

# Pasco Police Department Policy Manual

## Chapter No. 42 Criminal Investigations

<b>CRIMINAL INVESTIGATIONS</b>	<b>Chapter No. 42</b>
<b>Effective Date:</b> 04/01/2018 <b>Revision Date:</b> 12/18/2018	<b>Reference:</b> CALEA Chapter 42 Case Management & Case Tracking Procedures

### 42.1.1 CALL OUT SCHEDULE

To provide 24-hour coverage, a Detective Sergeant maintains a "Detective Call-Out" list. A copy of the list is distributed to the shift supervisors, records section, division captains and Dispatch Center.

### 42.1.2 CASE SCREENING SYSTEM

The process of screening and the outcome for a particular type of case depends on the type of case. **Please refer to Case Management and Case Tracking Procedures.**

The Investigative Services Sergeant screens all cases to include the following:

- Any felony cases occurring within the City of Pasco that require more complex follow-up than patrol officer(s) can give.
- Any juvenile cases occurring within the City of Pasco that are violent in nature or more complex in nature than patrol officer(s) can do.
- All Child Protective Services (CPS) referrals with the incident address being within the City of Pasco.
- All Adult Protective Services (APS) referrals with the incident address being within the City of Pasco.
- Outside agency felony reports that have occurred all or partially within the City of Pasco may be assigned by Detective Sergeant depending how in depth the follow-up would be.

The screened cases will then be assigned in I/Leads, under the case management module, by the Investigation Services Sergeant (or the Patrol Sergeant who originally approved the report if he feels the patrol officer can do more to clear the case).

The Detective Sergeant and Patrol Sergeant may suspend investigative efforts when leads or solvability factors no longer exist, investigative resources become unavailable or the crime is insufficiently serious. This may not apply to those cases of a serious or community-sensitive nature.

Primary solvability factors requiring that a follow-up investigation be conducted include:

- Suspect is arrested
- Suspect is named

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- Suspect is identified or can be identified
- Suspect can be located
- Suspect vehicle can be identified or located
- Identifiable latent fingerprints exist (identification pending through AFIS)
- The crime is of a community-sensitive nature

When two or more secondary solvability factors exist, the Detective Sergeant or Patrol Sergeant may direct that a follow-up investigation be conducted. Secondary solvability factors include:

- Victim hospitalization, serious injury or it is a dangerous felony
- Traceable stolen property (by serial number or uniqueness of the item)
- Significant physical evidence present
- Crime suggests a distinctive pattern of similar crimes or modus operandi
- Possibility that another suspect had the opportunity to commit the crime

Besides solvability factors, other elements may be considered for case assignment:

- Documented departmental experience
- Documented experience of other law enforcement agencies
- Research and intelligence conducted within the agency
- Research and intelligence conducted in other law enforcement agencies

Detectives are considered generalists and not routinely assigned to specific areas of investigation. Assignment to a case is based upon the detective's knowledge, skills, experience, qualifications and availability. The Investigation Services Sergeant assigns cases for follow-up investigation on a rotational basis in order to keep the number of assigned cases reasonably uniform. A primary detective will be identified for each assigned case; however, any major case may have more than one detective assigned.

Detectives may be assigned special responsibilities. Special responsibilities may include:

- Coordination of the notifications and other actions required under the State of Washington Sex Offender Registration Program
- Investigation of sexual crimes against children

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- Monitoring all pawnshop transactions and conducting inspections
- Human trafficking
- Electronic evidence recovery

#### **42.1.3 CASE FILE MANAGEMENT**

The Investigation Services Sergeant assigns cases and enters them electronically for ILeads entry tracking. The Investigation Services Sergeant monitors current cases to ensure proper handling.

The following general terms indicate the status of a case, although more specific versions of each are available:

1. Open Cases (Active) – Case is currently under investigation.
2. Suspended Cases (Inactive) – Case is not currently being investigated. All leads exhausted and can no longer pursue the case.
3. Closed Cases (Closed) – Case has been cleared for one of the following reasons:
  - a. “Exceptional Clearance” – when the investigation has: clearly established the identity of the offender; the location of the offender is known and he could be arrested; developed sufficient information to support an arrest, charge and turning over to the court for prosecution; or some reason outside law enforcement control precludes arresting, charging and prosecuting.
  - b. “Cleared by Arrest” – when the suspect is arrested, charged with the commission of the offense and turned over to the court for prosecution.
  - c. Case declared “Unfounded” – when the case is determined to have been falsely reported.

The assigned detective updates ILeads Case Status, in Case Management, anytime there is new or additional information, a change in previous information, a change in case classification or a change in case status (Open, Suspended, Closed).

The assigned detective may maintain a working case file for each active investigation. Working case files may contain copies of preliminary investigative reports, investigation notes, lab reports, statements and other pertinent information. The Records Unit keeps all original documents. Once the case has been adjudicated, all personal notes not contained in the original case file will be purged and shredded by the detective.

The Street Crimes Sergeant maintains the confidential informant (CI) files, refer to 42.2.6 – Informants.

All confidential informant packets are reviewed and approved by the Support Services Captain.

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#### 42.1.4 PRELIMINARY/FOLLOW-UP INVESTIGATION ACCOUNTABILITY

Uniformed patrol officers conduct preliminary investigations of all dispatched calls. Based on the preliminary investigation, the Field Operations Sergeant decides the status of the case.

- **Felony Cases:** Forward active felony cases to the Investigation Services Sergeant for further review and investigation. The Patrol Sergeant can assign the case back to the patrol officer, at the time they approve the report, if there is more work they can do on the case. Once reviewed by the Investigation Services Sergeant further investigation will be assigned to either detectives or sent back to Field Operations for follow-up investigation, as needed.
- **Misdemeanor Cases:** The Field Operations Division follows up on misdemeanor cases. Some cases require additional expertise or resources. When this occurs, the Field Operations Sergeant can request assistance from the appropriate section or unit.

In cases where the preliminary investigation by Field Operations indicates a major crime, complex investigation or complex crime scene and requires immediate attention, the Field Operations Sergeant notifies the Investigation Services Sergeant. The Investigation Services Sergeant contacts detectives and/or Evidence Technician to respond to the scene and assume investigative responsibility.

Investigation Services can initiate preliminary investigations of a sensitive nature. Such investigations include, but are not limited to: CPS referrals, vice, narcotics, white-collar crime and special/covert operations. In these cases, the assigned Investigation Services detective has the responsibility to get a case number assigned to the investigation and to complete the face-sheet information.

#### 42.1.5 PERSISTENT OFFENDERS

##### A. Criteria

The Department uses the identification of habitual/serious offenders as defined in [RCW 9.94A](#), "[Sentencing Reform Act of 1981](#)", and [RCW 46.65](#), "[Washington Habitual Traffic Offenders Act](#)."

1. **Registered Sex Offenders (RSOs):** Washington State has several laws which address registered sex offenders and the responsibilities of law enforcement agencies associated with managing this process. The burden of administering the laws falls primarily on local agencies at the county and municipal level.

##### B. Communicating Habitual/Serious Offender Status

Whenever a person is taken into physical custody a criminal history computer check will be performed and reviewed by the officer. Sentencing determination for all cases is handled in conjunction with the court process by the responsible Prosecutor's Office.

The Pasco Police Department monitors RSOs in the following manner:

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1. Address Verification: An RSO is required to register their address with the law enforcement agency for the County in which he/she resides. The Franklin County Sheriff's Office and Pasco Police attempt to verify the RSO's address via personal contact on a yearly basis. However, if Franklin County is unable to verify an address by this method, the County will notify Pasco Police and detectives will then make reasonable attempts to verify the RSO's address. Reference [RCW 9A.44.130](#) and [RCW 9A.44.135](#).
  - a. Level one offenders are verified yearly.
  - b. Level two offenders are verified twice yearly.
  - c. Level three offenders are deemed a higher risk to society and require address verification every 90 days.
2. Failure to Register: If, through the address verification process, a detective determines that a sex offender has not followed proper procedure and is out of compliance, a case number will be drawn, a case report written and the case forwarded to the Franklin County Prosecutor's Office for filing of charges.
3. Community Notification: [RCW 4.24.550](#) authorizes the release of information to the public regarding sex offenders and kidnapping offenders when a public agency determines that disclosure of the information is relevant and necessary to protect the public and counteract the danger created by the particular offender. The law provides guidelines for the release of information.

#### 42.2.1 PRELIMINARY INVESTIGATIONS

Uniformed officers record most serious criminal complaints received by the Pasco Police Department fully and accurately on a case report.

Officers conducting preliminary investigations, when appropriate and depending on the nature of the complaint will:

- Make note of the incident events, including conditions at the scene and remarks made by bystanders.
- Attempt to locate and identify witnesses. Interview the complainant, witnesses and suspects, whenever possible. When possible, officers should immediately record statements of witnesses that may be difficult to locate or whose recall of events may be compromised by delay.
- Protect the crime scene, preserve and collect evidence.
- Locate and record all serial numbers from reported stolen property and ensure that those numbers are entered into the proper computerized stolen fields (WACIC/NCIC) by records personnel.

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Incidents of a serious or sensitive nature may result in detectives being involved. When detectives are involved in the investigation, a detective or evidence technician may do some or all of the above tasks.

Felony crimes that require detectives to conduct follow-up investigations are referred to a detective sergeant as follows:

- The primary case is completed in its entirety.
- The case is routed to the Records Unit for processing after being reviewed and approved by the submitting officer's sergeant.
- The case is routed to the Investigation Services Sergeant after being reviewed and approved by the submitting officer's sergeant.
- The Investigation Services and Field Operations Sergeants may decide that the preliminary investigating officer conducts the follow-up investigation.

Detectives conduct investigations fairly and impartially, using discretion to avoid endangering the reputation of any person.

Procedures used in an investigation may include:

- **Information Development:** Unlimited sources contribute to information development including: witnesses, victims, neighbors, friends, other public agencies, other law enforcement agencies and informants. Gathering of all information is done according to department policies and procedures.
- **Interviews and Interrogations:** Officers or detectives interview persons that may have knowledge about a certain aspect of a criminal investigation uses interrogations for suspects and persons directly involved in a criminal investigation. Interviews and interrogations are done according to the four guidelines established to protect the rights of a person, refer to policy 1.2.3 – Constitutional Requirements.
- **Physical Evidence:** Detectives use physical evidence collected from the crime scene in the development of the case. Refer to Chapter 83 – Collection and Preservation of Evidence guidelines when searching for, collecting and preserving physical evidence at any crime scene.
- **Surveillance:** Investigating a crime may require surveillance, in a low profile manner, to observe suspects or conditions. Surveillance may create additional information or on-view new crimes being committed.
- **Background Investigations:** Conducting background investigations during criminal investigations establishes personal information relating to suspects or arrested persons. Sources may include, but are not limited to:

#### **1. Criminal histories**

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2. Department of Licensing records
3. Field contacts
4. Credit reports
5. Former employers
6. Financial institutions
7. Business records
8. Informants
9. Local police databases

Personal information collected during a criminal investigation may be used to further identify and locate suspects, and/or recognize potential investigative hazards. It is only used to further criminal case investigation. Public dissemination of personal information is done according to [RCW 10.97](#).

#### **Investigation Check-list**

The case report serves as an investigative checklist for most crimes reported to the police. However, when investigating incidents of a complicated or sensitive nature it is important to ensure that critical investigative details are not overlooked. Examples of complicated or sensitive cases are: robberies, serious assaults and deaths. Investigator should consider use of an investigative checklist such as "Major Crime Protocol" or "Patrol Officer Death Investigation Checklist".

The checklist is to be used as a guide for the gathering of information that will be used in reports relative to the incident being investigated. The checklist itself is intended to become part of the final report. Patrol officers and detectives should consider the use of the checklist while investigating complicated or sensitive cases.

#### **42.2.2 FOLLOW-UP INVESTIGATIONS**

Use the following steps when conducting follow-up investigations. These steps are only intended as a guide and may be expanded or reduced depending on the severity or seriousness of the crime being investigated.

1. Review all reports prepared in the preliminary investigation, departmental records and crime laboratory results.
2. Conduct additional interviews and interrogations of witnesses or suspects as necessary.
3. Seek additional information from available sources - officers, informants, etc.

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4. Plan, organize, conduct searches and collect physical evidence.
5. Identify suspect, check available sources for criminal history and, when appropriate, coordinate arrest of suspect.
6. Check suspects' criminal histories.
7. Prepare case and assist in prosecution of those cases resulting in criminal charges.

When appropriate, the case detective or investigating officer makes a "second contact" with the principal witness(es) and/or victim(s). This may gain additional information and reassures the involved parties that the incident is being investigated. Also, make a "second contact" at the time a case is closed. Document all "second contacts" in a supplemental report.

#### **42.2.3 PATROL ROLL-CALL ATTENDANCE**

Detectives are welcome to attend Field Operations shift briefings in person to exchange information with officers. Detectives and officers are encouraged to use PD email to further exchange information.

#### **42.2.4 INVESTIGATIVE TASK FORCES**

Law enforcement officers must constantly be aware of their jurisdiction. An interagency or inter-divisional task force may more effectively investigate crimes. Investigative task forces increase productivity by reducing duplication of effort, pooling information and resources and providing additional staff. We will use these task forces to aid in finding solutions to crimes and apprehending criminals.

The initiating agency or division is responsible for conducting task force operations. Participating agencies or divisions act in a supporting role and may take part in overall management of the task force. Members of inter-agency task forces will follow the rules and regulations of the initiating agency.

The Chief of Police will receive a monthly report of task force activity from the agency or division. Such reports can be in the form of monthly meeting minutes or briefing in command meetings.

Resources are identified and utilized through participating agencies as required. Examples are training facilities, special weapons or equipment, office space, vehicles and evidence storage facilities.

If possible, establish a time schedule for the current operation. The initiating agency conducts an evaluation at the end of the time schedule to decide if the task force is meeting its objectives. Use the results to decide if the operation should continue.

#### **Participation in Multiagency Task Force**

The Pasco Police Department is a member of Metro Drug Task Force, Special Investigations

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Unit (activated when needed), DEA-led task force, FBI-led Violent Crimes Task Force and Regional SWAT.

#### **Identification Criteria**

Detectives assigned to the any task force shall be issued articles of clothing identifying themselves as a member of that task force or law enforcement. These may include, but are not limited to, shirts, jackets and/or headwear. This identifying clothing shall be worn by any investigator assigned to the task force when engaging in any task force activity during which they will likely come into contact with uniformed or SWAT. If no such clothing is issued by the task force, Pasco Police Detectives shall wear similar items issued by PPD, and identifying them as a police officer.

Undercover operations are exempt from this clothing requirement. In the event of an undercover operation involving a task force officer, a covert identification method will be developed by the ISD Captain or designee in advance of the operation, and clearly communicated to all personnel to be potentially involved. This includes uniform patrol personnel, detectives, SWAT personnel, and other area agencies that may be involved.

#### **42.2.5 POLYGRAPH EXAMINATIONS**

A criminal investigation may include polygraph examinations to verify the truthfulness of statements made by suspects, victims or witnesses and possibly further the investigation. In this instance, the investigation will be as complete as possible before the examination.

The detective/investigating officer requests a polygraph examination through the Investigation Services Sergeant or Support Services Captain and makes the investigative file available to the polygraph examiner, briefs the examiner and schedules the examination. During the entire examination the detective/investigating officer is available to document any statements made by the examinee and to provide examiner safety.

The examiner checks the instrument to make certain it is working properly before the examination. Before collecting charts, the examiner decides if the examinee is physically and mentally fit to take the examination and obtains written consent from the examinee.

Examinations will not be conducted on:

- Persons deemed by the examiner to be physically or mentally unfit.
- Persons interrogated immediately before the examination.
- Persons who are known to be pregnant.

Pasco Police Department uses polygraph examiners who have completed training at an American Polygraph Association Accredited School.

#### **42.2.6 INFORMANTS**

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An informant is a person who provides useful information of an incriminating nature to a law enforcement agency. Informants may be either paid or unpaid for the services and/or information they provide. Informants are considered departmental resources not individual resources.

#### **A. Informant Master File**

A master file system exists to maintain information regarding the use and administration of informants by the police department.

#### **B. Informant File Content**

To establish an informant file the officer or detective completes an informant information sheet and includes a criminal history, a Department of Licensing status and a photograph. This information is forwarded to the Support Services Captain for review and approval.

**Denied Informant:** The Support Services Captain may deny use of informant for any reason(s). If appropriate document the reason the informant is not used. This information is in the informant master file marked "Informant Applications Denied."

**Approved Informant:** The Street Crimes Sergeant assigns the next available CI#, and the informant file is established.

- A written agreement is proposed to the informant when the informant is approved. Once the informant agrees to the conditions, the informant is authorized for use.
  - Any violation of the written agreement may result in the informant being suspended from further use until further evaluation by the detective/officer, sergeant and Support Services Captain.
- The informant file contains:
  1. Pasco Police Department Confidential Informant Personal History to include:
    - A. Current Photo
    - B. Personal History
    - C. Criminal History
    - D. Local LEA Records
    - E. Driver's License
    - F. Vehicles associated with Informant
    - G. Firearms associated with Informant
    - H. Western States Information Network (WSIN/ RISSIntes Checks/

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#### Submittal)

2. Pasco Police Department Debriefing Report
3. Police Department Special Consent and Admonishment Form
4. Pasco Police Department Confidential Informant Special Instructions and Consent Form
5. Pasco Police Department Consent to Intercept, Transmit, and Record – Pursuant to [RCW 9.73.090](#)
6. Contract (if not mercenary)
7. Payment and Receipts signed by the informant, SCU Sergeant and a witness.
8. Correspondence and notes concerning the informant.
9. Deactivation Report

#### **C. Informant File Maintenance**

Maintenance and security of informant files are the responsibility of the Street Crimes Sergeant. Access is limited to those detectives or officers whose duty requires such access.

##### **Security of Informant Files and Codes:**

- Informant files are kept in a locked area within the Street Crimes Sergeant's office.
- Only the confidential informant number (CI#) is visible on the outer file.
- The Street Crimes Sergeant maintains the informant master file system and list.

##### **Informant File Review:**

1. Sworn personnel may request an informant file to review for an active investigation.
  - A. The request is to be in writing and directed to the Support Services Captain.
  - B. A copy of the request is placed in the informant file once review is granted or denied.
2. Informant files are subject to review by the Chief of Police or designee.
3. Informant files are not required to be available to any other person.

#### **D. Informant Identity**

Informants' identities may be known and available to the public or confidential and revealed only

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under the guidelines of [RCW 42.56.240\(2\)](#). Detectives and officers make every effort to protect the identity of a confidential informant.

A detective or patrol officer may request the use of an established informant.

1. The request must be in writing and submitted to the Support Services Captain.
2. A copy of the request is placed in the informant file once request is granted or denied.

#### **E. Paying Informants**

The Pasco Police Department recognizes and endorses the need to pay informants for information or services. The Support Services Captain reviews requests for payments. Informants paid for services shall always be documented in a case report and in their CI file. The officer or detective investigates the reliability of the informant's information before making payment.

#### **F. Informant Safety**

Informant should not meet officers other than controlling officer and officer's partner or witness.

#### **G. Precautions to be Taken**

**Handling Informants:** Make informant contacts with at least two sworn employees. It is recognized that circumstances arise where only one sworn employee is in close physical proximity to the informant. However, one other sworn employee should closely survey such contacts.

**Un-surveilled Contact:** Urgent circumstances may require a single officer to make un-surveilled contact with an informant. The officer must make contact with a commissioned supervisor advising of the circumstances, time, location and estimated length of contact and immediately following the meeting the officer re-contacts the supervisor to verify the successful conclusion of the contact.

**Searching an Informant:** An informant will be searched prior to any covert operation. The purpose is to search for any drugs, money or contraband. When searching an informant before a buy walk or any other narcotics transaction, the informant will be strip searched by a same sex detective, officer or their designee.

#### **H. Juvenile Informants**

The Pasco Police Department discourages employees from handling juvenile informants. In unusual circumstances where a juvenile informant is of value:

1. Receive authorization from the Chief of Police or his designee for use of the juvenile. Use will be as limited as possible.
2. Use an authorized release form to be signed by the juvenile's parent or legal

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guardian.

3. A written agreement is signed by the juvenile and the parent or legal guardian.
4. The parent or legal guardian is kept informed of the juvenile's involvement in the investigation.

#### **42.2.7 COLD CASES**

As technology and forensic sciences continue to develop it is important to review major inactive cases for new leads that may have developed. Investigation Services detectives are assigned inactive cases as part of their regular assignment.

##### **A. Cold Case Defined**

Any major criminal investigation involving death or crime that carries no statute of limitation, not solved, for a period of at least one year from the date of the reported incident, in which all leads have been exhausted and that has been closed to active follow-up. A cold case may be closed to active follow-up because current technology is not present to analyze evidence to form a conclusion; there are uncooperative witnesses or lack of leads.

##### **B. Evaluation Criteria**

Cold case files will be reviewed in their entirety including viewing of all evidence. Following the review, the case will be given priority using the following criteria:

###### **Priority 1:**

Suspect(s) have previously been identified, a warrant for arrest has previously been issued or a suspect has been identified by forensic methods.

###### **Priority 2:**

There are witnesses who can assist in identifying the suspect(s). Information has developed which identifies possible suspect(s). Evidence has been developed which can assist in identifying suspect(s). Initial investigation identifies witnesses who could not be located and/or need to be re-interviewed

###### **Priority 3:**

Evidence has been preserved and modern technology can be utilized to process and analyst the evidence.

##### **C. Recording Investigation Actions and Activities**

1. Detectives will document any new actions and the results of these actions in a supplemental report.
2. Investigation Services Sergeant will maintain a log on each cold case.

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3. Investigation Services Sergeant will conduct annual review of each case and report to Support Services Captain.

#### **42.2.8 INTERVIEW ROOMS**

The Department has five (5) interview rooms and one (1) polygraph examination room. All Pasco Police Department members are responsible for the welfare of person(s) in their control while utilizing the interview rooms and ensuring that their constitutional rights are guarded. The following items considered while using the interview room:

##### **A. Weapons Control**

Officers and detectives will determine whether to wear a weapon during an interview. If an officer or detective chooses not to wear a weapon, he/she will secure their weapon in a locked/secured location prior to the interview/interrogation.

##### **B. Security**

All subjects who will be interviewed will be subject to a limited search for weapons or contrabands. Subjects in custody will be interviewed/interrogated in a secure and safe fashion with officer safety being exercised at all times.

##### **C. Personnel Present**

The number of sworn personnel allowed in an interview room will be left to the discretion of each individual unit with officer safety as the principal factor. The number of personnel participating in or observing an interview will be governed by the nature of the crime and the threat level presented by the suspect. Normally, two personnel shall conduct interviews.

##### **D. Means and Methods for Summoning Assistance**

Sworn personnel may request assistance by way of their portable radio, by voice or by cellular telephone.

##### **E. Video and Audio Recording Equipment**

Video and audio recording of an interview will be available in identified rooms. Sworn personnel who are properly trained in its use may operate the recording equipment.

##### **F. Other Equipment**

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Sworn personnel shall inspect the interview room prior to use for officer safety concerns. Any equipment brought into the room for an interview shall be removed when the interview is complete.

#### **G. Access to Restrooms, Water and Comfort Breaks**

Subjects of an interview will be provided access to the restroom, drinking water and other needs, as needed.

Comfort breaks are permissible when practical. Sworn personnel will maintain observation of the subject during this time to ensure the subject's safety.

#### **42.2.9 LINE-UPS**

Refer to Suspect Identification Procedures.

#### **42.2.10 SHOW-UPS**

Refer to Suspect Identification Procedures.