

<p>RABUN COUNTY SHERIFF'S OFFICE</p>  <p>General Order Number: 7.08</p>	<p>Date of Issue</p> <p>2/23/2016</p>	<p>Effective Date</p> <p>2/23/2016</p>	<p>Revision Date</p>
<p>Subject: PRELIMINARY & FOLLOW-UP INVESTIGATIONS</p>	<p>Amends:</p>	<p>Rescinds:</p>	
<p>Index as:</p> <ul style="list-style-type: none"> Criminal Investigation Division Follow-up Investigations Preliminary Investigations 	<p>State Certification Standards:</p>		
<p>Special Instructions:</p>			

PURPOSE

The purpose of this General Order is to prescribe the policies and procedures of the Rabun County Sheriff's Office regarding preliminary and follow-up investigations.

STATEMENT OF POLICY

It shall be the policy of the Rabun County Sheriff's Office to conduct preliminary and follow-up investigations in a timely manner and in accordance with accepted procedures.

DISCUSSION

The investigation process consists of two (2) elements: the preliminary investigation and the follow-up investigation.

A preliminary investigation begins when the first patrol unit arrives at the scene, or makes contact with the complainant/victim by telephone or other means. An investigation continues until a postponement of the investigation or transfer of investigative responsibility may be made without jeopardizing the successful completion of the investigation.

A follow-up investigation should be an extension of the activities of the preliminary investigation and not a repetition of it. The purpose of the follow-up investigation in a non-criminal case is to gather additional information or to carry out actions that will lead to closure of the case. In a criminal case, the purpose of the follow-up investigation is to

gather additional evidence and information to prove the elements of a particular crime in order to effect an arrest and support prosecution of the perpetrator and/or to recover stolen property.

A secondary contact with a victim, complainant, or witness may take place after a lapse of time in an investigation to ensure that other information and leads are followed that could result in the satisfactory conclusion of an investigation.

DEFINITIONS

PRELIMINARY INVESTIGATIONS — Generally, the activity that begins when deputies arrive at the scene of an incident. The activity should continue until such time as a postponement of the investigation or transfer of responsibility will not jeopardize the successful completion of the investigation.

FOLLOW-UP INVESTIGATIONS — An extension of the preliminary investigation. The purpose is to provide additional information in order to close a case, arrest an offender, and/or recover stolen property.

VICTIM — A person who suffers physical, financial, or emotional harm as a direct result of a crime committed upon his or her person or property. Also regarded as victims are:

1. A spouse, child, sibling, parent, or legal guardian of a minor victim; and
2. A spouse, child, sibling, parent, or legal guardian of a homicide victim.

WITNESS — A person who-as determined by the law enforcement agency-has information or evidence relevant to the investigation of a specified crime. When the witness is a minor, the term "witness" includes an appropriate family member. "Witness" includes neither dense witnesses nor anyone involved in the case as a perpetrator or accomplice. All victims are witnesses.

I. PRELIMINARY INVESTIGATION

Deputies having responsibility for the preliminary investigation should do the following but not always in this order:

1. Provide aid to the injured;
2. Protect the crime scene to ensure that evidence is not lost or contaminated;
3. Observe and record all conditions, events and remarks;
4. Decide if an offense has actually been committed and, if so, the nature of the offense
5. Determine the identity of the suspect or suspects and effect an arrest if it can be accomplished either at the scene or through immediate pursuit;
6. Through the communication system furnish other units with descriptions, methods and direction of flight, and other relevant information concerning wanted persons or vehicles;
7. Obtain complete identification of all witnesses;
8. Interview the complainant, witnesses an suspects;

9. Arrange for the collection of evidence and crime scene processing;
10. Find out in detail the circumstances of the offense;
11. Accurately and completely record all pertinent information on prescribed Incident Reports to include:
 - a. The date and approximate time of arrival at the scene;
 - b. Any relevant or situational conditions at the scene to include the status of the crime scene;
 - c. How the crime was discovered and reported and the relationship(s) of reporting individuals to victims or others;
 - d. The identity of other law enforcement deputys on the scene;
 - e. Names, addresses, and telephone numbers of any witnesses
 - f. If needed, the identification and/or description of suspect(s); and
 - g. Any needed diagrams and/or sketches of the scene.
12. When necessary, brief the investigators in the Criminal Investigations Section who may assume the follow-up investigation as to the known facts of the case;
13. Establish a crime scene log noting the names and employment (FD, EMS, etc) of all those entering the scene; terminate only when properly relieved by the incident commander or his designee; and
14. When necessary and appropriate, question a suspect:
 - a. When questioning a suspect the Miranda Warning will be given by any deputy (other than for administrative "threshold" information) before questioning an individual placed under arrest, taken into custody, or otherwise deprived of his or her freedom of action in any significant way. Once the Miranda Warning is given, the following procedures will be followed:
 - i. If the suspect waives his or her rights, the investigating deputy will obtain a signed Miranda Acknowledgement Form before starting the interrogation; or
 - ii. If the suspect declines at any time to waive his or her right to remain silent and/or requests to speak with a lawyer, all questioning will stop.
15. Except in those cases where the presence of a uniform deputy would obviously hinder a proper investigation, or specific expertise is required, the preliminary investigation would normally be conducted by the uniform patrol deputy assigned to the call.
16. The assigned patrol deputy shall initiate and complete as many of the previously listed activities as are necessary. Individual circumstances of the incident will determine how many activities are required. The patrol deputy assigned shall be responsible for initiating action to inform other appropriate units or deputys that a serious crime or one requiring immediate on-the-scene follow-up investigation exists.

17. Control over the preliminary investigation shall be maintained by the Uniform Division unless a request is made by a patrol supervisor to an investigative supervisor to relinquish that control or vice versa. In the absence of a uniform supervisor, the uniform deputy may make the request directly.
18. A supervisor in the Criminal Investigations Division will assign the investigator to respond to any crime, especially for categories of crimes in which they have primary responsibility for the follow-up investigation, to help the Uniform Division. Any investigator in the vicinity or available for an in progress call will respond to the scene and offer appropriate assistance.
19. Prescribed incident report forms shall be completed in detail by the deputy(s) and submitted to their immediate supervisor for review. This submission should be made at the earliest possible time, consistent with workload demands, public safety concerns, and the convenience of the deputy, investigator, and supervisor. However, the original incident report will not be retained by the reporting deputy(s) beyond their daily tour of duty unless specifically authorized to do so by the employee's immediate supervisor. Personnel in the Criminal Investigations Division will submit incident reports to their supervisor for review. Patrol supervisors will collect and review incident reports at the end of the tour of duty. Late reports will be submitted to an on-duty uniform supervisor for review. All reports will then be forwarded to Records for processing.
20. There must be a Rabun County Sheriff's Office Incident Report for any case where there has been criminal arrest.
21. Each deputy who works on a case even if there are no new and additional developments must prepare a supplement. Documentation of negative and positive results is required to help the investigator decide what actions have been taken or are needed.
22. A Rabun County Sheriff's Office Property and Evidence Form will be prepared for all items of evidence seized or located.
23. During the course of a preliminary investigation, a suspect may be identified and detained for further investigation. A show-up is one investigative method that can be used under certain circumstances, where the suspect is presented to an eyewitness shortly following the commission of a crime. Care must be taken to avoid any action that might lead to an erroneous identification by a witness(s). When a show-up is conducted, it is imperative that the procedures outlined below are strictly followed. Failure to do so may result in an erroneous identification for the crime. Only when there are exigent circumstances and it is vital that a witness view a suspect immediately at or near the crime scene, will a show-up be used. The following guidelines will be followed:
 - a. Show-ups should not be conducted when the suspect is in a cell or dressed in jail clothing;
 - b. Only one witness will be present at a time and if multiple witnesses are involved they will not be permitted to communicate before or after the show-up regarding the identification of the suspect;
 - c. The same suspect will not be presented to the same witness more than once;
 - d. Suspects should not be required to put on clothing worn by the perpetrator, to speak words uttered by the perpetrator, or to perform other actions of the perpetrator;

- e. If possible, avoid or keep to a minimum, any display of force or the use of handcuffs or restraint devices;
 - f. Words or conduct of any type by deputys that may suggest to the witness that the individual is or may be the perpetrator should be avoided.
24. If an deputy has reasonable suspicion that a person has committed an offense, then he or she can be stopped and a field interview performed;
- a. Deputys may use force that is reasonably necessary to stop an individual and cause the individual to remain in the deputy's presence until the detention is either terminated or the person is placed under arrest;
 - b. Unless placed under arrest, the person should be detained as briefly as possible. Normally a show-up should be conducted as soon as possible after the criminal event has occurred so that the need for further detention and investigation can be determined;
 - c. If at all possible, the suspect, if not under arrest, should remain at the location of the detention and the witness transported to the scene of the stop. The suspect will only be brought to the witness if he or she is unable to come to the detention location;
 - d. If there is probable cause to make an arrest for the crime under investigation or for any other criminal offense, the suspect will be taken into custody, which will give sufficient time to perform a photographic or physical lineup;
 - e. Unless there is probable cause to make an arrest, the suspect will be release. If the suspect is still under suspicion, deputys should obtain as much information about, and if possible, take a photograph of the suspect; and
 - f. The procedures involved with adults pertains to juveniles involved in a show-up except that no photographs may be taken without the prior approval of a Juvenile or Superior Court Judge
- B. Deputy may transport witnesses/victims in Sheriff's Office vehicles through the general area of the offense for the purpose of attempting to spot the perpetrator(s) and then conducting a field interview. If this is done by the deputys, the deputys should avoid implicating anyone or suggesting that a certain individual looks suspicious.

II. FOLLOW-UP INVESTIGATIONS

- A. Normally all serious crimes, including murder, rape, armed robbery, kidnapping, etc., are referred to the Criminal Investigations Division for follow-up investigation. Crimes where there appears to be a pattern, where there is no suspect or evidence, where the follow-up investigation will require travel to areas outside this jurisdiction or will be time-consuming in nature will also be forwarded to the Criminal Investigations Division for follow-up investigation.
- B. Deputys may elect to conduct follow-up investigations in other cases with the concurrence of their immediate supervisor. The ability to conduct a follow-up investigation will be based in part on the deputy's experience, work schedule, and availability. All follow-up investigations will be thoroughly documented using a supplemental report form.

- C. When conducting a follow-up investigation, deputies will consider the following tasks in a non-criminal case (lost property, information for investigators, etc).
1. Interviewing complainants and witnesses;
 2. Locating missing persons;
 3. Deciding if information or suspicious activity may/does relate to criminal activity;
 4. Distributing information to the proper persons or agencies;
 5. Locating lost property and returning the property to owner; and
 6. Investigating deaths, overdoses, suicides, and injuries to find out if a crime was committed;



By Order of the Sheriff: **Chad K. Nichols**
Sheriff, Rabun County