

	Operational General Order	8.02 Criminal Investigations	ORIGINATOR/REVIEW Chief's Staff
	SUBJECT Virginia Beach Police Department General Order Chapter 8 – Criminal Investigations		DISTRIBUTION ALL
	CALEA: 11.1.1, 22.1.6, 42.1.1, 42.1.2, 42.1.3, 42.2.2, 42.2.3, 42.2.4, 42.2.7		
BY THE AUTHORITY OF THE POLICE CHIEF: PwN			

Purpose:

To provide policy guidelines for follow-up investigations and screening criminal cases with the Commonwealth Attorney's Office.

Policy:

The responsibility to investigate criminal offenses is shared between the operations and investigative divisions of the Virginia Beach Police Department. Success in this endeavor is dependent upon the talents of employees gained through department sponsored training, the ability to work cooperatively, and the latitude afforded to personnel to pursue investigations to a conclusion. Those cases reported by patrol officers requiring investigative efforts beyond the function of the uniformed patrol officer will be assigned to Detective Bureau for appropriate follow-up investigation.

Detective Bureau (CALEA Detective Bureau (CALEA 22.1.6, 42.1.1))

The Detective Bureau, as described in General Order 1.03 (Organization and Administration) is staffed 24-hours every day. The E911 Emergency Communications Division and the Command Duty Officer are provided daily Detective Bureau rosters.

Sworn positions within the Detective Bureau will be of the same rank and title as the Uniform Division. Investigators assigned to the Detective Bureau will receive a supplemental clothing allowance.

In order to enhance the working relationships between patrol and investigative functions and maintain a high degree of information exchange, a representative from each investigative squad within the Detective Bureau will regularly attend Patrol shift briefings. Attendance at patrol shift briefings will be documented in a log for that purpose maintained in the Detective Bureau.

Functions of the Detective Bureau (CALEA 11.1.1)

The various units of the Detective Bureau shall have the following investigative responsibilities.

Detective Bureau Support

- A. Crime Solvers
- B. Pawns Unit
- C. Officer Support Staff
- D. Cold Case
- E. Gun Trace

Detective Bureau Homicide Squad

- A. Death Investigation
- B. Malicious Assault
- C. Felony Abduction

Detective Bureau Special Victims Unit

- A. Sex offenses involving non-related victim/suspect
- B. Sex offenses involving family or custodial victim/witness
- C. Indecent exposure
- D. Child exploitation
- E. Pornography
- F. Peeping Tom
- G. Child Sexual Assault

Detective Bureau Domestic Violence/Missing Persons Squad

- A. Domestic Assault (Felony)
- B. Stalking
- C. Runaways/missing persons
- D. Parental abductions
- E. Child abuse
- F. Child neglect

Detective Bureau Robbery Squad

- A. Armed robbery
- B. Strong armed robbery
- C. Extortion

Detective Bureau Economic Crime Unit

- A. Worthless checks - felony
- B. Fraud - felony
- C. Forgery
- D. Embezzlement - felony
- E. Flimflam - felony
- F. Bigamy
- G. Credit card misuse – felony
- H. Perjury
- I. Identity Theft

Precinct Property Crime Unit

- A. Burglary
- B. Hit & Run
- C. Larceny
- D. Telephone offenses
- E. Destruction of property
- F. Habitual shoplifting offenders
- G. Misdemeanor economic crimes
- H. Threats; including verbal, written, etc.
- I. Larceny of unregistered boats
- J. Larceny of trailers
- K. Auto theft
- L. Unauthorized use of auto

Units within specific investigative functions outside the Detective Bureau

Special Operations – FACT Team

While not a component of the Detective Bureau the Fatal Accident Crash Team shall investigate all motor vehicle crashes which encompass the following offenses:

- A. DUI Maiming
- B. Involuntary Manslaughter
- C. Felony Murder

Special Operations – Marine Patrol Unit

While not a component of the Detective Bureau the Marine Patrol Unit shall investigate all cases involving a boating crash to include those involving fatalities.

Response to Crime Scenes

When circumstances warrant, and at the request of responding patrol officers, detectives may be called upon to respond to crime scenes in order to assume responsibility for an investigation. Such responses require the responding detective to assume certain tasks that have either been initiated by the responding patrol officer or delayed until the responding detective arrives. The tasks assumed by the detective generally include the following:

- A. The development of information – the nature of the crime and the presence of investigative leads will assist the detective in developing information relating to the crime and the identity of suspects. This may include, but is not limited to:
 - 1. Interviewing witnesses
 - 2. Interviewing victims
 - 3. The presence and relevance of physical evidence
 - 4. Neighborhood canvasses
 - 5. Resources such as informants who may be familiar with the area
- B. Assuming control of the evidence and or the crime scene – the responding detective assumes responsibility for the protection and collection of any evidence that remains at the scene. Crime Scene Officers or Forensic Services personnel may accomplish the collection and processing of the evidence at the direction of the responsible officer or detective.
- C. The interview or interrogation of suspects – The detective or investigating officer assumes responsibility for the interview and/or interrogation of any suspects that remain at the scene or who are identified. Interviews and interrogations shall be conducted in accordance with constitutional rights of suspects and in accordance with General Order 6.03 (Interview and Interrogation)

- D. Other investigative strategies – At the discretion of the investigator and in response to the circumstances surrounding the crime, the detective may arrange for any of the following
 - 1. Surveillance, in accordance with the Surveillance Operations Field Guide
 - 2. Use of undercover or plain clothes personnel
 - 3. Public appeals for information via the Media Relations Office or Crime Solvers

Investigative Case Screening (CALEA 42.1.2)

Incident Based Reports (PD-18) completed and filed by patrol officers will be reviewed and screened by an investigative supervisor to determine the appropriateness of follow-up investigation. The objective of this review is to assign available personnel to investigations that have the best chance of being resolved. Factors that should be taken into account during this review include:

- A. Identifiable suspects, suspect vehicles, or witnesses
- B. Significant Modus Operandi
- C. Significant physical evidence
- D. The seriousness of the offense and potential for additional criminal acts of a similar nature could be committed in the future
- E. Cases that require specialized skills, knowledge, or ability should be assigned to those personnel having that expertise.

All cases involving felony crimes against the person, stolen, and recovered vehicles, and fugitives should involve consultation with the Detective Bureau. Uniform Patrol Officers are encouraged to work cases commensurate with their skill level and detectives will be made available to mentor and assist as needed. Additional factors that may necessitate the case being forwarded to the Detective Bureau include:

- A. Offenses involving a theft of an unusual amount of dollar value.
- B. When there are several witnesses or suspects to be interviewed.
- C. If suspects are located outside the precinct or city.
- D. Cases involving missing or runaway children under age 12.
- E. Abduction of a juvenile by a parent.
- F. Felony child abuse or neglect

As a general rule, one officer or investigator will be assigned to each investigation. Officers or investigators should not be assigned cases based solely on a rotational basis or other criteria-free system. The assigning supervisor shall consider the knowledge, skills, and experience of the investigator as well as the investigative efforts that will be expended. This does not preclude others from assisting on the case investigation. Once a case has been assigned for follow-up investigation, the assigned investigator shall have 30 days to complete the investigation or request an extension from a supervisor. An extension to an investigation is at the discretion of the supervisor; however, notes documenting the review, the new due date and the reason for the extension will be recorded using the PISTOL Records Management System.

Supervisors should review the quality of follow-up investigations to provide guidance and direction as appropriate and to ensure that additional investigative efforts will be productive. Follow-up investigations may be suspended when there is a lack of further leads or solvability factors, unavailability of investigative resources, and/or insufficient degree of seriousness of the offense. Crimes of violence or other serious crimes may deserve consideration for cold case investigative efforts.

Follow-up Investigations (CALEA 42.2.2)

Upon the assignment of an IBR (PD-18) to an investigator, the investigative responsibilities of the patrol officer end, and the officer assumes a supportive role in the investigation. The manner in which the investigator proceeds depends upon the case. Generally, detectives assigned to conduct follow-up investigations should consider the following in developing leads and the necessary information to successfully identify and arrest the responsible suspect(s):

- A. Reviewing, consolidating, and analyzing the reports of the officer who conducted the preliminary investigation. This may include a review of departmental records that may relate to similar incidents in the area of the crime, and or any laboratory reports regarding evidence that was collected at the scene.
- B. Seeking additional information from reporting officers, officers who may be familiar with the area in which the crime occurred, or informants/Sources of Information that may be familiar with the area in which the crime occurred.
- C. Planning and executing an organized police action such as a neighborhood canvass, or extended search aimed at discovering additional physical evidence, witnesses, the proceeds of the crime, or additional information.
- D. Interviewing and/or re-interviewing witnesses, victims, and/or suspects.
- E. Notifying and/or coordinating the delivery of victim/witness services.
- F. Checking pawnshops, precious metals dealers, secondhand dealers, junk dealers, and other places where stolen property may be sold.
- G. Seeking background information from known criminals, informants, and others who may have information regarding the suspect.
- H. Checking the criminal backgrounds of the involved parties or identified suspects

- I. Arranging for the dissemination of information relating to the crime, stolen property, and the suspect by preparing lookouts, notifying news media, etc.
- J. Identifying and apprehending suspects.
- K. Interviewing suspects to identify others involved in the crime, or to detect other crimes committed by the suspect or others.
- L. Accurately reporting the offense and the details of the investigation.

Cold Case Investigations (CALEA 42.2.7)

The Virginia Beach Police Detective Bureau will be responsible for establishing a position for the investigation of unsolved Cold Cases. The investigator (s) assigned to the position will be assigned to Detective Support and will be supervised by the Detective Support Sergeant. A Cold Case will be defined as any investigation that is unsolved and is in an "inactive" status, or any case that the command deems appropriate for further investigation. The Detective Support Sergeant will be responsible for determining the criteria for re-opening a case for further investigation. This may be as a result of additional information or evidence that comes to light or other factors. All additional investigative leads will be added to the original investigative report (PD-3).

Commonwealth's Attorney Case Screening (CALEA 82.2.4)

To ensure that complete and thorough criminal case files are presented for prosecution to the Commonwealth Attorney, the following procedures will be utilized. Except for the cases listed below, all felony arrests prosecuted by the Commonwealth Attorney must be screened. Officers and Detectives are encouraged to screen cases prior to an arrest; alternatively, the case screening will take place within five days following the arrest. Officers should be prepared to present a copy of the IBR (PD-18) and a list of witnesses who can testify to probable cause for the arrest to the screening attorney. Whenever possible, requests to screen cases should be made by appointment.

- A. If the screening attorney declines prosecution because more investigative work needs to be done any future re-screening of the case will be handled by the attorney who initially screened the case.
- B. When a case is screened over the telephone, a screening sheet, IBR (PD-18) and a witness list will be prepared and forwarded to the screening attorney within three days.
- C. If an attorney declines prosecution after all investigation has been completed and the detective/officer disagrees with the decision, the detective/officer will initially consult with their supervisor. If the supervisor determines that a review of the decision is appropriate, the request for a review will be made to the Chief Deputy Commonwealth's Attorney.

Exceptions to the screening procedures are:

- A. Cases presented by Special Investigations. These cases will be screened according to the procedures agreed upon by the Commonwealth Attorney and the Commanding Officer of Special Investigations.
- B. Felony cases involving sexual abuse of children or child abuse where the victim is a juvenile or was a juvenile at the time of the offense; and cases where a juvenile is charged with sexual abuse or child abuse will be screened by the Juvenile Prosecution Team.
- C. Screening by the Commonwealth Attorney's office is not required for the following offenses. These cases are to be screened by the investigator's supervisor:
 - D. Burglary with intent to commit a larceny
 - E. Concealment (3rd Offense)
 - F. Credit card forgery
 - G. Credit card theft
 - H. Credit card fraud
 - I. Destruction of private property
 - J. Forgery
 - K. Grand larceny
 - L. Petit larceny, third offense
 - M. Possession of burglary tools
 - N. Receiving stolen property
 - O. Selling levied goods
 - P. Unauthorized use of a motor vehicle
 - Q. Uttering
 - R. Driving after being adjudged a habitual offender
 - S. Worthless checks

By agreement with the Commonwealth Attorney, the Commonwealth Attorney's/Services File form (PD-3A) will be utilized when forwarding case documents to the Commonwealth Attorney. The case documents will be forwarded to the Commonwealth Attorney within 20 days of the arrest of an adult and 10 days for a juvenile. Outright indictments to be presented before the Grand Jury must be screened and a completed case report submitted to the Commonwealth Attorney before the case will be placed on an upcoming Grand Jury docket.

Case File Management (CALEA 42.1.3)

All supervisors will utilize the Case Management System function within the Records Management System to perform quality control for cases under their control that are assigned for follow-up investigation. Information in the Records Management System should contain the name of the investigator, date assigned, the case number, and the investigative report due date. The information should also indicate the current status of the case, such as pended active, etc. as defined in General Order 7.01 (Field Reporting.)

Criminal case files will be maintained by the investigating officer/detective while investigative activities are ongoing. When the criminal case investigation is completed or suspended, a copy of the entire file will be delivered to the Support Division Records Unit for retention in accordance with General Order 4.01 Records Management. Accessibility to case files will be limited to the case investigator, supervisors, or other detectives with a legitimate need for such access.

Case files will be maintained by the Support Division Records Unit and in accordance with the Virginia Records Retention Act and General Order 4.01 (Records Management).

Task Force Operations (CALEA 42.2.4)

The Department, in response to specific trends, serial criminal activity or in cooperation with other agencies in furtherance of the Department mission, may form or participate in task force operations.

When the Department forms a task force in response to a specific trend, serial criminal activity or the continuation of a planned patrol, that involve only Virginia Beach Police Department personnel, the provisions of General Order 13.01 (ICS/NIMS) will be followed. The ICS format will include the following

- A. Event / Operations plan that includes
 - 1. The purpose of the Task Force
 - 2. Authority and responsibility of each member
 - 3. Chain of command and accountability
 - 4. Resources available
 - 5. Predetermined evaluation milestones and timelines
- B. Appointment of an Incident Commander (IC) (not always a supervisory member)
- C. Structure of personnel / Chain of Command
- D. Action / Execution Plan

- E. After-Action Review. Submitted to:
1. The Commanding Officer of the organizational component that establishes the task force.
 2. Each Commanding Officer providing personnel.
 3. The Crime Analysis Unit
 4. The Criminal Intelligence Unit

When the Department participates in a task force involving outside agencies, a written agreement will govern the activities of the task force and will outline the mission and goals as well as the chain of command and the spans of authority. The agreement must specify the criteria for the use of the task force and the procedures for control and evaluation.

Written agreements for task forces shall include the following:

- A. Purpose
- B. Authority and responsibility of each member or member agency
- C. Chain of command and accountability
- D. Resources available and contributions of each agency
- E. Predetermined evaluation milestones to review results and the need for continued operation

Upon termination of any task force involving outside agencies, a final written evaluation and critique of its effectiveness (after action review) will be drafted by either the host agency or Virginia Beach Police Department participant and submitted to the Commanding Officer of the organizational component providing personnel for the task force.

Hospice Care Deaths

Officers may receive calls to a hospice/nursing facility **or** private residence for someone who has died and is currently on hospice care.

Some hospice/nursing facilities may call the police for liability reasons to help “facilitate” the process to avoid any accusations of negligence or foul play. Most families will not be expecting your presence in a hospice situation due to already having a plan and preparing for the death.

- A. Hospice care is a type of healthcare that focuses on the care of terminally ill patient’s pain and symptoms at the end of life.
- B. Hospice care deaths are generally expected, and arrangements are usually prepared with DNR paperwork
- C. The police department does not investigate expected, natural deaths.

If called to a facility or residence for an expected death of a hospice care patient:

- A. Make contact with a staff member or a family point of contact to obtain the information in the following steps.
- B. Verify DNR paperwork.
- C. Verify that a doctor is on standby to sign the death certificate.
- D. Offer assistance contacting the funeral home if needed, generally this will already be completed and planned.
- E. Do not investigate unless at the family's request or the doctor refuses to sign.
- F. If you have any questions, contact any on-duty homicide detective.