

WEST PALM BEACH POLICE DEPARTMENT

IV-2 CRIMINAL INVESTIGATIONS

EFFECTIVE: 10/01/2005

CALEA Standards: 1.2.3, 42.1.3, 42.1.5, 42.2.1, 42.2.2, 42.2.3, 55.1.2, 55.1.3, 55.2.3, 55.2.4,
CFA Standards: 18.01, 18.06-18.08, 18.11

I. POLICY: The investigative process may include information development, interviews and interrogations, identifying, collecting, and preserving physical evidence, and surveillance. The purpose of this procedure is to establish guidelines and criteria for conducting criminal investigations. The guidelines set forth in this procedure will be used to identify acceptable practices and methods during criminal investigations. While conducting criminal investigations, members will comply with all constitutional requirements.

II. DEFINITION

A. Crime Scene - The location where the crime occurred or where the indication of the crime exists. It includes the area where the crime was committed and any portion of the surrounding area over, or through which the suspect or victim passed en route to, or going away from the scene of the crime.

III. PRELIMINARY INVESTIGATIONS:

A. The first member responding to a scene of a crime or complaint will:

1. Record the information provided by Dispatch Operations.
2. Respond to the scene in a safe manner.
3. Determine if an offense has been committed and if so, the exact nature of the offense by observing all conditions, events and remarks.
4. Protect the victims/parties involved in the incident
5. If necessary, administer first-aid and/or summon medical assistance.
6. Take immediate steps to protect and preserve the scene, if any, from contamination and protect evidence. The officer will request additional members to accomplish this requirement if necessary.
7. Determine the identity of the suspect(s), if possible.
8. Provide other members with information regarding the incident, i.e., wanted persons, vehicles, direction of travel, etc.
9. Locate and identify the witnesses.
10. Effect the arrest of the suspect(s), if possible.
11. Take any other immediate action deemed necessary by the nature of the incident.
12. Obtain oral and/or written statements from the victim(s), witness(es) and from the suspect if possible.
13. Collect or arrange for the collection of evidence.
14. Accurately and completely record all pertinent information on the appropriate report form.

B. When conducting an investigation, members will develop pertinent information through available resources which may include, but not limited to; witnesses, victims, informants, physical evidence, known M.O.'s and suspects associated with the investigation.

1. The information that is received will be:
 - a. documented in the police report, if pertinent,
 - b. transmitted to officers working cases in which the information may impact,
 - c. transmitted to the Intelligence Unit, and/or
 - d. transmitted to other police agencies with an interest in the information.

IV. MAJOR CASE INVESTIGATION AND CRIME SCENE PRESERVATION:

A. At a major crime scene, i.e., sexual battery, homicide, armed robbery, arson, suspicious death or other serious felony, the initial responding officer(s) will:

1. Immediately notify his or her supervisor or an available Road Sergeant for assistance and guidance.
2. Conduct the preliminary investigation as described above in Section III, A., 1 through 10.

B. Formal taped or written statements will not be taken, nor will initial responding personnel collect evidence.

1. Victims, witnesses and/or suspects will be interviewed only to the extent necessary to assure officer/public safety and obtain essential information needed to identify a suspect who may be on-scene or to update responding units.
2. Volatile, endangered, or fragile evidence may be collected by initial responding officers only when failure to do so will result in its destruction or loss of its evidentiary value. The preferred course is preservation until a Crime Scene Investigator (CSI) can process the evidence.

C. The initial responding Road Sergeant will:

1. Ensure the entire area is cordoned off with crime scene tape to prevent unauthorized intrusion.
2. Ensure the Criminal Investigations Division (C.I.D.) and Crime Scene Unit are notified, if necessary.
3. If necessary, Ensure an officer completes the "Crime Scene Log" (Appendix A) to document all persons entering the crime scene.
4. Ensure the area around the Crime Scene is canvassed for potential witnesses.
 - a. Neighborhood canvas cards (Appendix B) should be left at those residences where no contact is made.

D. Upon arrival, the lead detective or detective supervisor will assume responsibility for the scene and direct the activities of all support personnel, including, but not limited to,:

1. Coordinating the collection and preservation of physical evidence with the CSI assigned.
2. Assigning members to conduct preliminary interviews of the complainant(s) and witness(es) to determine the nature of their involvement.
3. Assisting the assigned officer with his or her initial investigation.

E. The CSI will work with the lead detective to ensure:

1. All physical evidence is collected per current Crime Scene procedure.
2. All evidence collected is entered into the property control system accompanied by a West Palm Beach Police Department Evidence/Property form.

V. FOLLOW-UP INVESTIGATION

A. The goal of the follow-up investigation is to safeguard victims and/or missing persons, identify, apprehend and secure evidence necessary to prosecute the suspect(s), and recover and return stolen property to its rightful owner.

B. Certain cases require more than a preliminary investigation, but do not require a detective/investigator. These cases may be followed up by the initial reporting member. When necessary, the Road Supervisor will consult with the C.I.D. or Narcotics Division supervisor to determine if a detective/ investigator is needed. The criteria for determining follow-up assignment include, but are not limited to,:

1. The level of expertise required to complete the investigation.
2. The seriousness of the incident.
3. The likely geographic boundaries to be covered during the investigation.
4. Calls for service of the initiating officer.
5. Other factors which may affect the investigation.

C. Certain cases require review of the solvability factors (Appendix D), if any, present before determining follow-up investigation needs.

1. All felony and selected misdemeanor cases, excluding narcotics cases, will be reviewed by a C.I.D. supervisor for solvability factors and intelligence information related to existing investigations and/or possible suspects. Narcotics cases will be reviewed by a Narcotics Division supervisor.
2. The reviewing supervisor will assign the case for an appropriate level of investigation based on solvability factors present.

D. All cases received and reviewed in C.I.D. or the Narcotics Division will be presented to the detective/investigator assigned to the case type and/or geographic area of occurrence for applicability to existing cases or general information on crime trends, even if insufficient solvability factors are present to investigate successfully.

E. Investigators will ensure victims have been provided a Victim/Witness brochure;

F. Cases with solvability factors present will be assigned for a specified minimum level of follow-up based upon the professional judgment of the supervisor of the type and quality of factors present.

1. The investigator will keep a case status control system to monitor cases they are assigned.
2. The investigator will read all police reports prepared in the preliminary investigation.
3. The investigator will check the criminal history of any named suspect(s).
4. Based on individual case circumstances, the investigator may conduct additional interviews of, and/or a search or neighborhood canvass for, victims, witnesses, neighbors, reporting parties, and possible suspects to clarify information or seek additional details or evidence that may have been unknown or missed during earlier phases of the investigation.
5. The investigator may check agency reports, records, or other events occurring in the same time frame of the initial report for similarities and any previous reports made by the victim.
6. Investigators may develop pertinent information through available sources, i.e. patrol officers, informants, etc.

7. Investigators will ensure all physical evidence has been collected, scientifically analyzed where appropriate, and all laboratory results are reviewed when available.

8. Investigators will, when appropriate, disseminate information relative to crimes and suspects throughout the Department and other agencies in the form of written alerts/hot sheets, via the CID Intelligence Unit, BOLO's, teletype entries, etc.

VI. ARRESTS:

A. In all felony arrest situations excluding narcotics arrests, prior to the arrested person being released to another agency, the arresting officer will notify a detective supervisor or, if the supervisor is not available, a detective to:

1. Determine if a detective wishes to interview the suspect.

a. If a detective does not want to interview the suspect or arrestee, the member making the arrest will conduct an interview.

2. Determine if the arrestee is a suspect in any other crime.

3. If no detective or supervisor is on-duty and the incident requires immediate follow up due to its nature, i.e., the arrestee is volunteering information that must be acted on immediately, or the arrest is based on a Hotsheet or other documentation requesting notification, the named detective or the on-call detective supervisor will be notified.

B. In cases in which a patrol officer makes an arrest involving a substantial amount of narcotics, the Narcotics Division will be notified.

C. The arrestee's fingerprints will be checked by the Crime Scene Unit, when determined necessary by the officer or investigator, for possible identification at other crime scenes.

VII. INVESTIGATIVE INTERVIEWS:

A. Investigative Interviews are intended to:

1. Secure a confession or gain evidence to strengthen the case;

2. Identify co-defendant(s);

3. Identify the location of stolen property;

4. Discover any instrumentality used during the commission of the crime;

5. Discover possible involvement in other criminal activity;

6. Develop investigative leads; and/or

7. Gather intelligence information.

B. Members will represent themselves in a professional manner and adhere to the applicable laws and constitutional requirements which govern investigative interviews, interrogations, and access to counsel of persons:

1. The Constitution of the United States;

2. The Bill of Rights;

3. Florida State Statutes; and

4. The West Palm Beach Police Department's Standard Operating Procedures.

C. Determine if a Computer Voice Stress Analyzer would be beneficial under the circumstances. The use of a CVSA will be governed in accordance with SOP.

D. Whenever a victim, witness, suspect, or arrestee is brought to C.I.D. for an interview by a member, the member may use one of the interview rooms in the police station per SOP.

1. A suspect or arrested person will be interviewed for reasonable periods of time including breaks for nourishment and personal needs.

E. The following techniques may be use to elicit information from the suspect or witness:

1. Establish rapport with the suspect or witness.

2. Empathize and/or sympathize with the suspect or witness.

3. Point out the existence of evidence or witnesses that tie the suspect to the crime.

4. Minimize the seriousness of the crime.

5. Point out the futility of not telling the truth.

6. Any other lawfully accepted technique which may cause the suspect or witness to tell the truth regarding his knowledge of the matter being investigated.

F. Investigating officers are encouraged to use the Departments audio taping capabilities for the purpose of recording statements and confessions in a manner consistent with state law.

1. The lead investigator will decide in which cases audio taping may be appropriate.

VIII. POST ARREST PROCEDURES:

A. All reports written about an incident will be fully and accurately recorded on the proper report form.

B. Once suspect is arrested; members will prepare the necessary paperwork and file the case with the State Attorney's Office.

1. After filing, and when an Assistant State Attorney has been assigned the prosecution, the member will offer any assistance necessary for a successful prosecution.

2. Members will assist the State Attorney's Office with trial case preparation, i.e., crime scene photographs, displays, etc.

C. Prior to submitting the case to the State Attorney's Office for filing, the investigator will check to see if the arrested person(s) fits the Trigger Lock Career Criminal Criteria and if so notify the Bureau of Alcohol, Tobacco, and Firearms (A.T.F.) of the U.S. Department of Justice.

D. If there are co-defendants, the investigator(s) will thoroughly investigate their involvement and determine if probable cause exists to apprehend the suspect(s).

E. If the suspect indicates involvement in other crimes in other jurisdictions, the investigator(s) will notify the proper law enforcement agency.

F. Based on individual circumstances, investigator(s) may determine that the suspect can be used in the future as a confidential informant. Applicable guidelines concerning the use of confidential informants will be in accordance with SOP.

G. When necessary, a search warrant may be needed, or in approved circumstances, a Consent to Search Form, to legally recover items of evidentiary value or stolen property.

H. Every effort will be made to return stolen property to the rightful owner.

IX. VICTIM/WITNESS FOLLOW-UP AND NOTIFICATION:

A. Victims/witnesses of reported crimes will receive periodic contact informing them of changes in the status of their case or to determine if their needs are being met, from the assigned investigator.

B. Investigators will assign a victim advocate, if available, to the victim/witness during follow-up investigations. (Appendix C)

C. If in the opinion of the agency, the impact of a crime on a victim/witness has been unusually severe and has triggered an above-average need for victim/witness assistance, contact by the investigator will be sooner, if possible, but never longer than 30 days.

D. If not an endangerment to the successful prosecution of the case, investigators will explain to the victim/witness the procedures involved in the prosecution of their cases and their role in those procedures.

E. Investigators will schedule line-ups, interviews and other required appearances at the convenience of the victim/witness and at the option of the department; providing transportation, if feasible.

F. Notification will be made when any of the following occur:

- 1. An arrest has been made; or
- 2. Property has been recovered.

G. This notification may be done in person, by telephone, or by mail. A Supplement Report will be written to indicate the date and the time the notification was attempted or made and the name of the person notified.

H. The investigator(s) supplemental report will indicate the disposition and status of any property or evidence in the custody of the Department.

I. The Evidence Custodian will be notified in the form of a copy of the State Attorney's Office disposition letter and/or in person by the investigating detective, or case agent once a case is disposed of so proper evidence disposal can be accomplished.

- 1. Investigators will identify rightful owners of items of value which has been impounded as evidence.
- 2. Investigators will forward copies of insurance company letters, who have paid a victims claim for items stolen.

X. HABITUAL/SERIOUS OFFENDERS:

A. It is the policy of the West Palm Beach Police Department to apprehend and prosecute habitual/serious offenders to the fullest extent of the law.

B. All felony arrest filing packages will include a criminal history of the arrestee. Determination will be made if the arrestee fits the criteria of a habitual offender for career criminal prosecution

C. If the offender meets the criteria of a habitual offender, as outlined in Chapter 775 of the Florida Statutes, the officer filing the arrest will insure that this information is forwarded to the State Attorney's Office for enhanced prosecution of the defendant.

XI. CASE FILES:

A. Types of records to be maintained by Criminal Investigations Detectives (Investigators) will include copies of preliminary investigation reports, statements, supplemental reports, field interrogation cards and any other information pertaining to the assigned case. All original case documents will be filed with the Records Division on an ongoing basis.

B. Accessibility to the Detectives (Investigators) case files will be authorized by the appropriate section supervisor for those investigators with the need to know or for those who may benefit from such case files. Files will be accessible via the appropriate section supervisor. Original reports will be available through the Records Division.

C. Each detective (investigator) will control and maintain his or her case files for all open assigned cases.

D. Report supplements designating cases as closed, exceptionally cleared, inactive, or unfounded will be forwarded to the Records Division via the appropriate section supervisor (Lieutenant).

E. Should the assigned detective (investigator) be unavailable, the appropriate supervisor may review a detective's case log, when handling requests made on the status of a case.

F. Physical evidence and the original Evidence/Property Form will be maintained by the Property and Evidence Section.

G. Photographs generated by Department personnel will be maintained by the Audio Visual Unit.

H. The purging of original case files, supplements and pertinent information will be in accordance with applicable existing state law. Copies of records and copies of pertinent case documents may be maintained by the assigned detective (investigator) at his or her discretion and in compliance with public records law.

XII. REFERENCE:

- SOP # III-1 Arrest Procedures.
- SOP # III-13 Use of Force.
- SOP # III-18 Supervisor Notification.
- SOP # IV-1 Specialized Investigative Operations.
- SOP # IV-6 Crime Scene Investigation and Evidence Collection.
- SOP # IV-7 Search Warrants.
- SOP # IV-8 Informants.
- SOP # IV-9 Interview Rooms.
- SOP # IV-11 Property and Evidence Management.
- SOP # IV-23 Computer Voice Stress Analyzer.
- SOP # IV-12 Victim/Witness Guidelines
- FSS Chapter 119, Public Records.

Delsa R. Bush, Chief of Police

Original issue: 06/02/89
Revised: 10/01/2005
I.D. # 1160

History: SOP # changed to IV-2 on 01/01/2005, SOP # changed 06/01/1999
Old SOP # 6.010.007 Criminal Investigative Case Files, 6.610.008 Preliminary Investigations by Detectives, 6.610.009 Follow-Up Investigations by Detectives, 6.610.010 Criminal Investigations, 6.610.035 Death Investigations, 6.620.023 Preliminary Investigations by Patrol Officers 6.620.024 Follow-Up Investigation by Patrol Officers,
Revision Dates: 06/01/99, 12/15/1999, 01/01/2005, 10/01/2005

Job Title Task Files: Road Patrol Supervisor, Detective Bureau Supervisor

APPENDIX – B



ATTENTION !!!

There was a recent _____
_____ nearby.

Case # _____

Suspect description: _____

If you have any information about this burglary or saw anything suspicious, call Criminal Investigations at 561-822-1700 or the TIPS line at 561-822-1701.

There is a good chance that the burglar will return to your neighborhood. You can protect yourself by joining the Crime Watch Program in your neighborhood.

CRIME WATCH TIPS

- 1.) In case of a burglary, secure the spot where the burglar broke in as soon as possible.
- 2.) Lock your windows and doors.
- 3.) Call the police if you see strange people or vehicles in your area.
- 4.) Install strong locks on doors and windows.

For a free home survey call the Crime Prevention Unit at 561-822-1619.

Other important numbers:

Drug Hot Line: 561-822-1800

Narcotics Tips Line: 561-685-1221



Appendix C

**Palm Beach County Department of Public Safety
Division of Victim Services
CRISIS RESPONSE PROTOCOL
WITH LAW ENFORCEMENT**

I. Who to call:

- A. 55-2418 Central County Courthouse Advocates, Monday-Friday 8am-5pm
355-2418 Central Courthouse Advocates, Monday-Friday 8am-5pm
274-1500 South County Courthouse Advocates, Monday-Friday 8am-5pm
996-4871 Glades Area Advocates, Monday-Friday 8am-5pm
- B. Hotline: 833-7273 Advocates assigned after hours, weekends, holidays

II. When to call:

- A. An advocate will personally respond to your Department, hospitals, crime scenes and residences to assist the following crime victims:
- B. Adult sexual violence victims.
- C. Child sexual violence victim assaulted by a non-caretaker (non—DCF cases).
- D. Domestic Violence (Level 1) cases where there are injuries and/or trauma to the victim and/or the children.
- E. Homicide cases when surviving family members need assistance.
- F. General crime including attempted murder, aggravated battery, robbery, car jacking and other victimization where there are serious injuries and/or trauma.

III. Level One Procedures:

- A. When the officer has determined that a level one domestic has occurred, please call the crisis hotline, 833-7273 (or have dispatch make call), and request a PBCVS Advocate to respond to the crime scene, hospital or substation to assist with the victim and/or the traumatized children. Deputy will provide a call back number and specific information about the location.
- B. After being dispatched, Advocate will verify location by contacting officer at call back number in case location of response has changed. Counselor will also provide Deputy with estimated time of arrival.
- C. Advocate will provide crisis intervention and supportive counseling to victims and/or the children and make arrangements for safe shelter.
- D. Advocate will leave the residence of the domestic violence scene with law enforcement.
- E. If victim is transported to hospital, Advocate will follow in order to continue providing crisis intervention services.
- F. If victim requires transportation for other than medical purposes, the Advocate will make arrangements as needed.

Appendix C

IV. General Services Provided by PBCVS:

- A. 24 Hour Crisis Response for crime victims
- B. Follow-up counseling for all victims
- C. Emergency assistance
- D. Assistance with filing Victim Compensation forms
- E. Individual therapy
- F. Group Counseling
- G. Court Accompaniment
- H. Professional Training and Public Speaking

V. Basic Protocol for Sexual Violence Victims:

- A. Once the officer determines that a sexual assault may have occurred, call Victim Services to assist victims who are adults and/or children (non-DCF cases). Advise advocate where to meet the investigating officer and victim.
- B. If a Rape Exam is needed for an adult, transport victim to the nearest emergency room. (An exam may not be appropriate if report is delayed 72 hours or more.)
- C. If an exam is needed for a child who is 14 or younger AND it is not a medical emergency, contact CPT (Child Protection Team) for an appointment: (561) 433-3544. If a child is 15 or older and sexually active, discuss exam options with the Victim Services Advocate.
- D. The Advocate will accompany victim through the investigative procedures and during exam. The investigating officer must sign the Sexual Battery Claim Form and receive the rape kit evidence directly from the hospital staff.
- E. When initial investigation and exam are completed, transportation of victim needs to be arranged. Please note: The Victim Service Advocate is not allowed to transport clients.
- F. The investigating officer should notify the assigned Advocate of any follow-up interviews so victim can be accompanied. The Advocate will also be well informed to continue court-related accompaniment and other criminal justice and social services for the victim and significant others.

State Attorney’s DOVE Unit: 355-7433

**Domestic Violence Shelters: FRWC, Inc. 848-8383
YWCA Harmony House 640-9844
AVDA (South County) 1~800~355-8547**

Appendix D

West Palm Beach Police Department Investigative Case Screening Process

SOLVABILITY FACTORS - Elements of information about a crime that have proven in the past to be important in the successful conclusion of a case. Case screening designed to provide sufficient information at the earliest possible time in the investigative process, in order to permit decisions to be made regarding the value of continuing an investigation. Case screening outcomes will be either: early suspension of unpromising cases or assignment to a detective for a specified minimum level of follow-up investigation of those cases with a reasonable probability of case clearance.

A. The objectives of the Investigative Screening Process are:

1. Establish policies and procedures for determining case assignment for follow-up investigation or to suspend further investigation.
2. Establish responsibility and accountability for the decision to assign or screen out a case.
3. Manage the investigative caseload so the potential for solving cases is improved.
4. Assign follow-up investigation only for cases with sufficient solvability factors, in order to increase the probability of case clearance.
5. Provide notification for crime victims as to the current status of their case.

B. Review cases for the presence of solvability factors. The criteria used to determine whether a case receives follow-up investigation includes the following:

1. Basic facts are known about the suspect(s) to include:
 - a. name or nickname,
 - b. physical description,
 - c. vehicle information,
 - d. work or home address,
 - e. known associates,
 - f. suspect previously seen,
2. Traceable physical evidence recovered at the crime scene including latent fingerprints and DNA,
3. A significant method of operation which fits an established crime pattern,
4. Officer has personal knowledge that provides substantial leads for clearing the case,
5. Witnesses reliability,
6. Limited opportunity for anyone other than the suspect to commit the crime, and
7. Traceable property.