



VIA TRANSIT POLICE DEPARTMENT

Standard Operating Procedures



Section 704 – Follow Up Investigations

Office with Primary Responsibility:	COP	Effective Date:	May 6, 2019
		Prior Revision Date:	March 21, 2018
Office(s) with Secondary Responsibilities:		Number of Pages:	2
Forms Referenced in Procedure:	None	Related Procedures:	ALL

.01 INTRODUCTION

This procedure provides officers with a guideline for knowing the process of follow-up responsibility for criminal offenses that are reportable to the VIA Transit Police Department and provides for the immediate notification of VIA Transit Police Investigator for major offenses reported to the VIA Transit Police Department. This policy also establishes guidelines for the general conduct of preliminary and follow-up investigations.

.02 DESIGNATION OF FOLLOW-UP PERSONNEL

The VIA Transit Police Department employs Investigators and Officers working in an Investigative Capacity. Although Officers working in an Investigative Capacity may assist in various functions of Criminal Cases, they may not complete the Charge and Disposition form to file the case in the Bexar County District Attorney's Office. The Criminal Case file is considered the work product of the VIA Transit Police Investigator.

.03 IMMEDIATE NOTIFICATION OF CERTAIN OFFENSES

- A. Officers shall immediately notify the VIA Transit Police Investigator when any of the following offenses occur:
1. Murder or Criminal Attempt to Commit Murder;
 2. Robbery;
 3. Aggravated Assault;
 4. Injury to Child, Elderly Individual, or Disabled Individual;
 5. Sexual Assault;
 6. Sex offenses involving juvenile victims;
 7. Trafficking of Persons
 8. Thefts or burglaries over \$20,000;
 9. Arson;
 10. Any Case where a VIA employee has been seriously injured or is the complainant in a criminal case;
 11. Any felony offense in which an arrest has been made; or
 12. Any incident where it is determined that VIA Metropolitan Transit may be liable for damages.
- B. Any officer receiving information from a suspect, witness, or informant in an on-going criminal case shall notify the VIA Transit Police Investigator.
- C. Notification of an offense is made through the dispatcher, by telephone, or in person to the VIA Transit Police Investigator:
1. To relay essential information regarding the offense; and



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2. To get direction on how the VIA Transit Police Investigator would like the offense handled.
- D. If an above categorized incident or offense occurs and the VIA Transit Police Investigator is not available, the officer notifies any on-duty shift supervisor.
- E. If there is a disagreement between the officer with report responsibility and the VIA Transit Police Investigator about the handling of an offense or the disposition of an arrested person, the on-duty supervisor will decide the course of action in the disagreement and document their actions in a report for the case file.

.04 PRELIMINARY INVESTIGATIONS

- A. The preliminary investigation begins when the first officer arrives at the scene of a crime or when a citizen requests help, and it continues until a specialized investigator arrives and assumes responsibility. Patrol officers are responsible for the preliminary offense report in all cases except those specifically directed by a supervisor.
 1. Officers who first arrive at a possible crime scene are responsible to protect the scene. Officers shall adhere to SOP Section 703 Crime Scene Duties.
 2. Officers who arrive at the scene and are conducting the preliminary investigation:
 - a. Are responsible to immediately notify the On-duty Supervisor and the Transit Police Investigator as directed in .03 of this procedure.
 - b. Are responsible to maintain field notes and write reports as directed in SOP Section 402 Offense/ Incident Reports in CrimeStar.
- B. Supervisory responsibilities
 1. The on-duty supervisor shall ensure that an adequate and complete preliminary investigation has been made, and shall review, screen, and approve the officer's preliminary report. Screening shall include a review of facts to ensure that all essential information is included and that the report is legible, clear, and complete. After the supervisor has reviewed, screened, and approved the report he/she will sign it.
 2. Supervisors shall limit access to crime scenes to those persons immediately and directly connected with the investigation. Exceptions to this rule will not be made for other officers of the department, persons from other agencies, or members of the community, regardless of rank or position.
 3. The supervisor shall authorize the call-out of the Transit Police Investigator or Command Staff if necessary.
 4. The supervisor shall ensure all incidents that generate an arrest, a suspect or offense report are forwarded to the Transit Police Investigator for follow-up investigation.

.05 ASSIGNMENT OF FOLLOW-UP INVESTIGATIONS

- A. All incidents handled by the Transit Police Department that generate a criminal offense report shall be assigned to the Transit Police Investigator for a follow-up investigation. The Transit Police Investigator shall respond as soon as possible to incidents described in Section .03 of this procedure. The Transit Police Investigator should respond to all other scenes of incidents that may require a follow-up investigation.
- B. The Chief of Transit Police may direct any Transit Police Supervisor to handle a follow-up internal or criminal investigation when it is in the best interest of the Department or Transit System.



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.06 FOLLOW-UP INVESTIGATIONS

- A. The Transit Police Investigator shall be assigned to conduct all potential criminal investigations documented in an Offense Report.
- B. The Transit Police Investigator shall request all supporting documentation and supplemental reports on assigned cases to determine the proper follow-up investigative action. As the Investigator's time is limited, follow-up of cases will be prioritized by seriousness of the crime and likelihood of identifying a suspect. The Transit Police Investigator shall consult with their supervisor for additional assistance if cases with workable leads are not completed because of a shortage of personnel. The Transit Police Investigator will prioritize and conduct follow-up investigations on the following basis:
 1. All Criminal Offense Reports shall be read by the Investigator to determine if the elements of the offense are articulated in the report. Reports that do not contain the needed elements of the offense are returned to the reporting officer and noted in the CrimeStar system.
 2. All Criminal Offense Reports documenting the arrest of an actor(s) for a felony offense are determined to be the highest priority cases. Any offense against an employee of the Transit System are also placed in this highest priority category.
 3. Criminal Offense Reports documenting the arrest of an actor(s) for a misdemeanor offense are placed in the next (second) highest priority category.
 4. Criminal Offense Reports that document a known or relatively identifiable suspect are placed in the next highest (third) category.
 5. Criminal Offense Reports that contain sufficient solvability factors are placed in the next highest (fourth) category. The determination of whether a case has sufficient solvability factors are at the discretion of the Transit Police Investigator subject to the approval of the reviewing supervisor as described in section XXX of this procedure.
- C. The Transit Police Investigator shall continue the investigation of each criminal offense until it is brought to a conclusion or until there are no additional workable leads that would likely result in the identification of a suspect or recovery of property. This determination is subject to the approval of the reviewing supervisor.
- D. Complainants who are employees of the Transit System will be contacted by the Transit Police Investigator within 72 hours and kept informed of the status of the case at 30-day intervals and when the case is filed, closed or suspended.
- E. Victims will be kept informed of the status of the case periodically and when the case is filed, closed or suspended.
- F. The Transit Police Investigator shall maintain a log of cases being worked in the CrimeStar system. This log will be updated regularly and presented to the Chief of Transit Police quarterly.
- G. A follow-up investigation consists of, but is not limited to, the following activities:
 1. For most non-criminal cases:
 - a. Interviewing complainants and witnesses.
 - b. Locating missing persons.
 - c. Determining if information or suspicious activity relates to criminal activity.
 - d. Distributing information to the proper persons or agencies.
 - e. Locating lost property and returning same to the owner.



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- f. Investigating deaths, overdoses, suicides, and injuries to determine if a crime was committed.
 - g. Making necessary notifications or conducting necessary inspections.
 - h. Recording information in the form of a proper report.
2. For most criminal cases:
- a. Reviewing and analyzing reports of preliminary investigations.
 - b. Recording information.
 - c. Reviewing departmental records for investigative leads.
 - d. Seeking additional information from other departments within the transit system, officers, informants, contacts in the community, and other investigators/agencies or any other likely source.
 - e. Interviewing victims and witnesses.
 - f. Interrogating suspects.
 - g. Monitoring social media sites of potential suspects, victims, and witnesses for information related to the case.
 - h. Monitoring posted comments to on-line news stories about an offense.
 - i. Arranging for the dissemination of information as appropriate.
 - j. Planning, organizing, and conducting searches.
 - k. Collecting physical evidence.
 - l. Recovering stolen property.
 - m. Arranging for the analysis and evaluation of evidence.
 - n. Reviewing results from laboratory examinations.
 - o. Identifying and apprehending the offender.
 - p. Checking the suspect's criminal history.
 - q. Consulting with the district attorney in preparing cases for court presentation and assisting in the prosecution.
 - r. Notifying victims and witnesses when their presence is required in court.
 - s. Testifying in court.

.07 REPORTING RESPONSIBILITIES

- A. All formal reports begin with field notes. Field notes are important for the following reasons:
1. To create a permanent record of events.
 2. To aid the investigation.



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3. To ensure accurate testimony in court.
 4. To protect the officer from false accusations.
- B. Formal reports shall include the information required in SOP Section 402 Offense/Incident Reports in CrimeStar.

.08 SOURCES OF INFORMATION

- A. Informants: Information is available from many sources, e.g., members of the community who wish to remain anonymous, criminals who have firsthand knowledge of illegal activity, and relatives or friends of those involved in crime. These sources shall be kept in mind when conducting investigations and interviews. Officers are cautioned to determine the motivation of people who provide information in order to evaluate it.
- B. Interviews and interrogation
1. Field interviews are a productive tool and source of information for the department. They shall be used only in the pursuit of legitimate enforcement goals. When used properly they can discourage criminal activity, identify suspects, and add intelligence information to the files of known criminals.
 2. Victim/witness interviews
 - a. Officers must recognize the trauma/stress to which the victim or a witness has been subjected and shall conduct the interview in such a manner as to reduce stress.
 - b. The age, physical limitations, and credibility of witnesses shall also be considered when evaluating their information.
- C. Interrogation of suspects
1. Custodial statements and confessions.
 - a. Miranda warnings are required and shall be administered prior to any custodial interrogation. Officers shall be familiar with the requirements in article 38.22 of the CCP.
 - b. The following represent examples of situations that are not custodial and do not require issuance of Miranda warnings.
 - i. Investigatory stop and frisk or consensual encounters
 - ii. Questioning during a routine traffic stop (or detention) or for a minor violation, which includes driving while intoxicated (DWI) stops until a custodial interrogation begins. During routine questioning at the scene of an incident or crime when the questions are not intended to elicit incriminating responses.
 - iii. During voluntary appearances at the police facility.
 - iv. When information or statements are made spontaneously, voluntarily, and without prompting by police. (Note: follow-up questions that exceed simple requests for clarification of initial statements may require Miranda warnings.)
 2. Administering Miranda.
 - a. Miranda warnings shall be read by officers from the card containing this information to all persons subjected to custodial interrogation.



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- b. Recitation from memory, or paraphrasing the Miranda warnings is prohibited because it precludes officers from testifying in court as to the precise wording used.
 - c. Officers shall ensure that suspects understand their right to remain silent and their right to an attorney. Suspects may be interrogated only when they have knowingly and intelligently waived their rights. Threats, false promises, or coercion to induce suspect statements is prohibited.
 - d. The waiver of one or both of the Miranda rights must be performed affirmatively. Oral waivers are often sufficient but written waivers, particularly in felony charges, are preferred and should be obtained whenever possible on the appropriate agency form.
 - e. Officers arresting deaf suspects shall notify their immediate supervisor and make arrangements to procure the assistance of an interpreter in accordance with this agency's policy and state and federal law.
 - f. Officers arresting suspects who they believe may have limited English proficiency shall notify their immediate supervisor and make arrangements to procure the assistance of an interpreter in accordance with this agency's policy and state and federal law.
1. Invoking the Right to Silence
 - a. When a suspect invokes his/her right to remain silent, all interrogation shall terminate immediately.
 - b. Officers may interrogate a suspect who has previously invoked his right to silence if, after the passage of time, the suspect initiates communication with officers or fourteen (14) days have passed. However, prior to questioning Miranda warnings shall be re-administered and a waiver obtained.
 2. Invoking the Right to Counsel
 - a. If a suspect waives his/her right to counsel, a written waiver shall be obtained prior to questioning. If a suspect makes reference to counsel but his/her intentions are unclear, officers may question the suspect further to clarify his/her intentions. When a suspect invokes his/her right to counsel, all interrogation shall cease immediately.
 - b. The suspect may not again be interrogated about the crime for which he/she is charged, other crimes, or by other officers (from this or other agencies) unless (1) the suspect's attorney is present at the questioning; (2) there has been a break in custody of more than 14 days and the individual is re-advised of his Miranda rights and indicates he/she is waiving his right to counsel (written waiver), or (3) the suspect initiates new contact with the police. In this later case, Miranda rights must again be administered and a waiver obtained before any questioning may take place. Officers shall also document and, if possible, obtain written verification that the suspect initiated the communication.
 - c. Officers shall cooperate in any reasonable way with efforts by counsel to contact or meet with suspects in custody.
 3. Other Interrogation Requirements
 - a. Parents or guardians shall be notified whenever a juvenile is interrogated, taken into custody, or charged. Officers will take care when advising juveniles of their rights to ensure that the rights are understood before obtaining a waiver. Officers should honor a child's request to speak to a parent or guardian before waiving his or her rights. Whenever possible, the child's parents should be present while the child's rights are explained and the waiver obtained
 - b. The number of officers engaged in the interrogation shall be kept to a minimum.
 - c. The interrogation shall be as short as possible.



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B. Recording of Statements and Confessions

1. The circumstances surrounding the conduct of interrogations and recording of confessions shall be fully documented. This includes but is not necessarily limited to;
 - a. location, date, time of day, and duration of interrogation;
 - b. the identities of officers or others present;
 - c. Miranda warnings given, suspect responses, and waivers provided, if any; and
 - d. the nature and duration of breaks in questioning provided to the suspect for food, drink, use of lavatories or for other purposes.
2. Officers shall electronically record custodial interrogations conducted in a place of detention involving major crimes by mean of the in-car video or video equipped room provided by another police agency. Officers are not required to record noncustodial interviews with suspects, witnesses, or victims during the initial interview phase of an investigation but may do so where deemed necessary, in accordance with law and departmental policy.
3. Electronic recording of juveniles shall be conducted if at the time the crime was committed the juvenile suspect could be charged with a major crime as an adult.
4. If electronic recordings cannot be conducted due to equipment failure, lack of suspect cooperation, or for any other reason deemed pertinent to successful interrogation by the case manager, the basis for such occurrences shall be documented. This includes but is not limited to spontaneous declarations or other statements not elicited by police questioning.
5. Transporting officers need not refrain from questioning a suspect who has indicated a willingness to talk either at the scene or in route to the place of detention. However, officers shall not purposefully engage in custodial interrogations involving major crimes as defined by this policy in order to avoid this department's requirement for electronic recording.
6. Recording Protocol shall be determined by the agency that owns and maintains the recorded interview room.

C. Collection, preservation, and use of physical evidence

1. Physical evidence is of major importance in all cases, particularly those without witnesses. The successful prosecution of a case often hinges on the quality of the physical evidence collected and preserved.
2. All officers are responsible for the preservation of evidence, and for maintaining and documenting the chain of custody of all evidence that is in their charge.

.09 GENERAL CONSTITUTIONAL REQUIREMENTS:

- A. Officers conducting criminal investigations shall take all precautions necessary to ensure that all persons involved are afforded their constitutional protections. Officers shall ensure that:
 1. All statements, including confessions, are voluntary and non-coercive.
 2. All persons are advised of their rights in accordance with this general order.
 3. All arrested persons are taken promptly before a magistrate for formal charging.



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4. All persons accused or suspected of a criminal violation for which they are being interrogated are afforded an opportunity to consult with an attorney.
5. Prejudicial pre-trial publicity of the accused is avoided so as not to interfere with a defendant's right to a fair and impartial trial.

.10 RELATIONSHIP WITH DISTRICT ATTORNEY

- A. All personnel shall respond to requests for appointments from the district attorney, be on time, and be ready to discuss the subject at hand.
- B. In every contested case, misdemeanor or felony, the officer involved shall make an appointment with the district attorney or his/ her assistant to discuss the case before trial.
- C. During any investigation (or during planning for arrest or in pretrial stages), any questions of law or criminal procedure shall be addressed to the district attorney. Questions on law-enforcement procedures shall be addressed to the Chief of Transit Police.
- D. The district attorney may advise the Chief of Transit Police of any cases where a decision was made not to prosecute or where the case was dismissed because of mishandling or error by an officer.

.11 DISPOSITION OF CASES

The officer or investigator shall maintain files of all cases assigned to him/ her. All case files shall be appropriately labeled with the date of incident, the name of victim, and/or the name of any suspect or arrested person. Investigators shall be aware of the requirement under state discovery laws in article 39.14 of the CCP that mandate virtually all writings and other items generated by the police during an investigation are subject to disclosure to the defense.

- A. The file shall contain the following:
 1. Original incident report and any supplementary reports or statements.
 2. Photographs.
 3. Lab reports,
 4. Reports of disposition of any property pertinent to the case, such that which was stolen, confiscated, recovered, or otherwise dealt with.
 5. Arrest reports
 6. Investigative notes
 7. All electronic and recorded communications – including but not limited to email, text, instant messages, and voice mail.
 8. All other items developed, documented or seized during the investigation.
- B. When the investigation is complete, the investigator shall close the case under one of the labels listed below. A statement that explains the reasoning for the label shall be included in the file.
 1. Open / Pending: The case is currently under active investigation.



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2. Filed with District Attorney / Court: The investigation by the Transit Police is concluded and the case has been filed with the proper prosecutors or court of jurisdiction. The Transit Police are no longer actively working the case pending any pre-trial requests from the court.
 3. Suspended: All leads in the case have been exhausted by the Transit Police Investigator. No further investigation is possible or practical until new information or facts become available or develop.
 4. Closed: The case had insufficient probable cause or insufficient evidence has been developed to proceed with further investigation.
- C. The officer's or investigator's supervisor shall approve the case closure in a manner consistent with current police reporting processes.
- D. When a case is closed, the case file is filed and retained in compliance with SOP Section 905 Forms Control.

.12 FOLLOW-UP UNIT FOR ASSISTING OUTSIDE LAW ENFORCEMENT AGENCIES

- A. The VIA Transit Police Investigator or the on-duty supervisor is responsible for assisting outside law enforcement agencies regarding fugitives from their jurisdictions. The assistance could range from helping the outside agency personnel locate and arrest a fugitive to locating suspects or witnesses the outside agency personnel needs to question.
- B. Any Department member, sworn or civilian, receiving information or requests from an outside law enforcement agency regarding a fugitive shall immediately relay the information to the VIA Transit Police Investigator, any on-duty supervisor or the Chief of Transit Police.