

# SPRINGFIELD POLICE DEPARTMENT

## Standard Operating Guideline

<b>Effective Date:</b> 12/22/2016	<b>Supersedes Policy Dated:</b> 10/06/2015	<b>Rescinds:</b>	<b>SOG Number:</b>
<b>Accreditation Index:</b> 42.1.3, 83.2.1			<b>402.8</b>
<b>Part Title:</b> Operations		<b>Chapter Title:</b> Criminal Investigations	
<b>Chief of Police:</b>			

### Follow-Up Criminal Investigations <sup>1</sup>

#### I Policy

It is the policy of the Springfield Police Department to conduct thorough, objective, and impartial criminal investigations. Investigators shall remain objective and shall report all findings, including material exculpatory evidence. Use of eyewitness testimony shall be conducted very carefully and should include other corroborating evidence.

#### II Definitions

**Cold Case** – A Cold Case is defined as any violent class A felony crime, as set forth in the State of Missouri Revised Statutes, which has remained unsolved for a period of more than three years.

#### III Procedure

##### 1 INVESTIGATIVE ACCOUNTABILITY

- 1.1 All preliminary investigations will be conducted by the Uniform Operations Bureau (UOB) unless they are referred to or initiated by Criminal Investigations Division (CID).
- 1.2 The UOB will be responsible for the follow-up investigations of incidents involving fourth degree assaults and fourth degree domestic assaults, as well as third degree assaults and third degree domestic assaults that involve a known suspect and are a class E Felony. UOB will also be responsible for follow-up investigations of traffic-related offenses. <sup>2</sup>

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1 *5<sup>th</sup> Edition* removed from all CALEA standard references throughout the entire policy, per PCO 16-029.

2 Section 1.2 revised regarding UOB follow-up investigation responsibilities, per Policy Change Order 16-029.

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- 1.3 CSS/PAR officers may conduct the follow-up investigation into offenses within their geographical assignment areas with the approval of the Criminal Investigations Division Commander and their immediate supervisor. All cases are assigned through the Records Management System (RMS) case management system.
- 1.4 The Criminal Investigations Division shall be responsible for the investigation of class A, B, C, and D felony crimes and for selected class E felonies, misdemeanors, and infractions.<sup>3</sup>
  - 1.4.1 The Special Investigations Narcotics Unit shall receive all narcotics offense and incident reports and shall conduct investigations on narcotics offenses.
  - 1.4.2 Felony crimes with juvenile victims shall be investigated by the Criminal Investigations Division.
  - 1.4.3 Crimes with juvenile suspects may be referred to the Greene County Juvenile Office for follow-up.
  - 1.4.4 The Criminal Investigations Division shall conduct the preliminary investigation as well as the follow-up investigation of all officer-involved shootings and use of lethal force.<sup>4</sup>

**2 CRIMINAL INVESTIGATIONS**

- 2.1 Criminal investigations will be conducted using all resources available. These resources include, but are not limited to: interview and interrogation, witnesses, victims, other law enforcement agencies, utilities, banking facilities and informants.



- 2.3 Use of surveillance and surveillance equipment is authorized.
  - 2.3.1 All personnel conducting such surveillance shall record the date, time and location of the surveillance.
  - 2.3.2 Wire tapping shall not be utilized unless authorized by a State or Federal Court Order.

**3 PRELIMINARY INVESTIGATION REVIEW**

- 3.1 Upon receipt of the offense report the Investigative Supervisor shall review it to determine if follow-up is required.
  - 3.1.1 Things to be considered are:
    - 3.1.1(a) Is suspect named or in custody?
    - 3.1.1(b) Is sufficient evidence available to conduct a follow-up?

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3 Section 1.4 revised regarding CID follow-up investigation responsibilities, per Policy Change Order 16-029.

4 Section 1.4.4 revised, lethal force use added, per Policy Change Order 16-029.

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- 3.1.1(c) What physical evidence exists?
  - 3.1.1(d) Was a thorough preliminary investigation performed?
  - 3.1.1(e) Has a wanted item been issued for the suspect?
  - 3.1.1(f) Has stolen property been entered in the computer?
  - 3.1.1(g) Can witnesses be located?
  - 3.1.1(h) Does the suspect match the physical description of suspects in other cases?
  - 3.1.1(i) Is a pattern or method of operation evident?
  - 3.1.1(j) Overall case priority.
  - 3.1.1(k) Resource availability.
- 3.2 If a suspect is in custody the Investigative Supervisor should immediately determine what the suspect was arrested for and when the twenty-four hour probable cause holding time expires.
- 3.3 CID supervisors will work with the prosecutor's office to ensure suspects who are in custody are charged or released from custody as soon as reasonable.

## **4 FOLLOW-UP INVESTIGATIVE TECHNIQUES**

- 4.1 The victim of the crime should be contacted and advised that a follow-up is being conducted and, if appropriate, their rights under the Missouri Crime Victim's Bill of Rights. Additional information should be obtained if necessary to the investigation.
- 4.2 Witnesses should be interviewed if further clarification is needed on the case.
- 4.3 The suspect should be located and interviewed.
- 4.4 The collection and preservation of physical evidence will be the responsibility of the appropriate division personnel investigating the offense and may be collected by beat officers, Major Crimes Investigators (MCI), CID Investigators, and Technical Assistance personnel. (CALEA 83.2.1(a & b))
- 4.4.1 When collecting physical evidence, all personnel will follow crime scene processing and investigation procedures established in the Missouri State Highway Patrol Forensic Evidence Handbook.
  - 4.4.2 All physical evidence obtained at the scene should be reviewed. If tests are needed to link the suspect to the crime, or to determine if the evidence is contraband, the evidence should be sent to the appropriate Crime Lab for analysis.
- 4.5 A canvass of the area around the crime scene should be conducted in order to obtain information from other witnesses.
- 4.6 A review of the suspect's criminal history should be conducted.
- 4.6.1 Intelligence and Departmental records should also be reviewed.
- 4.7 Investigating officers should seek additional information from uniformed officers, informants, etc.

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- 4.8 Requests through the media for citizen assistance in identifying or locating suspects may be in order.
  - 4.8.1 The use of Crime Stoppers should also be considered.
- 4.9 A wanted item request should be completed on the suspect if they are not in custody and sufficient identifiers are available. The request should be forwarded to Crime Analysis for inclusion on the Daily Bulletin.
- 4.10 The use of a photo lineup may be necessary to form a positive identification of the suspect. (refer to [SOG 402.9, Suspect Identification](#))
- 4.11 Surveillance may be required to locate and apprehend the suspect.
- 4.12 Investigators may make a composite of the suspect when witnesses exist.
- 4.13 Investigators should attempt to determine a suspect's involvement in other crimes.
- 4.14 Technical aids for the detection of deception, such as polygraph, may be utilized. Polygraph examination may be used specifically to determine deception, for elimination of suspects. Polygraph will be used to assist investigators in investigative directions.
  - 4.14.1 Prior to conducting any polygraph examinations, except as may be necessary to achieve polygraph certification, an officer must attend, graduate, and be certified by a school of polygraphy recognized by the American Association of Police Polygraphists.
- 4.15 Investigators shall disclose all relevant information on a case regardless of its aggravating or mitigating qualities. Exculpatory evidence in favor of the defendant that is of a material nature must be reported in the Criminal Case Report. (*Brady v. State of Maryland, McMillan v. Johnson*)
  - 4.15.1 Investigators, if they choose to maintain a separate file, are responsible for ensuring that all material inculpatory and exculpatory information is included in the case report for the prosecutor.
  - 4.15.2 Information that may discredit or impeach a witness must be disclosed.
  - 4.15.3 Should information later come to the attention of the investigator, they should record it on a supplementary report, and transmit it to the prosecutor. The date and time of the transmittal should be recorded and retained by the officer.
- 4.16 Handwritten Field Notes
  - 4.16.1 Counsel for the defense may request any field notes taken by the investigator. If these are retained, they must be produced.
  - 4.16.2 If handwritten field notes are destroyed, the investigator must be prepared to demonstrate that their routine is to do so.

## 5 FOLLOW-UP INVESTIGATION CHECKLIST

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- 5.1 The CIS Universal Investigation Checklist, [SPD Form # 94-IN-0006](#) is provided as an investigative aid, and may be used for any case when follow-up is conducted, at the discretion of the investigator or their supervisor.
  - 5.2 The CIS Universal Investigation Checklist is printed on the inside of the Investigative Case Folder. This form is also available electronically on the network.
    - 5.2.1 The checklist, if utilized, becomes a part of the permanent file and will be logged with the case report or final investigative report.
  - 5.3 All felony Criminal Case Reports shall include a Criminal Case Report Index with the appropriate documentation checked off as completed and included in the case report.
  - 5.4 All sexual assault follow-up cases, when applicable, shall include a completed Sexual Assault Questionnaire, [SPD Form # 94-IN-0019](#) as prepared by the patrol investigator responsible for the preliminary investigation.
  - 5.5 Officers conducting preliminary investigations into fatalities of children under age 17 shall include completion of a Death Scene Investigative Checklist for Child Fatalities, Missouri Department of Social Services form # MO 886-3228. A copy of this report shall be included in the case file.
  - 5.6 Investigators assigned to investigate a homicide or group of homicides may utilize a comprehensive professional homicide investigative checklist as a reference.
- 6 BACKGROUND INVESTIGATIONS
- 6.1 Background investigations for information development should be conducted in conjunction with all criminal investigations.
  - 6.2 All background investigations and interviews shall be conducted with discretion and will remain confidential available only to law enforcement agencies.
  - 6.3 Background information obtained shall be used only for the purposes of valid criminal investigations and that which is of no investigative value will be purged.
  - 6.4 The sources of information used may include the Missouri State Highway Patrol, the Federal Bureau of Investigation, municipal records, and utility companies.
- 7 CRIMINAL CASE PREPARATION
- 7.1 A Criminal Case Report, SPD Form # 00-IN-0319-NICHE should be completed on all suspects involved.
    - 7.1.1 The case should be added to the investigator's Investigative Case Log, [SPD Form # 07-IN-0557](#) or a computerized database containing the same information. This log shall contain dates of assignment and presentation to the prosecutor's office.

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- 7.1.2 Where the investigation reveals there is sufficient prosecutorial merit, investigators will submit a comprehensive case report to the appropriate prosecutor's office.
- 7.1.3 If the investigation does not link a suspect to the offense or probable cause does not exist then a follow-up report documenting those findings are necessary and should be forwarded to the Central Record System of the Department.
- 7.2 The victim of the crime should be contacted a second time informing them of the results of the investigation. This contact should also be consistent with the Missouri Crime Victim's Bill of Rights.
- 7.3 All lab reports associated with the case should be reviewed and included in reports sent to the Prosecuting Attorney's Office.

## **8 CASE MANAGEMENT SYSTEM**

- 8.1 All follow-up investigations will be entered into the Case Management System maintained in the RMS. (CALEA 42.1.3(a))
- 8.2 Information recorded in this system for each case includes: (CALEA 42.1.3(a))
  - 8.2.1 Investigator assigned;
  - 8.2.2 Date assigned;
  - 8.2.3 Case number;
  - 8.2.4 Report due date;
  - 8.2.5 Victim's name and address;
  - 8.2.6 Type of offense;
  - 8.2.7 Final report;
  - 8.2.8 Supervisory approval of all reports;
  - 8.2.9 Disposition of case: (CALEA 42.1.3(b))
    - 8.2.9(a) Suspended;
    - 8.2.9(b) Open;
    - 8.2.9(c) Unfounded;
    - 8.2.9(d) Cleared by exception or arrest.
  - 8.2.10 Number of suspects arrested;
  - 8.2.11 Number of suspects charged;
  - 8.2.12 Number of suspects rejected;
  - 8.2.13 Monthly caseload by each investigator;
  - 8.2.14 Total new cases each investigator receives each month.
- 8.3 The Criminal Investigations Division shall have functional control and authority over all continuing investigations.
- 8.4 Criminal Investigations Division Supervisors shall review and screen cases for

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solvability prior to assignment and shall ensure completion, suspension, or authorized extension within 38 calendar days.

- 8.4.1 Assignment and suspension may be based on, but is not limited to, the following criteria:
  - 8.4.1(a) Lack of further leads or solvability factors;
  - 8.4.1(b) Unavailability of investigative resources;
  - 8.4.1(c) Prioritization of cases requires investigative effort be applied to more serious offenses.
- 8.5 Homicide cases and suspected homicide cases shall remain open until cleared or unfounded.
- 8.6 Case File Management
  - 8.6.1 Each case file shall be assigned a number identical to the original complaint number assigned to the incident by Communications.
  - 8.6.2 Each completed case file shall include as a minimum: (CALEA 42.1.3(c))
    - 8.6.2(a) Copy of original Offense/Incident Report;
    - 8.6.2(b) Criminal History(ies);
    - 8.6.2(c) Criminal Case Report(s) for each suspect to be charged;
    - 8.6.2(d) Exhibit page;
    - 8.6.2(e) Witness page;
    - 8.6.2(f) Synopsis of the Case.
- 8.7 Investigative case files shall be available for review for administrative and investigative reasons, with the approval of the investigative supervisor. (CALEA 42.1.3(d))
- 8.8 Case files placed in the custody of the investigator shall remain secured away from public access. (CALEA 42.1.3(d))
- 8.9 Follow-up Investigative files (CID): Disposition and Purging (CALEA 42.1.3(e))
  - 8.9.1 Upon completion of the follow-up investigation all original reports are immediately forwarded to Records or the appropriate prosecutor as required.
  - 8.9.2 Copies of follow-up cases are kept in CID for periodic investigator review until a case is adjudicated or a prosecutor declines to file charges, at which time they are purged and destroyed.
  - 8.9.3 Notice of Decline to Prosecute forms are used to make data entry for CID records and the original white copy is sent to the Records section as part of the permanent file.
  - 8.9.4 Unassigned reports are maintained in the RMS system in the event additional information might cause assignment. These reports are

frequently used in communicating with victims.

**9 COLD CASE REVIEW/ASSIGNMENT**

- 9.1 The applicable Criminal Investigations Persons Section Supervisor will review all cold cases and make determinations for assignment based upon the following criteria:
  - 9.1.1 Totality of available information in reference to the crime;
  - 9.1.2 Identified or developed suspect(s);
  - 9.1.3 Known motive;
  - 9.1.4 Witness Information;
  - 9.1.5 Physical and/or circumstantial evidence which might link a potential suspect to a specific crime scene;
  - 9.1.6 New forensic technologies available;
  - 9.1.7 Impact of passage of time;
  - 9.1.8 Victim availability.
- 9.2 All investigative activities will be documented in the Records Management System and included in the criminal case file.

**IV Attachments**