

 Kinston Police Department	<u>POLICY: Criminal Investigations</u>						POLICY #: 600-1
	<u>NCLEA Standards: 6.01; 6.04; 6.05; 6.24</u>						
	<u>CALEA Standards: 1.2.3 (a); 42.2.1 (a-d); 42.1.3 (a-e); 42.1.6</u>						
	<u>NCLM Standards:</u>						
<input type="checkbox"/> New	Revision	01/01/21	03/06/24	11/19/25			Effective Date: 07-01-2019
<input checked="" type="checkbox"/> Revised	Dates:						
Approval: Chief of Police							

I. PURPOSE

The purpose of this policy is to establish guidelines by which Department personnel shall conduct criminal investigations.

II. DEFINITIONS

- A. **Criminal Investigations Function:** The criminal investigations function is a significant and integral part of the Department's efforts to efficiently and effectively conduct investigations into criminal offenses occurring in the community. It is the function of the Department Investigations Section to complete preliminary and follow-up investigations of crimes committed within the jurisdiction of the City of Kinston. Personnel assigned to the Investigations Section may include uniformed and non-uniformed police officers.

III. POLICY

- A. Department Investigations Section personnel are not assigned duty shifts on a 24-hour basis or on weekends. Therefore, call out schedules shall be developed by Investigations Section supervisors to provide 24-hour on-call availability. (**NCLEA 6.01**)
 - 1. The following Investigation Section units shall provide on call personnel during time periods other than normal duty hours: Criminal Investigations and Crime Scene Units.
 - 2. All Investigations Section call out schedules shall be furnished to the communications center, each supervisor and patrol commanders.
 - 3. The on-duty supervisor shall be responsible for determining if on-call Investigation personnel should be called out.
 - 4. Responsibilities of Investigations Section personnel on call include: being readily available so they can be contacted by telephone or radio; being capable of a response time to a crime scene of no more than one hour upon notification; and refraining from any activity that may hamper the ability to perform any law enforcement duties. Response times of more than an hour will require notification to the Shift Supervisor.
- B. A criminal investigations supervisor shall assign cases for investigation based on available personnel and case load considerations. Personnel conducting follow-up investigations shall be properly trained. In cases where specialized skills, knowledge, or training may be required, efforts will be taken to assign the case to the appropriate personnel that are best designed to



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meet the qualifications.

1. Incident reports made by Department personnel shall be reviewed by an Investigations Division supervisor using case screening and solve-ability factors.
2. Factors that may indicate a case should be assigned for follow-up investigation include: documented experiences of the 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 and sensitivity or high profile nature of a case. **(NCLEA 6.05)**
3. Suspension/Inactivation or Investigative Efforts
 - a. Criteria for the suspension of investigative efforts by Department include: all leads have been exhausted; unavailability of investigative resources on low priority cases; the degree of seriousness and/or solve-ability factors; and other circumstances subject to approval by Investigations Section supervisors.
 - b. All cases assigned to Investigations or other unit personnel that are subsequently suspended or inactivated must reflect the reason for suspension.

C. All cases shall be assigned an appropriate administrative status designation. Administrative designations for case status are: **(CALEA 42.1.3 b) (NCLEA 6.05)**

1. “Open” - Indicates further investigation is warranted. The case is assigned to a criminal investigator and investigative efforts are active.
2. “Inactive” - Indicates investigative efforts are inactive. All available leads have been exhausted, but the investigation has not been brought to a satisfactory conclusion and investigative efforts may be resumed.
3. “Closed”
4. “Closed/Leads Exhausted” - Indicates this case will no longer be investigated. The case has not been satisfactorily concluded, but further investigation is not merited.
5. “Closed/Cleared” - Indicates the investigation has been concluded satisfactorily. One of the following UCR case dispositions must be indicated:
 - a. “Unfounded” - Indicates that it has been determined that no crime has been committed.



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b. "Cleared by Arrest" - Indicates that one or more offenders have been arrested and charged by Department personnel.

c. "Arrested by Other Agency" - Indicates that another agency has arrested and charged one or more offenders in a Department case.

d. "Death of Offender" - Indicates that it has been determined who the offender is in a case, but the offender is deceased.

e. "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.)

f. "Refused to Cooperate" - Indicates that the offender has been identified, but prosecution is unlikely because the victim is uncooperative or unwilling to prosecute.

g. "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.)

h. "Extradition Declined" - Indicates that an out of state agency has arrested an offender, but extradition of the offender has been declined by the District Attorney's Office.

D. Criminal Investigations supervisors shall maintain a reference file for all cases assigned to Criminal Investigations or other unit personnel in which investigative activities are ongoing.

1. Criminal investigators (detectives) or other unit personnel shall be responsible for updating reference files for their assigned cases as necessary to include: a copy of all preliminary and supplemental investigative reports; records of all statements; results of examinations of physical evidence; case status reports; and all other records and reports needed for investigative purposes. (**CALEA 42.1.3 c**)
2. Reference files are an immediate information resource to the Investigations Section or other personnel units, and access is limited to a need-to-know basis. (**CALEA 42.1.3 d**)



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3. Reference files shall be consolidated into the central records system upon the closure or inactivation of cases.
4. Purging of files shall be monitored and based on the North Carolina Department of Cultural Resources Division of Archives and History Archives record schedule. **(CALEA 42.1.3 e)**

E. Supervisors in the Investigations Section shall maintain an investigative case status control system. When the case is assigned for investigation or follow-up, the following information shall be recorded: investigator assigned, case number, victim's name, date assigned and case status. **(CALEA 42.1.3 a-b)**

Uniformed patrol officers shall conduct the preliminary investigations for most crimes and calls for service unless it is diverted by their immediate supervisor for investigation by other units. **(CALEA 42.2.1a) (CALEA 42.2.1b) (CALEA 42.2.1d) (NCLEA 6.04)**

1. The officer assigned to the incident shall complete an incident report and document all activities prior to the arrival of the investigator assigned to conduct the investigation.
2. The appropriate Investigations Section personnel shall be dispatched to the scene as soon as possible to conduct a preliminary and/or follow-up investigation.
3. This policy in no way relieves any officer of his duty to act in circumstances in which immediate action may result in the apprehension or arrest of the offender.
4. If the 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 officer shall reasonably pursue the investigation to the fullest extent, unless otherwise directed.
5. The officer conducting the preliminary investigation is responsible for documenting all activities taken during the course of the preliminary investigation. This includes locating and identifying witnesses and when feasible completing interviews with complainant, witnesses, and suspects.
6. Once a preliminary investigation is conducted, the case shall be forwarded to an Investigations Section supervisor. The Investigations Section supervisor may assign the case to the appropriate unit for case investigation follow-up. Once assigned, the individual receiving the assignment shall be accountable for the follow-up investigation.



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7. All preliminary investigations will be submitted to the Investigations Section for screening and assignment for follow-up and should be conducted in the following manner: review and analyze previous reports prepared in the preliminary investigation; conduct additional interviews; review departmental records; collect physical evidence and check suspect's criminal history.
8. All 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.
 1. Supplemental reports shall be submitted detailing the progress of the investigation until the incident is suspended or closed.
 2. When personnel resources permit, officers assigned to Patrol Operations may be assigned to the Investigations Section on a temporary basis.
- A. All 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.
9. Detectives and investigating officers shall contact victims and witnesses promptly upon being assigned a case for follow up investigation. It is the responsibility of the lead investigator to ensure the notification is accomplished. Notification can be made by phone call, e-mail, or by letter. Attempts to notify the victim of the outcome will be documented.
10. It is the responsibility of the investigating officer's immediate supervisor to ensure that a proper and thorough investigation is completed.
11. Procedures to be used in criminal investigations include but not limited to: information development - potential sources of information include: victims; witnesses; neighbors; relatives; informants; other law enforcement agencies; and other public agencies.

B. Interviews and interrogations:

12. Interviews are usually non-custodial and are conducted with individuals who may have information concerning certain aspects of an investigation. Interviews may or may not require a Miranda warning.
13. Interrogations are usually conducted with individuals who are suspects or who may be



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directly involved in the criminal act. A Miranda warning is required of subjects in custody prior to an interrogation.

14. Collection, preservation and use of physical evidence: **(CALEA 42.2.1c)**
 - a. Physical evidence should be searched for, collected and preserved when investigating any crime scene.
 - b. 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.
15. Background investigations for criminal investigations.
 - a. Criminal investigation frequently involves background investigations of individuals, particularly as they relate to white collar crime, organized crime, and vice activities. The background investigation should be in conjunction with a legitimate ongoing criminal investigation.

NOTE: This section does not apply to the employee selection process for the City of Kinston.
 - b. Sources of information available in conducting background investigations include but not limited to: financial institutions; business associates; former employers; informants; utility companies; public records; intelligence reports; criminal history; other law enforcement agencies; and pawn shops.
16. All information obtained in a background investigation shall be incorporated into the criminal case file or placed in the criminal intelligence files.
17. All case files are subject to Kinston Police Department records policy.
18. Surveillance:
 - a. Surveillance may be used as an investigative tool when it is necessary to observe suspects or conditions in an unobtrusive manner.
 - b. Surveillance may generate additional information concerning a crime under investigation, create intelligence information, or provide first hand observation of criminal activity.



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19. Field Interviews (CALEA 1.2.3)

- a. The Department encourages officers to conduct legitimate field interviews as an investigative tool, and as a crime prevention and information gathering tactic.
- b. The field interview is a means of collecting, preserving, and disseminating information about suspicious activity of individuals and/or vehicles. Officers stopping individuals or vehicles for the purpose of conducting an investigative field interview may detain a person if the 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 a crime.
- c. Officers may detain a person or vehicle for a reasonable period of time. 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.
- d. The individual has the right to refuse to answer questions during the investigative field interview. Officers shall use caution regarding the constitutional rights of individuals being interviewed.
- e. Reasonable suspicion is more than a hunch. It must be based on articulable circumstances. Elements that help establish an officer's reasonable suspicion includes, but not limited to : The suspicious person fits the 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 an officer; The 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; the type of neighborhood or physical surroundings; the officer's prior knowledge of the person or the person's criminal record.

20. An officer should conduct a field interview and complete a Field Interview Report when:

- a. The officer observes persons on foot or operating vehicles under suspicious circumstances.



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b. The officer observes suspicious persons on foot or operating vehicles in high crime areas.

c. The officer contacts known criminals.

d. An officer has reasonable suspicion as outlined above.

21. Officers shall document field interview contacts through the departments RMS system in order to provide other officers and investigators with information concerning the activities of suspicious persons.

22. Field interview data shall be maintained by the Criminal Intelligence Officer for a period of at least one year and then purged.

I. Officers conducting preliminary investigations shall follow the procedures listed below as they apply to the situation: observe all conditions, events, and remarks surrounding the incident; 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; and report the incident fully and accurately. **(CALEA 42.2.1 a-d)**

1. 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 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 officer shall pursue the investigation to the fullest reasonable extent, unless otherwise directed.

J. The following steps shall be used as necessary when conducting follow up investigation: review and analyze all previous reports prepared in the preliminary investigation; conduct additional interviews and interrogations; review departmental records; seek additional information from available resources; 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 histories; determine suspect's involvement in other crimes; prepare cases for court presentation; and assist in prosecution.

K. Sworn positions throughout the Department are equal with regard to rank and salary.

1. Regardless of rank, the Investigator in charge of the crime and/or crime scene is in charge of the scene.



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2. Rank structure is equivalent regardless of unit assignment.
- L. Periodically, or upon operational necessity officers not assigned to Patrol Operations should attend Patrol Squad roll calls. Purposes of attending these roll calls include; fostering an atmosphere of cooperation and open communication; sharing specific information on criminal activities or crime trends; informing patrol personnel of current investigative field activities and updating Patrol personnel on cases forwarded to the Investigations Section for follow up investigations.
- M. The purpose of a law enforcement viper unit is to provide a temporary grouping of personnel and resources for the accomplishment of a specific law enforcement related objective.
 1. Authority and responsibilities of agencies and individuals participating in the task force should be established prior to the viper unit beginning law enforcement operations.
 2. Prior to committing personnel or resources to a viper unit, the Chief of Police shall establish viper unit accountability both within the Department and among any other participating agencies.
 3. The Department may provide personnel, equipment, money, and time to law enforcement viper unit as available resources and needs dictate.
 4. Evaluations of task force activities should be conducted at specified intervals to evaluate results, determine if objectives have been met, and determine if the task force should continue operations, or if the Department should continue participation.
- N. The State of North Carolina does not have a certification program for polygraph examiners. However, North Carolina State Bureau of Investigations personnel conducting polygraph examinations for Department personnel are graduates of institutions training in the use of technical aids for the detection of deception.
 1. The Department has access to polygraph equipment, facilities, and examiners through the North Carolina State Bureau of Investigation.
 2. If, during the course of an investigation, it is determined that a polygraph examination is necessary, the officer coordinating investigative efforts shall request assistance from the appropriate SBI personnel.
 3. The officer requesting the examination shall provide the examiner with all pertinent information to include: the name and date of birth of the person to be examined; the type



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of case and Department case number. A brief summary of the issues to be addressed in the examination; the relationship of the individual being tested to the investigation (suspect, victim, etc.) and any other information requested by the examiner.

4. The officer conducting the investigation shall be immediately available to the examiner during the polygraph examination.

O. Confidential Informants - See KPD P&P 600-3 for guidance on informants.

P. Arson Investigations

The Kinston Police Department will assist the Kinston Fire Department with investigating any fire incidents as deemed suspicious in nature by the Kinston Fire Department.

1. If the fire has been determined to be arson, suspicious in nature, or has resulted in the serious injury or death of any person:
 - a. A Criminal Investigator and/or Crime Lab Investigator will respond to the scene and assist KFD personnel as needed. The KFD will contact the NC SBI and/or NC DOI for further arson investigative assistance.
 - b. The Criminal Investigator and/or Crime Lab Investigator will complete or make sure a report from the KPD has been completed.

Q. Felony Investigation – Arrest (**NCLEA 6.24**) (**CALEA 42.1.6**)

1. Investigative Files will be provided on a timely basis to the district attorney's office prosecuting any offence investigated by personnel of the department and will require full disclosure in Superior Court pursuant to NCGS 15A-901.
2. The following procedure will apply when officers make a felony arrest in which they are the case officer:
 - a) Complete a case report and an arrest report and submit through RMS prior to the end of the tour of duty.
 - b) Complete the KPD Felony Report / DA Discovery Checklist Form and gather corresponding items.
 - c) Download and tag BWC footage.
 - d) Request their respective supervisor to provide a copy of the BWC footage by providing them the case number.
 - e) Contact other officers involved in the arrest and request a supplemental report



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and their corresponding BWC footage. Footage will be submitted to the primary officer within three working days.

- f) Print any reports, retrieve BWC footage CDs and compile with all items gathered for the Discovery Checklist Form and package in an envelope or folder.
- g) Submit the original completed package to the officer's immediate supervisor within five business/working days.
- h) 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 Criminal Investigation's Program Assistant's box.
- i) The Officer or Investigator will be responsible for numbering and initialing the completed report.
- j) The Criminal Investigation's Program Assistant will then scan the KPD Felony Report and send the report/package to the District Attorney's office.
- k) The Criminal Investigation's Program Assistant will place the completed Felony Report/package in the Investigations Division file cabinet.

3. If additional information regarding the case is received or is followed up on, a copy of all paperwork regarding the case will be sent to the Criminal Investigation's Program Assistant and the Felony Report/package will be updated, signed & initialed by the officers and sent to the District Attorney's office.