



Criminal Investigations

.01 Policy

The Bladensburg Police Department thoroughly investigates crimes with the goals of apprehending those responsible and restoring property to those victimized, when possible. Investigations will be assigned and prioritized based on solvability factors, available resources, crime analysis, and other information.

.02 Terms

Case Clearances: The Department closes cases as Unfounded, Exceptionally, or By Arrest.

Unfounded: Applied when the investigation establishes that no offense occurred or was attempted. The recovery of property or the refusal of a victim to assist in prosecution does not mean that the crime did not occur. In those instances, the crime may not be closed Unfounded. Unfounded clearances must be supported by objective written facts.

Exceptionally: Applied when an investigation does not lead to a closure by Arrest. The following four questions must be answered affirmatively for the investigation to be closed Exceptionally:

- Has the offender been identified?
- Is the exact location of the offender known?
- Is there sufficient evidence to support an arrest and prosecution?
- Are there circumstances beyond the investigator's control that prevent an arrest and prosecution?

Examples of Exceptional closures include:

- Death of the perpetrator by suicide or homicide;
- Deathbed confessions;
- Confession by perpetrator serving an extended sentence on another charge;
- The victim refuses to cooperate in the prosecution. (The initial four questions must still be answered affirmatively.)

By Arrest: Applied when an individual is arrested or charged with an offense. Although this closes the case, the investigator may note that there are

additional arrests pending. The investigation continues until all perpetrators are arrested or accounted for.

Case Status: The Department classifies cases as Active, Closed, or Open.

Active: An initial report has been completed and an investigation is ongoing. The investigator shall submit Continuation Reports every 30 days while an investigation is active.

Closed: The investigation has been closed Unfounded, Exceptionally, or By Arrest.

Open: A supervisor may suspend investigation and reclassify an active case as Open when all viable leads have been exhausted. Open cases are not cleared and will be reclassified as Active if information is received that identifies a suspect, enhances prosecutorial merit, or develops the case further.

Decoy Operation: An investigative effort where officers pose as potential victims;

Family Member: A relative (by blood, adoption, or marriage) of a victimized child;

Funds Custodian: A commissioned officer responsible for disbursing investigative funds;

Homicide: The killing of a human being by the act, procurement, or omission of an individual; homicide might not be a crime if it is justifiable;

Household Member: A person who lives with or is a regular presence in the home of a victimized child at the time of alleged abuse;

Informant: An individual who provides information regarding criminal activity to a law enforcement officer in exchange for reward or benefit;

Interview Room: A room designated by the Department for the specific purpose of conducting interviews and interrogations;

Investigative Funds: Monies used to purchase contraband, information, and defray investigative expenses to further a criminal investigation;

Malice Aforethought: Cognizant intent before committing a crime;

Stakeout: An investigative effort combining the observation, confrontation, and apprehension of

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dangerous individuals;

Surveillance: An investigative effort intended to obtain information or make routine arrests.

.03 Governing Legislation and Reference

Governing Legislation:

Maryland Court Rule 4-212.

Maryland Criminal Law Article, §14-101.

Maryland Courts and Judicial Proceedings Article, §10-401 & §10-402.

Maryland Public Safety Article, §3-505.

Forms:

Approval to Use Juvenile as Informant (Form 615).

Advice of Rights and Waiver Form (Form 616).

Advice of Rights and Waiver–Spanish Version (Form 617).

Notice of Right to Presentment Form (Form 618).

Notice of Right to Presentment Form–Spanish (Form 619).

Statement Form (Form 620).

Statement Continuation (Form 620a).

Recorded Interview Script (Form 621).

Recorded Interview Script–Spanish (Form 622).

Report of Investigation (Form 627).

Confidential Source Information Packet (Form 663).

Crime Solvers Reward Poster (Form 697).

Reference:

General Order 317, Evacuation Procedures.

General Order 320, Domestic Violence.

General Order 329, Warrants & Raids.

General Order 401, Eyewitness Identification.

General Order 402, Polygraph Examination of Alleged Victims.

General Order 405, Interviews and Interrogations.

General Order 406, Crime Scene Processing.

General Order 411, Confidential Informants and Sources.

.04 Procedure

A. Duties of Investigative Supervisor

Investigative supervisors shall maintain a log for assigned cases containing, at a minimum: Case Number; name of investigator; date of assignment; due date for continuation report; or Report of Investigation.

Case Assignment Criteria

Case assignments include, but are not limited to:

- Felonies, even when the victim/complainant is uncooperative;
- Crimes involving firearms, to include the theft of firearms;
- Crimes that reveal a pattern warranting police attention; and,
- Those with viable leads.

Violent crimes will be prioritized above nonviolent crimes. Minor crimes in which the victim/complainant is uncooperative will not be assigned unless there is a compelling reason to investigate the incident. Crimes without viable leads are investigated at the discretion of the investigative supervisor.

Crimes that the reporting officer has cleared will not be assigned unless additional investigation is required or additional arrests are pending. Such cases shall be forwarded to the Patrol Division for appropriate action.

B. Investigator Responsibility

Investigators shall act as a representative for the Investigative Section by attending patrol roll calls on a monthly basis, or more often based on operational need, to disseminate information on:

- Wanted persons and vehicles;
- Active cases and operations; and,
- Issues related to the Investigative Section.

Domestic Violence

(General Order 320, Domestic Violence)

The Investigative Section will review reports of domestic violence noting when multiple incidents or particularly violent behavior have occurred.

Investigators shall:

- Contact the victim and refer him or her to available assistance;

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- Notify the Department of Social Services and other agencies, as necessary;
- Take appropriate steps to prevent future violence against victims or responding officers; and,
- Ensure copies of Case and Supplemental Reports are forwarded to the Office of the State's Attorney.

Victim Witness Assistance

Investigators will consider the preferences of victims and witnesses; however, they will not allow those preferences to interfere with sound investigative practices. When practical, investigators will schedule interviews at a time and place convenient to the victim or witness.

Investigators will make every effort to keep the victim or the victim's family informed regarding the progress of the investigation. The investigator shall notify those concerned of arrests and significant developments, such as indictments or bond hearings, in a timely fashion.

C. Interview and Interrogation Procedure

It is the State's responsibility to establish that each person interrogated was properly advised of his or her Constitutional rights, understood them, and was afforded the opportunity to exercise them. When a person in custody waives his or her rights, it is necessary that such waiver be knowing, intelligent, and voluntary.

Generally, it is not necessary for an officer to advise a suspect of his or her Miranda rights upon apprehension. When a suspect is taken into custody and is to be released to an investigator, the apprehending officer will not advise the suspect of his or her rights unless circumstances require an immediate interrogation. An officer who relinquishes custody of a suspect to an investigator will advise the investigator if the suspect was advised of his or her rights. If the suspect has not been advised of his or her rights, it is the investigator's responsibility to do so.

Advice of Rights & Waiver Form

Prior to an interrogation, the Advice of Rights and Waiver Form shall be read in its entirety to the suspect, and his or her responses to the questions shall be documented. Until the suspect is advised of his or her rights, no evidence obtained as a result of a custodial

interrogation can be used against him or her.

Interview/Interrogation Rooms

Interview rooms shall be inspected before and after each use by the investigator conducting the interview. The inspections shall be documented either on the Detainee Processing Log or the investigator's activity sheet. All detainees will be searched prior to being placed in an interview room. Detainees shall only be handcuffed to an immovable object intended for such use, such as a handcuff rail.

The officer or investigator is responsible for ensuring that detainees in police facilities are supervised or appropriately monitored to ensure their safety. No one will be left unattended an interview room without being personally observed at least every 15 minutes. Investigators are responsible for the care and well-being of persons they are interviewing.

When using an interview room for an interview, officers shall not be armed. Weapons must be secured prior to entering the room in such a manner as to prevent access by unauthorized persons.

Under normal circumstances, the presence of two sworn members is usually sufficient to conduct an interrogation. Sworn personnel will ensure that they have at least one other sworn member nearby or a portable radio, in the event they need to summon assistance.

Sworn members will adhere to facility policies where the interview will take place, especially as it relates to using certain entrances or exits, and regarding the use of restraints.

Sworn members must initiate, update and complete any Detainee Processing Sheet or investigator's notes to document and account for the detainee's activities. All such documentation shall be legible, accurate and complete, with all activity pertinent to the detainee properly noted and described.

Officers should be sensitive to a detainee's request to access restroom facilities or water, and make appropriate arrangements for such needs.

In the event of a forced evacuation, See: General Order 317, Prisoner Processing/Holding Cell Evacuation.

Juveniles

Juveniles have the same rights regarding statements and confessions as adults. Special

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effort will be made to ensure that juveniles understand their rights as well as juvenile justice procedures. Custodial interrogations of a juvenile shall not exceed six hours, absent exigent circumstances. No more than two officers shall engage in the interrogation of a juvenile.

Investigators may confer with parents or guardians to discuss the interview/interrogation process. The conference may be held before, during, or after the interview/interrogation, as considered appropriate by the investigator.

D. Procedures for Audio/Video Recording Interrogations

The following custodial interrogations shall be audio and video recorded:

- Arson;
- Bribery;
- CDS Distribution;
- Child Abuse;
- Child Pornography;
- Extortion;
- First or Second Degree Sex Offenses;
- Gambling;
- Insurance Fraud;
- Kidnapping;
- Murder;
- Offenses Relating to Destructive Devices;
- Rape;
- Robbery; and,
- Conspiracy or Solicitation to Commit any of the above.

Authorization from a supervisor (Sergeant or above) is required to deviate from these procedures. This authorization shall be documented on the Recorded Interview Script Form. The original shall be maintained in the investigative file and a copy filed with the Records Section. Recording of interrogations for other incidents shall be at the discretion of the investigator or his or her supervisor.

Audio Recording

Audio recordings must comply with Maryland law. Generally, the law prohibits audio recording unless all parties consent.

When consent is required, permission to audiotape will be obtained prior to recording and documented on the Recorded Interview Script unless the investigating officer, or another person acting under his or her direction and supervision, has received prior consent from the parties to be interviewed.

The crimes enumerated above are exceptions to the one party consent law.

Video Recording

Video recording in an interview room within a police facility is allowable because individuals inside the interview room have no expectation of privacy.

Exceptions

Audio/video recording is not required under the following circumstances:

- The equipment is inoperable;
- An equipped interview room is not available; or,
- The suspect is hospitalized.

If a suspect makes a statement prior to transport, the investigator shall still attempt to obtain a statement by audio or video recording upon arrival at the police facility.

Security of Recordings

Audio/video recorded statements are recorded on a secure computer system. To ensure the integrity of the computer system, access is password protected. Unauthorized access is forbidden.

Audio/video recordings are evidence and must be treated as such. Specially trained and authorized employees create original recordings of each interview and secure them in a video storage box in the Property Section.

Duplication of Recordings

All recordings are the sole property of the Bladensburg Police Department. Duplications of the original recordings shall only be made by the records custodian. Original recordings will not be released. Requests for secondary dissemination of recordings shall be directed to the Custodian of Records.

Audio/video evidence may be duplicated for the investigator assigned to the case, the Office of the State's Attorney, and other police agencies. Copies of recordings may be requested by e-mail or by Inter-departmental Memorandum.

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Requests for recordings shall include the following information:

- Type of incident;
- Date ,and time of incident;
- Location of interview; and,
- Name and assignment of the requesting officer.

E. Charging Multiple Offenses

The Office of the State's Attorney will only prosecute a certain number of lesser offenses committed by the same individual. Investigators may charge suspects with multiple offenses with the approval of their supervisor. All charges will be screened with the Office of the State's Attorney. Those cases that the State declines to prosecute shall be closed Exceptionally.

Suspects shall be charged with every count of:

- Homicide;
- Rape; and,
- Robbery.

When a juvenile is arrested for multiple crimes involving multiple complainants, the Juvenile Division of the OSA must screen the charges. All case numbers will be cross-referenced on the Arrest Report (J-1).

F. Presentation Before Judicial Officer & Exceptions

Maryland Law requires the prompt presentment of a defendant before a judicial officer following arrest. Officers shall normally present arrestees to a District Court Commissioner promptly, but may delay presentment for the following reasons:

- Completion of charging documents; or,
- Processing to determine identity.

Delays to conduct interviews, interrogations, or lineups may render a confession inadmissible. The court may consider such delays when determining the voluntariness of the confession. A delay in presenting a defendant due to interview, interrogation, or lineups is acceptable if the defendant waives his or her right to prompt presentment using the Notice of Right to Presentment Form.

Presentment will not be delayed solely because the arrestee is unwilling or unable to provide necessary information for booking procedures.

G. Case Clearances

The FBI Uniform Crime Reporting (UCR) Program defines case clearances. Case clearance is not related to the case status of a particular investigation. All cases will remain Open until the case is cleared by Arrest, Exceptionally, or Unfounded.

H. Criminal Investigations Division

Criminal Investigations Division is responsible for the investigation of all crimes against persons or property, except certain crimes specified in this order.

Financial Crimes

The investigator shall determine the criminal or civil status of cases and to conduct investigations into:

- Passing of bad checks;
- Theft of money orders;
- Forgery and uttering;
- Credit card offenses;
- Embezzlement; and,
- Theft by deception.

Cases must be reported in person, by appointment only, unless otherwise directed.

Breaking & Entering

CID shall investigate commercial and residential breaking & enterings/burglaries. A supervisor shall determine the necessity for an immediate response of an investigator.

Robbery

CID shall investigate:

- Commercial robberies;
- Courier robberies involving T/A funds;
- Residential robberies;
- Kidnapping cases when a ransom demand has been made; and,
- Extortion.

An investigator will respond to residential and commercial robberies, including those involving the abduction and robbery of a courier or T/A employee. A supervisor may determine that an immediate response is not necessary. The supervisor's decision shall be documented in the case report.

The responding investigator shall:

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- Respond and take charge of the scene;
- Interview victims and witnesses;
- Collect videotapes from store cameras;
- Determine the need for the Evidence Unit;
- Conduct a neighborhood canvass; and,
- Conduct the follow-up investigation.

Patrol officers shall provide necessary assist assistance to investigators on the scene of the incident.

Video Retrieval from Security Cameras

If the business has a security camera:

- Ensure that the camera is turned off;
- Request that an employee remove the videotape or provide a copy of the digital image; and,
- Submit the tape to the Property Section.

Carjacking

CID shall investigate cases when an individual is robbed of his or her vehicle by force or threat of force. Under Maryland Law, a demand for the vehicle must be made in order for the crime to qualify as a carjacking.

I. Homicide Investigations

Prince George's County Police, Homicide Section, shall investigate:

- Homicides;
- Suicides;
- Suspicious deaths;
- Accidental deaths (other than by motor vehicle);
- Drowning in swimming pools (no notification to Maryland Natural Resources Police required);
- Incidents in which a pedestrian is struck and killed by a train;
- Child abuse cases when death has occurred or is imminent;
- Arson fatalities;
- All contract shootings when police officers or public officials are the victim of the shooting; or,
- Officer involved shootings.

The homicide investigator shall:

- Take charge of the crime scene;
- Coordinate evidence collection;
- Ensure transport of witnesses to CID;
- Ensure apprehension and transport of on-scene suspects; and,
- Initiate an investigation.

Arson-Related Fatalities

Fire investigators will determine if the cause of a fire is arson. The Fire Department will investigate those incidents not expected to result in death. If death occurs, the Prince George's County Police, Homicide Section will be responsible for investigating the death. The Fire Department maintains investigative responsibility for the arson.

The Fire Department will handle the initial press release regarding the fire. The Prince George's County Police Department will make any subsequent press releases regarding the homicide investigation.

Non-Arson Related Fatalities

When death occurs as a result of a non-arson related fire, the Fire Department will be responsible for the investigation. The press release will be the responsibility of the Fire Department.

J. Sexual Assault Investigations

Prince George's County Police, Sexual Assault Unit is responsible for the investigation of:

- First Degree Rape;
- First Degree Sex Offense;
- Second Degree Rape;
- Second Degree Sex Offense; and,
- Abductions resulting in Rape.

K. Child and Vulnerable Adult Abuse

Prince George's County Police, Child and Vulnerable Adult Abuse Unit is responsible for the following:

- All sexual abuse and exploitation when the victim is less than 18 years of age and the suspect is a household or family member, or a custodial relationship exists between the suspect and victim;
- All cases involving the abuse of vulnerable adults;
- All cases of parental abduction and custody

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disputes that rise to the level of criminality; and,

- All cases of child abandonment.

All sexual and physical assaults committed against children by household or family members or custodians shall be investigated by Criminal Investigations Division.

Third and fourth degree sexual assaults committed by individuals other than those mentioned above will be investigated by Criminal Investigations Division.

L. Media Relations

The CID Commander is responsible for disseminating information to the media regarding criminal investigations. Should an incident occur which would be expected to stimulate community interest, investigator assigned to the case is responsible for coordinating the release of information.

Media Access to Incident Scenes

Members of the media may photograph or report anything that they observe while legally at the scene of an incident. Officers shall not unnecessarily obstruct the media in the performance of their duties and may not interfere with the media's activities as long as their activities remain lawful. Members of the media are not exempt from County, State, or Federal laws.

Subject to the circumstances of the incident and the need to protect legitimate police operations, members of the media may be permitted to enter crime scenes. Only credentialed individuals who represent bonafide news gathering agencies shall be permitted access to crime scenes. Members of the media will not be granted access to incident scenes that have been secured to protect evidence or to locations where their presence could jeopardize police operations. The CID Commander, in consultation with the investigating unit, shall authorize media access to crime scenes.

M. Crime Solvers

The Crime Solvers Program is designed to generate information about unsolved crimes and the location of fugitives. Unsolved crimes or fugitives can be profiled through the media as a means to generate investigative leads. The Crime Solvers Tip Line (1-866-41 1-TIPS) shall be advertised as the telephone number

that individuals can call if they would like to provide the Department with information about a crime or fugitive while remaining anonymous.

Information received via the tip line shall be forwarded to the appropriate investigator. If a caller's tip leads to the arrest and indictment of a suspect, the caller may be eligible for a cash reward.

Crime Solvers Reward Posters

There are two reward posters that the Department uses to profile unsolved crimes and locate fugitives.

The "Standard Crime Solvers Reward Poster shall be used by employees who are investigating crimes other than homicides, sexual assaults, and carjackings. This poster has a heading of "Cash Reward but shall not list a specific reward amount.

The "Special" Crime Solvers Reward Poster shall only be used by investigators assigned to the Criminal Investigations Unit. This poster has a heading of "Cash Reward of up to \$25,000." This poster may only be used in homicide, sexual assault, and carjacking cases.

Accessing and Preparing Reward Posters

The templates for the Crime Solvers Reward Posters can be obtained from Prince George's County Police Public Information Office. Investigators shall enter the information that they want disseminated. Photographs, if available, may be added to the reward poster. The investigator shall enter the name and telephone number of the investigating unit at the bottom of the reward poster.

Supervisors shall review and approve all reward posters prior to public dissemination. Supervisors are responsible for ensuring the accuracy of the information on the reward poster.

Once approved, forward a copy to:

Crime Solvers Coordinator
Prince George's County Police
7600 Barlow Road
Landover, MD 20785
(301) 772-4718
www.pgcrimesolvers.com

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Crimes Solved or Fugitives Located

If an anonymous tip from Crime Solvers assists with the closure of a case or apprehension of a fugitive, the assigned investigator shall notify the Prince George's County Crime Solvers Coordinator at (301) 772-4718. The Crime Solvers Coordinator shall then coordinate the payment of reward, if appropriate.

N. Communication Interceptions

(Courts and Judicial Proceedings Sections 10-401 & 10-402)

Maryland law prohibits the interception of wire, oral, or electronic communication without consent of both parties involved with the following three exceptions.

1. An investigative or law enforcement officer acting in a criminal investigation, or any other person acting at the prior direction and under the supervision of an investigative or law enforcement officer, may intercept such communication to provide evidence of one of the following crimes, if one party to the communication has given prior consent:

- Murder;
- Kidnapping;
- Rape;
- Sex offense (first or second degree);
- Child abuse;
- Gambling;
- Robbery;
- Arson and Burning (felony under Criminal Law);
- Bribery;
- Extortion;
- CDS distribution;
- Conspiracy or solicitation to commit any of these offenses; and,
- Barricade involving hostages.

2. Law enforcement personnel may use body wires to intercept oral communications during any criminal investigation if officers safety may be in jeopardy, but the communications may not be recorded or used against defendants in a criminal proceeding.

3. When an investigator receives written judicial authorization via petition and affidavit for surreptitious interceptions.

Employees shall not intercept oral communications by use of an electronic device without prior written permission of the Chief of Police. This requirement does not apply to oral interceptions made while videotaping traffic violators in accordance with law.

When an employee wishes to intercept oral communications by use of an electronic device such as a tape recorder or body wire, he or she will adhere to the above legal constraints. Assistance may be requested from the Office of the State's Attorney regarding clarification of statutory requirements.

Confidential Sources

The officer shall conduct a background investigation to determine the person's suitability. The investigator shall complete a Confidential Source Information Form and attach any copies of CHRI or JHRI for juvenile confidential sources along with identification photographs. He or she shall forward these materials to his or her supervisor.

The supervisor shall review the package and if the individual is approved for use as a confidential source, assign a confidential source number.

If the confidential source is already being used, the officer shall review the existing informant file to familiarize himself or herself with the individual. Personal information regarding informants is confidential. Discussion concerning a confidential source shall be limited to that necessary to accomplish a specific task.

Juveniles may only be used as confidential sources with approval of a parent or legal guardian documented on an Approval to Use Juvenile as Informant Form.

No promise of prosecutorial consideration for cooperation is permitted without Office of the State's Attorney approval.

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Missing Persons

The National Child Search Assistance Act of 1990 requires that all missing juvenile records be updated. Updates, regardless of whether or not new information is obtained, must occur within 60 days of the original report. They must include any additional information, as well as medical and dental records when available.

This update shall be documented on a Supplemental Report completed by an investigator. The investigator shall also contact Communications to update the initial entry, even if there is no new information. This notification shall be documented on the Supplemental Report.

O. Field, Eyewitness, Photographic & Line-up Identification

For information on Field, Eyewitness, Photographic & Line-up Identification, refer to General Order 401, Eyewitness Identification.

P. Polygraphs & Computer Voice Stress Analysis

For information on polygraphs and computer voice stress analysis, refer to General Order 402, Polygraph Examination of Alleged Victims.

The Department shall not conduct polygraph examinations in internal theft cases unless criminal charges are pending. In these cases, the investigator shall provide the polygraph examiner with:

- The suspect's credit information, available through his or her employer; and,
- A copy of the suspect's job application.

Q. Stakeouts

Authorization by a supervisor holding the rank of Sergeant or above is required for a stakeout. The authorizing supervisor shall designate an OIC, who shall supervise the stakeout.

For stakeouts involving dangerous felons or potential robberies, the stakeout OIC shall notify the appropriate shift supervisor, providing information regarding:

- Location;
- Vehicles; and,
- Personnel.

The supervisor or commander receiving this notification shall ensure that general details of the operation are placed in the roll call book no later than the beginning of the oncoming shift.

The OIC shall also notify Communications providing general details of the operation. If the stakeout evolves into an arrest situation, the OIC will notify the dispatcher as soon as possible.

Officers shall wear ballistic vests during the stakeout. Plainclothes officers will display an authorized identification item if the operation evolves from surveillance to confrontation.

Informants will not participate in a stakeout operation unless the Office of the State's Attorney has been notified, and the operation approved by the Chief of Police.

R. Obtaining Non-Published Telephone Subscriber Information

Officers needing non-published telephone subscriber information from the local telephone company must complete a Grand Jury Subpoena. Subpoenas must be completed in triplicate and presented to the Office of the State's Attorney for signature.

Emergency requests will be handled through Prince George's County Public Safety Communications as follows:

- The dispatch supervisor will screen the request; and,
- If deemed an emergency, the information will be immediately requested from the appropriate service provider and given to the officer.

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HISTORY: Adopted July 29, 2013

This General Order supersedes all other orders and memoranda in conflict therewith.

Authority:

A handwritten signature in black ink, appearing to read "Charles L. Owens". The signature is written in a cursive style with large, looping letters.

Charles L. Owens
Chief of Police