

COLCHESTER POLICE DEPARTMENT

SUBJECT: Criminal Investigations		
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REFERENCE: Rescinds the following: G.O. #32 "Electronic Surveillance", G.O. #39 "Thermal Imager" & G.O. #41 "Digital Voice Recorders"		
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POLICY: This policy establishes procedures that will ensure the effective and efficient performance of criminal investigations by the Colchester Police Department. It is CPD's policy to thoroughly investigate all reported or detected crimes through prompt response, proper collection and preservation of evidence, identification of witnesses, apprehension of suspected offenders and careful preparation of cases for prosecution. Investigations, searches, seizures, arrests and all uses of law enforcement authority shall be done in compliance with constitutional guidelines, department general orders and the officer's training.

The document known as the "Criminal Law Manual" or "An Introduction to Vermont Criminal Law" is incorporated into this policy by reference. [Appendix A] It is the primary resource for officers regarding criminal procedure, detentions, pat down searches, general search and seizure, arrest law and interview and interrogation techniques. This manual is available on the Valcour Help page under VT Policies and Procedures.

- CONTENTS:**
- I. Initial Response
 - II. Witnesses and Suspects
 - III. Notebook and Reports
 - IV. Solvability Factors
 - V. Follow-up Investigations
 - VI. Case Management
 - VII. Bureau of Criminal Investigations
 - VIII. Polygraph Examinations
 - IX. Criminal Background Investigations
 - X. Searching & Seizing Electronic and Computer Equipment
 - XI. Electronic Surveillance and other Investigative Aids
 - XII. Criminal Procedure Generally

I. INITIAL RESPONSE

- A. One of the most basic and important functions of the police is the investigation of criminal offenses. The preliminary investigation is crucial to the successful resolution of the case. The preliminary investigation may reveal information that is useful in solving other crimes, and it serves as a vital link between the crime and a subsequent in-depth investigation. The

following guidelines pertain to all felonies, serious misdemeanors and crimes against persons.

- B. Officers that approach the scene shall be alert for any signs of suspicious activity, especially evidence of a fleeing criminal. The officer assigned as primary to the incident shall be in command and conduct the preliminary investigation unless relieved of that responsibility by a supervisor. Uniformed/first responding officers are expected to conduct thorough initial investigations using solvability factors as investigative guidelines and to pursue the initial investigation to its logical conclusion within the constraints of time, geography, and expertise.
- C. The investigating officer shall immediately determine the need for medical aid for any injured person(s) at the scene.
 - 1. The aid may be rendered by the officer; or
 - 2. The aid of a bystander may be sought to free the officer for other activities; or
 - 3. If the injury is of a serious nature, the officer shall call for emergency medical assistance (EMS).
- D. The officer shall, as soon as practical, provide dispatch the following information:
 - 1. The nature of the crime.
 - 2. A description of the offender and direction in which he/she fled.
 - 3. A description of the vehicle, if any.
 - 4. Whether or not the offender is, or may be, armed or otherwise poses a danger to him/herself or others.
- E. The officer shall secure the crime scene and preserve evidence.
 - 1. Physical evidence shall not be touched or moved unless it is absolutely necessary to provide emergency aid or to ensure its preservation.
 - 2. The officer shall briefly note and record any evidence that may be related to the crime and shall request the services of specialists, if needed. If specialists are not needed, the officer shall be responsible for collecting, documenting, photographing, and properly storing physical evidence.
 - 3. Ensure that a crime scene log is started and maintained for all untimely death and major crime scenes.
 - 4. Unauthorized persons will not be permitted to enter the scene. Unauthorized persons are any civilians or police personnel not necessary for continuation of the investigation.
- F. The officer shall prepare all appropriate paperwork before the end of his/her shift unless cleared by the Officer In Charge (OIC) to do otherwise. All appropriate paperwork and computer entries, to include reports, shall be completed before the end of his/her shift in instances where the investigation will be transferred to BCI.

- G. The initial officer shall yield the investigation:
1. When ordered to do so by the OIC; or
 2. Upon the arrival of a detective that has been assigned through proper authority to take over the investigation. The mere presence of a detective does not automatically mean he/she will take over the investigation. Whenever possible, the original investigating officer should be involved in the continuing investigation.
 3. When the case has been properly transferred to another agency such as CUSI, a task force or federal agency. The responsible CPD officer shall follow appropriate transfer protocols and may only transfer a case to an outside agency with the approval of a sergeant or above.

II. WITNESSES AND SUSPECTS

- A. The primary officer shall ensure that all potential witnesses and the complainant are identified, located and interviewed.
1. Witnesses shall be separated to insure independent statements.
 2. Witnesses should be questioned as soon as possible and in a quiet area, if available.
- B. The officer shall observe the following minimum standards for interviewing the complainant and witnesses:
1. Questions should be simple and in plain language.
 2. Avoid interruptions.
 3. Ask only one question at a time and allow the witness sufficient time to answer.
 4. Avoid leading questions that imply a certain answer.
 5. Avoid sarcasm, rudeness or antagonism.
 6. Obtain a detailed, sworn statement in either a written format when investigative protocols require such method (i.e. Domestic Assault) or **by the preferred method with the use of a department issued electronic recording device**, interviewing each person involved separately and privately. Ensure that a synopsis of each statement is contained in the officer's report.
 7. If the use of a translator is needed, make arrangements for this. All interviews shall be consistent with department policy on interacting with persons as witnesses.

III. NOTEBOOK AND REPORTS

- A. The investigating officer shall, at a minimum, make notes of the following data:
1. Time of arrival.
 2. Weather conditions, when relevant.
 3. Approximate time of the crime and by whom and when it was discovered.
 4. Identity of the officers present.
 5. Information concerning physical evidence.

6. Name, address, home and work phone numbers of the victim(s) and/or witness(es).
 7. Hour, date and location of the interview.
 8. The description of the suspect, especially unusual characteristics.
 9. Description of the vehicle, if any.
 10. Brief statements as to what the witnesses heard and/or observed. However, if a statement appears highly informative due to its nature and content, a verbatim record should be made.
 11. Important measurements in a crime scene sketch.
 12. Any other pertinent information the officer believes may be useful in apprehending the suspect or documenting evidence.
- B. Upon completion of the preliminary investigation, the officer shall file a report concerning his/her activities.
1. The report shall be thorough, accurate, and complete.
 2. The report, at a minimum, shall contain the information outlined in above (A) and any other relevant facts and observations that may be useful in solving the crime.
- C. It is the Officer's discretion as to whether or not original case notes are maintained. Officers who choose to destroy their notes may do so only after their notes have been fully incorporated into their investigative reports. The practice of destroying notes must be performed consistently. Officers choosing to keep their original notes shall consistently attach their notes to the original case file.

IV. SOLVABILITY FACTORS

- A. Solvability factors, a "lead" or a "clue," are used to assist in the determination of which cases should be assigned for further follow-up investigation.
1. Officers shall use solvability factors to guide all appropriate criminal investigations so as to ensure that these key areas are considered.
 2. In the initial report, the investigating officer will document in detail all efforts to address each factor and specifically address what or what was not learned.
 3. Establishing a list of factors, which are to be considered in the review and assignment of case reports. Assigning for further investigation only those cases that have a sufficient degree of solvability potential as measured by the solvability factors.
 4. The supervisor reviewing officers' reports must not only check for completeness and accuracy, but also must ensure that the report clearly outlines what investigative steps have been taken and what remains to be done.
 5. In using the solvability factors, the supervisor will be able to assist personnel in conducting as complete an investigation as possible. The officer's report must address all solvability factors before it is complete.
- B. The solvability factors include, but are not limited, to:

1. **Can a suspect be named?** The officer conducting the preliminary investigation shall determine from any pertinent party available, whether or not a full or partial name of a suspect is available. When appropriate, officers should conduct a neighborhood canvass to assist in locating and identifying other witnesses who may have information that may lead to the identity of the suspect(s).
2. **Could a suspect be identified by the victim/witness if seen again?**
3. **Is the address or locations suspect frequents known?**
4. **Was a vehicle plate number or partial number obtained by the victim/ witness?**
5. **Can the vehicle be identified by the victim/witness if seen again?** The investigating officer shall determine if the vehicle had any distinguishing characteristics such as: bumper stickers, dents, body work, unusual paint or tires, extra antennas, etc. This inquiry shall not necessarily be limited to the interior of the vehicle.
6. **Was any traceable or identifiable property taken?** Determine if any of the property taken had serial numbers, distinguishing characteristics which would make identification easy, or whatever other considerations are generally made in tracing stolen property.
7. **Is there any significant physical evidence available?** State what evidence was taken by whom, where it was found, and the purpose of taking the evidence and the significance of the material to the investigation. The officer must evaluate the importance of evidence in terms of the goal of solving the crime. If the answer to this solvability question is "yes", the officer must report all the details about the evidence. If the answer is "no", the officer must document what efforts were made to find significant evidence.
8. **Is there an identifiable "modus operandi" present?** Criminals generally commit the same type of crime repeatedly. They also commit the crime in the same or similar fashion as they have in the past. Therefore, the investigating officer shall cite in the report exactly how the crime was committed and determine if the method has any particular significance in relation to other crimes, known criminals, or unique circumstances.
9. **Was there a limited opportunity for the suspect to have committed the crime?** Attempt to determine from the victim if the crime could have been within a specific time frame or if only specific persons could possibly have committed the crime. This factor often has significance with respect to people who know the victim's habits or schedule, people "casing" a place, or when only certain persons have access to a particular restricted area.
10. **Is there reason to believe that the crime would arouse such interest that public assistance will lead to its solution?** Since police rely on people for information, an increased level of interest is often of great assistance. The investigating officer shall use his/her judgment as to the level of interest in a particular offense and answer this question accordingly.
11. **Is there reason to believe that further follow-up investigation will lead to the solution of the crime?** The investigating officer, in a particular case, may feel that just a little more work could wrap the

case up, but for one reason or another, the officer is unable to conduct this work at the time. In some other cases, the officer may feel that there are steps that he/she can take that may lead to the solution of the crime, even though no other solvability factor is present. If the officer answers "yes" to this question, he/she must state the basis upon which he/she rests this conclusion and specify what steps should be taken to bring the case to a successful conclusion.

V. FOLLOW-UP INVESTIGATIONS

- A. Follow-up investigations are the primary responsibility of the officer who initiated the investigation. Circumstances may dictate, however, that follow-up investigations be conducted by an officer assigned to BCI due to the length of the investigation, the necessity to spend extended amounts of time outside of Colchester, or for some other reason deemed necessary by the BCI Supervisor.
- B. Generally, the follow-up will:
1. Initiate inquiries into investigative leads to identify suspects and associates.
 2. Research and review internal and external records, reports, and lab examinations related to the incident, similar incidents or suspects.
 3. Use all available sources to obtain new information.
 4. Disseminate information to the law enforcement community and/or media and public.
 5. Use warrants and/or non-testimonial orders for the collection of evidence, if necessary, and plan, organize and execute the warrants.
 6. Identify, photograph, collect, preserve and use evidence pertaining to the crime and suspect.
 7. Continue the search for additional witnesses, re-interview original witnesses and victim(s), if necessary.
 8. Submit appropriate evidence for laboratory analysis.
 9. Identify, locate and arrest the suspect(s) using criminal histories, MOs, and other information, and determine any involvement in other crimes.
 10. Conduct appropriate surveillance, interrogations, and polygraph testing.
 11. Recommend suspension of investigation if all leads are exhausted.
 12. Prepare and submit the case for prosecution and confer with the prosecutor to prepare for court. Prior to forwarding the case to the State's Attorney's office, the officer shall obtain and review the suspect's criminal history. When a suspect qualifies as a habitual offender pursuant to Title 13, section 11, the officer shall indicate this to the State's Attorney's office either via telephone or on a note attached to the case. When appropriate, relevant prior offenses shall be included in the charging affidavit.

- C. In cases of felonies, serious misdemeanors or missing persons, a second interview of the victim and witnesses may be conducted during the follow-up investigation. New statements shall be included in the investigative file. Further information and/or evidence may be developed during this re-contact of the principals.
- D. The appropriate supervisor will, when assigning a case for follow-up investigation, consider the probability of case solution based on the solvability factors present and assign resources accordingly.

VI. CASE MANAGEMENT

- A. Officers are required to investigate reported crime to the fullest extent possible and are allowed considerable discretion depending on their ability and expertise. Normally, the officer assigned to the patrol area in which the complaint originated will be assigned the case. Detectives will be assigned cases based on their knowledge, skills, qualifications, and caseload. Once assigned a case for follow-up, the assigned detective is responsible for coordinating any and all investigative efforts relating to that case.
- B. Assigning cases for follow-up will, in part, be determined by assessing the solvability factors present and the seriousness of the crime.
- C. Criminal cases being investigated by department personnel will be considered assigned or "open" cases. The responsible officer or detective shall keep all relevant paperwork organized in a paper case file that shall remain at his/her desk or paperwork cubby. Officers should update the electronic Records Management System in a timely manner with new information, statements, photos, etc. Any open case that is more than 30 days old should be reviewed with the officer's supervisor on a regular basis to determine if it should remain open or not.
- D. Whenever a case has been assigned for follow-up, efforts by the assigned detective shall not be suspended without approval of the BCI Supervisor or his/her designee.
 - 1. Criteria to be considered when suspending investigative efforts will include:
 - a. Absence of further leads or solvability factors.
 - b. Availability of investigative resources.
 - c. The degree of seriousness of the offense(s).
- E. Case file maintenance - Case files consist of copies of all pertinent documents relating to a particular case. Case files are kept electronically in the Department's Records Management System. Cases in progress may have some detail in printed or written form while the investigation is in progress. Once the investigation is completed, the case will be forwarded to a BCI Supervisor for review and approval. The case file will then be forwarded to records for inclusion into the electronic records system. Access to a detective's case file will be on a need to know basis with the permission of said Detective or a BCI Supervisor.

VII. BUREAU OF CRIMINAL INVESTIGATIONS

- A. BCI is managed by a Lieutenant who reports directly to the Chief of Police, and a Sergeant who reports to the Lieutenant. BCI is responsible for, but not limited to, the following activities:
- a. Receive, store, maintain and dispose of all evidence and property turned in by department personnel.
 - b. Conduct criminal investigations.
 - c. Conduct juvenile investigations as assigned.
 - d. Collect, process, and record criminal intelligence information.
 - e. Conduct undercover investigations and support undercover operatives.
 - f. Develop, maintain contact with, and document information from informants.
 - g. Maintain all specialized criminal investigative equipment owned by the department.
 - h. Maintain liaison with the State's Attorney's Office, the Attorney General's Office, Federal agencies, investigative task forces, and other law enforcement agencies for the purpose of coordinating activities and exchanging information.
 - i. Assist officers with preliminary investigations, when appropriate
 - j. Conduct training for officers in the department in specialized investigative methods, techniques, and equipment.
- B. Detectives are generally expected to concentrate their activities on:
1. The collection of information that will support, verify, and extend the information collected during the initial investigation.
 2. Assist the original investigating officer with preliminary and/or follow-up investigation when particular expertise is required.
 3. Conduct such other initial and follow-up investigations that cannot be undertaken by Patrol due to need for:
 - a. Specialized or technical equipment.
 - b. Extensive coordination required with outside agencies.
 - c. Monitoring or maintenance of undercover operatives in the field.
 - d. Travel outside the immediate Colchester area to the extent that it would make it impractical to do so, or
 - e. Extensive coordination and staffing or scheduling in conflict with the timely completion of the investigation.
 - f. Immediate follow-up to provide for the safety of the victim(s) or witness(es) and Patrol is unable to do the follow-up in a timely manner.
- C. In unusually serious, sensitive or complex crimes, the Chief of Police or a Lieutenant may arrange to have investigative personnel conduct the investigation from the beginning.

VIII. POLYGRAPH EXAMINATIONS

- A. Polygraph examinations requested by, or conducted for, the Colchester Police Department shall only be performed by an examiner who is a graduate of an institute providing training in the use of the polygraph.
- B. Polygraph examinations requested by, or conducted for, the Colchester Police Department shall be performed by the Vermont Department of Public Safety whenever possible and shall comply with contemporary standards adopted by the Vermont State Police.
- C. All cases considered for a polygraph examination should first be discussed with an immediate supervisor.
- D. No appointment shall be made without it having been discussed with a supervisor. All appointments shall be made through the BCI Supervisor.

IX. CRIMINAL BACKGROUND INVESTIGATIONS

- A. Criminal investigations frequently involve background investigations of persons, particularly as they relate to white-collar crime and vice activities. CPD will conduct background investigations only in correlation with an ongoing criminal investigation. This section does not apply to background investigations in the hiring process.
- B. Various sources of information are available in conducting background investigations. All information obtained in a background investigation will be incorporated into the case file and will be considered confidential. Some potential sources are:
 - 1. Financial institutions and business associates.
 - 2. Former employers.
 - 3. Informants.
 - 4. Utility companies.
 - 5. Public records.
 - 6. Intelligence reports.
 - 7. Criminal history.
 - 8. Other law enforcement agencies.
 - 9. Pawn shops.
- C. Information will be obtained through legally acceptable means. Officers may seek search warrants, subpoenas, or NTOs to obtain the needed information.

X. SEARCHING & SEIZING ELECTRONIC AND COMPUTER EQUIPMENT

Whenever possible, CPD employees shall use computer forensic specialists to assist with seizure or search of computer equipment. The following guidelines are only provided for unusual circumstances where the assistance of a specialist is not practical.

- A. SEIZURE OF COMPUTER EQUIPMENT
 - 1. Data contained on computer systems can be damaged, altered, or destroyed if proper procedures are not followed. Additionally, officers should be aware that the seizure of computer equipment is a process more

complicated than the seizure of typical physical evidence, and specialized knowledge and procedures are required.

2. If during the course of an investigation, officers become aware that evidence of a crime may be contained within a computer or related system, they shall whenever possible, seek the advice of a computer specialist. **In all cases, the officer's actions shall be in compliance with applicable State and Federal laws, as well as Department policies.** In circumstances where time does not allow consultation with a specialist prior to the incident, the following procedure shall be followed during seizure of computer equipment and peripheral devices:
 - a. Initially assess what action is necessary to prevent the destruction or alteration of such evidence.
 - b. Prevent the removal, shut-down, or start-up of computer equipment.
 - c. prevent the computer equipment from being connected or disconnected from such things as power sources, telephone lines, cable modems, networks, or other peripheral devices.
 - d. Prevent the removal, destruction, or alteration of computer programs or files stored on any type of computer storage media.
 - e. Notify the nearest available computer investigation specialist or forensic examiner.

B. SEARCH FOR COMPUTER EQUIPMENT

1. When initially preparing to search for computer equipment, officers should:
 - a. Freeze the scene and not allow anyone to manipulate the computer system in any way.
 - b. Photograph, videotape, or diagram the entire computer system so that connections, screen settings, etc. may be replicated at a later date.
 - c. Disconnect modems and communication devices at their source. (NOTE: in some cases, depending on the nature of the investigation, it may be necessary to allow the computer system to remain attached to networks or communication devices to facilitate the investigation).
 - d. Disconnect power sources from their source (see note in "c" above).
 - e. Label all connections in order to replicate the setup of the system.
 - f. Label and package all items in non-static (no plastic bags) containers for transportation.
 - g. Seize all books, manuals, software, diskettes, and other information or storage devices related to the computer system.
 - h. Seize any and all information relative to possible passwords, indicia of ownership, or other items pertinent to the investigation.
 - i. Transport all computer related items, **ensuring that they are kept away from electromagnetic sources to include radio transmitters** (i.e. the trunk of a marked patrol car with a radio mounted in the trunk).

- j. Secure all computer evidence as provided in the evidence storage directive with special notations on the items that they are not to be handled, turned on, or “booted” unless authorized by computer forensic personnel.

C. SEARCH OF COMPUTER EQUIPMENT

- 1. Computer equipment seized during the course of an investigation should be examined only by personnel with specialized training.
- 2. Such examinations shall be done in accordance with accepted, contemporary computer forensic procedures.

XI. ELECTRONIC SURVEILLANCE & OTHER INVESTIGATIVE AIDS

- A. CPD uses various technologies to aid in criminal investigations. Any investigative aid will be used according to applicable state and federal laws. Officers will be mindful of privacy rights afforded to members of the public and only use relevant investigative aids in a proper and lawful manner.
- B. CPD members are authorized to use only those investigative aids that they have been trained to properly and safely use. These aids include:
 - 1. a body wire
 - 2. thermal imaging device
 - 3. digital voice recorders or other means of recording conversations
- C. Thermal imaging equipment may be used in capacities other than criminal investigations including, but not limited to: search & rescue, fugitive searches, marijuana eradication, marine or ground searches, surveillance, etc.

XII. CRIMINAL PROCEDURE GENERALLY

Details regarding the current operating standards and legal framework for criminal procedure used by the Department are found in the Criminal Law Manual. The following additional guidance is provided as an addendum to that manual:

Searches:

A. SEARCH WARRANTS

Searches and seizures made under the authority of a valid search warrant are always preferred.

- 1. An officer requesting a search warrant should contact the OIC and obtain his/her advice and guidance before proceeding to court. If the court is not in session, the officer should contact the on-call State's Attorney to make the necessary arrangements to secure a search warrant. **Every search warrant issued, and any action taken as a result, must be fully and thoroughly documented in the departments records management system.**

2. **Upon arrival at the scene of a search warrant execution, officers should check to make certain the premises are in fact those described in the warrant.**
 3. An officer responsible for the execution of a search warrant must immediately and directly transport to the Police Station all seized property and ensure that it is properly marked, recorded, and safeguarded in accordance with the Department procedures for the care, handling, and security of evidence.
 4. The officer executing a search warrant will prepare a receipt for all articles seized. The receipt provided may be a signed copy of the inventory, maintained by the searching officers, of all property seized. The receipt will be given to the person from whose premises the property was taken. If property is taken from a suspect, the receipt shall be given to that person. If no person is present at the place searched, a receipt shall be left there. Wherever a receipt is provided, a copy of the warrant authorizing the search and seizure shall also be provided.
 5. An inventory shall be made of all property seized under authority of the warrant. The inventory will consist of:
 - a. a list of **All** property taken and listed on receipt(s).
 - b. the name of the officer making the seizure, and
 - c. the location from where the item was seized.
 6. The officer responsible for preparing the return of the search warrant will sign it. After the return has been completed, the warrant and return shall be submitted to the Court named in the warrant as swiftly as possible.
 7. All officers who are involved in the application and/or execution of a search warrant shall be listed in the case officer's report. If an officer has significant involvement, or at the request of the case officer, he/she shall submit a supplemental report for inclusion with the case.
 8. If at any time during the search an officer discovers evidence of an unrelated crime, he/she shall cease the search, preserve the evidence and forthwith apply for additional warrants as appropriate.
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- B. WARRANTLESS SEARCHES – refer to the criminal law manual for full details.
 - C. SEARCH INCIDENT TO AN ARREST - refer to the criminal law manual for full details
 - D. CONSENT SEARCHES - refer to the criminal law manual for full details.
 - E. SEARCH IN EXIGENT/EXCEPTIONAL CIRCUMSTANCES - refer to the criminal law manual for full details.
 - F. WARRANTLESS SEARCHES OF MOTOR VEHICLES - refer to the criminal law manual for full details.
 - G. INVENTORY SEARCHES - refer to the criminal law manual for full details.
 - a. The department does not normally conduct inventory searches.
 - H. PLAIN VIEW SEARCHES - refer to the criminal law manual for full details.
 - I. STOP AND FRISK SEARCHES (“PAT DOWNS”) - refer to the criminal law manual for full details.

- J. SEARCHES PURSUANT TO ABANDONMENT - refer to the criminal law manual for full details.
- K. INTERVIEW & INTERROGATION - refer to the criminal law manual for full details.

ALL SEARCHES must be thoroughly and accurately documented in the Department's records management system in an officer's report.

Arrests:

B. ARREST & CITATION PROCEDURES

1. ARREST ON WARRANT – Applying for arrest warrant

In this circumstance, the officer provides the factual basis for probable cause to believe a crime has occurred. Once an arrest warrant is authorized by a Judicial Officer, the following procedure should be observed:

- a. The officer need not have the warrant in hand prior to making the arrest.
- b. The officer should inform the arrested person of the nature of the offense charged and the fact that a warrant has been issued.
- c. Upon request, the officer must show the warrant to the defendant as soon as practical, and at that time, must give the defendant a copy of the warrant (VRCP).
- d. The officer must deliver a copy of the arrest warrant, or other process by which a person is detained in a criminal proceeding, to such person within **six (6) hours** of a demand for a copy of the warrant per **Title 13 (VSA) 5502**.
- e. Upon making an arrest pursuant to a warrant, the officer must return the warrant to the judicial officer (VRCP). The officer should complete the return of service on the bottom of the warrant and return the officer's copy to the Records Unit. The original warrant should be left at the Correctional Center if the person is lodged or returned directly to the court if the person is arraigned.

2. ENTRY OF ARREST WARRANTS IN NCIC (Special Circumstances)

- a. The State's Attorney's Office will review cases at the onset of an arrest warrant to determine whether National Crime Information Center (NCIC) entry is appropriate. A copy of the arrest warrant with an indication that the defendant should be placed into NCIC will be forwarded to the investigating agency.
- b. Effective August 1, 2008 in accordance with the Department of Public Safety Vermont Criminal Information Center, Any person for whom a felony or serious misdemeanor warrant has been issued may be entered into NCIC, **irrespective of extradition limitations**.
- c. It is recommended that the subjects of felony and misdemeanor warrants be entered into the NCIC Wanted Person file when it is determined by the investigating agency that the subject of the warrant presents a threat to officer or public safety, and/or the investigating agency believes that there is investigative value in identifying the location of the offender. **All**

entries into NCIC, under these types of circumstances shall be approved by an OIC.

The following types of circumstances suggest cases where entry of the defendant into the NCIC Wanted Person File would be appropriate, whether or not extradition has been authorized:

- i. Any warrant for a subject considered armed and dangerous, regardless of the offense.
 - ii. Any warrant where the subject is being sought for an escape, a violent felony, a sexual felony, a crime of domestic violence, a violation of a protection order, an assault on an officer, or a crime against a child.
 - iii. Any warrant regardless of the nature of the offense where the conditions which prompted the issuance of the warrant, the subject's criminal history, or the circumstances of the crime indicate to the investigating agency that the subject of the warrant poses a threat to officer or public safety.
 - iv. Any felony or serious misdemeanor warrant where knowing the whereabouts of the defendant would provide an important investigative lead for the investigating agency.
- d. Any felony or serious misdemeanor warrant where knowing the whereabouts of the defendant would provide an important investigative lead for the investigating agency. It is important to make sure that the EXL field (Extradition Limitations Field) in NCIC Wanted person Record entry form is correctly completed when there are limits on extradition. When an agency enters a record for a wanted person who will not be extradited, the EXL should contain code "4" (felony) or "D" (misdemeanor) and "NOEX" should be entered as the first four characters of the MIS Field. When an NCIC Wanted Person record is entered where extradition is limited to certain states, the EXL field should contain "2" or "5" (felony) or "B" or "E" (misdemeanor) and the MIS field must contain the location(s) from where extradition is authorized.

3. **ARREST WITHOUT WARRANT** - refer to the criminal law manual for full details.

4. ALTERNATIVES TO ARREST

Officers may exercise discretion consistent with the philosophy and goals of the Department; pertinent laws and court decisions; direction, supervision and orders from superiors; and the sense of justice and fairness that would be expected by an ordinary, reasonable, and prudent member of the community.

- a. **Verbal/Written Warning** – Officers may use a written warning when, in their judgment, this level of intervention is all that is necessary to curtail and/or prevent a recurrence of the volatile behavior. An example might be a warning for a minor motor vehicle violation or a simple non-violent

misdemeanor. This option may be restricted by the Officer in Charge or a supervisor, in those areas of directed patrol or selective traffic enforcement requiring stricter attention to enforcement, or where community standards require formal charges. Verbal warnings should only be used in unusual circumstances and properly documented in an incident narrative.

- b. **Referral to the Community Justice Center (Reparative Board)** – Officers may refer misdemeanor cases and cases involving municipal tickets to the Essex Community Justice Center for resolution pursuant to current CJC policy.

5. **PROCEDURES AFTER ARREST**

- a. Whether an arrest is made pursuant to an arrest warrant or without warrant, officers shall conduct a search incidental to the arrest. The search shall be conducted contemporaneous to the arrest, or as soon as is practicable, and shall be consistent with the officer's training.
- b. Events such as the brief detention, or the arrest and continued custody of a subject using only compliant handcuffing may not require completion of a use of force report. However, the incident does require a narrative report detailing the facts and circumstances of the use and type of authority by the officer who applied it.
- c. Once a custodial arrest has been made, regardless of the procedure governing the arrest, the arrested individual shall be transported to the Police Department, or other suitable location, for processing. **The following shall be collected:** Arrest/Custody/bail/biographical data; Mug shot photographs; Fingerprints; inventory of personal property; DMV, VCIC and NCIC criminal checks.
- d. Dispositions of offenders (arraignment, citation, lodging) will be done in accordance with current procedures and general orders.
- e. Transport and detention of detainees/prisoners will be done in accordance with general orders.

6. **LODGING ON TEMPORARY AFFIDAVIT**

When the behavior or condition of a prisoner is such that it is necessary to immediately transport him/her to a correctional facility, the prisoner may be lodged with a handwritten temporary affidavit. Under such extraordinary circumstances, the arresting officer should complete the customary lodging paperwork and deliver it to the correctional facility without delay.

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