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CRIMINAL INVESTIGATIONS: OPERATIONS
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PURPOSE: The purpose of this policy is to establish the guidelines for preliminary and follow-up criminal investigations regarding the notification and response of investigative personnel, coordinating the effective and efficient use of staffing, ensuring continuity of investigations, and to provide on-scene support for patrol officers.

POLICY: It is the policy of the Albany Police Department to collect information, identify suspects, apprehend offenders, and present the facts to achieve successful prosecutions. Effective criminal investigations help achieve these organizational goals.

DEFINITIONS: **Solvability Factors** – Solvability factors mean those elements of information regarding a crime which have in the past proven to be important in determining the likelihood of solving a crime.

Follow-Up Investigations – Follow-up investigation means an extension of the preliminary investigation. The purpose is to provide additional investigation in order to close a case, arrest an offender, and/or recover stolen property

Photo Array – Photo array means an identification procedure in which a photograph of the suspect of an offense and additional photographs of persons not suspected of the offense are displayed to an eyewitness for the purpose of determining whether the eyewitness identifies the suspect as the offender.

Physical Line-Up – Physical line-up means the placing of a suspect among people not suspected of committing the crime and asking the eyewitness if they can identify the offender.

Double Blind Procedure – Double blind procedure means that the administrator who presents a photo array or physical lineup does not know which person is the suspect.

Show-Up – Show-up means an identification procedure in which an eyewitness is presented with a single suspect within a reasonable amount of time following the commission of a crime for the purpose of determining whether the eyewitness

identifies the individual as the offender.

I. INVESTIGATIVE FUNCTIONS

A. The preliminary investigation begins when the responding officer arrives at the scene of an incident, first makes contact with the complainant, or becomes aware that a crime may have been or is being committed.

1. In most cases, the responding officer shall conduct the preliminary investigation.
2. The preliminary investigation shall continue until the postponement of the investigation or the transfer of investigative responsibility occurs.
3. Preliminary investigations may include the following:
 - a. Provide aid to persons with injuries;
 - b. Observe and note all conditions, events, and remarks at the scene to find out if an offense has been committed and, if so, the exact nature of the offense;
 - c. Locate and identify witnesses;
 - d. Maintain and protect the crime scene to ensure that evidence is not lost or contaminated;
 - e. Identify the suspect(s) and make an arrest, if possible, at the scene or through immediate action and when probable cause exists to do so.
 - f. Broadcast any suspect descriptions, method and direction of flight, and other relevant information concerning wanted persons or vehicles;
 - g. Interview the complainant, witnesses, and suspects;
 - h. Conduct a show-up identification procedure if appropriate;
 - i. Arrange for the documentation and collection of evidence through the appropriate patrol supervisor;
 - j. Inform the complainant that they will be contacted by a detective once the case has been assigned. If, prior to the case being assigned, the complainant or witnesses gather or learn of any further information regarding the case, they may contact the appropriate station to report such information; and
 - k. Record all pertinent information on the applicable reporting form.
4. The first responding officer(s) shall preserve the crime scene, which includes, but is not limited to, the following:
 - a. Take necessary measures to protect the crime scene, understanding that rendering aid to the injured person(s) or officer safety concerns takes precedence.
 - b. Summons a supervisor to the scene;
 - c. Take immediate protection measures, including roping off certain critical entrances and exits; posting officers to control non-essential personnel around areas containing physical evidence.
 - d. Start a crime scene log, which shall be completed on a Crime Scene Entry-Exit Log, APD Form # [REDACTED] shown on page 17 of this policy. The crime scene log shall include all personnel entering the

scene, time in, their identification and purpose and time out.

- i. Every effort should be made to start the crime scene log immediately or as soon as is practicable after arrival of initial responding officer(s).
 - ii. If a Crime Scene Entry-Exit Log is not immediately available, the crime scene log may be kept in a notebook and transferred to the proper form when there is one available.
 - e. In very rare and extreme cases, officers may move objects that seem to have evidence potential from areas where these items would otherwise be destroyed or drastically affected by the elements.
 - i. However, movement of evidence prior to the time it has been fully examined and processed, shall be avoided whenever possible.
 - ii. If an item has to be moved, the officer shall mark the place where it was initially found and a supervisor shall be notified.
 - f. Preserve the crime scene's physical aspects, so that it may be reviewed for content and collected in its entirety by an Forensic Investigations Unit (FIU) detective.
 - g. Strict security of the crime scene shall be maintained until an FIU detective has completely processed the crime scene, and the supervisor in charge of the scene has approved such release.
5. Officers shall notify a supervisor when a serious or complex crimes occur, which may include, but is not limited to, the following:
- a. Burglaries;
 - b. Robberies;
 - c. Serious assaults;
 - d. Sexual assaults;
 - e. Shootings or confirmed shots fired;
 - f. Serious juvenile incidents
 - g. Incidents of death or severe violence;
 - h. Incidents where a threat to public safety exists;
 - i. Incidents where public or media presence require their response;
 - j. Complaints against actions of the agency or an employee;
 - k. Incidents where further professional or technical assistance is necessary;
 - l. Traffic crashes involving on-duty agency personnel or vehicles;
 - m. Traffic crashes involving serious physical injury or death;
 - n. Injuries to agency personnel;
 - o. Damages to agency equipment; and
 - p. Any incident necessitating a request for additional resources, e.g., K-9, detectives, etc.
6. The patrol supervisor shall request detective personnel from the appropriate detective supervisor. If an on-duty detective responds, he/she

shall assume control of the investigation, however, shall not assume control of the scene.

B. Detectives are responsible for primary investigative functions and shall, as assigned, concentrate their activities on the following:

1. Collect information that will support, verify, and further the information collected during the preliminary investigation;
2. Assist, as assigned, the original investigating officer, with preliminary or follow-up investigations; and
3. Conduct original and follow-up investigations that cannot be furthered by members of the patrol division due to:
 - a. The need for specialized or technical equipment or persons;
 - b. Extensive coordination with other agencies or jurisdictions;
 - c. The investigation requiring the monitoring and maintenance of undercover operations or informants in the field;
 - d. The investigation requiring travel outside the immediate area of the City of Albany; or
 - e. The nature and severity of the crime under investigation.

II. FOLLOW-UP INVESTIGATIVE STEPS

A. Follow-up investigation steps shall include, but not be limited to the following:

1. Review and analyze all previous reports prepared during the preliminary investigation, departmental records, and results from laboratory investigations;
 - a. Laboratory reports shall be reviewed to ascertain whether or not additional testing is required.
 - i. Such assessment may be made collaboratively and may include discussions between the following:
 - a) Investigating detectives;
 - b) FIU detectives;
 - c) Unit supervisors; and
 - d) District Attorney's Office.
2. Conduct additional interviews and interrogations, as appropriate;
3. Follow-up with victims and/or witnesses in order to obtain any additional information, and to update them regarding the progress of the case;
4. Seek additional information from uniformed officers and/or informants;
5. Plan, organize, and conduct searches, which shall include the collection of physical evidence and the obtainment of required warrants
6. Make every effort to identify and apprehend suspects, and when appropriate, apply for applicable warrants;
7. Review the suspects' criminal histories.
8. Determine the involvement of suspects in other crimes through the use of investigative efforts, ICU resources, intelligence briefings, Team Policing,

department computer databases, etc;

- a. When appropriate, information regarding a case shall be disseminated in accordance with established procedures.
 - i. Detective supervisors shall be continually briefed on the progress of the investigation.
 - ii. Briefings with other assigned investigators, regarding major crimes, crime trends, etc. should be conducted as often as possible at the discretion of the detective supervisor.

9. Prepare cases for court presentation:

- a. The assigned detective shall be responsible for ensuring that the case is properly prepared for court presentation;
- b. The detective may seek assistance in preparing a case, from other investigators, a supervisor, or the District Attorney's Office; and
- c. When requested by the District Attorney's Office, an assigned investigator with particular expertise in a case may act as an advisory witness in order to assist in the prosecution.

III. AIDS FOR DETECTING DECEPTION

A. As an aid for detecting deception in criminal investigations, the department authorizes the use of polygraph examinations, which shall only be administered by department personnel who are graduates of certified institutions of advanced training in professional analog or computerized polygraph system operations.

1. In the event that a polygraph examination needs to be conducted and there are not any Albany Police Department examiners available, a qualified examiner from another agency may conduct the polygraph examination.

B. The objective of a polygraph examination is to ascertain if a person's reactions, as recorded by a scientific polygraph instrument, indicate truthfulness or deception, anticipating that any of the following be accomplished:

1. Verify a statement or testimony;
2. Obtain additional investigative leads of an offense, location of evidence, or whereabouts of a wanted missing person; or
3. Obtain facts when a test indicates the person has been deceptive.

C. Guidelines for use of polygraph examinations in criminal investigations:

1. Polygraph examinations are an excellent aid in law enforcement investigations, however they must never be considered as a substitute or a short cut to a thorough investigation.

- a. The Albany Police Department maintains a polygraph suite [REDACTED]

- i. In the rare event that the polygraph owned by the department is unavailable, a request may be made to an outside agency for use of their polygraph, provided it meets accepted standards and is properly maintained.
- b. If it is determined that the use of a polygraph examination could assist in an investigation, a detective supervisor shall be notified for authorization and shall coordinate its use with a certified polygraph operator.
- c. Detectives or officers requesting a polygraph examination shall personally brief a polygraph examiner. Such officer/detective requesting the examination shall also:
 - i. Provide the examiner with all available information pertaining to the case.
 - ii. Inform the person who is taking the examination of the date, exact time, and location of the examination.
 - a) It shall be the responsibility of the requesting officer/detective to notify the polygraph examiner of cancellations.
 - iii. Attend the examination to monitor and observe both visually and audibly, the entire examination.
 - a) Detectives may arrange for a designee to attend the examination.
 - b) The detective replacing the requesting detective shall be knowledgeable in all aspects of the case.
 - iv. Following the examination, officers/detectives shall obtain written or oral video recorded statements, as applicable.
 - v. Unless an urgent situation exists, an examiner shall be given no less than forty-eight (48) hours preparation time for any examination.
 - a) Off-duty activation of a polygraph examiner shall be authorized by a detective sergeant.
- 2. The final opinion of a polygraph examination shall be based upon the technical knowledge of the polygraph examiner, independent of and uninfluenced by any pre-conceived opinions of the detective/officer requesting the examination. Therefore, the thoroughness of the investigation, prior to having the subject take the examination, is paramount.
- 3. In criminal investigations, polygraph examinations may be conducted upon suspects, victims, or witnesses.

D. Legal Status:

1. The polygraph examination is simply an aid to a criminal investigation.

- a. If a person agrees to the examination, after being advised of his/her legal rights, his/her legal rights are not violated.
 - b. A legally obtained statement, admission, or confession may be entered into evidence and the use of the polygraph does not alter this fact.
2. If the polygraph examiner received an oral statement, and if that statement was obtained in compliance with the New York State Criminal Procedure Law (CPL 160.45), the examiner may testify about that statement in court.
3. The polygraph examiner shall not be encouraged to take a written statement, as the officer assigned to the investigation shall accomplish this. However, if circumstances dictate (e.g., a good rapport has been established between the subject of the polygraph examination and the polygraph examiner), the polygraph examiner may take the written statement.
4. After a criminal action has started (e.g., arrest, Grand Jury, etc.) and the right to legal counsel has attached, requests must be approved by the Commander of Investigations and the District Attorney's Office.
5. Juveniles shall not be examined unless at least one parent or legal guardian attends the examination and signs the juvenile permission waiver.
6. A victim of a sexual assault shall not be requested to or required to take a polygraph test, as per section 160.45 of the NYS CPL.

IV. INTERVIEW AND PROCESSING ROOMS/AREAS

- A. Interview and processing rooms/areas within the Criminal Investigations Unit (CIU), the Community Response Unit (CRU), and the Children and Family Services Unit (CFSU), serve a dual purpose function, and accommodate both interviews/interrogations, as well as the processing of persons as part of the arrest process or prior to bringing the individual to Central Booking.
- B. The department's designated interview and processing rooms/areas consist of the following:
 1. Criminal Investigations Unit (CIU) – Six (6) adult interview and processing rooms ();
 2. Community Response Unit (CRU) – One (1) adult interview and processing room () and one (1) processing area within CRU; and
 3. Children and Family Services Unit (CFSU) – Two (2) juvenile interview and processing rooms ().
 - a. Juvenile interview and processing rooms shall be utilized for juveniles only, in accordance with General Order 3.8.05 – Juvenile Operations.
- C. Department processing rooms/areas are designed to separate males, females, and juveniles.

1. At no time, shall adults and juveniles be detained and/or processed in the

same areas/locations.

- D. The purpose of these designated rooms/areas is to hold subjects for an abbreviated period of time for interviews, interrogations, processing, or testing. Uniformed and non-uniformed officers shall be aware of the following safety considerations when using these designated rooms/areas:
1. These rooms/areas are not designed as secure facilities, but should be considered a safe and secure environment.
 2. Prior to placing an individual in one of the designated room/areas, officers shall inspect the room/area for any weapons and/or contraband, as well as cleanliness and possible unsafe conditions.
 - a. The room/area shall be checked again after the subject leaves.
 3. Supervision and accountability for processing and searching of individuals within designated interview and processing rooms/areas shall be the responsibility of the investigating officer/detective, and conducted in accordance with department policies and procedures.
 4. Prior to entering a processing room/area, officers [REDACTED]
 5. When a detainee shall be secured, he/she shall be secured by one ankle in an ankle cuff, which shall be anchored to the floor.
 - a. Detainees shall not be handcuffed or otherwise secured to any stationary object not specifically designed for that purpose.
- E. Detainees shall be continuously monitored, as outlined below, to ensure the safety of the individual and department personnel, as well as to prevent the possibility of escape.
1. A face-to-face visual observation of an unattended detainee shall be conducted at least every [REDACTED]
 - a. Detainees may be monitored by audio and/or video devices in-between the [REDACTED] face-to-face visual observations.
 2. The department does not authorize the securing and monitoring of unattended detainees within locked spaces.
 3. Access to the detainee and the designated rooms/areas shall be restricted to those personnel actively working the case.
 4. In case of an emergency, officers shall carry their portable radio, which is equipped with an emergency/panic button, to summons assistance.
- F. The investigating officer/detective shall document the reason, date and time in and out of the facility, and any meals, if any, that were provided to the detainee during their detention.
- G. The following minimum physical conditions shall be made available in the interview and processing rooms/areas:

1. Adequate lighting, as required by the City Code;
2. Circulation of fresh air, in accordance with Albany County Department of Health standards; and
3. Access to a toilet, drinking water or comfort breaks, when needed and in a timely manner.

- a. Detainees shall be closely monitored by sworn personnel when using the restroom facilities.

H. Adult interview and processing rooms contain, at minimum, the following:

1. A table, two-three chairs, and instruments needed to document the interview (e.g., computer, department forms, etc.).
2. Remote video and audio recording equipment, as well as a telephone jack for plugging in a telephone, if needed.
 - i. The video and audio recording equipment shall be housed in the observation room.
3. Additional equipment may be brought into the interview room as needed, such as, a laptop computer, camera, etc.
4. Officers/detectives shall be mindful of any items introduced into the interview room while conducting an interview/interrogation, [REDACTED]
5. When conducting interviews/interrogations, officers [REDACTED]
6. Under most conditions, no more than two (2) officers shall be present in the interview/interrogation room.

I. Processing Rooms/Area - Fire Prevention/Suppression Plan:

1. The Detective Division shall be equipped with working smoke detectors.
2. All fire extinguishers shall be easily accessible, but isolated from detainees to prevent tampering.
3. Personnel shall become familiar with the fire equipment, its location, and its operation and suppression of fires.
4. Personnel shall be aware of and comply with accepted procedures and techniques for the prevention of fires.
5. An evacuation, either partial or total, shall be undertaken only when absolutely necessary.
6. Prior to evacuating any detainees, and regardless of the size of the fire, the fire must be reported without delay. After the necessary notifications have been made, the following shall apply:
 - a. All persons shall exit the Detective Division into the main interior hallway and then proceed down the hallway stairwells and into Central Booking.
 - b. If Central Booking is inaccessible, all persons shall proceed into the South Station squad room.
 - c. In the event of an external evacuation, detainees shall be taken out in groups while secured to a transport chain.

- d. Once the processing rooms/areas have been evacuated and secured, a head count shall be taken. Personnel shall immediately report any discrepancy with the head count to a supervisor.
- e. Personnel shall remain in the area of evacuation with the detainees until further instructions from a supervisor are obtained.

7. Emergency evacuation plans, as shown on page 19 of this order, and emergency exit signs shall be clearly posted in the Detective Division.

J. Training:

- 1. Sworn personnel responsible for monitoring temporarily detained individuals within designated interview and processing rooms/areas shall receive initial training in the use of said rooms/areas and retraining at least once every four (4) years.

K. Annually, the Commander of Investigations shall be responsible for completing a written administrative review of the department's processing rooms and areas.

- 1. The purpose of this administrative review is to ensure that policies, procedures, training, and/or equipment guidelines are being followed, as well as to determine if any unsafe conditions exist or appear to be developing.

V. PHYSICAL LINE-UPS

A. Procedures for Physical Line-Ups:

- 1. The primary detective shall be responsible for:
 - a. Scheduling the line-up on a date and at a time that is convenient for all concerned parties, to include:
 - i. The prosecuting attorney;
 - ii. Defense counsel; and
 - iii. All witnesses.
 - b. Fulfilling the necessary legal requirements for transfer of the suspect to the line-up location should the suspect be incarcerated at a detention center, make timely notice to the detention center concerning the pickup and make arrangements for picking up the prisoner; and
 - c. Making arrangements to have four (4) to six (6) other persons act as "fill ins" at the line-up who are the same race, sex and approximate height, weight, age and physical appearance and who are similarly clothed.

1. The detective in charge of conducting the line-up shall:

- a. Ensure that the suspect has been informed of his/her right to counsel if formal charges have been made against the prisoner,

- and also ensure that the prisoner has the opportunity to retain counsel or request that one be provided;
- b. Obtain a written waiver should the suspect waive his/her right to counsel;
 - c. Allow counsel representing the suspect sufficient time to confer with his/her client prior to the line-up and observe the manner in which the line-up is conducted;
 - d. Advise the suspect that he/she may take any position in the line-up that he/she prefers and may change positions prior to summoning a new witness; and
 - e. Ensure that all persons in the line-up are numbered consecutively and are referred to only by number.

2. The neutral independent administrator shall:

- a. Use 'double blind' procedures, in which the administrator is not in a position to unintentionally influence the witness's selection;
- b. Prior to the line-up, instruct the witness on how the line-up is to be conducted and advise him/her of any directions to be followed;
- c. Specifically instruct the witness that the real perpetrator may or may not be present and that the administrator does not know which person is the suspect;
- d. Avoid using statements, clues, casual comments or providing unnecessary or irrelevant information that in any manner may influence the witnesses' decision-making process or perception;
- e. Ensure that witnesses are not permitted to see nor are they shown any photographs of the accused immediately prior to the line-up;
- f. Ensure that no more than one witness views the line-up at a time and that they are not permitted to speak with one another during line-up proceedings;
- g. Document the line-up and the results, including the level of confidence that is expressed by the witness; and
- h. Ensure that a complete written record and video and/or audio recording of the line-up proceedings is made and retained.

VI. PHOTO ARRAYS

A. Procedures for Photo Arrays:

1. The following guidelines shall be used when composing a photo array:

- a. Include only one (1) suspect in each identification procedure.
- b. Select a photograph of the suspect that resembles the suspect's appearance at the time of the incident.
- c. Select other persons to be included in the line-up that resemble the suspect in significant features.
- d. Include a minimum of five (5) non-suspects per identification procedure.
- e. If there is more than one (1) witness, each witness shall be shown the photo array separately.

- i. Witnesses shall not be permitted to communicate with each other until after photo array procedures have been completed.
 - ii. If a witness has previously viewed a photo array in connection with the identification of another person suspected of involvement in the offense, the non-suspects in the photo array line-up shall be different from the ones used in any prior line-ups.
2. When showing a photo array to a witness, the following shall be conducted::
 - a. Use 'double blind' procedures, in which the administrator is not in a position to unintentionally influence the witness's selection;
 - b. Prior to the photo array, instruct the witness and/or victim on how the photo array is to be conducted and advise him/her of any directions to be followed:
 - i. Inform the witness that the real perpetrator may or may not be present and that the administrator does not know which person is the suspect;
 - ii. Inform the witness hair style and length, as well as other characteristics may have changed since the photographs were taken; and
 - iii. Inform the witness not to tell any other witnesses that they have or have not been able to identify anyone.
 - c. Avoid using statements, clues, casual comments or providing unnecessary or irrelevant information that in any manner may influence the witnesses' decision-making process or perception.
 - d. Document the results of the photo array line-up, including the level of confidence that is made by any witness or victim (e.g., having the witness explain how they knew the identified person); and
 - e. Ensure that a complete written record of the photo array proceedings is made and retained.
3. Results and information obtained during photo array identification procedures shall be documented on the Albany Police Department Photo Array Form, APD Form # ● shown on page 18 of this order, and on an Investigation Report. The reports shall include, but not be limited to the following information:
 - a. The name of the person preparing the photo array;
 - b. The name of the person administering the photo array;
 - c. The name of the witness whom the photo array was shown to;
 - d. The date of the photograph used for the suspect photograph;
 - e. The names of all persons and/or photographs used;
 - f. The source of the photograph (e.g., digital mug shot, driver's license);
 - g. If the witness identifies someone as the suspect, have the witness circle the person they have identified and sign/initial the line-up next

- to the photograph;
 - h. How the witness described they recognized the identified person;
 - i. The level of confidence expressed by the witness (do not suggest they use percentages);
 - j. The results of both identification and non-identification procedures;
 - k. The date, time, and location of identification; and
 - l. If the witness wears glasses or contacts, whether or not the witness was wearing their glasses or contacts at the time of the lineup.
4. Officers shall place a copy of the photo array line-up in the case file and place the original document into evidence.

VII. SHOW-UPS

A. Procedures for Show-Ups:

1. An officer may arrange a show-up between a witness and a suspect when there is reasonable suspicion to believe the suspect committed a crime and that the detention occurs soon after the crime was committed.
 - a. Once a suspect has been detained based on reasonable suspicion, the suspect does not have a right to refuse to participate in a show-up and they do not have a right to have an attorney present.
2. A suspect cannot be detained for longer than a reasonable period of time to confirm or refute whether the suspect is the offender.
3. Officers shall transport the witness to the location of the detained suspect to limit the legal impact of the suspect's detention.
4. Officers may handcuff or keep the suspect handcuffed during the show-up if the officer is able to articulate the reason why it was necessary. This must be explained in detail in the officer's report.
5. Officers at the scene and in contact with a witness shall obtain a detailed description of the offender before the suspect is shown to the witness.
6. Officers shall give clear instructions to the witness prior to viewing the show-up, which shall include:
 - a. Caution the witness that the person he/she is looking at may or may not be the perpetrator.
 - b. Inform the witness that they are in no way obligated to identify anyone; and
 - c. Inform the witness that if they recognize anyone to describe how, in their own words, they recognize the individual.
7. Officers shall avoid saying anything to the witness just prior to the identification that might be considered suggestive (e.g., we think we caught the guy, the suspect has victim's property, etc.).
 - a. Additionally, officers shall avoid saying anything suggestive after the identification (e.g. you picked the right or wrong person, etc.).
 - b. This may have a corrupting effect on all subsequent identifications and result in their suppression.

8. Show-ups shall not be conducted with more than one witness present at a time.
 - a. If there is more than one witness, the show-up shall be conducted separately for each witness, and witnesses should not be permitted to communicate before or after any show-up regarding the identification of the suspect.
 - b. Witnesses should not hear others accounts as they may be influenced by that information.
9. When there are multiple suspects, they shall be separated and subjected to separate show-up procedures.
10. The same suspect shall not be presented to the same witness more than once.
11. Show-up suspects shall not be required to put on clothing worn by the perpetrator, to speak words uttered by the perpetrator or to perform other actions of the perpetrator.
12. Officers shall document the level of confidence expressed by the witness in their identification of suspect.
 - a. Officers shall have the witness describe how they know they have identified the right person.
13. In emergency circumstances, such as when a witness or a suspect is in danger of imminent death, an immediate show-up may be conducted.
 - a. In these situations, time and location limitations contained in the preceding guidelines may be disregarded.
 - b. If there is doubt about the need for an emergency show-up, a supervisor shall contact the appropriate prosecuting attorney for guidance.
14. The results and information regarding the show-up shall be documented on an Investigation Report. The Investigation Report shall include, but not be limited to the following information:
 - a. The lighting conditions (e.g. spotlight, flashlight, full sun, cloudy);
 - b. The approximate distance of the witness to the detained person;
 - c. Where the witness was during the identification (e.g., backseat of patrol car);
 - d. Estimate the length of time the witness looked at the subject before making the identification;
 - e. How the witness described how they knew that the person that they identified is the right person;
 - f. The confidence of the statements made by the witness (do not suggest the use of percentages);
 - g. The officers and other persons present during the show-up;
 - h. If clothing is identified, it should be taken as evidence and documented;
 - i. Record identification and non-identification results;

- j. Document time, date, and location of identification; and
- k. Document if the witness wear glasses or contacts and did they have them on at the time of the show-up.

VIII. PATROL SHIFT BRIEFING

- A. It is the intent of the Albany Police Department to promote the interaction and exchange of information between patrol and investigative divisions.
 - 1. Detective supervisors shall ensure the periodic attendance of detectives at patrol shift briefings.

IX. INVESTIGATIVE TASK FORCES

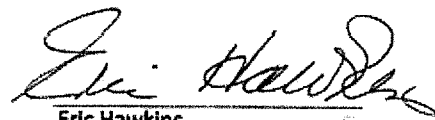
- A. The Chief of Police shall determine the level of commitment to any long term multi-jurisdictional investigative task force.
- B. The Commander of Detectives or his/her designee shall be responsible for coordinating and planning all investigative task force activities directed by the department or when requested to participate in outside agency investigative task force operations. The Commander of Detectives or his/her designee shall also, at a minimum:
 - 1. Coordinate the distribution of all available intelligence;
 - 2. Create and maintain a work schedule;
 - 3. Create and maintain records of assignment of equipment and personnel;
 - 4. Maintain any written agreements; and
 - 5. Provide each involved officer with information pertaining to the expectations of the task force and his particular duties, responsibilities, supervision and authority while attached to that unit.
- C. Long term task force participation shall be predicated on a clearly stated written agreement between the parties involved. Guidelines for the written agreement are as follows:
 - 1. Purpose of the task force;
 - 2. Defined authority and responsibility concerning the type of criminal activity to be investigated, jurisdictional boundaries, and scope of authority;
 - 3. Duration of the task force,
 - 4. Estimate of time requirements and duty hours; and
 - 5. Identifying resources available for use in task force operations to include staffing, equipment, facilities, and funding.
- D. Criteria used for requesting the establishment of a task force shall include, but not be limited to, the following:
 - 1. Major case investigations;
 - 2. Stakeouts over long periods of time;
 - 3. Numerous incidents of criminal activity, which indicate similar modus operandi; and/or
 - 4. Numerous incidents of criminal activity which indicate that they are being

performed by the same person(s).

- E. A periodic evaluation of the results shall be made by the commanding officer of the task force, thereby enabling adjustments to be made to the time limitations and the need for continued operations.
- F. The officer/detective in charge of the day-to-day operations of the task force shall keep the Commander of Detectives or his/her designee updated as to the status of the task force operations and any officer safety information that may need to be disseminated to other department personnel.
 - 1. This is accomplished by periodic updates addressing the success of the individuals, as well as the overall success of the task force.
 - 2. Based on these periodic updates, the Commander of Detectives or his/her designee shall make recommendations to the Chief of Police as to the continued need for participation by specific employees, as well as overall department participation.
- G. When an officer of the department is working under the direction of a supervisor(s) from another agency in a task force setting, the officer shall keep their respective supervisor informed of their activities and abide by the policies of this department, as well as the policies of the task force.
 - 1. If there are conflicting policies, the officer shall abide by the Albany Police Department's policies and notify their departmental supervisor of the conflict.

X. COLD CASES

- A. Cold cases are defined as cases where all actionable leads have been exhausted to no avail and there is no further investigative action can be taken.
 - 1. Cases are reviewed periodically by the detective sergeant with the assigned detective.
 - 2. When identified as a cold case, an Investigation Report is completed by the investigating detective documenting all investigative efforts and results with a recommendation that case status be changed to inactive until such time new leads/information is developed.
 - 3. Once status has been approved by the detective sergeant, the case coordinator will update the status in RMS.
 - 4. Cases will not be reactivated unless new evidence/information is developed (e.g., informant/witness information or DNA evidence, etc.).


Eric Hawkins
Chief of Police



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APD Form # 356



Albany Police Department Photo Array Form

Incident # _____ Photo Array Date: _____ Time: _____ Location: _____

Witness: _____ Phone: _____

Address: _____

Photo Array Administrator: _____

Instructions: As part of the ongoing investigation into a crime that occurred on (date) at (location) you will view a photo array. (Use similarly neutral language to invite witness to the ID procedure.)

- It consists of six photographs of individuals. Each photograph has a number underneath the photograph.
- Take whatever time you want to view the photo array.
- The perpetrator may or may not be among the pictures.
- Do not assume that I know who the perpetrator is.
- Do not look to me or anyone else in the room for guidance during the procedure.
- Individuals presented in the photo array may not appear exactly as they did on the date of the incident because features, such as head and facial hair, are subject to change.
- Photographs may not always depict the true complexion of a person; it may be lighter or darker than shown in the photo.
- Pay no attention to any markings that may appear on the photos, or any other difference in the type or style of the photographs.

Do you recognize anyone in the photo array? _____

If so, what is the number of the person you recognize? _____

From where do you recognize the person? _____

Records words and gestures of the witness (if the response is vague ask the witness to explain their answer):

I have identified the perpetrator in the photo array and have been told by: _____

That his/her name is: _____

Final instructions to the witness:

- Do not tell other witnesses that you have or have not identified anyone.

False statements made herein are punishable as a Class "A" misdemeanor, pursuant to section 210.45 of the New York State Penal Law.

I can both read and write and I have read and understand the above statement. I swear the information I have given is the truth.

Signed

Witness: _____

Witness: _____