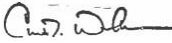
	Administrative General Order	36 Investigations	<b>PAGE 1 OF 6</b>
	<b>City of Charleston Police Department Policy and Procedure Manual</b>		EFFECTIVE DATE: <b>08/14/07</b>
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BY THE AUTHORITY OF THE CHIEF OF POLICE: 			

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36.1 SUCCESS OF AN INVESTIGATION (CALEA 42.2.1)

The success of an investigation depends greatly upon the initial observations and actions of the first officer to arrive. Preliminary investigations will begin when the first officer arrives on the scene and will continue until that officer is relieved. The transfer of the case to the follow-up officer or detective must not jeopardize successful completion of the investigation; therefore, the following procedure will be followed unless the particular action is unwarranted by the circumstances:

1. Provide aid to the injured only to the point that they are trained;
2. Protect the crime scene to ensure that evidence is not lost or contaminated;
3. Determine what specific crime has occurred;
4. Determine the identity of the suspects and effect an arrest if it can be accomplished either at the scene or through immediate pursuit;
5. Observe all conditions, events, and remarks;
6. Relay all available information to other personnel if the suspect is not in custody;
7. Obtain statements from the victim, witnesses and suspects if possible;

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8. Locate, identify, and interview witnesses and victims;
9. Collect and preserve evidence; and
10. Record all the pertinent data on the appropriate forms.

### 36.2 PRELIMINARY OFFICER'S INVESTIGATION RESPONSIBILITIES (CALEA 42.2.1)

The assigned officer is responsible for the preliminary investigation. On some occasions a uniformed officer may hamper an investigation; therefore, it may be necessary to dispatch a plainclothes officer or other officer who has special skills.

The nature of certain crimes requires the immediate notification of investigators and their response to the scene. Such cases include:

1. Death of a violent or suspicious nature;
2. Serious sex crimes;
3. Serious injury assaults where hospitalization is required;
4. Armed robberies; and/or
5. Any additional situation where the uniformed officer believes that special assistance is required. The Team Commander or supervisor on the scene will remain responsible for that scene and the investigation of that crime unless and until relieved of that responsibility by competent authority.

Patrol officers will be responsible for the preliminary investigation of all offenses not listed above.

Upon the arrival of a detective, the preliminary officers should not relinquish responsibility for the initial investigation unless directed to do so by their shift commander. The shift commander should ensure that an adequate and complete preliminary investigation has been made.

1. **Uniformed Officer's Scope of Preliminary Investigation** - The scope of preliminary investigation by a uniformed officer may be very restricted or it may constitute the entire investigation of the crime. In a particular crime, the scope of the preliminary investigation may be limited by investigative policy, General Order, or Special Order. In all cases, it is limited by the officer's workload. Consistent with their other responsibilities, officers should continue a preliminary investigation to the point where the delay in investigation caused by the report being processed will not materially jeopardize the investigation.

### 36.3 FOLLOW-UP OFFICER'S INVESTIGATION RESPONSIBILITIES (CALEA 42.1.3)

The assigned patrol officer will be responsible for conducting and completing the investigation of non-criminal calls for service and the follow-up investigation of most misdemeanor crimes.

If an investigating patrol officer has not completed the case by the end of their tour of duty, the shift supervisor will either assign the case to an oncoming officer or hold the case for the original officer. If the case will not be jeopardized by temporary discontinuance, it will remain the responsibility of the assigned officer.

If an officer has been assigned responsibility for the follow-up investigation, they will be required to submit all supplemental reports to the Records Division after review and approval from the supervisor. The supplemental reports will contain any pertinent information on the incident, names of possible or confirmed suspect(s), or any field notes created during the investigation. In the event of a case status change, a supplemental incident report reflecting the standing of the case will be created by the officer and submitted to the Records Division for all categories of case closure or alteration to the incident classification.

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Offenses specified in General Order 38 (Central Investigations Division) will be referred to Central Investigations Division for follow-up investigation.

### 36.4 FOLLOW-UP INVESTIGATION PURPOSE (CALEA 1.2.3, 42.2.2)

The follow-up investigation is an extension of the preliminary investigation. The individual conducting the follow-up investigation will:

1. Review and analyze all previous reports prepared in the preliminary phase;
2. Conduct additional interviews and interrogations;
3. Investigators are required to make a second contact with the principals involved in a case not later than ten (10) working days after the initial contact;
4. Review departmental records;
5. Seek additional information;
6. Review results from laboratory examinations;
7. Arrange for dissemination of information as appropriate;
8. Plan, organize, and conduct searches;
9. Prepare cases for court presentation;
10. Assist in prosecution;
11. Identify and apprehend suspects;
12. Collect physical evidence;
13. Determine involvement of suspects in other crimes; and
14. Check suspect's criminal histories

Each investigation produces a unique combination of facts and circumstances. Case developments may preclude the need to carry out every step outlined above. The foregoing list is intended as a guide.

1. **Follow-Up Investigation by Uniformed Officers** - Uniformed officers may conduct a limited follow-up investigation upon supervisory approval when there is reasonable chance of apprehending the suspect, when there is need to obtain additional information for the preliminary investigation report, or when there are other compelling circumstances.

### 36.5 INTERVIEW/INTERROGATION ROOMS (CALEA 42.2.10)

**Interview Room** is defined as any area used by members to conduct either custodial or non-custodial interviews during the investigative or arrest process. Juveniles will only be detained in areas or secured interview rooms that are separate by sight and sound from adult detainees.

When utilizing secured interview rooms, it is imperative that all personnel be aware of the procedures that must be exercised to ensure the safety of all police/custodial personnel and minimize the risk of escape.

Interview rooms will contain appropriate and limited furnishings (desk and chair) and signage indicating emergency exit information. Pens, pencils, notebooks, and other office supplies will not be stored or left unattended in interview rooms at any time.

Officer(s) will ensure that all necessary paperwork including witness statements, supplemental reports, and Miranda cards are available prior to beginning an interview. Additionally, officers will ensure that all recording equipment is available and in working order inside the interview room. The restocking of paperwork and the inspection of the recording

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equipment will be completed on a monthly basis. Upon completion of any interview, the suspect will be provided with a copy of any and all written statements that they provided to investigators.

### **Staffing**

Generally, there should be no more than two (2) officers present during an interview.

When two (2) officers are present during the interview it is not necessary to have an additional officer positioned outside the interview room and/or monitoring the surveillance camera.

### **36.6 INTERVIEW/INTERROGATION ROOM SECURITY (CALEA 42.2.10)**

Prior to taking a suspect into the interview room, officers will make a check of the area looking for contraband. Additionally, officers will conduct a pat-down of the suspect to ensure that they do not have any contraband concealed about their person. Lastly, if one officer is conducting interviews, that officer will make sure that a sworn officer is in close proximity to the interview room in the event assistance is needed. The officer on the outside of the interview room must remain in the office until the interview is concluded and may monitor the interview from the surveillance camera located in the main detective office.

### **Weapon Control**

Under no circumstances will any officer bring any weapon(s) into the interview room. Weapons will be secured prior to entering the interview.

### **Summoning Assistance**

When conducting or assisting an interview, officers will use their department-issued radio to summon assistance, if needed.

### **36.7 SUSPECT'S RIGHTS DURING INTERVIEW / INTERROGATION (CALEA 1.2.3, 42.2.10)**

Under no circumstances will a suspect be denied use of a restroom, access to water, or the opportunity for a rest period at regular intervals during the interview should they request one. It should be common practice that anytime an interview lasts over thirty (30) minutes, the suspect should be offered the opportunity to take a break.

### **36.8 OBTAINING WARRANTS**

The investigating officer will prepare the affidavit(s) and utilize one of the following processes to obtain an arrest warrant by:

1. Requesting a hard copy warrant from NCIC/OPS. This warrant is filled out by the investigating officer and taken to a municipal court judge to be signed;
2. Requesting an electronically-issued warrant from municipal court. The investigating officer presents the prepared affidavit and the clerk of court types the warrant. The investigating officer then takes it to the municipal judge to be signed;
3. Requesting an electronically-issued warrant from a county magistrate. The investigating officer presents the prepared affidavit to the county clerk who types the warrant. The investigating officer then takes it to the county judge to be signed.
4. A UTT citation (aka: blue ticket) should accompany the affidavit for traffic-related charges such as Habitual Offender, Failure to Stop for Blue Lights, Hit and Run, DUI 2<sup>nd</sup> or greater, in order for the offense to be added to the defendant's record via the DMV.

Officers utilizing the municipal court for warrant signing procedure must do so between 0800 and 1630 hours Monday-Friday. After-hours and on weekends, only hard copy warrants can be used and must be signed by the on-call city judge.

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County magistrates cannot sign our hard copy warrants as they are assigned to the municipal court.

Officers utilizing the county magistrate for warrant signing must do so between 0900 and 1600 hours Monday-Friday only.

Once warrants are signed, the investigator should take the warrant to NCIC/OPS for entry into NCIC.

### **Warrant Service**

Officers serving warrants will obtain the warrant folder from NCIC/OPS. If the warrant is for municipal court, NCIC/OPS will prepare the municipal court package. If the warrant is for a General Sessions charge, the serving officer will prepare the GS package, have it approved by a supervisor, and then resubmit it to NCIC/OPS to be forwarded to the Bond Run Unit.

### 36.9 COURTESY CRIME REPORTS

When a crime has occurred in the City of Charleston that exhibits a pattern of circumstances believed to be associated with a crime in another jurisdiction, investigators are encouraged to submit copies of Charleston crime reports to law enforcement officers of the appropriate jurisdictions.

### 36.10 COLD CASE (CALEA 42.2.9)

The Cold Case Unit will consist of members from the Violent Crime, Robbery, and Assault Units who are required to revisit each cold case on a quarterly basis starting with the anniversary date on which the case was administratively closed. The investigator assigned to the case will be responsible for determining the criteria for re-opening a case for further investigation and submit a supplemental report to their command of the findings. This may be as a result of additional information or evidence that comes to light or other factors. All quarterly supplemental reports will become a permanent part of the original case file and will be stored in the records management system as required.

A Cold Case will be defined as any active investigation which has failed to produce positive leads or probable cause to effect an arrest for a period of one year. Upon evaluation and at the discretion of the Officer-in-Charge of Investigations, these cases may remain active, be administratively closed, or placed in a cold case status. For the purpose of this policy, these investigations will be limited to homicides, criminal sexual assaults and any other specific investigations determined by the Chief of Police or the Investigations Bureau Commander.

### 36.11 EXCULPATORY EVIDENCE (CALEA 42.1.6)

**Exculpatory Evidence** is evidence that is favorable to the accused; is material to the guilt, innocence, or punishment of the accused; and/or may impact the credibility of a government witness, including a law enforcement officer or other agency employee. Impeachment material is included in the disclosure requirements.

- A. The supervisor responsible for the arrest package and/or the administrative sergeant is/are responsible for the review of case information to ensure exculpatory evidence has been included prior to submission to prosecuting authorities.
- B. The Captain of the Professional Standards Division is responsible for the internal review and reporting of employee conduct that may be subject to disclosure in a criminal case.
- C. CPD must document notification to prosecuting authorities upon discovery of exculpatory evidence.
  - If an officer discovers, or is made aware of, any exculpatory evidence, the officer will immediately notify their supervisor. The officer and their chain of command will evaluate the evidence to determine the appropriate course of action.
  - 1. In cases where an arrest has been freshly made and the defendant has not had a bond hearing, the arresting officer must expeditiously notify their chain of command. The officer and their chain of

command will evaluate the totality of the evidence to determine if probable cause still exists. If probable cause no longer exists, the officer will take expeditious steps to dismiss charges and release the defendant from custody.

2. In cases where the defendant has had a bond hearing, which would prompt the case to be assigned to the Solicitor's Office, the investigating officer and their supervisor must consult with the Solicitor's Office immediately. The Solicitor's Office will evaluate the weight of the exculpatory evidence to determine the appropriate course of action.
3. In cases where the exculpatory evidence surfaces after a defendant's conviction, the officer(s) will disclose the exculpatory evidence to the Solicitor's Office in compliance with State law and the Rules of Criminal Procedure.

- D. The Captain of the Professional Standards Division will ensure post-conviction investigations involving claims of omitted exculpatory evidence are referred to the proper investigative unit, such as the Office of Internal Affairs and/or the State Law Enforcement Division. Any employee(s) responsible for the original investigation will not conduct this secondary review.
- E. CPD will document post-conviction investigation actions or activities related to claims of omitted exculpatory evidence. In all cases where exculpatory evidence is discovered, the officer must document all aspects of the exculpatory evidence to include the evidence itself, when the information was received, who received it, and when it was provided to authorities, to include the Solicitor's Office.