





## **POLICIES AND PROCEDURES MANUAL**

	<b>CRIMINAL INVESTIGATIONS</b>	
	<b>POLICY NUMBER: 42-1</b>	ISSUING AUTHORITY 
	<b>EFFECTIVE DATE: June 12, 2025</b>	Christine A. Elow Police Commissioner

### **I. GENERAL CONSIDERATIONS AND GUIDELINES**

One of the most basic functions of policing is the investigation of criminal offenses. It has as its objective the successful identification, apprehension, and prosecution of criminal offenders. The success or failure of this effort is closely related to the immediate response of the police and their actions at the time a crime is first brought to their attention. This first response is referred to as the preliminary investigation, which is often conducted by patrol officers. Further investigation is usually handled by detectives and is referred to as the follow-up investigation. The purpose of the follow-up investigation is to clear crimes by arrest and/or complaint, to prosecute offenders, to recover property, and to exonerate the innocent.

### **II. POLICY**

It is the policy of the Cambridge Police Department to:

- A. conduct preliminary and follow-up investigations in a timely and judicious manner;
- B. conduct all investigations fairly and impartially knowing that it is just as important to exonerate the innocent as it is to prosecute the guilty;
- C. coordinate with other law enforcement agencies in gathering and sharing information that may be useful in criminal activity including matters of homeland security; and
- D. afford all subjects every constitutional and statutory right guaranteed under the law.

### **III. DEFINITIONS**

- A. *Exculpatory Evidence*: Evidence that is favorable to the accused; is material to the guilt, innocence, or punishment of the accused; and/or may impact the credibility of a government witness, including a law enforcement officer or other department employee.
- B. *MNI*: Master Name Index.

## IV. PROCEDURES

### A. 42.1.1 (M) On-Call Schedule

1. The criminal investigations function of the department provides 24-hour service capabilities.
  - a. A detective supervisor is on-call during off-hours, 12:00am to 8:00am, on a weekly rotating basis. The list of on-call employees is managed and disseminated by the Office of Planning, Budget, and Personnel.
  - b. For sexual assault complaints, a single detective is assigned to be on call during off-hours, 12:00am to 8:00am, on a weekly rotating basis to receive victims and witnesses, conduct brief interviews, and initiate services that may be required.

### B. 42.1.2 (M) Case-Screening System

1. A case-screening system specifies the criteria for continuing and/or suspending an investigative effort.
  - a. For any call for service that requires a detective to respond, that detective will automatically be assigned to the case. All other calls for service that require a written report are put into a case queue for supervisor review. If, when the supervisor reviews an incident report and makes note of any criminal activity that should be investigated or explored further, the supervisor will manually assign the case to available investigative personnel. The on-duty or on-call supervisor will distribute the cases equally among the available personnel.
    - (1) If a case requires a specialty service, the case may be assigned to another unit for follow-up.
    - (2) Also, if the supervisor notices that a particular pattern or subject is familiar to a certain detective, that case may be so assigned.
    - (3) Regardless of initial estimates of solvability, all cases will be assigned for review and follow-up including a detailed report of progress and efforts made to solve the case. Solvability factors may include but are not limited to witnesses to the crime, knowledge of a suspect's name, knowledge of where a suspect can be located, description of a suspect, identification of a suspect, property with identifiable characteristics, a significant modus operandi, significant physical evidence, and description of a suspect's vehicle.
    - (4) Cases that are considered to be open/active will be marked in the case queue. Detectives are required to maintain case notes on active/open investigations and shall explain the reasoning for maintaining an active/open investigation to the supervising detective. Open/Active cases will remain as such until the case is closed or suspended in some capacity using the below listed classifications.

(5) Cases shall be closed with the following case clearance classification:

- (i) Cleared – The case has been solved, and someone has been charged with the offense. This may occur through either arrest, complaint, or indictment.
- (ii) Exceptional Clearance – The case has been solved, and the offender identified, but a mitigating factor has resulted in criminal charges not being brought against the offender.
- (iii) Closed/Suspended – The case is not actively being investigated, and no one has been identified or charged with a crime. There are insufficient solvability factors to warrant further investigation efforts at this time.
- (iv) Referred – The case has been referred to another agency to include other law enforcement agencies, mental health service agencies, social service agencies, and diversion related services.
- (v) No Crime – The case was investigated, and no criminal activity was determined to have occurred.

C. 42.1.3 (M) Case File Management

1. The department maintains a system of case file management for the criminal investigation function, to include the following.
  - a. A case status control system.
    - (1) If a case is assigned a file number in the Automated Records Management System, a report is written and distributed to the detective unit. Any further activity for the case will use this file number as an identifier.
    - (2) Certain cases that have common factors may be linked by a supervisor if they appear to be connected.
    - (3) Information that is entered into the case file by detectives will have limited access by authorized personnel only.
  - b. Administrative designators for each case.
    - (1) Cases that involve sensitive information can be designated as such and marked confidential in the Automated Records Management System.
  - c. Types of records to be maintained.
    - (1) All records are maintained in digital form and kept indefinitely.
  - d. Accessibility to the files.
    - (1) Authorization to access files depends on the access level of each employee. Access levels will be determined by designated supervisors based on need.
  - e. Procedures for purging files.

- (1) All digital records are kept indefinitely unless there is a court order or expungement order issued by the Massachusetts Department of Criminal Justice Information Services (DCJIS), which happens infrequently, or as required by law. Once a court order or expungement order is received and verified to be authentic, all publicly available police logs withing the Cambridge Police Department's care, custody, or control will be manually deleted by the appropriate Public Safety Information Technology (PSIT) personnel.

(2) 42.1.4 (M) Accountability, Preliminary/Follow-Up Investigations

2. Responsibility and accountability for conducting preliminary and follow-up investigations is based on the nature of each case.
  - a. Preliminary investigations are conducted by responding officers to the scene of an incident.
  - b. Follow-up investigations for criminal cases are assigned to and managed by the Criminal Investigations Unit.
  - c. Accident investigations are managed by the Traffic Unit.
  - d. Domestic violence, sexual assault, and juvenile investigations are managed by the Family and Social Justice Unit.

D. 42.1.5 (O) Habitual/Serious Offenders

1. Department procedures for the management of habitual/serious offenders are as follows.
  - a. Specification of criteria designating certain individuals as habitual/serious offenders.
    - (1) Criteria include confirmed cases of illegal possession of firearms, significant violent behavior, repeated high-risk domestic abuse.
  - b. Identification of all cases in which a designated habitual/serious offender is a party.
    - (1) Persons identified as habitual offenders that meet the above criteria, are flagged in the Master Name Index.
  - c. Notification to the prosecuting agency of such cases.
    - (1) Members of the department who are working on cases involving habitual/serious offenders are in constant communication with the courts, office of the District Attorney, victim/witness advocates, and other City or State service providers.

E. 42.1.6 (M) Exculpatory Evidence

1. Government disclosure of exculpatory information is a crucial part of the constitutional guarantee to a fair trial. Consistent with the U.S. Supreme Court decisions in *Brady v. Maryland* and *Giglio v. U.S.*, officers have a legal and ethical obligation to promptly disclose exculpatory evidence to the Middlesex District Attorney's Office or other relevant prosecuting authority.

2. Officers shall document, in the form of an incident report or other appropriate correspondence, and preserve any exculpatory evidence which suggests a suspect's innocence. Supervisors are responsible for ensuring exculpatory evidence is documented, preserved, and provided to the prosecuting authority in a timely manner.
3. An employee who becomes aware of exculpatory evidence post-conviction shall promptly investigate and document the information in addition to notifying their supervisor. The supervisor is responsible for ensuring that the exculpatory evidence is disclosed to the Middlesex District Attorney's Office or other relevant prosecuting authority in a timely manner.

F. 42.2.1 (M) Preliminary Investigations Steps

1. Steps to be followed in conducting preliminary investigations include:
  - a. observing all conditions, events, and remarks and determining whether an offense has actually been committed and, if so, the exact nature of the offense;
  - b. locating and identifying witnesses and obtaining complete identification of all witnesses, if practical;
  - c. determining the identity of the suspect or suspects and effecting an arrest, if warranted and if it can be accomplished either at the scene or through immediate and limited pursuit;
  - d. furnishing information to other field units, through the communications system, such as descriptions, method, and direction of flight, and other relevant information concerning wanted persons or vehicles;
  - e. maintaining and protecting the crime scene and arranging for the collection of evidence; and
  - f. interviewing the complainant, witnesses, and suspects, and obtaining written statements from victims, witnesses, and if legally possible, from the suspect.

G. 42.2.2 (M) Follow-Up Investigations Steps

1. In most cases, the preliminary investigation is conducted by the patrol officer responding to the scene of an incident. Follow-up cases are assigned to detectives for further investigation. The detective who does the follow-up will conduct the investigation to include the following steps.
  - a. Reviewing and analyzing all previous reports prepared in the preliminary phase, departmental records, and results from laboratory examinations.
  - b. Conducting additional interviews and interrogations.
  - c. Seeking additional information.
  - d. Maintaining contact with the involved parties in the case.

- e. Planning, organizing, conducting searches, and collecting physical evidence.
  - f. Identifying and apprehending suspects.
  - g. Determining involvement of suspects in other crimes.
  - h. Checking suspects' criminal histories.
  - i. Preparing cases for court.
- H. 42.2.3 (M) Communication with Patrol Personnel
- 1. The department encourages and facilitates communication and exchange of information between criminal investigative personnel and patrol personnel.
    - a. The most common method of communicating with patrol is through email.
    - b. A typical email may include officer safety information, wanted subject information, photographs, or general notifications about specific persons or locations.
    - c. If there is an immediate need to communicate, a detective will use the radio to transmit information.
    - d. If time is not a factor, information may be sent to the Crime Analysis Unit for inclusion in the Crime Bulletin and disseminated at roll call.
- I. 42.2.4 (M) Investigative Task Forces
- 1. Department personnel participate in long-term, multi-jurisdictional or multi-agency investigative task forces supervised and conducted by federal agencies including:
    - a. Joint Terrorism Task Force/Homeland Security Task Force
    - b. Secret Service Task Force
    - c. US Marshals Task Force
    - d. DEA Task Force
  - 2. Descriptions of each task force's activities are described in the memorandum of understanding for that task force. Participation of Cambridge Police sworn personnel in these activities shall be in accordance with police department policies and procedures.
  - 3. The department has and keeps on file a memorandum of understanding with each of these agencies that includes the following information for each task force.
    - a. The purpose, criteria for use, and kinds of offenses for which the task force is used.
    - b. Supervisory roles and responsibilities.
    - c. Evaluating results and the need for continued operation(s).
    - d. Staffing, equipment, and resource requirements.
    - e. Intelligence, officer safety information, and deconfliction procedures.

- f. Credentialing procedures for task force participants.
- J. 42.2.5 (M) Deception Detection Examinations
  - 1. Generally, polygraph examinations are not admissible in Massachusetts courts. However, on rare occasions, when a serious offense has been committed such as murder, the department may use the services of the Mass State Police examiners who are appropriately certified and qualified to conduct the examinations.
- K. 42.2.6 (M) Informants (See policy 42-2 Informants.)
- L. 42.2.7 (O) Cold Cases
  - 1. A cold case is defined as an unsolved criminal investigation of a serious nature that has stopped being actively pursued due to a lack of evidence; or a case that was pursued diligently by various detectives, but eventually abandoned and filed with other cold cases pending new witness testimony, re-examined archives, new or retained material evidence, or fresh activities of a suspect.
  - 2. Cold case evaluation criteria include new forensic methods developed after the crime was committed that provide new results on surviving evidence and solvability factors that have changed over time.
  - 3. Investigative actions or activities shall be recorded and kept in the detectives' files in the Criminal Investigations Unit and entered into the Automated Records Management System when appropriate.
  - 4. Department detectives work in conjunction with the District Attorney's office and the supervisor of the Cold Case Unit, along with other outside agencies that have an interest in the investigation.
- M. 42.2.8 (M) Interview Rooms
  - 1. Procedures for utilizing designated rooms for interviews and interrogation include the following.
    - a. Weapons control.
      - (1) Before entering a designated interview room, detectives shall store their firearms in a secure gun locker or a locked drawer in the detectives' desks.
    - b. Security concerns.
      - (1) Emergency panic alarms are located in each room.
    - c. Number of personnel allowed in the interview room.
      - (1) Generally, no more than four persons are allowed in a room including two officers, and two others, such as a suspect, victim or witness, an attorney, or an interested adult party with a juvenile.
    - d. Means and methods for summoning assistance, if needed.

- (1) In addition to the panic button, officers will have at least one radio and/or cell phone.
  - e. Use of video and audio recording equipment.
    - (1) All rooms are audio and video recorded.
  - f. Other equipment or items to be kept in the interview room or area.
    - (1) Other than a table and chairs, nothing is kept or stored in an interview room.
    - (2) Rooms used to interview victims of crime can be fully furnished for the comfort and well-being of the victim.
  - g. Access to restrooms, water, or comfort breaks.
    - (1) Adequate access to restrooms, water, and comfort breaks shall be afforded to all persons being interviewed or interrogated in a designated room.
- N. 42.2.9 (M) Line-ups (See policy 42-3 Eyewitness Identification.)
- O. 42.2.10 (M) Show-ups (See policy 42-3 Eyewitness Identification.)