

228. CRIMINAL INVESTIGATIONS: OPERATIONS



RICHFIELD POLICE DEPARTMENT POLICY

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NOTE: This policy is for internal use only and does not enlarge an employee's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

I. PURPOSE

The purpose of this Policy is to establish guidelines for conducting criminal investigations.

II. POLICY

The Department will conduct criminal investigations in an organized manner, utilizing all resources, equipment, and techniques available.

III. PROCEDURE

A functional definition of investigations should emphasize that it is a police activity directed toward: 1) the apprehension of criminals by the gathering of evidence leading to their arrest for criminal activity, and 2) the collection and presentation of evidence and testimony resulting in convictions of the perpetrators of these criminal acts. Investigation is normally divided into two major activity areas: 1) the preliminary investigation normally carried out by officers in the Patrol Section, and 2) the follow-up investigation normally carried out by investigators formally trained in investigative techniques.

PRELIMINARY INVESTIGATIONS

Ordinarily, a uniformed patrol officer will initially respond to the scene and conduct a preliminary investigation. Patrol officers are expected to gather any and all field information relative to the incident.

The preliminary investigation may be sufficient to bring the case to a satisfactory conclusion, thus eliminating the need for a follow-up investigation. This does not preclude the officer conducting the preliminary investigation from conducting the follow-up investigation.

FOLLOW-UP INVESTIGATIONS

Patrol officers are expected to pursue preliminary investigation leads to the extent that available division resources permit. However, officers should consult with a patrol supervisor prior to conducting lengthy or time consuming follow-up investigations.

Patrol officers are expected to conduct the follow-up investigation when:

- 1) A reasonable chance of apprehending the suspect exists;
- 2) A need for obtaining additional information for the preliminary report exists; or
- 3) Compelling circumstances are involved.

Patrol officers must notify a supervisor of their intent to conduct a follow-up investigation of any incident as soon as is practical.

While preliminary investigations are generally the responsibility of the Patrol Operations Section, follow-up investigations are normally one of the primary tasks of the Investigations Unit.

A follow-up investigation is a continuation of the preliminary investigation through the arrest stage, and possibly, conviction.

Follow-up Contact

It is the responsibility of the officer conducting the follow-up investigation to make a second contact with the victim, complainant, and/or witness. This should be done in a timely fashion, usually within several days.

The purpose of the second contact is to obtain information which may lead to the clearance of a case. This procedure also builds public confidence in the Department and indicates that the Department is genuinely concerned about the welfare of the victim and other citizens involved in the case.

Designation of a Case Coordinator

To place accountability for each case, a single officer or investigator should be designated as the principal investigator or case coordinator for each case. The Investigative Section Lieutenant will make this designation when the case has been assigned to the Investigations Unit. The on-duty shift supervisor should notify the Investigative Section Lieutenant when a patrol officer conducts the follow-up investigation. This does not preclude the assignment of additional officers to the investigation of a major case.

Call-Back Schedule

Since the Department does not currently assign investigations to duty shifts throughout a 24 hour period or on weekends, the Investigative Section Lieutenant will publish an investigative call-back schedule. This schedule should be furnished to the Communications Center and a copy is to be retained in the shift supervisor's office. The Investigative Section Lieutenant or his designee should be contacted to determine which investigator should be called in.

Intra-Departmental Communications

The Investigative Section Lieutenant or designee should submit appropriate investigation information for publication on RPD-Net.

Compliance with Constitutional Requirements

The court system and the Department's policies and procedures should ensure officer compliance with constitutional requirements during criminal investigations. Investigations and other officers **shall** not:

- 1) Use coercion to obtain confessions and/or admissions from arrestees or suspects involuntarily;
- 2) Fail to inform defendants of their Constitutional rights;
- 3) Deprive defendants of their right to counsel.

The Investigative Section Lieutenant and shift supervisors are in a position to oversee all criminal investigations and should therefore be aware of flagrant or repeated violations by officers. Repeated violations can result in further training and/or disciplinary action.

Pretrial Publicity

The Investigative Section Lieutenant should ensure that pretrial publicity initiated by statements or news releases originating from the Investigations Unit will not prejudice or otherwise jeopardize the opportunity for a fair trial.

Policies governing the release of information concerning ongoing investigations and pretrial publicity may be found in Department Policies on Data Practices.

DETECTION OF DECEPTION EQUIPMENT (POLYGRAPHS)

The Department recognizes that in limited circumstances, certain detection of deception equipment (Polygraph examinations) may be useful in the investigation of a case. The Department recognizes that certain examination results may not be admissible in court.

The polygraph examination may be an excellent aid in the course of an investigation but should never be used as a substitute for an investigation.

Polygraph examinations should only be used in cases of serious nature when there is a high probability that a suspect, victim, or witness is not telling the truth and when the information is vital to the investigation of the case.

If a company or business is a victim of a crime and many people are to be subjected to polygraph examinations, an agent for that company or business should be advised to make arrangements with a private polygraph examination service. This does not preclude the Richfield Police Department from making a conventional investigation into the matter.

All requests for polygraph examinations are to be coordinated with the Investigative Section Lieutenant. The Investigative Section Lieutenant or designee, should make an appointment with a certified examiner in the metro area. While the State of Minnesota does not currently certify polygraph examiners, only examiners who have graduated from an American Polygraph Association approved course may be used. All examinations are to be conducted within the guidelines of the American Polygraph Association using only approved equipment and techniques.

The subject for a polygraph examination must voluntarily consent to the examination, and sign a consent and waiver before being examined.

The parent or legal guardian of a juvenile must also sign a consent and waiver before the juvenile is examined, and no one under 14 years of age will be tested.

In order to limit the potential for misuse and because of the requirements of M.S.A. 181.75 which states in part, "No employer or agent thereof **shall** directly or indirectly solicit or require a polygraph, voice stress analysis, or any test purporting to the honesty of any employee or prospective employee...", polygraph examinations are only to be used in the following situations:

- 1) In criminal investigations wherein the police make the first and only offer of a polygraph examination.
- 2) In internal investigations for other City departments wherein the employees originate the request to take a polygraph examination to clear their own name.

Task Force

The Department may utilize, as necessary, a special temporary investigative task force to deal with highly volatile criminal situations. The initiation of any task force will be at the direction or with the approval of the Chief. The task force may be established when the need or situation arises and should include:

- 1) Arrest situations;
- 2) Search warrant situations;
- 3) Surveillance.

Major areas utilizing a task force may include, but need not be limited to, investigations involving:

- 1) Narcotics and/or vice;
- 2) Murder;
- 3) Kidnapping;
- 4) Sexual abuse;
- 5) Arson;
- 6) Burglary;
- 7) Theft.

The Investigative Section Lieutenant should command any task force which is established within the Department. This may include temporary command of personnel from outside law enforcement agencies assisting in the operation.

Whenever possible, the task force should be comprised of officers from the Department and from any other agency having a direct interest in the operation. Other agencies should be polled for available personnel as the need arises. Long-term task forces require a written plan, to include:

- 1) Identifying the purpose;
- 2) Defining authority and responsibilities;
- 3) Establishing accountability;
- 4) Identifying resources available;
- 5) Evaluating results and their continued necessity.

On the day of the operation and after plans have been completed, a general briefing should be held at the Richfield Police Department or other designated locations, for all parties involved in the operation. The briefing should include:

- 1) Purpose of operation;
- 2) Identify targets, subjects, vehicles, etc.;
- 3) Assignments;
- 4) Plan of action;
- 5) Contingency plans.


When the operation is completed, every attempt should be made to assemble all parties involved at a central location for a debriefing session. At the debriefing session, all positive and negative aspects of the operation will be discussed to enhance future operations.

When Department officers are involved in a task force operation controlled by another law enforcement agency, they should follow the orders of the commander or person in charge of that task force.

If Department officers are involved in a task force operation consisting of several outside agencies and the operation culminates in an arrest within the City of Richfield, the Department officers should take jurisdiction of that arrest. The officers should make arrangements to transport, book, and process the prisoner at the Department.

The only exceptions to the above are: 1) a federal or state agency coordinating the operation will normally maintain jurisdiction, and 2) a local agency will normally maintain jurisdiction if serving arrest or search warrants which originated from the respective local jurisdiction.

By Order Of:



Chief of Police

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