

Bowie State University Police Department

General Order



<i>Subject:</i> Criminal Investigations	<i>Number:</i> 25
<i>Effective Date:</i> January 1, 1996	<i>Rescinds:</i> *
<i>Approved:</i> Capt. B. S. Biscoe	

This article contains the following sections:

- 25.1** *Preliminary Investigations*
- 25.2** *Homicide Investigations*
- 25.3** *Sex Crimes*
- 25.4** *Deaths*
- 25.5** *Disturbed Persons and Patient Restraint*
- 25.6** *Hate Crimes*
- 25.7** *Statements and Confessions*

25.1 Preliminary Investigations

25.1.1 The preliminary investigation begins when the first police officer arrives on the scene and continues until a postponement of the investigation or the transfer of responsibility will not jeopardize the successful completion of the investigation.

- a. The following activities are part of the preliminary investigation:
 - (1) Provide aid to the injured;
 - (2) Protect the scene to ensure that evidence is not lost or contaminated;
 - (3) Determine if an offense or incident has actually occurred and the nature of the offense or incident, and record all information on the applicable reporting form;
 - (4) Identify the victim(s), seek out all potential witnesses, and gather all relevant information pertaining to the offense or incident;
 - (5) Locate and effect an arrest of the perpetrator(s), if it can be accomplished either at the scene or through immediate pursuit; and

- (6) Immediately furnish other field units, through the PCO, with the physical description, method and direction of flight, and any other relevant information concerning wanted persons or vehicles.
- b. As part of the preliminary investigation, the investigating officer shall ensure that articles, marks, or impressions of any article of potential evidentiary value are not disturbed, and he/she shall initiate security measures to keep unauthorized persons away from the crime scene and its immediate area, until the scene can be processed by a Crime Scene Search Officer.
- c. Upon the arrival of an investigator, the officer responsible for completing the field report and making the proper notifications, shall relinquish responsibility for the investigation, unless otherwise instructed by a supervisor.
- d. In all instances where it can be reasonably determined that an offense has been committed, members shall inform the complainant that an investigation will be conducted and prosecution instituted when the identity of the perpetrator is established, regardless of whether or not prosecution is desired by the complainant.
- e. The Shift Commander responsible for the investigation shall make the proper notification for crime scene examination.
 - (1) The severity of the offense shall greatly influence this determination.
 - (2) The determination shall be made jointly by the Shift Commander, in conjunction with his/her official notification requirements.

25.2 Homicide Investigations

25.2.1 Although P.G. County Police Department has the sole responsibility of handling the technical phases of a homicide investigation, the BSUPD must share in that responsibility and work together as a team. The responsibility for coordinating the entire investigation rests with the P.G. County Police Department. The first officer to arrive on the scene and CID shall also have responsibilities in such cases.

- a. The ultimate solution to any homicide case can be seriously impaired or perhaps even completely destroyed if the scene is disturbed or contaminated by members of the force or unauthorized persons. Care

shall be exercised in isolating the scene immediately, and it should remain preserved until competent authority directs otherwise.

- b. In order to ensure that all cases are being handled in an efficient and professional manner, the following procedures shall be followed in all homicide cases, serious assaults where death may result, or any sudden deaths of a suspicious nature.

25.2.2 Duties of the First Officer to Arrive on the Scene

The first officer to arrive on the scene shall:

- a. If there is any possibility of life remaining in the victim, administer first aid and summon or have someone else summon appropriate medical personnel;
- b. If the victim is removed to a hospital and there is only one officer present, (he/she shall) remain and protect the scene, and advise the PCO to notify the emergency room officer to obtain a statement or a report from the victim, if possible.
 - (1) If two officers are present, one shall accompany the victim to the hospital and the other shall remain at the scene.
 - (2) The officer who accompanies the victim or who is sent to a hospital in such cases shall make an effort to obtain a description of the assailant, his or her identity, if possible, and a complete statement of facts, or dying declaration when necessary. The member shall forward all pertinent information to the Control Room immediately;
- c. At the hospital:
 - (1) Take possession of all clothing removed from the victim at the hospital;
 - (2) Caution hospital personnel against the loss or destruction of other articles of clothing left on the body; and
 - (3) Obtain the names of the medical staff handling the victim's clothing;

- d. Arrest the perpetrator, if possible;
- e. Protect the immediate area of the crime scene, both indoors and outdoors.
 - (1) Members shall not touch or disturb anything at the crime scene.
 - (a) The exception to this basic rule is that evidence may be taken into possession by an officer if, in his/her judgment, it may be lost, stolen, or damaged, if left in its original position.
 - (a) Extreme care shall be taken not to contaminate the scene.
 - (2) The room or the immediate area of the crime scene shall be cleared of all unauthorized persons, except such officials whose presence is required and/or authorized.
- f. At the scene, immediately:
 - (1) Notify the Police Communications Officer by telephone or radio of all particulars which have been obtained, especially the description of a suspect, route of escape, etc.; and
 - (2) Request whatever assistance is required, i.e., Criminal Investigation Division, Prince George's County Police Department Homicide Squad, Medical Examiner, etc. If, in order to make this call, the scene would be left unguarded, the member shall remain at the scene and direct a civilian to make the call.
- g. Pending the arrival of the Criminal Investigation Division, Prince George's County Police Department Homicide Squad, Medical Examiner, and the Crime Laboratory Section:
 - (1) See that the body is left in its original position. If it is necessary to move the body to the hospital or elsewhere, the member shall indicate the position of the body by marking with chalk, crayon, or other means available, and note same in his/her memo book;
 - (2) Obtain names, addresses, and phone numbers of all witnesses and detain them;

- (3) Exercise every precaution to safeguard any fingerprints or other evidence, being careful to avoid destroying or impairing their value by careless handling;
 - (4) Upon arrival of a detective or superior officer, inform him/her of the following:
 - (a) The witnesses being detained,
 - (b) The evidence found, especially any evidence which has been handled by the officer or other people, and
 - (c) All other information regarding the case; and
 - (5) Enter all facts and details regarding the case in his/her memo book, especially such things as:
 - (a) Date and time of the call,
 - (b) Time of arrival,
 - (c) Weather conditions,
 - (d) Lighting conditions,
 - (e) Location,
 - (f) Names and addresses of suspects and witnesses,
 - (g) Complete identification of the victim,
 - (h) Description and location of evidence, and
 - (i) Complete description of the crime scene; and
- h. Remain with the members of the Criminal Investigation Division, under their supervision. until the conclusion of the investigation.

25.2.3 Duties of the Police Communications Officer (PCO)

Upon receipt of a call concerning a homicide, the PCO shall:

- a. Obtain information relative to the homicide, such as:
 - (1) Location,
 - (2) Complainant's name,
 - (3) Whether the victim is at the scene or the hospital, and
 - (4) Description and name of suspect, if known; and
- b. Notify the following:
 - (1) Shift Commander,
 - (2) Assistant Director, and
 - (4) All other persons, as directed by the Assistant Director.

25.3 Sex Crimes

25.3.1 The responsibility for directing the investigation of sex crimes shall rest with the Prince George's County Police Department, Criminal Investigation Division. However, the overall investigation of such offenses can be jointly conducted by the initial investigating patrol officer and a CID investigator.

25.3.2 Sex crimes where the victim must immediately be removed to a hospital because of injuries sustained shall be handled in the following manner.

- a. If the victim of any sex crime requires immediate medical attention and only one officer is present, the officer shall:
 - (1) Remain at the scene;
 - (2) Contact the PCO to request appropriate medical transportation and that another officer respond to the hospital; and
 - (3) Take steps to protect the crime scene.
- b. If two officers are present:
 - (1) One shall accompany the victim to the hospital, and, if possible, interview the victim in order to obtain vital information needed to

describe the identity of the assailant and establish the elements of the crime committed.

(2) The other officer shall remain and protect the crime scene.

- c. If death is imminent, procedures in Section 25.2 for handling of homicide investigations shall be followed. Additionally, the Commander shall be notified.

25.3.3 Handling of Sex Crimes

Upon first interviewing the victim of a verified sex crime, the field officer shall:

- a. If the victim is injured and in need of immediate medical attention, summon an ambulance and also follow the previously cited procedure regarding the victim's being removed to the hospital;
- b. Arrest the assailant, if at the scene, or, if not, attempt to obtain an accurate description and immediately broadcast a lookout;
- c. Request, through the PCO, that the Shift Commander and the P.G. County Crime Lab respond;
- d. Isolate the victim;
- e. Take measures to have the crime scene and evidence preserved;
- f. Ensure that witnesses, if any, are interviewed and that their names, addresses, and phone numbers are recorded;
- g. Wait for the arrival of PGCPD detectives before interviewing the victim in detail; and
- h. Arrange for an examination at a hospital.

25.3.4 Investigation Team Responsibilities

- a. The CID detective and the patrol officer shall make up the Investigating Team.
- b. It shall be the responsibility of this team to:
 - (1) Conduct detailed interview(s);
 - (2) Advise the victim of police, legal, and medical procedures;

- (3) Collect evidence;
 - (4) Accompany the victim to the hospital for medical examination; and
 - (5) Initiate a police report.
- c. The primary concern of the Investigating Team, throughout the investigation, shall be the complete sensitivity to the needs and wishes of the victim.

25.3.5 Interviewing the Victim

The following guidelines shall be followed whenever the victim is to be interviewed in detail by the Investigation Team.

- a. The interview shall be conducted in private, away from other officers and persons.
- b. The investigating patrol officer and the CID detective shall be present at the interview. Only one member shall conduct the interviewing.
- c. The interviewer shall, when obtaining a written statement from the victim, follow the proper procedure for obtaining a statement or confession.
- d. After obtaining a written statement, the Investigating Team shall advise the victim that it will be necessary to testify in court as to the contents of the statement and the details of the offense. They shall also advise the victim, if she is a female, that she may be interviewed at a later time by an investigator from the State's Attorney's Office.
- e. The blood types of the victim and the suspect, if available, shall be reflected in the narrative of the report.

25.3.6 Collection of Evidence by the Crime Laboratory

- a. If the actual attack occurred in a house or building, the following items, if present, shall be collected by crime laboratory personnel:
 - (1) Bedding, e.g, sheets, pillow cases, blankets, etc.,
 - (2) Scatter rugs,
 - (3) Vacuuming of the floors and carpet,
 - (4) Evidence of any forced entry, e.g., glass fragments, tool marks, etc.,

- (5) Any items foreign to the area such as buttons, pieces of torn cloth, or any item that may have been torn from or dropped by the assailant, and
 - (6) Fingerprints.
- b. If the attack occurred in a vehicle, the following shall be collected by the Crime Laboratory Personnel:
 - (1) Vacuuming of the seats and floor,
 - (2) Seat covers, blankets, or other items found in the vehicle,
 - (3) Hairs, fibers, and other items which may have been missed by vacuuming, and
 - (4) Fingerprints.
- c. Any vehicle involved may be towed for processing at the discretion of the Investigating Team. This holds true even if the attack did not take place in the vehicle or if the victim only sat in the vehicle before or after the offense was committed.
- d. If the attack occurred outside, the following shall be collected by the Crime Laboratory personnel:
 - (1) Soil samples taken from the scene and surrounding area, and
 - (2) Footprints, tire prints, or items foreign to the area.
- e. If the injuries to the victim or assailant were sustained as a result of the attack, they should be photographed by either the Crime Laboratory or the Investigation Team. The nature of all injuries and the fact that photographs were taken shall be concluded in the narrative of the report by the Investigating Team.
- f. The victim shall be recontacted 48 hours after the attack as further bruises may appear.

25.3.7 Use of Composites

If the assailant has not been identified, but the Investigating Team believes that facial identity may be obtained through the use of a composite, arrangements shall be made to have the victim interviewed by an officer trained in the use of Identi-Kit.

25.3.8 Procedures Which Apply to All Sex Crimes

a. Background Investigation:

- (1) Any member investigating a sex crime shall conduct a background investigation on both the victim and suspect, if any, regarding arrest records and any previous involvement in similar types of incidents.
- (2) Such information shall be given to the Assistant State's Attorney handling the case on Form 95, but it shall not be placed in the report.

b. Use of Female Officers:

If a male officer investigating a sex crime encounters difficulty obtaining information from a female victim, he shall summon a female officer to conduct the interview.

25.4 Deaths

25.4.1 Upon the arrival of a member to the scene of a sudden death, one of the first priorities is to determine the cause of death. Where there are no suspicious circumstances and the deceased has been under the care of a physician within recent days or weeks, the following procedure shall be followed:

- a. The Shift Commander shall respond to the scene and supervise the investigation.
- b. He/she shall contact the attending or family physician and explain the circumstances.
- c. The Shift commander shall determine if the physician will sign the death certificate within 24 hours, as prescribed by law. The Medical Examiner shall be contacted if:
 - (1) The attending physician will not sign the certificate; or
 - (2) The attending physician is unavailable within a reasonable time.
- d. The Director shall be notified of circumstances.

25.4.2 When death results from violence, suicide, or casualty, or happens suddenly when the person was in apparent good health, when unattended by a physician, or in a suspicious or unusual manner, the following procedure shall be followed:

- a. The crime scene shall be preserved until all examinations have been conducted and the cause of death has been determined.
- b. The Assistant Director shall respond to the scene and assume responsibility for overseeing the investigation.
- c. The Shift Commander shall respond to the scene and remain until relieved by the CID Commander and the Prince George's County Homicide Squad. The category of death will not be finalized merely on reported information without processing evidence, technical examinations, and completion of all possible interviews.
- d. A thorough preliminary investigation shall be conducted by CID personnel.
- e. If assistance of the Homicide Squad is deemed necessary, notification of Homicide Squad personnel can be made through the Communications Center. In these instances, the Medical Examiner shall be contacted by members of the Homicide Squad who are investigating the death.

25.4.3 Shift Commanders investigating cases of sudden death shall notify the next-of-kin personally or, if this is not possible, they shall insure that the notification is made.

25.4.4 Appropriate report writing procedures shall be followed.

25.4.5 Identifying Deceased Persons

- a. At the scene of a deceased person where the Homicide Squad is not handling the investigation, the investigating officer's Shift Commander shall ensure that the deceased is properly identified.
- b. Tentative identification may be made visually by a relative or friend, but members shall remember that visual identification is often the least reliable. In addition to visual identification, positive identification shall be based on personal papers on the deceased, fingerprints, dental records, health and laboratory records, etc.
- c. When it is impossible to identify the deceased, the investigating officer shall:
 - (1) Check available police reports (missing persons, attempts to locate, teletypes, etc.) for a description matching the deceased;
 - (2) Send a teletype to surrounding jurisdictions with a description of the deceased, requesting reports of missing persons;

- (3) Have fingerprints taken of the deceased;
 - (4) Assist the Medical Examiner in collecting dental, health, and laboratory records that will assist in identification; and
 - (5) Supply the news media with a detailed description of the deceased, after receiving prior approval from the Director of Public Relations or his/her designee in accordance with Article 54.
- d. In cases handled by the Prince George's County Homicide Squad, identification of the deceased and notification of next-of-kin shall be handled by the Homicide Squad.

25.4.6 Removal of Bodies or Deceased Persons

- a. Police and Fire Department personnel shall cooperate to the greatest extent possible and exercise good judgment in evaluating whether death has occurred. If there is any doubt, appropriate procedures shall be followed by the ambulance crew.
- b. Should the attending physician agree to sign the death certificate, the family may then contact a funeral director of their choosing for removal of the body.
- c. If the Medical Examiner is contacted but cannot respond within a reasonable time, he/she may authorize the removal of the body, if it is creating a public nuisance.
 - (1) In this case, the Medical Examiner shall be informed as to where the body is to be taken.
 - (2) If the officers believe, however, that the investigation may be hindered by having the body moved, it shall not be moved.

25.5 Disturbed Persons and Patient Restraint

25.5.1 The procedures set out in the Maryland Annotated Code, Article 59, Section 22, are civil and apply to any person (juveniles included) when there is probable cause to believe the person has the symptoms of mental disorder and appears to be in clear and imminent danger of causing personal harm to himself or others.

25.5.2 The intent of the Maryland Annotated Code, Article 59, Section 22, is to provide mental health treatment on an emergency basis. The purpose of the petition for emergency admission is to provide legal authority to take into custody the emergency evaluatee and transport him/her to an emergency medical facility.

25.5.3 In such cases, police officers have the authority to:

- a. Initiate an Emergency Commitment Petition themselves, or
- b. Assist a complainant, physician, or interested person in obtaining a petition.

25.5.4 When a judge endorses a petition initiated by an interested party, the emergency evaluatee may be taken into custody at any time up to five (5) days after the petition has been signed. The petition is valid for five (5) days, including the day of issuance.

25.5.5 Officers have the authority to initiate and sign a petition for an emergency commitment without judicial review. The officer must take the patient into custody and deliver him/her to an emergency medical facility with the petition.

25.5.6 Criteria for Issuance of an Emergency Commitment Petition

- a. When responding to a service call for a possible mental case (referred to as an "emergency evaluatee"), members shall keep in mind that police intervention is justified only when there are reasonable grounds to believe:
 - (1) A person is suffering from a mental disorder. The standard for determining the symptoms of mental disorder is a lay petitioner's standard, not a psychiatrist's standard; and
 - (2) The person, because of his/her mental disorder, is demonstrating overt behavior which indicates a clear and imminent danger of causing personal harm to him/herself and/or others. (Mentally retarded people, per se, are not included in the category of "emergency evaluatee.")

25.5.7 Filing Emergency Petition

- a. At that point in time when a police officer decides to issue a petition, he/she must have sufficient information to justify his/her action. It is important that all of the information a police officer possesses is written in the narrative section of the petition and the Miscellaneous Incident Report.
- b. The narrative section of the petition and the M.I. Report shall include:
 - (1) The description of the behavior the officer observed,
 - (2) The statements made by the emergency evaluatee and heard by the officer, and

- (3) Any previous history of mental disorder that becomes part of the police officer's knowledge.
- c. No call for service is ever handled in a sterile environment. Members should, to the best of their ability, recount the totality of circumstances which precipitated issuance of the emergency petition.
- d. The petition is valid for five (5) days.

25.5.8 Transportation

- a. Maryland Annotated Code, Article 59, Section 22, allows mentally disordered persons, once a petition has been executed (by a judge, peace officer, duly licensed physician, or local health officer) to be transported only directly to an emergency medical facility.
- b. Transportation of such a person, once a petition is signed, is not permitted to any place except an emergency medical facility, unless a court order directs otherwise.

25.5.9 Emergency Admission

- a. The law requires the examining physician to classify the patient voluntary or involuntary.
 - (1) If the physician decides that the emergency evaluatee does not meet the criteria for involuntary emergency admissions, he/she shall so indicate on the petition.
 - (2) The emergency evaluatee shall then be released from the emergency medical facility.
 - (a) The individual shall be transported by members back to where he/she was initially found or taken into custody.
 - (b) The member shall secure a copy of the petition signed by the physician who released the mental patient. If the member cannot obtain the original document with the physician's signature, a photocopy of the original will suffice.
- b. If the examining physician classifies the patient as an involuntary admittee, he/she shall sign a certificate to that effect. The member shall then secure a copy of the certificate.

25.5.10 Emergency Evaluatees Arrested

- a. Under Section 22A, a judge may issue a petition for a person charged with a crime when that person demonstrates overt behavior which leads the police officer to believe the arrestee may harm himself or others.
 - (1) The officer shall bring the arrestee before a judge in order to have the judge issue a petition for emergency commitment.
 - (2) The officer shall follow the instruction of the judge concerning the guarding or release of the arrestee.
- b. The identity and availability of the Duty Judge can be ascertained by calling the Court Commissioner.
- c. If the physician decides the emergency evaluatee does not meet the criteria for involuntary admission, he shall so indicate on the petition. This petition must be returned to the issuing judge by a police officer.
- d. Section 22A provides that the court may order an emergency evaluation of an arrestee subsequent to arrest.
 - (1) Therefore, members shall ensure that a judicial officer initiates the petition for all persons under arrest.
 - (2) Members shall transport to the emergency facility, execute the petition, and then contact a State's Attorney for advice as to placing of criminal charges, in the unusual situation where an member is confronted with a person who is eligible for emergency admissions and who:
 - (a) Must be transported directly to an emergency medical facility (too violent or physical injury or illness is also present); and
 - (b) Must also be charged with a crime.

25.5.11 Documentary Evidence

- a. Shift Commanders shall ensure that the member's copy of the Emergency Commitment Petition, a copy of his Incident Report, and other documents generated as a result of the issuance of an Emergency Commitment Petition are all stapled together in one package.
- b. The Staff Review Unit shall store the emergency admission package as one entire package.

- (1) This package shall be maintained at Staff Review for 25 months.
- (2) The 25-month time period shall begin to run on the day the package is received at the Staff Review.

25.5.12 Restraint of Patients by BSUPD Members

- a. Police officers have the legal authority to forcibly restrain persons, patient or otherwise, whose actions constitute a threat to themselves or others, or who are acting in a disorderly manner, disturbing the peace, or otherwise breaking the law; and to effectuate arrest, if appropriate.
- b. Police officers have the legal authority to render emergency first aid and assist physicians in a bonafide medical emergency.
- c. Members shall not restrain a patient for the administration of medical treatment or medication (orally or intravenously) against the patient's express objections, except in these limited circumstances:
 - (1) The member's assistance is specifically requested by the attending physician to restrain a patient;
 - (2) In connection with the rendering of emergency medical treatment; and
 - (3) The person, as determined by the physician, lacks the capacity to consent to the treatment.
- d. In instances, as above, where restraint assistance is given, the member shall complete and submit a detailed incident report.
- e. Responding to calls for patient restraint:
 - (1) Police Communications Officers shall dispatch two (2) officers and the Shift Commander to the location where the restraint is to take place.
 - (2) Weapons shall be secured in a gun locker, if applicable. If gun lockers are not available, the Shift Commander shall supervise the unloading of weapons and designate a member to maintain the weapons.
 - (3) Under no circumstances shall weapons be given to civilian personnel for safekeeping.

- f. Documentation of patient restraints:
 - (1) Members involved in patient restraint shall submit a detailed Miscellaneous Incident Report. The report shall include the following:
 - (a) Name of the physician ordering restraint of a patient,
 - (b) Name of individual restrained,
 - (c) Police action taken,
 - (d) Reason for the restraint,
 - (e) Identity of the assisting police officers, and
 - (f) Whether any injuries were sustained by police officers.

25.6 Hate Crimes

25.6.1 Policy

- a. It shall be the policy of the BSUPD to bring the investigative and enforcement elements of the department into quick action following any and all reported or observed incidents of racial, religious, or ethnic hatred.
 - (1) Special emphasis shall be placed on victim assistance and community cooperation in order to reduce victim/community trauma or fear.
 - (2) It must be remembered that the actions taken by the BSUPD in dealing with incidents of racial, religious, and ethnic bias are visible signs of concern and commitment to the community on the part of BSU and its police department.
- b. The proper investigation of racial, religious, or ethnic incidents is the responsibility of all police officers.
 - (1) Each member shall be sensitive to the feelings, needs, and fears that may be present in the community as a result of incidents of this nature.
- c. The BSUPD shall take a proactive role in promoting peace and harmony within the community, and in ensuring that rights guaranteed by State laws and the U.S. Constitution are protected for all citizens, regardless of their race, color, ethnicity, or religion. When such rights are infringed upon by violence, intimidation, threats, or other harassment, the department shall

attempt to rapidly and decisively identify the perpetrators, arrest them, and bring them before the court.

- c. All acts of racial or religious violence or threats shall be viewed as serious, and the investigations shall be given priority attention. Such acts may generate fear and concern among victims and the public, and have the potential of recurring, thus escalating and possibly causing counter-violence.

25.6.2 Definition

- a. A hate crime is an act, or a threatened or attempted act, by any person or group of persons against the person or property of another individual or group that may in any way constitute an expression of racial, ethnic, or religious hostility.
 - (1) This includes threatening phone calls, hate mail, physical assaults, vandalism, cross burning or destruction of other religious symbols, and firebombing. This list is not all inclusive.
 - (2) Some incidents may not clearly fit a specific definition.
 - (a) In those cases, a common-sense approach shall be used.
 - (b) If an incident appears to be an incident of racial, religious, or ethnic bias, it shall be investigated as such.
 - (c) Verification can be made during the investigation.
- b. Members must recognize that single incidents such as vandalism or threats may initially appear as less serious, when viewed in the larger context of all crime. Incident reports shall be reviewed for patterns of incidents occurring at either the same location or directed at a particular individual or group. Very often what may begin as a minor incident escalates into a more serious crime.

2.6.3 Procedures

When a member on the scene makes a determination that an incident is of racial, religious, or ethnic bias, the following procedures shall be activated. To achieve a thorough investigation and a sensitive response to the victims and community, responsibilities shall be as follows:

- a. Whenever any incident as described above comes to the attention of a department member, the incident shall be immediately reported to the Shift Commander.

- b. Investigating officers shall:
 - (1) Respond in a sensitive way to the feelings and needs of the victim(s);
 - (2) Preserve the crime scene and evidence;
 - (3) Immediately take all possible investigative and enforcement action;
 - (4) Prepare a detailed report; and
 - (5) Make a follow-up contact to assure the victim that the police are doing everything possible to eliminate the fear factor and apprehend the suspect(s);

- c. The Shift Commander shall:
 - (1) Respond immediately to the scene of all incidents;
 - (2) Ensure that the crime scene is protected;
 - (3) Notify the Assistant Director if the incident is serious;
 - (4) Ensure that the scene is properly processed and evidence gathered;
 - (5) Contact the victims as soon as possible, assuring them that the investigation will be actively pursued;
 - (6) Notify the PCO as soon as possible of the following information (if applicable):
 - (a) Any disturbance or destruction of property that is racially, religiously, or ethnically motivated;
 - (b) Size of a cross burned and the materials from which it was made, if applicable;
 - (c) Exact time and location of the incident; and
 - (d) Whether arrests are imminent, or the names, addresses, dates of birth, sex, and race of any persons arrested;
 - (7) Arrange for an increase of patrols throughout the affected area. If, in the judgment of the Shift Commander there still exists the potential for further acts of violence, a unit shall be specifically assigned to the

location;

- (8) Ensure that all physical remains of the incident are removed after processing is completed. If the remains cannot be removed (example: paint on walls), the Shift Commander shall attempt to impress upon building maintenance personnel the need for complete restoration as soon as possible;
 - (9) Ensure that the report contains full data on the materials used (cross, literature, paint, etc.), including size, construction, wrappings, messages, plus the method of removal and the disposition of the remains;
 - (10) Keep the Assistant Director informed concerning the progress of the investigation; and
 - (11) Assure that victims and other concerned parties are informed of a case clearance.
- d. A member shall respond to the scene of any cross burning or any other racially, religiously, or ethnically motivated destruction of property and shall (if applicable):
- (1) Obtain a sample of the cross, paints, or other materials used;
 - (2) Photograph and process the scene;
 - (3) Gather and take custody of any related evidence;
 - (4) Maintain all reports of racially and religiously targeted incidents;
 - (5) Contact appropriate the State and/or local law enforcement agencies for assistance with serious cases as necessary; and
 - (6) Maintain liaison with Federal, State, and local agencies for intelligence, information exchange.

25.6.4 Non-Criminal Hate Crime Response

- a. Non-criminal hate incidents shall be handled in the same manner as criminal hate incidents.
 - (1) Non-criminal hate incidents are defined as acts directed at any person or group because of religious, racial, ethnic, or sexual orientation which, while not criminal, are done with apparent

intent to intimidate, threaten, retaliate, or create a hate incident conflict. These include acts against homosexuals or persons thought to be homosexual, and include graffiti, defacement, verbal threats, etc.

- (2) Although prosecution is not possible in non-criminal incidents, the intelligence information compiled by a complete preliminary investigation is helpful in determining community climate problems and anticipating future problems.
 - (3) The Federal Hate Crime Statistics Act requires the collection of hate crime data from police departments through the FBI.
- b. When responding to an alleged non-criminal hate incident, members shall conduct a thorough preliminary investigation, including collection of physical evidence (e.g. latents, pictures, samples, etc.), canvassing of the area, and interviews with witnesses and suspects. What initially appears to be a non-criminal incident could eventually prove to be a criminal matter.
- c. The member shall assure the victim that he/she will receive support from the institution.
- (1) Sensitivity and reassurance by the police contribute to community stability.
 - (2) The Shift Commander shall also initiate contact with the victim to assure the victim that institutional and law enforcement resources will be used to identify the perpetrator.
- d. The Shift Commander shall notify the Assistant Director, if he/she is on duty, and the Administrative Assistant for Community Relations.
- (1) The administrative staff shall make the appropriate institutional contacts, including the Vice President for Student Affairs, Assistant Vice Presidents, ORL Director (when appropriate), etc.
 - (3) In the absence of the administrative staff, it shall be the responsibility of the Shift Commander to make any necessary institutional contacts. The initial report shall be completed before the investigating officer completes his/her tour of duty.

25.7 Statements and Confessions

25.7.1 It is mandatory that all members advise a person in custody of their Constitutional rights prior to any interrogation.

- a. If these rights are not given, evidence obtained as a result of a custodial interview cannot be used against the person.
- b. It is necessary to give the Miranda Warning only when there is custody and interrogation.

25.7.2 It is the State's responsibility to prove in court that the defendant was properly and fully advised of his/her Constitutional rights, that the defendant fully understood those rights, and that he/she was given every opportunity to exercise them. Accordingly:

- a. Members conducting the interviews shall give serious consideration to the age, education, and mental and physical condition of the person being questioned;
- b. Members shall, themselves, be convinced that the person in custody fully understood his/her Constitutional rights; and
- c. Members shall never threaten or intimidate any person in custody when obtaining a statement or confession.

25.7.3 BSUPD Form 001 (Statement/Confession) has been designed to ensure that the suspect or person in custody understands his/her Constitutional rights and voluntarily waives such rights. The following shall be the responsibility of the members conducting the interview:

- a. The suspect or person in custody shall read aloud to the member the preamble to the BSUPD Form 001;
- b. The member shall read the questions and statements to the suspect;
- c. The member shall sign the form as a witness; and
- d. The suspect or person in custody shall fill in the form, sign his/her name, and affix the date and time.

25.7.4 Whenever possible, all statements and confessions shall be in writing and prepared by the suspect or person in custody, using his/her own language. BSUPD Form 001 shall be used.

25.7.5 A Statement Form BSUPD 001 shall be used as a supplement to BSUPD Form 001, when extra space is needed. A Statement Form BSUPD 001 may also be used for statements of witnesses.

25.7.6 The investigating officers shall not interfere or suggest that the statement or confession will be used "for" the defendant in court.

25.7.7 All details of the offense shall be developed, particularly details which may be corroborated by other evidence.

- a. If the narrative does not contain sufficient detail, the member may use a question and answer statement at the end of the narrative statement.
- b. The member shall set down the complete question and allow the suspect or person in custody to write the answer in his/her own words. This method may also be used for witness statements.

25.7.8 Whenever a statement or confession is typewritten or in the handwriting of a person other than the suspect or witness, the member shall have the suspect or witness read the statement or confession, and, if possible, have the suspect or witness read the statement aloud.

- a. After the suspect or witness signs each page in the presence of the member, the member shall do the same in the space marked "WITNESS."
- b. If only one member is present, he/she shall attempt to locate another witness, either a civilian or a police member. If no other witnesses can be located, the member shall write such circumstances in the narrative of the accompanying report, or on a Supplement Form.

25.7.9 A witness to a signed statement or confession shall sign his/her name, setting forth his/her title or, if no title, his/her address.

25.7.10 If a witness, suspect, or person in custody desires the statement or confession changed in any part, he/she shall be requested to make such a change in his/her own handwriting, and instructed to place his/her initials opposite each correction.

- a. These instructions shall apply only to the period during which the statement is being prepared.
- b. Once the person has signed the statement or confession, it shall not be changed. Any change desired shall be made the subject of a separate signed statement which refers back to the first.

25.7.11 If a suspect or person in custody expresses a desire to exercise his/her rights, the member shall immediately stop the interview.

25.7.12 If a suspect or person in custody desires the presence of counsel, but cannot afford counsel, and the member wishes to continue the interview, the member shall contact the State's Attorney for direction before proceeding with the interview.

25.7.13 Members shall not give legal advice or attempt to answer any legal questions. This does not conflict with the member's duty to advise a person in custody of his/her Constitutional rights.

25.7.14 There is no requirement that the police stop a person who enters a police station and gives a spontaneous confession of a crime, or stop a person who calls the police to offer a confession or any other statement.

25.7.15 Whenever a statement or confession is made, whether oral or written, the member shall state such fact in the narrative portion of the related report.

*** Rescissions: Former Articles**

1. Article 6, Section 3
2. Article 6, Section 3A
3. Article 6, Section 4
4. Article 6, Section 10
5. Article 6, Section 11
6. Article 6, Section 13