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BY THE AUTHORITY OF THE CHIEF OF POLICE: 			

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38.1 PURPOSE

The purpose of this order is to establish a framework for employees assigned to Central Investigations for a clear understanding of designated roles and responsibilities.

38.2 POLICY

The investigations of major crimes and other serious incidents are a concern to the public and members of the police department. The complexity of certain crimes, as well as the time required to successfully investigate these offenses, make it impractical for the Patrol Division to conduct all follow up investigations. For this reason, Central Investigations (Central) has been established to conduct the follow up investigations of selected criminal offenses. Central is divided into two teams – Persons and Property, primarily based on the types of crimes being investigated. While this general order is specified for Central Investigations, all officers will adhere to General Order 36 (Investigations) for procedures and regulations when conducting criminal investigations.

38.3 ORGANIZATION AND ADMINISTRATION

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Central is a combination of two sections (Crime Against Persons and Crimes Against Property) within the Department that reports to the Investigations, Data, and Intelligence Division (IDID) Commander at the rank of Captain. Each Team in Central is led by a commander at the rank of Lieutenant.

The following criminal offenses will be investigated by Central: homicide, sexual assault, armed and strong-armed robberies, aggravated assault, child abuse, burglary, forgery, felonious embezzlement or fraud, auto theft, domestic violence, vulnerable adult abuse, missing persons, large-scale threats to schools and faith institutions, and such other investigations as may be directed by competent authority. Investigative resources will be allocated on the basis of need. The offense categories specified are not all-inclusive and may be expanded or altered based on operational circumstances. Team investigators will be responsible for initiating all follow-up investigations for cases that are not assigned to Central or Special Investigations (GO 39). (The Traffic Team is responsible for traffic related follow-up investigations.)

### 38.4 OFFICER ASSIGNMENT TO CENTRAL INVESTIGATIONS

Assignment to Central is considered a specialized assignment and will follow General Order 9.7. It is preferred that those assigned to Central have previously taken a basic detective course hosted by CPD, SCCJA, or similar. Officers assigned to Central without this training should attend the training within the first year of assignment. It is the responsibility of the Central Commander to ensure this course is completed and reported to Professional Development and Training for proper record keeping.

As with other specialized positions, assignment to Central is not a promotion. Officers transferred to Central retain the same rank and pay grade as they previously held.

### 38.5 DUTY DETECTIVES AND ON-CALL ASSIGNMENTS (CALEA 42.1.1)

Members of Central will be available on a continuous basis for response to major crimes. Generally, this is covered by the rotation of duty detectives, which are staffed across several shifts from 0800-0700 hours, daily including weekends and holidays. During time periods when investigators are not scheduled for duty, provisions will be made for a detective to be available for response. If a detective cannot be contacted for any reason, a Central Investigations Commander or the IDID Division Commander will be contacted.

### 38.6 INVESTIGATIVE RESPONSIBILITIES & OPERATIONS (CALEA 42.1.4)

Follow-up investigations will be conducted on all cases assigned to the Central Investigations Division. Immediate supervisors of each unit will assess the solvability of each case in order to more effectively distribute caseload. It will be the policy of Central Investigations to assign one (1) lead investigator to a case (referred to as the case agent). This practice ensures strict accountability for the conduct of investigations. Additional officers may be assigned to a case for the purpose of assisting the lead case investigator; however, the case agent retains full responsibility for the conduct of the investigation.

### 38.7 ASSISTING OTHER DIVISION INVESTIGATIONS (CALEA 12.1.4; 42.2.4)

Officers assigned to Central are charged with assisting their counterparts in the Patrol and Special Operational Divisions whenever possible. A representative from Central will attend centralized roll calls and, as needed, team roll calls to exchange information, update patrol officers on investigative matters, and encourage the communication of timely information. Communication between detectives and investigators is critical in accomplishing the organization's mission.

### 38.8 ASSISTING VICTIMS OF IDENTITY CRIME

With the growing concern over increasing numbers of identity theft crimes being reported to the Charleston Police Department, it is necessary to have a written directive concerning guidelines for identity crimes:

1. The taking of a crime report;
2. Completing Identity Theft File report;

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3. Providing information and assistance to identity crime victims;
4. Coordination of investigations with other agencies; and
5. Provide public information on prevention of identity crimes.

Once an identity theft complaint is made, the police officer responding to the call will complete an incident report which will include all pertinent information and the written consent of the victim to enter his/her information into NCIC. The information from the incident report along with the written consent form will be used by the agency to create a victim's profile that is entered into the NCIC Identity Theft File.

The officer will provide the victim with the necessary information so they may inform any of the consumer credit reporting companies and the Federal Trade Commission so that a fraud alert can be placed on their credit report.

The Department will actively coordinate and share information with federal, state, and local agencies so that they may ensure the victim is protected. Additionally, the Economic Crime Unit will speak to community organization groups and the media so that the department may raise awareness to help fight identity crime.

### 36.9 COLD CASE (CALEA 42.2.7)

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 deemed appropriate by the Chief of Police or the Support Services Bureau Commander.

### 38.10 BI-ANNUAL INVESTIGATIVE COORDINATION MEETING (CALEA 12.1.4)

To ensure that investigations are being conducted in the manner desired by the Ninth Circuit Solicitors Office and within the abilities of the concerned Forensic Laboratory, a semi-annual meeting will be held with the solicitor, or designee, a command officer of the Crime Scene Investigations Unit, Investigations, Data, and Intelligence Division and head of the Forensic Laboratory. Participation from the Circuit Court Judge will also be encouraged and solicited. Additionally, the agency's legal representative will be briefed on any case requiring interpretation of legal issues.

This meeting is designed to enable all concerned to coordinate their efforts for the successful prosecution of cases that are being investigated by the Charleston Police Department.

### 38.11 DISTRIBUTION OF MONETARY FUNDS

The Persons Team and Special Investigations Unit Commanders will maintain separate funds and are responsible for the distribution and safekeeping of the funds appropriated to CID for the purchase of information or other investigative resources. The Investigations, Data, and Intelligence Division Commander will have the final authority to approve/disapprove requests for these funds. Given the nature of law enforcement, establishing rigid criteria for obtaining funds is deemed unrealistic. The primary consideration when assessing a request to expend funds for information will be value received.

The Persons Team and Special Investigations Unit Commanders will maintain an informant's payment log consistent with the Department's informant policy as listed in the Core Law Enforcement Operations policy.

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### 38.12 TASK FORCE CREATION & ORGANIZATION (CALEA 42.2.4)

Circumstances may arise that necessitate the organization of an investigative task force to address a specific problem. Significant increases in the occurrence of violent crime, burglary, suspected serial crimes, or organized crime activities are examples of potential problems that may require the formation of a task force. The authority to organize a task force rests with the Chief of Police. When the Chief of Police orders the organization of a task force, the following steps will be taken during the implementation:

1. The task force will be given a specific objective;
2. A commander at the rank of Lieutenant or higher will be appointed Task Force Commander and be delegated authority commensurate with responsibility;
3. The Task Force Commander will be directly responsible for the operation of the Task Force. Unless otherwise directed, the Task Force Commander will report directly to the Chief of Police;
4. The Task Force will be provided with the human and material resources necessary to accomplish its mission;
5. The Chief of Police and Task Force Commander will continuously assess the performance of the Task Force;
6. Officers assigned to the Task Force will be documented in writing via Personnel Order or written directive. In the case of multi-agency Task Force, the head of the outside agency will provide the assigned personnel in writing to the Chief of Police, who in turn will add the personnel to the Task Force.
7. To ensure officer safety, there will be regular briefings of the case and updates will be provided to the affected agencies at the discretion of the Task Force Commander.
8. The Task Force will be dissolved upon obtaining its objective or at the direction of the Chief of Police.

### 38.13 INTERNET CRIMES AGAINST CHILDREN (ICAC)

The Charleston Police Department will adhere to strict guidelines with respect to investigations of computer related child exploitation. The standards adopted pursuant to this policy mirror those of the ICAC Task Forces and ensure compliance with those protocols accepted by the Federal Bureau of Investigations (FBI), U.S. Customs (ICE), and the U.S. Postal Inspectors' Office (USPIO). The CPD ICAC Task Force shall be operated under, and managed by the Crimes Against Persons Unit Commander. The ICAC Task Force Detective will report to the supervisor of the Special Victims Unit (SVU).

#### **Workspace and Equipment**

1. Workspace and Equipment- ICAC computers and software shall be reserved for the exclusive use of agency designated ICAC personnel. When possible, undercover computers, software, and online accounts shall be purchased covertly. No personally owned computers shall be used in ICAC investigations, and all software shall be properly acquired and licensed.
2. The undercover Internet connection(s) utilized by the ICAC Task Force shall have no association to the Charleston Police Department and shall be billed to covert names and addresses.
3. The undercover internet connection(s) and computers shall not be accessible to anyone other than ICAC Task Force Detectives without the express written approval of the Chief of Police or Deputy Chief of Investigations.
4. Absent exigent or unforeseen circumstances, all ICAC online investigations shall be conducted in workspace designated by the Charleston Police Department.

#### **Case Assignment and Prioritization**

1. Cases may be initiated by referrals from the Cyber-Tipline, Internet service providers, or other law enforcement agencies, and by information gathered through subject interviews, documented public sources, direct observations of suspicious behavior, public complaints, or by any other source acceptable under department policies.

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2. The Special Victims Unit supervisor shall be responsible for determining investigative priorities and selecting cases for investigations. Assuming the information is deemed credible, the determination should begin with an assessment of victim risk followed by consideration of other factors such as jurisdiction and known offender behavioral characteristics. The following prioritization scale was established by the ICAC Task Force and will apply to the assignment of cases within the Charleston Police Department.
  - a. A child is at immediate risk of victimization;
  - b. A child is vulnerable to victimization by a known offender;
  - c. Known suspect is aggressively soliciting a child(ren);
  - d. Traders of images that appear to be home photography with domiciled children;
  - e. Aggressive, high volume child pornography traders who either are commercial distributors, repeat offenders, or specialized in sadistic images;
  - f. Traders and solicitors involved in high-volume trafficking or who belong to an organized child pornography ring that operates as a criminal conspiracy;
  - g. Traders in previously known images;
  - h. Traders in digitally altered images.

### **Recordkeeping**

The ICAC unit shall be subject to CPD department incident reporting procedures. Investigators will obtain a case number at the outset of each case and fully document their activities through the completion of initial and supplemental report. Reports will be completed and reviewed by a supervisor in a timely fashion. Closed reports will indicate the manner in which a case has been resolved and case file completed and submitted. No images of child pornography or child erotica are to be uploaded to RMS.

### **Undercover Investigations**

1. Carefully managed undercover operations conducted by well-trained officers are among the most effective techniques available to law enforcement for addressing ICAC offenses. Undercover operations, when executed and documented properly, collect virtually unassailable evidence regarding a suspect's predilection to sexually exploit children. However, these investigations can trigger serious legal and ethical considerations due to concern that inappropriate government conduct may induce an otherwise innocent citizen into committing a crime.
2. All undercover investigations shall be conducted in a manner consistent with the principles of due process. ICAC Detectives shall avoid unlawful inducement of any individual not otherwise disposed to committing the offenses being investigated, and will not engage in conduct that is shocking or offensive to notions of fundamental fairness as described in applicable case-law. See, for example, *Jacobson v U.S.*, 503 U.S. 540 (1992); *U.S. v. Archer*, 486 F.2<sup>nd</sup> (2<sup>nd</sup> Cir. 1973).
3. ICAC Detectives should always be aware that their actions, in addition to those of the offender, may be at issue in deciding if charges are brought, whether referrals to other law enforcement agencies are acted upon, and as a factor in determining the guilt or innocence of the offender at trial. Therefore, it is critical that the ICAC Detectives work closely with state or federal prosecutors when investigation ICAC offenses.
4. The following standards apply to all undercover investigations:
  - a. Only sworn, on-duty investigative personnel shall conduct ICAC investigations in an undercover capacity. Private citizens shall not be asked to seek out investigative targets nor shall they be authorized to act as police agents in an online undercover capacity.

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- b. Any personnel conducting ICAC investigations will receive formalized and documented training prior to participating in any investigation. The training documents will be reviewed and approved by the Crimes Against Persons Commander prior to any officer working an undercover ICAC case.
- c. Personnel conducting ICAC investigations who are not assigned to Special Victims Unit will have to obtain permission from their Division commander via the Crimes Against Persons commander.
- d. Prior to using non-investigative personnel in ICAC cases, the detective making the request will prepare a written request for review by the Crimes Against Persons Commander. This memorandum will include: the need for the non-investigative personnel, the name and duty assignment of the officer being requested, length of assignment, and the parameters of the assignment. The Crimes Against Persons Commander will review the request before any non-investigative personnel is utilized and forward the request to the appropriate Division commander for approval.
- e. Employees shall not, under any circumstances, upload, transmit, or forward pornographic or sexually explicit images.
- f. Other than photographs of law enforcement officers who have provided their informed written consent, no human images shall be uploaded, transmitted, or forwarded by ICAC Task Force personnel.
- g. During online dialogue, undercover officers shall allow the investigative target to set the tone, pace, and subject matter of the initial online conversation. Image uploading shall be initiated by the target.