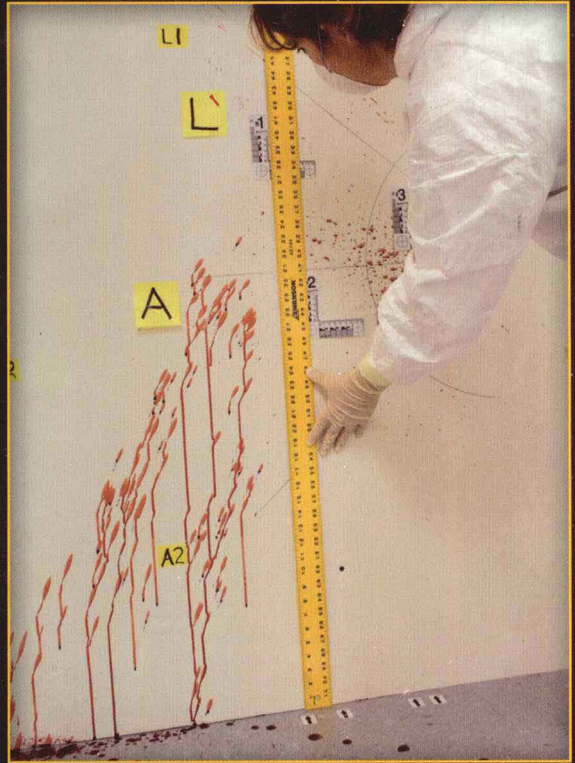
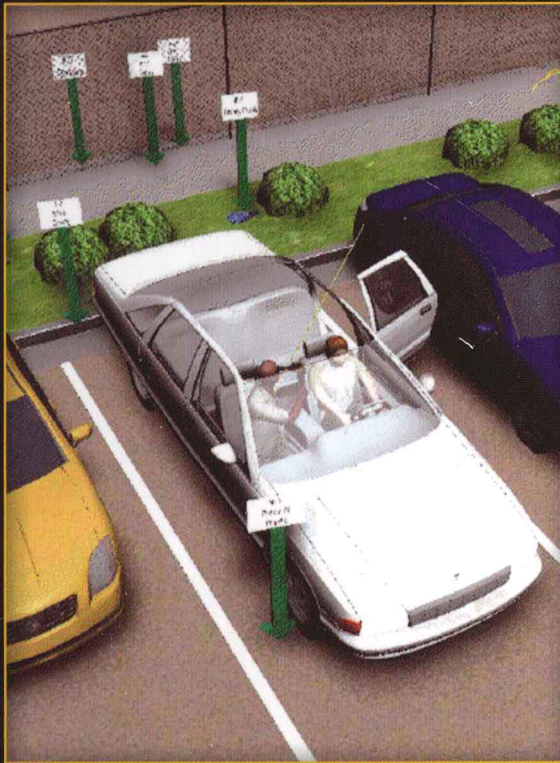


PRACTICAL CRIME SCENE PROCESSING AND INVESTIGATION

Second Edition



Ross M. Gardner



Practical Aspects of Criminal and Forensic Investigations Series

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This textbook is part of a series entitled “Practical Aspects of Criminal and Forensic Investigations.” This series was created by Vernon J. Geberth, a retired New York City Police Department Lieutenant Commander, who is an author, educator, and consultant on homicide and forensic investigations.

This series has been designed to provide contemporary, comprehensive, and pragmatic information to the practitioner involved in criminal and forensic investigations by authors who are nationally recognized experts in their respective fields.

Foreword

I feel very comfortable in saying that criminal investigators throughout our law enforcement community universally agree that the importance of quality crime scene investigations cannot be overemphasized. Criminal investigators must be able to identify and collect items of evidentiary value left at the crime scene in order to better piece together events surrounding the crime and to identify perpetrators and sometimes victims.

It is essential then that crime scene personnel take all means necessary to ensure the integrity of evidence collected in order to avoid legal restrictions that may prevent the introduction of such evidence at trial or the development of a solid case for prosecution.

The content of this book speaks to issues in crime scene processing that are important, addressing techniques and applications that apply. It tells you what you need to know, what you need to do, and how to do it.

The methods and procedures used in crime scene processing, as presented here by Ross Gardner, combine the collective knowledge of other experts and practitioners in the field, as well as his own practical experiences garnered over more than two decades of work as an active criminal investigator and some 4 years as a police chief. I had the pleasure of serving as his executive manager for 6½ years during his special agent investigator tenure.

I am convinced it is essential that all officers and investigative personnel have a solid understanding of professionally accepted crime scene protocols in order that their agency can take full advantage of today's sophisticated laboratory techniques and technologies. This book can play a significant role in helping responsible, concerned individuals realize that objective.

Eugene R. Cromartie

Deputy Executive Director/Chief of Staff

International Association of Chiefs of Police

Major General (Ret.)

U.S. Army Criminal Investigation Commander

Preface

Over the life of the first edition of this book I have been humbled by its acceptance and success. I set out in 2003 to write a practical guide of what to do and how to do it in a crime scene. I was confident I came close to the mark, having spent over 23 years in crime scene investigation, but I still wondered if I achieved a product that was useful and easily understood to the majority of those involved in the field.

As it gained acceptance across the country, I specifically looked at those using it in the classroom for my best feedback. Mind you, many of these individuals held master's degrees in forensic science. They worked in the lab and field all day long and then served as adjunct professors at night. These were individuals who were not fooled by prose and judged material based on content. No easy crowd to please, but *if* I met their mark as teaching practitioners, then I felt I had met my mark of success. Based on the feedback I received, I met the mark of the majority and for that I am proud, but as with all endeavors I have listened to them as well and sought to make this document better. Just as there is no perfect crime scene investigation, there is no perfect crime scene investigation book. So I continue to challenge myself to keep this document timely, clear, and technically correct. As you will see, I sought out some extremely competent and skilled contributing authors to assist me in that endeavor.

Of course there were the typical naysayers. Although few and clearly uninformed, I even listened to them, when they had valid criticism. I was probably most amused, however, when I was labeled “jack of all trades and master of none.” An individual, who I learned had been “present” in a couple of crime scenes over his AFIS career but had never been responsible for actually processing a scene from beginning to end, offered this tag. Lacking true crime scene experience, little did this antagonist understand that his label effectively defines easily two-thirds of the role of the crime scene investigator. Competent crime scene investigators are masters of their trade, processing crime scenes. But they are also expected to be a jack of all forensic trades, knowing and generally understanding all of the different fields of forensic science, in order to appropriately collect evidence in a usable form for the laboratory scientist. That is by no means an easy task.

An interesting sidelight of this jack of all trades issue was the publication in 2009 of the National Academy of Sciences report “Forensic Science in the United States: A Path Forward.” I was asked by the NAS to preview the draft and offer comments. Be aware, this document is not a scientific report. Over half its authors were lawyers. At the very least, 70% of the citations offered in the report are legal opinions, but it is represented as science in every court. One might not agree with how they achieved the conclusions, but they certainly offered some valid criticisms. The recommendations offered by the NAS were commonsense and well-established thoughts in the minds of most forensic science practitioners. We should all agree with their desire to see forensic science become more critical of itself, more professional, and more standardized. What the NAS failed to recognize was that the weakest link in the chain of criminal justice is the crime scene investigator. If evidence is not collected and collected properly, it serves no function in defining the

truth. Yet, they offered no directed recommendations on how to resolve the training and development of crime scene investigators. This is *the problem* for forensic science in the United States. Even if the NAS fails to understand that, we as police professionals must recognize and act on it. There is no more excuse for failing to properly process a scene of crime—none at all. Programs abound to teach basic skills. Professional associations such as the International Association of Identification have crime scene certification programs. If you wish to be competent, then you have the means at your disposal to be competent. We all have a responsibility and are all part of the resolution of this problem. This book is my personal effort at a resolution; I hope it serves your needs.

This isn't a book about crime laboratory techniques. It won't go into depth about the G-C-A-T order in DNA or discuss how mass-gas spectrometry works at the crime lab. This isn't a book about criminal investigations. It doesn't have chapters on burglary or sex crimes, discuss how to develop functional investigative timelines, or talk about interviews and interrogations. This isn't a book about behavioral science; there will be no in-depth discussion of serial vs. mass murders, nor differentiating of organized vs. disorganized crime scenes.

The subject of this book is crime scene processing—practical proven methods and procedures to be used at *any* crime scene. It includes concepts and investigative procedures that anyone charged with the responsibility of processing a crime scene should understand. These methods and techniques are field proven by people who have been using them, not someone who simply read about it in a book once. To teach these methods, we will deal with forensics, investigative procedures, and myriad other subjects. Nevertheless, the focus will remain on what crime scene investigators do, how they actually do it, and how to decide in what order they will do it.

I make no claim that these ideas and concepts are my personal brainchild. The procedures described here are the consolidated knowledge of the literally hundreds of mentors, peers, and instructors I've encountered over my career. From municipal departments to federal agencies, from Scotland Yard to the Finnish Bureau of Investigation, each of the individuals I've encountered has added in his or her own way to our collective understanding of functional crime scene procedures. These are proven techniques, methods I have taught and employed in day-to-day criminal investigations throughout the years. They are the real deal and they work. I certainly intend for this book to serve as a functional reference for those new to crime scene processing. I expect it will be used as a handy refresher for those engaged in crime scene processing as a part of their daily duties. Unfortunately, there are also many participating in the process who simply put have never been taught the basics. Hopefully this book will aid those individuals as well. The contents are a knowledge base of many capable and competent subject matter experts.

If one were to choose the entertainment industry as his or her subject matter expert, as many lawyers do, it would appear that crime scene processing is simple, absolute, and written in stone. Accordingly, any dummy can do it perfectly, each and every time. As these sources would have it, evidence should never be damaged or destroyed through processing techniques and nothing would be degraded. Of course this logic has one major problem: Hollywood producers aren't bound by any rules associated with reality. Amazingly enough, Hollywood rules and many lawyers seem content to say, "Well I saw it on *CSI*, so that is how it's done." I liken this thinking to the old joke about incest and the resulting DNA in a family tree. Every time a lawyer watches *CSI*, his or her understanding of forensics and crime scene practices becomes more and more warped. Yet every time that lawyer opens

his or her mouth in court, he or she presents himself or herself as somehow “in the know.” That is amazing in and of itself, because across the years I’ve spent a lot of time teaching lawyers (defense and prosecution) about forensics and crime scene practices, and I am continuously flabbergasted to find that few receive *any* in-depth training on police practices or forensics in their formal education. They are left to learn about crime scene practices and forensics on the fly! Nevertheless, lawyers continuously espouse comments, concepts, and opinions about how it’s really supposed to be done. As a result, a number of myths about crime scene processing abound. It is important that we debunk a few of these myths.

First and foremost, there is no one-and-only right way to process a scene. There is a clear and specific purpose for why we process the scene; that is to collect as much evidence as possible in as functional and pristine a condition as possible. By achieving that, we hopefully define more effectively what did or did not happen in the situation being investigated. Every action we take is directed toward accomplishing this purpose. There is certainly a basic sequence of effort directed at the crime scene. Investigators routinely assess, observe, document, search, collect, and analyze the scene, in that order. So there are rules to the game, just not hard-and-fast rules. If there are rules, then there are clearly wrong things to do in a crime scene. Yet no two scenes are the same, and every scene presents unique problems that must be overcome. Competing interests routinely occur in the process, and that presents contradictions that the crime scene investigator must overcome. In the end it is only by considering the overall purpose, the sequence of effort, and by understanding the associated forensics that the scene investigator is able to reach an appropriate decision on what to do. Even then there is no guarantee that his or her decision will be right, given the 20/20 hindsight available at trial.

An equally important myth to debunk is the fact that there are no perfect crime scenes or perfect crime scene processors. The scene begins to degrade from the moment the event begins, throughout the course of the crime, and continues right through the arrival and processing by police and forensic scientists. It is impossible for the scene to do otherwise. Granted, every procedure we discuss is directed toward collecting the evidence and its associated context in as pristine a condition as possible, but scene degradation is a fact of life. We use every mechanism available to limit this degradation, but we must accept that it will occur.

These myths negatively impact the way crime scene investigators operate and are often used as a distracter at trial. Far too often crime scene investigators say, “Oh the scene was disturbed; there is no reason to even try to process.” That kind of thinking is ridiculous. There may be scenes that are so disturbed that little, if anything, of value will be found. But until the crime scene investigator tries, he or she doesn’t know what he or she will find. Lazy investigators routinely use this excuse to keep from doing their job. At trial the myths come into play as well, where crime scene investigators are put on the defensive because something was damaged or lost through the processing. Why be defensive? Embrace the reality and tell it like it is: “We tried something; it failed. Would you have preferred, Mr. Lawyer, that I have not tried at all?” This answer can’t be used as a routine excuse for poor procedures or haphazard effort on our part, but just the same, we can’t allow unknowledgeable people to get away with painting the Hollywood version of crime scene processing to the court. Hollywood’s version of crime scene investigation is fantasy and always has been.

What drives the Hollywood hype is, however, rooted in forensic science. Edmund Locard’s *Principle of Exchange* states simply: “Every contact leaves its trace.” With every new advance in technology, forensic science increases its ability to do more with the evidence.

Things unimaginable when I first stepped into a crime scene are commonplace today, such as recovering and identifying DNA from mere touching. Each change increases our ability to prove Locard far more accurate than perhaps he ever thought possible. Although the technology is in constant change, the underlying process of dealing with the crime scene hasn't changed much at all. Documentation, collection, and analysis still require the same basic skills. Between the time this book is sent to the publisher and the day it is published there is no doubt that some new fingerprinting method or forensic technique will be forthcoming. For that reason, this book won't concentrate on every specific technique available. It will concentrate on the basic procedures that do not change with time and on the basic techniques and skills necessary at most crime scenes.

When I said these procedures could be used at any crime scene, I meant that in every respect. From the household burglary to the triple-axe murder, it is not whether we should apply all of these techniques to every crime we investigate, but rather a function of whether we can. I guarantee that if you *could* apply all of these procedures and practices to each and every crime you investigated, your solve rates would astound you. Between 1980 and 1999, while serving in the USACIDC, our organization routinely had a 69% solve rate on felony property crimes worldwide. Why? Not to say it was the only factor, but there was a simple rule that the agents lived by: lift all latent prints found and submit all lifts to the crime lab. It didn't matter that you thought it was smudged or that it was only a partial finger. All prints were collected, sent to, and evaluated by the crime lab. Burglary or murder, it didn't matter. As a result, we solved crime. It was anything but a secret; we simply had the resources to conduct fingerprint evaluations at that level. But that is an oddity. Imagine asking your county or state lab to provide you the same service. You'd get laughed out of the building. Now it's: "Is it AFIS quality? If not, then sorry." Whether investigative resources, money, or time, resources drive the investigative train. In a perfect world where resources were not at issue we could apply these methods across the board at every scene and be far more successful at identifying and stopping criminals.

Unfortunately we live in a far from perfect world. Sure, at the homicide scene we pull out all the stops, employ all the gadgets and gizmos. But I guarantee that the smash-and-grab at a local business or the fast food robbery will not get the same level of attention. Resource driven, the crime scene supervisor has to make hard decisions about exactly what he or she will or won't do. In order to make those decisions intelligently, those processing scenes of crime must understand forensics. They must be a forensic science jack of all trades, yet at the same time they must also be a master of their own, knowing the underlying purpose behind crime scene techniques and using proper procedures.

Even in an imperfect world there must be some standard of what minimal scene processing entails. Once defined, that standard must be met. Are a couple of Polaroid photographs and no attempt to lift latent prints at the fast food robbery really sufficient? Perhaps, if you feel testimonial evidence is more reliable. This book will not presume to define that standard in detail. Through discussions of photography, sketching, evidence collection, and report writing, it will certainly suggest where that minimum standard may lie. In the end, given the resources available and the crime encountered, each crime scene investigator or supervisor must objectively evaluate his or her effort and set that standard for his or her own organization and community.

Once you get past the Hollywood hype, past the limitations of our organizations, and past the drama queen lawyers of the courtroom, this business is really quite simple. Crime scene investigators seek to establish what happened and provide the justice system with

factual information on which to base justice decisions. We have no sideline agendas, no master to serve but the truth. When it is all said and done, the crime scene investigator simply has to look in the mirror and ask: Have I done my job to the best of my ability? Have I secured and documented the evidence that might help prove the facts more effectively to the judge and jury? If the answer is yes, then we can all sleep well. If not, then perhaps we need to work a little harder at enhancing our skills and abilities.

Acknowledgments

This book is a compilation of knowledge gained over 37 years of involvement in law enforcement. No one person can take credit for the ideas; I certainly cannot, as no one person defined them. They are the combined knowledge of many years of service by thousands of dedicated, often anonymous people. This book is a testament to their excellence.

If we are honest with ourselves, we have to accept that any skill or success we achieve in life is very much a product of those who mentored and chose to teach us. I simply cannot begin to mention all of the outstanding police officers and criminal investigators I have encountered over the years who took an interest in me. But I recognize that my success is very much a product of their effort. Each and every one of you has my heartfelt thanks.

I certainly owe a great debt of gratitude to the men and women of the U.S. Criminal Investigation Command—supervisors, peers, and subordinates alike, who through the years taught, cajoled, and beat proper techniques into me. Jim Smith, Tom Coster, Phillip McGuire, Bob Jones, John Jones, Bill Middleton, Willie Rowell; the names are endless of outstanding criminal investigators who shared their experience and knowledge as crime scene experts. I still believe and uphold that part of my agent's oath that said, "I shall at all times seek diligently to discover the truth deterred neither by fear nor prejudice." Nothing in my career has given me greater pride than being counted among the individuals who share the title of USACIDC special agent.

Along the path I also encountered a vast number of experts outside of the CID, like Detective Investigator Wichanski and Detective Sergeant Vickery of the Metropolitan Police Academy in the United Kingdom. Both were dedicated and capable criminal investigators sharing their knowledge with students at the Scenes of Crime Officer Course at New Scotland Yard. There is no doubt in my mind that they set a fire in me at an early age, one that would continuously fuel my desire for excellence in the investigative organizations I worked for. This book is very much a product of the beliefs and ideas they put into play in 1985.

I also owe a debt of gratitude to all of the individuals who specifically assisted in creating this book. My specific thanks go out to the following individuals for assisting me:

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Contributing Authors

Michael Maloney is a partner in Bevel, Gardner and Associates and serves as the senior instructor for death investigations and sex crimes for the Federal Law Enforcement Training Center (FLETC) in Brunswick, Georgia. He served as a special agent for the Naval Criminal Investigative Service (NCIS) for 14 years, his last 10 years as a senior forensic consultant. Mr. Maloney holds a Master of Forensic Sciences degree from George Washington University and completed a 1-year fellowship in forensic medicine with the Armed Forces Institute of Pathology. He has processed and reconstructed significant crimes, including the terrorist attack on the North Arabian Gulf Oil platforms during Operation Iraqi Freedom, two mass execution sites while serving with the International War Crimes Tribunal for the former Yugoslavia, as well as evaluating the events surrounding the death of 24 Iraqi citizens in Haditha, Iraq. In 2008 he was the recipient of the August Vollmer Award presented by the International Association of Chiefs of Police (IACP). Mr. Maloney is a member of the Association for Crime Scene Reconstruction, International Association of Blood Stain Pattern Analysts, International Association for Identification, and American Academy of Forensic Sciences.

Don Coffey is the chief, Latent Print Branch, U.S. Army Criminal Investigation Laboratory in Forest Park, Georgia. Mr. Coffey is an IAI-certified latent print examiner and footwear examiner with 22 years of experience. In total he spent 37 years in the U.S. Army, serving in the Military Police Corp, as a special agent CID with the U.S. Army Criminal Investigation Command (USACIDC) and as a forensic examiner at the U.S. Army Crime Laboratory in Atlanta, Georgia. Mr. Coffey holds an AA and BS degree in criminal justice, University of Maryland and Thomas Edison State University, and is a graduate of the Scotland Yard Senior Examiner Course.

Jeremy A. John is a latent print and footwear examiner at the U.S. Army Criminal Investigation Laboratory in Atlanta, Georgia, where he has served since 2004. Mr. John is an IAI-certified latent print examiner and footwear examiner. Mr. John holds a BS degree in sports biology, with a minor in chemistry from Springfield College, as well as a Master of Forensic Sciences degree from George Washington University. He has instructed various agencies within the Department of Defense on various topics of evidence handling and processing techniques for footwear, tire impressions, and latent prints.

Tom Adair is a former senior criminalist with the Westminster Police Department (CO). Mr. Adair is an IAI-certified footwear examiner, bloodstain pattern examiner, and senior crime scene analyst. He is a past president of the Association for Crime Scene Reconstruction (ACSR), Rocky Mountain Association of Bloodstain Pattern Analysts (RMABPA), and Rocky Mountain Division of the IAI. Mr. Adair is a former member of SWGTREAD, the IAI Footwear Certification Committee, and co-creator of the Colorado Forensic Footwear Information Network. He has written more than 60 scientific papers and continues to conduct and write about forensic-related research.

About the Author

Ross Martin Gardner worked in law enforcement for nearly 29 years. The vast majority of that period was spent with the U.S. Army Criminal Investigation Command, performing duties as a special agent and command sergeant major. In 1999, Ross retired from the military to take a position as a chief of police in a small suburban Atlanta police department. He served in that position until 2003, when he quit public service to become a full-time consultant and instructor. Ross is currently the vice president of Bevel, Gardner and Associates, a forensic education and consulting group.

Ross holds a master's degree in computer and information systems management from Webster University, a Bachelor of Science degree in criminal justice from Wayland Baptist College, and an associate's degree in police science from Central Texas College. In 1985 he attended and graduated first in his class from the Scenes of Crime Officers Course, New Scotland Yard. Between 1988 and 1996 he served as an adjunct professor for Central Texas College. He is a member of a number of professional associations and has served in a variety of positions, including president of the Rocky Mountain Association of Bloodstain Pattern Analysts (RMABPA), president of the Association of Crime Scene Reconstruction (ACSR), chairman of the Education committee for both the RMABPA and the International Association of Bloodstain Pattern Analysts (IABPA), and chairman of the Taxonomy and Terminology Committee Scientific Workgroup on Bloodstain Pattern Analysis (SWGSTAIN).

Ross is certified as a senior crime scene analyst by the International Association for Identification and is an active instructor in crime scene processing, crime scene analysis, and bloodstain pattern analysis. Throughout his career he has taught for police agencies (national and international), police academies, law enforcement professional associations, and trial counsel professional associations, and has written a number of articles. He has qualified as an expert in bloodstain pattern analysis and crime scene analysis in both state and federal court. Ross co-wrote *Bloodstain Pattern Analysis: With an Introduction to Crime Scene Reconstruction*, 3rd edition, and *Practical Crime Scene Analysis and Reconstruction* with Captain Tom Bevel (Ret.), OKC PD. In 2007, Ross contributed a chapter to the *Wiley Forensic Encyclopedia*.

Table of Contents

Series Note	xvii
Foreword	xix
Preface	xxi
Acknowledgments	xxvii
Contributing Authors	xxix
About the Author	xxxi
1 Introduction	1
Police Goals and Objectives	2
Evidence Defined	7
The Interpretive Value of Evidence	8
Good Crime Scene Examinations and Scene Integrity Issues	13
Investigative Ethics	18
Summary	21
Suggested Reading	22
Chapter Questions	22
Notes	22
2 Understanding the Nature of Physical Evidence	25
Class and Individual Characteristics	26
Fingerprint Evidence	28
Serology and Biological Evidence	30
Trace Evidence	37
Hairs and Fibers	38
Glass	39
Paints and Polymers	42
Soils	43
Gunshot Residues (GSRs)	44
Firearm and Ballistic Evidence	44
Tool Mark Evidence	50
Impression Evidence	51
General Chemical Evidence	54
Document Evidence	55
Computer Forensics	56
Forensic Pathology	57
Summary	58
Suggested Reading	58
Chapter Questions	59
Notes	59

3	Actions of the Initial Responding Officer	61
	Specific Objectives of the Initial Response	61
	Documenting Initial Information	62
	Officer Safety	63
	Emergency Care	64
	Secure and Control the Crime Scene	70
	Release the Scene to Appropriate Authorities	75
	Summary	76
	Suggested Reading	76
	Chapter Questions	76
	Notes	77
4	Processing Methodology	79
	Basic Activities of Scene Processing	80
	Assessing	80
	Observing	80
	Documenting	81
	Searching	81
	Collecting	81
	Processing/Analyzing	83
	A Processing Model	84
	The Adapted USACIDC Processing Model	85
	Step 1: Initial Notification	85
	Step 2: Coordination, Assessment, and Team Call-Out	85
	Step 3: Conduct Initial Observations	85
	Step 4: Deal with the Deceased	86
	Step 5: Photograph the Scene	87
	Step 6: Document Overall Observations	87
	Step 7: Sketch the Scene	88
	Step 8: Conduct a First Recheck	88
	Step 9: Release the Body	88
	Step 10: Collect Items of Evidence	90
	Step 11: Conduct a Second Recheck of the Scene	90
	Step 12: Conduct a Third Recheck of the Scene	91
	Step 13: Check beyond the Scene	91
	Step 14: Conduct an On-Scene Debriefing of the Investigative Team	91
	Step 15: Release or Secure the Scene	91
	Step 16: Process and Package Evidence	92
	Step 17: Conduct a Formal Debriefing	92
	Summary	92
	Suggested Reading	93
	Chapter Questions	93
	Notes	93

5	Assessing the Scene	95
	Debriefing the Responding Officers	95
	Scene Scope and Boundary Assessment	98
	Scene Integrity and Contamination Control	98
	Managing Access	103
	Defining Team Composition	105
	Crime Scene Search Considerations	108
	Search Patterns	113
	Circle or Spiral Search	113
	Strip and Line Search	114
	Grid Search	115
	Zone Search	115
	Point-to-Point Search	118
	Personal Protective Measures and Hazard Identification	118
	Biohazard Risks	119
	Structural Hazards in Fire and Explosion Scenes	121
	Chemical and Inhalation Hazards in Fire and Explosion Scenes	122
	Inhalation, Chemical, or Fire Hazards from Scene Processing Techniques	122
	Chemical and Bioterror Hazards	123
	Considerations for Mass Crime Scene and Mass Casualty Situations	124
	Pre-Event Considerations of Crime Scene Supervisors	125
	Practical On-Scene Considerations for the Mass Scene	127
	Managing the Media	128
	Summary	129
	Suggested Reading	132
	Chapter Questions	132
	Notes	132
6	Crime Scene Photography	135
	What Makes Good Photographs	136
	Recurring Problems in Crime Scene Photography	138
	Identification Problems	139
	Orientation Problems	140
	Confusion Problems	140
	Incomplete Documentation	142
	Types and Purpose of Crime Scene Photographs	142
	Overall Photographs	142
	Corner or Side—You Decide	143
	Evidence-Establishing Photographs	148
	What's in a Name: Evidence-Establishing vs. Mid-Range Photos	151
	Evidence Close-Up and Forensic Quality Photographs	153
	The Road Mapping Method of Photographic Documentation	156
	A Basic Methodology to Crime Scene Photography	172
	Camera Control Issues	175
	Video Photography	178