



POLICY & PROCEDURE

ELKHART LAKE POLICE DEPARTMENT

SUBJECT: **CRIMINAL INVESTIGATIONS**

SCOPE: All Department Personnel
DISTRIBUTION: Policy & Procedure Manual

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INDEX AS: Case File Management
Criminal Intelligence
Criminal Investigations
Drugs, Vice, Special Investigations and Organized Crime
Intelligence Files
Maintenance of Investigative Coverage
Organized Crime
Preliminary Investigations
Vice Crimes

PURPOSE: The purpose of this Policy & Procedure is to establish procedures for the Elkhart Lake Police Department in the managing and handling of criminal investigations and criminal intelligence.

This Policy & Procedure consists of the following numbered sections:

- I. MAINTENANCE OF INVESTIGATIVE COVERAGE
- II. CASE FILE MANAGEMENT
- III. PRELIMINARY INVESTIGATIONS
- IV. CONDUCTING CRIMINAL INVESTIGATIONS
- V. VICE, DRUGS, SPECIAL INVESTIGATIONS, AND ORGANIZED CRIME

VI. CRIMINAL INTELLIGENCE

I. MAINTENANCE OF INVESTIGATIVE COVERAGE

- A. Assigned investigation personnel should be called in as soon as possible to assist with the investigation of a major criminal incident (e.g. homicide, major arsons, or other cases where specialized investigative personnel may be needed.) The following protocol will be utilized:
1. The responding officer shall notify an immediate supervisor in the event of a major criminal incident. This supervisor shall make any additional necessary contacts and coordinate the investigation.
 2. Once notification has been made to the officer's immediate supervisor, the Chief of Police will be notified and advised of the incident or situation.
- B. Should there be a major incident where additional patrol division personnel or resources are required, the Chief of Police, or the Chief's designee shall be notified.

II. CASE FILE MANAGEMENT

A. Case Status System

1. It is the policy of the Elkhart Lake Police Department that the records division has the responsibility for ensuring the integrity and security of the records system. Chapter 10: Records details the Department's record keeping functions and responsibilities. In addition, the assigned supervisor maintains records dealing with criminal investigations.
 2. All reports entered into the Department's computer system are reviewed by Department supervision. A determination shall be made in each instance as to the status of the reported incident. The reports will be cleared from the computer system by either closing them or by assigning them for additional follow-up.
 3. Matters needing brief investigation may be assigned to the patrol follow-up function. In addition, ongoing cases may be assigned to individual officers through the Chief of Police. In either event, these cases will be logged and tracked as supplements to incident reports.
 4. Matters requiring a lengthy investigation or requiring additional follow-up by an assigned Investigator will be reviewed by the Chief of Police.
- The Chief of Police will make a decision on the assignment of the incident and will assign a status. The status will be Closed or Open Pending Follow-up (assigned for follow-up).

a) In the case an incident is assigned for follow up the report will be given to the support services. Support Services will enter the information regarding the report into the records management system. Once entered a supervisor will review the report and assign necessary follow up. Generally the information recorded will include;

- (i) Incident Type
- (ii) Incident Type Code Number
- (iii) Elkhart Lake Police Department Case Number
- (iv) Officer employee/badger number
- (v) Incident Location
- (vi) Victim's Last Name
- (vii) Victim's First Name
- (viii) Victim's Address
- (ix) Date Incident Assigned
- (x) Date Incident Closed
- (xi) Officer Assigned
- (xii) Disposition
- (xiii) Disposition Code
- (xiv) Suspect(s) Name
- (xv) Notes

C. Administrative Designator for Case Disposition

1. At the conclusion of investigations, specific designators for each case will be entered as follows;
 - a) Open Pending District Attorney Review – This status should be listed for all incidents which a request for charges and/or a report on prosecution has been forwarded to the District Attorney. (Request for Prosecution)
 - b) Open Pending Follow-up – This status should be used when an officer needs additional time to complete the investigation.
 - c) Closed – This status should be used when the investigation (report) is completed and none of the above applies. The officer should supply the reason it is closed, i.e., arrest, citation issued, no enforcement action taken, etc.
 - d) Inactive – This status should be used when an officer is unable to develop any further leads and has taken the investigation to its furthest point.
 - e) Unfounded – This status should be used when the reported offense is determined not to have occurred.
2. Incidents/investigations may be re-opened by Department supervision if additional follow-up is deemed necessary.

D. Maintenance of Records

1. Investigative records are maintained in the Department's records management system. The records will be maintained pursuant Chapter 10: Records.
2. Officers actively investigating incidents will maintain a working copy of the incidents currently being investigated. As the investigation progresses supplemental reports will be dictated and transcribed on a timely basis.

These reports will be reviewed by a supervisor. Should the incident require further follow-up, the supplemental report will be reassigned to the appropriate party.

3. When the incident reaches a satisfactory conclusion or reaches a point where no further investigation is warranted, the matter will be closed by supervision and assigned one of the specific designators listed in the Administrative Designator for Case Disposition section above.
4. All information will be included in the appropriate supplemental report and will be added to the original record and maintained in the Department's records management system. Officers will not maintain copies of reports once the incident is concluded and the reports are stored in the records management system. Exceptions may include if the report is of special interest for future investigative purposes and if approved by a supervisor. (This does not cover criminal intelligence reports covered in Policy & Procedure 6.18: Criminal Intelligence).

E. Accessibility to Files.

1. Any member of the Department may access the Department's investigation files. Data entry will be completed only by Department staff trained in the entry of information into this specific file system. Supervisors are authorized to "lock" specific reports, which would limit access to supervisors only. This may include but is not limited to special investigations, internal investigations, sensitive information, etc.

III. PRELIMINARY INVESTIGATIONS

- A. The preliminary investigation begins when the primary assigned officer arrives at the scene and continues until there is either a conclusion of the investigation or a transfer of case responsibility by a supervisor.
- B. The following steps shall serve as a general guide for completing a preliminary investigation. The officer shall:
 1. Make observations and documentation of all pertinent conditions, events, and remarks.
 2. Locate, identify and interview all complainant(s), victim(s), and witnesses involved with the investigation. Obtain written statements where appropriate.

2. Maintain the integrity of the crime scene and protect evidence until it can be properly handled and collected.
3. Identify, attempt to locate, question or interrogate any suspect(s). Affect the arrest of the criminal suspect when probable cause exists for the arrest.
4. If a custodial arrest was made, prepare an accurate and complete report of all circumstances, findings, evidence and other data as may be related to the criminal investigation. The officer should complete this report and all accompanying reports prior to leaving their tour of duty.
5. Complete all reports in compliance with the Elkhart Lake Police Department's Report Writing Guide.

IV. CONDUCTING CRIMINAL INVESTIGATIONS

- A. Generally in any investigation, including investigations into vice, drugs, special investigations and organized crime, officers should utilize all available resources to develop information. The following is a partial list of sources from which information may be obtained:
 1. The victim/complainant, witnesses, suspects, and informants
 2. Reviewing reports from the preliminary investigation.
 3. Public and private agencies, such as corrections, utility companies, and educational facilities
 4. Automated data systems, such as NCIC, CIB, DOT, and in-house reports and Special Units records
 5. Other law enforcement agencies
- B. Much of the information needed to complete a thorough investigation will result from the completion of interviews and interrogations. Interviews and interrogations are conducted in order to:
 1. Collect any facts relating to an incident,
 2. To substantiate information obtained from other sources, to challenge information presented as truthful by suspects or hostile witnesses, or
 3. To provide additional information pertaining to the incident under investigation.
- C. Officers will gather information from witnesses, suspects, or arrestees, which may help in the solution of a crime. However, it is necessary to be equally alert to ensure that interviews and interrogations conform to legal standards.

All officers shall interview, interrogate or otherwise question persons in accordance with the law and constitutional requirements, and with Policy & Procedure 6.13: Custodial Interrogation.

1. Witnesses shall be located and interviewed as quickly as possible to enhance the reliability of their information and reduce the inconvenience often associated with volunteering witness information. Officers will make reasonable attempts to interview witnesses in person. Each case on its own facts and merit may preclude this standard from being followed at all times.
 2. Whenever possible, officers should attempt to reinforce the interview/interrogation with a written statement by the person providing the information. For suspects and witnesses, the primary format will be a written statement. All in custody adult felony suspects and all in custody juvenile suspects will be videotaped or audio taped.
- D. Officers conducting investigations shall be diligent in identifying, collecting, and preserving items of physical evidence and shall be guided in this endeavor by Chapter 11; Evidence/Property Integrity.
- E. Background investigations may be conducted on individuals suspected of criminal activity, certain business license applicants, and pre-employment candidates.
1. Any lawful information source may be explored during a background investigation. Such sources may include other law enforcement agencies and information systems, credit bureaus, informants, business and personal contacts, and various official records repositories.
 2. Information obtained in a background investigation for criminal investigation will be controlled and maintained in the existing case file.
- F. Surveillance, undercover operations, and decoy operations must first be approved by the Chief of Police or the Chief's designee except for those officers assigned to work with a special unit such as the Sheboygan County Multijurisdictional Enforcement Group (MEG).
- G. The application of surveillance techniques to an investigation will generally be accomplished through the assigned officers conducting the investigation, with supervisor authorization. Any covert surveillance should be coordinated through a department supervisor.
- H. When applying surveillance techniques officers shall address the following:
1. An analysis of victims, crimes, and crime locations.
 2. Identification and analysis of probable offenders and their habits, associates, vehicles, methods of operation, and other pertinent information.
 3. Familiarization with the neighborhood and/or target area.

4. Assigning responsibilities and determining operational procedures for observation, arrests, and mobile surveillance.
5. Determining proper surveillance equipment required.
6. Establishing means of communication and coordinated radio frequencies.
7. Notification to the communication (E911) center concerning surveillance, as appropriate.

V. VICE, DRUGS, SPECIAL INVESTIGATIONS AND ORGANIZED CRIME

- A. Refer to Policy 6.19: Special Investigations.

VI. CRIMINAL INTELLIGENCE

- A. The goal of the intelligence function of the Elkhart Lake Police Department is to collect and process information related to specific problems. These problems may include organized criminal activities, drug activities, vice activities, civil disorder, subversive, or other criminal activities.
- B. It is generally the function of the Chief of Police to analyze data that has been collected where it relates to crime. Intelligence information that is collected shall be limited to criminal conduct and activities that present a threat to the community.
- C. It is the responsibility of the Chief of Police to direct the intelligence information to the area(s) of the Department that can best investigate and address the issue.
- D. All members of the Elkhart Lake Police Department are responsible for gathering criminal intelligence information. This data shall be obtained and reported in the following manner, including but not limited to:
 1. Incident/Supplemental reports
 2. Intelligence memos
 3. Department memos
 4. Information received from field interviews
 5. Information received from other agencies
 6. Information received through the TTY system
- E. Information acquired shall be considered for inclusion into the Department's intelligence files for any of the following reasons but shall not be limited to:
 1. Frequency or development of pattern by type of crime
 2. Pattern of crimes developed by geographic area

3. Patterns developed by chronological factors (time of day, day of the week, time of month, etc.)
 4. Type of target or victim
 5. Pattern development of suspect description or suspect vehicle description
 6. Pattern of "Method of Operation" factors
 7. Pattern of similar physical evidence at scenes
- F. During instances where a pattern of criminal activity develops, it is important that officers receive the information in a timely manner. The gathered information must be disseminated to the necessary officers in one or more of the following ways:
1. Verbally (briefing, etc.)
 2. Memo
 3. E-mail
 4. Computer generated reports
 5. Voice Mail
- G. Supervisors who review reports are a vital link in the information process described above. Supervisors must screen all reports for accuracy, time frames of offenses, and method of operation. Supervisors must also ensure that all phases of investigations are completed or get passed on to the proper supervisor for assignment and completion.
- H. Intelligence Files maintained by the Elkhart Lake Police Department are in the following categories. General Intelligence Files (to include Gang Related Files, Confidential MEG unit Files and Intelligence Files not recorded in the Records Section of the Elkhart Lake Police Department), and Crime Stoppers Files. Criminal Intelligence files shall be maintained separately from the central records section of the department.
- I. All intelligence data, whether in a secured computer file or hard copy in a secured file, shall have restricted access. The location and access of the intelligence files are as follows:
1. General Intelligence File
 - a) This file is to record the various criminal related intelligence the agency obtains. Included in the file is drug and gang related information.
 - b) This file is to be retained in the Chief's office.
 - c) Access to this file is restricted to the following individuals:

(1) Assigned investigative staff sworn personnel.

(2) Officers assigned as Investigators.

2. Crime Stoppers File

a) This file documents the information obtained by/for the Crime Stoppers Program. Generally, the information is relayed to the Sheboygan County Sheriff's Office who maintains the Crime Stoppers program in Sheboygan County.

b) This file is to be retained in the office of the Chief of Police.

c) Access to this file is restricted to the following individuals:

(1) Any Supervisor and or assigned member.

K. Intelligence information shall be purged when new information supersedes previously gathered intelligence information, pursuant federal law, and/or pursuant General Order 10.05: Retention of Records.

Michael Meeusen
Chief of Police

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

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