

YORK-POQUOSON SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Criminal Investigations	NUMBER: GO 2-14
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1 **INDEX WORDS**

- 2
- 3 Case screening
- 4 Commonwealth's attorney; relationship with
- 5 Disposition of cases
- 6 Evidence collection
- 7 File management
- 8 Identifying suspects
- 9 Information; sources of
- 10 Interviews/interrogations
- 11 Investigation; follow-up
- 12 Investigation; preliminary
- 13 On-call schedule, investigator
- 14 Report Writing/Frequency

15

16 **POLICY**

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18 The primary purpose of an investigation is to collect facts leading to the identification, arrest, and conviction of an offender and to organize and present the facts for a successful prosecution.

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20 The single most important criterion that determines a successful investigation is correctly obtaining and handling information supplied by a victim(s) or witness(es) after the crime. The Sheriff expects deputies to treat the conducting of investigations as a skill developed through training and experience; a skill that demands intelligence, logic, and discipline.

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25 **PURPOSE**

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27 To establish guidelines necessary to ensure the efficient and effective process of conducting preliminary and follow-up criminal investigations, and to establish criteria for screening, assigning, and coordinating criminal investigations.

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31 **PROCEDURES - PRELIMINARY INVESTIGATIONS**

- 32
- 33 • The preliminary investigation begins when the first deputy arrives at the scene of a crime (or a citizen requests help) and continues the investigation until it reaches either a logical conclusion or until an investigator is assigned.
 - 34 • Deputies who first arrive at a possible crime scene must take care not to enter hastily. The crime scene may pose any or all of the following threats to deputies: an armed suspect may still be at the scene; toxic chemicals or infectious materials may be present;

39 or evidence may be destroyed if the deputy improperly enters. When practicable,
40 deputies shall first note the total environment of the scene including, but not limited to,
41 whether doors and windows are open or closed, whether lights are on or off, the presence
42 of odors, and the condition and circumstances of the victim.

43

44 • Upon arrival on-scene, the deputy shall proceed with the preliminary investigation which
45 consists of, but is not limited to, the following activities:

46 ○ If applicable, conduct a limited protective sweep of the premises for officer safety.

47 ○ Provide aid to the injured within the deputy's scope of training.

48 ○ Define the boundaries of the crime scene, and maintain and protect the crime scene to
49 ensure that evidence is not lost or contaminated.

50 ○ Erect barricade tape, rope, or cordon off the immediate crime scene.

51 ○ Document pertinent conditions, events, and remarks, such as, any alterations to the
52 crime scene from providing emergency assistance, the immediate necessity to handle
53 evidence, or the actions of witnesses, victims, or suspects at the scene.

54 ○ Determine if an offense has actually been committed and if so, the exact nature of the
55 offense.

56 ○ Determine the identity of the suspect or suspects and make an arrest if it can be
57 accomplished either at the scene, through immediate pursuit, or by obtaining a
58 warrant.

59 ○ Furnish other deputies with description(s), method and direction of flight of suspects,
60 and other relevant information concerning wanted suspects or vehicles.

61 ○ Locate and identify all victims and witnesses.

62 ○ Collect evidence. Unless exigent circumstances exist or a supervisor so orders,
63 deputies conducting a preliminary investigation shall not collect evidence at crime
64 scenes when an investigator has been called to respond.

65 ○ For cases involving serious felonies such as murder, rape, robbery, abduction or any
66 scene where an investigator is called to respond, initiate a crime scene log
67 documenting the names of personnel who are currently in the crime scene or who
68 enter or leave the crime scene as well as the entry and exit times. All personnel
69 entering or leaving the scene, regardless of rank or position, shall be documented in
70 the log. This log shall be made an official part of the incident report.

71 ○ Interview the complainant, victim(s), witnesses, and any suspects.

72 ○ Obtain written statements from the victim, witnesses, and suspects when possible.

73 ○ Arranging for follow-up surveillance of the crime scene, if appropriate.

74 ○ Accurately and completely record all pertinent information on the prescribed report
75 forms.

76

77 • Follow-up

78 ○ Patrol deputies shall conduct the initial stages of all preliminary investigations.

79 ○ In certain serious crimes as defined beginning on line 100, page 3 of 20 of this
80 general order, investigators shall assume responsibility for completion of the
81 investigation and crime scene processing.

82

83 • Supervisory responsibilities

- 84 ○ The on-duty supervisor shall ensure that an adequate and complete preliminary
85 investigation has been made and shall review, screen, and approve the deputy's
86 preliminary report. Screening shall include a review of facts to ensure that all
87 essential information is included, along with report legibility, clarity, and
88 completeness. Supervisors shall review, approve, and sign crime reports.
89
- 90 ○ Supervisors shall limit access to crime scenes to those persons immediately and
91 directly connected with the investigation. This rule applies to other deputies of the
92 Sheriff's Office, other agencies, and members of the community, regardless of rank
93 or position.
- 94 ○ The on-duty supervisor shall authorize the call-out of an investigator, if appropriate.
- 95 ○ The supervisor may assign deputies to canvass the area for possible witnesses or
96 suspects.
97

98 **PROCEDURES: FOLLOW-UP INVESTIGATIONS**

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- 100 ● An investigator shall follow up homicides, rapes, robberies, major disasters, hostage
101 situations, arsons/ bombings, sex crimes, child abuse/neglect, felonious assaults, and
102 kidnappings. Burglaries and larcenies shall be reported for investigative assistance at the
103 discretion of the on-duty supervisor. In all cases where investigative assistance is
104 needed, supervisors shall contact the Investigations Supervisor or after hours, on
105 holidays, and on weekends, the on-call investigator as soon as practicable.
- 106 ○ Occasionally, additional investigation will be required at the end of the tour of duty of
107 the assigned deputy. In these cases, the on-duty supervisor shall determine whether
108 the investigation should be discontinued until the assigned deputy's next tour of duty,
109 or assigned to the next available deputy.
- 110 ○ Except where the investigation might be jeopardized by its temporary discontinuance,
111 or in the case of a major crime where an investigator has been called to the scene, the
112 deputy taking the initial report shall be responsible for the immediate follow up
113 investigation, unless the case is subsequently assigned to an investigator.
- 114 ○ Each deputy who works on the case will prepare a supplemental report. Investigators
115 shall maintain a file to include supplemental reports for major crime investigations or
116 cases assigned to the investigator for follow up.
- 117 ○ A follow-up investigation consists of, but is not limited to, the following activities:
118 ▪ **For a non-criminal case**
 - 119 ❖ Interviewing complainants and witnesses.
 - 120 ❖ Locating missing persons.
 - 121 ❖ Determining if information or suspicious activity relates to criminal activity.
 - 122 ❖ Distributing information to the proper persons or agencies.
 - 123 ❖ Locating lost property and returning same to the owner.
 - 124 ❖ Investigating deaths, overdoses, suicides, and injuries to determine if a crime
125 was committed.
 - 126 ❖ Making necessary notifications or conducting necessary inspections.
 - 127 ❖ Recording information.
- 128 ▪ **For a criminal case**
129

- 130 ❖ Reviewing and analyzing reports of preliminary investigations.
- 131 ❖ Recording information.
- 132 ❖ Reviewing agency records for investigative leads.
- 133 ❖ Seeking additional information (from other deputies, informants, contacts in
- 134 community, and other investigators/agencies).
- 135 ❖ Interviewing victims and witnesses.
- 136 ❖ Interrogating suspects.
- 137 ❖ Arranging for the dissemination of information as appropriate.
- 138 ❖ Planning, organizing, and conducting searches.
- 139 ❖ Collecting physical evidence.
- 140 ❖ Recovering stolen property.
- 141 ❖ Arranging for the analysis and evaluation of evidence.
- 142 ❖ Reviewing results from laboratory examinations.
- 143 ❖ Identifying and apprehending suspects.
- 144 ❖ Checking the suspect's criminal history.
- 145 ❖ Determining if the suspect has committed other crimes.
- 146 ❖ Consulting with the commonwealth's attorney in preparing cases for court
- 147 presentation and assisting in the prosecution.
- 148 ❖ Testifying in court.
- 149 ❖ Arranging for polygraph examinations, if required.
- 150 ❖ This policy is not intended to discourage or prohibit deputies from conducting
- 151 follow up investigations or interviews on cases assigned to Investigators.
- 152 However, deputies conducting follow ups on cases assigned to an investigator
- 153 shall coordinate their efforts with the assigned investigator or Investigations
- 154 Division supervisor.

155 EVIDENCE COLLECTION

- 156
- 157
- 158 • Investigators shall utilize the [Physical Evidence Recovery Checklist](#), found in the Forms
- 159 folder in Power DMS for major crime scenes.
- 160 • Refer to [GO 2-15, Evidence Procedures](#) regarding Crime Scene Processing and Evidence
- 161 Collection.
- 162

163 REPORT WRITING

- 164
- 165
- 166 • Supplemental reports shall be written by all deputies and investigators who respond to the
- 167 initial incident scene or who conduct follow up activities for any reported incident.
- 168 ○ Field notes
- 169 ■ All formal reports begin with field notes. Field notes are important for the
- 170 following reasons:
- 171 ❖ To create a record of events and observations.
- 172 ❖ To aid the investigation.
- 173 ❖ To ensure accurate testimony in court.
- 174 ❖ To protect the deputy from false accusations.
- 175 ❖ Field notes shall be kept with the case file.

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- Formal reports
 - All Formal reports shall include the following information:
 - ❖ Date, time of arrival at the scene.
 - ❖ Relevant weather or situational conditions at the scene upon arrival (e.g., a fire, crowd).
 - ❖ Circumstances of how the crime was discovered and reported.
 - ❖ Identity of other deputies/officers or emergency personnel at the scene.
 - ❖ Physical evidence present at the scene and the deputy(s) responsible for its collection.
 - ❖ Current and confirmed names, addresses, telephone numbers, email address of victims or witnesses.
 - ❖ Results of interviews with the complainant, victim, or witnesses to include the identity or description of suspects.
 - ❖ Diagrams, sketches, photographs, or videotape taken at the scene, and the identity of the photographer or artist.
 - ❖ Recommendations for further investigation.
 - Supplemental/Follow-Up Reports
 - A supplemental report shall be written documenting all activity involving follow up investigations.
 - Supplemental reports shall be used to document the following:
 - ❖ Observations and activities at the incident scene.
 - ❖ Why specific actions were or were not taken.
 - ❖ Date, time and summary of victim, witness, suspect interviews.
 - ❖ Attempted contacts with victim’s witnesses, suspects or others involved to include:
 - Date and time of attempted contact.
 - Method of attempted contact.
 - If no contact was made whether a message was left (Voicemail or with another person and who that person was) or door hanger placed requesting contact.
 - Each deputy or investigator shall prepare a supplemental report documenting their specific activities.
 - Deputies and investigators may generally describe actions taken by other deputies involved in the investigation; however, each deputy or investigator shall document their specific observations and/or involvement.
 - Frequency and timeliness of supplemental reports.
 - Deputies and investigators shall complete supplemental reports as soon as possible following the activity in order to avoid forgetting actions taken.
 - The following guidelines shall be used to ensure timely supplemental reports:
 - ❖ Once a case is assigned every effort should be made to contact the victim within 5 business days. Each attempt shall be documented in the form of a supplemental report.

- 222 ❖ Prior to any scheduled time off.
- 223 ❖ No more than 48 hours following any follow up activity unless approved the
- 224 deputy's or investigator's supervisor.
- 225 ❖ At a minimum each case assigned should be updated via a supplemental report
- 226 at least weekly but no more than 10 business days unless a longer period has
- 227 been approved by the Investigations Division Commander or his designee.
- 228 ❖ Cases involving waiting for lab results or reports before any additional follow
- 229 up can be completed shall be undated every 30 days or within 48 hours upon
- 230 receipt of the lab results or reports.
- 231 ➤ In the event the Division of Forensic Science laboratory has indicated
- 232 results will not be available within 30 days, the case shall be placed in an
- 233 inactive status pending lab results and a supplement entered indicating
- 234 such if no other follow-up activity can be conducted.
- 235

236 **SOURCES OF INFORMATION AND IDENTIFICATION**

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- 238 ○ Deputies must cultivate sources of information during investigations.
- 239 ■ Informants
- 240 ❖ Information is available from many sources, e.g., concerned citizens who wish
- 241 to remain anonymous, criminals who have firsthand knowledge of illegal
- 242 activity, and relatives or friends of those involved in the crime. These sources
- 243 shall be kept in mind when conducting investigations and interviews.
- 244 Deputies are cautioned to determine the motivation of people who provide
- 245 information in order to evaluate it. For guidance on handling informants,
- 246 consult [GO 2-11, Informants](#).
- 247
- 248 ■ Interviews and interrogation
- 249 ❖ Section [19.2-390.04.](#), Code of Virginia requires that all custodial
- 250 interrogations/interviews, occurring at a place of detention, be recorded except
- 251 in the following circumstances:
- 252 ➤ The recording equipment fails;
- 253 ➤ The recording equipment is unavailable;
- 254 ➤ Exigent circumstances exist related to public safety that prevents
- 255 recording such custodial interrogations.
- 256 ✓ A place of detentions is defined by Section [19.2-390.04.](#), Code of
- 257 Virginia as:
- 258 * Police station;
- 259 * Sheriff's Office;
- 260 * Jail;
- 261 * Detention Center; or
- 262 * Other similar facility.
- 263
- 264 ❖ It shall be the policy of the York-Poquoson Sheriff's Office that deputy
- 265 sheriffs record all custodial interrogations/interviews no occurring at a
- 266 detention facility, as defined above, to be recorded using Sheriff's Office

- 267 issued body worn cameras or if unavailable an audio recording device unless
268 one of the exceptions listed above is present.
- 269 ❖ In the event one of the exceptions above is present and the custodial
270 interrogation/interview is not recorded, the deputy sheriff shall document in
271 the incident report the reason the exception was applied.
 - 272 ❖ Field interviews are a productive tool and source of information for the
273 Sheriff's Office. They shall be used only in the pursuit of legitimate
274 enforcement goals and not to harass citizens. When used properly they can
275 discourage criminal activity, identify suspects, and add intelligence
276 information to the criminal investigation files. [See GO 2-3, Field Interviews](#)
277 for additional legal guidelines.
 - 278 ❖ For interviews/interrogations conducted by Investigations Division personnel,
279 at least two Investigators/deputies shall be present in the interview room or
280 location of the interview, during the interview, unless otherwise approved by
281 an investigations division supervisor.
- 282
- 283 ■ Video/Audio Recordings of Interviews
 - 284 ❖ All interviews involving victim's, witnesses and suspects shall be video
285 recorded using either the Sheriff's Office Interview room recording equipment
286 when the interview takes place at the Sheriff's Office or through the use of
287 Body Worn Cameras or Interview Room recording equipment at the agency
288 where the interview is taking place.
 - 289 ❖ In the event video recording equipment is unavailable, the interview shall be
290 recorded using an audio recorder.
 - 291 ❖ In the event an interview is conducted that is not recorded due to equipment
292 failure/malfunction or a recording device is unavailable, the interview shall be
293 documented in detail in the form of a written supplement to the report. The
294 written documentation shall specify why the interview was not recorded.
- 295
- 296 ■ Victim/witness interviews
 - 297 ❖ Deputies must recognize the trauma/stress to which the victim or witness has
298 been subjected, and shall conduct the interview in such a manner as to reduce
299 stress or trauma.
 - 300 ❖ The age, physical limitations, and credibility of witnesses shall also be
301 considered when evaluating information that they provide.
 - 302 ❖ Interviews with multiple victims or witness shall be conducted individually in
303 order to avoid one victim or witness influencing facts and or suspect and
304 vehicle descriptions.
- 305
- 306 ■ Suspect interviews and interrogations
 - 307 ❖ Interviews and interrogations to obtain investigative leads can be very useful,
308 but all constitutional precautions must be taken and recorded if the
309 interrogation is to be used later in court.
 - 310 ❖ A recording shall be made, utilizing the Sheriff's Office interview room
311 recording equipment, body worn cameras or audio recordings if a means of
312 video recording is not available, of the interrogation for court use, giving time,

- 313 date, location, deputies present, waiver of rights, and the time the
314 interrogation ended. Statements obtained during an interrogation shall not be
315 based on coercion, promises, delays in arraignment, or deprivation of counsel.
316 [See GO 2-1, Constitutional Safeguards](#) for further legal requirements.
- 317 ❖ In accordance with Section [16.1-247.1.](#), Code of Virginia, prior to the
318 custodial interrogation of any child by a law enforcement officer:
 - 319 ➤ The child's parent, guardian or legal custodian shall be notified of the
320 arrest; and
 - 321 ➤ The child shall have contact with his parent, guardian or legal custodian.
 - 322
 - 323 ❖ The notification and contact required under this Code Section may be:
 - 324 ➤ In person;
 - 325 ➤ Electronically;
 - 326 ➤ By Telephone; or
 - 327 ➤ By Video Conference.
 - 328
 - 329 ❖ In accordance with Section [16.1-247.1.B.](#), Code of Virginia, a custodial
330 interrogation of a child may be conducted without the above listed notification
331 if:
 - 332 ➤ The parent, guardian or legal custodian is a co-defendant in the alleged
333 offense;
 - 334 ➤ The child's parent, guardian or legal custodian has been arrested for and
335 been charged with or is being investigated for a crime against the child;
 - 336 ➤ If after every reasonable effort has been made to make notification, the
337 child's parent, guardian or legal custodian cannot be located or refuses
338 contact with the child;
 - 339 ➤ If the law enforcement officer conducting the custodial interrogation
340 reasonable believes the information sought is necessary to protect life,
341 limb or property from imminent danger.
 - 342 ✓ Questions under the imminent danger exemption shall be limited to
343 those reasonably necessary to obtain such information.
 - 344
 - 345 ❖ Juvenile victims, witnesses, and suspects shall be given the same
346 constitutional protection as adults.
 - 347 ❖ The number of deputies engaged in the interrogation of a juvenile shall be
348 kept to a minimum. The interrogation shall be as short as possible.
 - 349
 - 350 ■ Apprehending suspects:
 - 351 ❖ Apprehending suspects shall follow all legal requirements as outlined in this
352 manual.
 - 353 ❖ [See GO 2-1, Constitutional Safeguards](#), [GO 2-3, Field Interviews](#), and [GO 2-](#)
354 [4, Arrests](#) for further guidelines.
 - 355
 - 356 ■ Collection, preservation, and use of physical evidence

- 357 ❖ Physical evidence is of major importance in all cases, particularly those
358 without witnesses. The successful prosecution of a case often hinges on the
359 quality of the physical evidence collected and preserved.
360 ❖ All deputies are responsible for the preservation of evidence, and for
361 maintaining and documenting the chain of custody of all evidence in their
362 charge. [See GO 2-15, Evidence Procedures](#) for further requirements.
363

364 **IDENTIFYING SUSPECTS**

- 365
- 366 • The following procedures shall be utilized in identifying suspects:
 - 367 ○ DEFINITIONS
 - 368 ▪ In Person Lineup
 - 369 ❖ A lineup is any procedure in which a victim or witness to a crime or other
370 incident is asked to identify a suspect from among a group of persons in order
371 to determine or confirm the identity of the suspect. Such procedures involve
372 either actually viewing of persons (in live line-ups or show-ups).
373
 - 374 ▪ Photo Lineup
 - 375 ❖ An identification procedure, in which an array of photographs, including a
376 photograph of the suspected perpetrator of an offense and additional
377 photographs of other persons not suspected of the offense, is displayed to an
378 eyewitness either in hard copy form or via computer for the purpose of
379 determining whether the eyewitness identifies the suspect as the perpetrator.
380
 - 381 ▪ Sequential Lineup
 - 382 ❖ A method of administration where photographs are shown to the
383 victim/witness one at a time, with an independent decision on each, before the
384 next photo is shown.
385
 - 386 ▪ Confidence Statements
 - 387 ❖ A statement in the victim/witness' own words, articulating their level of
388 confidence in the identification taken at the time the identification is made.
389
 - 390 ▪ Fillers
 - 391 ❖ Non-suspect photographs or line-up members.
392
 - 393 ▪ Show-up
 - 394 ❖ A show-up procedure is an identification procedure in which an eyewitness is
395 presented with a single suspect for the purpose of determining whether the
396 eyewitness identifies this individual as the perpetrator.
397

398 **PROCEDURES - General responsibilities**

- 399
- 400 • Department personnel shall adhere to established procedures for conducting suspect
401 lineups in order to avoid the possibility of error or of undue suggestiveness to witnesses.

- 402 • Department personnel shall be trained in lineup procedures to establish uniformity and
403 consistency of such procedures and to establish a high level of competence in carrying
404 out this important aspect of a criminal investigation.
- 405 • Department personnel shall report any known errors, flaws or non-conformance with
406 established procedures in the conduct of a suspect lineup that they may observe or
407 become aware of to their supervisor in order that corrective actions may be taken and
408 safeguards established to protect the innocent.
- 409 • The YPSO will confer with the Office of the Commonwealth's Attorney in establishing
410 lineup procedures in order to assure the best use of this type of evidence and to assure
411 that procedures established are compatible with the prosecution of criminal cases.
412 Likewise, instructions given to witnesses during a lineup procedure will be those
413 established and approved in consultation with the Commonwealth's Attorney.
414

415 **PROCEDURES – Photo and Live or In-person Line-up**

416

- 417 • Prior to a photo or live lineup, the investigating officer should record as complete a
418 description as possible of the perpetrator provided by the eyewitness and in the
419 eyewitness's own words. This statement should also include information regarding
420 conditions under which the eyewitness observed the perpetrator including location, time,
421 distance, obstructions, lighting, weather conditions and other impairments, including, but
422 not limited to alcohol, drugs, stress, the presence of a weapon and any other relevant
423 conditions. The eyewitness should also be asked if he/she needs glasses or contact lenses
424 and whether he/she was wearing them at the time of the offense.
- 425 ○ On-Scene investigation: In person Show-up Procedure
- 426 ▪ Show-ups should only be performed using a live suspect and only in exigent
427 circumstances that require the immediate display of a suspect to an eyewitness or
428 the suspect has been detained within a short time of the alleged offense and the
429 witness/victim is available to accompany a deputy to the show up.
- 430 ▪ One-on-one identifications have been held constitutional so long as the period of
431 time between the offense and the identification is brief. Less than three hours
432 would be a reasonable amount of time.
- 433 ▪ Investigators/deputies should not conduct a show-up with a single photograph; if
434 investigators want to determine if an eyewitness can make an identification using
435 a photo, a photo lineup should be employed.
- 436 ▪ The eyewitness should be transported to a neutral, non-law enforcement location
437 where the suspect is being detained for the purposes of a show-up.
- 438 ▪ Suspects shall not be transported to the victim's location or back to the scene of
439 the offense for show up identifications.
- 440 ▪ The eyewitness should be provided with the following instructions:
- 441 ❖ The offender may or may not be the person who committed the crime.
- 442 ❖ Do not feel compelled to make a identification but if you see the person who
443 did the crime, point him/her out.
- 444 ❖ The investigation will continue regardless of whether a identification is made
445 or not.
- 446 ❖ This procedure requires me to ask you to state, in your own words, how
447 certain you are of the identification you make.

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- If there are multiple eyewitnesses, only one eyewitness at a time should participate in the show-up procedure, independent of the others. If a positive identification is made, and an arrest is justified, additional eyewitnesses should be shown live or photo lineups.
 - If identification is made, the investigator should seek and document a clear statement from the eyewitness, at the time of the identification and in the eyewitness's own words, as to the eyewitness's confidence level that the person identified is the perpetrator.
 - Investigators should photograph a suspect at the time and place of the show-up to preserve a record of his or her appearance at the time of the show-up.
 - Deputies are encouraged to video record the show-up procedure. This assists agencies in demonstrating that they conducted the show-up at a neutral location and without any additional suggestion.
- Lineup Procedures (both photo and live)
- The investigator is to avoid inadvertent signs or body language that may lead or cause a witness to make an incorrect identification.
 - Assure that law enforcement and/or prosecutorial personnel present and involved in the case are knowledgeable about the procedure so that they will not interfere or influence any witness during the process. Unnecessary personnel should be removed from the location where the process is being conducted.
 - A photo or live lineup should be composed so the fillers generally resemble the eyewitness's description of the perpetrator, while ensuring that the lineup is comprised in such a manner that the suspect does not unduly stand out from the fillers. However, complete uniformity of features is not required. Avoid reusing filler photos/ live lineup members. If the eyewitness has previously viewed a photo or live lineup in connection with the identification of another person suspected of involvement in the offense, the fillers in the lineup should be different from the fillers used in prior lineups.
 - When there are multiple suspects, each identification procedure should include only one suspect.
 - Avoid mixing color and black and white photos. Photos should be either all black and white or all color.
 - Cover any portions of mug shots or other photographs that provide identifying information. Ensure that no writings or information concerning previous arrest(s) will be visible to the witness. If it is necessary to block-out or cover a notation, such as a name on one photo, then similar blocking-out or covering marks should be placed on all photos so that they will appear alike.
 - Try to use photos of the same size and basic composition, never include more than one photo of the same suspect.
 - Select fillers (non-suspects) who generally fit the witnesses' description of the offender. When there is a limited or inadequate description of the offender provided by the witness, or when the description of the offender differs significantly from the appearance of the suspect, fillers should resemble the suspect in significant features.

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- Select a photo that resembles the suspect’s description or appearance at the time of the incident, if multiple photos of the suspect are reasonably available to the investigator.
 - Ensure that the photos are reasonably contemporary.
 - Include a minimum of five fillers (non-suspects) per photo identification procedure and a minimum of four fillers per live lineup.
 - Create a consistent appearance between the suspect and fillers so that the photos depict individuals who are reasonably similar in age, height, weight and general appearance, and are of the same sex and race. However, avoid using fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
 - If there are multiple eyewitnesses, each eyewitness should view the lineup independently and separately and the suspect should be placed in a different position in the photo or live lineup for each eyewitness.
 - Review the array, once completed, to ensure that the suspect does not unduly stand out.
 - Assign each photo/person a lineup identification number. Record the identification number on the back of each photo. Refer to that photo/person only by that number. The nature of the identification number should be purposely complex to the witness, so that any inadvertent glance should not significantly hinder the identification process or alert the witness as to the identity of the actual suspect.
 - Note: one could create ID numbers like the last four of the Social Security number of the Date of Birth as an identifier. For example 2538, 2219, 4338, 2230 or 083161, 120143, 010187.
 - After each photo/person has been assigned an identification number, record the number along with all other pertinent information on the Lineup Identification Form.
 - Record the presentation order of each lineup and ensure that a complete written record of the identification proceeding is made and retained. The record should include: all identification and non-identification results obtained during the procedure and signed by the eyewitness, including the eyewitness’s confidence statement; the names of all of the persons present at the identification procedure, the date and time of the identification procedure, and the sources of all photos or persons used in the identification procedure. In addition, the photos themselves should be preserved in their original condition. For live lineups, a group photo should be taken of all persons in the lineup together to illustrate size differences among the lineup participants. This photo must not be shown to the witness, but will be included with the completed case file.
 - There is a right to have counsel present at a live line-up, where the defendant-suspect has been charged. The attorney may not offer any suggestions concerning the conduct of the line-up, but may merely observe.
 - Advise the accused that he may take any position in the live lineup that he prefers and may change positions prior to summoning a new witness.
 - Ensure that witnesses are not permitted to see nor are they shown any photographs of the accused immediately prior to the live lineup.

- 540 ▪ Ensure that no more than one witness views each live lineup at a time and that
541 they are not permitted to speak with one another during live lineup proceedings.
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543 **PROCEDURES - Conducting the Identification Procedure**
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- 545 • The identification procedure should be conducted in a manner that promotes the
546 accuracy, reliability, fairness and objectivity of the witness' identification. These steps
547 are designed to ensure the accuracy of identification or non-identification decisions.
548 ○ Assure that all law enforcement and/or prosecutorial personnel present and involved
549 in the case are knowledgeable about the procedure so that they will not interfere or
550 influence any witness during the process. Unnecessary personnel should be removed
551 from the location where the process is being conducted.
552 ○ When presenting the lineup, the person administering the lineup should use the
553 approved standard instructions for witnesses prior to the lineup that the offender
554 might or might not be among those in the photo array or live lineup, and therefore, the
555 witness should not feel compelled to make identification.
556 ○ Assure the witness prior to the lineup that regardless of whether identification is
557 made, the police will continue to investigate the incident.
558 ○ Instruct the witness that if the offender is seen in the lineup, he/she might not appear
559 exactly the same as on the date of the incident because features such as clothing, head
560 or facial hair can change. Additionally, photos do not always depict the true
561 complexion of a person, which might be lighter or darker than shown in the photo. Be
562 careful not to imply or lead the witness to believe that the suspect's appearance has
563 actually changed in any way.
564 ○ Note: For example, saying to a witness that "The suspect's appearance could be
565 different, for example if he has since gotten a tattoo", may imply to the witness that
566 the police know the suspect got a tattoo. If uncertain about identity, this could lead
567 the witness to pick out someone in the line-up with a tattoo simply for that reason.
568 ○ Provide the following additional viewing instructions to the witness:
569 ▪ The offender may or may not be in the Line-up.
570 ▪ If the offender is seen in the lineup, he/she might not appear exactly the same as
571 on the date of the incident because features such as clothing, head or facial hair
572 can change.
573 ▪ If you see the person who did the crime, point him/her out.
574 ▪ All photos will be shown, one at a time, with all photos shown, even if
575 identification is made prior to viewing all photos.
576 ▪ Confirm that the witness understands the nature of the sequential procedure.
577 ▪ Instruct the witness that the procedure – only if identification is made - requires
578 the investigator to ask the witness to state, in his/her own words, how certain
579 he/she is of any identification at the time that the identification is made.
580 ▪ Present each photo to the witness separately, in a previously determined order,
581 removing those previously shown.
582 ▪ Care should be taken to avoid the witness turning over the photo and reading the
583 identification number recorded on the back.
584 ▪ Avoid saying anything to the witness that may influence the witness' selection.

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- If identification is made, avoid reporting or confirming to the witness any information regarding the individual he or she has selected, until the entire process (including obtaining a confidence statement and obtaining required signatures and paperwork) has been completed.
 - If the witness requests to view the photo/person sequence again, (or specific photos/persons again), they may be shown a second time, but must be shown again in the same sequence in its entirety even if the witness makes an identification during this second showing.
 - Instruct the witness not to discuss the identification procedure or its results with other witnesses involved in the case and discourage contact with the media.

PROCEDURES - Recording Identification Results

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- When conducting an identification procedure, the person administering the lineup shall preserve the outcome of the procedure by documenting any identification or non-identification results obtained from the witness. A complete and accurate record of the outcome of the identification procedure is crucial. This record can be a critical document in the investigation and any subsequent court proceedings.
 - When documenting the identification procedure, the person administering the lineup should record both identification and non-identification results, including a statement of confidence, in the eyewitness's own words. [The results should not be ranked]
 - If the eyewitness makes an identification, the administrator shall seek and document a clear statement from the eyewitness, at the time of the identification and in the eyewitness's own words, as to the eyewitness's confidence level that the person identified in a given identification procedure.
 - If the eyewitness identifies a person as the perpetrator, the eyewitness shall not be provided any information concerning such person before the administrator obtains the eyewitness's confidence statement about the selection. After the eyewitness' confidence statement is obtained, the administrator shall not tell the eyewitness information about how accurate they were in their identification or provide additional information about the defendant.
 - Document in writing the photo lineup procedures, including identification information and sources of all photos used, names of all persons present at the lineup, and date and time of the identification procedure.
 - Ensure that the results are signed and dated by the witness and the person administering the lineup.
 - Ensure that no materials indicating previous identification results are visible to the witness.
 - Ensure that the witness does not write on or mark any materials that will be used in other identification procedures.

TRAINING FOR SHOW UP, IN-PERSON LINE UP, AND PHOTO LINE-UP PROCEDURES

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- The issuance and reading of this policy shall constitute initial training in eyewitness identification procedures.

- 631 • Periodic refresher training shall be conducted, at minimum, every other year to those
632 deputies involved in eyewitness identification procedures.

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634 **RELATIONSHIP WITH COMMONWEALTH'S ATTORNEY OFFICE**

- 635
636 • All personnel shall assist the commonwealth's attorney in the prosecution of cases as
637 requested.
638 • All personnel shall make appointments with the commonwealth's attorney office in
639 advance, be on time, have the subject for discussion ready, and keep conversations brief.
640 • In every contested case, misdemeanor or felony, the deputy involved shall make contact
641 with the commonwealth's attorney or his or her assistant to discuss the case before trial.
642 • During an investigation (or during planning for arrest or pretrial stages), any questions of
643 law or criminal procedure shall be addressed to the commonwealth's attorney. Questions
644 on law-enforcement procedures shall be addressed to the Investigations Division/Patrol
645 Division Commander or Chief Deputy.
646 • The commonwealth's attorney may advise the Sheriff of any cases where a decision was
647 made not to prosecute or where the case was dismissed because of mishandling or error
648 by a deputy.

649
650 **CASE FILE MANAGEMENT**

- 651
652 • All investigators and patrol deputies are responsible for maintaining the investigative
653 case files for all criminal cases assigned to them. Investigative case files will contain the
654 following documents when generated during an investigation:
655 ○ Copy of initial case report,
656 ○ All supplemental reports written under that case,
657 ○ Copies of deputy notes,
658 ○ Lab request forms,
659 ○ Property receipts,
660 ○ Scene diagrams,
661 ○ Photographs,
662 ○ Lab analysis reports, and
663 ○ Any other documents generated as a result of the investigation.
664
665 • Disposition of completed investigative case files.
666 ○ All initial and supplemental reports will be entered into and maintained in the
667 Sheriff's Office computerized report management system.
668 ○ All criminal case reports and case files with supporting investigative documents will
669 be maintained for a minimum of 5 years following the closing of the case or final
670 adjudication. Keeping in mind that the appeals process for certain criminal offenses
671 may take up to 10 years or more.
672 ○ All major criminal investigative case files, generated by patrol deputies will be
673 maintained with the Investigations Division case files once the case has been
674 adjudicated or otherwise closed.
675 ○ The Investigations Commander or his designee shall be responsible for reviewing
676 criminal investigative case files before they are filed.

- 677 ○ Patrol deputies conducting felony criminal investigations, except traffic related
678 felonies, shall maintain all generated documents as specified in this General Order, in
679 the case envelope provided. Once the case has been adjudicated or otherwise closed,
680 the envelope containing the case file shall be forwarded to the Investigations Division
681 Commander or his designee for review and filing.
- 682 ○ All criminal investigative files will be stored or maintained either electronically using
683 the Sheriff's Office Records Management System or approved secure cloud storage
684 or in a secure storage facility or other location not readily accessible to the general
685 public.
- 686 ○ Information contained in criminal investigative case files will not be released to the
687 public except in accordance with the Virginia Freedom of Information Act or as
688 otherwise directed by the Sheriff or his designee.
- 689 ○ The Investigations Commander or his designee prior to the records being destroyed
690 will review investigative case files designated for purging. All purged files will be
691 destroyed in accordance with the Virginia Library System Records Management
692 Division, Records Retention and Disposition Schedule.

693 **CASE SCREENING**

- 694
- 695 • Case screening prioritizes case assignment by considering factors that involve solvability,
696 seriousness of the crime, required investigative resources, crime frequency, etc.
 - 697 ○ Case screening will be accomplished by the Investigations Division Commander or
698 his designee for all incident reports.
 - 699 ▪ The Investigations Commander or his designee will be the case coordinator for all
700 criminal cases.
 - 701 ▪ The case coordinator will determine and assign cases for follow up either to the
702 investigations division supervisor or Patrol Division Commander for assignment
703 to a patrol deputy.
 - 704 ▪ The Patrol Division Commander will be responsible for ensuring cases assigned
705 for follow up to the patrol division are completed in a timely manner.
 - 706 ▪ The Investigations Division Commander shall review all supplemental reports and
707 determine if additional follow up is needed or needs to be re-assigned to an
708 investigator to continue follow up.
 - 709 ▪ The Investigation Division Commander shall review all completed investigations
710 and determine the appropriate clearance status for the case.
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 - 713 ○ The following incidents will normally require Investigations Division follow-up:
 - 714 ▪ Incidents requested for investigation by the chain of command;
 - 715 ▪ Incidents of death including, unlawful, self-inflicted, and accidental, or involve a
716 juvenile victim or fall under the purview of the Office of the Medical Examiner.
 - 717 ▪ Incidents of robbery;
 - 718 ▪ Incidents of rape or sexual assault, felonious or not;
 - 719 ▪ Incidents of arson;
 - 720 ▪ Incidents of burglary;
 - 721 ▪ Incidents of maiming and unlawful serious injury;
 - 722 ▪ Incidents of abduction;

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- Incidents involving criminal activity with missing children;
 - Auto thefts;
 - The following incidents may require Investigations Division follow-up:
 - Frequently repeated incidents or crimes involving the same victim;
 - Frequently repeated incidents/crimes involving the same area or community;
 - Crimes involving law enforcement officers, high profile persons, racial orientation, or high profile institutions;
 - Crimes, which may be related to existing case files;
 - Thefts of less than \$1,000 with high solvability.
 - The case coordinator shall consider the following solvability factors:
 - Witness(s) to crime.
 - Suspect named or known.
 - Available evidence.
 - Vehicle identified.
 - Traceable property.
 - Workable leads or method of operation.
 - Case coordinator shall consider the following supervisory factors:
 - Seriousness of crime.
 - Pattern or frequency.
 - High profile.
 - Technical resources available.
 - Human resources.
 - Harm to public.
 - Impact on victim.
 - Other agency interest.
 - Violence or degree of seriousness.
 - The Investigations Commander or his designee shall assign cases for investigation after considering the above factors.
 - Cases assigned for investigation will be considered for "full investigation" that is all options will be exhausted in the investigative process.
 - The case coordinator will consider the following factors, at a minimum, and may direct a "limited scope investigation" when the case is assigned.
 - Anticipated expenditure of all resources.
 - Available resources (technical and human).
 - Community impact.
 - Likelihood of resolution, by experience, research, or instinct.
 - Relationship with other agencies.
 - Media attention.
 - If a limited scope investigation is assigned, instructions shall be given to the investigator/deputy on what follow-up is expected.

- 768 ○ Determinations by the case coordinator as to who will be the responsible case deputy/
769 investigator will be made based upon:
770 ▪ Experience and expertise.
771 ▪ Anticipated effort.
772 ▪ Anticipated duration of effort.
773 ▪ Available resources.
774 ▪ Command interest and attention.
775 ▪ External interest and attention.
776 ▪ Preference of the chain of command.
777 ▪ Present caseload.
778

779 DISPOSITION OF CASES

780

- 781 • Deputies and Investigators shall maintain files of all cases assigned to them.
 - 782 ○ All case files shall be appropriately labeled with the case number, victim name, and
783 type of offense.
 - 784 ○ The file shall contain all of the elements described in this General Order.
 - 785 ○ All investigation reports will be identified with one of the following categories under
786 the Case Management system:
 - 787 ▪ **Cleared by arrest** – An arrest has been made in this case. In the case of Juvenile
788 runaways, The Sheriff’s Office is directly involved in locating or returning the
789 runaway to their parents or guardian. In the case of juvenile offenders, the
790 deputy/investigator was notified by the Juvenile Court Services unit that the case
791 will be handled through diversion/intake.
 - 792 ▪ **Exceptional Clearance** – The identity of the subject is known and sufficient
793 evidence to obtain a warrant exists. However, due to some reason outside the
794 control of the police, no arrest will be made. Examples: Complainant will not
795 prosecute; commonwealth's attorney will not prosecute; perpetrator is dead;
796 subject arrested by another jurisdiction and no charges will be placed by the
797 Sheriff’s Office. In the case of a juvenile runaway, when the Sheriff’s Office has
798 received notification that the runaway has returned home with no law
799 enforcement involvement.
 - 800 ▪ **Not a crime** – After examining all of the facts and elements of a case, and
801 determining that the incident is not a crime under Virginia Statutes.
 - 802 ▪ **Unfounded** – The offense did not actually occur, although at the time of the
803 original report, it was believed to have occurred. In the case of juvenile
804 runaways, the juvenile has returned home prior to submitting the Missing Person
805 Clearinghouse Form to the 911 Center for entry into NCIC.
 - 806 ▪ **Inactive/ Pending** – No leads are available out the outset or all leads have been
807 exhausted. No further investigation is possible or practical until new leads
808 develop.
 - 809 ▪ **Active/ Pending** – The case is open and additional leads are being investigated.
 - 810 ▪ **Active/ Pending/ Warrant Issued** – The investigation has been completed and
811 warrants have been obtained, but the subject has not been located and arrested.

- 812 ▪ **Civil** – The incident is determined to be a civil matter or in the case of mental
- 813 subject calls or natural deaths anything adjudicated would be through the civil
- 814 courts.
- 815 ▪ **Information** – The report or offense is not criminal in nature but the report was
- 816 written for informational purposes. i.e. Lost or Found property, use of department
- 817 issued weapon to dispatch a suffering animal, domestic argument with no reported
- 818 assault, suspicious incident.
- 819 ▪ **Inactive/Transferred to another agency** – Property, such as motor vehicles that
- 820 was reported stolen in another jurisdiction and was recovered in York County
- 821 with no arrest being made.

822 INVESTIGATOR ON-CALL

- 823 • The Investigations Division shall maintain an on call roster to ensure the availability of
- 824 an investigator after regular business hours, weekends and holidays.
- 825 ○ Investigator on-call roster
- 826 ▪ The Investigations Commander or his designee will prepare and maintain a
- 827 schedule to insure that an investigator will be available after regular
- 828 Investigations Division work hours, on weekends, and during holidays.
- 829 ▪ The Investigations Commander or his designee shall provide a copy of the on-call
- 830 schedule to the Patrol Commander and the Emergency Communications Center.
- 831 ○ Duties & Responsibilities of investigators while in on-call status.
- 832 ▪ Investigators in an on-call status will be in such status from 12:00 AM until 8:00
- 833 AM then 9:00 PM until 11:59 PM Monday through Friday and 12:00 AM through
- 834 11:59 PM Saturday, Sunday and holidays.
- 835 ❖ While in an on-call status, investigators will remain within the local area. The
- 836 local area, for the purposes of this policy, will be Gloucester, Hampton,
- 837 Newport News, Poquoson, Williamsburg, James City County.
- 838 ❖ Investigators shall not consume alcoholic beverages while in an on-call status.
- 839 ❖ Once called out, the on-call investigator will respond to the scene in a timely
- 840 manner. In no case shall the response time exceed 1 hour.
- 841 ❖ Investigators in an on-call status that are unable to respond in a timely matter
- 842 due to family or other emergencies or illness, shall immediately notify the
- 843 Investigations Supervisor who will determine the investigator to respond.
- 844 ○ Procedures for calling out the on-call investigator
- 845 ▪ The on-call investigator shall be called to respond to scenes involving: homicide,
- 846 unattended and sudden unexpected death of a child, child abduction, hostage
- 847 situation, bank robbery, robbery in which shots were fired, officer involved
- 848 shooting, recent child sexual assault, adult sexual assault when a physical
- 849 evidence recovery kit (PERK) is to be utilized, or scenes requiring processing by
- 850 specialized equipment or training outside of the scope of the responding deputy.
- 851 ▪ The on-duty shift supervisor shall have the authority to call out the on-call
- 852 investigator for any other felony crime at his or her discretion.
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- When a patrol deputy requests the on-call investigator to be contacted, the on-duty supervisor shall respond and evaluate the scene to determine if the on-call investigator is needed.
 - The on-duty supervisor shall notify the emergency communications center to contact the on-call investigator.
 - In the event the on-call investigator is on a previous call or is unavailable, the Investigations Supervisor or Investigations Division Commander will be contacted immediately and designate another investigator to respond if appropriate.
 - Investigators are compensated for performing on-call duties. Therefore, only the on-call investigator shall be called out unless otherwise approved by the Investigations Supervisor, Investigations Division Commander, or other higher authority.
 - All Investigations Division personnel are subject to call back/call in by the Investigations Division Supervisor or any Command Staff Member.
 - All investigators are issued Department cellular telephones or have requested and received permission to use their personal cell phones in lieu of a department issued cell phone. As such, all investigators shall carry and answer their cell phones or respond to text messages at all times on and off duty unless in court, out of the area for approved training, on scheduled annual leave, military leave, bereavement leave, sick leave or family medical leave.