

# Chevy Chase Village Police Department

## General Order

**Subject:** PRELIMINARY AND FOLLOW-UP INVESTIGATIONS

○ New

**CALEA:** 1.2.3-a-b, 42.1.4, 42.2.1-a-b-c-d, 42.2.2-a-b-c-d-e-f-g-h  
55.1.1, 55.1.3-a, 55.2.3-a-b-c-d, 55.2.4-a-b-c-d-e, 55.2.5

○ Amended

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**Approved:** 

Roy Gordon  
Chief of Police

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### I. POLICY

The preliminary investigation begins with the arrival of the officer at the scene or upon taking a report and continues until postponement or transfer of responsibility will not jeopardize its success. Village officers will be responsible for conducting and completing the investigation of all non-criminal calls for law enforcement-related service, and for misdemeanor crimes, except when:

- A. The offense appears to be a part of a pattern of such offenses;
- B. Follow-up investigation is required in widely separated locations outside the geographic boundaries of the Village;
- C. A misdemeanor offense which is of a sufficiently serious nature to warrant the assistance of specialized investigators;
- D. A Fire Investigator assumes the responsibility for the report and the investigation, if any. (CALEA 42.1.4)

### II. CONDUCTING PRELIMINARY INVESTIGATIONS

One of the main goals of the preliminary investigation is to identify a lead or clue as to the identity of the offender. The officer charged with the preliminary investigation should, when practical, follow the steps listed below.

- A. While approaching the scene, and after arrival, the officer should be alert and observe all conditions, events, and remarks. (CALEA 42.2.1-a)
- B. The officer should locate the victim if still on the scene and interview this person to determine if an offense has actually been committed and, if so, the exact nature of the offense in order to obtain enough information for a preliminary radio look-out for the perpetrator. (CALEA 55.1.3-a)

- C. The officer should attempt to locate, identify, and interview the complainant, unless advised by ECC that the complainant wanted to remain anonymous or is reluctant to be seen, to determine what, if anything, he/she saw, heard, or know of the incident. (CALEA 42.2.1-d)

If the complainant indicated that he/she wanted to remain anonymous or is reluctant to be seen, the investigating officer will have to contact ECC by **phone** to get the complainant's phone number.

- D. Depending on the nature and severity of the incident, the officer should attempt to locate, identify, and interview victims and all witnesses to determine what they know and if necessary, obtain written statements from each for review later. (CALEA 42.2.1-b)
- E. If the officer establishes that a crime has occurred and the offender has left, the officer should attempt to locate the crime scene and take prompt action to protect the crime scene and any evidence, especially evidence that is short-lived. (CALEA 42.2.1-c)

The officer will arrange to have the evidence photographed and collected in accordance with established Department policies.

- F. If the offender is still on the scene and a lawful and safe arrest can be made, the officer should arrest the offender before he/she has an opportunity to cause injury or tamper with, dispose of, or destroy evidence.
- G. Advise the suspect of his constitutional rights when appropriate, interrogate the suspect, and attempt to legally obtain either a verbal or written statement. (CALEA 42.2.1-d)
- H. Accurately record all relevant information on prescribed Village or MCP report forms.

### **III. DEALING WITH THE VICTIM DURING THE PRELIMINARY INVESTIGATION**

Victims have a right to be treated with dignity, respect, and compassion. After the scene has been stabilized, the officer conducting the preliminary investigation will advise the victim accordingly. (CALEA 55.1.1)

- A. If applicable, victims will be informed by officers of appropriate community-based or government operated services, i.e. counseling, medical attention, Maryland's Criminal Injury Compensation Board, emergency financial assistance, and victim advocacy. This may be accomplished by providing the victim with a Victim's Rights Booklet. (CALEA 55.2.3-a)

- B. If appropriate, officers will also advise the victim of appropriate measures to take if the suspect, suspect's companions or family threatens, or otherwise intimidates the victim. (CALEA 55.2.3-b)
- C. The investigating officer will provide the victim with:
  - 1. The officer's name and report number;
  - 2. The subsequent steps that relate to the processing of the case; (CALEA 55.2.3-c)
  - 3. The telephone number(s) that the victim can call to report or receive additional information about the case, and the name, if known, of the officer/investigator that will be following-up the case. (CALEA 55.2.3-d)

#### IV. FOLLOW-UP INVESTIGATIONS

- A. The follow-up investigation is an extension of the preliminary investigation. The purpose of the follow-up investigation is to discover additional information which may effect the arrest of an offender, recover stolen property, or enhance the case after an arrest has been made.
- B. Village Officers conducting a follow-up investigation of an incident should follow the below-listed basic steps, depending upon the nature of the incident.
  - 1. When available and practical, officers should review and analyze all previous reports prepared in the preliminary stage, i.e. station files, Master Name Index, case file, lab reports, etc. (CALEA 42.2.2-a)
  - 2. Make a "second-contact" with the victim or other principals in the case for clarification and reassurance.
  - 3. Conduct additional inquiries, interviews, and interrogations. Interviews and inquiries should include, but need not be limited to, the neighborhood surrounding the location where the incident occurred. (CALEA 42.2.2-b)
  - 4. Interview other officers and informants familiar with the case to attempt to identify possible suspect(s). (CALEA 42.2.2-c)
  - 5. Once a suspect is developed, check the suspect for "wanted," criminal history, etc., and attempt to determine if the suspect has been or is currently a suspect in other crimes. (CALEA 42.2.2-f-g)

6. After a suspect is identified and probable cause exists for the issuance of a charging document, apply for such document and arrange for the suspect to be served with it. (*CALEA 42.2.2-e*)
7. If necessary, plan, organize, and conduct searches for the suspect or evidence, and arrange for the proper collection, processing, preservation, and storage of the evidence collected. (*CALEA 42.2.2-d*)
8. Discuss the case with the State's Attorney's Office to ensure case integrity and enhancement, testify when needed in related Court proceedings, and maintain all pertinent notes and information relating to the case in the case file in a suggested chronological order. (*CALEA 42.2.2-h*)
9. If a MCP investigator will conduct the follow-up investigation, the patrol officer will coordinate, cooperate, and communicate with the investigator.
10. *See G.O. 5-52: MCP Follow-up Investigations*

## V. INVESTIGATION PROCEDURES

### A. Information Development

1. When conducting preliminary and follow-up investigations, officers should treat each case confidentially and should refrain from discussing the details of the investigation or investigatory strategies with persons outside law enforcement.
2. Information development is crucial to the criminal investigative process and may be developed from an unlimited number of sources:
  - The Master Name Index
  - Station reports
  - Maryland CJIS database
  - FBI Rap Sheets
  - MCP Rap Sheets
  - Court records, gun permits, land records, etc.
3. When developing information, officers should take detailed notes and include them in their case file folder.

4. Officers will document their information development in periodic Supplement Reports to keep their case file current and accurate.

B. Interviews and Interrogations

1. Interviews and interrogations will be conducted in strict compliance with applicable laws and with due regard for the current legal opinions concerning the constitutional rights of the suspect(s).  
(CALEA 1.2.3-a-b)
2. If MCP investigators have been called-out to assist with an investigation, officers will not advise the suspect(s) of their Miranda rights nor initiate questioning about the offense for which the suspect(s) was arrested/detained unless otherwise advised by an investigator.

C. Collection, Preservation and Use of Physical Evidence

1. The collection, preservation, and use of physical evidence will be accomplished by properly trained personnel.
2. Evidence shall be properly packaged, labeled, secured, and documented for chain-of-custody and future use at trial.

D. Surveillance

1. Surveillance is the covert but lawful observation of places, persons, and vehicles for the purpose of obtaining information concerning the identities or activities of a subject. In general, the purpose of surveillance is to:
  - Detect criminal activity
  - Discover the identity of persons who frequent a residence, establishment, etc. and determine their relationship.
  - To discern the habits of a person who lives in or frequents the location.
  - To obtain evidence of a crime or prevent the commission of a crime.
  - To obtain the basis for obtaining a search warrant.
2. Surveillance may be used in the investigation of any crime when it is necessary to observe suspects or conditions in an unobtrusive manner. Surveillance may create additional information involving an investigation, gather additional intelligence information or observe new

crimes being committed. All such information will be properly documented on appropriate Department report forms.

3. Surveillance operations will be conducted with supervisory approval, coordinated with appropriate MCP units that may already be involved in the case.

E. Background Investigations

1. Prior to conducting a background investigation, its purpose shall be clearly defined and identified in order to guide the officer conducting the investigation.
2. Whenever possible, officers will conduct background investigations of their suspects and if necessary, the victim(s) and witnesses, in order to develop incriminating or exculpatory information.
3. Prior to beginning a background investigation, the investigating officer should identify potential sources of information, giving consideration to the civil rights of the individual being investigated and allowing for the potential need for court orders to obtain data.
4. The background investigation and related records shall not be distributed, except on a need-to-know basis, to those law enforcement persons involved in the case.
5. Criminal History Record Information used for background investigation purposes will not be disseminated or released pursuant to the provisions of Article 27, Sections 45A, 146, and 739 of the Annotated Code of Maryland.
6. Background information will be purged along with the files in which this information is included, in the following circumstances:
  - a. Pursuant to a Court Ordered Expungement, or
  - b. The investigation has been closed due to insufficient evidence or a lack of prosecutorial merit and the investigation will not be reopened as determined by the State's Attorney's Office.

**VI. DEALING WITH THE VICTIM DURING FOLLOW-UP INVESTIGATIONS**

Since each follow-up investigation is different, patrol officers conducting follow-up investigations will, as necessary and appropriate:

- A. Re-contact a victim/witness to determine whether needs are being met if, in the opinion of the officer and Department, the impact of a crime on a

victim/witness has been unusually severe and has triggered the need for above-average assistance. (CALEA 55.2.4-a)

1. If not an endangerment to the successful prosecution of the case, explain to victims/witnesses the procedures involved in the prosecution of their cases and their role in those procedures. (CALEA 55.2.4-b)
  2. If the case is particularly sensitive, the officer conducting the follow-up should consult with the State's Attorney's Office prior to speaking with the victim/witness because the State's Attorney assigned to the case may want to accompany the officer or at least be present during the explanation.
- B. If feasible, schedule line-ups, the viewing of photo-arrays, interviews, and other required appearances at the convenience of the victim/witness and at the option of the Department, provide transportation for the victim/witness to ensure their appearance. (CALEA 55.2.4-c)
- C. If permitted by law and the rules of evidence, and approved by the State's Attorney's Office, promptly return property belonging to the victim/witness (except contraband, disputed property, and weapons used in the course of the crime). (CALEA 55.2.4-d)
- D. Contact the State's Attorney's Office's Victim/Witness Coordinator and/or a representative of the Victim Advocate Service to advise them of the case and to determine the feasibility of assigning a "victim advocate" to the victim/witness during the follow-up investigation. (CALEA 55.2.4-e)
1. The Victim/Witness Coordinator for the State's Attorney's Office is located [REDACTED]
  2. Montgomery County has a Victim Advocate Program located at [REDACTED]

## **VII. SERVICES TO BE RENDERED AFTER ARREST OF OFFENDER**

- A. As soon as practical after a Village Officer involved with a particular case learns of the arrest or apprehension of a suspect from that case, the officer will make a good-faith effort to notify victims/witnesses of the following (unless the officer knows the notification has already been made by an investigator, another officer, etc.): (CALEA 55.2.5)
1. The arrest of the offender;
  2. The charges placed;

3. The custody status of the offender if known;
4. The court date if known; and,
5. The procedures for re-acquiring their personal property if it was seized as evidence.

B. Timeliness of Notification

It is understood that in some instances notifications of victims will, unavoidably, not be timely, as when suspects are apprehended elsewhere and perhaps released well before this Department becomes aware of the apprehension. However, if a victim can be kept informed with accurate information, every attempt will be made to do so by the officer investigating the case.

C. Certain Information Protected From Disclosure

1. While the Department realizes that victims/witnesses must be kept informed of the status of their case, officers are nonetheless cautioned about releasing information to victims/witnesses regarding juvenile offenders, unless the juvenile(s) is/are charged as adults.
2. Past arrests and criminal history information unless in the public domain, shall not be discussed or disclosed.

## **VIII. PATROL SUPERVISOR'S RESPONSIBILITIES**

The Patrol Supervisor (Sergeant) will be responsible for:

- A. Ensuring that an adequate and complete preliminary investigation has been made;
- B. Assisting officers under his control regarding questions as to whether a follow-up investigation should be made by patrol personnel or investigators;
- C. Determining whether continuing investigation by patrol officers should be held until the investigating officer's next tour of duty or continued by personnel assigned to the oncoming shift;
- D. In either case, a preliminary or supplemental report, if further information is developed, must be submitted by the assigned/relief officer prior to securing for the day;
- E. Relinquishing control of the scene to the investigator who, after being contacted, arrives on the scene.

## **IX. USE OF TECHNICAL AIDS FOR DETECTION OF DECEPTION**

### Use of Polygraph

- A. Officers conducting preliminary or follow-up investigations may find that a polygraph examination would not only be a useful tool, but may be warranted.
- B. A polygraph examination will not be administered until all conventional methods of closing the case are exhausted.
- C. Only persons trained at an accredited school and certified in the use of the polygraph will administer examinations.
- D. Officers must contact the MCP polygraph examiner **first** to set up an appointment.