



BRAINTREE POLICE DEPARTMENT

Policy and Procedure

FOLLOW – UP INVESTIGATIONS

2018-37

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Chief Paul Shastany

Certification Standards:

Accreditation Standards: **42.1.3 a,b,c,d,e**

Optional Accreditation Standards: **42.1.2; 42.1.4; 42.2.2 a,b,c,d,e,f,g,h; 42.2.3; 42.2.5 a,b,c; 42.2.6; 42.2.9 a,b,c ; 83.1.1**

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 Division; 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 to follow when conducting any follow-up investigation. Where a policy exists on responding to a specific crime, that policy should be followed.

II. **Policy**

A. It is the policy of the Braintree Police Department to conduct follow-up investigations in accordance with the criteria established in this policy.

III. **Procedures**

A. Responsibilities

1. The Department has detectives that can be called in to cover all hours in which detectives are not assigned to duty shifts. In the event that a detective is needed during off duty hours, communications personnel shall contact the department

issued phone numbers of detective personnel as listed on the Braintree Police Department Roster. **[83.1.1]** In the event that a detective is not available to respond to a scene, The Shift Commander may elect to utilize the services of the Massachusetts State Police Crime Scene Services or the Plymouth County Sheriff's Department Bureau of Criminal Investigation, both of which have trained and certified evidence technicians on call 24 hours a day. To obtain the services of the M.S.P. Crime Scene Service, Officer's need to first contact H Troop in South Boston @1- 617-740-7536. Plymouth County B.C.I. can be reached @ 1-508-830-6224.

2. It shall be the responsibility of the Commanding Officer of the Detective Division, 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. Generally, the responsibility for conducting follow-up investigations shall be with the Detective Division; however, the Patrol Division may be assigned some follow-up investigations. **[42.1.4]**
 - a. Cases involving specialized skills, knowledge or ability should be assigned to those officers having that expertise.
 - b. One particular detective shall be assigned as the Principal Investigator.
- B. Criteria for determining whether to conduct follow-up investigations **[42.1.2]**
1. The Commanding Officer of the Detective Division shall review the preliminary investigation report and apply departmental screening criteria to determine if a follow-up investigation will be conducted. Screening criteria includes:
 - 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 as available; and
 - g. Research conducted by other law enforcement agencies.
- 2. The objective of case screening is to assign available personnel to those investigations that have the best chance of being successful.
- 3. CASE STATUS: The Commanding Officer of the Detective Division shall supervise the status of case assignments, utilizing the following administrative designations appearing on all Investigative Reports:
 - a. ACTIVE: The case is assigned to a detective and that investigative efforts are active.
 - b. SUSPENDED: All available leads have been exhausted but the case has not been brought to a satisfactory conclusion and investigative efforts may be resumed if new information becomes available. (See sub-section five (5) below on Cold Case Investigations).
 - c. CLOSED: The case has been satisfactorily concluded.
- 4. CRITERIA FOR SUSPENDING INVESTIGATIVE EFFORTS: **[42.1.2]**
 - a. A designation of suspended shall not be made without an evaluation by the principal investigator of the following:
 - i. Absence of further leads or solvability factors;
 - ii. Unavailability of investigative resources;
 - iii. Negative interviews with victims/witnesses;
 - iv. Inconclusive physical evidence found at the scene of the crime/incident;
 - v. The exhaustion of all other information sources; and
 - vi. The degree of seriousness of the crime.
 - b. In all cases, the principal investigator shall have the approval of a supervisor of the Detective Division, prior to the suspension of investigative efforts.

5. CRITERIA FOR COLD CASE INVESTIGATIONS: **[42.2.9]**

- a. A “cold case” may be defined in generic terms as any criminal investigation by a law enforcement agency that has not been solved for (generally) at least one year and as a result, has been closed from further regular investigation. **[42.2.9 a]**
- b. For the purposes of the Braintree Police Department, a “cold case” would include serious felony cases, including but not limited to, murder, suspicious death, most sexual assaults and robberies that have not been solved for at least one (1) year, and have been closed from further regular investigation. **[42.2.9 a]**
- c. The Commander of the Detective Division is responsible for intermittently identifying, evaluating and reviewing “cold cases” which may be solved utilizing the following criteria; **[42.2.9 b]**
 - i. In cases involving physical evidence, those which may benefit from DNA analysis. Recent advances in this area have greatly enhanced the ability to identify unknown offenders, even years after the crime occurred.
 - ii. Witnesses or other persons involved in the case may have initially been hostile or uncooperative and now may be willing to cooperate in the investigation.
 - iii. New information has become available which may lead to successfully solving the case.
- d. Whenever a “cold case” is reopened for investigation, a Detective Supervisor will document this by creating an additional narrative under the incident in (PAMET), which will specify why the case has been reopened and to which Detective the reopened case has been assigned to for follow-up investigation. **[42.2.9 c]**

C. Conducting Follow-Up Investigations

- 1. The following guidelines should be followed, as applicable, during all follow-up investigations:
 - a. Reviewing and analyzing all previous reports prepared in the preliminary phase, departmental records, and laboratory results; **[42.2.2 a]**

- b. Conducting additional interviews and/or interrogations. The departmental policies on ***Interviewing Complainants, Victims & Witnesses*** and ***Interrogating Suspects & Arrestees*** shall be followed; [42.2.2 b]
 - c. Seek information from outside law enforcement department records;
 - d. Seeking additional information from other officers or informants. The departmental policy on ***Confidential Informants*** shall be followed; [42.2.2 c]
 - e. Arranging for dissemination of information as appropriate;
 - f. Planning, organizing and conducting searches, and collecting physical evidence, if necessary (See departmental policy on ***Searches & Seizures***); [42.2.2 d]
 - g. Identifying and apprehending suspects (See departmental policy on ***Identification Policy***); [42.2.2 e]
 - h. Determining involvement of suspects in other crimes; [42.2.2 f]
 - i. Conducting background investigations and checking suspects' criminal histories. The departmental policy on ***Criminal Intelligence*** will be followed; [42.2.2 g]
 - j. Conducting surveillance. The Departmental policy on ***Vice, Drugs, and Organized Crime*** shall be followed;
 - k. Collecting physical evidence. The Departmental policy on ***Collection and Preservation of Evidence*** shall be followed;
 - l. Preparing cases for court presentations; and [42.2.2 h]
 - m. Assisting in prosecution with the district attorney's office.
2. Officers conducting follow-up investigations shall follow the departmental policy on ***Victim Witness Assistance***.
3. Case Progress Reporting
- a. Investigators will periodically report the progress of investigations assigned to them by the Detective Supervisor, or his/her designee.
 - b. Progress reports should be made at least once each week, and more frequently if necessary.

- c. It shall be the responsibility of the Detective Supervisor to determine if additional resources shall be expended in the investigation of such cases or if the investigation shall be suspended.
4. The use of polygraph examinations can be an effective and reliable tool to include or exclude an individual as a suspect in criminal investigations. The use of polygraph examinations for victims is strongly discouraged except in cases where there is a reasonable basis to believe the victim is making a false claim or report. In addition the use of or the suggested use of a polygraph examination should *not* be used as a condition of proceeding with an investigation, charge or prosecution of an offense.

If polygraph examinations are used as an aid to detect deception in criminal investigations, only those investigating officers or private contractors specifically trained to administer polygraph examinations shall operate the polygraph equipment and administer examinations. A copy of the Examiner's Certificate shall be included in the case file for future reference. **[42.2.6]**

5. A follow-up investigation checklist is attached to this policy to aid investigators. Please see Appendix A on page 8. In most cases the field report shall serve as the checklist; however, to ensure that critical areas are not overlooked in more complicated cases, this checklist can be a helpful aid. **[42.2.3]**

D. Case File Management

1. A system of case file management for the department's criminal investigative function shall be established. **[42.1.3]** It shall include:
 - a. A case status control system; identifying the investigator, date assigned, and follow up reports due; **[42.1.3 a]**
 - b. Administrative designators for each case; active, suspended or closed. **[42.1.3 b]**
 - c. Types of records to be maintained; preliminary investigative reports, reports of statements from victims, witnesses, officers examination of physical evidence (certifying documentation) case status reports **[42.1.3 c]**
 - d. Accessibility to the files; detectives have access to case files **[42.1 3 d]**
 - e. File purging or storage procedures detectives store inactive files **[42.1.3 e]**

- E. Investigative Task Forces
1. Should the need arise for the establishment of an Investigative Task Force, it shall be the responsibility of the Commander of the Detective Division to develop a plan for such a body and submit it in writing to the Chief of Police for approval.
 2. The Investigative Task Force plan will contain the following criteria:
 - a. Specific characteristics of the problem and purpose for establishing a task force to meet the problem; **[42.2.5 a]**
 - b. Consideration of the general benefits, and expected drawbacks, as an approach to coping with the identified problem;
 - c. Examination of the ramifications of the decision to undertake the task within a given Division or Section;
 - d. A written agreement (if any) defining the authority, responsibility and accountability for actions and operations of the Task Force; **[42.2.5 b]**
 - e. Assessment of resources and constraints;
 - f. Selection of the optimal approach required for a successful conclusion;
 - g. Reporting procedures for monitoring and evaluating the progress and continued need for the Task Force efforts; **[42.2.5 c]**
 - h. Establishment of the goals and objectives; **[42.2.5 a]**
 - i. Manpower (includes personnel and individuals from the public and private sector) and financial resources needed to realize the objectives;
 - j. Preparation for implementation; and
 - k. Implementation of the Task Force.

BRAINTREE POLICE DEPARTMENT

FOLLOW-UP INVESTIGATION CHECKLIST

Appendix A - Standard 42.2.3

The following guidelines should be used when performing a follow-up investigation:

<input type="checkbox"/>	Review and analyze all previous reports prepared in the preliminary phase, to include: <ul style="list-style-type: none"> • Departmental records • Existing evidence • Statements of victims, suspects and witnesses; and • Laboratory examination results.
<input type="checkbox"/>	Conduct additional interviews and/or interrogations.
<input type="checkbox"/>	Request preservation of any recordings (i.e. E911, video, etc.)
<input type="checkbox"/>	Request telephone records, bank records or other documents as needed.
<input type="checkbox"/>	Seek additional information from other officers.
<input type="checkbox"/>	Seek additional information from informants and other sources.
<input type="checkbox"/>	Plan, organize and conduct searches, obtaining search warrants as needed.
<input type="checkbox"/>	Conduct background investigations and check suspects' criminal histories.
<input type="checkbox"/>	Determine involvement of suspects in other crimes.
<input type="checkbox"/>	Conduct surveillance.
<input type="checkbox"/>	Collect physical evidence. Obtain any comparison samples for analysis.
<input type="checkbox"/>	Prepare evidence and transmittal forms to be submitted to crime lab.
<input type="checkbox"/>	Arrange for the use of polygraphs and other devices for the detection of deception as appropriate.
<input type="checkbox"/>	Arrange for dissemination of information to other law enforcement agencies, targeted groups, or the public, as appropriate.
<input type="checkbox"/>	Maintain contact with victims and witnesses, as appropriate, and provide them with contact information for the Victim Services Office.
<input type="checkbox"/>	Identify and apprehend suspects.
<input type="checkbox"/>	Prepare case for court presentation.
<input type="checkbox"/>	Assist in prosecution with the District Attorney's Office.

Officer's Signature:	ID #	Date:
Case #		

