

# THURMONT POLICE DEPARTMENT

<b>GENERAL ORDER</b>	<i>Date Issued:</i> December 22, 2008	<i>Effective Date:</i> December 22, 2008	<i>Order No:</i> Chapter 28
<i>Authority: Chief of Police</i> <i>Gregory L. Eyer</i>		<i>Manual Page No:</i>	
<i>Subject: CRIMINAL INVESTIGATIONS</i>		<i>Replaces Page No:</i>	
<i>Accreditation Standard:</i> Chapter 42	<i>Distribution:</i> <b>ALL</b>	<i>Amends:</i>	<i>Number of Pages:</i> 20
<i>Related Documents:</i>		<i>Rescinds:</i>	

This Directive is for internal use only, and other than as contraindicated here this Directive does not create or enlarge this Department's, governmental entity's, any of this Department's officers, and/or any other entities' civil, criminal, and/or other accountability in any way. This Directive is not to be construed as the creation of a standard of safety or care in any sense, with respect to any complaint, demand for settlement, or any other form of grievance, litigation, and/or other action. Deviations from this Directive, if substantiated, can only form the basis for intra-Departmental administrative action(s) (including discipline and/or termination).

## I. PURPOSE:

The purpose of the order is to outline the investigative operation of the Thurmont Police Department in order to provide efficient and effective criminal investigations.

## II. POLICY:

It shall be the policy of the Thurmont Police Department to thoroughly investigate all violations of state and local law that occur within its jurisdiction, as well as other administrative inquiries as assigned, such investigation requires a systematic approval to ensure that all possible investigative leads are pursued to the fullest.

## III. PROCEDURE:

### A. Criminal Investigation Function: 24 Hour Availability

1. In any police organization, including the Thurmont Police Department, the investigative function is a significant and integral part of the investigation of crime. It is the function of the Thurmont Police Department to complete follow-up investigations of crimes that are committed within the corporate limits of Thurmont. Officers will investigate crimes as they are assigned.

2. The investigative process consists of “preliminary investigation” and the “follow-up” investigation. The structure of the Thurmont Police Department does not allow for an investigative section, therefore, patrol officers will be responsible for preliminary and follow-up investigations.

**B. Information Development**

1. Information Development - The most likely method of developing information is to identify and interview witnesses and victims and obtain information from a confidential source or informant so that additional witnesses or sources of information may be identified. Other sources of information that also may be beneficial to the outcome of the investigation include:
  - a. previous reports relative to the incident or subject involved,
  - b. arrest records,
  - c. field interview reports,
  - d. arrest photographs,
  - e. fingerprints,
  - f. Motor Vehicle Administrative records,
  - g. MILES/NCIC Criminal History records,
  - h. Parole and Probation records,
  - i. Real Estate records
  - j. Local, state, and federal records,
  - k. Post office records,
  - l. Utility company records,
  - m. Telephone company records,
  - n. Bank and credit agency records,
  - o. Insurance company records,

- p. Union and professional associations records,
- q. Employment records, marriage records, birth records, death records, and
- r. Family, friends, and neighbors.

C. Criminal Case Management

1. Case Screening – All case reports will be forwarded to the Supervisor for review. The Supervisor will review the reports and will make a determination as to which reports will be assigned for further investigation to an officer.
2. Case Assignment – When a case is assigned to an officer, the supervisor will maintain a case assignment record. Such record will include, but not be limited to:
  - a. Case Number
  - b. Incident Classification
  - c. Officer assigned
  - d. Date assigned
  - e. Due dates for supplemental reports
  - f. Disposition date and case status
3. Upon assignment of a case, the assigned officer will be considered the case coordinator for that particular investigation.
4. Victim Notification – Upon receiving an assigned case, the officer will initiate a second contact with the principals of the case within forth-eight (48) hours.
5. Case Disposition – All cases will be classified by the Supervisor as one of the following dispositions:
  - a. **Open** – Criminal cases being investigated by office personnel will be considered as “open” cases.
  - b. Criminal cases that are not currently assigned or have been assigned and the

investigation concluded will carry one of the following dispositions:

- i. **Suspended** – Indicates all available leads have been exhausted, but the case has not been brought to a satisfactory conclusion and investigative efforts may be resumed.
- ii. **Arrest** – A person has been arrested and charged with the crime or a summons has been served. This includes juveniles who are released to their parents when a juvenile arrest form or referral is completed.
- iii. **Unfounded** – Incident is false or baseless. An offense did not occur or was not attempted.
- iv. **Cleared** – A warrant or summons is issued for the incident but has not been served.
- v. **Exceptionally Cleared** – An incident is exceptionally cleared if all enumerated questions can be answered affirmatively:
  - **Has the investigation definitely established the identity of the offender?**
  - **Is there some reason outside law enforcement control that precludes arresting, charging, and prosecuting the offender? (No prosecution requested by complainant, death of suspect.)**
  - **Is the exact location of the offender known?**

6. Upon completion of an investigation, the officer will assign the case a final disposition. The investigative file will be forwarded to the Supervisor for review and final approval.
7. Should the Supervisor concur with the disposition, such disposition shall be entered. If the Supervisor is not in concurrence, the case will be returned to the officer for further follow-up.

#### D. Suspending Investigative Efforts

1. The suspension of investigative efforts by the assigned officer must be approved by a supervisor.
2. Criteria to be considered when suspending investigative efforts will include:

- a. Absence of further leads or solvability factors.
- b. Unavailability of investigative resources,
- c. Victim fails to cooperate after making the initial report, and
- d. The degree of seriousness of the offense.

E. Solvability Factors

1. Leads exist in an investigation that may lead toward the identification of a suspect or the seizure of evidence, are considered to be solvability factors. Solvability factors include:
  - a. Witnesses to the crime
  - b. Informant information
  - c. Physical evidence
  - d. Surveillance video/photography
  - e. Indicative modus operandi
  - f. The identity of accomplices
  - g. Neighborhood canvass
  - h. Suspect name and identification
  - i. Vehicle information

F. Informing Crime Victims/Complainants of Case Status

1. All persons who file a criminal complaint with the Department will be notified of the status of their complaint.
2. Investigating officers will keep victims/complainants appraised of the status of their case when a follow-up investigation is conducted. The contacts will be documented in a supplemental report.
3. Officers assigned a follow-up investigation will make every effort to contact the victim/complainant within forty-eight (48) hours. Anytime there is a change in

the status of the case, the officer will contact the victim/complainant within forty-eight (48) hours of the change.

4. Prior to the case being returned to the file, the investigating officers will make a final contact with the victim/complainant and advise them of the final disposition of the case.

#### G. Preliminary Investigations

1. The preliminary investigation is directly concerned with the arrest of perpetrators at, or fleeing from the scene, and with initial crime scene processing and recording of information. It is conducted at the time that the crime is reported and includes activities at the scene, as well as other locations that are directly linked to the crime.
2. Preliminary investigations shall be conducted by a uniformed officer. Exceptions to this may be made if it is advantageous to have a plain-clothes officer respond and conduct the investigation. Such exceptions may be made by a supervisor.
3. The supervisor shall be responsible for the supervision of the preliminary investigation until such investigation is completed.
4. The preliminary investigation includes, but is not limited to, the following tasks:
  - a. Proceed to the scene safely and quickly
  - b. Render aid to the injured
  - c. Protect the crime scene to ensure that evidence is not lost or contaminated
  - d. Observe and record all conditions, events, and remarks pertinent to the incident
  - e. Determine if an offense has actually been committed and if so, the exact nature of the offense
  - f. Determine the identity of the suspect (s) and effecting an arrest if this can be accomplished at the scene through immediate pursuit
  - g. Furnishing other field units through communication, descriptions, method and direction of flight, and other relevant information concerning suspected

persons or vehicles

- h. Obtaining complete identification of all witnesses
- i. Obtaining any relevant information from the victim and witnesses
- j. Determining in detail the exact circumstances of the offense
- k. Arranging for the preservation and collection of evidence at the scene, including the processing of evidence available
- l. Obtaining written statements from victims and witnesses and from suspects if such statements can be obtained legally
- m. Accurately and completely record all pertinent information on prescribed reports and turning in all reports prior to the end of the officer's tour of duty.

#### H. Follow-Up Investigations

- 1. Investigative efforts that are conducted after the at-scene investigation has been completed are considered to be part of the follow-up investigation. It is a continuation of the preliminary investigation and occurs under any of the following conditions:
  - a. When additional evidence or information is required to identify and apprehend the perpetrator and these investigative efforts occur after the at-scene investigation has been completed; or
  - b. When complexities of the case require the use of specialized personnel
- 2. The following steps are recommended in conjunction with the follow-up investigation:
  - a. Review and analyze of all previous reports prepared during the preliminary phase
  - b. Conduct additional interviews and interrogations
  - c. Review departmental records
  - d. Seek additional information from officers, additional interviews, informants,
  - e. Review results from laboratory examinations,

- f. Arrange for dissemination of information as appropriate
- g. Plan, organize, conduct searches, and collect further physical evidence
- h. Determine and conduct appropriate surveillance, interrogation, or identification processes
- i. Prepare case for court presentation
- j. Identify and apprehend suspects
- k. Coordinate tasks when the investigation extends beyond jurisdictional boundaries
- l. Determine the involvement of suspects in other crimes
- m. Conduct suspects criminal history
- n. Conduct neighborhood canvass
- o. Make a second contact or further contact with persons involved in the case

I. Use of Specialized Personnel

- 1. The officer investigating a given incident, with the supervisory overview, is ultimately responsible for the outcome of that investigation. Supervisory personnel are responsible for monitoring the activities of each investigation and assuring that when indicated, a specialist, e.g. crime scene technician, etc. is summonsed to assist. Investigating officers will remain aware of the potential value of evidence or other information, and should determine whether their own training, skills, knowledge, experience, and time available is sufficient to collect such evidence or information effectively and efficiently. Decisions should be based on the seriousness of the crime and whether functions require special handling. Functions which may require special handling include, but are not limited to:
  - a. Collection of certain fragile evidence
  - b. Sketching or photographing the crime scene or other areas
  - c. Subsequent investigations away from the crime scene area; and

- d. Interviews and interrogations.
- 2. If it is determined that the facts and circumstances warrant the use of specialists, it is the responsibility of the investigating officer to maintain the crime scene pending the arrival of the specialized personnel. Prompt requests for assistance should be made so as to allow the investigation to proceed in a timely manner.
- 3. Specialists may be of many types, including the following:
  - a. Uniformed personnel with expertise in selected fields
  - b. Canine assistance
  - c. Detective assistance
  - d. Crime scene unit assistance, or
  - e. Personnel from other county/city departments

J. Supplemental Reports

- 1. Investigating Officer
  - a. When cases are assigned to an officer, the initial supplemental report will be due no more than ten (10) calendar days from the date in which the case was assigned, and each subsequent report will be due no more than ten (10) calendar days from the date that the previous supplemental report(s) were submitted.
  - b. During investigations requiring the obtaining of information that normally takes several months to obtain, (i.e. Medical Examiners Report, subpoenaed information, toxicology reports, States Attorney review, or Grand Jury scheduling), the ten (10) day rule will be waived as long as the officer indicates the delay in the prior supplement. The reviewing supervisor will classify this report with a disposition code of REPORT DELAY (RD).

K. Activity Report

- 1. The Deputy Chief of Police will submit a monthly report outlining crime analysis and officer's open and closed case status to the Chief of Police.

L. Criminal Case Report Periodic Review

1. The Supervisor shall periodically evaluate the status of all active cases to determine whether or not investigative efforts should be suspended. Criteria to be used in the suspension of active cases included, but are not limited to:
  - a. Amount of resources expended in the course of the investigation
  - b. The severity of the crime
  - c. The impact on the community
  - d. The elapsed time from the date of the occurrence
  - e. The availability of pertinent evidence

M. Investigative Files

1. General investigative files should be retained by the individual officer and the supervisor.
2. Access to the investigative file shall be limited to:
  - a. Chief of Police
  - b. Deputy Chief of Police
  - c. Supervisor
  - d. Records Personnel
  - e. Need to basis
3. Upon completion of the investigation and approval from the Supervisor, the original investigator file, supplements, and all pertinent reports shall be forwarded to Central Records for inclusion in the master file.

N. Habitual/Serious Offenders

1. Efforts will be made to identify and assist in prosecuting habitual/serious offenders. The following career criminal profile criteria will be used by the Thurmont Police Department when screening cases with known suspects.
2. Career Criminal Profile Criteria:

- a. The Career Criminal Profile Criteria applies to any felony offender who within five (5) years has incurred two (2) felony convictions and currently is under investigation for a third felony
  - b. It is applicable to someone charged with a target crime and who, within the past five (5) years has incurred a prior conviction for a target crime. Target crimes will consist of the following Part 1 offenses as defined on the Federal Bureau of Investigation Uniform Crime Report: Murder, Forcible Rape, Robbery, Burglary, Assault, and Motor Vehicle Theft.
3. The Supervisor assigned to review and classify cases will:
- a. Identify all suspects who meet the criteria set forth in the section
  - b. Upon identification of such suspects, notification will be made to the investigation officer and the States Attorney's office for proper case preparation.

O. Review of Mishandled or Dismissed Cases

1. At the Department's request, the States Attorney's Office shall forward a letter of explanation for all cases that they decline to prosecute or cause to be dismissed as a result of alleged department mishandling.
2. Upon receipt, the officer and supervisor will be advised so that any shortcomings or errors will be avoided in the future.
3. No Thurmont Police Department employee will seek Nolle Prosequi or STET of any criminal or traffic case by State Attorneys Office, without submitting a detailed report outlining the reason for the request to the Chief of Police. If the Chief of Police agrees with the stated reasons for the request, written correspondence will be forwarded to the States Attorney requesting dismissal and possible filing of corrected or additional charges.

P. Interview and Interrogation – The ability to obtain comprehensive, accurate information from victims, witnesses and suspects is also crucial to the outcome of the investigative process. Proper preparation is essential, as is proper listening and analysis of the information provided. A proper setting is also essential, particularly when conducting an interrogation of a suspect. Elements to be considered regarding interviews with specific groups include:

1. Victim/Witness Interview

- a. Trauma or stress which the victim or witness has experiences
- b. The location of the interview,
- c. The age and physical limitations of the victim or witness, and
- d. The victim or witnesses ability to actually observe what they report.

2. Suspect Interview

- a. Prepare Advice and Waiver of Constitutional Warning,
- b. Detail recording of information provided by suspect,
- c. Repeated covering of information to identify inconsistencies,
- d. Follow-up investigation into information provided, and
- e. Utilization of polygraph examination.

Q. Collection, Presentation, and Use of Physical Evidence

1. Evidence will be properly packaged, labeled, secured, and documented for chain of custody, as outlined in Chapter 5.
2. Unless disruption is necessary to assist the injured or to affect an arrest, the actual crime scene must remain intact until completion of an examination for evidence. All unauthorized personnel, including law enforcement not assigned to the case, must be barred from the scene.

R. Background Investigation

1. Conducting a background investigation on the suspect is beneficial to the outcome of the investigation. Other “as – of – yet” unidentified suspects may be developed through a background investigation. This is especially true when conducting white collar, drugs, vice, and other organized crime investigations, and investigations involving gang members.
2. Sources of information that should be queried when conducting background investigations include, but are not limited to:

- a. Departmental records,
  - b. Federal and state records,
  - c. Allied agency records,
  - d. LexisNexis, internet or other private databases, and
  - e. Government licenses.
3. Because much of the information may be confidential, discretion in seeking and disseminating the information is essential and is to be restricted to the purpose of the investigation.
  4. Information obtained in a criminal background investigation will be released by the Supervisor.
  5. Pertinent criminal information will be maintained with the Department and secured in an investigative file.

S. Surveillance

1. Certain investigations when analyzed may indicate the existence of a pattern of the probability that the same person(s) may be involved. When a pattern is identified, the apprehension of suspects through surveillance and subsequent interviews may result in a suspect being linked to previously committed crimes. Surveillance operations will be conducted with supervisory approval in an effort to apprehend suspects in the act of committing others currently under investigation.
2. Surveillance operations shall be well planned prior to implementation. Guidelines for planning operations shall include:
  - a. Crimes and victims will be analyzed by the investigators to determine the nature and scope of personnel, and the equipment and activities required to safely and effectively conduct the operation.
  - b. Probable offenders and their habits, associates, methods of operation, or any other pertinent information, which will affect the aim of the surveillance and potential prosecution, will be identified and analyzed.
  - c. Officers involved in the surveillance operations will be familiar with the neighborhood or target area.

- d. Operational procedures will be determined for observation, arrests, and “tails” to ensure the certainty between the planning and the conduct of the surveillance operation.
- e. Means for routine and emergency communication will be established.
- f. Officers involved in the operation are to be relieved so surveillance may continue over an extended period of time, if needed.
- g. Prior to the operation, the States Attorney Office shall be contacted to determine the legal ramification of the surveillance.

T. Use of Informants

**Informants:** A person acting at the direction of specific officers with or without expectations of compensation, who furnishes information of crimes.

**Defendant Informant :** A person who has or is subject to arrest for some criminal activity and provides assistance in criminal investigations with expectations of prosecution consideration or some other form of compensation.

**Source of Information:** (Concerned Citizen) A person who, without expectation of compensation, assists the police by providing information relevant to a criminal investigation.

**Controlling Officer:** The member who is actively working with an informant and who has completed an informant file.

- 1. Upon acquiring an informant, the officer making such contact will notify the Supervisor. The officers will document his/her informant contact in the master informant file. Informant files will contain:
  - a. Biographical information
  - b. Photograph (except juveniles)
  - c. Status report
  - d. Criminal history record (except NCIC/MILES printouts)
  - e. Locating data

- f. Any correspondence relative to the informant
- g. Confidential Informant Number (CI #)
- 2. The Deputy Chief of Police is responsible for the maintenance of the informant files.
- 3. Security of Informant File
  - a. Informant file will be kept in a locked file cabinet within the Deputy Chief of Police's office.
  - b. Informant files are subject to inspection only by the Supervisor, Deputy Chief of Police, and the Chief of Police.
  - c. Informant files shall consist of a file with only the Confidential Informant Number (CI#) visible on the front portion of the binder. The Confidential Informant Number will be assigned by the Deputy Chief of Police, and shall be the next sequential number available.
- 4. Requirements and Duties in Establishing an Informant File and Protecting Identity
  - a. When an officer wishes to establish an informant file, the officer will obtain the next open number available from the logbook. This Informant Control Number will be used on all reports concerning the informant in order to protect the informant's identity.
  - b. A photograph (except Juvenile) shall be obtained prior to actual use of the informant.
  - c. It is the policy of the Department not to pay informants for their assistance.
  - d. Informant reliability must be established prior to use. Therefore, a check will be made by the officer to determine the following about the informant:
    - i. Verify the reliability established by another law enforcement agency that used the informant
    - ii. Verify the reliability established by another member of the Thurmont Police Department.
    - iii. Corroborate information provided by the informant through independent

means

- iv. Is the informant currently under indictment or out on bond? If on bond, the arresting officer shall be contacted for additional information concerning the suitability of the arrestee as an informant
- v. Is the informant on probation or parole? Permission from a parole or probation official is desirable if the informant is in this category.

5. Shared Information System

- a. Informants are to be considered as informants for the Thurmont Police Department and not as personal informants for the controlling member. It is important for members to share information received from informants in order to maximize their value to the Department.
- b. All direct contact with the informant will be through the controlling officer, except as authorized by the controlling officer or, in emergencies, by the supervisor.

6. Informant/Other Relationship

- a. Informant's knowledge of Department operations, facilities, and personnel shall be kept to a minimum.
- b. Controlling officers are to debrief informants on their knowledge of all serious crimes, and not just those within the controlling officer's job assignment. Any information received is to be forwarded as expeditiously as possible to those with investigative responsibility.
- c. Members will maintain a proper attitude with informants. Precautions must be taken at all times to guard against allegations of misconduct
- d. When possible, it is recommended that two (2) officers conduct an informant related activity, even if one officer is merely conducting a surveillance of the activity.
- e. Members must never engage in or encourage any criminal activity in order to maintain a relationship with an informant.
- f. Informants must not be allowed to control the course of the investigation. The controlling officer will ensure that an informant is operating within the law

and does not make decisions on how an investigation is conducted.

7. Documenting Informant Activity

- a. All information from, or activities conducted by an informant, is to be documented in an office report.
- b. Any information or activity will be noted chronologically in the informant's file. The notation will include whether it was information, a controlled buy, an introduction, etc. and
  - i. Date
  - ii. Related offense number
  - iii. Intelligence number
  - iv. Controlling officer
- c. Any information or activity concerning any informant that shows a liability to the officer, informant, or either, or tends to detract from officers, or when an informant is found to be otherwise unreliable and, in the opinion of the officer, should not be utilized further as an informant, the informant's use will be terminated and will be "censured".
- d. The officer will submit a report to the Deputy Chief of Police stating the reasons why an informant should be censured.
- e. Upon approval of the Deputy Chief of Police, the informant's CI number appearing on the binder will be labeled in red – CENSURED – and dated.

8. Juveniles as Informants

- a. Persons under the age of eighteen (18) years shall be used as informants only with the written consent of a parent or guardian, and concurrence with the Deputy Chief of Police.
- b. The parent or guardian shall be kept fully informed as to the use of the juvenile informant. Officers will diligently strive to protect a juvenile informant from physical or emotional harm, and shall not allow the juvenile to be placed in possible danger without the parent or guardian's full written permission and knowledge.

9. Informant's of the Opposite Sex

- a. Special precautions must be taken with informants of the opposite sex.
- b. Any time a meeting with the informant is made, two (2) officers will be present for the meeting.

10. Constitutional Requirements

- a. In order to protect the constitutional rights to persons involved in criminal investigations, the following guidelines will be adhered to:
  - i. Officers will not coerce or obtain involuntary confession from persons suspected of criminal involvement.
  - ii. Prior to interrogating a suspect, whenever he/she is in custody or is otherwise deprived of his/her freedom, and officer must first advise the suspect of his/her constitutional rights as required by the U. S. Supreme Court decision of *Miranda vs. Arizona* (1966). Officers must inform the suspect of his/her rights to prompt presentation before a District Court Commissioner, if the suspect is under arrest or is likely to be placed under arrest reference their interrogation.
  - iii. The definition of a custodial interrogation can be a confusing concept. Therefore, whenever there is doubt about a custodial interrogation, the suspect shall be advised of his/her constitutional rights.
- b. When "Miranda" Warnings are not necessary:
  - i. Before questioning a person who is merely a witness to a crime or who may know something about a crime but is not a suspect.
  - ii. Before questioning a suspect who has not been deprived of their freedom in any significant way and realizes they are free to terminate the interview at any time.
  - iii. Before questioning a motorist stopped for a routine traffic offense.
  - iv. Before asking questions reasonably motivated by concern for public safety.
  - v. Without express questioning, or its functional equivalent, there is no "interrogation" within the meaning of *Miranda*, even though the suspect

may be in custody.

- c. Right to Counsel – Once a suspect has expressed a desire to exercise the right to counsel, he/she shall not be interrogated until the suspect has obtained counsel or a court appointed attorney.

#### 11. Use of Investigative Task Forces

- a. Criminals and their associates rarely recognize jurisdictional boundaries. Law enforcement officer, on the other hand, must constantly be aware of their jurisdiction, authority, and venue. Because crimes can be committed by one group in many jurisdictions, the investigation can be better handled through joint agency investigation organized into a task force. These investigative task forces reduce duplication of effort and serve to pool resources as well as productivity. Investigative task forces will be used when it is determined that the solution of crimes and apprehension of criminals would be better accomplished with their assistance.
- b. The ultimate responsibility for conducting task force operations lies with the initiating agency, with other participating agencies acting in a supporting role.
- c. Although task force numbers will be working under direct supervision from the initiating agency, they will keep their immediate supervisor informed of their activities, and are still bound by the rules and regulations the Thurmont Police Department.
- d. Resources available for one in such operations include manpower, equipment, money, and time, as permitted. The commitment of resources shall not affect the delivery of service to the citizens of Thurmont, Maryland. Resources will be obtained only by the Deputy Chief of Police and/or the Chief of Police.
- e. A time schedule will be established when appropriate. An evaluation at the end of a specified period will be conducted to determine if objectives have been met. The results will be evaluated in order to determine if the operation should be continued.

**ATTACHMENTS :**

**DOCUMENT DATES :**

*Amended Date:*

*Review Date:*

*Review Date:*

*Review Date:*

*Rescinds:*

*Order Written By: Chief Gregory L. Eyer*

*Order Edited and Approved By: Chief Gregory L. Eyer*

*Accreditation Standards Included in this Order*

*CHAPTER 42 Selection*