

CHAPTER 4
INVESTIGATIONS AND CRIME REPORTING
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CHAPTER 4
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1. INVESTIGATIONS.

a. Major Crime Investigations.

(1) Certified detectives assigned to a Division Departmental Detective Program (DDP) Unit, shall respond to, and investigate the following crimes:

- (a) Homicides, deaths (other than vehicle crash related) and suspicious deaths (not involving impaired driving), or attempted murder.
- (b) Shootings resulting in serious injury or death.
- (c) Freeway shootings (attempted murder) with follow-up information. For freeway shootings that do not rise to Detective level investigation, Area's shall consult with their Division detective program to ensure proper investigative steps are taken.
- (d) Officer involved shootings.
- (e) Sexual assaults with force.
- (f) Violent crimes resulting in serious injury.
- (g) Confirmed kidnappings.
- (h) Gross child abuse or child neglect.
- (i) Armed robberies.
- (j) Carjackings.
- (k) Confirmed explosives/bombings.
- (l) Any complex criminal investigation beyond the capabilities of the Area or other Division resources.

(2) Certified detectives assigned to a Division DDP Unit may respond to and investigate the following crimes:

- (a) Impaired driving related homicides or non-suspicious deaths.

- (b) Shootings not resulting in serious injury or death.
- (c) Other sexual crimes.
- (d) Burglaries (when suspect information is available or the crime involves substantial loss).

b. Crime Scene Investigations. Any assistance in processing a crime scene requested by a Division, Area, or allied agency should be completed by a Division detective or other investigative personnel with a specialization in Crime Scene Investigation (CSI). The request for a CSI detective should be made to the Division Investigative Services Unit (ISU) coordinator. The Division Multidisciplinary Accident Investigation Team may be used to assist the CSI detective.

(1) Division detectives with CSI training and experience specialize in crime scene evidence processing.

(2) The primary responsibilities of detectives in the course of their CSI duties are to:

- (a) Identify, collect, preserve, and process physical evidence.
- (b) Photograph, measure, and prepare crime scene diagrams, as necessary.
- (c) Develop and lift latent fingerprints, as necessary.
- (d) Package, label, or mark all evidence, photos, and latent fingerprints.
- (e) Book all evidence collected into the appropriate Area or Division evidence room, consistent with existing policy, unless such evidence is booked into a crime laboratory for further processing.
- (f) Complete written reports detailing what physical evidence was located and where it was collected.
- (g) Apprise the appropriate supervisor of CSI activities relating to the investigation of the crime scene.
- (h) Provide completed reports to the primary investigating officer for inclusion in the final report.
- (i) Provide ongoing crime scene evidence processing, as required.
- (j) Testify in court regarding CSI.

(k) Assist with providing CSI training to new Division detectives and Area personnel, as needed.

(3) Upon completion of a crime scene investigation, detectives in the course of their CSI duties shall complete a CHP 556, Narrative/Supplemental (the CHP 556 and all other forms mentioned in this chapter may be found on the CHP Intranet under Forms), documenting their observations and investigation associated with the crime scene. This report shall be forwarded to the primary investigating officer.

(4) If available, CSI equipment and supplies shall be requisitioned through normal Division/Area requisition procedures as outlined in Highway Patrol Manual (HPM) 11.2, Materials Management Manual, Chapter 6, Supply Services Acquisitions. If required, Divisions shall ensure forensic laboratory services are utilized in accordance with HPM 70.1, Evidence Manual, Chapter 13, Laboratory Examination of Physical Evidence.

2. NOTIFICATION REQUIREMENTS.

a. Investigative Services Unit Notification. When an investigation exceeds the scope of training and expertise of Area personnel, an Area may request assistance from a Division detective. The request shall be made through the Area commander or designee to the Special Services Commander or ISU coordinator.

b. Allied Agency Notification. In cases where an investigation extends into allied agency jurisdiction, or an investigation requires specialized resources from an allied agency, the Division detective supervisor should coordinate communication with the appropriate allied agency after consultation with the ISU coordinator and the involved Area command, if appropriate. Detective supervisors should be aware of existing Memorandums of Understanding between the CHP and allied agencies.

3. INVESTIGATION CASE REPORTING.

a. General Reporting Requirements. Division detectives and Division detective associates shall document any request and/or response for investigative services when investigative services are conducted. All documentation shall be completed in accordance with this chapter.

b. Investigation Categories.

(1) Priority One. Priority one cases are crimes/incidents requiring immediate investigation and shall be documented using the CHP 216, Arrest – Investigation

Report, or CHP 135, Investigation Assistance Request, and the STD. 99, Report of Crime or Criminally Caused Property Damage On State Property.

(2) Priority Two. Priority two cases are crimes/incidents which require follow-up; however, no immediate investigation is required. These cases shall be documented using the CHP 216 or CHP 135, and the STD. 99 when occurring on state property. Examples include:

- (a) Presence of information that may require substantial follow-up.
- (b) A firearm booked, but not reported as lost, stolen, or wanted.
- (c) Suspicious circumstances.

(3) Priority Three. Priority three cases are crimes/incidents that do not have any leads and are reported solely for statistical purposes. Division detectives and ISU personnel should document priority three cases on a CHP 135. Normally, these cases will be handled by Area personnel and should be documented using the CHP 216 and the STD. 99, when occurring on state property. These cases shall be reviewed by the reporting officer's supervisor for possible follow-up and entered in the State Crime Automated Reporting System database, if occurring on state property, for crime trend statistics. Examples include:

- (a) Theft or vandalism without follow-up.
- (b) Other property damage.

c. Investigative Case Folder Requirements. A separate case folder shall be utilized for each priority one and priority two case in order to monitor the activity. Case numbers shall be assigned in accordance with General Order (GO) 100.38, Assignment of Case Numbers.

- (1) The case folder should include, but is not limited to:
 - (a) Case number.
 - (b) Case Status Report/Case Disposition (first page of case folder).
 - (c) Copy of original investigation report.
 - (d) Supplemental investigative reports.
 - (e) Copies of photographs.
 - (f) Copies of sketches.

- (g) Copies of laboratory reports, when available.
- (h) Arrest report(s).
- (i) Prosecution report.
- (j) Criminal history and Department of Motor Vehicles records.
- (k) Copies of CHP 36, Property Receipt.

(2) The investigation shall be submitted to the Division detective or Division detective associate's supervisor for review and approval prior to filing with the city/district attorney.

d. Format for Detective Follow-Up. Reports received from the field shall be formatted based on report formatting criteria outlined in GO 100.39, CHP 202, Driving Under the Influence Arrest – Investigation Report, and CHP 216, Arrest – Investigation Report. Either the routine or complex format shall be utilized based on the nature of the case.

e. Supervisor Case Tracking. Supervisors should use the Area Information System (AIS), if applicable, to monitor caseload and case progress, and ensure timely completion and filing.

4. NARRATIVE/SUPPLEMENTAL. A CHP 556, Narrative/Supplemental, shall be initiated by the detective when one or more of the following circumstances occur after case filing:

- a. There is a change in the case status, disposition, or priority.
- b. The original crime or incident is reclassified.
- c. The responsibility for investigation of the case is transferred to another Division.
- d. Corrections are made to the original report(s).
- e. There is additional property loss, deletion, or property recovery.
- f. Information is developed subsequent to the original report which must be documented in order to obtain a filing.
- g. Additional witnesses have been identified.
- h. Significant information is learned, or a follow-up investigation is conducted, which merits documentation. These circumstances would include:

- (1) Information which tends to identify or eliminate a known suspect.
- (2) Information relative to how the crime occurred.
- (3) Investigative efforts which produce positive or negative information toward solving the crime.
- (4) When required by an investigative supervisor.

5. CASE DISPOSITION PROCEDURES.

a. Case Status Report. When an investigation is not forwarded to the city/district attorney for prosecution, a notation shall be included on the investigative case folder. A supervisor shall review the investigation prior to case closure and sign the CHP 136Y, Case Status Report. The retention of the investigative case folder and all contents shall be consistent with departmental policy and current statutes of limitations. Current statutes of limitations for criminal actions include, but are not limited to:

- (1) Offenses punishable by death, life imprisonment, life imprisonment without the possibility of parole, or the embezzlement of public money may be commenced at any time.
- (2) Offenses punishable by imprisonment in state prison for eight years or more shall be commenced within six years.
- (3) Offenses punishable by imprisonment in state prison shall be commenced within three years after commission of the offense.
- (4) Prosecution for an offense not punishable by death or imprisonment in the state prison and other enumerated misdemeanor violations shall be commenced within one year after the commission of the offense.

b. Updating Case Status. During the investigation, the disposition of the case may change. When the disposition of a case changes, the Division investigative supervisor or Area investigative personnel supervisor shall update AIS.

c. Case Disposition Definitions. Case dispositions are listed below in order of hierarchy. When more than one disposition is applicable, use the higher disposition.

- (1) Disposition—Unfounded. To be used when information is developed that shows no reportable crime/incident occurred.

(2) Disposition—Turned Over. To be used when the Department responded to a crime/incident that was turned over to another agency, or when a crime/incident was initially handled by the Department, but was later turned over to another agency to complete.

(3) Disposition—Investigation/Follow-up Clearance. To be used as a supplemental disposition when a crime/incident was cleared as the result of follow-up investigation or review as documented in a supplemental report. Includes cases where no further investigation or follow-up is anticipated due to lack of available or further information.

(4) Disposition—Arrested/Cited. To be used when responding to a crime/incident where a suspect is identified, and:

(a) A person is arrested or cited for the commission of an offense.

(b) The perpetrator is not a juvenile, and

1 A warrant is issued for the person's arrest.

2 Is cited into court (non-custody cases).

3 The matter is deemed an infraction and a court hearing is scheduled.

(c) The perpetrator is a juvenile, and:

1 Is arrested and booked at a juvenile facility.

2 A juvenile petition is requested.

3 Is referred to another agency.

(5) Disposition—Closed. To be used when a case has been deemed closed due to prosecution by the city/district attorney. Includes cases where the city/district attorney has decided not to prosecute or retry a case due to a mistrial, or when a jury was unable to reach a verdict due to a complete division in opinion (deadlocked).

(6) Disposition—Rejected. To be used when a city/district attorney rejects a case submitted for prosecution.

(7) Disposition—Unresolved or Cold Case. To be used when a crime/incident has not been resolved, all current leads have been exhausted, and the investigation is completed to the extent possible. In cases of crimes of

extreme violence where there is no statute of limitations, or when deemed appropriate for other law enforcement reasons, unresolved investigations shall be considered cold cases. Cold cases shall be evaluated annually by a supervisor or designee with consideration of factors such as fresh leads, new evidence, statute of limitations, or improved technologies that may help in solving the case. The supervisor may reassign the case for follow up or for cold case investigation which would include reopening the case, if appropriate. All actions pertaining to cold case evaluation and follow up shall be recorded on the case file.