

CHAPTER 42
CRIMINAL INVESTIGATIONS

DISCUSSION: This and related chapters deal with the investigation of crime by both the street level officer and those assigned to the Detective Division. It is the intent of these chapters to establish policies and procedures that will ensure the effective and efficient performance of the criminal investigation function by the Hattiesburg Police Department. The solving of crimes through proper investigative methods is a critical element in the department's effort to enforce the laws. It shall be the policy of the Hattiesburg Police department to investigate all reported criminal offenses by recording basic information, collecting and preserving evidence, apprehending suspected offenders, recovering property and preparing cases for prosecution.

- A. The Detective Division is established as a component of the Operations Bureau. This section shall be commanded by a superior officer who reports directly to the Operations Bureau Commander.

- B. The Detective Division, by assignment, performs the following functions:
 - 1. Crimes against Property
 - 2. Crimes against Persons
 - 3. Crime Scene Investigation
 - 4. Fraud
 - 5. Property/ Evidence Management

- C. The Detective Division is responsible for but not limited to the following activities:
 - 1. Receive, store, maintain and dispose of all felony evidence turned in by department personnel.
 - 2. Conduct criminal follow-up investigations.
 - 3. Conduct juvenile follow-up investigations as assigned.
 - 4. Prosecute or dispose of juvenile felony arrests.
 - 5. Conduct undercover investigations and support undercover operatives.
 - 6. Develop, maintain and appropriately record information from informants; maintain an informant file.

7. Maintain all specialized criminal investigative equipment owned by the department.
8. Assist patrol officers with preliminary investigations when appropriate.
9. Conduct training for recruits and other personnel within the department in specialized investigative methods and techniques.

42.1 ADMINISTRATION

42.1.1 On Call Procedures

The Hattiesburg Police Department Criminal Investigations Division utilizes a twenty four hour on-call schedule of Investigators. Criminal Investigators and Supervisors are assigned an on-call schedule.

A. Call Out

1. Each investigator and supervisor will be issued a callout night or schedule.
2. Investigators and supervisors due to their specialized function or position may be subject to call twenty four hours a day.
3. The hours of duty shall be maintained with the needs of the department in mind and be available for duty at times of special needs or emergency.
4. The investigators callout schedule shall be updated per work schedule.
5. If an investigator can not make callout (vacation, sickness, etc.) the Division Commander or his delegated authority shall appoint a substitute.
6. A copy of the callout schedule or substitution shall be made available to the Communications Division.

B. Call Out Procedure

1. An investigator shall be notified on all felony crimes except DUI's and shoplifting. The investigator will evaluate the situation and respond to the scene if he/she deems it necessary.
2. Should an officer be called to an incident (not addressed in #1), but circumstances bring into question the need of an investigator, the officer shall contact his/her immediate supervisor.
3. The supervisor shall review the situation and authorize the notification of an investigator.

4. The supervisor may contact Communications to notify the investigator on call or contact the on call investigator in person.
5. The supervisor may contact the on call investigator and or a specialized team (Crime Scene Investigations).
6. The on call investigator may also call the specialized team and or the Division Commander or his delegated authority for further assistance.
7. If the Patrol supervisor makes contact with the on call investigator and that investigator fails to satisfy the Patrol supervisors' needs, then the Patrol supervisor may contact the Division Commander or his delegated authority. The Division Commander or his delegated authority will first satisfy the needs of the Patrol supervisor that requested the callout, and then make an inquiry as to why the on call investigator did not respond or assist in the matter.

42.1.2 Case Management System

The Hattiesburg Police Department utilizes a "Case File Management System". The officer taking the initial report shall be responsible for the preliminary investigation. In the event of a major crime or supervisory discretion, responsibility may be redirected to officers/investigators with special training and/or experience. Once a case has been assigned, the Case Management System is implemented with each case given a number at the time of its origin. Most traffic and many misdemeanor cases are concluded (cleared) at the time of the preliminary investigation with an arrest.

A. Case Management Officer

The Case Management Officer (Criminal Investigations Commander or his delegated authority) will collect all Offense/Incident Reports from the Patrol supervisors (Report Review Officer) daily (Monday - Friday). Cases not cleared during the preliminary investigation are assigned for follow-up as follows:

1. Traffic - Misdemeanor traffic and felony DUI
2. Teleservice/Patrol - Misdemeanor
3. Criminal Investigations - Felony

B. Solvability Factors

Solvability factors are a procedural guideline designed to provide assistance in the determination of case status: Active, Inactive or Cleared. Solvability factors are information about a crime which can provide a basis for determining who committed

that crime. Basically, a solvability factor is a "lead" or clue in the search for the perpetrator of the offense. The solvability factors selected are those which will assist:

The investigating officer in bringing his case to a conclusion;

The reviewing supervisor by assuring that proper investigative steps have been taken and

The case manager in deciding which cases have potential for a successful resolution through further investigation.

The following information identifies twelve (12) solvability factors which have been developed through research conducted in law enforcement agencies throughout the country and have been subsequently adapted to the needs of the Hattiesburg Police Department based on assessment of the criminal activity that has been historically experienced in the Hattiesburg area. There are twelve (12) identified solvability factors.

1. Can a suspect be named?

The officer conducting a preliminary investigation shall determine from any pertinent party available, whether or not a full or partial name of a suspect is available. The officer shall state in his report with whom he spoke to obtain any information. Merely saying "I spoke with some people in the area and they stated ..." is insufficient.

2. Could a suspect be identified by the victim/witness if seen again?

The officer shall determine, if appropriate, whether or not the victim or witness would be able to identify the suspects(s). The officer shall determine if the victim/witness is willing to view a photographic display as well as potentially make in court identification.

3. Is the address of a suspect known?

The investigating officer shall attempt to determine if any party has knowledge as to where a suspect may reside. Often, a victim or witness may not know a suspect's name, but could state that they have seen him leaving a certain residence or knows that he lives down the street. Again the officer must document what efforts were made to secure this information.

4. Is it known where a suspect may usually be found?

The investigating officer shall attempt to determine from pertinent parties where a suspect spends his time. As in the case of a suspect's address, a person providing information may not know who the suspect is by name, but could state that he may usually be found at a particular bar, social club, sporting event, etc. Again, the officer must document his efforts as to how he acquired this information.

5. Was a vehicle license number obtained by the victim/witness?

Citizens have been known to look for this feature during moments of suspicious activity. The investigating officer shall closely question pertinent parties when a vehicle is known to be involved and document who questioned them and their response. Even partial numbers may be of assistance; do not disregard the witness who cannot provide the full number.

6. Can the vehicle be identified by the victim/witness if seen again?

If it is determined that a vehicle is involved, the above question shall be thoroughly explored. The investigating officer shall determine if the vehicle had any distinguishing characteristics such as bumper stickers, dents, body work, unusual paint or tires, extra antennas, etc. This inquiry shall not necessarily be limited to the exterior of the vehicle. All efforts to secure this information must be documented by the reporting officer.

7. Was any traceable property taken?

The investigating officer shall determine if any of the property taken had serial numbers, distinguishing characteristics which would make identification easy or whatever other considerations are generally made in tracing stolen property. The officer must document with whom he spoke and their response.

8. Is there any significant physical evidence available?

In answering this question, the investigating officer shall state what evidence was taken by whom, where it was found, the purpose of taking the evidence and the significance of the material to the investigation. The taking of worthless evidence creates more problems than it solves. The officer must evaluate the importance of evidence in terms of the goal of solving the crime. If the answer to this solvability question is "Yes", the officer must report all the details about the evidence. If the answer to this solvability question is "No", the officer must document **WHAT EFFORTS WERE MADE TO FIND SIGNIFICANT EVIDENCE.**

9. Is there a significant "modus operandi" present?

Criminals generally commit the same type of crime over and over. Bank robbers rob banks, they do not paint graffiti on walls; burglars burglarize, they do not necessarily commit embezzlement, and so on. Also, criminals generally commit the crime in the same way or at least in a similar fashion as they have in the past. Therefore, the investigating officer shall take note and cite in the report exactly how the crime was committed and determine if the method has any particular significance in relation to other crimes, known criminals or unique circumstances.

10. Was there an extremely limited opportunity for the suspect to have committed the crime?

The investigating officer, in speaking with the victim, shall attempt to determine if the crime could have been within a very specific time frame or if only specific persons could possibly have committed the crime. This feature often has significance with respect to people who know the victim's habits or schedule, people watching a place or when only certain persons have access to a particular restricted area. The officer shall explore this area in his investigation and report specifically what was learned.

11. Is there reason to believe that the crime would arouse such interest that public assistance will lead to its solution?

Certain crimes such as homicide, offenses against children or a series of rapes all generate a good deal of public interest. Since the police rely on people to obtain information, this increased level of interest is often of great assistance. The investigating officer shall use his judgment as to the level of interest in a particular offense and answer this solvability question accordingly. If the answer to the question is in the affirmative, the officer should state in his report upon what basis he rests this conclusion.

12. Is there reason to believe that further follow-up investigation will lead to the solution of the crime?

The investigating officer in a particular case may feel that just a little more work could clear the case up but for one reason or another the officer is unable to conduct this work at the time. In some other cases, the officer may feel that there are steps that he can take that may lead to the solution of the crime, even though no other solvability factor is present. If the officer answers "Yes" to this question, he must be able to state the reasons and the steps that would be taken to resolve the case. The officer may draw this conclusion based solely on a hunch or "gut instinct".

C. Investigative Uses of Solvability Factors

Officers shall use solvability factors as a guide in all appropriate criminal investigations. Solvability factors assist the officer in the investigation and direct report writing toward the search for and documentation of key elements used in the successful resolution of the investigation.

D. Supervisory Use of Solvability Factors

The primary goal of the police incident report is to provide the basis upon which further investigation may or may not be conducted. Keeping that goal in mind, the supervisor reviewing his officer's reports must not only check for completeness and accuracy but must also ensure that the report relates what investigative steps have been taken and what remains to be done. In utilizing the above noted solvability factors, the

supervisor will be able to assist his personnel in conducting as complete an investigation as possible.

E. Case Management Use of Solvability Factors

The Case Management officer (normally a supervisor in the Detective Section) assumes a key role in the decision making process relative to continuing investigations. The use of solvability factors assist in making decisions as to whether or not a case should be assigned for further investigation. The Case Manager shall check to see which solvability factors are present in a particular investigation and review the report to see that the strength of those solvability factors present warrants the assignment of the case for further investigation.

42.1.3 Case File Management

Under the Case Management System all case files are maintained in the AS 400 computer system as Active, Inactive or Cleared with original reports sent to Records Division to be maintained under UCR requirements. Using the Solvability Factors as a guide, the Case Manager determines the proper status and routing for each case. The location, assignment, status, case number and other such information is available for case management purposes to authorized users in the AS 400.

A. Traffic

DUI cases that require follow-up are sent to the Traffic Division DUI Coordinator. These cases generally require only the processing of necessary paperwork, statistical analysis and pending lab work.

B. Teleservice/Patrol

Follow-up for misdemeanor cases will be handled by Teleservice and the Patrol Division. (other than DUI's) A "Service Follow-up Report" will be attached to and remain with each case. Cases will be forwarded to Teleservice and then (if further follow-up is indicated) Patrol.

1. Teleservice

- a. Cases that have no working phone number will be sent a letter with a case number and a phone number should follow-up be requested or information needed by the reporting party. If the letter is returned "undeliverable" or no contact is made by the reporting party, Teleservice will recommend the case to be Inactive and forward it to the Case Manager who will then change the new case location in the AS 400.

- b. Cases that have working phone numbers will be contacted to complete a Service Follow-up Report and answer any questions. Information collected from the interview will determine if the case is to be sent to Records as above or to patrol for follow-up.
- c. Phone contact should be attempted three times, once during business hours and twice at evening. If no contact is made then a letter should be mailed.

2. Patrol Division

- a. Cases will be referred to Patrol if a request is made by the Reporting Party for a follow-up or information is gathered that would merit additional investigation. Teleservice will forward cases to the case manager.
- b. Patrol supervisors are responsible for checking the follow-up basket and assigning cases as they are submitted. The supervisor shall review the case and determine the officer assigned the follow-up. That Officer's employee number and date assigned will be entered into the AS 400. Follow-ups are to be reviewed by the supervisor to determine if the investigation should continue or is complete. If complete the case location will be changed to Records with the case copies placed in the basket marked "Completed Follow-up".
- c. The assigned officer will conduct a follow-up investigation. This follow-up may generate additional reports or result in an arrest. Any reports shall be done IAW established department report writing procedures. Once completed the follow-up will be submitted to the supervisor for review.

3. Records Division

Records Division cases will be filed and given an appropriate UCR status.

C. Criminal Investigations

All Felony cases with the exception of DUI's are sent to the Criminal Investigations Division. Once the case is received by this Division it is assigned or inactivated according to the strength of the solvability factors. Case management responsibilities within the Criminal Investigations Division are as follows:

1. Division Commander

Case status and investigator assignment will be made by the Commander or his/her delegated authority. The case is entered in the AS 400 and a record

shall be maintained with the investigator's name/employee number and date of assignment. At the end of each calendar month and year a print out will be generated to include the investigator, cases assigned, cases cleared and manner of clearance. This print out may be accessed at any time for investigator case load review. Each case shall be reviewed/approved prior to status change to determine; if the case is active and requires further investigation, inactive and can be forwarded or cleared under the following codes:

Code one- Case cleared by arrest

Code Two- Case cleared exceptional

Code three- Case cleared unfounded

Code Five- Inactive

2. Investigator

The investigator shall maintain the case file until it is completed and turned in for review. If the Investigating Officer finds that an assigned case is not solvable then that officer can request that the case status be changed to Inactive. In the same light, an officer may request that a previously inactive case be reclassified as active should enough solvability factors arise. All follow-up reports shall adhere to Departmental reporting policy.

3. Records Division/Grand Jury Files

Only authorized personnel will have access to Grand Jury Files which contain cases for prosecution. Original case files will be sent to Records Division except admission statements and search warrants which will be kept in the Grand Jury File. Once a case has a disposition and there is no threat of an appeal then the Grand Jury File will be transferred to and placed in the Records Division for permanent storage.

42.1.4 Accountability/Responsibility for Conducting Preliminary/Follow-Up Investigations

Responsibility of the preliminary investigation shall belong to the officer taking the initial report unless relieved by supervisory authority or assigned Investigator(s). Follow-up responsibility is determined by assignment through Case Management. There is not sufficient manpower to separate the Criminal Investigations Division into specialty workload assignments such as Crimes Against Persons, Crimes Against Property, etc. The Criminal Investigations Division Commander and his supervisors assign cases to Criminal Investigators according to their investigative talents. It is not mandated that these investigators handle only specific types of cases.

- A. Patrol Officers are expected to conduct thorough preliminary (initial) investigations, using solvability factors as investigative guidelines, and to pursue the initial investigation to its logical conclusion within the constraints of time, geography and expertise.
- B. Detectives are expected to concentrate their activities, as assigned, on:
 - 1. The collection of information that will support, verify and extend information collected during the initial investigation, when assigned for follow-up.
 - 2. Assist the original investigating officer with preliminary and/or follow-up investigation when particular expertise is required.
 - 3. Conduct such other follow-up investigations that cannot be undertaken by patrol officers due to:
 - a. Need for specialized or technical equipment.
 - b. Need for coordination with other jurisdictions.
 - c. Need for monitoring or maintenance of undercover operatives in the field.
 - d. Need for travel outside of the immediate Hattiesburg area.
 - e. Need for extensive and/or concentrated time efforts.

42.1.5 Habitual Offenders

The Hattiesburg Police Criminal Investigations Division has developed procedures for identifying and handling Habitual Offender cases. On every case that is to be sent for prosecution, the assigned Investigator must include the defendant's criminal history. If the criminal history indicates that the defendant may be a habitual offender, the investigator shall include copies of the defendant's certified convictions. The decision to indict and or prosecute the defendant as a habitual offender rests with the prosecuting agency.

- A. On all cases being made for prosecution, the assigned investigator shall include (in the case file) a copy of the defendants' criminal records. A criminal record can be obtained through the National Crime Information Center Computer.
- B. If the defendant has two or more felony convictions, then he defendant qualifies and is identified as a Habitual Offender.
- C. It is the responsibility of the assigned investigator to obtain certified copies of convictions and forward them to the prosecuting agency.

1. It will not be necessary to wait for certified copies of convictions before sending the case for prosecution.
 2. Copies of the certified convictions can be added to the prosecution and grand jury files when they become available.
- D. Unless otherwise ordered by the prosecuting agency, it will be the decision of the assigned Investigator, division commander or his delegated authority to pursue the defendant as a habitual offender.
- E. The decision to indict and or prosecute the defendant as a habitual offender rests solely with the prosecuting agency.

42.2 OPERATIONS

42.2.1 Information Development

The development of information is critical in bringing a successful conclusion to an investigation. Information is developed through several sources to include; witness interviews, interrogation, informants, evidence collection and background investigations.

- A. Interviewing Witnesses – Chapter 1
- B. Interrogation of suspects – Chapter 1
- C. Informants - Chapter 42
- D. Collection and preservation of evidence – Chapter 83
- E. Background Investigations – Chapter 121
- F. Surveillance – Chapter 43.2.10 is to be used as a guide by substituting the appropriate Hattiesburg Police designation in place of “Metro” or “agents”

42.2.2 Preliminary Investigations

One of the most basic and important function of the police is the investigation of criminal offenses. The objective is successful identification, apprehension and prosecution of criminal offenders. The ultimate success or failure of this police effort is closely related to the immediate response by the police and initial action taken at the time the crime is reported. This initial activity, preliminary investigation, is often crucial to solving the case. The preliminary investigation should never be treated as a routine matter; it takes place at an early and critical stage and may have a wide range of ramifications. For example, the initial efforts of the police often serve as a valuable tool in determining guilt or innocence. The preliminary investigation may turn up information that is useful in solving other crimes and serves as a vital link between the crime and a subsequent in depth investigation.

The major purpose of the preliminary investigation is to gather information. Information may be obtained from, “things” (physical evidence) or from persons (testimonial evidence). Neither source should be overlooked. In seeking information, the investigating officer should conduct the investigation within the bounds of the law and with all due respect to the persons and property. He must act with caution, expediency and with a desire to effectuate the police function within the community.

A. Responsibility for the Preliminary Investigation

1. Preliminary investigation is the responsibility of uniformed patrol. Patrol is relied upon because of its availability and capability of providing prompt and efficient services at any time of the night or day. Patrol officers are more likely to be familiar with the particular area where a crime occurs. Patrol can also be effective in apprehending the criminal at or near the scene.
2. In unusually serious or complex crimes, the Chief of Police or the Operations Bureau Commander may arrange to have investigative personnel conduct the investigation from the beginning.

B. Assignment

1. Patrol officers shall proceed promptly to a crime scene but shall do so in a safe manner. A Patrol Officer shall not proceed to a crime scene unless:
 - a. He/She is specifically ordered to respond (other units should remain on the perimeter to assist in apprehension of the offender or to perform other duties as directed).
 - b. The crime occurs or is discovered within the assigned area of a unit.
2. When officers approach the scene, they shall be alert for signs of suspicious activity, especially evidence of a fleeing criminal.
3. The officer first arriving on the scene shall be in command and conduct the preliminary investigation, subject to the limitation set forth in Chapter 42.2.2 of the AOM.

C. Initial Responsibilities

1. The investigating officer shall immediately determine the need for medical attention or first aid for injured persons at the scene.
 - a. The aid may be rendered by the officer himself.

- b. The aid of a bystander may be sought to free the officer for other activities.
 - c. If the injury is of a serious nature, the officer shall call for appropriate medical assistance.
- 2. When the investigating officer has determined that a crime has occurred, he may then seek to arrest the offender if there is reasonable likelihood of apprehension. Some of the factors which may be considered in determining whether or not the officer should leave the scene are:
 - a. The nature of the crime.
 - b. The time of day or night.
 - c. The isolation of the crime.
 - d. The lapse of time between the crime and the arrival at the scene.
 - e. The availability of other officers to conduct the pursuit and or effectuate the arrest.
- 3. The officer, as soon as practical under the circumstances, shall communicate to the telecommunicator the following information:
 - a. The nature of the crime.
 - b. A description of the offender and direction in which he fled.
 - c. A description of the vehicle, if any.
 - d. Whether or not the offender is, or may be armed.
- 4. The officer shall secure the crime scene and preserve evidence.
 - a. Physical evidence shall not be touched or moved unless it is absolutely necessary to insure preservation.
 - b. The officer shall briefly note and record any evidence that may be related to the crime and shall then request the services of specialists if needed.
 - c. Unauthorized persons shall not be permitted to enter the scene. Unauthorized persons shall mean any civilian or police personnel not necessary for continuation of the investigation.

- d. The investigating Officer shall be liable for the unavailability or destruction of evidence due to his own lack of diligence or improper activity.
- e. Further direction and information regarding the proper collection and preservation of evidence is located in Chapter 83 of AOM.

D. Witnesses

1. The officer shall locate, identify, and interview witnesses.
 - a. Witnesses shall be separated to insure independent statements.
 - b. Witnesses shall be questioned as soon as possible and in a quiet area if available.
2. To promote the success of the interview, the officer should keep in mind:
 - a. The particular characteristics of the witnesses that will affect their statements (for example hysteria or belligerence).
 - b. His own demeanor (for example patience or attentiveness).
3. The officer shall observe the following guidelines for interviewing witnesses:
 - a. Questions should be simple and in plain language.
 - b. Ask only one (1) question at a time.
 - c. Avoid questions that may imply answers.
 - d. Avoid sarcasm, rudeness, or antagonism.
 - e. Avoid interruptions.
4. Further information and procedures to be used in interviewing witnesses is contained in Chapter 1 of the AOM.

E. Notes and Reports

1. The Investigating Officer shall complete a field report making notes of the following:
 - a. Time of arrival.
 - b. Weather conditions.

- c. Approximate time of the crime and when and by whom it was discovered.
 - d. Identity of other officers present.
 - e. Information concerning physical evidence.
 - f. Name, address and telephone number of the victims and/or witnesses.
 - g. Hour, date and location of the interview.
 - h. The description of the criminal, especially unusual characteristics.
 - i. Description of any automobile.
 - j. Brief statements as to what witnesses heard or observed. However, if a statement appears highly informative due to its nature and content, a verbatim record should be made.
 - k. Any other information the officer believes may be useful in apprehending the criminal.
2. Upon completion of the preliminary investigation, the officer shall file a report concerning his activities.
- a. The report shall be thorough, accurate and complete.
 - b. The report should contain the information outlined above and any other relevant facts and observations that may be useful in solving the crime.

F. Command

- 1. The Investigating Officer shall yield the investigation:
 - a. When so ordered by the officer in command.
 - b. Upon the arrival of a detective that has been assigned by proper authority to take over the investigation.
- 2. Whenever possible, the original Investigating Officer should remain involved in the investigation.

G. Preliminary Investigation Check List

The following check list summarizes the duties of an officer conducting a preliminary investigation at a scene of a crime.

1. Arrest a perpetrator if possible.
 2. Arrange for the immediate pursuit of the perpetrator(s) if flight is recent and initiate this pursuit if the possibility of immediate capture is likely.
 3. Provide the best possible description of perpetrators to the telecommunicator to include information regarding the direction of travel and to whether the suspects are armed or dangerous.
 4. Care for the victim if medical attention is necessary.
 5. Carefully protect the crime scene from intrusion or change and preserve all physical evidence.
 6. Seek witnesses and direct that they remain at the scene until questioned.
 7. Identify all persons present and record names, addresses and telephone numbers.
 8. Listen for and note any unguarded remarks made by witnesses or others present at the scene.
 9. Make inquiry of neighbors and bystanders as to their knowledge of suspicious persons or vehicles in the area.
 10. Note and record conditions at the crime scene, such as exact time of the incident, time of the initial field report, who made the report, weather, visibility, street lighting and all other pertinent information.
 11. Return to normal patrol duties as soon as practical and make a written report of all that was observed and learned during the preliminary investigation.
- H. Further information concerning preliminary investigations is established in the AOM Chapter 1 - Interviewing witnesses and Interrogation of Suspects and 83 - Collection and Preservation of Evidence.

42.2.3 Follow-Up Investigations

Follow-up investigations begin with the knowledge obtained in the preliminary investigation. Therefore, any officer conducting a follow-up investigation should begin by obtaining and analyzing all the information previously received.

This section provides guidance in conducting follow-up investigations. It shall be the responsibility of each officer to be familiar with these guidelines and utilize them as applicable, using discretion when the investigation requires actions not covered in this directive.

A. Reviewing the Case

All officers assigned to conduct a follow-up investigation should:

1. Review all reports, statements, diagrams, etc.
2. Discuss the findings and opinions of officers involved in the preliminary investigation with those officers.
3. Perform a background check that consist of, at a minimum, a search for prior records on suspects, witnesses, and victims by conducting local records checks and N.C.I.C. criminal history reports.
4. Confirm information provided about suspects, witnesses, and victims, such as:
 - a. Name (insure the spelling is correct).
 - b. Address.
 - c. Phone numbers (work and home numbers).
 - d. Date of birth.
 - e. Physical description.
 - f. Place of Employment.
 - g. Vehicle owned / operated
5. Review evidence submitted, as well as the reports of lab analysis conducted on the evidence.
6. Revisit the crime scene seeking evidence or additional information which may have been unavailable or overlooked during the preliminary investigation. Insure that all evidence is seized IAW law and departmental directives.
7. Identify areas within the preliminary investigation which needs clarification and addressing. Determine what investigative questions need to be answered before a successful conclusion can be made.

B. Conducting the Follow-Up Investigation

1. Re-interview the victims and witnesses, who may provide (refer to AOM Chapter 1):
 - a. Additional information.
 - b. Clarify certain statements.
 - c. Determine if the report was false.
 - d. Identify the suspect(s).
2. Interrogate suspects keeping the following in mind.
 - a. IAW with Miranda.
 - b. Obtain as much information as possible about the suspect, prior to questioning.
 - c. Listen intently.
 - d. Identify inconsistencies.
 - e. Confirm alibis.
 - f. Obtain written statements.
 - g. Identify codefendants.
 - h. Identify additional offenses the suspect may have knowledge of.
 - i. Conduct the interrogations IAW Departmental directives. (Chapter 1)
3. Disseminate information through:
 - a. The media.
 - b. Interdepartmental memorandums.
 - c. Telephone contacts with other agencies.
 - d. Submission of reports to ROCIC.

C. Organize, Plan and Direct Searches

Insure search warrants and Consent to Search forms are obtained legally and IAW department Policy.

D. Notifying Victims of Case Status

1. It is the policy of the Hattiesburg Police Department to keep the victims of crime updated on the status of their individual cases. It is the responsibility of every Investigating Officer to insure that the victim of a crime is notified when:
 - a. The victim's case has been temporarily or indefinitely suspended.
 - b. The victim's case has been resolved by arrest.
 - c. Any significant development in the case unless to do so would compromise the police investigation.
 - d. During extended or long term investigations, the Investigating Officer is responsible to regularly contact the victim and insure that they are updated on the progress of the investigation.
2. It is the responsibility of supervisors to ensure that the appropriate notifications are made and that any such notification is properly documented in the officer's report.

E. Other directives that should aid the Investigator in doing a follow-up investigation are as follows:

1. Reviewing and analyzing reports - Case Management assigns cases to investigators and supervisors who review all reports connected to the case.
2. Conducting additional interviews and interrogations Interviews and Interrogations are covered in AOM Chapter 1.
3. Seeking Additional Information - This topic is covered in both AOM Chapter 42 and Chapter 83.
4. Collecting Evidence and Searches - These topics are covered in AOM Chapter 1 and Chapter 83.
5. Criminal Histories - This is covered in Chapter 42.

F. Identity and Apprehending Suspects

1. Suspects may be identified by using the following methods:

- a. Physical evidence such as fingerprints, shoe prints, hair and fibers, body fluids (blood and semen) etc.
 - b. Suspects may also be identified by using nonphysical evidence such as, witness statements, photo line-ups, codefendants statements, police observations, informants, etc.
 - 2. Suspects can be apprehended by using several methods.
 - a. Apprehended at the scene or leaving the scene of a crime.
 - b. Evidence can be compiled and narrated in an underlying facts and circumstances for arrest warrant. The underlying facts can be submitted to a judge having jurisdiction and an arrest warrant issued.
 - c. The evidence can be compiled and taken to the grand jury having jurisdiction and an indictment can be issued.
- G. It is important that the Investigating Officer try and ascertain if the suspect is involved in other crimes.
- 1. Some suspects commit other crimes in a like manner. This is referred to as Modus Operandi.
 - 2. Every effort should be made to talk with witnesses, codefendants, and the suspect to determine if like crimes were committed.
- H. Preparing Cases for Court
- 1. The Investigating Officer and/or the Criminal Investigator assigned to the case are responsible for completing the case for court presentation.
 - 2. The Criminal Investigator or the Investigating Officer may contact his/her supervisor and review the case to ensure that the case is properly prepared for court.
 - 3. The Criminal Investigator or the Investigating Officer may also contact the District Attorney's Office and request assistance in reviewing the case.
 - 4. The Criminal Investigator or the Investigating Officer may refer to Chapter 42.2.4 for a case preparation check list.

42.2.4 Case preparation Check List

- A. All cases are different in nature therefore require different preparation for court. The Criminal Investigator or the Investigating Officer preparing a case for court should in

some instances review the case file with his/her supervisor. The following check list should aid in the preparation of the case for court preparation.

B. The case file should contain but not be limited to, the following when applicable:

1. District Attorney Impact Statement

This report lists defendants' prior arrest, extenuating circumstances about the case, and the officers' recommendation to the District Attorney for punishment.

2. District Attorney Case Receipt

This is an accounting of who received the case file. It is maintained at the District Attorney's Office.

3. Table of Contents

This is a list in numerical order of all documents in the case file.

4. Offense Report

This is the initiating officer's report.

5. Offense Narrative

This is the initiating officer's summary of the incident that is being reported.

6. Investigations Narrative

This is the Criminal Investigators detailed report of the incident.

7. Arrest Report

This is the suspect's biographical information which will also include charge, date and time of arrest, etc.

8. National Crime Information Center Criminal History Report

This is a report of the suspects past criminal history.

9. Copy of the Chain of Evidence Report

a. All evidence secured must be described in detail.

- b. This report shall contain the seizing officer's name, date, time seized, where it was seized, etc.
 - c. The original report shall be attached to the actual evidence.
- 10. Waiver of Rights

All written admission statements must be accompanied by a written waiver.
- 11. Statement of Defendant

This is done on a three page prepared form.
- 12. Witness Statements

This report must contain the witnesses name, address, social security number, etc.
- 13. Search Warrant

This would include the search warrant, affidavit for search warrant, and underlying facts and circumstances.
- 14. Copy of the Crime Lab Submission Form
 - a. Evidence should be listed in detail.
 - b. The requested test should be specific.
 - c. The original shall be attached to the evidence being sent to the lab.
- 15. Returned Lab Reports

This is a certified copy of the Crime Lab results and can be added to the case file when available.
- 16. Autopsy Report

Is obtained from the Coroners Office or the pathologist that conducted the autopsy.
- 17. Arrest Warrant, Affidavit and Underlying Facts for Arrest Warrant

A copy should go in the case file and the original returned to the clerk of the court which issued the warrant.

18. Consent to Search
Signed consent should be used whenever possible.
19. Consent for Body Fluids
Must be used if court order is not issued.
20. Copy of a check
In uttering and forgery cases the original check will be a part of the Grand Jury file or at the Crime Lab.
21. Financial Reports
In embezzlement cases financial reports are used to prove a loss.
22. Crime Scene Reports
Generated by the Crime Scene Unit
23. Crime Scene Diagram
Original should be filed in Grand Jury File and a copy placed in the Case File to the District Attorney.
24. Photographs
A copy of the photo should be sent with the Case File to the District Attorney and a copy left with the Grand Jury File.
25. Court Orders
Copies should go in the Case File and the original returned to the clerk of the court.
26. Medical Release Forms
Used for the release of victim's medical records.
27. Waiver of Extradition
Used to show that the suspect returned to the jurisdiction voluntarily.
28. Other Agency Reports

Other Federal, State, and local law enforcement reports that may show proof.

29. National Crime Information Center Wanted Person and Stolen Items Reports.

A copy should be placed in the Case File and the Grand Jury File.

- C. The completed checklist will be signed off by their viewing supervisor and included in the case file.

42.2.5 Checklist for Criminal Investigations

- A. The AOM manual covers several types of crimes frequently investigated. It would be impossible to include every crime type and account for all the variances, but the manual does give an Investigator a working foundation.
- B. If the investigator has trouble with a case then there is always a supervisor on hand to answer his questions.
- C. The AOM covers specific crimes as follows:
1. Chapter 106 - Auto Theft Investigation
 2. Chapter 107 - Forgery and Uttering
 3. Chapter 108 – Burglary Investigation
 4. Chapter 109 – Sexual Assault Investigation
 5. Chapter 110 – Missing Persons

42.2.6 Rank Titles and Salary Schedule

- A. All sworn officers come under the career development program of the Hattiesburg Police Department. Each officer is assigned a step number that corresponds to the officer's salary. (see Career Development Manual)
- B. The salary schedule for investigators is the same as personnel in every other division of the Hattiesburg Police Department within the same step or rank.

42.2.7 Roll Call

In order to keep uniformed patrol officers informed and updated, Investigators meet, on an as needed basis, with Patrol Shifts during roll call (Muster). At this time cases are discussed and information is exchanged.

42.2.8 Investigative Task Force

The Criminal Investigations Division has in the past used Investigative Task Forces. Generally the division does not use a full task force but instead assigns several Investigators to work a case sometimes with another jurisdiction so as to accomplish the same goal. The Division is a part of the Crime Scene Task Force which includes Hattiesburg, Forrest County and Lamar County. [For more information refer to Investigative Task Forces (AOM Chapter 43) and Evidence Collection (Chapter 83)].

42.2.9 Use of the Polygraph

The Polygraph is an excellent aid to law enforcement investigations, but should never be considered a substitute or a short cut to an investigation. The final result of a polygraph examination will be based upon the thoroughness of the investigation prior to a person taking a polygraph test. The procedures outlined in this directive are designed to instruct and acquaint personnel with the guidelines and preparations necessary for a polygraph examination, as well as to insure that the polygraph examiner is provided with all necessary case information to perform the test.

A. Authorized Polygraph Examiners

1. No polygraph examination requested by or conducted for the Hattiesburg Police Department shall be performed by an examiner who is not a graduate of an institute providing training in the use of the polygraph.
2. Whenever possible, polygraph examinations requested by or conducted for the Hattiesburg Police Department shall be performed by the Department's own examiner. If the examiner is unavailable for any reason and a polygraph examination must be conducted, another qualified examiner may conduct the polygraph test provided such test has been approved by the Operations Bureau Commander.

B. Authorization

1. All cases considered for a polygraph examination to be conducted by the Department's Polygraph Examiner should first be discussed with the examiner.
2. No appointment shall be made for a person to take a polygraph examination without first discussing the case with the examiner.

C. Preparation for the Polygraph Examination

1. All reports, notes, statements and any other information should be forwarded to the examiner as soon as possible. All background information such as DOB, criminal record, residence, full name and other information on the person to be tested should also be gathered by the Criminal Investigator or Investigating Officer and forwarded to the examiner with the specific case reports.

2. Intensive interrogation of the person immediately prior to the examination should be avoided. However, the person may be interviewed briefly prior to examination, but only to determine opportunity to commit the crime and motive. This section does not relieve the Criminal Investigator or the Investigating Officer of his responsibility to interrogate a suspect prior to the polygraph date.

42.2.10 Informants

Police experience indicates that one way to solve a crime, or to locate a wanted person, is often through an informant. Every police investigator relies on informants to provide information that might otherwise not be uncovered or might not be obtained without a lengthy time-consuming search. Many cases would never be solved without the assistance of informants. Because crime by its nature is secretive, the use of informants in the solution and prevention of crime is a necessary and practical police policy.

During the performance of his/her duties, a good investigator must associate with and cultivate the acquaintance of people at all levels of society, particularly those who, because of their occupations, can provide valuable information. This would include cab drivers, door-to-door delivery men, storekeepers, waitresses and waiters, hotel or motel clerks, apartment house janitors, night watchmen, etc. This list of possible sources of information is dependent upon the resourcefulness of the investigator and his ability to utilize bits of information from a variety of people to develop tangible leads towards the solution of a crime.

In general, an informant is any person who provides information to the police. This information may be given openly, with a subsequent appearance as a witness in court, or it may be provided surreptitiously with a request that the informant remains anonymous. Such persons can often reveal the details of a crime under investigation and furnish information about the crimes being planned because of their direct connection with the criminal involved.

Quite often, the public fails to recognize the value of this kind of information and some people believe that contacts between the police and the criminal informants are somehow immoral or unfair. Despite this public attitude, all Police Officers should understand that this is a standard investigation technique in law enforcement and is legal if the investigation carefully remains within the boundaries of professional ethics in the pursuit of information.

A. Procedures

1. To cultivate an informant, one must:
 - a. Be a good listener.
 - b. Be fair, truthful and tactful.
 - c. Establish a foundation of confidence and trust.

- d. Avoid being overly aggressive.
 - e. Always maintain control of the interview, without interrupting unnecessarily.
 - f. Take notes unobtrusively.
 - g. First obtain generalities, and then press for details of information provided.
 - h. Maintain regular contact, daily if possible, for new information and fresh developments.
2. Officers who cultivate informants are responsible for evaluating their informant for truth and accuracy of information. Understanding what motivates an informant will aid the officer in his evaluation of the informant and the reliability of the information obtained. To do this effectively, an officer should attempt to determine the informant's motive for aiding the police. Examples of motives are:
- a. Fear - fear of the law or fear of their criminal associates.
 - b. Remuneration - providing information strictly for financial gain.
 - c. Avoidance of punishment - seeking to avoid prosecution for a minor offense by providing information concerning a major crime.
 - d. Revenge - retaliation because of a real or imagined injury (this information can be exaggerated or erroneous).
 - e. Attitude - a desire to repay a Police Officer's previous consideration or concern for the informant or his family.
 - f. Gain - a prisoner who may provide information in return for some special privilege.
 - g. Competition - furnishing information to eliminate a criminal rival (this information can sometimes be false or misleading).
 - h. Repentance - a person involved in a crime becomes conscious stricken.
 - i. Eccentric persons - people who can often be an annoyance, but whose information should be accepted and evaluated for what it is worth.

- j. Public spirited citizens - persons who believe it is their duty to provide information to the police of suspicious circumstances.

B. Informant Participation in an Investigation

1. All Divisions and Sections are encouraged to develop and utilize informants. An informant file shall be kept in a secure environment under the direct control of the Division/Section Commander of any Division/Section that utilizes a voucher system or receives money to pay informants for information or evidentiary items used in case preparation. File management and security is the responsibility of that Commander assigned accountability for dispersing the funds.
2. The Criminal Investigations and Patrol Division Informant files will be maintained and secured by the Criminal Investigation Division Commander. The Informant files shall include the following:
 - a. Photo
 - b. Voucher number and case number
 - c. Agent or Investigators name
 - d. Informants background information
 - e. Informants vehicle (if any)
 - f. Informants rolled inked prints
 - g. Voucher copy
 - h. Any report to corroborate the Informant's reliability
3. Files for informants cultivated by Hattiesburg Police personnel to assist in developing Metro Task Force cases or paid directly from Metro funds are maintained by Metro. Metro Informant Files are discussed in Chapter 43.

C. Payments to Informants

1. Monetary payments to Informants for information shall be made only as authorized by the Chief of Police through established accounting systems. No Police Department funds shall be utilized with an informant not on file.
2. An accurate accounting of all payments and funds shall be maintained by the informant file manager.

3. Each informant payment shall be accompanied by a signed voucher. The voucher shall be approved by the Informant File Manager before payment.

D. Use of Juvenile Informants

1. The use of juvenile informants in overt police investigations requires special care and consideration. If the juvenile is to be used in any way other than for general "street" information, the controlling officer shall:
 - a. Notify his/her the Division Commander
 - b. Obtain written permission with a signed release form from the parents of the juvenile
 - c. Create an Informant File to be maintained by the Division Commander. The Division/Section supplying the funds shall maintain the file if different than the Division/Section conducting the operation.
2. It is recommended that when using a juvenile as an informant, an additional officer act as an observer or maintains contact with the juvenile to help avoid allegations of misconduct by the police.

E. Controlling the Informant

1. If at all possible, only one (1) officer shall deal with each informant. This officer should be the officer who initially developed the contact. An alternate officer may also be assigned to avoid any future loss of contact. A procedure established on this basis provides a number of benefits:
 - a. Avoidance of repetitive demands on the informant's time.
 - b. Circumvention of personality conflicts.
 - c. Natural development of friendship and mutual trust.
 - d. Uniformity of control.
 - e. Knowledge of possible pitfalls and problems.
2. Proper treatment of the informant is essential. To this end, an officer should observe the following standards:
 - a. Avoid the use of derogatory terms, despite reputation and habits of the informant.

- b. Safeguard the confidentiality of the informant's identity (an informant's name should never appear on any police report, except in the Informant Identification File).
 - c. Do not reveal police information in order to encourage informants.
 - d. Express appreciation for all information received, regardless of the value.
 - e. Do not make any promises that cannot be kept.
 - f. Keep appointments promptly, even though the informant does not always appear.
 - g. Do not over look or condone the commission of a crime in return for information regardless of his potential value.
 - h. Do not make any unethical deals or arrangements with any informant that would in any way compromise your position as a Police Officer.
3. All leads supplied by the informant should be investigated or followed up. This is especially true when the relationship is in the earlier stages and will aid in determining reliability.
 4. Officers should not permit the informant to take charge of any phase of the investigation. Control of the case should always remain with the police officer.
 5. Officers shall consistently impress upon their informants their individual integrity and that of the Department's. Never lead the informant to believe that the police can be improperly influenced.
 6. Selection of meeting places should usually be made by the officer and not the informant. If possible, have another officer present with the controlling officer at any meetings.
 7. Meetings should not establish a recognizable pattern. Vary the locations and times of the meetings. Use the telephone to make contacts as much as possible.
 8. Meetings should never be held at or near any police building or court house unless absolutely necessary.
 9. Officers should be noncommittal about the value of the information received when in the presence of the informant. Even if the information appears to be questionable, consider it valuable until proven otherwise.

10. Never become careless or routine when dealing with informants. Since many informants are past or present criminals, an officer must ensure his own safety regardless of the desire to maintain contact.
11. These are some of the pitfalls to avoid in dealing with informants:
 - a. Do not depend on a previous informant without updating his information.
 - b. Do not permit an informant to control your investigation.
 - c. Do not reward an informant prior to the final completion of your investigation.
 - d. Do not neglect to fully identify your informant and where he can be located.
 - e. Do not permit an informant to be armed.
 - f. Do not make any promises to an informant that cannot be kept, including a promise that he will not at any time be required to testify in court.
 - g. Do not overlook or condone the commission of a crime in return for information regardless of its potential value.
 - h. Do not make any unethical deals or arrangements with any informant that would in any way compromise your position as a police officer.
12. Every effort should be made in order to avoid an informant's identification or appearance in court. To do this, do not permit an informant, as an agent of the police, to be an eye or ear witness to any criminal transaction, unless the transaction is only to be used to develop the credibility of the informant.
13. Probable cause for arrest may be established through the use of hearsay information from informants. Basically, an officer must be able to show two (2) factors:
 - a. The underlying circumstances which established the reliability of the informant.
 - b. The underlying circumstances which established the reliability of the informant's information.

F. Female Informants

In cases involving female informant's special precautions must be taken to protect the reputation of the informant, the officer and the department. Information from informants is sometimes provided because of mistreatment or is motivated by jealousy and should therefore be carefully evaluated. It should be noted that in the event of reconciliation, this source of information can dry up quickly. Male officers should be particularly careful in establishing contact with and in obtaining information from female informants to avoid any appearance of misconduct which could result in subsequent false accusations.

G. Informant Unreliability

If an informant proves undesirable, unreliable, dangerous or in any way violates any law while actively working as a police informant, a report shall be generated immediately outlining the details of the actions. Upon completion of the reports, the Information Identification File will be turned over to the Operations Bureau Commander. The Operations Bureau Commander shall review the file and determine if the informant can be used in any further investigations. If the decision is made to terminate the use of the informant, the Operations Bureau Commander shall insure that the Informant Identification File indicates the termination and the reasons for the termination. Upon terminating the use of an informant, the Operations Bureau Commander shall notify the controlling officer who should be advised that he may no longer contact the informant himself, but may still record all information given to him when the informant generates the contract. All documentation in these cases shall be immediately forwarded to the Informant Identification File.

42.2.11 Cold Case

Cold case investigations are investigations into open, unsolved crimes such as homicides, sexual assaults and other crimes that carry no statute of limitations. These cases will be investigated until solved. These cases may be unsolved and open for several reasons including all potential leads have been exhausted, investigator retiring or transferring to another division, or other reasons.

A. Cold Case Defined

A cold case is defined as any major or high profile criminal investigation that has not been solved for a period of at least one year and has been closed to active follow-up.

B. Cold Case Criteria

A case has gone cold when investigators determine that all potential leads have "dried up". "Cold cases" are usually re-opened based on, but not limited to, the following criteria.

1. New evidence has come to light.

2. The victim's physical remains have been discovered.
3. A witness has come forward.
4. Case has been worked for one year and not solved.
5. New technology available to analyze evidence, such as DNA

Generally, cases are assigned permanently to an investigator; however the Detective Commander may reassign cases based on the needs of the case and the division. In the event that an investigator leaves the division, for any reason, the cold case will be reassigned to another investigator

- C. Annually, or whenever new information or new technology becomes available, the assigned detective and the detective supervisor will review the cold case and determine if there is any new information or technology available that would provide new leads. Upon review of the case, any action taken will be annotated in a cold case tracking mechanism developed and maintained by the Detective Division Commander.

42.3 Interview Rooms

Any conversation with a member of the police department could be deemed as an interview. Citizens provide information about crime, neighborhood issues, and officer performance issues, provide information as victims or witnesses for a variety of police reports. This type of interview may be held at any location suitable for conversation and fact gathering.

Interview rooms shall be used in accordance with this section when the subject of the interview is in custody, potentially a suspect or otherwise identified as a person of interest in an ongoing investigation. Normally interviews of this nature will be conducted by investigators, but any officer may conduct an interview within the guidelines of this policy.

Designated interview rooms are located as follows:

- A. Polygraph room in Investigations
- B. Interview Room in Investigations
- C. Office in the Processing area.

First preference in conducting an interview is using the interview rooms in the investigations area. In cases of over flow or access to investigations is not available, the interview may be conducted in the office of the processing room.

42.3.1 Weapons Control

- A. Officers shall secure firearms in agency provided gun lock box before entering the interview room for the purpose of conducting an interview.
- B. All subjects who are in custody at the time of the interview will be searched for weapons, contraband and evidence prior to being placed in the interview room.

42.3.2 Security

- A. Personal items such as handbags and briefcases should be secured outside the interview room. Such items may be brought into the interview room at the discretion of the interviewer provided they have been searched,
- B. Incarcerated subjects who are transported from a secure detention facility for the purpose of conducting an interview will remain properly restrained.
 - 1. At no time will the restrained individual be secured to any furniture, equipment or fixed object that is not designed for that use.
 - 2. The interviewer will have the discretion to remove or adjust restraints for an effective interview.
 - 3. If restraints are removed they shall be secured on the person of the interviewer or removed from the room.
- C. In the event of fire or other evacuation the interviewer shall take custody of the interviewee, provide for safe exit and maintain control until personal safety is ensured.
- D. Another officer or the dispatch center will be notified whenever an interview room is in use by a singular officer conducting the interview. If so notified the officer shall remain in the area to provide assistance if needed.
- E. Assistance may be summoned by radio (voice or assistance button), cell phone (voice or text), or other prearranged signal between the interviewer and other officers.
- G. The majority of interviews will be conducted one on one with a singular interviewer and interviewee. Decisions as to interviews and style will be determined from case to case and may vary as follows:
 - 1. Interviewers may be exchanged allowing for more than one interviewer to interview the same person.
 - 2. Two interviewers may be in the room at the same time.
 - 3. Dependant on the case and other prosecutorial concerns other person may be allowed in the room such as parents, guardian, translator, interpreter or legal counsel.

4. An additional officer may be allowed into the room as an observer as part of officer training.
5. An operator may be allowed for the purpose of operating any recording equipment used to document the interview.

42.3.3 Room Preparation

- A. Interview rooms are furnished only with items and equipment necessary to conduct a safe and effective interview. All interview rooms contain basic furniture such as desk, table and chairs. Officers shall bring into the room only those objects necessary to conduct the interview (i.e., notepads, pens, pencils, recording devices, case file)
- B. Polygraph rooms contain polygraph equipment.
- C. Interview rooms are used for the purpose of interviewing and are not detention areas.
- D. In inspection of the room is to be made prior to and after interviews for general cleanliness and to ensure that the room is free from weapons, contraband and evidence.
- E. Officers shall ensure that any recording devices or other equipment to be utilized during the interview are operational prior to beginning the interview.

42.3.4 Comfort Breaks

- A. Water can be provided on request in the form of bottled water or served by paper cup from a water dispenser.
- B. Restrooms are available in the area of all interview rooms. Officers are to maintain control of interviewee by providing for escort to and from restrooms.
- C. Breaks will be at the discretion of the interviewer based on the responses, physical appearance, signs of fatigue and the overall flow of the investigation.

42.4 LINEUPS AND SHOWUPS

To reduce the risk of wrongful conviction and aid in the detection and apprehension of the guilty, officers should adhere to procedures set forth here in order to maximize the reliability of witness identifications, minimize unjust accusations of innocent persons and to establish evidence that is reliable and conforms to established legal procedure.

42.4.1 DEFINITIONS

1. **Show-up:** An identification procedure in which an eyewitness is presented with a single suspect within a short time following the commission of a crime for the purpose of determining whether the eyewitness identifies this individual as the perpetrator.
2. **Photo Lineup:** An identification procedure, in which an array of photographs, including a photograph of the suspect of an offense and additional photographs of other persons not suspected of the offense, is displayed to an eyewitness for the purpose of determining whether the eyewitness identifies the suspect as the perpetrator.
3. **Physical Lineup:** An identification procedure, in which a group of persons, including the suspect of an offense and other persons not suspected of the offense, is displayed to an eyewitness for the purpose of determining whether the eyewitness identifies the suspect as the perpetrator.
4. **Filler:** Either a person or a photograph of a person who is NOT suspected of an offense and is included in an identification procedure.
5. **Facial Composite:** A non-photographic pictorial representation such as a free hand sketch, Identi-Kit, or other computer-program generated image.

42.4.2 General Rules For Eyewitness Identification Procedures

A. Avoiding officer and witness “suggestion”

Officers must not, by word or gesture, suggest opinions to any witness concerning the guilt or innocence of a suspect in any identification procedure. Witnesses making inquiries about an officer’s opinion shall be informed of this restriction.

A witness who has taken part in an identification procedure must not be permitted to state conclusions within earshot of another person who is about to be, or has been, a viewer of the identification procedure.

B. Multiple witnesses / suspects

Each witness is to view any identification procedure separately. Witnesses shall not be permitted to communicate with each other until all identification procedures are completed, and should be instructed not to discuss their identifications with anyone else.

When there are multiple suspects, each identification procedure shall include only one suspect.

C. Video and/or audio recording & documentation

Whenever practical, officers are encouraged to video and/or audio record any witness identification procedure from start to finish. Video and audio recordings may be downloaded or stored on appropriate media based on the size of the video or audio file and the media used for the original recording.

All information regarding any identification procedure shall be documented in the officer's written report, to include:

- All identification and non-identification results.
- Confidence or certainty statements made by the witness (these should be quoted).
- Names of all persons present.
- Date, time, and location.
- Names of all persons and/or photos used, and source of the photos.
- Any significant remarks made by an officer, lawyer, or suspect.

D. When identification procedures may be unnecessary

The use of an identification procedure may be unnecessary under the following conditions:

1. When the witness knows the identity of the suspect before the offense occurred or learned the suspect's identity without police assistance after the offense. A single photograph of the suspect named by the witness may be shown to the witness for confirmation that the person named is the perpetrator, or a photo lineup can be performed to establish additional probable cause.
2. When the witness would be unable to recognize the suspect of the offense, such as when a suspect's face is completely covered during the commission of a crime.

42.4.3 Show-Up Procedures

A. When show-ups are permissible

1. An officer may arrange a "show-up" between a witness and a suspect whenever a potential suspect is located and detained within a reasonable length of time, in proximity to the location of the crime, and fits the specific description of the perpetrator given by the witness.

2. If an officer has reasonable suspicion to detain a suspect under the above circumstances, the officer may use such force as is reasonably necessary to stop the suspect from leaving, or to cause the suspect to remain in the officers' presence. If probable cause to arrest develops during the detention, an arrest should be made.

B. Conducting the show-up

A suspect cannot be detained for longer than a reasonable period of time to confirm or refute whether the suspect is the perpetrator. When conducting a show-up, officers will use the following guidelines:

1. **Description**: Officers at the scene and in contact with the witness will obtain a detailed description of the perpetrator before the suspect is shown to the witness. The witness must advise the officers that they will be able to recognize the person who committed the crime prior to the show-up.
2. **Location**: A suspect should not be taken to the police station for a show-up. The suspect should be detained at the place he/she was located, in the least restrictive manner possible that will ensure the suspect remains with the officer. The witness should be transported to the suspect's location for the show-up, and care should be used to shield the witness from being seen by the suspect. Suspects should not be transported to the witness's location unless exigent circumstances exist.
3. **Minimize Suggestiveness**: If possible, do not show the suspect handcuffed, or in the back seat of a patrol car. If the suspect is handcuffed, take measures to conceal this fact from the witness when possible. Suspects may not be required to put on clothing worn by the perpetrator. However, they may be asked but not required to speak words uttered by the perpetrator, or perform other actions of the perpetrator. Advise the witness that the person detained may or may not be the perpetrator and the witness should not feel compelled to make an identification. If the witness makes identification, do not confirm or corroborate the identification.
4. **Multiple Witnesses**: Show-ups should not be conducted with more than one witness present at a time. If there is more than one witness, the show-up must be conducted separately for each witness, and witnesses should not be permitted to communicate before or after any show-up regarding the identification of the suspect. The same suspect should not be presented to the same witness more than once.
5. **Witness Confidence**: Assess witness confidence immediately following the show-up identification. Make note of witness confidence remarks for report documentation.

6. Multiple Suspects: If there are multiple suspects, the suspects must be separated and subjected to separate show-up procedures.

7. Photographing Suspects: Consideration should be given to photographing the suspect(s) in the field as documentation.

8. Emergency / Exigent Circumstances: In emergency circumstances, such as when a witness is in danger of imminent death or blindness, or when a suspect is in danger of imminent death, an immediate show-up may be arranged if medical authorities permit. In these situations, time and location limitations contained in the preceding guidelines can be disregarded. If there is any doubt about an emergency show-up, officers should contact a supervisor and/or the prosecutor immediately for guidance.

9. Cruising Area of Offense: Nothing in these guidelines prohibits the common procedure of transporting a witness in a patrol car to cruise the general area in which a crime has occurred in hopes of spotting the perpetrator and arranging a show-up identification procedure.

10. Right to a Lawyer: No person has a right to have a lawyer present at any show-up procedure.

11. Release After Show-up: If the detained suspect is not identified by a witness as the perpetrator, and officers lack any other probable cause for an arrest, the suspect should be released after obtaining basic information. It is equally as important to clear innocent persons as it is to arrest guilty perpetrators.

42.4.4 Creating And Conducting Photo Lineups

A. Simultaneous photo lineup

The simultaneous photo lineup consists of showing a group of similar photos to a witness all at the same time. Witnesses should be advised the perpetrator may or may not be present in the photo lineup. All simultaneous photo lineups shall be done using the following guidelines:

1. A minimum grouping of six (6) photos must be used to create the photo lineup, and must include five (5) filler photos with one (1) suspect.
2. The photo of the suspect must be contemporary, shall resemble as much as possible their appearance at the time of the offense, and shall reasonably resemble the witness's description of the perpetrator.
3. Although fillers photos need not be exact matches, all filler photos should resemble the suspect photo as much as possible, including size, background,

race and skin tone, facial features, weight, hair color and length, scars, tattoo, eyeglasses, etc.

4. If there is more than one suspect, each suspect photo will be placed in the grouping of six separately from any other suspect, and the grouping will be changed so that the suspect's photos are not always in the same position in the grouping.
5. If there is more than one witness each witness will be shown the lineup separately, the suspect photo shall be placed in a different position in the grouping for each witness, and witnesses will not be permitted to communicate with each other until after the lineup procedure has been completed.
6. If the witness has previously viewed a photo lineup in connection with the identification of another person suspected of involvement in the offense, the fillers in the lineup shall be different from the fillers used in any prior lineups.
7. If an identification is made, the witness will be told to circle the identified photo, and write their initials and the date next to it.
8. If an identification is made, the officer shall assess witness confidence immediately following the identification, and clearly document witness confidence by quoting the witnesses remarks in the police report. If no identification is made, this fact must also be clearly documented.
9. Any and all photo lineups created, viewed, identified or not identified must be kept, and secured with the officer's case.
10. No person has a right to have a lawyer present at any photo lineup whether it takes place before or after an arrest.

B. Sequential photo lineup

The sequential photo lineup consists of showing a group of similar photos individually to a witness. Witnesses should be advised the perpetrator may or may not be present in the photo lineup. All sequential photo lineups shall be done using the following guidelines:

1. A minimum grouping of six (6) individual photos must be used to create the photo lineup, and must include five (5) filler photos with one (1) suspect.
2. The photo of the suspect must be contemporary, shall resemble as much as possible their appearance at the time of the offense, and shall reasonably resemble the witness's description of the perpetrator.

3. All filler photos should resemble the suspect photo as much as possible, including size, background, race and skin tone, facial features, weight, hair color and length, scars, tattoo, eyeglasses, etc.
4. Each photo will be placed in a separate folder, the folders will then be shuffled, and then each folder will be numbered, from one (1) to six (6).
5. If there is more than one suspect, each suspect photo will be placed in the grouping of six folders separately from any other suspect, and the grouping will be changed so that the suspect's photos are not always in the same numbered folder in the grouping.
6. If there is more than one witness each witness will be shown the lineup separately, the suspect photo shall be placed in a different numbered folder in the grouping for each witness, and witnesses will not be permitted to communicate with each other until after the lineup procedure has been completed.
7. If the witness has previously viewed a photo lineup in connection with the identification of another person suspected of involvement in the offense, the fillers in the lineup shall be different from the fillers used in any prior lineups.
8. After explaining the procedure to the witness, give the witness one folder at a time, starting with number one, and give the witness sufficient time to look at each photo. When done viewing each folder, it should be handed back to the officer before viewing the next one.
9. If identification is made, the officer shall assess witness confidence immediately following the identification, and clearly document witness confidence by quoting the witnesses remarks in the police report. If no identification is made, this fact must also be clearly documented.
10. Any and all photo lineups created, viewed, identified or not identified must be kept, and secured with the officer's case.
11. No person has a right to have a lawyer present at any photo lineup whether it takes place before or after an arrest.

42.4.5 Conducting A Physical Lineup

A. Physical lineup procedure

A physical, or live lineup is an identification procedure in which a suspect is placed in a live group setting which is shown to a witness. Witnesses should be advised the perpetrator may or may not be present in the live lineup. Physical lineups shall only be done when requested by the District Attorney using the following guidelines:

1. Number of Participants: All physical lineups shall consist of a minimum of four (4) and a maximum of six (6) persons including the suspect. A suspect will not be presented to any witness singly at the police station unless exigent circumstances exist. Each participant shall be numbered from left to right.

2. Physical Similarity: Filler persons placed in a live lineup shall have reasonably similar physical characteristics to the suspect and each other such as age, race, height, weight, hair color and length, physical build, facial features, etc. Filler persons and the suspect should be dressed similarly. If the description of the perpetrator included descriptions of particular clothing items, all persons including the suspect should be dressed in clothing similar to the witness description.

3. Location & Positioning of Suspect and witness: Live physical lineups will be assembled in a location that allows for witness identification the suspect and prevents the suspect from viewing or identifying the witness. The suspect will be placed in random order in each live lineup so that the suspect is not always in the same position. Each witness will view each physical lineup separately. If there is more than one suspect, each physical lineup will include only one suspect, and each lineup with a different suspect will include different filler persons.

4. Conduct of Participants: All participants in the physical lineup must be instructed to conduct themselves so as not to single out the actual suspect. All participants, including the suspect can be instructed to utter specific words or phrases, make gestures, or assume a particular pose. If this is required of any person in the physical lineup, it will be done by all persons in the lineup.

5. Documentation: A photograph of each physical lineup will be taken and maintained with the case file. If identification is made, the officer shall assess witness confidence immediately following the identification, and clearly document witness confidence by quoting the witnesses remarks in the police report. If no identification is made, this fact must also be clearly documented.

B. Suspects legal rights

Any suspect(s) placed in a physical lineup have the right to have a lawyer present during the lineup if they so desire. Officers shall inform any suspect(s) of this right, permit them time to consult with a lawyer if requested, and allow a reasonable time for the lawyer to attend a physical lineup.

1. Role of Suspects Lawyer: The suspect's lawyer shall be allowed to consult with the suspect prior to the lineup, and to observe the lineup procedure within the following guidelines:

- Suspect's lawyer may make suggestions, but may not control, impede, nor obstruct the procedure. Suggestions may be considered if they make the

lineup procedure more consistent with this policy, but implementation is not mandatory.

- Suspect's lawyer must be instructed to remain silent during both the lineup and the giving of a witness conclusion.
- Suspect's lawyer may be permitted to speak with any witness only after the lineup procedure is completed, and only if the witness agrees to voluntarily speak with the lawyer. Witnesses should be informed they are under no obligation to speak with the lawyer, but are not prohibited from doing so.

2. Refusal to Participate: If suspects refuse to participate in a physical lineup, they should not be forced to participate. Officers should consider conducting a photo-lineup using a photograph of the refusing suspect. If a physical lineup is determined to be necessary, a court order should be obtained for the participation of the refusing suspect.

C. Composite & sketch general considerations

When there is no suspect, and the use of a photo lineup has been or is likely to be unsuccessful, a non-photographic pictorial representation such as a free hand sketch, Identi-kit composite, or other computer-program generated composite image may be used. Care must be taken not to unintentionally influence the description provided by a witness while developing such a composite image or sketch, and only those officers trained in the use of such techniques shall use them.