



# HARFORD COUNTY SHERIFF'S OFFICE OPERATIONS POLICY

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Sheriff

## Preliminary and Follow-up Criminal Investigations

<b>Distribution:</b>	<b>All Employees</b>	<b>Policy Number:</b>	<b>OPS 1219</b>
<b>Responsible Unit:</b>	<b>Investigative Services Bureau</b>	<b>Rescinds:</b>	
<b>Original Issued Date:</b>	<b>09/14/21</b>	<b>Revision #:</b>	<b>1</b>
<b>Latest Required Review was Completed:</b>	<b>09/25/24</b>	<b>Latest Revision Date:</b>	<b>09/25/24</b>
		<b>Next Review Due:</b>	<b>09/30/27</b>

### 1. Purpose

To provide specific and consistent guidelines that provide for the efficient and effective investigation of crimes reported to the Harford County Sheriff's Office (HCSO).

### 2. Policy

The HCSO will effectively manage criminal investigations by coordinating the efforts of patrol deputies, the Criminal Investigations Division (CID), and the Special Investigations Division (SID).

### 3. Definitions

**CASE PENDING:** the case is unresolved while the incident is still actively being investigated.

**CASE SCREENING:** a system for determining suspension or continuation of investigative resources.

**CASE SUSPENSION (INACTIVE):** when all leads are exhausted without identifying the perpetrator.

**CLEARED BY ARREST:** when the perpetrator of the offense or violation is brought before judicial process, either by arrest or by summons.

**CRIMINAL INVESTIGATION:** the collection of facts and information intended to identify an offender and to organize facts and information in a way that presents evidence sufficient for the recovery of property, apprehension of offenders, and the initiation of criminal charges.

**EXCEPTIONALLY CLEARED:** when the perpetrator has been identified, but cannot be prosecuted because of technicalities, such as an uncooperative victim, the suspect is dead, or the time elapsed since occurrence has exceeded that which is allowed under the statute of limitations.

**FOLLOW-UP INVESTIGATION:** the extension or continuation of the preliminary investigation to collect facts and information intended to identify an offender and to organize facts and information in a way that presents evidence sufficient for the recovery of property, apprehension of offenders, and the initiation of criminal charges. A shift supervisor will be responsible for the supervision of follow-up investigations if the investigation is not assumed by detectives from CID or SID.

**PRELIMINARY INVESTIGATION:** a thorough and comprehensive preliminary investigation often negates the need for investigative follow-up. A shift supervisor will be responsible for the supervision of the preliminary investigation until such investigation is completed or until command of the scene is assumed by a responding investigator.

**SERIOUS PHYSICAL INJURY:** may include brain injury or bleeding within the skull, starvation, physical injury that creates a substantial risk of death or causes permanent or protracted severe disfigurement; loss of function or impairment of function of any bodily member or organ, broken bones, and/or cases that result in emergency hospitalization or require specialized medical treatment.

**UNFOUNDED:** the case is unfounded when the investigating deputy concludes from his investigation that the crime alleged did not occur or that it occurred within the jurisdiction of another agency. If the offense occurred within another agency's jurisdiction, the case will be forwarded for their attention.

#### **4. References**

Maryland Code Annotated Criminal Procedures Article §2-102  
Maryland Code Annotated Public Safety Article §3-701  
OPS 1403 Prison Rape Elimination Act (PREA)

#### **5. Procedures**

##### **A. Preliminary Investigation**

1. Appropriate steps in a preliminary investigation may include, but are not limited to:
  - a. Locating, identifying and interviewing victims, witnesses, complainants, and/or suspects;
  - b. Providing a private room for reporting at the request of a victim at a police facility;
  - c. Observing and noting pertinent conditions, events, remarks, and activities surrounding the incident under investigation;
  - d. Identifying surveillance video;
  - e. Securing and protecting the crime scene and arranging for the collection of evidence, which may require the assistance of additional specialized resources necessary to properly investigate and verify the circumstances of the original call for service. Specialized assistance includes but is not limited to a supervisor, a Canine Unit, a detective, or a member of the Forensic Services Unit (FSU) or any other assistance deemed appropriate directly related to gathering evidence of the alleged offense;
  - f. Limiting entry/exit at the scene to a single location where the potential for disturbing the scene is minimized to the extent possible and logging the names of all persons entering the scene;
  - g. Providing aid to injured persons;
  - h. Providing other units with pertinent information, such as a suspect and/or vehicle description. When known, the mode, method, and direction of travel should also be provided; and

- i. Reporting the incident as completely and accurately as possible in an Incident Report in the Law Enforcement Records Management System (RMS).
2. The following crimes or attempts require immediate notification to the On-Call CID Supervisor:
    - a. Homicide and/or an attempted homicide;
    - b. Manslaughter;
    - c. Death investigations for suspicious conditions or where no medical conditions exist in consideration of the age of victim;
    - d. Child sexual abuse;
    - e. Physical child abuse involving serious physical injury;
    - f. Child neglect which creates a substantial risk of harm;
    - g. Rape in the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> degree (4<sup>th</sup> degree sex offenses sent to CID for review);
    - h. Robbery to include home invasion, bank, carjacking, street and commercial;
    - i. Aggravated and other assaults with life threatening injuries;
    - j. Kidnapping/abduction (custodial or non-custodial);
    - k. Critically missing person;
    - l. Shootings (contact or non);
    - m. In custody deaths;
    - n. Prison Rape Elimination Act (PREA) incidents;
    - o. Murder for hire; and/or
    - p. Any other crime deemed appropriate by a supervisor due to seriousness, sensitivity, or complexity.
3. The following crimes or attempts require notification of a CID Property Crimes Supervisor during normal business hours; however, if immediate attention is needed, contact the On-Call CID Supervisor:
    - a. Commercial Burglaries;
    - b. Residential Burglaries (excluding sheds, outbuildings, curtilage, vacant buildings, and attached or detached garages) in which one or more solvability factors exist or with more than \$10,000 in property loss;
    - c. Motor vehicle thefts;

- d. ATV, dirt-bike, mini-bike, and scooter theft in which one or more solvability factors exist;
  - e. Thefts over \$15,000 in which one or more solvability factors exist;
  - f. Embezzlement in any amount;
  - g. Complex identity theft and fraud;
  - h. Check and credit card cases which involve multiple suspects, multiple victims, or multiple jurisdictions; and/or
  - i. White collar crimes of a complex nature.
4. The following require timely or immediate notification of an SID supervisor:
- a. When the quantity of the substances seized equals or exceeds the amounts listed below:
    - i. Cannabis – Felony amount (currently 50 pounds) or importation;
    - ii. Cocaine - 28 grams;
    - iii. Morphine/Opium - 5 grams;
    - iv. LSD - 1,000 units;
    - v. Phencyclidine (PCP) - 28 grams (liquid or mixture);
    - vi. Methaqualone - 1,000 units; and/or
    - vii. Methamphetamine - 5 grams.
  - b. The method of concealment suggests a courier operation;
  - c. Drug induced overdose;
  - d. Unusual or special circumstances involving controlled dangerous substances (CDS); and/or
  - e. A CDS related seizure of property; to include, but not limited to, vehicles, residences, boats, and weapons.
5. Patrol/Correctional supervisors are responsible for ensuring that a complete initial investigation is completed and documented in the initial Incident Report in the RMS.
- a. If it is found that a complete investigation has not been done, then the report will be returned to the assigned deputy to complete the initial investigation.
6. Upon notification, the On-Call CID supervisor may either direct investigators to the scene or provide guidance for further investigation.

B. Follow-up Investigation

1. Appropriate steps in a follow-up investigation may include, but are not limited to:
  - a. Review and analysis of reports filed during the preliminary investigation;
  - b. Interviews and re-interviews of the victim, witnesses, and/or any other person who may possess pertinent information;
  - c. Interviews with patrol deputies who prepared preliminary reports and/or those who initially responded to the call;
  - d. Examining seized evidence, searching for further evidence, and reviewing the results of laboratory and/or physical examinations;
  - e. Attempts to identify the suspect(s) and/or offender(s) and obtain a statement from them;
  - f. Upon identification of a suspect, checking all available records to ensure the correct identification of the suspect, ascertaining the suspect's involvement in past offenses, and, when appropriate, checking with other local police agencies to determine if the suspect is thought to be involved in any other criminal activity;
  - g. Running and obtaining criminal histories on any and all suspects involved in the investigation; and
    - i. The deputy or investigator conducting the follow-up investigation should ensure that all written documents related to the investigation, including reports, statements, drawings, sketches, and other written materials of any kind are of sufficient quality that they could be used by the State's Attorney's Office (SAO) during presentation of the case in court.
  - h. Each investigator will make contact, either by telephone, by mail/email, or in person with the victim or complainant in each case assigned to him.
    - i. Ideally, this contact will be made within two working days of the assignment.
    - ii. The purpose of this contact is to determine whether the victim or complainant has any new information not included in the initial report and to inform them what actions will be taken during the follow-up investigation.
2. The investigator, once assigned, will be responsible for all follow-up investigations, oversight and completion of a case including:
  - a. Reviewing and analyzing reports from the preliminary investigation and laboratory results;
  - b. Conducting additional interviews;
  - c. Seeking additional information from HCSO members, witnesses, informants, etc.;
  - d. Planning, organizing and conducting searches and collecting physical evidence;
  - e. Identifying and apprehending suspects;
  - f. Determining the suspect's involvement in other crimes; and

g. Preparing the case for prosecution.

3. The investigator in charge will have authority to establish priorities and make decisions regarding all aspects of the investigation in consultation with his supervisor.

C. Report Dissemination

1. Reports or supplements associated with a violent major crime, or a property crime listed in 5.A.2 – 3, will be forwarded to the CID Supervisors email group for review.

a. A CID supervisor will review the report and determine if it meets the criteria for assignment to CID.

b. An email notification will be sent to the reporting deputy and shift supervisors within 24 hours of receipt of the report advising whether the case will be assigned to CID.

c. If over a weekend/holiday, then email notification will be made the following business day.

2. Reports or supplements associated with crimes against children (as defined in section 5.A.2.e., f., & g.) will be forwarded to the Child Maltreatment Email Distribution List for review.

a. A supervisor will review the report and determine if it meets the criteria for assignment to the Child Advocacy Center (CAC).

b. An email notification will be sent to the reporting deputy and shift supervisors advising whether the CAC has accepted the case for follow-up investigation, or whether the case has been screened out for further investigation by the CAC and is being referred back to the reporting deputy for follow-up and closure.

3. Reports or supplements associated with drug offense listed in 5.A.4 will be forwarded to the SID Supervisors email group for review.

a. A supervisor will review the report and determine if it meets the criteria for assignment to SID.

b. An email notification will be sent to the reporting deputy and shift supervisors within 24 hours of receipt of the report advising whether or not the case will be assigned to SID.

c. If over a weekend/holiday, then email notification will be made the following business day.

D. Case Screening Procedures

1. Incident Reports and Incident Supplements submitted by deputies will be reviewed and screened by an investigative supervisor to determine the appropriateness of the crime classification and the appropriateness of a follow-up investigation.

2. Upon receipt and review of an incident forwarded to CID, the supervisor will screen each case using solvability factors.

3. Solvability factors will assist in determining case assignment.

4. In some cases, the seriousness or public sensitivity of a case would warrant follow-up.

5. The decision to continue with or suspend each investigation will be made by the Division Commander.

E. Solvability

1. The following are some of the factors the supervisor will use to determine what type, if any, follow-up investigation is needed:
  - a. Reliable witness located: a credible, competent, and reliable witness providing actionable information;
  - b. Suspect has been named or described: full name, partial name, nickname, street name, or alias and the individual naming the suspect has an objective, verifiable reason for naming the suspect or there are photos/video of the suspect;
  - c. Suspect vehicle description provided: a complete or partial license plate number is known, descriptive identifiers of the vehicle, or distinctive description of the vehicle;
  - d. Traceable property stolen: serial number, owner applied number/marks, damage, or unique description;
  - e. Significant method of operation (MO): an unusual, distinctive, or significant approach is identified, or an identifiable crime pattern or series;
  - f. Usable physical evidence: latent fingerprints, DNA, or other significant physical evidence (either traceable or uniquely distinctive) has been collected;
  - g. Part of a spree or pattern;
  - h. Availability of video evidence; and/or
  - i. Other available leads to pursue.
2. The decision to continue with or suspend an investigation will be made by the supervisor and/or investigator.

F. Patrol/Corrections Responsibilities

1. Responding patrol/corrections deputies will investigate all property crimes and crimes against persons not accepted by CID or SID as thoroughly as possible during their tour of duty.
2. Case responsibility for an incident may remain with the investigating deputy in cases where the suspect has not been identified and/or investigative leads are minimal or nonexistent.
3. The investigating patrol/corrections deputy may actively continue to investigate the case if leads are available, noting his responsibility for the case in the initial report and in coordination with property crimes supervisors.
4. There are instances in which correctional deputies are not to begin preliminary investigations but are to maintain the situation in a controlled state until a detective or investigator arrives. These situations include, but are not limited to:

- a. Any assault resulting in serious physical injury or death; and/or
  - b. Any death occurring within the Harford County Detention Center (HCDC).
5. It is the policy of this Agency to file charges or present case investigations to the appropriate prosecutorial official only when each element of the offense can be proven beyond the required burden.
- a. Whenever this evidence standard is not met as a result of more current information, mistake, or error of judgment, there is a responsibility to bring the current information, mistake, or error of judgment to the attention of the appropriate prosecutorial official to enable that official to make a more intelligent decision as to how to proceed.
  - b. This responsibility lies with the arresting or investigating deputy and/or his immediate supervisor.
6. Follow-up investigations will be initiated as investigative load or detail permits, but in no case will it exceed five working days.
7. Supervisors will ensure proper handling of investigations.
8. Before a correctional deputy places charges on any suspect, he must consult with an Assistant State's Attorney.

G. Prioritization

1. The volume of Incident Reports processed by investigative units necessitates the establishment of investigative priorities by CID supervisors.
2. The nature of the offense, circumstances, and urgency will be considered when prioritizing investigations.
3. There are times when cases have a very low likelihood of reaching a successful conclusion. These cases do not have a high solvability factor and normally are given a low priority rating.
4. Cases having a very low solvability factor, but which should be assigned for follow-up investigation include, but are not limited to, the following:
  - a. Those in which personal injury or a threat of injury has occurred;
  - b. Those in which the monetary loss to the victim is extremely high; and/or
  - c. Those in which the seriousness of, or public sensitivity to, the incident would warrant follow-up investigation attempts.

H. Case Status

1. Upon completion of the investigation, the assigned detective or investigator will recommend a final disposition of the case by indicating the case status at the end of each supplemental report.
2. The investigative status of criminal cases will be indicated by one of the following:

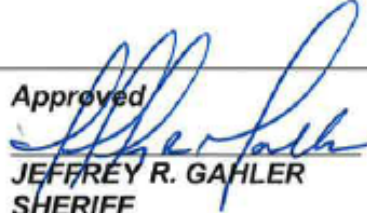


- a. Cleared by arrest;
- b. Exceptionally cleared;
  - i. Except for homicide, all other manners of death are not criminal. Natural, accidental, suicides, and undetermined deaths should not be Cleared by Exceptional Means because they are not crimes.
  - ii. Criteria for exceptional clearances:
    - a) The identity of the offender has been established;
    - b) There is enough probable cause to support an arrest, charge, and the turning over of the case to the court for prosecution. Probable cause to charge is sufficient to clear by exception even if the SAO declines to prosecute;
    - c) The exact location of the offender is known so that the subject could be taken into custody. Cannot use last known address; and/or
    - d) There is some reason outside of the Agency's control that precludes arresting, charging and prosecuting the offender.
  - iii. Examples of exceptional clearances include, but are not limited to:
    - a) The death of the offender (e.g., suicide or justifiably killed by police or citizen);
    - b) The victim's refusal to cooperate with the prosecution after the offender has been identified; and/or
    - c) The denial of extradition because the offender committed a crime in another jurisdiction and is being prosecuted for that offense.
- c. Unfounded;
- d. Case Suspension; or
  - i. Investigations may be suspended or cleared for a variety of reasons, including, but not limited to the following:
    - a) A lack of investigative leads;
    - b) A lack of credibility on the part of victims or witnesses;
    - c) The statute of limitations;
    - d) A decision by the SAO not to prosecute;
    - e) The determination that a crime has not occurred or that a case is unfounded;

- f) The determination that a crime did not occur within the HCSO's legal jurisdiction or that an outside agency is better suited to handle the investigation; and/or
  - g) A lack of cooperation from the victim and cannot be exceptionally cleared.
- e. Case Pending.
- 3. In the Uniform Crime Reports (UCR) program, the recovery of property alone does not clear an offense.
  - 4. When the status of a criminal case changes, a reasonable attempt will be made by the case investigator, or his supervisor, to notify the victim.

## 6. Summary of Changes

- A. On 08/28/24 a 3-year review was conduct, and the following changes were made:
- 1. Section 5.A.2. Replaced Suspicious/Suicide and Unattended Death with **Death investigations for suspicious conditions or where no medical conditions exist in consideration of the age of victim** in order to be consistent with the incidents listed in policy OPS 0101 – Patrol; and
  - 2. Section 5.A.4. Replaced Marijuana - 5 pounds with **Cannabis – Felony amount (currently 50 pounds) or importation**.

Approved  
  
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DATE 9.25.24