



Training Key® # 558

Criminal Investigations

It is very important that patrol officers and first line supervisors have a broad understanding of the criminal investigation process in order to ensure that they take appropriate measures and avoid missteps that will better ensure the overall success of criminal investigations.

Introduction

Criminal investigations involve the collection of information and evidence intended to identify a suspected offender and to organize facts and information that presents evidence sufficient for criminal charges. It goes without saying that criminal investigations must be managed in a manner that is both effective and efficient. This objective is accomplished by coordinating the responsibilities of patrol personnel, investigative services personnel, and other investigative organizational components.

Normally, criminal investigations consist of a preliminary investigation, generally conducted by the responding patrol officer(s) and, if necessary, a follow-up investigation performed by investigative services personnel, (e.g., detectives.) If the preliminary investigation does not yield the suspected perpetrator, the case is sent to investigative services for case review and possible follow-up investigation. If deemed appropriate, the case will be assigned to an investigator for a follow-up investigation in accordance with its seriousness and the availability of sufficient leads and information to pursue further investigation—referred to here as “solvability factors.” Research has clearly verified what many experienced officers already recognize or should recognize: The quality of the preliminary investigation is often the most critical factor in attempts to gather evidence and information sufficient to affect an arrest and support a criminal prosecution. Therefore, it is imperative that responding officers have knowledge of investigative procedures necessary to take full advantage of their critical role in this function.

Depending on the size and operational capabilities of police departments, as well as the nature of the criminal complaint, patrol personnel are often called upon to perform a wide variety of investigative tasks. In some instances patrol

personnel may be required to perform many investigative tasks that other, often larger departments with more personnel resources, can assign to dedicated criminal investigators. In either case however, more police departments are giving first responders greater responsibility in case investigation including responsibilities that have been traditionally reserved for investigators. It is very important that patrol officers and first line supervisors have a broad understanding of the criminal investigation process in order to ensure that they take appropriate measures and avoid missteps that will better ensure the overall success of criminal investigations. This Training Key is intended to provide a general overview of the criminal investigation process and procedures.

Preliminary Investigation

It is worth reinforcing the notion that the success or failure of a criminal investigation is based to a great degree on the effectiveness of the preliminary investigation. The general goals of the preliminary investigation are the protection of persons and evidence, collection of certain types of testimonial and physical—or what is sometimes referred to as “real”—evidence, and the apprehension of suspects where possible.

In most police departments, the role of the patrol officer has been expanded to include many of the responsibilities that were once the exclusive domain of investigators. The officer responding to the incident takes on the role of primary investigator until relieved, and may be assigned primary responsibility and accountability for the preliminary investigation. Depending on the nature and severity of the crime or the complexity of the crime scene, a follow-up investigation conducted by investigative specialists, often including forensic technicians, may be initiated. It is the responsibility of the patrol officer to notify a supervisor should the presence of a criminal investigator be deemed necessary immediately. In

most minor crimes, patrol personnel generally assume responsibility for the crime scene and conduct any on-scene and follow-up investigation that is necessary prior to referring their findings to detectives.

It is important that first responders arrive at many crime scenes quickly, as the length of time required for the arrival of the police has a direct relationship to the preservation of evidence and the availability of victims and witnesses for interviews. The longer it takes police to arrive, the greater the likelihood of evidence becoming contaminated or altered, perpetrators to flee, witnesses to disperse, or injured victims fail to receive prompt medical attention.¹

First responders should prioritize their responsibilities and actions at the crime or incident scene in a manner similar to medical triage—surveying the overall situation in a deliberate but expeditious manner, and then prioritizing their actions based on the criticality of individual tasks. For example, the needs of injured victims may assume more importance in some instances than the apprehensions of a suspect, and the need to protect a crime scene from inclement weather or intrusion by unauthorized persons may take precedent over identifying witnesses and conducting preliminary interviews. Based on this criteria, there are a number of actions and responsibilities that initial responding officers should consider during the preliminary investigation. One source uses the acronym PRELIMINARY to more easily identify duties that fall within the responsibility of the preliminary investigation.

- P Proceed to the scene promptly and safely
- R Render assistance to the injured
- E Effect the arrest of the individual
- L Locate and identify witnesses
- I Interview the complainant and the witnesses
- M Maintain the crime scene and protect the evidence
- I Interrogate the suspect
- N Note the crime scene and protect the evidence
- A Arrange for collection of evidence
- R Report the incident fully and accurately
- Y Yield the responsibility to the follow-up investigator²

In addition to carrying out the duties listed above, the patrol officer must notify the police communications center concerning injured parties and any dangerous conditions that are present and request any additional support personnel as necessary. He or she should also determine if there actually was a crime committed that is definable by statute. Once the scene has been controlled, a crime scene perimeter should be established and protected from entry by unauthorized persons.

Note taking is important when conducting a preliminary investigation and is vital to a successful criminal investigation. Officers should create a log and take notes of any details concerning the incident that may assist investigators. The longer it takes to establish a log, the greater the chance of omitting small but important facts. Notes should be legible, understandable, accurate, and complete, as they will serve to facilitate the officer's memory and may need to be referred to in court where their accuracy could be challenged. All information concerning the incident must be recorded in the log to include the time of arrival on the scene, the weather conditions, the approximate time of the crime, the approximate time the crime was discovered, name of other officers present at the scene, and related matters, to include questions such as:

1. *Was the amount of time between the crime's occurrence and the notification of the police normal?*
2. *Are there any discrepancies in the statements of victims and witnesses?*

3. *Does the physical evidence support the facts of the crime related by the victim?*³

The preliminary investigator should be observant of everything that is taking place in and around the crime scene and be certain to record this information. He or she must be quick to recognize discrepancies or unusual behavior on the part of those present at the scene. Information collected through evidence and initial witness statements will undoubtedly assist detectives in their investigation and should be accurately recorded.

An important task of the preliminary investigation is for officers to locate any witnesses who may have left the scene by canvassing the neighborhood or surrounding area where time and personnel permit. Cooperative citizens can help not only by providing accounts of the event but also by helping the officer locate additional witnesses. Preliminary interviews of complainants and witnesses should seek information to determine the seriousness of the crime and to identify and locate the perpetrator. The officer should record the results of interviews and the identity and contact information (phone numbers and home address) of witnesses, suspects, and victims. A field sketch of the crime scene should be included, as it will assist the officer's recall of the investigation at a later date.

Officers should make it their regular practice to record the license plate of any vehicles observed parked at or leaving the vicinity of the crime scene. In some instances, owners of these vehicles may be contacted and asked whether they have any information concerning the incident.

Officers should continue pursuing the preliminary investigation to the full extent of their available time and investigative training, and in accordance with departmental policy and the direction of supervisors. Generally, a preliminary investigation should be completed by the end of the shift in which it occurs. Before a patrol officer turns the case over to investigative services, he or she must be certain that the preliminary report is clear and all information is detailed. The information should be collected in such a way that investigators will not need to repeat the steps of the preliminary investigation but would have an outline for developing effective follow-up plans. The supervisor of the shift should then review and approve, when appropriate, the preliminary investigative report. Should the investigation warrant a follow-up, the shift supervisor should forward the report to investigative services as soon as practicable.

Solvability Factors

Most police departments do not have the available resources to pursue every criminal complaint nor is it a wise use of resources to devote investigative manpower to extensive investigation of crimes where inadequate leads are available and the crime is relatively minor. Some police departments for example, use telephone reporting units to take crime reports from citizens for minor theft and related offenses where there is little to no chance of apprehending a perpetrator.

To further manage criminal investigations, many departments subject cases on a preliminary and on-going basis to the scrutiny of solvability factors, that is, clues or evidence available on a case that makes it more or less likely to lead to apprehension of a suspect. Here again, the thoroughness of the preliminary investigation comes into play as the preliminary report will often form the basis upon which decisions are made to initiate a follow up investigation.

Generally, after the preliminary investigation is completed, the report is turned over to investigative services. The com-

mander of that function then reviews the reports taken by the patrol officers and determines whether specific cases warrant follow-up investigation. The decision to initiate a follow-up investigation is based in part upon the preliminary investigation report, recommendations of the patrol supervisor and, in some cases, the evidence technician's report along with the supervisor's approval—all of which are used to determine the "solvability" of the case. In cases where the preliminary investigation has unearthed substantial information consistent with solvability factors, and where the seriousness of the crime indicates the need for further investigation, the case is prioritized in relation to others in investigative caseloads.

It makes sense to assign investigative resources only to cases that are the most serious and that have a better chance of being solved. Solvability factors are important because they provide a valid guide for the allocation of scarce investigative resources rather than rely on unstructured individual judgments. Individual departments that use this approach have some variation in the factors they use to establish case priorities. The following 12 are among those that are most often included in this case assignment and management approach.

1. Immediate availability of witnesses
2. Name of a suspect
3. Information about suspect's location
4. Information about suspect's description
5. Information about suspect's identification
6. Information about suspect's vehicular movement
7. Information about traceable property
8. Information about significant modus operandi
9. Information about significant physical evidence
10. Discovery of useful physical evidence
11. Judgment by the patrol officer that there is sufficient information available to conclude that anyone other than the suspect could not have committed the crime
12. Judgment by the patrol officer that there is enough information available that with a reasonable investment of investigative effort the probability of case solution is high⁴

These twelve solvability factors can serve as a template for officers conducting preliminary investigations in that they can better focus officers' search and inquiries for information and evidence. In effect, one function of the preliminary investigation is to determine how much information is available with respect to each of these factors. It is important that the preliminary investigative report indicate not only the information available with regard to these factors but also the investigative effort that was expended in searching for leads, including detailed information about the nature of the initial investigative activities. For example, if witnesses have been sought in a number of locations, the preliminary investigative report should indicate where the search was conducted, who was contacted, and what information was found. This will give the follow-up investigator a better idea of where officers have already sought information and evidence and may help to avoid duplication of investigative efforts—notwithstanding the fact that some sources may by necessity have to be contacted repeatedly.⁵

The Follow-up Investigation

The follow-up investigation begins when the investigation demands the special skills and the freedom of movement of a detective or criminal investigator. Unless an arrest has been made, after the preliminary investigation is complete, the case is handed over to investigative services for classification, case

screening, and then assignment where appropriate. The decision on whether or not to assign a criminal case for follow-up investigation is normally subjected to a standardized case referral system. The evidence and information that are found during the preliminary investigation are assigned numerical values that suggest the overall solvability of the case. The cases are generally assigned to detectives based on priority and specialization. The skills and abilities of each investigator, developed through specialized training and work experience, coupled with his or her knowledge of and accessibility to facts from similar or related investigations, generally determines whether the investigator is assigned a specific case. A typical follow-up investigation outline is as follows:

1. Develop an investigative plan.
2. Confer with supervisor and the primary investigator concerning the plan.
3. Physically examine and process all existing evidence.
4. Discuss the case with other specialists and appropriate uniformed officers.
5. Telephone the victim (and make an appointment, where appropriate).
6. Interview the victim, witnesses, and potential witnesses or informants.
7. Make other telephone contacts.
8. Conduct a records search.
9. Review laboratory analysis reports on all evidence submitted.
10. Transmit all-points bulletins and other official communications.
11. Conduct required surveillance.
12. Prepare required reports and records on case progress.
13. Contact other government agencies.
14. Travel in connection with investigative effort (outside the crime scene).
15. Interrogate suspects or prisoners in custody.
16. Arrest and process the prisoner.
17. Confer with the prosecutor.
18. Appear in court after the arrest.
19. Perform other miscellaneous activities associated with the case.

As an investigative specialist, the detective must possess adequate training and work experience to develop the necessary technical skills to accomplish the duties noted above. In addition, he or she must be self-starting and highly motivated in order to carry out the investigation while confronting adversity and disappointment. A successful detective generally possesses the following traits:

- Objectivity. The detective should not be misled by personal feelings, prejudices, anger, and dislikes.
- Flexibility. Investigative and interviewing techniques should not be completely standardized; instead, investigators should have the flexibility to conduct these tasks the way that works best for them. A detective should be able to recognize the need to adapt to a situation and treat each investigation differently regardless of the type and magnitude of the crime.
- Diplomacy and understanding. The detective should be able to convey to others the sincerity of his or her purpose so that he or she may obtain full cooperation from witnesses and the victim. Diplomacy, tact, sympathy, understanding, and optimism are all attributes that lend themselves to this purpose.⁶

If the patrol officer conducting the preliminary investigation arrests an offender, the efforts of the follow-up investigation are directed to the following types of purposes:

1. Recovering stolen property. Efforts are made to recover reported stolen property by interviewing known criminals, informants, “fences.”

2. Investigating additional crimes that may have been committed by the suspect in custody. This may be determined by questioning the person under arrest.

3. Preparing the case for court presentation. When all the information and evidence has been obtained, the investigator will prepare the necessary investigative reports to present the case in court.⁷

However, there are some instances when a follow-up investigation takes place concurrently with or immediately following the preliminary investigation. In such a case, investigative services personnel are normally dispatched to the crime scene on the request of the patrol division’s watch commander or by a patrol supervisor. Requests for investigative service assistance at the crime scene should be based on the following primary criteria:

- a. The seriousness or complexity of the crime
- b. The presence of a “hot” lead that requires immediate assistance
- c. The dangerousness of the crime scene
- d. The level of patrol officer expertise in crime scene processing and the availability of appropriate crime scene processing equipment for photography, evidence collection, and related tasks
- e. The possibility that the crime may serve as a link to another crime

Once investigators have arrived at the scene, they should assume all responsibilities regarding oversight and completion of the investigation. An investigative officer in charge should be assigned to the crime scene and have the authority to establish priorities and make any decisions regarding witnesses and suspects, the recording of evidence, making on-site arrests, applying for arrest or search warrants, and all other activities germane to a comprehensive investigation of the incident. If circumstances require it, the watch commander or on-scene commander may assign patrol officers to assist the investigative services personnel in the follow-up investigation. These patrol officers should normally report to the on-scene investigative officer in charge.

In the foregoing situations, the preliminary report should be forwarded to the on-scene investigative officer in charge for review. From the preliminary report, a determination can be made whether to activate additional investigative activities.⁸ The major managerial responsibility in criminal investigations is to ensure that the activities involved in a follow-up investigation do not unnecessarily duplicate the effort done in the preliminary investigation and that the cases assigned for continuing investigation offer the greatest potential for successful closure.

To improve accountability for investigative efficiency, the investigative supervisor should be accountable for the following:

- Organizing the investigative unit
- Establishing the work schedules and deploying resources
- Determining effective and economical assignment policies
- Organizing workloads
- Assigning cases on equity and skill bases
- Coordinating and directing the unit’s investigative efforts
- Developing required records to facilitate direction, monitoring of record keeping, and evaluating efforts
- Supervising personnel on a continuous basis
- Training and developing investigators

- Promoting a rapport with internal and external units that affect the ability of the unit to meet its goals⁹

The follow-up investigator may decide to re-interview the victim, any witnesses or others in the hope that additional information can be uncovered. When the investigator re-interviews victims and witnesses, he or she must test and retest the validity of their statements. The investigator must be able to recognize that fear, stress, personal relationships, friendship, or dishonesty color and affect the credibility of the responses. Information obtained by persons should then be primarily categorized as investigative leads rather than positive evidence of a suspect’s guilt or innocence.¹⁰

The follow-up investigation also may involve returning to the crime scene. Occasionally, an investigator may come upon a piece of evidence not found during the initial search. Additionally, reevaluation and refamiliarization with the scene can provide the investigator with a new perspective or sense of direction. Objects or information that were earlier rejected or overlooked can suddenly take on added meaning.

After the investigative work at the crime scene is complete, the investigator should plan to pursue the investigation outside the crime scene in order to develop leads that will enable him or her to successfully close the case. Some of these tasks may include the following:

- If stolen property is involved, checking pawn shops, junkyards, resale stores, and other places where stolen property may be sold
- Seeking information from informants, a suspect’s estranged wife or former girlfriend, neighborhood bartenders, neighborhood residents, vendors, cab drivers, and others who work in or frequent the area and who may have information regarding the suspect
- Investigating the activities of persons who may be considered suspects
- Planning an organized police action such as a raid, a neighborhood canvass, or an extended search aimed at discovering additional physical evidence, witnesses, or additional information¹¹

As with the preliminary investigation, it is important for detectives to record all information obtained during the follow-up investigation. A detective must develop the sound habit of taking legible and accurate notes, to include voice recordings where appropriate, from the moment he or she arrives on the scene. All information recorded should be in chronological order to facilitate recall and report preparation.

Case Management

Upon receiving the preliminary investigation report, the investigative services supervisor should carefully analyze the detail and quality of the information provided. If a case is assigned, the frequency of follow-up reports from the investigator should be established. This determination should be based on the severity of the crime and the overall caseload of the investigator assigned. Cases generally remain open as long as leads are not exhausted and resources are not needed on more serious cases. If further field investigation is likely to become unproductive, the complainant should be informed accordingly and an attempt made to link the case with others having similar characteristics. Screening out cases having little chance of being solved can substantially reduce investigator workloads and thus make additional resources available for potentially more productive investigations, case preparation, or reassignments to other functions.

Investigations of minor property crimes are frequently not performed or are discontinued if sufficient solvability information, evidence, and leads are not satisfied. In these cases, victims should also be informed of the departmental policy on this matter and its rationale and be provided with a copy of the crime report for insurance claims.

Each case file should be assigned a number, which is identical to the original complaint number. As the follow-up reports are completed, the original should be kept on file in the agency's records division. Copies should be made of cases that are still active, filed with investigative services, and made accessible to all investigative services personnel unless instructed otherwise.

Investigative services should maintain a case status log that is based on the following type of classifications:

- *Cleared*: An arrest has been made and the arrestee has been charged with the commission of the crime and then turned over to the court for prosecution.
- *Exceptional clearance*: The identity and address or exact location of the offender is known and sufficient evidence exists to make an arrest and charge the offender.
- *Open*: An ongoing investigation. If the investigation has exhausted all leads, yet the possibility remains that new facts may come to light given ongoing inquiry, the case will remain open.
- *Unfounded*: The offense did not occur.
- *Inactive*: When all potentially fruitful leads have been exhausted, an investigation may be classified as inactive. An inactive investigation may be reopened if new leads are developed.

Monthly activity or productivity reports should be provided by investigators in addition to monthly summary reports of case status and unit productivity in accordance with directions of the agency CEO or an investigative supervisor. Such documents are essential for management purposes and generally provide basic information on the performance of each investigator, the overall performance of the unit and the quality of the investigative efforts. The following represents typical areas covered by such reports:

- Case assignment record by individual investigator
- Weekly caseload distribution
- Investigator's monthly workload report
- Unit monthly workload report
- Monthly arrest clearance performance with prosecutor acceptance.¹²

Additionally, both the victims of crime and preliminary investigating officers should be kept informed of the status of case investigations until the investigation is concluded.

In order to maintain case log status, investigative services should also keep in close contact with the intelligence function of the agency. The goal is to identify any crime trends, criminal strategies, or tactics that can better guide decisions on manpower assignments or procedures.

The Investigative Report

Prompt and thoroughly prepared investigative reports are essential to the investigator's total work performance. Most importantly, the content of the investigative report provides the foundation upon which the prosecution builds its case. The prosecutor relies largely upon the report for evidence he or she will be able to present at trial or to use in a negotiated plea agreement. The importance of note taking by preliminary investigators and investigative personnel is again underscored. Field notes should be taken as facts are established and as evi-

dence is obtained. These notes are the foundation of the investigative report; therefore it is important that they be clear and concise.

When writing the final investigative report, the detective should be sure that the report is accurate and complete in that it contains all that has been uncovered that is relevant to prosecution of the case. An investigative report should reflect the qualities of accuracy, completeness, and brevity.

- *Accuracy*. The report should depict a true representation of all the facts. It must be an accurate narration of all the details and events presented in a style and manner that are easily and clearly understood.

- *Completeness*. The report should be complete in that it must contain all the facts that were uncovered during the investigation and are relevant to the case. An incomplete report can hinder the validity of the investigation and prove to be inadmissible in court.

- *Brevity*. It is just as important for a report to get straight to the point as it is to be complete. The two qualities do not conflict with each other. A report should include all relevant and important facts but should also omit any redundant descriptions, words, and details.¹³

When writing the report, it is important not only to express the facts but also to make an impression on the person reading it. The investigator should ask himself or herself whether the report is accurate, complete, and concise. Does it properly convey

Endnotes

¹ See the model policy on Crime Scene Processing published by the IACP National Law Enforcement Policy Center in 2003.

² International Association of Chiefs of Police, *Criminal Investigation*, (Dubuque, Iowa: Kendall/Hunt Publishing Company, 1989).

³ Gordon Urlacher and Robert Duffy, "The Preliminary Investigation Process," Rochester, New York, Police Department, http://www.surviveall.net/preliminary_investigation_process.htm.

⁴ International Association of Chiefs of Police, *Criminal Investigation*, (Dubuque, Iowa: Kendall/Hunt Publishing Company, 1989).

⁵ *Ibid*, 4.

⁶ *Ibid*, 13.

⁷ *Ibid*.

⁸ For a full list of additional investigative activities, see the IACP model policy on *Criminal Investigation*, part 4D.

⁹ See Training Key 332, *The Follow-Up Investigation*, published by the IACP, 515 N. Washington Street, Alexandria, VA 22314.

¹⁰ International Association of Chiefs of Police, *Criminal Investigation*, (Dubuque, Iowa: Kendall/Hunt Publishing Company, 1989): 11.

¹¹ *Ibid*, 12.

¹² See Training Key 332, *The Follow-Up Investigation*, published by the IACP, 515 N. Washington Street, Alexandria, VA 22314.

¹³ International Association of Chiefs of Police, *Criminal Investigation*, (Dubuque, Iowa: Kendall/Hunt Publishing Company, 1989): 18-20.

questions

The following questions are based on information in this *Training Key*. Select the one best answer for each question.

1. Which of the following statements is *true*?
 - (a) A follow up investigation is mandatory when conducting a criminal investigation.
 - (b) The preliminary investigation is generally conducted by investigative services personnel.
 - (c) The quality of the preliminary investigation is one of the most critical components of a criminal investigation.
 - (d) The success or failure of a criminal investigation is based entirely on the effectiveness of the follow up investigation.
2. Which of the following statements is *false*?
 - (a) In most minor crimes, patrol personnel generally assume responsibility for the crime scene and conduct any on-scene or follow investigation that is necessary.
 - (b) Patrol officers should continue pursuing the preliminary investigation to the full extent of their available time and investigative training.
 - (c) A preliminary investigation should be completed within a week of when the crime took place.
 - (d) Preliminary interviews of complainants and witnesses should seek information to determine the seriousness of the crime and to identify and locate the perpetrator.
3. Which of the following statements is *true*?
 - (a) Cases should be assigned to investigators based on seniority within the department.
 - (b) The follow up investigation does not involve returning to the crime scene.
 - (c) Once an investigator arrives at the crime scene, he or she should assume all responsibilities regarding oversight and completion of the investigation.
 - (d) Since adequate note taking was done in the preliminary investigation, it is not necessary in a follow up investigation.

answers

1. (c) The quality of the preliminary investigation is often the most critical factor in attempts to gather evidence and information sufficient to affect an arrest and support a criminal prosecution.
2. (c) Generally, a preliminary investigation should be completed by the end of the shift in which it occurs.
3. (c) The criminal investigator who assumes responsibility for the follow up investigation should assume all responsibility at the scene.

have you read...?

International Association of Chiefs of Police. *Criminal Investigation*. Dubuque, Iowa: Kendall/Hunt Publishing Company, 1989.

This book is an excellent resource for the law enforcement officer and student as a practical reference work and textbook regarding the criminal investigation.

