

Salisbury University Police Department

CHAPTER 42 – CRIMINAL INVESTIGATION

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Salisbury University Police Department

CHAPTER 42 – CRIMINAL INVESTIGATION

This chapter relates to the criminal investigative function performed by both uniformed officers and those specializing in investigations. These standards provide for administrative and operational programs that should result in efficient and effective criminal investigations.

42.1 Administration

42.1.1 Criminal Investigative Function: 24-hour Service

The University Police Department maintains a full-time Criminal Investigator who is available and subject to 24-hour on-call status for the investigation of serious incidents. *The Criminal Investigator/Detective reports directly to the Investigative/Support Services Commander. During times when either he or the Detective is not available to respond, patrol officers will be responsible for the criminal investigation of incidents.*

Refer to 42.1.2 (A)

Division Commanders rotate an on-call schedule every week during which time immediate notification will be made in certain incidents. This schedule is published via email and placed in the Communications Center and Squad Room. Timely notification of serious incidents that occur on and off campus will be reported immediately to the on-call Division Commander. All officers will make notification when the following incidents occur on and off campus:

- Murder
- Rape
- Assaults involving weapons or when medical treatment is required
- Burglary involving significant theft or property damage
- Unruly crowds requiring enforcement action, use of force or allied agency response
- Negative encounters with dignitaries
- Alcohol poisoning/drug overdose which may result in serious injury or death
- Use of force or resisting arrest which results in injury to officer/arrestee/others
- Discharge of firearm – police or non-police
- Major fire/Hazmat spill with significant property damage, serious injury or death
- Bomb threats
- Serious injury to student, staff or police employees, including hate crimes against individuals
- Issues at President's residence
- Death, injury or serious medical condition to University Police immediate family member
- Major personnel issues reported

This list is not all inclusive. When in doubt, the on-call Commander will be contacted via telephone. The Division Commander will contact the Chief of Police, when necessary.

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42.1.2 Case Screening/Solvability Factors

A. The Squad Supervisors are responsible for reviewing all criminal reports and determining which reports will be investigated by their assigned patrol officers. Serious cases may require the efforts of a Criminal Investigator who possesses the skills, knowledge and abilities to conduct thorough criminal investigations. *In these cases, the Patrol Supervisor will make a request of the Patrol Commander who discusses the case and whether to assign a specific case to the Criminal Investigator for follow-up or suspending investigative efforts.*

Offenses which are serious in nature requiring the immediate or subsequent assignment of an investigator, who will be on-call and available, include: Death of a violent or suspicious nature, rapes and sexual offenses, assaults of a serious nature, armed robberies, burglaries in which there is excessive loss of property, hostage situations, or any other incident deemed necessary to assist the Patrol Squads by the Patrol Commander/Chief of Police.

Solvability factors are used to determine which cases should be assigned for follow-up investigation by:

1. Establishing a list of factors that are considered in the receiving, review, and assignment of case reports.
2. Assigning for further investigation only those cases that have a sufficient degree of solvability potential as measured by solvability factors.

B. Solvability factors are information about a crime that can provide a basis for determining who committed that crime; a "lead" in the search for the perpetrator of an offense. The solvability factors selected are those which will assist the investigating officer/detective in bringing the case to a conclusion; assist the reviewing Supervisor/Commander in assuring that proper investigative steps have been taken and in deciding which cases have the potential for a successful resolution through further investigation.

C. The solvability factors that should be considered are:

1. CAN A SUSPECT BE NAMED? The officer conducting the preliminary investigation shall determine from any pertinent party available, whether or not, a full or partial name of a suspect is available. It shall be stated in the officer's report with whom he/she spoke to obtain this information and to whom he/she spoke with negative results.
2. COULD A SUSPECT BE IDENTIFIED BY THE VICTIM/WITNESS IF SEEN AGAIN? The officer shall determine whether or not the victim/witness would be able to identify the suspect if seen again. This information should be stated in the officer's report.
3. IS THE ADDRESS OF A SUSPECT KNOWN? Often a victim/witness may not know the suspect's name, but could state that they have seen the suspect leave a certain residence, or knows where he/she lives. This information should be included in the officer's report.
4. IS IT KNOWN WHERE A SUSPECT MAY USUALLY BE FOUND? As in the case of a suspect's address, a person providing information may not know the suspect by name, but could state that he/she may usually be found at a particular place - bar, social club, gym, class, etc.

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5. WAS A VEHICLE PLATE NUMBER OBTAINED BY THE VICTIM/WITNESS? Citizens have been trained to look for this feature during moments of suspicious activity. The investigating officer shall closely question pertinent parties when a vehicle is known to be involved. Even partial numbers may be of assistance; do not disregard the witness who cannot provide a full vehicle tag number.
6. CAN THE VEHICLE BE IDENTIFIED BY THE VICTIM/WITNESS IF SEEN AGAIN? The investigating officer shall determine if the vehicle had any distinguishing characteristics such as, bumper stickers, dents, body work, unusual paint or tires, extra antennas, etc. This inquiry shall not necessarily be limited to the exterior of the vehicle.
7. WAS ANY TRACEABLE PROPERTY TAKEN? Determine if any of the property taken had serial numbers, distinguishing characteristics that would make identification easy, or other considerations generally made in tracing stolen property.
8. IS THERE ANY SIGNIFICANT PHYSICAL EVIDENCE AVAILABLE? State what evidence was taken by whom, where it was found, the purpose of taking the evidence, and the significance of the material to the investigation. The officer must evaluate the importance of evidence in terms of the goal of solving the crime. If the answer to this solvability question is "yes", the officer must report all the details about the evidence. If the answer is "no", the officer must document what efforts were made to find significant evidence.
9. IS THERE A SIGNIFICANT "MODUS OPERANDI" PRESENT? Criminals generally commit the same type of crime more than once. They also commit the crime in the same or similar fashion as they have in the past. Therefore, the investigating officer shall cite in the report exactly how the crime was committed and determine if the method has any particular significance in relation to other crimes, known criminals, or unique circumstances.
10. WAS THERE A LIMITED OPPORTUNITY FOR THE SUSPECT TO HAVE COMMITTED THE CRIME? Attempt to determine from the victim if the crime could have been within a specific time frame or if only specific persons could possibly have committed the crime. This factor often has significance with respect to people who know the victim's habits or schedule, people "casing" a place, or when only certain persons have access to a particular restricted area.
11. IS THERE REASON TO BELIEVE THAT THE CRIME WOULD AROUSE SUCH INTEREST THAT PUBLIC ASSISTANCE WILL LEAD TO ITS RESOLUTION? Certain crimes, such as homicide, offenses against children, or a series of rapes, all generate a good deal of public interest. Since police rely on people for information, this increased level of interest is often of great assistance. The investigating officer shall use his/her judgment as to the level of interest in a particular offense and answer this question accordingly.
12. IS THERE REASON TO BELIEVE THAT FURTHER FOLLOW-UP INVESTIGATION WILL LEAD TO THE RESOLUTION OF THE CRIME? The investigating officer in a particular case may feel that more work could conclude the case, but for one reason or another this officer is unable to conduct this work at the time. In some cases, the officer may feel that there are steps that he/she can take that may lead to the resolution of the crime, even though no other solvability factor is present. If the officer answers "yes" to this question, he/she must state the basis upon which he/she rests this conclusion and specify what steps should be taken to bring the case to a successful conclusion.

D. Investigative Uses of Solvability Factors:

1. Officers and Criminal Investigator(s) should consider the aforementioned solvability factors to guide all investigations so as to ensure that these key areas are considered.
2. It is incumbent upon all officers involved in any criminal case to document in the case report all efforts to address each of the 12 solvability factors, if applicable for the type of crime, or lack thereof. Serious Part I crimes such as homicide, rape, robbery, assault w/injury must address each factor.
3. *All sworn personnel who handle a criminal case or other incident shall be responsible for the completion of all supplemental or follow-up reports. Respective division commanders will ensure all reports are completed by involved officers.*

E. Directions for Use of Solvability Factors by Squad Supervisors:

1. The primary goal of the police case report is to provide the basis upon which further investigation may or may not be conducted.
2. The supervisor reviewing officers'/investigator's reports must not only check for completeness and accuracy, but must also ensure that the report relates what investigative steps have been taken and what remains to be done.
3. In using the solvability factors, the supervisor will be able to assist personnel in conducting as complete an investigation as possible. In serious cases (Part I crimes), the officer's report must address all 12 solvability factors before it is complete.

F. All criminal reports shall be forwarded to a supervisor for review. The use of solvability factors will assist in making decisions as to whether or not a case should be assigned to the detective for further investigation. The supervisor shall first check to see which solvability factors are present in a particular case and then review the report in detail to see that the strength of those solvability factors present warrants the assignment of the case for further investigation. If no solvability factors are present, depending on the crime, or if the supervisor feels the case does not warrant further investigation, he/she may request to suspend/close the case.

G. Suspension criteria for criminal cases may include: the lack of further leads or solvability factors, unavailability of investigative resources and/or insufficient degree of seriousness.

42.1.3 Investigative Case File Management

A. The department maintains an Automated Records Management System (ARMS) which contains information relative to all criminal case reports. This system records the type of case, the case number, the date assigned and the investigator assigned. The Criminal Investigator, under the direction of the *Investigative/Support Services Commander*, will also use a written log (excel format) for tracking assigned cases. This log is available on the "O" drive of the in-house computer system; accessible for all officers to review their assigned cases to ensure that supplemental reports are completed in a timely manner. All officers are directly responsible for their individually assigned cases and the completion of same within designated time parameters. Squad Supervisors shall ensure that officers complete all reports and supplemental reports within the assigned time frame: 15 to 45 days.

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B. Administrative designations for each case will be utilized as appropriate to facilitate case management and control. These designations include:

1. **Open** – indicates the case is assigned to an officer/detective and investigative efforts are active.
2. **Suspended** – indicates when the initial investigation reveals no significant information or all leads have been exhausted but the case has not been brought to a satisfactory conclusion and investigative efforts may be resumed. If the case is suspended at the time of the initial report, the victim will be advised immediately of the status. Thus eliminating the need for continued contacts with the victim unless the status of the case changes. If an officer wishes to reopen a suspended case, he/she will notify his/her immediate supervisor of the intent to reopen and submit a follow-up report with the new information as soon as possible. If a case is reopened, the victim will be contacted and advised of the status of the investigation within 10 days.
3. **Closed** – indicates one of the following conclusions:
 - a. Arrest – a person has been arrested and charged with this crime or a summons has been served. This includes juveniles who are released to their parents when a juvenile referral form is completed.
 - b. Unfounded – incident is false or baseless. An offense did not occur and/or was not attempted.
 - c. Exceptionally Cleared – an incident is exceptionally cleared if there are reasons beyond the control of law enforcement that would preclude the arrest and subsequent prosecution of the identified offender(s) whether the offender(s) can be located or not. Examples may include the death of an offender, the prosecution declining to prosecute, or an uncooperative victim/witness.
 - d. Referred to – Student/Judicial Affairs or another department for disposition in lieu of formal court action.

C. Officers will ensure that all investigative case files and materials are properly managed and maintained. The exact content of case files will vary according to the incidents being investigated. Certain documents will be submitted electronically (ARMS) or by hard copy as appropriate to Records for inclusion in original case files. These documents include, but are not limited to:

1. This agency's initial and follow-up police reports to include arrests reports if closed by arrest;
2. Copies of any related initial reports from allied agencies;
3. Record's copies of property and evidence receipts;
4. Lab examination requests and results;
5. Court related documents, such as search warrants, charging documents, summons, etc.;
6. Miranda Rights;
7. Consent to Search;
8. Handwritten statements & supplements from victims, witnesses, suspects, etc.;
9. Crime scene photos, sketches, and diagrams;
10. Officer's handwritten original notes, if available; and
11. Other correspondence, memos, and documents as necessary.

The following documents that may be kept in officers' investigative case files include, but are not limited to:

1. Copies of documents listed above at the discretion of investigating officers and their supervisors;
2. Printed and signed investigative notes; and
3. Other documents as directed by investigating officers' supervisor.
4. Photo arrays will be submitted as evidence consistent with 84.1.1.

D. *The Patrol Commander will ensure a secure case file system is established for the "working" investigative copy of the patrol officers' case files and that each officer has a designated case file storage area that is accessible by the Patrol Commander and Supervisor within the officer's respective work area. CID will ensure their working copy of case files is maintained in a secure location within their respective offices. A working case file will consist of a copy of the initial case report and any supplemental or other reports necessary for the effective investigation of the assigned case. All original documents will be forwarded to Records for inclusion into the original case file.*

1. The Records Section, which maintains all criminal and traffic case files, will be locked at all times but accessible to designated persons to include Administrative Assistant, CID personnel, PCO Supervisor, Squad Supervisors, Division Commanders and the Chief of Police.
2. Patrol officers will utilize the filing cabinet in the Squad Room for the working copies of their assigned investigative case files and CID will use a filing cabinet within the CID office. If access to certain case files is necessary, patrol officers will contact an authorized person who has access to the Records Section.
3. Investigative case files will be purged when the case has been closed under the case disposition procedures outlined in 42.1.3, section B and all original files have been forwarded to the Records Section. All records contained in the Records Section will be purged in accordance with the Records Retention schedule of the SUPD.
4. Only all original case files and their contents will be used for court purposes. It is the responsibility of each officer to ensure that their assigned criminal/traffic cases are completed and filed in accordance with the policies outlined in this directive.

42.1.4 Accountability: Preliminary and Follow-Up Criminal Investigations

RESPONSIBILITY

- A. Patrol officers are expected to conduct thorough initial investigations using solvability factors as investigative guidelines and to pursue the initial investigation to its logical conclusion within the constraints of time, geography, and expertise.
- B. The Patrol Commander will determine whether to assign the case for investigation to the patrol officer or *forward* to the Criminal Investigator based on the complexity of the crime and its investigation.
- C. The Officer assigned as a Detective is expected to concentrate his/her activities, as designated, on:
 1. The collection of information that will support, verify, and extend the information collected during the initial investigation;

2. Assist the original investigating officer with preliminary and/or follow-up investigation when particular expertise is required;
3. Conduct such other initial and follow-up investigations that cannot be undertaken by Patrol Officers due to:
 - a. The investigation requires specialized or technical equipment.
 - b. Extensive coordination required with outside agencies.
 - c. The investigation requires monitoring or maintenance of covert officers in the field.
 - d. The investigation requires travel outside the immediate area.
 - e. Extensive coordination is required and personnel or scheduling conflicts with the timely completion of the investigation.
 - f. Immediate follow-up is required to provide for the safety of the victim(s), witness(es), or community and the Patrol Division is unable to do the follow-up in a timely manner.
 - g. Other special circumstances as identified by a supervisor.

D. Officers who are assigned to the position of Detective are in the same rank and salary schedules as other sworn officers. This allows for the possible transfer of personnel from the patrol to CID and vice versa, without regard for rank and/or title. The Patrol Commander is responsible for all activities of Patrol Officers and the *Investigative/Support Services Commander is responsible for all activities of the Criminal Investigator.*

Preliminary Investigations

- A. One of the most basic and important functions of this department is the investigation of criminal and other offenses. The preliminary investigation is often crucial to the successful conclusion of the case. The preliminary investigation may turn information that is useful in solving other crimes and it serves as a vital link between the crime and a subsequent in-depth investigation.
- B. The major purpose of the preliminary investigation is to gather information. Information may be obtained from victims, witnesses, physical evidence and so forth.
- C. The preliminary investigation is the responsibility of uniformed patrol officers. The patrol officers are relied upon because of the availability and capability of providing prompt and efficient services any time of the day or night. Patrol officers can be effective in apprehending suspects at or near a scene.
- D. In unusually serious or complex crimes, the Patrol Commander may arrange to have investigative personnel conduct the investigation from the beginning.
- E. Patrol officers shall proceed promptly to a crime scene in a safe and responsible manner. A patrol unit shall not proceed into a crime scene unless:
 1. They are specifically directed or requested to respond (other units should remain on the perimeter to assist in apprehension of the offender or to perform duties as directed.)
 2. The crime is discovered by the patrol officer.
- F. The officer that approaches the scene shall be alert for any signs of suspicious activity, especially evidence of a fleeing criminal or evidence related to the incident.

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- G. The first officer arriving on the scene shall be in command and conduct the preliminary investigation unless relieved of that responsibility by a supervisor.
- H. The investigating officer shall immediately determine the need for medical aid for any injured person(s) at the scene.
 - 1. The aid may be rendered by the officer; or
 - 2. The aid of a bystander may be sought to free the officer for other activities; or
 - 3. If the injury is of a serious nature, the officer shall request emergency medical assistance (EMS).
- I. If it is determined that a crime has been committed, the officer may then seek to arrest the offender if there is a reasonable likelihood that the offender can be apprehended. Some factors that may be considered in determining whether or not to leave the scene are:
 - 1. Nature of the crime;
 - 2. Time of day or night;
 - 3. The location of the crime;
 - 4. The lapse of time between the crime and the arrival at the scene;
 - 5. The availability and extent of the immediate description;
 - 6. Availability of other officers to conduct a search for the suspect and/or affect arrest.
- J. The officer shall, as soon as possible, provide the Communications Center with the following information, if known:
 - 1. The nature of the crime;
 - 2. A description of the offender and direction in which he/she has fled;
 - 3. A description of the vehicle, if any;
 - 4. Whether or not the offender is, or may be, armed;
 - 5. Whether probable cause exists to arrest the suspect.
- K. The officer shall secure the crime scene and preserve the evidence:
 - 1. Physical evidence shall not be touched or moved unless it is absolutely necessary to ensure its preservation.
 - 2. The officer shall briefly note and record any evidence that may be related to the crime and shall request the services of crime scene technicians, if needed. If they are not needed, the officer shall be responsible for collecting, documenting, and properly storing physical evidence in accordance with Chapter 83 and 84.
 - 3. Unauthorized persons will not be permitted to enter the scene. Unauthorized persons are any civilians or police personnel not necessary for continuation of the investigation. The names of authorized persons who do enter a crime scene will be entered into a log by the officer securing the scene. This log will be placed in the case file.
- L. The officer shall prepare all appropriate paperwork before the end of his/her shift. If the case is to be forwarded to CID for follow-up, the case report shall indicate same.

Follow-up Investigations

- A. Follow-up investigations are the primary responsibility of the officer who responded to and handled the initial call or initiated the investigation. Circumstances may dictate, however, that follow-up investigations be conducted by CID due to the length of the investigation, the necessity

to spend extended amounts of time outside our normal jurisdiction, or for some other reason deemed necessary by the appropriate supervisor.

B. The Patrol Commander, through Squad Supervisors, is responsible to ensure follow-up investigations are assigned and accomplished within time parameters outlined in this policy.

C. Generally, investigative follow-up will include:

1. Initiate inquiries into investigative leads to identify suspects and associates.
2. Research and review internal and external records, reports, and lab examinations related to the incident, similar incidents, or suspects.
3. Use all available sources to obtain new information.
4. Disseminate information to the law enforcement community.
5. Obtain and execute warrants as necessary for the collection of evidence.
6. Identify, collect, preserve, and use evidence pertaining to the crime and suspect.
7. Continue the search for additional witnesses, re-interview original witnesses and victims, if necessary.
8. Submit appropriate evidence for laboratory analysis.
9. Identify, locate and arrest the suspect(s) using criminal histories, M.O.'s, and other information and determine any involvement in other crimes.
10. Conduct appropriate surveillance, interrogations, and polygraph testing.
11. Recommend suspension of investigation if all leads are exhausted.
12. Prepare and submit the case for prosecution and confer with the Wicomico County State Attorney's Office or the University's Student/Judicial Affairs staff.

D. In cases of felonies, serious misdemeanors, or missing persons, a second interview of the victim(s) and witnesses should be conducted during the follow-up investigation. Further information and/or evidence may be developed during this re-contact.

Witnesses and Suspects

A. The officer shall locate, identify, and interview the complainant and any witnesses.

1. Witnesses shall be separated to ensure independent statements.
2. Witnesses should be questioned as soon as possible and in a quiet area if available.
3. Whenever possible, written or tape-recorded statements of the victim, witnesses, or suspect, post-miranda, shall be taken and will be included in the case file.

B. The officer shall observe the following minimum standards for interviewing the complainant and witnesses:

1. Questions should be simple and in plain language.
2. Avoid interruptions.
3. Ask only one question at a time and allow the witness sufficient time to answer.
4. Avoid leading questions that imply a certain answer.
5. Avoid sarcasm, rudeness, or antagonism.

C. Whenever possible during the appropriate time, during the initial response or subsequent investigation, officers will identify suspects and interview/interrogate them as necessary.

Refer to 1.2.3

Case Reports

- A. The investigating officer should maintain a copy of his/her handwritten notes; the original of which will be placed in the original case file. Case reports may include, at a minimum, the following data:
 - 1. Time of arrival at the scene;
 - 2. Weather conditions;
 - 3. Approximate time of the crime and by whom and when it was discovered;
 - 4. Identity of the officers present;
 - 5. Information concerning physical evidence and the collection of any evidence;
 - 6. Name, address, home and work phone numbers of the victim(s) and/or witness(es);
 - 7. Date, time and location of the interview;
 - 8. Identity of suspect, if known, or description of the suspect, especially unusual characteristics;
 - 9. Description of the vehicle, if any;
 - 10. Statements as to what the witnesses heard and/or observed;
 - 11. Important measurements for a crime scene sketch or photographs;
 - 12. Any other pertinent information the officer believes may be useful in apprehending the suspect or documenting evidence
- B. Upon completion of the preliminary investigation, the officer shall complete the written report:
 - 1. The report shall be thorough, accurate, and complete.
 - 2. The report, at a minimum, shall contain the information outlined in section A above and any other relevant facts and observations that may be useful in solving the crime.

Refer to 82.2.1 – Field Reporting System

42.1.5 Habitual/Serious Offenders: Process of Identifying Cases

All officers will attempt to reduce the incidence of specific criminal offenses under the jurisdiction of the agency by identifying and targeting habitual/serious offenders for apprehension and/or prosecution.

- A. Specifications of Criteria in the designation of individuals as habitual/serious offenders are those persons who fall under applicable provisions of:
 - 1. CR 4-203, Wearing, carrying or transporting handgun; unlawful use in commission of crime;
 - 2. CR 5-602, Unlawful manufacture, distribution, etc of a controlled dangerous substance;
 - 3. CR 5-622, Possession, ownership, transportation, etc., of a firearm;
 - 4. CR 4-107, Restrictions on sale, transfer and possession of pistols and revolvers; and
 - 5. CR 1-101 and CR 14-101, Mandatory sentences for crimes of violence.
- B. Cases wherein known, potential, or probable habitual offenders are targeted for arrest, or whose arrests are sought or anticipated, may be referred by primary investigating officer(s), with concurrence of the Patrol Commander to the Wicomico County State Attorney's Office (WCSAO).

Officers making arrests for violations applicable to habitual offenders will ensure all suspects are researched through NCIC and METERS to determine if habitual offender criteria is tentatively met. The Criminal Investigator will be responsible for ensuring that all of the requirements under this policy are met for identified habitual offenders committing crimes under the jurisdiction of

this agency. The Criminal Investigator will make contact with other allied agencies, as necessary, to determine if other investigative information exists regarding the habitual offender.

- C. The Wicomico County State Attorney's Office will be notified of criminal cases involving habitual offenders, arrests or pending arrests of these individuals. A copy of all case files pertaining to the incident(s) in which the habitual offender has been or will be charged will be forwarded to the WCSAO. Investigating officers will ensure that all aspects of case information involving habitual offenders are completely and thoroughly documented and that contact with the State Attorney's Office is made.

42.1.6 Collection, Processing and Sharing Criminal Intelligence

The department will diligently seek to identify the existence, nature, and scope of criminal activity by any person, group, or organization operating within its jurisdiction. Intelligence information gathered by the department will be crime-related, mission-related and subject to the strictest standards of verification. The process of gathering, reporting and storing criminal intelligence will be accomplished in accordance with all applicable state and federal privacy laws.

- A. The Criminal Investigative unit, consisting of the Investigative/Support Services Commander and the Criminal Investigator, is the departmental component responsible for gathering, analyzing, disseminating, and storing criminal intelligence.

The Unit will:

1. Develop strategic and tactical intelligence assessments which identify the existence, nature and scope of criminal activity, if any, within the jurisdiction of the University Police Dept;
2. Provide recommendations designed to combat criminal activity;
3. Provide operational units with accurate intelligence information;
4. Analyze the major organized crime problems within the agency's jurisdiction.

- B. The primary responsibility for the intelligence function will reside with the members of the Criminal Investigative unit who will perform the following duties with respect to executing its intelligence responsibilities:

1. Initiate inquiries and conduct investigations to obtain criminal intelligence data;
2. Maintain a system for the collection, review, analysis, dissemination, storage, and retrieval of criminal intelligence data;
3. Maintain the integrity and security of all classified intelligence data;
4. Establish liaison with federal, state, and local enforcement agencies for the purpose of collecting information and thwarting organized criminal activities;
5. Participate in joint programs with federal, state and local law enforcement agencies for the purpose of information-sharing designed to combat organized criminal activities; and
6. Ensure terrorism related matters are documented and forwarded to the Maryland Joint Terrorism Task Force (MJTTF) which is part of the Maryland Coordination and Analysis Center (MCAC).
7. Provide training upon employment and refresher training to all department personnel on Homeland Security/Terrorism matters and other topics related to criminal intelligence.
8. Disseminate information that is relevant to our agency that is provided by the Maryland Coordination and Analysis Center (MCAC), Eastern Shore Information Center (ESIC) and other sources.

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The intelligence process begins with the collection of information from a variety of sources. All employees (sworn and civilian) may be a valuable source of information due to frequent contacts in the community and awareness of criminal activities and perpetrators. All personnel should document criminal intelligence information coming to their attention on SUPD form 023, whether pertaining to persons or groups, and forward it to the Investigative/Support Services Commander or Criminal Investigator.

C. The Criminal Investigator and Investigative /Support Services Commander assigned the task handling sensitive information, will receive training in the legal and privacy requirements governing the collection and dissemination of criminal intelligence information.

The Criminal Investigator will provide training to personnel upon employment and refresher training to all agency personnel every three years on the requirements of receiving criminal intelligence information.

D. Personnel will comply with the following procedures for safeguarding, securing and storing information:

1. The Criminal investigative unit members are responsible for ensuring the agency's criminal intelligence files are established and maintained.
2. All intelligence information/files within the department will be reviewed immediately to eliminate improper materials or documents obtained in violation of the standards imposed in these guidelines. The Criminal Investigator will periodically review all intelligence information/files to ensure these guidelines are maintained.
3. Criminal Intelligence files will be safeguarded, secured and stored within a locked file cabinet within the office of the Criminal Investigator; accessible only by the Investigative/Support Services Commander.

E. The department recognizes the need to preserve the delicate balance between the constitutional rights afforded to each citizen and the legitimate needs of law enforcement. Based on the paramount need to protect these rights, intelligence gathering will be confined to those situations which require a legitimate law enforcement response to a criminal threat or potential threat to the campus community. To ensure that the democratic process is not subverted, the department will comply with the U.S. Code of Federal Regulation Guidelines found in 28CFR23.

Intelligence data will not be collected on:

1. Any individual on the basis that such person(s) supports unpopular causes;
2. Person(s) merely on the basis of ethnicity or race;
3. Any person(s) merely on the basis of religious and/or political affiliations;
4. Any person(s) merely on the basis of noncriminal personal habits.

No members of the department will:

1. Engage in any illegal activities in the collection or dissemination of intelligence data;
2. Employ or direct an individual to engage in illegal activities in order to obtain intelligence data;
3. Use confidential data for political and/or economic purposes or for personal gain;
4. Provide confidential data to any person(s) outside the law enforcement community without the expressed permission of the Chief of Police.

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The Department will not use intelligence data derived through illegal means, unless such data was voluntarily provided during lawful interviews and interrogations of arrested persons. The use of such information must be lawful under current court decisions. Intelligence data will be limited to persons or organizations which are involved, or suspected of being involved, in criminal activity or who present a threat or potential threat to the campus community.

- F. The need to ensure that individuals' constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process is crucial to the long-term success of criminal intelligence sharing. Protecting these rights, while at the same time providing for homeland security and public safety, requires a commitment from everyone in the agency and the network system.
- G. All personnel who receive intelligence information will document this information on SUPD form 023; outlining the details of the information received to include any potential threat to the University, staff or students. This form will be submitted to a member of the Criminal Investigative Unit who shall be responsible for facilitating and coordinating as necessary with appropriate agencies when necessary.

Intelligence data will be collected on the following criminal activities, including but not limited to:

1. Narcotics
2. Bribery
3. Extortion
4. Gambling, loan sharking, and prostitution
5. Labor racketeering
6. Arson
7. Trafficking in stolen goods
8. Hate/violence acts associated with extremist groups
9. Money laundering
10. Domestic terrorism
11. Predatory crimes perpetrated by criminal groups
12. Organized criminal gang activity
13. Cults/deviate movements associated with criminal acts
14. Homeland Security matters

Intelligence information will be disseminated under the following guidelines:

1. Intelligence information will be proactively disseminated to a unit when it is determined by the Investigative/Support Services Commander or Criminal Investigator that the information is relevant to that unit's mission.
2. Requests for dissemination of classified intelligence information will be complied with according to the following criteria:
 - a. Requestor's need and right to know;
 - b. Whether the accuracy and reliability of the information have been established;
 - c. Whether dissemination would compromise the identity of a confidential source; and
 - d. Agreement that the intelligence information will not be further disseminated to a third party.

The Criminal Investigator shall review reports and investigative files for intelligence information. All command staff members will maintain liaison with the Intelligence Unit for briefings, information exchange, and to receive special reports (threat assessments, protective details, etc.

(Revised 06/23/2016)

- H. Information is to be purged every 5 years in accordance with the Records Retention schedule or when it meets any of the following:
 - 1. No longer useful or relevant;
 - 2. Invalid;
 - 3. Inaccurate;
 - 4. Outdated;
 - 5. Unverifiable;
 - 6. Inconsistent with the goals and objectives of the department.
- I. The Investigative/Support Services Commander will conduct a documented annual review of all directives and standard operating procedures that are applicable to criminal intelligence and Homeland Security/terrorism related matters to ensure that all procedures and processes are being accomplished in accordance with all applicable state and federal laws.
- J. The Eastern Shore Information Center (ESIC) serves as the local intelligence center for the collection, processing, analysis and sharing of suspicious incidents and criminal intelligence relating to criminal and homeland security activities. The Maryland Coordinated Analysis Center (MCAC) provides analytical support for all federal, state and local agencies involved in law enforcement, public health and welfare, public safety and homeland security in Maryland. It is meant to provide strategic analysis to better focus the investigative activities being conducted by law enforcement agencies within the state and to better enable public health and safety agencies to perform their important protective functions. In addition, the Center, through its Watch Section, enables public and private entities within our state more efficiently to receive and to disseminate critical information to other similar entities established by other states.

Homeland Security/terrorism matters, information and suspicious activity will be documented on an Incident Report and forwarded, via fax or email to:

MCAC telephone: 443-436-8800 or 1-800-492-TIPS (8477)
MCAC fax: 443-436-8825
ESIC telephone: 877-917-9191
ESIC fax: 410-548-5579

42.2 Operations

42.2.1 Preliminary Investigations

Refer to 42.1.4

42.2.2 Follow-Up Investigations

Refer to 42.1.4

(Revised 06/23/2016)

(Revised 01/01/2014)

42.2.3 Checklists for Criminal Investigations

The written criminal case/incident report, properly and thoroughly prepared, will serve as an appropriate checklist for most investigations on university-owned property. Investigations which exceed the scope of initial reporting and follow-up will incorporate more detailed checklists to ensure critical investigative details are not overlooked. Supervisors and/or the Criminal Investigator will develop checklists and monitor the progress of each step of the investigation. All investigative action taken in a criminal case will be documented in a written supplement or follow-up report, which may include the following:

1. Review and analyze all reports completed in the preliminary investigation;
2. Conduct additional interviews and interrogations;
3. Review departmental records;
4. Seek additional information, i.e. patrol officers, informants, other police agencies, etc;
5. Review laboratory results;
6. Arrange for dissemination of appropriate information;
7. Plan, organize and conduct searches;
8. Check suspect's criminal history;
9. Identify and apprehend suspects;
10. Collect physical evidence;
11. Determine involvement of suspects in other crimes;
12. Document all follow-up investigations completely and accurately on follow-up reports;
13. Prepare case for court; and
14. Assist in prosecution.

42.2.4 CID Attendance at Shift Briefings

The University Police Department officer(s) assigned as a Criminal Investigator(s) may attend one or more weekly shift briefings held by the Patrol Division squads. The purpose at attendance at these briefings is to enhance the relationship between CID and Patrol personnel and to provide for an exchange of information relative to the duties and functions of each.

42.2.5 Multi-Jurisdictional Task Forces

University Police Department personnel, by nature of University's memorandum of understanding with the City of Salisbury and the countywide mutual aid agreement, do not participate in formal, long-term, multi-jurisdictional investigative task forces. Any intelligence information obtained by department personnel will be forwarded to the appropriate agency.

42.2.6 Technical Aids: Detection of Deception

- A. Polygraph examinations or Voice Stress Analysis (VSA) tests requested by a member of this department shall only be performed by an examiner who is a graduate of an institute providing training in the use of the polygraph/VSA.
- B. All cases considered for a polygraph/VSA examination should first be discussed with an immediate supervisor. Upon approval, a request will be made of the examiner. As this department does not have a trained polygraph/VSA examiner, the services of an examiner will be requested from another agency.

- C. All reports, notes, statements and any other information should be forwarded to the examiner as soon as possible. All background information such as date of birth, criminal record, residence, full name and other information on the person to be tested should be gathered by the investigating officer and forwarded to the examiner with the specific case reports.
- D. Intensive interrogation of the person to be examined immediately prior to the examination should be avoided. However, the person may be interviewed briefly prior to the examination, but only to determine opportunity to commit the crime and motive or desire. This session does not relieve the investigating officer of the responsibility to interrogate a suspect prior to the polygraph/VSA examination date.
- E. A person under the influence of alcohol, sedatives, or suffering from physical pain, a severe cold or respiratory disorder is not ordinarily considered to be in fit condition for an examination. Where this, or other factors, are issues of concern, consultation with the examiner will be completed.
- F. The investigating officer shall avoid disclosure to the suspect of any details or facts established during the investigation. Certain facts concerning the crime, which could only be known to the perpetrator(s), should not be disclosed to the suspect, public, or media. These facts could be important to the examiner. Examples would be:
 - 1. Method of entry;
 - 2. Specific amount of currency;
 - 3. Type of weapon(s);
 - 4. Location from which the property was stolen;
 - 5. Means of egress.
- G. A polygraph/VSA examination will not be conducted on any person if the examiner feels the person is physically or mentally unfit for the test. Examinations for the detection of deception will only be administered to people who voluntarily agree to submit to the examination.
- H. The polygraph examiner has the authority to decline to perform an examination if, in his/her opinion, the circumstances indicate that performing the task would be unwise and/or the results of any examination would be unreliable.

42.2.7 Confidential Informants

The use of confidential informants (CI), under the direction and responsibility of the *Investigative/Support Services Commander*, can be important to the suppression of crime and satisfactory completion of many investigations, including patrol/criminal investigations; drug, vice and organized crime control functions; and intelligence functions. The traditional police practice of using CIs to gather information concerning criminal activity must be properly monitored and controlled in order to maintain the integrity of the investigation as well as the officer using a confidential informant. Therefore, the procedures for the use of CIs is outlined as follows:

- A. Inclusion of Informants in a Master File and
- B. Content of Informant File

A hardcopy confidential informant file shall be created and maintained for each CI used by officers. No information on confidential informants will be logged into the records management system in order to protect the identity of the informant. Each hardcopy file shall include the following information:

(Revised 01/01/2014)

1. CI Personal Data Sheet (SUPD form 017) and a photo & fingerprints, as necessary;
2. Criminal History record, if applicable, will be reviewed;
3. Name of officer initiating use of informant;
4. Payments made to the informants (SUPD form 018);
5. A brief synopsis of the information received from the informant;
6. The informant's involvement in any investigation;
7. Signed informant agreement (SUPD form 019);
8. Code number assigned to each informant;
9. Any reports used to corroborate the informant's reliability as well as unreliability.

Each of the above stated SUPD forms shall be completed by the officer and the informant prior to use of the informant. All forms will then be submitted to the Criminal Investigator or *Investigative/Support Services Commander* for filing.

The officer will also determine the following information about the informant:

- a. Is the informant currently under indictment or out on bond? If on bond, the arresting officer should be contacted for information concerning the suitability of the arrestee as an informant.
- b. Is the informant wanted for any criminal offense? Officers will not use an informant when it is known she/he is wanted. Arrangements should be made to surrender the informant and she/he may be used when bail conditions are met.
- c. Is the informant on probation or parole? Permission from the parole or probation officer is desirable.
- d. Is the informant a current or past informant for any other agency? If it is determined that the informant is currently being used, the officer using the informant should be contacted to determine that no duplication of effort or compromising of an investigation will occur. If the informant has previously assisted another agency, contact with them will determine the feasibility of using the informant.
- e. If the informant has a past criminal history, the State Attorney's Office should be notified.

C. Informant files and intelligence information will be secured in a locked cabinet located in the CID office. Access will be limited to the Criminal Investigator, *Investigative/Support Services Commander* and Chief of Police and the files shall not leave the immediate area unless authorized by the Criminal Investigator or *Investigative/Support Services Commander*.

1. The CI files shall be used to:
 - a. Provide a source of background information about the informant.
 - b. Provide a complete history of the information received from the CI.
 - c. Enable review and evaluation by the appropriate supervisor of information given by the informant.
 - d. Minimize incidents that could be used to question the integrity of officers of the reliability of the CI.

D. Every effort to protect the identity of informants shall be made by ensuring that an informant, acting as an agent to police, does not become an eyewitness to any criminal transaction unless it is used to develop the credibility of the informant. Additionally, all efforts should be made to ensure that the informant does not have to appear in court. Officers with questions or concerns regarding this shall contact the Wicomico County State Attorney's Office.

(Revised 01/01/2014)

E. Criteria for Paying Informants

Informants may be compensated for information given or services rendered.

1. Any plea bargaining will be conducted by representatives from the WCSAO.
2. Prior to any payment of funds:
 - a. It must be determined that information relates to investigations within the jurisdiction of this agency;
 - b. The *Investigative/Support Services Commander* and the Chief of Police must determine the value of the information/services based upon input provided by investigating officers; and,
 - c. Investigating officers must be able to substantiate the reliability of information to the satisfaction of the *Investigative/Support Services Commander* and the Chief of Police.
3. Only the Chief may authorize the compensation of informants. The Chief shall consult with investigative personnel or other appropriate parties as necessary (ie. WCSAO) in order to determine amounts of informant compensation. The amounts paid to informants depend on criteria that include, but are not limited to:
 - a. Relative importance or involvement of targeted individuals, organizations, or operations;
 - b. Value or quantity of actual or potential seized materials;
 - c. Significance of informants' involvement and contribution to achieving desired investigative objectives.
4. The Chief is responsible for ensuring an accounting system is developed and maintained for all confidential funds.
 - a. The accounting system will involve a ledger book, securely maintained by the *Investigative/Support Services Commander*, containing inked entries recording:
 - i. CI numbers;
 - ii. Date paid;
 - iii. Amount paid;
 - iv. Additions of new monies; and
 - v. Balance on hand after each transaction.
5. Informant funds, if necessary, will be maintained by the Administrative Assistant with the approval of the Chief of Police.
 - a. All cash payments require informants to sign receipts (SUPD form 018).
 - b. All cash payments, must be recorded in informants' files.
 - c. If practical, payments will not be made until cases are completed or the information is verified. Payment will not be contingent on the success of the investigation or the outcome of prosecution, but the reliability of the information, services, etc.
6. Informant payments will not be made without two witnesses to transactions.
 - a. One of the witnesses must be a supervisory officer.
 - b. Uniformed personnel can be utilized as witnesses.
 - c. Informants refusing to sign transaction receipts will not be paid.
 - d. Signatures of informants signing for payments must reasonably compare with signatures contained in their CI files.

Refer to 17.4.2 and 43.1.3

(Revised 07/01/2014)

F. Precautions

If possible, only one officer shall deal with each informant. An alternate officer/investigator should also be assigned to avoid any future loss of contact. When meeting with informants, two officers shall be present and a Supervisor or Commander will be notified of the meeting location, time of the meeting and purpose prior to any meetings with informants by officers.

Proper treatment of the informant is essential as well as minimizing the risks to officers when using informants. To this end, an officer should observe the following standards:

1. Avoid the use of derogatory terms, despite the reputation and habits of the informant.
2. Safeguard the confidentiality of the informant's identity.
3. Do not reveal police information in order to encourage informants to assist police.
4. Express appreciation for all information received, regardless of the value.
5. Do not make promises or deals that cannot be kept.
6. Keep appointments promptly, even though the informant does not always appear.
7. Do not use an informant to induce another to commit a crime (entrapment).
8. Any overt participation by an informant in an investigation shall be approved by the Chief of Police or his designee. Overt participation by an informant in an investigation is defined as:
 - a. Any plan to use an informant to gather intelligence information for a police.
 - b. Any plan to use an informant to purchase illegal drugs or contraband, or any act in furtherance of that plan.
9. Recognize and consider the personal issues of the informant without becoming involved.
10. All leads supplied by the informant should be investigated, and documented as to outcome.
11. Officers should not permit the informant to take charge of any phase of the investigation. Control should always remain with the officer.
12. Selection of meeting places shall be made by the officer and not the informant. If possible, have another officer present with the controlling officer at any meetings.
13. Meetings should not establish a recognizable pattern, vary the location and times of meetings. Use telephone to make contacts as much as possible.
14. Meetings should never be held at the police department unless absolutely necessary.
15. Officers should be noncommittal about the value of information received when in the presence of the informant.
16. Never become careless or routine when dealing with informants. Since many informants are past or present criminals, an officer must ensure his/her own safety regardless of the desire to maintain contact.

G. Officers will not use juveniles as paid informants for the agency.

Refer to Chapter 43 – Vice, Drugs and Organized Crime

42.2.8 Identity Crimes and Procedures for Investigation

Officers shall ensure that certain procedures are followed when a complainant reports that he/she may a victim of identity theft. All complaints will be fully documented and investigated.

- A. A written report will be generated and classified as Identity Theft any time a victim reports that he/she knows or reasonably suspects that his/her personal information has been unlawfully used by another person.
- A. The investigating officer will complete a detailed written report within the records management system along with all required modules, if pertinent. There are no special report forms used for the completion of this type of incident.
- C. The victim will be provided with a victim/witness assistance pamphlet with the appropriate case number and officer's name. The victim will be provided with information regarding who to contact (such as credit bureaus, banking institutions, etc.) and steps to take to mitigate damage from the current incident and how to minimize future problems using appropriate crime prevention measures.
- D. Officers or CID personnel will fully investigate the incident in accordance with department policy as they would investigate any other crime occurring on campus. The investigating officer will coordinate and cooperate with other agencies and entities as necessary as this case may be linked to other criminal cases in other jurisdictions.
- E. The Crime Prevention Coordinator will provide prevention literature and safety awareness information to the public regarding the prevention of identity theft. Written information will be disseminated at all crime prevention/safety events as well as publicize information on the department's website.

F. Methods of Obtaining and Fraudulent Use of Personal Identity may include:

- 1. Phishing: An e-mail from your bank or an online service, most often PayPal or eBay, instructing you to click on a link and provide information to verify your account.
- 2. Pharming or Spoofing: Hackers redirect a legitimate web site's traffic to an impostor site, where you'll be asked to provide confidential information.
- 3. Smishing: This is phishing done with text messaging on your smart phone – instructing you to visit a bogus web site.
- 4. Spyware: Unknowingly downloading an illicit software when an attachment is opened, a pop-up is clicked on, or when downloading a song or a game. Criminals can use spyware to record your keystrokes and obtain credit card numbers, bank-account information and passwords when you make purchases or conduct other business online. They can also access confidential information on your hard drive.
- 5. Vishing: Voice phishing – you get an automated phone message asking you to call your bank or credit card company. When you call the number, you are asked to punch in your account number, PIN, or other personal information.
- 6. ATM Skimming: Criminals use a combination of a fake ATM slot and cameras to record your account information and PIN when you use a cash machine.

7. Sources: Suspects will steal wallets or go through trash or mail.
8. Misuse of Existing Accounts: This includes misuse of existing accounts such as credit, checking, brokerage, banking, computer, and utility accounts. The suspect obtains either the actual account documents or just the numbers associated with the account and uses it to obtain goods or services.
9. New Account Fraud: This type of fraud occurs when a suspect uses the victim's personal information to create new accounts under the falsely obtained information and obtains goods or services in that manner. Victims do not usually learn of this type of fraud until they are contacted by creditors attempting to collect on the debt.
10. Medical Identity Fraud: This type of fraud occurs when someone uses another person's name and/or information for the purpose of obtaining medical treatment or for the purpose of making false medical claims. This misuse can be very detrimental to the victim because of the possibilities of having their actual medical history compromised and having inaccurate entries documented in their medical file.
11. Other Frauds: An example would be using another person's driver's license or identification during the filing of an official record (i.e. traffic citation or police report) which results in affecting the true person in any manner.

42.2.9 Procedures for Investigation of Cold Case Files

- A. A cold case is any criminal investigation by a law enforcement agency that has not been solved for (generally) at least one year and, as a result, has been suspended/closed from further regular investigations. A cold case may be closed for various reasons such as: previously available technology was not able to adequately analyze the evidence in order to form a conclusion; witnesses were uncooperative; various time constraints hindered the investigation; the originally assigned officers/investigator had a heavy workload; a lack of worthwhile leads stalled the case, etc.
- B. Follow-up investigations are used as a primary tool to provide additional information in order to close cases, arrest offenders, and/or recover stolen property.
- C. Exact duties and responsibilities of officers conducting or participating in cold case investigations will vary according to the incidents being investigated. Officers conducting or participating in cold case investigations will conduct the listed investigative duties and responsibilities only in the event such duties and responsibilities are found to be necessary.
- D. Cold case investigation duties and responsibilities include, but are not limited to:
 1. Reviewing and analyzing all reports, records, documents, and laboratory examination reports prepared as result of previously completed investigations for new information or for where the application of new technology may be successful in solving these cases;
 2. Conducting additional interviews and interrogations;
 3. Seeking additional information from officers, informants, victims, witnesses, and reporting persons;
 4. Planning, organizing, and conducting searches;
 5. Collecting additional physical evidence and arranging for appropriate forensic analysis;
 6. Recovering stolen property;
 7. Identifying and apprehending suspects;

8. Determining involvement of suspects in other crimes;
9. Obtaining background information on victims, witnesses, reporting persons, and suspects;
10. Arranging for truth verification instrument tests;
11. Periodically re-contacting the principals in cases to:
 - a. Determine if their victim/witness assistance needs are being met; and
 - b. Conduct routine follow-up interviews for additional case information.
12. Explaining to victims/witnesses the procedures involved in prosecution of their cases and their roles in those procedures, provided that such explanations do not endanger successful prosecutions;
13. When feasible, scheduling line-ups, interviews, and other required appearances at the convenience of victims / witnesses and, when possible, providing transportation to same;
14. Returning property taken from victims / witnesses, excepting contraband, disputed property, weapons used in the course of crimes, or property prohibited from being returned by laws, directives, or rules of evidence;
15. Assigning victim advocates;
16. Accurately and completely recording or documenting all pertinent information in required reports or applications; and
17. Preparing cases for presentation to the Wicomico County State Attorney's Office, courts, or administrative hearing bodies.

42.2.10 Interview and Interrogation Rooms

Due to the existence of the Wicomico County Detention Center's Central Booking, routine processing of adult detainees will not occur at the University Police Department facility. The agency maintains one interview and interrogation room which will be used by officers to either conduct custodial interviews of arrestees or non-custodial interviews of witnesses, victims and/or suspects. The room designated for this function is Room 152C, a limited access area, which may be monitored by audio and video capabilities, as necessary. Officers shall use this room or the temporary detention area Room 158 for all interviews or interrogations of suspects and/or detainees. Officers may also use the squad room for the interviews of victims and witnesses if Room 152C is unavailable.

A. Weapons Control

1. Officers will secure their firearm in the available weapons storage box(es) prior to conducting any interview/interrogation of a suspect or detainee in any location within the department. Upon entry into any area (interview room or temporary detention areas), officers will advise the communications center that an interview/interrogation is being conducted after which, communications center personnel will start the video and audio recording of the interview/interrogation.
2. Less lethal weapons may be worn in the interview/interrogation room.
3. Interviews held in the squad room also require officers to secure their weapon in the lockbox.

B. Security

1. Officers will inspect the interview room (152C) before and after conducting an interview/interrogation. All suspects will be searched prior to entering the room. This room as well as room 158, the processing area, is equipped with video and audio monitoring.
2. The Squad Room is monitored with video equipment and is generally used to conduct non-custodial related interviews of victims or witnesses if Room 152C is unavailable.
3. At no time will suspects or detainees be left unattended in the interview room or any other area of the department. Officers will ensure that detainees are handcuffed at all times, or at a minimum, restrained by devices such as leg irons or restraining devices attached to a bench or wall. The arresting officer is, at all times, responsible for the security of the detainee.
4. Adult detainees and juvenile offenders will be separated by sight and sound at all times on the occasions when both may be present in the department's interview room, processing area or Squad room.

C. Number of Personnel in Room

The number of people present while conducting an interview should be kept to a minimum. Typically, this should be no more than two officers and the person(s) being interviewed. Special circumstances may require a parent, guardian in the case of juveniles or legal representation. Ultimately, it will be up to the primary officer on a case-by-case basis to make the decision as to who may be present.

D. Summoning Assistance

Assistance may be summoned by activating the panic alarm located in the interview room or by the emergency button on officer's portable radio. Communications personnel will also be monitoring the video in room 152C during an interview/interrogation.

E. Equipment/Items in the Interview Room

Room 152C is equipped with a table and chairs.

F. Access to Restrooms, Water and Breaks

All individuals are afforded an opportunity to address their personal needs during an interview. Officer discretion will dictate when a break will be conducted. An officer will escort all individuals being interviewed who wish to utilize the restroom or have access to water. Individuals will have adequate comfort breaks as necessary.

G. Audio/Video Equipment

1. The Processing Room (EC 158) is equipped with two video surveillance cameras and a microphone for audio recording. One video surveillance camera in the processing room is constantly recording video footage (This camera is designated in the ONSSI / OCCULARIS camera system as "(EC) Processing Room".) The second camera, designated as "(EC) Processing Room with Microphone," only records video and audio when its activation switch is turned on in the Police Communications Center. When this switch is turned on, an illuminated sign mounted in the Processing Room with display the word "Recording."
2. The Interview Room (EC 152C) is equipped with one video surveillance camera and a microphone for audio recording. The recording of the video and audio within the Interview Room is activated when the room's light switch is turned on. Located within the Interview Room is a switch to deactivate the room's microphone. This switch should normally remain on, to allow for the recording of audio. When the switch is on, a light on the switch will be illuminated red. The microphone switch should only be turned off when the recording of audio is not appropriate (such as when a defendant is consulting in private with an attorney.)
3. The Temporary Holding Room (EC 152A) is equipped with one video surveillance camera and a microphone for audio recording. The recording of the video and audio within the Temporary Holding Room is activated when the room's light switch is turned on. The microphone in this room cannot be temporarily deactivated. Whenever an individual is being detained in the room, the room's lights must remain on to provide for the recording of video and audio footage.

POLICE OFFICERS' RESPONSIBILITIES

1. An officer who is transporting a detainee into the building must notify the Communications Center before the officer enters the building with the detainee. The officer shall notify the communications center of his/her arrival with a detainee and shall direct the communications operator to activate the processing room's recording equipment.
2. When the officer enters the Processing Room with the detainee, the officer shall immediately observe the recording indicator sign. If the sign is not illuminated, the officer shall direct the communications center to check to ensure that the recording activation switch is turned on.
3. The officer will turn the interview room lights on before conducting an interview, and shall check to ensure that the microphone switch is turned on and illuminated.
4. The officer will turn the Temporary Holding Room's light switch on before placing a detainee in the holding room. The detaining officer will keep the Temporary Holding Room's lights on the entire time that the Temporary Holding Room is occupied.
5. When the Temporary Holding Room and the Interview Room are no longer in use, the officer will turn off the rooms' lights in order to turn off the recording equipment. When the

detainee is no longer in the facility, the officer will direct the Communications Center to turn off the Processing Room recording equipment.

6. The detaining officer shall complete and submit a "Video Surveillance: Request/Release Authorization" form (SUPD form 101) whenever the video and / or audio recordings made during the detention processes need to be exported for evidentiary purposes. This is required whenever a detainee arrives with visible injuries, claims to have sustained injuries during the arrest or detention period or when an officer uses force to control the detainee while in the building.

POLICE COMMUNICATIONS OPERATORS' RESPONSIBILITIES

1. When notified that a detainee is entering the facility, the PCO will activate the Processing Room Recording equipment.
2. The "East Campus Police Department" camera view shall be displayed on one of the Communications Center's ONSSI / OCCULARIS Client video display screens.
3. The PCO shall monitor the eleven cameras associated with the "East Campus Police Department" view for the duration of the detainee's time held at the University Police Department, beginning with the officer and detainee's arrival at the Police Department's rear parking lot.
4. The PCO shall immediately report any observed safety or security issues to the detaining officer and /or the OIC.

42.2.11 Procedures for Photographic and Physical Line-Ups

Maryland Law (HB103) requires all law enforcement agencies to adopt written policies, consistent with US Department of Justice (DOJ) standards, pertaining to eyewitness identification. These policies must be available for public inspection and are maintained in the Squad Room for officers' reference.

In order to establish reliable identification testimony by a witness, certain procedures will be followed to minimize any degree of improper suggestiveness by officers in the identification of suspect(s). Courts have found certain factors to be relevant in identification testimony to include 1) the witness' opportunity to view the suspect during the crime, 2) the length of time between the crime and subsequent identification, 3) the level of certainty demonstrated by the witness at the identification, 4) the accuracy of the witness' prior description of the suspect, and 5) the witness' degree of attention during the crime.

It shall be the policy of this agency to conduct fair and impartial photographic arrays and/or line-ups to ensure that eyewitness identifications are performed consistent with DOJ guidelines. This agency does not conduct live line-ups.

- A. Fair composition of a photo array enables the witness to provide a more accurate identification or non-identification. The investigator shall compose the array in such a manner that the suspect does not unduly stand out. In composing the photo array, the officer/investigator shall:

1. The array must contain at least six (6) photographs of individuals. There must not be any identifying marks such as placards or height markers. Photos must be numbered on the back in order of the presentation and the officer's initials should be on the back.
2. The array will only include one photo of the suspect and all photos will be similar in size. The individuals in the photos shall all be facing the same direction.
3. When selecting the five fillers, officers will use individuals with similar features such as facial hair, hair color, etc. Officers may use the individual sequential method or simultaneous presentation method when presenting the array.

B. Video and/or Audio Recording

The record of the witness' statements accurately and completely reflects all information obtained and preserves the integrity of this evidence. As such, the investigator shall provide complete and accurate documentation of all information obtained from the witness.

During, or as soon as reasonably possible after the interview, the investigator should:

1. Document the witness' statements (e.g., audio or video recording, witness' written statement, written summary using witness' own words).
2. Review written documentation; ask the witness if there is anything he/she wishes to change, add, or emphasize.
3. If audio and video recordings are used, they will be placed into the Property/Evidence Room in accordance with Chapter 84.

Complete and accurate documentation of the witness' statement is essential to the integrity and success of the investigation and any subsequent court proceedings.

Refer to 42.2.10 (G) Audio/Video Equipment

C. Multiple Witnesses

The same procedure for showing photographic arrays will be followed for each witness. If multiple witnesses are involved, the photographic array will be shown to each witness at different times in order that one witness will not influence another. Witnesses will not be permitted to communicate with each other until all identification procedures are completed and witnesses should be instructed not to discuss their identifications with anyone else.

D. Instruction for Witnesses and E. Identifying the Level of Confidence

The double-blind presentation of photographic arrays is the preferred method which involves the presentation of the array by an officer/investigator – independent administrator - who does not know which photograph is the suspect. This method eliminates any suggestiveness of the array presentation. Where staffing levels are available, an independent administrator shall be used.

Instructions given to the witness prior to viewing an array can facilitate an identification or non-identification based on his/her own memory. Prior to presenting a photo array, the investigator or independent administrator shall provide instructions to the witness to ensure the witness understands that the purpose of the identification procedure is to exonerate the innocent as well as to identify the actual perpetrator. These procedures are as follows:

1. Instruct the witness that he/she will be asked to view a set of photographs.
2. Instruct the witness that it is just as important to clear innocent persons from suspicion as to identify guilty parties.
3. Instruct the witness that individuals depicted in the photo array may not appear exactly as they did on the date of the incident because features such as head and facial hair are subject to change.
4. Instruct the witness that the person who committed the crime may or may not be in the set of photographs being presented.

5. Assure the witness that regardless of whether an identification is made, the police will continue to investigate the incident.
6. Instruct the witness that the procedure requires the investigator to ask the witness to state, in his/her own words, how certain he/she is of any identification.

F. Prohibiting Feedback

When presenting a photo array, the investigator/administrator should:

1. Provide viewing instructions to the witness as outlined on the Photographic Array record (SUPD form 008).
2. Confirm that the witness understands the nature of the photo array procedure.
3. Avoid saying anything to the witness that may influence the witness' selection.
4. Once the array is completed, the witness will not be told whether or not the suspect was identified.
5. Record any identification results and witness' statement of certainty.
6. Document in writing the photo array procedures, including:
 - a. Identification information and sources of all photos used;
 - b. Names of all persons present at the photo array;
 - c. Date and time of the identification procedure;
 - d. Whether the process was video/audio recorded.
7. Instruct the witness not to discuss the identification procedure or its results with other witnesses involved in the case as the investigation is ongoing.

G. Documentation of Photo Arrays and Results

The record of the outcome of the identification procedure accurately and completely reflects the identification results obtained from the witness. When conducting an identification procedure, the investigator shall preserve the outcome of the procedure by documenting any identification or non-identification results obtained from the witness on SUPD form 008 – Photographic Array Record by:

1. Recording both identification and non-identification results in writing, including the witness' own words regarding how sure he/she is.
2. Ensure results are signed and dated by the witness.
3. Ensure that no materials indicating previous identification results are visible to the witness.
4. Ensure that the witness does not write on or mark any materials that will be used in other identification procedures.

Preparing a complete and accurate record of the outcome of the identification procedure improves the strength and credibility of the identification or non-identification results obtained from the witness. This record can be a critical document in the investigation and any subsequent court proceedings. The photographic array and the results will be placed in the criminal case file which will be forwarded to Records.

H. Live line-ups are not conducted by this agency.

42.2.12 Procedures for Show-Ups in Eyewitness Identification

Field show-ups can be used whenever a suspect is apprehended within close proximity to the crime and within a reasonable timeframe. Prior to the show-up, officers will determine and document a complete description of the suspect(s) and provide instructions to witnesses on the show-up process.

A. Compelling reasons under which a show-up may occur include:

1. Circumstances – Due to the fact that a show-up is inherently suggestive, compelling reasons must exist before it is decided to use this procedure. The seizure of a suspect must be, at a minimum, based upon reasonable suspicion.
2. Timing – While no specific rules exist regarding what constitutes a reasonable amount of time between when an incident occurred and when the one-on-one identification takes place, officers should consider that if a suspect is located within close proximity to the location the perpetrator was last seen a short time after the crime and when there is some unique characteristic or description of the suspect's appearance, a one-on-one show-up is an acceptable method of identification.

B. Transportation and Implementation

1. Victims and/or witnesses should be transported to the location where the suspect is being detained.
2. Viewing can take place from a patrol unit or an unmarked vehicle providing that there is an unobstructed view.
3. Officers should choose a location with adequate lighting and assure distance is maintained between the suspect and witness for safety reasons and to allow for proper identification or exclusion.
4. Officers will document where the witnesses were seated in the vehicle when the field show-up took place.

C. Multiple Eyewitnesses

If there are multiple eyewitnesses/victims, officers will transport each individual eyewitness or victim in a different patrol unit or at different times and instructed to avoid discussing details with other eyewitnesses/victims.

D. Witness Instructions

The investigating officer will instruct the witnesses that they will be transported by the police to view a person fitting their description for the purpose of making a positive or negative identification. Transporting officers will not make any comments to witnesses but will only document their responses once they have viewed the suspect. No conversation shall be allowed between the suspect and the witnesses/victims.

E. Confidence Level

The confidence level of a witness will be evaluated by the investigating/transporting officer in terms of the witness' statement, conduct or other relevant observations.

F. Prohibiting Feedback

The investigating/transporting officer shall not provide any feedback, positive or negative, to the witness with regards to suspect identification or the crime under investigation and will only document statements made by the witness.

G. Documentation of Show-Up and Results

1. The field show-up shall be thoroughly documented in the case report to include all persons present, the location, lighting, and weather conditions, time, date and approximate distance that the viewing took place.
2. Officers will document the exact statement made by the witness/victim regardless of whether the identification was positive or negative.
3. Officers will also document the suspect's clothing, demeanor and injuries, if any, as well as whether the suspect was handcuffed. Officers shall document any statements made by the suspect.
4. A video and/or audio recording may be used to document the field show-up process to supplement the incident report. Any recording will be placed into evidence in accordance with Chapter 83 and 84.

Edwin Lashley
Chief of Police