



<b>WRITTEN DIRECTIVE</b>	No. PD-17-0902	Page: 1 of 17
Subject:  CRIMINAL AND SPECIAL- PURPOSE INVESTIGATIONS	Effective Date:	11-29-17
	Supersedes/ Amends:	PD15-0902
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## I. Purpose

The purpose of this directive is to establish uniformity throughout the Lynchburg Police Department regarding the management of criminal investigations.

## II. Policy

It shall be the policy of the Lynchburg Police Department to conduct a thorough investigation of all reported criminal offenses that are within the department's jurisdiction.

## III. Procedure

42.1.4

### A. PRELIMINARY INVESTIGATION

1. Assigned officers will conduct preliminary investigations of all reported crimes.
  - a. Field Operations Bureau personnel dispatched to the scene of a crime will normally be responsible for conducting the preliminary investigation and completing any required reports.
  - b. When deemed appropriate and approved by a supervisor, personnel from other units, departments or agencies may be requested to assist in preliminary investigations.
2. Required notification of investigations:
  - a. On-scene field supervisors will notify the on-call CID supervisor in cases involving:
    - 1) homicide
    - 2) suicide
    - 3) any death of suspicious nature
    - 4) rape

- 5) malicious wounding involving serious injury or the possibility of imminent death
  - 6) extortion
  - 7) burglary of an occupied residence
  - 8) burglary involving the arrest of a suspect
  - 9) robbery of a business
  - 10) traffic fatality or traffic accident in which death appears imminent
  - 11) circumstances when officers are made aware of an infant who is in critical condition or is deceased with no apparent injuries (possibility of SIDS case)
  - 12) victims who have apparently overdosed while using illicit drugs and/or *alleged opioids and are either: D.O.A. (or likely to die), unconscious, or were administered Naloxone (sold under the name Narcan among others).*  
The purpose of the investigation is to identify the source(s) of controlled substances. Officers are encouraged to review Code of Virginia 18.2-251.03, Safe Reporting of Overdoses.
- b. The on-scene field supervisor will use common sense standards and consider the totality of the circumstances in deciding whether the individual is suffering from, or has died from, a suspected overdose. The presence of narcotics and/or drug paraphernalia, statements from the aided/family/witnesses, or other independent observations from the assigned officer(s) should be considered in making a determination.
  - c. The notified CID supervisor may initiate immediate follow-up investigation in these cases.
3. Optional notification of investigations:
- a. Field supervisors may notify the on-call CID supervisor in cases involving:
    - 1) burglary involving loss of substantial monetary value
    - 2) grand larceny
    - 3) circumstances for which the field supervisor deems it necessary or advantageous to have a detective respond to the crime scene.
  - b. The notified CID supervisor will determine if a CID detective will initiate immediate follow-up in these cases.
4. Preliminary investigation will include, but is not limited to, the following:

- a. rendering assistance to the injured
- b. determining if a crime has occurred
- c. obtaining and broadcasting the description and status (armed, intoxicated, vehicle information, etc.) of any suspect who has left the scene
- d. observing and noting all conditions, events and remarks of possible significance to the investigation

42.2.1 A

42.2.1 B & D

- e. locating, identifying and interviewing complainants, witnesses and suspects
- f. controlling the crime scene
- g. notifying the appropriate CID personnel as required or necessary
- h. making arrests

42.2.1 C

- i. protecting and arranging for the collection of evidence
- j. completing and submitting required reports for supervisory review.

42.1.3 C

- 1) Calls for service not involving an offense may require only the completed Computer Aided Dispatch (CAD) information as documentation.
- 2) Calls for service involving a traffic infraction may require only the completed CAD information and, if issued, a completed *Virginia Uniform Summons* or a City parking ticket as documentation.
- 3) Calls for service involving a Class 2, 3 or 4 misdemeanor may require only the completed CAD information and, if issued, a completed *Virginia Uniform Summons* as documentation.
- 4) Calls for service involving a felony or a Class I misdemeanor will require submission of the appropriate incident report.
- 5) Calls for service involving the sudden death of any person will require submission of an incident report .
- 6) The officer submitting any report will be responsible for ensuring that it:
  - a) contains information as complete and as accurate as possible
  - b) establishes all elements of any crime believed to have been committed.

42.1.2

5. Solvability factors will include, but not be limited to:
  - a. presence of witnesses

- b. suspect description or identification
  - c. suspect address or location
  - d. suspect vehicle identification
  - e. significant *modus operandi*
  - f. significant physical evidence
  - g. reason to believe that the crime would stimulate public interest or public assistance, which would eventually lead to suspect identification
  - h. limited opportunity for anyone except the suspect(s) to have committed the crime
  - i. other factors, such as the victim or complainant's willingness to assist in the prosecution of the case.
6. Except for confidential Vice/Narcotics Unit or special investigation reports (see Section III, I, 3), completed reports will be:
- a. assigned a complaint control (CC) number
  - b. submitted to the officer's immediate supervisor for review by the end of the officer's shift, unless approved by their immediate supervisor
  - c. forwarded to the Report Review Office for classification and routing.

**42.1.3 A, 42.1.4, 82.2.4**

**B. FOLLOW-UP INVESTIGATION CASE MANAGEMENT**

1. The Report Review Office will forward copies of reports documenting active investigations to the appropriate bureau to initiate follow-up investigation.
  - a) Copies of reports involving the following types of crimes will be forwarded to the CID supervisor for review and/or follow-up assignment:
    - 1) crimes listed in III, A, 2-a
    - 2) other felony offenses (including property damage)
    - 3) serious misdemeanors (with one or more solvability factors present)
    - 4) threats to the community at large
    - 5) vice or organized crime activities.

- b. Copies of reports involving the following types of cases with one or more solvability factors present will be forwarded to the Field Operations Bureau for follow-up assignment:
  - 1) felony offenses not assigned by a CID supervisor
  - 2) misdemeanors not assigned by a CID supervisor
  - 3) hit and run accidents not assigned by a CID supervisor
2. Captains will be responsible for the follow-up investigations conducted by officers under their command.
3. Each bureau will establish written procedures for assignment of follow-up investigations within that bureau, to include:
  - a. designated bureau or unit command staff responsible for:
    - 1) reviewing reports submitted for follow-up by the Report Review Office
    - 2) assigning cases for follow-up investigation
  - b. procedures for assigning cases for follow-up investigation, including:
    - 1) a listing of solvability factors to be considered:
      - a) when assigning cases for follow-up, and
      - b) in monitoring the status of follow-up investigations
    - 2) guidelines for determining case status as:
      - a) *Active* -- the case is considered "open" and is assigned to an officer with investigative efforts being pursued when any solvability factor exists.
      - b) *Inactive* -- the case is suspended due to lack of solvability factors, absence of leads, unavailability of investigative resources, and/or degree of seriousness.
      - c) *Closed* -- the case has been cleared by arrest, other exceptional means, or determined to be unfounded.
    - 3) guidelines for investigative resource allocation
    - 4) guidelines for supervisory monitoring and control of ongoing follow-up investigations.

**42.1.3 B**

4. Each bureau will establish written guidelines for conducting follow-up investigations, to include:
  - a. required documentation
  - b. time frames
  - c. progress reports to supervisors
  - d. coordination with:
    - 1) other department units or personnel
    - 2) other agencies
    - 3) the office of the Commonwealth's Attorney.

**42.1.6**

**C. FOLLOW-UP INVESTIGATION PROCEDURES**

1. The principal detective will normally be the first officer assigned to follow up a preliminary investigation: supervisors may make other principal detective assignments as deemed appropriate.
  - a. The principal detective will be responsible for all required investigative procedures.
  - b. When more than one investigating officer is assigned to a case, the case supervisor will designate a principal detective.
2. The officer assigned to any active investigation will:
  - a. review all reports and laboratory examinations completed in the preliminary investigation
  - b. identify solvability factors
  - c. attempt to recontact the complainant at regular intervals, in order to:
    - 1) update the complainant on the status of the case, and
    - 2) obtain any additional information available
  - d. seek additional information sources (witnesses, informants, department records, etc.)
  - e. arrange for dissemination of information to appropriate persons or agencies
  - f. conduct additional interviews or interrogations as appropriate

g. plan, organize, and conduct searches or surveillances as appropriate

42.2.3 G

h. arrange for collection of any additional physical evidence located

42.2.3 E

i. check for criminal history on suspects through department records, VCIN, NCIC, etc.

42.2.3 F

j. identify, locate and apprehend the offender(s)

42.2.3 H

k. determine if the offender(s) has involvement in other crimes

l. submit all completed reports and case histories for supervisor review and filing within the LPD records system

m. where applicable, ensure that reports or original case histories are forwarded to the Commonwealth's Attorney.

42.2.3

3. The following department checklists are available as investigative aids:

a. *Childhood Death Investigation Form*

b. *Physical Evidence Recovery Checklist*

c. *Domestic Violence Report/Checklist*

d. *DUI Checklist*

e. *Fraud Check Sheet*

f. *Negotiations Team – Complaint Desk Information Request*

g. *Negotiations Team – Suspect Information Checklist*

h. *Negotiations Team – Hostage Information Checklist.*

42.2.1

D. PHYSICAL EVIDENCE

1. Officers must be alert to the presence and types of physical evidence that may be encountered at any phase of an investigation, as well as the proper collection and preservation techniques to assist in laboratory analysis.

2. Officers must exercise extreme caution in the handling of all drugs and drug paraphernalia. Even the slightest contact can be lethal. Taking proper safety precautions is vital when investigating and documenting drug overdose evidence.

3. Evidence collection and processing will be conducted according to guidelines set forth in PD-1101: *Crime Scene Processing*.

H. WITNESS AND SUSPECT INTERVIEWS

1. Conducting witness interviews:
  - a. Witnesses should be interviewed:
    - 1) face to face, whenever possible
    - 2) as soon as practical after the incident being investigated
    - 3) separately and away from other witnesses, in order to:
      - a) prevent witnesses from influencing each other's statements
      - b) determine whether witness statements support or contradict each other.
  - b. Witness statements should be documented in sufficient detail to fully establish:
    - 1) the witnesses' knowledge of and involvement in the incident being investigated
    - 2) all possible elements of any crime the witness is believed to have knowledge of.
  - c. Witnesses interviewed in preliminary investigations may be re-interviewed whenever deemed necessary by officers conducting the follow-up investigation.

**1.2.3 A**

2. Suspect interview requirements:
  - a. Officers of the Lynchburg Police Department must be familiar with and adhere to legal parameters as established by the Constitution of the United States and applicable court decisions, particularly regarding custodial interrogation requirements.

**1.2.3 B**

- b. Prior to any interrogation, police officers are required under the *Miranda v. Arizona* Supreme Court decision to advise persons under arrest of certain constitutional rights as listed on the Lynchburg Police Department *Interview: Advice of Rights* form.
- c. The *Interview: Advice of Rights* form or card should be used when advising persons of the Miranda warnings.
- d. It is the responsibility of the interviewing officer to ensure that any person waiving these rights does so voluntarily, knowingly and intentionally.



e. Officers will not:

- 1) use coercion, duress, promises or threats to obtain confessions or admissions;
- 2) compel any person to self-incrimination;
- 3) unreasonably delay the arraignment of any person charged with a criminal offense;
- 4) interfere with or deny any person's request for access to counsel.

**1.2.3 C**

f. No Lynchburg Police Department employee will disclose any information to the public which may infringe upon any person's constitutional rights.

**42.2.6**

**I. USE OF POLYGRAPH IN CRIMINAL INVESTIGATIONS**

1. The polygraph may be used as an investigative aid where, in the opinion of the officer and with the approval of the immediate supervisor, a polygraph examination would enhance the investigation.
2. All polygraph examinations will be conducted by polygraph examiners who have completed formal training and graduated from an institution approved by the Virginia Department of Professional and Occupational Regulation.
3. Polygraph examiners will follow the standards and practices outlined in 18VAC120-30-200, 18VAC120-30-210, and 18VAC120-30-220 of the Code of Virginia.
3. Every examiner will use an instrument which records permanently and simultaneously the examinee's cardiovascular patterns, respiratory patterns and galvanic skin responses.
4. Such instrument may also record other pertinent physiological data relevant to the determination of truthfulness.
5. It will be the responsibility of the polygraph examiner to conduct a pre-test interview with all prospective examinees, in which all issues that the polygraph examination will cover are to be discussed with the examinee.
6. All test questions will be read to the examinee in a random manner prior to the actual polygraph examination.
7. When required, the written consent of the examinee and a waiver of Miranda rights must be obtained prior to the pre-test interview and polygraph examination.
8. Written consent must be obtained from a juvenile examinee's parent or legal guardian prior to the pre-test interview and subsequent polygraph examination.

**42.2.1 E**

**J. SURVEILLANCE**

1. The purpose of surveillance is to obtain information that may aid in the successful conclusion of an investigation.
2. Reasons for surveillance include detection and prevention of crime, information gathering on identified suspects, locations, etc.
3. In order for any surveillance to be successful, thorough planning must be made in advance regarding:
  - a. purpose of the surveillance
  - b. type of information wanted
  - c. staffing and equipment needed
  - d. briefing all officers involved
  - e. safety and security concerns, and any related special procedures.
4. Officers planning to conduct a long-term surveillance must obtain prior supervisor approval.

**K. INVESTIGATIVE TASK FORCES**

1. Officers may be formed into an intra-departmental investigative task force when deemed necessary to enhance or expedite a criminal investigation.
  - a. Members of any task force will be granted commensurate authority by the Chief of Police to effectively complete the assigned investigation and be responsible for execution of the assigned task.
  - b. The Chief of Police will designate a task force supervisor to be accountable for the completion of the investigation.
  - c. The task force supervisor will identify resources available to conduct the investigation, to include:
    - 1) sufficient staffing and equipment
    - 2) coordination with:
      - a) other department units or personnel
      - b) other agencies
      - c) the office of the Commonwealth's Attorney.

- d. The task force supervisor will be responsible for continuously evaluating task force activities and reporting progress to the Chief of Police.
  2. The Lynchburg Police Department participates in formal, multi-jurisdictional investigative task forces with other jurisdictions to enhance criminal investigations and to provide additional resources.
    - a. A Memorandum of Understanding (MOU) will be issued as a written agreement between the LPD and each investigative task force to describe task force activities and to define the purpose, authority, and responsibility of the task force.
    - b. The Major of the Investigations Bureau will be responsible for continuously evaluating task force activities and results to determine the need for continued LPD involvement.
    - c. Officers assigned to a task force, especially in a plain clothes, or undercover capacity, should take extra precautions to ensure their officer safety
    - d. When participating in task force activities, officers should identify themselves as Task Force Officers with the Lynchburg Police Department when necessary.
  3. The Lynchburg Police Department will, as long as deemed beneficial, have a relationship with the United States Marshal Service through the Capital Area Regional Fugitive Task Force (CARFTF).
    - a. The Lynchburg Police Department will make the final determination on the officer assigned to the CARFTF based on recommendations from supervisors, the US Marshals Service, and the overall performance of the officer.
    - b. When the Task Force Officer (TFO) assigned to the CARFTF is notified by the US Marshals Service that they are needed for an operation, the TFO shall notify the on-duty watch commander or their direct supervisor prior to engaging in any fugitive apprehension operation, and again when the operation has concluded.
    - c. The TFO shall mark in service, and out of service, with Lyncomm and provide them with a general area where they will be working.
    - d. The TFO shall wear body armor clearly marked with "POLICE", so they will be recognizable to citizens, as well as other law enforcement officers and agencies.
    - e. The TFO shall carry their LPD radio, issued mobile phone, and other necessary equipment that may be needed to perform the function of the TFO.
    - f. The TFO may be removed from this assignment due to promotion, specialized assignment, or for any reason deemed to be in the best interest of the

Lynchburg Police Department. This decision will be made by the TFO's Bureau Major.

42.2.9

L. COLD CASE INVESTIGATIONS

1. A "cold case" will be defined as any investigation that is unsolved and is in an inactive status.
2. The decision to reopen an inactive case will be made by the assigned officer, the assigned officer's supervisor or a division Captain.
3. Factors influencing the decision to reopen an inactive case may include newly developed information, evidence, witnesses or suspects.
4. Officers and supervisors should evaluate any new information to determine if the information increases solvability factors such as:
  - a. presence of witnesses
  - b. suspect description or identification
  - c. suspect address or location
  - d. suspect vehicle description
  - e. *modus operandi*
  - f. physical evidence.
5. Assigned officers will document in a supplement report all new information received and subsequent follow up activity.

M. VICE AND SPECIAL PURPOSE INVESTIGATIONS

1. Should circumstances exist which require immediate attention by a specialized unit, the officer will notify their immediate supervisor for assistance in activating the appropriate unit to handle the investigation.
2. *Under no circumstances* will an individual officer pursue any criminal investigation specified above without the knowledge and approval of their immediate supervisor.

43.1.1

3. Vice investigations:
  - a. Officers receiving vice/narcotics-related information identifying specific persons, locations, means of transport or distribution will:
    - 1) document the information in detail on the appropriate report form
    - 2) not assign the report a complaint control number

- 3) forward the report to the Vice/Narcotics Unit Lieutenant who will:
  - a) assign intelligence unit control numbers to vice information reports
  - b) be responsible for routing and filing all reports.

**42.2.1 D**

4. Background Investigations:

a. Background investigations may be conducted in order to:

- 1) obtain, collate and verify personal, financial, criminal and/or social information about a person or organization
- 2) develop information for purposes of criminal or licensing investigation.

b. Criminal Background Investigations:

- 1) will be conducted by department officers for purposes of:
  - a) conducting criminal investigations
  - b) developing intelligence information
- 2) will involve gathering information on persons suspected of being involved in criminal activities.

c. Other background investigations:

- 1) The Major of the Investigations Bureau will be responsible for the background investigation of persons who apply to obtain:
  - a) Precious Metals Dealer Permits
  - b) Soliciting Permits
  - c) Concealed Weapon Permits
  - d) Hunting Permits

**42.1.3 D**

d. All background investigation information will be secured by the Lieutenant of the unit conducting the investigation.

**42.1.3 E**

e. A case file folder containing a background investigation may only be purged or destroyed by court order.

**42.2.1 A**

5. Information concerning any investigation may be obtained from a variety of sources including, but not limited to:

a. Departmental sources:

- 1) filed reports
  - 2) arrest records
  - 3) photograph and fingerprint records
  - 4) pawn shop records
  - 5) informant files
  - 6) licensing records, such as those concerning precious metals dealers, taxi drivers, soliciting permits, etc.
- b. Outside agency sources, including:
- 1) VCIN/NCIC criminal history information
  - 2) DMV records
  - 3) court records
  - 4) tax records
  - 5) probation and parole records
  - 6) real estate records
  - 7) post office records
  - 8) welfare and social service agency records
  - 9) Board of Education / local school records.
- c. Private organization sources (may require search warrant), including:
- 1) utility companies
  - 2) telephone companies
  - 3) banks and credit agencies
  - 4) unions and professional agencies
  - 5) insurance agencies
  - 6) neighbors, social contacts and business associates.
6. Units involved in special investigations may be exempt from investigative procedures outlined in this directive, if such an exemption is:

- a. required due to the nature of the investigation being conducted, and
- b. approved by the Chief of Police.

**44.2.6 A**

**N. MISSING PERSONS**

- 1. Officers will investigate the following types of missing persons:
  - a. runaway, abandoned, abducted or other missing status juveniles (*in accordance with PD-2006 Juvenile Operations*).
  - b. adults who are reported as:

**41.2.6 G**

- 1) missing and under proven physical or mental disability or senile, thereby subjecting themselves or others to personal or immediate danger, or
- 2) missing and in the company of another person under circumstances indicating that their physical safety is in danger, or
- 3) missing under circumstances indicating that the disappearance was not voluntary.

**44.2.6 B, C**

- 2. Supervisors will ensure that the primary responding officer completes the following within the 2 hour time frame, as specified in the Code of Virginia, Section 15.2-1718.1:
  - a. complete the required SP-67 form (Missing Adult Information Clearinghouse Report) and deliver the form in person to the Information Desk.
  - b. Ensure that Information Desk personnel enter the missing adult's information into the Virginia Criminal Information Network, the National Crime Information Center Systems and forward the report to VA State Police immediately.
  - c. The primary officer will resume the investigation into the missing adult after the above actions have been completed.
  - d. Officers should be mindful that the 2 hour requirement begins when the adult is reported missing to Lyncomm, not when the officer arrives on scene.
- 3. Preliminary investigation in cases of missing persons will include (in addition to any applicable procedures listed in III, A, 4) the following:
  - a. obtaining a complete physical and clothing description
  - b. supplying descriptions to other officers, by means of:
    - 1) radio broadcast, if time elapsed or mode of travel indicates that an immediate BOL is appropriate
    - 2) teletypes to jurisdictions identified as possible destinations

3) entry in the LPD Complaint Book

c. advising complainants to notify the department should the missing person return or be located by other means

**41.2.6 D, E**

4. Follow-up investigation of missing persons will include (in addition to applicable procedures listed in III, C) the following:

a. search for the missing person in any specific areas identified by the complainant or other information sources

b. verifying reports that a missing person has returned or been located

**41.2.6 F**

c. interviewing located juveniles to determine:

1) the circumstances of their disappearance

2) their whereabouts while missing

3) whether they were harmed or injured while missing

d. notifying an officer at the LPD Information Desk to remove located persons from NCIC/VCIN computer files.

**O. INTRA-DEPARTMENTAL INFORMATION EXCHANGE**

**42.2.4**

1. Employees within any unit may attend roll call meetings of other units in order to:

a. exchange information or coordinate activities whenever necessary

b. request the immediate assistance of employees from another unit or bureau in activities such as:

1) determining the location of a specific person, place, or object

2) conducting surveillance

3) identifying suspects

4) identifying potential locations where specific crimes may be committed

c. debrief assisting employees on completion of a coordinated activity, to include review of:

1) procedures utilized

2) problems or unusual circumstances encountered

3) new procedures to expedite future joint activities.



2. Attending another unit's roll call should be approved in advance by the unit supervisor.

*Original Signed*

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Raul M. Diaz  
Chief of Police

November 29, 2017

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Date