

Asheville Police Department Policy Manual

Chapter: 9 - Criminal Investigations

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Introduction

The purpose of this policy is to ensure the efficient and effective management of the department's criminal investigation function. This policy is intended to provide administrative guidance on responsibilities related to the investigative process for the patrol and investigative components of the department.

Policy Statement

It is the policy of the Asheville Police Department (APD) to manage criminal investigations effectively and efficiently.

Definitions

Cold Case: a criminal investigation, typically related to a serious crime, which has remained unsolved for an extended period of time. [42.2.7 a]

Exculpatory Material: evidence that may be favorable to the accused, including evidence that is material to the guilt/innocence or punishment of the accused. [42.1.6]

Preliminary Investigation: the preliminary crime scene investigation and recording of information.

Primary Investigator: the officer assigned primary responsibility and accountability for an investigation.

Rules and Procedures

900.1 General Administration

- A. The Criminal Investigations Section commanders or their designee(s) are responsible for ensuring an on-call schedule for investigators after normal business hours and on weekends. This will include an on-call detective, a forensic technician, a victim services provider, and an on-call detective supervisor. This schedule must be available to watch commanders, division commanders, and Criminal Investigations Division personnel. [42.1.1]
- B. Detectives and Criminal Investigations supervisors **should** periodically attend roll-call briefings for patrol officers to facilitate information exchange and enhance interdepartmental relationships. [12.1.4] [42.2.3]

900.2 Preliminary Investigations

- A. Patrol officers will pursue preliminary investigations to the full extent of their available time and investigative training. In most minor property crimes, patrol personnel should assume responsibility for the crime scene and conduct any on-scene and follow-up investigation deemed necessary. [42.1.4]
 - 1. The preliminary investigation will, whenever practicable, be completed by the end of the shift in which it occurs. The shift supervisor will review, approve as appropriate, and forward the preliminary investigative report to Criminal Investigations as soon as practicable.
 - 2. When circumstances prevent the timely completion of the report, the supervisor will ensure a draft incident report is prepared so that Criminal Investigations is aware of the incident and has the necessary information to initiate a timely follow-up investigation if warranted.
- B. Detectives are responsible for conducting follow-up investigations of felony crimes, such as, but not limited to, homicides, arson involving death, assaults where there is serious injury or a likelihood of death, armed robberies, rape,

felony child abuse, kidnapping, home invasions, or as assigned by an investigations supervisor. [42.1.4]

C. Activities during the preliminary investigation will focus on protecting persons, collecting evidence, apprehending **suspects** at or near the crime scene, and solving the reported crime. Officers should act in accordance with training and as appropriate to the situation. Basic steps for conducting preliminary investigations may include:

1. Protect life, render aid, and secure and protect the scene and evidence.
2. Determine if an offense has been committed and, if so, the exact nature of the offense.
3. Observe all conditions, events, and remarks made by subjects at the scene. This also includes relaying pertinent information to communications, such as descriptions, methods, the direction of flight, and other relevant information concerning wanted persons or vehicles. [42.2.1 a]
4. Locate and identify witnesses who may have observed the incident. [42.2.1 b]
5. Determine the identity of the suspect or suspects.
6. Maintain and protect the crime scene and arrange for the collection of physical evidence. [42.2.1 c]
7. Interview the complainant, victim, witnesses, and suspects, if such statements can be obtained legally. Statements taken during a preliminary investigation can significantly enhance the quality of a follow-up investigation. [42.2.1 d]
8. Accurately and completely record all pertinent information on the incident report. [6.02]

D. The on-call Criminal Investigations Division supervisor will be notified if immediate investigation at the crime scene is requested by the watch commander or a patrol supervisor, as circumstances dictate. Requests for investigative assistance at the crime scene should be based on the following primary factors: [42.1.4]

1. The seriousness or complexity of the crime.

2. Where a lead requires immediate attention.
3. The dangerousness of the crime scene.
4. Level of patrol officer expertise in crime scene processing and the availability of appropriate crime scene processing equipment for photography, evidence collection, and related tasks.
5. Where the crime may serve as a link to another crime.

900.3 Case Screening System and Assignment

- A. Criminal Investigation Division supervisors are responsible for screening cases and making case assignments within the department's Record Management System (RMS) based on solvability factors, including, but not limited to: [42.1.2]
 1. The suspect can be named/identified, the suspect's address is known, and/or the suspect can be located.
 2. The license plate number of a vehicle used in the crime is known, and/or the vehicle can be identified.
 3. There is traceable property.
 4. A significant modus operandi could be developed.
 5. It is reasonably suspected that there was a limited opportunity to commit the crime, which indicated a possible suspect or group of suspects.
 6. There is a reason to believe that the crime would arouse such public interest that public assistance could lead to case resolution.
 7. There are reasons to believe that further investigative efforts would lead to solving the crime.
- B. Cases not meeting the prior-listed requirements may be assigned to the reporting officer or as "volunteer cases" within the Criminal Investigations Division. If a volunteer or Detective obtains additional information that increases the likelihood of solving the case, it may be reassigned by a Criminal Investigations Division supervisor to a detective for follow-up investigation.
- C. Factors considered in making case assignments include the type of assignment (robbery, assaults, homicide, sex crimes, etc.), special skills or training, other law enforcement expertise, or similar factors, and the current workload.

900.4 Follow-up Investigations

- A. Activities included in follow-up investigations may include, but are not limited to, any or all of the following in the order deemed appropriate:
1. Reviewing and analyzing all previous reports prepared in the preliminary phase, departmental records, and results from laboratory examinations. [42.2.2 a]
 2. Conducting additional interviews and interrogations with victims, witnesses, or suspects. [42.2.2 b]
 3. Seeking additional information from uniformed officers, informants, other detectives, crime analysis, etc. [42.2.2 c]
 4. Planning, organizing, conducting searches, and collecting physical evidence. All such searches must be in accordance with applicable search and seizure laws to render the evidence admissible in court for prosecution. [42.2.2 d]
 5. Identifying and apprehending suspects. [42.2.2 e]
 6. Determining the involvement of suspects in other crimes through interviews, laboratory examinations, crime analysis, etc. [42.2.2 f]
 7. Checking suspects' criminal histories. [42.2.2 g]
 8. Preparing cases for court presentation and assisting in their prosecution. [42.2.2 h]
- B. All investigative follow-up actions must be thoroughly documented in a supplemental report by the investigating officer as soon as possible after completion. [6.02]
- C. Whether a uniformed officer or detective conducts the case follow-up, the primary investigator is responsible for ensuring the victim is contacted within two (2) working days, if practical, after the report of the original incident and the preliminary investigation.
1. After contact is made, the case may be cleared, inactivated, and/or suspended if no additional information or leads exist.
 2. If the victim cannot be contacted, at least three (3) attempts must be made to contact the victim before the case can be cleared, inactivated, and/or suspended.

900.5 Case Management

- A. All supervisors are responsible for monitoring the RMS case status control system for those cases assigned to officers under their supervision.
- B. All assigned cases are to be formally reviewed at least once a month. [42.1.3 a]
- C. In all cases where investigative activities are ongoing, the primary investigator will maintain a case file electronically within the RMS system, in accordance with established department directives. The case file should contain, at a minimum: [42.1.3 c] [82.3.5]
 - 1. Preliminary investigative reports.
 - 2. Any statements by victims, witnesses, and suspect(s).
 - 3. Any results of any examinations of physical evidence.
 - 4. All other reports and records needed for investigative purposes.
- D. Officers are responsible for maintaining the security of all case documentation. Access to paper and electronic files is limited to individuals on a legitimate need-to-know basis. [42.1.3 d]
- E. [The primary investigator is responsible for the timely disclosure of investigative files to the district attorney's office after the case has been closed by arrest, as required by N.C. Gen. Stat. 15A-903. \[6.24\]](#)
- F. Specific criteria will be used to determine when investigative efforts should be inactivated. The Criminal Investigations sergeants or lieutenants may suspend investigative efforts based on the following: [42.1.2]
 - 1. All leads have been exhausted.
 - 2. Unavailability of investigative resources (on high-priority cases, this must be fully documented).
 - 3. The degree of seriousness.
 - 4. Cannot currently locate a victim.
- G. One of the following administrative designations must be assigned to each case: [42.1.3 b]
 - 1. Further Investigation: the case has been assigned to a detective, and investigative efforts are underway, or indicate the criminal case where evidence exists to indicate that a crime has occurred and that the suspect

has not been identified, arrested, or the case has not been exceptionally cleared.

2. Cleared by Arrest (Closed): a criminal case and subsequent investigation resulted in at least one person involved in the commission of the offense being charged and arrested.
3. Inactive: all available leads have been exhausted, but the case has yet to be brought to a satisfactory conclusion. Investigative efforts have been suspended but may be resumed should additional evidence become available.
4. Inactive with Warrant: a criminal case and subsequent investigation resulted in at least one person being charged with the commission of the offense; however, all available leads to locate the charged person have been exhausted.
5. Exceptionally Cleared: a criminal case and subsequent investigations have definitely established the identity of the offender; there is enough information to support an arrest, charge, or turning over to the court for prosecution; the exact location of the offender is known so that the subject could be taken into custody; and there is some reason outside of law enforcement control that precludes arresting, charging, and prosecuting the offender.
6. Unfounded: it is determined that the complaint is false, without merit, or occurred in another jurisdiction.

H. Upon clearing, inactivating, and/or suspending a case, the investigating officer will complete a supplemental report documenting the facts surrounding the case status. The primary investigating officer is responsible for notifying the victim that the case has been inactivated. [42.1.2]

I. Criminal investigation case files will be retained in compliance with applicable retention schedules. Electronic storage and retention of case file documents will be handled in accordance with City and department directives. [42.1.3 e]

900.6 Cold Case Investigations

A. A cold case may be held for reasons such as the available technology being inadequate to analyze the evidence, uncooperative or unavailable witnesses, or a lack of leads.

- B. The Criminal Investigations Section commander may periodically evaluate and assign cold cases based on, but not limited to, the following considerations: [42.2.7 b]
 - 1. Legal considerations include changes to the statutes of limitation.
 - 2. Technological considerations include the nature and condition of the evidence and advances in technology or forensic techniques.
 - 3. Practical considerations, such as the availability of witnesses or whether new leads or information have been received on a case.
 - 4. Resource considerations include time, money, and personnel available for investigation and forensic analysis.
- C. Investigators assigned to a cold case will document any investigative activities in accordance with standard department case management practices. [42.2.7 c]

900.7 Exculpatory Information [42.1.6]

- A. If, at any point during an active investigation, an employee learns of potentially exculpatory information, a supplemental report documenting the information must be completed as soon as possible, and the employee must notify a Criminal Investigations supervisor.
- B. If an employee learns of potentially exculpatory information about a case already submitted to the courts, the information must be promptly transmitted to the District Attorney's office. A receipt should be obtained from the District Attorney's office acknowledging the matter and receipt of the exculpatory information.
 - 1. If an officer becomes aware of previously unknown or unrecognized exculpatory evidence for which a defendant is subject to or is experiencing a significant and ongoing deprivation of liberty, that evidence must be *immediately* brought to the attention of the District Attorney.
- C. Exculpatory information that may impeach the testimony of a police department employee involved in the investigation must be immediately reported to the department's Professional Standards Section and will be handled following procedures established with the Buncombe County District Attorney's Office.

900.8 Fraud and Identity Crimes

- A. Department personnel will take reports for reported cases of financial fraud and identity crimes. Reporting procedures for victims of identity theft or fraud will be handled similarly to any other incident report.

- B. Employees taking identity theft reports should take steps to provide information and assistance to victims. This may include, but is not limited to:
1. Referring the victim to available online resources for information;
 2. Directing the victim to the proper agency if the crime occurred outside of the department's jurisdiction; and/or
 3. Referrals to other agencies to follow up with, such as the victim's financial institution, the Federal Trade Commission (FTC), or other law enforcement agencies, such as the Federal Bureau of Investigation (FBI) or State Bureau of Investigation (SBI).
- C. Investigators assigned to fraud or identity crime cases should contact any state and/or local law enforcement agency where the victim has filed an identity theft report, or where there is an indication that the identity theft occurred, to coordinate investigative efforts.

By order of:

A handwritten signature in cursive script that reads "Jackie Stepp".

Jackie Stepp
Interim Chief of Police