

**TYLER POLICE DEPARTMENT
GENERAL ORDER**

INVESTIGATIVE SERVICES

18.100

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18.101 PURPOSE

The function of the Investigative Division is to serve the public by investigating crimes committed against person(s), property, and illegal drug offenses. The Investigative Division is also responsible for the management of the CrimeStopper Program. These services will be provided in accordance with the Department's Mission.

18.102 RESERVED

18.103 RESERVED

18.104 SUPERVISION OF THE DIVISION

- A. Supervision is the responsibility of the Division Commander, who reports directly to the Chief of Police. The Division Commander coordinates the general activities of the Division to ensure its effectiveness in investigative and prosecution efforts.
- B. The Division Commander will cause to be prepared a 24-hour on-call duty list. The on-call assignment is made to ensure that a member of the Division is always available to respond to major crimes and offenses of a serious nature.
 - 1. Pagers or cell phones should be carried by the on-call investigator. The pager/cell phone should be kept "on" and in the on-call person's possession when they are away from the home phone.
 - 2. Investigators are authorized to take a city vehicle home pursuant to the appropriate City policy.
 - 3. The schedule of investigators and back up personnel with phone numbers and pager numbers shall be maintained at all times and distributed to all Investigative Supervisors, Shift Commanders, Communications, Division Commanders, and each on-call investigator.
- C. In the event the District Attorney declines to prosecute a case or the case is to be dismissed because of alleged law enforcement agency mishandling, the Division Commander or designate will review the case. The purpose of the review will be to ensure accountability and improvement in case preparation and control. The result of the review will be forwarded to the Chief of Police.
- D. Each investigator assigned to the Division will prepare a monthly activity report, which will provide information on action taken and/or progress on currently assigned cases.

18.105 CASE MANAGEMENT AND CONTROL

- A. Because of the extensive number and varied nature of offenses that are continually under investigation, it is necessary to establish a system of case management and control to ensure accountability for the offenses assigned to the division and each investigator. Case management is partially accomplished by the officer who first completes the original case report. The offense report contains solvability factors that must be checked off by the original report writer. These blocks shall be completed and are not optional.
- B. In order to assist in determining whether a follow-up investigation will be made the supervisors

that assign cases will use a system of case screening. The system is based upon solve-ability factors in order to apply available staffing to those offenses that are most likely to be cleared. A screening process has been developed based on past experiences of the department and on the following procedures:

1. All Open criminal cases will be assigned for follow-up investigation and contact will be made with the listed victim.

2. All crimes against persons and cases with property loss of \$10,000 or more will be automatically assigned for follow-up investigation. On other cases, the following factors, depending on weights, will determine whether or not a follow-up investigation is justified. This system is based on a 12-point system for assignment. Cases having less than a 12-point total will not receive follow-up investigation according to the above guidelines. The following are factors to be considered when reviewing and assigning cases:
 - a. Suspect can be named-----12 points

Credible witness observes this suspect commit a crime and can identify the suspect by the suspect's legal name.

 - b. Suspect can be identified-----12 points

Credible witness observed this suspect commit a crime and can positively identify the suspect if the witness sees the suspect again or if the suspect is placed in a line-up situation.

 - c. Suspect's address known-----12 points
 1. Credible witness observed the suspect commit a crime and can provide information as to the suspect's true and correct address.
 2. Or has information regarding the location where the suspect can be found at a given time.

 - d. Physical evidence collected-----6 points

Evidence that would be beneficial in a court of law to prove the guilt of the suspect.

 - e. Vehicle License Plate Number Known-----6 points

Credible witness observed suspect leave the scene of a crime in a vehicle and the witness secured a complete license number of the vehicle.

 - f. Vehicle Can Be Identified-----3 points

Credible witness observed a suspect leave the scene of a crime in a vehicle which the witness can give only a general description of color, make, model, but

does not include the license number.

- g. Property is traceable-----12 points

Property that has a recorded serial number or some other type of positive identification that makes it suitable for entry into the state and national computer system.

- h. Identifiable Latent Prints Recovered-----6 points

T.P.D. Technical Services recovered matchable prints from the scene of the crime that can positively identify a suspect when and if such a suspect is developed.

- i. A Significant M.O. was used-----3 points

A method of operation was used that is unique in nature.

- j. Limited opportunity to commit the crime-----1 point

Crime had to be committed in a very short and specific time span.

- k. Public assistance will lead to solution-----1 point

It is believed that additional information may be obtained if a witness can be located.

- l. Further investigation will solve-----1 point

- m. No suspect in case/information-----1 point

- n. No follow-up information-----0 points

There is absolutely no information from any source that can be followed-up that would lead to a suspect.

- o. Suspect arrested, other arrest pending-----12 points

Arrest has been made and additional arrests should be forthcoming.

- 3. Following case assignment, the supervisor will determine what resources will be used during the investigation. The decision will be based on nature of crime, public safety issues, the number of suspects and/or witnesses, and the size of the crime scene.

C. Case Assignment

- 1. In most situations, a Patrol Officer shall prepare a preliminary report on criminal cases.

In the event an Investigator works a case from its inception, requiring the Investigator to make the initial preliminary offense report, the appropriate reports must be completed and turned in before leaving the tour of duty. If an emergency arises and an Investigator does not have time to complete the required reports, the Investigator must notify a Supervisor for approval. The officer conducting the preliminary investigation should:

- a. Observe all conditions, events, and remarks.
 - b. Locate and identify witnesses.
 - c. Maintain the crime scene and protect any evidence.
 - d. Interview the complainant and the witnesses.
 - e. Interrogate the suspect/suspects.
 - f. Collect or arrange for the collection of evidence.
 - g. Effect the arrest of the offender if possible.
 - h. Report the incident fully and accurately.
2. Cases requiring follow-up investigation will be assigned to one principal investigator in order to have coordination and accountability.
 3. Investigations must start on the same day the case is received on the following cases:
 - a. Homicides or suspicious deaths.
 - b. Kidnapping, missing persons, or runaways.
 - c. Violations of Court Order (25.08 P.C.).
 - d. Aggravated robbery.
 - e. Family violence cases.
 - f. Crimes against children where a child is in immediate danger.
 - g. Sexual Assault.
 4. Investigations must start on the following cases no later than the third day after assignment. (A Supervisor may require contact sooner if necessary):
 - a. Robbery.
 - b. Sex related crimes.
 - c. Major burglary.
 - d. Auto thefts and all felony thefts.
 5. All other cases assigned must have initial contact no later than ten working days from the date of assignment.
 6. Case Reports which have been placed in a pending case folder and have been cleared, closed, or suspended must be turned into Data Management within 30 days of the changed disposition.

D. Case File Maintenance

1. In addition to the Data Management Unit, which stores all original reports, the Investigative Division will maintain an effective system for investigation case filing. The system will be maintained, updated, and accessed by clerical personnel within the Division who are assigned this task, and by investigators. The case files should contain, at a minimum, the following information:
 - a. Preliminary investigative reports.
 - b. Statements.
 - c. Results of examinations of physical evidence.
 - d. Case status reports.
 - e. Other reports and records needed for investigative purposes.

- f. Investigator's notes and drawings.
2. Case files will be maintained by Investigators until such time the case becomes inactive and is forwarded to the Data Management Unit.

18.106 CASE STATUS

- A. Administrative Designation - An internal administrative procedure will exist within the division that categorizes cases as to their status.
- B. The Property Crimes Supervisor, the Youth Crimes Supervisor, or the Crimes Against Persons Supervisor, will determine the status or a change in status of each case. The decision will be based on information provided by periodic progress reports from the assigned investigator. The designated categories are as follows:
 1. Open - Indicates a case is assigned to an investigator and investigative efforts are active.
 2. Suspended - Indicates all available leads have been exhausted, but the case has not been brought to a satisfactory conclusion and investigative efforts may be resumed. A case may be suspended for the following reasons:
 - a. The absence of further leads or solvability factors.
 - b. Unavailability of investigative resources.
 - c. Degree of seriousness.
 3. Closed - Indicates that the case has been satisfactorily concluded with no further investigation required.
 4. Cleared by Arrest - The offender has been identified and held for prosecution.
 5. Cleared by Exception - The offender has been identified but no prosecution is initiated as defined by UCR/NIBRS guidelines.
 - a. For a case to be exceptionally cleared one of the following must apply:
 1. The suspect dies before being arrested.
 2. The Prosecutor declines to prosecute on grounds other than a lack of probable cause.
 3. Extradition is denied.
 4. The victim refused to cooperate in the prosecution.
 5. Non-custodial juvenile incident.
 - b. In addition, **ALL** of the following must be met to exceptionally clear a case:
 1. At least one suspect must be clearly identified by age, race, and sex;
 2. Sufficient probable cause must have been developed to support the arrest, charging, and prosecution of the offense; and
 3. The exact location of the suspect must be known so that an arrest could be made.
 - c. In cases where one of the circumstances in 5a above apply but not all of the three criteria in 5b above are met, the case status should be "Closed".
 6. Unfounded - Investigation has determined that a criminal offense did not occur.

18.107 CASE STATUS CONTROL SYSTEM

- A. Information regarding the status of a specific case will be systematically recorded and updated. This task is to be completed by the designated clerical personnel within the department. The following information is to be included in the computer file:
 - 1. Investigator assigned.
 - 2. Date assigned.
 - 3. Status change date.
 - 4. Case number.
- B. Crime victims should be officially notified as to any change in the administrative designation. Such notification should be made as soon as possible by the assigned investigator or designate. The notification may be written or verbal, but will be noted within the supplemental case report.

18.108 DEVELOPMENT OF GENERAL INVESTIGATION PROCEDURES – [CALEA 1.2.3]

- A. This policy is intended to supply those investigators given the responsibility of follow-up investigations a preliminary check list by which to assure that basic investigative standards are met. The information is to serve as an investigative tool and should not limit the talents or techniques of the investigative officer. The steps should include:
 - 1. Review and analyze various reports prepared during the preliminary phase.
 - 2. Conduct interviews and interrogations of victims, witnesses, or suspects.
 - 3. Plan, organize, and conduct searches.
 - 4. Collect physical evidence.
 - 5. Consider laboratory analysis such as fingerprints, chemistry, tool marks, handwriting.
 - 6. Review departmental records.
 - 7. Use informants and/or all other information sources. Statements should be taken when possible.
 - 8. Utilize TCIC/NCIC computer network to disseminate and collect information.
 - 9. Check other civilian agencies such as banks, businesses, post offices, schools.
 - 10. Determine possible involvement of suspects in other crimes.
 - 11. Establish surveillance.
 - 12. Identify and apprehend offenders.
 - 13. Give Miranda Warnings when required.
 - 14. Prepare case for District Attorney, Grand Jury, or Court Presentation.
 - 15. Assist in the prosecution of case.
 - 16. Reviewing suspects' criminal histories.
- B. Officers of the Department will use forms that have been approved by the District Attorney's Office for waiver of rights, statements, confessions, warrants, and affidavits.
- C. In the event of an arrest, state laws governing the time elements of when an arrested individual must appear before a magistrate will be adhered to.
- D. Each investigator will comply with any requirements from the appropriate Federal, State, or County prosecutor's office in regard to preparation of criminal cases.
- E. In an effort to gain additional information, each investigator should make periodic contact with the victim of an offense, and ensure that witnesses and the victim have a means to contact the investigator.
- F. When a suspect exercises the right to a lawyer during custodial interrogation, questioning by investigators on anything other than administrative type questions will cease.

18.109 USE OF TECHNICAL DECEPTION AIDS

- A. Polygraph examinations should be by appointment and will be conducted in the examination room of the Tyler Police Department.
- B. Necessary case reports (duplicate for file of the examiner) will be furnished. This will include:
 - 1. Crime and investigative reports.
 - 2. Background information on the subject to be tested.
 - 3. Any statements made by the subject.
 - 4. Any other information or evidence requested by the examiner.
- C. Intensive interrogation of the subject just prior to the examination should be avoided. The subject may be interviewed briefly, prior to the examination, but only to determine opportunity to commit the crime and motive. This should not be interpreted to mean that the submitting official should not interrogate during the investigation, but only applies to that time period just prior to the examination.
- D. The physical condition of the subject prior to the examination should be as near normal as possible, both physically and mentally. It is preferred that the subject has had a normal amount of food and sleep during the 24-hour period preceding the examination. The subject should not be told to discontinue necessary medication.
 - 1. The following are factors that may prevent examination:
 - a. A polygraph examination will not be conducted on any subject if the examiner thinks the subject is physically or mentally unfit or the examination may be a detriment to the subject's health.
 - b. Physical or psychological factors:
 - 1. Females suffering from menstrual discomfort.
 - 2. Females that are known to be pregnant.
 - 3. Subjects with paralysis.
 - 4. Subjects with amputations, affecting placement of the instrument attachments.
 - 5. Recent major surgery - usually the human body requires at least 6 months to recover.
 - 6. Physical disabilities - extreme high or low blood pressure and cardiac trouble.
 - 7. Severe cold or respiratory disorders or allergies.
 - c. Narcotic addicts, especially during withdrawal period.
 - d. Emotional instability resulting from being involved in an incident of a violent nature. Example: victim of armed robbery being given a polygraph examination shortly after being robbed, or a member of the immediate family being examined before the deceased has been buried.
 - e. Subject has not had sufficient nourishment or rest.
 - f. Subjects with known low mental ability - I.Q. of 70 or below.
 - g. Persons who are legally insane or seriously mentally deranged.
- E. Section 19A of Polygraph Examiners Act, Art. 4413(29cc) V.T.C.S. prohibits the disclosure by an examiner to another person of information acquired from a polygraph examination except under circumstances provided by Section 19A, Subsection (c) of The Polygraph Examiners Act.

- F. Persons for whom a polygraph examination is conducted are also prohibited from disclosure, to another person, information obtained during a polygraph examination, except under circumstances provided by Section 19A, Subsection (c) of The Polygraph Examiners Act.
- G. Section 19a, Subsection (c): A licensed polygraph examiner, licensed trainee, or employee of a licensed polygraph examiner may disclose information acquired from the examination to:
 - 1. The examinee or any other person designated in writing by the examinee;
 - 2. The person, firm, corporation, partnership, business entity, or governmental agency that requested the examination;
 - 3. Members or their agents of governmental agencies such as federal, state, county, or municipal agencies that license, supervise, or control the activities of polygraph examiners;
 - 4. Other polygraph examiners in private consultation, all of whom adhere to this section; or
 - 5. Others as may be required by due process of law;
 - 6. Violation of any part of The Polygraph Examiners Act is a Class B misdemeanor.
- H. The polygraph examiner of the Tyler Police Department will conduct polygraph examinations in compliance with recognized professional standards and at the direction of the Chief of Police. The examinations will be conducted in a location with as few outside distractions as possible. The polygraph examination room should have no outside windows and be as sound proof as possible. At no time will anyone other than the polygraph examiner and the examinee be present in the examination room during the polygraph examination.

18.110 INVESTIGATIVE TASK FORCES

- A. Members of the Department who are assigned to participate in the multi-jurisdictional task forces will serve at the direction of the designated coordinators of the units for the duration of their assignments.
- B. Officers assigned will adhere to all General Orders, Operations Orders, and Special Orders of the Tyler Police Department that may apply.
- C. The purpose of a task force unit and its activities will be achieved through written directives prepared and adhered to by the appropriate governing body and its participating members.
- D. The task force unit activities and results will be evaluated on an annual basis to determine their continued necessity.
- E. Resources for task force operations will be solicited from, but not limited to:
 - 1. State and federal grants.
 - 2. United States Department of Justice.
 - 3. Local law enforcement agencies.

18.111 SURVEILLANCE

Investigators who engage in any kind of surveillance activities shall inform communications personnel prior to engaging in the activity. Requests for Patrol assistance are directed to the on-duty Shift Supervisor.

18.112 FIELD INTERVIEWS, CONTACTS AND INTERROGATIONS

- A. All officers of the Tyler Police Department should realize the importance of informal or routine contact with citizens, motorists, and other members of the community. Not all contact with the

public will require written documentation, however the officer should be cognizant to the fact that any individual may possess information important to the investigation of crime, prevention of crime, or information that should be documented for future reference.

- B. Instances where officers may come into contact with the general public can be, but are not limited to:
 - 1. Traffic stops.
 - 2. Responding to complaints.
 - 3. Taking and filing a criminal complaint.
 - 4. Routine patrol of neighborhoods and businesses.
 - 5. Impromptu conversations in restaurants and other places where officers might stop.
- C. Any conversation with the public may at any moment turn into an interview and possibly an interrogation.
- D. If a conversation with any individual should bring about a suspicion in the officer's mind, the officer should make every effort to take written notes, and/or complete a Field Interview Report. A copy of any reports generated from an interview or field interrogation should be forwarded to the assigned Investigator for review.

18.113 BACKGROUND INVESTIGATIONS

- A. Officers of the department may be assigned the background investigation of an individual as required during the investigation of a criminal case or offense. All information resulting from a background investigation is sensitive and, therefore, confidential. To discuss this information with any person who does not have a "need to know" is prohibited.
- B. This directive will serve as an aid in the background investigation of an individual. Each officer involved in the investigation should first identify the need for the investigation.
- C. Information may be obtained in a criminal investigation without the person's authorization, however, probable cause must be shown as to why the information is needed and a court order or search warrant may be required for certain information.
- D. Sources in the community where background information on an individual may be obtained are, but not limited to the following:
 - 1. Schools or learning institutions where an individual attended.
 - 2. Public utilities, such as the telephone company, electric company, etc.
 - 3. The Post Office.
 - 4. The Better Business Bureau.
 - 5. The Credit Bureau.
 - 6. Past employers.
 - 7. Criminal Justice Agencies.
 - 8. Friends, neighbors and acquaintances of the individual.
 - 9. Social Security.
- E. Once information has been collected, it should be reviewed by investigators and/or supervisors who may determine its usefulness.
- F. State law determines the distribution of any criminal history information and copies of this law are available within the department for review by any officer. Once background information is made part of a criminal file, policy and procedures governing dissemination of information will prevail.

- G. Background records will be purged once it is no longer of investigative use and in a manner consistent with current Records procedures.

18.114 CROSS TRAINING

The Cross Training Program establishes a program for temporary assignment of Patrol officers to the Investigative Division. The assignments will be made as staffing within the Patrol Division will allow and not adversely affect minimum staffing requirements. This program will benefit the Department in several ways including:

1. Strengthening the investigative process.
2. Enhancing career development for the individual officer.
3. Improving crime investigation reporting.
4. Improving and providing more complete preliminary investigations by Patrol Officers.
5. Creating a pool of Patrol Officers with investigative experience.

18.115 INFORMATION EXCHANGE

Investigators from the Investigative Division will periodically attend the Patrol briefings to exchange information and enhance relationships between Divisions and Officers.

18.116 HABITUAL OFFENDERS

- A. Those suspected offenders who have been previously convicted of a felony offense will be considered as a habitual offender as defined by the Texas Penal Code Chapter 12, subchapter D., which is titled "Exceptional Sentences".
- B. It shall be the responsibility of each investigating officer to determine if a suspect is to be identified as a potential habitual offender.
- C. Instances where officers may come into contact with habitual or repeat felony offenders can be, but are not limited to:
 1. Routine traffic stops.
 2. Responding to complaints.
 3. Taking and filing as criminal complaint.
 4. Routine patrol of neighborhoods and businesses.
 5. Impromptu conversations in which officers might become involved.
 6. Arrest of offenders.
- D. If an officer suspects a person to be a possible habitual or repeat offender, officers should make every effort to include the gathered information in a report. This report may be a Field Information Card. A copy of any reports generated should be forwarded to Intelligence Officer for review by the officer.
- E. In the event an arrested suspect has been previously convicted of a felony offense the assigned investigator shall convey this information to the prosecutor when the case is presented for review at the District Attorney's Office.

18.117 CHECK FORGERY ACCEPTANCE PROCEDURES

- A. Reports will not be taken if the complainant fails to make the report within 45 days from the date the forged instrument was returned to the complainant. A supervisor must approve exceptions to

this requirement .

- B. The original check must be presented at the time the offense is reported or within 24-hrs. after the report has been taken . If the complainant fails to bring the forged document in within the 24-hr. time period, the case will be closed due to lack of prosecution unless sufficient cause exists to justify the delay. If the complainant provides the information after this time period the 45-day requirement will be used.
- C. The forged instrument must contain a valid Texas Driver's license or pictured Texas Identification card number written on the check by the clerk who accepted the check.
- D. Patrol Officers will make forgery reports in the field if the offense is in progress, or the reporting person has the necessary information and wishes to make a report with an officer.
- E. The complainant will be required to obtain the above information that will be presented on a walk-in or phone-in basis.

18.118 ACCEPTING THEFT OF RENTAL PROPERTY AND HINDERING SECURED CREDITOR CASES

- A. The date of occurrence of the theft of rental property, or hindering secured creditor, will be considered the date of the first unpaid scheduled payment. Reports will not be taken prior to 60 days from the date of occurrence, nor if the complainant fails to make the report within 90 days.
- B. The original contract, certified demand letter, and return receipt must be presented by the reporting person at the time the offense is reported along with any other related documentation. The offense report cannot be taken until 10 days have passed from the time the return receipt is signed or returned as unsigned, refused, or otherwise undeliverable. The reporting person shall provide a photocopy of each which will be attached to the report to be forwarded to the assigned Investigator.
- C. The reporting person must provide evidence of no fewer than three attempts to contact, locate, and/or retrieve the property.
- D. The rental contract must have a valid Texas Driver's License or Texas Identification card number written on it for each person that executed the contract, and a photocopy of the same that was taken at the time the contract was made.
- E. Hindering Secured Creditor cases must have the securing property particularly described at the time the security interest is created. This includes, but is not limited to, the following: make, model, color, and serial number of the securing item.
- F. The level of offense for these cases is determined in the Texas Penal Code by the value of the property destroyed, removed, concealed, encumbered, or otherwise harmed or reduced in value. The Department will assess that value as the "Cash Price" or "Price Tag Value" of the item. This value will not include any taxes, fees, insurance costs, interest fees, recovery fees or rental fees.
- G. The person executing the contract must be able to make a positive identification of the suspect or there must be sufficient circumstantial evidence to present a prosecutable case.
- H. Subsequent cases filed on the same suspect by the same business, or regarding the same contract in prior cleared cases, will be evaluated individually for prosecutorial merit.
- I. For walk-in reporting, the complainant will be required to obtain all of the above listed information on the Hindering Secured Creditor Statement and submit the information to the Department representative before the

initial report will be taken. Patrol Officers will only respond to cases that are in progress or that require special attention. However, if a complainant demands that an officer respond, one will be dispatched according to appropriate procedure.

18.119 IDENTITY THEFT PROCEDURE

- A. Article 13.29 of the Texas Code of Criminal Procedure states the venue for reporting identity crime is the county of residence of the person whose identity was stolen or any county in which an offense was committed. When a person living within the City of Tyler complains of being a victim of identity crime, officers of this department are required to take a police report and provide a copy of it to the victim, regardless of where the identifying information was actually used. The victim's ability to convince creditors that the debts were incurred through another person's fraudulent activity lies solely on the police report. The police report also allows the victim to place a credit freeze with the major credit reporting bureaus, and to prevent any additional bogus accounts from being established.
- B. All identity theft reports will be flowed to the Youth Crimes Unit for follow-up investigations on standard departmental forms. Officers taking identity theft reports should advise victims to notify one of the major credit reporting bureaus, the Social Security Administration, the Federal Trade Commission, the United States Passport Agency and their financial institutions. Brochures will be posted in the lobby of the main police building and the substation containing the telephone numbers and web addresses for these agencies. Victims should be advised to make these notifications as quickly as possible.
- C. At times, the most reasonable avenue of follow-up will be to forward the report to another law enforcement agency where the identity theft information was used. If this occurs, the assigned investigator will notify the victim that the case is being forwarded to another police agency and that the report with the Tyler Police Department will be closed.
- D. The Tyler Police Department will also receive and investigate cases forwarded to this agency from another law enforcement agency. The assigned investigator will coordinate and assist the investigative activities with the other agency and provide the Youth Crimes supervisor with weekly updates on the status of the case.
- E. The Youth Crimes Unit supervisor will periodically meet with the Public Information Officer to discuss methods of educating the public about preventing identity theft. Presentations, news releases, and other methods of disseminating such information will be made in an effort to keep the citizens of Tyler safe from identity theft and related crimes. The Youth Crimes Unit supervisor will ensure the posting of educational brochures in the lobby of the main police building and the substation containing helpful information concerning preventing and dealing with identity theft.

18.120 COLD CASE INVESTIGATION PROCEDURE

A cold case is defined as an investigation into a homicide, sexual assault, or any other case that the Chief deems necessary, where all current leads have been exhausted, no additional forensic lab work can be done, and all requests for public assistance have been negative. The Investigative Supervisor, after thoroughly reviewing the case with the assigned Investigator, will determine that the investigation can proceed no further without additional information. The case will then become a cold case pending the development of new information or technologies. The Investigative Supervisor will decide whether to allow the statute of limitations to expire, where applicable, or to seek an information or indictment if enough information is available. The case will remain assigned to the investigator and will remain open with a quarterly

supplemental follow-up report required. When the assigned investigator is no longer assigned to work as an investigator, the case will be re-assigned to another investigator and continue to remain open. With each re-assignment of a cold case, the newly assigned investigator will review the entire case and present to the investigative supervisor a recommendation to activate the case for follow-up or to have the case remain cold.

18.121 INTERVIEW / INTERROGATION ROOM PROCEDURES

For the purpose of this policy, interview rooms are those designated rooms in which officers of this department conduct interviews where there is a potential the interview could turn into an interrogation and arrest of a person. To conduct the process in the safest manner possible, personnel will be aware of the need to consider certain issues prior to conducting an interview or interrogation.

1. Armed personnel are to be aware of the need to maintain weapon security/retention. All weapons (guns, knives, OC, Etc.) will be securely fastened into approved holsters or secured in a manner to prevent the subject from gaining access to the weapon(s) during the interview. The weapon(s) may be placed in a secure location away from the interview room.
2. All subjects that are potential suspects to be interviewed in the main police building will be escorted through the walk-through metal detector and all alarms resolved prior to permitting entry into the police building. Potential suspects are to be searched prior to entry into the interview room. Interviewing officers will be aware that a normally cooperating subject may become combative or hostile at any moment and attempt to assault the officer or flee/escape.
3. The investigating officer will consider the number of personnel necessary to be allowed in the interview room. In most situations one subject will be interviewed with two officers in the room. A number of other officers may be posted outside the interview room should the need for additional assistance be required. The number of personnel may be adjusted due to the circumstances, age, or physical needs of the person being interviewed. Examples include but are not limited to the interview of a subject that is in a wheelchair and there is not enough room for additional officers, the interview of child and the need to have the parents present or the need to have additional officers present for a large or menacing subject. Juveniles will be interrogated pursuant to General Order 10.111.
4. Interviewing officers will ensure that the constitutional requirements concerning interviews and interrogations including access to counsel are met.
5. Prior to conducting the interview, the interviewing officer will have the necessary number of officers available to provide for the safety of the interviewing officer(s) or to prevent the escape of the subject. The interviewing officer will ensure that the means and method of summoning assistance, if needed, is in place prior to conducting the interview.
6. Interview rooms will be equipped as necessary to allow for the audio and/or video recording of the subject being interviewed. Specific items such as polygraph instrument or other special equipment will be as determined by the investigating officer.
7. Subjects being interviewed will be given access to restrooms, water, or comfort breaks as needed. Efforts will be made to utilize techniques to enhance the development of information relating to a crime. In order to maintain the safety of all, the necessary number of personnel will be utilized.

18.122 INVESTIGATIVE HYPNOSIS

- A. The purpose of using investigative hypnosis is to provide contributory evidence to be corroborated as fully as possible by other means of investigation. No employee of the Tyler Police Department shall use any hypnotic interview techniques without being certified by the Texas Commission on Law Enforcement Officer Standards and Education as an investigative hypnotist, and authorized by the Chief of Police.
 1. The subject will not be asked any personal or embarrassing questions with the exception of those questions related directly to the investigation. The subject will not be asked to

- behave in an inappropriate or unusual manner.
2. Investigative hypnosis is not a substitute for proper investigation. It is only one of the many diagnostic tools available to officers to assist in the investigation of criminal cases.
- B. Hypnosis may be used in felony and misdemeanor cases when requested by an investigator from the Tyler Police Department. Hypnosis may be used to assist in an investigation with other law enforcement agencies with approval from the Chief of Police. Investigative hypnotists should exercise discretion to assure that their services are not being requested as a substitute for proper investigation or for cases in which hypnosis would be of minimal value.
- C. No person shall be placed under hypnosis in any case in which that person is believed at that time to be a suspect, nor shall any person be placed under hypnosis when the investigative hypnotist has reason to believe that the examination is intended to circumvent or defy the law.
- D. Tyler Police investigative hypnotists will not use hypnosis for therapeutic or public entertainment purposes. Although there is a considerable difference of opinion as to what constitutes therapeutic use of hypnosis, Tyler PD policy includes weight reduction, stopping smoking and similar applications of hypnosis as prohibited activities.
- E. Prior to conducting any investigative session, the investigative hypnotist shall obtain written consent from the subject being hypnotized.
1. If a proposed subject is being treated for a heart condition, epilepsy, diabetes, or other serious physical condition or is taking stimulants or sedatives, consent of the attending physician must be obtained prior to hypnosis induction.
 2. If the proposed subject is under the care or treatment of a psychiatrist or psychologist, consent of the attending psychiatrist or psychologist must be obtained prior to hypnosis induction.
 3. It will be at the police hypnotist's discretion as to whether the subject is suitable for hypnosis under either of the aforementioned circumstances.
 4. For juveniles, written consent of the parent is required.
- F. Every hypnotic session conducted by a Tyler PD investigative hypnotist shall be video and audibly recorded. Recordings of all hypnotic sessions shall be retained by the Tyler PD property unit the same as any other evidence in a criminal case for so long as the case for which it pertains has not resulted in an acquittal, a final conviction or dismissal. In any case in which no charges are filed, the evidence shall be retained until the statute of limitation for the particular offense has expired.
- G. Polygraph Operator / Investigative Hypnotist
1. When the investigative hypnotist is also a polygraph operator, these additional restrictions will be imposed to separate the function or polygraph operator from that of the investigative hypnotist.
 2. A polygraph examiner will never administer a polygraph examination to any individual that he has hypnotized.
 3. A polygraph examiner will never administer a polygraph examination and conduct a hypnosis session on the same case or issue.
 4. While using hypnosis, the polygraph examiner shall refrain from implying or stating that he/she is a polygraph examiner.
 5. While conducting a polygraph examination, the polygraph examiner shall refrain from implying or stating that he/she is a hypnotist.
 6. If the polygraph examination room is to be utilized in a hypnosis session, the polygraph instrument and its attachments shall be removed.

H. Conducting the interview

1. Preliminary Activity

- a. The investigative hypnotist should never hypnotize subjects connected with a case in which the hypnotist has any part of the investigation, as the hypnotist must remain unbiased.
- b. The investigative hypnotist should acquire background information and check on any physical or emotional problems of the subject. Also, any hearing or speech problems should be identified.
- c. The investigative hypnotist should arrange for a time and location for the hypnosis session. This may be at a police facility or other place where the environment is as relaxing and free of interruptions as possible.
- d. If needed, the investigative hypnotist should arrange for an interpreter or other investigative hypnotist to be present as backup or for communication. Investigative hypnosis will be conducted with a witness present.
- e. The investigative hypnotist should arrange to have only necessary personnel at the session. For eyewitness identification, the hypnotist should have a sketch artist present who is experienced in police identification work. If assisting another agency, someone from that agency should be present.
- f. Prior to the hypnosis session, the case investigator should briefly outline what information is needed from the subject, such as vehicle information, conversations, descriptions of suspects, weapons, etc. A brief outline of the areas of information should be completed; vehicle information, conversations, descriptions of suspects, weapons, etc.

2. Hypnosis Session

- a. Audio/video recording equipment should be turned on prior to contact with the subject so the entire contact between the hypnotist and the subject is recorded. The equipment should be in plain sight and the need for it explained to the subject prior to being hypnotized.
- b. Everyone present should be introduced on video and their role explained.
- c. Exclude family members or friends, unless the subject being hypnotized insists they be present.
- d. The investigative hypnotist will explain hypnosis to the subject and answer any questions. After the explanation and before inducing hypnosis, the investigative hypnotist will obtain written consent from the witness/victim authorizing the session and will also obtain verbal authorization on video.

3. Follow-up

- a. Review the video with the investigator to determine if the subject was confabulating or filling in the gaps during the session. Review information obtained with previous evidence gathered. The investigator should be made aware of all new evidence uncovered so that it can be corroborated.
- b. Reports should be completed and forwarded as required.

4. Court Testimony

Investigative hypnotists must be fully prepared to testify in a court of law, or other legal setting. For this reason, they must be prepared to provide credentials to demonstrate competency. To maintain credentials and to enhance credibility, each investigative

hypnotist shall:

- a. Conduct a minimum of six (6) investigative or practice sessions or a combination thereof each year to maintain proficiency.
- b. Attend either an in-service or approved advanced hypnosis course at least once every two (2) years.

5. Training

Selection of the proper personnel to be trained in the use of hypnosis is fundamental to the success of the program. Personnel selected for training in investigative hypnosis will attend a basic course of training approved by the Tyler Police Department and the Texas Commission on Law Enforcement Officer Standards and Education. In-service and advanced training will be scheduled at least once every two years. Department hypnotists will be encouraged to join state and/or national forensic hypnosis associations and to attend their training seminars. Future departmental training and use will comply with any state or national standards established.

Approved: 02/21/13

A handwritten signature in black ink, appearing to read "Amy M. Shandor". The signature is written in a cursive style with a large initial "A" and "S".