



Policy Number: 600 – Investigation and Prosecution
Effective Date: December. 4, 2020
Revision Date: December. 4, 2020
Approved By: Brandon Gatlin, Interim Chief of Police

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements for the Montana State University Billings Police Department (Department) pertaining to the handling and dispositions of criminal investigations.

600.2 POLICY

It is the policy of this Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to an appropriate prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

1. Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - a. An initial statement from any witnesses or complainants.
 - b. cursory examination for evidence.
2. If information indicates a crime has occurred, the officer shall:
 - a. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - b. Determine whether additional investigative resources (i.e. investigators or crime scene processing) are necessary and request assistance as required.
 - c. If assistance is warranted, or if the incident is not routine, notify a supervisor who will begin the process of requesting Mutual Aid Assistance.
 - d. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - e. Collect any evidence.
 - f. Take any appropriate law enforcement action.
 - g. Complete and submit the appropriate reports and documentation.
3. If a determination is made that no crime occurred, determine what other action may be necessary and what other resources may be available, and advise the complainant of this information.

600.3.2 NON-SWORN MEMBER RESPONSIBILITIES

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

600.4 DISCONTINUATION OF INVESTIGATIONS

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

1. All reasonable investigative efforts have been exhausted, there is no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
2. The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - a. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - b. Warnings shall not be given for felony offenses or other offenses identified in this policy, or by law, that require an arrest or submission of a case to a prosecutor.
3. The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
4. The case has been submitted to the appropriate prosecutor; charges have been filed; further investigation is not reasonable, warranted or requested; and there is no need to take the suspect into custody.
5. Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
6. Investigation has proved that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

600.5 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If a digital forensic examiner is available through Mutual Aid Assistance, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.6 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the internet should only be accessed by

members while on-duty and for purposes related to the mission of this Department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member should attempt to replicate the finding when on-duty and using Department equipment.

Information obtained via the internet should not be archived, or stored in any manner, other than through approved Departmental record keeping systems (see Policy 800 - Records Maintenance and Release for further details).

600.6.1 ACCESS RESTRICTIONS

Information that can be accessed from any Department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval. The creation of an account for investigative purposes that uses fictitious information requires supervisor approval prior to creation of the account.

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

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

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

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

600.7 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor, or to any other official of the court, that charges on a pending case be amended or dismissed without the authorization of the Chief of Police, or their designee.

(Cancels and Replaces 106.1 – Investigative Procedures)