

WASHINGTON COUNTY SHERIFF'S OFFICE

CRIMINAL INVESTIGATIONS

GENERAL INVESTIGATIONS

REV. 03-15-12

The Investigation Division is primarily responsible for the proactive, undercover, or follow-up investigation of felony and complex misdemeanor crimes, including crimes involving violence, child abuse, property, vice, narcotics, fraud, and gangs. Such investigations are conducted to produce evidence relating to the guilt or innocence of any person and to recover personal property.

CHAIN OF COMMAND

REV. 03-15-12

The Investigation Division is composed of numerous units: Forensics, Violent Crimes, Child Abuse, Property Crimes, Property Evidence, Gangs, Fraud, Narcotics and investigators involved in other teams or task forces. Assigned sergeants supervise each unit, team or task force. Sergeants report to the division lieutenant, who reports to the commander, unless otherwise directed on the division organizational chart.

Commander's responsibilities include:

- Oversight of the Investigations Division and its personnel
- Ensuring that the activities and efforts of the various units are consistent with the goals and objectives of the Sheriff's Office
- Ensuring the efficiency and effectiveness of the division through systematic management controls such as planning, organizing, staffing, and budgeting
- Ensuring Division compliance with all applicable accreditation standards
- Ensuring compliance with Sheriff's Office and divisional policies and procedures
- Ensuring the upward flow of information, particularly relating to major or noteworthy investigations, to the Undersheriff, Sheriff and command staff
- Ensuring the downward flow of information to all personnel by conducting regularly scheduled meetings at all levels of the division for the purpose of general communications, policy and procedure interpretation, goals and objective setting, etc.
- Regularly reviewing division statistics and work product to ensure accuracy and quality
- Supervising and evaluating the division lieutenant and other employees directly under their command, motivating and assisting them to achieve departmental, divisional and personal goals
- Maintaining liaison with other components of the Sheriff's Office and the criminal justice system, to include the District Attorney's Office, the courts, and other law enforcement agencies

Lieutenant responsibilities include:

- Supervising and evaluating the unit sergeants and other employees who report directly under their command, motivating and assisting them to achieve departmental, divisional and personal goals
- Ensuring compliance with Sheriff's Office and divisional policy and procedures
- Maintaining continual review of the effectiveness and efficiency of components in the lieutenant's supervision
- Reviewing monthly statistics, ensuring that all reporting requirements are met
- Assessing the training needs of subordinates, and providing access to training as appropriate and available

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Sergeant responsibilities include, but are not limited to:

- Supervising and coordinating their respective units
- Ensuring compliance with Sheriff's Office and divisional policies and procedures
- Reviewing subordinates' work product, including reports and interviews, to ensure the highest quality and timely completion of all assignments
- Completing and submitting performance evaluations of assigned personnel on a timely basis
- Where applicable, assigning cases to investigators based on their experience, expertise and case load, to ensure the most efficient management of resources
- Reviewing the unit's statistics and activity level, ensuring that all reporting requirements are met
- Informing the Investigations Lieutenant in a timely manner of personnel matters, major and noteworthy investigations, and other information relevant to the efficient operation of the division

Detective Responsibilities

Detectives will timely follow up on assigned cases, using all available resources and generally acceptable investigative techniques. In fulfilling these responsibilities, they shall:

- Be considerate of the desires and concerns of the victims of crimes, treating them with dignity and courtesy and keeping them advised of the status of their cases as frequently as practical
- Safeguard the constitutional rights of arrestees, as set forth by statutory and case law, specifically:
 - The right of arrestees not to incriminate themselves, in accordance with the Miranda/Supreme Court's decision
 - The right of arrestees to a fair trial, unprejudiced by pretrial publicity
- Proactively avoid any actual or perceived conflicts of interest with victims, witnesses and suspects
 - Detectives must notify their supervisor when a conflict or potential conflict arises.
- Identify habitual or serious offenders as defined by Oregon's Measure 11, reviewing their cases with respective special unit or task force team sergeants and the District Attorney's Office
- Ensure the timely release of property in our custody
- Maintain the databases that are used by staff to produce monthly summaries, including:
 - Cases assigned, cases closed, and work completed on all open cases
 - The case number
 - Type of case (charge)
 - Final disposition of case and date of disposition
 - Hours/days worked, overtime, and training
- Regularly attend patrol shift briefings to exchange pertinent investigative and intelligence information to benefit both divisions
- Document all investigative efforts in a timely manner.

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CASE SCREENING

REV. 03-15-12

Investigations Division sergeants are responsible for screening cases for potential assignment based upon the potential solvability and the availability of resources.

In most cases, A and B felonies that have high or moderate solvability factors will be assigned to an appropriate unit detective. Also, cases that may have been "cleared by arrest", but requiring immediate follow up, will be similarly assigned.

Class C felonies and misdemeanors will most frequently be assigned to an appropriate patrol deputy for follow up. If the case is particularly complex, or otherwise encumbered, it may be assigned to a detective.

Cases with low or no solvability factors will generally not be assigned unless public or department interests require further or more immediate attention.

Solvability factors to be considered include:

- Suspect(s) can be identified, even though unknown to the victim or witness
- Suspect(s) is known to the victim or witness
- Suspect vehicle can be described and identified
- Traceable physical evidence is recovered
- There is a significant method of operation that fits an established crime pattern
- The reporting deputy has personal knowledge that provides substantial leads for clearing the case
- The need of further reasonable investigative effort, including but not limited to, a suspect composite, interviews, area canvass, development of a crime bulletin or other area notifications, evidence collection or any other documentation considered responsible
- An urgent impact on the public safety of residents of Washington County or the safety or well-being of any person or other priorities that may be in the best interest of the Sheriff's Office and residents of Washington County to further investigate
- Correlation with any ongoing criminal investigation

The original reporting deputy must insure that hardcopies of reports of an urgent nature are forwarded directly to the Investigations Division for immediate attention on the next working day. These cases may also frequently require off-duty notification of the appropriate detective sergeant.

The lead investigator may reclassify the case status with concurrence of the respective detective sergeant. The basis for case resolution must be clearly articulated in a supplementary report.

CASE ASSIGNMENT

REV. 07-31-08

All active cases will be assigned to one person as the "lead investigator". All active cases and cases cleared by arrest that require immediate follow-up will be considered priority cases.

The lead investigator will prioritize their own workload and make appropriate decisions on the extent of investigations and the need for assistance. Cases will not be transferred to another

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investigator without the approval of a supervisor. The transfer of cases will be immediately documented in the case management system and in the case files.

Investigation sergeants will review detective case assignments monthly to determine if progress is appropriate. Patrol supervisors will be responsible for follow-up cases assigned to patrol deputies.

PRELIMINARY INVESTIGATIONS

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In most instances, Patrol deputies conduct the preliminary investigations of crimes. Investigators may be called to the scene of an initial investigation to assist. However, responsibility for completion of the original report remains with the responding deputy.

Follow-up of misdemeanor offenses is normally the responsibility of Patrol. Misdemeanor follow-up may be transferred to the Investigation Division when it is impractical for the Patrol Division to conduct such follow-up. Transfer of a misdemeanor investigation shall be by concurrence of the affected division sergeants.

THOROUGH INVESTIGATION

REV. 07-31-08

It is the responsibility of the lead investigator to ensure that each case assigned is investigated to its successful completion, or re-classified to inactive status within established deadlines. Refer to policy 1415, *Criminal Investigations*.

Contacting a victim, complainant or witness for a second time, after the lapse of several days, may result in the receipt of information leading to the resolution of a case, and should be attempted whenever possible. Victims of crimes have an expectation that they will be kept informed of the status and progress of an investigation.

MAINTAINING CASE FILES

EFF. 04-21-04

The assigned investigator will maintain the case file in a current, easily understood manner. All casework shall be documented by the investigator(s) performing the work. Case files will be stored in the investigator's respective work area when off duty.

CLEARING CASES

REV. 07-31-08

Detectives will use the clearance codes outlined in the Report Writing Manual, with one addition:

Administrative Suspension (SP): This clearance is used by detectives primarily to suspend 1) open cases with low solvability factors or 2) cases that are for review only or require no further follow up.

ROUTING REPORTS

REV. 07-31-08

Reports will be forwarded electronically by the Criminal Records Section to the Investigations Division on a daily basis. These reports shall be sorted by Investigations Division administrative

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staff according to type of offense and distributed to the proper investigative units for review and assignment by unit supervisors.

A computer record shall be maintained for each case that is assigned, including the name of the assigned investigator, date assigned, date cleared, and other statistical information, as available.

ORIGINAL CASE REPORTS

REV. 03-15-12

Original case reports generated by investigations personnel, including supplementary reports, shall be forwarded to the Criminal Records Section after supervisory approval. The investigator shall maintain copies in the investigator's working case file.

The original case report of a homicide, to include attendant supplementary reports and documentation, shall be retained temporarily by the lead investigator until organized, indexed and tabbed in book form. Upon authorization of the Violent Crimes Unit sergeant, the homicide book will be forwarded to the Criminal Records Section. Subsequent supplementary reports shall be forwarded as soon as completed.

Working homicide files and case files designated by a sergeant as 'restricted' shall be secured in a locked cabinet, available on a need or right to know basis only. All other case files will be accessible to all detectives.

The lead investigator will maintain copies of case reports received from other components of the organization until cleared or reclassified. The entire working file may be forwarded to the District Attorney's Office as part of the case filing. At the discretion of a sergeant, a copy of the case may be maintained in the Investigations Division.

COLD CASE INVESTIGATIONS

REV. 03-30-10

Cold cases include homicides or other serious cases for which the investigation was suspended after a thorough examination of all possible leads. Over time, factors may change, presenting new opportunities to solve a case. With recent advances in forensic analysis and other technologies, law enforcement has new opportunities to identify unknown offenders in some cases, even years after the crime occurred.

The Violent Crimes Unit supervisor will ensure that cold cases are reviewed on a yearly basis in light of new evidence processing techniques or newly developed information that may lead to the solution of the case. Detectives working cold cases will do at least the following:

- Review the entire criminal case file
- Locate and re-contact witnesses
- Review the physical evidence
- Consider any new methods of forensic analysis that could apply
- Consult with prosecutors about potential prosecution or legal action
- Thoroughly document all investigative efforts in a follow-up report

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The Violent Crimes Unit sergeant must review and approve all cold case investigation reports. Once an investigation is completed, the sergeant will update the cold case tracking system.

EYE WITNESS IDENTIFICATIONS

REV. 03-15-12

Eyewitness identifications are very compelling evidence at trial. Therefore, due diligence must be observed in preparing and executing eyewitness identifications in order to ensure a high reliability of testimony during court proceedings. Toward that end, when the law and practicality allow, consider documenting eyewitness identifications via audio or visual recording.

Eyewitness identifications can take several forms, including photo lay-downs, physical line-ups, and show-ups.

Sequential Photo Lay-Downs

1. Obtain a booking or DMV photo of your suspect that as accurately as possible reflects how they were described by the witnesses (the most recent photo is not always the best).
2. Obtain at least 5 "filler" photos to complete the array. Try to use photos that have the same background as your suspect photo – all DMV, or all booking, etc.
 - Pick filler photos that also match the description that was provided for the suspect.
 - Do not make the photos so close in appearance that they may confuse the witness – they should each just be generally of the same description.
3. Print each photo on its own piece of paper, without including any other marks or identifying information.
4. On a separate document, associate the photos with their corresponding identifying information (name, DOB, ODL).
5. It is preferred that the person presenting the array not know which photo belongs to the suspect, as this prevents any inadvertent or subconscious influencing of the witness by the deputy. It also reduces the likelihood of a defense argument at the time of trial. If that is not possible to accomplish, another option is to shuffle the photos and show them to the witness in a manner that does not allow you to see which photo they are viewing. In either case, thorough documentation will be necessary.
6. Before showing the photos, give the following admonition to the witness:
 - You will be asked to view a series of photographs, one at a time.
 - The person who committed the crime may or may not be in the set of photographs being presented.
 - It is just as important to clear innocent persons from suspicion as to identify guilty parties.
 - Individuals depicted in the photos may not appear exactly as they did on the date of the incident. Features such as head and facial hair are subject to change.
 - You can view each photo for as long as necessary before proceeding to the next.
 - Whether or not you make an identification, we will continue to investigate this incident.

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- If you make an identification, the process will end, even if some photos have not been viewed.
 - If you make an identification, you will be asked to describe in your own words how certain you are of the identification.
7. If an identification is made, ask the witness to describe, in their own words, how certain they are. Do not ask the witness to describe their certainty with percentages!
 8. Do not say or do anything that may suggest the witness did or did not select the right person.
 9. Document in your report how the photos were obtained and describe the process used.
 10. Describe the circumstances of the witnesses pick/no pick and their related statements.
 11. If they make an identification, have the witness sign and date the photo of the person picked.
 12. The entire photo packet should then be placed into evidence.
 13. If the witness goes through the photo array without making an identification, it is acceptable to go through the stack a second time. A third presentation is not recommended.
 14. If necessary, explain to the witness that you are not able to discuss the accuracy of any identifications. Do not disclose any information that would indicate whether or not there are other witnesses.

Physical Lineups

Due to limitations of space and practicality, the Washington County Sheriff's Office does not currently conduct physical lineups.

Show-Ups

1. When a suspect is detained at or near the area where an offense has been committed, witnesses may be brought to the area for a *show-up* identification. Remember that suspects may not be held for longer than a reasonable amount of time to confirm or refute whether they are the perpetrator. Remember too, that moving a suspect from the immediate area will likely turn your detention (requiring only a reasonable suspicion) into a stop (requiring probable cause).
2. Before bringing a witness to the suspect's location for a show-up, you should obtain a detailed description of the suspect from the witness and ascertain whether or not s/he believes they will be able to recognize the perpetrator. Make every effort to protect the identity of the witness during the show-up.
3. If possible, avoid showing the suspect in handcuffs or sitting in the back of a patrol car, to avoid the suggestion that police believe this is the perpetrator. Advise the witness that they are under no obligation to make an identification and that the suspect detained may or may not be the actual perpetrator. Remind the witness that it is just as important to free innocent persons from suspicion as to identify guilty parties. If there are multiple witnesses, conduct a separate show-up for each witness. Do not allow the witnesses to communicate before or

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after any show-up regarding the identification of the suspect. Do not show any suspect to a witness more than once.

4. If there are multiple suspects, separate them and conduct individual show-ups with each witness.
5. If the witness identifies a suspect, do not confirm or corroborate that identification.
6. Immediately document any statements made by the witness during the show-up and, if a subject is identified, rate what you believe is their level of confidence on a scale from one to ten (ten being the most confident). If no identification is made, document that fact as well.
7. If the detained suspect is not identified, or probable cause is not otherwise developed in a reasonable period of time, the suspect must be released after obtaining their basic information. Consider, also, the possibility of taking a picture of the suspect.

PAWNSHOPS AND SECOND HAND STORES

EFF. 03-15-12

When there is probable cause to believe that property in the possession of a pawnshop or second hand dealer is associated with criminal conduct, the investigator may seize the item, or place a *police hold* on the item, when appropriate.

It is not the responsibility of our office to make judgments concerning the competing claims of parties with interest in property (i.e., original owner vs. pawnshop). Seized property will be returned and/or disposed of in accordance with a judge's order, or with direction from the District Attorney's Office.

Seizing Property

Whether to seize property from a pawnshop or second hand store will generally be left to the discretion of the investigator. However, property related to person crimes cases and/or property deemed to have a high value shall always be seized and stored in evidence.

Police Holds

If an investigator opts to leave property with a pawnshop or second hand store by placing a police hold on the item, it is the investigator's responsibility to understand and abide by the applicable city or county rules governing such holds in that jurisdiction. It will be the investigator's responsibility to track the holding periods (which differ from jurisdiction to jurisdiction) and apply for extensions, as appropriate. If all holding periods have been exhausted and the case has not yet been disposed, the investigator will seize the property and place it into evidence.

APPROVED BY:

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Dated: March 15, 2012