



Lincoln Police Department

Standard Operating Procedures

Integrity, Competency, Fairness



Subject:	Preliminary Investigations	Policy #	O-3
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MLEAP:	7.11, 7.12		
	<i>Rescinds All Previous Policies Related To This Current Policy</i>		
Issuing Authority:	Chief of Police Lee Miller		

I. POLICY:

It is the policy of the Lincoln Police Department to conduct thorough preliminary and follow-up investigations of all reported offenses. Patrol officers who take initial reports and conduct the preliminary investigation must obtain as much information as possible to aid in the eventual apprehension of any suspects.

II. PURPOSE:

The success or failure of a criminal investigation depends upon the thoroughness and immediacy of the preliminary investigation. What the officer does or fails to do in this phase will determine whether the perpetrator is identified and apprehended or goes undetected. The facts and evidence obtained are instrumental in solving the case. This policy establishes responsibilities and procedures for the preliminary investigation of cases and subsequent follow-up investigation activities.

III. DEFINITIONS

- A. Preliminary Investigation—An investigation begins when the first police unit arrives on the scene (or contacts the complainant or victim) and continues until a postponement or transfer of the investigation occurs.
- B. Follow-up Investigation—An extension of the activities of the preliminary investigation and not a duplication of them. A follow-up investigation in a criminal case gathers additional evidence and information to prove the elements of the particular crime, to effect an arrest, to support the prosecution of the suspects, and/or to recover stolen property.

IV. PRELIMINARY INVESTIGATION PROCEDURES

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- A. The following list summarizes the duties of an officer conducting a preliminary investigation at the scene of a crime.
 - a. Provide the best possible description of the offender(s), vehicle, type of criminal activity, the direction of flight, whether the offender is armed, and weapon.
 - b. Arrange for the immediate pursuit of the offender(s) if the flight is recent and initiate this pursuit if rapid capture is possible.
 - c. Care for the victim if medical attention is necessary until the arrival of medical personnel.

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- d. Carefully protect the crime scene from intrusion or change. Preserve all physical evidence and photograph all time-sensitive physical evidence before contamination or elimination.
- e. Note and record conditions at the crime scene, time of the incident, time of the initial report, the person reporting the incident, weather, visibility, lighting conditions, and all other pertinent information.
- f. In the event of a severe or substantial crime/event, request that the duty supervisor or officer in charge respond to the scene. The duty supervisor or deputy officer in charge will be responsible for notifying additional personnel, the criminal investigations division, the administration, or other agencies if the incident requires it.
- g. Upon the arrival of a superior officer or detective who will continue with the in-depth investigation, inform that officer of the information obtained and the immediate steps taken.
- h. Photograph the scene. Take all pictures necessary to fully document the scene.
- i. Undertake steps to start a crime scene log if the incident warrants such. Unauthorized persons, including other officers, shall not be allowed access to the crime scene. The log will indicate the name of everyone who enters the crime scene and the time that each individual enters and leaves.
- j. Identify all persons present and record the following information for each person: name, date of birth, current physical address, and telephone number.
- k. Arrest the offender, if possible. In the case of a suspected homicide or probable homicide, refer to the Attorney General's protocol, which provides that unless circumstances require it, do not arrest, detain, or question a suspect without prior authorization of the assigned Major Crimes Unit detective or an assistant attorney general. If the circumstances require arresting or detaining a suspect, do not undertake questioning of the suspect without first discussing the procedure with the assigned MCU detective or an assistant attorney general.
- l. Transfer, when appropriate, investigative responsibility to the individual assigned to perform the follow-up investigation. Such transfers must be made without jeopardizing the successful completion of the investigation. Once the preliminary investigation has been turned over to the follow-up investigator, the initial officer shall return to standard patrol procedures as soon as practicable and make a written report of all that was learned, observed, and done during the preliminary investigation.

B. When the nature of the call requires, the investigating officer shall, as soon as possible, communicate to the communications officer the following information:

- a. The nature of the incident.
- b. Request for additional resources, the location where the resources are needed, and what assistance these other resources are expected to provide.
- c. If there is an offender, a complete physical description of the person (sex, race, height, weight, hair color, eye color, facial hair, or distinguishing features) and clothing. If the suspect has fled the scene, advise on the last known direction of travel and lapse of time between the time of the incident and the arrival of officer(s) on the scene.
- d. If a vehicle is involved, a complete description to include color, make, model, partial or possible registration number and state, and distinguishing features. If the vehicle has fled the scene, advise on the last known direction of travel.
- e. Whether the suspect is, or may potentially be, armed and what type of weapon is involved.
- f. If property is involved in the incident, a description of the property and an indication of how the property is involved (stolen, vandalized, etc.).

C. The investigating officer shall, as soon as possible, locate, identify, and interview all available witnesses to obtain an accurate account of the incident.

- a. Witnesses should be sequestered from each other until after written statements are obtained or interviews completed. This will reduce the amount of collaboration.
- b. Witnesses should be questioned as soon as possible and in a quiet area.
- c. The officer should keep the questions simple and directed to extract only the pertinent information about the incident.
- d. The officer should only pose one question at a time to ensure the previous question is answered.

- e. The officer should avoid asking leading questions, i.e., questions that imply the answers.
 - f. The officer should avoid interruptions and attempt to keep the witness focused on the event.
 - g. The officer should consider his/her demeanor during the interview process and the peculiar characteristics of witnesses that may affect their statements.
 - h. Listen for and note any unguarded remarks by witnesses or others at the scene.
 - i. Interview neighbors and bystanders as to their knowledge of suspicious persons or vehicles in the area.
 - j. Officers are required to record interviews of suspects, witnesses, and victims of serious crimes: *Murder and all Class A, B, and C offenses listed in Chapters 9, 11, 12, 13, and 27 of the Maine Criminal Code and the corresponding juvenile offense.* Please refer to the "O-4 Recording of Suspects in Serious Crimes and Preservation of Notes and Records" policy.
- D. When the nature of the call requires, the investigating officer shall make, as soon as possible, photographic evidence of the scene to present an accurate representation.
- a. Photographs will be taken from opposing angles to encompass the entire scene.
 - b. Digital photographs of serious events should be supplemented with and/or a video recording device.
 - c. The officer should be careful when photographing evidence to use materials and equipment that will not distort the scene and will portray an accurate representation.
- E. All reports must be completed by the investigating officer before days off, vacation, school, etc. unless preapproved by the duty supervisor.

V. ASSIGNMENT OF FOLLOW-UP INVESTIGATIONS

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- A. The supervisor will review all reports and decide if the case requires a follow-up investigation.
- B. If the supervisor determines that a follow-up investigation is appropriate, the supervisor will assign the case to either the officer who drafted the original report or a specialized investigator.
- 1. Any **Group A offenses** and **serious Group B offenses** (Appendix#1), defined in the National Incident-Based Reporting System (NIBRS), will automatically be assigned to Investigations.
 - 2. Any cases with workable leads and/or recovered physical evidence will usually be assigned to Investigations.
 - 3. Uniform patrol personnel may be assigned to perform follow-up on cases with the potential for developing additional information by re-contacting the complainant.
- C. The following solvability factors will help determine which cases are likely to be cleared with a reasonable investigative effort.
- 1. The supervisor will determine which criminal cases are to be assigned for the follow-up to the initial officer receiving the complaint or to an investigator
 - 2. The following solvability factors will help determine which cases are likely to be cleared with a reasonable investigative effort.
 - i. Was there a witness?
 - ii. Can a suspect be named?
 - iii. Can a suspect be located?
 - iv. Can a suspect be described?
 - v. Can a suspect be identified?
 - vi. Can a suspect vehicle be identified?
 - vii. Is the stolen property traceable?
 - viii. Is there a significant modus operandi (M.O.)?
 - ix. Is significant physical evidence present?

- x. Is there reason to believe that the crime may be solved with publicity?
- xi. Is there reason to believe that the crime may be solved with reasonable investigative effort?

D. The investigating deputy's officer's immediate supervisor is responsible for ensuring that a proper and thorough investigation is completed.

VI. FOLLOW-UP INVESTIGATION PROCEDURES

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- A. Maintaining contact with citizens (witnesses/victims, etc.) in any investigation is valuable for building public confidence in the Lincoln Police Department and indicating that the investigating officer is genuinely concerned about the welfare of the victim and other citizens associated with the case.
- B. The follow-up investigation will include the following:
 - 1. Reviewing and analyzing all previous reports prepared in the preliminary phase, agency records involving similar cases, and results from laboratory examinations, if applicable.
 - 2. Conducting additional interviews of witnesses, complainants/victims, and interrogations of possible suspects.
 - 3. Seeking additional information from other deputies, informants, etc.
 - 4. Revisiting the crime scene, planning, organizing, conducting searches, collecting additional physical evidence and maintaining chain of custody of evidence, and submitting it for laboratory examination.
 - 5. Attempting to identify and apprehend the suspect using photo line-ups, DMV records, etc.
 - 6. Determining the suspect's modus operandi (M.O.) and attempting to link the suspect to other unsolved crimes.
 - 7. Checking the suspects' criminal histories.
 - 8. Preparing cases for court presentation.
 - 9. Performing additional follow-up at the request of the prosecuting attorney.
 - 10. Perform search and arrest warrant operations.

VII. CASES INVOLVING HABITUAL OR SERIOUS OFFENDERS

- A. The arresting officer or investigator will attempt to determine the criminal history of any person arrested and whether the offender would be defined as a habitual or serious offender.
 - 1. A habitual offender for this policy is defined as a person who has been arrested three or more times for the same offense or convicted of three or more felony convictions.
 - 2. A serious offender for this policy is defined as a person who has been identified as a suspect in a crime against a person, where the victim has died, suffered serious physical injury, or extreme physical and/or mental duress.
- B. The arresting officer or investigator will then identify all cases in which the offender is a party.
- C. This information will be included in the arrest report and promptly forwarded to the District Attorney's office.

Offenses Covered by NIBRS

Group A offenses are the ones on which NIBRS collects extensive data on. Specific definitions of each offense category are included in the NIBRS codebook. Below is a list of the Group A offenses:

1. Arson
2. Assault Offenses
 - Aggravated Assault
 - Simple Assault
 - Intimidation
3. Bribery
4. Burglary/Breaking and Entering
5. Counterfeiting/Forgery
6. Destruction/Damage/Vandalism of Property
7. Drug/Narcotic Offenses
 - Drug/Narcotic Violations
 - Drug Equipment Violations
8. Embezzlement
9. Extortion/Blackmail
10. Fraud Offenses
 - False Pretenses/Swindle/Confidence Game
 - Credit Card/Automatic Teller Machine Fraud
 - Impersonation
 - Welfare Fraud
 - Wire Fraud
11. Gambling Offenses
 - Betting/Wagering
 - Operating/Promoting/Assisting Gambling
 - Gambling Equipment Violations
 - Sports Tampering
12. Homicide Offenses
 - Murder and Nonnegligent Manslaughter
 - Negligent Manslaughter
 - Justifiable Homicide
13. Kidnaping/Abduction
14. Larceny/Theft Offenses
 - Pocket-picking
 - Purse-snatching
 - Shoplifting
 - Theft from Building
 - Theft from Coin-Operated Machine or Device
 - Theft from Motor Vehicle
 - Theft of Motor Vehicle Parts or Accessories
 - All Other Larceny
15. Motor Vehicle Theft
16. Pornography/Obscene Material
17. Prostitution Offenses
 - Prostitution
 - Assisting or Promoting Prostitution
18. Robbery
19. Sex Offenses, Forcible
 - Forcible Rape
 - Forcible Sodomy
 - Sexual Assault with An Object

- Forcible Fondling
- 20. Sex Offenses, Nonforcible
 - Incest
 - Statutory Rape
- 21. Stolen Property Offenses (Receiving, etc.)
- 22. Weapon Law Violations

Group B offenses only have arrestee data recorded in NIBRS. Most Group B offenses only come to law enforcement attention when arrests are made.

1. Bad Checks
2. Curfew/Loitering/Vagrancy Violations
3. Disorderly Conduct
4. Driving Under the Influence
5. Drunkenness
6. Family Offenses, Nonviolent
7. Liquor Law Violations
8. Peeping Tom
9. Runaway
10. Trespass of Real Property
11. All Other Offenses