

Basic Course Workbook Series Student Materials

**PC 832 Student Workbook
Volume Three: Investigations
Version 3.0**

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Student Materials
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Volume Three: Investigations
Version 3.0**

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Published May 2007
Revised July 2008
Workbook Correction January 28, 2009
Workbook Update January 2010

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THE ACADEMY TRAINING MISSION

The primary mission of basic training is to prepare students mentally, morally, and physically to advance into a field training program, assume the responsibilities, and execute the duties of a peace officer in society.

FOREWORD

The California Commission on Peace Officer Standards and Training sincerely appreciates the efforts of the many curriculum consultants, academy instructors, directors and coordinators who contributed to the development of this workbook. The Commission extends its thanks to California law enforcement agency executives who offered personnel to participate in the development of these training materials.

This student workbook is part of the POST Basic Course Training System. The workbook component of this system provides a self-study document for every learning domain in the Basic Course. Each workbook is intended to be a supplement to, not a substitute for, classroom instruction. The objective of the system is to improve academy student learning and information retention.

The content of each workbook is organized into sequenced learning modules to meet requirements as prescribed both by California law and the POST Training and Testing Specifications for the Basic Course.

It is our hope that the collective wisdom and experience of all who contributed to this workbook will help you, the student, to successfully complete the Basic Course and to enjoy a safe and rewarding career as a peace officer serving the communities of California.

PAUL CAPPITELLI
Executive Director

PC 832 Student Workbook Volume 3: Investigations

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Preface

Introduction

Student workbooks

The student workbooks are part of the POST Basic Course Instructional System. This system is designed to provide students with a self-study document to be used in preparation for classroom training.

Regular Basic Course training requirement

Completion of the Regular Basic Course is required, prior to exercising peace officer powers, as recognized in the California Penal Code and where the POST-required standard is the POST Regular Basic Course.

Student workbook elements

The following elements are included in each workbook:

- chapter contents, including a synopsis of key points,
 - supplementary material, and
 - a glossary of terms used in this workbook.
-

How to Use the Student Workbook

Introduction

This workbook provides an introduction to the training requirements for this Learning Domain. It is intended to be used in several ways: for initial learning prior to classroom attendance, for test preparation, and for remedial training.

Workbook format

To use the workbook most effectively, follow the steps listed below.

Step	Action
1	Begin by reading the: Preface and How to Use the Workbook, which provide an overview of how the workbook fits into the POST Instructional System and how it should be used.
2	Refer to the Chapter Synopsis section at the end of each chapter to review the key points that support the chapter objectives.
3	Read the text.
4	Complete the Workbook Learning Activities at the end of each chapter. These activities reinforce the material taught in the chapter.
5	Refer to the Glossary section for a definition of important terms. The terms appear throughout the text and are bolded and underlined the first time they appear (e.g., <u>term</u>).

How to Use the Student Workbook

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Chapter 1

Presentation of Evidence Learning Domain 17

Overview

The Rules of Evidence

Learning need Peace officers must know the rules of evidence as they pertain to relevancy, types of evidence, authentication and the chain of custody.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none">• recognize relevance as it pertains to the admissibility of evidence	17.01.EO8
<ul style="list-style-type: none">• understand what constitutes the legal chain of custody for evidence	17.01.EO11

Overview, Continued

In this chapter This section focuses on identifying the criteria and rules governing the admission and exclusion of evidence in the criminal trial. It also covers the subpoena process required to obtain admissible evidence. Refer to the chart below for a specific topic.

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Relevance

[17.01.EO8]

Introduction

Evidence that is admissible in court is subject to a set of rules designed to protect jurors from being misled, to protect constitutional rights, and to ensure a speedy trial. The rules of evidence help the court system operate in a fair and equitable manner.

Community policing

The right to present evidence to an impartial judge or jury in a court of law is a fundamental part of the American criminal justice system. It is a constitutionally guaranteed right for criminal defendants. The saying “to have your day in court” means that anyone accused of a crime has the right to present evidence on his/her behalf during a fair and impartial hearing. Laws of evidence restrictions are placed on government to guard against unwarranted intrusions into the private lives of community members. Some people say that these restrictions put too much constraint on the criminal justice system and often allow criminals to go free. Others say that this is part of the price we pay to ensure freedom. Regardless of your beliefs in this matter, these restrictions are the law of the land and you have a duty to abide by them.

Purpose of the rules of evidence

The main purpose of the rules of evidence is to protect the jury from seeing or hearing evidence that is irrelevant, unreliable, or unfairly prejudicial.

The court follows rules of evidence that establish a set of standards that evidence must meet. Compliance with these rules enhances the ability to enforce the law and achieve convictions.

Another purpose of the rules of evidence is to expedite a trial. The judge can decide to exclude evidence if its ability to provide proof is substantially outweighed by the undue consumption of time it will take to hear it. (*Evidence Code Section 352*)

Continued on next page

Relevance

Definition

Relevant evidence means evidence, including evidence relevant to the credibility of a witness or hearsay declarant, having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action. (*Evidence Code Section 210*)

Examples

A defendant who is charged with murder used a gun in the commission of the crime. Evidence that a gun was used in the murder would be relevant because it tends to prove the way the crime was committed.

Mr. Smith was a defendant in a shooting case, the victim was shot one time with a 9mm bullet. No weapon was found during a search for evidence of Mr. Smith's residence. A receipt showing the purchase of 9 mm bullets, from a local sporting goods store, was found along with a Halloween mask at Mr. Smith's residence. This evidence was properly collected and maintained. The court later deemed the receipt admissible. This was based on the receipts relevance to the shooting. There were no prior indications or further information that a mask was used in the shooting. Therefore, the Halloween mask was not admissible because there was no relevance related to the shooting.

NOTE: Pursuant to California Evidence Code 210, the general rule is that all relevant evidence is admissible in court.

Chain of Custody

[17.01.EO11]

Introduction

When evidence is collected in connection to a crime, a **chain of custody** of that evidence must be established and maintained throughout the custody of the evidence.

Definition

The chain of custody is a method of authentication. It requires every step in the process of handling of the evidence be accounted for. By every person since its recognition and collection, explain what they have done with it.

NOTE: Each person handling the evidence is a link in the chain of custody. Each link in the chain of custody must be documented.

Example

During the course of his normal shift, Officer Smith arrested a man for driving under the influence (DUI). Incidental to the arrest Officer Smith searched the suspect. During the search, Officer Smith found three small bindles in the right front pocket of the man's pants. When Officer Smith opened the bindles he discovered a white powdery substance which he suspected to be cocaine. The officer placed the bindles in his right front pocket and kept them there until he arrived back at the station.

Continued on next page

Chain of Custody, Continued

Example
(continued)

Officer Smith transported the man to the station and booked him. When Officer Smith performed a presumptive test on the substance in the bindle, it proved positive for cocaine. The officer then filled out a crime laboratory request form to have the substance analyzed. The officer marked each of the bindles with his initials and placed them in an evidence envelope. He signed, sealed and placed the crime report number on the outside of the envelope. The officer attached the request form to the envelope and placed it in the locked overnight evidence locker at the station. The officer documented in his official report, every step of how he handled the evidence, which he submitted before finishing his shift.

The following morning the property room supervisor, Sgt. Jones, took the envelope from the locked overnight evidence locker and logged it into the evidence room. He then placed the envelope into the locked narcotics evidence locker in the station's evidence/property room to which only Sgt. Jones has access.

Twenty days later, Officer Smith was subpoenaed to court. The subpoena directed him to bring the evidence to court with him. On the appointed date, Officer Smith went to the evidence/property room at the station. Officer Smith presented the subpoena to Sgt. Jones. Sgt. Jones recovered the appropriate evidence and logged it out of the evidence/property room to Officer Smith. Officer Smith signed, dated and time stamped the evidence envelope when Sgt. Jones gave it to him.

Continued on next page

Chain of Custody, Continued

Example
(continued)

Officer Smith took the evidence to court. Upon his arrival the officer was informed his case had been cancelled. Officer Smith immediately took the evidence back to the station where he had Sgt. Jones log it back into the evidence/property room. Officer Smith signed, dated and time stamped the envelope when he returned it to Sgt. Jones. Jones logged the evidence as before then placed it back into the locked narcotics locker in the evidence property room.

At no time while Officer Smith had the evidence during his court appearance did the evidence leave his possession or control. Thus far, in this case the chain of custody has been maintained by both Officer Smith and Sgt. Jones the evidence/property room supervisor.

Continued on next page

Chain of Custody, Continued

Student notes

Requirements and Exceptions for the Admissibility of Evidence

Overview

Learning need Peace officers must know the requirements and exceptions for the admissibility of evidence.

Learning objectives The chart below identifies the student learning objectives for this section.

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none"> • recognize a peace officer’s role and responsibilities in ensuring the admissibility of evidence: <ul style="list-style-type: none"> - California Evidence Code 352 - exclusionary rule 	17.02.EO11 17.02.EO12
<ul style="list-style-type: none"> • recognize the requirements and exceptions for admitting hearsay evidence for: <ul style="list-style-type: none"> - spontaneous statements - admissions and confessions - dying declarations - records and officer testimony - hearsay testimony at preliminary hearings <ul style="list-style-type: none"> - by active and honorably retired peace officers 	17.02.EO6 17.02.EO7 17.02.EO8 17.02.EO9 17.02.EO10

Continued on next page

Evidence Code 352

[17.02.EO11]

Introduction

Even though evidence may be relevant to prove or disprove a fact, the court may deem the evidence is too prejudicial to be admissible.

Evidence Code 352

California Evidence Code Section 352 states the court in its discretion may exclude evidence if its probative value is substantially outweighed by the probability that its admission will (a) necessitate undue consumption of time or (b) create substantial danger of undue prejudice, of confusing the issues, or of misleading the jury.

Factors affecting probative prejudicial evidence

The following are the four basic policy considerations for determining whether evidence is probative or unduly prejudicial.

- Does the evidence tend to unduly influence the jury by arousing hostility or sympathy?
 - Will the evidence, and/or the evidence required to counter it, consume an undue amount of time?
 - Will the evidence create side issues that distract the jury from the main point of the case?
 - Will the evidence unfairly surprise the opponent (prosecution or defense) who, acting in good faith, may be unprepared to deal with this development?
-

Exclusionary Rule

[17.02.EO12]

Introduction

The **exclusionary rule** requires that evidence obtained by the government or its agents (including peace officers) in violation of a person's rights and privileges guaranteed by the U.S. Constitution be excluded at trial.

Reasons for excluding evidence

A great deal of relevant evidence is excluded from court. Some reasons for excluding otherwise pertinent evidence are to:

- reduce violations of constitutional protections
 - avoid undue prejudice to the accused (e.g., previous convictions/arrests)
 - prohibit consideration of unreliable evidence (e.g., some hearsay)
 - protect valued interests and relationships (e.g., attorney-client, clergy-penitent privilege)
-

Mapp vs. Ohio

The U.S. Supreme Court in **Mapp v. Ohio**, applied the Fourth, Fifth, and Sixth Amendments to the states. Today, the position of the courts is that illegally obtained information is generally not admissible in court. This result is known as the exclusionary rule.

Example: Evidence obtained during an illegal search of a suspect's home will generally be inadmissible. (Fruits of the poisonous tree)

Application of the exclusionary rule

The exclusionary rule's bar against the use of illegally obtained evidence applies to criminal prosecutions as well as other types of judicial proceedings.

In some types of judicial proceedings, illegally obtained evidence may be admissible. Examples of this are:

- Juvenile proceedings
 - Narcotics commitment
 - Parole and probation revocation hearings
 - Sentencing hearings
-

Hearsay Rule

Introduction Evidence may be excluded if it is deemed by the court to be unreliable. One category of unreliable evidence is hearsay.

Definition **Hearsay evidence** is evidence of a statement that is made by someone other than the witness who is testifying in court and that is offered to prove the truth of the matter stated. (*Evidence Code Section 1200*)

Example Officer Johnson takes the statement of a victim of a burglary. The victim's statement to the officer is hearsay.

Exceptions to the hearsay rule Usually hearsay evidence consists of a statement made out of court by someone who was not under oath or subject to cross-examination at the time. While hearsay is generally inadmissible because it is not considered to be trustworthy, there are several exceptions to this rule.

Spontaneous Statements

[17.02.EO6]

Introduction Spontaneous statements are statements made about some exciting or unnerving event, at or proximate to the event, while the person making the statement is still under the excitement or stress of that event.

Definitions Spontaneous statements are admissible exceptions to the hearsay rule in both criminal and civil cases. Testimony can be offered by anyone overhearing the statement. (*Evidence Code Section 1240*)

Rationale The rationale for this exception is that the spontaneous statement is trustworthy because the speaker had no opportunity to fabricate a story. If a statement is made after a substantial time lapse, the exception will likely not apply, since the statement lacks spontaneity and possibly truthfulness.

Examples After witnessing the shooting, a woman screamed “My God! Joe just shot my husband!” This spontaneous statement could be offered by anyone overhearing it, including a peace officer on the scene.

A few minutes after the rape, the victim told a neighbor what had happened. At trial, the neighbor may repeat what she was told under the spontaneous statements exception to the hearsay rule.

Admissions and Confessions

[17.02.E07]

Introduction

Confessions and admissions by a defendant are admissible as exceptions to the hearsay rule. (*Evidence Code Section 1220*)

Definitions

An **admission** is a statement that is incriminating but falls short of a full acknowledgment of guilt. It only acknowledges some facts that tend to prove or imply guilt.

A **confession** is an express and complete acknowledgment of all elements of the offense.

Express admissions

An **express admission** or confession is an out-of-court oral or written statement made by the defendant.

The rationale for accepting this type of hearsay (admissions and confessions) is that a person is not considered likely to make such a statement unless it is true.

Examples

At the scene of a shooting, a man admits that he was arguing with the victim on a street corner just before she was fatally shot. This is an express *admission*, since the suspect places himself in the area at the time of the shooting, but does not agree to all elements of the crime.

At the scene of a shooting, a person admits that he got angry with a woman on the street corner, drew his gun and, intending to kill her, fatally shot her. This is an example of a confession to murder.

Continued on next page

Admissions and Confessions, Continued

Implied admissions

An **implied admission** consists of conduct that circumstantially establishes consciousness of guilt.

Since implied admissions do not involve statements, they are not subject to the hearsay objection. Rather, admission or exclusion of implied admissions is based on its ability to pass the relevancy test.

Examples

Flight from the scene of the crime to prevent arrest.

Attempted escape from custody.

Attempt to intimidate a witness or suppress evidence.

Dying Declarations

[17.02.E08]

Introduction

Dying declarations are statements made by a dying person about the circumstances surrounding the person's impending death. The statement must be based on the speaker's personal knowledge and made under a sense of impending death. (*Evidence Code Section 1242*)

NOTE: Dying declarations concern the cause of, and circumstances surrounding, the death of the person making the statement (declarant). Statements by the declarant which pertain to other matters are not within the exception.

Admissibility

Under California law, the victim must actually die for the declaration to be admitted under this exception to the hearsay rule. Any person may be a witness to a dying declaration.

Traditionally, dying declarations have been limited to homicide cases where the person making the declaration (the declarant) was the victim of the homicide. The Evidence Code has been extended, however, to all civil and criminal cases, where the facts about a declarant's death are at issue.

Rationale

The rationale for this exception to the hearsay rule is the belief that people do not lie about the cause for their predicaments when they truly believe they are about to die.

NOTE: Victims have to have a sense of *immediate and impending death*, e.g., the doctor tells them they "won't make it."

Continued on next page

Dying Declarations, Continued

Examples

An ambulance driver stated that a victim shot twice in the chest said, “I can’t believe that my own brother would shoot me.” The victim then died on the way to the hospital. The ambulance driver’s testimony about the words of the dead victim would likely be admissible.

A highway patrol officer arrived at a scene where a fellow officer had been shot. The stricken officer gasped out the license plate number of the car the suspect was driving and then died. The living officer’s statement about the dead officer’s last words would likely be admissible.

Records and Officer Testimony

[17.02.EO9, 17.02.EO10]

Introduction

An exception to the hearsay rule exists for official and business records, as well as for past recollection recorded.

Definitions

Official records are written statements or records made by public officials with a duty to make them. Examples include a coroner's report, a fire marshal's inspection report, or a marriage certificate. (*Evidence Code Section 1280*)

Business records are written statements or records made by a business person who has the duty to know the facts as they relate to the business. Examples include payroll taxes, personnel records, etc. (*Evidence Code Section 1270*)

Past recollection recorded is writing that is read into evidence when an available witness has insufficient memory to allow full and accurate testimony, and the event or facts are accurately contained in that writing. (*Evidence Code Section 1237*)

Present memory refreshed refers to the use of personal notes, arrest reports, or crime reports as an aid to refresh the witness' memory during testimony.

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Records and Officer Testimony, Continued

Admissibility and rationale of records exceptions

The table below presents the considerations for admitting the various types of evidence under the records exception to the hearsay rule and presents the rationale for each.

Hearsay Exception	Admissibility	Rationale
Official Records	<p>The records are admissible as evidence of the facts recited in them.</p> <p>Admissibility is largely governed by statutes.</p> <p>Evidence may be admitted regardless of whether declarant is personally unavailable as a witness.</p>	<p>These records are generally considered to be trustworthy because of the declarant's legal duty to make an accurate report.</p> <p>In accepting this evidence, courts have stressed the fact that public inspection of some official records will tend to reveal inaccuracies and cause them to be corrected.</p> <p>Need for this type of hearsay evidence is balanced with the inconvenience of requiring public officials to appear in court about statements that they are legally bound to document truthfully.</p>

Continued on next page

Records and Officer Testimony, Continued

Admissibility and rationale of records exceptions (continued)

Hearsay Exception	Admissibility	Rationale
Business records	<p>These records are generally admissible if the entry was made in the regular course of business and by a person with a business duty to know the facts.</p> <p>The record entry must also have been made close to the time of the transaction in question.</p> <p>A supervisor or custodian may authenticate the record by testifying about its mode of preparation and that it was made in the regular course of business. The person making the entry need not testify.</p> <p>Participants in entries need not be shown to be unavailable as witnesses in the regular course of business.</p>	<p>The rationale for admitting business records is based on the unlikelihood that responsible parties would be able to remember the particulars of various transactions after any time has passed. Accuracy is assured by regular business practices.</p> <p>If records are properly maintained they will be regularly updated in the course of business.</p> <p>The reliability of the hearsay evidence depends on regular maintenance of records, not the independent recollection of the person making the entry.</p>

Continued on next page

Records and Officer Testimony, Continued

**Admissibility
and rationale
of records
exceptions
(continued)**

Hearsay Exception	Admissibility	Rationale
<p>Past recollection recorded</p>	<p>If an available witness has insufficient memory, and the event has been memorialized in writing, the writing may be read into evidence if the writing was made at the time the event occurred or when it was fresh in the witness' memory.</p> <p>The writing must have been made by the witness or at the direction of the witness.</p> <p>The witness must testify that the writing is a true statement.</p> <p>The writing must be "authenticated" or shown to be genuine.</p>	<p>If a witness testifying in court cannot remember an event, but can authenticate an accurate account of the event, this is acceptable hearsay evidence. A written account recorded at the time of the event will provide more accurate details than the witness can provide at the time of trial.</p>

Continued on next page

Records and Officer Testimony, Continued

Admissibility and rationale of records exceptions (continued)

Hearsay Exception	Admissibility	Rationale
Present memory refreshed	If a witness cannot recall the details of an observation, he or she may use notes, reports, etc., to refresh his or her memory while testifying. The court must approve and the defense is entitled to examine any material used to refresh and to question the witness about it.	A witness may need written reminders to remain accurate in his or her testimony.

Examples

At the trial of a person charged with driving 53 miles per hour in a 30 mile per hour zone, the state was required to demonstrate the existence of an engineering and traffic survey to justify the speed limit. A copy of the speed survey was admitted into evidence as an official record under the records exception to the hearsay rule because it was made within the scope of duty of a public employee.

Continued on next page

Records and Officer Testimony, Continued

Examples (continued)

The account ledgers for a business whose vice-president was on trial for embezzlement were introduced into evidence as business records under the records exception to the hearsay rule. They were admissible because they were made by an account clerk who had a business duty to record the transactions and who entered them at the time each transaction was made. The company comptroller authenticated the records.

Proposition 115

Proposition 115, the Crime Victims Justice Reform Act, was passed into law on June 5, 1990. The act amends the State Constitution regarding criminal and juvenile cases; affords the accused no greater Constitutional rights than the Federal Constitution; prohibits post-indictment preliminary hearings; establishes the People's right to due process and speedy public trials; provides reciprocal discovery; limits the presentation of defense witnesses, and allows hearsay evidence to be presented at preliminary hearings. The peace officers role is affected in three areas:

- Investigation
 - Reporting
 - Testifying in Court
-

Continued on next page

Records and Officer Testimony, Continued

Investigation Under Proposition 115, an officer can testify at a preliminary hearing on behalf of the witness or the investigating officer(s). The investigating officer must have complete knowledge of all the elements of the crime and document those elements in the report. Interviews, interrogations and statements must be more detailed.

The officer must be aware of the distinction between first-hand knowledge and speculation on the part of a victim or witness and must ensure that all statements reflect on the facts. The statements of victim(s) or witness(es) must be detailed and complete. The report must specify how the defendant was identified. When physical evidence is involved, documentation is required to prove the chain of custody and must be included in the report.

Reporting Instead of becoming a “memory refresher” for an officer familiar with the case, the report becomes a stand-alone document from which any other officer can testify. Statements of the victim(s), witness(es), Miranda warnings given to defendants(s), consent for search(es), etc., must all be included. The report must contain details regarding the way the suspect was identified. The chain of custody of any and all evidence must be well documented.

Penal code section *Penal Code Section 872 (b)* states; Notwithstanding Section 1200 of the Evidence Code, the finding of probable cause may be based in whole or in part upon the sworn testimony of a law enforcement officer or honorable retired law enforcement officer relating the statement of declarants made out of court offered for the truth of the matter asserted.

Continued on next page

Records and Officer Testimony, Continued

**Penal
code
section**
(continued)

An honorably retired law enforcement officer may only relate statements of declarants made out of court and offered for the truth of the matter asserted that were made when the honorably retired officer was an active law enforcement officer. Any law enforcement or honorably retired law enforcement officer testifying as to hearsay statements shall either have five years of law enforcement experience or have completed a training course certified by the Commission on Peace Officer Standards and Training that includes training in the investigation and reporting of cases and testifying at preliminary hearings.

Chapter Synopsis

Learning need Peace officers must know the rules of evidence as they pertain to relevancy, types of evidence, authentication and the chain of custody.

Admissibility of evidence [17.01.EO8] Evidence that is admissible in court is subject to a set of rules designed to protect jurors from being misled, to protect constitutional rights, and to ensure a speedy trial. The rules of evidence help the court system operate in a fair and equitable manner.

Chain of custody [17.01.EO11] When evidence is collected in connection to a crime, a chain of custody of that evidence must be established and maintained throughout the custody of the evidence.

Continued on next page

Chapter Synopsis, Continued

Learning need Peace officers must know the requirements and exceptions for the admissibility of evidence.

Peace officer's role and responsibility in ensuring admissibility of evidence
[17.02.EO11.17.02.EO12]

Peace officers must be certain that:

- *all* evidence is legally obtained
- *all* physical evidence has been properly prepared and safeguarded per recognized chain of custody procedures
- *all* available supporting evidence and witness statements are gathered and documented completely

As described in the California Evidence Code.

Spontaneous statements
[17.02.EO6]

Spontaneous statements are statements made about some exciting or unnerving event, made at or near the time of the event, while the person making the statement is still under the excitement or stress of that event.

Admissions and confessions
[17.02.EO7]

An express admission or confession is an out-of-court oral or written statement made by the defendant.

An implied admission consists of conduct that circumstantially establishes consciousness of guilt.

Continued on next page

Chapter Synopsis, Continued

**Dying
declarations**
[17.02.EO8]

Dying declarations are statements made by a dying person about the circumstances surrounding the person's impending death. The statement must be made based upon the speaker's personal knowledge and under a sense of impending death. For the statement to be admissible, the declarant must actually die.

**Records
and officer
testimony**
[17.02.EO9]

The following exceptions to the hearsay rule exist for certain types of written records:

- official records
 - business records
 - past recollection recorded (written accounts that are read into evidence)
 - present memory refreshed (arrest and crime reports as an aid to refresh the officer's memory)
-

**Hearsay
evidence**
[17.02.EO10]

Proposition 115 was passed into law and amends the State Constitution regarding criminal and juvenile cases.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. Arriving on the scene of a shooting, a peace officer discovers a gun on the ground beside some nearby bushes. An eyewitness tells the officer that the shooter threw the gun toward the bushes before he ran away. Describe the actions that the peace officer should take to comply with the rules of evidence.

2. Define circumstantial evidence.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. Peace officers arrive on the scene of a hit-and-run accident in which there is one eyewitness. The officer interviews the witness and takes his statement. The officer then diagrams the accident scene. According to the rules of evidence, categorize the evidence items obtain by the officer.

4. Name the five most important exceptions to the hearsay rule and provide an example of each.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

7. Give an example of a spontaneous statement. Why is this type of statement often admitted in court as an exception to the hearsay rule?

Chapter 2

Investigative Report Writing Learning Domain 18

Overview

Introduction to Investigative Report Writing

Learning need A peace officer's ability to clearly document the facts and activities of an investigation not only reflects on the officer's own professionalism, but also on the ability of the justice system to prosecute the criminal case.

Learning objectives The table below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">explain the legal basis for requiring investigative reports	18.02.EO2

In this chapter This section focuses on background information regarding the writing of investigative reports. Refer to the following table for specific topics.

Topic	See Page
Investigative Reports and the Judicial Process	2-2
Uses of Investigative Reports	2-5
Characteristics of an Effective Investigative Report	2-10

Investigative Reports and the Judicial Process

[18.01.EO2]

Introduction

As much as 40% of a peace officer's work involves writing. Good investigative skills can be diminished if officers do not have the necessary writing skills to record their observations, findings, and actions clearly and concisely.

Investigative report

An **investigative report** is a written document prepared by a peace officer that records in detail the officer's observations and actions as they relate to a specific event or incident.

Each investigative report is a legal document that becomes a permanent written record of that event or incident.

Judicial process

A suspect's freedom, rights or privileges cannot be taken away or denied unless there is sufficient cause to justify such action.

In order to ensure *due process*, officers, prosecutors, judges, etc., must have sufficient information and evidence to initiate or continue the judicial process and successfully prosecute or exonerate a suspect.

Continued on next page

Investigative Reports and the Judicial Process, Continued

Officer's reports and the judicial process

The judicial process cannot function without the investigative reports written by the officers who have the direct knowledge of an event or incident.

An officer's report must present each event or incident in a complete and clear manner. Any investigation, arrest, prosecution, or other action taken must be initiated, supported, or justified by the information included in the report written by that officer.

Because peace officer's reports are so important to the judicial process, each one must be able to stand up to critical review and legal scrutiny.

Statutory requirement

State and federal statutes mandate that law enforcement agencies report certain events and incidents. *Penal Code Section 11107* requires each sheriff or police chief executive to furnish reports of specified misdemeanors and felonies to the Department of Justice.

Such reports must:

- describe the nature and character of each crime
- note all particular circumstances of that crime
- include all additional or supplemental information pertaining to the suspected criminal activity

Although the statutes are directed at the executive level, officers in the field are the ones who carry out the task of writing the reports. It is those officers reports that contain the information that will eventually be forwarded to the Department of Justice.

Continued on next page

Investigative Reports and the Judicial Process, Continued

Failure to file a report

Peace officers have a legal and moral duty to investigate and report crimes or incidents that come to their attention. Failure to uphold this responsibility can have negative consequences for officers.

- Deliberate failure to report a crime may be considered a violation of agency regulations and grounds for disciplinary action.
 - Any officer who knowingly files a false report will be guilty of a crime. (*Penal Code Section 118.1*)
-

Ethics

All reports are to be true, unbiased, and unprejudiced. These are easy words to say, but sometimes hard to live by. It is not always easy to know or find out the truth. Clearly it is the peace officer's moral obligation to seek the truth, lying is wrong. Truth and public trust cannot be separated.

Agency policies

Different agencies vary in their policies, regulations, and guidelines regarding the roles and responsibilities of peace officers for writing investigative reports.

It is the responsibility of each officer to be familiar with and follow that officer's specific agency policies.

Uses of Investigative Reports

Introduction

Even though it is the officer in the field who gathers the initial information regarding a crime, that officer may not be the person who must use that information to make decisions regarding further actions. Those decisions are usually made by other people removed from the actual event. They must rely on the information in the investigating officer's report to make decisions.

How investigative reports are used

The investigative reports written by peace officers have many different uses within the criminal justice system and beyond.

The following table identifies a number of ways investigative reports can be used.

Reports are used to...	by...
assist with the identification, apprehension and prosecution of criminals.	<ul style="list-style-type: none">• serving as a source document for filing criminal complaints,• providing a record of all investigations,• providing information to identify the mode of operation of an individual offender, or• providing a basis for follow up investigations.
assist prosecutors, defense attorneys, and other law enforcement agencies.	<ul style="list-style-type: none">• providing records of all investigations,• serving as source documents for criminal prosecution, or• documenting agency actions.

Continued on next page

Uses of Investigative Reports, Continued

**How
investigative
reports are
used**
(continued)

Reports are used to...	by...
assist officers prior to or during court appearances.	<ul style="list-style-type: none"> ● refreshing the officer's memory before testifying, or ● preparing to provide hearsay testimony at preliminary hearings.
aid in determining potential civil liability.	<ul style="list-style-type: none"> ● documenting events such as: <ul style="list-style-type: none"> - accidents or injuries on city or county property, - industrial injuries, or - fires or other events that prompt a peace officer response. ● presenting justification for an officer's behavior or actions.
assist decision makers and criminal justice researchers.	<ul style="list-style-type: none"> ● providing statistical information in order to: <ul style="list-style-type: none"> - analyze crime trends, - determine the need for additional employees and equipment, - determine personnel deployment requirements, - assess community needs, - generate uniform crime reports, or - identify specialized law enforcement needs. ● satisfying mandatory reporting requirements for specific criminal acts (e.g., child abuse, incidents of domestic violence, missing persons, etc.).

Continued on next page

Uses of Investigative Reports, Continued

**How
investigative
reports are
used**
(continued)

Reports are used to...	by...
serve as reference material.	<ul style="list-style-type: none">• providing information to:<ul style="list-style-type: none">- the public- insurance companies,- the media, or- other local, state, and federal law enforcement agencies.
provide information for evaluating an officer's performance.	<ul style="list-style-type: none">• giving the evaluating agency insight into the officer's ability to:<ul style="list-style-type: none">- write clearly, accurately, and mechanically (error-free),- demonstrate a knowledge of law,- demonstrate a knowledge of agency policies and procedures,- investigate criminal acts, and- recognize potential evidence and relevant information.

Continued on next page

Uses of Investigative Reports, Continued

User needs

Investigative reports must take into account the needs of each potential user of that report. The report must provide not only a clear word-picture of the event or incident but also the critical information necessary for those users to do their jobs.

Report users

The following table identifies a number of prospective users and how they will use an officer's investigative report.

Prospective Users	Purpose for Using an Officer's Investigative Report
Immediate supervisors and Field Training Officers	<ul style="list-style-type: none"> • To determine the next action (e.g., referral for further investigation, file a complaint, forward to a prosecutor, etc.) • To evaluate an officer's: <ul style="list-style-type: none"> - ability to convert observations and verbal information into a written format that others can use - performance during an investigation
Detectives and investigators	<ul style="list-style-type: none"> • To gather information to use during the follow up investigation of a specific event or incident • To clear or close out cases
Representatives of other law enforcement agencies	<ul style="list-style-type: none"> • To develop mandatory crime reports • To aid in further investigations (e.g., Highway Patrol, Fire Department)
Prosecuting and defense attorneys	<ul style="list-style-type: none"> • To prepare their cases • To determine if officers acted appropriately to ensure the rights of the suspect

Continued on next page

Uses of Investigative Reports, Continued

Report users
(continued)

Prospective Users	Purpose for Using an Officer's Investigative Report
Other attorneys	<ul style="list-style-type: none">• To evaluate the basis for civil litigation• To establish a basis for appeals
Parole, probation, and custody personnel	<ul style="list-style-type: none">• To determine probation conditions• To set requirements for parole• To aid in classifying inmates based on special needs or security requirements
Involved parties	<ul style="list-style-type: none">• Under certain circumstances, victims, witnesses, or suspects may gain access for court preparation
Media representatives	<ul style="list-style-type: none">• As a source of news material
Insurance agencies	<ul style="list-style-type: none">• To provide information for their own investigations• To verify claims

Characteristics of an Effective Investigative Report

Introduction

Peace officers are faced with a variety of events and incidents. The specific contents of an officer's reports must reflect that specific event or incident. Although the details may vary, there are six characteristics that all effective investigative reports have in common.

Characteristics of an effective report

No matter what type of investigative report is being written (i.e., arrest report, incident report, etc.) that report must be:

- **F**actual
- **A**ccurate
- **C**lear
- **C**oncise
- **C**omplete
- **T**imely

Peace officers can use the acronym **FACCCT** to help them remember these characteristics.

Leadership

In a free and democratic society, all segments of the criminal justice system are open to public scrutiny and subject to public record. A police report is often the first and most significant documented account of a possible crime. As such, the police report is a fundamental instrument of democratic law enforcement. Therefore, we place high value on our officers' ability to write good reports. A good report is one that the officer is proud of and will stand the test of time. It must be factual, clear, concise, and complete. Accuracy and attention to detail will provide others in the criminal justice system with a clear picture of what happened.

Continued on next page

Characteristics of an Effective Investigative Report,

Continued

Factual

Critical decisions made based on an officer's investigative report require that each report be factual. Users of the report must have an exact and literal representation of the event or incident.

The factual report provides an *objective* accounting of the relevant facts related to the event or incident under investigation. Any conclusions made by the reporting officer must be based on *objective facts*. These facts must be articulated and documented within the body of the report.

Accurate

The decisions made and actions taken by the users of the report must be supported by accurate information. There must be *no inconsistencies or discrepancies* between what took place and what is documented in the officer's report.

If any specific information is found to be inaccurate, the credibility and reliability of the report itself may be jeopardized.

Accuracy is achieved by carefully, precisely, impartially, and honestly recording all relevant information.

Clear

An investigative report must speak for the investigating officer at a time when that officer is not present. There should be no doubt or confusion on what the investigating officer is reporting. If the information is not clear and understandable.

Continued on next page

Characteristics of an Effective Investigative Report,

Continued

Clear
(continued)

Clarity is achieved by the use of appropriate language and logical order. The following table identifies a number of factors that can affect the clarity of an investigative report.

Factor	Recommendations/Rationales
Organization of information	<ul style="list-style-type: none">• Information is easier for the reader to understand when facts and events are presented in chronological order.• Events relating to the incident should have clear and logical ties to one another.
Language used	<ul style="list-style-type: none">• Simple, common language will make the writer's meaning clear.• Readers do not need to be impressed, they need to be informed.• Slang or profanity should not be used unless it is in the form of an exact quote.
Writing mechanics	<ul style="list-style-type: none">• A poorly written or sloppy report can imply poor or sloppy investigative skills.• Proper use of commas and other punctuation marks can help convey the writer's meaning.• Writing in the first-person will help the reader clearly understand who did what or who said what.• Pronoun use must leave no doubt in the reader's mind as to exactly whom or what the writer is referring.• Errors in spelling, word choice, or grammar can distract readers.• Handwriting must be legible.

Continued on next page

Characteristics of an Effective Investigative Report,

Continued

Concise

Reports should be brief yet, contain all relevant information the users will need to do their jobs. Wordiness can make a report less readable and therefore less effective.

Accuracy, completeness, or clarity should never be sacrificed for the sake of brevity. The following table identifies a number of factors that can affect a writer's ability to write concisely.

Factor	Recommendations/Rationales
Word selection	<ul style="list-style-type: none">• Statements should be direct and concrete.• Use of abstract phrases can confuse or mislead the reader.• Plain English is the most effective way to convey information.• Do not use a synonym for a word, merely to avoid repeating a word. Using the exact word may seem less interesting, but it will eliminate misunderstanding.
Sentence structure and grammar	<ul style="list-style-type: none">• Sentences should be short yet complete (subject-verb-object).• Fragments can be misinterpreted or lead to confusion.• Long drawn out sentences can be confusing and misleading.
Relevance	<ul style="list-style-type: none">• Only the information that will be needed by the user should be included in the report.

Continued on next page

Characteristics of an Effective Investigative Report,

Continued

Complete

An officer's report must contain all the relevant information and facts the user of that report will need. If the user must contact the writer to gather additional information, the report is not complete.

A report is complete when...	Description
it presents a complete word-picture of the event or incident.	<ul style="list-style-type: none">• Descriptions are comprehensive• Physical conditions are noted• Users are able to visualize the scene
there are no questions left in the user's mind regarding the event or incident.	<ul style="list-style-type: none">• Key information regarding the <i>what, when, where, who, how, and why</i> is recorded• Facts are presented• Statements are supported by details• The order of events is clear and easy to follow
the actions taken by officers are reported.	<ul style="list-style-type: none">• Actions are described• Decisions are justified• Statements regarding probable cause are present
both supporting and conflicting information is presented.	<ul style="list-style-type: none">• Information that may conflict with stated conclusions or actions must also be included• Investigators, prosecutors, etc. can only determine the merit of information for which they are aware of

NOTE: Report formats used by officers can vary. Some jurisdictions require that certain information be noted on a standardized form that is often used as the report's face sheet. Officers who use such formats must be sure that all relevant blocks or portions of the standardized forms are completed, even if the same information is duplicated in a later narrative.

Continued on next page

Characteristics of an Effective Investigative Report,

Continued

Timely

No decisions can be made or actions taken if an officer's report does not reach the users in a timely fashion. Evidence can be lost, suspects or witnesses may disappear, and the support and good will in the community can be lost if action toward resolving a case is delayed.

Common characteristics

The following table illustrates the six common characteristics of an effective investigative report.

Characteristic	Well Written	Poorly Written
F actual	The victim could not provide additional information about the suspect	The victim could not remember what the guy looked like but thought he was a minority. There seems to be a number of those around lately.
A ccurate	On 1-5-99 at 16:00 hrs	During the first part of the day shift.
C lear	She left for work at 0700 hrs. and returned for lunch at 1130 hrs	She went to work as usual in the morning and when she came home for lunch like she always does she found the conditions stated as such.
C oncise	She discovered her TV and VCR were missing	She looked around and she found some books knocked over. She looked around some more and noticed her TV and VCR were not where they were supposed to be.

Continued on next page

Characteristics of an Effective Investigative Report,

Continued

Common characteristics
(continued)

Characteristic	Well Written	Poorly Written
C omplete	I told her that an evidence technician would be sent to her home.	I told her someone would follow up.
T imely	Officers should be aware of their own agency policies regarding when reports need to be submitted.	

Continued on next page

Characteristics of an Effective Investigative Report,

Continued

Student notes

Field Notes

Overview

Learning need Peace officers must recognize that the information gathered during their initial investigation in the field will become the foundation for their investigative reports.

Learning objectives The table below identifies the student learning objectives for this section.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• discuss the importance of taking notes in preparation for writing reports	18.02.EO6
<ul style="list-style-type: none">• apply appropriate actions for taking notes during a field interview	18.02.EO2

In this chapter This section focuses on taking field notes that will be used to write investigative reports. Refer to the following chart for specific topics.

Topic	See Page
Introduction to Field Notes	2-19
Notetaking Process During a Field Interview	2-25

Continued on next page

Introduction to Field Notes

[18.02.EO6]

Introduction

The officers who investigate a crime or incident are responsible for providing the information other participants in the criminal justice system need to effectively do their jobs. Officers should rely on accurate sources of information when writing their reports.

Field notes

Field notes are abbreviated notations written by an officer in the field while investigating a specific incident or crime.

An officer's field notes are the **primary source** the officer will use when writing the investigative report. If the officer's field notes are incomplete, difficult to read, or poorly organized, they will be of little use to that officer.

NOTE: There are a number of formats and styles used when taking field notes. Officers should select the format or style they are comfortable with.

When to take notes

Field notes are recorded while information is fresh in the investigating officer's mind. They should be taken:

- at the scene of an event or incident
 - when interviewing persons (e.g., victims, witness, suspects, etc.)
 - whenever an officer wishes to record specific facts for inclusion in the report
 - any time the officer wishes to remember specific details at a later time
-

Continued on next page

Introduction to Field Notes, Continued

Important considerations

When determining what to include in their field notes, officers should consider the points noted in the following table.

Consideration	Explanation
Field notes are more reliable than an officer's memory	<ul style="list-style-type: none">• An investigative report is often written several hours after the investigation of a specific event or incident has occurred.• Certain types of information such as statements, times, observations, addresses, etc., can be easily forgotten or confused with other information if not recorded while still fresh in the officer's mind.
Field notes are the primary source of information for the investigative report	<ul style="list-style-type: none">• Well taken notes provide officers with the detailed information they will need to have in order to accurately write their reports.• Well organized notes will help officers capture vital information regarding the events, persons, statements, and other information related to the investigation.

Continued on next page

Introduction to Field Notes, Continued

Important considerations (continued)

Consideration	Explanation
Detailed field notes reduce the need to recontact the involved parties at a later time	<ul style="list-style-type: none">• Complete field notes should contain enough information to answer any pertinent questions about the incident or persons involved.
Field notes can be used to defend the credibility of an investigative report	<ul style="list-style-type: none">• An officer's field notes can be an indicator of that officer's thoroughness and efficiency as an investigator.• During a trial, an officer may be asked to identify the source the officer used when writing a specific report. If the officer relied on field notes the reliability and credibility of the report may be easier to defend.

NOTE: Field notes are discoverable in court. If kept, they should be prepared accordingly.

Information to include

Every event or incident is different; therefore, the facts and information the officer must gather will differ. An officer's field notes should contain the facts and information that will aid that officer in answering the questions *what, when, where, who, how, and why*.

Continued on next page

Introduction to Field Notes, Continued

Information to include
(continued)

The following table identifies some examples of the basic information officers should capture in their field notes.

	Basic Information	Examples of Additional Information
Victims and witnesses	<ul style="list-style-type: none"> • Full name • Age • Date of birth • Race • Sex • Telephone numbers (home, cellular, and work) • Address • Email address(s) 	<ul style="list-style-type: none"> • How to contact by phone and in person • Place to contact • Best time to contact • Place of employment (including address)
Occurrence	<ul style="list-style-type: none"> • Type of crime • Location • Date and time of incident • Date and time reported • Was physical evidence handled? <ul style="list-style-type: none"> - Who observed it? - To whom was it given? • Chain of custody for evidence • Direction of the suspect's flight • Type and description of weapon(s) • Threat made with weapon(s) • Direct statements made by the suspect (e.g., "I'll kill you!") • Case number • Assisting officer's actions 	<ul style="list-style-type: none"> • Person(s) involved <ul style="list-style-type: none"> - Informants - Reporting party - Victims - Witnesses - Suspects - Officers - Members of other agencies - Medical personnel - Members of the media

Continued on next page

Introduction to Field Notes, Continued

Information to include
(continued)

	Basic Information	Examples of Additional Information
Suspects	<ul style="list-style-type: none"> • Race • Sex • Age • Type of body build (i.e., heavyset, medium, small frame) • Approximate weight • Approximate height • Color of eyes • Color of hair • Hair style (e.g., long, short, curly) • Existence of facial hair • Clothing <ul style="list-style-type: none"> - Type (e.g., hats, jeans, jackets, etc.) - Color - Style (e.g., casual, conservative) ▪ Prior knowledge of name and street name • Unusual physical attributes <ul style="list-style-type: none"> - Scars - Tattoos - Limp - Moles - Unusual odors - Missing teeth ▪ Can the victim identify the suspect? 	<ul style="list-style-type: none"> • Unusual or memorable gestures • Speech peculiarities <ul style="list-style-type: none"> - Accents - Tone (e.g., loud, soft) - Pitch (e.g., high, low) - Speech disorders • Jewelry <ul style="list-style-type: none"> - Rings (identify which hand and finger) - Necklaces - Earrings - Body piercing • Right or left handed <ul style="list-style-type: none"> - Which hand was dominant? - Which hand held the weapon? - Which hand opened a door? - Where was a watch worn? ▪ Any gang affiliation?

Continued on next page

Introduction to Field Notes, Continued

Incident specific information

The type of crime or incident will also indicate what specific information is required for the officer's notes.

For example, specific information for a burglary may include, but not be limited to:

- point of entry
 - point of exit
 - property damage
 - types and value of property taken
 - description of suspect's vehicle
 - nature and location of evidence collected
 - unique characteristics of the crime
-

Notetaking Process During a Field Interview

[18.02.EO2]

Introduction

The effectiveness of an officer's investigation may be dependent on that officer's ability to obtain information and statements from the involved parties.

Interviews

An **interview** is the process of gathering information from a person who has knowledge of the facts an officer will need to conduct an investigation.

Role of statements

The field notes taken by officers during an interview must be *clear, accurate* and *complete*.

Statements can be critical in tying together the specific facts of a specific incident or crime. The existence of some crime elements may only be revealed within the statements of witnesses, victims, and the suspects themselves.

Continued on next page

Notetaking Process During a Field Interview, Continued

Before the interview begins

Before beginning any field interview, officers should prepare properly. The following table identifies a number of actions the interviewing officer should take.

Actions prior to the actual interview	Guidelines
Separate the involved parties	<ul style="list-style-type: none">• If possible, move the person to a location where there will be no interruptions or distractions.• Focus the person's attention on speaking with the officer rather than interacting with others.
Establish rapport	<ul style="list-style-type: none">• Tell the interviewee why the interview is being conducted.• Describe the interview process that will be followed.• Assure the person that by using this process, the officer will be able to gather that person's statement accurately.• Be courteous, considerate, and patient.• Control the interview by remaining calm and polite.

Recording the interview

Some officers may choose to use a small tape recorder while conducting an interview. Officers should be aware this may inhibit the person from talking freely. Electronic equipment can also malfunction, leaving the officer with little or no information.

Even if an officer is recording the interview, that officer should also take thorough and complete notes of the conversation.

Continued on next page

Notetaking Process During a Field Interview, Continued

Three step process

The most effective way for officers to gather clear, accurate, and complete information while conducting an interview is to use a systematic process. One such process involves the following three steps.

- Step One: Listen Attentively
Step Two: Take Notes and Ask Questions
Step Three: Verify Information
-

Step One: Listen attentively

In the first step of the process, the officer's focus should be strictly on the other person. The officer should be *listening* --- *not taking notes*.

The following table identifies a number of guidelines for officers during step one of the notetaking process.

Action	Guidelines
Ask the person to recount what has happened	<ul style="list-style-type: none">• Allow the person to speak freely.• Have the person describe the incident just as that person understands it, using that person's own words.
Keep the person focused	<ul style="list-style-type: none">• If the person begins to wander from the specific topic, guide the person back to the subject (i.e., "You mentioned that..." "Let's go back to...").• Maintain eye contact and use nonverbal gestures (e.g., nodding the head) to encourage the person.

Continued on next page

Notetaking Process During a Field Interview, Continued

Step One:
Listen
attentively
(continued)

Action	Guidelines
Listen carefully to what is being said	<ul style="list-style-type: none">• Be particularly attentive to the essentials of the incident the person describes by including the:<ul style="list-style-type: none">- role of the person being interviewed (victim, witness, etc.),- type of crime, if any, that has been committed,- time of the occurrence, and- exact location of the person during the crime or incident.

Continued on next page

Notetaking Process During a Field Interview, Continued

**Step Two:
Take notes
and ask
questions**

When the person has finished, the officer can begin to write information. The following table identifies a number of guidelines for officers during step two of the process.

Action	Guidelines
Obtain identification information	<ul style="list-style-type: none">• Confirm the person's role in the event or incident (e.g., victim, witness, possible suspect, etc.).• Note the person's:<ul style="list-style-type: none">- complete name,- address and phone number (home, cellular, work and email address), and- any other information necessary for identification purposes.
Ask the interviewee to repeat their account of what happened	<ul style="list-style-type: none">• Guide the interview by asking questions that will keep the person from becoming distracted and wandering from the point.• Stop the person and ask questions when necessary to clarify points.• Write down information in short statements, recording only the most important words.• If a statement is particularly important, quote the entire statement.
Ask additional questions	<ul style="list-style-type: none">• Obtain detailed descriptions of property, suspects, etc.

Continued on next page

Notetaking Process During a Field Interview, Continued

Step Three: Verify information

For the investigative report to be reliable, the officer's field notes must be accurate. The following table identifies a number of guidelines for officers during step three of the process.

Actions	Guidelines
Review information with the person	<ul style="list-style-type: none">• Repeat specific information to verify the information is accurate and complete.• Give the person an opportunity to add facts as necessary.
Ask for confirmation	<ul style="list-style-type: none">• Have the person confirm important details such as:<ul style="list-style-type: none">- direct quotes,- time relationships,- information regarding weapons, and/or- physical descriptions.
Make modifications or corrections as necessary	<ul style="list-style-type: none">• Information may have been initially recorded incorrectly because the officer:<ul style="list-style-type: none">- misunderstood something the interviewee said,- wrote something down incorrectly, or- the officer's wording may have incorrectly characterized the interviewee's statement.
Verify changes	<ul style="list-style-type: none">• Once any changes have been made, the information that has been added or modified should be verified.

Notetaking Process During a Field Interview, Continued

Student notes

Fundamental Content Elements of Investigative Reports

Overview

Learning need Peace officers must recognize in order for an investigative report to be of use in the judicial process, the report must be well organized and include facts needed to establish that a crime has been committed and all actions taken by officers were appropriate.

Learning objectives The table below identifies the student learning objectives for this section.

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none">• summarize the primary questions that must be answered by an investigative report	18.03.EO3
<ul style="list-style-type: none">• identify the fundamental content elements in investigative reports including:<ul style="list-style-type: none">- initial information- identification of the crime- identification of involved parties- victim/witness statements- crime scene specifics- property information- officer actions	18.03.EO4 18.03.EO5 18.03.EO6 18.03.EO7 18.03.EO8 18.03.EO9 18.03.EO10

Continued on next page

Overview, Continued

In this chapter This section focuses on the content elements in effective investigative reports. Refer to the following table for specific topics.

Topic	See Page
Questions Answered by an Effective Investigative Report	2-34
Fundamental Content Elements	2-40

Questions Answered by an Effective Investigative Report

[18.03.EO3]

Introduction

No matter how an investigative report is organized, it must be factual, accurate, clear, concise, complete, and timely (FACCCT). It must provide prosecutors, investigators, and other participants in the judicial process with the accuracy of the information needed to do their jobs.

Investigative report formats

An investigating officer communicates with the other participants in the judicial process through that officer's written investigative report. The adequacy of that communication is dependent on the officer's ability to logically organize events and clearly state the relevant facts related to the incident.

Agency policy

Each agency has its own policies regarding formats and forms officers must use when writing investigative reports. It is the responsibility of each officer to be familiar with and comply with their agency's requirements.

Community policing

Police reports have a variety of users in the community. Prosecutors, judges, insurance agencies, and attorneys all rely on police reports to ensure a fair and just outcome. A well-written report can be a significant tool in providing justice for victims. Police reports are useful in prosecutions, in defense against wrongful accusations, as a permanent history in long-term investigations, and in holding peace officers accountable when they are involved in the incident. The peace officer is the "eyes and ears" of the event. A good report will greatly increase the effectiveness of everyone involved.

Continued on next page

Questions Answered by an Effective Investigative Report,

Continued

Primary questions

The users of an officer's investigative report should be able to locate the answers to six primary questions within the body of the report. These questions are noted below.

- What?
- When?
- Where?
- Who?
- How?
- Why?

If an officer is not able to answer a question, the report should provide as much information as possible. This information may prove vital for investigators assigned to the case.

Supporting facts and information

The information that answers each question will vary depending on the details of the specific incident or crime.

NOTE: The following table is not intended to be all inclusive. Specific crimes will require certain information that should be noted by the investigating officer in the report.

Continued on next page

Questions Answered by an Effective Investigative Report,

Continued

Supporting facts and information
(continued)

The following table presents examples of the specific facts and information that can be included in the body of the report to help answer each question.

	Supporting Facts/Information
What...	<ul style="list-style-type: none"> • crime was committed? • are the elements of the crime? • were the actions of the suspect before and after the crime? • actually happened? • do the witnesses know about it? • evidence was obtained? • was done with the evidence? • weapons were used? • action did the officers take? • further action should be taken? • knowledge, skill or strength was needed to commit the crime? • other agencies were notified? • other agencies need to be notified?
When...	<ul style="list-style-type: none"> • was the crime committed? • was it discovered? • were the authorities notified? • did they arrive at the scene? • was the victim last seen alive? • did officers arrive? • was any arrest made? • did witnesses hear anything unusual? • did the suspect decide to commit the crime?

Continued on next page

Questions Answered by an Effective Investigative Report, Continued

Supporting facts and information
(continued)

	Supporting Facts/Information
Where...	<ul style="list-style-type: none"> • was the crime committed? • was the crime discovered? • was entry made? • was the exit? • was the weapon, if any, obtained that was used to commit the crime? • was the victim found? • was the suspect seen during the crime? • was the suspect last seen? • were the witnesses during the crime? • did the suspect live? • does the suspect currently live? • is the suspect now? • would the suspect likely go? • was the evidence found? • was the evidence stored?

When noting locations, officers should include:

- the exact address including:
 - wing
 - housing unit
 - floor of the building, etc.
- identification of the area (e.g., business, apartment complex, private residence, vehicle)

Continued on next page

Questions Answered by an Effective Investigative Report,

Continued

Supporting facts and information
(continued)

	Supporting Facts/Information
Who...	<ul style="list-style-type: none"> • are the involved parties in the incident? (i.e., victim(s), witness(es), suspect(s)) • were the participating officers? • was the complainant? • discovered the crime? • saw or heard anything of importance? • had a motive for committing the crime? • committed the crime? • had the means to commit the crime? • had access to the crime scene? • searched for, identified and gathered evidence? <p>Also with whom...</p> <ul style="list-style-type: none"> • did the victim associate? • did the suspect associate? • was the victim last seen? • do the witnesses associate? • did the suspect commit the crime?

When noting information regarding specific people, officers should include that person's full name, including middle name or initial. The correct spelling of each name should be confirmed by the officer as well.

Continued on next page

Questions Answered by an Effective Investigative Report, Continued

Supporting facts and information
(continued)

Additional information regarding specific people can include, but not be limited to:

- phone numbers (home, cellular and work)
- addresses (home, work, and email)
- age and date of birth
- social security numbers
- occupations
- physical descriptions as required

	Supporting Facts/Information
How...	<ul style="list-style-type: none"> • was the crime committed? (e.g., force, violence, threats, etc.) • did the suspect leave the scene? (e.g., on foot, by car, etc.) • did the suspect obtain the information necessary to commit the crime? • was the crime discovered? • was entry made? (e.g., smashing, breaking, key, etc.) • was the weapon/tool for the crime obtained? • was the weapon/tool used? • was the arrest made? • much damage was done?
Why... (if known)	<ul style="list-style-type: none"> • was the crime committed? • was a certain weapon/tool used? • was the crime reported? • was the crime reported late? • were witnesses reluctant to give information? • is the suspect lying? • did the suspect commit the crime when she/he did? • did the suspect commit the crime where she/he did?

Fundamental Content Elements

[18.03.EO4, 18.03.EO5, 18.03.EO6, 18.03.EO7, 18.03.EO8, 18.03.EO9, 18.03.EO10]

Introduction

Every incident is different and different crimes require different information. On the other hand, certain content elements remain constant regardless of the crime or the formats used to present the information.

Fundamental content elements

The following table identifies the fundamental content elements that are common within all investigative reports.

An effective investigative report contains...	
initial information	establishing how the officer(s) became involved with the specific incident and additional background information.
identification of the crime	including the facts that are necessary to show that the specific crime has taken place.
identification of the involved parties	such as the reporting person(s), victim(s), witness(es), or suspect(s).
witness/victim statements	noting the details of the events the involved parties observed or experienced.
crime scene specifics	necessary to accurately reestablish the scene and events of the crime.
property information	including descriptions and details pertaining to stolen items as well as physical evidence.
officer actions	including descriptions of all actions taken by peace officers that are related to the incident.

NOTE: The order in which information is presented in an investigative report is dependent upon the format used and agency policy.

Continued on next page

Fundamental Content Elements, Continued

Initial information

Each investigative report should describe the manner in which the peace officers learned of the incident. The initial information should also describe the officer's immediate observations and any actions they took upon arrival at the scene.

Content elements specific to the initial information may include, but are not limited to:

- the name(s) and badge number(s) of the responding officer(s)
 - how the officer(s) learned of the incident (e.g., radio dispatch)
 - the exact date and time the officer(s) arrived
 - the exact location
 - details regarding the officer(s) own observations of who was where and what was happening upon arrival
-

Identification of the crime

The facts which are the evidence of a crime are referred to as the **corpus delicti**, or *the body of the crime*.

Specific crimes have their own required crime elements. Investigative reports must clearly identify these facts in order to establish that a crime has occurred.

Crime identification information within the body of the investigative report must clearly state the:

- common name of the crime
- statutory code reference number for the crime (i.e., Penal Code, Health & Welfare Code, etc.)
- existence of each of the required crime elements necessary for the crime to be complete

NOTE: Additional information regarding the crime elements for specific crimes is included in the supplementary materials at the end of this workbook.

Continued on next page

Fundamental Content Elements, Continued

Identification of involved parties

The involved parties of a crime can include the person who reported the incident, victim(s), witness(es), or suspect(s). Officers should take care to collect complete and accurate information that clearly identifies each as well as providing a means of further contacts if necessary.

Specific information regarding the involved parties should include, but is not limited to:

- full names
- sex, ethnic origin
- date of birth (DOB)
- home address
- home phone, cellular phone
- workplace, school or email addresses
- workplace or school phone
- their role in the incident (i.e., reporting party, witness, etc.)
- the reporting party's relationship with other involved parties

Continued on next page

Fundamental Content Elements, Continued

Witness/ victim statements

Statements of the involved parties (i.e., witnesses, victims) help place events in their proper sequence and establish the elements of the crime. Along with the person's statements, officers should note:

- location/proximity of the person to the event
- circumstances and actions observed or experienced
- complete and detailed descriptions (e.g., items stolen, distinguishing features, injuries sustained, etc.)
- information regarding suspect(s) (e.g., name, aliases, identifying marks, relationship to the victim, etc.)

If the reporting officers use a person's exact words within a report, quotation marks and the word *said* followed by a comma should be used to introduce the speaker's words.

Example: Smith said, "I don't know. I'd really have to take a closer look. I'm just not sure if that's all that was taken."

If the reporting officer paraphrases what the speaker said, quotation marks are not used.

Example: Smith said she was not sure if anything else was taken.

Continued on next page

Fundamental Content Elements, Continued

Crime scene specifics

The users of any investigative report should be able to clearly understand and accurately visualize the scene of the crime as well as the events that took place.

Investigative reports should include, but not be limited to, identification and description of:

- the physical condition of the scene itself
- the chronology of events
- location of physical evidence
- all information supporting the existence of the elements of the crime (e.g., the point of entry, the location of key objects)

NOTE: Investigative points to be noted can vary based on the specific crime that is being reported.

Property information

Any item pertaining to the crime must be identified clearly and described within the investigative report. Such items may include stolen or damaged property as well as physical evidence.

Information should include, but not be limited to:

- brand names
 - model/serial numbers
 - description (including color, unique markings, dimensions, etc.)
 - value of stolen item
 - identification of the owner/possessor/finder
 - location where found (or stolen from)
 - relationship of the item to the crime/incident
 - physical evidence, including methods of collection and preservation
-

Continued on next page

Fundamental Content Elements, Continued

Officer actions

An investigative report is not complete unless it clearly identifies all actions taken by the officer or officers.

Officer actions to be noted can include, but not be limited to:

- stops made
 - searches conducted
 - seizures of evidence
 - arrests made
 - standard procedures followed (e.g., knock and notice, field showups, etc.)
 - Miranda admonishments
 - use of force
 - medical attention (offered, accepted, or refused)
 - safety measures taken
 - disposition of suspects
 - methods used to preserve evidence or capture essential information
-

Information in support of officer actions

Complete and accurate descriptions of an officer's actions should also include the officer's reasons or justifications for taking those actions. This can include, but is not limited to the:

- exigent circumstances that led the officer to act (i.e., enter without permission, use force, etc.)
 - basis for an officer's reasonable suspicion to conduct a cursory/frisk search for weapons
 - probable cause to conduct any other authorized searches
 - probable cause to seize evidence
 - probable cause leading to an arrest
 - detailed information describing acts or conditions that justify the level of force used to gain or maintain control
-

Chapter Synopsis

Learning need

A peace officer's ability to clearly document the facts and activities of an investigation not only reflects on the officer's own professionalism, but also on the ability of the justice system to prosecute the criminal case.

Investigative reports
[18.01.EO2]

An investigative report is a written document prepared by a peace officer that records in detail that officer's observations and actions as they relate to a specific event or incident.

Continued on next page

Chapter Synopsis, Continued

Learning need Peace officers must recognize that the information gathered during their initial investigation in the field will become the foundation for their investigative reports.

Content of field notes [18.02.EO2] When determining what to include in their field notes, officers should consider the following.

- Field notes are the primary source of information for the investigative report.
 - Detailed field notes reduce the need to re-contact the involved parties.
 - Field notes are more reliable than an officer's memory.
 - Field notes can be used to defend the credibility of an investigative report.
-

Taking notes during an interview [18.02.EO2] The most effective way for officers to gather clear, accurate, and complete information while conducting an interview is to follow a systematic process.

Continued on next page

Chapter Synopsis, Continued

Learning need Peace officers must recognize in order for an investigative report to be of use in the judicial process, the report must be well organized and include facts needed to establish that a crime has been committed and all actions taken by officers were appropriate.

Primary questions to be answered [18.03.EO3] The users of an officer's investigative report should be able to locate the answers to six primary questions within the body of the report.

Initial information [18.03.EO4] Establishing how the officer(s) became involved with the specific incident and additional background information.

Identification of the crime [18.03.EO5] Including the facts that are necessary to show that the specific crime has taken place.

Identification of the involved parties [18.03.EO6] Such as the reporting person(s), victim(s), witness(es), or suspect(s).

Witness/victim statements [18.03.EO7] Noting the details of the events the involved parties observed or experienced.

Crime scene specifics [18.03.EO8] Necessary to accurately visualize the scene as well as events that took place.

Continued on next page

Chapter Synopsis, Continued

**Property
information**
[18.03.EO9]

Including descriptions and details pertaining to stolen items as well as physical evidence.

**Officer
actions**
[18.03.EO10]

Including descriptions of all actions taken by peace officers that are related to the incident.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. Why should the ability to take accurate field notes and to write effective investigative reports be *personally* important to a peace officer? Why is it legally important to the officer's agency?

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

2. You are preparing to write the report after investigating a residential robbery where a number of expensive antiques were stolen. List the prospective users of that officer's report. Explain what decisions will be made or actions taken by each. What type of information will each be looking for within that officer's report?

Prospective Users	Decisions/Actions	Information Needed

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

3. Sergeant Richards is reviewing a report written by Officer Young regarding an investigation of a domestic violence incident. What qualities should the sergeant look for in the report to determine if Young's performance as a peace officer was adequate? What qualities of the report might indicate that Young's performance was inadequate?

4. Consider your past experiences with conveying information in a written form. Who were the readers of your document? Were they able to understand the message you wanted them to receive from your document? What is your strongest writing skill? What areas do you have the most difficulty with?

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

5. Complete the following table with the appropriate characteristics of an effective report represented by the letters FACCCT. In your own words, describe *why* each characteristic is important to the identified prospective users.

To be effective an investigative report must be...	Prospective Users		
	An investigator assigned to the case	A reporter from the local newspaper	A defense attorney
F			
A			
C			
C			
C			
T			

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

6. Read the following narrative from an officer's investigative report. Would it meet the FACCCT standard? If not, mark the specific statements that need improvement. Describe why and how each should be improved.

While I was patrolling on the street next to the city park, I saw a man who was in the park after closing hours stumble and fall down. He tried to get up but fell down a second time. When I stopped to check on the man, he appeared to be drunk. He was carrying a bag which contained a half empty can of beer. I asked him if he had been drinking and he said he had a few beers with a friend but was now on his way home. He also told me that the path through the park was a shortcut. I asked the man for ID and he produced his driver's license. I arrested the man because the man was drunk and had an open container of alcohol while being in the park after it was officially closed.

Continued on next page

Workbook Learning Activities, Continued

**Additional
practice**

Taking complete and accurate field notes is a skill that requires practice and experience. During classroom discussions and activities, officers will have additional opportunities to practice taking field notes related to arrest situations and criminal investigations.

Continued on next page

Workbook Learning Activities, Continued

Activity questions

9. List reasons why it is important to fully document within the report the officer's reasons or rationales for taking specific actions. Describe the possible effects on an investigation, the officer, and the officer's department if this information is not included.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

10. Assume that you are a supervisor and have received the following narrative from an investigative report. Based on the information given, you will be required to decide on the next action that should be taken.

On 01-05-08 at 1600 hours my partner and I were called to the scene of a residential burglary. The home owner, Alice Smith, met us as we arrived and gave the following information.

Smith left for work today at 0630 hours, locking all doors and windows. She returned home for lunch at 1130 hours and discovered the front door had been kicked in and was left standing open. She entered her home but found nobody inside. She discovered her TV and VCR were missing along with a home computer. Smith said that the only other items disturbed in the house were several books that had been knocked off a shelf in the office. Smith will attempt to locate serial numbers for the TV, VCR, and computer and forward that information to us.

Smith did not see anyone around her home, but did observe a blond male driving a red car. The driver was turning off her street, when she came home. Smith did not recognize the person and had not seen the vehicle in the area before. She could not provide any additional descriptions of the driver or vehicle.

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

11. (continued) Complete the following table with the information provided in the report. Note any information that you feel is missing or that is unclear or confusing.

	Facts/Information Included	Missing/Confusing Information
What?		
When?		
Where?		
Who?		
How?		
Why?		

Continued on next page

Workbook Learning Activities, Continued

Student notes

Chapter 3

Crimes Scenes, Evidence and Forensics Learning Domain 30

Overview

Crime Scenes

Learning need

Peace officers must have a general understanding of the total range of basic criminal investigation procedures in order to make the appropriate decisions regarding the identification and preservation of evidence at the scene of a crime.

Learning objectives

The following table identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none">• identify the goal of a criminal investigation	30.01.EO1
<ul style="list-style-type: none">• identify the primary purpose of conducting a(n):<ul style="list-style-type: none">- initial survey of a crime scene, andcrime scene search	30.01.EO6 30.01.EO7

Continued on next page

Overview, Continued

In this chapter This section focuses on the documentation of a crime scene that must take place prior to the collection of evidence. Refer to the table below for a specific topic.

Topic	See Page
Preliminary Criminal Investigations	3-3
Crime Scene Surveys and Searches	3-5
Search Patterns	3-9

Preliminary Criminal Investigations

[30.01.EO1]

Introduction

The role of responding peace officers to calls involving criminal activity goes well beyond that of making an arrest. The actions taken or not taken by peace officers can greatly influence the prosecutor's success in obtaining a conviction.

Types of investigations

An **investigation** is the systematic gathering of information from a variety of sources and the documentation of evidence, observations, and findings.

Law enforcement agencies conduct a variety of different types of investigations including, but not limited to:

- background investigations (e.g., screening job applicants)
 - internal investigations (e.g., regarding conduct of officers)
 - permit investigations (e.g., prior to issuing business licenses)
 - criminal investigations
-

Criminal investigations

A **criminal investigation** is a systematic approach to the:

- establishment of a criminal violation
- identification and arrest of a suspect
- gathering of evidence for presentation in a court of law

The ultimate goal of any criminal investigation is the successful prosecution of the guilty and the exoneration of the innocent.

Continued on next page

Preliminary Criminal Investigations, Continued

Preliminary investigations

The investigation of a crime often takes place in a number of phases. It begins with the preliminary investigation and progresses through more in-depth follow-up investigations ultimately leading to the arrest or indictment of a suspect.

The **preliminary investigation** begins when the responding officers first receives the call. It continues through the writing and filing of the primary officer's investigative report.

Involved individuals

A number of individuals and organizations are involved in the preliminary investigation of a crime. Each person participating must understand and anticipate the needs and requirements of the other individuals involved.

Individuals involved in the investigative process may include, but are not limited to:

- reporting parties
 - responding officers
 - investigating officers
 - victims
 - witnesses
 - evidence technicians
 - medical examiners
 - forensic scientists
 - attorneys
-

Continued on next page

Crime Scene Surveys and Searches

[30.01.EO6, 30.01.EO7]

Introduction

Movements at a crime scene should be carefully planned. Prior to any crime scene search responding officers must determine if the crimes committed are major crimes or minor crimes and then develop a specific search plan.

During major crime investigations

The **initial survey** should consist of securing the scene, and noting immediately visible evidence and denying entry to the scene until properly relieved and calling for needed resources.

A major scene is defined by the need for specialized investigators.

Initial surveys

Once a crime scene has been secured, an initial survey should be undertaken to identify the kind and amount of evidence that *may* exist in the designated area. The purpose of conducting such a survey is to give responding officers an opportunity to assess the amount of time, equipment, and personnel that may be needed to actually collect and process the evidence.

Officers should proceed cautiously through the crime scene area, being careful *not to touch, step on or disturb, or remove* any possible evidence when conducting the initial survey.

NOTE: For personal protection and for the protection of the evidence itself, officers may be required to wear items such as latex gloves, shoe covers, or other forms of protective clothing when conducting an initial crime scene survey.

Crime scene search

A **crime scene search** is a systematic, coordinated effort conducted in order to:

- locate physical evidence that indicates a crime has taken place
 - identify individual(s) who may have committed the crime
-

Continued on next page

Crime Scene Surveys and Searches, Continued

Search plans

Prior to conducting a crime scene search, all involved law enforcement personnel should have a clear understanding of the search plan. Everyone assisting in the search for evidence should be made aware of the:

- type of crime that has taken place
- type of items that may be associated with the crime
- perimeters of the area to be searched
- searching pattern that will be used

NOTE: Searching officers should not limit themselves to collecting only items that they *think* are evidence. They must keep in mind that everything found in the crime scene should be considered evidence.

Selecting a search pattern

There are a number of different search patterns that can be used when attempting to locate evidence at a crime scene. The selection of a specific search pattern used at a crime scene should be based on the:

- location and configuration of the crime scene
 - number of personnel available for the search
 - personal preference
-

Documentation

The condition of the crime scene along with the location and description of items of possible evidence identified during any search should be documented in:

- the officer's field notes
 - photographs
 - crime scene diagrams
 - the officers original report and other supplemental reports
-

Continued on next page

Crime Scene Surveys and Searches, Continued

Search patterns

The following table identifies five such patterns commonly used.

Pattern	Description
Line	<ul style="list-style-type: none">• Officer begins at one corner of the crime scene and searches back and forth across the area, moving in parallel straight lines (in the same manner as if mowing grass).• The search can be modified for use by two or more officers walking side by side when the crime scene is a large open area (e.g., open field, street, etc.).
Quadrant	<ul style="list-style-type: none">• Crime scene area is divided into fourths or specified quadrants.• Quadrants are searched one at a time by the officer(s).
Grid	<ul style="list-style-type: none">• An imaginary grid is superimposed on the crime scene area.• All blocks within the grid are the same size.• Officer(s) begin searching at one corner and proceed, searching one block at a time. <p>NOTE: A variation of this pattern is the sector search where a large area is divided into designated sectors and searched one at a time (e.g., searching a building by floors or by rooms).</p>

Continued on next page

Crime Scene Surveys and Searches, Continued

Search patterns
(continued)

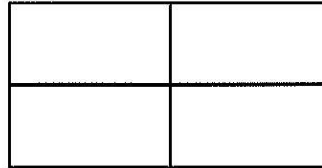
Pattern	Description
Spiral	<ul style="list-style-type: none">• Officer begins searching by circling the outer perimeter of the crime scene.• Officer continues spiraling in an ever-smaller circle toward the center of the crime scene area.• Useful when:<ul style="list-style-type: none">- searching a small crime scene area alone, or- it is believed that evidence that once was centrally located has been moved or hidden some distance from the original point of the crime.
Wheel	<ul style="list-style-type: none">• An imaginary circle is superimposed on the crime scene area.• The circle is divided into manageable pie-shaped wedges (or “spokes” as on a wheel).• Each wedge or section between spokes is searched one at a time.

Search Patterns

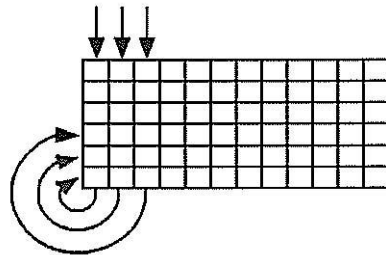
Line



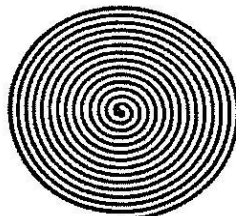
Quadrant



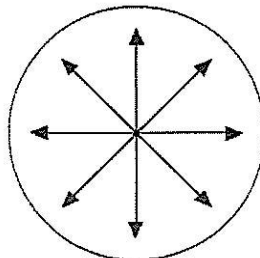
Grid



Spiral



Wheel



Search Patterns, Continued

Student notes

Evidence Collection

Overview

Learning need Peace officers must be aware of, and comply with, the general guidelines for the collection, packaging, and processing of physical evidence found at a crime scene to ensure that each piece of evidence is admissible in a court of law.

Learning objectives The following table identifies the student learning objectives for this section.

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none">• identify the primary reason for establishing a chain of custody record	30.02.EO4
<ul style="list-style-type: none">• prepare the information that should be noted on a chain of custody record	30.02.EO5

In this chapter This section focuses on the handling of specific forms of evidence collected at a crime scene. Refer to the table below for a specific topic.

Topic	See Page
Chain of Custody	3-12

Chain of Custody

[30.02.EO4, 30.02.EO5]

Definition

The chain of custody is the written, witnessed, unbroken record of all individuals who maintained control or had access to any physical evidence. A complete and accurate chain of custody record is absolutely essential in establishing the validity and integrity of evidence in court.

Property

Different categories of property may require a recorded chain of custody. The following table describes a number of such categories.

Category	Description	Example(s)
Evidence	<ul style="list-style-type: none">Property which may:<ul style="list-style-type: none">- be related to a crime or investigation, or- implicate or clear a person of a criminal charge	<ul style="list-style-type: none">ToolsFingerprintsHair or fibers
Non-evidence	<ul style="list-style-type: none">Property that comes into law enforcement custody, but cannot be connected to a crimeProperty that may be submitted by an officer or any other individual	<ul style="list-style-type: none">Found property (e.g., bicycles)Weapons held in safe keeping
Personal Property	<ul style="list-style-type: none">Property which a person had in possession at the time of arrest that has no evidentiary value	<ul style="list-style-type: none">BillfoldMoneyClothing

Continued on next page

Chain of Custody, Continued

Chain of custody record

The chain of custody begins when an item is first collected as evidence. From this time, supplying complete, clear, concise information and using appropriate documentation techniques will aid in keeping the chain of custody intact.

Although the format of property forms may vary, each will require specific information including:

- the report number
- who initially found the item
- where and when the item was found
- a description of the item
- who recovered, packaged, and labeled the item
- who transported the item
- where it was submitted
- where, how, and when the item was secured

Continued on next page

Chain of Custody, Continued

Handling evidence

Anyone who handles evidence officially accepts custody of that evidence by signing the chain of custody record.

Individuals who may become involved in maintaining the chain of custody include, but are not limited to:

- responding officers
- investigating officers
- evidence technicians
- property personnel
- laboratory personnel
- individuals from the district attorney's office
- defense experts
- medical professionals

NOTE: It is important to limit the number of individuals in the chain of custody in order to maintain accountability and integrity of evidence.

Chapter Synopsis

Learning need Peace officers must have a general understanding of the total range of basic criminal investigation procedures in order to make the appropriate decisions regarding the identification and preservation of evidence at the scene of a crime.

Ultimate goal
[30.01.EO1] The ultimate goal of any criminal investigation is the successful prosecution of the guilty and the exoneration of the innocent.

Crime scene surveys and searches
[30.01.EO6, 30.01.EO7] Initial survey is an initial visual sweep of a crime scene. Crime scene search is a planned and coordinated systematic search of a crime scene.

Continued on next page

Chapter Synopsis, Continued

Learning need Peace officers must be aware of and comply with the general guidelines for the collection, packaging, and processing physical evidence found at a crime scene to ensure that each piece of evidence is admissible in a court of law.

Chain of custody record [30.02.EO4] Identify the primary reason for establishing a chain of custody record.

Chain of custody record [30.02.EO5] The chain of custody begins when an item is first collected as evidence.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. Describe two circumstances under which a piece of physical evidence may be moved by the initial responding officers at a crime scene. What actions should officers take to protect the integrity of the scene under those circumstances? How might the officers document these actions in each of the circumstances you have described?

2. What advantages might crime scene photographs have over rough sketches and diagrams at a crime scene involving a kidnapping? Give an example of a situation involving a crime scene, when a sketch/diagram might be more advantageous than photographs.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. At approximately 7:30 am, a lifeguard reporting for work discovered a body face down in the sand on the beach at the water's edge. You are called to the scene. Although there is blood visible on the victim's shirt, the mode of death is not obvious. There appears to be a trail in the sand that may indicate the body had been dragged to its current position from a public parking lot approximately 40 feet away. A number of people have begun to gather on the beach to see what is happening.

As the initial responding officer, where would you establish inner and outer perimeters of this crime scene? What actions would you take to secure each?

Continued on next page

Supplementary Material

Overview

Introduction The following materials can be referred to by peace officers when writing investigative reports.

In this section Refer to the following table for specific reference documents included in this section.

Topic	See Page
Parts of Speech	S-2
Punctuation	S-4
Common Law Enforcement Abbreviations	S-6
State Abbreviations	S-12
Crime Information Reference Guide	S-13

Parts of Speech

Introduction

The sentence is the basic structure of written English. It is made up of words that have unique characteristics and functions.

Parts of speech

The eight parts of speech are identified in the following table.

	Description	Examples
Noun	Names a person, place, or thing	The officer stopped the <i>car</i> . The suspect fled from the officers .
Pronoun	Takes the place of a noun	He ran between the cars. They were close together.
Verb	Expresses action or state of being (“be verbs”)	The officer ran after the suspect. The suspect was fast.
Adverb	Describes a verb, adjective, or other adverb	The suspect ran quickly . He became extremely exhausted
Adjective	Describes a noun or pronoun	The tall suspect turned around. The short suspect continued to run.

Continued on next page

Parts of Speech, Continued

Parts of
speech
(continued)

	Description	Examples
Preposition	Shows how a noun or pronoun is related to another word in a sentence; followed by nouns or pronouns	The suspect jumped out of the car, over the retaining wall, and into the store.
Conjunction	Connects words or parts of sentences; can be coordinating or subordinating	My partner and I approached the car. I was cover officer while my partner was contact officer.
Article	Comes before and usually limits a noun	A bag of powder was lying on the back seat.

Punctuation

Introduction

Punctuation marks give writers a way to achieve some of the effects they would convey in spoken conversations. (i.e., pauses, changes in tone or pitch, inflections, etc.) They can influence the meaning of words, the flow of thought, and the emphasis intended by the writer.

Common punctuation

The following table identifies the most common punctuation marks used within investigative reports.

Mark	Main Uses	Examples
Period (.)	Marks the end of a sentence that is not a question or exclamations	Stewart went to the back of the store and told the manager what she saw.
Comma (,)	Separates items in a series	She reported that a microwave oven, a computer, and a stereo system were missing from the apartment.
	Separates nonessential phrases and clauses from the rest of the sentence	In the meantime, Jones swept up the broken glass.
	Separates two independent clauses in a compound sentence	The victim was in pain, but he was still able to speak with us.
Quotation marks (“ ”)	Indicates the beginning and end of direct quotes	Stanley said, “I just didn’t see the car coming.”

NOTE: Punctuation is generally not placed inside quotation marks. (i.e., commas, periods)

Continued on next page

Punctuation, Continued

**Common
punctuation**
(continued)

Mark	Main Uses	Examples
Colon (:)	Signals a series is about to follow	The victim reported the following items were missing from the apartment: a microwave oven, a computer, and a stereo system.
Apostrophe (')	To show possession in nouns	The victim's car was totaled.
	To form a contraction	She couldn't tell the direction he came from.

Common Law Enforcement Abbreviations

Introduction Peace officers use abbreviations in their notes to expedite time and then write the complete words in their report.

Guidelines for use Abbreviations should be such that the meaning will be readily understood to the person reading the notes. Officers may use abbreviations in their notes but should write the word out for their reports.

Abbreviations containing all capital letters do not require periods (e.g., DMV, CHP).

The following is an alphabetical listing of common law enforcement abbreviations.

A	Assisted and advised	A&A
	Address	Add.
	All points bulletin	APB
	Also known as	AKA
	Ambulance	Amb.
	American Indian	I
	Arresting officer	A/O
	Apartment	Apt.
	Arrest	Arr.
	Asian Indian	A
	Assault with deadly weapon	ADW
	Assistant	Asst.
	Attempt	Att.
	Attention	Attn.
	Avenue	Ave.

Continued on next page

Common Law Enforcement Abbreviations, Continued

B	Blood alcohol count	BAC
	Black (color)	Blk.
	Black (descent)	B
	Blocks	Blks.
	Blonde	Bln.
	Blue	Blu.
	Be on the lookout	BOLO
	Brown	Brn.
	Building	Bldg.
	Business and Professions Code	B&P

C	California Highway Patrol	CHP
	Captain	Capt.
	California drivers license	CDL
	California identification card	CID
	Caucasian	W
	Cleared by arrest	CBA
	County	Co.
	Complainant	Comp.
	Convertible	Conv.
	Chief of Police	COP
Criminal Justice Information System	CJIS	

D	Dark	Dk.
	Date of birth	DOB
	Dead on arrival	DOA
	Defendant	Def.
	Department	Dept.
	Department of Motor Vehicles	DMV
	District	Dist.
	Direction of travel	DOT
	Division	Div.
	Doing business as	DBA
	Driving under the influence	DUI

Continued on next page

Common Law Enforcement Abbreviations, Continued

E	East	E
	Eastbound	E/B
	Emergency room	ER
	Expired	Exp.
	Estimated	Est.

F	Felony	Fel.
	Female	F
	Field sobriety test	FST
	Four door	4D

G	Gray	Gry.
	Gone on arrival	GOA
	Green	G

H	Had been drinking	HBD
	Hazel	Hzl.
	Headquarters	Hdqts.
	Health & Safety Code	H&S
	Highway	Hwy.
	High School	H.S.

I	Identification	ID
	Identity	ID
	Indian, American	I
	Information	Info.
	Informant	Inf.
	Inspector	Insp.
	Injury	Inj.
	Injury on duty	IOD
	Intersection	I/S

J	Juvenile	Juv.
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Continued on next page

Common Law Enforcement Abbreviations, Continued

K

L	Left front	L/F
	Left rear	L/R
	License	Lic.
	Lieutenant	LT
	Light	Lt.

M	Male	M
	Maroon	Mar.
	Medium	Med.
	Memorandum	Memo
	Mexican, Latino, Hispanic	H
	Miles per hour	MPH
	Miscellaneous	Misc.
	Misdemeanor	Misd.
	Modus operandi	M.O.
Motorcycle	M/C	

N	National Crime Information Center	NCIC
	No further description	NFD
	No middle name	NMN
	Not applicable	N/A
	North	N
	Northbound	N/B

O	Officer	Off.
	Oriental	O

Continued on next page

Common Law Enforcement Abbreviations, Continued

P	Parked	Pkd.
	Passenger	Pass.
	Pedestrian	Ped.
	Penal Code	PC
	Permanent identification number	PIN
	Pickup	P/U
	Point of impact	POI
	Point of rest	POR
	Possible	Poss.

Q	Quiet on arrival	QOA
	Quiet on departure	QOD

R	Railroad	RR
	Referral by other agency	ROA
	Registration	Reg.
	Reporting officer	R/O
	Right front	R/F
	Right rear	R/R
	Room	Rm.

S	Sergeant	Sgt.
	South	S
	Southbound	S/B
	Station wagon	S/W
	Street	St.
	Supervisor	Supv.
	Suspect	Susp.

Continued on next page

Common Law Enforcement Abbreviations, Continued

T	Teletype	TT
	Temporary	Temp.
	Traffic accident	TA
	Two door	2D

U	Uniform Crime Reports	UCR
	Unable to locate	UTL
	Unknown	Unk.

V	Vehicle	Veh.
	Vehicle Code	VC
	Vehicle identification number	VIN
	Victim	Vict.
	Violation	Viol.

W	Warned and released	W&R
	Watch Commander	W/C
	Welfare & Institutions Code	W&I
	West	W
	Westbound	W/B
	White (color)	Wh
	White (descent)	W
	Witness	Wit.

X

Y	Yellow	Yel.
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Z

State Abbreviations

Introduction Peace officers may have to refer to specific states within their reports. The U.S. Postal Service has standardized the abbreviations for the states and some Canadian provinces.

Abbreviations The following table identifies the U.S. Postal Service's standardized abbreviations.

Alabama	AL	Montana	MT
Alaska	AK	Nebraska	NE
Arizona	AZ	Nevada	NV
Arkansas	AR	New Hampshire	NH
California	CA	New Jersey	NJ
Colorado	CO	New Mexico	NM
Connecticut	CT	New York	NY
Delaware	DE	North Carolina	NC
Dist. of Columbia	DC	North Dakota	ND
Florida	FL	Ohio	OH
Georgia	GA	Oklahoma	OK
Hawaii	HI	Oregon	OR
Idaho	ID	Pennsylvania	PA
Illinois	IL	Rhode Island	RI
Indiana	IN	South Carolina	SC
Iowa	IA	South Dakota	SD
Kansas	KS	Tennessee	TN
Kentucky	KY	Texas	TX
Louisiana	LA	Utah	UT
Maine	ME	Vermont	VT
Maryland	MD	Virginia	VA
Massachusetts	MA	Washington	WA
Michigan	MI	West Virginia	WV
Minnesota	MN	Wisconsin	WI
Mississippi	MS	Wyoming	WY
Missouri	MO	British Columbia	BC

NOTE: State postal abbreviations do not require periods.

Crime Information Reference Guide

Introduction

Within the investigative report, the reporting officer must clearly identify the required crime elements necessary to establish that a crime has been committed. Along with the elements of the crime, officer's reports should include additional information that is specific to that crime.

Specified crimes

Key information referring to a number of specified crimes is noted in the following pages of this workbook section.

Category	Specific Crime
Property Crimes	<ul style="list-style-type: none">• Burglary• Grand theft• Petty theft• Vandalism
Crimes Against Persons	<ul style="list-style-type: none">• Assault with a deadly weapon• Battery with great bodily injury• Murder• Robbery• Battery
Crimes Against Children	<ul style="list-style-type: none">• Lewd or lascivious acts with a child• Physical abuse of a child
Controlled Substances	<ul style="list-style-type: none">• Being under the influence of a controlled substance• Possession of a controlled substance
Weapons Violations	<ul style="list-style-type: none">• Carrying a concealed firearm without a license• Carrying a loaded firearm in a public place• Possession of a firearm by a convicted felon
Other Crimes	<ul style="list-style-type: none">• Prostitution• Rape• Willful infliction of corporal injury

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Glossary

Introduction **The following glossary terms apply to the PC 832 Student Workbook, Volume Three: Investigations.**

admission A statement that is incriminating but falls short of a full acknowledgment of guilt. It only acknowledges some facts that tend to prove or imply guilt

business records Written statements or records made by a business person who has the duty to know the facts as they relate to the business

chain of custody The chain of custody is the written, witnessed, unbroken record of all individuals who maintained control or had access to any physical evidence

confession An express and complete acknowledgment of all elements of the offense

corpus delicti The facts which are the evidence of a crime; the body of the crime

crime scene search A planned, systematic, coordinated effort conducted for the purpose of locating physical evidence that a crime has taken place and to identify the individuals who committed the crime

Continued on next page

Glossary, Continued

criminal investigation

A systematic approach to the establishment of a criminal violation, identification and arrest of a suspect, and gathering of evidence for presentation in a court of law

dying declarations

Statements made by a dying person about the circumstances surrounding the person's impending death

exclusionary rule

Any evidence obtained by the government or its agents (including peace officers) in violation of a person's rights and privileges guaranteed by the U.S. Constitution will be excluded at trial

express admission

An out-of-court oral or written statement made by the defendant

FACCCT

Acronym for the characteristics of an effective investigative report; factual, accurate, clear, concise, complete, and timely

field notes

Abbreviated notations written by an officer in the field while investigating a specific incident or crime

Continued on next page

Glossary, Continued

hearsay evidence

Evidence of a statement that is made by someone other than the witness who is testifying in court and that is offered to prove the truth of the matter stated

hearsay rule

Generally precludes the admission of statements as evidence made by anyone other than a witness giving first-hand information and testifying under oath at a hearing or trial

implied admission

Conduct that circumstantially establishes consciousness of guilt

initial survey

The first sweep of a crime scene; allows responding officer(s) the opportunity to establish the kinds and amount of evidence that exists and the amount of time, equipment and personnel that will be required to process the scene

interview

The process of gathering information from a person who has knowledge of the facts an officer will need to conduct an investigation

Continued on next page

Glossary, Continued

investigation	The systematic gathering of information from a variety of sources and the documentation of evidence, observations, and findings
investigative report	A written legal document prepared by a peace officer that records in detail that officer's observations and actions as they relate to a specific event or incident
official records	Written statements or records made by public officials with a duty to make them
past recollection recorded	Writing that is read into evidence when an available witness has insufficient memory to allow full and accurate testimony, and the event or facts are accurately contained in that writing
preliminary investigation	The initial phase of a criminal investigation which establishes whether a crime has been committed; begins when responding officer(s) arrive at the scene and culminates with the filing of an investigative report
present memory refreshed	The use of personal notes, arrest reports, or crime reports as an aid to testimony regarding the particular facts of the crime by consulting them to refresh the witness' memory during testimony

Continued on next page

Glossary, Continued

**relevant
evidence**

Any evidence that tends to prove or disprove any disputed fact in a trial

**spontaneous
statements**

Statements made about some exciting or unnerving event, made at or near the time of the event, while the person making the statement is still under the excitement or stress of that event.

PC 832 Student Workbooks

Volume One: Leadership, Diversity, Policing in the Community and the Justice System

Learning Domain 1: Leadership, Professionalism and Ethics

Learning Domain 42: Cultural Diversity/Discrimination

Learning Domain 2: Introduction to the Criminal Justice System

Learning Domain 3: Policing in the Community

Learning Domain 39: Crimes Against the Justice System

Volume Two: Law

Learning Domain 5: Introduction to Criminal Law

Learning Domain 15: Laws of Arrest

Learning Domain 16: Search & Seizure

Volume Three: Investigations

Learning Domain 17: Presentation of Evidence

Learning Domain 18: Investigative Report Writing

Learning Domain 30: Crime Scene, Evidence and Forensics

Volume Four: Use of Force

Learning Domain 20: Use of Force

Learning Domain 33: Arrest Methods/Defensive Tactics

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PC 832 Student Workbooks, Continued

Volume Five: Firearms

Learning Domain 35: Firearms

PC 832 Student Workbook Volume Three

Investigations

Learning Domain/Learning Objective Cross-Reference

Learning Domain	EO Code	Page No.	Learning Domain	EO Code	Page No.
LD 17	17.01.E08	1-3	LD 18	18.01.E02	2-2
	17.01.E011	1-5		18.02.E02	2-25
	17.02.E06	1-13		18.03.E03	2-34
	17.02.E07	1-14		18.03.E04	2-40
	17.02.E08	1-16		18.03.E05	2-40
	17.02.E09	1-18		18.03.E06	2-40
	17.02.E010	1-18		18.03.E07	2-40
	17.02.E011	1-10		18.03.E08	2-40
	17.02.E012	1-11		18.03.E09	2-40
				18.03.E010	2-40

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Learning Objective Cross-Reference, Continued

Learning Domain	EO Code	Page No.	Learning Domain	EO Code	Page No.
LD 30	30.01.E01	3-3			
	30.01.E06	3-5			
	30.01.E07	3-5			
	30.02.E04	3-12			
	30.02.E05	3-12			
