

**Introduced by: Council Present**

**AN ORDINANCE FOR THE BERKELEY POLICE DEPARTMENT GENERAL ORDER #46 "CRIMINAL INVESTIGATIONS" POLICY**

**WHEREAS**, The City of Berkeley hereby finds and declares this ordinance is necessary, appropriate, and in the best interest of the City of Berkeley, Missouri, in accordance to the CALEA standards.

**Now, Therefore, Be it ordained by the City Council of the City of Berkeley, Missouri**, as follows:

**Section 1** The City of Berkeley, Missouri, Council hereby adopts the attached Criminal Investigations Policy in compliance the CALEA standards.

**Section 2** The attached agreement is hereby incorporated herein and made a part of this ordinance, as if fully set out herein.

**Section 3** This Ordinance shall be in full force and effect from and after its passage.

1st Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2017

2nd Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2017

3rd Reading, PASSED and APPROVED, this day of **2017**

\_\_\_\_\_  
Theodore Hoskins, Mayor


ATTEST:

\_\_\_\_\_  
Deanna L. Jones, City Clerk

\_\_\_\_\_  
Approved As To Form:  
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Kirkland	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mathison	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman-at-Large McDaniel	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mitchell	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___

	<b>BERKELEY POLICE DEPARTMENT GENERAL ORDER</b>	<b>GENERAL ORDERS: 46</b>
<b>CRIMINAL INVESTIGATIONS</b>		
ISSUE DATE: 6/22/17	EFFECTIVE DATE: 8/21/2017	DISTRIBUTION: ALL PERSONNEL
		RESCINDS: ALL PREVIOUS VERSIONS
ACCREDITATION STANDARDS: CALEA 42.1.3, 42.2.1, 83.1.1		NUMBER OF PAGES: 4

**PURPOSE:** The purpose of this directive is to establish procedures and guidelines for conducting criminal investigations and the operation of the Criminal Investigation Section. This directive applies to all members.

**POLICY:** It is the policy of the Berkeley Police Department to utilize the integrated resources of investigative and patrol functions to maintain an effective criminal investigative effort to arrest, convict perpetrators, and to recover stolen property.

**PROCEDURES:**

**CASE FILE MANAGEMENT SYSTEM [CALEA 42.1.3]**

- A. The Bureau of Investigations Commander is responsible for maintaining a case status control system for those cases assigned to detectives within their units. The system is designed to record what cases have been assigned for further investigation, to whomever the case has been assigned, and a record of the case's status upon its conclusion. This system may be in the form of a manual log sheet or a computerized tracking system. All assigned cases are due for status documentation at the end of each month. [CALEA 42.1.3 a]
- B. An administrative designation of "Open", "Inactive", "Exceptionally Cleared", "Cleared by Arrest", "Unfounded", or "TOT" (turned over to) another agency will be assigned to each case. [CALEA 42.1.3 b]
  - 1. Open – a criminal case where evidence exists to indicate that a crime exists and that the suspect has not been identified, arrested, or the case has not been exceptionally cleared.
  - 2. Active – the case has been assigned to a detective and investigative efforts are underway.
  - 3. Inactive – all available leads have been exhausted, but the case has not been brought to a satisfactory conclusion. Investigative efforts have been suspended, but may be resumed should additional evidence become available.
  - 4. Exceptionally Cleared – a criminal case and subsequent investigations has definitely established the identity of the offender; there is enough information to support an arrest, charge, or turning over to the court for prosecution; the

- exact location of the offender is known so that the subject could be taken into custody; and there is some reason outside of law enforcement control that precludes arresting, charging, and prosecuting the offender.
5. Cleared by arrest – a criminal case and subsequent investigation results in at least one person is either arrested or charged with the commission of the offense, or turned over to the court for prosecution.
  6. Unfounded – there is not enough evidence to indicate that a crime occurred, or it is determined that there has been a false report of a crime, or after investigation it appears the initial complaint is without merit.
  7. Turned Over To Another Agency – investigation into a criminal case has determined an offense occurred outside the Department’s jurisdiction so that the case must be turned over to the agency having jurisdiction.
- C. On all cases in which investigative activities are on-going, a case file will be kept by the detective to provide immediate information resources. The case file should contain at a minimum: [CALEA 42.1.3 c]
1. A copy of all preliminary investigative reports (all originals will be maintained in Records);
  2. Records of statements by victims, witnesses, and suspect(s);
  3. The results of examinations of physical evidence;
  4. Case status reports; and
  5. All other reports and records needed for investigative purposes.
- D. Detectives are responsible for maintaining security of their case files. Information contained in a case file related to an ongoing criminal investigation is deemed confidential and not a public record that can be disclosed. Detectives are provided secured storage areas in which active case files are to be maintained. Accessibility to these files is limited to individuals on a legitimate need to know basis. [CALEA 42.1.3 d]
- E. Copies of cases that are closed may be kept in the detective's filing space as long as reasonably necessary, such as for depositions or court testimony. The procedure to purge a file is based on the case's status. Once the case file is no longer needed, it may be purged provided all original documents are forwarded to the Records Section. Purging may be accomplished by shredding unneeded copies of case file documents. Active cases may be kept indefinitely, as long as they remain active. Homicide cases will be maintained according to the State of Missouri records retention schedule. [CALEA 42.1.3 e]

#### **PRELIMINARY INVESTIGATIONS** [CALEA 42.2.1]

- A. A properly conducted preliminary investigation may be sufficient to bring a case to a satisfactory conclusion, thereby eliminating the need for follow-up investigation. A preliminary investigation is the activity that starts when a police officer arrives at the

scene of an incident and begins a criminal investigation. The activity should continue until such time as postponement of the investigation or transfer of responsibility will not jeopardize the successful completion of the investigation.

- B. This section outlines basic steps to be followed in conducting preliminary investigations. Not all steps must necessarily be performed by the first officer at the scene, but may be delegated to other officers depending on the complexity of the investigation.
1. Protect life, render aid, secure and protect the scene as well as evidence.
  2. Determine if an offense has actually been committed, and if so, the exact nature of the offense.
  3. Observe all conditions, events, and remarks made by subjects at the scene. This also includes furnishing other divisions through Communications, descriptions, method and direction of flight, and other relevant information concerning wanted persons or vehicles. [CALEA 42.2.1 a]
  4. Locate and identify witnesses who may have observed the incident. This involves talking to subjects at the scene, canvassing the neighborhood/area, and determining who, if anyone was an actual witness. This effort may involve identifying subjects who witnessed the incident but have since left the scene. [CALEA 42.2.1 b]
  5. Determine the identity of the suspect or suspects, and effect a lawful arrest if it can be accomplished either at the scene or through immediate pursuit.
  6. Maintain and protect the crime scene, and arrange for the collection of physical evidence. Officers and other members conducting preliminary investigations will be able to determine what physical evidence exists and should take the necessary steps to protect the evidence until it can be collected. Collection may be through the officer conducting the preliminary investigation, another assisting member, a Uniform Crime Scene Specialist, or a Crime Scene Technician depending on the complexity of the case. [CALEA 42.2.1 c]
  7. Interview the complainant, victim, witnesses, and suspects if such statement can be obtained legally. Statements taken during a preliminary investigation before alibis can be fabricated can significantly enhance the quality of a follow-up investigation. [CALEA 42.2.1 d]

#### **RESPONSIBILITIES FOR EVIDENCE [CALEA 83.1.1]**

- A. Procedures for the collection, preservation, and use of physical evidence are delineated in general orders pertaining to "Property and Evidence" "Crime Scene Reporting." The crime scene technician and the case agent will work together to ensure all material identified as being possibly evidentiary is collected for processing by the technician. If a technician is not utilized, the case agent will be responsible for collection. General rule: when in doubt, collect it.

- B. As soon as practical, the case agent and/or the technician will determine which evidentiary items are to be sent out for laboratory testing. Items will be packaged and shipped without delay. Any package or shipping problems will be brought to the attention of the case agent.
- C. Evidence should always be collected with the idea of introducing it into court with the least explanation possible. This can only be done if the evidence is handled by the least number of people possible; that it is immediately marked and packaged properly; that it is preserved in as near its original state as possible; and, the chain of custody is maintained, keeping it as short as possible.
- D. When a police department member seizes evidence or recovers property during the course of duty the following procedure will be adhered to:
1. A complete inventory of all items will be recorded, including:
    - a. Description of the item (including make, model number and serial number, if any).
    - b. Source (from whom or location where obtained).
    - c. Name of person collecting the item or items.
  2. If a Crime Scene Technician is requested to process the scene, the written report will reflect:
    - a. Name of the Crime Scene Technician involved.
    - b. Identity of investigating member.
    - c. Disposition of the physical evidence including photographs, sketches and measurements.

<b>DRAFTED BY:</b> Eye-Liza Conner	DATE: 6/2/17
<b>BY ORDER OF:</b> <b>ART JACKSON</b> <b>INTERIM CHIEF OF POLICE</b>	DATE: 6/5/17
<b>APPROVED BY:</b> Public Safety Committee	DATE: 6/22/17
<b>APPROVED BY:</b> Berkeley City Council	DATE: 8/21/17