

FOLLOW-UP INVESTIGATIONS

EVERETT POLICE DEPARTMENT POLICY & PROCEDURE NO. 2.01	ISSUE DATE: 16 Aug 2012
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MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 42.1.1; 42.1.2; 42.1.3; 42.1.4; 42.2.2; 42.2.4; 42.2.5; 42.2.6; 42.2.9	REVISION DATE: _____

I. GENERAL CONSIDERATIONS AND GUIDELINES

Follow-up investigations are investigations into crimes beyond the preliminary investigation performed by the first officer(s) at the scene. Follow-up investigations are generally the responsibility of the department's detective unit; however, patrol officers may conduct their own follow-up investigations for those less serious crimes that do not require the utilization of resources generally unavailable to patrol officers.

This policy contains general procedures for conducting any follow-up investigation. Where a policy exists on responding to a specific crime, that policy should also be followed. See department policies **2.05 Domestic Violence, 2.06 Bias Crimes, 2.07 Sexual Assault Investigations, 2.08 Missing Persons, Dead Bodies, 2.10 Breaking and Entering, 2.11 Bank Robberies, 2.12 Motor Vehicle Theft, 2.13 Structure Fires, and 2.14 Vehicle Fires.**

II. POLICY

It is the policy of this department to conduct follow-up investigations in accordance with the criteria established in this policy.

III. PROCEDURES

A. Responsibilities

1. COVERAGE: The department has an on-call schedule of investigators to cover all hours in which investigators are not assigned to duty shifts. [42.1.1]

2. DETECTIVE SUPERVISOR: It shall be the responsibility of the commanding officer, Criminal Investigations Unit, or his/her designee, to determine:
 - a. Whether a follow-up investigation shall be conducted;
 - b. How many investigators are to be assigned to each investigation; and
 - c. How many hours are to be expended on each investigation.
3. PRELIMINARY INVESTIGATIONS: Preliminary investigations are the responsibility of the officer assigned to a particular incident. Generally, this will be a patrol officer. [42.1.4]
4. FOLLOW UP INVESTIGATIONS: In general, the responsibility for conducting follow-up investigations is that of the Investigative Function. [42.1.4]
 - a. A specific investigator shall be assigned by the Detective Supervisor or his/her designee, as the principal investigator for each case.
 - b. Cases involving specialized skills, knowledge or ability should be assigned to or assisted by those officers having that expertise, regardless of function assignment.
5. ROLL CALL: Detectives shall periodically attend patrol officer shift briefings. [42.2.4]

B. Case Management

1. CASE SCREENING: The Detective Supervisor, or his/her designee, shall review the preliminary investigation report for each candidate case using departmental screening criteria to determine the likelihood of a successful follow-up investigation. Screening criteria includes: [42.1.2]
 - a. The nature and seriousness of the crime;
 - b. Solvability factors;
 - c. Community reaction to the crime;
 - d. Availability of department resources;
 - e. The documented experiences of this department and other law enforcement agencies;
 - f. Research conducted by the department including the application and utilization of crime analysis; and
 - g. Research conducted by other law enforcement agencies.

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2. CASE ASSIGNMENT
 - a. The Detective Supervisor, or his/her designee, shall assign cases screened for follow-up investigation.
 - b. The supervisor or designee should consider investigator experience, expertise, and case load in making assignments.
 - c. Cases may be referred back to the patrol function for follow-up if appropriate.
 3. CASE FILE CONTROL: The Detective Supervisor or designee shall maintain a case file roster to manage open cases. The roster will include: [42.1.3(a)]
 - a. The investigator assigned;
 - b. Incident number;
 - c. Date of assignment; and
 - d. Case status.
 4. CASE PROGRESS REPORTING
 - a. Investigators will periodically report the progress of investigations assigned to them to the Detective Supervisor.
 - b. It shall be the responsibility of Detective Supervisor to determine if additional resources shall be expended in the investigation of such cases or if the investigation shall be cleared/closed or suspended.
 5. CASE FILE CONTENTS: The case file for each investigation shall contain, as applicable, each of the following: [42.1.3(c)] (note: most of these may be kept or stored electronically in the departments record management system)
 - a. A copy of the preliminary report;
 - b. Statements of witnesses and suspects;
 - c. Investigator's notes (will be destroyed upon completion of formal/final report);
 - d. Tests conducted and the results if available;
 - e. Documents obtained which relate to the investigation (i.e., telephone records, copies of checks, receipts, etc.);
 - f. Case status reports; and
 - g. Other documents and resources pertinent to the investigation.
 6. FILE ACCESS [42.1.3(D)]
 - a. Case file for open, active cases shall be kept in the criminal investigations unit with the assigned detective. (note: most case files are stored electronically in the department RMS)

- b. Access to such records shall be available to:
 - 1) Investigators;
 - 2) Detective Supervisor(s); and
 - 3) Detective clerical personnel.
 - c. Files for active cases may be maintained by the assigned investigator if the investigator is working the case. Case file information should be updated regularly in the department's record management system, using either the report module or the detective module. Hard copy case files should be kept in a secure location by investigators.
7. CASE STATUS: The Detective Supervisor, or designee, shall supervise the status of case assignments, utilizing the following administrative designations appearing on all Investigative Reports: [42.1.3(b)]
- a. OPEN: The case is assigned to a detective, and investigative efforts are active.
 - b. CLEARED/CLOSED: The case has been satisfactorily concluded by arrest, summons, warrant, complaint application; or the case is being administratively closed due to the lack of solvability factors.
 - c. SUSPENDED: All available leads have been exhausted, but the case has not been brought to a satisfactory conclusion, and investigative efforts may be resumed. Cases where investigators are waiting for additional information such as lab work, or other investigative sources may be placed in suspended status.
 - d. UNFOUNDED: The case report is determined to be false or unfounded the case status shall be updated to reflect such status
 - e. EXCEPTIONAL CLEARANCE: NIBR's also supports the following cases status when a case is CLEARED/CLOSED for exceptional reasons. They are:
 - 1) CA – CLEARED/CLOSED DEATH OF OFFENDER
 - 2) CC – CLEARED/CLOSED EXTRADITION DENIED
 - 3) CE – CLEARED/CLOSED JUVENILE OFFENDER NOT IN CUSTODY
 - 4) CN – NOT APPLICABLE (this is not used by the department)
8. CLEARING/CLOSING/SUSPENDING AN INVESTIGATION
- a. An active case shall not be cleared/closed or suspended without an evaluation by the principal investigator and review by the Detective Supervisor, or designee of the following:
 - 1) Absence of further leads or solvability factors;

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- 2) Unavailability of investigative resources;
 - 3) Negative interviews with victims/witnesses;
 - 4) Inconclusive physical evidence found at the scene of the crime/incident;
 - 5) The exhaustion of all other information sources; and
 - 6) The degree of seriousness of the crime.
- b. In all cases, the principal investigator shall have the approval of a superior officer of the Detective Division prior to the clearing/closing or suspension of investigative efforts.
 - c. Cases that are open for more than thirty (30) days should be reviewed for solvability factors. If there are no solvability factors the case should be administratively closed or suspended.
 - d. Major cases such as homicides and sexual assaults that are not solved will not be closed without supervisory approval. These cases should either remain open or be suspended.
9. INVESTIGATION FILES [42.1.3(E)]
- a. Case files for all cases shall be filed in accordance with the administrative designator (Open, Suspended, Cleared/Closed, or Exceptional Clearance Code).
 - b. Open Cases: Open cases shall be kept with the principal investigator in the criminal investigations unit.
 - 1) Case files shall be maintained indefinitely.
 - c. Suspended Cases: Suspended cases shall be kept with the principal investigator in the criminal investigations unit, as well as stored in the department record management system.
 - 1) Such cases shall include cases where all available leads have been exhausted, but the case has not been brought to a satisfactory conclusion, and investigative efforts may be resumed.
 - 2) Homicides, sexual assaults and other major cases that have not been solved may be placed in this category.
 - 3) Case files shall be maintained for IAW record retention schedules, unless otherwise specified.
 - d. Closed Cases: Administratively closed cases shall be kept with the principal investigator in the criminal investigations unit, as well as stored in the department record management system as a department record.
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10. RE-OPENING CLOSED INVESTIGATIONS
- a. Activation Criteria: A closed case may be reactivated in the event that: [42.2.9(b)]
 - 1) New evidence in the case has been discovered;
 - 2) New technology is available which may provide new leads in the case;
 - 3) A witness in the case has come forward; or
 - 4) A victim's body has been found.
 - b. Activation Process: The Detective Supervisor shall review or assign for review closed cases to determine if additional investigative resources could result in the case being solved. The Chief of Police may determine that a case should be reopened. The supervisor should consider the following criteria in determining whether to reopen a case: 42.2.9(b)]
 - 1) The nature of the crime;
 - 2) The nature and weight of the new evidence, if any;
 - 3) The age of the case;
 - 4) The availability of witnesses; and
 - 5) The likelihood of a successful prosecution.
 - c. In each case where a closed case is reviewed and a determination is made to reopen the case, an addendum shall be made to the report of the fact that the case has been reopened as well as any investigative activities. [42.2.9(c)]
11. RECORDS RETENTION: The Secretary of the Commonwealth, Public Records Division, requires retention of records in accordance with a published schedule, 11-81. Investigative records not required to be held longer by policy or another authority shall be held as follows:
- a. Permanent
 - 1) Death reports¹
 - 2) Firearms wounds²
 - 3) Motor vehicle accidents, fatal³
 - b. Eleven (11) Years
 - 1) Armed robbery⁴
 - 2) Assault with a dangerous weapon⁵
 - 3) Confining and putting in fear with intent to commit a felony⁶

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- 4) Unarmed robbery⁷
 - c. Seven (7) Years
 - 1) All crimes **except**:⁸
 - a) Murder
 - b) Assault with intent to rob
 - c) Robbery
 - d) Assault with intent to Murder
 - e) Stealing by confining and putting in fear
 - 2) Dog bites⁹
 - 3) Motor vehicle accidents, personal injury¹⁰
 - d. Three (3) Years
 - 1) Motor vehicle accidents, property damage¹¹
 - 2) Stolen goods¹²
 - 3) Stolen vehicles¹³
 - e. Two (2) Years after the case is closed: Missing persons. ¹⁴

C. Conducting Follow-Up Investigations

1. The following guidelines should be used, as applicable, during all follow-up investigations:
 - a. Reviewing and analyzing all previous reports prepared in the preliminary phase to include: [42.2.2(a)]
 - 1) Departmental records;
 - 2) Existing evidence;
 - 3) Statements of victims, suspects and witnesses; and
 - 4) Laboratory examination results;
 - b. Conducting additional interviews and/or interrogations: for further guidance see the department policies regarding **1.06 Interviewing Victims and Witnesses** and **1.13 Interrogating Suspects and Arrestees**; [42.2.2(b)]
 - c. Seeking additional information from other officers; [42.2.2(c)]
 - d. Seeking additional information from informants: for further information, see the department policy **2.02 Use of Confidential Informants**; [42.2.2(c)]
 - e. Planning, organizing and conducting searches: for further guidance, see the department policy **1.08 Search and Seizure**; [42.2.2(d)]

- f. Identifying and apprehending suspects: for further guidance, see the department policies **1.12 Eyewitness Identification** and **1.11 Arrest**; [42.2.2(e)]
 - g. Determining involvement of suspects in other crimes; [42.2.2(f)]
 - h. Conducting background investigations and checking suspects' criminal histories; [42.2.2(g)]
 - i. Conducting surveillance;
 - j. Collecting physical evidence: for further information see the department policy **6.01 Collection and Preservation of Evidence**;
 - k. Arranging for dissemination of information to other law enforcement agencies, targeted groups, or the public, as appropriate;
 - l. Preparing cases for court presentations; [42.2.2(h)]
 - m. Assisting in prosecution with the district attorney's office; and
 - n. Arranging for dissemination of information as appropriate.
2. Officers conducting follow-up investigations shall maintain contact with victims and witnesses, as appropriate. For further information, see the department policy on **4.04 Victim/Witness Assistance**.
 3. Polygraph examinations may be arranged with the authorization of the Detective Supervisor. [42.2.6]
 - a. Department employees trained and certified to operate polygraphs may administer examinations. A copy of the employee's certificate shall be included in each case file for which the employee conducts such an examination.
 - b. Examinations may be arranged through the State Police or other agencies.

¹ Police Department Records Disposal Schedule 11-81, Series 14.3.

² Police Department Records Disposal Schedule 11-81, Series 14.9.

³ Police Department Records Disposal Schedule 11-81, Series 14.19B.

⁴ Police Department Records Disposal Schedule 11-81, Series 14.13A.

⁵ Police Department Records Disposal Schedule 11-81, Series 14.13B.

⁶ Police Department Records Disposal Schedule 11-81, Series 14.13D.

⁷ Police Department Records Disposal Schedule 11-81, Series 14.13C.

⁸ Police Department Records Disposal Schedule 11-81, Series 14.12.

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- ⁹ Police Department Records Disposal Schedule 11-81, Series 14.4.
 - ¹⁰ Police Department Records Disposal Schedule 11-81, Series 14.19D.
 - ¹¹ Police Department Records Disposal Schedule 11-81, Series 14.19E.
 - ¹² Police Department Records Disposal Schedule 11-81, Series 14.28.
 - ¹³ Police Department Records Disposal Schedule 11-81, Series 14.29.
 - ¹⁴ Police Department Records Disposal Schedule 11-81, Series 14.18.