



Dallas Police Department General Order

304.00 Crime Investigation

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Revised 08/04/09

304.00 CRIME INVESTIGATION (CALEA 42.2.1, 42.2.4)

- A. Uniformed Operations Division officers will be responsible for conducting preliminary investigations in most cases. Any officer may perform this function on a need basis. Officers will be responsible for the following when conducting preliminary investigations:
 1. Observing all conditions, events and remarks;
 2. Locating, identifying and interviewing the complainant, witnesses and suspects;
 3. Maintaining and protecting crime scene and contacting PES for collection of evidence.
- B. Detectives will be assigned cases per General Order 210.04 and will be responsible for conducting the follow-up investigation.
- C. Detectives from investigative units will attend shift briefings as needed; to share, obtain and disseminate intelligence information. Detectives from Property Crimes will attend and participate in shift briefings at their stations regularly, during working hours, as outlined in the Property Crimes SOP. Detective's attendance should be recorded on the patrol daily detail and reported to their supervisor.
- D. All crime scenes will be approached with caution to avoid damaging or destroying possible evidence. If a victim is involved, the officer's primary responsibility is protection of the victim and the scene until a search can be conducted.
- E. The first officer arriving at any crime scene will be responsible for protecting the scene. If the responding officer determines that the Crime Scene Response Section's Physical Evidence Squad (PES) is needed to process the crime scene, the officer will request PES through the dispatcher or by telephone. The officer will not leave the scene until relieved by other officers or released by detectives who have follow-up responsibility and Physical Evidence Squad personnel. Should the initial officer need to leave the scene, the relief officers will be briefed on the particulars of the crime so that they can relay this information to the PES personnel. In a medical emergency, the officer will, if at all possible, make a list of all Dallas Fire Department personnel entering the crime scene and provide a list to PES personnel on their arrival. This information will allow PES to eliminate fingerprints left at the scene by paramedics.
- F. No personnel other than medical personnel, or personnel needed to preserve the victim's life or to protect other officers or citizens will be allowed to enter the scene until the arrival of the Physical Evidence Squad or the detectives who have follow-up responsibility. The immediate supervisor of the officers responsible for protecting the scene may enter the scene if it becomes necessary.
- G. No personnel shall take unauthorized photographs of crime scenes or other evidence.
- H. The crime scene will continue to be secured by the initial responding officers and no one, including non-authorized police personnel and members of the news media, will be allowed to enter without authorization of the Physical Evidence Squad and detectives who have follow-up responsibility for conducting the crime scene search.
- I. The procedures outlined in sections D-F will be followed for all scenes in which the downtown Physical Evidence Squad is called. The exceptions will be theft, burglary, and criminal mischief offenses and in auto theft cases in which the vehicle is not taken to the pound, but PES is called.
- J. When seizing digital evidence it is important to consider the many and differing types of items and electronic storage devices available for use. When seizing a personal computer, if the computer is turned off, do not power it on. If the computer is turned on; a normal routine shut down may be used to power down the computer. When seizing a laptop and/or PDA, the power supply must also be seized. If the evidence is on a larger system with a server, the Financial Investigations Unit – Computer Crimes Squad will be contacted and a certified digital forensics examiner will be consulted with, prior to the seizure. The investigating detective will determine what evidence is transported to the North Texas Regional Computer Forensics Laboratory (NTRCFL).

304.01 EYEWITNESS IDENTIFICATION (CALEA 42.2.11, 42.2.12)

Introduction

Eyewitness identification will always be a significant tool in the investigation and prosecution of criminal cases. Most agree that it can be the most important, powerful, and convincing evidence in a criminal trial. Recent developments with DNA evidence however has shown that innocent people have been convicted, many based on misidentifications by eyewitnesses. As a result of these documented cases of witness error, there has been an ongoing national discussion centered on law enforcement practices in the identification process. The Dallas Police Department has monitored both the research on this topic and implementation of new policies by other agencies. It is our belief that implementation of new policies requiring "blind" administration of line-ups using the "sequential" method will assist in eliminating errors and restoring confidence in the eyewitness identification process. To that end, the following policies are adopted for the administration of line-ups. Even with implementation of this policy, our goal of verifying all eyewitness identifications through independent evidence will remain.

Definitions

Blind – The person administering the line-up has no knowledge of which person in the photo line-up is the suspect.

Sequential – A method of administration where photographs are shown to the witness one at a time, with an independent decision on each, before the next photo is shown.

- A. Photographic Line-up Policy
 1. All photographic line-ups will be conducted by line-up administrators who have been specifically trained in the "sequential" method of administration.

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2. Line-up administrators must not know the identity of the suspect to be included in the line-up.
 3. The Investigations Bureau Commander will develop and administer appropriate training for all Line-up Administrators in the "sequential" line-up process, and will ensure that all trained administrators are promptly notified of any changes in protocols for "sequential" line-up administration.
- B. Preparation of Photographic Line-ups
1. The detective assigned responsibility for investigative follow-up will remain the primary contact for all victims and witnesses to a criminal case. The detective will be responsible for identifying cases requiring a line-up and will assemble a line-up packet prior to contacting a trained line-up administrator.
 2. Prior to creating the line-up the investigating detective will contact the complainant/witness and complete the "Line-up Creation Form" this form is used to support the line-up in court and can be found on the n:drive in the Photo Line-up folder.
 - a. The sequential line-up packet will consist of a photograph of the suspect and 5 "filler" photos of persons unconnected to the incident under investigation.
 - b. The suspect and "filler" photographs should resemble the witness's description of the suspect in significant features, such as race, sex, age, facial features, profile, height, weight, build, specific items of clothing, etc. to the extent applicable to the photo being used of the suspect.
 - i. If multiple photographs of the suspect are available, detectives will select the photograph that most resembles the suspect description or appearance at the time of the incident.
 - ii. Attention should be paid to unusual identifying marks described by the witness that are visible on the suspect's photo. In these cases, photos containing a similar feature should be included, or the area of the feature may be covered on all photographs to be included.
 - iii. All photos should be the same size; no photo should unduly stand out from the others.
 - c. Once selected, all of the photographs will be copied individually onto the middle section of separate sheets of paper. The detective preparing the line-up packet will select one of the filler photos and will place the number "1" on the back of the photo in a manner that it can not be seen by the complainant or witness when viewing the photos. In the subsequent line-up, the administrator will place this photo in the first position. The investigating detective will not number the suspect or other filler photos, as the line-up administrator will later randomize and number them on the back of each photo, corresponding to their position in the line-up.
 3. If multiple suspects are involved, a separate Line-up Packet must be prepared for each suspect to be presented to the witness.
 4. In cases where one witness will view multiple line-ups containing different suspects, detectives will ensure that different "filler" photographs are used in each line-up packet.
 5. If multiple witnesses will be shown a line-up containing the same suspect, there also must be a separate line-up packet assembled for each witness. The detective may use the same "filler" photographs in each packet, (when there will be no time delay or opportunity for communication), color copies will be made and placed in a separate packet for each witness.
 6. In cases where there is a time delay between showing the line-ups or when there is an opportunity for witnesses to communicate after one has viewed the line-up, the "filler" photo labeled as number "1" should be changed by the investigating detective and the line-up administrator should randomize the remaining photos.
- C. Administration of Photographic Line-Ups
1. Once a line-up is scheduled by the investigating detective, the line-up administration unit will be contacted and told of the time and place of the line-up. The Line-up Administration Unit will ensure that a trained administrator is at the location to administer the line-up.
 2. No information on the identity of the suspect will be revealed to the line-up administrator.
 3. Detectives will attempt to schedule line-ups at facilities with video recording equipment if possible. Copies of video recordings will be obtained after completing the line-up and placed in the case file to be maintained for courtroom purposes.
 4. The line-up administrator will conduct the line-up following the protocols for "Sequential" administration established by the Investigations Bureau Commander.
 5. The assigned detective, or anyone with knowledge of the suspect, will not be allowed in the room at the time of the line-up administration.
 6. The line-up administrator will give instructions to the witness by verbally reading the admonishment form to the complainant/witness and determine if they understand. The complainant/witness will then be asked to sign and date the form.
 7. If the complainant/witness is a child and not capable of comprehending the instructions in the admonishment form, the Line-up Administrator does not have to read the form to the child. In these cases, the line-up must be conducted at a facility with video and audio recording capabilities.
 8. The Line-up Administrator will avoid any actions or comments that could be construed as an attempt to influence a complainant/witness to select a particular photo.
 9. If the complainant/witness identifies someone the Line-up Administrator will then ask the complainant/witness to describe in their own words how confident they are of the identification. Even if someone is identified all of the photographs in the series will be shown
 10. Once the line-up is conducted, the Line-up Administrator will return the line-up packet to the investigating detective along with a copy of the results report.
 11. The Line-up Administrator is prohibited from providing any feedback about the line-up results to the complainant/witness.
 12. Once the sequential line-up process is complete, the line-up administrator will record the results of the sequential line-up, initial the back of each photograph for line-up verification in court and sign the Results Report.
 13. The investigating detective will return to the witness/complainant and answer any questions or conduct further interview with the witness/complainant.

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14. The investigating detective will maintain the line-up packet in the case file, or will place it in the property room to be maintained for review in subsequent court proceedings.
 15. These procedures do not apply in the following circumstances:
 - a. On-scene identifications immediately after the commission of an offense. See One Person Show Up Identifications, G.O. 304.01 E.
 - b. When an officer is notified by a complainant and/or witness that a specific individual who the complainant and/or witness knows by true name and face is the person who committed the offense. See One-Person Photographic Line-up, G.O. 304.01 D.
 - c. On rare occasions in which an alternate identification process is necessary for expediency and in the interest of public safety. This must be approved by a supervisor and justification must be documented in an investigative supplement. If the administration of a "Blind Line-up" is not possible the sequential method should still be utilized if possible.
 - d. Other specialized circumstances where alternative procedures are necessary and are reviewed by the District Attorney and approved by the Investigations Bureau Commander.
- D. One-Person Photographic Line-up
1. Introduction - Preliminary investigations conducted by responding officers are vital and are often a major contributor in determining the outcome of a criminal investigation.
 2. The identification of the unknown suspect in any crime can be determined by many factors such as:
 - a. Fingerprints
 - b. DNA Evidence
 - c. Eyewitness Identification
 3. Each technique used to identify the unknown suspect has certain protocols that need to be completed to insure that such evidence can withstand integrity tests/admissibility challenges in a future criminal trial.
 4. Presenting a **single** photograph of a subject to a complainant/witness to determine if the subject is the **unknown** offender in the case is improper and will not be done by any officer. This type of identification will not withstand the admissibility challenges in court and can negatively affect the outcome of an investigation and/or prosecution.
 - a. When an officer has information and/or knowledge that could assist in the identification of the unknown suspect, it should be provided to the investigative detective responsible for the investigation, (MIR, supplement, email, etc.).
 - b. It is the responsibility of the investigative detective to determine what technique(s) is to be used to identify the unknown suspect.
 5. In a criminal case where the complainant/witness knows the suspect by a true name and face, a presentation of a single photograph of the named person can be done. This procedure would be utilized to verify that the person depicted in the single photograph is the same person known by the complainant/witness and is the offender. This procedure is done for verification purposes only on known suspects.
 6. The above policies are applicable to offenses in which an officer or the city of Dallas is the complainant such as evading on foot or in a vehicle.
 7. Juvenile photographs, (JIS photos) can only be displayed if there is no identifying information or JIS criminal history information visible when showing the photo.
 8. When an officer has concerns regarding any identification technique(s) that should be utilized, the involved officer should contact the assigned investigator or the On-Call detective in the unit that will have investigative follow-up responsibility.
- E. One Person "Show-Up" Identification
- Philosophy - While allowing a crime victim or witness to view a potential suspect in a one person "show-up" identification may sometimes be necessary to establish probable cause for an arrest, it can be suggestive in nature and should only be used in very limited circumstances. Specifically, use of this process should be limited to those circumstances in which there is insufficient probable cause for an arrest or long term detention, and there are public safety concerns if the suspect were to be released without attempting the identification.
1. "Show-Up" identification is the presentation of one suspect to a victim or eyewitness within a short time frame after the commission of a crime. This process is allowed under the law if the following criteria are present:
 - a. If the suspect is apprehended within a short time period and the "show-up" is conducted within a short window of time.
 - b. If the suspect is apprehended at or near the crime scene.
 2. Policy - If probable cause exists to make an arrest for the offense in question, or for an unrelated charge or warrants that will result in detention at the Lew Sterrett jail, the one person "show-up" identification process will not be used. When the current investigation involves a felony offense, the on-call detective of the Division who has investigative responsibility will be contacted and consulted. This consultation will be regarding what action will be taken prior to the possible suspect being placed in jail. In misdemeanor cases where the subject is arrested on unrelated charges, the possible suspect information will be forwarded to the appropriate investigative unit that has follow up responsibility.
 - a. When there is insufficient probable cause to secure the arrest of a suspect and there are public safety concerns if the suspect were to be released without attempting identification, the "show-up" identification procedure may be used. In these cases, the following policy must be followed:
 - i. A Sergeant must respond to the scene and supervise the process.
 - ii. Officers will attempt to gain consent from the suspect to be transported to the investigative division with follow-up responsibility. The detective at the investigative unit will create a photo line up and present the line up to the witness or complainant for identification purposes.
 - iii. If the offense occurs after business hours, and is an offense in which notification of an on-call detective is not required, the suspect will be transported to the Fusion Center where a photo line up will be created and a Fusion Center detective will present the line up to the witness or complainant for identification purposes.

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- iv. If the suspect refuses to be transported, the supervisor will contact the Watch Commander to obtain approval to conduct a "show-up" identification.
- v. The supervisor will further direct the process to ensure:
 - (1) That the suspect was located near the crime scene and detained no more than 30 minutes before the "show-up" identification is conducted and no longer than 2 hours after the offense occurred.
 - (2) That the witness or victim has provided a detailed description of the suspect and that the person to be placed in the "show-up" identification fits the provided description.
 - (3) That whenever possible, the witness should be transported to the detained suspect's location rather than bringing the suspect to the witness location or crime scene. This procedure will limit the legal impact of the suspect's detention and eliminate the possibility of crime scene contamination.
 - (4) That when the witness requests, or is concerned about possible retaliation, officers should attempt to conceal the witness during the "show-up" identification procedure.
 - (5) That an attempt to obtain a verbal consent from the suspect is made. Consent from the suspect is not required but should be obtained if possible.
 - (6) That an admonishment is provided to the witness prior to the "show-up" identification that the person to be viewed may or may not be the offender and that the investigation will continue regardless of whether or not identification is obtained.
 - (7) That if there are multiple witnesses and one witness makes an identification during the "show-up" identification; further "show-up" identifications will not be done. (Other identification procedures will be used for the remaining witnesses)
 - (8) That the "show-up" identification is limited to one witness at a time and those witnesses have been separated and are not present when another witness is viewing the "show-up" identification.
 - (9) That the procedure is completed in such a manner to avoid suggestiveness, avoiding any statements suggesting that we have "apprehended the suspect" or have "who we think is responsible".
- b. Although it is not improper to have the potential suspect in a police vehicle and handcuffed if necessary for safety, it is preferred that the suspect is unhandcuffed and outside of any police vehicle during a "show-up" identification.
- c. If the complainant/witness identifies someone, the Officer conducting the "show-up" will then ask the complainant/witness to describe in their own words how confident they are of the identification.
- d. The Officer conducting the "show up" is prohibited from providing any feedback about the "show up" results to the complainant/witness.
- e. At the conclusion of the process, the supervisor will be responsible for completing a "show-up" identification documentation form on all uses of this process. A copy of the form must be faxed to the Investigations Bureau Commander and the original forwarded through the sergeant's chain of command to the Deputy Chief and then forwarded to the investigative unit with follow-up responsibility.

304.02 Death or Serious Injury Cases

- A. In incidents involving death or serious injury, the investigating section assigned to handle the incident is responsible for notifying the next of kin as soon as possible. This notification will be made in person by a DPD officer if the relative lives within the city limits of Dallas. If the nearest relative lives outside the City of Dallas, the law enforcement agency where the relative resides will be notified and requested to notify the relative. Notification by telephone will only be used when other methods are not feasible.
- B. A supervisor will be called to all scenes where a death occurs.
- C. The Medical Examiner will be notified as soon as possible by telephone in all death cases.
- D. The Traffic Section has responsibility for conducting preliminary investigations in cases of accidental death attributable directly or indirectly to the motion of a motor vehicle or its load, whether or not the death occurs on a roadway.

304.03 Felony in Progress

- A. Felony in progress calls demand three primary considerations:
 1. To ensure the greatest level of safety available to all officers and citizens concerned with the call.
 2. To contain the scene to prevent the escape of suspects.
 3. To preserve the scene and all evidence.
- B. The first element on the scene has responsibility for:
 1. Ascertaining if it is a legitimate call and if it is not, disregarding other elements.
 2. Advising the dispatcher what assistance is needed.
 3. Immediately broadcasting descriptions of suspects and/or vehicles if they have left the scene.
 4. Reporting on the DEFRS System.
- C. Other elements will not go to the scene after the first element advises that the situation is under control.

304.04 Bomb Threat

- A. An Operations Division supervisor and field element will be dispatched to the location to contact the person in charge of the premises. It will be left to the discretion of the person in charge of the premises whether or not the building will be evacuated and/or searched.