

CHAPTER 42 – CRIMINAL INVESTIGATION

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## Salisbury University Police Department

### CHAPTER 42 – CRIMINAL INVESTIGATION

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

#### 42.1 Administration

##### 42.1.1 Criminal Investigative Function: 24-hour Service

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

Refer to 42.1.2 (A)

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

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

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

*(Revised 01/01/2014)*

## 42.1.2 Case Screening/Solvability Factors

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5. WAS A VEHICLE PLATE NUMBER OBTAINED BY THE VICTIM/WITNESS? Citizens have been trained to look for this feature during moments of suspicious activity. The investigating officer shall closely question pertinent parties when a vehicle is known to be involved. Even partial numbers may be of assistance; do not disregard the witness

D. Investigative Uses of Solvability Factors:

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

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

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



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

1. Copies of documents listed above at the discretion of investigating officers and their supervisors;

2. Printed and signed investigative notes; and

3. Other documents as directed by investigating officers' supervisor.

4. Photo arrays will be submitted as evidence consistent with 84.1.1.

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

1. The Records Section, which maintains all criminal and traffic case files, will be locked at all times but accessible to designated persons to include Administrative Assistant, CID personnel, PCO Supervisor, Squad Supervisors, Division Commanders and the Chief of Police.

2. Patrol officers will utilize the filing cabinet in the Squad Room for the working copies of their assigned investigative case files and CID will use a filing cabinet within the CID office. If access to certain case files is necessary, patrol officers will contact an authorized person who has access to the Records Section.

3. Investigative case files will be purged when the case has been closed under the case disposition procedures outlined in 42.1.3, section B and all original files have been forwarded to the Records Section. All records contained in the Records Section will be purged in accordance with the Records Retention schedule of the SUPD.

4. Only all original case files and their contents will be used for court purposes. It is the responsibility of the Patrol Commander to ensure that all original case files and their contents are maintained in a secure location and are accessible to the Records Section.





G. The first officer arriving on the scene shall be in command and conduct the preliminary



Case Reports

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

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

#### 42.1.6 Collection, Processing and Sharing Criminal Intelligence

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

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

The Unit will:

1. Develop strategic and tactical intelligence assessments which identify the existence, nature and scope of criminal activity, if any, within the jurisdiction of the University Police Dept;
- 2.

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

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

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

- D. Personnel will comply with the following procedures for safeguarding, securing and storing information:
  - 1. The Criminal investigative unit members are responsible for ensuring the agency's criminal intelligence files are established and maintained.
  - 2. All intelligence information/files within the department will be reviewed immediately to eliminate improper materials or documents obtained in violation of the standards imposed in these guidelines. The Criminal Investigator will periodically review all intelligence information/files to ensure these guidelines are maintained.
  - 3. Criminal Intelligence files will be safeguarded, secured and stored within a locked file cabinet within the office of the Criminal Investigator; accessible only by the Investigative/Support Services Commander.
- E. The department recognizes the need to preserve the delicate balance between the constitutional rights afforded to each citizen and the legitimate needs of law enforcement. Based on the paramount need to protect these rights, intelligence gathering will be confined to those situations which require a legitimate law enforcement response to a criminal threat or potential threat to the campus community. To ensure that the democratic process is not subverted, the department will comply with the U.S. Code of Federal Regulation Guidelines found in 28CFR23.

Intelligence data will not be collected on:

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

No members of the department will:

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

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

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

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

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

Intelligence information will be disseminated under the following guidelines:

1. Intelligence information will be proactively disseminated to a unit when it is determined that it is necessary for the unit to be aware of the information.













## F. Precautions

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

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

1. Avoid the use of derogatory terms, despite the reputation and habits of the informant.
2. Safeguard the confidentiality of the informant's identity.
3. Do not reveal police information in order to encourage informants to assist police.
4. Express appreciation for all information received, regardless of the value.
5. Do not make promises or deals that cannot be kept.
  6. Keep appointments promptly, even though the informant does not always appear.
  7. Do not use an informant to induce another to commit a crime (entrapment).
  8. Any overt participation by an informant in an investigation shall be approved by the Chief of Police or his designee. Overt participation by an informant in an investigation is defined as:
    - a. Any plan to use an informant to gather intelligence information for a police.
    - b. Any plan to use an informant to purchase illegal drugs or contraband, or any act in furtherance of that plan.
9. Record the information in the police database.

## 42.2.8 Identity Crimes and Procedures for Investigation

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

- A. A written report will be generated and classified as Identity Theft any time a victim reports that he/she knows or reasonably suspects that his/her personal information has been unlawfully used by another person.
- A. The investigating officer will complete a detailed written report within the records management system along with all required modules, if pertinent. There are no special report forms used for the completion of this type of incident.
- C. The victim will be provided with a victim/witness assistance pamphlet with the appropriate case number and officer's name. The victim will be provided with information regarding who to contact (such as credit bureaus, banking institutions, etc.) and steps to take to mitigate damage from the current incident and how to minimize future problems using appropriate crime prevention measures.
- D. Officers or CID personnel will fully investigate the incident in accordance with department policy as they would investigate any other crime occurring on campus. The investigating officer will coordinate and cooperate with other agencies and entities as necessary as this case may be linked to other criminal cases in other jurisdictions.
- E. The Crime Prevention Coordinator will provide prevention literature and safety awareness information to the public regarding the prevention of identity theft. Written information will be disseminated at all crime prevention/safety events as well as publicize information on the department's website.
- F. Methods of Obtaining and Fraudulent Use of Personal Identity may include:
  - 1. Phishing: An e-mail from your bank or an online service, most often PayPal or eBay, instructing you to click on a link and provide information to verify your account.
  - 2. Pharming or Spoofing: Hackers redirect a legitimate web site's traffic to an impostor site, where you'll be asked to provide confidential information.
  - 3. Smishing: This is phishing done with text messaging on your smart phone – instructing you to visit a bogus web site.
  - 4. Spyware: Unknowingly downloading an illicit software when an attachment is opened, a pop-up is clicked on, or when downloading a song or a game. Criminals can use spyware to record your keystrokes and obtain credit card numbers, bank-account information and passwords when you make purchases or conduct other business online. They can also access confidential information on your hard drive.
  - 5. Vishing: Voice phishing – you get an automated phone message asking you to call your bank or credit card company. When you call the number, you are asked to punch in your account number, PIN, or other personal information.
  - 6. ATM Skimming: Criminals use a combination of a fake ATM slot and cameras to record your account information and PIN when you use a cash machine.

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

42.2.9 Procedures for Investigation of Cold Case Files

- A. A cold case is any criminal investigation by a law enforcement agency that has not been solved for (generally) at least one year and, as a result, has been suspended/closed from further regular investigations. A cold case may be closed for various reasons such as: previously available technology was not able to adequately analyze the evidence in order to form a conclusion; witnesses were uncooperative; various time constraints hindered the investigation; the originally assigned officers/investigator had a heavy workload; a lack of worthwhile leads stalled the case, etc.
- B. Follow-up investigations are used as a primary tool to provide additional information in order to close cases, arrest offenders, and/or recover stolen property.
- C. Exact duties and responsibilities of officers conducting or participating in cold case investigations will vary according to the incidents being investigated. Officers conducting or participating in cold case investigations will conduct the listed investigative duties and responsibilities only in the event such duties and responsibilities are found to be necessary.
- D. Cold case investigation duties and responsibilities include, but are not limited to:

1. Reviewing Case Files (a) (g) all (t) 5 (c) 4 (s) Fee (al) 52 (u) 3 (n) 5 (o) 2 (r) 1 (b) 1 (t) 4 (x) 1 (h) 2 10 (a) n) -7 (d) -4 (ct) -15



#### 42.2.10 Interview and Interrogation Rooms

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

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

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

#### POLICE COMMUNICATIONS OPERATORS' RESPONSIBILITIES

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

#### 42.2.11 Procedures for Photographic and Physical Line-Ups

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

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

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

- A. Fair composition of a photo array enables the witness to provide a more accurate identification or non-identification. The investigator shall compose the array in such a manner that the suspect does not unduly stand out. In composing the photo array, the officer/investigator shall:
  1. The array must contain at least six (6) photographs of individuals. There must not be any identifying marks such as placards or height markers. Photos must be numbered on the back in order of the presentation and the officer's initials should be on the back.
  2. The array will only include one photo of the suspect and all photos will be similar in size. The individuals in the photos shall all be facing the same direction.
  3. When selecting the five fillers, officers will use individuals with similar features such as facial hair, hair color, etc. Officers may use the individual sequential method or simultaneous presentation method when presenting the array.

B. Video and/or Audio Recording

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

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

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

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

Refer to 42.2.10 (G) Audio/Video Equipment

C. Multiple Witnesses

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

D. Instruction for Witnesses and

E. Identifying the Level of Confidence

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

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

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





