

PRELIMINARY INVESTIGATIONS

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I. GENERAL CONSIDERATIONS AND GUIDELINES

The ultimate success or failure of police efforts in the identification, apprehension and subsequent prosecution of criminal offenders is often based upon the immediate police response and investigation. The preliminary investigation should never be handled routinely. It is not only a vital link in the criminal investigation process but it can often be the means of uncovering information leading to the solution of other crimes or for initiating crime prevention procedures.

The preliminary investigation is generally the responsibility of officers assigned to patrol duty who are nearly always the first police officers on the scene of a reported crime.

It is the duty of the patrol officer initially to discover facts, to locate and identify witnesses and to preserve physical evidence that is relied upon by the police investigator in the subsequent search for the suspected criminal. It is for this reason that every effort should be made to maintain a cooperative relationship and good communications between the patrol force and the investigative unit. A free flow of information is a necessity in this regard as each of these police functions is dependent upon the other.

The courts often give greater weight to physical evidence than to the direct testimony of witnesses which is subject to human defects. The evidentiary value of physical evidence, however, can be easily destroyed if it is not carefully handled and secured in accordance with departmental procedures. For evidence to be admissible, the prosecutor must be able to establish a "chain of custody" of that evidence from the moment it comes into the possession of the police at the crime scene to the time of the court trial. Every officer who handles this evidence must be prepared to establish how [s]he received it, safeguarded it, and to whom [s]he relinquished it.

A written report of the incident should be as complete, accurate and concise as possible. This is essential if it is to serve its intended purpose of communicating a good understanding of what happened to others who were not present but who must subsequently read this report and act upon it for police or prosecution purposes. In addition to the department's standard incident forms designed to capture all necessary preliminary investigation data, a narrative-type report should be prepared and submitted for all serious incidents and major offenses.

II. POLICY

A. It is the policy of this department that:

1. Preliminary investigations shall be conducted on all incidents which violate the criminal code of the Commonwealth, or have the potential to result in a criminal or civil action; and
2. All officers understand and comply with the following procedures when conducting initial investigations of crimes.

III. PROCEDURES

A. **Responding to a Crime Scene**

1. Officers should not proceed to a crime scene unless:
 - a. They are specifically directed to respond;
 - b. The crime occurs or is discovered within their assigned area of patrol; or

- c. It is their particular assignment to be generally responsible for conducting investigations.
2. All other officers shall continue their assigned duties. However, they should be ready to assist in the apprehension of the perpetrator or to perform such other duties as directed by the officer in charge.
3. Officers proceeding to a crime scene shall be vigilant and watchful in their approach for any signs of suspicious activity, especially for any evidence of a fleeing criminal, persons acting suspiciously or furtively in the vicinity, or objects being thrown from a vehicle leaving the scene. A threshold inquiry is justified when officers observe an individual fleeing from the scene of a crime.¹
4. Responding officers shall record the registration numbers of any suspicious vehicles coming from the scene and the general description and any obvious characteristics of the operator or occupants if possible.
5. The officers proceeding to the crime scene shall be alert for any additional messages from the dispatcher. The dispatcher shall immediately furnish the responding officers with any supplementary information that would be of assistance to them. They shall provide any available information that would indicate the possibility of a dangerous situation or the possible presence of an armed or dangerous criminal.

B. Upon Arrival at Crime Scene

1. Responsibility

- a. The first officer arriving at the scene shall be responsible for initiating and conducting the preliminary investigation and shall yield his/her responsibility only when so directed by a superior officer or upon the arrival of a detective or other officer especially assigned to conduct criminal investigations. All information obtained up to that point, and the identity and location of any physical evidence discovered, shall be turned over to the detective or investigator upon his/her arrival. [42.1.4]

2. ***Medical Assistance:***

- a. The first officer arriving at the scene shall quickly determine the necessity for obtaining medical assistance or administering first aid.
- b. The officer shall administer first aid to those in need, with priority going to the person with the most serious injury first, even if that person is the suspect. If the injury requires hospital treatment or if the injured person requests to go to a hospital, the officer shall contact the dispatcher without delay to obtain immediate medical assistance.

3. ***Communication to Dispatcher:***

- a. As soon as it is practicable under the circumstances, the officer shall communicate to the dispatcher the following information:
 - i. The nature of the crime committed;
 - ii. As complete a description of the offender as possible and the direction of his/her flight;
 - iii. Whether the offender is, or may be, armed and dangerous;
 - iv. A description of any vehicle being used by the offender and of any occupants of that vehicle;
 - v. A description of any firearms or other weapons used in the commission of the crime;
 - vi. A description of any property stolen and whether it may be in the possession of the offender;
 - vii. Any additional information that may lead to the apprehension of the offender; and
 - viii. Whether additional assistance (e.g., fire department, ambulance, coroner) or the services of evidence technicians are needed at the scene.
- [41.2.5]

4. ***Arresting the Perpetrator***

- a. If the perpetrator is at the scene, the crime is an arrestable offense, and probable cause to arrest exists, the officer shall make the arrest in accordance with the department's ***Arrest*** policy.
- b. A decision to leave the scene to pursue a perpetrator shall be made based upon the following factors:
 - i. The likelihood that an apprehension can be made;
 - ii. The physical condition of the victim(s);
 - iii. The need to protect the victim from a renewed attack;
 - iv. The potential danger to the public if the perpetrator is allowed to escape;
 - v. The nature of the crime committed;
 - vi. The time and place of occurrence;
 - vii. The lapse of time between the crime and the arrival of the police at the scene;
 - viii. Whether the suspect is known to the officer or a good description of the offender is available; and
 - ix. The availability of other officers to conduct the pursuit and to apprehend the offender.

5. ***Preserving Evidence*** [42.2.2(c)]

- a. Every effort shall be made to protect the crime scene for the preservation of any physical evidence. (See departmental policy ***Collection and Preservation of Evidence***.)
- b. The crime scene shall be maintained in the same manner as it was left by the perpetrator, as far as possible.

- i. Spectators and bystanders should be kept out of the crime scene.
 - ii. Witnesses and other persons connected with the crime and persons associated with the property or premises involved in the crime shall be told to remain present and available for questioning but shall be told not to alter or disturb any aspect of the crime scene.
 - iii. Unauthorized persons shall not be permitted to enter or disturb the crime scene (this includes any police personnel not necessary for the investigation).
 - iv. If necessary, the premises or area comprising the crime scene may be roped or cordoned off, locked or otherwise secured.
- c. Officers shall look for any item of evidentiary value which may reveal how the crime was committed or anything which may connect a particular person to the scene. This would include, but is not limited to the following:
 - i. Weapons, shell casings, tools, clothing, shattered glass, stains, footprints, fingerprints, tool impressions, tire markings, etc.;
 - ii. Ordinary objects or articles found in unexpected or unusual locations;
 - iii. Ordinary objects or articles having individual peculiarities or markings;
 - iv. Uncommon objects or articles not generally found at the location of the particular crime; and
 - v. Bits and pieces of evidence which may individually be of minor importance but when taken together can be of significant value to the investigation.
- d. Physical evidence shall not be moved or touched pending the arrival of evidence technicians unless it is absolutely necessary to assure its preservation.

- i. If it is necessary to move or take custody of any physical evidence, a careful notation shall be made of its exact location and position at the scene.
- ii. If it is necessary to move any item of physical evidence, the item shall be handled in such a manner as to prevent any alteration of its condition or the accidental impression of fingerprints.

6. ***Interviewing Witnesses*** [42.2.2(b)(d)]

- a. The purpose of a preliminary interview is to obtain as much basic information as quickly as possible in order to identify and, if possible, apprehend the perpetrator and to establish the basis for the follow-up investigation. Every effort should be made to locate, identify and interview reliable witnesses. (See departmental policy and procedure ***Interviewing Victims and Witnesses***)
- b. As soon as possible after arrival on the scene, the officer shall:
 - i. Obtain the name, address and telephone number of all witnesses.
 - ii. Separate witnesses, if possible, to prevent them from discussing what has occurred among themselves before they are interviewed, which may taint individual recollections. The officer may give paper to each witness so that they may begin writing a description of what occurred.
 - iii. Interview each witness separately and in a quiet area if possible.
- c. Provide information about victim and witness assistance including what to do if the suspect or suspect's companions threaten or otherwise intimidate the victim or witness. See department policy ***Victim/Witness Assistance***.

- d. After all witnesses located at the scene have been interviewed, it may be advisable to canvas residences and businesses in the area in order to locate persons who witnessed some aspect of the crime but who are reluctant to come forward with that information.

7. ***Report Writing***

- a. The officer conducting a preliminary investigation shall make an accurate and complete written report of the incident in accordance with departmental procedures.
- b. An officer making a preliminary investigation should not rely on memory but should note all useful information obtained and, at a minimum, should make a written record of the following data: [42.2.2(a)]
 - i. Date and time of arrival at scene;
 - ii. Weather conditions and visibility, including the location and distance from the nearest street light or artificial lighting and whether the lights were on;
 - iii. Approximate time of commission of the crime and by whom it was discovered;
 - iv. Identity of other police officers present;
 - v. All necessary information concerning any physical evidence discovered;
 - vi. Name, address and telephone number of victims and witnesses;
 - vii. The identity or the best available description of the criminal suspect or suspects, particularly noting any unusual characteristics;
 - viii. The best available description of any vehicle used by the suspect or suspects;
 - ix. Any important measurements made at the scene and a rough crime scene sketch; the name of any police photographer who took pictures, the

name and affiliation of any media photographer who took pictures, the name and address of any private individual who took pictures;

- x. The time and location of any interviews of the victim or witnesses and a brief statement as to what they heard or observed. If any such statement appears to be highly informative and the crime is of a serious nature, a verbatim record should be made; and
- xi. Any other information that the officer believes may be useful for the apprehension of the criminal suspect and his/her subsequent prosecution.

8. **Checklist** [42.2.4]

The following check-list summarizes the duties of a police officer conducting a preliminary investigation at the scene of a crime.

- a. Care for any person who requires medical or first aid attention.
- b. Arrest the perpetrator of the crime, if possible.
- c. Arrange for the immediate pursuit of the perpetrator if his/her flight is recent and initiate the pursuit personally if appropriate under the circumstances.
- d. Furnish to the dispatcher the best possible description of the perpetrator(s), giving a brief outline of the crime committed, the method and direction of the suspect's flight and whether [s]he is considered armed and dangerous.
- e. Request any necessary assistance, such as backup, detectives, and evidence technicians.
- f. Carefully secure the crime scene from disturbance or alteration and carefully locate and preserve all physical evidence.
- g. Seek out witnesses and require that they remain at the scene until interviewed.

- h. Identify all persons present at the scene and record their names, addresses and telephone numbers.
- i. Record the registration numbers of any motor vehicles at the immediate scene.
- j. Be curious and suspicious, do not take anything for granted and do not jump to conclusions.
- k. Listen for and make note of any unguarded or spontaneous remarks or comments relevant to the incident made by witnesses or others present at the scene.
- l. Note any extreme nervousness, unusual behavior or conflicting statements made by witnesses or others present.
- m. Make inquiry of neighbors or bystanders as to their knowledge of any suspicious persons or vehicles in the vicinity prior to the crime.
- n. Note and record conditions at the crime scene such as time of incident, time of initial report of incident, who made the report, the weather, visibility, street lighting, description of any weapons used or injuries caused, description of any property stolen and all other pertinent information.
- o. Note and record as complete a description as possible of the suspect.
- p. Upon the arrival of a superior officer or detective who will continue the investigation in more depth, inform them of the information already obtained, physical evidence located and the immediate steps that have been taken.
- q. Return to normal patrol duties as soon as practicable and make a written report of the incident and any action taken in accordance with standard department procedures and practices.

NOTE: Officers should be continually aware that any preliminary investigation is just that -- preliminary. No final

conclusion should be reached if contrary possibilities or explanations are still unaccounted for. For example, it is not uncommon for perpetrators, caught shortly after the incident (and especially if the victim has fled) to claim that they are merely a witness and try to direct the police on a wild goose chase. A perpetrator may even pose as a victim (especially if he or she did receive some injury). Also, witnesses and victims may be carrying weapons or may flare up in unexpected anger or aggression toward others or even toward the police. Calling for sufficient backup and a healthy skepticism when questioning persons the officer does not know can be invaluable aids in any "preliminary" investigation.

¹ *Illinois v. Wardlow*, 120 S.Ct. 673 (2000)

