


NORTH DAKOTA HIGHWAY PATROL POLICY MANUAL

	SUBJECT	POLICY NUMBER
	CRIMINAL INVESTIGATION	4-3
	APPLICABLE CALEA STANDARDS	EFFECTIVE DATE
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		RESCINDS
		4-3
		DATED
		5-8-17

PURPOSE

To provide policy, procedures, and guidelines for criminal investigation.

POLICY STATEMENT

North Dakota Highway Patrol (NDHP) officers shall conduct criminal investigation of violations of law committed in their presence and law violations not committed in their presence upon a highway or other areas in which the NDHP has legal authority as defined in NDCC 39-03-09. The NDHP will provide 24-hour coverage for the purpose of investigations dealing with criminal violations by maintaining an on-call officer for each area. The local agency having concurrent jurisdiction must be notified in all cases involving violent misdemeanors or felonies.

NDHP officers shall refer all cases involving major crimes to the appropriate local authority or the North Dakota Bureau of Criminal Investigation (BCI). An Officer shall not conduct a criminal investigation if the NDHP does not have legal authority to do so. Whenever an officer obtains information pertaining to vice, drug, organized crime, or any other information pertaining to criminal activities that might present a threat, officers will relay that information to the BCI, homeland security coordinator, or the appropriate local law enforcement agency. An officer shall notify a supervisor, and if the seriousness of the information warrants, the superintendent, through channels in a timely manner by e-mail, phone, staff meeting, or other means.

Upon verification of a crime scene, the responding officer shall notify the appropriate local authority or the BCI and request assistance. The first officer to arrive on the scene will be the officer in charge and shall secure the scene. The officer shall remain in charge until relieved by a supervisor or another agency representative having legal authority.

PROCEDURE

A. Upon notification of the crime, an officer shall record:

1. The exact time the call was received or incident was witnessed.
2. The exact location of occurrence.
3. Whether the perpetrator(s), suspicious person(s), or vehicle(s) remain at the scene.
4. The name, address, and telephone number of the person reporting the incident.

B. When responding and approaching the crime scene, an officer shall:

1. Activate the in-car video to record potential suspects or suspect vehicles leaving the area.
2. Mentally prepare to take control of the scene regardless of the circumstances observed on arrival.
3. Be alert for discarded evidence.
4. Make pertinent notes of individuals at the scene who may leave the vicinity of the crime scene.
5. Consider personal safety.
6. Seek out additional witnesses.

C. When arriving at the crime scene, an officer shall:

1. Establish control upon arrival.
2. Determine need for first aid administration.
3. Arrest the suspect. If suspect has fled, initiate an all-points bulletin (APB) for the suspect.
4. Determine changes that may have occurred from the original condition.

5. Locate and identify all witnesses.
- D. An officer shall protect the scene by:
1. Establishing a perimeter to secure and isolate the scene using physical barriers such as ropes, cones, and other equipment.
 2. Observing and documenting all conditions, events, and pertinent comments made by individuals present.
 3. Keeping unauthorized personnel away from the scene and begin recording all individuals who enter and leave the scene.
- E. Notifications that need to be made by the initial investigating officer:
1. Notify the on-duty or on-call supervisor.
 2. In cases where the department does not have legal authority, the officer shall immediately request assistance from the local agency with jurisdiction or BCI. The officer shall remain at the scene to protect the scene and render assistance until excused by a supervisor or the agency having legal authority. Once relieved of responsibilities, the officer shall complete SFN 3457, Case/Incident Report, and report the actions performed.
 3. In major cases that are referred to a local or state agency for investigation or to a crime scene specialist for processing, an NDHP officer must, at all times, remain to protect the scene and assist with the investigation until excused by a supervisor or the agency conducting the investigation. After being relieved of responsibilities, the officer shall complete SFN 3457, Case/Incident Report, and report the actions performed.
- F. An officer shall initiate a preliminary investigation by:
1. Defining the extent of the search area.
 2. Identifying and protecting transient evidence.
 3. Determining personnel and equipment needs.
 4. Making assignments and establishing responsibility.
 5. Locating, identifying, isolating, and separating witnesses, suspects, and victims.
 - a. Do not permit any conversations between suspects, witnesses, and victims relative to the crime.
 - b. Hold witnesses and suspects for questioning.
 - c. Remove the suspect from the crime scene before interrogation to eliminate the possibility of the suspect contaminating the scene.
 - d. It may be advantageous to conduct a preliminary interrogation of the suspect while the suspect is at the scene. This questioning should be directed toward the recovery of evidence.
 - e. Provide the victim with "Marsy's Card" upon initial contact or as soon as possible.
 6. Recording information from civilians at the scene regarding knowledge of the crime.
 7. Taking photographs of all aspects of the crime scene prior to securing and removing evidence. Video recordings may be used to supplement photos.
 - a. To establish a scale, a ruler should be used when photographing small evidentiary items such as footprints, tire prints, and weapons.
 - b. Record the date, time, and location where photographs are taken.
 - c. Digital photographs will be saved in a file labeled with the corresponding case number. This file will be uploaded to DropBox. The IT section will put the file into the NDHP database for storage.
 - d. Video recordings must be stored as prescribed by Policy 3-20.
 - e. The use of personally-owned electronic equipment (cell phones, audio or video equipment) for official department use in the collection and preservation of evidence is prohibited.
 8. Taking necessary and sufficient measurements to reconstruct a crime scene on a scale diagram. The Crash Reconstruction Team may be tasked with measuring and reconstructing a crime scene. The officer's diagram and field sketch form may be used to record measurements of a crime scene. At a minimum, measurements should be taken to locate the following:
 - a. Overall dimensions of the scene.
 - b. Relation of the scene to a permanent object.
 - c. Location of significant features of the scene (e.g., victims and weapons).

- d. Direction north, date, time, location, and the name of the officer and any person providing assistance.
9. Identifying and preserving all physical evidence at the crime scene. Crime scene specialists may be needed to handle such tasks as the recovery of latent fingerprints. The on-scene officer shall make a request to an appropriate agency for assistance within sixty minutes of determining a specialist is needed.
 - a. All property seized as evidence and other contraband, including illegal drugs and alcohol, must be properly labeled, marked, packaged, and stored in a secure place as prescribed in Policy 3-17.
 - b. Wet or bloody clothing or material should be air dried and placed in paper bags.
 - c. Materials and substances must be collected from known sources, when available, to accompany the evidence being submitted to a laboratory for comparison purposes.
 - d. When another agency collects fingerprints for the NDHP, the following procedures must be followed:
 - 1) The collecting agency must properly mark and package the prints as necessary to avoid contamination.
 - 2) Prints must be given to the investigating NDHP officer who must log them into evidence in accordance with Policy 3-17.
 - 3) The collecting agency must provide documentation showing proper chain of custody.
10. Making a chronological log by time and date using SFN 3457, Case/Incident Report, to log the sequence of events as they occurred and the investigative steps taken which are directed towards the arrest of the perpetrator. If applicable, the officer shall indicate on the SFN 3457, Case/Incident Report, the reason photographs were not taken and physical evidence not obtained.

G. Interview and Interrogation of the Suspect in Custody

1. An officer is prohibited from transporting a suspect to NDHP facilities for the purpose of conducting an interview or interrogation. Other locations such as law enforcement facilities containing secure areas designed for the purpose of conducting interviews and interrogations may be used. When another agency's interview room is utilized, an officer must follow the procedures below:
 - a. Secure all weapons prior to entering the interview room;
 - b. Reduce potential security concerns by searching the interview room and suspect prior to conducting the interview;
 - c. Remove any unnecessary equipment or items from the interview room;
 - d. Monitor the suspect at all times until the interview is completed;
 - e. Limit the number of officers conducting the interview to a maximum of two;
 - f. Maintain a means to summon assistance such as a portable radio or cell phone; and
 - g. Provide the suspect with monitored access to restrooms, water, and comfort breaks.
2. Advise the suspect of their Constitutional rights under the Miranda ruling.
3. Ensure the suspect understands their rights by requesting a response.
4. Obtain a completed Statement of Rights, SFN 17125.
5. Allow the suspect to make a complete statement.
6. Take notes, complete a written statement, and have the suspect sign the statement.

H. Follow-up Investigations Procedures

1. Gather, review, and analyze all reports from the initial investigation for discrepancies and possible leads to aid in the follow-up investigation of the case.
2. Conduct additional interviews of witnesses or victims and interrogations of suspects to confirm previous statements and obtain additional details regarding the investigation.
3. An officer should seek additional information from potential witnesses, officers, citizens, and other sources (e.g., traffic cameras, security cameras, media release, etc.).
4. Through the investigation process, searches may be conducted to collect evidence. An officer shall seek assistance from the prosecuting attorney and a supervisor when planning, organizing, and conducting searches.
5. Once a suspect has been identified, the investigating officer shall work with the prosecuting attorney to obtain an arrest warrant for the subject and work with local agencies to apprehend the suspect.

6. The investigating officer must, through channels, provide the suspect's identification and case information to the homeland security coordinator to conduct the following:
 - a. Dissemination of information to other agencies to determine if the suspect has been involved in other crimes.
 - b. Conduct a criminal history check of the suspect.
 7. An officer shall prepare a comprehensive case for court presentation and meet with the prosecuting attorney to review case content. The case file should include, but is not limited to, a detailed case/incident report, evidence, witness statements, photos and video.
- I. Checklist for Conducting a Criminal Investigation.
1. Documentation of initial receipt of information
 2. Documentation of arrival at the scene
 3. Arrival at the scene
 - a. Establish control
 - b. First aid
 - c. Arrest perpetrators
 - d. Locate and identify all witnesses
 4. Protect the scene
 5. Notify supervisor
 6. Initiate preliminary investigation
 - a. Identify search area
 - b. Protect transient evidence
 - c. Determine personnel and equipment needs
 - d. Isolate and separate witness or suspect and remove from the scene. If a suspect is arrested, advise the suspect of their rights, obtain a waiver, and reduce statements to writing.
 7. Take necessary photographs
 8. Sketch crime scene
 9. Identify and preserve all physical evidence at the scene
 10. Interview witnesses and suspects
 11. Make a chronological log by time and date of events
 12. Review the entire process with involved personnel
 13. Check all documentation
 14. Conduct any follow-up investigations as needed
- J. The investigating officer is responsible for the submission of evidence to a laboratory for analysis as prescribed by Policy 3-17.
- K. The primary investigating officer is responsible for keeping the complainant or victim apprised of the progress of the investigation.
- L. A copy of the case/incident report must be provided to the state's attorney where the criminal violation occurred. The report should contain the following elements:
1. Date and time of arrival at the scene
 2. Location of the crime
 3. Name of the victims, if known
 4. Name of the suspect, if known
 5. An accurate record of action taken at the scene, including the number of photographs taken, whether measurements were taken, and a listing of physical evidence recovered
 6. Case number
- M. The regional commander shall set the priority of effort by the investigator and shall direct the investigation to conclusion. At the regional commander's discretion, the commander may ask other enforcement agencies to assist in the investigation.

1. When assigning cases for follow-up investigation, regional commanders will be guided by the following criteria:
 - a. Documented experiences of the department and other law enforcement agencies.
 - b. Research conducted within the department and any research available from other law enforcement agencies.
- N. The entire case file shall be uploaded to FileNet for storage and retention.
- O. On-scene response is not immediately required in cases involving late reports of a crime.
 1. An officer will obtain contact information from communications personnel.
 2. An officer will telephone the reporting party and determine if on-scene investigation is necessary.
- P. The NDHP will not employ or use informants, nor will the department use decoy operations or other methods of covert investigations.
 1. If a citizen volunteers to provide information, the citizen will be referred to the BCI or a local agency having legal authority.
 2. Surveillance practices should only be used under limited circumstances. An NDHP officer may become involved with surveillance techniques when specifically requested by another agency and after the regional commander has given approval.
 - a. Surveillance operations will be planned and implemented at the regional level.
 - 1) The regional commander, or the commander's designee, will hold an operational briefing to include:
 - a) Familiarizing officers with the objectives and details of the operation
 - b) Operational procedures for observation
 - c) Procedures for handling arrests
 - 1)) The regional commander will contact juvenile authorities prior to the operation to determine the handling of juvenile offenders (e.g., detention, release with approval from a legal guardian, etc.)
 - d) Documentation and audio or video recording of the surveillance
 - e) Emergency communications
 - f) Providing relief and/or backup to surveillance officers
 - g) Designation of supervisor in charge
 - h) Equipment available to the officers
 - 1)) The supervisor in charge of the surveillance will be responsible for securing equipment. To assist in securing equipment, the following procedures may be utilized:
 - a)) Contact another region to arrange for needed equipment.
 - b)) If the needed equipment is at headquarters or with an outside agency, the supervisor will contact the chief of operations or chief of staff for assistance in securing the equipment.
 - 2)) In all cases, equipment should be transported to the operation site by the most reasonable means.
 - a)) If the equipment is not available, the supervisor in charge of the operation will make the decision on whether to proceed with the operation or cancel it due to safety concerns.
 - b. If time permits, the regional commander will inform the chief of operations prior to the initiation of surveillance.
 - c. Upon completion of surveillance, the regional commander shall submit an after action report to the chief of operations detailing the results of the surveillance operation.
 - Q. Raid Operations
 1. The NDHP will not conduct raid operations. If NDHP assistance is requested for a raid operation by another agency, the regional commander shall:
 - a. Ensure that the agency requesting assistance has secured the proper search warrants.
 - b. Inform the requesting agency that the NDHP will only provide perimeter security for the raid.

- c. If K-9 assistance is requested:
 - 1) The K-9 and K-9 handler should enter the raid area to conduct a search only after the situation has been stabilized.
 - d. If time permits, an NDHP supervisor will be assigned to be on scene to monitor the raid.
 - e. If time permits, the chief of operations will be notified prior to the commencement of the raid.
 - f. An after action report of the raid must be completed and submitted to the chief of operations.
- R. The identity of those people who voluntarily provide confidential information must be protected to the extent possible under the circumstances involved.
- S. Drug Task Force
- 1. Regional commanders should work closely with local drug task force members.
 - a. Regional commanders should attend or designate an officer to attend any regional drug task force meetings.
 - 2. When an officer initiates a traffic stop in which money or property may be forfeited, the officer should:
 - a. Contact the task force or BCI to assist in processing the scene and evidence.
 - b. An Officer must follow Policy 3-17, Impoundment of Property and Evidence Control.
- T. Homeland Security Coordinator-North Dakota State and Local Intelligence Center (NDSLIC)
- 1. Intelligence information gathered in the field should be forwarded to the homeland security coordinator for analysis and possible dissemination to include information related to:
 - a. Major crimes (e.g., escape, stolen vehicle, assault, kidnapping, etc.)
 - b. Narcotics crimes
 - c. Vice or organized criminal activities
 - d. Terrorism related crimes
 - e. State and local prison issues (e.g., gangs, crimes, escape)
 - f. Sovereignty issues (e.g., treason, sabotage, espionage)
 - g. Threats against public officials
 - h. Border and immigration issues (e.g., illegal entry, false citizenship)
 - i. International fraudulent activities
 - j. Election law issues
 - k. Missing or exploited children or adults
 - l. Critical infrastructure activities (e.g., evacuation, protection, suspicious activity)
 - m. NDSLIC Standing Information Needs (SINS)
 - 1) Cyber Attacks and Exploitation
 - 2) Disasters
 - 3) Illicit Alien Operations
 - 4) Illicit Commercial Operations
 - 5) Illicit Drug Operations
 - 6) Public Health Hazards
 - 7) State Sponsored Operations
 - 8) Terrorist Operations
 - 9) Transnational Organized Crime
 - 10) Weapon Proliferation/Illicit Operations
 - 11) Hate Groups
 - 12) Violent Gangs
 - 13) Human Trafficking
 - 14) Criminal Activity of Sovereign Citizens
 - 2. In the event such information needs to be disseminated immediately, the officer shall verbally relay the information to the appropriate authorities and notify the homeland security coordinator as soon as practical.
 - 3. Intelligence information should only be collected if the information is related to specific criminal conduct or activities that present a threat to the public.
 - 4. Records shall be maintained for complaints received and processed along with any information conveyed to, or received from, outside agencies.

- a. All intelligence files forwarded to the homeland security coordinator must be compliant with federal regulation 28 CFR Part 23 and NDSLIC policy.
 - b. Intelligence files will be maintained separately from other agency records and secured to prevent unauthorized access.
 - c. NDHP intelligence files must be purged as outlined in the agency records retention schedule.
5. Requests for further investigation from the NDSLIC shall be relayed to a supervisor through the homeland security coordinator.
 6. Intelligence information gathered by the homeland security coordinator related to a significant crime or incident shall be forwarded, through channels, in a timely manner to the superintendent.
 7. The homeland security coordinator shall conduct an annual review of the NDHP policies and procedures related to criminal intelligence to ensure compliance with 28 CFR Part 23 and NDSLIC privacy, civil rights, and civil liberties policies.
 - a. The homeland security coordinator shall submit a written confirmation of these reviews to include any recommendations, through channels, to the support services division commander.