

# CRIME S.C.E.N.E. EXCELLENCE **PODCAST**



## Episode Three

## Evidence, Establish the Perimeter, and Establish a Crime Scene Log

### Introduction:

The National Public Safety Partnership presents the Crime S.C.E.N.E. Excellence Podcast, Episode Three: Evidence, Establish the Perimeter, and Establish a Crime Scene Log. And now, retired Lieutenant Floyd Wiley welcomes Mark Kraft, retired Senior Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives to discuss evidence, establish the perimeter, and establish a crime scene log in the third of five podcasts on Crime S.C.E.N.E. Excellence.

### Floyd Wiley:

This is the third of five podcasts of which we will be discussing the critical elements when responding and managing major crime scenes. We're going to cover the third letter, E, of our crime S.C.E.N.E. acronym of the Crime S.C.E.N.E. Excellence concept. In this area, we are going to cover areas such as evidence at a crime scene, establishing the perimeter, evidence preservation, and establishing a crime scene log.

For this discussion, we have Senior Special Agent Mark Kraft, retired, who has more than 30 years of federal law enforcement experience. He was recruited by the Bureau of Alcohol, Tobacco, Firearms and Explosives in 1987 to conduct investigations into gun trafficking and firearms violence in the Washington DC, Baltimore, Maryland corridor. He was competitively selected as a member of the Baltimore Field Division's Special Response Team, an elite tactical unit, until his transfer to the ATF's Office of Training and Professional Development, where he designed, developed, and taught numerous firearms trafficking courses throughout the United States.

Mark later became the ATF's program manager for Project Safe Neighborhoods and was personally involved in delivering training to more than 20,000 law enforcement officers and prosecutors nationwide. Mark's expertise has been sought after internationally, and he has been a guest speaker on multiple topics to include firearms identification, firearms trafficking, and gang-related gun violence. Mark was nominated twice as the ATF Special Agent of the Year prior to his retirement from the field in 2014.

Mark, we're glad to have you onboard today. We know you have an extensive base of knowledge in today's discussion, and you of all people know how vitally important it is for officers to be thorough, consistent, and methodical in their actions each and every time they respond to a crime scene. Are you ready to break it down for us?

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**Mark Kraft:** Absolutely.

**Floyd Wiley:** Great. Let's get into it. Let's talk about evidence upon arriving at a crime scene.

**Mark Kraft:** Well, when you show up at a crime scene, there's typically a couple of things you're likely to encounter. One is witnesses and victims, and they may or may not be cooperative. And even if they are trying to be cooperative, what they may be telling you may be inaccurate, and you may be fortunate enough to be at a crime scene where there's a suspect and you might talk to them, and they may even give you a confession or they may not talk to you at all. But there's probably going to be evidence there as well and getting a hold of that evidence and securing it as quickly as possible, and that crime scene as quickly as possible, is really very important.

**Floyd Wiley:** Don't you think it's important once you get on scene to make sure you identify what types of crimes that have occurred?

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### Mark Kraft:

Yeah, as soon as you arrive at a crime scene, you're going to begin that process of evaluation. You're going to be talking with people, you're going to be making observations, and you're going to be trying to figure out what has occurred, what type of crime that may indicate. And that may dictate to you the type of evidence you might want to be looking for.

Back in September of 2013, the Bureau of Justice Assistance put out a publication called Homicide Process Mapping: Best Practices for Increasing Homicide Clearances. And they looked at a number of departments that had a certain requisite number of homicides and had a clearance rate of 80% or better. And one of the things they specifically identified in that is first responders being proactive at identifying and protecting forensic evidence at a crime scene. And they described that as a solid platform for which that investigator to launch their investigation.

I think it really emphasizes how important it is as a first responder—when you get there, you need to arrive and begin evaluating what's going on. What has transpired? What type of crime might that indicate? And so, what type of evidence might I be looking for?

There's other things you have to do when you're there as well—crime scene safety, very important. Is this safe for other people who are arriving? Does anyone here require medical attention? But some point early on, you want to try to identify the bed of evidence, because that's going to determine what the crime scene is. A crime scene is anywhere there's evidence. You identify that as quickly as you possibly can so that you can minimize the amount of disturbance or contamination of that evidence, and you can begin to take that crime scene and tape it off as quickly as possible.

### Floyd Wiley:

We use this acronym, W.I.N., which is "what is important now," to kind of break things down for when we arrive on the scene so it's easier for officers to think about, "What's the most important thing I need to do right now?" So, when we start to look at the inner and outer perimeter or crime scene, can you discuss that and how that's so important?

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### Mark Kraft:

Yeah, so we're talking really basically about Locard's exchange principle. Anyone entering a crime scene, or at a crime scene, brings something in with them, they take something out. Well, that's good for us as investigators, because it means the perpetrator may have left behind cartridge cases from a fired gun or have blood splattering on their clothing when they leave the scene.

We don't want to disturb or contaminate our scene, so very early on, we need to identify that crime scene—where we think the evidence is or might be. Then we want to spread that out a little bit, make it a little bit bigger in case we miss something, because it's going to be very hard later to expand a crime scene. It's going to be relatively easy later if we need to bring it back in a little bit.

We want to tape that area off as quickly as possible. Again, this idea that people bring things in and take things out of a crime scene—you don't want people walking their dog through your crime scene. You don't want people riding their bicycle through your crime scene. So, you want to tape that off and that's going to be your inner perimeter, and the only people that are going to go inside that inner perimeter are the people who are going to actually process the crime scene.

Then you're going to create an outer perimeter, and that outer perimeter—no one's coming in there unless they're there to help you or they're part of the law enforcement team that's arriving and conducting the investigation that day. And you all are going to operate inside that outer perimeter, and only the people collecting the evidence are going to go inside that inner perimeter where you believe the evidence is contained.

### Floyd Wiley:

One of the other things—once we get to this point with our acronym, we also would talk about “what's important next.” So now you're talking about the evidence preservation. Haven't you been to scenes where sometimes someone will come up and actually pass off evidence? Isn't that important to make sure that you have that outer perimeter locked down?

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### **Mark Kraft:**

It is. There's a lot of things that happen when people see evidence. They might kind of speed up a little bit and try and physically take control of it. Well, if you do that, you own that. You're now in the chain of custody. You own that. And there are times when you may need, you may be required, to take control of something.

For instance, if the scene is fairly dynamic—there's a lot of people present, and that thing could be used as a weapon to harm someone, if it's a firearm or a knife, you may have to take custody of it. But once you've moved something, you can't put it back. You're now in the chain of custody. If something has the potential of being lost or damaged or destroyed, you may have to secure that.

But other than that, the golden rule is, "don't disturb it, don't move it, don't alter it, don't pick it up." You want to leave it where it lies, so it can be photographed and documented in place.

### **Floyd Wiley:**

If you have to move it, what's your suggestion? If you have to move something for officer safety or for safety of that scene, what do you think is the best way to handle that?

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### Mark Kraft:

Well, of course with technology, things have changed a little bit because we now have body cameras. We, in some ways, might be able to preserve or document something's original position utilizing the body camera. But otherwise, if you can leave it in place, leave it in place. And securing something doesn't necessarily mean picking it up. If there's a firearm there and there's no citizens present, post an officer. Your job is to make sure that this is safe. There's a couple of options there.

I think the best example—something's original position can be so important in an investigation. And it may seem at the time fairly insignificant, but it could become very important later on. The example I always use, because I think it's a great example, is the position of a firearm inside a glove box.

Say your crime scene is a vehicle or conveyance, or that's part of the crime scene, and as you go up, you're looking through the window. There's the glove box—it's open and there's a firearm in the glove box. The car is closed. There's no one in the car. If that's safe to leave it there, leave it there, and think about its original position. If a right-handed driver puts it into the glove box, he reaches across. The ejection point is going to be pointed down, the magazine well's going to be pointed up, and the barrel is going to be pointed toward the right.

But if the passenger puts it in, it's going to be the opposite way. The barrel is going to be pointed to the left, the ejection port is going to be pointed up. And so that could be important later on, along with other evidence, in determining who put that firearm in the glove box. So, something's position can be very important at times.

### Floyd Wiley:

That being said, let me ask you a question—and you brought it up earlier. Sometimes officers pick up evidence, and they want to place it back down. What's your advice to them when that occurs on a scene and they accidentally pick up a piece of evidence and try and place it down? What's some of your advice to that officer?

### Mark Kraft:

I just think once it's been picked up, it's been picked up and you can never put it back down exactly where it was. And again, we have the advantage today of body cameras, so we may, in fact—we probably will have, a fairly good body camera shot of where that originally was and how it was originally placed.

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**Floyd Wiley:** So, if they do that, the biggest thing—and that'll be in one of our sections later—is to make sure that they documented exactly what happened. Correct?

**Mark Kraft:** Right. One of the most important things at a crime scene is a very tight chain of custody, and so if you've picked something up and you're handling it, you're now in that chain of custody. You are the first officer who physically touched it. So again, you've got to go with your department's policies, but you want a very strong chain of custody.

If you need to pick a gun up to secure it or something else to secure it, you're going to be in the chain of custody now. And you can document, "This is where I recovered it from," but obviously, it's never going to go back in the exact position that it was originally in. The best we can hope for is we got a good body camera shot of that.

**Floyd Wiley:** Got you. Now let's just switch it a little bit and let's talk about establishing that crime scene log and how important that is and how often, sometimes, that's actually missed.

**Mark Kraft:** Yeah, well, so as soon as you get that tape up, the inner tape for the crime scene itself, and you remember you want to make that crime scene bigger than you think you need to make it because it's going to be really hard to expand it later, and there's going to be all these arguments that things could have been contaminated before you expanded the crime scene.

You want that inner tape up. You want that outer perimeter established, and now you need to establish a crime log. And it comes in various forms—different departments handle this a little bit differently. But you want to begin documenting when you arrived; when you established that crime scene; who is there; who is inside that outer perimeter; and who are the people that are going to go in and actually process the evidence, the crime scene technicians, or the detectives who go inside that inner tape to the actual crime scene itself.

**Floyd Wiley:** In terms of that crime scene log and that crime scene—sometimes you have people who want to come just to look. What's your advice to those officers that are maintaining that crime scene log?

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- Mark Kraft:** I would say anyone who comes inside that outer perimeter needs to be documented as having come inside that outer perimeter. If you're there, you're there.
- Floyd Wiley:** We try to avoid having just those looky-loos that come in and just want to look at the crime scene, and we try to maintain that through our security. Is that correct?
- Mark Kraft:** Absolutely. Absolutely. And there should be no one inside that outer perimeter who is not law enforcement or is not there in some capacity to assist you—be it tending to someone who possibly needs medical attention, something like that.
- Floyd Wiley:** Mark, before we conclude, I just want to talk about the overall integrity of this crime scene. When we start to talk about evidence, we're talking about establishing that perimeter and evidence preservation in the crime scene. Can we just touch on the integrity of this entire scene when it pertains to this?
- Mark Kraft:** Listen, the crime scene could be fairly large. You may have to have additional officers respond to help block off streets or redirect traffic to make sure that inside that crime scene, it's just the people that are working the crime scene and that's, obviously, very important.
- Again, we're talking about this exchange of evidence—people bringing things in, people taking things out. We don't want that inside that crime scene. And so, different crime scenes are going to be handled a little bit differently, but the important thing here is you use as many people as you need to—to effectively establish a perimeter around that crime scene.
- It's more important now, I think, than it ever has been—because, again, of technology. So, now we have the National Integrated Ballistic Information Network, or NIBIN, where cartridge cases recovered from crime scenes are compared to cartridge cases from other crime scenes. And where in the past we would have never had a reason to compare these two, now we're going to get a lead, a potential match. It's very possible. There's a high probability that these were fired from the same firearm.



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Also, when we recover guns, we're going to test-fire those guns and we'll find out if they've previously been used in other crimes we would have maybe never connected to that firearm. So, when you recover ballistic evidence—whether it's cartridge cases, expended cartridge cases, or firearms—you have no idea where that's going to take you.

The classic example is an officer who responds to a shooting of a stop sign. So he's triaging this in his head, and he's thinking, "Vandalism, misdemeanor discharge of a firearm in a residential area, criminal mischief," but he goes out there and because of this new system that's in place, there's one standard of care for all ballistic evidence. And he collects the evidence very carefully, and he takes the time to go around, knock on some doors, and canvas the neighborhood.

Because of the seemingly insignificant or even benign underlying crime involved, people are willing to talk to him and they say, "Oh, that's that kid, George. And some—there's some other guys down there at the end of the block. They're always causing trouble."

Well, he takes that evidence back, and now he's put that gun in somebody's hand, and it goes into NIBIN. And it does match up to another shell casing, and that's a shell casing that's from a homicide later that same evening. So, now it becomes a very important piece of information.

When you think about evidence that you're collecting now, particularly ballistic evidence—and it could be anything. It could be electronic evidence. It could be all kinds of stuff. You've got to think beyond your own crime scene and say, "Well, the underlying crime in this particular instance seems fairly benign, fairly insignificant." You have no idea what else that's going to connect to and how it could become a critical piece of information in a much more important case or some other investigator's case.

One standard of care—treating all ballistic evidence with that same sort of sense of urgency, if you will.

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**Floyd Wiley:** Right. And that goes along with all other evidence that might be at a crime scene, correct?

**Mark Kraft:** Absolutely. I mean, there's one standard of care because you have no idea where this investigation is going to tell you yet. But, as they said in that homicide process mapping, you want to leave that solid platform from which the investigators can launch their investigation. You want to set that up for them.

There's no chance to come back and do this tomorrow. You have one chance when you start to do this to get it right the first time, to figure out where that evidence is, to secure that crime scene with evidence tape, to create that outer perimeter.

**Floyd Wiley:** I want to thank you, Mark, for taking the time out today to speak with us. I hope that our listeners were able to glean a lot of information. This is extremely important when we come upon our crime scenes.

For more information on this topic and other Public Safety Partnership topics, please join us at [www.nationalpublicsafetypartnership.org](http://www.nationalpublicsafetypartnership.org).