

# Investigation and Arrest

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# In this section we will learn about..

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Crime Scene Investigations

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Arrest Procedures

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Detention

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Interrogation

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Searches

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Indictable Offense

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Before Trial

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Bail

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Assessment: legal case study, vocabulary quiz

# CRIME SCENCE INVESTIGATION

- The **crime scene** is crucial to the investigation.
- Police secure the area, remove hazards, and search for suspects.
- **Physical evidence** is key to prosecution, so officers set two boundaries:
  - **Center:** where the offence occurred
  - **Perimeter:** surrounding area where evidence may be found

# CRIME SCENCE INVESTIGATION

Crime scenes are preserved for three reasons.....

1. To allow for a thorough search of the scene
2. To seize and collect physical evidence
3. Ensure the evidence seized is admissible in court

Contaminated evidence may be inadmissible or lead police to the wrong conclusions.





### FOUR OFFICERS ON SCENE

- **Patrol officers:** first on scene; make arrests or secure area with yellow tape.
- **Scenes of crime officer:** collects and preserves evidence.
- **Criminal identification officer:** searches scene, gathers evidence, sends to lab.
- **Criminal investigations officer:** plainclothes detective supervising investigation.

## PHYSICAL EVIDENCE:

- Includes object, impression or body element that can be used to prove or disprove facts relating to an offence.
- Usually carries more weight than witness testimony.
- **Forensic science** uses scientific techniques to analyze criminal scene evidence.
- **Forensic scientists** examine and analyze the physical evidence such as weapons, fingerprints, body fluids, and other DNA.
- They also perform autopsies and give expert evidence at trials



**IDENTIFICATION SECTION**

STATE USAGE  NYFF SECOND  SUBMISSION  APPROXIMATE CLASS  AMPUTATION  SCAR

STATE USAGE

SIGNATURE OF PERSON FINGERPRINTED: *X. J. Simpson*

LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX: **SIMPSON, ORENTHAL**

ALIAS/MAIDEN LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX

AVENUE/LE STAMP

SOCIAL SECURITY NO. LEAVE BLANK

CLASS \_\_\_\_\_

REF \_\_\_\_\_

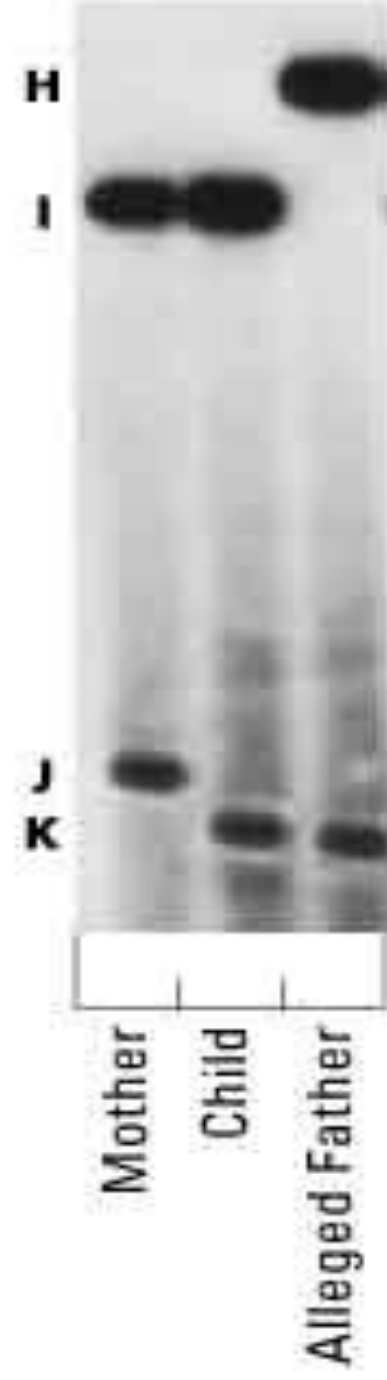
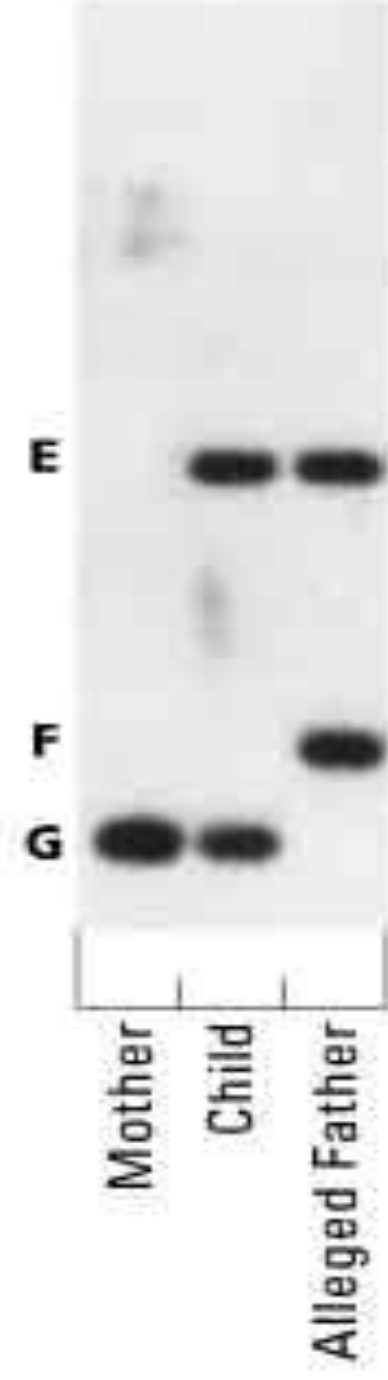
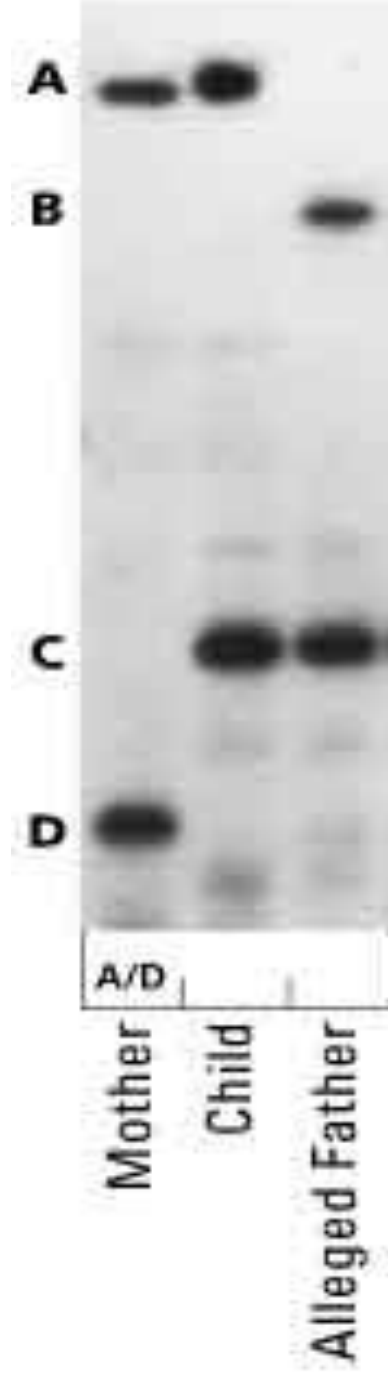
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VIEWIMAGES™



## DNA EVIDENCE:

- **DNA evidence:** blood, semen, hair, mucus, skin; (blood most common)
- **DNA** is unique to each person (except identical twins) and can link or exclude suspects
- **Hair and fibers** can also connect suspects to a scene
- Evidence must be **labeled and stored**; and a **chain of custody** preserved showing:
  - Who handled it
  - Date/time
  - Circumstances of how evidence was handled
  - Any changes that may have occurred



# ARREST PROCEDURES

Procedures for arrests are set by **Criminal Code** and **Charter of Rights**. Improper procedure can lead to dropped charges

- **Rights of arrested/detained persons:**
  - Remain silent
  - Know reason for arrest
  - Access to a lawyer
- **Lawful arrest steps:**
  - Identify as police officer
  - Advise person they are under arrest
  - Inform of charge and show warrant (if obtained)
  - Touch to indicate custody
  - Inform of right to counsel

# ARREST PROCEDURES

- If enough evidence is found for the suspect will be arrested and charged.
- This can happen at the scene of the crime or after an investigation.
- Fingerprinting and photographing are common once someone is arrested
- Suspect may be asked to participate in a **line-up** (but cannot be forced)
- If the person is not charged or they are later acquitted, arrest records are kept for **10 years** before they are destroyed

# DETENTION

- Detention is legally depriving a person of liberty by seizing or touching to indicate custody
- Detention is often used to ask questions or confirm if someone is a suspect, but they are not officially under arrest
- Refusing to accompany police may lead to arrest
- Police need **reasonable grounds**—a reasonable person would believe the suspect committed an offence

# DETENTION

The police have 3 methods of apprehending an offender

1. **Appearance notice** – a legal document usually issued for less serious offences, compelling a person to appear in court.
2. **Bench warrant** - if the accused fails to appear in court on the specific date and time, a bench warrant may be issued.
3. **Arrest with a warrant** – An **arrest warrant** is a written court order directing the police to arrest a suspect. It contains the name of the accused, the charge and the reason for the warrant.

# DETENTION

**Arrest without a warrant** – There are **three** circumstances when the police can arrest a person without a warrant.

1. They have reasonable grounds to believe that a person has committed an indictable offence or is about to commit one.
2. They find a person in the act of committing a criminal offence.
3. They find a person who they believed is named on an arrest warrant.

All **peace officers**, including mayors, prison guards, customs officials, aircraft pilots and fisheries officers, can arrest under these circumstances.

# INTERROGATION

Police use a **four-stage** approach in the interrogation of suspects:

1. Ask the suspect to describe the entire incident.
2. Describe the period just before the incident.
3. Describe the details of the actual offence.
4. Describe what happened during the period after the incident.

# SEARCHES (PEOPLE)

**The Charter of Rights and Freedoms** protects people against illegal searches and seizures

- Police can search an arrested person without a warrant if:
  - Arrest is lawful
  - Search is connected to the arrest
  - Search is reasonable
  - Impaired drivers must provide breath/blood sample; otherwise, a warrant is required

# SEARCHES (PLACES)

- A **Search warrant** is usually required to search a location
- Warrants include crime details, items being searched for, and time/date of when the search is being held
- Searches usually occur during daylight hours (6 am–9 pm)
- Police must identify themselves and show the warrant before they can enter
- Items in plain view related to crime can be seized and used as evidence
- Objects kept in custody until trial
- Private home searches almost always need a warrant or they are unlawful
- **Exceptions:** imminent harm or destruction of evidence

# BEFORE TRIAL

- A person facing charges is often released until trial
- **Promise to appear:** signed agreement to attend court; failure leads to arrest warrant
- **Recognizance:** guarantee to appear, penalty up to \$500
- **Surety:** another person agrees to pay if accused fails to appear

# INDITABLE OFFENCE

- An indictable offence in Canada is a **serious crime prosecuted through a formal court process.**
- It is known as a major crime in the Canadian Criminal Code.
- This process requires a preliminary inquiry to know if there is enough evidence for a trial.
- Examples: theft over \$5000, murder, assault, break and enter

# BAIL

**Bail** is the temporary release of accused in exchange for money or security, approved by a judge. A hearing is held to determine if bail should be granted.

- If opposed by the Crown, a **show-cause hearing** decides if they will remain in detention or be released until trial
- Reasons for keeping them in detention include risk of fleeing or a threat to society

**Reverse onus:** in this case the accused must prove why bail should be granted. Reasons why this would happen include:

- Charged with indictable offence while already on bail
- Accused is not a Canadian citizen
- Failure to appear or breach of bail conditions
- Drug-related offences (importing, trafficking, possession for trafficking)

## Vocabulary Terms

1. Arrest
2. Appearance notice
3. Arrest warrant
4. Bail
5. Bench warrant
6. Chain of custody
7. Criminal identification officer
8. Criminal investigations officer
9. Detention
10. Fingerprint
11. Forensic science
12. Indictable offence
13. Line up
14. Patrol officers
15. Peace officers
16. Perimeter
17. Promise to appear
18. Reasonable grounds
19. Recognizance
20. Reverse onus
21. Scenes of crime officer
22. Search warrant
23. Show-cause hearing
24. Summons
25. Surety