

**[PNP MEMORANDUM CIRCULAR NO. 2013-004,
March 25, 2013]**

CRIME SCENE ATTORNEYS

1. REFERENCES

- a. SOP No. 2012 - 003 dated November 12, 2012 re Procedures in the Investigation of Heinous and Sensational Crimes;
- b. SOP No. ODIDM - 2011-008 dated April 7, 2011 re Conduct of Crime Scene Investigation;
- c. Memorandum from TADIDM dated October 15, 2012 with subject "Redefinition of Election Related Violent Incidents (ERVIs) to Election Related Incidents (ERIs) - approved by C, PNP";
- d. PNP Criminal Investigation Manual (Revised) 2010; and
- e. PNP Operational Procedures (Revised) 2010.

2. PURPOSE

This Memorandum Circular shall institutionalize the inclusion of PNP Legal Service lawyers as Crime Scene Attorneys (CSA) in the Crime Response Team (CRT), in the conduct of actual Crime Scene Investigation (CSI).

3. SITUATION

Data gathered from the Supreme Court Office of the Court Administrator reveal that procedural lapses particularly in the investigation stage largely account for the dismissal of the cases filed by the PNP. Those filed at the prosecution level have the following dismissal rate: CY 2011 - 36%; CY 2010 - 60%; and, CY 2009 - 49%. Statistics also show that even the cases that reach the courts have dishearteningly low conviction rates due also to the same causes.

Reasons for the dismissal of said cases include lack of evidence, violation of constitutional rights of the accused, inadmissibility of evidence, procedural lapses in the chain of custody rule, and some other technical infirmities.

Currently, under SOP No. ODIDM - 2011-008, the only players involved in the conduct of CSI are the First Responders (FR), Investigator-on-Case (IOC)/Duty Investigator and the SOCO Team.

Considering that CSI is the most critical stage of any criminal investigation as it dictates the outcome not only of the investigation but also the success or failure of the case filed given the above observations, it is deemed appropriate that another key player who is knowledgeable in the field of law be added or be present during the conduct of CSI, particularly the Legal Service lawyers of the PNP to be known as the CSA.

4. SCOPE OF APPLICATION

Due to the limitation of the number of PNP Legal Service lawyers, the participation of the CSAs shall be limited only to cases such as those involving sensational crimes, serious Election Related Incidents (ERIs) and specific cases when directed by the Chief, PNP, Regional Directors or Provincial Directors where they are assigned/detailed.

5. OBJECTIVES

a. Short Term

- 1) Inclusion of the CSA in the Crime Scene Response Team in specific cases;
- 2) Well handled investigation, legally compliant investigation report, judicial affidavits and complaints; and
- 3) Procedurally unassailable cases filed in Court.

b. Long Term

- 1) Higher conviction rate;
- 2) Improved crime solution efficiency;
- 3) Improved relationship with the DOJ and the private complainants; and
- 4) Improved public perception on the image of PNP.

6. DEFINITION OF TERMS

- a. **Crime Scene Attorney (CSA)** - a PNP Legal Service lawyer who shall respond to the crime scene to join the FR, IOC and the SOCO Team in conducting the actual CSI.
- b. **Crime Scene Response Team (CRT)** - the team composed of the CSA, FR, IOC and the SOCO Team who conducts the CSI.
- c. **Sensational Crime** - refers to crime directed against elected government officials, officials appointed by the President, judges, prosecutors, IBP lawyers, media practitioners, militant party list members/leftist activists, labor leaders, foreign nationals, and other persons through shooting, bombing, strafing, assault, enforced disappearance and other violent overt acts resulting in their death or incapacitation that attract national/international public and/or media attention/scrutiny.
- d. **Serious Election Related Incident (ERI)** - refers to an incident of: murder/homicide; serious physical injuries; kidnapping/hostage taking; bombing/grenade throwing; snatching of ballot and other election paraphernalia with threats on the life of the victims; grave threats, intimidation and coercion with the use of firearms and/or explosives; destructive arson of structure and/or equipment; or other incidents which are life threatening to victims - which could affect/disrupt the electoral proceedings in the area or create a form of political tension that could eventually upset the electoral process, not only in the site of the incident but also in the surrounding areas. These incidents are those that occur within the electoral period.
- e. **Heinous/Violent Crime** - refers to a crime directed against politicians, elected government officials, government officials appointed by the President, judges, prosecutors, IBP lawyers, media practitioners, militant