

## CRIMINAL INVESTIGATIONS

### PREAMBLE:

Criminal investigations require a systematic approach to make certain that all possible appropriate actions are taken and that specific expertise is employed when needed. Individual tasks are routinely assigned to appropriate personnel and exceptions are made when particular circumstances dictate.

### POLICY:

It is the policy of the Omaha Police Department (OPD) to conduct efficient and effective criminal investigations. Criminal investigations are managed via a Case Management System. OPD Criminal Investigations Bureau (CIB), Uniform Patrol Bureau (UPB), and Police Services Bureau (PSB) employees will coordinate efforts with other OPD employees, and/or outside Law Enforcement Agencies (LEAs) as needed during the Investigative Process.

### DEFINITIONS:

Active: The case has been assigned to a detective and an active investigation is ongoing.

Cleared by Arrest: One or more suspects have been arrested (i.e., booked, issued a criminal citation, or issued a juvenile street release).

Closed: The investigation is inactive and has been assigned a Disposition. Depending on the disposition, the investigation may be re-opened if additional information is received that may lead to a different disposition.

Disposition: The current status or final outcome of a case in regards to arrest or prosecution.

Follow-up Investigation: The Follow-up Investigation is a continuation of the Preliminary Investigation and may be conducted at the crime scene or at another location at a later time. Follow-up Investigations are frequently the responsibility of the Criminal Investigations Bureau (CIB).

Investigative Process: The Investigative Process consists of the preliminary investigation and the Follow-up Investigation. Uniform Patrol Bureau (UPB) officers generally conduct the preliminary investigation while CIB detectives or specialists generally conduct the follow-up investigation. However, any one officer or group may conduct the entire investigation as appropriate under the circumstances.

Preliminary Investigation: The preliminary investigation involves the arrest of suspects at or fleeing from the scene (if any are present), the initial information gathering, crime-scene processing, and documentation of information. The preliminary investigation is conducted at the crime scene and is generally the responsibility of Uniform Patrol Bureau (UPB) officers, although in some instances Criminal Investigations Bureau (CIB) detectives may be assigned this function.

Unfounded: The investigation has determined that no crime occurred.

### PROCEDURE:

#### I. Case Management

- A. All cases will be classified as Active or Closed.
- B. Cases will only be closed after all reasonable investigative leads have been exhausted.
- C. It is the detective's responsibility to notify the appropriate supervisor in order to change a classification.

- D. All Follow-up Investigations will be entered into the Case Management System utilized by the Criminal Investigations Bureau (CIB). Information recorded in this system for each case includes:
  - 1. The detective to whom the case is assigned.
  - 2. The date the case is assigned.
  - 3. The case number.
  - 4. The victim's name and address.
  - 5. The type of offense.
  - 6. The final report, when applicable.
  - 7. The disposition of the case.
- E. The CIB has functional control and authority over all continuing investigations.

## **II. Case Screening**

- A. Upon receipt of the Incident Reports, the designated sergeant or command officer from each investigative unit will review and evaluate the facts of the case for solvability and will assign it to a unit as an active case.
- B. Once the case is assigned to a unit detective, that detective will remain the coordinator for the Follow-up Investigation.
- C. When a case is assigned to a detective, the detective will exhaust all reasonable investigative leads throughout the Investigative Process. If during the course of the investigation sufficient Probable Cause is developed to arrest a suspect, the detective has the following options:
  - 1. Make an arrest.
  - 2. Apply for an arrest warrant for the suspect.
  - 3. Where appropriate, issue a Citation Request for the suspect.
  - 4. If necessary, consult with the County Attorney or City Prosecutor.
  - 5. An investigation may be Exceptionally Cleared in certain narrowly limited circumstances. The following criteria based on FBI crime reporting requirements must be met in order to Exceptionally Clear a case:
    - a. The specific suspect(s) responsible for the crime must be identified.
    - b. There must be enough evidence to establish Probable Cause to arrest, charge, and prosecute the suspect(s).
    - c. The suspect's exact location must be known to OPD.
    - d. An obstacle entirely beyond the control of law enforcement must prevent the subject's arrest, such as:
      - (1) The suspect(s) dies before they can be taken into custody.

- (2) The victim(s) refuses to participate in the prosecution after the suspect(s) has been identified.
- (3) The suspect(s) is already in custody or being prosecuted in another jurisdiction, and extradition is denied.
- (4) Prosecutors decline to proceed with charges for reasons other than a lack of Probable Cause.

**NOTE:** Exceptional Clearance is not a designation that may be used to simply close a case. Exceptional Clearance will NOT be used to “solve” a crime or close out a case for reporting purposes OR used simply when there is a lack of evidence or cooperation by victims.

D. Active cases will be reviewed by a supervisor every 30 days to determine if the case should remain classified as Active. The below-listed factors may be considered in the decision to determine the status of the case:

1. Lack of further leads.

**EXCEPTION:** All homicide cases will remain Active until the case is either Exceptionally Cleared or identified as a Cold Case.

2. Prioritization of cases requires investigative effort be applied to more serious offenses.

### III. Case File Management

A. All original reports shall be maintained as a Case File by the OPD Data Unit and shall be included in the Case File as soon as possible.

1. Case Files will utilize the Record Bureau (i.e., RB) Number assigned to the original complaint by the Data Unit.

B. The assigned case detective may decide to keep a working file. The detective’s copies of Case Files will remain secured.

1. Detectives may maintain working files longer than 90 days if the case is actively being worked, otherwise, the documents shall be purged and destroyed by the detectives.
2. Original investigative reports shall not be maintained in a detective’s case file.

C. During the investigation, the following shall be forwarded to the Data Unit for processing into the Case File:

1. Original reports.
2. Other original documents or copies of documents that are pertinent to the investigation.
3. Copies of all court affidavits and search warrant returns.

**NOTE:** All original investigative reports and documents shall be forwarded to the Data Unit for processing within five (5) days of receipt.

4. Upon re-classification of a case, when the follow-up investigation has been completed, or upon the arrest of the suspect, the assigned case detective will review the RB Case

File and their working file (if any) to make certain all original and necessary reports are included in the Case File.

#### IV. Preliminary Investigation

- A. UPB officers are usually the first responders to arrive at crime scenes. Their initial actions at the scene of a crime often determine the outcome of the overall investigation.
- B. A Preliminary Investigation will include but is not limited to the following:
  - 1. The observation of all conditions, events and remarks by persons at the scene.
  - 2. The location and identification of witnesses.
  - 3. The maintenance and protection of the crime scene (See OPD "[Crime Scenes](#)").
  - 4. Interviews of the complainant, witnesses, and suspects.
    - a. Officers shall obtain voluntary consent from witnesses and/or shall establish Probable Cause that they have committed a crime before transporting witnesses to an OPD precinct, headquarters, or other OPD location to be interviewed. See OPD's "[Transportation of Persons](#)" policy for details.
- C. UPB officers may be dispatched to collect crime scene evidence collected by third parties.
  - 1. Officers will collect the evidence and transport it to the Evidence and Property Unit, then book the evidence into EPU per OPD policies and procedures.

**EXAMPLE:** A UPB officer is dispatched to a hospital to collect a Sexual Assault Kit for booking into the Evidence and Property Unit.

#### V. Command of the Crime Scene

- A. The first officer who arrives at the crime scene is in command until relieved by:
  - 1. A higher-ranking command officer.
  - 2. The officer specifically assigned to the call.

– OR –

  - 3. Officers from the appropriate CIB investigative unit.
- B. If appropriate, the first responding officer will implement an Incident Management System in accordance with OPD policies and procedures.

#### VI. Felony Follow-Up Investigations by UPB Officers

- A. UPB officers may conduct a Follow-up Investigation with approval from CIB command.
  - 1. UPB officers and field sergeants will attempt to communicate all relevant information to CIB commanders.
  - 2. If/When there is disagreement about whether UPB or CIB should conduct the investigation, the procedure shall be as follows:

- a. If the CIB command officer advises the incident should be handled by UPB, and the UPB officer disagrees, the UPB officer shall consult their field sergeant.
  - b. If the UPB field sergeant agrees CIB investigation is most appropriate, the UPB field sergeant shall contact the CIB command officer who made the initial decision not to send detectives to the scene.
  - c. If necessary, command officers will consult higher-ranking command to assist with any disagreements concerning CIB's response.
- B. When UPB officers continue the investigation beyond the Preliminary Investigation stage they will coordinate with officers of the appropriate CIB unit.
  - C. The officer will inform the assigned CIB detective of the details of the Follow-up Investigation when the investigation is completed, including but not limited to:
    - 1. Details about witnesses who were present and/or interviewed.
    - 2. Evidence that was found.
    - 3. All other available information regarding the case.

**VII. Follow-Up Investigations Conducted by CIB Detectives**

- A. When a complete investigation by UPB officers is not possible or practical, a Follow-up Investigation may be completed by CIB detectives.
- B. CIB notification procedures are detailed in the OPD "[Criminal Investigations – CIB Notifications](#)" policy.
- C. Follow-up Investigations by CIB detectives should include, but are not limited to, the following:
  - 1. A review and analysis of all previous reports prepared in the Preliminary Investigation, departmental records, and results from laboratory examinations.
  - 2. Use of various sources of information including but not limited to:
    - a. Information/Reports from other law enforcement agencies.
    - b. Computer/Online resources.
    - c. Forensic evidence.
    - d. Intelligence resources, etc.
  - 3. Additional interviews and interrogations.
  - 4. Attempts to seek additional information from officers, witnesses, and informants.
  - 5. Planning, organizing, and conducting searches, and collecting physical evidence.
  - 6. Surveillance to locate and apprehend suspects.
  - 7. The use of Crime Stoppers, if warranted.
  - 8. The use of a photo or physical lineup may be necessary to form a positive identification.

9. A Police Bulletin will be completed and forwarded via OPD Overnight reports, if warranted.
  10. The identification and apprehension of suspects.
  11. The determination of whether or not suspects are involved in other crimes.
  12. A check of suspects' criminal histories.
  13. Preparation of cases for court presentation.
  14. A review of electronic monitoring information for juveniles.
    - a. CIB lieutenants and Crime Analysis Managers who are authorized by the Chief and/or their designee will have access to the juvenile electronic monitoring database.
      - (1) Officers who need electronic monitoring information for a juvenile may request the information from one of the authorized CIB lieutenants.
      - (2) Crime Analysts who need electronic monitoring information for a juvenile may request information from the authorized Crime Analysis Manager.
    - b. Authorized CIB lieutenants and Crime Analysis Managers must:
      - (1) Complete the "[Juvenile Electronic Monitoring Access Request Form.](#)"
      - (2) Submit the completed form to their chain of command for approval and signature.
      - (3) Submit the completed and approved form to the Juvenile Administrative Office of the Courts and Probation (JAOCP).
      - (4) Complete required training as directed by the JAOCP in order to gain access or continue to have access to the juvenile electronic monitoring system.
- D. Victims should be contacted and advised that a Follow-up Investigation is being conducted. The detective may refer the victim to the Omaha-Douglas County Victim/Witness Assistance Unit.
1. At the conclusion of the investigation, the victim should be contacted and advised of the case status.
- E. During the course of a criminal investigation, detectives may use any or all of the items noted on the Criminal Investigations Checklist to assist them in conducting the investigation.
- F. Responding officers shall document the CIB notification, or attempted notification, on their original Incident Report.
- G. Any questions related to weapons violations may be referred to the Firearms Squad employees during "B" - Shift, or to the Criminal Investigations Unit employees during "A" - or "C" - Shift.
- H. It is critical that all felony reports and high-profile Information Reports be completed as soon as possible.

1. Missing persons reporting is especially time-sensitive; the reports shall be completed electronically and submitted expeditiously. See the OPD "[Missing Persons – Adults](#)" and OPD "[Juveniles – Missing Persons](#)" policies for details.
2. If for any reason the electronic reporting system is not forwarding reports to the appropriate CIB unit/squad, the report(s) shall be scanned and emailed to the appropriate CIB unit/squad (See [PPM Appendix A](#) for email addresses).
  - a. If directed, copies of reports related to child abuse or neglect or any sexual assault will be faxed to the Child Victim/Sexual Assault Squad (See [PPM Appendix A](#) for the fax number).
3. When officers believe an investigation needs to be considered a high-priority, (i.e. time sensitive issues, etc.), officers may send an email to the applicable CIB investigative unit's email address in order to alert the detectives.
  - a. The email should include the RB number and the reason(s) the officer believes the investigation needs to be treated as a high-priority.

## **VIII. Requests to Assist Outside Law Enforcement Agencies (LEAs)**

**NOTE:** These guidelines do not apply to task force investigations. See the applicable OPD policies and/or OPD unit manuals for task force guidelines.

- A. When an outside LEA requests that OPD assist with a criminal investigation, general guidelines are as follows:
  1. An OPD CIB sworn supervisor shall approve the request.
  2. An Information Report will be completed by the assisting CIB detective. The following information will be documented in the report, and an RB number will be assigned to the incident/case for reference.
    - a. The name of the LEA making the request.
    - b. Name, rank, and serial number of the law enforcement officer who is requesting assistance.
    - c. The name and rank of the OPD CIB sworn supervisor who approves the request.
    - d. The results of the investigation.
  3. An email shall be sent via chain of command, to the respective CIB Lieutenant containing a synopsis of the investigation and the RB number of the Information Report.
    - a. An email shall also be forwarded immediately to the CIB Deputy Chief or designee when an outside LEA requests for OPD to substantially take over an outside investigation.

## **REFERENCES:**

### **I. Previous OPD Orders**

- A. Previous General Orders: #44-93, 32-99, 24-00, 76-00, 11-11, 29-14, 62-14, 33-18, 7-19, 72-22, 62-24, 56-25, and 13-26.

**II. Accreditation Standards**

- A. Relevant CALEA Accreditation Standards: 41.2.4, 41.2.5, 42.1.2, 42.1.3, 42.1.4, 42.2.1, 42.2.2, 55.2.5, and 82.3.5.

**III. Other**

- A. PPM Monthly Updates: #12-2015, 02-2018, 01-2019, 08-2021, and 03-2024.