

SANTA CLARA POLICE DEPARTMENT GENERAL ORDER 42.1

CRIMINAL INVESTIGATION: ORGANIZATION AND ADMINISTRATION

ISSUED APRIL 2006

42.1.1 Criminal Investigation Function

The criminal investigative function is a significant and integral part of the investigation of crime. It is the function of the Santa Clara Police Department, Investigations Division, to complete follow-up investigations of crimes that are committed within the city limits. Criminal investigators will, unless otherwise needed, be non-uniformed personnel and will investigate crimes as they are assigned.

42.1.2 Criminal Investigations Component

The various units of the Investigations Division are generally divided into Crimes against the Person and Crimes against Property, commanded by one Lieutenant and one Captain. The units are: Thefts, Subpoenas, Auto Theft, Financial Crimes and High Technology, Robbery/Assaults and Homicide, and Special Investigations. SCAT (Specialized Crimes Action Team) is supervised by a Sergeant and is responsible to the Division Captain.

42.1.3 Case Investigation Based on Expertise

It is the policy of the Santa Clara Police Department that Field Operations Division officers investigate reported crimes to the fullest extent possible and to allow those officers considerable discretion depending on their ability and expertise. Criminal investigators (Detectives) will be assigned cases based on their unit assignment, knowledge, expertise, skills and qualifications.

Personnel of the officer rank will normally be assigned to the Investigations Division for a period of four years. Sergeants will be assigned for a time period as set forth in the [General Order 16.7](#), Sergeants Movement Program.

42.1.4 Administrative Designation of Cases

Criminal cases under investigation by Police Department personnel will be considered as assigned or "open" cases.

Criminal cases that are not currently assigned (or have been assigned and the investigation has been concluded) will carry one of the following designations:

Investigation "Inactive" - indicating all available leads have been exhausted but the case has not been brought to a satisfactory conclusion and investigative effort may be resumed as needed.

Investigation closed "Cleared" - indicating police have done everything possible in order to clear a case, and in fact have brought it to a resolution as indicated on SCPD Form 002.

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In addition, if the following questions can ALL be answered “yes”, the offense can be cleared without a physical arrest taking place:

- Has the investigation definitely established the identity of the offender?
- Is there enough information to support an arrest, charge and turning over to the court for prosecution?
- Is the location of the offender known so that he/she could be taken into custody now?
- Is there some reason outside police control that stops the arrest, charging or prosecution of the offender?

The recovery of property alone is not cause to clear the case without an arrest taking place.

Investigation “Unfounded” - The incident is false or baseless. An offense did not occur and was not attempted.

Investigation cleared by arrest and adjudication in court, either “Guilty” or “Not Guilty” - At least one person is:

- Arrested and;
- Charged with the commission of the offense and;
- Turned over to the court for prosecution.

Clearance by arrest only can be claimed when the offender is a person under 18 years of age and is cited to appear in juvenile court or receives notice to appear before other juvenile authorities including diversion. This clearance can be used even though no physical arrest was made.

Other clearance codes are available and Detectives should consult SCPD Form 002 for a complete list of these.

42.1.5 Suspending Investigative Efforts

Whenever a case has been assigned for investigative follow-up, procedures outlined in General Orders [42.2.1](#), [42.2.2](#), and [42.2.3](#) should be followed. Suspension of investigative efforts by the assigned Officer/Sergeant must be approved by an appropriate supervising Sergeant, Lieutenant or Captain.

Criteria to be considered when suspending investigative effort will include:

- Absence of further leads or solvability factors.
- Unavailability of investigative resources
- The degree of seriousness of the offense(s).

42.1.6 Informing Crime Victims of Case Status

All persons who file a criminal complaint with the City of Santa Clara Police Department will, workload permitting, be notified of the status of their complaint by the investigating officer.

In cases where follow-up investigation is conducted either by Field Operations officers or Detectives, the investigating officers will attempt to keep the complainant advised of the status of the case and note when they have contacted the complainant.

Investigators assigned a follow-up investigation will make every effort to contact the complainant within 72 hours (weekends not included). Anytime there is a significant change in the status of the case, the follow-up investigator should contact the complainant within 5 working days to notify them of the change.

Prior to a case being closed, the investigating officer should, workload permitting, make contact with the complainant and advise them of the final disposition of the case.

42.1.7 Case File Maintenance

A case file is a case investigation that is processed by the Records Section, forwarded to the Investigations Unit, reviewed by a Detective Lieutenant/Captain, and assigned for further investigation to a Detective. The Detective maintains all pertinent reports and supplements, lab results, etc., and copies are routed back to Records for inclusion into the original report file. The information on case assignment, case number, complainant's name, date of occurrence, type of crime, etc., is all entered into the in-house electronic records management system.

Criminal cases assigned to Detectives and logged onto the Records Management System will automatically be reviewed every 30 days, and a printout with active cases will be supplied to each individual investigator. The investigator will update each listed pending case status, and return the update form to the Investigations clerical staff for entry into the Records Management System.

In conjunction with the automatic 30-day case status review, a supplemental report will be completed (if warranted by the receipt of new information) at least every 30 days updating the status of the case and describing the investigation to date.

Access to investigator files will be with permission of the assigned investigator, the Investigations Division chain of command, or the Chief of Police. Investigator case files should contain a copy of the preliminary investigative report (all originals will be maintained in Records), records of statements, results of examinations of physical evidence, case status reports, and other reports and records needed for investigative purposes. Original evidence will not be kept in the case files, but will be checked out and returned on a daily basis as needed from the Evidence/Property Room.

Investigator case files will be purged upon the completion of a case investigation. Once a case is fully investigated and a final disposition made as outlined in [42.1.4](#) by the assigned investigator, the case file will be processed by the Detective supervisor and returned to the Records Unit for permanent filing.

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42.1.8 Use of Informants

Refer to [General Order 42.3](#) for information on use of informants, their control, etc.

42.1.9 Special Investigative Fund

The purpose of this section is to provide guidelines on the use of the special investigative funds controlled by the Investigations Unit.

Accessibility

The Investigations Lieutenant or Captain is responsible for the maintenance and control of the Special Investigative Fund. When necessary, either the Lieutenant or Captain may temporarily assume control of the funds if the other supervisor is away on vacation, at training, etc. The temporary custodian assumes the same responsibilities as the regular custodian of these funds.

The Investigations Lieutenant/Captain will be responsible for disbursement from the Special Investigative Fund. The Division Captain or Chief of Police will approve payments in excess of \$500.00.

This Special Investigative Fund is closely monitored to ensure cash is readily available. When there is need to replenish the fund (when the supply of cash drops to approximately \$2000.00), the custodian will request that a purchase order be drawn up from the appropriate budget category, and approved by the Division Captain and Chief of Police. A check will then be issued by the City Finance office payable to the custodian, who will cash the check and deposit the money in the safe located in the Investigations Lieutenant's office. The custodian will insure that the account balance is properly updated, and attach supporting documentation to the ledger sheet. At the end of each month, the fund is reconciled from payment vouchers and a report given to the Division Captain for approval. A copy of this report is then forwarded to the Chief of Police, with the original copy remaining in the Lieutenant's office.

This fund is subject to audit on a yearly basis by the City Finance Department, and correct balances and proper supporting documentation for expenditures must be maintained at all times.

A number of marked \$100 bills are also kept by the custodian for use as "flash" money in covert operations, mostly drug-related in nature. This money is signed out as needed by investigative unit personnel, and must be accounted for with the same precision as other special funds. It is not to be spent, but only used as a visual aid (a show of a large amount of money, etc.) in various drug purchase or sale operations.

Criteria for Use

Authorized Expenditures - Authorized expenditures are those that directly or indirectly assist and/or contribute to an investigation of criminal activity.

Expenditures that may be paid from the special investigative funds include:

- Informant expenses
- Narcotic and dangerous drug buys
- Purchasing stolen property
- Alcohol/liquor investigations and purchases
- Major crime investigation expenses

The purchase of intoxicating liquor or beer for consumption during an investigation is a justifiable expenditure. Excessive expenditures will not be approved and the officer shall make every effort to simulate consumption of alcoholic beverages. The officer should attempt to leave prior to finishing the drink if it will not expose his/her cover.

The Investigation Division Captain will have the final decision on what expenditures qualify for payment.

When justifiable expenditures are made, it is the responsibility of the officer to obtain a receipt, unless it would expose his/her cover.

Unauthorized Expenditures - Unauthorized expenditures are those that do not directly or indirectly assist and/or contribute to an investigation of criminal activity. Some of these would include personal supplies, non-essential meals, or any other petty expense routinely funded by the Department's petty cash fund.

Accounting

The following procedure will be used by Department personnel in requesting money for either advance or reimbursement from the Special Investigative Fund.

Operator Evidence Expense Voucher - The officer requesting moneys from the fund will fill out the Operator Evidence Expense Voucher (SCPD Form 052). The form will be given to the Lieutenant/Captain in charge for approval and payment. If approval is given, the form will be kept by the Lieutenant/Captain as a permanent record of the transaction. Each transaction will have a number and be entered in a journal. The officer will then receive the funds for the voucher as submitted. All receipts should be attached to this voucher.

Purpose for Expenditure - The type of expenditure is to be noted on the voucher form. The form requires one of the following expenditure codes for easy accountability of year expenditures in these categories:

- Purchase of Evidence
- Narcotic Information
- Purchase of Stolen Property
- Operator's Expenses
- Intelligence Information
- Props for Investigation
- Others (write explanation in)

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Comments regarding the expenditure may be written in a section at the bottom of the form.

After the Detective Lieutenant/Captain approves the voucher, it will be attached to the ledger sheet and kept as a permanent record.

Auditing

The fund will be audited monthly by the Division Lieutenant. This report lists all moneys in the fund, along with all expenses and attached vouchers as justification. The journal and cash on hand must tally to ensure proper accounting. This monthly report will be forwarded to the Chief of Police. At any other unannounced time, the Chief or designee may audit the fund.

42.1.10 Preliminary Follow-up Investigations Accountability

Uniformed Field Operations officers shall conduct preliminary investigations on all dispatched calls. Investigators may be called in immediately to conduct follow-up investigations depending on the seriousness of the crime, the need for special expertise and the staffing needed.

Field Operations supervisors and/or Watch Commanders will assess the circumstances (seriousness of the crime, etc.), and determine the immediate need for investigative personnel. Requests for investigators will be made by Field Operations supervisors or Watch Commanders directly calling investigators on the callback list and apprising them of the circumstances of the crime. Investigators, in conjunction with the on-call Investigations Lieutenant, will decide if any investigator will respond.

A Detective shall be called when the following conditions exist:

- Murder or suspicion of murder
- Any death or suicide by violence, such as gunshot, knife, etc.
- Kidnapping
- On major felonies when suspects are in custody or where a need exists for immediate follow-up.
- Any other case where extenuating circumstances arise when, at the discretion of the Watch Commander, a Detective is needed.

In the event that an investigator does not respond, Field Operations officers will be responsible for conducting as much follow-up as possible or is practical before routing the case to Records section for processing.

Once the case file is received by the Investigations Division, the Lieutenant or Captain will assign it to an investigator who will have responsibility for follow-up through to final disposition.

42.1.11 Case Status Control System

When a case is assigned to the Investigations Division, it will be entered in the records management system computer database. This file will contain the case number, date reported, type of crime, victims and suspects, name of assigned investigator, etc. The Lieutenant or Captain will monitor all investigations assigned to the Investigations Division.

Due dates for certain investigations may be assigned to a case at the discretion of the supervising Captain/Lieutenant/Sergeant. If a due date is assigned, it will also be noted in the file and log. Routine computer-generated case status reports will be reviewed by each supervisor to insure prompt and efficient case resolution on the part of the investigators.

42.1.12 Solvability Factors

Crime reports initiated by police personnel will be reviewed by an Investigations Lieutenant or Captain using case screening and solvability factors. The goal of case screening is to assign investigative personnel to those cases that have the best chance of being solved.

Assignment of cases will involve the assigning of each case to a “principal investigator” in order to ensure accountability and continuity in an investigation. This practice does not preclude additional personnel assisting the principal investigator in the case.

Solvability factors to be considered while assigning cases include but are not limited to:

- Is there a suspect? Can he or she be named or identified?
- Is there a suspect vehicle? Can it be identified?
- Is there an identifiable witness(es) to the crime?
- Is there significant physical evidence?
- Degrees of seriousness of the crime.

Investigators and supervisors will continually review the progress of a case based on the above factors and available leads and make a decision whether to continue the investigation accordingly.

Other factors that may be of importance in considering case assignment include:

- Individual investigator’s experience and expertise.
- Documented research or experience by the Department.

42.1.13 Criteria Used to Assign Cases

In addition to the use of solvability factors for assignment of cases, other factors may be of importance in considering case assignment.

These factors may include:

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- Documented Department experience, or that of other law enforcement agencies.
- Research and intelligence conducted within the Department, or within other law enforcement agencies.

42.1.14 Resources Committed to Case Follow-up

All crime reports will be reviewed by an Investigations Captain/Lieutenant/Sergeant to determine if additional follow-up is needed. The criteria for this decision are outlined in [42.1.12](#) and [42.1.13](#).

Resources committed to investigative follow-up are dependent upon the application of the solvability factors and the degree of seriousness factors as applied to the overall investigative workload. These factors shall be reassessed by the Investigations supervisor at regular 30-day reviews/updates as set forth in [42.1.7](#).

42.1.15 Temporary Assignment of Field Operations Officers

If staffing considerations permit, Field Operations officers may be assigned to the Investigations Division on a temporary basis to assist in major crime investigations. This will generally last only a few days and, for example, involve evidence technicians deeply involved in an investigation and whose assistance is necessary in the initial phase of the case. On other occasions, a Field Operations officer with unique skills or attributes may be detailed to assist in a long-term undercover investigation. These assignments will enhance the officer's preliminary investigative ability and create a pool of Field Operations officers with investigative ability.

42.1.16 Criminal Investigation Sworn Positions

Sworn positions in the criminal investigation function are the same as those used in the Field Operations function. It is not a promoted rank. Salary schedules and rank titles will remain the same when personnel transfer between the Field Operations and Investigative Divisions.

42.1.17 Detective Division Image

All Detectives will comply with [General Order 41.3.5](#), specifying equipment to be carried at all times when on duty in civilian clothing. This equipment consists of badge, firearm, handcuffs and issued identification card. A fanny pack or briefcase may be used to carry the weapon and handcuffs, etc., but they must be kept in the detective's personal, immediate possession at all times.

All Detectives must carry their weapons into courtrooms where special check-in procedures are in effect, i.e., security badge needed to carry weapons. The exception would be when attending Family Court, which is a special case.

All Detective Sergeants/Case Detectives shall correct ill-prepared or improperly dressed police personnel who appear for Court (or, for that matter, at any time a problem is encountered) if corrective action is immediately appropriate. It is recognized that a Detective Sergeant is the

more appropriate person to take corrective action, however a case Detective may, based on his/her experience and job responsibilities, be required to take corrective action as necessary.

As necessary, a Detective may be assigned to attend Field Operations supervisors' meetings as a liaison, and try to resolve mutual problems and pass on relevant information between the two Divisions.

All meal and coffee break policies will be monitored by supervisors, making certain they are reasonable and within policy.