

Burleson Police Department

Administrative Policy and Procedures

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ISSUING AUTHORITY: _____

I. Policy

This department has established and will maintain a “Criminal Investigation Section” within the Administrative Services Division. The function of this section is to investigate, process, and file all cases involving malicious / criminal offenses against persons or property.

II. Administration

- A. The Support Bureau Captain shall administer the operations of the Criminal Investigations Section.
- B. The Criminal Investigations Section Sergeant is responsible for;
 - 1. reviewing all offense reports prior to assignment for follow-up investigation or case filing;
 - 2. insuring a case management system is maintained by the investigators and is periodically reviewed for statistical / performance reasons and
 - 3. maintaining a close liaison with the County / District Attorney’s offices in both Tarrant and Johnson Counties.
- C. The investigators will:
 - 1. Upon assignment of a case(s), shall write and prepare thorough, complete, quality reports.
 - 2. Conduct thorough and timely follow-up investigations of assigned cases.
 - 3. Communicate effectively both verbally and in writing.
 - 4. Supervise and conduct Crime Scene investigations.
 - 5. Periodically attend shift briefings for Patrol Officers in an effort to enhance communication, exchange information, and build working relationships. [\[42.2.4\]](#)

III. Twenty-four hour availability of Investigators [\[42.1.1\]](#)

- A. The Sergeant of the Criminal Investigations Section and the investigators assigned will, as a rule, work four (4) ten (10) hour days. Additionally, they will provide communications with a phone number which will ensure 24 hour availability.
 - B. Call Out Procedure (weekly)
 - 1. Investigators will rotate a 24 hour on-call schedule as established by the Criminal Investigations Sergeant. The following call out procedure will be in effect:
 - a) The Criminal Investigations Sergeant will provide an on call schedule to communications and patrol supervisors. This will be updated on a monthly or quarterly basis. The Shift Supervisor will contact the investigator by phone.
 - b) Once the investigator is contacted, they will be responsible to respond to the scene within one hour.
- IV. Case Screening [\[42.1.2\]](#)
- A. Due to the need to prioritize case investigations, those cases that have a high degree of insolvability will be suspended until which time further information in the case becomes known.
 - 1. Case assignment shall be determined by the Criminal Investigations Sergeant, based on the following factors:
 - a) Was there a witness to the crime?
 - b) Was there a suspect named?
 - c) Is there a known suspect?
 - d) Was there a suspect description?
 - e) Was there a suspect identified?
 - f) Was there a vehicle identified?
 - g) Was there a sufficient / known modus-operandi?
 - h) Was there significant evidence?
 - 2. Case(s) will be suspended when the investigator assigned determines that:
 - a) There are no further leads
 - b) There is an unavailability of investigative sources.
 - c) The case is not of a serious enough nature to merit an excessive (more than 10 working days) amount of time spent in further investigation.
 - 3. All cases suspended by an assigned investigator must have the Criminal Investigations Sergeant's final approval before final suspension and filing.
- V. Case File Management [\[42.1.3\]](#)
- A. Case Status:

1. Case report information is entered into the Records Management System with a case status, the investigator assigned, date assigned, and final disposition date. [\[42.1.3 a\]](#)
2. Central Records will maintain original records. The assigned investigator may maintain an investigative case file that may include, but not limited to copies of the case report, investigative notes, witness statements, evidence logs, laboratory results, and status information. If during the investigation an original document is generated, a copy should be made for the investigative case file as soon as practical and the original submitted to Central Records section. At the conclusion of the investigation, the investigative case file will be submitted to the Criminal Investigations Sergeant for review and processing. In the event the case is to be filed the investigative case file will be forwarded with the appropriate coversheet to the appropriate prosecuting authority for review and disposition. A copy of the coversheet indicating the case was filed will be forwarded to the Central Records Section. If the case is suspended or otherwise closed, the investigative case file may be maintained or properly discarded at the descreation of the investigator. It will be the responsibility of the investigator to ensure all documents have been attached to the case electronically in RMS, prior to the original documents being forwarded to the Central Records Section. Upon receipt of the case status through case management, Central Records Section will update the incident case status in RMS with the appropriate case status. [\[42.1.3c\]](#)
3. For the purpose of administrative control, this department will use the following “status of case” designations: [\[42.1.3b\]](#)
 - a) OPEN: All cases that are actively being investigated are considered open.
 - b) CLOSED: All cases that are cleared by arrest, cleared unfounded or cleared by exception shall be considered closed.
 - c) SUSPENDED: All cases that an active investigation has ceased but are not closed (see closed).
4. The Criminal Investigations Sergeant will be responsible for all final status designations.
5. Anyone in need of a report must request the information from the Central Records Section. [\[42.1.3d\]](#)
6. Case information will be purged by the Central Records Section following the agency’s record retention schedule. [\[42.1.3 e\]](#)

7. Habitual Offender [42.1.5]
A Habitual Offender is defined as an individual having two or more convictions for the same or a similar offense. Prior to case filing with the prosecuting agency, the investigator will check the Criminal History of the subject. The purpose of the Criminal History check is to determine if the subject is a habitual or serious offender. [42.1.5b] The filing investigator will provide the prosecuting authority with a copy of the subject's criminal history. If a subject has a criminal history, it will be noted on the Case Filing Cover sheet. [42.1.5c]

VI. Preliminary and Follow – up Investigations [42.1.4; 42.2.1]

It is important that investigative continuity exist with regard to preliminary and follow-up efforts.

- A. Preliminary Investigations [42.2.1] will be conducted by the patrol officer assigned to the call and supervised by the shift supervisor. The officer assigned the call shall, considering their capabilities, time constraints, complexity of the crime scene, etc., and accomplish the following:
 1. Observe all conditions, events, remarks and make note of same [42.2.1a]
 2. Location and identification of witnesses (canvassing the area of the crime) [42.2.1b]
 3. Maintain and protect the crime scene and evidence [42.2.1c]
 4. Interview the complainant / victim and all witnesses present or at hand [42.2.1d]
 5. Interview / interrogate the suspect if possible and time permits [42.2.1d]
 6. Either collect or arrange for collection of evidence [42.2.1c]
 7. Effect an arrest of the suspect if possible and lawful
 8. Submit an accurate and timely report including all pertinent information
- B. Follow-up Investigations [42.1.4; 42.2.1]
Follow-up investigations will be the responsibility of the investigations section, as determined by the Criminal Investigations Sergeant and based primarily on solvability factors.
A case may be assigned back to patrol if it would best suit the efficient operation of the department. In the course of follow-up investigation of a case the officer assigned the case will accomplish the following:
 1. Information Development:
 - a. The complainant / victim will be interviewed carefully in order to extract all pertinent useful information. Statements will be taken when necessary.
 - b. All witnesses will be interviewed and statements taken, as applicable.

- c. Informants information will be used if the informant has been proven reliable.
 - d. Background Information:
 - 1) Information from other reports as it relates to current investigations.
 - 2) Information from other sources that may relate to investigation, e.g.:
 - a) Utility record information
 - b) Permit application
 - c) Etc.
2. Surveillance:
- a) Will ordinarily be used in the more serious investigations.
 - b) Will be accomplished only by sworn personnel, generally in civilian attire and normally by a minimum of two personnel.
 - c) Will be carefully documented for use as evidence in subsequent case filing.
 - d) Any operation or use of equipment will be approved by the Criminal Investigations Sergeant. [\[43.1.4\]](#)
3. Interviews / Interrogations:
- a) All officers shall, while conducting interviews of suspects follow the dictates of the U. S. Supreme Court Decisions as they pertain to interviewing. [\[1.2.3\]](#)
 - b) Officers shall not conduct interviews of suspects in a manner that tends to compel a confession. They shall not threaten to use physical violence on a suspect, nor shall they make any promise of immunity, probation, or lesser degree of prosecution, or offer any other inducement to a suspect for obtaining a confession. Officers obtaining a confession must be able to defend its trustworthiness. The conditions and circumstances under which a confession is obtained must not be considered by a reasonable person to be of an untrustworthy nature. Prior to interviewing any juvenile suspect, his parents may be notified.
 - c) Advising of Rights
When an arrest is affected, the individual concerned must be advised of their rights prior to commencing any interrogation. The rights shall be given in the following form:
 - 1) You have the right to remain silent and not make any statement at all and that any statement you make may be used against you at your trial.
 - 2) Any statement you make may be used as evidence against you in court.
 - 3) You have the right to have a lawyer present to advise you prior to and during questioning.

- 4) If you are unable to employ a lawyer, you have the right to have a lawyer appointed to advise you prior to and during any questioning.
 - 5) You have the right to terminate the interview at any time.
 - 6) Do you understand each of the rights I have explained to you?
 - 7) Having these rights in mind, do you wish to talk to us now?
4. Interview Rooms [\[42.2.10\]](#)
In an effort to enhance officer's safety for both uniformed and non-uniformed officers, interviews that have the potential to result in an individual's arrest should primarily be conducted in a designated interview room. Interview rooms will be labeled as such. Custodial interviews of arrested persons may be conducted in a designated interview room or in the booking room.
- a) Appropriate safety precautions shall be taken while conducting an interview. Weapons shall be secured in an appropriate lock box while conducting custodial interviews. When conducting interviews of non-custodial individuals, officer will have discretion as to the securing of their weapon. [\[42.2.10a\]](#)
 - b) The officer conducting the interview will be responsible for the safety and security of persons brought to the interview room until: [\[42.2.10b\]](#)
 1. The officer has been relieved by another officer and that relief has been acknowledged verbally by both officers.
 2. The interview has been terminated and the interviewee has been escorted from the secure area of the police department.
 3. The interviewee has been lawfully arrested and custody transferred to the transporting officer.
 - c) The officer conducting the interview will be responsible for ensuring that custodial interviewees have been searched prior to being placed in the interview room. [\[42.2.10b\]](#)
Non-custodial interviewees may only be searched in accordance with the U.S. Constitution, the Texas Constitution, and department policy.
 - d) The interview room should be thoroughly searched for weapons and contraband before a custodial or non-custodial interview of a suspect. Additionally, in the event that a suspect was left alone in an interview room a second search should be conducted at the conclusion of the interview. [\[42.2.10b\]](#)

- e) Non-custodial interviewees should not be left alone in an interview room without being monitored remotely through CCTV. Custodial interviewees shall not be left unattended.
 - f) Custodial and non-custodial interviews should be conducted by not more than two officers; however, if facts and circumstances dictate, more than two officers may be present during the interview. In an effort to avoid intimidation or coercion the number of officers present during an interview should be kept to a minimum. [\[42.2.10c\]](#)
 - g) Both the interview room and booking room are equipped with CCTV and telephones. Officers conducting interviews should, if possible, have department personnel monitor the interview remotely in order to ensure assistance in an emergency. In the event that assistance for monitoring the interview is unavailable, the officer may utilize the telephone or their portable radio to summon assistance in an emergency. [\[42.2.10d\]](#)
 - h) The interview room should be stocked with an adequate supply of routine forms, writing utensils, and tissues. In addition, the interview room will be equipped with a telephone and the capability to recording video and audio that can be remotely monitored. [\[42.2.10e\]](#)
 - i) It is the responsibility of the interviewing officer(s) to be conscious of the basic human needs of the interviewee. Interviewee's shall be provided with access to water, restrooms, or comfort breaks in a timely manner. [\[42.2.10f\]](#)
5. Collection, Preservation and Use of Physical Evidence:
Will be done in accordance with departmental policies addressing this subject.
6. Execution of Search and Arrest Warrants
In an effort to enhance officer safety, the Criminal Investigations Sergeant, or the lead investigator will ensure that prior to the execution of a pre-planned arrest or search warrant a threat assessment briefing will be conducted. Some of the things to be considered during the threat assessment briefing include, but are not limited to, nature of the offense, items sought, suspect's criminal history, known threats, and presence of weapons. The goal of the threat assessment briefing is to enhance situational awareness of potential dangers and foster improved communication. Pre-planned arrest or search warrants involving violent crimes, or that are otherwise considered high risk require the completion of a threat matrix as established by the S.W.A.T. Commander.

- D. A Criminal Investigations checklist will be accomplished for each case of a felony nature. The checklist is to be used as an investigative tool. [42.2.3] A member of the investigations section shall, within established guidelines and time constraints, complete the following tasks during all follow-up investigations:
1. Review and analyze all reports prepared in the preliminary phase of the investigation, department records, and results from laboratory examinations [42.2.2a]
 2. Conduct additional interview / interrogations, as needed [42.2.2b]
 3. Review all departmental records that may hold needed information
 4. Seek additional information from uniformed officers or informants [42.2.2c]
 5. Review laboratory report results for pertinent information for prosecution purposes
 6. Arrange for dissemination of information as appropriate
 7. Plan, organize, and conduct searches when applicable [42.2.2d]
 8. Prepare the case for court presentation [42.2.2h]
 9. Assist the prosecution [42.2.2h]
 10. Identify and apprehend suspects [42.2.2e]
 11. Collect and preserve physical evidence [42.2.2d]
 12. Determine the possible involvement of suspects in other crimes [42.2.2f]
 13. Check suspect past criminal history [42.2.2g]
 14. Prepare comprehensive, timely and complete report (s)
 15. Maintain contact with the complainant / victim and all principles as much as is practical. In any case requiring follow-up investigations or which has been closed; a “second contact” will be made with principals involved.

VII. Investigative Task Forces

In major cases that show a certain trend / modus operandi, a task force may be established to coordinate all investigative efforts. The task force will be authorized by the Chief of Police once the need for a collective investigation has been determined. The following guidelines will be adhered to for the formation of such a task force:

- A. Identify the Purpose [42.2.5a]
The organizer of the Task Force will set a clear objective, outlining the desired objective / goals and the personnel assigned to participate.
- B. Define Authority and Responsibilities [42.2.5b]
The organizer of the Task Force will be the receiving focal point of all information collected by the Task Force and will designate specific duties and / or responsibilities to the other members of the Task Force. All

members will fall under their supervision while assigned to the Task Force regardless of agency affiliation, rank or previous assignment.

- C. Establish Accountability
Personnel assigned to Task Force operations will report directly to a Bureau Captain assigned within The Burleson Police Department.
- D. Resource Identification
 - 1) Any information already available from the initial offense report, patrol officer observations, witnesses, informant and / or results of crime scene (to include laboratory reports) investigation
 - 2) Any detection-of-deception devices that may be readily accessible to the members of the Task Force
 - 3) All information gathered from other sources that may be of use to the Task Force
- E. The head of the Task Force will assimilate and evaluate all information received during the Task Force investigation and determine when the case has been made and no other investigation is required. [\[42.2.5c\]](#)

VIII. Detection of Deception Devices

- A. The Criminal Investigations Sergeant will make the decision when to utilize “detection of deception” devices as an investigative tool. The Burleson Police Department does not currently have any of those devices or license operators on staff. Therefore, trained licensed operators outside the department will be utilized. [\[42.2.6\]](#)

IX. Use of Informants

- A. When informants are used, a confidential master file, containing all pertinent information on the informant, is maintained by the Criminal Investigation Section. [\[42.2.7a\]](#)
- B. Informant’s master file will:
 - 1) Contain all personal information available on the informant to include, but not limited to, race, sex, date of birth, current address and phone number(s), drivers license number, criminal history information, identification numbers / symbols available or assigned. [\[42.2.7b\]](#)
 - 2) Be secured in a lockable file cabinet / container with access limited to members of the division with the approval and under the supervision of the Criminal Investigations Sergeant. [\[42.2.7c\]](#)
 - 3) Indicate whether any funds have been paid out and to whom the funds were paid. [\[42.2.7e\]](#)
 - 4) Thoroughly document the informant’s reliability. [\[42.2.7f\]](#)
 - 5) The files(s) will be maintained by the Criminal Investigations Sergeant, or their designee. [\[42.2.7c\]](#)

- C. Informants will:
1. When necessary be assigned code numbers / names and that information will be protected / secured in the informants file. [\[42.2.7d\]](#)
 - 2) Generally, informants will not be paid for information. If the informant is paid, cash dispersal receipts, will be maintained in the informants file. Copies of those receipts will be attached to a Transaction Report and provided to the finance director on a regular basis.
- D. Precautions to be taken:
- 1) All informants will be treated in a professional manner and within prescribed legal guidelines. [\[42.2.7e\]](#)
 - 2) The officer must remember to maintain proper control of the informant at all times. [\[42.2.7e\]](#)
 - 3) The officer must establish the informant's credibility in order to utilize supplied information as the basis for any law enforcement action
 - 4) All adult requirements apply to 17-year-old informants; except parental permission shall be obtained in writing. No juvenile, age 16 or younger will be utilized as a paid informant. [\[42.2.7g\]](#)
 - 5) If at any time a patrol officer encounters any person(s) wishing to act in the capacity of an informant, that officer will notify the Criminal Investigations Sergeant who will follow the procedures set forth in departmental policies.
- E. Funds Control
- 1) Funds shall be requested, in writing, from the Finance Director, by the Criminal Investigations Sergeant with the approval of the Chief of Police or Deputy Chief. [\[17.4.2d/e\]](#)
 - 2) Upon receipt of funds designated for payment of informants, purchases of drugs or other contraband, or minor expenses for undercover operations, those funds will be entered into a logbook and secured in a locked file cabinet in the Criminal Investigations Section.
 - 3) Funds dispersal will be recorded in the logbook and documented by written receipt. [\[17.4.2b\]](#)
 - 4) Only the Chief of Police or Deputy Chief, or Criminal Investigations Sergeant may authorize funds dispersal.
 - 5) An audit shall be conducted by the Criminal Investigations Sergeant (with at least one other sworn person) at least quarterly. The results will be entered and authenticated by signature into the logbook. A copy of such audit will be forwarded to the Chief's office and appropriately marked "confidential". [\[17.4.2f\]](#)
- F. Funds Storage

- 1) The logbook and funds will be kept in a locked file cabinet with only members of the section having access and only then with the supervision of the Criminal Investigations Sergeant.

NOTE: The Chief, Deputy Chief or any authorized member of the City may view, upon request, all records of Confidential Funds receipts and dispersal for purposes of accounting.

X. Identity Theft [\[42.2.8\]](#)

- A. Identity theft is a serious crime which has untold costs, both financial and personal. The Burleson Police Department is committed to working with other agencies and victims in an effort to diminish the effects of identity theft through reporting, investigation, cooperation, and education.
 - 1) When an individual contacts the police department to report identity theft the initial report will be generated by a patrol officer, utilizing RMS. [\[42.2.8b\]](#) After determining venue and that the elements to the offense are met the reporting officer will generate an identity theft report documenting the facts and circumstances of the theft and the investigative efforts on the part of the reporting officer. If possible, the reporting officer should obtain a written statement and any available documentation that might assist in the investigation. Once complete, the report will be forwarded electronically to the Criminal Investigations Section Sergeant for review. [\[42.2.8a\]](#)
 - 2) The reporting officer should provide the victim with a report number and instruction on how to obtain a copy of the report. Additionally, the victim should be directed to the Federal Trade Commission (1-877-IDTHEFT) or to their website at ftc.gov for information on how they can begin the process of restoring their identity and minimize any additional injury. [\[42.2.8c\]](#)
 - 3) Upon receipt of the identity theft report, the Criminal Investigations Section Sergeant will review the report for solvability factors (see IV Case Screening). If sufficient factors are present, the Criminal Investigations Sergeant will assign the case to a detective for follow up investigation. The investigator assigned should conduct a follow up investigation as outlined under section VI of this policy - Follow up investigation. In the event the investigation leads to another jurisdiction and it is impractical for the investigator to continue the investigation the case will be forwarded to the appropriate law enforcement agency with jurisdiction for consideration and additional investigation [\[42.2.8d\]](#)
 - 4) To assist in prevention, education, and recovery from Identity Theft the public may access the Federal Trade Commissions ID

Theft website as well as the Texas Department of Public Safety ID Theft website from the Burleson Police Department home page. Additionally, printed ID Theft material is available to the public at the Burleson Police Department. [42.2.8e]

XI. Cold Case Files [42.2.9]

- A. For the purpose of this policy, a “Cold Case” is defined as a violent crime against a person with a case status designation of “Suspended”, which is no longer being actively investigated due to a lack of investigative leads and an inability to identify the person(s) responsible for committing the crime. [42.2.9a]
- B. The Criminal Investigations Section Sergeant will review all violent crimes against person cases and evaluate their suitability for inclusion in the cold case file. The following criteria should be considered in determining whether a case is suitable for inclusion in the cold case files. [42.2.9b]
- 1) Physical Evidence such as DNA, tool marks, finger prints, etc.
 - 2) Behavioral patterns such as Modus Operandi and victimology
 - 3) Statute of limitations
 - 4) Potential for media / public assistance
 - 5) Any additional factors that give the case potential for eventually being solved
- C. The Criminal Investigations Sergeant, upon determining that a case is suitable for inclusion in the Cold Case File will retain a copy of the case file that will be stored in a file cabinet marked Cold Case File. Annually, the Criminal Investigations Sergeant or their designee will review the Cold Case files to determine if circumstances surrounding the case may have sufficiently changed to reopen the case. Special attention should be focused on the following criteria when considering these Cold Cases. [42.2.9b]
- 1) New information
 - 2) Advancements in Forensic science
 - 3) New Technology
 - 4) New witnesses
 - 5) Potential for changing relationships between witnesses, suspects, complainants and their associates or family members
 - 6) Confession
 - 7) Statute of limitations
 - 8) Potential for media public assistance
 - 9) Existing physical evidence such as DNA, tool marks, fingerprints, etc.

- a) Any physical evidence that was collected during a criminal investigation that has been deemed a “cold case” shall be examined for the possibility of trace evidence. . If the possibility arises that an item could have trace evidence, the item(s) shall be sent for processing to an accredited forensic laboratory for processing / examination. In the event trace evidence yields a foreign DNA profile, the profile shall be entered into combined DNA Index System (CODIS) for possible identification.
 - 10) Behavioral patterns such as Modus Operandi and victimology.
 - a) “Cold Cases” in which homicide, sex crimes or crimes of violence have occurred, shall be submitted to Violent Criminal Apprehension Program (VI-CAP) through the Federal Bureau of Investigation Local, state and federal databases. Local / State / Federal Criminal Justice information Systems may also be utilized to identify similar patterns, characteristics of modus operandi, victimology, physical evidence, suspect description and behavior.
 - 11) Any additional factors that give the case potential for eventually being solved.
- D. Investigative actions or follow-up conducted in a cold case will be documented through the computerized records management system either by written report or by electronic “actions”. If a cold case is determined to have new investigative leads, that case will be assigned to an investigator for further investigation. [\[42.2.9c\]](#)

XII. Intelligence Information

The gathering and utilization of intelligence information with regard to criminal conduct or activities that present an immediate threat to the community is an important aspect of proactive policing. To that end, intelligence gathering will be conducted within the legal framework of the U.S. Constitution and the Constitution of the State of Texas. The Criminal Investigations Section for the purpose of security and centralization shall maintain this information. [\[42.1.6a/e/f\]](#)

A. Gathering of Intelligence Information:

1. During the normal course of their duties, officers are encouraged to seek out and develop useful intelligence. [\[42.1.6b\]](#) Accurate information will be passed on to patrol during shift briefings. [\[42.1.6b/g\]](#)
2. Patrol Officers and investigators will receive training by any number of ways including but not limited to roll call training, review of department policies, published literature or on line. [\[42.1.6c\]](#)

3. Intelligence information shall be secured in a file cabinet in Criminal Investigations or in an electronic file with restricted access. It shall be accessible only by or under the direction of sworn personnel or the crime analyst of the Criminal Investigations section. Sworn personnel, the crime analyst, or communications may disseminate information to criminal justice agencies / personnel only and on a need to know basis. [42.1.6d/f/g]
4. When information becomes out dated, or in the event the information is found to no longer be accurate it is the responsibility of the Criminal Investigations Sergeant to ensure the information is purged or updated. [42.1.6h]
5. Retained information will be analyzed by the Criminal Investigations Sergeant or their designee in an effort to identify patterns of criminal behavior and relationships between individuals or places. In the event that patterns or relationships are identified based on the collected information a system for cross-referencing and retrieval of the information will be utilized. The system utilized will be reflective of the complexity of the patterns and relationships identified. For example in cases where the information is of an extremely complex and perhaps subtle nature the Regional Organized Crime Information Center may be used for the analytical processing of criminal intelligence. In less complex cases the information may be stored, analyzed, and cross-referenced locally using a spreadsheet program. Gang intelligence information will be filed based on type and date. [42.1.6g]
6. The Criminal Investigations Sergeant will review the process of collecting and dissemination of intelligence information at least annually to implement any improvement needed. [42.1.6i]
7. Any officer involved in gang enforcement will have training as is offered through the department, or an approved training provider. [42.1.6.c]

B. Gang Related Information

“*Street Gang*” is defined as three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activity.

1. To be qualified as a gang member per Chapter 61 CCP the information obtained must consist of:
 - a) A judgement under any law that includes, as a finding or as an element of criminal offense, participation in a criminal street gang.
 - b) A self-admission by the individual of criminal street gang membership that is made during a judicial proceeding; or
 - c) Except as provided by Subsection (d), any two of the following:

- i. A self-admission by the individual of criminal street gang membership that is not made during a judicial proceeding, including the use of the Internet or other electronic format or medium to post photographs or other documentation identifying the individual as a member of a criminal street gang;
 - ii. An identification of the individual as a criminal street gang member by a reliable informant or other individual;
 - iii. A corroborated identification of the individual as a criminal street gang member by an informant or other individual of unknown reliability;
 - iv. Evidence that the individual frequents a documented area of a criminal street gang and associates with known criminal street gang members;
 - v. Evidence that the individual uses, in more than an incidental manner, criminal street gang dress, hand signals, tattoos, or symbols, including expressions of letters, numbers, words, or marks, regardless of how the means by which the symbols are displayed, that are associated with a criminal street gang that operates in an area frequented by the individual and described by Subparagraph (iv);
 - vi. Evidence that the individual has been arrested or taken into custody with known criminal street gang members for an offense or conduct consistent with criminal street gang activity;
 - vii. Evidence that the individual has visited a known criminal street gang member, other than a family member of the individual, while the gang member is confined in or committed to a penal institution; or
 - viii. Evidence of the individual's use of technology, including the Internet, to recruit new criminal street gang members. (d) Evidence described by Subsections (c)(2)(C)(iv) and (vii) is not sufficient to create the eligibility of a person's information to be included in an intelligence database described by this chapter unless the evidence is combined with information described by another subparagraph of Subsection (c)(2)(C).
2. **Gang Related Incident**
An incident shall be considered gang related when one (1) or more of the following criteria are met:
- a. When an incident occurs where the participants, suspects or victims are identified gang members or associates (involving an act in furtherance of the gang)
 - b. When a law enforcement agency or reliable informant identifies an incident as gang activity

- c. When an informant of previously untested reliability identifies an incident as gang activity and it is corroborated by other circumstances or independent information
 - d. When an incident does not necessarily fit the above criteria, but the conduct is consistent with street gang activity, it shall be considered gang related. Indicators of street gang involvement may be based on the suspect's description method of operation, or other evidence that reasonably indicates that gang members were involved in the incident.
3. Gang Records
- The Chief shall designate the officer(s) who shall maintain all gang information. For the purpose of clarity in this directive, these officers will be referred to as gang officers. [42.1.6a]
- a. All officers when contacting individuals meeting the above criteria shall document this information on a Burleson Police Department Gang Identification Form and submit it to the Criminal Investigations Sergeant and if possible photograph the individual. [42.1.6b/g]
 - b. This information will be distributed at shift briefing and also sent to the gang officer(s) [42.1.6g]
 - c. When officers observe gang type graffiti, it should be photographed. If conditions prevent this, a memo should be sent to the gang officer(s) and the Criminal Investigations Sergeant detailing the location of the graffiti and the date, time, and officer who discovered it. [42.1.6b/g]
 - d. These records will be maintained in a hard filing or computer type filing system in a location designated by the Chief of Police. Access should be restricted to gang officer(s), criminal investigators, crime analyst, command staff, and authorized employees. [42.1.6d]
4. Texas DPS Gang Database
- a) The Criminal Investigations Sergeant will be the administrator responsible for ensuring the information entered into the TXGANG database is accurate, that outdated or expired information is removed per TX DPS guidelines Chapter 61 CCP, and that any users that request or are granted access to the database have met the required training as set forth by DPS and departmental policy.
 - b) Personnel that request access to this database shall submit a DPS application for access to the Criminal Investigations Sergeant for review.
 - c) It shall be the responsibility of the person entering criminal intelligence information to ensure the data has been entered accurately and meets the criteria set forth by DPS. The

Criminal Investigations Sergeant shall be notified anytime information is added to the gang database.

- d) Each person that has access to the database will be responsible for the security of the information they access and of their access terminal.
- e) Information obtained from the TXGANG database will not be used to populate another intelligence or searchable database.

5. Gang Report

- a. All officers who are involved in or receive information of a gang related incident should generate a brief memo to the gang officer(s) and the Criminal Investigations Sergeant advising them of who was involved, vehicle information, location, date/time, etc., and a brief narrative of what occurred or is to occur. [\[42.1.6g\]](#)
- b. Due to the possibility of gang retaliations, gang incidents involving students, either as actor(s) or victims, should be brought to the attention of the respective School Resource Officer. [\[42.1.6g\]](#)
- c. The gang officers shall submit a report as needed to patrol on potential gang problems, locations, new gang sets or other pertinent information. [\[42.1.6g\]](#)
- d. Any officers involved in gang enforcement will have training as is offered through the department or approved provider. [\[42.1.6c\]](#)