Greer Police Department

General Order 530.1
Criminal Investigations

This order consists of the following numbered sections:

I. ORGANIZATION AND ADMINISTRATION
II. PRELIMINARY INVESTIGATIONS
III. FOLLOW-UP INVESTIGATIONS
IV. SOLVABILITY FACTORS
V. CRIMINAL INVESTIGATION DIVISION RESPONSIBILITIES
VI. CONSTITUTIONAL RIGHTS
VII. INVESTIGATION PROCESSES
VII. PROJECT SAFE NEIGHBORHOODS

By Order of: *Matt Hamby*
Chief of Police

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I. ORGANIZATION AND ADMINISTRATION

A. The investigation of criminal offenses is an integral part of each officer's duties and is essential to the accomplishment of the police mission. All officers of the Police Department shall participate in the criminal investigation function, whether assigned as an investigator or to other duties.

B. The Police Department shall have a Criminal Investigation Division (CID) which performs or oversees the following:

1. Follow-up investigations of crimes or suspected criminal activity reported to the police. Investigators may perform or assist patrol in performing preliminary investigations.

2. Initial and follow-up interviews with victims, suspects and witnesses.

3. Collection, preservation, processing, analysis and evaluation of evidence and recovery of stolen property.

4. Identification, apprehension and prosecution of criminal offenders.

5. Preparation of cases for court presentation.

6. Clearance of criminal cases and maintenance of investigative records systems.

C. The Criminal Investigation Division shall consist of a Division Commander (Lieutenant), one Sergeant, general assignment investigators, narcotics investigators (assigned to DEU), Project Safe Neighborhoods Investigator, Victim Advocate, and any other officers who may be temporarily assigned. Officers assigned to the Criminal Investigation Division shall be selected on the basis of skills, ability, knowledge expertise in interviewing, analytical thinking ability and other traits necessary to carry out the responsibilities of the positions as outlined in this procedure.

1. Officers assigned to CID shall be considered a Uniform Patrol Officer II.

2. Officers assigned to CID may be re-assigned at any time at the pleasure of the Chief of Police. Officers assigned to CID may be assigned to work in uniform, business attire, or casual clothing as designated by the Division Commander, Captain or Chief of Police.

3. Cases requiring specialized skill, knowledge and ability shall be assigned to personnel having the requisite credentials. In addition, this order does not preclude the investigator assigned to a case from obtaining assistance from others--perhaps those having more specialized skills-- but is intended to emphasize using the best qualified person available for the assignment.

4. Criminal Investigation personnel will periodically attend Patrol Division roll calls to exchange information and enhance the working relationship between the two entities. CID will also participate in the sharing investigative and intelligence material through ZOHO and other means.

5. CID will at all times have a Detective on call for emergencies which may occur during non-business hours and which may require the presence of an investigator. A schedule of on-call personnel will be provided to Communications and Patrol.

II. PRELIMINARY INVESTIGATIONS

Preliminary investigations of all types shall be the responsibility of the patrol officer dispatched to the scene.

A. The preliminary investigation begins immediately upon the arrival of the officer at the scene of an incident or upon taking a report and continues until such time as a postponement of the investigation or transfer of responsibility will not jeopardize the successful completion of the investigation. One of the main goals of the preliminary investigation is to identify a lead or clue as to the identity of the offender. The officer charged with the preliminary investigation should attempt to discover any of the solvability factors presented in Section IV of this General Order and any other pertinent information by following the steps listed below in conducting preliminary investigations.

1. Provide aid to the injured.

2. Observe all conditions, events and remarks and maintain the crime scene to ensure that evidence is protected and not lost or contaminated.

3. Determine if an offense has actually been committed and, if so, the exact nature of the offense.

4. Determine the identity of the suspect(s) and affect an arrest if it can be accomplished either at the scene or through immediate pursuit.

5. Furnish other field units, through the communications system, with descriptions, method and direction of flight and other relevant information concerning wanted persons or vehicles.

6. Locate and obtain complete identification of witnesses.

7. Interview the complainant, victims and all witnesses to determine what information is known and obtain written statements from each for later review.

8. Collect evidence at the scene or arrange for the collection of evidence.

9. Determine in detail the exact circumstances of the offense.

10. Advise the suspect of his constitutional rights when appropriate, interrogate the suspect, and attempt to obtain either a written or verbal statement if such statements can be legally obtained.

11. Accurately record all relevant information on prescribed Department report forms.

12. Prepare case files for General Sessions. Two copies will be forwarded to the

Administrative Clerk in C.I.D. One copy will be sent to the solicitor and one will be maintained by C.I.D. for additional copying and reference.

III. FOLLOW-UP INVESTIGATIONS

A. All criminal cases reported to the Police Department will be subject to follow-up investigation. The extent of the follow-up will be determined by the facts and circumstances surrounding the offense. Victims/complainants in criminal cases may receive a second contact depending upon the nature of the incident and the solvability factors present. These circumstances will be communicated to the victim/complainant during the initial investigation. The follow-up may range from a second contact to the victim by the initial reporting officer to an exhaustive, detailed investigation by CID. The Shift Sergeant will review, approve and sign all incident reports and determine which cases should be followed up by the initial officer and which should be sent to CID. In the absence of the Sergeant, the Corporal may review, approve and sign the shift officer's reports and determine assignment of follow up. The CID Commander will review all incident reports and has the authority to reassign the follow up investigation as necessary.

B. The purpose of the follow-up investigation is to discover additional information in order to clear a case, identify and arrest an offender, recover stolen property, gather additional evidence, and present such evidence in court prosecution. The following measures will be used as a standard in conducting all follow-up investigations and will be on the supplemental investigative report.

1. Reviewing and analyzing all previous reports prepared in the preliminary stage.

2. Conducting additional inquiries, interviews and interrogations. Interviews and inquiries should include, but not be limited to, the neighborhood surrounding the location where the offense occurred.

3. Reviewing Departmental reports, to include reviewing cases of a similar nature or committed at the same location.

4. Seeking additional information from uniformed officers, informants, etc.

5. Reviewing results from laboratory examinations.

6. Arranging for dissemination of information as appropriate.

7. Planning, organizing and conducting searches.

8. Preparing cases for court presentation.

9. Assisting in prosecution.

10. Identifying and apprehending suspects.

11. Collecting physical evidence, maintaining the chain of custody and arranging for examination of that evidence by forensic experts.

12. Determining involvement of suspects in other crimes of a similar nature.

13. Checking the suspect's criminal histories at the local, state and national levels.

IV. SOLVABILITY FACTORS

A. A solvability factor is information about a crime which can provide the basis for determining who committed that crime. Research has shown that when a preliminary investigation or second contact failed to disclose one or more of these solvability factors, the case will have very little chance of being solved. The following are solvability factors which will be used by this Department to determine how to proceed with a given case.

1. The suspect can be named.

2. The suspect can be identified.

3. The address of the suspect is known.

4. There is likelihood that the suspect can be located.

5. The vehicle license plate number used in the crime is known.

6. There is likelihood that the vehicle used in the offense can be identified or located.

7. There was traceable property taken in the offense.

8. There exist identifiable latent fingerprints.

9. A significant modus operandi could be developed, or a distinctive pattern of similar crimes exists in the same general location or during the same time period.

10. It is reasonably suspected there was limited opportunity to commit the crime.

11. There is reason to believe that the crime may arouse such public interest that public assistance may lead to the solution of the crime.

12. There are reasons to believe that further investigative effort will lead to the solving of the crime.

B. The objective for using solvability factors is to ensure that available resources are committed to the investigation of those offenses which have the best opportunity for success. When circumstances dictate, solvability factors may be used as a guide to the amount of resources to be committed to a given investigation. This assessment will be conducted by the CID Commander as he reviews all reports submitted.

1. Assignment of cases for investigation beyond a second contact will be based on:

   a. The seriousness of the offense.

   b. The solvability factors present.

   c. The investigative workload.

2. The investigative effort will continue as long as it is reasonable to do so based on the aforementioned. If none of the solvability factors are present, the investigation may be administratively closed.

3. An administrative designation of **open**, **closed** or **administratively closed** shall be assigned to each case, as appropriate, to assist in case management and control.

   a. **Open** is assigned to all criminal cases not otherwise cleared by the reporting officer and indicates investigative efforts are active and on-going.

   b. **Closed** is assigned to all cases which have been solved in one of the following ways:

      (1) The case is **cleared by arrest** when an offender is arrested, charged with a pertinent offense, and measures have been taken to recover all property for which the location is known.

      (2) The case is **unfounded** whenever the investigation shows that an offense did not occur and there are sufficient reasonable grounds to support this premise.

      (3) The case is **exceptionally cleared** when, due to exigent circumstances beyond the investigator's control, the identity of the perpetrator is known and prosecution is not possible. In order to qualify for this clearance, it must meet UCR guidelines.

   c. The case is **administratively closed** at that point when it appears as if all investigative leads have been exhausted and there is little or no chance of solving the case.

   d. Administratively closed cases may be reopened whenever new evidence or leads develop.

V. CRIMINAL INVESTIGATION DIVISION RESPONSIBILITIES

A. Investigators shall be responsible for conducting the follow-up investigation of felony offenses, more serious misdemeanors, and others as deemed necessary. The investigation should be follow-up in nature and not merely a repetition of the activities of the originating officer.

B. Certain offenses are of a sufficiently complicated nature or contain a degree of immediacy to warrant the assignment of investigators to immediately begin a follow-up investigation.

C. Criminal investigators shall be immediately notified of and shall respond to:

1. Homicides.
2. Attempted Murder (formerly ABWIK).
3. All aggravated assaults where the victim is hospitalized.
4. All aggravated assaults by firearm resulting in injury.
5. Criminal Sexual Conduct and attempts.
6. Firearm discharge by police officer (until relieved by SLED).
7. Missing persons where foul play is suspected.
8. All accidental or undetermined deaths (non-traffic).
9. Successful suicides.
10. Suicide attempts in the Greer Jail.
11. All armed robberies with injuries.

12. Home Invasion.
13. Bank Robbery.
14. Bombings/Bomb Threats.
15. Arson.
16. Child Abuse.
17. Kidnapping

D. Criminal Investigators shall immediately be notified of and may respond, depending on the circumstances, to

1. Assault and Battery by a Mob (formerly lynching).
2. Lewd Act.
3. Other Armed Robberies.
4. Missing juveniles under the age of 13.
5. Carjacking.
6. Burglaries with a total value stolen over $1000.00.
7. Burglaries of city owned property.
8. Safe cracking.
9. Racial, ethical, or religious crimes.
10. Fugitive from Justice.

E. When an arrest is made on any CID warrant, notify the affiant or the on call investigator prior to transport or bond hearing. (Warrant tracking sheet)

F. In offenses other than those listed above, investigative personnel need not be immediately notified unless requested by the patrol shift supervisor after conferring with the CID Commander.

G. Upon the arrival of investigators, the patrol officer shall relinquish responsibility for the investigation unless otherwise instructed by the CID Commander.

H. Cases assigned to patrol officers for follow-up investigation must follow case management guidelines established in CID.

VI. CONSTITUTIONAL RIGHTS

A. It shall be the duty of every officer to ensure that all Constitutional requirements are met during arrests, criminal and field investigations. In particular, all officers are to be aware of Constitutional safeguards in the areas of:

1. Coercion or involuntary nature of confessions and admissions.

2. Delay in arraignment.

3. Failure to inform defendants of their rights.

4. Deprivation of counsel or access to counsel.

5. Pretrial publicity tending to prejudice a fair trial.

B. Officers will not coerce or obtain involuntary confessions from persons suspected of a crime.

C. Interrogation may be defined as “Questioning by law enforcement officer” (Miranda v. Arizona). Prior to interrogating a suspect, whenever he is in custody or otherwise deprived of his freedom, an officer must first advise the suspect of his/her Miranda rights. The definition of a custodial interrogation can be a confusing concept. The test for custody is whether there was a formal arrest or restraint on freedom of movement of the degree associated with a formal arrest. Whenever there is doubt about a custodial interrogation, the suspect should be advised of his 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. 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**.** Interrogation After Assertion of Rights

1. If the accused refuses to waive his rights, or initially waives his rights but later reconsiders and invokes his rights to remain silent of right to counsel, the interview must stop immediately.

2. If an accused invokes his right to remain silent, the interview must end and cannot be reinitiated unless at the request of the accused. The accused should then be provided Miranda and the waiver once again.

3. If an accused invokes his right to counsel during the first attempt to interview him, a second interview should not be attempted unless at the request of the accused. The right to counsel is not a one-time right to counsel, but it is a continuing right to have counsel present at the interview. Therefore, the accused is presumed to have invoked his right to counsel for all subsequent attempts to interview him.

F. Right to Counsel

1. The Supreme Court has held that confessions and admissions elicited from a suspect, after the right to counsel has attached, must be suppressed if the incriminating statements were elicited without proper waiver by the suspect of his right to counsel. The Sixth Amendment right to counsel is different from the request for a lawyer following a Miranda advisement. It exists independently of the voluntariness and Miranda standards and serves a different purpose. In deciding whether to suppress incriminating statements under the Sixth Amendment, the court considers:

   a. whether the right to counsel has attached at the time of the statement; and

   b. whether the suspect has made an effective waiver of the right if it is attached.

2. The Sixth Amendment right attaches at the commencement of formal adversary proceeding against the accused. The critical stages include indictment, information, or initial appearance to answer a criminal charge.

G. Exculpatory Evidence

1. Any officer becoming aware of evidence that suggests a suspects innocence, pre or post-conviction, shall bring it to the attention of his immediate supervisor without delay. The Criminal Investigations Commander shall also be made aware without delay. The CID Commander will then notify the assigned Solicitor's Office or City Attorney without delay.

2. Post-conviction investigations involving claims of omitted exculpatory evidence must be thoroughly documented to include details related to when information was received, who received it, and if or when it was provided to the appropriate prosecuting authority.

3. Claims of omission of exculpatory evidence that are the result of the initial investigation will be referred to SLED for potential investigation.

VII. INVESTIGATION PROCESSES

A. Investigative Records and Case File Management

1. All reports assigned for follow-up investigation will be logged in the Case Assignment Log maintained by the CID Commander. The log will contain the name of the assigned investigator, case number, date assigned, and review date.

2. All Part I offenses will be logged in the Case Assignment Log as a ready reference for the Division Commander.

3. An alphabetical card file will be maintained on all offenses.

4. Active case files will be maintained by the assigned investigator and will be reviewed by the Division Commander weekly to determine whether to continue or suspend the investigation.

5. When the case is closed or suspended, a copy of the case file will be filed in CID and all original documents will be provided to the Records Section for filing.

6. Investigative case files will be accessible to all members of the Police Department unless there is material therein of a sensitive or highly confidential nature.

7. The CID Commander will submit a monthly report of all investigative activity to the Chief of Police.

8. Suspended case files for the current and previous years will be maintained in CID. All older files shall be placed in City Archives.

B. On occasion, it may become necessary or desirable to use a polygraph or other detection of deception method to aid in a criminal investigation. This should be a rare, rather than a common occurrence. When the use of technical aids is desirable, the following guidelines shall be followed:

1. Any examination of an individual must be completely voluntary on the part of that individual.

2. The primary goal of the examination should be to establish innocence rather than to substantiate guilt. The results of the examination will not be used as evidence of either guilt or innocence in court unless it is agreed to by both the solicitor and the defense counsel.

3. Any examination for detection of deception by technical aid must be approved by the CID Commander or Operations Captain.

4. Officers shall be advised that the results of any such examination are an aid only. Any information disclosed must be substantiated by other investigation.

5. The Police Department will only utilize examiners who have graduated from institutions providing training for this purpose and are SLED licensed polygraph examiners.

C. Conducting Background Investigations

The Greer Police Department will limit background investigations to investigations of individuals involved in specific criminal activities; to investigations required by law and to potential employees of the Police Department.

1. Criminal investigations frequently involve background checks, particularly as they relate to white collar crime, organized crime and vice activities. The Greer Police Department will only conduct background investigations of persons in these criminal areas in conjunction with an on-going investigation.

2. Various sources are available in conducting background investigations. Potential sources include:

   a. Financial institutions.

   b. Business associates.

   c. Former employers or employees.

   d. Informants.

   e. Utility companies.

   f. Public records.

   g. Intelligence reports.

   h. Criminal history.

   i. Other law enforcement agencies.

   j. Pawn shops.

3. All information used in a background investigation will be utilized only for legal purposes.

4. All records concerning criminal background investigations will be made part of the investigators case file and filed in CID. It is the policy of this Department that no part of an investigative case file is purged.

D. Information Development

1. The purpose of gathering information in a criminal investigation is to identify, locate, apprehend and prosecute the perpetrator.

3. Information development is crucial to the criminal investigative process and may be developed from an unlimited number of sources. These sources include:

a. Reviewing, consolidating and analyzing the reports of the officer who conducted the preliminary investigation. Obtaining reports of any evidence that may have been collected before assignment of the case to CID and arranging to get lab results on items already submitted to the lab.

b. Checking Department records and modus operandi file.

c. Checking precious metals listings, pawn shops and other places where stolen property may be sold.

d. Seeking information from known criminals, associates, acquaintances and others who may know the suspect.

e. Investigating the activities of persons who, by reason of their past criminal behavior, may be considered as suspects.

f. Planning an organized police action such as a door-to-door canvass or an extended search aimed at discovering additional physical evidence or witnesses.

3. All information collected will be gathered legally and in compliance with the policies and procedures contained within this manual.

E. Interviews and Interrogations

In addition to collecting physical evidence, one of the most effective ways to identify and locate suspects, gather testimonial evidence and discover other investigative leads is by conducting effective interviews and interrogations. Although there are many techniques available to assist in interviewing suspects, victims and witnesses, the following guidelines may be utilized in most interviews:

1. Conduct interviews and interrogations as soon as possible after the commission of an offense so that evidence or details of the offense are not lost through the witness forgetting vital details.

2. Control the setting as much as possible. Interviews and interrogations should be held in private, quiet locations free from outside distractions. Interviews held in the suspect's home or work places are rarely productive.

3. Record information from the interview as soon as possible after the interview.

4. Be prepared with as much information about the offense as you can gather prior to beginning the interview or interrogation.

5. Develop, through experience and training, techniques to structure your interview to address areas of the offense where information may prove most useful. Interviews and interrogations will be conducted in accordance with guidelines set forth in this procedure to protect the Constitutional rights of all suspects. Interviews may be conducted with victims, witnesses and any other persons who may have knowledge about a certain aspect of a criminal offense. Interrogations may be used for suspects and those persons who are directly involved in a criminal investigation. Whether or not the term interview or interrogation is used, the same degree of courtesy and politeness will be used in dealing with individuals who are questioned by Greer Police Department personnel.

F. Interview Room and Office Interview and Interrogation Guidelines:

1. Investigators and/or patrol officers are responsible for the welfare and supervision of the arrestee/detainee. Interview rooms are available for investigators as well as patrol officers.

2. No firearms are allowed in the interview rooms.

3. Arrestee/detainees in the interview rooms are to be afforded water and restroom breaks as necessary.

4. Male, female, and juvenile arrestee/detainees are to be placed in separate interview rooms.

5. No arrestee/detainees are to be left in interview rooms unsupervised. If the investigating officer needs to leave the area another officer must stand by with the arrestee/detainee.

6. All officers are to be familiar with the locations of fire extinguishers and building exits in the event of fire.

7. Radio or cell phone communications while in the interview room is required.

8. The use of video/audio equipment is strongly recommended when interviewing witnesses and interrogating suspects. All interview rooms are audio and video equipped.

9. Only appropriate personnel will have access to the recording devises associated with the interview rooms.

10. Interview rooms are to include only a minimum amount of furniture necessary for conducting the interviews; for example, two chairs and one desk.

11. No more than two officers allowed in the interview room unless approved by a supervisor.

12. Arrestee/detainees are to be thoroughly searched before they are placed into interview rooms.

13. Interview rooms are to be inspected for weapons and contraband before and after interviews.

G. Collection, Preservation and Use of Physical Evidence

Except where there is a need to render aid to the injured or to arrest a suspect, the actual crime scene should not be disturbed until an examination has been made of the scene. Thus, caution must be exercised to prevent disturbing or destroying any of the evidence. All unauthorized persons, including police officers not involved in the investigation, must be barred from the scene until the evidence is located, identified and preserved for later use in prosecution of the offender. Items of physical evidence which are, or may be, of value in court prosecution must be properly collected and preserved until they can be analyzed.

Physical evidence may be searched for, collected and preserved when investigating any crime scene in compliance with General Order 930. Criminal investigators will be mindful of physical evidence which may be collected from a crime scene and ensure that it is used in the development of the case.

H. Surveillance

Surveillance is the covert but lawful observation of places, persons and vehicles for the purpose of obtaining information concerning the identities or activities of a subject. In general, the purpose of surveillance is to:

1. Detect criminal activities.

2. Discover the identity of persons who frequent an establishment and determine their relationship.

3. To discern the habits of a person who lives in or frequents the location.

4. To obtain evidence of a crime or to prevent the commission of a crime.

5. To provide the basis for obtaining a search warrant.

Surveillance may be used in the investigation of any crime when it is necessary to observe suspects or conditions in an unobtrusive manner. Surveillance may create additional information involving an investigation, gather additional intelligence information or observe new crimes being committed. All such information will be properly documented.

I. Investigative Task Forces

If the Greer Police Department participates in any investigative task forces, the agreement will be considered a directive of this Department and will contain, at a minimum, the following elements:

1. A statement of purpose of the task force.

2. Will define the authority and responsibilities of the various elements of the task force.

3. Will establish accountability for the actions of the members of the task force.

4. Will identify resources available to the task force.

5. Will define the methodology of evaluating results and continuing the task force.

J. Investigative Checklists

A properly completed offense report serves as an adequate checklist for most investigations. More complicated investigations, however, require additional efforts and checklists to ensure that critical areas of investigations are not overlooked. The following checklists shall be utilized as appropriate and shall become part of the investigative case file:

1. Homicide Checklist and Investigative Summary

2. General Investigative Checklist

4. Search Warrant/Raid Checklist

VIII. Project Safe Neighborhoods

A. Project Safe Neighborhoods (PSN) is a nationwide initiative that coordinates federal, state, and local law enforcement, prosecutors, community leaders and other stakeholders in order to identify the most pressing violent crime problems in a community and then develop comprehensive solutions to those problems.

PSN incorporates four key design elements into violent crime reduction initiatives: community engagement, prevention and intervention, focused and strategic enforcement, and accountability. PSN incorporates research and data analysis to inform its decision making on the most effective violence reduction strategies.

One part of the research and data analysis of the PSN process is the identification known chronic, serious, and violent offenders. In order to identify such offenders, the Greer Police Department, through the PSN initiative will:

a. Develop and utilize specific criteria designating certain individuals as habitual, serious, and violent offenders.

b. Identify any and all cases in which a designated habitual, serious, and violent offender is a party.

c. Notify the appropriate Solicitor's Office of any such cases.

B. The Crime Analyst will utilize the process described above in VIII.A.a of this general order to develop the list of known prolific offenders.