

Chapter 23

CRIMINAL INVESTIGATION

Standards in this chapter relate to the criminal investigation function as performed by both uniformed officers and officers assigned to a specialized investigative component. The standards reflect the perspective that departments have discretion in determining the degree of specialization necessary to accomplish this function.

The standards provide for administrative and operational programs that should result in efficient and effective criminal investigations. This approach does not direct the department's investigative functions in each specific crime category, such as homicide, rape, robbery, etc., but rather identifies those elements common to every investigation.

23.1 Organization and Administration

23.1.1 A written directive establishes the department's criminal investigation function.

Comments: *The written directive should describe this function.* (M M M)

23.1.2 An administrative designation of "open," "suspended," or "closed" is assigned to each case, as appropriate.

Comments: *This designation is an internal administrative procedure to assist in case management and control. The categories are comprehensive in that "open" indicates the case is assigned to an officer and investigative efforts are active; "suspended" indicates all available leads have been exhausted but the case has not been brought to a conclusion and investigative efforts may be resumed; and "closed" indicates the case has been concluded.* (M M M)

23.1.3 A written directive specifies the criteria for suspending investigative efforts.

Comments: *Adherence to this standard will provide administrators with improved management control over the conduct of follow-up investigations. It involves the continued application of solvability and degree-of-seriousness factors to the investigative workload. The criteria may include (1) lack of further leads or solvability factors, (2) unavailability of investigative resources, and/or (3) insufficient degree of seriousness.* (M M M)

23.1.4 A written directive specifies policies and procedures to be followed when using informants, to include:

- o inclusion of informants in a master file;
- o content of the informant file;
- o maintenance of an informant file;
- o security of informant file and related codes;
- o other methods to protect the identity of informants;
- o criteria for paying informants;
- o precautions to be taken with informants, generally; and
- o special precautions to be taken with young person informants.

Comments: The use of confidential informants is important to the satisfactory completion of many investigations. Procedures should be established to provide for this resource within a controlled system to avoid abuse and minimize adverse impact.

A master file on informants should be maintained with an emphasis on security and rigid control of access. (M M M)

23.1.5 When a department provides a fund for paying informants, a written directive establishes controls for the fund, to include:

- o accessibility;
- o criteria for use;
- o accounting; and
- o auditing.

Comments: The confidential nature of these funds requires special administrative (accounting and auditing) procedures. Accessibility implies physical safekeeping as well as a procedure for obtaining the money for payment. The criteria for use imply that a decision should be made regarding the value of the information as it relates to the investigation. (M M M)

23.1.6 A written directive specifies accountability for conducting preliminary and follow-up criminal investigations.

Comments: To assign responsibility and to establish investigative continuity, a written directive should define which element of the department is to accomplish the preliminary and/or follow-up investigation for various categories of incidents. (M M M)

23.1.7 A written directive establishes an investigative case status control system.

Comments: The written directive should specify information that should be recorded, such as investigator assigned, date assigned, case number, and report due date. (M M M)

23.2 Operations

23.2.1 A written directive establishes procedures to be used in criminal investigation, to include:

- o information development;
- o interviews and interrogation;
- o collection, preservation, and use of physical evidence; and
- o surveillance.

Comments: The written directive should specify acceptable practices and methods of developing information through witnesses, victims, informants, and other sources available to officers. The directive should also provide guidance in conducting an investigation by utilizing information developed by the other methods listed in the standard. (M M M)

23.2.2 A written directive establishes steps to be followed in conducting preliminary investigations, to include:

- o observing all conditions, events, and remarks;
- o locating and identifying witnesses;
- o maintaining the crime scene and protecting evidence;
- o interviewing the complainant and the witnesses;
- o interrogating the suspect;
- o arranging for the collection of evidence;
- o effecting the arrest of the criminal; and
- o reporting the incident fully and accurately.

Comments: The preliminary investigation may be sufficient to bring the case to a satisfactory conclusion, thus obviating the need for a follow-up investigation. (M M M)

23.2.3 A written directive establishes steps to be followed in conducting follow-up investigations, to include:

- o reviewing and analyzing all previous reports prepared in the preliminary phase;
- o conducting additional interviews and interrogations;
- o reviewing departmental records;
- o seeking additional information;
- o reviewing results from laboratory examinations;
- o arranging for dissemination of information as appropriate;
- o planning, organizing, and conducting searches;
- o preparing cases for court presentation;
- o assisting in prosecution;
- o Identifying and apprehending suspects;
- o collecting physical evidence;
- o determining involvement of suspects in other crimes; and
- o checking suspects' criminal histories.

Comments: These procedures should be used only in the event they are found to be necessary. (M M M)

23.2.4 The department provides checklists to aid in criminal investigations.

Comments: The field report, properly prepared, serves as a satisfactory checklist for most investigations. However, more complicated investigations require additional efforts, and checklists aid in ensuring that critical areas of investigation are not overlooked. (M M M)

23.2.5 A written directive establishes procedures for making a "second contact" with principals involved in a case requiring follow-up investigation.

Comments: *The directive may be a product of the task force or the participating department. This standard applies to task forces formed within a department or as a mutual effort among departments having concurrent or adjoining jurisdictions. The criteria for the use of task forces should be specified in the directive. The kinds of offenses for which they should be used and the procedures for control and evaluation should be outlined.* (M M M)

23.2.10 **A written directive governs procedures for assuring compliance with constitutional requirements during arrest, detention, and criminal investigations.**

Comments: *The areas referred to include:*

- (1) *informing accused persons of the reason for the arrest or detention;*
- (2) *right to counsel including legal aid and to be so informed;*
- (3) *validity of detention;*
- (4) *confessions and admissions; and*
- (5) *the gathering of evidence, including search and seizure.*

(M M M)

23.3 **Victim Assistance Program**

23.3.1 **A written directive establishes and describes the department's victim assistance program.**

Comments: *Providing emotional support and referrals to victims of crime supports and enhances the criminal investigation function, and provides an important public service. This standard can be met if the department has an agreement with another agency which provides this service.* (M M M)

23.3.2 **A written directive describes the selection criteria for non-sworn personnel and volunteers working within the victim assistance program.**

Comments: *The intent of this standard is to ensure that only persons having the appropriate attitudes, background, skills, and abilities are engaged in this function.* (M M M)

Comments: *Contacting a victim, complainant, or witness for a second time, after the lapse of several days, may result in the receipt of information leading to the clearance of a case. Maintaining a policy of "second contact" is valuable in building public confidence in the department as well as indicating that the law enforcement officers are genuinely concerned about the welfare of the victim and other citizens associated with the case.* (M M M)

23.2.6 **The department has a system for designating a single person or principal investigator or case coordinator for each case.**

Comments: *This standard does not preclude the assignment of more than one person to an investigation but is designed to place accountability for each case.* (M M M)

23.2.7 **If the criminal investigation component does not provide 24-hour coverage, an "on-call" schedule of investigators is maintained.**

Comments: *In departments in which investigators are not assigned to duty shifts throughout a 24-hour period or on weekends, the criminal investigation component should publish an on-call investigator duty roster, which is furnished to the communications centre and the commander of the patrol force.* (M M M)

23.2.8 **A written directive governs the use of technical aids for the detection of deception in criminal investigations.**

Comments: *The written directive should govern the use of such devices as polygraphs and other detection-of-deception equipment. The directive should also specify those persons who may be authorized to use the equipment and the conditions under which it may be used.* (M M M)

23.2.9 **If investigative task forces are used, a written directive governs their activities, to include:**

- o Identifying the purpose;**
- o defining authority and responsibilities;**
- o establishing accountability;**
- o identifying resources available; and**
- o evaluating results and their continued necessity.**

23.3.3 A written directive establishes procedures for cooperation and coordination between the victim assistance program and other department components or functions.

Comments: *The intent of this standard is to establish procedures to alleviate misunderstandings among all components or functions, to provide for an effective delivery of victim assistance services, and to ensure the success of the program. (M M M)*

23.3.4 A written directive establishes procedures for informing crime victims of the following:

- o case status (e.g. "open" or "closed");
- o change in case status; and
- o submission of reports to Crown Attorney.

Comments: *The intent of the standard is to involve crime victims in the process and to ensure that they understand what investigative steps are currently under way, or why the case is inactive. Appropriate notifications should be made as soon as practicable. (M M M)*