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**LAW ENFORCEMENT
INVESTIGATIONS**

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Law Enforcement Investigations

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Preface

This field manual (FM) is a guide for military police, military police investigators (MPIs), and United States (US) Army Criminal Investigations Command (USACIDC) special agents operating in all levels of tactical and garrison environments. This manual makes no distinction between the various levels of investigation, whether it is done by a uniformed military policeman, an MPI, or a USACIDC special agent. Where appropriate, this manual describes nationally recognized methods of investigation and evidence examination adopted from the Department of Justice (DOJ); Federal Bureau of Investigation (FBI); Bureau of Alcohol, Tobacco, and Firearms (BATF); National Association of Fire Investigators (NAFI); National Institute of Justice; and US Army Criminal Investigation Laboratory (USACIL). In addition to the techniques and procedures described in this manual, Army law enforcement personnel are encouraged to seek guidance on police and investigative matters from other approved official law enforcement sources. Special terms used are explained in the glossary.

The proponent for this publication is HQ, TRADOC. Send comments and recommended changes on *Department of the Army (DA) Form 2028 (Recommended Changes to Publications and Blank Forms)* directly to Commandant, US Army Military Police School (USAMPS), ATTN: ATSJ-DD, 401 MANSCEN Loop, Fort Leonard Wood, Missouri 65473-8926.

Appendix A complies with current Army directives, which state that the metric system will be incorporated into all new publications.

Unless this publication states otherwise, masculine nouns or pronouns do not refer exclusively to men.

PART ONE

Criminal Investigations and Testimonial Evidence

Part One provides information that is critical in understanding the role and responsibilities of the Army law enforcement investigator. *Chapter 1* establishes the foundation for understanding the objectives of criminal investigations and describes the investigator's responsibility to victims and witnesses. *Chapter 2* provides an understanding of trial preparation and describes proper courtroom testimony. *Chapters 3 and 4* describe the many challenges associated with obtaining information from victims and witnesses and interrogating suspects. These chapters offer the reader the most current techniques and procedures for conducting interviews and interrogations (I&I).

Chapter 1

Criminal Investigations

Military criminal investigations are official inquiries into crimes involving the military community. A criminal investigation is the process of searching, collecting, preparing, identifying, and presenting evidence to prove the truth or falsity of an issue of law.

OVERVIEW

1-1. For criminal investigations to be successful, the investigator must understand the general rules of evidence; provisions and restrictions of the *Manual for Courts-Martial, United States, 2000 (MCM 2000)*; and the *Uniform Code of Military Justice (UCMJ)*. Army law enforcement investigators must also be familiar with the capabilities and limitations of the USACIL. As investigators adopt a more scientific approach to criminal investigations and rely more on tangible evidence than on the confessions of suspects or eyewitness accounts, the relationship between the investigator and evidence examiners becomes crucial to the success of the investigation.

1-2. Most criminal investigations begin at the scene of a crime (the actual site or location in which the incident took place). It is important that the first officer on the scene properly protects the evidence. The entire investigation hinges on the initial law enforcement responder being able to properly identify, isolate, and secure the scene. Crime scenes should be secured by establishing a restricted perimeter. The purpose of securing the scene is to restrict access and prevent evidence destruction. There are many factors that

dictate how a crime scene should be protected. However, nationally recognized standards for crime scene protection suggest the following three-layer or tier perimeter:

- An outer perimeter (established as a border larger than the actual scene to keep onlookers and nonessential personnel safe and away from the scene).
- An inner perimeter (allows for a command post and comfort area just outside of the scene).
- The core (actual scene).

OBJECTIVES OF CRIMINAL INVESTIGATIONS

1-3. In reality, the objectives of a criminal investigation are not as simple as just solving cases. Occasionally, a case is unsolvable, yet every lead must be exhausted. Criminal investigation is both an art and a science. In science, the absolute truth is often achieved. Experience has shown that in criminal investigations a less decisive hypothesis may sometimes be all that is possible to achieve.

1-4. Objectives of criminal investigations are as follows:

- Determine if a crime was committed.
- Collect information and evidence legally to identify who was responsible.
- Apprehend the person responsible or report him to the appropriate civilian police agency.
- Recover stolen property.
- Present the best possible case to the prosecutor.
- Provide clear, concise testimony.

ARMY LAW ENFORCEMENT INVESTIGATORS

1-5. Investigators conduct systematic and impartial investigations to uncover the truth. They seek to determine if a crime was committed and to discover evidence of who committed it. Investigators' efforts are focused on finding, protecting, collecting, and preserving evidence discovered at the crime scene or elsewhere. Their professional knowledge and skills include crime scene photography, development of latent fingerprints, and recording crime scene impressions. They are skilled in the techniques and methods used to interview witnesses and interrogate suspects.

1-6. Army law enforcement investigators document their actions and relevant details of an investigation in an investigator's notebook and use various methods of crime scene photography and sketches to capture the facts of a case. They ensure that evidence is accounted for by maintaining a complete chain of custody to allow it to be admissible in court. They must be skilled in providing professional testimony. An investigator's charter is to impartially find, examine, and make available evidence that will clear the innocent and allow prosecution of the guilty. As professional fact finders, investigators maintain unquestionable integrity during a criminal investigation.