



Investigative Manual

Mission Statement

Serving the citizens and businesses of Washington County through aggressive and proactive enforcement of the laws related to fraud and identity theft. The FITE Team will concentrate its efforts on person(s) and/or organizations that are prolific in the fraudulent use of stolen identity.

"Fighting Fraud in Washington County."

FITE OPERATIONAL GUIDELINES

The FITE team will generally concentrate its efforts on cases that will result in charges of Identity Theft, Forgery I, Fraudulent Use of a Credit Card, Theft by Deception, Theft I or Aggregate Theft I with a monetary loss of at least \$5,000 or more.

Based on this premise, most misdemeanor cases will be reassigned to Patrol. However, there will be exceptions if the individual, or group of individuals, who committed the misdemeanor is the subject of a current ongoing investigation at FITE. In addition, if the individual (or group of individuals) is deemed to be 'prolific' based upon fraudulent activity exhibited by that individual. In addition to this, there will be certain cases that would be best handled by the FITE team. Examples of these might include (but are not limited to) cases where the media coverage may be intensified, or where notable persons in the community are involved.

In order to assist Patrol, the FITE team will review ALL fraud related reports and make a determination if further investigation is required. When the FITE team recognizes that investigative leads exist that have not been exhausted, or that there are other avenues to explore to further an investigation, the FITE member will issue a report, listing investigative suggestions and send the report back to Patrol for follow up.

It is understood that the FITE team relies heavily on input from the District Attorney's Office as to what types of cases the DA's office can, and are willing to, prosecute. In addition, the FITE team respectfully recognizes that there are internal policies in place at the District Attorney's Office that may limit the type, and direction of investigation for each case. A strong bond with the District Attorney's Office is vital to the existence and production of the FITE team. After forming a strong bond with the District Attorney's Office, direction from the DA's office will be important in determining the future direction and types of cases to be worked by the FITE team.

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ADMINISTRATIVE POLICIES

1.1 COMPOSITION AND AUTHORITY

This agreement is entered into among and between the participating agencies for the purpose of securing to each the benefits of mutual assistance in addressing common problems and goals specifically related to the enforcement of State and Federal fraud and identity theft laws. This Agreement operates under the authority of O.R.S. 190.003 to 190.030, which hereby creates the Fraud and Identity Theft Enforcement Team (FITE) through intergovernmental agreement as a consolidated function of participating agencies. Participating agencies in this agreement include: Beaverton Police Department, Hillsboro Police Department, Tigard Police Department, Washington County Sheriff's Office, Washington County District Attorney's Office, and any other agency approved by the Board. Additional members may be included in this agreement through the completion of a signature page without a renewed signature of all participants.

1.2 GOALS AND OBJECTIVES

The Fraud and Identity Theft Enforcement Team shall have as its overall goals:

To detect and apprehend persons who commit crimes related to fraud and identity theft.

To provide a coordinated response to the growing number of fraud crimes being committed in Washington County in order to slow and/or reverse this trend.

To enhance and maintain the continuing and effective spirit of cooperative efforts among the criminal justice agencies within, and around, Washington County.

FITE shall pursue the following objectives while achieving its goals:

Collect, store and track crime reports from all police agencies in Washington County having some nexus to fraud and/or identity theft, for the purpose of identifying patterns of fraudulent activity, identifying and targeting criminal networks and enterprises and to accurately identify current and coming trends.

Identify and apprehend individuals responsible for significant fraud and identity theft crimes, emphasizing the location of groups and networks and their leadership.

Present thorough and compelling cases to the state or federal District Attorney's Office for prosecution, focusing on repeat offenders and/or cases that are likely to garner significant sentences upon conviction.

Suppress patterns of fraud and identity theft in Washington County.

Maintain FITE investigator skills and expertise by attending training covering current criminal trends related to fraud and identity theft. There will be a minimum 40 training hours per year, per investigator.

Provide training to patrol officers in the tasks of taking fraud and identity theft complaints. In addition, patrol officers will be trained on how to conduct fraud and identity theft investigations.

Promote fraud awareness and prevention through public education programs provided to the businesses and citizens of Washington County.

1.3 RECEIPT OF FITE POLICIES

All members, civilian and commissioned, upon assignment, will receive a copy of the FITE Policies. These will be reviewed on an annual basis by the team's supervisor during the member's evaluation to assure they are up-to-date. In addition, any new policies shall be reviewed by the Board to ensure departmental pertinence and accuracy. All members of the FITE team will receive any additions or deletions to these standards as they occur. Each member is required to know and follow the policies set forth in the policy manual.

JOB DESCRIPTION BY TITLE

2.1 TEAM ADMINISTRATOR

The User Board shall designate an Administrator who will have the following responsibilities:

Establishment of operational guidelines;

Evaluation of team activities and supervisory personnel;

Long range planning and budgeting of resources to accommodate manpower, equipment and funding needs.

2.2 TEAM SUPERVISOR

The FITE team shall have a full time supervisor appointed from one of the participating agencies. The responsibilities of that supervisor shall be:

Directing the day to day FITE activities, including, but not limited to:

Assignment of investigations and other tasks to unit personnel;

Scheduling of personnel;

Review and approval of investigative reports;

Supervision of personnel assigned to FITE and the nature of the investigations undertaken by the FITE team;

Coordinate communications with other law enforcement agencies;

Ensure timely delivery of all reports to the District Attorney's Office;

Coordinating information received from departments and ensuring the proper follow-up is being conducted (by FITE or other appropriate investigator/agency);

Maintenance, monitoring, and recording of Investigative Fund expenditures;

Applying for special program funding including grants and forfeitures, monitoring expenditure of those funds, and completing necessary program reports;

Reporting to the User Board on team activities.

2.3 INVESTIGATORS

Investigators shall consist of detectives assigned from participating agencies. Their direct line supervisor shall be the Team Supervisor. Responsibilities of each investigator shall be:

Remain current on all fraud and identity theft related laws and case precedence.

Conduct all investigations in a professional, thorough and timely manner.

Conduct surveillance operations when that activity is the only, or most expedient, manner of collecting necessary information or intelligence.

Complete accurate reports in a timely manner, relative to the individual case or activity.

Prepare search warrants and affidavits on cases. Execute those warrants after they have been reviewed by the local District Attorney's Office or the U.S Attorney's Office, and have been signed by a magistrate.

Prepare and execute operational plans as they relate to search warrants and other high-risk operations.

Compile and enter all statistical data regarding each investigation into the Fraud Statistics Database.

2.4 INVESTIGATIVE TECHNICIAN

The Investigative Technician may be an officer or civilian assigned from one of the participating agencies. The Investigative Technician will be assigned to the FITE team for the specific purpose of unit support and intelligence analysis. The Investigative Technician's duties may include, but are not limited to, the following:

Process and maintain all FITE files (whether electronic or hard copy).

Receive and enter all fraud related crime reports (from the various agencies in Washington County) into the OCIN criminal intelligence database.

Research criminal and non-criminal information on subjects; compile data from utilities and other sources to assist in search warrant preparation and execution; perform various crime analysis functions (as directed by investigators), including but not limited to, tactical queries of OCIN and other databases; create link charts, graphs and maps.

Develop and revise unit forms; issue memos to unit members; assist by training officers in the use of unit procedures and forms; maintain phone lists and emergency call out list.

Assist FITE investigators following the execution of search warrants with documentation of property evidence, photos, and diagrams at the scene.

Answer office phones; assist in the preparation of payroll time sheets; track FITE overtime; order supplies.

Research, compile, analyze, interpret and prepare a variety of monthly, quarterly and annual statistical reports.

Assist, as needed, with case preparations for investigative and/or court presentation.

Monitor, respond and relay sensitive information via police radio to detectives in the field; contact detectives via pager to exchange critical information or call out emergencies.

PERSONNEL POLICIES AND PROCEDURES

3.1 DISCIPLINARY ACTIONS

All disciplinary actions are the sole responsibility of the parent agency and shall be governed by the policy and procedures of the parent agency.

The User Board retains the right to return the employee to his or her parent agency for any reason.

3.2 CITIZEN'S COMPLAINTS

Any citizen complaint filed against an investigator resulting from team activities will be directed to the Team Supervisor who will advise the Administrator of the complaint. The Team Supervisor will initiate a fact-finding investigation and will forward those findings to the Team Administrator. The Team Administrator will forward the investigation to the parent agency for appropriate action.

3.3 INTERNAL AFFAIRS INVESTIGATIONS

Internal affairs investigations shall be the responsibility of the involved member(s) parent agency.

3.4 STANDARDS OF CONDUCT

Standards of conduct are established with the belief that they are reasonably related to the business needs of the Fraud and Identity Theft Enforcement Team and its member agencies. The business need is generally, but not exclusively, described as the type of performance that can be expected for the orderly, efficient, effective and safe operation of the team. The standards of conduct will generally fall into the following categories:

Performance Evaluations

The Team Supervisor, as directed by the parent agency, will evaluate the performance of each member. The supervisor shall meet with a parent agency representative and the affected member whereby an evaluation will be conducted utilizing the parent agency's evaluation documents. The official evaluation, its contents, and its use shall be the sole responsibility of the parent agency.

Knowing, Observing, and Obeying All Directives, Rules, Policies, Procedures, Practices and Traditions

Members shall display an affirmative, consistent effort to observe and comply with the guidelines, directives, rules, policies, procedures and practices established for the efficient and safe operations of this team. This standard applies to guidelines, policies, procedures and practices that are written as well as those established by acceptable past patterns or practices.

The User Board allows for defensible deviations from policies, procedures, and practices, provided the member is capable of providing (in writing if requested), justifiable reason(s) for such deviations. This means that the member provides factual information and data that such deviations were truly necessary and justified by the uniqueness of the event and the necessity for increased effectiveness, efficiency, or safe operating procedures. In all such cases, it will be the responsibility of the member, who chooses to deviate from established policies, procedures, or practices, to provide the supervisor with satisfactory documentation to support justification for such deviations.

Knowledge of Laws and Rules

Members shall be familiar with, and maintain a working knowledge of, all job related Federal and State laws. Members shall, of their own initiative, learn, understand and be able to apply the information contained in these guidelines and their own agency directives.

Violation of Rules

Members shall not, by commission or by omission, act in any manner which constitutes a violation of any of the guidelines, rules, regulations, directives, mission or orders of the User Board.

Reporting Violations

Members having knowledge of violation(s) of laws, ordinances, rules, procedures or disobedience of orders by other team members shall report such violations following the chain of command within the team. The team supervisor will keep the parent agencies notified of all performance issues.

Duty Responsibilities

Members shall affirmatively respond to the lawful order of their superior officers and other proper authority. The primary goals of the team are directed toward financial crimes and identity theft. This does not, however, relieve members from taking policy action in an area of responsibility normally assigned to the other law enforcement units when such action is required or when failure to take action may result in injury or damage to persons or property. Members assigned to special duties are not relieved from taking proper action outside the scope of their specialized assignment when necessary. All members shall perform their duties as required, or directed by law, departmental rule, policy or order, or by the order of a superior officer.

Briefings

The supervisor or his/her designee shall assemble members of the team at least once per week for the purpose of sharing case updates and projected activities for the next week. Pertinent information possessed by an investigator, perhaps unfamiliar with another case, can be shared for the benefit of case advancement.

Reporting Absence or Tardiness Prior to Duty Time

When sickness or unforeseen circumstances prevent a member from reporting for duty as scheduled, the member shall notify the supervisor as soon as possible prior to duty time. If the supervisor is not available, the member shall notify another team member who shall ensure the supervisor is notified as soon as possible. The Team Supervisor will notify a designated person at the officer's parent agency for record keeping purposes.

Address and Telephone Numbers

Within 24 hours after changing address or telephone number, members shall notify the supervisor of such change and provide their current phone number, mailing and street address. This information shall be considered confidential and not be given out to anyone except authorized personnel.

Drinking Intoxicating Beverages on Duty

Members shall not drink any intoxicating beverage on duty except when necessitated as part of an undercover investigation. Members shall not, at any time, be intoxicated while on duty. Members shall not report to work with the odor of intoxicants on their breath and shall exercise caution in consuming alcoholic beverages prior to duty time so as not to be in violation of this section.

Public Appearance Request

All public appearance requests will be referred to the Team Supervisor for assignment.

Expenditures

Members shall not incur any debt or liability in the name of FITE unless authorized by the Team Supervisor or Administrator, unless operational needs dictate an emergency expenditure.

Truthfulness

Members shall remain truthful in all official written and verbal communications concerning their duties and assignment.

It is recognized that on occasion members will, based upon the nature of their duties, find it necessary to be untruthful with suspects and informants regarding their identity, intentions, actions etc., in order to further their investigations and establish their 'cover'. When practical, members should document these instances of "acceptable" untruthfulness in reports written to document the event.

OPERATIONS

4.1 APPROVED FIREARMS

Team members may carry only those firearms that are approved by their parent agency and for which the member has met the minimum regularly scheduled competency qualification established by their agency.

4.2 FIREARMS MAINTENANCE AND QUALIFICATIONS

All officers are required to inspect and maintain their department issued or authorized weapon. All officers will qualify as required. Team members will train and qualify as a unit annually with a certified firearm instructor. Officers will only carry, whether on or off-duty, firearms which they have qualified with on Department approved courses. This includes duty sidearm, secondary or backup gun and rifle, if used during official police actions. This section does not include weapons, which are used solely for the purpose of hunting or target practice.

4.3 DISCHARGE REPORT

Any FITE member involved in the intentional or accidental discharge of a firearm related to any official activity, shall immediately notify the Team Supervisor or designee and the member's parent agency. The report, and any subsequent review, shall be for the purpose of examining compliance of the member with FITE guidelines. Any official activity relevant to internal affairs investigations or review for criminal conduct shall be the responsibility of the parent agency.

4.4 VEHICLE OPERATIONS

It is recognized that during a mobile surveillance, officers might violate the motor vehicle code. Any vehicle used for tactical operations in this manner should be equipped as an emergency vehicle defined in ORS 816.250 and 820.370 except when doing so might jeopardize the integrity of a case or operation. During surveillance operations, officers must exercise reasonable judgment and extreme caution.

Any use of vehicles involving the activation of emergency lights and sirens shall be limited to tactical operations, or for the protection of life.

At no time is a team member to initiate or participate in a "pursuit" while driving a covert vehicle except in cases where a "pursuit" is necessary for the protection of life.

4.5 REPORTING DAMAGE / LOSS OF TEAM PROPERTY

Members shall immediately make a written report to the Team Supervisor for any loss or damage of team property assigned or used by that member. The supervisor will, if possible, correct the deficiency and notify the Team Administrator of any action taken. All required and applicable city and state crash reports should be completed by the end of the duty period in which the damage or loss occurred.

4.6 USE OF DEPARTMENTAL BUILDINGS

Members shall not allow any person entry into any restricted portion of a police facility unless the person requesting/requiring entry has a legitimate reason to be in that area. This shall not be construed to restrict a member's family from entering the police facility for short visits if the visit does not disrupt team activities.

4.7 SECURITY OF BUSINESS INFORMATION

Members shall not release team business information or records outside the team except in the performance of their duties or when required to do so by law. All sensitive information or communications that are intended to be read by a team member, the supervisor, or User Board, will be considered confidential. Members in doubt as to the releasing of records or information will seek clarification from the Team Supervisor.

The nature of fraud, identity theft and/or organized crime offenses and the amount of undercover work involved in investigating these offenses all contribute to the sensitivity of all records related to each investigation. Each member is responsible for keeping these records secure and subsequently limit their access to authorized persons only.

The privacy and security precautions for the records functions at the FITE team should be in accord with agency policy, local ordinance, and/or state or provincial statutes. The privacy and security of criminal history record information (CHRI) should be in accord with appropriate national regulations in regard to dissemination, completeness and accuracy, audits, security requirements, access, and review.

4.8 TRANSPORTING CITIZENS AND ARRESTED PERSONS

Citizens will be transported in vehicles assigned to FITE investigators only when necessary to accomplish a police purpose.

4.9 REQUEST FOR ASSISTANCE

The Team Supervisor may authorize the team to provide assistance to member agencies for non-fraud related criminal investigations only with the approval of the Team Administrator.

REPORTS AND FILES

5.1 INVESTIGATIVE CASE FILE AND REPORTS

FITE shall maintain a separate investigative numbering system and a separate report file from that of the originating agency. An “investigation” may involve one or more crime reports (as identified by a unique agency case number) from any agency, so long as there is a nexus to fraudulent criminal activity in Washington County.

Crime reports originating within FITE (i.e., not previously documented and referred to FITE by one of the Washington County police agencies) will receive one, or all, of the following as each applies:

1. An incident number through the Washington County Consolidated Communications Agency (WCCCA).
2. A FITE investigation number (as needed). FITE investigation numbers are issued sequentially and will be preceded by the letter “F” (to indicate it is a “FITE” investigation) and a two-digit year indicator (i.e. F-02-0001).
3. A case number from WCSO records.

All FITE reports will be completed using the PPDS report form. All reports will be completed as soon after an officer’s action as is practical. All reports will be submitted to the Team Supervisor for review and approval. Original reports will be maintained in a separate filing system by an agency designated by the User Board.

5.2 MONTHLY ACTIVITY REPORT

The Team Supervisor will be responsible for submitting quarterly and yearly reports summarizing the team’s activities to the User Board.

5.3 PRESS RELEASES

Press matters concerning team activities shall be coordinated and approved by the Team Supervisor with consultation of the Team Administrator.

INVESTIGATIVE PROCEDURES

6.1 INVESTIGATION OUTSIDE THIS JURISDICTION

The member having responsibility for the investigation will be designated as the “case agent”.

It is recognized that crimes related to fraud and identity theft (and those who commit them) can, and frequently do, cross-jurisdictional boundaries. FITE investigations will be conducted in a coordinated fashion, with thorough planning and discussion between the case agent and any other persons, investigators, agencies or associations that may have an interest in the investigation.

FITE investigators will not restrict their investigative efforts to any particular area of the county, but rather will attempt to uncover any and all fraud activity that has a nexus to Washington County. It will be the responsibility of the Team Supervisor to ensure that FITE resources are not inappropriately dominated by any of the participating jurisdictions.

The case agent will notify WCCCA and the appropriate jurisdiction’s on-duty supervisor or watch commander whenever an enforcement or investigative action may interfere with normal police operations, or cause alarm or concern on the part of citizens or police who are not aware of our identity and purpose. If an investigation will result in some significant enforcement action requiring additional resources, the case agent shall request those resources (in advance, when possible) from the affected jurisdiction’s on-duty supervisor or watch commander.

6.2 RAID PLANS

Prior to any tactical operation involving a search or arrest warrant, the case agent will complete a risk analysis and written operation plan. The case agent will then give the risk analysis and operation plan to the Team Supervisor or his/her designee for approval. The operational plan will be presented to each participant in the operation. Any investigators who do not take part in a pre-raid briefing, or who do not have a copy of the operational plan, will not take part in the tactical portion of the operation.

Raid plans shall give consideration to the following topics during the planning process:

Geographical locations.

Interior layouts of the target location (if known).

Maps, photos, sketches of the target location. (Including commercial maps and aerial photographs if warranted.)

Approach and escape routes to and from the target location.

Fire escapes or stairs.

Location of all doors, windows, and other entries.

Access to and from adjoining buildings through roofs, basements, holes in the wall etc.

Construction and peculiarities of the target location.

Penetration by gunfire.

Fire Hazard.

Parking facilities such as garage etc.

Fortifications on windows and doors.

Door opening direction.

Animals present.

Location of utility shutoff points. (Internal and external)

Location of internal utilities such as toilets, sinks and drains.

Demeanor of the people present inside of the house.

Potential hazards to innocent people residing in the target location and nearby buildings or dwellings.

Raid plans shall give consideration to the following factors regarding a targeted suspect(s):

The number of suspects and persons involved.

The characteristics of suspects involved, giving special attention to their:

Sex

Age

Description

Criminal history.

Magnitude of previous violations.

Likelihood of resistance.

Native language.

Physical and mental conditions the suspects or any other persons likely to be encountered.

Number of suspects expected to be at the location at the time of the warrant service.

Potential for children and/or elderly occupants at the target location.

Weapons background, experience or proficiency of the suspects.

Record of purchase or carrying of firearms.

Military background.

Access to weapons.

Knowledge and use of explosives.

Suspect(s) mode of transportation.

Registration numbers and descriptions of auto, planes, boats etc.

When it is deemed that the only way to serve a warrant is by means of a dynamic entry, the Tactical Negotiations Team leader or commander will be consulted. They will then determine the amount of assistance that TNT will provide.

6.3 WARRANTS

Team search warrants will be served by a sufficient number of personnel to ensure safety and, when possible, will be accompanied by at least one uniformed officer.

Under normal circumstances, an undercover officer will not make an arrest while acting in an undercover capacity. Due to inherent safety issues, it is only under extreme circumstances when it becomes necessary to prevent the loss of injury and/or life that an undercover officer will effect an arrest from an undercover capacity.

Members or other plain-clothes officers shall wear a jacket, coat, or other attire such as a raid vest, which clearly distinguishes them as police officers when serving arrest and search warrants. Exceptions to this procedure must receive prior approval from the Team Supervisor. In all cases, officer safety will be the

prevailing issue, in conjunction with the mission and goals of the team. Protective body armor shall be worn unless deemed inappropriate and authorized by the Team Supervisor during undercover operations in conjunction with a warrant service.

When a search warrant is executed, the Team Supervisor will direct the activities of team members regarding their assignments (i.e., photographer, evidence finder and evidence custodian, prisoner custodian, etc.). When practical, all searches should be followed up with secondary search by a different investigator.

INFORMANTS

7.1 GENERALLY

Case investigators should use caution when considering the use of paid informants in conducting a fraud investigation. By rule, those with previous convictions for fraud related crimes or crimes involving deceit (i.e. false information to police) are deemed unreliable/untrustworthy and their testimony in court is subject to impeachment. This being said, an informant with an unreliable past can prove to be reliable through word and action during the course of an investigation, but that informant should never be deemed as a reliable informant.

Members using informants will maintain a professional relationship with the informants.

Members obtaining information from informants, or other such sources, will use that information for law enforcement purposes in accordance with existing statutes, case law and unit procedures.

Members will control the activities of informants and use them with a clear investigative goal. Informants are to be used as a means to an end. They are not partners in the investigative process.

Unless absolutely necessary, always meet an informant with two investigators present as this provides a built in witness to events and conversations that occur.

7.2 PAYMENT

No money shall be paid to an informant unless the following conditions are satisfied:

A receipt is signed in the informant's fictitious name. The informant's true name can be cross-checked through the confidential informant file and will satisfy the agreement in the informant packet to keep the informant's true identity concealed during the course of an investigation.

The payment is witnessed and signed off by another officer.

The Team Supervisor will document all payments to an informant on the expense fund log. Unless prior approval has been granted, informants will be paid at the completion of their services.

Investigators are discouraged from promising an informant a fixed sum of money. Payments will first be discussed with the Team Supervisor. Informants will be paid in amounts appropriate to the following criteria:

Nature and complexity of investigation

Impact of this investigation/arrest on community

Past reliability and work record of informant

CONFIDENTIAL FUNDS

8.1 EXPENDITURES OF INVESTIGATIVE FUNDS

The Team Supervisor shall be responsible for the safekeeping and monthly audit/reconciliation of all funds under his/her control. To accomplish this, the supervisor will keep a running log of available funds, including receipts and a detailed accounting of all disbursements.

Allowable expenses include, but are not limited to, the purchase of evidence and information, rental of vehicles or equipment, motel rooms as required, and other such emergency investigative expenses, which may be necessary for the furtherance of an investigation.

At no time shall there be a combining of confidential funds with personal funds in order to maintain the integrity of these funds.

EVIDENCE / PROPERTY PROCEDURE

9.1 PROCEDURE

All evidence or property seized by FITE members shall be taken and processed according the Washington County Sheriff's Office evidence manual. All members are strongly encouraged to examine each piece of property for its evidentiary necessity when determining if it should be seized.

An itemized receipt will be issued to the owner, or a receipt left at the scene, for all property or evidence seized by members of FITE.

All evidence will be tagged with a Washington County Sheriff's Office evidence tag, but will display the appropriate investigation number. The original evidence receipt is to be submitted with the officer's report to become part of the permanent record file.

SIGNATURES

Beaverton Police Department

Date

Hillsboro Police Department

Date

Tigard Police Department

Date

Washington County Sheriff's Office

Date