


Investigation of crime



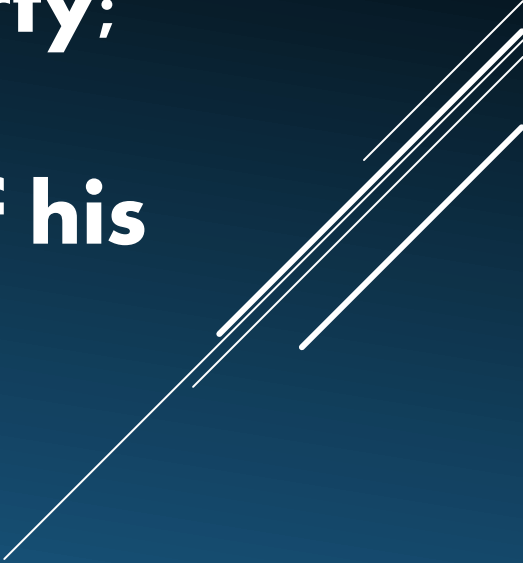
CRIMINAL INVESTIGATION

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

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INVESTIGATION DEFINED

The collection of facts to accomplish a three-fold aim:

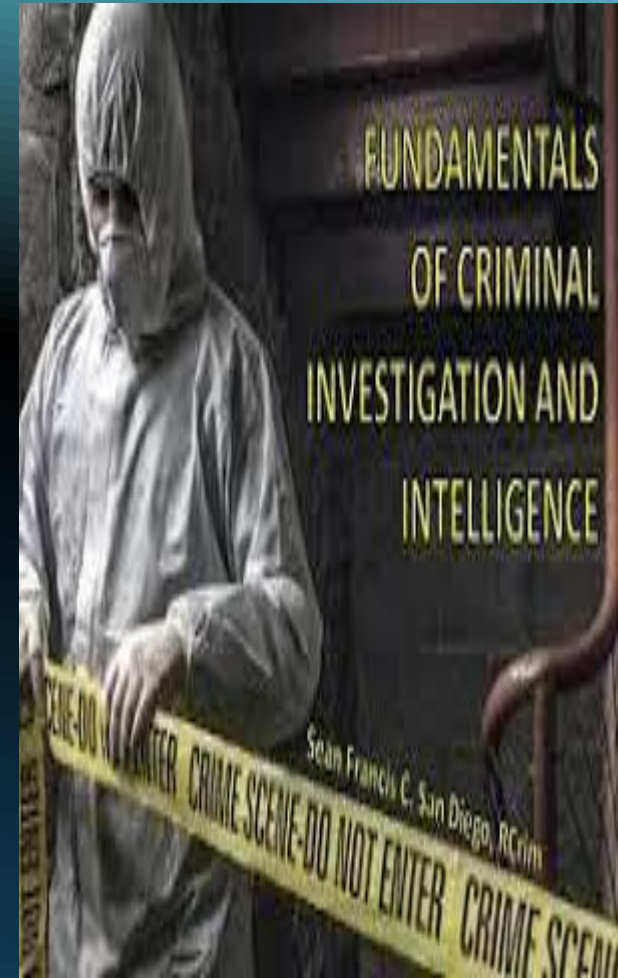
- ▶ **to identify the guilty party;**
 - ▶ **to locate the guilty party;**
and
 - ▶ **to provide evidence of his guilt.**
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PRIMARY JOB OF AN INVESTIGATOR

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 1H).

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WHAT ARE THE SIX CARDINAL POINTS OF INVESTIGATION?



SIX CARDINAL POINTS OF INVESTIGATION

➤ **WHAT specific offense has been committed?**

- **Nature of crime**

➤ **WHERE crime was committed?**

- **Place or location**

➤ **WHEN it was committed?**

- **Time and date**

➤ **WHOM it was committed?**

- **Persons/s involved**


➤ **WHY it was committed?**

- **Reason or motive of Committing the crime**

➤ **HOW it was committed?**

- **Manner, method or modus operandi**

QUALITIES OF A GOOD INVESTIGATOR

- ❖ **Perseverance**
 - ❖ **Intelligence**
 - ❖ **Honest**
 - ❖ **Understanding of the people and environment**
 - ❖ **Keen power of observation**
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TRAINING




- **Training, as one of the foundations of investigation, is concededly a vital ingredient in the creation of a total investigator. Experience alone does not make one good investigator. Many who had been hostage to this notion often ended in jeopardy. The ideal conjugal partnership is training and experience. The fusion of the best training and vast experience is a formidable force that can threat even the most sophisticated technology and syndicated crimes.**
- **The necessity of training as a purveyor of change builds the investigator's confidence. It widens his vision for professional growth and strengthens his will to survive and prevail over crises.**
- **The National Forensic Science Training Institute (NFSTI) under the Philippine Public Safety College is the institution that trains uniformed personnel of the Philippine National Police to become a certified investigator.**


THREE TOOLS OF INVESTIGATION

1. **INFORMATION**

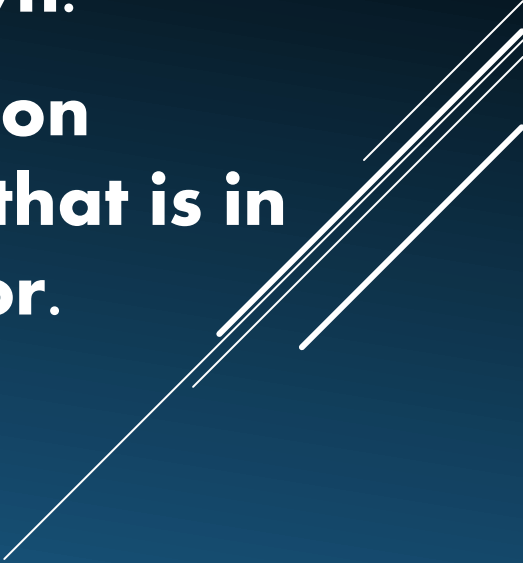
It is the knowledge/data which an investigator acquired from other persons and records.

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CLASSES OF INFORMATION


- **Regular Sources** – records, files from government and non-government agencies, news items.
 - **Cultivated Sources** – information gathered upon initiative of the investigator from informants, vendors, taxicab driver, GRO, and others.
 - **Grapevine Sources** – these are information coming from the underworld characters such as prisoners and ex-convicts.
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2. **INTERVIEW**

- ▶ **INTERVIEW** – 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.
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BASIC ASSUMPTIONS

Nobody has to talk to law enforcers. No law compels a person to talk to the police if he does not want to. Therefore, people will have to be persuaded, always within legal and ethical limits, to talk to law enforcers. This makes interviewing an art.

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I.R.O.N.I.C. FORMAT

The interview of a witness can be described by its acronym 'IRONIC' which stands for Identity, Rapport, Opening Statement, Narration, Inquiry, and conclusion.

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- **Identity** – prior to the commencement of an interview, the investigator should identify himself to the subject by name, rank and agency. Except, when there is no need to know the officer's identity.
- **Rapport** – it is good to get the positive feeling of the subject towards the investigators, such friendly atmosphere is a vital for both the subject and the investigator to have a better interaction.
- **Opening Statement** – the investigator must have to indicate why the subject is being contacted.
- **Narration** – the witness should be allowed to tell all he knows with little interruptions from the investigator.
- **Inquiry** – after all information have been given by the subject, that is the time for the investigator to ask question to clarify him about the case under investigation.
- **Conclusions** – after the interview, it is but proper to close the interview with outmost courtesy and thanking the subject for his cooperation.

RULES TO BE OBSERVED IN QUESTIONING

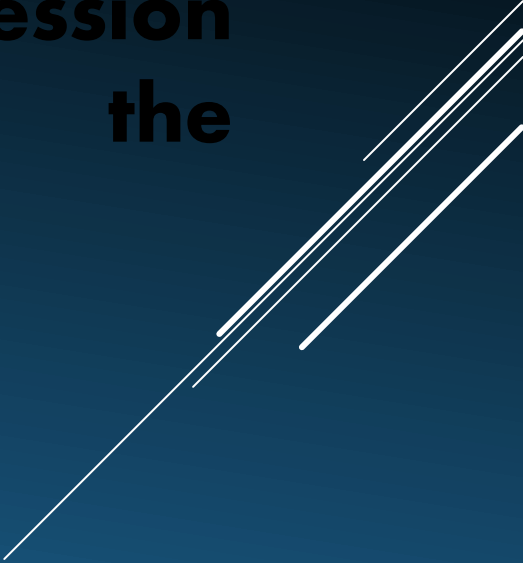
- ▶ **One question at a time**
 - ▶ **Avoiding implied (indirect) answer**
 - ▶ **Simplicity of the questions**
 - ▶ **Saving faces**
 - ▶ **Avoid close ended questions (yes or no)**
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INTERVIEW

INTERROGATION

is a 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.

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WHAT ARE THE PURPOSES OF INTERROGATION?

- ▶ To obtain confession to the crime
- ▶ To induce the suspect to make admission
- ▶ To learn the facts of the crime
- ▶ To learn the identity of the accomplice
- ▶ To develop information which will lead to the recovery of the fruits of the crime
- ▶ To discover the details of other crimes participated by the suspect

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 when 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**

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

Pretense of Physical Evidence

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

Jolting

- 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.

CUSTODIAL INTERROGATION/INVESTIGATION


is the questioning of a law enforcement officer on a person under custody and otherwise deprived of his freedom or liberty. This is the stage in investigation where there is strict observance of the Miranda Doctrine.

MIRANDA DOCTRINE


- ▶ this case which entitled **Miranda vs. Arizona**, is a US Supreme Court Jurisprudence which **laid down the constitutional rights of the accused during custodial investigation**. It was incorporated in our 1973 Constitution and later in the 1987 Constitution of the Philippines.

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.

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PHASES/STAGES OF CRIMINAL INVESTIGATION

- **Identification of criminals**
 - **Tracing and locating the criminal**
 - **Gathering of evidence to prove the guilt of the criminal**
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IDENTIFICATION OF CRIMINALS

METHODS OF IDENTIFYING CRIMINALS

- **By confession or admission of the criminal himself**
- **Identification by accounts or testimonies of eyewitnesses**
- **Identification by circumstantial evidence**
- **Identification by associative evidence**
- **Identification by the Method of Operation (Modus Operandi)**

CONFESSION – is the direct acknowledgement of guilt arising from the commission of a crime.

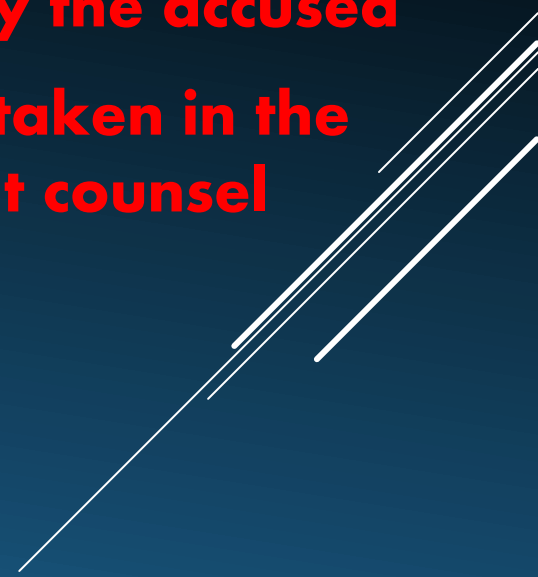
Types of Confession

- **Extra-Judicial Confession** – those made by the suspect during custodial investigation.
- **Judicial Confession** – those made by the accused in open court. The plea of guilt may be during arraignment or in any stage of the proceedings where the accused changes his plea of not guilty to guilty.

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.

RULES TO BE OBSERVED IN TAKING CONFESSION OR ADMISSION

- ▶ **Confession or admission must be taken preferably in writing and under oath**
 - ▶ **It must be written in the language known and understood by the accused, if not it must be clearly translated**
 - ▶ **It must be freely and voluntary given by the accused**
 - ▶ **Under the New Constitution, it must be taken in the presence of competent and independent counsel chosen by the accused.**
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