

# SADC REGIONAL PROGRAMME FOR RHINO CONSERVATION

*Confidential Document*

## RHINO CRIME SCENE PROCEDURES

*Rod Potter*

*Training course manual on crime scene procedures  
and techniques for investigation and successful prosecution  
in rhinoceros related crimes in SADC rhino range states  
SADC RPRC Task 4.1-2.1*



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## ABOUT the SADC Regional Programme for Rhino Conservation:

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The Programme is funded by the Italian Ministry of Foreign Affairs, Directorate General for Development Cooperation (Project AID 5064).

The Programme is contracted to CESVI and implemented through a regional consortium which comprises:

- The Secretariat of the Southern Africa Development Community (SADC)
- IUCN-ROSA (The World Conservation Union - Regional Office for Southern Africa)
- The IUCN African Rhino Specialist Group
- WWF-SARPO - (World Wide Fund for Nature - Southern Africa Regional Programme Office)
- CESVI (Cooperazione e Sviluppo)

The **Programme goal** is to contribute to maintain viable and well distributed metapopulations of Southern African rhino taxa as flagship species for biodiversity conservation within the SADC region.

The **Programme objective** is to implement a pragmatic regional rhino strategy within the SADC region following the acquisition of sound information on, firstly, the constraints and opportunities for rhino conservation within each range state and secondly, the constraints and opportunities for rhino metapopulation management at the regional level.

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## **PREFACE**

This manual forms part of the Scene of Crime course with its practicals, lectures, examinations, etc. It is not intended as a stand-alone document, but is completed by trainees during the course. The manual is not intended as a substitute for attending the course. Different versions of this manual are tailor-made for different countries, to allow for the differing laws and legal procedures in different countries. The manual is confidential and must not be copied or distributed further.

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September 2002

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## INTRODUCTION

We are continually striving to be more proficient in our law enforcement. The investigation of a crime is a very important part of law enforcement. The better a case is investigated, the greater the chance of a successful prosecution and hefty sentence for arrested offenders. The conviction of offenders and the handing down of heavy sentences by court, is one of the best deterrents against criminal activity. Our professional approach to the investigation of crime, will help us to achieve our law enforcement aim of reducing the incidence of the illegal hunting of rhinoceros. This course is aimed at persons in the field of nature conservation law enforcement. The specific purpose of the course is to improve the skills and knowledge of those persons who are involved with the investigation of the unlawful hunting of rhinoceroses. It is for this reason that the “learner” in this course is referred to as the “investigator”.

This course takes the form of a skills programme consisting of a number of parts called unit standards. The learner will have to demonstrate competency in each of the unit standards in order to be evaluated as “competent” at the end of the course. The form of evaluation is explained at the beginning of each unit standard, in order that the learner will be clear about what is expected from him during the course. Four different types of evaluation will be used during the course. The terms used at the beginning of each unit standard are explained here for the convenience of the learner.

The chosen course format falls in line with the basic requirements of the South African Qualifications Authority as it is the authors intention to register this training course on the National Qualifications Framework in that country. Standard terminology has been used in the introduction of each unit standard for the purposes of consistency and comparability.

Credits are allocated as a guide in each unit standard. These credits indicate the time that an average learner would take to achieve a “competent” assessment in that unit standard. One credit is equivalent to ten notional hours of learning. This type of learning includes both theoretical and practical training.

Purpose statement provides the learner a summary of the contents and an indication for whom the unit standard is applicable.

Learning assumptions describe the minimum standards which must have already been achieved by a person attempting this unit standard.

Specific outcomes list the individual parts of the unit standard against which the learner will be assessed during the course.

Assessment criteria explains the evidence which will be required in order for the learner to be assessed as competent in that unit standard. The learners competency in each specific outcome will be assessed. The learner will demonstrate his competency by using the following methods:

Written tests will be done in the form of questions which will require either a selection of the correct answer from a multiple choice of options, or a written explanatory paragraph. Simulation will be done where a learner will be placed into mock situations similar to real situations and his

competency assessed in these instances. Product sampling will take the form of the completion of tasks which will then be handed in for assessment of the learners competency. All work handed in by the learner for assessment, will be returned to the learner thereafter, to be available to him for future reference. In order that the learner in this skills programme can be assessed as “competent” in each of the specific outcomes for each unit standard, he will have to achieve a standard of 80% in every assessment. Scores of between 60% and 80% will enable the learner to be classed as “almost competent” and one further chance will be provided during the course, for him to improve his mark. Learners with a score of less than 60% will be assessed as “not yet competent” and will require further training in that unit standard. A learner with a mark of 90% or over will be classified as “extremely competent”.

Performance system statements propose the consequence of a person not being assessed as competent in that unit standard.

The term “competency” should be understood to mean an integration of the learners skills(know what to do), knowledge(know why to do it) and the application(ability to do it in the workplace) of his skills and knowledge. Individuals participating in this course will have a variety of skills and knowledge from past experience and cannot be overlooked. To the contrary, past experience in the appropriate field covered by this course will be a great benefit to the learner and he is encouraged to share his experience with the other course participants.

The group of people undergoing this training, will be able to discuss field experiences, long after the end of the course. You will have established a common bond and will be able to draw on the experience of each other in the future. This will help you grow as investigators and create a firm relationship between yourselves, from where you can call on each other for assistance. Each crime scene is unique and your basic approach to the scene should always be the same, but every criminal has his own way of doing business. He will leave something behind for you to link him with the scene when he is later arrested. There are as many different ideas about how to commit a crime as there are criminals! By sharing experiences between yourselves, you will teach each other all the time, in an informal and sometimes amusing way. During this course and afterwards, share relevant experiences with us so that we can all learn from each other. This course will raise your awareness of the correct procedures in the investigation of a crime, through our collective input into this course experience. Your capabilities and thus your performance at work will be improved, as will your self confidence.

Your professional approach to the crime scene will be what counts in the long term. You need the correct “tools” in your bag to do your job:

1. Knowledge
2. Experience
3. Equipment
4. The will to win!

Through this course I will help you work on a greater understanding of these “tools”.

Reference to the male gender has been used throughout the text in this manual, but this in no way is intended to prejudice any of our female colleagues and no bias is intended.

Many examples will be discussed during the course and the back of each page provides the learner with space for notes and examples.

There is no better motivation than success and through this short course, I aim to optimise your rate of successful prosecutions in court. Such successes will lead you to try even harder the next time in order to maintain a high conviction rate and then we are sending the right message to the poachers. Use the available resources and your initiative to the best of your ability and in the end, win through absolute determination. **Never give up!**

Enjoy the course,  
Rod Potter  
Wildlife Investigations Officer  
Ezemvelo KZN Wildlife, South Africa



## **TITLE : WHAT IS A CRIME?**

**Credits : 1**

### **Purpose :**

**A person assessed as competent against this unit standard will be able to determine if a crime has been committed and what that crime may be. This will enable the person to decide on the correct response to that incident and provide the reason for further investigation into an incident judged to be a crime.**

### **Learning assumptions :**

**The learner is familiar with the nature conservation legislation of his area of responsibility and a basic knowledge of the country's legislation regarding the Constitution, laws of evidence and criminal procedure.**

### **Specific outcomes :**

**The learner will demonstrate a knowledge and understanding :**

1. of why there is a need for laws;
2. from where laws originate;
3. of the principle of legality;
4. of the definition of a crime;

The learner will be able to make decisions about an action and to act accordingly :

5. where there has been an attempt to commit a crime;
6. where there is a question relating to the possession of an object;

The learner will be able to adapt his performance in terms of relevant legislation :

7. Considering the requirements of the country's Constitution, law of evidence and criminal procedure.

### **Assessment criteria :**

**This unit standard will be assessed by using a combination of product sampling and written tests**

### **Performance system :**

**Unless this unit standard has been achieved, the learner should not be tasked with the investigation of serious nature conservation crimes.**

### 1. Why have laws?

Laws are a set of rules which define the duties and rights of people within a community:

- 1) they regulate the way people behave;
- 2) provide solutions to conflict situations which have arisen between people and their duties and rights;
- 3) prescribes the correct steps to be taken when enforcing those duties and rights;
- 4) provides for punishment of persons not conducting themselves according to the law.

### 2. How are laws made?

Laws are made by the people for the people, following a formal procedure.

- 1) Customs within a community sometimes prescribe certain behaviour which must be abided by, within that community;
- 2) A court applies the law and in doing so, sets an example. Another court may interpret the same law differently and in doing so, a new law may be created from that court's decision;
- 3) Various authorities have the power to create laws for example, government and provincial legislative bodies. When legal rules are written in a formal way and are approved by Parliament, they become laws.
- 4) Common law is not 'made' by that country's legislature. Common law can be described as a set of customary rules by which a group of people abide. Common law crimes are crimes which are recognised as having been in existence in that society, prior to the writing up of the laws for a country. These include crimes like murder, rape and theft. *An example of where this is relevant to nature conservation, is in the consideration of theft. For a case of theft to occur, the stolen property has first to belong to a person. Where the ownership of wild animals can be proved, these animals could be stolen. The penalty in that country may be higher for theft than for illegal hunting. In South Africa, "game" belongs to "everybody and nobody" and unless it is enclosed legally by a game proof fence, it cannot be said to be owned and therefore cannot be stolen. The positive proof of ownership of an animal by the fitting of a microchip for example, may convince a court that the particular animal was owned by somebody, even if it should escape from the enclosed area.*

### 3. Divisions of law.

Laws can be divided up according to what they govern. For example, there are laws dealing with the way in which evidence is proved in court, the way in which businesses are contracted and the way in which people conduct themselves in the community. It is this last example which leads into the field of criminal law.

Certain types of conduct are against the interests of the community and criminal law regulates the conduct of the people in the community. Criminal law provides for the punishment by the State,

of people who conduct themselves in a manner which is against the interests of the people of that country. In summary, criminal law deals with crime and punishment where crime is the conduct of a person which is prohibited by law and punishment is the penalty inflicted by the State on a person who is convicted of a crime.

#### 4. Principle of legality.

There must first be a law which makes a certain act punishable and provides a penalty for such conduct, before there can be a crime or punishment. This means that criminal law should be very clear about what acts are punishable, in order that people may understand what conduct is legally unacceptable and what the nature of the punishment may be for that conduct. A person cannot be deterred from committing an illegal act if he did not have knowledge that such conduct was a crime and therefore punishable.

#### 5. What is a crime?

A crime can be defined as the unlawful culpable conduct of a person which is subject to a penalty by the State.

The four key words here are:

- 1) unlawful : there must be a law preventing or requiring a certain act (duties and rights legislated);
- 2) culpable : the person must be able to understand that difference between right and wrong and be able to act in accordance with that insight (criminal accountability-juvenility, insanity, intoxication and provocation);
- 3) conduct : the conduct must be an act by a person who was either restricted from or required to do such an act in terms of the law (a voluntary human act-intention, negligence) and
- 4) penalty : there must be a penalty providing for punishment for such conduct (punishment by the State).

#### 6. What about an attempt to commit a crime?

In terms of common law, any person who unlawfully and intentionally attempts to commit a crime is guilty of the crime of criminal attempt and should they be convicted thereof, they are usually liable for the same punishment to which a person convicted of the real crime would be liable.

The conduct of the person is important here. There is a need to establish whether the persons conduct was only in preparation to commit the crime or whether the act was completed, but did not succeed. In simple terms, the crime carries a message of a further crime, which was not

committed. Where the steps followed by a person indicate beyond reasonable doubt that he had decided to carry out his intended crime, then he has begun his attempt to commit the crime.

*An example here is in a case in Umfolozi Game Reserve, two people were convicted for attempting to illegally hunt rhinoceros, without them having fired a shot! They were sentenced to five years imprisonment for the attempt which involved the searching for a rhinoceros to shoot in the game reserve. Their plan was revealed to an official, in an intelligence gathering operation and the group was infiltrated. Having entered the reserve and been allowed to initiate their plan, the group was ambushed and arrested. The court was satisfied after hearing all the evidence, that the accused had attempted to hunt rhinoceros and sentenced them accordingly.*

The crime of conspiracy deserves mention here. This crime is committed by two or more people who unlawfully and intentionally agree to commit, aid or procure the commission of a crime. The application of criminal conspiracy is usually limited to instances where the crime was not actually committed.

7. Considering the nature of “possession” in terms of the law.

Possession is a difficult issue to deal with as it concerns the conduct of a person and the intention and reasonable knowledge of the possession of the article by that person.

Possession can further be described as the unlawful exercising of control over a forbidden article with the intention of exercising such control over that article. A forbidden article can also be in negligent possession by a person exercising control over that article. This implies that a person should be careful about what he takes into his possession. The culpability of the person possessing the article must include a reasonable belief that the person knew that the possession of such prohibited article would be unlawful.

**The above discussion is based on common law principles and specific legislation in each country will deal with important aspects of the investigation.**

8. The Constitution.

The supreme law in a country and against which all other laws are tested.

9. Criminal Procedure.

The law governing the way in which the arrest and trial of a person must take place.

10. Law of Evidence.

The collection of the facts and their presentation before court are governed by this law.

11. Nature Conservation legislation.

The laws relating to the protection and utilisation of, for example, indigenous animals in that country.

**NOTES:**

A number of case studies will be provided to the learner. These will serve as discussion points and evaluation material.

**EVALUATION:**

This will take the form of set questions and multiple choice questions during a class test.

## **TITLE : THE INVESTIGATION OF CRIME**

**Credits : 2**

**Purpose :**

**A person assessed as competent against this unit standard will be able to understand the principles of the investigation of a crime. This will enable the person to understand the task of an investigator and his role in law enforcement.**

**Learning assumptions :**

**The learner is competent with the unit standard : what is a crime?**

**Specific outcomes :**

**The learner will demonstrate a knowledge and understanding :**

1. of the overall objective of an investigator;
2. of what to look for at a crime scene;
3. of the principle of individualisation.

The learner will be able to make decisions about an action and to act accordingly :

4. regarding the relevance of items found at a crime scene.

The learner will be able to adapt his performance in terms of conducting a thorough investigation :

5. by understanding the role of the investigator in assisting the court to come to a proper decision.

**Assessment criteria :**

**This unit standard will be assessed by using a questioning in a written test.**

**Performance system :**

**Unless this unit standard has been achieved, the learner should not be tasked with the investigation of serious nature conservation crimes.**

## 1. The objective of the Investigator.

An Investigator is very seldom present when a crime is committed. Thus he has the job of trying to find out what happened and this usually begins by a visit to the scene of the alleged crime. He needs to establish if a crime has been committed and if so, what the crime could be. In order for him to do this he must systematically search for the truth about an incident. Clues as to what happened can come from two sources : people or objects found at the scene. Clues which are collected by the Investigator in accordance with strict rules, can become evidence. This evidence can be used to present to court, a version of what happened at the scene. Thus the objective of the Investigator is to uncover the truth about a crime. If as a result of his search, the Investigator is able to arrest someone for committing the crime, he will have to present to court the facts discovered by him and how these facts link the arrested person to the commission of the crime. The Investigator needs to ‘individualise’ the arrested person through various processes of identifying him, as the individual who committed the crime. The term ‘individualise’ refers to the positive identification of a person or object, not only as a particular type of person or object, but as being the only possible person or object responsible for a particular incident.

*An example of individualisation involves the comparison of the rifling pattern of a firearm barrel to rifling marks on a recovered bullet head. Through a microscopic examination and comparison, it may be possible to show that the marks on the bullet head could only have been made by the barrel of that firearm. The firearm and bullet head have then been positively connected to each other through the process of individualisation.*

*A further example is to not only identify a spot of blood at the scene as being human blood, but also to compare the sample to the blood of the suspect and confirm that it is his blood and nobody else’s blood.*

## 2. Important principles.

### 5) Was a crime committed?

A visit to the crime scene to interview people and to gather objects found there, coupled with a knowledge of the law, will assist the Investigator in deciding, if and what crime was committed. He will have to analyse the situation and develop theories as to what happened. These theories will be based on the clues he uncovers, married with his experiences of similar situations.

‘Clues’ can be regarded as ‘hints’ or ‘pieces of unconfirmed information’. Clues come in two forms : firstly as an object or a fact which exists, for example, circumstantial evidence, this is an objective clue. Secondly as subjective clues : the version of events as given by an eye witness or the suspect, which exists in the mind of the person and is likely to be influenced for a number of reasons.

*An example of an objective clue could be a bottle found at the scene of crime with the fingerprints of the accused on the bottle. The fact exists that the fingerprints of the accused were found at the scene of crime and the accused will have to explain this to the investigator. This is only a clue that the accused was involved in the crime because an explanation that he earlier walked passed the place and dropped the can there, after he finished drinking the contents, may be believable. It may be strong ‘hint’ that the accused was involved with the crime but the investigator will have to search for more evidence to prove that the accused was in fact connected to the crime.*

*An example of a subjective clue may be a statement from a person who claims to have seen what happened and gives the name of the person responsible for the crime. This is only a ‘hint’ at the identity of the offender. This is because the witness may not be sure that it was the person whom they name, but believe it to be, because the named person is a known criminal in the area or they may have a grudge against that person. The investigator will have to find other evidence to support such a statement in order to verify the information.*

6) Identification of objects.

There is a principle in nature that an object can only be identical with itself. This in itself is difficult to prove absolutely true. Therefore such comparisons must rely on the principle that it is beyond reasonable doubt, that an object did not come from a particular origin. The balance of probabilities are given statistically, after thousands of comparisons have been made by experts in each field of individualisation. An object found on a crime scene and simply identified as such, is not going to assist the Investigator as much as it would, if he was to be able to positively identify the origin of that object. This involves the process of individualisation

7) Were there any witnesses?

This is often the most useful form of evidence but it is also one of the most complicated to record. Two people may see the same thing happen, yet their versions of the incident may vary according to what they remember. If a witness can positively place a suspect on the scene, then the successful individualisation of that suspect, would be a very important piece of evidence. When interviewing witnesses it must be borne in mind that their account may not be accurate due to them wanting to falsely accuse someone, they may want to fabricate parts of the story in order to be ‘extra’ helpful, their memory may not be good, they may not want to be involved in the investigation or they may be suspects themselves and therefore lie about what happened. An accurate recollection of the incident will go a long way to individualise both who committed the crime and what took place at the scene.

8) Identification of the animal.

The identification of a freshly killed rhino is not usually complicated. It is still important to record the species as black or white rhino and preferably the scientific name of the species. This can become vital evidence in court. Identification of decomposed bodies can be done by geographic exclusion if only one species occurs in the greater area but it is best to positively identify the species using the remaining parts of the carcass. The skull shape is a good starting point and it usually remains behind at the scene for a long time. Further detailed studies can be made using DNA from samples of hair, tissue, teeth or blood collected from the carcass. To go further then identifying the species, it is possible to individualise the animal. This could involve using photographs of the same animal showing identifiable features such as ear tears or notches, unusual horn shapes, scars, DNA records or microchip transponder serial numbers. Much of this information could become important evidence if parts of animal, which were removed from the scene, are later recovered.

9) Use of imprints found at the scene.

This basic principle relies on the theory that an object that comes into contact with another, will transfer identifiable marks onto that object. The most common imprint found on the scene will be footprints. Depending on the clarity of the print, it may be able to be linked to a shoe or foot by an expert. The imprint of a rifle butt with distinctive marks, could later be matched to a particular firearm and cut pieces of fencing wire, may be matched to a pair of pliers later recovered from a



suspect. These exhibits will need to be carefully collected from the scene in order that they may be studied at a place and time possibly very distant from the incident. The collection and preservation of any items from the scene needs to be done in a careful and systematic way.

10) **Items abandoned at the scene.**

The Investigator may find items on the scene which can be traced back to their origin and linked with a suspect. This makes almost any item, found at or near the scene or along the route of approach or departure of the perpetrators, of possible importance to the Investigator. Here, the intuition of the Investigator will have to guide him in what to collect but rather collect something which is not used at a later stage, than leave something behind which you later wish that you had collected! Clothing could be identified as coming from a particular person, particularly useful if hair found on it matches the DNA of the suspect; a tin or bottle left behind may have fingerprints on which can be matched to a suspect or a torn piece of material may match a garment found in the possession of a suspect. Care must be taken to consider every item found on the scene as a possible clue as to the identity of the suspect.

11) **So what happened?**

Time spent at the scene will often result in the Investigator being able to reconstruct the scene. This will help him to understand what happened there and may also indicate to him, where to look for further clues. Extra time taken at the scene is never wasted time and especially important when the scene is remote or if it is going to be significantly disturbed in the search for clues. *Time taken at the scene proving to be critically important can be illustrated by the following example. I witnessed a visit to a crime scene by an investigator and listened to his interview with the accused. This led to the formulation of a convincing hypothesis about the events which had resulted from a person having been allegedly shot "by accident". Having made certain observations at the scene, I decided that the version of events as provided by the accused was not convincing. I then spent a two days at the scene, uncovering exhibits which had been missed by the previous investigator. I reconstructed the scene after my inspection was completed and formed a different hypothesis. I confronted the accused with my version and he was so surprised that he immediately admitted that he had lied to the original investigator. He was convicted after the truth was established before court.*

14. **Identification of the suspect.**

Having found as many clues as possible during the investigation of the scene, the chances of individualising a suspect, as the culprit who committed the crime, will be much improved. All of the above principles need to be borne in mind at every scene although each will play a greater or lesser extent in each investigation.

*An interesting case involved the identification of a suspect by using a police sniffer dog in an identity parade. A shoe print was found at the scene of a rhino carcass which had the horns chopped off. The spoor was followed to a cluster of houses and entered one of them. Inside was the pair of shoes which had been worn by the suspect but the occupier of the house was found outside wearing different shoes. He further denied being the owner of the shoes found in his house. He was placed in a line up of a number of persons and a police tracker dog was given the pair of shoes to sniff. The dog was then walked up and down the row of people and he pointed out the same person each time. That person was the same person who occupied the house and his*

*status as a suspect in the case was confirmed.*

15. A desirable outcome of our efforts.

Remember that it is not the task of the Investigator to sentence the suspect, only to present all the facts to Court!

The better job we do in presenting the facts to Court, the easier it is for the Court to reach a logical conclusion in convicting the accused, based on the facts before Court.

After convicting the accused, the sentencing of the accused is still up to the Court, but the stronger the evidence against the accused, the more likely that a heavy sentence will be handed down by the Court - so it is our duty to ourselves, to do the best job of investigating a case as we possibly can!

**NOTES :**

These principals will be discussed at a mock scene of crime.

**EVALUATION :**

This will take place in set questions and multiple choice questions during class tests.

## **TITLE : THE FIRST PERSON ON THE CRIME SCENE**

**Credits : 2**

### **Purpose :**

**A person assessed as competent against this unit standard will be able to take the correct actions upon his discovery of a suspected crime scene. This will enable the person to carry out the correct procedures and actions which are beneficial to the investigation of a crime.**

### **Learning assumptions :**

**The learner is familiar with the operational logistics of the area in which he is working.**

### **Specific outcomes :**

**The learner will demonstrate a knowledge and understanding :**

6. of the correct procedure when locating a possible crime scene;
7. of what initial information to report to his supervisor when finding a crime scene.

The learner will be able to make decisions about an action and to act accordingly :

8. regarding the prioritisation of his actions upon the discovery of a crime scene.

The learner will be able to adapt his performance in terms of the use of correct methods for conservation of the crime scene :

9. by understanding his role in the investigation of a serious crime.

### **Assessment criteria :**

**This unit standard will be assessed by using a combination of simulation and written tests**

### **Performance system :**

**Unless this unit standard has been achieved, the learner should not be tasked with patrolling an area where serious nature conservation crimes could occur.**

1. Who will be there first?

An absolutely impossible question to answer. The discovery of a crime can take place by any person in the field, at any time. This means that all field personnel should be familiar with a few basic rules about what to do in such an eventuality.

The management of each conservation area should have an established protocol to be followed in such cases. This may be : who to contact if a crime is discovered; how to make that contact; when it should be done; what should be reported and why these actions are necessary. The persons on patrol may be able to contact the Investigator directly, if this is not possible, the person who receives the initial report should contact the Investigator as soon as possible.

From the Investigators needs, the following are the guidelines for the necessary actions of the first persons on the scene. This information is the basic minimum which should be provided to all field personnel by management in order to maximise the chances of recovering the most clues from the scene. Supervisors should make use of training opportunities to reinforce this basic knowledge.

## 2. Crime scene guidelines.

- 12) Only two people to approach the scene.
- 13) Approach the scene only close enough to determine the situation.
- 14) Mark your approach route and leave by the same route.
- 15) Do not touch anything that you may find at or near the scene.
- 16) Leave two persons to guard the scene from a distance.
- 17) Contact your supervisor as soon as possible.

The above guidelines will be applicable if the perpetrators of the crime have already left the scene. Information about the carcass can be obtained at a distance from the carcass, by using binoculars. The basic information required at this time is :

- 2) are there perpetrators still at the scene?
- 3) has an animal been killed?
- 4) have the horns been removed?
- 5) how old is the carcass?
- 6) In which direction did the perpetrators leave the scene?

These two sets of guidelines can be printed onto a pocket sized laminated card and carried with each person at all times.

If the scene is recent, the patrol can conduct a 360 degree circle around the crime scene, still maintaining their distance from the scene, in order to establish the approach and departure routes of the perpetrators. In the event of finding fresh tracks, the same procedure is followed as above but the rest of the patrol could begin to follow the trail of the perpetrators. Exhibits found along the way should be treated as with those found at the scene. The approach and departure routes can be considered as an extension of the scene and the follow up route used by the patrol should be marked by them as they proceed.

If the patrol comes upon a crime in progress then it is very important to pause for long enough to make accurate observations about the activities of the individuals at the scene. These observations will be of critical importance should an arrest be made. Every attempt should then be made to arrest the perpetrators in the correct manner. If the perpetrators flee the scene, leave two persons behind to protect the scene while the others pursue the perpetrators. It is possible that not all perpetrators have fled and anyone remaining may pick up items left behind by the others, before leaving the scene himself. Should an exhibit be noticed along the way in the hot pursuit of the perpetrators and this item cannot be guarded or reasonably safely left to be collected later, for example a firearm, then the position must be marked, the firearm made safe and removed by one of the patrol members. This may result in a loss of evidence associated with the firearm, fingerprints for example, but it is better than losing the firearm itself. Items which could be left behind for collection later, could be a shoe or a cap for example.

If injuries have been sustained in a possible fire fight for example, first aid should be given to the injured persons. In the case of serious injury where the person has to be moved from where he was injured, mark the place by drawing around the person with a stick on the ground.

In the event of an arrest being made, remove the person from the scene immediately, leaving the recommended two persons behind to guard the scene. If the person is arrested away from the scene, do not bring him back to the scene. If more than one person is arrested, keep them apart from each other and do not allow communication between them. It is also important that the persons guarding the arrested perpetrators, do not discuss the crime with or near, any of the arrested persons. This is one way in which the perpetrator is kept guessing about what you know. Any interviewing of the arrested person, should be done in such a way that he imparts information to you and not, you to him. The use of open-ended questions, which do not suggest to the person the answer expected by the interviewer, can encourage a person to reveal information. A literate person can be given a pen and paper and asked to write down what they were doing which led to them being found at the place where they were found.

Once the pursuit of the perpetrators is terminated, return to the basic guidelines.

### 3. The next step.

This will depend largely on the type of patrol which the Field Rangers were involved with at the time of discovery of the crime scene. Two scenarios will be discussed:

In the first possibility, the Field Rangers are on an extended foot patrol and carry with them no crime scene equipment or radio, there are too few of them to leave two people behind to guard the scene and they are more than a day away from receiving assistance:

In this instance, cover imprints with a form of protection (a plate can be used) and collect whatever objects are found on the scene (in a manner as close to the prescribed techniques as possible). Make good observation notes if there is a pen and paper available, if not then one person should do the collecting in full view of the others. This will improve the accuracy of the verbal report back when interviewed by the Supervisor. Cover the carcass with branches to keep scavengers away and walk back directly to the nearest point of communications with the supervisor.

The above method has the most drastic impact on the crime scene and is only to be used as an extreme last resort.

In a second possibility, the Field Rangers are on a motorised patrol and have radio communications with their Supervisor. They also have basic crime scene and camping equipment and rations with them. The following actions are then desirable:

Use plastic disc markers on nails to push into the ground to indicate the route followed by the two persons who ventured closer to the scene in order to determine the situation. If the weather appears to threaten the footprints found approaching or leaving the scene, a box can be placed over the imprint (first making sure that the inside of the box is free of any debris). A roll of plastic tape can then be used to place a circle around the crime scene, indicating the area within which no access is allowed prior to the Investigator arriving at the scene. The crime scene is then protected from disturbance by scavengers or people until the Investigator dismisses them of this duty, even if this is the next day.

This method is the most desirable and the ideal towards which the Park management should strive. In reality, a compromise somewhere between the two examples is most likely. Poorly equipped, but well trained Field Rangers can still make a positive difference to the Investigators work. Even the smallest effort in a positive direction, will improve the chances of the perpetrators being arrested and convicted.

Where the Investigator is able to get to the scene while the hot pursuit of suspects is still ongoing, he may be able to relay clues found at the scene to the patrol. This could either assist them in following the suspect or assist them in identifying objects along the way which may have been used at the crime scene.

#### **NOTES:**

Discussion will result in the compilation of a short set of guidelines which will be applicable to your area of responsibility. These can then at a later stage be reduced in size and printed and laminated for every field based staff member to carry with him at all times.

#### **EVALUATION:**

A mock crime scene will be set up and the approach to that scene will be evaluated against the content of the unit standard.

Set questions and multiple choice questions will be put to the learners during class tests.

## **TITLE : OBSERVATION**

**Credits : 1**

**Purpose :**

**A person assessed as competent against this unit standard will be familiar with the uses and techniques of efficient observation. This will enable the person to make accurate observations using the correct techniques at a suspected crime scene.**

**Learning assumptions :**

**The learner is literate in at least his home language.**

**Specific outcomes :**

**The learner will demonstrate a knowledge and understanding :**

10. of the correct questions to ask himself when making an observation;
11. of the use of a pocket notebook to record his observations;
12. of the term “contemporaneous notes”.

The learner will be able to make decisions about an action and to act accordingly :

13. by using the correct techniques of observation.

The learner will be able to adapt his performance in terms of the correct conservation of the crime scene :

14. by understanding his role in the investigation of a serious crime.

**Assessment criteria :**

**This unit standard will be assessed by using a combination of simulation, product sampling and written tests.**

**Performance system :**

**Unless this unit standard has been achieved, the learner should not be tasked with patrolling an area where serious nature conservation crimes could occur.**

1. The uses of observation.

Along with witnesses' accounts of what happened at a scene, the use of observation is the most powerful tool which an Investigator has at his disposal. Solving the crime often depends on the accurate and complete observation skills of the Investigator. It is the Investigator who will have to give the Court a true, accurate and complete picture of the crime scene and what was found there. From his observations, the Investigator can gather clues to point him in the direction of solving the crime. Effective observation does not only rely on looking at everything at the scene, rather it depends on using all five senses of the Investigator and putting all observations into context with each other. The Investigator must continually ask himself the following questions of each object or incident : When? Where? Why? What? Who? How?(The '5W' s' & the 'H'). In order to assist our powers of observation, the making of sketch maps, taking notes and photographs become important support tools. These tools cannot replace the observation skills of the Investigator, they are there to assist the investigator to accurately recall his observations. The investigator combines what he sees at the scene with his knowledge and experience, in order to formulate a hypothesis on what happened at the scene.

When interviewing witnesses about an incident, the Investigator should direct questions to the person in order to explore their complete observations, including the techniques mentioned above. The subjectivity of a persons account of the incident must be borne in mind by the Investigator as different people and Investigators, will be "tuned in" to different senses. *To illustrate this point consider the following example : think of your observations at the time of a motor vehicle accident where you reversed your vehicle into an expensive car, to those of your boss who saw the incident through the window of his office and to those of the owner of the car who was seated in the car at the time!*

A very important tool to the Investigator is a pocket notebook. This should be able to be with him at all times and should form a chronological record of the work done by the Investigator. The book should be a fixed leaf book and written in pen. Only work related entries should be recorded and there must be no blank lines left between text. A written record in this format, will be invaluable as an official reference for the Investigator to refresh his memory in many years time.

Another useful tool is a Dictaphone. The Investigator may wish to record all of his observations on tape at the time, instead of writing everything down. This is a good time saver at a crime scene where a lot of observations are made in a short space of time. Care should be taken to record the information into the pocket book as soon as possible. The tape cassette will have to be retained as evidence of the observations made and work done at the time of the visit to the scene.

The term "contemporaneous notes" must be understood by the Investigator. Such notes are those made at the time of the observation or action or immediately thereafter. This does not include for example, a statement written at a later time. It is very important to make accurate contemporaneous notes as these may later be used to compile a statement of the Investigator. Good notes will improve the evidential quality of the statement which is then more likely to be accepted as a true version of the events, when related to Court. Contemporaneous notes are also regarded highly by a court, having been convinced that the notes in question were indeed made at the time and not recorded later on. This illustrates why it is important for a pocket book to be



written up to date at all times and not written up as a person may write up a diary.

2. What is efficient observation?

Efficient observation takes place when the observer is able to distinguish between the possible and impossible; the natural and unnatural; important and unimportant in order to come to a clear and accurate judgement of what happened at a scene.

3. Techniques of observation.

18) Stop and look.

Before approaching a scene, get an overall picture of what you can see. This is where note taking and photographs should start.

19) Look at the big objects on the scene.

From the same vantage point, look at the big objects on the scene. Use a circular motion or criss-cross over the scene. A sketch map of the scene should start here. The Investigator should begin to build up a feeling of what happened from the relationship between these objects.

20) Notice the smaller objects on the scene.

Now look at the other objects on the scene. Some of these may be obscured from where you stand. Record in your notes, those that you can see and place them on your sketch.

21) Move closer.

Only now is it time to move onto the scene. Move in a straight line to the main object, marking your route as you go. This will prevent your imprints on the scene later becoming confused with what was there before you arrived.

22) Study each object.

Now look at each object on the scene and make notes, photograph and confirm the objects appear on your sketch.

f) How do the objects inter-relate with each other?

Lastly, but most importantly, how does the relationship between the objects help you to form a picture of what happened at the scene. How does this differ from your first impression and if it does differ, remember to note down specifically the reasons for your changes. This will help you formulate your hypothesis about the crime.

The importance of good observation techniques cannot be over emphasised. No Investigator can claim to “know it all” and accurate observation records made at the scene will enable him to discuss his hypothesis with experienced colleagues, long after he has left the scene. His records will refresh his memory years later, serving as an objective record of the facts and initial clues found at the scene.

**NOTES:**

A crime will be enacted in front of you and you will be able to practice your observation skills on the incident.

A picture will be shown to you for a short period of time and you will then have to write a report on your observations.

**EVALUATION:**

Observations made at the mock crime scene will have to be recorded and these will be compared to the content of the unit standard.

Set questions and multiple choice questions will be answered in class tests.

## **TITLE : THE GATHERING OF EXHIBITS**

**Credits : 3**

### **Purpose :**

**A person assessed as competent against this unit standard will be familiar with the identification of exhibits, their collection and preservation for further investigation and court. This will enable the person to ensure that exhibits are not contaminated and their chain of custody is correctly documented.**

### **Learning assumptions :**

**The learner is familiar with the basic requirements of the law of evidence in his country.**

### **Specific outcomes :**

**The learner will demonstrate a knowledge and understanding :**

15. of is an exhibit;
16. of the correct documentation of the chain of custody of exhibits;
17. of the correct method of collection of various exhibits likely to be recovered at a nature conservation crime scene;
18. of the correct marking and packaging of exhibits recovered from a nature conservation crime scene;

The learner will be able to make decisions about an action and to act accordingly :

19. by understanding the evidential value of various types of exhibits.

The learner will be able to adapt his performance in terms of the correct conservation of the crime scene :

20. by understanding how the recovery of various exhibits can assist him in the further investigation of the crime.

### **Assessment criteria :**

**This unit standard will be assessed by using a combination of simulation and written tests.**

### **Performance system :**

**Unless this unit standard has been achieved, the learner should not be tasked with the investigation of a serious nature conservation crime.**

1. What is an exhibit?

An exhibit is a form of evidence being any object that will be able to be placed before Court, which will help prove the commission of a crime or which will link the arrested person with the commission of that crime.

## 2. Handling and collection of exhibits.

### 1) Chain of custody.

The proof of who had what in their possession when, are questions which the Court will need to have clearly explained to it. The custody of exhibits is a very important part of any investigation. In order to help the Investigator, a chain of custody form can be used to maintain a running record of custody, for every object collected from the scene. This form will also be of evidential use as each person can be requested to sign for the respective receipt and release of each exhibit. The Investigator can also conduct a simple cross check to see if his chain of custody statements are all present by ensuring that for every line on the form, there is a corresponding statement.

### 5) Firearms.

As with other exhibits, firearms on found on the crime scene should not be moved except by the Investigator. Care must be take when lifting a firearm, in order not to destroy possible fingerprints on any of the metal surfaces. The firearm may not be in a "safe" condition and therefore the Investigator should make the firearm safe before further handling thereof, using the following techniques.

The opening of the breach and release of the magazine catch must take place with minimal touching of the firearm. The cocking handle of an automatic rifle can be cycled with a foot, while holding the sling or a piece of string around the front of the stock. This string can also act as a makeshift sling, for carrying the firearm from the scene. Do not remove the rounds from the magazine as these may have fingerprints on them. The same applies to a bolt action rifle, where the breach can be left open with the bolt drawn back.

An uncocked revolver or pistol can be handled by a string through the trigger guard. The wheel of a cocked revolver can be opened and the cartridges ejected in order to make the firearm safe for transport. The magazine of a pistol can be removed with the minimum of handling of the firearm. Thereafter a file can be placed in the magazine receptacle inside the pistol grip and held firmly. Then the possible cartridge in the chamber can be ejected by holding the grips of the slide in toilet paper, between the thumb and forefinger of the other hand and drawing the slide back.

Shotguns which can be broken should be done with careful use of toilet paper covered fingers to prevent possible fingerprints on the unlocking lever from damage. A semi automatic shotgun can be treated as an automatic rifle. A pump action shotgun can be held by a string around the front of the stock with the but on the ground, while a second person works the pump in order to clear the firearm without having to touch the release lever in the magazine.

In all cases, the making safe of the firearm should be done carefully and slowly in order to reduce the handling of the firearm to a minimum.

Should it be possible to get a fingerprint expert to the scene, the work of collecting the exhibits is greatly simplified. The objects can be dusted for fingerprints before they are moved at the scene.

6) Unspent cartridges.

These can be picked up by holding the bullet point and the edge of the cartridge case, between the thumb and the forefinger in toilet paper. This will protect possible fingerprints and marks on the cartridge case resulting from possible chambering and ejecting of the cartridge. The cartridge can then be wrapped loosely in toilet paper and packaged.

7) Spent cartridge cases.

These can be lifted by placing a twig or pen in the cartridge case and wrapping and packaging as above. This will protect possible chambering, ejection and firing pin marks from damage.

8) Recovered bullet heads.

These can be washed using plain water and an old toothbrush. Great care must be taken not to scratch the surface of the bullet while washing. The washing of the bullet head is recommended to prevent further damage to the surface of the bullet head by corrosive substances, particularly blood. This will protect the striations on the bullet head, made by the rifling of the barrel, from further damage. The bullet head can then be dried in toilet paper and wrapped and packaged as above.

9) Other large objects.

Most other large objects can be collected "as is" from the scene and marked with a label and string. Blood on these objects should not be washed off as there may be a need, only apparent during further investigation, to identify the origin of the blood. All objects with smooth surfaces should be protected in order that possible fingerprints are not damaged. Water bottles, cans, food containers for example, can be packaged in large plastic bags or envelopes. Clothing should be carefully folded inwards in order to preserve possible hair on the garment from being lost. Each garment can be wrapped separately in paper and secured with string so that hair from one garment cannot come into contact with another garment.

10) Imprints.

The Investigator will most probably come into contact with imprints in the form of fingerprints, tool imprints and footprints. In these cases, the application of forensic science can possibly match the imprint, to the object which made the imprint. In order for this to be done, the following techniques of collecting the evidence from the field are suggested:

Fingerprints which can be found on any smooth surface should be protected from contact with anything else. The slightest touch on top of a fingerprint and it will be gone forever! You cannot recreate that fingerprint and vital, perhaps only evidence, to put your suspect "on the scene" has been lost. Fingerprints can sometimes be located on an item by breathing heavily

onto the surface and allowing the water vapour, which condenses on that surface, to show up a fingerprint. This may help an investigator decide if there are fingerprints on an object before handling that object. Bottles or tins may be picked up by placing a finger inside the mouth of the container and lifting it from the inside. Remember that items like torches have batteries inside and these may have fingerprints on them. The same applies to ammunition in a magazine, in an

open box or in the wheel of a revolver. Always treat an object as if there could be fingerprints on the surface until the fingerprint expert has examined the object.

In cases where fence wire has been cut to gain entry to premises or to make snares, the marks made by the pliers which cut the wire may match a pair of pliers later recovered in further investigation. In these cases the last 10cm of the piece of wire can be cut off of the fence and the end which was cut by the Investigator should immediately be bent back on the wire itself, in order that no confusion can arise out of which end was cut by who! In cases of a cut fence, samples must be collected from both sides of each cut wire. The collected exhibit can be marked with a piece of masking tape and a felt pen with a corresponding number given to the strand of wire on the fence. A snare could be collected in its entirety, and marked as above.

The skull of the rhino should be searched for bullet wounds or bullet heads. During the cleaning process necessary for this to take place, care must be taken not to further damage the bone and skin on the nose of the skull from where the horns have possibly been chopped. This is to facilitate a physical fit comparison to be done between the skull chop or cut marks and those on bone or skin which may be attached to the horns when they are recovered. Such a successful comparison is conclusive proof that the recovered horns originate from the particular animal. Unfortunately there are often too many pieces of the jigsaw missing for this comparison to frequently be conclusive. Pieces of bone found at the crime scene or at the time of the recovery of the horns should be collected as evidence and not overlooked as useless.

Footprints or other imprints on the ground can be collected by spraying hair laquer over the imprint, not directly onto the imprint. A very thin layer of talcum powder can then be blown over the imprint using a small amount of powder in the palm of the hand and blowing across the powder. This must again not be blown directly onto the imprint. The effect of these two steps will be to firm up the surface of the imprint and to cover it with a thin layer of powder which will prevent the plaster of paris, which is applied next, from becoming stuck to the sand and hair spray. Take careful note of what the imprint represents, for example : left shoe, as this must be written onto the almost dry plaster cast after the imprint has been covered with plaster of paris. Using two old vehicle number plates each bent into an 'L' shape spray the inside of the plates with non-stick cooking spray. Then enclose the imprint with the two number plates and steady them on the outside using sand or stones. Mix the plaster of paris according to the directions so that a suitable consistency is achieved for pouring. Pour the mixture onto the back of the mixing spoon in one of the corners of the cast and not directly onto the imprint. When the plaster is about 15mm thick, stop and place a cross hatch of thin wire (about 10 pieces approximately 10cm long) gently over the plaster of paris in order to reinforce the plaster cast. Proceed to pour another 15mm of the mixture into the frame. When the upper surface is dry enough to engrave, use a piece of wire to engrave the necessary detail onto each cast, as required for any other collected exhibit. Allow to dry properly before lifting the cast from the ground. Practice with this procedure is suggested in order to master the technique.

#### 11) Primer residue.

A person who has fired a firearm will have primer residue on his hands face or clothing, depending on what type of firearm was fired. The lifting of this primer residue can show that the person indeed fired a firearm, should he later dispute this. A forensic science laboratory will be able to confirm the presence of primer residue on an item of clothing which is seized as an exhibit from a suspect. In order that primer residue is tested for on the body of a person, the

following technique can be used.

A length of sticky tape can be reversed around the back of a pen and the areas between the thumb and forefinger dabbed in order that primer residue on that part of the hand is collected by it sticking to the tape. Once the area of the hand has been covered, then an empty film canister can be used as follows. Stick the piece of tape across the open film container with the test area facing into the empty film canister. Do not let the test area come into contact with anything which may contaminate or rub off the primer residue from the tape. Replace the lid of the canister and note the necessary details on a label stuck to the outside of the canister. Repeat the test separately for each area tested on each person. The primer residue washes off easily, so there is little chance of recovering this from washed clothes or hands. The primer residue should be collected within two hours of the person having fired the firearm. This test can be done up to 72 hours later, on a deceased person.

#### 12) Paper

Paper recovered from the scene in any form may have fingerprints on it and must therefore be handled with due consideration. Paper can be slipped into an envelope if it is dry. If it is damp then allow it to dry first, before packaging.

#### 13) Hair, tissue and blood samples.

Tissue and blood samples can either be collected in a wet or a dry state. Samples in a wet state can be collected and frozen "as is" or they can be kept very cold in a fridge, or they can be preserved in a liquid preservative such as formalin or in a saturated salt solution. In all cases, samples should be cut with a clean utensil and rubber gloves should be worn. This is to prevent any contamination of the DNA of the sample with any other DNA. Wet hair samples should first be air dried and then wrapped in toilet paper and packaged in an envelope.

Samples to be collected in a dry state may include the following examples : hair pulled out by the roots, wrapped in toilet paper and placed in an envelope, or a piece of already dry meat or blood from a carcass. If possible care should be taken to select a sample from an area where the sample would have dried quickly and not rotted before drying out. A sample can be cut from the ear of the animal, about a centimetre square in size and allowed to dry before packaging in an envelope. Blood in a wet state can be absorbed onto the middle of a piece of toilet paper which has been folded into quarters. This can then be allowed to dry and then be placed into an envelope.

Wet samples of tissue can be placed into clean film canisters or test tubes and frozen as is. A preservative such as formalin can be used to preserve the sample without keeping it cold. In such cases, use at least three times the volume of preservative as compared to sample volume.

Wet blood can be absorbed onto toilet paper and placed as is, into a container and kept cold.

#### 14) Cigarette butts.

A cigarette butt on the scene can offer very good circumstantial evidence from a record of the DNA found in the saliva on the butt. If a suspect is arrested for the crime, a sample of blood, hair or saliva can be taken from the suspect and sent off to a laboratory for comparative analysis. If the DNA matches, the evidence will be strong against him and he will be positively connected to the scene. Cigarette butts should not be picked up with bare fingers as this may contaminate the DNA. Toilet paper, gloves or tweezers can be used, the exhibit wrapped in toilet paper and packaged in an envelope.

### 3. Packaging and marking of exhibits.

Exhibits should not be marked on the object itself. The writing on, scratching or painting on exhibits can reduce their evidential value. It is however, equally important that every exhibit is correctly marked at the time of its collection. It is preferable that only the Investigator touches the exhibits, even though the object may have been pointed out to him by somebody else. The information needed and correct marking and packaging techniques will now be discussed.

#### 23) Necessary information.

Each exhibit is collected and marked separately, from a point on the crime scene where it was observed, numbered, photographed and recorded by the Investigator. The following information must accompany each exhibit individually: the date, time and place where the exhibit was found; the number of the point at which it was located on the crime scene; the name of the person who found it there and a short description of what the object appears to be.

#### 24) Tags.

Cardboard labels can be attached to most large exhibits with a piece of sturdy string. Objects like skulls, firearms, shoes, axes, bags and spears can all be marked in this way. There is no need to package these objects although they should be protected from any damage or tampering with, during transportation by the Investigator.

#### 25) Envelopes.

Small objects that need to “breathe” can be placed inside a paper envelope. Objects like cartridge cases, bullet heads, fabric shreds, hair and dried blood can be marked on the outside of the envelope which serves to package the exhibit at the same time.

#### 26) Plastic bags and glass or plastic bottles.

Usually only suitable for collecting wet exhibits. [In these cases the exhibit will have to be kept cool. This normally poses a problem at wildlife crime scenes unless the Investigator is able to be equipped with a cool box and ice packs.] Objects which are suitable for this type of packaging are wet blood and tissue samples. The information can be written on to the container with a felt tipped permanent marker pen or on a self adhesive label stuck to the outside of the container. Take care to ensure that containers of liquid or properly sealed before placing them in the cool box. If the containers do not fill the cool box, crumpled up paper or a clean cloth can be used to keep the containers upright and from banging together.

#### **NOTES:**

An example of a “chain of custody” form will be provided to the learner for use in future cases. A number of practical examples will be provided to the learner to demonstrate the collection of various exhibits.

#### **EVALUATION:**

At the mock crime scene there will be a number of exhibits which will have to be correctly collected as per the unit standards.

Set questions and multiple choice questions will be put to the learner during class tests.



## CHAIN OF CUSTODY RECORD

DATE, TIME AND PLACE OF SEIZURE:		EVIDENCE/PROPERTY SEIZED BY:		
SOURCE OF EVIDENCE/PROPERTY (PERSON AND/OR LOCATION): <input type="checkbox"/> TAKEN FROM: <input type="checkbox"/> RECEIVED FROM: <input type="checkbox"/> FOUND AT:		CASE TITLE AND REMARKS:		
ITEM NO.	DESCRIPTION OF EVIDENCE/PROPERTY (INCLUDE SEIZURE TAG NUMBERS AND ANY SERIAL NUMBERS):			
ITEM NO.	FROM: (PRINT NAME AND RANK)	RELEASE SIGNATURE:	RELEASE DATE	DELIVERED VIA: <input type="checkbox"/> POST <input type="checkbox"/> IN PERSON <input type="checkbox"/> OTHER:
	TO: (PRINT NAME AND RANK)	RECEIPT SIGNATURE:	RECEIPT DATE	
ITEM NO.	FROM: (PRINT NAME AND RANK)	RELEASE SIGNATURE:	RELEASE DATE	DELIVERED VIA: <input type="checkbox"/> POST <input type="checkbox"/> IN PERSON <input type="checkbox"/> OTHER:
	TO: (PRINT NAME AND RANK)	RECEIPT SIGNATURE:	RECEIPT DATE	

**CHAIN OF CUSTODY RECORD (CONTINUED)**

ITEM NO.	FROM: (PRINT NAME AND RANK)	RELEASE SIGNATURE:	RELEASE DATE	DELIVERED VIA: <input type="checkbox"/> POST <input type="checkbox"/> IN PERSON <input type="checkbox"/> OTHER:
	TO: (PRINT NAME AND RANK)	RECEIPT SIGNATURE:	RECEIPT DATE	
ITEM NO.	FROM: (PRINT NAME AND RANK)	RELEASE SIGNATURE:	RELEASE DATE	DELIVERED VIA: <input type="checkbox"/> POST <input type="checkbox"/> IN PERSON <input type="checkbox"/> OTHER:
	TO: (PRINT NAME AND RANK)	RECEIPT SIGNATURE:	RECEIPT DATE	
ITEM NO.	FROM: (PRINT NAME AND RANK)	RELEASE SIGNATURE:	RELEASE DATE	DELIVERED VIA: <input type="checkbox"/> POST <input type="checkbox"/> IN PERSON <input type="checkbox"/> OTHER:
	TO: (PRINT NAME AND RANK)	RECEIPT SIGNATURE:	RECEIPT DATE	
ITEM NO.	FROM: (PRINT NAME AND RANK)	RELEASE SIGNATURE:	RELEASE DATE	DELIVERED VIA: <input type="checkbox"/> POST <input type="checkbox"/> IN PERSON <input type="checkbox"/> OTHER:
	TO: (PRINT NAME AND RANK)	RECEIPT SIGNATURE:	RECEIPT DATE	
ITEM NO.	FROM: (PRINT NAME AND RANK)	RELEASE SIGNATURE:	RELEASE DATE	DELIVERED VIA: <input type="checkbox"/> POST <input type="checkbox"/> IN PERSON <input type="checkbox"/> OTHER:
	TO: (PRINT NAME AND RANK)	RECEIPT SIGNATURE:	RECEIPT DATE	

## TITLE : THE CRIME SCENE

Credits : 4

### Purpose :

**A person assessed as competent against this unit standard will be familiar with what to do and what not to do in the investigative phase at a nature conservation crime scene. This will enable the person to follow the correct investigative approach to the crime scene.**

### Learning assumptions :

**The learner is literate in English and is familiar with the basic contents of the law of evidence and criminal procedure for his country. The learner must be competent in the unit standards of what is a crime, the investigation of crime, the first person at the crime scene and observation.**

### Specific outcomes :

**The learner will demonstrate a knowledge and understanding :**

21. of the responsibilities of a person in charge of the investigation at a crime scene;
22. of the considerations which he must be aware of when preparing himself to attend to a crime scene;
23. of the necessary actions which must be taken at any crime scene;
24. of the minimum equipment necessary to attend to a serious crime scene.

The learner will be able to make decisions about an action and to act accordingly :

25. he will know who to request assistance from in his investigation at the crime scene;
26. be able to estimate the age of the crime scene;
27. consider which further actions are necessary for the recording of evidence found at the crime scene.

The learner will be able to adapt his performance in terms of available equipment for the necessary actions at the crime scene :

28. given that the inventory of equipment is not the same at different crime locations, be able to list the minimum and optimum equipment for attending to a crime scene.

### Assessment criteria :

**This unit standard will be assessed by using a combination of simulation, product sampling and written tests.**

### Performance system :

**Unless this unit standard has been achieved, the learner should not be tasked with the investigation of a crime scene.**

1. The approach to the scene.

The first decision to be made is that of who should go to the scene. Crime scenes often attract a number of people who want to see what happened. The more people at the scene, the more difficult it is to make sure that the scene is not tampered with before accurate observations can be made. Secondly, a decision must be made as to who is going to deal with the process of investigating the scene. Proper investigation work can only be done with one person controlling all activity at the scene. This person should be the most experienced person available, who has the necessary authority to take charge of the proceedings. This person must be able to delegate tasks to persons there, as to aspects of the investigation which require the assistance of other persons. Any person who does not have a task given to him by the person in charge of the scene, should be kept away from the scene. Ideally, the person taking charge of the scene should be the Investigator. In most cases the scene is at a remote location or the Investigator is a distance away, and the chances of the Investigator being first on the scene are therefore unlikely. The duties of the persons first on the scene are very important, and have been dealt with in a previous module.

Having been identified as the authorised Investigator for the incident, that person should proceed to the scene as soon as possible. This may mean that he only arrives there the following day, but this is usually preferable to arriving in the dark. There is little investigation work that can be done at the scene at night in the bush. The Investigator will have to collect the equipment at his disposal for attending to the scene and notify the relevant persons that he is in receipt of a report of an alleged crime. It is important for him to be informed of the approximate age of the scene at the time of receiving the initial report, as this will indicate to him his preferred course of actions.

At an old scene, where the perpetrators are long gone and the weather and scavengers have had time to do their damage to the scene, the Investigator may decide to attend to the incident at his earliest convenience. In a case where the incident is recent, as in a day or two, then the Investigator should make every effort to proceed to the scene as quickly as possible. In such cases he may inform persons who could start enquiries at other places before he even gets to the scene. This is important as communications may not be good from the scene and he may want to get other people “on the go” as the perpetrators may still be in the vicinity.

Upon receiving a report of a recent incident, the Investigator should contact the following persons : the Police department responsible for the investigation of wildlife crime; a network of local informers through a Handler; a Veterinarian to assist with a post mortem of the animal; the Officer-in-Charge of the area where the incident is reported to have taken place (if he is not the reporting person). In all cases, the OiC may be able to offer assistance in getting to the scene if required by the Investigator and for staff to assist with the work at the scene. The Investigator will need 5 or 6 persons to assist him, although this varies due to local conditions.

Assistance can be sought from the local Police in order that they provide a photographer, a person qualified to recover exhibits, draw plans and tracker dogs (if the trail left by the perpetrators is very fresh). Where such assistance is not available, the Investigator will have to be able to attend to the scene as best as he can.

Some questions which the Investigator may ask himself, by way of preparing himself for the task at hand:

- 15) Have I selected the best route to the scene considering my chosen direction of approach to the scene?
- 16) Do I know in which direction the perpetrators travelled when leaving the scene?
- 17) What do I know about the perpetrators at this time?

- 4) Have I notified everyone that should be informed?
- 5) Have I taken all the equipment along that I may need?
- 6) Do I know what to do at the scene?
- 7) Are my planned actions going to be beneficial or detrimental to the investigation?
- 8) Am I conducting myself in an impartial manner?
- 9) Am I treating this investigation in any different manner to another?
- 10) Have I done everything possible to conduct a thorough investigation thus far?

2. Upon arrival at the scene.

The overall guiding principle for the Investigator is that he must be aware that clues destroyed at the scene can never be replaced and clues overlooked at the time of the first visit, may not be there upon a subsequent visit to the scene. Remember that **the investigation of a crime is a scientific process which requires a professional approach.**

Every crime scene is different and thus the question of “how big is the crime scene?” cannot be easily answered. A distance of 100m radius around the scene may serve as a guideline, but this may be as big as 500m, depending on local conditions. No unauthorised person should be allowed within the distance set by the Investigator, without his authority.

*An incident which illustrates the unknown size of the crime scene occurred as follows: an Investigator hastily proceeded to the scene of a cash in transit robbery. He parked a distance from the scene and walked to the robbed vehicle which had come to a stop in the bush on the side of a country road. A number of shots had been fired at the vehicle and the Investigator search for cartridge cases at the scene, only finding those of the guards who had returned fire. Mystified, he completed his work at the scene and returned to his vehicle. There to his dismay he then noticed that he had parked on top of the cartridge cases and the getaway vehicle tyre tracks, having done a lot of damage to both types of exhibits!*

The area should be cordoned off using plastic tape tied to trees or bushes around the scene. A person should be designated to control anyone who wishes to move onto the scene and two other persons to ensure the safety of the persons working at the scene. The Investigator should find out from the people at the scene the following : who discovered the scene; who has been to the scene and the names of any witnesses. Witnesses are not often found at wildlife crime scenes as the locations are usually in areas which are not frequently by people. If there are witnesses, then they should be asked to wait separately from each other and away from the scene. This will reduce the probability that they discuss the incident with each other and perhaps cloud each others version of events. They will also not be able to observe the procedures at the scene, remember one of the witnesses may be a suspect or a friend of a suspect. A photograph of everyone at the scene should also be taken.

If an arrest has been made at the scene, the arrested person must be removed from the scene as soon as possible, out of sight and hearing of what takes place at the scene. There is no need to educate the criminal about the techniques used to search for evidence to be used against him!

Statements from witnesses can be taken at this point or they may be interviewed and comprehensive notes taken, with the view that they will be visited later to obtain their

statements. They can be given a pen and paper and asked to write down in their own words, everything that they observed. The witnesses can be encouraged to remember the incident in a clearer manner by using their five senses.

The Investigator must then proceed with his observation tasks. Once he has reached the centre of the scene, he can describe the exact location according to geographic features on a map or use a Global Positioning System to record the latitude and longitude of the crime scene location.

The age of the crime scene can usually be reasonably determined by the state of decomposition of the carcass. Factors to consider will be the presence of large scavengers in the area; the weather at that time of the year; the aspect of the slope at the scene; the amount of recent rain; the amount of protection offered by any vegetation above the carcass; the amount of protection afforded by the location to the carcass; the presence of flies or maggots. Staff working in the area will have a good idea of the rate of decomposition of a large carcass in that area. Caution must be exercised before accepting a date of death as the local staff may have reasons for not correctly aging the carcass.

A suggested reference tool for the aging of a rhinoceros carcass in various areas, can be designed as follows. A carcass of a rhinoceros which is discovered with a known date of death, can be photographed each day or two for two weeks and then weekly for another two months. Thereafter, monthly for a period of a year. The photographs should include distance scenes which show disturbance at the scene and plant recovery through time. Close up photographs should include the process of decomposition of the carcass, flies, maggots and beetles found on the carcass at the various visits. The species of animals and plants found at different visits will begin to add detail to the mental image of the decomposing carcass. Certain insects will take different times to find or leave a carcass and this will begin to create a reference which is able to back up allegations of the estimated date of death of a rhinoceros. Caution must be given to the factors other than the passage of time which will affect the rate of change of the carcass. These factors include the prevailing weather, the season, the aspect of the slope, the presence of scavengers, the density of vegetation immediately surrounding the carcass and the cover overhead. This is why a series of photographs is suggested for different locations spread over a wide area. If rhinoceros deaths do not present the necessary opportunity to create this record, other deaths of large animal species can be used, but caution must then be given to the relative size of that animal when compared to a rhinoceros.

Recent tracks at the scene will be able to assist the estimate of the date approximately when the incident occurred. Recent rain will be a good indicator even if no tracks are found, as the rain will wash blood or other body fluids away from the scene to a greater or lesser degrees, depending on the amount of rain and the duration of the rain. Blood sprayed around on the scene near where the horns may have been chopped off, will indicate the removal of the horns before or immediately after death. A lot of blood flowing from the wound will indicate the removal of the horns from a fresh carcass. No signs of blood indicate that the horns may have been removed from an animal which died of natural causes. The horns of a rhinoceros can be knocked off of a carcass a few days after death, which in such cases may leave few clues that the removal of the horns was done by people.

Numbered stakes or plastic beacons can be used to number objects found on the scene. It is useful to refer to the carcass as point 1 and radiate outwards from there. This method is useful

because many later questions often start with ‘how far was the object from the carcass?’. Having recorded as much as possible about the scene using his own powers of observation and perhaps that of an assistant, he must then request that other members join him in the cordoned off area. These people must enter the area using the same route as the Investigator and behave in an orderly fashion. Nobody should smoke at the scene or touch any object on the scene.

Depending on the terrain, a number of assistants can be arranged within arms distance from each other, and be instructed to search the area for clues. They will need to be given direction as to what possible things to look for and a guideline can be to report to the Investigator anything that is not naturally found at the scene. This includes footprints, other imprints, cigarette butts, cartridge cases, personal property left on the scene to name but a few of the items. Imprints should be immediately covered with suitable boxes for protection until they are lifted. Suitable boxes can be constructed to protect imprints on the ground. ‘Spoor boxes’ can be welded metal boxes 40cm x 20cm and 10cm in depth. A handle can be welded to one end to facilitate carrying the box. The box should first be wiped clean of any dirt and then gently placed over an imprint. The box can then be pressed onto the ground to prevent wind or rain from driving through cracks between the box and the ground. Imprints can survive for days if properly protected in this manner, although the sooner the imprints are lifted the better quality is likely. Ants may find their new house rather cosy!

It is a good idea for the Investigator to walk behind the group so that he is readily available as soon as one of the people find something. This reduces the chance that the person will choose to overlook an item as not possibly important. Any item found must not be touched by the helpers, allowing the Investigator to properly observe the object, number, photograph, map and record it. The search can be done in spirals, radiating outwards from the centre of the scene. It is a good idea to have the helpers conduct the search on their hands and knees in thick vegetation. In cases where a clear approach and departure route of the perpetrator can be established, straight line searches can be conducted, with the line of helpers being perpendicular to the line of movement. The size of the area to be searched will depend on the tenacity of the Investigator and the enthusiasm of the helpers.

Once a thorough search has been conducted, the Investigator may decide to clear certain areas of the crime scene of grass and bush using grass slashers and bush knives. This is to conduct a further search for clues which may have been overlooked initially. An option is to burn the area clear of any vegetation but if this is done, then it should be done once all other work has been completed at the scene. In both cases, the cleared area can be swept with a metal detector in order to trace possible cartridge cases.

An inspection of the carcass is the next step. Here a metal detector can play a vital role to assist the visual inspection. The exposed surface of the carcass is inspected for bullet wounds or other unnatural marks. Any marks found, for example the damage to the skull if the horns were removed, must be numbered, photographed and recorded.. If a wound is found, a finger or braising rod can be inserted into the wound to show the path of the object, a bullet for example. Rubber gloves can be worn when working with the carcass and this is especially recommended when the carcass is one to two weeks old! If the probe is successful, a piece of masking tape can be attached to the protruding end of the braising rod, and a number assigned to the wound. Again, this must be photographed and recorded. The skin can then be removed from the exposed part of the carcass and an inspection done on the inside of the skin and on the exposed flesh. This

often shows up a wound or bruising much more clearly than an inspection of the outside of the carcass. If a wound has been found and a possible direction established, the Investigator will have a good indication of where to search for a possible bullet head. This is where the metal detector can play a large role improving both the effectiveness and efficiency of the search. If a bullet head is found, this must not be damaged by cutting or scraping, the location must be numbered, photograph taken and the precise location recorded as well as the time and name of the person who found it.

The inspection of the carcass continues with the carcass being rolled over and the same procedure being followed. Once this is complete, the skull can be removed and cleaned of skin and the rest of the carcass dissected, piece by piece to complete a thorough search for any bullet heads. This process can be done by a Veterinarian if he is available. This is preferable as he is able to later provide expert evidence as to the cause of death of the animal. If there is no Veterinarian available, then the Investigator's accurate observations will be even more important as he will have to inform the court about the possible cause of death of the animal. A bullet found lodged in the brain cavity may require a bow saw to cut into the skull in order to recover the bullet head. Use the braising rod technique before this is done, in order to indicate the possible position of the bullet head, so that the chances of cutting onto the bullet head are reduced. On a decomposed carcass, where the flesh is no longer intact to assist with indicating possible wounds, each bone must be individually inspected for signs of unnatural damage. This process is often hampered by hyenas having chewed on bones and having spread them over a wide area. This should not deter the diligent Investigator! The place of death of the animal is usually indicated by the remains of the stomach contents. These remains can be inspected for a bullet head which may have been in the body before decomposition. This is another instance where a metal detector can be very helpful.

Further equipment which you will need are a few sharp skinning knives, an axe along with a file to sharpen these tools at the scene. A tarpaulin to place the pieces of carcass onto when inspecting them and 25l of water, to wash hands and drink while at work, are also useful aids to the job. A second camera is a good idea as a back up, in order to improve the probability that every step will be recorded on film. The use of a flash is also recommended to reduce dark shadows in the photographs and is essential in overcast conditions. Colour print film is recommended. A digital camera is a useful tool but this should still be backed up with a conventional camera. A video camera can also create a useful record of events. A good digital camera is capable of taking photographs and short video clips. Latest digital cameras are compact, light, easy to use and provide instant viewing of the picture taken. This has the advantage of allowing the photographer to choose to save the picture or to discard it and retake the picture, enabling a guaranteed suitable picture for the record. A time and date stamp appearing in the picture taken by any of these devices, will assist the Investigator later when writing his statement. This time and date record will not be accepted on its own by court, as the date cannot be verified as correct, having been set manually by the photographer. However, corresponding contemporaneous notes will be able to back up such evidence. Always use a conventional camera to back up your records, even if a digital camera or video recorder is used.

### 3. Upon completion of the inspection.



A sketch map according to a rough scale can now be drawn up at the scene. Use the centre of the scene as a fixed point (the stomach contents often marks the ground for a very long time) and the GPS reading to pin point the locality for easy future reference. Pace out distances from the first point to each of the points and then the distances between each respective point. Note in which direction North is to be found and the time at which you draw the plan. A clipboard and a folio sheet of paper will suffice for this task. This will help you draw up a neat plan and key to the plan, at a more convenient location.

Having now recorded all available facts concerning the incident, the Investigator is now in an informed position to report on what crimes have been committed. The elements of each crime can be considered and compared to the evidence that has already been collected. This will immediately highlight some shortcomings and the Investigator will be able to plan for what is still outstanding.

### 3. Forward planning.

All the above work will probably take the best part of a day, so it is advisable to get started very early in the morning, especially if there is travelling time to be added on to the days` activities. Should you not finish the work in a day, plans will have to be made to camp over or withdraw and return the next day. In either event, remember to arrange fresh helpers during the first day who will be able to stand guard at the scene during the night. This is essential to prevent tampering with the scene or scavengers from causing havoc (both with you and the crime scene!).

#### **NOTES:**

A mock crime scene will be prepared for you to attend to.

A list of equipment needed to attend to a crime scene will be compiled during the course.

#### **EVALUATION:**

At the completion of this lecture, the learner will have to compile a checklist of necessary equipment to be used by him at a crime scene. This will be evaluated and returned to the learner for his future reference.

The learners actions at the crime scene will be compared to those set by the unit standard during his visit to the mock crime scene.

Set questions and multiple choice questions will be answered by the learner during class tests.

## TITLE : MAPS AND PHOTOGRAPHS

**Credits : 1**

### **Purpose :**

**A person assessed as competent against this unit standard will be able to correctly photograph, map and compile relevant keys, to photograph albums and maps describing a crime scene. This will enable the person to correctly present to the court an accurate picture of the crime scene.**

### **Learning assumptions :**

**The learner is familiar with the basic requirements of the law of evidence in his country and is reasonably competent in photography.**

### **Specific outcomes :**

**The learner will demonstrate a knowledge and understanding :**

29. of the correct manner in which to photograph crime scenes and exhibits;
30. of the correct method of preparing a sketch map of a crime scene;
31. of the correct method of compiling a key to a photograph album and a sketch map ;

The learner will be able to make decisions about an action and to act accordingly :

32. to prepare exhibits for photographing;
33. Prepare maps of various scales in order to represent a crime scene.

The learner will be able to adapt his performance in terms of the various types of equipment available for the taking of photographs and preparation of maps :

34. by understanding how the basic equipment can be used and what the optimum equipment would be for this task.

### **Assessment criteria :**

**This unit standard will be assessed by using a combination of simulation, product sampling and written tests.**

### **Performance system :**

**Unless this unit standard has been achieved, the learner should not be tasked with the investigation of a serious nature conservation crime.**

This task is usually performed by the Police, but the Investigator may contribute his own work

should he be competent to take suitable photographs and be competent at map reading. The following guidelines should assist the Investigator in preparing evidence, which will help the Court to visualise the incident.

1. Maps.

The drawing of maps drawn to accurate scale is best left to a suitably qualified expert, but the Investigator should be able to prepare a map which reasonably represents the crime scene. The Investigator should have obtained sufficient information required for such a map, at the time of his visit to the crime scene. The rough map and the distances paced off at the crime scene will give an idea of the scale necessary for the map. A scale of 1cm to 1 pace is often suitable. Orientate the map so that North points towards the top of the page when it is held in portrait format and ensure that the longest distance paced out, will fit onto the page according to the selected scale.

Refer to the photographs of the scene in order to correctly place the points at which objects were recovered, onto the map. The distances paced off from the centre of the scene to each point and from point to point, will further assist in the correct placement of the points onto the map. Mark a dot and the number of that point on the map, as it corresponds with the numbers recorded at the crime scene. A few outstanding features can also be drawn onto the map, for example, a path, hill, river or cliff.

The map should be annotated as follows : Sketch map no. 1; draw on the map the direction of North by using an arrow and the letter 'N'; the point number at which the latitude and longitude readings were read, and include these readings on the map; note on the bottom of the map the following : Map not drawn to scale; approximate scale used (for example : 1cm = 1 pace); the date, time and place the map was drawn(at the scene); the name of the person who drew the map and his signature. The underlined text should appear as it is represented above, including the underlining, on the sketch map.

A key must now be compiled for the map in the following way : use the heading Key to sketch map no. 1 ; list the numbers of the points at which the various object were found, with a brief description of what was found at each point; use a heading Distances in paces and list all the distances measured by the Investigator, at the scene.

The fact that the sketch map and key were drawn up by the Investigator, must be mentioned in his statement. The Investigator should also mention in his statement, any relevant experience which he has in the reading and drawing of maps.

A further map which the Investigator can submit, is a copy of a Government map of the area in which the incident occurred. This will assist the Court in identifying the location of the crime scene. A certified photostat copy including the scale of the map can be used. Note on the top of the map the heading : Map no. 2 and the reference number of the map from which the copy was made. Include on the map, a point marked "A" with a reference that point "A" refers to a point corresponding to the latitude and longitude of the point number 1 (if this is the point measured) on sketch map no.1. Note further, the name of the person who established the latitude and

longitude readings and the name of the person compiling the map. Important features of the map can be highlighted, for example, the name and boundary of the property, a river, road or path which will assist in orientating the Court with the crime scene.

The compilation of such a map, must also be mentioned in the statement of the Investigator as described in the previous example.

## 2. Photographs.

Photographs should clearly indicate the desired object or view. The frame should be full of the desired image and not taken so far away as to not clearly show the object and numbered stake or beacon. The choice of the number of photographs taken is up to the Investigator, but each object should be recorded and wide angle views should show the points in relation to each other. The direction of North relative to the orientation the first location photograph, should be noted by the Investigator.

A photograph album can be compiled by the Investigator as follows: the first photograph should show the scene as it was first observed by the Investigator. Thereafter, the photographs can follow the sequence of the discovery of the objects. The final photographs should again be those taken from a distance, to show the numbered stakes or beacons in relation to each other. Only one photograph should be fixed to a page in order that they can be easily referred to and shown individually in Court. The heading : Photograph no. 1 and consecutive numbers thereafter, must be given to the photographs included in the album. There should be no other annotations, referring to objects in the photograph, made on the page. This allows the photograph to be used in Court without any ‘hints’ being present, to suggest what appears in the photograph.

The cover of the photograph album should be headed : Photograph album no. 1 and reflect the date, time and place where the photograph album was compiled, the name and signature of the person who compiled the album.

The key to the photograph album should be headed : Key to photograph album no. 1. This is followed by a list of the photographs in numerical order, with a brief description of what appears in each photograph. The date, time and place of the crime scene visit is then reflected at the end of the key, followed by the name and signature of the person who compiled the key.

The taking of the photographs and a description of what appears in each photograph; the type of 35mm camera and film used; the digital camera and disc used or video camera and tape used; the experience of the Investigator in photography and the compilation of the photograph album, must all be included in the statement of the Investigator.

Aerial photographs can be of great use if the Investigator is able to obtain the assistance of a fixed wing plane or helicopter. The photo can be taken with a person on the ground assisting, by either making a small smoky fire or by setting off a smoke grenade at the scene. This will clearly indicate the crime scene, in the photograph. The distance above the ground will be determined by the flying conditions, but a telephoto lens will be able to bring the scale of the photograph up to a size where people on the ground can be seen. A 400ASA speed film and a 70-200mm zoom lens

has been found to be suitable. A lower flying aircraft would enable a 50mm lens to be used but the lower the aircraft, the faster the ground appears to travel across the viewfinder, thus making the placement of the target area in the photograph more difficult. This photograph can complement both the sketch map and the location map. A clear photograph can easily be enlarged up to an A4 page size, by using a good colour photocopier. This photograph can be included in the photograph album, key and statement of the Investigator.

**NOTES:**

A sketch map and key will be prepared as an example for the learner.

A page from a photograph album and a key to a photograph album will be provided as an example to the learner.

**EVALUATION:**

The learner will prepare a sketch map and key thereto from the mock crime scene. These will be evaluated against the requirements of the unit standard.

Set questions and multiple choice questions will be answered by the learner during class tests.

## **TITLE : EFFECTIVE REPORTING**

**Credits : 2**

### **Purpose :**

**A person assessed as competent against this unit standard will be able to effectively report his observations and actions for an official record thereof and to produce to a court, reports which are acceptable as evidence. This will enable the person to correctly communicate a report of events in a pocket book and statement.**

### **Learning assumptions :**

**The learner is competent in oral and written communication in English.**

### **Specific outcomes :**

**The learner will demonstrate a knowledge and understanding :**

- 35. of the correct manner in which to maintain a pocket book;
- 36. of the correct method of writing a statement.

The learner will be able to make decisions about an action and to act accordingly :

- 37. to accommodate the need for various types of statements required in an investigation;
- 38. to be able to supply a value for rhinoceros and their horns for investigation purposes;
- 39. to accommodate the different religious affiliations of people from whom he may need to acquire a statement.

The learner will be able to adapt his performance to accommodate the instance where he does not have a printed statement form available at the time of having to take down a statement :

- 40. by writing a statement from on a blank piece of paper.

### **Assessment criteria :**

**This unit standard will be assessed by using a combination of product sampling and written tests.**

### **Performance system :**

**Unless this unit standard has been achieved, the learner should not be tasked with the investigation of a serious nature conservation crime.**

Reporting can take the form of both verbal and written communication between people. The essence of reporting is the same in both cases. The message must be : accurate(an honest and

exact record of facts; deductions grounded on these facts and opinions based on knowledge and experience), clear(the purpose of the report must be achieved), concise(a succinct rendition of all the particulars), comprehensive(good language and layout) and complete(answer the 5 “W`s” & the ‘H’). Information must be conveyed in an efficient manner, from one person to another in such a way that the receiver can understand exactly what the reporting person wishes to convey to them. A written report will also serve as an official record of the incident.

For the Investigator, two forms of reporting will be most important, both written, the pocket book and the statement.

### 1. The pocket book.

The type of book required for use as a pocket book is one that firstly, is able to fit into a chest pocket so that it can always be carried by the Investigator. Each pocket book should be given a consecutive number and each page should be numbered. This means that the type of book used, must be a fixed leaf book and pages may not be torn out of it.

Pocket books can be described as a form of a summarised diary wherein the Investigator details his movements and observations in a current manner. For the Investigator, the pocket book serves as a place to record the date, time, place and what he does, written up when he does it. The pocket book is written in the present tense and is the place for the Investigator to record his contemporaneous notes.

The completed pocket books should be retained for many years, to serve as a record of the work done by the Investigator. These records can be very useful as references for administrative or legal queries.. Records in a pocket book will assist in accurate statement writing and in refreshing the Investigators memory for Court. As an official document, the pocket book becomes acceptable in Court and may be referred to, while giving evidence. The pocket book may then have to be viewed by the Court, so it is important that it is always written up correctly.

### 2. Statements.

A statement is a written personal record of facts. Facts are things which actually exist and about which the reporter has personal knowledge. The details describing facts will have been gathered by the reporter using at least one of his five senses. This forms the bulk of the Investigators statement.

Other information in the possession of the reporter, which was not experienced by himself personally, is referred to as hearsay. With few exceptions, hearsay is not acceptable as evidence because the person reporting the alleged fact, does not have personal experience of that incident and the reporter cannot therefore be cross questioned about the facts.

The body of the statement should contain a logical progression through the work done by the Investigator. Remember to include the name of the complainant and his details, the details of the

owner of the rhinoceros, the value of the loss and who if anyone, had the right to kill the animal or remove the horns.

Deductions made by the Investigator should be grounded on facts which he has personally experienced. The knowledge and experience of the Investigator, coupled with the facts at his disposal, may lead him to make logical conclusions.

*An example of a deduction by a Patrol Leader, is that the rhinoceros horns were stolen from the carcass because they were roughly chopped off of the carcass and had been removed from the scene without the knowledge of the persons responsible for patrolling that area. If the horns were simply missing, they could have been taken by hyenas. If the horns had been carefully removed then the Patrol Leader may suspect that they had been removed by another patrol for safekeeping.*

Opinions based only on the knowledge and experience of the Investigator, are not usually accepted by Court and therefore they are not included in the Investigator's statement.

Relevant hearsay evidence and fully explained deductions should be included in the Investigators statement in order to reflect the logical reasoning process followed by the Investigator. Hearsay evidence and deductions should be clearly stated as such, in order to prevent any possible confusion with the facts. A Prosecutor will decide on what evidence to introduce to the Court and what to leave out, but he should be aware of the accurate circumstances around which the Investigator formulated his hypothesis as to what happened.

### 3. Witness statements.

Where an investigator has to take a statement from somebody, the following guidelines will be helpful in conducting a properly planned interview. Remember that the primary purpose of the interview is to gather and verify information in such a way that it can be used as evidence, in the form of a statement to be presented to court.

Proceed chronologically with the chain of events. The investigator must know the elements of the crime under investigation so as to ensure that important questions are not left unasked of the witness. Have earlier statements made by the same person, any photographs or maps of the incident at hand for easy reference. Refer the witness to these photographs for example and mention recognition of the items in the photograph by the witness, in his statement. Attach copies of photographs referred to by the witness, to his statement. Use short sentences and accurately record the witness's response. Use clear unbiased questions when questioning the witness and do not lead him into what to say. Do not rush the witness, make him feel important and encourage him to remember what happened without fabricating his report in order to make you happy! Ask yourself if the witness's version of events is reasonably believable. Formulate an opinion of the witness, as this will be very important for the prosecutor to plan his questions in court.



#### 4. Statement format.

A statement is always written in the past tense and in the first person. The Investigator should stay away from using collective pronouns (for example : they, us, them or we), or ambiguous language as these can lead to confusion in the statement. There should be no open lines in a statement and it should be written in black ink. A statement can take the form of a affidavit if it is made under oath The wording of the administered oath is as follows : ‘I swear to tell the truth, the whole truth and nothing but the truth, so help me God’’. If the deponent objects to the prescribed oath, or is a non-believer, then the statement is called an affirmation and the deponent is admonished to tell the truth therein.

The start of a statement should contain the following personal details about the person making the statement :

Full name; identity number; race; sex; age; language; occupation; work address; work telephone number; home address; home telephone number; states under oath/solemnly declares (include whichever is applicable); in (a language recognised by the Court).

The paragraphs are then numbered with the number in the centre of the page. In the first paragraph the detail should include the date, time, place, activity and names of the persons accompanying the Investigator, at the time of attending to the incident.

The last paragraph of the statement should contain the following wording applicable to the Affidavit/affirmation :

I know and understand the contents of this declaration.

I have no/have objection to taking the prescribed oath.

I consider the prescribed oath to be binding /not binding on my conscience.

I have read this statement and shall now sign it.[or : this statement has been read to me by (name of person who read the statement to the deponent) and I shall now sign it.]

The date, time and place where the declaration was made before a Commissioner of Oaths, followed by the signature of the deponent. The deponent should place his signature on the statement, after the oath has been put to him by the Commissioner of Oaths.

The deponent and Commissioner of Oaths must sign the bottom of each page, as well as initialling any corrections made in the statement. The Commissioner of Oaths will thereafter place his certificate at the end of the statement.

Where a witness statement is obtained from a person speaking a language other than one recognised as a language of the Court, an Interpreter may be employed to interpret the contents of the statement, as it is being made by the deponent. The Interpreter then signs a certificate after the deponent has signed the statement, as follows:

I, (full name of Interpreter), hereby certify that I interpreted the contents of the statement from the (language used by the deponent) language into the (language used in the statement)language,

and visa versa, truly, correctly and to the best of my ability.

The Interpreter then signs under his certificate and provides his full name, address and telephone number. He must also then sign the bottom of each page and initial any corrections.

It is preferable for the Investigator to take down the statements of witnesses as he is familiar with the correct format of a statement. Should a person prefer to make their own statement in their own handwriting, then this is acceptable but may lead to an incomplete statement.

The Investigator should always obtain a certified copy of any statement in his investigation. This serves as a reference in the future and can also be accepted in the investigation, should the original get lost or stolen!

#### 5. Valuation statements.

The Investigator may be requested to provide a statement regarding the value of an unlawfully hunted rhinoceros or the value of recovered rhinoceros horn. The following information can be used as a guideline in these statements.

In cases where an animal has been hunted, the most recent average price received for live animals on a public auction can be quoted as the value of the damages incurred by the loss of the animal. South African prices in Rands are provided as a reference for the Investigator :

White rhino : R238 889 (average price for 19 animals) 2002 Ezemvelo KZN Wildlife auction, (Vleissentraal Bosveld Auctioneers summary of game sold)

Black rhino : R550 000 (average price for 5 animals) 2001 Ezemvelo KZN Wildlife auction, (Ezemvelo KZN Wildlife summary of game sold)

The rationale behind the use of the live game auction prices is that the price reflects a reasonable minimum price which the owner could have expected to receive, if he would have sold the animal.

In cases where either species of rhinoceros horn has been stolen or recovered, the price per kilogram can be estimated from the following guideline :

R 7 530 per kilogram : Swanepoel, G. 1996. The illegal trade in rhino horn as an example of an endangered species. Unpublished paper.

This price for rhino horn was obtained by averaging out the expected price for rhino horn by persons arrested by the South African Police Service over the years 1991 to 1995. This may reflect an over optimistic price for rhino horn on the "black market" as the police may not have wanted to drop their price too low, for fear of chasing away the sellers and not being able to conclude the entrapment deal. However, the principle in conducting such entrapment deals is to try and buy the rhinoceros horn for as low a price as possible from the criminal, in order to show the court that the criminal was determined to sell and not tempted by an inflated price. There is no legal market which can be studied in order to obtain alternative prices. Where at all possible, the price for a live animal should rather be used to reflect the value of the animal lost in order to obtain the rhino horn initially. The live animal price is able to be substantiated and does not

create false expectations by criminals, if published in the media.

The Investigator should also be aware of the various prices quoted for rhinoceros horn. The rhinoceros horn from Asian species, commands a higher price on the black market than does black or white rhinoceros horn. Another common point of deception is the use of prices for which the end user may sell small quantities of his product. Such a price will never be the same cost : weight ratio, as for the purchase price which that person paid for the entire horn. It must also be remembered that as with any commodity, each person in the supply chain makes his own profit on the transaction.

*A few years ago, three persons were each promised only three hundred South African Rand for the procurement of rhinoceros horn. Four white rhino were killed in a single attempt by that group to fulfil that order. They were disturbed in the process of removing the horns and none were removed from the scene. Here the horns could have totalled 20kg and the price was only R900-00. An estimated price of R45-00/kg!*

When a rhinoceros horn is recovered from a person, a photograph of the horn should be taken and its measured details and identifying marks recorded in a statement. The photographing, measuring and weighing should be done in the presence of the person from whom the horn was recovered in order to prevent disputes at a later date. Even better if this is done in the presence of the accused and his legal representative, as the representative can be invited to ask questions at the time of the job being done and if he is satisfied at the time, he will not easily be able to lodge any complaints later in Court. Furthermore, the accused or his legal representative may make a comment at the time of the inspection, which may assist the Investigator in his further investigation.

#### **NOTES:**

A example of a pocket book will be compiled by the learner.

A statement form will be provided to the learner for use in future cases.

A valuation statement will be discussed with the learners.

#### **EVALUATION:**

A statement will be written by the learner on a blank sheet of paper and this will be evaluated against the requirements of the unit standard.

Set questions and multiple choice questions will be answered by the learner during class tests.

# STATEMENT

STATION .....CAS.....

FULL NAMES AND SURNAME.....

.....

IDENTITY NUMBER.....RACE.....

SEX.....AGE.....OCCUPATION.....

RESIDENTIAL ADDRESS.....

.....

.....HOME TEL. NO. ....

WORK ADDRESS .....

.....

.....WORK TEL. NO. ....

STATES UNDER OATH / SOLEMNLY DECLARES\* IN .....

(Language of deponent)

**1.**

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

\_\_\_\_\_





I know and understand the contents of this declaration.

I have / have no\* objections to taking the prescribed oath.

I consider the prescribed oath to be binding / not binding\* on my conscience.

‘S o help me God’.\*

I have read this statement and shall now sign it / this statement has been read to me by \_\_\_\_\_ and I shall now sign it.\*

(Full name)

Date : ..... Time : ..... Place : .....

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Interpreter

\_\_\_\_\_  
Deponent

I certify that the deponent has acknowledged that he/she\* knows and understands the contents of this statement. This statement was sworn to/affirmed\* before me and deponent’s signature/mark/thumbprint\* was placed on it in my presence

at ..... on ..... at .....  
(place) (date) (time)

I read/did not read\* this statement to the deponent before he/she\* signed it.

Statement taken by me.\*

\_\_\_\_\_  
Commissioner of Oaths

Full names and surname in block letters.....

Business address in block letters.....

Rank.....

NOTES.

Print initials and surname under each signature

\* Delete that which is not applicable. All parties to initial and date all deletions.

I, ....., hereby certify that I interpreted the contents  
(Full names)  
of this statement from the ..... language, a language with which I am  
fluent, into the..... language, a language with which I am also fluent,  
and visa versa, truly and correctly to the best of my ability.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Interpreter

Details of Interpreter :

Full names.....

Address.....

Telephone number.....



## **TITLE : WORKING WITH THE POLICE**

**Credits : 1**

### **Purpose :**

**A person assessed as competent against this unit standard will be able to understand the need for the establishment of a mutually beneficial working relationship with the police. The person will be able to improve his level of communication with the police, in such a way as to promote the sharing of skills.**

### **Learning assumptions :**

**The learner is familiar with police procedure and the basic requirements of the law of criminal procedure in his country.**

### **Specific outcomes :**

**The learner will demonstrate a knowledge and understanding :**

41. of the advantages of working closely with the police during an investigation.

The learner will be able to make decisions about an action and to act accordingly :

42. to be able to determine the boundaries of his authority in conducting investigations relating to nature conservation crimes.

The learner will be able to adapt his performance to accommodate the instance where the level of cooperation between himself and the police is not at the desired level :

43. by applying various actions which could improve the relationship.

### **Assessment criteria :**

**This unit standard will be assessed in a written test.**

### **Performance system :**

**Unless this unit standard has been achieved, the learner should not be tasked with the investigation of a serious nature conservation crime.**

1. Perspective.

The investigation of a crime falls within the ambit of the Police Department. The responsibility of investigating nature conservation offences by members of the Nature Conservation Department usually stems from a mandate within the nature conservation legislation of that country. This overlapping of authority may lead to conflict or unhealthy competition between some members of these Departments. This would clearly not be in the interests of curbing nature conservation crime and something which the Investigator should work towards minimising, by creating a mutually beneficial working relationship with the Police.

2. Common goal.

The Investigator needs to inform the Police of his responsibilities and will have to establish credibility with the Police through a knowledge of Policing and Investigation experience. He may wish to address his communication at two levels within the Police. Meetings with senior Police officers can be scheduled to inform them of nature conservation crime and the severity of the more important recent incidents. This will win the support of the management level of the Police. At the ground level, the Investigator will need to have regular communications with the members of the Police, with whom he deals when a nature conservation crime has been committed. Through this contact, the Investigator will be able to identify members of the Police in a variety of Units within the Department, who have a real interest in investigating nature conservation crimes. These are the members who will be of great assistance to the Investigator. The opposite interaction is also very important, the Investigator should make himself valuable to the Police, through assisting them whenever possible by making his nature conservation expertise available to them.

3. A professional understanding.

The Investigator should be familiar with the Police aligned aspects of his work. This will mean that he should have a good idea of investigation administration. This will enable him to relate to the Police in the same 'language' and win support through understanding Police protocol. When the Investigator is familiar with, for example, the forms that are necessary to be completed after an arrest, he will be able to notice if something has been left undone. By ensuring that an arrest has been effected in the correct manner, for example the reading of the persons rights to them, the Investigator will not frustrate the Police Officer to whom the arrested person is handed over. By getting his work right, the Investigator will create a favourable professional impression of himself.

4. Integration of responsibilities.

The investigation of the crime will have to rest with one person. The level of integration of responsibilities between the Investigator and the Police will vary in different areas. Thus it is not possible to make a recommendation that the investigation of a case must proceed along a specific line. It is up to the Investigator to make himself available, to assist with as much of the investigation as the Police will allow him to carry out. In this way the case will receive the best possible attention which the Investigator is able to give to it.

It can be deduced from the type of work necessary at the scene of crime, that this is work which the Police have generic knowledge about. The Police may not have specific knowledge of nature conservation crimes and this is where the expertise of the Investigator is vital. If the Police are prepared to assist with the crime scene, it is those members at ground level with whom the Investigator has established a good working relationship, that will be the members who are willing to assist. Should there be a need for these members to obtain authority to assist at the scene or with further investigation, then it is the relationship which the Investigator has nurtured with the senior officers, which should result in the necessary authority being granted.

5. Everyone wins - except the Poacher!

By working together with the Police, the Investigator can meet new colleagues and achieve more than by working alone. A good working relationship with the Police will reduce stress in the working environment and the end result will be beneficial to nature conservation and detrimental to the criminals.

**NOTES:**

Discussion will be held to demonstrate and motivate this principle.

**EVALUATION:**

Set questions and multiple choice questions will be answered by the learner during class tests.

## WORKING WITH THE PROSECUTOR

**Credits : 1**

**Purpose :**

**A person assessed as competent against this unit standard will be able to offer professional assistance to the prosecutor in his case. The person will understand the need for the establishment of a mutually beneficial working relationship with the prosecutor. The person will be able to improve his level of communication with the prosecutor, in such a way as to promote the sharing of skills.**

**Learning assumptions :**

**The learner is familiar with court procedure and the basic requirements of the law of evidence in his country.**

**Specific outcomes :**

**The learner will demonstrate a knowledge and understanding :**

44. of the advantages of working closely with the prosecutor during an investigation.

The learner will be able to make decisions about an action and to act accordingly :

45. to be able to determine what the needs of the prosecutor are in respect of the preparation of the case for court.

The learner will be able to adapt his performance to accommodate the instance where the level of cooperation between himself and the prosecutor is not at the desired level :

46. by applying various actions which could improve the relationship.

**Assessment criteria :**

**This unit standard will be assessed in a written test.**

**Performance system :**

**Unless this unit standard has been achieved, the learner should not be tasked with the investigation of a serious nature conservation crime.**

1. The end of the investigation.

The cost, care taken and enthusiasm of the Investigator in solving a case, all ends up on the desk of the Prosecutor. The Prosecutor may have a positive, negative or indifferent attitude to your case! Thus it cannot be over emphasised, that the Investigator and the Prosecutor must have a good understanding of one another.

A helpful Prosecutor may be approached for help during the investigation. If the Prosecutor knows that a particular case is likely to end up on his desk and he has an interest in prosecuting the case, he is more likely to offer advice or assistance to the Investigator. The better the quality of evidence that the Prosecutor receives, the more likely that he will be able to successfully prosecute the matter. A Prosecutor who has been involved with an investigation is already familiar with some of the detail of the case and with the enthusiasm of the Investigator rubbing off on him, will have developed an interest in the case.

2. What can the Investigator do?

The building of a working relationship with a Prosecutor, is similar to that required when working with the Police. A difference here is that the Investigator seldom does the work of a Prosecutor, he only helps the Prosecutor to do his work by providing the necessary evidence for the Court.

In order for the Investigator to be most helpful to the Prosecutor, he will have to understand the work of the Prosecutor and the Court. The Investigator can begin by familiarising himself with Court procedures, by sitting in Court and listening to cases when he has an opportunity to do so. He should introduce himself to the Prosecutor and offer to assist with queries that the Prosecutor may have, regarding any nature conservation matters. The Prosecutor may be unfamiliar with nature conservation legislation. In order to help the Prosecutor, the Investigator should always have his copy of the legislation close at hand. The experienced Investigator may even be able to assist the Prosecutor with the formulation of the charges against the accused. Attending Court will help the Investigator become more familiar with the presentation of evidence, the rules attached to gathering evidence and the requirements of a good witness in Court. All of this will help the Investigator when he wishes to discuss one of his own cases with the Prosecutor.

In preparation for a trial, the Investigator can ensure that his witnesses are timely present and that they have refreshed their memories about the contents of their statements. Witnesses who are not familiar with a Courtroom and proceedings, can be brought to Court by the Investigator to listen to other cases. This will ease the nerves of the witness and allow them to concentrate on giving their evidence when the occasion arises. Offer the witnesses encouragement in order to boost their confidence, especially just before giving evidence. Never get into any discussion with the defence council before, during or after a trial. Refer any queries to the Prosecutor as anything you say may be twisted by the defence and put to you in another form during the trial, in order to damage your credibility. Do not undermine the Prosecutors main witness by playing unwittingly

into the hands of the defence.

The Investigator can request the permission of the Prosecutor to sit next to him during the trial. This is very useful for the Prosecutor should he need to quickly confirm something with the Investigator. It is also beneficial to the Investigator as he is able to offer advice on aspects of the incident or prompt an inexperienced Prosecutor with relevant questions, during the trial. In essence, the Investigator should strive to become the “right hand man” of the Prosecutor.

### 3. Liaison with the Prosecuting Authority.

The Investigator should make an effort to gain an opportunity to interact with the senior members of the Prosecuting Authority. This can be achieved by way of an appointment with a person in that Office whom you have had telephonic contact regarding a case, or through a Prosecutor who is willing to introduce you to one of the people in that Office. The object being to inform the Prosecuting Authority of the seriousness of wildlife crimes and the impact that these crimes have on the biological diversity and economics of the Country. Having gained the support of the Prosecuting Authority, the Investigator is more likely to get a receptive ear in the event of a problem with a local Prosecutor.

Another advantage of this liaison is that the Investigator may require authority to proceed with a form of investigation which requires prior sanction by the Prosecuting Authority. Forms of entrapment are an example of investigation methods usually requiring such authority. The extent to which the Investigator may assist the Police with investigations, for example by collecting evidence at the crime scene, should be confirmed at this level. This will prevent an Investigator from conducting work, which the local Prosecutor may later argue, was not within the authority of the Investigator. It is important that the Investigator knows and understands the legal boundaries within which he may work. This will reduce the risk that a case is lost due to an ignorant or over zealous Investigator. Neither of these scenarios will boost the morale of the Investigator or benefit nature conservation.

### 4. Liaison with the Court.

The Investigator must carefully consider protocol when considering liaison with Judicial Officers. The independent and unbiased position of such persons must never be undermined. A Court which deems further knowledge necessary in order to make a proper finding, may request an inspection of the scene of crime. This is not often done and one of these reasons may be the time taken for such inspections to be carried out because wildlife crime scenes are often in remote locations. Where it is possible, an Investigator may even go to the length of requesting assistance from the Police, Air Force or private charter to provide a helicopter to fly the Court to a scene. This is the very best way in which a Court can establish a clear picture of the physical circumstances surrounding a case.

Another way in which an Investigator may achieve a visit by Judicial Officers to a nature conservation area, is to arrange a form of workshop or meeting, to which those persons are invited. This presents an opportunity for the Investigator to either directly or indirectly, inform

these Officers of local nature conservation challenges. Thus the Court will be in a more informed position when considering nature conservation cases in the future.

**NOTES:**

Discussions will be held to illustrate this principle and examples will be given to provide the learner with ideas on how to implement these practices.

**EVALUATION:**

Set questions and multiple choice questions will be answered by the learner during class tests.

## TITLE : ADVANCED INVESTIGATION TECHNIQUES

**Credits : 1**

### **Purpose :**

**A person assessed as competent against this unit standard will be able to apply the latest technological techniques available, in the investigation of nature conservation crimes relating specifically to rhinoceros.**

### **Learning assumptions :**

**The learner is familiar with elementary natural science.**

### **Specific outcomes :**

#### **The learner will demonstrate a knowledge and understanding :**

47. of the use of carbon isotopes to differentiate between a black and white rhinoceros horn;
48. of the identification of a sample of organic matter as possibly of rhinoceros origin;
49. of the potential to analyse rhinoceros horn to determine the likely geographic origin of the horn;
50. of passive transponders in the investigation process.

The learner will be able to make decisions about an action and to act accordingly :

51. to select appropriate samples for analysis in each technique;
52. to be able to determine when to apply which technique in his investigation;
53. to know where to seek assistance with the necessary analysis for each technique;
54. to understand the limitations of each technique.

The learner will be able to adapt his performance to incorporate these new techniques in his investigations :

55. by being aware of the advantages of using these techniques in his investigation.

### **Assessment criteria :**

**This unit standard will be assessed in a written test.**

### **Performance system :**

**Unless this unit standard has been achieved, the learner should not be tasked with the application of these advanced techniques in any investigation.**



1. The use of Carbon isotopes to differentiate between black and white rhinoceros horn.

The black rhinoceros being a browser and the white rhinoceros being a grazer imply a different food selection for these two species. The Carbon isotope found in grass is different to that found in browse and is related to the different forms of photosynthesis found in grass and browse. The animals intake of the different Carbon isotopes is manifest in its body, including the horns.

Studies have shown that the chemical analysis of a rhinoceros horn, will be able to determine the horn as either coming from a white or black rhinoceros. The value of this to the Investigator is that a conclusive test can be done to confirm or refute an argument that the horn is of one or the other species. This can help in cases where a horn, or piece of horn is recovered and the origin thereof, is one of the two species.

In terms of sentencing an accused, it may be necessary to convince the Court that the horn originates from a known species as the sentence may be higher for one of the species.

A piece of the horn, not smaller than 1 cubic centimetre in volume, needs to be cut from the base of the horn. A hacksaw can be used for this and the sample should be packed as with other such exhibits, in a paper envelope, sealed, marked and recorded. It is a good idea for the Investigator to remove two similar samples at the same time, from the same horn. He can store one sample in a safe place as a control sample. This control sample is handled in the same way as the sample to be sent away for analysis.

The sample can then be sent to the University of Cape Town in South Africa for the analysis. A covering letter should be sent to the laboratory, wherein the exact test required should be specified. Note that a CITES import and export permit is required for the sample to be sent out of the Country.

2. The identification of organic matter as that originating from a rhinoceros.

It may be necessary to confirm that a particular recovered object, is in fact of rhinoceros origin. This can be done by recovering DNA from a small sample of the object and comparing this to a stored bank of DNA, of black and white rhinoceroses. A favourable comparison will conclusively prove that the object does in fact, originate from either a black or a white rhinoceros and be able to conclusively differentiate between these two species. This will be very important to the Investigator if there is any doubt about the identification of the species concerned. It is a good idea to confirm the rhinoceros species, as part of the normal investigation tasks as soon as the object is recovered. This may prevent a possible delay in the trial while the result is still pending, if the Investigator decides later on that he needs the test done.

DNA can be recovered from any living rhinoceros tissue including skin, roots of hair, blood, meat, teeth and horn. The sample does not have to be collected directly from a live animal, but should not be allowed to rot before being submitted for analysis.

The amount needed, collection method, packaging, marking and covering letter, does not differ from the above example. The Animal Genetics Laboratory of the Agricultural Research Council

at Irene in South Africa is able to do this analysis.

3. The analysis of rhinoceros horn to determine its geographical origin.

A new test which is in the process of being developed by the IUCN SSC AfRSG, will greatly assist the Investigator by indicating to him the geographical region from where a recovered horn originates. The rationale here, is that soils differ in chemical composition and the rhinoceroses will ingest these different chemicals, by eating the plants which get their nutrients from the soil. The ratio of these chemicals when compared to each other, has been analysed and a fingerprint for each rhinoceros range in Southern and Eastern Africa, is in the process of being determined.

The Investigator must bear in mind that a rhinoceros horn grows from the base upwards. This means that if a rhinoceros has been translocated within a few months prior to the horn being removed, the fingerprint is more likely to reflect the original location and not the new location. For this reason, all samples of horn for this test must be taken from the base of a recovered horn.

The collection process is as described, for the above test.

Samples may be collected at present for analysis but not yet forwarded. Once the project is completed during 2003, the details of cost and venue for analysis will be distributed via the Rhino and Elephant Security Group, Interpol and the SADC Rhino Conservation Programme.

4. The use of microchips.

A microchip is a passive transponder which has an indefinite lifespan. The standardised brand selected by the Rhino Management Group of SADC, for use with rhinoceros, is manufactured by Trovan in the USA. The Rhino and Elephant Group have recently sanctioned the use of either Trovan or Destron manufactured microchips. The size of the Trovan chip is about 1cm long with the circumference of a matchstick. The chip responds to an electric impulse emitted from a suitable reader, by transmitting a serial number back to the reader. The reading distance between the chip and the reader, depends on the quality of reader. The commonly used reader will identify a chip at an insertion depth of 15 centimetres. Each chip has a unique serial number. There are a number of applications for the use of microchips, including the marking of live animals and recovered rhinoceros horns.

A live animal which is sedated for a management purpose, can be easily marked at that opportunity. The norm is to insert a microchip above the shoulder or upper neck on the left side of the animal. A further microchip is inserted at the base of each horn. The horns continue to grow for the life of the animal, resulting in the microchips inserted into the horns growing out after about 5 years. The microchip inserted into the body of the animal will individualise that rhinoceros, until even after the death of the animal. Accurate records must be kept of the serial numbers and locations used, for this system to be of any benefit. Horns taken from a rhinoceros which has been microchipped, and are later recovered, will be conclusively proved to have originated from an individual rhinoceros. This evidence will greatly benefit the Investigator in

his task.

The insertion of microchips into recovered horns has two major benefits. The first is that every horn in the stockpile of the department has an individual number which will remain constant, attached and is permanent. This greatly assists management of the stockpile. The second benefit is that if there is an incident of theft of horns from the stockpile, the horns will be easily individualised if they are recovered.

Trovan products can be obtained through Mr. David Tweddell of David Tweddell and Associates, P. O. Box 2973, Honeydew, 2040, South Africa. Tel no.: +27 12 6500292. Email add. : [‘waterhav@iafrica.com’](mailto:waterhav@iafrica.com). The approximate cost of the ID 100 microchip is R54-00 and the LID 500 reader is R10 500-00.

Destron products can be obtained by contacting the distributor at +27 11 957 3455 in South Africa.

**NOTES:**

Demonstrations on microchipping and the required equipment will be given.

Discussions on the value of these new techniques to the Investigator will be held.

**EVALUATION:**

Set questions and multiple choice questions will be answered by the learner in class tests.

## TITLE : GIVING EVIDENCE

**Credits : 2**

### **Purpose :**

**A person assessed as competent against this unit standard will be able to confidently conduct himself in court. The person will be able to correctly inform the court of his evidence and be prepared for the cross examination thereof.**

### **Learning assumptions :**

**The learner is familiar with the basic requirements of the law of evidence in his country.  
The learner must be competent in the unit standard : what is a crime?**

### **Specific outcomes :**

**The learner will demonstrate a knowledge and understanding :**

- 56. of his correct physical conduct in a court;
- 57. of the correct manner of presenting his evidence to the court;
- 58. of the need to be regarded as a credible witness by the court.

The learner will be able to make decisions about an action and to act accordingly :

- 59. to select appropriate answers to questions put to him during cross questioning;
- 60. to be aware of the implications of using reference notes while presenting evidence.

The learner will be able to adapt his performance in court to accommodate the unexpected :

- 61. by always being completely truthful;
- 62. by presenting his evidence in a logical sequence.

### **Assessment criteria :**

**This unit standard will be assessed in a written test.**

### **Performance system :**

**Unless this unit standard has been achieved, the learner should not be tasked with the patrolling of an area where serious nature conservation crimes may occur.**

1. What the Court needs to know.

The Court needs to have sufficient evidence laid before it, by way of witnesses testimony or exhibits, in order that it may come to a logical conclusion. The Court cannot take any evidence into consideration if that evidence has not been laid before the Court in an acceptable manner. Thus, if there is insufficient evidence before Court, the finding may be not guilty or the accused may be acquitted of the crime. The investigator must remember that he is creating a picture for the court - the prosecutor and magistrate were not at the scene - the investigator was! The desired end point for the Investigator is to achieve a verdict of guilty, and therefore he should be able to present his evidence and that of the witnesses, to Court in such a manner that the Court will "get the whole story".

2. What the Investigator needs to know.

The Investigator must feel confident that he has done a good job with the investigation. If he is confident, he will show the Court that he is convinced in his own mind, that the case has been properly investigated and that the accused before Court, is guilty of the offence for which he has been charged. An Investigator must guard against appearing over confident as this in itself can lead to the Court believing that the Investigator was prematurely optimistic and may have taken short cuts in the investigation.

*Remember to 'put on your professional face and leave your personal face at home' - don't let your emotions overtake you!*

The Investigator should be familiar with the laws of giving evidence so that he does not put his own case at a disadvantage in Court. He must also know all the elements of the offence for which the accused has been charged. This will enable him to cover all of those aspects in his evidence. The Investigator should be conversant with his own evidence and have it mentally arranged in a logical and chronological order. The Prosecutor will introduce the witness to the Court and lead him in his evidence but cannot continue to prompt the witness if he is forgetful. Reference to contemporaneous notes can be made, but these notes may then have to be handed to the Court and to a defence council. The defence council may question the witness further on these notes, having made observations of their own in the notes to which the witness has not referred. If the Investigator requires the use of his notes, he should clear this with the Prosecutor beforehand.

*Should you plan to refer to your pocket book when giving evidence, staple the pages of the pocket book open to the place to where you plan to refer to your notes, before you give evidence. The reason you can give for doing this is so that you were able to quickly find the correct place to which you wanted to refer and this will prevent a defence council "accidentally" dropping your pocket book and opening it at various places. His objective may be to look for something in the book which will discredit your evidence while he apparently searches for the page to which you referred, in your evidence.*

The rules regarding hearsay and opinions must be borne in mind by the Investigator. Never be tempted to give your evidence in a language with which you are not absolutely familiar. This

could lead to the witness becoming confused and not expressing himself accurately, thereby playing into the hand of the defence council.

Experience will show the Investigator some of the methods which a defence council may employ to confuse or trick a witness into becoming unsettled in the witness box. The same question may be asked at a different time or in a different manner in order to elucidate a different answer from the witness. The defence council may ask questions about the smallest detail and if the witness is unable to answer, he may ask the Court to draw in inference that the witness cannot remember clearly and is making up the evidence in Court. A timid witness may be shouted at by the defence council and in this way, be completely unnerved and begin to give poor evidence. Another trick may be to falsely accuse the Investigator of having assaulted the accused. This is done to annoy the witness and distract him from his evidence. Answers to questions about such allegations should be kept as short and to the point and must never argue with anyone during the trial. One of the easiest ways of not being antagonised by an aggressive defence council, is to look at the Presiding Officer and address all of your answers to him. The Investigator must guard against being drawn into such traps and be able to respond correctly this does happen.

A rule for the Investigator is to be at Court at least an hour before the time that the Court is due to sit. This will give you time to check that all your witnesses are present and to discuss any requirements with the Prosecutor.

### 3. How to conduct yourself in the witness box.

The appearance of the Investigator should be neat and smart. If a uniform is worn, make sure that it is worn with pride. This will create a favourable impression before you even start with your evidence. When you are giving your evidence, speak sufficiently slowly and loudly so that you may be clearly understood in the Courtroom. Use short sentences with simple language which will emphasise the facts without exaggeration. Remember that your body language speaks even when you do not, so stand upright, with your hands loosely clasped hand in palm, behind your back. This will show confidence to the Court. Try and refrain from distracting habits or gestures like scratching or clicking fingers as these may detract from the importance of what you are saying.

Do not joke while giving evidence as this shows disrespect for the Court. Give considered answers to questions and if the question is unclear to you, ask that it be repeated or rephrased. When answering questions, only give as much as is needed to provide an answer. Providing more than this could unnecessarily expose other information to the defence, possibly what the defence was looking for to discredit your evidence. Try and answer questions directly and do not respond in an unsure manner. If you have forgotten to say something in your evidence in chief, look for a way of introducing this into the answer to a question which may be put to you during cross questioning This will disguise the fact that you forgot it in the first place and not dent your image of a good witness in Court. If you need to estimate anything, inform the Court that it is an estimate, so that you will not be caught later if your answer was proved to be slightly inaccurate. If you really cannot remember something, say so, and never lie or give a version of what you think was the facts, just because you feel that you should say something! Being honest and reliable will send the right message to the Court and improve your credibility as a witness.

Remember to always tell the truth in Court!

*In a case where two people were arrested for illegally hunting a rhinoceros, they agreed to point out the place where the rifle used, lay buried. In evidence the first witness told the Court that one of the accused had dug up the rifle. The next witness, told the Court that the other accused had dug up the rifle. The third witness got wind of the conflicting versions before Court and decided to lie to the Court to try and smooth out the problem. He claimed that both accused had dug up the rifle. While the Court may have believed that the witnesses were having difficulty recalling the facts, the quality of the rest of their evidence was such that the Court acquitted both accused, on what was a strong case.*

**NOTES:**

Examples from the personal experiences of the learners will be discussed to encourage sharing of information between the learners.

**EVALUATION:**

Set questions and multiple choice questions will be answered by the learner during class tests.

## **TITLE : ARGUMENTS IN AGGRAVATION OF SENTENCE**

**Credits : 1**

### **Purpose :**

**A person assessed as competent against this unit standard will be able to present evidence which the court will consider in sentencing an accused. This person will be able to inform the court about the serious nature conservation consequences of the type of crime.**

### **Learning assumptions :**

**The learner is familiar with the relevant statistics of the crime in question. The learner must have appropriate nature conservation knowledge regarding the species of rhinoceros and the threat posed to the species by the crime.**

### **Specific outcomes :**

**The learner will demonstrate a knowledge and understanding :**

- 63. of the appropriate facts to be put to the court;
- 64. of the advantages of using an expert witness to present evidence in aggravation of sentence.

The learner will be able to make decisions about an action and to act accordingly :

- 65. to select when to publish information about the investigation in the media;

The learner will be able to adapt his performance :

- 66. by being able to incorporate this technique in other nature conservation cases before court.

### **Assessment criteria :**

**This unit standard will be assessed in a written test and by product sampling.**

### **Performance system :**

**Unless this unit standard has been achieved, the learner should not be tasked with the presentation of evidence in aggravation of sentence in court.**



1. The objective.

The Investigator may well feel pleased with himself once he has achieved a verdict of guilty from the Court, but his work should not stop there. The Prosecutor will usually address the Court on mitigating and aggravating circumstances surrounding the accused and the crime. It is important that the Prosecutor is informed about any aspects of this nature, which the Investigator may be aware of. These will then be able to be put to the Court when sentence is considered. The more work put in by the Investigator, the more likely that the Court will hand down a harsh sentence. A Court will hand down what it considers to be a suitable sentence, only being able to take into consideration the facts before Court. An Investigator will have to prepare the Prosecutor for the presentation of an appropriate argument before the end of the trial by providing him with the information that he may need.

The Investigator should confirm the presence of legislation that empowers the forfeiture of items used in the commission of the offence, to the Nature Conservation Department. The Prosecutor can then quote this legislation and request the Court to consider any items of value, firearms or vehicles for example, for forfeiture.

The Investigator should create the image to the Court that he is an unbiased, balanced, professional witness, who is trying to protect a national asset.

2. Appropriate facts.

The record of any previous convictions of the accused should have been requested from the relevant Department at the time of the arrest of the accused. These must be provided to the Prosecutor. A list of similar cases with the Court Case reference numbers of the cases and the sentences, must be compiled and provided to the Prosecutor. These will demonstrate a precedence to the Court, as set by other Courts. Detail regarding the difficulty and cost in locating suspects and linking these people to their wildlife crimes, should be qualified and quantified by the Investigator. The prevalence of the type of crime, the logistical difficulty in preventing the crime, local statistics which could impress the court including the live value of the animal, must be presented to Court. The public interest in both the crime and the species against which the crime was committed, must be shown to the Court. This can be done by providing the Court with copies of newspaper and magazine articles, radio or television coverage reporting on the incident and progress of the investigation. The responsibility of the Nature Conservation Department to the Public in the Country, in protecting the wildlife against unlawful exploitation, must be outlined for the Court. The responsibility that the Country has to conserve a species of international importance should be explained. The biological importance of conserving the species and its past and present status must also be explained. The incidence of environmental education in the area near which the offence was committed, dates and contents of talks and community or school meetings, numbers of people attended can be used to show the Court the effort which has been put into educating the community about nature conservation and the law. Evidence should be presented regarding whether the accused was to use the removed horns for personal use or financial gain.

### 3. Expert witness.

While the Investigator may be able to put together most of the required facts, there will probably be some aspects about which he is not able to present the required facts as personal experience or knowledge. It is here that he should request the assistance of a suitable expert witness. This witness will have to establish credibility with the Court by presenting his Curriculum Vitae, outlining his knowledge and experience in the field in which he claims to be an expert. Once credibility is established, the expert will be able to present facts and opinions to the Court which the Investigator may not. Another advantage of using an “outside” expert witness, is that the Court may believe that the witness does not have a personal interest in the case and is therefore likely to place more weight on his evidence. The only that presented by the Investigator. The expert witness will also be able to enlighten the Court as to the Global perspective regarding the conservation threats to the species. In rhinoceros related cases, the Investigator should consider in every instance, the assistance of an expert witness.

A suggested expert witness, is Dr. Richard Emslie, the Scientific Officer of the IUCN Species Survival Commission`s African Rhino Specialist Group(AfRSG). He has assisted in a number of rhinoceros related cases, both in South Africa and Swaziland. In each of these cases, the Court has been suitably enlightened by his evidence. This enlightenment has been noted in the summary of evidence before Court, in a number of cases prior to sentence being handed down. Contact details are as follows : email address : “ [Remslie@kznwildlife.com](mailto:Remslie@kznwildlife.com) “; Telephone : +27 33 343 4065 (H) and +27 33 845 1472 (W)

### 4. Reporting the result in the media.

A successful conviction and sentence should be spread as widely as possible in the media. The Investigator should ensure that the reporters who may be present are provided with accurate information. Immediately after the conclusion of the case, the Investigator should approach reporters who may not have been present and provide them with a brief report. Time wasted in this endeavour, will reduce the probability that the story will be regarded as newsworthy. The more people that become aware of the result, the better deterrent the result may serve to existing or would be criminals.

#### **NOTES :**

Examples will be discussed by the learners of instances where this technique has been used. In countries where the presentation of such evidence is not accepted by a witness, the details will be prepared for the Prosecutor.

#### **EVALUATION:**

A list of important details will be prepared from a given scenario which will be able to be used as a basis for similar presentations to the Prosecutor or directly to court.

Set questions and multiple choice questions will be answered by the learner in class tests.

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Much of my training has been carried out with the South African Police Service and I have frequently referred to their lecture notes for guidance. Many colleagues in that Department have shared experiences and offered advice to me, in the varied circumstances surrounding wildlife crime scenes. In particular, the Endangered Species Protection Unit and the College for Advanced In-Service and Specialised Training must be acknowledged.