

METROPOLITAN POLICE DEPARTMENT
CRIMINAL INVESTIGATION DIVISION



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COMMANDER



DIVISION MEMORANDUM

Series 2008/05 Date Issued: 09/29/2008 Expires: Until Rescinded

Subject: Processing and Handling Assault with the Intent to Kill Assignments (AWIK)

Effective immediately, this Division Memorandum shall serve as an official division policy.

Objective: The purpose of this directive is to establish guidelines, policies, procedures and affix responsibilities to any member of the Criminal Investigations Division (CID) who has the ultimate task of investigating an AWIK case within the District of Columbia.

Definitions:

Assault with Intent to Kill – cases that fall under Title 22 DC Code 401. The top elements that must be proven to establish an AWIK offense:

- 1) That the defendant made an assault on the complainant; and
- 2) That she or he did so with the specific intent to kill the complainant. Specific intent to kill means purpose or conscious intention to cause death.

There is no requirement that the complainant actually suffer any injuries. For example, firing multiple shots at an individual may suffice to show AWIK. The intended target may not die, however this is still an AWIK. In addition, beating someone repeatedly with a blunt object coupled with the words "I am going to kill you," can be enough.

The ideal set of facts is when the complainant suffers serious and near fatal bodily injuries. When we say serious bodily injury, we are referring to the definition of "serious bodily injury" that has been defined in case law and or jury instructions as follows: "An injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

District AWIK – Cases where the victim has suffered serious/critical injury but is expected to survive those injuries.

Homicide AWIK - Cases where the victim has suffered serious/critical injury and is not expected to survive those injuries.

Criminal Investigations Division Watch Commander:

CID Watch Commander will respond to all AWIKS and report the incident and the victim's condition within the CID Watch Commanders report. [REDACTED]

Initial Responsibilities for District AWIKS:

The initial investigation begins once the first officer arrives on the scene. The responding district detective shall assume responsibility for the investigation upon their arrival. All on duty district detective officials shall respond to all AWIKS that occur within their districts.



Information Center (CIC). All notifications should be made through the CIC for accountability. Do not call homicide directly or call a homicide detective on his or her cell phone in an attempt to make a notification.


All on duty district detectives should respond and assist in the investigation in their district.

If it is determined that the district detective unit will handle the case, the district detective shall complete an initial write up and make notification to the next of kin. At the bottom of the WACIIS report, the district detective shall document the homicide detective or official who was notified along with the date and time of the notification.

Next of Kin Notification:

General Guidelines for Notification Procedures

A: Before Notification

- Obtain as much information about the victim as possible: what happened, when did it happen, where did it happen, how did it happen, and what is the source of positive identification, if available. Be absolutely certain of the identity of the victim. The person making the actual notification should take the lead in the discussion. 
- The person making the actual notification should tell the family simply and directly: "We have come to tell you some terrible news. Your son (use the victim's name) was wounded when a man opened fire on a bus as your son was going to work. I am so sorry." Do not build up to the idea of the injury. For most people, your appearance, demeanor, and the ritual involved will give them clues that something horrible has happened. Do not prolong natural anxiety. Do not use euphemisms even if they are culturally based. Leave no room for doubt or false hope.
- Be prepared to present confirming evidence in a clear and convincing fashion in the face of denial. Answer all question tactfully but directly.
- Focus on immediate needs of families. If families want, help them to notify others. Help them to explore options over the next few days as they deal with the practical aspects of the injury. Do not be judgmental about their reactions or thoughts.



B: When the notification is done by telephone:

- When possible, arrange for someone to be with the family member when he or she receives the call.
- Do not breach family members' confidentiality.
- For very close relatives who are in a different jurisdiction, it is best to enlist their local law enforcement agency to make the notification, while you offer to provide the details by telephone.
- When you are the detective making telephone notification you may want to say, "I am calling to inform you that a medical emergency involving your son (use victim's name) has occurred. Will you please sit down while I explain what happened."
- If no other adult is present when the notification is made, ask for permission to call a neighbor, friend, or emergency service officer to come and stay at the home with the family member.
- Follow the general guideline for personal notification with regard to questions, being judgmental, and looking to the near future.

All efforts made to locate the next-of-kin shall be carefully documented on a PD 854 (Running Resume).

Follow up for District Detective:

The district official as well as the lead detective should ensure that investigative reports are completed in WACIIS and placed in the case jacket before the conclusion of the tour of duty.

The case will remain with the initial district detective for follow-up and investigation until the case is re-assigned by the district Investigative Review Officer (IRO) or the District Investigative Official reassigns the case to another detective. The transfer of the case to another detective will be documented in WACIIS and will include the date and time of the transfer.

All case reviews will be conducted as established in Division Memorandum 2008/04 dated September 15, 2008.

District Detective Lieutenants shall familiarize themselves with every AWIK occurring in their districts and shall ensure the investigation has been properly followed up and assigned appropriately.

Initial Responsibilities for Homicide AWIKS:

District detectives shall remain on the scene until the arrival of homicide units and shall not leave unless relieved by a detective official or the lead homicide detective. All notes and pertinent information shall be turned over prior to leaving.

The homicide official on the scene shall determine whether homicide will assume responsibility for an AWIK case. This decision shall be based on the victim's prognosis. If it is determined that an AWIK investigation is to be handled by the Homicide Branch, then the deciding official will notify the district detective, district detective official and the CID Watch Commander that the case will be handled by the Homicide Branch. This notification will be included in the initial WACIIS report.

If a homicide detective is notified or becomes aware of an AWIK case for any reason or by any source, the homicide detective must relay the information to a homicide official.

An on duty homicide detective shall respond to the scene and obtain all pertinent documentation from the district detective.

The homicide detective shall ensure that all investigative efforts are documented in WACIIS.

Once homicide assumes responsibility for an AWIK investigation, the homicide detective will investigate this case in accordance with the Homicide Standard Operation Procedures. As well as Next of Kin Notifications.

All on duty homicide detectives should respond and assist in the investigation if the Homicide Branch will investigate the AWIK case.

Follow up for Homicide AWIKS:

An on duty homicide detective official shall respond to all AWIKS where the condition of the victim appears to be grave.

The homicide official as well as the lead detective should ensure that investigative reports are completed in WACIIS and placed in the case jacket before the conclusion of the tour of duty.

All case reviews will be conducted as established in Division Memorandum 2008/04 dated September 15, 2008 and once homicide assumes responsibility for an AWIK investigation, the homicide detective will investigate this case in accordance with the Homicide Standard Operation Procedures.

Case Transfer:

The condition of the victim will determine how long the Homicide Branch maintains responsibility for the case. At any point, if the victim's status is upgraded then the case may be turned over to the district detective unit. The homicide official in charge of the case shall transfer the case to the district when the victim's condition improves to a point where death appears unlikely.

If it is determined the case should be forwarded to the district detective units the Homicide Branch Lieutenant shall contact the District Investigative Branch Lieutenant to arrange transfer of the case jacket.

If a District AWIK case victim condition deteriorates to the point, where death is likely or imminent then the on duty district detective shall notify the CID Watch Commander and the ranking Homicide Branch official of the change of condition. Again, this notification will be made through the CIC.

An on duty homicide branch official shall verify the information, the victim's condition and assume responsibility for the case. District Investigative Branch Commander will ensure that the full case jacket has been transferred and will verify the transfer with the Homicide Branch Commander as soon as possible.

Prior to the transfer(s) between branches, a full resume shall be entered in WACIIS detailing all investigative efforts. The date and time of the transfer of the case will be included in the WACIIS report.

All AWIK cases shall be transferred with a transmittal and signed for by an official of the receiving element.