

 Lexington Police Department	Subject: Breaking and Entering					Policy Number:	
	Accreditation Standards: Reference:					42L	
<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised		Revision Dates:	1/24/19				Effective Date: 11/1/10
By Order of: Mark J. Corr, Chief of Police							

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GENERAL CONSIDERATIONS AND GUIDELINES

Burglars generally fall into two categories – the opportunist and the professional. The opportunist is the criminal who is always on the lookout for a place that is easy to break into with little or no hazard of detection and where cash, jewelry, and portable items that have an immediate resale or pawn value can be found.

The professional commits a break only after considerable planning and usually has information on the targeted property, habits of the people living or employed in the building selected, and tools to make his/her entry effectively.

The most important consideration in the prevention and control of burglary and related crimes is citizen cooperation. All citizens of the community should be encouraged to take precautions to make their property secure by using appropriate locks, alarms, and lighting to deter criminals, and by marking their property with names, numbers or symbols which they can identify or by inventorying with serial and model numbers.

Citizens living in a neighborhood are best positioned to identify those who live, frequent or otherwise are involved in their neighborhood. Citizens should be encouraged to notify the police immediately when they observe suspicious persons or circumstances, even if their suspicions later prove to be unfounded.

It is the policy of the Lexington Police Department to:

- Respond promptly to all reports of possible or actual breaking and entering;
- Work with the public to educate citizens and businesses concerning ways to prevent crimes, including those involving breaking and entering; and

- Investigate and prosecute crimes, including those involving breaking and entering.

PROCEDURE

A. Responding to Burglaries in Progress

1. Response: Whenever an officer responds to a call for a breaking and entering in progress, the officer should minimize the use of sirens to avoid communicating his/her presence to suspects.
2. Alarm calls are problematic for the Lexington Police Department particularly when there is documented evidence that almost 99% to 100% of these alarms (in any given year) do not involve criminal activity. For further information on responding to alarm calls, see the Department policy **41F – Burglar, Hold-Up or other alarms for service**.
3. When there is reason to believe that a burglary is in progress a minimum of two officers shall be sent in addition to the Patrol Supervisor, if available.
4. First Arriving Officer
 - a. The first arriving officer should park a short distance from the target building, approach unseen, and make visual and auditory observations of the building.
 - b. The officer shall be observant of:
 - i. Vehicles in the driveway or in the area near the building;
 - ii. Persons who seem suspicious or out of place; and
 - iii. Known criminals present in the area.
 - c. Officers should not enter the building without adequate assistance, unless some person lawfully therein is in immediate danger of physical harm from the intruder.
5. Exterior of Building
 - d. When other officers arrive, they shall take strategic positions, observing all building exits and windows.
 - e. They shall check for any visible signs of entry without limiting their observations to doors and windows.
 - f. They shall also check for the possibility that entry has been gained through a roof or the wall of an adjoining building
 - g. Officers will secure access to and from the building.
 - h. Officers will stop and identify anyone leaving the building.
6. Voluntary exit from the Building

- i. It is always preferable for a suspect to come out voluntarily and must be given that opportunity, if possible. This will avoid the possibility of injury to a police officer or to other persons in the vicinity.
- j. Officers must exercise extreme caution to ensure that plain-clothes officers arriving at the scene are properly identified as police officers, and not mistaken for criminals or bystanders.
- k. If at all possible, the owner of the residence or the commercial establishment shall be contacted by the police, and the dispatcher shall relay to the officers at the scene such information as:
 - i. The known or likely presence of any lawful occupants such as a family member, guest or babysitter;
 - ii. The known or likely presence in the building or on the grounds of any guard or watchman;
 - iii. The location of any safe or targets the suspects may be after;
 - iv. The location of any firearms on the premises; and
 - v. The location of utility shutoffs, particularly the location of electric light switches.

B. Entering a Building

1. Generally

- a. Officers shall notify the dispatcher prior to entering the building.
- b. Police should normally announce their presence prior to entering a building to search. An exception may be appropriate in the case where officers need to maintain a tactical advantage.

2. Canine Support

- a. If the services of a Canine Officer are available, [s]he may be called to the scene at the discretion of a supervisor.
- b. If a Canine Officer is to conduct the search, officers should avoid entering the building prior to his/her arrival in order not to leave confusing scents and, in any event, all other officers should be withdrawn from the building before the police dog enters.
- c. The advice of the Canine Officer should be sought concerning recommended methods of conducting a building search with the use of the dog.
- d. If it becomes necessary to enter a building, officers must work closely together, covering one another. This will reduce the danger of one officer's incurring unnecessary injury.

3. Police Officer Entry

- a. Officers should enter the building tactically, stepping inside quickly and seeking cover to minimize exposure time in the doorway area (fatal funnel).
- b. Officers will use flashlights tactically to avoid drawing fire at the source of the light.
- c. Once inside, officers should wait to become accustomed to the darkness, if the interior is darkened, and listen in an attempt to hear the suspect.
- d. Officers entering from multiple points of entry must coordinate their movements to avoid being mistaken for a suspect in the building.

4. Searching the Building

- a. Carefully and methodically check the entire building to determine if a crime has been committed and if the suspect is still therein.
- b. Any place in the building that can provide a hiding place must be carefully searched.
- c. If a suspect is located, [s]he shall be carefully searched and handcuffed immediately. Dispatch must be notified immediately.
- d. Do not assume that a suspect is working alone. The search shall be continued until the entire building and its immediate vicinity have been thoroughly searched and secured.
- e. A thorough search of the premises shall be made for any weapon that may have discarded by a suspect.

5. Crime Scene

- a. After the building has been searched and persons within located and apprehended, the scene may become a crime scene.
- b. If it is determined the scene is to be processed by detectives, officers should:
 - i. Secure the crime scene, if appropriate; and
 - ii. Conduct a preliminary investigation.
 - iii. For further information, see the Department policy on ***Preliminary Investigations***.
- c. The property owner should be notified to secure the building and to provide police with a detailed list of any missing or damaged items.

C. Responding After the Suspect Has Departed

1. Preliminary Investigation

- a. The officer shall obtain, as completely as possible, a description of:

- i. The suspect;
 - ii. Any vehicle used; and
 - iii. The direction of travel, if known.
- b. This information shall be provided immediately to the dispatcher for the attention of all other on-duty officers.
- c. Officers should preserve the scene and conduct a preliminary investigation.
- d. The officer making the preliminary investigation shall ascertain as accurately as possible and carefully note:
 - i. The date and time the crime was committed;
 - ii. The point and method of entry;
 - iii. The method of exit;
 - iv. A description of any property taken, including its value and all identifying numbers or marks; and
 - v. Any property damaged.

2. Processing the Crime Scene

- a. The crime scene shall be secured until the arrival of Detectives for processing.
- b. The crime scene will be photographed as directed by Detectives
- c. Breaking and entering tools and evidence should be collected after photographed, measured and a diagram made.
- d. Detectives should process as appropriate for:
 - i. Latent fingerprints;
 - ii. Footwear impressions;
 - iii. Tool marks; and
 - iv. DNA.
 - v. Other evidence

3. Neighborhood Canvass

- a. The investigating officer or assisting officers will interview neighbors by canvassing door-to-door to determine if anyone made observations of any conduct that may be related to the crime.
- b. Officers should check other buildings or locations to determine if video footage may be available that would assist in the investigation.

4. Property Search

- a. Checks of local secondhand stores, pawnshops and other establishments, especially those known or suspected of dealing in stolen goods, may be a good source to locate stolen property.
- b. On-line sources such as E-bay and Craig's List may reveal stolen property and those disposing of it.

- c. The extent of property lost, method of operation and other pertinent data will be transmitted to area police departments by whatever media is available for that purpose.

D. Arrest of Suspect/Recovery of Stolen Goods

1. Interviewing Suspect

- a. Whenever any burglary (or receiving stolen goods) suspect is questioned, [s]he should also be questioned with regard to any other burglaries in which [s]he or persons known to him/her participated.
- b. [S]he should also be encouraged to cooperate by revealing the identities of persons who received or "fenced" any items taken in the break.

2. Recovered Property

- a. Stolen items should not be immediately returned to their lawful owner unless authorized by a supervisor, after consultation with the District Attorney.
- b. The property shall be:
 - i. Photographed;
 - ii. Marked and packaged;
 - iii. Logged into evidence; and
 - iv. Submitted to the property and evidence function to be held as evidence.
 - v. The owner shall be notified that the items have been recovered. (See Department policies **83A - Collection and Preservation of Evidence** as well as **83B - Property and Evidence Control**.)

3. Supplemental Criminal Charges

- a. Any person arrested for breaking and entering and in whose possession or under whose control property stolen from the targeted property are found should also be charged with Larceny from a building. Buying, receiving or concealing stolen goods may be an appropriate charge if stolen property from other locations is found in the possession of the suspect.
- b. When charging an individual with breaking and entering with intent to commit a misdemeanor, the charge of criminal trespass may be included because it is not a lesser-included offense.¹

E. Reporting

1. The preliminary officer conducting the investigation shall submit a report in accordance with Department procedures. Whereas B&E crimes have a significant impact on families, friends and neighbors, officers shall submit their reports as soon as reasonably possible.
2. Assisting officers shall submit a supplemental report of any independent pertinent observations or actions that are important to the case.
3. The Detective assigned to the case shall submit a supplemental report as soon as practical.

¹*Com. v. Vinnicomb*, 28 Mass. App. Ct. 934, 549 N.E.2d 1137 (1990).
