



SYKESVILLE POLICE DEPARTMENT

Criminal Investigations

General Order 6-18

Effective: 08/09/17

Authorized By: *Michael A. Spaulding* Chief of Police

I. PURPOSE

To provide the procedures for criminal investigations conducted by members of the Sykesville Police Department.

II. POLICY

It shall be the policy of the Sykesville Police Department to utilize the standards set forth in this General Order to provide efficient and effective Criminal Investigations.

III. PROCEDURES

A. Investigations in General

1. Members of the Sykesville Police Department are responsible for the investigation of criminal offenses, detection and arrest of criminal offenders, and the recovery of lost or stolen property.
2. Members will fairly and impartially investigate all cases assigned to them. They will conduct their investigations in the most discreet manner possible and will be mindful not to endanger the reputation of any person under investigation.
3. Members will contact victims and witnesses promptly upon receiving an investigative assignment and will contact the complainant within the guidelines established under General Order 6-17.
4. Procedures used in an investigation may include:
 - a. Information Development
 - (1) The development of pertinent case information begins when the call for the police is received and continues until the case is completely adjudicated. The accumulation, recording and proper dissemination of even minor information is often crucial to the successful conclusion of a case.
 - (2) Sources of agency information that are valuable and should be utilized as needed include:

- Previous reports relating to incident and/or subjects involved
- Arrest records
- Arrest photographs (mug shots)
- Fingerprint records
- Juvenile records
- Agency intelligence information
- Informant files
- Agency personnel

(3) Outside agency information which can be valuable in a criminal investigation may include:

- MILES/NCIC Criminal History record
- Motor Vehicle Administration records
- Parole and probation records
- Local, state and federal records
- Tax records
- Department of Education records
- Real estate records
- Post Office records
- Utility company records
- Telephone company records
- Bank and credit agency records
- Unions and professional agency records
- Insurance company records

NOTE: Some of the above information resources may require a subpoena prior to the access of records. This subpoena can be obtained through the State's Attorney's Office.

(4) Officers involved in criminal investigations should collect all pertinent information relating to a case in order to make intelligent decisions as to the direction of the case.

B. Sexual Assault Investigations

1. All cases of reported sexual assault shall immediately be reported to the Carroll County Advocacy & Investigation Center (CCAIC) at (410) 386-3640. If after hours, contact the Maryland State Police or Carroll County Sheriff's Office for on-call information.
2. Sexual assaults are very traumatic events for the victims. Officers are to use empathy and compassion when dealing with victims of sexual assault. In addition, Officers are to:

- a. Provide immediate medical attention to any victim needing the same,
 - b. Encourage the victim to immediately be seen and treated at the Carroll Hospital Center or other close medical facility,
 - c. Advise the victim that if they wish to remain anonymous, that is their right to do so,
 - d. Encourage the victim to see a Sexual Assault Forensic Examiner (SAFE) nurse for examination and collection of evidence at:
 - (1) Carroll Hospital Adult SAFE program – (410) 871-6655, or
 - (2) Carroll Hospital Pediatric SAFE program – (410) 871-6655
3. Evidence in a sexual assault case collected up to 120 hours and any medications needed for sexually transmitted diseases, Hepatitis C, or possible pregnancy works best if administered within the first 72 hours after the sexual assault.
 4. In cases where the victim is extremely upset and/or under the influence of intoxicating substances and wishes to speak with a professional counselor, officers are to contact CCAIC to arrange for this support in order to assist the victim with the filing of the report.

C. Interview and Interrogations

Interviews may be conducted with persons that may have knowledge about a certain aspect of a criminal investigation. Interrogations may be used for suspects and those persons directly involved in a criminal investigation. Interviews and interrogations will be conducted in conformance with the guidelines established to protect the rights of a person.

It is important to remember that in the course of an investigation, officers are not to enter into plea negotiations with a suspect. Plea negotiations shall be handled by the prosecutors and should not directly involve the Police Department.

1. Victim/Witness Interview

- a. Successful criminal investigations are based on the thoroughness and accuracy of the investigation. This includes the detailed and precise interviewing of victims and witnesses and the concise documentation of the interview. Factors which should be taken into consideration when interviewing are:

- The trauma and stress to which the victim or witness has been subjected.
- The location of the interview (should be in private if possible).
- The age and physical limitations of the victim and witness.
- The credibility of the interviewer.
- The timeliness of the interview.

b. Officers should be aware that discretion plays an important part in timing of the interview. As time increases between the incident and the interview, information tends to lose its accuracy. At the same time, if a victim or witness is emotionally distraught over an incident, an interview initiated prematurely may produce negative results.

2. Interrogation of Suspects

- a. The interrogation of suspects shall be conducted with respect to all constitutional guidelines. The interrogation and waiver form should be used when initiating an interrogation of a suspect.
- b. Detailed notes and/or a recording tape should be made for future reference and court use, when practical. The notes and/or tape recording should include the date, location, persons present, Waiver of Rights (SPD Form #88), the time the interrogation began and ended, and all other pertinent information.
- c. Statements or admissions obtained during an interrogation shall not be through use of coercion or promise.

D. Collection, Preservation and Use of Physical Evidence. Physical evidence may be searched for, collected and preserved when investigating any crime scene. Officers will be mindful of physical evidence that is collected from a crime scene and ensure that it is used in the development of the case.

- 1. Unless disruption is necessary to assist the injured or to affect an arrest, the actual crime scene must remain intact until completion of an examination for evidence. All unauthorized personnel, including law enforcement not assigned to the case, must be barred from the scene. A crime scene log will be maintained for every crime scene and the name, rank and title of every authorized member entering the crime scene will be documented, as well as the date(s) and time(s) the member entered and exited the crime scene.

E. Surveillance

1. Surveillance may be used in the investigation of a crime when it is necessary to observe suspects or conditions in an unobtrusive manner. Surveillance may create additional information involving the investigated crime, gather additional intelligence information, or observe new crimes being committed.
2. The Patrol supervisors shall be responsible for coordinating and planning the investigation of organized crime, vice control, controlled dangerous substances and other criminal activity surveillance.
3. Surveillance operations should be well planned prior to implementation. Guidelines for planning operations should include:
 - a. Crimes and victims will be analyzed by the investigator/officer to determine the nature and scope of personnel, and the equipment and activities required to safely and effectively conduct the operation.
 - b. In many incidents due to resources, cases will be referred to other Law Enforcement Agencies, Specialized Task Forces, etc.

F. Search and Seizure

1. Compliance Generally

Members of the Sykesville Police Department must exercise their police powers in compliance with existing law. For purposes of enforcing this section, an officer's conduct will be judged by a standard of honest and reasonable good faith compliance with existing law.

In the area of prisoner searches, an officer's conduct will be judged by a professional standard of proper and thorough search.

2. Police Officer's Status

a. Members of the agency are government employees and are directed to consider any search and/or seizure they conduct to be governmental action.

b. If any member of the agency encourages or directs a private individual to acquire evidence, or if a member participates with a private individual in those activities, the search and/or seizure conducted will, for purposes of enforcing agency regulations, be considered governmental action.

3. Probable Cause Defined

Probable Cause exists where the facts and circumstances within the knowledge of the member, or where the member has reasonable trustworthy information, warrant a prudent person to believe that a suspect has committed or is committing a crime.

4. Search Warrant Required

- a. Members of the agency conducting a search and seizure where any party has a reasonable expectation of privacy in the thing or place searched must have a Search and Seizure Warrant, or meet the criteria for one of the exceptions to the warrant requirement.
- b. This section does not prohibit a member from obtaining a Search Warrant where an exception to warrant may exist, if the member prefers the Search Warrant method. Warrant authorized searches are always preferred by the Court.
- c. Exceptions to the Search Warrant rule exist. These exceptions are largely due to exigent circumstances where there is no time to obtain a search warrant and circumstances are such that immediate action is required. These exceptions can be found below in this section.

5. Service of Search Warrants

- a. The officer obtaining a search warrant shall be responsible for serving it with the assistance of additional officers as needed.
- b. A police supervisor shall be present and shall coordinate the warrant service. It is the responsibility of the officer who obtained the search warrant, and now seeks to serve it, to ensure the presence of a supervisor.
- c. The warrant shall be read to the property representative before execution, unless to do so would present a danger to police officers, the suspect, or the public. (The application for Search and Seizure Warrant will not be read.)
- d. Any search or seizure made under authority of a search warrant shall be made within fifteen days from the date of issuance.
- e. The police supervisor, present at the warrant service, will ensure that photographs are taken of all areas to be searched before and after the execution of the warrant. The photographs will become part of the case file maintained by the Records Section.

- f. If articles are disarrayed during the search, the supervisor will ensure that all articles are returned to their original position if possible under the circumstances. Property is not to be unnecessarily damaged or soiled. When property is damaged or seriously soiled, a written report of the circumstances will be forwarded by the supervisor through channels to the Chief of Police.
- g. An officer taking property during service of a search warrant shall make a written inventory of the property taken in the presence of the person from whom the property is taken if the person is present at the time the search warrant is executed. If the aggrieved person is not present, the inventory shall be made in the presence of the person apparently in charge of the premises from which the property is taken. While this section mandates that the inventory be made whenever possible in the presence of proper persons, it is not to be interpreted to prohibit the search of premises where a warrant is issued, but the premises are empty of people.
- h. An officer taking property under a search warrant shall leave a copy of the inventory, a copy of the search warrant application and supporting affidavit with the person from whom the property is taken if the person is present at the time the search warrant is executed. Otherwise, leave these forms with the person apparently in charge of the premises, or post these forms in a conspicuous place at the premises from which the property is taken.
- i. An executed search warrant shall be returned to the issuing judge, or in his absence to another judge of the same circuit in which the search warrant was issued, as promptly as possible and in any event within five days after the date the search warrant is executed or within any earlier time set forth in the search warrant for its return. The return shall be accompanied by a copy of the inventory. A search warrant not executed within 15 days must be returned promptly to the issuing judge.

G. Arrestee Search

- 1. A search warrant is not required to search a person who has been legally arrested. A person is legally arrested if the person is arrested pursuant to an arrest warrant which appears valid on its face or a warrantless arrest is made under the provisions of Criminal Procedure Article 2-202 of the Code or a warrantless arrest is made under the provision of Maryland Vehicle Law Section 26-202.

2. The parameters of a search incident to a lawful arrest:
 - a. Members may conduct a full search regardless of the reason for arrest; however, strip searches and body cavity searches are not permitted except as delineated in the rules that follow titled Strip Searches and Body Cavity Searches.
 - b. Members may search not only the person arrested, but the immediate area surrounding him if it is likely to contain weapons or evidence. For passengers in cars, this area is defined to include the entire interior compartment of the motor vehicle and all of its contents.
 - c. The search must be contemporaneous with the arrest.
 - d. At the time of the search incident to arrest, the member searching the suspect is responsible to seize:
 - (1) Property carried unlawfully
 - (2) Property carried lawfully, but which is dangerous to personal safety or could aid in escape
 - (3) Property required as evidence
 - (4) Members of the Office who search arrestees will be held to a professional standard of proper and thorough search.
 - (5) Members will search an arrestee a second time upon arrival at the first police or detention facility. This search is referred to as a "secondary search". At the police or detention facility, the member searching the suspect is responsible to seize all of the above listed in (1) – (3).

H. Strip Searches

1. Strip searches will only be conducted when there is reasonable and articulable cause to believe that a weapon or contraband is secreted on the arrestee's body and is discoverable or recoverable only by a strip search.
2. A strip search will never be conducted in place of or before an exterior body pat down search has been conducted to help reveal a weapon or suspected contraband.
3. Strip searches will be conducted by officers of the same sex as the arrestee.

4. Strip searches shall be conducted as privately as possible and out of view of the opposite sex.
5. Officers involved in the strip search shall refrain from touching the arrestee's body except for safety and control purposes.
6. Juveniles will not be strip searched unless extenuating circumstances exist, i.e., weapon.

I. Body Cavity Searches

1. Body cavity searches may only be conducted on authority of a search warrant, unless exigent circumstances dictate otherwise. (An example of a permitted body cavity search is the intrusion into the mouth area of a person attempting to suicide by overdose.)
2. Body cavity searches must be done by a doctor under sanitary conditions, except under exigent circumstances as above. Officers intending to apply for a body cavity search warrant are advised to contact the Office of the State's Attorney for assistance. It may be necessary to use the medical offices of a detention facility to accomplish such a search.
3. Body cavity searches will be conducted by a physician if available.

J. Crime Scene

1. Upon arrival at the scene of a crime, the officer will obtain consent to search and seize per agency guidelines.
2. An absence of consent to search and seize will require the officer to secure the crime scene until a search warrant is obtained unless exigent circumstances exist.

K. Automobile Searches

1. Members may conduct warrantless searches of vehicles if:
 - a. The thing to be searched is a moveable vehicle, and/or any container(s) in such a vehicle, and
 - b. There is probable cause to believe the places searched contain evidence of a crime, and
 - c. Exigent circumstances are present

2. Where a member impounds a vehicle under probable cause that the vehicle contains evidence of a crime, the member shall obtain a search warrant prior to searching the vehicle, unless exigent circumstances beyond the automobile exception, exist to justify warrantless intrusion. (Here, the Office requires that the officer may not rely upon the moveable nature of the auto to create exigency, and affirms that a warrant is the preferred method of entry).
3. The scope of the search may not exceed the object of the search.

L. Hot Pursuit

1. An officer with probable cause to believe that a suspect has recently committed a crime, in hot pursuit of the suspect, may be authorized to intrude into constitutionally protected areas.
 - a. Before arrest in a "hot pursuit" situation, members may make a reasonable search of places or premises for the suspect if they have a reasonable belief that he has entered a particular area.
 - b. After the arrest of the suspect, members may make a search of the suspect and of the area within his immediate control under "search incident to arrest" exception.
 - c. There must be some semblance of continuous pursuit between the finding of probable cause and the eventual search. However, continuous pursuit in a strict sense is not required to justify an entry and seizure if exigent circumstances develop in the course of an investigation. (For example: The discovery of suspects through a doorway opened by the suspects may give rise to the circumstances justifying entry into the premises.)
2. The scope of the search may not exceed the object of the search.

M. Consent

1. Certain persons can authorize a warrantless search and seizure of property. A present, joint owner, can nullify consent.
2. Members may search under the "consent search" exception if the consent is voluntary under the totality of circumstances. It is recommended that members advise persons of the right to refuse the search.
3. Consent given by persons under arrest should be given in writing on a Consent to Search form (SPD Form # 31).

4. The scope of a consent search can be limited by the consent giving party to specific areas or types of items.

N. Stop and Frisk

1. Under common law principles, a member may stop a person, without probable cause to arrest, if the member observes unusual conduct leading to a reasonable suspicion that criminal activity may be afoot. The member must be able to communicate specific and articulable facts to warrant the suspicion. (If probable cause to arrest does exist, then the member may arrest within guidelines of Criminal Procedure Article 2-202).
2. In such circumstances, a protective frisk is authorized if the member reasonable believes that the individual may be armed and is presently dangerous.
3. The member may frisk the suspect's outer clothing and may also frisk inside the suspect's outer clothing when there is a reasonable fear that the area may contain an instrument of assault.
4. Maryland Criminal Law Article 4-206 codifies the right of police officers to conduct a "limited search". Officers may conduct a limited search under the authority, and within the statutory constraints, of the section.

O. Plain View

1. Members may seize evidence observed in "plain view" when certain criteria are met:
 - a. The member must be legally present at the location where the observations are made. (In the case of a house, for example, this means the officer is inside the house when contraband is observed.)
 - b. The discovery of evidence must be inadvertent.
 - c. There must be probable cause to associate the item with criminal activity under a totality of the circumstances standard.
 - d. The member seizing an item of evidence under the "plain view" doctrine is not justified in expanding the scope of a search to unexplored areas not visible from the spot of the initial intrusion under the "plain view" doctrine.

P. Inventory Search

1. Whenever a member either impounds or seizes a vehicle, or tows a vehicle of an impaired or incapacitated person, or tows the vehicle of a person who is not on the scene, the vehicle shall be inventoried. Personal property of significant value shall be removed, unless the officer is relieved of this responsibility by the exception below. Removed property will then be either returned to the owner or submitted to the Property Section utilizing the Property Held procedures in the Interact RMS.
 - a. If the owner of the property desires to leave the property with the vehicle, the owner shall be informed by the towing officer that the security of the property becomes the responsibility of the owner, and a notation of such made on the Incident Report.
 - b. Officers must be reasonable in assessing the mental condition of the defendant/operator. Requests by a rational arrestee to leave property with the vehicle will be honored.
 - c. Towing rules and regulations direct and authorize officers in towing vehicles. This General Order simply mandates an inventory of all property when stored.

Q. Public Safety

1. If an officer has a reasonable, articulable suspicion that delay in searching the crime scene would result in a danger to public safety, a warrantless search is authorized.
 - a. Individual may be injured and in need of immediate medical attention.
 - b. Suspect may still be at the crime scene and pose a serious threat to the officer or public if not immediately apprehended.
2. Once a search of the crime scene is initiated for those exigent circumstances, and neither an injured person or suspect is located, no further search will be conducted until a search warrant or consent to search and seize is obtained.

R. Postmortem Examinations

1. Maryland Law requires police officers to take possession of all property of value found upon a deceased person in the absence of the next of kin.
2. The investigating officer is responsible for collecting personal property of value (including wallet and jewelry).

3. The property taken shall be maintained according to Sykesville Police Department Property Held Rules and Regulations and may be released to the custody of the next of kin with proper identification.

S. Eavesdropping, Wiretapping, and Electronic Surveillance

1. Members may knowingly overhear conversations when lawfully present upon the premises at the time of the hearing, and where electronic equipment is not used.
2. Members may converse with others who do not know that the member is a police officer, and recall and repeat the conversations, as otherwise allowed by law and agency rules.
3. A member may listen to, but not record, a telephone conversation between parties where one of the parties consents to the officer's listening.
4. All members are required to coordinate wiretaps, electronic eavesdropping and telephone record seizure through the State's Attorney's Office.

T. Conducting Follow-Up Investigations

1. Follow up investigations are critical to a successful conclusion of a criminal incident. The primary purpose of the follow up is to gather additional information which may result in an arrest of an offender and/or the recovery of stolen property.
2. The following steps will be used when conducting a follow up investigation:
 - a. Review and analyze all previous reports prepared in the preliminary investigation.
 - b. Conduct additional interviews and interrogations.
 - c. Review agency records.
 - d. Gather additional information from uniformed officers, informants, etc.
 - e. Review laboratory results.
 - f. Arrange for dissemination of appropriate information.
 - g. Plan, organize and conduct searches when necessary.

- h. Prepare cases for court presentation.
 - i. Assist in prosecution.
 - j. Identify and apprehend suspects.
 - k. Collect physical evidence.
 - l. Determine involvement of suspects in other crimes.
 - m. Check suspect(s) criminal history.
3. These steps shall only be used to the extent that they are necessary, depending on the nature of the investigation.

U. Notification of Case Status

1. All persons who file a complaint with the Sykesville Police Department, or who are victims or witnesses, will be notified of the status of the investigation.
2. In follow-up investigations, the investigating officer will keep the principals involved apprised of the case status and documented in the investigative report when they have made the notification.
3. Officers assigned to the follow up investigation will make every effort to contact the principals involved. Anytime there is a change in the status, the officer will contact the principals.
4. Prior to the case being returned to file, the investigating officer shall make a final contact with the principal and advise them of the final disposition.

V. Investigation Checklist

1. The Incident Report in most cases serves as a satisfactory checklist for investigations.
2. More complicated investigations may require additional effort and investigation. To aid officers in complicated matters the following checklist may be utilized as needed: Preliminary Investigation Checklist, located in the PowerDMS under “forms.”

W. Polygraph Examinations

1. The polygraph is an investigative tool. Officers requesting polygraph examinations must understand its capabilities and limitations. It is not and

will never be used as a substitute for approved criminal investigative techniques. The examination is merely an aid in determining deception during the course of an investigation.

2. A polygraph examination will not be given until the investigation has established sufficient facts to enable the examiner to adequately construct comprehensive and objective questions and all conventional methods of closing the case have been exhausted.
3. The polygraph examination may be authorized when consistent with state law and agency policy. Situations in which authorization may be requested and approved include, but may not be limited to:
 - a. Requests from the Office of the States Attorney as part of an agreement with the defense attorney or for other investigative purposes,
 - b. Determining the validity of an informant or witness's statement,
 - c. Attempts to verify or reconcile statements of parents or guardians (e.g., in suspicious cases of missing or abused children),
 - d. Efforts to confirm or refute an allegation(s) that cannot be verified or disproved by other evidence,
 - e. Efforts to establish probable cause to seek a search warrant, or
 - f. As part of an administrative or criminal internal investigation of an employee with this agency or another criminal justice agency consistent with agency policy and state law.
4. The polygraph should not be used to verify a victim's allegation without sufficient grounds for suspecting that the victim has given false or misleading statements.
5. Requests for polygraph examinations from another law enforcement agency pursuant to an internal investigation must be in writing and be approved by the Chief of Police.
6. Submission to a polygraph examination must be voluntary with the exception of employees of this agency formally directed to take an examination as part of an internal investigation. These will be conducted in accordance with the Law Enforcement Officers Bill of Rights and/or agency rules and regulations. In all other cases, polygraph examinations will not be administered without the subject's written approval, waiver, or other instrument as required by law.

7. Persons Not Eligible for Polygraph Examinations
 - a. Juveniles under the age of 14,
 - b. Juveniles between the ages of 14 and 17 without parental consent,
 - c. Individuals so far under the influence of illicit drugs, medication, or alcoholic beverages that they are incapable of following the testing procedure instructions,
 - d. Individuals with a history of heart disease without written physician's consent,
 - e. Individuals who appear abnormally distressed and not capable of following the testing procedure instructions,
 - f. Pregnant women without written physician's consent, and
 - g. Persons suffering from a viral condition.
8. The polygraph examiner may refuse to conduct an examination on a subject who meets the above criteria. Any time the examiner refuses to conduct an examination, such refusal will be documented in writing to the investigator requesting the examination and the reason for the refusal noted.
9. Procedures for Scheduling Polygraph Examinations
 - a. Polygraph examinations will be scheduled by the examiner in accordance to his/her schedule. Short notice polygraph examinations may be considered in all serious Part I crimes and serious misdemeanor cases.
 - b. It will be responsibility of the investigating officer requesting the polygraph examination to review with his/her supervisor the investigative efforts made thus far to ensure that all standard investigative procedures have been utilized. A decision will be made by the supervisor whether to schedule a polygraph examination. When approval to schedule a polygraph test has been given, the investigating officer will contact the polygraph examiner and obtain a date and time for the examination.
 - c. Once the examination is scheduled, the investigating officer will forward a copy of the original investigative report, written statements, and any other background information pertinent to why

the subject is to be examined. The investigating officer will contact the polygraph examiner prior to the scheduled examination to ensure all documents have been received.

- d. The investigating officer will provide the subject to be examined with the date, time, and location of the examination. If the polygraph is not a short notice polygraph, notification to the subject will be made in writing by the polygraph examiner and a copy of the written notification forwarded to the investigating officer.
- e. The investigating officer will remain available for contact by the polygraph examiner during the examination.
- f. The polygraph examiner will normally provide a verbal report of the examination findings to the investigating officer and a written report as soon as possible.
- g. All copies of the polygraph charts, rights forms, waivers, questions asked on the polygraph examination, and any other related paperwork will be retained in a confidential file in the polygraph examiner's office. Access to the files will be restricted to the polygraph examiner.
- h. Polygraph examinations shall only be administered by a certified polygraph examiner who has successfully completed a training course at a licensed and accredited polygraph school.

X. Constitutional Requirements

- 1. In order to protect the constitutional rights of persons involved in criminal investigations, the following guidelines will be adhered to:
 - a. Officers shall not coerce or obtain involuntary confessions from persons suspected of criminal involvement.
 - b. Prior to interrogating a suspect, whenever he is in custody or is otherwise deprived of his freedom, an officer must first advise the suspect of his or her constitutional rights as required by the U.S. Supreme Court decision of *Miranda vs. Arizona* (1966).
 - c. The definition of a custodial interrogation can be a confusing concept. Therefore, whenever there is doubt about a custodial interrogation, the suspect should be advised of his constitutional rights.

- d. When Miranda warnings are not necessary:
 - (1) Before questioning a person who was merely a witness to a crime or who may know something about a crime but is not a suspect.
 - (2) Before questioning a suspect who has not been deprived of their freedom in any significant way and realizes they are free to terminate the interview at any time.
 - (3) Before questioning a motorist stopped for a routine traffic offense.
 - (4) Before asking questions reasonably motivated by concern for public safety.
 - (5) Without express questioning or its functional equivalent there is no "interrogation" within the meaning of Miranda, even though the suspect may be in custody.
- e. Right to Counsel - Once a defendant has expressed a desire to exercise the right to counsel, he/she shall not be interrogated until the defendant has obtained counsel or a court appointed attorney.

Y. Conducting Background Investigations

- 1. Criminal investigations frequently involve background investigations of persons, particularly as they relate to white collar crime, organized crime, and vice activities. The Police Department will conduct background investigations of persons only in correlation with an ongoing criminal investigation. This section does not apply to the background investigations in the selection process.
- 2. Various sources of information are available in conducting a background investigation. Some potential sources include but are not limited to:
 - a. Financial institutions
 - b. Business associates
 - c. Former employers
 - d. Informants
 - e. Utility companies

- f. Court records
 - g. Intelligence reports
 - h. Criminal history
 - i. Other law enforcement agencies
 - j. Motor Vehicle Administration
 - k. Other public records
3. All case files will be subject to office policy outlined in General Order 1-9, Records Management.

IV. CANCELLATIONS

This General Order cancels and replaces the following policies: General Order 42.2, entitled Criminal Investigations, dated December 17, 2001.