



GENERAL ORDER

DURHAM POLICE DEPARTMENT
DURHAM, NC

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4018 R-5

PRELIMINARY/FOLLOW-UP INVESTIGATIONS

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INTRODUCTION

The Durham Police Department (DPD) investigates criminal complaints by gathering information and evidence to identify perpetrators, assist victims, take appropriate enforcement or other criminal justice action, and aid the District Attorney's office with the prosecution of cases. Generally, these investigations take place in two phases, the preliminary investigation and the follow-up investigation. The DPD utilizes appropriate personnel and resources to conduct investigations based on the individual circumstances and phase of each complaint.

PRELIMINARY INVESTIGATIONS

The preliminary investigation begins when the first officer contacts the complainant or upon the arrival of the first patrol unit at the scene of an incident. The investigation continues until it can be concluded, or a postponement of the investigation or transfer of responsibility will not jeopardize the investigation.

The following activities are part of the preliminary investigation:

Observe - Officers should observe all conditions, events, and remarks upon arrival on the scene of a crime.

First Aid to the Injured - Officers will administer first aid to the best of their ability until medical assistance arrives. If the victim is in danger of imminent death and the circumstances of the incident are unknown or suspicious, a patrol officer or investigator, if present, will ride in the ambulance with the victim to the hospital. If possible, the officer shall attempt to get a statement from the victim.

Protection of the Crime Scene - Officers will secure and protect crime scenes to ensure that evidence is not lost or contaminated. Patrol officers will arrange for forensic services as needed. If there is no evidence collected, or if crime scene investigators 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 reasons why.

The responsibility for the protection and security of the crime scene shall remain with the patrol officers throughout the investigation. Even when relieved of investigative duties, the preliminary investigating officer shall ensure there is adequate protection of the crime scene.

Determine Nature of the Crime - Determine the nature of offense(s) apparently committed. This should be done through observation and interviewing the complainant or victim and all available witnesses.

Determine Identity of the Suspect(s) - Effect the detention and/or arrests of the suspect(s) if possible.

Broadcasting Pertinent Information - Officers on the scene will broadcast to other field units information concerning descriptions of wanted subjects, method and direction of travel, and any other relevant information.

Witnesses - Locate and attempt to identify all available witnesses, including the complaining witness(es). Attempt to interview the witnesses to determine the extent of their knowledge of the crime.

Assemble Preliminary Information - Determine what is known by the victim and witnesses. Determine the exact circumstances of the offense as soon as possible.

Record Information - Maintain accurate and complete field notes. Promptly submit all required report forms.

Interview of Suspects – Attempt to obtain a complete statement from the suspect through lawful interrogation techniques *when investigators are not required*.

Roadway Hazards and Public Utilities – Ensure that appropriate public utilities and City of Durham departments are notified of any obstructions of roadways, sidewalks, or rights of way or damage to City property or public utilities.

Victim/Witness Information

Before clearing a scene, the officer or investigator responsible for the preliminary investigation phase must complete the [Crime Victim Rights Form](#), provide the victim with the information, and submit a copy of the completed form to the Records Unit. The officer/investigator shall give the incident report number to the victim and explain the next steps in the investigation. Officers are also required to advise the victim to report any threats made by the suspect, suspect's companions, or family, without delay by contacting 911.

DPD Victim Services is listed on the [Crime Victim Rights Form](#) as the primary contact for victims if they have questions regarding services or the status of their case. Members of the unit will assist victims with contacting the appropriate officer or investigator upon request. Officers or investigators may provide victims and witnesses with their business card and contact information so they may be contacted directly if victims/witnesses have additional information related to the case.

PATROL SERVICES RESPONSIBILITIES

Except in situations where the presence of a uniformed officer would obviously prevent a proper investigation from being conducted, the preliminary investigation shall be the responsibility of the patrol officer assigned the call. The assigned officer shall:

- Initiate and complete as many activities listed under the [Preliminary Investigation Section](#) as the situation requires. The individual circumstances of the incident shall determine how many of these activities are required.
- At the conclusion of the preliminary investigation, all observations, activities, interviews, and actions will be documented per General Order (G.O.) [4028 Report Writing](#).

Any officer, regardless of rank, entering the perimeter of a crime scene is required to submit a supplementary investigation report recording their observations of all conditions and remarks as well as their actions.

NEWS MEDIA

If news media respond to the scene, the supervisor in charge is responsible for maintaining scene security and may establish a media staging area when necessary. Media requests will be handled per G.O. [4060 Media](#)

Relations. If the watch commander or scene commander deems it necessary, they may contact the Public Affairs Unit for assistance with the media.

NOTIFICATION OF CRIME TO OTHER UNITS

The officer assigned shall ensure a supervisor responds to the scene of a serious crime. The supervisor will ensure that other units are informed of the situation or of their immediate need to respond to the scene for follow-up investigation.

CASE STATUS AND PRELIMINARY INVESTIGATIONS

Cases that are likely to be followed up on by an investigator should have a status of open/active unless all suspects have been arrested during the preliminary phase of the investigation. When a suspect has been arrested, the officer can indicate the status as cleared by arrest.

FOLLOW-UP INVESTIGATIONS

Follow-up investigations are an extension of a preliminary investigation. They are comprised of additional activities to affect an arrest, recover property, or evaluate solvability factors for setting a case status. In the majority of cases, the steps outlined in the preliminary investigation section will be duplicated, at least in part. Activities include, but are not limited to:

- Identification of suspects
- Arrest of suspects
- Recovery of stolen property
- In depth interviews of victims and witnesses
- Interviews of suspects
- Reviewing crimes of a similar nature
- Complete and accurate recording of information obtained, and actions are taken
- Preparation of case for court proceedings

The Patrol Services Bureau will be responsible for conducting and completing the investigation of all non-criminal calls. The Bureau will also be responsible for police assistance and for misdemeanor crimes not specifically authorized for a referral to other units. The assigned officer is responsible for the completion of the investigation. The officer shall contact his supervisor if in need of assistance or guidance. Serious misdemeanor offenses should be referred to the Criminal Investigations Division (CID) or district investigators only if the following conditions exist:

- When the offense appears to be part of a pattern of such offenses, or
- When follow-up is required in widely separated locations outside the geographic boundaries of the district in which the offense occurred, and the officer's supervisor determines that it is impractical to allow the patrol officer to conduct the follow-up investigation, or
- When probable cause has been established, but for various reasons, a warrant has not been issued.

In cases assigned to the Patrol Services Bureau for follow-up, where additional investigation is required at the end of the tour of duty of the assigned officer, the officer's supervisor will discuss the situation with the on-coming supervisor. Unless the investigation is jeopardized by delaying the investigation, it shall remain the

responsibility of the assigned officer. If an immediate need exists to continue the investigation, then the two supervisors will ensure arrangements are made for the investigation to continue.

CRIMINAL INVESTIGATIONS DIVISION

CID shall be responsible for conducting the follow-up investigation of felony offenses and assigned serious misdemeanors. Case assignments in the CID will be made by on-duty investigations sergeants after reviewing referred reports.

Investigation of certain offenses are of a sufficiently complicated nature or contain a degree of immediacy to warrant the immediate assignment of investigators for follow-up investigations. During normal business hours, it shall be the responsibility of the patrol sergeant to request that an investigator responds to the scene of incidents, crimes, or arrests of a serious nature.

After regular business hours, the watch commander is responsible for notifying either the on-call investigations supervisor or the appropriate investigative unit's supervisor when they believe the circumstances of an incident warrant an investigator's response to the scene. Generally, if the following circumstances are present, the watch commander should notify an investigative supervisor of the incident as soon as practically possible:

- Information obtained is enough to make it likely that a suspect can be identified or apprehended, and a delay in the identification/apprehension may be a public safety concern or reduce the likelihood of an arrest.
- Subjects are in custody, and the investigators will likely be able to conduct an interview (e.g., they have agreed to waive Miranda rights).
- There is an immediate threat to the safety of victims, witnesses, or the community where timely investigative actions may mitigate the threat.
- A victim, witness, or suspect is transported to the hospital and can be interviewed. If the injuries are serious, to the extent that an interview cannot be conducted, a response may still be appropriate to obtain evidence or statements from medical personnel.
- An investigator is available to respond, and such a response will improve the potential for making an arrest.

Once the investigator arrives on the scene, the investigator will work with supervisors and officers assigned to the case to identify preliminary investigative actions that have already been taken and to coordinate additional actions that need to happen before the scene can be cleared.

FORENSIC SERVICES UNIT

Upon arriving, the Crime Scene Investigator (CSI) shall report to the officer in charge of the scene and begin processing the scene using his or her technical training and expertise. The CSI shall also provide any additional scene processing as directed by the lead investigator in charge of the scene. Evidence will not be collected without the approval of the lead investigator in charge of the scene. An exception to this procedure is when the evidence would be lost or of little value if not collected immediately.

Officers may request that a CSI respond to crime scenes if there is a possibility of collecting evidence or if photographs are needed. If no CSI is available, the call-back of off-duty CSI may only be authorized by the watch commander. Investigators on the scene, after having been called backed are authorized to call back CSIs if they are needed.

NOTIFICATION FOR STATUS CHANGE OF CASE

The DPD Division of Criminal Information/Warrant Control (DCI) unit is responsible for identifying any arrests made by DPD personnel on an existing warrant. When an arrest is made, DCI personnel are responsible for notifying victims of the arrest either by phone or by email within 72 hours of the arrest, in accordance with N.C.G.S. [15A-831](#).

Upon the change of status of an investigation, other than an arrest, the investigator will notify the victim/complainant of the change. This information shall include pertinent information relevant to the status change. Assigned investigators may contact the victim following an arrest, at their discretion. The member making the notification should ask if the victim has already received the [Crime Victim Rights Form](#). If the victim states that they did not receive it, one must be provided at this time. This information is to be provided at the earliest reasonable opportunity.

CASE PROSECUTION AND COURT


Officers and investigators are required to preserve and provide to the District Attorney's office all records subject to disclosure pursuant to N.C.G.S. [15A-903](#), which include:

- Statements (written and oral) made by victims, witnesses, and suspects, including conflicting statements;
- Officer/investigator's notes, including handwritten notes;
- Defendant's criminal history;
- Law enforcement recordings;
- Property records identifying items entered into evidence;
- Results, and notification of pending results, of any evidentiary tests or examinations, including notes and preliminary tests conducted by the forensic services personnel;
- All other materials or records, in any form, created or obtained in the course of the investigation, regardless of whether or not the officer or investigator found the evidence or materials to be useful to the investigation or prosecution.

In addition, in accordance with U.S. Supreme Court decisions, including and following *Brady v. Maryland* 373 U.S. 83 (1963), members have a duty to identify and provide to the District Attorney's office any evidence favorable to the defendant, i.e., evidence that tends to negate a defendant's guilt, reduce a defendant's potential sentence, or impeach or impact the credibility of a witness. Examples of material that may be subject to disclosure include, but are not limited to:

- Information that could disprove a defendant's guilt regarding any count in an indictment.
- Information that would raise uncertainty on the admissibility of evidence.
- Criminal records or pending criminal cases against any witness.
- Payments to a witness.
- The inability of any witnesses to make a positive identification of a defendant.
- Information that questions the credibility or accuracy of witnesses or evidence.
- Inconsistencies in witness statements.

- Information about mental or physical impairments of witnesses that may create questions as to the statement's accuracy or truthfulness.
- Findings of misconduct that reflect on a witness's truthfulness, bias, or moral turpitude.
- Evidence that a witness has a bias against the defendant, either individually or as a member of a group.
- Members who receive a subpoena for a court proceeding must return it to the court liaison officer promptly upon service. Members must arrive for all court proceedings prepared to assist the District Attorney's staff. When contacted by the District Attorney's office staff to prepare for an upcoming court case, all members are expected to respond promptly and aid with the preparation of the case.



Cerelyn J. Davis
Chief of Police