

# PRELIMINARY INVESTIGATIONS

EVERETT POLICE DEPARTMENT POLICY & PROCEDURE NO. <b>1.05</b>	ISSUE DATE: 11 May 2011
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MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: <b>42.1.4; 42.2.1;</b> <b>42.2.3</b>	REVISION DATE: _____

## I. GENERAL CONSIDERATIONS AND GUIDELINES

The ultimate success or failure of police efforts in solving a case is often based upon the immediate police response and preliminary investigation. This is generally the responsibility of patrol officers who are nearly always the first officers on the scene of a reported crime. It is the patrol officer who will initially discover facts, locate and identify witnesses and preserve physical evidence that is relied upon by the police investigator in the subsequent search for the suspected criminal.

The purpose of this policy is to provide guidance to those officers who conduct preliminary investigations.

## II. POLICY

It is the policy of this department that:

- A. Preliminary investigations shall be conducted on all incidents which violate the criminal code of the Commonwealth or city ordinances , or have the potential to result in a criminal or civil actions (against the city or city employee)or as directed by a superior officer; and
- B. All officers understand and comply with the following procedures when conducting initial investigations of crimes.

### **III. PROCEDURES**

#### ***A. Responding to a Crime Scene***

1. Officers proceeding to a crime scene shall be vigilant and watchful in their approach for any signs of:
  - a. Suspicious activity that may be related to the crime;
  - b. Evidence of a fleeing criminal;
  - c. Persons acting suspiciously or furtively in the vicinity; or
  - d. Objects being thrown from a vehicle leaving the scene.
2. A threshold inquiry is justified when officers observe an individual fleeing from the scene of a crime.<sup>1</sup>
3. Responding officers shall record or report the registration numbers of any suspicious vehicles coming from the scene and the general description and any obvious characteristics of the operator or occupants if possible.
4. Officers shall be alert for any additional messages from the dispatcher.
  - a. The dispatcher shall immediately furnish the responding officers with any supplementary information that would be of assistance to them.
  - b. The dispatcher shall provide any available information that would indicate the possibility of a dangerous situation or the possible presence of an armed or dangerous criminal.

#### ***B. Preliminary Investigation***

1. ASSIGNMENT OF INVESTIGATING OFFICER [42.1.4]
  - a. The assigned officer arriving at the scene of an incident will usually be responsible for initiating and conducting the preliminary investigation unless otherwise directed by a supervisor.
  - b. A responding detective may relieve a patrol officer of the preliminary investigation if directed by a supervisor. The presence of a detective at a crime scene does not in and of itself relieve the patrol officer of the responsibility to conduct the preliminary investigation.
  - c. When a crime scene or investigation is turned over to an detective, all information obtained up to that point, and the identity and location of any physical evidence discovered, shall be relayed to the detective.

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## 2. ASSESSMENT [42.2.1(A)]

- a. Upon arriving at the scene, the officer shall make a quick assessment of the situation and report the following to the dispatcher:
  - 1) Assessment of any injured persons, providing or summoning appropriate aid;
  - 2) The nature of the crime committed;
  - 3) As complete a description of the offender as possible and the direction of his/her flight;
  - 4) Whether the offender is, or may be, armed and dangerous;
  - 5) A description of any vehicle being used by the offender and of any occupants of that vehicle;
  - 6) A description of any firearms or other weapons used in the commission of the crime;
  - 7) A description of any property stolen and whether it may be in the possession of the offender;
  - 8) Any additional information that may lead to the apprehension of the offender;
  - 9) The need for additional assistance from responding officers or investigators; and
  - 10) The need for assistance from other agencies or special services (e.g., fire department, ambulance, etc.).

## 3. ARRESTING THE PERPETRATOR

- a. If the perpetrator is at the scene, the crime is an arrestable offense, and probable cause to arrest exists, the officer may make an arrest. For further information, see the department policy **1.11 Arrest**. In determining if an arrest is appropriate, the officers should consider:
  - 1) The nature of the crime;
  - 2) The suspect's propensity to violence;
  - 3) The age of the suspect;
  - 4) Suspect's criminal history;
  - 5) The suspect's likelihood to default; and
  - 6) The need for further investigation.
- b. A decision to leave the scene to pursue a perpetrator shall be made based upon the following factors:
  - 1) The likelihood that an apprehension can be made;

- 2) The physical condition of the victim(s);
- 3) The need to protect the victim from a renewed attack;
- 4) The potential danger to the public if the perpetrator is allowed to escape;
- 5) The nature of the crime committed;
- 6) The time and place of occurrence;
- 7) The lapse of time between the crime and the arrival of the police at the scene;
- 8) Whether the suspect is known to the officer or a good description of the offender is available; and
- 9) The availability of other officers to conduct the pursuit and to apprehend the offender.

#### 4. PRESERVING EVIDENCE [42.2.1(C)]

- a. A critical task for the first officers at the scene of a crime is to protect the crime scene for the preservation of any physical evidence. (See department policy **6.01 Collection and Preservation of Evidence**.)
- b. The crime scene shall be maintained in the same manner as it was left by the perpetrator, as far as possible.
  - 1) Clear the largest area possible. The size of the scene area can be contracted by detectives.
  - 2) Secure and isolate the actual crime scene.
  - 3) Secure a larger area for police personnel conducting the investigation.
  - 4) Begin a "Crime Scene Sign-in Sheet," recording the name, agency, date and time of all persons entering the inner crime scene.
- c. Witnesses and other persons connected with the crime and persons associated with the property or premises involved in the crime shall be told to remain present and available for questioning but shall be removed from the actual crime area.
- d. Officers shall look for any item of evidentiary value. This includes but is not limited to the following:
  - 1) Weapons, shell casings, tools, clothing, shattered glass, stains, footprints, fingerprints, tool impressions, tire markings, etc.;
  - 2) Ordinary objects or articles found in unexpected or unusual locations;

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- 3) Ordinary objects or articles having individual peculiarities or markings;
  - 4) Uncommon objects or articles not generally found at the location of the particular crime; and
  - 5) Bits and pieces of evidence which may be of minor importance individually, but when taken together can be of significant value to the investigation.
- e. The location of physical evidence shall be noted, but the evidence itself shall not be moved or touched if detectives or evidence technicians are responding to the scene to recover evidence. If evidence is to be recovered by officers at the scene, or if it is absolutely necessary to ensure preservation of evidence, follow these procedures:
- 1) Photograph the item prior to moving it if possible.
  - 2) Carefully note its exact location and position at the scene.
  - 3) Handle the item using gloves and in such a manner as to prevent any alteration of its condition or the accidental impression of fingerprints.
  - 4) For further information, see the department policy **6.01 Collection and Preservation of Evidence**.
5. INTERVIEWING COMPLAINANT, WITNESSES, AND SUSPECTS [42.2.1(D)]
- a. The purpose of a preliminary interview is to obtain as much basic information as quickly as possible in order to identify the perpetrator and to establish the basis for the follow-up investigation.
  - b. Officers shall attempt to locate, identify and interview reliable witnesses. [42.2.1(b)]
    - 1) Obtain the name, address and telephone number of all witnesses.
    - 2) Separate witnesses to prevent them from discussing what has occurred among themselves before they are interviewed. This may taint individual recollections.
  - c. Conducting Interviews [42.2.1(d)]
    - 1) The officer may ask each witness to write out a statement which describes what occurred.
    - 2) Interview each witness separately and in a quiet area if possible.
    - 3) When interviewing suspects, be mindful of any obligations to provide the suspect with Miranda warnings or record the

interview. For further information, see the department policies **1.13 Interrogating Suspects & Arrestees** and **2.17 Electronic Recording of Interrogations**.

- d. Provide information about victim and witness assistance, including what to do if the suspect or suspect's companions threaten or otherwise intimidate the victim or witness. See department policy **4.04 Victim/Witness Assistance**.

## 6. REPORT WRITING

- a. The officer conducting a preliminary investigation shall make an accurate and complete written report of the incident in accordance with departmental procedures.
- b. An officer making a preliminary investigation should make a written record of the following data:
  - 1) Date and time of arrival at scene;
  - 2) Weather conditions and visibility, including the location and distance from the nearest street light or artificial lighting and whether the lights were on;
  - 3) Approximate time of commission of the crime and by whom it was discovered;
  - 4) Identity of other police officers present;
  - 5) All necessary information concerning any physical evidence discovered;
  - 6) Name, address and telephone number of victims and witnesses;
  - 7) The identity or the best available description of the criminal suspect or suspects, particularly noting any unusual characteristics;
  - 8) The best available description of any vehicle used by the suspect or suspects;
  - 9) Any information relating to others assisting at the scene including:
    - a) The name of any police photographer who took pictures;
    - b) The name and affiliation of any media photographer who took pictures;
    - c) The name and address of any private individual who took pictures;
    - d) The name and address of any individual turning evidence over to the police; and

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- e) Measurements made at the scene and a rough crime scene sketch if appropriate;
  - 10) The time and location of any interviews of the victim or witnesses and a brief statement as to what they heard or observed; and
  - 11) Any other information that the officer believes may be useful for the apprehension of the criminal suspect and his/her subsequent prosecution.

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<sup>1</sup> *Illinois v. Wardlow*, 120 S.Ct. 673 (2000).