

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and dispositions of criminal investigations.

For procedures related to Investigation and Prosecution, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Recovered Vehicles](#) and [Request for Crime Lab Examination](#).

600.2 POLICY

It is the policy of the St. Mary's County Sheriff's Office to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

For procedures related to Initial Investigation, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Photographs and Crime Scene Sketches](#).

600.3.1 DEPUTY RESPONSIBILITIES

A deputy responsible for an initial investigation shall complete no less than the following:

- (a) Observe all conditions, events and remarks.
- (b) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 1. An initial statement from any witnesses, complainants or victims.
 2. A cursory examination for evidence.
- (c) If information indicates a crime has occurred, the deputy shall:
 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift Supervisor to determine whether a detective should be called.
 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - (a) Obtain statements in writing, digitally or with the use of a body worn camera.
 - (b) Witnesses should be kept separate prior to giving their statements, if possible.
 5. Collect any evidence.

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6. Take any appropriate law enforcement action.
 7. Complete and submit the appropriate reports and documentation.
- (d) If the preliminary determination is that no crime occurred, determine what other action may be necessary and what other resources may be available, and advise the complainant of this information.

For procedures related to Officer Responsibilities, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Required Reports](#), [Kidnapping/Abduction](#), [Robbery](#) and [Vehicle Thefts](#).

600.3.2 PROFESSIONAL STAFF RESPONSIBILITIES

A professional staff member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of a deputy shall be requested.

For procedures related to Professional Staff Responsibilities, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Crime Lab Technician](#) and [Equipment](#).

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

For procedures related to Custodial Interrogation Requirements, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Miranda Warnings](#) and [Procedures Used in Criminal Investigations](#)

600.4.1 AUDIO/VIDEO RECORDINGS

A deputy conducting a custodial interrogation of an individual who is suspected of having committed any violent felony offense, including murder, rape, sexual offense in the first degree or sexual offense in the second degree, shall make reasonable efforts to create an audiovisual recording in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings (Md. Code CP § 2-402).

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Criminal Investigations Commander. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes. An audio or audiovisual recording made

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by a law enforcement unit of a custodial interrogation of a criminal suspect is exempt from the Maryland Wiretapping and Electronic Surveillance Act (Md. Code CP § 2-403).

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

For procedures related to Audio/Video Recordings, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Transcription Service](#)

600.5 FOLLOW-UP INVESTIGATION

The follow-up investigation is an extension of the preliminary investigation. The purpose of the follow-up is to provide additional investigation in order to affect the arrest of an offender and/or recover evidence/stolen property. Basic activities of the follow-up investigation include:

- Identification and apprehension of the offender.
- Arrange for the analysis and evaluation of evidence.
- Recovery of stolen property.
- Detailed interviewing of victims and witnesses.
- Interrogation of suspects.
- Determining if other crimes may have been committed by the suspect.
- Recording information obtained.
- Preparation of case report for court presentation

600.6 CASE STATUS AND DISPOSITION CONTROL

(a) All cases will be designated in one of the following statuses:

1. Closed - a case in which the investigation has been completed and requires no further action.

(a) All investigations with a "closed" status will be assigned one of the following dispositions:

1. Administratively cleared;

(a) Closed at request of victim;

(b) Closed with approval of supervisor pursuant to paragraphs (b), (c), and (d) of 600.8 - Discontinuation of Investigation of this policy;

(c) Assist other agency;

(d) Non-Criminal Involvements (i.e., suspicious incidents, suicides, and natural death)

2. Cleared by Arrest:

(a) When an on-view arrest of the suspect has been completed

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3. Cleared by Juvenile:
 - (a) When a juvenile apprehension has occurred.
 4. Closed - Criminal Summons/Warrant Issued
 5. Closed No Arrest:
 - (a) When the victim was advised regarding the process for obtaining criminal charges.
 6. Exceptionally Cleared:
 - (a) When all four of the following circumstances exist:
 1. The investigation has definitely established the identity of at least one offender;
 2. Sufficient probable cause exists to support the arrest, charging, and prosecution of the offender;
 3. The offender's exact location is known; and
 4. When a reason listed below exists which prevents the arrest, charging, and prosecution of the offender:
 - (a) Death of the offender
 - (b) Prosecution Declined
 - (c) In Custody of Other Jurisdiction (Includes extradition denial)
 - (d) Victim Refused to Cooperate (Prosecution)
 - (e) Juvenile/No Custody
 1. The handling of a juvenile without taking him/her into custody, but rather by oral or written notice given to the parents or legal guardian in a case involving a minor offense.
 7. Referred: An investigation was referred to an investigative agency for prosecution.
 8. Unfounded: The investigation revealed a crime did not occur.
2. Open - a case currently under active investigation.
 - (a) All investigations with an "open" status will be designated as one of the following types:
 1. Open: A case under active investigation
 2. Open Forwarded to CID: An active investigation that has been forwarded to the Criminal Investigations Division for assignment.
 3. Open Forwarded to NARCO: An active investigation that has been forwarded to the Narcotics Unit for assignment.

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4. Open Forwarded to SOD: An active investigation that has been forwarded to the Special Operations Division for assignment.
5. Open - Warrant/Criminal Summons: An active investigation wherein the deputy has applied for charges.
6. Suspended - Indefinitely: An active investigation wherein all investigative leads have been exhausted and the investigation does not meet any of the "Closed" status criteria. The case status been approved by a supervisor pursuant to paragraph (a) of 600.8 - Discontinuation of Investigation of this policy
7. Suspended - Indictment: An active investigation wherein the suspect is anticipated to be charged via criminal indictment.
8. Suspended - Lab: An active investigation wherein the deputy is awaiting results of a laboratory analysis.
9. Suspended - Subpoenas: An active investigation wherein the deputy is awaiting the results of a subpoena(s).

600.7 OPEN CASE LEDGER

- (a) The ledger for open cases is maintained within the Investigations Module of the records management system.
- (b) It is the reviewing supervisor's responsibility to ensure the assigned department, case activities, and assigned personnel are updated. It is the responsibility of the investigating deputy to ensure they are completing the assigned activities and supplemental reports within the specified time. [St. Mary's County Sheriff's Office LE Procedures Manual: 314.2 Report Review](#)

600.8 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued with supervisor approval if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

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- (d) The case has been submitted to the appropriate prosecutor; charges have been filed; further investigation is not reasonable, warranted or requested; and there is no need to take the suspect into custody.

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.9 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, deputies should request that the crime lab assist with seizing computers and related evidence. If a forensic examiner is unavailable, deputies should take reasonable steps to prepare for such seizure and use the resources that are available.

For procedures related to Computers and Digital Evidence, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Seizure of Computer Equipment and Cellular Devices](#)

600.10 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this office. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using office equipment.

Information obtained via the Internet should not be archived or stored in any manner other than office-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.10.1 ACCESS RESTRICTIONS

Information that can be accessed from any office computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

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Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.10.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Deputies should seek legal counsel before any such interception.

600.11 EQUIPMENT

- (a) All equipment used for the surreptitious interception of wire, oral or electronic communications will be registered with the MSP Technical Surveillance Unit and will be assigned a MSP identification number, pursuant to Maryland Courts and Judicial Proceedings Section 10-411.
- (b) All assigned equipment will be inventoried annually under the supervision of the unit sergeant or designee. A book containing a description of all equipment assigned to the unit is maintained by the sergeant or his designee.
- (c) Equipment will be stored in the equipment room at the covert unit office.
- (d) The sergeant or his designee will be responsible for equipment upkeep and maintenance.
- (e) A Vice/Narcotics Equipment Sign Out Log (SMCSO Form #188), will be completed when equipment is checked out and returned. The condition of the equipment will be noted on the log as well as any equipment defects. These defects will be brought to the attention of the detective assigned to equipment upkeep and maintenance, who will facilitate the repair.
- (f) Approval for equipment repairs will be obtained from the Division Commander through an Equipment Repair Request (SMCSO Form #36) initiated by the detective assigned to equipment maintenance.
- (g) The sergeant or designee will maintain a file of all Equipment Repair Requests which will include the cost of the repairs and date repaired.