

**SAN MARCOS POLICE DEPARTMENT
POLICIES AND PROCEDURES MANUAL**

Section Title: Preliminary and Follow-up Investigations **General Order: 300**

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I. POLICY

The primary purpose of a police investigation is to collect facts leading to the identification and, if appropriate, arrest and conviction of an offender and to organize and present the facts for prosecution. Investigations of incidents and criminal activity are conducted to ensure that all available information is discovered, that witnesses, victims and suspects are identified, that evidence is collected and preserved, and that the investigation is reported fully and accurately. The San Marcos Police Department expects officers to treat investigations as a skill developed through training and experience, a skill that demands intelligence, logic, and discipline.

II. PURPOSE

The purpose of General Order 300 is to establish guidelines for the general conduct of preliminary and follow-up investigations.

III. PRELIMINARY INVESTIGATIONS

- A. The preliminary investigation begins when the first unit arrives at the scene of a crime, or when a citizen requests assistance, and continues through the intervention of specialized detectives or other officers.
- B. A preliminary investigation consists of, but is not limited to, the following activities:
 - 1. Providing aid to the injured;
 - 2. Protecting the crime scene to ensure that evidence is not lost or contaminated;
 - 3. Determining whether an offense has actually been committed and, if so, the exact nature of the offense;
 - 4. Determining the identity of the suspect or suspects and effecting an arrest, if that can be accomplished, either at the scene or through immediate pursuit;
 - 5. Furnishing other officers with descriptions, method, and direction of flight of suspects, and other relevant information concerning wanted suspect or suspects or vehicles;

6. Obtaining complete identification of all witnesses;
 7. Determining in detail the exact circumstances of the offense;
 8. Arranging for the collection of evidence;
 9. Legally obtaining written statements from victims, witnesses, and suspects;
 10. Deciding the necessity of follow-up surveillance of the crime scene; and
 11. Accurately and completely recording all pertinent information on the prescribed report forms.
- C. The initial stages of all preliminary investigations, including crime scene processing, will be conducted by responding officers.
- D. In certain serious crimes, investigators from the Hays County Sheriff's Office, the Texas Department of Public Safety or other appropriate enforcement agency, at the discretion of the Chief of Police, may be requested to assume responsibility for completing an investigation.
- E. Officers will limit access to crime scenes to those persons immediately and directly connected with the investigation. Investigating officers will apply this rule to other officers of the Department, other agencies, the media or the community regardless of rank or position.
- F. A patrol officer making an initial report of a crime or the investigator to whom the case is assigned will indicate in the report whether the case should be suspended. Such a decision will be based on the following:
1. The availability of witnesses;
 2. The naming of a suspect;
 3. Information about the suspect's location;
 4. Information about the suspect's description;
 5. Information about the suspect's identification;
 6. Information about the suspect's vehicle;
 7. Information about traceable property;
 8. Information about significant *modus operandi*;
 9. Whether usable physical evidence is present;
 10. Whether there is enough information available that, with a reasonable investment of investigative effort, the probability of case solution is high; and
 12. Whether there is sufficient information available to conclude that no one other than the named suspect could have committed the crime.

IV. FOLLOW-UP INVESTIGATIONS

- A. Cases involving homicides, rapes, robberies, hostage situations, bombings, kidnappings, child abuse or neglect, and aggravated assaults will be followed up by investigators. Officers conducting preliminary investigations of such offenses should contact an investigator as soon as practicable.

- B. Occasionally, additional investigation will be required at the end of the assigned officer's tour of duty. In such cases, the assigned officer's immediate supervisor will determine whether the investigation should be discontinued until the assigned officer's next tour of duty, continued by the investigating officer, or continued by an officer on the relieving shift.
- C. A supplemental report must be prepared by each officer who works on the case, but not necessarily for each occasion, he works on it.
- D. On major offenses, each officer who responds will submit a supplement detailing what that officer saw and heard as it pertains to the offense.
- E. A follow-up investigation of a non-criminal case may consist of, but is not limited to, the following activities:
 - 1. Interviewing complainants and witnesses;
 - 2. Locating missing persons;
 - 3. Determining if information or suspicious activity relates to criminal activity;
 - 4. Distributing information to the proper persons or agencies;
 - 5. Locating lost property and returning same to the owner;
 - 6. Investigating deaths, overdoses, suicides and injuries to determine if a crime was committed;
 - 7. Making necessary notifications, conducting necessary inspections, etc.; and
 - 8. Recording information obtained.
- F. A follow-up investigation of a criminal case may consist of, but is not limited to, the following activities:
 - 1. Reviewing and analyzing reports of preliminary investigations;
 - 2. Recording information obtained during a follow-up investigation;
 - 3. Reviewing Departmental records for investigative leads;
 - 4. Seeking additional information from other officers, informants, contacts in community, other investigators and other agencies;
 - 5. Interviewing victims and witnesses;
 - 6. Interrogating suspects;
 - 7. Arranging for the dissemination of information as appropriate;
 - 8. Planning, organizing, and conducting searches;
 - 9. Collecting physical evidence;
 - 10. Recovering stolen property;
 - 11. Arranging for the analysis and evaluation of evidence;
 - 12. Reviewing results from laboratory examinations;
 - 13. Identifying and apprehending the offender;

14. Checking the suspect's criminal history;
15. Determining whether other crimes may have been committed by the suspect;
16. Consulting with the District Attorney's office in preparing cases for court presentation and assisting in the persecution thereof;
17. Notifying victims and witnesses when their presence is required in court;
18. Testifying in court;
19. Planning, organizing, obtaining warrants for, and conducting searches; and
20. Arranging for polygraph examinations, if necessary.

V. SOURCES OF INFORMATION

- A. Officers, through their routine performance, must cultivate sources of information from which to draw in an investigation.
- B. Information is available from many sources, such as concerned citizens who wish to remain anonymous, criminals who have firsthand knowledge of illegal activity, and relatives or friends of those involved in criminal activities. These sources will be kept in mind when conducting investigations and related interviews. Officers are cautioned to determine the motivation of people who provide information to evaluate it.
 1. Informants, when used in any investigation, must be documented.
 2. Requests for money to pay informants will be handled case by case.
 3. Informant confidentiality will be maintained in all circumstances regardless of the identity of the informant. Officers will not discuss cases involving informants with anyone not participating on the case.

VI. RELATIONSHIP WITH PROSECUTORS

- A. All personnel are required to make appointments in advance, be on time, have the subject for discussion ready, and keep conversations brief.
- B. In each contested case, misdemeanor or felony, the officer involved will make an appointment with the prosecuting attorney or his assistant to discuss the case before trial, if the prosecuting attorney requests such a meeting.
- C. During any investigation, or during planning for arrest or pretrial stages, any questions of law or criminal procedure will be addressed to the prosecuting attorney.

VII. DISPOSITION OF CASES

- A. The investigating officer will maintain files of all cases assigned to him. The file will contain the original incident report, any supplementary reports, statements, reports of disposition of any property stolen, confiscated, recovered, or otherwise pertinent to the case, plus arrest reports, and anything else the investigator deems pertinent.
- B. When the investigation is complete, the investigator will close the case under (and include in the file a statement giving) one of the following labels:

1. Cleared – an arrest has been made in this case.
2. Exceptional Clearance – the identity and address or exact location of the culprit is known and sufficient evidence to obtain a warrant exists. However, due to some reason outside the control of the police, no arrest will be made. Examples: Complainant will not prosecute; County attorney will not prosecute; perpetrator is dead; subject arrested by another jurisdiction and the Department will place no charges.
3. False Report – the reporting party lied in order to mislead the police concerning the incident. Unfounded should not be confused with false report. It is a violation of the law deliberately to make a false report. An unfounded report is usually made in the belief that the offense actually occurred, but, in fact, it did not.
4. Suspended – all leads have been exhausted. No further investigation is possible or practical until new leads develop.
5. Unfounded – the offense did not really occur in the first place, although at the time of the original report, it was believed to have occurred. If the investigation has exhausted all leads, yet the possibility remains that new facts may come to light given future inquiry, the case will remain open.