

WEBER COUNTY SHERIFF'S OFFICE		POLICY AND PROCEDURES	
SUBJECT: Preliminary Investigation Responsibilities		CHAPTER/SECTION NO.: 28.21, 28.22	
EFFECTIVE DATE: 10/7/03		REVIEW DATE:	
AMENDS/SUPERSEDES: See attached sheet		APPROVED: <b>** See Master File Sheriff</b>	
STANDARD NUMBER: N/A			

## 28.21 Policy

- 28.21.1 The deputy assigned an incident holds the primary organizational responsibility for the preliminary investigation and disposition of the incident. Commensurate with this responsibility, the deputy will be in command of the scene unless relieved by supervisory personnel or a follow-up investigator.
- 28.21.2 The preliminary investigation begins when the assigned deputy arrives at the scene and continues until a postponement of the investigation or a transfer of responsibility can be made without jeopardizing the resolution of the investigation, unless the presence of a uniformed deputy would obviously prevent a proper investigation from being made.
- A. The primary deputy will be designated as the initial case manager.
- 28.21.3 Usually and normally, uniformed deputies will not be responsible for initiating preliminary investigations in the areas noted below:
- A. Any sustained operations that require the use of undercover deputies.
- B. Any investigation where it is deemed that a uniformed deputy will hamper the investigation and/or apprehension of the suspect(s).

- 28.21..4 When a shift supervisor believes it is necessary to call out investigations section personnel on a case on which patrol personnel are working, the supervisor will contact the on-call investigator.
- 28.21.5 Examples of cases that may warrant a call-out of investigations personnel are:
- A. Attended/Unattended death and murder.
  - B. Forcible rape.
  - C. Armed robbery.
  - D. Aggravated assault where the victim is likely to die.
  - E. Deputy shooting.
  - F. Assault on police deputy resulting in serious injury.
  - G. Child physical and/or sexual abuse or death involving abuse.
  - H. When violent, destructive force is used on a police building or vehicle.
  - I. Kidnap or extortion.
  - J. Other cases where the primary deputy or shift supervisor deems it necessary.
- 28.21.6 A request for no prosecution or refusal to cooperate on the part of the victim does not eliminate the need for a proper investigation including the gathering of physical evidence, taking of statements, and making arrests.
- A. When a situation includes a felony offense, particularly one that involves an aggravated situation and the complainant indicates that no prosecution is desired, the matter will not automatically be dropped. The deputy in command must review the situation in total and consider all factors, including:
    - 1. The gravity of the offense and the resultant effect on the neighborhood and the community.
    - 2. The potential for continued danger and the increasing hazards if the situation is left unattended.
    - 3. The present ability of the complainant/victim to make a proper decision.

4. The potential of suspect(s) to flee the area or to harm others.
  - B. Deputies must be aware of all the facts before an arrest is made, especially when the complainant/victim desires no prosecution. The deputy will be able to establish probable cause that a crime was committed and that the suspect(s) committed the crime without evidence provided by the complainant/victim. If the elements cannot be established, the deputy should record all the facts on the appropriate report. See UCA 77-36-1, Domestic Violence statute.
  - C. In felony cases where the elements of the offense are met and the victim requests no prosecution, the case will be forwarded to the County Attorney's office for review.
  - D. In non-aggravated situations when the complainant/victim desires no prosecution, the deputy may take this into consideration and submit a report based on a limited investigation and documenting the desires of the complainant/victim.
- 28.21.7 The shift supervisor will monitor the activities of the assigned deputy and ensure actions by the deputy, during the preliminary investigation, are in compliance with office directives, law, and sound investigative practices. If the actions of the assigned deputy are inappropriate, the shift supervisor may advise, counsel, or relieve the affected deputy.
- 28.21.8 The assigned deputy will be held responsible for the proper disposition of the preliminary investigation and collection and preservation of evidence while the incident is under his/her command.
- 28.21.9 The shift supervisor will monitor the actions of all deputies at the crime scene and will administer guidance or corrective actions as required to assure the successful resolution of the preliminary investigation.

28.22        **Procedure**

28.22.1     The following activities are part of the preliminary investigation:

- A.     Provide aid to the injured and/or request an ambulance, field evidence technician, investigations, medical examiner or other support personnel as required per section 28.20.
- B.     Protect the crime scene to ensure evidence is not lost or contaminated, and observe all conditions, events and remarks. **A secure perimeter or perimeter zones should be established that limits unauthorized access and protects not only the immediate area surrounding the scene, but an extended area beyond the scene where evidence may be located or may have been thrown or discarded; or where public access is restricted to prohibit interference with or contamination of the scene. Since it is easier to reduce the size of perimeters then to enlarge them deputies are encouraged to establish broad extended perimeters initially.**
  - 1.     In serious cases, such as but not limited to: homicides, or other forcible felonies; the deputy responsible for the scene should make sure entry to the scene is by essential and authorized personnel only and such entry is noted in a log documenting the name of the person and time of entry and exit from the scene.
  - 2.     All persons entering the crime scene must submit a report to the lead investigator or supervisor specifying their purpose for entering the scene and activities they conducted.
  - 3.     Persons generally considered essential or authorized to enter crime scenes are: assigned CSI personnel, assigned investigators, investigative

supervisors, assigned prosecuting attorneys, medical and medical examiner personnel. All other persons, no matter the rank or elected/appointed position, will generally not be allowed into the scene without approval of the incident commander and/or investigative supervisors.

- C. Determine if an offense has actually been committed and, if so, the exact nature of the offense, and the circumstances surrounding the incident.
- D. Determine the identity of the suspect(s), and effect an arrest, if it can be accomplished either at the scene or through immediate pursuit.
  - 1. Arrange for interrogation of the suspect(s).
- E. If no arrest has been made, furnish other field units with the suspect(s)' description(s), method and direction of flight.
- F. Obtain complete identification of any and all witnesses.
- G. Determine what information is known by the victim(s) and each witness.
- H. Arrange for the collection of evidence.
- I. Obtain statements from any victims, witnesses, and suspect(s), if such statements can be obtained legally.
- J. In unattended deaths investigated by this agency, a request shall be made to the State Medical Examiner and to the County Attorney for an autopsy to be performed. See also 28.20.
- K. The deputy completing the preliminary investigation must accurately and comprehensively complete all reports prior to

ending his/her tour of duty, unless expressly directed otherwise by supervisory personnel

- L. The assigned deputy shall initiate and complete as many of the activities listed in this section as are possible, consistent with the individual circumstances of the incident.
- M. Any immediate follow-up investigation, such as but not limited to: locating other victims, interviews of neighbors, locating or interviewing other suspects, or area searches; should be conducted by the initial deputy in order to provide as much timely information to the follow-up investigators as possible. Opportunity to conduct such follow-up may be limited by Sheriff's Office need but should be conducted as often and as completely as possible.
- N. Deputies should, wherever possible, resolve incidents or solve cases, particularly minor offenses and/or neighborhood disputes, when suspects are known, or evidence and/or opportunity exists. This is particularly critical in cases assigned to Community Resource Deputies who may be able to resolve or become familiar with problems in community areas they patrol on a daily basis.

28.22.2 If the shift supervisor feels it is necessary to request the on-call investigator, he/she will provide the investigator with basic details as to:

- A. The type of case.
- B. Location of the incident.
- C. Person(s) involved, if known.
- D. Any measures the patrol section has taken up until the contact with the investigator.