

# WATERTOWN POLICE DEPARTMENT GENERAL ORDER



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CHIEF OF POLICE

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| <b>Effective Date:</b><br>June 11, 2007       | <b>Rescinds:</b><br><b>Amends:</b> | <b>Number:</b><br>D-135                |
| <b>Subject:</b><br>Preliminary Investigations |                                    | <b>Re-evaluation Date:</b><br>May 2010 |
| <b>Distribution:</b><br>ALL PERSONNEL         | <b>Related CALEA Standards:</b>    |  |

This order consists of the following numbered sections:

1. Purpose
2. Policy
3. Procedure

## 1. PURPOSE

The purpose of this policy is to provide guidelines for police officers when conducting preliminary investigations into reports of crime from the public as well as officer initiated investigations.

## 2. POLICY

It is the policy of the Police Department to utilize the integrated resources of both the patrol and investigative functions to respond to reports of crimes from the public in an efficient and effective manner which will provide for the identification, arrest, and conviction of suspects. It is also the policy of the Police Department to recover and return stolen property to its rightful owner while seeking to minimize the impact of crime on the victim by conducting both expedient and complete preliminary investigations in response to reported crimes.

## 3. PROCEDURES

A. Preliminary Investigations will generally be conducted by the initial responding police officer dispatched to a call for service. The preliminary investigation should be as complete as resources permit, including the identification and arrest of the offender if probable cause exists and circumstances warrant an arrest. The investigation should continue until all relevant investigative duties have been taken or provided for. This Department recognizes that each investigation is unique; however, the following investigative steps are established courses of action to be pursued during a preliminary investigation if applicable. The procedures listed in this policy are meant to be used as a suggested guideline to follow when conducting a particular investigation. It is understood that every procedure listed below may not be appropriate in every investigation. Therefore, officers will not be expected to complete each and every step of the procedure unless each step is appropriate.

1. Upon arrival at the scene, observe all conditions, events, and any remarks made by witnesses.
2. Assess the physical condition of victims and provide for appropriate first aid or medical care.
3. Identify and locate the crime scene, while providing for scene security as well as the identification of potential secondary crime scenes that may be associated with the investigation.
4. Identify any potential witnesses and assure their availability by obtaining valid personal identification information.
5. Interview complainants, victims, and witnesses and obtain written statements when appropriate.
6. When appropriate, interview suspect(s) to identify the perpetrator. (When the investigation involves a homicide, sex crime, crime against a child, or any crime where an investigator may be called to assume the investigation, no interrogation of the suspect will be conducted until such time as the responding investigator is conferred with). When a patrol officer has responded to an incident mentioned previously in this paragraph, that officer should gather the initial details of the incident and notify the shift supervisor. The shift supervisor should notify the CID Commander once it has

been determined that a crime has likely been committed. The CID Commander will determine if a member of the CID will respond to assume control over the investigation.

7. Examine the crime scene for the presence of physical evidence, record and document the scene as well as search for latent prints.
  8. Search for tools or other items left at the scene by the suspect.
  9. Search for and recover property moved or taken by the suspect.
  10. Recover, package, and submit all physical evidence in accordance with Department procedure for storage and/or submission to a crime laboratory whenever appropriate.
  11. Report the incident accurately and fully by completing case reports, supplements, and appropriate affidavits.
- B. Evidence/Chain of Custody
1. All evidence or property obtained pursuant to investigations will be packaged, secured, and documented so as to assure that the evidence will be in substantially the same condition as first seized, when the evidence is produced in court, submitted to a crime laboratory, or returned to the rightful owner.
  2. When it is not possible to preserve the evidence for an extended period of time, (i.e., perishable goods, returned property to owner for convenience or necessity, etc.), the officer will make every effort to photograph the evidence.
  3. On the photograph itself, or on the photo log, the officer will note the:
    - a. Case Number
    - b. Date
    - c. Time
    - d. Location
    - e. Identity of the person taking the photograph
  4. The property should then be returned to the owner and the property receipt will reflect the disposition of the property. The property receipt will then become an enclosure to the case report.
  5. A photo log will be prepared and attached to the case report. The officer shall save the photograph(s) to an electronic storage device. The officer may forward the photographs to the records division in one or of two ways.
    - a. They may be sent via email to the records division; or
    - b. They may be printed and attached to the case report.
- C. Follow-up Investigations will periodically be the responsibility of the original investigating officer, unless such follow-up responsibilities have been assigned to or assumed by another officer or investigator. The CID Commander will be responsible for tracking all open and assigned cases. The procedures for conducting follow-up investigations are similar to those used during the preliminary investigations. While there is no formal time or duty distinction separating the preliminary investigation from the follow-up investigation, the following duties do represent what is generally considered components of the follow-up investigation:
1. Review and analyze all previous reports prepared during the preliminary investigation.
  2. Conduct additional interviews and interrogations as required.
  3. Review all Department and law enforcement records that may pertain to the case.
  4. Solicit additional information from other patrol officers or investigators who work or have worked the area where the offense occurred, from informants, from neighboring residents or businesses, or from other persons known to frequent the area.
  5. Review the results of laboratory examinations that may have been conducted.
  6. Arrange for the dissemination of intelligence information that may assist in the case.
  7. Conduct surveillance
  8. Obtain search/arrest warrant.
  9. Plan, organize, and conduct searches.
  10. Identify and apprehend suspects. Arrests of suspects will be based upon probable cause and conform to the laws of arrest. Suspect identification may be based on personal observation, victim/witness statements, forensic examinations, line-ups, documentary evidence, and the sum total of information obtained during an investigation. Alternatives to arrest such as notice to appear or warrant request will be considered whenever possible provided the safety of the community is not put at risk.

11. Determine if the suspect(s) are involved in other criminal activity.
12. Conduct a thorough check of the suspect's criminal history and active warrants.
13. Effect liaison with the prosecuting attorney.
14. Prepare the case for court presentation and prosecution.

D. Note Taking

1. Being clear and concise is critical to preparing a presentable case to the State's Attorney's Office or investigator for follow-up on an investigation.
2. The suggested method of note taking is to answer the following questions in a systematic manner, although the information may not be provided in the order prescribed for report writing:
  - a. When: The sequence of events, including the time of taking the report
  - b. Where: Location of the incident, this also includes the location of where the report was obtained
  - c. Who: Were the victim, witnesses, complainant, or suspect
  - d. What: Type of offense, actions, or results
  - e. How: How the crime was committed and/or how the suspect may have committed the crime
  - f. Why: Motive for committing the crime

E. Specific Crime Investigation Protocols

The following investigative protocols for various crimes represent generic minimum factors to be considered or duties to be performed.

1. Traffic stops and investigations:

- a. Advise the Communications Center of the traffic stop, to include:
  - 1) location
  - 2) tag number
- b. Contact Communications Center or query directly for verification of license tag information:
  - 1) tag number
  - 2) state in which it is registered, (for out of state tags, teletype will need to know if the vehicle is a passenger car or truck)
- c. Contact Communications Center or query directly for verification of valid driver's license and warrants check
  - 1) read name as printed on the identification
  - 2) sex of individual
  - 3) date of birth
- d. Warrant checks may also be queried by social security number

F. Arson Investigations

1. Whenever there is a report of a fire, the officer's first responsibility is for the safety of the public. The officer will assist the fire department by controlling traffic/spectators to facilitate the laying of hoses and moving of fire equipment required to fight the fire. The officer will set up a perimeter to keep vehicles and pedestrians at a safe distance.
2. At the earliest convenience the officer will ascertain from the ranking fire official at the scene if he/she is declaring the fire as suspicious in nature. In the case of a suspicious fire, the officer will notify the on-duty Shift Commander.
3. The on-duty Shift Commander will notify a CID Commander and the Fire Marshal. The on-duty Shift Commander will contact the Public Information Officer when appropriate.
4. In the case of a suspicious fire, the officer will, at the discretion of the fire department, surround the scene with crime scene tape and secure the scene until the investigation is complete.
5. The officer will prepare a written case report and describe the property that was burned as accurately as can be determined as follows:
  - a. Grassland, woods: size in square feet or acres
  - b. Vehicle: year, make, model, style, color, etc.
  - c. Business: height of building (number of floors), material the building was made of, name of business, type of business, amount of damage to the structure, and an estimate of the value of the loss
  - d. Residence: describe the height (number of floors), the material it was made of, and estimate the percentage of damage to the structure, and the monetary loss

6. The officer will attempt to identify the owner or occupant of the object burned. The officer will confer with an investigator prior to notifying the owner in arson cases.
  7. The case report will be forwarded to CID, unless otherwise directed to another unit. The assigned follow-up investigator will conduct a joint investigation or otherwise assist the Fire Marshal.
- G. Auto Theft Investigations
1. The officer will first establish if the complainant is the registered owner or otherwise authorized to report the vehicle stolen.
  2. The officer will ascertain from the Communications Officer if the vehicle was reported repossessed by a tow company, towed for any other reasons, previously reported stolen, or recovered by this or another Department, by having dispatch check the tow log.
  3. If the vehicle is stolen the officer will have the victim/custodian swear to and sign a vehicle theft affidavit. The officer will advise the victim to notify their insurance company and supply the victim with the case number.
  4. When it is determined that the vehicle is stolen, the officer will provide the Communications Center the vehicle owners name, address, and telephone number, and the description of the vehicle, including the VIN and tag number.
  5. The Communications Officer will enter the information into NCIC.
  6. If a vehicle was broken into and the steering column and/or ignition is broken, but the vehicle has not been taken, then the officer will prepare a case report for burglary and refer the case to CID.
  7. When there is a failure to return a rental vehicle, a case report will be written. If the suspect is identified, request a, and close the case as referred to the State's Attorney's Office with a notation of the warrant request. If the suspect's identity is in doubt, refer the case to CID.
- H. Annoying/Obscene/Harassing/Threatening Phone Call Investigations
1. Determine the nature of the telephone calls/complaint.
    - a. If the calls are merely unwanted calls and do not fall under the criteria of SDCL49-31-31, advise the person to contact the phone company's security department and have Communications Officer note it in CAD comments.
    - b. When the calls fit the criteria for SDCL49-31-31, then prepare a written report, advise the complainant to keep a log of the calls and advise the complainant to call the phone company to set up a trace, when practical. Give the case number to the complainant, and when necessary, conduct a follow-up investigation.
- I. Assault/Battery Investigations
1. Officer on scene should ascertain if medical attention is required and call for an ambulance if needed.
    - a. take photographs of the injuries
    - b. get affidavit sworn to and signed
    - c. make arrest if appropriate or request a warrant.
    - d. make a written report
    - e. if it is a domestic dispute, refer to WPD General Order: B-140
    - f. if repeat violence, advise victim to seek a protection order.
- J. Burglary Investigations
1. The officer will respond and interview the complainant, victim, witnesses and/or suspect, and take appropriate action.
  2. When the officer makes an arrest, he/she will determine the degree of burglary that has been committed and it will be reflected in the written report and arrest paperwork.
  3. The officer will photograph and then process the scene for latent fingerprints, and/or advise the on-duty Shift Commander of the need for additional crime scene processing assistance and/or the need for CID personnel to respond to the scene.
  4. The reporting officer will have the victim/custodian sign an incident report.
  5. Specific considerations to be addressed during the burglary investigation are:
    - a. search of the interior and exterior of the scene
    - b. method of potential approach and departure
    - c. method and location of the point of entry and exit
    - d. interviews of neighbors or neighboring businesses
    - e. suspected persons or suspicious persons or vehicles in the vicinity prior to the crime

- f. complete listing of property stolen and potential sources for disposal of the property by the suspect such as pawn shops, flea markets, and etc.
  - g. entry of all serialized property into NCIC
- K. Theft Investigations
- 1. An officer will respond to calls for service at the scene of thefts and may follow the procedures for burglary in the initial investigation.
  - 2. All thefts related to safes, strong boxes, vaults, etc., the officer will notify the on-duty Shift Commander for permission to call out CID personnel for crime scene processing.
- L. Worthless Checks Investigations
- In cases involving bad or worthless checks, the first responding officer will complete an incident report and request that such report be forwarded to the CID.
- M. Drug Investigations
- 1. When an officer comes in contact with drug contraband and there is no evidence of ownership, the officer will confiscate the drugs/paraphernalia, prepare a property receipt and make a written report. The drugs/paraphernalia will be placed in the evidence locker and marked for destruction.
  - 2. Whenever an arrest for drugs/paraphernalia is made, the officer will charge the suspect with the appropriate violation of law. The drugs/paraphernalia will be documented on an evidence form and a request for analysis may also be prepared. There are exceptions for small amounts of marijuana, when the officer will field test the drugs and submit the drugs to the property room.
  - 3. A copy of the evidence form will be attached to the written report.
- N. Robbery Investigations
- 1. Prior to arrival the first responding officer will ascertain from the dispatcher whether the suspect is still present or has departed the scene.
  - 2. If the robbery is in progress, the officer will keep his/her distance, remaining out of sight, to avoid a potential hostage situation. The officer will maintain surveillance, keep the Communications Center and other responding officers advised of the current situation.
  - 3. The officer should not attempt to apprehend the suspect while the robbery is occurring, unless there is an imminent threat to the life of the victim.
  - 4. Attempts to apprehend the suspect should be made while he/she is leaving the scene and when the suspect is in a position that would not constitute an immediate threat to innocent people.
  - 5. If the suspect has departed the scene, the officer should contact the victim
  - 6. When a robbery has occurred to an establishment or a person, and a weapon is used, or there is a serious injury, the first officer on the scene will establish a crime scene. The officer will notify the on-duty Shift Commander who will notify CID.
  - 7. The first officer on the scene will determine if anyone requires medical attention and notify the Communications Center to have medical personnel respond to the scene.
  - 8. The officer will obtain information regarding the suspect description, type of weapon used, mode and direction of travel, vehicle descriptors, and other unique information. This information will be provided as a ðBOLOö to the Communications Center and other responding officers as soon as possible.
  - 9. Additional responding officers should refrain from converging on the scene, the on-duty Shift Commander will assign responding officers to locations which create a perimeter based on mode and direction of travel as well as elapsed time since occurrence.
  - 10. If no investigator is called out, the officer will process the crime scene, locate and interview victim(s), witness(s), etc., and arrest the suspect if possible. If an arrest is made for the robbery, the officer making the arrest will notify the on-duty Shift Commander.
  - 11. The officer will prepare a case report. If the case is pending the case report will be referred to CID.
- O. Counterfeit Currency Investigations
- 1. When an officer comes in contact with suspected counterfeit currency, the officer will notify the on-duty Shift Commander. The on-duty Shift Commander will assure a copy of the case report is forwarded to the CID. The CID will notify the U.S. Secret Service.
  - 2. The officer will take the counterfeit currency in his possession for evidence, prepare a property receipt and issue a copy to the victim. The currency will be placed in a plastic bag and marked appropriately.

3. If the person who passed the counterfeit currency is present, the officer will record the person's identification and conduct a preliminary investigation. If it is apparent that the person did not know the currency was counterfeit, the person will receive a copy of the property receipt and is free to leave. If an arrest is made, the United States Secret Service (USSS) will be notified.
4. In all cases of counterfeit currency, the officer will prepare a written case report referred to CID. The CID Commander will contact the U.S. Secret Service and cooperate with their investigation. If the USSS advises the CID Commander they will take over the responsibility of the investigation, the CID Commander will prepare a supplemental report reflecting this disposition and clear the case as closed.

P. Forgery Investigations

1. When an officer has determined that a check or instrument has been forged, the officer must determine where the instrument was uttered, as this determines jurisdiction. If the jurisdiction is in the City, the officer will write a written case report. That case report will be forwarded to the CID. The original forged check and the original forgery affidavit will be obtained from the bank, by the CID whenever possible.
2. A copy will be made of both sides of the check and attached to the report. The forged check will be placed in a clear plastic check envelope or plain envelope and placed into evidence using a property receipt which should be signed by the person who gave the check to the officer.
3. The original forgery affidavit will be attached to the report. If the bank or merchant does not have a forgery affidavit, the CID should obtain one from the account holder if possible. In order to pursue the case the State Attorney's Office [SAO] requires a forgery affidavit.
4. The officer will check to see if a photograph was taken of the person uttering the forged instrument. If a photograph was taken, the officer will request a copy be ordered immediately.
5. A sworn statement will be taken from the teller or clerk who accepted the forged check. If the person can identify the suspect, this will be noted in the statement.
6. If the suspect was not observed writing the forged signature, the charge would be SDCL 22-39-36, Passing a Forged Instrument. Forgery can be proven by handwriting analysis at a later time. The victim in an uttering case is the bank/establishment that received the forged instrument and disbursed the cash goods or service.
7. If the suspect was observed writing a fictitious signature, a statement to that effect will be obtained from the witness(s). If the suspect is still present, he/she may be arrested for forgery.

Q. Fraudulent Prescription Investigations

1. Due to the nature of fraudulent prescription violations, officers are periodically dispatched to investigate and attempt to apprehend the violators. The dispatcher will attempt to provide the responding officer with a physical/clothing description of the suspect. Upon arrival, the officer will:
  - a. Check the parking lot and surrounding area, noting any suspicious vehicles or persons
  - b. When entering the store, be alert for suspicious persons in areas away from the pharmacy area who may be with the suspect
2. If the pharmacist has definitely established the prescription to be fraudulent, the officer will:
  - a. Detain the suspect, paying special attention to the presence of drugs and/or other prescriptions.
  - b. Make an attempt to contact the doctor whose name appears on the prescription for further verification of the prescription's authenticity.
  - c. If the prescription is determined to be fraudulent, the suspect will be arrested. The suspect will be searched and any evidence of the crime seized. The prescription will be submitted as evidence.
  - d. Record the names and addresses of pharmacy personnel who processed the prescription on the incident report.
  - e. Forward a copy of the report to CID.
  - f. Obtain sworn statements from the pharmacist and doctor when practical.
3. If the pharmacist has not established the authenticity of the prescription, the officer will:
  - a. Detain the suspect.
  - b. Attempt to contact the doctor and verify the prescription. If the prescription is fraudulent, the arrest procedure previously outlined will be followed.
  - c. If the doctor cannot be contacted and probable cause cannot be established, an incident report will be completed and routed to CID. The prescription card should be seized as evidence if the

pharmacy's regulations permit such a seizure. If the pharmacy is unable to provide the actual prescription card, the officer should make a copy, or take a photograph, of the card to be included as part of his/her report.

- d. Filling the prescription should be left to the discretion of the pharmacist.
4. Evidence and chain of custody procedures will be as follows:
    - a. A copy will be made of both sides of the prescription and attached to the report. The fraudulent prescription will be placed into a clear plastic envelope or plain envelope and placed into evidence using an evidence form.
    - b. If the fraudulent prescription was filled prior to the arrest, the filled fraudulent prescription will be collected as evidence and a property receipt issued to the pharmacist.
    - c. The fraudulent prescription and other evidence will be properly processed and placed in the evidence locker to preserve the chain of custody.
    - d. The names of pharmacist, clerk, doctor, and other witnesses will be written in the appropriate report.
    - e. The fraudulent prescription will be impounded and a property receipt issued to the pharmacist.
    - f. To preserve latent prints, the prescription should be handled carefully and as little as possible.
- R. Product Tampering Investigations
    1. In a product tampering threat case, the company or store will be notified immediately. A preliminary investigation will be made to determine if there is evidence of tampering. If tampering/contamination is found, the product will be handled as any other piece of evidence in a criminal investigation. If no evidence of tampering is found, the store or product representative will be informed that it is his/her decision to remove or not remove the product from the shelf.
    2. If evidence of tampering is discovered, the product will be seized as evidence. The store where the product was purchased should be notified immediately. If it is determined that the tampering could create a life threatening situation or hazard to the public, the on-call CID investigator and the appropriate state and federal agencies will be notified.
    3. In the event of an actual product-tampering incident, the on-duty Shift Commander will notify the PIO.
  - S. Multiple Offense Rule
    1. When multiple offenses occur in one incident, each offense will use the same case number

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