

SAN DIEGO POLICE DEPARTMENT PROCEDURE

DATE: APRIL 19, 2017

NUMBER: 6.06 – PATROL

SUBJECT: CRIME SCENE PROTECTION AND PRELIMINARY INVESTIGATION REPORTING

RELATED POLICY: 6.06

ORIGINATING DIVISION: OPERATIONAL SUPPORT

NEW PROCEDURE:

PROCEDURAL CHANGE:

SUPERSEDES: DP 6.06 – APRIL 12, 2013

I. PURPOSE

This Department procedure establishes guidelines for the responsibilities and procedures associated with field investigations.

II. SCOPE

This procedure applies to all members of the Department.

III. PROCEDURES

Successful disposition of criminal cases will often depend upon the thoroughness of the preliminary investigation, the quality of the information recorded, and the discovery and proper collection of physical evidence.

A. Protecting the Crime Scene

1. The welfare of an injured victim or suspect is of primary importance.
2. Providing for complete crime scene protection is the responsibility of the first officer on the scene.

3. Officers should immediately identify and isolate all victims, witnesses, and suspects.
4. Deceased persons should never be moved before the arrival of the Medical Examiner, unless the safety of the officers is threatened. Only then is it permissible to move the body.
5. Remove all unauthorized persons from within the area to be protected, including fellow officers. Tact and judgment must be exercised to avoid alienating potential witnesses.
6. Include and protect the entire geographical or physical area involved in the crime.
7. Include and protect all known items of evidence and other items which may have potential evidentiary value.
8. Deny access to all unauthorized persons, including fellow officers.
9. Prevent any possibility of contamination or alteration of the crime scene, preserving it exactly as it was when observed by the first officer on the scene.
10. Minimize movement within the crime scene by everyone.
 - a. Do not touch or move anything without a valid reason.
 - b. Weapons should never be handled unless there is an obvious threat to the safety of the officers or the evidence is in danger of being contaminated (e.g., outside crime scene, inclement weather).
 - c. In the event it is necessary to move anything, be sure to inform investigators of your actions. The evidence should be photographed in place prior to moving it, if possible. Make appropriate notations in your written reports regarding the position the evidence was originally found in, as well as how and why it was moved.
11. Locate a telephone outside the immediate crime scene for communication. Never use the telephone within the crime scene prior to the arrival of investigative personnel.

B. Collection and Preservation of Evidence

1. In most cases, it is the responsibility of the assigned reporting officer to do the following:
 - a. Search for, collect, preserve, and properly report, any physical evidence located at the scene. This would include, but is not limited to, latent fingerprints, footprints, tool marks, or evidence that could easily be lost or destroyed.
 - b. Absence of evidence, when significant to the case, will also be recorded.
2. At complicated or serious crime scenes, or other scenes that require a high level of expertise, Field Evidence Technicians will be utilized in the collection and preservation of evidence. Field Evidence Technicians will not perform routine evidence collection for other officers.
3. In cases where a vehicle requires examination resulting from a Sex Crime, Homicide, or Officer involved Shootings (OIS), the vehicle shall be impounded according to Department Procedure 3.03 (Impounding/Releasing Vehicles with Evidentiary Holds). Officers must contact the Watch Commander's Office at (619) 531-2205 and arrange access to the Northwestern Division Vehicle Examination Facility located at 12592 El Camino Real. Officers need to advise the Watch Commander the reason for the impound and the description of the vehicle. The Watch Commander will remotely unlock an on-site lock box containing a key to the 6-car storage shed.
4. The secure vehicle impound facility shall be limited to the storage of vehicles impounded for evidentiary reasons associated with Sex Crimes, Officer involved Shootings, and Homicide cases only. Prior authorization shall always be obtained from the Watch Commander's Office.

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C. Witness Checks

A complete witness check of the immediate area where the crime occurred will be made by, or at the direction of, the reporting officer(s).

1. Witness checks will be conducted in conjunction with the preliminary investigation unless circumstances prevent a search for witnesses.
2. If a witness check is not possible in conjunction with the preliminary investigation, the reporting officer should consider returning later in the shift or the next day to complete the witness check. If returning within a reasonable time frame is not possible, the investigating officer should

request that a member of another watch or investigative unit complete the check when warranted.

3. Names, addresses, and telephone numbers of persons interviewed during a witness check will be documented on the appropriate ARJIS form. If an address is checked and no one is home, this information will also be documented so investigators will know which homes should be checked during the follow-up investigation.
4. All witnesses and witness statements shall be recorded in the narrative of the preliminary police report. This includes, but is not limited to, statements made by police supervisors, Field Training Officers, Reserves, Police Explorers, ride-alongs, and citizens.
5. The reporting officer is responsible for ensuring that all witness statements are documented, including those that are hostile, false, inflammatory, and/or contradictory.
6. Witness information derived from external sources such as flyers, bulletins, and wanted posters shall be detailed in the arrest and crime case reports. When possible, copies should be attached to the reports.

D. Description of Reported Property Losses

1. A clear and complete description of any property loss is to be itemized on the crime report form or an Additional Property Loss form (ARJIS-4).
2. Serial numbers, model numbers, brand names, and any other identifying marks are to be listed.
3. Obtain complete descriptions and loss totals at the time the initial report is taken. This expedites the timely entry of stolen property item(s) into the computer system and minimizes handling of the case report by other personnel.
4. If these measures cannot be completed, a brief explanation (on an interoffice memo) is to be attached on top of the case report package.

NOTE: In all "crimes against persons" cases where no property loss was suffered, leave property section blank.

5. In all vandalism crimes, the loss should be reported in the narrative, NOT in the property loss section of an ARJIS-2 or ARJIS-4. Vandalism damage and dollar loss estimate must be fully described, itemized, and totaled within the investigation. The name of the person who can verify and testify as to the fair market value of the damage must be specifically listed in the report.

E. Additional Property Loss

1. When the victim is unable to determine the entire extent of the loss, an ARJIS-4 form is to be left in his/her possession.
2. A Property Loss letter to accompany the ARJIS-4 form will also be left with the victim. The Property Loss letter is located on the LAN system in the "F" drive at F:\Templates\Investigative Reports\Additional Missing Property (PD 920RE). Officers should encourage victims to hand carry the completed ARJIS-4 to the area commands, when possible. Otherwise, they should be advised to complete and mail the ARJIS-4 as soon as possible.
3. Officers are to fill in the appropriate blanks on the letter, check off the proper mailing address on the bottom, and explain the importance of accuracy and legibility in filling out the ARJIS-4 form.

F. Investigations Unit Notification and Detective Call-out

1. If the crime is of such a magnitude that an immediate investigation by off-duty detectives is warranted, the Watch Commander is to be contacted and given the facts of the case. If justified, the Watch Commander will initiate the detective call-back of Centralized Investigations personnel. Call-backs of area station investigative personnel shall be initiated through the area station's chain of command.
2. Officers conducting the initial investigation are to call the appropriate investigative unit, as outlined in Department Procedure 3.01, Organization and Responsibilities of Centralized, Area, and Traffic Investigations, from the scene during hours those offices are normally staffed, if any of the following conditions exist:
 - a. A felony crime against a commercial establishment;
 - b. Any felony with an extensive property loss;
 - c. Felony crimes against persons involving serious injury, officer injury or an extensive crime scene;
 - d. Any felony crime for which the suspect is taken into custody and the victim or a "key witness" is not a local resident or may be leaving town before the next court day; and,
 - e. Felony traffic cases.

G. Instruction to Victims

1. Crimes against person's cases – The victim will be given the telephone number of the appropriate investigative unit and told to call that unit the morning of the next business day. This advisement and documenting it in the report, is especially important in felony cases and cases that involve homeless persons as victims or witnesses.

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- a. Crime victims can request their names to be withheld from public disclosure per Government Code section 6254(f)(2), which states in part:

The name of a victim of any crime defined by Section 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may be withheld at the victim's request, or at the request of the victim's parent or guardian if the victim is a minor.

2. Crimes against property cases – The victim will not be told to call an investigative unit. If a follow-up investigation is necessary, the detective will contact the victim.
3. Marsy's Law Compliance - In January 2009, the Victim's Bill of Rights Act of 2008 (Marsy's Law) was enacted. Penal Code section 679.026 (c)(1) mandates that all crime victims be provided with an informational card advising them of various rights to which they are entitled. To comply with Marsy's Law, officers will provide a "Victim's Bill of Rights Marsy's Law Card (PD-245)" to all crime victims at the time of initial contact. In the event the officer conducting the initial investigation was not able to provide the card to the victim, the assigned investigator shall provide the card to the victim.

H. Burglary Cases

Burglary reports will be made in all cases where the elements are present, particularly when obvious force was used (e.g., windows broken, padlocks forced or cut, doors pried, etc.) to gain entry into residences, garages, motel/hotel rooms, or locked vehicles and theft, or other specified, crimes are committed.

I. Doubtful Crime Cases

1. When reasonable doubt exists as to the presence of a necessary crime element, the incident should be discussed with a supervisor prior to

obtaining a case number. If the doubt is not resolved, an "Incident Only Report" should be completed.

2. Periodically, officers are dispatched to investigate incidents that lack all the necessary crime elements or seem questionable to the reporting officer. In those instances, officers shall:
 - a. Complete an ARJIS-2 with the available facts and information.
 - b. Under the section labeled "Code Section and Description," officers will enter ZZ981153 to designate the report as an "Incident Only Report" rather than a crime report.
 - c. Obtain a case number via CAD. If a victim's name is not available, enter "Miscellaneous Report." If other information required for case number assignment is missing, contact Records Division for instructions.
 - d. Attach an interoffice memo to the copies of the report noting "Incident Only Report" and the reason(s) it is a doubtful crime case, and forward the package to the appropriate investigative unit. Forward the original to Records Division as you would for a crime case.
 - e. If after evaluating the report and/or obtaining additional information, the investigator feels that a crime report is warranted, he/she must send a memorandum to Records Division listing the case number and indicating the crime code that should be used to modify the report. This information will be updated in ARJIS.

J. Completion of Reports Prior to End of Shift

Patrol officers are responsible for the completion of their assigned reports and for obtaining approval of their completed reports. Unless an officer has approval from a supervisor, **all reports and preliminary investigations must be completed prior to securing from duty at the end of the officer's shift.**

VI. LAW ENFORCEMENT VICTIMS OF CRIME

When a member of the criminal justice system (peace officer, law enforcement officer, officer of the court, correctional officer or custodial officer) is the victim of a crime, the following procedures should be followed, in addition to those listed above.

- A. The victim officer shall not complete his/her own crime report. The crime shall be investigated and reported by a member of the agency having jurisdiction over the investigation or crime.

- B. Victim officers shall not provide personal identifying information that could later become public record, such as their residential address, telephone number or Social Security number. Instead, they shall use the address and telephone number of their assigned duty station for contact purposes. Victim officers should also provide their Department identification number in place of a government-issued identification number. The exception to this would be officers who are involved in traffic collisions; in this case, the officer shall provide his/her California Driver's License to the investigating officer.