
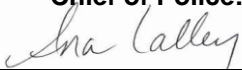
	ELGIN POLICE DEPARTMENT 151 Douglas Avenue Elgin, Illinois 60120	
Effective Date: 01/14/02	STANDARD OPERATING PROCEDURE	Revised Date: 01/30/20
Chief of Police: 	Criminal Investigations Operation, 42.2	
Cross Reference: SOP 41.10 Body Worn Cameras SOP 42.1 Criminal Investigation: Administration SOP 44.2 Juvenile Operations SOP 55.2 Sexual Assault and Sexual Abuse Investigations SOP 83.1 Physical Evidence Operations 705 ILCS 405/5-410 725 ILCS 5/109A-1/A-2		Policy Sections: 42.2.1 Procedures Used in Criminal Investigations 42.2.2 Procedures Used for Show-Ups 42.2.3 Procedures Used for Physical Line-ups and Photo Line-ups 42.2.4 Preliminary Investigations 42.2.5 Follow-up Investigations 42.2.6 Investigative Checklists 42.2.7 Investigations Division Personnel 42.2.8 Roll Call Attendance by Investigators 42.2.9 Investigative Task Forces 42.2.10 Technical Aids for the Detection of Deception 42.2.11 Use/Administration of Informants Appendix A: Eyewitness Request Not to be Recorded Appendix B: Elgin Police Department Line-Up Advisement Appendix C: Truth Verification Release Form Appendix D: CVSA Examiner's Log

PURPOSE

The purpose of this policy is to establish guidelines for the proper conduction and successful completion of criminal investigations.

POLICY STATEMENT

It is the policy of the Elgin Police Department to conduct criminal investigations utilizing modern investigative techniques and procedures. It is recognized that preliminary investigative steps, including preservation of the scene and the collection of physical evidence, are essential steps in solving many criminal offenses.

While conducting interviews and interrogations, the department requires that all employees ensure each individual's constitutional rights are recognized and safeguarded. As part of the department's training program, employees will be kept informed of the most recent court decisions and how they affect their areas of responsibility.

Finally, it is acknowledged that results oriented follow-up investigations depend upon qualified investigative personnel and the utilization of a variety of information sources. The relationship with crime lab personnel and the ability of preliminary and follow-up investigators to recognize, collect, package and transfer evidentiary items found at a crime scene or another location is critical.

DEFINITIONS

Background Investigation: An investigation into the history of a person for the following purposes: locate criminal histories; substantiate and corroborate information; obtain information about past employment, education, residence, and military experience; gather new information concerning the moral turpitude of a person; and, determine if there are any links to subjects engaged in criminal activity or organized crime.

Cold Call: A review by a second CVSA operator, who is not familiar with the case, to evaluate the examination results based strictly on the assessment of the charts that were generated from the initial examination.

Computer Voice Stress Analyzer (CVSA): A technical device that detects, measures and charts the stress in a person's voice from recordings or live analysis following the preformatted questions.

Custodial Interview: Any interview during which a reasonable person in the subject's position would consider themselves to be in custody and during which a question is asked that is reasonably likely to elicit an incriminating response.

Electronic Recording: Includes motion picture, audiotape, videotape, or digital recording.

Eyewitness: A person viewing the line-up whose identification by sight of another person may be relevant in a criminal proceeding.

Filler: A person or a photograph of a person who is not suspected of an offense and is included in a line-up.

Independent Administrator: A person who is not participating in the investigation of the criminal offense and is unaware of which person in the line-up is the suspect.

Informant: Person who covertly provides information about criminal activity to law enforcement officers.

Interview: A conversation, generally with a crime witness or victim, for the purpose of obtaining facts and information relating to a criminal investigation.

Interrogation: The questioning of a suspect for the purpose of gaining an admission or confession during a criminal investigation.

LEADS: A statewide data system in which law enforcement agencies share information with other agencies, to include but not limited to: warrants, driver's license status, license plate information, officer safety information, and NCIC access.

Line-up Administrator: The person who conducts a line-up.

Line-up: Includes a photo line-up or a physical (live) line-up.

NCIC: The National Crime Information Center is an electronic clearinghouse of crime data that can be tapped into by virtually every criminal justice agency nationwide.

Overt Interviews Audio: The CVSA examiner performs an audiotape analysis on voluntary interviews from persons that were obtained by the officer. These interviews are designed to capture a yes or no response from preformatted questions; the taped interview will be analyzed.

Overt Interviews Live: Interviews by the CVSA examiner with the examinee. These interviews are conducted with the examinee's prior knowledge and permission that certain questions will be recorded live and captured by video tape. An overt examination will cease immediately when requested by the examinee.

Photo Line-up: A procedure in which photographs are displayed to an eyewitness for the purpose of determining if the eyewitness is capable of identifying the suspect of a crime.

Physical/Live Line-up: A procedure in which a group of persons is displayed to an eyewitness for the purpose of determining if the eyewitness is able to identify the suspect of a crime, but does not include a show-up.

Place of Detention: A building or a police station that is a place of operation for a municipal police department or county sheriff department or other law enforcement agency, not a courthouse, that is owned or operated by a law enforcement agency at which persons are or may be held in detention in connection with criminal charges against those persons.

Sequential Line-up: A physical or photo line-up in which each person or photograph is presented to an eyewitness separately, in a predetermined order, and removed from the eyewitness' view before the next person or photograph is presented, in order to determine if the eyewitness is able to identify the suspect of a crime.

Show-up: A procedure in which a suspect is presented to an eyewitness at, or near, a crime scene for the purpose of obtaining an immediate identification.

Simultaneous Line-up: A physical or photo line-up in which a group of persons or array of photographs is presented simultaneously to an eyewitness for the purpose of determining if the eyewitness is able to identify the suspect of a crime.

Qualified CVSA Examiner: An officer who has satisfactorily completed training by the National Institute for Truth Verification, NITV Federal Services, in the use of the CVSA.

PROCEDURES

42.2.1 PROCEDURES USED IN CRIMINAL INVESTIGATIONS

Police officers will fairly and impartially investigate all incidents which require follow-up investigation. There are standard practices and methods used in proper investigations. These methods and practices include:

A. Information Development.

Information may be developed from a variety of sources. These sources include, but are not limited to: reports from other officers or agencies; victims; eyewitnesses; neighbors; relatives; informants; investigative meetings; suspects; LEADS; NCIC; records management system; the internet; and, other informational databases.

B. Non-custodial Interviews.

Interviews are an important source of information for investigations. Interviews shall be conducted in a professional manner. The subject of an interview shall be allowed the freedom to leave and conclude the interview at any time. At any time that the interviewer has developed information that strongly implicates the person being interviewed as a suspect, and that person is no longer free to leave, the procedures for conducting an interrogation shall apply. Generally, no more than three officers should be present in an interview room.

C. Interrogations/Custodial Interviews.

Interrogations are a useful tool and can be a key factor in the successful outcome of a criminal investigation. Interrogations should be conducted as follows:

1. Before any interrogation, a person in custody shall be advised of their constitutional rights as provided in the Miranda decision. The rights should be read from a card or pre-printed form whenever possible. The officer should note in a police report which card or form was used when the rights were read.
2. When practical, the officer conducting the interrogation should obtain a written Miranda Waiver.
3. When a subject who is in custody refuses to waive his/her Miranda rights or requests to speak to an attorney, no officer or their agent shall attempt to question the subject relating to the incident unless the subject specifically requests to speak to the officer about the incident.
4. No statement shall be obtained through the use of overt or covert coercion.
5. The interrogation shall be conducted in accordance with current law, judicial decisions, and constitutional rights.
6. Any custodial interrogation, to include subjects who were under eighteen (18) years of age during the commission of the crime, conducted in a place of detention related to the

following offenses will be electronically recorded by either use of both audio and/or video recording:

- a. First Degree Murder (720 ILCS 5/9-1)
 - b. Intentional Homicide of an Unborn Child (720 ILCS 5/9-1.2)
 - c. Second Degree Murder (720 ILCS 5/9-2)
 - d. Voluntary Manslaughter of an Unborn Child (720 ILCS 5/9-2.1)
 - e. Involuntary Manslaughter (720 ILCS 5/9-3)
 - f. Reckless Homicide, including traffic accidents (720 ILCS 5/9-3) (625 ILCS 5/11-501(d)(1)(f))
 - g. Involuntary Manslaughter and Reckless Homicide of an Unborn Child (720 ILCS 5-9-3.2)
 - h. Drug Induced Homicide (720 ILCS 5/9-3.3)
 - i. Predatory Criminal Sexual Assault of a Child (720 ILCS 5/11-1.40)
 - j. Aggravated Arson (720 ILCS 5/10-20.1.1)
 - k. Aggravated Kidnapping (720 ILCS 5/10-2)
 - l. Home Invasion (720 ILCS 5/18-4)
 - m. Aggravated Vehicular Hijacking (720 ILCS 5/19-6)
 - n. Aggravated Criminal Sexual Assault (720 ILCS 5/11-1.30)
 - o. Armed Robbery (720 ILCS 5/18-2)
 - p. Aggravated Battery with Discharge of a Firearm (720 ILCS 5/12-3.05)
7. Whenever practical, video recording of other interrogations should be completed.
8. If an interview and/or interrogation is to be conducted out of state, the officer conducting that interview and/or interrogation shall confer with that state's legal authority so as to be in accordance with the laws governing the use of electronic recording devices.
9. Generally, no more than three officers should be present during an interrogation.

D. Physical Evidence.

- 1. The use of physical evidence in criminal investigations shall be used whenever possible, as this type of evidence is often weighted strongly in judicial decisions. However, in order to ensure the validity of physical evidence in court, the collection, preservation and use of evidence should comply with the procedures as outlined in Standard Operating Procedure 83.1 Physical Evidence Operations.
- 2. Any electronic recordings taken during interviews and interrogations will be housed on a local server via the department's in-house video management system. When a copy is needed, the lead detective shall request a DVD copy from the Technical Investigations Unit.
- 3. For evidence captured on BWC footage, refer to Standard Operating Procedure 41.10 Body Worn Cameras.

E. Background Investigations.

Background Investigations may be requested by the Human Resources Department or internally generated. Command staff members will designate the investigations lieutenant or their designee to conduct/assign background investigations as needed.

- 1. Background investigations may be conducted for the following reasons:
 - a. Applicants for employment with the city of Elgin.
 - b. Organized crime and vice figures coming to the attention of the department.
 - c. Applicants for various licenses within the city of Elgin.

- d. Any other instances where such investigations can aid and are directly related to an assigned criminal investigation.
 - e. For the purpose of investigating any connections to illegal activity.
 - f. As assigned by the chief of police, deputy chief or commander.
- 2. Background investigations involving current city of Elgin employees or political figures are prohibited unless assigned by the chief of police.
- 3. Information obtained on individuals suspected of criminal activities will be used in conjunction with other information in an attempt to develop or strengthen a criminal case on that person.
- 4. Information obtained in a criminal background investigation will be reviewed by an investigative supervisor.
- 5. Police officer applicant background information will be forwarded through the chain of command to the chief of police or designee, Police/Fire Commission, Records Division, and Human Resources Department upon completion. Other police employee investigations will be forwarded as appropriate.
- 6. Access to criminal background investigations will be limited to those people who have a specific and legitimate need for the information relating to their employment or affiliation with the Elgin Police Department.
- 7. Resources available for gathering required information include, but are not necessarily limited to:
 - a. Any federal agency.
 - b. Any state agency.
 - c. County agencies:
 - 1. Sheriff's Dept.
 - 2. Marriage records.
 - 3. Birth records.
 - 4. Death records.
 - 5. Real estate records.
 - 6. Government entitlement programs.
 - 7. Juvenile/family courts.
 - d. Local Agencies:
 - 1. Utility checks.
 - 2. Vehicle files.
 - 3. Village licenses or permits.
 - 4. Local police reports.
 - e. Other Sources:
 - 1. Education records.
 - 2. Business contacts.
 - 3. Associates.
 - 4. Neighbors.
 - 5. Family.
 - 6. Employers.
 - 7. Acquaintances.

8. Military records.
9. Informational databases.

42.2.2 PROCEDURES USED FOR SHOW-UPS

Show-ups, physical and photo line-ups are routinely used as methods of eyewitness identification. Current court decisions take precedence in determining how line-ups and show-ups will be conducted. The following procedures and considerations shall be followed during show-ups:

- A. Show-ups occur shortly after a crime has occurred and when the eyewitness is able to articulate a suspect and/or vehicle.
- B. Consideration shall also be given to location factors. Potential suspects may be located within close proximity or can be linked to the location of the crime scene.
- C. When no additional probable cause exists, suspects should only be detained for a reasonable period of time which allows the eyewitnesses to view the show-up.
- D. Whenever possible, the officer(s) shall discreetly transport the eyewitness(s) to the location of the suspect to confirm identification.
- E. Attempts shall be made to ensure that multiple eyewitnesses view the show-up separately and not communicate during this process.
- F. Prior to viewing the show-up, the officer shall review the contents of the Line-Up Advisement Form with the individual and advise each eyewitness of the following:
 1. The eyewitness is not obligated to make an identification of the suspect.
 2. The eyewitness should not assume that the person administering the show-up knows if the suspect is the offender in the case.
 3. Officers will not express their opinion or provide feedback to an eyewitness during a show-up that may coerce or suggest an identification.
 4. The eyewitness shall be instructed that the subject/person they are viewing may or may not have committed the crime.
- G. At the conclusion of the show-up, the officer shall document the results of the show-up to include any and all statements made by the eyewitness during the show-up.

42.2.3 PROCEDURES USED FOR PHYSICAL LINE-UPS AND PHOTO LINE-UPS

- A. Composing Physical Line-ups and Photo Line-Ups
 1. Only one suspect shall be used in each identification procedure. If more than one suspect exists, then an individual line-up shall be created for each suspect, utilizing different fillers for each line-up.
 2. Fillers should generally fit the eyewitness' description of the suspect. If the eyewitness provides limited or inadequate descriptions of the suspect or when the description of the suspect differs significantly from the actual appearance of the suspect, fillers should be selected that resemble the actual suspect's features at the time of the incident.
 3. Reasonable efforts shall be made to ensure a consistent appearance between the suspect and fillers with respect to unique or unusual features such as race, sex, age, scars, tattoos, glasses, facial hair, hairstyle and color. However, absolute uniformity is not required.

4. Prior to a physical line-up, the suspect picks their location in the line-up. However, for a photo line-up, a computerized random pattern determines the position of the suspect. Suspects shall be placed in different positions in each line-up, with regards to different cases and/or eyewitnesses in the same case. Nothing should be communicated to the eyewitness as to the suspect's position in the line-up.
5. If multiple photographs of the suspect are reasonably available, the most recent photograph should be selected that resembles the suspect's description or appearance at the time of the incident.
6. If there are multiple suspects in a case and an eyewitness is being shown different line-ups for the purpose of identifying different suspects, each line-up must have different fillers.
7. All photo line-ups require a minimum of 5 fillers to be included in the line-up, in addition to the suspect. The sources of the photographs shall be documented.
8. All physical line-ups, when practicable, require at least 4 fillers to be included, in addition to the suspect. In no event shall there be less than 3 fillers in addition to the suspect. The sources of the fillers shall be documented.
9. No writings or information concerning any previous arrest, indictment, or conviction of the suspect shall be visible or made known to the eyewitness. In the event that suspect photos have such information imbedded in them, the information shall be blacked out. All photos in such line-up shall have the same "blackout" appearance as to not single out any one photo from another.
10. Individuals portrayed in photo line-ups shall be identified solely by a number.
11. The backgrounds shall either be consistent in all photos or have an equally different amount of backgrounds as to not single out any one photo from another.
12. Participants in physical line-ups shall be photographed individually and the physical line-up photographed as a whole or otherwise, the line-up procedure video recorded and preserved as evidence. Identifiers of all participants will be documented. Photo line-ups shall be preserved in their presentation order and original condition.

B. Eyewitness Instructions and Identification Procedures

1. Multiple eyewitnesses shall be separated as soon as possible to prevent conferring with one another and instructed to avoid discussing details of a case or results of an identification with other eyewitnesses. If separation is not practical, the line-up administrator shall ensure that eyewitnesses are monitored and that they don't confer with each other while waiting to view the line-up or during the line-up.
2. Eyewitnesses shall view all line-ups separately to avoid any degree of improper suggestiveness by other eyewitnesses. To the extent possible, the suspect shall be placed in a different position in the line-up or photo spread for each person viewing the line-up.
3. All line-ups must be conducted by an independent administrator, unless it is not practical, using one of the following methods:
 - a. Using a procedure in which photographs are placed in a folder, randomly numbered, and shuffled and then presented to an eyewitness. The line-up administrator cannot see or know which photographs(s) are being presented to the eyewitness until after the procedure is completed.

- b. By means of an automated computer program or other device which can automatically display a photo line-up to an eyewitness in a manner that prevents the line-up administrator from seeing which photograph(s) the eyewitness is viewing until after the line-up is completed.
 - c. Any other procedure which prevents the line-up administrator from knowing the identity of the suspect or seeing or knowing the persons or photographs being presented to the eyewitness until after such procedure is completed.
- 4. There shall not be anyone else present during the line-up administration except the eyewitness and the suspect's legal counsel, if required by law.
- 5. When practical, to accurately document all statements made by the eyewitness and the procedures followed, the administration of any line-up will be audio or video recorded. The eyewitness shall be informed of this practice. If the eyewitness refuses to be recorded pursuant to 725 ILCS 107A-2(e)(2), the Eyewitness Request Not to be Recorded form shall be completed. Refer to Appendix A to view said form.
- 6. Prior to viewing any line-up, the eyewitness shall be advised of the line-up instructions and given the option to view either a simultaneous or sequential line-up.
 - a. The Elgin Police Department Line-up Advisement form shall be provided to the eyewitness; refer to Appendix B to view said form.
 - b. If the eyewitness refuses to sign the line-up advisement form, the refusal shall be documented by the line-up administrator. The line-up administrator shall write "refused" on the signature line.
 - c. If an automated computer program is used for a photo line-up, the above line-up advisement form is not required. The instructions and viewing options are communicated through the automated computer program.
- 7. If the sequential line-up format is utilized, all persons or photos must be viewed by the eyewitness, even if he/she identifies a suspect before all persons or photos are presented. The line-up administrator may present a person or photo to the eyewitness an additional time, but only after he/she has viewed each person or photo one time, and solely at the eyewitness' request.
- 8. Prior to the physical line-up, all participants must be out of the eyewitnesses' view. Following the instruction process, the eyewitness should be allowed to view all participants. Before participants are removed from the area, the eyewitness shall be removed first.
- 9. During a physical line-up, participants may be asked to perform actions such as speaking specified words/phrases or performing certain motions/actions. All such words/phrases and motions/actions shall be performed by each participant in the line-up.
- 10. Administering personnel shall not provide any verbal or non-verbal cues to any eyewitness that may influence the selection.
- 11. If the eyewitness identifies a person as the suspect, personnel shall not provide any information or feedback regarding whether they have selected the individual suspected of the crime until after the line-up is completed.
- 12. The line-up administrator shall prepare a police report documenting all line-ups, which shall include all of the following information:
 - a. All identification and non-identification results obtained during the line-up,

including any and all statements made by the eyewitness during the line-up as to the suspect's identity.

- b. Full details as to the line-up composition, identity of all who viewed the line-up and methods of documenting and recording.
 - c. The names of all officers and counsel present during the line-up.
 - d. The date, time, and location of the line-up.
 - e. Whether it was a photo line-up or physical line-up and how many persons or photographs were presented.
 - f. The sources of all persons or photographs used as fillers.
 - g. In a photo line-up, the actual photos used as fillers.
 - h. In a physical line-up, a photograph or other visual recording of the line-up that includes all persons who participated in the line-up.
 - i. If applicable, the eyewitness' refusal to be recorded or sign the respective advisory forms or, if applicable, the reasons why a video or audio recording was not practical.
 - j. If an independent administrator was not practical, specify the reasons why.
 - k. If applicable, the reason for any impracticability with compliance to this policy and the relevant portions of 725 ILCS 5/107A-2.
13. All line-ups involving minors shall be conducted in compliance with this policy and with consideration to the rights of the juveniles outlined in the respective components of the Juvenile Court Act of 1987 and Standard Operating Procedure 44.2 Juvenile Operations.

42.2.4 PRELIMINARY INVESTIGATIONS

- A. A shift supervisor shall be responsible for the supervision of the preliminary investigation until such investigation is completed or until command of the scene is assumed by a responding investigator.
- B. The preliminary investigation shall continue until such time as the postponement or the transfer of responsibility will not jeopardize the successful completion of the investigation. The preliminary investigation includes, but is not limited to:
 - 1. Providing aid to the injured.
 - 2. When possible, ensure that an officer stays with injured victims or suspects. When applicable, the officer should be prepared to take a dying declaration, which is a statement made by an individual who may be unavailable to testify in court and made the statement under a belief of certain or impending death.
 - 3. Determining if an offense has actually been committed and if so, obtain in detail the exact nature and circumstances of the offense.
 - 4. Determining the identity of the suspect(s).
 - 5. Affecting an arrest if this can be accomplished at the scene through immediate pursuit.
 - 6. Furnishing field units with descriptions, method of and direction of flight, and other relevant information concerning the suspect and/or vehicle.

7. Observing all conditions, events and remarks.
 8. Protecting the crime scene to ensure that evidence is not lost or contaminated.
 9. Securing only one entry/exit to the scene. When possible, this should be different than the entry/exit used by the suspect.
 10. Documenting any alterations to the scene created by initial responding law enforcement or medical personnel.
 11. Recording the names of all people entering the crime scene. All law enforcement personnel entering the scene are required to document their entry. Refer to Standard Operating Procedure 42.1.4.1(e) & (f).
 12. Locate, identify and interview all witness, victims and suspects. When possible, these individuals should be kept separate.
 13. Arranging for the collection of evidence.
 14. Once the scene has been secured on major crime scenes, suspend searching until the arrival of investigators or evidence technicians. Consideration of obtaining a search warrant may be needed on some crime scenes.
 15. Conducting a neighborhood canvass to locate possible witnesses and other potential evidence to include video.
- C. For additional information pertaining to sexual assault and sexual abuse investigations, refer to Standard Operating Procedure 52.2 Sexual Assault and Sexual Abuse Investigations.

42.2.5 FOLLOW-UP INVESTIGATIONS

The following steps are recommended in conjunction with conducting follow-up investigations:

- A. Review and analyze all previous reports prepared in the preliminary investigation.
- B. Collaborate with evidence technicians to determine the status of evidence that may require testing.
- C. Conduct additional interviews and interrogations.
- D. Seek additional information from officers, victims, witnesses, suspects and informants.
- E. Make a second contact with persons involved in the case. The investigator may act as the primary liaison between the department and the crime victim. The investigator is encouraged to recommend, when necessary, counseling or other services that may be available for the victim in accordance with the crime victim assistance policy.
- F. Plan, organize and conduct searches aimed at collecting further physical evidence.
- G. Determine involvements of suspects in other crimes.
- H. Check suspect's criminal history.
- I. Complete neighborhood canvass, if canvass was not conducted during the preliminary investigation.
- J. Establish appropriate surveillance methods.

- K. Identify and apprehend suspects.
- L. Prepare cases for court presentation.
- M. For additional information pertaining to sexual assault and sexual abuse investigations, refer to Standard Operating Procedure 52.2 Sexual Assault and Sexual Abuse Investigations.

42.2.6 INVESTIGATIVE CHECKLISTS

- A. Police reports, when properly completed, will serve as a satisfactory checklist for most investigations.
- B. Complex criminal investigations may require additional efforts. Investigators may consider using investigative check lists on such cases when needed. The major investigations lieutenant shall be responsible for developing such check lists.

42.2.7 INVESTIGATIONS DIVISION PERSONNEL

All sworn members of investigations and operations are equal in rank.

42.2.8 ROLL CALL ATTENDANCE BY INVESTIGATORS

- A. No less than monthly and as often as practical, a member of investigations shall attend patrol roll call briefings.
- B. Attendance shall be scheduled by the appropriate supervisors in effort to:
 - 1. Foster an atmosphere of cooperation and open communication.
 - 2. Share specific information on criminal activity or crime trends.
 - 3. Inform patrol personnel of current investigative field activities.
 - 4. Update patrol personnel on cases assigned to the Investigations Division for follow-up investigation and for major cases, provide a status briefing.

42.2.9 INVESTIGATIVE TASK FORCES

- A. Investigative task forces may be formed by utilizing department resources in conjunction with outside agencies.
- B. When requests for involvement in task forces are made, they shall be directed to the lieutenant responsible for the oversight of the task force. If the magnitude of the request involves a substantial time commitment or the expenditure of significant agency resources, the request shall be brought to the respective commander. The commander shall confer with the chief of police, who shall have final approval on all such requests.
- C. Immediate considerations regarding task force involvement shall include:
 - 1. The purpose of the task force.
 - 2. The jurisdiction and/or authority of each agency involved in the task force.
 - 3. The officers to be assigned and their responsibilities.
 - 4. The level and amount of resources to be committed.

42.2.10 TECHNICAL AIDS FOR THE DETECTION OF DECEPTION

- A. Polygraph and computerized voice stress analyzer services may be used in the follow-up investigation of any case as determined by the lead investigator. When practical, tests and interviews shall be conducted in a clean, professional environment free of audible and visual distractions.
- B. Polygraph procedures are as follows:
 - 1. The lead investigator shall ensure that the subject of the exam is willing to cooperate and take such exam.
 - 2. Generally, an appointment will be arranged with a certified polygraph examiner through the Illinois State Police or other law enforcement agency. Private polygraph examiners may be used if prior approval is received from the major investigations division lieutenant. Any polygraph examiner used shall be properly trained and hold a valid Illinois license to conduct such examinations.
 - 3. If the subject is under the age of eighteen (18) years, consent from the juvenile's legal guardian, custodian or parents(s) must be obtained.
 - 4. In cases involving young children, the polygraph examiner shall be consulted regarding the feasibility of an examination.
 - 5. The polygraph examination shall be conducted in accordance with the procedures established by the entity conducting the examination, unless the examiner is a private company/person.
 - a. In such cases, the entity shall conduct the exam and secure release waivers, etc.
 - b. Current state and case law involving polygraph examinations must be followed.
- C. Computerized Voice Stress Analyzer, hereinafter referred to as CVSA, procedures are as follows:
 - 1. A CVSA may be used for the following investigative purposes that are associated with a misdemeanor or felony:
 - a. To identify or eliminate possible suspects and to verify information received from witnesses, victims, and suspects.
 - b. In conjunction with investigative leads and interviews of available suspects, witnesses, and victims. When practical, both the victim and the suspect should be tested for comparison.
 - 2. The following acts are prohibited:
 - a. *Compel by force or intimidation* - No person involved will be forced or coerced into taking the CVSA examination. All persons who agree to be examined shall be requested, but not required, to sign the CVSA Truth Verification Form prior to taking the examination. Refer to Appendix C to view said form.
 - b. *Use results to justify an arrest or legal action* - Examination results cannot serve as a final determination for arrest or legal action. Instead, they should be utilized to develop leads, verify, corroborate, or refute statements and allegations.
 - c. *Conduct an examination on a juvenile without the required consent* - A CVSA examination on a juvenile requires the consent from the juvenile's legal guardian or custodial parent(s), who must be present during the explanation of the process

and shall be requested, but not required, to sign the necessary documentation.

- d. *Permit individuals other than the examiner and examinee in the examination room* – The only exception to this rule is when an interpreter is used or when a juvenile requests to have their legal guardian or custodial parent(s) present.
- e. *Conduct an examination on someone who is not suitable for examination* – (1) Any person who was indicted by a grand jury or was formally charged with a crime for which the exam is being requested, unless there is an agreement and stipulation signed by the examinee, their attorney and the prosecutor. (2) Any person who is extremely agitated or angry will be given time to decompress. (3) Any person who has a diminished cognitive ability or is impaired by drugs or alcohol to a point as to cause the examiner concern. (4) If a person does not fall under the above categories and the investigator has doubts as to the person's suitability, the CVSA examiner should be notified.
- f. *Conduct an examination without training and certification* – All examiners must be a qualified CVSA examiner. Examiners are responsible for keeping their certifications current. Certifications are maintained and coordinated through the Training Unit.
- g. *Conduct an examination that may compromise the examiner's integrity* - For example, an examiner should not examine someone with whom they have a close relationship with.
- h. *Conduct an examination on other employees* – The only exception to this rule is when the employee is directed to do so or for training purposes.

3. Requests for a CVSA examination:

- a. The officer shall make arrangements with the examiner to schedule the CVSA examination. There are two types of examinations available to the officer: overt interviews audio and overt interviews live. Prior to making the request, all investigative leads should be thoroughly pursued.
- b. In making the request, an officer shall provide the examiner with pertinent case information, not limited to the following: information to support the need for a CVSA, background information on the subject, any statements made by the subject, complainant or witnesses.
- c. Once an examination has been scheduled, the officer shall ensure the examinee is notified of the time and location of the exam.
- d. The officer may also advise the examinee that the exam is voluntary, results of the examination are not admissible in a court of law, and the results cannot be used in any affidavit portion of an arrest or search warrant and taken alone do not provide substantiation for criminal charges.

4. Prior to the examination:

- a. The examinee will be requested to sign the Truth Verification Release Form, provided by the examiner, in addition to waiving Miranda rights, when applicable.
- b. The examiner reviews the available information pertaining to the investigation and prepares all questions.
- c. The examiner prepares the examinee and explains the procedures. A review of each test question shall be conducted.

- d. The question format consists of the following:
 - 1. Relevant questions: very direct and to the point, pertains to the subject at hand, and contains only one issue.
 - 2. Irrelevant questions: have no connection with the issue at hand, cause no stress and are known truths.
 - 3. Control questions: which are known truths or known lies, and have no connection to the crime.
- 5. During the examination, the examiner shall use the CVSA Examiner's Log to document information and observations made. Refer to Appendix D to view the form.
- 6. After the examination:
 - a. When practical, a cold call should be conducted.
 - b. The results of the examination will be made available to the investigating officer, who will generally conduct follow-up investigations, interviews and interrogations.
 - c. Results will not be included in any reports, except for the examiner's report. A police report may indicate that an examination was conducted, but details regarding the outcome may not be included.
 - d. The examination will be documented based using the computerized log which is maintained in the Major Investigations Division.
- 7. Equipment and Maintenance:
 - a. Examiners are responsible for the maintenance, safekeeping and integrity of the CVSA equipment. These provisions are determined by the investigations area lieutenant.
 - b. Calibration checks and/or maintenance logs will be maintained to include the date and name of the officer who conducted the maintenance check. This shall be done at least quarterly or whenever the equipment is relocated to a different location.

42.2.11 USE/ADMINISTRATION OF INFORMANTS

- A. The department recognizes that informants may be essential to specific criminal investigations.
- B. The following procedures provide the most effective use of informants and the protection of those individuals, as well as guarding the integrity of the case.
 - 1. Upon acquiring an informant, the officer's supervisor shall determine if the informant will be used.
 - 2. Once supervisory approval is granted, the officer shall complete the appropriate forms which provide basic identifying information concerning the informant, which includes, but is not limited to the following:
 - a. Informant's code number.
 - b. Photograph.

- c. Original set of fingerprints, if not on file.
 - d. Biographical/ background information.
 - e. Criminal history report.
 - f. Report/history on informant usage.
3. The completed forms are included in the confidential source master file, which is available electronically. These files are maintained and confidentially secured in the records management system. Access is limited to the appropriate investigative personnel.
 4. The informant's identity shall be confidential. This is facilitated by limiting access to department case files and confidential source files.
 5. Offers of reduced sentences, charges, or negotiations shall not be made without the involvement of the appropriate state's attorney's office. When possible, a written contract should be obtained.
 6. If at any time the use of an informant is determined to be a liability to the safety of department members, the public, or the reputation of the department the use of the informant shall be discontinued immediately.
 7. A criminal history/warrant check shall be conducted every six months on active informants currently utilized by the department.
 8. Only investigations supervisors may authorize the paying of monies to informants.
 9. Informants will only be paid for information leading to an arrest, warrant or information of substantial value in the furtherance of an investigation. Strict payment records shall be completed on the appropriate forms and shall include, but not be limited to:
 - a. Payment signature as received by the informant.
 - b. Disbursement signature by the member paying the funds to the informant.
 - c. Payment signature from the appropriate witness.
 10. Discretionary/drug funds shall be kept in a safe, located in a limited access area. Access to the safes shall be limited to investigative personnel.
 11. An accounting system which details the use and flow of funds in the discretionary/drug fund safes shall be maintained by the Special Investigations Division.
 12. Department members, when dealing with informants, shall take necessary precautions to ensure the integrity and defense of their actions. These include, but are not necessarily limited to the below. For more information, refer to Standard Operating Procedure 51.1 Criminal Intelligence.
 - a. Maintain accurate records of all meetings with informants.
 - b. The officer selects the location for meeting an informant. The meeting location should be rotated for officer safety reasons and to protect the undercover officers and vehicles.
 - c. Ensure contact/communication is conducted on a business level.
 - d. Prohibit socializing with past or present informants.
 - e. Ensure another department member is present when meeting an informant of the

opposite sex. This practice is also recommended when meeting an informant of the same sex, if possible.

- f. Thoroughly search informants prior to and after using them in controlled purchases of drugs or contraband.
- g. If the informant is the opposite sex of the officer utilizing the informant, a thorough search shall be conducted by someone of the same sex and outside the presence of viewing by others.
- h. When meeting with an informant, it is important to ensure the informant is not exposed to all officers and vehicles involved in the investigation; many informants have criminal backgrounds and may continue criminal behavior.
- i. After conducting a controlled purchase of drugs or contraband, the appropriate informant paperwork must be completed and signed by the informant and officer.

13. Juvenile Informants.

- a. Prior to using a juvenile as an informant, whenever possible, officers shall seek permission from their supervisor.
- b. Special precautions shall be taken with juvenile informants, which are individuals who have not yet reached their 18th birthday.
- c. In all cases where juvenile informants are utilized, notification to and written approval of the parents or legal guardian shall be received prior to using the juvenile as an informant.

APPENDIX A: EYEWITNESS REQUEST NOT TO BE RECORDED FORM



ELGIN POLICE DEPARTMENT
Eyewitness Request Not to be Recorded
Eyewitness refusal to be recorded pursuant to 725 ILCS 107A-2(e)(2)



Date Time CRN #

I, (the eyewitness) do hereby request ,
Print *Name of administrator*

located at on at am/pm,
Location of line-up *Date*

not to record any portion of the line-up I am about to view.

1. I understand there is a preference under the law, 725 ILCS 107A-2(f)(10), that this procedure is to be recorded.
2. No police officer has suggested in any way that I should refuse to have this line-up recorded.
3. The refusal to have this line-up recorded is my personal preference.

Eyewitness name (Print)

Eyewitness signature Date & time

Location

Administrator signature Badge #

APPENDIX B: ELGIN POLICE DEPARTMENT LINE-UP ADVISEMENT FORM
(Not required if an automated program is used - Page 1 only)



ELGIN POLICE DEPARTMENT
Line-Up Adviseement Form
(Photo and Physical Line-Up)



☐ Independent Administrator ☐ Non-Independent Administrator

I, _____ agree to view a physical/photo line-up at
(Name of eyewitness)

_____ on _____,
(Location) (Date & Time)

to be administered by _____. I prefer to view a ☐ Sequential line-up
(Name of administrator) ☐ Simultaneous line-up

I understand the following:

1. The persons in this line-up and I may be recorded for the purpose of accurately documenting all statements made by me, unless I refuse to be recorded.
2. The suspect of the crime may or may not be presented in the line-up.
3. I should not assume that the person administering this line-up knows which person in the line-up is the suspect.
4. I should not feel compelled to make an identification.
5. It is as important to exclude innocent persons as it is to identify a suspect.
6. The investigation will continue regardless of whether an identification is made.

Eyewitness signature _____

Legal counsel signature _____
(If applicable)

By signing this form, the line-up administrator acknowledges that he/she did not provide feedback as to whether or not any person(s) selected by the eyewitness is or isn't a suspect in the case.

Line-Up Administrator signature _____ Time _____

APPENDIX C: TRUTH VERIFICATION RELEASE FORM



ELGIN POLICE DEPARTMENT **Truth Verification Release Form**



Report Number: _____

Examination Date: _____

My signature below indicates that I do hereby voluntarily, without duress, coercion, promise, reward or immunity, submit to examination by the voice stress analysis truth verification technique and release, absolve and forever hold harmless the NITV and the City of Elgin, its servants, agents, and anyone acting on its behalf, from any and all claims, demands, or other damages from any matter, act or thing arising out of the aforesaid examination.

The examinee is: ☐ Adult ☐ Juvenile

Examinee's Name: _____

Examinee's Signature: _____

Date: _____

Parent/Legal
Custodian's Name: _____

Only when a juvenile is involved

Parent/Legal
Custodian's Signature: _____

Only when a juvenile is involved

Date: _____

Name of Witness: _____

Witness' Signature: _____

Date: _____

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Effective: 05/12/19

APPENDIX D: CVSA EXAMINER'S LOG



ELGIN POLICE DEPARTMENT **CVSA Examiner's Log**



Information Category	Examiner's Notes
Date	
Time Began	
Report Number	
Examiner's Name	
Examinee's Name	
Requested By	
Outside Agency	
Type of Test	
Test Medium	
Offense	
Deception	
Verification	
Confession	
Cold Call Examiner	
Cold Call	
Time Ended	
CVSA Unit #	
Test Format	
Comments	

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Effective: 08/12/19