B. Procedure

1. Distribution of reports (written or electronic) generated by Investigation Division:
   a. Continuation, supplemental and original crime reports completed by Investigation Division personnel are submitted to the appropriate supervisors for approval.
   b. If the report is acceptable, the reviewing supervisor approves and submits to the Records Section.
   c. Copies of documents not filed electronically shall be forwarded to the Records Section upon review of the supervisor.

2. Distribution of reports (written or electronic) generated other than in the Investigation Division:
   a. Reports generated outside the Investigation Division are delivered by the Records Section.
   b. Supervisors review and assign the cases to investigators and make case management decisions. At the time of assignment the case is logged electronically.
   c. When a closing disposition is reached on a case, a supplemental report will be completed and forwarded to the supervisor.
   d. Investigators may maintain a hard-copy investigative file for a period of one year. After one year, the case becomes inactive and the investigator is responsible for purging the file. Access to the files shall be controlled by Investigative Supervisors.
   f. Annually the teams files are reviewed by the Sergeant and all cases except those pending court dispositions or are open pending arrest are destroyed.

8008 CASE MANAGEMENT

Because it is not feasible to expend equal time and energy in the investigation of all reported crimes, priority of investigation and allocation of resources shall be based upon the relative seriousness of each reported crime. However, reported crimes shall be investigated to the fullest extent possible without regard to the status of the victims or the areas of the city in which the crimes occur.
B. Procedure

1. It shall be the responsibility of team sergeants to review case reports received for assignment to their team to determine which cases will be assigned for active investigation and which cases will not, based upon his judgment of the solvability of the case.

2. In reviewing the case for a determination as to assignment for active investigation or open pending, the sergeant utilizes the following solvability factors as a guide:
   
a. Was there a witness to the crime?
   
b. Can a suspect be named, located, described, or identified?
   
c. Can the suspect vehicle be identified?
   
d. Is the stolen property traceable?
   
e. Is there a significant MO present?
   
f. Has an evidence technician been called?
   
g. Are the evidence technician's findings of use?
   
h. Is it reasonable to believe that the crime may be solved with a reasonable amount of investigative effort?
   
i. Was there a definite opportunity for anyone except the suspect to commit the crime?

3. Supervisory judgment shall be guided by policy and procedure, the totality of the circumstances, the gravity of the offense, the urgency for action, and experience.

4. When a case is to be assigned for active investigation, the team sergeant shall select a review decision date, which may be from 5 to 30 days, or 90 days for a child abuse case, 120 days for a sexual assault on a child/incest case, or up to 120 days in a case involving fraud investigation, depending on investigative priorities, solvability, and case load.

5. Supervisors or division clerical staff shall log all team cases on the automated case management system.

6. It shall be the responsibility of detectives assigned to the Investigation Division to effect the closure of cases assigned to them either on or before the review decision date indicated. If a detective is unable to close a case within the established time frame, he shall contact the team supervisor prior to the expiration of the review decision date and inform him of the progress of the investigation.
7. To avoid continuation of the investigation beyond the point of diminishing returns, the team supervisor shall then review the information provided by the detective and approves or disapproves continuation of the investigation.

8. To ensure compliance by his subordinates, the team supervisor shall review the case assignments.

9. Upon receipt of a supplemental report indicating a change in the status of an assigned case, the team sergeant or designee shall enter the following information in the case management system:
   a. Date case closed.
   b. Closed with results (UCR disposition or admin.).

8009 CASE STATUS

B. Procedure

1. Case status changes can occur at any time. The original assigned status will never change but the disposition status can change as often as required.

2. When a case status change occurs, the responsible sergeant or designee, upon reviewing the detective’s supplemental report, shall ensure the appropriate change is made in I/LEADS within seven days of occurrence. Supervisors are expected to monitor this through random checks at least quarterly.

   a. Assigned (A)
      (1) Anytime a detective does casework or follow-up on a case.

   b. Cleared by arrest (CBA)
      (1) For purposes of the Investigation Division case closure rate, cases may be cleared by arrest when at least one person is arrested, charged with commission of the offense, and turned over to the court for prosecution. When a case is received from the Patrol Division in which an arrest has been made and a detective is responsible for preparing a case filing for presentation to the District Attorney’s Office, the case will be given an assigned case status. Once the filing is completed and accepted by the District Attorney's Office, the case status shall be changed to cleared by arrest unless additional follow-up is still required.
c. Exceptionally cleared (EXC)

(1) Cases may be exceptionally cleared by an Investigator when all of the following circumstances exist:

(a) The investigation clearly and definitely establishes the identity of at least one offender.

(b) Sufficient probable cause has been developed to support the arrest, charging and prosecution of the offender.

(c) The exact location of the offender is known so that an arrest could be made.

(2) There is a reason outside the control of law enforcement that prevents an arrest. Reasons outside police control may include, but are not limited to:

(a) Death of the offender

(b) Prosecution declined

(c) Extradition denied

(d) Victim refused to cooperate with either the investigation or subsequent prosecution of the offender.

(3) Section commanders shall approve all such closures.

d. In interest of justice (IIJ)

(1) Cases where it is determined that the formal filing of charges is not in the best interest of justice. This may include offenses where the cost of prosecution outweighs the loss, cases referred to outside agencies when prosecution is not appropriate, etc.

e. Juvenile, no charges (JNC)

(1) The handling of a juvenile offender either orally or with written notice to the parents. In such cases, this disposition replaces the filing of charges.
f. Administratively Closed (ADM)

(1) A case may be closed administratively when all of the following requirements are met:

   (a) The investigation definitely establishes the identity of the offender.

   (b) Sufficient probable cause to support an arrest, charge, and filing for prosecution exists.

   (c) Some reason outside police control prevents arrest and prosecution of the offender.

(2) Cases with warrants or felony summonses issued may be administratively closed.

(3) Cases administratively closed that later can be closed using the criteria of any other case status defined in this policy shall require the detective to submit a supplement report indicating such closure.

(4) Detectives occasionally complete follow-up investigation when property which was stolen in another jurisdiction is recovered, e.g. vehicles, guns, computers, etc. When no suspect is in possession of the property at the time of recovery, the case may be “administratively closed – assist other agency” after all follow-up investigation is completed. In cases with an identified suspect, other case status options may apply, i.e. cleared by arrest, exceptionally cleared, etc.

(5) Death investigations and missing person cases in which no crime has occurred may be administratively closed.

(6) Section commanders shall review administratively closed cases.

g. Unfounded cases (UNF)

(1) Cases may be unfounded if an investigator determines that no offense occurred or was attempted. This includes allegations that are found to be false or baseless and allegations that are civil in nature, not criminal.
Open Pending Leads (OPL)

(1) Cases with investigative leads may be open pending after the investigator has exhausted all leads and further information would be required before proceeding any further.

(2) Other examples of when a case may be classified open pending leads include:

(a) Theft cases that lack viable investigative leads necessary to locate or identify a suspect.

(b) Cases assigned to the Juvenile Crime Unit when no crime against a person has occurred and when no leads exist.

(c) Cases assigned to the Crimes Against Persons Team where no leads exist. This generally will apply to petty offense and misdemeanor cases. However, the supervisor has the discretion to apply this case status to certain felony cases when extenuating circumstances exist.

(d) Burglary cases, generally when the offense is not classified as first degree burglary and no leads exist. However, the supervisor has the discretion to apply this case status to certain first degree burglary cases when extenuating circumstances exist.

(e) If after 90 days the investigator has not been contacted by the victim or reporting party.

(f) A sergeant or designee may assign an open pending leads case status even though leads may exist, providing the totality of the circumstances, the gravity of the offense, and the investigative effort necessary to close the case is counter productive to the end result.

Case reduction closure (CRC)

(1) A sergeant may close a case as CRC if the totality of the circumstances, the gravity of the offense, and the investigative effort necessary to close the case is counter productive to the end result.
(2) This classification considers resource allocation and the Section Commander shall randomly review such closures.

(j) View (VEW)

(1) This is an internal division designator assigned to various non-criminal reports received by the Investigation Division requiring no follow-up, but the content of which may be of possible interest to investigators.

8011 DISTRICT ATTORNEY'S CASE FILINGS

B. Procedure

1. When cases are filed by investigators on felonies and misdemeanors through the Jefferson County District Attorney's Office, the following information and documents must be present.

a. Information, which must be contained in the intake filing package:

(1) The offense location/venue.

(2) Any witness statement.

(3) Identification of the victim and the victim's address.

(4) A listing of any physical evidence.

(5) A witness list, including technical experts.

(6) The property taken in the offense.

(7) A list of additional information to follow the initial filing.

(8) A criminal history of the defendant.

b. Documents, which must be present for filing:

(1) An affidavit in the case of warrant filings (not necessary for return filing and felony summons).

(2) A signed complaint sheet in the case return filings and felony summons.

(3) An offense face sheet.

(4) A custody report (if the suspect is in custody).
(5) Copies of all police reports.

2. The following format specifies the order of required information that should be submitted when filing a case at intake for prosecution consideration. A description of the information requested is included.

a. Filing details:

   (1) Filing details incorporate 3 critical areas for prosecution: Case synopsis, witness list, and exhibits (evidence).

      (a) Synopsis: Briefly describe the elements of the presented case (who, what, where, when, why, and how).

      (b) Witness List: All witnesses involved in the case must be included (technical experts, police officers). The witness list should contain complete information as to witness description and involvement in the case.

      (c) Exhibits (Evidence): This section shall include all exhibits (evidence) held by police which will assist in establishing probable cause for arrest and prosecution.

b. Custody Report:

   (1) The Jefferson County custody report shall be utilized here.

c. Case Reports:

   (1) Attach copies of all officers' reports for narrative information (warrants and affidavits shall also be included). Affidavit shall be utilized whenever possible to minimize duplication.

d. Affidavit:

   (1) The affidavit should occur here, unless it has been utilized earlier in the intake package.

e. Criminal History:

   (1) All copies of the defendant or suspect criminal history generated through CBI shall be attached here.

f. Fugitive Sheet:

   (1) If requesting a warrant or felony summons, a fugitive sheet must be completed and included at this point.
B. Procedure

1. Vehicles are assigned in the Investigation Division by team and are allocated according to need and assigned personnel.

2. When an investigator needs a vehicle and no team-assigned vehicles are available, he should either obtain permission from another team sergeant to use one of their team vehicles, or check out a vehicle from the Patrol Division unmarked fleet. Patrol Division unmarked vehicles may be obtained by contacting the on-duty Patrol Division Sector Commander.

3. Before returning a vehicle, investigators are responsible for:
   a. Cleaning, inside and outside.
   b. Fueling, no less than one half full.
   c. Checking water and oil levels when fueling a vehicle.
   d. Reporting needed repairs to City Fleet Maintenance personnel.

A. Policy

Truth verification examinations shall be used as an investigative aid in criminal investigations, and are not designed or intended to be used as a substitute for other techniques. These include polygraphs and voice stress analyzer examinations.

B. Procedure

1. Polygraph
   a. The agent requesting the examination shall complete the request for polygraph examination form and submit it to his supervisor.
   b. Section Commanders shall approve or disapprove requests for polygraph examinations.
   c. Section Commanders shall designate the agency that will perform the polygraph examination, based on current arrangements, with providers of this service.
   d. Pursuant to approval of the request, the agent shall contact the designated polygraph service provider and make the necessary appointment.
e. It shall be the agent’s responsibility to ensure that the subject to be tested is informed of the polygraph appointment time and place. It shall also be the agent’s responsibility to inform the polygraphist of appointment cancellations.

f. A person under the influence of alcohol, sedatives, opiates, or suffering from physical pain, severe cold or respiratory disorder shall not ordinarily be considered to be in a fit condition for an examination.

g. The agent shall avoid disclosure to the subject of any details or facts established during the investigation.

h. Facts concerning the crime, which could only be known to the perpetrator, shall never be told to the subject, news media, or general public. These facts could be of vital importance to the polygraphist in test and question formulation.

2. Computer Voice Stress Analyzer (CVSA)

a. The agent requesting the CVSA exam shall obtain their supervisor’s approval prior to contacting the examiner to schedule an appointment.

b. It shall be the agent’s responsibility to ensure that the subject to be tested is informed of the CVSA appointment time and place. The agent will remain available in the Investigation Division until completion of an examination. Agents should plan on a two-hour duration for the examination. It shall also be the agent’s responsibility to inform the examiner of appointment cancellations.

c. The CVSA examiner shall avoid disclosure to the subject of any details or facts established during the investigation.

d. Facts concerning the crime, which could only be known to the perpetrator, shall never be told to the subject, news media, or general public. These facts could be of vital importance to the examiner in test and question formulation.

e. The CVSA examiner will review the available information pertaining to the case in question prior to administering an examination.

f. The CVSA examiner will receive a second opinion on examinations from another certified examiner when practical.

h. The CVSA examiner will refrain from examinations that may compromise his integrity. Any tests of friends, relatives, or persons the examiner has a relationship with which represent a conflict of interest must be conducted by a neutral examiner.
CVSA examiners will maintain a record of examinations they have conducted. All documents related to an examination including charts will be maintained in the police department Records Section.

C. Rule

1. Truth verification examinations shall not be offered to subjects as an investigative ploy, with no intention to follow through if the subject happens to agree.

2. An examiner must be certified in truth verification and the use of CVSA and must be recertified every three years.

8022 INTERVIEW RECORDING POLICY

A. Policy

The video or audio recording of an interview conducted by a police agent is a legitimate means of documentation and evidence preservation. A problem may arise when the police agent has more than one person in the interview room, records the interview, but allows the recording to continue upon his leaving the room. It is important to avoid creating an unwarranted expectation of privacy when people are being recorded in interview rooms.

B. Procedure

1. Public entrances to the police department as well as entrances to the Investigation Division shall have signs posted in English and Spanish, which state, “For security purposes, premises are monitored by audio and video equipment.”

2. The recording or monitoring of a telephone call, interview, or discussion, when one party to the conversation has consented to the recording or monitoring, is a legal investigative tool. A police agent as a party to a telephone call may record the conversation. Police agents may also solicit the aid of victims and witnesses to record conversations for investigative purposes.

3. The videotape recording of arrestees in the booking area shall be authorized for security purposes. Any recording of conversations within the booking area shall be authorized.

4. The videotape recording or the audiotape recording of interviews conducted in the Investigation Division’s interview rooms is a recognized means of documentation and preservation. There is no requirement that a police agent inform an individual that his or her conversation is being recorded.
5. If a police agent leaves the interview room and the interviewee remains with a parent or legal guardian, the agent should turn off the microphone, upon leaving the interview room, by flipping the switch located immediately outside the interview room. Agents should not monitor, nor place themselves in a position to overhear, the conversation.

6. When a police agent exits an interview room and leaves the interviewee alone, statements made by the interviewee to himself may be recorded.

C. Rule

1. The private consultation between an attorney and his client is a privileged communication. No conversation between an attorney and his client shall be audio taped, videotaped, or monitored unless the police agent is physically present in the interview room. Upon leaving the interview room, the police agent shall turn off both the videotape and audiotape. Police agents shall neither monitor nor place themselves in a position to overhear the conversation.

8023 INTERNET POLICY

A. Policy

The Internet is a legitimate electronic form of communication, which has been employed by society’s criminal element for unlawful purposes. It is the intention of this police department to investigate cases of Internet Crime, which have been reported via a citizen complaint, referred from another law enforcement agency or Internet Service Provider, or through direct observation of suspicious behavior. With the continuing changes in computer technology, the police department recognizes the need for its agents to be trained in the latest on-line investigative techniques.

B. Procedure

1. All Internet investigations shall be conducted in a manner consistent with the principles of due process. Detectives shall avoid unlawfully inducing an individual not otherwise predisposed toward criminal behavior to commit an unlawful act.

2. Detectives shall remain cognizant of their own actions when conducting an undercover Internet investigation, realizing such actions may be scrutinized in a court of law.

3. Only sworn personnel shall conduct on-line undercover investigations. Private citizens shall not be asked to seek out illegal activity, nor shall private citizens be authorized to act in an undercover capacity in lieu of a police agent.

4. Detectives will not upload, transmit, or forward any pornographic or sexually explicit images.
5. No human images or photographs shall be uploaded, transmitted, or forwarded by a detective other than photographs of sworn personnel who have given their consent.

6. During the on-line dialogue with the subject of an investigation, detectives should allow the subject to set the tone, pace, and subject matter of the on-line conversation. Image uploading should be initiated by the subject.

7. All undercover on-line activity is to be recorded and documented. Detectives should document the date of each and every undercover activity, the type of activity, the case report number or the operation name, the undercover identity used for each occurrence, and the time on and off for all undercover activity.

8. All on-line undercover activity for each session should be logged to a 3.5” diskette.

9. No on-line activity is to be stored on the computer’s hard drive. All on-line activity is to be stored on either a 3.5” diskette or printed. All on-line activity is to be deleted from the computer’s hard drive.

10. Each detective shall have an undercover operative name and an individual password for logging onto the Internet. The unit supervisor shall maintain a log of each detective’s undercover operative name and password. This log shall be secured in a locked cabinet.