

POLICIES, PROCEDURES, AND RULES

Subject: 42.1.1 Criminal Investigations	Effective Date: October 23, 2020
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CALEA: 42.1.1 NT, 42.1.3, 82.1.5 NT, 40.2.3, 82.1.1, 42.2.1, 42.2.2 NT, 1.2.3, 42.2.4 NT, 42.2.5 NT, 42.2.8, 55.2.4 NT, 42.2.9 NT, and 42.2.10 NT	No. Pages: 6

I. PURPOSE

The purpose of this directive is to establish procedures relating to the Fayetteville Police Department's Criminal Investigation function. This policy will provide guidance to both uniformed officers and officers specializing in investigations.

II. POLICY

A. Administration

1. Fayetteville Police Department will provide and support 24-hour service capabilities for its various criminal investigation functions [CALEA 42.1.1NT]:
 - a. Supervisors assigned to each criminal investigation function of the police department will manage and maintain call-out protocol to include an on-call investigator duty roster.
 - b. Prior to assignment to an investigative position, officers must understand the importance and necessity of an on-call function and agree and accept their individual role in this function.
2. Fayetteville Police Department will utilize a computerized case file management system to manage reports and investigations [CALEA 42.1.3 a.], [CALEA 82.1.5 NT]:
 - a. Information regarding status of cases will be systematically recorded and updated by employees assigned to the investigative divisions and overseen by investigation supervisors. A system for case status control will include the following [CALEA 42.1.3 a.]:
 - (1) Case Number;
 - (2) Investigator assigned;
 - (3) Date investigator was assigned;
 - (4) Supervisor that assigned case; and
 - (5) Date case was closed.
 - b. Investigators will determine the status of each case [CALEA 42.1.3 b.]:

- (1) Open/Active- Indicates a report has been submitted and may be, or has been, assigned for investigation.
 - (2) Cleared by Arrest- A suspect has been identified and arrested.
 - (3) Cleared by Exception- Elements beyond law enforcement's control prevent the agency from arresting and formally charging the offender. The following four conditions must be met in order to clear a case by exception:
 - (a) The offender has been identified;
 - (b) The department has gathered enough evidence to support an arrest, make a charge, and turn over the offender to the court for prosecution;
 - (c) The offender's exact location has been identified so the suspect could be taken into custody immediately; and
 - (d) Circumstances outside the control of law enforcement prohibit the department from arresting, charging, and prosecuting the offender.
 - (4) Cleared Other- This is worded as "Investigation Complete- Closed" in the case status field. Cases will be deemed as "cleared other" for the following criteria:
 - (a) Case inactivated in that all available leads have been exhausted, but the case has not been brought to a satisfactory conclusion;
 - (b) Warrant requested;
 - (c) Prosecution review;
 - (d) Case sent to other jurisdiction;
 - (e) Clearing death investigations exceptionally where no foul play is suspected.
 - (5) Unfounded- Investigation has determined the offense did not occur.
- c. Case files should contain preliminary investigative reports, records of statements, results of examinations of physical evidence, case status reports, and other reports needed for investigative purposes [CALEA 42.1.3 c.].
 - d. Case files will be maintained, updated, and primarily accessed by assigned investigators. Case files must be secured when not in use [CALEA 42.1.3 d.].
 - e. Case files will only be purged under court order or in compliance with State or Federal guidelines [CALEA 42.1.3 e.].
 - f. When closed case files are removed from CID for storage purposes, the case files will become the responsibility of the Records Division. The Records Division will maintain the case files in the off-site storage area and will be secured by padlock independent from the overall facility. The key will be maintained by the Records Coordinator and checked out to authorized personnel as needed [CALEA 42.1.3 d.] [CALEA 82.1.1 b.].
3. The following guidelines will apply to the intelligence function of the Fayetteville Police Department. The intelligence function shall include the collection, processing, and sharing of suspicious incidents and criminal intelligence relating to criminal and homeland security activities [CALEA 40.2.3]:
 - a. The intelligence function of the Fayetteville Police Department will be maintained by the Criminal Investigation Division (CID). The administration of the intelligence function will be overseen by the lieutenant assigned to CID [CALEA 40.2.3 b.].
 - b. The Fayetteville Police Department expects and requires that all levels of agency personnel value information that may be categorized as intelligence and report such information according to the requirements of this policy. All levels of sworn officers are required to report on intelligence matters to the CID. Non-sworn personnel may seek the assistance of sworn officers to collect and report information, or depending

- on the circumstances of the reporting person, non-sworn personnel of the police department may collect the information and report it to the CID [CALEA 40.2.3 a.].
- c. The Fayetteville Police Department Training Division shall ensure training is provided to all personnel on the collection, processing, and sharing of suspicious incidents and criminal intelligence relating to criminal and homeland security activities.
 - d. The CID lieutenant is responsible for the analysis, security, storage, and dissemination of intelligence information. The CID lieutenant will safeguard the integrity of all intelligence files, ensure that legal requirements are being followed, and ensure the security of these files. Intelligence files will be maintained separately from other agency records to prevent compromise of the integrity of the file system [CALEA 40.2.3 b.].
 - e. The CID lieutenant will ensure that intelligence information will be limited to criminal conduct and activities presenting a threat to the community.
 - f. Legal and privacy requirements of the intelligence function will be maintained by the CID lieutenant. Intelligence information will only be used for law enforcement purposes but may be used for public safety notification. All department employees are expected to keep intelligence information confidential [CALEA 40.2.3 c.].
 - g. The CID lieutenant will ensure that vital intelligence information is acted upon and successfully disseminated or transferred to corresponding components within the police department and to outside agencies and components where that information is practical, vital, as well as legally required [CALEA 40.2.3 c.].
 - h. Intelligence information believed to be out of date or incorrect will be purged under the authority of the CID lieutenant [CALEA 40.2.3 d.].
 - i. An annual review of procedures and processes of the intelligence function will be overseen by the CID lieutenant [CALEA 40.2.3 e.].

B. Operations

1. Officers in every assignment of the department shall value the importance of each investigation. The following steps will be considered in the preliminary investigation and documented when applicable [CALEA 42.2.1]:
 - a. Securing the scene;
 - b. Providing aid, to the extent possible, to the injured;
 - c. Maintaining and protecting the crime scene and arranging for the collection of evidence [CALEA 42.2.1 c.];
 - d. Observing all conditions, events, and remarks [CALEA 42.2.1 a.];
 - e. Locating and/or identifying witnesses and suspects [CALEA 42.2.1 b.];
 - f. Interviewing and obtaining statements from complainants, witnesses, and suspects [CALEA 42.2.1 d.];
 - g. Determining whether an offense has been committed and the exact nature of the offense;
 - h. Effecting an arrest at the scene or through immediate pursuit of the suspect;
 - i. Furnishing other units with descriptions, method, direction of flight, and other relevant information;
 - j. Accurately recording all pertinent information using prescribed reporting methods.

2. The following steps will be considered when conducting follow-up investigations and will be completed when applicable [CALEA 42.2.2 NT]:
 - a. Reviewing and analyzing all previous reports prepared in the preliminary phase, departmental records, and results from laboratory examinations [CALEA 42.2.2 a. NT];
 - b. Conducting additional interviews and interrogations [CALEA 42.2.2 b. NT];
 - c. Seeking additional information from uniformed officers and informants [CALEA 42.2.2 c. NT];
 - d. Planning, organizing, conducting searches, and collecting, preserving, analyzing, and evaluating evidence [CALEA 42.2.2 d. NT];
 - e. Identifying and apprehending suspects [CALEA 42.2.2 e. NT];
 - f. Determining suspect involvement in other crimes [CALEA 42.2.2 f. NT];
 - g. Determining in detail the exact circumstances of the offense;
 - h. Checking suspects' criminal histories [CALEA 42.2.2 g. NT];
 - i. Recovering stolen property;
 - j. Maintaining contact with case principals [CALEA 55.2.4 NT];
 - k. Reporting information obtained in investigations in accordance with departmental reporting methods and forward reports to local prosecutor's office, if required [CALEA 55.2.4 f. NT];
 - l. Preparing cases for court presentation [CALEA 42.2.2 h. NT].
3. Officers of the Fayetteville Police Department must understand that persons must be afforded certain constitutional rights in respect to interrogation and access to counsel [CALEA 1.2.3 b., c.]:
 - a. Interrogation refers not only to express questioning, but also to any words or actions on the part of the police, other than those normally associated with arrest and custody, that the police should know are reasonably likely to elicit an incriminating response from a suspect.
 - b. When questioning a person in custody, officers shall provide the person with Miranda Rights. (For juveniles, see FPD 44.1.1.)
 - c. Upon a person invoking their right to counsel, officers shall cease any line of questioning relating to an alleged criminal offense. Once a person has invoked his or her right to counsel, an interrogation may proceed only in the following two scenarios: the interrogation is conducted in the presence of an attorney, or the person that has invoked his or her rights makes a self-initiated declaration to the officer that he wants to initiate further communications, exchanges, or conversations with the police. Prior to any discussion pertaining to an alleged criminal offense when a person makes a self-initiated declaration after having invoked his rights to counsel, the officer should discuss clearly and openly with the person that he invoked his rights to an attorney, is under no obligation to answer questions, and is entering discussion with the officer at his or her own prerogative and direction.
4. For each long-term multi-jurisdictional investigative task force of which the department is a participant, the department will ensure it maintains a directive that includes the following criteria [CALEA 42.2.4 NT]:
 - a. a written purpose [CALEA 42.2.4 a. NT];

- b. defining authority, responsibilities, and written agreements [CALEA 42.2.4 b. NT];
 - c. evaluating results and the need for continued operations [CALEA 42.2.4 c. NT];
 - d. staffing, equipment, and resource requirements [CALEA 42.2.4 d. NT];
 - e. officer safety information; [CALEA 42.2.4 e. NT] and
 - f. identification procedures for task force participants [CALEA 42.2.4 f. NT].
5. The following rules shall apply to the department's use of technical aids for the detection of deception [CALEA 42.2.5 NT]:
- a. The Chief of Police may choose from a variety of devices used for the detection of deception;
 - b. Use of these devices will be restricted to trained personnel that have graduated from the accepted training institutions and have demonstrated sound fundamentals in the use of equipment;
 - c. Testing of juveniles requires both the consent of the juvenile and the juvenile's parent or legal guardian.
6. The following procedures shall apply to uniform and non-uniformed personnel utilizing designated interview and interrogation rooms [CALEA 42.2.8]:
- a. Officers may retain possession of their firearms in the interview rooms during citizen-initiated contacts at the police department, interviews with witnesses, and interviews with victims. These contacts will be treated as any other call for service. Otherwise, in the presence of suspects being interviewed, officers shall not enter the interview room with their firearms but may retain possession of other less-lethal weapons. Firearms shall be locked in departmental provided lock boxes [CALEA 42.2.8 a.].
 - b. Detainees and arrested persons should be searched prior to being placed in an interview room. The room should be searched prior to and after the person has been in the room. Consideration shall also be given for possession of firearms to persons not under arrest [CALEA 42.2.8 b.].
 - c. A detainee is under the immediate officer's care until that time he or she has verbally or physically relinquished control of the detainee to another officer, either for the purposes of interviews or transport [CALEA 42.2.8 b.].
 - d. During interviews, there should normally be no more than one suspect and two investigators in the interview room. An exception to this rule is that suspects are afforded legal representation [CALEA 42.2.8 c.].
 - e. All officers are provided with portable radios, and investigators are provided with cellular phones. Prior to interviews, officers should ensure they are equipped with one or the other as a means for summoning assistance. Interview rooms are equipped with real time audio and video. Officers and/or supervisors should be assigned to monitor video as an extra precaution during interviews of subjects in cases involving extraordinary security concerns. After hours, officers and detectives should make shift supervisors assigned to the station aware of interviews taking place [CALEA 42.2.8 d.].
 - f. Supervisors are responsible for maintaining minimal furnishings in the interview rooms and should see that the rooms remain uncluttered. Interview rooms shall consist of one table and no more than three chairs. The soft interview room shall normally be used for interviewing victims and victims' family members. The soft

interview room will consist of a table, two comfortable chairs, and no more than two additional chairs. All officers/detectives conducting interviews are responsible for inspection of the interview rooms and removal of hazardous items prior to interviews [CALEA 42.2.8 f.].

g. Officers/detectives conducting interviews and interrogations should ensure that persons are afforded adequate access to restrooms, water, and breaks [CALEA 42.2.8 g.].

h. Whenever practical, custodial interrogations should be electronically recorded [CALEA 42.2.8 e.].

7. Eyewitness identification is a frequently used investigative tool. Employees shall follow the identification processes in General Order 34 [CALEA 42.2.9 NT, 42.2.10 NT].