

	LOWER MERION TOWNSHIP POLICE DEPARTMENT Ardmore, Pennsylvania	
	Policy 3.18.4	
Subject:		Distribution:
Investigations Unit		All Sworn Personnel
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CALEA: 42.1.3, 42.1.6, 42.2.1, 42.2.7, 43.1.1, 43.1.5; PLEAC: N/A		
By Authority of:		
		Superintendent of Police

PURPOSE

The purpose of this policy is to establish guidelines and procedures regarding criminal investigations within the Investigations Unit.

POLICY

It is the policy of the Lower Merion Township Police Department to conduct criminal investigations in accordance with the mission of the Department and this policy, and to ensure the legality and integrity of the collection and preservation of criminal intelligence information.

DEFINITIONS

Confidential Informant (CI) - an individual who is willing to provide information to the police concerning criminal activity, however they wish to remain anonymous and not be utilized in the actual court cases that might arise from their information. These persons would not be named in any affidavits or complaints and would not be utilized in the course of any legal proceeding, (unless ordered by a court of record). They would only be identified in court documents as a Confidential Informant.

PROCEDURE

A. Preliminary Investigations (CALEA 42.2.1)

1. Patrol officers have primary responsibility for a preliminary investigation which should at a minimum include:
 - a. Provide aid to the injured.
 - b. Maintain and protect the crime scene to ensure that evidence is not lost

or contaminated. **(CALEA 42.2.1 c)**

- c. Observe and record all conditions, events and remarks. **(CALEA 42.2.1 a)**
 - d. Determine if an offense has actually been committed and, if so the exact nature of the offense.
 - e. Determine the identity of any suspects, and effect an arrest, if it can be accomplished either at the scene or through immediate pursuit.
 - f. Furnish other field units, including neighboring jurisdictions, with descriptions, method and direction of flight, and other relevant information concerning the wanted persons or vehicles.
 - g. Locate and obtain complete identification of all witnesses.
(CALEA 42.2.1 b)
 - h. Determine what information is known by the victim and each witness.
 - i. Arrange for the collection of evidence and crime scene processing.
(CALEA 42.2.1 c)
 - j. Determine in detail the exact circumstances of the offense.
 - k. Interview and obtain written statements from the complainant, victims, witnesses, and suspects in accordance with legal guidelines and Department policy, unless the nature of the incident requires immediate intervention by an investigator with specific training (i.e. child abuse).
(CALEA 42.2.1 d)
 - l. Accurately and completely record all pertinent information on prescribed investigation report forms.
 - m. Make appropriate NCIC/CLEAN entries and inquiries, if applicable.
2. The assigned patrol officer shall initiate and complete as many of the activities listed above as are necessary. The circumstances of the incident will determine how many of the activities are required.
 3. Except in cases where the presence of a uniformed officer would hinder a proper investigation, or specific expertise is required, the preliminary investigation should be conducted by the uniformed patrol officer assigned to the call.

4. The patrol officer is responsible for all initial action. Other appropriate Department personnel shall be notified of serious crimes requiring immediate follow-up.
5. Detectives may respond to any crime, especially those in which they have primary responsibility for follow-up investigations, to assist the patrol officer. Any detective in the vicinity of or available for an "in progress" call will respond and offer any appropriate assistance.

B. Case File Management (CALEA 42.1.3)

1. The case management module of ALERT will be utilized primarily by the Investigations Unit Supervisor for case assignment. The Investigations Unit Commander will also have the ability to make case assignments. **(CALEA 42.1.3 a, b)**
 - a. Case assignment will include: **(CALEA 42.1.3 c)**
 1. Detective assigned.
 2. Incident number.
 3. Date assigned.
 4. Due date.
2. Case Status will be listed as open, closed/cleared, or closed/leads exhausted.
3. Accessibility to files will be confined to sworn personnel and selected civilian personnel (Records and Communications Center personnel). **(CALEA 42.1.3 d)**
4. All ALERT records will be maintained in electronic format indefinitely. The only original records that will be altered will be those designated by a court ordered expungement or until departmental administrators authorize a purge of ALERT records. **(CALEA 42.1.3 e)**

C. Confidential Informants (CI)

1. In many instances, a successful investigation cannot be conducted without the use of confidential informants. While the use of confidential informants is an effective tool in investigations, it can be undermined by the misconduct of either the confidential informant or the sworn member utilizing the informant. Therefore, it shall be the policy of the Lower Merion Police Department to take necessary precautions by developing sound informant control procedures.
2. General Procedures

- a.** All members are responsible for developing sources of information that will assist them in their follow-up investigations. Information obtained that relates to specific crimes being investigated by other members or detectives should be brought to the attention of those members.
- b.** Information is available from many sources, e.g., concerned citizens who wish to remain anonymous, criminals who have firsthand knowledge of illegal activity, and relatives or friends of those involved in crime, who should be kept in mind when conducting investigations and related interviews. Members are cautioned to determine the motivation of individuals who provide information in order to help.
- c.** Informant information should be reviewed with a supervisor and/or the District Attorney, prior to being used. When informants are used to contribute to the solution of a case, it should be noted in the investigative report.
- d.** Confidentiality must be maintained, and members will refrain from discussing informants, the information they provide, or cases they are involved in when inappropriate.

3. Guidelines for Handling CIs

- a.** All CIs are required to sign and abide by the provisions of the Departmental Informant Agreement. The member utilizing the CI shall discuss each of the provisions of the agreement with the CI, with particular emphasis on the following:
 - 1.** Informants are not law enforcement officers. They have no arrest powers, are not permitted to conduct searches and seizures, and may not carry a weapon.
 - 2.** Informants will be arrested if found engaging in any illegal activity. They will receive no special legal considerations.
 - 3.** Informants are not to take, and the Department will not condone, any actions that may be considered entrapment. Entrapment occurs where the informant encourages, persuades or otherwise motivates a person to engage in criminal activity.
- b.** When an informant is determined to be unreliable, their services shall be immediately terminated. The informant's file will indicate the date and reason(s) for this termination.

4. Methods to Protect the Identity of Informants

- a. The following precautions will be taken when utilizing a CI to provide for the safety of the CI. **(CALEA 42.2.7 d)**
 1. Officers will develop and follow a communications strategy and plan with the CI that minimizes, to the greatest extent possible, the risk of discovery of the relationship between the Department and the CI.
 2. The name of the CI will not be included in an affidavit for a warrant unless judicial authority is obtained to seal the document from public record, or the CI is a subject of the investigation upon which the affidavit is based. Officers will avoid providing details of CI actions or involvement in arrest reports and other documents available to the public.
 3. The Investigations Unit Supervisor will make every effort to ensure that the confidentiality of all informants is not breached.

5. Precautions to Be Taken with Informants **(CALEA 42.2.7 f)**

- a. Contacts will be made by at least two members/detectives, when practical.
- b. Informants of the opposite sex should not be contacted by a single member/detective unless a cover member/detective is within sight and listening distance, whenever possible.
- c. All contacts with informants that produce information will be documented in writing.
- d. No member of this agency shall knowingly maintain a social relationship with CIs while off duty, or otherwise become personally involved with CIs. Members of this agency shall not solicit, accept gratuities or engage in any private business transaction with a CI.

6. Special Precautions to Be Taken with Juvenile Informants **(CALEA 42.2.7 g)**

- a. Authorization for use for juvenile informants shall be approved by a Montgomery County Assistant District Attorney prior to use.
- b. A release form will be completed by the parent/guardian giving authorization.
- c. The parent/guardian shall be kept informed as to the use of the juvenile informant.
- d. Due to the inherent danger associated with the use of confidential

informants, the member/detective handling a juvenile confidential informant will make every effort to minimize any danger the juvenile may encounter and fully inform the parent/guardian of any real and potential danger.

7. Criteria for Paying Informants (**CALEA 42.2.7 e**)

- a. The criteria for paying informants should be based on the perceived reliability and usefulness of the information obtained. The distribution of informant money is as follows:
 - 1. Under normal circumstances, an informant must have a confidential informant file to be eligible for funds. However, funds may be disbursed to single use informants without the creation of a confidential informant file upon approval of the Investigations Unit Commander.
 - 2. Upon funds being disbursed, entry must be completed in the corresponding fund log (Miscellaneous Investigations Fund, Narcotics Investigation Fund, or County Task Force Fund). The entry shall indicate the amount and purpose of the payment; member's name and the confidential informants code number (if applicable).

8. Informant Master File

- a. The Investigations Unit Sergeant, or his/her designee, shall maintain a master file of all informants that contains the following at a minimum. (**CALEA 42.2.7 a, b, c**)
 - 1. Biographical information.
 - 2. Background information.
 - 3. Criminal History Record, if any.
 - 4. Code name or number of each informant, if used.
- b. All informant files will be filed by Confidential Informant Number and maintained separately from any other general records in the locked area provided in the Investigations Unit Office. (**CALEA 42.2.7 c**)
- c. Access to these files is limited to members assigned to the Investigations Unit Commander, Investigations Unit Supervisor, and the detective assigned to narcotics.

D. Vice, Drugs, and Organized Crimes

- 1. All complaints regarding vice, drugs, and organized crime will be processed in the same manner as all other complaints, unless received through the use of a Confidential Informant, at which time the Confidential Informant procedure will be followed. (**CALEA 43.1.1 a**)

2. Complaints will be documented by the initial responding officer in the ALERT system by obtaining as much relevant information as possible. The Investigations Unit Supervisor, upon receipt of the initial report, shall determine the appropriate assignment of personnel. If the initial complaint is received by a member of the Investigations Unit, the same procedure for recording the complaint and notifying the Supervisor will apply. **(CALEA 43.1.1 b)**
3. If the information regarding the above listed criminal activity is conveyed to or received from an outside agency, that information shall be recorded in a supplemental report to the original complaint. **(CALEA 43.1.1 c)**
4. The Investigations Unit Commander will be responsible to provide timely updates regarding any confidential vice, drug, or organized crime investigations, to the Operations Division Commander and the Superintendent of Police. **(CALEA 43.1.1 d)**

E. Covert Operations (CALEA 43.1.5)

1. Members of the Police Department have the authority and capacity to conduct covert operations and investigations involving vice, drug, and organized crime activities. Officers assigned to the Investigations Unit will normally be utilized in conducting covert operations. Surveillance activities may include members of the Investigations Unit and/or Patrol Division as deemed necessary. The Police Department maintains resources to conduct operations which may include decoy, undercover, and surveillance activities.
2. The Police Department may utilize officers from outside law enforcement agencies to assist in covert operations. The approval/authorization of the Superintendent of Police, or his/her designee, from each of the respective agencies must be obtained before the commencement of any such covert operations.
3. General Procedures
 - a. Planning
 1. Analysis - Before any surveillance, undercover, or decoy operations take place, a thorough analysis shall be coordinated of crimes, victims and suspects by the Investigations Unit Supervisor.
 - a. The analysis of the crime shall include, but is not limited to, the location time and extent of its occurrence to determine the scope and nature of the surveillance or recourse needed in a targeted

area.

- b.** The analysis of the victim(s) shall include, but is not limited to, patterns of victimization, modus operandi of the perpetrator(s), and feasibility of utilizing sworn personnel in decoy operations.
 - c.** The analysis of the suspect shall include, but is not limited to:
 - 1.** Known associates.
 - 2.** Weapon(s) availability/proficiency.
 - 3.** Criminal history.
 - 4.** Vehicle(s).
 - 5.** Methods of operation.
 - 6.** Habits.
 - 7.** Address(s).
 - 8.** Any other pertinent background information which may affect the operation and/or provide information needed for processing legal documents, such as search warrants.
- 2.** When the Police Department participates in surveillance, undercover, or decoy operations, the Investigations Unit Commander, or his/her designee, are responsible for the development of the operational procedures to be followed by personnel.
- a.** Operational procedures shall be determined for observing, following, and arresting a suspect(s) in surveillance operations. Operational procedures shall be developed to determine the appropriate time, location(s), manpower, and other resources required to effect an arrest of a suspect.
 - b.** If the need arises to conduct a high-risk tactical entry to serve a warrant or make an arrest, the ERT Commander is responsible for coordinating the necessary manpower and resources to conduct and/or assist with a high-risk entry.
 - c.** Planning considerations prior to a tactical operation are documented in writing and reviewed/approved by the ERT Commander, time permitting.
 - d.** Planning for covert operations shall include procedures for relieving officers, providing backup security, and establishing a perimeter for the protection of officers and citizens.

b. Operations

1. Officers involved in an operation shall be briefed on the objective and details by the Investigations Unit Commander, or his/her designee. This briefing shall also include a familiarization with the neighborhood and/or target area where potential hazards or dangerous areas are identified. Briefings may be facilitated by the use of visual media such as photographs, videotape, diagrams and blueprints
2. The Investigations Unit Commander, or his/her designee, shall maintain communications with the Montgomery County District Attorney's office to assist in determining the legal ramifications of any proposed operations.
3. Officers shall use the utmost care when approaching and/or making contact with a suspect during a covert operation. Before making an arrest, a plainclothes officer shall identify him/herself as a police officer and display his/her credentials, when possible. No arrest shall be made without the assistance/back-up of at least one other officer.
4. When conducting covert operations, officers shall refer to Policy 3.14.1 - Evidence and Property Control when conducting searches for and/or seizing evidence or contraband. The search for evidence/contraband shall be thorough and systematic. The use of cameras and recording equipment is encouraged when gathering and/or seizing evidence in covert operations. The submission of evidence/contraband that is seized as part of a covert operation shall be receipted as specified in Policy 3.14.1.
5. Emergency medical assistance may be put on "stand-by" status on tactical operations when requested by the Police Department. Such requests will normally be coordinated prior to a tactical operation, time permitting.
6. The on-duty patrol supervisor(s) will be advised of the location of covert operations conducted during their shift(s) so that appropriate response and/or action may be taken by patrol officers. If, due to its nature, the covert operation does not necessitate patrol action and/or interfere with normal patrol operations, this information may be kept confidential.

c. Equipment and Funds

1. Members involved in surveillance, undercover, decoy, and raid operations will be supplied with the necessary funds to conduct such activity. Funds will be disbursed by the Investigations Unit Supervisor.

2. The necessary equipment and vehicles will be provided to an officer involved in a covert operation so that he/she will be able to successfully complete the objective. This equipment may include, but is not limited to, the following:
 - a. Undercover/surveillance vehicles.
 - b. Surveillance equipment - video recorders, cameras, binoculars, etc.
 - c. Weapons.
 - d. Communications equipment to establish routine and emergency communications, which may include portable radios, cellular telephones and other electronic devices.
 3. With the approval of the Superintendent of Police, officers involved in undercover/surveillance operations may be provided with a false identity and the necessary credentials. An officer who is assigned to a long-term covert operation may also be permitted to alter his/her physical appearance to facilitate his/her cover.
- d. Confidentiality
1. Any officer coming into contact in public with an officer who is working a covert assignment shall in no way acknowledge the covert officer unless the covert officer initiates the contact/conversation.
- e. Responsibility
1. The Investigations Unit Commander, or his/her designee, is responsible for maintaining the overall confidentiality and cover of officers involved in covert operations.
 2. The Investigations Unit Commander, or his/her designee, is responsible for the supervision and coordination of any surveillance, undercover, and decoy operations conducted.
 - a. This supervision will include periodic informal meetings where the supervisor will be updated as to the status of on-going investigations and he in turn will be responsible to provide updates to the Investigations Unit Commander.
 3. The Investigations Unit Commander, or his/her designee, is responsible for coordinating covert operations with other functions both inside and outside the Police Department. This may include the sharing of manpower and other resources with neighboring law enforcement agencies. The Police Department's manpower and resources are also available to assist neighboring law enforcement

agencies during their tactical/covert operations, when requested to do so. Such requests will be coordinated by the Investigations Unit Commander, or his/her designee, approved by the Superintendent of Police, or his/her designee, and conducted in accordance with established Mutual Aid agreements.

F. Criminal Intelligence (CALEA 42.1.6)

1. Intelligence Function

- a.** The criminal intelligence function is assigned to the Investigations Unit, however, it is the responsibility of all departmental personnel to seek out and gather intelligence. **(CALEA 40.2.3 a)**
- b.** The Investigations Unit Supervisor is assigned as the Intelligence Officer. **(CALEA 40.2.3 a)**
- c.** The criminal intelligence function includes: **(CALEA 40.2.3 a)**
 - 1.** Collecting raw intelligence.
 - 2.** Serving as the principal channel for receipt and dissemination of law enforcement intelligence within the department.
 - 3.** Providing the analytical support to tactical operations.
 - 4.** Making personal contact with citizens or organizations for use of their residences or businesses for surveillance on criminal target locations.
- d.** It shall be the responsibility of the Investigations Unit Commander to coordinate necessary training of personnel specifically assigned to the intelligence function.

2. Receipt of Information

- a.** The officer receiving criminal intelligence information should document the information. The information shall then be forwarded to the Investigations Unit Supervisor or his/her designee.
- b.** The Investigations Unit Supervisor or his/her designee shall review any incoming criminal intelligence information to determine the following:
 - 1.** Reliability of the source.
 - 2.** Validity of the content.
 - 3.** Sensitivity of the information.

4. Whether the information is related to an ongoing criminal investigation. Information that is related to a criminal investigation shall be forwarded to the appropriate assigned detective.
- c.** Intelligence information collected will be limited to criminal conduct and activities that present a threat to the community. These areas are as follows:
1. Organized crime activity.
 2. Subversive activity.
 3. Terrorist activity.
 4. Vice activity.
 5. Community unrest.
 6. Narcotics.
- 3. Maintaining Legality and Integrity**
- a.** Use of intelligence personnel and equipment will be restricted to collection of raw data, strategic intelligence, and tactical intelligence, as well as support for undercover officers and operations, and the maintenance of undercover operations or assistance in providing specialized surveillance equipment.
1. Raw data – information from various sources that by itself may not infer criminal activity, but when combined with other information may make an inference of criminal activity.
 2. Strategic intelligence – situation where the problem is known, and an attempt is made to determine who is responsible.
 3. Tactical intelligence – answering requests for information from Patrol or the Emergency Response Team on a specific subject and/or location.
- b.** The following information shall not be collected:
1. Information suggesting a political or religious preference, associations, or opinions unless this information is relative to involvement in extremist groups known to engage in illegal activity.
 2. The nature of a subject's sexual preferences unless this information is relative to involvement in extremist groups known to engage in illegal activity.

4. Maintenance and Security of Information

- a. The Investigations Unit Supervisor or his/her designee shall review the information in the intelligence file on an annual basis and purge out-of-date or incorrect information using the following guidelines: **(CALEA 40.2.3 d)**
1. Information that names a person by name, address, or date of birth, or a particular organization where the identification can be specifically made shall be kept for five years.
 2. Information where a subject or organization can only be described but not specifically named shall be purged at the end of one year if during that time a positive identification cannot be made of the subject or organization. If a positive identification can be made within a year, then the file shall be kept for a total of five years.
 3. All purged intelligence files shall be destroyed under the supervision of the Investigations Unit Supervisor. Destruction records will be maintained by the Investigations Unit Supervisor listing all files destroyed.
- b. Intelligence information will be maintained in a locked cabinet located in the Investigations Unit. Access to the file will be restricted to members of the Investigations Unit and others as designated by the Superintendent of Police. The cabinet will be kept locked unless a member of the Investigative Unit is present. **(CALEA 40.2.3 b)**
- c. No intelligence information is to be saved to the public areas of the computer network. Any information will be stored on removable media and locked in the intelligence file. This does not include information disseminated by email for informational purposes which may be relevant to current investigations or patrol strategies. **(CALEA 40.2.3 b)**

5. Dissemination of Intelligence Information **(CALEA 40.2.3 c)**

- a. Intelligence information will be distributed only to authorized agencies on a need-to-know basis. Any information that is provided by the Intelligence Officer must meet these guidelines:
1. Be needed in an active criminal investigation by the requesting person or agency.
 2. Be reviewed to determine if a "need to know" basis has been established.
 3. Be approved for release by the Investigations Unit Commander or the Superintendent of Police if the information is classified.

- b.** Information requested by phone will be provided only to known sources. The intelligence officer will then complete the proper entry in the dissemination log indicating the name and department of the person to whom the information was released.

6. Review

- a.** The Investigations Unit Commander shall conduct an annual review of procedures associated with the criminal intelligence function for relevance, accuracy and compliance. **(CALEA 40.2.3 e)**

RESPONSIBILITY

It is the responsibility of all supervisory personnel to ensure that all personnel under their immediate supervision comply with this policy.