

Incident Scene - First Responder

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Incident Scene: First Responder

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Scene Response

First Officer On-Scene

A common error made by many officers responding to in-progress calls, is not going directly to the scene. When a report has been received that the offender has fled from the scene, the natural instinct of officers responding is to make an attempt to apprehend the offender(s). In many instances this causes an unnecessary delay in getting accurate information about the offense, the offender or the direction of flight, out to other field units.

All agencies should have dispatch protocols in place to assure that at least one officer dispatched to an in-progress call responds directly to the scene. Typically this should be the officer that has the primary patrol responsibility in the area where the incident takes place.

The first officer to arrive at the scene should

- ☐ Verify the nature of the incident
- ☐ Assure that the scene is safe for themselves as well as other responders
- ☐ Locate & aid the victim
- ☐ Verify information related to offenders, suspect vehicles and direction of flight
- ☐ Broadcast additional flash messages to other responding units
- ☐ Request additional assistance at the scene if needed
- ☐ Establish a security perimeter to contain offenders that may still be in the area
- ☐ Contain & isolate others present at the scene
- ☐ Take steps to secure and protect the scene
- ☐ Take steps to secure and protect evidence that is at risk of being easily lost or compromised
- ☐ Observe conditions present at the scene and record those observations as soon as practical

Once the scene has been secured, the officer assigned is responsible for assuring that a complete and professional investigation is conducted. This investigation will include some or all of the following

- ☐ Establish a scene log or record of others at the scene
- ☐ Proper notifications (supervisors, investigations, Coroner/Medical Examiner)
- ☐ Request for specialized units (evidence, accident investigations, etc.)
- ☐ Verify the legal basis for a scene search (consent, warrant, plain view)
- ☐ Thorough information gathering & note taking
- ☐ Neighborhood and vehicle canvass
- ☐ Witness interviews
- ☐ Interviews with other responders (firefighters & medical personnel)
- ☐ Scene documentation through reports, diagrams or photos
- ☐ Evidence recovery and inventory
- ☐ Suspect identification (show-up or line-up)
- ☐ Property identification
- ☐ Suspect interview & statement
- ☐ Review of in-squad video(s)
- ☐ Identify locations with video surveillance / secure video tapes
- ☐ Completion of detailed and accurate reports

Scene Documentation

Crime & Accident Scene Documentation

Documentation of conditions at the incident scene as observed by the first responder is critical. Initial observations may include

- Doors – open, closed, locked?
- Signs of forced entry?
- Lights on or off?
- Odors – gunpowder, cigarette, perfume?
- Shades and drapes open or closed?
- Mail and newspapers uncollected?
- Vehicles in area – leaving area?
- Items disturbed.
- Room temperature – hot, normal, cold?
- Statements made by victim / witnesses.
- Actions and activities of others.

There are several methods available to investigators for scene documentation, some of which will be dictated by the seriousness of the incident, and departmental SOP's.

- Field Notes
- Sketches
- Photography
- Video

Of the above, field notes and sketches are always available to the first responder.

Field Notes: Should document in detail the condition of the scene and evidence. E.g. Is the blood wet or dry? Is it in the process of drying?

Field Sketches: Will best show the spatial relationships between items of evidence. These are also referred to as rough sketches and should include enough information to allow for a finished sketch to be made if desired.

Photography: Is critical in helping to present the information to a judge, jury or other investigators. Film cameras using a 35mm format will give excellent quality images. Digital cameras will in most instances provide acceptable quality. The use of instant photography should be avoided if possible.

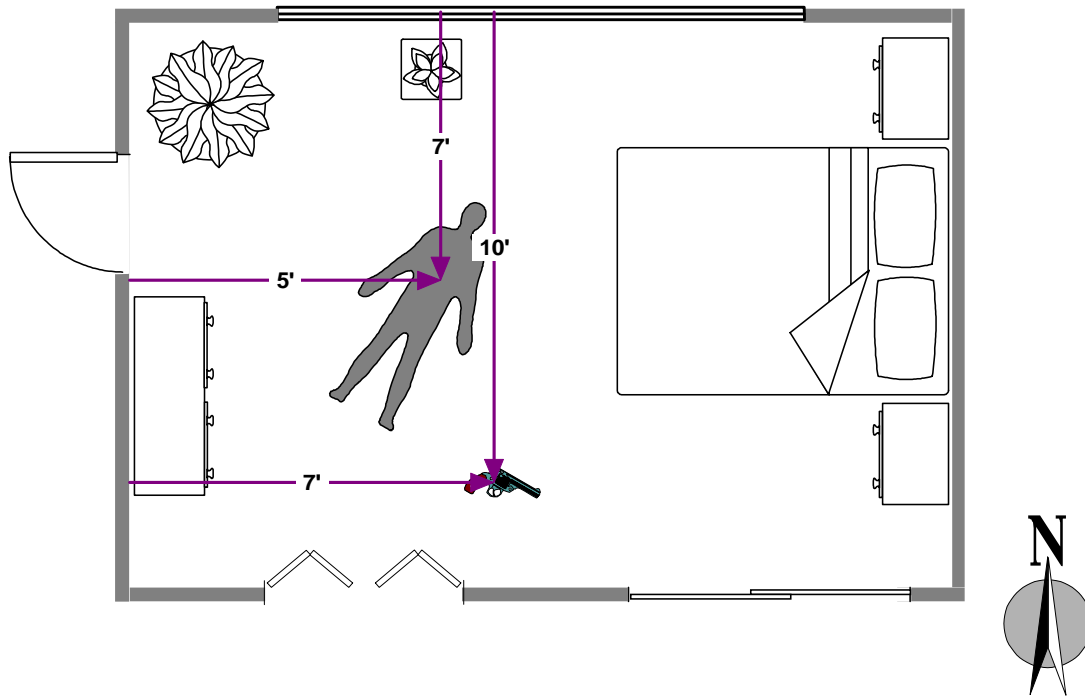
Video: This is generally a very specialized technique that will not be employed except in the case of more unusual or serious crimes.

All items of evidence must be documented in some fashion before they are moved, manipulated or collected. The only allowable exception is when conditions at the scene will cause the evidence item to be lost or destroyed unless recovered immediately.

Measuring – Indoor Scenes

Coordinate Method

Objects can usually be easily located within an indoor scene by taking two perpendicular measurements from adjoining walls.



Note, that with this method as with the reference line method, rather than draw lines and arrows across the diagram, a table can be used utilizing directionality arrows to show which wall the measurement was taken from (see example on following page).

Information recorded should include

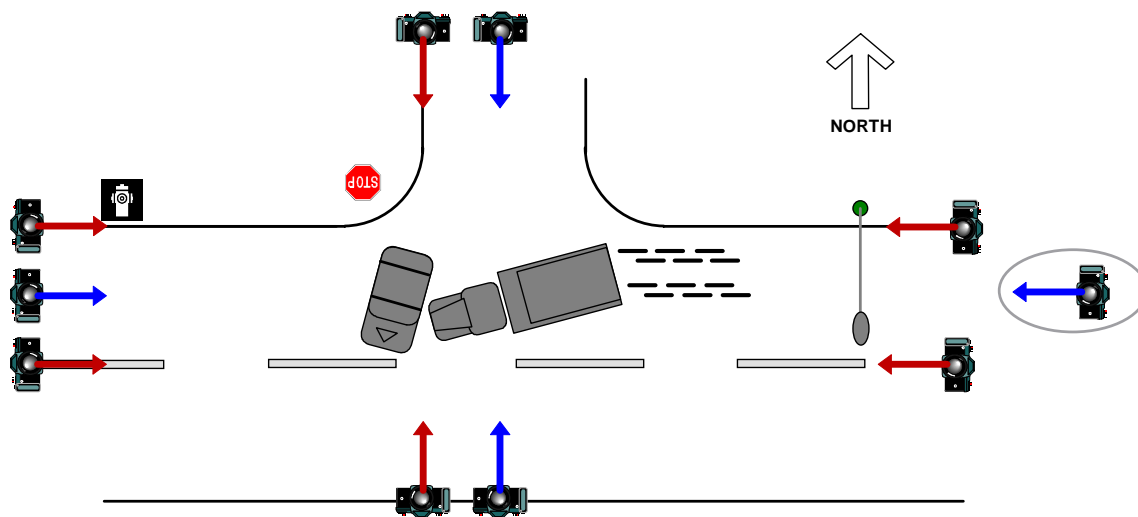
- Incident information
- Photographer's name
- Photographer's assistant's name
- Date, time and location of photos
- Subject matter
- Type of camera, lens and film

An example of a photo log sheet is included in Appendix A.

Accident Scene Photos

Included in the photos of an accident scene should be

- The final position of vehicles and persons
- Debris or other marks left on the road by the accident
- Debris or other marks from the accident on the roadside
- Landmarks or traffic signs that will identify the location
- The approaching view(s) of the driver(s)
- Damage sustained by the vehicles



When taking photos at an accident scene,

1 Align the center axis of the camera with road features such as curb lines and lane markers. This gives the viewer a better reference as to the position of the vehicles on the roadway.

or

2 Align the camera with the center of the roadway lanes.

In the illustration above, the circled camera position would provide the most information in a single photo including the skid marks, both vehicle positions and signage.

Evidence Packaging & Handling

Evidence Must be Preserved for Scientific Analysis

The proper collection, handling and packaging of physical evidence are essential to the success of a criminal investigation. Physical evidence often proves that a crime occurred. This evidence can reconstruct the events, identify suspects, victims or witnesses and corroborate witness accounts. This evidence must be handled properly to protect against contamination, loss of evidence, and preserve chain of custody.

The following information does not include all types of evidence encountered at a crime scene. It is meant as a general guideline to assist the crime scene investigator.

The student should note that accredited forensic science laboratories will require that evidence packaging be

- Sealed with tamper resistant tape.
- Initialed and dated across the seal.
- Be appropriately labeled if a biohazard is present.

BIOHAZARD
12-100-0018

EVIDENCE

MAN-4
01-43765

EVIDENCE

1 LEATHER GLOVE
(RIGHT) W/ BLOOD STAINS
4567 W/ 4567 STREET
CHICAGO, IL
DATE & TIME OF ACQUISITION: 2/24/01 1455-HRS
SUSPECT: JAMES, J. - VICTIM: MURDER
EVIDENCE RECEIVED BY: [Signature] DATE: 2/24/01

CHAIN OF CUSTODY OF EVIDENCE
Signature required

From	To	Date	Time

2/24/01

Evidence	Collection	Packaging	Labeling	Miscellaneous
Gunshot residue on clothing	Collect clothing carefully so as not to dislodge gunshot residue.	Keep clothing flat and place paper in between folds to minimize friction. Package in paper bags.	Proper labeling*	Do not shake clothing.
Hair	Collect entire object if possible or tape item for removal of hairs.	Submit hairs in small boxes or pharmacy folds. Package tapings in envelope or bag.	Proper labeling* on outside of container and on tapings.	Must collect and submit hair standards for comparisons.
Semen stains	See clothing with biological stains			
Sharp objects/ Syringes	Wear protective hand covering, use tongs if available.	Package in puncture resistant container and pack to avoid movement.	Proper labeling* on outside of container	On syringes, remove fluid and place in separate container.
Soil	From footwear: remove up to ½ inch from footprint only. From vehicles: collect from each wheel well and tires separately – do not break large clumps. From clothing: allow to air dry	Allow soil to air dry and package in pharmacy folds or paper bags. Do not use envelopes.	Proper labeling* Include crime scene diagrams and reports	Soil standards amounting to ¼ cup no more than ½ inch deep should be collected from 1, 3, and 10 feet away.
Tools	Collect in a manner to preserve fingerprints and the tool edge.	Package in a container to prevent movement and damage to the tool end.	Proper labeling*	Protect the end of the tool with paper to collect trace evidence. Do not put tape on the edge of the tool.

***Proper Labeling**

- ☐ Your name
- ☐ Case number
- ☐ Case name
- ☐ Date Recovered
- ☐ Item description
- ☐ Location recovered
- ☐ Items suspected of biological material must be labeled with a biohazard sticker

†Clean Technique

- ☐ Change gloves frequently
- ☐ Use new pair of gloves for each item
- ☐ Bleach equipment after each use
- ☐ Bleach writing instruments
- ☐ Avoid coughing, sneezing, talking over evidence
- ☐ Package items in clean unused paper products

Safety Recommendations

Suggested Crime Scene Practices – Bloodborne Pathogens

Based on OSHA Bloodborne Pathogen Standard 29 CFR 1910.1030 (Revised 1996)

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Supplies

Safety Equipment

The below listed safety equipment is suggested as to equipment that should be readily available for use by forensic / crime scene personnel. Actual usage at a scene will be dictated by the nature of the scene and exposure hazard.

- Nitrile Gloves – Conventional
- Nitrile Gloves – Heavy Duty
- Dust / Mist Respirator with Organic Gas Pre-filter
- Dust Mask
- Safety Glasses or Face Shield
- Chemical Splash Goggles
- Liquid Resistant Coveralls
- Liquid Resistant Booties
- Hair Covers (Bouffant Caps)
- First Aid Kit
- Portable Eye Wash Station
- Waterless Antiseptic Hand Cleaner
- Paper Towels
- 10% Bleach Solution
- “Biohazard” Waste Box (burn box)
- Tongs / Forceps
- Imperviously-Backed Absorbent Paper

Packaging Materials

- Self Stick “Biohazard Labels” (small)
- Red Plastic “Biohazard” Bags
- Syringe Tubes
- Puncture Resistant Containers

Miscellaneous

- Label – “Biohazard” Large
- Barricade Tape – “Biohazard”

General

1. All employees required to work within a contaminated area or with contaminated items shall have been offered a hepatitis B vaccination. If declined, the appropriate declination form shall be on file. *(f)*
2. Provide annual training on biological hazards. *(g)(2)(iv)*
3. Require that all exposure incidents be immediately reported to a supervisor and documented. *(e)(2)(ii)(L)*
4. All waste material removed from the scene shall be transported in a puncture resistant and leak proof container that is properly labeled. *(d)(4)(iii)(B)*
5. Waste materials shall be disposed of in a manner that is consistent with State and Federal law. Typically this would require incineration of the waste materials at an approved facility. *(d)(4)(iii)(C)*

* References noted in gray at the end of a suggested practice / procedure, refer to the applicable section of OSHA CFR 29 1910.1030 (Revised 1996)

Evidence Must be Collected Legally

Evidence, to be admitted at trial, must be seized and collected legally. Quite often, police officers acting too quickly and without giving careful thought to their actions, will do things that later make the evidence useless at trial.

Historically, the police mentality in many instances has been - *Having been called to the scene of this crime, we are now in control. As long as we remain at the scene, we have the ability to conduct searches and collect evidence.*

In reality, a police officer's ability to collect evidence that is useful to an investigation hinges on many factors.

- If the evidence is in plain view, is the officer viewing that evidence from a lawfully obtained vantage point?
- If an item is seized, was its nature as evidence or contraband readily apparent?
- If the evidence was not in plain view, did the officer have legal basis for conducting a search?
- If any entry is made into a home or other private area, is the entry lawful?

Court decisions governing search and seizure are numerous. They cover many specific situations and deal with issues such as validity of consent, scope of consent, search incident to arrest, search for the protection of others, searches for victims, probable cause, specificity of warrants, etc.

Our purpose here, is to emphasize to the reader that the courts have repeatedly stated that any search conducted outside of a valid warrant is going to be considered improper unless it falls into one of the few categories of authorized warrantless searches. Typically, this will encompass consent, emergency or exigent circumstances, plain view or protective searches.

The cases that follow are certainly not meant to be all-inclusive. They were selected to be provided here because they are typically Supreme Court decisions addressing significant issues related to properly obtaining evidence. They provide guidance for officers responding to crime scenes and other emergencies.

New York v. Quarles
U.S. Supreme Court – 1984
467 U.S. 649

Miranda Warning / Public Safety Exception

Issue

Can an in-custody suspect be asked, without Miranda warnings first being given, where a weapon is that had been used in a crime but is not with the suspect at the time the suspect is arrested?

Summary of Facts

The defendant had been arrested after the victim of a sexual assault told police officers that she had been attacked, gave a description of the offender, said he was carrying a gun and had just run into a nearby supermarket. Officers going to the supermarket spotted a subject matching the offender's description, pursued him in the store for a short distance and the lost sight of the subject. The subject was located a short while later, arrested (handcuffed) and found to be wearing an empty shoulder holster. The arresting officer asked the defendant where the gun was and the defendant directed the officer to some empty cartons saying "the gun is over there".

After the gun was retrieved, the defendant was "formally" arrested, read Miranda warnings and agreed to answer questions about the gun without an attorney being present.

The defendant in this case was charged with criminal possession of a weapon.

Why the U.S. Supreme Court Gets the Case

The trial court in this case ruled in favor of the defendant and excluded the defendant's initial statement about the gun's location because Miranda was not given. The subsequent statements made by the defendant were also excluded as evidence tainted by the Miranda violation.

The prosecution appealed the trial court's ruling, lost at several lower appellate court levels, subsequently appealing the case to the U.S. Supreme Court.

What the U.S. Supreme Court Said

The U.S. Supreme Court found that the Court of Appeals erred in affirming the trial court's exclusion of both the defendant's initial statement about the location of the gun and the subsequent statements made by the defendant after Miranda.

The court found that the defendant *was* in police custody at the time that he made his statements, however the court also recognized the need to protect the safety of the public from a weapon that obviously posed a hazard if it were left un-recovered. The court weighed the issues of the defendant's Fifth Amendment rights versus the safety of the public and ruled in favor of the public.

The Court also noted that the Fifth Amendment guarantees that "no person shall be compelled in any criminal case to be a witness against himself." It also remarked that the Fifth Amendment itself does not prohibit all incriminating admissions.....even the most damning.

In this case there was no claim that the defendant's statement about the gun was "compelled by police conduct which overcame his will to resist."

Quoting the Court

"This case represents a situation where concern for public safety must be paramount to the literal language of the prophylactic rules enunciated in *Miranda*."

"Although respondent was in police custody when he made his statements and the facts come within the ambit of *Miranda*, nevertheless on these facts there is a 'public safety' exception to the requirement that *Miranda* warnings be given before a suspect's answers may be admitted into evidence, and the availability of that exception does not depend upon the motivation of the individual officers involved."

What the Court Said the Police Can Do

The Court in this case supported the actions of the officer at the scene and recognized the need for the police to recover a dangerous weapon.

Recommendations

In this case, police officers were able to show probable cause for the arrest of the suspect as well as a reasonable belief that a dangerous weapon was somewhere that could pose a threat to public safety. Officers finding themselves in similar situations must be able to articulate the same facts.

Subsequent Case

People v. Williams
Illinois Supreme Court – 1996
173 Illinois 2D 48

In this case the defendant had shot and killed his girlfriend and injured another person. Police officers went to a house where the defendant was staying and found the defendant in the attic. After being arrested and during a pat-down search, the defendant was asked by the detective doing the search if he had "any weapons, knives or needles" on him. The defendant said that he didn't but that a gun was in his coat in the attic. The gun used in the shootings was recovered from the defendant's coat in the attic.

The Illinois Supreme Court upheld the use of the statement at trial citing the *Quarles* decision regarding the public safety exception.

Appendix A – Forms

Internet Available Forms

The following forms have been included for your convenience. These forms and more are available in a downloadable PDF file format at ***www.imprimus.net***.