

Bowie Police Department - General Orders



	TITLE: CRIMINAL INVESTIGATIONS SECTION	NUMBER: 414
	EFFECTIVE DATE: 2/3/17	REVIEW DATE:
	<input type="checkbox"/> NEW <input checked="" type="checkbox"/> AMENDS <input type="checkbox"/> RESCINDS	DATE: 12/21/12
AUTHORITY Chief John K. Nesky	ACCREDITATIONS STANDARDS 42.1.1 42.1.2 42.1.3 42.1.5 42.2.2 42.2.3 42.2.4 42.2.5 42.2.6 42.2.7 42.2.8	TOTAL PAGES 12

I. POLICY

It is the policy of the Bowie Police Department to provide administrative and operational programs that will result in efficient and effective criminal investigations. The following procedures do not direct investigative functions in each specific crime area, however they address those elements common to a specialized investigative component to the Police Department. This policy specifically addresses the Criminal Investigations Section.

II. CASE ASSIGNMENT

The Investigative Services Division Commander or his/her designee is responsible for reviewing reports and assigning an initial disposition. Incident Reports assigned to the Criminal Investigations Section (CIS) are then forwarded to the CIS Sergeant/Supervisor for assignment.

III. PROCEDURES

A. Organization and Administration: CIS is comprised of the Evidence Unit and Detectives that investigate criminal offenses, apprehend offenders, recover stolen property, and seek prosecution. Activities designed to fulfill this responsibilities include but are not limited to:

1. Obtaining offense reports and conducting further investigations on those that fulfill the prerequisites of a Case Management Program. (CALEA 42.1.4)
2. The seizure and recording of evidence at major crime scenes.
3. Comparison of evidence to records maintained by this or another law enforcement agency.
4. Screening all felony cases with the proper prosecutorial entity for case readiness.

B. Investigative Services Commander Responsibilities: the Investigative Services Division Commander shall be responsible for the overall management and supervision of the Criminal Investigations Section.

C. CIS Sergeant responsibilities:

1. The immediate supervisor of investigators assigned to CIS. (CALEA 11.2.2)
2. Utilize a Case Management System to assign and monitor cases. (CALEA 42.1.3.a)
3. Ensure that equipment assigned to CIS is maintained in good operational condition and that all investigators have the skills to properly use the equipment.
4. Coordinate meetings with CIS and other area investigators when necessary, to aid in the apprehension of offenders.
5. Coordinate and work directly with the DRT Supervisor in the identification, location, surveillance and apprehension of criminal offenders
6. Facilitate continuing education and training to keep investigators up to date with current investigative techniques.
7. Ensure disposition on the following types of crimes ; all listed crimes may or may not be the responsibility of Bowie CIS Investigators, but an allied agency:
 - a. Homicides;
 - b. Sex crimes;
 - c. Child neglect, abuse, or molestations;
 - d. Serious child abuse crimes;
 - e. First degree assaults;
 - f. Robbery;
 - g. Extortion;
 - h. Kidnapping;
 - i. Suicides or any death investigation where foul play is suspected or is industrial related;
 - j. Major fraud schemes;
 - k. Organized crime;
 - l. Missing persons cases;

(1) Adult; and,

(2) Juvenile.

m. Criminal investigations involving any Departmental shooting occurring City of Bowie; and,

n. Criminal investigations regarding all in custody deaths involving a City of Bowie Officer.

D. Investigator Responsibilities: Investigators are those officers assigned to CIS for the purpose of investigating criminal offenses, apprehending offenders, recovering stolen property, and seeking prosecution. Sworn positions in CIS functions are the same as those used in the patrol function relative to rank and salary. (CALEA 42.2.5.a & b) CIS Investigators shall be responsible for:

1. Investigating assigned cases to the fullest extent possible;
2. Filing supplement reports which reflect case activity, case terminations, arrests made, and value of property recovered;
3. Complying with the Case Management system in retaining cases for investigation and due dates on documents; and,
4. Working directly with DRT in the identification, location, surveillance and apprehension of criminal offenders.

E. Crime Scene Management:

1. It shall be the responsibility of the first uniformed officer on the scene of a crime or collision to take the necessary precautions to preserve the scene and potential items of evidence. (CALEA 42.1.4)

a. The first officer on the scene shall be in charge of the scene until the arrival of any on-duty officer of supervisory status, at which time the supervisor will automatically assume control of the scene.

b. It is the responsibility of the officer in charge of the scene to notify a supervisor either personally or through Communications.

c. If the first officer on the scene is an officer of supervisory status, he/she shall be in charge of the scene until the arrival of a higher ranking supervisor.

2. In cases involving serious criminal offenses (death, serious bodily injury, substantial loss of goods or property, or other crime of serious impact), the highest ranking on-duty uniformed patrol supervisor, as soon as possible, shall respond to the scene and assume management responsibilities. An after hours call-out list shall be maintained in the Bowie Police Call Center to ensure twenty- four (24) hour investigative capabilities. The following call-out procedures shall be used by the supervisor in charge of the scene: (CALEA 41.2.4) (CALEA 42.1.1)

a. Investigator Call-Out: It shall be the determination of the supervisor as to whether an investigator is needed at the scene. If an investigator is needed, the supervisor shall:

- (1) During normal business hours, contact CIS and request an investigator at the scene.
- (2) If needed, request the CIS Sergeant to respond to the scene.
- (3) Contact and request the presence of the designated Public Information Officer (PIO) at the scene, if needed.
- (4) After normal working hours, the Shift Supervisor shall direct the Bowie Call Center Unit, who maintains a current call-out list, to contact the on-call investigator.

b. Supervisory Authority at Crime Scenes: The highest ranking officer at the scene shall be responsible for the scene until relieved of that responsibility by a higher ranking officer or a member of CIS.

3. Deaths: Patrol personnel will normally investigate all deaths classified as natural, non-trauma related, where a doctor is able to sign the death certificate. All others that do not meet these criteria will be referred to PGPD Homicide Division. All death investigative reports that are not classified as homicides will be titled "Death Investigation."

a. Natural Death: When the subject died of natural causes and the attending physician is qualified and willing to sign the death certificate, an incident report will be completed explaining the circumstances and will include the name and telephone number of the physician and the funeral home or mortuary.

b. When the next of kin is not available or has no preference as to a funeral home or mortuary, officers will contact the Medical Examiner's Office to advise them of the location of the deceased. The officer will record in his/her incident report the location the deceased was taken.

c. If identification of the deceased cannot be confirmed, officers will contact CIS for assistance.

d. When officers arrive at a natural, non-trauma death, and there is no doctor to sign the death certificate, the Office of the Chief Medical Examiner (OCME) will be contacted and an OCME investigator shall be requested. The patrol officer assigned to conduct the death investigation will be required to provide the following information when calling the OCME:

- (1) Decedent's name;
- (2) Address of occurrence;
- (3) Time of dispatch; and,
- (4) Incident number.

e. Officers will complete an incident report, listing the OCME investigator's name, which will be forwarded to CIS. OCME investigators will complete all other required paperwork and conduct all follow-up investigation of any case of human death, excluding natural cause where a physician will sign the Death Certificate, or traffic related deaths.

F. CIS Sergeant Notifications: The CIS Sergeant will be notified, as soon as practical by the on-duty supervisor of the following investigations: (CALEA 41.2.4)

1. In any case that the patrol supervisor feels the notification to the CIS Sergeant would be appropriate.
2. The CIS Sergeant will be the liaison with PGPD who will be the lead investigators for all homicides and departmental shootings.

G. Preliminary Investigations: Patrol officers will normally be the first to respond to an incident. The primary function is to conduct a preliminary investigation by gathering field information relative to the incident. Under normal circumstances, it will be the responsibility of the patrol officer to conduct the preliminary investigation while CIS, DRT or the Traffic Unit shall conduct follow-up investigation, if needed. (CALEA 42.1.4) In many instances the preliminary investigation may be sufficient to bring the case to conclusion, negating the need for a follow-up investigation. When a follow-up investigation is needed, it can be accomplished when a complete and thorough preliminary investigation was concluded. The steps in conducting a preliminary investigation shall include:

1. Observing all conditions, events and remarks at the scene and accurately documenting this through the use of acceptable photography and crime scene diagrams; (CALEA 42.2.2.a)
2. Locating and identifying witnesses; (CALEA 42.2.2.b)
3. Preserving the crime scene and protecting evidence; (CALEA 42.2.2.c)
4. Interviewing the complainant and all witnesses; (CALEA 42.2.2.d)
5. Interrogating suspects when applicable; (CALEA 42.2.2.d)
6. Arranging for the collection of evidence; (CALEA 42.2.2.c)
7. Arresting persons; and,
8. Writing an accurate and full report of the incident.

H. Case Assignment and Reporting:

1. Cases assigned for follow-up investigation to CIS are assigned to personnel who have the knowledge and skills necessary for investigations. Assistance may be received from others. However, accountability remains with the assigned investigator. (CALEA 42.1.4)
2. The on-duty patrol supervisor, Patrol Division Commander or his/her designee assigned to report review or the CIS Sergeant may return a report to the originating officer, through the chain-of-command, for additional information, clarification, or reclassification as deemed necessary.
3. The CIS Sergeant or his/her designee will assign cases to the appropriate investigators that are assigned to work out of CIS. The CIS Sergeant will be responsible for checking and monitoring all supplemental reports and review of assigned cases with detectives working for their respective Units on follow-up investigations.

4. Traffic related cases that are criminal in nature or require follow-up will be forwarded to the Traffic Unit.

5. Determining Follow-Up: (CALEA 42.1.2)

a. All cases will receive follow-up investigation regardless of solvability factors.

b. Standard solvability factors will be taken into account by the Division Commander when determining if a case should be suspended. These factors include, but are not limited to:

i. Is the suspect named?

ii. Can the suspect be identified?

iii. Is there a detailed description of the suspect?

iv. Is there significant physical evidence?

v. Are other suspects named, identified or described in detail?

vi. If a vehicle is involved, is there a license number or detailed description?

vii. Does the crime fit an established modus operandi or method of operation?

viii. Were deadly weapons displayed or used?

ix. To what extent was the victim physically harmed?

x. What similarity is there to recently reported crime?

xi. Will the victim be able to identify the suspect?

xii. Was traceable evidence taken?

xiii. Are there witnesses?

xiv. Can a composite sketch of the suspect(s) be prepared?

6. Those cases that are assigned for follow-up to investigators working out of CIS will be worked until all available leads have been exhausted. (CALEA 42.1.2)

a. When there are no further leads available or no further progress can be made on an assigned case, the assigned investigator working on the case will exhaust all leads before recommending suspension of a case. Final approval will be given by the Division Commander.

b. The investigating officer shall note in the supplement report that the complainant was notified and told that the case was being classified as suspended.

7. An active case file will be maintained for each investigation by the assigned investigator until such time that the case is suspended, cleared by arrest, unfounded or exceptionally cleared. Types of records to be maintained in the case file will include:

- a. A detailed case progress report, which will reflect a review of the case every thirty (30) working days by the investigator to determine the case status (i.e., the case is pending prosecution, awaiting lab results, or other information which indicates why the case is still under investigation).
- b. A copy of the incident report and all related supplements and reports.
- c. Any notes kept by the investigator until such time they are incorporated into a supplement. Such notes include record of statements, results of examination of physical evidence, and any other report or records needed for investigative purposes.
- d. Upon the conclusion of an investigation the final supplement will be forwarded by the investigator through the chain-of-command to the Investigative Services Division Commander who will determine a final case status.

8. Case Status: Cases shall be designated as: (CALEA 42.1.3.b) (CALEA 42.1.2)

- a. Active (open): Cases that have been assigned and are under current investigation.
- b. Suspended:
 - (1) Cases not assigned due to lack of solvability factors.
 - (2) Those that have had all viable leads exhausted without results.
- c. Unfounded (closed): The incident does meet the elements of a criminal offense or did not occur in the City of Bowie.
- d. Cleared by Arrest (closed): Cases which terminate in the arrest of an individual and charges filed.
- e. Exceptionally Cleared (closed): Cases where the involved party(s) have been identified, there is sufficient information to support an arrest and charges, but circumstances outside the officer's realm of control prohibit an arrest. Examples include but are not limited to:
 - (1) The offender is dead;
 - (2) Victim declines prosecution;
 - (3) Prosecution is declined by the prosecutor; and/or,
 - (4) The incident exceeds the statute of limitations.

9. When a case is classified as exceptionally cleared or unfounded, the appropriate investigator shall complete a release for all impounded property. The appropriate form will be forwarded to the Evidence or Property Custodian to allow for the expedient removal of the evidence/property from the evidence/property room.

10. A master case log will be maintained by the CIS Sergeant where all assigned cases will be entered, annotating the detective assigned to conduct the follow-up investigation, the date assigned, and the case number. When a case has been completed, the CIS Sergeant will note the date and disposition in the log. The Master Case Log may be accessed by CIS personnel with permission from the CIS Sergeant. (CALEA 42.1.3.a, c & d)

I. Follow-up Investigations

1. It should be the intent of any officer assigned a case for follow-up to thoroughly and completely investigate the case and clear it from the records. The investigative procedures used will vary from case to case, depending on circumstances. However, certain basic procedures apply to all cases and if followed, will help ensure a systematic and complete investigation. The basic steps in conducting a follow-up investigation are as follows:

a. Review and analyze all previous reports prepared in the preliminary investigation, if applicable, and relative to the investigation; (CALEA 42.2.3.a)

(1) Information Development: Read and analyze all reports prepared in the preliminary investigation. If statements were made or taken, review these for completeness, consistent facts and other possible witnesses to contact.

(2) Review Departmental and other records available on the victims, witnesses, or suspects. If available, review previous reports involving these persons. Check intelligence files for information on persons or vehicles. Check with other surrounding law enforcement agencies on suspect information. (CALEA 42.2.3.a)

b. Conduct interviews and interrogations. (CALEA 42.2.3.b)

c. Arrange for dissemination of information, as appropriate.

d. Plan, organize, and conduct searches. (CALEA 42.3.d)

e. Prepare case for court presentation. (CALEA 42.3.h)

f. Assist in prosecution. (CALEA 42.2.3.h)

g. Identify and apprehend suspects through the use of photo line-ups, review of security video tapes, interviews, follow-up investigation and other methods. (CALEA 42.2.3.e)

h. Collect physical evidence. (CALEA 42.2.3.d)

(1) Evidence that was obtained during the initial investigation as well as any lab results should be reviewed by the investigator to conduct follow-up. All procedures for the taking of custody and handling of evidence shall be adhered to and the evidence shall be returned to the Property/Evidence Custodian for safe keeping after the review.

(2) Evidence that is discovered by the investigator shall be entered into the evidence room as quickly as possible following its discovery, in accordance with Departmental policy.

(a) If lab tests are necessary, the lab submission form(s) shall be completed and a copy retained with the original report.

(b) The form(s) shall be forwarded to the Property/Evidence Custodian, who shall cause the evidence and forms to be submitted to the appropriate lab(s).

(c) Results of the tests will be forwarded to the original case file, the officer investigating the case, and the prosecutor. (CALEA 42.2.3.a)

(3) Photo Line-ups: Photo line-ups become evidence when a witness identifies one of the photos (typically six (6) photos are used) as being the suspect. When photo line-ups are to be shown to victims or witnesses, a Bowie Police Department Photographic Array Viewing Form will be read prior to the person actually viewing the line-up. Refer to General Order 417.

i. Determine involvement of suspects in other crimes. (CALEA 42.2.3.f)

j. Check suspect's criminal history through the use of METERS, NCIC and other law enforcement automated records files. (CALEA 42.2.3.g)

k. Surveillance:

(1) Surveillance by detectives is a measure that is not usually taken due to restraints on staffing and time. The CIS Supervisor may request to deploy DRT or other sworn members for surveillance details.

(2) If used, all surveillance techniques shall be conducted in a lawful manner. These include the following:

(a) The officer must be in a place they have a lawful right to be;

(b) Any equipment or personnel used for such tasks must be approved through the CIS Sergeant; and,

(c) All incidents observed shall be fully documented on the appropriate Departmental form(s).

1. Determine if additional information can be obtained from officers, informants, etc. (CALEA 42.2.3.c)

2. Investigators assigned cases for follow-up investigation shall contact the complainant and notify them of such within three (3) working days of assignment. (CALEA 42.2.3)

a. Contact with the complainant should be made as often as necessary to develop new information and keep the complainant informed of the status and progress of the investigation.

b. Victims shall be contacted upon completion of their case and advised of the following:

(1) If the case has been cleared by criminal summons, the victim will be advised of future contact from the State's Attorney's Office. If a physical arrest is made of the primary suspect, the investigator shall advise the victim by telephone, if possible, of who was arrested, what the charge is and arrest disposition. The investigator shall provide the victim with the prosecutor's office telephone number so the victim can make an inquiry if he/she elects to do so.

(2) If the case has been cleared by any means other than by summons, arrest or indictment, the investigator shall advise the victim of this and the reason for the clearance of the case.

3. The use of technical aids for the detection of deception, such as the Computer Voice Stress Analyzer or Polygraph Exam, shall be administered in compliance with the CIS SOP.

4. Investigative Task Forces: Specialized investigative task forces may be created to address particular crime problems. (CALEA 42.2.7.a)

a. An investigative task force shall be created, or participated in, upon the approval of the Chief of Police. (CALEA 42.2.7.c)

b. Upon creation of a task force, the Investigative Services Division Commander shall:

(1) Designate the person assigned to the task force. This individual may be an officer from an allied agency (i.e., Drug Task Force Officer is under the supervision of the Maryland State Police). The responsibilities of this person shall include, but are not limited to: (CALEA 42.2.b)

(a) Properly and effectively supervising those individuals assigned to his/her command.

(b) Ensuring that the goals and objectives of the task force are being met.

(c) Ensuring that the task force members are properly trained and instructed in the purpose of the task force.

(d) Ensuring that the task force members are provided with the equipment necessary to properly conduct their work.

(2) Identify the objectives of the task force. (CALEA 42.2.7.a)

(3) Identify resources available to the task force. (CALEA 42.2.7.d)

(4) Establish accountability for each position/task. (CALEA 42.2.7.c)

(5) Written agreements, established as a result of a cooperative effort with an allied agency(s), shall include, but are not limited to, the following information: (CALEA 42.2.7.b)

(a) Purpose of agreement;

(b) Reimbursement procedures, if necessary;

(c) Indemnification;

(d) Termination of agreement;

(e) Record keeping;

- (f) Fees;
- (g) Jurisdiction; and,
- (h) Effective date and duration.

(6) The task force supervisor shall provide status reports, on a routine basis as designated by the Investigative Services Division Commander.

(7) The Investigative Services Division Commander shall routinely evaluate the results and continued need of the task force. (CALEA 42.2.7.e)

5. Habitual Offenders:

a. Habitual offenders are individuals involved in criminal activity with a high rate of recidivism. The following criteria should be used to determine if an individual is a habitual offender: (CALEA 42.1.5.a)

1. Current activity or participation in criminal events, either as a defendant or accomplice;
2. History or record of substance abuse;
3. Current status: probation or parole;
4. Felony record within the past ten years;
5. Age at which juvenile record began;
6. Informant of other criminal activity;
7. Criminal involvement against family members; and,
8. Prior arrest record.

b. Investigators using the above criteria should identify cases where a suspected habitual criminal is suspected to be involved and note this information on a follow-up report. (CALEA 42.1.5.b)

c. Investigators who have identified a case with a habitual offender shall notify the appropriate prosecutor in a concentrated post-arrest case enhancement effort. The coordination of the Department and the appropriate prosecutor working as a team will help ensure appropriate follow-up and corrective action within the justice system. (CALEA 42.1.5.c)

6. Officer Involved Shooting Investigations: All officer involved shooting investigations shall be handled by PGPD or another allied agency.

7. Joint CIS/Patrol Roll-Call: (CALEA 42.2.6)

- a. Joint Roll-Call for CIS and Patrol personnel will provide for a greater exchange of information.
- b. These Roll-Call trainings will be conducted on an as-needed basis during the course of each year.

8. Purging of Files: (CALEA 42.2.6)

- a. Investigators will maintain closed files in the CIS office for a minimum of two (2) years.
- b. Two (2) years after the completion of a case, (suspension, conclusion of the final defendant's trial, etc.), the assigned investigator will archive his/her case file within CIS.