


NORTHAMPTON POLICE DEPARTMENT Administration & Operations Manual		
Policy: Criminal Investigations		AOM:O-400
Massachusetts Police Accreditation Standards Referenced: [42.1.4], [42.2.2.b], [42.2.1.a&b], [42.2.2.d], [42.2.1.c], [42.2.2.c], [42.2.2.a], [83.2.6], [42.2.3], [42.2.1.a], [83.2.4.c], [42.1.1], [42.1.2], [42.1.4], [42.2.2.g], [42.2.2.e], [42.2.2.b&f], [42.2.2.h], [42.2.3.b], [42.2.1.d], [55.2.4.a], [55.2.5], [1.2.3], [42.2.2.f], [72.7.1.a], [44.2.3], [42.1.2], [42.1.3.b], [42.1.3.c], [42.1.3.d], [42.1.3.e], [42.1.5.a], [42.1.5.b], [42.1.5.c], [42.2.4], [42.2.5]		Issuing Authority <hr/> Jody Kasper Chief of Police
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I. Introductory Discussion

One of the most critical police functions is the investigation of criminal offenses. The objective of the police investigation is the successful identification, apprehension, and prosecution of criminal offenders. The ultimate success or failure of this police effort is closely related to the immediate response and the police action taken at the time that a crime is first brought to their attention. This initial activity, the preliminary investigation, is often crucial to the successful resolution of the case. The preliminary investigation should never be treated as a routine matter; it takes place at an early and critical stage and may have a wide range of ramifications.

For example, the initial efforts of the police often aid in determining guilt or innocence; the preliminary investigation may turn up information that is useful in solving other crimes, and it serves as a vital link between the crime and a subsequent in-depth investigation.

The major purpose of the Criminal Investigation is to gather information. Information may be obtained from “things” (physical evidence) or from persons (testimonial evidence). Neither source should be overlooked. Nonetheless, in seeking information, the investigating officer should conduct the investigation within the bounds of the law and with all due respect to the persons and property with which they come in contact.

This directive establishes the general information gathering procedures of preliminary and follow-up criminal investigations that are crucial to the successful identification, apprehension, and prosecution of criminal offenders.

II. Responsibility of the Preliminary Investigation [42.1.4]

A. Preliminary Investigation: The preliminary investigation is the responsibility of patrol units. These units are relied upon to make every effort to obtain as much information as possible during this stage of the investigation because of their availability and capability of providing prompt and efficient services at any time of night or day. Patrol unit officers are more likely to be familiar with the particular area where a crime occurs. The patrol units can also be effective in apprehending the criminal at or near the scene. The first officer assigned to a preliminary investigation shall:

1. Proceed to the scene promptly and safely;
2. Render assistance to the injured;
3. Ascertain if the suspect is still in the area and armed;
4. Effect the arrest of the criminal;
5. Locate, separate, and identify witnesses; [42.2.2, b]
6. Interview the complainant, victims, witness (es) and suspect(s); [42.2.1, a & b] [42.2.2, d]
7. Maintain a secure crime scene and protect all potential evidence; [42.2.1, c] [42.2.2, c]
8. Note all conditions, events, and remarks; [42.2.2, a]
9. Arrange for the collection of evidence; [42.2.2, c]
10. Report and document the incident fully and accurately; [83.2.6]
11. Yield the responsibility to the follow-up investigator, if and when necessary.

To aid officers/detectives in the preliminary investigation process, use ***AOM O400.a Preliminary Investigation Checklist***. [42.2.3]

B. Photographing: During the course of an investigation it is often necessary that a preliminary officer, an investigator or their designee, photograph a crime scene, including physical evidence and the victims of crimes. All photographs of victims shall be in compliance with Massachusetts General Law Chapter 271 § 51. M.G.L. 271 § 51 states the following;

1. No first responder who responds to or is otherwise present at the scene of a crime, accident or other emergency in the performance of the first responder's official duties shall take a photographic or digital image of a victim of a crime, accident or emergency unless the first responder takes the photographic or digital image: (i) in the performance of the first responder's official duties; or (ii) upon the consent of the victim or, if the victim is unable to consent, an immediate family member of the victim; provided, however, that this subsection shall not apply to the use by a first responder of body-worn cameras or cameras mounted on a first responder's vehicle.
2. No first responder shall, other than in the performance of the first responder's official duties, transmit, disseminate or otherwise make available to a third person a photographic or digital image of a victim of a crime, accident or emergency without the consent of the victim or, if the victim is unable to consent, an immediate family member of the victim; provided, however, that this subsection shall not apply to the use by a first responder of body-worn cameras or cameras mounted on a first responder's vehicle.

III. Criminal Investigation Procedures

Whenever practicable, members of the department shall follow the below listed procedures when investigating a crime committed or an incident which has taken place requiring police action:

- A. Information Development: The primary purpose of a preliminary or follow-up criminal investigation is to identify and arrest the offender, when appropriate and consistent with law. This is usually accomplished by the gathering of information. Information may be obtained from physical evidence as well as from people or testimonial evidence. Both sources should be used. An investigating officer should always conduct an investigation within the bounds of the law and with all due respect to the persons and the property with whom they come in contact. [42.2.1, a]

Suggested information that investigating officers should obtain and record:

1. Time of assignment/arrival;
2. Weather conditions;
3. Approximate time of the crime and by whom and when it was discovered;
4. Identities of other officers present;
5. Name, addresses, telephone numbers of the victim(s) and/or witnesses;
6. Hour, date, and location of any interviews;
7. Description and history of the suspect;

8. Statements as to what a victim/witness (es) saw or heard; (however, if a statement appears highly informative due to its nature and content, the officer should gather or request a written statement.)
9. Important measurements and a crime scene sketch, when warranted; [83.2.4,c]
10. List of property and valuables taken or destroyed, including values, if known;
11. Any other information the officer believes may be useful in apprehending the criminal.

B. Major Crime Occurrences (e.g. Armed Robberies, Arson, and Sex Related Crimes): Police officers responding to a major crime occurrence shall immediately notify the shift supervisor, who shall respond to the scene and notify or cause to notify the OIC of the Detective Bureau.

1. The O.I.C. of the Detective Bureau, or their designee shall notify or cause to be notified, the appropriate detective(s) to respond to the scene. Investigators shall be available to respond to major crimes 24 hours a day, seven days a week. [42.1.1.]

C. Unattended Death: In cases of unattended deaths, suspicious sudden death, or homicide, the on-duty supervisor shall notify the Detective Bureau Commander. The Detective Bureau Commander may cause the notification of the Investigative Unit assigned to the District Attorney Office, the Medical Examiner's office, and the Operations Division Commander.

IV. Follow-up Investigations

A. Serious or complex preliminary investigations requiring special handling shall be assigned to the Detective Bureau when delay will not hamper the investigation. On such occasion, the patrol officers should protect the scene from contamination and request a specialist at once. When determining whether or not to conduct a follow-up investigation, the officer shall consult with a supervisor who shall consider the following circumstances: [42.1.2] [42.1.4]

1. Seriousness of the crime;
2. Whether delay will make the investigation more difficult;
3. Workload of the shift on duty;
4. Number of personnel presently on duty.

It shall be the responsibility of the Detective Bureau Commander, or his designee, to determine how many investigators are assigned to any particular investigation, and how many hours are expended thereon.

B. Principal or Primary Investigator: The Detective Bureau Commander or any supervisory officer who assigns a follow-up investigation shall designate one particular investigator/officer as the Principal/Primary Investigator. The pertinent information on the case, along with the Principal Investigator's name, shall then

be entered into the Department computer. This will provide for appropriate accountability for each case. [42.1.4]

- C. **Guidelines for Conducting Follow-up Investigations:** The following list of procedures should be used as a guide when conducting complicated investigations. Principal investigators shall conduct as thorough an investigation as possible, including as many of the following steps as appropriate, although all of the steps may not be necessary in every investigation:
1. Plan, organize, and conduct crime scene searches for the purposes of gathering additional physical evidence; [42.2.2,d]
 2. Review and analyze all previous reports prepared in the preliminary phase; [42.2.2, a]
 3. Conduct additional interviews with victims, witnesses, reporting parties, and preliminary investigating officers, if necessary; [42.2.2, b]
 4. Conduct interviews and/or interrogations of all suspects; [42.2.3,b]
 5. Review departmental records for incidents of a similar nature for the purpose of developing a suspect; [42.2.2, a]
 6. Review results for laboratory examinations; [42.2.2, a]
 7. Seek additional information from informants or from officers from this and neighboring police agencies; [42.2.2,c]
 8. Check criminal records of potential suspects; [42.2.2,g]
 9. Identify and apprehend suspects; [42.2.2,e]
 10. Interview apprehended suspects in order to determine involvement in, and clearance of, other crimes; [42.2.2,b,f]
 11. Arrange for the dissemination of pertinent information obtained to all shifts and units as well as other law enforcement agencies;
 12. Assist the Assistant District Attorneys in preparing cases for court presentation;
 13. Assist in the prosecution of cases in District and Superior Court; [42.2.2,h]
 14. Document in a timely manner, in the Departments computer system, all relevant investigative measures that have been completed.

To ensure that critical factors are not overlooked, the investigator should use ***AOM 0400.b Follow-Up Investigation Checklist***. [42.2.3]

- D. **Second Contact with Victims, Witnesses, and Complainants:** Investigators shall maintain a policy of a “second contact” with principals involved in a case requiring a follow-up investigation whenever possible. The contact should be timely to ensure the building of public confidence in the department, as well as indicating a genuine concern about the welfare of the victim and others involved in the case. This procedure may result in the receipt of information that may further the progress of an investigation. [42.2.3, b]
- E. **Background Investigations:** Background investigations may be used for either criminal investigations, employment, or licensing purposes. Investigations of this nature shall be conducted discreetly and with special precautions.

1. The use of information obtained shall be limited to legitimate law enforcement functions, and shall only be disseminated on a need-to-know basis within the department. Approval for dissemination of licensing and/or employment background investigation information to an agency outside the police department shall be obtained from the Chief of Police, or their designee. [42.2.1,d]
- F. If the impact of the crime has been unusually severe and has resulted in the necessity of above average victim or witness assistance, officers assigned the investigation should, as soon as possible but within 5 days of contact, check with the victim or witness to determine if their needs are being met. If the suspect is not arrested at the scene, upon the suspect's arrest, the victim will be contacted and advised that the suspect is in custody. Additionally, if the suspect is released on bail the victim will be notified forthwith. [55.2.4,a] [55.2.5]

V. Interviewing and Interrogations [1.2.3] [42.2.2, a]

- A. Interviewing: Interviewing is the method used to obtain information from those persons not in custody that are willing to provide it. An interview is a conversation with a purpose. For police objectives, an interview is a conversation between an officer and any person who may or may not have information relevant to the investigation. The interviewing of witnesses enables the investigator to collect pertinent facts, and to substantiate additional information. Information gathered from field interviews involving suspicious activity or persons should be documented. [1.2.3]

It is the policy of the Northampton Police Department to obtain and accurately document and preserve information from witnesses during a criminal investigation.

All law enforcement agents utilizing an **Interview Room**, shall always be cognizant of weapon security. If an **Interview Room** is unavailable, the interview may be conducted in another area of the station with the prior approval of the OIC. Requirements for weapons security will still be adhered to wherever the interview may take place. [42.2.2a] [42.2.10.a]

All interviewees shall be given the opportunity to use the restrooms and/or be provided water upon request. [42.2.2f] [42.2.10.f]

1. Preparing for an Interview: Preparing for an interview maximizes the effectiveness of witness participation and interviewer efficiency. In order to properly prepare, prior to conducting the interview, the investigator shall:

- a. Review all available victim/witness and case information available, and determine the nature of the victim/witness' prior law enforcement contact, if any.
- b. Consider witness' physical and emotional state prior to conducting an interview.

- c. Select an environment that minimizes distractions while maintaining the comfort level of the victim/witness.
2. Interviewing Techniques: To promote the success of the interview, the investigator should remember that peculiar characteristics of victims/witnesses may affect their statements (e.g., hysteria, belligerence, evasiveness), and that the officer's own demeanor is very important.

The following procedures for interviewing will be maintained:

- a. Questions should be clear, definitive, and in plain language
- b. Ask only one question at a time and wait for a complete reply
- c. Ask open-ended questions (e.g., what can you tell me about the car?)
augment with closed-ended questions (e.g., what color was the car?)
- d. Avoid asking suggestive or leading questions or those which imply or suggest a particular answer (e.g., was the car red?)
- e. Avoid questions that can be answered by "yes" or "no" which limits the response.
- f. Do not ask questions in a critical or derisive manner which could deter previously cooperative victim/witnesses.
- g. Do not correct the grammar or the language of the victim/witness, which could cause resentment.
- h. Do not permit your own emotions, attitude, or opinions to distract the victim/witness or to interfere with your evaluation of their responses to your questions.
- i. It is important to not only listen to what is said but also to know how it is said. Emotional outbursts and inflections of the voice may give a clue to sensitive areas of the interview. Sudden silence, uncertainty, confusion, or the shift of conversation to an unrelated matter may indicate that information is being withheld. Nervous body reaction or facial characteristics may also signal that a sensitive area has been reached. Noting these responses will determine what portions of the statements may require further probing or clarification by the officer/investigator.
- j. Interviews should be ended in a courteous manner. This helps assure further cooperation, particularly if the victim/witness may be needed to testify at a later date.
 - 1) Summarize what has been covered. Ask the witness if there is anything they wish to add or emphasize.
 - 2) Thank them for their cooperation and impress upon them the value of their services.
 - 3) Inform the victim/witness that it is very important to contact the police if/when at a later time, they recall or uncover additional information about the crime or criminal.
 - 4) Inform the victim/witness of the phone numbers and locations of any assistance programs available.

- 5) Where appropriate, inform the victim/witness of the phone number and location of the District Attorney's Office, especially if the victim/witness has questions of a legal nature.
 - 6) Where appropriate, inform the victim/witness that it is a criminal offense for anyone to threaten or intimidate them to not testify, or into altering or changing their testimony. The victim/witness should be told to contact the police immediately if anyone attempts to do so.
 - 7) If at all possible, obtain a written statement from the victim/witness.
3. Conducting the Interview: The witness(es) should be interviewed as soon as possible after the incident under investigation. Officers shall request that the witness(es) remain on the scene until they have been interviewed.
- a. As soon as possible, separate all witnesses to ensure independent statements. Instruct witnesses to avoid discussing details of the incident with other witnesses and/or the media.
 - b. Officers should immediately identify themselves and show their credentials if they are not in uniform.
 - c. It is imperative at the outset to obtain the names, addresses, and telephone numbers of the witnesses. The officer shall request some form of positive identification from all witnesses at the scene. This procedure will assist the follow-up investigators in locating witnesses for re-interviewing purposes and possible future court proceedings. Information obtained shall be documented, along with the date, time, and place of the interview.
 - d. The immediate objective of the interviewing officer should be to establish a rapport with the victim/witness.
 - 1) Display a sincere interest
 - 2) Be patient and tactful
 - 3) Be respectful
 - 4) Control personal feelings; and
 - 5) Provide reassurance
 - e. Consider the physical and emotional needs of witnesses:
 - 1) Calm the excited and emotionally upset witness
 - 2) Create a favorable atmosphere for the witness to talk freely
 - 3) Conduct the interview in a quiet area
 - 4) Maintain privacy to the greatest degree possible
 - 5) Do not distract the witness or interrupt their story unnecessarily
 - f. Encourage the victim/witness to give a full description of everything that occurred with a minimum of interruption.
 - 1) At times it may be necessary to ask a question or to make a brief comment in order to keep the victim/witness talking or to keep the interview confined to the subject under investigation.

- 2) When the conversation lags or stops, be patient and wait for the victim/witness to volunteer additional information.
- 3) Do not take anything for granted and do not jump to conclusions.
- 4) Listen for and note any obvious omissions or gaps in the statements made by the victim/witness, or for any conflicting or inconsistent statements.
- 5) Note any extreme nervousness or unusual behavior on the part of a victim/witness, or for any unguarded or spontaneous remarks made by a victim/witness.
- 6) Do not exhibit surprise or dismay at anything said by a victim/witness.

B. **Interrogations:** The interrogation of suspects in criminal investigations is an essential tool in the investigative process. An interrogation is defined as the questioning of a person in police custody relative to charges brought against them. For the purposes of this directive, “custody” refers to when a police officer exerts authority over a suspect by restricting their freedom of movement. All officers shall strictly adhere to the policy of the department prior to any interrogation of suspects. All interrogations shall be audio and video recorded whenever possible. If video is not available every effort shall be made to have the interrogation audio recorded.

Factors that may be considered in determining “custody” are:

- a). **The place of interrogation:** a police station or police vehicle is more indicative of custody than other locations.
- b). **The persons present:** As few officers as possible should be present. Large numbers of officers support a contention of custody, and courts have declared incriminating statements to be “involuntary” under such conditions.
- c). **Indications of formal arrest:**
 - 1) Physical restraint
 - 2) Use of weapons (unless suspect themselves are armed)
 - 3) Searches
 - 4) Booking procedures
- d). **The length and form of questions:**
 - 1) Short, neutral (non-accusatory) inquiries do not suggest custody (for example: “Who are you? Where do you live? Why are you here?” etc.).
 - 2) Brief routine questions to clarify questionable situations do not suggest custody.
 - 3) Lengthy interrogations and the use of accusatory and leading questions are indicative of custody.
- e). **Summoning of police and initiation of interview:** If the suspect summons the police and/or initiates the interview, there is a strong indication of non-custody.

The officer/investigator may take voluntary statements after a valid waiver of Miranda warnings, or whenever a voluntary statement is made when the Miranda warnings are not a prerequisite for admissibility in court.

When a suspect voluntarily makes a statement, officers do not have to prevent them from continuing to talk.

Voluntary statements:

1. Are those not made in response to questioning by an officer;
2. Are statements made by a suspect of their own free will (i.e., spontaneous utterances or declarations);
3. May be taken after a suspect is in custody and before or after actual interviews or interrogations, so long as the statements are clearly voluntary.

2. **Miranda** warnings shall be given to persons subjected to custodial interrogations in an unhurried manner to assure that the suspect has heard and understood what constitutional and statutory rights they're entitled to. A suspect who requests the aid or presence of an attorney shall not be questioned until the attorney is present, regardless of when the request is made. A suspect's request to summon, meet with, or speak to their attorney shall not be delayed or denied.

A waiver of Miranda warnings may be suppressed because of language barriers, educational or learning disabilities, youthful age of the suspect, mental condition, drug and alcohol consumption by the suspect, injuries, shock or other medical impairments. The suspect should have a clear understanding of their rights and make an intelligent and competent waiver.

No coercion, threats or promises shall be used under any circumstances to obtain a confession, statement, or admission from any individual.

C. Interrogations utilizing an interpreter

- a.) If an interpreter is needed the officer/investigator can utilize a sworn member of law enforcement who is fluent in the language needed to communicate with the person being interviewed or they can utilize a certified telephonic interpreter service.
 - b.) When utilizing an interpreter the interrogation shall be recorded when practicable. If a telephonic interpreter service is utilized the conversation shall be placed on speaker phone so that both sides of the conversation can be heard on the audio recording.
3. **Six Hour Safe Harbor Rule**: Certainly the law should permit police officers to conduct an interrogation of the suspect subsequent to arrest. However, due to the *Six Hour Safe Harbor Rule (AOM O400.c Prompt Arraignment Waiver Form)*, police are not able to unreasonably delay the right of the defendant to

prompt presentment in order to receive a confession through police custodial interrogation. [72.7.1, a]

- a). **Suppression of Defendant Statements:** *Comm. v. Rosario*, 422 Mass. 48(1996), adopted a bright line rule where if a criminal defendant is not arraigned **within six hours** of their arrest, any statements they make prior to arraignment will be suppressed on the grounds of “unreasonable delay” unless the defendant has waived the right to be arraigned without reasonable delay.
- b). **Commencement of Six-Hour Period:** The six hour clock begins ticking at the time of arrest. However, the Court also stated, in the *Comm. v. Rosario* case, that if the person is incapacitated because of a self-induced disability, such as the consumption of drugs or alcohol, when they are arrested, “the six hour period will commence only when the disability terminates.”
- c). **Waiver of Rights:** A copy of *AOM O400.c Prompt Arraignment Waiver Form* located in the Report Room shall be used when the defendant wishes to waive their rights to be arraigned without unreasonable delay.

C. **Juvenile Interrogations:** Constitutional and Court imposed safeguards, establish procedures for the proper questioning of persons suspected of criminal activity. The interrogation of juveniles presents additional concerns for law enforcement agencies. Therefore, the purpose of this section is to provide all police officers with the principal legal guidelines that will make a juvenile interrogation and the information obtained admissible when presented in court.

A juvenile, for the purposes of Massachusetts criminal law, is anyone between the ages of 12-18 (In other words, anyone who is older than 12 and under the age of 18).

1. When the juvenile is under the age of fourteen, a parent or an interested adult 18 years of age or older must be present during interrogation. [44.2.3, a]
 - a). In court, the interrogating officer would be required to “show that a parent or interested adult was present, understood the *Miranda* Warnings, and had the opportunity to explain their rights to the juvenile so that the juvenile understands the significance of a waiver of these rights” [Comm. v. A Juvenile, 389 Mass. 128 (1983)].
 - b). The officer should **explicitly inform** the juvenile’s parent, or other interested adult, that the opportunity is being furnished for the two to confer about the juvenile’s rights. However, police cannot force the adult to speak with the juvenile.
2. Juveniles Fourteen and Over (But less than 18 years old): In *Commonwealth v. A Juvenile*, 389 Mass. 128 (1983), the SJC held that when a juvenile reaches the age of fourteen (14) they may make a valid waiver of the *Miranda* warnings as long as the juvenile received, in addition to the *Miranda* warnings,

the right that they had an opportunity to consult with a parent, or other interested adult.

- a). It is not necessary for such a juvenile (14 years old or over), to actually consult with the interested adult before making a valid waiver. It is only the opportunity to consult that is critical because the presence of the adult is not mandatory. [44.2.3]
3. When dealing with juveniles, officers shall pay special attention to ensure that the following requirements are met:
 - a). The duration of the interrogation shall be as limited as possible. [44.2.3]
 - b). As a general rule, no more than two officers shall be present during the interrogation. [44.2.3]
 - c). Departmental and juvenile justice system procedures shall be explained to all juveniles being interrogated and to the interested adult, parent, or guardian present. [44.2.3]
- D. Report Writing: Complete and accurate documentation of the victim/witness's statement is essential to the integrity and success of the investigation and any subsequent court proceedings. Therefore, during or as soon as reasonably possible after the interview, the officer/investigator shall: [83.2.6]
 1. Document the witness's statements by formal means (e.g., audio or video recording, stenographer's documentation, victim/witness's written statement, and a written summary using victim/witness's own words); and
 2. Review written documentation, and ask the victim/witness if there is anything they wish to change, add or emphasize.

VI. Case Management and Controls [42.1.2] [42.1.3] [42.1.4]

- A. Case Assignment: The Officer in Charge and/or Bureau Commander shall be responsible for the assignment of follow-up investigations to their respective personnel. In order to assign the appropriate officer/detective, consideration shall be given to specialized skill, knowledge, or ability that may be needed in the investigation of the case. Such specialized skills may include, but are not limited to: [42.1.4]
 1. Investigative experience and training;
 2. Fingerprint technology;
 3. Photography;
 4. Rape and sexual assault investigation;
 5. Juvenile offenders; and
 6. Crime scene forensics;
 7. Arson investigations.
- B. Case Status: The Officer in Charge and/or Bureau Commander shall supervise

the status of cases assigned to their respective personnel. [42.1.3, a]

1. The primary officer/detective assigned to a case shall be responsible for recording information regarding their case(s) into the Electronic Case Management Control System. The following data shall be entered and updated as necessary:

- a). Date assigned to the case(s)
- b). Type of case
- c). Northampton Police Record Number
- d). Primary Officer/Detective Personnel Number; and
- e). Status of the case; [42.1.3, b]
 - 'C' - Closed
 - 'O' - Open
 - 'S' - Suspended
 - 'U' - Unfounded
 - 'N' - No Crime Involved

- C. Case File Maintenance: All originals of reports, victim/witness statements, and evidence of assigned cases (i.e. witness statements, evidence examination reports, etc.) shall be consolidated into the Department's Central Records System. However, officers/detectives working on an open investigation shall maintain their own case files consisting of copies of those records listed above, as well as any notes they may have taken. [42.1.3, c]

1. Officer/Detective Case files shall be accessible only to the primary investigators responsible for maintaining the files, the Officer In Charge and/or the Bureau Commander. Any other person wishing to access those files must obtain the expressed approval of the OIC or Bureau Commander. [42.1.3, d]
2. Officer/Detective Personal Case files are not official departmental records and should be either securely stored by the investigating officer or destroyed by shredding if no longer needed. [42.1.3, e]

- a). Confidential cases involving rape and sexual assaults shall be maintained in a separate limited access file cabinet in the Detective Bureau. This file cabinet shall be kept locked at all times when not in actual use and access to the keys shall be limited to rape investigation officers and the Detective Bureau Commander.

- D. Criteria for Suspending Investigative Efforts/Cold Case Investigations: A designation of Suspend or Cold Case shall not be made without an evaluation by the investigating officer of the following: [42.1.2]

1. Absence of further leads or solvability factors.
2. Unavailability of investigative resources.
3. Negative interviews with victims/witnesses.
4. Inconclusive physical evidence collected at the scene of the crime/incident.
5. The exhaustion of all other information sources.
6. The degree of seriousness of the offense/incident.

In all cases, the assigned investigating officer shall have the approval of the Officer In Charge or Bureau Commander, prior to the suspension of investigative efforts.

If new information becomes available on a suspended or cold case, the Detective Bureau Commander shall assign the case to a Detective and re-open the case for further investigation.

- E. Crime Victim Notification of Status: It shall be the responsibility of the assigned officer/detective to personally notify the victim of a major crime of any changes in the status of the case. An official notification shall be made in person, by mail, or by telephone.
 1. The notification to the victim shall be made whenever the case changes from OPEN INVESTIGATION to SUSPENDED or UNFOUNDED.
 2. Adequate explanation of the reason for the change shall be made to the victim by the assigned investigator. The notification must be noted in the investigators report. [55.2.3]
- F. Case Screening System/Solvability Factors: Cases to be followed up will be determined by the Officer In Charge and/or Bureau Commander. This determination shall be based on factors such as past experience and research of our own department, as well as degree of seriousness and solvability factors. [42.1.2]
 1. Solvability factors that shall be considered are, but not limited to, the following:
 - a). Known identity of possible suspects;
 - b). Physical evidence gathered at the scene of the crime;
 - c). Circumstantial evidence presented to the investigator;
 - d). All other pertinent information presented to the officer/detective.

VII. Court Prosecution

The ultimate goal of a criminal investigation is to identify, summons, or arrest a suspect responsible for the crime. It is equally as important to clear any innocent persons.

All suspects who are arrested by members of this department shall be arraigned as soon as is reasonably possible following the arrest.

- A. Court Dismissals: In the event that any action is dismissed in court, or the prosecutor declines to prosecute because of alleged mishandling by a Northampton Police Officer, the Detective Bureau Commander shall review the case and forward it to the officer's supervisor as well as the Operations Division Commander. If necessary, a review by the ODC, DBC and the officers OIC shall be conducted to determine what, if any, corrective or disciplinary action is required.

If it is determined that the error has resulted from a fault in the policies and procedures of the Northampton Police Department, the matter shall be referred to the ODC for appropriate policy revision.

- B. Habitual/Serious Offenders: In order to be more effective and efficient in the prosecution of habitual and serious offenders, the Court Administrator will use the following criteria:

1. Definition of Habitual Offender: For the purpose of this procedure, a habitual offender shall be defined as anyone twice convicted of a crime and sentenced and committed to prison, in this or another state, or once in this state and once in another state, for terms of not less than three years each, and does not show that they have been pardoned for either crime on the grounds that they were innocent, shall, upon conviction of a felony, be considered a habitual offender. [42.1.5, a]

Those individuals meeting the definition above and charged with the following, will be identified and designated as habitual or serious offenders: [42.1.5, b]

Crimes of violence;

Crimes posing the greatest threat to the public;

Motor vehicle offenses that pose a threat to the public, and/or fall under Massachusetts General Law, Chapter 90, section 22F.

2. It will be the responsibility of all officers to inform the Court Administrator if they know or have reason to believe an individual is a habitual offender. It shall be the responsibility of the Court Administrator to check with the probation department on the status of the offender and take appropriate action. Such actions may include but are not limited to the following:
 - a). Obtaining complaints and/or
 - b). Having warranted citations written, or,
 - c). Notifying the District Attorney of the offender's status. [42.1.5, c]

VIII. Shift Briefings

Because of the importance of sharing information with officers on patrol, detectives will attend the morning and afternoon roll calls unless they are previously assigned to other duties by the Detective Bureau Commander. Detectives will brief patrol officers on important cases and activities of the detective bureau. [42.2.4]

IX. Investigative Task Forces [42.2.5]

Whenever it is necessary for this Department to form a task force to deal with a particular crime, type of crime, or series of incidents, a memorandum shall be issued explaining the activities of the task force.

The memorandum will identify:

1. The purpose of the unit;
2. The Commanding Officer of the unit;
3. The responsibilities and authority of the unit;
4. The personnel and resources to be assigned;
5. A starting and, if known, ending date; and
6. The requirement that the Commanding Officer of the task force submit a complete and detailed report to the ODC at the conclusion of the assignment evaluating its results and giving recommendations.

In the event that the task force will involve a lengthy assignment, the officer(s) assigned to the task force will report verbally to the ODC at least every month, and more frequently if necessary, on the status of the task force. The Chief of Police will ultimately decide on what resources will be expended on all task force activities. Based upon the reports received, the Chief of Police will evaluate the results and determine whether participation in the task force shall continue.

These procedures will apply for multi-jurisdictional task forces as well.

An exception to this procedure shall be whenever the assignment of personnel to a task force is of a confidential nature.