



# INITIAL INVESTIGATIVE PROCEDURES

Operations Order

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## 1. INITIAL INVESTIGATION

- A. Patrol officers are responsible for the initial response and initial investigation of most crimes.
- B. Exceptions may occur when circumstances make it necessary for an investigative detail, such as the Drug Enforcement Bureau, Family Investigations Bureau (FIB), Property Crimes Bureau (PCB), or Violent Crimes Bureau (VCB), to respond and assume the initial investigation.

| INVESTIGATION EXCEPTIONS   | RELATED OPERATIONS ORDER  |
|--|---|
| <ul style="list-style-type: none"> <li>• Aggravated assault</li> <li>• Child sexual abuse</li> <li>• Child physical abuse</li> <li>• Child molestation</li> <li>• Death</li> <li>• Embezzlement</li> <li>• Extortion</li> <li>• Hate crimes</li> <li>• Kidnapping</li> <li>• Robbery</li> <li>• Stolen aircraft</li> <li>• Sexual assault</li> <li>• Safe burglary</li> <li>• Complex scenes</li> <li>• Numerous witnesses</li> <li>• Numerous suspects</li> <li>• Serious injury cases</li> </ul> | <ul style="list-style-type: none"> <li>• <a href="#">7.14.00, Assault/Aggravated Assault</a></li> <li>• <a href="#">7.17.00, Child Sex Crimes</a></li> <li>• <a href="#">7.16.00, Child Abuse/Child Neglect</a></li> <li>• <a href="#">7.20.00, Death Investigation</a></li> <li>• <a href="#">7.23.00, Embezzlement</a></li> <li>• TM5-00, Robbery</li> <li>• <a href="#">7.4.00, Initial Response Procedures</a></li> <li>• <a href="#">7.25.00, Kidnapping</a></li> <li>• TM6-00, Stolen Vehicle Investigations</li> <li>• <a href="#">7.29.00, Sexual Assault</a></li> <li>• <a href="#">7.15.00, Burglary &amp; Trespassing</a></li> </ul> |

- (1) Refer to the policies listed above to determine specific circumstances requiring contact of an investigative detail for assuming the initial investigation.
- (2) Patrol supervisors requiring investigative assistance or who feel it is in the best interest of the Department to have a detective respond, will contact the VCB desk sergeant/secretary to request the appropriate bureau/detail supervisor's phone number, if unknown, during normal business hours, or the on-call supervisor's phone number after normal business hours.
  - The bureau/detail supervisor will determine the appropriate response and field officers may be required to assist investigators as needed.
- (3) Employees responsible for the initial investigation of any incident will take charge of the investigation in the absence of a supervisor and ensure the scene is properly and thoroughly processed (refer to the appropriate policies for specific investigative procedures).
- (4) While employees responsible for the initial investigation may delegate the actual execution of an activity, the responsibility to ensure the scene, or any portion thereof, is thoroughly and properly processed may not be delegated.

### C. Initial Investigation Procedures

- (1) The first officer on the scene of a crime as the result of emergency traffic will:
  - (a) Render the scene safe.
  - (b) Ensure victims receive medical attention.
  - (c) Determine if a crime has been committed.
  - (d) Interview victims and witnesses separately.



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1. C. (1) (e) Immediately relay the following information to the Communications operator:
  - Type of crime committed or reason for pick-up of a subject
  - Mode and direction of travel of outstanding suspect or vehicle
  - Description of suspect and suspect vehicle
  - Type of weapon involved
  - Time elapsed since the crime was committed
- (2) Officers assigned responsibility for the **initial investigation** of a crime will:
  - (a) Secure the crime scene and protect all evidence.
  - (b) Observe all conditions, events, and remarks.
  - (c) Locate and identify witnesses and investigate leads.
  - (d) Interview the complainant, witnesses, and investigative leads separately.
  - (e) Take steps to locate and arrest the suspect if probable cause exists.
  - (f) Interrogate the suspect, if apprehended.
  - (g) Collect, or arrange for the collection of, and impound all evidence.
  - (h) Document the incident fully and accurately in a Case Report (CR).
  - (i) In motor vehicle accident cases, determine the time of driving and list witnesses or evidence of the same.
- (3) When a series of related offenses occur, such as eight (8) or 10 burglaries in a concentrated area, officers will complete the CRs and notify the appropriate investigative unit.

## 2. **FOLLOW-UP INVESTIGATIONS**

- A. Officers assigned to investigate police incidents that are not the specific responsibility of a detective bureau may initiate a follow-up investigation when any of the following are true:
  - (1) A criminal or traffic event occurs requiring immediate action for locating and gathering evidentiary information pertaining to the incident.
  - (2) It does not require a prolonged separation of the officer from an assigned area.
  - (3) It does not require officers to be unavailable for service calls without supervisor evaluation and approval.
- B. **General Investigative Follow-up Procedures**
  - (1) Review and analyze all previous reports prepared in the initial phase
    - (a) Review Department records
    - (b) Review results from laboratory examinations
    - (c) Check suspect histories
    - (d) Determine involvement of suspects in other crimes



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2. B. (1) e) Determine if there is audio/video evidence
  - (2) Conduct additional interviews and interrogations
    - (a) Each victim, witness, investigative lead, etc., should be re-contacted after the lapse of several days to determine if the person has remembered or learned additional information.
    - (b) Seek additional information from patrol officers, informants, and county, state, and federal resources, etc.
  - (3) Arrange for distribution of information to patrol units, other jurisdictions, etc.
  - (4) Plan, organize, and conduct searches
  - (5) Collect physical evidence
  - (6) Identify and apprehend suspects
  - (7) Assist in preparation of cases for court presentation
  - (8) Assist in prosecution
- C. To prevent a series of related criminal events from being investigated by different details, the investigative detail with primary responsibility for the investigation/follow-up will assume responsibility for consolidating all known reports.
  - (1) The investigative detail with primary responsibility is the detail which is most suited to investigate the case based on the totality of the incident and in the best interest of the victim. Some factors to consider are:
    - Motive/intent based on victim/witness statements, evidence, and other known facts at the time of notification
    - Actual, not potential, level of violence or injury
    - Relationship between involved parties:
      - \* Domestic violence as defined by [Arizona Revised Statute \(ARS\) 13-3601](#)
      - \* Child crimes (parent, sibling, daycare employee, babysitter, etc.)
      - \* Vulnerable adults (family member, care employee, nurse, etc.)
    - Multiple similar incidents involving the same person/s or modus operandi (MO)
  - (2) The primary investigative detail supervisor will ensure multiple criminal events are consolidated and duplication of effort is minimized (supervisors must consider the immediate impact on the victim and the prosecution during this process).
  - (3) The assigned case agent will be responsible for submitting the case in totality for prosecution.
  - (4) The involved investigative details will work together to resolve any issues that arise from the "Investigative Follow-Up" section of [Operations Order 8.2.00, Investigation Management](#), to ensure a thorough and timely investigation is completed in the best interest of the victim.
- D. Information Development
  - (1) Investigators will pursue all applicable resources in order to bring cases to a successful conclusion.



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2. D. (2) Information resources include, but are not limited to:

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| <b>(a) Detective Bureaus and the VCB Desk Sergeant</b> | <u>Have access to:</u> <ul style="list-style-type: none"> <li>Records management system (RMS)</li> <li>Law Enforcement Judicial Information System (LEJIS) - booking, probation, Department of Corrections (DOC), Department of Public Safety (DPS), Federal Bureau of Investigation (FBI), Motor Vehicle Division (MVD) information, computer systems, and pawnshop information</li> </ul> |
| <b>(b) Strategic Information Bureau (SIB)</b>          | <u>Has access to:</u> <ul style="list-style-type: none"> <li>Suspect and victim information, photographs, CRs</li> <li>Driving under the influence (DUI)/Impaired Driver Report (IDR) records</li> <li>Court Management System (CMS) – information on criminal and civil cases referred to City Court</li> <li>RMS, LEJIS, and MVD microfiche</li> </ul>                                    |
| <b>(c) Other Resources</b>                             | <ul style="list-style-type: none"> <li>United States Postal Service</li> <li>Telephone communications companies (cellular and land line)</li> <li>Other city, county, state, federal, and private agencies/organizations</li> <li>Bureau manuals</li> <li>Homeland Defense Bureau (HDB)/Criminal Intelligence Detail (CID)</li> </ul>   |

### 3. INTERVIEW AND INTERROGATION

A. Interviews - An interview is normally conducted with a victim or witness and is an attempt to collect any and all facts relating to an incident.

B. The ability to conduct successful interviews and interrogations is an acquired skill.

- (1) Conduct the interview as soon as possible while the person's memory is fresh.
- (2) Interview **every** witness and victim.
- (3) Attempt to schedule interviews at the convenience of the victim/witness separately.
- (4) Document everything said by each victim/witness in a CR or Officer Report.

C. Interrogations - Interrogation, within the meaning of Miranda, is defined as whether, under all of the circumstances involved in a given case, the questions are reasonably likely to elicit an incriminating response from the suspect.

- (1) See section 4 of this order for Miranda warning information.
- (2) If the suspect does not request an attorney or to remain silent, attempt to interrogate them.
  - (a) All suspects should be interrogated, even if the suspects were caught during the commission of a crime.
  - (b) Document everything said by the suspect in a CR
  - (c) Suspects may make contradicting statements that will help impeach later testimony.
  - (d) Officers should keep an open mind and allow for the possibility the suspect did not commit the crime.
- (3) The suspect's statement must be voluntarily given; the interrogation will not include force, threats, promises, or undue psychological plots to obtain a statement.
  - An undue psychological plot is one that is reasonably likely to cause an innocent person to confess to a crime.

3. D. Audio/Video Recordings

- (1) See [Operations Order 7.21.00, Domestic Violence Investigations](#), for procedures regarding audio recording requirements for felony domestic violence investigations.
- (2) When officers audio/video record an interrogation or interview with a suspect, witness, or victim during an investigation, the audio/video recordings will be processed/stored following the procedures outlined in [Operations Order 5.8.05, Photographs and Audio/Video Procedures](#).
  - Audio recordings will be processed/stored even if the contents were transcribed.
- (3) When completing the CR, officers will ensure:
  - The use of the recorder and/or body-worn camera (BWC) is documented.
  - The interview/interrogation is summarized with key facts and information clearly articulated.
  - Where/how the audio/video recording was processed/stored is also documented.

E. Interviewing/Interrogating Individuals With Disabilities - Employees will follow the guidelines established in [Operations Order 1.3.02, Individuals with Mental or Physical Disabilities](#).

4. **ADMONITION OF RIGHTS (MIRANDA WARNINGS/RIGHTS)**

- A. When officers wish to question in-custody suspects for the purpose of gaining incriminating information against the suspect for presentation in court, they will do the following prior to advising the suspect of his rights:
- Identify themselves as Phoenix police officers
  - Give their name
  - Inform the suspect of the offense about which they wish to ask questions; officers do not need to inform the suspect of every offense at issue.

B. For purposes of this order, a person is considered to be in custody when a reasonable person in the suspect's position would believe he/she is under arrest or is otherwise deprived of his/her freedom of action in a significant way.

- (1) This does not usually include:
  - Civil traffic stops
  - "Terry" stops (investigative detention based on reasonable suspicion)
- (2) Persons will be advised of their Miranda rights when they are in custody or otherwise deprived of their freedom of movement in a significant way **and** officers wish to question the person.

C. General guidelines pertaining to the admonition of rights during certain situations

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|------------------------------------|--|
| <b>(1) At the Scene of a Crime</b> | <ul style="list-style-type: none"> <li>• General, on-the-scene questioning regarding facts surrounding a crime or other general questioning of citizens in the fact-finding process is permitted without the need to advise those questioned about their rights.           <ul style="list-style-type: none"> <li>* If after general, on-the-scene questioning a person who was questioned is placed in custody, then the admonition of rights will be given prior to further questioning.</li> </ul> </li> </ul>                    |
| <b>(2) Field Interview</b>         | <ul style="list-style-type: none"> <li>• Field interview (the temporary questioning of persons) does not require the rights admonition prior to interrogation as long as questions are limited to a request for name, address, and explanation of actions.           <ul style="list-style-type: none"> <li>* If the person is placed in custody during the field interview, the officer will advise the person of their rights when questioned further about the crime for which they are placed in custody.</li> </ul> </li> </ul> |



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4. C. (Continued)

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| <b>(3) Stopping a Vehicle</b>   | <ul style="list-style-type: none"><li>• An officer may stop a vehicle and question its operator with regard to the enforcement of vehicle and traffic laws without the necessity of the admonition of rights until the person is taken into custody.<ul style="list-style-type: none"><li>* Persons in custody will be advised of their rights when questioned concerning a criminal traffic charge, including a charge of driving a vehicle while under the influence of intoxicating liquor.</li></ul></li></ul>   |
| <b>(4) Volunteered Statements</b>                                     | <ul style="list-style-type: none"><li>• Volunteered or spontaneous statements of any kind are admissible as evidence, even though no admonition of rights is given.<ul style="list-style-type: none"><li>* Care must be taken with regard to questioning initiated by an officer thereafter in clarification or amplification of the volunteered or spontaneous statements (only if under the circumstance a reasonable person would believe he is in custody).</li><li>* The best procedure in this instance is for the officer to give the warnings after the initial unsolicited statement is made and before requesting further details.</li></ul></li></ul> |
| <b>(5) At a Police Facility</b>                                       | <ul style="list-style-type: none"><li>• There is no requirement that persons who enter a station, approach an officer, or telephone stating they wish to confess or make any other statement, be advised of their Miranda rights.</li></ul>  |
| <b>(6) Handwriting, Voice Samples, and/or Other Physical Evidence</b> | <ul style="list-style-type: none"><li>• Officers need not advise suspects of their rights prior to asking for a handwriting sample for use in determining whether or not a forged or bogus document was written or signed by the suspect.</li></ul>  |

D. Admonition of rights will be read verbatim from the Notification of Rights Card PPD #29 distributed by the Department.

- (1) When a person wishes to remain silent or have an attorney present during questioning, interrogation must cease immediately.
  - (a) In such cases, if an investigation would apparently be furthered by continuing the interrogation, the Department's legal advisors may be contacted for assistance with a supervisor's approval.
  - (b) If an attorney wishes to speak (in person or by phone) to a prisoner who is in custody **and** the prisoner expresses a desire to speak with the attorney, a reasonable effort will be made to accommodate the contact and ensure privacy during their consultation.
    - Officers **do not** have to stop questioning a prisoner until the suspect asserts his rights.
    - The only person who can assert the right to an attorney is the suspect, not the suspect's family, attorney, etc.
    - For exceptions, see [Operations Order 7.8.00, Juvenile Procedures](#).
- (2) If a suspect invokes his/her right to an attorney, officers must honor that invocation and not initiate further custodial interrogation.
  - If the suspect simply indicates they wish to remain silent, officers may initiate further interrogation after a reasonable amount of time has passed, such as 2 hours.
- (3) When suspects are advised of their rights, the date, time, location, response as to understanding their rights, officer's name, and the name of other persons present, will be included in appropriate reports.
  - A suspect may waive his/her Miranda rights simply by answering questions after the admonition.



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4. D. (4) If the suspect has had his/her initial appearance following an arrest, indictment, or has been formally charged, and has invoked his/her right to counsel, the suspect will not be contacted or questioned without the permission of the suspect's attorney.
    - If the suspect has not invoked his/her right to counsel, he/she may be questioned after being advised of his/her Miranda rights and waiving those rights.
  - E. Public Safety Exception to Miranda – Established in [New York v Quarles \(1984\)](#)
    - (1) The public safety exception allows law enforcement to ask limited questions without first providing Miranda warnings when there is an **immediate threat** to public safety.
    - (2) In order to apply the public safety exception, the following three conditions must be met:
      - There is a reasonable belief that there is an immediate danger to law enforcement officers or the public
      - The questioning is narrowly focused on neutralizing the immediate threat
      - The questions are designed solely to secure public safety
    - (3) Limitations to the public safety exception:
      - The exception is narrow in scope, addressing only issue pertaining to public safety
      - The public safety exception is time-sensitive and should be utilized in the immediate aftermath of a public safety discovery
      - Questions must cease once the immediate safety threat is resolved
      - The concern must be objectively reasonable.
    - (4) Additional documentation requirements involving the public safety exception:
      - Officers must clearly document the specific safety concern that prompted the questioning
      - Officers must provide a detailed explanation of why Miranda warnings were not provided prior to the questioning
5. **ONE-ROLLS**
- A. Subjects who are required to be fingerprinted or photographed to aid in a criminal investigation may be taken to any LiveScan location (Information Services Unit (ISU), any precinct, or Centralized Booking).
    - (1) Subjects may only be transported to a police facility to be fingerprinted or photographed when **one** of the following conditions exists:
      - (a) Probable cause exists that an offense has been committed and the subject is under arrest for that offense.
      - (b) The subject is being detained under the authority of a court order for identification as defined by [Arizona Revised Statute \(ARS\) 13-3905](#).
      - (c) The subject **voluntarily** consents to be fingerprinted and/or photographed by the Department.



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5. A. (1) (d) Officers should consider the following in establishing the voluntariness of the subject:

- The subject's free choice to go to a police facility
- No restriction on the freedom to leave the police facility
- Not under arrest or in custody
- Detained for only a brief period of time at the police facility
- Actually leaves after providing fingerprints and/or photograph
- Juveniles understand they are not being compelled to consent

\* If officers have any doubt regarding the juvenile's ability to understand the right to refuse, officers will obtain parental permission to conduct the one-roll.

(2) A subject to be fingerprinted and/or photographed, when **immediate** identification is necessary, such as when an alias is suspected or the subject has no valid identification, must be taken to a LiveScan location.

B. Procedures - The officer will escort the subject to ISU, any precinct, or Centralized Booking to obtain the subject's fingerprints.

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| (1) <b>LiveScan System Available</b>   | <ul style="list-style-type: none"> <li>• If the LiveScan system is available, obtain the subject's fingerprints, and once completed, obtain a Process Control Number (PCN).</li> <li>• A photograph of the individual should be taken in the ImageWare Systems (IWS) using the PCN obtained from the LiveScan.</li> <li>• Upon completion of the one-roll, officers will contact the Centralized Booking Detail Fingerprint Unit, at 602-495-3612, and advise them of the one-roll by giving them the PCN.</li> <li>* The Centralized Booking Detail Fingerprint Unit will classify and search all fingerprints to establish the subject's identity immediately and notify the officer of the results.</li> <li>* One-roll information will remain on file in the Optical Print and Photo Image System (OPPIS) indefinitely.</li> </ul>                           |
| (2) <b>LiveScan System Unavailable</b> | <ul style="list-style-type: none"> <li>* If the LiveScan system is down City-wide, the Federal Bureau of Investigation (FBI) criminal fingerprint card (FD-249) (full 10 prints) may be used. <ul style="list-style-type: none"> <li>* All spaces should be completely filled in.</li> <li>* Each print must be a clear, usable impression.</li> </ul> </li> <li>* If IWS is available, a photograph of the individual should be taken (a PCN can be generated in IWS, which will be written on the fingerprint card). <ul style="list-style-type: none"> <li>* If IWS is unavailable, contact ISU for possible options for obtaining the subject's photograph.</li> </ul> </li> <li>* Forward the inked fingerprint card, with the PCN generated from the IWS photograph, to the Centralized Booking Detail Fingerprint Unit before the end of shift.</li> </ul> |

## 6. **BOLO (BE ON LOOK OUT)**

### A. General Information

(1) BOLOs are not an authority to arrest but only a request to obtain specific information on a subject or vehicle, or to notify officers of an Order of Protection, Mental Health Order, or other cautions.

(2) BOLOs may be initiated by any officer but are generally limited to investigative details.



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6. A. (3) BOLOs should contain specific directions for action to be taken in the Remarks section. for example:
- Field Interview (FI) needed
  - Contact Detective John Doe at 602-262-XXXX
  - Contact XYZ Police Department at 520-456-XXXX
  - Call the Data Integrity Unit (DIU) for further details
- (4) BOLOs are available through the Computer Aided Dispatch (CAD) system and will be displayed when a subject or a vehicle is run through this source.
- B. Entering a BOLO
- (1) BOLOs may be entered through CAD or by requesting one through an Information Channel.
- (2) It is the initiating officer's responsibility to maintain or cancel the BOLO.
- C. Vehicle BOLOs
- (1) A vehicle BOLO alone does not provide officers with the authority to arrest occupants, seize evidence, transport occupants for fingerprinting, or tow and impound the vehicle.
- (2) Vehicle BOLOs may be used to obtain information on vehicles and occupants.
- (3) Prior to entering a vehicle BOLO, all means used to obtain current owner information will be documented in the appropriate CR.
- (a) Vehicle BOLOs may be entered for any vehicle involved in a crime, when there is reasonable suspicion the vehicle has been involved in a crime\*, or when the occupant/s may be a hazard to officers, and there is a valid vehicle license plate.
- \*Employees who enter a vehicle BOLO for tracking and informational purposes will ensure the following is included on the top line of the Remarks textbox:
    - \* "FOR TRACKING PUPOSES ONLY, DO NOT DETAIN OR STOP SOLELY BASED ON THIS BOLO."
- (b) In addition to the vehicle license plate, the BOLO shall also include:
- Description of the vehicle
  - Suspect description
  - Case Folder number
  - Any other pertinent information
- (4) Once a vehicle owner has been contacted and the needed information is obtained, the officer who issued the BOLO will immediately cancel the BOLO and add a "Note" to the Case Details.
- D. Person BOLOs
- (1) Person BOLOs are used for the following purposes:
- To locate a person who is a subject of or witness in an investigation
  - To track a known suspect, such as a Repeat Offender Program (ROP) offender or Burglary Reduction tracking
  - To give notice of Orders of Protection involving a subject
  - To give notice of Mental Health Orders involving a subject



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6. D. (2) BOLOs for persons do not require probable cause or reasonable suspicion, only a legitimate law enforcement need to acquire information on or locate a person.

(3) A BOLO may be entered requesting the arrest of a person based on probable cause prior to a warrant being issued.

- Under these circumstances, hold the subject for investigative detention only and verify the information with the officer entering the BOLO, or by checking the CR prior to transporting to jail.

## E. BOLO Procedures

- Officers contacting subjects/vehicles with a BOLO will make reasonable attempts to satisfy the request/s of the BOLO and complete an FI, to include:
  - \* If the requesting officer was contacted
  - \* If photograph/s were taken
  - \* Subject information for follow-up by the requesting officer
  - \* The outcome of the contact, such as arrest or citation
- The FI will be routed to the detail of the officer requesting the information.

Last Organizational Review:

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