

	<b>MARICOPA COUNTY SHERIFF'S OFFICE</b> <b>POLICY AND PROCEDURES</b>	
	<b>Subject</b> <b>CRIMINAL INVESTIGATIONS:</b> <b>OPERATIONS</b>	<b>Policy Number</b> <b>GJ-7</b> <b>Effective Date</b> <b>03-04-94</b>
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**INTRODUCTION**

This Policy establishes procedures and guidelines to be used in criminal investigations. These guidelines will help ensure that crimes will be investigated thoroughly, and in compliance with constitutional and legal requirements.

**POLICY AND PROCEDURE**

1. The preliminary investigation of any crime may be sufficient to bring a case to a satisfactory conclusion, alleviating the need for a follow-up investigation. The responsibility for preliminary investigations is normally assigned to a uniformed patrol officer, or a detention officer within a jail. Responsibility may be assumed by a detective when the incident involves a major felony, or another crime requiring immediate or extensive follow-up.
2. Personnel conducting preliminary criminal investigations, and generating the initial Incident Report (DR), should remember that attention to detail, thoroughness, and compliance with all legal and constitutional requirements, are vital elements of a quality investigation and DR. Efforts toward an effective preliminary investigation may include, but are not limited to, the following:
  - A. Except when there is the need to render aid to the injured, or to arrest a suspect, the actual crime scene should not be disturbed until an examination has been made to determine the extent of the crime scene area. All unauthorized persons, including officers not assigned to the case, must be barred from the scene.
  - B. The officer must evaluate the situation to determine if a crime has been committed. This is accomplished by asking the complainant or victim, and the witnesses, a few questions, and observing the physical traces of the criminal act, such as forced windows or doors, or tool marks. The officer must note the elements of the incident to properly classify it.
  - C. The officer should attempt to obtain a physical description of the suspects for subsequent radio broadcast to other field units. Attempt to locate (ATL) information should include any identifying characteristics of the suspect's vehicle, direction of travel, number of occupants, and their descriptions. The ATL also lists any detail which will assist in the recognition of the suspect, such as proceeds of the crime, or type of weapon used. The ATL must be broadcast without delay. If the suspect is believed to be heading for a particular location, and an immediate arrest is determined to be necessary, additional officers can be dispatched to that location.
  - D. The officer must begin to take notes as soon as practical to avoid the possibility and danger of omitting small, but important facts. These notations must be legible, understandable, accurate, and complete. All information pertinent to the case must be recorded in the officer's notebook. This includes, but is not limited to, the following:

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1. The time of arrival on the scene.
2. Weather conditions, when applicable.
3. The approximate time of the crime.
4. The approximate time the crime was discovered.
5. The correct identity of other officers present.
6. The content of interviews.
7. The correct identity of witnesses, suspects, and victims.
8. Spontaneous or chance remarks relevant to the case.
9. Data about physical evidence found at the scene.
10. A field sketch of the crime scene, when necessary, to assist the officer in recalling the scene at a later date.

E. After completing his report, the officer may retain or destroy his notes. If retained, they are subject to discovery at trial.

F. Cooperative citizens make the officer's task much easier by providing an account of the events, and by assisting in locating additional witnesses. An officer should develop the practice of asking each witness if he would point out anyone else in the crowd who was present at the time of the incident. All witnesses must be properly identified in the officer's notes and reports. Names must be correctly spelled, and telephone numbers and addresses accurately recorded. Rural route or P. O. Box addresses require an actual geographical location. Errors and omissions can result in the loss of important testimony.

G. Record the license numbers of any automobiles observed leaving the scene of the crime. In major crime investigations, note the license numbers of automobiles parked near the scene, and canvass the neighborhood.

➤ H. Interview the complainant and the witnesses.

➤ I. The officer conducting the preliminary investigation must establish a pattern of procedure which will provide him with the most information in the least possible time.

1. Initial questioning of a suspect is designed to determine particular facts relevant to the investigation, such as the identity of other suspects, remarks, or admissions of guilt. This information is noted and used during the full interrogation of the suspect.

➤ 2. All Miranda warnings shall be read to the suspect from a standard Miranda warnings card or Juvenile Rights Form, if the questioning is custodial interrogation, per Miranda. It is essential that officers take extra measures to protect the rights of suspects who are hearing-impaired, as well as others who may not have sufficient education or communications skills to fully understand the basic Miranda rights. Officers shall ensure that all suspects understand their Miranda warnings. Upon completion of the Miranda warnings, the officer should sign the warning card, noting the time and date, and document the actual words used by the suspect to indicate his understanding.

3. An in-custody suspect who has been formally charged with a crime, and has asserted his right to counsel, has invoked his 6th Amendment right, and shall not be questioned regarding his current charges unless the suspect himself initiates the contact, or legal counsel is actually present. Assertion of this right inhibits further interrogation only on the formally charged offenses. However, such a person may be questioned about other unrelated and uncharged offenses under the following circumstances:
  - a. The suspect has not, at any time prior to questioning, expressly asserted his Miranda right to counsel.
  - b. The suspect has been advised of his Miranda rights, at the time of questioning, and has executed a valid waiver thereof.
4. Officers desiring to question an in-custody suspect prior to arraignment, or about matters unrelated to his current charges after arraignment, shall:
  - a. Contact the original investigating officers or assigned detectives, and check the original DR regarding any assertion, by the suspect, of his Miranda right to counsel. If the suspect has asserted this 5th Amendment right, no questioning shall take place unless he initiates the contact, or legal counsel is present.
  - b. If no assertion is found, identify themselves, to the suspect, as Maricopa County Sheriff's Deputies.
  - c. Inform suspect of questioning subject matter.
  - d. Advise suspect of his Miranda rights.
5. Throughout the course of criminal investigations, certain individuals are at times suspected of having committed the offenses about which they are being questioned. In both custodial and noncustodial interrogations, the voluntariness of the statements is the issue to be tested. Although the U.S. Supreme Court has ruled that Miranda need only be given in custodial interrogations, admissibility of statements largely depend upon the rulings of lower courts which have established that Miranda must be given when:
  - a. Questioning about the incident is initiated by law enforcement.
  - b. The individual is deprived of his freedom of action in any significant way.
- 6. When a person waives his rights, officers should attempt to have the subject sign the Miranda warnings card, the Juvenile Rights Form, or the Miranda warnings area of a Voluntary Statement Form. If recording equipment is available, a tape recorded waiver may substitute for a signed waiver. It is not necessary to obtain either a signed or a recorded waiver to continue the interview.
7. The Miranda warnings card, Juvenile Rights Form, or the tape recorded waiver, shall be placed into MCSO Property as evidence. A copy of the Miranda warnings card or Juvenile Rights Form shall be made a part of the DR.
8. Suspects shall not be coerced into admitting involvement in an offense by threat of force, deprivation, or promise.

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9. A person may invoke his rights at any time before, during, or after any interview. If a subject invokes his right to remain silent before, or during an interview, all questioning concerning the offense must stop. Absent a request for counsel, the person may be reapproached after several hours, by again advising him of his Miranda rights. If a subject invokes his right to an attorney, officers will not interfere with the subject obtaining or speaking with legal counsel, and all questioning must stop. No further questioning will be conducted unless the suspect himself initiates new contact, or legal counsel is actually present.
- 10. There is no requirement that officers read the rights admonition to a person who enters a station, approaches an officer, or telephones, and states that he wishes to confess or make any other statement. However, when a person has incriminated himself, and is no longer free to leave, he must be advised of his rights. Volunteered or spontaneous statements are admissible as evidence even though no admonition of rights is given. A tape recording of the entire process is advisable.
- J. If, following the preliminary investigation, a suspect has been identified and located, he will be advised that he is under arrest, and told why he is being arrested.
  1. Information which would tend to cause undue pretrial publicity, or which could jeopardize the successful completion of the investigation, will not be released.
  2. For in-custody arrests, officers are reminded that Arizona Rules of Criminal Procedure require a suspect to be brought before a magistrate for an Initial Appearance within twenty-four (24) hours from the time of the arrest, and that a complaint for any felony charges must be issued by the Department of County Counsel within forty-eight (48) hours after the Initial Appearance, excluding weekends and holidays.
- K. All articles which are, or may be, of value as evidence, will be collected under controlled conditions. It is the responsibility of the officer, with the approval of his supervisor, to call for the services of specialists, such as ID techs.
- L. The results of the investigation, and other vital information, must be fully and accurately reported on the proper DR forms. Concise reporting can effectively assist in the apprehension of the criminal.
  1. Investigative process checklists provide a means to ensure that critical areas of an investigation are not inadvertently overlooked. Not only will a properly completed checklist serve as an investigative tool, it will provide a precise guide for writing the DR.
  2. When an appropriate checklist is available, it should be used as an investigative aid by officers conducting investigations. The checklist will be maintained by the investigator with his investigative notes.
  3. The Criminal Investigations Bureau Commander shall identify the types of criminal investigations which would benefit from a structured checklist, and then shall ensure the development of checklists in accordance with the identified needs. These checklists must be made readily available to any Office member conducting an initial or follow-up criminal investigation.

- a. Personnel may request the development of additional checklists by forwarding a written request through the chain of command to the Criminal Investigations Commander.
  - b. The written request will contain detailed justification for the checklist development.
4. Investigative process checklists include, but are not limited to, the following:
  - a. Homicide crime scenes.
  - b. Autopsies.
  - c. Arson/bomb investigations.
  - d. Other death investigations, such as suicide, or accidental death.
  - e. Sexual assault investigations.
  - f. Child molestation investigations.
  - g. Armed robbery investigations.
  - h. Felony vehicular crime investigations.
3. Patrol and detention officers will normally be responsible for the preliminary investigation of any criminal incident which occurs within their area of responsibility. However, officers are encouraged to complete an investigation in instances when this can be accomplished in a timely manner. Supervisors should be aware of the officer's investigative capabilities when deciding this option.
  - A. If detectives are requested at the scene, officers shall assist the detective in the continuation of the preliminary investigation, as requested.
  - B. Relinquishing the preliminary investigation to a detective does not, in any way, relieve the officer from his responsibility for completing a thorough and accurate Incident and/or Continuation Report.
  - C. There are instances in which detention officers are not to begin preliminary investigations, but are to maintain the situation in a controlled state until a detective arrives. These situations include, but are not limited to, the following:
    1. A visitor promoting prison contraband.
    2. An assault on an officer, when the release of the prisoner is imminent.
    3. Any assault resulting in serious physical injury or death.
    4. Any death occurring within a jail.
4. Detectives normally will respond and assume responsibility for initiation or continuation of the preliminary investigation of major felonies, or other crimes which require immediate follow-up investigation.

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- A. Major felonies requiring the response of a district detective shall include, but not be limited to, the following:
  - 1. Deaths which are apparent homicides.
  - 2. Arson involving injuries or significant property loss.
  - 3. Robbery of a federally insured institution.
  - 4. Kidnapping.
  
- B. There are situations in which the necessity for a district detective is dependent on the circumstances surrounding the crime. Patrol or detention officers may obtain the assistance of a detective, through their supervisor. Situations which necessitate the notification of a detective include, but are not limited to, the following:
  - 1. Aggravated assaults.
  - 2. Sexual assaults.
  - 3. Child molestation.
  - 4. Child abuse.
  - 5. Kidnapping.
  - 6. Fires of a residential structure involving minor injury.
  - 7. Any fire, when the fire department on the scene has requested the presence of an arson investigator.
  - 8. Armed robberies.
  - 9. Crimes of a highly complex nature.
  - 10. Crimes involving professional criminals.
  - 11. Cases with numerous subjects to be interviewed, whether victims, witnesses, or suspects.
  - 12. Cases requiring immediate follow-up and investigation.
  - 13. Any crime involving life-threatening injuries.
  
- 5. Follow-up investigations should include, but not be limited to, the following:
  - A. Reviewing and analyzing all reports previously submitted in the preliminary investigation.
  - B. Conducting additional interviews and interrogations. Victims, witnesses, and investigative leads may need to be recontacted after a lapse of several days. A policy of "second contact" is valuable for collecting additional information, and maintaining contact with the citizens.
  - C. Reviewing related reports contained within the Office.

- D. Seeking additional information from patrol deputies, informants, and officers from other agencies.
- E. Using Office developed checklists.
- F. Reviewing laboratory and Medical Examiner's reports.
- G. Arranging for the distribution of information to patrol units, other detectives, other jurisdictions, and the press, as appropriate.
- H. Planning, organizing, and conducting searches in accordance with Policy GJ-3, *Search and Seizure*.
- I. Collecting physical evidence in accordance with Policy GJ-5, *Crime Scene Management*.
- J. Checking suspects' criminal histories.
- K. Identifying and apprehending suspects.
- L. Determining suspects' involvement in other crimes.
- M. Preparing cases for court presentation.
- N. Assisting the Department of County Counsel with case prosecution.
- 6. Information may be developed from a variety of sources during an investigation. Personnel shall take advantage of the computerized systems available whenever practical. The Office is a part of the Arizona Criminal Justice Information System (ACJIS). Personnel should review Policy GF-1, *Criminal Justice Data Systems*, for specific information about the network and its use.
- 7. The Criminal Records Section may provide suspect and victim information, photographs, DR's, driving while intoxicated records, and Accident Reports.
- 8. Criminal investigations frequently include background investigations of persons either directly or indirectly involved in a variety of criminal or suspected criminal offenses. These investigations are to be conducted discreetly.
  - A. The collection, analysis, use, and retention of data that pertains to an identifiable person may be obtained from various sources. These sources include, but are not limited to, the following:
    - 1. Family history.
    - 2. Employment history.
    - 3. Criminal and traffic history.
    - 4. Social history.
    - 5. Medical status/history.
    - 6. Financial status/history.

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7. Religious background.
8. Military status/background.
9. Union, trade, club, or other organization membership.
10. Educational status/background.
- 11. Community or business associations.
- 12. Utilities history.

B. All background investigations shall be based on a legitimate law enforcement purpose. During the course of a criminal investigation it may become apparent that a background investigation will greatly enhance the case.

1. The purposes for background investigation may include, but are not limited to, the following:
  - a. Developing strategies and tactics to obtain evidence of guilt or involvement in a criminal activity under investigation.
  - b. Developing profiles of persons to be interrogated or interviewed.
  - c. Obtaining information for use in interrogations or interviews.
  - d. Identifying, locating, and apprehending a fugitive or wanted person.
  - e. Establishing the reliability of an informant or witness.
  - f. Discovering a subject's involvement in prior criminal acts, both reported and unreported.
2. The information gathered shall only be used for a legitimate law enforcement purpose.
  - a. No member of this Office will conduct a background investigation on any person merely for the purposes of compiling data to discredit that person's character.
  - b. No member of this Office will commence, conduct, or participate in a background investigation of a political candidate, unless that candidate is the subject of a criminal investigation being conducted by this Office.
3. All background investigation information shall be considered confidential.
  - a. Background investigation information may be disseminated to authorized personnel from other law enforcement agencies on a demonstrated need-to-know, or right-to-know basis.
  - b. Background investigation information recorded in a case report may be released to persons who are not members of a law enforcement agency in compliance with Policy GF-3, *Criminal History Record Information and Public Records*, and Policy GD-7, *Media Relations*.



- c. Background investigation information gathered as part of a Special Investigations case shall be maintained in accordance with this Policy. Background investigation information pertaining to an open investigation of a highly sensitive nature, shall only be released after approval of the Special Investigations Division Commander.
  
- 4. The Special Investigations Division retains background investigation information in intelligence files in accordance with federal guidelines. Intelligence files and all background information contained therein which are maintained by Special Investigations as part of their intelligence files, shall be purged in accordance with federal guidelines.
  
- 9. Surveillance operations may be used in the investigatory process in accordance with Policy ED-2, *Covert Operations*.