

BREAKING AND ENTERING

WILLIAMSTOWN POLICE DEPARTMENT POLICY & PROCEDURE NO. 2.10	EFFECTIVE DATE: 11/17/2021
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I. GENERAL CONSIDERATIONS AND GUIDELINES

Burglars generally fall into two categories - the opportunist and the professional. The opportunist is the criminal who is always on the lookout for a place that is easy to break into with the least hazard of detection and where [s]he can obtain cash, jewelry, and portable items that have an immediate resale or pawn value.

The professional commits his/her break only after considerable planning. The thief usually has information on the valuable items to seize, knows the habits of the persons living or employed in the building selected, and has adequate tools to make his/her entry effectively.

The most important consideration in the prevention and control of burglary and related crimes is citizen cooperation. All citizens of the community should be encouraged to take necessary precautions to make their property secure by utilizing adequate locks, alarms, and lighting to deter criminals, and by marking their property with names, numbers or symbols which they can identify.

Citizens should be constantly encouraged to immediately notify the police when they observe suspicious persons or circumstances, even if their suspicions later prove to be unfounded.

II. POLICY

It is the policy of this department to:

- A. Respond promptly to all alarms and reports of possible or actual breaking and entering.
- B. Work with the public to educate citizens and businesses concerning ways to prevent crimes, especially those involving breaking and entering; and
- C. Investigate and prosecute all crimes, including those involving breaking and entering.

III. PROCEDURE

A. Responding to Burglaries in Progress

A.1. RESPONSE: Whenever an officer responds to a call for a burglar alarm or breaking and entering in progress, the officer shall minimize the use of sirens to avoid communicating his/her presence to suspects.

A.2. FIRST ARRIVING OFFICER

A.2.a. The first arriving officer should park a short distance from the target building, approach unseen, and make visual and auditory observations of the building.

A.2.b. The officer shall be observant of:

- A.2.b.1) Vehicles in the driveway or in the area near the building;
- A.2.b.2) Persons who seem suspicious or out of place; and
- A.2.b.3) Known criminals present in the area.

A.2.c. Officers shall not enter the building without adequate assistance unless some person lawfully therein is in immediate danger of physical harm from the intruder.

A.3. EXTERIOR OF BUILDING

A.3.a. When the back-up officers arrive, they shall take strategic positions, observing all building exits and windows.

A.3.b. They shall check for any visible signs of entry at the doors, windows or on the roof.

A.3.c. They shall also check for the possibility that entry has been gained through the wall of an adjoining building, if possible.

A.3.d. Officers should secure access to and from the building.

A.3.e. Officers should stop and identify anyone leaving the building.

A.4. VOLUNTARY EXIT FROM THE BUILDING

A.4.a. It is always preferable for the suspect to come out voluntarily and [s]he shall be given that opportunity, if possible. This will avoid the possibility of injury to a police officer or to other persons in the vicinity.

A.4.b. Officers must exercise extreme caution to ensure that plain clothes officers arriving at the scene are properly identified as police officers, and not mistaken for criminals.

A.4.c. If at all possible, the owner of the residence or the commercial establishment shall be contacted by the police, and the dispatcher shall relay to the officers at the scene such information as:

A.4.c.1) The known or likely presence of any lawful occupants such as a family member, guest or babysitter;

A.4.c.2) The known or likely presence in the building or on the grounds of any guard or watchman;

A.4.c.3) The location of any safe or major valuables the robbers may be after;

A.4.c.4) The location of any firearms on the premises; and

A.4.c.5) The location of main power switches, particularly the location of electric light switches.

B. Entering a Building

B.1. GENERALLY

B.1.a. Officers shall notify the dispatcher prior to entering the building.

B.1.b. Police should normally announce their presence prior to entering a building to search. An exception may be appropriate in the case where officers need to maintain a tactical advantage.

B.2. CANINE SUPPORT

B.2.a. If the services of a Canine Officer are available, [s]he may be called to the scene at the discretion of the shift supervisor.

B.2.b. If a Canine Officer is to conduct the search, officers should avoid entering the building prior to his/her arrival in order not to leave confusing scents and, in any event, all other officers should be withdrawn from the building before the police dog enters.

B.2.c. The advice of the Canine Officer should be sought concerning recommended methods of conducting a building search with the use of the dog.

B.2.d. For further information, see the department policy on ***Police Canine Operations***.

B.2.e. If it becomes necessary to enter the building, the entering officers must work closely together, covering one another in the darkened interior. This will reduce the danger of one officer's injuring another accidentally.

B.3. POLICE OFFICER ENTRY

B.3.a. Officers should enter the building tactically, stepping inside quickly to minimize exposure time in the doorway area (fatal funnel).

B.3.b. Officers should use flashlights tactically to avoid drawing fire at the source of the light.

B.3.c. Once inside, officers should wait a few moments to become accustomed to the darkness and listen in an attempt to hear the suspect.

B.3.d. Officers entering from multiple points of entry must coordinate their movements to avoid being mistaken for a suspect in the building.

B.4. SEARCHING THE BUILDING

B.4.a. Carefully and methodically check the entire building to determine if a crime has been committed and if the suspect is still therein.

B.4.b. Any place in the building that can provide a hiding place should be carefully checked.

B.4.c. If a suspect is located, [s]he shall be carefully searched and handcuffed immediately. The officer should notify dispatch.

B.4.d. It should not be assumed that the suspect is working alone. The search shall be continued until the entire building and its immediate vicinity have been thoroughly searched.

B.4.e. A thorough search of the premises shall be made for any weapon which the suspect may have discarded once [s]he realized [s]he would be apprehended.

B.5. CRIME SCENE

B.5.a. After the building has been searched and persons within located and apprehended, if appropriate, the scene may be a crime scene.

B.5.b. If the scene is to be processed, officers should:

B.5.b.1) Secure the crime scene, if appropriate; and

B.5.b.2) Conduct a preliminary investigation.

B.5.b.3) For further information, see the department policy **1.05 - Preliminary Investigations**.

B.5.c. The owner should be notified to secure the building and to provide police with a detailed list of any missing or damaged items.

C. Responding After the Suspect Has Departed

C.1. Preliminary Investigation

C.1.a. The officer shall obtain, as completely as possible, a description of:

- C.1.a.1) The suspect;
- C.1.a.2) Any vehicle used; and
- C.1.a.3) The direction of travel, if known.

C.1.b. This information shall be provided immediately to the dispatcher for the attention of all other on-duty officers.

C.1.c. Officers should preserve the scene and conduct a preliminary investigation.

C.1.d. The officer making the preliminary investigation shall ascertain as accurately as possible and carefully note:

- C.1.d.1) The date and time the crime was committed;
- C.1.d.2) The point and method of entry;
- C.1.d.3) The method of exit;
- C.1.d.4) A description of any property taken, including its value and all identifying numbers or marks; and
- C.1.d.5) Any property damaged.

C.2. PROCESSING THE CRIME SCENE

C.2.a. The crime scene shall be secured until processed for forensic evidence.

C.2.b. The crime scene should be photographed.

C.2.c. Breaking and entering tools and evidence should be collected.

C.2.d. Investigators should check the scene and process as appropriate for:

- C.2.d.1) Latent fingerprints;
- C.2.d.2) Footwear impressions;
- C.2.d.3) Tool marks; and
- C.2.d.4) DNA.

C.3. NEIGHBORHOOD CANVASS

C.3.a. The investigating officer shall interview neighbors by canvassing door-to-door to determine whether anyone made observations of any suspicious conduct.

C.3.b. The investigating officer shall search for residences or businesses in the area for video that covers the building or approaches to or from the building.

C.4. PROPERTY SEARCH

C.4.a. Checks of local secondhand stores, pawn shops and other establishments, especially those known or suspected of dealing in stolen goods, may be a good source to locate stolen property.

C.4.b. On-line sources such as E-bay and Craig's List may reveal stolen property and those disposing of it.

C.4.c. Pawn shop data collected by the New England State Police Intelligence Network (NESPIN) should be checked on-line.

D. Arrest of Suspect/Recovery of Stolen Goods

D.1. INTERVIEWING SUSPECT

D.1.a. Whenever any burglary (or receiving stolen goods) suspect is questioned, [s]he shall also be questioned with regard to any other burglaries in which [s]he or persons known to him/her participated.

D.1.b. [S]he shall also be encouraged to cooperate by revealing the identities of persons who received or "fenced" any items taken in the break.

D.2. RECOVERED PROPERTY

D.2.a. Stolen items shall not be immediately returned to their lawful owner unless authorized by a supervisor.

D.2.b. The property shall be:

D.2.b.1) Photographed;

D.2.b.2) Marked and packaged;

D.2.b.3) Logged into evidence; and

D.2.b.4) Submitted to the property and evidence function to be held as evidence.

D.2.b.5) The owner shall be notified that the items have been recovered. (See department policies **6.01 - Collection and Preservation of Evidence** and **6.02 - Evidence and Property Control**.)

D.3. CRIMINAL CHARGES

D.3.a. Any person arrested for breaking and entering and in whose possession or under whose control stolen items are found shall also be charged with buying, receiving or concealing stolen goods. If prosecution of the breaking and entering should fail (due to unavailability of witnesses, etc.), a conviction for the lesser crime of receiving can still be obtained.

D.3.b. When charging an individual with breaking and entering with intent to commit a felony or misdemeanor, the charge of criminal trespass must be included, or a defendant's verdict may be set aside.¹

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Com. v. Vinnicomb, 28 Mass. App. Ct. 934, 549 N.E.2d 1137 (1990).

E. Reporting

- E.1. A report shall be made by the officer conducting the preliminary investigation in accordance with department procedures.
- E.2. Assisting officers shall submit a supplemental report of any pertinent observations or actions which are important to the case.
- E.3. A detailed supplemental report shall be submitted by the investigating officer.