

Police action at the crime scene

SCOPE OF PRESENTATION

1. Definition of Terms
2. Purpose of CSI
3. Procedure upon Receipt of complaint
4. Requisite of dying declaration
5. Investigative tools and equipment
6. Method of recording investigative data

REFERENCES;

- Field manual investigation of crime of violence and other crimes
(2011)
- PNP Responders Manual
- Revised PNP Operational Procedure December 2013



DEFINITION OF TERMS

DEFINITION OF TERMS

- a. **Crime Scene** - A venue or place where the alleged crime/incident/event has been committed;

- b. **Crime Scene Investigation (CSI)** - Is a comprehensive inquiry of a crime by conducting systematic procedure of various investigative methodologies which involves recovery of physical and testimonial evidence for the purpose of identifying the witnesses, and arrest of perpetrator(s) for prosecution. **CSI shall technically commence upon the arrival of the FRs and conclude with the lifting of the security cordon and release of the crime scene by the IOC;**

DEFINITION OF TERMS

- c. **First Responder (FR)** – Are members of the PNP or other law enforcement agencies who are mandated and expected to be **the first to respond to calls for assistance in cases of incidents of crime**. They generally refer to police officers who have jurisdiction of the area where the incident or crime has taken place and will proceed to the crime scene to render assistance to the victim and to protect and secure the incident scene;

- d. **Criminal Investigator** – A Police 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. A well-trained, disciplined and experienced professional in the field of criminal investigation duties and responsibilities;

DEFINITION OF TERMS

- e. **Investigator-on-Case (IOC)/ Duty Investigator** – Shall refer to any PNP personnel who is **duly designated or assigned to conduct the inquiry of the crime** by following a systematic set of procedures and methodologies for the purpose of identifying witnesses, recovering evidence and arresting and prosecuting the perpetrators. The IOC shall assume full responsibility over the crime scene during the conduct of CSI;
- f. **Scene of the Crime Operation (SOCO)** – A **forensic procedure performed by the trained personnel of the PNP Crime Laboratory SOCO Team** through scientific methods of investigation for the purpose of preserving the crime scene, gathering information, documentation, collection, and examination of all physical and other forensic evidence;

DEFINITION OF TERMS

- g. **After SOCO Report** – It is a report rendered and prepared by the Team Leader of the PNP Crime Laboratory SOCO Team which conducted the scene of the crime operations;
- h. **Crime Scene Search** – Is a systematic method employed by the SOCO Team, if the nature of the case is **sensational or sensitive**, and the IOC in the conduct of search in the crime scene and in the surrounding areas where the alleged crime/incident/event has taken place for the purpose of finding and recovering evidence. There are several methods of crime scene search which can be employed such as strip search, double strip search, spiral search, zone or quadrant search, wheel method, etc.;

DEFINITION OF TERMS

- i. **Evidence** – The means sanctioned by the Rules of Court, of ascertaining in a judicial proceeding the truth respecting a matter of fact. These include but are not limited to **documentary, testimonial, electronic and object evidence, gathered in the course of the investigation;**
- j. **Physical Evidence** - Evidence addressed to the senses of the court that are capable of being exhibited, examined, or viewed by the court. **This includes but not limited to fingerprints, body fluids, explosives, hazardous chemicals, soil/burned debris, bombs, electronic parts used in the commission of the crime;**
- k. **Physical Evidence** - refers to an object used as evidence which obtained through crime scene search. Any article or object found during crime scene search or crime scene investigation which could link the identity of the suspect.

DEFINITION OF TERMS

- k. **Forensic Evidence** - A form of legal evidence that can be used in a court of law to convict a person of a crime and as a category of public presentation; and
- I. **Jurisdiction** – The word “jurisdiction” as used in the Constitution and statutes means jurisdiction over the subject matter only, unless an exception arises by reasons of its employment in a broader sense.

PURPOSE

- The purpose of crime scene investigation is to help establish what happened and to identify the responsible person. This is done by carefully documenting the conditions at a crime scene and recognizing all relevant physical evidence.
- The ability to recognize and properly collect physical evidence is oftentimes critical to both solving and prosecuting violent crimes.
- The initial actions taken at the crime scene by the First Responders, Investigators and SOCO Team members at the outset of the investigation are of such vital importance that oftentimes their actions would determine the outcome of the investigation.
- However, while CSI is the most important stage of the investigation in terms of collecting vital forensic evidence and information, this initial stage is also often the most chaotic and therefore prone to errors.

- The main consideration of CSI is to search and collect Physical Evidences 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 thus Locard's Exchange Principle - In every contact leaves traces, may apply.
- **Locard's principle** holds that the perpetrator of a crime will bring something into the crime scene and leave with something from it, and that both can be used as forensic evidence.
- Whenever two objects come into contact mutual exchange of matter will take place between them, linking suspects to victims is the most important and common type of linkage accomplished by physical evidence in criminal investigation.

- The principle as follows:
- Wherever he steps, whatever he touches, whatever he leaves, even unconsciously, will serve as a **silent witness against him**. Not only his fingerprints or his footprints, but his hair, the fibres from his clothes, the glass he breaks, the tool mark he leaves, the paint he scratches, the blood or semen he deposits or collects. All of these and more, bear mute witness against him. This is evidence that does not forget. It is not confused by the excitement of the moment. It is not absent because human witnesses are. It is factual evidence. Physical evidence cannot be wrong, it cannot perjure itself, it cannot be wholly absent. Only human failure to find it, study and understand it, can diminish its value.

THE GOLDEN RULE OF CRIME SCENE INVESTIGATION

➤ The golden rule of crime scene investigation

- *"Never touch or move any object at the crime scene unless it has been properly documented (photographed, measured, and sketched or video graphed).* Not to destroy or contaminate the important criminal things".
- Note: as a general rule, do not M.A.C. the evidence. do not Mutilate, Alter, and Contaminate)

DEFINITION OF INVESTIGATION

- Is **the collection and analysis of facts about persons, things and places, subject of a crime to identify the guilty party and provide admissible evidences to establish the guilt of parties involved in a crime.**

- **Investigation is the collection of facts to accomplish a three-fold aim:**
 - a. to identify the suspect;
 - b. to locate the suspect; and
 - c. to provide evidence of his guilt.

DEFINITION OF INVESTIGATION

- In the performance of his duties, the investigator must seek to establish the six (6) cardinal points of investigation, namely:
 1. what specific offense has been committed;
 2. how the offense was committed;
 3. who committed it;
 4. where the offense was committed;
 5. when it was committed; and
 6. why it was committed.

PROTOCOLS IN INVESTIGATION

Protocol 1: Jurisdictional Investigation by the Territorial Unit Concerned The Police Station, which has territorial jurisdiction of the area where the crime incident was committed, shall immediately undertake the necessary investigation and processing of the crime scene, unless otherwise directed by higher authorities for a certain case to be investigated by other units/agency.

Protocol 2: Official Police Blotter

- a. A Police Blotter is an 18" x 12" logbook with hard-bound cover that contains the daily register of all crime incident reports, official summary of arrests, and other significant events reported in a police station.

- b. As a general rule, all crime incidents must be recorded in the official police blotter.

PROTOCOLS IN INVESTIGATION

- c. A separate Police Blotter, however, shall be maintained for offenses requiring confidentiality like violence against women and children and those cases involving a child in conflict with the law to protect their privacy pursuant to R.A. 9262 (Anti-Violence Against Women and Children Act of 2004) and R.A. 9344 (Juvenile Justice and Welfare Act of 2006).

Protocol 3: Investigation Team: Organization and Equipment

- a. All investigators in any police unit must be a graduate of prescribed investigation course with a rank of at least Police Corporal (pre-requisite to assignment).
- b. Composition:
 1. Team Leader;
 2. Investigator/recorder;
 3. Photographer;
 4. Evidence custodian; and
 5. Composite Illustrator/Artist

INVESTIGATIVE TOOLS AND EQUIPMENT

1. Police line
2. Video camera
3. Voice recorder
4. Camera
5. Measuring device
6. Gloves
7. Flashlight
8. Fingerprint kit
9. Evidence bag
10. Evidence tag
11. Evidence bottles/vials
12. Radio - exclusive channels, call sign, etc
13. Siren
14. Notebook, pen, etc
15. Megaphone/ PA system
16. Hand cuff
17. Whistle
18. Fingerprint equipment

METHOD OF RECORDING INVESTIGATIVE DATA

Standard Methods of Recording Investigative Data:

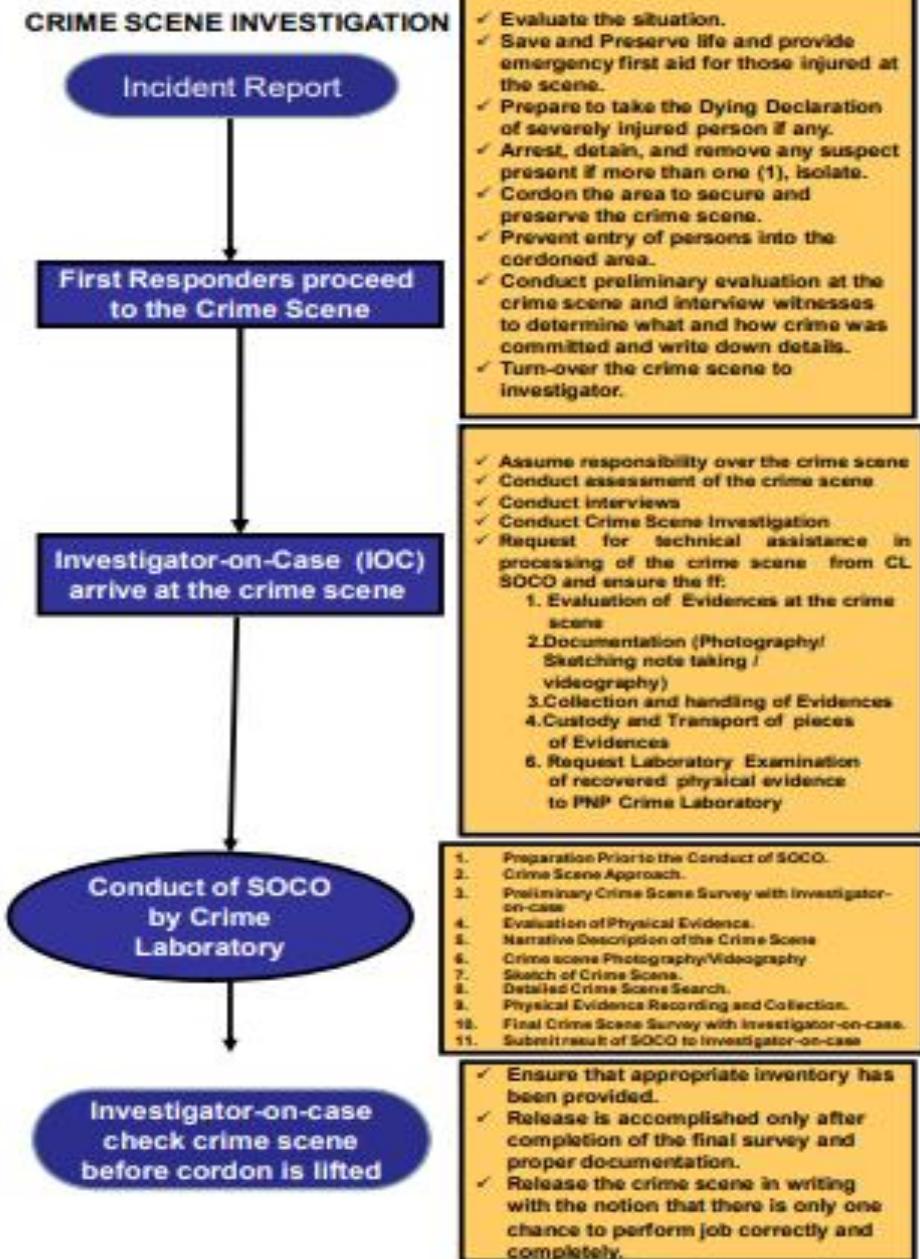
1. Photographs
2. Sketching crime scenes
3. Written notes (what you have seen/observed)
4. Developing and lifting fingerprints found at the crime scene.
5. Gathering physical evidence
6. Plaster cast
7. Tape recording of sounds
8. Video tape recording of objects
9. Written statement of objects and witnesses.

GENERAL POLICY

- Crime Scene Investigation (CSI) shall refer to the post-incident police operational procedures undertaken at the crime scene. It presupposes that the crime has been consummated and **therefore investigation is to be commenced with the securing and processing of the place of occurrence.**
- The Crime Scene Investigation (CSI) starts from the arrival of the PNP First Responders (FRs) to the arrival of the Duty Investigator/ IOC and the SOCO Team until the lifting of the security cordon and release of the crime scene. [\(Standard Operating Procedure No. ODIDM-2011-008 “Conduct of Crime Scene Investigation\)](#)

PROCEDURE UPON RECEIPT OF COMPLAINT

- The following are the functions and responsibilities of the Desk Officers, First Responders and Investigator-on-Case, upon receipt of report/complaint of a crime incident and during the crime scene investigation, as well as the procedures to be observed.



Upon receipt of a reports/complaint of a crime incident, the desk officer shall:

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

❖ **First Responder (FR)**

- a. The first Police Officers to arrive at the crime scene are the FRs who were dispatched by the local police station/unit concerned after receipt of incident/flash/ alarm report;

The four main tasks of the first officer on the scene are:

1. To give first aid;
2. To apprehend the suspected offender;
3. To protect and if necessary collect and preserve evidence; and
4. To cordon off and protect the area.

❖ **First Responder (FR)**

- b. Do not let anyone enter the crime scene area. This applies to police officers too unless they have some special reason for being there. Exception: First aid measures.
- c. Inform the police officer responsible for deciding (COP/PD) on who is to carry out the investigation and call in reinforcements to the scene.
- d. If shots have been fired, secure any evidence of primer particles (gunpowder residue) on the hands.
- e. If any person has been taken to hospital, see to it that a police officer is sent to the hospital to take the necessary measures.

- f. The FR shall secure and preserve the crime scene by cordoning off **sufficiently large** area **around the crime scene** to prevent unauthorized entry of persons **while waiting for reinforcements**.
- g. Protect the crime scene from alteration.
- h. Make a note of the measures that are taken and the persons who enter the crime scene. Also make a note of the times of important events and observations.

- I. **The FR shall take the dying declaration of severely injured person/s,**
 - **Prepare to take the “Dying Declaration” of severely injured persons with the following requisites:**
 1. That death is imminent and the declarant is conscious of that fact;
 2. That the declaration refers to the cause and surrounding circumstances of such death;
 3. That the declaration relates to facts which the victim is competent to testify to; and
 4. That the declaration is offered in a case wherein the declarant’s death is the subject of the inquiry. **(Section 37, Rule 130 of the Rules of Court).**

Rule 130 Testimonial Knowledge

- **Section 36.** *Testimony generally confined to personal knowledge; hearsay excluded.* — A witness can testify only to those facts which he knows of his personal knowledge; that is, which are derived from his own perception. The testimony of a witness must be based on his personal knowledge.

Hearsay Evidence

- Hearsay Evidence is **excluded** because the party against whom it is presented is deprived of his right and opportunity to cross-examine the person to whom the statements or writings are attributed .

- **Three reasons for excluding hearsay evidence:**
 1. Absence of cross-examination
 2. Absence of demeanor evidence
 3. Absence of the oath

The Hearsay Evidence Rule

- The hearsay evidence rule rules **bars the testimony of a witness** who merely recites what someone else has told him, whether orally or in writing. (People v. Garcia, 335 SCRA 208).

- Any evidence, whether oral or documentary, is hearsay if its probative value is **not based on personal knowledge of the witness** but on the knowledge of some other person not on the witness stand.

HAVING MADE ORALLY, DOES NOT MILITATE AGAINST ITS ADMISSIBILITY; CASE AT BAR. —

- Lara recalled that on the fateful night of October 8, 1986, Nonito, who had multiple (5 according to him, 3 according to the NBI medico-legal officer who also testified for the People), stab wounds, entered the house through the window.
- Upon seeing Lara, Nonito embraced him and uttered the nicknames or aliases of the persons who inflicted the injuries. The testimony of Lara may be accepted as sufficient compliance with the first requisite above specified.
- And it may be apt to state that although a dying declaration may be made orally, that does not militate against its admissibility. **Dying declarations are not necessarily either written or spoken.**
- Any method of communication between mind and mind may be adopted that will develop the thought, as the pressure of the hand, a nod of the head or a glance of the eye.

REQUISITE THAT DECLARATION WAS MADE UNDER A CONSCIOUSNESS OF IMPENDING DEATH; NOT SATISFIED IN CASE AT BAR. —

- No ceremonial words are required to be uttered or written, no special action or movement is needed, no incantation is necessary to invest such words, action, or movement with the sanctity of a dying declaration as to exempt it from the exclusionary effect of the hearsay rule.

- Even if death supervenes after such a declaration is made is not primordial, all that is to be proven is that the declaration was made under a "consciousness of impending death," which means simply that the declarant is fully aware that he is dying or going to die from his wounds or injuries soon or imminently, or shall have a complete conviction that death is at hand, or there must be "a settled hopeless expectation." (5 Moran, Comments on the Rules of Court, 296, citing Shepard v. U.S., 66 78 L ed., p. 197. Decision, 10; rollo, 24.)

DYING DECLARATION

Contents of the Declaration:

1. Identity of the assailant
2. Consciousness of an impending death
3. Surrounding circumstances of the incident

Questions to be asked when the victim can identify the assailant:

1. Sino po ang sumaksak (bumaril, pumalo, etc) sa inyo?
2. Naniniwala po ba kayo na kayo ay mamamatay na dahil sa tinamo ninyong sugat?
3. Ano po ba ang nangyari at sinaksak (binaril, pinalo etc.) kayo?

Questions to be asked when the victim cannot identify the assailant:

1. a. Ano po ang suot niyang damit?
b. Gaano po siya kataas?
c. Mga ilang taon na po siya?
d. Hugis ng mukha?
e. Tabas ng buhok?
f. Mga ibang pagakakilanlan?
g. Saan po siya tumakbo?
2. Naniniwala po ba kayo na kayo ay mamamatay na dahil sa tinamo ninyong sugat?
3. Ano po ba ang nangyari at sinaksak (binaril, pinalo etc.) kayo?

- m. Photograph and if appropriate video record the crime scene and the adjacent area, including people hanging around the scene.
- n. The First Responder shall be responsible for the control of the crime scene and upon the arrival of the IOC, shall turnover the crime scene to the duty investigator/IOC after the former has briefed the investigator of the situation.

- o. The FR shall prepare and submit the [CSI Form “1”](#) - First Responders Report to the IOC and be prepared to assist the IOC in the investigation ([Annex “S”- First Responder’s Form](#)); and
- p. The FR shall stay in the crime scene to assist the IOC in the maintenance of security, crowd control, preservation of evidence and custody of witness/suspect until such time the investigation is completed and temporarily turned over to the local Chief of Police (COP) for the continuance of crime scene security.

❖ **Investigator-on-Case (IOC) /Duty Investigator:**

- a. Upon arrival at the crime scene, the IOC shall request for a briefing from the FR and make a quick assessment of the crime;

- b. At this stage, the IOC shall assume full responsibility over the crime scene and shall conduct a thorough assessment of the scene and inquiry into incident. If necessary the IOC may conduct crime scene search outside the area where the incident happened employing any of the various search methods;

- f. It shall be the responsibility of the Provincial/City Operations Center to facilitate the request for the SOCO Team;
- g. Upon the arrival of the SOCO Team, the IOC shall accomplish the [CSI Form](#) ["2"](#) - Request for the Conduct of SOCO and submit the same to the SOCO Team Leader. The SOCO team shall not enter the crime scene unless the IOC makes the official written request wherein he assures the SOCO team of his presence and support; and
- h. The IOC shall brief the SOCO Team upon their arrival at the crime scene and shall jointly conduct the preliminary crime scene survey.

soco Team:

- a. The SOCO Team shall not join any operations conducted by the local police or accompany the FRs or the IOC in going to the crime scene. They will only respond upon request through the Operations Center and after the IOC has already made proper assessment of the crime scene;

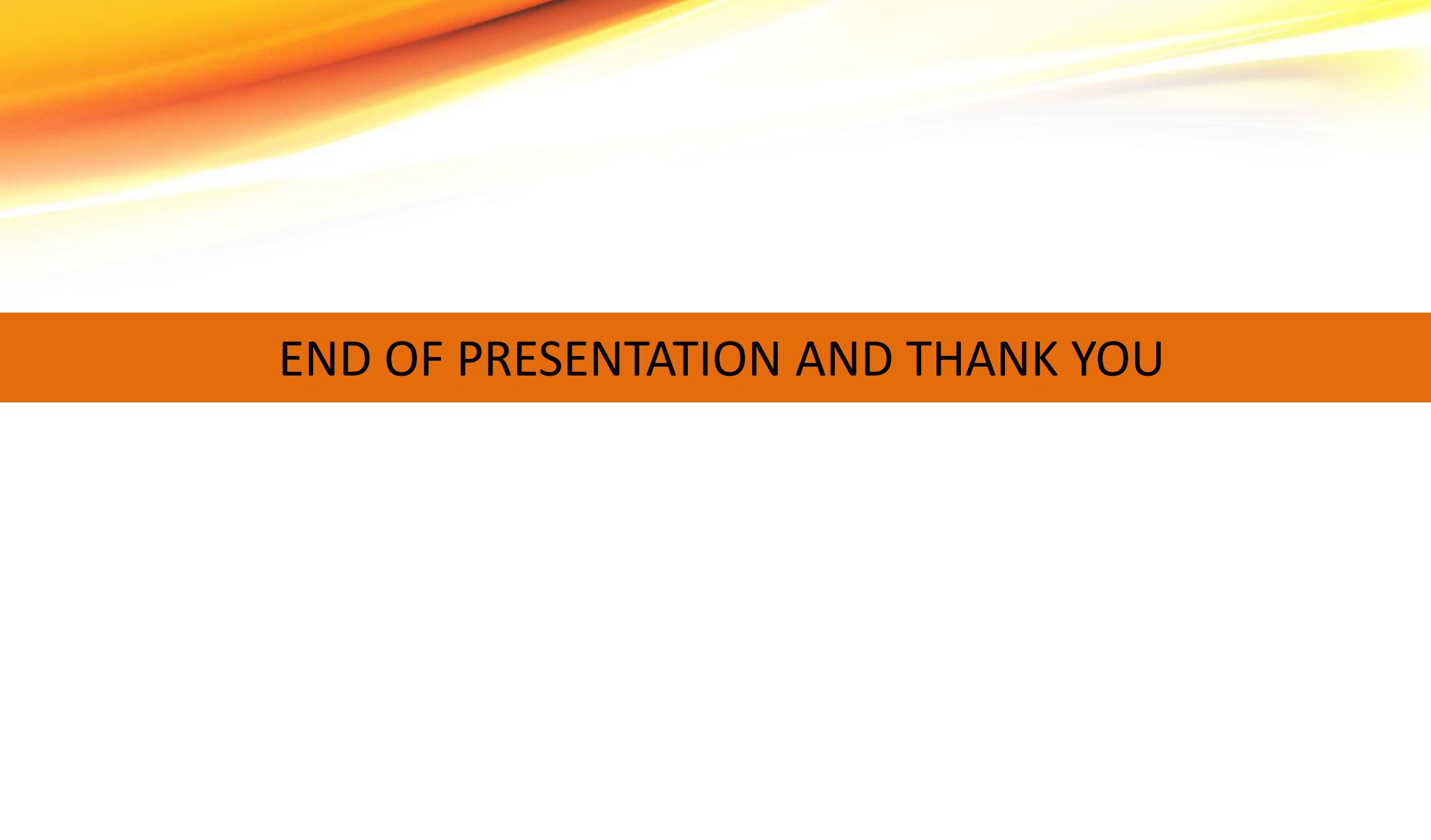
- b. Upon receipt of the Request for Conduct of SOCO, the SOCO Team shall then conduct the scene of the crime operations which include among others the narrative description of the crime scene, photography, videography, crime scene search, crime scene sketch, crime scene location sketch, physical evidence recording and collection, and other procedures necessary;

- c. In case the SOCO Team needs to temporarily suspend the processing, the Chief of Police shall be primarily responsible and accountable for securing the crime scene and ensuring its integrity until the return of SOCO Team and the conclusion of the CSI;
- d. After the termination of the SOCO, the SOCO Team Leader shall brief the IOC on the initial results and thereafter conduct the final crime scene survey together with the IOC; and
- e. The SOCO Team shall accomplish the CSI Form “4” - SOCO Report Forms and furnish the IOC of copies of the same before leaving the crime scene.

❖ Release of the Crime Scene

- a. The IOC shall decide on the lifting of the security cordon and the release of the crime scene upon consultation with the SOCO Team Leader and he shall be responsible in ensuring that all pieces of potential evidence were collected by the SOCO Team as any re-entry into the crime scene after its release to the owner will require a Search Warrant issued by the Court;
- b. The IOC shall accomplish the [CSI Form “6”](#) – IOC/Investigator’s CSI Form before the cordon shall be lifted;
- c. The IOC shall ensure that appropriate inventory has been provided by the SOCO Team and shall only lift the security cordon and release the crime scene only after completion of the documentation process;

- d. The IOC or the COP shall turn-over the crime scene to the owner of the property or where the crime scene is a public place, to any local person in authority;
- e. The IOC as well as the SOCO Team shall completely fill-up the forms specified in this SOP. The IOC shall accomplish and submit the Investigator's Report with all the required attachments to the COP within two (2) working days from the date of incidence (See Annex H); and
- d. The CSI Report shall be the first entry in the Case Folder for the investigation of the incident.



END OF PRESENTATION AND THANK YOU