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Wilkesboro Police Department

Electronic Written Directives Document

I. PURPOSE

To provide guidance to Wilkesboro Police Officers in matters of investigations to include: case management, interviews and interrogations, informants and follow up investigations.

II. POLICY

It shall be the policy of the Wilkesboro Police Department's Criminal Investigators to fairly and impartially investigate all cases assigned to them and to conduct investigations in the most discreet yet complete manner possible.

Sworn positions in Criminal Investigation Section are the same as those used in the Patrol Division for rank titles and salary schedules. This allows for transfer of personnel from the Patrol Division to the Criminal Investigation Section (and vice versa) without regard for rank titles. To simplify lateral personnel movement investigators will be equal in salary to their counterparts in the Patrol Division. Investigator is a job assignment, not a promotion.

III. SHIFT ASSIGNMENTS AND ON-CALL

- A. The normal work schedule for investigators shall be Monday through Friday, 8:00 a.m. until 4:00 p.m. The Investigations Supervisor will allow schedule adjustments to meet the needs of assigned investigations and call outs.
- B. The Lieutenant Commander of the Criminal Investigations Section will assign investigators to an on-call rotation and provide a list of the investigators on-call to the shift supervisors.

IV. CASE MANAGEMENT

- A. A system of case screening based on several factors will be used to determine whether to continue an investigation. Command personnel will evaluate information collected in the initial investigation and consider the collective value of the factors as a determinant in this decision-making process.
- B. The decision to conduct a follow-up investigation, the extent to which the case will be investigated, and the resources to be used will be controlled by command personnel. Criteria include:

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1. Seriousness of the offence;
 2. Impact on the victim and community;
 3. Officer/Investigator workload; and
 4. Experience and training of the primary investigator.
- C. Each investigation is assigned a status designation I order to assist with case management and control. Designations will be:
1. Further Investigation
 2. Inactive
 3. Closed/Cleared
 4. Closed/Leads Exhausted
- D. Cases are designated inactive for the following:
1. Unavailability of investigative sources
 2. All leads are exhausted and there are active NCIC entries associated with the case
 3. The investigation is complete pending case review by the District Attorney's Office
- E. Cases are designated Closed/Cleared for the following:
1. Unfounded
 2. Cleared by arrest
 3. Cleared by arrest of another agency
 4. Death of offender
 5. Juvenile/No Custody
 6. Refused to cooperate
 7. Prosecution Declined

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8. Extradition Declined

- F. Cases are designated Closed/Leads Exhausted when no further police action can be taken. Criteria for declaring an investigation Closed/Leads Exhausted include:
1. Lack of further leads or suspects
 2. Insufficient degree or severity of offense
- G. When the status of an investigation has changed to either inactive or closed, the primary investigator will notify the victim. The investigating officer will document the change and notification in a supplementary report.
- H. The status of investigations will be controlled by use of the Department's computerized Assigned Cases Management System, which is maintained by the Captain of Support Operations Division in accordance with departmental services.
- I. The primary investigator maintains case files on all active cases. Case files should contain a copy of the initial incident report, crime scene sketches, photographs, property sheets, supplemental reports submitted by officers, statements from principals, requests for examination of evidence and results of the examination of physical evidence, and other reports, records, and documents related to the investigation.
- J. Case files will be made accessible to the assigned investigator's /Officer's supervisor. If a case is turned over to the Criminal Investigator, the case file, if any, submitted by the patrol officer will be forwarded to the investigator.
- K. After the case is closed and the investigating officer no longer needs immediate access to the file the investigating officer will:
1. Review and compare the case file with the original file
 2. Combine the case file with the original file
 3. Purge the case file of any duplicated information
 4. Return the original file containing all information to the Records Section to be filed as required by departmental policy.

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- L. Investigative file containing investigator notes and other information not contained in the original file will be filed and stored according to retention period.

V. RESPONSIBILITIES

- A. Patrol Officers will retain responsibility for initial and follow-up investigations of misdemeanor crimes initiated by their incident reports, unless otherwise directed by a commanding officer.
- B. Investigative responsibility for felony cases will be referred to the Criminal Investigations Section, unless the Captain of Support Operations is able to determine that:
 - 1. Immediate clearance is highly probable, and
 - 2. The patrol shift has sufficient manpower to dedicated the necessary personnel to the case; or
 - 3. The circumstances indicate that no detrimental effect on the case is likely if patrol officers continue the investigation.
- C. The Captains decision for patrol officers to continue an investigation should also be based on these additional factors:
 - 1. Nature of the offense;
 - 2. Investigating Officer's schedule;
 - 3. Ability of the officer involved;
 - 4. Current workload of the Criminal Investigator's Division.
- D. The Shift Supervisor will notify an investigator to respond to any of the following incidents:
 - 1. Deaths of a suspicious nature;
 - 2. Assaults in which there is probability of death;
 - 3. Robberies of financial institutions;
 - 4. Armed robberies;

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5. Arson;
6. Bombings;
7. Rapes and other sexual assaults;
8. Any other serious criminal incident which the shift supervisor believes would benefit from an investigator's assistance

If no investigator is on duty, the on-call investigator(s) will be contacted to respond to the scene.

- E. Officers of the Criminal Investigations Section will be responsible for conducting the follow-up investigations of cases assigned to them, conducting initial investigations that may be initially assigned to them, and providing assistance in those investigations that are conducted by patrol officers.
- F. When called to a crime scene, the investigator shall:
 1. Assume responsibility for processing and documenting the scene;
 2. Coordinate with the shift supervisor for additional resources and/or manpower and assignments for officers on the scene.
 3. Complete a report detailing the events and activities of the investigator while on the scene.
- G. When an officer has reason to believe that a person under investigation meets the requirements for declaration as a habitual felon, he/she must:
 1. Initiate or request a thorough check of departmental records in order to identify all cases in which the suspect is a party.
 2. Complete a record check on the suspect through the National Crime Information Center (NCC) and attach it to the original report.
 3. Complete a records check through the Clerk of Court (AOC)
 4. If an NCIC inquiry shows one or more felony convictions from other jurisdictions, contact those jurisdictions for copies of the indictment(s) and judgment(s) in order to ensure the appeals process has been exhausted in those cases.

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5. After records are obtained sustaining that the suspect is a habitual felon, prepare and submit a prosecution summary on the habitual felon charge. If necessary contact the Assistant District Attorney handling the current case in order to request assistance in case preparation.

VI. INVESTIGATIVE PROCEDURES

A. Officers conducting initial investigations will, as appropriate:

1. Obtain medical aid for all injured parties;
2. Observe all conditions, event, and remarks;
3. Locate and identify witnesses;
4. Secure the crime scene and protect evidence;
5. Interview complainants, witnesses, and suspects;
6. Document and collect evidence;
7. Effect an arrest, when possible;
8. Report the incident fully and accurately.

B. Officers conducting follow up investigations will, when necessary:

1. Review and analyze all previous reports prepared during the initial investigation;
2. Conduct additional interviews and interrogations;
3. Review any pertinent departmental records;
4. Seek additional information from patrol officers, informants, etc.;
5. Collect any physical evidence available;
6. Submit evidence to the laboratory;
7. Review laboratory results;
8. Arrange for the dissemination of information;

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9. Plan, organize, and conduct searches;
 10. Identify and apprehend suspects;
 11. Determine involvement of suspects in other crimes;
 12. Document suspect's criminal history;
 13. Prepare for court presentation;
 14. Assist in prosecution.
- C. Information may be developed from an unlimited number of sources, including witnesses, victims, neighbors, friends, other public agencies, other law enforcement agencies, and informants. All information will be gathered in full compliance with departmental directives.
- D. Interviews may be conducted with persons who have knowledge regarding a certain aspect of a criminal investigation. Interrogations may be used for suspects and those persons directly involved in a criminal investigation. Interviews and interrogations will be conducted in conformance with departmental directives which are based on the general statutes of the State of North Carolina.
- E. Officers will not enter into plea negotiations with a suspect. Plea negotiations will be handled by the District Attorney's Office and should not involve the officer. This provision does not prohibit officers from presenting facts pertaining to the case, including facts relating to surrounding circumstances, expression of attitude, the defendant's conduct, etc. Officers will maintain a professional demeanor in all such matters.
- F. Physical evidence may be searched for, collected, and preserved in compliance with departmental directives, state and federal laws and constitutional requirements concerning search and seizure when investigating any crime scene. Investigators will be mindful of physical evidence collected from a scene and will ensure that evidence is used in the development of the case.
- G. Background checks and investigations are often conducted on persons who are suspects in certain crimes or who have applied for legitimate purposes such as alcohol licenses or employment. The following guidelines apply to both types of background investigations, with exceptions noted:

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1. The investigative report or application will indicate the purpose of the investigation.
 2. Multiple sources of information will be used in order to provide a thorough investigation. These sources may include:
 - a. Local and state criminal records (Administrative Offices of the County)
 - b. National Crime Information Center (NCIC) criminal history (not available for license checks)
 - c. Past and present employers and business associations
 - d. Credit history, with waiver
 - e. Personal References
 - f. Established informants
 - g. Register of Deeds Office
 3. Information collected from such investigations will be used and managed as police information. The distribution of such information will be in accordance with all applicable laws, policies, and procedures. Information collected as a result of a criminal investigation will become part of the case file and will be maintained for the required time. Information collected through background checks for employment purposes will be maintained as required by law.
- H. Surveillance may be used in the investigation of a crime when it is necessary to observe suspects and conditions in an unobtrusive manner. Surveillance may be used to create additional information involving the crime under investigation, to gather additional intelligence information, or to observe new crimes being committed. Surveillance operations will comply with all applicable departmental directives.
- I. When conducting initial and follow-up investigations, officers should consider using resources available both within and outside the Department. Outside resources include the State Bureau of Investigation, the State Medical Examiner's Office, other city offices, and other law enforcement agencies.

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VII. POLYGRAPHS AND COMPUTERIZED VOICE STRESS ANALYSIS (CVSA)

- A. Officers will comply with the following guidelines when using CVSA or polygraph examinations for criminal investigations:
1. Officers desiring that a polygraph examination be administered pursuant to a criminal investigation will schedule the polygraph examination with the State Bureau of Investigation and will comply with SBI requirements regarding the examination.
 2. Officers desiring that a CVSA examination be administered pursuant to criminal investigation will contact the appropriate law enforcement agency with CVSA operators to make an appointment for the examination to be administered.
 3. Only quality examiners will be used to administer polygraph or CVSA examinations.
 4. CVSA examination results will be given orally to the investigating officer at the conclusion of the examination. The investigating officer will request a written report of the exam from CVSA examiner.
 5. Polygraph examination results will be given in accordance with State Bureau of Investigation directives.

VIII. INFORMANTS

- A. The management of confidential funds for the Department is delegated to the Deputy Chief of Police in his role as supervisor over administration and will oversee the distribution and accounting of all funds allocated for this purpose.
- B. The management of confidential sources of information is the responsibility of the Deputy Chief of Police, who will maintain a confidential file on all confidential sources of information.
- C. A system of accounting for confidential funds and sources of information will ensure:
1. The facilitation of access to the funds by all operations personnel
 2. Responsibility and accountability for the handling and use of confidential funds and sources of information.

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3. That effectiveness is measured according to the results or benefits received.
 4. That funds and sources are administered efficiently and used for authorized purposes
 5. That the agency's reputation for integrity is protected by incorporating all reasonable precautions for handling and using confidential funds and sources
- D. The following three criteria must be met to establish a person as a confidential source of information or restricted-use source of information for the Department:
1. The person is in a position to measurably assist the Department in a present or future investigation
 2. Based upon the information available to the Department, by the person will not compromise law enforcement interests and activities
 3. The person will accept the measure of direction necessary to effectively use his/her services
- E. All persons used as a confidential source of information must be formally established as such. To establish a source of information or restricted-use source of information, the establishing officer is required to assign a code number to the source of information. The code number is derived as follows:
1. The officer's employee number
 2. The last two digits of the calendar year at the time of establishment
 3. The last two digits to differentiate sequentially the sources established by the particular officer
 4. Example 5020201
- F. Once assigned, this code number will remain with the source of information throughout his/her use as a confidential source of information. Documentation other than that contained in the source's confidential file will refer him/her by code number.
- G. A confidential file will be established and maintained on all confidential sources of information. These files will be maintained in a separate and secure

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area, segregated from any other files, and will be restricted and controlled by the Captain. Access to these files will be limited to those employees who have necessary, legitimate need. Confidential files will include the following information:

1. Code number
 2. First, middle and last name
 3. Alias
 4. Date of Birth
 5. Height/weight
 6. Eye color/hair color
 7. Scars/marks/tattoos
 8. Last known address
 9. Last known telephone number
 10. Method of contact
 11. Criminal history, if applicable
 12. Names of officers who know the source
 13. Payment history of the source
- H. The information on sources of information will be maintained in a secured master data base file maintained by the Captain with access granted on a need to know basis.
- I. The following guidelines will be observed concerning the use of sources of information by both investigators and patrol officers working with confidential informants:
1. Sources of information are assets to the Department, not to a specific officer.

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2. Contacts with sources of information will be such that their knowledge of the Department's facilities, operations, activities, and personnel are kept to the minimum required for the successful use of source.
3. Whenever practical, two officers should be present at all contacts with a confidential source of information. Two officers will be present when sources of the opposite gender are contracted.
4. Sources of information will be advised at the outset that:
 - a. They will not violate criminal law in gathering information or providing services to the Department, and any evidence of such violation will be reported to the appropriate authorities.
 - b. They have no official status, implicit or otherwise, as officers or employees of the Department.
 - c. The information they provide may be used in a criminal proceeding and, although the Department will use all lawful means to protect their confidentiality, this protection cannot be guaranteed.
5. Prior to any judicial proceeding, the officer will advise the prosecutor of any assurances and/or compensation provided to a source of information who is a witness, the prosecutor should be consulted before any assurances are given to a source of information.
6. When a source of information is to participate in a controlled-buy situation during which the source of information may come in contact with either official funds, controlled substances, or anything else of potential evidentiary value, the source of information will be thoroughly searched both before and after the encounter and, where possible, kept under continuous observation between. For each operation, the officer will complete an Report and forward to the Captain of Support Operations.
7. No source of information may be enrolled in any alcohol or drug abuse treatment program for the purpose of furnishing information to identify clients of the program.
8. No officer may recruit or question a source of information pertaining to the identification of clients of an alcohol or during abuse treatment program.
9. It is prohibited to use persons as sources of information who are currently under a court-ordered condition of probation, parole or post-release

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supervision except when authorized in writing by the Probation/Parole Officer.

10. Normally persons under 18 years of age should not be recruited to make undercover introductions to buy or used to make controlled buy of controlled substance or other contraband, but may be used as restricted-use sources of information with the written consent of their parental or legal guardian. With written consent of a parent or guardian, persons under 18 years of age may be recruited and used in operations involving the sale of alcohol and cigarettes to under age minors. Persons under 16 years of age will not be used to make introductions for the purpose of undercover activities without the written approval of the Chief of Police.

11. When a source of information is suspected or known to be undesirable or unreliable, his/her services will be discontinued immediately. The officer making the determination will immediately notify the Investigations Supervisor, who will document the reasons for the termination and suspend further use of the source. When possible, notification of the confidential source should be made in person with a deactivation/termination letter from the Captain. If personal notification is not possible, the letter will be sent via certified mail with a return receipt requested. A copy of the letter will be filed in the source's confidential file.

IX. REFERENCES

CALEA 42.1.1-4, 42.2.1-2, and 42.2.6-7.