

FIRE INVESTIGATION 2A

Approved by the Statewide Training and
Education Advisory Committee



Adopted by the State Board of Fire Services



STUDENT SUPPLEMENT

1989 Edition



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Criminal and Legal Procedures



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State Fire Training



State Fire Training

Mission Statement

The mission of State Fire Training is to enable the California fire service to safely protect life and property through education, training, and certification.

California Fire Service Training and Education System

The California Fire Service Training and Education System (CFSTES) was established to provide a single statewide focus for fire service training in California. CFSTES is a composite of all the elements that contribute to the development, delivery, and administration of training for the California Fire Service. The authority for the central coordination of this effort is vested in the Training Division of the California State Fire Marshal's Office with oversight provided by the State Board of Fire Services.

The role of CFSTES is one of facilitating, coordinating, and assisting in the development and implementation of standards and certification for the California fire service. CFSTES manages the California Fire Academy System by providing standardized curriculum and tests; accredited courses leading to certification; approved standardized training programs for local and regional delivery; administering the certification system; and publishing Career Development Guides, Instructors Guides, Student Manuals, Student Supplements, and other related support materials. This system is as successful and effective as the people involved in it are. It is a fire service system developed by the fire service, for the fire service... and we believe it is the best one in the country.

Acknowledgments

State Fire Training coordinated the development of the material contained in this guide. Before its publication, the Statewide Training and Education Advisory Committee (STEAC) and the State Board of Fire Services (SBFS) recommended this guide for adoption by the State Fire Marshal (SFM). This guide is appropriate for fire service personnel and for personnel in related occupations that are pursuing State Fire Training certification.

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"We gratefully acknowledge the hard work and accomplishments of those before us who built the solid foundation on which this program continues to grow."

Topic #1: Explosives

Without very detailed training, the fire investigator is not qualified to dismantle or handle explosive material. However, the investigator must have a basic knowledge of the effects of various explosives. Fire/arson investigations are frequently required to respond to bombings and bomb-related incidents.

Explosions

Defined

The sudden and rapid escape of gases from a confined space, accompanied by high temperatures, violent shock and loud noise.

Types of Explosions

- Mechanical explosion/overpressure
 - Boiler explosion/pipe bomb
- Chemical explosion
 - Conversion of a solid or liquid explosive compound into gases
 - Gases so produced have a much higher volume than the original substance
 - Very rapid conversion to gas
 - Extreme temperatures (usually several thousand degrees)
 - Except for nuclear devices, most manufactured explosives are chemical
 - Chemical explosives are normally encountered by public safety personnel
- Nuclear explosion

Nature of Explosions

- Deflagration (explosion)
 - Rapid combustion
 - Chemical changes due to combustion or burning
 - Combustion producing heat, light, and release of gases
 - The rate of combustion is an important factor since burning combustion is much slower than detonation
 - Burning from one grain to next
- Detonation
 - Instantaneous in nature
 - Detonation velocity of explosive
 - Measured in burning rate (feet per second or FPS)/detonating rate
 - FPS may reach speeds of up to 32,000 FPS
 - The term brisance is used to describe the speed of burning or shattering effect of an explosive

Effects of an Explosion

- Three primary effects
 - Blast pressure effect
 - Expanding gases are produced in approximately 1/10,000th second
 - Gases produce pressure of up to 700 tons per square inch (psi) in atmosphere near the point of detonation
 - Pressure travels outward at up to 13,0000 mph
 - ◆ Compresses surrounding air
 - ◆ Expands outward similar to a wave at beach in circular pattern
 - Pressure decreases in relation to distance from point of detonation
 - Pressure effect also called "blast pressure wave"
 - Blast pressure was has two phases
 - ◆ Positive pressure phase
 - ▲ May be visible as a white expanding circle called the shock front
 - ▲ This front is composed of a layer of compressed air only a fraction of an inch thick
 - ▲ The shock front applies sudden blow to objects in its path
 - ▲ Positive pressure wave lasts only a fraction of a second and is followed by positive pressure in the form of a strong wind
 - ◆ Negative pressure phase
 - ▲ Partial vacuum is produced at or near the point of detonation and this vacuum causes displaced air to reverse and flow back toward the point of detonation
 - ▲ Slower than positive pressure phase
 - May cause debris to be drawn in toward point of detonation (may lead investigator to believe bomb placed on other side)
 - Although slower it lasts three times as long as the positive pressure phase
 - Fragmentation effect
 - Materials used in construction of an explosive device and other nearby objects will usually be fragmented
 - Explosive force will cause fragments to travel outward at velocities of a bullet
 - Up to one-half of the explosive force may be used to produce fragmentation and propulsion of fragments in pipe bombs
 - Fragments usually appear stretched, torn, and thinned
 - Low explosives may produce larger fragments
 - Incendiary thermal effect
 - Produces flash effect
 - Varies greatly with different explosives
 - Low explosives produce long incendiary effects with low temperatures

- High explosives produce short incendiary effects with high temperatures
- May produce fire if explosion occurs near highly combustible materials
- Structural fires following explosions
 - ◆ Usually result from broken, damaged, or short circuited electrical lines or from broken fuel or gas lines
 - ◆ Rarely occurs from high order explosive
 - ▲ C-4
 - ▲ TNT

Explosive Trains

- Explosive train defined
 - A series of explosions specifically arranged to produce the most effective detonation or explosion of a particular explosive
- Number of steps in explosive train vary from two to four or more steps

Common Explosives

- Low explosives
 - Smokeless powder
 - Shotgun shell filler
 - Rifle/pistol propellant
 - Black powder
 - The finer the grains, the more rapid the deflagration
 - Black powder guns
 - Pyrotechnics
 - Flash powder
 - Powdered metal added to powder to increase burning rate and flash
 - Fireworks/pyrotechnics
- High explosives
 - Dynamite
 - Most widely used civilian explosive
 - Nitroglycerin/nitro-starch-nitrate
 - Blasting agents
 - ANFO-AMON
 - Slurries
 - Gels

- Detonating cord
 - Used to connect explosive charges or as a primary charge
 - Has a burning rate of 18,000 to 32,000 FPS
- Binary explosives
 - Two part explosives
 - Blasting agent with sensitizer
 - Kept separate until ready to use
- Military explosives
 - TNT
 - Used as the comparative to all other explosives as to explosive power
 - C-4
 - C-2/C-3
 - High explosive with plasticizer
 - Deta sheets/Flex-x
 - Letter bombs
- Initiators
 - Blasting caps
 - Contains small amount of sensitive primary explosives used to initiate high explosive
 - Two types of blasting caps
 - ◆ Electric blasting caps
 - ▲ Small metal tube containing an ignition charge, intermediate charge, and a base charge
 - ▲ Colored "leg" wires attached
 - ▲ Sizes range from one inch to several inches in length
 - ▲ Detonates when electric current flows through nickel chromium bridge wire
 - ◆ Nonelectric blasting caps
 - ▲ Designed to detonate from "spit" or flame of a black powder safety fuse
 - Safety/time fuse
 - Core of black powder
 - Used to initiate explosives nonelectrically
 - Usually manufactured to burn at 40 seconds per foot but may vary with age and moisture absorption
 - Fuse slightly less than 1/4" in diameter
 - Color coded in orange, white, or black (solid, banded, or striped)
 - Dark green (O.D.) plastic cover with yellow bands manufactured for military use

Glossary and Terms

Actuator (explosive).....	A self-contained power transmitting device to convert chemical energy into mechanical force. Removers (retractors), thrusters, dimble motors, etc., fall into this category
Air blast	The violent effect produced in the vicinity of an explosion that consists of a wave of increased atmospheric pressure followed by a wave of decreased atmospheric pressure
ANFO	A highly explosive mixture of ammonium nitrate and fuel oil; a commercial and clandestine explosive
Anti-disturbance	A device placed into an explosive unit designed to detonate the mechanism by any attempt to jar, tilt, or move the unit
Anti-personnel	An explosive device designed for use against personnel rather than destruction of property
Anti-withdrawal.....	A part of an explosive device designed to cause detonation when removal of parts is attempted
Armed	The condition of a device ready to function with all necessary components ready to work
Arming delay	An electric, chemical or mechanical function or action which provides a timed delay, allowing a perpetrator a safety margin when setting or leaving a bomb or incendiary device in place
Ballistics	The science of the study of projectiles and firearms
Ballistics (exterior).....	In flight
Ballistics (interior).....	Within the bore of the weapon
Black powder.....	A low explosive consisting of a mixture of potassium nitrate or sodium nitrate, sulfur and charcoal in various proportions
Blast effect.....	Shock wave emitted from point of detonation; creates vacuum and pressure damage
Blast seat.....	The actual point of detonation of an explosive device at the scene; also called seat of the explosion or blast hole
Blasting.....	The use of explosives to shatter or destroy
Blasting agent	Any material or mixture consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive, and in which none of the ingredients are classified as an explosive, i.e., ANFO
Blasting gelatin.....	A type of dynamite containing some nitrocellulose or nitrocotton, in addition to nitroglycerin
Blasting machine	A device used by blasters capable of generating enough electricity to detonate specific types and numbers of blasting caps



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Topic #1: Explosives

Brisance	The shattering effect of an explosion
Burning	Applied in a broad sense to propellants and pyrotechnic mixture, though the correct term would be "reacting" since no external air is required to "burn" the material; also referred to as the decomposition of material by the application of heat and oxidation
Burning rate	The rate at which a propellant or a chemical burns, or the rate at which other combustibles burn in known times
Clandestine	In secrecy, such as of sabotage and espionage, for an evil or illicit purpose
Contrived explosive.....	An explosive that is improvised rather than one which is commercially available
Deflagration	The chemical decomposition by burning of a material in which the reaction is less than sonic velocity, i.e., low explosives
Delay (train).....	"Delays" may be mechanical, chemical, or electronic
Desensitizer	Any compound or solvent used to reduce the sensitivity of an explosive or incendiary device
Detonating cord	Flexible tube containing a core of high explosives also called primer cord
Detonation	An extreme rapid decomposition of a material in which the reaction is more than sonic velocity, i.e., high explosives
Detonator	An explosive train component capable of initiating high order detonation in a subsequent high explosive component
Disarming	The act or process where explosive or incendiary devices are made safe and unable to fire
Fragmentation, primary	Actual parts or pieces of the bomb
Fragmentation, secondary.....	Parts or pieces of material other than the pieces of the bomb or device which are thrown or projected by the blast
High order.....	A successful and complete detonation of an explosive with the entire consumption or detonation at its maximum rate of the explosive being detonated
Hygroscopic.....	The ability to readily absorb and retain moisture
Hypergolic	A fuel and oxidizer system which will spontaneously ignite upon contact; also, two compounds that will ignite on contact with each other
Igniter	A pyrotechnic device specifically designed to initiate burning of a fuel mixture or propellant
Implosion	Opposite of explosion; an inward burst
Incendiary	A burning compound or a metal used to produce intense heat or flame, i.e., thermite bomb or Molotov cocktail



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Topic #1: Explosives

Jell.....	Something gelatinized, but spelled "jellied;" gasoline jellied or thickened as in Napalm
Low explosive	Explosives that deflagrate (burn)
Munroe effect	The jetting effect of a shaped charge
Napalm	Combustible liquids that have a jelling agent added
Oxidizer	The portion of a chemical mixture or compound which furnishes oxygen for burning a fuel or propellant
Plastic explosive	A pliable, putty-like explosive that can be molded into various shapes; in military explosives, these are called the composition explosives, i.e., C-3, C-4
Primer	A primary initiating device to produce a hot flame
Primer-detonator.....	A combination of a primer and a detonator
Propellant.....	An explosive substance or mixture of substances which when burned produces gases to provide energy
Pyrotechnic	A mixture of chemicals designed to produce heat, light, smoke, gas, or noise
Shock wave.....	The leading edge of the expanding air mass
Squibb.....	Used as a general term to mean any of various small size pyrotechnic or explosive cartridges
Thermite	An incendiary filler consisting of three parts iron oxide and two parts aluminum powder that produces a very high temperature
Viscosity.....	Descriptive of the thickness of a liquid

Topic 2: Surveillance

Surveillance is the secretive and continuous watching of persons, vehicles, places or objects to obtain information concerning the activities and identities of individuals.

Types of Surveillance

- Moving surveillance
 - The investigator follows the subject on foot or in a vehicle
- Stationary surveillance
 - The continuous watching of a place, object, or person from a fixed point

Objectives

- To obtain evidence of a crime
- To locate persons by watching their haunts and associates
- To obtain detailed information about a subject's activities
- To check on the reliability of informants
- To locate hidden property or contraband
- To obtain probable cause for obtaining search warrants
- To prevent the commission of an act or to apprehend a subject in the commission of an illegal act
- To obtain information for later use in interrogation
- To develop leads and information received from other sources
- To know at all times the whereabouts of an individual
- To obtain admissible evidence for use in court

Reasons for Surveillance

- Type, scope, and extent of crimes known or suspected to be involved in the case
- Type of neighborhood
 - Type of inhabitants
 - Dress of inhabitants
 - Language and dialects
- Specific locations and places known or suspected to be involved in the case
- Vehicles involved in the case

Topic 3: General Surveillance Methods

- Orient all personnel with the entire background of the investigation and proposed surveillance
 - Set hours of surveillance
 - Weekly meeting
 - Discreetly arrange for rooms or locations needed for observation or as listening posts
 - If several officers are to engage in surveillance, a system of tactics should be agreed upon to determine the duty of each officer
-
- If the surveillance is likely to be lengthy, arrangements should be made for suitable reliefs
-
- Prepare explanations for being at a particular place at a particular time, if accosted by the subject

Reconnaissance

- If practical, the subjects -should be pointed out to the surveillance officers by someone familiar with their identities
 - Make physical survey to determine
-
-
-

Funds

- Always carry sufficient money to defray contemplating expenses for living, transportation, etc.
- Maintain a standard of living in keeping with the area concerned
- Carry a reserve of funds for emergencies

Surveillance Officers

- Desirable qualities for surveillance officers
 - Ordinary appearance
 - Any outstanding physical characteristics may attract the subject's attention
 - Ability to act natural under all circumstances
 - Alertness
 - Resourcefulness
 - Good powers of observation and memory
 - Patience and endurance

- Appearance of surveillance officers
 - Must maintain dress and demeanor of local people
 - Appear natural at all times
 - Avoid a sleuthing manner, grotesque disguises, jumping behind trees, quick movements in traffic while in sight of subject or peeking around corners
 - Don't get caught staring at the subject and avoid meeting his or her eyes
 - A slight change in the officer's appearance from time to time may prevent recognition by the subject
 - Avoid conspicuous jewelry or other distinctive article
 - Beware of bulging concealed weapons

Surveillance Methods

One-person Foot Surveillance

- Surveillance is extremely difficult for one person and should be avoided if possible
- The subject must be kept in view at all times
- One-person surveillance will usually be very close and somewhat dependent on pedestrian traffic and physical characteristics of the area
- When walking on the opposite side of a street, the officer should keep almost abreast of the subject

Two-person Surveillance

- The use of two officers affords greater security against detection and reduces the risk of losing the subject
- On streets crowded with pedestrian and vehicular traffic, both officers should normally remain on the same side of the street as the subject
- On less crowded streets, one officer should normally walk on the opposite side of the street nearly abreast of the subject
- In order to avoid detection, the two officers should make periodic changes in their position relative to the subject

Three-person Surveillance (ABC Method)

- The use of three officers reduces the risk of losing the subject and under ordinary conditions affords greater security against detection
- The three-person method permits a greater variation in the position of the officers and also permits an officer who suspects he has been spotted by the subject to drop out
- Use of the ABC method under normal traffic conditions
 - Officer "A" keeps a reasonable distance behind the subject

- Officer "B" follows Officer "A" and concentrates on keeping Officer "A" in view
 - Officer "B" is also responsible for detecting any confederate of the subject being utilized to detect surveillance
- Officer "C" walks on the opposite side of the street slightly behind the subject

Combined Foot/Auto Surveillance

This method involves surveillance on foot by one, two, or three officers and additional surveillance at the same time by one or two officers in an automobile.

Foot Surveillance Problems

- Subject enters building
 - Ordinarily at least one officer should follow the subject unless the building is of such type that entry would expose the officer (private home, small shop, etc.)
 - In the case of large public buildings with many exits, all officers should follow the subject into the building
 - In some buildings where the subject might be lost easily, it may be advisable for one officer to remain in the lobby or at a door to spot the subject as he leaves the building
- Subject enters an elevator
 - If the subject is the one passenger and has reason to suspect surveillance, it may be best not to accompany him or her into the elevator, but rather watch the indicator for the floor stop and then proceed to that floor and attempt to pick up the subject's trail
 - In other cases, one or two officers may accompany the subject, wait for him or her to announce the floor and then ask for a higher or lower floor and use the stairs to get to the subject's floor and attempt to pick up the trail
 - At all times, one officer should be left in the lobby since the subject may be using the elevator in an attempt to elude surveillance
- Subject enters a restaurant
 - At least one officer should enter behind the subject, order approximately the same amount of food and be alert to note any contacts made by the subject
 - If possible, the officer should pay the bill before the subject does, so the officer can be ready to leave with the subject
 - In some cases, it may be desirable for the officer to leave shortly before the subject and wait for him or her outside
- Subject takes a taxicab
 - If trailing by another taxi or surveillance automobile is impossible or impractical, the officer should make note of the time, the place, the name of the cab company, and the license or cab number
 - The subject's destination can be determined later by checking with the driver or the company office

- Subject enters a telephone booth
 - One officer should endeavor to overhear the conversation by pretending to make a call from an adjacent booth or by pretending to look up a number in the directory
- Subject takes a train, boat, plane, or long-distance bus
 - Whether an officer will follow the subject on any trip usually depends upon the indicated length of the trip and the instructions the officer has received from his or her superior
 - The subject's destination may be learned by listening while he or she is buying the ticket, by questioning the ticket agent or by contacting the conductor of the train
- Subject enters a theater, race track, or amusement park
 - All officers should normally follow the subject
 - The regular admission charges should be paid and credentials should be used only as a last resort
 - Officers must follow the subject closely
 - In darkened theaters, the subject must be watched closely and, if possible, one officer should sit directly behind the subject
 - The exits should also be covered
- Subject meets contact
 - A complete detailed description of the contact should be noted, together with time and place of the meeting
 - If possible, the contact should be photographed
 - If practical, attempts should be made to overhear the conversation
 - The subject's attitude toward the contact should be noted
- Subject registers at a motel
 - The subject's room number may be obtained from the manager, house detective, or room clerk
 - If the hotel management is cooperative, it may be possible to procure a room near the subject's which can be used as a base for technical surveillance
 - All outgoing telephone calls made by the subject will normally be recorded by the hotel's switchboard operator
 - These records should be examined for leads
 - Trash should not be overlooked
- Officers lose subject
 - The officer in charge should be immediately notified
- Subject discovers officer
 - If an officer is recognized by the subject as a surveillance agent, the officer should normally drop out and be replaced by another officer

Traps

- A subject may attempt to lure an officer into a trap
- A thorough knowledge of the locality, coupled with good judgment and the alertness to realize when training becomes suspiciously easy, is a good defense against traps

Detection of Foot Surveillance

- A subject who is suspicious of being under surveillance may resort to trickery in order to verify his or her suspicions
 - When a subject resorts to such trickery, it is good policy to change officers
- Common methods used by suspects to test for trailing

Eluding Foot Surveillance

- Common methods used by cunning subjects

Methods of Automobile Surveillance

- One-car surveillance
 - If only one car is available for surveillance, its position should be behind the subject's car, the distance varying with the amount of traffic in the area
 - In city traffic, not more than two vehicles should be permitted to come between the subject's car and the surveillance vehicle
 - The surveillance car should keep toward the right rear of the subject's car in order to minimize the chances of attracting the subject's attention



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Topic 3: General Surveillance Methods



- In rural areas, it is wise to give the subject a good lead and if intersections and road forks are few and far between, the lead can be extended to a point where the subject may even be lost from sight over hills or around curves
 - When practical, keep another car between the officer's car and the subject's car
- At night, the officer's car should not ordinarily have its headlights on high beam, and all other unnecessary lights on the car should be extinguished
- Two-car surveillance
 - In city areas during daylight hours, both officer's cars should ordinarily be behind the subject's car
 - Occasionally, one officer may operate on a known parallel route
 - Timed to arrive at an intersection just before the subject in order to observe the subject's route at the intersection
 - This method is recommended for use at night and in suburban areas
- Considerations of moving surveillance
 - Keep in constant radio communication with other officers
 - Officer with primary observation post should keep a steady stream of information on the air

 - In lonely residential areas, a "bracketing" method should be used
 - This consists of driving on intersecting streets without getting behind the subject
- Use of radio equipment in car surveillance

Detection of Automobile Surveillance

- As in the case of foot surveillance, a subject who believes he or she is being followed may resort to trickery in order to verify suspicions

Eluding Automobile Surveillance

- Common methods used by suspicious suspects

Fixed Surveillance

- During the observation from a "plant," surveillance agents must be extremely careful not to reveal their activity

- Binoculars are generally essential equipment in the plant, as they facilitate positive identification of persons entering or leaving a place under observation
- A still or a video camera with a telephoto lens can also be used effectively
- A night viewing scope may be of use for important surveillance after dark
- Notes
 - Take careful notes of observations, including detailed descriptions of all individuals entering the target
 - A chronological log is usually the best method of recording pertinent occurrences

Surveillance of Premises

- A surveillance of a premise usually entails the use of a base of operation or "plant," such as a room, apartment, house, or camouflaged outdoor fixture located near the base of operations
- A fixed "plant" should afford a maximum observation of all entrances and exits of the premises and should have an exit to permit officers to enter or leave without coming under observation
- If a fixed "plant" cannot be set up, a camouflaged outdoor fixture such as a vendor's stand may be set up, or officers with an appropriate "cover" may be sent into the area

Legal Aspects of Surveillance

Forensic Viewing

1. A search implies some exploratory investigation or an invasion and quest, a looking for or seeking out. A search implies a prying into hidden places of that which is concealed and that out of the way. Bielicki vs. S.Ct., 57 Cal.2d 602.
2. The Fourth Amendment prohibits "unreasonable searches." There is no formula for the determination of reasonableness. Each case is to be decided on its own facts and circumstances. People vs. Berutko, 71 Cal.2d 84.
3. General exploratory searches have long been condemned. This means that the reasons the officers had for making that particular observations when they did is an important factor in determining reasonableness. Bielicki vs. S.Ct., 57 Cal.2d 602.
4. The purpose of the Fourth Amendment is to protect people rather than places, and recent cases have stressed its function as protecting the personal right privacy against unlawful police action. Katz vs. U.S., 289 U.S. 347.
5. Essential to the determination of reasonableness in cases wherein officers obtain probable cause for arrest through their own observations is a consideration of the degree of privacy which a defendant

may reasonably expect in a given enclosure occupied by him or her, whether or not that enclosure be his or her residence.

Katz vs. U.S., 389 U.S. 347; Dillon vs. S.Ct., 7 Cal.3d 305.

6. An appropriate test is whether the person has exhibited a reasonable expectation of privacy, and, if so, whether that expectation has been violated by unreasonable governmental intrusion.
People vs. Krivda, 5 Cal.3d 357; Dillon vs. S.Ct., 7 Cal.3d 305; People vs. Triggs, 8 Cal.3d 884.
7. A recent U.S. Supreme Court decision indicates that whether the observation of the evidence in question was planned or inadvertent may become an important factor suggesting that plain view may not justify a discovery which is anticipated.
Coolidge vs. N.H., 91 S.Ct. 2022.
California, however, expressly rejected the Coolidge approach and refuses to follow it.
People vs. McKinnon, 7 Cal.3d 899.
8. The existence of emergency circumstances which would make obtaining a search warrant impractical is important because the courts prefer that search warrants to be obtained whenever practical.
Chime1 vs. Calif., 395 U.S. 752; People vs. Dumas, 9 Cal.3d 871.
9. The nature of the area viewed is an important factor. The Fourth Amendment specifically protects "persons, houses, papers and effects" so intrusions by police in these areas are more restricted than those in open fields. The private living quarters of a person is subject to greater protection than the open yard or his car. Like a man's home, a motel room is his castle.
Pate vs. Muni. Ct., 11 Cal.App.3d 721; People vs. Dumas, 9 Cal.3d 871.
10. Surveillance of a house to see who enters and leaves is something less than good manners would permit. But it is the duty of a police officer to investigate, and we cannot say that in striking a balance between the rights of the individual and the needs of law enforcement, the Fourth Amendment itself draws the blinds the occupant could have drawn but did not.
People vs. Berutko, 71 Cal.2d 84.
11. When a person by his or her own action or neglect allows visual access to his or her residence by providing an aperture adjacent to a common area, may not complain that police officers who were lawfully present in that area have utilized that aperture to detect the commission of crime within.
People vs. Berutko, 71 Cal.2d 84.
12. If the aperture to the private enclosure is made by the officers or at their instigation, the observation made is usually unlawful.
People vs. Regaldo, 224 Cal.App.2d 586.
13. The vantage point of the officer is an important factor. The intrusion is more likely to be upheld if the officer is in a public place, a place of common use, or a place where he or she has a lawful right to be than if he is trespassing.
People vs. Berutko, 71 Cal.2d 84.

If the observations are made for a place on the property to which the officer has not been invited, either by expressed or implied consent, and the officer's entry is not otherwise authorized by law,

the intrusion is illegal.

Lorenzana vs. S.Ct., 9 Cal.3d 626.

14. The means used by officers to make the observations may well become an important factor. The restrictions placed on electronic listening devices may well foretell similar restrictions on sophisticated visual aids. One visual aid mentioned in the cases is the flashlight and its use has been approved.

People vs. Benedict, 2 Cal.App.3d 400.

15. The U.S. Supreme Court has stated that "the use of bifocals, field glasses or the telescope to magnify the object of a witness' vision is not a forbidden search or seizure, even if they focus without his or her knowledge or consent upon what one supposes to be private indiscretions.

Lee vs. U.S., 343 U.S. 747.

The California courts have implied, but not expressly reached a similar result when the observations were made from a place where the officer had the right to be.

Dean vs. S.Ct., 35 Cal.App.3d 112; People vs. S.Ct. (Stroud), 37 Cal.App.3d 836.

The California Supreme Court recently ordered an opinion directly on point to be unpublished (Wilkerson).

16. When the observation point is an aircraft flying at legal and reasonable heights and objective facts dispel any reasonable expectation of privacy, the intrusion has been considered permissible.

Dean vs. S.Ct., 35 Cal.App.3d 112; People vs. Sneed, 32 Cal.App.3d 535.

17. Where the officer makes a lawful observation of a scene that is relevant evidence, a photograph that is a fair representation of that scene is admissible to explain the testimony of the witness.

Cooley vs. State Bd., 141 Cal.App.2d 293.

18. The foundation necessary to admit a photograph is evidence that it is a fair representation of the subject as it appeared at a time when its appearance was relevant. It is not necessary that the photographer testify.

People vs. Cheary, 48 Cal.2d 201.

19. A court may exclude a photograph from evidence where its prejudicial effect outweighs its probative value.

20. In a "borderline" case, a majority of the California Supreme Court upheld a search where the officer from a place where he had the right to be saw what he suspected was a marijuana plant, walked across the yard to get a better look and verified that it was in fact marijuana.

People v. Bradley, 1 Cal.3d 80; Lorenzana vs. S.Ct., 9 Cal.3d 626; People vs. Colum, 19 Cal.App.3d 14.

21. Officers may use subterfuge, such as a telephone in the occupant's house, and warn them of a purportedly imminent police raid as a means of getting the suspects to come out of the house.

Forensic Listening

22. Information obtained by an officer using his or her natural senses, when the officer has a right to be where he or she is, is admissible evidence.



FIRE INVESTIGATION 2A

Criminal and Legal Procedures

Topic 3: General Surveillance Methods



United States vs. Perry, 399 F.Supp. 209; People vs. Colvin, 19 Cal.App.3d 14; People vs. Earle, 216 Cal.App.2d 607; People vs. Guerra, 21 Cal.App.3d 54 (placing ear against door).

23. In a federal case, it was found to be proper for officers to manipulate suspects to a place where they could be overheard.

U.S. vs. Perry, 399 F.Supp. 209.

24. As a general rule there is no right to privacy in a jail or custodial situation. However, if an officer uses deception that leads a suspect to reasonably believe that his or her privacy was assured, then the right to privacy may bar the evidence.

North vs. Fonville, 35 Cal.App.3d 693.

25. The use of an electronic device requires careful evaluation of the right to privacy and of the applicable federal and state statutory provisions.

Alderman vs. U.S., 389 U.S. 347.

26. Bugging a public phone booth without a warrant violates the Fourth Amendment as an invasion of privacy, an unconstitutional search for conversations.

Katz vs. U.S., 89 U.S. 347

27. Bugging an informant with a Fargo to record conversations made to the undercover informant in confidence does not violate the Fourth Amendment.

U.S. vs. White, 91 S.Ct. 1122; People vs. Murphy, 9 Cal.3d 349.

28. The Federal Wiretap and Oral Communications law prohibits interception by electronic, mechanical, or other device of telephone messages or oral communications without a court order authorizing the same based on a prescribed showing of probable cause.

18 U.S.C. 2511 (2)(d).

29. The Federal Wiretap and Oral Communications law does not apply to the interception of a telephone message or of an oral communication made with the prior consent of to the communication.

18 U.S.C. 2511 (2)(d).

30. The Federal Wiretap law authorizes wiretaps without consent of a party where authorized by court order pursuant to a state statute. California has no such statute.

18 U.S.C. 2516; People vs. Conklin, 12 Cal.3d 259, fn.10.

31. The Federal Wiretap and Oral Communications law was not intended to occupy the entire field, thus, California may impose more stringent requirements or conditions.

People vs. Conklin, 12 Cal.3d 259.

32. The California Wiretap and Oral Communications law prohibits interception by a private citizen of a telephone message by a means without the consent of all parties to the communication.

Pen. Code 631; People vs. Conklin, 12 Cal.3d 259.

33. The California Wiretap and Oral Communications law prohibits a private citizen from eavesdropping or recording a confidential communication without the consent of all the parties to the communication.

Pen. Code 632.

The only exception is when the call relates to the commission of certain crimes by the other party.
Pen. Code 632.5.

34. The California Wiretap and Oral Communications law does not prohibit law enforcement officers from overhearing or recording any communication which they could lawfully overhear or record when the Act was passed in 1967.
Pen. Code 633; People vs. Conklin, 12 Cal.3d 295.
35. Law enforcement officers in California can lawfully record a telephone conversation with prior consent of one of the parties to the conversation.
People vs. Caravella, 5 Cal.App.3d 931.
36. When law enforcement officers intend to record a conversation with the consent of one of the parties to the communication, if the recording device does not require physical connection to the telephone line, then the consent of the phone subscriber or party to the communication should constitute sufficient authorization under the California statute. However, if physical connection must be made to the line, then the phone company and the subscriber have to grant permission.
Pen. Code 631; People vs. S.Ct., 13 Cal.App.3d 545; People vs. Jones, 30 Cal.App.3d 852.
37. Federal law prohibits any person who is not authorized by the sender from intercepting any wire or radio communication or divulging or publishing the existence, contents, substance, purport, effect or meaning of such intercepted communication to any person.
47 U.S.C. 604; U.S. vs. Sugden, 226 F.2d 28a, affd. 351 U.S 916.
Listening to a mobile radio telephone conversation over a F.M. radio receiver or another mobile radio telephone tuned to the same channel does not violate any right to the reasonable expectation of privacy.
U.S. vs. Hoffa, 436 Fed.2d 1243.
However, the Hoffa case did not discuss or distinguish.
74 U.S.C. 604.



State of California
Department of Justice
George Deukmejian
Attorney General

BUREAU OF ORGANIZED CRIME AND CRIMINAL INTELLIGENCE

BULLETIN

Attached is information regarding the availability to law enforcement agencies, on a temporary loan basis, of special equipment which may be used as an aid in the investigation of organized crime type activity. Skilled technicians to advise and assist you in obtaining the maximum effectiveness from this equipment are also available for your use.

Your comment regarding the effectiveness of the equipment and the quality of the service you receive will be appreciated.



FIRE INVESTIGATION 2A

Criminal and Legal Procedures

Topic 3: General Surveillance Methods



State of California
Department of Justice
George Deukmejian
Attorney General

BUREAU OF ORGANIZED CRIME AND CRIMINAL INTELLIGENCE

RESOURCE POOL

To assist law enforcement agencies in combating organized crime, a pool of specialized investigative equipment has been established in the Bureau of Organized Crime and Criminal Intelligence of the Department of Justice. The purpose of this pool is to loan law enforcement agencies surveillance equipment such as cameras, transmitters, receivers, and night viewing devices. Before equipment may be loaned, the jurisdiction having cognizance over the borrowing agency must complete a standard agreement holding the State blameless from claims arising from the use of the equipment. A copy of the agreement is attached; additional copies may be obtained from the Bureau of Organized Crime and Criminal Intelligence. After the agreement has been signed by a person authorized by the jurisdiction to sign such agreements (agency head such as Chief of Police, Sheriff, District Attorney, etc.), the agency may request a loan of the equipment. The equipment must be used in accordance with applicable provisions of Federal and State laws.

Requests should be addressed to the Resource Pool, Bureau of Organized Crime and Criminal Intelligence, Department of Justice. Requests may be submitted either in writing or by telephone. Telephone requests should be directed to (916) 322-2440. Written requests should be addressed to P.O. Box 13357, Sacramento, California 95813.

Each request should indicate the urgency of need as well as the date (and hour if appropriate) of need. The Resource Pool will advise the requesting agency of its ability to fill the request together with the method of delivery to be used. Loans normally will be limited to a 15-day period.

The borrowing agency will assume responsibility for safekeeping of the borrowed equipment together with its return to the Equipment Pool at the end of the loan period.

A brief evaluation of the equipment and service received will be prepared on the form provided for that purpose and returned with the equipment. This report will provide the data needed to determine how the equipment and service may be improved.

All equipment loaned by the Pool will be delivered complete with film, tape, batteries, etc., as appropriate, so as to be capable of immediate use upon receipt. The borrowing agency will be responsible for providing consumables (film, recording tape, batteries, etc.) beyond those initially provided with the equipment.

Photo-electronic Specialists have been assigned to the Resource Pool. These Specialists are prepared to provide instruction on equipment usage, installation of equipment, and general technical advice relating to surveillance equipment. The Specialists may be contacted by calling (916) 322-2440.



State of California
Department of Justice
George Deukmejian
Attorney General

BUREAU OF ORGANIZED CRIME AND CRIMINAL INTELLIGENCE

EQUIPMENT POOL

STANDARD AGREEMENT

This is to certify that the below named jurisdiction holds the Department of Justice. State of California, blameless and saves it harmless from any claims and losses arising from the use of equipment on loan to this jurisdiction from the California Department of Justice, Bureau of Organized Crime and Criminal Intelligence Equipment Pool.

Name of Jurisdiction:

Signature and title of person authorized to sign agreement

Date and printed name

Topic 4: Search and Seizure Review

The Fourth Amendment

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched, and the persons or things to be seized.

- U.S. Constitution prohibits unreasonable searches and seizures
- The scale of justice
 - More effective law enforcement = less individual rights
 - More individual rights = less effective law enforcement

The Exclusionary Rule

If there is an illegal search, the evidence will be excluded (suppressed) in court.

Constitutional Requirements

As Related to Arrest, Search, and Seizure

The Fourth Amendment directly applies to persons acting under state law. Persons acting under state law are also bound by its requirements because the "due process of law" language of the Fourteenth Amendment makes the Fourth Amendment applicable to the states.

Reasonable Expectation of Privacy

U.S. and California Constitutions guarantee the right to be free from unreasonable governmental intrusion. This privacy can exist almost any time and any place as long as 1) It is indicated that he/she personally expects privacy; 2) The privacy is objectively reasonable under the circumstances; and 3) The expectation is one which society is prepared to recognize as legitimate.

General Rule

It is illegal for you to physically enter into an area where a person has a "reasonable expectation of privacy" in order to conduct a search or for the purpose of seizing something unless 1) You have a warrant; 2) Exigent circumstances (an emergency) exists; or 3) You have obtained a valid consent.

Good Faith Exception

Historically, an officer's intent or state of mind has made no difference when it comes to applying the exclusionary rule. In other words, if the search or seizure was illegal, the evidence got excluded, even if the officer was acting in "good faith," i.e., even if the officer had a warrant or was otherwise trying to follow the rules and not intentionally violate the law.

In July 1984, however, the United States Supreme Court created a "good faith" exception to the exclusionary rule. So far, this exception is fairly narrow and applies only to police officers who conduct a search pursuant to a warrant. Leon (1984) 104 S.Ct. 3405.



FIRE INVESTIGATION 2A

Criminal and Legal Procedures

Topic 4: Search and Seizure Review



Now that Lance W. has decided that California must follow the federal exclusionary rules, this "good faith" exception under Leon should apply in California as well. MacAvoy (1984) 162 Cal.App.3d 746; Helmquist (1984) 161 Cal.App.3d 731.

Note: It remains for another day to see if this "good faith" exception will be extended into the more common warrantless situations as well. Barbarick (1985) 168 Cal.App.3d 731.

Proposition 8

If the California Constitution is violated (NOT the Federal Constitution) when you obtain evidence, the evidence may still be admissible in court and may not subject to a suppression motion. Intentional violation of the State Constitution would be unprofessional and could result in sanctions, such as a law suit for invasion of privacy or a civil rights violation.

PC 1538.5 Motion

A mandate from the Penal Code which states that evidence must be excluded if incorrectly seized.

Plain View Doctrine

Under the general rule, when you see something in "plain view" (or "plain sight") from a place you have a right to be, no "search" has taken place in any constitutional sense, because the person has no reasonable expectation of privacy as to items which are in plain view, as long as 1) You have a lawful right to be where the object is physically located; and 2) There is probable cause to believe the object is crime related.

Before you may seize an object in plain view, you must lawfully be where the object is located. In the case of buildings, this means you must already legally be inside, i.e., you must have made a "prior lawful intrusion." Coolidge (1971) 403 U.S. 443.

Typically, if you are already lawfully inside the premises conducting some type of search, it will be because:

- You have a search warrant or an arrest warrant
 - If you make the arrest, then you have the right to conduct a limited search "incident" to that arrest
- Exigent circumstances exist
- You have consent

However, you must remember that no matter which of these justifications explains your presence in the building, the doctrine of "plain view" does not expand that justification. Meyers (1979) 25 Cal.3d 67.

The "Nexus" Rule

The second requirement in order to lawfully seize an object in plain view is that you must be aware of some connection or "nexus" between the object and criminal behavior. In other words, you must never seize evidence in plain view unless you can specifically state why you have "probable cause to believe that the seized article will aid in a particular apprehension or conviction." Hayden (1967) 387 U.S. 294.

Consent

May enter without a warrant or exigent circumstances if you have obtained VALID consent.

- Must be voluntary
- Obtained from the person who has authority to give consent

Preliminary Considerations

- Always seek consent
- Do not seek consent instead of a search warrant
- Indications of consent
 - Must be clear, specific, and unequivocal
 - Always best to get written consent

Exigent Circumstances

- Entry to prevent serious damage to property
- Entry to save a life
- Entry to prevent destruction of evidence
- If there is a crime scene, enter
 - Only if a true emergency exists
 - If you are seeking clues that might lead to the immediate apprehension of the suspect
 - A limited warrantless search might be proper
- Clandestine drug labs
 - Discovery of a clandestine drug lab justifies a warrantless entry
 - However, the emergency nature of each situation must be evaluated on its own facts
 - The key for the officer's action is a motivation of preserving life or property

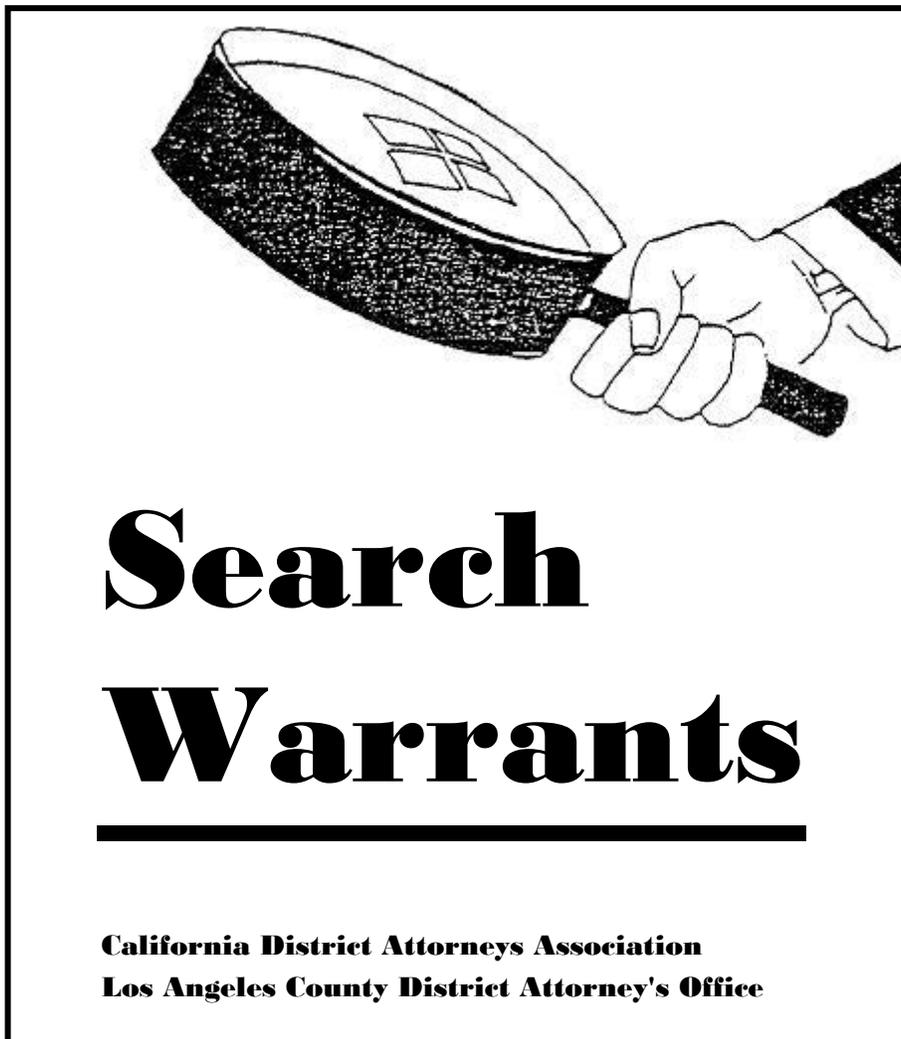
Arson/Fire Scenes

An officer may remain on-scene for a "reasonable" amount of time to investigate the origin and cause as long as the investigation is limited to the area of origin only and if a reentry may be made within a few hours if the interruption was necessitated by darkness, smoke, gases, or some other condition that made immediate investigation impractical.

If a more substantial period of time goes by, and a reasonable expectation of privacy still exists in the fire damage premises the original emergency will cease to exist; at that point you will need:

- Consent of the owner/occupant
 - Will be limited to area of consent
- Administrative warrant
 - Limited to area of origin only
- Criminal search warrant

It is "best" to get consent and a search warrant. If you are in the structure with consent and you discover reasonable cause to believe an arson has been committed, STOP and get a search warrant. The person who gave you consent may be a suspect. Without a warrant, you will have more to overcome in court.



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Sample Search Warrant and Affidavit

To be distributed by the instructor.

Sample Statement of Probable Cause

To be distributed by the instructor.

Topic 6: Report Writing Exercise

The student will document information gained during the scene investigation. The investigation report **MUST** contain all pertinent information, utilizing written information, sketches, and photographs to provide the corpus of the arson.

- Forms provided to the students at the beginning of the scene investigation
 - Crime report
 - Supplemental report
 - Evidence/photographic logs
 - Evidence tags
 - Consent to search forms
- Materials and documents provided to the students
 - Pens and pencils
 - Photographs taken during the investigation
 - Evidence collected during the investigation
 - Notes and diagrams made during the investigation
 - Search warrant, if obtained during the investigation

Report Writing Exercise Operation

- As a team, organize the necessary information for documentation
 - Field notes
 - Evidence lists and photo logs
 - Evidence collected
 - Diagrams and sketches
 - Photographs
- Choose who will write the investigation report; other members of the team will process evidence/photo reports and diagrams
- Write an outline of the report first (example below)
 1. Fire scene investigation
 - a) Summary of case
 - 1) Time and date of occurrence
 - 2) Place and description
 - 3) Time and date of investigation
 - 4) Result of investigation
 - b) Information
 - 1) From fire suppression personnel

- c) Weather conditions at time of fire
 - d) Fire scene indicators
 - 1) Conclusion: "Arson based on the following facts and indicators:"
 - Burn patterns
 - Flammable liquid patterns
 - Ignition source found
 - Containers found
 - Doors open/closed during fire
 - Points of entry
 - Ghost marks
 - Etc.
 - Etc.
 - e) Evidence report
 - f) Photographic report
 - g) Search warrant attached to report
- The report should be written in a manner that will prove the corpus of arson in court
- Clear and concise
 - No redundancy
 - Proves the point
 - Flows in a logical manner
 - Has all the needed information



FIRE INVESTIGATION 2A

Criminal and Legal Procedures

Topic 7: Trial Process



Topic 7: Trial Process

Jury Selection

- Trial by judge or jury of 12 impartial jurors; or trial by judge only (when both sides, prosecution and defense, agree to do so)
- "Voir dire" prospective jurors
 - Prosecution and defense question prospective jurors
 - Twelve are chosen who survive all challenges

- If the jury does not come to a unanimous agreement on the verdict, the case is declared as a mistrial and a new trial is scheduled.

Courtroom Proceedings

- Opening statements by prosecution, then defense
- Prosecutor must prove beyond a reasonable doubt that the defendant is guilty
- The prosecution presents its case first
 - Direct examination

- Cross examination

- Further exchanges are called "redirect" and "recross examination"

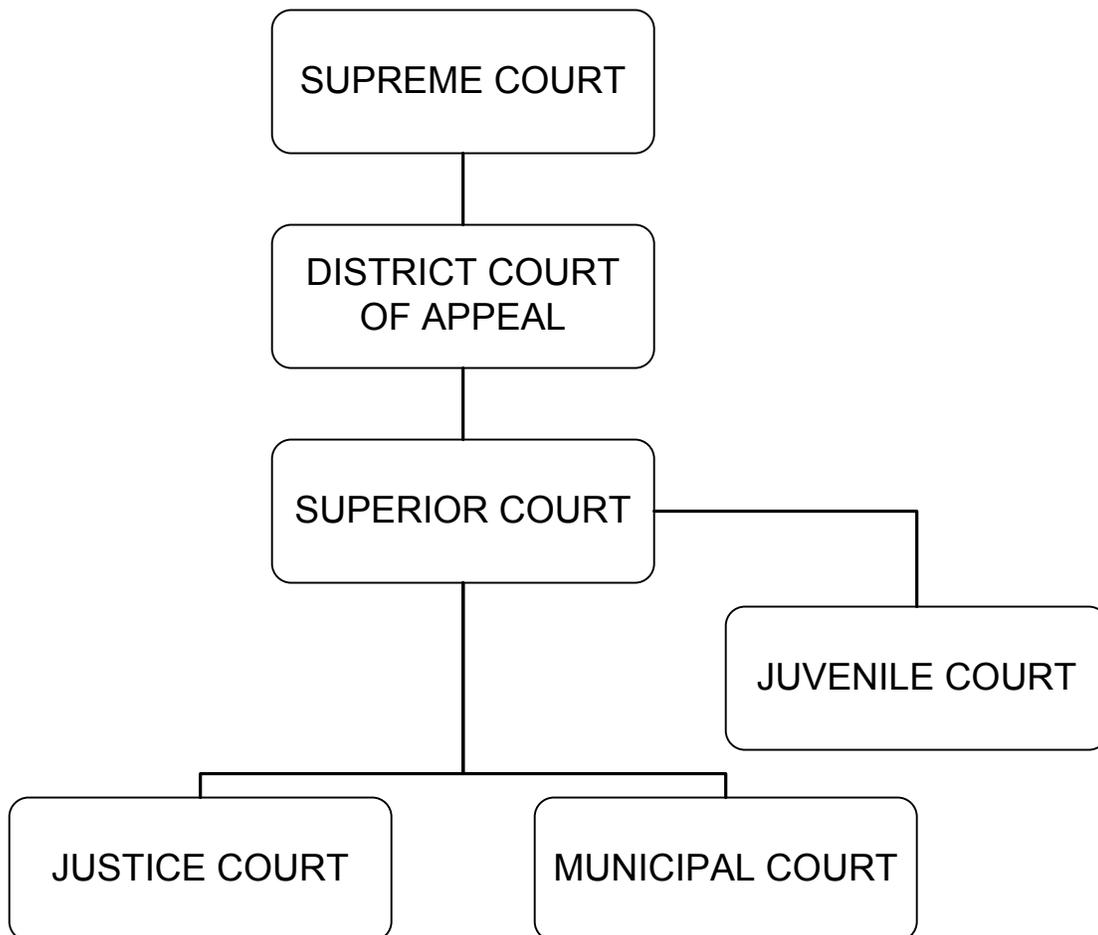
- Upon completion of the prosecution's case, he or she states, "The state rests its case."
- The defense attorney can then request

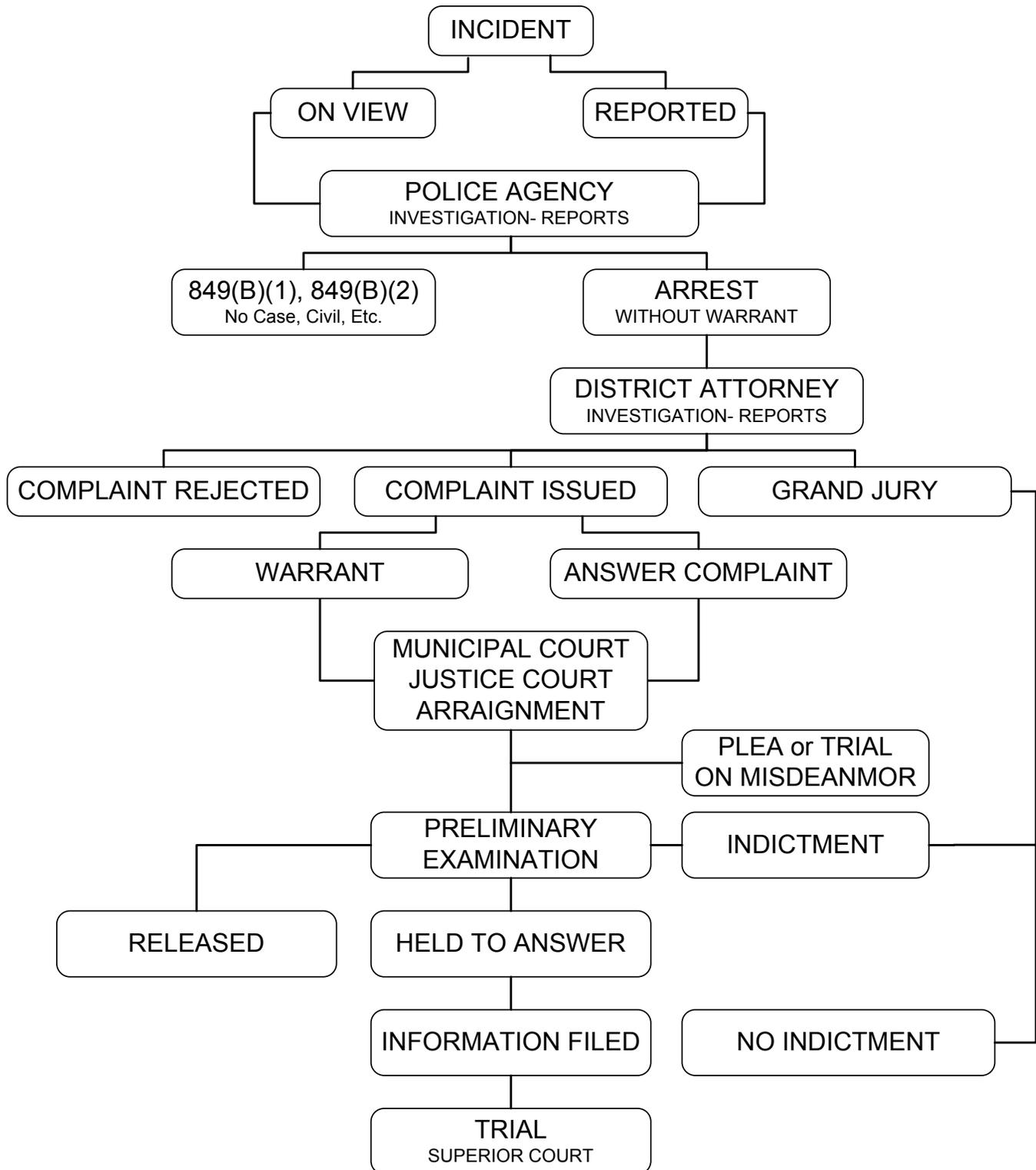
- Defendants does not have to take the stand, but once they do, they are subject to cross examination
- Defense may present evidence for the defendant, but is subject to "rebuttal " by the prosecution
- Final arguments are made
- Jurors are instructed by judge and then sent out to deliberate and consider the verdict or verdicts
- Jury foreperson delivers signed and dated verdict or verdicts
 - The judge, court clerk, or foreperson reads the verdicts
 - After reading, the jurists may be orally polled one by one about each verdict

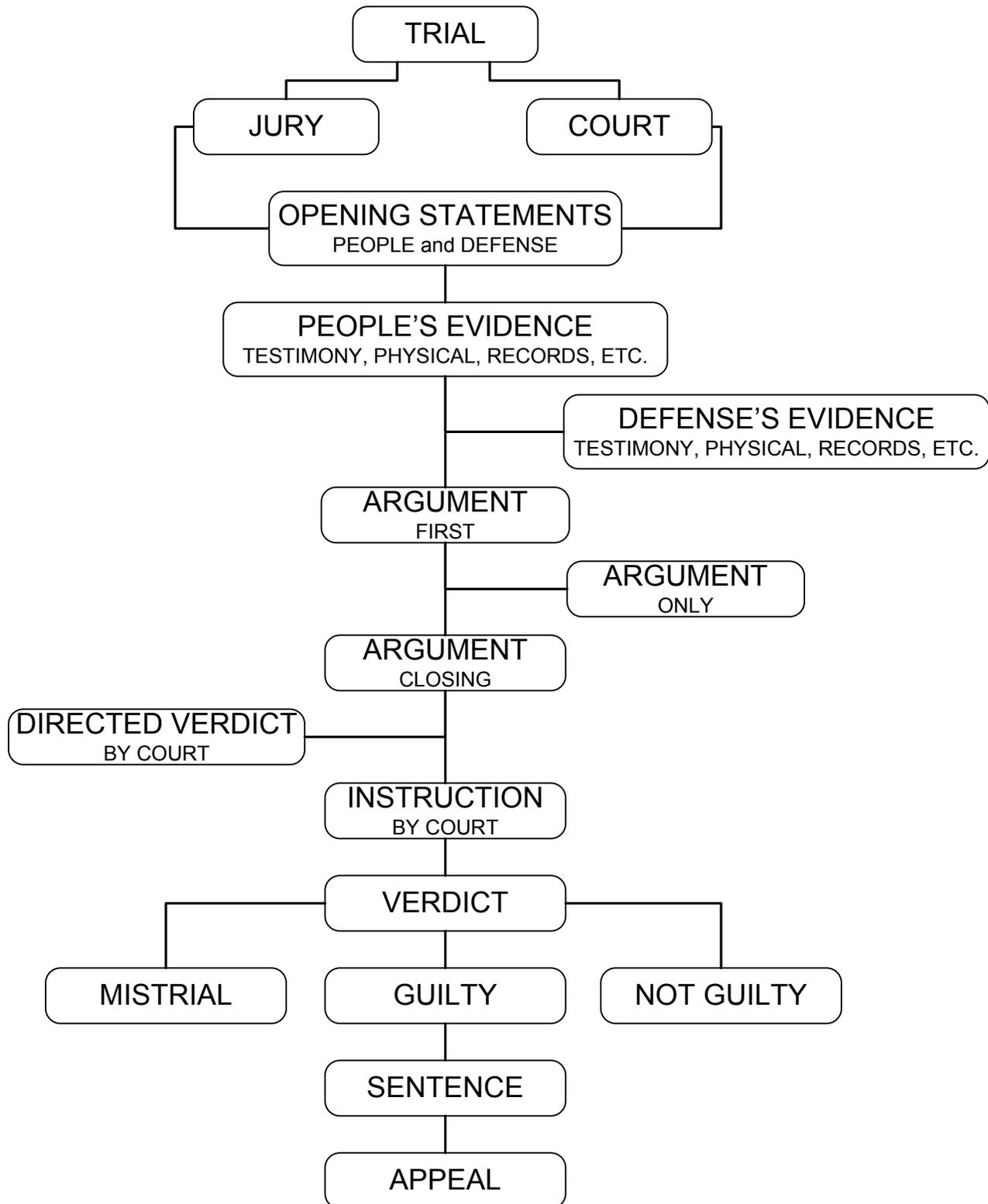
Sentencing the Convicted Arsonist

- Several weeks after a guilty plea, the sentence is determined by the judge
- A motion to postpone sentencing may be made by the defense.

California Court System









FIRE INVESTIGATION 2A

Criminal and Legal Procedures

Topic 8: Courtroom Testimony



Topic 8: Courtroom Testimony

Glossary of Terms

Acquit	To completely clear a criminal defendant of a charge by finding him or her not guilty
Admissible conclusion.....	An inference drawn by a witness from observation of certain behavior or action, such as an expert opinion given by a qualified expert
Admission.....	A person's oral or written statement which tends to link him or her to involvement in a particular crime
Affirmative defense	The presentation of argument and evidence initially raised by the defense in a legal proceeding to disprove or resist the prosecution's charges
Alibi	A criminal defendant's claim that he or she was somewhere else when an alleged crime occurred
Alibi defense.....	The presentation of evidence by a criminal defendant to support a claim that he or she did not commit a crime, and could not have, since he or she was elsewhere when it occurred
Arson	Generally, the willful and malicious burning of property (<i>see Incendiarism</i>)
Assumption.....	The acceptance of some information as being true
Attorney.....	A legal advisor and spokesperson trained in the law and licensed to practice law (<i>see Counsel; Lawyer</i>)
Bailiff.....	The court officer responsible for maintaining security and order in the courtroom and privacy in the jury room
Beyond a reasonable..... doubt	In a civil case, preponderance of evidence
Broken record.....	The persistent cross examination of a sworn witness asked to reply to variations of the same question, until the judge order the offending attorney to stop
Burning.....	An element of the crime of arson, consisting of the destruction of property by fire (<i>see Arson</i>)
Case	A criminal action or civil lawsuit filed in court (<i>see Party; Litigant</i>)
Chain of custody.....	A record of all persons who handled and transferred a physical piece of evidence, to show that it is in the same, untampered with condition as when it was first found and collected, so that the item may be admitted in to evidence in court



FIRE INVESTIGATION 2A

Criminal and Legal Procedures



Topic 8: Courtroom Testimony

Challenge for cause	An attorney's right to excuse a prospective juror for a legally authorized reason, such as demonstrated prejudice, hardship or disability; usually unlimited in number (<i>see Excused peremptorily</i>)
Circumstantial evidence	Information that depends on inference to prove the existence of a fact; for example, testimony that the defendant left the scene just before the start of the fire, or that the defendant's monogrammed cigarette lighter was found in the ashes
Compound question.....	A multi-part query requiring more than one answer
Confession	A person's oral or written admission of involvement in committing a particular crime
Constitutional right.....	A privilege guaranteed to a person under the U.S. Constitution or under a State constitution
Corpus delicti.....	(Dill-ick-tie) The actions and intentions that must be present to legally constitute a crime; for example, the corpus delicti of arson is: 1) willful and 2) malicious, 3) burning of 4) property
Court.....	The place where a judge and jury hear and decide cases
Court clerk	The court officer responsible for administering the witness' oath and keeping accurate records of courtroom proceedings
Court recess	A formally declared break between continuing sessions of courtroom proceedings
Court reporter	The court officer responsible for recording and preparing a verbatim transcript of an entire court hearing or trial
Court trial.....	A hearing held by a judge listening to evidence and deciding the truth or falsity of all charges brought against an accused defendant
Courthouse.....	A building in which trials and other court hearings are held
Courtroom.....	A room in which hearings and trials take place
Crime	A prohibited act considered to be an offense against the public
Crime charging	That process by which a prosecutor reviews police and fire reports to decide what criminal offenses, if any, to charge in a criminal complaint
Criminal complaint.....	The first legal document issued by a prosecutor which accuses a person of having committed a crime
Criminal conviction	The determination by a jury or judge that the accused is guilty of a crime, followed by formal sentencing in court; must convince judge or jury beyond a reasonable doubt to a moral certainty
Criminal count	One specific crime alleged as part of a criminal complaint, information, or indictment



FIRE INVESTIGATION 2A

Criminal and Legal Procedures

Topic 8: Courtroom Testimony



Criminal trial	A court proceeding in which an accused defendant's guilt or innocence concerning the commission of a crime is determined by a judge or jury
Criminalist	An expert who scientifically analyzes and interprets physical evidence in a lab, and explains these discoveries in a court proceeding
Cross examination	The questioning of a sworn witness in court by the attorney who did not call the witness to the stand
Defendant	A person accused in a criminal complaint, information, or indictment of having committed a crime (in a criminal case)
Defense	The defendant's side in a legal proceeding, usually referring to the defendant and his or her attorney The presentation of evidence and argument by the defense to disprove or resist the prosecution's charge
Defense attorney	The counsel representing the defendant in a legal proceeding
Deliberate in seclusion	To meet in private, as a juror, isolated from all persons not on the jury, to fairly consider and discuss possible verdicts after hearing all trial evidence
Demeanor	A witness's appearance and behavior in court
Deny	A judge's decision to refuse an attorney's request (an attorney's motion)
Direct evidence	Information that by itself proves the existence of a fact; for example, testimony by an eyewitness who actually saw the defendant set the fire
Direct examination	The questioning of a sworn witness in court by the attorney who called the witness to the stand
Discharge	To release a defendant from involvement in a criminal case
Discovery	That process by which the prosecution must disclose to the defense all relevant case information in their possession prior to the trial (<i>see Hidden evidence</i>)
Dismiss	To toss out or drop a case filed in court
Dismissal	The discarding of the charges and termination of the case filed in court
Evidence	Items of proof shown to judge and/or jury in a court of law
Examination	The interrogation of a sworn witness in court
Excused for cause	To be discharged as a potential juror because of some demonstrated prejudice, hardship, or disability recognized by law (<i>see Challenge for cause</i>)
Excused peremptorily	To be discharged as a potential juror simply because of an attorney's or party's preference, with no reason required to be stated (<i>see Peremptory challenge</i>)
Exhibit	A physical object admitted into evidence in a court proceeding



FIRE INVESTIGATION 2A

Criminal and Legal Procedures

Topic 8: Courtroom Testimony



Expert	A person who possesses special knowledge or skill in a particular field or area of study, beyond that mastered by the average human being
Expert credentials	Qualifications that establish a person as an expert in a particular field or area of study
Expert witness	A person who qualified to testify in court matters requiring special expertise, knowledge, and skill not possessed by lay witnesses
Eyewitness.....	A person who sees: 1) evidence of criminal activity; 2) another individual committing a crime; 3) a criminal running away from the scene of a crime
Fact	Something known to have happened through actual experience or personal observation
False Assumption	The misguided acceptance of some information as being true when in fact it is false
Felony	A serious crime generally punishable by one or more years in state prison (<i>see Misdemeanor</i>)
Final argument.....	That stage of a trial where the attorneys describe the relative merits of all evidence introduced during the trial and urge the judge or jury to find in favor of their client
Former jeopardy	A plea by a defendant to a criminal charge whereby he or she claims to have already been placed on trial for the same offense
Foundation.....	Preliminary groundwork needed to get certain evidence admitted in court; for example, establishing a witness's expertise in order to call for expert opinion or showing an intact chain of custody in order to introduce a physical object as evidence
Fraud.....	Taking money or property away from a person or business by means of trickery, deception, or misrepresentation
Grand Jury	A group of citizens, often 19 to 23 in number, appointed in a county to investigate suspected crimes and public corruption, and to hand down indictments when a designated majority finds probable cause that one or more persons have committed a crime
Grant.....	A judge's decision to give the relief requested by an attorney (an attorney's motion)
Guilty.....	To be judged legally responsible for committing a particular crime
Harmless error	A mistake in a trial or hearing that is not expected to have affected the outcome of that proceeding
Hearing	A session held by a judge or magistrate to resolve legal issues or disputes



FIRE INVESTIGATION 2A

Criminal and Legal Procedures

Topic 8: Courtroom Testimony



Held to answer	Ordered to stand trial as a criminal defendant in superior or circuit court, following a "probable cause" hearing
Hidden evidence	An item of proof never disclosed by the prosecution to the defense prior to the trial (<i>see Discovery</i>)
Hypothetical question	An inquiry of an expert witness that calls for an expert opinion based upon assumed facts
Impaneled	Sworn to serve as jurors in a particular trial
Inadmissible conclusion	Something assumed to have occurred, based on mere belief or the speculative interpretation of events by a nonexpert witness
Incendiarism	The destruction of property by fire deliberately caused by a human being (<i>see Arson</i>)
Information	The legal document that accuse a person of having committed a felony crime filed by a prosecutor in superior or circuit court
Investigating officer.....	The investigator selected by the prosecutor to assist with the prosecuting of a criminal case in and out of the courtroom during the course of a trial
Judge.....	An elected or appointed public official charged with the role of presiding over hearings and trials, handing down judgments and orders, and sentencing convicted defendants in criminal cases
Judgment.....	The final legal decision by a court, including a judge's sentencing of a convicted defendant in a criminal case
Jury	A group of citizens, usually 12 in number, selected to hear evidence and decide the guilt or innocence of an accused defendant at the conclusion of a criminal trial
Jury foreperson	The juror selected by fellow jurors to lead deliberations in the jury room,, sign trial verdicts, and present verdicts in the courtroom
Jury panelist.....	A citizen called to be considered for jury service in a particular trial
Jury trial.....	A hearing held before a jury listening to evidence and deciding the truth or falsity of all charges brought against an accused defendant
Lawyer	A legal advisor and spokesperson trained in the law and licensed to practice law (<i>see Attorney; Counsel</i>)
Lay witness.....	A person who testifies in court about matters requiring no special expertise
Legally impermissible remark	A comment from the witness stand that is legally forbidden during a trial , such as blurting out a defendant's arrest record or calling an event a crime by name (<i>see Error</i>)



FIRE INVESTIGATION 2A

Criminal and Legal Procedures

Topic 8: Courtroom Testimony



Litigant	A party to a court case (<i>see Case; Party</i>)
Magistrate	A public official, usually a judge, charged with responsibility of presiding over hearings, such as probable cause hearings, and handing down decisions
Malicious	An element of the crime of arson, consisting of an intent to injure, vex, or annoy another person, or to commit an unlawful act, or, in some states, a wish to defraud (<i>see Arson</i>)
Material evidence	Important information admitted during a trial or court hearing that weighs heavily in determining the outcome
Material witness.....	A person whose testimony has significant impact upon the jury's determination of a defendant's guilt or innocence; for example, an eyewitness who saw the defendant start the fire is a material witness
Misdemeanor	A less serious crime usually punishable by no more than one year to be served in county jail (<i>see Felony</i>)
Mistrial	The termination of a trial by the judge before a verdict is reached, either because of unrepairable prejudicial error or because the jury is hopelessly deadlocked
Motion	An attorney's or party's formal request of a judge for a particular ruling or order
Motion to dismiss	An attorney's or party's formal request of a judge to discard and terminate the case against a defendant
Oath	A formally announced promise to tell the truth
Objection	An attorney's stated opposition: 1) to a witness being allowed to answer a question just asked by an opposing counsel; 2) to admitting certain evidence; 3) to granting a motion made by an opposing counsel
Opening statement	An attorney's preview of what evidence he or she anticipates will follow during the trial
Overrule	A judge's decision to reject an objection by finding no justification for it (an attorney's objection)
Partial truth	A statement of supposed fact that is true in part but also false in at least one respect
Party.....	A person, group, organization, or governmental body named in a criminal action or civil lawsuit (<i>see Case; Litigant</i>)
Peremptory Challenge	An attorney's right to excuse a prospective juror without explanation; usually limited in number (<i>see excused peremptorily</i>)
Perjury	The criminal act of deliberately lying about a material matter while testifying in court as a sworn witness



FIRE INVESTIGATION 2A

Criminal and Legal Procedures

Topic 8: Courtroom Testimony



Plaintiff.....	The complaining party in a criminal complaint, information, or indictment, accusing one or more defendants of having committed a crime (in a criminal case)
Plea	A defendant's legal response to a criminal charge, which may include admitting guilt, denying guilt, claiming insanity, or asserting former jeopardy
Plea bargaining	Discussions between the prosecutor and defense counsel or defendant about allowing the defendant to plead guilty to a lesser crime than charged, to few count, or in exchange for a lighter sentence
Prejudicial error	A critical mistake in a trial or hearing that is expected to improperly affect the outcome of that proceeding (a likely basis for overturning a conviction); for example, mentioning a defendant's arrest record in open court
Preliminary examination	The hearing conducted by a magistrate to determine whether enough evidence exists for an ordinary person to reasonably believe that a felony was committed by a defendant, thereby justifying placing that person on trial (<i>see Hearing</i>)
Preliminary hearing	A court proceeding conducted by a magistrate to determine whether or not enough evidence exists for an average person to reasonably believe that a felony offense was committed by an accused defendant, thereby justifying placing that person on trial
Preview of evidence	A glimpse of the expected contents of a trial to follow, revealed to judge and jury by the party's attorney during opening statements
Prima facie case	(Pry-ma Fay-shia) The minimal amount of proof necessary for the prosecution to establish that a crime has occurred, in order to get the case to the jury
Probable cause	The existence of sufficient evidence for an average person to reasonably believe that a felony offense was committed by an accused defendant
Probable cause hearing	A court proceeding in which the sole issue is whether enough evidence exists for an average person to reasonably believe that a felony offense was committed by an accused defendant, thereby justifying placing that person on trial (<i>see Preliminary examination</i>)
Probation.....	A sentence of formal supervision ordered by a court, whereby a defendant must follow the directions of a probation officer for a specified period of time, usually a year or more
Proof of loss.....	The written, sometimes oral, documentation submitted by an insured to support an insurance claim
Properly delivered verdict	The correctly signed and dated verdict form listing a jury's finding, handed by the jury foreperson to the bailiff at the judge's direction



FIRE INVESTIGATION 2A

Criminal and Legal Procedures

Topic 8: Courtroom Testimony



Prosecution	Legal proceedings designed to accuse and try a defendant with having committed a crime The party accusing a defendant in a criminal action
Prosecutor	A public officer representing the state charging a defendants with having committed a crimes (<i>see Attorney</i>)
Public defender	An attorney appointed by a court to represent a defendant in a criminal case who is financially unable to hire his or her own attorney
Pyromania	The psychiatric disorder characterized by an uncontrollable urge to set fires
Qualification sheet	An expert's written resume of education, training, experience, publications, memberships, and activities that can be used by a prosecutor in court to assist him or her to show that the witness has sufficient special expertise to testify as an expert in a particular field or area of study
Rebuttal	That stage of a criminal trial when the prosecution seeks to refute evidence presented by a defendant
Recross examination	The questioning of a sworn witness in court following redirect examination, by the attorney who did not call the witness to the stand
Redirect examination	The questioning of a sworn witness in court following an opposing counsel's cross examination of that witness, by the attorney who called the witness to the stand
Rest	To finish with the presentation of evidence for a party in a court hearing or trial
Retrial	A new trial of a case after a defendant's earlier conviction has been overturned on appeal or after an earlier trial has ended in a declared mistrial
Rights waiver	The voluntary giving up of one or more legal guarantees to which the waiving person is entitled
Sentence	The punishment for a crime ordered by a judge
Statute	A state or federal law added by legislation to existing codes
Stenographic record	Paper that is mechanically imprinted by a court reporter with a word-for-word account of court sessions as they occur, later dictated and put into typewritten form
Subpoena	The legal document that orders a person to appear in court for one of the parties to the case (Ducas-Tecum - bring certain documents and/or records)
Supporting evidence	An item of proof used to back up expert opinions
Surrebuttal	That stage of a trial where a defendant presents evidence tending to refute the rebuttal evidence presented by the prosecution



FIRE INVESTIGATION 2A

Criminal and Legal Procedures

Topic 8: Courtroom Testimony



- SustainA judge's decision to support an objection by agreeing that it is valid (an attorney's objection)
- TestifyTo give testimony as a sworn witness in court
- TestimonyWords spoken under oath by a witness called to the witness stand during a court hearing or trial
- Transcript.....A typewritten, word-for-word account of oral proceedings in court
- Try the cause.....To determine the outcome of a court case through the formal presentation of evidence by opposing parties in a trial
- Venue.....Geographical area where an offense is committed; geographical area where jury is seated
- VerdictA judge's or jury's legal findings that a defendant is guilty or not guilty of a crime charged in a criminal complaint, information, or indictment
- Voir dire.....(Vwor Deer) The in-court questioning of a potential juror or witness by one or more attorneys seeking to determine the suitability of that person to serve as a juror or expert witness in court
- Willful.....An element of the crime of arson, consisting of a voluntary intended act, regardless of whether the acts result was intended (*see Arson*)
- WitnessA person who testifies in court after taking an oath to tell the truth
- Witness chairThe seat on the witness stand where sworn witnesses sit while testifying in a courtroom
- Witness stand.....The place occupied by sworn witnesses while testifying in a courtroom

Witness Preparation for Testimony

- Meet with the prosecutor before the trial

Fire Service Arson Witnesses

- Eyewitnesses

- Expert witness

- Credible, qualified, and valued opinion on expert subject

- Qualification procedure for expert witness

- Judge makes determination if witness is qualified as an "expert witness"
 - Prosecutor introduces the witness that he or she would like to be qualified as an expert witness and identifies special knowledge, skills, experience, training and education (prosecutor should have a "Qualification Sheet" on the witness prior to court appearance)
 - The defense attorney can challenge a witnesses' qualification as an expert witness during voir dire examination

- Should the defense attorney object to the witnesses' ability to serve as an expert witness, the judge will either overrule the objection or sustain it, which will indirectly give the judge's decision
 - If the judge sustains the defense attorney's objection to allowing the expert witness testimony, the prosecutor must try again to prove the witnesses' capabilities or ask the witness to step down
 - The voir dire examining process may resurface during cross examination of the declared witness
 - Be prepared to persuade others to accept your opinion as valid
 - Your testimony will usually establish the corpus delicti of arson
 - Investigative oversights may cause reasonable doubt in juror's mind
 - Expert opinions are worthless without sound reasons given to support them
 - The arson expert should expect his or her findings and opinions to be challenged



FIRE INVESTIGATION 2A

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Witness Attendance

- Be punctual on your courtroom appearance
 - Generally all witnesses, except designated investigative officers, must await their turn to testify outside the courtroom
 - When called by the bailiff, walk purposefully into the courtroom (no need to hurry nor any need to hurry back), shoulders back, head erect, facial expression serious but not grim, and face the court clerk before being seated to receive the oath
 - Court clerk administers the oath
-
- Leave stand only when allowed to do so by judge
-
- Upon completing your testimony and being released by the judge, walk immediately out of the courtroom and return to work (unless otherwise advised by the prosecutor)
 - Be rested and prepared for giving testimony, never use alcohol or drugs to calm your nerves
 - The side effects can be noticed by the jury

Witness Dress and Hygiene

- Clean, neat, uncontroversial
-
-
-

Witness Behavior

Direct questioning

- Listen carefully
 - Ponder the question, then answer carefully and accurately
 - Don't volunteer information
- Answer clear and precise, yet brief and to the point
- Always be accurate, correct any errors in your statement as soon as possible
- Use notes, reports, or other written aids to refresh your memory as needed
 - Unless the judge has not given you permission to do so
- Never try to memorize answers to questions you know the prosecutor is going to ask you

- Should profanity have to be recited when recapping an event, the approval of the judge should be attained prior to reciting
 - When questioned, look into the eyes of the questioners
 - When answering the question, look at the jurors
 - Do not guess at an answer
 - State that you don't know the answer
 - Stat that you don't remember the circumstances
 - State that you don't understand the question
 - Be familiar with proper courtroom terminology
 - Actual opinion should not be given until specifically demanded by the questioner
-
-

Courtroom Procedure on the Stand as an Expert Witness

- Keep emotions in check
 - Never argue
 - Never show anger
 - Never try to match wits with the defense attorney
 - Be prepared for any testimony to be interrupted by the defense with an objection
 - Usually motivated by a technicality
 - Listen closely to the proceedings and answer the next question
 - Be aware of body language and avoid the following
-
-

- When addressing the judge, use his or her proper title, "Your Honor"
- Wait for the question to be asked completely before answering
 - If you don't understand the question, ask for clarification
- Do not purposefully relay a humorous event to liven up courtroom communications
- When communicating your testimony, try to leave your hands in your lap if sitting or by your sides if standing

Cross Examination

- Respect, but never fear, the cross examination
- An investigator should not hastily admit to investigative oversights

- Be careful of "yes" or "no" answers
 - Oftentimes falsehood is implanted amongst true statements
 - Should you agree with such a statement, you could be trapped
-

- The answer to a hypothetical question hinges on the assumption supplied
 - If other facts are necessary before a hypothetical question can be answered, you should say so
 - Example: If asked whether it is possible for a particular type of structure fire to be caused by electrical wiring, you would ask
 - Was wiring in the conduit?
 - Was defective wiring near point of origin of fire?
 - Was the electrical power was on?
 - Were one or more uncommunicative points or origin were found?
 - Were all other possible causes were eliminated?

Defense Attorney Tactics

- Used to destroy a witnesses' composure and concentration
- Hurry your answers or pause between dramatic performances to work on your conscience
- Shuffling papers or make other distractions that would hinder your concentration
- Move from place to place in the courtroom attracting your attention away from the jury
- Move very close to you
- Speak in varying tones
- Use long, hard to understand wording

Visual Aids

- Approach visual aids only on request of an attorney with approval of the judge
- Face jury as much as possible
- Hold the pointer in position long enough for all to see
- Stand with hands by your sides in a neutral position when not using the visual aids

Courtroom Demeanor Guidelines

1. Be conscious of physical and exterior appearance
2. Be conscious of mannerisms on witness stand
3. Be conscious of manner of answering questions
4. Be aware of impression being created on jury as answers come forth
5. Strive for appearance of detached neutrality

6. Answer questions directly, not evasively
7. Readily admit mistakes
8. Be courteous to all attorneys
9. Remain alert at all times
10. Admit failure of memory
11. Estimate, but do not guess
12. Bring written reports
13. Prepare for witness appearance by reviewing written reports
14. Do not acquiesce to questioner's mere suggestions
15. Reflect upon question prior to answering
16. Speak loudly, do not mumble
17. Avoid all emotional involvement and emotional displays
18. Avoid humor
19. Give objective answers
20. Conduct yourself in a dignified and formal, but not stiff, manner
21. Do not act familiar or unduly casual with attorneys, judge, or jury
22. Do not answer beyond scope of question
23. Do not spar or act clever with attorneys
24. Bear yourself in a confident, not timid, manner; don't act cocky
25. Always answer questions truthfully
26. Admit not knowing the answer to a question
27. Employ correct use of English and avoid slang, profanity, and vernacular expression
28. Recite facts; offer opinions only when requested to do so
29. Answer questions clearly and succinctly

Testifying

The same diligence and effort should be made in preparation for giving testimony that is generally used in obtaining the facts during the investigation. Officers should never attempt to testify about a case that they investigated a long time before, without careful review of all the points involved and the material matters gained during the investigation. The same applies to fire fighters who may have to testify about fires long after they had have been extinguished. Failure to carefully review reports prior to court will result in confusion, misstatements, omissions of material facts, and inconsistencies in testimony. Hasty trial preparation brings discredit upon the officer, causes embarrassment in cross examination, and creates in the jurors a disrespect for both fire department and law enforcement personnel in general.

You may "refresh your memory" during testimony. In California, the code provides for the manner in which a witness may refresh his or her memory and by which he or she may testify to facts once known, but no longer remembered. We are often confronted with this situation because of the large number of

cases investigated or controlled, the time delay that occurs between the case or fire, and the act of testifying.

If your report is prepared from rough notes and diagrams, and the finished report has been introduced in the court by the district attorney, only testify from that finished document. Avoid taking rough notes and diagrams to the witness stand, as they will be made available to the defense if used. If there are any discrepancies between your rough notes and the finished report, the defense will have the opportunity to use these discrepancies to discredit the report.

Generally, when a fire fighter is called to testify, it is to establish facts based on physical evidence that the fire fighter has personal knowledge of through his or her own senses of sight, touch, smell, and hearing. The fire fighter will establish such facts as: a fire occurred, the time it was reported, what actions were taken did, what was seen, or what was smelled.

Expert Witness

Occasionally the fire fighter at the scene is responsible for determining the origin and cause of the fire. It is at this point that expert testimony enters in to the picture. In order to give expert testimony, you must prove to the court that you know how fires burn, what causes them, and how to determine the origin and cause. It is up to the judge at each courtroom appearance to determine your qualifications and whether or not he or she will accept you as an expert.

Why is it important for you to qualify as an expert? If you do qualify, you will be able to give your opinion as to the origin and cause of a fire, the meaning of those things that you observed, and relating those observations with your experience and knowledge.

On occasion, the other side may call in their own experts to testify as to how the fire could have started. It is not important that they testify to the fire in question; all they have to do is link their theory of cause to the fire in question. Many of these experts have several educational degrees in varied subjects, such as chemistry, physics, criminalistics, and usually carry the title of "Fire Investigator."

Remember, District Attorneys don't always understand your job, just as you don't understand theirs. You have to help them to get you qualified. The following questions will help him in qualifying you, if you will prepare your answers in advance.

- What is your name?
- By who are you employed?
- How long have you been so employed?
- What is your title or position?
- How long have you held this position?
- What are your duties?
- Have you received any formal training in fire investigation?
- What training have you received?
- By whom did you receive this training?

- Do you hold any degrees?
- Have you received any on-the-job training in fire investigation and by whom?
- Have you instructed or taught fire investigation? If so, where?
- Have you written any books or trade papers?
- In the course of your employment, how many fires have you investigated to determine origin and cause?
- Have you ever testified in court as to origin and cause?
- Which courts?
- Have you ever qualified in court as an expert? If so, which court?
- Do you hold any special credentials? If so, which fields?

The above questions and answers, if prepared by you in advance of your court date, will greatly assist you and the attorney. Don't be concerned if you can't supply the answers to all of the questions listed.

The courtroom is a place where justice serves. You are a professional, and like it or not you must undertake all tasks, including testifying in court in a professional manner.

Do not volunteer any information about your opinions or engage in conversation with anyone other than proper investigative personnel about the case. If there is an arrest made, the defense may obtain the services of a private investigator, or other persons who will try to confuse or discredit the investigation. Refer any requests for information to the District Attorney's Office for response.

Common Tactics of Cross Examination

- Rapid fire questions
 - Description
 - One question after another with little time to answer
 - Purpose
 - To confuse the witness and attempt to force inconsistent answers
 - Officer's response
 - Take time to consider the question
 - Be deliberate
 - Answer one question at a time
 - If necessary have second question repeated
 - Use the phrase, "In answer to your first question..."
- Condescending counsel
 - Description
 - Benevolent in his or her approach
 - Over sympathetic during questioning to the point of ridicule.
 - Purpose

- To give the impression that the witness is inept, lacks confidence, or may not be a reliable witness
- Officer's response
 - Concentrate on the question only
 - Ask to have it repeated if necessary
- Friendly counsel
 - Description
 - Very courteous
 - Polite questions
 - Takes witness into his or her confidence
 - Purpose
 - To lull the witness in to a false sense of security so the answers given will be in favor of the defense
 - Officer's response
 - Stay alert
 - Bear in mind that the purpose of defense is to discredit or diminish the effect of your testimony
- Badgering counsel
 - Description
 - Counsel staring you right in the face and shouts, "That is so, isn't it officer?"
 - Purpose
 - To make the witness angry so that he or she loses any sense of logic and calmness
 - Officer's response
 - Stay calm
 - Speak in a deliberate voice, giving the prosecutor time to make an appropriate objection
- Mispronouncing the officer's name or using the wrong name/rank
 - Description
 - The officer's name is Jansen, but the counsel calls him Johnson.
 - Purpose
 - To draw the witness' attention to the error in pronunciation and lose concentration, which may lead to errors in testimony.
 - Officer's response
 - Ignore the mispronunciation and concentrate on the question

- Suggestive question (tends to be a leading question allowable on cross examination)
 - Example
 - "Was the color of the car blue?"
 - Purpose
 - To suggest an answer to the question in an attempt to confuse or lead the witness
 - Officer's response
 - Concentrate carefully on the facts
 - Disregard the suggestion
 - Answer the question correctly
- Demanding a "yes" or "no" answer to a question that needs explanation
 - Example
 - "Did you strike the defendant with your club?"
 - Purpose
 - To prevent all pertinent and mitigating details from being considered by the jury
 - Officer's response
 - Explain the answer to the question
 - If counsel demands a "yes" or "no" answer, pause until the court instructs you to answer in your own words
- Reversing witnesses words
 - Example
 - Witness answers, "The accident occurred 27 feet from the intersection."
 - Counsel says, "You say the accident occurred 72 feet from the intersection?"
 - Purpose
 - To confuse the witness and demonstrate a lack of confidence in the witness
 - Officer's response
 - Listen carefully whenever counsel repeats something you have said
 - If an error is made, correct counsel
- Repetitious questions
 - Description
 - The same question is asked several times, but slightly rephrased
 - Purpose
 - To obtain inconsistent or conflicting answers from the witness
 - Officer's response
 - ♦ Answer the question without becoming a smart aleck
- Conflicting answers

- Example
 - "But Officer Smith, Detective Brown just said, '...'"
- Purpose
 - To show inconsistency in the investigation
 - This tactic is normally used on measurements and times
- Officer's response
 - Remain calm
 - Conflicting statements have a tendency to make a witness extremely nervous
 - Be guarded in your answer on measurements and times
 - Unless you have exact knowledge, use the term approximately
 - Ask to refer to your notes if necessary
- Staring
 - Description
 - After the witness has answered, counsel just stares as though there is more testimony to come
 - Purpose
 - The long pause after an answer makes the witness feel that more should be said
 - Provokes the witness to offer more information than the question called for
 - Officer's response
 - Wait for the next question
- Pacing
 - Description
 - Pacing back and forth in front of the witness, usually the side farthest from the jury box
 - Purpose
 - To distract and make the witness lose eye contact with jury members
 - Wants the witness to direct all answers towards his or her direction
 - Officer's response
 - Listen to the question while looking at counsel
 - Establish eye contact with the jury when answering the question
 - Remain calm
- Arm waving and other body movements
 - Description
 - Body movements and other theatrical gestures are often used in or around the witness stand

- Purpose
 - To distract and make the witness nervous
 - The inexperienced witness might give inconsistent information
- Officer's response
 - Concentrate on the question
 - Do not let movements distract your thoughts
 - Remain calm

Example of Expert Witness Qualifications

JOHN FIRE INVESTIGATOR CURRICULUM VITAE

CURRENT POSITION

Fire Investigator - Big City Fire Department, Big City, California

DUTIES AND RESPONSIBILITIES

Investigate fires of accidental, suspicious, and incendiary origin; investigate post blast, bombing, and explosion scenes

POLICE/FIRE EMPLOYMENT HISTORY

Big City Fire Department - February 1998 to Present

Fire Investigator

Big City Fire Department - February 1992 to February 1998

Fire Suppression Captain

Little Town Public Safety Department - August 1987 to February 1992

Patrol Officer, Fire Fighter, Fire Inspector

INVESTIGATIVE EXPERIENCE

	Cases/Scenes	Accidental	Arson/Criminal	Undetermined
Structure Fires	369	86	205	78
Vehicle Fires	30	12	16	2
Wildland Fires	43	30	11	2
Fatal Fire Investigations	9	4	2	3
Explosions	14	10	4	

I have been involved in suppression activity of approximately 125 fires and assisted in approximately 150 fire investigations.

FORMAL EDUCATION

- Associate of Science Degree in Fire Science, California Mission College, Santa Clara - 1987
- Bachelor of Science Degree in Fire Service Management, San Jose State University - 1990

VOCATIONAL CERTIFICATES

- Fire Fighter I - California State Board of Fire Service - 1990
- Fire Investigator I - California State Board of Fire Service - 2001
- Fire Investigator II - California Board of Fire Service - 2004
- Basic, Intermediate, and Advanced Peace Officer Standard and Training Certificates
- Certified Fire Investigator - International Association of Arson Investigators - 2005



FIRE INVESTIGATION 2A

Criminal and Legal Procedures

Topic 8: Courtroom Testimony



VOCATIONAL TRAINING AND EDUCATION

- Fire Investigation - Mission College - 1992 - 45 hours
- Basic Fire/Arson Investigation - State Fire Marshal's Office - 1994, 80 hours
- Advanced Fire Investigation - California Fire Academy - 1995 - 40 hours
- Bomb Scene Investigation - FBI - 1996 - 40 hours
- Hazardous Explosive Device Training - USAF, EOD Unit - 1997 - 8 hours
- Explosive Investigation - State Fire Marshal's Office - 1999 - 24 hours
- Adv. Fire Investigation- CA. Conference of Arson Investigators - July 2000 - 40 hours
- NFPA 921 Training Course - National Fire Protection Association - Jan. 2001 - 16 hours
- Fraud Investigation - ATF- Nov. 2002 - 40 hours
- Fire Developmental and Behavior - San Joaquin Valley Fire-Arson Unit - May 2004 - 24 hours
- Fire Investigation-Interviewing and Interrogation - National Fire Academy - June 2005 - 80 hours
- Vehicle Fire Investigation- CA Conference of Arson Investigators - Oct. 2005 - 4 hours
- Electricity and Fire Investigation-CA Conference of Arson Investigators-Jan. 2006 - 2 hours
- Public Display Fireworks Training-State Fire Marshal's Office-April 2006- 6 hours
- LPG/Natural Gas Training-CA Conference of Arson Investigators-July 2006-2 hours

I have deliberately set 20 fires and explosions in all types of structures and vehicles to observe fire spread and behavior and explosion effects. The fires and explosion duplicated accidental and incendiary fires and explosions.

I have instructed fire fighters in classes on Fire Investigation and on Basic Arson Investigation.

I have attended approximately 8 seminars, eight to thirty two hours in length sponsored by the International Association of Bomb Technicians and Investigators, the International Association of Arson Investigators, and the California Conference of Arson Investigators.

MEMBERSHIPS

I am a member of the International Association of Arson Investigators (IAAI), International Association of Bomb Technicians and Investigators (IABTI) and the California Conference of Arson Investigators (CCAI).

COURT QUALIFICATIONS

- I have testified as an expert witness in fire and explosion related incidents in:
 - Superior Court of El Dorado County
 - Superior Court of San Joaquin County
 - Superior Court of Placer County
- Court Expert Witness: Arson: 6 times

PUBLISHED ARTICLE

"Investigating Fires Involving Ignitable Liquids," Published in the June 2007 issue of The Fire Investigation Quarterly