Investigations Operations

609.1 PURPOSE AND SCOPE

The purpose of this policy is to establish standard operating procedures, accountability and acceptable performance levels for the Criminal Investigations Division (CID) commander, supervisors and detectives.

609.2 POLICY

It is the policy of the St. Mary's County Sheriff's Office to provide standard operating procedures to its members, as well as inform members of their accountability and acceptable performance levels.

609.3 RESPONSIBILITIES

609.3.1 CAPTAIN

(a) The Division Commander is responsible for the administration and operation of CID;

(b) The Division Commander will be kept informed as to crime trends and investigations being conducted by all units in the division;

(c) The Division Commander will approve the monthly duty schedule, ensuring staffing requirements are met. Further, the Division Commander will ensure there is 24 hour on-call coverage during hours in which detectives are not assigned;

(d) The Division Commander or designee will review and approve all non-emergency leave and all non-emergency overtime requests. Emergency leave and overtime can be granted by a supervisor. The Division Commander will be apprised of all surveillance and special assignment details. All surveillance and special assignment details must be approved by the Division Commander or designee;

(e) The Division Commander or designee will be the primary contact for call-out authorizations and requests for investigative assistance by other divisions. The Division Commander or designee will be available by telephone for these requests. When the Division Commander is unavailable, he/she will ensure the appropriate designee is made aware of the contact for call-out authorizations and requests for assistance;

(f) The Division Commander will prepare annual performance evaluations for the assistant Division Commander;

(g) The Division Commander, or his designee, will oversee the reporting, reconstruction and advanced investigation of serious and fatal traffic collisions;

(h) The Division Commander will approve monthly statistics and forward through the chain-of-command;

(i) Utilizing the monthly statistics, crime trends and other data, the Division Commander will make recommendations in reference to manpower and resource needs;

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1. The Division Commander or designee will hold regular meetings in order to disseminate material and information. The meeting will be prepared by the CID Administrative Coordinator;
2. The Division Commander will review training opportunities as they become available. With input from supervisors, the Division Commander will assign detectives to attend training that will enhance the detectives' competence in the investigation of assigned crimes;
3. To assist with requests often received from the Southern Maryland Criminal Justice Academy (SMCJA) and other agencies for assistance in teaching investigative techniques, the Division Commander will attempt to ensure each unit has at least one (1) supervisor or detective who is trained by Maryland Police and Correctional Training Commission (MPTSC) in Training for Trainers;
4. The Division Commander will have final approval for all investigative reports and supplements. At the discretion of the Division Commander, this authority may be delegated to the reviewing supervisor; and,
5. The Division Commander will ensure that all equipment and furnishings assigned to the division are properly maintained.

609.3.2 SUPERVISORS

(a) Supervisors will review all incoming reports pertaining to the unit's investigative responsibilities. By reviewing reported incidents, the supervisor will attempt to identify trends in crimes and similarities in modus operandi (MO). Supervisors will act on reported incidents accordingly, to include:
    1. Disseminating "information only" reports to detectives, as necessary;
    2. Assigning reports to detectives for investigation; and
    3. Returning reports to the originating officer for further follow-up/information or changing a disposition, if applicable.

(b) Supervisors will also review and approve all reports generated by detectives within the division to include:
    1. Original reports on incidents handled by detectives;
    2. Supplemental reports for incidents under investigation; and
    3. Case files of incidents under investigation or closed or suspended.

(c) Supervisors will look for proper case management; ensure all leads have been exhausted, proper investigative procedures followed and that cases closed with arrest are ready for prosecution.

(d) Emergency leave and overtime requests submitted by subordinates will be approved and monitored by the supervisor as appropriate.

(e) Supervisors will ensure adequate staffing when approving leave for subordinates to accommodate any approved special assignments.

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(f) Supervisors will review monthly statistics prepared by the CID and Vice/ Narcotics Administrative Coordinators. These documents will be used to compile monthly statistical reports.

(g) Supervisors will attend regularly scheduled meetings within the division to disseminate material and information, as needed.

(h) Supervisors will ensure employees receive specialized training in their field of investigation.

(i) Supervisors will be responsible for other duties as they may be specifically assigned by the Division Commander and may be required to assume the responsibilities of the Division Commander in his/her absence.

(j) Supervisors will ensure detectives assist uniformed patrol officers in obtaining search and seizure warrants.

609.3.3 DETECTIVES

(a) Detectives are responsible for staying abreast of current legal decisions and updates which have an effect on investigations (i.e., search and seizure procedures, criminal law updates, revisions, etc.).

(b) Detectives will fairly and impartially investigate all cases assigned.

(c) Detectives will notify their supervisor of any relevant training opportunities that arise.

(d) Detectives will assist other deputy sheriffs within the agency and outside agencies/ investigators with investigations.

(e) Detectives will participate in joint efforts and training with Forensic Nurse Examiners, Forensic Investigators, employees of the State's Attorney's Office (SAO), or Chief Medical Examiner's Office.

(f) Detectives will gather initial information, if not already gathered by patrol officers.

(g) Detectives will interview complainants, victims, witnesses, and suspects.

(h) Detectives will document, photograph and recover evidence if Crime Lab personnel are unavailable or not needed.

(i) Detectives will obtain subpoenas and releases for information pertinent to investigations from such sources as banks, hospitals, phone companies, and other government or private organizations.

(j) Detectives will cooperate with the State's Attorney's Office to prepare cases for court presentation and will be prepared to testify in any criminal matter as needed.

(k) Detectives will assist uniformed patrol officers in obtaining search and seizure warrants, if deemed necessary by a CID supervisor.

609.4 AVAILABILITY

An approved monthly "on-call" schedule will be distributed to all detectives and crime lab personnel. Detectives, supervisors, and crime lab technicians are required to be on-call on the days they are assigned each month. The on-call designee will keep an agency assigned

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cellular telephone with them and will notify the appropriate CID supervisor of any updated contact information for the on-call period. If called out to investigate a crime, the detective/crime lab technician will be appropriately dressed in accordance with SMCSO policy and will respond in a reasonable amount of time. The CID call-out schedule is located on the S Drive, in the folder titled "Call Out – On Call Information" and will contain the monthly on-call schedule and employee telephone roster for supervisors. After normal business hours, when an investigation warrants a detective and/or crime lab response, the duty officer will notify the on-call supervisor and review the case. The on-call supervisor will authorize the on-call detective/crime lab technician to be activated, along with any other employees needed to conduct the investigation.

609.5 RANK TITLES/SALARY SCHEDULE

Sworn officers assigned to positions in the CID are of the same rank titles and salary schedules as sworn officers assigned to other divisions within the Sheriff's Office. This policy will make it possible to transfer officers from another division to CID or vice versa without rank or salary barriers.

609.6 NEW DETECTIVES

New detectives assigned to CID will complete at minimum eight weeks of training with a senior detective(s). The tasks within the CID Detective Training Guide (Form 403) will be dated and initialed by a senior detective as the tasks are accomplished. Once training is completed the New Detective Training Guide will be signed by the CID chain of command and placed in the employee's personnel file.

609.7 CASE SCREENING SYSTEM

(a) When requesting CID to assume an investigation the assigned department in Tyler RMS will be changed to CID Request Ledger or NARCO/CIU Request Ledger. The associated report(s) will be reviewed by a CID supervisor to ascertain if further investigation is warranted. Upon CID review, the supervisor may decide to retain the case in CID for assignment to a detective or return the case to the original reporting officer for follow-up.

(b) All reports requested by the uniformed patrol deputy sheriffs to be returned for follow-up investigation will be returned to patrol for follow-up investigation unless the CID supervisor determines CID can more effectively handle the investigation.

(c) Cases retained by CID for investigation will be assigned by the reviewing supervisor. Upon assignment, the assigned department will be changed to either CID Detectives, Criminal Intelligence Unit Detectives, or Vice Narcotics Unit Detectives. The supervisor will then remove CID Request Ledger or NARCO/CIU Request Ledger as an assigned department. Cases will be assigned and/or retained by CID based on, but not limited to, the following criteria:

1. Solvability factors;
2. Known suspects;
3. Similar MOs;

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4. Severity/nature of the crime;
5. Related incidents;
6. Unusual circumstances such as out-of-state or county and the victim, suspect cannot be contacted; and
7. Any other cases deemed appropriate by the Division Commander.
8. CID supervisors will make every effort to assign cases for follow-up investigation based on the specific knowledge, skills, and ability of the investigator as it applies to the investigation in question, rather than by a "rotation" where case assignment is based solely on workloads.

(d) The absence of solvability factors as enumerated above will not preclude CID from investigating any case if deemed appropriate by the Division Commander. Certain serious crimes will always be investigated by CID regardless of any established guidelines.

(e) Each assigned case will be followed up on until such time an arrest is made, or all leads have been exhausted. The suspension of an investigation will be authorized by a supervisor only after further investigation is unwarranted. Circumstances to consider when suspending a case include:

1. Lack of viable leads;
2. Case severity;
3. Continuing similar incidents or MO's;
4. Type of case; and
5. Special circumstances.

(f) All final case status designations will be approved by the investigator's reviewing supervisor.

For policy related to Case Status and Disposition Control see the St. Mary's County Sheriff's Office LE Policy Manual: 600.6 CASE STATUS AND DISPOSITION CONTROL

609.7.1 COLD CASE INVESTIGATIONS

(a) The CID Commander will designate one (1) investigator as the "Cold Case Coordinator". It will be the responsibility of the Cold Case Coordinator to annually review agency records utilizing the Record Management System of the Tyler Program and any other available agency records to identify any cases of a serious nature, particularly crimes against persons, which have remained unsolved, have previously failed to result in criminal charges or administrative case closure, or a case in which all leads were previously exhausted.

(b) Any cases identified as such will be reviewed jointly by the Cold Case Coordinator and CID supervisor. Additionally, the supervisor and coordinator will confer with the SMCSO Crime Lab/Property Unit and take into consideration the existence/availability of any physical evidence in the case and any new technology available for the analysis of said evidence.

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(c) The reviewing CID supervisor will make the determination whether a cold case is going to be assigned to a detective for further investigation.

(d) The assigned lead investigator will review the cold case with the State's Attorney's Office (SAO) within fifteen (15) working days of the assignment of the investigation. Review may be completed during the screening process with the coordinator and CID supervisor.

(e) When a cold case has been assigned for further investigation, the case and subsequent actions involving the case will be tracked via Tyler RMS Activities. The assigned lead investigator will maintain a case file as he/she would with any other assigned case.

609.7.2 CASE FILE MANAGEMENT

(a) After reviewing any reports assigned for investigative follow-up, the assigned detective will review:

1. All reports and related documents (i.e., property held sheets, forensic exam requests, etc.);
2. Any computer-generated documents allowed by law;
3. Statements of suspects, accused, witnesses, etc.; and
4. Any arrest documents such as applications for charges or statement of charges.
5. Upon receipt of a case, the assigned detective will contact the victim as soon as feasible, but no later than five (5) working days via telephone, letter or in person notifying them of the assigned detective and contact information. This notification will be documented in a supplemental report. The supervisor will ensure this is completed if the assigned detective will not be available during the initial five (5) day period.

609.7.3 FOLLOW-UP INVESTIGATIONS

(a) The follow-up investigation is an extension of the preliminary investigation. The purpose of the follow-up is to provide for additional investigation to identify and arrest an offender and/or recover stolen property. In most cases, CID will be responsible for the follow-up of the enumerated offenses as described below.

1. Detective responsibilities during the follow-up investigation may include, but are not limited to:
    (a) Reviewing all information contained in the case file or preliminary investigative report concerning the offense;
    (b) Checking suspects' criminal histories;
    (c) Conducting surveillance; surveillance may be used in the investigation of criminal activity when it is necessary to observe suspects or conditions in an unobtrusive manner. Surveillance often generates new or additional information involving crimes under investigation, creates intelligence information, and often leads to firsthand observation of criminal activity. All surveillance activity shall be accomplished in a legal manner.

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(d) Identification and apprehension of the offender;

(e) Collection/preservation of additional evidence and arranging for the analysis and evaluation of the evidence;

(f) Recovery of stolen property;

(g) Conducting any additional interviews of victims and witnesses, as required;

(h) Conducting any additional interrogation of suspects, as required;

(i) Conducting background investigations;

(j) Seeking other information from law enforcement officers and confidential sources;

(k) Comparing MO's and property stolen to other reports, to determine if other crimes may have been committed by the same suspect; and

(l) Preparing cases for presentation in court.

2. After a review of all reports and agency records, the assigned detective will then immediately contact the complainant/victims/witnesses. Detectives will, when possible, attempt to schedule any interviews, line-ups, and other necessary appearances at the convenience of the complainant/victims/witnesses. As with all criminal investigations, the complainant/victims/witnesses will be interviewed before the suspect/ accused is interviewed, unless circumstances dictate otherwise. Upon contact with complainants/victims/witnesses, detectives will:

(a) Verify the information contained in the original report, if not initiated by the detective, and obtain any additional information;

(b) Determine if any additional evidence has been discovered since the initial report;

(c) Provide information about available victim/witness services.

(d) Provide advice about what to do if a suspect or suspect's companions or family threatens or intimidates him/her;

(e) Provide a case number and information about subsequent steps in the processing and prosecution of the case, including the complainants/ victims/witnesses role in the case;

(f) Provide contact information that can be used to report additional information about the case or to receive information about the status of the case; and

(g) Arrange for the prompt return of any property taken as evidence where permitted by law or rules of evidence.

609.7.4 INFORMATION DEVELOPMENT

(a) Detectives will review all reports distributed by the supervisor and continuously review reports, assignments, and other sources of information, to include:

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1. Reviewing and analyzing all previous reports prepared in the preliminary phase, agency records, and results of forensic examinations;
2. Unassigned or closed reports that affect the area the detective is assigned;
3. Other ongoing investigations;
4. Inactive investigative reports; and
5. Shift Briefs.

(b) Other potential witnesses or sources:

1. Other officers;
2. Neighbors;
3. Relatives;
4. Other law enforcement agencies; and
5. Confidential sources.
6. Information gathered from any of the above sources must be judged objectively, substantiated and documented as per agency policy.

609.8 INVESTIGATIVE RESOURCES

(a) Detectives assigned cases for follow-up investigation will know and understand the different types of investigative resources available. These resources include but are not limited to:

1. Crime Lab Unit: This unit can assist in gathering and processing evidence found at a crime scene.
2. Patrol Deputy Sheriff/Special Operations Deputy Sheriffs: Deputy Sheriffs assigned to these programs have a great deal of knowledge in reference to the "problem areas" in the county. The assistance of deputy sheriffs working these areas can be very valuable. Detectives will regularly keep deputy sheriffs working these assignments informed as to investigations affecting their areas of responsibility, attend roll call and pass on relevant information.
3. Allied Agencies: Detectives will maintain contacts with members of allied agencies who may assist with assigned investigations. Some of the agencies a detective may utilize include:
    (a) Other law enforcement agencies;
    (b) Maryland State Police Laboratory;
    (c) Federal Bureau of Investigation (FBI) Laboratory;
    (d) BODE DNA Laboratory;
    (e) State's Attorney's Office;
    (f) United States Postal Service;
    (g) Telecommunications companies;

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(h) Internet Service Providers (ISPs);

(i) Child Protective Services;

(j) Sexual Assault Forensic Examiners;

(k) Office of the Chief Medical Examiner's Officer/Forensic Investigators;

(l) Insurance fraud investigators;

(m) Drug Enforcement Agency;

(n) Bureau of Alcohol Tobacco, Firearms and Explosives (ATF);

(o) Naval Criminal Investigative Service (NCIS)

(p) Department of Defense;

(q) Surrounding jurisdictions.

4. Investigation Meetings: Meetings where the sharing of information occurs regarding current crimes being investigated by law enforcement agencies in the region.

609.9 SUSPECT/PERSON OF INTEREST BACKGROUND INVESTIGATIONS

(a) Suspect/Person of Interest background investigations will be accomplished on an as-needed basis. The purpose of this type of background investigation is to gather information on a person(s) to determine if they are involved in any criminal activity.

1. Potential sources of information are:

(a) Bank records.

(b) Rental offices.

(c) Telephone companies.

(d) LinX check

(e) Criminal history check; METERS/NCIC.

(f) Police Department records.

(g) Friends/acquaintances.

(h) Employer.

2. The records obtained in a background investigation would be made part of a case file and used as evidence if needed.

3. The records will be kept confidential.

4. Records will be retained in the case file.

609.10 STATEMENTS

(a) Statements

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1. Written/Audio recorded statements may be obtained from witnesses who possess information and there is reason to believe the witness may have a future interest in helping the accused. This may ensure the witness provides a truthful statement and cannot change their version of events at a later time to something other than the truth. All pertinent statements will be documented by audio recordings or written, if possible, and consented to by the person providing the statement.

(b) Miranda Warnings

1. Miranda warnings only need to be read to an individual if the person is both in custody and is being interrogated. Without both conditions being present, Miranda warnings are not needed.

(c) Documenting the Statement

1. If a suspect makes a statement, document either in writing or by audio/video recording.

609.11 INVESTIGATIVE TASK FORCES

(a) The Sheriff or his designee is responsible for coordinating and planning all investigative task force activities directed by this agency or when members of this agency are requested to participate in outside agency task force operations.

(b) Written Memorandums of Understanding (MOUs) regarding task force participation will be established by the Sheriff and representatives of other participating agencies.

(c) Task force activities will be planned before implementation. Guidelines for task force operations include:

1. Identifying objectives as they relate to the purpose of the investigation.

2. Defining authority and responsibilities as they concern jurisdictional boundaries and scope of authority. The responsibility for task force operations lies with the initiating agency, with assisting agencies acting in a supporting role. When members of this agency are operating under the direction of supervisors from an outside agency they will keep the Sheriff or his designee informed of their activities, and will abide by the rules and regulations of this agency.

3. Identifying resources available for use in task force operations to include staffing, equipment, funds, and time as permitted. The commitment of agency resources will in no way restrict the delivery of police services to the citizens of St. Mary's County.

4. Keeping the Sheriff informed of the activities of individuals while they are participating in task force operations. This is accomplished by periodic review of investigative task force activities and results by the Division Commander, and updates addressing the continuing necessity of the operation. At the conclusion of such operations, a debriefing and review session will be conducted.

(d) Investigative Task Forces are primarily utilized for, but not limited to:

1. Vice/Narcotics investigations and activities;

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2. Child Pornography and Sex Offender Monitoring; and,
3. Major criminal investigations involving multiple agencies/ jurisdictions.

(e) Authority, Responsibility and Accountability

1. The Division Commander or designee will assume command of any investigative task force operating within the geographic boundaries of St. Mary's County and initiated by the SMCSO.
2. Agency employees assigned to a task force of an allied law enforcement agency will report to the person-in-charge of that task force during the duration of the assignment.
3. The request for manpower from allied law enforcement agencies will be made by the section commander operating the task force.

(f) Equipment and Manpower Resources

1. The agency will commit its proportionate share of manpower, equipment, and time while participating in task force operations with other law enforcement agencies. The commitment of agency resources to task forces will not be as great as to detract from the delivery of quality law enforcement services to the citizens of St. Mary's County.

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