

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject CRIMINAL INVESTIGATIONS ORGANIZATION AND ADMINISTRATION	Policy Number GJ-6 Effective Date 07-17-24
Related Information ED-3, <i>Review of Cases Declined for Prosecution</i> GF-5, <i>Incident Report Guidelines</i> GG-1, <i>Peace Officer Training Administration</i> GG-2, <i>Detention/Civilian Training Administration</i> GJ-7, <i>Criminal Investigations: Operations</i> GJ-14, <i>Victims' Bill of Rights</i>	Supersedes <p style="text-align: center;">GJ-6 (12-16-21)</p>	

PURPOSE

The purpose of this Office Policy is to establish guidelines and procedures for the organization of criminal investigation units within the Office and specific accountability for all criminal investigations.

POLICY

It is the policy of the Office to ensure criminal investigations are conducted in an organized manner to maintain the integrity of fact gathering and evidence required to assist in the prosecution of the offenders. Solvability factors and the availability of personnel with specific expertise are key determinants in the priority assigned to each investigation.

DEFINITIONS

Blue Team: The Early Identification System (EIS) application that allows employees and supervisors to record information in a database regarding incidents, performance, and conduct. The information from Blue Team is transferred to the IAPro Early Identification case management system.

Case Agent: The lead investigator designated for a specific investigation. The case agent is responsible for overall management of the case. This would include delegation of investigative tasks, lead tracking, collection of supplemental reports and other relevant case documentation, verifying all evidence is impounded, packaging the case for prosecution, and assisting the prosecutor with the presentation for the case in court proceedings, and providing a final disposition approval of all property and evidence held in reference to the investigation, at the conclusion of the case.

Early Identification System (EIS): A system of electronic databases that captures and stores threshold events to help support and improve employee performance through early intervention and/or to identify problematic operating procedures, improving employee performance, identifying detrimental behavior, recognizing outstanding accomplishments, and to improve the Office's supervisory response. The computerized relational database shall collect, maintain, integrate, and retrieve information gathered to highlight tendencies in performance, complaints, and other activities. The database allows the Office to document appropriate identifying information for involved employees, (and members of the public when applicable), and the actions taken to address the tendencies identified. Blue Team, IAPro, and EIPro are applications of the EIS.

Employee: A person currently employed by the Office in a classified, unclassified, contract, or temporary status.

Furtherance: Any combination of factors including documented experiences or research conducted by the Office or another law enforcement agency which would assist in the furtherance of an investigation.

IAPro: A case management system used by the EIU, the Professional Standards Bureau (PSB), and the Administrative Services Division that tracks and analyzes information, including but not limited to, complaints, commendations, use of force incidents, pursuits, discipline, supervisor notes, and internal investigations. IAPro is used by PSB for the periodic assessment of timelines of investigations and for monitoring the caseloads of internal affairs investigators. IAPro is also used to track, as a separate complaint category, allegations of biased policing and unlawful investigatory stops, searches, seizures, or arrests.

Investigative Disposition: The process of assigning a closure status at the completion of an investigation upon approval by an authorized detective sergeant or sworn lieutenant on the *Case Status/Clearance Report* also viewed as the Case Clearance tab in Traffic and Criminal Software Case (TraCS). The investigative disposition process does not preclude a case from being reopened for further investigation upon finding new investigative information or leads.

Traffic and Criminal Software Case (TraCS) Case Management System (CMS): An electronic database that allows supervisors and detectives to record information needed for case management in all criminal investigations.

Turndowns: When a prosecutor declines to initiate judicial proceedings of a criminal investigation due to a variety of reasons.

PROCEDURES

1. **Criminal Investigations:** The purpose of criminal investigations is the recovery of property, the apprehension of offenders, and the initiation of prosecution against these individuals. Deputies, detention personnel, or civilians in specific assignments may be assigned to conduct follow-up investigations. Procedures for conducting criminal investigations shall be followed, as specified in Office Policy GJ-7, *Criminal Investigations: Operations*.
2. **Investigative Units:** The Office shall maintain units responsible for specific types of crimes or investigations and shall staff these units with personnel who possess expertise in those specific areas.
3. **Detective Status and Training:** All employees working in a detective assignment shall attain detective status, as specified in Office Policies GG-1, *Peace Officer Training Administration* and GG-2, *Detention Civilian Training Administration*.
 - A. Newly assigned detectives who have not yet attained detective status shall complete the required training within one year of their detective assignment. Detective status training is offered annually through the Maricopa County Sheriff's Office (MCSO) Training Division. Detective status can be completed prior to working in a detective assignment.
 - B. Annual Detective Continued Training: After receiving detective status, a detective working in a detective assignment shall be required to complete annual detective continued training, as specified in Office Policies GG-1, *Peace Officer Training Administration* and GG-2, *Detention/ Civilian Training Administration*.
4. **Prioritization and Case Assignment:** Case analysis and prioritization is based on the solvability factors observed in the case report by the detective unit supervisor reviewing the *Incident Report (IR)* and shall serve as a general guideline for case assignment. The need for additional resources in an investigation, such

as specialized equipment, vehicles, or additional manpower, shall be determined by the reviewing detective unit supervisor.

- A. Solvability: Case assignment based on solvability considerations include, but are not limited to, the following:
 - 1. The suspect is known, has been arrested, or has been cited in lieu of detention;
 - 2. The suspect description is sufficient for identification;
 - 3. The suspect's vehicle has an identifiable description or license plate number;
 - 4. The investigative leads are listed or known;
 - 5. Any combination of factors including documented experiences or research conducted by the Office or another law enforcement agency which would assist in the solution of the case or the recovery of property;
 - 6. The presence or lack of physical evidence at the scene; and/or
 - 7. The case appears to be part of a series of similar incidents where potential lead information exists.

- B. Prioritization: Cases assigned for follow-up shall be investigated based on the urgency assigned to each case, as determined by the detective unit supervisor.
 - 1. Priority One (Suspects in Custody): Personnel responsible for the investigation shall ensure the investigation and the resulting IR are complete and thorough, and shall support the issuance of a criminal complaint.
 - 2. Priority Two (Violent or Repetitive Crimes): The suspect has committed a violent crime or a series of crimes whether or not the suspect has been identified.
 - 3. Priority Three (Known Suspect): A suspect has been identified, but further investigation is required prior to an arrest or submitting the case for a criminal complaint.
 - 4. Priority Four (County Attorney Further): The Maricopa County Attorney's Office (MCAO) has requested further investigation of a criminal incident prior to the issuance of a complaint. Furtherance requests should be directed to the case agent, and it is their responsibility, or their designee as requested, to handle furtherance requests and produce all requested records to the prosecuting agency.
 - 5. Priority Five (No Known Suspects, but with Workable Lead Information): Cases where there are no known suspects, but workable leads are present.
 - 6. Priority Six (No Known Suspects or Lead Information): Cases which have no known suspects or investigative lead information but were assigned for follow-up investigation by the responsible detective unit supervisor.

- C. Prioritization of Low Solvability: Cases having a low likelihood of reaching a successful conclusion should be assigned by the detective unit supervisor for follow-up investigation when the case agent's workload allows, or the case involves the following:

1. Personal injury or a threat of injury has occurred; or
 2. Monetary loss to the victim is extremely high; or
 3. The seriousness of, or public sensitivity to the incident would warrant follow-up investigation attempts.
- D. The Process of Assigning an Investigation: Investigations are assigned to case agents by an authorized detective sergeant or sworn lieutenant. Once the investigation is assigned to a case agent, the IR needs to be opened in the Traffic and Criminal Software Case (TraCS) database and then be accepted. Once the report is accepted, TraCS will prompt for a disposition code the supervisor will select *OPEN* and assign the case to the appropriate case agent for follow up. Once the case is assigned, case notes will automatically be generated and available for the case agent to add notes. The Case Management System (CMS) should not be the primary way to initially assign cases because it does not send any notifications to the case agent.
5. **Follow-Up Investigation:** Follow-up investigation of a criminal case is a shared responsibility between Office personnel and the case agent. Both should work together to satisfactorily resolve criminal investigations.
- A. The case agent or designee is responsible for the case disposition. Additional personnel may be assigned to assist with the investigation, but responsibility for the case disposition shall remain with the case agent or designee.
 - B. Office personnel may be responsible for follow-up investigations of cases in which they conducted the preliminary investigation. This provides continuity in the investigation, and the employee's skills and abilities are enhanced.
 1. After submitting the initial IR, deputies or detention personnel should coordinate follow-up efforts with the case agent or designee.
 2. Circumstances prohibiting the follow-up of investigations by deputies or detention personnel may include, but are not limited to:
 - a. The complexity of the investigation;
 - b. The necessity of a specialist to continue the investigation, such as in child molestation, auto theft, narcotics, or homicide cases; and/or
 - c. Time constraints or geographical distances which would remove deputies or detention personnel from their area of responsibility for an extended period of time.
 - C. Case agents or designees are responsible for follow-up investigations of criminal cases. A case agent or designee follows up on cases in which they conducted the preliminary investigation, coordinates follow-up investigations with deputies or detention personnel, and continues follow-up investigations on incidents which cannot reasonably be accomplished by deputies or detention personnel. Case agents or designees shall update the case file every 30 days. Updates to the case file need to be completed by authoring a supplement or a CMS case note entry in TraCS.
 - D. All attempts made to identify suspects, witnesses, and/or investigative leads, or other follow-up shall be documented in an IR Supplement.

- E. The detective unit supervisor or designee is responsible for reviewing all IRs forwarded to their unit. The review shall be made to determine the solvability factors and assign suitable cases to an employee for follow-up investigation. The detective unit supervisor shall assign all cases followed up by deputies or detention personnel, to a case agent for case management.
1. The detective unit supervisor shall maintain the TraCS CMS. The information recorded shall include, but is not limited to, the following:
 - a. Date and time of the incident;
 - b. IR number;
 - c. Event number or MC number;
 - d. Radio code;
 - e. Description of the incident;
 - f. Location of the incident;
 - g. Case status;
 - h. Charging status;
 - i. MCAO submittal date; and
 - j. MCAO disposition.
 2. The detective unit supervisor shall ensure case IR supplements and final dispositions are completed and approved, as specified in Office Policy GF-5, *Incident Report Guidelines*.
 - a. If necessary, guidelines for the final disposition dates should be determined by the division commander or designee.
 - b. The final disposition date may be extended based on the availability of additional follow-up information or the nature of the case and shall be documented in the TraCS CMS by the case agent or their supervisor.
 3. When a case agent leaves the Office, their open cases shall be reassigned by the originating division command to another case agent or qualified employee. When a case agent is reassigned outside the division and the originating division commander believes the case(s) should remain with the reassigned employee, that originating division commander shall coordinate with the transferred employee's new division commander regarding this action. In most situations, cases should remain with the originating investigative unit. Case(s) remaining with a transferred case agent should be the exception.
 4. When a case agent leaves the Office, the detective unit supervisor is responsible for checking any outstanding IRs or other outstanding forms assigned to the employee in TraCS, as specified in Office Policy GC-15, *Employee Resignations, Retirements, and Separations*.

6. **Case Status:** At the conclusion of an investigation, the *Case Status/Clearance Report* form in TraCS shall be completed. When the reason for the case summary closure can be articulated within the narrative box of the *Case Status/Clearance Report* form in TraCS, no additional IR supplement summarizing the case is required.
- A. If the case summary closure cannot be articulated in the *Case Status/Clearance Report* form narrative box in TraCS, the summary shall be authored in an IR supplement and submitted with the *Case Status/Clearance Report* form.
- B. Administrative Closure should only be entered through TraCS by accepting the IR and selecting the appropriate disposition prior to the case being assigned. Once the investigation is marked *OPEN* and assigned for follow up, the only method for closure should be by Investigative Disposition using the TraCS *Case Status/Clearance Report* form, unless circumstances require a direct entry into the CMS once approved by the division commander or designee. Cases shall be given a disposition utilizing one of the following clearance types:
1. **Cleared by Arrest:** The case is cleared by arrest when the prosecuting authority has formally charged at least one offender in the case. For the purpose of this clearance type, a misdemeanor/petty offense citation constitutes formal charging of the offender.
 2. **Exceptionally Cleared:** The case is exceptionally cleared when the suspect has been identified but cannot be prosecuted because of technicalities. Technicalities include but are not limited to, an uncooperative victim, the time lapsed since the occurrence has exceeded the statute of limitations, or an MCAO turndown for any reason other than no probable cause. To clear a case as exceptionally cleared the following **four** conditions must apply:
 - a. The investigation must clearly establish the identity of at least one suspect;
 - b. The investigation must have sufficient probable cause to support arresting, charging, and prosecuting the suspect;
 - c. The location of the suspect(s) must be known making an arrest possible if the circumstances did not prevent it; or
 - d. The arrest, charging, prosecuting authority of the suspect is not possible due to one of the following conditions:
 - (1) Death of Offender(s); or
 - (2) Prosecution declined by the prosecuting authority for other than the lack of probable cause; or
 - (3) In custody of other jurisdiction including a denied extradition; or
 - (4) Victim refused to cooperate in the prosecution; or
 - (5) When a juvenile commits an offense, but alternative actions are taken in lieu of charging.
 3. **Unfounded:** The case is unfounded when the investigating employee determines from their investigation the complaint is false or baseless or no crime has occurred. This would also include cases occurring within the jurisdiction of another agency. If the offense occurred

within another agency's jurisdiction, the case shall be forwarded for their attention and a supplement authored to document how the case information was given to the other agency. A death investigation report will be cleared as unfounded when there is no evidence of criminal activity. Such investigations may involve suicide or accidental death.

4. Case Suspension (Inactive): The case is suspended when all leads are exhausted without being able to charge an offender. The case agent must consider numerous factors when determining the suitability of a case for investigation suspension. The factors to be considered include, but are not limited to, the following:
 - a. The presence or lack of solvability factors;
 - b. The lack of additional leads; and/or
 - c. When all investigative avenues have been exhausted.
7. **Victim Notification:** When investigating criminal cases, Office personnel shall comply with procedures, as specified in Office Policy GJ-14, *Victims' Bill of Rights* and document their actions in an IR supplement.
8. **Turndowns and Furthers:** The Early Intervention Unit (EIU) receives all turndowns and furthers from MCAO. The EIU shall enter turndowns and furthers into IAPro prior to forwarding them to the appropriate district/division through Blue Team. All declined cases shall be processed, as specified in Office Policy ED-3, *Review of Cases Declined for Prosecution*. All dispositions from the MCAO shall require an IR supplement be written by the case agent or designee, as specified in Office Policy GF-5, *Incident Report Guidelines*.
 - A. If the detective unit supervisor and case agent agree there is good cause for the turndown, the case agent shall document the receipt of the turndown in a supplement and author a *Case Status/Clearance Report* form with the appropriate case disposition.
 - B. If the detective unit supervisor chooses to appeal the turndown, the supervisor may direct the case agent to contact the reviewing attorney to discuss the reason for the turndown, and attempt to resolve any misunderstanding about the case.
 1. The case agent shall not respond to turndowns by writing on the MCAO notification and returning it to the reviewing attorney.
 2. Any further appeals on a case turned down by the MCAO shall be handled by the detective unit supervisor.
 - C. Requests for further information from a prosecuting attorney regarding a case shall be handled in the following manner:
 1. The case agent or designee shall respond with the necessary information by completing an IR supplement. The case agent or designee shall document any investigative actions taken after receipt of a further. The IR shall not include the prosecutor's suggestions or requests so as not to give the appearance that the prosecutor is directing the investigation.
 2. Once the request for further information is documented in an IR supplement, the entire case file shall be re-submitted to the requesting prosecuting attorney.

3. The detective unit supervisor shall ensure responses are provided to the prosecuting attorney as required.
- D. The case agent or designee shall author a case clearance IR supplement on all adjudicated cases.