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**CSU FULLERTON POLICE DEPARTMENT
GENERAL ORDER NUMBER 6-1**

INVESTIGATIONS UNIT

SUBJECT: Investigator Duties and Responsibilities.

PURPOSE: To outline duties and responsibilities of officers assigned to the Investigations Unit, and establish a system of case screening and assignment. This order also establishes procedures for use of investigative techniques to include the voice stress analyzer and surveillance.

POLICY: It shall be the policy of this Department to conduct thorough investigative follow-up on all crimes against person and major property crimes, in an attempt to successfully identify and prosecute violators.

PROCEDURE:

I. Investigations Unit Organization

- A. The Investigations Unit should consist of a minimum of three Investigators, one Sergeant and one Corporal.
- B. The Investigative Sergeant shall report directly to the appropriate Command Staff.
- C. At least one Investigator shall be assigned to work 0700 to 1700 Monday through Thursday and at least one other to work 0700 to 1700 Tuesday through Friday unless special circumstances require a change and the change has been approved by the Command Staff. Investigators shall be assigned to work 0700-1700 so there is coverage Monday through Friday unless special circumstances require a change and the change has been approved by the Command Staff.

II. Investigator Duties

- A. The primary function of the Investigations Unit is the prompt, efficient, and effective investigation of all crimes that occur on the campus, identification and apprehension of individuals committing those crimes and the preparation of cases for prosecution.
- B. Duties normally assigned to individuals assigned to the Investigations Unit include:
 - 1. Collaborating with the Community Supervisor and identifying, developing, marketing and presenting programs that address University needs, reference rape awareness, date or acquaintance rape, operation I.D., resident watch, the

- protection of valuables on and off campus, and any other crime prevention programs that need to be developed.
2. Developing ongoing analysis of university crimes and crime suppression tactics to reduce criminal opportunities.
 3. Updating and briefing Patrol daily on all requirements and changes instituted by the District Attorney's Office, conduct periodic training on new laws, court decisions, investigative and interview procedures, evidence gathering techniques and other appropriate investigative or crime prevention information. [CALEA 42.2.4]
 4. Maintaining close liaison with patrol and updating and briefing patrol personnel on criminal activity and the status of follow up investigations where appropriate. [CALEA 42.2.4]
 5. Investigating all criminal cases as assigned and submitting follow-ups documenting all actions taken.
 6. Reviewing preliminary investigation reports for thoroughness and accuracy. If any arrest is made, preparing the cases for prosecution and filing all cases with the District Attorney (within timeline limitations).
 7. Conducting background investigations, on candidates for officer, dispatcher and, as assigned by the Chief of Police.
 8. Providing liaison with and assistance to other law enforcement agencies or elements of the criminal justice system.
 9. Providing victim/witness assistance information and support.
 10. Submitting Title IX notifications
 11. RIMS case routing to applicable campus, city, county, state, and federal entities

III. Investigator's Response

- A. On duty patrol supervisor may request an Investigator's response to a crime scene at his or her discretion. [CALEA 42.1.1]
- B. The procedure for notifying an Investigator will be [CALEA 42.1.1]:
 1. The patrol supervisor will either contact the Investigator Supervisor directly or request that the dispatcher contact the appropriate Command Staff and advise him/her of the incident.
 2. The Command Staff will ultimately determine if one or more Investigators should respond to the scene.
 3. All Investigators are provided with Department cell phones.

4. On the Friday evening of each week. The Investigations supervisor will submit an email to command staff informing them which detectives are on call for the weekend.
 5. Should either Investigator not be available to take a call during a given time period, they will notify the on-duty Dispatcher who will note this for other Dispatchers. The Command Staff will also be notified in this instance.
 6. If one of the Investigators cannot be located when needed, appropriate Command Staff will be notified and one of the sworn members of the department with past investigative experience will be utilized.
 7. If no Department members are available for response, and it is a serious crime requiring investigative expertise, Fullerton Police Department will be contacted and one of their Investigators will respond.
- C. Incidents where an Investigator should be notified and requested to respond include:
1. All shootings;
 2. Incidents involving serious injuries or death;
 3. Incidents involving extensive evidence or where an immediate follow-up is needed or the Patrol Officers do not have the resources to conduct the follow-up;
 4. Armed robberies;
 5. Explosions;
 6. Arson with extensive damage or evidence to be collected;
 7. All felony sexual assaults and child molestation cases.
- D. Investigators should be notified about the following types of cases, for consultation and a determination whether response is necessary:
1. Domestic violence;
 2. Stalking;
 3. Felony computer crimes.
 4. Title IX violations
 5. Clery Crimes
- E. If an Investigator is requested to respond to the scene of an incident, the scene will remain secured by the Patrol Officer(s) until the Investigator arrives, unless otherwise directed by a supervisor or the responding Investigator. Patrol Officers should complete log of all persons entering/exiting a secured crime scene, prior to Investigators arrival.
- F. When an Investigator arrives on the scene, they will assume the responsibility for the crime scene and investigation unless relieved by a higher authority.
- IV. Case Screening and Assignment [CALEA 42.1.2]
- A. The Investigative Sergeant will determine which criminal cases are to be assigned for follow-up by Investigative personnel. (Also see G.O. 6-3 Preliminary and Follow-Up Investigations)

1. The following solvability factors will be used to aid in determining which cases are likely to be cleared with a reasonable investigative effort.
 - a. Was there a witness?
 - b. Can a suspect be named?
 - c. Can a suspect be located?
 - d. Can a suspect be described?
 - e. Can a suspect be identified?
 - f. Can a suspect vehicle be identified?
 - g. Is the stolen property traceable?
 - h. Is there a significant M.O.?
 - i. Is significant physical evidence present?
 - j. Is there reason to believe that the crime may be solved with reasonable investigative effort?
 2. Specialized cases will be assigned to Investigators based on individual skill and expertise in a particular area.
 - a. This will apply to such crimes as stalking, computer crimes, hate crimes, etc.
 - b. In most instances, crimes against person and other high profile cases will be assigned to the Investigative Sergeant.
 - c. In major cases, the Investigative Sergeant will act as the lead investigator, but other Investigators will be assigned to the case, and given different areas of responsibility.
- B. The appropriate Command Staff will track assignment and status of all cases utilizing RIMS. This record will include [CALEA 42.1.3a]:
1. Case Number
 2. Type of Offense
 3. Date of Incident
 4. Name of Investigator
 5. Date Assigned to Investigator
 6. Disposition classification
 7. Date of Disposition
- C. The Command Staff will periodically review the cases assigned to Investigators. During this review, the Command Staff will be updated on the progress on the case and will offer advice or additional resources, if necessary.
- V. Maintenance of Investigative Case Files
- A. Case files will be maintained on all cases in which investigative activity is ongoing, to provide an immediate information resource to investigators. Case files will contain the following information [CALEA 42.1.3c]:
1. Copy of the preliminary investigative reports. (Originals will be retained in Records.)
 2. Records of statements.
 3. Records of activity on the case.
 4. Results of examinations of physical evidence.

5. Copies of photographs and information on suspects.

NOTE: No evidence may be maintained in case files.

- B. Case Disposition – If a case is to be cleared, the Sergeant or Investigator will use one of the following codes [CALEA 42.1.3b]:

1. Cleared by arrest – The suspect has been arrested for the offense associated with the particular case, or criminal charges have been issued.
2. Cleared by Exceptional Means – The case may be cleared exceptionally if any of the following apply:
 - a. The investigation definitely establishes the identity of the offender and there is enough information to support an arrest charge and to turn the case over to the District Attorney for prosecution
 - b. The exact location of the offender is known so the subject could be taken into custody.
 - c. There is some reason outside law enforcement control that precludes arresting, charging, and prosecuting the offender. Reasons may include:
 - 1) The victim chooses not to, or is unwilling to proceed with prosecution of the case.
 - 2) The suspect cannot be prosecuted because of death or serious illness.
3. Cleared patrol citation
4. Cleared by field with DA
 - a. The investigation definitely establishes the identity of the offender and there is enough information to support an arrest charges and to turn the case over to the District Attorney for prosecution.
5. Cleared by Missing Person Located
 - a. Law enforcement located a missing person
6. Cleared, no leads
 - a. All leads have been exhausted with no success of either identifying a suspect or obtaining adequate evidence to support prosecution
7. Cleared by Closed Non-Criminal
 - a. Investigation reveals elements of crime do not exist
8. Cleared by Closed Non-Desirous
 - a. When a victim of a misdemeanor crime other than when a suspect violates a restraining order, victim to domestic violence or crimes noted in PC 243.5 does not or no longer desires criminal prosecution
9. Cleared by Closed Outside Agency referral
 - a. The crime occurred in another jurisdiction and the applicable agency is taking over the investigation
10. Cleared by Closed Unfounded-
 - a. When an investigation reveals the facts about the case are fictitious

- C. Case Disposition Authority

1. The Sergeant or Investigator will have the authority to assign case status disposition to any cases that are assigned to him/her.

2. The Investigative Sergeant will have the ultimate authority to review and change that initial disposition based on the nature and status of the case.

D. Investigator Responsibilities

1. Each Investigator is responsible for the maintenance of their assigned cases and documentation of activity on those cases.
2. All supplemental reports must be forwarded to Records for inclusion with the original report and to ensure the publication of dispositions through the Department's records management system.
3. When a case becomes closed, all records and reports will be consolidated in the Records Unit files and all copies will be purged from the Detective's files. The exception to this is cases, which need to be maintained for reference or training purposes. Cases in these categories will be maintained in secured files and purged after five years. [CALEA 42.1.3e]
4. Investigators must ensure the confidentiality of all of their case files and maintain them in a secure location with restricted access. Case files will be accessible only to those with a legitimate right and need to know what is contained in them. [CALEA 42.1.3d]

VI. Procedures to Be Used in Criminal Investigation

- A. Information development - Involves the collection and recording of facts surrounding the offense.
1. Involves facts about persons, things, actions, times, places and methods and means of operation.
 2. May be obtained through:
 - a. Review of preliminary reports
 - b. Background Investigations (records checks)
 - c. Review of University records
 - d. Review of applicable statutes
 - e. Contact with informants
 - f. Examination of evidence
 - g. Interviews with witnesses, victims, and suspects.
- B. Interviews and interrogation – Interviews of victims and witnesses and interrogation of suspects, are conducted to obtain information relevant to the offense and subsequent prosecution.
1. Formal interviews and interrogations are to be conducted via Video and Audio recordings
 2. The following guidelines will assist in the interview and interrogation process:

- a. Review all reports, statements and supporting documents prior to the interview.
 - b. Review all of the elements of the offense.
 - c. Plan the time, place, content and order of the interviews.
- C. Collection, preservation, and use of physical evidence – The collection and preservation of evidence is done with the intent of identifying and prosecuting the perpetrator.
 1. Specific procedures on crime scene processing can be found in G.O. 6-5.
 2. The following guidelines should be followed when handling a crime scene:
 - a. Approach the scene carefully.
 - b. Secure and protect the scene. Complete crime scene entry/exit time log.
 - c. Conduct a preliminary scene survey for potential evidence locations.
 - d. Take detailed notes and document those in your reports.
 - e. Photograph scenes prior to removing any evidence, or processing for fingerprints.
 - f. Note locations where each item of evidence was located.
 - g. Package each item of evidence as noted in G.O. 6-2.
 - h. Maintain chain of custody on all items of evidence.
 3. Fullerton Police Department's crime scene investigation unit may be utilized to process major crime scenes.
- D. Execution of background investigations
 1. Background investigations can establish relevant information about a suspect for use during the investigation of an offense.
 2. Officers who complete background investigations must follow and comply with CLETS/NCIC User Agreements to protect the confidentiality of Computerized Criminal Record Data. Any information obtained is restricted to a criminal investigation.
 3. There are several sources that can be utilized for obtaining information when conducting background investigations. These include:
 - a. Hometown, neighboring law enforcement agencies.
 - b. DOJ
 - c. CLETS/NCIC, CORI, FBI and other federal agencies.
 - d. Relatives, friends, acquaintances, and neighbors.
 - e. Educational institutions.
 - f. Business associates.
 - g. Present and past employers and fellow employees.
 - h. Department of Motor Vehicles.
- E. Surveillance – The observation of a person, who is suspected of committing an offense or a place, which is likely to be the location of a criminal offense. Surveillance can

either be accomplished in person or through the use of covert surveillance camera equipment. [CALEA 43.1.4]

1. Personal surveillance can be performed in a vehicle or on foot.
 - a. Involved supervisors and officers will discuss and decide on the best method of surveillance.
 - b. Communications procedures will be discussed and coordinated with involved personnel and communications personnel.
 - c. Notifications to watch personnel will be made and to any outside agency that may be affected or involved.
 - d. The watch commander may authorize the use of unmarked vehicles for use in surveillance activities by patrol personnel.
2. In addition to the University Book Store, active video surveillance is operated on the CSU Fullerton campus. There are cameras posted in some areas on campus that record to the University. It is important to note that in most circumstances these camera systems are not actively monitored.
3. Surveillance through the use of covert camera equipment will be in accordance with applicable Federal and State laws.
 - a. The Command Staff must authorize the use of covert camera equipment.
 - b. Covert camera equipment will not be utilized where a reasonable expectation of privacy exists without obtaining a court order.

VII. Use of Checklists [CALEA 42.2.3]

- A. Investigative checklists are intended as guidelines to an investigation.
- B. The Department's Incident Report format that is derived from RIMS contains checklists to ensure that proper information is obtained in each case.
- C. For more complicated investigations, the Department has designed checklists to assist Investigators.
- D. This agency will not use Voice Stress Analyzer/truth verification for investigative purposes.

VIII. Use of Informants – As a general rule, all informants will be turned over to the Prosecuting Attorney's Office. Should the Department choose to utilize the services of an informant, the following procedures will apply:

- A. Definitions
 1. Informant – Any person who, under the direction of a specific officer and with or without expectation of compensation, furnishes or performs a lawful service for the Department in its investigations and operations.

2. Defendant Informant – An informant who is subject to arrest and prosecution for a State or Federal offense, or a defendant in a pending case who expects compensation for his assistance in either the form of judicial or prosecutive consideration of another form.
 3. Restricted Use Informant – Any person who meets any of the following criteria shall be considered a restrictive use informant, subject to use as authorized below [CALEA 42.2.7f]:
 - a. Person less than 18 years of age – May only be utilized after obtaining the written consent of the juvenile’s parent or guardian. [CALEA 42.2.7g]
 - b. Person on probation or parole (Federal or State) – Only with the consent of the agency supervising the person.
 4. Sources of Information – The title Informant as well as informant requirements does not apply to sources of information. A source of information is a person or organization, not under the direction of a specific officer who provides information without becoming a party to the investigation itself, such as a concerned citizen who witnesses an event of interest.
 - a. Should a person who would otherwise be considered a source of information seek financial compensation, or become a continuing active part of the investigative process, her/his status will be shifted to that of an informant.
 - b. Generally, a person or organization fitting within this definition can be identified by name in investigative reports.
- B. Informant Criteria –There are three criteria that must be met to establish a person as a Department informant.
1. The person must be in a position to measurably assist the Department in a present or future investigation.
 2. To the extent prudent judgment can be made, the person will not compromise the Department’s interests and activities.
 3. The person will accept the measure of discretion necessary to effectively utilize her/his services.
- C. Requirements for Informant Use [CALEA 42.2.7f]
1. The following requirements shall apply to the development of defendant informants:
 - a. The approval of the appropriate prosecutor (that is Federal, State or local) will be obtained prior to seeking the cooperation of a defendant.
 - b. A defendant may be advised that her/his cooperation will be brought to the attention of the appropriate prosecutor. No further representations of assurances may be given without approval. The prosecuting attorney shall have the sole authority to decide whether or not to prosecute a case against a defendant/informant.

- c. The appropriate prosecutor shall be advised of the nature and scope of the defendant's cooperation throughout the period of her/his use. The procedures and frequency of this reporting shall be set by the prosecutor.
 2. An informant card will be completed and filed in the Investigative Sergeant's Informant File.
- D. Procedures for Informant Use [CALEA 42.2.7f]
 1. Each informant must be registered.
 - a. Because of the difficulties involved with the use of an informant by an officer, the perspective informant is likely to be managed more effectively by an investigator who is not required to provide concurrent patrol duties.
 - b. Officers are not precluded from using informants in compliance with this written directive.
 2. If an officer or investigator encounters an individual who they believe will make a potential informant, the officer will discuss the merits and liabilities relevant to that person with their supervisor and Investigative Sergeant as soon as practicable.
 - a. The officer or investigator will provide background and criminal history on the prospective informant as well as potential information to be provided.
 - b. This information will then be forwarded to the Prosecuting Attorney by the Investigative Sergeant to determine the feasibility of utilizing the informant.
 3. An informant (or source of information) shall be advised at the onset that:
 - a. He shall not violate criminal law in furtherance of gathering of information or providing services to the Police Department and that any evidence of such a violation will be reported to the appropriate law enforcement agency.
 - b. He has no official status, implied or otherwise, as an agent or employee of the Police Department.
 - c. The information he provides may be used in a criminal proceeding and that although the Department will use all lawful means to protect the informant's confidentiality, this cannot be guaranteed.
 4. The case officer must control the direction of the operation and the informant. Informants should not be present at briefings.
 5. Officer/informant contacts will be of a strictly professional nature. Extrinsic social or business contacts are expressly prohibited.
 6. Contacts with an informant will be such that his knowledge of the Department's facilities, operations, activities, and personnel is kept to the minimum necessary to his successful utilization.
 7. At least two officers should be capable of contacting an informant. Whenever practical, two officers will be present at all contacts with the informant.
 8. All significant contacts with the informant, and all information obtained at these contacts will be documented in writing.

9. Where an informant is to participate in an undercover purchase in which he may come in contact with official funds, controlled drugs, or anything else of potential evidentiary value, he will be thoroughly searched both before and after the undercover encounter, and where possible, kept under continuous observation in between.

E. Informant Confidentiality [CALEA 42.2.7d]

1. Case law allows the identity of a confidential informant to remain secret when previous reliability as an informant can be shown.
2. The investigator/officer will safeguard the informant's identity.
 - a. The true identity of the informant will be made known only to individuals who have a clear need to know.
 - b. Absolute and unrealistic promises regarding anonymity will not be made.
 - c. Investigators/officers will structure investigations as much as possible to prevent the informant from becoming a material witness to a crime and therefore requiring his identity to be disclosed.
 - d. The investigator/officer will advise the informant that circumstances may require him to testify in court.
3. The Investigative Sergeant will assign each informant a unique and confidential identification number. The identification number will be used in law enforcement official documents to refer to the informant in order to protect his identity.
 - a. The first two numbers denote the year in which the informant began working.
 - b. The next number denotes the numerical order of each new informant beginning with 1.
4. Informant confidentiality will be thoroughly discussed with the prosecutor prior to trial or other proceedings and any alternatives will be given full consideration.

F. Informant File

1. The Informant File will be maintained by the Investigative Sergeant.
[CALEA 42.2.7c,d]
 - a. The file will be kept in a secured location with controlled access.
 - b. Access to the file will be limited to the Chief of Police, Command Staff and the investigators.
2. A card will be completed on all informants utilized by the Department. This card will contain [CALEA 42.2.7a,b]
 - a. Biographical and background information;
 - b. Criminal history record;
 - c. The type and validity of information obtained;
 - d. The informant's involvement in the investigation;
 - e. The identification code number of the informant;

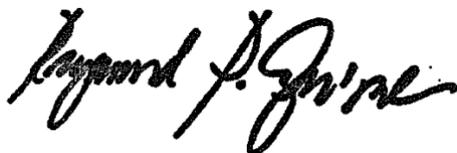
G. Criteria for Paying Informants [CALEA 42.2.7e]

1. This Department has no confidential informant fund.
2. Compensation to informants, if any, shall be coordinated through the prosecuting attorney's office.

REVIEWED BY:

P. Launi

APPROVED:

A handwritten signature in black ink, appearing to read "Raymund Aguirre". The signature is written in a cursive, flowing style.

Raymund Aguirre
Chief of Police