

2.300 CRIMINAL INVESTIGATIONS

2.302 CRIMINAL INVESTIGATIONS UNIT

- A. The CIU is organizationally coordinated and assigned consistent with **1.200 Organization**.
- B. The CIU is responsible for handling those investigations that require special expertise, or because of their complexity, length or location, are unable to be completed by patrol officers taking initial reports. The CIU is also assigned primary functional responsibility in the areas of vice, drugs, organized crimes, intelligence, and surveillance.
 1. The CIU Commander is responsible for supervising all assigned investigative functions.
 2. The CIU Commander may deal directly with unit commanders, bureau commanders, or the chief on particularly sensitive investigative matters, intelligence information, and concerning resource requirements for the conduct of covert operations.
 3. The CIU Commander exercises functional supervision along with patrol squad supervisors over patrol squad personnel conducting criminal investigations.
- C. Specific activities conducted by the CIU include, but are not limited to:
 1. Information screening and initial reporting;
 2. Contacting suspects, victims, and witnesses;
 3. Collecting and processing evidence;
 4. Conducting surveillance operations;
 5. Conducting routine follow-up investigations;
 6. Conducting special purpose investigations;
 7. Conducting vice, drug, and organized crime control activities;
 8. Preparing cases for referral to the OSA or other prosecuting authorities;
 9. Exchanging investigative information with other agencies and components of the criminal justice system; and
 10. Preparing, obtaining, and serving search warrants and other criminal processes.
- D. Officers assigned to the CIU are of the same rank classifications and on identical salary schedules as officers assigned to patrol activities.
- E. CIU personnel are available 24 hours a day, seven days a week, on a first call notification basis consistent with **1.438.20 First-Call Status**.
- F. Officers assigned to the CIU should periodically attend patrol squad briefings in order to enhance relationships between units and provide for increased exchange of information.
 1. Each investigator should attend at least two patrol squad briefings a month unless it can be shown that exigent circumstances precluded attendance.
 2. The CIU Commander is responsible for:
 - a. Monitoring attendance at patrol squad briefings by investigators;
 - b. Assigning investigators to attend briefings when scheduling conflicts arise which preclude originally assigned investigators from attending; and
 - c. Ensuring pertinent information discussed by patrol squad personnel during briefings is disseminated to other investigators.
 3. Investigators are responsible for:
 - a. Attending patrol squad briefings as scheduled or assigned;
 - b. Providing pertinent information to patrol squad members which is relevant to patrol duties or which would assist in improving lines of communications between units;
 - c. Notifying the CIU Commander when unable to attend scheduled briefings; and
 - d. Informing the CIU Commander of any pertinent information exchanged at briefings as soon as possible after attending briefings.

4. Patrol squad commanders are responsible for ensuring investigators' attendance at patrol squad briefings is documented on Daily Operations Records.

2.304 INVESTIGATION ACCOUNTABILITY

- A. In most cases, officers assigned to patrol squads are responsible for conducting preliminary investigations into incidents reported to the agency.
- B. Investigators may be assigned to initially respond to and investigate incidents or crimes that involve sensitive issues or when the initial presence of uniformed officers could compromise investigations.
- C. Some incidents require the immediate notification of CIU personnel to assume the responsibility for completion of preliminary and follow-up investigations.
 1. Notifications will be made consistent with **2.442 Notifications**.
 2. Incidents that require immediate notification to CIU personnel are:
 - a. Armed robberies;
 - b. Assaults involving weapons or serious injuries;
 - c. Barricade or hostage situations;
 - d. Burglaries or B&Es where there is extensive or unusual losses;
 - e. Deaths, homicides, suicides;
 - f. Discharge of weapon by on-duty or off-duty officers;
 - g. Explosions, bombings, or explosive devices;
 - h. Felonies involving weapons or serious injuries;
 - i. All fires of a suspicious nature and those fires involving death, injuries, or major property damage;
 - j. Kidnapping, extortion, or attempts;
 - k. Major drug arrests;
 - l. Multiple incidents of any crime;
 - m. Search warrant application;
 - n. Sex offenses, rapes, or attempts;
 - o. Serious threats against officers; and
 - p. Other incidents as determined by incident scene or patrol squad commanders.
 3. Investigators arriving at scenes of listed incidents assume command and control over investigations and incident scenes unless otherwise directed by a bureau commander, the chief, or other competent authority.
- D. Patrol officers will normally conduct investigations of incidents, misdemeanors, or felonies committed in their presence or when incidents are such that patrol officers can effectively conduct follow-ups with approval of their squad commanders and the CIU Commander.
- E. Officers assigned to the CIU will normally conduct follow-up investigations of crimes when:
 1. Offenses appear to be part of a pattern of offenses;
 2. Follow-ups are required in widely separated locations outside the primary jurisdiction of the agency;
 3. Particular investigative training or expertise will be needed during the conduct of investigations; or
 4. Directed to do so by the chief or other competent authority.

2.305 ADMINISTRATIVE INVESTIGATIONS

- A. The agency may be periodically required to conduct certain administrative, non-criminal investigations that do not have any immediately known criminal law implications or are not related to internal misconduct investigations as described in **2.904 Processing Complaints**.
- B. Administrative investigations may include, but are not limited to:
 1. Suspected violations of various university administrative directives; and

2. Certain inquiries consistent with **2.1100 Threat Assessment Management Program**.
- C. Exact administrative investigation duties and responsibilities vary according to the incidents being investigated. General administrative investigation duties and responsibilities may include, and not in any specific order, but are not limited to:
 1. Conforming to basic investigative best practices as previously described and applicable for preliminary and follow-up investigations;
 2. Ensuring findings are supported by substantial evidence in the record;
 3. Adhering to any applicable administrative due process requirements;
 4. Reviewing and analyzing records, documentation and related materials;
 5. Planning, Organizing, and preparing investigative reports and finding for review for appropriate administrative authorities;
 6. Being alert to investigations that develop information indicating or leading to criminal activities to ensure:
 - a. Criminal investigation due process procedures are followed as appropriate; and
 - b. The Office of the State's Attorney or other prosecutorial authority is consulted as necessary.

2.306 INVESTIGATION OPERATIONS

- A. Officers will investigate fairly, impartially, completely, and legally all cases assigned to them.
- B. Although no two investigations are identical in substance, certain standard components that comprise most investigations may include:
 1. Developing information;
 2. Interviews and interrogations;
 3. Collecting, preserving, and utilizing physical evidence;
 4. Developing background information on victims, witnesses, and suspects; and
 5. Conducting surveillance operations.
- C. Collection and preservation of evidence will be accomplished uniformly consistent with **2.500 Evidence & Property Management**.

2.306.10 Developing Information

- A. Information received from any source must be obtained legally, documented appropriately, and judged objectively.
- B. Potential sources of investigative information that should be utilized as reasonable and prudent may include, but are not limited to:
 1. Victims;
 2. Witnesses;
 3. Suspects;
 4. Community members or other citizens;
 5. Other criminal justice agencies;
 6. Informants;
 7. Previous incident reports relating to incidents or individuals involved;
 8. Arrest records;
 9. Intelligence information;
 10. Other police personnel;
 11. NCIC / MILES and MVA data bases;
 12. Probation and Parole records;
 13. Tax records;
 14. Real estate records;
 15. Post Office records;
 16. Bank and credit agency records;
 17. Union and professional agency records;
 18. Insurance company records; and

19. Internet searches.

2.306.20 Interviews and Interrogations

- A. Officers should attempt to record the conduct of interviews and interrogation either as written statements, audio recordings, or video recordings.
 1. Officers should use the agency's "Victim / Witness / Suspect Statement Form" when conducting written interviews or interrogations.
 - a. Completed written statements will be submitted to the Records Unit.
 - b. Copies of written statements may be maintained as components of investigative files.
 2. Audio or video taped interviews or interrogations are considered evidence and will be marked, processed, submitted to the Logistics Unit, stored, and tracked consistent with **2.500 Evidence & Property Management**.
- B. Interviews are conducted with those individuals who may have information concerning certain aspects of investigations. Factors which should be taken into consideration when conducting interviews include, but are not limited to:
 1. The amount of trauma or stress to which victims or witnesses have been subjected;
 2. Interview locations;
 3. The ages or physical limitations of victims or witnesses;
 4. Credibility of persons being interviewed; and
 5. Timeliness of interviews.
- C. Interrogations are conducted with individuals who are suspects or those individuals who, in the opinion of investigators, have been directly involved in the incident under investigation. Interrogations will be conducted consistent with **2.634 Interrogations**.

2.306.30 Incident Related Background Investigations

- A. Background information on victims, witnesses, reporting persons, and suspects will be obtained only on an as-needed basis depending on the nature of incidents under investigation.
- B. Records and information obtained during the conduct of incident related background investigations will be made part of the related case files consistent with **2.312.40**.

2.306.40 Surveillance Operations

- A. Surveillance operations may be used during the conduct of investigations when it is necessary to:
 1. Observe suspects or conditions unobtrusively;
 2. Generate new or additional information involving incidents under investigation;
 3. Create intelligence information; or
 4. Obtain firsthand observations of criminal activities.
- B. Covert, decoy, undercover, or major surveillance operations conducted with, or at the request of, agency personnel must receive approval of the CIU Commander, the chief, or the appropriate bureau commander prior to the operations being conducted.
- C. Covert investigations shall be done only for legitimate law enforcement objectives with a due regard for safeguarding the applicable constitutional rights and liberties of all persons who may be affected by the investigation.
- D. Surveillance operations that are relatively limited in scope and duration conducted with agency personnel may be approved by patrol squad commanders.
- E. See also **2.360.40 Operational Planning**.

2.307 INTERVIEW AND INTERROGATION ROOMS

- A. The agency's interview and interrogation rooms are to be used, with exceptions noted herein, only to facilitate investigations or the questioning or testing of detainees.
 1. Interview and interrogation rooms will not be used to conduct the routine processing of detainees other than persons being

- processed for traffic related charges.
2. The routine processing of all other agency detainees will be conducted in a RPC unless otherwise authorized by the chief or a bureau commander.
- B. Detainees may be held for up to two hours with constant supervision and control of agency personnel.
 - C. Agency employees will ensure that non-agency employees follow applicable weapons, security, and facility directives when entering interview and interrogation rooms.
 - D. Employees observing incidents or situations that threaten the safety of the facility or any person therein, or discovering deficiencies during room use, checks, or searches will:
 1. Notify supervisory personnel;
 2. Take corrective actions or make appropriate notifications as necessary;
 3. Complete appropriate reports; and
 4. Ensure CIS is sent.
 - E. Delinquent juvenile offenders may only be held for up to 6 hours for processing purposes (i.e. awaiting pickup from parents or guardians, transfer to a DJS facility, interviewing, or for identification purposes).

2.307.02 Management & Administration

- A. The interview and interrogation rooms have:
 1. Safety, sanitation, and security measures and precautions in place and properly maintained;
 2. Procedures established and posted for gaining access to medical and health care services;
 3. Toilet facilities and drinking water accessible to detainees.
- B. On-duty patrol personnel are responsible for the day-to-day facility operations. These responsibilities include, but are not limited to, ensuring:
 1. Safety, security, and sanitation precautions are properly utilized;
 2. Medical and health care services are properly utilized; and
 3. Detainees are given access to toilet facilities, drinking water, or comfort breaks; and
 4. Rooms are kept clean and free of potential hazards.
- C. Administrative, maintenance, or operational problems within the interview and/or interrogation rooms will be forwarded, in writing or via e-mail, through the chain of command to the appropriate bureau commander.
- D. Agency personnel with responsibilities for use of interview and interrogation rooms will be initially trained on facility operations and provided with retraining every three years.
- E. A documented administrative review of the Interview and Interrogation room procedures will be conducted by a Police Services Bureau administrator at least once every three years

2.307.04 Inspections

- A. Employees using the interview and interrogation rooms are responsible for conducting and documenting inspections as soon as practical before using the rooms.
 1. Inspections will be conducted of:
 - a. Heat / smoke / fire detector, sprinkler, and fire extinguisher (if applicable);
 - b. Sanitary conditions, notifying FM when necessary for cleaning;
 - c. Doors, windows, locks, and other mechanical conditions, notifying FM when necessary for maintenance;
 - d. Security conditions that include searching for weapons and contraband;
 - e. Emergency Panic Alarms;
 - f. First aid and PPE kits, replenishing supplies as necessary; and
 - g. Weapon lockers and keys.
- B. Inspections will include all areas of the interview and interroga-

tion rooms, where weapons, contraband, or other articles that may present potential security threats could be hidden.

1. Locations to be closely examined include, but are not limited to:
 - a. In and around trash cans;
 - b. Under any chairs, tables, or benches; and
 - c. In shelving and form storage areas.
 2. Articles that are to be removed by inspecting employees as potential security threats include, but are not limited to pens, pencils, other office supplies, and tools.
- C. Results of inspections, observed deficiencies, and any corrective actions will be documented in writing or via e-mail, through the chain of command to the appropriate bureau commander.
 - D. Supervisory or administrative ranked personnel are responsible for determining if uncorrectable deficiencies are of sufficient magnitude that health or safety conditions are unacceptably compromised in the interview and interrogation rooms therefore ordering the room closed until deficiencies are corrected.
 1. Uncorrectable problems and deficiencies, discovery of weapons or contraband, or room closures will be reported via CIS.
 2. The appropriate bureau commander will be notified when any interview or interrogation room is closed or weapons or contraband are found.
 - E. On-duty patrol supervisors and administrators are responsible for conducting spot inspections of the interview and interrogation rooms.

2.307.06 Fire Prevention & Emergency Plan

- A. Detainees and interviewees are not permitted to possess any flammable materials, excepting essential clothing, while in the interview and interrogation rooms.
- C. Detainees or interviewees will be evacuated by officers via posted emergency evacuation routes to areas of safety in the event of fires or other environmental emergencies.
 1. Communications personnel will notify PGFD and Environmental Safety.
 2. Agency personnel will, as practical, attempt to extinguish fires using fire extinguishers and/or sprinkler system.
 3. Detainees or interviewees needing first aid or transportation to medical facilities will be tended to as needed.

2.307.08 Access by Non-Essential Personnel

- A. Interview and interrogation rooms are considered a limited access area.
- B. Those permitted in the interview and interrogation rooms when detainees are present are:
 1. Detainees;
 2. Attorneys consistent with **2.307.26**;
 3. Visitors consistent with **2.307.30**; and
 4. Employees actively assisting with detainee activities (usually limited to two employees unless exigent circumstances apply).
- C. Only essential personnel will enter the interview and interrogation rooms during emergencies.
- D. Civilian employees will not enter the interview and interrogation rooms when it is occupied unless they are:
 1. Accompanied by an officer; or
 2. Monitored by Communications via video and audio surveillance systems.
- E. When there are no detainees in the interview and interrogation rooms, it may only be accessed by:
 1. Persons conducting authorized inspections;
 2. Persons participating in authorized building tours;
 3. Employees obtaining forms or supplies; or
 5. Janitorial, repair, or maintenance personnel.

2.307.10 Weapons in Interview and Interrogation rooms

- A. Detainees and interviewees will not have access to weapons or equipment which could reasonably be utilized as weapons.
- B. When detainees are in the interview and interrogation rooms:
 - 1. Firearms will not be allowed in the rooms;
 - 2. Other agency issued weapons may be carried in the interview and interrogation rooms only in immediate defense of self or others;
 - 3. Officers entering the interview and interrogation rooms will first secure their firearms in the firearms lockers located in close proximity to the interview room; and
 - 4. Evidentiary weapons will be secured in evidence lockers.

2.307.12 CCTV Security System

Interview and interrogation room's CCTV monitoring and recording, if applicable, will be consistent with **2.1033 CCTV Monitoring & Recording**. The system will not be turned off, tampered with, or otherwise compromised except as provided in **2.307.28, 2.307.30, and 2.602.10**.

2.307.14 Emergency Assistance

Employees needing emergency assistance will either press the panic alarm or contact Communications via radio or telephone and request assistance for their location.

2.307.16 Escapes

- A. Employees will exercise due care and diligence in order to prevent detainee escapes.
- B. Transporting and detention facility personnel will be notified of any escape risks when taking custody of detainees.
- C. Employees becoming aware of escapes from interview and interrogation rooms will immediately notify the on-duty patrol squad commander who will:
 - 1. Immediately notify communications and provide:
 - a. Complete description of the detainee;
 - b. Direction of travel;
 - c. What the detainee was in custody for; and
 - d. If the detainee is a danger to self, officers, or the community;
 - 2. Be in command of the incident and make every practical attempt to apprehend the detainee by coordinating actions and responses of personnel; and
 - 3. Prepare reports on the incident.
- D. If escapes occur, Communications personnel will:
 - 1. Broadcast a lookout;
 - 2. Notify PGPD, OSPG, MSP; and
 - 3. Send a wanted/escape message via MILES.
- E. Recaptured detainees will be charged with escape in addition to initial charges leading to their arrest.
- F. Administrative investigations into escape circumstances will be conducted consistent with **2.900 Complaints and Discipline**.

2.307.18 Detainee Security

- A. Detainees will routinely be restrained at all times when in agency custody. However, detainees may be allowed out of restraints when they are:
 - 1. Being searched or processed;
 - 2. Using toilet facilities;
 - 3. Being administered breath tests for alcohol;
 - 4. In the locked detention cell; or
 - 5. Unrestrained consistent with parts C or F of this section.
- B. Detainees will not be left unattended in agency interview and interrogation rooms.
- C. Officers may handcuff detainees to restraining rails in the interview and interrogation rooms when there are articulable reasons to do so based on detainee's escape potential or probability of causing harm to self or others.
- D. Officers may utilize additional or enhanced restraints authorized

by the agency on detainees only as necessary:

- 1. For the protection of self or others;
 - 2. For mobility, medical, or other reasons that preclude other required restraint uses; or
 - 3. On detainees who are violent, self-destructive, suicidal, escape risks, or under the obvious influence of alcohol or other drugs.
- E. Authorized additional or enhanced restraints involve:
 - 1. Utilizing leg irons; or
 - 2. Utilizing flex-cuffs or other similar nonmetallic restraints.
 - F. Detainees will be escorted by officers when outside the interview and interrogation rooms.
 - 1. Officers may exercise discretion in deciding whether to handcuff or otherwise restrain detainees while escorting them outside the facility based on:
 - a. Circumstances of arrests;
 - b. Nature of offenses; or
 - c. Conduct or physical condition of detainees.
 - 2. Officers with any doubts relating to detainees' conduct will restrain them as necessary and appropriate when escorting them outside the temporary holding facility.
 - 3. Unrestrained detainees or detainees handcuffed to the front will not be permitted in areas occupied by armed officers.
 - G. Facts and circumstances leading to increased, DECREASED, or enhanced use of restraints will be included in related incident reports.

2.307.20 Placement of Detainees

- A. Interview and interrogation rooms may be occupied by no more than one detainee/interviewee at a time.
- B. Interview and Interrogation rooms will not be occupied by more than one age/sex demographic of detainee at a time.
 - 1. Sight and sound separation must be maintained at all times between male/female and adult/juvenile detainees.
 - 2. Juveniles being charged as adults must not be detained with adults.
- C. Juvenile status offenders and juvenile non-offenders, such as children in need of supervision, cannot be placed in any locked room or handcuffed to stationary objects.

2.307.22 Special Detainee Segregation & Notification

- A. Detainees who are violent, self-destructive, or suicidal will not be placed in interview and interrogation rooms.
- B. Employees will ensure detainees and interviewees who are self-destructive or suicidal receive emergency psychiatric evaluations consistent with **2.422 Emergency Psychiatric Evaluations** or receive treatment in accordance with **2.608** prior to their appearance before District Court Commissioners.
- C. Officers relinquishing custody of detainees to other officials will notify those officials if detainees are believed to be drug addicts, self-destructive, or suicidal.

2.307.24 Supervision of Detainees

- A. Detainees in the interview and interrogation rooms must be continuously supervised. At no time should a detainee be left unattended in an interview or interrogation room.
- B. Agency employees may only supervise detainees of the same sex unless contact periods are monitored and recorded by the CCTV system.
 - 1. Searches will be made consistent with **2.602**.
 - 2. Supervising officers will respect the sexual privacy of detainees utilizing toilet facilities or attending to other personal hygiene needs.
- D. Civilian employees will not supervise detainees if such supervision requires the civilian employee to come into personal contact with detainees.

2.307.26 Attorney-Detainee Contacts

- A. Detainees will be allowed to meet with their attorneys in agency facilities consistent with constitutional, processing, and detainee security requirements.
- B. Attorneys having direct contact with detainees will have their person and property searched prior to detainee contact.
- C. Attorneys and their detainee clients will be provided privacy inside the interview and interrogation rooms in order to confer. If there is CCTV systems installed in the interview rooms;
 - 1. The audio monitoring and recording functions will be disabled.
 - 2. The video monitoring and recording functions will remain active.
 - 3. Detainees will be searched following direct contacts with attorneys.
- D. Information relating to attorney-detainee contacts, including personal information of attorneys, times, and duration of contacts will be recorded in agency reports of the arrest.

2.307.28 Telephone Use

- A. Detainees will be afforded reasonable use of telephones. Phone use must not compromise ongoing investigations or unduly interfere with agency activities.
- B. Calls will be made only from the phone in the interview and interrogation rooms.
- C. Information relating to phone calls, including phone numbers and persons called will be recorded in agency reports of the arrest.

2.307.30 Visitation

- A. Detainees are precluded from receiving visitors in all but the most exigent, humanitarian circumstances at the discretion of arresting officers and with the approval or supervisory or administratively ranked officers.
- B. Visits must take place in the interview and interrogation rooms.
 - 1. Detainees will be handcuffed during visits.
 - 2. No physical contact will be allowed between detainees and visitors.
 - 3. Detainees will be searched before and after visits.
 - 4. Visitors and their property will be searched before visits.
- C. Information relating to visits, including the personal information of visitors, reasons for visits, and duration of visits, will be recorded in agency reports of the incident.

2.307.32 Mail and Packages

- A. The only items that may be accepted on behalf of detainees are those necessary for humanitarian reasons or to facilitate processing. Acceptable items include, but are not limited to:
 - 1. Cash or negotiable instruments for bail or bonding purposes;
 - 2. Essential medications, or clothing;
 - 3. Personal identification documents.
- B. Items received by the agency for detainees will be searched by supervisory or administrative personnel or arresting officers.
 - 1. Contraband and evidentiary items will be impounded and recorded on property receipts.
 - 2. Items accepted on behalf of detainees will be recorded on Detainee Property and Screening Reports and secured with detainees' other property.
 - 3. Items will be returned or distributed consistent with 2.622.16.

2.308 PRELIMINARY INVESTIGATIONS

- A. Preliminary investigations begin when initial units arrive at incident scenes or when citizens request assistance in person or by telephone and continue until investigations are suspended, postponed, or transferred without jeopardizing investigation outcomes.
- B. Exact duties and responsibilities of officers conducting or participating in preliminary investigations vary according to the inci-

dents being investigated. Officers conducting or participating in preliminary investigations will conduct listed investigative duties and responsibilities only in the event such duties and responsibilities are found to be necessary.

- C. Preliminary investigation duties and responsibilities include, but are not limited to:
 - 1. Providing aid to injured persons;
 - 2. Determining if crimes have been committed, and if so, exact nature of the crimes;
 - 3. Maintaining and protecting incident scenes and arranging for the collection and preservation of evidence;
 - 4. Determining identities of suspects and effecting arrests on-scene or through immediate pursuit;
 - 5. Furnishing descriptions, methods and direction of flight of suspects, and other relevant information concerning wanted suspects or vehicles;
 - 6. Alerting responding units of potentially hazardous conditions;
 - 7. Observing all conditions, events, and remarks;
 - 8. Locating and obtaining complete identification and relevant information from victims, witnesses, and reporting persons;
 - 9. Obtain written statements from victims, witnesses, reporting persons, and suspects;
 - 10. Giving information to victims and witnesses about applicable rights or services available to them, such as counseling, medical attention, Criminal Injury Compensation Board, legal aid, etc.;
 - 11. Informing victims or witnesses what to do in case of threat or intimidation;
 - 12. Providing agency CCNs and phone numbers in order to facilitate reporting of additional information about cases or to receive information about case status;
 - 13. Discussing subsequent steps in processing cases; and
 - 14. Accurately and completely recording or documenting all pertinent information in required reports or applications.

2.310 FOLLOW-UP INVESTIGATIONS

- A. Follow-up investigations are extensions of preliminary investigations and are intended to provide additional information in order to close cases, arrest offenders, and/or recover stolen property.
- B. Exact duties and responsibilities of officers conducting or participating in follow-up investigations vary according to the incidents being investigated. Officers conducting or participating in follow-up investigations will conduct listed investigative duties and responsibilities only in the event such duties and responsibilities are found to be necessary.
- C. Follow-up 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 preliminary investigations;
 - 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 recontacting 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 promptly 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 consistent with **2.312**; and
 16. Accurately and completely recording or documenting all pertinent information in required reports or applications; and
 17. Preparing cases for presentation to the OSA, courts, or administrative hearing bodies.
14. Returning promptly 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 consistent with **2.312**; and
 16. Accurately and completely recording or documenting all pertinent information in required reports or applications; and
 17. Preparing cases for presentation to the OSA, courts, or administrative hearing bodies

2.311 COLD CASE INVESTIGATIONS

- 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 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 hostile and uncooperative; various time constraints hindered the investigation; the originally assigned detectives had a heavy workload; a lack of worthwhile leads stalled the case.
- 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 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 recontacting 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;

2.312 VICTIM / WITNESS ASSISTANCE

2.312.10 Victim / Witness Rights

- A. All employees of this agency will treat victims and witnesses with fairness, compassion, and dignity.
- B. Basic guidelines for the treatment of, and assistance to, crime victims and witnesses are established in CP 11-1002 and CP 11-1004.
- C. Victims of certain offenses have the right to request that charged individuals be tested for HIV Consistent with CP 11-112 and **2.408.30 HIV Testing of Charged Individuals**.

2.312.20 Victim / Witness Assistance Coordinator

- A. The chief will designate an officer to serve in an ancillary capacity as the agency's victim / witness assistance coordinator.
- B. Duties and responsibilities of the victim / witness coordinator include, but are not limited to:
 1. Ensuring the agency conducts an on-going survey and analysis of victim / witness assistance needs and available services within the agency's primary jurisdiction;
 2. Ensuring the confidentiality of victims and their role in case development to the extent consistent with applicable laws and directives;
 3. Developing and proposing victim / witness assistance goals and objectives in conjunction with the development of the agency's overall goals and objectives;
 4. Maintaining liaison with other agencies and organizations that provide services addressing the rights and needs of victims and witnesses;
 5. Ensuring the agency acquires and/or develops for distribution appropriate victim / witness assistance materials.
 6. Ensuring agency employees have access to current victim / witness assistance information;
 7. Facilitating services between victims / witnesses, arresting officers, and the OSA Victim / Witness Unit during post-arrest proceedings; and
 8. Coordinating with PIO personnel and employees who conduct the agency's various community relations and crime prevention presentations the release of information regarding victim / witness assistance and referral services.
- C. The agency's on-going victim / witness assistance survey and analysis is intended to provide the agency with information that includes, but is not limited to:
 1. Whether requested and/or required victim / witness services are being provided;
 2. Whether the needs of victims and witnesses are being met; and
 3. What reasonable and prudent victim / witness assistance services need to be developed within available resources without duplicating the efforts of other agencies or organizations.
- D. The agency completes a documented review of victim/witness assistance needs and available services within the agency's service area at least once every three years.

2.312.30 Delivery of Victim / Witness Services

- A. Victim / witness service information is available 24 hours a day to citizens who come to the agency's Customer Service Window, call the agency via 911 or the agency's main non-emergency

number of 301-405-3555.

1. Victim / witness service information made available by the agency includes, but is not limited to:
 - a. This agency's emergency and non-emergency phone numbers; and
 - b. Referral information regarding victim / witness services provided by other departments or organizations to persons in need of medical attention, counseling, and emergency financial assistance.
 2. Employees assigned to the agency's Customer service window are responsible for providing as much referral assistance as is available in order to facilitate the needs of crime victims / witnesses.
- B. Officers will distribute **Crime Victims and Witnesses: Your Rights and Services** brochures during their first contacts with crime victims consistent with CP 11-104.
1. Brochures must be presented to crime victims who file reports with this agency for:
 - a. Misdemeanor crimes against persons;
 - b. Felonies;
 - c. Actual or attempted physical assaults; or
 - d. Victims of juvenile crime.
 2. Brochures will be distributed to next of kin, as necessary and appropriate, when victims are killed or suffer disabling or incapacitating injuries.
 3. Brochures may be presented to other victims and witnesses as deemed reasonable and prudent by agency personnel.
 4. Brochures must be accompanied by the agency's authorized supplemental listing of local victim / witness resources.
 5. The agency's victim / witness assistance coordinator is responsible for ensuring adequate supplies of the brochure and supplemental resource listing are available to agency personnel.
- C. Agency employees will provide assistance to victims/ witnesses who have been threatened or who articulate specific, credible reasons for fearing intimidation or further victimization.
1. CR 9-305 prohibits intimidating or corrupting jurors, witnesses, etc. and the obstruction of justice.
 2. Assistance will be provided based on criteria that include, but are not limited to:
 - a. Nature of the cases;
 - b. Availability of resources; and
 - c. Locations of victims / witnesses.
 3. Officers becoming aware of victims / witnesses being in danger have duties and responsibilities that may include, but are not limited to:
 - a. Ensuring on-duty patrol squad commanders are notified;
 - b. Ensuring the CIU commander is notified;
 - c. Making reasonable and prudent attempts to promptly notify and/or alert the victims / witnesses of the danger;
 - d. Responding to the locations of victims / witnesses if within the agency's jurisdiction to provide immediate protection;
 - e. If victims / witnesses are in other jurisdictions, notifying the police agencies of primary jurisdiction of the danger;
 - f. Notifying the OSA; and
 - g. Notifying the US Marshall's service if the victims / witnesses are in the Federal Witness Protection Plan.
- D. Officers conducting preliminary and follow-up investigations are responsible for ensuring victim / witness services are provided consistent with **2.308** and **2.310**.
- E. Arresting officers and/or primary investigating officers are responsible for taking good-faith efforts to make timely notifications to victims / witnesses of post-arrest information that includes, but is not limited to:
1. Confirming arrests of suspects;
 2. Charges placed against suspects; and

3. Custody status and changes thereto of suspects.
- F. The OSA has established and maintains a victim / witness assistance unit to support and assist victims / witnesses before, during, and after trial proceedings.

2.312.40 Victims to Receive Information About Use of DNA Evidence

- A. Victims of crime and their representatives have the right to request information regarding DNA evidence.
- B. Upon request, and unless to do so would impede an on-going investigation, victims and their representatives, shall be given timely notice of the following:
 1. Whether an evidentiary DNA profile was obtained from evidence in the case;
 2. When any evidentiary DNA profile developed in the case was entered into the DNA Database System; and
 3. When any confirmed match of the DNA profile, official DNA case report, or DNA hit report is received.
- C. Upon request, officers should provide victims of crime and/or their representatives with the UMPD DNA Notification form.
- D. These completed forms will then be submitted to the Records Unit. The Records Unit will provide a copy of the completed form to the Investigations Unit Supervisor for followup.

2.316 CASE SCREENING & MANAGEMENT

2.316.10 Evaluation & Screening of Cases

- A. The agency utilizes a case evaluation and screening system whereby solvability factors, personnel resource levels, and agency experience and expertise levels are employed to determine if incidents will continue to be investigated.
- B. The CIU Commander is responsible for reviewing all preliminary investigations to assist in determining the commitment of time and resources to follow-up investigations.
- C. Criteria utilized by the CIU Commander to determine agency resource commitment include, but are not limited to:
 1. Current case loads of investigators;
 2. Agency expertise with similar cases;
 3. Experiences of other criminal justice agencies; and
 4. Analysis and intelligence activities conducted by this and other criminal justice agencies.
- D. Solvability factors will be utilized by the CIU Commander to determine agency resource commitment.
 1. Solvability factors include, but are not limited to:
 - a. Witnesses were identified;
 - b. Suspects were named, described, located, or identified;
 - c. Suspect vehicles were described, located, or identified;
 - d. Significant injuries were sustained by victims or suspects;
 - e. Incidents are of a community sensitive nature;
 - f. There is reason to believe crimes may be solved with reasonable investigative efforts;
 - g. Stolen property is traceable;
 - h. Significant M.O. is present;
 - i. Significant physical evidence is present;
 - j. Incidents indicate patterns of criminal activity; and
 - k. Limited opportunities existed for anyone excepting suspects to commit the crimes.
 2. Follow-up investigations will be conducted if at least one solvability factor "a" through "f" exists.
 3. Follow-up investigations may be conducted if at least one of the solvability factors "g" through "k" exist.

2.316.20 Case Assignments

- A. The CIU Commander, in consultation with patrol squad commanders, will designate a primary officer to investigate each case determined to receive a follow-up investigation.
- B. Assignments of investigations will normally be made by taking into consideration current individual case loads as well as the in-

- investigative skills, knowledge, and expertise of individual officers.
- C. Primary officers investigating incidents are accountable and responsible for the conduct of cases assigned to them even though other officers may be assisting in the case.
 - D. Primary case investigators are not precluded from obtaining assistance from others who have more specialized skills, knowledge, or abilities.
 - E. Officers assisting in case investigations are individually accountable and responsible for the conduct of those investigation components, duties, or responsibilities assigned to them.
 - F. Patrol squad officers wishing to conduct follow-up investigations on cases for which they conducted preliminary investigations must obtain approval to do so from their patrol squad commanders and the CIU Commander.
 - G. Most follow-up investigations assigned and conducted by officers are second contact follow-up investigations into incidents wherein few or no investigative leads exist.
 1. Second contact follow-up investigations assist in building public confidence in the agency by demonstrating the agency and its officers are genuinely concerned about the welfare of persons involved in cases.
 2. Second contact follow-up investigations will be conducted within 14 calendar days after being assigned by the CIU Commander unless exigent circumstances exist and have been communicated to the CIU Commander.
 - H. Primary case investigators should coordinate with and obtain assistance from other agencies when necessary during the course of an investigation.

2.316.30 Case Tracking System

- A. A RMS application is utilized to assign and track the status of follow-up investigations.
 1. The CIU Commander is responsible for assigning all follow-up investigations.
 2. Follow up assignment records information that includes, but is not limited to:
 - a. CCN;
 - b. Incident type;
 - c. ID# and name of officer assigned;
 - d. Date assigned;
 - e. Suspense date;
 - f. Complete date; and
 - g. Case status.
 3. Case status designators are:
 - a. Pending;
 - b. Arrest;
 - c. Exceptional; and
 - d. Unfounded.
- B. Pending cases are sub-divided into pending-active and pending-suspended cases.
 1. Pending-active cases are those that are actively being investigated or are awaiting routine second contacts.
 2. Pending-suspended cases are those cases wherein active investigative efforts are suspended because:
 - a. All leads have been exhausted;
 - b. There are no satisfactory conclusions; and
 - c. Ninety calendar days have passed since incidents were initially reported.
- C. Cases are cleared by arrest when at least one person per case is:
 1. Arrested;
 2. Charged with the commission of the offense; and
 3. Turned over to the court for prosecution; or
 4. Under 18 years of age and is cited to appear in juvenile court or before juvenile authorities.
- D. Cases are cleared exceptionally only when:
 1. The identities of offenders have been established;
 2. There is enough information to support arrests, charges, and

- prosecutions;
 3. The exact locations of offenders are known so that they could be taken into custody; and
 4. There are reasons outside law enforcement control that precludes arresting, charging, and prosecuting offenders, to include when victims declare they are unwilling to assist or cooperate in prosecutions.
- E. Cases are classified as unfounded when investigations determine reported incidents to be false, baseless, or if no offenses occurred nor were attempted.

2.316.40 Case File Maintenance

- A. Investigative case files will be established for all investigations excepting second contact follow-up investigations and kept up to date as possible by primary investigating officers.
- B. All original case related documents, excepting property receipts, investigative summaries, and field, pre-arrest and non-consensual photographs, will be submitted to the Records Unit for filing in master case files.
- C. Originals of investigative logs, copies of other case related documents Investigative case file documents, and field, pre-arrest and non-consensual photographs, are to be filed by primary investigating officers in case file folders sections for:
 1. Reports and continuations;
 2. Investigative summaries;
 3. Legal documents that include, but are not limited to;
 - a. Search warrants;
 - b. Arrest warrants;
 - c. Criminal summonses;
 - d. Witness and officer summonses;
 - e. Statement of charges;
 - f. Criminal informations;
 - g. Subpoenas; and
 - h. Statements;
 4. Property receipts, laboratory reports, and requests and approvals to retain evidence;
 5. Correspondence and memos; and
 6. Photographs and miscellaneous documents.
- D. Labels on investigative case file folders will contain the:
 1. CCN;
 2. Incident type;
 3. Location of occurrence;
 4. Victim's name; and
 5. Suspect's name, if known.
- E. Investigative files will be stored in the CIU's secure file cabinets when not in use.
 1. Each officer assigned to the CIU will store their case files when not in use in their assigned file cabinet drawers.
 2. Case files will be filed by CCN.
 3. The CIU Commander has access to all case file cabinets so that case files can be easily accessed when necessary to do so.
 4. Primary investigating officers not assigned to the CIU will liaison with the CIU Commander to ensure proper case file storage and access.
- F. Investigative case files will be retained in the CIU until cases are:
 1. Closed by arrest and prosecution;
 2. Closed by exception;
 3. Closed as unfounded; or
 4. Still pending, but with active investigative efforts suspended because:
 - a. All leads have been exhausted;
 - b. There are no satisfactory conclusions; and
 - c. Ninety calendar days have passed since incidents were initially reported.
- G. When investigative case files are no longer to be retained in the CIU, the files will be disposed of by:
 1. Submitting investigative summaries, and field and pre-arrest

- photographs to the Records Unit for inclusion in master case files; and
- 2. Shredding all other document copies.

2.318 INVESTIGATIVE CHECKLISTS

- A. Properly completed crime and incident reports normally serve as appropriate checklists for most investigations.
- B. Investigations which exceed the scope of initial reporting and follow-up will incorporate checklists to ensure critical investigative details are not overlooked.
- C. The CIU Commander is responsible for developing investigation checklists and monitoring the use thereof during on-going investigations.

2.320 POLYGRAPH EXAMINATIONS

- A. The agency authorizes the use of the polygraph examination process as an investigative aid in the detection of deception.
- B. Polygraph examination processes conducted or utilized by the agency must be consistent with agency directives, laws, and standards and code of ethics of the American Polygraph Association.
- C. Only individuals employed by this or other criminal justice agencies and who are successfully trained by accredited schools in the use of polygraph instruments will be utilized to conduct polygraph examinations for the agency.
- D. Polygraph examinations may be administered only during the conduct of on-going investigations. Polygraph examinations may be administered to:
 - 1. Suspects;
 - 2. Witnesses;
 - 3. Victims; and
 - 4. Police officers consistent with LEOBR.
- E. Polygraph examinations will not be administered during the conduct of internal theft investigations unless primary case investigators have reasonable suspicion to believe that particular suspects have committed crimes and that criminal charges are probable.

2.320.10 Preliminary Arrangements

- A. All requests for polygraph examinations must be submitted to the appropriate bureau commander consistent with **1.200 Organization**, or the chief for approval.
- B. Primary investigating officers are responsible for:
 - 1. Allowing polygraph examiners to review investigative case files pertaining to persons for whom polygraph examinations are requested;
 - 2. Notifying persons to be examined of dates and times of examinations;
 - 3. Verifying to examiners that notifications to examination subjects were made at least 24 hours prior to examinations;
 - 4. Arranging transportation for persons being examined, if necessary; and
 - 5. Being present during the course of pre-examination interviews in order to assist examiners with any information that may be necessary.
- C. At least three hours should be allotted for each examination.

2.320.20 Testing Restrictions & Limitations

- A. Individuals must voluntarily submit to polygraph examinations and execute permission forms to that fact.
- B. Juveniles will not be examined unless at least one parent, legal guardian, or juvenile court judge has granted written permission.
- C. Persons will not be administered polygraph examinations when such examinations are contraindicated by medical conditions and certified as such by their health care providers.
- D. Persons under the influence of alcohol, sedatives, opiates, or suffering from moderate to severe pain, or respiratory disorders are not normally considered to be suitable candidates for examina-

tions.

- E. Pregnant women will not be administered polygraph examinations unless:
 - 1. They are less than four months pregnant; and
 - 2. Their attending primary health care providers provide documentation allowing examinations and relieving involved officers, examiners, the agency, and the university of civil liability.

2.321 COMPUTER VOICE STRESS ANALYZER (CVSA)

- A. The agency authorizes the use of the CVSA as an investigative aid in truth verification.
- B. CVSA examination processes conducted or utilized by the agency must be consistent with agency directives and standards of the National Institute of Truth Verification.
- C. Only individuals employed by this or other criminal justice agencies and who are currently certified in the use of CVSA instruments will be utilized to conduct CVSA examinations for the agency.
- D. CVSA examinations may be administered only during the conduct of on-going criminal, administrative, or background investigations.
- E. Approval authority for the conduct of CVSA examinations rests with the CIU commander, bureau commanders, and the chief.
- F. Primary investigating officers are responsible for coordinating CVSA examinations with appropriate CVSA examiners.
- G. Generally, any individual who knows right from wrong may be tested.
- H. Excepting Structured Tests, individuals must voluntarily submit to CVSA examinations and execute permission forms to that fact.
- I. Juveniles will not be examined unless at least one parent, legal guardian, or juvenile court judge has granted written permission.

2.322 TASK FORCES

- A. Agency officers may be assigned to participate as members of intra-agency or multi-agency investigative task forces dealing with intelligence gathering, major crimes, controlled dangerous substances, organized crimes, vice crimes, etc.
- B. Prior to officers being assigned to investigative task forces, the chief must have executed task force agreements addressing issues that include, but are not limited to:
 - 1. Identifying task force purposes;
 - 2. Defining authority, responsibilities, and written agreements;
 - 3. Establishing accountability;
 - 4. Identifying available resources;
 - 5. Evaluating task force results and necessity of continued operations.
- C. Intra-agency task force administration and operations responsibilities rests with commanding officers as designated by the chief.
- D. Multi-agency task force administration and operations responsibilities rests with initiating or controlling agencies, with assisting agencies acting in supporting roles.
- E. Officers assigned to multi-agency task forces are organizationally assigned to the CIU and will keep the CIU Commander and Chief of Police briefed on their activities.
- F. Officers assigned to multi-agency task forces will abide by the directives of initiating or controlling agencies. Incidents of directive conflicts between this agency and initiating or controlling agencies will be resolved between the Office of the Chief and task force initiating or controlling agencies.

2.324 REPEAT OFFENDERS

- A. The agency and its officers will attempt to reduce the incidence of specific criminal offenses coming under the jurisdiction of the agency by identifying and targeting repeat offenders for apprehension and/or prosecution.
- B. Repeat 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.;
 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.
- C. The OSA maintains a repeat offender coordinator to assist in the prosecution of repeat offenders. Assistance provided by the OSA repeat offender coordinator is primarily reactive, obtains certified and other documents relating to suspects' prior involvements in related criminal activities, and provides associated litigation assistance.
- D. Officers making arrests for violations applicable to repeat offenders will:
1. Ensure all suspects are researched through NCIC and MILES to determine if repeat offender criteria are tentatively met; and
 2. Notify the OSA repeat offender coordinator within 72 hours that arrests of known, potential, or probable repeat offenders have been made.
- E. Cases wherein known, potential, or probable repeat offenders are targeted for arrest, or whose arrests are sought or anticipated, may be referred by primary investigating officers, with concurrence of the CIU Commander, to the OSA repeat offender coordinator for assistance.

2.326 FIELD & PRE-ARREST PHOTOGRAPHY

- A. Officers are allowed to take field and pre-arrest photographs of individuals in order to identify or eliminate suspects. Field and pre-arrest photographs may be taken when:
1. Persons are in public places where they have no reasonable expectation of privacy;
 2. Persons willingly and voluntarily give their consent to be photographed;
 3. There is a reasonable basis for believing that the photographs will establish or negate suspects' connections with crimes and if the procedures are carried out with dispatch; or
 4. When contacted and issued Advisements of Trespass or Denials of Access under the authority of CR 6-403, CR 6-402, and Ed. Art. 26, Sec. 102.
- B. Prior to photographing field detainees, officers will consider factors that include, but are not limited to:
1. Whether or not reasonable suspicion exists that individuals are somehow involved in criminal activities;
 2. If, while not absolutely necessary, individuals voluntarily consent to being photographed;
 3. If photographs will serve legitimate police purposes;
 4. If photographs are the least intrusive method of verifying or dispelling reasonable suspicions of criminal activity;
 5. If cameras are readily available.
- C. The use of photographs for identification purposes is viewed as a non-testimonial, scientific identification procedure to which no fifth amendment privilege against self-incrimination or sixth amendment right to counsel attaches. However, the manner in which photographs are obtained may fall within the fourth amendment's proscription against unreasonable search and seizure.
- D. It is preferred that agency employees obtain field or pre-arrest photographs with the consent of the individuals. Under no circumstances should agency employees resort to physical force merely in order to obtain a photograph. Photographs should not be taken in such a way as to suggest guilt or innocence, or otherwise lead to a substantial likelihood of irreparable misidentifica-

tion.

2.326.10 Trespass & Denial Photograph Dispositions

- A. Officers should take photographs of persons who cannot be positively identified when they are contacted and issued Advisements of Trespass or Denials of Access, providing no other recent photographs are available through the agency.
- B. Officers may take photographs of persons who can be positively identified when they are contacted and issued Advisements of Trespass or Denials of Access, providing no other recent photographs are available through the agency.
- C. Officers should take two full face photographs when photographing persons contacted and issued Advisements of Trespass or Denials of Access.
1. Officers will be required to submit the media card from the digital camera to Logistics after the photographs are taken.
 2. Logistics will be responsible for printing the digital camera photographs and submitting them to Records and Communications for attachment to the Trespass or Denial forms and for inclusion in active Trespass and Denial files.

2.326.20 Field & Pre-Arrest Photograph Dispositions

- A. Officers taking field or pre-arrest photographs will ensure that a Digital Photography Information Card is filled out for each detainee.
- B. The Digital Camera media cards will be submitted to the Logistics unit for inclusion in investigative case files.
1. Photographs should not be made available for display, reproduction, or viewing in subsequent investigations absent clear and convincing reasons for such release and no other reasonable means exist for obtaining new photographs of subjects.
 2. Photographs will be submitted to the Logistics Unit for inclusion in master case files.
 3. Photographs and other case related records will be disposed of in accordance with the agency's records retention and destruction schedule.

2.327 EYEWITNESS IDENTIFICATION

- A. Maryland law (HR103) requires all law enforcement agencies to adopt written policies pertaining to eyewitness identification and make these policies available for public inspection.
- B. UMDPS will conduct fair and impartial one-on-one line-ups, photo line-ups, and "mug" book eyewitness identifications.
- C. The information obtained from a witness is critical to the safety of those involved in an incident and may be important to the investigation.

2.327.10 Communications Responsibility

- A. As the initial point of contact for the witness/victim, the PCO must obtain and disseminate, in a non-suggestive manner, complete and accurate information from the caller. This information can include the description/identity of the suspect.
- B. During a call for service, after obtaining preliminary information and dispatching an officer, the PCO should:
1. Ensure the caller that police are on the way;
 2. When applicable, inquire about weapons;
 3. Ask open ended questions (e.g. "What can you tell me about the car?") and augment with closed ended questions (e.g. "What color was the car?");
 4. Avoid asking suggestive or leading questions (e.g. "Was the car red?");
 5. Ask if anything else should be known about the incident;
 6. Transmit information to responding officer(s); and
 7. Update officer(s) as more information comes in.

2.327.20 Investigating the Scene (Preliminary Investigating Officer)

- A. The preliminary investigation at the scene forms a sound basis for the accurate collection of information and evidence during the the follow-up investigation.
- B. Preservation and documentation of the scene, including information from witnesses and physical evidence, are necessary for thorough preliminary investigation. The methods used by the preliminary investigating officer have a direct impact on the amount and accuracy of the information obtained throughout the investigation.
- C. After securing the scene and attending to any victims and/or injured persons, the preliminary investigating officer should:
 1. Identify the suspect(s);
 2. Determine the location of the suspect(s);
 3. Detain or arrest the suspect(s) if still present at the scene;
 4. Determine what crime or incident has occurred;
 5. Broadcast updated description of the incident, suspect(s), and/or vehicle(s), as applicable;
 6. Verify the identity of the witness(es);
 7. Separate witnesses and instruct them to avoid discussing details of the incident with other witnesses;
 8. Canvass the area for other witnesses.

2.327.30 Eyewitnesses

- A. Information obtained from the witness(es) can corroborate other evidence (e.g. physical evidence or accounts provided by other witnesses) in the investigation. Therefore, it is important that this information be accurately documented in writing.
- B. The manner in which the preliminary investigating officer obtains information from a witness has a direct impact on the amount and accuracy of that information.
- C. When interviewing a witness(es), the preliminary investigating officer should:
 1. Inquire about the witness' condition;
 2. Establish a rapport with the witness;
 3. Ask open ended questions (e.g. "What can you tell me about the car?") and augment with closed ended questions (e.g. "What color was the car?");
 4. Avoid asking suggestive or leading questions (e.g. "Was the car red?");
 5. Clarify the information received with the witness;
 6. Document the information obtained from the witness, including the witness' identity, in a written report;
 7. Encourage the witness to contact investigators with any further information.

2.327.40 Interviewing the witness by the follow-up investigator- Pre-interview Preparation

- A. Pre-interview preparation will enable the investigator to elicit a greater amount of accurate information during the interview, which may be crucial to the investigation.
- B. Prior to conducting the interview, the investigator should:
 1. Review available information;
 2. Plan to conduct the interview as soon as the witness is physically and emotionally capable;
 3. Select an environment that minimizes distractions while maintaining the comfort level of the witness;
 4. Ensure interview room is available;
 5. Separate the witnesses; and
 6. Determine the nature of the witness' prior law enforcement contact.
- C. Establishing a cooperative relationship with the witness likely will result in an interview that yields a greater amount of accurate information. On meeting with the witness but prior Beginning the interview, the investigator should:
 1. Develop rapport with the witness;
 2. Inquire about the nature of the witness' prior law enforcement contact related to the incident;

3. Volunteer no specific information about the suspect or case.
- D. Information elicited from the witness during the interview may provide investigative leads and other essential facts. The above interview procedures will enable the witness to provide the most accurate, complete description of the event and encourage the witness to report later recollections. Witnesses commonly recall additional information after the interview that may be critical to the investigation. During the interview, the investigator should:
 1. Encourage the witness to volunteer information without prompting;
 2. Encourage the witness to report all details even if they seem trivial;

2.328 PHOTO LINE-UPS

- A. In a photo line-up, the suspect should not unduly stand out.
- B. An identification obtained through a photo line-up using the following procedures should result in a strong evidentiary value.
- C. When possible, the "double-blind" lineup procedure should be used. This lineup is one in which neither the administrator nor the eyewitness knows who the suspect is. This prevents the administrator of the lineup from providing inadvertent or intentional verbal or nonverbal cues to influence the eyewitness.
- D. In composing a photo line-up, the investigator should:
 1. Include only one suspect in each identification procedure;
 2. Select fillers who generally fit the witness' description of the suspect provided by the witness, or when the description of the suspect differs significantly from the appearance of the suspect, fillers should resemble the suspect in significant features;
 3. If multiple photos of the suspect are reasonably available to the investigator, select a photo that resembles the suspect description or appearance at the time of the incident;
 4. Include a minimum of five fillers (non suspects) per identification procedure;
 5. Consider that complete uniformity of features is not required. Avoid using fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers;
 6. Create a consistent appearance between the suspect and fillers with respect to any unique or unusual feature (e.g., scars, tattoos) used to describe the suspect by artificially adding or concealing that feature;
 7. Consider placing suspects in different positions in each lineup, both across cases and with multiple witnesses in the same case. Position the suspect randomly in the lineup;
 8. When showing a new suspect, avoid reusing fillers in lineups shown to the same witness;
 9. Ensure that no writings or information concerning previous arrests(s) will be visible to the witness;
 10. View the spread, once completed, to ensure that the suspect does not unduly stand out; and
 11. Preserve the presentation order of the photo lineup. In addition, the photos themselves should be preserved in their original condition.
- E. Instructions provided to the witness prior to presentation of a lineup will likely improve the accuracy and reliability of any identification obtained from the witness and can facilitate the elimination of innocent parties from the investigation. Prior to presenting a photo lineup, the investigator should:
 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 the guilty party(ies);

3. Instruct the witness that individuals depicted in lineup photos 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. The manner in which an identification procedure is conducted can affect the reliability, fairness and objectivity of the above procedures and can minimize the effect of external influences on a witness' memory.
1. When conducting simultaneous photo lineups, the investigator should:
 - a. Provide viewing instructions to the witness as outlined in 2.328 D;
 - b. Confirm that the witness understands the nature of the lineup procedure.
 2. Avoid saying anything to the witness that may influence the witness' selection;
 3. If an identification is made, avoid reporting to the witness any information regarding the individual he/she has selected prior to obtaining the witness' statement of certainty;
 4. Record any identification results and witness' statement of certainty as outlined in 2.328 E;
 5. Document in writing the photo lineup procedure including:
 - a. Identification information and source of all photos used;
 - b. Names of all persons present at the photo lineup; and
 - c. Date and time of the identification procedure.
 6. Instruct the witness not to discuss the identification procedure or its results with other witnesses involved in the case and discourage contact with the media;
 7. When presenting a sequential photo lineup, the investigator should:
 - a. Provide viewing instructions to the witness as outlined in 2.328D;
 - b. Provide the following additional viewing instruction to the witness:
 1. Individual photographs will be viewed one at a time;
 2. The photos are in random order;
 3. Take as much time as needed in making a decision about each photo before moving to the next one;
 4. All photos are shown, even if an identification is made.
 8. Confirm that the witness understands the nature of the sequential procedure;
 9. Present each photo to the witness separately, in a previously determined order, removing those previously shown;
 10. Avoid saying anything to the witness that may influence the witness' selection;
 11. If an identification is made, avoid reporting to the witness any information regarding the individual he/she has selected prior to obtaining the witness' statement of certainty;
 12. Record any identification results and witness' statement of certainty as outlined in 2.328F; and
 13. Document in writing the photo lineup procedure, including:
 - a. Identification information and source of all photos used;
 - b. Names of all persons present at the photo lineup;
 - c. Date and time of the identification procedure; and
 - d. Instruct the witness not to discuss the identification procedure or its results with other witnesses involved in the case and discourage contact with the media.
- G. 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 critical documentation in the investigation and any subsequent court proceedings. When conducting an identification procedure, the investigator should:

1. Record 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.
5. Officers presenting photo line-ups and persons viewing line-ups complete appropriate sections of "Photographic Array Viewing Instructions";
6. Photo line-ups are preserved by photographing the array and completing "Photographic Array Viewing Instructions";
7. Persons viewing photo line-ups must record their observations and conclusions on "Photographic Array Viewing Instructions";
8. Officers conducting photo line-ups are responsible for entering line-up results and the observations and comments of persons viewing line-ups in related police incident and crime reports. This information must be entered regardless of identifications being made or not being made; and
9. Originals of photo line-ups will be processed and submitted as evidence to Logistics consistent with **2.500 Property & Evidence Management**.
10. Photo line-ups are not video and/or audio recorded.

2.328.10 Preparing "Mug" Books

- A. "Mug" books must be objectively compiled to yield investigative leads that will be admissible in court.
- B. In selecting photos to be preserved in a "mug" book, the preparer should:
 1. Group photos by format (e.g., color or black and white; Polaroid, 35mm, or digital; video) to ensure that no photo unduly stands out;
 2. Select photos of individuals that are uniform with regard to general physical characteristics (e.g., race, age, sex);
 3. Consider grouping photos by specific crime (e.g., sexual assault, gang activity);
 4. Ensure that positive identification information exists for all individuals portrayed;
 5. Ensure that photos are reasonably contemporary; and
 6. Ensure that only one photo of each individual is in the "mug" book;
- C. "Mug" books, collections of photographs of previously arrested persons, may be used in cases in which a suspect has not yet been determined and other reliable sources have been exhausted. This technique may provide investigative leads, but results should be evaluated with caution.

2.328.20 Developing and Using Composite Images

- A. The use of composite images can yield investigative leads in cases in which no suspect has been determined. Use of these procedures can facilitate obtaining a description from the witness that will enable the development of a reasonable likeness of the suspect.
- B. The person preparing the composite should:
 1. Assess the ability of the witness to provide a description of the suspect;
 2. Select the procedure to be used from those available (e.g. Identikit-type or computer-generated images);
 3. Unless part of the procedure, avoid showing the witness any photos immediately prior to development of the composite;
 4. Select an environment for conducting the procedure that min-

imizes distractions;

5. Conduct the procedures with each witness separately; and
6. Determine with the witness whether the composite is a reasonable representation of the suspect.

2.328.30 Instructing the Witness during “Mug” book procedures

- A. Providing instructions to the witness can improve his/her comfort level and can result in information that may assist the investigation.
- B. Instructions to the witness prior to conducting the procedure can facilitate the witness’ recollection of the suspect.
- C. The investigator/person conducting the “mug” book procedure should:
 1. Instruct each witness without other persons present;
 2. Describe the “mug” book to the witness only as a “collection of photographs”;
 3. Instruct the witness that the person who committed the crime may or may not be present in the “mug” book;
 4. Consider suggesting to the witness to think back to the event and his/her frame of mind at that time;
 5. Instruct the witness to select a photograph if he/she can and to state how he/she knows the person if he/she can.
 6. Assure the witness that regardless of whether he/she makes an identification, the police will continue to investigate the case;
 7. 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 an identification.
- D. The investigator/person conducting the composite procedure should:
 1. Instruct each witness without other persons present;
 2. Explain the type of composite technique to be used;
 3. Explain to the witness how the composite will be used in the investigation;
 4. Instruct the witness to think back to the event and his/her frame of mind at that time.

2.328.40 Documenting the “Mug” Book/Composites

- A. Documentation of the procedure and its outcome improves the strength and credibility of the results obtained from the witness and can be an important factor in the investigation and any subsequent court proceedings.
- B. The investigator/person conducting the procedure should:
 1. Document the procedure employed (e.g. Identikit-type, “mug” book or computer-generated image) in writing;
 2. Document the results of the procedure in writing, including the witness’ own words regarding how certain he/she is of any identification;
 3. Document items used and preserve composites generated.

2.328.50 Interviewing the Witness by the Follow-up Investigator—Pre-Interview Preparation

- A. Pre-interview preparation will enable the investigator to elicit a greater amount of accurate information during the interview, which may be crucial to the investigation.
- B. Prior to conducting the interview, the investigator should:
 1. Review available information;
 2. Plan to conduct the interview as soon as the witness is physically and emotionally capable;
 3. Select an environment that minimizes distractions while maintaining the comfort level of the witness;
 4. Ensure interview room is available;
 5. Separate the witnesses; and
 6. Determine the nature of the witness’ prior law enforcement contact.
- C. Initial (Pre-interview) Contact with the witness should include establishing a cooperative relationship that likely will result in an interview that yields a greater amount of accurate informa-

tion. On meeting with the witness, but prior to beginning the interview, the investigator should:

1. Develop rapport with the witness;
 2. Inquire about the nature of the witness’ prior law enforcement contact related to the incident; and
 3. Volunteer no specific information about the suspect or case.
- D. Information elicited from the witness during the interview may provide investigative leads and other essential facts. The above interview procedures will enable the witness to provide the most accurate, complete description of the event and encourage the witness to report later recollections. Witnesses commonly recall additional information after the interview that may be critical to the investigation. During the interview, the investigator should:
 1. Encourage the witness to volunteer information without prompting;
 2. Encourage the witness to report all details even if they seem trivial;
 3. Ask open-ended questions (e.g., “What can you tell me about the car?”) and augment with closed-ended questions (e.g., “What color was the car?”);
 4. Avoid leading questions (e.g., “Was the car red?”);
 5. Caution the witness not to guess;
 6. Ask the witness to mentally recreate the circumstances of the event (e.g., “Think about your feelings at the time.”);
 7. Encourage non-verbal communications (e.g., drawings, gestures, objects).
 8. Avoid interrupting the witness;
 9. Encourage the witness to contact investigators when additional information is recalled;
 10. Instruct the witness to avoid discussing details of the incident with other potential witnesses;
 11. Encourage the witness to avoid contact with the media or exposure to media accounts concerning the incident; and
 12. Thank the witness for his/her cooperation.
 - E. Complete an accurate documentation of the witness’ statement is essential to the integrity and success of the investigation and any subsequent court proceedings. During or as soon as reasonably possible after the interview, the investigator should:
 1. Document the witness statements. Whenever possible a written statement from the witness shall be obtained; and
 2. Review written documentation; ask the witness if there is anything he/she wishes to change, add or emphasize.
 - F. Point-by-point consideration of the accuracy of each element of a witness’ statement can assist in focusing the investigation. This technique avoids the common misconceptions that the accuracy of an individual element of a witness’ description predicts the accuracy of another element. After conducting the interview, the investigator should:
 1. Consider each individual component of the witness’ statement separately;
 2. Review each element of the witness’ statement in the context of the entire statement. Look for inconsistencies within the statement; and
 3. Review each element of the statement in the context of evidence known to the investigator from other sources (e.g., other witnesses’ statement, physical evidence).
 - G. Re-establishing contact and rapport with the witness often leads to recovery of additional information. Maintaining an open communication channel with the witness throughout the investigation is critical. During post-interview, follow-up contact with the witness, the investigator should:
 1. Re-establish rapport with the witness;
 2. Ask the witness if he/she has recalled any additional information;
 3. Follow interviewing and documentation procedures previously mentioned in the above sections of **2.328.50 A-E**; and

4. Provide no information from other sources.

2.329 Field Identification Procedures (One-on-One /Show-up Line-ups)

- A. The use of a one-on-one can provide investigative information at an early stage, but the inherent suggestiveness of a one-on-one requires careful use of procedural safeguards.
- B. When conducting a one-on-one, officers should:
 1. Determine and document, prior to the one-on-one, a description of the suspect;
 2. Transport the witness in a departmental vehicle to the location of the detained suspect to limit the legal impact of the suspect's detention;
 3. When multiple witnesses are involved:
 - a. Separate witnesses and instruct them to avoid discussing details of the incident with other witnesses; and
 - b. If a positive identification is obtained from one witness, consider using other identification procedures for remaining witnesses.
 4. Caution the witness that the person he/she is looking at may or may not be the suspect;
 5. Obtain and document a statement of certainty for both identifications.
- C. Preparing a complete and accurate record of the outcome of the one-on-one improves the strength and credibility of the identification and non-identification results obtained from the witness and can be a critical document in the investigation and any subsequent court proceedings. When conducting a one-on-one, the investigator/officer should:
 1. Document the time and location of the one-on-one; and
 2. Record both identification and non-identification results in writing, including the witness' own words regarding how certain he/she is.
- D. Officers may utilize one-on-one line-ups when:
 1. Suspects are at large; and
 2. There is not enough time to build or conduct physical line-ups; and
 3. There are not enough personnel to set up and present physical line-ups.
- E. One-on-One line-ups are not video and/or audio recorded.
- F. The administrator of the showup should not know who the suspect is. This will prevent the administrator from providing inadvertent or intentional verbal or nonverbal cues (feedback) to influence the eyewitness.

2.330 REFUSAL TO PROSECUTE

- A. Cases may be closed by exception as the result of reasons outside the agency's control that preclude arresting, charging, and prosecuting offenders, to include when victims or witnesses declare they are unwilling to assist or cooperate in prosecutions.
- B. Pursuant to Criminal Procedures Article 11-929, a Refusal to Participate in the Prosecution of an Alleged Criminal Offense Form may not be used for cases involving "sexually assaultive behavior" as defined under Courts and Judicial Proceedings Article 10-923, of the Annotated Code of Maryland.
- C. Primary investigating officers will attempt to have victims execute "Refusal To Participate In The Prosecution of An Alleged Criminal Offense" (Refusal Statements) whenever victims or witnesses declare they are unwilling to assist or cooperate in prosecutions.
 1. Primary investigating officers may have victims or witnesses execute Refusal Statements only after victims or witnesses have affirmed their decision to a supervisory or administrative ranked officer superior to investigating officers.
 2. Investigating officers will inform victims or witnesses preparing to execute Refusal Statements that ultimate decisions to prosecute through the courts lies with the OSA and that non-

cooperative victims or witnesses may be compelled to testify by court order.

2.345 CONFIDENTIAL INFORMANTS

The agency encourages the development and use of police informants. The legal and proper use of informants can greatly assist officers in obtaining important information to be used in criminal investigations and intelligence efforts.

2.345.02 Informant Types

- A. Compensated informants are persons under the direction of the agency who, with or without expectation of compensation, provide intelligence information or information on crimes or criminal activity. Compensated informants include persons who provide information on a one-time or continual basis.
- B. Suspect/defendant informants are persons who have been arrested or are subject to arrest for criminal activities. Suspect/defendant informants normally expect to be compensated for their assistance by prosecutorial consideration in criminal matters which are or may be pending against them.
- C. Sources of information are persons, not under the direction of the agency, who provide information without becoming parties to the investigation itself. Should persons who would otherwise be considered sources of information seek financial compensation or become a continuing active part of the investigative process, their status should be shifted to that of informant.

2.345.04 Development and Approval of Informants

- A. All agency officers, excepting officers assigned to multi-agency task forces, will adhere to directives contained herein for the development, approval, utilization, etc., of informants. Employees assigned to multi-agency task forces will abide by the directives of task force initiating or coordinating agencies.
- B. To the extent prudent judgments can be made, prospective informants:
 1. Are in positions where they may measurably assist in present or future investigations;
 2. Will not compromise any police interests or activities;
 3. Must accept that measure of direction necessary to effectively utilize their services; and
 4. Must not be the subject of a current investigation.
- C. Other appropriate agencies, task forces, etc., will be contacted should information offered by prospective informants pertain to criminal activities outside the jurisdiction of this agency.
- D. Persons on parole or active probation must receive approval from the Department of Parole and Probation or other applicable agency, before being utilized as informants. Approval documentation must be contained in informants' files.
- E. Persons participating in court ordered drug treatment programs will not be utilized as informants until the specifics of applicable orders are reviewed and documented by the CIU Commander.
- F. Persons who are under arrest or face the possibility of criminal or administrative actions may be developed as informants without criminal or administrative charges actually being placed against them.
 1. Placing criminal charges against persons necessitates the release of material that is considered to be public information.
 2. Because the release of public information could have potential detrimental effects on the success of potential informants, officers will have supervisory ranked personnel contact an on-duty ASA to review the circumstances and to receive advice on whether or not to charge the suspect.
 3. OSA review is not necessary or required for situations when officers arrest and charge potential informants.
- G. Prior to entering into agreements with informants, officers must:
 1. Complete Informant Suitability Reports containing information satisfying the informant suitability criteria, as well as;

- a. Full face photographs (Polaroid type) of the persons;
 - b. Full signatures and any assumed signatures that might be used; and
 - c. Copies of drivers' records, criminal arrest records or inquiries, and warrant checks.
2. Verify potential informant's identity;
 3. Thoroughly debrief potential informants;
 4. Complete a Contact Report;
 5. Obtain a completed Confidential Informant Instructions form; and
 6. Submit the information to the CIU Commander for review and approval.
- H. Potential informants will not be authorized if they refuse to be photographed or submit required signatures.
- I. The CI number consists of the last two digits of the current calendar year, followed by a non-repeating, one-up numbering system. CI numbers are assigned by the CIU Commander.
- J. If potential CIs are not approved, the CIU Commander will describe on Informant Suitability Reports the objective based reasons for the refusal and file the materials for reference.

2.345.06 Debriefing of Informants

- A. All potential informants must be fully debriefed prior to their approval.
- B. The nature and extent of debriefings will vary with individuals' backgrounds. Lines of inquiry will be developed such that all knowledge of criminal activity, both drug and non-drug related, will be covered.
- C. Documented debriefings of informants should occur on at least a quarterly basis.
- D. "Informant Debriefing Reports" will be completed each time informants are debriefed. Debriefing reports will contain:
 1. No identifying information of CIs other than their CI number;
 2. Detailed descriptions of the names and identifications of suspects, locations, vehicles, types of criminal activities reported on, and any other pertinent investigative information;
 3. Types of assistance informants have agreed to provide; and
 4. The dates and times of debriefings, the names of others present, and any financial arrangements agreed upon.

2.345.08 Informant Utilization

- A. Officers may not make any explicit or implicit promises or predictions regarding the likely disposition of criminal charges that are pending against informants. In absence of a contract prepared by an ASA, informants can only be advised that controlling officers will make the extent of informants' cooperation known to the OSA.
- B. OSA personnel may enter into contractual agreements with informants. The CIU Commander will review the agency's CI files in order to determine if OSA contractual agreements should be pursued.
- C. Informants are assets of the agency, not of specific officers. At the discretion of the agency, informants may be reassigned to the control of other officers.
- D. Officer/informant contacts will be of a strictly professional nature. Extrinsic social or business contacts are expressly prohibited.
- E. Contacts with informants will be such that their knowledge of agency facilities, operations, activities, and personnel will be minimized.
- F. At least two officers must be capable of contacting informants.
- G. Meetings with informants should be conducted with two officers present, unless unusual situations make this impractical. Meetings with informants of the opposite sex require that two officers be present.
- H. All contacts with informants, whether or not information is received, will be documented in writing on Confidential Informant Contact Reports.

- I. Informants will be advised at the outset that:
 1. They will not violate criminal laws in furtherance of gathering information or providing services, except as provided in **2.345.10**, and that any evidence of such violations will be reported to appropriate law enforcement agencies;
 2. They have no official status, implied or otherwise, as agents or employees of this agency;
 3. The information that they provide may be used in a criminal proceeding, and that although this agency will use all lawful means to protect their confidentiality, this cannot be guaranteed;
 4. Payments for information received will be at the discretion of the chief; and
 5. When they participate in activities wherein they may come in contact with either official funds, controlled drugs, or anything else of potential evidentiary value, they will be searched thoroughly before and after the undercover encounter and, where possible, kept under continuous observation in between.
- J. All interactions with informants, including their development, establishment, debriefing, and utilization will be carried out with the highest regard for confidentiality and safety.
 1. When informants are brought into, or taken out of, agency offices, it will be done in a manner so as to attract minimal attention.
 2. Unnecessary disclosure of informants' identities should be avoided.
 3. Meetings outside agency offices should be conducted in as "neutral" locations as possible.
- K. Persons under the age of 18 will not be utilized as informants unless the agency receives written permission from parents or guardians.
- L. Agency employees will avoid meeting or engaging in covert investigative activities with CIs unless other sworn personnel are present to provide necessary corroboration, documentation, surveillance, and backup.
- M. Persons who come to this agency to offer assistance as informants in consideration of their arrest by other agencies will be advised that:
 1. The arresting agency will be notified of their desire to cooperate with this agency; and
 2. The OSA having jurisdiction over their charges will be notified by this agency's controlling officer and will be the deciding authority concerning the person's use as an informant.

2.345.10 Criminal Activity by Informants

- A. Informants sometimes gain authority from controlling officers to participate in activities which would otherwise be criminal, e.g., purchasing or selling stolen property or CDS, participating in a theft, etc.
 1. When authorizing activities which would otherwise be criminal, controlling officers will attempt to ensure:
 - a. There is minimal effect on innocent persons;
 - b. Informants are not primary sources of technical expertise or financial support;
 - c. Informants' activities are closely monitored; and
 - d. Informants do not directly profit from their participation beyond any plea agreement or compensation provided by the agency.
 2. Controlling officers must receive written approval from the CIU Commander to use informants for activities which otherwise would be criminal.
- B. Informants participating in unauthorized criminal activities are not immune from the consequences of their actions.
 1. When informants participate in unauthorized criminal activities, controlling officers, the CIU Commander, and the respective bureau commander will be notified and:

- a. Decide whether or not to delay notification of appropriate law enforcement personnel;
 - b. Decide whether or not to request appropriate authorities to delay or forego enforcement action;
 - c. Decide whether or not to continue using the informants; and
 - d. Document the incidents for inclusion in informants' files.
2. The CIU Commander must contact the OSA in the affected jurisdiction if there is to be a request to delay notification of law enforcement authorities or request not to take action. Only after contacting the appropriate OSA will the CIU Commander make decisions whether or not to continue informants' use.
 3. In determining whether or not to delay notification of authorities, the CIU Commander will consider:
 - a. Whether the crime is completed, imminent, or just beginning;
 - b. The seriousness of the crime in terms of danger to life and property;
 - c. Whether the crime is a felony or misdemeanor;
 - d. The degree of certainty of the information regarding the criminal activity;
 - e. Whether the appropriate authorities already know of the criminal activity and the informant's identity; and
 - f. The effect of notification on agency investigative activities.

2.345.12 Compensation of Informants

- A. Informants may be compensated for information given, services rendered, or expenses incurred.
 1. All plea bargaining will be conducted by representatives from the OSA.
 2. Prior to any payment of funds;
 - a. It must be determined that information relates to investigations within the jurisdiction of this agency;
 - b. Controlling officers, the CIU Commander, appropriate bureau commander consistent with **1.200**, and the chief must determine the value of the information or services, or expenses as related to investigations; and
 - c. Controlling officers must be able to substantiate the reliability of information to the satisfaction of the CIU Commander and the chief.
 3. Only the chief may authorize the compensation of informants. The chief may consult bureau commanders, investigative personnel, or other appropriate parties as necessary or appropriate 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.
- B. The chief is responsible for ensuring an accounting system is developed and maintained for all confidential funds.
 1. The accounting system will involve a ledger book containing inked entries recording:
 - a. CI numbers;
 - b. Date paid;
 - c. Amount paid;
 - d. Additions of new monies; and
 - e. Balance on hand after each transaction.
 2. The Inspectional Services coordinator and Internal Affairs coordinator will perform yearly audits of informant funds and the accounting system for any year in which informant funds were utilized.
- C. Informant funds will be maintained by the appropriate bureau commander consistent with **1.200 Organization** and authorized by the chief.
 1. All cash payments require informants to sign receipts.
 2. All cash payments, and items purchased for informants' personal benefit, must be recorded in informants' files.
 3. 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 prosecution, but the reliability of the information, services, etc.
- D. Informant payments will not be made without two witnesses to transactions.
 1. One of the witnesses must be a supervisory ranked officer.
 2. Uniformed personnel can be utilized as witnesses.
 3. Informants refusing to sign transaction receipts will not be paid.
 4. Signatures of informants signing for payments must reasonably compare with signatures contained in their CI files.

2.345.14 File Maintenance & Informant Security

- A. The CIU Commander is responsible for establishing and maintaining the agency's informant files.
 1. Files will be maintained in a separate and secure file cabinet, segregated from other files, and under exclusive control of the CIU Commander.
 - a. The file cabinet will be locked at all times when it is unattended.
 - b. Access to these files is limited to the chief, CIU Commander and controlling officers.
 - c. Information in these files will be released only with the approval of the chief or in response to subpoenas.
 - d. Informant files should not leave the immediate area except for review by controlling officers, and should be returned prior to the close of business hours.
 - e. Sign-out logs will be maintained by the CIU Commander in order to record dates, times out, times in, CI numbers, and signatures of persons reviewing files.
 2. Other than the personal information contained in or attached to Informant Suitability Reports, all references in informants files will be by CI number only.
 3. A master CI log will be maintained by the CIU Commander and stored as a component of the informant filing system. The CI log will contain:
 - a. CI numbers;
 - b. Types of informant, i.e., compensated informant or defendant/suspect;
 - c. Informants' full names;
 - d. Names of controlling officers;
 - e. Dates of CI approvals; and
 - f. Dates of CI deactivations.
- B. No informant information, files, reports, or data will be stored in any agency on-line data retrieval system.
- C. Informant files will contain, as appropriate or applicable:
 1. Informant Suitability Reports and attached documents verifying biographical and background information as well as criminal history, if any, and checks of other available criminal or information indices;
 2. Instructions to Confidential Informants;
 3. Informant Reliability Summary;
 4. Receipts documenting payments and other transactions;
 5. Requests from other agencies for use of CIs;
 6. Contact & Debriefing Reports;
 7. Agreement of Cooperation and/or Contract;
 8. Statements signed by informants;
 9. Administrative correspondence pertaining to CIs, including documentation of any representations made on their behalf, or any non-monetary considerations furnished; and
 10. Any deactivation reports or declarations of unsatisfactory per-

formance.

2.345.16 Management Review of Informants

- A. Controlling officers, in conjunction with the CIU Commander, are responsible for ensuring that handling of informants is in compliance with directives. Factors that should be routinely considered by the supervisors for carrying out those responsibilities are, but not limited to:
1. Ensuring informants' credibility is verified;
 2. Obtaining required external approvals for informant utilization;
 3. Ensuring that "Instructions to Confidential Sources" are presented to, and signed by, all informants;
 4. Ensuring full and accurate reporting of all informant debriefings;
 5. Ensuring all informants are being utilized to the best of their potential;
 6. Ensuring proper payments, and documentation of payments, to informants;
 7. Deactivating informants when necessary; and
 8. Meeting file review requests by the Chief, a designate, or ASA.
- B. The approval process, debriefing, and contact reports provide opportunities for continuing management reviews of informants.
- C. Controlling officers and the CIU Commander will debrief active informants as well as review informant files and all available criminal indices at least quarterly to ensure that the files contain relevant and current information.
1. Supplemental reports will be prepared by controlling officers documenting changes in material facts.
 2. Informants who have not provided data within six months will be deactivated.
 3. Informants who have been inactive for six months or more and are reactivated require checks of criminal indices and new photographs.
 4. Quarterly reviews and debriefings should consider whether:
 - a. Informants should remain active;
 - b. Informants are being properly targeted and utilized;
 - c. Debriefings have been completely and fully reported; and
 - d. Appropriate initial or on-going approval requirements are being met.
- D. Controlling officers and the CIU Commander will review the circumstances of informants who are arrested, become institutionalized for mental disorders, compromise an investigator's identity or for any reason warrant an updated evaluation to determine if their status should be terminated.
- E. Informants will be deactivated when:
1. They have not supplied information for a six month period;
 2. They no longer have the potential to furnish information or services which could lead to significant interdictions or prosecutions;
 3. They are no longer willing to cooperate;
 4. Their cooperation has been determined to be unsatisfactory; or
 5. Their contracted time period has expired.
- F. Informants found to be unreliable or who compromised any investigator or investigation will be deactivated and their files prominently marked "UNRELIABLE-DO NOT USE."
- G. Gifts made by informants to controlling or secondary officers may be accepted if the officers involved believe that not accepting the gift will damage the relationship with informants. In such cases, the gifts will be documented on Contact Reports and Property Receipts and submitted to the Logistics Unit.
- H. Informants will be deactivated by the decision or approval of the CIU Commander. A report will be written documenting reasons for deactivation and placed in the informant's file.
- I. Informant files will be maintained for a minimum of 10 years

after informant deactivation or disapproval.

2.350 AUTO THEFT INVESTIGATION

2.350.05 Preliminary Investigations

- A. Patrol officers will respond to scenes of reported auto thefts, investigate the offenses, and complete initial reports when auto thefts are confirmed.
- B. Auto theft reports will contain all applicable and available information that includes, but is not limited to:
1. CCNs;
 2. Dates and times of thefts;
 3. Locations of thefts;
 4. Vehicle information, e.g., year, make, model, color, VIN, etc.;
 5. Tag information, e.g., state, year, expiration date, number of tags stolen;
 6. How vehicles were stolen;
 7. Description and disposition of evidence;
 8. Listing of areas canvassed;
 9. Description of steps taken to ensure vehicles in question were not impounded or repossessed;
 10. Where vehicles were recovered;
 11. Suspect information;
 12. Any pertinent miscellaneous information; and
 13. Dates of MILES / NCIC activities, e.g., entry, modification, clearance, etc.
- C. Patrol officers will investigate auto thefts as completely as possible during their normal tours of duty.
1. Case responsibility for auto thefts will remain with the investigating patrol officers in cases where suspects have not been identified and/or investigative leads are minimal or nonexistent.
 2. Investigating officers may actively continue to investigate cases when leads are available, if notations are made in initial reports and cases are coordinated with the CIU.
 3. Follow-up contacts will be made with victims / reporting persons by investigating patrol officers to inform them of case status and to learn additional information.
- D. Vehicles with missing, altered, or obliterated VINs will be impounded consistent with **2.458.12 Vehicles Impounded for Evidence Purposes**.
- E. Vehicles recovered in theft or unauthorized use cases may be impounded consistent with **2.458.14 Stolen Vehicles**.

2.350.10 CIU Responsibility

- A. All auto theft reports will be reviewed by the CIU Commander to determine if cases should be assigned to Investigations personnel for additional investigation. Criteria for assigning cases to investigators will be based on solvability factors and theft patterns.
- B. CIU personnel will liaison with auto theft units in neighboring jurisdictions as a normal course of business.
- C. The CIU will maintain auto theft library information, to include, but not limited to:
1. NATB Auto Theft Manual; and
 2. Vehicle identification manuals.
- D. Auto theft incidents cannot be inactivated until:
1. Follow-ups have been made with victims / reporting persons; and
 2. Continuation reports have been filed containing information on contacts and any information received as result of the contacts.

2.350.15 Vehicle Processing

- A. Stolen vehicles recovered within the agency's jurisdiction will normally be processed by officers making the recoveries. CIU personnel may be contacted to conduct processing depending on the seriousness of crimes involving the stolen vehicles.
1. Processing is to be conducted at either recovery locations or

within the agency's impound lot.

2. Items that cannot be processed at recovery locations, such as paper, bottles, cans, and other removable items, should be packaged and brought to Headquarters for processing by either recovering officers, CIU personnel, or other qualified personnel.
- B. CIU personnel should be contacted when stolen vehicles are recovered outside the agency's jurisdiction and "Hold for Processing" NCIC requests have been made. CIU personnel will determine if agency personnel will respond to process vehicles, request recovering agencies process vehicles, or cancel the "Hold" request.

2.350.20 Vehicle Owner Notification

- A. Impounding or investigating officers will ensure owners are notified of vehicle recoveries. Owners will be informed of the circumstances of the recoveries, locations of the vehicles, and procedures for obtaining vehicle releases. Notification information, e.g., date, time, who, etc., will be included in the reports and Record of Impoundments filed.
- B. Officers receiving information on recoveries of vehicles stolen from the agencies' primary jurisdiction, but recovered elsewhere, are responsible for notifying vehicle owners of vehicle locations and any other pertinent information available. Notification information, e.g., date, time, who, etc., will be included in reports filed.
- C. If notifications to owners are not made in person or via telephone by the end of reporting officers' normal tours of duty, officers will notify on-duty patrol supervisory personnel to coordinate owner notifications with the next shift.
- D. If notifications to owners are not made within 24 hours, Records Unit personnel will be requested to send written notifications to the last registered owners via certified, return receipt, mail.

2.350.25 LOJACK Use & Operation

- A. Agency officers are responsible for ensuring LOJACK equipment use and operation is consistent with their training and specific equipment operating instructions.
- B. Communications personnel are responsible for ensuring compliance with their training and LOJACK entry and activation protocols.
- C. Tracking of, and enforcement actions taken against, LOJACK target vehicles will be:
 1. Consistent with jurisdictional authority and limitations; and
 2. During the conduct of routine patrol activities or other *bona fide* duties as specifically directed.
- D. Agency officers are permitted to track and attempt to locate LOJACK target vehicles only within our jurisdiction (primary and / or concurrent) unless:
 1. Otherwise authorized by supervisory or administratively ranked officers; or
 2. There is reasonable belief that other felonious activities are involved.
- E. When initiating LOJACK tracks, primary officers are responsible for:
 1. Ensuring communications personnel and on-duty patrol squad commanders are notified of tracks;
 2. Transmitting track progress updates while within radio range; and
 3. As the information becomes available, transmitting suspect vehicle and occupant descriptions.
- F. On-duty patrol squad commanders will:
 1. Assume command of the vehicle track;
 2. Not relinquish command until the track is concluded, canceled, or until relieved by a superior;
 3. Maintain control of the number of vehicles involved in the track by considering:

- a. Number of personnel needed to safely effect arrests;
 - b. Numbers of occupants in suspect vehicles;
 - c. Possession and type of weapons;
 - d. Communication capabilities by cellular phone, PGPD radio, MUTUAL AID RADIO;
 - e. Requests by tracking units for additional units;
 - f. Violence exhibited by suspects; and
 - g. Policing needs in our primary jurisdiction
4. Ensure notifications are made to other jurisdictions; and
 5. Determine the merits of tracks as the officer ultimately responsible for the decision to continue or discontinue tracks.
- G. Secondary officers involved in tracks will:
 1. Make notifications to communications relating to:
 - a. Unit or ID numbers; and
 - b. Their participation as secondary units;
 2. Assume positions of support to the rear of primary officers;
 3. Ensure on-duty patrol squad commanders are notified of pursuits;
 4. If requested, take over primary responsibilities for track progress communications; and
 5. Assist with arrests if apprehensions are made.
 - H. Communications personnel will:
 1. Immediately notify on-duty patrol squad commanders of tracks;
 2. Place all units not involved in the track "10-3" as appropriate;
 3. Ensure the effective coordination of communications between this agency and applicable agencies into whose jurisdictions LOJACK target vehicles are tracked; and
 4. Activate and utilize mutual aid radio if so requested.
 - I. Some, but not all, of the factors to be considered by primary officers, secondary officers, and patrol squad commanders when deciding to initiate, continue, or terminate LOJACK tracks are:
 1. Limitations established in **D**;
 2. Possibility of apprehensions;
 3. Locations;
 4. Pedestrian and vehicular traffic levels;
 5. Weather conditions; and
 6. Conditions of police vehicles.
 - J. Pursuits resulting from LOJACK tracks will be conducted consistent with **2.145**.

2.352 TELEPHONE MISUSE & TRACES

- A. Agency officers will investigate and report upon confirmed instances of telephone misuse as defined in CR 3-804.
- B. In order for agency officers to conduct active investigations into instances of telephone abuse, victims must agree to:
 1. Cooperate during investigations and any subsequent administrative and/or criminal prosecutions; and
 2. Execute Customer Request and Consent Agreements if necessary to log and/or trace phone calls originating in or out of the Telecommunication Services system.
- C. Investigating officers are responsible for explaining the agency's protocols for investigating telephone misuse complaints and presenting complainants the opportunity to execute Customer Request and Consent Agreements.
- D. Victims unwilling to cooperate with the agency's investigative requirements will be instructed by reporting officers to contact the customer service representatives of appropriate telephone companies for non-police assistance such as phone number changes.
 1. Phone number changes through private sector telephone service providers may be accomplished by victims contacting the service providers' unlawful calls offices.
 2. Phone number changes through Telecommunications Services may be accomplished by victims sending written requests to the Manager, Telecommunications Administrative Services. Written request must include corresponding CCNs of initial reports.

- E. Officers investigating telephone misuse or other related criminal incidents and needing the assistance of Telecommunication Services and/or Verizon personnel to trace or identify telephone numbers must first contact the appropriate liaison listed RMS and CAD.
 - 1. Telecommunications Services will be contacted when attempting to identify sources of unlawful phone calls originating within their system.
 - 2. Appropriate public sector telephone service providers will be contacted when attempting to identify sources of unlawful phone calls originating outside the Telecommunications Services system.
 - F. Investigating officers will ensure completed Customer Request and Consent Agreements are sent by FAX to appropriate communications carriers. Form originals will be submitted to the Records Unit.
 - G. Investigating officers will ensure cooperating victims are provided Telephone Misuse Call Registry forms. Victims must accurately report the dates and times of unlawful phone calls in order to effectively and accurately trace sources of those calls.
 - 1. Officers will instruct victims to complete requested information and subsequently contact investigating officers with the information.
 - 2. Investigating officers will ensure:
 - a. Completed Telephone Misuse Call Registry forms are sent by FAX to the appropriate telecommunications liaison; and
 - b. Form originals are submitted to the Records Unit.
 - H. Phone traces for medical and/or criminal activity emergencies may be accomplished:
 - 1. Through this agency's and Telecommunications Services data bases for calls made completely through the UM Telecommunications Services system; and
 - 2. Through telephone service providers' data bases for calls made within their system.
 - I. Officers investigating fraud or other crimes involving calling cards, are responsible for notifying the Telecommunications Services liaison via FAX or e-mail to request assistance with the investigations.
- 4. The perceived accuracy and validity of case information;
 - 5. The nature of reported activities;
 - 6. The scope and relative importance of reported incidents;
 - 7. The quantity of information and available leads;
 - 8. The investigative techniques necessary to successfully investigate reported incidents;
 - 9. The availability of agency resources; and
 - 10. The operational problems involved.
- C. The CIU Commander is responsible for establishing and maintaining the agency's vice, drug, and organized crime files.
 - 1. Files will be maintained in a secure file cabinet, segregated from other criminal investigation files, and under exclusive control of the CIU Commander.
 - a. The file cabinet will be locked at all times when it is unattended.
 - b. Access to these files is limited to the chief, bureau commanders, and investigating officers.
 - c. Files should not leave the immediate area except for review by investigating officers, and should be returned prior to the close of business hours.
 - 2. No confidential information, files, reports, or data relating to vice, drug, or organized crime investigations will be stored in any agency on-line data retrieval system that is accessible to personnel outside the CIU.
 - 3. Investigating officers will ensure that relevant information conveyed to and received from outside agencies is recorded and documented in case files.
 - 4. Inactive vice, drug, and criminal intelligence files will be purged and destroyed by the CIU Commander consistent with the agency's records retention and destruction schedule.
 - D. Investigating officers are responsible for personally briefing the CIU Commander at least bi-weekly on the progress of on-going vice, drug, or organized crime investigations. The CIU Commander is responsible for personally briefing the chief and other need-to-know employees on the progress of on-going vice, drug, and organized crime investigations at least bi-weekly and at all critical decision making points of the investigations.

2.360 VICE, DRUGS, & ORGANIZED CRIME

- A. The CIU, under supervision of the CIU Commander, is functionally responsible for conducting and/or facilitating the agency's vice, drug, and organized crime investigations.
- B. All sworn personnel are to be alert for vice, drug, and organized crime activities and take appropriate enforcement actions whenever possible if doing so will not knowingly compromise ongoing investigations.
- C. Vice, drug, and organized crime investigations beyond the capabilities or jurisdiction of the agency will be referred to appropriate criminal justice agencies by the CIU Commander.

2.360.10 Receiving & Processing Complaints

- A. All complaints of vice, drug, or organized crime activities will be preliminarily investigated in accordance with **2.300**. However, initial investigating officers will personally contact the CIU Commander and/or their own unit commanders in order to determine the best course of action to be pursued in the matters.
- B. In addition to the solvability factors listed in **2.316.10.D**, vice, drug, and organized crime complaints will be evaluated by the CIU Commander in an attempt to determine:
 - 1. If the information pertains to ongoing investigations and, if so, the new information is so incorporated;
 - 2. If the information is new and of significant worth to warrant further investigation;
 - 3. If the information should be disseminated and/or coordinated with other agencies of jurisdictional relevance;

2.360.20 Confidential Funds

- A. Only the chief may authorize the expenditure of agency funds for vice, drug, or organized crime operations. Prior to any payment of funds;
 - 1. It must be determined that information relates to investigations within the jurisdiction of this agency; and
 - 2. Investigating officers, bureau commanders, and the chief must determine the value of the information or services, or expenses as related to vice, drug, or organized crime operations.
- B. Agency funds supporting confidential vice, drug, or organized crime investigations are to be managed and accounted for consistent with **2.345.12**.

2.360.30 Surveillance Equipment

- A. The CIU Commander is responsible for the storage, maintenance, distribution, and control of specialized agency equipment utilized to conduct surveillance and/or undercover operations.
- B. The use of agency equipment in surveillance and/or undercover operations will be consistent with all legal and regulatory requirements.
- C. Personnel requesting to use specialized surveillance equipment must be trained in the use and operation of same.
- D. The use of agency equipment in surveillance and/or undercover operations must receive specific approval of the CIU Commander.
- E. The CIU Commander is responsible for coordinating and arranging with other law enforcement agencies the acquisition and use of equipment needed for use in surveillance and/or undercover operations when this agency's equipment is insufficient.

2.360.40 Operational Planning

- A. The appropriate bureau commander consistent with **1.200 Organization** is responsible for ensuring that surveillance, undercover, decoy, and raid operations are planned, conducted, and evaluated appropriately.
- B. The CIU Commander is responsible for facilitating and coordinating the agency's relationship with appropriate law enforcement agencies as necessary.
- C. Major operations conducted with or at the request of agency personnel must receive approval of the CIU Commander and the respective bureau commander, or chief prior to the operations being conducted.
- D. Surveillance operations that are relatively limited in scope and duration conducted with agency personnel may be approved by patrol squad commanders.
- E. Operational planning checklists are contained in the agency's Emergency Operations and Unusual Occurrence Manual (All Hazards Plan). Operational plans must consider applicable issues and provisions that include, but are not limited to:
 - 1. Analyzing crimes, victims, and suspects;
 - 2. Determining legal ramifications;
 - 3. Familiarizing officers with the objective and details of the operation, the neighborhood, or target area;
 - 4. Determining operational procedures for observation, arrests, surveillance, and high-risk entries;
 - 5. Supplying officers with expense funds;
 - 6. Establishing means of routine and emergency communication;
 - 7. Selecting equipment or vehicles;
 - 8. Providing relief, backup security, and perimeter protection for officers;
 - 9. Supplying officers with false identities, disguises, and necessary credentials;
 - 10. Maintaining overall confidentiality and cover;
 - 11. Obtaining authorization for the raid and use of force;
 - 12. Designating a single person as supervisor and coordinator;
 - 13. Providing close supervision;
 - 14. Making contacts with suspects;
 - 15. Searching for and seizing evidence and/or contraband;
 - 16. Requesting medical assistance; and
 - 17. Obtaining coordination and assistance from others both inside and outside the agency.

2.362 CRIMINAL INTELLIGENCE

- A. The CIU is functionally responsible for conducting and/or facilitating the agency's criminal intelligence activities to include receiving, collecting, and sharing of criminal intelligence information.
- B. All sworn personnel are to be alert for criminal intelligence information and take appropriate action to report same to the CIU Commander or other specifically designated officer assigned to the CIU.
- C. Criminal intelligence information that goes beyond the capabilities or jurisdiction of this agency will be referred to appropriate agencies by the CIU Commander.
- D. Criminal intelligence gathering operations do not include the legitimate information gathering processes that are necessary for the planning and conduct of special events, visits by dignitaries, etc.
- E. The CIU commander is responsible for ensuring that an annual documented review of procedures and processes is conducted for collection, processing, and sharing of suspicious incidents and criminal intelligence relating to criminal and homeland security activities.

2.362.10 Procedural Safeguards

- A. The collection, retention, analysis, and dissemination of criminal intelligence information will be confined to those situations which require a legitimate law enforcement response to criminal threats or present threats to the well-being of the community. Legitimate criminal intelligence information includes, but is not limited to:
 - 1. Information concerning the arrest, indictments, or outstanding warrants for individuals;
 - 2. General criminal histories of subjects;
 - 3. Information on those who have been identified by witnesses or competent evidence as perpetrating crimes;
 - 4. Information on persons who threaten violent conduct affecting persons or property;
 - 5. Information on persons wherein reasonable suspicion exists to believe they are engaging in or conspiring to engage in criminal activities;
 - 6. Information concerning the criminal activities of persons that, when properly analyzed, would provide tactical and/or strategic advantages.
- B. Criminal intelligence information may be collected on specific criminal activities that include, but are not limited to:
 - 1. Drugs;
 - 2. Bribery;
 - 3. Extortion;
 - 4. Gambling, loan sharking, and prostitution;
 - 5. Labor racketeering;
 - 6. Arson;
 - 7. Trafficking in stolen goods;
 - 8. Governmental corruption;
 - 9. Hate/bias violence acts associated with extremist groups;
 - 10. Money laundering;
 - 11. Domestic terrorism;
 - 12. Predatory crimes perpetrated by criminal groups;
 - 13. Organized criminal gang activity;
 - 14. Cult / deviant movements associated with criminal acts; and
 - 15. Terrorism or homeland security activities.
- C. Criminal intelligence data will not be collected on:
 - 1. Individuals who merely support unpopular causes;
 - 2. Persons merely on the basis of ethnicity or race;
 - 3. Persons merely on the basis of religious and/or political affiliation; or
 - 4. Persons merely on the basis of non-criminal personal habits;
 - 5. Persons involved in First Amendment to the United States Constitution activities to the extent such activities are known to involve freedom of speech or association, the exercise of religion, freedom of the press or the right to petition the government activities that may be protected unless it is justified because it is based on a reasonable articulable suspicion that the person, group or organization is planning or engaged in criminal activity and a less intrusive method of investigation is not likely to yield satisfactory results.
- D. Agency employees will not:
 - 1. Engage in any illegal activities in the collection or dissemination of criminal intelligence data;
 - 2. Employ or direct others to engage in illegal activities in order to obtain criminal intelligence data;
 - 3. Use confidential data for political and/or economic purposes or for personal gain; or
 - 4. Provide confidential data to persons outside the law enforcement or intelligence communities without the expressed permission of the controlling bureau commander or chief.

2.362.15 Collection of Criminal Intelligence Information

- A. Unless criminal intelligence information is otherwise contained in the agency's reporting system, officers initially coming into possession of criminal intelligence information are responsible for:
 - 1. Briefing their unit commanders on the information; and
 - 2. Submitting the information personally to the CIU or by send-

- ing an e-mail to the **Intelligence** mail group.
- B. Officers reporting criminal intelligence information will:
1. Ensure the information pertains specifically to legitimate criminal intelligence matters as described in **2.362.10 A & B**; and
 2. Preliminarily evaluate the information with respect to source, source motive, information reliability, and information validity.
- C. Raw data and information may be collected from sources that include, but are not limited to:
1. Commercial media;
 2. Public records;
 3. Official police reports;
 4. Submissions from internal and external law enforcement sources;
 5. Confidential informants;
 6. Citizens; and
 7. Other records gathered by lawful and legitimate methods.
- D. All agency employees will be trained in the collection, processing, and sharing of suspicious incidents and criminal intelligence relating to criminal and homeland security activities.

2.362.20 Criminal Intelligence Files

- A. The CIU Commander is responsible for ensuring the agency's criminal intelligence files are established and maintained.
1. Hard copy files will be maintained in a secure file cabinet, segregated from criminal investigation files, and under control of the CIU Commander or a specifically designated investigator.
 - a. Criminal intelligence files may be mixed with files relating to vice, drug, and organized crime investigations because of their interrelatedness.
 - b. The file will be locked at all times when it is unattended.
 - c. Access to these files is limited to the chief, bureau commanders, CIU Commander, the CIU Commander's specific designate, and investigating officers.
 - d. Printed files will not leave the immediate area except for review by investigating officers, and will be returned prior to the close of business hours.
 2. Automated criminal intelligence files will be established and controlled to safeguard the information and ensure secure access integrity and security. They will not be accessible to personnel outside the CIU.
- B. The CIU Commander is responsible for ensuring all criminal intelligence information is reviewed and analyzed to assure only appropriate, legitimate, and lawfully obtained information is retained by this agency or passed on to other agencies.
1. Information will be evaluated and categorized with respect to source, source motive, information reliability, and information validity.
 2. Information not suitable for retention or dissemination will be destroyed.
 3. Any analytical reports must contain evaluations of source and information accuracy, validity, and ability to be confirmed through other sources.
 4. Vice, drug, and criminal intelligence files will be purged and destroyed under the direction of the CIU Commander consistent with the agency's records retention and destruction schedule.
 5. Covert investigations that include collection of information solely about political beliefs, ideologies, and associations of individuals, groups or organizations, shall not be retained or maintained unless the information is relevant to a criminal investigation or there is reasonable, articulable suspicion that the person, group or organization advocates, supports or encourages the violation of any federal, state or local criminal

- law that prohibits acts of terrorism, racketeering, violence, extortion, destruction of property, intimidation harassment, obstruction of justice, or fraud.
- C. The CIU Commander and/or investigating officers are responsible for personally briefing the chief and other need-to-know employees on the progress of on-going criminal intelligence gathering operations at least bi-weekly and at all critical decision making points of the operations.
- D. The Chief of Police or designee will make a written finding, in advance or as soon as practical, that a covert investigation of a person, group, or organization relating to or affecting First Amendment activities is justified because it is based on a reasonable articulable suspicion that the person, group or organization is planning or engaged in criminal activity and a less intrusive method of investigation is not likely to yield satisfactory results.
- E. The CIU Commander will terminate the investigation of a person, group, or organization relating to or affecting First Amendment activities when logical leads have been exhausted or no legitimate law enforcement objective justifies the continuance of the investigation.

2.362.30 Utilization of Personnel and Equipment

- A. Although all employees are responsible for being alert for criminal intelligence and taking appropriate actions to report same to CIU personnel, staffing resources limit this agency's ability to conduct all but extremely limited criminal intelligence operations.
- B. The CIU Commander is responsible for facilitating and coordinating this agency's relationships with appropriate agencies when necessary for the conduct of criminal intelligence operations.
- C. Criminal intelligence gathering operations conducted with or at the request of agency personnel must receive approval of the CIU Commander and their appropriate bureau commander, or the chief prior to the operations being conducted.
- D. Planning for criminal intelligence gathering operations will be consistent with **2.360.40**.
- E. The use of agency equipment in criminal intelligence gathering operations will be consistent with **2.360.30**.
- F. Agency funds supporting confidential criminal intelligence operations are to be managed and accounted for consistent with **2.345.12**.