

ELIZABETH POLICE DEPARTMENT GENERAL ORDERS



VOLUME: 3

CHAPTER: 10

OF PAGES: 8

SUBJECT: CRIMINAL CASE MANAGEMENT

EFFECTIVE DATE:

January 10, 2023

ACCREDITATION STANDARDS:

NJSACOP - 4.1.1

CALEA (LE1) - 42.1.3, 42.1.6, 42.2.1

BY THE ORDER OF

CHIEF GIACOMO SACCA

BY AUTHORITY OF:

POLICE DIRECTOR EARL J. GRAVES

SUPERSEDES ORDER #:

PURPOSE: The purpose of this general order is to provide an organized method of reviewing, organizing and tracking the progress and disposition of cases assigned for investigation. This information is invaluable in assessing the effectiveness of investigative efforts and methods.

POLICY: Successful investigations are based on fidelity, accuracy and sincerity in lawfully searching for the true facts of an event under investigation and on an equal accuracy, faithfulness, and probity in memorializing the results of an investigation. It is the policy of the Elizabeth Police Department to investigate criminal cases to the fullest extent possible and to present defendants for prosecution as directed by other elements of the criminal justice system. The Elizabeth Police Department shall use the resources available to adequately measure the assigned caseload, clearance rate and disposition of cases assigned to personnel for follow-up investigation.

PROCEDURE:

I. REPORT FORWARDING

- A. As described in *G.O. Vol. 2 Ch. 32, Patrol Operations*, the Field Sergeant is to approve all reports completed by his/her subordinates. Once approved, viable cases that may benefit from further investigation are to be forwarded to the appropriate investigative area. Approved reports are to be forwarded to the appropriate investigative areas by using the "TOT" boxes in LawSoft. TOT is an acronym for "Turned Over To" and refers to the specific investigative area a report is to be forwarded to.
1. The following reports will be forwarded to the Detective Bureau (TOT DB):
 - a. All indictable crimes with or without an arrest (excluding narcotics and domestic violence reports).
 - b. Adult missing persons and/or returned missing person reports.
 - c. All suspicious or unattended death reports.
 - d. All significant property recoveries and property which may have evidentiary value.
 2. The following reports will be forwarded to the Juvenile/Domestic Violence Bureau (TOT JUV):
 - a. Juvenile missing persons and/or returned missing persons reports.
 - b. All crimes and/or offenses committed by a juvenile (except homicides, which must be referred to the Detective Bureau).
 - c. All child abuse or child neglect reports.
 - d. All sexual assault or sexual contact reports where the suspect is an adult AND is a parent/guardian or has supervisory power over the victim.
 - e. All domestic violence reports (except homicides which must be referred to the Detective Bureau).
 3. The following reports will be forwarded to the Narcotics Division (TOT NARC):
 - a. All narcotics related adult arrest reports.
 - b. All recovered CDS reports without an arrest.
 4. The following reports will be forwarded to the Traffic Division (TOT TRAFFIC):
 - a. All motor vehicle accident reports, including hit and run and non-fatal auto/pedestrian reports.

- b. All reports of Driving While Intoxicated (DWI).
 - c. All tow reports.
- B. Cases that are deemed to be non-viable for investigative purposes, such as a report of a lost wallet, or a minor dispute that was temporarily settled with no criminal charges, will not be forwarded. If there is a question as to the viability of a case, it shall be forwarded to the appropriate investigative area for further examination.
- C. All supplemental reports will be forwarded to the same investigative area as the original report.
- D. Approved reports shall not be forwarded to more than one investigative area.

II. CASE SCREENING

- A. The Investigative Bureau Commanders or designee shall screen all criminal reports generated by the department for follow-up assignment or closure at the preliminary investigation stage based upon solvability factors. Cases deemed low solvability shall be administratively closed.
- B. Cases being forwarded to investigative personnel for follow up investigation shall be assigned by the supervisors or designee taking the following factors into consideration:
 - 1. General Case Assignment - The detective(s) shall be assigned to conduct follow-up activity on crimes/offenses based upon caseload and the detective's past experience. This assignment of cases may deviate minimally for on-call status cases, juvenile cases, community service cases, and narcotics related cases.
 - 2. Juvenile Case Assignment - The juvenile detective(s) shall be specialists assigned to conduct follow-up activity on juvenile cases. This assignment of cases may deviate minimally for on-call status cases or caseload.
 - 3. Community Service Case Assignment - The community service detective(s), if assigned, shall be specialists assigned to conduct follow-up activity on community service related cases. This assignment of cases may deviate minimally for on-call status cases or caseload.
 - 4. Narcotics Case Assignment - The narcotics detective(s) shall be specialists assigned to conduct follow-up activity on narcotics cases. This assignment of cases may deviate minimally for on-call status cases or caseload.
 - 5. On-Call Case Assignment - The detective(s) shall be assigned on a rotating basis to be on-call. Cases occurring during this time period shall be automatically assigned to the on-call detective. Assistance by a specialist may be used to provide investigative support to the investigative efforts.
- C. The bureau supervisors or designee shall consider the seriousness and complexity of each case and reach a decision concerning the appropriate number of detectives to assign to a case.

1. There shall be only one detective assigned primary responsibility as the "lead detective" for each assigned case.
 2. The assignment of additional detectives is intended to provide investigative support to the lead detective.
 3. The bureau supervisors or designee shall coordinate the distribution of work on any case having more than one detective assigned.
- D. In reaching a decision on whether or not to assign a case for follow up investigation, the bureau supervisors or designee shall consider the following solvability factors of the case:
1. Were there witnesses to the crime?
 2. Can a suspect be named?
 3. Can a suspect be located?
 4. Can a suspect be described?
 5. Can a suspect be identified?
 6. Was the suspect previously seen?
 7. Can the suspect's vehicle be identified?
 8. Is the stolen property traceable?
 9. Is a significant modus operandi present?
 10. Is significant physical evidence present?
 11. Was there opportunity for anyone but the suspect to commit the crime?
 12. Is there some other significant reason to believe that the crime may be solved with a reasonable amount of investigative effort?
 13. Severity of the case vs. caseload.
 14. Degree of crime (injuries to the victim, weapon used, pattern of crime).
- E. Proactive Case Assignments
1. Nothing in this general order shall be construed to prevent the bureau supervisors or designee from assigning investigative personnel to generate an investigation based upon criminal activity patterns or confidential leads.

III. CASE MANAGEMENT

- A. The bureau supervisors or designee shall be responsible for the swift and proper management of all cases that have been assigned for investigation.

- B. The bureau supervisors or designee shall record case assignments in the Records Management System (RMS) case management module and case management ledger. The case management module and case management ledger shall be used to record all pertinent case information for every incident assigned.
- C. The following administrative designators/case disposition shall be applied to each case, as applicable. These case designators are the only designators used by the Elizabeth Police Department and shall be recorded in the case management module and case management ledger.
 - 1. Active
 - 2. Active/Investigating
 - 3. Cleared Arrest
 - 4. Submitted - Grand Jury
 - 5. Submitted – Juvenile Court
 - 6. Closed Pending Info
 - 7. Referred to Municipal Court
 - 8. Returned Missing Person
- D. Detective Responsibilities
 - 1. Each detective will be responsible for the management of all the cases assigned to him/her.

IV. CASE FILES

- A. Reports maintained in the case file may minimally include: investigatory type reporting, evidence type reporting, statements, and any and all pertinent documents relating to the case to include case notes as described below:
 - 1. Contemporaneous notes, whether handwritten, typed, entered into an electronic note-taking device or audio recorded, that describes or memorializes the note taker's personal perception of what transpired in the course of a witness interview or that memorializes the officer's personal observations at the scene of the crime of the first, second, third, or fourth degree under New Jersey law, whether committed by an adult or a juvenile.
- B. Access to the active investigative case files shall be available to only investigative personnel, and others as determined by the Investigative Bureau Commander or designee. Sensitive case file information shall not be left unattended allowing for unauthorized viewing.
- C. Internal Disposition of Criminal Case Files
 - 1. Electronic records shall be archived/maintained in the Records Management System (RMS).
 - 2. Case Type – No Further Investigative Action Required/Needed (e.g., charge(s) filed)
 - a. All original supporting reports/notes/documents/records obtained during the investigation shall be forwarded to Services for secure storage. A copy of the case file may be maintained in the Investigative

Bureau.

3. Case Type - Further Investigative Action Required/Needed (e.g., suspect identified, but not charged)
 - a. All working copies of supporting reports/notes/documents/records obtained during the investigation shall be maintained in the Investigative Bureaus. Case file cabinets shall be securely locked and inaccessible to anyone not authorized by the Investigative Bureau Commanders or designee.
- D. Procedures for the destruction of agency criminal investigation files shall be in accordance with the New Jersey Administrative Code and applicable records retention schedule. **N.J.A.C.15:3-2.2** (Disposal of Public Records).

V. ACCOUNTABILITY FOR CONDUCTING INVESTIGATIONS

A. Preliminary Investigation

1. The preliminary investigation begins when the first officer arrives at the scene and continues until a transfer of responsibility to the appropriate investigative personnel.
2. The assigned police officer shall initiate and complete as many of the activities listed below as needed. The individual circumstances of the incident shall determine how many of the activities are required. As soon as the preliminary investigation is concluded the police officer shall complete an incident report. The following activities are part of the preliminary investigation:
 - a. Observe all conditions, events, and remarks. Provide aid to the injured.
 - b. Locate and identify witnesses. Canvas the area around scene including routes taken prior to and after crime by victim and suspects for additional crime scene, witnesses or video.
 - c. Furnish other field units, through the communications center, descriptions, method and direction of flight, and other relevant information concerning wanted persons or vehicle.
 - d. Protect, maintain, and arrange for the collection of crime scene evidence ensuring that none is lost or contaminated. Make immediate notification of the crime to other units. The police officer assigned shall be responsible for initiating action to inform other appropriate law enforcement agencies of a serious crime or one requiring immediate on-scene follow-up investigation.
 - e. Properly and lawfully interview, and if needed, obtain statements from the complainant, witness, victim, and suspect. Obtain statements from victims and witnesses and from the suspect, if such statements can be obtained legally. Determine if a crime has actually been committed, and if so, the exact nature of the crime. Determine the identity of the suspects, and affect an arrest, if it can be

accomplished either at the scene, through immediate pursuit, or search of areas where suspect may be found.

- f. Search for and attempt to recover stolen property.
 - g. Accurately and completely record all pertinent information on the prescribed report forms.
3. Upon the arrival of an assigned Detective, the police officer(s) shall:
- a. Brief the Detective on all pertinent information;
 - b. Assist the Detective where necessary or requested;
 - c. Prepare the necessary report(s) to maintain continuity of evidence;
 - d. Make appropriate entry on the Investigation Report as to the identity of the Detective relieving him/her;
 - e. Return to his/her prior assignment or patrol operations activity upon completion of necessary reports and when the Detective requires no further assistance.

VI. EXCULPATORY EVIDENCE

A. Definition

- 1. Exculpatory Evidence - Evidence that is favorable to the accused; is material to the guilt, innocence, or punishment of the accused; and/or may impact the credibility of a government witness, including a law enforcement officer or other agency employee. Impeachment material is included in the disclosure requirements for prosecutors, however not intended to be for typical investigations which may or may not be prosecuted.

B. This department will ensure that exculpatory evidence is provided to prosecuting authorities in current and post-conviction investigations.

- 1. Officers are required to document all investigative activity involved in an investigation, including exculpatory information.
- 2. Upon completion of an investigation where an arrest has been made, the entire case file shall be transmitted to the Prosecutor's Office.
- 3. Pursuant to Brady/Giglio disclosure requirements (See Internal Affairs), this department shall provide Brady Giglio material to the Prosecutor's Office as required by New Jersey Attorney General Directive 2019-6.
- 4. If the department becomes aware of relevant information of previously unknown or unrecognized exculpatory evidence for which a defendant is subject to, or is experiencing, a significant and on-going deprivation of liberty, the department shall provide such information to the Prosecutor's Office.
 - a. Post-conviction investigations involving claims of omitted exculpatory

evidence must be thoroughly documented and include:

- 1) Details related to when information was received,
 - 2) Who received it; and
 - 3) If or when it was provided to prosecuting authorities.
- b. Post-conviction investigations where claims of omitted exculpatory evidence are the result of the initial investigation by the agency should not be conducted by investigative personnel involved in the initial investigation.