

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Louisville Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INVESTIGATIVE PROCEDURES

The Detectives Division Commander or the authorized designee shall be responsible for developing, maintaining and reviewing detailed investigative procedures. Such procedures shall minimally include:

- a. Case file management.
- b. Preliminary and follow-up criminal investigation checklists.
- c. Multijurisdictional investigative task force roles and responsibilities.
- d. Polygraph or other truth-telling device examinations.
- e. Cold case definition, evaluation criteria and documentation.
- f. Undercover, surveillance/stakeouts, informant/decoy and raid operations, including use of surveillance and undercover equipment.
- g. Photographic (conventional and digital) and other digital evidence collection.
- h. Known source evidence collection for physical evidence comparison.
- i. Forensic laboratory evidence submission.
- j. Latent fingerprint preservation.
- k. Any additional accreditation-mandated procedures, including a case screening system that identifies and considers solvability factors, advising the Chief of Police of investigative activities on major or sensitive cases and an on-call schedule to ensure 24-hour availability.

600.4 INITIAL INVESTIGATION

600.4.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

1. Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - a. An initial statement from any witnesses or complainants.
 - b. Establishing jurisdiction for the investigation.
 - c. A cursory examination for evidence.
2. If information indicates a crime has occurred, the officer shall:

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1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 2. Determine if additional investigative resources (e.g., investigators, scene processing) are necessary and request assistance as required.
 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift Supervisor.
 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 5. Collect any evidence.
 6. Take any appropriate law enforcement action.
 7. Complete and submit the appropriate reports and documentation.
3. If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.4.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.4.3 SUPERVISOR RESPONSIBILITIES

The supervisor on duty shall:

- a. Assume responsibility for the scene.
- b. Review the actions of officers on scene and determine what additional work needs to be completed.
- c. Make any necessary additional assignments.
- d. Make necessary notifications.
- e. Brief command personnel and/or detectives.
- f. Plan for necessary follow through.

600.4.4 DETECTIVES RESPONSIBILITIES

- a. Detectives will respond to an incident when they are notified or requested by the on-duty supervisor.
 1. If no response is needed, they will make any necessary requests for information or follow-up.
 2. If a response is needed, they will respond promptly and wil any necessary equipment.
- b. Review incident details and briefing with the on-duty supervisor.
- c. Relieve the on-duty supervisor of the crime scene responsibility.
- d. Conduct necessary investigation.

600.4.5 TRANSFER OF CRIME SCENE RESPONSIBILITY

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- a. For routine cases, the patrol supervisor is responsible for the crime scene and the patrol officers at the scene until the initial investigation is concluded.
 1. In situations where detectives are responding to the scene, the patrol supervisor is responsible for the crime scene and the patrol officers at the scene until the detective arrives.
 2. When the detective arrives, the supervisor briefs the detective and the detective assumes responsibility for the scene.
- b. After a detective assumes responsibility for the scene, subsequent follow-up and case work is done in consultation with the detective, patrol supervisor and detective supervisor.

600.5 INVESTIGATIVE RESPONSIBILITY AND CASE ASSIGNMENTS

Patrol supervisors are responsible for reviewing all of the reports generated by their respective shifts. If they determine that a case needs further investigation, they will evaluate the case to determine if it will be assigned to the patrol officer or request that it be forwarded to the Detective Section for investigation.

If the patrol supervisor believes that the case needs to be assigned to the Detective Section, they will contact the Detective Section Supervisor to discuss the merits of the case. Through a collaborative effort, a case assignment will be determined.

The following guidelines are intended to assist supervisors in making decisions on case assignments:

- Availability of resources,
- Amount of follow-up required,
- The seriousness of the crime involved in the case and the danger to the community, Including but not limited to:
 - Suspicious deaths,
 - Kidnappings,
 - Assaults involving serious bodily injury or deadly weapons,
 - Aggravated robberies,
 - Felony sexual assaults,
 - First degree burglaries or burglaries occurring within dwellings while the residents are home,
 - Arsons to dwellings or occupied structures,
 - Bias motivated crimes,
 - Sex crimes against children,
 - Felony child abuse,
 - Missing persons with suspicious circumstances.

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If the case is assigned to the patrol officer for follow-up, the patrol supervisor will notify the assigned officer of their responsibility. Similarly, if it is determined that the case will be followed-up by the Detective Section, the Detective Section Supervisor will be responsible for assigning the case to a detective.

600.6 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies (CRS § 16-3-406). Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.6.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed a Class 1 or Class 2 felony or felony sexual assault offense shall be recorded (audio and video) in its entirety when the interrogation takes place at any Louisville Police Department facility (CRS § 16-3-601) unless:

1. The individual requests that the interrogation not be recorded.
 1. The request must be made in writing or at the beginning of the recording.
2. The recording equipment fails.
3. Recording equipment is unavailable due to damage or other extraordinary circumstances.
4. Exigent circumstances prevent the recording of the interrogation.
5. The individual is interrogated outside the state of Colorado.

Any custodial interrogation of an individual who is suspected of having committed any other violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Detective Section supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.7 DISCONTINUATION OF INVESTIGATIONS

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The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

1. All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
2. The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
3. The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
4. The case has been submitted to the appropriate prosecutor, charges have been filed, further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
5. Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
6. Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).
7. The victim in the investigation completes a written request to end the investigation.

The Domestic Violence, Child Abuse and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.8 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.9 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

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Information obtained via the internet should not be archived or stored in any manner other than department-established record-keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.9.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.9.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.10 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

