

## BERKELEY POLICE DEPARTMENT

DATE ISSUED: September 5, 2014

GENERAL ORDER C-2

SUBJECT: COMPLETED PRELIMINARY INVESTIGATIONS

### PURPOSE

- 1 - The purpose of this General Order is to establish policies and procedures for conducting preliminary investigations.

### DEFINITION

- 2 - A "completed preliminary investigation" is one which, when reviewed, leaves no initial questions unanswered; a reviewer can recognize whether further investigation (follow-up) is warranted or whether the case should be suspended from further active investigation.

### POLICY

- 3 - Berkeley Police Officers are expected to complete all applicable steps of a "completed preliminary investigation".

### PROCEDURE

- 4 - The objective of preliminary investigations is to identify and apprehend persons responsible for crimes and to gather evidence and information leading to the successful prosecution of those person(s) responsible.
  - (a) A preliminary investigation takes place after an incident is reported or discovered, either with an indication of criminal activity or some other need for police involvement.
  - (b) The preliminary investigation begins when the first police officer arrives at the scene and makes contact with the reporting party, victim, witness or suspect and continues until a reassignment or suspension of the investigation.
  - (c) Officers are responsible for the completed preliminary investigation of all cases reported in their areas of assignment, except those cases which are designated solely as Detective Bureau assignments. (See General Order D-2).
  - (d) A preliminary investigation may take an assigned officer more than one day to complete. It involves, at minimum, neighborhood checks; local and computer record checks; statements of victim/witnesses; a listing of property (if any) that was stolen and its entry into automated stolen property files; and pursuit of actionable leads to a logical conclusion or breakpoint.

## BERKELEY POLICE DEPARTMENT

DATE ISSUED: September 5, 2014

GENERAL ORDER C-2

- 5 - In responding to preliminary investigations, the assigned officer should:
- (a) Provide aid to the injured.
  - (b) Determine if an offense has actually been committed, and if so, the exact nature of the offense.
  - (c) Provide field units with the description, method, and direction of flight and other relevant information concerning the wanted persons or their vehicles.
  - (d) Protect the scene and insure that evidence is not lost or contaminated.
  - (e) Observe and report relevant conditions, events and remarks.
  - (f) Determine the identity of the suspect(s) and affect lawful arrest.
  - (g) Collect or arrange for the collection of evidence at the crime scene:
    - (1) Property or evidence taken in connection with a case must be properly marked, processed and placed in the Property Room. Disposition of such property shall be indicated in the officer's report.
      - (a) Normally, officers will collect evidence at the scene and preserve it in the Property Room as described in General Order P-65.
    - (2) Where forensic scene processing is appropriate, it shall be ordered as prescribed in General Order I-4. In those cases where the forensic scene processing is not completed in the officer's presence, the assigned officer shall prepare a written request for the services and route the request to **the Crime Scene Unit.****
  - (h) Locate, identify, interview and obtain statements from the victims/complainants, witnesses and suspects, in all cases involving a felony or violent assault where statements can be obtained legally (in compliance with case law).
    - (1) Neighborhood checks shall be completed. The report shall contain a listing of the addresses where contact was made and the results of each contact.
  - (i) Accurately and completely record all pertinent information on the prescribed report form.

## BERKELEY POLICE DEPARTMENT

DATE ISSUED: September 5, 2014

GENERAL ORDER C-2

- 6 - The following areas are representative of the minimum standards required in a "completed preliminary investigation":
- (a) **Officers shall use the following report writing format:**
    - (1) **SUMMARY: Provide a brief summary of the incident, including the corpus of the crime and final status of the case.**
    - (2) **INVESTIGATION: Provide a chronological description of the activities and statements of all officers and involved parties; this should incorporate elements such as scene, entry, prowl, statements as applicable to the investigation.**

**A recorded statement from a suspect, victim and/or witness, shall be summarized in the interviewing officer's narrative of the police report. If the recorded statement is audible, no further written statement form shall be requested or required, absent unique and unusual circumstances.**
    - (3) **DISPOSITION: Provide any details that relate to the disposition of the investigation, property, and detainees. Any necessary follow-up should also be documented.**
  - (b) In cases that involve loss of property, all property is to be included in the handling officer's report. Normally, it should be listed in the initial report. When not all information is immediately available, it may be continued in a supplemental report. The necessity for a victim to wait for forensic work before looking to see what property is missing will not be a criterion for relinquishing responsibility for listing items or property that have been stolen.
  - (c) In cases involving the loss of property that has a serial number, the identifying data must be entered into the Automated Property or other appropriate system from information provided on the appropriate forms by the handling officer.
  - (d) Efforts shall be made to recover property when its whereabouts is known at the time of the initial investigation.
  - (e) When subjects are detained in the field based on a description and are subsequently identified and arrested, the report shall include the original description given by the witnesses as well as the description of the subject arrested.
  - (f) Full record checks are to be made of all listed suspects and arrested persons.

## BERKELEY POLICE DEPARTMENT

DATE ISSUED: September 5, 2014

GENERAL ORDER C-2

- (g) When a responsible person is an acquaintance of the victim, the relationship between them must be described.
- (h) A Juvenile Responsibility Report form and a Notice to Parent or Guardian form are to be completed in all cases wherein a juvenile is arrested.
- (i) Employees shall prepare and show photo line-ups in those cases where appropriate **utilizing the Alameda County Model Protocol for Eyewitness Identification as follows:**
  - (1) **Wherever possible, the officer conducting a line-up should not know the identity of the suspect. It is recognized that in some cases this will not be possible. In those cases, the investigating officer should document why it was not possible to follow this protocol and ensure they use care not to communicate the identity of the suspect to the victim or witness in any way. In all cases, show the victim or witness the photos or persons comprising the line-up sequentially, not simultaneously.**
  - (2) **First, assemble the suspect photo and at least five filler photos. If you have multiple suspects, you will need to assemble a different group of filler photos for each suspect. If you are conducting a live line-up, you must secure the suspect and at least five fillers. Make sure the victim or witness cannot see either the suspect or the fillers. Arrange the six photos or persons in a random order. Numerically mark the back of each photo and document the order.**
  - (3) **Admonish the victim or witness regarding the following:**
    - i. **You will be shown a series of individual photos/persons.**
    - ii. **The person who committed the crime may or may not be included.**
    - iii. **Even if you identify someone during this procedure, I will continue to show you all the photos/persons in the series.**
    - iv. **The investigation will continue whether or not you make an identification.**
    - v. **Keep in mind that things like hairstyles, beards, and mustaches can be easily changed and that complexion colors may look slightly different in photographs.**
    - vi. **You should not feel you have to make an identification.**

**BERKELEY POLICE DEPARTMENT**

**DATE ISSUED: September 5, 2014**

**GENERAL ORDER C-2**

- vii. It is as important to exclude innocent persons as it is to identify the perpetrator.**
- viii. The photos/persons will be shown to you one at a time.**
- ix. Take as much time as you need to look at each photo/person.**
- x. If you wish to see a photo/person again, you will be shown all photos/persons again.**

**(4) Conduct the sequential line-up as follows:**

- i. Confirm that the victim or witness understands the nature of the sequential procedure.**
- ii. Present each photo/person to the victim or witness separately in a previously determined and random order.**
- iii. Have the victim or witness initial each photo after viewing it.**
- iv. Remove the photo or person from view before presenting the next photo or person.**
- v. Record all results in writing, including the victim or witnesses own words. This documentation should include positive, tentative and non-identifications. In cases of positive or tentative identifications, ask the victim or witness why the photo or person selected is/maybe the suspect. Obtain a qualitative description if the person is not certain of their identification, i.e. similar chin or eyes etc.**
- vi. Ask the victim or witness to sign and date the results.**
- vii. Document the line-up procedure to include identification information and the source of all photos/persons used; names of all persons present at the line-up; and date and time of the line-up.**
- viii. If more than one victim or witness is to view the same line-up, ensure they are physically separated from one another during the line-up process so there is no communication with one another.**
- ix. If more than one victim or witness is to view the same line-up, ensure you change the order of photos or persons**

## BERKELEY POLICE DEPARTMENT

DATE ISSUED: September 5, 2014

GENERAL ORDER C-2

**presented between each viewing. This will prevent any possibility of victims or witnesses telling each other which number was picked. Document this step.**

- x. **Instruct victims or witnesses to avoid discussing the details of the incident or the line-up with other victims or witnesses.**

**(5) Whenever possible, a photo/live line-up should be audio or video recorded.**

- (j) In cases where a person is injured, the extent of the injury shall be described and when possible, photographs taken. The report shall include the hospital and doctor's name, when applicable.
  - (k) When officers circulate an informational note on a case, this shall be indicated in the report and a copy of the note sent to the appropriate Detective Bureau Detail.
    - (1) Any employee receiving follow-up information on a case shall accept the information from the reporting party and ensure that it is acted upon. This may require the submission of a supplemental report.
  - (l) In cases where a vehicle license plate is mentioned, employees shall provide registration information for the vehicle.
- 7 - When the investigating officer believes that the preliminary investigation is complete, it shall be submitted to a patrol sergeant for review. The officer shall indicate in the report whether the case should be closed, suspended, or reassigned to the Detective Bureau for follow-up. Continued responsibility for the case remains with the assigned officer until the sergeant's review has been completed. If the sergeant agrees that the preliminary investigation is complete, and concurs with the officer's recommendation for disposition, the case will be "signed off" and routed accordingly. If following the review, the sergeant does not feel that the investigation is complete or the recommendation appropriate, the report shall be returned to the assigned officer for completion and re-submission.
- 8 - Reports received by the Detective Bureau in which deficiencies are noted shall be returned for correction to the sergeant(s) having supervisory responsibility over the employee. The deficiencies will be specified on a Report Review Indicator form and a one (1) to five (5) day follow-up set as deemed appropriate. The sergeant may correct the deficiencies personally, or assign it back to the handling officer.

## BERKELEY POLICE DEPARTMENT

**DATE ISSUED: September 5, 2014**

**GENERAL ORDER C-2**

- 9 - Follow-up investigation responsibility for the following types of cases rests solely with the **Operations** Division:
- (a) Auto burglary, theft from auto cases, and malicious damage to vehicles.
  - (b) Misdemeanor assault/battery cases (not sex related).
  - (c) Misdemeanor weapon brandishing cases.
  - (d) Felony and misdemeanor hit and run cases.
  - (e) Initial and second follow-up on adult missing person cases.
  - (f) Initial follow-up on juvenile missing/runaway cases.
  - (g) Abandoned auto follow-ups, when assigned.
  - (h) Re-contact for cases where the officer was unable to initially contact the victim/reporting party, or otherwise finish a "complete preliminary investigation."
- 10 - Officers are encouraged to conduct follow-up investigations whenever possible.
- 11 - To prevent duplication of effort, officers should first contact their supervisor and the appropriate Detective Bureau Detail Sergeant before extensive follow-up work is done.

References: General Orders D-2, P-65, R-25

**Special Order 2012-001 - Report Writing Format Change**  
**Alameda County DA's Office Memorandum (07/30/14) - Recorded**  
**Statements**  
**Alameda County Model Protocol for Eyewitness Identification**