Assessment of the Winston-Salem Criminal Investigations Division and Identification Division Function

April 7, 2008

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CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>Scope of Work and Methodology</td>
<td>4</td>
</tr>
<tr>
<td>Frame of Reference</td>
<td>7</td>
</tr>
<tr>
<td>General Discussion</td>
<td>9</td>
</tr>
<tr>
<td>Public Forum</td>
<td>16</td>
</tr>
<tr>
<td>Findings and Recommendations</td>
<td>19</td>
</tr>
<tr>
<td>Criminal Investigative Division</td>
<td>20</td>
</tr>
<tr>
<td>Identification Division</td>
<td>29</td>
</tr>
<tr>
<td>Addendum 1 – Case Screening and Assignment</td>
<td></td>
</tr>
<tr>
<td>Addendum 2 – Persons Interviewed</td>
<td></td>
</tr>
<tr>
<td>Addendum 3 – Documents Reviewed</td>
<td></td>
</tr>
<tr>
<td>Addendum 4 – Photos, Forensic Services Division</td>
<td></td>
</tr>
<tr>
<td>Addendum 5 – Works Cited</td>
<td></td>
</tr>
</tbody>
</table>
INTRODUCTION

In September 2007, representatives of the City of Winston-Salem, North Carolina, contacted Risk Management Associates, Inc. (RMA) regarding the submission of a response to a Request for Proposals directed to qualified organizations by the City. The scope of work, although not thoroughly defined, sought an assessment of the current operations, administration, and management of the Winston-Salem Police Department’s (WSPD) Criminal Investigative Division (CID) by an independent outside body. Upon reviewing the proposed tasks and after discussing their expectations with Winston-Salem city staff, RMA believed that it was uniquely qualified to provide the services requested in the Request for Proposal.

Risk Management Associates, Inc. has provided unbiased and independent security consulting and investigative services since 1988 to a wide variety of clients throughout the United States. RMA has conducted criminal, civil and administrative investigations of all types and as law enforcement officers and private investigators collectively over the past 40 years, RMA staff investigators have conducted literally thousands of criminal investigations. This investigative experience include homicides, assaults, sex crimes, narcotics violations, burglaries, larcenies, fraud and most other types of crime. With backgrounds in federal, state, county and municipal law enforcement agencies, RMA consultants have a broad range of experience with the policies and procedures used in the administration and management of police functions. RMA staff investigators have broad and extensive training and experience in supervisory, management and command staff roles.

In recent years RMA investigations have included sensitive inquiries regarding the conduct, ethical behavior, and reputation of police chiefs; a CEO of an international corporation; government managers purported to have created hostile working environments; and the executive director of a non-profit who was accused of professional and personal misconduct. Investigators were able to successfully meet the clients’ objectives in very dynamic venues and often with conflicting political forces engaged in the process. This practical experience combined with a broad understanding of the nuances of organizational culture and the criminal justice system has permitted RMA to conduct unbiased and independent inquiries and to provide the client with a factual basis that enabled them to make necessary and appropriate administrative and personnel decisions.

RMA investigators have years of experience in conducting all types of investigations in both public and private sector organizations. The principal investigators assigned to this project included a retired Special Agent with the North Carolina State Bureau of Investigation whose duties included investigations of allegations of public corruption, misconduct involving law enforcement officers, as well as criminal and narcotics cases across North Carolina. The team also included a retired Captain from the City of Raleigh Police Department, the current President of Risk Management Associates, with over 30 years of investigative experience. He served as the Captain of the Investigative Division and as the C.A.L.E.A. Accreditation Manager. He also commanded the Internal Affairs Unit which investigated both administrative and criminal complaints involving members of that agency.
Another member of the team is a recently retired Lieutenant from the Cumberland County Sheriff’s Department who commanded that Detective Division and who has practical experience with electronic police administration and case management programs and systems. RMA has also contracted with the Director of the City/County Bureau of Identification in Raleigh, NC, to participate in the assessment of the client’s depth of understanding and utilization of the science and technology associated with the criminal investigative process. These consultants were supported by several other members of the RMA team with additional law enforcement and private sector experience.

Details of RMA’s experience and qualifications and the proposed investigative approach for meeting the requirements of the scope of work in this matter were submitted to the Office of the City Manager of Winston-Salem in a written proposal on September 26, 2007. On October 24, 2007, RMA was invited to make an oral presentation to members of the City Manager’s review committee and to answer questions regarding RMA’s qualifications and proposed approach to the project.

RMA was awarded the project and entered into the appropriate contractual arrangements following Winston-Salem City Council approval on November 12, 2007. The review of relevant documents, policies and procedures began immediately. A timetable for site visits and interviews was agreed upon and a date for the anticipated completion of the report was projected. Following the award of the contract, RMA requested an opportunity to meet with the members of the Winston-Salem City Council, either individually or in small group sessions. The request for proposals made it clear that although the City Manager was responsible for identifying and selecting the consultant for this project, the members of the City Council were to be considered the client.

In any consulting project, it is imperative that the expectations and concerns of the client be integrated into the scope of work and methodology. It is through direct and ongoing communication with the client that consultants become aware of imbedded issues that are relevant to the project, perceptions and beliefs held by the client regarding events related to the project, and what the client expects of the consultant as the project moves forward. RMA scheduled meetings with Council members in three small group sessions in order to solicit their input, feedback, and expectations. It was anticipated that they would represent their constituencies in this matter. Six City Council members met in small group sessions with a RMA consultant on December 3, 2007. Council members described several interrelated events which occurred over time and which have brought into question the quality and integrity of the investigative process in the Criminal Investigative Division of the WSPD.

The general consensus among the Council members interviewed was that the purpose of this project was to identify any practices, management failures, or influences currently existing within the CID function that could adversely affect the pursuit of justice in the investigation of crimes reported by citizens of Winston-Salem. Two Council members strongly suggested that public input and concerns regarding the practices of the WSPD investigative process be heard first hand by consultants through some type of public forum. This change of scope was later negotiated with the City Manager’s Office and included in the methodology used by consultants.
The following report documents the investigative approach, related matters, and the findings and recommendations as defined in the scope of work mutually agreed upon during this process. The remainder of this report is divided into four sections with addenda. Before examining the body of the report, it is recommended that the reader become familiar with the specifics of the RFP for this project and RMA’s proposal in response to that solicitation.

Section One of this report describes this scope of work and the approach taken by RMA to address the expectations of the client. Section One also discusses the methodology used to gather information and to determine the facts and circumstances in order to fully understand the current investigative practices related to the tasks set forth in the RFP.

Section Two of the report will provide important background information regarding the matters under review to ensure a clear understanding and common frame of reference from which logical and reasonable conclusions can be made. The commissioning of an independent civilian body to assess the credibility of a law enforcement entity by a political unit is an unusual occurrence. It is within this frame of reference that the events, circumstances, and imbedded issues leading to the decision to initiate this project should be clearly understood.

Section Three begins with some general discussion of the process used by law enforcement agencies to assign resources to the criminal investigative function. Various standards and best practices that ensure the thoroughness and integrity of the investigative process are discussed. A description of the process used by the Winston-Salem Police Department to investigate crimes reported to them will be provided. The focus will be on those cases directed to or selected by the Department’s Criminal Investigative Division for follow-up investigation. This section examines the relationship between the CID function and the criminal justice system in Forsyth County and includes discussion of information presented at the Public Forum and related follow-up.

Section Four contains the consultants’ findings and recommendations regarding the Criminal Investigative Division. This section will also contain the assessment of the Identification Division with findings and recommendations specific to it. The addenda to the report contain a listing of the people with whom investigators communicated and a catalog of the relevant documents reviewed and considered during the study.
SCOPE OF WORK AND METHODOLOGY

In the solicitation for this project, Winston-Salem City officials expressed a belief that the WSPD would benefit from a “top to bottom review/inspection of CID.” In that solicitation and in follow-up conversations with various City officials, there were also references to the findings and recommendations made by the Sykes Administrative Review Committee (SARC) as important considerations that RMA consultants should understand in defining the scope of work. These findings and recommendations are discussed in more detail in a following section of this report.

In the proposal, the City of Winston Salem was provided with a comprehensive description of the activities that RMA planned to satisfy the scope of work and to meet the expectations of the clients and the methodology that would be used to gather the information necessary to accomplish those objectives. RMA’s approach is based upon the concept that in order to assure the quality and integrity of an investigation, it must be thoroughly and accurately reported in a timely manner and this should be documented in the official case report on file with the law enforcement agency. It is an accepted police practice that the detective/investigator assigned to review and follow-up on a crime be responsible for ensuring the appropriate documentation of all investigative efforts related to that case. Normally, policies and procedures are in place to guide that process and supervisors are responsible for overseeing the work of the investigators who report to them and for reviewing the written reports documenting that activity. RMA’s goal is to determine if the policies and procedures intended for use to guide investigative activity in the CID are appropriate, if they are being followed, and if the resulting investigative reports are a reflection of best practices.

The SARC also contains a number of findings and recommendations that the WSPD should consider regarding their investigative activities. Wherever applicable, the consultants also assessed the degree of compliance with those recommendations.

RMA reviewed the process and procedures used to select investigators; their experience and training; their performance measurements and supervision; and the structure, management and oversight of the investigative function in general. RMA reviewed policies and procedures used by the WSPD and assessed their application in establishing guidelines for the initial police report of an incident, the associated preliminary investigation, case review and assignment criteria, and case disposition.

The ultimate goal was to determine if the product of the CID function, the case file, demonstrates a fair, objective, and professional effort by the WSPD to facilitate justice and the successful prosecution of those persons responsible for the crimes reported to them. The review of those documents and reports and a thorough, unbiased evaluation of the quality and depth of the investigative activity documented therein served to guide the analysis by RMA.
In addition to the interviews with the City Council members, consultants spoke with both the City Manager and Deputy City Manager, the liaison with RMA, regarding the tasks, objectives and expectations of the project. Consultants met with the Chief of Police and her top Assistants who assured RMA of complete co-operation including unrestricted access to the people, documents, and case files. Consultants interviewed the CID command staff, supervisory personnel, and a number of investigators. Other police officers and support personnel associated with the investigative function were interviewed including the records section manager, evidence custodian, Internal Affairs commander, patrol supervisors, the Assistant City Attorney advising the WSPD on legal matters, the Court Liaison Officer, the Accreditation Manager, the Department’s Senior Systems Analyst, and the Captain responsible for training.

Specific attention was given to evaluating the Identification Division (ID), the crime scene investigation function of the WSPD. The level of application of science and technology and the availability of ID services to assist and compliment the criminal investigative function was examined during the assessment process. In consultation with a recognized expert in crime scene investigation and the management of ID units, Risk Management Associates evaluated the extent of involvement and the contribution to the investigative process in the WSPD. This vital component of the inquiry was a valuable and unique facet of our evaluation of the CID investigative function and the quality of the end product produced by the assigned investigators.

Consultants participated in a Public Forum sponsored by the City for the purpose of receiving input and feedback directly from the citizens of Winston-Salem regarding their contact with the CID function of the WSPD. Citizens were given the opportunity to discuss their experiences and perceptions either in a public setting or in a private session with consultants. During the meeting, approximately forty citizens spoke publicly or privately with consultants about a wide range of topics ranging from their overall view of the police department’s performance to specific criminal offenses investigated by the CID. Consultants also followed up on requests from citizens to contact them after the public forum and received several independent phone calls from other citizens. Consultants evaluated this information and any that was relevant to the scope of work was considered and included in the finding and recommendations. Other information regarding the police department or other criminal justice functions that was judged not to be relevant to the scope of work was summarized and passed on to the City Manager’s Office for appropriate consideration.

RMA consultants selected for review a sample of CID investigative case reports on file in the WSPD records section. The department had no advance knowledge of which reports would be reviewed. Every effort was made to select a cross section of cases including a sampling of reports by individual detectives, types of crimes, and eventual dispositions. The selection process was not designed or intended to be a statistically valid sampling of cases or variables, but was intended to provide a general reflection of the quality of work documented in the official files. The performance and competence of any individual investigator was not the focus of the case review process. Rather, these cases were reviewed in an effort to gauge the overall application of accepted police investigative and case management practices.
Consultants spent a total of nine days in Winston-Salem conducting associated interviews, reviewing and collecting documents, making independent observations, and meeting with citizens, City Council members, and representatives of the District Attorney’s and Public Defender’s offices. The information and details gathered during these visits were thoroughly analyzed and evaluated over the next several weeks using RMA’s peer review process. The RMA peer review process is used in all consulting and investigation projects. By mutually challenging assessments and conclusions, consultants remained open minded and unbiased in their findings and practical and reasonable in their recommendations for change or improvement. Risk Management Associates is fully aware of the social and politically charged issues imbedded in the events leading up to the commissioning of this project. RMA recognizes the commitment by the client to ensure that the citizens of Winston-Salem receive a report that is not influenced by any special interests. For over twenty years, Risk Management Associates, Inc. has provided its clients with independent, impartial and unprejudiced services and advice and has endeavored to conduct this inquiry thoroughly and to report it accurately and with attention to relevant detail.
FRAME OF REFERENCE

To understand the commissioning of this study and its scope, the reader must become generally familiar with the arrest, the convictions, imprisonment, and eventual exoneration of Darryl Hunt for the 1984 rape and murder of Deborah Sykes. Mr. Hunt declared his innocence throughout his ordeal although the Winston-Salem Police Department, State Bureau of Investigation, the Forsyth County District Attorney’s Office, more than one jury, and numerous judicial officials were convinced otherwise. His cause was championed by family, friends, attorneys, and the Innocence Project. After DNA testing identified the actual guilty party, Mr. Hunt was eventually released from prison in December 2004. The State of North Carolina officially declared his innocence with a pardon by the Governor. The City of Winston-Salem later reviewed their potential civil liability and entered into a financial settlement agreement with Mr. Hunt and his attorneys.

In July of 2005, the City of Winston-Salem commissioned a thorough and complete review of the circumstances that lead to Mr. Hunt’s arrest and conviction. The Sykes Administrative Review Committee (SARC) report was released to the public in early 2007. The report cited numerous investigative and management failures present in the WSPD’s Criminal Investigative Division during the mid-1980’s that were believed to be significant contributors to the arrest, conviction, and nearly twenty year imprisonment of an innocent man. The report also points out prosecutorial issues involving the Forsyth County District Attorney’s Office, as well as its relationship with the WSPD, that could have contributed to the failure of the criminal justice system to recognize the fact that an innocent man was aggressively prosecuted for a crime committed by someone else.

The SARC report includes a section where the “Current Practices of the Police Department are Contrasted with those of 1984” suggesting that policing and investigative practice have changed over the past twenty years leading to the improvement of the quality and effectiveness of those efforts. In the report, the City Manager also presents his findings and makes numerous recommendations for improvements and changes in the way that the WSPD investigates, documents, and manages criminal investigations. The report includes a recommendation that an outside independent firm conduct a “top to bottom review/inspection” of the CID. The City Manager makes a commitment that a six and twelve month review of the progress towards implementing his recommendations will be conducted.

The concerns that were raised by the SARC regarding the culture and management of the CID during the window of time that it was evaluated begged the question, “Are there other innocent people in prison today whose arrests, prosecutions and convictions resulted from the same circumstances as pointed out in the SARC report?” A review of cases and convictions from that time period brought into question the investigative process that resulted in the 1997 conviction of Kalvin Smith for the 1995 robbery and assault of Jill Marker. An administrative review of that case was initiated by the City Manager’s Office and conducted by the WSPD during the spring and summer of 2007. That review was deemed by the Manager to be lacking in detail and the expected independence.
At the direction of the City Council, an independent review by a citizen’s committee similar in composition and scope as the SARC was recommended. This review process was authorized by a City Council resolution and has begun. The City Manager also determined that it would be appropriate to expedite the process of soliciting firms to conduct the inspection of the CID function recommended in the SARC report.

In the fall of 2007, at the direction of the City Council, the City Manager sought out an independent and unbiased review of the Criminal Investigative Division to comply with the commitment made in the SARC report. The commissioning of this project is in response to that directive. Risk Management Associates, Inc. recognizes the atmosphere of controversy and mistrust, of not only the integrity of the CID and WSPD, but the fairness of the criminal justice system as a whole in Forsyth County that is unfortunately imbedded in the minds of some portion of the community. From the outset of this project, some stakeholders have openly questioned the ability of the RMA consultants to present an unbiased product. With this in mind, as consultants gathered the information for this report, evaluated that information, discussed the findings, and developed recommendations, they constantly challenged themselves and each other to consider all possibilities, remain impartial, and provide to the City Council a report that demonstrates a factual, unprejudiced review for their consideration.
GENERAL DISCUSSION

The Winston-Salem Police Department has a long history of professionalism and commitment to the citizens of Winston-Salem to provide effective law enforcement services. The department has been recognized by the Commission on the Accreditation of Law Enforcement Agencies (C.A.L.E.A.) as an accredited organization since 1997. This process validates that the agency has an established organizational structure, related management processes and oversight, policies and procedures, and the community engagement that meets nationally recognized law enforcement standards.

Like most local police departments, the WSPD depends primarily on the resources allocated through the City budget process for funding, with some supplemental assistance through state, and federal grant monies for specialized positions or services. Manpower, equipment, staffing decisions, and the allocation of other resources to meet the demand for law enforcement services are directly dependent upon the funding provided by the City. Like most public sector organizations, police departments are called upon to do more with less and there are always trade-offs when management prioritizes its use of those limited resources.

The following description of the organizational structure and police processes currently in place at the WSPD is offered to provide the reader with an understanding of the circumstances under which the investigation of a crime reported to the WSPD becomes the responsibility of the agency’s Criminal Investigation Division (CID). The scope of work for this project was the work product of the CID, not an evaluation of the entire police organization. It is important that the reader understand the dynamic environment in which a “case” becomes the responsibility of an individual investigator and those dependent variables that could affect the outcome of that investigation.

Police calls for service (911) or other non-emergency circumstances are normally dispatched to a patrol officer. Traditionally, the officers receive a call for police service over the police department radio system and are dispatched to a specific location to meet with a citizen or to investigate some type of activity believed to require police involvement. Most police agencies today are relying more and more on computerized dispatch processes supplemented by in-car radio communications linking the call takers and the police responders. WSPD has a modern, computerized dispatch system that also links these calls for service to their records management system, called “PISTOL” for Paperless Information System Totally Online. This means that once a call is sent to an officer, a computer-generated record traces the activities of all of those involved. If a crime has occurred and a report begun, the system allows the officer to begin the documentation from a laptop computer in the police vehicle. Subsequent investigative activity can also be added to that record, creating the official case file of that event maintained by the WSPD.
Upon arrival at the scene of a police call, the officer is responsible for evaluating the facts and circumstances of that event and determining the appropriate level of police involvement. This involvement could range from simply referring the citizen to the appropriate non-police resource to investigating the incident and arresting a suspect. In 2007, the WSPD responded to nearly 147,000 calls for police service. Whatever the outcome of the initial response, there is a record maintained of that call and the resulting actions of the officer.

The discretion of the officer, applicable law, and departmental polices and procedures guide the actions of the officers in their decision-making process when determining how to handle the call. For example, in a domestic violence call for service, an officer might be directed by a previous court order to arrest a person who has violated the conditions of that order and their discretion is limited. In a juvenile matter, the officer might find it appropriate to contact the parent of the suspect and turn the child over to the parent with little or no official record of the incident. If a citizen is reporting that they have been assaulted, the officer would be required to gather all of the relevant facts and evidence and determine the circumstances of the incident in an effort to determine whether or not the elements of a crime can be supported and who is responsible for committing that crime.

Of the 147,000 calls for police service in 2007, approximately thirty-nine percent (39%) were initially described as criminal in nature. The investigative process begins with the work of the first responding officer. It is the quality of the initial response and the documentation of that response that often determines the outcome of the investigative work that follows. In Winston-Salem, the patrol officers providing the twenty-four hour per day, seven days a week, three-hundred and sixty-five days a year emergency response are assigned to the department’s Field Services Bureau (FSB). They work in teams called platoons and are assigned to patrol specific geographic areas of the City. Officers are assigned to the FSB after completing their basic training and complete a Field Training Program with a seasoned officer before being assigned to work independently. Officers often compete for more specialized uniformed positions such as K9 and SET and for transfers to CID as an investigator.

Crimes reported to have occurred and subsequently documented by the police fall in to two broad categories for statistical reporting purposes. The FBI has established a Uniformed Crime Reporting (UCR) process that helps ensure that the types and numbers of crimes being reported to law enforcement agencies across the country are documented in a similar fashion using consistent definitions and standards. In North Carolina, these standards have been adopted by all local and state law enforcement agencies. The North Carolina State Bureau of Investigation serves as the clearinghouse and depository of the information collected by law enforcement in the state and reports these statistics annually to the FBI. Information regarding reported crimes, victimization, arrests, and the status (dispositions) of the investigations that are undertaken are reported under these guidelines.
Part One crimes are the most serious and include murder, rape, aggravated assault, robbery, burglary, larceny, and motor vehicle theft. These crimes are often referred to as “index crimes” because it is this category of crime that is normally used as a measurement for the effectiveness of a law enforcement agency and/or to compare “crime rates” from year to year or jurisdiction to jurisdiction. When someone refers to the “crime rate” of a location they are talking about a ratio of Part One crimes reported to have occurred in relation to the population of that jurisdiction.

Part Two crimes include a wide variety of miscellaneous crimes including frauds, vandalism, minor assaults, and drug violations. During 2007, 15,508 of the approximately 147,000 calls for police service were documented as Part One crimes. The remaining more than 40,000 reported crimes were documented as Part Two offenses or as violations of local ordinances.

### Part One Crimes

<table>
<thead>
<tr>
<th>Crime</th>
<th>Count</th>
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<tbody>
<tr>
<td>Homicide</td>
<td>25</td>
</tr>
<tr>
<td>Rape</td>
<td>122</td>
</tr>
<tr>
<td>Robbery</td>
<td>703</td>
</tr>
<tr>
<td>Aggravated assault</td>
<td>857</td>
</tr>
<tr>
<td>Burglary</td>
<td>4,363</td>
</tr>
<tr>
<td>Larceny</td>
<td>8,268</td>
</tr>
<tr>
<td>Motor vehicle theft</td>
<td>1,170</td>
</tr>
<tr>
<td><strong>Total Part One Crimes</strong></td>
<td><strong>15,508</strong></td>
</tr>
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</table>

**Total Calls for Service**

147,764

As mentioned earlier, the foundation for any follow-up investigation conducted by a detective is the preliminary investigation and the initial police response documented in the case report filed by the patrol officer. In most police departments, patrol officers are responsible for documenting the initial investigative efforts which for the most part determine whether or not the “elements” that define the particular offense in question actually occurred. These actions and efforts include taking statements from witnesses, victims, or suspects; securing and collecting evidence; referral of victims to a judicial official; and sometimes making an arrest to close the case. The WSPD requires FSB officers, with the few exceptions noted in General Order 4.0, to become responsible for the investigation and disposition of the vast majority of all offenses reported to the police department.

In serious crimes, where it is important that additional resources be deployed and follow-up begin immediately, patrol supervisors request the department’s investigative function to come to the scene. The responsibility for the investigation is then turned over to the investigative function with the patrol units providing support. This process allows the patrol function to focus on suppressing criminal activity by proactive/directed patrol, responding to 911 and other calls for police service, and conducting thorough preliminary and follow-up investigations of less serious crimes. The responsibility for follow-up investigations becomes the responsibility of the CID in those matters described in General Order 4.01. The following summarizes the type and numbers of cases referred to CID by policy in 2007 for follow-up investigation.
**Cases referred to CID in 2007**

### Part One Crimes

<table>
<thead>
<tr>
<th>Crime</th>
<th>Cases</th>
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<tbody>
<tr>
<td>Aggravated assault</td>
<td>118</td>
</tr>
<tr>
<td>Arson</td>
<td>4</td>
</tr>
<tr>
<td>Burglary – breaking &amp; entering</td>
<td>2,695</td>
</tr>
<tr>
<td>Homicide</td>
<td>24</td>
</tr>
<tr>
<td>Larceny</td>
<td>150</td>
</tr>
<tr>
<td>Motor vehicle theft</td>
<td>69</td>
</tr>
<tr>
<td>Rape</td>
<td>91</td>
</tr>
<tr>
<td>Robbery</td>
<td>504</td>
</tr>
<tr>
<td><strong>Total Part One Crimes</strong></td>
<td><strong>3,398</strong></td>
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### Part Two Crimes

<table>
<thead>
<tr>
<th>Crime</th>
<th>Cases</th>
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</thead>
<tbody>
<tr>
<td>All other offenses</td>
<td>269</td>
</tr>
<tr>
<td>Calls for service</td>
<td>87</td>
</tr>
<tr>
<td>Drugs</td>
<td>10</td>
</tr>
<tr>
<td>Embezzlement</td>
<td>45</td>
</tr>
<tr>
<td>Family offenses</td>
<td>42</td>
</tr>
<tr>
<td>Forgery</td>
<td>18</td>
</tr>
<tr>
<td>Fraud</td>
<td>133</td>
</tr>
<tr>
<td>Pornography</td>
<td>2</td>
</tr>
<tr>
<td>Sexual offenses</td>
<td>150</td>
</tr>
<tr>
<td>Simple assault</td>
<td>69</td>
</tr>
<tr>
<td>Stolen property</td>
<td>2</td>
</tr>
<tr>
<td>Vandalism</td>
<td>45</td>
</tr>
<tr>
<td>Weapons violation</td>
<td>7</td>
</tr>
<tr>
<td><strong>Total Part Two Crimes</strong></td>
<td><strong>847</strong></td>
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**GRAND TOTAL** 4,090

The WSPD CID unit is a part of the agency’s Investigative Services Bureau. The structure of police investigative functions differs from agency to agency and is often relative to the size of the department (jurisdiction) and the volume and complexity of the cases (crimes) referred for follow-up. Smaller departments usually have generalist investigators who handle a variety of cases ranging from minor to major incidents. In smaller departments, when a complex and/or major crime occurs, the agency relies on support from a state or larger county law enforcement agency for investigative assistance. Many larger police departments like the WSPD assign investigators to units (squads) that specialize in the investigation of specific types of offenses. For example, a “major crimes unit” may investigate only murders, life threatening serious assaults, extortions, kidnappings, or similar crimes. The “property crimes unit” may be assigned burglaries, larcenies, and other crimes against property. The basis of this concept is that as an investigator matures and gains experience and training in a specific category of crime, the investigations will become more thorough and successful. A supervisor of the specialized squad would normally review each reported offense of that nature that the department documents and determine whether or not to assign that case to a detective for follow-up.
The criteria used for assignment of a case for follow-up are both subjective and objective. For the most part, the seriousness of the offense is a primary variable along with what is commonly referred to as “solvability factors” in making a decision in assigning a case for follow-up. During the preliminary investigation, officers seek the identity of a suspect, physical evidence linking a suspect to the crime, witnesses, traceable property taken, or other information that could help “solve” the crime.

Consultants found that the technical services provided by the department’s Identification Division were deficient in critical areas. A crime’s “solvability factors” include physical evidence recovered at the crime scene that could link a suspect to the incident. Fingerprints, fibers, blood, and body fluids are examples of the types of physical evidence investigators depend upon finding at a crime scene to place the suspect at the scene of the crime.

**Chart current as of March 2008.**
CID investigators and supervisors expressed a lack confidence in the work product of the Identification Division section. The District Attorney’s Office also expressed their concerns regarding the ID function, stating that their office seldom finds their contributions to a major case of any value. Consultants also found practices and policy failures that may jeopardize cases that are detailed in a separate section of this report.

Not every case reported to the police can be effectively followed up on. In many misdemeanor criminal matters, the police document the complaint and simply refer the victim to the local magistrate to bring charges against known suspects. If a suspect is not developed or known, the case will most likely be closed after the initial report. The WSPD process for case assignment is outlined in General Orders and Division Standard Operating Procedures and is consistent with best practices. The criteria allow for the limited resources of CID to be allocated to those cases of highest significance and those most likely to be solved. In the absence of positive solvability factors, most criminal cases that are not solved or cleared by the patrol officer have little chance of being assigned for follow-up investigation.

Most jurisdictions require a police investigation and direct involvement by an officer in seeking charges against suspects in more serious cases (felonies). The vast majority of Part One crimes reported to the police are “property crimes.” For example, in 2007, ninety-percent (90%) of the 15,508 Part One Crimes reported to the WSPD were property related. During 2007, the CID accepted a little more than 4,000 reported crimes for screening and possible assignment. Over 2,000 of those cases, mostly property crimes, were inactivated during a screening process and no follow-up was recommended. The remaining cases were assigned to an investigator in hope of identifying the suspect or otherwise bring the case to a successful conclusion.

Consultants reviewed records of the case load or work load of the CID investigators for 2006 and 2007. The PISTOL-generated records management logs and statistical reports from an analytical program (Crystal Reports) were used for this purpose. Property crime investigators were assigned, on the average, between 65 and 70 cases per year. Some investigators had as many as 140 cases. However, the number of active cases carried by investigators at any one time fell within the accepted guidelines of ten to fifteen for property crimes investigators and eight to twelve for investigators working crimes against persons.

Homicide investigators normally carry a smaller case load because those cases require significant time for follow-up if not cleared within the first few days of the event. Most homicides are cleared during the early stages of the investigation because normally there is a known relationship between the suspect and victim. Clearance rates for homicides are high. The WSPD Homicide Section investigators are assigned on the average seven to eight cases per year. These cases include death investigations that are later determined not to be homicides. There were twenty-five homicides reported in 2007. Some unsolved cases from previous years are also carried as a part of the case load of these investigators.
Juvenile investigators are responsible for following up on any case where a juvenile was reported to be a victim or a suspect. These investigators were assigned less than 500 cases with approximately one hundred being runaway cases where the juvenile was located or returned home.

In most police departments, managing and controlling the active case load of an investigator is achieved through an aggressive case management process involving the investigator and supervisory oversight. That is not the case in WSPD. The acceptable, active work load is achieved by default primarily as a result of the stringent case screening process on the front end. Fewer cases are assigned, and there is a heavy reliance on the FSB investigative function. In some cases, there is a propensity to quickly clear a case if the victim is reluctant to cooperate or the case is unlikely to be prosecuted by the District Attorney. The resulting overall UCR clearance rates for Part One crimes reported in to the FBI compare satisfactorily against similar communities and the state and national averages.

Case management takes place at two levels, the investigator and the supervisor. Investigators must prioritize their assigned cases, diligently pursue leads, and constantly update and document the investigative file. Investigators routinely receive new cases that require their attention and must constantly evaluate the status and investigative strategies available to them on previously assigned cases. They are also called upon to assist fellow investigators, locate witnesses and interview suspects in their cases. In major cases, a dozen different investigators could be engaged in some part of the department’s response. The investigator must be flexible and use appropriate time management in their duties. Many excellent patrol officers fail as investigators because they get behind on their paper work and become overwhelmed with the demands of meeting the expectations of the protracted and dynamic duties of a criminal investigator. In the end, it really does not matter how good the investigator is or how good the investigation is if it is not thoroughly and accurately documented. This documentation must be done in a timely manner and the investigator must be sufficiently motivated and self-disciplined enough to do so.

The squad sergeant is the second piece of the case management process. They must track due dates and create performance measures that require timely and accurate documentation of the work done by their subordinates. Consultants found sergeants too tolerant of delinquent reports especially in homicide cases and in some cases allowed for inappropriate dispositions (see Findings and Recommendations).

The most recent selection process for investigators was in its final stages during the consultants’ site visit. The department had been allocated ten new positions in mid-2007 by the City Council. It was reported to consultants that this was the first manpower increase allocated since 1994. Five of those positions were filled in January 2008 from this selection process. The remaining positions will be filled from the eligibility list as manpower in the FSB allows. Keep in mind, that the new investigators are, for the most part, lateral transfers from the patrol division. Before an officer from the FSB can be reassigned to CID responsibilities, a new patrol officer must be selected, hired and trained to take the vacant position in the FSB that the transfer would create. This is necessary to ensure sufficient FSB manpower for a timely emergency response to 911 calls, and this process in most police departments can often take up to a year to accomplish.
It is notable that consultants found that there were 267 police employees minimally eligible to apply for transfer to the CID section. In most departments, such an opportunity would attract a significant number of applications. Consultants learned that there were only twenty-four officers initially interested in the ten open positions in CID. Of those, four withdrew their interest. In the end, fifteen applicants were rank-ordered for transfer to the ten current positions and any others that become open in the near future. The prestige, pay incentives, and career advancement opportunities for investigators in comparable agencies are obviously absent in the Winston-Salem Police Department. Some investigators who were interviewed acknowledged that they opted to work in CID primarily because of the day-shift hours and better ability to schedule off-duty work and activities.

Investigators who were interviewed felt that they received adequate training and had opportunities for specialized training as it became available. Newly assigned investigators are provided with an orientation and an on-the-job training program outlined in their SOP. Consultants verified that the training provided to members of the department to keep them abreast of legal and procedural changes necessary to comply with new laws was regularly updated (Brady, Interviews, line-ups, etc.). Specialized training for managers and across-the-board training in the area of ethics and integrity have also been implemented. Consultants reviewed the records maintained by the Office of Professional Standards and verified that allegations of misconduct involving untruthfulness and integrity issues are investigated aggressively and discipline records verify the zero-tolerance policy for violations.

Consultants found the organizational structure, supervisor to subordinate ratio (span of control), and staffing levels appropriate and well within accepted practices given the case load and most recent allocation of personnel. With the heavy reliance by the agency on FSB personnel to conduct both preliminary and follow-up investigations in felony cases, significant emphasis should be placed on the training and supervision of those first responders. The negative perceptions regarding the department’s investigatory function that were sometimes expressed can often be traced to the quality of the investigative product of the FSB and/or how that product influences the ability of the assigned CID investigator to meet the expectations of the victims, concerned citizens, and other components of the criminal justice system.

**Public Forum**

At the direction of the City Council, an opportunity for consultants to receive direct public input to be considered in this project was arranged by the City Manager’s office. The date, time and purpose were advertised well in advance. The meeting was held at the Hanes Hosiery Community Center on the evening of January 8, 2008. Attendees were provided with the option of presenting their concerns in either a public forum or in a private meeting with consultants. Some chose to use both forums. After the forum, consultants also received phone calls and responded to e-mails from citizens unable to attend the scheduled meeting. The meeting was well attended by an estimated sixty to seventy citizens. Consultants documented approximately twenty five public comments, sixteen private sessions, three phone calls, and two e-mails in this phase of the project.
Consultants divided into two groups with one receiving public comments and the other available for private meetings. The citizen comments fell into three broad categories. The first were the result of alleged or perceived poor communications between the police, in some cases CID, and the victims of crimes, the families of victims, or the families of suspects or witnesses. In some cases, these communication failures could be the result of a lack of understanding of the criminal justice system or unrealistic expectations on the part of the complainant regarding the role and authority of the police. A second category of concerns are the result of a general lack of confidence in the integrity of the criminal justice system and the WSPD specifically. The third category of comments was related to the perception of the inappropriate influence of the local District Attorney’s Office on the outcome and direction of the investigative effort.

During the nearly two-hour meeting, consultants fielded a variety of remarks ranging from complaints regarding the attitude of 911 dispatchers to commentary regarding the racial composition of the consulting team and their ability to remain unbiased. Several citizens commented on their perceptions of the overall integrity of the criminal justice system in Forsyth County. Others alleged collusion between the WSPD and the District Attorney’s Office in the unjust prosecution of friends and family members. Others expressed specific concerns regarding past arrests and on-going investigations conducted by CID. Consultants also received several phone calls and comments from citizens expressing their confidence in the WSPD and praising the work of the CID.

Many of the public comments centered around the theme of an inherent distrust and lack of confidence in the CID and cited the Darryl Hunt case as well as other cases of a personal nature involving themselves or family members. Some attendees advocated for currently incarcerated family members believed to have been unjustly prosecuted in the same manner described by the SARC report. Others complained bitterly that they have family members in jail awaiting trial who were arrested without sufficient evidence for prosecution and that the police are withholding their reports while hiding or destroying evidence, intimidating witnesses, and otherwise creating a case against an innocent person.

The following two questions were raised by citizens and remain unanswered by the City of Winston-Salem:

- “Under what circumstances will the Winston-Salem Police Department re-open an investigation into a case where an arrest and conviction is questioned?”
- “What can the City do to compel a past or retired employee to participate in a sanctioned administrative review of a criminal case?”
Consultants are not in a position to speak for the City in these matters. However, it is clear that the current local governing body and City administration is actively engaged in a sincere effort to address the past and perceived indiscretions of the police department. They have made significant commitments in time and resources to ensure a process designed to address those issues which have created a lack confidence in the police department. The suggestion that law enforcement should open and re-investigate an adjudicated case simply because some people doubt the guilty verdict of a jury would be disastrous. The North Carolina General Statues provide for an avenue of “appropriate relief” that guides that process, and the WSPD is an agent of government and is bound by the rule of law. If a law enforcement officer becomes aware of evidence to support such a claim of innocence, there is a moral and ethical obligation to report that information to the District Attorney and to cooperate in any judicial process initiated. Current and past employees could be compelled to testify.

It would not be appropriate for consultants to provide the specifics of the concerns expressed in the private sessions. However, in each case where sufficient detail was provided, consultants discussed the circumstances with the Commander of the CID and directed the appropriate follow-up with the citizen. Consultants checked with the Commander and learned that the concerns raised were addressed, and that in cases where there were legitimate complaints regarding the service rendered, corrective action was taken. Some of the cases in question were handled by the Field Services Bureau and not the CID. There was also a complaint directed against CID that was actually a matter handled by a neighboring city’s police department. In all matters brought to the attention of the CID Commander, consultants found a receptive attitude and sincere effort to resolve the questions presented.

The findings and recommendations documented in this report have taken into consideration the information provided by the citizens of Winston-Salem who took the time to attend this forum and/or to contact Risk Management Associates later. RMA appreciates the interest demonstrated by their efforts.
FINDINGS AND RECOMMENDATIONS

The RMA consultants found the Criminal Investigative Division (CID) of the WSPD to be a professional organization staffed by committed and dedicated public servants who take pride in their work and in their department. They are steadfast in their efforts to promote honesty, integrity, and competence in the investigative process, following strict guidelines that advance a zero-tolerance policy for anything less. Investigators are volunteers from the rank and file patrol function who receive no additional compensation for the duties and responsibilities required of them in that role. They are well trained and understand the criminal justice system and local processes necessary to pursue a successful conclusion to the cases assigned to them. The RMA consultants were impressed with their candor and positive attitude in spite of the unrelenting criticism, political posturing, and bureaucratic interference to which they believe the department has been subjected over the past few years.

Investigative managers were found to be diligent in their efforts to improve the image of the unit and recognize the history and external forces at play as they introduce change. They strive to promote the morale of their subordinates and understand their roles as mentors and trainers for newly assigned investigators. They accept their duty as the reviewers of the thousands of cases that are referred to their unit annually and the sometimes demanding task of deciding which of these cases and victims get access to limited resources available to investigate these unsolved crimes.

However, consultants found several issues that are rooted in policy or management failures present in the current CID function and need to be addressed. These issues are not the result of any conspiratorial effort by current or past members to subvert the good order of the organization or deprive citizens of either justice or effective police services. Rather they arise as a normal result of the process of change and complex decision making in a dynamic organizational environment that is continuously challenged to produce results.

The findings described below reflect policies, actions, or processes that are inconsistent with best police practices or contrary to the findings and recommendations of the SARC. The findings are followed by a brief discussion of the related issues and then by the recommendations that the consultants suggest should be considered to change or mitigate policy, management failure, or the issues and practices described. There is a separate section detailing the review of the Identification Division with findings and recommendations specific to that function.
Criminal Investigative Division

Finding 1 – Supervisors have not ensured the timely completion of the documentation of the investigative efforts in many major cases.

This has resulted in not only the unnecessary delay in the prosecution of suspects awaiting trial, but has in some cases perpetuated the perception that the arrests were premature and that the investigator is “building a case against” the arrestee, as opposed to presenting the facts and circumstances of that incident. The policy of the unit is that a report officially documenting the activity of the investigator (prosecution book) does not need to begin until an arrest is made. In the case of homicides, it has been the practice to give the assigned investigator six months to have this report delivered to the District Attorney’s Office. In other words, it is possible for a person to sit in jail for six months before any substantive information or details regarding the facts and circumstances surrounding the charge are provided to the assigned Assistant District Attorney (ADA). A review of the case management log for the Homicide Section for 2006 and 2007 and interviews with section managers revealed that they seldom met the six month goal and that some cases took a year or more to complete. Additionally, some of the unsolved case files that were reviewed contained little detail and did not demonstrate a thorough investigative effort or document all of the work completed in the case.

It is the responsibility of the unit sergeant to regularly monitor the progress and quality of the investigative efforts of subordinates. This process requires the supervisor to observe the investigative efforts in the field (gathering evidence, interviewing suspects, analyzing documents, etc.) and in some cases direct the investigators during major crime incidents. The supervisor is also required to review the written documentation of the investigations conducted by their subordinates. Using the automated computer-based records management system, a supervisor can easily set due dates for each assigned case and review the complete report documented in that automated case file.

Investigators that fail to meet those due dates can be counseled to improve their timeliness. In major cases, investigators from several squads might work together to interview witnesses and follow up on leads. Later, the assigned investigator becomes responsible for ensuring that the documented activities of those investigators become a part of the case file. Consultants were told by a CID supervisor that it is often difficult to get the “detectives who don’t work for me to get in their reports.” It was clear to consultants that little effort is made to emphasize the timely completion of reports. Consultants learned that investigators have even been offered the opportunity to earn overtime pay to “catch up on delinquent cases.” It was reported that very few took advantage of this program.
The District Attorney’s Office plays a role in this dysfunctional process by instructing investigators not to provide the case report (prosecution book) until it is in its completed form. In complex cases, with numerous recorded interviews, it could take several months for the transcripts of the interviews to be made from the audio/digital recordings of critical interviews. In some cases, the transcription process does not even begin until months after the arrest while investigators wait for direction from the assigned ADA regarding whether or not the case is headed for trial and if the transcripts will be needed. After being transcribed, the investigator must then review the tapes against the transcripts and approve the transcription’s accuracy before it is put into the file. Consultants found several audio tapes of interviews in the lock-box of an administrative assistant responsible for transcriptions “waiting for the DA to give the OK to the detective.” This assistant was caught up on all the work she had been otherwise provided, but knew of several outstanding cases where the investigator was “holding on to the interviews” for some reason. Consultants were informed that she often asks the investigators if they have any tapes to be transcribed.

There are also delays in getting the results of various forensic laboratory requests made to the SBI. These reports are also part of the prosecution file, and like everything generated during the investigation, they are discoverable. The agency has no control over the backlog in getting these results from the SBI, but they can ensure the evidence is submitted in a timely manner.

The District Attorney and others from his office were very complementary of the work submitted by the CID investigators, but complained about the delay in getting the “prosecution case file.” The DA’s Office commented that most of the more than fifty defendants in the Forsyth County Jail awaiting trial for murder are there because of this delay in getting reports. This complaint was also echoed by the Public Defender and several of his assistants when interviewed by RMA consultants. Public defenders are responsible for defending the arrested person and have only the version of the incident that their client, who is often in jail, provides them. While waiting for months for the official police report, they sometimes find themselves wasting valuable time and resources running down false leads in an effort to try and build a defense for their client. Additionally, the Public Defenders stated that sometimes they learn months after taking on a case and eventually reviewing the case file that they have a conflict of interest in that their office may be representing a witness in the case. This requires the Public Defender to withdraw from the case and have a new attorney appointed, thus restarting the “clock” for the trial of the defendant. In the meantime, the defendant continues to sit in jail.

Numerous citizens interviewed during the public forum process expressed concerns about the delays in getting information from the police about the arrests of family and friends. The victims of crime are normally provided with some detail regarding the circumstances of the investigative efforts leading to the arrest of the person believed to be responsible for the crime committed. In some cases, the police, victim’s advocates, and prosecutors are mandated by statute to keep the victim apprised of certain aspects of a prosecution. When a person is accused of committing a serious crime like murder, rape, robbery, or a crime against a child, the family and friends of the accused could also be considered victimized. Often, they find it difficult to believe that their son, brother, father, or sister could “do anything like that.” It is natural for them to want to support and defend their loved ones. They want to know what happened, and they want to know what
the evidence is. They seek answers from law enforcement agencies that share little, referring them to the defendant or to the defense attorney who has no official report upon which to rely. This lack of information, fueled in some quarters in Winston-Salem by past history, leads to speculation and doubt about the integrity of the investigative efforts and the evidence presented to cause the arrest. As the delay in getting the “case file” continues, the belief grows that the case is weak, leading to the belief that the investigators are conjuring up a case against the friend or family member. This perception is at the heart of the mistrust and demand for oversight that prompted this study.

**Recommendation 1.1** – Consultants recommend that the Command Staff of CID direct a review of all cases assigned to members of the unit during the past eighteen months and require that any delinquent case files be updated immediately. The unit sergeants should be provided with guidelines and should be required to strictly enforce them and to hold investigators accountable for failing to meet the deadlines for updating the case files. The division lieutenants should meet monthly with their subordinate sergeants to discuss this issue and audit compliance. Consultants also recommend that the Professional Standards Unit conduct unannounced, bi-annual staff inspections to ensure compliance.

**Recommendation 1.2** – Consultants recommend that the District Attorney, Public Defender’s Office, and CID work together to develop a more efficient and acceptable method of receiving the investigative product as it is completed rather than waiting for the entire “prosecution book” to be delivered at one time. During discussions with the District Attorney’s Office, consultants felt that the office was anxious to address these issues in a positive forum. The division captain should meet monthly with the District Attorney’s Office to identify delinquent cases and any other issues relevant to the performance of the unit.

**Recommendation 1.3** – Consultants recommend that the CID more effectively use the technological capability recently put in place to digitally record (audio/video) interviews. CID should discuss the possibility of recording all critical interviews with suspects, victims, and witnesses, not just the in-custody homicide suspects as is now required by statute. In cooperation with the District Attorney’s Office, a process should be developed to provide those digitally recorded interviews to defense attorneys in an effort to expedite the case through the courts. For example, if the CID had a video recording of the confession of a suspect, credible witness interviews, and a victim’s statement identifying the suspect in a line-up, providing all that information to a defense attorney could be accomplished in days rather than the months it normally takes to get “transcriptions.” Consultants believe that this transparency and good-faith effort would also contribute significantly toward defusing the suspicions, distrust, and criticism of the CID in the community.
Finding 2 – CID does not use the department’s automated report writing and records management system (PISTOL) to its fullest extent.

Over 4,000 cases are directed to the CID unit for review and/or assignment each year. CID supervisors become responsible for the quality and efficiency of the investigation of the cases under their review. For example, the Robbery Section sergeant has seven investigators to whom cases are assigned. This unit works robberies and serious assault cases not likely to result in death. The number of cases assigned to those investigators over the last twenty-four months average from 65 to 70 cases per year per investigator. Some investigators carried as many as 95 cases. It becomes the division sergeant’s responsibility to ensure that each of the assigned cases is completely and thoroughly investigated and that the work of the individual investigator is documented accurately and in a timely manner. Supervisors from all sections were found to be maintaining handwritten case logs for each assigned investigator and depending for the most part on voluntary compliance with the update requirement. This method of case management by supervisors is inefficient and can lead to various quality control problems.

Recommendation 2.1 – CID supervisors must be required to use PISTOL as their primary case management tool thereby allowing them better access to and oversight of the progress, timeliness and quality of the investigative process.

Consultants found that investigators were not using the power of PISTOL to document their investigative efforts. Investigators maintain “working files” of the cases assigned to them and at some point, often only after an arrest, begin placing those files into the records management system of the department. WSPD is using a hodge-podge system of documenting, writing, and creating supplemental reports of the follow-up investigation. Some investigators handwrite their supplements. Some use digital voice recorders and voice recognition software to create a supplement. Others dictate their information and request the transcription service to type it for the record. Others type their own reports using a supplement template in a word processing format, later scanning the document in to a records file called Application X Tender. Some use PISTOL and type their updated supplements directly in to the case file maintained in the PISTOL records system. Those not using PISTOL submit their complete file to the records section at the conclusion of the investigation for records personnel to enter the report into the official case file. This inconsistent, user-dictated method of documentation exacerbates the inability of supervisors to monitor the progress and documentation of the investigative work done by subordinates.

PISTOL provides investigators with a powerful tool to document and routinely update their assigned cases as well as a database that could be useful in tracking suspect information and other investigative leads, possibly connecting unsolved cases together.
Recommendation 2.2 – Consultants recommend that the transition to a more effective use of PISTOL as an investigative tool be developed by CID managers and implemented immediately. The use of Application X Tender should be restricted to the scanning of field notes and other miscellaneous, non-supplemental documents related to a case. All supplemental case reporting completed by investigators should be entered using the word processing and filing capabilities of PISTOL.

Finding 3 – There is evidence that UCR-defined and/or SBI-defined case disposition recommendations are not consistently and appropriately used by CID supervisors in authorizing case closure dispositions.

In reviewing a sampling of case files assigned to CID during 2007, consultants found that the use of the disposition “Cleared Prosecution Denied (CLPD)” and “Cleared (because the victim) Refused to Cooperate (CLRC)” were often used by investigators to clear a case. This disposition carries the same UCR clearance status as one which would have been “Cleared by an Arrest (CBA)” and should not be used to avoid making reasonable efforts to thoroughly investigate an assigned case and to identify and successfully prosecute an offender. During 2007, over 1,900 cases were actively investigated by CID. Of those nearly nineteen percent (19%) were cleared using one of these two case disposition definitions, 207 for CLPD and 151 for CLRC.

UCR/SBI guidelines for the use of these two dispositions require first that the identity of the suspect be known by the law enforcement agency; that the suspect’s location must be known so they could be picked up; and that there is enough probable cause to make an arrest. The victim’s non-cooperation or the District Attorney’s or other judicial official’s decision alone does not fulfill the requirement for this disposition. In other words, to use this disposition the investigator must first investigate the case, identify the suspect, and have enough evidence to arrest the suspect. The disposition could then be used if that arrest is prevented by forces outside of their control, such as the DA or a reluctant or uncooperative victim. Examples of apparent misapplication of these classifications include a burglary case that was never assigned to an investigator and that had no suspect information; a sexual assault case where the victim was never contacted and no suspect was identified; and several forgery cases where a suspect was not positively identified and there was no probable cause developed but CLPD was used because it did not meet a previously agreed upon “threshold” established by the DA’s Office. There were also examples of assault cases in which the suspect was not positively identified, but CLPD was used when the victim refused to cooperate and the required judicial official was never consulted. In another case the Assistant District Attorney stated that the elements of a sexual assault could not be supported by the evidence collected and the case was disposed of as CLPD when in fact it should have been either cleared as Unfounded or closed because all leads had been exhausted (CLLE).

Sergeants are responsible for ensuring the closure of a case is compliant with UCR guidelines and that investigators understand those guidelines in making their recommendations. It is not the records management section’s or crime analyst’s responsibility to second guess a recommendation made by CID. They report the dispositions as recommended.
**Recommendation 3.1** – CID managers should receive updated training on the appropriate use of UCR disposition definitions and their application. This information should be shared with their subordinates to ensure the consistent and proper use of these standards. Lieutenants should periodically audit the use of CLPD and CLRC to make sure that every effort is being made to locate and gain the cooperation of victims of crimes who may be reluctant to assist in the follow-up investigation. It is not uncommon for victims of crime not to report the crime to the police. This is particularly true in sex offenses. When a victim does make the effort to report the crime, every effort should be made to encourage their cooperation and connect the dots to similar crimes in which a suspect may not have been identified. Supervisors should ensure that in those cases where these dispositions do apply, that a suspect be clearly identified and entered into the database for future consideration.

**Finding 4** – The daily meeting (roll call) of the entire CID should be restructured to allow for the more efficient use of the investigators’ time.

Consultants learned that all CID investigators and supervisors are required to attend a daily briefing at 9:00 AM. The purpose of this meeting is to share with investigators “roll call” type information similar to that presented to patrol officers prior to leaving the station and driving to their work areas. The investigator’s typical work day begins at 8:00 AM and ends at 5:00 PM. It was reported that this 9:00 AM meeting results in investigators typically “hanging around the office” for an hour every morning waiting for the briefing, which normally lasts thirty minutes or more. Then they return to the office and it is sometime after 10:00 AM when they actually begin their work day. The information communicated at these meetings could be more effectively and efficiently disseminated, and this time, up to ten hours a week, could be better used by the investigators.

**Recommendation 4.1** – Consultants recommend that the traditional daily meeting of the CID be replaced with weekly meetings of the investigators with their sergeants. The investigators working similar cases could share information and the sergeant could relay pertinent administrative information to the subordinates. Pertinent administrative and departmental information could be disseminated daily via e-mail to the investigators or in person by the supervisor.

**Recommendation 4.2** – The command staff of CID should meet daily with the sergeants to discuss management and administrative issues relevant to the unit. Supervisors can brief the Command Staff about significant, ongoing investigations and receive input and feedback from their peers to assist in case development.
Finding 5 – The unwritten mandate requiring WSPD investigators to receive authorization from the District Attorney’s Office before seeking felony charges is outdated and unnecessary.

Finding 6 – The training of patrol officers recommended in the SARC has not yet been fully developed or implemented by the WSPD.

Consultants found it difficult to determine exactly when and how this process began, but it has become an unwritten requirement for law enforcement officers in Forsyth County to review probable cause in felony cases with an Assistant District Attorney prior to, or at the very least shortly after, any felony arrest. This practice is not common in North Carolina. Consultants could only identify a few other jurisdictions using this screening and oversight policy. This review step in the arrest process is not a requirement of state law. It is, however, a common and best practice for law enforcement to confer with the prosecutor’s office during complex, on-going investigations and solicit their input on the law and investigative strategies.

The Forsyth County the District Attorney’s Office feels that input from their office prior to a felony arrest is necessary in order to ensure the quality of arrests and the effective and efficient use of their resources. Specifically cited is the need to review any felony arrest contemplated by the WSPD’s Field Services Bureau. The confidence expressed by the DA Office in the skills, dedication, and experience in the CID unit contrasts dramatically with that expressed about the WSPD Field Services Bureau.

Recommendation 5.1 – CID investigators should maintain a liaison with the ADA normally assigned to cases they investigate to ensure the necessary open communications to promote quality services and successful prosecutions. However, the requirement to obtain specific prior approval for arrests from the District Attorney by CID investigators should be suspended.

Recommendation 6.1 – FSB should be required to continue the requirement to review felony cases with the ADA before arrests. FSB personnel should receive additional training in the police academy and in-service training on the importance of and how to conduct thorough and complete investigations. This training should include a checklist of specific actions to document during the course of their investigative activity.
Finding 7 – The “independent review” of cases recommended in the SARC to combat the phenomenon of “group think” and implemented by the CID has met the letter of that recommendation, but not its intent.

The SARC found that the potential for “group think” could adversely affect an investigation and the outcome of the investigative process. The City Manager suggested a process in the SARC report that would allow for police personnel who were not familiar with a case to periodically review cases assigned to CID to provide an outsider’s unbiased perspective of the direction that the case was headed and, when evident, to suggest alternative theories. This could be done on non-adjudicated closed cases to see if the same unbiased approach was documented to determine if the decision to suspend/inactivate a case or pursue a particular investigative strategy or suspect was appropriate, given the facts and circumstances. The core idea in the SARC recommendation was for someone who does not have a “dog in the fight” to be given an opportunity to do an independent review. The actual process initiated by CID falls short of that intent.

Consultants were informed that on occasion the Captain assigned to the Narcotics Unit is asked to look at a case and provide feedback if necessary. This is not the detached, independent, fresh look at a case anticipated by the SARC report.

Recommendation 7.1 – The Investigative Services Bureau Commander should structure a review process that includes representatives from several unrelated units across the department to meet and routinely discuss specific investigations. The cases could be selected by the Captain or submitted by CID supervisors for the review in an honest effort to get input and feedback on the quality of the work performed. The cases should be circulated to the review team in advance and they would then meet with the assigned investigator and sergeant to provide constructive criticism as well as the “fresh look” anticipated by the SARC recommendation.

Finding 8 – The use of the case template to facilitate the above recommended review has not been developed.

Recommendation 8.1 – The CID should develop and use a template to promote a thorough and standardized review process. This would be a useful guide for this review process and serve to document the efforts of the agency to comply with the SARC report. Consideration should be given to the possibility that this documentation and other records of this review activity may be subject to the rules of discovery in the prosecution of any suspect charged.
Finding 9 – The Career Development Plan recommended by the SARC report has not yet been implemented.

Recently the City of Raleigh Police Department announced that they would soon begin allowing lateral transfers into their agency. They are also likely to receive significant salary increases and/or other financial incentives as a part of the current budget process. The trend in law enforcement to recruit from other agencies is becoming more and more the practice rather than the exception. Traditionally, law enforcement agencies tended to hire, train, and promote from within their organization. With competition for the best and the brightest recruits and personnel on the rise, innovative agencies are looking for ways to attract trained and experienced officers. WSPD is and will continue to be a prime recruiting source for other agencies offering better pay and opportunities for advancement. Consultants were provided with a Career Development Plan outlining various career paths and criteria developed by the WSPD for the City to consider.

Recommendation 9.1 – The City Council should provide the necessary resources to encourage individual career growth and opportunities for advancement to its police employees as soon as possible. This program should not prevent or discourage officers from periodically rotating through the ISB to gain the investigative experience that would assist them in future supervisory and management positions. Pay scales and other financial incentive programs should be evaluated routinely and updated to keep the agency competitive.

Finding 10 – The General Order in place at the time of the assessment did not reflect the changes in the law and procedure regarding line-up procedures as recommended by the North Carolina Actual Innocence Commission.

Although the General Order had not been updated and circulated to members of the agency, consultants verified that the procedures in place reflect the changes required by the changes in the statute outlining the use of sequential line-ups. Consultants also verified that the appropriate training had occurred and that the department was using state of the art software to create line-ups that complied with the statute.

Recommendation 10.1 – The sign off necessary by the Department Head allowing for the updated general order to be approved and circulated should be accelerated.
Identification Division

The Forensic Services Division of the Winston-Salem Police Department provides a number of essential forensic services for the entire agency. One of their more critical roles is for crime scene technicians to conduct crimes scene investigations for the Criminal Investigation Division detectives. This responsibility requires accurate documentation of crimes through the use of photography, videography, diagramming, and written reporting of observations and activities during the investigation of the scene. Furthermore, crime scene technicians are required to locate, identify, collect and preserve physical evidence as it relates to specific crime scenes and provide testimony at trials as to their findings. The crime scene technicians are also responsible for developing and preserving latent finger and palm print impressions at crime scenes and on items of evidence that require chemical treatment that can only be applied in a laboratory setting. Once latent impressions have been developed, it is then the responsibility of the latent print examiner to search the fingerprint database maintained by the SBI in an effort to identify possible suspects. The latent print examiner is also required to present testimony as an expert witness at the time of trial as to the findings of the fingerprint or palmprint examination.

According to Richard Catalini (2006), writer and technical adviser for the television show *CSI: Crime Scene Investigation*, a number of forensic-based television shows have been created since *CSI*’s premiere in 2000. It is Catalini’s opinion these shows not only offer entertainment, but also provide forensic science education. Although the shows focus is on the most novel and intriguing forensic techniques, while avoiding the more realistic tasks of actual crime scene investigation, they are in the business of solving complex crimes in just one hour. In a 2004 interview with USA Today, producers of *CSI* admitted “they take some liberties with facts and the capabilities of forensic science, but they say it’s necessary to keep story lines moving” (Willing, 2004, p. 1).

The question then is: does the possibility exist that these programs have influenced American society to have an unrealistic expectation for the detection and analysis of forensic evidence? Since the inception of these television shows, many prosecutors, defense lawyers, law enforcement officials, judges, and journalists have suggested that these programs influence jurors and refer to this influence as the “CSI Effect” or “CSI Syndrome.” These expectations could result in juries being disappointed in the real evidence presented at trial, because there is little or no forensic evidence offered, or what is offered is less than impressive as depicted on television (Schweitzer & Saks, 2007, p. 357).
The “CSI Effect” is ironically occurring at a point in time when the American courts are experiencing a realization that there is little if any science in what is being referred to as forensic evidence. For the past 15 years, the courts have been scrutinizing scientific evidence with a higher degree of skepticism and discovering the weaknesses in some areas of forensic science. Along with these recent discoveries by the courts come the television programs portraying completely opposite capabilities of the detection and analysis of scientific evidence. Meanwhile, researchers have been analyzing and detecting forensic science errors in addition to their practical and conceptual short comings. In particular, researchers have paid close attention to the areas of individualization or identification. Exonerations occurring because of DNA analysis suggest that errors in the analysis of forensic evidence, along with fabrication of evidence, are among the leading causes of false conviction (Schweitzer & Saks, 2007, p. 359).

Since 1994, three cases decided by the Supreme Courts, *Daubert v. Merrill Dow Pharmaceuticals, Inc.*, *General Electric Co. et al. v Joiner*, and *Kumho Tire Co., Ltd., et al. v. Carmichael*, commonly referred to today as the “Daubert Trilogy,” have caused trial judges to become “gatekeepers” of the admissibility of expert testimony and be charged with a responsibility that impacts the outcome of thousands of both criminal trials and civil litigation in America today. They are being called upon to examine methods, techniques, and the logic of science before making admissibility rulings. For these judges to be effective in their duties they must be capable of discerning “good” science from “bad” science. Trial judges have received more guidance from the higher courts regarding expert witness admissibility in the past 15 years than they had in the 70 preceding years.

An empirical study was designed in 2007 to test one fundamental element of the CSI Effect: whether people who watch forensic science fiction react differently to the more conventional kinds of forensic science found in a courtroom. The study was conducted by N.J. Schweitzer, Ph.D candidate, Department of Psychology, Arizona State University and Michael J. Saks, Professor of Law and Psychology and Facility Fellow, Center for the Study of Law, Science, and Technology, Sandra Day O’Connor College of Law. Schweitzer and Saks believe there are a number of hypotheses concerning the so called CSI Effect; however, in their study they examined one that would have an impact on the prosecution and the other that would have an impact on the defense. They stated “the CSI Effect suggests that the television program and its spin-offs, which wildly exaggerate and glorify forensic science, affect the public, and in turn, affect trials either by (a) burdening the prosecution by creating greater expectations about forensic science than can be delivered or (b) burdening the defense by creating exaggerated faith in the capabilities and reliability of forensic sciences” (Schweitzer & Saks, 2007, p. 357 & 360).
The study included 48 university students that were presented a brief (11-page) simulated transcript of a criminal trial in which an expert witness testified that in his opinion that a hair found inside of a ski mask recovered at the scene of a robbery originated from the defendant. Participants in the study completed a questionnaire which assessed their perception of the scientific evidence and the trial as a whole. Furthermore, the participants were asked about the frequency with which they watched general crime-themed programs and forensic science themed programs. The participants were grouped according to the frequency with which they viewed these two categories of programs. Those who never watched these programs were grouped as non-viewers and those who reported watching one or more a month were grouped as viewers (Schweitzer & Saks, 2007, p. 361-362).

Participants in the study who rated themselves as viewers of forensic science programs claimed to have a greater understanding of forensic science tasks, along with a greater confidence in their verdict and a much greater skepticism regarding the results of the hair analysis. These findings support the one critical component of the hypothetical CSI Effect. That is that is people who watch forensic science television programs expect better science than what is often presented in a real courtroom. This data supports the claim that the CSI Effect increases the prosecution’s burden. No impact was found on the participants vote to convict or acquit (Schweitzer & Saks, 2007, p. 363-364).

In another empirical study conducted in 2006, by a Michigan Circuit Judge and two Eastern Michigan University criminology professors, 1,027 individuals summoned for jury duty in a Michigan state court were given a survey prior to being selected for a jury. Television viewing habits were measured along with expectations concerning the likelihood that scientific evidence would be presented in certain types of cases. The survey found that 42% of the respondents watched CSI regularly, often, or on occasion. Additionally, 46% expected to see some sort of scientific evidence in every criminal case. The more serious the charge the higher the expectation was for scientific evidence being presented at trial. As an example, 74% of the respondents expected to see some sort of scientific evidence in cases of murder or attempted murder. Furthermore, 73% had expectations of seeing scientific evidence in sexual assault cases. In fact, the survey showed that jurors that watched CSI were only slightly more likely to have expectations of scientific evidence than non-watchers (Shelton, 2006, p. 1).

Most importantly, the survey suggests that most jurors, not just the CSI watchers, had expectations of seeing some type of scientific evidence at the trials involving more serious offenses. Moreover, the survey did not reflect that jurors who watched crime related programs had any higher expectations regarding scientific evidence than jurors that did not watch these shows. However, in those cases where the prosecution had relied exclusively on circumstantial evidence 42% of the perspective jurors required scientific evidence for a finding of guilty. In addition, 26% felt it necessary to hold the prosecution to the same standard in cases of sexual assault (Shelton, 2006, p. 1).
Physical evidence plays a critical role in an investigation and has the potential to assist in a speedy resolution to a suspected criminal act. Successful recovery of this evidence is dependant upon the actions taken early in the investigation of the scene by the WSPD crime scene technician. Technological developments and improvements concerning the interpretation and analysis of physical evidence recovered for crime scene plays an even greater importance on the properly documented and preserved evidence. The goal of a crime scene investigation is to recognize and preserve physical evidence that will produce reliable information to assist in a criminal investigation. An important factor that influences the critical legal significance of science evidence is that the investigation must follow a thoughtful, objective, and thorough approach. WSPD technicians must approach every crime scene as if it were the only opportunity to recover and preserve the physical clues. Other case information collected by the CID detectives must be objectively taken into consideration, such as witnesses’ and suspects’ statements. Therefore, it is crucial that these two units maintain a harmonious relationship as they work together towards the resolution of criminal investigations.

The impact of the CSI Effect on the public has produced jurors that are demanding of a higher standard of work produced by today’s crime scene investigators. Although jurors may have expectations much higher than can realistically be produced, crime scene investigators must be vigilant in maintaining the highest possible standards of technical ability by continuously seeking training in the ever changing world of scientific technology.

Interviews were conducted with members of the Winston-Salem Police Department Identification Unit and the Evidence Management Supervisor. In addition, an assessment of current policies, procedures, training needs, equipment and staffing was completed. Research was conducted in an effort to establish and recommend best practices and latest available forensic technology. Furthermore, personal observations were made of the Forensic Services Division facilities to include employee work space, evidence processing area, vehicles, arrestee booking room and chemical breath test room.

The Forensic Services Division of the Winston-Salem Police Department is under the command of the Investigative Services Bureau Assistant Chief and is supervised by a Lieutenant. The Forensic Services Division is responsible for providing a number of services for the agency including those forensic services which play a critical role in supporting the Criminal Investigation Division. These responsibilities include and are not limited to:

- Crime scene investigation.
- Court testimony regarding finding and results of a crime scene investigation.
- Forensic photography.
- Preparation of photographic lineups.
- Fingerprinting and photographing all individuals arrested in Forsyth County.
- Establishing positive fingerprint identification of all arrestees.
- Administration of chemical breath tests to individuals suspected of DWI.
- Developing latent finger and palm impressions from items of evidence.
- Court testimony regarding the administering of chemical breath tests.
- Comparison of latent finger and palm impressions with possible suspect impressions.
- Rendering expert opinion in court regarding results of latent impression comparisons.

In 2007, the Forensic Services Division responded to 4,667 crimes scenes, conducted 232 chemical breath tests, witnessed 33 DWI blood draws for DWI cases, booked 11,478 arrestees, and identified 161 suspects in a variety of criminal investigations. A complete breakdown of the 2007 statistics is attached at the conclusion of this report.

According to the most recent organizational chart, the staffing of the Forensic Services Division consists of a total of 38 employees consisting of:

- 1 Lieutenant,
- 1 Crime Scene Supervisor (used as a Latent Fingerprint Expert),
- 6 Crime Scene Supervisors,
- 19 Crime Scene Technicians,
- 5 Senior Crime Scene Technicians (one used as a part-time Latent Print Expert),
- 5 Police Processing Technicians, and
- 1 Police Identification Supervisor.

The division is broken down into four squads with one supervisor, one senior crime technician, crime scene technicians (the number of which varies for each squad), and one police processing technician.

In the fall of 2006, the WSPD administration recognized the need to address personnel issues in the Forensic Services Division that were having an adverse impact on employee job performance and were the primary cause of low morale. The retiring civilian director of the Forensic Services Division was replaced with a sworn officer holding the rank of lieutenant. Approximately nine to ten months later, the Chief of Police and Assistant Chief replaced the Forensic Services Division lieutenant with the current lieutenant, pledging him their full support to get the Forensic Services Division on the right track.
The current lieutenant is a 27-year veteran of the Winston-Salem Police Department and has served in a number of capacities as a uniform officer and uniform supervisor, a detective and detective supervisor, and administrative assignments in the chief’s office. He is a well-rounded and experienced professional law enforcement officer, who is articulate and possesses outstanding leadership skills. Over the past seven months, he has conducted a full assessment of the Forensic Services Division and identified a number of areas where deficiencies exist. He is well aware of the shortcomings of the division and also aware of the fact that it is going to take a number of years for the division to overcome these deficiencies. He is faced with not only making efforts to improve the division, but also challenged with trying to ensure that the division continues to maintain its strengths. The overall future success of this division is dependant upon effective supervision, management, and leadership coupled with the financial support for increased training, equipment, salaries, and facility improvements.

Finding 1 – The Forensic Services Division and the Evidence/Property Management Unit are still operating under outdated General Order 4.11 which was last updated on June 23, 2003. A draft of General Order 4.11 has been written exclusively for the Evidence/Property Management Unit and a draft General Order 4.12 has been written exclusively for Crime Scene Processing. As of March 14, 2008, neither one of these general orders has been approved. The agency’s administration has had a number of meetings concerning these general orders and there have been a number of revisions to the drafts since 2007. For the Forensic Services Division and Evidence Property Management to become a productive, well-managed units of the agency, sound general orders that enforce best practices and policies are a necessity. The Evidence Property and Management Unit has implemented an electronic link in the case management system (PISTOL) which was recommend by the city manager to prevent the premature destruction of evidence.

Recommendation 1.1 – Not knowing what the final drafts contain, it is not possible to make a valid recommendation. However, the consultants recommend that the review process of the general orders drafted by the administration be expedited and completed in the very near future.

Finding 2 – The supervising lieutenant recognizes there is a need for the crime scene technicians to receive basic, intermediate and advanced level training.

Recommendation 2.1 – Consultants recommend that funding be provided for all crime scene technicians to receive basic, intermediate, and advanced level training in all aspects of crime scene investigation, detection and preservation of physical evidence, along with training in testifying as a witness in a court of law.
Finding 3 – A goal set by the supervising lieutenant has been for each crime scene technician to achieve the Crime Scene Investigators Level One certification from the International Association of Identification. Currently, all crime scene technicians for the Charlotte-Mecklenburg Police Department hold this certification and the City-County Bureau of Identification located in Raleigh, NC, is in the processing of accomplishing this same goal.

Recommendation 3.1 – Consultants recommend funding be provided for all crime scene supervisors, senior crime scene technicians, and crime scene technicians to achieve Level One Crime Scene Investigators Certification from the International Association of Identification.

Finding 4 – The supervising lieutenant recognizes that the goals and objectives of the division cannot be met without a well-trained staff of supervisors. One of his primary objectives is to provide the staff of supervisors with sufficient management and supervision training.

Recommendation 4.1 – Consultants recommend that funding be provided for basic intermediate and advanced level management, supervision, and leadership training for the supervising lieutenant, all crime scene supervisors, and senior crime scene technicians.

Finding 5 – The city of Winston-Salem provides an educational incentive for all employees who further their education at a college or university. Sworn officers receive pay increases with the completion of degrees, but this incentive is not available for civilian employees such as those assigned to the Forensic Services Division. This disparity is one of the causes of low employee morale and the feeling of not being fully appreciated or worthy of recognition for seeking a higher level of education.

Recommendation 5.1 – Consultants recommend that educational incentives be provided for all civilian personnel assigned to the Forensic Services Division.

Finding 6 – The supervising lieutenant has identified a need for selected members of the division to receive intermediate and advanced level training in the science of latent finger and palm print identification. The current latent fingerprint expert will retire in the summer of 2008 after 30 years of service with the Winston-Salem Police Department. Although he has done the work of an expert forensic examiner, he was never recognized as such in his job title or salary. During most of his career he has had an interest in the science of fingerprint identification and has obtained most of his training in his field of expertise on his own. He has testified as an expert in the science of fingerprint identification on many occasions in both state and federal court over the course of his career. The science of finger and palm print identification requires that all print identifications be verified by a second expert. Currently there is one individual on staff that verifies the latent print identifications but who also is not recognized by the agency as a latent print examiner. Upon the upcoming retirement of the expert examiner, there will not be an adequate number of latent experts on staff to conduct examinations, verifications, and peer reviews. Neither the current expert nor the agent making the verifications is recognized as a certified latent print examiner by the International Association of Identification.
Recommendation 6.1 – Consultants recommend that retiring expert examiner’s current position be reclassified to that of a latent print examiner and the salary be set comparable to that of other examiners in similar sized agencies.

Recommendation 6.2 – Consultants recommend staffing the Forensic Services Division with two full-time latent print examiners to avoid future shortage of forensic experts and would also adequately provide for peer reviews and verifications of examinations and identifications made by each expert.

Recommendation 6.3 – Consultants recommend funding for basic, intermediate, and advanced level training for two latent print examiners.

Recommendation 6.4 – Consultants recommend that all latent print examiners be certified by the International Association of Identification.

Finding 7 – Latent print evidence that is collected by crime scene technicians is examined by the collecting technician to determine which finger and palm prints are of value and which are not. In non-major crimes those prints that are not of value are destroyed by the collecting technician after a supervisor or senior crime scene technician reviews the prints and approves which prints are to be destroyed. The technician then indicates in the crime scene report how many latent prints of value were collected. There is no record kept of the total number of prints collected, including those considered to be of no value, nor is there a record kept of who approved the destruction of the prints or how many were destroyed. Furthermore, there is no written policy defining which crimes are considered to be major crimes. This practice runs the risk of inculpatory and exculpatory evidence being destroyed and not made available for use by either the prosecution or defense. Additionally, all latent prints considered to be of value are placed into a separate envelope for each case and then placed into an unlocked filing cabinet. The prints are later examined by the expert latent print examiner. There is no written report prepared for fingerprint examinations that do not yield identifications.

Recommendation 7.1 – Consultants recommend that crime scene technicians collect all latent prints found at crime scenes or on items of evidence no matter how fragmented or distorted the appearance of the print. Crime scene technicians should document in a written report the location of each latent print recovered from a crime scene or item of evidence.

Recommendation 7.2 – Consultants recommend that no latent prints be destroyed, no matter what the crime classification, and that the expert latent print examiner be the only person who determines which prints are of value and which are not.
Recommendation 7.3 – Consultants recommend that all latent print evidence be submitted to the Evidence and Property Management Unit for proper documentation and secured storage. A notification system within the Forensic Services Division can be established alerting the latent print examiner that latent prints are being held as evidence in a particular case and are ready for examination. Then the latent print examiner can checkout the latent print evidence from the Evidence and Property Management Unit and conduct the necessary forensic examination.

Recommendation 7.4 – Consultants recommend that the latent print examiner generate a report for all forensic print examinations describing how many latent finger and palm prints there are in each case, how many are of value, where each print of value was located and obtained, and which prints were identified as being identical to a particular individual. A report should be generated for all requests from a CID detective to compare a specific individual in a particular case or cases whether identification was established or not.

Finding 8 – The Forensic Services Division does not have a local finger and palm print database computer system consisting of finger and palm prints of those individuals arrested in Forsyth County. The division currently relies on the state fingerprint database, State Automated Fingerprint Identification System (SAFIS), which is limited in its capability to provide many of the functions that a local database could provide. In fact, the state system is more complex to operate and requires latent print input by a latent print expert. The value of such a local database cannot be over stated and offers remarkable value for use throughout the agency and interoperability with other networking agencies.

Recommendation 8.1 – Consultants recommend the funding of a local finger and palm print database that has the capability of electronically storing finger and palm print data. The system should not only have the capability of searching latent finger and palm prints stored in the local database but should also be capable of networking with other agencies that have finger and palm databases creating an interoperability between systems. There are several agencies along the I-40 / I-85 corridor that currently have this technology and several others that are planning to acquire this capability in the near future. The Greensboro Police Department just recently installed a local finger and palm print database system that could easily be shared with the Winston-Salem Police Department.

Finding 9 – There are an insufficient number of employees working at any one time in the jail booking room to effectively maintain the booking process and chemical breath testing of arrestees.

The position title for this job function is Police Processing Technician or PPT with a primary job responsibility of fingerprinting and photographing arrestees brought into the Forsyth County jail. This is a service provided to all law enforcement agencies in Forsyth County and has been an traditional, established responsibility of the Winston-Salem Police Department for many years. The fingerprinting of arrestees is a service that must be provided 7 days a week, 24 hours a day. Currently there is only one PPT allocated for each of the four Forensic Services Division squads.
When the on-duty squad PPT is scheduled to be off or calls in sick, a crime scene technician from the on-duty squad must work in the booking room. This results in a reduction in the number of technicians available to respond to requests for crime scene investigation. If a PPT resigns, crime scene technicians are used to perform that job function until a new person is hired and trained. Furthermore, PPT’s are required to conduct chemical breath testing of individuals arrested for Driving While Impaired. This responsibility is not only an additional burden while on-duty, but the PPT must also appear in court to testify about the results of these tests, taking them away from their responsibilities in the booking room. Another issue of concern is that not everyone arrested in Forsyth County is being fingerprinted which reduces the number of fingerprints on file for comparison with the latent prints recovered from past, present, and future crimes scenes.

**Recommendation 9.1** – Consultants recommend that the staffing for the booking room be maintained at a minimum of two PPT’s at all times.

**Recommendation 9.2** – Consultants recommend that conducting chemical breath tests be the responsibility of a sworn officer and not the PPT.

**Recommendation 9.3** – Consultants recommend that all persons arrested in Forsyth County for a criminal offense be fingerprinted and photographed each time they are arrested and not just when fingerprints and photographs are not on file. The value of high quality prints and photographs cannot be overstated when the primary use of these records is to assist in solving crimes that have occurred and for future criminal investigations.

**Finding 10** – Another aspect of the booking process that is in need of updating is the manner in which positive identification of arrestees is established. Currently, arrestee finger and palm prints are captured digitally on a system known as a *Livescan*. The captured data is then printed on a standard fingerprint card and later classified using an outdated, complex method of classification known as the Henry System. This is a 100-year-old system of filing fingerprint cards based upon a method of identifying the class characteristics of all ten fingerprints and then creating a formula or classification for that set of prints. The fingerprint cards, which also contain the palm prints on the back side, are then filed by the classification, not by name or identifying number. This method of filing the cards allows for a systematic method of manually searching all fingerprint cards of the same classification in an effort to determine positive identity. The Henry method of classification has not been used in modern identification bureaus for decades.

The Henry system of storing and searching fingerprint cards for the purpose of establishing positive identification has been replaced by modern computer technology that is easy to use and much more accurate than this manual method of establishing positive identification. When the need arises to establish positive identification immediately, the PPT must classify the fingerprint card of the individual whose identity is in question, and then manually search the Henry fingerprint files, manually comparing every set of fingerprints on file under the same classification. This is a very time consuming process that can take several hours to complete, and its accuracy is less then acceptable in today’s world of available modern technology.
Furthermore, all PPT’s and crime scene technicians must attend an off-site training program, at a cost to the agency, for the purpose of learning this complex manual system of fingerprint classification.

**Recommendation 10.1** – Consultants recommend the funding of a computerized fingerprint management system known as a NIST Manager (National Institute of Standards Technology) that electronically stores the arrestee finger and palm print data and provides an instantaneous search capability for the purpose of establishing positive identification. The NIST Manager eliminates the need for a manual fingerprint file resulting in the quick electronic recovery of fingerprint cards from a database. Another feature of the NIST system is that it provides for what is known as a “one-to-many fingerprint search.” When an arrestee is brought to the booking room one finger is place on a small scanning device, and if the arrestee is in the database, a positive identification is established immediately. This “one-to-many” or “mobile quick fingerprint identification system” can be accessed not only in the booking room but also remote locations. What this means is that officers on the street can be armed with a small portable, wireless, electronic scanning devices which are capable of capturing a fingerprint image and transmitting the image remotely for a search of the NIST Manager. If identification is established, the NIST Manager then returns a photograph and demographic information of the individual in question, either on a mobile data computer or a cellular telephone. Much like networking capability of the local finger and palm prints database mentioned in a previous recommendation, the NIST Manager can also be networked with other agencies. This networking capability would allow for the searching of other agency databases for the quick mobile fingerprint identification. For example, when an officer on the street encounters an individual whose identity is in question, a search of the WSPD database would take place first, and if there were no identifications, then a search of all other networked agencies databases would take place.

**Finding 11** – The facility currently being used by crime scene technicians to process and package evidence is located in a two-bay garage. One of the bays is used for storing supplies for the Evidence and Property Management. This garage is the only area available for use to examine and package evidence which contains bio-hazard materials, such as blood stained materials and materials recovered from decomposed bodies. These items are often putrid, and there is no ventilation in the garage to remove the putrid smells. This garage is not secured to limit access by employees other than those assigned to the Forensic Services Division. Evidence lockers used for temporary storage of evidence are nothing more than small, old metal-grate cabinets, once used as gym lockers in a school. Tables rather than laboratory counters are used to examine, package, and prepare evidence for submission to the crime laboratory. Evidence needing to be analyzed with chemicals, powders, and alternate light sources for the development of latent print evidence is also processed in this garage. Ventilation is inadequate, and when certain processes are used, the large overhead doors must be opened to reduce the exposure to chemical fumes. The garage does not have adequate laboratory equipment for the development of latent prints on large items such as long guns, and not does it contain the necessary equipment to adequately capture, reproduce and enhance latent print evidence. The small laboratory space
inside the Forensic Services Division that was once designated for the processing and development of latent evidence is now being used for employee work stations.

**Recommendation 11.1** – Consultants recommend funding to provide the Forensic Services Division with an adequate laboratory environment that is secure from intrusion by individuals not assigned to the division and is properly ventilated and equipped to be used for the development and preservation of latent print evidence. This laboratory facility should be adequately equipped to properly handle evidence containing bio-hazards and a “clean room” for the preparation of evidence for DNA analysis. State-of-the-art temporary evidence storage lockers are needed in addition to a secured temporary bulk evidence storage facility. Facilities that are properly ventilated and can be readily decontaminated are needed for the proper handling of evidence items that have become blood soaked or putrefied.
## Forensic Services Division, 2007

**Total number of Arrestees Processed – 11,478**

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<tr>
<th>Offense</th>
<th>Count</th>
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<tr>
<td>Assault</td>
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<tr>
<td>Arson</td>
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<tr>
<td>Burglary</td>
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<td>Disorderly Conduct</td>
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<tr>
<td>Drugs</td>
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<tr>
<td>DWI (breath test)</td>
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<tr>
<td>DWI (blood test)</td>
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<td>Family Offense</td>
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<tr>
<td>Forgery</td>
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<td>Fraud</td>
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<td>Homicide</td>
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<tr>
<td>Auto Breaking and Larceny</td>
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<td>Larceny from Auto</td>
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<td>Larceny</td>
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<td>Rape</td>
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<td>Robbery</td>
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<td>Sexual Offenses</td>
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<td>Stolen Property</td>
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<td><strong>TOTAL</strong></td>
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# State Automated Fingerprint Identification System Totals, 2007

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<th>March</th>
<th>April</th>
<th>May</th>
<th>June</th>
<th>July</th>
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<th>October</th>
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<tr>
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<td>237</td>
<td>301</td>
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<td>211</td>
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## Number of Suspects Identified by Case Type

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</table>

*Approximately 1,531 cases submitted to be run on AFIS. Total of 161 suspects identified.
Winston Salem Police Department
Case Screening and Assignment

911 Call → Officer Dispatch → Initial Officer Investigation → Reviewed by FSB supervisor

- Case referred to CID Supervisor for review
- FSB investigates case

- If arrest is made by FSB (small case file sent to CID)
- If referral denied then case sent back to FSB for investigation

- Case assigned to detective
- Case assigned to responding officer for investigation

- Case completed by detective and reviewed by Sergeant (signed/approved)
- FSB Sergeant reviews and signs case

Completion of case prosecution book. Reviewed by Sergeant (signed/approved)

Prosecution booklet / case documents sent to DA's office
PERSONS INTERVIEWED

City Manager Lee Garrity
Assistant City Manager Derwick Paige
City Councilman Nelson Malloy
City Councilman Robert Clark
City Councilwoman Vivian Burke
City Councilwoman Joycelyn Johnson
City Councilwoman Molly Leight
City Councilwoman Wanda Merchel
Chief of Police Patricia Norris
Assistant Chief Ronnie Abernathy
Assistant Chief Louis Saunders
Captain D. Clayton
Captain K. Leonard
Captain T. Jones
Lt. T. Best
Lt. C. Thompson
Lt. S. Perkins
Lt. J. Fereilli
Lt. S. Smith
Lt. B. Macey
Sgt. R. Taylor
Sgt. C. Robert
Sgt. R. Cozart
Sgt. E. Craven
Det. D. Taylor
Cpl. M. Poe
Cpl. R. Davis
Det. K. Wilkinson
Det. M. Adams
Det. S. Sluder
Officer J. Bowman
Evidence Manager Michelle Poe
Latent Fingerprint Examiner Charles Crater
Records Section Manager Mary Rumble
Administrative Assistant Janice Williams
Assistant City Attorney Julie Risher
Senior Systems Analyst Julia Connelly
District Attorney Thomas Keith
Assistant District Attorney David Hall
Forsyth County Public Defender Pete Cleary and several members of his office
Twenty-five citizens in a town meeting public forum
Fourteen citizens in private at the town meeting
Three citizens by telephone
DOCUMENTS REVIEWED

Sykes Administrative Review Committee Report

City Manager’s Recommendations from the Sykes Administrative Review Committee Report

WSPD Retreat 2007 – Sykes Case Overview (CD)

Resolution of the Winston-Salem City Council Establishing a Citizen Review Committee For The Silk Plant Forest Investigation Administrative Review and related documents

Silk Plant Forest citizen review committee memorandum

Quality Standards for Investigations, President’s Council on Integrity and Efficiency, and Executive Council on Integrity and Efficiency

WSPD General Orders relating to the Administrative Division, Criminal Investigative Division, Field Services Bureau, and Crime Scene Investigations

WSPD Criminal Investigations Division Standard Operating Procedures

Compliance records related to C.A.L.E.A.

WSPD Report Writing Manual

Major criminal investigations checklists

WSPD Policy Manual

Identification Division Standard Operating Procedures

WSPD Strategic Plan November 2004

WSPD Strategic Plan Accomplishments December 2006

2005 legal update training outline, schedule and roster for discovery/Brady Issues

Photo Line-Up Policy (new and old)

Becoming The Totally Responsible Person (TRP) Workbook

Management’s Role in Keeping Good People Good

WSPD Ethics Training Program 2004-2007
Institute for Dismantling Racism Program

Results-Based Problem Solving Training Program

Results Based Management and Supervision Training Program


Career ladder proposals

Career ladder program for non-supervisory officers implementation summary

WSPD police pay plan

City of Winston-Salem Education Assistance Policy

City of Winston-Salem Compensation (Pay Plan) and related Board of Alderman actions

Charting Our Course-WSPD Strategic Plan 2006-2009


Implications of Untruthful Behavior Training PowerPoint

Incident Investigation Report Form (05/01/2002)

Investigative Services Bureau daily roll call

Investigative Service Bureau personnel chart Rev. 10/31/2006

WSPD cases referred to CID report 01/01/2006 to 12/31/2006

WSPD cases referred to CID assigned staff report 01/01/2006 to 12/31/2006

Case Management Status Code Sheets

Investigator cases by assignment date range (PISTOL Report)

WSPD CID delinquent open cases report (01/01/2002 – 01/23/2008)

Homicide cases assignment log (date assigned – date due)

Squad sergeants PISTOL case logs for 2007

Eight separate WSPD/CID crime statistical (Crystal) reports for the years 2006 and 2007
PHOTOS, FORENSIC SERVICES DIVISION
WORKS CITED


