

BERKELEY POLICE DEPARTMENT

DATE ISSUED: March 1, 2000

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 unit 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) Patrol Division 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 file checks; statements of victim/witnesses; a listing of property (if any) that was stolen and its entry into stolen property files; and pursuit of immediately apparent leads to a logical conclusion or breakpoint.
- 5 - In responding to preliminary investigations, the assigned officer should:
 - (a) Provide aid to the injured.

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- (b) Through the dispatcher furnish other field units with the description, method, and direction of flight and other relevant information concerning the wanted persons or their vehicles.
 - (c) Protect the scene and insure that evidence is not lost or contaminated.
 - (d) Observe and report all conditions, events and remarks.
 - (e) Determine if an offense has actually been committed, and if so, the exact nature of the offense.
 - (f) Determine the identity of the suspect(s) and effect the arrest if it can be accomplished either at the scene or through immediate pursuit.
 - (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 identification work is appropriate, it shall be ordered as prescribed in General Order I-4. In those cases where the identification work 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 Identification 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) **Follow rules and guidelines found in Training and Information Bulletin # 240, "Victim/Witness Statements."***
 - (j)* Accurately and completely record all pertinent information on the prescribed report form.
- 6 - The following areas are representative of the minimum standards required in a "completed preliminary investigation":

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- (a) Reports must follow the rules and guidelines found in General Order R-31.
- (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 identification 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.

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 file and computer checks are to be made of **all** listed suspects and arrested persons.
- (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.
- (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.

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- (m) In cases where a vehicle license plate is mentioned, employees shall provide registration information of 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 - Any case 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.
- 9 - Follow-up investigation responsibility for the following types of cases rests solely with the Patrol 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 Inspector or Detective Sergeant before extensive follow-up work is done.

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References: CALEA Standards

Training and Information Bulletin #240*

General Orders D-2. 1-4, R-25, R-31

Report Writing Manual

Special Order 91-26/May 12, 1991