

TN.DOE.CJ2 9) Demonstrate proper techniques for evidence collection including packaging and initiation of chain of custody during a systematic search of a simulated crime scene. Create a visual outlining the most common types of physical evidence, collection methods, proper packaging techniques, and chain of custody documentation.

1

Key Terms

- Physical evidence – any object that can establish that a crime has been committed, or that can link a crime to its victim or perpetrator
- Chain of Custody – the process which reports transactions of evidence from person to person, starting with its acquisition by a law enforcement agency

2

2

Crime Scene Search Methods

- Prior to starting a crime scene search, the following must be completed:
 - Determine a starting point
 - Establish a headquarters or command post
 - Brief your searchers
 - Discuss and establish the speed of the searchers
 - Assign an area of responsibility to each person in the search group
 - Maintain communication among all searchers
 - Re-check the search area by exchanging searchers from one area to another

3

3

Types of Physical Evidence

- Bodily fluids
- Blood
- Hairs and fibers
- Fingerprints
- Footwear impressions
- Tool marks
- Firearms
- Documents
- Any other item linking a suspect to a crime

4

4

Chain of Custody

- Must maintain a document that includes exactly what happened to the evidence from the time it was found to the time it is presented in court
- Accounts for the following information
 - Who found the item
 - Where it was found
 - Who took custody, collected, marked, and packaged the item
 - Where the item is stored

5

5

Fingerprints

- Fingerprint- Impression of friction ridges found on all parts of the fingers, hands, and feet
- Minutia- basic small characteristics found in a fingerprint
- 3 basic patterns
 - Arch, Loop, and Whorl

6

Types of Impressions

- Latent Impression- Not Visible, 98% water, and 2% fats, salts, and minerals
- Patent Impression- foreign material substance that is coating the hands
- Impression- Pressed into soft material
- Etched Impression- Naturally engraved itself into surfaces such as rust into metal

Most prints used for evidence are latent impressions. Latent Impressions are fragile and can be retrieved from smooth, hard, not porous, and not absorbent surfaces.

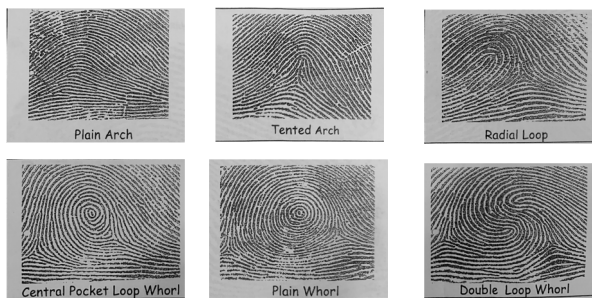
7

AFIS

- AFIS- Automated Fingerprint Identification System
- For a print to be identifiable by AFIS it must be a minimum of ¼ inch square and have a minimum of 7 point or characteristics known as Minutia.

8

Patterns



9

Minutia



10

Elements of the crime

Whenever a law is made the law has to outline the requirements necessary to be in violation of that law. These requirements are referred to as elements of the crime.

These elements are important in proving criminal intent or Mens Rea.

Along with this list of requirements there needs to be some sort of punishment for being in violation of that law. Law is often referred to as code. For our laws in Tennessee you would be looking for Tennessee Code.

11

Tennessee Code 55-10-401 As of July 1, 2019

Driving under the influence prohibited -- Alcohol concentration in blood or breath.

It is unlawful for any person to drive or to be in physical control of any automobile or other motor driven vehicle on any of the public roads and highways of the state, or on any streets or alleys, or while on the premises of any shopping center, trailer park, or apartment house complex, or any other premises that is generally frequented by the public at large, while:

12

Tennessee Code 55-10-401

(1) Under the influence of any intoxicant, marijuana, controlled substance, controlled substance analogue, drug, substance affecting the central nervous system, or combination thereof that impairs the driver's ability to safely operate a motor vehicle by depriving the driver of the clearness of mind and control of oneself that the driver would otherwise possess;
 (2) The alcohol concentration in the person's blood or breath is eight-hundredths of one percent (0.08%) or more; or
 (3) With a blood alcohol concentration of four-hundredths of one percent (0.04%) or more and the vehicle is a commercial motor vehicle as defined in 55-50-102.

13

Tennessee Code 55-10-401

To be in violation of 55-10-401 the elements or requirements are:

1. be in physical control of a motor driven vehicle
2. Be located at one of the listed locations
3. Be under the influence of at least one of the substances listed
4. That substance impairs the driver's ability to safely operate a motor vehicle by depriving the driver of the clearness of mind and control of oneself that the driver would otherwise possess

Without those 4 elements of the crime one would not be able to be convicted of DUI in the state of Tennessee

14

Tennessee Code 55-10-401

Like any law there has to be some sort of punishment for violation of that law. 55-10-401 has an extensive list of punishments based on various factors such as the number of times convicted, age of other occupants, and bodily injury or death.

The incarceration time ranges from 48 hours to 30 years based on circumstances and number of convictions.

The fines to be imposed range anywhere from \$350 to \$16,000 not including restitution for property damage or injury.

15

40-35-111 as of July 1, 2019

40-35-111 outlines the terms of imprisonment and fines for felonies and misdemeanors.

(1) Class A felony, not less than fifteen (15) nor more than sixty (60) years. In addition, the jury may assess a fine not to exceed fifty thousand dollars (\$50,000), unless otherwise provided by statute;

(2) Class B felony, not less than eight (8) nor more than thirty (30) years. In addition, the jury may assess a fine not to exceed twenty-five thousand dollars (\$25,000), unless otherwise provided by statute;

(3) Class C felony, not less than three (3) years nor more than fifteen (15) years. In addition, the jury may assess a fine not to exceed ten thousand dollars (\$10,000), unless otherwise provided by statute;

16

40-35-111

(4) Class D felony, not less than two (2) years nor more than twelve (12) years. In addition, the jury may assess a fine not to exceed five thousand dollars (\$5,000), unless otherwise provided by statute; and

(5) Class E felony, not less than one (1) year nor more than six (6) years. In addition, the jury may assess a fine not to exceed three thousand dollars (\$3,000), unless otherwise provided by statute.

(1) Class A misdemeanor, not greater than eleven (11) months, twenty-nine (29) days or a fine not to exceed two thousand five hundred dollars (\$2,500), or both, unless otherwise provided by statute;

(2) Class B misdemeanor, not greater than six (6) months or a fine not to exceed five hundred dollars (\$500), or both, unless otherwise provided by statute; and

(3) Class C misdemeanor, not greater than thirty (30) days or a fine not to exceed fifty dollars (\$50.00), or both, unless otherwise provided by statute.

17

39-14-402 Burglary as of July 1, 2019

(a) A person commits burglary who, without the effective consent of the property owner:

- (1) Enters a building other than a habitation (or any portion thereof) not open to the public, with intent to commit a felony, theft or assault;
- (2) Remains concealed, with the intent to commit a felony, theft or assault, in a building;
- (3) Enters a building and commits or attempts to commit a felony, theft or assault; or
- (4) Enters any freight or passenger car, automobile, truck, trailer, boat, airplane or other motor vehicle with intent to commit a felony, theft or assault or commits or attempts to commit a felony, theft or assault.

(b) As used in this section, "enter" means:

- (1) Intrusion of any part of the body; or
- (2) Intrusion of any object in physical contact with the body or any object controlled by remote control, electronic or otherwise.

(c) Burglary under subdivision (a)(1), (2) or (3) is a Class D felony.

(d) Burglary under subdivision (a)(4) is a Class E felony.

18

Burglary

So the elements of burglary are

1. Committed without consent of property owner
2. Enter or remain in a building other than a habitation not open to the public with intent to commit a felony, theft or assault. Or enter any building and commit a felony, theft, or assault. Or enter a vehicle with the intent to commit a felony, theft, or assault.

This law defines what is meant by entry and gives us a punishment of either a Class D felony for buildings and Class E felony for vehicles.

19

Burglary

- Some laws will have separate laws written for similar circumstances but different punishments.
- Burglary has 2 other laws that are written for a burglary offense in the state of Tennessee. Aggravated Burglary and Especially aggravated burglary.
- There is also a law for the possession of burglary tools.

20

Aggravated burglary and Especially aggravated burglary

- 39-14-403. Aggravated burglary.
 - (a) Aggravated burglary is burglary of a habitation as defined in 39-14-401 and 39-14-402.
 - (b) Aggravated burglary is a Class C felony.
- 39-14-404. Especially aggravated burglary.
 - (a) Especially aggravated burglary is:
 - (1) Burglary of a habitation or building other than a habitation; and
 - (2) Where the victim suffers serious bodily injury.
 - (b) For the purposes of this section, "victim" means any person lawfully on the premises.
 - (c) Especially aggravated burglary is a Class B felony.

21

Possession of burglary tools.

- 39-14-701. Possession of burglary tools.
A person who possesses any tool, machine or implement with intent to use the same, or allow the same to be used, to commit any burglary, commits a Class A misdemeanor.

Laws are always changing and so are the punishments. If someone is convicted of committing burglary in the state of Tennessee as of July 1, 2019 their freedom would be taken away for 1 to 30 years depending on which burglary law they violated. Unless they were only charged with possession of burglary tools, then they could receive up to 11 months 29 days.

22