

specialized skills, knowledge, or abilities that may be required to complete a thorough investigation. All other cases will be assigned by the detective supervisor to an individual investigator or available patrol officer based upon their current case load and available resources.

To determine whether a report falls within Category One or Two, the detective supervisor shall review the original report and any accompanying reports for specific circumstances or significant facts, which demand further investigation and/or may lead to the solution of a crime. When making a determination, the detective supervisor should consider, but not be limited to the following:

- Suspect's Identity
 - Named suspect (including moniker) or associate? Physical evidence that could identify suspect?
 - Possible address or location which the suspect frequents?
Victim/witness could possibly identify suspect from a live or photographic line-up?
- Vehicle
 - License number and/or vehicle description?
- Seriousness of the Crime
 - Death or injury to victim/witness?
 - Degree of potential hazard to the victim, witness and/or public?
 - Sex crime involved?
 - Weapon, force or threat used?
- Property
 - Amount of property loss?
 - Serialized firearms?
 - Other serialized articles?
 - Uniquely described articles?
- Investigative Knowledge
 - Major crime patterns (MO)?
 - MOs of known suspects?

With the exception of the circumstances listed below in “Category One—Required Follow-up,” the presence or absence of any of the above does not mean the case shall automatically be assigned to a particular category. The detective supervisor shall exercise discretion when determining the appropriate category based upon experience, expertise and the chance that the crime may be solved. He/she shall also maintain consultation with the Investigation Unit Commander as to case status, in addition to discussing the extent of follow-up and/or suspension of investigative efforts.

B. Category One—Required Follow-up

This category shall include:

- All crime reports assigned to a detective which involve an arrestee. In-custody arrestees shall normally be handled before all other cases.
- All crime reports which have significant leads and specific circumstances which demand immediate investigation.
- All non-crime reports which demand immediate investigation.
- All reports involving murder, sexual abuse (rape or felony sexual assault) or serious injury (permanent injury, or injury resulting in hospitalization or substantial incapacitation for a significant period of time).
- All crimes involving hatred or prejudice.
- All crimes stemming from consumer-product tampering.
- A Firearm Notification concerning a recovered, stolen/lost or wanted firearm.
- All property reports wherein a lost, stolen or wanted firearm is booked.

In-Custody Cases

A supplemental report is required to report the investigative case activity (i.e., progress/results) of Category One cases involving hatred or prejudice, or crimes which have in-custody arrestees within 10 working days from the date assigned unless an extension is granted on an individual case-by-case basis by an investigations supervisor.

EXCEPTION: For physical or sexual child abuse crimes, the Follow-up Report shall be completed within 30 calendar days from the date assigned unless an extension is granted on an individual case-by-case basis by an investigations supervisor.

Non-Custody Cases

A supplemental report for non-custody cases is required to report the investigative case activity (i.e., progress/results), other than those which involve hatred or prejudice, which shall be submitted within 30 calendar days from the date assigned unless an extension is granted on an individual case-by case basis by the detective supervisor. If an arrest is made during the 30-calendar-day period, it becomes an in-custody case requiring a supplemental report to be submitted within ten working days from the date the arrest is assigned. An extension may be granted on an individual case-by-case basis by the detective supervisor.

Backlogged Case—Defined

When a follow-up Investigation is not submitted on a Category One case within the required ten- or 30-day due date, the case is deemed to be a backlogged case, regardless of any due-date extension. The case will remain a backlogged case until such time that a Follow-up Investigation is submitted.

C. Category Two—No Mandatory Victim Contact By Detectives

This category shall include all cases which are not assigned to Category One. Detectives shall investigate Category Two cases only when all Category One cases have been handled or by direction from a member of the command staff. Category Two cases shall be reviewed by the detective supervisor and reviewed by the assigned detective to ensure knowledge of crime trends. Detectives are not required to routinely contact Category Two victims unless it is clear from the initial report that the victim has special needs that would make contact by a detective a valuable service (e.g., a threatening TTY call; a victim who is unsure how to enlist phone company help for annoying calls, etc.).

If investigated, the follow-up efforts on a Category Two case shall be documented with case activity (i.e., progress/results). If a significant lead is discovered, the detective shall notify the detective supervisor who shall determine if the case shall be reclassified to Category One.

This category includes such cases as:

- Annoying or threatening telephone calls which do not have:
 1. A named suspect;
 2. A specific lead which would direct the detective to the suspect (e.g., a suspect's telephone number); or
 3. An immediate need for investigation (e.g., an imminent danger to the victim).

Categorization Upgrading and Downgrading

A detective supervisor shall upgrade a case when new information causes it to fall within the criteria of Category One. A case may not be downgraded.

D. Special Initiation Instructions

Factually Innocent

A follow-up investigation shall be initiated whenever a detective determines that an arrestee is factually innocent. This shall be a follow-up report to the arrest report and to the crime report, if any, and shall record the information supporting the determination of factually innocent.

An arrestee shall be considered factually innocent when the detective has clearly established that the arrestee did not commit the crime or that the crime did not occur.

Missing Juvenile Reports

A follow-up investigation, indicating "Investigation Continued" shall be completed on minors who remain missing for more than 30 days.

E. Case Status

The appropriate case status shall be indicated when a Follow-up Investigation is submitted, whether or not a suspect is arrested.

On a non-crime report, the case status may only be "Unfounded" or "Investigation Continued."

F. Clearance Defined

When a crime report is "Cleared by Arrest" or "Cleared Other," it means that the detective has solved the crime and has taken all possible, appropriate action against at least one suspect. It also means that no further action or investigation is expected to take place regarding the suspect unless it is required for furtherance of the prosecution or unless additional information is brought to the detective's attention. The fact that the crime report is cleared does not relieve the detective of the responsibility to investigate co-suspects or recover property.

Only crimes that have a victim and were reported on a Department crime report may be cleared. There can be only one clearance per report number, regardless of whether there are multiple crimes or victims reported under a single report number.

Charges cannot be cleared. Charges such as narcotics possession or CCW are reported on arrest reports, not crime reports.

Occasionally, the Penal Code and case law allow certain charges to be filed based upon other crimes which are reported (e.g., 666 PC based upon 484 PC with certain prior convictions) or upon other reported incidents (e.g., vicarious liability murder-187 PC based upon the occurrence of a justifiable homicide during certain crimes). Again, charges such as petty theft with a prior and vicarious liability murder may not be cleared. The original crimes upon which the charges are based may be cleared.

NOTE: Case clearance requirements are based on FBI Uniform Crime Reporting guidelines. While interpretation of these guidelines may differ, the requirements are not subject to revision or alteration on a local basis.

G. Cleared By Arrest—Adult Felony Cases

"Cleared by Arrest" shall be indicated when:

- A person is arrested **and** charged with the commission of the offense **or** a related felony or misdemeanor offense based upon the crime report.

NOTE: "Charged" means a complaint filed with a federal, state or local court by the Department, or by another law-enforcement agency when the Department's case is included in their filing. Prosecution within another country based upon the Department's case meets these criteria.

A "related offense," for the purpose of clearance, is any offense which is included within the original crime or which is filed in lieu of the original crime (e.g.,

burglary crime, receiving stolen property filed; GTA crime, DWOC filed). A further requirement is that it must be reasonably established that the person charged with the related offense actually committed the original crime (e.g., to clear a burglary crime by filing receiving stolen property, the detective must be able to reasonably show that the suspect was the burglar, and not just a receiver).

- The matter is set for a district attorney or a city attorney hearing.
- A felony warrant based on the crime report has been served and the named suspect has been booked.

NOTE: When a felony warrant has been obtained but has not been served mark the case status "Investigation Continued." Recalling or canceling a warrant is not a basis for a clearance.

H. Cleared by Arrest—Adult Misdemeanor Cases

"Cleared by Arrest" shall be indicated when:

- A person is arrested **and** charged with the commission of the offense or a related offense based upon the crime report, **or**
- The perpetrator is identified, **and**
- A warrant is issued for the perpetrator's arrest, **or**
- The matter is set for a district attorney or city attorney hearing, **or**
- The person is cited into court by citation or voluntary appearance letter (non-custody cases), **or**
- The matter is deemed an infraction and a court hearing is scheduled.

I. Cleared by Arrest—Juvenile Cases (Felony and Misdemeanor)

"Cleared by Arrest" shall be indicated when:

- The juvenile is identified as the perpetrator, and
- The juvenile is arrested, and a petition is requested,
- The juvenile is referred to another agency, or
- The juvenile is counseled and released.

When a non-book petition and warrant request for a juvenile has been made, the case shall not be "Cleared by Arrest" until the juvenile has been arrested.

EXCEPTION: If a case involves multiple suspects, and action has been taken against at least one individual in the case, "Cleared by Arrest" shall be the case

status. Action taken means an arrest and filing on an adult, or an arrest and either petition request, referral, or counseling on a juvenile.

J. Cleared Other

"Cleared Other" shall be indicated when a case has progressed to a point where further action cannot be reasonably taken AND ALL FOUR of the following circumstances exist:

- The identity of the perpetrator has definitely been established, and
- A location at which the perpetrator could be arrested is known to the detective, and
- There is sufficient, admissible information and/or evidence to support an arrest, the filing of a complaint based on the offense(s) under investigation, and turning the perpetrator over to a court for prosecution, and
- The reason further action cannot be taken is outside of police control.

NOTE: Sufficient, admissible information and/or evidence to support the filing of a complaint means that there is a strong and reasonable expectation that the arrestee would be convicted in a trial. This determination is to be made within the Department.

K. Outside of Police Control—Prosecution Rejection Examples

When a filing deputy rejects a complaint, further action would be outside of police control if the reason for the rejection was that:

- The filing deputy does not believe the probability of conviction meets his agency's standards.

NOTE: The Department should consider the filing deputy's reasons for rejection when making its own determination as to whether a case is fileable.

- The filing deputy intends to violate the perpetrator's probation in lieu of filing new charges.
- The filing deputy defers filing for revocation of parole.
- It is the policy of the prosecuting agency not to prosecute for the type or classification of offense.
- The perpetrator is serving time in another jurisdiction, and the perpetrator's release cannot be obtained.
- The perpetrator is offered immunity.
- The perpetrator is facing prosecution on other local charges.

- The perpetrator is charged with a more serious offense in another jurisdiction and is released to them.
- The cost of prosecution is highly disproportionate to the crime.
- It is in the interest of justice.
- The violation is de minimis (The violation is so minimal that a deterrent purpose would not be served by prosecuting the offense. This would include "time served" rejects).
- In lieu of prosecution, the filing deputy elects to refer the perpetrator to a public social service agency or other services deemed necessary.
- A witness who could "make the case" is reluctant to testify and the prosecutor refuses to compel the witness' appearance in court.

NOTE: Any of the above must be documented in writing by the filing deputy in the rejection of complaint.

When a suspect for whom a felony warrant has been issued is arrested or precisely located in another state or nation, and a deputy district attorney refuses to attempt either extradition or prosecution under the laws of that state or nation, then further action would be outside of police control.

L. Outside of Police Control—Victim Refuses to Prosecute/Cooperate

A victim's lack of cooperation or refusal to prosecute does not preclude filing or prosecution when the case can be proved otherwise.

Department personnel shall not solicit statements from victims indicating they do not wish to prosecute.

In a case where the victim refuses to prosecute or cooperate and the victim's testimony is essential in substantiating the elements of the crime, further action shall be deemed to be outside of police control.

The case may be cleared without a complaint being sought if all four of the circumstances exist as discussed in the Section J of this policy.

NOTE: A witness' refusal to cooperate or testify is not a basis for a clearance. A witness' refusal only affects the sufficiency of admissible information and evidence. However, when the district attorney's office declines to compel a witness to testify in conjunction with rejecting a filing, the case may be "Cleared Other" if the testimony of the witness would have "made the case." If a witness is compelled to testify, detectives shall make every effort to ensure the safety of the witness through the witness protection program.

EXCEPTION: A complaint shall be sought or, when appropriate, an in-person or telephonic reject (include prosecutor's name in the Follow-up Report) shall be obtained, for the following situations:

- The case involves domestic violence.
- The injury to the victim is of a serious nature and is likely to result in death, a long-term disability, or hospitalization for a significant period of time.
- A firearm was used in the commission of the crime.
- The perpetrator has attempted to injure the victim using a deadly weapon or instrument, whether successful or not.
- There is a strong likelihood of future crimes being committed by the perpetrator against the victim.
- There is apparent intimidation of the victim which is causing the victim not to prosecute.
- The perpetrator is on probation or parole.
- There are other crimes for which the perpetrator could be prosecuted without the testimony of the victim.

The victim's reason for not wanting to prosecute shall be included in the narrative portion of the Follow-up Report.

Simple inability to contact the victim **shall not** be deemed a failure to cooperate. If the victim fails to contact the detective after being requested to do so, it may be deemed a failure to cooperate.

Detectives may accept the victim's refusal telephonically after ensuring that the person is, in fact, the victim and is not under duress.

The efforts by the detective to conduct an in-person interview shall be included in the narrative portion of the Follow-up Report. Acceptance of a telephonic refusal to prosecute is not a preferable method. Every effort should be made to acquire the victim's cooperation to prosecute.

M. Outside of Police Control—Peacefully Settled Matters

When a victim of a non-serious crime has positively learned the identity and location of the suspect, has peacefully settled the matter, but declines to identify the suspect and the suspect's location to the police, it can be said that constructively the detective has the information to satisfy all requirements of "Cleared Other."

Each situation should be considered on a case-by-case basis. It would be appropriate to clear such a case in the following circumstances:

- Battery with no, or only complained-of, injuries.
- Theft, vandalism or minor second-degree burglary with restitution.
- Other, low-grade, non-violent misdemeanors.

It would be most appropriate if the crime were a neighborhood occurrence with a juvenile offender. It would not be appropriate to clear a case involving:

- Battery with serious injury.
- Gang-related crimes.
- Burglary with a significant loss.
- An incident in which there are indications other crimes may be involved.
- Any situation in which the detective has the slightest indication of threats against the victim or witnesses.

N. Outside of Police Control—General Examples

The following are examples where further action would be outside of police control:

- Death of the perpetrator.
- A formal request for extradition is denied by another state or nation.

O. Cleared Other—Special Circumstances

In addition to the circumstances listed in Section J of this policy, the following are special circumstances under which a case may be "Cleared Other":

- **Confession**—Similar crimes other than those for which a suspect is in custody may be Cleared Other when:
- A complaint has already been issued for the suspect who is in custody, **and**
- The suspect confesses to specific crimes which are similar to the crime for which the complaint was issued, **and**
- Each crime has been reported.

NOTE: The detective must verify the confession; the additional evidence and the specific admissions (see Section P of this policy). The confession does not have to be admissible in court.

- **Court Surrender**—If a suspect surrenders on a voluntary appearance or on a felony warrant issued in the case, and the judge refuses to order the suspect into custody for the booking process, the case may be Cleared Other.

NOTE: Every effort shall be made to have the suspect booked. **This is the only way to establish a criminal record** (DOJ Rap Sheet).

- **Modus Operandi**—Similar crimes other than those for which a suspect is in custody may be Cleared Other when:
 - A complaint has already been issued for the suspect who is in custody, **and**
 - The suspect's MO is so distinct that it virtually identifies the suspect as the perpetrator of other crimes of a similar nature to that for which the complaint was issued, **and**
 - The MO is further corroborated by additional evidence or specific admissions for each crime, **and**
 - Each crime has been reported.

NOTE: The detective must verify the additional evidence and the specific admissions (see Section O of this policy).

P. Additional Evidence/Specific Admissions—Examples

The decision to clear a case based on confession or MO shall be based on the preponderance of evidence and/or admissions. The following are examples of acceptable evidence or specific admissions:

- Latent fingerprints or handwriting exemplars which are identifiable, but do not meet court requirements.
- Possession of pawn tickets that connect the suspect to a crime.
- The suspect shows specific knowledge of the method of entry, the layout of the crime scene, and/or the property taken, and this knowledge could only be known by a person who participated in the crime.

The following are examples of evidence or admissions which are not acceptable:

- **General items taken:** Small items; valuable items; jewelry, silverware and money; small appliances.
- **Usual methods of entry:** Unlocked doors, forced entry, bodily force.
- **Non-descriptive crime locations:** Poorly lit streets, residential neighborhoods, a broad area worked over the past two years.
- **General times:** Daytime, nighttime, after dark.

Q. Report Unfounded

"Report Unfounded" shall be indicated when:

- The crime or incident alleged in the original report did not occur, or did not occur in the Department's jurisdiction.
- The same crime or incident has been reported more than once. (The most accurate and thorough crime report shall be retained. Any additional report should be unfounded).
- "Specific intent" is a necessary element of the original crime, and the district attorney, city attorney or detective supervisor determines that investigative efforts have failed to prove that specific intent exists.

NOTE: If the incident, absent the element of specific intent, is still a crime, the original report shall be reclassified to that crime.

EXAMPLE: In many bad-check cases, there were insufficient funds on deposit at the time the check was written, but (because of the status of the bank account) specific intent cannot be proved and bank records do not indicate other returned items.

- Sufficient funds in bank to cover check at the time it was written, or
- There was an agreement to hold check, or
- Stop-payment—civil dispute.

NOTE: The rejection of a complaint on a specific suspect does not mean that the crime report may be unfounded. It shall be the detective's responsibility to determine if there is sufficient information to indicate whether a crime occurred or not. For example, if filings for a 487.3 PC and 10851 VC were rejected, the stolen vehicle report may not be unfounded unless the detective determines there was no illegal intent in taking and driving the vehicle.

R. Investigation Continued

"Investigation Continued" may be listed as either active or inactive (e.g., suspended) and shall be indicated when:

- The case has not been cleared or unfounded, and the investigation is continuing. (i.e., active)
- The case has not been cleared or unfounded and no other case status applies. (i.e., inactive/suspended) Criteria for suspending a case may include lack of further leads or solvability factors, unavailability of investigative resources, and/or insufficient degree of seriousness.

- A non-crime report does not share a report number with a crime report, and the non-crime report is not unfounded.

When the circumstances reported on this “non-crime” report have been resolved, the words "**CASE CLOSED**" shall be indicated on the record.

S. Suspect Information

When making a final disposition on a case, complete all known information for each suspect. In all other instances, only new suspect information shall be entered. Do not repeat information from previous reports.

T. Case Investigation Status

When making a final disposition on a case, in the Case Investigation Status, record the following information as applicable:

- **Action Taken—Adult**
 - Charge(s) filed and number of counts for each.
 - City attorney or district attorney hearing (include date and time, if made available).
 - District attorney, city attorney or detective supervisor reject [849(b)(1) PC].
 - Released to (name of agency).
 - Other (specify).
 - Not arrested.
- **Action Taken—Juvenile**
 - Petition requested (include charge(s) and counts).
 - C & R (counseled and released).
 - Action suspended.
 - Exonerated (innocent).
 - Released (insufficient evidence).
 - Referred to Community Service Agency.
 - Referred to CYA (California Youth Authority).
 - Referred to probation. Released to (name of agency).

- Referred to Juvenile Traffic—misdemeanor.
- Referred to Fire Department (counselor program).
- Referred to Department of Mental Health.
- Referred to Department of Public Social Services
- Other (specify).
- Not arrested.

U. Cold-Case Investigations

In January of each year, the detective supervisor shall meet with the Investigations Unit Commander to review cold-case investigations that deserve consideration for reopening investigative efforts. These investigations include such cases as unsolved homicides, rapes, assaults with a deadly weapon and other serious crimes. Increasing the clearance rate is the goal of these reviews and can often be done with minimal resources. In determining the reactivation of a cold case investigation, decision-making shall involve the application of additional leads or solvability factors, the availability of investigative resources, and/or degree of seriousness.

V. Investigation's Case File Management System

1. Case files shall be managed via the Records Information Management System (RIMS), a computer-aided dispatch/records management electronic file system. Specific information to be recorded within the case investigation log for each case shall include the case number, date assigned, investigator assigned, specific offense, follow-up/report due date, notes on case activity, case status/disposition, and case disposition date (when applicable). Follow-up investigative reports are to be written as a "supplemental report" to the preliminary investigative case report within RIMS.
2. The administrative designators for use in case management and control shall include those "case dispositions" and "case investigation dispositions" listed within the applicable RIMS report and investigative fields.
 - a. Case dispositions/status, located on page one of the RIMS report, are typically completed by field personnel upon completion of a preliminary investigation. Dispositions include "Released per 849(b)1 PC," "Cleared by Juvenile Arrest," "Cleared by Adult Arrest," "Cited (Adult)," "Cleared by Other Means," "Investigation Continued/Inactive," "Information Only," "Unfounded," "Cited (Juvenile Only)," and "Active."
 - b. Case investigation dispositions/status, located within the RIMS records "Case Investigation" section, are only to be completed by authorized

investigators (i.e., detectives) and include “Cleared by Arrest,” “Cleared Other,” “Report Unfounded,” “Investigation Continued/Inactive,” “Case closed (non-criminal),” and “Investigation Continued/Active.”

3. Case files in which investigative activities are on-going, shall be maintained and managed by the supervising detective. Case files should contain a copy of preliminary investigative reports (all original hard-copies are to be maintained in central records), records of statements, results of examinations of physical evidence, case status reports, and other reports and records needed for investigative purposes.
4. Cases which have no available leads shall be placed in an “investigation continued” status for a minimum one week (i.e., seven calendar days). After one week, the supervising detective or their assigned designee will make a follow-up call to the victim(s) and witness(s) before moving the case to a “case closed” status for no further follow-up being possible due to the lack of leads.
5. The investigation case-management files (both active and inactive) are only accessible to departmental authorized investigators/detectives, the Chief of Police, and members of the command staff. Security of said files shall be controlled via passwords within RIMS (department CAD system); locked file cabinets located within the investigations unit (active and inactive cases for the current year plus one calendar year); and/or secured within the access controlled/alarmed Records Unit (inactive cases only).

W. Case-File Retention

1. Upon classifying a case as “investigation continued – inactive (e.g., suspended)” or “closed/cleared,” the investigator case file shall be retained in the secured Investigations Unit case file-storage bins until consolidated into the department’s central records system. The Investigations unit will retain case files for the current year plus one calendar year.
2. Once under the control of the records unit, investigation case files become placed under the “central records retention schedule” for purging purposes.