

FLORENCE POLICE DEPARTMENT

GENERAL ORDER

Subject: PRELIMINARY & FOLLOW-UP INVESTIGATIONS	Procedure: General Order 20.2.1 CALEA 42.2.1	Total Pages: 8
Authorizing Signature: Original with Authorizing Signature on File	Effective: 01/01/2011 <input checked="" type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Rescinds	

I. POLICY

It is the policy of this Department to conduct thorough, accurate, unbiased, and professional investigations into criminal activity in order to develop information leading to the identification and arrest of criminal offenders.

II. PURPOSE

This written order establishes guidelines for conducting preliminary and follow-up investigations into criminal activity.

III. SCOPE

This written order is applicable to all sworn personnel.

IV. RESPONSIBILITY

All sworn personnel will comply with the guidelines established in this directive.

V. ACCOUNTABILITY

A. PRELIMINARY INVESTIGATIONS:

1. Generally, it the responsibility of the first responding officers to conduct the preliminary investigation into criminal activity.
2. There are exceptions where investigators receive the initial report of felonious criminal activity, at which time the investigator will conduct the preliminary and follow-up investigation.

B. FOLLOW-UP INVESTIGATIONS:

1. Generally, it is the responsibility of criminal investigators to conduct follow-up investigations into felonious criminal activity.
2. This is not to say that the first responding officers should not pursue an investigation further. As time, resources, and information allow, first responding officers are allowed and encouraged to pursue criminal investigations as far as they are capable.

VI. PROCEDURES

A. PRELIMINARY INVESTIGATIONS:

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1. SCOPE OF PRELIMINARY INVESTIGATION: The preliminary investigation begins when the officer arrives at a scene, or is informed by a complainant or victim that a crime may have been committed. The investigation will continue to the point where the case is transferred, the case is solved, or until the investigation is postponed.
2. ELEMENTS: The officer's responsibility for conducting preliminary investigations should include the following elements at a minimum:
 - a. Secure the crime scene;
 - b. Ensure injured people receive proper medical attention;
 - c. Maintain and protect the crime scene to ensure that evidence is not lost or contaminated;
 - d. Observe all conditions present, events that are occurring or have occurred, and remarks and/or comments being made by those at the scene;
 - e. Determine if an offense has actually been committed and the exact nature of the offense;
 - f. Determine the identity of the suspect(s) and affect an arrest if it can be accomplished either at the scene or through immediate pursuit;
 - g. Furnish other units in the field with descriptions, method, and direction of flight, and other relevant information concerning wanted persons or vehicles
 - h. Determine what information is known by the victims and witnesses;
 - i. Determine, in detail, the exact circumstances of the offense;
 - j. Locate, fully identify, interview, and obtain statements (preferably written) from all complainants, witnesses, and/or victims, and from the suspect if such can be obtained legally.
 - k. Arrange for the collection of all evidence;
 - l. Thoroughly and accurately, complete all necessary reports on the proper forms including adequate detail;
 - m. Instruct the complainant on the procedure for obtaining a warrant through the magistrate's office when the responsibility for prosecution rests with the complainant;
 - n. Inform the complainant of juvenile procedures if applicable; and

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includes investigators, officers, supervisors, administrators, crime scene technicians and any other person who enters the secured area. The log should reflect the following information:

- 1) Date of incident;
 - 2) Case number;
 - 3) Names of persons entering;
 - 4) Times of persons entering and exiting;
 - 5) Agency each person is with;
 - 6) Purpose inside the crime scene.
- c. Once the scene has been released by investigations, an investigator will obtain the Crime Scene Log and it will become part of the case file.
- d. Any officer, investigator, and/or supervisor entering a crime scene will be expected to provide a written statement detailing his actions for the case file.
- e. CRIME SCENE LOG – FORM # CID 01: This form is available for all patrol officers and investigators. It is recommended for use at all major crime scenes. This form contains all the required information.
6. HOLDING THE CRIME SCENE: Some crime scenes may be extremely complex and/or require an extensive amount of time to process. In such a case, the responding investigator will contact the appropriate CID supervisor to authorize holding the scene for an extended period of time.

B. FOLLOW-UP INVESTIGATIONS:

1. SCOPE OF THE FOLLOW-UP INVESTIGATION: The follow-up investigation is an extension of the preliminary investigation. The purpose of the follow-up investigation is to provide additional information in order to affect the arrest of an offender and/or recover stolen property.
2. ELEMENTS: The investigator's responsibility for conducting follow-up investigations should include the following elements at a minimum:
 - a. Reviewing and analyzing all previous reports prepared in the preliminary phase, departmental records, and results from laboratory examinations;

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- b. Conducting second or follow-up contacts to victims and witnesses to ascertain if there is any further information which might be useful in solving the crime;
 - c. Conducting additional interviews and interrogations;
 - d. Reviewing departmental records;
 - e. Seeking additional information (from uniformed officers, informants, etc.);
 - f. Arranging for dissemination of information as appropriate;
 - g. Planning, organizing, conducting searches, and collecting physical evidence;
 - h. Identifying and apprehending suspects;
 - i. Determining involvement of suspects in other crimes;
 - j. Checking suspects' criminal histories; and
 - k. Preparing cases for court presentation.
3. **DEVELOPING INFORMATION:** When conducting follow-up criminal investigations, especially major case investigations, investigators should use all informational sources available. These sources include, but are not limited to:
- a. The original offense report, along with any related reports;
 - b. Witnesses, victims, and informants;
 - c. Departmental records;
 - d. Crime analysis and criminal intelligence reports;
 - e. Roll call meetings;
 - f. Investigative intelligence meetings;
 - g. Crime Stoppers;
 - h. Other agencies; and/or
 - j. Media resources.
4. **COLLECTION OF EVIDENCE:** Physical evidence will be collected, preserved, and used in accordance with established Departmental procedure.

VII. INTERVIEWS AND INTERROGATIONS

- A **INTERVIEW** – The process by which an officer seeks, obtains, and evaluates information given by persons having personal knowledge of events or circumstances of a crime.

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1. Interviews can range from informal field interviews, or crime scene inquiries, to elaborate and lengthy office sessions.
 2. During an investigative interview, care must be taken not to violate the interviewee's rights. A witness to a crime does not have to be advised of his/her Constitutional Rights. However, if during the course of the interview, the person becomes a suspect in the case under investigation or any other criminal act, he/she must be advised of his/her rights against self incrimination.
 3. Field interviews will be conducted under guidelines established in procedures governing field interviews.
- B. INTERROGATION – Whenever a person in custody is subjected to either express questioning or its functional equivalent, with the purpose of obtaining information about a crime, eliminating innocent subjects from the investigation, identifying the guilty and obtaining a confession.
1. When the intent of the interview moves from being one of inquiry only, to guilt being suggested or likely, it then becomes an interrogation. Since the main purpose of an interrogation is evidence gathering, the interrogator must be aware of all the legal requirements to ensure admissibility.
 2. When a suspect is in custody, regardless of the location, and is to be questioned about the aspects of the crime under investigation, he/she will be advised of Miranda rights. A sworn employee will read, either from a card or a prepared rights waiver form the following statement to the person to be interrogated:
 - a. You have the right to remain silent.
 - b. If you choose to talk, you may stop talking at any time.
 - c. Anything you say can and will be used against you in a court of law.
 - d. You have the right to talk to a lawyer of your own choosing, or with anyone else, and you may have your counsel present during any questioning or during any statement you may make.
 - e. If you cannot afford an attorney, one will be appointed for you free of charge before any questioning.
 3. The prior section meets the requirements of the Fifth and Sixth Amendments to the Constitution as interpreted by the Supreme Court in the Miranda case. In addition, the Florence Police Department requires that the following questions be read to the person to be interrogated:
 - a. Do you understand each of the rights just stated to you?

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- b. Do you understand that we are not threatening you, nor are we promising you anything, in order to obtain a statement from you?
 - c. With these rights in mind do you wish to talk to us?
 4. If a form was used to advise the suspect of his/her rights, the interrogator should obtain a signature from the suspect confirming that he/she was advised of his/her rights. In a field situation, the officer should note the time the Miranda warning was given and record the time in the appropriate reports.
 5. If the suspect to be interrogated requests an attorney, no further questions may be asked pertaining to the crime at hand. If the suspect is being arrested, identification questions may be asked.
 6. If the suspect initially waives his/her rights and cooperates, then requests an attorney, all questioning ceases until he/she can either obtain a lawyer or have one appointed.
 7. Statements made by suspects are often essential to the successful prosecution of a case. If a confession is to be admissible in court, it must be obtained in a constitutionally correct manner. Officers must advise a suspect of his constitutional rights prior to questioning when:
 - a. The suspect is under arrest;
 - b. The questioning occurs in a police-dominated atmosphere; or
 - c. During custodial questioning.
- C. CUSTODIAL INTERROGATIONS: Interview rooms are available at the police department. When a suspect is transported to the police department for interrogation purposes the following guidelines will be followed:
 1. The transporting officer will take the suspect directly to the interview room upon arrival at the precinct.
 2. The transporting officer will thoroughly search the suspect for weapons before the suspect is placed in the interview room.
 3. All interrogations will take place in the interview room. Interrogations will not take place in private offices.
 4. When practical, interrogations will be videotaped. The taping should begin before the suspect is questioned and Miranda rights should be read for the record prior to questioning.
 5. Suspects shall be provided essential nourishment and restroom breaks, and will not be deprived of sleep.
- D. Officers/Investigators will conduct interviews and interrogations in such a manner as to safeguard a suspect's constitutional rights, in accordance with all laws and in conjunction with established Departmental written directives.

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- E. Statements from juveniles will be taken in accordance with all applicable laws as well as established Departmental written directives concerning juvenile investigations.
- F. No suspect will be illegally coerced into giving a confession and no suspect will be denied access to counsel.
- E. DURATION OF INTERVIEWS: There is no established time duration for interviewing adults. The time duration will be reasonable given the circumstances of the interview.