

	<h1>Garner Police Department</h1> <h2>Written Directive</h2>	
	Chapter: 800 - Operations	
	Directive: 840.01 - Criminal Investigations	
Authorized by: Chief Brandon Zuidema		Effective Date: October 1, 2015
CALEA Standards: 1.2.3, 41.2.5, 42.1.1, 42.1.2, 42.1.3, 42.1.4, 42.1.5, 42.2.1, 42.2.2, 42.2.3, 42.2.4, 42.2.5, 42.2.6, 42.2.10, 42.2.11 and 42.2.12		Last Revision: January 1, 2015

840.1.1 – Purpose

The purpose of this directive is to establish policy and procedure to ensure effective and efficient investigations of criminal activity and related incidents.

840.1.2 – Policy

It is the policy of the Garner Police Department to conduct investigations into complaints of criminal activity to the fullest extent possible in order to resolve complaints and present offenders for prosecution as directed by other elements of the criminal justice system.

This directive addresses the function of criminal investigation and is not intended as a procedural directive just for the Criminal Investigations Division (CID). Unless otherwise stated, or is made obvious by text, all procedures within this directive apply to all sworn personnel.

840.1.3 – Definitions

- A. Electronic recording – An audio recording that is an authentic, accurate, unaltered record; or a visual recording that is an authentic, accurate, unaltered record. A visual and audio recording shall be simultaneously produced whenever reasonably feasible, provided that a defendant may not raise this as grounds for suppression of evidence [NCGS 15A-211(c)(1)].
- B. Eyewitness – A person, including a law enforcement officer, whose identification by sight of another person may be relevant in a criminal proceeding [NCGS 15A-284.52(a)(1)].
- C. Field Interview – A voluntary encounter during which an officer does not have the legal authority to detain the individual and therefore requests the cooperation of the individual they wish to interview.
- D. Filler – A person or a photograph of a person who is not suspected of an offense and is included in a lineup [NCGS 15A-284.52(a)(2)].
- E. Follow-up Investigation - Extension of a preliminary investigation to gain additional information.
- F. Independent Administrator – A lineup administrator who is not participating in the investigation of the criminal offense and is unaware of which person in the lineup is the suspect [NCGS 15A-284.52(a)(3)].
- G. Interview - Any attempt by an officer to speak with a suspect, victim, witness, or other person to obtain information related to a criminal investigation or other police matter (note – the term “interview” may be used interchangeably with the term “interrogation”).

- H. Investigative Detention – When an officer stops and detains an individual based on the fact that the officer has reasonable suspicion to believe that the individual has committed, is committing, or is about to commit a crime in accordance with the U.S. Supreme Court decision in *Terry v. Ohio*.
- I. Juvenile – For the purposes of custodial interviews, a juvenile is any person who has not reached the person's eighteenth birthday and is not married, emancipated, or a member of the armed forces of the United States.
- J. Lineup – A photo lineup or live lineup [NCGS 15A-284.52(a)(4)].
- K. Lineup administrator – The person who conducts a lineup [NCGS 15A-284.52(a)(5)].
- L. Live lineup – A procedure in which a group of people is displayed sequentially (rather than simultaneously) to an eyewitness for the purpose of determining if the eyewitness is able to identify the perpetrator of a crime [NCGS 15A-284.52(a)(6)].
- M. Photo lineup – A procedure in which an array of photographs is displayed sequentially (rather than simultaneously) to an eyewitness for the purpose of determining if the eyewitness is able to identify the perpetrator of a crime [NCGS 15A-284.52(a)(7)].
- N. Place of detention – A jail, police or sheriff's station, correctional or detention facility, holding facility for prisoners, or other facility where persons are held in custody in connection with criminal charges [NCGS 15A-211(c)(3)].
- O. Preliminary Investigation - Information collected by officers upon their initial response to an incident.
- P. Primary Investigator - The officer assigned primary responsibility and accountability for an investigation.
- Q. Recording "In its entirety" – An uninterrupted record that begins with and includes a law enforcement officer's advice to the person in custody of that person's constitutional rights, ends when the interview has completely finished, and clearly shows both the interrogator and the person in custody throughout. If the record is a visual recording, the camera recording the custodial interrogation must be placed so that the camera films both the interrogator and the suspect. Brief periods of recess, upon request by the person in custody or the law enforcement officer, do not constitute an "interruption" of the record. The record will reflect the starting time of the recess and the resumption of the interrogation [NCGS 15A-211(c)(2)].
- R. Show-up – A procedure in which an eyewitness is presented with a single live suspect for the purpose of determining whether the eyewitness is able to identify the perpetrator of the crime.
- S. Solvability Factor – An identifiable fact, circumstance, or other piece of evidence that make a case potentially solvable.

840.1.4 – Compliance with Constitutional Requirements (1.2.3)

- A. All Department personnel are required to ensure their actions are in compliance with all Constitutional requirements related to custodial interviews, seizures, and arrests.
- B. Constitutional rights related to custodial interviews (commonly known as "Miranda Rights") are addressed on both the *Adult Waiver of Rights* (GPD form 840.1-A) and the *Juvenile Waiver of Rights* (GPD form 840.1-B).
- C. During interviews, officers shall not threaten or attempt to obtain involuntary confessions or admissions from the interviewee.
 - 1. Excessive or prolonged interviews without breaks for personal needs (i.e. meals or use of toilet facilities) are prohibited;

2. Deception relative to misstatements concerning the elements of the crime or punishment must be avoided; and
 3. Interview methods must reflect consideration of the subject's age, mental capacity, physical health, and any level of impairment by alcohol or drugs.
- D. A person's right to consult with counsel will be honored while the suspect is in the custody of an employee of the Department.
1. Officers are to allow defendants to contact an attorney to the extent required by law.
 2. If during the course of an interview a suspect makes a definitive request for an attorney, the interview will cease.
 3. No further interview will take place while the suspect is in the custody of the Department unless the suspect subsequently reinitiates contact and volunteers to waive their Fifth Amendment rights and speak without their attorney present.
- E. Officers are required by state law to take any person arrested before a judicial official without unnecessary delay. Delays caused by the furtherance of legitimate investigative procedures are not considered unnecessary delays.
- F. Information released to the news media and the public will be limited to that required by law and that which will assist the Department in conducting its efforts to protect the community. Pretrial publicity that would tend to prejudice a defendant's right to a fair trial will be avoided.

840.1.5 – Investigative Operations (42.1.5)

- A. Officers will fairly and impartially investigate all cases assigned to them. They will conduct their investigations in the most discrete manner possible, being mindful not to unnecessarily endanger the reputation of any person under investigation.
- B. Officers assigned to conduct criminal investigations will adhere to the following guidelines:
1. Information may be developed from an unlimited number of sources. These include, but are not limited to, witnesses, victims, neighbors, friends, other public agencies, other law enforcement agencies, and informants.
 - a. Individuals may be asked to give a statement; whenever possible, the written statement should be documented by the officer or the suspect using a *Voluntary Written Statement* (GPD form 840.1-C).
 - b. All information will be gathered in compliance with Departmental policies and procedures.
 2. Interviews will be conducted in conformance with the law and the requirements of this directive.
 - a. Interviews may be conducted with persons that have knowledge about a certain aspect of a criminal investigation.
 - b. It is important to remember that in the course of an investigation, officers are not to enter into plea negotiations with a suspect. This does not prohibit officers from presenting facts pertaining to the case, including facts relating to circumstances surrounding the defendant's conduct, statements, or expressions of attitude, etc. Officers are to maintain a professional demeanor in all such matters.

3. Physical evidence may be searched for, collected, and preserved when investigating any crime scene. The City-County Bureau of Identification (CCBI) will primarily be used for this purpose. Investigators are to be mindful of physical evidence that is collected from a scene and ensure it is used in the development of the case. Further information on evidence procedures are outlined in *GPD Directive 510.01 – Evidence and Property Submission*.
 4. Surveillance may be used in the investigation of a crime when it is necessary to observe suspects and conditions in an unobtrusive manner. Surveillance may be used to create additional information involving the crime under investigation, gather additional intelligence information, or observe new crimes being committed.
 5. When conducting preliminary and follow-up investigations, officers should consider using resources available both within the Department and outside the agency.
- C. Investigations in which it is determined that habitual felons are involved should be identified and managed as a part of a career criminal approach:
1. Habitual felons are persons who have been convicted of or pled guilty to three (3) felony offenses in any federal or state court, as defined by NCGS 14-7.1.
 2. Violent habitual felons are persons who have been convicted of two (2) violent felonies in any federal or state court, as defined by NCGS 14-7.7.
 3. Breaking and entering (B&E) habitual felons are persons who have been convicted of two (2) B&E felony offenses in any federal or state court, as defined by NCGS 14-7.25.
 4. Investigations involving these offenders are to be identified in both the supplementary reports resulting from follow-up investigations and in the case summary submitted to the District Attorney.
 5. Investigating officers will ensure that the member of the District Attorney's staff assigned to prosecute the case is aware of the status of such offenders, and will specifically request assistance from them in case preparation.
- D. Any officer who obtains a felony warrant shall complete a *Felony Investigation Report* (GPD form 840.1-D) to be submitted to the District Attorney's Office to assist with case review and prosecution of the crime charged in the warrant.

840.1.6 – Initial Responding Officer Responsibilities (42.1.1; 42.1.4)

- A. Employees assigned to the Patrol Division will normally initiate those tasks associated with preliminary investigation as outlined in this directive.
- B. The initial responding officer will retain responsibility for follow-up investigation of misdemeanor crimes initiated by their preliminary report unless otherwise directed by a Criminal Investigations Division (CID) Supervisor.
- C. Investigative responsibility for felony cases will be referred to the Criminal Investigations Division (CID), unless:
 1. Immediate clearance is highly probable; or
 2. The Division handling the initial investigation has sufficient manpower to dedicate the necessary personnel to the investigation and CID resources are not needed for successful closure of the investigation; or

3. The circumstances have been discussed with a CID Supervisor and it is determined that the investigation will not be assigned to an Investigator based on any of the following factors:
 - a. The nature of the offense;
 - b. The current CID caseload; and/or
 - c. Other factors as determined by a CID supervisor.
- D. It will be the responsibility of the incident supervisor to contact a CID supervisor to request the call-out of an investigator after normal business hours. Investigators provide twenty-four (24) hour on-call coverage. When an investigator is called out and arrives at the scene the investigator will normally assume responsibility for the investigation.
- E. Officers assigned elsewhere in the Department may be temporarily assigned to the Criminal Investigations Division when staffing levels allow. These assignments are intended to strengthen the investigative process, enhance the career development of patrol officers, and create a pool of potential investigators.

840.1.7 – Criminal Investigations Division Responsibilities (42.1.1; 42.1.4; 42.2.4)

- A. Employees assigned to the Criminal Investigations Division will be responsible for conducting follow-up investigations of cases referred to them, conducting preliminary investigations that are assigned, and providing assistance in those investigations that are continued by other Department personnel.
- B. CID Investigators will periodically attend roll call sessions with patrol officers. At a minimum, an investigator will attend one night shift roll call each four-day shift.

840.1.8 – Preliminary Investigations (42.1.4; 42.2.1; 42.2.3)

- A. A properly conducted preliminary investigation may be sufficient to bring a case to a satisfactory conclusion, thereby eliminating the need for follow-up investigation.
 1. A preliminary investigation is the activity that begins when the first officer arrives at the scene of the incident and continues until postponement of the investigation or transfer of responsibility.
 2. No action shall be taken to jeopardize the successful completion of the investigation.
- B. Patrol Division officers will normally conduct preliminary investigations of all dispatched calls. Department Investigators and City-County Bureau of Identification personnel may be called in at the beginning of a preliminary investigation depending on the seriousness of the crime, the manpower needed, and/or at the discretion of the on-scene supervisor for assistance.
- C. Officers conducting preliminary investigations are to comply with the following steps as appropriate given the circumstances of the investigation:
 1. Observe all conditions, events, and remarks upon arrival at the scene of a crime and determine the nature of the offense(s) committed;
 2. Provide first aid to the best of their ability until medical assistance arrives;
 3. Interview the victim(s) and, when appropriate, have the victim(s) complete a *Victim Worksheet* (GPD form 840.1-E) to document any loss resulting from the crime;

4. Locate and identify all witnesses. Interview the complainant, witnesses, and any suspect(s). Affect the detention and/or arrest of the suspect(s) if possible, either at the scene or through immediate pursuit;
 5. Secure and protect the crime scene to ensure evidence is not lost or contaminated.
 - a. If there is no evidence collected, or if identification personnel are not called to the scene of a serious crime against person or property, then the initial investigating officer will include in the report the reason why;
 - b. The on-scene supervisor will have responsibility for protection and security of the crime scene. Anytime that crime scene security is established, all persons entering the crime scene will be documented on a *Crime Scene Log* (GPD form 840.1-F);
 6. Conduct a neighborhood canvass in an attempt to locate witnesses and/or develop further intelligence related to the commission of the crime. All contacts and attempted contacts will be documented in a *Neighborhood Canvass Report* (GPD form 840.1-G);
 7. Broadcast pertinent information to other field units, to include descriptions of the suspect(s) if possible, methods and direction of travel, and any other relevant information; and
 8. Report the incident fully and accurately. Anytime a crime involves a death, the reporting officer will complete a *Death Investigation Report* (GPD form 840.1-H) in addition to any other mandated Department reports.
- D. The Incident Report will normally serve as a sufficient checklist for most investigations. More complicated investigations may require additional effort and inquiry. The following Investigative Checklists are provided to aid officers in completing preliminary investigations. If the form exists in OSSI (* - marked by an asterisk), officers shall complete the form electronically. If the form does not exist in the OSSI system, or in the event of a system failure, a hard copy will be maintained with the following form numbers:
1. Arson Checklist (GPD form 840.1-I);
 2. Auto Theft Checklist (GPD form 840.1-J);
 3. Death Investigation Checklist* (GPD form 840.1-K);
 4. Fraud Checklist (GPD form 840.1-L);
 5. Missing Person Checklist* (GPD form 840.1-M);
 6. Property Crime Checklist (GPD form 840.1-N);
 7. Robbery Checklist (GPD form 840.1-O); and
 8. Sex Offense Checklist (GPD form 840.1-P).

840.1.9 – Case Status (42.1.3)

- A. Each criminal investigation will be assigned one of the following status designations to assist with case management and control:
1. Active - Indicates following-up leads or continuing the investigation of the case. On cases designated for follow-up, a Criminal Investigations Division Supervisor will designate a single officer as the primary investigator.

- a. The officer assigned as primary investigator of a case will be responsible for case coordination and maintaining contact with the victim during the active investigation. Contacts with victims are to be noted by means of supplemental reports.
 - b. Follow-up contacts will be handled according to the following guidelines:
 - 1) The primary investigator is to contact the victim within ten (10) working days of the initial investigation or assignment;
 - 2) Subsequent contacts are to be at the primary investigator's discretion, dependent upon the nature of the offense, investigative leads, and other variables that are unique to a particular investigation; and
 - 3) In addition to maintaining contact with victims, the primary investigator will make a "second contact" with other principles, i.e. witnesses and complainants, during follow-up investigations as necessary.
 - c. The primary investigator shall submit supplement reports every 30 days as long as the case remains classified as active.
 - d. When the status of an investigation is changed to either inactive or closed, the victim is to be notified by the primary investigator. The primary investigator will document the change and notification in a supplement report.
2. Inactive - Indicates no follow-up on the case will be done unless additional information becomes available. The case has not been closed, but will not be investigated further at this time. Cases will be designated inactive when no further police action can be taken.
 - a. Criteria for declaring an investigation inactive include:
 - 1) Lack of further leads or solvability factors, and/or
 - 2) The severity of offense is of insufficient degree to move forward.
 - b. When a case has not been assigned for follow-up and is designated as inactive, the primary officer will be responsible for notifying the complainant of the case status.
 3. Closed - All investigative action on the case has been successfully completed.
- B. Status of investigations will be controlled by use of a computer generated Case Assignment Record.
1. Supervisors will be provided case assignment information for each officer under his/her supervision. This record will provide information on a timely basis on officer activity with regard to criminal investigations.
 2. The Case Assignment Record will contain:
 - a. Officer/Investigator assigned,
 - b. Date assigned, and
 - c. Case number.
- C. The primary investigator will maintain case files on all active cases:

1. The files should contain a copy of preliminary investigative reports, statements from principals, results of examinations of physical evidence, and other reports/records necessary to the investigation;
2. The files are to be accessible to Criminal Investigations Division supervisors;
3. The files will be consolidated into the Records Management System when a case is declared inactive or closed. The Records Unit will purge all investigative case files in accordance with the Departments Records Retention Schedule; and
4. If a case is turned over to the Criminal Investigations Division after follow-up investigation has been conducted by personnel from another Department division, the case file that is established by the patrol officer is to be forwarded to CID.

840.1.10 – Follow-up Investigations (41.2.5; 42.1.2; 42.1.4; 42.2.2)

- A. A system of case screening, based on solvability factors, will be used to determine the continuation of an investigation.
- B. The decision to conduct a follow-up investigation, the extent to which it is carried out, and the resources to be used will be managed by command and supervisory personnel. Criteria used in making this determination include, but are not limited to, the following:
 1. Solvability factors present;
 2. The seriousness of the offense;
 3. The current Department workload;
 4. Documented experiences of the agency;
 5. Documented experiences of other law enforcement agencies;
 6. Research conducted within the agency;
 7. Research conducted in other law enforcement agencies; and
 8. Prosecutorial policies of the District Attorney's Office.
- C. Investigators conducting follow-up investigations are encouraged to use any of the following actions that may further their investigation:
 1. Review and analyze all previous reports prepared for the investigation;
 2. Review any pertinent Departmental records;
 3. Review laboratory results;
 4. Conduct additional interviews;
 5. Seek additional information (from uniformed officers, informants, etc.) as needed, and review;
 6. Arrange for dissemination of information, as needed;
 7. Plan, organize, and conduct searches, as needed;

8. Collect any physical evidence available;
9. Identify and apprehend suspects and recover stolen property;
10. Determine the involvement of the suspect(s) in other crimes;
11. Check all suspects' criminal histories; and
12. Prepare for court presentation and assist in prosecution of any charges filed.

840.1.11 – Field Interviews and Investigative Detentions (1.2.3)

- A. Field interviews and investigative detentions are both means of collecting, preserving, and disseminating information about activities of individuals and/or vehicles related to criminal investigations.
- B. Field interviews are voluntary encounters during which an officer will request the cooperation of the individual they wish to interview.
 1. Field interviews are commonly conducted when the officer is aware of suspicious activity that does not rise to the level of reasonable suspicion to justify an investigative detention.
 2. The officer is to be mindful that the field interview must be conducted in such a manner that a reasonable person would not feel restrained.
- C. Investigative detentions are authorized by the United States Supreme Court decision in *Terry vs. Ohio*. An officer may stop and detain an individual if the officer has reasonable suspicion to believe that the individual has committed, is committing, or is about to commit a crime.
 1. Reasonable suspicion is more than a hunch and must be based on articulable circumstances, but is less than the probable cause necessary to affect an arrest.
 2. Elements which may establish reasonable suspicion include, but are not limited to, the following:
 - a. The officer's observation of conduct that, in light of the officer's training and experience, appears to be criminal;
 - b. Information the officer receives from other officers, citizens, or informants;
 - c. The time of day or night;
 - d. The type of neighborhood or physical surroundings and whether it is a high crime area;
 - e. The suspect's or vehicle's proximity to a location where a crime was recently committed or to a home, car, or business where criminal activity may be taking place;
 - f. Whether the suspect is a stranger to the area;
 - g. The suspect's reaction to the officer's presence, including flight after seeing the officer;
 - h. The officer's knowledge of the suspect's prior criminal record and activities, if they are relevant to the crime the suspect may be committing;
 - i. If the person fits the description of a suspect wanted for committing a crime;
 - j. If the vehicle fits the description of a vehicle used to commit a crime;

- k. If the person and/or a vehicle is seen fleeing the crime scene or leaving the area of a crime;
and
 - l. If the person is behaving or maneuvering a vehicle in a manner indicating criminal activity.
3. Investigative detentions may only last for a reasonable period of time.
- a. Officers shall detain a person only for the length of time necessary to obtain identification or an accounting of the person's presence or conduct. The person should be released as soon as the interview is completed unless probable cause to arrest develops.
 - b. Officers shall be mindful that the U. S. Constitution guarantees an individual the right to refuse to answer questions.
 - c. The person may only be detained at or near the scene of the stop and not moved to another location without his/her consent unless necessary for the safety of the individual and/or the officer.
- D. An appropriate police report will be completed any time that an officer conducts a field interview or an investigative detention.

840.1.12 – Eyewitness Identification (42.2.11; 42.2.12)

- A. Show-up procedures should be used when circumstances require the prompt display of a single suspect to a witness. The following guidelines and requirements shall be adhered to when conducting a show-up:
- 1. When feasible, encourage the suspect to consent to voluntary participation in a live show-up.
 - 2. Show-ups should only be conducted when a suspect matching the description of the perpetrator is located in close proximity in time and place to the crime, or there is a reasonable belief that the perpetrator has changed his or her appearance in close time to the crime, and only if there are circumstances that require the immediate display of a suspect to an eyewitness.
 - 3. A show-up shall only be performed using a live suspect and shall not be conducted with a photograph.
 - 4. Investigators shall photograph a suspect at the time and place of the show-up to preserve a record of the appearance of the suspect at the time of the show-up procedure.
 - 5. A description of the perpetrator should be documented prior to the show-up.
 - 6. If practical, the witness should be transported in the back seat of a Department vehicle to the location of the detained suspect to limit the legal impact of the suspect's detention.
 - 7. In the event that a witness is unable to be transported, the suspect will be moved to the location of the witness.
 - 8. Show-ups shall not be conducted with more than one witness present at a time.
 - 9. Witnesses shall be given detailed instructions prior to the show-up, to include the following:
 - a. That the individual being viewed may or may not be the suspect;
 - b. That the witness should not feel compelled to make an identification;

- c. That it is as important to exclude innocent persons as it is to identify the perpetrator; and
 - d. That the investigation will continue whether or not an identification is made.
 10. If a witness makes a positive identification of the suspect, the officer who is conducting the show-up should determine the level of confidence expressed by the witness.
 11. Officers involved are prohibited from providing any feedback to the victim during the show-up. Words or conduct of any type that may suggest to the witness that the individual is or may be the perpetrator shall be avoided.
 12. If there are multiple witnesses and one witness makes identification during the show-up establishing probable cause for arrest, it is at the discretion of a supervisor to reserve the remaining witnesses for another identification procedure.
 13. All the information related to the show-up procedures shall be documented in a police report.
- B. Live and photographic lineups will be conducted in accordance with NCGS 15A-284.52 and the following Departmental guidelines:
 1. Live lineups and photographic identifications shall be presented sequentially (individuals or photos are shown to the witness one at a time) rather than simultaneously (all at once).
 2. An independent administrator (investigator or officer) shall conduct the photographic or live lineup. The individual conducting the photographic identification or live lineup shall not know the identity of the actual suspect.
 3. A minimum of six photos or individuals must be used in the identification procedures. The witness should not know beforehand how many pictures or persons they will view.
 - a. The administrator shall remove each photograph or individual after being viewed by the witness.
 - b. If there is more than one suspect that fits the description of the perpetrator, there must be a separate lineup conducted for each suspect.
 - c. When showing a new suspect, officers may not reuse the same fillers in live lineups or photographic identifications.
 - d. When conducting a photo lineup, the photograph of the suspect shall be contemporary and, to the extent practicable, shall resemble the suspect's appearance at the time of the offense.
 4. There shall not be anyone present during the lineup procedure who knows the suspect's identity except counsel as required by law.
 5. Suspects shall be placed in different positions in each live lineup and/or photographic identification when there are multiple witnesses in the same case.
 6. Witnesses shall be shown all photos or individuals, even if they make an identification during the lineup.
- C. Witnesses for lineups will be handled in accordance with the following guidelines:
 1. Witnesses shall be instructed as follows prior to any lineup:
 - a. That the suspect may or may not be in the live lineup or photographic identification;

- b. That the lineup administrator does not know the suspect's identity;
 - c. That the witness should not feel compelled to make an identification;
 - d. That it is as important to exclude innocent persons as it is to identify the perpetrator; and
 - e. That the investigation will continue whether or not an identification is made.
2. Witnesses shall be asked "Is this the person you saw [insert description of act here]? Yes or No?" after each photograph or individual presented.
 - a. If the witness answers "yes," the administrator shall ask, "Can you describe how sure you are?"
 - b. Employees administering the lineup must document exactly what the witness says and enter those comments in the case file.
 3. Witnesses shall not receive any feedback during or after the identification process.
 4. Separate all witnesses. Each witness shall be given instructions regarding the identification procedures without other witnesses present. Witnesses shall not be allowed to confer with one another either before, during, or after the procedure.
 5. The administrator shall avoid saying or showing anything to the witness that may influence the witness's selection.
 6. If the witness asks to view the lineup again, all photographs or individuals must be presented in the same order as the first viewing. The lineup can be presented only twice if there is no identification by the witness. The witness, however, shall not be told beforehand that they may view the lineup twice.
- D. Lineups will be documented according to the following guidelines:
1. Photographic lineup results should be signed and dated by the witness. After the photographs have been viewed, they shall be marked denoting the order that they were shown to the witnesses and retained for later use in court.
 2. Live and photographic lineups shall be documented on an *Eyewitness Identification Form* (GPD form 840.1-Q). The witness should sign the form verifying they have read and understand the lineup instructions. If the witness refuses to sign the form, the administrator will note the refusal on the form.
 3. In the event that a live lineup is performed, it will be documented utilizing audio and/or video recording devices.

840.1.13 – Use of Polygraph and other Truth Verification Instruments (42.2.6)

- A. The Department permits the use of a Computerized Voice Stress Analyzer (CVSA) examination or a polygraph examination as an investigative tool in a criminal investigation or in a background check of a candidate for employment.
1. Any CVSA or polygraph examination to be conducted in a criminal investigation must be approved by a Criminal Investigations Division supervisor prior to it being offered or scheduled.
 2. The guidelines for the use of a CVSA or polygraph examination as part of a hiring process may be found in the Department's *Selection and Recruitment Manual*.

- B. The following guidelines will be adhered to when a CVSA examination is approved in a criminal investigation:
1. CVSA examinations will be conducted by Department personnel certified in the use of the Department's CVSA instrument. The requesting investigator will not conduct a CVSA examination for a case they are assigned to.
 2. CVSA examination results will be given orally, at the conclusion of the examination, to the requesting investigator.
 3. CVSA examination results will be documented in a supplement report by the CVSA examiner.
- C. The following guidelines will be adhered to when a polygraph examination is approved in a criminal investigation:
1. Polygraph examinations will be provided by the State Bureau of Investigation or other licensed firms designated by the Chief of Police. Examinations are by appointment, except in emergency situations.
 2. Only certified examiners will be utilized to administer a polygraph examination.
 3. Polygraph examination results will be given orally, at the conclusion of the examination, to the requesting investigator. If requested by the investigator, a written report will be provided to the District Attorney's Office.
- D. In compliance with NCGS 15A-831.1, persons claiming to be a victim of a sexual assault or a witness regarding the sexual assault of another may not be required to submit to a CVSA or polygraph examination as a precondition to conducting an investigation into the matter.
1. If an examination is requested, the victim or witness must be informed of the following:
 - a. Taking the examination is voluntary;
 - b. The results of the examination are not admissible in court; and
 - c. The person's decision to submit or refuse will not be the sole basis for the Department to investigate or not investigate the matter.
 2. If the investigator declines to investigate the alleged case of sexual assault following the person's decision not to submit to the examination, the investigator will provide to that person, in writing, the reasons why the agency did not pursue the investigation.

840.1.14 – Background Investigations

- A. Background investigations are typically conducted on persons who are suspects in certain crimes. Background checks are typically conducted on persons who have applied for legitimate purposes such as a business license.
- B. The following procedures apply to both types of investigations:
1. The investigation report will verify the purpose of the investigation;
 2. Multiple sources of information will be used to provide a thorough investigation. These sources include, but are not limited to:
 - a. Local criminal records;

- b. NCIC criminal history;
 - c. Past and present employers and business associations;
 - d. Personal references; and
 - e. Established informants;
3. Information collected from background investigations and background checks will be used and managed as police information. Distribution of this information will be in accordance with all applicable laws, directives, and procedures; and
 4. Information collected as a result of a criminal investigation will become part of the case file and will be maintained for the required time. Information collected through background checks for the issuance of a business license will be maintained for a period of two (2) years.

840.1.15 – Investigative Task Forces (42.2.5)

- A. Task forces may be established to conduct investigations into criminal activity.
- B. Whether formed within the Department or as part of a mutual effort with other agencies, task forces will be governed by guidelines responsible for:
 1. Identifying the purpose of the task force;
 2. Defining authority and responsibilities;
 3. Establishing accountability;
 4. Identifying resources available; and
 5. Evaluating results and the need for continuing efforts.

840.1.16 – Custodial Interviews and Interview Rooms (42.2.10)

- A. Custodial Interview Guidelines
 1. Officers that conduct a custodial interview of any juvenile in any type of crime shall make an electronic recording of the interview in its entirety regardless of the location where the interview takes place.
 2. Officers that conduct a custodial interview of an adult for any Class A, B1, or B2 felony, or any Class C felony of rape, sex offense, or assault with a deadly weapon with intent to kill inflicting serious injury shall electronically record the interview in its entirety, regardless of the location where the interview takes place.
 3. Officers that conduct a custodial interview of an adult for any felony not listed above shall electronically record the interview in its entirety if the interview takes place at a Department facility.
 4. If a custodial interrogation described above is conducted and cannot be electronically recorded in its entirety, a supervisor must be notified and approve the interview. The failure to electronically record must be based on one of the following reasons:
 - a. The accused refused to have the interrogation electronically recorded, and the refusal itself was electronically recorded; or

- b. The failure to electronically record an interrogation was the result of unforeseeable equipment failure, and obtaining replacement equipment was not feasible.
- B. Any officers using a Departmental interview room to conduct a custodial interview or a non-custodial suspect interview shall adhere to the following guidelines:
1. Officers will secure their weapons prior to conducting the interview. Lockers are provided for weapon storage.
 2. There shall be a sufficient number of sworn personnel (but no fewer than two sworn personnel) within the facility but not necessarily in the interview room to maintain security of the prisoner during the interview.
 3. Any prisoner must be physically monitored by an officer at all times. The only exception to this is if an investigator elects to leave a prisoner or multiple prisoners alone in anticipation of spontaneous statements being made. In this case, the prisoner(s) must be constantly monitored by audio and video and personnel must be immediately available to enter the interview room if necessary.
 4. Only those officers involved in the interview or necessary for ensuring the interview is safely conducted will be in the interview room during questioning.
 5. Officers are required to have access to their portable radios and/or a cellular phone in the event it becomes necessary to summon additional assistance.
- C. No excess equipment shall be stored in an interview room.
1. Items maintained in the interview room shall be limited to a table, chairs and recording devices. This serves to limit distractions and reduce the opportunity for items to be used as a weapon by the individual being interviewed.
 2. Truth verification equipment may be used in the interview rooms during questioning, but it will be stored in another location when not in use.
 3. This section does not prohibit officers from bringing items into the room during questioning.
- D. Any area designated by the agency as an interview room will have access to restrooms and water. Anyone being interviewed will not be denied access to restrooms, water, or comfort breaks as part of the interview process. No one will be interviewed for more than two hours without being allowed an opportunity to pause for a break or use the restroom.

840.1.17 – Review of Investigations

Cases the District Attorney's Office declines to prosecute or causes to be dismissed as a result of alleged officer mishandling will be reviewed by the Department. The review will be conducted jointly by the primary investigator, his/her Supervisor, a Criminal Investigations Division Supervisor, the Operations Captain, and any other persons deemed necessary by the Deputy Chief to perform a complete review of the matter. The Operations Captain or the Chief of Police may choose to investigate alleged misconduct as an Internal Affairs complaint as outlined in GPD directive 320.01, *Complaint Investigation*.

840.1.18 – Confidential Informants

Policies and procedures for the use of Confidential Informants are contained in GPD directive 840.03, *Management of Confidential Informants*.

