
Investigation and Prosecution

600.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, officers shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing criminal charges.

600.2 INITIAL INVESTIGATIONS

An officer responsible for an initial investigation shall complete no less than the following:

- Make a preliminary determination if a crime has been committed by completing, at a minimum, the following:
 - An initial statement from any witnesses or complainants.
 - A cursory examination for possible evidence.

If information indicates a crime has occurred, the officer shall:

- Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
- Determine if additional investigative resources (e.g., investigators or scene processing) assistance is necessary and request assistance as required.
- If assistance is warranted, or if the incident is not routine, notify a supervisor or Patrol Lieutenant.
- Interview all available victims, informants, complainants, witnesses and suspects.
- Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
- Collect any evidence.
- Take any appropriate law enforcement action.
- Complete and submit the appropriate reports and documentation.

If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available and advise the informant or complainant of this information.

An employee who is not an officer assigned to any preliminary investigation is responsible for all investigative steps except making any attempt to locate, contact or interview a suspect or take any enforcement action. Should an initial investigation indicate those steps are required, the assistance of an officer shall be requested.

600.3 RECORDING OF CUSTODIAL INTERROGATIONS

Any custodial interrogation of a person who is suspected of having committed any violent felony offense should be electronically recorded (audio/video or both as available) in its entirety, as otherwise allowed by law. Regardless of where the interrogation occurs, every

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reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Officers should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the County Attorney and the Operations supervisor. Copies of recorded interrogations or interviews may be made in the same or different format, provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Officers should continue to prepare written summaries of custodial questioning and investigative interviews and continue to obtain written statements from suspects when applicable.

600.4 PERSONS WITH COMMUNICATIONS DISABILITIES

Upon the arrest of a person with a communications disability and before interrogation or the taking of his/her statement, the officer, shall make a qualified interpreter available to assist with communications (ARS § 12-242(C)).

600.5 FOLLOW-UP INVESTIGATIONS

Follow-up investigations on all cases are evaluated and assigned by a Criminal Investigation Section supervisor based upon caseload, case assignment and an evaluation of case solvability factors.

600.5.1 CASE SOLVABILITY FACTORS

Case solvability factors include, but are not limited to, the following:

- Reliability of witnesses.
- Suspect is named.
- Suspect is described.
- Suspect's location is known.
- Suspect is identified.
- Suspect has been previously seen.
- Suspect vehicle is described.
- Suspect vehicle is identified.
- Property is traceable.
- *Modus operandi* is significant.
- There is usable physical evidence.
- There was limited opportunity for anyone other than the suspect to commit the crime.
- The case may be solved with reasonable additional investigative effort.
- Other factors that are applicable only in exceptional circumstances:
 - The case is of significant importance to the community.
 - There is potential imminent danger to victims or witnesses.
 - The seriousness of offense.

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- There is a characteristic pattern, frequency or *modus operandi* related to the case.
- Management decisions to pursue a case regardless of solvability factors.

600.5.2 COLD CASE REGISTER

The Department shall maintain a confidential cold case register for offenses including homicides and felony sexual offenses that have remained unsolved for more than one year. As reasonably practicable, cold cases shall be revisited periodically for new information.

Maintenance of the cold case register and proper notification of the victim, victim's family or appropriate representative shall be in accordance with Arizona law (ARS § 13-4271).

600.6 MODIFICATION OF CHARGES FILED

Employees are not authorized to recommend to the County Attorney, City Attorney or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the County Attorney's Office or City Attorney's Office only as authorized by a Deputy Police Chief of Operations or the Chief of Police or a designee.

This policy does not prohibit the primary charging officer of a case from discussing the overall merits of a case with the prosecuting attorney in which a reduction or dismissal of charges may be appropriate.

600.7 TRAINING

Officers shall receive training in preliminary investigations prior to assignment to any investigative duties. Officers assigned to any follow-up or advanced investigations, or upon assignment to investigations, shall have completed training in follow-up investigations.

600.8 POTENTIALLY EXCULPATORY EVIDENCE OR FACTS

Officers must include in their reports adequate reference to all material evidence and facts which are reasonably believed to be exculpatory to any individual in the case. If an officer learns of potentially exculpatory information any time after submission of the case, the officer must notify the prosecutor as soon as practical.

Evidence or facts are considered material if there is a reasonable probability that they may impact the result of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. An officer who is uncertain whether evidence or facts are material should address the issue with a supervisor.

Supervisors uncertain about the materiality of evidence or facts should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file.