

 <p>ARIZONA DEPARTMENT OF CORRECTIONS</p> <p>DEPARTMENT ORDER MANUAL</p>	<p>CHAPTER: 600 INSPECTOR GENERAL</p>	<p>OPR: DIR</p>
	<p>DEPARTMENT ORDER: 608 <i>CRIMINAL INVESTIGATIONS</i></p>	<p>SUPERSEDES: DO 608 (01/06/03)</p>
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## PURPOSE

This Department Order establishes guidelines for the investigation and prosecution of inmates, employees, visitors, or any other individuals suspected of committing crimes while in the Department's jurisdiction and ensures that crimes are immediately reported, crime scenes are protected and investigations are conducted in a prompt and professional manner.

## PROCEDURES

### 608.01 CONSTITUTIONAL RIGHTS OF PERSONS

- 1.1 The investigator shall advise the person of his or her Constitutional Rights at the time an interview focuses on the person as a suspect in a crime; **or** that person has been taken into custody or otherwise been deprived of his/her freedom of action in any significant way.
- 1.2 At the point that a person is advised of their Constitutional Rights, the person is entitled to have legal counsel present, if requested, and to remain silent.

### 608.02 NEW CRIMES BY COMMUNITY CORRECTIONS OFFENDERS

- 1.1 When an offender on release status under community supervision commits a new crime and is arrested and placed in jail, the Department places a hold on the offender. If the offender is arrested:
  - 1.1.1 During business hours, the Community Corrections Fugitive Services shall immediately place the hold.
  - 1.1.2 After business hours, the Central Office Communications shall immediately place the hold.
  - 1.1.3 Then taken to the hospital, the Department shall provide custodial supervision.
- 1.2 If the Prosecutor's office declines prosecution, the Department shall transport the offender to a Departmental institution as a violator of community supervision, after which the inmate shall be scheduled for a revocation hearing by the Board of Executive Clemency as outlined in Department Order #1002, Inmate Release Eligibility System.
- 1.3 If the offender is prosecuted and convicted, the offender shall be returned to the Department's custody upon resolution of the criminal case after which the Board of Executive Clemency schedules a revocation hearing.

### 608.03 CRIMINAL ACTIVITY

- 1.1 Off Site Criminal Activity
  - 1.1.1 When the Department becomes aware of criminal activity not involving Department operations or occurring on Department property, the information shall be immediately reported to the local law enforcement agency having jurisdiction.
  - 1.1.2 When the Department becomes aware of off site criminal activity related to Department Operations, the information shall be immediately reported to the Criminal Investigations Unit (CIU) for investigation.

1.1.3 CIU shall notify the law enforcement agency with jurisdiction prior to conducting an investigation or making an arrest within that agency's jurisdiction, unless there is an emergency. The agency with jurisdiction shall be given the option to participate in the investigation, perform the investigation or arrest. A.R.S. 41-1604(B)(I)

1.2 On Site Criminal Activity - All on-site criminal activity shall be referred to CIU for possible investigation. On-site includes criminal activity relating to Department operations or criminal activity that originated on Department property.

#### **608.04 CRIME SCENE PRESERVATION**

1.1 All employees who encounter a crime or have information about a crime, or possible crime, shall immediately report the information to the closest CIU Office through their chain of command. After duty hours, the Central Office Communications Center shall be contacted and the appropriate institution shall contact an available criminal investigator.

1.2 Chiefs of Security and Shift Commanders shall ensure that security staff secures and protects crime scenes, until they are relieved by CIU investigators, and shall:

1.2.1 Segregate possible suspects, witnesses and victims from each other and the general population.

1.2.2 Record all comments made by any person who may have been involved in the crime as a suspect, victim or witness along with the individual's demeanor and conduct. Whenever possible the comments shall be recorded verbatim and not summarized.

1.2.3 Establish a perimeter restricting access to the crime scene, excluding all nonessential personnel. Unauthorized persons, including employees with no direct responsibility for securing or investigating the crime scene shall be instructed to leave the area.

1.2.4 Record the names of all persons who were present at a crime scene.

1.2.5 Record names, dates, time of all people entering and exiting the crime scene. Record why they were at the scene, what they did and if anything was removed.

1.2.6 Protect physical evidence.

1.2.6.1 Physical evidence shall not be touched or disturbed in any way, including weapons, except as necessary for security reasons.

1.2.6.2 If, for security reasons, it is necessary to touch or move any item of evidence, it shall be done in such a way as to preserve the evidentiary value. Any movement of evidence shall be thoroughly documented by the staff member who moved it.

1.2.6.3 Photographs shall be taken of the evidence prior to it being moved or removed. All photographs shall be preserved as investigative material.

1.2.6.4 Upon arrival, the CIU investigator shall take control of the crime scene and be provided with all physical evidence gathered at the scene.

**608.05 CRIME SCENE INVESTIGATIONS** - The Inspector General or designee, Manager or unit Supervisor shall ensure that assigned investigative staff responds and:

- 1.1 Performs a competent and thorough investigation of crimes that occur at Department institutions.
- 1.2 Properly packages, marks (for identification) and protects physical evidence.
- 1.3 Maintains the chain of custody for each item of physical evidence.
- 1.4 Makes all evidence available to the appropriate prosecutor.
- 1.5 Processes, forfeits and disposes of physical evidence in accordance with Department Order #909, Inmate Property, and the Criminal Investigations Technical Manual.
- 1.6 Advises victims of their rights in accordance with A.R.S. 13-4405, Crime Victims Rights. By statute inmate victims are specifically excluded from this requirement. A.R.S. 13-4401 (19).

**608.06 PRESERVATION OF BIOLOGICAL EVIDENCE AND RETENTION PERIODS**

- 1.1 In accordance with ARS 13-4221, CIU Supervisors shall ensure their unit's local evidence room retain all identified biological evidence that is secured/collected in connection with felony sex offenses or homicides originating from a Department prosecution action, having occurred within the Department's jurisdiction and/or where in the representative investigation was completed by Department investigators for:
  - 1.1.1 The period of time that a person who was convicted of a felony sex offense or homicide remains incarcerated for that offense or until the conclusion of the person's supervised release.
  - 1.1.2 Unsolved/cold case felony sex offenses or homicides biological evidence shall be retained for a period of 55 years or until a person is convicted of the crime and remains incarcerated or under supervised release for that offense.
- 1.2 In cases in which a conviction has occurred, the assigned case investigator, in consultation with the Arizona Department of Public Crime Lab (State Crime Lab) and the assigned prosecutor, may retain probative samples of the biological evidence and dispose of bulk evidence that does not affect the suitability of the probative sample for deoxyribonucleic acid testing. In all such instances, prior to the disposal of any bulk evidence the CIU Supervisors shall ensure:
  - 1.2.1 Written approval is obtained from the County Attorney or Attorney General.
  - 1.2.2 Reasonable efforts are made to provide written notice to the victim.
- 1.3 This does not preclude the Department from disposing of evidence in a case in which a conviction has been obtained after the expiration of the defendant's sentence. Under any other circumstances, the Department may dispose of physical evidence:
  - 1.3.1 After the conclusion of the convicted defendant's direct appeal and first post conviction relief proceeding.

1.3.2 After the time for initiating the direct appeal and first post conviction relief proceeding has expired, with the agreement of the County Attorney or the Attorney General and then, upon written notice to the defendant, any counsel of record and the victim if no other law requires that biological evidence be preserved or retained.

1.4 This section does not limit the Department's discretion concerning the conditions under which biological evidence is retained, preserved or transferred among different entities if the evidence is retained in a condition that is suitable for deoxyribonucleic acid testing.

**608.07 PROSECUTION DECISIONS**

1.1 The Assigned CIU investigator shall submit the completed criminal investigation to their supervisor for review.

1.2 The CIU Administrator, Manager or unit Supervisor shall review completed investigations to determine if there is sufficient evidence to believe that a crime has been committed and if the case should be submitted to the appropriate prosecuting agency for charging.

1.3 The CIU Supervisor shall advise the Warden or Bureau Administrator of the prosecuting agency's charging decision.

**608.08 INMATE DEATH INVESTIGATION REVIEWS**

1.1 All inmate deaths shall result in the initiation of a criminal investigation.

1.2 All unattended inmate deaths shall result in the initiation of an administrative investigation in accordance with Department Order #601, Administrative Investigations and Employee Discipline.

1.3 The Inspector General shall forward every completed administrative investigation report regarding an inmate death to the Division Director for Offender Operations and the appropriate Regional Operations Director who shall conduct a review of operational and related security practices.

1.4 SECTION DELETED

1.5 SECTION DELETED

1.6 SECTION DELETED

**608.09 ESCAPES FROM A SECURE INSTITUTION**

1.1 When an escape occurs, the Fugitive Apprehension Unit Supervisor shall be notified. The CIU Manager or the Inspector General may ask the Fugitive Apprehension Unit to monitor or participate in the pursuit and apprehension of the escapee. CIU shall obtain an arrest warrant for the escaped inmate.

- 1.2 When the inmate is apprehended, assigned staff shall immediately pick up and transport the inmate to the appropriate institution. The institution from which the inmate escaped shall provide custodial supervision if the inmate is taken to the hospital.

**608.10 FUGITIVE APPREHENSION TEAM** - This process establishes guidelines for the investigation, apprehension, and the return to secure custody of inmates who are fugitives or who have violated the conditions of their release for which an absconder warrant has been issued by the Department.

- 1.1 Fugitive Apprehension Team members consist of Special Investigator with Peace Officer status, Community Correctional Officers and Correctional Officers.

- 1.1.1 Duties of the Fugitive Apprehension Teams:

- 1.1.1.1 Utilize safety equipment bulletproof vests, shirts/vests with proper identification, flashlights, weapon(s), radios, cellular telephones and other equipment as necessary.
- 1.1.1.2 Take custody of and place the fugitive in restraints when an apprehension is made.
- 1.1.1.3 Return apprehended Department fugitives to ASPC-Phoenix-Alhambra, ASPC-Perryville or the nearest Department facility where the apprehension occurred. Apprehended non-Department fugitives shall be taken to the local law enforcement agency or county jail.
- 1.1.1.4 Not engage in vehicle pursuits.
- 1.1.1.5 Develop and investigate information of the location of Department escapees and fugitives, and ensure that corresponding warrant(s) are valid.
- 1.1.1.6 Community Correctional Officers assigned to the team shall function as liaison between the Fugitive Apprehension Unit and Community Corrections in developing information relevant to investigations and apprehension duties.
- 1.1.1.7 Correctional Officers assigned to the team shall be responsible for transporting the fugitive upon apprehension.

- 1.1.2 The Fugitive Apprehension Unit Supervisor shall:

- 1.1.2.1 Oversee Fugitive Apprehension Unit operations
- 1.1.2.2 Ensure all team members participate in required training
- 1.1.2.3 Maintain and update all Fugitive Apprehension Unit case files
- 1.1.2.4 Compile and update the Fugitive Apprehension Unit's statistical data
- 1.1.2.5 Maintain records of apprehensions and provide statistical reports as required

1.2 Investigative Research - Designated Fugitive Apprehension Unit members shall investigate and develop leads that may determine the absconder's whereabouts and that may result in the apprehension of Department fugitives in Arizona, other states or countries. Investigative research may include:

- 1.2.1 Review of the fugitive's institutional file to include the pre-sentence report, inmate criminal history, disciplinary history, Community Correctional Officer's reports and files are to be reviewed to determine the fugitive's threat history, psychological background and possible location.
- 1.2.2 Duplicating and providing photographs of the fugitive and their scars, marks and tattoos to the team members.
- 1.2.3 Contacting the intelligence unit of the agency of jurisdiction to exchange information about the fugitive's reported location, history, mental state, regional gang activity and threat potential.
- 1.2.4 Obtaining an area map of the fugitive's suspected location.
- 1.2.5 Conducting surveillance of the location(s) to obtain additional information regarding housing, vehicles, persons and neighborhood.
- 1.2.6 Conducting vehicle records checks of vehicle(s) relevant to the investigation.
- 1.2.7 Other research as deemed relevant.

1.3 Field Activity Preparation

- 1.3.1 Designated Fugitive Apprehension Unit members shall:
  - 1.3.1.1 Verify through the Arizona Criminal Justice Information System (ACJIS) that there is an outstanding warrant for the fugitive. The existence of the Warrant on ACJIS is sufficient basis for the team to conclude the warrant is valid to proceed with locating the fugitive. A hard copy of the warrant should be printed from ACJIS for the file.
  - 1.3.1.2 Only when the team has located and apprehension is imminent the fugitive team will confirm the warrant with the agency issuing the warrant. Confirming the warrant with the issuing agency removes the warrant from the system. Failure to apprehend the fugitive will necessitate re-issuance of the warrant by the court.
  - 1.3.1.3 Contact the appropriate law enforcement agency in whose jurisdiction the fugitive or absconder may be found and afford them the option of exclusively pursuing the fugitive, working in tandem with Department investigators, or allowing the Fugitive Apprehension Team to apprehend the fugitive in their jurisdiction. A.R.S. 41-1604(B)(2)(i)

1.4 Case Files

- 1.4.1 The Fugitive Apprehension Unit shall generate a case file and assign a case number for Department fugitive when information is developed that indicates the possible location of a fugitive with an outstanding warrant verified through ACJIS.

- 1.4.2 All efforts to apprehend the fugitive shall be documented in the assigned case file. A copy of the warrant shall be included in the case file.
- 1.4.3 When a fugitive is successfully apprehended, the case file shall be updated and forwarded to the Fugitive Apprehension Unit Supervisor who shall review and close the file. The file shall be forwarded to the County Attorney for prosecution.
- 1.4.4 Cases not closed by apprehension, shall be periodically reviewed by the assigned investigator to determine if the fugitive has been returned to custody. If the fugitive has been returned to custody, the investigator shall submit the case file to the Fugitive Apprehension Unit Supervisor for review and closure.
- 1.5 Field Operations - The Fugitive Apprehension Unit Supervisor shall prioritize fugitive cases, field activities and field operations.
  - 1.5.1 The Fugitive Apprehension team shall endeavor to apprehend offender fugitives and maintain custody of the fugitive until returned to secure custody at the appropriate Department facility.
  - 1.5.2 Field operations may require a floating schedule that requires investigators to work other than the normally assigned work schedule.
  - 1.5.3 A written operational plan that is based upon information obtained from the investigation may be developed and utilized in preparation for pursuing and apprehending a fugitive.
  - 1.5.4 When possible, a pre-operation briefing may be held with all involved participants including local law enforcement agencies, prior to proceeding with the apprehension. Extreme caution shall always be emphasized.
  - 1.5.5 The Fugitive Apprehension Unit Supervisor shall ensure there is sufficient support and resources to complete apprehension activities.
- 1.6 Apprehension - When an apprehension is made:
  - 1.6.1 During normal business hours, the Fugitive Apprehension Unit shall contact Community Corrections Fugitive Services to clear the warrant with the originating agency.
  - 1.6.2 After normal business hours, the Fugitive Apprehension Unit shall contact Central Office Communications to clear the warrant with the originating agency.

## IMPLEMENTATION

The Inspector General or designee shall maintain, and when appropriate, update the Criminal Investigations Technical Manual.

## DEFINITIONS

**BIOLOGICAL EVIDENCE** - Includes a sexual assault forensic examination kit, semen, blood, saliva, hair, skin tissue or other identified biological material.

**UNSOLVED/COLD CASE** - a homicide or a felony sexual offense that remains unsolved for one year or more after being reported to a law enforcement agency and that has no viable and unexplored investigation leads.

{Original Signature on File}

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Charles L. Ryan  
Director