

**MOBILE POLICE DEPARTMENT
MOBILE, ALABAMA**

GENERAL ORDER #42

06/28/2011

SUBJECT: CRIMINAL INVESTIGATION ADMINISTRATION AND OPERATIONS

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42.1.1 24-HOUR INVESTIGATIVE COVERAGE

Investigators are on duty from 0800-2400 hours daily. After 2400 hours, an on-call investigator is available. The Communications Detail maintains an on-call roster for all investigative specialties. The shift commander will ordinarily contact the communications supervisor, who will then contact the appropriate on-call investigative section officer by telephone or electronic pager during non-duty hours.

If the section officer is unavailable, the appropriate investigative unit commander will be notified and assume responsibility for contacting and assigning an investigator.

42.1.2 CASE SCREENING

The objective of case screening is to commit available resources to the investigation of the most serious offenses and/or those with the best chance of successful resolution.

A. Course of the Investigation:

Each supervisor screens cases of his/her assigned team to determine the course of the investigation based on the following:

1. The seriousness of the offense.
2. The solvability factors present:

- a. Was a suspect arrested?
- b. Can a suspect be named?
- c. Can a suspect be identified?
- d. Can a suspect be located?
- e. Can a suspect vehicle be identified?
- f. Was there a serious injury or dangerous felony?
- g. Is the crime of a community sensitive nature?
- h. Is there a witness to the crime?
- i. Is there traceable stolen property?
- j. Does the crime involve a significant economic loss?
- k. Is there significant physical evidence present?
- l. Is there a distinctive method of operation (MO) present?
- m. Does the crime indicate a pattern?

3. The investigative workload.

B. Case Assignment:

Team supervisors determine which investigator will be assigned to the case based on:

1. The investigator's expertise in a particular crime area.
2. Needed special talents possessed by particular investigators.
3. Individual investigator's workload.

42.1.3 CASE MANAGEMENT

The Investigative Services Division **and all Precinct General Investigation Details* shall maintain a case management system in the **Records Management System* that monitors all cases, categorized by offense, that are assigned to **investigators* follow-up investigation.

A. Case Management Data:

Case management shall contain the following information:

1. Complaint number.
2. Name of victim/complainant.
3. Date of offense.
4. Type of offense.
5. Investigator assigned to the case.
6. Case status.

The Case Management System shall be continuously revised to reflect the changes in status of each case. The following case designators are used to reflect the status of cases:

- a. Unfounded
- b. Referred to Responsible Jurisdiction
- c. Cleared by the Arrest of an Adult
- d. Cleared by the Arrest of a Juvenile
- e. **Exceptionally Cleared*
- f. **Submitted to District Attorney*
- g. **Submitted to Grand Jury*

h. Pending

**Cases that are exceptionally cleared will have an additional designator used to reflect the reason for exceptional clearance. The following designators are used to reflect the status of exceptionally cleared cases:*

- a. All Other Exceptionally Cleared Adult*
- b. All Other Exceptionally Cleared Juvenile*
- c. Complaint / Warrant Refused by DA*
- d. Complaint / Warrant Refused by Magistrate*
- e. Death of Offender*
- f. Death of Victim*
- g. Extradition Denied*
- h. Failed to Prosecute a Juvenile*
- i. Failed to Prosecute an Adult*
- j. Juvenile / No Custody*
- k. Located / Returned Home*
- l. Prosecuted for Another Offense*
- m. Prosecution Declined*
- n. Victim Refused to Cooperate*

Supplemental investigative reports are due in a timely manner after case assignments.

B. Suspension of Investigation:

Every open case shall be reviewed periodically from date of receipt to assess the feasibility of continuing the investigation. Prior to the suspension or termination of any investigation, the case investigator shall review the entire case file with his unit commander or immediate supervisor, who shall have the final authority to suspend or terminate an investigation.

Factors to be considered in a decision to suspend or terminate an investigation include:

- 1. Suspect data.
- 2. Physical evidence.
- 3. Considerations.
- 4. Viable active leads.
- 5. Availability of investigative resources.

C. Investigator's Case Files:

Investigators are required to maintain a separate case file on each offense they are assigned for investigation. **Procedures for establishing and maintaining case files are detailed in the RMS Case Management SOP.*

42.1.4 ACCOUNTABILITY FOR PRELIMINARY AND FOLLOW-UP INVESTIGATIONS

Preliminary investigations are the responsibility of the officer taking the initial complaint regardless of rank or division. Follow-up investigations are the responsibility of ISD personnel unless otherwise directed. Supervisors of the Investigative Services Division shall review daily all
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offense reports and assign those offenses to the respective unit for follow-up investigation by the division.

The following criminal offenses will be investigated by ISD:

1. Murder.
2. Sexual assault.
3. Armed robbery.
4. Felonious assault.
5. Child abuse.
6. Forgery.
7. Missing persons.
8. Other such investigations as may be directed by competent authority.

Investigative resources shall be allocated on the basis of need. The offense categories specified above do not supersede existing operational guidelines for case assignments.

Unit commanders are required to make a case by case assessment of the aforementioned offenses and make a determination as to which cases justify further investigation. The criteria used by Unit Commanders for assignment of follow-up investigations should be based on experiences (documented or otherwise) of this agency and other agencies as well as research within and outside the agency. Some of the factors to be considered when making this determination are: suspect data available, seriousness of injury to victim, value of theft, and availability of police resources.

42.1.5 HABITUAL/SERIOUS OFFENDERS

Serious or habitual offenders are an extreme risk to the community. Special consideration should thereby accordingly be given to the investigation and prosecution these offenders. Each investigator assigned to a case in which a suspect is prosecuted shall be responsible for the identification of individuals who qualify as habitual offenders. When an investigator determines that a suspect/subject fits this category he shall coordinate with the District Attorney's Office for guidance. Alabama law defines habitual offenders as criminal defendants who have been previously convicted of a felony and after the conviction have committed another felony. Sentencing enhancement for these offenders is delineated in Alabama Code 13A-5-9.

42.2.1 INVESTIGATIVE PROCEDURES

Procedures to be used in conducting criminal investigations include but are not necessarily limited to:

1. Development of information through witnesses, victims, informants, and other credible sources for identification and apprehension of suspects.
2. Interview and interrogation of witnesses and suspects including information such as *name, address, date of birth, sex, race, telephone number, and responses to interrogatories relative to who, what, when, where, why, and how.
3. Criminal investigators, though not directly responsible for the collection and preservation of evidence, must have knowledge of procedures, application, relevancy, and use of said evidence and, therefore, shall not assume crime scene officers have been thorough in seeking such evidence at scene. Additional evidence may be obtained throughout the course of the investigation.

A. Background Investigations:

1. To comply with ACJIS protocol with regard to criminal histories; to protect the confidentiality of criminal files; to specify procedures to be followed to request and obtain criminal history information; to provide accountability for criminal history requests; and all requests for Criminal History (CCH) will be in writing. Such requests shall contain the name of the requestor, appropriate information on the subject, and the reason for the request. All requests made by officers with the rank of corporal and below shall be reviewed by the requesting officer's supervisor and approved prior to submission. Civilian employees may not request criminal histories.
2. Upon receipt of an approved request, the employee authorized to access the ACJIC CCH terminal shall log such request in a permanent logbook.
 - a. The following information will be included in the log:
 1. Date and time of request.
 2. Name, race, sex, and date of birth of subject.
 3. Requestor and by whom approved.
 4. Authorized employee who transmits the request to ACJIC.
 5. Signature of receiving person.
 - b. All copies of Criminal Histories shall be destroyed upon completion of their intended use.

B. Misuse of Criminal Records Information:

1. Misuse of criminal record information can result in prosecution and termination of criminal record services.
2. Any personnel who engage in the violation of any of the aforementioned prohibitions will be subject to departmental, state, and/or federal charges, as shall be applicable.

Background investigations frequently produce information that is beneficial to the successful resolution of criminal investigations. The express purpose of conducting background investigations is to generate information that will assist the investigator in accomplishing his primary objective of solving crimes. Background information may be utilized to establish patterns of crime, motive, credibility, etc. The investigator should be cognizant of the numerous sources available to obtain background information, (e.g., police records, suspects' criminal histories, public records, employers past and present, neighbors past and present, associates, etc.). Background information is often raw data, unsupported by fact or independent corroboration; therefore, the investigator must be discreet in his inquiries and extremely cautious in the dissemination of this information. The raw data collected in background investigations should be held in the investigator's file and information not pertinent to the primary investigation should be destroyed at the conclusion of the investigation. This paragraph does not necessarily apply to pre-employment or Internal Affairs Unit investigations.

The use of surveillance of suspects and, in some cases, witnesses may result in useful information. Assistance in this regard may be obtained from other agency components if needed.

42.2.2 PRELIMINARY INVESTIGATION STEPS

The field officer is normally the first responder on the scene. Therefore, he shall have responsibility for the preliminary investigation. The preliminary investigation shall include, but is not limited to, the following:

1. Crime scene security.
2. Location and identification of witnesses and victims.
3. Initial interviews of victims and witnesses.
4. Preparation of all preliminary reports.
5. Request of specialized units through his supervisor.
6. Arrest of perpetrators.

42.2.3 FOLLOW-UP INVESTIGATION STEPS

The follow up investigation is an extension of the preliminary investigation. The purpose is to provide additional evidence pertinent to the crime in order to affect the arrest of an offender.

Basic Steps:

These basic steps shall be used by all investigative sections in the follow up investigation:

1. Reviewing and analyzing all previous reports prepared in the preliminary phase.
2. Conducting additional interviews and interrogations.
3. Reviewing department records.
4. Seeking additional information (from uniformed officers, informants, etc.).
5. Reviewing results from laboratory examinations.
6. Arranging for dissemination of information as appropriate.
7. Planning, organizing, and conducting searches.
8. Preparing cases for court presentation.
9. Assisting in prosecution.
10. Identifying and apprehending suspects.
11. Collecting physical evidence.
12. Determining involvement of suspects in other crimes.
13. Checking suspects' criminal histories.

42.2.5 INVESTIGATOR RANK AND PAY STATUS

Sworn positions in the Investigative Services Division will have the same rank titles and salary schedules as those in the Uniform Services Division pursuant to the Laws and Rules of the Mobile County Personnel Board Rule V.

42.2.6 PERIODIC ATTENDANCE AT PATROL MEETINGS

Periodic exchange of information between patrol and investigative officers is essential both to enhance inter-divisional relationships and to optimize the provision of law enforcement services. To accomplish this exchange, Investigative Services Division representatives will attend patrol roll calls and will:

1. Brief attendees on relevant case developments.
2. Discuss salient crime trends.
3. Request patrol assistance in specific enforcement areas, as appropriate.

Additionally, investigative personnel will supply relevant investigative information to patrol shifts through patrol briefing notes or by attending the roll call briefings.

42.2.7 INVESTIGATIVE TASK FORCES

Circumstances may arise that necessitate the organization of a task force to address a specific problem. Significant increases in the incidence of violent crime, burglary, suspected serial crimes, or organized crime activities are examples of potential problems which may require the formation of a task force. The authority to organize a task force rests with the Chief of Police.

When the Chief of Police orders the organization of a task force, the following steps shall be taken during the implementation:

1. The task force shall be given a specific objective.
2. A staff officer shall be appointed Task Force Commander and be delegated authority commensurate with responsibility.
3. The Task Force Commander shall be directly responsible for the operation of the unit. Unless otherwise directed, the Task Force Commander shall report directly to the Chief of Police.
4. The task force shall be provided with the human and material resources necessary to accomplish its mission.
5. The Chief of Police and Task Force Commander shall continuously assess the unit's performance.
6. The task force shall be dissolved after meeting its objective.

Long term, multi-jurisdictional task forces shall have a defined purpose, authority and responsibility that will be covered in the SOP manual and/or written agreement guiding each task force. Each task force will be monitored by its chain of command and the need for continued operation evaluated periodically. The final authority to create or continue participation in any multi-jurisdictional task force rests with the Chief of Police.

42.2.8 TECHNICAL AIDS FOR DECEPTION

Polygraphs and other technical aids for the detection of deception may be used by Department investigators when such use reasonably enhances the investigation of a case and the subject voluntarily participates in the examination.

When technical aids for detection deception are used, the person administering the examination must be a properly certified graduate of a recognized institution providing training on the relevant equipment.

42.2.9 USE OF INFORMANTS

All confidential informant files, for the purpose of Criminal Investigations Division, will be maintained by the unit commander utilizing the informant. The unit commander shall maintain a master file of confidential informants utilized and shall be responsible for the informant's file and all related codes.

The informant's file record shall contain the following information:

1. Personal data.
2. Criminal history.
3. Reliable information previously supplied.
4. Method of contacting the informant.

Informants shall be assigned code numbers and any reference to an informant in police reports or pay vouchers shall be by code number. Extreme precautions are to be taken with informants to protect their identity. Officers are required to exercise extraordinary care when using juvenile informants and must have written permission (consent form) of the juvenile's parent to utilize him. Juvenile informants will not be used in situations involving risk of injury or harm without specific approval of the Chief of Police. The unit commander utilizing the informant shall be responsible for the distribution and safekeeping of all funds appropriated for the purchase of information and shall have the final authority to approve or disapprove requests for these funds. The primary consideration when assessing a request to expend funds for information will be value received. The unit commander shall maintain an informant's payment log, which shall have separate entries reflecting individual transactions. Each entry will include the code number of the informant, date paid, and information received. The payment log shall be subject to annual and/or frequent audit.

42.2.10 INTERVIEW/INTERROGATION ROOM

The following procedures shall be used when Uniformed and Non-Uniformed Officers utilize rooms for an interview or interrogation of victims, witnesses, and potential suspects. These rooms are not to be used as prisoner holding cells and should be searched for items that could be used as weapons. The room chosen for the interview/interrogation should have limited access and previously surveyed for potential escape routes.

- A. Officers utilizing rooms for interviews/interrogations shall check the room for any items that could be used as potential weapons. It is the discretion of the Officer/Investigator if weapons are worn during the interview/interrogation. If the Officer/Investigator elects not to wear a weapon in the room, the weapon will be secured. Officers/Investigators conducting interviews/interrogations within the Mobile County Metro Jail or in the Mobile Police Departments Polygraph Suite shall secure their weapon prior to entering these facilities. The Officer/Investigator should always be mindful of their equipment as to not allow suspects access to it.
- B. To ensure proper security, all arrestees/prisoners shall be searched prior to being brought into the interview room. All arrestees will be handcuffed prior to entry into an interview/interrogation room. Handcuffs can be removed at the discretion of the Officer/Investigator. While conducting an interview/interrogation, a second officer will be utilized, positioned in the room or maintain visual observation within an unobscured 25ft distance to the Officer/Investigator conducting the interview/interrogation. The Officer conducting the interview/interrogation can summon assistance verbally or through use of the department issued police radio. Arrested individuals who are being

held in interview/interrogation rooms properly equipped to do so may be secured to tables equipped with an immovable ring. The tables are bolted to the floor and are equipped with additional rings that are also bolted to the floor where a combative or resistant prisoner may be secured with leg restraints. Sworn officers are still required to maintain continuous visual observation of the arrested individuals.

- C. The number of personnel present during the interview/interrogation should be kept to a minimum, with only one victim, witness or suspect present. Special circumstances, such as parent, guardian, or legal representation maybe allowed during the interview/interrogation.
- D. Officers/Investigators can utilize the designated interview/interrogation rooms **listed in General Order 71.1.1, Designated Rooms or Areas*. These interview/interrogation rooms with a **monitor, as well as* audio and video recording equipment. Officers/Investigators will ensure the video and audio recording equipment is operational and can be used, if it is deemed necessary, during the interview/interrogation
- E. All individuals are afforded an opportunity to address their personal needs during an interview/interrogation. It is the responsibility of the Officer/Investigator to ensure that the personal needs and breaks are taken. Facilities (restrooms, water, etc.) will be made available to all persons being interviewed or interrogated. Suspects, arrested persons, or prisoners will be escorted to these facilities by Sworn Officers only. Mobile Fire Department will evaluate any suspects, arrested persons or prisoners requesting or in need of medication.
- F. Once the interview/interrogation is complete, Officers/Investigators will search the room for weapons or illegal contraband. If an officer notices any damages, malfunctions to equipment, and/or any other maintenance deficiencies in the interview/interrogation room(s), they are to submit a PD-033 Support Services Work Order Form notifying the Commander of Support Services that repairs or maintenance is needed.
- G. Semi-annually, a Designated Rooms and Areas Inspection Sheet (PD-80) shall be completed for all designated rooms and areas (reference G.O. 71.1.1) by the Commander of Support Services or his/her designee. The inspection should note the conditions of the designated rooms and areas' security, cleanliness, and functionality. Inspection records will be maintained by the Commander of Support Service and a copy will be forwarded to the Accreditation Detail.
- H. Annually, the Commander of Support Services, or his/her designee, shall complete a written administrative review of all designated rooms and areas (reference G.O. 71.1.1) to ensure these areas are in compliance with the department's policies and procedures. This review will be documented and forwarded to the Chief of Police. A copy will be forwarded to the Accreditation Detail.

By order of:

A handwritten signature in black ink, appearing to read "Lawrence L. Battiste, IV". The signature is fluid and cursive, with the first name "Lawrence" being the most prominent.

Lawrence L. Battiste, IV
Chief of Police