

April 21, 2010

**CITY OF FERGUSON
OFFICE OF THE CHIEF OF POLICE**

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CRIMINAL INVESTIGATION

497.00 PURPOSE

The purpose of this General Order is to standardize investigative procedures for both uniform patrol officers and officers assigned to the Bureau of Criminal Investigation; and to establish policies, procedures and guidelines that will insure the effective and efficient performance of investigations functions by the Ferguson Police Department.

497.01 POLICY

It is the policy of the Ferguson Police Department to investigate all reported criminal offenses by collecting information basic to the report of the offense; collecting and preserving evidence; apprehending suspected offenders; recovering property; and preparing cases for prosecution. Although both patrol officers and detectives share the criminal investigation function, the ultimate objective of any criminal investigation is case clearance.

497.02 BUREAU OF CRIMINAL INVESTIGATION

The commander of the Bureau of Criminal Investigation is either a Captain or Lieutenant who reports to the Chief of Police.

A. Bureau of Criminal Investigation Functions

1. Criminal investigations
2. Juvenile investigations
3. Crime scene technicians

4. Intelligence, organized crime and vice operations
 5. Pre-employment background investigations
- B. Bureau of Criminal Investigation is responsible for the following activities.
1. Conducting follow-up investigations on active crimes reported to the department.
 2. Juvenile follow-up investigations, referring juvenile apprehensions to juvenile court or disposing of them logically.
 3. Collect, process, and record criminal intelligence information related to organized crime, vice, narcotics activity, and other criminal activities; conduct undercover investigations and support undercover operatives.
 4. Develop, maintain contact with, and appropriately record information from informants.
 5. Maintain and care for all specialized and technical criminal investigative equipment.
 6. Maintain liaison with the St Louis County Prosecuting Attorney's Office, and other law enforcement agencies for the purpose of coordinating activities and exchanging of information.
 7. Assist uniform officers with preliminary investigations when appropriate.
- C. The Criminal Investigation function of the Detective Bureau provides 24-hour coverage to the Police Department. An "on duty" schedule/roster of B.C.I. detectives/ Crime Scene Technicians is updated every 28 days. Copies are distributed by e-mail to the Communications Division and to all police department Commanders and Supervisors. Should a Detective or Crime Scene Technician be needed after hours, the Bureau Commander or Supervisor will be notified as follows:
1. The B.C.I. Commander will be notified of all major part one crimes (murder, rape, robbery, assault 1st, etc.).
 2. For routine detective notifications / CST requests (stealing, burglary, property damage, recovered stolen auto, etc.), the afterhours on call B.C.I. supervisor will be notified. If the supervisor is not available then the commander shall be contacted.
 3. The B.C.I. Commander/Supervisor that is notified will ultimately make the decision about calling in off duty personnel.

- D. The Bureau of Criminal Investigation will handle and/or assist with, but is not limited to, the following offenses:
1. Crimes against persons:
 2. Property Crimes.
 3. Juvenile Offenses.
 4. Narcotic Violations.
 5. Vice Investigations.
 6. Special Investigations

497.03 PRELIMINARY INVESTIGATIONS

- A. It shall be the duty of the responding officer, whether uniform division or detective bureau, to conduct a thorough investigation. The uniform patrol will be responsible for most preliminary investigations however; a detective can be requested to respond to scenes of crimes. The responding officer shall be careful to observe the conditions of the scene.
- B. Officers will make every effort to interview the victim, complainant, and all witnesses. Additionally, the responding officer will perform an area canvass for possible witnesses, and will also determine the extent of the victim's injuries and render appropriate aid when needed.
- C. The initial investigating officer will be responsible for detecting, maintaining, protecting, and processing evidence at the crime scene. He is also responsible for arranging for the collection of evidence. He will also be responsible for the preparation of a written report of the incident.
- D. The initial officer will interview the complainant, witnesses and if a suspect is apprehended, the initial officer will interrogate the offender when it is acceptable. When the tasks are accomplished by the first officer or investigator, it may prove sufficient to bring a case to a satisfactory conclusion, thus obviating the need for a follow-up investigation.
- E. Based upon the nature of the offense, circumstances may arise when the services of federal law enforcement agencies may be needed to assist in the investigation, or the agency may have concurrent jurisdiction. The following procedures shall apply when seeking the assistance of a federal agency:
1. The Shift commander shall be advised. It is his decision as to whether the Federal agency should be contacted. If possible, the Bureau of Criminal Investigation Commander should be advised.
 2. When federal law enforcement assistance is requested, a supplement report should be completed addressing the date and time of the request, and who was contacted.

3. The types of offenses or circumstances that may warrant federal assistance include, but are not limited to, the following:
 - a. Bank robberies - F.B.I.
 - b. Firearms, alcohol and tobacco offenses - A.T.F.
 - c. Drug cases - D.E.A.
 - d. Counterfeiting - Secret Service
 - e. Chemical or hazardous material spills - E.P.A.
 - f. Mail tampering, etc. - Postal Inspectors
 - g. Plane crash - Federal Aviation Administration
- F. Initial Preliminary Investigators Responsibilities.
 1. Response to Scene.
 - a. Assigned units shall proceed promptly to a crime scene but shall do so in a safe manner. Other patrol units shall not respond to a crime scene unless specifically ordered to respond. Units not ordered to respond should remain on the perimeter to assist in the apprehension of the offender or to perform other duties as directed.
 - b. When approaching the scene, the officer shall be alert for any signs of suspicious activity, especially any evidence of a fleeing suspect and should be alert for a preliminary description or other useful information from the dispatcher.
 2. The investigating officer shall immediately determine the need for medical or first aid for any injured person on the scene. Appropriate medical assistance will be requested for injured persons.
 3. When the investigating officer has determined that a crime has occurred, the officer may then seek to arrest the offender if there is a reasonable likelihood that the offender can be apprehended.
 4. The officer, as soon as practical, shall advise the dispatcher of the following information:
 - a. The nature of the crime.
 - b. A description of the offender and the direction he fled.
 - c. A description of the vehicle, if any.
 - d. Whether or not the suspect is armed.
 5. Crime scene procedures will vary according to seriousness of the offense, see General Order 433 *Violent Crimes and Crime Scenes* for additional information related to violent crimes:

- a. The officer shall preserve the crime scene and preserve evidence until it is collected or processed.
 - b. Physical evidence shall not be touched or moved unless it is absolutely necessary to insure its preservation.
 - c. A protective barrier or rope may be used to keep unauthorized persons from entering the crime scene. Entry into the crime scene should be restricted to as few officers as possible in order to avoid contamination of physical evidence.
 - d. Victims and witnesses, if any, should be separated. Complete the interview and document a statement from each individual. Officers may provide the witness/victim with the departmental Witness Statement form and request the witness or victim make a written statement.
 - 1). Written statements should be obtained in felony cases of crimes against persons, or less serious offenses if the officer believes the written statement will be beneficial in bringing the investigation to a successful conclusion.
 - 2). The written statement shall be initialed on each page by the witness, signed by the witness/victim and officer, properly packaged and placed into evidence. A photocopy of the statement should be attached to the police report.
 - e. Photograph the crime scene.
 - f. Search for and collect items of evidentiary value.
 - g. Process the scene for latent prints.
 - h. Determine the extent of the crime. If property loss, determine exact location, dollar amount, serial numbers, brand, model and all other pertinent information.
 - i. Document all investigative activities to insure that all necessary information is included in reports. Coordinate with patrol units to do an area canvass.
6. When a detective is assigned to conduct an investigation of a crime scene he/she shall have responsibility to use all available investigative techniques to conduct a thorough investigation and present the case for prosecution.

G. Preliminary Investigation Check List

1. The following check list summarizes the duties of an officer conducting a preliminary investigation at a scene of a crime:
 - a. Care for the victim if medical attention is necessary.
 - b. Arrange for the immediate pursuit of the perpetrators if the possibility of apprehension is likely.
 - c. Provide the best possible description of perpetrators to the dispatcher, to include information regarding the direction of travel and whether the suspects are armed or dangerous.
 - d. Arrest a perpetrator if possible.
 - e. Carefully protect the crime scene from intrusion or change and preserve all physical evidence.
 - f. Seek witnesses and direct that they remain at the scene until questioned.
 - g. Identify all persons, to include all officers, present and record names, addresses and telephone numbers.
 - h. Listen for and note any unguarded remarks made by witnesses or others present at the scene.
 - i. Make inquiries of neighbors and bystanders as to their knowledge of suspicious persons or vehicles in the vicinity.
 - j. Note and record conditions at the crime scene such as exact time of the incident, time of initial report, who made the report, weather, visibility, street lighting and all other pertinent information.
 - k. Complete a detailed report of all that was observed and learned during the preliminary investigation.

H. Crime Scene Command.

The patrol officer shall yield the crime scene investigation, when so ordered by the officer in command, or upon arrival of a detective assigned to handle the investigation.

497.04 FOLLOW-UP INVESTIGATIONS

Such investigations are conducted normally by investigators assigned to the Bureau of Criminal Investigation. The following procedures are offered as a guide toward conducting follow-up investigations.

- A. It shall be the duty of the investigator, once assigned to a case for investigation, to read review and analyze all previous reports prepared during the preliminary investigation, and obtain results from laboratory examinations. The investigator may need to obtain copies of attachments from the evidence room.
- B. The investigator will make arrangements to conduct any additional interviews of the victims or witnesses and to interrogate those who may be suspects in the case.
- C. The follow-up investigator should contact personnel who may have been at the crime scene, or who completed supplemental reports, to assure that as much information as possible is obtained.
- D. The investigator shall preserve the crime scene and preserve evidence. Should the crime scene dictate, the investigator should organize searches to locate and collect physical evidence. Searches requiring overtime personnel or other extensive resources will be approved by a supervisor.
- E. It shall be the responsibility of the investigator to make every effort to identify and apprehend the suspect(s) responsible for the commission of the crime being investigated. Upon development of a suspect, the investigator should also determine if the individual is a suspect in any other crimes in Ferguson, and secondly, if the individual is a suspect in a crime in another jurisdiction. The suspect's criminal history should be checked to determine involvement in similar type cases in the area. The investigator should arrange for the dissemination of information as appropriate.
- F. Should a suspect be identified from reports, interviews, review of evidence, or witnesses the investigator shall prepare a case for presentation to the prosecutor. Prior to presentation, the case will be reviewed and approved by the Bureau supervisor and/or Commander for completeness and accuracy.
- G. It shall be the responsibility of the investigator to prepare cases for court presentation. Prior to any court presentation the investigation/officer shall be fully aware of the details of the investigation, verify evidence availability prior to the court date and assist the Assistant Prosecutor with any preparation for court case.
- H. At the conclusion of the investigation, the victim/witness will be advised of the disposition.

497.05 CRIMINAL INVESTIGATION OPERATIONS

- A. The procedures for the following criminal investigation functions include, but are not limited to, the following:
 - 1. Information development: Investigators will utilize all possible sources available for information development. Examples of possible sources are:

- a. Witnesses and victims shall be interviewed at the earliest possible time following a crime or incident to develop the most accurate information.
- b. Informants.
- c. Department records, written or computerized.
- d. National Crime Information Center (NCIC) or State and Regional records.
- e. Other law enforcement agencies or federal authorities.
- f. Non-law enforcement records such as, Social Security, Social Services, Department of Revenue, Veterans Administration, Banks, Hospitals and Public Utilities.

B. Interview and Interrogations.

The objective of every criminal investigation whether conducted by a patrol officer or detective, is to present to the court the evidence of the crime and the suspected offender. There are two general methods for gathering such information; interview or interrogation. Interviewing is a method used to obtain information from those willing to provide it. Interrogation is the process of obtaining information from suspected persons or from reluctant witnesses unwilling to cooperate voluntarily. At times even the victim of a crime is in this reluctant category.

An interview is described as a conversation with a purpose. It may include bits and pieces of information from different persons which, when accumulated, can provide valuable information to the case. For additional information relative to the Miranda decision, such as when and how to advise someone of their constitutional rights, see General Order 409.00.

When possible, the interviews will be conducted in the Ferguson Police Department interview room, and all persons will be interviewed separately.

1. Interviewing Witnesses - The effective interviewing of persons having knowledge that is helpful in the solution of a case is a vital part of the investigative process. The interviewing of witnesses enables the investigator to collect pertinent facts, substantiate information already available from other sources or to obtain additional information.
2. Initial Witness Contact.
 - a. Witnesses should be interviewed as soon as possible.

- b. Consideration must be given to the physical and emotional needs of the witnesses.
 - c. The immediate objective of the interviewing officer should be to establish a cooperative relationship.
 - d. An officer should immediately identify himself or show identification if not in uniform.
- 3. Procedure for Adults. See Miranda decision, General Order 409.00
 - 4. Juvenile Procedures. See Juvenile Offenses, General Order 444.00.
 - 5. Guidelines for Giving the Miranda Warning. See Miranda decision, General Order 409.00
 - 6. Voluntary Statements. See Miranda decision, General Order 409.00
 - 7. Waiver of Rights. See Miranda decision, General Order 409.00

C. Recording of Custodial Interrogations

- 1. As used in this section, the following terms are defined:
 - a. Custodial interrogation - The questioning of a person under arrest, who is no longer at the scene of the crime, by a member of a law enforcement agency along with the answers and other statements of the person questioned. "Custodial interrogation" shall not include: (1) A situation in which a person voluntarily agrees to meet with a member of a law enforcement agency; (2) A detention by a law enforcement agency that has not risen to the level of an arrest; (3) Questioning that is routinely asked during the processing of the arrest of the suspect; (4) Questioning pursuant to an alcohol influence report; (5) Questioning during the transportation of a suspect.
 - b. "Recorded" and "recording", any form of audiotape, videotape, motion picture, or digital recording.
- 2. When feasible, custodial interrogations shall be recorded of persons in custody and suspected of committing or attempting to commit;
 - a. Murder in the first degree
 - b. Murder in the second degree
 - c. Assault in the first degree
 - d. Assault of a law enforcement officer in the first degree
 - e. Domestic assault in the first degree

- f. Elder abuse in the first degree
- g. Robbery in the first degree
- h. Arson in the first degree
- i. Forcible rape
- j. Forcible sodomy
- k. Kidnapping
- l. Statutory rape in the first degree
- m. Statutory sodomy in the first degree
- n. Child abuse
- o. Child kidnapping

3. Recording of interrogations may be done with or without the knowledge or consent of a suspect.
4. Although recording of interrogations for the offenses listed above is required, officers are encouraged to record statements from **all suspects** when practical.
5. The recording of interrogations will not be required under the following circumstances:
 - a. The suspect requests that the interrogation not be recorded;
 - b. The interrogation occurs outside the state of Missouri;
 - c. If exigent public safety circumstances prevent recording;
 - d. To the extent the suspect makes spontaneous statements;
 - e. If the recording equipment fails;
 - f. If recording equipment is not available at the location where the interrogation takes place.
6. When recording an interrogation, the suspect should be advised of his or her rights while on camera:
 - a. You do not have to make any statement at this time and have a right to remain silent.
 - b. Anything you say can and will be used against you in a court of law.
 - c. You are entitled to consult with an attorney before an interview and to have an attorney present at the time of the interview.
 - d. If you cannot afford a lawyer, one will be appointed for you.
 - e. Do you understand your rights?

D. Collection, preservation and use of physical evidence.

Investigators of the Detective Bureau, in the event of serious major incidences, may have the responsibility of evidence detection or gathering. The investigators may have the responsibility of photographing evidence or scenes of crimes, and may also package and remand custody of evidence to the crime laboratory for analysis.

Collection of DNA will be specifically in compliance with RSMo. 650.050 through 650.060. For additional evidence gathering see *Evidence and Property G.O. 428.00*.

E. Background Investigations:

The Bureau of Criminal Investigation will conduct background investigations on all police department applicants prior to appointment to probationary status. The background investigation and contacts with past and present employers includes; an interview with the applicant; verification of qualifying credentials; a review of any criminal record; and verification of at least three personal references.

As part of the investigations, investigators may find it necessary to conduct a background investigation of a suspect. The following shall serve as guidelines for such an investigation:

1. Criminal background investigations shall be conducted as discretely as possible and under the direct knowledge of the bureau supervisor/commander.
2. Such investigations shall be for the purpose of obtaining total familiarization of the suspect and their methods of operation.
3. Sources of information for such investigations may include but are not limited to the following:
 - a. real estate records;
 - b. tax records;
 - c. credit checks;
 - d. interviews of friends, neighbors and relatives;
 - e. current and former employers;
 - f. Other law enforcement or governmental agencies; and
 - g. occupational or other specialized licenses.
4. All information developed shall be treated as confidential and not disseminated beyond those directly involved in the case or its management.
5. Information secured in the intelligence file will be reviewed annually to determine whether information still serves a purpose.

F. Surveillance:

Upon the identification of a suspect or suspected location involved in illegal activity, a surveillance of same may prove to be a viable investigative course of action. The following shall serve as guidelines during surveillance operations.

1. Surveillance operations shall begin with a consideration and analysis of the following:

- a. Organized crime or activities involved.
 - b. The suspect offender.
 - c. Associates of the Offender.
 - d. Patrons of the Offender
 - e. Vehicles owned and operated by the suspected offender.
 - f. The method of operation employed to further the activity.
 - g. Potential operational problems or dangers, such as weapons possessed by individuals.
2. All officers assigned to the surveillance operations shall be familiar with the area to be observed, to include the type of neighborhood, low income housing, middle class, or upper class housing, business community, industrial park etc., and frequency of complaints or criminal activity.
 3. The Bureau Supervisor and/or Commander of the operations shall insure that an adequate number of personnel are used and that communication equipment is available.
 4. The Bureau Supervisor and/or Commander shall insure that all surveillances are conducted in compliance within the laws of the United States Constitution and Missouri Statutes.

497.06 CASE AND FILE MANAGEMENT SYSTEM

A system of case files management for the Criminal Investigation Function, to include:

- A. Case Status Control System.
 1. When incident reports are entered into the Information Technologies Inc. (I.T.I.) computer system, those needing detective follow-up will be flagged and forwarded to the detective bureau (Commander) for follow up investigation.
 2. When the incident reports are reviewed by the Commander of the Bureau of Criminal Investigation, the cases will be assigned to the respective investigators. The Commander will assign a detective to the report in the I.T.I. computer to facilitate tracking. All reports forwarded to the detective bureau will have an investigator assigned to them by the Commander of the Bureau of Criminal Investigation.
 3. All supplemental investigative reports shall be written in a timely manner and added to the original computer file.
 4. The Commander of the Bureau of Criminal Investigation shall review all "active" criminal investigative cases after 30 days and review the

documentation of the investigator and determine the due date of the report or the progress in, or completion of the case.

B. Case File Management

1. Case assignments are assigned to detectives, who will file relevant supplemental reports, computer files and notes throughout the investigation.
2. The investigative reports, documents and notes are all kept in the Information Technologies Inc. (I.T.I.) computer system.
3. Case files that are under active investigation and require a hard copy of the investigation may be secured in the work area of the assigned detective. Access to active case files is limited to BCI personnel only.
4. All cases received by the criminal investigation component of the police department will be given designations as to their status:
 - a) active – designates a case being under active investigation
 - b) cleared – identifies the case as having been completed
 - c) inactive – indicates that all leads have been investigated with no resultant case resolution, however, should further leads be developed, the investigation will be resumed.
5. Upon completion of reports or termination of an investigation, all supplemental reports, and related attachments are submitted to the B.C.I. Commander for review and approval.
6. The B.C.I. Commander is responsible for insuring case assignments are documented, investigated and reported properly.

C. Detective work assignments by crime classification.

Detectives will generally be assigned cases based on crime classification, i.e., burglary, robbery, auto theft, stealing, etc. Each detective will investigate crimes in their area of specialization as determined by the B.C.I. Commander, or on a case-by-case basis at the direction of a B.C.I. Supervisor or Commander.

D. Case Assignments.

1. The B.C.I. Commander will determine the distribution of case assignments to detectives, based on the detectives' experience, expertise and workload.
2. In general, all felony Part One crimes not cleared by D.F.O. officers will be assigned for investigation. Misdemeanor Part One and Part Two crimes may also be assigned at the discretion of the B.C.I. Commander.

3. The assigned detectives shall review each assigned case and make note of leads for follow-up. Victims and witnesses shall be re-contacted on cases to determine whether their needs are being met.
4. The detectives should ascertain the victim's willingness to cooperate on the prosecution of the crime.
5. Victims/witnesses will be notified by the investigating detectives any time there is a change of status in their case. Official notification is by means of telephone contact, personal contact, or by written correspondence. For additional information regarding "*Rights of Victims and Witnesses*" see *G.O. 224.00*.
6. It is the responsibility of the detectives to insure that follow up investigations are completed in a timely manner.
7. A case will generally be inactive within 30 days after all leads are exhausted. If new information becomes available at a later time, the case may be reopened for further follow up. The criteria for suspending a case are as follows:
 - a. Seriousness of the case;
 - b. Solvability factors including; is there a witness, an identification of suspect or suspect vehicle, a significant M.O., or significant evidence;
 - c. Unavailability of investigative resources;
 - d. Unable to locate victim or lack of cooperation;
8. Any cases that the prosecutor declines to prosecute or cause to be dismissed and such action stems from the contention that the case was mishandled or poorly prepared by the officers assigned, will be reviewed by the officers' supervisor.

497.07 UNDERCOVER, COVERT OPERATIONS AND RAIDS

- A. An analysis of the suspect(s), activities and neighborhood shall be conducted during the preliminary investigation to determine operations needs.
- B. As part of an undercover operation, it may be necessary for officers to alter their appearance to fit the area.
- C. Officers who are assigned to undercover operations shall be carefully selected based on the particular operational needs for the assignment. The following criteria shall be considered:

1. Prior law enforcement experience.
 2. Physical builds, fitness and agility.
 3. Willingness to participate.
- D. Surveillance Operations. (See section 497.05.F)
- E. Communications
1. All communications equipment shall be tested prior to use to ensure batteries are properly charged and in good working order.
 2. The officers utilizing portable radios will use the secondary channel to eliminate confusion between the operator and other elements of the police department.
 3. In the event of an emergency or other unusual circumstances, the primary channel shall be used.
- F. All raids will be coordinated through the B.C.I. Commander and approved by the Chief of Police.
- G. The St. Louis County Tactical Operations Unit may be used for building entry involving potentially hazardous suspects or locations.
- H. An officer in charge will be designated. The officer in charge is responsible for.
1. Obtaining information on the building to be raided, including the building floor plan, all doors, and windows.
 2. Coordination with the Tactical Operations Unit.
 3. Making assignments to each officer involved in the raid.
 4. Briefing all personnel on tactics, communications (including radio channels & call signs), building layout, equipment and weapons, and a use of force policy review.
- I. All personnel involved will wear distinctive markings or clothing (i.e. raid jackets).

497.08 TASK FORCE (Participating Agency)

It shall be the policy of this department to participate in the Greater St. Louis Major Case Squad, the St. Louis County Multi-Jurisdictional Task Force and other specialized task

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forces. Further procedure for participation of the St Louis Major Case Squad is found in General Order 426.00

- A. The purpose of such squads or task forces is to pool resources and expertise, and may be formed on a temporary basis to handle specific crime problems within the City of Ferguson or metropolitan area. Crime specific offenses may include, but are not limited to homicides, robberies, rapes, auto thefts, and burglary cases.
- B. The Chief of Police must authorize participation in any specialized task force.
- C. The following shall serve as a basic guide for the Department's participation in such task forces.
 - 1. Current manpower and caseload assignments permit an investigator being assigned to a task force.
 - 2. The agency shall submit in writing the request for personnel. Such request shall include the reason for the task force, anticipated length of assignment, and shall be sent to the Chief of Police.
 - 3. While serving on such task forces the officer assigned shall be under the direct supervision of the agency hosting the task force, or a predetermined commander.
 - 4. The Commander of the B.C.I. will evaluate the scope of the task force and determine what department resources may be committed.
 - 5. Evaluation - At the conclusion of each week, the Department shall evaluate the need to continue the assignment of an investigator to the task force, if such task force is designed on a temporary basis. At the conclusion of the task force, (other than the Greater St. Louis Major Case Squad), the investigator assigned shall prepare a memorandum as to their evaluation of the task force's productivity. The Department shall request a written evaluation from the host agency, to include such information as cases cleared, number of arrests made, property recovered, and number of man hours worked.

By order of:



COLONEL THOMAS JACKSON
Chief of Police

Distribution

All Department Personnel

MPCCF Reference 23.1, 23.2, 23.3, 23.4, 23.5, 23.6, 23.7, 23.8, 23.9, 23.10,
23.11, 23.12, 23.14