A. Purpose

To establish the function of criminal investigations and to establish guidelines for the clearance of cases and the maintenance of investigative records.

B. Policy

The investigation of criminal offenses is essential to the accomplishment of the law enforcement mission. It is the policy of the Department of Public Safety to insist that all officers share in the criminal investigations function, whether assigned as an investigator or as a member of the uniformed patrol.

C. Procedure

1. The Director shall assign officers to the investigative component of the Division. The officer(s) assigned to criminal investigations will be selected based on their skill, knowledge, ability, training and other traits necessary to carry out the responsibilities of the position.

   a. Officers assigned to the investigative component, as with patrol officers, shall bear the state classification title and salary schedule as designated by the Medical University of South Carolina, Division of Human Resources.

   b. To insure that investigators are available to respond on a continuous basis, an “on-call” duty investigator roster will be published regularly. The duty roster will be provided to the Patrol Commander and the Operations Support Commander. If the on-call investigator cannot be contacted, the Operations Support Commander or Patrol Commander shall be notified.
(CALEA 42.1.1)

c. All cases involving armed robberies, auto thefts, hit and runs, sexual assaults, homicides, other suspicious deaths, and other serious incidents may be referred to the Charleston City Police Department. The Charleston City Police Department may be the lead agency in all such cases and the MUSC Public Safety Department will provide any and all assistance as requested in such cases.

d. All crime scenes processed by a member of the Department will be documented in an Incident/Supplemental Report(s). (CALEA 83.2.6)

1) The Incident report will be completed by the first officer on the scene and will contain as a minimum the following:

   a) date and time of arrival;
   b) location of the crime;
   c) name of the victim, if known;
   d) name of the suspect, if known;
   e) actions taken at the scene; and
   f) OCA number.

2) The Supplemental Report will be complete by the Investigator and will contain as a minimum the following:

   a) date and time of arrival;
   b) actions taken at the scene;
   c) number of photographs taken;
   d) whether measurements were made (yes or no); and
   e) list of physical evidence recovered.

2. Case File Management

   a. A computerized log shall be maintained by the Operations Support Commander and will contain the case number, the officer assigned to

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complete the follow-up investigation and the current status of all cases in the calendar year. (CALEA 42.1.3.a)

b. All cases which have any one or more solvability factors will require a follow-up investigation. The assigned investigator shall conduct follow-up investigations with the principals involved in the case. The Department’s Victim/Witness Coordinator may also contact the victim. The name of the assigned officer shall be recorded in the criminal investigation case log.

c. An administrative designation of “active”, “administratively (admin) closed”, “cleared by arrest”, “exceptionally cleared”, or “unfounded” shall be assigned to each case, as appropriate, to assist in case management and control.

1) Active - (open) - indicates that the case is assigned to an officer and investigative efforts are active and ongoing.

2. Cleared by Arrest - (closed) - indicates the case has been cleared by the arrest of at least one offender.

3) Exceptionally Cleared - (closed) - indicates the case has been cleared due to the death of the offender, no prosecution, extradition denied, victim declines to cooperate or juvenile - no custody.

4) Unfounded - indicates that the alleged offense did not occur.

5) Administratively Closed - the case is suspended until investigative leads are developed or other information leading to possible solutions of the crime surfaces. (CALEA 42.1.3.b)

d. If there are no solvability factors in the preliminary investigation of the case, the case may immediately be taken from an “active” status and placed in the “admin closed” status. This will done by the Senior Investigator which will cause the case to be suspended until investigative leads are developed or other information leading to a possible solution of the crime surfaces. The report will be reviewed by the Operations Support Commander, who must agree to suspend the case or may reassign it as “active” and continue the investigation. (CALEA 42.1.3.b)

e. The investigating officer will maintain a case file for all assigned cases. The types of records to be maintained in the case file are incident reports, investigator notes and reports, statements, copies of warrants, photos, lab reports and other related papers/documents. (CALEA 42.1.3.c)
f. The investigative case files will be accessible on a legitimate need to know basis only. An exception is when there is material of a highly sensitive nature as determined by the investigator and concurred with by the Director or the Operations Support Commander. In these cases, the investigator will place a statement to this effect in the case folder. \(\text{CALEA 42.1.3.d}\)

g. Most investigative case files will be incorporated into the central records section files when the investigation is suspended or administratively closed. However, if the file is especially sensitive, voluminous or if closed by arrest, it may be maintained in the Investigative Section in accordance with Department policy on records management. \(\text{CALEA 42.1.3.e}\)

3. Preliminary Investigations

Preliminary investigations of all offenses shall be the responsibility of the officer dispatched to the scene, unless and until such time as relieved by a Supervisor or investigator.

a. The Patrol Supervisor will call for the services of an investigator whenever, in the supervisor’s opinion, an investigator’s services are required, but always in cases of death, sexual assault, armed robbery, serious assault, arson, kidnapping, carjacking, or when complex evidence collection is needed. (NOTE: The Chief or his Designee shall immediately notify the State Law Enforcement Division if there is a death resulting from an incident occurring on the property of the institution or if the officer or another official of the institution is in receipt of a report alleging that an act of criminal sexual conduct has occurred on the property of the institution. Upon notification, the State Law Enforcement Division shall participate in a joint investigation of the death or alleged act of criminal sexual conduct. In the case of a death, the State Law Enforcement Division shall lead the investigation.)

b. The preliminary investigation begins immediately upon the arrival of officers 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 leads or clues, as to the identity of the offender and to locate and preserve evidence. \(\text{CALEA 42.2.1, & 42.1.4}\)

c. The officer charged with the preliminary investigation shall attempt to discover any of the solvability factors present in section (F) of this procedure and any other pertinent information by following the steps listed

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below in conducting preliminary investigations:  (CALEA 42.2.1)

1) Observe all conditions, events and maintain the integrity of the crime scene to ensure that evidence is protected and not lost or contaminated. (CALEA 42.2.1.a)

2) Locate and obtain complete identification of all witnesses. (CALEA 42.2.1.b)

3) Maintain the crime scene, protect it and arrange for the collection of evidence. Access to the crime scene will be restricted to those officers involved in processing the crime scene and medical/emergency personnel. (CALEA 42.2.1.c)

4) Interview the complainant, victim(s), witness(s), and suspects to determine what information are known, and obtain written statements from each for later review. (CALEA 42.2.1.d)

5) Some investigative checklists are available to aid in criminal investigations which may be used by the investigating officer and should be used in the more complex cases. (CALEA 42.2.3)

4. Follow-up Investigations

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 this evidence in court. Generally, follow-up investigations will be conducted by the investigative component. The following measures will be used as a standard in conducting all follow-up investigations: (CALEA 42.1.4, 42.2.2)

a. reviewing and analyzing all previous reports prepared in the preliminary phase, checking records for other reports of like nature, or with the same subject, and reviewing laboratory examinations; and (CALEA 42.2.2.a)

b. conducting additional follow-up inquiries, interviews and interrogations of victims, witnesses, responding officers and/or suspects; (CALEA 42.2.2.b)

1. The officer will conduct the interview / interrogation in the Briefing Room or Conference Room. He will sit opposite of the individual being interviewed / interrogated. (CALEA 42.2.10.a) The Briefing Room and Conference Room are monitored at all times by CCTV cameras. The doors will be closed during the interview / interrogation. (CALEA 42.2.10.b) No more than two officers will
be in the Briefing Room / Conference Room during the interview / interrogation. (CALEA 42.2.10.c) Two emergency buttons are located in the Briefing Room and one in the Conference Room if the officer needs immediate assistance. (CALEA 42.2.10.d) CCTV cameras monitor the Briefing Room and Conference Room at all times. (CALEA 42.2.10.e) Restrooms and water fountain are located directly outside the Briefing Room and around the corner from the Conference Room. (CALEA 42.2.10.f)

c. seeking additional information through interviews (of uniformed officers, informants, etc.); (CALEA 42.2.2.c)

d. planning, organizing and conducting searches, and collecting physical evidence. Searches are not required in all cases. The investigator is responsible for the collection and processing of the crime scene or requesting assistance from another agency. The investigator is responsible for collecting physical evidence, properly logging the evidence in the property room, maintaining the chain of custody and arranging for examination of that evidence by forensic experts; (CALEA 42.2.2.d)

e. identifying and apprehending suspects to include the use of physical and photo lineups; (CALEA 42.2.2.e)

f. determining involvement of suspects in other crimes of a similar nature; (CALEA 42.2.2.f)

g. checking suspect’s criminal history; (CALEA 42.2.2.g)

h. preparing cases for court presentation; and (CALEA 42.2.2.h)

i. making a second contact with principals in a case requiring follow-up investigation or when the case is closed.

5. Second Contacts

a. In general, a second contact will be made by the investigator with the victim and/or other principals within five working days from the date of the initial report. The main purpose of this second contact is to ascertain if the individual has remembered additional information or if any other information has surfaced which may lead to a successful clearance of the case. Maintaining a policy of second contact also increases community confidence in the law enforcement effort.

b. Whenever the status of a case changes, the assigned investigator will notify
the complainant or victim of the change in status. This notification will be reported on a supplemental report. If the case is “admin closed” - no leads, the victim/complainant will be informed that the case may be re-opened if further investigative leads develop at a later date. (CALEA 42.1.2, 42.2.2)

6. Case Screening System - Solvability Factors

a. A solvability factor is information about a crime which can provide the basis for determining who committed that crime. Law enforcement experience has shown that when a preliminary investigation or second contact fails to disclose one or more of these solvability factors, the case will have very little chance of being solved. The following are the solvability factors which will be used to assign cases for follow-up. If none of these factors exist a follow-up investigation is not required, the case may be administratively closed. The solvability factors include:

* The suspect can be named.
* The suspect can be identified.
* The address of the suspect is known.
* There is likelihood that the suspect can be located.
* The vehicle’s license plate number used in the crime is known.
* There is likelihood that the vehicle used in the offense can be identified or located.
* There was traceable property (by serial number or uniqueness of the property) taken in the offense.
* There exist identifiable latent fingerprints to be submitted for attempted match through AFIS.
* A significant modus operandi can be developed or a distinctive pattern of similar crimes exist in the same general location or during the same time period.
* It is reasonably suspected that there was limited opportunity to commit the crime.
* There is reason to believe that the crime may arouse such public interest that public assistance may lead to crime solution.
* There are reasons to believe that further investigative efforts will lead to the solving of the crime.

b. The Director, Patrol Commander, or Operations Support Commander can direct that any case be assigned for investigation.

c. Cases will be assigned to an investigator who may have special skills, training or experience specific to that type of crime. If no such special
conditions exist, the case will be assigned to any investigator. The assigned investigator is accountable for the cases for which he/she are assigned.

d. Cases will be reviewed daily by the Operations Support Commander, or his designee, for solvability factors and specific investigator assignment. (CALEA 42.1.2)

7. Clearing or Suspending Cases (CALEA 42.1.2)

Investigative efforts on a case may be suspended when any of the following occurs:

a. 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.

b. Case is Cleared Unfounded when investigation shows that an offense did not occur and there is a sufficient ground to support this decision.

c. Case is Exceptionally Cleared whenever, 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 an exceptional clearance, all of the following facts must be present:

1) the investigation has established the identity of the offender;

2) there is enough evidence to support an arrest, charge and turning over to the court for prosecution;

3) the exact location of the offender is known so that he/she could be taken into custody; and

4) there is some reason outside police control that prevents the arresting, charging and prosecuting the offender, i.e., death of offender, extradition is denied, victim refuses to cooperate, solicitor’s office/court decides not to prosecute.

d. Cases are Administratively Closed when it appears that all investigative leads have been exhausted and there is little or no chance of solving the case. Cases administratively closed may be reopened whenever new evidence becomes known, further leads to possibly solving the case are discovered or by direction of proper authority.

8. Use of Polygraph

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Polygraph examinations and similar testing are recognized aids available to the investigator. An investigator of this Department may authorize the use of a polygraph examination in any criminal or administrative matter where there is probable cause to believe that truthfulness is in question. South Carolina Law Enforcement Division polygraph examiners (who are certified), or City of Charleston Police Department polygraph examiners (who are certified) will be utilized to administer such tests unless otherwise approved by the Director or his designee. The results of the examination will be filed with the case jacket and will only be released to law enforcement or the solicitor's office, unless a court order is issued. (CALEA 42.2.6)

9. Conducting Background Investigations

a. Background investigations will be limited to those ongoing criminal cases under investigation, unless otherwise directed.

b. All information obtained in a criminal background investigation will only be used for its legally intended purpose. If the information is not crucial to the development of a case, it will be destroyed. If the information is required to support the case, it will be filed in the case jacket.

c. Records involving background investigations which are not immediately destroyed shall not be released or distributed except as indicated in Division procedures for "Intelligence Operations".

d. Various sources are available in conducting background investigations. Potential sources include, but are not limited to financial institutions, business associates, former employers or employees, informants, utility companies, public records, intelligence reports, criminal histories and other law enforcement agencies.

e. All records concerning background investigations will be purged from files when they no longer meet their intended purpose.

10. Information Development

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

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

1) reviewing and analyzing officer reports from the preliminary
investigation, laboratory examinations, etc.;

2) checking Department files, incident reports and other public records;

3) checking precious metal listings, pawn shops and other places where stolen property may be sold;

4) seeking information from persons who may know the subject;

5) investigating the activities of persons who, by reason of their past, may be considered suspect; and

6) plan a formal police action such as door-to-door canvass or extended search of the crime scene aimed at discovering additional physical evidence.

11. Interviews and Interrogations

Interviews and interrogations will be conducted in accordance with current judicial decisions to protect the Constitutional rights of any individual. Interviews may be conducted with victims, witnesses and any other person that may have knowledge about any aspect of the 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.

12. Collection, Preservation and Use of Physical Evidence

a. When physical evidence is properly collected, marked and preserved, it cannot perjure itself nor can it be impeached. 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 it has been processed. Caution must be exercised to prevent disturbing or destroying any evidence. All unauthorized persons, including police officers not assigned to the case, must be barred from the scene until all evidence is located, identified and preserved. Items of physical evidence which are or may be of value in court prosecution must be properly collected, documented and preserved until it can be analyzed.

b. Physical evidence may be collected and preserved when investigating any crime scene in compliance with that section dealing with “Collection and Preservation of Evidence.” Officers will be mindful of the physical evidence which may be collected from a crime scene and insure that it is
used in the development of the case.

13. Surveillance

a. Surveillance is the covert observation of places, persons and vehicles for the purpose of obtaining information concerning the identities and/or activities of subjects involved in criminal activities. Generally, the purpose of surveillance is to: detect and deter criminal activities; discover the identity of persons who frequent an area and determine their relationship when they are involved in criminal activity; discover the identity of persons who live in or frequent the place where criminal activity is reasonably suspected; to obtain evidence of a crime; or to provide a basis for obtaining a search warrant.

b. Surveillance may be used in the investigation of any crime. Surveillance may develop additional information involving the investigated crime, gather additional intelligence information or observe new crimes being committed.

c. All surveillance activities, whether conducted solely by the Department or jointly with other agencies must be directly related to suspected criminal activities and must be conducted in a lawful manner and in accordance with the procedures of this agency. The Director or his designee will be kept informed of any ongoing surveillance activities and its termination.

14 Habitual/Serious Offenders (CALEA 42.1.5)

a. The investigating officer is responsible for reviewing assigned cases to determine if a habitual/serious offender is involved in the incident. Once a habitual offender is identified, the investigating officer will check all Department and NCIC criminal history records to determine all cases in which the offender may be a party. (CALEA 42.1.5.b)

b. The appropriate solicitor’s office and/or federal authority will be advised so as to enhance any prosecution of any habitual offender. The solicitor’s office is the final authority in deciding who shall be prosecuted as a habitual or serious offender. (CALEA 42.1.5.c)

c. Habitual/Serious offenders may be certain individuals who have two or more prior felony convictions and/or have two or more prior convictions for offenses involving firearms. (CALEA 42.1.5.a)

15 Information Dissemination

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a. Investigators will maintain an open line of communication between themselves and the patrol officers. Dissemination of information about a crime often leads to the identity and apprehension of a subject.

b. Investigators will disseminate information on warrants obtained for suspects by the use of “BOLO” or “Wanted” flyers. Such information will be provided to all other officers as could possibly come in contact with the suspect(s).

c. One investigator should attend, when possible, the 6:30 AM patrol briefing. The investigator scheduled for “on-call” should attend, when possible, the 2:30 PM patrol briefing. (CALEA 42.2.4)

16. Investigative Task Forces (CALEA 42.2.5)

a. The purpose of an investigative task force is to investigate specific crimes within or outside the Department’s service area. The task force may involve only Department employees, or may be a mutual effort with another law enforcement agency. (CALEA 42.2.5.a)

b. Any Division employee participating in an investigative task force must have the prior approval of the Director, or his designee.

c. All resources needed for the task force will be identified. Required resources may include manpower, vehicles, equipment, special investigative equipment and/or any weapons not issued by the Department.

d. Because of the Department’s state-wide authority and jurisdiction, a written agreement is not required. A task force commander will be appointed to exercise authority during its operation. The task force commander will be accountable for the operation of the unit. Officers assigned to any task force will be supervised by and be responsible to the task force commander. Officers will work under the guideline set by the task force commander. (CALEA 42.2.5.b)

e. The task force commander will present periodic written reports to the Director for evaluation. The Director, or his designee, will evaluate the results of the written report and make a determination for the continued necessity of the task force. (CALEA 42.2.5.c)