


<p>Billerica Police Department</p> 	<p>POLICY NUMBER INV-01</p>	<p>PAGES 7</p>	<p>EFFECTIVE 1/15/16</p>
<p>Accreditation Standards: 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</p> <p>General Orders:</p>			
<p>Follow Up Investigations</p>			

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 on **Domestic Violence, Bias Crimes, Rape Investigations, Missing Persons, Dead Bodies, Breaking and Entering, Commercial Robberies, Auto Theft, Structure Fires, and Vehicle Fires.**

II. Policy

It is the policy of the Billerica Police 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, 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. Preliminary Investigations: Preliminary investigations are the responsibility of the officer assigned to a particular incident. Usually, 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 will be assigned by the Detective Supervisor 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 attend patrol officer shift briefings at least once per group rotation. **[42.2.4]**

B. Case Management

1. Case Screening: The Detective Supervisor 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.
2. Case Assignment
 - a. The Detective Supervisor shall assign cases screened for follow-up investigation.
 - b. The supervisor 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 shall maintain an assignment record to manage open cases. The "Assign for Investigation" module in ARMS case management will include: **[42.1.3(a)]**
 - a. The investigator assigned;
 - b. Incident number;
 - c. Date of assignment; and
 - d. Dates that the report updates are due.
 - 1) There are two reports available in ARMS to assist the Detective Supervisor in tracking assignments, titled:
 - a) Investigation Log
 - b) Investigative assignments due for review
4. Case Progress Reporting
 - a. Investigators will periodically report the progress of investigations assigned to them to the Detective Supervisor.
 - b. Progress reports shall be made at least once each week by adding records into the "Assign for Investigation" module in ARMS, and more frequently if necessary.
 - c. 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 suspended.

5. Case File Contents: The case file for each investigation shall contain, as applicable, each of the following: **[42.1.3(c)]**
 - a. A copy of the preliminary report;
 - b. Statements of witnesses and suspects;
 - c. Investigator's notes;
 - 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 records storage area of the Criminal Bureau in the file cabinet and/or within the ARMS database.
 - b. Access to physical records shall be available to:
 - 1) Investigators;
 - 2) Detective Supervisor(s); and
 - 3) Detective clerical personnel.
 - 4) Police Prosecutor
 - c. Files for active cases may be maintained by the assigned investigator if the investigator is working the case. Case files shall be kept in a secure location by investigators (locked desk, locked file cabinet, etc.) or, for electronic files, in the ARMS database.
7. Suspending an Investigation
 - a. An active case shall not be suspended without an evaluation by the principal investigator of the following:
 - 1) Absence of further leads or solvability factors;
 - 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 suspension of investigative efforts.
8. Case Status: The Detective Supervisor 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. Suspended: All available leads have been exhausted, but the case has not been brought to a satisfactory conclusion, and investigative efforts may be resumed.

- c. Closed: The case has been satisfactorily concluded.
9. Inactive Investigation Files **[42.1.3(E)]**
- a. Case files for inactive cases shall be filed in accordance with the administrative designator (Open, Suspended, Closed).
 - b. Open Inactive Cases: Open inactive cases shall be stored in the ARMS database and/or the Criminal Bureau in the file cabinet.
 - 1) Such cases shall include cases where suspects have been identified and charged with a crime, but their whereabouts are unknown.
 - 2) Case files shall be maintained indefinitely.
 - c. Suspended Cases: Suspended cases shall be stored in the ARMS database and/or the Criminal Bureau in the file cabinet.
 - 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) Case files shall be maintained indefinitely unless otherwise specified.
 - d. Closed Cases: Closed cases shall be stored in the ARMS database and/or the Criminal Bureau in the file cabinet. For further information, see the department policy on **Records Management**.
10. Re-Opening Inactive Investigations (cold cases)
- a. Cold Case: A “Cold Case” is a criminal investigation that has been suspended, usually due to the exhaustion of investigative leads or evidence. **[42.2.9(a)]**
 - b. Activation Criteria: A cold 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.
 - c. Activation Process: The Detective Supervisor shall review or assign for review cold 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.
 - d. In each case where a cold 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
 - 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 **Interviewing Victims and Witnesses and 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 on **Use of Confidential Informants**; [42.2.2(c)]
 - e. Planning, organizing and conducting searches: for further guidance, see the department policy on **Search and Seizure**; [42.2.2(d)]
 - f. Identifying and apprehending suspects: for further guidance, see the department policies on **Eyewitness Identification and 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 on **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 **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 agency.

D. Investigative Task Forces [42.2.5]

1. This department is a member of **NEMLEC**.
 - a. The purpose of the Task Force is to identify and share information relative to criminal investigations, coordinate resources, and develop a mutual aid response to active criminal activity occurring in the NEMLEC region.
 - b. The authority for the NEMLEC task force is derived from a mutual aid compact and memorandum of understanding signed by all NEMLEC chiefs.
2. The Detective Supervisor shall serve as the department liaison to the taskforce.
3. The Detective Supervisor shall submit a report to the Chief of Police detailing:
 - a. A brief overview of taskforce activities and agency participation;

- b. The results to the agency of such taskforce participation; and
- c. Recommendations regarding the agency's continued participation in the taskforce.

¹ Billerica Police Department Records Disposal Schedule 11-81, Series 14.3.
² Billerica Police Department Records Disposal Schedule 11-81, Series 14.9.
³ Billerica Police Department Records Disposal Schedule 11-81, Series 14.19B.
⁴ Billerica Police Department Records Disposal Schedule 11-81, Series 14.13A.
⁵ Billerica Police Department Records Disposal Schedule 11-81, Series 14.13B.
⁶ Billerica Police Department Records Disposal Schedule 11-81, Series 14.13D.
⁷ Billerica Police Department Records Disposal Schedule 11-81, Series 14.13C.
⁸ Billerica Police Department Records Disposal Schedule 11-81, Series 14.12.
⁹ Billerica Police Department Records Disposal Schedule 11-81, Series 14.4.
¹⁰ Billerica Police Department Records Disposal Schedule 11-81, Series 14.19D.
¹¹ Billerica Police Department Records Disposal Schedule 11-81, Series 14.19E.
¹² Billerica Police Department Records Disposal Schedule 11-81, Series 14.28.
¹³ Billerica Police Department Records Disposal Schedule 11-81, Series 14.29.
¹⁴ Billerica Police Department Records Disposal Schedule 11-81, Series 14.18.