

TOPEKA POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL
4.16 INVESTIGATIONS AND CRIME SCENES

SUBJECT: Investigations and Crime Scenes		
4.16	EFFECTIVE: 09/27/2018	<i>William Cochran</i> William Cochran, Chief of Police
	REVISED: 09/13/2018	
	TOTAL PAGES: 7	
CALEA: 42.2.1; 83.1.1; 84.1.1		

4.16.1 PURPOSE

To outline procedures to ensure all necessary steps are covered in any investigation, from preliminary to follow-up, and to provide guidance for the protection of crime scenes while maintaining the chain of custody in the field.

4.16.2 POLICY

All members of the Department shall adhere to the rules and regulations outlined in this order pertaining to preliminary and follow-up investigations and aspects relating to crime scenes.

4.16.3 PRELIMINARY INVESTIGATION AND SCENE EVALUATION

- A. The responding officer shall call for CSI on the following:
 - 1. Any call involving a deceased human body no matter what the circumstances may be;
 - 2. Offenses involving life threatening injuries;
 - 3. Rape where a crime scene has been located; and
 - 4. Fatality accident, after the accident reconstruction supervisor determines the need to process the crime scene.

- B. The responding officer should evaluate the crime scene closely to determine the need to contact CSI when the following conditions exist: <42.2.1c>
 - 1. Specialized photography or photographs other than general crime scene photos are needed;
 - 2. There is need to collect evidence which is beyond the training of the uniformed officer and the uniform officer's supervisor; or
 - 3. Any other special circumstances which may require CSI.
 - a. The officer will request assistance from a supervisor when there is a question whether to call CSI.

TOPEKA POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL
4.16 INVESTIGATIONS AND CRIME SCENES

C. The responding officer shall request a detective upon any:

1. Violent crime that results in death or life threatening injuries or injuries likely to cause disfigurement or loss of limb;
2. Violent crime that results in injury to a minor;
3. Death of an infant;
4. Unattended death where the victim has no documented medical issues;
5. Death that appears suspicious;
6. Property crime with a loss of more than \$25,000;
7. Incident where assistance is needed to interview witnesses or victims of a violent crime; or
8. Crime or incident that would require an immediate labor intensive follow-up investigation.

D. Responding Officer Duties <42.2.1c>

1. Provide emergency first aid to injured persons or allow first responders to aid the injured persons. Log any changes the first responders make in the crime scene and assist in preventing the needless destruction of the crime scene by emergency responders.
2. Detain and remove any suspect(s) from the crime scene, if present.
3. Obtain names, addresses, place of employment, phone numbers, etc. from persons found within crime scene: <42.2.1b>
 - a. Ensure statements from witness(s)/suspect(s) are video recorded when possible; (Note: When officers are interviewing individuals the general guideline is to interview the complainant, then witness(s) followed by the suspect.) <42.2.1d>
 - b. Separate witnesses (s)/suspect(s) when possible; and
 - c. Ensure confidentiality of victims/witnesses and their role with the case.
4. Secure the crime scene in a manner which ensures its integrity.

A crime scene log should be prepared if the crime dictates or when requested by a supervisor. Record the names of all persons, including police officers entering the scene.

- a. Officers assigned to guard the crime scene who do not cross the crime scene tape will still sign in on the log to document chain of custody. A note can be made on the log that the officer did not enter the crime scene;
- b. Do not allow arriving personnel to enter the secured crime scene unless necessary for investigation;

TOPEKA POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL

4.16 INVESTIGATIONS AND CRIME SCENES

- c. Do not allow anything to be removed from the crime scene unless approved by a supervisor or CSI personnel;
 - d. Any breach or attempted breach of crime scene security shall be documented in written reports of officers who observe the breach or attempted breach; and
 - e. The media's role does not include physical presence within the crime scene.
5. The officer is responsible for scene protection until relieved by a supervisor.
 6. The responding officer will conduct a preliminary investigation.
 7. The responding officer shall make the request for detectives or CSI to their supervisor and the field commander will approve the call back when needed.
 8. Officers should record the following in their narrative reports: <42.2.1a>
 - a. Time of arrival;
 - b. Weather conditions;
 - c. Approximate time of offense;
 - d. Time offense was discovered;
 - e. Identity of other officers, medical personnel or first responders present;
 - f. Relief officer;
 - g. Interview results; and
 - h. Any physical evidence information and how it was collected.
 9. All pertinent information about the crime should be passed along to the detective and relief officer. <42.2.1a>

4.16.4 FOLLOW-UP INVESTIGATION AND CRIME SCENE SEARCH

A. In General

1. Follow-up investigation generally occurs on:
 - a. Felony cases;
 - b. Cases where the suspect has been apprehended;
 - c. Cases where the responding uniform officer can immediately investigate and follow up on leads; or
 - d. Cases assigned by the CIB supervisor.
2. Document all follow-up investigations on the appropriate report.
3. All completed follow-up investigations will be given one of the following status indicators by CIB personnel: cleared, inactive, active, closed, or unfounded.

TOPEKA POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL
4.16 INVESTIGATIONS AND CRIME SCENES

4. Approach every crime scene with the attitude that, when expending time and effort in a methodical manner, evidence will always be located.
5. Exclude nothing from consideration and do not conclude the search until all officers involved are certain they have explored all possibilities.

B. Follow-Up Investigation

1. The investigating officer is expected to make reasonable efforts to:
 - a. Locate and preserve any obvious items of evidentiary value;
 - b. Interview victims and witnesses; and
 - c. Ensure the scene is processed for physical evidence by calling CSI to the scene, if not already completed.
2. Follow-up investigation steps may include, but not be limited to the following:
 - a. Review and analyze all previous reports prepared in the preliminary phase;
 - b. Conduct additional interviews and interrogations, Department records, and lab results;
 - c. Seek additional information from uniform officers, informants, etc.
 - d. Plan, organize, conduct searches and collect physical evidence;
 - e. Identify and apprehend the suspect;
 - f. Arrange for surveillance if needed;
 - g. Determine involvement of suspects in other crimes;
 - h. Conduct local records check for criminal history of suspect;
 - i. Conduct background investigations as required. Information obtained from background investigations shall be discussed only on a "need to know" basis;

Other sources of background information may be:

- 1) Schools or learning institutions where the individual attended;
 - 2) U.S. Postal Services;
 - 3) Better Business Bureau;
 - 4) Credit Bureau;
 - 5) Past employers;
 - 6) Criminal justice agencies;
 - 7) Friends, neighbors and acquaintances of the individual being investigated;
 - 8) Utility companies; or
 - 9) Public domain computer searches.
- j. The investigating officer may obtain information in a follow-up investigation without an individual's authorization. However, probable

TOPEKA POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL
4.16 INVESTIGATIONS AND CRIME SCENES

cause must be shown as to why the information is needed and a court order, subpoena, or search warrant may be required to obtain the information;

- k. Obtain Search Warrant Affidavits:
 - 1) Have all affidavits screened by a representative of the District Attorney's Office before taking them before the judge.
 - 2) If a District Attorney is not available, the affidavit may be taken directly to the judge. Inform the judge that a District Attorney was unavailable to review the affidavit. The judge will then decide whether to approve or disapprove the warrant and sign it.
- l. Conduct a crime scene search;
- m. Complete any preliminary investigative procedures not completed. This could include:
 - 1) Recovery of stolen property by interviewing the suspect or known associates and suspected dealers in stolen merchandise (fences), pawn shops, resale outlets, salvage yards, etc. should be checked for possession of missing property.
 - 2) Investigate other crimes possibly committed by the suspect.
 - 3) Conduct a local records check for criminal history of suspect.
 - 4) Prepare the case. Detectives generally prepare final case files for prosecution.
- n. Ensure any evidence collected during the preliminary or follow-up investigation has been processed or evaluated for its evidentiary value; and

All seized property shall be returned to the rightful owner as expeditiously as possible when permitted by law, rules of evidence, or court orders. <84.1.1c>
- o. Document the follow-up investigation on an appropriate report.

E. Crime Scene Search

- 1. The investigating officer should use a proper sequence of procedures that must transpire in any type of search to obtain the full potential of evidence for successful case resolution.
- 2. Uniform officers shall call CSI to conduct a crime scene search if the scope, complexity, or nature of crime exceeds their level of training. CSI provides 24-hour availability for crime scene/accident fatality scene processing. <83.1.1>
- 3. Do not undervalue these three basic premises:

TOPEKA POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL
4.16 INVESTIGATIONS AND CRIME SCENES

- a. The best search options are typically the most difficult and time-consuming;
 - b. An officer cannot over document the physical evidence; and
 - c. There is only one chance to perform the job properly.
4. These steps are required in any type of search in order to obtain the full potential of the crime scene to relate its "story". There is always going to be exceptional situations. This is not proposed as an unalterable system of searching crime scenes
 5. Do not conduct searches where the suspect has an expectation of privacy without a search warrant or a signed consent to search
 6. Do not permit unauthorized persons in any crime scene, anytime.
 7. Basic steps common to most searches are:
 - a. When responding to the crime scene be alert for suspects, witnesses and/or vehicles leaving the scene;
 - b. Secure and protect the crime scene upon arrival;
 - c. Initiate a preliminary survey of the crime scene;
 - d. Evaluate physical evidence possibilities and determine methods for collection;
 - e. Prepare a narrative description of the crime scene;
 - f. Depict the scene photographically. Call CSI, if beyond scope of officer's ability;
 - g. Prepare diagrams/sketches of the scene. Call CSI, if needed;
 - h. Conduct a methodical, detailed search;
 - i. Record and collect physical evidence;
 - j. Conduct a final survey of the crime scene reviewing for possible omissions to the search; and
 - k. Release the crime scene.

4.16.5 COLD CASE INVESTIGATIONS

- A. A cold case is any unsolved case which has been investigated and sufficient evidence to mount a prosecution has not been developed. Cases exceeding their statute of limitations are no longer cold cases. They cannot be revived for investigation.
- B. Cases which meet any of the following criteria may be reopened and investigated as a cold case:

TOPEKA POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL

4.16 INVESTIGATIONS AND CRIME SCENES

1. It falls within the crime's statute of limitations for prosecution;
2. Forensic tests and/or equipment have become available to further investigate case evidence that was not previously available;
3. Suspects that were unidentified have now become identified;
4. A witness previously unavailable has become available;
5. A new witness has been located;
6. Any material fact regarding the crime has become available;
7. All information regarding the case's meeting qualifications for cold case investigations will be documented in the case file, along with all other investigative reports worked in picking up the case in renewed investigations; and
8. Investigators may periodically review cases that remain unsolved to determine if any of the above criteria could assist with successful prosecution of the case.

4.16.6 DISTRICT ATTORNEY NOTIFICATIONS

- A. The on-call Assistant District Attorney (ADA) shall be notified in the following circumstances:
 1. All calls involving a deceased human being in which suspicious circumstances exist or foul play is suspected;
 2. Aggravated kidnapping;
 3. Human trafficking;
 4. Terrorism;
 5. Weapons of mass destruction;
 6. Sexual assault/rape;
 7. Aggravated indecent liberties (under 14);
 8. Aggravated criminal sodomy;
 9. Promoting prostitution (under 14);
 10. Electronic solicitation;
 11. Treason;
 12. Officer involved shooting; or
 13. Other crimes of significance, that may include:
 - a. Issues involving a significant threat to public safety;
 - b. Crimes involving a person or fact pattern of significant public importance; or
 - c. Crimes that have generated significant media attention.