

CITY OF LYONS POLICE DEPARTMENT

POLICE OPERATIONS MANUAL

CHAPTER: 17 - INVESTIGATIVE FUNCTIONS

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NOTE: This chapter presents an overview of a unified system for use by both uniformed officers and CID personnel to improve the management of investigations and to set Department priorities.

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I INTRODUCTION

Since the timely collection of sufficient and accurate information at the initial contact with victims and witnesses largely determines the ultimate outcome of an investigation, the first matter to be addressed in investigation is the adequacy of the crime report. A common complaint is that the quantity and quality of investigative information collected and reported is so inadequate that an investigator will have to repeat the same steps already taken, but will never get all the information that was available earlier. Dual initial investigations are not only redundant and time consuming, they are also counter productive. Increased participation by uniformed personnel, knowing that the steps they take will greatly influence the probable outcome of the investigation, can improve the quality of information collected and officers' morale. Unless relevant information is obtained quickly and efficiently, the chances of a successful investigation are minimized.

II PURPOSE

- A. To establish investigative guidelines for both uniformed officers and investigators.
- B. To establish a system for documenting the preliminary investigation in order to determine the level and type of follow-up investigation required.
- C. To establish procedures and guidelines for processing crime scenes involving serious injury, natural death, or suspicious death.
- D. To establish a standard operating procedure for crime scene response.
- E. To establish a complete investigative management system to include Standard Operating Procedures for:
 - 1. Investigative Case Files
 - 2. Prosecution Report Procedures
 - 3. Utilization of a Modus Operandi Data Sheet
 - 4. Utilization of Solvability Factors
 - 5. Utilization of a FIR File (Field Interview Report)
 - 6. Utilization of Case Screening
 - 7. Utilization of a Case Management System

III RULES AND REGULATIONS

- A. Scope of Preliminary Investigation - The scope of preliminary investigation by a uniformed officer may be very restricted or it may constitute the entire investigation of the crime. For a particular crime, the scope of the preliminary investigation may be limited by investigative policy, and in all cases it is limited by the officer's assigned workload. Consistent with his other responsibilities, an officer should continue a preliminary investigation to the point where the delay in the investigation caused by the report being processed will not materially jeopardize the investigation.
- B. Crime Scene Supervision - At the scene of any crime, accident or other police incident, the ranking officer present shall assume command and direction of police personnel in such a manner as to assure the most orderly and efficient accomplishment of the police task. When two or more officers of the same rank are present and one of them is assigned to the investigative detail which will follow-up the investigation, that ranking officer will be in charge. This provision provides for the coordination of the efforts of the several subordinate members who may be assigned to the incident; therefore, the ranking officer assuming control must become acquainted with the facts and ensure that appropriate action is being taken.
- C. Command Responsibility at Police Situation - Command of the Department's resources at a police situation rests with the field commander or the assigned senior officer. Such person has the authority to direct the operation and is responsible for its outcome. A senior command officer may make suggestions; however, he/she may not actively direct the operation unless he/she properly relieves the subordinate of command. A senior command officer at an emergency scene who does not choose to take command may be held accountable for unfavorable developments which he/she could have prevented by assuming control.
- D. Follow-up Investigation of Reported Crimes - Follow-up investigation consists of efforts to interview victims and witnesses; locate, identify, and preserve physical evidence, recover stolen property; identify, locate, interview, and arrest suspects; present the case to the prosecutor; and cooperate in the prosecution of the defendant. Such investigations are conducted to produce evidence about the guilt or innocence of any suspect and to recover property.
- E. Follow-up Investigation by Uniformed Officers - With supervisory approval, uniformed officers may conduct a limited follow-up investigation when there is a reasonable chance of apprehending the suspect, when there is a need for obtaining additional information for the preliminary investigation report, or when there are other compelling circumstances. Without this approval, the assigned officer's role is limited to conducting the preliminary investigation.

- F. Child Abuse Cases – The Lyons Police Department works closely with the Department of Family and Children Services (DFACS) to investigate and solve cases of child abuse in the City of Lyons. DFACS is used because of their specialized training in dealing with children in such cases. Toombs County has a child abuse protocol filed with DFACS in accordance with OCGA 19-15-2. A copy of this protocol is available in the CID. All suspected child abuse cases will be turned over to CID to allow CID to contact and work with DFACS on the investigation.
- G. Procedures for Processing Crime Scenes Involving Serious Injury or Death
1. Serious Injury
 - a. The first officer on the crime scene will consult the medical technician present (ambulance driver) and determine if there is a serious injury or a death.
 - b. If there is a serious injury and not a death, the officer will allow the medical technician to treat and transport the injured.
 - c. The officer will secure the crime scene and detain all witnesses.
 - d. The officer will notify the Dispatch Center and request an investigator's assistance.
 - e. Upon arrival, the investigator will determine if the Crime Scene Technician should be called to the scene.
 2. Natural Death
 - a. Upon arrival, the first officer will carefully observe the scene. If the officer can determine from the immediate circumstances that the death is natural, he/she will notify the Dispatch Center to dispatch the Coroner to the scene.
 - b. If the Coroner rules that death is not natural or is suspicious, the officer on the scene will follow the procedures set forth for violent or suspicious death.
 3. Violent or Suspicious Death
 - a. Upon arrival, the first officer on the scene will request the medical technician to stand by and will detain all witnesses.

- b. The officer will notify the Dispatch Center to dispatch an investigator to the scene. Upon notification by the Dispatch Center, the investigator will in turn notify the Crime Scene Technician, the Coroner, and if deemed appropriate, the Medical Examiner.
- c. The officer on the scene will remain to secure the scene and assist the investigator by taking names and addresses of anyone who attempts to leave, if they cannot be detained until the investigators can interview them.
- d. The officer will remain on the scene until relieved by the investigator in charge.
- e. Pending the arrival of the Coroner, the investigator and the Crime Scene Technician may observe the scene together without tampering with or moving the body or evidence.
- f. Upon arrival of the Coroner, the investigator in charge will cooperate with the Coroner so the Coroner can:
 - 1) Observe the scene;
 - 2) Take photographs of the body; and
 - 3) Jointly, with the investigators, search and remove the personal property from the deceased.
- g. The investigator will ensure that a complete inventory of all personal effects is made and release any non-evidentiary personal property to the Coroner for return to the person entitled to it. The investigator will include an inventory of the personal property removed and released to the Coroner in his investigative report.
- h. Property of evidentiary value on the deceased or at the scene will be thoroughly inventoried by the investigator as required by S.O.P. 17-1.
- i. Upon completion of the crime scene search, the investigator, in cooperation with the Coroner, will release the body to the Coroner with a request for an autopsy if deemed appropriate, or for appropriate disposition of the body.
- j. If the Medical Examiner is present, he/she will have the authority to release the body and decide, with input from the investigator, if an autopsy is appropriate.

h. Investigation On-Call List

The CID Commander will maintain and distribute a standardized on-call investigator list. The list will be promulgated two weeks prior to becoming effective. Copies of the list will be sent to the Dispatch Center and all department captains. The list will also be posted on the department bulletin board.

STANDARD OPERATING PROCEDURE

EFFECTIVE February 1, 2012

S.O.P. 17-1 CRIME SCENE RESPONSE

I INTRODUCTION

The officers officially assigned to perform the preliminary or other investigation of an alleged crime or other incident are responsible for required actions and the completion of the preliminary or other investigation as directed. This shall include, but is not necessarily limited to, securing statements and other information which will aid in the successful completion of the investigation, and locating, collecting and preserving physical evidence material to the case.

A. GENERAL RESPONSIBILITIES OF OFFICERS AT CRIME SCENE

The first officer to arrive at the scene of a crime or other police incident is responsible for the following actions as they may apply to the situation:

1. Covering the most likely avenue of escape.
2. If there are injuries involved, administering first aid and summoning medical assistance as needed.
3. If the suspect has left the scene, obtaining a description and issuing a lookout.
4. Taking charge of searching, processing or protecting the crime scene, preserving evidence, and keeping witnesses present.
5. Notifying the Dispatch Center if the officer determines that additional help is needed.
6. Obtaining the appropriate report. If the officer in whose beat the crime occurred is not present, the first officer arriving is responsible for the report.

B. CRIME SCENE PROCEDURES (GENERAL)

1. The officer receiving the call is in charge of the case and will direct all personnel assigned to assist him/her.
2. He/she should exclude all nonessential personnel from the scene and record names and addresses of witnesses.

3. Ropes, signs, and Department personnel should be used to maintain a perimeter and preserve all parts of the crime scene.
4. Vehicles should be parked well away from the scene until the boundaries of the scene can be definitely established.
5. The officer should make certain that articles which are foreign to the scene, e.g., equipment, supplies, coffee cups, etc., do not appear in the photographs. Photographs must depict the scene exactly as it was found.
6. When possible, all vehicles should be processed at the scene. If it becomes necessary to remove vehicles from the scene before processing, a hold should be placed on them and they should be impounded, with the assurance they will be protected.
7. Crime scene processing must continue until it is completed. Once a crime scene is abandoned, if only for a short time, it is often impossible to gain possession of the premises again.
8. No portion of a major crime scene will be released without the approval of the officer and/or supervisor.
9. All property and evidence should be properly identified with initials, date and time received or recovered.

C. CRIME SCENE SEARCH PROCEDURE

1. Officers at the crime scene should assure the integrity of physical evidence by:
 - a. Protecting the crime scene;
 - b. Arriving as soon as possible;
 - c. Excluding all unauthorized personnel;
 - d. Extending the security area immediately beyond the fringes of the incident;
 - e. Avoiding touching, handling or stepping on anything until the entire scene has been analyzed;
 - f. Keeping in mind that nothing is too small or too insignificant to have investigative value.

2. The objectives of collecting evidence are as follows:
 - a. To determine the facts of the crime.
 - b. To identify the criminal.
 - c. To aid in the arrest and conviction of the criminal.
3. The search shall be conducted as follows:
 - a. Develop a search plan;
 - b. Photograph and sketch discovered evidence before handling;
 - c. Conduct search regardless of apparent adversaries.
4. Evidence shall be collected as follows:
 - a. Preserve discovered items for criminalistic processing, fingerprints, ballistics, etc;
 - b. Package discovered items to ensure constant protection;
 - c. Mark and initial all evidence and containers.
5. Evidence shall be marked as follows:
 - a. Label evidence immediately to ensure its proper identification later;
 - b. Each piece of evidence must be marked when it is removed from its original position;
 - c. Identify each item and its location where found.
6. The chain of possession shall be maintained as follows:
 - a. Limit the number of individuals who handle the evidence to as few as possible;
 - b. Record the name of the individuals who handle the evidence;
 - c. Obtain receipts from individuals who accept evidence;
 - d. Never assume the evidence which is returned is in the same condition or state in which it was found. Check it, verify markings.

D. ASSURING THE INTEGRITY OF WITNESSES (EVALUATION)

The integrity of witnesses shall be ensured as follows:

1. Isolate suspected witnesses.
2. Obtain identities of possible witnesses and where they were at the time of the crime.
3. Obtain the first reactions of witnesses.
4. Collect witnesses' statements.
5. Allow witnesses to give a full statement free of outside influences.
6. Allow witnesses the opportunity to record and sign statements.
7. Never lead witnesses or attempt to "help" them recall information.

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S.O.P. 17-2 RIGHTS OF VICTIMS AND WITNESSES

A. PURPOSE

The Lyons Police Department is committed to the development, implementation and perpetuation of the "Victim/Witness Assistance Program" as developed through the prosecutor's Office. In order to perpetuate the assistance program, the following list of victims' rights has been developed which members of the police department will support.

1. Victims have a right to be treated with fairness, dignity, and compassion by emergency services, criminal justice personnel, news media and the general public.
2. Victims/Witnesses have a right to protection from intimidation and harm.
3. Victims/Witnesses have a right to be informed concerning the criminal justice process. This includes the status and progress of an investigation or prosecution, when the defendant is released on bail or from prison, and to be informed of all hearings and procedures in time to exercise their right to attend.
4. Victims have a right to counsel. Assistant district attorneys, solicitors and/or prosecutors are essentially the victims' or witnesses' attorney and will protect the victims/witnesses' interests and discuss the case in non-technical language if necessary.
5. Victims have a right to restitution for expenses of property loss incurred as a result of a crime (OCGA 17-15-1).
6. Victims have a right to preservation of property and employment. They should be able to respond to a subpoena without fear of retaliation or loss of wages. Victims' stolen property, once recovered, shall be returned promptly to the rightful owner if photographs of the property can be substituted in a criminal proceeding.
7. Victims/Witnesses have a right to due process in criminal court proceedings. A victim or witness should be minimized from stress, cost, and inconvenience resulting from their involvement in a prosecution or investigation. The victim should have the right to have a victim impact statement presented and considered prior to sentencing (OCGA 17-10-1.1).

B. PROCEDURES

1. PRELIMINARY INVESTIGATIONS

The primary responsibility for providing assistance to a victim or witness will be the first responder to a scene. At the point of initial contact with the victim or witness of a crime, and after emergency assistance has been rendered, the initial responding officer shall render the following services in addition to other normal investigative routines:

- a. Give information to the victim/witness about applicable rights and services and the phone number of the County Victim Assistance Program. Provide the victim/witness with the trifold pamphlet prepared by the DA's office.
- b. Advise the victim/witness about what to do if the suspect or the suspect's companions or family threatens or otherwise intimidates him or her.
- c. Inform the victim/witness of the case number (if known by the officer) and subsequent steps in the processing of the case.
- d. Provide the telephone number and name of the investigator (if known by the officer) and telephone numbers that the victim/witness can call to report additional information about the case or to receive information about the status of the case (status of the case refers to open, suspended, inactive, or closed).

2. FOLLOW-UP INVESTIGATIONS

A victim/witness shall be re-contacted periodically by the investigating officer whenever, in the opinion of the investigating officer, a supervisor, or the Chief of Police the impact of the crime has been unusually severe upon a victim/witness. The purpose of this contact is to determine if needs are being met and/or additional assistance is needed.

- a. An investigating officer shall explain to the victim/witness the procedures involved in the prosecution of their cases and their role in those procedures. Caution should be used to explain in such a manner as not to endanger the successful prosecution of the case.
- b. Scheduling line-ups, interviews and other required appearances should be at the convenience of the victim/witness whenever feasible. Factors which should be considered in this scheduling include the physical, financial and emotional well-being of the victim/witness. If feasible, the Lyons Police Department will provide transportation to and from the police station for the victim/witness.

- c. Whenever possible, victim/witness property taken as evidence by the department will be promptly returned (with the exception of contraband, disputed property, and weapons used in the course of crime). Officers should consult with the prosecutor and Georgia Revised Code whenever questions of law or rules of evidence are in doubt.
- d. Whenever there is a traumatic incident such as a rape, child abuse, sexual assault, or other incident which requires more than the average amount of victim/witness assistance, the victim/witness should be advised of the services of a victim advocate such as the Rape Abuse Help Line/Hot Line at 1-800-551-0008, Refuge House at 912-538-9935 to assist them during the follow-up investigation.

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S.O.P. 17-3 PROSECUTION REPORT PROCEDURES

I INTRODUCTION

Effective prosecution must be based upon the information forwarded to the District Attorney by the investigating officer. Without access to all available information and a belief the suspect charged did commit the offense, no formal charges will be filed. A properly conducted preliminary and follow-up investigation require proper preparation of materials.

The investigating officer's report should include the following information:

- A. Report Cover Sheet, listing
 1. Title of Offense and Code Section;
 2. Date of Offense;
 3. Location of Offense;
 4. Defendant's Name and Identifiers;
 5. Victim (if a business, list all owners or persons having legal possession and the name of the business as it appears on the business license);
 6. Name of Prosecuting Officer (either officer or civilian, if warrant taken by civilian, also show investigator).
- B. List of witnesses and addresses, and to what each can testify (List should include all victims and officers involved).
- C. List of evidence; chain of custody. The results of any testing of evidence (e.g., fingerprints) should be presented. Include listing of photographs.
- D. All police reports, including crime, arrest, and follow-up. Undeveloped leads should also be included.
- E. Copies of all statements, waiver of rights, and other material documents.

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S.O.P. 17-4 INVESTIGATIVE CASE FILE

I INTRODUCTION

Case files should be maintained on all cases for which investigative activities are on-going. The case file provides an immediate information resource to investigators. These files should be consolidated into the records system when the case is suspended or closed.

- A. **CASE FILES** - Case files will be prepared at the direction of the supervising investigator. To ensure uniformity, all major case files shall be prepared as follows:
1. Case files will be prepared in the appropriate folders available in the CID office.
 2. Envelopes shall identify case number, type of incident, date of incident, victim's name, defendant's name (when known), and case status: active, cleared by arrest, cleared by exception or unfounded, dates of review of the case, and the signature of the reviewer.
 3. Case files shall contain:
 - a. Copies of incident reports/supplemental reports;
 - b. Advisement of rights/waiver forms;
 - c. Statements;
 - d. Search warrants;
 - e. Photographs;
 - f. Miscellaneous documents;
 - g. Prosecution report;
 - h. Description form (when applicable);
 - i. Check off sheet (when applicable).
 4. Case files will be maintained as Offense Files

B. REPORTS - All reports submitted by officers shall conform to departmental report writing procedures. The original investigation report shall describe the investigation according to the following sequence:

1. Narrative Summary - Describe in detail who, what, where, why, when and how. When witnesses are interviewed or statements taken, they shall be listed numerically, i.e., 1.2.3.4., giving names, race, sex, DOB, addresses, phone numbers, place of employment or where they can be located. Include a short paragraph summarizing the information given.

If an area canvas is conducted, all persons and addresses, interviewed or visited, must be listed. State time, and identify persons by name, race, sex, address, phone number and what information was obtained. If no one was at home at an address, state that no contact was made and give time of attempted contact.

2. Scene - Assault or Homicide Investigation

Describe the scene of the crime and body position, clothing, trauma, disposition of body, etc.

Scene - Property Crime

Describe scene (structure, type dwelling or business). Legal owner and/or person in possession.

3. Medical History - For Assault or Homicide Investigation Include where victim was treated, doctors and hospitals involved, extent of wounds and condition of victim.
4. Property and Evidence Disposition - Include detailed listing of property or evidence impounded and where it is stored. If property is released at scene, state to whom and why.
5. List leads to be followed at end of report.

C. STATEMENTS (WITNESS AND SUBJECT)

1. Statements must reflect sufficient personal history data of the person interviewed (i.e., name, race, sex, DOB, address) so they may be located in the future without difficulty.
2. Statements shall be typed on the Department's Statement form.

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S.O.P. 17-5 MODUS OPERANDI DATA SHEET

I INTRODUCTION

The steps by which a suspect commits his/her crime identify the work as his own. Each piece of information assists in the construction of a modus operandi (MO) of the criminal. Although every officer shows a partial MO in every report, comparisons are difficult at best. The advantage of formalizing an MO file is that it allows a common denominator for comparison of suspects.

- A. For each criminal offense (other than traffic) an MO Data Sheet will be completed along with the offense report by the criminal intelligence analyst. This includes on the scene arrests or arrests made during preliminary investigation.
- B. The Data Sheet lists seven MO categories and the characteristics of each. The Sheet is completed by circling available data in all but the General Category. This section requires information coded in the same format as GCIC entries.
- C. The capitalized letters are utilized for computerized entry. Although the system can be used manually, computerization is much more efficient and effective.
- D. The MO file shall remain with the investigative reports and be updated as information becomes available.
- E. Utilization of the MO file can increase the strength of a case in which an arrest has occurred, provide the investigator insight into other cases the suspect may have committed, and allow for closure of a case WOP (Without Prosecution) when the offender is charged with similar multiple offenses.
- F. Once a suspect has been prosecuted and convicted, a copy of his MO should be filed separately. Upon returning to crime, the offender usually continues to repeat the same steps.

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S.O.P. 17-6 UTILIZATION OF SOLVABILITY FACTORS (ATTACHMENT)

I INTRODUCTION

Because it is not feasible to expend equal time and energy in the investigation of all reported crimes, the priority of investigation and allocation of resources must be based upon the relative seriousness of each reported crime. However, all reported crimes will be investigated to the fullest extent possible without regard to the status of the victims or the area of the City in which the crimes occur.

Increased participation by uniformed personnel can increase the quality of the preliminary investigation.

- A. Solvability factors can provide a valid guide to the decision to call CID. A solvability factor is information about a crime which can provide a lead or a clue to who the criminal is.
- B. Numerical weight is not assigned to these factors. Each is judged to be as important as the others, but some factors must be present to pursue the investigation.
- C. Patrol officers should use a list of structured questions which identify the most important investigative elements.
- D. By checking those questions not answered, an officer is supplied with an outline of what is to be done and what has been done, and duplication is minimized.
- E. If none of the solvability factors are present and the scene does not warrant an investigator's presence, the patrol officer should direct activity at the scene, and prepare and forward the crime report to an investigator.
- F. All of the above is part of the preliminary investigation, which is defined as the fact finding process by which the responding patrol officer identifies factors which result in one or more of the following:
 - 1. The reported case is founded or unfounded;
 - 2. An arrest is made because solvability factors are identified by the patrol officer;
 - 3. The reported case is referred to CID because significant solvability factors are present;

4. The reported case is referred for investigation because there are exceptional reasons for continuation, even though solvability factors are not present; or
5. The reported case is referred for closure due to the lack of any solvability factors, or exceptional reasons for continuing the investigation.

NOTE: This definition of preliminary investigation states the following about the role of the patrol officer:

- a. It does not require that the patrol officer be responsible for conducting and completing the investigation. It does require that he/she will search for solvability factors and apply them in making an initial determination about referring or closing the case.
- b. It does not require that the patrol officer do anything beyond the scope of his/her authority. It does require that he/she do all he can to collect pertinent facts.

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S.O.P. 17-7 FIELD INTERVIEW REPORT (FIR) FILE (Attachment)

I INTRODUCTION

The increasing number of cases which are not successfully cleared necessitates a review and evaluation of criminal investigation activities. This review should not be limited to the CID, but should include the entire investigative process since supervisors and high level officers often are in a better position to improve the investigative process than investigators. How well patrol officers develop and report on routine suspect stops greatly affects later events as the cases are reported and processed through the criminal justice system. One of the major outcomes of improved field reporting is an increase in police productivity which translates into an increase in the number of arrests for serious crimes accepted for prosecution.

- II FIR FILE** - The FIR is just one method of improving the productivity of the patrol officer who is routinely involved in investigations which occur in his area. Revising patrol policies to use at least a percentage of unstructured patrol time improves the investigative process and is not in conflict with the existing roles of either the investigator or the patrol officer. The role of the patrol officer and the investigator cannot be viewed as completely separate and distinct functions. How effectively the patrol officer documents the events of a crime has a definite impact on the case outcome when investigators attempt to pursue the case.
- A. One file that could substantially assist in conducting criminal investigations is the Field Interview Report (FIR) which includes information about the movement and identification of "suspicious persons" in the City.
 - B. Patrol officers initiate contact with persons on the street in order to conduct a preliminary investigation based on the circumstances that exist at that time. As a general rule, circumstances short of probable cause to arrest may still justify an officer's stopping pedestrians or motorists on the street for questioning.
 - C. These contacts may or may not lead to an immediate arrest. Since an individual will be detained only long enough to satisfy the original reason for questioning, the stops that do not result in an arrest are not recorded for general knowledge.
 - D. Utilizing a Field Interview Report to document these contacts fulfills two functions. First, charges of police harassment can be answered because movements of all suspicious persons within the City for a given time have been noted and recorded. Particular groups or types of persons have not been singled out for special treatment or surveillance. Secondly, an accurate record placing specific people at specific locations during specific times can only assist in conducting investigations.

- E. The Field Interview Report documents the name of potential suspects, witnesses and descriptions of vehicles that may or may not have been involved in criminal activity.
- F. If FIRs are filed chronologically for seven days, investigators are able to use them to secure information on all suspicious persons contacted in a particular area during the time of a crime.
- G. After one week, all FIRs should be filed alphabetically. This will show any repeat checking on the same individual and may assist in establishing an MO pattern.

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S.O.P. 17-8 CASE SCREENING

I INTRODUCTION

Case Screening is a strategy that can help determine whether to continue an investigation based upon evaluation of solvability factors identified during the initial investigation. While solvability factors are those elements of information which have in the past proven to be important in determining the likelihood of solution, case screening is a process designed to provide sufficient information about a case at the earliest possible time in the investigative process to help establish investigative priorities. The outcome will be either early suspension of unpromising cases, or a thorough follow-up. The proper use of the screening procedure will enable the Chief of Police to exercise control over expenditures and the kind of investigative effort made. Special community demands for a follow-through investigation must influence the Chief's decision. Screening, simply stated, organizes cases from the most promising to the least. Screening will lead to better use of resources and a reduction in the number of unproductive cases that are pursued.

- A. The screening process usually occurs informally as the result of an individual investigator's action. Each investigator traditionally takes the cases assigned to him and sorts them into two categories. First, those that are worth pursuing because information and leads exist and are likely to lead to solution, and second, those which will never be solved on the basis of the information available, and on the basis of experience gained in attempting to investigate similar cases.
- B. The establishment of a formal case screening system can be a significant step toward improving the quality of investigations. Such a system provides a uniform approach to the decision-making process which directs the continuation of investigations. It also allows for constant monitoring of the CID workload. With a case screening system the Chief can make critical determinations concerning the allocation of resources.
- C. One benefit of case screening is a reduction in wasted time due to the better organization of necessary information and minimizing of duplication of efforts. If the investigators can see that a reduction in workload allows additional time to work on solvable cases, they will be more motivated and clearance rates should rise. Another benefit is increased morale among patrol officers. Presently many officers look upon taking a crime report as a nuisance and an unnecessary burden, feeling the investigators will criticize and duplicate their efforts. If the patrol officer no longer views initial investigation as a needless exercise in data collection, but as an integral part of the investigative process, the quality of his/her work will improve.

- D. To implement a case screening process based on the initial solvability factors supplied by patrol officers, factors are ranked and incorporated into the screening procedure. To initially determine if a case should be continued as active, the following questions which are based on solvability factors should be considered:
1. Can the complainant or witness identify the offender?
 2. Is the offender known to the complainant or witness?
 3. Does the complainant or witness know where the offender can be located?
 4. Is there physical evidence at the scene which would aid in the solution of the case (fingerprints, other physical evidence)?
 5. Is the complainant or witness willing to view photographs to aid in identifying the offender?
 6. Can the complainant or witness provide a meaningful description of the offender (home address, auto driven, scars, or other distinctive features)?
 7. If the offender is apprehended, is the complainant willing to press the complaint in court?
- E. To evaluate whether the case should be further investigated, the initial investigation should provide information concerning the following so that supervisory review is more meaningful and appropriate:
1. An estimate of the reaction of the community to the crime, based on the opinion of the reporting officer.
 2. Does the crime involve a sensitive or unusual place or person (church, temple, school; child, handicapped person, etc.)?
 3. Is there a pattern of such crimes in the area which points to a single individual or gang operating in the area?
 4. Does the number of similar types of crimes in the area raise questions concerning the Department's image concerning performance and efficiency?
- F. The case screening process should require that cases be suspended when they are identified as not solvable because insufficient success criteria exist.

- G. The most difficult obstacle to implementing a case screening system will be the community's reaction to the Department's position that not all crimes can be successfully investigated. In most cases, the Department has traditionally claimed the ability and commitment to investigate all crimes, but in reality this does not occur. By closing cases that cannot be solved, the victims of crime can be notified officially about how the police have closed their case.
- H. The case screening model shown below can be used to help set investigative priorities. If no significant solvability factors have been identified, the investigation should be suspended. However, when an investigation is at a standstill, the assignment of weights to the case screening factors can be used to identify cases which should be classified as inactive. The model also establishes investigative follow-up time intervals based on scoring. Moreover, given caseload considerations, this system can be used to identify those cases for which investigation should be suspended. The general model takes into account the gravity of the offense, probability of solution, urgency for action, and the judgment of supervisors. It also identifies a reasonable reporting period set by policy.
1. Gravity of Offense
 - a. Felony = 4 points
 - b. Misdemeanor = 3 points
 - c. Victimless crime = 2 points
 - d. Violations/Juvenile status offense = 1 point
 2. Probability of Solution
Whether there are
 - a. Suspects = 1 point
 - b. Witnesses = 1 point
 - c. Physical Evidence = 1 point
 - d. Undeveloped Leads = 1 point
 3. Urgency of Action
 - a. Danger to Others = 4 points
 - b. Immediate Action Required = 3 points
 - c. Impact on Victim = 2 points

- d. Pattern/Frequency of Crime = 1 point
 - 4. Supervisory Judgment
 - a. Department Policy
 - b. Totality of Circumstances
 - c. Investigator's Caseload
- Total possible points = 4

Scoring and Application of Priority System:

Report Investigative Priority	Points	Progress Within
A	16-22	1-5 days
B	10-16	15 days
C	4-10	30 days
D	Less than 4	Suspended (form letter to victim)

I. The Application of a Case-Screening System

In summary, the components of a case-screening system are:

1. Accurate and complete collection of crime information by the uniformed officer.
2. An on-scene determination of the sufficiency of crime information collected.
3. Permitting the patrol officer to decide the appropriateness of a follow-up investigation.
4. Review of these decisions by the Chief of Police.

STANDARD OPERATING PROCEDURE

EFFECTIVE February 1, 2012

S.O.P. 17-9 CASE MANAGEMENT

I INTRODUCTION

A monitoring system which provides the Chief of Police with timely and pertinent information concerning the effectiveness of the key components of the total investigative process is essential. It should include a self-analysis questionnaire to help supervisors identify their level of knowledge and understanding about the operations of the CID. If necessary information asked for on the attached form is not readily available, or any questions are answered false, it indicates that closer monitoring and more effective management are necessary.

This S.O.P. provides a description of the monitoring system's components which should provide information about the current workload and performance of investigators. Implementation can ensure that each case receives an appropriate amount of effort; that the workload is evenly distributed among investigators and that each type of crime receives adequate attention.

Evaluation of performance must be measured in terms of an individual's contributions to the Department's goals. If the Chief is to make a fair, objective evaluation of a subordinate's performance, he needs quantifiable information to compare with established standards and past performance. Because investigative work is performed without close supervision, quantitative reports on an individual's performance are more important than they are in situations where close supervision is possible.

The overall goal of a managed investigation process should be to increase the number of case investigations of serious crimes which are cleared by an arrest leading to prosecution. Objectives of a managed investigation process should include:

- A. Assigning case investigations more effectively;
- B. Improving on the quality of case investigation and preparation;
- C. Monitoring the progress of case investigation and deciding about continuation;
- D. Evaluating results on the basis of investigative outcomes.

To accomplish these goals, the Department must develop the records required to support the directing, monitoring, and evaluating of investigative efforts. The following sample forms are included:

1. Case Management and Decision Review - A system of caseload inventory and work performance evaluation allows investigators to develop the necessary feeling of responsibility and accountability which contribute to high-quality job performance. The investigator's interest can be sustained at high levels when there is managerial assurance that every investigator is shouldering an equitable portion of the total workload.
2. Daily Activity Plan - This allows a way of monitoring activities and of eliminating duplication of effort by investigators.
3. Investigator's Checklist - Combined with the use of solvability factors, it lays out an investigative plan to be followed.
4. Investigator's Monthly Workload Report.
5. Monthly Case Report For Investigative Unit - To ensure quality of arrests, this form should be used at the prosecutor's acceptance of cases. Although designed for monthly use, often the acceptance of and prosecution of a case is not known during the reporting month.

A Case-by-Case Activity Report is also included. The Prosecutor's Report and the Investigative Activity Report are not essential, but can provide specific information as to time spent on a specific investigation and the acceptance of cases.

Although several new forms must be used if this system is to be implemented, the amount of paperwork required will be held to a minimum.

The above recommendations have as their focus:

- a. An increased participation by patrol officers in a comprehensive initial investigation at the time a crime is reported.
- b. The establishment of a case-screening system which will remove non-solvable cases from the investigative process at an early point.
- c. The establishment of a management information system which will provide Department supervisors with the appropriate information for managing the criminal investigation process.
- d. A re-examination of agency organization to maximize the use of all personnel.
- e. The development of investigative management techniques for the improved use of investigator personnel.

- f. The development of police-prosecutor relationships which will result in better case investigation and preparation, and greater likelihood of successful prosecution.

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S.O.P. 17-10 CASE FILE COMPOSITION

I INTRODUCTION

Case files in the Criminal Investigations Division will be maintained in a standard letter size file folder and will include on a typed label and affixed to the tab of the folder the following information:

- A. Case category;
- B. Case number; and
- C. Victim/Complainant's name.

Case files will include a review sheet which will be stapled to the inside left side of the file folder.

A supervisor will review each case with the assigned detective at least once every 60 days as long as the case is an open case status. The supervisor will also conduct a review when the case is closed. Each time the supervisor reviews the case, he/she will initial and date the review sheet.

Each active case file will be constructed of documents as they are collected or prepared during the investigation in chronological sequence with the most recent addition placed on top. All documents collected or prepared during the investigation will be attached to the inside right side of the file folder with a two-prong fastener. Documents that are smaller than standard letter size will be taped or stapled to a letter size plain bond sheet of paper and attached with the other documents. Photographs will be placed in an unsealed envelope attached to the left side of the file folder, with the open end down and fastener side up. An additional envelope may be prepared and placed on the left side of the file folder to contain notes made during the investigation. Envelopes and all photographs will bear the case number on the reverse side.

Any photographs that are considered as evidence will be properly logged and placed in the Evidence/Property Room.

Case files on arrested persons will contain the following information and will be put in the following order:

- A. Face Sheet
- B. Case Synopsis
- C. Exhibit List

- D. Witness List
- E. Copy of Original Incident Report

Case management begins when incident reports are obtained from the Records Unit by the records Administrator. The supervisor receives the cases from the secretary and reviews the cases to make a determination to assign the case or to classify it as an inactive status.

II INACTIVE STATUS

An inactive case is one in which no solvability factors are present and there are no investigative leads. These cases will not be assigned to a detective.

III ACTIVE CASES

A. Case Assignment

Supervisors will assign cases to an individual detective. All cases will be assigned in a fair and equitable manner based on:

1. Category of Crime
2. Expertise of Detective - (Detectives possessing specialized skills, knowledge and abilities in that area of investigation.)
3. Case Load of Detective

Once the assignment has been made, the detective has full responsibility of the case. This does not preclude the supervisor from assigning more than one detective to an investigation. However, one detective will be designated as case coordinator for each case.

B. Solvability Potential

Each supervisor will determine if solvability factors are present when assigning cases. Factors to be considered include, but are not limited to:

1. Known suspect
2. Criminal history of suspect including repeat offenses
3. Identifiable suspect vehicle and/or license plate number
4. Identifiable suspect description

5. Traceable property taken or recovered
6. Other investigative leads known
7. Personal injury or threat of injury occurred
8. Multiple occurrences with the same victim or multiple occurrences in the same geographic area.
9. Any combination of factors to include documented experience or research conducted by the Department or any other law enforcement agency that would lend themselves to solving the case
10. A case must also be investigated based on its public or political sensitivity

After the supervisor determines the classification and detective assignment, he/she will forward the case to be logged onto the computer. The detective will prepare a case folder.

IV CASE FILE SECURITY, FILING AND DISSEMINATION

All original case files will be filed and secured in the main file cabinets located in the Criminal Investigations Division file room. Any removal of the original case file will be logged on a case file card which will indicate when, and by whom the case file was removed.

Case files will not be disseminated without prior approval of a CID supervisor, the Assistant Chief or the Chief of Police.

V CASE STATUS AND CLEARANCE

Cases will receive a clearance status upon conclusion of the investigation by a detective. They will be classified as follows:

- A. CLEARED CASE STATUS
 1. Cleared by Arrest - An offense is cleared by arrest when one or more persons are arrested and held for prosecution.
 2. Cleared/Unfounded - An offense is considered unfounded when the investigation yields no evidence to verify that the incident occurred.

3. Exceptionally Cleared - An offense is considered cleared by exception when it falls into one or more of the following categories:
 - a. The handling of a juvenile offender, either by verbal or written notice to parents in instances involving minor offenses.
 - b. Suicide of the offender (the person responsible is dead)
 - c. Double murder (two persons killed each other)
 - d. Deathbed confession (the person responsible dies after making the confession)
 - e. Offender killed by police or citizen
 - f. Confession by offender already in custody or serving sentence (this actually is a variation of a true clearance by arrest - you would not "apprehend" the offender, but in most situations like this the offender would be prosecuted on a new charge.
 - g. An offender prosecuted in another city for a different offense by state or local authorities, or prosecuted in another city or state by federal government for another offense (you attempt to return him/her for prosecution, but the other jurisdiction will not release to you).

VI CASE STATUS WHEN NOT CLEARED

- A. Active - This status is used at the conclusion of an investigative summary when an investigation is still active and possesses a degree of solvability.
- B. Inactive - This status is used at the conclusion of an investigative summary to indicate all investigative efforts have been exhausted, there is an unavailability of investigation resources and/or insufficient degree of seriousness, and the case will be inactive pending the development of further information.

Detectives will not maintain a case report in "Active" status beyond forty-five (45) days unless a continuing flow of information and leads are available to support the "Active" status.

If new information is discovered on an inactive or unassigned case, the supervisor will then assign the case to a detective. Only a supervisor can clear a case or move it to "Inactive" status.

- C. CID will maintain a case file on all cases turned over to investigations. Once a case has been determined to be inactive the file will be transferred to the archive system and maintained indefinitely.

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S.O.P. 17-11 CRIMINAL INVESTIGATION PROCEDURES

I INTRODUCTION

- A. The development of case information begins when the call for the police is received and continues until the case is cleared or placed in an inactive file.
 - 1. Sources of departmental information that are valuable and should be utilized as needed includes, but is not limited to:
 - a. Police Department Files (including photos and fingerprint records);
 - b. Computer logged information;
 - c. Field Interrogation Cards;
 - d. Pawn Shop Records;
 - e. City office records;
 - f. Informant files;
 - g. Uniformed Officers;
 - 2. Outside information which can be valuable in an investigation should be utilized when appropriate. Such information included but is not limited to:
 - a. GCIC/NCIC Criminal History Records Information;
 - b. Registration information;
 - c. Drivers License Information;
 - d. Probation and Parole records;
 - e. Court records;
 - f. Tax records;
 - g. Local and Federal Agency records;
 - h. Welfare and Social Service Agency records.

- A. Private organizations and agencies can also provide information valuable to investigations. Court orders may be necessary to obtain certain records.

Such sources of information includes but is not limited to:

- a. Utility Company records;
- b. Telephone Company records;
- c. Bank and Credit Agencies;
- d. Insurance Companies.

- B. Interviews/Interrogations. When utilized effectively, the use of interviews and interrogations with victims, witnesses, and suspects can often be crucial in solving many types of crimes.

- 1. Victim/Witness Interviews

- a. Detailed notes and/or a recorded tape (including video tapes) should be made for future reference giving the time, date, location, officers present, and other pertinent information.
- b. The stress or trauma to which the victim or witness has been subjected to should be considered and the interview conducted in such a manner to reduce this stress and minimize future problems.
- c. The age, physical limitations, and credibility of witnesses should also be considered.

- 2. Interview of Suspects - In the interview of suspects, officers should consider these important points:

- a. Interviews used to obtain investigative leads can be very useful, but all constitutional precautions must be taken and recorded if the interrogation is to be used in court later.
- b. Detailed notes and/or a recorded tape should be made for future reference and court use, giving the time, date, location, officers present, waiver of rights time the interview ended, and other pertinent information.
- c. Statements obtained during an interview must not be based on coercion, promises, delays in arraignment, or deprivation of counsel.

- d For a statement to be admissible in Court, a suspect should be advised of his "Miranda" constitutional rights, and the officer must demonstrate that the suspect understood those rights and was able to make a knowing and intelligent waiver of those rights. Officers should stay abreast of recent court decisions which may mandate changes in constitutional rights procedures.
- C. Collection, Preservation, and Use of Physical Evidence - Officers should realize that physical evidence is of major importance in all cases, especially those where witnesses do not exist. The successful prosecution of a case often hinges on the quality of the physical evidence collected and preserved.
 - 1. All officers are responsible for the preservation of evidence, and for maintaining and documenting the chain of custody of all evidence that is in their custody.
 - 2. Most evidence collection, especially in major cases will be handled by the CID officers, who are trained in evidence collection and preservation.
 - 3. Officers having questions about the collection and preservation of specific items of evidence should consult a CID officer or the Evidence Custodian.
- D. Surveillance - The discrete observation of a person, place, or vehicle is a basic police technique which can be effectively utilized by all Departmental units.
Caution should be exercised to ensure that a person's 4th amendment rights are not violated. Warrants will be obtained if required.
 - 1. All officers should be encouraged to use surveillance on known trouble spots and known violators as part of their efforts to suppress crime and arrest suspects in their areas.
 - 2. For specialized assistance in surveillance procedures and techniques, officers should contact the designated supervisors (i.e. the Commander or Lieutenants) of the Criminal Investigations Division.

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S.O.P. 17-12 SPECIALIZED INVESTIGATIVE EQUIPMENT

I PURPOSE

To establish guidelines for the acquisition and use of special investigative equipment,

II RULES AND REGULATIONS

A. When electronic surveillance equipment or other specialized equipment is required to pursue an investigation, the investigator must request it through the Captain of the Criminal Investigations Division (CID). The Captain of CID responsible for requesting, authorizing, distributing, and returning all surveillance equipment. If the CID Captain approves the use of surveillance equipment he may then request that this equipment be placed on loan to the Lyons Police Department by such agencies as GSIN, ROCIC, and the East Georgia Narcotics Task Force. Once the specialized equipment has been received, it will be the responsibility of the investigator using the equipment and the CID Captain to assure that it is properly used and cared for.

B. Polygraphs

When polygraphs are required for the purposes of any type of investigation, they will be performed by the Georgia Bureau of Investigation (GBI) or any other licensed polygraph examiner.

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S.O.P. 17-13 INFORMANTS

I INTRODUCTION

Informants can be valuable in solving and preventing crime, and are a necessary part of law enforcement. However, officers must keep in mind that informants, unlike citizens who simply report crime to law enforcement, are often motivated by some self-serving interest. Often, they are involved in criminal activity themselves and want to eliminate their competition or they may be seeking revenge, financial gain, or consideration on pending criminal charges. It is not uncommon for some informants to claim that they "work for" an agency, intentionally giving the false impression that they are an employee. This claim may be coupled with improper or illegal behavior by the informant. In some cases, their motive is simply to embarrass and discredit an officer or agency by providing false information. Officers must be alert for any attempts by the informant to control or manipulate the officer.

Interview the individual to determine the motive for assistance. Ascertain if the individual has been an informant for another officer or agency. The informant's participation must be completely voluntary.

Perform a criminal history record check. If there is a history, obtain a copy of the rap sheet and fingerprint card for Class I informants. If the informant has criminal cases pending, the prosecutor having jurisdiction over those cases must be notified that the individual is seeking informant status with the Department. This must be done prior to any informant being used for any directed activity, such as narcotics buys.

All reasonable efforts should be made to determine the credibility/reliability of the potential informant. These efforts may include checking with other officers and law enforcement agencies (and other sources of information), to determine credibility. These efforts must be done with regard for protecting the informant's identity to the extent possible. Document any information learned in this investigation on the Confidential Informant Profile Form.

II. RULES AND REGULATIONS

A. The Captain of the Criminal Investigations Division will establish and maintain a file for informants used by investigators. This file will be kept in a secure location with access limited to a "need to know" basis upon approval of the Captain. The Captain will develop a code system to be used when making entries in the file and the key to the code system will be maintained in a secure location apart from the actual informant files. When using the code system, the file should reveal:

1. Identification of the informants;

2. Biographical and background information, along with the location of informants;
 3. Criminal History record, if any;
 4. Payments made to the informant;
 5. Cases solved by the informant;
 6. Officers using the informant;
 7. Information received by the informant;
 8. Informant's involvement in operations;
 9. The code name or number of each informant; and
 10. Secured, restricted, and controlled access.
- B. Do not use the following individuals except in extraordinary circumstances and with the approval of the Captain of Criminal Investigations Division.
1. Any individual previously shown to be unreliable.
 2. Any individual under the age of 18. Before such an informant can be used, approval of the parent or guardian must be obtained.
 3. Any individual who is a defendant in any pending state or federal prosecution, without the approval of the responsible agency.
- C. Administration

An officer seeking to establish an individual as an informant will submit the following information to the Captain of Criminal Investigations Division.

1. Class I Informant - Submit the individual's true name, aliases, address, telephone number, social security number, date of birth, race, sex, weight, height, hair color, eye color, real and alias signature, fingerprint card, photograph and criminal history.
2. Class II Informant - Use the same information as with a Class I informant. This class of informant may not have a criminal record or criminal charges pending. This should be so noted.

The Captain of Criminal Investigations Division will approve or disapprove the source as an informant. If approved, the Captain of Investigations will issue an identifying number to be used by all investigators in referring to the informant in any reports, court testimony, financial statements, receipts, correspondence, or any other written reference.

- D Funds shall be maintained by the Captain of the Criminal Investigations Division. All transactions will be documented using the appropriate codes for informant identification as outlined above. Approval, however, must be granted by the Captain of the Criminal Investigations Division prior to payment of any funds to informants. These funds will be audited on an annual basis.
- E. Criteria for Payment of Informant
 1. The Captain of the Criminal Investigations Division will distribute funds on a "needs" basis.
 2. The Captain will maintain a ledger of money disbursed to officers of the division.
 3. Officers will be required to sign a receipt when given money from the fund. The receipt will include the following:
 - a. informants name or code number; if any
 - b. the amount and purpose of the payment;
 - c. the information or material purchased; and
 - d. the subsequent law enforcement action and case number, if any.

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S.O.P. 17 – 14 SHOWUPS AND LINEUPS

INTRODUCTION

It is the purpose of this procedure to establish guidelines for the use of eyewitness identifications involving showups, photographic identifications and lineups.

Eyewitness identification is a frequently used investigative tool. As such, the Lyons Police Department hereby establishes these procedures in order to maximize the reliability of identifications, minimize unjust accusations of innocent persons and to establish evidence that is reliable and conforms to established legal procedure.

I. DEFINITIONS

- A. SHOWUP: The presentation of one suspect to an eyewitness in a short time frame following commission of a crime.
- B. PHOTO ARRAY: The showing of several photographs to an eyewitness for the purpose of obtaining an identification.
- C. LINEUP: The presentation of a number of individuals, including the suspect, simultaneously before an eyewitness.

II. SHOWUPS

Many courts have suppressed identification evidence based on the use of showups because of the inherent suggestiveness of the practice. Therefore, the use of showups should be avoided whenever possible in preference for the use of a lineup. However, when exigent circumstances require the use of showups, the following guidelines should be followed.

- A. Showups should not be conducted when the suspect is in a cell, manacled or dressed in jail clothing.
- B. Showups should not be conducted with more than one witness; the witnesses should not be permitted to communicate before or after the showup regarding the identification of the suspect.
- C. The same suspect should not be presented to the same witness more than once.
- D. Showup suspects should not be required to put on clothing worn by the perpetrator, to speak words uttered by the perpetrator or to perform other actions of the perpetrator.

- E. Words or conduct of any type by officers that may suggest to the witness that the individual is or may be the perpetrator should be scrupulously avoided.

III. PHOTOGRAPHIC IDENTIFICATION

In conducting photographic identifications officers should adhere to the following procedures.

- A. Photographic identifications must use multiple photographs shown individually to a witness or simultaneously in a book or array.
- B. Principles for conducting lineups generally apply to photo identifications. In particular, officers should:
 - 1. Use at least six photographs of individuals who are reasonably similar in age, height, weight and general appearance and of the same sex and race;
 - 2. Whenever possible, avoid mixing color and black and white photos, use photos of the same size and basic composition, and never mix mug shots with other snapshots or include more than one photo of the same suspect;
 - 3. Cover any portions of mug shots or other photographs that provide identifying information on the subject, and similarly cover those used in the array;
 - 4. Show the photo array to only one witness at a time;
 - 5. Never make suggestive statements that may influence the judgment or perception of the witness; and
 - 6. Preserve the photo array, together with full information about the identification process, for future reference.

IV. LINEUPS

- A. The primary investigating officer is responsible for:
 - 1. Scheduling the lineup on a date and at a time that is convenient for all concerned parties, to include the prosecuting attorney, defense counsel and all witnesses;
 - 2. Fulfill the necessary legal requirements for transfer of the subject to the lineup location should the subject be incarcerated at a detention center, make timely notice to the detention center concerning the pickup and make arrangements for picking up the prisoner; and
 - 3. Make arrangements to have four to six other persons act as "fill ins" at the lineup who are the same race, sex and approximate height, weight, age

and physical appearance and who are similarly clothed.

- B. The officer in charge of conducting the lineup should:
1. Ensure that the prisoner has been informed of his/her right to counsel if formal charges have been made against the prisoner, and also ensure that the prisoner has the opportunity to retain counsel or request that one be provided;
 2. Obtain a written waiver on the departmental miranda waiver form should the prisoner waive his/her right to counsel;
 3. Allow counsel representing the accused sufficient time to confer with his/her client prior to the lineup and observe the manner in which the lineup is conducted;
 4. Advise the accused that he/she may take any position in the lineup that he/she prefers and may change positions prior to summoning a new witness;
 5. Ensure that all persons in the lineup are numbered consecutively and are referred to only by number;
 6. Ensure that a complete written record and videotape recording of the lineup proceedings is made and retained;
 7. Ensure that witnesses are not permitted to see nor are they shown any photographs of the accused immediately prior to the lineup;
 8. Ensure that not more than one witness views the lineup at a time and that they are not permitted to speak with one another during lineup proceedings; and
 9. Scrupulously avoid using statements, clues, casual comments or providing unnecessary or irrelevant information that in any manner may influence the witnesses' decision-making process or perception.

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S.O.P. 17-15 DIGITAL VOICE STRESS ANALYSIS POLICY

I PURPOSE

The purpose of this procedure is to establish guidelines in administering DVSA examinations in conjunction with (employment) and investigations conducted by the Lyons Police Department.

A. DISCUSSION:

DVSA examinations by qualified examiners are gaining national acceptance as an information aid and is a tool to be used in conjunction with an investigation. However, they should not be used as a single determinant for gaining employment or final determinant factor in investigations. In addition, they should not be used to circumvent good investigative procedures.

The DVSA is used for truth verification; therefore, the DVSA should be viewed as a means to protect the integrity of an investigation and / or interviewee.

Because the DVSA lends itself to overt examinations and covert analysis of conversations and / or interviews, operators are restricted by Georgia State Statute 16-11-66.

II. DEFINITIONS:

1. DIGITAL VOICE STRESS ANALYZER,©™ is U.S. copyrighted software and procedures developed by Baker Group - International, is a fast and accurate diagnostic Voice Stress Analysis forensic truth verification system based upon sound scientific approaches, retaining Psychological Stress Evaluator (PSE) validated charting. State-of-the-art high-sample rate digital capture of each utterance and Fast Fourier Transform digital signal processing is completed within a fraction of a second. Space-age telemetry solutions for voice format frequency display, Time-domain decimation, zero-padding, envelope decay, frequency-domain filtering and proprietary analysis algorithms create easy to interpret charted responses. Combining the "Science" of voice stress analysis and the "Art" of detection of deception testing,
2. BAKER- DVSA ™ requires standardized chart reading analysis, time-proven procedures, and specialized examiner training to excel in detection of deception or covert narrative analysis. The "system" consists of three interdependent elements; the diagnostic software, appropriate test protocol, and a highly trained qualified examiner.

3. Qualified Examiner - A person who has satisfactorily completed training by a recognized instructor in truth verification and the use of the DVSA. The Certified Examiner's Course must be certified by the State of Georgia, and must have the minimum curriculum as listed:
 - a. History of Detection of Deception
 - b. Physiology
 - c. Psychology
 - d. Chart interpretation / quantitative stress pattern analysis
 - e. Question formulation
 - f. Test Protocols
 - g. Pretest interview / Post-test interview
 - h. Report writing
 - i. Narrative Analysis / Covert interview / Covert analysis
 - j. Interview & Interrogation
 - k. Final Examination
 - l. Certificate of course completion.

4. Overt Interviews / Examination - Live interviews by the DVSA examiner with the suspect / victim / witness, or complainant. These interviews are conducted with prior knowledge and permission that certain questions will be recorded live and captured by the DVSA for analysis. Additionally, all or portions of the interviews will be recorded by audio and/or video means.

5. Covert Interviews - Audio analysis by the DVSA examiner where investigators have obtained voluntary recorded interviews from suspect / victim/ witness, or complainant. The interviews are designed to capture narrative responses to investigators questions and / or "yes" or "no" answers to recaps of the interview. The recorded interview will be analyzed utilizing the DVSA for determining truthful responses.

6. Audio Recording Analysis - DVSA examiners analysis of the recorded responses of interviews wherein the subject has responded or recorded statements / interviews in the public domain, covert audio capture, or from technical surveillance intercept for intelligence use in determining non-stressed truthful statements.

III. PROCEDURE

1. Use of DVSA Examination for Employment Status:

DVSA examinations shall be used in the selection process for employment. Applicants, at the time of their formal application, will be provided with a list of topics from which the DVSA questions shall be developed. Each applicant must sign a "Release, Authorization & Hold Harmless" form. The DVSA examination shall be utilized to verify information provided by the applicant in the Personal History and Security Questionnaire. Subjects showing unusual stress levels on any relevant question must be questioned and retested regarding those specific areas of concern utilizing a "control question protocol".

2. Use of DVSA Examinations for Investigative Status:

DVSA examinations should be utilized in conjunction with investigative leads and interviews of available suspects / victims/ witnesses. When practical, both the victim and the accused should be tested in order to add validity to the examination results. These results are not to be used for arrest or legal action, but are designed for: developing leads, validity and obtaining case direction. When practical, audio analysis should be followed up with a live interview and examination.

3. Persons who may be tested:

Any individual who knows right from wrong. Generally, children who recognize right from wrong are testable. However, extremely young children, will only be tested at the examiner's discretion.

4. Persons who may not be tested:

- a. Children under the age of 17 must have parental or legal guardian consent prior to testing. The consent must be in writing and in the possession of the DVSA examiner prior to the beginning of the examination. See sample Authorization & Release form.
- b. Any person who has been forced or coerced into taking the examination.
- c. Any person who has been indicted by the grand jury or formally charged for the crime for which the DVSA examination is being requested, unless there is an agreement and stipulation signed by the person to be examined, his / her attorney, and the prosecutor.
- d. Do not administer a DVSA examination with any subject who is not

sufficiently relaxed. A “cooling off” period will be required for any subject following intense interview or interrogation or who is extremely angry.

- e. Anyone who is severely mentally handicapped, impaired by alcohol or drugs to a point of uncooperativeness or which causes the examiner concern. Children under the age of 6 years will not be tested.

IV. Responsibilities of DVSA examiner:

- a. The DVSA examiner shall review the available information pertaining to the case in question prior to administering an examination.
- b. The VSA examiner should have the approval of his / her supervisor prior to conducting a tape or digital recorded analysis unless it is accompanied by a voluntarily signed consent. Any covert use of the DVSA must be authorized by the Chief of Police.
- c. No person will be examined at the request of another organization unless the Chief of Police first authorizes the examination to be conducted. Requests directed to Office of Professional Standards will be conducted with the knowledge of the Chief of Police.
- d. All DVSA examiners will maintain a log which identifies dates and times of tests given.
- e. The DVSA examiner shall receive a second opinion on all major cases from another certified examiner or the examiner’s mentor.
- f. The DVSA examiner shall refrain from examinations that may compromise their integrity, i.e., tests with close friends, relatives, or persons with whom the examiner has a relationship. Such tests must be referred to a neutral examiner.
- g. DVSA examiners are not obligated to accept an order from a superior or governing authority that would cause him / her to violate professional standards. (ISSA or APAVSA) An examiner is not obligated to conduct an examination on a subject that is not suitable for testing. The examiner is the final authority. In the event the examiner declines to administer an examination and the decision is questioned, a second opinion from another DVSA examiner is recommended.

V. Responsibilities of Officer / Investigator Requesting a DVSA Examination:

1. The investigator should adequately complete an investigation prior to a DVSA examination being scheduled, or consult with the examiner during the investigation, as the DVSA is a supplement to, not a substitute for, a thorough field investigation.
2. The investigator will be responsible for notifying the subject of the date and time for the scheduled appointment and to ensure the subject has transportation to the exam location.
3. The investigator will remain available in the department until completion of an examination unless otherwise agreed on by the examiner and the investigator.
4. The investigator will notify the DVSA examiner immediately if the subject cancels an examination appointment.
5. The DVSA is appropriately used when veracity is a concern.

VI. DVSA Records:

The DVSA records will include waiver of rights, Authorization and Release, voluntary submission forms, subject information sheet, DVSA charts, and statement of results depending on the circumstances.

1. DVSA records will be maintained for at least 2 years and / or until any litigation is concluded in the case of issue.
2. DVSA records will be maintained in a secure area in their respective origination units.

VII. Internal Affairs:

1. DVSA examinations will only be administered during criminal or administrative investigations focusing on a sworn officer or civilian employee, if the employee freely volunteers to take the examination. This insures the employee's constitutional rights, and permits the use of any statements or admissions made during the examination to be admitted as evidence.

2. Civilian complaints and witnesses may be tested by use of the DVSA in order to test the veracity of their complaint, allegation, or ability as a material witness. These interviews should only be conducted after a voluntary Authorization and Release waiver has been signed. In the case of a covert interview or analysis of recorded audio tape, the examiner should receive authority from the internal affairs supervisor.
3. DVSA examiners will not administer tests on police officers without written consent or Authorization and Release.
4. DVSA examinations will not be the sole determinant of an investigation conclusion.

VIII. DVSA Examinations for applicants:

1. Applicants - DVSA will be administered to police / civilian applicants to insure the following:
 - a. Suitability
 - b. Verify accuracy and completeness of information on application.
 - c. Resolve questions or conflicts arising during background investigations.
 - d. History of Criminal or other disqualifying behavior.
 - e. Deter those seeking to penetrate law enforcement departments for improper purposes.
2. Purpose – Civilian / Police Applicants
 - a. Questions to be asked will be provided to applicant just prior to the test.
 - b. The DVSA will not be the single determinant of employment status. However, admissions made prior to, during or after the examination may be used to show cause.
 - c. A separate Security Questionnaire will be obtained prior to the examination and compared to the original employment application. Standardized questions will be utilized along with questions specifically developed during the pretest interview and review of the employment application and Security Questionnaire.