

CITY OF FAIRFAX POLICE DEPARTMENT

**GENERAL ORDER**

Subject	Number
<b>PRELIMINARY AND FOLLOW-UP INVESTIGATION</b>	4-4
Effective Date	Rescinds
November 7, 2007	General Order 4-4, dated 09-17-07
Accreditation Standards	Authority
Fifth Edition 42.1.2, 42.1.4, 42.2.1, 42.2.2, 42.2.3, 55.2.4, 82.1.5	Colonel Richard J. Rappoport Chief of Police

**PURPOSE:**

To establish procedures for preliminary and follow-up investigations.

**POLICY:**

Due to the diverse nature of criminal occurrences reported to the Department and the various complaints that may arise during investigations, it is necessary to delineate the areas of responsibility for the components of the Department charged

with the investigation of criminal matters. In order to increase effectiveness and ensure optimum utilization of available personnel, the investigative process is divided into preliminary and follow-up stages. Responsibility for follow-up investigation is determined by the nature of the criminal act and the need for further investigation.

#### DISCUSSION:

Cases requiring specialized skill, knowledge, and ability should be assigned to personnel having those credentials. This does not preclude officers from retaining a case while obtaining assistance from others who may have specialized skills, but is intended instead to emphasize using the best qualified person available for assignment to selected tasks. Time consuming follow-up investigations are not routinely made by Patrol Division personnel because patrol requirements may be adversely affected.

#### DEFINITIONS:

COLD CASE: A cold case is any unsolved homicide, rape, abduction/kidnapping, missing adult or child, and death cases where the manner of death is undetermined or the victim has not been identified. The parameters listed in this definition do not preclude the Chief of Police or CID Commander from assigning other offenses for cold case review. 42.2.9 (A)

IDENTITY THEFT: Identity theft is the wrongful use, possession, or sale of another person's identifying information in order to obtain goods, money, property or services, or the use of credit in the name of such other person, or causing financial loss to such person or persons through the use of their personal identifying information.

MISSING SENIOR ADULT: an adult whose whereabouts are unknown and who

is over 60 years of age and suffers a cognitive impairment to the extent that he is unable to provide care to himself without assistance from a caregiver, including a diagnosis of Alzheimer's Disease or dementia, and whose disappearance poses a credible threat as determined by a law-enforcement agency to the health and safety of the adult and under such other circumstances as deemed appropriate by the Virginia State Police.

PERSONAL IDENTIFYING INFORMATION: shall include but not be limited to: name; date of birth; social security number; driver's license number; bank account numbers; credit or debit card numbers; personal identification numbers (PIN); electronic identification codes; automated or electronic signatures; biometric data; fingerprints; passwords; or any other numbers or information that can be used to access a person's financial resources, obtain identification, act as identification, or obtain goods or services.

**PROCEDURE:**

**I. PRELIMINARY INVESTIGATION**

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E. Missing Persons (Adults)

1. Missing adults are initially investigated by patrol officers, however there may be circumstances warranting an immediate investigation by CID or search by additional personnel. The CID Lieutenant should be notified as soon as practical when a missing adult report is received. There should be no delay in taking a report of a missing person and there is no minimum amount of time an adult has to be missing before a report can be filed. In all cases, the initial officer should attempt to have the reporting person sign a SP-67 (Affidavit for Missing Person Age 18 or over). Entry of the missing person into NCIC/VCIN is made only if the person meets the criteria listed on the SP-67.

2. Senior Alert Program

a. The Virginia Senior Alert program was established to utilize the resources of various media outlets to publicize the disappearance of missing senior adults whose health or safety may be in jeopardy. Missing Senior Alerts may be local, regional, or statewide. The decision to make a local Senior Alert rests with individual jurisdictions, however prior to making a local Senior Alert, the duty supervisor must confer with the Virginia State Police and provide information regarding the missing senior adult. The decision to issue a regional or statewide Senior Alert will be at the discretion of the Virginia State Police.

b. A missing senior adult is defined as an adult over 60 years of age whose whereabouts are unknown AND who suffers from a cognitive impairment to the extent that he is unable to provide care to himself without assistance from a caregiver, including a diagnosis of Alzheimer's Disease or dementia, AND whose disappearance poses a

credible threat to their health or safety, as determined by law enforcement.

- c. If a missing persons report involves a missing senior adult as defined by this directive, the missing senior is entered into NCIC/VCIN in accordance with Section I D.1 of this General Order. The duty supervisor is then responsible for ensuring that the required forms for the senior alert system are completed and forwarded to the Virginia Missing Person Information Clearinghouse (VMPC). The Virginia State Police website at <http://vasenioralert.com> contains a Law Enforcement User's Guide section that contains all of the necessary information, phone and fax numbers, and forms required to initiate the senior alert system. The User Name 'vasr' and Password "12345" are necessary to enter the law enforcement section of the senior alert website. The completed forms may be forwarded to VMPC by fax or e-mail [dutysgthq@vsp.virginia.gov](mailto:dutysgthq@vsp.virginia.gov). The required photograph of the missing senior must be e-mailed in Joint Photographic Experts Group (JPEG) format to VMPC. The Virginia State Police Administrative Headquarters Duty Sergeant may also be contacted by phone at 804-674-2026 for assistance (Attachment D and E).

## II. RESPONSIBILITY FOR CONDUCTING FOLLOW-UP INVESTIGATION

- A. With exceptions noted in Section II.B. of this directive, the Criminal Investigation Division is responsible for follow-up investigation of the following criminal offenses:

1. Abduction/Kidnapping
2. Auto Theft
3. Bigamy



4. Blackmail/Extortion
5. Bribery
6. Burglary
7. Felony Check Cases
8. Embezzlement/Fraud
9. Felonious Assaults/Malicious Wounding
10. Fraudulent Prescriptions
11. Grand Larceny (larceny cases above \$2,000 and where there are investigative leads meriting further investigation)
12. Homicide or suspicious death
13. Medical Examiner's Cases
14. Missing Person (adult)
15. Narcotics/Organized Crime Related Offenses
16. Obscene or annoying phone calls with a pattern
17. Rape/Aggravated Sex Offenses
18. Robbery
19. Vandalism - Involving extensive or widespread damage to property. "Widespread" includes a number of cases of the same type reported within a specific locale (i.e., numerous tire slashing on one specific street or within a subdivision.)
20. Vice Offenses.
21. Child Abuse or Neglect
22. Missing Person (juvenile)

23. Crimes involving juvenile suspects/victims.

- B. The Duty Supervisor may assign a case listed in Section II. A. above to a patrol officer for follow-up. When this is done, the name of the supervisor and name of the follow-up officer must be clearly noted in the preliminary report. The patrol officer is then responsible for follow-up to conclusion.
  
- C. The Duty Supervisor may assign specific officers to assist CID or SOD during certain aspects of follow-up investigation or for the duration of the investigation. Conversely, a detective may be assigned to assist in preliminary or follow-up investigation of a Patrol Division/Traffic Services Section case.
  
- D. The Patrol or Support Operations Divisions are responsible for follow-up investigation of the following cases subject to the approval of a supervisor:
  - 1. Crimes not listed in Section A which cause minimal loss of patrol time.
  
  - 2. Misdemeanor offenses or violations, except;
    - a. When the offense appears to be a part of a pattern of criminal offenses already assigned to another section.
  
    - b. When follow-up is required outside the boundaries of the City of Fairfax or involves resources not available to the officer.
  
- E. Occasionally, in cases assigned to Patrol Division or Support Operations Division officers for follow-up investigation, additional time beyond the end

of the tour of duty of the assigned officer is required of the officer. In such cases, the assigned officer's immediate supervisor determines whether the investigation should be temporarily discontinued until the assigned officer's next tour of duty, continued on overtime, continued by officer(s) on the relieving tour of duty, or reassigned to another section.

### III. CONDUCT OF FOLLOW-UP INVESTIGATIONS

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C. Periodic contact must be made with crime victims/witnesses to determine if any further information can be learned and to contemporaneously notify them of any changes in case status. Contacts may be made either by telephone or in person. (See G.O. 5-21, Victim/Witness).

D. Contacts with victims/witnesses are documented in supplement reports, which must be updated periodically.

E. Case File Management

1. Case files involving ongoing investigations within the Criminal Investigations Division are to be maintained and filed in such a manner as to be readily accessible to the Criminal Investigations Division supervisors and with certain exceptions, to other detectives within the Criminal Investigations Division. All members of CID are to ensure that a complete and current working case file is maintained on each of their assigned cases. Doing so will provide an immediate informational source to evaluate case progression and serve as an informational resource to other detectives.

2. Investigative case files are to contain at a minimum, the following documents:
  - a. A copy of the preliminary investigative report.
  - b. A copy of all supplemental reports to the preliminary investigative report.
  - c. A record and/or copy of all statements taken relevant to the case investigation.
  - d. A copy of any property records generated during the case.
  - e. A copy of the results of any examination of physical evidence relative to the case.
  - f. A copy of any case status reports.
  - g. A copy of any other reports and/or records needed for investigative purposes.
  
3. Case file maintenance procedures include the following:
  - a. Active case files will be filed in chronological order in the topmost drawer of a file cabinet assigned to the detective and located in the detective's assigned work area.
  - b. Members removing an active case file assigned to a detective will return the file to the detective's file cabinet in proper order at the end of his/her tour of duty.
  - c. Active case files are NOT to be left in brief cases, personal lockers or other unauthorized or inaccessible locations.

- d. All original case file records and documents are maintained within central records.
  - e. At the conclusion of the case, documentation within the case file will be filed, purged and segregated in accordance with existing departmental archive regulations.
  - f. Vice, narcotics/drug, employment background, and internal affairs investigation case files are to be maintained in designated secure locations and are not subject to ready review or access without proper authorization.
- F. UCR part one cases and all assault cases can be closed by arrest, unfounded, or exceptionally in accordance with FBI guidelines. Cases are suspended only upon supervisory approval based on the following criteria:
- 1. Lack of further leads or point solvability factors.
  - 2. Unavailability of investigative resources.
  - 3. Insufficient degree of seriousness.

#### IV. TRACKING FOLLOW-UP INVESTIGATIONS

- A. Lieutenants are responsible for establishing an investigative case status control system for those cases assigned to their subordinates. System design is their prerogative. The system should provide for recording the name of the member assigned, case number, and report due dates.

B. Case Screening and Evaluation:

1. The objective of case screening is to apply available resources to those investigations that have the best chance of being successful given the severity of the criminal offense. The solvability factors are determined by documented experiences of the Department and other agencies.

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## V. COLD CASE INVESTIGATIONS

### A. Cold Case Review

1. The objective of a cold case investigation is to re-examine the existing body of work completed in a criminal investigation in order to determine if there are additional areas warranting further investigation. On occasion, a fresh perspective presents new opportunities to identify or apprehend a suspect(s) or to resolve a case.
2. Additionally, as investigative technologies advance, there may also be opportunities to re-examine existing evidence in a manner that was not possible at the time the original case investigation was classified as inactive and placed into cold case review status.

### B. Cold Case Classifications

1. Categories of Cold Cases usually fall into one of three categories:
  - a. Unsolved: No known suspect has been identified or a missing person has not been found.
  - b. Unresolved: A suspect has been identified but due to a lack of evidence to establish probable cause, they have never been successfully prosecuted, or the manner of death in a death case is classified as undetermined.
  - c. Unidentified: The victim's identity is unknown.
  
2. Serious unsolved cases involving violent crimes against persons and unresolved or unidentified death investigations will be assigned to the Cold Case files. Once a case investigation meeting the above criteria has been placed into an inactive status, the case investigator shall meet with the supervisors of the Criminal Investigations Division to determine if the case should be placed into the Cold Case Files. When a case investigation has been classified for Cold Case review, the case will be reviewed annually on the date of original classification until such time a decision has been made to change the Cold Case status. Cold Case files contain the original investigator's complete case file and they are conspicuously marked and stored in the Criminal Investigations Division suite. 42.2.9 (B)

C. Cold Case Assignment:

1. Cold case assignment is at the discretion of the Criminal Investigations Division Commander. Because they are most familiar with the case, the original case investigator, if he or she has not retired or been transferred, will most often times be assigned to the cold case review.

2. Prior to initiating the follow-up Cold Case investigation, the investigator shall review the original case file and conduct a detailed case review with the CID Commander.

#### D. Cold Case-Follow-up Investigation

1. Obtain all investigative/forensic laboratory reports, notes, and photos including Medical Examiner's autopsy reports and photos.
2. Conduct a preliminary review of the original investigative file.
3. Review reports of all evidence recovered and determine the status and location of the evidence.
4. Contact the initial investigator(s), if available, for a complete briefing and to ensure that the cold case investigation file is complete.
5. Make a list of all victims, witnesses, officers, and/or suspects listed in the original investigation and make an effort to locate them and determine their availability for interviews.
6. Prepare a list of prioritized investigative leads.
7. Make use of all available investigative resources.

- a. **AFIS (Automated Fingerprint System):** Latent print evidence shall be re-entered for identification purposes.
- b. **DNA Evidence:** All forensic evidence (DNA) should be resubmitted and checked against all available databases.
- c. **CCH (NCIC/VCIN):** Check all witness, family members and possible suspects for criminal activity prior to and after the date of the crime.
- d. **VICAP (FBI):** Maintained by the FBI, the VICAP system is a computerized resource that stores and analyzes violent criminal activity. It is also a database for all recovered and unidentified bodies and missing person information.
- e. **ACCURINT:** Accurint allows access to asset records, utility records, phone numbers, current and former addresses and family members.
- f. **LinX:** The Law Enforcement Information Exchange is a network of regional law enforcement records management databases.
- g. **ROCIC:** The Regional Organized Crime Information Center (ROCIC) is an excellent source of information.
- h. **NCME:** The National Center for Missing and Exploited Children (NCME) is a valuable resource for identifying missing children and unidentified bodies.
- i. **CODIS (FBI):** The FBI Laboratory's Combined DNA Index System (CODIS) blends forensic science and computer technology into an effective tool for solving violent crimes. CODIS enables federal, state, and local crime labs to exchange and compare DNA profiles electronically, thereby linking crimes to each other and to convicted offenders.

8. Contact and brief the Commonwealth Attorneys Office with the findings of the Cold Case review.
  
9. Prepare a supplemental Cold Case Summary Report recording all investigative actions and findings and submit it to the Records Section so it can be included as part of the department case report. If the case remains classified as unsolved, unresolved, or unidentified at the conclusion of the Cold Case review, the case investigator shall include a recommendation about the future classification of the case. Once reviewed, the CID Commander will make a determination about the future classification of the case and whether or not the case will remain classified as a Cold Case. 42.2.9 (C)

## VI. Identity Theft

- A. Identity theft is one of the fastest growing and most serious economic crimes in the United States for both financial institutions and persons whose identifying information has been illegally stolen and used. It is the policy of the City of Fairfax Police Department that incidents of Identity Theft are thoroughly and aggressively investigated, and that assistance is provided to victims through appropriate referrals. This department shall also take those measures necessary to assist victims in contacting other relevant investigative and consumer protection agencies, and coordinate with other federal, state and local law enforcement and reporting agencies to identify and prosecute criminal suspects.
  
- B. Taking Identity Theft Crime Reports 42.2.8 (A)
  1. A citizen may report a case of identity theft to the law enforcement agency in the jurisdiction where they reside, regardless of whether or not their identifying information was stolen from that location.

As such, officers shall take a case report from any city resident that knows or reasonably suspects that his or her personal information has been unlawfully acquired, stolen or used by another.

2. If ancillary crimes stemming from the Identity Theft have been committed in a different jurisdiction, the complainant shall be referred to the law enforcement agency where the suspected crime was committed for an investigation of the facts.
3. Non-resident victims who have reason to believe that their personal identifying information was stolen from within the City of Fairfax may also file an identity theft case report.

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2. Contact other involved or potentially involved law enforcement agencies for collaboration and avoidance of duplicating investigative effort. These agencies include but are not limited to: 42.2.8 (D)

a. Federal law enforcement agencies such as the U.S. Secret Service, the Federal Bureau of Investigation, and the U.S. Postal Inspection Service whether or not the victim has filed a crime report with them.

b. Any state and/or local enforcement agency with which the victim has filed a crime report or where there is an indication that the theft of personal identifying information took place.

E. Assisting Victims 42.2.8 (C)

1. Officers conducting preliminary and follow-up investigations of identity theft crimes should take those steps reasonably possible to help victims resolve the financial difficulties associated with the crime. This includes providing victims with the following suggestions and information where appropriate:

a. Contact the Federal Trade Commission (FTC) (1-877-IDTHEFT). The agency acts as the nation's clearinghouse for information related to identity theft crimes and victims and may receive assistance from trained counselors in resolving credit related problems.

b. Victims may also fill out an on-line FTC complaint form at [www.idtheft.gov](http://www.idtheft.gov). Victims should also consider filing an ID Theft Affidavit with their creditors. They may obtain an on-line affidavit and instructions for completion at <http://www.ftc.gov/bcp/online/pubs/credit/affidavit.pdf>.



- c. Cancel all credit cards and bankcards and request new cards with new account numbers.
- d. Contact the fraud departments of the three major credit-reporting agencies [Equifax (1-800-525-6285), Experian (1-888-397-3742), TransUnion (1-800-680-7289)], and ask them to put a fraud alert on their account. Victims of identity theft may also file a victim's statement requesting creditors to contact the victim before opening new accounts in his or her name. Victims should also review copies of their credit report.
- e. If bank accounts are involved, victims should report any loss to each financial institution, cancel existing accounts and open new ones with new account numbers.
- f. If a driver's license is involved, contact the state motor vehicle department. If the driver's license contains the victim's social security number, advise the victim to request a new driver's license number. In such cases, victims should also check with the Social Security Administration to determine the accuracy and integrity of their account.
- g. Provide the complainant with an Identity Theft action brochure. The brochures are located in the lobby of police headquarters and contain advice regarding the action steps victims need to take if they suspect their identity has been stolen.

F. Community Awareness and Prevention 42.2.8 (E)

1. Identity Theft awareness and prevention information will be provided to the community via the department's website. The site provides numerous suggestions toward preventing the theft of personal identifying information as well suggestions on what actions to take if a citizen suspects their information has been stolen or compromised.

2. Awareness, prevention, and information for victims will also be made available in the lobby of police headquarters. The Community Services Section of the Support Operations Division will have the primary responsibility for ensuring that hard copy literature and publications on Identity Theft remain stocked and available to city residents and guests.
  
3. Where reasonable and appropriate, officers engaged in public education/information forums, community crime prevention and awareness presentations or similar speaking engagements should provide the public with information on the nature and prevention of identity theft.

## VII. PHYSICAL AND PHOTGRAPHIC LINEUPS

### A. Physical Lineups

1. The approval of a first-line supervisor shall be obtained prior to conducting any physical lineup. The primary investigating officer shall be responsible for ensuring the proper coordination of lineup arrangements.
  
2. Non-custodial participation by a suspect shall be by consent or court order only. When an arrestee does not consent to participate in the lineup and is in custody, the advice of a Commonwealth's Attorney will be obtained.
  
3. When a suspect in custody is required to participate in a lineup related to an offense in which they are a suspect, their defense attorney shall be contacted and informed of the pending lineup. The attorney will be allowed to attend solely for the purpose of observation.

4. The Office of the Commonwealth's Attorney will be contacted and a representative requested to attend.

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8. The room will be inspected prior to the lineup to ensure that all equipment is functioning properly.
9. Any officer wishing to bring a witness to view a physical lineup shall contact the primary investigating officer. The primary investigating officer shall maintain a list of witnesses and the order that the witnesses view the lineup. All witnesses shall be kept separated. The investigating officer shall notify the supervisor if the number of witnesses needs to be limited.
10. The investigating officer shall determine the type of attire worn by the lineup participants. Clothing worn shall be similar in appearance and worn in the same manner by all participants. The investigating officer shall be responsible for determining any words or phrases to be used by participants during the lineup.

## B. Photographic Lineups

1. Composing the Sequential Photographic Lineup:
  - a. Include only one suspect in each identification procedure.
  - b. A minimum of six photos will be shown.
  - c. The suspect's photo shall be the most recent or best photograph available.
  - d. Photos used will be similar in appearance, with similar backgrounds, and shall not contain Police Department identification numbers.
  - e. Photos used in the lineup shall be copies, not originals, in the event the lineup is retained by the court as evidence.

- f. The photographic lineup is considered evidence and should be handled as such.
- g. Place the suspect in different positions in each lineup when conducting more than one lineup for a case due to multiple witnesses.
- h. Never reuse fillers in lineups shown to the same witness when adding a new suspect to the group of photographs.
- i. Select and identify the lineup sequence (i.e. photographs 1-6 or a-f).
- j. Review the array, ensuring that the suspect does not stand out.

2. Instructing the Witness Prior to Viewing the Lineup: **The officer shall read to the witness the "Photographic Lineup Instruction Form" per Attachment A of this General Order.**

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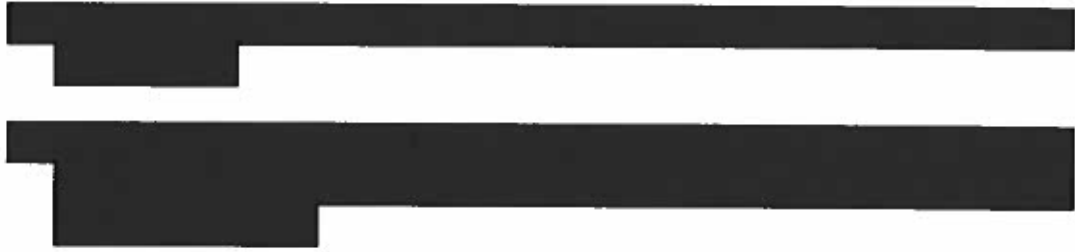
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Colonel Richard J. Rappoport / Chief of Police

Attachment A: Photographic Line-Up Instructions, PD-102

Attachment B: Sequential Line-Up Worksheet, PD-102A

Attachment C: Line-Up Identification Index, PD-102B

Attachment D: Virginia Senior Termination Form

Attachment E: Virginia Senior Alert Agency Request Form

Attachment F: State Code 18.2-186.3 and 186.3:1

Index as: Cold Cases

Follow-Up Investigation

Identity Theft

**Investigation**

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