Investigation and Prosecution

600.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

600.2 MODIFICATION OF CHARGES FILED

Employees are not authorized to recommend to the State's Attorney, prosecutor, or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the State's Attorney or prosecutor only as authorized by the Chief of Police or their designee.

600.3 CUSTODIAL INTERROGATION REQUIREMENTS

All custodial interrogations at the Crystal Lake Police Department of suspects in investigations of offenses listed in 725 ILCS 5/103-2.1 shall be electronically recorded in their entirety (motion picture, audiotape or videotape or digital recording) (725 ILCS 5/103-2.1).

Interrogations of juvenile suspects at the Crystal Lake Police Department shall be recorded if, at the time of the commission of the offense, they could be charged with the offenses listed in 705 ILCS 405/5-401.5.

Electronic recording of investigations is not a violation of the eavesdropping statute (720 ILCS 5/14-3).

Any custodial interrogation of a person who is suspected of having committed any violent felony offense or felony sexual offense should be, whenever feasible, electronically recorded in its entirety with proper consent or an exception to the eavesdropping laws (720 ILCS 5/14-3).

Officers should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigations Unit supervisor. Copies of recorded interrogations or interviews may be made in the same or different format provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes. No recording of an interrogation shall be destroyed before all appeals are final or the prosecution is barred by law (725 ILCS 5/103-2.1(c); 705 ILCS 405/5-401.5(c)).

Officers should continue to prepare written summaries of custodial questioning and investigative interviews and continue to obtain written statements from suspects when applicable.

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600.4 INVESTIGATIVE PROCEDURES

The Investigation Unit Commander or the authorized designee is responsible for the development of investigative procedures, including:

(a) Management of criminal investigative case files.

(b) Preliminary and follow-up criminal investigation responsibilities and checklists.

(c) Multijurisdictional investigative task force roles and responsibilities.

(d) Use of polygraph examinations.

(e) Cold case investigations.

(f) Undercover, surveillance, decoy, and raid operations, including use of surveillance and undercover equipment.

(g) Collecting, processing, and preserving digital evidence.

(h) DNA collection form a known source.

(i) Submission of ballistic evidence to the National Integrated Ballistics Information Network (NIBIN) or to an Illinois State Police laboratory for NIBIN processing (720 ILCS 5/24-8).

600.5 FOLLOW UP INVESTIGATIONS

After a preliminary investigation has been completed and a determination made that a follow-up investigation by detectives is prudent, the case should be forwarded to Investigations for assignment to the appropriate employee. The assigned investigator is accountable for conducting a thorough and timely follow-up investigation, possibly including:

(a) Reviewing and analyzing all preliminary reports prepared by patrol officers, departmental records, and laboratory results of any physical evidence collected related to the case under investigation.

(b) Conducting additional interviews of suspects, victims and witnesses when necessary.

(c) Contacting the officers who were at the scene or who prepared the preliminary report to obtain further information or receive their ideas about the offense.

(d) Planning, organizing, conducting searches, and collecting evidence.

(e) Ensuring the correct identification of the suspect and making an arrest. Identification of a suspect may occur through photo or stand-up lineups, testimony of witnesses and from physical evidence that identifies a particular suspect.

(f) Conducting research into the suspect's involvement in past offenses, through arrest records and criminal history checks.

(g) Checking the suspect's criminal history for the possibility of additional charges.

(h) Preparing the case for court.

(i) Advising the victim(s) or witness(s) of the arrest or submission of the case to the State's Attorney.

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600.6 USE OF TECHNICAL AIDS

In some cases it may be necessary to utilize technical aids in order to determine whether or not an individual is being truthful. Such devices are commonly known as polygraphs, voice stress analyzer, and other detection of deception equipment. No person can be forced to submit to these procedures and these procedures are generally not accepted as evidence in a court of law, but are accepted as an investigative tool.

If an employee of this agency wishes to use deception detection equipment, the case facts shall be reviewed with the Investigations Commander to arrange to have a certified examiner conduct the test. Crystal Lake Police Department shall only use examiners who are graduates of institutions providing training for such device.

Upon receipt of the results of the examination, the investigating officer will submit a supplementary report detailing the examination and will forward the results and the reports to Records for inclusion with the original case report.

600.7 COMPUTERS AND DIGITAL EVIDENCE

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 request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.8 CELL SITE SIMULATOR USE

An employee may only use a cell site simulator device for the purpose of locating, tracking or identifying a communications device and only after obtaining a warrant unless an exception exists as provided by 725 ILCS 168/15 (725 ILCS 137/10).

The employee shall delete non-target data that is obtained no later than once every 24 hours if a cell site simulator device is used to locate or track a known communications device, and no later than within 72 hours of the time that the unknown communications device is identified if a cell site simulator device is used to identify an unknown communication device (725 ILCS 137/15).

600.9 CRIME VICTIM DNA SAMPLES

A profile created from a DNA sample that is collected from a crime victim in conjunction with a criminal investigation shall not be entered into any DNA database, unless otherwise permitted by law (725 ILCS 120/4) (see the Death Investigation Policy for additional guidance).

600.10 PROSTITUTION INVESTIGATIONS

Officers taking part in a prostitution investigation shall not engage in an act of sexual penetration with a known suspect during the investigation (5 ILCS 812/10).

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