

# MITCHELL POLICE DIVISION

## CHAPTER 24

### CRIMINAL INVESTIGATION

**PURPOSE:** The objectives of the police investigation are the successful identification, apprehension and prosecution of criminal offenders. The ultimate success or failure of this effort is closely related to the immediate police action taken at the scene as well as the technical assistance provided by the investigators who are trained in crime scene investigations.

#### **24.1 CRIMINAL INVESTIGATION FUNCTION**

The policy of the Mitchell Police Division is to conduct as complete a criminal investigation as possible while taking into consideration the most effective use of the physical, financial, and manpower resources of the Division.

#### **24.2 24-HOUR INVESTIGATIVE COVERAGE**

- A. The Lieutenant shall apportion his force for a sufficient number of Investigators to be on duty to receive assignments.
- B. The Lieutenant, or his designee, will be responsible for sending personnel to crime scenes during evening hours, weekends and holidays. Those called must be able to respond to the scene of any crime within thirty minutes. The Patrol Supervisor will make the request of the Lieutenant.
- C. During working hours any available Investigator will respond to crime scenes, when available or when called.
- D. Prior to calling for assistance, the on duty Patrol Supervisor shall evaluate the need for an Investigator to respond basing the decision upon the following criteria:
  - 1. Magnitude or sensitivity of the crime or situation
  - 2. Evidence collection, investigative requirements, or other services needed exceed available manpower and/or skills of officers on duty.

- E. The Investigator responding to the scene shall respond as expeditiously as possible. Upon arrival at the scene, the Investigator will immediately notify the on duty Supervisor and become responsible for crime scene investigation and evidence processing, and follow-up investigation beyond the crime scene. If appropriate, the Investigator shall provide for media releases at the scene. This should first be cleared through the Lieutenant, the Chief or a designee.
- F. If at any time conflict arises concerning the manner in which the scene is being handled, the Patrol Supervisor and Investigative Supervisor will work together in resolving the problem. In the event the two are of equal rank and are unable to successfully remedy the problem, and the case is one that will be assigned to the Investigative Section, the Lieutenant will note the others objection but will prevail.

### **24.3 INITIAL INVESTIGATIONS**

- A. After getting all information from the complainant for the case report, contact all likely witnesses and attempt to gain all useful information.
- B. Document those contacted in the case report, including name and address.
- C. During the late night hours, or if you cannot make contact because no one is home, give the information to the oncoming Sergeant or officer in charge.
- D. The oncoming shift will then contact the people in the neighborhood and document it on the case report.

(Exceptions) If calls are becoming backed up and time does not permit the follow-up at the time, the information would be given to the oncoming shift to follow-up.

### **24.4 FOLLOW-UP INVESTIGATION ASSIGNMENT CRITERIA**

- A. The Lieutenant is in charge of investigation of crimes against persons and crimes against property and will assign cases to Investigators and uniformed officers.
- B. The Lieutenant or his designee will be responsible for all case management.
- C. The Lieutenant will be responsible for updating the case management in the Mitchell Police Division computer.

- D. Cases assigned out to uniformed officers should be completed within 30 days of date assigned.
- E. Cases assigned to Investigators should be completed within 90 days of date assigned.
- F. The completion includes briefing the victim as to the conclusion of the investigation and completing all required reports.
- G. If the case cannot be completed in the allotted time the assigned officer will request a continuance from the Lieutenant.

#### **24.5 CASE CLOSING PROCEDURES**

The policy of the Mitchell Police Division is that each "assigned case" should be closed in one of the following ways as explained below:

- A. Unfounded
- B. Cleared by Arrest
- C. Exceptionally Cleared\*
- D. Referred to
- E. Partially Cleared
- F. Open - Not cleared

\* All cleared reports will be by NIBR's definition

#### **24.6 INVESTIGATIVE ACCOUNTABILITY**

- A. An employee assigned to a follow-up investigation is responsible for the completion of the investigation.
- B. An employee assigned to investigate a call for service shall be responsible for the completion of a preliminary or follow-up investigation.

#### **24.7 FILING AN ORIGINAL REPORT**

Nothing in this manual shall preclude an Investigator from filing an original report of an incident that has been brought to his attention.

## **24.8 CRIMINAL INTELLIGENCE**

Intelligence information is to be considered confidential and released only to law enforcement or regulatory agencies. Information that is no longer of use or is inaccurate shall be destroyed.

## **24.9 PRELIMINARY INVESTIGATIONS**

Investigators and Uniformed Patrol Officers assigned to conduct preliminary/criminal investigations shall include the following actions as part of their investigation:

1. Observation of all conditions, events and remarks
2. Locating and identifying witnesses
3. Maintaining and protecting the crime scene and the collection of evidence
4. Interviewing the complainant, witnesses, and suspects
5. Include officers' actions. Identifying what has been done and what still needs to be done.

## **24.10 FOLLOW-UP INVESTIGATION STEPS**

- A. During the preliminary phase of any follow-up investigation, Officers will familiarize themselves with all previously gathered information.
- B. Investigating Officers will conduct additional interviews and interrogations as necessary.
- C. On every case a completed phone call or a personal contact shall be made with the complainant. Investigating Officers will contact all victims, witnesses and the complainant within a reasonable time after assignment. Additionally, the Investigating Officer will contact the victim any time there is a change in the status of the case, including if the case is closed because of prosecution, lack of results, or any other reason.
- D. Investigating Officers may need to search for additional witnesses and re-interview principals involved in the original case. A second contact with a victim, complainant or witness could provide valuable information not originally discovered.

#### **24.11 INVESTIGATION CHECKLISTS**

- A. The policy of the Mitchell Police Division is to provide a system of checklists to aid in the criminal investigation process.
- B. The following is an inventory of checklists available to investigators and patrol officers for ensuring that critical areas of investigation are not overlooked.
  - 1. Mitchell Police Division Case Report
  - 2. Victim questionnaire for sexual assaults
  - 3. Death scene checklist
  - 4. Additional checklists as developed by investigative personnel

#### **24.12 INVESTIGATORS ASSISTANCE**

- A. Investigators should attend Patrol shift briefings to enhance relationships and communication whenever possible.
- B. Whenever a special operation, surveillance, or other covert operation is planned, the Investigator in charge of the operation will be responsible for coordinating a briefing with a Patrol Supervisor prior to the operation if it could have an impact on Patrol. As a minimum, the briefing should include the nature of the operation, general location, and whether patrol units should alter their patrol patterns in the affected area. Communications should also be briefed by the Investigator in charge of the operation.
- C. If the Investigator feels the integrity of the operation would be compromised by the disclosure of detailed information, the Investigator may restrict the recipients of the information. The final authority for release of information rests with the Lieutenant.
- D. When any Officer makes an arrest and the prisoner confesses to an additional crime committed within the City, an Investigator shall prepare a supplemental report for each crime confessed, showing the manner of closing. If the crimes occurred in another jurisdiction, the Investigator shall promptly notify the law enforcement agency.

### **24.13 DRUG INVESTIGATIVE TASK FORCES**

The Drug Investigations shall be performed by the officer assigned to working drug investigations. The Drug Task Force Coordinator will make this assignment. This should not be interpreted that he is the only one to work drug cases. All officers should be active in drug investigations, however they should be coordinated through the drug investigator. The officer assigned will also be responsible for the detection of organized criminal activity, intelligence gathering and vice. Officers must be adaptable to conducting special investigations, working in an undercover capacity and maintaining a working knowledge of the above-described duties as necessary to complete an investigation. Informants are to be documented and certified pursuant to Policies and Procedures regarding informants. The drug investigator will be assigned to the intelligence function. Responsibilities will include identification of intelligence targets, collection and dissemination of information and records maintenance. Intelligence gathering on any person or group not suspected of criminal activity is prohibited.

### **24.14 POLYGRAPH UTILIZATION**

The relative success of any polygraph examination is largely the result of proper casework by the investigating officer.

- A. Polygraph examiners utilized by the Mitchell Police Division shall be specifically trained in the use of the polygraph, and shall have graduated from an institution providing specialized training in polygraph operation.
- B. The Mitchell Police Division will try to utilize polygraph operations from the DCI or other law enforcement agencies before using a private polygraph. The decision will be made by the Lieutenant.

### **24.15 PREPARATION FOR THE POLYGRAPH EXAMINATION**

- A. All investigative documentation shall be forwarded to the examiner as soon as authorization is received to conduct the test.
  - 1. Officers shall ensure that the investigation has been completed prior to the polygraph, at least to the extent that the facts of the case are known and the subject to be tested has been interviewed/interrogated and a statement obtained.
  - 2. Officers shall include any information that may be helpful to the polygraph examiner.

- B. If possible, Officers should refrain from intensive interrogations of the subject immediately prior to the examination. Subjects may be interviewed briefly prior to the examination, but only to determine opportunity, motive or ability to commit the crime.
- C. The investigating officer shall avoid disclosure to the suspect of specific details or facts established during the investigation.
- D. Facts concerning the crime which could only be known to the perpetrator(s) should not be disclosed to the suspect, public or news media as these facts may be of critical importance to the examiner.

#### **24.16 USE OF INFORMANTS**

- A. The Drug Investigator assigned money for undercover purposes will keep a ledger of all money received or expended through operations. All expenditures will be reported to the Task Force Coordinator. The SD Attorney General's Task Force on drugs, receipt for undercover project expenditure form will be used.
- B. All informant files will be maintained and controlled by the Drug Investigator. Release of informant information is prohibited except on court order or with the expressed permission of the Task Force Coordinator. When using informants, it is essential to establish their reliability before using information, whenever possible. The potential for misinforming or compromising investigative efforts always exists and must be guarded against.
- C. Unless no other alternatives present themselves, juveniles will not be used as informants. In the event a juvenile is required as an informant, the procedures pertinent to informants will be strictly adhered to and the parent's permission and cooperation acquired.
- D. All potential informants will need to complete the Mitchell Police Division confidential instruction and information form.

#### **24.18 CONSTITUTIONAL REQUIREMENTS OBSERVED**

While conducting investigations, employees shall diligently protect the constitutional rights of all people with whom they come into contact, specifically, those rights concerning self-incrimination, counsel, search and seizure, and due process.

#### **24.19 INVESTIGATION OF MISSING PERSONS**

- A. Bulletins for missing persons in which there is a suspicion of kidnapping, foul play or other crime should be sent out immediately to Patrol.
- B. If there is reason to believe that a missing person may be found in another jurisdiction, the assigned Investigator/Officer shall notify appropriate agencies of the missing person, address and situation and request an acknowledgement.

#### **24.20 INVESTIGATION OF SERIOUS CRIMES**

- A. The first investigator to arrive at the scene shall assume command of the investigation until relieved by the assigned Investigator or Lieutenant.
  - 1. The Lieutenant will be responsible for obtaining additional assistance as called for by the circumstances. He will be responsible for the overall coordination of the Investigation.
- B. The investigator in charge shall immediately ensure that the scene is secured.
- C. The investigator in charge of the scene of a death investigation shall notify the Coroner. It is that Investigator's responsibility to inform the Coroner of the circumstances of death and the approximate time the body will be available for removal by the Coroner.
- D. If the victim is living at the time the first officer arrives at the scene, all appropriate aid shall be given. Nothing in this procedural outline shall be interpreted to preclude any action necessary to save or prolong the life of the victim. The following procedures shall be observed:
  - 1. Only those personnel who are actually aiding the victim should be in the immediate area, thus avoiding unnecessary contamination of the scene.
  - 2. The victim will not be moved unnecessarily.
  - 3. The crime scene area should be disturbed as little as possible while still taking all appropriate measures to aid the victim. If items must be moved, a report of this will be given to the investigator in charge.
  - 4. Once death has been established the Investigator shall use the Mitchell Police Division death scene checklist.

#### **24.21 DEATH INVESTIGATION/NOTIFICATION OF CORONER**

- A. Investigations and reports of deaths shall initially be classified as a death investigation regardless of the presence of an apparent cause, i.e., homicide, suicide, accident, etc.
- B. In all death investigations, with the exception of traffic accident fatalities, the Lieutenant will be notified of the circumstances, an Investigator shall normally respond.
- C. The Coroner will be notified to respond to all deaths where the body is still at the scene, regardless of the cause of death.
- D. Notification of the Coroner is the responsibility of the on duty Supervisor.
- E. In deaths resulting from traffic accidents, both Coroner notification and the investigation is the responsibility of the assigned accident reconstructionist.

#### **24.22 VEHICLE ACCIDENT IN WHICH A PERSON IS KILLED OR SERIOUSLY INJURED**

- A. The investigation of fatality or serious injury accidents shall be the primary responsibility of the Patrol Officers.
- B. Upon request, Investigators may assist with traffic accident investigations in which a person is killed or seriously injured or when requested by the Patrol Supervisors.

#### **24.23 EXTRADITION CASES**

When a fugitive is arrested in the city on information furnished by authorities from another state where the crime was committed, the preliminary action taken shall be the same as if the prisoner was arrested for a crime committed in Mitchell. The prisoner shall be recorded as being held for the requesting agency and forwarded to the Davison County Jail, which is responsible for the extradition process.

#### **24.24 PRELIMINARY INVESTIGATIONS BY PATROL OFFICERS**

- A. An officer assigned to investigate a call for service shall be responsible for the completion of a preliminary investigation.
- B. An officer assigned to a follow-up investigation is responsible for the

completion of the investigation.

- C. Responsibility of the patrol officers for either a preliminary or follow-up investigation ends when:
  - 1. All investigative leads have been exhausted
  - 2. Another officer is directed to assume control of the investigation
    - a. When a transfer of responsibility takes place, it is incumbent that all officers involved are aware of the transfer of responsibility
    - b. The arrival of an Investigator/Supervisor does not transfer responsibility unless they elect to assume control of the investigation
  - 3. An officer is instructed to terminate an investigation by a supervisor
- D. An Investigator involved in an investigation may request the assistance of patrol officers and deploy them as needed, with the permission of the shift supervisor.

#### **24.25 FIELD INTERVIEW PROCEDURES**

- A. Contacts and field interviews with suspicious persons may be documented by use of the field interview card (FI). A case report number may be used on the card if the contacted interview directly relates to the incident number selected.
- B. Care should be used by Investigators and Officers to guard against misuse of field interviews or the misuse of the field interview card. Officers and Investigators shall have a valid reason for completing a field interview card on a subject or vehicle. The following are examples, but not totally inclusive of when a field interview card may be used.
  - 1. Suspicious persons or vehicles
  - 2. Potential witnesses
- C. An officer often conducts field interviews of people who appear suspicious. Although an officer may contact anyone and ask their name and business in the area, a person may not be seized (stopped) unless the officer has "reasonable suspicion" to believe the suspect is about to commit or has

committed a crime.

**24.26 CRIME FREE MULTI HOUSING PROCEDURES**

- A. All Multi Crime Free Housing members will be posted and available to all officers.
- B. Police responses to Crime Free Multi Housing properties shall be documented by use of the manager information card.