

CRIMINAL INVESTIGATION

18.1 ADMINISTRATION

PHILOSOPHY: The Lakewood Police Department relies on the important partnership between the uniformed units and the Criminal Investigations Unit (CIU) to identify, arrest, and support the successful prosecution of criminals. The overall quality of an investigation can be significantly impacted by those investigative steps taken during the initial police response and inquiries normally performed by the Patrol Operations Unit. Therefore, officers are encouraged to perform thorough investigations in all circumstances. The transition of an investigation from the field units to the CIU is important to the successful conclusion of the investigation, and depends heavily on both verbal and written communications. When able, officers are encouraged to meet and discuss investigations with detectives/investigators. In addition, detectives/investigators are encouraged to contact officers to provide them with feedback regarding investigations.

18.1.1 Criminal Investigations Section: On-Call

Principle: The Patrol Operations Unit does not always have the staffing or the specialized skills to perform some large and/or complex felony investigations. For this reason it is important that the detectives/investigators are available to provide any necessary assistance to the Patrol Operations Unit.

Practice:

- A. On-Call Schedule: Commissioned personnel selected for the Criminal Investigations Unit (CIU) have agreed to assume an on-call status based on a rotational schedule as prescribed by the LPIG CBA.
- B. Notification to CIU: In order to assist patrol and add continuity to follow-up investigations, CIU should be notified when any of the below listed incidents or crimes occur, or are reasonably suspected: (In instances where a call out is not needed, an email notification is sufficient)
 - Homicide or a death requiring response from the Pierce County Medical Examiner's Office.
 - In custody deaths, serious injuries, or subjects who become unresponsive after a struggle.
 - Assault 1st Degree.
 - Sexual Assaults / Rape.
 - Robbery 1st Degree: with suspect in-custody or identified.
 - Burglary 1st Degree: with suspect in-custody or identified.
 - Arson 1st or 2nd Degree.
 - Kidnapping.
 - Possession of Narcotics for Sale/Manufacturing.
 - Any officer-involved shooting.
 - Any other situation when the patrol supervisor deems it necessary to notify CIU.
- C. CIU Call-out Practices:
 - 1. On weekends, the patrol supervisor will contact the on-call detective/investigator for assistance. The CIU on-call schedule will be provided to the Administrative Section and all Operations Unit supervisors. During the week, the patrol supervisor will contact the affected unit supervisor.
 - 2. The CIU supervisor will determine if a detective/investigator should be called to assist with the investigation.
 - 3. When determining whether a detective/investigator will be called out, consideration will be given to the complexity of the case, the seriousness and/or sensitivity of the crime, and available Patrol Operations Unit resources.

18.1.2 Criminal Investigations Section: Case Screening System

Principle: Due to the large volume of felony investigations requiring additional follow-up from CIU it is imperative that the CIU supervisors and detectives/investigators prioritize the cases. The below described practices are meant to provide guidelines to the Police Department for the prioritizing of investigations.

Practice:

- A. Automated Queue: Cases are automatically sent by SOUTHSOUND 911 Records to particular queues based on the title of the report. Each CIU supervisor maintains their queue for case review and assignment.
- B. Case Assignment: CIU supervisors will determine if a case will be assigned for additional investigation. If a case is to be assigned, the CIU supervisor will determine which detective/investigator will receive the case. This information will be entered into the SOUTHSOUND 911 Case Assignment system.
- C. Case Investigation Suspension: CIU supervisors will determine if a case will be suspended. The following factors should be considered when deciding on the suspension of an investigation:
 - Exhaustion of leads
 - Absence of information to make case sufficient for legal filing
 - Additional investigation reveals the case should be closed
 - Insufficient investigative resources

18.1.3 Criminal Investigations Unit: Case File Management

Principle: An effective case management system is important to insure that all investigations are addressed in some manner. It is also a key aspect in communication allowing Police Department personnel to track the status and/or disposition of a case and provide the information to victims that may inquire.

Practice:

- A. Case Status Control System: CIU utilizes a variety of applications from the SOUTHSOUND 911 Net Menu to provide current information on case status and assignments. When a detective/investigator completes the investigation of an assigned case, a Supplemental Report is submitted to the appropriate CIU supervisor for review and approval. The status of the case is then updated in the appropriate application.
- B. Case Status Designators: The system provides case status designators such as active, inactive, cleared by arrest and cleared exceptional.
- C. Maintenance of Investigative Case Files: Case Officers maintain a working copy of all documents related to their assigned case. All incident reports, supplemental and attachments are available electronically through the SOUTHSOUND 911 Net Menu. Case Officers will maintain the investigative case file until their investigation is concluded. All originals of additional reports, statements, etc...will be forwarded to SOUTHSOUND 911 Records as they are received. Case Officers will also provide an up to date version of their investigation in the system. Updates will be made as necessary.
 1. Occasionally case officers are assigned sensitive cases or major investigations that require the case to be restricted. Restrictions will be made as per South Sound 911 protocol.
- D. Accessibility to Files: Internal access to investigative case files is available through the system. External access to investigative files will be determined by SOUTHSOUND 911 Records based on guidelines set forth in Chapter 23 of this manual.

- E. Purging of Files: Upon conclusion of the investigation, case officers shall properly destroy the working copy or archive the working copy if appropriate.

18.1.4 Investigative Responsibility for Preliminary and Follow-up Investigations:

Principle: The below described practices have been established to help define the partnership to occur between patrol and CIU. In addition, the practices are meant to assist in establishing expectations to insure quality criminal investigations.

Practices:

- A. Preliminary Investigations: The Patrol Operations Unit will conduct most preliminary investigations and document the investigation in a report. Detectives/investigators will be called pursuant to Standard 18.1.1 in the event of a major crime.
1. The preliminary investigation will include the following minimum investigative steps:
 - Establish elements of crime and that it occurred in Lakewood.
 - Observe all conditions, events, and remarks.
 - Maintain security of the scene.
 - Interview and obtain statements from involved parties and witnesses.
 - Inspect the scene and surrounding area for evidence and collect and/or photograph when applicable.
 - Attempt to locate and identify additional witness.
 - Attempt to locate and identify possible suspect(s).
 - Arrest suspects(s) when appropriate.
- B. Follow-up Investigations: A patrol supervisor reviewing the original police report will determine if additional investigation is necessary. Assignment for additional investigation will be made according to the guidelines provided below:
1. Follow-up by Patrol: In general, misdemeanor crimes and felonies that do not meet Pierce County Prosecution Guidelines will be investigated by the field operations officer who prepared the original police report, or another patrol officer assigned to complete the investigation. If a follow-up investigation is going to require that an officer travel outside the city limits in order to conduct the investigation, the case may be forwarded to CIU for further investigation.
 - a. When follow-up is required it will be indicated in the "Activity" section of the Case Management Table and will show:
 - The officer assigned.
 - The case status.
 2. Follow-up by CIU: In general, non-traffic related felony crimes that meet the assignment criteria for CIU will be completed by a detective/investigator. Also, CIU will conduct any necessary follow-up investigation on missing persons.
 3. Follow-up by Traffic Unit: In general, traffic related felony crimes will be completed by a traffic officer.
 4. Neighborhood Police Officers (NPO) follow-up serial misdemeanor property crimes, or violent crimes where no other investigative resources are available.

C. Additional Investigative Practices:

1. Information Development: Information may be developed from an unlimited number of sources. These may include witnesses, victims, neighbors, friends, other public agencies, other law enforcement agencies and informants. All information will be gathered in compliance with the standards contained in this manual.
2. Background Investigations: Criminal investigations frequently involve background investigations of persons particularly as they relate to white-collar crime, organized crime, and vice activities. The Lakewood Police Department will conduct background investigations of persons only in correlation with an ongoing criminal investigation. All information obtained in a background investigation will be incorporated into the criminal case file and reviewed by a CIU supervisor. An exception will be background information collected for ongoing intelligence purposes that will be placed in intelligence files in accordance with Standard 18.1.6. This section does not apply to background investigations conducted during an employment selection process.
3. Surveillance: Surveillance may be used in the investigation of a crime when it is necessary to observe suspects or conditions in an unobtrusive manner. Surveillance may create additional information involving the investigated crime, gather additional intelligence information, or observe new crimes being committed. Surveillance operations will follow the guidelines established in Standard 19.1.5.
4. Deconfliction: sharing of information with other law enforcement agencies, and proper case activation procedures will enhance officer safety and efficiency of criminal investigations.

Deconfliction: A process of notifying a central location of a planned event prior to its execution, which will enhance officer safety by preventing officers from accidentally targeting another law enforcement officer or compromising another investigation. In most instances this model policy will not apply to general patrol level investigations, but will assist in ongoing, drug, and gang investigations as well as high-profile crimes.

Planned Operation: Any tactical activity or operation that requires a personal appearance at a predetermined location. These activities include, but are not limited to, the service of search and arrest warrants, narcotics purchases or sales, and sting operations.

Western States Information Network (WSIN): A centralized information system located in Sacramento, California, where law enforcement agencies report information regarding the identification of criminal suspects and conduct deconfliction for planned operations. This includes the federal High Intensity Drug Trafficking Area (HIDTA) information system.

Particular attention should be paid to the practice of deconfliction between local jurisdictions. The detective or officer shall contact/notify any local jurisdictions or agencies that may be affected. This includes but is not limited to contacting any applicable city or county agency or local, regional or multi-jurisdictional task force, such as those involved in gang or drug enforcement.

In addition to deconfliction at the local level, the assigned detective or officer shall report all planned operations to the WSIN Watch Center either by telephone, 1 or if a remote user, via the internet at least two hours prior to the planned operation. This deconfliction service is provided 24 hours a day, 7 days a week. The assigned detective or officer shall, at a minimum, provide the following information to the Watch Center if known:

1. Date and time of planned operation;
2. Nature of the operation;
3. Location of operation, including any staging areas;
4. Information about the suspect(s), including full names, aliases or street names, physical descriptors, vehicle information, telephone and pager numbers;
5. Lead and participating agency names;

The phone number for WSIN as of August, 2009 is 1-800-952-5258 or you may call the Northwest Hidta Watch Center during normal business hours at 1-888-388-3784.

6. Name and office of the assigned detective, including cellular telephone number. The detective or officer should request notification of any other planned law enforcement activities occurring within 1 mile of the planned operation. If the WSIN Watch Center detects another law enforcement activity occurring within the distance specified by the detective or officer of the planned operation, WSIN will notify both law

enforcement agencies and encourage contact with one another to de-conflict. The assigned detective or officer shall notify their direct supervisor that notification to WSIN has been made. The assigned detective or officer shall also ensure that the appropriate sector supervisor is aware of the planned operation.

This deconfliction procedure applies to departmental units that engage in planned operations including but not limited to the Investigative Unit, the Tactical Unit and the Anti-Crime Team. Agencies may want to consider adding a deconfliction check box regarding notification to local jurisdictions and WSIN to any applicable department form for Operation Plans. Any exemption or deviation from this procedure or a request from a detective or officer to maintain a higher level of confidentiality shall be considered on a case by case basis and approved only by the chief law enforcement executive or his designee.

Upon the assignment of an active felony investigation on a named suspect, detectives shall run all suspects through both the WSIN and LInX databases. In cases meeting the criteria outlined below, detectives shall enter the suspect and all associated suspects and case identifiers to the WSIN database. This notification shall take place by either entering the information directly into the WSIN database via the internet or by telephoning the WSIN Watch Center. If the detective discovers that no previous record of the suspect exists in WSIN, the detective will proceed with the new entry. If the detective discovers that a record of the suspect already exists in the WSIN database, the detective will link the new information to the existing record and WSIN. Entry into the WSIN database should be guided by, but not necessarily limited to the following types of cases:

1. Suspects are known gang members. This should also include any intelligence information pertaining to the gang members;
2. Suspects or groups engaged in on-going criminal activities involving serial property crimes such as auto theft rings, financial crime rings, burglary rings, and organized retail theft;
3. Suspects in high profile cases such as homicide investigations, robberies, and hate crimes.
4. Suspects in drug investigations such as those involving drug units, This list is not designed to be all inclusive. Detectives shall consult with their direct supervisor if there is any doubt over whether or not to make an entry.

The WSIN database has three levels of confidentiality: full release, limited release, and no release (restricted). Detectives making entries in to WSIN may select either full or limited release. Before any entry is labeled as no release or restricted, it must first be reviewed and approved by a supervisor. As noted above, any exemptions to the case activation procedure must be reviewed on an individual basis and approved by the chief law enforcement executive or his designee. The information submitted to the WSIN database remains the property of the submitting agency, which controls the input and dissemination of its information in accordance with current laws and the agency's disclosure policies. A controlling agency must grant written permission for disclosure of its information by another law enforcement agency.

Generally, authorized personnel may only enter "general intelligence" into the WSIN database in accordance with Title 28, Part 23, Code of Federal Regulations (28 CFR Part 23). There must be reasonable suspicion that an individual is involved in criminal activity or conduct and that the information is relevant to that criminal activity or conduct. No criminal intelligence information shall be maintained or collected based solely upon political, religious, or social views associations, or activities of any individual or any group or organization unless such information directly relates to criminal conduct or activity and there is reasonable suspicion that the subject of the information is or may be involved in criminal conduct or activity.

All detectives, officers and administrative staff with assignments that could require them to perform case activation or deconfliction should receive WSIN training enabling them to navigate through the computer program as well as obtain security access to the system. Detectives, officers or administrative staff who do not have WSIN training and/or security access to the WSIN system will partner with a detective/officer who does have training and access to comply with the case activation requirements of this procedure.

18.1.5 Habitual / Serious Offenders

Principle: The Lakewood Police Department seeks to identify habitual and serious offenders. The proper identification of such offenders facilitates several tasks. First it enables officers to make better decisions regarding the custody status for

persons arrested. Plus, it assists detectives/investigators in prioritizing a case. Therefore whenever a person is taken into physical custody, a criminal history computer check will be performed and reviewed by the officer. The case officer may work closely with the assigned prosecutor in cases of habitual offenders to ensure an appropriate disposition in the case.

Registered Sex Offenders (RSO): Washington State has several laws concerning registered sex offenders. The burden of administering the laws falls primarily on local agencies at the county and municipal level. The Lakewood Police Department monitors RSO's in the following manner.

- A. Address Verification: A RSO is required to register their address with the law enforcement agency for the County in which he/she resides. Currently the Pierce County Sheriff's Department attempts to verify the RSO's address via certified mail on a yearly basis. However, if Pierce County is unable to verify an address by this method, the County will notify LPD and detectives/investigators will then make reasonable attempts to verify the RSO's address. Reference RCW 9A.44.130 and RCW 9A.44.135.
 - 1. Sexually Violent Predators: These RSO's have been deemed a higher risk to society and require address verification every 90 days.
 - 2. Homeless RSO's: The Pierce County Sheriff's Department is responsible for any RSO deemed to be homeless.
- B. Community Notification: RCW 4.24.550 authorizes the release of information to the public regarding sex offenders and kidnapping offenders when a public agency determines that disclosure of the information is relevant and necessary to protect the public and counteract the danger created by the particular offender. The law provides guidelines for the release of information. Only CIU personnel may release this information and the CIU Lieutenant must first approve all information released to the general public.

18.1.6 Criminal Intelligence Procedures

Principle: Information gathering is a fundamental and essential element in the all-encompassing duties of any law enforcement agency. When acquired, information is used to prevent crime, pursue and apprehend offenders and obtain evidence necessary for conviction. It is the policy of this agency to gather information directed toward specific individuals or organizations reasonably suspected of criminal activity, to gather it with due respect for the rights of those involved, and to disseminate it only to authorized individuals as defined. While criminal intelligence may be assigned to specific personnel within the agency, all members of this agency are responsible for reporting information that may help identify criminal conspirators and perpetrators. In order to ensure the legality and integrity of intelligence gathering, the practices described below shall be followed:

Practices:

- A. The intelligence function is often confronted with the need to balance information-gathering requirements for law enforcement with the rights of individuals. To ensure that information collected is limited to criminal conduct and relates to activities that present a threat to the community, members of this agency shall adhere to the following:
 - 1. Information gathering for intelligence purposes shall be premised on circumstances that provide reasonable indication that a crime has been committed or is being planned.
 - 2. Investigative techniques employed shall be lawful and only so intrusive as to gather sufficient information to prevent the criminal act and/or to identify and prosecute violators.
 - 3. The intelligence function shall make every effort to ensure that information gathered is relevant to a current or on-going investigation and the product of dependable and trustworthy sources of information. A record shall be kept of the source of all information received and maintained by the intelligence function.
 - 4. Information gathered and maintained by this agency for intelligence purposes may be disseminated only to appropriate persons for legitimate law enforcement purposes in accordance with law and procedures established by this agency. A record shall be kept regarding the dissemination of all such information to persons within this or another law enforcement agency.

Gang Affiliate Criteria: A person will be designated as an affiliate of a criminal gang only when there is clear and convincing evidence that the person has been a criminal gang affiliate in the previous three years, and while a criminal gang affiliate, either one or more of the indicators on list A below were present, or two of the indicators of list B were present.

List A:

- The person admits or asserts affiliation with a criminal gang to the police.
 - The person participates in a criminal gang initiation ritual or ceremony.
 - The person conspires to commit, or commits a crime:
1. Which is part of a pattern of street crimes facilitated by the efforts of other gang affiliates, which advance the interests of the person, or
 2. To attract the attention of the criminal gang or enhance the standing of the person with the criminal gang, or
 3. For the benefit of the gang, or
 4. To announce the existence of the gang, its membership, or its territorial claims, or
 5. In response to the race, color, religion, sexual preference national origin, or gang association of the victim.

List B:

- The person announces to the police that the person is willing to commit assaults, crimes, or make other sacrifices for the gang.
 - The person wears clothes or other jewelry unique to a gang in a context that clearly indicates affiliation with a gang, i.e.: specific colors, numbers and/or initials on clothing, gang graffiti or moniker written on clothing.
 - The person uses a hand sign or language which, due to content or context, clearly indicates affiliation with the gang.
 - The person's name appears on a criminal street gang document.
 - The person is in a photograph with other people who collectively display criminal gang signs or apparel to exhibit solidarity.
 - The person possesses a gang tattoo.
 - The person associates with other gang members.
- B. File System: Information regarding possible organized crime activity will be reviewed and investigated by CIU based on Title 28 Part 23 of the Code of Federal Regulations. The information will be reviewed for relevancy, reliability and validity. Based on the preliminary investigation conducted, the information will be classified as sensitive, confidential, restricted, or unclassified.
1. Classification: Intelligence files will be classified in order to protect sources, investigations, and individuals' rights to privacy, as well as to provide a structure that will enable this agency to control access to intelligence. These classifications shall be reevaluated whenever new information is added to an existing intelligence file.
 - a. Sensitive: "Sensitive" intelligence files will not be released.
 - b. Confidential: "Confidential" intelligence files include those that contain information that could adversely affect an ongoing investigation, create safety hazards for officers, informants or others and/or compromise their identities. Confidential intelligence may only be released by approval of the intelligence officer or the agency chief executive to authorized law enforcement agencies with a need and right to know.
 - c. Restricted: "Restricted" intelligence is less sensitive than confidential intelligence. It may be released to agency personnel when a need and a right to know have been established by the intelligence officer or his designee.

- d. Unclassified: "Unclassified" intelligence contains information from the news media, public records, and other sources of a topical nature. Access is limited to officers conducting authorized investigations that necessitate this information.
2. Dissemination of Information: An audit trail or dissemination record is required when information is disseminated from our files. No "Original Document" which has been obtained from an outside agency is to be released to a third agency. Should such a request be received, the requesting agency will be referred to the submitting agency for further assistance. When information is released the record shall contain the following information:
 - a. The date of dissemination of the information
 - b. The name of the individual requesting the information
 - c. The name of the agency requesting the information
 - d. The reason for the release of the information (need-to-know/right-to-know)
 - e. The information provided to the requestor
- C. Auditing and Purging Information: The Intelligence Officer will ensure that periodic audits and inspections of files are completed, and that all files are in compliance with the operating principles set forth in 28 CFR Section 23.20 and the State Records Retention Schedule. Reviewing and purging information should be done on an ongoing basis. The maximum retention period is five years unless the information has been updated and/or revalidated. If it has not it must be purged at the end of the retention period. A record of purged files shall be maintained by the intelligence authority. Information that meets any of the below listed criteria will be removed and destroyed. Destruction will be accomplished by shredding consistent with statutes relating to the destruction of public records.
 - No longer useful and/or relevant.
 - Invalid and/or inaccurate.
 - Outdated.
 - Unverifiable.

18.2 OPERATIONS

PHILOSOPHY: Criminal investigations must be conducted within the standards that have been determined by the law, the courts, and the community. The following principles and practices are meant to assist Police Department personnel in meeting those standards.

18.2.1 Criminal Investigations – Follow-Up Investigative Steps

Principle: When additional follow-up is required on an investigation the following steps should be conducted as necessary:

- Review and analyze all related reports and associated department records, and results from laboratory examinations.
- Conduct additional interviews and interrogations.
- Conduct victim/witness profiles.
- Gather additional information from available sources.
- Plan, organize, and conduct necessary searches for evidence to be collected.
- Submit evidence for further examination and review reports of results.
- Disseminate information to appropriate agencies and persons.
- Identify and apprehend suspects
- Determine if suspects are involved in other crimes.

- Check criminal histories and prepare the case for presentation to the Prosecutor's Office.
- Assist in the prosecution of persons charged with criminal offenses.

18.2.2 Criminal Investigations – Turnout Attendance

Principle: In order to facilitate the maintenance of an effective exchange of information and continue to enhance the relationship with the Operations Division, Detectives and Investigators will periodically attend and present material at patrol briefings.

18.2.3 Criminal Investigations – Investigative Task Force

Principle: Criminals are often active in several jurisdictions. The effective investigation of a serious crime pattern often necessitates more immediate and comprehensive communications between various jurisdictions than available through routine means. Therefore an Investigative Task Force may be created. An Investigative Task Force may consist of personnel from the various organizational components of the Lakewood Police Department, or it may involve personnel from various local, county, state or federal law enforcement agencies. Whenever the Police Department organizes an Investigative Task Force the Chief of Police must approve its formation.

Practices:

- A. Purpose: The Investigative Task Force may undertake major investigative projects that are localized or have multi-jurisdictional characteristics. Investigative Task Forces may be formed in response to the following types of occurrences:
 1. Criminal activity or police situations that are chronic in nature and a focal point of community concern.
 2. Chronic multi-jurisdictional criminal activity
 3. A serious criminal event requiring additional staffing or expertise to resolve.
 4. A serious criminal event that appears to be one of a series involving a multi-jurisdictional pattern of transpired events in several jurisdictions.
 5. At the direction of the Chief of Police.

18.2.4 Criminal Investigations – Technical Aids for Detection of Deception

Principle: Often the use of a polygraph exam or a voice stress analyzer can assist in bringing successful conclusions to investigations. Guidelines have been developed to assist in the determination of when to use a polygraph exam or voice stress analysis. Only certified operators may perform polygraph or voice stress analysis exams.

- A. Voluntary: These tools will only be used with a person who has voluntarily agreed to submit to the examination in writing, except when pursuant to a court order.
- B. Preliminary Interviews and/or Interrogation: The preliminary interviews and/or interrogations should allow the investigation to be narrowed to one or two individuals whose truthfulness is still in doubt. Preliminary interviews and/or interrogations should be conducted prior to using a technical aid for the detection of deception.
- C. Individuals charged with a Crime: These tools will not be used with a person that has been formally charged with a crime, except when a stipulation and agreement is made between the prosecutorial authority and the defense counsel.

18.2.5 Controlled Informants

Principle: The purchase of drugs, property, information, and the employment of operators are fundamental elements in the function of effective law enforcement. The utilization of informants to accomplish departmental goals is essential. Informants will be utilized only to the extent that their assistance is necessary to accomplish the police tasks at hand. The following practices have been established to ensure the effective use of controlled informants.

Practices:

- A. Master File: The Special Operations Section will be the department's centralized location for the maintenance of the informant files. Patrol officers or detectives/investigators utilizing informants will enter the informants into the master file. Informants who will be included into the informant master file are those individuals who are or have been controlled informants and are actively seeking information on behalf of the department under departmental control. Individuals who are supplying information in a passive manner based upon their current knowledge are not to be entered into this system. Informants will only be developed with the approval of a supervisor.
- B. Informant File: The informant file will be assigned a code number and all written references to the informant will be by this number. The file will include the following information:
 - An Informant Identification Record which includes biographical and background information.
 - Any criminal history information.
 - A WISN check.
 - A photograph of the informant and if no SID or FBI number is located a fingerprint card.
 - A Special Consent form.
 - An Unsatisfactory Informant Report (if necessary).
- C. Maintenance of Informant File: The master file will be maintained in the Special Operations Section in a locked filing cabinet. Only the Special Operations Sergeant or designee may access the files. The officer or investigator actually working with the confidential informant is responsible for maintaining the individual informant file.
- D. Protection of Confidential Informant Identity: In addition to the guidelines already provided regarding security and the use of codes, the following guidelines are provided to assist in protecting the identity of a confidential informant.
 - 1. Generally, the informant should not see or meet officers other than his controlling officer and that officer's partner or witness.
 - 2. Informants shall not be given officer's home addresses or telephone numbers for routine contacts as the possession of the number may compromise the informants.
 - 3. Contacts should be conducted by two officers when contacting an informant at locations other than the Lakewood Police Station.
- E. Paying Informants:
 - 1. No money shall be paid to any informant, unless the following conditions are satisfied:
 - a. A receipt for same is signed in informant's true name.
 - b. The officer making payment is accompanied by another police officer/witness.
 - 2. The officer will record all monies paid to an informant on a payment log on the informant card. Monies shall not be paid to any informant prior to the completion of his/her services, unless other arrangements were made at the start of the investigations. Officers are discouraged from promising an informant a fixed sum of money. Payment amounts are set by Special Operations Section SOP.
- F. General Precautions:
 - 1. Informants of the Opposite Sex: Personal contact with informants of the opposite sex shall be accomplished with two officers present.
 - 2. Pending Cases: Although it is sometimes necessary to exchange consideration in pending cases for informant services, this practice will require careful scrutiny. The following guidelines are applicable in those instances.

- a. A CIU supervisor approves the informant contract.
 - b. The agency with the pending case must be notified and approve the informant contract.
 - c. The terms of any "deal" must be established jointly with the Prosecutor and made known to all parties involved, including the informant and his/her attorney if applicable.
 - d. Care should be taken in contacting any possible informant who has a pending case and who is presently represented by counsel so that the informant's right to representation is not infringed upon.
 - e. Officers will not knowingly allow any informant to commit any illegal act other than controlled buys.
 - f. All off-duty and non-duty related personal and social contact with informants, and/or persons over whom the officer's assigned duties give him/her enforcement responsibility, is prohibited unless inadvertent or approved by a supervisor in advance. All such contacts will be logged on the informant's card (if appropriate) and reported in writing to the officer's immediate supervisor within twenty-four hours after the contact.
3. New Cases: Known involvement in a new criminal offense shall be reported to the CIU supervisor to evaluate the continued use of the informant.
- G. Special Precaution with Juvenile Informants: Situations may arise which require a juvenile to be utilized as an informant. The following guidelines will apply.
- 1. The use of juvenile informants will generally be avoided. Juveniles will only be used with prior authorization from the Chief of Police or his/her designee.
 - 2. Parental permission shall be required, or that of the legal guardian in the parent's absence.
 - 3. Authorization and consultation shall occur with the Prosecutor's Office.
- H. Use of Informants by Patrol Officers: The effective use of a confidential informant is normally limited by a patrol officer's uniformed status and regular patrol responsibilities. Patrol officers are not prohibited from developing confidential informants. Patrol officers are encouraged to refer possible informants to CIU.
- I. Searches of Confidential Informants: Only fully commissioned police officers shall conduct strip searches. Limited Commission personnel (CSOs, ACOs) and civilian personnel are not authorized to conduct strip searches. It is the policy of the Lakewood Police Department to prevent unnecessary infringements of personal privacy by limiting strip and body cavity searches in compliance with RCW 10.79. Any such searches shall be in strict compliance with the following RCW's: 10.79.070, 10.79.080 and 10.79.100.

18.2.6 Identity Crimes

Principal: The Lakewood Police Department recognizes the significant impact identity theft crimes have made on its citizens and on society as a whole. Policy and procedure have been instituted regarding the investigation of these crimes.

Practices:

- A. When an incident of identity theft is reported, the original investigating officer or front desk community service officer (CSO) shall document the incident with a general report. The report shall contain the following information:
 - 1. All pertinent personal information from the victim(s).
 - 2. Bank/credit card account numbers with accompanying statements showing the fraudulent activity, if applicable.

3. A signed Affidavit of Forgery (normally provided by victim's financial institution)

- B. Many of these crimes cross jurisdictions and it may be difficult to determine where the crime originated. Lakewood officers and CSO's will submit a general report regardless of where the associated crimes occurred. Officers and CSO's will assist the reporting party by providing information on contacting credit reporting bureaus and financial institutions. Identity theft cases may be forwarded to the Proactive Property Crimes Unit for any continued investigation, including any coordination of an investigation with other agencies.

18.2.7 Cold Case Investigations:

Principal: Members of CIU are responsible for investigating major cases that involve death, sexual assaults, arson and other serious crimes. It is the policy of the Lakewood Police Department to investigate all available leads until the case is solved.

Practices:

- A. Cases that have not been resolved after one year and have been closed to active follow up are designated as a cold case. Cold cases may be held because of uncooperative witnesses, lack of leads, or current technology is not present to assist in the analysis. If no new information is received after a period of one year, the case is classified as a cold case. It may remain open / suspended but is closed to active follow up until new information is developed.
- B. Determination of the criteria for cold case investigations is the responsibility of the CIU Sergeants. The following criteria should be considered in evaluating a case for follow up and assignment:
1. Age of the case
 2. Availability of witnesses, suspect/s, and original investigators
 3. Existing evidence and quality
 4. Current case load
 5. Experience of the detective or investigator
 6. Expertise and training of the detective or investigator
 7. Availability of new technology and information
 8. Still within the statute of limitations
- C. Personnel assigned to a cold case investigation will review the original case files and determine if there is any new information or technology available that would provide new leads. All investigative actions shall be documented in a supplemental report.

18.2.8 Interview/ Interrogation Rooms:

Principle: The intent of this standard is to establish safe conditions for the various situations that officers may encounter when conducting interviews or interrogations in the police facility. The Lakewood Police Department has designated rooms to be used for interviews and interrogations.

Definitions:

- A. Non-Secure Rooms: Refers to the interviews rooms located off the police lobby. There are four (4) non- secure interview rooms which may be used in pairs. The rooms are dead-bolted from the inside to prevent access from the lobby and there is a card reader to prevent unauthorized access into the secure portion of the building. All department members are authorized to use these rooms.

Practices:

- A. Weapons Control: Personnel will exercise caution when interviewing or interrogating persons in the interview

rooms. If an officer chooses to disarm they must secure weapons appropriately.

- B. Personnel Guidelines: The number of officers present for participating or observing an interview will be governed by the nature of the crime and the threat level presented by the suspect. Normally, no more than two officers conduct interrogations. If more are needed the reason must be documented.
- C. Other Considerations: Subjects being interviewed should be provided access to restrooms, water, and interview breaks as deemed necessary. Subjects in-custody will remain in the Temporary Detention Area for restroom and other breaks. Subjects interviewed in a non-secure area shall use public facilities for restroom and other necessary breaks.

18.2.9 Line Ups

Principle: The Lakewood Police Department uses photo montages to aid in the identification of persons involved in criminal incidents. Physical line-ups are not authorized.

Practices:

- A. Composition of a Photo Montage
 - 1. Include only one suspect per photo montage
 - 2. Select photos of 5 individuals that generally fit the suspect's description to complete the montage.
 - 3. If multiple photographs are available of the suspect, select a photo that resembles the suspect description or appearance at the time of the incident.
 - 4. Complete uniformity of features is not required and avoid using photos of individuals that so closely resemble the suspect that witnesses may find it too difficult to distinguish from the suspect.
 - 5. If showing a second suspect montage, avoid using the same filler photographs.
 - 6. Ensure that the suspect does not unduly stand out in the photo montage.
 - 7. The photo montage should be preserved in the state it was presented as evidence.
- B. There is no requirement to video or audio record a showing of a photo montage.
- C. Separate multiple witnesses and conduct the photo montage independent of each other. Consider moving the suspect's photo position if showing the montage to multiple witnesses. Instruct the witnesses not to discuss the case with other witnesses.
- D. Officers will use the Photographic/ Field Show-Up Line Up Admonishment form when conducting photo montages. The form contains instructions for the witness and will be signed by the witness prior to viewing the montage.
- E. Officers should note the level of certainty of the identification by the witness on the admonishment form and in their report.
- F. Officers must avoid gestures, suggestions or opinions that may affect the witness's identification or non-identification of a suspect.
- G. Officers will document the results of the photo montage on the admonishment form and in their report or supplemental.

18.2.10 Show Ups

Principle: The Lakewood Police Department uses field show-ups to aid in the identification of subjects involved in criminal incidents.

Practices:

- A. Officers may arrange a show-up between a witness and a suspect whenever a potential suspect is located and detained within a reasonable length of time, in proximity to the location of the crime, and fits the description of the suspect given by the witness. The same suspect should not be presented to a witness more than one time.
- B. Generally, witnesses should be transported to the location of the suspect.
- C. When multiple witnesses are available, officers will conduct the show-up in a manner that separates the witnesses and prevents them from communicating with each other.
- D. Officers will use the Photographic/ Field Show-Up Line Up Admonishment form when conducting show-ups. The form contains instructions for the witness and will be signed by the witness prior to arriving at the show-up location.
- E. Officers should note the level of certainty of the identification by the witness on the admonishment form and in their report.
- F. Officers must avoid gestures, suggestions or opinions that may affect the witness's identification or non-identification of a suspect.
- G. Officers will document the results of the show-up on the admonishment form and in their report or supplemental.

18.2.11 Hate Crime Investigations

Principle: It is the intent of the Lakewood Police Department to safeguard individuals from crimes motivated by bias toward an individual's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory disability. This agency views hate crimes as serious violations against not only an individual, but against our community as well.

Practices:

- A. Definition: The Malicious Harassment law, RCW 9A.36.080, defines a hate crime.
- B. Initial Patrol Response: An officer investigating a crime should pay careful attention to the totality of the circumstances in order to identify all crimes which may be motivated by intolerance and/or hate for an individual or group identified in the Malicious Harassment law. When an officer believes a hate crime has been committed, the following additional procedures shall be followed.
 - 1. Notification: When the officer believes there may be an immediate threat of reprisal or an escalation of violence, the patrol supervisor will be notified. The supervisor will evaluate the situation to determine if additional resources may be necessary.
 - 2. Charges for Prosecution: Subsection 5 of RCW 9A.36.080 allows for the prosecution of all additional crimes committed during the commission of Malicious Harassment. In addition, SOUTHSOUND 911 has special state reporting requirements for hate crimes. Therefore, officers will follow the below listed additional reporting procedures:
 - a. Incident Report Form:
 - 1. Nature Code: List the most serious crime besides the Malicious Harassment.
 - 2. Offense Code: "HATE" must be listed as one of the offense codes.

3. Bias Motivation: The appropriate bias motivation boxes on the back of the form must be completed.
- C. CIU Investigation: CIU shall review all Malicious Harassment cases and conduct any necessary further investigation. CIU responsibilities will include:
1. Prosecution: CIU will work closely with the Prosecutor's Office to ensure a legally adequate case is developed for prosecution.

18.2.12 Child/Vulnerable Adult Abuse Referrals

Principle: Children and vulnerable adults require additional safeguards to ensure their best interests are sought when allegations of abuse or neglect are brought forward. Therefore the Special Assault Unit (SAU) works closely with Child Protective Services (CPS), Adult Protective Services (APS) and follows the agreed upon Child Sexual and Physical Abuse Investigation Protocols for Pierce County.

Practice: In addition to reporting and investigative practices established elsewhere in this manual, the following practices apply.

- A. Officers dispatched to an alleged child or elder abuse situation will document their investigation in a general report, make an arrest when appropriate, and notify the Special Assault Unit (SAU) supervisor, directly or via report distribution.
- B. Referrals:
 1. The SAU supervisor receives referrals from CPS and APS, which are either assigned to investigative personnel or declined for further investigation. The SAU supervisor will advise CPS /APS of the outcome of all referrals.
 2. An officer may refer an incident to CPS or APS if no criminal violation was established and they feel the child or vulnerable adult may benefit from the referral.