

## **2.300      INVESTIGATIONS**

Throughout this unit of directives and elsewhere as applicable, the term:

- A. “Investigator” is a general descriptive used to designate any officer assigned to conduct follow-up investigations or certain preliminary investigations not otherwise assigned to patrol squad officers;
- B. “Investigations unit” refers to the agency’s organizational component as described in **1.200 Organization** that has as one of its primary responsibilities the conduct of follow-up investigations that may require more time commitment, specialized equipment or experience, or other resources than available to or in patrol squads;
- C. “Investigations supervisor” refers to the officer assigned overall supervisory responsibilities of the investigations unit; and
- D. “Investigations commander” refers to commander responsible for oversight and management of the investigations unit.

## **2.302      PRELIMINARY INVESTIGATIONS** *(42.1.4, 42.2.1)*

- A. Officers assigned to patrol squads are primarily responsible for conducting preliminary investigations into reported calls for service assigned as authorized by their supervisors unless special expertise is required or the presence of uniformed officers would hinder investigations.
- B. Preliminary investigations begin when initial units arrive at incident scenes or when citizens request assistance and continue until investigations are completed, suspended, postponed for follow-up, or transferred without jeopardizing investigative outcomes.
- C. All incidents that require preliminary investigations will have one primary officer assigned. However, this does not keep other officers from assisting in the case.
- D. Exact preliminary investigation duties and responsibilities vary according to the incidents being investigated. General preliminary investigation duties and responsibilities may include (and not in any specific order), but are not limited to:
  - 1. Providing first aid to the injured, advising Communications of the number of injured, extent of injuries, and cause of injuries;
  - 2. Promptly advising Communications of any information, such as suspect or vehicle descriptions, that may need to be broadcast;
  - 3. Observing and recording all conditions, events, and other pertinent information;
  - 4. Determining what actually happened and where it happened;
  - 5. Notifying supervisors when additional resources or assistance is needed;
  - 6. Protecting and maintaining incident scenes to ensure evidence is not lost, tampered with, or contaminated;
  - 7. Arranging for the preservation and collection of evidence, including processing of evidence available for latent prints and obtaining eliminating prints;
  - 8. Identifying, arresting, and interrogating suspects;
  - 9. Locating, identifying, and interviewing and obtaining written statements from all possible witnesses, victims, and suspects;
  - 10. Accurately and completely reporting all relevant information, including evidence and how it came into the agency’s possession;
  - 11. Ensuring any necessary METERS/NCIC messages are sent; and
  - 12. Ensuring initial victim and witness services are provided consistent with **2.436 Victim & Witness Services**.
- E. Supervisors are responsible for ensuring notifications are made:
  - 1. Consistent with **2.424 Notifications**; and
  - 2. To the investigations unit for:
    - a. Armed robberies;
    - b. Assaults involving weapons or serious injuries;
    - c. Deaths, homicides, suicides;

- d. Fires of a suspicious nature and those fires involving death, injuries, or major property damage;
  - e. Kidnapping, extortion, or attempts;
  - f. Missing persons where foul play is suspected;
  - g. Sex offenses, rapes, or attempts;
  - h. Other incidents as determined by a supervisor or above.
- F. Investigators who respond to incidents listed in **E.** will provide assistance to officers who are conducting preliminary investigations unless otherwise specified in the MOU with the Baltimore County Police.
- G. Investigators may be assigned to conduct preliminary investigations that involve sensitive issues or when the initial presence of uniformed officers could compromise investigations.

### **2.304 FOLLOW-UP INVESTIGATIONS** (42.2.2)

- 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 follow-up investigation duties and responsibilities vary according to the incidents being investigated, but these duties and responsibilities may include, but are not limited to, and in no particular order:
- 1. Reviewing and analyzing all reports, records, documents, and laboratory examination reports prepared as result of related preliminary investigations;
  - 2. Conducting additional interviews and interrogations;
  - 3. Seeking additional information from officers, informants, victims, witnesses, reporting persons, etc.;
  - 4. Planning, organizing, and conducting searches and collecting physical evidence;
  - 5. Recovering stolen property;
  - 6. Identifying and apprehending suspects;
  - 7. Determining involvement of suspects in other crimes;
  - 8. Checking suspects' criminal histories; and
  - 9. Preparing cases for court presentation.
- C. Officers who have been assigned follow-up investigations:
- 1. Will submit regular follow-up reports at least every 15 days until their cases are closed by arrest or exception or suspended. Regular supplement reports are not required if officers have exhausted all other current leads, but are awaiting further case development such as forensic analysis, the return of subpoenaed materials etc., and these facts have been recorded in follow-ups; and
  - 2. Are accountable and responsible for appropriately managing and conducting their investigations even though other officers may be assisting them.

### **2.305 ADMINISTRATIVE INVESTIGATIONS** (91.1.9)

- 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 **1.720 Punitive Discipline**.
- B. Administrative investigations may include, but are not limited to:
- 1. Suspected violations of various university administrative directives; and
  - 2. Certain inquiries consistent with **2.756 Threat Assessment**.
- 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. 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 CASE SCREENING & MANAGEMENT**

### **2.306.02 Case Assignments – Generally** (42.1.2)

- A. All criminal cases will be assigned for follow-up investigations unless the cases are cleared by arrest and victim / witness assistance is not needed consistent with **2.436 Victim/Witness Services**.
- B. Commanders may request that non-criminal cases with significant public safety implications be assigned for follow-up to officers under their command.

### **2.306.04 Case Assignments – Investigations** {Revised: 1/8/2019} (42.1.1, 42.1.4, 42.2.3)

- A. Cases that are regularly assigned to the investigations unit are:
  1. Death, rape, and sex crime investigations consistent with the Baltimore County Police MOU;
  2. Robbery;
  3. Assault – first degree;
  4. Burglary – first degree;
  5. Motor vehicle theft;
  6. Arson and malicious burning;
  7. Fraud and other financial crimes except for bad checks meeting criteria of the Baltimore County State's Attorney Bad Check Restitution Program;
  8. Incidents that appear to be part of a pattern or series of events;
  9. When follow-ups are required in widely separated locations outside this agency's primary jurisdiction;
  10. When incidents are more unusual, complex, or require particular investigative training, expertise, or additional investigative staff resources; and
  11. When directed by the Chief or the Patrol Commander.
- B. The investigations supervisor has duties and responsibilities that include, but are not limited to:
  1. Consistent with the standard operating procedure (SOP) on follow-up investigations, using the agency's RMS to assign appropriate cases for follow-up by investigators or patrol officers not later than the first business day after reports are entered into the system. Investigations will not be delayed due to the lack of formal on-line assignments;
  2. Considering current caseloads and individual investigators' experience and expertise when making follow-up assignments within the unit;
  3. Supervising the conduct of all investigations assigned to the unit;
  4. Ensuring that subordinates submit follow-ups as required;
  5. Dealing directly with commanders and other supervisors as necessary on sensitive investigative matters, intelligence information, and investigative resource allocation;
  6. Submitting for approval duty and on-call schedules to ensure the unit provides 24 hour service capabilities; and
  7. Ensuring investigators document their periodic attendance of patrol briefings.
- C. Investigators may provide investigative assistance or guidance to patrol officers on request, as ordered or voluntarily, based on investigators' resources and expertise without assuming overall responsibility for the case.

### 2.306.06 Case Assignments – Patrol

(42.1.4)

- A. Cases that require follow-up investigations, but are not assigned to the investigations unit will usually be assigned:
  - 1. To officers who conducted preliminary investigations and wrote initial reports; or
  - 2. In cases initiated by midnight officers, to officers assigned to day or evening duty.
- B. Patrol supervisors will:
  - 1. Consistent with the SOP on follow-up investigations, check the agency's RMS every shift to determine if follow-ups have been assigned to their unit, reassign them to subordinates as appropriate, and ensure the subordinates are directly notified of follow-up assignments;
  - 2. Consider current caseloads and individual officers' experience and expertise when follow-up assignments are made within the unit;
  - 3. Supervise the conduct of all investigations assigned to the unit; and
  - 4. Ensure that subordinates submit follow-ups as required.

### 2.306.08 Investigative Case File Maintenance

{Revised: 12/21/16}

(42.1.3.c. & .d)

- A. Officers will ensure that all investigative case files and materials are properly managed and maintained. The exact content of case files will vary according to the incidents being investigated.
- B. Certain documents will be submitted electronically or by hard copy as appropriate to Central Records for inclusion in original case files. These documents include, but are not limited to:
  - 1. This agency's initial and follow-up police reports;
  - 2. Copies of any related initial reports from allied agencies;
  - 3. Record's copies of property and evidence receipts;
  - 4. Lab examination requests and results;
  - 5. Court related documents, such as search warrants, charging documents, summons, etc;
  - 6. Miranda Rights;
  - 7. Consent to Search;
  - 8. Hand written statements & continuations from victims, witnesses, suspects, etc.;
  - 9. Crime scene sketches, and diagrams;
  - 10. Dissemination records;
  - 11. Other correspondence, memos, and documents as directed by the Central Records supervisor.
- C. The documents that will be kept in officers' investigative case files include, but are not limited to:
  - 1. Copies of documents listed in **B.** at the discretion of investigating officers and their supervisors;
  - 2. Handwritten notes;
  - 3. Printed and signed **Confidential Investigative Notes (UPO.034.D)**;
  - 4. Handwritten **Investigative Activities (UPO.083.D)** and
  - 5. Other documents as directed by investigating officers' supervisor in consultation with the Central Records supervisor.
- D. Photographs will be submitted consistent with **2.510.06 Still & Video Photography**;
- E. Photo arrays will be submitted as evidence consistent with **2.500 Property and Evidence**.
- F. The investigations supervisor will ensure a secure case file system is established for the unit's investigative files and that each officer in the unit has a designated case file storage area that is accessible by the investigations commander and supervisor within the officer's work area.
  - 1. The unit's case file system will be locked at least during all non-business hours and when the area where it is located is unoccupied, but accessible to persons other than the investigations commander, supervisor, or investigators.
  - 2. The unit's files for the current calendar year and the previous year will be routinely kept in the file system. The investigations commander or supervisor may approve retaining specific files for reasons such as major active or cold cases, pending trial or appeal, etc.

3. The investigations supervisor will ensure at least every calendar year that investigative files older than two years and not being retained as active, cold, for trial, etc. are transferred to Central Records for merging with original case folders and retention.
  4. Investigators will store their:
    - a. Open investigative files in the unit's centralized case file system or their designated storage areas within their work areas when they are not actively using the files; and
    - b. Suspended, cleared, and closed investigative case files in the unit's centralized case file system.
  5. Investigators will not access case files that have not been assigned to them without obtaining permission from the investigations commander or supervisor.
- G. Patrol squad officers who are conducting follow-up investigations will:
1. When they are not actively using the files, store them in:
    - a. Assigned file drawers in the patrol squad room; or
    - b. Secured file space within any assigned private work space; and
  2. When cases are suspended, cleared, closed, or disposed of in court, transfer their investigative files to Central Records for merging with original case folders and retention.

### 2.306.10 Case Tracking

(42.1.3.a & .b)

- A. The Central Records supervisor is responsible for ensuring a system is established and maintained to track the case status of all criminal and non-criminal reports.
- B. Information contained in the case tracking system includes, but is not limited to:
  1. Case number;
  2. Incident type (title or classification);
  3. If the incident has been assigned for follow-up;
  4. Name of assigned officer;
  5. Assigned, due, and completed dates; and
  6. Case status designation.
- C. Criminal cases will be classified as:
  1. **Open:** Case screening factors or case type requires further, ongoing investigative efforts;
  2. **Suspended:**
    - a. All current, available leads and evidence have been pursued, or current investigative resources and the relative seriousness of the crime outweighs expending further investigative efforts, but the case may be reopened as a cold case or when other leads become available; or
    - b. Officers could have cleared the case with an arrest, but criminal prosecution was deferred (not prevented) in lieu of university administrative proceedings consistent with **2.419 Student Conduct**.
  3. **Cleared by exception:** Only when all four of these conditions are met:
    - a. The investigation definitely established the identity of the offender; and
    - b. There is enough information to support an arrest, charge, and turning over to the court for prosecution; and
    - c. The exact location of the offender is known so that the subject could be taken into custody now; and
    - d. There is some reason outside law enforcement control that precludes arresting, charging, and prosecuting the offender.
  4. **Cleared by arrest:** At least one person is arrested or charged with the commission of the offense and turned over to the court for prosecution (whether following arrest, court summons. Although no physical arrest is made, case is classified as cleared by arrest when a person under 18 years old is cited or otherwise referred to the juvenile courts or other juvenile authorities.
  5. **Unfounded:** It was determined through a complaint and investigation that no crime was committed or attempted.

- D. Administrative, non-criminal cases will be classified as:
1. **Open:** The incident requires further, ongoing investigative efforts;
  2. **Closed:** The incident has been sufficiently investigated and no other follow-up actions are needed.
  3. **Inactive:** All current, available avenues have been explored or current investigative resources and the relative importance of the incident outweighs expending further investigative efforts, but the matter may be reopened if appropriate.

## 2.308 INTERVIEWS & INTERROGATIONS

### 2.308.02 Interviews & Interrogations – Generally (42.2.8)

- A. Public Safety (PS) Room 101 is designated as the agency's "Public Interview Room" and should be used by officers as the preferred location to interview victims, witnesses, and other people who are not under arrest.
- B. The "Prisoner Interrogation Room" PS 119A will be used only as a location to conduct custodial (arrest) interrogations or to facilitate Attorney-Detainee Contacts consistent with **2.650.32**. No one who is otherwise free to leave (not under arrest) will be interviewed in PS 119A or elsewhere in the temporary detention – processing room PS 119.
- C. Interviews and interrogations will be documented as appropriate.
1. Any original hand written statements using statement and continuation forms (**UPO.057.D & UPO.058.D**) or other hand written documents will be submitted to Central Records. Copies may be retained in investigative files.
  2. All interrogations involving cases of murder, rape, or sexual offense in the first or second degree will be recorded consistent with **Criminal Procedure (CP) § 2.402** using the system installed in the interrogation room. Other interrogations may be recorded at the discretion of investigating officers, their supervisors, or a commander.
  3. Interviews may be recorded with portable recording devices as determined by investigating officers, their supervisors or a commander.
  4. Officers must affirmatively notify people who are being interviewed or interrogated when they are being audio recorded.
  5. Originals of any recorded media will be submitted as evidence consistent with **2.500 Property & Evidence**. Electronic copies or transcripts can be retained in investigative files. See also **CP § 2-401 & following**.
- D. Generally, officers will take certain steps to establish safe conditions for conducting interviews and interrogations. These steps and conditions include, but are not limited to:
1. Searching the area before and after interviews / interrogations for weapons and contraband;
  2. Having only an appropriate number of officers in interview/interrogation areas to minimize the possibility of improper coercion;
  3. Having necessary physical resources such as:
    - a. Tables and chairs; and
    - b. Statement forms and writing implements; and
  4. Ensuring people are provided reasonable access to restrooms, water, etc.
- E. For interviews, certain physical, safety, and legal considerations include, but are not limited to:
1. Ensuring people who are not under arrest are:
    - a. Not placed in locked areas or rooms or otherwise physically restrained; and
    - b. Placed in interview areas only for the length of time necessary to complete interviews and/or give official statements; and
  2. Having immediate access to means and methods to summons help, such as phones, or police radios.
- F. For interrogations, some considerations include, but are not limited to:

1. Complying with **2.650.10 Facility Access & Security** (firearms prohibited, etc. in the temporary holding facility);
2. Ensuring detainees are searched before interrogations;
3. Ensuring the recording system is activated when required consistent with **C.2**;
4. Ensuring that at least one other employee is monitoring the regular video even if the interrogation recording system has not been activated;
5. Setting detainees in the chair at the end of the table furthest from the door and the panic alarm button; and
6. Positioning themselves on the long side of the table or end of the table closest to the panic alarm button.

#### **2.308.04 Interviews**

*(1.2.3.a, 41.2.7.c, 42.2.1.d, 42.2.2.b)*

- A. Interviews are conducted when officers question people who may have information about certain aspects of investigations, are not under arrest, and are free to leave at any time.
- B. Interview related factors that officers should consider include, but are not limited to:
  1. Conducting interviews with due regard to Constitutional requirements;
  2. Not giving *Miranda* warnings to people who are volunteering information or when officers are engaging in general questioning, including interviews conducted in the field or in PS 101, about a crime or other general fact-finding;
  3. Being aware of the amount of trauma or stress to which victims or witnesses have been subjected. Information may become less accurate as time increases between incidents and interviews. However, victims and witnesses who are emotionally upset may not be able to give good information if interviews are conducted too soon after incidents;
  4. Choosing appropriate interview locations;
  5. Knowing the ages or physical limitations of victims or witnesses. This may include conducting interviews where background noises and distractions are reduced as much as possible;
  6. Being aware of interviewees' impairment or intoxication caused by drugs or alcohol;
  7. Understanding the credibility of persons being interviewed. Prior contacts with people may help or hinder interviews; and
  8. Knowing if interviewees have any mental illnesses or disorders. See also **2.413 Mentally Ill Persons**.
- C. When conducting interviews, officers should:
  1. Encourage witnesses to volunteer information without prompting;
  2. Encourage witnesses to report all details, even if they seem trivial;
  3. Ask open-ended questions and follow-up with closed-ended, specific questions;
  4. Avoid leading questions;
  5. Caution witnesses not to guess;
  6. Ask witnesses to mentally recreate the circumstances of the events;
  7. Encourage nonverbal communication, such as drawings, gestures, or objects;
  8. Avoid interrupting witnesses;
  9. Encourage witnesses to contact investigating officers when additional information is recalled;
  10. Instruct witnesses to avoid discussing incident details with other potential witnesses;
  11. Encourage witnesses to avoid contact with the media or exposure to media accounts concerning the incidents; and
  12. Thank witnesses for their cooperation.

#### **2.308.06 Interrogations**

*{Revised 01/23/24}*

*(1.2.3.b, 1.2.3.c, 41.2.7.c, 42.2.2.b, 44.2.2.c, 44.2.3.a & 44.2.3.b)*

- A. Interrogations are conducted by questioning people who are in custody.
- B. Interrogations will be conducted with due regard to Constitutional requirements. Officers:

1. Are issued *Miranda Rights* cards to facilitate advising people of their rights;
  2. Should use ***Miranda Rights (UPO.055.D)*** forms when time and circumstances permit;
  3. Should have other officers sign and witness *Miranda Rights*, especially when subjects refuse to sign the forms;
  4. Do not need to advise people of their *Miranda Rights* until it is necessary to interrogate them;
  5. Will refer to **2.413 Mentally Ill Persons** when needing to interrogate persons with apparent or suspected mental illnesses or disorders;
  6. Will tell receiving officers if suspects have been advised of their *Miranda Rights*;
  7. Will ensure that suspects who are to be interrogated have been advised of their *Miranda Rights*;
  8. Will not interrogate subjects, obtain statements, then advise subjects of their *Miranda Rights* and reinterrogate subjects to obtain statements under *Miranda*;
  9. Will not make any promises, threats, or inducements regarding prosecution in order to obtain interrogation statements;
  10. Will stop questioning suspects who initially agree to answer questions, but later change their minds and wish to retain their *Miranda Rights*;
  11. May interrogate persons who initially invoke their right to remain silent, but subsequently change their minds and answer questions. The sequence of events should be carefully documented in related reports. Second ***Miranda Rights (UPO.055.D)*** forms may also be completed to show the time sequence;
  12. Must be able to clearly articulate that subjects who waive their rights did so knowingly, intelligently, and voluntarily;
  13. Will include information in their reports of the dates and times subjects were advised of their *Miranda Rights*; and
  14. Will attempt to have subjects sign **Prompt Presentment Rights (UPO.057.D)** only when it is necessary to delay prompt presentment for investigative purposes.
- C. Juveniles have the same Constitutional rights as adults regarding statements and interrogations. JUVENILES, PARENTS OR GUARDIANS CANNOT WAIVE MIRANDA RIGHTS. AN ATTORNEY MUST BE PRESENT DURING INTERROGATIONS FOR ALL JUVENILES. EVEN JUVENILE OFFENDERS WAIVED AS AN ADULT. Officers:
1. WILL DOCUMENT HOW AND WHEN NOTIFICATIONS WERE MADE TO NOTIFY JUVENILES' PARENTS, GUARDIANS OR CUSTODIANS THAT THE JUVENILE WAS TAKEN INTO CUSTODY AND MAKE NOTIFICATIONS WITHIN A REASONABLE TIME;
  2. WILL DOCUMENT WHO WAS NOTIFIED;
  3. WILL ONLY INTERROGATE A JUVENILE AFTER THE JUVENILE HAS CONSULTED WITH AN ATTORNEY RETAINED BY THE PARENT, GUARDIAN, CUSTODIAN OR PUBLIC DEFENDER;
  4. WILL DOCUMENT THE NAME OF THE ATTORNEY AND THE COUNTY IN WHICH THE JUVENILE WAS INTERROGATED;
  5. WILL ALLOW FOR THE JUVENILE TO CONSULT WITH THEIR ATTORNEY CONFIDENTIALLY BY PHONE, IN PERSON OR VIA VIDEO;
  6. WILL ACTIVATE THE BWC WHILE CONDUCTING THE INTERROGATION AND INFORM THE JUVENILE OF THE RECORDING;
  7. Will consider juveniles' ages and the nature of the alleged offenses when determining appropriate length of interrogations;
  8. May confer with parents or guardians at any time before, during, or after interrogations to discuss interrogation processes;
  9. Will obtain permission from DJS regional supervisors and THE JUVENILE'S ATTORNEY if juveniles needing to be interrogated are committed to juvenile detention facilities; and
  10. MAY INTERROGATE A JUVENILE IN CUSTODY IF INFORMATION SOUGHT IS NECESSARY TO PROTECT AGAINST A THREAT TO PUBLIC SAFETY.

- D. Persons to be interrogated will be allowed to meet with their attorneys in agency facilities consistent with constitutional, processing, and detainee security requirements. See also **2.650.32 Attorney-Detainee Contacts**.