



# UW-Madison Police Department

**Policy: 42.1**

**SUBJECT: INVESTIGATIONS-ADMINISTRATION**

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## **POLICY:**

The University of Wisconsin–Madison Police Department shall provide procedures associated with conducting preliminary and follow-up investigations. These investigations may be related to criminal occurrences or the criminal intelligence gathering process.

## **DEFINITIONS:**

“Case file management” refers to a system for case status control. This system contains case specific information such as: the assigned investigator, assigned date, incident date, and case status.

“Case screening system” refers to a system for determining suspension or continuation of investigative resources.

“Criminal intelligence” refers to the end product of a process that converts individual items of information either into evidence, insights, conclusions, or assessments (less solid than fact but more helpful than raw information) that can form the basis for law enforcement strategies, priorities, policies, or investigative tactics regarding a specific crime, suspect, or criminal organization. The intelligence process includes the systematic collection of raw information that, after collation, evaluation, and analysis, is disseminated to appropriate units of the agency. Criminal intelligence information may or may not be submitted or included in the Department’s Records Management Systems.

## **PROCEDURE:**

### **42.1.1 INVESTIGATIVE COVERAGE**

The following outlines the procedure for achieving 24-hour investigative coverage:

- A. Detectives are available during regularly scheduled duty hours, generally Monday through Friday, 8:00 a.m. to 4:00 p.m. The Detective on Call (D.O.C.) is available for investigative support during weekday and weekend off-duty hours. Formal requests for investigative support should come through the Officer in Charge (OIC).
- B. When additional investigative support, beyond that of the D.O.C., is required during weekday and weekend off-duty hours, the OIC should contact the Manager on Call (M.O.C.) and/or the detective supervisor. The MOC and/or the detective supervisor will facilitate the process of acquiring additional support.

### **42.1.2 CASE SCREENING SYSTEM**

The following identifies the agency case screening system and criteria for continuing or suspending investigative efforts:

- A. The Investigative Services Captain or designee assigns cases for follow-up investigation to detectives, community officers, and other sworn personnel based upon a combination of factors that include, but are not limited to:
  - 1. Specialized skill or knowledge.
  - 2. Specific training or expertise.
  - 3. Available personnel.
  - 4. Current case load.
  - 5. Case exigency.

- B. Suspension of investigative efforts by assigned personnel must be approved by the Investigative Services Captain. Consideration shall be given to the following criteria before suspending investigative efforts:
  1. Lack of further leads or solvability factors.
  2. Lack of investigative resources.
  3. Determination that the case is not within the Department's legal jurisdiction (e.g., a civil matter).
  4. Failure to meet specific minimum loss value criteria.
  5. Unwillingness of victim to pursue complaint.
- C. The Investigative Services Captain or designee shall determine the need for follow-up investigation by screening cases utilizing solvability factors and supervisory judgment. For cases that are assigned for follow-up, the case will be entered into a case tracking system and the individual assigned notified. Any police manager or police supervisor has the authority to require follow-up investigations on any case. Any manager or supervisor assigning a case for follow-up must coordinate the assignment with the Investigative Services Captain.
- D. The Investigative Services Captain or designee shall determine if additional workforce resources are needed for cases assigned for further investigation and to what extent they shall be utilized.
- E. For every case assigned for follow-up investigation, one person shall be designated as the lead investigator and case coordinator.

#### **42.1.3 CASE FILE MANAGEMENT**

The Department has established case file management procedures as follows:

- A. If a determination is made to assign a case for investigation, the Investigative Services Captain or designee will track such assignments electronically in the Records Management System utilizing the Investigator Dashboard (RMS ID). RMS ID designates the date the case was received, the personnel assigned, and a case review date. All active cases shall be placed in the RMS ID for the assigned investigator and will be reviewed by the Investigative Services Captain or designee prior to being removed from the investigators ID.
- B. To assist in the effective control and management of investigative follow-up of cases, the following case status options should be utilized:
  1. Open-Active. UCR offense is being actively investigated. Leads can be developed from given information.
  2. Verbal Warning. This status should be utilized for non-UCR offenses such as civil traffic incidents or non-reportable UCR offenses.
  3. Cleared by Arrest. Offenses where at least one person is arrested (cited and released or physically arrested) and charged with the commission of the offense which is highest in the UCR hierarchy of offenses in a given incident.
  4. Written Warning. A written warning for a non-reportable UCR offense was given to the offender.
  5. Ticket Issued. A citation for a non-UCR offense has been issued or a citation has been issued for an offense that is lower in the UCR hierarchy than the highest UCR offense for a given case. If the offense a citation is issued for is the top offense in an incident and is a UCR reportable offense, but UWPD has ability to write a non-criminal citation, this status shall not be used (see cleared by arrest)
  6. Sent to DA. Temporary status only as case awaits a charging decision
  7. Open-Inactive. Indicates investigation into any UCR reportable offense has ended. No suspect was developed, no investigative leads are present, and investigator does not feel additional investigation would assist in clearing the offense.
  8. Pending Warrant Obtained. A suspect has been identified and a warrant has been obtained for the arrest of the suspect. No arrest has been made at this time.
  9. Exceptionally Cleared. An element outside of law enforcement control prevents the filing of formal charges against an offender. The following questions must be answered in the affirmative to utilize this status:
    - a. Has the investigation definitely established the identity of the offender?
    - b. Is there enough information to support an arrest, charge, and turning over to the court for prosecution?
    - c. Is the exact location of the offender known so that the subject could be taken into custody now?
    - d. Is there some reason outside law enforcement control that precludes arresting, charging, and prosecuting of the offender?
 Examples may include:
    - a. Double murder. Two persons kill each other.
    - b. Dying declaration. The person responsible dies after making a confession.

- c. Offender is killed by police.
  - d. Confession by offender already in your custody or serving sentence (this is actually a variation of a true clearance by arrest - you would not "apprehend" the offender, but, in most situations like this, the offender would be prosecuted on a new charge).
  - e. An offender prosecuted in another city for a different offense by state or local authorities or prosecuted in another city or state by the federal government or an attempt to return the offender for prosecution, but the other jurisdiction will not release the offender to you.
  - f. Extradition is denied.
  - g. Formal charging policy of the DA.
  - h. It is recognized that Department policy in various police agencies permits the discontinuance of investigation and the closing administratively of cases in which all investigation has been completed.
10. Closed-Inactive. Offenses where the investigation has been discontinued. This is not a clearance. This includes only incidents where a UCR reportable offense is not present.
11. Unfounded. False or baseless complaint.
12. Completed Report Filed. Temporary status given to cases as they enter the RMS. Investigators should not be utilizing this status as it indicates the case has not been reviewed and does not have an actual case status.
- C. Upon assignment for follow-up investigation, the case report(s) shall be accessed from the electronic record. Assigned personnel shall be responsible for maintaining pertinent accompanying records and shall attach those records to the case electronically. When an original document related to the case being investigated comes into the custody of the assigned investigator, the investigator may maintain a working file during the investigation until its conclusion. Upon conclusion, the investigator shall make a copy of the case file and submit the original into evidence, attach the document electronically to the report, or forward it to Records to attach to the report, whichever is appropriate. Unless the document or item is evidentiary in nature and the evidentiary value lies with the original document, the original document may be destroyed once it is electronically attached to the report.
- D. Original documents, when necessary for further investigations, may only be removed from the property room by following proper procedures. Electronic investigative case files shall only be accessible to law enforcement personnel at the discretion of the assigned personnel or the Investigative Services Captain / designee. It is recognized that some criminal investigations contain sensitive information which may compromise the eventual outcome of the investigation. The Investigative Services Captain or designee may authorize reports involving sensitive cases be maintained in a locked status within the RMS. The Investigative Services Captain or designee shall be responsible for auditing and control of any cases maintained in this fashion.
- E. The Investigative Services Captain or designee is responsible for monitoring the status of assigned cases by reviewing submitted offense reports and supplemental reports, by discussing the case with investigators, and by analyzing the RMS Investigator Dashboard. The Investigative Services Captain or designee will conduct a monthly audit of assigned cases with each of their assigned personnel to determine change or continuation of case status. The Investigative Services Captain or designee will review files considered for purging and will purge files after conferring with the Chief of Police.

#### **42.1.4 PRELIMINARY AND FOLLOW-UP INVESTIGATIONS**

The following governs responsibilities regarding preliminary and follow-up investigations:

- A. Department patrol officers are responsible for conducting preliminary investigations. These preliminary duties include, but are not limited to:
  - 1. Interviewing the complainant.
  - 2. Observing and noting all conditions, remarks, and events.
  - 3. Reporting the incident fully and accurately.
  - 4. Locating and identifying all witnesses and offenders at the scene.
  - 5. Maintaining the crime scene, protecting and/or collecting evidence.
  - 6. Requesting a supervisor, the Detective on Call, or other assistance when appropriate.
- B. Patrol officers may conduct follow-up investigations in cases where they can perform tasks that would significantly contribute to a successful conclusion of the case. The approval of the officer's supervisor must be secured before additional follow-up investigation is conducted by the officer. Officers shall conduct the follow-up investigation while in uniform and during on-duty hours unless otherwise approved by their supervisor. Officers will file supplemental reports, lab requests, and other reports as needed to their supervisor. All other follow-up investigations will be the responsibility of the Detective Bureau.

- C. Detective Bureau personnel shall conduct preliminary investigations and follow-up investigations on all self-initiated calls and calls assigned by a supervisor. The primary investigator or other investigators assigned to an incident will be responsible for the completion of reports. In the absence of a supervisor, patrol officers will accept direction from investigators at crime scenes and when needed to assist investigators in the field.

#### **42.1.5 HABITUAL/SERIOUS OFFENDERS**

The following governs identification of cases where habitual offenders play a role:

- A. Habitual or serious offenders are defined for the purposes of this directive as offenders who are repeatedly arrested for similar serious offenses such as:
  - 1. Felonies, including charges "upgraded" to felonies.
  - 2. Misdemeanor offenses that indicate patterns of a career criminal such as, but not limited to, shoplifting, theft, or prostitution.
  - 3. Sexually violent persons as defined in Wisconsin statute 980.01(7).
  - 4. Habitual truant juvenile offenders as defined in Wisconsin statute 118.16(1)(a).
  - 5. Habitual traffic offenders as defined in Wisconsin statutes 351.02(1) and 351.05.
- B. Sworn personnel shall identify all cases in which a designated habitual/serious offender is involved.
  - 1. During arrest processing procedures, officers should make inquiries into any prior criminal background by using C.I.B. (Crime Information Bureau), N.C.I.C. National Crime Information Center), and RMS.
  - 2. If, during the above inquiries, the arrestee is found to meet the criteria of a habitual offender, the reporting officer shall indicate this within the police report.
  - 3. The decision for charging a habitual offender will be up to the Dane County District Attorney's Office
- C. Copies of all police reports involving arrests are forwarded by the Court office to the District Attorney's (D.A.) Office. The Court Office is responsible for contacting the D.A.'s Office prior to the assigned court date to discuss the prosecution of all cases involving habitual offenders.

#### **42.1.6 INTELLIGENCE**

The following governs the process of gathering intelligence information not specifically related to criminal cases:

- A. The Investigative Services Captain shall ensure that information collected during the intelligence gathering process is related to criminal conduct, potential threats or disruptions to the community. Examples of criminal activities and potential threats to be monitored by the intelligence investigator(s) include, but are not limited to:
  - 1. Organized crime activities.
  - 2. Gang-related criminal activities.
  - 3. Subversive (of government) criminal activities.
  - 4. Narcotic, gambling, and vice criminal activities.
  - 5. Terrorism.
  - 6. Civil disorder/Anarchist activities.
  - 7. Habitual criminal activities.
  - 8. Avenger threats.
  - 9. Threats to research.
- B. A police officer or detective shall be assigned to gather intelligence. Intelligence information should be referred to the Investigative Services Captain or others who are designated to receive specific intelligence-related information. The Investigative Services Captain shall regularly review the intelligence files.
- C. All sworn personnel will receive training on collecting, processing, and sharing suspicious incidents and criminal intelligence during the police training and evaluation program. Refresher training will be provided periodically during shift briefings and other Department meetings.
- D. Intelligence data not specifically related to criminal conduct, but part of an active investigation, shall remain in a locked file cabinet or secure computer file unless being utilized by authorized personnel. The criminal intelligence files are maintained separately from all other Department records. Information in these files shall be maintained by the assigned officer. The Investigative Services Captain is responsible for auditing the integrity of the files and access is limited to the following:

1. Chief of Police
  2. Assistant Chief(s)
  3. Captain of Investigative Services
  4. Captain of Field Services
  5. Those individuals actively involved in criminal intelligence activities
- E. Intelligence case files shall be regularly reviewed, updated, corrected, and/or purged by the intelligence investigator(s) and approved and monitored by the Investigative Services Captain. All file material selected for purging and destruction shall only be removed and destroyed when it meets any of the following:
1. No longer useful
  2. No longer relevant
  3. Invalid
  4. Inaccurate
  5. Outdated
  6. Unverifiable
  7. Inconsistent with the goals and objectives of the department.
- F. Files which are not related to criminal conduct or activities that present a threat to the community will be terminated and purged by the assigned officer and the Investigative Services Captain will be notified. Out-of-date criminal intelligence information and incorrect information will be purged from intelligence records and may be released to the central records system upon approval of the Investigative Services Captain. Information shall be reviewed and validated for continuing compliance with submission criteria before the expiration of its retention period. All intelligence information is retained and purged in compliance with 28 Code of Federal Regulations Part 23.
- G. The Investigative Services Captain or designee has the ability to deploy intelligence personnel and equipment and utilize intelligence techniques when appropriate and necessary. The Investigative Services Captain or designee may assign trained personnel to collect, evaluate, analyze, and disseminate intelligence data regarding criminal activities. Personnel assigned may also consult other agencies to assist in a criminal intelligence investigation(s) and/or contribute intelligence information to their data.
- H. Intelligence files will be strictly controlled, monitored and documented in a manner designed to protect against unauthorized disclosure or destruction of the information contained within them. Incident reports shall be written as necessary. These reports keep the Chief of Police informed of organized crime, hate groups, gangs, terrorist organizations, and other organized efforts of an illegal nature that pose a significant danger to the safety and well-being of the community.
- I. The use of any specialized intelligence equipment is limited to those officers who have been trained in the safe, effective, and legal use of such equipment.
- J. The Investigative Services Captain shall conduct a documented annual review of intelligence procedures and processes.

K.

**L. EXTERNAL ADMINISTRATIVE INVESTIGATIONS**

The following shall provide guidelines for conducting external administrative investigations:

- A. On occasion, the University of Wisconsin-Madison administration may request the services of the Department in conducting administrative investigations. The goal of conducting an administrative investigation is to provide a timely, factual account of occurrences leading up to the investigation.
- B. In cases where an external administrative review is required, the Chief of Police will appoint the investigating officer. The investigating officer is responsible for
  1. Reviewing and analyzing records, documentation and related materials;
  2. Conducting additional interviews;
  3. Seeking additional information;
  4. Planning, organizing and preparing investigative reports and findings for review by appropriate administrative authorities; and

5. Consulting with appropriate prosecutorial authorities in all instances when criminal activities are discovered during the non-criminal administrative investigation.

#### **42.1.7 PRESCRIPTION DRUG MONITORING PROGRAM, REPORTING REQUIREMENTS**

The following shall provide guidelines for the Department's requirement for submitting information to the Wisconsin Prescription Drug Monitoring Program under Wisconsin Act 268 and Wisconsin State Statute 961.37:

- A. A law enforcement officer shall report as provided in sub. (B) if the law enforcement officer, while acting in an official capacity, does any of the following:
  1. Encounters a situation in which the law enforcement officer reasonably suspects that a violation of this chapter involving a monitored prescription drug, as defined in s. 961.385 (1) (ag), is occurring or has occurred.
  2. Encounters an individual who the law enforcement officer believes is undergoing or has immediately prior experienced an opioid-related drug overdose, as defined in s. 256.40 (1) (d), or a deceased individual who the law enforcement officer believes died as a result of using a narcotic drug.
  3. Receives a report of a stolen controlled-substance prescription.
- B. A law enforcement officer under sub. (A) shall report to the law enforcement agency that employs him or her all of the following:
  1. The name and date of birth of all of the following, if applicable:
    - a. The individual who is suspected of violating this chapter.
    - b. The individual who experienced an opioid-related drug overdose.
    - c. The individual who died as a result of using a narcotic drug.
    - d. The individual who filed the report of a stolen controlled-substance prescription.
    - e. The individual for whom a prescription drug related to an event under subd. a, b, c, or d was prescribed.
  2. The name of the prescribing practitioner, the prescription number, and the name of the drug as it appears on the prescription order or prescription medicine container if a prescription medicine container was in the vicinity of the suspected violation, drug overdose, or death or if a controlled-substance prescription was reported stolen.
- C. The law enforcement agency receiving the report under sub. (B) shall, except as provided under par. C(1), submit notice of the suspected violation of this chapter, the opioid-related drug overdose, the death as a result of using a narcotic drug, or the report of a stolen controlled-substance prescription, and the information reported under sub. (B) to the prescription drug monitoring program.
  1. If a law enforcement agency determines that submitting any information under par. (C) would interfere with an active criminal investigation, the law enforcement agency may postpone the action until the investigation concludes.
- D. The primary responding officer will complete a report and forward the incident report to the Detective Sergeant. The Detective Sergeant or designee will be responsible for submitting information to the Wisconsin Prescription Drug Monitoring Program.