

GREENVILLE POLICE DEPARTMENT POLICY AND PROCEDURES		
<b>Chapter 42</b>	<b>Criminal Investigations</b>	
<b>Date Initially Effective: 11/18/1994</b>	<b>By the Order Of:</b>  <b>Richard Tyndall, Chief of Police</b>	
<b>Date Revised: 07/29/2023</b>	<b>Date Reissued: 12/01/2023</b>	<b>Page 1 of 23</b>

This chapter of departmental policy and procedures establishes administrative procedures for the Criminal Investigations Bureau of the Greenville Police Department and operational procedures for all components of the Greenville Police Department involved in criminal investigations.

### ***42.1 Administration***

The criminal investigation function is a significant and integral part of the Greenville Police Department's efforts to efficiently and effectively conduct investigations into criminal offenses occurring in the community. It is the function of the Greenville Police Department Criminal Investigations Bureau to complete preliminary and follow-up investigations of crimes committed within the jurisdiction of the City of Greenville. Personnel assigned to the Criminal Investigations Bureau may include uniformed and non-uniformed police officers, as well as civilian employees.

The Criminal Investigations Bureau is under the direct supervision of the Criminal Investigations Bureau Commander who reports to the Deputy Chief of Police. The Criminal Investigations Bureau consists of the following units.

- Major Crimes Unit
- Forensic Services Unit
- Property Crimes Unit
- Special Victims Unit
- Special Investigations Unit

#### **Temporary Assignment of Patrol Officers**

When personnel resources permit, police officers assigned to the Patrol Bureau may be assigned to the Criminal Investigations Bureau on a temporary basis. Benefits of temporary assignment of uniformed patrol officers to the Criminal Investigations Bureau include:

- Strengthening the investigation process
- Enhancing career development for officers
- Improving investigative skills
- Improving preliminary investigation reports submitted by patrol officers
- Creating a pool of patrol officers with investigation experience

#### **Constitutional Requirements**

The constitutional rights of persons involved in criminal investigations must be protected and ensured as they relate to interviews, interrogations, custody, and the right to have access to counsel. Policy and procedures relative to such constitutional rights are detailed in Chapter One of the Greenville Police Department Policy and Procedures.

**42.1.1 CRIMINAL INVESTIGATIONS BUREAU ON-CALL PROCEDURES****CALEA Standard: 42.1.1 (On-call Schedule)**

Greenville Police Department Criminal Investigations Bureau personnel are not assigned duty shifts which provide coverage on a (24) twenty-four-hour basis or on weekends. Therefore, call out schedules shall be developed by the Criminal Investigations Bureau Commander to provide (24) twenty-four hour on-call availability. In order to ensure a detective is available (24) twenty-four hours a day, the Criminal Investigations Bureau supervisors rotate call-duty as the contact supervisor. Weekly, the on-call Criminal Investigations Bureau supervisor's contact information is distributed department-wide. Any unexpected changes prior to the upcoming week regarding the CIB contact supervisor are immediately relayed department-wide. The on-duty supervisor shall be responsible for determining if an on-call Criminal Investigations Bureau supervisor should be called. Once the on-call Criminal Investigations Bureau supervisor is contacted, that supervisor is responsible for authorizing contact of the on-call CIB personnel if the situation is deemed necessary. Responsibilities of the Criminal Investigations Bureau supervisors and personnel on-call include:

- Maintain the capability of contact with Greenville Police Department by telephone or police radio
- Be capable of a response time to a crime scene of no more than one hour upon notification
- Refrain from any activity that may hamper the ability to perform law enforcement duties

**42.1.2 CASE ASSIGNMENTS FOR FOLLOW-UP INVESTIGATIONS****CALEA Standard: 42.1.2 (Case-Screening System)**

Criminal Investigations supervisors shall assign cases for follow-up investigation based on available personnel and caseload considerations. In cases where specialized skills, knowledge, or training may be required, efforts will be taken to assign the case to an investigator that best meets the specific qualifications. The detective assigned to conduct a follow-up investigation shall be the primary detective and case coordinator for that case.

**Suspension of Investigative Efforts**

All cases assigned to Criminal Investigations Bureau personnel that are subsequently suspended or inactivated must reflect the reason for suspension. Criteria for the suspension of investigative efforts include:

- All current leads have been exhausted
- Unavailability of investigative resources on low priority case
- The degree of seriousness on low priority case
- Other circumstances subject to approval by Criminal Investigations Bureau supervisors

**Case Screening**

All incident reports completed by Greenville Police Officers are reviewed by Criminal Investigations Bureau Unit supervisors to determine the potential for clearing the incident through assignment for follow-up investigation. Information included in the initial incident report that supports assignment for follow-up investigation includes:

- Seriousness of the incident
- Suspect is known and/or can be named
- Stolen property is traceable
- Sufficient physical evidence is recovered
- Availability of reliable witnesses
- Extent of injury or property loss
- Recognition of crime trends, series, or geographic similarities

Other factors that may indicate a case should be assigned for follow-up investigation include:

- Documented experiences of the Greenville Police Department with similar cases
- Documented experiences of other law enforcement agencies with similar cases
- The development of research and intelligence indicating further investigation is warranted
- Sensitivity or high-profile nature of a case

### 42.1.3 DESIGNATION OF CASE MANAGEMENT/STATUS/DISPOSITION

#### CALEA Standard: 42.1.3 (Case File Management)

All cases shall be assigned an appropriate administrative status designation. Administrative designations for case status are:

**Further Investigation** - Indicates further investigation is warranted. The case is assigned for further investigation and investigative efforts are active.

**Inactive** - Indicates investigative efforts are inactive. Current leads have been exhausted, but the investigation has not been brought to a satisfactory conclusion and investigative efforts may be resumed.

**Closed/Cleared** - Indicates the investigation has been concluded satisfactorily. One of the following case dispositions must be indicated:

- "Unfounded" – Indicates that it has been determined that no crime has been committed.
- "Cleared by Arrest" – Indicates that one or more offenders have been arrested and charged by Greenville Police Department personnel.
- "Arrest by Other Agency" – Indicates that another agency has arrested and charged one or more offenders in a Greenville Police Department case.
- "Death of Offender" – Indicates that it has been determined who the offender is in a case, but the offender is deceased.
- "Juvenile/No Custody" – Indicates that it has been determined that one or more juvenile offenders have committed an offense, and if the offenders were adults would be taken into custody. (NOTE- This disposition includes juveniles who have been released to adults or referred to other authorities.)
- "Refused to Cooperate" – Indicates that the offender has been identified, but prosecution is unlikely because the victim is uncooperative or unwilling to prosecute.
- "Prosecution Declined" – Indicates that the offender has been identified, but that prosecution has been declined by someone in the criminal justice process (i.e., Magistrate, District Attorney, etc.)
- "Extradition Declined" – Indicates that an out of state agency has arrested an offender, but extradition of the offender has been declined.

#### Case Status Control System

Supervisors in the Criminal Investigations Bureau shall maintain an investigative case status control system using the Department's electronic Records Management System. The following information is available through the system:

- Detective/officer assigned
- Case number
- Victim's name
- Date reported, date assigned, and date follow-up is due
- Case status

### 42.1.4 ACCOUNTABILITY FOR CRIMINAL INVESTIGATIONS

#### CALEA Standard: 42.1.4 (Accountability, Preliminary/Follow-up Investigations)

#### Preliminary Investigations

Uniformed patrol officers or other first responding officer shall complete an incident report. Criminal Investigations Bureau personnel will respond and immediately assume responsibility for the following incidents:

- Murder/Suspicious Death Investigations (Except Traffic Fatality)
- Rape
- Domestic violence involving Department personnel

This policy in no way relieves any police officer of his duty to act in circumstances in which immediate action may result in the apprehension or arrest of the offender. If the police officer conducting the preliminary investigation determines that leads exist that may lead to the identification or arrest of a suspect, or the recovery of property,

the police officer shall reasonably pursue the investigation to the fullest extent, unless otherwise directed. The police officer conducting the preliminary investigation is responsible for documenting all activities taken during the course of the preliminary investigation.

Once a preliminary investigation is conducted, the case shall be forwarded to a Criminal Investigations Bureau supervisor. The Criminal Investigations Bureau supervisor may assign the case to the appropriate Criminal Investigations Bureau personnel for follow-up investigation or if information provided supports, may refer the incident back to the appropriate Patrol Bureau supervisor for follow-up.

When a police officer makes an arrest on a warrant that references a case number, the police officer shall prepare a supplementary incident report in the Record Management System, and notify the appropriate detective.

#### **Follow-up Investigations**

All Greenville Police Department personnel assigned to conduct follow-up investigations shall be responsible for seeing that all investigative activities are properly and thoroughly documented and included in the case file. Supplemental reports shall be submitted every twenty-one (21) working days detailing the progress of the investigation until the incident is suspended or closed.

### **42.1.5 HABITUAL OFFENDERS**

#### **CALEA Standard: 42.1.5 (Habitual/Serious Offenders)**

The General Statutes of North Carolina establish criteria and define habitual felons, violent habitual felons, and habitual misdemeanor assault.

A habitual felon is defined in N.C.G.S. Chapter 14, Article 2A, as “any person who has been convicted of or pled guilty to three felony offenses in any federal court or state court in the United States or combination thereof”.

For the purposes of Article 2A, felonies committed before a person reaches the age of eighteen (18) years old shall not constitute more than one felony. The commission of a second felony shall not fall within the purview of Article 2A unless it is committed after the conviction or plea of guilty for the first felony. The commission of a third felony shall not fall within the purview of Article 2A unless it is committed after the conviction or plea of guilty for the second felony. Pleas of guilty to or convictions of felony offenses prior to July 6, 1967, shall not be felony offenses under Article 2A. Any felony offense to which a pardon has been extended shall not constitute a felony under Article 2A.

N.C.G.S. Chapter 14, Article 2B defines a violent habitual felon as any person who has been convicted of two violent felonies (After October 1, 1994, any class A through E felony) in North Carolina, in the federal courts, or in any other state.

N.C.G.S. Chapter 14, Article 8 defines habitual misdemeanor assault as a person who commits the offense of habitual misdemeanor assault, if that person violates any of the provisions of G.S. 14-33 and causes physical injury, or G.S. 14-34, and has two or more prior convictions for either misdemeanor or felony assault, with the earlier of the two prior convictions occurring no more than fifteen (15) years prior to the date of the current violation. A conviction under this section shall not be used as a prior conviction for any other habitual offense statute.

Greenville Police Department personnel investigating incidents should, during the course of their investigations, determine if defendants meet criteria for habitual offender as defined by N.C. General Statutes. If so, the investigating officer should document that information in the case report, and seek assistance from the District Attorney in obtaining indictments for habitual offender violations.

As part of the duties of the Gang Unit, a review of arrest information shall be done to determine if known repeat offenders meet the criteria for prosecution, as habitual felons or habitual violent felons. The Gang Unit, based on this information, will make appropriate recommendations and requests to the District Attorney’s Office for prosecution as habitual offenders and to the U.S. Attorney’s Office for adoption of cases for federal prosecution.

### 42.1.6 EXCULPATORY EVIDENCE

#### CALEA Standard: 42.1.6 (Exculpatory Evidence)

The following procedure will apply when officers make a felony arrest in which they are the case officer:

- Complete a case report and an arrest report and submit through RMS prior to the end of the tour of duty
- Complete the DA Discovery Checklist Form and gather corresponding items
- Download and tag BWC footage.
- Request the Records Unit provide a copy of the BWC footage by providing them the case number
- Contact other officers involved in the arrest and request a supplemental report and their corresponding BWC footage. Footage will be submitted to the primary officer within three working days.
- Print any reports, retrieve BWC footage CDs from the Virtual Response Unit, and compile with all items gathered for the Discovery Checklist Form and package in an envelope or folder
- Submit the original completed package to the officer's immediate supervisor within three days
- Retain an electronic copy of the package

Once a supervisor has received an arrest package, as described above, from an officer, the supervisor will review and initial the package. The package should be placed in the Court Liaison's box within two days of receipt.

The Court Liaison will deliver the package to the District Attorney's office and request a receipt. The receipt should be returned to the Records Unit so that it can be added to the original case file.

## 42.2 Operations

All Greenville Police Department personnel shall conduct assigned investigations fairly and impartially. Police officers should conduct investigations as discreetly as possible and be mindful not to endanger the reputation of any person under investigation. Criminal Investigations Bureau personnel shall make every effort to contact victims and witnesses promptly upon being assigned a case for follow-up investigation. Sworn personnel, while in plain clothes and taking part in arrest(s), back-up, or raid situations, shall display their badge on their outermost clothing or from an attached chain with an ID/Badge holder.

#### Resources to be used in Criminal Investigations:

- Information Development – Investigative Contacts
- Victims
- Witnesses
- Neighbors
- Relatives
- Informants
- Other law enforcement agencies
- Other public agencies

#### Interviews and Interrogation Procedures

An interview of a suspect or witness occurs when the questions being asked are not intended to lead to incriminating information. When an officer asks questions that are intended to lead to incriminating information, an interrogation has begun. *Miranda* warnings are never required for interviews whether the individual is in custody or not. *Miranda* warnings are only required when the suspect is in custody *and* an interrogation is being conducted. Whenever possible, police officers should make every attempt to conduct noncustodial interviews. When custody is necessary, officers should issue *Miranda* warnings before an interrogation begins, and only proceed with the interrogation if the suspect has knowingly and voluntarily waived his rights.

Detainees and suspects will not be interviewed in the roll call/briefing room, unless all other approved areas are occupied. There are three designated interview/interrogation rooms located on the second floor of the Department. Each room is equipped with a table and chairs and audio/video monitoring for the security of detainees during interviews/interrogations. Two rooms are also equipped with fixed eyelet bolts. Investigating

officers shall search the prisoner/detainee prior to interviews and are encouraged to use the fixed eyebolt in the interview room to assist in securing a prisoner/detainee. Firearms may be worn at the investigating officer's discretion and the prisoner/detainee shall be observed at all times.

### **Collection, Preservation, and Use of Physical Evidence**

Physical evidence should be searched for, collected and preserved when investigating any crime scene. Police officers investigating any criminal offense should be mindful of any physical evidence collected from a crime scene and see that it is used in the development of the case. Additional instruction concerning the collection and preservation of evidence can be found in Greenville Police Department Policy and Procedures.

### **Surveillance**

Surveillance may be used as an investigative tool when it is necessary to observe suspects or conditions in an unobtrusive manner. Surveillance may generate additional information concerning a crime under investigation, create intelligence information, or provide first hand observation of criminal activity.

### **Background Investigations for Criminal Investigations**

Criminal investigations frequently involve background investigations of individuals, particularly as they relate to white-collar crime, organized crime, and vice activities. The Greenville Police Department shall only conduct background investigations in conjunction with a legitimate, ongoing criminal investigation. *This section does not apply to the employee selection process for the City of Greenville.* Sources of information available in conducting background investigations include, but are not limited to:

- Financial institutions
- Business associates
- Former employers
- Informants
- Utility companies
- Public records
- Intelligence reports
- Criminal history
- Other law enforcement agencies
- Pawn shops

All information obtained in a background investigation shall be incorporated into the criminal case file. All case files are subject to Greenville Police Department records policy as outlined in Chapter 82 of the Greenville Police Department Policy and Procedures.

### **Field Interviews**

The Greenville Police Department encourages police officers to conduct legitimate field interviews as an investigative tool, and as a crime prevention and information gathering tactic. The field interview is a means of collecting, preserving, and disseminating information about suspicious activity of individuals and/or vehicles. Police officers stopping individuals or vehicles for the purpose of conducting an investigative field interview may detain a person if the police officer has reasonable suspicion to believe that the person is committing, has committed, or is about to commit a crime. The right to detain applies to both pedestrians and vehicles and may be exercised upon reasonable suspicion of involvement in a crime.

Reasonable suspicion is more than a hunch. It must be based on articulable circumstances. Elements that help establish a police officer's reasonable suspicion include:

- The individual fits the detailed description of a suspect wanted for committing a crime
- The vehicle being driven fits the description of a wanted suspect's vehicle
- A person flees at the sight of a police officer
- A person or vehicle is seen leaving the area of a crime
- The person is behaving or maneuvering a vehicle in a manner indicating criminal activity
- The time of day

- Physical surroundings
- The police officer's prior knowledge of the person or the person's criminal record
- The location where the person or vehicle was observed

Police officers may detain a person or vehicle for a reasonable period of time. Police officers should, however, detain a person only for the length of time necessary to obtain identification or an accounting of the suspicious person's presence or conduct. The person should be released as soon as the interview is completed unless probable cause to arrest or search develops. A person may only be detained at or near the scene of the stop and may not be moved to another location without their consent. The individual has the right to refuse to answer questions during the investigative field interview.

During an investigative field interview no *Miranda* warnings are necessary because the individual is only being temporarily detained and the officer has not restricted the movement of the suspect to a degree associated with formal arrest or its functional equivalent. If the officer develops probable cause during the field interview, the suspect may be placed in custody. If the officer wishes to interview the suspect once in custody, *Miranda* warnings must be issued.

Situations in which a field interview may be appropriate include:

- The police officer observes persons on foot or operating vehicles under suspicious circumstances
- The police officer observes suspicious persons on foot or operating vehicles in high crime areas
- The police officer has contact with known criminals
- A police officer has reasonable suspicion as outlined above in this directive

Police officers shall document field interview contacts electronically in order to provide other police officers and detectives with information concerning the activities of suspicious persons. Field interview information is available to law enforcement personnel via the records management system.

### **GPS Tracking Devices**

The use of advanced technology, such as GPS tracking devices, can aid in the accurate identification of those responsible for theft related crimes. In order to effectively utilize this option, without undermining public trust, the following steps are required prior to initiation of tracking activity:

- Investigative activity should be based on data-driven crime patterns and/or citizen complaints
- A specific written plan will be developed based on documented information
- The written plan will be submitted to the Zone Commander for approval
- Tracking activity is restricted to the area specified in the current plan

### **42.2.1 CONDUCTING PRELIMINARY INVESTIGATIONS**

CALEA Standard: 42.2.1 (Preliminary Investigations Steps)

Greenville police officers conducting preliminary investigations shall follow the listed procedures as they apply to the situation:

- Observe all conditions, events, and remarks surrounding the complaint
- Locate and identify witnesses
- Secure the crime scene and protect evidence
- Interview complainants and witnesses
- Interview and interrogate suspects
- See that the crime scene is processed and all evidence is collected
- Effect the arrest of suspects
- Report the incident fully and accurately in the records management system
- Submit documentation to the District Attorney's office within the required timeline

All Greenville Police Department personnel assigned to conduct investigations shall be responsible for seeing that all investigative activities are properly and thoroughly documented and included in the case file. If the police

officer conducting the preliminary investigation determines that leads exist that may result in the identification or arrest of a suspect or the recovery of property, the police officer shall pursue the investigation to the fullest reasonable extent, unless otherwise directed.

### **42.2.2 CONDUCTING FOLLOW-UP INVESTIGATIONS**

#### **CALEA Standard: 42.2.2 (Follow-Up Investigations Steps)**

All open preliminary investigations will be submitted to the Criminal Investigations Bureau for review to determine if the incident merits assignment for follow-up investigation. Criminal Investigations Bureau personnel shall conduct follow-up investigations on cases as assigned by a Criminal Investigations Bureau supervisor. CIB supervisors may, when reviewing a case, return it to the officer who conducted the preliminary investigation for follow-up. Uniformed patrol officers are responsible for conducting follow-up investigations on:

- Traffic-related cases
- Cases as determined by the appropriate Patrol Bureau or Criminal Investigations Bureau supervisor

The following procedures shall be considered and completed as necessary when conducting follow-up investigations:

- Review and analyze all previous reports prepared in the preliminary investigation
- Conduct additional interviews and interrogations
- Review Department and other investigative records
- Seek additional information from available resources (officers, informants, etc.)
- Review results from laboratory examinations
- Disseminate information as appropriate
- Plan, organize, and conduct searches
- Collect and process physical evidence
- Identify and apprehend suspects
- Check suspect's criminal history
- Determine suspect's involvement in other crimes
- Prepare case report for records management system and the District Attorney's Office
- Assist in prosecution

#### **Follow-up Contact with Victims and/or Complainants**

It is the policy of the Greenville Police Department to make a second contact, at a minimum with the individuals involved in a case requiring follow-up investigations or in a case that has been closed. The officer assigned to conduct a follow-up investigation shall make a reasonable effort to contact those persons involved in a case within three (3) working days after assignment. Follow-up contact may be in person, by telephone, or by mail. The officer responsible for the follow-up should use the best available means to make contact. Officers will document follow-up contact and/or unsuccessful attempts as part of the investigative case file.

#### **Missing/Located Persons**

Due to the potential for harm to come to individuals classified as missing, once a case has been assigned to a detective, the detective shall contact the reporting person as soon as practical. The detective will ensure that the reporting person is given contact information for the Police Department so that they may report any new, or additional information. or receive information concerning the status of the case.

If a detective locates a subject who has been reported missing or comes in contact with a person who is believed to be mentally and/or physically challenged, an elderly individual who appears to be unable to care for themselves, or a person believed to be despondent, the locating detective shall do the following:

- Attempt to locate and contact the reporting person or a responsible person (such as a relative) to whom the found person may be released;
- If the individual has been entered into NCIC/DCI, ensure the found individual is removed in accordance with regulations and procedures established by these respective systems;



- If there are circumstances which lead the officer or detective to believe that releasing the person would not be in the person's best interest, the officer or detective should return the person to their home, to a medical facility, or contact the Department of Social Services.

If a detective locates, or is investigating a case in reference to a found juvenile and during the investigation determines or suspects any of the following unusual circumstances exist:

- The juvenile appears to be out of the zone of safety for his/her age and/or developmental stage,
- The juvenile is mentally incapacitated and not able to care for him/herself,
- The juvenile is dependent on medications or other drugs and may be in physical danger if not obtained,
- The juvenile appears to be a victim of foul play, violence, or abuse,
- The juvenile is in an environment "dangerous" to the youth based on the age and development of the child,

Then the detective will comply with procedures for handling juveniles as directed in the Greenville Police Department Policy and Procedures and will take the youth into protective custody and notify their immediate supervisor:

### **42.2.3 ATTENDANCE AT PATROL BUREAU SHIFT BRIEFINGS**

CALEA Standard: 42.2.3 (Communication with Patrol Personnel)

Periodically and upon operational necessity, Criminal Investigations Bureau personnel should attend Patrol Bureau shift briefings.

Purposes of attending these shift briefings include:

- Fostering an atmosphere of cooperation and open communication
- Sharing and exchange of specific information on criminal activities or crime trends
- Informing patrol personnel of current investigative field activities
- Updating Patrol Bureau personnel on cases forwarded to the Criminal Investigations Bureau for follow-up investigation

The Criminal Investigations Bureau Commander shall ensure that Criminal Investigations Bureau personnel periodically attend Patrol Bureau briefings.

### **42.2.4 LAW ENFORCEMENT TASK FORCES**

CALEA Standard: 42.2.4 (Investigative Task Forces)

Law enforcement task forces combine resources which are assembled with one designated leader to support specific missions or operational needs. The Greenville Police Department shall participate in such task forces when the stated purpose of the task force is deemed appropriate to the needs of the agency and the community served.

As a member of a task force, the agency may provide personnel, equipment, money, and time to law enforcement task forces as available resources and needs dictate. Authority, supervision and responsibilities of agencies and individuals participating in the task force should be established by written agreement prior to the task force beginning law enforcement operations.

Prior to committing personnel or resources to a task force, the Chief of Police shall establish that task force's accountability and any related requirements for both within the Greenville Police Department and among any other participating agencies.

Task Force officers should have Task Force specific credentials to identify them as a participating member. Officers participating in any enforcement action, with the exception of working with a confidential informant, are required to wear identifying logo displaying "Police", "FBI", "ATF" or other specific identification on the outermost garment. All participants should be listed in the Task Force operations plan for these events. Cross-training among Task Force officers is encouraged.

Evaluations of task force activities should be conducted at specified intervals to examine results, determine if objectives have been met; determine if the task force should continue operations, and determine if the Greenville Police Department should continue to participate in the task force.

#### **42.2.5 COMPUTER VOICE STRESS ANALYZER (CVSA) AND POLYGRAPH EXAMINATIONS**

CALEA Standard: 42.2.5 (Deception Detection Examinations)

##### **COMPUTER VOICE STRESS ANALYZER (CVSA) EXAMINATIONS**

The Greenville Police Department has certified operators and the equipment needed to conduct Computer Voice Stress Analysis (CVSA) examinations. Once certified, CVSA operators must periodically attend school or seminars to ensure awareness of any changes in law concerning testing techniques and procedures. Examiners must also study and research to keep informed of current developments.

##### **Use of the Computer Voice Stress Analyzer**

The CVSA is a tool used to verify truth and aid in resolving factual disputes. It should not be used to bypass investigative procedures or when sufficient evidence is available to establish the facts. CVSA examinations can be given to suspects, victims, or witnesses in any criminal investigation. The results, however, cannot be presented in court and its use should be for the purpose of developing or eliminating investigative leads. The CVSA will not be used during the course of any investigation that is not criminal in nature.

##### **CVSA Restrictions**

The following restrictions will apply to the use of the CVSA:

- Persons determined not mentally or physically fit by the examiner will not be tested.
- Persons who have just been interviewed should not be tested immediately following the interview.
- A juvenile between the ages of 7 and 16 may be tested if a parent or guardian signs the Truth Verification Release Form. The juvenile must sign a Juvenile Miranda Waiver prior to testing if in custody. Under no circumstances can the parent or guardian waive the juvenile's Miranda rights.
- Examinations may be administered without a parent or guardian signing the Truth Verification Release Form if:
  - The juvenile is married or emancipated.
  - The juvenile is over sixteen (16) and is accused of a felony.
  - The juvenile is fourteen (14) or fifteen (15), has been charged with a felony, and has been bound over to Superior Court for trial as an adult.
- A signed Truth Verification Release Form must be obtained before testing.
- Only certified examiners will administer CVSA examinations.

##### **Requesting Officers Responsibilities**

Officers requesting that a CVSA examination be conducted are responsible for the following:

- Ensuring that minimum investigative efforts have been completed prior to the test.
- Contacting an examiner to schedule an appointment for the examination.
- Being present during the examination and ensuring that the person being examined brings positive identification to be presented to the examiner. Parent, guardian, or custodians of a juvenile to be tested will need to provide identification also.
- Completing the examiner's data worksheet and presenting it to the examiner prior to the examination.
- Advise the examiner of the final disposition of the investigation.
- Contacting an examiner for guidance preparing the proper test format for unstructured interviews.

##### **Examiner's Responsibilities**

The examiner shall be responsible for the following:

- Completing the release/consent form.
- Providing verbal exam results to the investigating officer at the conclusion of the examination.

- Conducting test charts on the CVSA instrument every three months.
- Ensuring that the CVSA instrument is kept in a secure area.

### **Requests from Outside Agencies for CVSA Examinations**

Requests from outside agencies or departments for CVSA examinations will be accepted provided:

- Scheduling conflicts do not occur.
- The request is made in writing.
- The Criminal Investigations Bureau Commander or designee approves the request.

### **Polygraph Exams**

The Greenville Police Department does not have in-house polygraph examiners. Should the need arise for a polygraph exam, for pre-hire, investigative, or internal affairs purposes, outside agencies with certified examiners may be used.

## **42.2.6 USE OF INFORMANTS AND SOURCES OF INFORMATION**

### **CALEA Standard: 42.2.6 (Informants)**

The use of Confidential Informants (CI) is a lawful and valuable resource which can provide significant benefits to criminal investigations and other intelligence-gathering efforts. Informants are not for the exclusive use of any one police officer and shall be registered as informants of the Greenville Police Department. Due to the inherent risk and liability associated with the use of confidential informants, clear guidelines must be implemented and adhered to, in order to ensure the safety of all persons involved.

Confidential Informants are individuals under the direction of a specific police officer who provide information or other assistance on criminal activity. Confidential Informants are actively involved in investigations and receive compensation. Additionally, sources of information are individuals who furnish information, but do not wish to take part in an active investigation.

### **Approval Process**

The following process must be used for the initial contact between a police officer and a potential confidential informant. The Control Officer, the officer controlling the CI, shall complete all necessary documentation provided in the Confidential Informant packet, to include the following:

- Informant Waiver/Statement of Understanding
- Completed Informant Personal History Form
- Criminal History Record
- Photograph
- Initial Debrief form
- Approval Work Flow form

These documents will be submitted to the Control Officer's immediate supervisor for review. Upon completion of their review and approval, the immediate supervisor will submit the form to the Special Investigations Unit Supervisor or designee to review for de-confliction. The Special Investigations Unit Supervisor or designee will submit the file to the Deputy Commander of Criminal Investigations for final approval.

Upon final approval from the Deputy Commander of Criminal Investigations, the file will be returned to the Special Investigations Unit Supervisor or designee to be maintained. The Confidential Informant's master file shall contain at a minimum:

- Criminal history record, to be updated annually by the Special Investigations Unit Supervisor
- Informant's Department assigned code number
- Informant Waiver/Statement of Understanding
- Completed Personal History form
- Photograph to be updated annually by the Special Investigations Unit

- Completed initial informant Debriefing form
- Quarterly Debrief forms
- Special Funds Expenditure forms indicating payments made to the informant
- Completed pertinent data/contact forms

The following information shall be submitted regularly in accordance with policy to be included in the informant's master file:

Documentation	Responsibility	Submission Location	Submission Due Date
Quarterly Debrief form	Control Officer	Immediate Supervisor	1 <sup>st</sup> day of each quarter
Reviewed Quarterly Debrief forms	Supervisors	Special Investigations Unit Supervisor	Jan. 10 <sup>th</sup> , Apr. 10 <sup>th</sup> , Jul. 10 <sup>th</sup> , Oct. 10 <sup>th</sup>
Pertinent Data/Contact form	Control Officer	Special Investigations Unit Supervisor	5 <sup>th</sup> day of each month
Special Funds Expenditure Form	Control Officer	Special Investigations Unit Supervisor	5 <sup>th</sup> day of each month
Special Funds Transaction Record	Supervisor	Special Investigations Unit Supervisor	10 <sup>th</sup> day of each month

### Informant File Maintenance

Confidential Informant files are designated to the following categories:

- Active – Any CI currently engaged in providing information and/or under the direction of a police officer.
- Inactive – Any CI not debriefed within a year, or who has been declared inactive by the control officer.
- Limited Use – Any CI used for information only, but not allowed to take an active role in an investigation.
- Deactivated – Any CI deemed currently not suitable for use by the Control Officer or his/her supervisor.
  - Must be approved through the Control Officer's chain of command to the Deputy CIB Commander
  - May be re-activated at the direction of the Deputy CIB Commander or Deputy Chief
- Suspended – Any CI that has violated terms and rules set forth by the agency, such as, but not limited to:
  - Misuse of funds provided for criminal investigation purposes
  - Intentionally engaged in behaviors which jeopardize officer safety
  - Perpetuated or attempted to perpetuate fraud during the course of the investigation
  - Engaged in any behavior which leads the Control Officer or any supervisor to determine that suspension is warranted

Files for informants that have been classified as inactive shall be reviewed annually according to their original activation date or last date of activity. If the CI becomes active again during that time frame, a new review date will be created. If the CI continues to remain inactive one year from the review date, their paper file will be purged. Electronic files for all Confidential Informants shall be stored indefinitely.

### Protecting Informant Confidentiality

A designated detective assigned by the Special Investigations Unit supervisor shall maintain and update confidential files on all informants. Police officers using informants shall be responsible for forwarding all information and records to the Special Investigations Unit Supervisor for inclusion into the master file. All informant files shall be maintained in a secure location. Access shall be on a need-to-know or right-to-know basis as authorized by the Chief of Police or designee and shall be for the purpose of conducting official investigations by Greenville Police Department personnel.

Every reasonable effort should be made to corroborate information provided by an informant so that the informant is not required to appear in court. Arrangements should be made for meetings with informants to take place at locations where the identity of the informant is not jeopardized. Care should be given not to expose informants to unnecessary safety risks. Informants shall be referred to in Greenville Police Department documents by that informant's code number, or as a "confidential source".

**Precautions to be taken with all Informants**

- Informants' knowledge of the Greenville Police Department operations, facilities, and personnel shall be kept to a minimum.
- At least two police officers shall be present to meet informants at all times.
- All significant information provided by an informant to a police officer shall be documented on the Pertinent Data/Contact form regardless of whether the informant has been compensated.
- All information or services provided by informants shall be documented and included in the investigation file related to the case.
- All payments made to a CI shall be documented on the Special Funds Expenditure form and placed in the informant's master file.
- When the Greenville Police Department personnel are assisting another law enforcement agency, and that agency is using an informant, Greenville Police personnel may use the code name or number assigned to the informant by the agency requesting assistance.
- Information provided by informants that might be of interest to any other law enforcement agency should be documented and forwarded to the appropriate agency.
- Greenville Police Officers shall see to it that all informants understand their role in assisting the Greenville Police Department.
- Control Officers shall reasonably vet all information received from an informant prior to disclosing any information regarding the investigation.

Greenville Police Officers shall never:

- Make payments to an informant until the information has proven to be of some value
- Permit an informant to take control of any phase of an investigation
- Place complete confidence in information furnished by an informant
- Divulge any more information to an informant than absolutely necessary
- Provide any biographical and/or identifying information of a target, not already known to the informant
- Make promises or deals with an informant that cannot be fulfilled
- Intentionally assist and/or allow an informant to violate the law
- Meet with an informant alone

Additional precautions should be taken when dealing with informants of the opposite sex and with informants whose sexual preferences may make an investigation more susceptible to compromise.

**Additional Precautions for Juvenile Informants (Informants under Eighteen (18) Years Old)**

- A parent or guardian of a juvenile must provide written authorization before the juvenile may assist the Greenville Police Department as an informant.
- All juvenile informant files shall be tagged to indicate that the informant is a juvenile

**Use of Informants by Patrol Officers**

All procedures and guidelines applicable to the use of informants shall be applicable to patrol officers as well as detectives of the Greenville Police Department. Any officer using informants shall be responsible for forwarding all information and records as described above, for inclusion into the master file.

**Guidelines for Paying Informants**

Prior to any payment to an informant, the investigating police officer should first discuss the information provided or services rendered by the informant with a supervisor to determine its value. Police officers should contact the appropriate supervisor in their Bureau to obtain money from a Special Funds account for informant payments. Police officers should be certain that the informant understands payment arrangements. All payments made to informants must be documented on a Report of Special Funds Expenditures. The documentation must include:

- The informant must sign the receipt using the assigned code number.
- The accompanying police officer shall sign the receipt on the line indicating "witness".
- The police officer making the payment shall sign on the appropriate line.
- The receipt should reflect the case number or reason for which payment is being made.

- The original of the receipt shall be forwarded to the designated detective for Confidential Informants
- The first copy shall be placed in the applicable case file to show an investigative expense.
- If there is no case file, the first copy shall be filed with the original.
- The second copy shall be placed in the informant's master file.

Payment authorization guidelines for cases relevant to specific Criminal Investigations Bureau:

- \$0 to \$500 Special Investigations Unit detective
- \$0 to \$2000 Special Investigations Supervisors, Deputy or Bureau Commander
- \$2000 to \$5000 Deputy Chief of Police
- Over \$5000 Chief of Police

Payment authorization guidelines for cases relevant to specific Patrol Bureau and Special Operations Bureau:

- \$0 to \$500 Special Operations Bureau or Patrol Bureau officers/supervisors
- \$0 to \$2000 Special Operations Bureau and Patrol Bureau Commanders
- \$2000 to \$5000 Deputy Chief of Police
- Over \$5000 Chief of Police

### **Accounting and Auditing of Special Operations Funds**

The availability of the cash funding for investigative purposes such as informant payments, undercover purchases, covert investigative activity, etc. is often critical to successful investigations. The Greenville Police Department maintains a budgeted account for such purposes. The integrity of the use and accounting of this money is of the utmost importance. An independent internal audit of the Special Operations Fund shall be done annually by the Office of Internal Affairs, with the assistance of the City Auditor when available. Additional guidelines for fiscal management and auditing of special operations funds are found in Greenville Police Department Policy and Procedures Manual, Chapter 17.

### **General Procedures**

- The Criminal Investigations Bureau special funds account(s) is controlled by the Criminal Investigations Bureau Deputy Commander and the Special Investigations Unit Supervisor. The Patrol Bureau and Special Operations Bureau special funds account are controlled by each Bureau Commander.
- Funds may be disbursed to any Greenville police officer or unit supervisor upon justification of need.
- All unassigned Criminal Investigations Bureau special funds cash shall be secured in a safe in the Special Investigations Unit Commander's (Criminal Investigations Bureau Deputy Commander) office. All unassigned Patrol Bureau or Special Operations Bureau special funds cash shall be secured in a safe as designated by the Bureau Commander
- Access to each safe will be limited to the designated Bureau Commander.
- Special funds shall only be used for investigative purposes as described below.
- All special funds expenditures shall be documented on a special funds expense sheet
- Transfer of funds:
  - Any time funds are transferred from one documented recipient to another, that transfer will be documented on an Administrative Transfer Form.
  - Transfers of funds shall be documented on the appropriate Special Funds Transaction Records and copies of the Administrative Transfer reports will be included with each officer's monthly report of special funds expenditures.

### **Distribution of funds**

- Based on cash on hand, if it is determined that additional funds are needed, requests for same should be submitted through the Chain of Command.
- Upon approval, the Accounts Payable / Purchasing office will submit a request for funds to the City of Greenville Financial Services Department.
- Upon receipt of the check from the Financial Services Department, the Bureau Commander will receive the funds, deposit the cash and accompanying check stub in the appropriate safe, and document the deposit in the special fund ledger.

- The Bureau Commander will disburse cash as necessary to officers and document the disbursement in the ledger. The amount of cash disbursements will be at the discretion of that Commander based on investigative need, officer or unit requesting cash, cash availability, and any other pertinent factors.
- Officers receiving funds will confirm the amount with the Commander disbursing the funds and will sign the ledger acknowledging receipt of the cash.
- Upon acknowledgement of receipt, receiving officers shall be solely responsible for the money in their custody. Officers shall ensure the security of special funds money at all times.

#### **Expenditure of Funds**

- Authorized special funds expenditures include:
  - Narcotic and dangerous drug buys
  - Vice/gambling/prostitution investigations
  - Informant
  - Short term vehicle rentals for undercover/surveillance operations
  - Apartment and motel rental expenses for investigative purposes
  - Alcoholic beverage investigations
  - Operation expenses: gas, cover charges, emergency equipment, phone rental, postage, parking, etc. that are directly related to an investigation or investigative activity
  - "Props" related to undercover or investigations or covert investigative activity
  - Other covert/undercover operations related to specific criminal investigations
  - Other expenses pursuant to approval of the Criminal Investigations Bureau Commander, Deputy Chief of Police, or Chief of Police.
- All special funds expenditures shall be documented on a Report of Special Funds Expenditures (Expense Sheet) and shall include:
  - Type of expenditure
  - Date of expenditure
  - Amount spent
  - Associated case (OCA) number
  - Officer's signature
  - Witness signature when possible
- When funds are spent on goods or services, a receipt shall be attached to the expense sheet.
- Each officer with documented responsibility for disbursed funds shall maintain an individual monthly Special Funds Transaction Record that includes at a minimum:
  - Name of the officer responsible for the funds
  - Month of record
  - Name of person funds paid to/received from
  - Transaction date
  - Amount paid/received
  - File or case (OCA) number
  - Expense code
    - SF – Source Fee
    - CP – Controlled Purchase
    - UP – Undercover Purchase
    - OE – Officer Expense
  - Balance

#### **Reconciliation of Expenditures**

- All Criminal Investigations Bureau officers documented as having control of special funds shall submit their completed Special Funds Transaction Record for each month to the SIU Sergeant by the 5<sup>th</sup> day of the following month. All Patrol Bureau or Special Operations Bureau officers documented as having control of special funds shall submit their completed Special Funds Transaction Record for each month to the designated Sergeant by the 5<sup>th</sup> day of the following month. If no funds are spent during the reporting month, a Special Funds Transaction Report documenting the starting and ending balance must still be submitted.

- The appropriate sergeant shall then complete the monthly reconciliation and accounting of all special fund disbursements and expenditures for that month.
- The designated Sergeant and corresponding Bureau Commander shall then ensure the completed reconciliation report corresponds with balances documented in the special fund ledger. Any discrepancies must be resolved. Any money not accounted for during the reconciliation shall be reported immediately in writing to their appropriate Bureau Commander.
- The completed monthly reconciliation report shall be forwarded to the appropriate Bureau Commander for review no later than the 15<sup>th</sup> day of the month. The Bureau Commander will review and forward the report to the Chief of Police and the City of Greenville Financial Services Department.

**Flash Roll**

In addition to the special funds account, the Greenville Police Department Special Investigations Unit maintains cash funds for use as “flash money” in undercover operations. This money is not to be used in actual transactions, but to enhance the authenticity of an undercover operation.

- Flash money shall be secured in Property and Evidence until needed. It shall be kept separate and apart from all other money. Photocopies clearly showing the serial numbers of each bill will also be maintained with the flash money.
- A written log documenting each use of flash money will be maintained and kept with the money.
- If the use of flash money is requested, either the SIU Commander or SIU Sergeant shall retrieve the necessary amount from Property and Evidence, document the amount, date removed and, if available, associated case (OCA) number.
- Prior to use, the flash money will be counted by the retrieving supervisor and the case officer. If necessary, additional photocopies showing the serial number of each individual bill will be made.
- As soon as possible upon completion of the operation, the SIU Commander or SIU Sergeant will count the money, return it to the safe, and document its return on the log.
- If flash money is stolen or otherwise lost, the SIU supervisor will immediately initiate a criminal investigation and notify the Criminal Investigations Bureau Deputy Commander. The Criminal Investigations Bureau Deputy Commander will conduct an administrative review to determine the circumstances surrounding the loss or theft, and to determine if additional administrative action is warranted.

**Audits and Records**

The monthly reconciliation of special funds serves as the primary accounting and auditing tool for the special funds account. An independent audit shall be conducted annually by the Office of Internal Affairs. Other audits and inspections shall be conducted pursuant to rules and regulations established by the City of Greenville Financial Services Department. Depending on the nature of the records, financial records shall be retained or destroyed pursuant to the State of North Carolina Records Retention and Disposition Schedule for financial, police, or legal records.

**42.2.7 COLD CASE INVESTIGATIONS****CALEA Standard: 42.2.7 (Cold Cases)**

Cold cases are identified by the Greenville Police Criminal Investigations Bureau as unsolved felony investigations that have been placed into an inactive status when all leads have been exhausted. Although further evaluation or investigative work may take place, the case file is no longer being actively investigated by a detective. Generally, cold case reviews are limited to homicides, missing persons, sexual assaults, and other violent assaults resulting in serious injury. However, any felony case may be reviewed if circumstances support consideration for review.

The Major Crimes Supervisor is responsible for evaluating cold case homicide and other files to determine if a case will be brought forward for review and/or reassignment. In determining which cases may be appropriate for review or require additional investigative measures, the supervisor will consider the following factors.

- The development or revelation of new information
- Time elapsed/age of the case



- Documentation/information in the case file
- Existence of physical evidence
- Suspect information
- Renewed interest by victims or families
- Other pertinent factors suggesting a review may be beneficial

The Major Crimes Supervisor will schedule review meetings quarterly with Major Crimes Detectives. Current, active cases, as well as cold case investigations, will be discussed during these reviews. When a case is reviewed at these meetings, a supplemental incident report or other appropriate documentation that includes a summary of the case discussion and any investigative action plan will be completed by the assigned detective or supervisor.

#### **42.2.8 INTERVIEW ROOMS**

CALEA Standard: 42.2.8 (Interview Rooms)

##### **Interview Rooms**

Designated interview rooms are normally used in the investigative process. The intent of this procedure is to establish safe conditions and proper procedures to be used when sworn personnel, both uniformed and non-uniformed, are conducting interviews or interrogations at the Greenville Police Department. Officers will follow the procedures set forth by the Pitt County Detention Center when handling paperwork or any interviews at that location.

##### **Designated Interview Rooms**

- Interview/Interrogation Room: Located on the second floor of the police department, these rooms are equipped with a table, chairs, camera system and a fixed eyelet bolt for the security of detainees during interviews/interrogations.
- Interview/Voice Stress Analysis Room/Polygraph: Located on the second floor of the police department, this room has insulated walls to aid in the use of the VSA/polygraph equipment, a table, chairs, a camera system and may be used for interviews or interrogations.
- Roll Call/Briefing Room: Located on the first floor of the police department, this room is often used by patrol officers when interviewing victims or witnesses in the preliminary reporting stage of an investigation. The roll call/briefing room should not be used to interview detainees or suspects unless all other approved areas are unavailable.
- Soft Interview Room: Located on the second floor of the police department, restrictions for use of this room differ slightly from other custodial/interrogation interview locations.

##### **Weapons Control**

When conducting a custodial interview within the secure areas of the Police Department, any Officer or Detective will lock their service weapon and/or back up weapon in one of the lock boxes located in the computer room on the second floor of the Police Department. An additional officer may be requested to assist during the interview as needed for interview and/or safety and security purposes.

The investigating officer is encouraged to use the fixed eyebolt in the interview room to assist in securing a prisoner/detainee. Prisoners/detainees must be visually supervised at all times by the investigating officer, or another sworn designee, regardless of the decision to use the fixed eyebolt.

##### **Security Protocol**

- A detective or investigating officer will search an interview room prior to using it for any interview or interrogation.
- Prisoners, detainees, and suspects will only be interviewed in one of the three designated interview rooms on the second floor.
- All suspects or detainees will be searched according to policy prior to entering an interview room.
- If a prisoner, detainee, or suspect is being interviewed, and no other police personnel are assisting or working in the area, the investigating officer may notify communications of this fact and the location of

interview as an added safety precaution. Communications will also be notified when the interview/interrogation has been completed.

- Once the interview is completed, the investigating officer or designee will again search the room prior to leaving the area.
- In the event of a fire, investigating officers will escort any suspect, detainee, or other individual from the area following established evacuation procedures that are posted on each floor of the police department. It is the investigating officer's responsibility to maintain control of detainees in the event of an evacuation of the building.

#### **Persons Permitted in the Interview Room**

The number of people present during an interview/interrogation should be kept to a minimum. Typically, this should be no more than two officer/detectives and the person being interviewed. Special circumstances may require a parent, guardian, or victim advocate be present during an interview. Ultimately, it will be up to the investigating officer on a case-by-case basis to determine who may be present.

Other department personnel will not interrupt an ongoing interview unless it is deemed absolutely necessary.

#### **Summoning Assistance**

Uniformed officers may request assistance by use of their two-way radio, or by using the panic alarm located on their assigned radio. Non-uniformed investigating officers may use their two-way radio, panic alarm, or City cell phone to call for assistance. If an interview/interrogation is being conducted during normal business hours, additional assistance may be available by calling out to other second floor personnel. Interview doors are never locked.

#### **Equipment/Items in the Interview Rooms**

Items in the interview rooms should be limited to a table and enough chairs to accommodate the individuals in the room. Any other items brought into the room shall be at the discretion of the investigating officer conducting the interview.

If using the roll call/briefing room to interview victims or witnesses, the investigating officer shall ensure that the table has been cleared of law enforcement related documents and confidential information prior to the interview.

#### **Restroom/Comfort Breaks**

All individuals will be afforded an opportunity to address their personal needs during an interview or interrogation. It will be the investigating officer's responsibility to ensure that those individuals who wish to use the facilities (restrooms, water, etc.) are escorted by an officer/detective for these services.

No individual will be permitted to move around the building without proper escort.

#### **Video/Audio Recording**

NCGS 15A-211 (d) mandates that certain custodial interviews are electronically recorded in their entirety. If feasible, a visual and audio recording shall be done. However, at a minimum, an audio recording shall be done. The following require electronic recording:

- Custodial interview/interrogation of a juvenile
- Custodial interview/interrogation relating to a Class A, B1, or B2 felony
- Custodial interview/interrogation relating to a Class C felony of rape, sex offense, and assault with a deadly weapon with intent to kill inflicting serious injury

The recording shall begin with advising the person of their constitutional rights and the starting time. At the completion of the interview, the time of completion must be recorded also and no further recording is necessary. Additionally, the recording must be an "uninterrupted" recording. "Uninterrupted" for these purposes, means the person conducting the interview and the person being interviewed must be present throughout. Necessary periods of rest are allowed and do not constitute an interruption of the recording. However, the recording must reflect the starting time of the rest period, as well as the time the interview was resumed.

### 42.2.9 LINE-UPS

#### CALEA Standard: 42.2.9 (Line-ups)

During the course of an investigation, it may become necessary to implement procedures that allow witnesses to identify suspects. This is an investigative tool that is referred to as eyewitness identification and can be either a Show-Up or a Photo Line-up. North Carolina General Statute 15A-284.52 establishes requirements for the preparation and presentation of photographic and/or physical lineups involving known suspects in criminal investigations. Failure to comply with the requirements of G.S. 15A-284.52 may be:

1. Considered by the courts in adjudicating motions to suppress eyewitness identification
2. Used to support claims of eyewitness misidentification
3. Presented to a jury for use in determining the reliability of the eyewitness identification

In those circumstances in which the investigating officer has no specific suspect, the officer may elect to have a witness view photographs in the Department's photo database or other such sources. If the witness identifies a suspect(s) or possible suspect(s) in that manner, that witness cannot be allowed to identify the suspect in an actual lineup.

The following procedures apply to those lineups, in which the investigating officer has identified a specific individual as a possible suspect and chooses to use the lineup to further the investigative effort.

#### General Requirements (for Photographic, Physical, and Show-up Identifications)

- During a photo or physical lineup, there cannot be anyone present who knows the suspect's identity, except the witness and counsel as required by law.
- Administrators used for these purposes, should be independent/non-participants of the investigation. Any officer conducting any portion of the investigation cannot be considered an independent administrator. Provisions are made and provided in policy, for those circumstances where an independent administrator is unavailable.
- If there are multiple witnesses:
  - Witnesses shall be kept separate before and during the lineup procedure
  - Witnesses shall not be allowed to confer with one another before or during the procedure
  - Each witness shall be given instructions separately
  - The suspect shall be placed in a different position in the lineup or photo array for each eyewitness.
- If a positive identification is made, the lineup administrator is required to seek and document a clear statement from the witness and in the witness's own words, as to the "confidence level" that the person identified is the perpetrator.
- If a positive identification is made, the witness cannot be provided any feedback or additional information until the lineup administrator obtains the witness's confidence statement.

#### Photographic Lineup

- A photo lineup shall consist of at least six photographs. One photograph will be of the suspect and the remaining photographs will be fillers. The suspect photo shall be as contemporary (recent) as practical and, to the extent, possible, shall resemble the suspect's appearance at the time of the offense. Individuals used as fillers shall resemble, as much as practical, the eyewitness's description of the perpetrator in significant features. Other features of the photograph such as scale, background, etc., must also be as consistent as practical.
- No more than one suspect at a time will be presented in a lineup. If multiple suspects are involved, a separate lineup shall be compiled and presented for each suspect. Different fillers must be used for each lineup.
- The lineup administrator will use the Department approved standardized witness instructions. The instructions must be read and signed by the eyewitness at the time the lineup is presented.
- Prior to the lineup being presented, the witness must be instructed/advised of the following:
  - The perpetrator may or may not be included in the array

- The lineup administrator does not know the suspect's identity
  - The witness should not feel compelled to make the identification
  - It is as important to exclude innocent persons as it is to identify the perpetrator
  - The investigation will continue whether or not the identification is made.
  - The administrator cannot know which photo is the suspect or if the suspect has been omitted from the lineup. The administrator is prohibited from providing feedback.
- Photos will be presented to witnesses sequentially in a previously determined order, with each photo presented separately, and removed after it has been viewed and before the next photo is presented.

**Folder System Alternative**

- In the rare event an independent administrator is not available, an alternative procedure approved by the North Carolina Criminal Justice Training and Standards Commission may be used. Such a method shall be carefully structured to achieve neutral administration of the lineup and prevent the administrator from knowing which photograph is being presented to the witness.
- The "folder system" is specifically recommended and approved by the North Carolina Criminal Justice Education and Training Standards Commission when no independent administrator is available.
- Photo requirements are the same as if an independent administrator is used.
- Out of the presence of all witnesses, the suspect photograph and filler photographs will be placed in separate identical folders and shuffled until the officer does not know what folder the suspect photo is in. Once this is accomplished, the folders will be numbered (i.e., 1-6) and kept in order.
- The officer presenting the lineup will position him/herself close enough to the witness to verbally communicate but in a manner that prevents him/her from seeing the photographs. This will make it impossible for the presenting officer to unintentionally communicate anything about the photographs being observed.
- Instructions to the witness will be exactly the same as those used when an independent administrator is used.
- Without looking at the photographs in the folders, the administrator/officer will hand each folder to the witness individually. Each time the witness has viewed the contents of a folder, the witness should return the folder to the administrator/officer. The order of the photographs should be preserved with the folders face down. This is done in case the witness wishes to view the lineup a second time, and to assist in the documentation of the results.
- Even if identification is made before all folders have been presented, the administrator/officer will continue to present the folders one at a time until every folder in the array has been presented and viewed. If asked, the administrator/officer will explain that procedure requires that every photo be viewed and showing all the photos ensures that the procedure will reveal as much information as possible. The officer is prohibited from providing feedback.
- The administrator/officer will then document the proceedings and results as outlined below in "Record of Procedures".

**Record of Procedures**

Specific information shall be documented for all photographic lineups. That documentation may be video or audio, but at a minimum it must be in writing, and will be included in the official case file. That information should include:

- All identification and non-identification results obtained during the identification procedure. Results should be signed by the eyewitness and include the eyewitness's confidence statement. If the eyewitness refuses to sign, the lineup administrator shall note the refusal of the eyewitness to sign the results and shall also sign the notation.
- The names of all persons present at the lineup.
- The date, time, and location of the lineup.
- The words used by the eyewitness in any identification, including words that describe the eyewitness's certainty of identification.
- Documentation of how many photos were presented in the lineup.
- The sources of all photographs used.
- The photographs used in the lineup.

### 42.2.10 SHOW-UPS

#### CALEA Standard: 42.2.10 (Show-ups)

##### Show-Up Identification

- Show-up identification should only be used when circumstances allow the prompt display of a suspect(s) to a witness. Show-up identification may be appropriate when:
  - A suspect(s) is located and detained within close proximity in time and location to the crime
  - If there is not sufficient probable cause for detention or arrest
  - Immediate public safety concerns exist
  - The witness is readily available to view the suspect(s).
- Photographs should be taken of the suspect at the time of the show-up to preserve the appearance of the suspect at the time of the incident. Juveniles, aged 10 and above who are suspects in non-divertible offenses should also be photographed in compliance with NCGS 15A-284.52.
- A description of the perpetrator should be noted prior to the show-up. Documentation may be written or recorded.
- To limit the legal impact of the suspect's detention, the witness should be brought to the location of the detained suspect. Witnesses should be transported by officers whenever possible. If the situation necessitates multiple witnesses be brought to a scene they should be transported separately whenever possible to minimize discussion about the identification. If there are no alternatives and multiple witnesses must be transported together, the transporting officer should ensure that there is no discussion between the witnesses.
- Witnesses should be given cautionary instruction that the individual may not be the perpetrator. Officers shall avoid any words or conduct that may suggest to the witness that the individual is or may be the perpetrator. Additionally, officers' responses must remain neutral throughout the process.
- Officers should provide instructions to the witness that they will need to provide a confidence statement about whether they believe the individual is or is not the perpetrator.
- The details of the show-up and the show-up results including; the date, time, and location; confidence statement in the words of the witness; and other details; must be documented as part of the incident report.

### 42.2.11 IDENTITY CRIME INVESTIGATIONS

#### CALEA Standard: 42.2.11

##### Identity Crime Reports

Identity theft is the use of another person's personal information to make financial transactions or to avoid legal consequences. Victims often suffer from significant and potentially long-term financial problems as a result of identity theft. The complexity of these types of crimes requires unique investigative skills and knowledge and may require the co-ordination of efforts with other agencies. For this reason, the Financial Crimes Section of the Property Crimes Unit bears the primary responsibility for the investigation of identity theft crimes. Financial crime incidents differ from most other criminal incidents because the burden of proof is on the victim, not on law enforcement. For investigative purposes, the law enforcement jurisdiction is determined based on where the crime actually occurred after a person's personal information was used.

Greenville Police personnel shall complete a preliminary incident report, for any incident in which a person knows that their personal information has been unlawfully used by another *and* presents at the same time, some form of documentation to support the allegation. The incident must have either occurred within the City of Greenville, or the victim was a resident of the City of Greenville when the crime occurred. If the reporting person is from out of state, then they should be referred to a Financial Crimes Detective.

All financial crime incidents are felony offenses with the exception of credit card purchases under \$500.00. The victim shall also be informed they must obtain an affidavit from the financial institution involved for all:

- Larceny of Checks
- Forgery & Uttering incidents (copies of returned checks should be included)

- Credit Card Theft
- Credit Card Fraud (copies of transactions should be included)
- Identity Theft when Checking/Credit Card Account Information has been Compromised

All identity theft reports shall be forwarded to the Criminal Investigations Bureau for case review, screening, and possible assignment for additional investigation.

### **Victim Assistance**

Personnel taking an identity theft report shall provide the victim with additional information on how to mitigate the damage from the incident and how to minimize the potential for future identity theft incidents. This should include having the victim contact all major credit bureaus to place a “fraud alert” on their credit file and close all accounts that they believe may have been violated with or fraudulently opened. Victim should be provided with a completed Victim Rights Information Card.

### **Providing Information on Identity Theft Prevention**

The Greenville Police Department provides public information on the prevention of identity theft, fraud, and financial crimes through requested or other planned financial crime presentations scheduled through the Community Outreach Division. Information is also available upon request at the Police Department and is routinely disseminated at various events and functions. Financial Crimes detectives and other qualified personnel are available upon request for presentations to community and civic groups.

## **42.3.1 CRIMINAL INVESTIGATIONS BUREAU VEHICLES**

### **Maintenance**

Ensuring routine preventive maintenance, including oil change, lubrication, minor adjustments, etc., is the responsibility of the employee to whom a vehicle is assigned. The Logistics Division Commander shall publish monthly maintenance schedules for Department vehicles. When a vehicle is due for routine maintenance or is in need of other repair, the operator is to take the vehicle in for service. Police officers should arrange to take their assigned vehicle to the garage before the end of their tour of duty. Vehicles shall be left and picked up after service has been completed.

### **Equipment**

All unmarked vehicles that may be used for an emergency police response shall, in accordance with North Carolina General Statutes 20-125 and 20-183, be equipped with a siren and emergency lights. Additionally, each Criminal Investigations Bureau vehicle is equipped with the following supplies:

- First aid kit
- Fire extinguisher
- Blanket (2)
- Flares (minimum of 12)
- Blood borne pathogen kit
- Stuffed animals (2)
- Extrication device

Vehicles used in an undercover capacity are excluded from the above equipment requirements.

### **Inspections**

The formal Annual Vehicle Inspection conducted annually by the Criminal Investigations Bureau Commander or designee shall include personally assigned vehicles and reserve vehicles, with the exception of vehicles used in an undercover capacity. A formal report is to be prepared by the Criminal Investigations Bureau Commander or designee in cooperation with the Logistics Division Commander. The report is to be submitted to the Chief of Police upon completion.

**42.3.2 RANK TITLES**

Greenville Police Department personnel may be transferred between Bureaus as a lateral assignment without affecting the individual's salary or rank. This flexibility shall enhance the efficiency of the Department and shall provide career development opportunities for the individuals involved.