

CITY OF BALLWIN
POLICE DEPARTMENT

GENERAL ORDER 23-01

EFFECTIVE:	JANUARY 30, 2015	CANCELS:	GENERAL ORDER 73-10
TO:	ALL PERSONNEL	INDEX AS:	INVESTIGATIONS BACKGROUNDS INTERVIEWS INTERROGATIONS
SUBJECT:	CRIMINAL INVESTIGATIONS		

I. PURPOSE

The purpose of this General Order is to establish administrative guidelines to ensure the efficient operation of the Division of Criminal Investigations. This shall include standardized case review and management practices, as well as delineating functional responsibility for preliminary and follow-up criminal investigations.

II. POLICY

- A. The Division of Criminal Investigations (DCI) is a sub-unit of the Bureau of Administration and Operational Support. DCI is responsible for the follow-up investigation of all serious crimes occurring within the City of Ballwin. In addition, the division shall be responsible for the follow-up investigation of all other incidents that warrant additional investigation when such follow-up by other departmental divisions becomes unpractical. DCI shall also be responsible for crime scene management of all major crimes including the supervision of crime scene processing, evidence collection & preservation.
- B. DCI shall be responsible for the investigation of all juvenile matters and shall maintain appropriate records regarding these offenses. In addition DCI shall be responsible for conducting all police department employee background investigations, liquor license applications and renewals.
- C. DCI shall be responsible for intelligence gathering and maintaining intelligence information in an appropriate manner to include a file for confidential informants. Additionally, the division shall maintain records of all property seized for the purpose of civil forfeiture and is responsible for assuring that such proceedings fall within the guidelines of all relative federal, state & local laws.
- D. The Division of Criminal Investigations is committed to providing services to the residents, and guests of the City of Ballwin by doing what they reasonably can to investigate each assigned case as though the victims or suspects were members of our own families. With this in mind, members of the division should always attempt to:
 - 1. Treat with respect all persons that they come in contact with, be they victims, witnesses, or suspects.
 - 2. To respect the Constitutional Rights of all individuals.

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3. To maintain the integrity and professional image of the Ballwin Police Department. Additional Division procedures and guidelines have been established in the DCI Job Performance Criteria Manual BPD#11.
4. To work toward uncovering all truthful facts about each case that is assigned, to the best of their abilities.
5. To establish collaborative partnerships within the police department, the residential & business communities, and the surrounding law enforcement community.
6. Detectives are also expected to attend at least one shift briefing per week with patrol officers. Joint shift briefings with patrol and detectives should be used to share information and to develop a positive working relationship between the two entities.
7. Detectives are issued the following equipment: mace, handcuffs, asp, firearm, badge, and ID card. In most situations detectives are required to wear or carry this equipment when operating in the field. Additionally, detectives are issued a protective vest that should be worn when dealing with any potentially dangerous situation.

III. PERSONNEL ASSIGNMENT

The Division of Criminal Investigations is a sub-unit of the Bureau of Administration and Operational Support, the purpose of which shall be to serve as the department's primary investigations unit. A Commander, Supervisor and five detectives shall staff the division. However, the Chief of Police shall determine the number and/or rank of the personnel assigned to the unit, as best serves the functions of the Department.

Transfer to the Division of Criminal Investigations shall be a specialized assignment, contingent upon the approval of the Chief of Police. Such assignments shall be temporary in nature, with unit personnel serving at the pleasure of the Chief of Police. While personnel are attached to the Division of Criminal Investigations, they shall be expected to use the title "Detective;" however, their actual rank classifications and accompanying salary ranges shall be identical to those assigned to police officers.

IV. DUTY AND ON-CALL SCHEDULE

The duty schedule for detectives assigned to the Division of Criminal Investigations shall be established at the direction of the Division Commander or Supervisor. Detective personnel will generally work a rotating shift schedule. However, the established rotation schedule may be altered, as circumstances require. As regular assigned duty hours do not provide for continuous twenty-four hour, seven day-a-week coverage, the Division supervisor is responsible for assigning a detective(s) to respond to an incident during non-duty hours. All detectives are subject to call-out. All call-outs will be determined by call-out schedule or by the Division supervisor. The Division Commander is on call 24 hours a day and in his absence the Division Supervisor will be on call 24 hours to assign/direct detectives during non-duty hours.

The Communications Division and Bureau of Field Operations shall be provided a copy of the detective schedule and will utilize same as the need arises. To facilitate emergency contact, all personnel assigned to the Division of Criminal Investigations have been issued cellular telephones and are required to carry them both while on and off duty.

V. CASE SCREENING

A. It shall be the responsibility of the Supervisor of the Division of Criminal Investigations to review all newly documented criminal cases and contingent upon the circumstances, to assign a priority to the case and forward same to individual detectives for investigation. To this end, each case will be prioritized according to the following solvability factors:

1. Significant leads/suspect information.
1. Interviews with subjects (victims, witnesses, etc.) identified in the original report.
2. Seriousness of case (to include potential impact on community).
3. Undeveloped leads.
4. Pattern and frequency of crime.

B. It will be the policy of the Ballwin Police Department Division of Criminal Investigations to make an initial victim contact on all case assignments within twenty-four (24) hours of when the case is assigned. Detectives are expected to write an initial investigative supplement within 10 working days of the case being assigned.

Criminal investigations such as Homicide, Serious Felony Assaults, Rape, Robbery, Arson and the like shall be addressed immediately. Investigation into other felony offenses and/or those incidents that are deemed to be high priority will be initiated within two (2) working days of the date the incident was reported and or assigned.

Investigation into those offenses classified as standard priority will commence within three (3) to five (5) working days from the date the incident was reported. The focus on standard priority cases will be to ascertain:

1. If all information contained within the original Incident Report is correct.
2. If any new leads or suspect information have been developed since the report was taken.
3. If the victim still desires prosecution in the case.

Detectives assigned such cases will be expected to follow-up on any new or unresolved information.

VI. CASE ASSIGNMENT

- A. The Commander of the Division of Criminal Investigations shall be responsible for the assignment of cases to detectives who shall conduct a thorough follow up investigation. The Commander is responsible for reading/reviewing each report and then deciding if a case needs detective follow up and if so assigning the case to an individual detective. As part of this process, the Commander shall ensure that the appropriate information is entered into a computerized case management system. This information shall include:
1. Date assigned.
 2. Report number.
 3. Type of offense.
 4. Name of victim.
 5. Location of occurrence.
 6. Name of detective assigned to case.
 7. Case status (active, inactive, cleared by arrest, exceptionally cleared, unfounded.)
- B. Once a case has been recorded in the case management system, the following procedures shall govern the case assignment:
1. A copy of the Incident Report will be placed in a folder and delivered to the assigned detective. Should the report be a priority case, the report will be marked as such.
 2. The assigned case shall remain on "Active" status until:
 - a. The detective recommends otherwise, and is approved by the DCI Commander.
 - b. The Commander of Criminal Investigation will determine if all leads have been investigated. Should he determine that work remains to be done, the case will be returned to the detective along with specific instructions concerning the unresolved leads. In such instances the status of the case shall remain "Active".

- c. In the event the Commander determines a case has been satisfactorily completed (without being cleared by arrest, exceptionally cleared, or unfounded), the Commander shall access the case management system and amend the status of the case in question to "Inactive".
- d. Should the Commander determine that a case has been satisfactorily concluded via an arrest or other extenuating circumstances; the Commander will access the case management system and amend the status of the case to the appropriate case disposition. The computer entry shall also include the date the change in status was amended.

To ensure that reports are being investigated in a timely manner, the Bureau Commander will maintain quarterly checks on the progress of all assigned cases which are classified as "active".

Those cases, which have been designated for detective follow-up, are to be assigned in a fair and impartial manner so as to ensure an equitable workload among the detectives assigned to the bureau. However, as part of the case assignment process, the supervisor shall allocate case assignments according to each individual detective's area of expertise (homicide, juvenile, arson, computer/white collar crime, etc.), if possible. The current caseload held by each detective will influence such directed assignments.

Cases may also be assigned to the original reporting officer, (not a detective) when that officer indicates in his/her report that they will be conducting additional investigation into the case. This is subject to the direction of their immediate supervisor. The accountability for case management in this instance is then the responsibility of the officer's immediate supervisor. In all cases, the Commander of the Division of Criminal Investigations will make the final determination regarding responsibility for case follow-up.

VII. CASE FILE MANAGEMENT

To properly manage the investigative efforts of the Division of Criminal Investigations, the following procedure have been developed to track the status of various cases and to ensure the confidentiality of such files.

- A. In addition to recording case assignments on an internal Case Management Computer System, those Incident Reports, which are under investigation, are tracked by report number and cross-referenced with the names contained within the report.
- B. The Case Management Computer System provides the primary mechanism to monitor internal case management and control. The status of each case at the time assigned shall be active.

C. Detectives shall be responsible for developing a working case file of each assigned case. The working case file may contain, but not be limited to: a copy of the original report, copies of supplemental and lab reports, statements, criminal history records, detective's notes, etc. Original reports will be maintained in the C.A.R.E. computerized record file, while other document copies associated with the case will be placed in the report's file jacket. Active individual case files are the property of the Police Department and as a general rule, should be stored in detective desks or cabinets due to the sensitive nature of information often contained within. The proper storage of case files also provides the opportunity for the Commander of Criminal Investigation to access files in a detective's absence.

D. During the course of their investigation, detectives shall be responsible for documenting their findings via supplemental report and submit same to the Division Commander. Should a change of case status be included in such documentation, the Division Commander must approve same before the report is formally approved.

Internal case status classifications are:

1. Active case - The case is open and under investigation.
2. Inactive Case – The case is no longer being investigated; all leads have been followed up.
3. Cleared by Arrest – The case has been cleared by arrest and a suspect charged.
6. Exceptionally Cleared – The case has been cleared by other means as noted in the UCR handbook.
7. Unfounded – This case through investigation is found to be false or no offense occurred.

E. Detectives should be diligent in identifying habitual/serious offender cases. These cases may be identified through the detectives' case files, criminal history checks and court dispositions. When making warrant application, detectives should notify the prosecutor of any cases that involve habitual/serious offenders. Habitual/serious offenders are those who have a prior conviction for the same or similar offense(s), or a conviction for an offense which resulted in serious physical injury.

F. Types of Records:

The Criminal Investigations Division will maintain the following types of records:

1. Working Case Files.
2. Case Management Computer Files
3. Confidential Informant Files.
4. Intelligence Records.
5. Background Investigation Files
6. Asset Forfeiture files

Accessibility to such files shall be limited to department personnel assigned to the investigations division, the Bureau Commander and the Chief of Police. Certain files such as those involving informants, asset forfeiture files, case files and background investigations shall be secured at all times.

G. Purging of Files

Files shall be purged in accordance with the Missouri Records Retention Manual, as issued by the office of the Secretary of State.

VIII. INVESTIGATIVE OPERATIONS

Criminal investigations will generally encompass a two-part process: Preliminary Investigations and Follow-up Investigations. The responsibility and procedural guidelines for each are listed as follows:

A. Preliminary Investigations

Uniformed personnel assigned to the Bureau of Field Operations shall be responsible to accomplish a variety of tasks which comprise the preliminary investigative process. These are listed as follows:

1. General Observations/Activities

Officers shall establish the fact that a crime has been committed, determine the location of the crime scene(s) and determine the crime's classification. Once the existence of a crime has been confirmed, the investigating officer(s) shall note the condition of each crime scene (e.g. signs of foul play, presence of blood, location of victim, types and location of injuries, missing property, point of entry/exit, damage to victim's property, written communications, weapons, narcotics, and evidentiary items, etc.) and record same for inclusion into the Incident Report.

Similarly, the sequence of events surrounding the incident shall be determined (to the extent possible) on the basis of evidentiary material and remarks attributed to the victim, witnesses, and/or suspect(s).

Related activities shall include, but not be limited to:

- a. Summoning medical examiner if victim is deceased.
- b. Summoning medical assistance if victim is injured.
- c. Immediate pursuit of the perpetrators if flight is recent and possibility of capture is likely.
- d. Providing descriptive information to communications in regard to the perpetrator, mode and direction of travel and if the subject should be considered armed and dangerous.
- e. Arrest perpetrator, if possible.
- f. Summoning supervisory and/or technical assistance, as necessary.

2. Witness Identification

First responders shall attempt to locate and identify the victim and all witnesses to an incident. Items of identifying information which should be obtained include:

- a. Name, race, and sex.
- b. Age and date of birth.
- c. Home address
- d. Home and cellular phone number and/or email address.
- e. Social security number.
- f. Business address and phone number.

Pedigree information on the victim and witnesses shall be included in either the initial Incident Report or a Supplement Report.

As part of this process, responding officers should conduct an area canvass and interview neighbors and/or bystanders as to their knowledge of any suspicious activity which they may have observed in the vicinity.

3. Interview/Interrogation Process

First responders shall interview the victim and witnesses in an attempt to develop as much information about the incident and suspect(s) as possible. Each should be interviewed separately, with notes taken in relation to individual statements. Such interviews shall subsequently be recorded in the original Incident Report or a Supplemental Report, as necessary. In some cases, the practice of obtaining written victim and witness statements is advisable.

In the event a suspect is taken into custody at the scene, the arresting officer must make a determination to question the individual at the scene or to convey the prisoner back to this department prior to interrogation. A suspect in custody shall be apprised of their constitutional rights per the Miranda decision prior to any questioning taking place. This may take place at the scene or at the station, depending on when the questioning of a suspect is to be initiated. Officers shall be alert to any spontaneous utterance the suspect may make in relation to the crime, which is admissible as evidence.

4. Protection of Crime Scene

Except where exigent circumstances (storms, life threatening circumstances, needs of victim) may preclude proper preservation efforts, officers shall protect each crime scene to the maximum extent possible. This may include the installation of a tape or other type barrier, or the posting of uniformed officers to seal the scene from unwanted intrusions.

Officers shall wear gloves and other protective garments as necessary to avoid contamination of evidence, and ingress and egress into a crime scene shall be restricted to essential department personnel. On major crime scenes, a sign-in log shall be established at the perimeter of the scene and all personnel entering the area must sign in prior to being permitted entry. The officer shall list the names of all individuals that enter the crime scene in the narrative portion of their police report.

There shall be no smoking, drinking, or eating within a crime scene.

At the time the scene investigation is complete, barriers shall be removed, and the area reopened to normal use. However, in the case of real property (e.g. private residence, apartment, office, etc.) same shall be secured, and/or released to the custody of a family member, guardian, property owner, or custodian.

5. Collection of Evidence

Evidence shall be collected in accordance with General Order 33-01A, "Evidence Collection and Preservation."

B. Follow-up Investigations

Detective personnel assigned to the Division of Criminal Investigations shall be responsible for accomplishing a variety of tasks which comprise the follow-up investigative process. These are listed as follows:

1. Investigative Checklist

When conducting criminal investigations, detectives shall be especially mindful of the steps to be taken in the preliminary and follow-up portions of these investigations. The following checklist will be utilized during an investigation.

a. Preliminary Checklist

- 1) Case detectives shall note time and circumstances surrounding the incident to include:
- 2) Determining the presence of a crime, and venue.
- 3) Note officers on the scene, including initiating officers.
- 4) Obtain and verify victim, witness and suspect identification.
- 5) Evaluate the size and protection of the crime scene.
- 6) Conduct pertinent record checks.
- 7) Determine additional assistance of specialized equipment and/or units.

2. Interview witnesses separately and compare statements for consistency.

3. Conduct a canvass of the area to locate additional witnesses and evidence.

4. When a suspect is interviewed:

- a. Suspect interviews shall be conducted, when possible at a police facility.
- b. Suspect(s) shall be ensured of their Constitutional Rights at all times. When interviewing or interrogating in-custody suspects, the detective(s) shall advise the suspect(s) of their Miranda Rights and have them complete a Departmental Miranda Rights Waiver Form. Suspect(s) may be interviewed or interrogated without the advising of Miranda Rights only in non-custodial situations. Additionally, the detective must inform the suspect that they are not in custody and that they are free to leave at any time.

- c. Suspect(s) shall be provided essential nourishment and restroom breaks, and will not be deprived of sleep.

B. Follow-up Checklist

1. Case detectives shall review and analyze all previous reports, records, laboratory results and evidence prepared in the preliminary phase of the investigation.
2. Conduct any necessary follow-up interviews or interrogations.
3. Seek any additional information from sources such as other officers, other agencies, additional witnesses and informants.
4. When probable cause has been established that identifies a specific individual as a suspect, attempts will be made to locate and arrest the individual. If these attempts meet with negative results, a wanted entry will be made into the REJIS computer system and any pertinent teletypes sent.
5. The suspect's criminal history will be checked via REJIS, MULES, DOR, the mugshot file and the CARE system.
6. Utilizing the C.A.R.E. system, a complete and thorough report documenting all identifications, interviews, evidence, and elements of the crime will be prepared. This report, along with any pertinent evidence, will be presented to the Prosecuting Attorney for review. Detectives will be familiar with all aspects of the case prior to any court testimony.
7. The case detective will periodically contact victims in order to update them on the status of the case.

C. Report Review

Each original Incident Report shall be thoroughly reviewed by the supervisor assigned to the Division of Criminal Investigations prior to its assignment to a detective. High priority cases will be marked as such. The original reporting officer will indicate in the report narrative the results of any criminal history on potential suspects, and data on any similar offenses (if known). In addition, each officer who receives a lab analysis from a forensic laboratory will review the results, document the findings in a supplemental report and forward same to DCI. The initial report and any attachments (e.g. lab reports, supplemental reports, etc.) shall then be reviewed by the detective(s) assigned to investigate the case. Any substantive actions taken as a result of this review or the development of new information shall be documented, and subsequently reviewed by the Division Commander.

D. Follow-up Call Back/Interview Process

The detective(s) assigned to conduct follow-up investigations shall re-contact the principals (victim/witnesses) of each case in a timely manner. (See Section V, B, Case Screening" for specific requirements regarding time frame in which contacts and/or investigation must be initiated.) The purpose of this second contact will be to re-interview the case principals to determine if the information contained in the original report is correct and thorough; if any new leads or suspect information have been developed since the report was taken; if the victim still desires prosecution; and for the detective to develop a degree of rapport with the principals of the case.

E. Information Development

The detective assigned to a case shall solicit additional information, as necessary, from uniformed officers and informants in order to identify a suspect(s) and bring the case to a successful conclusion. This may also include that information developed via background investigation sources, Grand Jury subpoenas, other law enforcement agencies, or generated through computer record searches/inquiries.

F. Surveillance Activity

Upon identification of a suspect, or as an effort to suppress a rash of criminal activity in a given geographical area, directed surveillance activity may be a viable course of investigative action. As such, the following considerations shall be used as a guideline in the planning and execution of surveillance activities:

1. Surveillance operations shall be executed following due consideration and/or analysis of the crime(s) in question, to include (if known): identification of the suspect(s), associates or family members of the offender(s), vehicles operated by the suspect(s), method of operation, and any firearms or other weapons which may be in the possession of the suspect(s).
2. Surveillance operations shall be conducted in as covert a manner as possible.
3. Surveillance operations may be conducted by detective personnel or uniformed officers temporarily assigned to the operation. In the case of the latter, such officers shall generally be in plain clothes.
4. The supervising officer of the surveillance operation shall ensure that an adequate number of personnel are assigned to the mission, and that same are properly equipped.

5. Except in the case of exigent circumstances, proposed surveillance operations shall be submitted to a bureau commanding officer or the Chief of Police for approval prior to their initiation. However, this requirement is not intended to preclude uniformed patrol officers from establishing a limited and/or temporary surveillance on a suspect's vehicle, street or parking lot, property/evidence cache, apartment, residence or other structure, which may arise in the course of their normal duties.
6. Personnel assigned to a surveillance operation shall be briefed in advance of their deployment in regard to the area in which the operation is to be conducted, primary ingress and egress routes, targets of the surveillance, and any other considerations which may impact officer safety.
7. Personnel assigned to a surveillance operation shall ensure that their location and activities are known to the other members of the unit, as well as other on-duty officers and the Division of Communications.
8. Should a surveillance mission be conducted in another jurisdiction, the operation's supervisor or commander shall ensure that the local law enforcement authorities are apprised of the purpose and location of the operation.

F. Evidence Collection, Preservation, and Use

Detectives assigned to respond to a crime scene shall generally be responsible to oversee and direct the collection and preservation of evidence by those police officers present at the site. As part of this process, detective personnel shall examine the crime scene in detail and then supervise the collection of evidence in accordance with General Order 33-01A, "Evidence Collection and Preservation."

Laboratory reports shall be reviewed by the investigating officers, with the information contained therein used to further the investigation as much as possible.

G. Suspect Identification/Criminal History

Once a suspect or suspects in a criminal investigation have been identified, the detective(s) involved shall extend every reasonable effort to apprehend same. As part of this process, the detective (s) shall conduct a criminal history check on each identified suspect to determine if same has a prior criminal history, to include: the types of offenses, convictions, acts of violence, and personal information.

H. Background Investigations

As an integral part of a criminal investigation, detective personnel may find it necessary to conduct a background investigation on the suspect or suspects in the case(s) under consideration. Should background information be sought, the following will serve as a guideline to the process:

1. Extensive criminal background investigations shall only be conducted with the knowledge and consent of a supervisor or commander. Conducting a criminal history check on a suspect, interviewing co-workers, neighbors, etc., or performing other normal investigative activities in regard to a case shall not require such approval.
2. Background investigations shall be conducted as discretely as possible.
3. Such investigations shall be conducted to obtain as much information on a suspect or business, and their method of operation, as possible.
4. Sources of information shall include, but not be limited to: criminal history records, license applications, DOR records, real estate records, credit history, rental/lease agreements, bank records, and interviews with family, friends, neighbors, co-workers, and employers.
5. Information developed in the course of criminal investigations shall be treated as confidential and will not be disseminated in raw form beyond those assigned to the case or its management. Should such information be collected for intelligence purposes, same shall be secured in an intelligence file.
6. Background information will be entered in the appropriate case file, and upon the conclusion of an investigation shall be subject to being purged in accordance with established procedure.

In addition to criminal cases, detectives assigned to the Division of Criminal Investigations shall also conduct background investigations in regard to:

1. Individuals requesting liquor licenses.
2. Pre-employment checks.

The object of background investigations concerning the issuance of liquor licenses shall be to determine:

1. Persons seeking the license are of good character.
2. The individual is a citizen of the United States.
3. To determine if the person has prior criminal convictions.
4. To determine if the person has prior liquor law violations.

The results of the investigation shall be forwarded via the chain of command to the Chief of Police.

The object of pre-employment background investigations shall be to determine:

1. Applicant is of good character.
2. The individual is a citizen of the United States.
3. To verify the veracity of information contained within the employment application.
4. To determine if the applicant possesses a valid operator's license.
5. To determine if the individual has any prior criminal convictions which would preclude their employment.

J. Suspect Arrest/Clearance Effort

Following an arrest in a criminal investigation, the detective(s) involved shall endeavor to identify and/or clear those additional crimes for which the suspect may have been responsible. This shall primarily be accomplished through an effective interrogation process, which results in the suspect confessing to the commission of additional criminal incidents.

Elements of an effective interrogation process are:

1. Interrogations should be conducted in quiet surroundings and without interruption.
2. Interrogations should be video/audio recorded or conducted by two detectives to provide corroboration of what was said.
3. Interrogation tactics should vary according to an assessment of the suspect's psychology, body language, and overall behavior.

Interrogations should end at the time a suspect decides to exercise his constitutional right to remain silent or requests legal representation.

Should a confession to other incidents be obtained, the status of such cases shall be changed to either "Cleared by Arrest" or "Exceptionally Cleared based on FBI UCR standards" A Supplementary Investigation report shall then be prepared to reflect each individual case's clearance.

Responsibility for the commission of an active criminal case shall not be laid to a suspect unless same is supported by tangible evidence.

K. Periodic Contact with Case Principals

At the conclusion of an investigation, the detective(s) assigned to the case will make telephone or personal contact with the victim and/or witnesses and provide them with a report on the case's status or disposition.

L. Court Preparation

The detective(s) assigned to a criminal investigation shall study the incident and evidence reports, and otherwise prepare themselves in those instances when they are required to testify before a court or Grand Jury.

In major cases (such as a homicide) where multiple members of the department may have been actively involved, a joint review session may be conducted with all DCI and other pertinent personnel in attendance.

Investigative personnel shall also dress appropriately and present themselves in a professional manner.

BY ORDER OF: Chief Steven Schicker 1/30/15
Steven Schicker, Chief of Police Date

ATTESTED BY: Robert Kuntz 2/6/15
Robert Kuntz, City Administrator Date

cc: City Attorney

MPCCF REFERENCE

22.4, 22.8, 23.1, 23.2, 23.3, 23.4, 23.5, 23.8, 23.9, 23.10, 23.11, 23.12,

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- b. If the officer determines that the person is dead, the factors surrounding that determination shall be entered into the officer's report.
 - c. Officers shall resolve any doubt concerning the life or death of a subject by summoning appropriate medical assistance.
 4. Where emergency medical personnel are on the scene, or have been summoned, provide such personnel with as much latitude as possible to deliver emergency medical services notwithstanding the officer's responsibility to protect the crime or incident scene.
 5. An officer should accompany the victim to the hospital if death appears imminent and the circumstances are suspicious. If the victim dies shortly after arrival at the hospital, the body will remain in police custody until it is released to a representative of the St. Louis County Medical Examiner's Office.
 6. Isolate and protect the crime scene from any intrusion by non-essential personnel including officers not directly involved in the crime scene investigation.
 7. Notify the Communications Division of the circumstances and request the response of the watch commander and any additional personnel as needed. If the death is perceived to be a homicide, a potential homicide, the result of an accident, or suicide, the Division of Criminal Investigations shall also be summoned.
 8. Observe and note pertinent circumstances at the scene.
 - a. Record the nature of any physical modifications to the crime scene as the result of intervention by emergency medical personnel or others.
 - b. Record in a crime scene log the identity of any persons who were present at or who entered the crime scene.
 - c. Identify witnesses and record basic information regarding the event. Ask witnesses to remain, if possible. If not possible, determine their identity and how they can be contacted by investigators.
 - d. Identify and ensure that any suspects do not leave. Responding officers may conduct basic, preliminary questioning of a suspect or witness, but should normally defer interviews to the detectives.

B. Supervisor Responsibilities

1. **General Considerations:** The watch commander shall respond to any reported death that is not attended by a physician. Responsibilities of the watch commander include, but are not necessarily limited to the following:

- a. Verify that appropriate requests have been made for assistance by crime scene technicians, detectives, St. Louis County Medical Examiner's Office and request any additional personnel to protect the crime scene or conduct the investigation as necessary.
- b. Receive a verbal report from initial responding officers regarding pertinent conditions at the scene upon their arrival, circumstances surrounding the death, the presence of witnesses and/or suspects, disposition of the body, and related details.
- c. Ensure completion of preliminary information collection and the protection and integrity of the crime or incident scene.

2. Death by Natural Causes

- a. Officers on the scene of an obvious death where no life saving procedures will be conducted by fire district or other medical personnel will notify the watch commander of the death and conduct an investigation to determine if the death was due to natural causes. This investigation will include:
 - i. Observing the body for any signs of injury or other physical trauma.
 - ii. Observing the area surrounding the body for any signs that may indicate the death was not of natural causes.
 - iii. Interviewing the surviving family members or others present as to the decedent's recent activities and medical history, including medications and/or treatments.
 - iv. Ascertain if the deceased was under a physician's care for a potentially life-threatening health problem, and note the name, telephone number, and address of the physician.
 - v. Locate and document in the incident report, the victim's prescribed medication and dosage.
- b. In deaths apparently resulting from natural causes, contact the St. Louis County Medical Examiner's Office and provide them with the information they request. The officer will then follow the direction of the Medical Examiner's Office regarding the disposition of the body.
- c. In the event the Medical Examiner's Office releases the body of a natural death to the family, the officer may assist the family in obtaining a funeral home to remove the body. At the discretion of the family, or other survivors, the officer may stay at the scene until the body is removed or leave the body in the custody of the survivors until it is removed.

C. Assistance to Survivors

Providing basic support and crisis assistance to survivors is the responsibility of both responding officers and detectives. The nature of such assistance must be

dictated by the circumstances, but officers should use the following as a guide in these instances.

1. Officers should not leave the scene of a death where survivors are present until reasonably assured that the survivors have adequate personal control and/or family or close friends readily available to provide support. In gauging the need for assistance, officers shall also consider the following:
 - a. The emotional reactions and physical condition of the survivors;
 - b. Availability of other adults in the home or immediate area;
 - c. Responsibility of the survivors for infants or small children;
 - d. Availability of a support system (e.g. including friends, family, close neighbors, access to clergy, means of transportation, etc.)
2. Officers should remain alert to the need of survivors for emergency medical assistance, for example, in cases of physical or emotional collapse or related problems.
3. Officers should be aware of confusion on the part of survivors. They should speak slowly and deliberately, and write down any pertinent information that the survivors may need. This may include such matters as the following:
 - a. Disposing of the body;
 - b. Locating personal effects;
 - c. Meeting identification requirements/procedures; and
 - d. Providing notifying officers' names, agency, case number, and telephone numbers.
4. Officers should assess the physical and emotional well-being of survivors before departing. Officers should be reasonably assured that survivors can take care of themselves and those for whom they may be responsible. In addition to the concerns noted above, officers should be able to answer "yes" to the following types of questions:
 - a. Are the survivor(s) thinking clearly? That is, do individuals
 - seem aware of your presence?
 - have some grasp of time and space?
 - demonstrate a progressive ability to express himself/herself? and/or
 - begin to demonstrate some grasp of the reality of the death?
 - b. Do the survivors have reasonable control over emotions, or do they display shock (no apparent emotion), furious hostility, or the desire to commit suicide?

CITY OF BALLWIN
POLICE DEPARTMENT

GENERAL ORDER 23-04

EFFECTIVE: MAY 26, 2015 CANCELS: G.O. 32.5 (2004)
TO: ALL PERSONNEL INDEX AS: SEARCH WARRANTS
SUBJECT: EXECUTION OF SEARCH WARRANTS

I. PURPOSE

The purpose of this General order is to establish uniform policies and procedures for the execution of search warrants by members of the Ballwin Police Department.

II. POLICY

It is the policy of the Ballwin Police Department to conduct search warrants professionally by utilizing techniques to accomplish a thorough and legal search while observing the Constitutional Rights of the individual or group of individuals the warrant is being served upon. This will be conducted by minimizing the level of intrusion experienced by those who are having their premises, vehicle or property searched.

III. DEFINITIONS

- A. Search Site - The premise(s) or person(s) to be searched as explicitly stated in the search warrant.
- B. Search Personnel - Law Enforcement officers and supporting personnel that take part in the execution of a search warrant.
- C. Evidence Collector - Member of the search team responsible for the possession, packaging, sealing, and marking of all items seized.
- D. Lead Investigating Officer - Search team member most knowledgeable about the case and/or responsible for the investigation.
- E. Supervising Officer - A supervisor of Uniform Patrol or Division of Criminal who will have ultimate responsibility for the execution of the search warrant.

IV. SEARCH WARRANT APPLICATION PROCEDURES

- A. Application for search warrants will be made through the St. Louis County Prosecuting Attorney's Office. When a case involves the assistance of a federal agency and possible federal jurisdiction, the respective assisting federal agency should be contacted for warrant application procedures.
- B. Application Process pursuant to RSMo 542.276

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EXECUTION OF SEARCH WARRANTS
PAGE 2

1. All application shall be in writing;
 2. State the time and date of the making of the application;
 3. Identify the property, article, material, substance or person which is to be searched for and seized in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
 4. Identify the person, place or thing which is to be searched, in sufficient detail and particularity that the officer executing the warrant can readily ascertain whom or what he or she is to search;
 4. Clearly state the facts sufficient to show probable cause for the issuance of a search warrant;
 5. Officer making application is required to verify by oath or affirmation of the facts of the affidavit;
 6. Affidavit filed in the appropriate circuit court of jurisdiction; and
 7. Be signed by the Prosecuting Attorney of the county where the search is to take place.
- C. After execution of the search warrant, the warrant with a return signed by the officer making the search shall be delivered to the judge who issued the warrant. The return shall show the date and manner of execution, what was seized and the name of the possessor and of the owner, which he or she is not the same person, if known. All returns shall be compliant with RSMo 542.291 (6).

V. PROCEDURES

A. Uniform and Equipment Requirements

1. The search team shall at all times include at least one uniformed officer. All non-uniformed officers shall be clearly identified as law enforcement officers by wearing a distinctive armband, jacket or some other indicator of office.
2. All members of the search team shall be equipped with body armor ballistically equivalent to the threat that is expected.

B. Time Limitations on Search Warrant Execution

1. A search warrant shall be executed as soon as possible within the conditions listed in the warrant and Missouri State Law; 10 days for a Missouri State search warrant and 14 days for a Federal search warrant. Circumstances that may necessitate a delay in executing a search warrant include, but are not limited to:

- a. Quantity of warrants being executed.
 - b. The fact that seizable item has not arrived at the search site.
 - c. The probability that substantial resistance that would be beyond the resources of this Department to deal with will be encountered.
 - d. The absence of a particular person(s) from the search site, when the supervisory officer feels the search would best be conducted if that person were present.
 - e. The need to protect an informant's identity.
2. Unless otherwise approved by the signing judge due to exigent circumstances, a search warrant should be conducted during daylight hours.

C. Preparation for Execution of Warrant

1. The Lead Investigating and Supervising Officer will complete a Special Investigations Operations Plan (BPD Form #93) and submit it to a member of Command Staff for approval.

NOTE: Not all search warrants will require a Special Investigations Operations Plan; i.e. warrants for documents, electronic search warrants, and secure locations such as tow yards, etc.

2. Prior to entering the premises, the supervisory officer shall conduct a pre-entry briefing of the execution process with all search team personnel. The briefing shall include a review of the actual order of operations and procedures the search personnel will follow, a simulation of the conditions of the search sight (using maps, charts, and diagrams, when appropriate) and tactics and equipment to be used in the event of forced entry.
3. The supervisory officer shall attempt to determine if any circumstances exist that make executing the search warrant at that time undesirable.
4. The supervisory officer shall insure the entire search warrant execution process is documented, from beginning to end, and continued until the search team leaves the premises. A written record shall be supported by photographs and, if practical, a video taping of the entire search site from start to finish.
5. The supervisor in charge of the warrant execution shall determine if additional equipment is necessary to be available on the scene, i.e. ambulance, fire apparatus, tow truck, etc.
6. Where the degree or threat of violent confrontation out-weighs the expertise and equipment of the Department, the St. Louis County Police Tactical Operations Unit will be contacted.

D. Entry Procedures

1. The approach to the scene shall be executed without sirens. If a pre-execution surveillance team is on the scene, radio contact shall be made to ensure that it is an appropriate time to serve the search warrant.
2. The supervisory officer shall be responsible for ensuring the search warrant is valid and the property about to be searched is the property listed on the warrant.
3. The supervisory officer shall ensure, if practical, the entry is tape-recorded.
4. The search personnel shall position themselves in the following manner:
 - a. Exits from the premises shall be covered.
 - b. Uniform officers, where practical, shall be the most visible members of the search team, and shall conduct the entry if possible.
 - c. As a general rule, non-uniformed officers shall be the last members to enter the search site.
5. In all cases, with the exception of emergency situations, Department provided entry tools shall be utilized.
6. Execution announcement by the Supervisory Officer, or a uniformed officer at the point of execution, shall notify persons inside the search site, in a voice loud enough to be heard inside the premises, that he/she is a police officer and he/she demands entry-to the premises at once. Generally courts accept entry 30 seconds after announcing. No-knock entries shall be made in accordance to the conditions set forth in the search warrant or applicable Missouri State Statute.
7. Media will not be allowed to accompany police officers into buildings and structures during the execution of a search or arrest warrant.

E. On-Premises Activities

1. The supervisory officer shall ensure members of the search team conduct a security sweep of the search site.
2. After the search site has been secured, search personnel shall develop a prioritized strategy that details the likely whereabouts of the items seized.
3. One person shall be designated as responsible for collecting, preserving, and documenting all items seized until possession is transferred to the evidence custodian.
4. If damage occurs during an entry to a premises and the damage may leave the premises vulnerable to security problem, it shall be the

responsibility of the Supervising Officer to assure the premises is secured prior to leaving the scene. If unable to secure arrangements will be made to guard the premises until it can be secured.

5. If damage occurs, that information should be documented in the police report of the warrant execution and will include photographs or video tape of the damage.

F. Assisting Other Agencies

When assistance is requested by other agencies, the on-duty Watch Commander will provide the amount of manpower necessary without substantially interrupting police services. The Watch Commander will coordinate efforts with the supervisor from the agency requesting assistance and maintain control of the execution of the search. The Watch Commander may decline to participate in the execution of the search warrant if he believes the validity of the warrant is in question.

BY ORDER OF: Chief Steven Schucker 5/29/15
Steven Schucker, Chief of Police Date

ATTESTED BY: Robert Kuntz 6/2/15
Robert Kuntz, City Administrator Date

cc: City Attorney

MPCCF REFERENCE

A. Receipt of Complaints

Information in regard to vice, drug, or organized crime activities may be received or initiated by various departmental components (patrol operations, communications, criminal investigations). When practical, such complaints shall be referred directly to the Commander or Supervisor of the Division of Criminal Investigations who will then assign an investigator to conduct a preliminary investigation in an effort to establish the validity of the complaint.

In some cases the complaint may be brought to the attention of a uniformed officer. In such cases, the officer who engages in contact with the complainant shall then obtain as much information as possible in regards to the reporting party, the nature of the complaint, and any suspect information. The complainant will then be advised that the information will be forwarded to the Division of Criminal Investigations for further investigative action. The Uniformed Officer will complete the Drug Questionnaire Lead Sheet (BPD Form #80) for narcotics leads or the General Lead Sheet (BPD Form #79) for other crimes and shall forward the Lead Sheets to the Division of Criminal Investigations commander.

B. Record of Complaints

Once the initial complaint information has been obtained, the receiving officer will attempt to verify as much of the information as possible. Verification may be made through the following sources:

1. Department records.
2. REJIS inquiries.
3. DOR inquiries.
4. City licenses/records.
5. Field Interview reports.
6. Intelligence data.

The complaint will then be documented by Incident Report or Lead Sheet and submitted through the chain of command to the Commander or Supervisor of the Division of Criminal Investigations for review. A decision shall subsequently be made as to whether the complaint should warrant further investigation. Should the decision be affirmed, the Chief of Police shall be briefed in regard to the complaint and any preliminary findings. It will then be the responsibility of the Chief of Police, or his designate, to approve the commitment of personnel and resources to pursue the investigation or order the case to be relinquished to another agency.

Case information shall then be processed and entered into the department's central records system according to established procedure; however, sensitive information, intelligence information, etc. shall be retained within the confines of the Division of Criminal Investigation as outlined in Section IV of this Order.

C. Record of Intelligence Information

Information received from outside agencies in regard to a vice, drugs, or organized crime complaints shall generally be treated as intelligence information and will be handled in compliance with General Order 28-02, "Criminal Intelligence".

IV. PROTECTED FILE SYSTEM

Sensitive records which may jeopardize officer safety, current undercover investigations, informants, or intelligence sources, shall be issued an internal case file number in a manner consistent with other incident reports. However, once basic report data has been entered into the department's computer system, investigative reports, intelligence material and other supporting forms and documentation shall be maintained in a separate file controlled by the Commander of the Division of Criminal Investigations.

Such records will be filed in a secure area under the Division Commander's control, with access limited to the Chief of Police, the Commander of the Bureau of Administration and Operational Support, the Commander of the Division of Criminal Investigations and those detectives actively involved in the investigation.

At the conclusion of an investigation, or at the time the department relinquishes investigative control over same to another agency, documentation contained in a protected file (with the exception of intelligence and/or informant information) will be returned to the central file system.

V. OPERATIONAL FUND

The department will maintain a fund to support the operations of operational vice, drugs and organized crime through the department's (confidential investigation fund) annual budgeting process. The authorization to utilize those funds will require the approval of the Chief of Police and will require the completion of all normal budget request forms. For further details, refer to General Order 23-07, "Confidential Informant/Investigative Funds".

VI. COVERT OPERATIONS

A. Due to personnel and resource considerations, the department will generally relinquish responsibility to conduct covert operations (e.g. investigation into the manufacture and distribution of narcotics, organized crime rings, etc.) to those agencies more readily equipped to pursue same. The St. Louis County Multi-Jurisdictional Task Force, DEA, or St. Louis County Intelligence Unit are generally the agencies that would handle covert

operations regarding organized crime and any drug or narcotics operations.

However, in those instances when such operations are undertaken by this department, they will generally fall into one of four categories: 1) Surveillance Activities, 2) Undercover Activities, 3) Decoy Activities, and 4) Raid Operations. Once the Chief of Police has granted approval for the commitment of department personnel and resources to one or more of the preceding operational categories, the Commander of the Bureau of Administration and Operational Support shall then coordinate all internal covert operations, which are conducted under the command and control of this department. Specific planning and management tasks will include:

1. Selection of operational/support personnel.
2. Familiarize personnel with mission objectives and target area(s).
3. Determine procedures for observation, high-risk entries, and arrests.
4. Ensure operational funds are adequate to meet expense needs.
5. Establish system of communications.
6. Select and/or approve operational equipment needs, and ensure necessary resources are available.
7. Ensure mission confidentiality and security.
8. Provide false identification/cover stories as necessary.
9. Ensure adequate levels of supervision.
10. Ensure operational activities are properly documented.
11. Conduct periodic status briefings for superior officers.
12. Coordinate operations with St. Louis County Prosecuting Attorney's office or the U.S. Attorney's Office as necessary.

B. Surveillance Activities

Covert surveillance activities shall begin with an analysis of the activity or crime problem to be terminated. This shall include, but not be limited to:

1. The type of crime or activity.
2. Suspected perpetrator(s).
3. Hours and/or locations of criminal activity.

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VICE, NARCOTICS, AND ORGANIZED CRIME INVESTIGATIONS
PAGE 5

4. Associates of the perpetrator(s).
5. Vehicles owned or used by the perpetrator(s).
6. Method of operation employed to further the criminal activity.
7. Weapons used or available to perpetrator(s)

Participating officers (to include detectives or patrol officers in plain clothes) shall be briefed on the area they are to be operating in, methods of communication, vehicles assigned to the operation, duty hours, relief schedule (if any), and the target individual(s) or locations. Equipment such as binoculars, night vision scopes, cameras, radios, etc. will then be issued prior to deployment. When possible, all personnel shall utilize authorized protective equipment such as body armor. The Commander of the Division of Criminal Investigations will be responsible for authorizing and distributing any surveillance and undercover equipment.

If, during the course of a surveillance operation, a decision is made to stop a moving vehicle, the on-site commander or supervisor will generally request a marked police unit to initiate the stop when possible. The uniformed officer involved may then simply identify the driver and/or passengers, or detail personnel may arrive to conduct a more thorough investigation or effect an arrest.

Should a surveillance operation require officers to operate within another jurisdiction, the supervisor of the detail shall, except where exigent circumstances exist, notify the appropriate law enforcement authorities of the presence of the detail and its purpose.

C. Undercover Activities

In the event an officer of this department may be required to work undercover, a briefing shall be held covering the items to be used for surveillance activities. In addition, the supervisor of the operation shall ensure that the officer involved receives whatever false identification may be required, and that an adequate cover story and/or supporting documentation have been developed for use.

Back-up officers shall attempt to maintain a constant watch over the undercover officer, and provide support as necessary.

It should also be noted that the majority of drug-related investigations which require extensive undercover deployments/work shall be relinquished to the St. Louis County Multi-Jurisdictional Task Force or the U.S. Drug Enforcement Agency. Other cases involving federal offenses, or an extensive commitment of department personnel to an undercover operation, may also be relinquished to the appropriate authority.

D. Decoy Activities

The same planning and operational requirements which govern surveillance and undercover activities shall apply to decoy activities.

E. Raid Operations

Vice, drug, or organized crime raids shall be planned and conducted with due consideration for officer safety and all pertinent legal requirements and departmental procedures.

The raid commander will coordinate manpower needs, communications, specialized equipment, transportation, and develop a raid strategy. Specific points which shall be included in the planning and briefing phases are:

1. A specific officer shall be designed as the "seizing officer" for any items of evidence or contraband discovered during the operation.
2. Any individuals found on the premises shall be escorted to a central collection point where they shall be detained for the duration of the raid.
3. All officers participating in the raid shall be required to wear body armor.
4. A copy of the search warrant shall be left with the owner, family member, occupant, or managing agent of the premises.
5. Should the raid be conducted in another venue, uniformed members of the law enforcement agency having jurisdiction shall be requested to assist in the execution of the raid.
6. Any "Use of Force" which may be required shall adhere to Department General Order 09-01, "Use of Force/Defensive Tactics".
7. Provisions will be made to request fire and medical personnel to stage in close proximity, yet at a safe distance prior to the execution of the raid.
8. Arrests and the transportation of prisoners will be conducted in accordance with policy and procedures outlined in General Order 35-02, "Safe Handling of Prisoners" and General Order 34-04, "Prisoner Search".

Service of Search warrants and in those instances where a raid is considered "High Risk," the department will request that the St. Louis County Police Department's Tactical Unit execute entry into the target location. In this case the Commander of the Tactical Unit shall exercise full command and control until the premises is secure.

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VICE, NARCOTICS, AND ORGANIZED CRIME INVESTIGATIONS
PAGE 7

In all cases a written raid plan, including contingencies shall be completed prior to the implementation of the plan. All raid plans shall be maintained by the Commander of the Division of Criminal Investigations.

BY ORDER OF: Chief Steven Schicker 5/28/15
Steven Schicker, Chief of Police Date

ATTESTED BY: Robert Kuntz 6/2/15
Robert Kuntz, City Administrator Date

cc: City Attorney

MPCCF REFERENCE

GENERAL ORDER 23-06
CRIMINAL INFORMANTS
PAGE 2

3. All informants shall be photographed and fingerprinted. Photos and prints shall be maintained in the informant's master file.
4. Each informant shall complete the personal information record form (BPD-# 41).

B. Control/Use of Informants

1. Confidentiality is required. The informant will be instructed on secure methods of contacting and communicating with members of this department. In addition, an informant shall not have access to sensitive information collected or maintained by this department.
2. Informants shall be advised that they are not employees of this department; they have no enforcement powers and are not to represent themselves as police officers.
3. Ideally interview and contacts with informants of the opposite sex or those whose sexual preferences could compromise an investigation shall be electronically recorded. If the situation does not afford electronic recording, the interaction shall be witnessed by another officer.
4. Informants are to be explained the laws pertaining to entrapment.
5. Each informant must sign a release form, Confidential Informant Agreement Contract (BPD - #54), prior to his/her utilization by this department.
6. Informants shall not be allowed to commit crimes. Once an officer determines that the informant has committed a crime, the relevant facts shall be reported by the officer to his supervisor. If the facts indicate that prosecution is appropriate, the case shall be submitted to the prosecuting attorney.
7. Officers of this department are not authorized to offer immunity to informants or to enter into any other improper agreements in return for an informant's cooperation. Immunity and/or agreements for an informant's cooperation can only be authorized by a state or federal prosecutor.
8. All information relevant to criminal activity will be placed in a master file which will be maintained by the Division of Criminal Investigation. In addition, all biographical and background information, all criminal history, and code names or numbers shall be included in the informant's file. Access to this file will be limited to those persons who can demonstrate a legitimate "need to know". (Information which is a matter of public record, e.g., newspaper stories, are not to be included in informant files.)
9. Payment – A specific budget line shall be funded to provide for confidential funds to support vice, narcotics, organized crime and informant operations. No payment or compensation of any kind shall be made to an informant without prior approval of the Commander, Bureau of Administration and Operational Support, or

Division of Criminal Investigations. When such payment is made, it shall be properly documented and signed receipts maintained pursuant to General Order 23-07.

10. Juveniles. The department recognizes the need to obtain information from reliable sources without regard to the age of the person. The department also recognizes the goal of the Family Court in preventing criminal conduct by youthful offenders. The decision to use a juvenile as an informant will be made by a panel consisting of the Chief of Police, the police officer who will actually work with the juvenile, the Prosecuting Attorney or his designated representative, a Family Court Judge, or his designated representative, and the juvenile's parents or legal guardian. All members of the panel must approve in writing the use of the juvenile as an informant. Approval may be granted only after all requirements of this policy have been explained to the juvenile and his parents or guardian.

BY ORDER OF: Chief Steven Schicker 1/2/15
Steven Schicker, Chief of Police Date

ATTESTED BY: Robert Kuntz 1/6/15
Robert Kuntz, City Administrator Date

cc: City Attorney

MPCCF REFERENCE

23.6

2. An annual audit of the confidential/investigative fund shall be performed by an independent accounting authority from outside the City of Ballwin in order to evaluate the continued integrity of the fund, and the need for any additional controls.
3. The Confidential/Investigative Fund Custodian shall make disbursements from the fund only to authorized personnel at the approval of the Chief of Police, or his designate, for the following purposes:
 - a) Payments that are to be made directly to confidential informants;
 - b) Investigative funds for the purchase of illegal drugs, contraband and other criminal evidence;
 - c) Purchases of food and beverages, transportation and lodging for a confidential informant;
 - d) Expenditures for authorized undercover operations;
 - e) Flash and front money; and
 - f) Purchases of food and beverages, transportation and lodging for criminal investigators conducting criminal or internal investigations.
4. Confidential/investigative fund transaction records shall be stored in a secured location and access shall be restricted in accordance with applicable laws, ordinances and department policies.

B. Withdrawals and Expenditures from Fund

1. The Commander of the Division of Criminal Investigations shall submit to the Chief of Police, or his designate, a memorandum listing the names(s) of the officers(s) requesting a withdrawal from the fund. The request shall provide a brief written explanation of the need for the funds and providing a case or informant number.
2. The Confidential/Investigative Fund Custodian shall issue the requesting officer a copy of the receipt acknowledging that funds were requested and received by the officer.
3. Authorized officers needing front money for an operation shall withdraw such funds at the beginning of the shift.

C. Accounting for Expended Funds

1. All officers receiving confidential/investigative funds shall prepare a written expense report accounting for all monies withdrawn from the fund, as soon as practical. The report shall include, if applicable:
 - a. Item or informant control number on which the funds were expended;
 - b. Date and place of the expenditure;
 - c. Copies of receipts (if practical);
 - d. Type of investigation; and

CITY OF BALLWIN
POLICE DEPARTMENT

GENERAL ORDER 23-09

EFFECTIVE: JANUARY 30, 2015

CANCELS: 46-10

TO: ALL PERSONNEL

INDEX AS: INTERROGATIONS
INTERVIEWS
INTERVIEW ROOMS
RECORDING STATEMENTS
RIGHTS OF INTERVIEWEE
WEAPONS CONTROL

SUBJECT: INTERVIEWS & INTERROGATIONS

I. PURPOSE

The purpose of this General Order is to establish the policy of the Ballwin Police Department for the procedures to be used by both uniformed and non-uniformed personnel when interviewing and interrogating individuals. This shall include the proper use of interview rooms, security & safety concerns, weapons control, the rights of the interviewees, related equipment issues and issues regarding recording statements.

II. POLICY

It shall be the policy of the Ballwin Police Department to provide a safe environment for its officers and all persons that may have occasion to be interviewed as witnesses or suspects by members of the Department. With this in mind, members of the Department should always attempt to treat with respect all persons that they come in contact with, be they victims, witnesses, or suspects, respect the Constitutional Rights of all individuals, maintain the integrity and professional image of the Ballwin Police Department and work toward uncovering all truthful facts about each case that is assigned, to the best of their abilities.

III. DEFINITIONS:

- A. Custodial Interrogation – The questioning of a person under arrest, who is no longer at the scene of the crime, by a member of the Ballwin Police Department along with the answers and other statements of the person questioned. Custodial interrogation shall not include:
1. A situation in which a person voluntarily agrees to meet with a member of the Ballwin Police Department;
 2. A detention by a Ballwin Police Officer that has not risen to the level of an arrest;
 3. Questioning that is routinely asked during the processing of the arrest of the suspect; or
 4. Questioning pursuant to an Alcohol Influence Report.
- B. Non-Custodial Interrogation/Interview – The questioning of a person in which law enforcement has not said or taken action that would cause a reasonably innocent person to believe that he/she is in arrest custody.
- C. Recording – Any form of audiotape, videotape, motion picture or digital recording.

IV. INTERVIEW/INTERROGATION PROCEDURES

- A. Initial Interview/Interrogation Process - First responders shall interview all victims and witnesses in an attempt to develop as much information about an incident and suspect(s) as possible. Each witness or victim shall be interviewed separately, with notes taken in relation to individual statements. Such interviews shall subsequently be recorded in the original Incident Report or a Supplemental Report, as necessary. In some cases, the practice of obtaining written, audio and/or video recorded victim and witness statements is advisable.

In the event a suspect is taken into custody at the scene, the arresting officer must make a determination whether to question the individual at the scene or to convey the detainee back to the department prior to interrogation. A suspect who is considered to be in police custody shall be apprised of their Constitutional Rights per the Miranda Decision prior to any questioning taking place. This may take place at the scene or at the station, depending on when the questioning of a suspect is to be initiated. Officers shall be alert to any spontaneous utterance the suspect may make in relation to the crime, which may be admissible as evidence.

Suspect interviews shall be conducted when possible at a police facility.

- B. Interview Rooms – As a general rule, victims and witnesses may be interviewed in any available interview or conference room; when possible, each should be interviewed separately. Individuals who are considered to be suspects in a criminal offense shall be interviewed in the Department's designated interview room located in the holdover area of the Department. Under extreme circumstances in which the use of several interview rooms becomes a necessity, other conference rooms or offices may be temporarily used as suspect interview rooms with the approval of the Commander of the Division of Criminal Investigations or the on-duty watch commander. In such cases, these temporary interview rooms shall be cleared of all weapons or objects that could create a potential for safety concerns, prior to such use.
- C. In-Custody Interrogations – All custodial interviews shall be conducted in the interview room, located in the holdover area, except under unusual circumstances and then only when approved by the Commander of the Division of Criminal Investigations or the on-duty watch commander.
- D. Non-Custodial Interrogations – In many instances suspects may be interviewed in a non-custodial setting. The interrogation of a suspect can only be considered as non-custodial if the suspect is there of his own free will and has been informed by police personnel that they are free to leave at any time. If at any time a non-custodial suspect chooses to leave an interview room they must be allowed to do so. Miranda Warnings are not required for non-custodial interrogation/interview and therefore shall not be given in such circumstances.

Prior to all non-custodial interrogations a voluntary format for the interview will be established. The interviewing officer shall read the following admonishments to the suspect:

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INTERVIEWS & INTERROGATIONS
PAGE 3

You are not under arrest.
You are free to leave at anytime.
You do not have to talk to me.

The interrogating officer will ask the suspect:

Do you understand what I have told you?

This admonishment and the suspect's response shall be incorporated in the report of the interview.

- E. Security & Safety Concerns – To assure the safety and security of all police department personnel, witnesses and suspects, all rooms either currently designated as or being temporarily utilized as interview rooms shall be kept clear of any weapons or other objects that might create a potential for injury to anyone who might be in the room. All police personnel shall secure, in a gun locker any weapons (firearms, Taser) or knives that they have on their person prior to entering an occupied interview room. Likewise all potential suspects shall be searched before they are placed into a police interview room.

Prior to engaging an interrogation or interview session with a potential suspect, the officer should notify the on duty communications personnel that they are doing so. This will increase the likelihood that the front desk personnel will be aware of any emergency situations that might arise in the interview room. In the case of an emergency, officers must call for assistance utilizing their walkie-talkie, cell phone, or by calling out for help.

- F. Personnel & Equipment in Interview Rooms – As a general rule, interrogations are conducted by no more than two police officers. There may be circumstances where additional personnel may sit in on an interrogation, for example when a confession is being recorded; however, officers should be careful to keep the number of law enforcement personnel in the room to a minimum so as not to overly intimidate the suspect. Under most circumstances only one non-police person, the suspect, should be allowed in the room during an interrogation. There are several exceptions to this rule; however, including the possibility of the suspect's lawyer (s), a foreign language interpreter or in rare cases a friend or parent being present.

The rooms specifically designated in the Police Department as interview rooms are purposely void of decorations and equipment so as not to distract the attention of a suspect. Items that may be kept in the interview rooms shall include a desk or table, chairs, Miranda forms, written statement forms, and the like. As a general rule, it is advisable not to bring foreign items into the room for both safety and tactical reasons. Items that may be brought into an interview room by police personnel include note pads, pens or pencils, tape recorders, lap top computers, voice stress analyzer machines, departmental cell phones, digital cameras, photographs or other items needed to show to the suspect as part of the investigation, etc. Pens and pencils should not be left in an interview room after an interview or interrogation is completed.

Weapons of any kind shall not be brought into an interview room during a suspect interrogation by any law enforcement personnel.

- G. Rights of the Interviewee - Suspects shall be ensured of their Constitutional Rights at all times. When interviewing or interrogating in-custody suspects, the investigator(s) shall advise the suspect of their Miranda Rights and have them complete a Departmental Miranda Rights Waiver Form (BPD Form #30). Suspects may be interviewed or interrogated without the advising of Miranda Rights only in non-custodial situations. Additionally, the investigator must inform the suspect that they are not in custody and that they are free to leave at any time.

Suspects shall be provided essential nourishment and restroom breaks, and will not be deprived of sleep.

Re-advising the suspect of their Miranda rights shall be given only under circumstances which warrant reasonable doubt that the suspect understands that the earlier Miranda rights warning is still applicable. Re-warnings are not required:

1. Following a very short break in interrogation (i.e. 1-2 hours), or
2. Relocation of the suspect during the interrogation process, i.e. touring the suspect to identify locations that they committed crimes, or
3. Change of interrogators during a continuous interrogation period.

The suspect shall be reminded that the Miranda rights explained earlier are still in effect and available to the suspect being interrogated.

- H. In-Custody Assertion of Fifth Amendment Right to Counsel

The U.S. Supreme Court has ruled that a suspect in custody, who has asserted his/her right to counsel, is afforded that same right to unrelated crimes, even when those crimes are under investigation by other agencies.

Prior to attempting an interrogation of a suspect who is in custody by another agency, or has been taken into custody from another agency, the interrogating officer shall ask the suspect whether they have earlier requested a lawyer. If the suspect has asserted their right to counsel then the interrogating officer shall:

1. Advise the suspect of the case they are investigating,
2. Tell the suspect exactly how they can get in touch with the officer if they decide to talk about the investigation, and
3. Then leave the suspect without further contact.

- I. Recording of Suspect, Witness & Victim Statements

1. In some cases, the practice of obtaining written, taped and/or video recorded victim and witness statements is advisable. Ballwin Police Officers shall video record all hostile witness interviews. The use of these methods of obtaining statements shall be consistent with the current wishes of the local, State and United States Prosecuting Attorney's Offices.
2. Ballwin Police Officers shall video record all custodial interrogations of individuals that are suspected of committing, or attempting to commit, a felony.

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3. An officer may record a custodial interrogation with or without the knowledge or consent of a suspect. An officer is not required to record a custodial interrogation if:
 - a.) The suspect requests that the interrogation not be recorded;
 - b.) If the interrogation occurs outside the State of Missouri;
 - c.) If exigent public safety circumstances prevent recording;
 - d.) The suspect makes spontaneous statements prior to the recording equipment being activated;
 - e.) The recording equipment fails; or
 - f.) The recording equipment is not available at the location where the interrogation takes place.
 4. Other interviews or interrogations for offenses, such as serious misdemeanors, etc., will also be video recorded as directed.
 5. The audio/video recording should begin prior to the suspect entering the interview room. The recording shall continue, without interruption, until the interviewing of the suspect is completed and the suspect has left the interview room. In cases where a suspect is re-interviewed at a later date or time a new interview recording should be made.
 6. Investigators shall conduct their interviews and interrogations in the same manner as they would if the interview were not being video recorded, including allowing adequate breaks for food, water and bathroom use as necessary. Unlike the recording of a formal confession, the recording of the interview/interrogation does not require the presence of a visible clock or the reading of a script which includes the location of the interview, those present, date and time, etc.
 7. As soon as the recording of an interview session is concluded the recording media shall be configured so that accidental erasure or "copying over" of the interview cannot occur. The recording shall be packaged as evidence.
- I. Juvenile Interviews & Interrogations – The interviewing of Juvenile witnesses and victims is allowable under Missouri law and should generally be handled in a similar manner as with adult interviews. The interview or interrogation of juveniles who are considered suspects in a criminal offense is regulated by Missouri State Law as interpreted by the St. Louis County Family Court. The procedures for interviewing and interrogating juvenile suspects are outlined in Ballwin Police General Order 25-01, Juvenile Operations.
- J. Use of Interview Rooms by Other Agencies – The use of Departmental interview rooms by other law enforcement agencies shall be permitted with the approval of the Commander of the Division of Criminal Investigations or the on-duty watch commander provided that the law enforcement personnel making the request agree to abide by the policies and procedures outlined in this general order.

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BY ORDER OF: Chief Steven Schicker 1/30/15
Steven Schicker, Chief of Police Date

ATTESTED BY: Robert Kuntz 2/11/15
Robert Kuntz, City Administrator Date

cc: City Attorney

MPCCF REFERENCE

23.10

CITY OF BALLWIN
POLICE DEPARTMENT

GENERAL ORDER 23-13

EFFECTIVE: JANUARY 6, 2015 CANCELS: GENERAL ORDER 47-07
TO: ALL PERSONNEL INDEX AS: Computer Voice Stress Analysis
 Lie Detection
 Truth Verification
 Polygraph Examination
SUBJECT: CVSA / Polygraph Examinations

PURPOSE

To establish parameters for the use of computer voice stress analysis (CVSA) and polygraph examinations in the detection of deception.

POLICY

The CVSA and polygraph examination is a valuable investigative aid as used in conjunction with, but not as a substitute for a thorough investigation. The CVSA and polygraph may be employed, consistent with this policy, to verify, corroborate or refute statements; obtain additional investigative leads; narrow or focus criminal investigations; serve to screen candidates for positions with this Department; and assist internal police investigations. However, they should not be used as a single determinant for offering employment or a final determinant factor in investigations. The examination results are not to be used for arrest or legal action, but are designed for developing leads and/or obtaining case direction.

DEFINITIONS

- A. Computer Voice Stress Analyzer (CVSA): The CVSA is an instrument that detects, measures and charts the stress in a person's voice characteristics undergoing questioning in an effort to determine truth or deception.
- B. Polygraph: The polygraph is an instrument that records certain physiological changes in a person undergoing questioning in an effort to determine truth or deception. A polygraph simultaneously records a minimum of respiratory activity, galvanic skin resistance or conductivity, and cardiovascular activity.
- C. Qualified Examiner: An investigator who has satisfactorily completed training by a recognized instructor in truth verification and the use of the CVSA.
- D. Overt Interview: A live interview by a CVSA examiner with a suspect, victim, witness, complainant, or prospective employee. These interviews are conducted with prior knowledge and permission that certain questions will be recorded live and captured by the CVSA for analysis.
- E. Structured Interviews: A legally obtained audio taped interview of a suspect, victim, witness, or complainant. The interviews are designed to capture a response to preformatted questions.

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F. Deception: An act intended to mislead, deceive, or trick with false assertions or behavior.

PROCEDURE

A. Polygraph

The Department will utilize the services of the St. Louis County Police Department to administer polygraph examinations. Such an examination may be sought during a routine criminal investigation, as part of an applicant's background investigation, or during an internal affairs investigation where a reasonable suspicion exists that one or more of the principals in the investigation may have been deceptive.

Should a polygraph be sought in any of the above circumstances, it shall be necessary to schedule an appointment with a St. Louis County Police Department Polygraph Examiner. At the conclusion of the test, the polygraph examiner will routinely advise the case investigator or other pertinent official of the results of the polygraph. The examiner may also suggest further avenues of questioning. A written report covering the examination will follow at a later time and shall be incorporated into the case or administrative file.

B. Computer Voice Stress Analyzer

1. Requesting a CVSA Examination

- a. Requests for CVSA examinations shall be made through the Commander or Supervisor of the Division of Criminal Investigation. No examinations will be conducted without the DCI Commander or Supervisor's knowledge, except at the direction of the Chief of Police. The DCI Commander or Supervisor has the authority to approve examinations for outside law enforcement agencies.
- b. Examinations may be authorized when consistent with state law and this policy. Situations in which authorization will be required and approved include, but may not be limited to:
 - i. requests from the St. Louis County Prosecuting Attorney as part of an agreement with the defense attorney or for other investigative purposes;
 - ii. an element of a background investigation of a candidate for a commissioned or civilian position in this Department;
 - iii. requests from other authorized law enforcement agencies;
 - iv. efforts to confirm or refute allegations that cannot be verified or disproved by other evidence;
 - v. as part of a criminal or administrative internal investigation of an employee of this Department or another law enforcement agency consistent with this policy;or

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- vi. requests for examinations from another law enforcement agency pursuant to an internal affairs investigation must be in writing and approved by the Chief of Police.
- c. The CVSA shall not be used to verify a victim's allegations without sufficient grounds for suspecting that the victim has given false or misleading statements. Permission from the appropriate Prosecuting Attorney's Office must first be obtained.
- d. Submission to a CVSA (or polygraph) examination must be a voluntary action, with the exception of employees of this Department formally directed to take an examination as part of an internal affairs investigation. In all other cases, CVSA examinations shall not be administered without the subjects written approval, waiver or other instrument as required by this policy.
- e. Subjects who may not be given a CVSA examination include, but are not limited to:
 - i. Any person who has been forced or coerced into taking the examination.
 - ii. Subjects that can not speak English, can not speak, or are deaf.
 - iii. Any person who has been indicted by the Grand Jury or formally charged for the crime in which the examination is being requested for, unless there is an agreement and stipulation signed by the person to be examined, his/her defense attorney and the prosecuting attorney.
 - iv. Victims of sexual assault crimes.
- f. The examination of juvenile subjects must meet the requirements of the St. Louis County Family Court. Those requirements are not addressed in the Juvenile Code, but are outlined in the Family Court Police Procedures Manual and are as follows:
 - i. Examinations of a juvenile victim or witness for the efforts to confirm or refute allegations that cannot be verified or disproved by other evidence do not require the involvement of the Family Court.
 - ii. Children under the age of seventeen must have parental or legal guardian consent prior to examination. The consent must be in writing and in the possession of the CVSA examiner prior to the beginning of the examination.
 - iii. Juveniles under investigation for law violations require that the Family Court be notified to obtain permission to administer the examination. Permission may be obtained by contacting the detention supervisor who will present the request to the on-duty judicial officer. If approval is granted and the juvenile is accompanied by an attorney at the time the examination is given, a Deputy Juvenile Officer (DJO) from the Family Court will not be required to attend. If a lawyer does not accompany the juvenile, a DJO must be present. A reading of rights by the DJO will be necessary to administer the examination.

2. Responsibilities of the Requesting Officer/Investigator
 - a. The officer/investigator will complete a preliminary investigation prior to making a request for a CVSA.
 - b. Once the request is granted, the officer/investigator will consult with the examiner prior to the CVSA examination being scheduled. The requesting officer/investigator is responsible for providing the examiner with all pertinent information concerning the case and for reviewing, clarifying or elaborating on that information as the examiner may deem necessary. This includes, but may not be limited to:
 - i. information obtained in the investigation that supports and justifies the use of the CVSA;
 - ii. copies of crime/offense reports and investigative reports;
 - iii. evidence available and withheld from the subject;
 - iv. background information on the subject to be examined, to include criminal records and possible motivation;
 - v. any statements made by the subject, complainants and witnesses to include alibis; and
 - vi. newspaper articles or other general information concerning the case.
 - c. The subject to be examined shall not be interrogated just before he/she is to take the examination.
 - d. In any interrogation of a suspect who has agreed or who may reasonably be asked to agree to a CVSA, officers/investigators shall not pursue questions that may reveal information only the perpetrator could know. This includes, but is not limited to:
 - i. method of entry;
 - ii. property taken;
 - iii. weapons or type of force used to commit the crime;
 - iv. evidence left at the scene;
 - v. clothing worn by the suspect during the crime;
 - vi. unusual acts of the suspect during the crime; or
 - vii. location from which property was taken.

- e. The requesting officer/investigator is responsible for notifying the subject to be examined of the date and time for the scheduled appointment. He/she will notify the CVSA examiner immediately if the subject cancels an examination appointment.
 - f. The requesting officer/investigator shall not attempt to explain procedures that will be used in the examination, but shall advise subjects that these will be explained fully by the examiner.
 - g. The requesting officer/investigator will remain available in the Division of Criminal Investigation until the examination is completed.
3. Conducting Examinations & Responsibilities of Examiners
- a. Only fully trained examiners are authorized to administer CVSA examinations.
 - b. Examiners will refrain from examinations that may compromise his /her integrity. Any tests of friends, relatives or persons the examiner has a relationship with which represent a conflict of interest must be conducted by a neutral examiner.
 - c. An examiner shall not conduct an examination upon a subject if it is felt for any reason that an unbiased examination cannot be given.
 - d. Unless exigent circumstances dictate otherwise, the investigating detective shall not conduct their own examinations.
 - e. The examiner will review all available information pertaining to the case and discuss the case with the requesting officer/investigator prior to administering the examination.
 - f. Prior to administering the examination, the examiner will provide the subject of the test with a CVSA Release form (BPD #29) and the Department Miranda Rights and Waiver form where appropriate, which must be acknowledged and waived in order for the test to proceed.
 - g. Prior to the examination, the examiner shall explain the CVSA procedure to the subject and prepare the subject for the examination. It is the responsibility of the examiner to prepare all questions used in the examination. Each question shall be reviewed with the person being tested.
 - h. An examination shall cease immediately if requested by the subject.
 - i. The CVSA examiner shall determine if a third examination is necessary and appropriate.
 - j. Upon completion of the examination, the examiner will receive a second opinion (cold call) on the examination results from another certified CVSA examiner. The examiner shall then advise the investigating officer of their findings (Deceptive or Non-Deceptive Responses), and additionally, make recommendations in regard to the focus and/or direction of the

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investigation. The examiner will document the CVSA findings in a supplemental report and attach a copy of the test to the report for inclusion into the case file.

k. The CVSA examiner will prepare a case jacket containing the CVSA release form, the Department Miranda Rights and Waiver form, subject information sheet, CVSA graphs, and/or statement of results, which will remain in a DCI file.

- l. CVSA examiners are required to maintain and properly store the equipment. Any maintenance and equipment problems shall be immediately reported to the DCI supervisor.

4. CVSA Records

- a. CVSA records will include the CVSA release form, the Department Miranda Rights and Waiver form, subject information sheet, CVSA graphs, and/or statement of results.
- b. The CVSA records will be maintained for at least a two year period and/or until any litigation is concluded in the case or issue.
- c. The DCI Commander or Supervisor will oversee the storage of the CVSA records. The records will be maintained in a secure area accessible to the Commander, Supervisor and the CVSA examiners.

5. Pre-Employment Background Investigations

CVSA examinations may be administered to commissioned, civilian and volunteer applicants for positions within the police department. The purpose of the testing is to verify the accuracy and completeness of the information on the application. The CVSA shall not be used as the single determining factor of employment status.

- a. If testing is administered it will occur during the first phase of the background investigation once the applicant has completed the Personal History Application. The examination will focus on resolving questions relating to previous criminal or other disqualifying behavior.
- b. The examiner will provide the applicant with a CVSA Release form to be signed prior to testing.
- c. Following the examination, the examiner will obtain a second opinion interpretation of the test charts. A report will be submitted to the background investigator with the examiner's findings, including the examiner's recommendations in regard to the focus and /or direction of the investigation.
- d. Fraudulent entries on the employment application and/or deceptive answers to relevant employment questions, which are initially detected by the examiner and subsequently confirmed by other investigative means, shall immediately eliminate the applicant from further consideration in the recruitment process.

6. Internal Affairs Investigations

A CVSA examination may be utilized as an investigative tool as part of an internal affairs investigation. However, the utilization of such a test in these circumstances shall be in accordance with the procedures outlined in General Order 30-06 COMPLAINTS OF EMPLOYEE MISCONDUCT and General Order 30-01 EMPLOYEE PROTECTIONS.

- a. The Chief of Police shall be required to approve a CVSA (or polygraph) examination in all internal affairs investigations.
- b. Examinations conducted by this Department will be conducted in the police station in an overt interview or by a structured (audio taped) interview.
- c. Examinations will not be conducted regarding investigations involving complaints of the employee's demeanor or behavior that does not violate Department policy or criminal law.
- d. The examiner will be provided with all available information and confer with the internal affairs investigator prior to the test being administered.
- e. The Department employee who is the object of the investigation shall be required to acknowledge and sign a CVSA Release form (POIA or CEIA) in order for the test to proceed.
- f. Following the examination, the examiner will obtain a second opinion interpretation of the test charts. A report will be submitted to the internal affairs investigator with the examiner's findings, including the examiner's recommendations in regard to the focus and /or direction of the investigation.
- g. The CVSA records of the examination will be maintained in a separate file from the criminal CVSA records within the Criminal Investigation Division.

7. Examinations for Outside Agencies

Any request for an examination by another law enforcement agency, wherein the request involves an internal investigation, shall only be conducted with the prior approval of the Chief of Police or his designate. Test involving routine criminal investigations will require the approval of the DCI Commander.

Upon completion of the examination, the examiner will receive a second opinion (cold call) on the examination results from another certified CVSA examiner. The examiner shall then advise the investigating officer of their findings (Deceptive or Non-Deceptive Responses), and additionally, make recommendations in regard to the focus and/or direction of the investigation. The examiner will document the CVSA findings in a CVSA Other Agency Examination Report (AOR) and attach a copy of the test to the report. Attached to this Order is a copy of that Examination Report.

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8. Professional Development

- a. The CVSA shall be administered in accordance with the training and standards established by the National Institute for Truth Verification. Only those examiners who have successfully completed the NITV Certified Examiner's Course shall utilize the CVSA.
- b. Examiners are encouraged to participate in career development opportunities through association membership and are required to attend the re-certification training every three years.

BY ORDER OF: Chief Steven Schlicher 1/6/15
Steven Schlicher, Chief of Police Date

ATTESTED BY: Robert Kuntz 1/26/15
Robert Kuntz, City Administrator Date

cc: City Attorney

MPCCF REFERENCE

23.13

2. Transport the witness to the location of the detained suspect.
3. The in-car video surveillance equipment shall be utilized to document the show-up.
4. Caution the witness that the person may or may not be the offender.
5. If the witness identifies the suspect as the offender, ask the witness how they know the person, and document in their own words, how sure they are of the identification. The investigating officer should document the witness' demeanor during the identification process.
6. If more than one suspect is involved in the show-up, whenever possible:
 - a. Separate the suspects.
 - b. Have the witness view the suspects one at a time.
7. Show-ups should not be conducted with more than one witness present at a time. If the show-up is conducted separately for more than one witness, the witnesses should not be permitted to communicate before or after the show-up regarding the identification of the suspect.
8. The same suspect should not be presented to the same witness more than once.
9. Show-up suspects should not be required to put on clothing worn by the perpetrator, to speak words uttered by the perpetrator or to perform other actions of the perpetrator.
10. Words or conduct of any type by officers that may suggest to the witness that the individual is or may be the perpetrator should be scrupulously avoided.
11. Document the witnesses' name and identifying information, the date, time and location of the show-up, weather conditions, lighting conditions, and observation details, i.e. from a police vehicle, distance to suspect, etc.

B. PHOTOGRAPHIC IDENTIFICATIONS

In conducting photographic identifications, officers shall adhere to the following procedures:

1. Photographic identifications must use multiple photographs shown individually to a witness or simultaneously in a book or array.
2. Principles for conducting lineups generally apply to photographic identifications. In particular, officers shall
 - a. Utilize the CrimeMATRIX computer program maintained by the St. Louis County Police Department's Computer Services Unit to generate the lineup;
 - b. Utilize photographs of the same size and basic composition if a suspect's photograph is not contained in CrimeMATRIX, and never mix mug shots with other snap shots or include more than one photo of the same suspect. The Department photo array holder shall be used when presenting a lineup not generated by CrimeMATRIX. If the holder is not available, cover any portions of mug shots or other photographs that provide identifying information on the subject, and similarly cover those used in the array.

- c. Receive approval from a Division of Criminal Investigations Supervisor, or the Watch Commander, prior to showing the lineup to a witness. The supervisor shall ensure that the lineup depicts individuals that match the physical attributes of the suspect.
- d. When possible, print the CrimeMATRIX generated photographic lineup on card stock with the Department admonishment printed on the back.
- e. Whenever possible, the photographic lineup should be conducted in the Department's designated interview room. If a witness is unable to respond to this Department's station, the reason shall be documented. In all felony cases, the photographic lineup shall be documented using video and / or audio recording equipment. The investigating officer shall activate the recording equipment prior to the witness being shown the photographic lineup. The recording shall continue, without interruption, until the photographic lineup is completed. As soon as the recording of a photographic lineup is concluded, the recording media shall be configured so that accidental erasure or "copying over" of the interview cannot occur. A copy of the recording shall be placed into evidence.
- f. Photographic lineups should not be conducted with more than one witness present at a time. If the photographic lineup is conducted separately for more than one witness, the witnesses should not be permitted to communicate before or after the lineup regarding the identification of the suspect.
- g. Show the photo array to only one witness at a time after reading them the admonishment on the back of the lineup, or informing the witness:

"You will be asked to look at a group of photographs. The fact that the photographs are shown to you should not influence your judgment. You should not conclude or guess that the photographs contain the picture of the person who committed the crime. You are not obligated to identify anyone. It is just as important to free innocent persons from suspicion as to identify guilty parties. Please do not discuss the case with other witnesses nor indicate in any way that you have identified someone."

The witness should sign, date and indicate the time on the admonishment statement. The officer shall initial the form after the witness has signed it.

- h. Never make suggestive statements that may influence the judgment or perception of the witness and do not inform the witness whether or not they selected the suspect.
- i. Have the witness indicate the photograph they believe is the suspect by initialing the selected photograph, or the array holder next to the selected photograph.
- j. If the witness identifies the suspect as the offender, ask the witness how they know the person, and document in their own words, how sure they are of the identification. The investigating officer shall also document the witness' demeanor during the identification process.
- k. Preserve the photo array, together with full information about the identification process, for future reference.

C. LINEUPS

1. The investigating officer shall be responsible for:
 - a. Scheduling the lineup on a date and time that is convenient for all concerned parties, to include the prosecuting attorney, defense counsel and all witnesses;
 - b. Fulfill the necessary legal requirements for transfer of the subject to the lineup location should he/she be incarcerated at a detention center, make timely notice to the detention center concerning the pickup and make arrangements for picking up the prisoner; and,
 - c. Make arrangements to have four to six other persons act as "fill ins" at the lineup who are of the same race, sex and approximate height, weight, age and physical appearance and who are similarly clothed.

2. The officer in charge of conducting the lineup shall:
 - a. Ensure that the prisoner has been informed of his right to counsel if formal charges have been made against him, and also ensure that he has the opportunity to retain counsel or request that one be provided.
 - b. Obtain a written waiver on the prescribed departmental form should the prisoner waive his right to counsel;
 - c. Allow counsel representing the accused sufficient time to confer with his client prior to the lineup and observe the manner in which the lineup is conducted;
 - d. Advise the accused that he may take any position in the lineup which he prefers and may change positions prior to summoning a new witness;
 - e. Ensure that all persons in the lineup are numbered consecutively and are referred to only by number;
 - f. Physical lineups should not be conducted with more than one witness present at a time. If the physical lineup is conducted separately for more than one witness, the witnesses should not be permitted to communicate before or after the lineup regarding the identification of the suspect.
 - g. Show the lineup to only one witness at a time after informing the witness:

"You will be asked to look at a group of individuals. The fact that these individuals are shown to you should not influence your judgment. You should not conclude or guess that the lineup contains the person who committed the crime. You are not obligated to identify anyone. It is just as important to free innocent persons from suspicion as to identify guilty parties. Please do not discuss the case with other witnesses nor indicate in any way that you have identified someone."

- h. If the witness identifies the suspect as the offender, ask the witness how they know the person, and document in their own words, how sure they are of the identification. The investigating officer shall also document the witness' demeanor during the identification process.
 - i. Ensure that a complete written record and a videotape recording of the lineup is made and placed into evidence;

The Commander of the Division of Criminal Investigations shall then forward an inter-office memorandum to the Chief of Police via the chain of command reporting his findings and making recommendations regarding the possibility of opening a cold case investigation.

IV. INITIATING A COLD CASE INVESTIGATION

With the approval of the Chief of Police, a cold case investigation may be implemented. Depending on the anticipated complexity of the investigation, a cold case investigation should be initiated utilizing one of the following formats or combinations thereof:

1. Single Investigator – An individual detective or other police officer may be assigned to re-open a particular case and follow through with the investigation to a logical conclusion.
2. Priority Squad – an intra-departmental unit consisting of members of the Police Department may be detached and assigned to investigate the cold case to a logical conclusion (see General Order 02-01A Major Case Squad).
3. External Cold Case Review – Members of several outside law enforcement agencies may be requested to review the facts of the case and make recommendations for additional follow-up by a single Ballwin investigator or Ballwin Priority Squad.

In some instances, a cold case investigation may be a complex investigation that requires the detachment of several investigators over several days or weeks. In other instances, a cold case investigation may consist of one investigator re-examining police reports, evidence sheets, etc. and attempting to determine if lab testing, because of continuing scientific advancements in the forensic sciences, or additional lead follow-up might be warranted.

V. CONCLUSION OF A COLD CASE INVESTIGATION

At the conclusion of a cold case investigation the Commander of the Division of Criminal Investigations shall forward, through the chain of command, an inter-office memorandum outlining the details and outcome of the cold case investigation.

BY ORDER OF: Chief Steven Schicker 2/6/15
Steven Schicker, Chief of Police Date

ATTESTED BY: Robert Kuntz 2/20/15
Robert Kuntz, City Administrator Date

cc: City Attorney

MPCCF REFERENCE