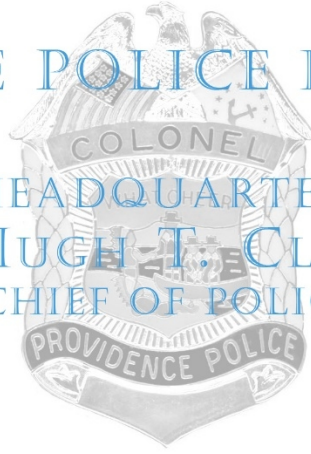


PROVIDENCE POLICE DEPARTMENT

HEADQUARTERS
COLONEL HUGH T. CLEMENTS, JR.
CHIEF OF POLICE



TYPE OF ORDER	NUMBER/SERIES	ISSUE DATE	EFFECTIVE DATE
General Order	360.01	9/25/2014	9/25/2014
SUBJECT TITLE		PREVIOUSLY ISSUED DATES	
Criminal Investigations		7/4/2014	
REFERENCE		RE-EVALUATION DATE	
CALEA 1.2.3; 42.1.3; 42.2.1		9/25/2017	
SUBJECT AREA		DISTRIBUTION	
Law Enforcement Operations		All Sworn Personnel	

PURPOSE:

The purpose of this policy is to establish guidelines for criminal investigations which occur within the jurisdiction of the Providence Police Department.

POLICY:

Investigations will be conducted in all criminal or non-criminal matters that fall within the jurisdiction of the Investigative Division. The ultimate objective of any investigation is to obtain and present evidence to a court of law for a determination of the guilt or innocence of the accused.

DISCUSSION:

N/A

PROCEDURE:

I. ORGANIZATION

- A. The Investigative Division shall be commanded by a Major who will have the title of Detective Major. The Detective Major shall be responsible for the assignment of cases to the following bureaus: Detective Bureau, Youth Services Bureau, Bureau of Criminal Identification, Narcotics and Organized Crime Bureau, Special Victims Unit, and all specialized units, task force units, and specialized squads which fall under these Bureaus as identified through the Department Table of Organization.

II. CRIMINAL INVESTIGATION FUNCTION

- A. Whenever a major crime is reported, the Detective Bureau or Youth Services Bureau shall be notified, as appropriate. All Capital offences that require notification include: Homicides, First Degree Sexual Assault, First Degree Child Molestation, Kidnappings, Robberies, and Assaults that may result in serious injury or death.
1. The Detective Bureau's primary role is to handle serious or complex cases that require extensive or complex follow-up procedures.
 2. In most cases, the Patrol Bureau will be the first responder on complaints. As such, the initial Patrol Officer will conduct a preliminary investigation and will notify the District Sergeant in cases that require further investigation.
 - a. If it is determined that the case should be referred to the Detective Bureau and an immediate response to the crime scene is required, the uniform officer will secure the scene and advise the district sergeant.
 - b. If the district sergeant determines that an immediate Detective Bureau response is necessary, he/she shall have the Detective Bureau notified.
 - c. Any follow-up investigation will be the responsibility of the detective assigned to the case.
- B. The first responding member to the crime scene shall begin a preliminary investigation, which should include:
1. Securing the crime scene and any evidence of a crime.
 2. Recording any pertinent observations, conditions, events, and remarks.
 3. Locating and identifying any witnesses.
 4. Effecting the arrest of the perpetrator.
 5. Arranging for the collection of evidence.
 6. Initial interviewing of the complainant, suspect, and/or witnesses.
 7. Reporting the incident completely and accurately.
- C. When investigating the types of crimes as noted in sub-section A, the Patrol Bureau member should advise, as soon as possible, the district sergeant and request that the Detective Bureau be notified.

1. The referral of an investigation to the Detective Bureau shall not preclude a member of the Patrol Bureau from assisting in the investigation. Cooperation must exist between the first responder and the follow-up investigator for a smooth transition and successful conclusion to the investigation.
 2. When determining investigative assignments, the Detective Major or his designee shall assign a Detective Sergeant, a primary investigator, and any additional number of detectives deemed appropriate, including those who may possess any specialized skill, knowledge, or experience which would aid the investigation.
 3. Whenever possible, detectives shall attend a shift briefing every scheduled duty day.
 4. Detectives who investigate crimes of a serious, complicated, or sensitive nature shall be provided with and maintain a checklist to ensure that critical areas of an investigation are not overlooked.
- D. In the event a member of the Patrol Bureau becomes actively involved in the investigation of a criminal case, and the member's continued involvement would enhance the development of the case, the Patrol Bureau member may be permitted to work with investigators, at the discretion of the Detective Major, until the conclusion of the investigation.
1. The lead investigator of a case may forward a written request to the Detective Commander outlining the reasons for the Patrol Bureau member's continued assistance. However, only with the written approval of the Detective Major and the Chief of Police may the Patrol Bureau member continue assisting.

III. CASE MANAGEMENT AND CONTROL

- A. The Detective Major shall ensure that the following information, at a minimum, is documented:
1. A case designation of New, Open, Inactive, Closed, Unfounded, Referred, or Reopened.
 2. The Detective Bureau case number, the names of the assigned detectives, date reported, date assigned, and the offense.
 3. Each bureau/unit supervisor shall conduct a monthly review of the case log to ensure that all reports are being submitted and that the case is being actively investigated.
- B. All active case files are to be located and maintained within the particular unit that is responsible for the investigation. Case files shall contain all

statements, status reports, physical evidence examination results, and any other information, reports or records needed for the investigation.

1. Case files shall be located in an area that only allows access by members with proper authorization.
 2. When an investigation is suspended or closed, the case file(s) will be moved to either an on-site or off-site secured location that only allows access to members with proper authorization.
- C. The Detective Major and Bureau Commander shall review all cases that prosecutors decline to prosecute or cause to dismiss due to alleged mishandling on the part of a member(s) of the Investigative Division. Any court case which an Investigative Division member feels was dismissed by a judge for reasons that are open to interpretation is to be reported in writing through the chain of command to the Detective Major.

IV. CASE SCREENING SYSTEM

- A. When a case is received for investigation, it will be reviewed by the Detective Major or his designee, and a supervisor from the area in which the investigation will be assigned. A determination will be made at this time as to the course of action to be taken and the amount of resources that will be used in the investigation. This preliminary screening of a case will determine the need for a follow-up investigation. Criteria to be used for the follow-up investigation may include, but is not limited to:
1. Past Investigative Division experience in solving similar crimes;
 2. Type of crime;
 3. Physical evidence;
 4. Suspects;
 5. Witnesses;
 6. Initial response time to the incident;
 7. Elapsed time from the incident to the investigation;
 8. Intelligence gathered;
 9. Leads;
 10. Available resources.
- B. After it has been determined that the case warrants a follow-up investigation, a detective assigned to the investigation will contact the

complainant or the source of the investigation. The detective will advise the complainant or source of the information of the action taken, unless the detective feels that any disclosure to the complainant would jeopardize the investigation.

- C. When conducting a follow-up investigation the following steps should be taken, where applicable:
1. Reviewing and analyzing the preliminary report;
 2. Conducting additional interviews and interrogations;
 3. Seeking information from the initial responder to the scene or other sources of information;
 4. Identifying and apprehending suspects;
 5. Checking suspects' criminal histories;
 6. Determining involvement of suspects in other crimes;
 7. Reviewing Division records;
 8. Reviewing medical or toxicology results;
 9. Planning, organizing, and conducting searches and collecting physical evidence;
 10. Preparing cases for court presentation;
 11. Assisting in prosecution;
 12. Arranging for the dissemination of information, as appropriate.

V. CASE SUSPENSION

- A. At any time during the investigation, the lead detective may recommend, through the chain of command, that the case be assigned a suspended status. The recommendation to suspend the case must be approved by the unit supervisor and the Detective Major, and when approved, such case will be entered into the case log, as such. Suspension status does not prevent the case from being reopened at a later time. Certain cases, due to their seriousness and/or lack of a statute of limitations, are ineligible for suspension status, (i.e., Murder, Sexual Assault, Arson, Armed Robbery, Kidnapping, and other capital crimes.)

- B. Cases will not be approved for suspension, unless every reasonable avenue of investigation has been exhausted. The reasons for suspension will include, but are not limited to:
 - 1. Insufficient degree of seriousness to warrant continued investigation;
 - 2. Lack of leads or solvability factors;
 - 3. Unavailability of resources due to increased case load.

VI. FIELD INTERVIEWS

- A. An important approach in any type of investigation is the field interview. In conducting an investigation, it is sometimes necessary to make contact with subjects that may or may not be directly involved in a crime. These contacts often reveal information that is useful to the investigator such as a suspicious person, or a vehicle seen in an area prior, during, or after the commission of a crime. A subject may only be detained for the purposes of limited questioning if the Division member can articulate facts that the person may have been a party to, or have knowledge of, criminal activity.
- B. When interviewing a subject, the investigator should state the reason for the inquiry, (.e.g., recent house breaks in the area, a crime in which the culprit left the scene, etc.). The investigator should conduct the interview in such a way that the subject realizes that he/she is free to leave and may terminate the encounter at any time. Investigators should especially look for subjects who frequent the area in which the crime took place, such as: postal workers, delivery persons, and vendors.
- C. The investigator should record the name, date of birth, address, both home and work telephone numbers, and any remarks made by the subject. The subject should be advised that he/she may be contacted, at a later date, for a formal statement.
- D. Any information gathered by the investigator should be distributed to other investigators assigned to the case. Members of the Uniform Division should be made aware of information relative to their respective patrol area, when appropriate. This information may facilitate the investigation, as a result of the twenty-four hour presence of the Uniform Division. For a thorough investigation, it is important that relevant information is exchanged between the different investigative components. This will avoid duplication of effort and decrease the amount of time that may be spent on an investigation.

VII. BACKGROUND INVESTIGATIONS

- A. An important part of any case is the complete and thorough investigation of the suspect's background. At times, the Division is required to conduct background investigations of citizens for the licensing of businesses. Furthermore, although background investigations are conducted prior to an applicant being accepted into the recruit training academy, this policy only deals with criminal investigations and other background investigations which are required by law.
1. Because of their sensitivity and confidential nature, all background investigations shall be conducted by sworn Division members.
- B. Possible sources of information are criminal history files, such as: NCIC, FBI, state, and local criminal history checks. Other sources of information include other government agencies, businesses, financial and educational institutions, mental health care providers, employers, neighbors and the general public.
- C. Any information gathered as a result of a background investigation will remain confidential, and only those who have a direct interest will be allowed access to the information.
1. Prior to submission, the investigating detective's supervisor, and/or Detective Major shall review the report for thoroughness and completeness.
 2. Background information will be maintained in the case file of the investigation.
 3. Upon completion of the investigation, all records will remain under the control of the Detective Major.

VIII. TASK FORCES / MULTI-JURISDICTIONAL

- A. The goal of any task force is to create a means to facilitate the development and effective administration of the various components and the attainment of the task force objectives. These objectives may include, but are not limited to:
1. The development of intelligence information regarding criminal activity;
 2. The assimilation and maintenance of intelligence files regarding such criminal activity;

3. The execution of covert and overt investigations concerning individuals engaged in criminal activity within a geographical area, that otherwise would have been hampered if investigated by a single agency.
- B. Prior to the establishment of a task force, a preliminary meeting of all involved agencies will be held to review any policy regarding development, implementation and administration of the task force and to determine, at a minimum;
1. Identifying the purpose and objectives of the proposed organization;
 2. Defining authority, responsibilities, written agreements, the lead agency, supporting agency, and duties of each;
 3. Designating the Officer-In-Charge, or lead investigator for accountability purposes;
 4. Identifying personnel, financial and equipment resources available by each agency;
- C. The Unit Commander will determine whether an investigation merits the development of, or participation in, a task force. If the Unit Commander determines that the investigation merits participation, a written request will be forwarded to the Detective Commander for review. The Detective Major shall send the request to the Chief of Police, who shall make the final determination as to the Division's involvement in a task force.
- D. Upon approval of a task force, the Unit Commander will monitor and report the progress of the investigation through the proper chain of command to the Chief of Police. The Unit Commander will be the Division's coordinator for all resources.
- E. The Unit Commander will attend all preliminary meetings involving task force agencies. If other units within the Division are to be utilized by the task force, a representative from those units will be present. The Unit Commander of the primary unit will advise the Detective Major of the results of all meetings.
- F. The Chief of Police may, at his/her discretion, direct any unit to participate in and/or support the efforts of an established task force or one that is about to be formed.

IX. INTERVIEWS / INTERROGATIONS

- A. The purpose of this section is to provide guidelines for the effective questioning of victims, witnesses, informants, suspects, and other

persons encountered during the course of an investigation, and to ensure that their constitutional rights are protected.

1. Interviews.
 - a. An interview is a controlled conversation by a sworn member with a victim, witness, or anyone who may have information about a crime.
 - b. The sooner the interview is conducted, the easier it will be for the investigator to obtain reliable information.
 - c. The investigator must at all times maintain absolute control of the interview and be careful not to lead witnesses through improper questioning. In the event that a subject being interviewed becomes evasive, information may be then be obtained by a more formal type of questioning, note taking, or by the aggressiveness of the investigator.
 - d. The attitude and demeanor of the investigator greatly contributes to the success or failure of an interview. The conversation should be directed toward the investigation. The subject being interviewed should be allowed to give an uninterrupted account of his/her knowledge while the investigator makes mental notes of any inconsistencies, omissions, or discrepancies that will require clarification later in the interview.
 - e. The investigator should occasionally assist the subject to recall and relate facts exactly as those facts where observed. The investigator may aid the subject to recall facts in detail by providing indexes for recalling size, height, weight, distance, and colors.
 - f. Thorough notes are essential to effective investigating and reporting. The investigator should first determine if note taking during the interview would distract the subject or create a reluctance to divulge information.
 - g. Closing the interview in a courteous and friendly manner may prove to be extremely useful to the investigator. The investigator should leave the subject with the feeling that he/she assisted in the investigation. This may make it easier for the subject to return for additional interviews or court appearances. The investigator should leave his/her name and telephone number with the subject in the

event the interviewee remembers something relevant following the conclusion of the interview.

- h. No individual being interviewed will be denied access to counsel.

2. Interrogations.

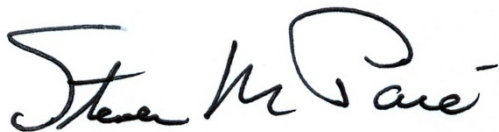
- a. The same general guidelines for interviews also apply to interrogations; however, an interrogation is conducted to elicit information and obtain admissions or confessions about wrongful acts. Whenever questions are asked during an interrogation which would be deemed to be custodial in nature and which might incriminate a person, proper warnings must be given before the results of the interrogation can be used as evidence in court.
- b. Miranda warnings are used to ensure that the person being questioned/interrogated will not knowingly be compelled in any criminal case to be a witness against him/herself.
- c. All suspects are to be advised of their constitutional rights, prior to the questioning becoming accusatory. If there is any doubt as to whether it is a "custodial interrogation," the suspects shall be afforded their constitutional rights.
- d. When a confession is obtained from a suspect, that confession should be made freely, voluntarily, and without any threats or promises.
- e. All interrogations involving capital offences will be recorded in accordance with General Order 360.04, entitled "Electronic Recording of Custodial Interrogations".
- f. In the event a suspect invokes his/her constitutional rights, all questioning shall cease immediately. After the suspect is arrested, the investigating officer(s), in conjunction with the Prosecution Bureau, must ensure that there is not an unreasonable delay in the arraignment. Once the accused has been charged, information will not be released that may jeopardize the outcome of the trial.

X. SURVEILLANCE

- A. Certain criminal investigations may require investigators to conduct surveillances of individual(s) or location(s) in order to obtain additional information. The following procedures should be followed:
1. Members should advise their immediate supervisor of their intended surveillance location and time.
 - a. When conducting surveillance alone, members should refrain from taking law enforcement action unless the situation is life-threatening. Prior to taking immediate action, the member will first notify the Public Safety Communications Center with the location, circumstances, and information pertaining to the member's description, clothing, and whether or not armed or unarmed. If immediate action is not necessary but additional assistance is warranted, the member will convey the above information to the nearest uniformed officer or detective and await the arrival of assistance.
 2. Members should attempt to blend into the surroundings by altering the manner in which they dress or by selecting an appropriate vehicle to use.
 3. Members should document surveillance activity in case narratives and/or field intelligence reports.

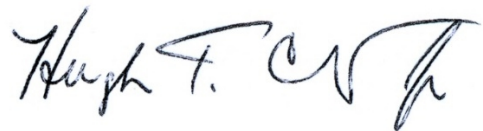
NOTE: This order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

APPROVED:



STEVEN M. PARÉ
COMMISSIONER
DEPARTMENT OF PUBLIC SAFETY

APPROVED:



HUGH T. CLEMENTS, JR.
COLONEL
CHIEF OF POLICE