



Town of Lexington

Police Department

Subject: Follow-up Investigations MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 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	
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By Order of: Mark J. Corr, Chief of Police	

Policy & Procedure

42B

The Municipal Police Institute, Inc. (MPI) is a private, nonprofit charitable affiliate of the Massachusetts Chiefs of Police Association. MPI provides training and model policies and procedures for police agencies. This policy is an edited version of MPI Policy 2.01 "Follow-up Investigations"

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 Bureau; but patrol officers are expected to conduct their own follow-up investigations for those less serious crimes.

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.**

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

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]

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2. Detective Bureau Commander: It shall be the responsibility of the of the Lieutenant Detective and / or Sergeant Detective, 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 Detective Bureau. [42.1.4]
 - a. A specific investigator shall be assigned by the Detective Bureau Commander 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 assignment.
5. Roll call: Detectives shall periodically attend patrol officer shift briefings to stay abreast of patrol strategies and to assist with information [42.2.4].

B. Case Management

1. Case Screening: The Detective Bureau Commander 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 Bureau Commander shall assign cases screened for follow-up investigation.
 - b. The supervisor should consider investigator experience, expertise, and caseload in making assignments.

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- c. Cases should be referred back to patrol and/or the preliminary investigator when appropriate if preliminary information is incomplete or follow-up does not require Bureau expertise.
3. Case File Control: The Detective Bureau Commander shall regularly inspect the report due list to manage open cases. The roster will include: [42.1.3(a)]
 - a. The investigator assigned;
 - b. Incident number;
 - c. Date of the investigation and
 - d. When the report was last updated.
 - e. Using the report due list, the Detective Bureau Commander should set due dates for each investigation.
4. Case Progress Reporting
 - a. Investigators will periodically report the progress of investigations assigned to them to the Detective Bureau Commander.
 - b. Progress reports shall be made at least once each week, and more frequently if necessary.
 - c. It shall be the responsibility of Detective Bureau Commander to determine if additional resources shall be expended in the investigation of such cases or if the investigation shall be suspended.
 - d. The Detective Bureau Commander will notify the Captain of Administration or, in his absence, the Chief of Police about the need to expend additional resources on cases of particular interest.
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 within the Detective Bureau.
 - b. Access to such records shall be available to:
 - i. Detectives working on that particular case;

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- ii. Lieutenant Detective;
 - iii. Sergeant Detective;
 - iv. Detective clerical personnel; and
 - v. Captain Of Administration and Chief of Police
 - 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.)
- 7. Suspending an Investigation
 - a. An active case shall not be suspended without an evaluation by the principal investigator of the following:
 - i. Absence of further leads or solvability factors;
 - ii. Unavailability of investigative resources;
 - iii. Inconclusive 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 Detective Bureau Commander prior to the suspension of investigative efforts.
- 8. Case Status: The Detective Bureau Commander 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 filed in the “Open Inactive Case File” area of the Detective Bureau.
 - i. Such cases shall include cases where suspects have been identified and not yet charged with a crime, but their whereabouts are unknown.
 - ii. Cases where suspects are being charged shall also have the investigative file submitted to the Central records.

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- ii. Case files shall be maintained in accordance with Massachusetts public record laws.
 - c. Suspended Cases: Suspended cases shall be filed in the “Suspended Case File” area of the Detective Bureau.
 - i. 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.
 - ii. Case files shall be maintained in accordance with Massachusetts public record laws.
 - iii. Retention of any investigation beyond the statute of limitations is authorized provided the investigator documents reasonable grounds for such retention. The Detective Bureau Commander will review each case.
 - d. Closed Cases: Closed cases shall be removed from the detectives record storage area and stored in central records as a Department record. For further information, see the department policy **82A - Records Management and Dissemination**
- 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)]
 - i. New evidence in the case has been discovered;
 - ii. New technology is available which may provide new leads in the case;
 - iii. A witness in the case has come forward; or
 - iv. A victim’s body has been found.
 - c. Activation Process: The Detective Bureau Commander 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 will be notified of any cold case reopening when a major crime is involved. The Chief of Police may order any cold case to be reviewed further. The supervisor should consider the following criteria in determining whether to reopen a case: 42.2.9(b)]
 - i. The nature of the crime;
 - ii. The nature and weight of the new evidence, if any;
 - iii. The age of the case;

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- iv. The availability of witnesses; and
 - v. 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
 - i. Death reportsⁱ
 - ii. Firearms woundsⁱⁱ
 - iii. Motor vehicle accidents, fatalⁱⁱⁱ
 - b. Eleven (11) Years
 - i. Armed robbery^{iv}
 - ii. Assault with a dangerous weapon^v
 - iii. Confining and putting in fear with intent to commit a felony^{vi}
 - iv. Unarmed robbery^{vii}
 - c. Seven (7) Years
 - i. All crimes except:^{viii}
 - 1) Murder
 - 2) Assault with intent to rob
 - 3) Robbery
 - 4) Assault with intent to Murder
 - 5) Stealing by confining and putting in fear
 - ii. Dog bites^{ix}
 - iii. Motor vehicle accidents, personal injury^x
 - d. Three (3) Years
 - i. Motor vehicle accidents, property damage^{xi}
 - ii. Stolen goods^{xii}
 - iii. Stolen vehicles^{xiii}
 - e. Two (2) Years after the case is closed: Missing persons.^{xiv}

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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)]
 - i. Departmental records;
 - ii. Existing evidence;
 - iii. Statements of victims, suspects and witnesses; and
 - iv. Laboratory examination results;
 - b. Conducting additional interviews and/or interrogations: for further guidance see the department policies regarding **41J - Interviewing Victims and Witnesses** and **41K - Interrogating Detainees 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 also department policy **42D - Use of Confidential Informants**; [42.2.2(c)]
 - e. Planning, organizing and conducting searches: for further guidance, see also Department policy **41M - Search and Seizure**; [42.2.2(d)]
 - f. Identifying and apprehending suspects: for further guidance, see also Department policy **41N - 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 also Department policy **83A - 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 also Department policy **55B - Victim/Witness Assistance**.
3. Polygraph examinations may be arranged with the authorization of the Detective Bureau Commander. These examinations will be done by trained operators and in consultation with the Middlesex District

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Attorneys Office. The examinations may be arranged through the State Police or other agency. [42.2.6]

D. Investigative Task Forces [42.2.5]

1. The Lexington Police Department is a member agency of the Suburban Middlesex County Drug Task Force (SMCDTF).
 - a. The purpose of the Task Force is to work regionally with other law enforcement agencies to share intelligence and resources, working collaboratively toward enforcing drug laws.
 - b. Authority is achieved through signed agreements and regulated through task force protocols.
2. The Detective Bureau Commander shall serve as the Department liaison to the taskforce.
3. The Detective Bureau Commander 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.
4. In the event the Department participates in other task force investigations, the officer in charge will adhere to the same protocols used for the SMCDTF taskforce.

ⁱ Police Department Records Disposal Schedule 11-81, Series 14.3.

ⁱⁱ Police Department Records Disposal Schedule 11-81, Series 14.9.

ⁱⁱⁱ Police Department Records Disposal Schedule 11-81, Series 14.19B.

^{iv} Police Department Records Disposal Schedule 11-81, Series 14.13A.

^v Police Department Records Disposal Schedule 11-81, Series 14.13B.

^{vi} Police Department Records Disposal Schedule 11-81, Series 14.13D.

^{vii} Police Department Records Disposal Schedule 11-81, Series 14.13C.

^{viii} Police Department Records Disposal Schedule 11-81, Series 14.12.

^{ix} Police Department Records Disposal Schedule 11-81, Series 14.4.

^x Police Department Records Disposal Schedule 11-81, Series 14.19D.

^{xi} Police Department Records Disposal Schedule 11-81, Series 14.19E.

^{xii} Police Department Records Disposal Schedule 11-81, Series 14.28.

^{xiii} Police Department Records Disposal Schedule 11-81, Series 14.29.

^{xiv} Police Department Records Disposal Schedule 11-81, Series 14.18.