

The Bill Blackwood
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State Certification of Crime Scene Investigators

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ABSTRACT

In Texas, if there is a major crime scene, the crime scene investigator who is called out to gather important evidence, has no state required educational standards, nor is he state certified as a crime scene technician. Why does Texas not have a certification program set up for the crime scene investigator?

Several high-profile cases have raised our national awareness and expectations of the crime scene investigator. Important evidence was over looked or mishandled in these high profile cases, which resulted in a disaster. Having high-Standards for qualifying crime scene investigators must be adhered to during evidence collection and analysis.

A Program to set standards for quality assurance, including certification for crime scene investigators, should be a top priority for law enforcement officials. Developing guidelines for crime scene investigations and criteria for training them, to assure better crime-solving techniques is a must to be able to withstand the stringent challenges of evidentiary rules and cross-examination.

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Introduction

Every day an increasing number of Americans become unwilling victims of criminal activity. Most do not accept this situation in apathetic silence. Reaction range from outraged indignation to sorrow or anger after the violent death of a friend or relative. The victimized individual expects law enforcement personnel to investigate and solve the case. They want to see the criminal apprehended and brought to justice in a quick and appropriate manner.

The public justifiably believes that such action will be forthcoming. Federal, state, and local governments have poured millions of tax dollars into sophisticated communication systems, computerized record files, and elaborate crime laboratories. Yet only three to ten percent of the potential evidence provided by a crime scene is actually collected and processed for proper court presentation (Goddard, 1977). Law enforcement units must recognize this deficiency and realize the value of a crime scene investigation conducted in a thorough and competent manner. It is the responsibility of the various agencies to make certain they have highly trained and competent crime scene investigators. It is important that the crime scene investigators be continually educated and kept up to date on all new crime solving technologies.

So why is there no state certification for crime scene investigators like there is for police officers? Basic, Intermediate, Advanced, and Master, these are the steps of police officer certification set up by the state of Texas. Texas police officers must be certified through The Texas Commission on Law Enforcement to work for a law enforcement agency. Yet many police agencies have made the position of the crime scene investigator a civilian position. This has been to save money or to avoid a certified police officer from promoting and being transferred out of the crime scene position. In doing this a department has made the crime scene investigator

position less professional. So in contrast to a police officer, if there is a major crime scene, the person who is called out to gather important evidence has no educational standards or state qualifications in the field of crime scene investigation set by the state of Texas. The person who is expected by the public and the police to wave a magic wand or pull a rabbit from his hat to solve a homicide has no set standards, or requirements for higher education or state certification. So again, why does Texas not have a certification program set up for the crime scene investigator? Is it because the standards are usually set up by each individual agency, which are different from department to department? There needs to be a program that sets standards and is there for all agencies to follow.

Review of Literature

Recently, two highly publicized investigations have shown why the crime scene investigator needs to be highly trained, educated, and certified as a professional. The Jon Benet Ramsey homicide investigation appeared remarkably inept. The police in her hometown of Boulder, Colorado, allowed considerable contamination of the crime scene (Pope, 1997). For seven precious hours after they first responded to the Ramsey family's 911 call, police failed to search the house. It was not until later that day that John Ramsey (a possible suspect) opened a door to a room in the basement and discovered Jon Benet (Glick, 1998). He then carried the body, which he had placed a white blanket over, upstairs. In doing so, he contaminated the crime scene and may have disturbed critical forensic evidence the police could have used to help identify the killer.

In the O.J. Simpson case, the Los Angeles police department was criticized for covering the bodies of Nicole Simpson and Ron Goldman with blankets from Nicole Simpson's home (Simon, 1996). They came under heavy criticism for letting blood swatches sit in a non refrigerated truck. They also allowed a rookie criminologist to collect key evidence. These blunders and many others compromised or contaminated the evidence so severely that DNA testing and microscopic comparisons were meaningless. As an example of the beating the LAPD and its Robbery-Homicide unit absorbed during the trial, one of the defense attorneys during arguments labeled the LAPD as the "back hole" where evidence went and vanished by design or was compromised by incompetence (Brazil & Rainey, 1995)

These two publicized cases are only the tip of the iceberg that shows there is a necessity for well-trained crime investigators. The larger cities are not the only ones who are scrutinized

for poor crime scene work. Smaller towns and cities are in dire need of better crime scene investigators. It does not have to be a rich or famous person involved or connected with the crime for it to receive national attention. In the city of Grand Prairie, a county assistant district attorney called the chief of police and complained about the improper handling of evidence and poor courtroom testimony by the city's crime scene investigators. Just sheer luck and the confession of the suspects solved the Cadets Murder. With today's technology advancing so fast, and to try and avoid the mistakes of the past, today's crime scene investigator must be well trained and educated.

There have been many amazing technological breakthroughs designed to assist the crime scene technician. Fingerprints, of course, are still the old faithful, but DNA typing now settled in as a trusted newcomer whose full potential is still to be realized (Holmes, 1997). The availability of the automated fingerprint identification system (AFIS) can identify a suspect from anywhere in the United States. Another important break through is the new computerized system called Bulletproof (Witkin, 1994). It takes a 360-degree picture of a bullet's ballistic characteristics, and then compares it with other stored in a database to isolate a small universe of potential matches. Also, the analysis of blood spattering and forensic voice analysis have proven invaluable evidence in the past. Finally, obtaining fingerprints has become high tech, thanks to a recently developed hand wand that disperses a cyanoacrylate fluorescent dye vapor over surfaces being examined (Witkin, 1994). The vapor reacts with the moisture and oil of the fingerprint, freezing the print so it cannot be harmed.

None of this is a substitute, of course, for a well-trained crime scene investigator. But without the advanced training in new crime scene technology, an investigator cannot collect evidence properly. Advances in forensic science are clearly helping and every police department

should recognize the importance of a better-trained crime scene investigator. Each agency should make it a top budget priority to see that the crime scene unit is highly educated, trained, and state certified just as it's police officers are. Applying deductive science to crime solving is an idea as old as Sherlock Holmes, but the field continues to expend and mature, thanks to high-profile cases like the Unabomber and O.J. Simpson (Bates, 1996). Lets look at what law enforcement expects of its Crime Scene Investigators.

A Crime Scene Investigator is responsible for the complex crime scene investigations. They are responsible for the evaluation of the scene, the use of various types of equipment and they must develop, secure, and packages physical evidence for scientific evaluation and comparison (Crime Scene Investigator, 2000). The Crime Scene Investigator also prepares detailed reports on his or her observations and activities at the scene for the law enforcement agency responsible for the investigation of the crime and testifies in court regarding the findings and processing methods used at the scene.

The Crime Scene Investigator oversees complex crime scene investigations, including but not limited to homicides, sexual assaults, armed robberies, home invasions and property crimes such as burglaries. Approximately 70% of their time is spent processing crime scenes, packaging and transporting evidence, attending and photographing autopsies and attending briefings and conferences with the police agencies requesting assistance (Crime Scene Investigator, 2000). The remaining time is spent preparing investigative reports, testifying in court, and maintaining equipment in a state of readiness. Crime scene investigators process scenes of major crimes at any hour of the day or night under any weather conditions. They must be able to be proficient in "reading" and reconstructing the events as they happened just prior to, during and shortly

following the commission of the crime in order to determine the sequence of events and to ascertain the type and location of evidence. The Crime Scene Investigator gives advice and direction to case investigators in crime scene and evidentiary matters. They must also establish a permanent record describing the crime scene by writing detailed reports, preparing accurate sketches, and diagrams and by applying professional photographic techniques (Crime Scene Investigator, 2000). This requires not only the skill to write a detailed report but also the ability to observe minute details of the scene as they relate to the crime and their meaning in relation to the evidence. The Crime Scene Investigator assists the criminal justice officials in preparing criminal cases by providing reports, sketches, and photographs. He or she also gives expert testimony in criminal court cases. This testimony must not only follow the rules of evidence, it must also be able to explain, in laymen's terms, to a jury the significance of the evidence as it relates to scientific proof. Crime Scene investigators must also maintain an in-depth knowledge of state statutes, court cases related to work performed and agency rules and regulations.

The Crime Scene Investigator must also have a thorough knowledge of the proper chemicals used for evidence development based on the type of materials being processed and employed for a particular situation (Crime Scene Investigator, 2000). Investigators must also have a thorough understanding of photographic lighting, distortion and proper lens and camera selection necessary for properly recording a scene photographically. Yet with all of the above mentioned expectations we have for Crime Scene Investigators, there is no state certification program to ensure consistency and quality of the work they do.

Almost 20 years ago Chester L. Quarles conducted a study to examine the state of the art of criminalistics in Texas to determine the levels of education and training of the Texas criminal

investigators. A questionnaire was sent to chiefs of police in every municipality with a population base of 10,000 or more and to every sheriff in the state of Texas. Only 27 of all police or sheriff's department respondents indicated any **crime scene training** within the last year (Quarles pg. #138). But what is the situation in Texas today? This will be examined in greater detail.

Methodology

Why is there no state certification for crime scene investigators like there is for police officers? Why do the state of Texas and police agencies not demand a program that will certify Crime Scene Investigators? Should not the agencies place pressure on the state to set up a program for the Crime Scene Investigator similar to that of a police officer? Do the agencies feel that the job Crime Scene Investigators perform is more of a public relations tool than a necessity, or is it a budget issue? Is this not an issue that the police agencies of Texas should address? Many think that it is.

To examine this issue a question survey was conducted of 18 cities with a population of 12,000 to 300,000 in the Dallas Ft. Worth area. Of the 18 cities, 11 responded. The survey asked questions to find out the quality of crime scene investigators that the city had and if they believed that all crime scene investigators should be certified. The last question on the survey asked, "Do you feel that all crime scene investigators should be state certified in the profession through TCLEOSE" (see appendix). The information gathered was tabulated and analyzed with respect to agency attitudes towards crime scene investigator training and certification.

Findings

The results of the survey showed that 8 of the cities stated "yes", 1 stated "no" and 2 stated that the crime scene investigator should be certified through the International Association of Identification. Of the cities responding to the survey, nine of those cities indicated that they believed that the crime scene investigator should be certified through some kind of recognized program. Six of the cities used police officers for their crime scene investigators and recognized the difference between the training that is needed for the crime scene investigator and the police officer. All cities stated that they believed there is a need for specialized training to work a crime scene. This helps to show that some kind of certification is needed.

The survey also showed that five out of the eleven responding police departments used civilian personnel. That two out of the six that still used police officers for crime scene investigators were cities under 30,000 in population and cross trained their police/crime scene investigators. Out of the five cities that used civilian crime scene investigators, all were paid less than the certified police officer. All of the departments offered an incentive pay program to their police officers, to get or have higher education. A similar program was offered for higher TCLEOSE certification. None of the departments that employed civilian crime scene investigators offered the same to these employees. All eleven departments processed minor evidence in their city. All other major evidence was sent to an outside lab. Out of the eleven departments who responded, only three had crime scene investigators that were certified latent finger print examiners through International Association for Identification (1M). Out of the eleven cities, nine stated that they believed that a crime scene investigator should be certified through TCLEOSE or International Association for Identification.

The International Association for Identification has programs that consist of a rigorous

educational process, a certification procedure, and re-certification requirements. Each is administered by a certification board comprised of experts in the discipline. All programs operate under a written set of procedures approved by the International Association for Identification's Board of Directors to ensure compliance with the broad IAI goals and policies. The International Association for Identification has grown into one of the most prestigious professional associations in the world, comprised of almost 5,000 members from the United States and many foreign countries.

Conclusion

With the lack of a set standard for Texas crime scene investigators, it is the purpose of this study to show that there is a need to have a program to guarantee consistency and quality of work performed by this part of law enforcement. Does TCLEOSE not have a certification program for crime scene investigators because it has failed to recognize that more and more agencies are using civilians in this capacity, personnel that are not certified in any law enforcement program? Many civilians are being hired to do crime scene processing without any police experience. In the City of Grand Prairie, the senior crime scene investigator had no crime scene or police experience when he was put in that position. The other crime scene investigator was a dispatcher before being hired by the City of Grand Prairie. The point here is that neither person had any crime scene experience before they were hired and trained by Grand Prairie. They were trained as schools became available over a period of time. During that time when a crime scene needed to be worked, they would have to make do and hope that no serious mistakes were made. There was no structured training that would test the personnel and certify that they were qualified to do the work.

The survey that was conducted resulted in the majority of the departments stating they believed that crime scene investigators should be certified. All the departments stated that they believed there is a need for specialized training in working crime scenes. This study showed that the International association for Identification is a good source to rely on for getting personnel into a program that will test and certify a person as a crime scene investigator or crime scene analyst. More than 90 percent of the 17,000 law enforcement agencies around the country have 24 or fewer officers. About half have fewer than 12 (Perlman, 1995). So, if a suspect steals a

car, kidnaps a victim and drives to a rural county and kills the victim and burns the car, the crime scene investigator who shows up at the scene might not have had any training in the past year, if that. The city where the crime originated in will have to deal with the incompetence of an untrained crime scene investigator to follow up on their offenses. The leaders of the law enforcement agencies in Texas know the important role that the crime scene investigator plays in solving a crime, they need to come together and work with the state of Texas to set up a program to certify the crime scene investigator. This is easier said than done. But until this can be done maybe we should look at the International Association for Identification. The International Association for Identification has a Crime Scene Certification Program with a very comprehensive testing process (I.A.I, 1977). Certifications are awarded at three levels: Crime Scene Technician, Crime Scene Analyst, and Senior Crime Scene Analyst. There are also programs of certification for Footwear/tire track, Forensic Photography, and Latent Prints. With a few hundred dollars a year, a department could get its crime scene personnel certified through an association that is recognized throughout the United States. It was founded in 1915 and today's International Association for Identification has grown into one of the most prestigious professional associations in the world, comprised of almost 5,000 members from the United States and many foreign countries.

Is the International Association for Identification the answer for Texas crime scene investigators? Crime Scene Investigators with the City of Grand Prairie believe that the International Association for Identification is a good organization but it provides a service for a monetary price. It is a generic program trying to fix everyone's needs. Texas needs a program set up to deal with problems and the laws in this state that pertain to the crime scene investigator. One that is tailored to fit what is needed to the laws of Texas and local district attorney offices,

the crime scene program in Texas needs to be a good certified school that is recognized through TCLEOSE. One that is recognized through the state courts and has strict educational process, a certification procedure, and a record of completed training course, very similar to that of a Texas police officer. Until then the International Association for Identification is a good band-aid for the problem.

Standards for qualifying crime scene investigators must be made. Standard procedures must be adhered to during evidence collection and analysis. If the crime scene investigator's methods and technologies are untested, un-standardized, or misapplied, or if their qualifications are shaky or blemished, the value of the evidence can be diminished to the point where the evidence might as well never have been collected, analyzed, or presented in court.

The examination of many different types of forensic evidence must be pursued, some types of evidence may be routine and inexpensive (fingerprinting), while other types may be more time consuming and quite costly (DNA). The crime scene investigator must be proficient in many different types of forensic evidence and supported by a certified training program in the field. The more evidence, the stronger the case, the more scientifically grounded the evidence, the more prosecutors will be willing to use the evidence to strengthen a case. Knowing how one action affects another in the long chain of events leading towards the presentation of scientific evidence and expert testimony requires a well-trained crime scene investigator (The National Institute of Justice, 1998).

Examples from the headline stories taken from today newspapers show that the public demands a better service from the law enforcement community. To meet that demand, one of the steps that must be met is better-trained and educated law enforcement personnel. A standard must be set and has for the Texas police officer. It is time for the state of Texas to realize that a

standard for crime scene investigators should be set. Specialized crime scene investigators are a necessity for the future and there must be a certification program to ensure consistency and quality of their work. Without that, evidence is only as reliable as its practitioner.

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APPENDIX

CRIME SCENE SURVEY

1. How many Crime Scene Investigators does your department employ?
2. Does your department use civilians or police officers for Crime Scene Investigators?
3. If your department uses civilians for Crime Scene Investigators, what qualifications does your department require for that position?
4. Does your department pay education or certification pay for police officers.
5. If so, do they also pay education pay to the Crime Scene Investigators?
6. Does your department have a college tuition reimbursement program for crime scene personnel?
7. What is the pay structure for your department's Crime Scene Investigators?
8. Does your Crime Scene Investigators process minor evidence for court and case preparation, or does your department send all evidence to an out side lab.
9. Are your Crime Scene Investigators a latent finger print examiner? If yes, are they certified through the International Association for Identification?
10. Do you feel that all Crime Scene Investigators should be state certified in the profession through TCLEOSE?