

Chapter 42	Criminal Investigation and Intelligence
Effective: 04/01/2014	By the Order of: Patrick L. Gallagher, Chief of Police
Revised: 12/03/2024	

Chapter 42 Criminal Investigation and Intelligence

42.1 Administration

- 42.1.1 [On-Call Schedule](#)
- 42.1.2 [Case-Screening System](#)
- 42.1.3 [Case File Management](#)
- 42.1.4 [Accountability, Preliminary/Follow-up Investigations](#)
- 42.1.5 [Habitual/Serious Offenders](#)
- 42.1.6 [Criminal Intelligence](#)
- 42.1.7 [Criminal Intelligence Data Collection](#)
- 42.1.8 [Intelligence Analyses Procedures](#)
- 42.1.9 [Gang Offenders](#)

42.2 Operations

- 42.2.1 [Preliminary Investigation Steps](#)
- 42.2.2 [Follow-Up Investigative Steps](#)
- 42.2.3 [Investigative Checklists](#)
- 42.2.4 [Patrol Shift Briefing Attendance](#)
- 42.2.5 [Investigative Task Forces](#)
- 42.2.6 [Polygraph Examinations](#)
- 42.2.7 [Informants](#)
- 42.2.8 [Identity Crimes](#)
- 42.2.9 [Cold Cases](#)
- 42.2.10 [Interview Rooms](#)
- 42.2.11 [Line-Ups](#)
- 42.2.12 [Show-Ups](#)
- 42.2.13 [Exculpatory Evidence](#)

42.1.1 On-Call Schedule

The Criminal Investigations Unit Supervisor shall assign detectives to a rotational on-call schedule in order to effectively provide twenty-four-hour coverage to the Police Department. Requests for the on-call detective shall be directed to the Criminal Investigations Unit Supervisor. If the Criminal Investigations Unit Supervisor is unable to be reached, then the request should be directed to the Criminal Investigations Lieutenant. If the Criminal Investigations Unit Supervisor and Lieutenant cannot be reached, the on-call detective can be contacted directly.

42.1.2 Case-Screening System

- A. The New Bern Police Department shall employ a case screening system to provide effectiveness in case assignment, case management, and case disposition. The patrol team supervisors shall review initial investigation reports and shall be responsible for verifying case status designations. The patrol team

supervisor will assign cases using case screening and solvability factors if in their judgment the case can be effectively investigated by the officer who initially received the report. The Criminal Investigations Unit Supervisor shall be responsible for verifying case status designations and assigning cases using case screening and solvability factors for all cases that remain unassigned and are administratively designated “FURTHER INVESTIGATION”. The Criminal Investigations Unit Supervisor shall assign cases to an appropriate detective or officer as needed.

B. All incident reports with an aggregate point total of ten (10) or more points shall be assigned for follow-up investigation. Aggregate point totals shall be determined by positive answers to the following questions:

- | | | |
|----|---|----|
| 1. | Is stolen property traceable? | 2 |
| 2. | Can a suspect be named? | 10 |
| 3. | Is the suspect known? | 7 |
| 4. | Can the suspect be described? | 2 |
| 5. | Can the suspect be identified? | 4 |
| 6. | Can a suspect vehicle be identified? | 5 |
| 7. | Was there a witness to the crime? | 3 |
| 8. | Is there significant physical evidence? | 3 |

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

1. Documented experience of the New Bern Police Department with similar cases.
2. Documented experience of other law enforcement agencies with similar cases.
3. Development of research and intelligence indicating further investigation is warranted.
4. Sensitivity or high-profile nature of a case.

D. The following cases shall be investigated by the assigned officer or detective regardless of aggregate point totals:

1. All death investigations
2. Rape and associated sexual crimes
3. Aggravated robbery
4. Kidnaping
5. Extortion
6. Any complaints determined to be of a sensitive or high-profile nature and the Criminal Investigations Unit Supervisor determines it would be in the community’s best interest to investigate.
7. Any case assigned by the Chief of Police.

E. All cases assigned for follow-up investigation that are subsequently assigned an administrative designation of “Inactive” or “Closed Leads Exhausted” must reflect the reason for the designation and be reviewed by the appropriate supervisor. No case will be placed “Inactive” or “Closed Leads Exhausted” without supervisor approval. Sexual assault investigations will only be closed by the Criminal Investigations Sergeant and/or Lieutenant.

F. Criteria for the suspension of investigative efforts by New Bern Police Department personnel include:

1. All leads have been exhausted,
2. Unavailability of investigative resources on low priority cases,
3. Degree of seriousness and/or solvability factors,
4. Other circumstances subject to supervisory approval.

42.1.3 Case File Management

A. A case status control system

All case reports shall be assigned a case number (OCA). To assist with internal case management specific information shall be recorded in the computerized records management system to include the detective or officer assigned (if applicable), date assigned (If applicable), and the appropriate administrative case designation.

B. Administrative designators for each case

Administrative designations for case status are:

1. **FURTHER INVESTIGATION:** indicates further investigation is warranted. The case is assigned to an officer and investigative efforts are active. Cases in which warrants are pending should be marked further investigation until such time the warrants have been served.
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/Leads Exhausted:** indicates that all known or available leads have been investigated without success and there are no further leads. This designation is generally not to be used on felony crimes.
4. **CLOSED/CLEARED:** indicates the investigation has been concluded satisfactorily.
 - A. **Functional Designators for Cases Closed/Cleared**

Under the NIBRS system, cases are closed in two ways, by arrest or exceptional clearance. In a multiple offense case, the exceptional clearance of one offense clears the entire case. A case may not be cleared by exceptional clearance if it was cleared by arrest.

 1. **Closed/Cleared by arrest:** the arrest report must be attached to the case.
 2. **Closed/Cleared by exceptional clearance:** to clear an offense by exceptional means, all four of the following conditions must be met:
 - A. The investigation must have clearly and definitely established the identity of at least one offender.
 - B. There must be sufficient probable cause to support arresting, charging, and prosecuting the offender.
 - C. The agency must know the exact location of the offender so they could make an arrest if circumstances did not prevent it.
 - D. There must be a reason outside the control of the agency preventing the arrest, charging, and turning over for prosecution (items A-E listed below).

One of these mandatory exceptional clearance data values must be included:

1. Death of Offender
2. Prosecution declined (by the prosecutor for other than lack of probable cause)
3. In Custody of Other Jurisdiction (includes extradition declined). The data field is “Extradition declined”.
4. Victim refused to cooperate (in the prosecution)
5. Juvenile/No Custody (the handling of a juvenile without taking him/her into custody, but rather by oral or written notice given to the parents or legal guardian in a case involving a minor offense). The data field is “Referred to other agency”.

Note: N – Not Cleared Exceptionally – If an incident was not cleared either by an arrest or exceptional means by the time an initial Group A Incident Report is submitted regarding it, then “N” will be submitted by the RMS system.

C. Types of records to be maintained

Officers shall be responsible for updating case files for their assigned cases as necessary to include:

1. A copy of all preliminary and supplemental investigative reports, interviews, and checklists.
2. Record of all statements to include audio or audio/video recordings and written statements
3. Results of examinations of physical evidence
4. Case status reports on assigned cases
5. All other records and reports, notes, and filings needed for investigative purpose
6. The departments records management system is the official case file for all department investigations.
7. The official case file shall be updated within 30 days of case activity unless otherwise authorized by the officer’s immediate supervisor.

D. Accessibility to the case files

Case files are an immediate information resource and access is limited to a need-to-know basis. Case files should be accessible to the officer’s supervisor when not deposited into the central records system. Computerized records stored within RMS are accessible to all authorized department personnel. These records are controlled by individual operating systems and RMS program logins and passwords.

E. Procedures for purging case files

1. All criminal investigation files will be maintained in the department while there is a current open investigation. Once cases are no longer active, the Technology and Records Unit will box the files in a suitable container marked with an OCA number and number of cubic feet. The suitable container will then be stored by an archiving facility.
2. Upon receipt of a court order for expunction, an assigned member from Technology and Records will verify the correct record(s) to be removed and prepare a memo identifying the name of the person requesting the expunction and the record(s) being removed. The memo will be addressed to the Technology and Records Supervisor requesting authorization to delete the identified record(s). After the Technology and Records Unit Supervisor authorizes the removal of the identified record(s), the assigned Technology and Records member will delete the record(s) entirely. The memo and the court order will be maintained in a secure filing cabinet within Technology and Records.

3. In cases where errors occurred in the creation of records in RMS, deletions may be performed. Deletions in RMS must be documented, and that documentation maintained in a secured file. Deletion capabilities in RMS are restricted to the following:
 - a. A designated Police Service Technician (PST) assigned to Technology and Records Unit or;
 - b. Technology and Records Supervisor.

42.1.4 Accountability, Preliminary/Follow-up Investigations

- A.** Patrol officers are generally responsible for the initial response to crime scenes and conducting the preliminary investigation of all reported incidents. Follow-up responsibility for most cases rests with the primary officer.
- B.** In the following cases an officer or detective may, based on the seriousness/complexity of the incident and the availability of personnel, conduct the preliminary investigation:
 1. Arson
 2. Bank Robberies
 3. Serious assaults with physical injury
 4. Computer Crimes involving the exploitation of a minor
 5. Homicides
 6. Vice and Narcotics Offenses
 7. Reports of Child Abuse from Health Care Providers
- C.** Generally, but not in every instance, the responsibility for conducting a follow-up investigation in felony cases not successfully concluded by the preliminary investigating officer and marked for Further Investigation, rests with Criminal Investigations. The Criminal Investigations Supervisor will do all assignment of cases.
- D.** The below listed cases will normally be assigned to the Criminal Investigations Division unless resolved by the patrol officer:
 1. Homicides - Both murders and suicides
 2. Unattended deaths where foul play is suspected.
 3. Armed Robberies - robberies committed by armed suspects using violence or the threat of violence in commission of the crime.
 4. Serious Assaults - Likely to result in death or serious permanent injury.
 5. BE&L's - All Breaking, Entering, and Larceny cases where property losses exceed \$10,000 or are part of a series of similar crimes.
 6. Larceny - All larceny cases where property losses exceed \$10,000.
 7. Complex Financial Crimes - Detailed financial cases or cases involving a series of similar crimes which will be determined on a case-by-case basis.
 8. Missing Persons - Missing Person Cases where foul play is suspected, documented mental health diagnosis, or unusual circumstances are present.
 9. Computer cases – These cases are to be determined on a case-by-case basis. The value of the property loss will not be a factor when determining assignment.
 10. Other cases as determined by the Chief of Police or designee.

- E. In minor cases, such as misdemeanor larceny, gas drive off, etc., the responsibility of following up the case may be delegated to personnel in the Operations Division.
- F. Case Assignment Accountability: There shall be a record of case assignments maintained electronically within the computerized Records Management System (RMS).
- G. Officers are responsible to check for cases assigned to them during each shift. Supervisors shall ensure that the cases assigned to their subordinates are completed in a timely manner.

42.1.5 Habitual/Serious Offenders

- A. Officers of the New Bern Police Department shall follow certain criteria and guidelines regarding habitual felons and/or serious offenders. Such criteria and guidelines are provided so that officers will conduct habitual felon and/or serious offender cases in an effective and consistent manner.
- B. Specification of criteria designating certain individuals as habitual/serious offenders:

For the purposes of this directive, the following criteria will apply to defendants being charged under North Carolina General Statute as habitual or serious offenders:

1. The person meets the criteria set forth in North Carolina General Statute 14-7.1 defining persons as habitual felons.
2. The person meets the criteria set forth in North Carolina General Statute 14-7.7 defining persons as violent habitual felons.
3. The person meets the criteria set forth in North Carolina General Statute 14-7.20 defining persons as engaged in a continuing criminal enterprise.
4. The person meets the criteria set forth in North Carolina General Statute 14-7.26 defining person as habitual breaking and entering status offenders.
5. The person meets the criteria set forth in North Carolina General Statute 14-33.2 defining persons as committing habitual misdemeanor assault where the misdemeanor assault may be prosecuted as a felony.
6. The person meets the criteria set forth in North Carolina General Statute 14-72(b) (6) defining persons as committing habitual misdemeanor larceny where the misdemeanor larceny may be prosecuted as a felony.

C. Identification of all cases in which a designated habitual/serious offender is a party

When an officer has reason to believe that a person under investigation meets the requirements for declaration as a habitual/serious offender, he/she must:

1. Run a criminal history records check (CCH) and make the results part of the case file and,
2. Run a check through the Administrative Office of the Court file (AOC), if necessary, and make those results part of the case file and,
3. Upon completion of a criminal record check of an individual, the officer shall then take actions in accordance with the General Statutes of North Carolina. Officers shall follow the law contained therein to determine if an individual qualifies as a habitual or serious offender.

D. Notification to the prosecuting agency of such cases

After records are obtained identifying the offender as a habitual or serious offender, the case officer

should advise the District Attorney's Office when submitting the case for prosecution and include all supporting documentation.

42.1.6 Criminal Intelligence (CALEA Standard 40.2.3)

- A. Description of the function:** The Crime Analyst reports to the Criminal Investigations Lieutenant. The Crime Analyst is responsible for managing the collection, evaluation, analysis, collation, dissemination, and destruction of criminal intelligence information.
- B. The responsibilities of all agency personnel:** All agency personnel are responsible for collecting criminal intelligence. Any information that is collected or discovered by a member of this agency which is believed to be of a criminal intelligence nature or terrorism related should be submitted on an Intelligence Submission Form (NBPD Form #120) by the person receiving the information.
- C. Training of personnel:** Departmental orientation will include information pertaining to the agency's policies and procedures for collecting intelligence. Training can range from roll-call to more advanced training as needed. This training should include, at a minimum, how to access information and intelligence sources and networks such as: INTERPOL, RISS, NCIC, DCI, AIM, PIG, and LINX the Homeland Security Information Network, and any other regional information sharing networks which are utilized by this agency. Training should not discount the value of resources such as internal intelligence gained from citizens and anonymous individuals received during the course of traditional police operations and/or interactions with the public. All personnel have a role in criminal intelligence and information sharing. Personnel assigned to the intelligence function will receive appropriate training as deemed necessary by the Chief of Police.
- D. Procedures for safeguarding, securing, and storing criminal intelligence:** Criminal intelligence related to active vice cases, subversive activity, civil disorder, terrorism, and organized crime investigation shall be secured electronically or maintained separately from the Department's central records system. Criminal intelligence that is collected shall be collated, analyzed and maintained separately from the central records system in a secure and locked file cabinet. All Intelligence Submission Forms and criminal intelligence records, unless stored and maintained by Criminal Investigation/Vice Unit, will be maintained by the Crime Analyst who will be responsible for their security.
- E. Procedures for ensuring that information collected is limited to criminal conduct or relates to activities that present a potential threat to the jurisdiction:** Information collected shall be limited to that related to criminal conduct and activities that present a threat to the community or are likely to have an adverse effect on law enforcement resources. Intelligence information gathering shall conform to investigative objectives and no files shall be established or maintained except under the following conditions:
 - 1. To identify crime patterns, conspiracies, criminal associations, or develop probable cause relative to criminal acts and threats of same.
 - 2. Violations of law, events or conditions occurring in other jurisdictions, which may pose a threat to life or property within the City of New Bern. These events or conditions will include, but are not limited to:
 - a. Civil disorders
 - b. Subversive activities
 - c. Extremist Groups

- d. Hate Groups
- e. Gang activity
- f. Repeat Offenders
- g. Acts of Terrorism
- h. Organized crime

3. Source Evaluation: Source evaluation factors include:

- a. **Reliable** - The reliability of the source is unquestioned or has been well tested in the past.
- b. **Usually Reliable** - The reliability of the source can usually be relied upon as factual. The majority of information provided in the past has proved to be reliable.
- c. **Fairly Reliable** - The reliability of the source has been reliable in the past, but some reservations exist.
- d. **Not Usually Reliable** - The reliability of the source has not usually been good in the past.
- e. **Unreliable** - The reliability of the source has been sporadic in the past.
- f. **Unknown** - The reliability of the source cannot be judged. Its authenticity or trustworthiness has not yet been determined by either experience or investigation.

4. Information Evaluation: Information content validity factors include:

- a. **Confirmed**- The information has been corroborated.
- b. **Probably True** - The information is consistent with past accounts.
- c. **Possibly True** - The information might be true, but some doubt exists.
- d. **Doubtfully True** - Considerable doubt exists that the information is true, little corroboration is possible.
- e. **Improbable** - The information is inconsistent with past accounts.
- f. **Truth Cannot Be Judged** - The information cannot be evaluated.

F. Legal and privacy requirements: Intelligence information maintained in the intelligence function will be done in compliance with the requirements of 28 CFR, part 23 and will respect the privacy and constitutional rights of individuals, groups, and organizations.

G. Documentation, reporting, and dissemination of information: The Crime Analyst is responsible for evaluation, analysis, and dissemination of criminal intelligence information. Dissemination of intelligence information shall be for cause and responsive to specific and well-founded law enforcement needs only. Dissemination and communication with other law enforcement agencies is authorized in cases where intelligence information appears credible and will benefit the ongoing investigation of this agency, another law enforcement agency or investigative task force. All information contained in criminal intelligence files is considered to be classified. Any dissemination should be only on a need-to know basis. In the event any information is developed and substantiated that is deemed a threat to public safety, this agency will use all available means to announce preparedness information to include, but not limited to, media outlets, [City of New Bern Website](#), highway message boards, or other appropriate mediums.

H. Procedures for purging out-of-date or incorrect information: The Crime Analyst is responsible for destruction of criminal intelligence information. As per requirements of 28 CFR, part 23, information retained in the system must be reviewed and validated for continuing compliance with system submission criteria within a 5-year retention period. Any information not validated within that period must be purged from the system. Information that does not meet the criminal intelligence definition or file criteria should be purged immediately to protect the integrity of the system. Information that is of little or no value will be purged and destroyed after review by the Crime Analyst. The destruction of intelligence information must be documented. Intelligence information properly collected shall be terminated when any of the following conditions are found to exist:

1. The data collected supports probable cause for arrest and prosecution of all persons involved in conspiracy and/or organized groups whose objectives violate criminal statutes, at which time the data will be transferred from the intelligence files to a criminal case file.
2. The need for the continuous maintenance of a particular intelligence file dissipates, at which time the file will be purged and destroyed. The destruction of intelligence information must be documented. This dissipation occurs when:
 - a. The specific activity or threat which generated the need for data collection has become abated or altered to such an extent as to make void the original investigative objective.
 - b. The activity or threat is found to be false, unfounded, or nonexistent.

I. Retention: The following retention and review procedures and schedule have been established to ensure that all criminal intelligence information maintained is relevant and necessary to the goals and objectives of the New Bern Police Department:

1. Memorandum and correspondence will be maintained in an administrative file for twelve (12) months before being purged.
2. Intelligence Information Submission Forms will be maintained for thirty-six (36) months.
3. Criminal Intelligence files will be kept for sixty (60) months, at which time they will be reviewed, and a decision made to update and retain or purge. The decision to purge the information will be based on the following considerations:
 - a. How often has the data been requested?
 - b. How valid is the data?
 - c. Has the data been confirmed by other sources or is it unsubstantiated?
 - d. Can the data be obtained from another source?
 - e. How long has the data been in the file, and is it obsolete, making it unreliable for future use?
 - f. Could the data be useful for any future tactical or strategic use?

J. An annual review of procedures and processes: A review of the procedures and processes as they relate to the collection, processing, and dissemination of criminal intelligence with recommend changes, as appropriate, will be conducted annually by the Lieutenant in-charge of the Crime Analyst.

42.1.7 Criminal Intelligence Data Collection (CALEA Standard 40.2.1)

- A. Data collected for the purposes of criminal intelligence, both physical or technical, that is related to active vice cases, subversive activity, civil disorder, terrorism, and organized crime investigation shall be secured electronically or maintained separately from the Department's central records system. Criminal intelligence data that is collected shall be analyzed and maintained by the Crime Analyst a separate hard drive assigned to the position. All Intelligence Submission Forms and criminal intelligence records will be maintained by the Crime Analyst, who will be responsible for their security, dissemination, and maintenance, while adhering to the requirements of 28 CFR, part 23.
- B. The Crime Analyst shall be responsible for the dissemination of the analyzed data to the appropriate section/ unit, depending upon the nature of the intelligence. Dissemination of intelligence to other law enforcement agencies is authorized in specific cases where intelligence information appears credible and will benefit the ongoing investigation of the New Bern Police Department, another law enforcement agency, or an investigative task force. Dissemination will be to department heads or other authorized representatives of that department and/or unit.
- C. The use of Confidential Informants (CI) shall be reserved to units and personnel authorized to do so by the Chief of Police. Any information obtained through the use of CI, when pertaining to a case involving subversive activity, civil disorder, terrorism, and organized crime, will be submitted to the Crime Analyst to be analyzed and disseminated as required.

42.1.8 Intelligence Analyses Procedures (CALEA Standard 40.2.2)

- A. When an officer collects a source of criminal intelligence from a citizen or confidential informant (CI) it shall be reviewed by the Crime Analyst, in accordance with 28 CFR, part 23, and in cases involving CI, shall be in keeping with the confidentiality of the CI.
- B. All collected intelligence shall be examined and given a determination based on the following criteria:
 - 1. **Reliable** - The reliability of the source is unquestioned or has been well tested in the past.
 - 2. **Usually Reliable** - The reliability of the source can usually be relied upon as factual. The majority of information provided in the past has proved to be reliable.
 - 3. **Fairly Reliable** - The reliability of the source has been reliable in the past, but some reservations exist.
 - 4. **Not Usually Reliable** - The reliability of the source has not usually been good in the past.
 - 5. **Unreliable** - The reliability of the source has been sporadic in the past.
 - 6. **Unknown** - The reliability of the source cannot be judged. Its authenticity or trustworthiness has not yet been determined by either experience or investigation.
- C. Once the criminal intelligence has been assessed, it will be disseminated to the appropriate unit/ personnel within or outside of the department, as deemed necessary depending upon the nature of the criminal intelligence.

42.1.9 Gang Offenders

- A. Gang Member Validation Process:** All officers of the Department shall document activities of individual street gang members and criminal gangs. The primary method for documentation is case reports, field interviews and Intelligence Submission Forms (NBPD Form 120). All completed forms will be forwarded to the Violent Crime Unit for analysis. Additional documentation should be accomplished through use of the following New Bern Police Department Gang Unit form:
1. NBPD Form 252: Gang Information Submission Form. This form will be utilized to document an individual's involvement in Criminal Gang Activity.
 2. NBPD Form 253: Gang Questionnaire Form This form will be utilized when questioning persons known to be involved in Criminal Street Gang activity.
 3. NBPD Form 254: Parental Notification Form will be utilized notifying the juvenile's parent(s) of the juvenile's involvement in a Criminal Gang. It has been recommended that a Juvenile Custody Sheet be completed along with the Parental Notification form
- B.** Once the above listed forms have been completed and submitted by an officer, the Violent Crime Unit will analyze the forms and complete NBPD Form 255, Gang Member Identification Criteria. NBPD Form 255 organizes and summarizes the person's documented indicators as to their involvement in a Criminal Gang commonly known as "validation." Only categories that have objective and supportable documentation will be used to validate a person as a member of a criminal gang. The Gang Member Identification Criteria must meet the requirements set forth by North Carolina General Statute §14-50.16A(4) and House Bill 138.

42.2.1 Preliminary Investigation Steps

Officers conducting a preliminary investigation should:

- A. Observe all conditions, events, and remarks:** Be observant of all conditions, events, and statements and evaluate their significance to the crime.
- B. Locating and identifying witnesses:** Attempt to locate, identify, and detain any witnesses or suspects until they can be interviewed.
- C. Maintaining and protecting the crime scene and arranging for the collection of evidence:** Take the necessary steps to secure and protect the crime scene to prevent the destruction, contamination, or loss of evidence. Any item of evidence which is unsecured and subject to potential loss, contamination, or damage due to the actions of persons at the scene, weather, or other causes, should be individually protected without moving the item or reducing its evidentiary value. The Department's Forensic Evidence Unit (FEU) should generally be utilized in all the following cases, at the discretion of the on-duty supervisor and consultation with the FEU Supervisor or designee, if needed:
1. Armed Robbery with serious injury.
 2. Arson: Fire Department Personnel are responsible for investigating all suspected arsons. Forensic Unit is to be notified once a scene has been determined to be arson. They are to work jointly with fire department personnel to determine if any other crimes have occurred that need to be investigated and processed by law enforcement.
 3. Assault with serious injury

4. Bank Robbery
5. Breaking & Entering series - where there are numerous victims or a pattern
6. Burglary - 1st Degree
7. Child Abuse/Neglect (Felony)
8. Common Law Robbery with serious injury
9. Homicide
10. Sexual Assault (adult/juvenile) with serious injury
11. Suspicious Death
12. Any case involving death or serious injury or substantial property damage in which civil liability may exist for the City of New Bern

D. Interviewing the complainant, witnesses, and suspects: All complainants, victims, and witnesses of a crime should be interviewed for the initial report. Sequent interviews may be needed to further the investigation.

42.2.2 Follow-Up Investigative Steps

Officers of the New Bern Police Department shall conduct follow-up investigations. The follow-up investigation shall be conducted in a systematic manner. The below listed steps are intended be utilize as guidelines:

1. **Reviewing and analyzing all previous reports prepared in the preliminary phase, departmental records and results from laboratory examinations:** Officers who conduct follow-up investigations shall read, review, and examine all preliminary reports, supplemental reports, sketches, diagrams, felony investigative field notes, arrest records and other documents pertaining to the case under investigation. Included in such review and examination should be the analysis of physical evidence, to include evidence submission and analysis by the crime laboratory.
2. **Conducting additional interviews and interrogations:** Officers who are conducting follow-up investigations shall conduct interviews and/or interrogations of persons involved either as victims, witnesses, or suspects in a criminal investigation. Officers shall:
 - a. Attempt to re-contact the victim or complainant during the initial stage of investigation. Such contact shall be made within five (5) working days after such case has been assigned for follow-up investigation.
 - b. Interview witnesses and suspects who may have information that would be beneficial to the investigation and aid in the prosecution of the case.
3. **Seeking additional information (from uniformed officers, informants):** Officers conducting follow-up investigations should always seek additional information from the preliminary investigating officer, confidential informants, and other officers within the Department. Inquiries directed to outside law enforcement agencies and intelligence organizations may prove helpful in developing additional information.
4. **Planning, organizing, conducting searches, and collecting physical evidence:** Officers conducting follow-up investigations should always endeavor to recover evidence that benefits the investigation. Searches of vehicles, places, and persons should be attempted by the investigating officer(s) in order to recover any and all evidence.

5. **Identifying and apprehending suspects:** It shall be the duty of all officers conducting follow-up investigations to attempt to establish the identity of the perpetrator(s) of the crime(s) under investigation and:
 - a. If the identity of the suspect is learned during the investigation, the investigating officer(s) shall then compile all facts, documents, statements, evidence and other entities of the investigation so that probable cause may be established.
 - b. If it is determined as a result of the investigation that the suspect identified committed the offense, based upon established probable cause, then efforts should be made to apprehend the suspect to include seeking warrants.
 - c. The apprehension of the suspect(s) shall be made in a lawful manner in accordance with federal and state law.

6. **Determining involvement of suspects in other crimes:** As part of the follow-up investigative process, it shall be the duty of the investigating officer(s) to:
 - a. Determine the suspect(s) involvement in other crimes. This endeavor should be made through the processes of interviews and interrogations, comparisons of evidence, and other factors that would enable the investigator to link said suspect(s) to other crimes.
 - b. Checking suspects' criminal histories. Upon apprehension of a suspect or suspects, it shall be the duty of the follow-up investigator(s) to conduct a check of the suspects' criminal history. As such, investigators will comply with Chapter 42.1.5, Habitual/Serious Offenders, when criminal histories reveal that the suspects meet the criteria for habitual or serious offenders. Criminal histories of suspect(s) shall be made part of the investigative file.

7. **Preparing cases for court presentation:** The completion of a follow-up investigation shall include the preparation and presentation of the case in court. Upon the completion of a follow-up investigation, resulting in case clearance and arrest(s) the follow-up investigator shall:
 - a. Prepare written reports documenting all investigative efforts, findings and submit such through the normal channels within the department;
 - b. Submit all reports, documents, copies of the felony investigative field notes, evidence analyses, and other facts of the investigation to the District Attorney's Office within ninety-six (96) hours;
 - c. Assist the District Attorney's Office in the prosecution of the case in court to include testifying if necessary; and
 - d. Comply with any court orders regarding disposal of seized property.

42.2.3 Investigative Checklists

Investigative checklists can be located in the Forms directory located on the Department SharePoint and are made available to assist officers in criminal investigations. Officers can utilize such checklists in those investigations that are more complex and complicated in nature. Investigative checklists can be used to ensure that critical areas of investigations are addressed and not overlooked.

42.2.4 Patrol Shift Briefing Attendance (CALEA Standard 42.2.3)

The exchange of information between the Criminal Investigations Unit and Operations Division enhances productivity and relationships between both areas. As such, periodic attendance by Criminal Investigation Unit personnel at shift briefings should be conducted to update patrol units on cases of mutual interest. Supervisory staff will be responsible for coordinating and scheduling meetings between patrol officers and investigative personnel for the exchange of information, when necessary.

42.2.5 Investigative Task Forces (CALEA Standard 42.2.4)

Prior to approval for participation of New Bern Police Department personnel in formal, long term, multi-jurisdictional investigative task force (s) the following information concerning the task force activities must be presented, in writing:

A. The purpose:

The initiating agency will be responsible for establishing the purpose and goals of the task force and generating any operating agreements.

B. Supervision

New Bern Police Officers shall be supervised by the supervisory staff of the task force, but they shall keep their New Bern supervisor informed of their activities and are still bound by the regulations, general orders and standard operating procedures of the New Bern Police Department.

C. Evaluating results and the need for continued operation(s)

The task force memorandum of understanding or contract will list the timeframe for evaluating the effectiveness of the resources dedicated. A decision to continue or discontinue the effort will be reached at the time of evaluation. The results of the evaluation will be submitted, in writing, to the Chief of Police.

D. Staffing, equipment, and resource requirements

The New Bern Police Department will offer personnel, equipment, money and time to enhance joint agency task forces as long as the delivery of services to the citizens of New Bern is not adversely affected. "Equipment issued to any member of the New Bern Police Department by a task force will be utilized in compliance with the New Bern Police Department and the issuing agencies policies and procedures.

E. Officer safety information

Department staff who are assigned an investigative task force will adhere to New Bern Police Department training as well as safety and use of force policies of the department.

F. Identification procedures for task force participants

Department staff who are assigned an investigative task force will adhere to New Bern Police Department will adhere to general order 22.1.8 Employee Identification.

42.2.6 Polygraph and CVSA Examinations (CALEA Standard 42.2.5)

- A. Polygraph examiners utilized by the New Bern Police Department must be a graduate of a schools or institutions providing training for that purpose and be employed by a federal, state or local law enforcement agency.
- B. Computer Voice Stress Analyzers (CVSA). The National Institute of Truth Verification or other approved agency will certify CVSAs utilized by the New Bern Police Department as an examiner.
- C. If an officer or the District Attorney determines that a polygraph or CVSA examination would assist in furthering an investigation, the investigating officer will coordinate with the appropriate supervisor(s) of the New Bern Police Department for use of the CVSA. In the case of a polygraph examination, the investigating officer or Assistant District Attorney will coordinate with the designated representative or polygraph operator of the cooperating agency.

42.2.7 Informants (CALEA Standard 42.2.6)

For the purposes of this policy, an informant is a person who is working at the direction of the controlling officer either for compensation, per a legal agreement, or other legitimate reasons, and for gathering information or intelligence about a specific activity or person.

A. Inclusion of informants in a master file

The Narcotics Unit will maintain the master files on all confidential informants (C.I.). Master files are defined as the actual paper copy.

B. Content of the informant file, to include biographical and background information, criminal history record, if any, and code name or number of each informant

Narcotics Unit personnel will create a file for each informant, which will be cross referenced by name and control number. The Narcotics Unit Supervisor is responsible to ensure a thorough background check is completed for each Confidential Informant (C.I.). Each C.I. file shall contain the following:

1. Confidential Source of Information Personal History (NBPD Form # 62)
2. Conduct of Confidential Informant (NBPD Form # 63)
3. Photograph (current)
4. Any correspondence relative to the C.I. activities.
5. Copies of all C.I. receipts for money. (Report of Special Funds Expenditures -NBPD Form # 61)

C. Maintenance and security of informant file and related codes

Master Informant files will be kept separate from all other reports and secure at all times. The Criminal Investigations Lieutenant shall ensure that all C.I. information is maintained in the prescribed manner, protecting the confidentiality of the C.I. No other files shall be maintained by the New Bern Police Department concerning confidential informants. Access to these files shall be limited to the Chief of Police, Criminal Investigations Division's supervisory staff and the Internal Affairs Lieutenant. These files are not required to be available to any other person or entities.

D. Other methods to protect the identity of informants

Each informant shall be assigned a C.I. Number by the Narcotics Unit Supervisor. The C.I. will be referred to by the C.I. Number in all reports. Under no circumstances will an officer compromise the

status of a C.I. by revealing the C.I.'s informant status to persons other than law enforcement officers with a legitimate need-to-know.

E. Criteria for paying informants, if applicable

1. Officers may request that an informant be paid for information supplied or services rendered. UNDER NO CIRCUMSTANCES will an informant be paid for services until an informant file has been created by the Narcotics Unit Sergeant. In advance payments to C.I.s must be approved by the Narcotics Unit Supervisor and the officer's supervisor, except for Narcotics Unit Detectives. Upon payment of an informant, the officer will originate a "Report of Special Funds Expenditure" (NBPDP Form # 61). The completed form will then be submitted to the Narcotics Unit Supervisor for inclusion in the informant's file.
2. Criteria for the payment of informants shall be evaluated on a case-by-case basis. All expenditures and fund maintenance for same shall comply with **Chapter 17.4.2, Fiscal Management**.

F. Safety of Informant

An operational plan will be created and submitted by the lead officer when conducting an operation utilizing a C.I. The plan shall take into account the safety of the C.I. during the operation and attempt to address all known and/or potential risks to the C.I. The plan will identify individual officers to be used as a "rescue team" should the C.I. be placed in danger or harmed during the operation.

G. Precautions to be taken with informants, generally

The relationship between an officer and a C.I. shall be maintained strictly on a professional basis. Officers shall not socialize with, become overly friendly with, conduct private business transactions with, or be publicly identified with a C.I. The following restrictions govern the use of informants:

1. Officers will not utilize a C.I. when it is known that the C.I. is the subject of an arrest warrant. In that event, every effort will be made to have the arrest affected or the subject surrender to appropriate authorities.
2. Officers are prohibited from offering inducements, promises, or rewards to C.I.s which they cannot or may not be able to deliver to include parole, probation, dismissal of charges, unauthorized payments.
3. When meeting a C.I., a minimum of two (2) officers shall be present during the meet. Under NO circumstance will a C.I. be met by any one officer of the opposite sex.
4. All informants will be debriefed by a minimum of two officers, one of which must be a Narcotics Unit Detective. All informant contacts will be documented and placed into the informant package.
5. Gift's shall not be given to C.I.s by officers at any time and officers shall not accept gifts from C.I.s at any time.
6. Contact with C.I.s should be made during the officer's on-duty working hours, whenever possible. Officers shall not provide C.I.s with the officer's home telephone number or address or with any other contact phone number, cell phone, pager or address not affiliated with the department. The only acceptable means by which a C.I. may contact an officer during off-duty

hours are by the officer's department issued cell phone or by contacting the police department (generally via Communications).

7. Under no circumstances will an officer meet with a C.I. while off-duty without prior supervisory approval. Should the officer's supervisor not be available, the officer shall contact the next higher authority up to the level of Division Captain. In the event the approval cannot be obtained, the officer shall not meet with the C.I. until approval is received. If approval is received, the officer shall make contact with an on-duty detective or officer designated by the on-duty supervisor to be present during the contact and notify Communications of the time and location of the meeting and the C.I.'s control number.
8. In the event continued use of a C.I. would prove to be detrimental to the goals of the New Bern Police Department or the safety of the officers, or when a C.I. is found to be otherwise unreliable and in the opinion of the officer, should not be utilized further as an informant, the C.I. will be "censured" based on the one of the following reasons:

Reasons for Censure: The common reasons for censure are but not limited to:

- a. Ineptitude.
 - b. Compromise of identity.
 - c. Security risk.
 - d. Unauthorized criminal act.
 - e. Submitting false information or withholding material information.
9. Upon approval from the Criminal Investigations Lieutenant, the C.I. control number and file will be marked in red, titled "Censured." When appropriate, other concerned agencies will be notified concerning the "censuring" of the C.I.

G. Special precautions to be taken with juvenile informants

When utilizing a juvenile C.I., the Parental Permission of Confidential Informant NBPD Form # 60, will be signed by the parent or legal guardian and the release must be included in the C.I. file.

42.2.8 Identity Crimes

- A.** It is the policy of the New Bern Police Department to document and respond to complaints of identity theft, financial identity frauds, as well as other financial transactions frauds occurring within this jurisdiction. All New Bern 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.
- B.** Identity theft reports shall be taken in accordance with North Carolina General Statute 14-113.21A. The following steps will be taken when an identity crime complaint is received:
 1. **Taking identity crime reports.** Officers shall take an incident report of an identity theft if the victim resides within departmental jurisdiction and the crime occurred outside departmental jurisdiction. If the crime occurred in departmental jurisdiction the officer shall document the crime on a case report.

2. **Specialized reports form.** No specialized report form is utilized at this time to report and document identify crimes. The standard case report, in RMS, will be generated and processed in accordance with established practices to document identify theft crimes.
3. **Providing information and assistance to identity crime victims.** Victims of identity theft will be provided a “Taking Charge, what to do if your identity is stolen” booklet, or referred to www.ftc.gov/idtheft or directed to a link on the departmental web site both of which have links to the same booklet
4. **Coordination of investigations with other agencies.** If an officer takes an incident report from a victim of identity theft which occurred outside our jurisdictions, the officer shall make contact with the agency where the crime occurred and obtain contact information for the victim then forward the incident report as well as any interviews or investigative steps taken to the contacted agency for possible follow-up or prosecution.
5. **Providing public information on prevention of identity crime.** The department shall maintain a link to www.ftc.gov/idtheft on its web site.

42.2.9 Cold Cases (CALEA Standard 42.2.7)

The following is intended to outline the procedures to be followed by investigators when investigating cold cases:

1. **Defining a cold case**

For the purposes of this policy, a cold case will be defined as an inactive felony which includes murder; manslaughter; sexual battery; carjacking; home-invasion robbery; burglary; arson; kidnapping; and any violent felony involving life-threatening injury or a kidnapping, missing child, missing adult where foul play is suspected and any other incident as designated by the Chief of Police, Criminal Investigations Division Commander or Criminal Investigation Lieutenant.

2. **Establishing cold case evaluation criteria**

Cold cases investigations should be assigned for further investigation after additional leads have been developed resulting from:

- a. A tip by a witness, citizen or from other Law Enforcement Agencies
- b. The development or accessibility of technology that may assist in the analysis of evidence that may enable the development a suspect or furthering the investigation; or
- c. An individual investigator curiosity, which may lead an investigator to identify with a specific case and work it, in between their other cases or,
- d. Secondary information from other investigations, which may provide additional information related to a cold case.

3. **Annual review and recording agency investigative actions or activities**

All cold cases will be reviewed annually by the Criminal Investigations Lieutenant. Any new information or investigations conducted shall be documented in a supplement report (in AEGIS) and placed in the cold case file. Cases will be removed from the cold case file when the case has been successfully resolved or when the statute of limitations has expired.

42.2.10 Interviews and Interrogation Procedures (CALEA Standard 42.2.8)

The purpose of this directive is to provide employees with procedures to be utilized while conducting interviews and interrogations while utilizing the Department's interview rooms. These directives shall be applied to both uniformed and non-uniformed officers and are implemented in an effort to provide supervision, accountability, safety and security for the person interviewed, as well as providing safety and security to the officers conducting the interviews. Both custodial and non-custodial interviews may be conducted in interview rooms.

1. Weapons control

- a. When detainees are present, all authorized personnel, prior to entering the interview room, shall secure all their lethal weapons (firearm(s) and knives) in the gun boxes.
- b. In non-secured interview rooms weapons can be retained while conducting the interviews, however officers should exercise officer safety.

2. Security concerns

- a. Officers should follow department policy and applicable state and federal laws to ensure that the detainee, suspect, victim, or witness is not armed. Searches of those detainees under arrest must be completed prior to the interview.
- b. Building video cameras may be utilized for the collection of evidence as well as to ensure the safety and security of detainees, suspects, victims, and witnesses being interviewed.
- c. All custodial interviews will be audio or video/audio recorded in accordance with [NCGS 15A-211](#).

3. Number of personnel allowed in the interview room

When conducting interviews, generally, no more than two officers should be present with the detainee, suspect, victim, or witness in the interview room. A translator, guardian, or caregiver to mentally or physically handicapped persons is authorized to be present with the officers in the interview room.

4. Means and methods for summoning assistance, if needed

Officers can utilize their portable radio panic/duress button to signal emergency situations. Whenever suspects, known offenders, or persons in custody are interviewed there shall be an officer monitoring the interview room, either by standing outside the room or monitoring the interview on a video monitor so long as the monitor is next to the interview room.

5. Equipment or items to be kept in the interview room or area: Equipment or items that can be kept in the interview rooms are:

- a. Chairs and tables
- b. Props determined by officer necessary for an interview
- c. Tools necessary for documentation
- d. Equipment for polygraph or CVSA examinations

6. Access to restrooms, water, or comfort breaks.

The officer in control of the detainee or witness is responsible for ensuring that the detainee or witness has access to restrooms, water and comfort breaks. Restroom services, water and comfort breaks should be allowed when reasonable and should not be restricted for unreasonable periods of time.

42.2.11 Line-Ups (CALEA Standard 42.2.9)

Photographic lineups will be conducted in a uniform manner as an investigative tool utilizing a sequential method of showing photos to witnesses. Photographic line ups shall be completed in accordance with NCGS [15A-284.52](#) Eyewitness Identification Reform as follows:

1. Composition of line-up

In a photo lineup, the photograph of the suspect shall be contemporary and, to the extent practicable, shall resemble the suspect's appearance at the time of the offense. The lineup shall be composed so that the fillers generally resemble the eyewitness's description of the perpetrator, while ensuring that the suspect does not unduly stand out from the fillers. In addition:

- a. All fillers selected shall resemble, as much as practicable, the eyewitness's description of the perpetrator in significant features, including any unique or unusual features.
- b. At least five fillers shall be included in a photo lineup, in addition to the suspect.
- c. If the eyewitness has previously viewed a photo lineup in connection with the identification of another person suspected of involvement in the offense, the fillers in the lineup in which the current suspect participates shall be different from the fillers used in any prior lineups.

2. Using video and /or audio recording

Unless it is not practical, a video record of live identification procedures shall be made.

3. Situations where more than one eyewitness is available

If there are multiple eyewitnesses, the suspect shall be placed in a different position in the lineup or photo array from each eyewitness.

4. Instructing witnesses prior to viewing line-up

Before a lineup, the officer shall complete and read NBP Form 227 to the witness and have the witness sign the form. The form should have the same information as NCGS 15A-284.52.

5. Identifying the level of confidence expressed by the witness

The lineup administrator shall seek and document a clear statement from the eyewitness, at the time of the identification and in the eyewitness's own words, as to the eyewitness's confidence level that the person identified in a given lineup is the perpetrator.

6. Prohibiting feedback by the administrator

Nothing shall be said to the eyewitness regarding the suspect's position in the lineup or regarding anything that might influence the eyewitness's identification. The lineup

administrator shall separate all witnesses in order to discourage witnesses from conferring with one another before or during the procedure. Each witness shall be given instructions regarding the identification procedures without other witnesses present.

7. **Documenting line-up and the results**

The lineup administrator shall make a written record of the lineup utilizing NBPB form 227 and any other appropriate notes and supplemental reporting. Whether video, audio, or in writing, the record shall include all of the following information:

- a. All identification and non-identification results obtained during the identification procedure, signed by the eyewitness, including 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 sign the notation.
- b. The names of all persons present at the lineup.
- c. The date, time, and location of the lineup.
- d. The words used by the eyewitness in any identification, including words that describe the eyewitness's certainty of identification.
- e. Whether it was a photo lineup or live lineup and how many photos or individuals were presented in the lineup.
- f. The sources of all photographs or persons used.
- g. In a photo lineup, the photographs themselves.
- h. In a live lineup, a photo or other visual recording of the lineup that includes all persons who participated in the lineup.

42.2.12 Show-Ups (CALEA Standard 42.2.10)

In a show-up, a victim or witness views a suspect or suspects shortly after the commission of a crime (generally within one hour) for the purpose of identifying or eliminating the suspect as the perpetrator reference [General Statute 15A-284.52 Show-ups](#) The following steps/procedure will be adhered to:

1. **Compelling reasons under which a show-up may occur**

Show-ups should only be used when circumstances require the prompt display of a single suspect to a witness (e.g., there is no probable cause for detention long enough to construct a proper lineup or there is public safety concerns). Show-ups should only be conducted when the suspect matching the description of the perpetrator is located in close proximity in time and place of a crime that has recently occurred.

2. **Manner of transportation to the show-up**

If practical, transport the witness to the location of the detained suspect to limit the legal impact of the suspect's detention. Whenever practical utilize lighting or concealment methods to protect the identity of witness from the view of the person or suspect.

3. **Situations where more than one eyewitness is available**

Show-ups should not be conducted with more than one witness present at a time. If there are multiple witnesses and one witness makes an identification during a show-up, reserve the remaining witness for another identification procedure.

4. **Instructing witnesses prior to viewing show-up**

Witnesses should be given a cautionary instruction that the individual may not be the perpetrator.

5. Identifying the level of confidence expressed by the witness

Officers are to document the identification or non-identification including any statements made by the witness at the time of viewing and their certainty of the identification.

6. Prohibiting feedback by the administrator

Words or conduct of any type by the administrator that may suggest to the witness that the individual is or may be the perpetrator shall be avoided.

7. Documenting show-up and the results

A description of the perpetrator, any statements made by the witness, the date, time, location, circumstances, if identification is made and the level of confidence of the witness, shall be documented in a supplemental report.

42.2.13 Exculpatory Evidence (CALEA Standard 42.1.6)

A. Purpose

The New Bern Police Department recognizes its duty and obligation to document and provide all evidence, including potentially exculpatory evidence, to prosecuting agencies. The landmark United States Supreme Court decision of Brady v. Maryland (1963) places an affirmative constitutional duty on a prosecutor to disclose exculpatory evidence to a defendant. In Giglio v. United States (1972), the Supreme Court held that impeachment evidence falls within the general Brady requirement to disclose exculpatory evidence. This duty to disclose exculpatory evidence has been extended to police agencies through case law, requiring law enforcement agencies to notify the prosecutor of any potential exculpatory information.

B. Definition

Exculpatory Evidence is any evidence that is favorable to the defendant and points, or might point, toward a defendant's innocence. This includes evidence that may be used to impeach the credibility of a witness.

C. Procedure

1. It is the responsibility of the department to notify the prosecuting authority when made aware of any exculpatory evidence in both current and post-conviction investigations.
2. When anyone affiliated with the department becomes aware of exculpatory evidence, they will immediately notify their chain of command.
 - a. The employee's Division Captain will contact the appropriate prosecuting authority to make arrangements for delivery of the evidence to the appropriate individual.

3. The Division Captain will ensure all exculpatory evidence is marked and packaged appropriately for delivery and will prepare any necessary reports or other documentation.