

FUNDAMENTALS OF CRIMINAL INVESTIGATION

I. History of Criminal Investigation

HISTORY OF PUBLIC DETECTIVES

The first police detectives were created in England during 1748 (Henry Fielding's Bow Street Runners) and in France (Eugene Vidocq's *police de surete*) during 1817. Scotland Yard didn't have a detective branch until 1842. Americans obtained their first federal investigators (revenue agents) in 1789, and first municipal detectives in 1846 (under Francis Tukey in Boston) and 1880 (under Thomas Byrnes in New York City). Early American detectives were recruited from civilian life, but soon became selected from the uniformed police force. Criminalistics and forensic science came into its own around 1910, and was adopted by law enforcement in 1932 (under August Vollmer & J. Edgar Hoover). College education preference for detectives began in 1950, but by 1975, a RAND Report showed less than half of all detectives were college educated, much less productive. Today, 10-15% of a typical police department consists of detectives, with specialization occurring in large departments, and 80% of them working on teams with non-detective personnel.

HISTORY OF PRIVATE DETECTIVES

The first private security agencies were started in 1852 as the Pinkerton National Detective Agency and Wells, Fargo & Co. Today, the industry includes over 4,000 separate agencies, the big ones being Pinkerton Burns, Wackenhut, Guardsmark, Wells Fargo, and Allied, and a number of more bodyguard-oriented firms with names such as Advance, Globe, Trojan, American Protective Services and Security Bureau. The big firms are involved in loss prevention, crime prevention, and mall, hospital, or nuclear security. There is a proliferation of bodyguard firms. There are about 40,000 individually licensed private detectives, and a growing number of bounty hunters. Bounty hunting has been around since the late 1600s & early 1700s with what were called thief-takers in England and France, Jonathan Wild's group in England during the early 1700s being the most notorious.

History of investigation was started in England.

The roots of criminal of investigation can be traced back to England in the eighteenth century, a period marked by numerous social, political, and economic changes. These changes were catalysts in the creation of the first modern detective force, Bow Street Runners. In addition, London was the home of the first police reformer, by Sir Robert Peel. Both of these factors contributed to the subsequent development of police organizations and criminal investigation in the United States.

1750- Henry feilding established a small group of volunteer, nonuniformed home owners to take thieves known as the Bow Street Runners – first privately paid group to

follow –up investigation of crime in Paris, France. Thus becoming first modern detective force.

Henry Feilding- Was the chief magistrate of Bow Street Runners and set out to improve the administration of justice.

1752- Henry Fielding began publishing The Covent Garden Journal as a means of circulating the descriptions of wanted persons.

1754- The death of Henry Feilding. He was succeeded by his blind half-brother, John Feilding who carried on Henry's ideas for another 25 years. Under John Feilding, Bow Street became a clearinghouse for information on crime.

1785- at least four of the Bow Street Runners were no longer volunteers but paid government detectives.

1829- Sir Robert Peel passed the Metropolitan Police Act, which created a metropolitan police force for London. Police headquarters became known as "Scotland Yard", because the building formerly had housed Scottish royalty. Police constables were referred to as "bobbies". Within a few years, the London Metropolitan Police had won a reputation for fairness, and it became the international model of professional policing. Sir Robert Peel became the Father of modern policing system.

American initiatives-Stephen Girard bequeathed \$33,190 to Philadelphia to develop a competent police force.

1833- Philadelphia passed an ordinance creating America's first paid, daylight police force.

1846- Seeing the need for reliable investigators, two former St. Louis police officers formed the first recorded private detective agency. But the major private detective agency of the nineteenth century was formed by Allan Pinkerton (1819-1884). Pinkerton's trademark was an open eye above the slogan "we never sleep". The trademark gave rise to the use of the term "private eye" in reference to any private investigator.

1852 – First Police Line-up in Boston was introduced.

1961 – U.S. Supreme Court in case of Mapp vs. Ohio rules that "illegally obtained evidence is inadmissible". "Fruit of poisonous tree"

1966 – Miranda vs. Arizona. Established the rights of a person under custodial investigation. Failure to inform the rights of a person.

Criminal Investigation – is an art which deals with the identity and location of the offender and provides evidence of guilt through criminal proceedings.

Investigation Defined: The collection of facts to accomplish a three fold aim:

- a. to identify the guilty party;
- b. to locate the guilty party; and
- c. to provide evidence of his guilt

Primary Job of an Investigator

The primary job of the investigator is to discover whether or not an offense has been committed under the law, after determining what specific offense has been committed, he must discover how it was committed, by whom, where it was committed, when and why it was committed (**Cardinal points of Investigation 5W's and IH was advocated by Rudyard Kipling**).

Cardinal points of investigation:

1. **What** –specific offense has been committed ?(nature of crime);
2. **Where** – crime was committed? (place, location/venue);
3. **When** – crime was committed? (time and date);
4. **Who** - committed it? (person/s involved particularly the suspect);
5. **Why** – it was committed? (Reason or motive of committing the crime);
6. **How** – it was committed? (Manner/method or modus operandi).

What are the qualities of a good investigator?

1. Perseverance
2. Intelligence
3. Honest, incorruptible & with personal integrity.
4. Understanding of the people and environment
5. Keen power of observation
6. Resourceful and quick witted.

The National Forensic Science Training Institute (NFSTI) – under the PPSC, is an institution that trains uniformed personnel of the PNP to become a certified investigator.

TOOLS OF INVESTIGATION or “3 I”s (Information, Interview/interrogation, and Instrumentation or Criminalistics)

1. INFORMATION

It is the knowledge/data which an investigator acquired from records and persons.

Regular source is acquired from open sources, records, files, **Cultivated source** are information furnished by informants/informers, **Grapevine source** are information given by the underworld characters such as prisoners or criminals.

2. INTERVIEW/INTERROGATION

Is a conversation with a purpose, motivated by a desire to obtain certain information from the person being interviewed as to what was done, seen, felt, heard, tasted, smell or known.

This is the questioning of a person believed to possess knowledge that is in official interest to the investigator.

What are the rules to be observed in questioning?

- a. One question at a time
- b. Avoiding implied answer
- c. Simplicity of the questions
- d. Saving faces
- e. Avoid close ended questions (yes or no)
- f. Positive attitude

INTERROGATION

It is the process of obtaining information from persons. Interrogation is a forceful/rigid questioning of a person suspected of having committed an offense or a person who is reluctant to make full disclosure of information in his possession which is pertinent to the investigation.

What are the purposes of Interrogation?

- a. To obtain confession to the crime
- b. To induce the suspect to make admission
- c. To learn the facts of the crime
- d. To learn the identity of the accomplice
- e. To develop information which will lead to the recovery of the fruits of the crime
- f. To discover the details of other crimes participated by the suspect

What should be the attitude of the interrogator?

- a. Dominate the interview
- b. Avoid distracting mannerism
- c. Language
- d. Dress
- e. Preliminary conduct
- f. Presence of other person
- g. Place

Description of the interrogation room

- a. Privacy can be achieved by having one door, absence of windows, Soundproof wall, and telephone without ringing bell
- b. Simplicity- medium size room, bare walls, no glaring lights, minimum furniture
- c. Seating arrangement- straight back chair for the suspect, table with flat surface, the back of the suspect must be facing the door.
- d. Technical aid- installation of recording device and one-way mirror.

Legal requirements of interrogation

The statement of the subject must be obtained voluntary and trustworthy and not by means or use of threat, fear, coercion, duress or any improper tactics which will vitiate the free will of the subject. **Remember RA 7438.**

General Suggestions Regarding the Interrogation of Criminal Suspects

1. Interview the victim, the accuser, or the discoverer of the crime before interrogating the suspects.
2. Be patient and persistent. Never conclude an interrogation at a time when you feel discouraged and ready to give up; continue for a little while longer.
3. Make no promises when asked, "What will happen to me if I tell the truth?"
4. View with skepticism the so-called conscience-stricken confession.
5. When a subject has made a repeated denials of guilt to previous investigators, first question him, whenever circumstances permit, about some other unrelated offense of a similar nature of which he is also considered to be guilty.
6. An unintelligent, uneducated criminal suspect, with low cultural background should be interrogated on a psychological level compared to that usually employed in the questioning of a child.

INTERROGATION TECHNIQUES

Emotional Appeal

Place the subject in the proper frame of mind. The investigator should provide emotional stimuli that will prompt the subject to unburden himself by confiding.

Analyze the subject's personality and decide what motivation would prompt him to tell the truth, and then provide those motives through appropriate emotional appeals.

Sympathetic appeal

The suspect may feel the need for sympathy or friendship

He is apparently in trouble. Gestures of friendship may win his cooperation.

Kindness

The simplest technique is to assume that the suspect will confess if he is treated in a kind and friendly manner.

Extenuation (make guilty of an offense)

The investigator indicates he does not consider his subject's indiscretion a grave offense.

Shifting the blame

The interrogator makes clear his belief that the subject is obviously not the sort of person who usually gets mixed up in a crime like this.

The interrogator could tell from the start that he was not dealing with a fellow who is a criminal by nature and choice.

Mutt and Jeff

Two (2) Agents are employed.

= **Mutt**, the relentless investigator, who is not going to waste any time because he knows the subject is guilty.

= **Jeff**, on the other hand, is obviously a kind-hearted man.

Bluff on a Split Pair

This is applicable when there are more than one suspect. The suspects are separated and one is informed that other has talked.

Mutt and Jeff was a long-popular American newspaper comic strip created by cartoonist Bud Fisher in 1907 about "two mismatched tin horns." It is commonly regarded as the first daily comic strip. The concept of a newspaper strip featuring recurring characters in multiple panels on a six-day-a-week schedule had previously been pioneered through the short-lived A. Piker Clerk by Clare Briggs, but it was Mutt and Jeff as the first successful daily comic strip that staked out the direction of the future trend.

Pretense of Physical Evidence –

The investigator may pretend that certain physical evidence has found by laboratory experts against him.

Jolting (to give surprise or shock) –

May be applied to calm and nervous subjects. By constantly observing the suspects, the investigator chooses a propitious moment to shout a pertinent question and appear as though he is beside himself with rage. The subject may be unnerved to the extent of confessing:

A Philosophy of Interview and Interrogation:

The RIGHT officer

Asking the RIGHT questions

In the RIGHT manner

At the RIGHT time and in the RIGHT place

Will get the RIGHT answers

3. Instrumentation

It is the application of instruments and methods of physical science to the detection of crimes. In cases where there are no significant physical evidence to be found, then the use of instrumentation is relatively unimportant.

What are the ways of identifying the criminals?

- a. By confession and admission
- b. Eyewitness
- c. Circumstantial evidence
- d. Associative evidence

Confession – it is the declaration of an accused expressing/acknowledging his guilt of the offense charged.

Effects of confession:

- a. May be given in evidence against him in the investigation or trial of the offense with which he is charged; and
- b. Maybe given to prove the guilt of his companions but it will pass a lot of organization and debate.

Types of Confession

Judicial Confession

Made by the suspect/accused in open court

Extra-Judicial Confession

This kind of confession is inadmissible unless corroborated by proof of corpus delicti. The confession to be admissible, it must be voluntary, in writing and made with the assistance of a counsel of his own choice with full understanding of the consequence of such confession. (get separate for separate crimes).

Admission

An admission is a self-incriminatory statement by the subject falling short of an acknowledgement of guilt. It is an acknowledgement of a fact or circumstances from which guilt maybe inferred. It implicates but does not incriminate. It is also an acknowledgement that a fact, action or circumstances are true which strongly infer or directly admit guilt but lacks the detail of the elements of the crime.

What are the two kinds of criminals?

- a. **Known Criminals (fugitive)** = these are criminals whose pictures are available from police files and records.
- b. **Unknown Criminals (fugitive)** = these are criminals whose identification are furnished by eyewitness only. Their picture records are not to the existence of that fact.

Methods of Identification by witness

- a. Verbal description
- b. Photographic files (Rogues Gallery)
- c. General Photograph
- d. Artist sketch (Composite Criminal illustration)

The value of identification by eyewitness depends on:

- a. The ability to observe and remember distinct appearance of suspect;
- b. Prevailing condition of visibility
- c. The lapse of time

What are the procedures of identification by eyewitness?

- a. Physical line- up means of selecting a suspect from a group of innocent persons usually composed of seven to ten persons. The purpose of line-up is to eliminate the power of suggestion.
- b. Physical show- up only one person is shown to the witness usually at the scene of the crime and made immediately after the arrest of the suspect.

Circumstantial evidence- facts or circumstances from which, either alone or in connection with other facts, the identity of the person can be inferred.

What must be inferred to prove identity by circumstantial evidence?

- a. **Motive-** what induces the person to act.
- b. **Intent-** the result or accomplishment of the act.
- c. **Opportunity-** the physical possibility that the suspect could have committed the crime.

[Note: motive is not the element of a crime it is applicable only if there is doubt in the identity of a perpetrator under RPC]

Associative Evidence

These are the pieces of evidence that will link the suspect to the crime scene. The suspect may leave some clues at the scene such as weapons, tools, garments or prints.

Corpus Delicti

It is the body of the crime or a fact of specific loss or injury sustained.

It doesn't mean the body's victim but rather the essential evidence found on the crime scene.

Explain the meaning and importance of modus operandi?

Modus operandi means the method of operations. It enables the investigators to recognize a pattern of criminal behavior, to predict, approximate the next target of the criminals and to assist complainants to recognize the suspect by means of recorded information concerning the characteristics of criminal activities.

Informant – is a person who gives information to the police.

Types of Informant

- a. Anonymous- Do not wish to be identified
- b. Rival- elimination- eliminate competition
- c. False- no value
- d. Frightened- motivated by anxiety
- e. Self aggrandizing- hangs about the fringes of the criminals
- f. Mercenary- sell information
- g. Double crosser- to get more information
- h. Woman- most dangerous specie
- i. Legitimate- operators of legit business

Motives of Informant

- a. Vanity
- b. Civic-mindedness
- c. Fear
- d. Repentance
- e. Avoidance of punishment
- f. Competition
- g. Revenge
- h. Jealousy
- i. Remuneration

Surveillance- it is the secret observation of places, persons, and vehicles for the purpose of obtaining information concerning the identities or activities of the subject.

Surveillant = is the person who maintains the surveillance or performs the observation.

- a. Surveillance of Place (fixed/ stake-out)
- b. Shadowing
- c. Roping

How to conduct surveillance of place?

A careful survey of the surrounding area should be made. The character of the neighborhood, residents and transient should be noted. The observation point should be selected properly. When observation is conducted from a 'plant', surveillance agents must be extremely careful not to reveal their true activity. Observation maybe made through a window or other aperture so as to be unnoticed from the outside. Venetian blinds afford the best coverage, but may appear to be out of place of some buildings. An alternative is to lower the roller of draw shades another inch from the window. Binoculars are generally essentially equipment of the plants, as they facilitate positive identification of person entering or leaving the place under and observation. A still or video camera with telephoto lens can also be used effectively. Agents should take careful notes of what they observe and should record detailed descriptions of all

individuals entering the target. A chronological log is usually the best of recording pertinent occurrences.

- a. **Shadowing**- the act of following a person, depends on the number of surveillants available, volume of pedestrian traffic and importance of concealing the surveillance.

Methods of shadowing

- b. One man- Extremely difficult and should be avoided, if unavoidable keep subject in view at all times.
- c. Two man- two agents are employed to follow the subject
- d. ABC method- reduces the risk of losing the subject, affords greater security agents detection
- e. Progressive/ Leap from method – poor chances of obtaining good results, agents are stations at a fixed point assuming that subject followed the same general route each day.
- f. Combined foot- auto surveillance- employment of surveillant on foot and agents in an automobile.

What are the things should be avoided during shadowing?

- a. Don't meet the eye of the subject
- b. Don't adopt a slinking, sleuthing, creeping manner
- c. Don't wear story book disguises
- d. Don't carry noticeable items
- e. Don't greet fellow agents
- f. Don't make notations ostensively

How to detect foot surveillance?

A subject who is suspicious of being under surveillance may resort to trickery in order to verify his suspicion. When a subject resort to such trickery, it is good policy to change agents, for the suspect may have 'spotted' one or more of his surveillants.

- a. stopping abruptly and look back
- b. casually looking around
- c. reversing course/retracing steps
- d. boarding bus and alighting just before they start
- e. riding short distance on bus
- f. circling the block on a taxi
- g. entering a building and leaving immediately via another exit
- h. stopping abruptly after turning a corner
- i. using convoys
- j. watching reflection in shop windows
- k. walking slowly and rapidly at alternate intervals
- l. dropping a piece of papers to see if anyone retrieves it
- m. stopping to tie a shoe string, meanwhile looking around for surveillants
- n. arranging with a friend in a shop, stores or other places to watch for surveillants.

How to elude foot surveillance?

Common method to elude foot surveillance and which surveillants must be prepared and guard against; are the following

- a. jumping off a bus, trains just as the doors are about to close
- b. leaving a building through the rear or side exits
- c. losing one self in crowds
- d. entering theaters and leaving immediately through an exit
- e. pointing out one surveillant to a police to a generally require the agent to explain his action
- f. using decoys
- g. taking the last taxi at a stand
- h. changing clothing

Automobile surveillance

The methods of auto surveillance to be used depends upon the numbers and type of surveillance vehicles available, the volume of vehicular traffic in the area, the importance of concealing the surveillance from the subject, and the subject's estimated ability to detect and elude surveillance. At all times each vehicle should be occupied by at least two agents; one to concentrate on driving, and the other to observe, take notes, operate radio equipment, or to dismount and continue the surveillance on foot.

How to detect automobile surveillance

As in the case of foot surveillance, a subject who believes he is being followed may resort to trickery in order to verify his suspicions. Some of the common tricks employed:

- a. Alternate fast and slow driving
- b. Driving into dead-end streets
- c. Frequency parking
- d. Committing flagrant traffic on one way streets, and running through red lights
- e. Stopping suddenly around curves or corners
- f. Pulling into driveways
- g. Speeding up a hill, then coasting slowly down

How to elude automobile surveillance

- a. Committing traffic violations
- b. Using double entrances to driveways; in one and out the other
- c. Curbing through parking lots
- d. Driving through congested areas
- e. Deserting the vehicle behind curves or corners, but permitting the drivers to drive on as a decoy.

Undercover- is a form of investigation in which the investigator assumes a different and unofficial identity in order to obtain information.

Consider using an undercover operation only when conventional investigative techniques have not been effective or are not practical. Use of police personnel, as undercover agent is an ethical approach to the problem of securing information about criminal operations from the inside. It is surveillance from a position of advantage. It is dangerous work, but often preferable to using an underworld informant- probably the only other source of such information. Undercover agents make excellent witnesses, unlike the underworld

informants whose credibility can be attacked because of crime histories, the police agent is a person of good reputation and character.

Definitions:

- a. Undercover- an investigative technique in which the Agent's/Investigator's official identity is concealed to accomplish an investigative mission.
- b. Natural cover- using the individual's true identity, occupation or profession.
- c. Artificial cover- the manufacture of documents, false documents, passports, or forged documents.

What are the common types of places of assignment for undercover work?

- a. Neighborhood
- b. Social
- c. Organizational
- d. d. Work

Penetration:

- a. undercover operation techniques are applied continuously and not merely over a limited period of time.
- b. Initial penetration is concealed
- c. Access is created such that the agent is accepted into the target group or organization
- d. Effort is continued by the agent until he acquires the desired placement or position, thus gaining complete access to the objective of the investigative effort
- e. Penetration is exceedingly difficult, time consuming and most delicate form of investigative activity, but often the most rewarding.

Special Qualification of Undercover Agent:

- a. Thorough knowledge of the area, the people and customs where agent will operate
- b. Preferably single and unmarried
- c. Thorough knowledge of the language or dialect spoken in the area of operation.

Operational Security Guidelines on Undercover Assignments.

- a. The agent's appearance must be inconspicuous
- b. The SUBJECT should cultivate the AGENT, rather than the reverse
- c. Analyze SUBJECT and appeal to his ego, vanity and interest
- d. Obtain SUBJECT'S confidence (Rapport)
- e. Play along with the SUBJECT'S plan
- f. Don't be impatient, over-anxious or too eager
- g. Don't displayed more interest in statements or actions of the SUBJECT and of the SUBJECT'S associates than is compatible with the cover story.
- h. Don't betray knowledge of the SUBJECT'S background which was gained from the preliminary investigation. Or files
- i. Don't get involved with SUBJECT'S girlfriend.
- j. Don't let any relations with SUBJECT incur enmity, envy or jealousy of the SUBJECT'S associates.
- k. Don't become unnecessarily friendly with women
- l. Don't overact the cover story. Don't reveal more cover story details than necessary.
- m. Don't carry weapons unless told to do so
- n. Don't make unexplainable trips or phone calls
- o. Don't maintain contact with personal friends or relatives
- p. Don't display money more than the amount provided for by the cover story
- q. Don't reveal the true identity unless is a part of preconceived plan
- r. Don't drink intoxicating beverages if it can be avoided.
- s. Don't assumes the "big shot" attitude. An outstanding characteristics will bring the AGENT under scrutiny.
- t. Beware of entrapment

REMEMBER: THE COMPROMISE OF YOUR TRUE IDENTITY COULD ENDANGER YOUR LIFE OR COMPROMISE THE MISSION.

CRIME SCENE INVESTIGATION

It is the conduct of processes, more particularly, the recognition, handling, preservation and documentation of physical evidence to include the identification and interview of witnesses and the arrest of suspect/s at the crime scene.

What Constitute a Crime Scene?

- A. The crime scene can be understood to include all areas in which the criminal, any possible victim, and any eyewitness move during the time the crime was committed.
- B. The boundaries must be established so that the entire crime scene can be effectively preserved.
- C. In some crimes, however, the crime scene may actually comprise several different sites.

Receipt of report of a Crime Incident

The Desk Officer shall:

Record the date and time the report/complaint was made, the identity of the person who made the report, place of the incident and a synopsis of the incident. Inform his superior officer or the duty officer regarding the report.

- . Team Leader
- . Evidence Collectors
- . City of Municipal/Health Officer
- . Crime Photographer
- . Sketcher/Measurer
- . Evidence Custodian/Security Officer

Priorities of the first police officer upon arrival at any crime scene:

1. Try to save life. If possible.
2. If the suspect is at the scene, apprehend him.
3. Protect and preserve the crime scene.
4. Investigate.

Security and Protection of the crime Scene

First Responder

.Must be able to properly preserve the crime scene in order to get maximum scientific information that will help in the successful prosecution of the perpetrator of the crime.

The First Responder shall:

.Cordon off crime scene with whatever available materials like ropes, straws, human barricade, police line;

.Evacuate injured persons to the nearest hospital;

.Prepare to take the "dying declaration" of severely injured person, if any;

. Prevent entry/exit of persons within the cordoned area; and

. Prepare to brief the CSI Team Leader of the situation upon their arrival

Preparation

Basic Equipment

=Police line, Marker, Camera with film, Evidence collection kit, Video camera and tape recorder, Measuring device e.g. ruler and measuring tape, Flood lights, hand gloves,

masks, eye goggles, hairnet, and Recording materials e.g. chalk, bond paper, pencil, clipboard, pentel pens

Approaching the Crime Scene

- . Be alert for discarded evidence
- . Make pertinent notes as to possible entry and exit points of the perpetrator

Designation of a Command Post

Command Post – an area which, is ideally located adjacent to the Crime Scene where the CSI Evidence Custodian stays and receives the pieces of evidence turned over to him for safekeeping by the other evidence collectors.

Initiation of Preliminary Survey

- . Makes a general assessment
- . Takes a cautious walk- through
- . Takes down extensive note to document important factors
- . Establishes the evidence most likely to be encountered
- . Defines the extent of the search area
- . Determines the personnel and equipment needed, and makes specific assignments

From his assessments, he develops a general theory of the crime scene.

Removable inferences about what happened are produced from the crime scene appearance and information from what happened. These theories will give the crime investigator to document specific conditions and recognize valuable physical evidence.

Documentation of the Crime Scene

The photographer begins taking photographs as soon as possible. The evidence collectors do not touch or moved any evidence once it is located until it has been identified, measured and recorded.

Crime Scene Photography

Main Objective

. To create an accurate objective visual record of the crime scene before any item is moved as possible physical evidence.

Guidelines for taking photographs of a Crime Scene

. Photographs of a crime scene should be taken as soon as possible, before note taking, sketching or a search for evidence begins.

. The pictures should illustrate the original, uncontaminated condition of the crime scene.

. Photographs should be taken of the crime scene only, without spectators or police personnel.

. To adequately present the crime scene initially, the photographs must form an organized sequence and show all relevant locations and objects.

. The crime scene photographs must progress from general to specific

The Major Types of Pictorial Views

1. Long- range photograph of the over all scene
Distance: From the doorway to the room and other corners of the room
2. Mid- range photograph
Distance: Eight or ten feet from the victim
3. Close- up photograph

Crime Scene Sketches

Sketches are useful in questioning of suspects and witnesses as well as in the writing of investigative reports.

A **rough sketch** is made by the investigator at the crime scene. No scale, proportion ignored and everything is approximate. It serves as a basis in making a finished sketch. **Finished Sketch** is prepared indicating the actual measurement of things with scale and proportion observed and oriented to the North Pole. All necessary information are placed in the sketch and primarily made for court presentation.

Sketches are excellent companions to photograph. Where photograph provide exact details, sketches offer accurate information about the placement of objects and they show relationship and distances between things.

Elements of sketch

- a. Measurement
- b. Compass direction
- c. Essential items
- d. Scale and proportion
- e. Legend
- f. Title

Specific kinds of sketch

- a. Locality- give picture of the scene, the crime and its environs, including neighboring buildings, roads, etc.
- b. Ground- picture of the scene of the crime with its nearest physical surrounding
- c. Details- the immediate scene only
- d. Exploded/ cross projection- gives the clear impression of the scene in cases where blood stains or bullet holes are found

Types of Measurements

1. Rectangular coordinates method
2. Triangulation method
3. Baseline method
4. Compass point method
5. Cross projection method

Notes Taking

Note taking must be a constant activity throughout the processing of the crime scene.

Notes must include:

- . Detailed written description of the Crime Scene with locations of physical evidence received
- . The time when the physical evidence was discovered
- . The person who discovered and collected physical evidence
- . How the evidence was packaged and marked
- . The disposition of the item when it was collected

Documentation

These documentation are made by the crime scene investigator for purposes of future crime scene reconstruction which help the prosecutor and the judge understand conditions at the crime scene.

Narrative Report

Represent scene in a general to specific scheme, consider structured factors such as: lights on/off, newspaper on driveway/in house, drapes pulled, open or shut. This written record could serve as the only source of information for refreshing one's memory month or years after a crime has been processed.

Preparation of Narrative Report

The team leader uses the systematic approach in making a narrative report.

1. Represent Crime Scene in a general to specific scheme.
2. Includes structural factors such as:
 - . Lights on/off
 - . Newspaper on driveway/in home
 - . Drapes pulled, on or shut

Crime Scene Search

The search for physical evidence is done using the accepted methods of search depending upon the actual location to be searched.

A crime scene search could only be started after it has been photograph and sketched.

Objectives of a Crime Scene Search

.To systematically look for physical evidence that may prove useful in establishing that a crime has been committed.

.To determine what method of operation the perpetrator may have used.

Different Search Methods

a. Strip- the searchers will proceed at the same pace along the path parallel to one side of the rectangle.

- b. Spiral-** the searchers will follow each other in the path of a spiral, beginning in the outside and spiraling towards the center. Clockwise/counter clockwise.
- c. Zone-** the area to be searched is divide into four quadrants and each searcher is assigned to one quadrant.
- d. wheel-** for area to be searched approximately circular or oval
- e. Point to point-** searcher will stand in a straight line and move forward together.

Collection of Physical Evidence

The competence to recognize and properly collect physical evidence is critical to both solving and prosecuting crimes.

The team leader is always informed of significant evidence located. The evidence collectors shall put his initial, location and date of collection on the item and turn it over to the evidence custodian for documentation and safekeeping

Physical Evidence – these are the articles and materials which re found in connection with the investigation and aid in establishing the identity of the suspect.

What are the procedures needed for the care of physical evidence?

In order to introduce physical evidence in court, three important factors must be considered:

- a. The article must be properly identified
- b. Chain of custody must be proved
- c. The evidence must be material and relevant

Chain of Custody/Possession

It is the number of persons who handle the evidence between the time of the commission of the offense and the ultimate disposition of the case and should be kept to minimum.

Conduct of Final Survey

The team leader makes a final review on the crime scene to determine whether or not the processing has been completed.

Release of the Crime Scene

The release of the crime scene is done if the investigator is satisfied that all pieces of evidence have been recovered. Thus, the investigator must evaluate the items recovered from the results of the interrogations of the suspect/s and the interview of the witnesses. He must bear in mind that upon the formal release of the crime scene to the proper authority, the warrant is already required for his re- entry to the crime scene.

Proper Handling, Collection and Preservation of Evidence

Biological Evidence for DNA Analysis

Introduction

DNA examination of recovered pieces of evidence will surely lead to the conviction of the perpetrator of a crime of violence if the following critical points are strictly observed:

1. Documentation of Physical Evidence at the Crime Scene- if the recovered pieces of physical evidence are not properly documented, its origin can be questioned. No physical evidence shall be moved until its original condition and position have been recorded by note, photograph, videotape and sketching.
2. Proper Collection of Evidence for Examination- evidence that could be subjected for DNA analysis is generally limited to substances that are biological nature. It should be remembered that not all biological materials submitted to the DNA Forensic laboratory will provide sufficient DNA for analysis. Likewise, the biological activity of the evidence will be lost if not properly collected.
3. Preservation- biological specimens which, are not properly preserved will decomposed and deteriorate. This will seriously affect the outcome of the DNA typing.
4. Marking of Evidence – for purpose of identification.
5. Individual Packaging and Sealing- improper packaging will possibly cause cross contamination. Substitution or switching of evidence is also possible.
6. Proper Chain of Custody- the different persons responsible for the custody of the evidence from the time of collection up to the time the evidence reaches the court on critical in a successful prosecution of a criminal case.

The capability of a Forensic DNA laboratory to provide maximum scientific information will highly depend on the condition of the biological evidence submitted for analysis.

A. Blood Evidence

A. 1 Liquid Blood Samples

1. Blood extraction from a person should be done by a qualified medical practitioner
2. Five (5) ml of blood should be collected of each of the two (2) vacutainers with EDTA as an anti- coagulant and kept in the refrigerator prior to submission to the DNA laboratory.
3. Blood clot could be transferred with a spatula to a test tube counting saliva or to a cotton cloth and then air- dried or gauze.
4. Liquid blood should be collected with a sterilized syringe or pipette and transferred to a sterile test tube with EDTA as preservative. Liquid Blood Sample could likewise be absorbed by a cotton cloth and thoroughly air- dried.
5. Collected liquid Blood Samples from the Crime Scene must be refrigerated only and submitted to the forensic DNA laboratory as soon as possible.
6. Blood mixed with water could be collected into a plastic container using a syringe and frozen prior to submission to the DNA laboratory.

7. Label the specimen with the case number, time and date of collection, location as well as the initials of the evidence collector.

A. 2 Blood Stains

1. Wet bloodstains on movable objects should first be air-dried before they are sent to the DNA laboratory for analysis.
2. When thoroughly dried, each item should be placed in separate paper bags, properly labeled and sealed.
3. Wet blood stains on immovable large object should be rubbed or wipe it with clean cotton cloth or gauze and allowed to air dry before putting it inside a paper bag .
4. Small movable objects with dried blood stains should be separately collected, labeled, packaged and sealed prior to its submission to the DNA laboratory.
5. Dried bloodstains on big movable objects like carpets, upholstery and the like can be collected by cutting a bloodstained portion with a sharp instrument.
6. Each cutting should be labeled accordingly and individually packed and sealed.
7. Collect an unstained portion of the item to serve as control.
8. Dried blood spatters on immovable surface can be lifted from its surface using a fingerprint tape. Each tape should be packaged and labeled properly.
9. Dried bloodstains on large immovable objects should be scrapped off and placed in a clean paper packet.
10. The packet is then placed in a paper envelope, which is sealed and properly labeled prior to the immediate submission to the laboratory.
11. Dried bloodstains are removed from painted surfaces of motor vehicles by scraping them off using a sharp instrument. Collect control samples.

B. Semen and Seminal Stains

1. Collect liquid seminal fluid from victims using cotton swabs and refrigerate
2. Liquid semen sample can be collected using a clean disposable syringe or pipette and placed into a sterile test tube. Keep it refrigerated and submit it at once to the laboratory for analysis.
3. It can likewise be absorbed by a clean cotton cloth or gauze and then allowed to air dry.
When thoroughly dried, it can already be packaged, sealed and properly labeled.

4. Under wears and other articles with wet seminal stains must be allowed to air dry thoroughly prior to the collection of the item.
5. Dried seminal stains on big movable objects such as carpets, upholstery, and other can be collected by cutting a seminal stained portion with a pair of scissors.
6. Place each cutting in separate paper packets. Seal the container and properly label prior to submission to the DNA laboratory. Collect control samples.

DONTs

1. DNA test is very sensitive and vulnerable to contamination by other DNA services. Avoid contamination with other human DNA.
2. Do not handle with bare hands.

3. Avoid long- term storage of tissues
 4. No ice is required and dry ice should never be use to cool the tube of blood.
 5. Do not mouth pipette any body fluid regardless of the source.
 6. Avoid drying of wet stained garments under direct sunlight or exposing it to an electric fan.
 7. Do not collect a wet garment or garment with a wet blood stains in a sealed air-tight container.
- Do not use plastic bag in the collection of blood specimen.

Definition of terms:

Case file -- a binder or dossier of material about a criminal case that contains notes, sketches, reports, photographs, or videotapes, among other things. Each case file may have one or more unique identifiers because each agency involved will assign its own code

Chain of custody -- documents that indicate who collected, handled, or transferred evidence

Class characteristics -- evidence that allows the examiner to say similarities outweigh differences

Close-up photograph -- a photograph taken without regard to the scale of measurement

Comparison standard -- when objects from a crime scene (unknown or questioned sample) are compared to objects from a known sample (suspect, standard, or exemplar source)

Contamination -- the transfer of material from a known sample to an unknown sample

Control sample -- when a sample is taken from a crime scene near the location of the unknown sample, such as an unstained piece of fabric six inches away from the bullet hole

Cross-contamination -- the transfer of material between two or more items of evidence

Elimination sample -- when a sample is taken from known, non-suspect sources, such as the footprints of officers who have worked the scene

Exemplar -- a representative portion of a known sample, such as the suspect's handwriting

Individual characteristics -- evidence that allows the examiner to say there's a match

Investigative clue -- evidence that is consistent with the corpus delicti or elements of the crime

Investigative leads -- clues or breaks that help move an investigation forward toward a solution

Investigative patterns -- similarities that indicate a suspect or modus operandi

Investigative theories -- beliefs that take you in one direction, mostly excluding other directions

Linkage -- the connecting of a suspect to the victim or crime scene

Match -- the legally admissible standard of proof that known and unknown items are the same

Pathway -- the indirect route in and out of crime scenes for first responders and other personnel

Presumptive test -- a non-confirmatory field test for the presence of something, such as drugs

Questioned (unknown) sample -- samples taken from the crime scene or other places the suspect might have been

Reconstruction -- an interpretation of what took place based on the evidence

Reference sample -- samples kept on file, or in a lab, as typical exemplars of particular crimes

Sketch -- a diagram or drawing with or without attention to scale of measurement

Standard sample -- samples obtained in a lab on evidence similar to a known sample, such as a bullet fired from a gun similar to the one that cannot be found

Transient evidence -- evidence that will lose its value unless collected quickly

Zones of possibility -- areas of the crime scene where significant elements of the crime most probably occurred.

ABDUCTION – The elements constituting the crime of abduction are: (1) the person kidnapped must be a woman. It is immaterial if she is a widow, a married woman, or virgin, as all three classes are comprised within the generic term of “woman.” (2) The crime must be committed against her will. (3) It must be committed with unchaste designs, that is, with the intention of lying with the woman.

ABDUCTION WITH CONSENT – Elements. The essential elements of abduction with consent are (1) The taking away of a maiden over 12 and below 18 years of age; (2) the girl shall have consented to being taken away; and (3) the act shall have been committed with lewd designs.

ACCESSORY – The accessory of an automobile is any article designed to be used in connection with such vehicle to add to its utility or ornamentation and which is primarily adapted for such use whether or not essential to the operation of the vehicle.

ACCESSORY AFTER FACT – Elements. Under Art.19 (1), Rev. Penal code, they are: 1) the accused must not have participated in the criminal design nor cooperated in the commission of the felony; 2) He must have knowledge of the commission of the crime; and 3) he must have profited from the effects of the crime.

ACCOMPLICE – One who is concerned in the commission of a crime. In its fullness, the term “accomplice” includes in its meaning all persons who have been concerned in

the commission of a crime, all *participes criminis*, whether they are considered in strict legal propriety as principals in the first or second degree or merely as accessories before or after the fact. In general, the word “accomplice” should be rendered into Spanish by the use of some such as “participante en el delito.”

ACQUITTAL – One is acquitted if, after he has been arraigned and trial has been begun, upon a valid indictment or information, he is discharged by a competent court.

ACT OF LASCIVIOUSNESS – All acts of lewdness committed upon a person of either sex, short of lying with a woman and anything leading up to it. What constitutes lewd or lascivious conduct must be determined from the circumstances of each case.

ADMISSION – The term “admission” embraces any statement of fact made by a party which is against his interest or unfavorable to the conclusion for which he contends or inconsistent with the facts alleged by him.

ADULTERY – A crime committed by a married woman who has sexual intercourse with a man not her husband and by the man who has carnal knowledge of her, knowing her to be married, even if the marriage be subsequently declared void.

ANTE MORTEM – Before death.

ARBITRARY – Willful and unreasoning action, without consideration of and in disregard of the facts and circumstances of the case. Action is not arbitrary when exercised honestly and upon due consideration where there is room for two opinions, however much it may be believed that an erroneous conclusion was reached.

ARBITRARY DETENTION – Arbitrary detention begins not merely from the moment a person is locked up in prison cell but from the moment such person is deprived of his liberty without legal grounds. And it ends only when such person is absolutely freed from any restraint on his person.

ARREST – It is the taking of a person into custody in order that he may be bound to answer for the commission of an offense.

BAIL – The word “bail” as used in the prohibition against excessive bail is inadequately translated by the word “fianza”, as bail implies a particular kind of bond that is to say, a bond given to secure the personal liberty of one held in restraint upon a criminal or quasi criminal charge.

BAND – A group of more than three armed malefactors who act together in the commission of an offense.

BEST EVIDENCE – Evidence which suffices for the proof of particular fact. That evidence which, under every possible circumstance, affords the greatest certainty of the fact in question and in itself, does not indicate the existence of other and better proof.

BEST EVIDENCE RULE – A well-known rule of law that a witness cannot be permitted to give oral testimony as to the contents of a paper writing which can be produced in court.

BRIBERY – Bribery and robbery have little in common as regards their essential elements. In the former, the transaction is mutual and voluntary. In the latter case, the transaction is neither mutual nor voluntary but is consummated by the use of force or intimidation.

BURDEN OF PROOF – is employed to signify the duty of proving the facts in dispute on an issue raised between the parties in a cause. The burden of proof always lies on the party who takes the affirmative in pleading. In criminal cases, as every man is presumed to be innocent until the contrary is proved, the burden of proof rests on the prosecutor, unless a different provision is expressly made by statute.

CADAVER - A corpse or a dead body.

CERTIORARI – The extra-ordinary remedy to correct an actuation of a judge who has acted without jurisdiction, in excess of jurisdiction or clearly in grave abuse of discretion, and not to correct errors of procedures and/or mistakes in the judge's findings or conclusions.

CHILD TRAFFICKING – The recruitment, transportation, transfer, harboring or receipt of a child purpose of exploitation.

CIRCUMSTANTIAL EVIDENCE – Evidence of circumstances which are strong enough to cast suspicion upon the defendant and which are sufficiently strong to overcome the presumption of innocence, and to exclude every hypothesis except that of the guilt of the defendant.

CLERK OF COURT – An officer of a court of justice who has charge of the clerical part of its business, who keeps its record and seal, issues process, enters judgment and orders, gives certified copies from the records and the like. While the clerk of court belongs to the judicial as distinguished from the executive or legislative branch of government, his office is essentially a ministerial one.

COMMAND POST/HOLDING AREA - Area where case conferences, briefings and debriefings are being conducted by the responding agencies.

COMPLEX CRIME – A single act which constitutes two or more grave or less grave felonies, or an offense which is a necessary means for committing the order

CONTEMPT OF COURT – Contempt of court in general must be some act or conduct which tends to interfere with the business of the court, by a refusal to obey some lawful order of the court, or some act of disrespect to the dignity of the court which in some way tends to interfere with or hamper the orderly proceedings of the court and thus to lessen the general efficiency of the same. In re: Jones, 9 Phil. 355.

CONTINUING OFFENSE – A crime in which some acts material and essential thereto occur in one province and some in another. For example: the crimes of estafa or malversation, and of abduction. In such a case the court of either province where any of the essential ingredients of the offense took place has jurisdiction to try the case.

CONTRABAND – A generic term covering all goods exported from or imported into the country contrary to applicable statutes.

CORPUS DELICTI – Latin for the "body of the crime" It is the legal term used to describe/physical/or material evidence that a crime has been committed such as the corpse of a murder victim or the cleaned of a torched building. It is used to refer to

the underlying principle that, without evidence of a crime having been committed, it would be unjust to convict someone.

CRIME SCENE – A venue or place where the alleged crime/incident/event has been committed.

CRIMINAL INVESTIGATION – It is the collection of facts in order to accomplish the three-fold aims – to identify the guilty party; to locate the guilty party; and to provide evidence of his (suspect) guilt.

CRIMINAL INVESTIGATOR – A public safety officer who is tasked to conduct the investigation of all criminal cases as provided for and embodied under the Revised Penal Code/Criminal Laws and Special Laws which are criminal in nature. A well-trained, disciplined and experienced professional in the field of criminal investigation duties and responsibilities.

DEATH CAUSED IN A TUMULTUOUS AFFRAY - When several persons, not composing groups organized for the common purposes of assaulting and attacking each other reciprocally, quarrel and assault each other in a confused and tumultuous manner and in the course of the affray someone is killed and it cannot ascertain who actually killed the deceased but the persons who inflicted serious physical injuries can be identified, such person shall be punished.

DEATH OR PHYSICAL INJURIES INFLICTED UNDER EXCEPTIONAL

CIRCUMSTANCES - Any legally married person who having caught his spouse in the act of committing sexual intercourse with another, shall kill any of them or both of them in the act or immediately thereafter, or shall inflict upon them any serious injuries, shall suffer the penalty of destierro.

DOUBLE JEOPARDY – The rule of double jeopardy means that when a person is charged with an offense and the case is terminated either by acquittal or conviction or in any other manner without the consent of the accused, the latter cannot again be charged with the same or identical offense. This principle is founded upon the law of reason, justice and conscience. It is embodied in the maxim of the civil law “nom bis in idem”, in the common law of England, and undoubtedly in every system of jurisprudence, and instead of having specific origin it simply always existed. It found expression in the Spanish law and in the Constitution of the United States, and is now embodied in our own Constitution as one of the fundamental rights of the citizens.

DRAGNET OPERATION – Is a police operation purposely to seal off the probable exit points of fleeing suspects from the crime scene to prevent their escape.

DUE PROCESS OF LAW – The requirement that no person shall be held to answer for a criminal offense without “due process of law” simply requires that the procedures fully protect the life, liberty, and property of the citizens in the State.

DYING DECLARATION – Requisites. In order that a dying declaration may be admissible, the following requisites must concur; 1) it must concern the crime involved in and the circumstances surrounding the declarant's death; 2) at the time of the declaration, the declarant must be conscious of impending death; 3) the declarant must be competent as a witness; and 4) the declaration must be offered in a criminal case for homicide, murder, or parricide in which the declarant was the victim.

ENTRAPMENT – While instigation exempts, entrapment does not; the difference between the two being that in entrapment the crime had already been committed while in instigation the crime was not yet and would not have been committed were it not for the instigation by the peace officer.

FORCIBLE ABDUCTION – Under Art 342, RPC, they are 1) the person abducted has to be a woman, regardless of her age, morality and reputation; 2) against her will; and 3) with lewd designs.

FORUM SHOPPING – The act of filing the same suit in different courts. It is an act of malpractice that is proscribed and condemned as trifling with the courts and abusing their processes. It is improper conduct that tends to degrade the administration of justice.

HABEAS CORPUS – The writ of habeas corpus is the means by which judicial inquiry is made into the alleged encroachments upon the political and natural rights of individuals, such as restraint of liberty.

HIJACKING – A term which immediately conjures the images of a group of heavily armed and determined men and women holding up an airplane, ship, bus, van, or other vehicle in order to achieve their nefarious objectives.

HIGHWAY ROBBERY – The seizure of any person for ransom, extortion or other unlawful purposes, or the taking away of the property of another by means of violence against or intimidation of person or force upon thing or other unlawful means, committed by any person on any Philippine Highway.

IN FLAGRANTE DELICTO – In the very act of committing a crime.

IN PARI DELICTO – The principle of “in pari delicto” does not apply to a simulated or fictitious contract nor to an inexistent contract which is devoid of consideration, and an illegal purpose cannot supply the want of consideration.

INVESTIGATION – While instigation exempts, entrapment does not; the difference between the two beings that in entrapment the crime had already been committed while in instigation the crime was not yet, and would not have been, committed were it not for the instigation by the peace officer.

- An inquiry, judicial or otherwise, for the discovery and collection of facts concerning the matter or matters involved.

- It is the process of inquiring, eliciting, soliciting and getting vital information/facts/circumstances in order to establish the truth.

INVESTIGATOR/OFFICER – Shall refer to any law enforcement personnel belonging to the duly mandated law enforcement agencies (LEA) tasked to enforce Republic Act 9208 such as officers, investigators and agents of the Philippine National Police, National Bureau of Investigation, Bureau of Immigration.

MACRO-ETCHING - The examination of the serial number of engine and chassis of a motor vehicle by a Crime Laboratory Technician by means of applying chemicals solution on the said serial numbers to determine whether there is tampering and for possible restoration of the tampered serial numbers.

MALA INSE – A wrong act by its nature punished as felonies under the RPC. Example: murder, rape, etc.

MALA PROHIBITA – A wrong act arising out of doing an act prohibited by special laws. Example is illegal possession of firearms.

MALFEASANCE or MISCONDUCT– Any wrongful, improper or unlawful conduct motivated by premeditated, obstinate or intentional purpose. It usually refers to transgression of some established, obstinate or intentional purpose. It usually refers to transgression of some established and definite rule of action, where no discretion is left except where necessity may demand; it does not necessarily imply corruption or criminal intention.

MISFEASANCE or IRREGULARITIES IN THE PERFORMANCE OF DUTY – The improper performance of some act which might lawfully be done.

NEGLECT OF DUTY – The omission or refusal, without sufficient excuse, to perform an act or duty, which it was the officer's legal obligation to perform.

NONFEASANCE or NEGLECT OF DUTY – The omission or refusal, without sufficient excuse, to perform an act or duty, which it was the peace officer's legal obligation to perform; implies a duty as well as its breach and the fact can never be found in the absence of duty.

POLICE BLOTTER – A record or log where all types of operational and undercover dispatches shall be recorded containing the five "W"s (*WHO, WHAT, WHERE, WHEN AND WHY*) and one "H" (*HOW*) of an information. (18X12 in size)

RES IPSA LOQUITUR – The thing speaks for itself.

TACTICAL INTERROGATION REPORT – The report rendered by an interrogator/ investigator which contains the following information of subjects: a) Personal and family background; b) Educational background; c) Professional background; d) Criminal activities/ associates, armaments; e) Plans.

CRIME SCENE PROTOCOLS AND CHECKLISTS

The most generic protocol consists of the following steps: 1. INTERVIEW, 2. EXAMINE, 3. PHOTOGRAPH, 4. SKETCH, and 5. PROCESS. This means that there should be a lot of communicating going on in the early stages. Examine in this context does not mean looking for evidence, but it does mean looking around to establish boundaries, find witnesses and possible suspects. Photography always comes before sketching and searching. Processing means searching for, collecting, and packaging evidence. Note-taking occurs throughout all the steps.

Another tried and true protocol involves 17 steps, and is provided by Gardner (2004) as follows:

- (1) Initial NOTIFICATION,
- (2) Coordination, Assessment, and Team CALLOUT,
- (3) Conduct initial OBSERVATIONS,
- (4) Deal with DECEASED,
- (5) PHOTOGRAPH the scene,
- (6) DOCUMENT overall observations,
- (7) SKETCH the scene,
- (8) Conduct a first RECHECK,
- (9) Release the BODY,
- (10) Collect items of EVIDENCE,
- (11) Conduct a second RECHECK of the scene,
- (12) Conduct a third RECHECK of the scene,
- (13) Check BEYOND the scene,
- (14) Conduct an on-site DEBRIEFING of the investigative team,
- (15) RELEASE or secure the scene,
- (16) Process and PACKAGE evidence, and

(17) Conduct a FORMAL debriefing. The following is an expanded checklist for all crime scenes:

I. APPROACHING AND STABILIZING

A. OBSERVE PERSONS AND VEHICLES NEAR SCENE

B. NOTE TIME, ADDRESS, WEATHER, AND ANY ODORS

C. DIVIDE UP DUTIES/DIVISION OF LABOR. Talk with first responders to ascertain extent of contamination. Identify principal and lead investigator and other officials at scene to work out your role in the investigation.

D. ESTABLISH SCENE SAFETY PRIOR TO ENTRY. Protect integrity of the scene from contamination by people, animals, elements. Remove risks from hostile crowds, collapsing structures, traffic, and environmental threats.

II. PRESERVING AND INTERVIEWING

A. ESTABLISH PERIMETERS, COMMAND POST, GARBAGE DUMP, AND MEDIA CENTER (Set up boundaries and staging areas by conducting scans, surveys, or "walk throughs" without actually walking through anything)

B. INSPECT FOR SUSPECT ENTRY AND EXIT POINTS (Document the scene's location, address, mile marker, or building name)

C. DETERMINE YOUR ENTRY AND EXIT POINT (Usually not the same as the suspect's unless the situation dictates otherwise)

D. RECORD INITIAL ACCOUNTS OF THE INCIDENT FROM WITNESSES (Engage in briefings with other personnel as needed; keep eyewitnesses separate so they don't talk to one another)

III. PROCESSING (PHOTOGRAPH, SKETCH, SEARCH)

A. PHOTOGRAPH ENTIRE SCENE (with wide-angle views), TELL A STORY, PHOTO OBJECTS TWICE AND WITH SCALES (Begin to establish a chain of custody by identifying what kind of evidence is at the scene and who will be the custodian of it)

B. SKETCH TO SCALE OR NOT TO SCALE ACCORDING TO APPROPRIATENESS OF SITUATION (This becomes part of written narrative which correlates with photographic documentation and denotes any evidence that has been moved)

(1) COORDINATE METHOD IF FIXED POINTS,
INDOORS USUALLY

(2) TRIANGULATION METHOD IF REFERENCE
POINTS, OUTDOORS USUALLY

(3) CROSS-PROJECTION METHOD IF WALLS
RELEVANT, INDOORS ALWAYS

(4) COMPUTER SKETCHING SOFTWARE

C. SEARCH THE SCENE

(1) SPIRAL (circular from outside in or inside out) USEFUL IF LIMITED PERSONNEL AT SCENE AND/OR WIDE OPEN FLAT AREA WHERE YOU'RE LOOKING FOR LARGE OBJECTS

(2) STRIP (aka LINE) The area is divided into north-south strips, and a team of 6+ people walk parallel to one another. USEFUL IF TEAMS ARE AVAILABLE AND YOU'RE OPEN TO THE POSSIBILITIES OF ALL KINDS OF EVIDENCE. Stakes and twine are sometimes used to keep lanes straight.

(3) GRID (area is divided into north-south and east-west strips. This allows a secondary search of each area from a different direction.) USEFUL IF TEAMS ARE AVAILABLE, YOU'VE GOT A LARGE AREA, AND ARE LOOKING FOR HARD-TO-FIND EVIDENCE. If stakes, twine, and mapping are used, your search is imitating archeological methods.

(4) ZONE (the area, usually a room, is divided into equal size zones, and each zone is assigned a searcher.) USEFUL IF TEAMS ARE AVAILABLE AND TRACE EVIDENCE IS YOUR MAIN CONCERN. Sometimes, a multijurisdictional scene will involve zones.

(5) SECTOR (aka WHEEL or PIE) (a large area is divided into pie slices, and then the same or different search patterns are used in each zone.) USEFUL IF THE SCENE IS LARGE AND YOU'VE GOT DIFFERENT KINDS OF EVIDENCE SPREAD OUT ALL OVER THE PLACE. It is rarely done on foot, and more likely involves the aerial search pattern that the Coast Guard uses.

D. COLLECT EVIDENCE (Following local, State, and Federal laws for collection and admissibility) In presence of a witness, INVENTORY, COLLECT,

and SAFEGUARD any drugs, paraphernalia, medication, money, valuables, or personal property. Participate in any scene debriefing to determine post-scene responsibilities, share data, and determine need for specialists.

SPECIALIZED CHECKLIST PROCEDURES	
VIOLENT CRIMES	PROPERTY CRIMES
<p>1. APPROACHING - Observe persons carefully, odors, elements. Exercise extreme safety.</p> <p>2. CONFIRM OR DISCONFIRM DEATH - Locate and view the body, noting the success, failure, or futility of resuscitative efforts. Get dying declaration statement if any.</p> <p>2. PRESERVING - Establish perimeter. Set up command post. Determine suspect's point of entry and egress and your own.</p> <p>3. PROCESSING - Photograph scene, body, and face. Place markers. Photograph markers. Photograph body. Sketch the scene. Search the scene. Examine evidence in detail. Take notes. Tag and bag. Describe and document.</p> <p>4. IDENTIFY THE VICTIM - Estimate cause, manner, and time of death. Obtain exemplars and controls. Look for ID. Look for drag marks. Note discrepancies in mortis and body temperature.</p> <p>5. NOTIFY NEXT OF KIN (and be prepared to assist the family through an autopsy and financial advice).</p> <p>6. DEVELOP THEORY OF MOTIVE - Rely upon evidence, knowledge of victim's activities, appearance of victim's clothing. See if any documents written by or sent to victim recently. Determine pre-scene activity and health status (physical & mental) of victim.</p> <p>7. SEEK ADDITIONAL INFORMATION -</p>	<p>1. APPROACHING - Observe vehicles carefully, be inconspicuous. Set up surveillance and backup teams.</p> <p>2. PRESERVING - Use diagonal coverage. Avoid further contamination than necessary. Use garbage dump. Determine modus operandi (type of building, entry, loot, time of operation, partner usage, trademarks).</p> <p>3. PROCESSING - Photograph exterior/interior, points of entry/exit. Take precise measurements of impressions, tool marks. Diagram crime scene.</p> <p>4. INTERVIEW VICTIM - Obtain whereabouts, acquaintances, recent visitors, and list of stolen property. Check for history of insurance claims. Take family history.</p> <p>5. FINGERPRINTING - Determine if identifiable clues remain -- prints that don't match exemplars of those at scene, tool marks, footprints outside, fibers if appropriate. Photograph or diagram both prior and after removing or lifting.</p> <p>6. USE VICTIM AS INVESTIGATOR- To determine if anything out of place or has been moved. If suspect helped themselves to food, drink, urinated or defecated.</p> <p>7. CANVASS - Conduct canvass of neighborhood for suspect and vehicle descriptions.</p> <p>8. SURVEILLANCE - Keep home under</p>

<p>Do background and history checks (marital, family, sexual, employment, financial, daily routine, friends, religion, education, criminal history). Obtain leads from who knew the victim. Challenge discrepancies in witness' knowledge of the victim or lack of corroboration with other witnesses. Order warrants on suspects.</p> <p>8. QUESTIONING - Question all suspects. Make use of evidence during questioning. Use information withheld from public about case to obtain confession. Destroy alibis.</p>	<p>watch. Track down possible receivers and suspects. Work an informant.</p> <p>9. EVIDENCE TRACING - Prioritize property list. Check pawn receipts. Use police records. Use open sources of information.</p> <p>10. NOTIFY - Other departments of property list and modus operandi.</p> <p>11. DECOY OR STING - Offer opportunities the suspect finds especially attractive</p>
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CRIME SCENE PHOTOGRAPHY

Photography should be conducted before anything else is done to the crime scene. All evidence is flagged or marked before being photographed. Crime scene photography involves both color and black-and-white (contrast) film, both analog and digital cameras (auto focusing and exposure SLR, or single lens reflex, cameras tend to be standard), tripods to keep the shots steady, a variety of filters and lenses, an assortment of scales or rulers to put in the photos, and extension flashes or other lighting to paint the scene with light. For general patrol use (documenting simple crime scenes, traffic collisions, etc.) just about any digital camera with 2 to 3 megapixels is adequate. For crime scene investigation, the digital camera should have 4 or more megapixels, close-up capabilities, and flash attachment. The more pixels, the more detail captured. This is important when photographing small items of evidence. Also, the difference in megapixels is important when making prints for court. 2 megapixels gives a good 5"x7" print. 3 megapixels gives a good 8"x10" print. 4 megapixels gives a good 11"x14" print. 5 megapixels gives a good 16"x20" print.

Two photos should be taken of each shot in case one is blurred. There are three (3) general categories of photographs: (1) overview, (2) mid-range, and (3) close-up. The photos that are overview (locale and approach route) and mid-range (10-20 feet) tell a story that helps establish the *modus operandi* of the offender. Close-up photos are essential for establishing the *corpus delicti* of a criminal act.

There are two (2) general methods of photography: (1) overlapping, which is a series of photos taken in a circular or clockwise direction, overlapping each slightly to show the overall scene, and (2) progressive, which starts from a fixed point, photographs each piece of evidence as the photographer moves toward it, and progressively gets closer in the pictures. Appendix B of the Osterburg & Ward text gives Suggestions for Photographing Crime Scenes. Bodies are photographed from five angles: (1) head to feet, (2) right side, (3) feet to head, (4) left side, and (5) straight down from above (Ramsland 2001).

CRIME SCENE SKETCHES

Once the scene has been photographed, the investigator will need to sketch the crime scene. A sketch is more than a note but less than a photograph. Sketches contain measurements of the entire scene, and if there is a body, measurements are taken from two fixed points. Sketches also contain a legend matching up each piece of evidence with its flag or marker number, although sometimes this is only on the finished sketch instead of the rough sketch. The principal investigator usually starts with a rough sketch that contains depictions and dimensions. The rough sketch will later produce a finished crime scene sketch to scale (usually one-eighth inch equals one foot for indoor scenes and 1 inch equals 20 feet for outdoor scenes). A finished sketch may become the basis for a model or mockup the prosecutor uses in court. A finished sketch is usually the result of a team of investigators working together on it.

There are four (4) types of sketches: (1) Overhead Sketch (often called the "birds-eye" view or the "floor-plan" depicting the scene as you would see it in an aerial photograph), (2) Exploded View Sketch (called this because it resembles what would happen if you exploded the inside of the room and all the walls collapsed outward), (3) Elevation Sketch (looking at the scene from the side), and (4) Perspective Sketch (adds a third dimension to the scene, and requires some artistic talent).

CRIME SCENE SEARCHES

The ultimate purpose of a search is collect associative evidence that links a suspect to the crime or victim. The type of terrain usually determines the search pattern used. Start the search for evidence with the probable access and escape routes. Weapons and tools are frequently discarded along these routes, and be sure to look in other unusual places such as the refrigerator or bathroom. Pay special attention to any areas or objects that seem to have received attention by the criminal. During the search, notes should be taken about the location and condition of anything found.

Canvassing a neighborhood is an attempt to search out witnesses who may not know they have useful information about the crime under investigation. It is not normally a widened search for evidence. Motive and opportunity (not theories) are the best types of information canvassed witnesses can provide, so it's smarter to use a canvass after you have identified some suspects and the victim at least. Also, since perpetrators usually live near the scene of a crime, you can sometimes shock them by having police show up at their door. Officers who conduct canvasses should be especially sensitive to anyone who appears unusually nervous or calm since such nonverbal reactions might be construed as a soft confession, or admission. The same applies to any onlookers or witnesses questioned at the crime scene.

NOTE TAKING

Crime scene notes should contain descriptions of the crime scene (signs of struggle, bullet holes, areas having a large amount of evidence), descriptions and locations of physical evidence, the disposition of physical evidence, and any personnel in or out of the crime scene area. Notes must be comprehensible and chronological as they might be called upon to be revealed as part of a pre-trial discovery process. Notes serve the function of compensating for loss of memory, and a familiar tactic in court that lends credibility to a detective is where they are allowed to consult

their notes. Notes also qualify as *res gestae* evidence, or spontaneous utterances, which carry more weight in court as an exception to the hearsay rule. This can be very useful when the notes have recorded the first moments of what was said or done by a witness or suspect.

COLLECTING EVIDENCE

Fragile evidence is collected right after being photographed. Vacuums are used for fiber, dirt, glass, and hair. Plaster or dental stone are used for footprints and tire tracks. Fingerprints, shell casings, firearms, bodily fluids, bite marks, and tool marks all have specific methods of removal. Weston & Lushbaugh (2003) list the evidence found at crime scenes as falling into seven major groups: (1) weapons, (2) blood, (3) imprints or impressions, (4) tool marks, (5) dust and dirt traces, (6) questioned documents, and (7) miscellaneous trace or transfer. Marking occurs at the time of collection, and the detective marks something by scratching their initials and date on the evidence itself, if possible, and if not, on an evidence tag. Critical pieces of evidence, such as the weapon, should definitely have the detective's mark because this establishes the foundation for that detective's testimony at trial.

Human bodies require special attention. Detectives are only allowed to make non-intrusive examinations and do sketches. Examples of non-intrusiveness include looking in the eyes, smelling for any odors, and superficial examination of wounds and injuries. As any Death Investigator who works for a coroner or medical examiner will tell you, "the body belongs to them" not the detectives. Even criminalists and crime scene technicians are only allowed to clear a path to the body. Death investigators are the only ones usually allowed to examine wounds more closely. The body usually gets quickly wrapped in a white sheet (to preserve evidence) and is then placed in a body bag for shipment to a refrigerated storage facility such as a morgue. If the identity of the victim is unknown, their full description is first run through a Missing Persons database and NCIC, then their fingerprints through AFIS, then their DNA through CODIS (which takes several days), then the dental records of nearby dentists, then any restaurants likely to have served what was last eaten (determined from the autopsy report), and then in a public appeal for help in the newspapers.

Obtaining control standards is important. When "unknown" samples or specimens are collected that are believed to belong to or have been transferred by the suspect, a "known" sample must be collected so forensics can determine if the "unknown" is different from the "known" specimen. With hair, samples are collected from the victim and other persons lawfully present at the time of the crime. This can be done at a hospital. With paint, "known" samples are collected from "known" surfaces. With blood, samples are collected from victims and other persons lawfully present at the time of the crime. This can be done at a hospital. With soil, "known" samples are taken from areas around the area in question that contains the "unknown" substance. With fingerprints, elimination fingerprints are collected from the victims and other persons who are lawfully in the area of the crime.

PACKAGING EVIDENCE

Be prepared with a wide variety of packaging containers and collection tools. Trace evidence is never removed from any object that is carrying it; the whole object is bagged. If two or more

similar objects are found, they should go in separate bags, even though they are similar. Blood stained material should be air dried and placed in separate packaging that can breath. They should then be stored in an area with good ventilation. Charred debris should be placed in an airtight container to prevent evaporation of petroleum residue. Appendix A of the Osterburg & Ward text gives FBI Suggestions for Packaging Physical Evidence.

Once all known evidence has been collected and packaged, and all other information has been collected from the scene (photographs, diagrams, and notes) a decision must be made on maintaining the crime scene or terminating the crime scene. This decision will be based on an assessment by the lead investigator after reviewing the evidence collected and estimating the likelihood of anything else of investigative value being present. If there is doubt, the police will maintain the perimeter with an officer present to ensure integrity. Once the decision has been made to drop the crime scene, all equipment and reports are collected and finalized, and all evidence is transported to the evidence unit and/or crime lab. The search warrant is signed and returned to the court, along with a list of items seized under authority of the warrant.

The logical end of crime scene analysis is crime reconstruction. A plausible theory of who, what, when, where, and why the crime happened should develop from all information involving the victim, witnesses, crime scene evidence, suspects, questioning, databases, and records (Lee et. al. 2001). Finalized notes and reports will have at least the following segments: 1. suspect information, 2. harm or property damage, 3. physical evidence analysis, 4. victim information, 5. statements of witnesses, and 6. observations and opinions of the investigator.

THE BASICS OF PHYSICAL EVIDENCE

Physical evidence is part of the "holy trinity" for solving crimes -- physical evidence, witnesses, and confessions. Without one of the first two, there is little chance of even finding a suspect. In homicide and sexual assault cases, physical evidence is the number one determinant of guilt or innocence. Physical evidence is also the number one provider of extraordinary clearances, where police can link different offenses at different times and places with the same offender. Working with physical evidence means being aware at all times of what the prosecutor needs to win the case in court. This means knowing the Types of Evidence and the Laws of Evidence.

There are 4 types of Evidence:

- Testimonial -- this is the kind of evidence that comes to court through witnesses speaking under oath or affirmation. They could be testifying about something they saw (eyewitnesses), something they heard (hearsay witnesses), or something they know (character, habit, or custom witnesses)
- Physical -- these are tangible objects that are real (sometimes said to speak for themselves because they can be taken into the jury room), direct (no preliminary facts needed), and not circumstantial (do not require an inference to be made), although circumstantial evidence is sometimes offered and strengthened by expert testimony. Examples of physical evidence would include the gun used to commit the crime, trace

particles found at the crime scene, property recovered, fingerprints, shoeprints, handwriting, etc.

- **Documentary** -- this is usually any kind of writing, sound or video recording. It may be the transcript of a telephone intercept. Authentication of the evidence is usually required along with expert testimony at times.
- **Demonstrative** -- these are types of real evidence used to illustrate, demonstrate, or recreate a tangible thing; for example, a cardboard model mockup of the crime scene or other constructed-to-scale models. The purpose of this stuff is to replace timely, expensive, and possibly prejudicial jury trips to the crime scene.

CLASS EVIDENCE	INDIVIDUAL EVIDENCE
Drugs Fibers Hair Blood Glass Soil	Fingerprints Toolmarks Handwriting DNA Firearms Shoeprints

NOTES ON SPECIAL CRIME INVESTIGATION

INTRODUCTION

Special Crime Investigation deals with the study of major crimes based on the application of special investigative technique.

The study concentrates more on physical evidence, its collection, handling, identification and preservation in coordination with the crime laboratory. Special Crime Investigation involves a close relationship between the prober in the field and the crime laboratory technician. They work together as a team, reacting to and extending one another's theories and findings both working patiently and thoroughly to solve a crime from their investigative discoveries.

The present criminal justice system in our country, the court relies more on physical evidence rather than extra-judicial confession.

Homicide Investigation

Homicide Investigation is the official inquiry made by the police on the facts and circumstances surrounding the death of a person which is expected to be unlawful.

Primary Job of the Investigator

1. To discover whether an offense has been committed under the law.
2. To discover how it was committed
3. Who committed it and by whom it was committed
4. When it was committed
5. And under certain circumstances why it was committed

Responsibilities of a Homicide Investigator

1. When called upon to investigate violent death, he stands on the dead man's shoes to produce his instincts against those suspects.
2. The enthusiasm and intelligence the investigator brings in the case marks the difference between a murderer being convicted and set free.
3. If he interprets a criminal death as accidental or natural, a guilty person is set free.
4. Remember that the police is the first line of defense in the effective application of criminal justice.

Mistakes in the Homicide Investigation

1. The mistakes of the homicide investigator cannot be corrected.
2. The homicide investigator should not cross the three bridges which he burns behind him. It is important that competent personnel adequately handle the case.

Three Bridges:

- a. The dead person has been moved
- b. The cadaver is embalmed
- c. The body is burned or cremated

Basic Guide for the Investigator to look upon are to establish the following:

1. Corpus delicti or facts that crime was committed
2. Method of operation of the suspect
3. Identity of the guilty party

Title 8 Crimes Against Persons

(Destruction of Life)

Art. 246. Parricide

Committed by any person who shall kill his ***father, mother, or child, whether legitimate or illegitimate, or any of his legitimate ascendants or descendants, or his spouse.*** Penalty: Reclusion perpetua (20 yrs. And 1 day to 40 yrs) to death.

Art. 247. Death or physical injuries inflicted under exceptional circumstances Committed by:

1. **Any legally married person** who, having surprised his spouse in the act of committing sexual intercourse with another person, shall kill any of them or both of them in the act or immediately thereafter, or shall inflict upon them any serious physical injury.

2. These rules shall be applicable, under the same circumstances, **to parents**, with respect to their daughters under 18 yrs old, and their seducer, while daughters are living with their parents.

Any person who shall promote or facilitate prostitution of his wife or daughter, or shall otherwise have consented to the infidelity of the other spouse shall not be entitled to the benefits of this article.

If he shall inflict upon them physical injuries of any kind, he shall be exempted from punishment.

Penalty: Destierro (prohibition to enter the place or places designated in the sentence, nor within the radius therein specified, which shall be not more than 250 and not less than 25 kilometers from the place designated).

ART. 248. Murder

ELEMENTS OF MURDER:

1. With treachery, taking advantage of superior strength, with aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity.

TREACHERY – plain and simple: Treachery means that the offender party was not given opportunity to make a defense.

- To establish treachery, the evidence must show that the accused made some preparation to kill the victim in such a manner to insure the execution of the crime or make it impossible or hard for the person attacked to defend himself. But killing done at the spur of the moment is not treacherous.
 - Abuse of superior strength and nighttime are absorbed in treachery.
 - In treachery, what is decisive is that the attacks was executed in such a manner as to make it impossible for the victim to retaliate.
 - The killing of the victim frontally does not negate treachery when the victim was killed after already being in a helpless condition.
 - It may also be appreciated even if the attack was frontal but no less unexpected and sudden, giving the victim no opportunity to repel it or offer any defense of his person.
2. In consideration of a price, reward or promise.
 3. By means of Inundation, fire, poison, explosion, shipwreck, stranding of vessel, derailment or assault upon a railroad, fall of an airship, or by means of motor vehicles or with the use of any other means involving great waste and ruin. (lost of fortune).
 4. On occasion of any of the calamities of an earthquake, eruption of a volcano, destructive cyclone, epidemic or other public calamity.
 5. With evident premeditation.

MEANING OF PREMEDITATION

Premeditation is the act of mediating in advance; deliberation upon a contemplated act; a design form to do something before it is done.

The essence of premeditation is that the execution of the criminal act must be preceded by COOL THOUGHT and REFLECTION upon the resolution to carry out the criminal intent during the space of time SUFFICIENT to arrive at a calm judgment.

There is no evident premeditation without proof of planning.

EVIDENT – Clear to the eye or judgment. Plain.

6. With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse.
Penalty: Reclusion perpetua (20 yrs. & 1 day to 40 yrs.) to death.

ART. 249. Homicide

Committed by any person who, not falling within the provisions of Art. 246 (Parricide) shall kill another without the attendance of any of the circumstances enumerated in Art. 248 (Murder) shall be deemed guilty of homicide.

Penalty: Reclusion temporal (12 yrs. & 1 day to 20 yrs.)

ART 255 . Infanticide

Committed by any person who shall kill any child less than three days of age (less than 72 hours).

Penalty: The penalty provided in parricide and murder shall be imposed

If the crime penalized in this article be committed by the mother of the child to conceal dishonor, she shall suffer the penalty of prision mayor (6 yrs & 1 day to 12 yrs). If committed by maternal grandparents or either of them, the penalty shall be reclusion temporal (12 yrs & 1 day to 20 yrs).

HOMICIDE INVESTIGATION PROCEDURES

Criminal Investigation of homicide is a discovery process. The investigator seeks to discover and documents such facts as type of death, identity of the deceased, cause of death and motivation and identity of the perpetrator. In order to resolve these fundamental questions, the investigation will focus on the cadaver, crime scene and post mortem examination.

The cadaver is often of prime importance as an investigative factor. The victim's body can reveal much through examination of wounds and other types of tracing clues that may be present.

Establishing Death. The first essential step of the homicide investigation is to establish that the victim is, indeed, dead. Police officers do not have the legal authority to pronounce death, only physicians/ medical doctor can establish the fact of death. For this reason, the police officer should never assume death unless the condition of the victim's body demonstrates death in a totally obvious manner.

Identifying the Cadaver. Establishing the identity of the victim is important, it will provide tracing clues to the motive and identity of the perpetrator, with the identity known, the investigator can focus attention on the victim's background and establish a possible motive through such information. Victims encountered in indoor scenes will normally have identifying data on the body, or such data will be available throughout the crime scene. In outdoor scenes, such evidence is normally not as readily available, since the victim is removed from the personal environment and also outdoor scene may not be discovered for long period of time; thus evidence may be destroyed by elements of nature or will be lost. If there are no identifying papers on the victim's person, fingerprint should be used as means of identification. If fingerprint identification is unsuccessful, the investigator must rely on other methods to establish identity. Dental structures are highly resistant to destruction, and are frequently useful when the other portions of the body are totally decomposed. (Forensic Odontology). The skeletal remains of the victim may also help to determine identity, as well as yield other types of information. If bone fractures are noted, they may be used to identify the deceased, but if only corresponding medical records can be located. The widths of the pelvic bones are excellent indicators of the victim's sex; Determination of the victims age maybe more difficult, in that the victims past the age of eighteen years have generally achieved their maximum skeletal growth. However, general age determination can be established via dental structure.

Law of Multiplicity of Evidence.

The greater the number of points of similarities and dissimilarities of two persons compared, the greater is the probability for the conclusion to be correct.

Determination of time of death. A determination of the time of death should be attempted in all homicide investigations. This fact is significant because of its

investigative importance in corroborating or disputing alibis, or in establishing the victim's movements prior to death. Determining death is not an exact science.

Post- mortem changes

Livor Mortis (Discoloration of the body; setting of blood in the dependent regions following death)

It is a reddish purple to purple coloration in dependent areas of the body due to accumulation of blood in the small vessels of the dependent areas secondary to gravity. This pooling of blood begins immediately after death and becomes fixed in approximately 8-12 hours. The investigator can press on the skin in the dependent regions and if the skin blanches, death has probably occurred less than 12 hours. This becomes fixed after a while and can tell if the body has been moved. This is not a reliable indicator of time of death. This is a better indicator of whether the body has been moved since death.

The color of lividity may indicate the cause of death:

Carbon monoxide poisoning/ cyanide- cherry red to pinkish color

Asphxia- dark lividity

Phosphorus poisoning- dark brown

TYPES OF LIVIDITY (Stages)

Hypostatic. Blood is still in fluid form inside blood vessel; Change as position of the body change. Blood remains fluid in the blood vessel for 6- 8 hours.

Diffusion. Coagulated inside blood vessel; Change in position will change its location.

Rigor Mortis (Stiffening of the body)

Chemical reaction that causes rigidity in the muscle groups or stiffening of the body after death due to the disappearance of Adenosine Triphosphate (ATP) from the muscle.

- Rigor mortis disappears with decomposition
- Cold and/ or freezing will delay the onset of rigor mortis as well as prolong its presence

- Involves all muscles the same time at the same rate. It appears first in the smaller muscles such as the jaw and then gradually spread to upper and lower extremities.

- Instantaneous rigidity can also be found following ingestion of cyanide and strychnine poison.

Algor mortis (Cooling of the body)

The body cools following death at approximately 1.5 degrees F per hour, under normal conditions and assuming the body's temperature at death is 98.6 degrees F (37 degrees C).

Factors affecting algor mortis

- illness
- clothes
- obesity
- room temperature

Examination of the Cadaver at the crime scene

External post mortem appearances are very informative. The areas of the body showing lividity indicate the position after death. Wounds and their appearance are particularly significant as they often assist in reconstructing the circumstances of a crime, the nature of the murder weapon and the manner of its use.

Defense wounds are the result of a person's instinctive reaction of self-protection. It may be found on the hand in the effort of the victim to grasp the wounding instrument or by raising the hand to protect the vital parts of the body. Absence of defense wound does not eliminate the possibility that the victim made some form of defense.

Other external violence Marks

a. **Contusion**- an injury in the substance of the skin, discoloration of the surface due to extravasation of blood. This is due to the application of a blunt instrument.

b. **Hematoma**- this is the extravasation of blood in the newly formed cavity.

c. **Incised wound**- produced by forcible contact on the body by sharp edge instrument.

d. **Stab wound**- produced by the forcible application and penetration of a sharp instrument.

e. **Punctured wound**- penetration of a sharp pointed weapon

f. **Lacerated wound**- tearing of the skin due to forcible contact of a blunt instrument.

Gunshot wounds

All gunshot wounds result from the entry of a projectile into the body, and the frequent presence of undispersed explosive gases. The relative size and appearance of the wound will be affected by the distance from which the weapon was discharged. Generally, the closer the discharged to the skin, the greater the damage. This damage is due to explosive gases which proceed the projectile at close range. In some investigations involving firearms, a determination of whether the death was a homicidal, suicide or accidental is difficult. In making such determination, the distance of the discharge is of great importance. Majority of suicidal and accidental gunshot cases, arm's length discharges are involved. Accordingly, if the wound indicates discharge beyond the victim's length, homicide is indicated.

The location of the wound may also serve to rule out suicide. If the wound is located in an area of the body that is relatively inaccessible to the victim, homicide is indicated. It is also unusual for a suicide wound to be inflicted in an area other than the head or chest; However, there have been a number of suicide cases involving wounds in extremities. The presence or absence of a "suicide note" is a poor indicator of suicide or homicide.

Two types of wounds:

1. entrance wound (POE)
2. exit wound (POX)

Determination whether the wound is suicidal, homicidal or accidental

Evidence to prove that gunshot wound is suicidal

1. The fire is usually contact or near contact, as shown by the presence of burning, singeing and tattooing of the area around the gunshot wound.
2. The presence of usually but one gunshot wound. In most cases, after a shot, especially at the head, the victim can no longer voluntarily act to inflict another shot.
3. Portions of the body involved are those accessible to the hand of the victim utilized in committing suicide, he will not think of the difficult way of ending his life unless he has the intention of deceiving the investigators.
4. History of despondency, family problem which may cause him to commit suicide.

Evidence to show that the wound is accidental

1. Usually there is but one shot.
2. There is no special area of the body involved
3. Testimony of the witnesses

Evidence to show that the wound is homicidal

1. The site or sites of the wound of entrance has no point of election.
2. The fire is made when the victim is usually some distance away from the assailant
3. Signs of struggle/ defense wound maybe present in the victim
4. There maybe disturbance of the surrounding on the account of the previous struggle.
5. Wounding firearm is usually not found at the scene of the crime
6. Testimony of the witnesses

Robbery Investigation

Article 293 – Robbery in General

Any person who, with intent to gain, shall take any personal property belonging to another by means of violence or intimidation of any person, or by using force upon anything shall be guilty of robbery.

Elements of Robbery

1. Unlawful taking of personal property
2. The property must belong to another
3. The taking is done with violence against, intimidation of any person or force upon things
4. The taking is with intent to gain

How robbery is committed?

The malefactors shall enter the house or building in which the robbery was committed. by any of the following means:

1. Through an opening not intended for entrance
2. By breaking any wall, roof, floor or breaking any window or door.
3. By using false key or picklocks
4. By using fictitious name or pretending the exercise of public authority
5. By breaking of doors, wardrobes, closets or any kind of locked or sealed furniture or receptacle
6. By taking such furniture or objects away to be broken or forced open outside the place of robbery.

General types of Robbers

1. Amateurs- motivated by greed, the desire for a thrill and self-testing.
2. Professionals- are those person who worked as robbers as a trade making it their living and having no other means of income.

Notes: Robbery- This is the taking or personal property belonging to another, with intent to gain, by means of violence against, or intimidation of any person, or using force upon anything.

Two kinds of Robbery:

1. Robbery with violence or intimidation upon person and
2. Robbery with force upon things
 - a. Belonging to another- Person from whom property was taken need not be the owner legal possession is sufficient. The property must be personal property and cannot refer to real property.
 - b. Name of the real owner is not essential so long as the personal property taken does not belong to the accused except if crime is robbery with homicide.
 - c. Taking of personal property- must be unlawful; if given in trust- estafa.
 - d. As to robbery with violence or intimidation- from the moment the offender gains possession of the thing even if offender has had no opportunity to dispose of the same, the unlawful taking is complete.
 - e. As to robbery with force upon things- thing must be taken out of the building.
- f. Intent to gain- presumed from unlawful taking- intent to gain may be presumed from the unlawful taking of another's property. However, when one takes a property under the claim of ownership or title, the taking is not considered to be with intent to gain. (U.S. vs. Manluco, et. al., 28 Phil.360)
- g. When there's no intent to gain but there is violence in the taking- grave coercion.
- h. Violence or intimidation must be against the person of the offended party, not upon the thing.
- i. General rule.. violence or intimidation must be present before the "taking" is complete.

Exception: when violence results in- homicide, rape, intentional mutilation or any of the serious physical injuries in par. 1 and 2 of ART. 263, the taking of property is robbery complexed with any of this crime under ART. 294, even if taking is already complete when violence was used by the offender.
- j. Use of force upon thing- entrance to the building by means described and ART. 299 and 302 (Offender must enter). The other kind of robbery is one that is committed with the use of force upon anything in order to take with intent to gain, the personal property of another. The use force here must refer to the force employed upon things in order to gain entrance into a building or a house. (People vs. Adorno, C.A. 40 O.G.567).
- k. When both violence or intimidation and force upon things concur-it is robbery with violence.

Robbery and Theft, compared.

- a. Both involved unlawful taking as an elements;
- b. Both involve personal property belonging to another;
- c. In both crimes, the taking is done with intent to gain;
- d. In robbery, the taking is done either with the use of violence or intimidation of person or the employment of force upon things; whereas in theft, the taking is done simply without the knowledge and consent of the owner.

Investigative Techniques in Robbery cases:

- a. The investigator must initiate similar preliminary steps upon reaching the crime scene.
- b. Determine the point of entrance and point of exit by the perpetrator.
- c. Determine the value of stolen articles
- d. The full and detailed description of the stolen articles
- e. Gather physical evidence.
- f. Determine the modus operandi of the perpetrator as it would give leads in the identification and arrest of the suspect.
- g. Full and detailed description of a get-away vehicle if any, or vessel, boat in cases of piracy.
- h. Coordinate with other law enforcement agencies
- i. Exploit investigative leads
- j. Written testimony of the complainant witness
- k. Accumulate clues and traces at the scene of a crime which will serve to identify the offender
- l. Develop informants in the local underworld who are aware of the activity of robbery, particularly the activity of the semi-skilled amateur groups. (usually the addict-robber)
- m. Conduct a surveillance of likely fences and uncover and trace back stolen property from its receiver to the robber.
- n. Conduct surveillance of known burglars to ascertain if they are presently committing robbery.
- o. Accumulate information on various types of robber, the known and newcomers, whether they are in or out of prison, whether they are active.
- p. Be alert on a modified modus operandi
- q. In cases homicide is committed, follow the pattern of homicide investigation.

Physical Evidence to be collected:

1. Footprints
2. Fingerprints
 - a. Areas of break
 - b. Closets- prints may be found in door and jams
 - c. Door knobs
 - d. Dressers
 - e. Pieces of furniture
 - f. Bottles and glasses
 - g. Walls
 - h. Tools
 - i. Desks
3. Clothings- sometimes the robbers exchange their own jackets with that one found.
4. If a window was broken in effecting entry, glass particles maybe presents in the trouser cuffs and pockets of suspect. Samples of broken glass should be collected for possible future comparison in the event that a suspect is picked up.
5. Paint- if a crowbar has been used to force the window, paint may adhere to the tool. Paint samples should be taken for future comparison.
6. Tool marks
7. Tools
8. Observed odd behavior patterns in the crime scene

9. Cords and ropes used
10. Firearms used
11. Means of escape

Anti-Piracy and anti-highway robbery law of 1974 (P.D. 532)

Piracy- any attack upon or seizure of any vessel, or taking away of the whole or part thereof or its cargo, equipment or the personal belonging of its complements or passengers, irrespective of value thereof, by means of violence against or intimidation of persons or force upon things, committed by any persons, including a passengers or member of the compliments of said vessels in Philippine waters.

Highway Robbery/ Brigandage- The seizure of any person for ransom, extortion or other unlawful purposes, or the taking away of the property of another by means of violence against or intimidation of persons or force upon things of other unlawful means committed by any person or any Philippine highway.

Anti-Cattle Rustling Law of 1974 (P.D. 533)

Cattle Rustling- Is the taking away by any means, methods or scheme, without the consent of the owner/raiser, or any of the above animals (cow, carabao, horse, mule or other domesticated member of the bovine family) whether or not for profit or gain, or whether committed with or without violence against or intimidation of any person or force upon things. It includes the killing of large cattle, or taking its meat or hide without the consent of owner/raiser.

Anti-fencing law of 1979 (P.D. 1612)

Fencing- is the act of any person, who, with intent to gain, for himself or for another shall buy, possess, keep, acquire, concealed, sell or in any other way, deal on any articles, items, objects, or any thing of value which he knows to have been derived from the proceeds of crime or robbery or theft.

Fence- include any person, firm, organization, association or corporation or partnership and other organization who/ which commits the act of fencing.

VIII. ARSON AND OTHER CRIMES INVOLVING DESTRUCTIONS

(Note: PD 1613 expressly repealed or amended Arts 320-326, but PD 1744 revived Art 320)

A. ELEMENTS OF ARSONS OF PROPERTY OF SMALL VALUES

1. That an uninhabited hut, storehouse, barn, shed or any other property is burned

2. That the value of the property burned does not exceed 25 pesos
3. That the burning was done at a time or under circumstances which clearly exclude all danger of the fire spreading

B. ELEMENTS OF CRIME INVOLVING DESTRUCTION

1. That the offender causes destruction of the property
2. That the destruction was done by means of:
 1. explosion
 2. discharge of electric current
 3. inundation
 4. sinking or stranding of a vessel
 5. damaging the engine of the vessel
 6. taking up rails from the railway track
 7. destroying telegraph wires and posts or those of any other system
 8. other similar effective means of destruction

C. ELEMENTS OF BURNING ONE'S PROPERTY AS A MEANS TO COMMIT ARSON

1. That the offender set fire to or destroyed his own property
2. That the purpose of the offender in doing so was to commit arson or to cause a great destruction
3. That the property belonging to another was burned or destroyed

D. ELEMENTS OF ARSON

1. That the property burned is the exclusive property of the offender
2. That (a) the purpose of the offender is burning it is to defraud or cause damage to another or (b) prejudice is actually caused, or (c) the thing burned is a building in an inhabited place

IX. MALICIOUS MISCHIEF

A. ELEMENTS OF MALICIOUS MISCHIEF: (326)

1. That the offender deliberately caused damage to the property of another.
2. That such act does not constitute arson or other crimes involving destruction.
3. That the act damaging another's property be committed merely for the sake of damaging it.

Notes:

1. Malicious mischief – willful damaging of another's property for the sake of causing damage due to hate, revenge or other evil motive
2. No negligence

3. Example. Killing the cow as revenge
4. If no malice – only civil liability
5. Damage is also diminution in value
6. But after damaging the thing, he used it = theft
7. Damage is not incident of a crime (breaking windows in robbery)

B. SPECIAL CASES OF MALICIOUS MISCHIEF: (328)

1. Obstruct performance of public functions.
2. Using poisonous or corrosive substances.
3. Spreading infection or contagious among cattle.
4. Damage to property of national museum or library, archive, registry, waterworks, road, promenade, or any other thing used in common by the public.

Note: Qualified malicious mischief – no uprising or sedition (#1)

C. ELEMENTS OF OTHER MISCHIEF: (329)

1. Not included in 328
1. scattering human excrement
2. killing of cow as an act of revenge

Article 267 – Kidnapping and Serious Illegal Detention Elements:

1. That the offender is a private individual
2. That the kidnaps or detains another, or in any other manner deprives the latter of his liberty.
3. That the act of detention or kidnapping must be illegal
4. That in the commission of the offense, any of the following circumstances is present:
 - a. That the kidnapping or detention lasts for more than 3 days
 - b. That is committed simulating public authority
 - c. That any serious physical injuries are inflicted upon person kidnapped or detained or threats to kill him are made; or
 - d. That the persons kidnapped is a minor, female, or a public officer.

Any private individual who shall kidnap or detain another, or in any other manner deprives him of his liberty.

The perpetrator shall suffer the penalty of reclusion perpetua to death if:

1. The kidnapping or detention shall have lasted for more than five days.
2. Committed by simulating public authority.
3. Any serious physical injuries shall have been inflicted upon the person kidnapped or detained or if threat to kill shall have been made.
4. The person kidnapped or detained shall be a minor, female or public officer.

The penalty shall be death where the kidnapping or detention was committed for the purpose of extorting ransom from the victim or any other person, even if none of the circumstances above mentioned were present in the commission of the offense.

Important factors in Kidnapping Cases:

1. The safe return of the victim
2. Identification and apprehension of the suspect

Initial Investigative Procedures:

1. Thorough interview of the victim if already released.
2. Search of the crime scene
3. Interview of the possible witnesses
4. Checking the modus operandi
5. Possible identification through the photographic files
6. Coordination with other law enforcement agencies

Kidnapping where ransom is involved:

When a complaint is received, the family of the victim is requested to remain in touch to accumulate information needed. The following types of information must be taken:

1. How the demand was made
2. Request the family to refrain from divulging the contents of the letter, note or call to anyone except to the police authorities.
3. Emphasize the importance of news black out as essential to the victim's safety
4. Obtain and preserve the ransom note for laboratory examination.
5. Determine if the family intends to pay the ransom, investigators should avoid giving the opinion as to ransom payments
6. Find ways and means to verify if the victim is still alive.
7. Conduct family background investigation
8. Conduct covert investigation of household helpers
9. Arrange for wiretapping operations in accordance with RA 4200
10. Establish possible motives

Phase II After the victim has been returned or the body has been located.

After the victim has been returned dead or alive, the investigation changes, an all out investigation are conducted in accordance with the second objective, to identify and apprehend the suspects. Investigative procedures includes:

1. Thorough interview of the victim. All details should be obtained.

2. Re interview all witnesses
3. Conduct surveillance
4. Determine whether the kidnapper is familiar with the victims, residential area, habits and financial status.
5. If the victim is dead follow the pattern of homicide investigation

Pointers to be considered in Kidnapping Cases:

1. Remember that kidnap for ransom gang must be treated as witty, experienced and dangerous armed criminals.
2. Any slightest mistake on the part of the police would mean death of the victim
3. Initiate secrecy discipline not only on the victim's family but also within the police.
4. Experienced, trusted personnel must be utilized
5. Equipped with sophisticated communication system

Problems in the Investigation of Kidnapping Cases:

1. Out of fear, the family of the victim does not want to cooperate with the police.
2. The case is only reported after payoff of the ransom money or the victim had been found dead.

STUDY OF VICES AND ITS CONTROL

CONCEPT OF VICES

DEFINITION OF VICE

Vice is any immoral conduct or habit, the indulgence of which leads to depravity, wickedness and corruption of the minds and body.

THE DIFFERENT FORMS OF VICES

- a. Alcoholism
- b. Drug Addiction
- c. Prostitution
- d. Gambling

IMPORTANCE OF THE STUDY OF VICES

- a. The study of vices important because these crimes are ever present and persistent in all forms of society.
- b. It is important because vices affect the daily lives of more people than any other crime whether they are victim or offender.
- c. It is important because its evil effects are more disastrous morally any physically than any other crimes.
- d. It is important because organized and commercialized vices disrupt the social make-up of the community.
- e. It is important because the existence of vices in the community causes serious problem in law-enforcement.

- f. It is important because the younger members of the society are greatly affected by vice problems and its control prevents the growth of prospective criminals.

THE EXISTENCE OF VICES IN THE SOCIETY

The existence of vices in the society has been since time immemorial. It dates back from the early days of civilization and continued to exist through the middle ages and up to the present. Despite restrictions and prohibitions imposed by the leaders of the changing generation, vice has existed.

In every community in the world, big or small, there exists some form of vice which victimize the people. In the Philippines, vice exist in urban (cities) as well as in rural (provinces) communities. It is greater in the cities than in the towns.

THE SOCIAL PROBLEMS OF VICE

Vice present varied social problems affecting morality, health, economy, criminality and efficiency of the government. Drug addiction affects the health and morality of the youth while gambling and prostitution hampers the efficiency of the government with bribery doled out by maintainers as an instrument of corruption of government officials. Alcoholism breaks down the moral fiber of the society.

As a social problem therefore, vice control must be a coordinated effort of the following:

- a. The home, school, and the church must campaign for the eradication of vices in the society.
- b. The government and the police as an agency of control must embarked on a repressive measures against vice maintainers.
- c. The people must endeavor to achieve moral education and economic upliftment through their voluntary participation.

REASONS WHY THE POLICE MUST BE INTERESTED IN VICE PROBLEMS

a. It is a fact that vices cannot be totally eliminated but only at most controlled or regulated. Vices cater to the emotional lives of men. Its course, like the flow of water in a river cannot be stopped. It can only regulated; therefore, continued police action of sincere and honest law enforcement officers can only control the existence of vices.

b. Vices are connected with other forms of criminal activities. Criminals are important customers of vice dens. It is the best place for hiding from policemen,

disposing off their loot (stolen properties), relief and recreation and planning future crimes.

c. Vice dens are often time the scene of frequent fights that disturbs the peace of the

Community.

POLICE PROBLEMS IN VICE CONTROL

1. Clandestine nature of the commission of the acts.
2. Lack of cooperation from players, customers, and victims of vices,
3. Enjoyment of goodwill by vice operators
4. Public apathy and indifference
5. Unwilling government officials to work against vice existence

Clandestine nature of the commission of the acts –

Vice acts are always committed secretly and behind closed doors.

Organized prostitution are normally operated in big hotels and rented houses.

Gambling are done inside clubhouses while drug dens are located in small hidden rooms. In all cases, the place is guarded with look-outs or hired guards. The operators oftentimes employ gangsters for their protection.

Lack of cooperation from players, customers, and victims of vices –

The lack of cooperation among persons who could help the police in prosecuting vice operators is a severe handicap in enforcing vice laws. These gambling players, customers of prostitutes and victims of drug addiction or other vices who maybe utilized as witnesses of the police but refused to cooperate with law enforcer for fear of becoming involved in criminal charges or they have been given special favors and concessions by the vice operators whom they cooperate and support instead of the police.

Enjoyment of Goodwill by Vice Operators –

Vice operators enjoy goodwill either from the politicians who operates the government or influential businessmen who has indiscreet participation in vice profits. This goodwill was earned as a result of the past favors extended by the vice operators

to the politicians during the election campaign or help to put up a business for the influential businessmen. This is an expression of Filipino “**utang-na-loob**” sentiments.

Public Apathy and Indifference –

Police control of vice is made difficult by the difference of opinion of the public as to the nature of regulations to be imposed. Some do not show interest in the prosecution of vices. Others believed that vices is a necessary evil and as long as vice does not affect him, he is not interested whether the same is controlled or not. Only citizens who have no monetary interest in vice and who are civic spirited are usually in favor of full control of vices.

Unwilling Government Officials to Worked Against Vice Existence –

Corruption makes government officials unwilling to work against the existence of vices. Operators of vice dens sometimes control the local politicians of a city or town. This is done by giving “kick-back” money to them or their wives or shares with them the large profit they received. Gifts of great value are sometime the vehicles of corruption.

ORGANIZED AND COMMERCIALIZED VICES

Commercialized vices are organized vice operations partaking the return of a legitimate business enterprise. Sometimes they branches out to legal undertaking or businesses as a front or cover-up to their illegal activities. They have complete personal for purposes of management supervisions, operation and even attending to their miscellaneous activities under the payroll of the organization. They have managers for administration various employees for routine duties, security guards (bouncers) for their continued protection, look-outs and informers to prevent police raids and arrests and even practicing lawyers for legal services in case of arrest. The headman or the operator normally is unidentified. Their businesses are interwooven with each other ranging from prostitution, drug traffic, gambling and sale of liquors to alcoholics catering to various farms of customers mostly criminals, pleasure seekers, addict, gamblers and alcoholics. Oftentimes their operation is known to some government officials and becomes the greatest headache of law enforcers.

LEGAL ASPECTS AND THE PROBLEM OF ALCOHOLISM

A. DEFINITION OF TERMS

1. Alcoholism – is the state or condition of a person produced by drinking intoxicating liquors excessively and with habitual frequency. (State vs. Savage, 89 Ala. 17 LBA 426, 7 South, Rep. 183). It is a condition wherein a person is under the influence or intoxicated with alcohol. His physical condition and behavior has been modified to a certain extent by the effects of alcohol.

2. Alcoholic Liquor – is any beverages or compound, whether distilled, fermented, or otherwise, which will produce intoxication or which contains in excess of one percentum of alcohol and is used as a beverage. (State vs. Oliver, 133 S.C. 125, 130 S.S. Rep. 213).

3. Drunkard – is a person who habitually takes or use any intoxicating alcoholic liquor and while under the influence of such, or in consequence of the effect thereof, is either dangerous to himself or to others, or is a cause of harm or serious annoyance to his family or his affair, or of ordinary proper conduct. He has lesser resistance to the effect of alcohol.

4. Chronic Alcoholics – person who, from the prolonged and excessive use alcoholic beverages, finally develops physical and psycho-changes and dependence to alcohol. The person consciously or unconsciously begins to demand on alcohol's narcotic effects for a "pick-up", to sleep at night, to feel "good", to cope with business or domestic problems, to enjoy social gatherings, to get away from oneself, to repress inner urges or rebellion or resentment, and to relieve distressing restlessness.

NOTE: This person develops physical and moral deterioration, difficulties with the law, loss of his job and family problems.

B. HISTORICAL USE OF ALCOHOL

The drinking of alcohol stimulants goes back to time immemorial. The commercial use of wine is at least as early as the Code of Hummarabi of Babylonia (2380 BS). In the Philippines, the use of alcohol dates back even before the discovery of the island but no established facts could show the actual use of the same started.

C. THE CAUSES OF ALCOHOLISM

1. People drink alcohol beverages habitually as a food with their meals because they think liquor increases their appetite and make the food taste better.

2. Some believes that drinking liquor gives them a lift because of soothing effect of alcohol.

3. Many believed that alcohol makes them feel sociable because it lowers their inhibitions allowing them to make unrestrained conversation.
4. The unnecessary prescription of alcoholic beverages as drug due to its depressant effects such as retardation of assimilation, reduction of circulation and decrease of respiration.
5. Alcohol provides an escape from the unpleasant realities of life.
6. By drinking, one deadens the pain of failures, anxieties, inferiorities, frustration and bolsters the battered ego.
7. In our complex society, the use of alcohol, is widely accepted as a glamorizing symbol of success and superiority.
8. Sociologists find the causes of drinking in culture group relationships and social processes. They are used for pleasurable purposes.
1. Psychiatrists explained that alcoholism is a release of repressed homosexuality (biniboy). This accounts for some drinking done by men with other men or by whom with other women.
2. And finally, physiologists say that alcoholism results from the excess or deficiency of certain endocrine secretions in the body.

D. DRUNKENNESS AS A CRIME

Most nations in the world have laws making drunkenness a criminal offense. In the Philippines, drunkenness in itself is not a crime because a person may drink to excess in the privacy of his home or in the gaiety of a party and commit no crime at all. It is only when the drunken person exhibits his condition publicly, or disturbs, endangers, or injured others that he becomes an offender and therefore, subject to arrest and punishment. Drunkenness, however, are considered misdemeanor punishable by existing ordinances of certain cities, towns and municipalities. In the City of Manila, the use of alcohol and other alcoholic beverages are regulated by ordinances as to TIME, PLACE, AND PERSON.

Regulations on Liquor as to Time

1. Section 679-d, Revised Ordinances of the City of Manila provides that the selling , giving away, or otherwise, disposal of any beverages or intoxicating liquors shall be prohibited during the hours of 2:00 to 5:00 o'clock in the morning everyday including Sundays and Holidays by bars, saloon, restaurants, and other drinking places, except when the selling, giving away, or otherwise disposal is done on a private dwelling.

2. Section 52, Republic Act No. 180 (Revised Election Code, as amended) Par. (2) provides "that it is unlawful to sell, furnished, offer, or take intoxicating liquors on any registration days and on the two days immediately preceding the day of the voting and during the voting and canvas".

Regulations on Liquor as to Place

1. Section 1, Ordinance 4153 of the City of Manila provides that "the serving of beer, liquor or alcoholic beverages of any kind to public by sari-sari stores or similar establishments is prohibited".

2. Section 2, (same Ordinances) provides that "the drinking of beer, liquor, or alcoholic beverages of any kind in sari-sari stores or similar establishments not licenses as restaurant, panciteria, carinderia, hotel or bar, as well as in the street, by the sidewalk, in an alley, whether public or private, and in any park, or plazas is hereby prohibited".

3. Section 679, par. (g), Revised Ordinances (City of Manila) provides that "no license shall be granted for the sale of intoxicating liquors in public markets, kiosks, booths, or stand situated in the public streets, or plazas, or to street vendors or peddlers, or in any case, to an establishment located within a radius of 200 meters from any institution of learning".

NOTE: The ordinance apply only to those establishment to be opened in the future but not to those already existing before.

Regulations on Liquor as to Persons

1. section 821, Revised Ordinances, as amended by Ordinance No. 5052 (City of Manila) provides that "no person shall be drunk or intoxicated, or behave in a drunken, boisterous, rude, or indecent manner in any public place, or place, or place open to public view, or be drunk or intoxicated, or behave in a drunken, boisterous, rude or indecent manner in any place or premises to the annoyance of another person".

2. Par. 4, Article 155, Revised Penal Code provides that "it shall be unlawful for any person who, while intoxicated xxxxx cause any disturbance or scandal in public places Xxx".

3. Par. (a), Section 838, Revised Ordinances (City of Manila) provides that "the sale, giving away, or otherwise disposing of any intoxicating liquors to any minor under eighteen (18) years of age or any person in an intoxicated condition is prohibited xxxxx except when the minor buys the liquor for some other person and not for their own use".

4. Par. (c), provides that "it shall be unlawful for any person under twenty one (21) years of age to drink alcoholic beverages and intoxicating liquors in any saloon, bar, inn, restaurant, café, or drinking places or any public places".

E. THE LEGAL CONCEPT OF INTOXICATION AND CRIMINAL LIABILITY

The Revised Penal Code of the Philippine (Art. 15) provides that intoxication is an alternative circumstance whenever present in the commission of crimes. An alternative circumstance is one which must be taken into consideration as either MITIGATING (Art. 13, RPC) or AGGRAVATING (Art. 14, RPC) according to the nature and effects of the crime and their other conditions attending its commission.

In order that intoxication maybe considered as a mitigating circumstance, two elements are necessary to be present:

- a. First, that intoxication not be habitual, that is, that the person who commits the offense in an intoxicated condition has become drunk by accident and not be habit or custom. In the absence of proof to the contrary, drunkenness will be presumed not to be habitual.

- b. Second, that the intoxication be not planted before the commission of crime, because if the perpetrator deliberately seeks in alcohol the necessary courage to execute the crime, or a means with which to suffocate any remorse, or as a mitigation for his offense, then his intoxication would

constitute a premeditation and cannot afford him any excuse; instead it should aggravate his criminal liability.

Intoxication is aggravating when it is habitual or intentional and subsequent to the plan to commit a crime. But under our legal concept, intoxication is no defense in the commission of a crime.

THE AMOUNT OF ALCOHOL NEEDED TO CONSIDER INTOXICATION A MITIGATING CIRCUMSTANCE –

The Revised Penal Code does not expressly provide the degree of intoxication needed to mitigate an offense but obviously, it is that amount of alcohol sufficient to produce such an effect that must diminish the person's capacity to know the injustice

of his acts and his will to act accordingly. NOTE: The intoxication must operate to weaken the will of the person and to enable him to commit crime more easily.

F. ALCOHOLISM AS A POLICE PROBLEM

1. Juvenile delinquency and teenage crime are mostly traceable to the indiscriminate sale of liquor to minors by stores, saloon, bars and other drinking places.

2. Drunkenness has always been connected with many forms of criminal behavior, usually characterized by violence or negligence.

3. Drunken drivers have been shown by police records to be the major causes of traffic and pedestrian accidents in the country resulting to loss of so many lives.

4. Alcoholism is always connected with other forms of vices, the alcoholics being hooked to drug addiction by way of association with others.

5. Drunkenness works injurious to the health and morality of the people forcing the alcoholics to depravity and to commit crimes, such as the chronic alcoholics.

G. KINDS OF INTOXICATION

1. Involuntary – when a drunken person does not know the intoxicating strength of beverage he has taken.

2. Intentional – when a person deliberately drinks liquor fully knowing its effects, either to obtain mitigation or to find the liquor as stimulant to commit crime.

3. Habitual – when the person finds that drinking his a constant necessary and the vice ultimately takes hold of him.

H. VARIOUS DEGREE OF INTOXICATION

1. Slight Inebriation – there is reddening of the face. There is no sign of mental impairment, in coordination and difficulty of speech.

2. Moderate Inebriation – the person is argumentative and overconfident. There is slight impairment of mental difficulties, difficulty of articulation, loss of coordination of finer movements. The face is flushed with digested eyeball. He is reckless and shows motor in coordination. The person maybe certified by the doctor as being under the influence of liquor.

3. Drunk – the mind is confused, behavior is irregular and the movement is uncontrolled. The speech us thick and in coordinated. The behavior is uncontrollable.

4. Very drunk – the mind is confused and disoriented. There is difficulty in speech and marked motor incoordination and often walking is impossible.

5. Coma – the subject is stuporous or in comatous condition. Sometimes it is difficult to differentiate this condition with other conditions having coma.

I. BRIEF EXPLANATION HOW A PERSON GETS DRUNK

Alcohol has its maximum period of absorption from 30 to 60 minutes after ingestion and it is absorbed in the stomach and in the intestines. Technically, if alcohol is only inside the stomach and intestine and not yet absorbed, it is practically outside of the body because it cannot produce its physiologic and neurologic effects.

The rate of absorption of alcohol in the stomach and intestine depends upon the following factors:

1. Concentration and total quantity of alcohol taken.
2. Nature of food present in the stomach and intestine.

Fatty foods makes absorption of alcohol slower as compared with sugar and other carbohydrates and protein.

3. The length of time the gastric contents are held in the stomach prior to the opening of the pylorus
4. Permeability of the stomach and intestinal membrane to alcohol.
5. Chronic drinkers absorb alcohol faster than non-habitual drinkers.
6. Concentration of alcohol in the beverages between 10 and 20% is the most rapidly absorbed.

J. SYMPTOMS OF ALCOHOLISM (Immediately after ingestion)

1. There is a sensation of well-being and slight excitement
2. Actions and emotions are less strained
3. Persons become careless and develops increase of confidence in himself
4. Sense of perception and skilled movement slackened
5. Person becomes irritable, sleepy, gay and pugnacious
6. Persons becomes clumsy and incoordinate
7. Speech becomes thick and slurring
8. Incoordination causes the person to become giddy, stagger and possibly fall
9. Finally, the person passes to the state of coma or vomiting due to gastro-intestinal irritation.

K. THE POLICE PROBLEM OF DRUNKEN DRIVER

When is a Driver Drunk?

1. Courts are a little vague as to what they mean by "drunken driving". Some judges hold that if the alcohol, has, in any way and to any degree, affected the driver's coordination or speed of reflex action, then the driver is under the influence of alcohol.

2. For some other courts, the standard appears to be at the driver is drunk "if he does not possess the clearness of intellect which he would otherwise possess" – a reasonable sounding criterion, though difficult to interpret. In some courts on the other hand it appears that man is not "intoxicated within the meaning of the lawunless it is shown that he has lost the control of either of his mental faculties..... or of the muscles of locomotion". The essence of this formula is the meaning of the phrase "lost control".

Proving a Drunken Driver by Police Investigation –

Drunken driving is a violation of the provisions of the Land Transportation Code and the offender driver is subject to arrest and punishment, confiscation and cancellation of license to drive. These drunken drivers are not often detected by the police, and yet, they are great hazards to traffic. Worst, when they commit car accidents resulting to death of persons involved. Great problems are encountered by police investigators and these two difficulties are:

1. The difficulty of proving a person is drunk without chemical tests; and,
2. The allegation of the driver that taking a test without his consent is a violation of his constitutional right against self-incrimination.

L. COMMON DEFENSE OF DRIVER AGAINST A FINDING OF DRUNKENNESS

1. That the odor on his breath is due to anti-freeze which spilled on him when he was filling the radiator of the car.
2. That he used a mouthwash and perhaps that contained alcohol, thus causing the odor on his breath;
3. That he is a diabetic and his swaying is due to acidosis or to insulin
4. That he had a blow on the head recently and that is why he is staggering
5. That he did not sleep last night and that is why he is groggy.
6. These findings are the effects of the medicine the doctor is giving him
7. That he has been unable to walk straight ever since he hurt his legs or back.
8. That dust blew into his eye which accounts for the redness.

M. CLINICAL EVIDENCE OF DRUNKENNESS OR ALCOHOLISM

Clinical evidences are signs or appearances available to the naked eye of an examining doctor or police investigators which will prove, prima-facie, that a person is drunk without the need of a chemical or scientific examination. In acute alcoholism, the clinical evidences are matters of common knowledge.

Some Forms of Clinical Evidences:

1. Clothing – it is untidy, stained and with smell of alcohol.
2. General Appearances – bloodshot eyes, red-faced, groggy stance coordination is lost.
3. Breath – with varying degree of alcoholic odors
4. Speech Content – incoherent, sarcastic, hostile attitude
5. Eyes – dilated pupils, reddened conjunctive or glassy appearance
6. Mentality – lack orientation, clarity of thought, no self-control, euphoria, excitement, depression
7. Tremor and irregular behavior

PHYSICAL TEST FOR DRUNKENNESS (ROMBERG'S TEST)

The following physical tests are available to the investigator in determining whether a person under investigation is under the influence of liquor or not:

1. Let the subject stand straight with heels together and with closed eyes for at least one minute. If he is not drunk, he will not sway to the front or to the sides, but if he is drunk, the body will not be stable in the absence of any pre-existing disease.
2. Let the subject stand straight with one foot ahead of the other so that the toes of one foot touches the heel of another. This will remove the brace to prevent the side sway. If drunk, there is more likelihood that the subject will sway sidewise and fall. The test may be repeated after the subject is free from the effects of alcohol and make a comparison of stability.
3. Let the subject sit comfortably in a desk and get samples of his handwritings. Compare these handwritings with those taken when he is free from alcohol.
4. Let the subject bend down and pick up a small object from the floor. If he stumbles, then his nervous system is not stable and that he may be drunk.
5. Let the subject go straight forward to a corner of a room and rapidly turn quickly and without stopping. Tell him to walk back. You will notice that the subject may have uncertainty of steps, sidesteps, or staggers while making the turn and in walking.
6. Let the subject lift two objects from the table and replace them side by side on the table without fumbling.
7. Let him pronounce distinctly the words like "truly rural" and note whether there is slurring of speech, especially in pronouncing some consonants.

ADMISSIBILITY IN EVIDENCE OF CHEMICAL TESTS FOR PROVING INTOXICATION

Any chemical and scientific test for alcohol to determine whether a person is under the influence of alcohol is admissible as evidence in court. Withdrawal of blood from a person and extraction of urine sample from a person suspiciously drunk to determine the alcohol concentration in the blood and/or urine is not self-incriminatory.

The act is purely mechanical and it does not utilize the mental faculties of the person or subject. This is important in crime detection because the person cannot refuse the investigation in submitting himself to a chemical or scientific examination.

FORMS OF CHEMICAL AND SCIENTIFIC TESTS OF INTOXICATION

1. Analysis of blood for alcohol contents
2. Analysis of urine for alcohol contents
3. Analysis of saliva for alcohol contents
4. Analysis of breath to determine concentration of alcohol
5. Analysis of body tissue and spinal fluid

THE BLOOD-ALCOHOL TEST

This test is the most widely accepted and direct method of determining the concentration of alcohol in the blood. This is done by physician, nurse or competent technician upon request of the police investigator. The following are the present two presumptive standards relating to the interpretation of blood alcohol contents:

- a. If there is 0.05 percent or less by weight of alcohol in a person's blood, it shall be presumed that he is not under the influence of intoxicating liquor.
- b. If there is 0.15 percent or more by weight of alcohol in a person's blood, it shall be presumed that he is under the influence of intoxicating liquor.

If the result of a chemical test indicated blood-alcohol concentration in between these zones, there is no presumption that the person was or was not under the influence of intoxicating liquor. But the chemical test result is nevertheless competent evidence to be considered in establishing whether the person actually was under the influence of intoxicating liquor.

The Urine-Alcohol Test:

Urine examination to determine blood alcohol contents gives an acceptable result to the court although the use of this chemical test is not yet widespread in our jurisdiction. Sample of urine must not be taken at one time only because urinary excretion of alcohol varies with time. Excretion is less during the early stage of absorption and may be more than that in the blood during the later stage.

TREATMENT AND PREVENTION OF ALCOHOLISM

In the treatment of alcoholism, the attitude of the patient is very important. It must be directed to develop the following conditions of the mind:

1. The patient must want to be cured;
2. The patient must believe that he can be cured; and
3. That the treatment will not fail.

Similarly, the following should be done to the patient:

1. The patient must be deprived of alcohol slowly;
2. He must be given plenty of rest;
3. He must be given adequate exercise;
4. He must be given proper diet; and,
5. Vitamins should be given to him in order to supplant the inadequate consumption of his food.

The Three Methods of Therapy (Treatment) on Alcoholism:

1. Aversion Treatment
2. Psychotherapy method
3. Program of Alcoholics Anonymous

1. The Aversion Treatment –

This treatment seeks to create an aversion from alcohol by the administration of a nauseating drug to be followed by a drink of liquor, and thus develops a dislike of alcohol. The method maybe rather costly since hospitalization maybe required. Moreover, the effect is not always lasting and treatment must be repeated. Yet, it is said that this method has proven effective in more than half of the cases.

2. The Psychotherapy Method –

This cure depends upon showing that the real problem of the alcoholic is not the alcohol itself but the emotional problem that led the alcoholics to drink. This method therefore, aims to eliminate these emotional tensions. Through therapeutic interviews, it undertakes to make the alcoholics aware of why he drinks and to provide him with the strength necessary to combat his problems.

3. The Program of Alcoholics Anonymous –

This method is based on conversion and fellowship. It emphasizes that alcoholics

understand alcoholism better than anyone else; that man is dependent upon God and must turn to Him for help; that the alcoholic must sincerely desire to stop drinking; and, that he must admit that he is an alcoholic and cannot drink in moderation.

The alcoholics is encourage to attend the meetings of ex alcoholics, to participate in their fellowship, and to make himself available for service to others who are suffering from alcoholism. Members are forced to acquire habits through group influence even if he fails a number of times. They may talk over their problems with the group and discover that their problems are vy no means unique. Members may go where alcohol is served, and may ever serve it to others themselves, but at the AAA parties and meetings, only milk and softdrinks are available.

The organization utilizes the intimacy of the primary group as therapeutic tool to effect a fundamental change in the personality of the alcoholic. Its service is supportive rather than aggressive, and the individual must learn to assume responsibility for his own cure. It is claimed that 75% of those who participated in the AAA programs have been rehabilitated.

NOTE: No one type of therapy can be effective in alcoholism because each case differs from others in terms of environmental factors and the reaction of the personality. Incarceration is futile in the rehabilitation of chronic alcoholics. It is necessary that a psychological and medical approach be made to the problem for its effective cure.

II - PROSTITUTION

I. Definition of Terms:

1. Prostitution - It is an act or practice of a woman who engage or habitually in sexual intercourse for money or profit.
2. Prostitute - A woman who engage in discriminate sexual intercourse or acts with males for hire.
3. Pimp - One who provides gratification for the lust of others.
4. Operator or Maintainer – one who owns or manages houses of ill-refute where the business of prostitution is conducted. Sometimes they are called “madame or mama san”.
5. White Slavery - The procurement and transportation of women cross stateliness for immoral purposes.

6. Organized Crime - Includes gambling, prostitution, dope (narcotics) and other illegal or dubious businesses.

7. Whores/Knocker - It is a name often used for all types of prostitute.

II. INTRODUCTION:

Prostitution and gambling are two vices that have plagued or caused so much suffering to mankind. There is no country in the world that is free of these vices. Many efforts and many methods have been devised at various times by man in attempting to control these two evils. However, up to present there has been no effective method of control. The police of any country have a responsibility to all of the citizens to make concentrated effort to eliminate these vices. The reason for this is quite simple. The two vices, prostitution and gambling, have a demoralizing and deteriorating effect upon any and all societies. Possibly the single item that makes it most difficult to control these vice is the wide diversity of public opinion as to degree of control that is desired. Many people will verbally condemn the two vices, and yet practice or participate in them.

Prostitution is often called the "oldest profession" in the world and records of prostitution exist since the beginning of recorded history. Prostitution today, although controlled and against the law in most countries, is still legal in some other countries. In some countries the laws are designed to combat the so called commercialized type of prostitution.

III. Two Basic Reasons Why Prostitution Must Be Suppressed

1. Control of venereal disease (VD)
2. Prevent organized crime

Statistics gathered by health organization throughout the world proved beyond any doubt that venereal disease increases with an increase in the amount of prostitution. Crime syndicate wields enough money and power to manipulate businesses and officials of major cities. If not controlled and prevented it will breed corruption and chaos.

For the existence of most of this organized crime, the individual citizen and no one else is to blame. A certain segment of people must be involved in partaking of the services offered by organized crime. Otherwise, if citizens refused these services, organized crime would go out of business.

The Causes of Prostitution

1. Poor social background and personality handicaps are some of the basis for drift into prostitution.
2. Previous sexual experience, mostly unfortunate and in or out of wedlock.
3. Contact with persons in or on the fringe of the business of prostitution.
4. Love for money and luxury on the part of the prostitute.
5. Lack of restraining check from neighbors, social environments and laxity of social control much as the agency for religious training and reforms.
6. The influence of contraceptives and preventive treatment for venereal diseases.
7. Efforts to support another vices such as drug addiction or alcoholism.
8. For the unwilling prostitutes, they are victims of white slave traffic such as kidnapping, keeping them under physical restraint, forcible abduction of women and victims of crime against chastity.
9. The indifference of law enforcement authorities in safeguarding the virtues of women and lack of courage of the victim of white slave trade to pursue the prosecution of cases they filed against the perpetrators.
10. Social causes of prostitution such as:
 - a) broken families
 - b) anonymity of city life
 - c) poverty and other

IV. Types of Prostitutes on the Basis of Operation

A. **CALL GIRLS** - These are the part-time prostitutes. They have their own legitimate work or profession but works as a prostitutes to supplement their income. Sometimes they are tellers, sales-ladies of department stores, waitresses, beauticians, or engage in similar jobs that they use to make contacts with customers. They receive telephone calls from a selected group of customers and make arrangements to meet them at a designated place. She may work alone or in partnership with an intermediary with whom she shares her earnings.

B. **HUSTLER** - is the professional type of prostitutes. She maybe a bar or tavern "pick-up" or a "street walker". The bar or tavern "pick-up" frequents places where liquor is sold, sometimes operating with the consent and knowledge of the management. The streetwalker is the oldest and the most common type of prostitute. She may worked with taxi-drivers and commits prostitution in a taxi-cab. Her common customers are the tourists, gamblers, criminals, Addicts and others. Their operation is oftentimes associated with swindling their customers.

C. DOOR KNOCKER - this is the occasional or selective type of prostitute. She is usually a newcomer in the business. Oftentimes, they are motivated by extreme desire for money due to poverty or supporting their other vices. She makes contact thru information coming from the professional and hustler who are friends who gives her addresses of prospective customers. She frequents hotels and furnished fun houses. She caters the affluent male members of the business world.

FACTORY GIRLS - are the real professional type of prostitutes. She works in regular houses of prostitution or brothels. She accepts all comers and has nothing to do with the selecting and soliciting the customers. She works in regular hours or tour of duty under the direct supervision of the madam or operator of the prostitution house. She gets her share of the earnings by commission or per customers.

V. Types of Prostitution Houses

A. **DISORDERLY HOUSES** – usually ridges several number of factory girls or professional prostitutes and under the control of an organized crime ring. A “madam” or “maintainer” supervises the operation supported by a staff of teller (cashier), bell or room boys, register clerks, watchmen, pimps and security guards known as bouncer. Their operation appears to be a legitimate business entity mostly under the protection of crooked policemen or law enforcement authorities and their location is prominently known to all their customers. They have number of small rooms with the prostitutes staying thereat where they wait for customers. At times, the house provided with secret exits ready for escaping in case of police raids.

B. **FURNISHED ROOM HOUSE** -usually operated by an experienced “madam” who rent rooms to legitimate roomers in order to maintain an appearance of responsibility Purposely, the madam leaves several rooms not rented to legitimate roomers for ready use of the prostitution. These prostitutes are mostly the call girls who make the room their designated places in perpetrating their business. Their rent is on per customers basis or they maintain the rent continuously but the prostitutes do not live there permanently but elsewhere to maintain their anonymity and identity. These houses could be found mostly in flashy subdivision or residential areas.

C. CALL HOUSES - this is where the customers call and the madam makes the arrangement and sends the girls by a transporter who is a man or woman to the place arrangement. The house appears to be a legitimate business house such as service agencies, travel offices, coffee shops, beauty parlors and the like duly licensed and registered as such with the government office. However, the telephone

number is limited only to qualified customers as recommended by their pimps who conduct the background investigation on the ability of the prospective customers to pay.

C. **MESSAGE CLINICS** - these houses are operated under a licensed or permit issued by the government but acts as a front for prostitution where the act maybe done or as per arrangement. They operate with barbershops with manicurists or "attendants" and "massagists" who while servicing their customers may make contacts or the prostitutes or themselves. These prostitutes are sometimes the newcomers in the business who do not earn much as attendants or massagists.

VI. Dangers of Prostitution and its nature

1. Prostitution is made punishable by the penal laws of the country and its existence has been the subject of prohibitions by both national and local government.
2. This activity is inextricably interwoven with many other criminal activities such as Part of organized criminal syndicate. It is often a hang-out for gunmen, gangsters, dope peddlers, drug addicts, bootleggers, hijackers and others.
3. The prostitute lives a life of shame and the stigma of mismirched character makes her impossible to return to normal life.
4. Prostitution as an oldest profession cannot be the subject of regulation with the end in view of eliminating it but can only be minimized since no law regulate the emotional lives of men.
5. For lack of medical supervision and control, the spread of venereal diseases and the acute effect of syphilis on the male customers may cause mental and physicaldeterioration of the body and even transmitted to the offspring and wife of the customer since the diseases is contagious.
6. As part of a lucrative business, the white slave trade victimizes the most innocent members of our womanhood in the society and therefore, destroys their opportunity in the future

VII. Control and Prevention of Prostitution

The following schools of thought are the suggested methods of control and prevention of the existence of prostitution:

A. THE SCHOOL OF REGULATORY CONTROL

This method maintains the idea that we cannot do away with prostitution unless we consider the problems and remove the causes of prostitution. The scheme originated

from the French System of controlling the prostitutes under the direction of Napoleon Bonaparte in 1808 while he was trying to protect his soldiers from the vile of prostitute exists as well as the supply, the practice cannot be totally eliminated. Arrests, detention and punishment of prostitutes would only drive them to clandestine Activities in places where they cannot be effectively controlled and inspected. In view thereof, the following regulatory policy has been adopted to provide the necessary protection for the society.

1. Segregation of brothels and soliciting to restricted districts.
2. Public licensing of houses of prostitution
3. Registration of prostitutes to protect them from the exploitation of white slave trade
4. Periodic medical examination of prostitutes and public health education.
5. Legalization of the practice of prostitution under government supervision and control to make it more realistic.
6. That arrest of prostitutes be handled by non-police agencies but should be taken care by social workers and medical men.
7. Finally, the rehabilitation of prostitutes by providing them jobs and facilities to earn a decent living.

B. THE SCHOOL OF TOTAL REPRESSION –

This method believes that prostitution is both a crime and a vice and therefore, should be repressed and totally prohibited. It maintains that chastity and continence should be the rule of conduct for everybody and to allow prostitution would be to abet immorality and white slave trade. As to licensing of prostitution, this school of thought argues that it invites men to enjoy promiscuity free and easy and without fear of the law. While it accepts the fact that men may still indulge in prostitution despite repression measures, but men would be more cautious, apprehensive and afraid of reproach or arrest from the decent members of the society. This is an American Plan on the control of prostitution which suggests the following method of suppressing prostitution:

1. Strict enforcement of all legislation against prostitution and all other vices or activities connected with it.
2. Education of the public regarding sex, prostitution and venereal diseases.
3. Adoption of medical measures and establishments of medical facilities for the diagnostic and treatment of venereal diseases.
4. Adoption of codes of self-regulation and organization of community cooperation
5. Making it unlawful for both men and women to engaged in prostitution.

6. Increase of penalties now applicable and existing to prostitution at he persons who may be punishable in relation to the practice of prostitution.

VIII. Arguments Advanced for Licensing Prostitutes:

Until about 20 or 25 years in many parts of the world a system of licensing prostitution was popular. This system reflects some semblance of control. This licensing system based on the theory that the prostitutes would have to submit to medical examinations and also would have be recorded by the law enforcement authorities. In this manner it was believed the police could eliminate the undesirable and the diseased.

There are many arguments advanced for licensing prostitutes and permitting them to work in designated districts.

It is claimed that such licensing would reduce sex crimes upon women. That it would eliminate or greatly reduced the crimes of rape, assault with intent to rape, or molestation of women or children.

It is also claimed that controlled prostitution would help to prevent the spread of venereal disease or infection.

All recent experiments in "controlled" prostitution have been a dismal failure. During WW II the houses of prostitution in many cities throughout the world operated not only under a form of official municipal approval, but also with the approbation of the military authorities. Sex crimes did not diminish. Rape flourished, and so did venereal disease.

It is known today that permissive legislation can control only a few prostitute. No feasible method of medical control has ever truly prevented the spread of venereal disease by professional prostitutes. And they will be ably assisted by their unlicensed sisters who will continue to operate unlawfully.

!X. Police Difficulties in Securing Information on Prostitution:

1. Patrons of houses of prostitution avoid any open contact with the police.
2. Usually letters and complaints received by the police are unsigned and the caller unidentified or anonymous.
3. It is only by maximum effort through diligent work and investigation on the part of the police may rid of a community of this evil. (More often locations of these

places of ill-fame will be discovered by diligent work and investigation on the part of the police).

X. LEGISLATIVE MEASURES AND STRATEGIES ON PROSTITUTION:

1. Article 202, RPC – Vagrants and Prostitutes

a. Any person having no apparent means of subsistence, who has the physical ability to work and who neglects to apply himself or herself to some lawful calling;

b. Any person found loitering about public or semi-public buildings or places or trampling or wandering about the country or the streets without visible means of support;

c. Any idle or dissolute person who lodges in houses of ill-fame; ruffians or pimps and those who habitually associate with prostitutes;

d. Any person who, not being included in the provisions of other articles of this Code, shall be found loitering in any inhabited place belonging to another without any lawful or justifiable purpose;

e. Prostitutes.

For the purpose of this article, women who, for money or profit, habitually indulge in sexual intercourse or lascivious conduct are deemed to be prostitutes.

Any person found guilty of any of the offenses covered by this article shall be punished by *arresto menor* or a fine not exceeding 200 pesos, and in case of recidivism, by *arresto mayor* in its medium period to prison correctional in its minimum period or a fine ranging from 200 to 2,000 pesos, or both, in the discretion of the court.

2. Article 201, RPC – Immoral Doctrines, Obscene Publication and Exhibitions. The penalty of prison correctional in its minimum period or a fine ranging from 200 to 2,000 pesos, or both, shall be imposed upon:

a. Those who shall publicly expound or proclaim doctrines openly contrary to public morals;

b. The authors of obscene literature, published with their knowledge in any form, and the editors publishing such literature;

c. Those who in theaters, fairs, cinematographers or any other place open to public view, shall exhibit indecent or immoral plays, scenes, acts or shows; and

d. Those who, shall sell, give away or exhibit prints, engravings, sculptures or literature which are offensive to morals.

3. Article 341, RPC – White Slave Trade

The penalty of prison correctional in its minimum and maximum periods shall be imposed upon any person who, in any manner, or under any pretext, shall engage in the business or shall profit by prostitution or shall enlist the services of women for the purpose of prostitution.

4. City (Manila) Ordinance No. 4638 (Vag. Prostitution) (Section 822, RO)

5. MMC Ord. No. 85-04-Child Prostitution Law

Prohibiting minors to work in sauna baths, massage clinics and the like.

6. Section 18, Rule 111, INP Rules and Regulations (PD 765)

House of Ill-Refute

Members of the PNP shall not enter any house suspected or reported as being of ill-refute except in the performance of duty and if compelled to enter such place shall report the fact to their superior officer as soon as practicable.

7. Senate Bill No. 716 – Anti-Obscenity Act of 1988 - Sponsored by Senator Shahani, Leticia.

GAMBLING

1. Gambling – it is a game or scheme the result of which depends wholly or chiefly upon chance or hazard
2. Chance or Hazard – is the uncertainty of the result of the game or when the outcome of the game is incapable of calculation by human reason, foresight, sagacity or design.
3. Lottery – it is a scheme for the distribution of prizes by chance among persons who have paid or agreed to pay a valuable consideration for the chance to obtain a prize.
4. “Maintainer” – is the person who sets up and furnishes the means with which to carry on the gambling game.
5. Conductor – is the person who manages or carries the gambling game.
6. Banker – is the person who keeps the money from which the winner is to be paid.
7. Totalizer – is a machine for registering and indicating the number and nature of bets made on horse races.
8. Wager – is the bet or consideration placed on gambling games.
9. Prize – is the unequal amount due to the winner.

10. Topada – the illegal cockfighting conducted on a day or at a cockpit not permitted by law.
11. Gullible Person – person who easily deceived especially in crooked gambling.
12. PAGCOR (Philippine Amusement and Gambling Corporation) – office that controls/regulates gambling games like the casino.

II. **INTRODUCTION:**

The laws relating to gambling are not all uniform throughout the world. Moreover, the interpretation of gambling law, is in many cases, seemingly in consideration with the language of the statutes on the subject. In spite of this, it is still the responsibility of the police to enforce such laws.

In gambling as in business, the head of the organization is in a position to take the largest profit. He may have operating for him many gamblers and proprietors using his equipment and paraphernalia. Each of those person is engaged in a continuing series of criminal acts and each act result in unfailing monetary gain. The total number of criminal acts amounts into the hundred of thousands, for which the head of the organization receives a percent of the profit in each act. Though collected in small amounts, the total amount is enormous. The general public is unaware of the tremendous sums of money that are diverted from the normal business channels in this manner.

The tremendous profits from gambling are used to circumvent the law. Funds are made available to corrupt to influence, to bribe, to campaign, to employ the best legal, talent to retain in office friendly, public officials, and to remove unfriendly ones. Gambling profits add to police difficulty in the control of gambling itself.

III. **RELATIONSHIP OF GAMBLING TO OTHER CRIMES:**

Communities in which gambling flourishes attract criminals. The unstable character of criminal and usual lack of normal relations with other persons cause them to seek recreation in gambling establishments. Their profits from crime are usually spent rapidly in some form of vice. The gambling operator is also a criminal and normally welcomes other criminals and sometimes assists them in disposing of their loot, obtaining weapons and planning other crimes.

Communities where gamblers always have a high crime rate. Establishments and districts, containing them are frequently the scenes of murders assaults and drunkenness. Private persons, when victimized by crooked gambling, sometime

commit suicide, embezzle funds and commit a variety of other serious offenses. The existence of gambling in a community therefore greatly increases the task of the police. Many professional gamblers will play only when there is a certainty that they will win. These gamblers play with gullible (easily deceived) native persons who fail to realize that the game they play is so fixed and controlled that there is no possibility of their ever winning. These "sure thing" gamblers used marked cards controlled roulette wheel and slot machines. The most common of the crooked gamblers are those who play with cards and dice. They have little difficulty in finding gullible people with whom to play.

IV. CLASSIFICATION OF GAMBLING GAMES

1. Those who are absolutely or per se prohibited

Examples:

- a. Under Art. 195, RPC – monte, jueteng, other form of lottery, policy, banking or percentage game and dog races;
- b. Faro and roulette is absolutely prohibited by the Gambling Law.
2. Those which are regulated by law. These games are regulated in the sense that the law allows the same to be played except on certain specified of the day.

Examples:

- a. Cockfighting under Art. 199, Revised Penal Code;
- b. Horse Racing under Art. 198, Revised Penal Code;
- c. Panguingue, cuajo, domino, mahjong, entre cuatro, and other under Sec. 828, Revised Ordinances of the City of Manila

IV. REQUISITES/ELEMENTS OF THE CRIME OF GAMBLING

1. That money or other consideration of value is at stake
 2. That the result of the games depends wholly or chiefly upon chance or hazard
- In cases of lottery, there must be:

1. consideration;
2. chance, and;
3. prize or the unequal amount due to the winner

NOTE: Lottery becomes punishable only when the participants buys ticket only for purposes of participating in the lottery but not when the participation is only incidental to buying a certain good wherein the participation entitles the buyer an equal value of his money's worth.

VI. ACTS PUNISHABLE IN GAMBLING

1. In cases of gambling games absolutely prohibited under Article 195, Revised Penal Code:
 - a. taking part directly or indirectly in gambling;
 - b. knowingly permitting any form of gambling to be carried on any place owned or controlled by the offender;
 - c. being a maintainer, conductor, or banker.
2. In cases of lottery under Article 196, or banker.
 - a. Possession of lottery lists which pertains to, or used in the game;
 - b. Importation, selling or distribution in connivance with the importer of lottery tickets
 - c. Selling or distribution without connivance with importer.
2. In cases of horse racing under Article 198, Revised Penal Code:
 - a. Betting on horse races during the periods or days not allowed by law, such as:
 1. Ordinary working days, but not legal holidays and those not allowed by the Games and Amusement Board.
 2. July 4th (now June 12, Independence Day) under Rep. Act N0. 137.
 3. December 30th of each year commonly known as Jose Rizal Day under Rep. Act No. 229.
 4. Any registration or voting days under Rep. Act No.180, as amended (Revised Election Code).
 5. Holy Thursday and Good Friday under Rep. Act No. 946.
 - b. Maintaining or employing a totalizer or other device or scheme for betting on races or realizing profit therefrom.
 - c. Under Rep. Act No. 3063, the operation and maintenance of "bookie joints" not authorized by the Games and Amusement Board and acting as "collector" or "solicitor" of bets on horses races for the bookie joints are prohibited.
4. In cases of illegal cockfighting under Article 199, Revised Penal Code:
 - a. Betting money or other valuables and organizing such cockfights at which bets are made on a day other than that permitted by law.
 - b. Betting money or other valuables and organizing such cockfights in a place other than a licensed cockpit.
5. And finally, making bets which are offered and accepted upon the result of a boxing or other sports contest is punishable by Article 187, Revised Penal Code and Section 830, Revised Ordinances of the City of Manila.

NOTE: A mere bystander or spectator in a gambling game is not criminally liable, because he does not take part therein, directly or indirectly. Mere presence in a gambling house or cockpit is not punishable.

VII. DANGERS OF THE VICE OF GAMBLING:

1. An evil that undermines the social, moral and economic growth of the nation.
2. It is beyond the good morals which has the effect of causing poverty, dishonesty, fraud and deceit.
3. It causes man to neglect his social obligations and the welfare of his business as a source of income.
4. Women and mothers who waste their time at the gambling board may neglect their duties to the children and cause serious problem and proliferation of juvenile delinquency.

VIII. CONTROL OF GAMBLING AND PROSTITUTION (OBTAINING EVIDENCE AGAINST A GAMBLING HOUSE AND A HOUSE OF PROSTITUTION)

Laws relating to public morals which mainly concern a Police Department, are those designed to combat prostitution and gambling. For this reason, a "Vice Division" should be created within a police department, if it is to suppress gambling and prostitution effectively and enjoy the advantages of suitable control. Such division fixes responsibility and assures a continuing and constant control.

Although the police constantly harass the vice operators by arresting employees and agents and confiscating equipment, they are not able, generally, to destroy the organized operator. They harass but do not destroy the organized operator. The police must do more than this if they are to stamp out commercialized vice. They must smash the head of the organization in its operation is to be stopped.

The specialization provided by a vice division enables the members of that division to study the legal procedures relating to the control of gambling and prostitution and to learn identity, locations and methods of operation of persons engaged in these activities. This centralizes information and police action, thus lessening the possibility of information "leaks" and "tip-offs".

In police organizations, as in business of industry, there are few who prove false to the trust placed in them. In some instances, police officers have been found to be on the payroll of the vice operator. Thus, police methods and anticipated police actions have been furnished the underworld in advance.

The control of gambling and prostitution requires the application of sound judgment. Decision must be made that often have far-reaching consequences. The Vice Division head should report directly to the Chief of Police or to an Assistant Chief in

a very large department. This close control of the vice divisions by the head of the department is justified because of the confidential nature of its work and its significant effect on the health and stability of city government and on the criminal element of the community. Because gambling and prostitution operations involves large profits, a strong effort to corrupt officials can be expected to hinders its control. Even though only one officer is engaged in control of gambling and prostitution, he should report directly to the chief of police.

Information obtained through the vice division investigations has sometimes revealed that mayors and high-ranking police officials are corrupt. In the many countries where this has occurred, those involved have been removed from office and proper criminal proceedings initiated. Many have been sent to prison.

IX. SUGGESTED CONTROL AND PREVENTIVE MEASURES

1. The government thru its law enforcement agencies must conduct a consistent and continued raids, arrest and closure of suspect gambling dens.
2. The courts and the law makers must enact and apply the law with more teeth as a deterrent factor.
3. The economic structure of our country must cater to the large majority of our population to provide mass employment and prosperity of the people in terms of income.
4. The building of more recreational and athletic facilities to divert attention of the people from gambling activities.
5. Active participation of NGO's (non-government organization) in the campaign against vices especially gambling.

X. LEGISLATIVE MEASURES/STRATEGIES ON GAMBLING

Generally the laws relating to gambling prohibit any person or persons from profiting from the operation of any game of chance, or game, apparatus or device in which the outcome is determined solely by chance, or gambling of any sporting event. Therefore cards dice and other similar games, devices or apparatus are forbidding where a person or person profit from the play by taking percentage of each pot or hand, charging a fee of some kind, or when such games are supported financially by the operator of the enterprise. Wagering (Act of betting) on sporting events such as horse races, soccer, basketball and other amateur and professional games is criminal act only when the person or persons concerned take or placed bets outside of that allowed by the law.

In the Philippine betting on horse racing Jai-Alai and the national, lottery are legal. This is gambling "per se" even though it is legal; all other gambling is illegal.

Customs dictates the law in many cases and the laws of other countries in relation to gambling will vary. Therefore, the above definition is probably as close as can be given as an explanation of gambling that will apply to all types.

LAWS RELEVANT TO GAMBLING

1. PD 1602 - Prescribing Stiffer penalties on illegal gambling
2. PD 510 - Law on Slot Machines
3. PD 449 - Illegal Cockfighting
4. PD 483 - Game fixing in Sports Contest
5. PD 1306 - Jai-Alai bookies
6. RA 3063 - Horse Racing Bookie
7. Art. 195-199 R.P.C. - Forms of Gambling and Betting
8. LOI No. 816 – Exclusion of certain prohibited games under PD 1602
9. Rule III, Sec. 21, PNP Rules and Regulations (PD 765) GAMBLING
No member of the PNP shall engage in any form of gambling prohibited by law.
10. Sec. 823, R.O. - Gambling Dens (Maintainer/Operator)
11. Sec. 824, R.O. - Gambling Devices, Possession of Pinballs
12. Sec. 827, R.O. - Gambling (Players)
13. Sec. 828, R.O. - Mahjong, Regulated Games
14. Sec. 830, R.O. - Betting in Athletic Contest
15. Sec. 831, R.O. - Illegal Cockfighting (Tupada)

XI. INSTRUCTIONS TO POLICE OFFICERS

Officers on "Post" should bear in mind that unlawful card games, dice games, etc. are usually carried on in places under a club charter, private dwellings, vacant buildings, private buildings, cheap bars, upper floor of garages and even large trucks. Gambling should be suspected whenever the nature of the business carried on in such a place is suspicious and free inspection of the police is not allowed by the person in

charge of the premises, especially so when the premises are frequented by known gamblers.

XII. HOURS OF WORK OF MEMBERS UNDER THE VICE DIVISION:

Vice Division members should work as a team and their effective strength should not be assigned to more than one shift. Their hours should be flexible and judged on the basis of the need. Certain hours of work are more desirable than others. As most gambling and prostitution violators start between the hours of 7:00 or 8:00 in evening and diminished around 3:00 or 4:00 in the morning, it is recommended that the vice squad work as a team during these hours. The hours, should however, remain flexible enough, change in the event of emergencies and special events.

DRUGS

□ Any chemically active substance rendering a specific effect on the central nervous system of man.

□ A chemical substance that affects the functions of living cells and alters body or mind processes when taken into the body or applied through the skin.

DRUG ABUSE

Is the overuse or consumption of drugs other than for medical reasons.

Abuse of drugs and other substances can lead to physical and psychological dependence.

DRUG DEPENDENCE

Characterized by the compulsion to use a drug to experience psychological or physical effects despite deterioration in health, work, and social activities.

It is a cluster of physiological, behavioral and cognitive phenomena of variable intensity in which the use of psychoactive drug takes on a high priority thereby involving, among others a strong desire or a sense of compulsion to take the substance and the difficulties in controlling substance taking behavior in terms of its onset, termination, or levels of use. (RA 9165)

TYPES OF DRUG DEPENDENCE

□ **Physical Dependence** - can only be discernible when drug intake is decreased or stopped and an involuntary illness called the withdrawal syndrome occurs.

☐☐ **Psychological Dependence** - Exhibited when a user relies on a drug to achieve a feeling of well-being. The most extreme form of this is the obsession of the user with the drug, thus focusing virtually all his interest and activity on obtaining and using it. It also arises from the ability to satisfy some emotional or personality needs of an individual.

FORMS OF DRUG DEPENDENCE

☐ **Tolerance** - A form of physical dependence, occurs when the body becomes accustomed to a drug as the drug is repeatedly taken in the same dose. It now requires ever-increasing larger doses to achieve the same desired effect. Tendency to increase dosage to maintain the same effect in the body.

☐ **Habituation** - A form of psychological dependence, characterized by continuous desire for a drug. A person believes that the drug is needed to function at work or home because drugs often produce an elated/ excited emotional state.

☐ **Addiction** - a form of physical dependence, severe craving for the drug even to the point of interfering with the person's ability to function normally.

SOME RECOGNIZABLE SIGNS OF DRUG ABUSE

- ☐ Sudden shift in attitudes and demeanor
- ☐ Mood swings
- ☐ Highly excitable and displays fits of rage and aggression
- ☐ Unusual effort to conceal needle marks.
- ☐ Wearing dark eyeglasses to conceal constricted or dilated pupils and bloodshot eyes
- ☐ Sudden regression from usual and normal capabilities
- ☐ Neglect of personal grooming, hygiene and appearance
- ☐ Engaging in petty crimes to support illicit habit
- ☐ Association with known drug users

COMMON REASONS WHY PEOPLE TURN TO DRUG ABUSE

☐ **Parental influences** - unhappy home, parents showing little or no interest in their children, Abuses committed by parents such as harsh physical punishments; Lack of

parental values; parents who are permissive and liberal; parental neglect; domestic violence; role modeling.

☐ **Peer influences** - Drug using friends encourage, pressure even, a youth to experiment with drugs.

☐ **Personality Factors** - Curiosity or the desire to experience a new state of consciousness; Escape from physical and mental pain, relief from boredom and frustration, and desire to escape from harsh realities; unable to conform with social standards; weak personality or low sense of self esteem.

TYPES OF DANGEROUS DRUGS

DEPRESSANTS Also known as “**downers**”, are drugs which act on and depresses the central nervous system causing initial relaxation leading to drowsiness and sleep. Used of downers results to impairment of judgment, hearing, speech and muscle coordination. They dull the minds, slow down the body reaction to such extend that accidental deaths and suicides usually happen.

OTHER NAMES AND HOW DOES IT LOOK LIKE

☐ **Barbiturates** – Downers, Barbs, Blue Devils, Yellow Jackets, Yellows, Nembutal, Seconal, Amytal, Tuinals

RED, YELLOW BLUE, or RED AND BLUE **CAPSULES**

☐ **Methaqualone** – Qualudes, Ludes Sopors, Mandrakes

TABLET form

☐ **Tranquilizers** – Valium, Libriu Equanil, Miltown Serax, Tranxene

TABLET or **CAPSULE** form

TYPES OF DEPRESSANTS

☐ **Narcotics** - The term narcotic basically refers to drugs that produces a depressant effect on the Central Nervous System. Medically they are potent painkillers, cough suppressant and active component of anti-diarrhea preparations. Narcotics relieve pain by acting on specific structures, called receptors, located on the nerve cells of the spinal cord or brain. The usual method of administering these drugs into the body is by injecting, ingestion or inhalation.

☐ **Opium** - Refers to the flowering plant of the species **papaver somniferum**. It is derived from the Oriental poppy plant which is grown in Asia and can also be found in other

areas such as Mexico. The plant is usually 3 or 4 feet high, raw opium is dark brown in color and is bitter in taste. A number of alkaloids are derived from this substance, the most of which are morphine, heroin, and codeine. The plant displays a beautiful flower that ranges in color from white to purple.

☐ OTHER NAMES: **Paregoric, Dover's powder, Parepectolin**

☐ LOOKS LIKE: **Dark Brown Chunks**

☐ USED: **Smoked ; Eaten**

☐ **Morphine** - It is the most important alkaloids and constitutes about 10 % of the use raw opium. It is converted from raw opium through a relatively simple boiling and filtering process. One of the most significant development in history took place in the early 19th century, when **Friedrich Sertuner**, a German scientist isolated morphine from opium.

☐ OTHER NAMES: **Pectoral syrup, Sweet Morpheus**

☐ LOOKS LIKE: **White Crystals, Hypodermic Tablets, Injectable Solutions**

☐ USED: **Smoked ; Taken Orally ; Injected**

☐ **Heroin** - It is the most commonly abused narcotic in the world. To produce heroin, the chemist takes an equal amount of morphine and acetic anhydride and heats them together for six hours. It was discovered by **Alder Wright** (1896), a British chemist. It promised to cure addiction from opium and morphine. It is a **white, odorless, crystalline powder** with a very bitter taste.

☐ OTHER NAMES : **Smack, Horse, Brown Sugar Junk, Mud, Big H, Black Tar**

☐ LOOKS LIKE : **WHITE to DARK BROWN TAR-LIKE SUBSTANCE**

☐ USED: **INJECTED or INHALED THOROUGHLY**

◉ **Codeine** - Also known as **Methylmorphine**. It is similar to morphine , but its effect is weaker in intensity. Cough preparations generally contain one grain of codeine per fluid ounce. It is also available in tablet or powder form. It was isolated from morphine in the year 1832.

◉ OTHER NAMES: **Empirin, Cough Syrups, Tylenol w/ Codeine**

◌ LOOKS LIKE: **Dark Liquid , Capsules ,Tablets**

◌ USED: **Taken Orally ; Injected**

◌ **Methadone** - a synthetic narcotic used as treatment of heroin dependence but also fallen to abused. Other than methadone, other most commonly known synthetic opiate substitute are meperidine (demerol) and darvon.

◌ OTHER NAMES: **Dolly, Dolophine, Amidone**

◌ LOOKS LIKE: **Solution**

◌ USED: **Taken Orally ; Injected**

EFFECTS OF NARCOTICS

- ◌ Produced a short lived feeling of pleasure, euphoria and a positive sense of well being known as "thrill", "rush", or "high".
- ◌ Constrict pupil of the eye causing difficulty in vision
- ◌ On a large dose, it causes nausea, vomiting, and difficulty in breathing
- ◌ It induces sleep with a slow, shallow respiration
- ◌ Overdose cause convulsion, followed by cessation of respiration leading to death

STIMILANTS Drugs which induce alertness, wakefulness, elevated mood, increased speech, mental and motor activity, relieve fatigue or boredom and decreased appetite.

TYPES OF STIMULANTS

◌ **Cocaine** - The drug taken from the coca bush plant. (**Ertroxylon coca**) which usually grows in South America. Cocaine, in its pure form, is also white and made up of shiny, colorless crystal and understandably called "**snow**" in the junkie jargon. It is one of the strongest short acting stimulants.

◌ OTHER NAMES: **Coke, Snow Flake, White Blow, Nose, Candy, Big C, Snow-bird, Lady**

◌ LOOKS LIKE: **White Crystal-line powder (often diluted)**

◌ USED: **Inhaled ; Injected ; Smoked**

◌ **Amphetamines** - usually prescribed to reduce appetite and to relieve minor cases of mental depression. This drug is representative of a broad class of stimulants known as “**pep pills**”. The most common and widely used preparations of the drug are methamphetamine, amphetamine sulfate, dextroamphetamine, which are known and sold under such trade names as Benzedrine, and Dexedrine. These drugs achieve their effect by increasing the amount and activity of the neurotransmitter (noradrenaline) within the brain thus causing psychic effects.

◌ OTHER NAMES: **Speed, Uppers, Ups, Black Beauties, Bumblebees, Hearts, Benzedrine, Dexedrine, Shabu**

◌ LOOKS LIKE: **Capsules, Pills, Tablets**

◌ USED: **Taken Orally ; Inhaled ; Injected**

◌ **Methylenedioxymethamphetamine** - (MDMA)- It is commonly known as “**Ecstasy**” It is a **white, yellow or brown in color with a bitter taste and comes in the form of either a tablet, capsule or powder**. Its tablet form comes in various designs and shapes hence it is dubbed as “**designer drugs**”. It was first became popular in the US as recreational drug, followed later by European and eventually gained popularity in other parts of the world including in the Philippines. Owing to its expensiveness, most abusers are categorized among the elites, yuppies (young urban professionals) and nocturnal party goers.

◌ **Methamphetamine hydrochloride** - Commonly known as “**shabu**”. It is a **white odorless and crystalline powder** with bitter taste. It is popularly known as **poor man's cocaine**. It is considered as the most abused stimulants in the Philippines. At present, this chemical has no known medically acceptable use.

EFFECTS OF STIMULANTS

◌ Causes irritability, restlessness, hyperactivity, anxiety etc.

◌ Impairs judgment and causes deep depression and physical exhaustion after single dose of moderate strength wears off

- ⦿ Causes undesirable, acute psychotic consequences such as suspiciousness, hostility, persecutory delusions, violent and destructive behavior and recklessness
- ⦿ Physiological effects like hypertension, chest pain, irregular heart rate, convulsion and cardiac arrest leading to death.

HALLUCINOGENS More popularly known as “**psychedelics**”, is a group of natural or synthetic psychoactive drugs that produce reactions such as perceptual alterations and changes in the state of consciousness. These drugs generally produced marked **distortion of the senses** and alter the way time is perceived by the user. They produce hallucinations or visions, hence the name. Chronic use lead to bizarre and anti-social thoughts as well as to disorientation and confusion. These drugs work by exciting the Central Nervous System and inhibiting the flow of **serotonin**, an important neurotransmitter in the brain.

EXAMPLES OF HALLUCINOGENS

⦿ **Lysergic Acid Diethylamide (LSD)** - a compound produced from lysergic acid, a crystalline substance derived from the fungus **claviceps purpurea** which infects wheat. It was discovered by Dr. Albert Hoffman while working in a Swiss Pharmaceutical company. Known on the street as “**acid**”, it is the best known and most potent hallucinogens.

⦿ OTHER NAMES: **LSD, Acid, Green/Red Dragon, White Lighting, Blue Heaven, Sugar Cubes, Microdots**

⦿ LOOKS LIKE: **Bright Colored Tablets, Thin Squares of Gelatin, Clear Liquid**

⦿ USED: **Taken Orally ; Can be applied to the Eyes**

⦿ **Mescaline** - aka STP which stands for serenity- tranquility- peace- a drug derived from the dried tops of the peyote cactus, a small cactus native to Mexico.

⦿ **Psilocybin** - hallucinogenic compound obtained in mushroom, **psilocybe mexicana**.

⦿ **Phencyclidine (PCP)** - considered as a menace and highly dangerous drug because it can be easily synthesized, this drug has no medical purpose for humans but it is

occasionally used by veterinarians as an anesthetic and sedative for animals. It is popularly known as **angel dust**.

🕒 **Marijuana (Cannabis Sativa)** - Marijuana is a Mexican term meaning **pleasurable feeling**. It is a mixed preparation of the flowering tops, leaves, seeds, and stem of the hemp plant. The plant may grow from 3 to 10 ft high. The flowering tops of both male and female plant produce a sticky resin which contains **Tetrahydrocannabinol or THC**. It is known as the world oldest cultivated drugs used by the Incas of Peru.

EFFECTS OF MARIJUANA

- 🕒 Faster hear beat and pulse rate
- 🕒 Blood shot eye
- 🕒 Dry mouth and throat
- 🕒 Altered sense of time or disorientation
- 🕒 Forgetfulness and inability to think
- 🕒 Impaired reflexes/ coordination
- 🕒 Acute panic – anxiety reaction- extreme fear of losing control

FIELD TEST FOR DANGEROUS DRUGS

- 🕒 **Marijuana** - Duquenois- Levine test (Red)
- 🕒 **Shabu** - Symone's test (purple)
- 🕒 **LSD** - Van urk test (Blue purple)
- 🕒 **Opium** - Marquis Test (violet)
- 🕒 **Amphetamines** - Marquis test (red/ orange)
- 🕒 **Barbiturates** - Dilli Koppanyi/ Zwikkens test (violet/ blue)
- 🕒 **Cocaine** - Cobalt thiocynate (blue)

PHILIPPINE DRUG ENFORCEMENT AGENCY

🕒 For thirty years, **RA 6425**, otherwise known as the Dangerous Drug Act of 1972, had been the backbone of the Philippine drug Law enforcement system. Recognizing the need to strengthen or replaced the existing anti- drug laws, Pres. Gloria Arroyo signed **RA 9165** or the Comprehensive Dangerous Drug Act of 2002, on June 7, 2002 and it took effect on July 4, 2002. The new anti- drug law defines more concrete course of action for the national anti-drug campaign and imposes heavier penalties on offenders.

🕒 The enactment of RA 9165 as reorganized the Philippine Drug Law Enforcement System. While the DDB remains as the policy making body, it created the PDEA under the office of the Pres. The new law also abolished the National Drug Law Enforcement and Prevention Coordinating Center, PNP Nargrp, NBI narcotics unit, and the customs interdiction office. Personnel of these abolished agencies were to continue to perform their tasks on detail service with the PDEA subject to a rigid screening process.

🕒 The PDEA was officially **activated on July 30, 2002** when the Pres. Appointed its first director Gen, Undersec. Anselmo Avenido Jr. One year after the creation of the PDEA, the Pres. Issued E.O. 218 on June 18, 2003 to strengthen the support mechanism for the PDEA as the lead agency in the campaign against illegal drugs. The PNP organized the PNP AIDSOTF, NBI Anti- drug task force.

RA9165

SECTION 4. IMPORTATION OF DANGEROUS DRUGS Penalty - life imprisonment and fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00)

IMPORTATION OF ANY CONTROLLED PRECURSOR AND ESSENTIAL CHEMICAL Penalty - imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00)

MAXIMUM PENALTY FOR THE FOLLOWING:

🕒 Import or bring into the Philippines any dangerous drug and/or controlled precursor and essential chemical through the use of a diplomatic passport, diplomatic facilities or any other means involving his/her official status intended to facilitate the unlawful entry of the same.

🕒 Organizes, manages or acts as a "financier" of any of the illegal activities

PROTECTOR OR CUDDLER of any violator of this provision shall be penalized by Twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00)

SECTION 5. SALE, TRADING, ADMINISTRATION, DISPENSATION, DELIVERY, DISTRIBUTION AND TRANSPORTATION OF

DANGEROUS DRUGS -Penalty - Life imprisonment and fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00)

CONTROLLED PRECURSOR AND ESSENTIAL CHEMICALS - Penalty – Imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00)

MAXIMUM PENALTY FOR THE FOLLOWING:

- ☐ Transpires within one hundred (100) meters from the school
- ☐ Used of minor or a mentally incapacitated individual, or should a dangerous drug and/or a controlled precursor and essential chemical involved in any offense herein provided be the proximate cause of death of a victim.
- ☐ Financier

SECTION 6. MAINTAINANCE OF A DEN,DIVE OR RESORT INVOLVING DANGEROUS DRUGS**Penalty – life imprisonment and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00)**

☐The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon **any person or group of persons who shall maintain a den, dive, or resort where any controlled precursor and essential chemical is used or sold in any form.**

SECTION 8. MANUFACTURE OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSOR AND ESSENTIAL CHEMICALS

☐Penalty for Manufacture of Dangerous drugs- life imprisonment and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00)

⦿ Penalty for manufacture any controlled precursor and essential chemical - The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00)

NOTE : The presence of any controlled precursor and essential chemical or laboratory equipment in the clandestine laboratory is a *prima facie* proof of manufacture of any dangerous drug.

AGGRAVATING CIRCUMSTANCES If the clandestine laboratory is established in the ff. circumstances:

- ⦿ Conducted in the presence or with the help of minor/s:
- ⦿ Established within one hundred (100) meters of a residential, business, church or school premises
- ⦿ Secured or protected with booby traps
- ⦿ Concealed with legitimate business operations
- ⦿ Employment of a practitioner, chemical engineer, public official or foreigner

SECTION 11. POSSESSION OF DANGEROUS DRUGS

⦿ **Possession of Dangerous Drugs regardless of purity** - penalty provided **life imprisonment** and a **fine** ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00)

⦿ 10 grams or more of opium, morphine, heroin, cocaine/ cocaine hydrochloride, marijuana resin or oil, LSD, GHB, MDMA,

⦿ 50 grams or more of shabu

⦿ 500 grams or more of marijuana

⦿ **Penalty** - Life imprisonment and fine ranging from Php 400,000.00 to Php 500,000.00

⦿ If the quantity of shabu is ten (10) grams but not more than 50 grams

⦿ **Penalty** - Imprisonment of 20 years and 1 day to life imprisonment and fine ranging from Php 400,000.00 to Php 500,000.00

⦿ If 5 grams or more but less than 10 grams of any Dangerous Drugs

⦿ 300 grams or more of marijuana but less than 500 grams

☉ **Penalty**- imprisonment of 12 years and 1 day to 20 years and a fine ranging from Php 300,000.00 to Php 400,000.00

☉ If the quantity of dangerous drugs are less than 5 grams.

☉ If the quantity of Marijuana is less than 300 grams.

SECTION 12. POSSESSION OF THE EQUIPMENT, INSTRUMENT OR APPARATUS AND OTHER PARAPHERNALIA FOR DANGEROUS DRUGS

☐ **Penalty** - imprisonment ranging from six (6) months and one (1) day to four (4) years and a fine ranging from Ten thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00)

☐ The possession of such equipment, instrument, apparatus and other paraphernalia fit or intended for any of the purposes enumerated in the preceding paragraph shall be *prima facie* evidence that the possessor has smoked, consumed, administered to himself/herself, injected, ingested or used a dangerous drug and shall be presumed to have violated Section 15 of this Act.

SECTION 15. USE OF DANGEROUS DRUGS

☐ A person apprehended or arrested, who is found to be positive for use of any dangerous drug, after a confirmatory test, shall be imposed a penalty of a minimum of six (6) months rehabilitation in a government center for the **first offense**.

☉ If apprehended using any dangerous drug for the **second time**, he/she shall suffer the penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years and a fine ranging from Fifty thousand pesos (P50,000.00) to Two hundred thousand pesos (P200,000.00): *Provided*, That this Section shall not be applicable where the person tested is also found to have in his/her possession such quantity of any dangerous drug provided for under Section 11 of this Act, in which case the provisions stated therein shall apply.

SECTION 16. CULTIVATION OF PLANTS CLASSIFIED AS SOURCE OF DANGEROUS DRUGS

☐ **Penalty** - Life imprisonment and fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00)

SECTION 21. CUSTODY AND DISPOSITION OF CONFISCATED/SIEZED AND/OR SURRENDERED DANGEROUS DRUGS, PLANT SOURCES OF DANGEROUS DRUGS,

CONTROLLED PRECURSOR AND ESSENTIAL CHEMICALS, INSTRUMENTS, PARAPHERNALIA AND/OR LABORATORY EQUIPMENT.

□ The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

○ The **apprehending team** having **initial custody and control of the drugs** shall, immediately after seizure and confiscation, **physically inventory and photograph the same** in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof;

○ **Within twenty-four (24) hours** upon confiscation/seizure of dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment, the same shall be submitted to the PDEA Forensic Laboratory for a qualitative and quantitative examination;

○ A **certification of the forensic laboratory examination** results, which shall be done under oath by the forensic laboratory examiner, shall be issued within twenty-four (24) hours after the receipt of the subject item/s.

○ That a **final certification** shall be issued on the completed forensic laboratory examination on the same within the next twenty-four (24) hours

○ After the filing of the criminal case, the Court shall, within seventy-two (72) hours, **conduct an ocular inspection** of the confiscated, seized and/or surrendered dangerous drugs, and controlled precursors and essential chemicals, including the instruments/paraphernalia and/or laboratory equipment, and through the PDEA shall:

Within twenty-four (24) hours thereafter proceed with the **destruction or burning** of the same, in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the DOJ, civil society groups and any elected public official

SECTION 38. LABORATORY EXAMINATION OR TEST ON APPREHENDED / ARRESTED OFFENDERS

□ Any person apprehended or arrested for violating the this Act shall be subjected to screening laboratory examination or test within twenty-four **(24) hours**, if the apprehending or arresting officer has reasonable ground to believe that the person apprehended or arrested, on account of physical signs or symptoms or other visible or outward manifestation, is under the influence of dangerous drugs.

□ **If found to be positive**, the results of the screening laboratory examination or test shall be challenged within fifteen (15) days after receipt of the result through a **confirmatory test** conducted in any accredited analytical laboratory equipment with a gas chromatograph/mass spectrometry equipment or some such modern and accepted method, **if confirmed the same**, shall be *prima facie* evidence that such person has used dangerous drugs, which is without prejudice for the prosecution for other violations of the provisions of this Act: *Provided*, That a positive screening laboratory test must be confirmed for it to be valid in a court of law

DANGEROUS DRUGS BOARD

It shall be composed of 17 members wherein

+ **3 of which are permanent members,**

+ **12 members shall be ex- officio capacity** and

○ **Secretary of the following Department**

DOJ , DOF, DOH, DND, DOLE, DepEd, DILG, DFA, DSWD

○ **Chairman CHED, NYC**

○ **Dir. General of PDEA**

+ **2 regular members.**

○ **President of Integrated Bar of the Philippines**

○ **Chairman or President of a non- government organization** involved in dangerous drug campaign to be appointed by the President.

○ **The Director of NBI and Chief PNP shall be the permanent consultant of the DDB.**

JURISDICTION OVER DANGEROUS DRUG CASES

○ The Supreme Court shall designate special courts from among the existing RTC in each judicial region to exclusively try and hear cases involving violation of RA 9165.

☉ The DOJ shall designate special prosecutors to exclusively handle cases involving violation of RA 9165.

DEFINITION OF TERMS

DRUG ADDICTIONS – A state of periodic or chronic (continuous) intoxication (drunk) detrimental to individual and to the society produced by the repeated consumption of drugs (WHO)

CHEMICALS – Is any substance taken into the body, which alters the way, the mind and the bodywork.

CHEMICAL ABUSE – Is an instance when the use of a chemical has produced a negative or harmful consequence.

TREATMENT – Is a medical service rendered to a client for the effective management of hit total conditions related to drug abuse. It deals with the physiological without abusing drugs.

REHABILITATION – Is a dynamic process directed towards the changes on the health of the person to prepare him from his fullest life potentials and capabilities, and making him law-abiding and productive member of the community without abusing drugs.

ENABLING – Is any action taken by a concerned person that removes or softens the negative effect or harmful consequences of drug use upon the user. Enabling only makes thing worse. It is like fighting fire with gasoline.

POLYDRUG ABUSE – Many people who abuse on drug tend to take all sorts of drugs. Some play chemical “Russian roulettes” by taking everything including unidentified pills. This is called polydrug abuse.

DRUG EXPERIMENTER – One who illegally, wrongfully, or improperly uses any narcotics substances, marijuana or dangerous drugs as defined not more than a few times for reasons or curiosity, peer pressure or other similar reasons.

DRUG SYNDICATE – It is a network of evil. It is operated and manned by willful criminals who knowingly traffic in human lives for the money. Large sum of money, they can make in their illegal and nefarious

trade. The set results of their commerce are physical and mental cripples, ruined lives, and even agonizing death.

WITHDRAWAL PERIOD – From the point of habituation or drug dependence up to the time a drug dependent is totally or gradually deprived of the drug.

TOLERANCE – It is the increasing dosage of drugs to maintain the same effect. This is dependent is totally or amphetamines, barbiturates, opiates and solvents.

DRUG DEPENDENCE – A state of psychic or physical dependence, or both on dangerous drugs, arising in a person following administration or use of a drug on a periodic or continuous basis.

PHYSICALDEPENDENCE – An adaptive state caused by repeated drug use that reveals itself by development of intense physical symptoms when the drug is stopped (withdrawal syndrome).

PSYCHOLOGICALDEPENDENCE – An attachment to drug use which arises from a drug ability to satisfy some emotional or personality need of an individual. (Physical dependence not required but it does not seem to reinforce psychological dependence)

MARIJUANA – Obtained from an Indian hemp plant known as “Cannabis Sativa” a strong, handy ,annual shrub which grows wild in temperate and tropic regions.

TETRAHYDROCANNABINOL – (THC) It is the psychoactive agent of marijuana. The more THC present in marijuana, the more potent is the drug. It is also known as the “siniter element” in marijuana. This is what causes the “high lift” or “trip” in marijuana users.

HASHISH – It is the dark brown resin that is collected from the tops of potent Cannabis Sativa. It is at least five times stronger than crude marijuana. Since it is stronger, the effect on the user is more intense, and the possibility of side effects is greater. Placing the crude plant material in a solvent makes it. The plant material is then filtered out and the solvent is removed, yielding a gummy, resinous substance.

NARCOTICS – Is any drug that produces sleep or stupor and relieves pain due to its depressant effect on the central nervous system. A term narcotic comes from the Greek word for sleep “Narkotikos”

OPIUM – Obtained from a female poppy plant known as “Papaver Somniferum”. It comes from the Greek word which means “juice”. It is the original components of Morphine and Heroin.

MORPHINE – It is the second extraction from opium, six times stronger. It was named after Morpheus the Greek god of dreams stimulating effects.

HEROIN – It is the third derivative extracted and the most powerful. It has no medical use because of the high rate of medication. This is the most potent of opium derivatives, five times stronger than morphine.

SHABU – It is Japanese form of drug abuse. It is an amphetamine type of stimulant whose chemical use name is Methamphetamine. This stimulant was originally known as “Kakuseizai” is the Japanese word for waking “Zai” the term for drugs. The stimulant started in Japan immediately after the end of the Pacific War and brought into the Philippines by Japanese tourist.

COCAINE – It is an alkaloid contained in the leaves of “Erythoxylon coca” a hardy plant cultivated in Bolivia. The first user of coca leaf were the Incas of Peru. It is a stimulant. A powerful natural stimulant known to man. Cocaine acts immediately. It is a quick acting drug. Its effects are rapid from the time of intake. It is indeed “super-speed”.

CODEINE – Is another opium alkaloid, the second to be developed after Morphine. It is used as a painkiller, but more as a cough reliever.