

# Investigation and Prosecution

## 600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

## 600.2 POLICY

It is the policy of the Beloit Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

## 600.3 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the Miranda warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy and applicable state law.

### 600.3.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of a person who is suspected of having committed a felony shall be electronically recorded (audio/video or both as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings (Wis. Stat. § 968.073(1)(a)); Wis. Stat. § 968.073(2)). [See attachments: Electronic Recordings in Evidence.com](#) and [Interview Room Procedure](#)

- (a) Exceptions to an audio/visual recording of the interrogation include (Wis. Stat. § 972.115(2)(a)):
1. The person refused to respond or cooperate in the interrogation if a recording was being made. The refusal shall be recorded or documented in a written report.
  2. The statement was made in response to a question asked as part of the routine processing.
  3. The statement was made spontaneously and not in response to a question.
  4. The officer in good faith failed to make a recording because the recording equipment did not function, malfunctioned, stopped operating or the officer inadvertently failed to operate the equipment properly.
  5. Exigent public safety circumstances existed that prevented the making of a recording or rendered the making of such a recording infeasible.
  6. The officer conducting the interrogation believed at the commencement of the interrogation that the offense for which the person was taken into custody or for which the person was being investigated was not a felony.

Any custodial interrogation of a person who is suspected of having committed a misdemeanor shall be electronically recorded. Consideration should also be given to recording a custodial

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interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Special Operations Division Commander. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

#### **600.4 STATUS DESIGNATION OF INVESTIGATIONS**

The status of criminal investigations or efforts to seek prosecution shall be designated in the Department's Records Management System as follows:

- (a) **OPEN CASE:** The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (b) **CLOSED CASE:** (1) The case has been submitted to the appropriate prosecutor, charges have been filed, suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested OR (2) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

The Domestic Abuse, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

#### **600.5 COMPUTERS AND DIGITAL EVIDENCE**

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should notify the Shift Commander who should consult with the Lieutenant of Detectives prior to seizing computers and related evidence. If the Lieutenant of Detectives is unavailable or the seizure is imminent, officers should consult with the Shift Commander, take reasonable steps to prepare for such seizure and use the resources that are available.

#### **600.6 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES**

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery

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to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

The Department may authorize use of specific social media platforms, such as Facebook or Twitter, to assist in solving crimes and identifying suspects. When a Department member acquires a photo or video of an unidentified suspect or criminal incident in which the Department seeks information, they shall:

- (a) Consult with the Shift Commander or Lieutenant of Detectives as appropriate to the investigation to ensure publishing of the photo/video will not affect the integrity or compromise the investigation.
- (b) Ensure an approved member posts the media on the Department's Facebook page and a copy is emailed to the "PD Info Sharing" outlook group. The PD Info Sharing group is a consortium of law enforcement and criminal justice partners that may assist with suspect identification. This group shall be updated as needed and reviewed semi-annually by the Support Services Director to ensure accuracy.

The Department may authorize use of web portals, such as Neighbors or Nextdoor, to assist in solving crimes and identifying suspects. Department members should utilize this technology as part of a standard investigative process and may request videos through authorized portals. When a Department member acquires a video in this fashion, they shall;

- (a) Upload the video to Evidence.com
- (b) Document in the related investigative report any information collected or observed in furtherance of the investigation.

#### 600.6.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

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Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

### **600.6.2 INTERCEPTING ELECTRONIC COMMUNICATION**

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

### **600.7 MODIFICATION OF CHARGES FILED**

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending criminal case be amended or dismissed without the authorization of a Captain or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.