



**City of  
Norfolk**

**Detective Division – Robbery Section**

**Standard Operating Procedures Manual – Appendix K**

CALEA:

VLEPSC:

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TABLE OF CONTENTS

<b>Item</b>	<b>Page</b>
Signature Sheet .....	i
Table of Contents .....	ii
<b>General Procedures</b>	
I. Robbery Section Overview .....	1
II. General Administrative Duties .....	2
III. Investigative Duties .....	4
IV. Incident Reports (IBRs) - Robbery Section .....	6
V. Case Reports - Robbery Section .....	7
VI. Arrest Folders - Robbery Section .....	8
VII. Fugitive Case Folders - Robbery Section .....	8
VIII. Investigation Case Folders - Robbery Section .....	9
IX. Photo Line-up - Robbery Section .....	9
A. Methods of Showing Photo Line-ups .....	9
B. Preparation of Photo Line-ups .....	10
C. When Photo Line-ups May Not be Required .....	11
D. Photographic Line-up Admonition .....	12
E. Showing the Photo Line-ups .....	12
F. Documentation .....	14
G. Mug Shot Reviews .....	14
X. Physical Line-up - Robbery Section .....	14
A. Physical Line-ups .....	14
B. Methods of Conducting Physical Line-ups .....	15
C. Putting Suspects in Physical Line-ups .....	16
D. Attorney Notifications Regarding Physical Line-ups .....	16
E. Uncooperative Suspects in Physical Line-ups .....	16
F. Physical Line-up Preparation .....	17
G. Physical Line-up Procedures .....	18
H. Robbery Section Show-up .....	19
<b>Attachment</b>	<b>Date</b>
A. Robbery Section Arrest Folder Check-off Sheet .....	09-04-12



## GENERAL PROCEDURES

### I. Robbery Section Overview

- A. The Robbery Section is made up of a Section Sergeant and Investigators.
- B. Because of the nature and seriousness of robbery and robbery related crimes, as well as the investigative expertise required and expected for robbery investigations, only investigators who are already operating at a highly competent level will even be considered for assignment to the Robbery Section. Once assigned to the Robbery Section, investigators are expected to eventually operate at an excellent level and become experts in the area of robbery investigations.
- C. The Robbery Section Investigators are divided into five operating teams. These teams are set up to have seasoned investigators working on all cases and robbery patterns. This team concept carries over into the arrest, interrogation, and prosecution phases as well.
- D. The Robbery Section will operate two main shifts during the normal work week. Investigators will work two weeks of day shift (0800 - 1600 hours), while the Investigators on the other shift will work evening shift (1900 - 0300 hours). After two weeks, the two shifts will switch hours, rotating every two weeks throughout the given year. Investigators work 1100 - 1900 hours, Monday thru Friday and there hours will be adjusted if necessary for coverage. Coverage of these two shifts by at least one investigator per shift is mandatory, unless the lack of coverage has been approved by the Robbery Sergeant in advance. In these rare cases, it will be the duty of the Robbery Section Sergeant to make arrangements for another section's investigators to cover the shift.
- E. Due to ongoing investigations, hours may be adjusted for all shifts in order to better work the cases at hand. In these cases, coverage of the mandatory robbery shifts (Days and Evenings) will always weigh heavily.
- F. Because of the nature of robbery investigations (i.e., violent offenders) and the fact that investigators utilize unmarked police cars and wear civilian attire, Robbery Investigators should ride with at least two investigators per vehicle for officer safety reasons. This is imperative when making arrests or picking up suspects. However, investigators will ride one per vehicle to respond to multiple crime scenes at the same time if man power restrictions require doing so.
- G. When an investigator is newly assigned to the Robbery Section, they will be assigned to work with a Robbery Investigator who is more experienced in terms of robbery investigations for training purposes. The more experienced investigator will ensure the new investigator has a complete understanding of all areas of importance in terms of the Robbery Section and robbery investigations. The Robbery Section Sergeant will ensure that the overall training is being



**DETECTIVE DIVISION – Appendix K  
Robbery Section**

**Department of Police  
Norfolk, Virginia**

**STANDARD OPERATING PROCEDURES MANUAL  
GENERAL PROCEDURES**

accomplished in a satisfactory manner. The Robbery Section Sergeant will evaluate the progress of the new investigator on a periodic basis.

- H. Robbery Section Sergeant will ensure that all Robbery Investigators receive additional training above and beyond what is required by the Department when possible. This includes, but is not limited to, advanced training in the areas of criminal investigations, interview and interrogation, and other courses of study related to violent crime investigations. The purpose of this is to continually enhance the individual investigators knowledge and investigative expertise.

II. General Administrative Duties

- A. Unless otherwise directed, all paperwork or folders being turned into a Robbery Section supervisor for review will be placed in the top tray of the Robbery Section Sergeant's desk.
- B. Robbery Investigators will keep the Robbery Section Office area neat, clean, and orderly at all times. This includes desk tops, desk drawers; mail boxes, and file trays. Each investigator will ensure that the office is in the proper order for the on-coming robbery shift.
- C. Investigators are responsible for keeping Robbery Section vehicles clean and in good repair. Vehicles are to be kept gassed and oiled and Robbery Investigators are to take vehicles to the City Garage promptly for any repairs. Vehicles should be left with at least (1/2) a tank of gas at the end of day shift, and with at least (1/3) a tank of gas at the end of evening or night shifts. Investigators are responsible for any equipment assigned to the vehicle they sign out for.
- D. It is the responsibility of every Robbery Investigator to read the running board and the administrative board when reporting for duty.
  - 1. The running board contains case summaries and investigation related concerns, while the administrative board contains administrative information. All Robbery Investigators should read and initial each page of each board. In this way, all investigators will be kept aware of any important information. When there is a request (on either of these boards) from another Robbery Investigator, another Section, or another City, these requests will be handled promptly by the on-coming shift or a message will be left explaining why the request could not be complied with.
  - 2. The running board will also have a computerized version (currently located on R drive of the City's computer network: R:\Police Share\Detective Division\Violent Crimes Unit\Robbery). Anything that is put on the hard copy of the running board that hangs on the wall in the Robbery Section must also be put on the computerized version. The reason for this is so that these records can be accessed well in the future without having to save the actual papers themselves.



**DETECTIVE DIVISION – Appendix K  
Robbery Section**

**Department of Police  
Norfolk, Virginia**

**STANDARD OPERATING PROCEDURES MANUAL  
GENERAL PROCEDURES**

- E. Each Robbery Investigator will have an email account on the City’s computer system. This is designed to aid investigators with their cases (i.e., sending and receiving suspect photos to and from other jurisdictions, etc.) These email accounts are intended for work related purposes and will be utilized in accordance with the City’s policy. Robbery Investigators are expected to check their email for messages at the beginning and end of each shift.
- F. Each investigator is responsible for the proper handling of their evidence and Property. These items will be sealed, tagged, and/or stamped before the end of the assigned investigator’s shift. Whenever possible, these items should be vouchered before the end of the assigned investigator’s shift. If evidence cannot be vouchered before the end of the shift, the assigned investigator must at least label the evidence with the date and the investigator’s name, so that other investigators know who it is assigned to.
  - 1. Under no circumstances will evidence that will require laboratory exams be left unsealed in the evidence locker. Doing so could invalidate any such exams.
  - 2. The evidence locker is to be checked regularly during day shift by Robbery Investigators and the Robbery Sergeant to ensure that items are being taken to the Property and Evidence Unit on a regular basis. This is also necessary to ascertain the existence of any evidence placed there by Forensic Investigators.
- G. Each investigator is responsible for checking the Subpoena Logbook when reporting for duty.
- H. The Crime Line Book at the Central Desk should be checked at least weekly under routine circumstances, and once per shift when major robbery investigations are underway. Crime Line Sheets will be logged in the Robbery Section’s Crime Line Log by Robbery Section supervisors for tracking purposes. Investigators will close all assigned Crime Line Sheets and return them to the Robbery Sergeant. The closing will consist of writing on the back of the Crime Line Sheet and indicating the value of the information. If an arrest is made or warrants are secured because of the information, investigators will also attach copies of all warrants to the closing.
- I. All robbery related felony arrests, major violent crime arrests, arrests, jail escape arrests, firearms violation arrests, and robbery related misdemeanor arrests, made by or handled by Robbery Investigators will be logged into the Robbery Section Arrest Logbook. Minor arrests that are incidental to a Robbery Investigator’s duties as a police officer need not be logged in to this book.
- J. Whenever a Robbery Investigator makes an arrest or handles an investigation that warrants an entry in the Robbery Section Arrest Logbook, a copy of the Detention



Sheet and copy of the case summary will be placed in the Robbery Sergeant's top tray.

- K. Every member of the Robbery Section will report for duty in clean, neat, and professional attire. Unless working a special detail that requires otherwise, the standard of dress for Robbery Section Investigators who are on-duty will be the same as Court attire. The personal grooming standards of the Department and the Detective Division will be strictly adhered to.
- L. Without exception, all duty weapons are to remain SECURED in the duty holster or locked in the Robbery Section Gun Locker. NEVER IN A DESK.
- M. Robbery Sergeant will conduct monthly Weapons Inspections of all Robbery Investigators service weapons.
- N. Personnel working dayshift will ensure that the Section voice mail is checked daily. If something major is going on this should be done by both the dayshift and evening shift investigators.

### III. Investigative Duties

- A. Robbery Investigators will be responsible for handling the following types of investigations regardless of the age of the victim or suspect.
  - 1. Robberies to any business
  - 2. Robberies to individuals
  - 3. Larceny from the person
  - 4. Purse snatching
  - 5. Possession of sawed-off shotgun
  - 6. Concealed weapons and other firearm related charges
  - 7. Jail escapes - Regarding escapes from the Norfolk City Jail, Norfolk Department of Police General Order OPR-670: Escape of State Inmates, clearly outlines the duties and responsibilities of the Robbery Section.
- B. Robbery Investigators are responsible for responding to all major robbery scenes. And, whenever possible, Robbery Investigators should respond to all robbery scenes if available to do so. When responding to crime scenes, Robbery Investigators will ensure that they bring all necessary equipment with them (i.e., cameras, tape recorders, etc.)
- C. Robbery Investigators will respond and take preliminary reports (IBRs) whenever possible. Robbery Investigators are required to respond to handle the scene, preliminary report, and investigation of the following types of robberies:
  - 1. All Business Robberies, including bank deposits



**DETECTIVE DIVISION – Appendix K  
Robbery Section**

**Department of Police  
Norfolk, Virginia**

**STANDARD OPERATING PROCEDURES MANUAL  
GENERAL PROCEDURES**

2. Significant Injury to a Victim
  3. Sexual assault of a Victim
  4. Home Invasion
- D. Neighborhood canvasses will be conducted whenever possible. Robbery Investigators can handle these themselves or contact any Detective Division supervisor to help coordinate the effort. This should also include checking business locations in the surrounding area of a robbery to ascertain if surveillance videos that may have captured the suspects are available.
- E. Robbery Investigators are responsible for their crime scenes. Every effort should be made to coordinate with Forensic Investigators to ensure that all details are understood and that nothing is overlooked. It is the ultimate responsibility of the Robbery Investigator to insure that all forensic procedures and collections are completed as needed.
- F. Robbery Investigators will notify the Robbery Sergeant immediately about the following:
1. ALL BANK Robberies, as soon as confirmed by responding units. If unable to make contact the Sergeant within 5 minutes, leave a message and notify the Violent Crimes Lieutenant.
  2. All business robberies
  3. Robberies resulting in significant life threatening injury
  4. All robberies involving Sexual Assault
  5. All robberies involving Home Invasion
  6. Cases involving the potential for increased media interest
- G. Robbery Investigators will complete case summaries on all major robberies and arrests. A copy will be distributed to the, Lieutenant, and a copy of the case summary will also be placed on the running board. Case summaries will be completed using the current Detective Division format. Case summaries should be brief (no more than one page) and include detailed suspect information for future reference.
- This Case Summary will be saved to disk on the R drive in the appropriate path. R:\Police Share\Detective Division\Detective Division Case Summary. List by IBR number in the appropriate month folder.
- H. Regarding suspect identification, Robbery Investigators will comply with the guidelines and procedures.
1. Photographic Line-up Procedures and Photo Identification



2. Show-up and Physical Line-up Procedures

- I. Robbery Investigators will familiarize themselves with all current robbery related State Codes and case law.
- J. In order to Nolle Prose a violent felony case or robbery case, Robbery Investigators will consult with and have this action approved by the Robbery Sergeant who will coordinate with the case prosecutor (Commonwealth's Attorneys) assigned the case.
- K. Investigators are not permitted to seek legal opinions from members of the Commonwealth's Attorney's Office. If there is an issue that needs to be addressed regarding procedure or legalities, the issue will be discussed with the Robbery Sergeant who will confer with the Crimes against Persons Lieutenant. If the issue cannot be resolved at this level, the Robbery Sergeant will then contact the appropriate member of the Commonwealth's Attorney's Office.

IV. Incident Reports (IBRs) - Robbery Section

- A. Robbery Investigators will receive all reports via ILeads from the Sergeant who will then log them the Robbery Section Report Log. Reports will be assigned according to the time the incident was reported: Day shift will handle reports taken between 0700 and 1900 hours; Evening shift will handle reports taken between 1900 and 0700 hours; Overlap shift may handle reports taken during any hours. If the victim is in the military and lists their duty station as their home address, Day shift will handle the report regardless of what time the report was taken. Reports are to be assigned to the Investigators that worked the respective shift, on the date of the report. This increases the probability of an investigator being aware of the events that occurred during a shift they worked.
- B. Robbery Investigators will contact all complainants in person. Contacting complainants by telephone to arrange a meeting time and place is fine. If several attempts have been made to contact a complainant unsuccessfully, Robbery Investigators should send a letter to them instructing them to contact the investigator.
- C. Reports will be closed via ILeads and then sent to the Sergeant for approval. Incident reports should receive a closing within ten days of the report being assigned. At the very latest, all reports will be closed and turned in to a Robbery Sergeant supervisor by the 10<sup>th</sup> day of the following month after the month the report was made in. Robbery closings will be typed and filled out completely. The narrative section of the closing form will be detailed and clearly explain the reason for the closing. The Narrative section should also contain additional investigative information for unsolved cases.
  - 1. The following closings will be used by the Robbery Section. Guidelines for these closings have been set by the FBI and will be followed.



- a. Inactive - This is the appropriate closing for a valid report that remains unsolved. The narrative can contain detailed information for future use by investigators should circumstances arise that allow the case to be solved.
  - b. Inactive with a Warrant - This is the appropriate closing for a case that has been solved in which warrants for arrest are outstanding for the suspect(s). When suspects are arrested in the future, the report will require an additional closing.
  - c. Arrest - This is the appropriate closing when suspects have been arrested and charged with the offense.
  - d. Exceptional - This is the appropriate closing in instances where a suspect or suspects have been identified but the case cannot be brought to Court, either because of an uncooperative victim or other circumstances beyond the investigators control. To use this closing the investigator must list a name and location for the suspect (this does not have to be a full name and exact address - may be only a nick name and neighborhood frequented). The narrative should detail the reason the case cannot be pursued.
  - e. Unfounded - This is the appropriate closing for cases in which the victim is not credible or the report is false. In these cases, every effort should also be made to charge persons who made the false report.
2. Second closings will be utilized whenever the case status warrants a change.
  3. Reports should be reclassified if investigators learn that no robbery occurred but another offense still occurred. For example: A victim alleges that he was robbed and shot, yet investigators determine that no robbery occurred although the victim was shot maliciously - the narrative should state that no robbery occurred and the report should be reclassified as a aggravated assault and closed appropriately. Note - In this example the report cannot be closed as “Unfounded” even if the victim is lying about the robbery. This is because the malicious wounding still occurred.

V. Case Reports - Robbery Section

- A. All Case Reports submitted to prosecutors by Robbery Investigators will be in a uniform format. The purpose of this is to make things easier for prosecutors to locate. Case Reports sent to prosecutors will be neatly typed, well organized, and reflect a work product of the highest standards.



- B. Case Reports should be submitted to prosecutors as soon as possible after an arrest, and no later than 10 days prior to the preliminary hearing.

VI. Arrest Folders - Robbery Section

- A. All Arrest Folders maintained in the Robbery Section will be labeled with a neatly typed white label. Defendants/Suspects will be listed alphabetically on the label for filing purposes. Labels should include defendants/suspects name, race, sex, and age, as well as charges, date of offense, location of offense, names of victims, and assigned investigators.
- B. All Arrest Folders maintained in the Robbery Section by investigators should be in a uniform format (Attachment A, Robbery Section Arrest Folder Check-off Sheet).
- C. All Case Folders will contain thorough investigation notes. These investigative notes are to be the final investigators work product and are the only official notes of the case. These notes should be in place of any and all scratch notes that have been properly transcribed into the official case notes and reviewed for accuracy.
- D. When a defendant's case is disposed of in court, investigators will receive a Case Disposition Sheet from prosecutor(s). These will be added to the folder and recorded on the Closing Stamp on front of the folder. When Robbery Investigators have received all Case Disposition sheets for all defendants involved in an Arrest Folder, the folder will be submitted to the Robbery Sergeant to be placed in the closed files.
- E. Investigators will maintain a personal log of all arrest and fugitive folders in order to review and track the status of each case. This procedure will facilitate the annual purging of files as well as the disposition of vouchers.

VII. Fugitive Case Folders - Robbery Section

- A. Log in the defendant's information on the posted Robbery Section Fugitive List. This will be updated as needed by the Robbery Sergeant.
- B. Case Investigator will prepare an electronic transmitted wanted Poster and email it to the Robbery Sergeant. This will be maintained in a file for electronic dissemination as needed. A printed copy will be posted on the Wanted Poster board.
- C. Investigative Notes should indicate the efforts made to arrest subject as well any investigative leads developed. All contacts with family and associates should be documented as well as their knowledge or lack of knowledge of the defendant's whereabouts during the time of offense. This information can help with the defendant's lack of an alibi or dispel a later fabricated alibi.



- D. Discuss with Robbery Sergeant the possibility of a Federal UFAP Unlawful Flight to Avoid Prosecution Warrant. In cases where there is information indicating the suspect may have fled the state to avoid prosecution.
- E. Fugitive folders will be completed in 10 days and placed in Outstanding Fugitive file cabinet.

VIII. Investigation Case Folders - Robbery Section

- A. An investigative folder will be completed for the following investigations; all business robberies, all bank robberies, armored car robberies; any robbery involving serious injury or death; any robbery involving sexual assault; serial robbery cases (three or more offenses). These folders will have typed white labels indicating the investigation type and assigned investigators.
- B. A major violent crime investigation folder will contain thorough investigation notes, copies of all pertinent documents, and will reflect a work product of the highest standards. Investigation folders should contain at least the following:
  - 1. Case Summary (or case overview for serial cases)
  - 2. Matrix (for serial cases)
  - 3. “To do” list
  - 4. Original Individual Case Summaries
  - 5. Victim/Witness List
  - 6. Suspect List
  - 7. Investigator’s Notes
  - 8. Victim/Witness Statements
  - 9. Canvass Notes
  - 10. Incident Based Reports (IBRs)
  - 11. Vouchers
  - 12. Forensic Crime Scene Reports
  - 13. Latents Requests
  - 14. Laboratory Exam Requests

IX. Photo Line-up - Robbery Section

- A. Methods of Showing Photo Line-ups
  - 1. The simultaneous method involves showing a victim or witness all photos at once, while the sequential method involves showing the victim or witnesses the photos one at a time. Both methods have advantages and



disadvantages and investigators should consider which method to use on a case by case basis, as neither method is ideal for every investigation.

2. The traditional procedure of showing a photo line-up involves the case investigator (who is aware of the identity of the suspect in the line-up) showing his or her own line-up, while the blind procedure involves another investigator (who is unaware of the identity of the suspect) showing the line-up for the case investigator. Both methods have advantages and disadvantages and investigators should consider which method to use on a case by case basis, as neither method is ideal for every investigation.

**B. Preparation of Photo Line-ups**

1. Whenever possible, photos using both the front view and the profile of subjects should be used in all photo line-ups. This increases a potential witness' ability to identify subjects as well as rule them out. Just as viewing an individual in person is a more accurate means of identification than viewing their photo, viewing both the subject's frontal view and profile is usually more accurate than just viewing the frontal view alone. This is particularly important in cases where victims and witness saw the suspect only briefly (they may have actually seen the suspect's profile only).
2. Photo line-up jackets (folders with square cut-outs for photos), which limit the area that can be viewed, should only be used when you have a suspect photo with unique characteristics (i.e., unusual background, unusual type of photo, etc.) and you need to make all the photos in the line-up look as similar as possible.
3. Remember to make all photos in the line-up look as similar as possible. This does not mean you want all subjects in the photo line-up to look as similar as possible. Showing a victim or witness six photos of six different subjects who resemble each other so closely that they could be mistaken for each other is counterproductive (we don't want to confuse the witness). As long as the subjects are of the same sex, race, approximate age, and have the same hair color and style, you do not want them to otherwise resemble each other. The backgrounds on the individual photos should be identical in an ideal situation. This is not always possible, but you must be able to say you did everything you could to make the photo line-up as un-suggestive as possible. For example, in a situation where the only available photo of the suspect has a brick wall for a background, you could compile a line-up with six different types of backgrounds OR one using three brick backgrounds and three of another kind of background.



4. Whenever possible utilize the most recent suspect photo OR the suspect photo taken closest to the date of the crime.
5. Multiple suspects can not be included in the same photo line-up. Each potential suspect must be included in their own photo line-up (i.e., one suspect photo and five “throw in” photos).
6. If you are going to show several photo line-ups (multiple suspects) the actual suspect photo should not be in the same position in each line-up. For example, if you have three suspects you are going to show in three photo line-ups; the first line-up contains the suspect photo in position # 3, the second line-up contains the suspect photo in position # 2, and the last line-up contains the suspect photo in position # 4.
7. Remember, it is least suggestive to position the suspect photo in the middle of the photo spread, however, DO NOT get in the habit of always using the same position in every photo line-up you prepare.

C. When Photo Line-ups May Not be Required

1. Photo line-ups may not be necessary when the suspect is well known to the victim or witness. In these cases, a single photo of the suspect can be shown instead of a photo line-up. But the victim or witness must first be able to demonstrate to investigators that the suspect is well known to them and not a stranger by any means. For instance, if a victim is able to provide you with the suspect’s complete name, age, address, and/or other identifying information that investigators can easily verify, these factors alone will not preclude the use of a photo line-up unless the victim can also explain how they know the suspect so well and for how long they have known the suspect.
2. Specific examples:
  - a. The victim tells investigators “The man that shot me is named Robert Johnson, he lives in the apartment above my girlfriend, I met him once or twice before.” In this case, investigators should use a photo line-up, because although the suspect is known to the victim, he is certainly not well known.
  - b. The victim tells investigators “The man that shot me is named Robert Johnson, we grew up in the same neighborhood, I’ve known him and his family for fifteen years, and he lives in the apartment above my girlfriend.” In this case, a photo line-up is probably not necessary.
3. The reason photo line-ups are not required by the courts in certain situations is simple. If a victim were to tell police, “My brother killed my



sister,” there would be no point in requiring police to prepare a photo line-up including the brother, because it is understood that the victim will be able to identify his own brother no matter what. In this extreme example, the photo line-up is just pointless. And it is along these lines that certain victim/suspect relationships preclude the use of photo line-ups. However, whenever investigators are in doubt about whether or not a photo line-up is required, they can never go wrong by using the photo line-up instead of a lone suspect photo. Just remember, if you do not utilize a photo line-up be prepared to justify your reasons for not doing so when you get to court.

4. A lone photo of an unknown suspect (i.e., from a surveillance video of another crime) can also be shown by itself to help determine if it looks like the same suspect in yet another crime. This type of photo can also be shown to persons who are not victims or witnesses of the crime, but may know the identity of the suspect (i.e., “Is this your cousin in this picture?”)

D. Photographic Line-up Admonition

1. Prior to showing the photo line-up you must provide each and every person you are going to show a photo line-up to with a “photographic line-up admonition.” The primary reason for this is to ensure that the procedure is not suggestive, but it is also an excellent opportunity to explain the procedure and give the witnesses directions. If multiple witnesses are to view the photo line-up, the “admonition” can be given to them as a group (although they will not view the line-up together).
2. Example: “In a moment, I am going to show you a group of photographs. This group of photographs may or may not contain a picture of the person(s) who committed the crime, and you are certainly under no pressure to identify one or more of the photos. While you are looking at the photos keep in mind that hairstyles, hair color, facial hair can change on a person depending on when the photo was taken. Also, a person’s skin tone can change and photographs won’t always depict a person’s true complexion. They can appear darker or lighter than they really are in a photo. Instead, you should concentrate on facial features that don’t change, like a person’s eyes, nose, mouth, and facial structure. While you are viewing these photos, if you recognize anyone please let me know, but remember, it is OK if you cannot make identification. Please DO NOT indicate to any other witnesses who have not yet viewed the photos whether or not you were able to identify anyone as this could put pressure on them or influence their decision.”

E. Showing the Photo Line-ups

1. Prior to showing victims and witnesses a photo line-up DOES NOT advise them that an arrest has been made. This is overly suggestive. There may



be times where the media has broadcast the arrest and victims and witnesses are already aware of it, but the investigator must still endeavor to make showing the photo line-up as un-suggestive as is possible.

2. All witnesses must view the photo line-ups separately from each other. Never allow a witness who has not yet viewed the photos to observe another witness viewing them, this could influence their decision.
3. Make sure the place where witnesses are viewing the photos is free from unnecessary distractions.
4. Observe the witness' face as well as the photos at which they are looking. You may see non-verbal signs of recognition and if you do it is O.K. to make inquiries (i.e., "You look like you just recognized something, can you tell me what it is?")
5. Sometimes witnesses will keep staring at a certain photo or going back to it over and over again without saying anything. This often means they think this could be the suspect but they don't want to identify the wrong person. If this happens, make inquiries (i.e., "I notice you keep going back to that photo, can you tell me why?")
6. In cases where victims only saw portions of the suspect's face during the crime (i.e., suspect had a hat pulled down low over the eyes), allow the victim to use a piece of paper to cover the top of the head of each subject pictured. This could aid in identification.
7. It is OK to ask witnesses who make identification how certain they are of this identification.
8. Be prepared for identification. You should have copies of the photo line-up ready for witnesses to record their identification on in their own words. Example: "#5 looks like the man that robbed me on 03/15/04." Also have the witness sign the identification with date, time, and location of ID, along with the names of investigators who witnessed the identification.
9. After a witness views the photo line-up(s), separate the witness from those witnesses who have not yet viewed it.
10. After ALL witnesses have viewed the photo line-up(s) it is OK to brief them on the status of the investigation and any arrests as long as doing so will not hamper an on-going investigation. A good investigator usually likes to keep victims and witnesses informed, but it is best to be careful and keep it simple, i.e., "We have made an arrest," or, "The investigation is ongoing."



F. Documentation

Keep a record of all photo line-ups shown to victims and witnesses during an investigation (copies or originals in addition to written notes are best). Even photo line-ups that did not result in identification could become an issue later and may have to be produced in court.

G. Mug Shot Reviews

1. Mug shot reviews may consist of thousands of potential suspect photos (i.e., every available photo of subjects of the same sex, race, and approximate age as the suspect), or they can consist of much smaller numbers if more information is known about the suspect (i.e., every available photo of subjects of the same sex, race, and approximate age of the suspect who also have “dread locks” and reside in a certain planning district or area within the city).
2. Mug shot reviews may involve witnesses viewing photos on the police computer OR witnesses going through a stack or a book of photos.
3. Mug shot reviews are generally extremely un-suggestive because every photo in them is a potential suspect.
4. The “Photographic Admonition” still applies and should be given.
5. Witnesses must still view the photos separated from other witnesses.
6. In terms of documentation, it may not be possible to keep a record of every subject shown during a mug shot review (i.e., witness was shown several thousand photos on the police computerized photo system). In these cases, keep a record of the total number of photos and the parameters used (i.e., sex, race, age range).
7. In cases where witnesses have viewed a mug shot review without positive identification but have selected a number of subjects from the review as “maybes” or as having similar features of the suspect, records on these subjects should be saved by investigators. One of them may actually be the suspect OR they may aid investigators in identifying the suspect in the future. In either case, they may also be required in court.

X. Physical Line-up - Robbery Section

A. Physical Line-ups

1. A physical line-up (or “in-person line-up”) involves the victim of a crime (or a witness to the crime) viewing a potential suspect in person along with several other subjects who are not suspects to determine whether or not the potential suspect can be picked out of the group and identified as the person who committed the crime. Physical line-ups can also be



conducted to rule suspects out. Although similar to the photographic line-up in concept, the physical line-up is usually considered to be much more reliable. This is because victims and witnesses can actually see the suspect in person (and hear the subject's voice, if necessary). Additionally, victims and witnesses are usually afforded the physical safety of viewing the line-up through a "one-way mirror." Unlike the "show-up," the physical line-up can be conducted any length of time after the offense.

2. The courts have historically viewed physical line-ups as being a far more accurate means of suspect identification than either the photographic line-up or the "show-up." In addition to being more reliable than other forms of identification, the physical line-up is also more involved in terms of logistics, scheduling and personnel. Because of this, physical line-ups are generally only conducted in relation to the most serious offenses (i.e., murder, rape, and robbery).
3. As with any other process of suspect identification, investigators must endeavor to ensure that the physical line-up is as un-suggestive as possible.

**B. Methods of Conducting Physical Line-ups**

1. As with the photographic line-up, the simultaneous method involves allowing the victim or witness to view all the subjects at once, while the sequential method involves them viewing the subjects one at a time. Both methods have advantages and disadvantages and investigators should consider which method to use on a case by case basis, as neither method is ideal for every investigation. With physical line-ups, the sequential method can greatly increase the amount of manpower and time needed. The sequential method is often impractical for physical line-ups.
2. As with the photographic line-up, the traditional procedures for conducting a physical line-up involves the case investigator (who is aware of the identity of the suspect in the line-up) conducting the line-up, while the blind procedures require another investigator (who is unaware of the identity of the suspect) conduct the line-up. Both methods have advantages and disadvantages and investigators should consider which method to use on a case by case basis, as neither method is ideal for every investigation. However, excluding the case investigators from the process can hamper the future of the investigation. The blind procedure should only be used for physical line-ups if the case investigators are also present.



C. Putting Suspects in Physical Line-ups

1. If the suspect is already in police custody: They have no choice about participating in the line-up. Being placed in a physical line-up is not an invasion of an individual's Constitutional Rights, nor are any warrants required. Investigators need no formal authorization other than a "go ahead" from investigative supervisors and/or prosecutors.
2. If the suspect is not in police custody: Citizens who are not already wanted on outstanding charges cannot be forced to participate in a physical line-up. They must agree to do so of their own free will after having been asked to participate by investigators. This type of physical line-up should be avoided unless investigators have no other course of action.

D. Attorney Notifications Regarding Physical Line-ups

1. Prosecutors: Prosecutors assigned to an investigation or case should be notified of any physical line-ups and allowed to observe them if they so desire.
2. Defense Attorneys: Suspects have no Constitutional Right to the presence of their attorney during physical line-ups that occur prior to the initiation of criminal proceedings against them. However, if a defendant has already been charged with the offense that is in relation to a subsequent physical line-up, they do have the right to have counsel present during the line-up. If defense attorneys wish to be present, they can be allowed in the viewing room with investigators and witnesses to observe only. Defense attorneys must be informed in advance that under no circumstances will they be allowed to question witnesses or otherwise attempt to influence them during the process. To avoid problems it is best to require defense attorneys to remain completely silent whenever witnesses are in the viewing room. Defense attorneys who refuse to agree to this should not be allowed to observe the line-up. Defense attorneys who agree to this and then violate the agreement should be escorted from the viewing room and facility.
3. Investigators should let prosecutors notify defense attorneys of physical line-ups and make any arrangements for them to observe.

E. Uncooperative Suspects in Physical Line-ups

1. Just because a subject who is already in custody has no choice about participating in a physical line-up, this does not mean they have to be cooperative about it. The process is obviously easier for authorities as well as less suggestive if they choose to cooperate, and to that end, investigators should attempt to elicit the suspect's full cooperation.



2. When subjects refuse to cooperate:
  - a. Explain to the suspect that he/she would stand out much less if he/she just attempted to blend in with the other subjects in the line-up, and that by not cooperating he/she would call attention to himself/herself and probably be identified. If this doesn't work, explain that you will have him/her handcuffed and restrained by as many officers as necessary to make him/her stand in the line-up. This usually works.
  - b. If none of this works, and the subject still refuses to participate, you have no choice but to handcuff and otherwise have the subject restrained by as many officers as are necessary to make the subject stand in the line-up. You will also have to handcuff and restrain the other members of the line-up, as well as have several officers holding each of them. In these rare cases, there is no point in asking the other members of the line-up to fake resistance to resemble the uncooperative suspect. You have done everything you could to make the line-up un-suggestive, and although your line-up will look comical and extremely suggestive, it is the suspect who is making it so. You can proceed with the line-up no matter how much attention the suspect is calling to himself/herself.
  - c. Investigators should also consult with supervisors and/or case prosecutors prior to conducting the line-up when they encounter non-cooperative suspects.

F. Physical Line-up Preparation

These occur in advance of the day of the line-up.

1. Do not give advance notification to suspects who may attempt to change their appearance. Try to avoid allowing defense attorneys to do so.
2. Schedule a date so that all victims and witnesses and prosecutors can attend.
3. Notify jail or other holding facility where physical line-up is to take place so that facility can be reserved and suitable and willing stand-ins (non-suspect persons in the line-up) can be identified or otherwise obtained. Whenever possible it is best for investigators to pick the stand-ins personally. Stand-ins should be of the same sex, race, approximate age, and build as the suspect. If the suspect has other unique characteristics, stand-ins with these same characteristics should be obtained if at all possible. If possible, use at least five stand-ins for a total of six persons in the line-up (including the suspect).



4. The minimum amount of investigators/officers needed will be three:
  - a. Case Investigator to remain in viewing room and control the process.
  - b. Prisoner Control Investigator who remains with subjects in the line-up to control the prisoners as necessary.
  - c. Witness Control Investigator who remains with witnesses not in the viewing room to ensure they are not discussing identification.

Depending on the facility used and level of cooperation on the part of the suspect, even more investigators and officers may be needed.

G. Physical Line-up Procedures

These occur the day of the line-up

1. Meet with the suspect and explain to the suspect that he/she is going to be in a physical line-up and elicit his/her cooperation. This should be the first time the suspect is made aware of this. Allow the suspect to pick his/her own number or place in the line-up. Ensure that the suspect is kept in a holding cell away from the other inmates/stand-ins. Ensure that the suspect is under surveillance so that he/she does not attempt to do anything to alter his/her appearance once he/she has been informed of the line-up.
2. Meet with the stand-ins who have agreed to participate in the line-up, assure them that they are not the subjects of the line-up. Assign them the remaining numbers or positions in the line-up. Record each of their full names and dates of birth, etc.
3. Photograph the line-up, each person individually and the entire line-up as a group. These photographs should be maintained as evidence. If a video camera is available it should be set up in the viewing room to record the entire process.
4. Perform an operations check on viewing room intercom or radios.
5. Meet with victims and explain the process to them. Also provide them with an admonition regarding the physical line-up process.

Example: “In a moment I am going to show you six individuals. This group may or may not contain the person who committed this crime, and you are certainly under no pressure to identify anyone. When you look at these individuals keep in mind that hair styles are easily changed and the suspect who committed the crime could have also otherwise changed their appearance since the crime, so you should concentrate on these individual’s features which cannot be easily changed. If you would like to



hear one or more of the individuals say certain words or phrases just let us know. You will be behind a one-way mirror so that none of these individuals can see you. After you have viewed this line-up, please do not indicate in any way to any other victims or witnesses whether or not you recognized anyone until everyone has had a chance to see this line-up, because doing so might influence their decision or put pressure on them.”

6. Make sure the viewing room is free of distraction and lit appropriately. The viewing room should be dark and the line-up room should be well lit.
7. Allow only one victim or witness at a time in the viewing room.
8. Observe the witness’ face as they look at the line-up. You may see non-verbal signs of recognition and if you do it is OK to make inquiries (i.e., “You look like you just recognized something, can you tell me what it is?”)
9. Sometimes witnesses will keep staring at a certain individual without saying anything. This often means they think this could be the suspect, but they don’t want to identify the wrong person. If this happens, make inquiries (i.e., “I notice you keep looking at the same one, can you tell me why?”)
10. If victims or witnesses would like to hear one or more individuals say certain words or phrases, instruct the appropriate individuals to do so.
11. If an identification is made record the witness’ exact words.
12. It is OK to ask witnesses who make an identification how certain they are of this identification.
13. Be prepared for identification. You should have physical line-up forms ready for witnesses to record their identification on.
14. Ensure that witnesses who have viewed the line-up do not discuss the line-up in any way with those who have not.
15. Upon completion of the line-up it is OK to brief victims and witnesses in regards to the status of the line-up and any identifications as long as doing so will not hinder the investigation or prosecution.

H. Robbery Section Show-up

1. “Show-ups”
  - a. A “show-up” involves the victim of a crime (or a witness to the crime) viewing a potential suspect in person to determine whether or not this person is the actual suspect. In a “show-up” it is not necessary to have other individuals along with the suspect (as in photo line-ups and physical line-ups). This is because “show-ups,”



by definition, are conducted shortly after the offense occurs, which tends to increase the ability of victims and witnesses to correctly identify suspects. Additionally, “show-ups” normally involve situations where it is not feasible for police to abide by the restrictions of other types of line-ups. In fact, if police were required to do so, this would result in potential suspects (some of whom might be innocent citizens) being detained for unreasonable amounts of time. For these reasons, “show-ups” are allowed by the courts.

- b. As a general rule, “show-ups” should be conducted within ONE HOUR of the offense. Following an offense, and the broadcasted description of suspects and suspect vehicles, it is common practice to detain suspects and vehicles that match these descriptions in order to determine if they were involved in the crime. In some cases, officers responding to crimes are warranted in detaining persons engaging in suspicious behavior even before the descriptions have been broadcast. It is important to note that although “show-ups” are normally conducted within an hour of the offense, they may be conducted several hours after an offense if the facts and circumstances warrant doing so. The courts have not written the length of time that can pass in stone. In cases that involve a “show-up” being conducted in excess of an hour after the offense, investigators will have to justify their actions in court. The reasonableness of their actions will usually be the primary consideration of the courts. Just remember, the more time passes after an offense, the less reasonable a “show-up” becomes.
  - c. The concept of a “show-up” is inherently suggestive, and police investigators must remember to endeavor to off-set this by making the “show-up” as un-suggestive as is possible.
2. Considerations in Deciding to Conduct a “Show-up”
- a. Amount of time that has passed since offense occurred.
  - b. Suspect(s) and/or vehicle(s) descriptions and whether or not they match those of person(s) and/or vehicle(s) being detained.
  - c. Proximity to the scene of the crime and whether or not person(s) or vehicle(s) stopped could have traveled this distance since the crime.
  - d. Victim(s) and/or witness’ ability to identify suspects; i.e., did the witness even get a look at the suspect, the suspect’s clothing, or hear the suspect’s voice.



- e. Are other means of identifying the suspect or ruling out persons detained available? Example: If there is a surveillance video of the suspect committing the crime, officers on the street may not have viewed this prior to canvassing and detaining persons who match the description (which may be very vague). Investigators are usually the ones who view these videos at the crime scene, and can rule out any persons detained who obviously are not the suspect. In this case, there would be no need to conduct a “show-up.”

3. “Show-up” Procedures

- a. Whenever possible, the case investigators who are going to be assigned to investigate the crime should conduct any “show-ups” personally.
- b. Whenever possible, victims and witnesses should be brought to the location where potential suspects have been detained. This presents less inconvenience for innocent persons who have been detained, and is less suggestive than transporting any potential suspects in police cars to the victim/witness location. In cases where it is not possible to bring victims and witnesses to the persons detained, and police have no charges against these persons, investigators should ask the persons detained if they would be willing to cooperate and be transported to the witnesses (they will probably be transported whether they agree to it or not -but it is ideal if they agree). Asking for cooperation is not necessary in cases where police already have charges on the person detained.
- c. Prior to any “show-ups” taking place, investigators must provide victims and witnesses with an admonition similar to the “photographic admonition” in nature and purpose. This is especially important in cases where victims and witnesses are going to be shown persons who appear to be in police custody (i.e., hand-cuffed or detained in police shield cars). This admonition serves to make “show-up” as un-suggestive as possible and allows investigators to provide victims and witnesses with directions.
- d. Never tell victims and witnesses that the person has been arrested for the crime prior to conducting “show-ups” as this is unduly suggestive.

Example: “In a moment I am going to show you an individual who may or may not be the person who committed this crime, and you are certainly under no pressure to identify this person. This person is with a police officer. Just because this person is in the back of a



police car and may be hand-cuffed you should not assume that this person is under arrest for this crime. When you look at this person, keep in mind that the suspect who committed the crime could have changed or discarded clothing, so it is important that you only pay attention to this person's physical features like the face, hair, complexion and build. After you have seen this person, please do not indicate in any way to any other victims or witnesses whether or not you recognized this person until everyone has had a chance to see this person, because doing so might influence their decision or put pressure on them."

The admonition can be given to victims and witnesses as a group along with further directions regarding what to say if they recognize the person or not (see # 4 below).

- e. Prior to any "show-ups" taking place, investigators must ALSO provide victims and witnesses with specific instructions of what to say regarding identification during the "show-up." This can be done in conjunction with the admonition (#3 above) with the victims and witnesses as a group. Keep in mind that victims and witnesses can be emotional and anxious following a crime and the prospect of coming face to face with the suspect can make matters worse. Keep the instructions very simple and ensure they are understood by quizzing the victim and witnesses about the procedures prior to the actual "show-up." Investigators should further do everything they can to calm victims and witnesses, dissuade their fears about confronting potential suspects, and assure them of their safety. This can aid in the understanding of instructions.

4. "Show-up" Instructions for Victims and Witnesses

a. Instruction 1

Tell the victims and witnesses that if they recognize the person as the suspect to say so in the presence of the suspect. (i.e., "That's him!")

This is done because if the victim or witness can identify the suspect, investigators want the suspect to know this. This can certainly aid in terms of obtaining a confession later.

b. Instruction 2

Tell the victims and witnesses that if they do not recognize the person as the suspect OR they are not sure if it is the suspect to say only "I've had a good enough look!" in the presence of the subject



of the “show-up.” Further, tell them you will then talk to them out of the presence of the subject to determine whether it was definitely not the suspect or it could have been the suspect but the witness isn’t sure.

This specific phrase (“I’ve had a good enough look!”), or one similar, is used because if the victim or witness cannot identify the subject, investigators do not want the subject to know this. Remember, just because the victim or witness can’t recognize the person this doesn’t mean it isn’t the right suspect. By having victims and witnesses use this phrase (“I’ve had a good enough look!”) in these instances, suspects will not know that they have not been identified. This could make the investigator’s job easier later, especially in regards to interrogation. On the other hand, if victims and witnesses were allowed to use phrases like, “I don’t know,” “I’m not sure,” or “That’s not him,” during “show-ups” it can hamper the investigation (and subsequent interrogation) in cases where officers have actually detained the right suspect.

Remember to quiz victims and witnesses about these instructions prior to actual “show-ups.”

5. Prior to conducting the “show-ups” with victims and witnesses, investigators should personally observe and speak to any potential suspects who are to be the subjects of any “show-ups.” Basic information should be obtained (“name, date of birth, address, etc.) This is especially helpful if multiple suspects have been detained because it can avoid confusion about identities during the actual “show-ups.”
6. Potential suspects (the subjects of the “show-up”) should NEVER be allowed to speak freely to victims and witnesses during the “show-up.” Oftentimes suspects will attempt to intimidate or even plead with witnesses not to identify them. Suspects should be told to say nothing unless asked to say specific words by the investigator, which could be helpful in cases where the witness believes they can recognize the suspect’s voice.
7. Conduct “show-ups” with only one victim or witness at a time.
8. If show-ups are being conducted at night time in poorly lighted surroundings, illuminate the suspect with a flashlight to aid in visibility. This can also be a useful technique with suspects who attempt to glare at witnesses in hopes of intimidating them. By directing the flashlight beam at the suspect’s face, investigators inhibit the suspect’s ability to make eye contact with witnesses.



9. Do not allow victims or witnesses to observe each others' "show-ups." This could influence the decisions of those who have not yet been shown the subject. Keep victims and witnesses out of the line of sight of where the suspects are and "show-ups" are taking place until it is their turn.
10. Record date and time of each show-up with each victim or witness.
11. Don't forget to allow victims and witnesses to look at any suspect vehicles, firearms, or other evidence they may recognize in conjunction with each "show-up."
12. Once victims and witnesses have seen the subject(s) of the "show-up(s)" keep them separated from victims and witnesses who have not yet seen them.
13. If formal statements (whether written or taped) are going to be taken from each victim and witness, the "show-up" and results should be referenced in each person's statements.



**ROBBERY SECTION ARREST FOLDER CHECK-OFF SHEET**

<b>Form Title &amp; Sequence</b>	<b>N/A</b>	<b>TBA</b>	<b>DONE</b>
1. Case Summary (LT Office; Running Board; File Room w/ 1 <sup>st</sup> Time Felony) (Sgt's Tray w/ Booking Sheet; Saved to Robbery Running Board) (Saved to Detective Division Running Board; Folder)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Case Report (New Page 1 per each Defendant/Victim)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. IBR (Update Suspect info in ILeads)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Investigator's Notes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Officer's Notes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Canvass Notes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Victim 1. Face Sheet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Victim 1. Statement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Repeat for each Victim <u>in alphabetical order</u></b>			
9. Witness 1. Face Sheet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Witness 1. Statements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Repeat for each Witness <u>in alphabetical order</u></b>			
11. Photo Line-ups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Defendant 1. Face Sheet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Defendant 1. Detention Sheet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Defendant 1. Legal Rights, PD 381	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Defendant 1. Statement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Defendant 1. Warrant Request	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Defendant 1. Warrants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Defendant 1. Grand Jury Report	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Defendant 1. First Time Felony	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Defendant 1. Subpoena Request	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Repeat for each Co-defendant <u>in alphabetical order</u></b>			
21. Co-defendant Card (Alphabetical Order)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Evidence Photographs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23. Search Warrants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24. Consent to Search Forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25. Vouchers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26. Vehicle Tow/Impound Record	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27. Forensics Paperwork	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28. Forensics Photographs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29. 911 Transcripts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NPD Robbery Section  
06/21/2011 - Inv. Currott