

# 1

## The Crime Scene Context

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### 1.1 Introduction

The management of the process of scene recording and evidence recovery is at a crossroads. The introduction of new technologies such as digital cameras, database storage systems for scene information management, automated three-dimensional scene reconstruction software, digital fingermark recovery systems, real-time methods for trace analysis amongst others will change the face of scene management. The development costs of introducing such equipment are expensive but the legal requirement of ensuring that continuity and integrity of items gathered at the scene mean that these methodologies are already being introduced for use in major crimes. However, after the recovery of development costs, the price of such equipment purchase will inevitably drop, making their introduction to the management of volume case work a realistic possibility.

In addition, there have been rapid changes to the way that Crime Scene Examiners are trained in the United Kingdom. There has been a growth in forensic science courses in Universities in the United Kingdom. A proportion of graduates are looking to gain employment within the area of crime scene examination. Such graduates, if properly educated, will inevitably add scientific rigour and graduate level of understanding to the crime scene aspect of forensic science. The Forensic Science Society has acknowledged this by incorporating crime scene investigation into the criteria for its accreditation process.

There is also a need for other stakeholders who may have to attend scenes of crime to be aware of the role and remit of scene processing, understand the nature and types of evidence that can be found at scenes of crime and take appropriate measures to preserve and protect such evidence. These may include persons such as paramedical personnel, firefighters as well as serving police officers. Within the English legal system the increased role of forensic analysis in the successful prosecution of crimes has suggested that legal agencies need to be aware of the entire forensic process of which crime scene management forms a part.

## 1.2 What is a crime?

Crimes by their definition are those acts which are deemed contrary to the criminal law governing the country of concern. Nation States operate this in different ways, but they are underpinned by a philosophical framework. In European legislation the articles of the European Convention of Human Rights (1959) define the overarching philosophy. In summary, this states the following:

- Article 1: Protection of property.
- Article 2: Right to life.
- Article 3: Prohibition from torture, inhumane or degrading treatment.
- Article 5: The right to liberty and security of person.
- Article 6: The right to a fair hearing or trial.
- Article 8: The right to respect for private and family life.
- Article 10: Freedom of expression.

These are embedded in various forms within the EU Member States, by acts in the partner countries and the legal framework within which law enforcement takes place must meet these obligations. The United Kingdom has embedded this convention by means of some Acts of Parliament, the latest of which is the Human Rights Act (1998). The national bodies responsible for implementing legislation have qualified some of these rights by virtue of the general well being of society, thus the rights may be curtailed if any of the following conditions are met:

- if the action is prohibited by law; *and*
- necessary actions within a democracy; *and*

- for any of the following reasons:
  - national security;
  - territorial integrity;
  - public safety;
  - preventing disorder or crime;
  - protecting health;
  - protecting morals;
  - protecting the rights of others.

Reasons of strategic handling of offences, that are deemed to be criminal acts within the United Kingdom, mean that crimes are normally categorized into two types: volume and major.

Crimes that are often categorized by Police Service/Force/Constabulary according to their seriousness include:

- murder (Common Law);
- manslaughter (Common Law);
- infanticide (Infanticide Act 1938);
- rape (Sexual Offences Act 2003);
- serious wounding (Offences Against the Person Act 1861);
- armed robbery (Theft Act 1968);
- aggravated burglary (Theft Act 1968);
- kidnapping (Common Law);
- terrorist offences (Terrorism Act 2000);
- any offence deemed 'major' by its significant impact on society (i.e. contamination of goods).

Many of these types of crime have a high media profile and so the treatment of the investigation of these assumes a priority and more time, effort and financial resources will go into investigating these.

Minor crimes make up the majority of Police Service/Force/Constabulary work and encompass anything not deemed to be a major crime. A small range of these criminal offences are called volume crime. The definition of these is:

- street robbery (Theft Act, 1968);
- burglary – dwelling (Theft Act, 1968);

- burglary, non-dwelling (Theft Act, 1968);
- theft (including shoplifting) (Theft Act, 1968);
- vehicle crime – theft of (Theft Act, 1968);
- vehicle crime – theft from (Theft Act, 1968);
- criminal damage (Criminal Damage Act, 1971);
- minor drugs offences that are linked with acquisitive crimes.

as defined by Association of Chief Police Officers (ACPO) (Garvin, 2002). The intensity with which minor and volume crimes are investigated will vary from force to force depending on available resources, initiatives etc. This situation, whilst not ideal, represents the best available use of resources within a Police Service/Force/Constabulary.

### ***Self-assessed questions***

- 1.1** (a) Describe what makes burglary a crime in the United Kingdom.  
(b) Which article(s) of the European Convention on Human Rights does burglary infringe?
- 1.2** Describe the major difference between volume and major crimes?

## **1.3 The nature of the UK legal system**

The legal system in the United Kingdom is based upon common law and statute. Within the United Kingdom there are three separate, similar jurisdictions, England and Wales, Scotland and Northern Ireland. Whilst the laws are similar in each jurisdiction, they are not identical. The system is a balance between three interacting organs of the state, the executive (the government), the legislature (parliament) and the judiciary (the courts). In ideal circumstances these three organs of the state should be independent, but in the United Kingdom the functions overlap (particularly the executive). In Western-style democracies the role of the organs of the state is to maintain the rule of law. In many states these rules are underpinned by a series of articles, often called a constitution, which are seen to be the basis for the operation of a civilized society. The United States of America is an example of a Nation State with just such a constitution. The United Kingdom has no such underpinning articles of state and the rule of law is defined by the enacting of the wishes of the elected representatives of the people. Whilst there is no official constitution in the United Kingdom it can be argued that the

precedent of Acts of Parliament, legislative assemblies such as exist in Northern Ireland, and judicial rulings have bestowed a pseudo – constitution in the United Kingdom.

Laws are put into practice that will affect the way society regards itself. Broadly these laws can be broken down into two types, civil or criminal. Individuals can choose to flout the given laws (by not paying bills, for example) and may face civil proceedings (in order to recover monies due etc.) or criminal prosecution (in the case of grievous bodily harm for example) as a consequence. The crime scene forms part of the criminal side of this process.

**The Role of the European Union.** The European Union (EU) plays an increasing part in forming UK legislation. This is because the UK legal system sits within EU rules, established by Maastricht and other relevant treaties, as well as legislation made by various European institutions, such as the Commission, under these treaties.

The fundamental principle at the centre of European legal order is that European law has priority over conflicting law in Member States. The national courts of each Member State must apply European law, but must not make any national law inconsistent with European Union rules. EU law is therefore an integral part of the law in the United Kingdom.

## 1.4 The legal system in England and Wales

### 1.4.1 Her Majesty's Courts Service

The operation of all the courts within England and Wales has been brought under one overarching organization, Her Majesty's Courts Service (HMCS), on 1 April 2005. This organization includes Magistrates' Courts Service Crown and County Court Service. The HMCS is the executive agency of the Department for Constitutional Affairs (DCA) and has the stated, 'Our purpose is to deliver justice effectively and efficiently to the public. We are responsible for the administration of the civil, family and criminal courts in England and Wales'.

### 1.4.2 The Crown Prosecution Service

The Crown Prosecution Service (CPS) is a government agency that decides whether criminal investigations, which have been started by the police, should progress to court. If a case is progressed, the CPS prepares and conducts prosecution court proceedings, provides prosecution solicitors and barristers and arranges for prosecution witnesses to attend court.

### 1.4.3 The Judiciary

The judiciary sits within a system that is the result of several centuries of development. There are a series of courts tiered to deal with offences against the rule of law. These range from low-level cases that are dealt with by a Magistrates' Court, through to rulings that may affect the laws of the nation that may be dealt with by parliament. A brief description of each tier will now be given:

#### *The Magistrates' Court*

The Magistrates' Courts are core to the UK criminal justice system – most criminal cases start in a Magistrates' Court with a large percentage completing there (95%). The Magistrates' Courts also undertake civil cases, such as family matters and liquor licensing and betting. Cases in the Magistrates' Courts are usually heard by panels of three magistrates (Justices of the Peace) supported by a clerk. The three magistrates are called a Bench and are assigned to a Local Area but have a national jurisdiction pursuant to the Courts Act, 2003. Magistrates are unpaid appointees of the Crown who are not usually legally qualified. Qualified clerks advise them on matters of law.

There are also about 130 District Judges, who sit alone in Magistrates' Courts. District Judges must have had seven years' experience as a barrister or solicitor and two years' experience as a Deputy District Judge. District Judges deal with more difficult cases such as extradition or serious fraud.

The range of cases that are tried in a Magistrates' Court fall into two categories:

- Summary offences – These are the least serious offences such as driving offences and common assault.
- Triable either way offences – These are the middle range of crimes including theft, assault causing actual bodily harm. These can be tried in either the Magistrates' Court or Crown Court.

Magistrates do not normally order prison sentences of more than six months or fines exceeding £5000. Such cases are normally committed by the magistrates to the Crown Court for sentencing.

#### *The Crown Court*

The Crown Court deals with cases transferred from the Magistrates' Courts. It also hears appeals against Magistrates' Courts' decisions, and deals with sentencing of

some cases from Magistrates' Courts. In addition, the triable either way offences described above can be tried in the Crown Court. Generally speaking, Crown Courts deal with more serious criminal cases such as murder, rape or robbery. Trials are heard by a Judge and a 12-person jury. Members of the public are selected for jury service. Jurors must decide, based on the facts, whether a defendant is guilty or not guilty of the offences for which he or she is charged. In some cases, where specialist knowledge is required, such as complex fraud cases, it would be considered impossible for a jury to be knowledgeable enough to make a decision, and such cases may be tried in the absence of a jury.

**Indictable Offences** – These are the more serious crimes and include murder, manslaughter and rape. All indictable offences must be tried at the Crown Court, but the first hearing is dealt with at the Magistrates' Court. The magistrate will decide if the defendant should be given bail. The case is then transferred to the Crown Court.

## 1.5 Other courts

There are a large number of courts that primarily deal with civil issues. These include the County Court. The majority of County Courts' cases involve debts between individuals and/or business, claims as well as personal injury, property or disputes over contracts. They also deal with family issues, such as divorce and adoption. The High Court deals with the more complex civil cases as well as claims for libel. It also hears appeals against decisions made in the County Courts.

The right to appeal is one of the key principles of the justice system in England and Wales. The Court of Appeal hears appeals against decisions in the High Court and the Crown Court. Disputes not resolved there can be taken to the House of Lords.

There are a whole variety of civil courts with specialist applications, as well as military courts and tribunals that do not fall usually within the remit of the evidence gathering process for criminal processes.

### *Self-assessed questions*

- 1.3 Does Her Majesty's Court Service solely look after criminal cases?
- 1.4 Describe the limitations on a Magistrates' Court in sentencing.
- 1.5 Can murder be tried at a Magistrates' Court?
- 1.6 Are all cases in Crown Courts tried before a jury?
- 1.7 What is the function of the jury in a Crown Court trial?

## 1.6 The judicial system in Northern Ireland

Northern Ireland's legal system is similar to that of England and Wales. Jury trials have the same place in the system. The major difference relates to offences involving acts of terrorism. In addition, cases go through stages in the courts. In offences specified under emergency legislation the case is tried in a Crown Court without a jury. Guilt must be proved beyond reasonable doubt with the defendant represented by a lawyer of their choice. The judge has to set out in a written statement the reasons for conviction with an automatic right of appeal, against conviction and/or sentence on points of fact as well as of law, at the Court of Appeal.

### 1.6.1 Courts in Northern Ireland

The Northern Irish courts consist of:

- superior courts comprising the Court of Appeal, the High Court and the Crown Court;
- inferior courts comprising County Courts and Magistrates' Courts.

#### *Superior courts*

All matters relating to the Court of Appeal, the High Court and the Crown Court are under the jurisdiction of the UK Parliament. Judges are appointed by the Crown. The Crown Court deals with all serious criminal cases.

The Court of Appeal has the power to review the civil law decisions of the High Court and the criminal law decisions of the Crown Court and may in certain cases review the decisions of County Courts and Magistrates' Courts. Subject to certain restrictions, an appeal from a judgment of the Court of Appeal can go to the House of Lords. The independent Criminal Cases Review Commission reviews alleged miscarriages of justice.

#### *Inferior courts*

The inferior courts are the County Courts and the Magistrates' Courts, both of which differ in a number of ways from their counterparts in England and Wales.

Magistrates' Courts carry out the day-to-day work of dealing with minor local criminal cases. These are presided over by a full-time, legally qualified, resident magistrate (RM). County Courts are primarily civil law courts presided over by



County Court judges; they also handle appeals from the Magistrates' Courts. Appeals from the County Courts are heard in the High Court.

### ***Self-assessed questions***

- 1.8** (a) What is the English equivalent of the Northern Ireland inferior courts?  
(b) Who presides over the inferior court in Northern Ireland?
- 1.9** Name one type of case in Northern Ireland where a jury is not used.

## **1.7 The Scottish legal system**

Scots' Law and the Scottish legal system's integrity and independence were acknowledged in the 1707 Act of Union along with the establishment of a UK Parliament at Westminster. Scots' law shares many statutory provisions with the law of England and Wales, but Scots' civil law remains substantially based on Scots' common law, rather than statute, sharing elements with Roman Dutch law rather than English common law traditions. In the criminal justice system, the role of the public prosecutor is critical.

The Crown Office and Procurator Fiscal Service, a Department of the Scottish Executive, provides Scotland's independent public prosecution and deaths investigation service. The position of the Lord Advocate is as head of criminal prosecution in Scotland, assisted by the Solicitor General for Scotland. They are the Scottish Law Officers and members of the Scottish Executive.

### **1.7.1 Criminal Courts in Scotland**

Criminal justice procedure is divided into:

- Solemn – the most serious cases involving trial on indictment before a judge or sheriff sitting with a jury;
- Summary – less serious offences involving a trial before a sheriff, stipendiary magistrate or Justice of the Peace sitting alone.

### ***The judiciary***

The High Court of Justiciary is the country's supreme criminal court; handling the most serious crimes such as murder and rape. It is also the final court of appeal for criminal cases. It comprises the Lord Justice General, the Lord Justice Clerk and another 30 judges known formally as Lords Commissioners of Justiciary.

Judges take the title of Lord or Lady followed by their surname or territorial title and can preside over both criminal and civil courts. All criminal prosecutions are brought in the name of the Lord Advocate and prosecuted by his appointed Advocate Deputes.

### ***The jury***

The court presents evidence before a jury, which is required to reach a verdict on the case in question. A Scottish jury – for a criminal case – is made up of 15 people and a simple majority is sufficient to establish guilt or innocence. The jury is required to reach one of three verdicts: guilty, not guilty or not proven. A not proven verdict is the equivalent of not guilty in that it is an acquittal.

### ***Sheriffs Courts***

The Sheriff Courts, 49 of which are arranged into six Sheriffdoms organized geographically are overseen by a Sheriff Principal. Sheriffs have sentencing powers, which are limited to:

- up to three years' imprisonment and/or an unlimited fine in solemn cases;
- up to six months' imprisonment and/or £5000 fine for summary cases.

The court can remit a case to the High Court if a greater sentence is deemed necessary.

### ***District Courts***

District Courts are similar to Magistrates' Courts and sit in each local authority area. Each comprises one or more Justices of the Peace (lay magistrates) who sit alone or in threes with a qualified legal assessor as convener or clerk of court. They handle many cases of breach of the peace, drunkenness, minor assaults, petty theft and offences under the Civic Government (Scotland) Act 1982.

### ***Self-assessed questions***

- 1.10** What is the nearest English equivalent of the Sheriff Court in Scotland?
- 1.11** Describe the two important differences between the English and Scottish court systems.

## 1.8 Judicial processes that deal with causes of death

Deaths that need investigation are dealt with by the HM Coroner in England, Wales and Northern Ireland. The Coroner is one of the oldest secular appointments, established in 1194 as a form of medieval tax gatherer. This role has changed and now encompasses the investigation of sudden, violent or unnatural death. Coroner's activities are governed by the Coroner's Act 1988 and the Coroner's rules 1984. The Coroner, who is either a qualified lawyer or medical practitioner with at least five years of experience, will have many deaths reported as part of their duties. The Coroner may be satisfied, after due investigation, by the identity of the deceased and that the death was due to natural causes. In such cases the investigation can end at this stage and a death certificate can be issued.

In other cases the Coroner must call an inquest. The inquest, held in a Coroner's Court, has two major functions, categorization of the circumstances and cause of death and identification of the deceased persons. The remit of the inquest is determination of cause of death for the following reasons:

- a violent or unnatural death;
- a sudden death the cause of which is unknown;
- in prison;
- in such circumstances as to require an inquest under any other act.

A violent or unnatural death can occur for a variety of causes, such as:

- unlawful killing;
- suicide;
- accidental death;
- misadventure;
- industrial disease.

The Coroner will reach a decision as to which of the causes of death apply in the inquest. The Coroner remit does not include assigning liability. So, for example, a verdict of unlawful killing would not include a naming of persons liable for the death of deceased. In addition, there may not be enough evidence to determine a cause of death to the standard of proof required and the Coroner can also reach an open verdict. In most cases the standard of proof required to reach such a verdict is on the 'balance of probabilities', but in cases of unlawful killing and suicide it will

normally be 'beyond all reasonable doubt'. In addition, the historical origins of the role of the Coroner means that he is responsible for issues relating to treasure trove.

The Court is inquisitorial, rather than adversarial, in nature. This means that there are significant differences from civil or criminal courts. Firstly, a jury is not necessarily required. When a jury is present, it will consist of an odd number of persons (between 5 and 11). Witnesses are required to attend and give evidence, as with criminal courts. However, persons are allowed to refuse to give evidence when it may incriminate them. In addition, witnesses can be questioned, not only by the Coroner, but by persons who are called 'properly interested parties'. Properly interested parties may include close relatives of the deceased, police services, insurers, employers and trade union officials or legal representatives of these parties.

Crime scene investigators may be called to present evidence in the Coroner's Court relating to the identification of the deceased as well as determination of the cause of death.

In Scotland all sudden, suspicious, accidental, unexpected and unexplained deaths and any death occurring in circumstances that give rise to serious public concern are dealt with by the Procurator Fiscal. The Procurator Fiscal does not hold an inquest but may ask for help via investigations from properly qualified persons, such as police forces and pathologists. After consideration of all the evidence, the Procurator Fiscal will reach a decision on the cause of death. In a few cases (for 2001–2002 only 62 out of 13 625 cases) the Procurator Fiscal will apply to the Sheriff for a public enquiry, called a Fatal Accident Inquiry into the cause of death.

A Fatal Accident Inquiry is similar to an inquest but carried out in the public interest. However, the rules of evidence and the standard of proof are the same as Scottish civil cases. The purpose is to determine where and when the death took place, the cause of the death, reasonable precautions whereby the death may have been avoided, any defects in any system of working that contributed to the death or any accident resulting in the death and any other facts relevant to the circumstances of the death. As with English Coroner's Courts, the purpose is not to apportion civil or criminal liability for the death. A mandatory Fatal Accident Inquiry will occur in relation to a death in custody or as a result of an accident in the course of employment.

### ***Self-assessed questions***

- 1.12** Name two differences between a Coroner and Crown Court proceeding.
- 1.13** What is the major difference in the investigation of suspicious death in Scotland compared to the rest of the United Kingdom?

## 1.9 What constitutes evidence?

Evidence is presented before any court of law in one of the following two ways:

- Oral testimony of a witness;
- Submission of a statement by a witness;

During testimony, a witness will introduce to the court information of fact that will include any physical items if evidential material. Under certain circumstances, instead of a witness appearing in person their evidence, including and material items, may be accepted from their written statement (details regarding this procedure may be found in Chapter 11).

Whichever the case the Scenes of Crime Officer (SOCO) will find that most of their work that ends up being presented in a Court of Law revolves around the recording of the crime scene by photography, drawing and documentation of the evidence gathering process and the recovery of physical evidence in a way that will render it suitable for subsequent analysis and presentation in court. This means that due care and attention must be paid to preserving the evidential value of items gathered at the scene. For example, there is no point in collecting DNA-rich evidence in such a way that the evidence may be contaminated or degraded so that the quality of that evidence becomes unusable in a court of law. Failure to present evidence may be as simple as a lack of appropriate control samples gathered at the scene, lack of attention in choosing appropriate packaging and storage, not being able to demonstrate that there was no opportunity for contamination to occur between evidence gathering, storage and analysis, and timeliness in delivery of samples to analysts. These issues are part of the ‘continuity and integrity’ of the evidential materials. Most of such evidence that is gathered by SOCO for subsequent scientific analysis comes into the category of contact or trace evidence (see Chapter 3).

The evidence that is presented by the SOCO may be the first step in providing material that can be used in court and as such needs a rigour that will withstand the scrutiny of hostile cross-examination. The processes needed to achieve this require a high level of expertise. The evidence that then is presented in the court falls under the remit of expert witness statements and should be presented accordingly (see Chapter 3 and 11).

### *Self-assessed questions*

**1.14** Name two classes of evidence that a SOCO may provide for court.

## 1.10 The chain of events in evidence gathering

The recording and gathering of items at the scene of crime are the first steps in the provision of evidence in a court of law. The requirement to present such evidence for this purpose means that specific issues are raised both in the identification of suitable items, but also their subsequent handling. One of the major considerations revolves around tracking of an item recovered from a scene of crime from the time it is identified to the time that it is presented in evidence in a court of law. A failure to provide documented evidence of the item's:

- whereabouts from the time of discovery at the scene to its presentation in court;
- security in terms of alteration by having evidence added to it either surreptitiously or otherwise.

may render the evidence that relates to the item as unsuitable.

*Continuity* is the term used to describe the handling of the item at all stages subsequent to identification. *Integrity* is the term used to describe the method used to describe the protection of the evidence from damage or alteration. These issues are central to the evidence gathering process and their importance will be emphasized throughout the text.

The steps in evidence gathering involve:

- identify the scene and make an assessment;
- recording and documentation of the scene;
- identification of items that may have evidential value;
- record and gathering the items for subsequent analysis from a Forensic Science Provider (FSP).

Each of these will be briefly described below. The recording and documentation of the scene is described in detail and a discussion of gathering items that have a likelihood of being of evidential value is in Chapter 3. The type of analysis that could be performed with the evidence is provided in Chapters 5–8.

### 1.10.1 Crime perpetration and evidence transfer

One of the important considerations is the way in which evidence is left at the scene, given that both the perpetrator and the area that the crime took place in are classed as

scenes. Material will be transferred between the perpetrator and the scene of crime. The type and amount of material will depend on a number of factors that include:

- The nature of the recipient surfaces and the trace material. Rough surfaces will retain more material for longer than smooth surfaces.
- The degree of contact. This can vary both in pressure and time of contact and increasing both will increase the probability of material transfer.
- The nature of the transferred material. The adherence properties of this will affect both its residence on the recipient surface and the time of retention.

These phenomena should mean that when contact is made at a scene there is a two-way transfer. This means that you may find evidence of the scene on the perpetrator and vice versa. This type of evidence is referred to as 'trace' or 'contact' evidence. It underpins one of the important principles of forensic science, called 'Locard's Principle of Exchange'. This states:

When two objects come into contact, each will leave a trace of itself upon the other which has often been abbreviated to 'every contact leaves a trace'.

### 1.10.2 Scene documentation and recording

This is the initial stage in crime scene work. Initially the scene is surveyed whilst the investigator tries to form a picture of the *modus operandi*. In this survey detailed notes are made of the scene that may aid further enquiries. Items of potential evidential value are noted and their location recorded. Photographic and/or video records, and sketch plans are made noting the precise location of evidence items. This process is crucial to crime scene reconstruction and evidence presentation in court.

### 1.10.3 Identification of evidential items

Initial examination of the crime scene will allow identification of items that may contribute to the evidence needed in a court of law. The identification of such items is a precursor to their removal from the scene and subsequent storage. The selection of items for evaluation of evidence depends to some extent on a variety of factors. These include:

- The nature of the possible offence. In this case, although not ideal, the extent of the examination will depend on whether the offence is a volume or major crime. A higher labour and monetary budget will normally be allocated to the crime if it

is considered to be 'major'. Unfortunately, this reflects the limited budgets that police services have to work with.

- The evidential value of the item. Most scenes contain a plethora of objects that could provide evidence. However, in a majority of cases only some will provide information that could lead to the identification and apprehension of a suspect or their subsequent prosecution. So, for example, a fingerprint has a high evidential value as it is highly likely to be associated with an individual and placing them at the scene. On the contrary, a blue fibre from denim jeans is unlikely to be able to be linked to a particular suspect (as this is a common fabric) unless some aspect of the fibre can provide physical fit evidence to a suspect's clothing (see Chapter 8).
- The experience of the investigator. Experienced investigators will know from their evidence gathering which items will provide the best information and concentrate on gathering these. Although one can list the items that are likely to yield useful information to an investigation, it will vary between cases and the investigator must be objective.

#### **1.10.4 Packaging and removal of items from the scene**

The items identified have to be removed from the scene. The first step is to document and number each item of possible evidence by placing it onto a list. This will give each evidence item, whether a photograph, fingerprint lift or DNA swab a reference number. This number is then bar-coded in all further processes allowing tracking of the progress of sample analysis and avoiding confusion between samples. This process may seem trivial but it is a key part of tracking the continuity of the item recovered from the scene.

Care must be taken to ensure that items are packaged in the correct containers. The packaging of the container is important. The packaging must provide a secure environment for the item, in that:

- it must be evident as to whether the package has been opened. Such packaging is described as being 'tamper-evident'.
- it must be packaged in a container that will not damage the material that needs to be analyzed. For example wet biological material (see Chapter 6) must not be packaged in air-tight containers, that would encourage microbial spoilage to occur.

The item must also be properly labelled. Lack of care in labelling affect its continuity.



***Self-assessed questions***

- 1.15** Outline the four stages in evidence gathering.
- 1.16** Describe what is meant by continuity in evidence processing.
- 1.17** Explain the possible evidential value of the following items:
  - (a) blood stain;
  - (b) glass from a broken UPVC window.
- 1.18** Explain how the integrity of semen stained clothing may be affected if:
  - (a) it sealed in a plastic bag whilst still wet;
  - (b) it is repackaged in the same room as clothing was removed from the suspect.

**1.11 The relationship between evidence gatherers and analysts**

Items gathered at the scene will be transferred into a secure storage area within the local police station. Subsequently, such items may be sent for scientific analysis by an appropriate FSP. Police Services vary in the amount of scientific support that is provided 'in-house'. Most services contain a fingerprint development laboratory that enhances latent fingerprints, linked to a facility that analyzes the prints against a database of stored prints. Other services may contain footwear analysis laboratories and some contain another scientific provision.

Services in England and Wales will send the majority of their samples to an independent FSP for analysis. This includes DNA analysis, hair, fibres, firearms and documents. The separation of FSP from police services avoids accusations of conflicts of interest between FSPs and the services. The FSP can be seen to provide analyses unbiased by pressures from within police services that expect that the evidence will help secure a prosecution. The FSP includes a number of larger providers such as the Forensic Science Service (FSS) and LGC-Forensics (a merging of Forensic Alliance with the Laboratory of the Government Chemist) as well as a growing number of other companies with a specialist remit.

Scottish laboratories have been linked to police forces directly, but this situation is changing with a move to a separate laboratory facility for major forms of analysis, such as DNA-rich evidence. In Northern Ireland the FSP is Forensic Science Northern Ireland, which operates a monopoly with the police service.

## 1.12 Health and safety considerations

The gathering of items of potential evidence at scenes of crime remains an important step in the forensic process. There is a duty by the employer to ensure that the health and well being of employees involved in this process do not come under any risk to their health. The crime scenes that are visited are extremely varied and it is impossible to have sets of procedures that deal with every eventuality. This text will cover some of the major occupational hazards that are associated with scenes of crime work. These can be briefly covered by:

- Physical environment. An example may be a scene that is the result of fire or arson investigation where the building may be unsafe or there is a danger of further conflagration. In these cases there should not be any attempt to enter the scene to gather evidence until all such places have been declared safe.
- Chemical hazards. These are varied but can include toxic or pharmacologically active compounds that are dangerous to health. Appropriate care should be taken when handling substances of unknown origin.
- Biological hazards. These can be carried in bodily fluids, such as blood, where the agents of transmissible diseases may be present or there may be infectious organisms present whether deliberately, as in cases of biological weapons manufacture or surreptitiously as in cases where pathogens are in the environment.

This means that thought must be given to assessing the risk involved in dealing with a scene and some communication may take place between scene examiners and senior staff if the scene poses a potential hazard. This may result in evidence being lost as a consequence, but the welfare of the investigator must come first.

A formal risk assessment process must be carried out by those charged with performing investigations and crime scene examination tasks before an investigation takes place. The assessment must be documented and submitted as part of the scene management process.

### Suggested further reading

- Her Majesty's Court Services (2005). *Managing Courts, Delivering Justice*, HMSO. This provides a brief introduction to the system and variety of courts in England and Wales.
- House of Commons Science and Technology Committee (2005). *Forensic Science on Trial*, The Stationery Office Limited This is a review of the state of Forensic Science in the UK and contains useful information in all areas relating to forensic science.
- Garvin, P. (2002). *ACPO Investigation of Volume Crime Manual*, Association of Chief Police Officers of England, Wales and Northern Ireland. A comprehensive review of the investigation of volume crimes.