

# Criminal Organizations

## 421.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the St. Mary's County Sheriff's Office appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

### 421.1.1 DEFINITIONS

Definitions related to this policy include:

**Criminal intelligence** - Criminal Intelligence is raw data and information about criminal activity which is collected, processed and shared, relating to specific crimes or criminal activities of an individual or group. Criminal activity includes but is not limited to: organized crime, vice/narcotics, criminal organizations, terrorism and civil disorders such as protests and demonstrations. Criminal intelligence will not include information concerning a subject's political or religious preferences, associations or opinions, or a subject's sexual preference.

**Criminal intelligence system** - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

**Criminal Organization** – an enterprise whose members (1) individually or collectively engage in a pattern of organized crime activity; (2) have as one of their primary objectives or activities the commission of one or more underlying crimes, including acts by juveniles that would be underlying crimes if committed by adults; and (3) have in common an overt or covert organizational or command structure (Maryland Criminal Law § 9-801 - Criminal Organizations).

**Member of Criminal Organization** – an individual who has met the established validation criteria and has been officially validated by the procedures set forth below.

## 421.2 POLICY

The St. Mary's County Sheriff's Office recognizes that certain criminal activities, including but not limited to criminal organization(s) crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this office to collect and share relevant information while respecting the privacy and legal rights of the public.

## 421.3 CRIMINAL INTELLIGENCE SYSTEMS

No office member may create, submit to or obtain information from a closed-source intelligence (CSINT) system unless the Sheriff has approved the system for office use.

Any criminal intelligence system approved for office use should meet or exceed the standards of 28 CFR 23.20.

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A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for office use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

### 421.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this office, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any supporting documentation for an entry shall be retained by the Records Section in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

### 421.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the office-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

For procedures related to Temporary Information File, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Security and Procedures for Handling Reports](#)

### 421.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible office supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Section or Property Unit, but should be copies of, or references to, retained documents, such

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as copies of reports, field interview (FI) forms, Emergency Communications Center records or booking forms.

- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

### 421.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

### 421.5 INFORMATION RECOGNITION

Office members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.
- (e) Information received through phone tips, answering machine and live calls.
- (f) When a member of the SMCSO receives information related to, or has contact with, a Criminal Organization or a member will complete a SMCSO Report of Criminal Intelligence Form #348 or a related Case Report. This information will be forwarded to their direct supervisor, the Criminal Intelligence Unit supervisor, and the SMIC.

Office supervisors who utilize an authorized criminal intelligence system should work with the Training Coordinator to train members to identify information that may be particularly relevant for inclusion.

For procedures related to Information Recognition, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Criminal Intelligence Management](#)

### 421.6 RELEASE OF INFORMATION

Office members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

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Information from a temporary information file may only be furnished to office members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

### **421.7 CRIMINAL ORGANIZATIONS**

The Criminal Intelligence/Vice Narcotics Unit Assistant Commander should ensure that there are an appropriate number of office members who can:

- (a) Testify as experts on matters related to criminal organizations and maintain an above average familiarity with identification of criminal organizations, criminal organization members, and patterns of organized crime activity (Md. Code CR § 9-801 et seq.).
- (b) Coordinate with other agencies in the region regarding criminal organization-related crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street organization related crimes.

### **421.8 TRAINING**

The Criminal Intelligence/Vice Narcotics Unit Assistant Commander, or designee, will provide annual training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multiagency criminal intelligence system.
- (c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

The Training Coordinator will ensure that all employees receive annual training in the collection, processing and sharing of intelligence information related to Homeland Security.

### **421.9 SOUTHERN MARYLAND INFORMATION CENTER (SMIC) LIAISON OFFICER**

It is the mission of the Southern Maryland Information Center (SMIC) to collect, evaluate, and disseminate information on known or suspected criminal violators, groups or organizations for analytical exploitation. This is done in order to provide Calvert, Charles and St. Mary's counties with timely information regarding matters directly or indirectly affecting the present or future security

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and welfare of the region. Areas of priority for attention by the unit include criminal enterprises, Criminal Organizations, multi-jurisdictional crimes, threats to government officials, and specific investigations as directed by the governing board of directors.

#### 421.9.1 AUTHORITY

- (a) SMIC is governed by an advisory board as established in a Memorandum of Understanding.
- (b) Standard Operating Procedures for SMIC and the officers assigned thereto are determined by SMIC and are enumerated in a separate document. [See attachment: SMIC Standard Operating Procedures](#)

#### 421.9.2 POSITION

- (a) The St. Mary's County Sheriff's Office has a minimum of one (1) sworn deputy assigned full-time to SMIC. This deputy serves as the primary intelligence officer for the agency and is responsible for the regular flow of information between SMIC and the SMCSO.
- (b) This position in no way eliminates employee responsibilities to properly report any intelligence information received to the appropriate unit and through appropriate format as specified in policy.

#### 421.9.3 RESPONSIBILITIES AND REPORTING

- (a) This function is to effectively facilitate the timely exchange of information with SMIC member agencies and others they reach out to, in order to support criminal investigations, operational decision making, and to promote officer safety. In this regard, the SMIC officer also has the following responsibilities:
- (b) The SMIC Officer will conduct an annual review of self-originated case files, within SMIC, for inaccurate or outdated information. SMIC files found to contain inaccurate or outdated information will be deleted. This review will be conducted on or before July 1st of each year and will be documented in memo form through the chain of command to the Sheriff.
- (c) The SMIC Officer will have the primary responsibility to complete the validation process for Criminal Organizations and their members. MSP form 247 will be utilized to document the validation process. Once approved by the Criminal Intelligence Unit supervisor, the SMIC officer will enter those validations into the Tyler Gang Module and maintain any physical case files within the SMIC.

#### **421.10 VICE/NARCOTIC CAPTAIN RESPONSIBILITIES**

- (a) The Division Commander will stay abreast of all ongoing or projected investigations being conducted within the section through regular meetings with the supervisors. The Division Commander will evaluate the information provided during these meetings which will be forwarded to the Sheriff or Assistant Sheriff by way of periodic briefings. The information provided will include, but not limited to:
  - 1. The identity of individual(s) who are subject of an investigation;

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2. The pending arrest of any public official or law enforcement employee;
3. Long-term investigations requiring additional resources;
4. Significant search and seizure warrants; and,
5. Potential newsworthy events which may attract major media attention.
6. It is essential the Sheriff or Assistant Sheriff be frequently and completely advised of all information related to the conduct of special operations.
7. The Division Commander submits a monthly activity report to the Sheriff every 30 days reporting the extent of vice and narcotics conditions in the county. At a minimum, the report will contain the following:
  - (a) Total arrests (by Vice/Narcotics and Patrol);
  - (b) Total indictments;
  - (c) New cases initiated (by Vice/Narcotics and Patrol);
  - (d) Status of Vice/Narcotics;
  - (e) Value of CDS seized, listed by type;
  - (f) Assets seized;
  - (g) Weapons seized; and,
  - (h) Search and seizure warrants issued and served.

For procedures related to Vice/Narcotics Division, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Vice/Narcotics Operations](#)

## Attachments

## **SMIC Standard Operating Procedures.pdf**

## **Southern Maryland Information Center Task Force (SMIC)**

**SUBJECT:** Standard Operating Procedures

1. **Purpose:** To establish written procedures for the daily operation of the Southern Maryland Information Center Task Force (SMIC).
2. **Applicability:** This Document applies to all personnel assigned to the SMIC Task Force.

3. **SMIC Mission:**

It is the mission of the Southern Maryland Information Center (SMIC) to collect, evaluate, and disseminate information on known or suspected criminal violators, groups or organizations for analytical exploitation. This is done in order to provide Calvert, Charles, and St. Mary's Counties with timely information regarding matters directly or indirectly affecting the present or future security and welfare of the Southern Maryland Region. Areas of priority for the SMIC Task Force include criminal enterprises, gangs, multi-jurisdictional crimes, threats to Government Officials, and specific investigations as directed by the Board of Directors.

4. **Operational Concept:**

The Southern Maryland Information Center will maintain an awareness of all specified and defined criminal activities occurring within its jurisdictional boundaries. Crimes meeting the established criteria will be analyzed by SMIC civilian crime analysts and sworn intelligence officers. Information having value will be provided to participating agencies in the form of tactical, operational, and strategic intelligence. Such intelligence will include the identification of crime patterns, crime locations and the identification of suspect-related intelligence. Additionally, the SMIC Task Force may engage in investigations arising from such analysis or assist with active investigations by member agencies to further the intelligence gathering process. These crimes are defined as follows:

- A. Any crime with a gang nexus;
- B. All robberies, including strong armed robberies;
- C. All property destruction crimes involving the application or discovery of graffiti;
- D. Any threat towards a government official;
- E. All commercial and residential burglaries;
- F. Any theft involving the taking of a firearm;

- G. Homicide;
- H. All non-domestic assaults;
- I. All suspicious activity/people/vehicle reports;
- J. All crimes classified as motivated by race, religion, or ethnicity (RRE);
- K. All crimes of a repetitive nature regardless of type, i.e. copper, scrap metal and catalytic converter thefts.

To accomplish this, the SMIC Task Force will utilize assigned investigators from member agencies, which include the Calvert County Sheriff's Office, the Charles County Sheriff's Office, the St. Mary's County Sheriff's Office, and the Maryland State Police. Each member agency will assign at least one full time sworn officer to the task force. Civilian Analysts will be employed and housed at the SMIC for crime analysis and publication management. The employing agency of the civilian analyst will be determined by the SMIC Board of Directors. SMIC records will be maintained by an Intelligence Technician who is also employed by a member agency to be determined by the Board of Directors. The Board of Directors will also, through majority vote, identify an employee holding a supervisory rank to serve as the SMIC Task Force Supervisor.

## **5. Key Personnel Responsibilities:**

### **A. Task Force Supervisor:**

The SMIC Supervisor must hold a supervisory rank in their respective agency and possess reasonable experience in the area of criminal investigations and/or intelligence gathering. He/She has primary responsibility over the administration and daily operations of the Task Force and serves as liaison between the member agencies. He/She is the primary supervisor for all Task Force Personnel and may delegate functions as necessary. The SMIC Supervisor's duties and responsibilities include, but are not limited to:

1. Serve as the point of contact for commanders of participating agencies requesting assistance from the SMIC.
2. Produce monthly and annual SMIC activity summaries, which will be disseminated to the SMIC Board of Directors.
3. Prepare and maintain a work and leave schedule for all personnel assigned to the SMIC, which includes a 24/7 on-call investigators list.
4. Maintain and administer the units working fund and ledger.

5. Oversee unit operations, to include
  - a. Maintenance of SMIC intelligence files;
  - b. Proper case management;
  - c. Building maintenance/security; and
  - d. Both inter and intra agency communications
6. Coordinate intelligence information with member agencies.
7. Attend and when appropriate coordinate local meetings.
8. Coordinate investigative and operational concerns with allied agencies and other government entities including the State's Attorneys Office.
9. Supervise and evaluate assigned personnel.
10. Perform case assignment, review, and tracking.
11. Provide investigative assessments and recommendations.
12. Manage, review, document, and approve case expenditures.
13. Review and approve all intelligence reports, intelligence bulletins, and threat element entries generated by assigned personnel.
14. Handle other tasks as assigned by the Board of Directors.
15. Maintain responsibility for the storage and assignment of SMIC equipment and its proper inventory.
  - a. At least annually, in the month of January, the supervisor will conduct an audit of all items under SMIC inventory and control. This inventory will be presented to the Board with a list of updated equipment for review. He/She shall report any shortages or discrepancies to the SMIC Board of Directors.
  - b. The supervisor will utilize the SMIC Equipment Sign-out Log for capital equipment that is borrowed.
  - c. Upon a change in Supervision, all capital equipment will be physically inventoried by the existing SMIC Supervisor and

his/her replacement. They shall report any shortages or discrepancies to the SMIC Board of Directors.

16. The Task Force Supervisor will serve as the secretary to the Board of Directors during all regular and special meetings. This responsibility includes:
  - a. Keeping a record of attendance at all meetings;
  - b. Keeping minutes of each meeting;
  - c. Maintaining a permanent file of all important papers;
  - d. Notifying all members of the time and place of meetings;
  - e. And perform such other duties as may be assigned by the Board.

**B. Sworn Intelligence Detectives:**

Detectives assigned to the SMIC must possess reasonable experience in the area of criminal investigations and/or intelligence gathering. Investigators will be required to:

1. Process data submitted by sources, i.e. member agencies, other police agencies, citizens, and confidential sources
2. Analyze, validate and investigate data
3. Submit conclusions in the form of written intelligence reports
4. Conduct covert investigations
5. Maintain an on-call status

**C. Crime Analyst:**

Analysts assigned to the SMIC will analyze known criminal activity and criminal actions occurring within the Southern Maryland area (Calvert, Charles and St. Mary's Counties). Analytical functions and responsibilities include but are not limited to:

1. Providing direct case support to ongoing investigations
2. Analyzing the above enumerated investigative reports to identify crime patterns and trends that are occurring within the region

3. Providing case support to intelligence investigators

**D. Intelligence Technician:**

Intelligence Technicians will provide technical and administrative support to all personnel assigned to the SMIC. The functions and responsibilities of this position include but are not limited to:

1. Assisting Intelligence Detectives in gathering and disseminating information to other law enforcement agencies through various reports to include resumes, bulletins, and electronic notification systems
2. Ensure maintenance of all intelligence files
3. Review all FIR/FOR's submitted by member agencies and document data on a spread sheet
4. Maintain a Threat Element database to ensure that the proper purge and validation dates are met, as per CFR 28 part 23 guidelines

**6. General Organization:**

To establish the direction and focus of the SMIC, the Board of Directors will maintain oversight and control of all operations and provide guidance to the Task Force Supervisor. The members of the Board of Directors shall be made up of the chief law enforcement executive for each member agency, or their designee.

Task Force personnel will be supervised by the Task Force Supervisor. He/She will have direct responsibility for the daily management of the task force and its personnel. The personnel in the task force will be drawn from the member agencies, and each representative will answer directly to the Task Force Supervisor. The Task Force Supervisor will also serve as a "liaison officer" to each task force member's respective agency.

The normal working hours for personnel assigned to the SMIC shall be 0900 hours to 1700 hours, weekdays. However, all personnel shall recognize the need for flexibility in working hours and special assignments. It shall be understood by all personnel that working hours will change as necessary to accomplish the SMIC's mission.

Whenever the need for an Intelligence Detective is required by a member agency and one cannot be contacted at the SMIC office the Task Force Supervisor will be contacted. When a request for assistance is received, the Task Force Supervisor will evaluate the request to determine if it is necessary for a SMIC Intelligence Detective to respond. No intelligence or criminal investigation utilizing SMIC

resources will be initiated or conducted without the approval of the Task Force Supervisor.

## **7. Assignment of Cases:**

The purpose of this policy is to establish uniform procedures for the orderly assignment and tracking of intelligence, criminal, and crime analysis cases.

The Task Force Supervisor will be responsible for the assignment of all SMIC cases. No intelligence or criminal investigation will be initiated or conducted without the approval of the Task Force Supervisor. Any member of the Task Force receiving information regarding a request for intelligence/criminal investigations or crime analysis will immediately forward the request to the Task Force Supervisor. He/She will immediately log the case in the case ledger and assign it to the appropriate SMIC personnel for investigation or analysis. Prior to assigning an investigation, the Task Force Supervisor shall take into consideration the jurisdiction where the investigation will occur, the current workload of personnel, staff availability, and staff expertise.

All initial reports will be submitted prior to the expiration of a ten-day period. Supplemental reports will be filed every thirty days thereafter until the case has been officially closed. If the need for a criminal investigation arises from a SMIC intelligence investigation the representatives of the member agencies in that jurisdiction will be notified and the criminal investigation/enforcement will be deferred to that agency. If the member agencies in that jurisdiction cannot accommodate the criminal investigation at that time, and pursuit of the criminal investigation would further the intelligence gathering process, SMIC Detectives may assume the responsibility of the criminal investigation. A case number separate from the SMIC intelligence investigation will be opened through the member agency and all criminal reports will be submitted through that agency as per their agency rules and regulations.

## **8. Security:**

The purpose of this policy is to establish and maintain the needed level of security of SMIC offices, files, equipment and supplies.

It will be the policy of the SMIC that no unauthorized individuals will be granted access to the office space without the approval of the task force supervisor. Only personnel assigned to the SMIC will be given an electronic key card to the Southern Maryland Electric Cooperative (SMECO) building or a key to the SMIC office. The office door will remain locked at all times when SMIC personnel are not present in the office.

All visitors and non-uniformed members of member agencies will display identification. Maintenance personnel will be accompanied by and continually

observed when performing their duties within SMIC office space. It shall be the responsibility of the SMIC personnel who admits the maintenance worker(s) into the office to provide for the needed observation.

SMIC personnel will keep sensitive case files off their desktops and out of view when they are away from their desk or when persons not authorized to that information are present in the office. Personnel will shred all sensitive paperwork using a paper shredder before it is disposed of in an office trash can. They will keep all files, property, equipment, and supplies in their respective storage areas. Personnel must also keep their own work space in a neat and orderly condition to guard against accidental loss of evidence or intelligence.

## **9. Use/Security of Files and Reports:**

The purpose of this policy is to establish procedures for the security and use of SMIC files, reports, and documents and the receipt of information from those files.

### **A. General**

The operation of SMIC files, reports, documents and memoranda must conform to Title 28 Code of Federal Regulations (CFR), Part 23 as they relate to Criminal Intelligence Systems Operating Policies. Before information is stored in SMIC files or databases a reasonable suspicion that a person is, or will be, involved in criminal activity must be present. Information concerning a person's business, political, social, religious, or fraternal associations will not be included in the file, unless that association is believed to be criminal in nature.

### **B. File Access**

All information stored within SMIC files will be maintained as controlled access files. Only those law enforcement officers with a right and need to know the information will have access to these files. Right to know is defined as: any law enforcement agency in the lawful pursuit of a criminal investigation. Need to know is defined as: any law enforcement agency in the lawful pursuit of a criminal investigation, in preparing an assessment of criminal activity, or in developing any analytical product pertaining to strategic or tactical analysis for the furtherance of a criminal or intelligence investigation.

The intelligence files of the SMIC Task Force, to include those of Organized Crime, and Confidential Informant files, will be exempt from mandatory public disclosure as well as expungement rules and procedures. Any information disseminated from SMIC files to outside law enforcement agencies will be documented on a SMIC case dissemination log. It will be the responsibility of the individual who disseminated the information to

record it. All entries must be placed into the dissemination log by the end of the disseminating individuals work shift.

### **C. Review and/or Purging of Files**

A review of SMIC files will be conducted by task force members on an annual basis. It will be the responsibility of the person/investigator who originated the case to accomplish this review. The task force supervisor will ensure that all reviews are conducted in a timely manner. If after any review it is determined that information contained in SMIC files is inaccurate or outdated it will be deleted. The maximum retention period for SMIC files is five (5) years. However, a shorter retention period may be established if it is determined to be necessary based on the strength of the information. The length of the retention period will be agreed on after a review of the case file between the case investigator and the task force supervisor. The start date of retention periods for all SMIC case files will begin when the investigation is completed. If new information related to a SMIC case is obtained prior to the expiration of the retention period an investigative supplement will be completed and a new retention period will begin. If no information is obtained prior to the expiration of the established retention period the case will be purged from all SMIC's files.

## **10. Surveillance and Covert Operations:**

The purpose of this policy is to establish procedures for SMIC personnel involved in covert operations.

### **A. Task Force Supervisor:**

The primary concern in all covert operations is officer safety. The Task Force Supervisor or his/her designee shall ensure that adequate manpower is deployed to handle the operation in such a manner that the safety of the officers is enhanced to the greatest degree possible, given the circumstances of the operation.

Covert team members who are in direct contact with targets of an operation will wear a body wire or will have prearranged signals with his backup officers. If it becomes necessary to make an arrest, backup units will be used. If prior to the operation it is known that an arrest is a possibility, backup units will have clothing available to identify themselves as police officers. No covert operation will be conducted without the prior approval of the Task Force Supervisor. If there is a significant chance that some action will occur as a result of the covert operation, the Task Force Supervisor or his/her designee will notify the member agencies of the area in which the action may occur.

## **B. Investigators:**

Investigators assigned to the SMIC may assume an undercover identity for operational and investigative purposes. This identity will be documented by an undercover Maryland driver's license, and will only be used for the purposes of a covert operation or investigation. Investigators with an identified need for a covert identity must obtain the ID through their agency as per that agency's established rules and regulations.

Prior to any investigation that may require covert contact with, or surveillance of a suspect(s), the investigator will notify the Task Force Supervisor. He/She will provide the Task Force Supervisor with all information concerning their surveillance/covert contact and the locations they plan to operate within. Investigators will ensure that they are familiar with the neighborhood or area in which they plan to operate.

## **C. Use of Drugs and Alcohol:**

The use of drugs by SMIC members is prohibited. However, no action will be taken against an officer who, if during the course of an investigation is forced by circumstances amounting to a threat of great harm or death, uses drugs to avoid that threat. An officer who is forced to use drugs will notify the Task Force Supervisor and the appropriate command personnel within his/her agency immediately after their departure from the incident causing the drug use. Once notification is made, the involved officer will follow the established rules and procedures of that officers employing agency.

The use of alcoholic beverages by members of the SMIC while on duty is prohibited, unless its use is necessary for the performance of the employee's duties. These situations would include, but are not limited to, covert investigations or covert operations. The approval for that employees use will be governed by the rules and regulations of that employees employing agency. When it is necessary for an employee to consume alcoholic beverages, and it has been approved by their employing agency, they will not do so to the extent that his/her ability to effectively perform their duties is impaired. Employees will not operate agency vehicles if they have consumed alcohol in sufficient amounts that would raise their blood alcohol level to that which would cause them to be legally in violation of Maryland's Transportation Article.

## **11. Confidential Informants:**

The purpose of this policy is to establish procedures for the signing up of and use of confidential informants to aid in SMIC investigations.

### **A. Definitions**

1. **Confidential Informant** – any individual expecting or requiring money and/or legal favor in exchange for information needed in an investigation.
2. **Source of Information** – any individual or organization who provides information without becoming a party to the investigation. When a source of information seeks financial compensation or becomes active in an investigation, their status changes to that of a confidential informant.

## **B. Documentation of Informants**

By the very nature of intelligence investigations, it is recognized that the use of confidential informants and confidential sources is essential. Whenever informants are incorporated into a SMIC investigation, a Confidential Informant History packet will be completed. Included in the packet will be:

1. Confidential Informant History Form
2. Photograph of the informants face
3. Full signatures as well as any assumed signature that might be used on any payment receipts
4. Copy of informant's criminal history and driving record
5. Confidential Informant Contact Forms for each subsequent contact, including but not limited to telephone contact; that will include:
  - a. a brief narrative detailing the circumstances of the contact and the amount of any fee paid to the informant.
  - b. signatures of the informant and two witnesses, for any fee paid. Informant payments will not be made without two witnesses, one of who must be a supervisor.
  - c. if the Confidential Informant is a juvenile a written parent/guardian approval letter with signatures witnessed by the investigator must be included.
  - d. a copy of any informant agreement prepared by the State's Attorney will be included in the file.

Upon submission of all required forms a confidential informant number will be assigned. The task force supervisor is responsible for the security and accessibility of the Confidential Informant Files. These files will be maintained in a separately locked cabinet with

access limited by the task force supervisor to the investigator for his/her informant files only. The task force supervisor will conduct a review of these files during the months of July and January to determine whether a working relationship with an informant will continue.

Persons arrested by an officer of an allied or member agency who come to the SMIC to offer assistance in return for consideration or a fee will be advised that the arresting agency will be notified of their desire to cooperate. In addition, the State's Attorney's Office having jurisdiction over the charges will be notified. The State's Attorney's Office will be the deciding authority concerning the individuals use as an informant. Individuals approved for use as an informant will be advised the following:

- a. They will not violate any criminal or motor vehicle laws in connection with the gathering of information, and any such violations may be investigated for prosecution
- b. They have no official status as a police officer, nor do they enjoy any immunity from criminal or civil prosecution
- c. There always exists the possibility that their identity and capacity may be divulged; however, this will be prevented whenever possible consistent with legal remedies
- d. Participation in an undercover operation will subject them to a search of their person and vehicle before and after the operation.

### **C. Termination of Informants**

Occasionally, the need to break off a relationship with a Confidential Informant/source will arise due to varying factors, such as:

1. Unreliability
2. Informant is arrested, becomes institutionalized for a mental disorder, compromises an investigator's identity, or for any reason warrants an updated evaluation.
3. Failure to follow guidelines as established in the confidential informant agreement.
4. Any other incident, circumstances, or information, which causes concern regarding the actions of the informant.

When any of the above factors arise, a review of the informant's status will be conducted by the task force supervisor and the investigator to determine if the continued use of the informant is appropriate. If it is determined that the informant will no longer be used, the circumstances of the termination will be documented on the Confidential Informant Contact Form by the contact investigator. Investigators will immediately contact the involved State's Attorney's Office to notify them of the termination of the informant and the possible effect on ongoing investigations.

## **12. Use and Management of SMIC Funds**

The purpose of this policy is to establish procedures for the use and management of funds contained in the SMIC budget.

The SMIC budget will be established in a manner and amount that is determined appropriate by the SMIC Board of Directors. The use of the funds contained in the budget will be in accordance with the guidelines established by the Board of Directors. The use of these funds includes but is not limited to:

- A. Equipment
- B. Supplies
- C. Training to include tuition, hotel and transportation fee's
- D. Confidential Informant Fee's
- E. Investigative Funds

The SMIC supervisor will maintain authority and responsibility for the maintenance, disbursement and reporting of all funds allotted to the SMIC budget. Any use of funds will be for an approved SMIC purpose only. The use of funds will be documented on a SMIC Expenditure form and in a running log book. Receipts, purchase orders, or any other documentation associated with a purchase or expenditure will be included with each Expenditure Form. In absence of the listed documentation, a memorandum to file will accompany the Expenditure Form. This documentation will be completed as soon as practical following each occurrence. In no case will documentation be delayed beyond seven (7) days of the expenditure.

Unless prior approval is obtained from the Board of Directors, the SMIC supervisor is restricted in the amount of money that he/she is permitted to use/pay. The spending threshold for the SMIC supervisor is \$500.00 or less per purchase. Any amount exceeding \$500.00 will require a majority approval from the Board of Directors. This approval can be obtained by phone, e-mail, or in person.

All funds and related records maintained by the SMIC will be inspected at least quarterly by the SMIC supervisor with an independent review conducted by a person appointed by the Board of Directors. Any discrepancies noted will be brought to the Boards attention for resolution.