



# CONCORD POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE

### CRIMINAL INVESTIGATIONS

**GENERAL ORDER:** 08.09

**CREATED:** July 23, 2021

**ISSUE DATE:** September 4, 2023

**CALEA STANDARD:** 42.1.3, 42.2.1

**EFFECTIVE DATE:** September 4, 2023

**ACTION:** Amends general order dated October 1, 2022.

#### **08.09.0**      **PURPOSE**

The purpose of this general order is to establish procedures to ensure the effective and efficient investigation of criminal activity and related incidents.

#### **08.09.1**      **POLICY**

It shall be the policy of the Concord Police Department to conduct investigations into complaints of criminal activity to the maximum extent feasible, in order to resolve complaints and present offenders for prosecution as directed by other elements of the criminal justice system. The preliminary inquiry into complaints of criminal activity shall generally determine how and what decisions shall be made concerning the continuation or termination of an investigation. All officers assigned to perform field duties, including both uniformed and investigative units, shall have a general responsibility for conducting criminal investigations in accordance with prevailing law and the provisions of this general order.

#### **08.09.2**      **DEFINITIONS**

##### A. FOLLOW-UP INVESTIGATION

An extension of a preliminary investigation in which the purpose is to gain additional information in order to close a case, arrest an offender, and/or recover stolen property.

##### B. PRELIMINARY INVESTIGATION

The activity that begins when an officer arrives at the scene of an incident, and continues until such time as the investigation is transferred to another officer for follow-up, or until the incident is closed if no follow-up is needed.

#### **08.09.3**      **PRELIMINARY INVESTIGATIONS**

A. The first officer on the scene, unless otherwise directed by a supervisor, shall be responsible for conducting the preliminary investigation and completing the initial report. The first officer shall:

1. Observe all conditions, events, and remarks;
2. Locate and identify witnesses;

3. Maintain and protect the crime scene and evidence;
4. Interview and/or obtain written statements from the complainant, victim(s), witness(es). Interviews shall be conducted as outlined in GO 08.04 Interviews / Interview Rooms.
5. Interview and/or obtain written statements from the suspect if such statements can be obtained without jeopardizing the outcome of the investigation. Prior to mirandizing any suspect, the officer shall confirm that the investigation is not being assigned to the Criminal Investigations Division. Interviews shall be conducted as outlined in General Order 08.04 Interviews/Interview Rooms.
6. Arrange for the collection of evidence;
7. Effect an arrest, if possible;
8. Report the incident fully and accurately.

#### **08.09.4 FOLLOW-UP INVESTIGATIONS**

- A. The following procedures are provided as a guide for conducting follow-up investigations, and are to be used only in the event they are found to be necessary. The officer shall:
  1. Review and analyze all previous reports prepared for the preliminary investigation;
  2. Conduct additional interviews and interrogations;
  3. Review any pertinent departmental records;
  4. Seek additional information from patrol officers, informants, etc.;
  5. Review laboratory results;
  6. Arrange for dissemination of information, as necessary;
  7. Plan, organize, and conduct searches, as needed;
  8. Identify and apprehend suspects;
  9. Collect any physical evidence available;
  10. Determine involvement of suspects in other crimes;
  11. Check suspect's criminal histories;
  12. Prepare for court presentation;
  13. Assist in prosecution;
  14. Any other legal methods that may lead to an arrest or case closure.

**08.09.5**      **CASE ASSIGNMENT**

- A. The department's criminal investigation function may be performed by any officer. Patrol officers shall be assigned to conduct preliminary and follow up investigations of reported incidents, except those instances where Criminal Investigation Division investigators would be more effective.
- B. When a case is assigned for follow up investigation, a record shall be maintained that includes, but is not limited to, the name of the officer assigned, date assigned, case number and current status of the case.

**08.09.6**      **CASE DESIGNATION**

Each investigation is assigned a status in order to assist with case management and control. Designations shall be:

**A. ARRESTED BY OTHER AGENCY/CLOSED**

Indicates another agency has arrested one or more of the offenders in the case, and they have been dutifully charged with the commission of the crime and will be turned over to the court system for prosecution.

**B. CLEARED BY ARREST**

Indicates one or more offenders have been arrested and/or charged with the commission of the crime and will be turned over to the court system for prosecution.

**C. CLOSED/ACCIDENTAL DEATH**

Indicates the investigation shows that the victim died of an unnatural death that was caused by an accident.

**D. CLOSED/LEADS EXHAUSTED**

Indicates the case will no longer be investigated by the department. The case has not been solved, but it has been determined that further investigation of the case is not merited.

**E. CLOSED/NATURAL DEATH**

Indicates the investigation shows that the victim died because of sickness, disease, or the aging process.

**F. CLOSED/SUICIDE**

Indicates the investigation shows that the victim died by injuring oneself with the intent to die.

**G. EXCEPTIONALLY CLEARED**

Indicates the investigation has been concluded satisfactorily and one of the following case dispositions shall be indicated:

**NOTE: To clear a case exceptionally cleared, the following four conditions shall be met and a disposition shall be listed:**

- **An offender was identified during the investigation;**
- **There is sufficient probable cause to charge, arrest and prosecute the offender;**
- **The exact location of the offender so that an arrest could be made shall be known;**
- **There shall be a reason outside the officer's control that prevents the charging, arresting, and prosecution.**

1. DEATH OF OFFENDER

Indicates that it has been determined who the offender is in a case, but the offender is deceased.

2. IN CUSTODY OF OTHER JURISDICTION

Indicates that another department has arrested the offender, but that extradition of that offender for criminal prosecution has been declined.

3. JUVENILE/NO CUSTODY

Indicates that the officer has handled one or more juvenile offenders who have committed the offense and are taken into custody under such circumstances that if the juvenile were an adult, an arrest should have been made.

4. PROSECUTION DECLINED

Indicates that the offender has been identified, there is probable cause to make an arrest, the officer knows where the offender can be picked up at, but the District Attorney declines to prosecute.

5. VICTIM REFUSED TO COOPERATE

Indicates that the offender has been identified, the officer knows where the offender can be picked up at, the officer has probable cause to make the arrest, but the victim in this case is unwilling to prosecute or is unwilling to cooperate making prosecution unlikely.

H. INACTIVE

Indicates the department is not actively following up on leads unless additional information becomes available. The case is not considered to be closed, but will not be investigated at this time. This designation is typically used when awaiting laboratory results or the recovery of property.

I. LOCATED MISSING PERSON

Indicates a missing person has been located.

J. OPEN/FURTHER INVESTIGATION

Indicates the case is still active for additional investigation.

K. TURNED OVER TO ANOTHER AGENCY

Indicates that the case was turned over to another agency for additional investigation, such as a state or federal agency.

L. UNFOUNDED OR FALSE REPORT

Indicates that a crime was reported but the investigation determined that either no crime actually occurred or the crime occurred in another jurisdiction. It shall be titled according to the reported crime, with a status of "unfounded".

**08.09.7 RECORDS MANAGEMENT SYSTEM**

- A. The status of investigations shall be controlled by the use of the department's Records Management System (RMS), which is maintained by the Customer Service supervisor and operated by authorized coworkers in accordance with department directives. The following information is available through the system;
1. Officer assigned;
  2. Case number;
  3. Victim's name;
  4. Date reported and date assigned;
  5. Case status;
  6. Report date.
- B. Investigative files shall be maintained by the primary investigating officer on all active cases. The file shall contain a copy of the preliminary incident report, statements from victim(s)/witness(es)/suspect(s), results of examinations of physical evidence, and other reports or records pertinent to the investigation.
- C. Investigative files shall be made accessible to the assigned officer's supervisor. Officers have 24-hour access to case information using RMS.
- D. Investigative files shall be consolidated into RMS or CID records system (as applicable) when the case status is designated inactive or closed.
- E. The investigative officer shall purge the file of any information that is duplicated in RMS or within a digital evidence management system.



GARY J. GACEK  
CHIEF OF POLICE