

# **THE CRIMINAL INVESTIGATOR'S GUIDE**

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Specific directions for the collection of evidence are presented in this detailed and useful guide to investigation designed for both law enforcement professionals and students. Using a checklist format, the authors describe the investigative steps that must be followed according to the circumstances and evidence characteristic of certain crimes. Thirteen checklists are provided covering crimes against the person and crimes against property, which range from murder and assault to vandalism and vehicle prowling. Each checklist includes a definition of the crime, its elements, penalties, the legal foundation for the investigation, and a list of associated crimes. Special circumstances that may be encountered during an investigation also are discussed in detail. The use of a checklist is then demonstrated in an actual investigation of a successfully prosecuted manslaughter case.

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*By*

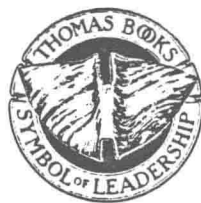
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## INTRODUCTION

THIS handbook provides quick reference checklists for criminal investigation. It is designed to be carried in the glove box or a briefcase where, when needed, you can find a ready identification of the steps to be followed to investigate a crime. Even when the speed and excitement of events break the train of thought, the reference handbook guarantees careful, orderly investigation.

### HOW TO USE

We assume you have completed a basic law enforcement course, so we have deleted all rudimentary procedures of investigation. This handbook focuses on the *specific* investigative steps demanded by the circumstances and evidence characteristic of certain crimes. While our checklists work as refreshers for all investigations, their most appropriate use is in handling the complexities of criminal investigation as one gets into a case.

This handbook is divided into three sections:

- A—Investigative Steps
- B—Guide for Special Law Enforcement Problems
- C—Case History and Examples

The *Investigative Steps*, Section A, is divided into 13 checklists covering Part I and Part II offenses which include crimes against persons and crimes against property. Each checklist begins with a definition of the crime, its elements, penalties, and, in simple terms, the legal foundation for the investigation. We have written a generalized handbook that should be useable in any legal jurisdiction and we have provided space for you to record the Penal or Criminal Code number and data appropriate to the jurisdiction you serve. Each discussion of a specific crime contains a list of associated crimes, and the checklist can be effectively used in the investigation of those offenses, too.

The investigative steps for each crime are divided into “required” and “follow-up/optional” actions. We would expect that required actions be the minimum performed at the scene of the crime. Follow-up checklists outline activities necessary for carrying on an investigation once the on-the-scene work is completed. We have tried to place each step in a logical order with items listed in priority of importance.

The primary purpose of the checklists is to serve as a guide to investigation, they cannot and should not substitute for creative, intelligent investigation. You may find you want to add or delete items to fit the special re-

quirements of a case, but we believe we have outlined the most critical and overlooked steps to follow.

Section B, *Guide for Special Law Enforcement Problems*, provides several useful checklists for handling unusual occurrences that may arise in the field as part of an investigation.

In the *Case History*, Section C, you will find all the materials collected in an actual investigation of a successfully prosecuted manslaughter case. Names and locations have been changed to protect identities, but the events are factual as are the completed forms, reports, statements, teletypes, and investigative materials. This section can be read separately to give a complete picture of how to build a case file from beginning to the end of an investigation, but you will also find references throughout Section A to specific sections in the case history where you will find that particular investigative step illustrated.

The *Glossary* and *Index* follow the three sections.

#### IMPORTANT NOTICE

The handbook is prepared as a resource for law enforcement officers and the suggestions made in the checklists are not intended as directives. Every factual situation is different and individual officers must exercise their own discretion and judgement in deciding upon the proper response.

In addition, we would caution that the crime elements listed herein may be different with those in your jurisdiction. You should review your own laws to ensure you are completely familiar with the elements in your jurisdiction.

In no event shall Dr. Kuehn or Sheriff Kernes be liable to anyone for special, collateral, incidental, or consequential damages in connection with or arising out of the use of the materials.

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# CONTENTS

	<i>Page</i>
<i>Introduction</i> . . . . .	v
SECTION A: INVESTIGATIVE STEPS FOR CRIMES	
<i>Crime</i>	
1. Murder . . . . .	5
2. Rape . . . . .	10
3. Robbery . . . . .	15
4. Assault . . . . .	18
5. Burglary . . . . .	20
6. Larceny . . . . .	23
7. Possession of Stolen Property . . . . .	25
8. Trespass . . . . .	27
9. Arson . . . . .	29
10. Vandalism . . . . .	33
11. Bad Checks . . . . .	36
12. Vehicle Prowling . . . . .	40
13. Hunting Violations . . . . .	43
SECTION B: GUIDES FOR SPECIAL LAW ENFORCEMENT PROBLEMS	
<i>Law Enforcement Guide</i>	
1. Public Intoxication . . . . .	49
2. Evidence Handling . . . . .	51
3. Hostage Situations . . . . .	54
4. Deaths by Motor Vehicle Accident . . . . .	56
5. Unprovoked Animal Bites . . . . .	58
6. Transportation of Prisoners . . . . .	61
7. Driving Under the Influence of Alcohol . . . . .	63
8. Lost and Found Property . . . . .	67
9. Criminal Investigations . . . . .	69
10. Arrest and Booking Procedures . . . . .	72
11. Theft and Recovery of Stolen Vehicles . . . . .	77
12. Vehicle Impounds and Searches . . . . .	80
13. Media Relations and Public Information . . . . .	83

## SECTION C: CASE HISTORY

1. Manslaughter Investigation . . . . . 91

## SECTION D: DEFINITIONS AND INDEX

1. Definitions . . . . . 157
2. Index . . . . . 159



**THE  
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GUIDE**



## Section A

### **INVESTIGATIVE STEPS FOR CRIMES**



## MURDER

**P**ENALTY maximum – Life Imprisonment

- Elements –
1. Unlawful killing of a human being with malice
  2. With premeditation, deliberate or malicious intent,
  3. In perpetration or attempt to commit arson, rape, burglary, robbery or kidnapping

### Required Action

1. Take your time, be thorough.
2. Locate body.
3. Identify and use one route to and from body location.
4. Do not disturb body; adjacent area; nor cover body.
5. Check body for vital signs and render aid if required.
6. Record and feel body for temperature; take temperature if thermometer available.
7. Cover and protect short-term evidence; photograph if necessary before it disappears.
8. Protect scene by establishing a perimeter and cordon off.
9. Radio for assistance and notify coroner medical examiner.
10. Record condition of crime scene:
  - a. Entry and exit of suspect(s)
  - b. Names, addresses, telephone number of witnesses
  - c. Weather conditions
  - d. Time
  - e. Record license plate numbers of vehicles near scene.
11. Photograph body and adjacent area from various distances and angles with color and black and white film (*see* p. 120).
  - a. Overall views of scene and adjacent area
  - b. Medium and close-up photographs of the victim, instrument of death, and visible wounds
  - c. Medium range and close-ups of blood stains, broken furniture, bullet holes in wall and other evidence
  - d. Injuries or evidence of violence
12. Identify witnesses – Full name, DOB, address, sex, race and telephone.
13. Interview witness – inquire about license numbers of vehicles, state description of suspect(s), possible motive for assault, position of witness during assault (*see* pp. 108, 110, 112).
14. Broadcast APB by radio/teletype (*see* p. 149).

15. Summon ambulance or mortuary transportation.
16. Outline location of body with chalk, paint, or ribbon and cover hands of victim with plastic bags.
17. Place body in clean body bag and transport to mortuary/morgue.
18. Accompany the body to the morgue by using one officer – guard the body and do not permit embalming/cremation.
19. Conduct crime scene search and sketch scene (*see* pp. 93, 94).
20. Collect evidence and mark with initials, date, and case number (*see* pp. 51, 115).
  - a. Check paths of travel for trace evidence (magnifying glass) and other evidence.
  - b. Soil/vegetation sample from beneath body and adjacent area – entrance/exit of suspect(s).
  - c. Fibers found on doors, windows, fences, floors, ground, or bushes – package individually.
  - d. Hair samples – do not bend; package in groups as discovered.
  - e. General evidence – cigarette butts, papers, clothing, etc., that are obviously relevant.
  - f. Bloodstains:
    - Note whether coagulated, moist, dry along edges, or completely dry.
    - Record with photography and sketch the visual configuration, i.e. oblong, round, with a tail.
    - Shape and size by measuring and direction of spatter.
    - Scrape with razor blade onto clean paper or absorb into clean paper.
    - Package all specimens separately.
  - g. Tire prints/foot prints:
    - Measure and photograph.
    - Lift sample by plaster cast.
    - Record direction line of foot prints and angle of foot to direction line.
    - Save excess soil from cast as evidence (soil standard).
  - h. Paint sample – collect those deposited by perpetrator and standard sample of those missing from known object (vehicle, boat, interior wall, furniture) for future comparison.
  - i. Weapon:
    - Maintain fingerprint integrity.
    - Use cotton gloves for collection.
    - Pick up guns by trigger guard or rough grips.
  - j. Bullets:
    - Maintain lands and grooves by not probing for bullet.
    - Remove surrounding area and break away excess material.
    - Place in cotton or soft protective wrapping.
  - k. Ligatures and knots – do not untie; cut ligature to preserve knot.
21. Identify and apprehend suspect(s) – full name, DOB, address, race, sex, hair.
22. Administer breathalyzer if alcohol involved (*see* pp. 121, 122, 123).

23. Identify victim(s) – name, DOB, address, sex, race, and use fingerprints and send to FBI Laboratory for confirmation.
24. Perform Neutron Analysis test on suspect(s) and victim(s) if firearm involved.
25. Identify and record stolen/missing property – serial number, unusual marks, make, model, color, value, and contents.
26. Record weight and volume of stolen/missing property.
27. Guard crime scene until investigation completed – perhaps one day to a week.
28. Determine mobility of suspect(s) – foot, vehicle, motorcycle, etc.
29. Check surrounding area for evidence/stolen property, within one-half mile – trails, garbage cans, ditches, bushes.

#### Follow-up/Optional

1. Contact neighbors and adjacent campers – unusual noises, suspicious persons, vehicles.
2. Interview relatives, friends, employer, fellow employees – motive, suspect(s), events prior to death, habits, alibis of suspect(s) (*see* pp. 108, 110, 112).
3. Visit body at morgue/mortuary and relieve guarding officer.
4. Examine clothing, remove (do not cut) and package – note size and make and package individually (*see* pp. 51, 115).
5. Dry clothing if necessary – place clean sheet under each piece; save dropping trace evidence.
6. Place clean paper between bloodstains, soil deposits, and trace evidence on same piece of clothing to prevent contamination.
7. Vacuum body bag to collect trace evidence.
8. Comb all area covered with hair – package independently.
9. Secure sample of all body hair from victim(s) – twelve strands each by pulling, package independently (*see* pp. 51, 115).
10. Collect fingernail scrapings and package separately.
11. Measure, photograph, and describe injuries to victim(s) – color and black and white photographs.
12. Collect and secure victim's personal effects, i.e. wallet, purse, jewelry.
13. Take victim's fingerprints for identification purposes and submit to FBI, Identification Division (*see* p. 125).
14. Identify victim(s) positively – relative, employer or close friend observe body in morgue.
15. Notify next-of-kin regarding death (*see* p. 153):
  - a. Use teletype to request assistance from another agency.
  - b. Notification priority: surviving spouse, adult child, father, mother (*see* p. 158).
16. Contact prosecuting attorney or district attorney – advise of offense and investigation.
17. Perform Neutron Analysis test on hands of victim's if weapon involved.
18. Perform autopsy on victim(s) – use pathologist/medical examiner at expense of \$300 to determine and corroborate cause of death.
  - a. Investigator must attend the autopsy and take notes and photo-

- graphs.
- b. Take blood sample for alcohol/drug screen test.
- c. Stomach sample to determine what has been eaten and when.
- d. Remove and retain as evidence foreign objects from body (knife blade, bullet).
- e. Depth, width, angle of wounds.
- f. Cause of death.
- g. If drowning, take sample water from stomach and lungs.
- 19. Apprehend suspect(s), read rights, and interrogate (*see* pp. 105, 106).
- 20. Seize clothing and shoes from suspect(s) as evidence — package pieces individually (*see* pp. 51, 115).
- 21. Secure hair and fingernail scrapings from suspect(s) — pull twelve strands; court order or search warrant may be necessary if suspect(s) uncooperative; contact prosecuting attorney district attorney (*see* pp. 138, 139).
- 22. Prepare photograph/live line-up of suspect(s) and victim(s) — present to witnesses; six photographs minimum per suspect and victim; use similar hair, race, age, sex. Use live line-up if suspect in custody.
- 23. Send evidence to FBI Laboratory for analysis (*see* pp. 125, 127).
- 24. Enter stolen property into NCIC — make, model, serial number, value (*see* p. 151).
- 25. Reconstruct and reenact events of crime — walk through events at scene then open area to public access if no longer needed.
- 26. Prepare general background on suspect(s) — prior arrest, driver license, guns and vehicles registered to him (*see* pp. 116, 151).
- 27. Request FBI rap sheet (*see* pp. 129, 151).
- 28. Secure search warrant for suspect(s) home or vehicle through prosecuting attorney or district attorney and execute (*see* pp. 138, 139).
- 29. Prove elements of crime.

### Associated Crimes

#### *Manslaughter*

Penalty maximum — 10 years and/or \$10,000

Elements — 1. Recklessly

2. Causes death of another person

*Assault (see section A-4.1)*

### Notes

1. Place suspect(s) at scene or adjacent area if a deciding factor.
2. Determine that the murder occurred where the body was found.
3. Consider using a metal detector for your search.



**NOTES** (continued)