



42.0 Criminal Investigation

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Criminal Investigations

1. Definitions:

- 1.1. **Preliminary Investigation:** the gathering of facts, witnesses, suspects, and evidence during the initial presence of a deputy dispatched to a crime scene.
- 1.2. **Follow-up investigation:** the search for facts, witnesses, suspects, and evidence that are not immediately available to the deputy during the initial response.
- 1.3. **Open Case Classification:** Cases under active investigation due to either the seriousness of the crime or because solvability factors indicate chances are favorable for closure.
- 1.4. **Suspended Case Classification:** Unresolved cases no longer under active investigation.
- 1.5. **Closed Classification:** Cases that have been resolved and have no further investigation required.
 - 1.5.1. **Closed by Arrest:** Cases where the suspect(s) have been charged with the commission of a crime or turned over to the appropriate charging body as in the example of a juvenile case forwarded to the Department of Juvenile Services.

- 1.5.2. **Closed by Exception:** Cases that are no longer under active investigation due to an unusual circumstance such as the death of an offender, victim non-cooperation, or the determination by the State's Attorney of a non-prosecutable case.

2. General Procedure

- 2.1. Uniformed deputies will be used as initial response personnel to reported crimes. In some instances, a case may be closed during the preliminary investigation, as in the case of an onsite arrest. The preliminary investigation generally involves actions taken at the scene including:
 - 2.1.1. Securing the scene
 - 2.1.2. Identifying, protecting, and collecting evidence
 - 2.1.3. Gathering Field Information necessary for initial report
 - 2.1.4. Identifying witnesses
 - 2.1.5. Identifying suspects
 - 2.1.6. Make an on-view arrest, if applicable
- 2.2. Deputies assigned to cases that do not warrant Criminal Investigation Unit involvement will be responsible for all aspects of investigating the crime, preliminary and follow-up investigations, until the case is closed or suspended.
- 2.3. Deputies responding to incidents that will, by policy, require Criminal Investigation Unit involvement will be responsible, during the preliminary investigation, primarily for:
 - 2.3.1. Securing the crime scene,
 - 2.3.2. protecting evidence,
 - 2.3.3. identifying witnesses and suspects, and
 - 2.3.4. Completing the initial report documenting their response and the actions taken prior to the arrival of CIU.

3. Case Screening System

- 3.1. In order to apply available manpower to those investigations that have the best chance of successful resolution, a case screening system will be used. Supervisors will consider solvability factors during the review of preliminary investigations to make a determination as to whether the case should be classified as "open" or "suspended". If a suspect was named, beyond a hunch or mere possibility, the report should remain open pending further investigation. If, after reviewing the initial report, a suspect was not named and any two or more of the following questions receive an answer of "yes", the case should remain open pending further investigation.
 - 3.1.1. Were there any credible witnesses?

- 3.1.2. Was a suspect described in a manner detailed enough to aid in identification?
- 3.1.3. Was sufficient physical evidence gathered from the scene to aid in identification or prosecution?
- 3.1.4. Was traceable property stolen?
- 3.1.5. Was a unique method of operation used?
- 3.1.6. Was sufficient vehicle information obtained to aid in suspect identification?
- 3.2. If an answer of “Yes” is not received on at least one of the above questions, the investigating deputy and the reviewing supervisor should consider the probability of successful resolution and whether the investment of additional time and resources is likely to increase that probability. If not, the case may be suspended.
- 3.3. Determining case status will be an ongoing supervisory function. Using criteria in this order, supervisors will approve or disapprove a deputy’s suggested case status beginning with the initial report and continuing through all supplemental reports.

4. Identity Crime Procedure

- 4.1. Patrol units will respond to the initial call for identity theft. Officers will attempt to identify suspects, the location or jurisdiction of the actual theft, the history of the fraudulent account or credit accounts, and dates and times of the thefts.
- 4.2. If all of the victims of the theft, as well as the suspects, are operating within the jurisdictional boundaries of Washington County, the case will be investigated until all reasonable leads are exhausted.
- 4.3. Due to the complexity of Identity Theft investigations, the Washington County Sheriff’s Office will use the victim’s home address as a determining factor in the decision to accept a case or refer to another jurisdiction. If the victim is not in the jurisdiction of the Sheriff’s Office, the victim will be directed to contact the appropriate agency to report the incident.
- 4.4. Every effort will be made to assist the reporting agency with their investigation.
- 4.5. It should be noted that the Sheriff’s Office will not allow a victim to be placed in the middle of jurisdictional conflicts. If, after appropriate requests are made, the victim’s home agency will not investigate due to claimed jurisdictional issues, the Sheriff’s Office will assume the investigation.
- 4.6. Assistance to the Victim
 - 4.6.1. The responding deputy of an identity theft case will supply the complainant with an identity theft packet. That packet contains information from the Maryland Attorney General and the Federal Trade Commission on the deterrence, detection, and

defense of identity theft. Also in the packet is an identity theft affidavit and a fraudulent account statement with instructions on how to complete them.

- 4.6.2. The victim needs to complete step 1 through 4 of the packets before submitting it to the assigned deputy.
- 4.6.3. If returned by the victim, the information contained in the packet will be stored with the case file.
- 4.7. Due to the frequency with which identity theft and online fraud occurs, and the jurisdictional issues associated with those cases, many victims call to simply “obtain a report number” for credit companies. If case resolution seems unlikely, the victim is being made whole by a private company, and the victim consents, an event number with detailed notes may be issued in lieu of a written report.
- 4.8. Public Information on Identity Crime Prevention
 - 4.8.1. The Crime Prevention Unit will provide public information on prevention of identity crimes to assist the public in:
 - 4.8.1.1. Preventing these offenses,
 - 4.8.1.2. Re-establishing the victim’s identity and credit, and
 - 4.8.1.3. Creating public awareness

5. Apprehended Shoplifter Response

- 5.1. Generally, charges will be applied for by the victim/representative via a District Court Commissioner. However, deputies will initiate charges in the following instances:
 - 5.1.1. the juvenile resides out of the State of Maryland, or
 - 5.1.2. the juvenile resides in the State of Maryland and the parents/legal guardians cannot be located or refuse to respond, or
 - 5.1.3. force has been used, if an assault has occurred, if any weapons were involved, or if resistance/violence appears imminent to the complainant, or
 - 5.1.4. the suspect has no identification or when identification is, or appears to be, fraudulent, or
 - 5.1.5. When other criminal activity is discovered along with the shoplifting, in which the business is not the victim; i.e., after apprehension a security person discovers CDS on a suspect. In such instances, the responding deputy may initiate charges to include the shoplifting, or
 - 5.1.6. probable cause exists that the suspect has committed thefts at multiple establishments, or

- 5.1.7. when a felony has been committed and probable cause exists to indicate the suspect was the perpetrator, or
- 5.1.8. when any other exigent circumstances exist that would lead the deputy to believe that if the person is not immediately arrested:
 - 5.1.8.1. They may not be apprehended.
 - 5.1.8.2. Harm may occur to person(s) or property.
- 5.1.9. Agency personnel will refer to General Order 44.0 Juvenile Operations to determine the qualifications for a criminal offense and reporting procedures.
- 5.2. Personnel will respond to a call for an apprehended adult shoplifter and take appropriate action if:
 - 5.2.1. force has been used, if an assault has occurred, if any weapons were involved, or if resistance/violence appears imminent to the complainant, or
 - 5.2.2. the suspect is unable to be positively identified, has no identification or when identification is, or appears to be, fraudulent, or
 - 5.2.3. when other criminal activity is discovered along with the shoplifting, in which the business is not the victim; i.e., after apprehension a security person discovers CDS on a suspect. In such instances, the responding deputy will initiate charges to include the shoplifting, or
 - 5.2.4. probable cause exists that the suspect has committed thefts at multiple establishments, or
 - 5.2.5. when a felony has been committed and probable cause exists to indicate the suspect was the perpetrator, or
 - 5.2.6. when any other exigent circumstances exist that would lead the deputy to believe that if the person is not immediately arrested:
 - 5.2.6.1. They may not be apprehended.
 - 5.2.6.2. Harm may occur to person(s) or property.

13. Eyewitness Identification

- 13.1. Maryland Law (Public Safety Article, 3-506.1) requires all law enforcement agencies to adopt written policies pertaining to eyewitness identification and file these policies with the Maryland State Police. These policies must be available for public inspection. Further, the policies must comply with the United States Department of Justice (DOJ) standards on obtaining accurate eyewitness identification.
- 13.2. It is the policy of the Washington County Sheriff's Office to conduct fair and impartial one-on-one, photo array, and live lineup eyewitness identifications. The Department strives to ensure that eyewitness identifications are performed as outlined in the U.S. Department of Justice "Eyewitness Evidence: A Guide for Law Enforcement" [DOJ Guide](#)
- 13.3. Definitions
 - 13.3.1. Composite: Renderings or recollections of a witness describing a suspect's appearance.
 - 13.3.2. FIELD IDENTIFICATION (also known as "Showup"): The prompt, in-person

display of a single suspect to an eyewitness in an effort to obtain identification.

- 13.3.3. PHOTO ARRAY: A display of a photographs of the suspect, along with filler photographs of other individuals whose physical characteristics resemble the suspect's description or appearance at the time of the incident.
- 13.3.4. LIVE LINE UP: A live display of the suspect, along with other individuals whose physical characteristics resemble the suspect's description or appearance at the time of the incident.

14. Exculpatory and Impeachment Evidence

14.1. Purpose:

- 14.1.1. This policy ensures the compliance of the Washington County Sheriff's Office members with the legal obligation to disclose potential exculpatory and impeachment evidence in criminal cases. This legal obligation is established in

the United States Constitution, the Maryland Declaration of Rights, and also recognize through established case law [*Brady v. Maryland* 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), *Fields v. State*, 432 MD. 650 (2013)].

15.7 Special Circumstances and State Requirements

If the victim requests that the scope of the investigation be limited or that an investigation be temporarily or permanently suspended, the investigator will inform the

victim they will follow up with the victim within 30 days of the initial contact to confirm the victim continues to request suspension of the investigation. If the victim continues to request suspension of the investigation, the investigator will advise the victim that the decision to suspend an investigation will not be considered permanent, and should the victim choose to pursue an investigation at a later date, the case may be re-opened for investigation. The investigator will notify the victim of any statute of limitations, All of the above information will be documented in the report. Maryland Criminal Procedures § 11-929. (Agency members will receive training on the Maryland Police Training Commission approved practices concerning the statute.)

Per COMAR 02.08.04.01 (B), on or before September 1st, the CIU supervisor will submit an annual report to the Office of the Attorney General providing specific information about the sexual assault evidence kits that are within the agency's possession. (See COMAR 02.08.04.01(B) for specific requirements)

The following information will be contained in the report

- A. The number of sexual assault evidence collection kits tested within the prior completed fiscal year.
- B. The date each sexual assault evidence collection kit tested was received from a law enforcement agency; and
- C. The date on which a report summarizing the results of the test was prepared for each sexual assault evident collection kit.

16. Delayed Reporting of Sexual Assault (Jane Doe)

16.1. Purpose: Federal Law requires that there be an ability of a victim of a rape or sexual assault to undergo an emergency-room forensic rape/sexual assault exam, without reporting the assault to the police. Maryland COMAR 02.08.01 also requires that the evidence gathered will be kept by law enforcement for a period not less than twenty years, in case the victim decides to initiate a police investigation.

16.2. Responsibility of the Victim

- 16.2.1. Notify the Washington County Sheriff's Office
- 16.2.2. Receive a forensic exam at a hospital or other medical facility as an anonymous report, or
- 16.2.3. Receive medical treatment only; or
- 16.2.4. Report to the WCSO within twenty years that they wish an investigation be conducted.

16.3. Responsibility of the WCSO/Patrol

- 16.3.1. When notified by a hospital or other medical facility of an anonymous report of a sexual assault, the Duty Officer, or the Emergency Communications Center

(ECC) will provide the hospital or other medical facility with a report number generated by CAD.

- 16.3.2. The hospital or other medical facility will then notify the WCSO when the exam is finished and when the sexual assault forensic exam (SAFE) kit can be picked up.
- 16.3.3. The deputy responding to the hospital or other medical facility will take custody of the SAFE kit.
- 16.3.4. Place SAFE Kit into property
- 16.3.5. Document submission of Anonymous report on a CIR and provide CIU with a copy.

16.4. Responsibility of the Criminal Investigation Unit

- 16.4.1. If the victim comes forward, within the twenty-year retention period, wanting to report the sexual assault, the case will be assigned to an investigator.
- 16.4.2. If the victim fails to come forward within the twenty-year retention period to request an investigation, the property will be destroyed, and no further investigation will be conducted.
- 16.4.3. The retention and disposal of all SAFE kits and sexual assault evidence will be in accordance with General Order 83.2.8.

18. Digital Investigations and Forensics Unit (DIFU)

- 18.1. Purpose: To establish operating procedures for the Digital Investigations and Forensics Unit
- 18.2. The primary role of the Washington County Sheriff's Office Digital Investigations and Forensics Unit is to:
 - 18.2.1. Analyze digital evidence in a laboratory setting, using forensically sound methods, so as to not contaminate the original evidence.
 - 18.2.2. Recover stored information that may be pertinent to a criminal investigation.
 - 18.2.3. Provide any recovered information to the investigator in a form he can utilize for the investigation.
 - 18.2.4. Provide expert court testimony concerning the methods used to recover the digital evidence.
 - 18.2.5. Provide technical assistance concerning searching and seizing digital evidence and obtaining digital evidence in criminal investigations.

19. Administration of Criminal Intelligence Activities

- 19.1. PURPOSE: To establish procedures for the collection of intelligence information regarding organized crime, vice, terrorism, drugs, or gangs, to serve as evidence or the basis for operational planning/activities and the dissemination of intelligence to appropriate enforcement personnel.

