

NEW CANAAN POLICE DEPARTMENT

SUBJECT: CRIMINAL INVESTIGATIONS

GENERAL ORDER NUMBER: 89-7-60

FILE: OPS

Law Enforcement

I PURPOSE/POLICY

It is the purpose of this general order to provide guidelines relating to the management and operation of the Investigative Section of the New Canaan Police Department.

It is the policy of the New Canaan Police Department to encourage officers to investigate reported crime to the fullest extent possible and to allow officers considerable discretion, depending on their ability and expertise. Criminal Investigators will be assigned cases based on their knowledge, expertise, skills, and qualifications.

II RESPONSIBILITY

It is the responsibility of all department personnel to comply with this general order. It is the additional responsibility of the Commanders of the Operations and Investigative Sections to ensure compliance.

III FUNCTION/COMPONENTS

- A.** The Investigative Section is a component of the Operations Division and is under the direction and command of a Lieutenant. The section is comprised of two units:
 - 1. Investigations
 - 2. Youth Services, Community Relations, Crime Prevention, and Public Information.
- B.** It is the function of the New Canaan Police Department's Investigative Section to conduct follow-up investigations of crimes that are committed within the department's jurisdiction. Criminal Investigators will be non-uniformed personnel who are available to conduct investigations on a 24-hour basis.
 - 1. The investigative section does not provide 24-hour coverage; therefore, investigative personnel will be rotated on an on-call (Stand-by) schedule. The schedule will be available in the Communication Center and in the office of the Commander of the Investigative Section.
 - 2. When an officer within the Patrol Section requests the assistance of investigative personnel, it shall be authorized by their shift commander(s) and/or the Commander of the Investigative Section.
- C.** Sworn positions within the Investigative Section will be identical in rank and salary as those within the Patrol Section. This policy makes it possible to transfer personnel from the Patrol Section into the Investigative Section and vice versa

- D. When manpower considerations permit, uniformed patrol officers may be assigned to the Investigative Section on a temporary basis. These assignments may vary in length, and should serve to strengthen the officer's investigative abilities while enhancing his/her career.

IV PROCEDURES (ORGANIZATION AND ADMINISTRATION)

- A. In most cases, patrol officers will be the initial responding officers to a complaint and will conduct both the preliminary (re: General Order 88-6-50, Patrol) and follow-up investigations without the assistance of investigative personnel. As a general rule, the Patrol Section is responsible for follow-up misdemeanor investigations with the exception of; bad checks, narcotics and juvenile investigations. In addition to these exceptions, those investigations that are of a very serious nature, are quite involved or require an out-of-jurisdiction investigation shall generally be referred to the Investigative Section for follow-up.
- B. The preliminary investigation may be sufficient to bring the case to a satisfactory conclusion. The following steps will be followed when appropriate, depending on the nature of the complaint:
 - 1. Observe all conditions, events and remarks surrounding the complaint.
 - 2. Locate and identify witnesses.
 - 3. Maintain the crime scene and protect evidence.
 - 4. Interview the complainant and witnesses.
 - 5. Interview and interrogate suspects, if appropriate.
 - 6. Call an evidence crew to the scene.
 - 7. Affect the arrest of suspect in conformance to state statutes and local ordinances.
 - 8. Report the entire incident fully accurately.
- C. Once a preliminary investigation is completed, the case report shall be reviewed by the shift supervisor and/or patrol Sergeant. These supervisors are to ensure that all reports are complete, accurate and legible. Upon completing their review, they will signify their approval of the report by checking the "signed-off" box in the case management section of the LEAS program, which shall automatically attach his/her electronic signature to the report. If corrections and/or additions are warranted, the report will be forwarded electronically to the reporting officer for revisions. This review process will continue until the report receives final approval. As part of this review, supervisors shall screen the report for the presence of solvability factors which follow. When a follow-up investigation is warranted, the officer responsible for the preliminary investigation will generally continue the investigation unless the aforementioned circumstances dictate otherwise. In such cases, supervisors may at their discretion, forward the case to the Investigative Commander for his/her review and follow-up. Any follow-up investigations will be tracked via the LEAS case management system.
- D. During a supervisory review of a report, the twelve solvability factors listed below should be considered when determining whether a follow-up investigation should be conducted. Generally, all cases with one or more solvability factors will be assigned for follow-up investigation.
 - 1. **Can the suspect be named?**

2. **Can the suspect be identified?** (I.e. Gender, race, nicknames, physical description, clothing, etc.)
3. **Is the address of the suspect known?**
4. **Can the suspect be located?**
5. **Were witnesses present?** (Names, where they were located, etc., neighborhood canvas conducted)
6. **Can the suspect vehicle be identified?** (I.e. Color, make, model, registration number, distinguishing features, etc.)
7. **Was traceable property taken?** (I.e. Property with serial numbers or unique characteristics)?
8. **Were identifiable latent prints or significant physical evidence present?** (I.e. was the crime scene processed?)
9. **Can a significant M.O. (Modus Operandi) be developed?** (i.e. To show patterns and/or to link to past cases)
10. **Can it be reasonably suspected that there was only a limited opportunity for the crime to be committed?** (I.e. what was the time span the crime was committed in?)
11. **Is there reason to believe that the crime would arouse such public interest that public assistance would lead to the crime solution?** (I.e. Sexual assaults, crimes against the elderly, etc.)
12. **Are there other reasons to believe that further investigative effort would lead to the solving of the crimes?** (I.e. Surveillance tactics, further investigative interviews, etc.)

E. The Commander of the Investigative Section shall conduct a review of all cases that are recorded within the LEAS records management program. This review allows the Investigative Commander to be aware of any criminal activity that has taken place and to make a determination whether the Investigative Section should conduct a follow-up investigation. The Investigative Commander may also determine that a case should be returned to the Patrol Section for follow-up.

1. Investigations which are generally returned to the Patrol Section for follow-up include:
 - a. Those cases requested by a patrol shift supervisor.
 - b. Those requested by the patrol officer to be returned.
 - c. Those misdemeanor investigations where several solvability factors are present and there is a reasonable likelihood that further investigation is warranted.

2. The Investigative Section will investigate the following types of crimes regardless of the number of solvability factors present.
 - a. Homicide
 - b. Sexual Assault
 - c. Robbery
 - d. Kidnapping/Abduction
 - e. Bad Check Cases
 - f. Any other complaint or crime which requires the expertise of the investigative personnel.
 3. Once the Investigative Commander has determined that a case requires a follow-up investigation by the Investigative Section, case assignments will be based upon the following criteria:
 - a. The age of the offender (i.e. adult or juvenile?)
 - b. An Investigator's case load
 - c. Personal Expertise
 - d. Any other relevant issues as they arise
 4. Once assigned, that investigator shall be considered the principal investigator and/or case coordinator. Additional investigators may be assigned, but their responsibility will be to assist the principal investigator.
- F.** When a follow-up investigation is warranted, the officer responsible for conducting the investigation should complete the following tasks, as appropriate:
1. Conduct a review and analysis of all reports and documentation that was completed during the preliminary investigation.
 2. Review all laboratory results.
 3. Conduct additional interviews and interrogations (i.e. of officers, witnesses, suspects, informants etc.)
 4. Identify the suspect(s).
 5. Plan, organize and conduct searches.
 6. Collect, package and secure physical evidence.
 7. Determine a suspect's criminal history.
 8. Determine a suspect's involvement in other crimes, if any
 9. Apply for arrest warrant(s), apprehend suspect(s).
 10. Prepare cases for court presentation.

11. Assist in the prosecution.
- G.** When a case is assigned to the Investigative Section, it will be recorded in the Investigation Case Log, which contains the case number, address of offense, type of offense, date reported, investigator assigned, date assigned and number of solvability factors.
1. Due dates may be assigned to a case at the discretion of the assigning supervisor. If a due date is assigned, it will be logged on the assignment sheet and the case log. Investigative case files will be checked regularly by the supervisor to ensure that cases are handled in a timely manner. The review will be noted on the case log.
- H.** When the Commander of the Investigative Section reviews a case report and determines that further investigation is warranted, an active case file will be created.
1. The active case file should contain an assignment sheet, copies of all departmental case reports, statements, results of examinations of physical evidence, correspondence, and any other pertinent information needed for investigative purposes. The investigative section will maintain only active case files. Once the investigation is complete, the case will be turned over to the Commander of the Investigative Section for review and submitted to the Records Unit for filing. All unnecessary and/or duplicate information contained in a case file will be purged upon completion of the investigation.
 2. Access to an active case files will be permitted on a need-to- know basis, with permission of the officer(s) assigned to the case and/or the Commander of the Investigative Section.
- I.** Each complaint and/or criminal investigation investigated by an officer shall have a case disposition/status indicator assigned as part of the LEAS case management program. The assignment will be the responsibility of the shift supervisors and/or Commander of the Investigative Section. Complaints for which no report is required would be excluded from this requirement. The case disposition/status indicators are:
1. **Open** - Indicates cases currently assigned to an officer and investigative efforts are active.
 2. **Suspended** - Indicates all available leads have been exhausted, but the case has not been brought to a conclusion. Investigative efforts may be resumed in the future.
 - a. When a case has been assigned for investigative follow-up, the assigned officer must receive approval from their respective supervisor(s) prior to the case being suspended. Criteria that must be considered prior to suspending investigative efforts shall include:
 - 1) The absence of solvability factors or further leads
 - 2) The availability of investigative resources
 - 3) The seriousness of the offense
 - 4) The impact upon the public
 3. **Unfounded** - Incident is false or baseless. This would also include non-criminal matters reclassified as civil.

4. **Closed** - Indicates that the case has been concluded by one of the following:
 - a. Cleared by arrest - A person has been arrested and charged with a crime or a summons has been personally served. This includes juveniles who are released to their parents and referred to juvenile court.
 - b. Exceptionally cleared - an incident is exceptionally cleared if the following questions can all be answered "Yes".
 - 1) Has the investigation definitely established the identity of the offender?
 - 2) Is the exact location of the offender known?
 - 3) Is there some reason outside law enforcement control that precludes arresting, charging and prosecuting the offender, (i.e. death of offender, prosecution is declined etc.)?

- J. Officers shall provide complainants and/or victims of a crime with information that will assist them in obtaining additional information regarding their case. This may be as simple as having an officer provide these individuals with the date, time and case number of an incident on a business card. Or it may be necessary to provide them with additional contact information regarding social service agencies, victim's services etc.
 1. In addition, all officers who are responsible for conducting a follow-up investigation shall attempt to contact the complainant/victim within a reasonable period of time. The purpose of this contact is to inform them as to the status of an investigation. The officer may also, as a result of this contact, develop additional information that may assist him/her in their investigation. Officers should document any significant contacts in a supplemental report.

- K. The Commander of the Investigative Section shall conduct a review of all case reports to screen for offenders that meet career criminal criteria as defined in Connecticut General State Statute 53a-40. He or She shall then notify the State's Attorney's Office of said offenders.
 1. Under C.G.S. 53a-40 Career Criminals may defined under three categories:
 - a. Individuals with pending violent offenses (i.e. assault, robbery, sexual assault etc.) who also have prior felony convictions.
 - b. Individuals with pending felony offenses who also have at least two convictions for similar crimes.
 - c. Individuals who are persistent larceny offenders
 2. If the arrestee is found to fit the criteria listed in any of the categories above, the Commander of Investigations shall do the following:
 - a. Mark the top of face sheet of the incident report "*Career Criminal Referral*"
 - b. Note in a supplemental report that the arrestee has been referred to the Office of the State's Attorney as a career criminal.
 - c. Forward the arrestee's criminal history to the State's Attorney attached to a copy of the arrest report.

3. Upon the arrest of a criminal offender, the arresting officer will obtain and review the criminal history of the arrestee. The criminal history check shall be conducted by utilizing the COLLECT and NCIC databases. The rap sheet will be attached to the arrest report and forwarded to the Commander of the Investigative Section.

V PROCEDURES (OPERATIONS)

- A. Officers must investigate all cases assigned to them fairly, completely and impartially. They shall conduct their investigations in the most discrete manner possible, mindful that they are not to endanger the reputation of any person(s) under investigation. When assigned to an investigation, officers shall initiate said investigation without any unnecessary delay and in accordance with departmental policies and procedures.
 1. Investigations may include one or more of the following investigative techniques:
 - a. **Information Development** – Information may be developed from any number of sources. These sources may include; victims, witnesses, friends, neighbors, other public agencies, other law enforcement agencies or informants. All information collected in the course of an investigation shall be gathered in accordance with the procedures established in this general order.
 - b. **Interviews and Interrogations** - Interviews may be conducted with persons that may have knowledge about a certain aspect of a criminal investigation. Interrogations may be used for suspects and those persons directly involved in a criminal investigation. Interviews and interrogations will be conducted in conformance with guidelines established to protect the rights of a person, as outlined in this general order.
 - 1) It is important to remember that in the course of an investigation, officers are not to enter into plea negotiations with a suspect. Plea negotiations should be handled by the State Attorney's Office and should not involve police officers. Input or recommendations during plea negotiations are more appropriately made by the State Attorney's office. Police Officers should present the facts of the case, including facts relating to surrounding circumstances; the defendant's conduct, statements, expression of attitude, etc. Officers may be allowed to make recommendations in plea negotiations, if it would not create an illusion to the suspect and the public that officers play a substantial role in determining if charges are to be dropped, reduced, or diversion granted. Such an illusion lessens the professionalism this Department strives to maintain.
 - c. **Collection, Preservation and use of Physical Evidence** – Physical evidence may be searched for, collected and preserved when investigating any crime scene in compliance with General Order 89-11-64, Collection and Preservation of Evidence.
 - d. **The Execution of Background Investigation** - Criminal investigations frequently involve background investigations of persons, particularly as they relate to white-collar crime, organized crime, and vice activities. The police department will conduct background investigations of persons in correlation with an ongoing criminal investigation only. This section does not apply to background investigations conducted as a result of the department's recruitment, testing & selection process.

- 1) Various sources of information are available in conducting a background investigation. Some potential sources include:
 - a) Financial institutions
 - b) Business associates
 - c) Former employers
 - d) Informants
 - e) Utility companies
 - f) Public records
 - g) Intelligence reports
 - h) Criminal history files
 - i) Other law enforcement agencies
 - j) Pawn shops
 - 2) All information obtained in a background investigation will be incorporated into the case file or placed in the intelligence files in accordance with General Order 89-10-63, Criminal Intelligence
- e. **Surveillance** - Surveillance may be used in the investigation of a crime when it is necessary to observe suspects or conditions in an unobtrusive manner. Surveillance may create additional information involving the investigated crime, gather additional intelligence information, or observe new crimes being committed.
- B.** In order to enhance communications and interaction between patrol and investigative personnel, investigators will periodically attend patrol roll call.
1. Such attendance shall be on an "as needed" basis and utilized at the discretion of the Commander of the Investigative Section.
 2. Under normal circumstances, attendance shall occur during an investigator's regularly scheduled hours.
 3. In addition to attending roll call, investigators shall disseminate information to patrol personnel via the Shift Information Notebook and through postings on the bulletin board located in the briefing room.
- C.** The Polygraph and Voice Stress Analyzers are excellent aids when conducting criminal investigations. However, officers must remember that the uses of these devices are a supplement to and not a substitute for, a good field investigation. The following guidelines pertain to the use of these devices.
1. The decision to request an individual to voluntarily submit to a polygraph or voice stress analyzer examination during the course of a criminal investigation will be determined on a case to case basis by the assigned officer and/or investigator.
 2. The investigating officer's supervisor(s) must approve requests for either of these types of examination.

3. The officer or investigator assigned to the investigation will be responsible for scheduling an appointment with the Connecticut State Police or other testing agency.
 4. Polygraph and Voice Stress Analyzer examinations shall only be conducted by trained personnel who have successfully graduated from or received the appropriate licensing and/or certifications.
- D.** The LEAS Records Management Program in and of itself serves as a basic checklist for officers when conducting an investigation as it requests information regarding, people, vehicles, property, interviews etc. However, more complicated investigations may require additional efforts and investigation. To aid officers in complicated matters, the following checklists or reports are available and may be utilized as needed:
1. Investigators Check List
 2. U.S. Dept. of Justice VICAP Report
 3. Connecticut State Police Sex Crimes Report
 4. FBI NCIC missing report is set up as a check list
- E.** In order to protect the constitutional rights of persons involved in a criminal investigation, the following guidelines will be adhered to:
1. Officers shall not coerce or obtain involuntary confessions from persons suspected of criminal involvement.
 2. Officers are required to advise a suspect of his/her constitutional rights (Miranda Rights) when the suspect is in police custody and is being interrogated. When advising a person of their rights, officers should use a "Miranda" card or its equivalent and ensure that the individual reads, understands and signs the rights form/card.
 - a. If a suspect invokes his right to remain silent, all questioning must immediately cease. It would not however, be improper for officers to attempt to initiate questioning as long as such an attempt does not harass or intimidate the suspect.
 - b. If a suspect requests the presence of an attorney, all-questioning will cease and an attempt made to honor the request.
 - c. A suspect may limit his/her waiver. In these instances, officers must strictly comply with the conditions established by the suspect.
 - d. "Miranda" Warnings are not necessary before;
 - 1) Questioning a person who is merely a witness to a crime or who may know something about a crime, but is not a suspect.
 - 2) Questioning a suspect who is not in police custody (i.e. who has not been deprived of their freedom in any significant way) and realizes that he/she is free to terminate the interview at any time.
 - 3) Questioning a motorist stopped for a routine traffic offense.
 - 4) Asking questions reasonably motivated by concern for public safety.

- e. Without express questioning or its functional equivalent, there is no interrogation within the meaning of "Miranda" even though the suspect may be in custody.
- F. During the course of their duties, patrol officers may encounter a person(s) acting suspiciously or in an unusual circumstance. When such a situation occurs, the officer should confront the person and record any information obtained in a case report. The obtaining of this information shall not be used as a means to harass, intimidate or infringe on the rights of a citizen in any way. It shall only be used as an investigative tool which may provide valuable information and help solve present and future cases investigated by this department. Appropriate instances when field contacts should be initiated includes when:
 - 1. The officer reasonably believes that a crime is about to, or has been committed, the person is acting suspiciously, or they have knowledge that an active arrest warrant is on file for the person(s).
 - 2. When an officer has a reasonable suspicion of possible criminal activity. The standard of reasonable suspicion is substantially lower than probable cause. Therefore, if a person refuses to stop or identify him or herself, the officer can take no action. However, even in those cases all information known to the officer should be documented.

VI. DISTRIBUTION

This general order will be reproduced in electronic and traditional media. All sworn personnel shall have access to the general orders through a read-only file on their individual domain of the department's computer network. Printed copies will also be placed in locations throughout headquarters so that they are accessible to all personnel.

VII. EFFECTIVE DATE

This general order was approved by the New Canaan Police Commission on November 20, 1991 and was effective on January 1, 1992.

Revised February 1998
Revised May 2000
Revised November 2000
Revised May 2006
Reviewed July 2006
Revised December 2011
Revised August 2012
Revised May 2013

Per Order,

Leon M. Krolikowski
Chief of Police