



WEBER COUNTY SHERIFF'S OFFICE

POLICY AND PROCEDURES

INVESTIGATIVE PROCEDURE

EFFECTIVE DATE: 10/07/03 AMENDS/SUPERCEDES: 29.6, 29.7 STANDARD NUMBER: 42.2.1; 42.2.2; 42.2.10	REVIEW DATE: 09/06/07 REVISION DATE: 10/10/07 APPROVED: _____ <div style="text-align: right;">Sheriff Signature</div>
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29.6.1 Purpose

To establish and specify acceptable practices and methods for developing information through witnesses, victims, informants, and other sources available to officers. This directive also provides guidance in conducting an investigation by utilizing information developed by the other methods listed in this directive.

29.6.2 Rationale

Criminal investigations frequently involve background investigations of persons, interviewing witnesses and interrogating suspects. Such activities often involve balancing a person's rights against society's need for order and protection. The policies and procedures in this directive set boundaries and give guidance to an investigator while pursuing information necessary for the identification of suspects and evidence to be used in solving crimes and prosecuting perpetrators.

29.6.3 Definitions

- A. **Interview** - A meeting at which information is obtained from a person; the formal questioning of a possible witness, suspect or other who may have knowledge regarding the commission of a crime. Typically such people are not in custody and need not be advised of *Miranda* rights.
- B. **Interrogation** - To question formally and systematically; the vigorous questioning of a suspect in custody regarding possible criminal conduct. Usually, the *Miranda* warning is required before questioning can proceed.

- C. **Suspect** - Someone who is thought to be planning, conspiring or attempting to commit a crime or who has committed a crime. A person who is the focus of a criminal investigation as one who is culpable.
- D. **Culpable** - Deserving blame, responsible for performance of an illegal activity or violation of legal rules. Culpability indicates that the act performed by a person is illegal and he/she should take responsibility for the action.

29.6.4 Policy

Whether talking with an individual who is a witness or a suspect in a case under investigation, employees of the Weber County Sheriff's Office will conduct themselves in a professional and ethical manner. Interviews and interrogations will be conducted within the framework of state and federal guidelines and show regard for basic human decency and dignity.

29.6.5 Procedure

- A. Successful interviews and interrogations are critical to the successful resolution of most cases. There are a number of basic procedures that should be followed when conducting an interview with victims and witnesses, or when conducting an interrogation of a criminal suspect. These basic guidelines include:
 - 1. Witnesses, victims, informants and suspects are valuable sources of information development. They should generally be interviewed separately, and information corroborated, to ensure that the statements of one are not tainted by the statements of another.
 - 2. Deputies will not use coercion, threats, or any physical force to obtain a statement.
 - 3. When a suspect is in custody or in a custodial atmosphere, prior to any questions directly related to a specific case/crime, the suspect shall be advised of his/her

Constitutional rights per Miranda.

- a. If the subject invokes his/her right to counsel, all questioning will stop.
 - b. The subject will be returned to the place of incarceration, and be allowed to contact his/her attorney per facility regulations.
 - c. If subject is in a custodial atmosphere he/she may be arrested and booked into jail at that time or released.
 - d. If the investigator plans to re-interrogate a cooperating subject at a later time, even if he/she had been advised earlier, it is prudent to re-advise the person before the follow up interrogation.
4. No promises or deals will be made in exchange for information from a suspect unless the "deal" is in writing. The agreement must be between the individual providing the information and the appropriate prosecuting attorney. The deputy will act only as an intermediary. The agreement or contract must be signed by all the parties involved.
 5. When possible, it is advisable to arrange for young children and female assault victims to be interviewed by a specially trained investigator.
 6. Interviews and interrogations are usually more productive when the number of interviewing deputies is limited to one or two.
 7. The number of sensitive and anxiety-producing interviews with crime victims should be kept to an absolute minimum. The length of the interviews should be within reason considering the mental and physical condition of the interviewee.

8. Deputies shall normally identify themselves and advise the individual of the purpose of the interview or interrogation.
9. Depending on the circumstances, the interview may be recorded, video taped, or may involve a written statement from the person(s) interviewed. Whenever a recording device is used, the information obtained should be summarized in the deputy's written report.
10. The interviewing deputy must consider the mental and physical condition of the person being interviewed and that person's ability to comprehend what is happening. The sobriety of the interviewed person is always relevant.
11. The interviewing deputy must be alert for prejudices or biases affecting the interview. The motivation of the person being interviewed and any relationship to other involved parties must be considered.
12. Whenever possible, statements obtained should be corroborated by other independent statements, by the presence of physical evidence, or by the use of other investigative techniques.
13. If the interview is extensive in length, the interviewing deputy must provide reasonable breaks in the interrogation to allow the person to attend to physical necessities or if the person requests a break.
14. If, after a confession of a crime has been secured, either through the interview or interrogation process, the Detective shall either type or tape record a formal statement. This statement shall consist of 10 to 12 questions directly related to the elements of the crime being investigated. This is to insure clarity of the confession as it relates to the criminal elements

necessary for prosecution. The statement should be read and signed by the suspect whenever possible. This may be dependent upon the continued cooperation of the suspect and should be done before taking to or returning to the jail.

- B. The primary deputy assigned to a call is responsible for the proper disposition of the call including evidence and processing of the scene. This responsibility may be turned over to an investigator or I.D. technician when authorized by a supervisor.
- C. Normally, "major" crime scenes will be processed for physical evidence by trained crime scene processors in the following manner:
 - 1. Taking photographs of the scene.
 - 2. Completing a crime scene sketch.
 - 3. Processing items for latent prints.
 - 4. Transporting all physical evidence to department evidence storage facilities.
 - 5. Evidence processing personnel may be requested through a supervisor when specialized equipment or processing is needed.
 - 6. Requesting personnel will protect the scene, arrange for crowd control if necessary, assist evidence processing personnel and document the names of persons assisting or entering the crime scene in their reports.
- D. Evidence collection in the field.
 - 1. After the processing phase is complete, evidence collection should begin in a systematic manner.
 - 2. The responsible deputy may collect and enter most evidence in most situations. If C.S.I. is called to process the scene, then C.S.I. personnel will be responsible for collecting and entering the evidence. Evidence needing follow-up lab examination will usually be collected and transported by C.S.I.

E. In general:

1. Most items will be placed in paper bags.
2. Wet clothing may be placed in plastic bags until placed in the property lockers, where it will be hung to air dry. The plastic bag used to carry the item will be retained as part of the physical evidence. Clothing items will never be mixed into a bag. Each piece of will be separately bagged.
3. Visible prints should be photographed before lifting. Lifted prints will be placed on a card. The card will be marked with the following information:
 - a. Case number.
 - b. Date and time.
 - c. Processor's initials and I.D. number.
 - d. Location.
 - e. Item printed.
4. Blood, collected for comparison purposes, will be collected in "red-stoppered" test tubes, without preservatives. These tubes should be refrigerated within one hour of collection.
5. All rape kit tests, post use handling, are conducted by medical personnel, including storage until test results have been determined.
6. The crime scene processor shall retain custody of all items of evidence until delivered to the offices storage facilities or turned over to the property custodian.

F. Perishable evidence, such as fresh blood, blood stained objects and rape kits will be submitted to the appropriate laboratory as soon as possible. Evidence which will not be accepted without a comparison standard will be stored in

the evidence room until such standards are obtained. The reason for any delay in submission will be documented on a follow-up report by the property custodian.

- G. Physical evidence from known sources:
 - 1. Whenever possible, known-source evidence samples will be collected by the crime scene processor and submitted to the evidence section for comparison examination.
- H. Crime scene photographs: Pertinent aspects of a serious crime scene will be photographed, prior to other processing activities.
- I. Crime scene sketches should be completed on cases where appropriate.
- J. Processing of recovered stolen vehicles: The processing of recovered stolen vehicles for evidence will normally be completed prior to releasing the vehicle to an owner or towing it to a storage facility. If the vehicle cannot be processed at the scene, it may be removed to a secure facility for processing.
 - 1. Vehicles placed in storage, which are to be processed, will be posted, "Evidence DO NOT TOUCH."
 - 2. The impounding deputy or assigned investigator will be responsible for stipulating conditions of release on the impound report, and making necessary notifications to the owner and reporting agency.
- K. Laboratory requests: It is the responsibility of the assigned case deputy to submit the appropriate lab requests for examination or processing, to the evidence custodian.
- L. Surveillance:

1. Defined as the covert observation of persons, vehicles, places, or objects to obtain information.
 2. Members of the Weber County Sheriff's Office may conduct surveillance in conjunction with criminal or internal affairs investigations. The use of surveillance for other than criminal activity, investigations or internal investigations is expressly forbidden.
 3. Procedures include but are not limited to:
 - a. Identification of type of activity to be observed.
 - b. Assessment of location, area, and/or persons involved.
 - c. Selection of appropriate surveillance mode (mobile, stationary, video, etc.)
 - d. Open surveillance (visible)
 - e. Covert Surveillance
 - f. Stationary (individual and/or shift rotation)
 - g. Mobile (individual and/or team)
 - h. Intermittent (periodic, log of times, dates, observations)
 - i. Utilize video or still camera equipment
 - j. Utilize other agencies i.e. records, field interviews
 - k. Utilize uniformed officers i.e. field interviews, intermittent patrol
- M. Background Investigations (Criminal Investigations)
1. The purpose of a background investigation within the scope of criminal investigations is to establish personal information as it relates to criminal activity of suspects or arrestees.
 2. Investigations must be discreet to protect privacy rights of the subject as well as the integrity of the investigation. Information obtained will only be shared with persons or agencies with the right to access.

3. Background investigation records will be maintained in the case file and retained as outlined in state law.
 4. When conducting background investigations the following procedure may include but is not limited to:
 - a. Identify purpose, scope of investigation
 - b. Criminal, drivers license, civil, court records/warrants checks (BCI, NCIC, NCIC III etc.)
 - c. Criminal Intelligence Records check
 - d. Field Interviews/Reports
 - e. Adult Probation and Parole
 - f. Financial Records review
 - g. Employment/military history review
 - h. Other agency records
 - i. Vehicle/Property records, registration
 - j. Criminal, business, family associations
- N. Procedure for the use of interview rooms is as follows:
- a. Interview rooms will be searched for contraband prior to and at the conclusion of each interview or interrogation session.
 - b. Deputies conducting a session alone with a subject, may, if circumstances require, secure their weapons in a locked desk or cabinet.
 - c. Investigators will assess subjects who are not in custody, for weapons risk, and may ask them to submit to a pat down search for safety purposes.
 - d. Sessions involving suspects or possible suspects will, whenever practical, be attended by two deputies in the same room; or one of the deputies observing from a remote viewing location and/or be located near enough to provide immediate assistance if necessary.
 - e. No more than two deputies will conduct an interview or interrogation of a subject at the same time, unless reasonable

- investigation needs require an additional deputy or deputies.
- f. Deputies may summon assistance from detectives in offices adjacent to interview rooms, or use hand held radios, or cell phones to contact dispatch or other deputies when necessary.
 - g. Equipment or items that may be kept in interview rooms will be limited to computers, investigations files, note pads, audio recorders, cell phones, hand held radios or other items necessary to the session.
 - h. Persons being interviewed or interrogated will be allowed reasonable access to restrooms, water and breaks when requested and/or appropriate.
 - i. Persons in custody will not be left alone and unsupervised.

