

Investigation, Scene Processing and Prosecution

600.1 PURPOSE AND SCOPE

Best Practice NYSLEAP-8.7-50.1

The purpose of this policy is to set guidelines and requirements pertaining to the handling and dispositions of criminal investigations.

600.1.1 DEFINITIONS

Agency Content

Physical Evidence – Any and all objects that can establish that a crime has been committed, or that serves to identify criminals, trace them, or associate them with a crime.

Chain of Custody – The continuity of custody of material and items collected as physical evidence.

Crime Scene – The location where the crime occurred or where the indication of the crime exists.

Crime Scene Processing – Specific actions taken at a scene consisting of, but not limited to; crime scene search, photography, video, sketch, and the collection and preservation of specific kinds of evidence.

Center for Forensic Sciences (CFS) – An organization comprised of the Onondaga County; Medical Examiner's Office, Sheriff's Department Criminalistics Unit, and the Department of Health Laboratory located at 100 Elizabeth Blackwell Street, Syracuse, NY 13210.

Evidence Technician - A police officer that is certified after successfully completing the DCJS Crime Scene Specialist Course.

Evidence Seal - A unique seal, placed on a container, which prevents undetected alteration, intrusion or tampering. The seal must include the officer's handwritten initials, IBM#, and the date and time that the seal was completed.

BEAST Property & Evidence System – The electronic property and evidence processing system utilized by the Syracuse Police Department, all Onondaga County law enforcement agencies, the Forensic Science Center, and the Medical Examiner's Office.

600.2 POLICY

Best Practice MODIFIED NYSLEAP-8.7-50.1

It is the policy of the Syracuse Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor. The Syracuse Police Department will provide 24-hour service capabilities for its various criminal investigation functions.

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600.3 PRELIMINARY INVESTIGATION

Best Practice **MODIFIED**

600.3.1 OFFICER RESPONSIBILITIES

Best Practice **MODIFIED** NY_CALEA6.13 - 42.1.4, 42.2.1 (a), 42.2.1 (b), 42.2.1 (c), 42.2.1 (d) NYSLEAP- 8.7 - 50.1 (A), 51.1, 51.6, 40.1 (B)

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Observe all conditions, events, and remarks and make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial interview of any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine whether additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Patrol Commander. This shall include incidents where the information available indicates the circumstances warrant the intervention of a specialized unit and/or personnel with specialized training. In such cases, Patrol personnel shall notify the appropriate specialized unit (e.g. – CID, SID, etc.) and request assistance.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Ensure that an evidence technician collects all relevant evidence. For major incidents, the Crime Scene Unit may be responsible for the collection of evidence.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
 - 8. In felony cases where Patrol Division officers exhaust all possible immediate leads during their initial investigation and immediate follow-up is not required, the original investigating officer will notify the appropriate investigative component in accordance with established Departmental procedures where the incident will be noted on the Criminal Investigations Division's daily assignment report. Supervisors in the respective investigative component will assign a detective to conduct a follow-up investigation when appropriate.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary and what other resources may be available, and advise the informant or complainant of this information.

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- (d) If circumstances prohibit an officer from completing a preliminary investigation, this shall be indicated in the appropriate report and a supervisor or Watch Commander shall be notified.

See procedure for: [UNIFORM PERSONNEL RESPONSIBILITIES](#)

See procedure for: [INVESTIGATIVE GUIDELINES](#)

See procedure for: [FIRST OFFICER AT MAJOR CRIME SCENE RESPONSIBILITIES](#)

See procedure for: [NON-MAJOR CRIME SCENES](#)

600.3.2 PATROL SUPERVISOR'S RESPONSIBILITIES

Agency Content

Ensure that officers conduct thorough preliminary investigations.

Ensure that officers devote a suitable amount of time to assure the quality of preliminary investigations consistent with the need to maintain other police services.

Review preliminary investigation reports as soon as possible to:

- (a) Determine existence of any/all solvability factors.
- (b) Assure correct crime classification, legibility, sufficiency of information, etc.
- (c) Ensure that the officer has documented all investigative actions.
- (d) Dependent upon urgency, either forward the case to the appropriate Investigation Unit for further action or request immediate follow up.

If a preliminary investigation cannot be completed for a valid reason, pass it on for completion. Meet with the supervisors of the oncoming platoon or shift to convey and exchange information.

See procedure for: [INVESTIGATIVE SOLVABILITY FACTORS](#)

See procedure for: [PRELIMINARY INVESTIGATION REPORT REVIEW](#)

600.3.3 SCENE/INCIDENT PROCESSING RESPONSIBILITIES

Best Practice **MODIFIED** **NYSLEAP- 8.7 - 51.1, 51.2, 51.2 (A), 51.2 (B), 51.2 (C), 51.2 (D), 51.3, 51.6, 7.1, 40.1 (B)**

The following scene processing actions should be carried out, depending upon the nature and seriousness of the scene/incident, by the investigating member or other assigned/qualified personnel. A qualified member of the department shall be available on a 24-hour basis to process a scene/incident. Department-provided equipment shall be used for:

- Scene photography.
- Scene sketch.
- The collecting, documenting, tagging, cataloging and safekeeping of evidence.
- Processing of latent fingerprint evidence.

Members shall use the appropriate forms for documentation of scene/incident processing, including:

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- An investigative report or crime scene investigation report – as applicable - detailing the scene under investigation, the nature of the evidence processing work conducted, and other notable observations that are not otherwise reflected in other reports or log sheets prepared by the investigating member.

When handling and preserving items of evidence, members will ensure that items are properly marked or labeled, including:

- A description of the item along with any relevant item number and DR number.
- The source from which the item was obtained or seized.
- The date, time and location where the item was obtained or seized.
- The name of the member collecting the item.

All items of evidence will be securely stored, with their location documented in all relevant reports. Whenever an item of evidence is removed from secure storage for any reason, the member and/or evidence custodian shall ensure that the following information is documented:

- The date and time of the transfer.
- The name of the member/other receiving the evidence.
- The reason for the transfer.
- The name and location where the evidence was transferred.
- Any examinations performed.

Members processing the scene of an incident for evidence must have proper training commensurate to the special duties performed.

600.3.4 CRIME SCENE PHYSICAL EVIDENCE AND PHOTOGRAPHY

Agency Content

Evidence technicians shall, upon their arrival at a crime scene, assume responsibility for the collection and preservation of evidence. When more than one evidence technician is assigned to a crime scene, the initial responding evidence technician shall have primary responsibility for processing the scene.

Vehicles assigned to or used by evidence technicians shall have equipment for processing crime scenes to include, at a minimum:

- (a) Equipment for the recovery of latent fingerprints.
- (b) A camera, with flash, appropriate lenses, batteries, film, and/or recording media.
- (c) Tape measures and toolbox.
- (d) Supplies for collecting, packaging, and preserving items of physical evidence.

Officers processing accident or crime scenes shall prepare a supplement report that should contain:

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- (a) The name under which the case is filed.
- (b) Date of the report.
- (c) DR Number for the case.
- (d) Date and time the evidence technician was requested, when applicable.
- (e) Name of the investigating officer, when appropriate.
- (f) Date and time the officer arrived at the scene.
- (g) Location of the scene.
- (h) Name of the victim and suspect, if known.
- (i) A description of the actions taken by the officer which should include:
 - 1. A record of photographs taken.
 - 2. A list of measurements taken.
 - 3. A list of physical evidence recovered.
 - 4. The disposition of the evidence.

Physical evidence at crime scenes shall be collected and preserved in accordance with established procedures taught in the Evidence Technician Course, and in accordance with established procedures.

Whenever practical, crime scenes should be photographed. In order to ensure the admissibility of photographs in court the photographs must:

- (a) Be relevant and material to the point in issue.
- (b) Not appeal to the emotions or tend to prejudice a jury.
- (c) Be free of distortion and not misrepresent the scene or object depicted.
- (d) Be a true and accurate representation of the scene at the time the photograph was taken.
- (e) Have an unbroken chain of custody from the time the film is exposed until the photograph is presented in court.

See procedure for: [GENERAL PROCEDURES FOR CRIME SCENE PHOTOGRAPHY](#)

See procedure for: [GENERAL PROCEDURES FOR IMAGE MEDIA & FILM STORAGE](#)

600.3.5 CRIME SCENES

Agency Content

The Syracuse Police Department recognizes two levels of crime scenes:

- (a) Major Crime Scenes.
- (b) Non-Major Crime Scenes.

A Major Crime Scene shall include:

- (a) All homicides.

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- (b) Any serious assault in which eventual death to the victim is a risk.
- (c) Any other serious assault where the circumstances involved require extensive crime scene processing.
- (d) Any bank robbery.
- (e) Any officer-involved shooting.
- (f) Any other serious or unusual incident.

600.3.6 PROCESSING AND RELEASING THE MAJOR CRIME SCENE

Agency Content

All major crime scenes are to be processed by Crime Scene Unit personnel in accordance with established procedures. Upon request of the Commanding Officer, supervisor, or officer in charge of the Crime Scene Unit, an evidence technician who is not assigned to the Crime Scene Unit may assist in processing major crime scenes.

It is the responsibility of the Commanding Officer of the Criminal Investigations Division, or his/her designee, to ensure that all scenes and evidence are processed in accordance with accepted standards and procedures.

Once the major crime scene has been completely processed, the officer in charge of the scene will notify the Criminal Investigations Division. A CID Command Officer will make the decision whether to hold or release the scene. No scene is to be released without the approval of a CID Command Officer.

[See procedure for: PROCESSING THE MAJOR CRIME SCENE](#)

600.3.7 NON-SWORN MEMBER RESPONSIBILITIES

Best Practice

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.3.8 CASE MANAGEMENT AND TRACKING

Discretionary **MODIFIED** NYSLEAP- 8.7 - 50.1 (B)

The Syracuse Police Department shall use a case management and tracking system to assign and monitor cases that, at a minimum, includes:

- (a) The lead investigator.
- (b) The date of assignment.
- (c) A schedule of supervisory review.
- (d) The current case status (e.g., open, closed, suspended).
- (e) The method of closure (e.g., closed by investigation, closed by arrest, other).

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See procedure for: [INVESTIGATION REPORT ASSIGNED STATUS](#)

600.4 FOLLOW UP INVESTIGATIONS

Agency Content

The follow-up investigation is an extension of the preliminary investigation and is usually begun when most of the basic tasks of the preliminary investigation have been accomplished. In the follow-up investigation, investigative actions are undertaken that were earlier postponed and efforts and skills can be concentrated on more time-consuming tasks that should not ordinarily be hurried.

To ensure the continuity of an investigation, follow-up case responsibility is delineated as follows:

- (a) Criminal Investigations Division (CID) - is responsible for the follow-up investigation of felony crimes, serious and unusual incidents, and deaths of a suspicious nature (Including all felony offenses when detectives of any other specialized Component are unavailable), and processing major crime scenes for evidence and providing findings to investigations.
- (b) Special Investigations Division (SID) - is responsible for the follow-up investigation of offenses relating to narcotics trafficking, vice, and organized crime.
- (c) The Youth Enforcement Unit (YEU) - has primary responsibility for review of juvenile arrests and cases.
- (d) The Abused Persons Unit (APU) - is responsible for the follow-up investigation of felony sex offenses.

Whenever feasible, supervisors shall designate one officer as having primary responsibility for conducting or coordinating each follow-up investigation. The officer assigned a case for follow-up will become the principal detective for that case and be responsible for the development of an investigative plan and all reports and documents the case.

Supervisors shall establish a case management system in order to ensure that all follow-up investigations are completed in a timely fashion. Unless otherwise directed, investigative reports are due as follows:

- (a) The first follow-up report is due within three (3) working days of assignment, unless otherwise directed.
- (b) All subsequent follow-up reports are due within (5) working days of each investigative action, unless otherwise directed, until all logical leads have been exhausted.
- (c) Due to exigent circumstances, detectives may request permission from a supervisor to temporarily waive the requirements listed above. Supervisors shall consider exigent circumstances such as heavy caseload, major or priority investigations, and authorized leave in granting such permission.

600.5 CUSTODIAL INTERROGATION REQUIREMENTS

Best Practice **MODIFIED** **NY_CALEA6.13 - 1.2.3 (b) NYSLEAP- 8.7 - 50.1 (D)**

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Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

See procedure for: [MIRANDA WARNING CARD](#)

600.5.1 AUDIO/VIDEO RECORDINGS

State MODIFIED NYSLEAP- 8.7 - 50.1 (C)

Any custodial interrogation of an individual who is suspected of having committed a qualifying class A-1 felony, a qualifying predatory sexual assault, or a qualifying class B violent felony shall be recorded (audio and video) in its entirety (including the administration of Miranda rights) when the interrogation takes place at any Syracuse Police Department facility unless (CPL § 60.45; Family Court Act § 344.2):

- (a) The individual requests that the interrogation not be recorded.
 - 1. The request must be made in writing or at the beginning of the recording.
- (b) The recording equipment fails.
- (c) Recording equipment is unavailable due to damage or other extraordinary circumstances.
- (d) Recording equipment is not available because it is in use or because of the location at which the interrogation takes place, such as a hospital.
- (e) Recording would jeopardize the safety of any person or reveal the identity of a confidential informant.
- (f) Exigent circumstances prevent the recording of the interrogation.

If any interrogation involving a qualifying felony is not recorded, the reason for not making a video-recording should be documented.

Any custodial interrogation of an individual who is suspected of having committed any other violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law. Any custodial interrogations or investigative interviews may be recorded at the discretion of the police officer/detective conducting the interview, or at the direction of the Chief of Police or his/her designee.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigation Bureau Deputy Chief. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate, and complete, and are made only for authorized and legitimate law enforcement purposes.

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Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable. Timely notice of intent to use any statement must be made to the defendant who has been arraigned (CPL § 710.30).

See procedure for: [AUDIO/VIDEO RECORDINGS](#)

Deviations from the PROCEDURES FOR VIDEO RECORDING SUSPECT STATEMENTS & CONFESSIONS may be necessitated by field conditions, common sense, and practicality. In those cases, decisions on an ad hoc basis must be made by the investigating officer or a Criminal Investigations supervisor. Great deference will be given to the decisions made in the course of an investigation regarding video-recording by the officers who are actually involved.

600.5.2 COMMUNICATIONS BETWEEN ATTORNEYS AND THEIR CLIENTS

Agency Content

There shall be no interruptions of the recording from the commencement to the conclusion, unless the subject of the recorded interrogation has an attorney visit.

The subject and attorney shall be offered a separate, private area in which to confer if one is available.

- (a) The recording of the empty room should continue during their absence to memorialize the event until such time that the interrogation is either resumed or terminated.
- (b) Alternatively, a record can be made of when the recording was discontinued for the attorney visit.
- (c) If the interrogation re-commences after the attorney visit, there should be documentation of the attorney's agreement to allow the questioning to continue and the time that the recording was resumed.
- (d) At no time will the visit between an attorney and a suspect be recorded.

600.6 DISCONTINUATION OF INVESTIGATIONS

Best Practice MODIFIED NYSLEAP- 8.7 - 50.1 (B)

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, there is no reasonable belief that the person who committed the crime can be identified and the incident has been documented appropriately.
- (b) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (c) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (d) Investigation has proved that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

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The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.7 COMPUTERS AND DIGITAL EVIDENCE

Best Practice MODIFIED NYSLEAP- 8.7 - 7.1

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should consult with an Evidence Technician prior to seizing computers and related evidence. If an Evidence Technician is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7.1 NOTICE TO PROSECUTION OF ELECTRONIC RECORDINGS

State

The lead investigator should promptly notify the prosecutor's office, in writing, when there is a reasonable belief that an electronic recording of a 9-1-1 call, dispatch recording, Mobile Audio/Video (MAV), body-worn video, or other audio or video recording was made or received in connection with a criminal investigation (CPL § 245.55). The notification should be retained in the case file.

600.8 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Best Practice

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.8.1 ACCESS RESTRICTIONS

Best Practice MODIFIED

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses,

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requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in an inter-departmental memo and stored in the respective member's division/section shared drive.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.8.2 INTERCEPTING ELECTRONIC COMMUNICATION

State

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.9 MODIFICATION OF CHARGES FILED

Best Practice MODIFIED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of the Chief of Police or authorized designee. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.10 COMPSTAT

Agency Content

The weekly scheduled CompStat meeting shall be used as a means to facilitate communication and information exchange between patrol personnel and criminal investigative personnel.

600.11 TRAINING

Agency Content

All officers shall receive training in basic accident and crime scene investigation techniques as part of the Basic Course for Police Officers.

Officers assigned, as evidence technicians shall receive specialized training and become a Certified New York State Evidence Technician in accordance with, at a minimum, the established guidelines of the NYS Bureau for Municipal Police.

Evidence technicians should receive annual in-service refresher training in order to update their awareness of laboratory capabilities, new equipment, and examination techniques.