly dressed persons in a new car, or young persons in a late model family-type car.
- (e) Drivers or occupants who constantly watch the officer.
- (f) The driver who attempts to evade arrest for a minor violation.

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- (g) An extremely reckless driver.
- (h) Drivers who turn into the first available side street when being followed by a patrol car or when approaching one from the rear.
- (i) The driver who does not seem familiar with the operation of his car.
- (j) Driving without lights.

(3) Registration and license plate irregularities

The registration card on all vehicles that the officer comes in contact with should be checked for alterations, erasures, or other discrepancies. All such irregularities noted demand an immediate investigation, including a careful examination of the engine and/or serial number.

The license plates will often reveal valuable information to the observant officer.

- (a) New plates on an old car or old plates on a new car.
- (b) Plates loosely attached with wire or cord.
- (c) One plate attached over another.
- (d) Plates dirty, obscured, or bent.
- (e) Plates altered through the use of black tape or paint.
- (f) Plates on front and rear that don't match (out-of-state vehicles).
- (g) One plate.
- (h) No plate.

f) Interrogation

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An officer, through intelligent interrogation, can often allow a suspect to incriminate himself. Questions such as how long has he owned the car, where did he buy it, where and when was it last lubricated, and the kind of tires on the vehicle, cannot be answered correctly by the thief. It is also unlikely that he will be able to enumerate the contents of the glove and trunk compartment.

Persons repairing a vehicle, removing parts, or attempting to conceal a vehicle in a remote area, should be questioned to the satisfaction of the officer that such action is legitimate.

g) Investigation of suspected stolen or wanted vehicles

A careful search should be conducted of all abandoned vehicles and those which officers have probable cause to believe are stolen or wanted. The extent of the investigation and search will depend upon the circumstances present at the time and place that the vehicle is located. However, the following steps can normally be followed and will often reveal important information to the officer. If not abandoned, get search warrant or consent to conduct anything more than exterior visual search.

- (1) Check radiator for heat and the surface of the ground near the tires for evidence that would indicate how long the vehicle had been parked at its present location.
- (2) Are doors locked or ignition key in switch? Check under the hood and the dashboard for a jumper wire or similar device.
- (3) Check ID numbers for evidence of alteration or tampering.
- (4) Check outside of vehicle for damage or blood stains which would indicate a hit and run accident.
- (5) Check for possible mechanical failure. This may indicate the reason the vehicle is unattended.

## ***Criminal Investigation***

- (6) Request registration and stolen information providing both license and vehicle identification numbers.
- (a) If the vehicle is parked well off the roadway, or in a driveway or in front of a residence, and the doors have been locked and the ignition key removed, it often indicates the driver is nearby and will return soon. If the vehicle under observation is believed to be stolen, or the driver wanted, a stakeout should be set up to await the suspect's return.

Note: If vehicle is in driveway, officer cannot get engine number unless he/she has consent or warrant.

- (b) If the investigation reveals that the vehicle is stolen or wanted, and the location or the length of time it appears to have been abandoned indicates that the driver is not going to return, or if a stakeout has proven fruitless, the vehicle should be processed for physical evidence at the scene. The obvious places that people touch should be dusted carefully for prints first.
- 1) Rear view mirrors (in and outside)
  - 2) Door handles (in and outside)
  - 3) Vent windows
  - 4) Ash trays
  - 5) Glove box and contents
  - 6) Steering column around switches
  - 7) Trunk lid and hood

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- 8) The entire car can be dusted quickly with a cotton ball and powder to find latent prints. A more careful treatment of those areas revealing prints should be completed with a fingerprint brush. This should be done by someone familiar with the technique.

The car should then be thoroughly searched for evidence left by the thief. The owner may be needed to help determine this.

The vehicle should then be impounded or returned to the rightful owner according to departmental policy and state law.

The lookout for the vehicle should be canceled with the appropriate agencies. A supplemental report should be made indicating the vehicle was recovered including arrests when applicable.

- (c) If there is no stolen report and no evidence that the abandoned vehicle has been involved in another crime, it should be observed at regular intervals by the beat officer and removed to a place of storage after a reasonable length of time has elapsed in accordance with departmental policy and state law. It is a good policy to check the DCI system for stolen a second time if the vehicle remains in the same position for longer than 24 hours, as the stolen report may not have been filed at the time of the first request.

**NOTE: Instructor should refer students to N.C.G.S. 20-137.7 and N.C.G.S. 20-137.9 "towing statutes."**

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### h) Fraudulent vehicle thefts

A growing concern with vehicle thefts is that many times a vehicle will be reported stolen, when it actually was not. This is primarily done to collect proceeds from fraudulent insurance claims. Some indicators that a fraudulent theft has taken place are:

- (1) The owner of the vehicle is behind in payments.
- (2) Vehicle has history of mechanical problems.
- (3) Numerous and expensive items are reported to have been in vehicle at the time of the theft.
- (4) Vehicle has recently been insured.
- (5) Vehicle is recovered and . . .
  - (a) No ignition or steering column damage
  - (b) Carefully stripped with lugbolts and washers put back
- (6) Vehicle is totally burned. Many fraudulent vehicle thefts result in the vehicle being completely burned.

Remember that valuable information can be obtained by contacting the insurance company.

### i) Sources of information and assistance

The nature and extent of the auto theft problem is such that anti-theft activities are not restricted to local agencies. There are several agencies which the field officer can utilize when investigating auto theft cases including:

**NOTE: Show slide, "Sources."**

- (1) National Crime Information Center (NCIC)

NCIC is a component of the Federal Bureau of Investigation located in Washington, DC. NCIC

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is a computerized information system established in 1967 as a service to all law enforcement agencies--local, state, and federal. NCIC permits the rapid and efficient exchange of documented police information 24 hours a day to any agency equipped with facilities tied to this system. The data bank of NCIC includes the following information from contributing law enforcement agencies throughout the United States:

- (a) Wanted persons
  - (b) Stolen vehicles (cars, trucks, trailers, motorcycles)
  - (c) Stolen aircraft
  - (d) Vehicles wanted in connection with a felony crime
  - (e) Stolen license plates
  - (f) Stolen boats
  - (g) Stolen articles that can be identified by serial number (This capability includes vehicle engines and transmissions if they have identifying numbers.)
  - (h) Stolen securities, stocks, bonds, etc.
- (2) National Insurance Crime Bureau (NICB)

The National Insurance Crime Bureau, a not-for-profit organization backed by approximately 1,000 property-casualty insurance companies, was formed to help honest consumers by fighting the escalating insurance crime problem. NICB works closely with special investigative units as well as state, local and federal law enforcement authorities in the investigation and prosecution of insurance criminals. NICB has expert personnel that can provide assistance in identification of vehicles bearing altered or obliterated identification numbers and the

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investigation of professional motor theft rings. Additionally, NICB maintains regional offices with their own data system known as the NICB Data Base (NDBS). NICB special agents can render assistance to any local law enforcement agency.

(3) North Carolina Division of Motor Vehicles

The License and Theft Section of the NC Division of Motor Vehicles has qualified personnel to render assistance to law enforcement officers in the investigation of auto theft cases. In addition to DMV vehicle data systems, the License and Theft Section has personnel with expertise in motor vehicle identification, auto theft, and officer training in dealing with motor vehicle theft.

(4) Federal Bureau of Investigation (FBI)

Approximately 8 percent of stolen autos are used in the commission of other crimes; 43 percent of bank holdup getaway cars are stolen vehicles. Very often the car thief will cross the jurisdictional boundaries to include the Federal Bureau of Investigation. For example, a car stolen in one state may be used in a neighboring state to commit a bank robbery. The criminal offenses of the perpetrator of these crimes would fall into the jurisdiction of the FBI. The FBI also sponsors NCIC which was briefly described in the preceding paragraphs.

(5) Insurance Special Investigations Units

The majority of insurance companies have formulated Special Investigation Units (SIUs) to combat and reduce the growing impact of the rising statistics of insurance fraud. The majority of insurance special investigators have a minimum of 5 years law enforcement experience and a strong majority consist of retired law enforcement personnel. The insurance investigators are trained and have an expertise

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in working auto-home-business fires, burglaries, thefts, general liability (slip and falls), workers' compensation investigations and other insurance areas of investigation. The SIU's work closely with local and state law enforcement officers, prosecutors and NICB agents in the investigation and prosecution of insurance criminals.

### 9. Assault investigation techniques

**NOTE: Show slide, "Assaults."**

- a) When an assault has been committed and the suspect is not on the scene, the call becomes an investigation.
- b) Depending upon the facts uncovered by investigation, assaults may turn out to be either a:
  - (1) Misdemeanor, or
  - (2) Felony

**NOTE: Instructors should refer students to legal definition of misdemeanor vs. felony assault as outlined in G.S. Chapter 14.**

- c) Assault investigations consist of four fundamental steps:
  - (1) Aid to the victim
  - (2) Protecting the crime scene
  - (3) Initial questioning of victim and witnesses
  - (4) Searching the crime scene

### 10. Investigation of theft offenses

**NOTE: Show slide, "Theft Offenses."**

According to National Crime Survey (NCS) figures, there are over 13 million thefts committed in the U.S. annually. Theft offenses are divided legally into:

- a) Larceny

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- b) Forgery
- c) Fraud
- d) Embezzlement
- e) Investigations of theft offenses must demonstrate that there was a "taking" and that the suspect had control over property "of another." This taking must be shown to be deliberate and with intent to permanently deprive.
- f) The investigation of larceny must produce evidence indicating the suspect took the property of another deliberately with specific intent to deprive the owner of it.
  - (1) Finding identifiable stolen property in the recent possession of the suspect is *prima facie* proof that he/she stole the property.
  - (2) Questioning of the suspect may bring about an admission that he/she stole the property.
  - (3) Confidential informants are often the key to linking stolen property to larceny suspects.
- g) Investigation of forgery for most investigators typically involves the writers of bad checks. The two major targets are personal checks and government checks. The investigation of check forgery involves gathering information from witnesses to the crime and physical evidence of the crime.
  - (1) The most important lead in a forgery investigation is the interview of the recipient of the bad check. This person is usually the only witness to the crime, and as such can describe the circumstances surrounding the crime. Among the questions the investigator should ask the recipient, the following should be considered:
    - (a) What statements did the suspect make while passing the bad check?

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- (b) Was the check written or signed in the presence of the recipient?
  - (c) What credentials, if any, were offered as identification?
  - (d) What was the suspect's description?
  - (e) Was the customer known to the recipient?
  - (f) What type of transportation was used to and from the institution?
- (2) The next person to be interviewed should be the depositor. This is the actual person whose account was used to draw the funds from.
- (a) The depositor should be asked to examine the forged check.
  - (b) The investigator should determine if the signature on the check is that of the depositor by asking depositor to verify his signature.
  - (c) If the signature is not genuine, a statement from the depositor should be obtained to that effect.
- The law enforcement officer may wish to refer depositor to his financial institution to complete an affidavit of forgery.
- (d) The investigator should ask whether another party was allowed to use the depositor's account.
- (3) Standards of the depositor's handwriting should be obtained for comparison with the forged check.
- (4) The depositor should be asked how the suspect may have acquired the stolen checks.
- (5) Finally, the forged check itself must be taken as evidence.

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### 11. Embezzlement investigation

The investigation of embezzlement includes the following elements which must be proved:

- a) There must be a relationship of trust between the suspect and the victim.
- b) The perpetrator must have had lawful possession of the pilfered property at some time during the relationship.
- c) The property was stolen or converted to a form of possession that was contrary to the trust relationship.
- d) There must be a criminal intent to deprive the lawful owner of the property either temporarily or permanently.
- e) To seek a warrant for embezzlement the investigator must put together a complete case file, including:
  - (1) A complete report of investigation that identifies specific funds that were taken without authorization.
  - (2) Methods used for pilfering.
  - (3) Copies of all checks and other related documents pertaining to the thefts.
  - (4) A statement of determination outlining economic and psychological impact of the crime on its victim.
- f) Embezzlement techniques include:
  - (1) Stealing currency
  - (2) Manipulating accounts
  - (3) Stealing inventory

### 12. Tracing stolen property

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Once a theft of property has occurred, the thief will most likely seek to get rid of the stolen property as soon as possible.

- a) A "fence" is an individual who buys and sells stolen property with criminal intent.
  - (1) The "nonprofessional" fence might work out of the trunk of his vehicle attempting to sell stolen property at places like shopping center parking lots.
  - (2) The "professional" fence on the other hand will likely operate an otherwise legitimate business such as a "second-hand shop," pawn shop, or flea market.
- b) Investigating theft and stolen property offenses requires officers to thoroughly check out these individuals and establishments for the presence of stolen goods.
- c) For a conviction for a stolen property offense the investigator must prove that stolen property was received by the suspect and that he/she had knowledge that the property was stolen.
  - (1) A common method of showing possession of stolen property is to locate the property on the premises or in the vehicle of the suspect.
  - (2) The property in question must be identified as stolen. This is easier if the property is of the type which bears some type of identification number. Untraceable goods such as tools, liquor, and clothing are much more difficult to identify.
  - (3) Investigation of stolen property offenses often must rely on circumstantial evidence to prove receipt of the property. Such evidence may be obtained by answering the following questions:
    - (a) Did the suspect pay for the goods with a check or cash?

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- (b) Was the property purchased for considerably less than the normal retail price?
- (c) Does the suspect have a receipt for the property?
- (d) Were the stolen items separated from other items in storage?
- (e) Is there property from several different thefts present at the same location?

### 13. Weapons/Firearms offenses

**NOTE: Show slide, "Weapon Offenses."**

Weapons and firearms offenses are often discovered in the course of some other investigation. These offenses range from misdemeanor possession charges to more serious state and federal felonies.

- a) Since mere possession of a firearm constitutes an offense in some cases, the investigation of most weapons offenses is relatively simple.
- b) The Bureau of Alcohol, Tobacco and Firearms should be contacted if serious federal firearms offenses are discovered during the course of an investigation. They can provide valuable assistance in such cases.

**NOTE: Instructor should refer students to relevant state and federal firearms statutes.**

- c) Tracing firearms - In cases where a firearm is found at the scene of a crime, the investigator must attempt to trace the history of the weapon.
  - (1) The records of state and local law enforcement agencies should be consulted.
  - (2) Certain information may also be available from the manufacturer, wholesaler, and retailer of the weapon.

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- (3) The purpose of the National Firearms Tracing Center, which is operated by the Bureau of Alcohol, Tobacco and Firearms, is to routinely trace all firearms associated with crimes from the manufacturer to the last retail purchase. An electronic request for a trace can be initiated through DCI.
  - (4) Stolen guns may be entered in the National Crime Information Center's stolen gun file.
- d) Occasionally officers are called to investigate firearms accidents. These types of investigation include:
- (1) Accidental discharges, i.e., not properly unloading weapon prior to cleaning
  - (2) Failing to properly secure weapon
  - (3) Accidents due to "horseplay" activity
  - (4) Hunting accidents
- e) Officers should process the crime scene as they would any homicide or felonious assault, and ensure that they secure any physical evidence and gather complete statements from everyone involved. If an individual dies as a result of the accident, the officer should do the following:
- (1) The investigator must determine the "manner of death" or exactly how the victim was shot.
  - (2) The cause of the gunshot could possibly be:
    - (a) Suicide
    - (b) Homicide
    - (c) Accidental
  - (3) It is important that the officers have no pre-conceived ideas and investigate the incident fully.

### 14. Investigation of counterfeit currency

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- a) The U.S. Secret Service has jurisdiction for investigations involving the counterfeiting of United States obligations and securities. Some of the counterfeit obligations and securities commonly dealt with by the Secret Service include U.S. currency and coins; U.S. Treasury checks; Department of Agriculture food coupons and U.S. postage stamps.
  - b) The Secret Service works closely with local law enforcement agencies to aggressively pursue counterfeiters. When encountering counterfeit currency, law enforcement officers are encouraged to contact the Secret Service at its field offices in Charlotte, Greensboro, Raleigh, and Wilmington.
15. Investigation of counterfeit merchandise
- a) The International Chamber of Commerce estimates \$350 billion a year is lost worldwide due to counterfeit merchandise.
  - b) Around seven percent of all world trade is done in the counterfeit market.
  - c) Investigations into the manufacturing, sales and distribution of counterfeit goods have shown profits to fund such entities as gangs, organized crime and terrorism.
  - d) Testimony presented to the Senate Judiciary Committee upon the completion of a federal investigation revealed that the 1993 World Trade Center bombing was largely funded by the sale of counterfeit merchandise.
  - e) Name brand clothing, designer handbags, watches, sunglasses, movies and audio recordings are major targets of counterfeiters who illegally produce imitations of a legitimate manufacturer's product and sell them at cut-rate prices. Other examples of counterfeit merchandise include:
    - (1) Power extension cords (not approved by Underwriter Laboratories [UL] but displaying counterfeit [UL] holograms and stickers)

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- (2) Computer software (popular name brands as Microsoft, Symantac, etc.)
  - (3) Children's toys (typically break more easily, are choking hazards and have lead-based paints)
  - (4) Auto parts (worldwide losses to U.S. auto parts manufacturers is estimated at \$12 billion a year)
  - (5) Airplane and military parts (Federal investigators discovered, after a series of accidents, that more than 600 helicopters sold to U.S. civilians and NATO were equipped with counterfeit parts.)
- f) Investigation of counterfeit merchandising is a complex operation which includes:
- (1) Surveillance of suspected sellers of counterfeit merchandise to verify information that the seller does indeed deal in the illegal merchandise.
  - (2) Undercover buys of the counterfeit items from the seller for verification purposes by the licensed vendor of the merchandise.
  - (3) Obtaining search warrants for the premises of the suspected seller to seize the illegal merchandise and other evidence.
  - (4) Conducting raids to seize illegal merchandise and other evidence linking the merchandise to the seller.
- g) To receive assistance with counterfeit merchandise investigations, contact the North Carolina Secretary of State's Office or the National Intellectual Property Rights Coordination Center.

**NOTE: The instructor should refer students to G.S. 80-11.1 and G.S. 14-432-437.**

16. Investigation of illegal gambling

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**NOTE: Show slide, "Gambling."**

- a) Gambling offenses are numerous and varied in their scope. They range from "Mom and Pop" type enterprises to sophisticated bookmaking operations dominated by organized crime interests.
- b) Local agencies should not hesitate to request the assistance of state and federal agencies to investigate sophisticated and complex gambling operations.
- c) Investigation of illegal gambling typically begins with a complaint of such activities at a specific location. Once the complaint has been validated, other aspects of the investigation can commence.
  - (1) Information should be gathered on one location and the individuals involved, such as:
    - (a) Any prior investigations at the location.
    - (b) Information on whether the owner has prior arrest for gambling offenses.
    - (c) Identify the types of patrons that frequent the location.
    - (d) Identify the employees and determine whether they have prior involvement in gambling or related activities.
  - (2) An undercover entry of the location should be made in order to observe the activities that take place there.
  - (3) Once the entry to the location has been accomplished, the investigator should observe and note of any signs of gambling on the side.
  - (4) When illegal gambling activities are noted, the investigator may elect to make immediate arrests or use the information for obtaining search warrants for a future raid.

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### 17. Investigation of vandalism

**NOTE: Show slide, "Vandalism."**

- a) Vandalism - The deliberate destruction or defacement of property, either public or private.
- b) Legally, vandalism is a violation of the injury to property statutes, either real or personal.
- c) Investigation of such crimes involves a showing that the accused:
  - (1) Willfully and intentionally
  - (2) Damaged, injured, defaced, or destroyed
  - (3) Personal or real property.
- d) Injury to the property must be documented by photographs and/or videotape of the property.
- e) In addition, the value of the property must be proven and documented.

### 18. Investigation of prostitution

**NOTE: Show slide, "Prostitution."**

- a) Definition - Prostitution is defined as "the offering or receiving of the body for sexual intercourse for hire, and shall also be construed to include the offering or receiving of the body for indiscriminate sexual intercourse without hire."
- b) The investigation of prostitution may target either the "seller" or the "buyer."
- c) Undercover operations are often the most effective way to gather evidence against offenders for prosecution for prostitution.
- d) Investigators must document the age of those engaged in acts of prostitution.

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- (1) To engage in acts of prostitution with a minor is a felony rather than a misdemeanor.
- (2) Under the law, "prostitution" has a much broader definition when minors are involved.

**NOTE: Instructor should refer students to G.S. 14-204.1 and G.S. 14-190.18 and 14-190.19.**

19. The response and investigation of environmental crimes
  - a) Police officers' response to and investigation of environmental offenses involves a varied course of action, from referring the matter to a regulatory agency for follow-up to arresting the violator at the scene of the crime.
  - b) At the scene of an environmental incident, law enforcement has a dual responsibility:
    - (1) The first action is to prevent or mitigate environmental impact.
    - (2) The second action is to perform a standard police function by stopping crime and securing evidence.
  - c) The Comprehensive Environmental Response Compensation and Liability Act (CERCLA) has two requirements in spills and releases of toxic substances.
    - (1) Notification of release of a reportable quantity of a hazardous substance (National Response Center 1-800-424-8802).
    - (2) Facilities are required to maintain records of releases of toxic substances.
    - (3) In the case where law enforcement discovers an illegal discharge they are the reporting agency.
  - d) In addition to notification of the National Response Center, other agencies may be of assistance in the investigation of an environmental crime.

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- (1) State environmental agency.
- (2) Health officials should be notified in cases where the release of substances that affect public health.
- (3) Fire department hazardous materials units - when releases of hazardous substances happen this is the primary agency that will respond to mitigate an immediate threat to life and property.

### K. Identification of Suspects Using Eyewitness Identification

#### **NOTE: Show slide, “Photo Lineups.”**

The North Carolina Actual Innocence Commission has published recommendations for eyewitness identification. Its recommendations are based on the U.S. Department of Justice research report, *Eyewitness Evidence, A Guide for Law Enforcement* (October 1999); the New Jersey Division of Criminal Justice training manual, *Attorney General Guidelines for Preparing and Conducting Photo and Live Lineup Identification Procedures* (August 2001); a survey and study of the identification procedures currently followed by North Carolina’s law enforcement; and presentations and consultations by experts Professor Gary Wells, Distinguished Professor of Psychology at Iowa State University and expert on eyewitness memory; Professor Brian Cutler, Chair of the Department of Psychology at UNC Charlotte and expert on eyewitness memory; and New Jersey Deputy Attorney General, Lori Linskey, who was responsible for the statewide implementation of revised identification procedures in that state. The recommendations cover the most important aspects of “best practices” in witness identification procedures; however, they leave the details of implementation of these practices to the discretion of law enforcement. The recommendations made herein are not intended to create, do not create, and may not be relied on to create, any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal. Jurisdictional or logistical conditions may preclude the use of particular procedures.

The Education and Training Committee of the North Carolina Criminal Justice Education and Training Standards Commission endorses these recommendations with some revisions, the most notable of which is that six photographs be used in a photographic

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identification rather than the eight photographs that were recommended by the Actual Innocence Commission. The Education and Training Committee's revised policy is what is taught in North Carolina's mandated Basic Law Enforcement Training.

### 1. Commission objectives in establishing recommendations

All recommended procedures

- a) Identify practices that will produce more reliable and accurate eyewitness evidence while improving or eliminating practices that can undermine eyewitness reliability and accuracy;
- b) Are supported by expert social science research;
- c) Combine best workable police practices and psychological research;
- d) Consider the diverse perspectives of researchers, police, judiciary, prosecutors, defense attorneys and victim advocates;
- e) Assume good faith of law enforcement and do not flow from fear of misconduct;
- f) Consider budgetary restrictions and result in minimal incremental costs.

### 2. Summary of live lineup and photographic identification recommendations

- a) Live lineups and photographic identifications should be presented sequentially (individuals or photos are shown to the witness one at a time) rather than simultaneously (individuals or photos are shown at the same time). Presentation in this manner reduces misidentifications resulting from witnesses making identifications by comparing members of the lineup to determine which one looks the most like the perpetrator.
- b) The individual conducting the photographic identification or live lineup should not know the identity of the actual suspect. This is called a double-blind procedure and addresses misidentifications resulting

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from unintentional influences from those conducting the identification procedure. Simultaneous live lineups and photographic identifications may be used if a department does not have available personnel to conduct a double-blind procedure, but departments should be prepared to articulate in court why they used a simultaneous procedure.

- c) Witnesses should be instructed that the suspect may or may not be in the live lineup or photographic identification.
  - d) A minimum of six photos should be used in photographic identification procedures.
  - e) A minimum of six individuals should be used in live lineup procedures.
  - f) Witnesses should not receive any feedback during or after the identification process.
  - g) Witnesses should be asked to give feedback in their own words regarding their level of confidence in their identification.
3. General instructions for all identification procedures:
- a) Separate all witnesses. Each witness should be given instructions regarding the identification procedures without other witnesses present. Witnesses should not be allowed to confer with one another either before, during, or after the procedure.
  - b) Use an independent administrator. The individual conducting the photographic identification or live lineup should be someone who does not know which member of the live lineup or photographic identification is the suspect. When it is not possible to conduct a live lineup or photographic identification with an independent investigator, the primary investigator must exercise extreme caution to avoid inadvertent signaling to the witness of the “correct” response. Technological tools, such as computer programs that can run photographic identifications and record witness identifications without the presence of an investigator, may assist

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agencies with resource constraints. Additionally, agency personnel can be trained to assist with identification procedures.

- c) The administrator should avoid saying anything to the witness that may influence the witness's selection.
- d) There should not be anyone present during the live lineup or photographic identification procedure who knows the suspect's identity, except counsel, as required by law.
- e) Include a minimum of five fillers (non-suspects) for both photographic identification procedures and live lineups.
- f) If there is more than one suspect that fits the description of the perpetrator, there can be more than one suspect in the live lineup or the photographic identification; however, the number of fillers should be increased to a minimum of five per suspect. Whether to include one suspect and five fillers per live lineup and photographic identification, or to include more than one suspect and increase the number of fillers to keep the proportion of suspects to fillers constant at 1 to 5, is a discretionary decision. By keeping the proportion of fillers to suspects constant, the reliability of the identification remains constant.
- g) Fillers should resemble the witness's description of the perpetrator in significant features to the extent possible (face, profile, height, weight, build, posture, gait, voice, specific articles of clothing, etc.) or, in the case where a composite is used, based on their resemblance to a composite. If the perpetrator was described as having an unusual identifying mark, all fillers should have similar markings or all lineup members should have similar coverings over the described area.
- h) When there is an inadequate description of the perpetrator, or when there is a suspect whose appearance differs from the description of the perpetrator, fillers should resemble the suspect in significant features. For example, if a suspect is identified through fingerprints and the suspect's appearance differs from the witness's description of the

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perpetrator, fillers should be chosen that resemble the suspect in appearance.

- i) When showing a new suspect, avoid reusing the same fillers in live lineups and photographic identifications shown to the same witness.
- j) In the case of photographic identifications, ensure no writings or information concerning previous arrests or previous identification results are visible to the witness.
- k) Ensure that any identification actions (e.g., speaking, moving) are performed by all members of a live lineup.
- l) Always lead live lineups and photographic identifications with a filler. Research suggests that witnesses are reluctant to identify someone in the first position and if it happens to be the culprit, it could contribute to a missed identification.
- m) Place suspects in different positions in each live lineup and photographic identification when there are multiple witnesses in the same case. Position all other members of the live lineup and photographic identification randomly. Placement in this way eliminates the possibility that a second or third witness picks someone based on the position number communicated to them by the first witness.
- n) Individuals or photos should be presented to witnesses “sequentially,” rather than “simultaneously.” Sequential presentation requires each individual/photo to be presented to the witness separately, in a previously determined order, removing each individual/photo after it is viewed; whereas simultaneous presentation presents all individuals/photos at the same time.
- o) An independent administrator is the preferred administrator for both sequential and simultaneous presentations. Because there is a greater risk that an administrator may convey unintentional cues during sequential presentations, sequential presentation should only be used if the identification procedure is being conducted by an independent administrator. If an independent administrator is not available,

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simultaneous presentation of individuals/photos is necessary.

- p) In the case of sequential live lineups and photographic identifications, witnesses should not know how many individuals/photos will be shown.
- q) Presentation administrators should give the identical instruction at the beginning of every identification procedure and should use great care not to influence the witness's selection in any way. (See verbal instructions outlined below.) Administrators should avoid making any comments during the selection procedure and should be aware that witnesses can perceive such things as unintentional voice inflection or prolonged eye contact as messages regarding their selection.
- r) Each of the witness's responses to the question "Is this the person you saw [insert description of act here]? Yes or no?" should be documented with a reference to the number of the photo or individual being presented and the exact response given. If the witness answers "no" to the question, the next photo or person is shown. If the witness answers "yes," the administrator should ask, "Can you describe how sure you are?" The witness's exact statement should be documented. Witnesses should not be compelled to give an answer to this question.
- s) Witnesses should be shown all photos/individuals, even if they make an identification during the presentation.
- t) If the witness cannot make an identification after all photos/individuals are shown, the administrator can ask, "Would you like to view the lineup [photographs] again?" The fact that the witness did not make an identification the first time through and that the administrator asked the witness if they would like to view the live lineup or photographs again, as well as the outcome of the second display, must be documented in the record. It is important **not** to tell the witness prior to the complete live lineup or photographic identification presentation that they will be allowed to view the lineup or photographs a second time if they do not make an identification the first time through.

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- u) If a witness asks to view the live lineup or photographic identification again, all photographs or individuals must be presented in the same order as the first viewing. The live lineup or photographic identification can be presented only twice if there is no identification by the witness. The fact that there is a second viewing should be documented.
- v) Ensure identification results are signed and dated by the witness.
- w) Ensure the witness does not write or mark any materials that will be used in other identification procedures.
- x) The live lineup or photographic identification administrator should document their name, the procedure employed, the number of photos or individuals shown, sources of all photos used, names of persons present during the live lineup or photographic identification, number of times the lineup or photographic identification is viewed and the results of the procedure, including the witness's own words regarding how certain he/she is of any identification. Any specific words, conduct or gestures required of live lineup participants should also be documented. Documentation should include the date, time, and location of the procedure. A standard form should be used by each department for recording live lineup and photographic identification results.
- y) Do not give witnesses any feedback regarding the individual he/she has selected or comment on the outcome of the identification procedure in any way.
- z) Document live lineups by photo or video. This documentation should be of a quality that represents the live lineup clearly and fairly. Photo documentation can be of either the group or each individual, but should preserve the presentation order of the live lineup.
- aa) In the case of photographic identifications, after the photographs have been viewed they should be marked denoting the order that they were shown to the

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witnesses and retained for later use in court.

### 4. Verbal instructions

Witnesses should be instructed as follows prior to the live lineup or photographic identification:

#### a) For sequential presentation:

In a moment, I am going to show you a series of photos [or individuals]. The person who committed the crime may or may not be included. I do not know whether the person being investigated is included. Even if you identify someone during this procedure, I will continue to show you all photos [individuals] in the series.

Keep in mind that things like hair styles, beards, and mustaches can be easily changed [(for photo line-ups only) and that complexion colors may look slightly different in photographs].

You should not feel like you have to make an identification. This procedure is important to the investigation whether or not you identify someone.

The photos [individuals] will be shown to you one at a time and are not in any particular order. Take as much time as you need to look at each one. After each photo [or individual], I will ask you "Is this the person you saw [insert crime here]....yes or no?" Take your time answering the question. If you answer "yes," I will then ask you, "Can you describe how sure you are?"

Because you are involved in an ongoing investigation, in order to prevent damaging the investigation, you should avoid discussing this identification procedure or its results.

Do you understand the way the lineup [photographic identification] procedure will be conducted and the other instructions I have given you?

#### b) For simultaneous presentation:

In a moment, I am going to show you a series of photos [or individuals]. The person who committed the crime

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may or may not be included. I do not know whether the person being investigated is included.

Keep in mind that things like hair styles, beards, and mustaches can be easily changed [(for photo line-ups only) and that complexion colors may look slightly different in photographs].

You should not feel like you have to make an identification. This procedure is important to the investigation whether or not you identify someone. Take as much time as you need to look at the photographs [or individuals] and then tell me whether you see the person who [insert crime here]. If you identify anyone, I will then ask you, "Can you describe how sure you are?"

Because you are involved in an ongoing investigation, in order to prevent damaging the investigation, you should avoid discussing this identification procedure or its results.

Do you understand the way the lineup [photographic identification] procedure will be conducted and the other instructions I have given you?

Witnesses should be given a written copy of the above instructions and the following statement should be signed and dated by the witness.

"I have read these instructions, or they have been read to me, and I understand the instructions. I am prepared to review the photographs [or individuals] which will be presented to me, and I will follow the instructions provided on this form."

5. Instructions specific to show-up procedures:
  - a) Show-ups should only be used when circumstances require the prompt display of a single suspect to a witness (e.g., there is no probable cause for detention long enough to construct a proper lineup or photographic identification or there are public safety concerns).
  - b) If possible, encourage the suspect to consent to voluntary detainment to participate in a live lineup or to

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consent to being photographed for use in a photographic identification. A written consent that they are a willing participant in the lineup or agree to have a photograph taken without promises, threats, pressure, or coercion should be signed and dated by the suspect.

- c) Show-ups should only be conducted when the suspect matching the description of the perpetrator is located in close proximity in time and place to the crime.
- d) A description of the perpetrator should be documented prior to the show-up.
- e) If practical, transport the witness to the location of the detained suspect to limit the legal impact of the suspect's detention.
- f) Show-ups should not be conducted with more than one witness present at a time.
- g) Witnesses should be given a cautionary instruction that the individual may not be the perpetrator.
- h) If there are multiple witnesses and one witness makes an identification during a show-up, reserve the remaining witnesses for another identification procedure.
- i) Words or conduct of any type that may suggest to the witness that the individual is or may be the perpetrator should be carefully avoided.

### L. Surveillance

#### 1. Definitions

- a) Surveillance - The secretive and continuous observation of persons, places, and things to obtain information concerning activities and identities of individuals.
- b) Subject - The person being observed.
- c) Surveillant - The person conducting the surveillance.

#### 2. Uses of surveillance

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The primary use of surveillance is to gather information. In addition, surveillance is also used:

**NOTE: Show slide, "Surveillance."**

- a) To prevent crime.
  - b) As a means of apprehending criminals in the act of committing crimes.
  - c) As a means of affording protection to undercover agents.
3. There are certain attributes that an officer conducting surveillance should possess. They include:
- a) Good physical condition, including good eyesight, good hearing, quick reflexes, and alertness.
  - b) Patience and perseverance - officers on surveillance must remain patient during long, tiring, and often boring periods of time. They must also be determined to accomplish the objective of the surveillance even if it takes prolonged periods of time under adverse conditions.
  - c) Adaptability and resourcefulness - officers must often adjust or adapt rapidly to changing situations such as the subject's behavior or weather conditions.
  - d) Attitude - the proper attitude is likely to result in enthusiasm for the investigation and a determination to accomplish the surveillance successfully.
  - e) Alertness - alertness on the part of the officer conducting a surveillance is necessary to prevent missing significant actions on the part of the subject or prevent the subject from discovering the surveillance.
  - f) Good judgment - good judgment is required when there are unexpected developments that the officer must adjust to in order not to compromise the surveillance.
4. Objectives of surveillance - surveillance is undertaken to accomplish any one of a number of investigative objectives.

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- a) Substantiate allegations of a criminal violation - frequently information is received that an individual is involved in violations of the law but the allegation must be substantiated in some manner. Surveillance is often the only approach available to accomplish this objective.
  - b) Probable cause for a search warrant - once it has been established that criminal violations exist in a location, it may be necessary to conduct surveillance to obtain enough facts to establish probable cause for the issuance of a search warrant.
  - c) Apprehend violators in commission of illegal acts if allowed by law.
  - d) Test informant reliability - one of the few absolute rules in law enforcement is that informants are never to be trusted. Information offered by informants can often be verified by surveillance.
  - e) Protection for undercover officer - undercover officers who may require instant back-up can be discreetly observed in a surveillance and thus not jeopardize the investigation or their safety.
  - f) Crime prevention - in some cases officers may purposely alert a subject that he is being observed by them. This is known as an overt surveillance. In these cases the subject is openly observed to discourage criminal activity by him.
5. There are two general types of surveillance: mobile and fixed.
- a) Mobile surveillance is commonly known as "tailing" or "shadowing." It can be conducted by foot or vehicle depending upon the subject's movements.
  - b) Fixed surveillance is known as a "stakeout." A stakeout is used when the subject is stationary or when all the important information can be learned at one place.
6. Methods of surveillance - there are three basic methods of surveillance:

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- a) Loose surveillance - under loose surveillance the subject is watched now and then. It is used when the needed information can be gained by monitoring one facet of the subject's activities. A loose surveillance is broken if the subject seems to suspect that he is being observed.
  - b) Close surveillance - under close surveillance the subject is watched constantly. It is used when it is necessary to monitor more than one facet of the subject's activities.
  - c) Combined loose and close surveillance may be run concurrently on separate subjects or in sequence on one subject to gain more information.
7. Techniques of surveillance - The techniques of surveillance are generally referred to as foot surveillance and vehicle surveillance. Depending upon the number of personnel available for the assignment, there may be one or more officers or vehicles on a single surveillance operation.

**NOTE: Instructors should briefly discuss with students the various ways/methods to conduct surveillance.**

**NOTE: Conduct Mock Crime Scene Investigations and ensure that the students have the opportunity to preserve, photograph, sketch, package, and thoroughly investigate the given scenarios (refer to Instructor Notes).**

M. Electronic Evidence: Recognition and Identification

**NOTE: Show slide, "Electronic Evidence: Recognition and Identification."**

**NOTE: Show slide, "What Is Electronic Crime?"**

1. Electronic crime is any criminal activity that involves the use of computer technology, directly or indirectly.
  - a) "Computers play the following roles in electronic crime:
    - (1) Instrument: The computer hardware, software or information is designed or intended for use or which is or has been used as the means of committing a criminal offense.

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- (2) Repository: The computer hardware, software or information is designed or intended for use or which is or has been used as the means of storing or maintaining evidence of a criminal act.
  - (3) Fruits of the crime/contraband: The computer hardware, software or information obtained by criminal activity.”<sup>1</sup>
- b) Electronic crime is not limited in scope. Most associate with computer hacking, intrusions, viruses, and child pornography. Crimes involving electronic data can include the following:

**NOTE: Show slide, “Scope of Electronic Crime.”**

- (1) Electronic economy
- (2) Attacks
- (3) Internet crimes
- (4) Child exploitation
- (5) Espionage
- (6) Terrorism
- (7) Hackers
- (8) Criminal enterprise
- (9) Software piracy
- (10) Fraud
- (11) Computer theft
- (12) Network vulnerabilities
- (13) Revenge
- (14) Data thieves
- (15) Denial of service

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- (16) Masquerading
- (17) Intrusions
- (18) Threats/harassment/death
- (19) Domestic violence
- (20) Economic/financial
- (21) Extortion
- (22) Gambling
- (23) Identity theft
- (24) Narcotics

### 2. Electronic evidence

#### **NOTE: Show slide, “What Is Electronic Evidence?”**

- a) “Electronic evidence is information and data of investigative value that is stored on or transmitted by an electronic device. In its ‘natural’ state we cannot see the evidence, only the device that it is stored in. Special equipment and software are required to access the data. Electronic evidence is very volatile and can be easily altered, damaged or destroyed by improper handling or improper examination. It also includes ever changing technology and jurisdictional issues.”<sup>2</sup>
- b) “Officers need to recognize the role electronic evidence plays in a crime.

#### **NOTE: Show slides, “Recognizing Potential Electronic Evidence.”**

- (1) Contraband or fruits of the crime - Was the computer software or hardware stolen?
- (2) Tool of the offense - Was the system actively used by the defendant to commit the offense? Was the computer used to make fake documents?

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- (3) Storage device - Is drug dealer maintaining his trafficking records in his computer?
  - (4) Instrument and storage device - Did the hacker use the computer to access other systems and store stolen data?"<sup>3</sup>
- c) Evidence exists as data or files. These files can include any of the following:

**NOTE: Show slide, "Potential Evidence on Electronic Devices."**

- (1) "Address books
- (2) Audio/video files
- (3) Calendars/appointments
- (4) Database files (include newsgroup files)
- (5) Documents or text files
- (6) E-mail files
- (7) Image/graphics files
- (8) Internet bookmarks/favorites
- (9) Spreadsheet files
- (10) Credit/debit card numbers
- (11) Financial records
- (12) Home/other address information
- (13) Telephone numbers called/phonebook
- (14) Caller ID information
- (15) Memos
- (16) Tapes

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- (17) Time and date stamps
- (18) Voice messages
- (19) Passwords
- (20) MAC (Media Access Control)
- (21) Configuration files
- (22) Travel logs and destination points
- (23) Way points (coordinates)<sup>4</sup>

### 3. Types of electronic devices

#### a) Computer systems<sup>5</sup>

**NOTE: Show slide, “Computers.”**

- (1) “Most computer systems typically consist of a main base unit, sometimes called a central processing unit (CPU), data storage devices, a monitor, keyboard, and mouse.
- (2) Systems could be stand alone, or connected to a network. There are many types of computer systems, laptops, desktops, tower systems, modular rack mounted systems, minicomputers, and mainframes. Additional components include modems, printers, scanners, docking stations, and external data storage devices.
- (3) Computer systems are used for all types of computing functions and information storage, including word processing, calculations, communications, graphics and other file storage.”

#### b) Personal data assistants/handheld devices<sup>6</sup>

- (1) “PDA or personal data assistant is a small device that can include computing, telephone/fax, paging, networking, and other features. It is typically used as a personal organizer. These devices have the ability to work alone or network

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with computer systems by using a connection cradle.

- (2) These devices contain stored data (text, images, audio, video, etc.), internet information, e-mail, directories, and basic personal computing functions.”

- c) Digital cameras/video/audio devices<sup>7</sup>

**NOTE: Show slide, “Cameras.”**

- (1) “Video and audio media can be recorded as analog or digital information. Devices can be stand alone, networked, personal, home entertainment or business (e.g., text, still images, graphics, date/time, author, system used, etc.). The devices can be portable or fixed. The devices store directly to internal memory and/or removable media.

- (2) These devices can capture images on fixed or removable memory, sound, time and date stamp, and video.”

- d) Storage media

**NOTE: Show slide, “Storage Media.”**

- (1) “Data can be stored on a variety of storage media. Some devices have fixed storage located within the device. This form of storage requires a means of interfacing to another source to transfer the data when necessary. Many devices of today have capabilities for both fixed (internal) storage/memory and the ability to also store data solely or simultaneously to removable storage media.”<sup>8</sup>

- (2) “Hard drives (HD) are a sealed box containing rigid platters (disks) coated with a substance capable of storing data magnetically. These drives can be internal or external. These devices store information such as computer programs, text, pictures, video, multimedia files and many

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others. There are many new types of HDs you may encounter, to include: Microdrives, 2.5 inch drives (laptops and IDE drives), 5.25 inch drives (Quantum Bigfoot), 3.5 inch IDE or SCSI HD (most common).

**NOTE: Show slide, “Removable/Portable Storage Devices and Media.”**

- (3) Removable/portable storage devices and media store electrical, magnetic, or digital information. These portable storage devices can store computer programs, text, pictures, video, or any type of file (including viruses): floppy disks, CDs (compact disk), DVDs (digital video disk), cartridges, Jaz drive, flash memory card, external hard drive, DLT tape, HiFD (high density floppy disk), Smart Media, microdrive, DAT (digital audio tape), Zip, Memory Stick, removable hard drive, Magento optical drive, DLT tape, etc.

**NOTE: Show slide, “Memory ‘Flash’ Cards.”**

- (4) Memory cards or flash memory are additional, removable methods of storing and transporting information.”<sup>9</sup>

e) Scanners

**NOTE: Show slide, “Printers and Scanners.”**

- (1) “A scanner uses light-sensing equipment to scan paper or other objects and then converts the input to a digital signal. These devices can contain documents, hard drive, ink cartridges, network identity, superimposed images on roller, time and date stamps and usage logs.”<sup>10</sup>
- (2) “Having the capability to scan may help prove illegal activity (e.g., child pornography, check fraud, counterfeiting or identity theft). Imperfections such as marks on the glass may allow for unique identification of a scanner used to process documents.”<sup>11</sup>

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### f) Copiers

“Copiers allow for the duplication of items placed on the copying surface. These devices can contain speed dial lists, stored copies (incoming and outgoing), data files (complete images or documents from computers in a network environment), copy transmission logs (incoming and outgoing), header line, clock setting and user access records.”<sup>12</sup>

### g) Printers

(1) “Printers are devices that print text, images, etc. from the computer to paper. Printing systems include thermal, laser, inkjet and impact. They connect to a computer via a cable or accessed via infrared port. Some printers contain a memory buffer, which allows them to receive and store multiple page documents.”<sup>13</sup>

(2) “ID card printers convert documents, pictures, etc., to electronic files, which can then be viewed, manipulated, or transmitted on a computer to a printer to print graphics and information on a plastic card. They connect to a computer with an optical device, which passes a document past a scanning device (or vice versa) and sends it to the computer as a file.”<sup>14</sup>

### h) Telephones

**NOTE: Show slide, “Telephones--Wire/Wireless/Cordless.”**

“Telephones are devices that allow two-way communication from one instrument to another, using land lines, radio transmission, cellular systems, or a combination. Some devices contain numbers called and stored for speed dial, caller ID for incoming calls, pager numbers, names and addresses, PIN numbers, voice mail access numbers and passwords, debit card and calling card numbers, e-mail/internet access information and service provider information. The on screen image may contain other valuable information,

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such as memos, passwords, messages (voice and text) and web browsers.”<sup>15</sup>

### 4. Non-electronic evidence

**NOTE: Show slide, “Non-Electronic Evidence.”**

“Recovery of non-electronic evidence can be crucial in the investigation of electronic crime. These items are usually near the computer or related hardware items.

Proper care should be taken to ensure that such evidence is recovered and preserved. Items relevant to subsequent examination of electronic evidence may exist in other forms:

- a) Written passwords
- b) Handwritten notes
- c) Blank pads of paper with indented writing
- d) Hardware and software manuals
- e) Calendars, literature, text or graphical computer printouts, and photographs”<sup>16</sup>

### N. Electronic Evidence Collection and Preservation

**NOTE: Show slide, “Electronic Evidence Collection, Preservation and Processing.”**

- 1. “The search for and collection of evidence at an electronic crime scene may require a warrant. Check with your prosecutor or local US Attorney Office.
- 2. Computer evidence, like all other evidence, must be handled carefully and in a manner that preserves its evidentiary value. This relates not just to the physical integrity of an item or device, but also to the electronic data it contains.
- 3. Certain types of computer evidence, therefore, require special collection, packaging, transportation, storage and processing. Consideration should be given to protect data that may be susceptible to damage or alteration from electro-magnetic fields

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such as those generated by static electricity, magnets, radio transmitters, and other devices.

#### 4. Collection procedures

For most electronic devices, follow these steps. Some of these steps are different depending on the device.

**NOTE: Show slides, "Collection Procedures."**

- a) Step One - If electronic device is 'OFF' do not turn 'ON.' If electronic device is 'ON,' consult a specialist. If a specialist is not available, follow all steps below before taking any action (or evidentiary data may be altered).
- b) Step Two - Record in notes all actions you take and any changes that you observe in the monitor, computer, printer, or other peripherals that result from your actions.
- c) Step Three - Photograph screen and record information displayed, if any.
- d) Step Four - Check for outside connectivity (e.g., telephone modem, cable, ISDN, DSL). Disconnect from the back of the computer and document.
- e) Step Five - Regardless of the power state of the computer (on, off, or sleep mode), remove the power source cable from the computer, NOT from the wall outlet.
- f) Step Six - To avoid damage to potential evidence, remove any floppy disks that are present, package the disk separately, and label the package. If available, insert either a seizure disk or a blank floppy disk. Do NOT remove CDs or touch the CD drive.
- g) Step 7 - Place tape over all the drive slots and over the power connector.
- h) Step 8 - Record make, model, and serial numbers.
- i) Step 9 - Photograph and diagram the connections of the computer and the corresponding cables.

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- j) Step 10 - Label all connectors and cable ends (including connections to peripheral devices) to allow for exact reassembly at a later time. Label unused connection ports as 'unused' or 'empty.' Identify lap-top computer docking stations in an effort to identify other storage media.
- k) Step 11 - Record or log evidence according to departmental procedures."<sup>17</sup>
- l) Step 12- "Collect all peripheral devices, cables, keyboards, and monitors.
- m) Step 13 - Collect instruction manuals, documentation and notes"<sup>18</sup>

### 7. Networked computers

- a) "Business environments frequently have multiple computers connected to each other, to a central server, or both. Improper shutdown may destroy data. This can result in loss of evidence and potential severe civil liability.

When investigating criminal activity in a known business environment, the presence of a computer network should be planned for in advance, if possible, and appropriate expert assistance obtained.

Computer networks are becoming common in a home environment and the same concerns exist."<sup>19</sup>

- b) Follow the following collection procedures for networked computer:

**NOTE: Show slide, "Networked Computers."**

- (1) "Consult a computer specialist.
- (2) Secure the scene.
- (3) Do not let anyone touch except personnel trained to handle network systems.

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- (4) Pulling the plug could:
  - (a) Severely damage the system
  - (b) Disrupt legitimate business
  - (c) Create officer and department liability<sup>20</sup>

### 8. Battery powered electronic devices

**NOTE: Show slide, “Battery Powered Electronic Devices.”**

- a) “Batteries have a limited life span. Delays in conducting the examination may result in loss of information if power supply becomes insufficient.
- b) Take appropriate care in the handling and storage.
  - (1) Advise evidence custodian, forensic examiner that the device is powered by battery and needs immediate attention.
  - (2) Turn it off.
  - (3) Change batteries.<sup>21</sup>

### 9. Electronic devices with displays

**NOTE: Show slide, “Electronic Devices with Displays.”**

- a) “If the device is ‘ON,’ do NOT turn it ‘OFF.’
- b) Interruption of the power supply to device may cause loss of data if not protected by internal battery backup.
- c) Document all stored data prior to seizure or loss of data may occur.
- d) Power down prior to transport and take any power supply cords present.<sup>22</sup>

### 10. Packaging, transporting and storing

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a) “Actions taken should not add, modify, or destroy data stored on a computer or other media. Computers are fragile electronic instruments that are sensitive to temperature, humidity, physical shock, static electricity, and magnetic sources. Special precautions should be taken when packaging, transporting, and storing electronic evidence.

b) Packaging

### **NOTE: Show slides, “Packaging.”**

- (1) Ensure that all collected electronic evidence is properly documented, labeled, and inventoried before packaging.
- (2) Pay special attention to latent or trace evidence and take actions to preserve it.
- (3) Pack magnetic media in antistatic packaging (paper or antistatic plastic bags). Avoid using materials that can produce static electricity, such as standard plastic bags.
- (4) Avoid folding, bending, or scratching computer media such as diskettes, CD-ROMs, and tapes.
- (5) If available, the original box that the computer came in is the best way to package it for shipping.
- (6) If a box other than the original box is used, be sure to use a sufficient amount of cushioning (foam, paper, etc.) to keep the computer from being damaged. Styrofoam peanuts are not good for this purpose because they can cause static electricity to build up and possibly damage the evidence. They also can break up into small pieces which can work their way into the components of the computer, causing them to malfunction. Do not use shredded paper.
- (7) Computer evidence is subject to the same sealing requirements as all other evidence that is entering the laboratory. All containers must be tape sealed and bear the sealing officer’s initials

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on the seal. If a computer is being delivered without being sealed in a box, the case should be tape sealed on every seam to prevent any unauthorized opening of the computer.

- (8) Ensure that all containers used to hold evidence are properly labeled.

### c) Transporting

**NOTE: Show slide, "Transporting."**

- (1) Keep electronic evidence away from magnetic sources. Radio transmitters, speaker magnets, and heated seats are examples of items that can damage electronic evidence.
- (2) Avoid storing electronic evidence in vehicles for prolonged periods of time. Conditions of excessive heat, cold, or humidity can damage electronic evidence.
- (3) Ensure that computers and other components that are not packaged in containers are secured in the vehicle to avoid shock and excessive vibrations. For example, computers may be placed on the vehicle floor and monitors placed on the seat with the screen down and secured by a seat belt.
- (4) Maintain the chain of custody on all evidence transported.

### d) Storing

**NOTE: Show slide, "Storing."**

- (1) Ensure that evidence is inventoried in accordance with departmental policies.
- (2) Store evidence in a secure area away from temperature and humidity extremes. Protect it from magnetic sources, moisture, dust, and other harmful particles or contaminants.

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- (3) Be aware that potential evidence such as dates, times, and systems configurations may be lost as a result of prolonged storage. Since batteries have a limited life, data could be lost if they fail. Therefore, appropriate personnel (e.g., evidence custodian, lab chief, forensic examiner) should be informed that a device powered by batteries is in need of immediate attention.”<sup>23</sup>

### 11. Evidence submission

#### **NOTE: Show slide, “Evidence Submission.”**

- a) “Follow your agency’s guidelines and policy for evidence submission.
- b) In order to more efficiently serve the law enforcement agencies of North Carolina with computer forensic services, the SBI Crime Laboratory has established guidelines for the types of cases and the types of evidence that can be submitted.
- c) The SBI Crime Laboratory has instituted a case acceptance policy that limits the types of cases that can be submitted for computer analysis to three categories.
  - (1) Crimes against children - These cases include child pornography, child abduction, sexual assaults against children, child molestation, and traveler cases (traveling to meet a child for the purposes of having sex with the child).
  - (2) Crimes of violence or threats of violence - These cases include homicide, rape, serious assault, or communicating threats (i.e., bomb threats).
  - (3) SBI cases -The laboratory will examine evidence in a case that is being investigated by a NC SBI agent.
- d) What to or not to submit as evidence?
  - (1) Digital evidence can be stored on many types of media. Because of this, the SBI laboratory has procedures for examining many different types of

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computer evidence. Items that should be submitted for examination include:

- (a) Desktop computers. Only the box containing the CPU is required for this analysis. Any peripherals (i.e., mouse, keyboard, webcam, external Zip Drive) should be removed and retained.
  - (b) Laptop computers
  - (c) PDAs - These are Personal Digital Assistants. Examples of these would be Palm Pilots or Palm PCs.
  - (d) Digital cameras and all camera storage media found at the scene (i.e., memory sticks, compact flash cards, flash media cards).
  - (e) CDs, floppy disks, Zip disks, or other storage media.
  - (f) Any passwords or user names that were found at the scene.
  - (g) Any relevant computer manuals.
- (2) Not all components of a computer are needed to perform a forensic analysis. Due to limited storage, the SBI laboratory requests that you not submit the following items:
- (a) Monitors
  - (b) Keyboard/Mouse
  - (c) Printers
  - (d) Speakers
  - (e) Scanners
- e) Information to supply with evidence

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**NOTE: Refer to handout, “SBI-5 Supplement Computer Forensics Examinations.”**

- (1) In addition to the SBI-5 Evidence Submission form, the submitting officer will be required to fill out an SBI attachment form for computer forensics. This form **MUST** be filled out in order for a case to be examined.
- (2) This form provides the examiner with required information such as:
  - (a) Was the computer lawfully seized.
  - (b) What was the condition of the computer at the time it was seized.
  - (c) What has been done to the computer since being seized.
- (3) This form also allows the submitting officer to provide important facts about the case such as names, dates, places, e-mail addresses, and screen names which will allow the forensic examiners to better search for information relevant to the case.
- (4) It is very important for the submitting officer to request specific types of information to be found on the computer rather than just request that the Crime Lab find evidence pertinent to the case. Modern hard drives can contain millions of pages of information. A single case could take weeks or months to process if the analyst is not given sufficient information to narrow the focus of the search.”<sup>24</sup>

### 12. Forensic exam/data analysis

**NOTE: Show slide, “Forensic Exam/Data Analysis.”**

- a) The retrieval and preservation of evidence is a specialized skill and should be performed by technically trained people.

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- b) Remember that an everyday working knowledge of computers and electronic devices doesn't qualify anyone to tamper with the devices, except under extreme circumstances.
- c) Officers should have an expert or technical consulting witnesses/professionals that are familiar with the guidelines for the rules of evidence. They can assist officers with sufficient knowledge and hands-on computer experience dealing with computer hardware and software during the execution of a warrant.
- d) Do not use local computer shops/repair people to view contents on an electronic device, except under extreme circumstances and with detailed documentation.

**NOTE: Show slide, "Cyber Crime Fighting: Part III."**

**NOTE: Show video, *Cyber Crime Fighting, Part III* (18 minutes). Have students take notes on the electronic crime scene processing and discuss.**

**NOTE: Ask if there are any questions.**

### III. Conclusion

- A. Summary - Cover objectives with class.

**NOTE: Show slide, "Review Training Objectives."**

- B. Questions from Class
- C. Closing Statement

Criminal investigation is a very broad area because each case will be different. The investigator must expand his/her knowledge in this area in order to meet the demands society places on the individual to solve a crime. Experience, common sense, and study are necessities for the good investigator.

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## NOTES

<sup>1</sup>Eoghan Casey, *Digital Evidence and Computer Crime* (San Diego, CA: Academic Press, 2000), 18-22.

<sup>2</sup>United States Department of Justice, Office of Justice Programs, National Institute of Justice, *Electronic Crime Scene Investigation: A Guide for First Responders* (Washington, DC: United States Department of Justice, 2001), 6.

<sup>3</sup>United States Department of Treasury, Secret Service, *Best Practices for Seizing Electronic Evidence*. Version 2.0. (Washington, DC: United States Department of Justice), 11.

<sup>4</sup>United States Department of Justice, *Electronic Crime Scene Investigation*, 10-22.

<sup>5</sup>*Ibid.*, 10.

<sup>6</sup>*Ibid.*, 12.

<sup>7</sup>United States Department of Treasury, *Best Practices*, 14.

<sup>8</sup>*Ibid.*, 20.

<sup>9</sup>United States Department of Justice, *Electronic Crime Scene Investigation*, 15-19.

<sup>10</sup>*Smart Computing Reference Series: Computing Encyclopedia*, Vol. 4: S-Z (Lincoln, NE: Sandhills Publishing Co.), 12.

<sup>11</sup>United States Department of Justice, *Electronic Crime Scene Investigation*, 19.

<sup>12</sup>United States Department of Treasury, *Best Practices*, 13.

<sup>13</sup>United States Department of Justice, *Electronic Crime Scene Investigation*, 18.

<sup>14</sup>United States Department of Treasury, *Best Practices*, 11.

<sup>15</sup>*Ibid.*, 6.

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<sup>16</sup>United States Department of Justice, *Electronic Crime Scene Investigation*, 29, 30.

<sup>17</sup>*Ibid.*, 29, 30.

<sup>18</sup>United States Department of Treasury, *Best Practices*, 5.

<sup>19</sup>United States Department of Justice, *Electronic Crime Scene Investigation*, 30, 32.

<sup>20</sup>United States Department of Treasury, *Best Practices*, 6.

<sup>21</sup>United States Department of Justice, *Electronic Crime Scene Investigation*, 32.

<sup>22</sup>United States Department of Treasury, *Best Practices*, 1-20.

<sup>23</sup>United States Department of Justice, *Electronic Crime Scene Investigation*, 23, 24.

<sup>24</sup>Jonathan Dilday, "Forensic Examination of Computers," *Fundamentals of Cybercrime Investigation* (Salemberg, NC: North Carolina Justice Academy, 2001), 3-6.