

FOLLOW-UP INVESTIGATIONS

WILLIAMSTOWN POLICE DEPARTMENT POLICY & PROCEDURE NO. 2.01	EFFECTIVE DATE: 08/25/2021
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 42.1.3; 42.1.4; 42.2.2; 42.2.5; 42.2.6; 42.2.9	REVISION DATE: 08/25/2021
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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. 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, Bank Robberies, Auto Theft, Structure Fires, and 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

A.1. All officers will be conducting preliminary investigations to the maximum extent possible. This includes conducting interviews and taking statements whenever necessary.

Unless the case is assigned by the Chief of Police, Lieutenant or Sergeants to other personnel (For example, Sexual Assault Cases), the primary case officer(s) conducting the preliminary investigation shall continue with the follow-up investigation.

A.2. THE CHIEF OF POLICE, LIEUTENANT, AND SERGEANTS: It shall be their responsibility to determine:

A.2.a. Whether a follow-up investigation shall be conducted and

A.3. How many investigators are to be assigned to each investigation. 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]**

A.4. FOLLOW UP INVESTIGATIONS: In general, the responsibility for conducting follow-up investigations remains with the preliminary investigating officer(s) unless otherwise directed by the Chief of Police/Lieutenant or Sergeants. **[42.1.4]**

A.4.a. Cases involving specialized skills, knowledge or ability should be assigned to or assisted by those officers having that expertise, regardless of function assignment.

B. Case Management

B.1. CASE FILE CONTROL: The Chief of Police shall maintain a case file roster to manage open cases. The roster will include: **[42.1.3(a)]**

- B.1.a. The investigator assigned;
- B.1.b. Date of assignment; and
- B.1.c. A brief description of the case assigned.

B.2. CASE PROGRESS REPORTING

- a. All officers shall update Investigation Reports to the Sergeants/Lieutenant Records Bureau as needed.
- b. It shall be the responsibility of the Chief of Police to determine if additional resources shall be expended in the investigation of such cases or if the investigation shall be suspended.

B.3. CASE FILE CONTENTS: The case file for each investigation shall contain, as applicable, each of the following: **[42.1.3(c)]**

- B.3.a. A copy of the preliminary report;
- B.3.b. Statements of witnesses and suspects;
- B.3.c. Investigator's notes;
- B.3.d. Tests conducted and the results if available;
- B.3.e. Documents obtained which relate to the investigation (i.e., telephone records, copies of checks, receipts, etc.);
- B.3.f. Case status reports; and

B.3.g. Other documents and resources pertinent to the investigation.

B.4. FILE ACCESS [42.1.3(D)]

B.4.a. Case files for open, active cases, will be maintained by the Chief/LT and the case jacket is to be stored within the file cabinet outside the Admin Offices.

B.4.b. Access to such records shall be available to:

B.4.b.1) Sworn Personnel

B.4.b.2) Command Staff

B.5. SUSPENDING AN INVESTIGATION

B.5.a. An active case shall not be suspended without an evaluation by the primary case officer of the following:

B.5.a.1) Absence of further leads or solvability factors;

B.5.a.2) Unavailability of investigative resources;

B.5.a.3) Negative interviews with victims/witnesses;

B.5.a.4) Inconclusive physical evidence found at the scene of the crime/incident;

B.5.a.5) The exhaustion of all other information sources; and

B.5.a.6) The degree of seriousness of the crime.

B.5.b. In all cases, the primary case officer shall have the approval of the Chief of Police prior to the suspension of investigative efforts.

B.6. CASE STATUS: The Sergeants and NIBRS officer shall supervise the status of case assignments, utilizing the following administrative designations appearing on all Investigative Reports: **[42.1.3(b)]**

B.6.a. OPEN: The case is assigned to an officer, and investigative efforts are active.

B.6.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.

B.6.c. CLOSED: The case has been satisfactorily concluded.

B.7. INACTIVE INVESTIGATION FILES [42.1.3(E)]

B.7.a. Such cases shall include cases where suspects have been identified and charged with a crime, but their whereabouts are unknown.

B.7.a.1) Case files shall be maintained indefinitely.

B.7.b. Suspended Cases: Suspended cases shall be filed in the locked case file cabinet located in the Sergeants Office. *

B.7.b.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.

B.7.b.2) Case files shall be maintained permanently unless otherwise specified.

B.7.c. Closed Cases: Closed cases shall be permanently stored as a department record in the locked file cabinet in the Sergeants Office. For further information, see the department policy on *Records Management*. *

(*All case files for the current year and the prior year will be kept in a locked file cabinet outside the Chief's Office. All other case files will be kept in the locked Records Office.)

B.8. RE-OPENING INACTIVE INVESTIGATIONS (COLD CASES)

B.8.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.8.b. Activation Criteria: A cold case may be reactivated in the event that: **[42.2.9(b)]**

B.8.b.1) New evidence in the case has been discovered;

B.8.b.2) New technology is available which may provide new leads in the case;

B.8.b.3) A witness in the case has come forward; or

B.8.b.4) A victim's body has been found.

B.8.c. Activation Process: The Chief of Police 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. They should consider the following criteria in determining whether to reopen a case: **42.2.9(b)]**

B.8.c.1) The nature of the crime;

B.8.c.2) The nature and weight of the new evidence, if any;

B.8.c.3) The age of the case;

B.8.c.4) The availability of witnesses; and

B.8.c.5) The likelihood of a successful prosecution.

B.8.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)]**

B.9. 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:

B.9.a. Permanent

- B.9.a.1) Death reports¹
- B.9.a.2) Firearms wounds²
- B.9.a.3) Motor vehicle accidents, fatal³

B.9.b. Eleven (11) Years

- B.9.b.1) Armed robbery⁴
- B.9.b.2) Assault with a dangerous weapon⁵
- B.9.b.3) Confining and putting in fear with intent to commit a felony⁶
- B.9.b.4) Unarmed robbery⁷

B.9.c. Seven (7) Years

- B.9.c.1) All crimes except:⁸

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

- B.9.c.1.a) Murder
- B.9.c.1.b) Assault with intent to rob
- B.9.c.1.c) Robbery
- B.9.c.1.d) Assault with intent to Murder
- B.9.c.1.e) Stealing by confining and putting in fear
- B.9.c.2) Dog bites⁹
- B.9.c.3) Motor vehicle accidents, personal injury¹⁰
- B.9.d. Three (3) Years
 - B.9.d.1) Motor vehicle accidents, property damage¹¹
 - B.9.d.2) Stolen goods¹²
 - B.9.d.3) Stolen vehicles¹³
- B.9.e. Two (2) Years after the case is closed: Missing persons. ¹⁴

C. Conducting Follow-Up Investigations

C.1. The following guidelines should be used, as applicable, during all follow-up investigations:

- C.1.a. Reviewing and analyzing all previous reports prepared in the preliminary phase to include: **[42.2.2(a)]**

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

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.

- C.1.a.1) Departmental records;
 - C.1.a.2) Existing evidence;
 - C.1.a.3) Statements of victims, suspects and witnesses; and
 - C.1.a.4) Laboratory examination results;
- C.1.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.1.c. Seeking additional information from other officers; **[42.2.2(c)]**
- C.1.d. Seeking additional information from informants: for further information, see the department policy on *Use of Confidential Informants*; **[42.2.2(c)]**
- C.1.e. Planning, organizing and conducting searches: for further guidance, see the department policy on *Search and Seizure*; **[42.2.2(d)]**
- C.1.f. Identifying and apprehending suspects: for further guidance, see the department policies on *Eyewitness Identification* and *Arrest*; **[42.2.2(e)]**
- C.1.g. Determining involvement of suspects in other crimes; **[42.2.2(f)]**
- C.1.h. Conducting background investigations and checking suspects' criminal histories; **[42.2.2(g)]**
- C.1.i. Conducting surveillance;
- C.1.j. Collecting physical evidence **[42.2.2(d)]**: for further information see the department policy on *Collection and Preservation of Evidence*;
- C.1.k. Arranging for dissemination of information to other law enforcement agencies, targeted groups, or the public, as appropriate;
- C.1.l. Preparing cases for court presentations; **[42.2.2(h)]**
- C.1.m. Assisting in prosecution with the district attorney's office; and
- C.1.n. Arranging for dissemination of information as appropriate.
- C.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*.
- C.3. Polygraph examinations may be arranged with the authorization of the Chief of Police. **[42.2.6]**

C.3.a. Examinations may be arranged through the State Police.

D. Investigative Task Forces [42.2.5]

D.1. This department is a member of **Berkshire County Drug Task Force**. The purpose of the Task Force is to facilitate the efficient investigation, arrest, and prosecution of violators of the controlled substances laws of the Commonwealth of Massachusetts and to facilitate the sharing among Berkshire Law Enforcement Agencies of information and resources, through consistent and open communication among Task Force members.

D.2. For Task Force Authority, including responsibilities, see Memorandum of Agreement dated: 08-27-07 and Berkshire County Police Departments Mutual Aid Agreement dated: 06-01-02. Both documents are in the Chief's files.

An officer assigned by the Chief of Police shall serve as the department liaison to the taskforce. A report, either in writing or verbally, will be given to the Chief of Police detailing a brief overview of task force activities and agency participation and the results to the agency of such task force participation.

The Chief of Police shall complete a report annually with recommendations regarding the agency's continued participation in the taskforce.

D.3. This department is a member of Berkshire County Law Enforcement Task Force which is a collaboration of full-time police officers from different jurisdictions throughout Berkshire County. These officers are assigned to the Task Force to investigate crimes within the jurisdiction of Berkshire County and to work with other State and Federal Agencies when necessary. Officers work on a both full-time and part-time basis and manage their cases throughout the Berkshire District Attorney's Office. Officers are assigned to the task force by the Chief of Police of their respective communities. The Williamstown Police Dept has one officer currently assigned. They are compensated by the District Attorney's Office at no cost to their municipalities. This Unit also encompasses the State Police Detective Unit (SPDU-Berkshire) Digital Evidence Unit.

D.4. The Williamstown Police Dept has an officer assigned on an as needed basis to the Internet Crimes Against Children Task Force. The mission of the Crimes Against Children Task Force program is to assist state and local law enforcement agencies in developing an effective response to cyber enticement and the production, possession and distribution of unlawful images, contraband images, and images depicting the sexual exploitation of minors. The support encompasses forensic and investigative components, training and technical assistance, victim services, prevention and education.

D.5. The Berkshire County Special Response Team (BCSRT) is a highly trained, specially equipped unit that is tasked to respond to incidents that exceed the capabilities of standard police resources. The BCSRT is the county's resource for special operations. Members of BCSRT are drawn from any full-time county

law enforcement agency. BCSRT is tasked with a wide variety of tactical situations, including but not limited to: riots, civil disturbances, high risk search and arrest warrants, wanted or escaped prisoners, barricaded subjects, hostage situations, dignitary protection, emotionally disturbed persons, search and rescue.